UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103*d CONGRESS
FIRST SESSION

VOLUME 139—PART 5

MARCH 23, 1993 TO APRIL 1, 1993
(PAGES 5931 TO 7410)

MAR 30 1998

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, March 23, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, for the bread of life, that food that nourishes our bodies and sustains our souls. May our hearts and hands, our minds and voices be strong in spirit and receive those gifts that give us faith for today, hope for tomorrow and the love that nourishes our unity and respect, one for another. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill, joint resolutions, and a concurrent resolution, of the following titles:

S. 564. An act to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information;

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 28. Joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 29. Joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S. Con. Res. 13. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Republican leader, announces his reappointment of Dr. Donald McCoy of Kansas, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to section 1295(b), of title 46, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, appoints Mr. GREGG from the Committee on Commerce, Science, and Transportation and Mr. DURENBERGER at large, to the Board of Visitors of the U.S. Merchant Marine Academy.

The message also announced that pursuant to section 194(a), of title 14, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, appoints Mr. STEVENS from the Committee on Commerce, Science, and Transportation and Mr. PRESSLER at large, to the Board of Visitors of the U.S. Coast Guard Academy.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES BY CERTAIN COMMITTEES IN THE FIRST SESSION OF THE 103D CONGRESS

Mr. FROST, from the Committee on House Administration, submitted a privileged report (Rept. No. 103–38) on the resolution (H. Res. 107) providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the 1st session of the 103d Congress, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES BY CERTAIN COMMITTEES FROM APRIL 1 THROUGH MAY 31, 1993

Mr. FROST, from the Committee on House Administration, submitted a privileged report (Rept. No. 103–39) providing amounts from the contingent fund of the House for the continuing expenses of investigations and studies by certain committees of the House from April 1, 1993, through May 31, 1993, which was referred to the House Calendar and ordered to be printed.

KENTUCKY BASKETBALL RISES TO THE TOP, 3 TEAMS IN NCAA SWEET 16

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there are many profound issues facing all of us as American citizens, not the least of which is what will be the outcome of the events in Russia, what happens in Bosnia and Herzegovina, what used to be Yugoslavia, and what will be the fate and outcome of the President's economic program.

But since life is composed of both profound and serious subjects and subjects not so serious, I would like to talk for a moment today about what we fondly call "March Madness" or the NCAA basketball championships.

As a native of the State of Kentucky, which we believe and know now produces the best basketball in the Nation, I would like to inform our colleagues that there are 3 Kentucky teams in the round of 16 which begins competition this coming Thursday: the University of Louisville, which is my law school alma mater—the Cardinals are there—the Western Kentucky Hilltoppers; and the Wildcats of the University of Kentucky. We also have the lady Hilltoppers of Western Kentucky in the NCAA women's tournament.

So I think it is fair to say, Mr. Speaker, that when we in Kentucky

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

extol basketball and extol the sports that we play well in the Commonwealth, certainly basketball like cream rises to the top, and our teams like cream have risen to the top.

DIET OF FAT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton says he wants Congress to go on a diet. He says we need to cut the fat and trim the deficit. He is right. None of us would argue about this.

Then he proposes we add $16 billion to the deficit through higher spending.

Mr. Speaker, you don't start a diet by eating a doughnut.

Despite strong signs of economic growth. Bill Clinton is determined to spend our way out of a recession that no longer exists.

First, he requested we extend unemployment benefits for a third time in 1 year. Cost: $44 billion.

Now, he wants to help stimulate an economy—already growing at almost 5 percent mind you—by increasing Federal spending. Cost: $16 billion.

Mr. Speaker, Bill Clinton has just gotten started and already he has increased the deficit by $16 billion.

That is some diet, Bill.

DOD AND RESERVE OFFICERS ASSOCIATION TO HOST INTERALLIED CONFEDERATION OF RESERVE OFFICERS

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, today I am introducing a concurrent resolution welcoming to Washington, DC, the 46th Congress of the Interallied Confederation of Reserve Officers who will be meeting here from August 1 through August 6, 1993.

This resolution commends the Department of Defense and the Reserve Officers Association for hosting the 46th Congress.

The Interallied Confederation of Reserve Officers brings together the National Reserve Officers Associations of 13 NATO nations and represents more than 800,000 Reserve officers.

The Interallied Confederation of Reserve Officers informs Government and military officials that the Reserve provides a cost-effective, capable force that makes the best use of resources in the face of budget reduction.

I believe that with the philosophy of increased reliance in Reserve forces quickly becoming reality, the Interallied Confederation of Reserve Officers efforts in creating a greater integration of active and Reserve force will be enhanced.

By commemorating this event, I believe it will express to them that this body will make every effort to ensure that their stay here is productive and rewarding.

LET THE SUN SHINE IN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, let the Sun shine on our budget process.

In the shadows of the budget conference report lurks an item that should shock the American people.

The rules of the House allow the Democrats to clandestinely increase the debt limit by adopting a budget conference report.

In other words, as the President publicly speaks of decreasing the deficit, the Democrats privately plan on increasing our debt limit by almost $600 billion.

Mr. Speaker, we need a separate vote on increasing the debt limit. The American people should know about the Democrats' real plan to increase our public debt.

We should also have another vote on the balanced budget amendment to the Constitution before we even think about increasing the debt limit.

We need to control our debt. We should not let our debt control us. Mr. Speaker, let the Sun shine on our budget process. Allow votes on these critical issues.

FRESHMEN MEMBERS MAINTAIN SUPPORT OF PRESIDENT'S CAMPAIGN FINANCE REFORM INITIATIVE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, the people spoke for change. They chose over one 100 new Members of Congress. And they chose a new President—an agent of change—who is transforming the way Government works.

I rise today to support the President's pursuit of change in the vital area of campaign finance reform.

I also wish to let the President know of the broad enthusiasm for such change among the people who sent us here.

People hunger to see Congress clean its own House before it handles issues—from health care to handgun control—where the common interest of the whole should not be dominated by the special interests of the powerful few.

I am pleased to be among eight freshmen Members who have written the President to assure him that we are committed to change. Now that we find ourselves in the unfamiliar role of incumbents, we see that campaign finance reform will enable us to do our jobs even better as it will restore the fragile ties between the Congress and the country.

I urge my colleagues to back the President when his package of campaign finance reforms comes before us.

Mr. Speaker, I pledge to lend my voice to the President's pursuit of real campaign finance reform so that all Americans will have a voice in the affairs of their Nation.

A REPORT ON FLORIDA TOWN HALL MEETINGS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, this past weekend I hosted town meetings in my southwest Florida district. Overwhelmingly, of course the top issue of concern was our national economy—especially how higher taxes, increased deficit spending and vague promises for deficit reduction down the road will translate in people's daily lives. Clintonomics means that an average family's taxes will go up. It means that prices for necessities will go up. It means that the size and scope of the Federal Government will be growing, not shrinking. One gentleman asked rhetorically—"What does the administration think we are?—a bunch of simpletons?"

My constituents are dismayed, disgusted and angry. They know that our debt will increase so that each man, woman, and child will owe $17,000, they know that even after 5 years of grief, the annual budget deficit will be climbing. And they know that we have gone from "no pain, no gain" to "much pain, doubtful gain."

Mr. Speaker, there are no simpletons in my district.

□ 1210

COMMUNITY DEVELOPMENT BLOCK GRANT REFORM NEEDED

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, last week the House began a historic journey, to restore our Nation to financial health. We are united, Democrats and Republicans, in moving on this very necessary goal, and I for one and the people of western Kentucky hope that the goal can be accomplished in 5 years. Our country made many changes, and we want to prevent the mistakes of the past.

In looking at the past, as a new Member I ask the Republican side to review the break that we made in the Gramm-Latta bill of 1981, the resolution of 1981, where they prevented any further review by the Appropriations Committees of Community Development Block

Grant funds. This has set forth major mischief, and we have got to remedy the situation. I ask them to set forth their part in the mischief they have created here and to help us sort this situation out.

BUDGET REFORM

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, today I rise to share a few thoughts on the events that occurred last week in this Chamber during budget deliberations. I am appalled that the will of the administration and party leadership takes precedence over the individual Members of Congress elected to serve and represent their constituents.

The floor proceedings for the President's budget resolution was the most partisan and one-sided event that I have seen since coming to Congress. It troubles me that I, as well as many of my colleagues, were not permitted to offer substantive amendments to the budget resolution.

One of my amendments would have removed the highly regressive energy tax from the administration's proposal. The proposed Btu tax could be devastating on the constituents of my district.

I refuse to sit idly by and let these same budget events reoccur in this Chamber without an attempt to change the status quo. The operation of this House needs to be reformed. Our budget process needs to be reformed. And all of the American people need to be assured that their interests will be fairly represented.

JOSEPH HAYNE RAINEY

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, I rise this morning to commemorate the first African-American Member of the House, Congressman Joseph Hayne Rainey.

Born a slave, Joseph Rainey entered politics after the Civil War. In 1868, he was elected to the State senate of South Carolina and in 1870, to Congress where he served for four terms.

Congressman Rainey was well-liked and respected by his colleagues and became the first African-American to preside over the House as Speaker pro tempore in 1874.

Last Saturday, a park was dedicated to Congressman Rainey in his hometown of Georgetown, SC. I applaud the efforts of my colleague, Congressman JAMES CLYBURN, for his work in establishing this living memorial to Rainey.

Congressman Rainey's descendants have among their ranks the first black judge in Pennsylvania, graduates of Harvard and Yale Universities, an Olympian, and yes, congressional aides, one of whom, Schuyler Twyman, I am proud to say is a member of my staff.

Mr. Speaker, I pay tribute to this great man from our history.

TRACK CRIMINAL ALIENS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today I am introducing legislation requiring aliens who have been convicted of a felony and sentenced to probation or who have been released on parole to register with the Attorney General.

Unfortunately, the number of criminal aliens continues to exceed our ability to detain and deport them. One-quarter of the Nation's Federal prisoners are aliens. The vast majority of these aliens, upon release from prison, are arrested again.

Many criminal aliens who should be deported are not.

We need to know how many criminal aliens we have in our country, and we need to know where they are so we can deport them, as Federal law demands.

This legislation is a part of what I believe should be Congress' continuing effort to crack down on criminal aliens.

ARMY SPYING

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I was deeply shocked to learn that the U.S. military, for three generations, spied on the family of Dr. Martin Luther King, Jr. It is frightening and eerie to believe that the U.S. Government, through its military intelligence, started spying on Dr. Martin Luther King, Jr., when he was only 18 years old. At that time, in 1947, he was a college student at Morehouse College.

There seemed to be a pervasive belief that Dr. King and those of us in the civil rights movement were being controlled and influenced by some foreign power. We did not need anyone in Moscow, in Germany, or any other country to tell us that segregation was vicious and evil.

This disclosure dramatizes how deeply the disease, the stain, and the scars of racism were embedded in the American society. The use of spying by the U.S. military on private citizens is repugnant and abhorrent to the American system and to the democratic principles in which we believe.

Mr. Speaker, I have asked the chairmen of both Armed Services Committees, Mr. DELLUMS and Mr. NUNN, to call upon the U.S. Department of Defense to make available to the American public a full accounting of the spy campaign against Dr. King and others in the movement.

Mr. Speaker, I call upon our Government to fully disclose the injustice of the spying campaign.

LIBERAL, BIG SPENDING CONGRESS RESPONSIBLE FOR DEFICITS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a few days ago, the House passed a $6.9 billion authorization bill for the National Institutes of Health. This was a 47-percent increase, $2.2 billion increase, over an NIH bill President Bush vetoed just a few months ago. President Bush vetoed the earlier NIH authorization because it was too huge of an increase over the year before, even at last year's much lower $4.7 billion figure.

In other words, the White House changes hands, and suddenly we are spending billions more for NIH and other agencies.

Talk about lipservice to spending cuts. I have heard many speeches on this floor blaming Presidents Reagan and Bush for our horrendous national debt. Actually it is liberal, big spending Congresses that have gotten us so far in the hole.

The NIH bill passed a few days ago proves this beyond a shadow of a doubt. It is still business as usual around here.

The American people should know that all this talk about cutting spending is a charade, a hoax, a cruel joke on the citizens of this Nation.

RURAL HEALTH CARE NEEDS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, in just 6 weeks the administration's Task Force on Healthcare Reform will unveil its recommendations. We have an enormous opportunity to reform our health care system. And with this opportunity comes a responsibility to make certain that all Americans receive quality, affordable health care.

I rise today to ask for my colleagues' support of the rural health care congressional resolution that I will be introducing today.

This resolution expresses the sense of the Congress that the unique needs of rural residents must be addressed in any health care plan passed by Congress.

These unique rural health care needs include:

Providing adequate funding for programs that encourage medical personnel to train and practice in rural areas;

Increasing coordination among transportation programs and for emergency medical services;

Making health care technology more available to rural health-care providers; and

Ensuring that rural health care services are coordinated effectively with existing health systems.

Mr. Speaker, I look forward to working with my colleagues to find solutions to our health care crisis. There can be no higher domestic priority.

□ 1220

OVERREGULATION OF BUSINESS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, we are very fortunate in our office to have interns that work with us for a short time. A young man named Kevin Taheri has been with us from the University of Wyoming. He has written a short paper that I want to put in the RECORD. He calls it "Economics 101."

The burden of his paper is that how can we expect small businesses to grow and create jobs when they are overregulated.

I agree with that 100 percent. We are putting together a bill, which I intend to introduce in the next week, which will provide for oversight of regulations.

It does several things. First, it takes a look to see if the regulation is within the spirit of the statute, which is not always the case. Second, it takes a look to see if the regulation has been efficiently applied in terms of dollars of cost not only to the Government but to the business that is regulated.

Finally, it asks, does the result—is the result in keeping with the purpose of the statute. Does the regulation, in fact, do what it is intended to do?

We cannot expect the economy to work well, to create jobs, when it is overregulated, and we need to change that.

Mr. Speaker, I include for the RECORD "Economics 101" to which I referred.

ECONOMICS 101

Mr. Speaker, I would like to share my views on regulation. When talking to businessmen in my State a lot of them seem to say that they started their business 10 years ago and if they had to start it today they couldn't, because there is too much regulation. Wyoming is dependent on small business, and additional regulation by the Federal Government will stall job growth. The first major bill that this House passed was an additional mandate by the Federal Government. The people of my State know what is right for Wyoming, better than Washington does. If this economy is to start growing again, the Government must stop overregulating businesses.

A lesson from the 1980's is the fact that when the staffing levels of Federal regulators fell, the number of private sector jobs rose. If we are going to make meaningful cuts in the deficit in 4 years, it is vital that we cut back on regulation and allow the economy to begin growing again. It's Economics 101. When business is doing badly, there will be more unemployed people, this leads to more money that the Government must pay in unemployment and less people paying taxes. So overregulation leads to less revenue for the Government and more spending, only adding to the deficit. One of the main keys to deficit reduction will be economic growth. If the economy is already struggling, and hoping to recover, it can't afford any more mandates on small business. We should be encouraging new business, not making it harder to start a business.

TRUTH COMMISSION REPORT ON EL SALVADOR

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, in light of the Truth Commission report on El Salvador, President Clinton should appoint an independent blue-ribbon commission to investigate United States policy on the Masote, the killing of the Jesuits and the murder of the American servicemen in that country. What did we know and when did we know it. Was there a coverup.

Mr. Speaker, this is not a partisan issue. Both countries, the United States and El Salvador, should carefully study and implement the recommendations of the Truth Commission report. These are three distinguished Latin American moderates, a former president of Columbia. This is not a left-wing group reporting on what happened in El Salvador.

Mr. Speaker, like many Members of Congress, I supported President Cristiani of El Salvador in the past. Now I am not so sure. I think the verdict will be whether he and his nation implement the Truth Commission report and those guilty of human rights violations are prosecuted.

THE CLOSING OF HOMESTEAD AIR FORCE BASE

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, the Secretary of Defense stated that he removed two California bases from the base closure list due to the cumulative economic impact on northern California. I do not question the rationale behind the Secretary's decision to keep the California bases off the list, but I strongly object to the double standard being applied to Homestead Air Force Base. How can the Secretary and the Base Closure Commission justify maintaining the bases in California for economic reasons but yet close Homestead Air Force Base after the worst natural disaster in U.S. history, which has cost south Florida's economy billions of dollars and thousands of jobs?

The base meant nearly 9,000 jobs and the synergy created by the base created thousands of additional jobs, and the base, in effect, was the lifeblood of the entire Homestead economy.

Mr. Speaker, south Florida requests the same consideration provided to the McClellan Air Force Base and Army Presidio in California be given to Homestead Air Force Base, in an area that has certainly suffered a cumulative economic impact.

FOREIGN COMPETITION

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I am pleased that foreign manufacturers have finally reached a 20-percent share of the Japanese semiconductor market. And I congratulate the Japanese for their efforts.

I would hope everyone will learn something from this experience—but I'm not so sure.

The Japanese should learn that neither their system nor their quality suffers from open markets.

Some Japanese officials are saying that they fear the semiconductor agreement will set bad precedent.

My own view is that a results-oriented policy is needed when markets are skewed against fair foreign competition.

Our country should also learn a lesson. Back in the 1980's, our Government decided to fight to open the closed Japanese semiconductor market. Targets were set. Our resolve produced results.

We had no such result in auto parts. Targets of any kind were rejected by our administration, and we have suffered for it.

United States market share for auto parts in Japan is 1 percent, and our bilateral trade deficit is $10 billion.

The United States should learn from the difference between auto parts and semiconductors—a difference of 19 percent in market share and tens of thousands of American jobs.

ROMANIA'S UNSALVAGEABLE CHILDREN

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, millions of Americans watched last Friday night as ABC's "20/20" aired a heartbreaking story about Romania's so-called unsalvageable children.

In the finest traditions of America, I believe we must speak for those children who are too weak, sick, and isolated to speak for themselves.

But along with horror there is hope. In recent months, I have followed the courageous caring of John Upton of California, as well as the medical and financial support donated by the Epic Healthcare Group based in Dallas, TX, which has already allowed some of these children to leave Romania and get the medical care they need. But many children remain.

Today, I am proud to introduce a resolution calling on the Government of Romania to allow the most desperate of these children to come to America for the help they so urgently need. At the same time, it calls for the State Department to open the door to let these children in. I would like to thank the Ambassador from Romania for his help on this issue.

I ask all my colleagues to join with me in supporting this resolution as a first step in getting help for these children.

ON RUSSIA AND DEFENSE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the situation in Russia is in turmoil, and it ought to remind us that maybe the cold war is not really over.

The President's plan is to cut an additional $112 billion from the defense budget over the next 5 years. That is way above the cuts that the last administration proposed.

These are the facts. Russian missiles are still aimed at the United States. Reductions in Russian troop strength have been minimal. Chemical and biological weapons still exist. There are hot spots all over this world today.

With these facts in mind, Mr. Speaker, I urge the President of the United States to lower his draconian defense cuts. We have got to keep this Nation strong, to preserve freedom, to protect our ideals and to keep our ability to deter aggression second to none.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow, Wednesday, March 24, 1993.

ESTABLISHING A NATIONAL COMMISSION TO ENSURE A COMPETITIVE AIRLINE INDUSTRY

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 904) to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodel Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Reprsesntatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) CHAIRMAN.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission.".

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

"(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Aviation of the Committee on Public Works and Transportation held hearings on the financial condition of the airline industry on February 17, 18, and 24, hearing testimony from some 39 witnesses over a period of those 3 days of very long and very intense and wide-ranging and very thoughtful and thought-provoking testimony.

Earlier, the leadership of the House, the leadership of our committee on both sides, Democrat and Republican, introduced H.R. 904 in a session attended by Secretary of Transportation Peña and Members of the other body to set forth before the Congress and before these hearings the concept of a commission that would more in depth and at greater length review the problems of the airline industry and make some suggestions.

Just before the conclusion of our hearings, the full Committee on Public Works and Transportation took up in markup session and reported H.R. 904, which later on March 2 passed the House by a vote of 367 to 43. The Senate, on March 17, passed H.R. 904 with an amendment, which we take up today.

Essentially, the Senate action added nonvoting members to the Commission. The Commission now will be composed of 15 voting members and 11 nonvoting members. I will not go into how those are distributed, because that will be in the body of the bill which will appear in the CONGRESSIONAL RECORD at this point.

The idea of a commission to look at the problems of the industry in greater depth is one this Committee on Public Works and Transportation and the Subcommittee on Aviation took up last year in the 102d Congress, and included as part of our aviation reauthorization legislation. We thought then that there was a need for an extensive inquiry into the problems of the industry to make thoughtful recommendations, and we think so even more intensely this year.

The Committee acted expeditiously. We made this our first priority at the outset of the 103d Congress on a bipartisan basis. I must say, with great appreciation to my colleague, the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican on our subcommittee, we joined forces to develop the witness list, to develop the pattern of inquiry, and the issue areas to be covered. The hearing document, Mr. Speaker, I must say has also been printed and will be available for each of the members of this Commission so that they have a starting point of a fund of knowledge and factual information with which to begin their work on the Commission.

We have done our work. We have laid the groundwork. We have prepared the way. We cleared the fields so this Commission can get started early and do its work quickly.

The administration has requested a shorter timeframe. We have provided for that. Instead of 6 months it will be a 3-month timeframe for the Commission to act. We understand the administration plans to divide this Commission, when appointed, into three panels to work concurrently to focus on three major issue areas concurrently, complete their work, report to the President, report to the Congress.

I hope that the net results of this Commission's work will, to be sure, include sound and sensible, workable, practical recommendations for steps that can be taken to improve the financial health of the aviation sector.

I also caution this Commission that it has a principal objective of making recommendations that will stimulate and strengthen competition. It will be of little value to have a strong, financially secure airline industry that consists of two airlines, in which competition takes a back seat or disappears.

This Commission's principal focus is on what needs to be done in the airline passenger-carrying industry. The air freight industry is a major sector of our transportation system as well but, at this time, it is not plagued with the financial and competitive problems in the passenger-carrying side. While I do not think the freight industry should be ignored if the Commission sees an issue that needs to be addressed, the focus here should be on the passenger carriers and their problems.

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support, strong support, of this bill to create an Aviation Commission. I, like I am sure most Members, tend to be skeptical of establishing yet another commission. Too often the commissions meet and deliberate and come up with reports which get put on the shelf and are never heard from or seen again, and are often not warranted.

However, there is a real difference in this case. We have an industry that is in deep, deep trouble, an industry that desperately needs good minds to concentrate on what those problems are. The reason I think we need this commission is because there is a vast disagreement as to what are the root causes of the crisis that we find ourselves in with the aviation industry.

I think our hope with this Commission is that we will bring together some of the best minds who deal in these areas to sort out the various conflicting arguments, pro and con, and try to determine what are the real causes of this, and come back to the Congress.

I think I can assure the Members that our chairman, the gentleman from Minnesota [Mr. OBERSTAR] is determined to pursue this to see that whatever recommendations are made that need to be implemented through legislation here in the Congress will be implemented. Therefore, this is not a commission whose work is going to be ignored. It is not a commission whose work is going to put aside. We will take action, and hopefully will take action expeditiously, because the problem is not getting better, and in fact it is getting worse. We need to do that promptly.

The bill has been changed since it left this body a couple of weeks ago. We passed it, as the gentleman from Minnesota [Mr. OBERSTAR] stated, on March 2 by a vote of 367 to 43, and the Senate acted on it last week with only one change, not a really substantive change, in terms of the overall mission of the Commission, which is to determine where the ills are and what the cures might be.

The only change the Senate made was to increase the number of nonvoting members from 7 to 11. This will allow both the House majority leader and the House minority leader one additional selection to those that are in the version that we passed out here, and so I would submit it is not a controversial change and should not warrant any resistance over here.

The bill, which does revise the Commission that was called for in our bill last year when we passed the AIP reauthorization bill, but which was never actually established, expands the Commission from 7 to 15 voting members. As I have indicated, it would add 11 nonvoting members who could be Members of Congress. The House minority leader, I would say to my colleagues on this side of the aisle, now controls the appointment of two of the voting members and two of the nonvoting members, so this is, indeed, a truly bipartisan, nonpartisan Commission and has the full support on both sides of the aisle.

The Commission's report is due in 90 days, and that is a very important date, because, as I have indicated, we really do not have the luxury of time to study this in greater depth, because the problems are so enormous. I think also the work that this subcommittee has done under the leadership of the gentleman from Minnesota in the hearings we held earlier this year is going to be very helpful to the Commission as it undertakes its work in hopefully the next few days.

Funding for the Commission would come out of the current DOT budget, so we are not looking at an additional expense. We estimate the cost to be about $750,000, but as I say, that will not require additional funding.

I think the Commission is going to attempt to determine the causes of the airline problems and recommend possible solutions. The area that the Commission should examine, as the gentleman from Minnesota [Mr. OBERSTAR] has indicated, includes a variety of things, because our hearings certainly indicated there is no consensus at the moment. There is no firm view on if there is one single cause or several causes contributing to the dilemma which the airlines find themselves in today, but certainly some of the factors that need to be looked at are the need to reduce the regulatory burden on airlines. The tax burden was cited time and time again as something that was really a crushing burden for them in these difficult times.

☐ 1240

The need to expand airport and airway capacity to handle the demand that has built up, and which is frustrated because of the inability of airports to handle some of the traffic. Easing the restrictions on foreign investment, an area I think would be helpful in providing another window for capital to the airlines who are very, very strapped for new capital sources to keep up with the changing technology. Also a suggestion of the need to change bankruptcy laws so that existing bankrupt airlines are not able to really compete unfairly with healthy airlines. Better access for carriers to foreign markets. Pricing policies of the airlines, and clearly they have been shooting themselves in the foot in many respects by these disastrous price wars that have gone on in recent years where they have been operating their airlines at a loss, even though they have had full flights. And finally, noise problems, which clearly need to be a part of their consideration.

Mr. Speaker, airline losses totaled more than $4 billion last year. This is a situation that we cannot allow to go on. We need to address it and address it rapidly. So I am standing to urge very expeditious consideration of this and that the Commission be established.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], chairman of the full Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as the distinguished chair of our Aviation Subcommittee has explained, this bill, H.R. 904, is the same bill which passed this body on March 2 under suspension of the rules except for one noncontroversial change—adding four more nonvoting Members, two to be appointed by the majority and two by the minority.

What really is the issue today is the need to move expeditiously on this bill and send it to the President, and for that, I wish to thank and commend the work of the chair of the Aviation Subcommittee, Mr. OBERSTAR, and the ranking Republican, Mr. CLINGER.

During the past 3 years, the airline industry has suffered unprecedented losses of $10 billion, more than it has earned in all the rest of its history, and currently about one-fifth of the industry is operating in bankruptcy.

Furthermore, the financial crisis facing the airline industry is now spilling over into the aircraft manufacturing industry and local economies where billion dollar aircraft orders are being cancelled and thousands of jobs are disappearing.

At best, the situation facing the industry is bleak—not how many jobs can we add, but how many can we save.

Mr. Speaker, H.R. 904 carries with it a sense of urgency. If its enactment is the most we can do at this time to address this matter, it is the least we must do.

Accordingly, I urge passage of H.R. 904, as amended.

Mr. CLINGER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the State of Washington [Ms. DUNN], a very valued member of the committee.

Ms. DUNN. Mr. Speaker, the U.S. commercial airline industry is currently suffering severe financial distress. Recent years have produced sustained record losses, excessive debt burdens, unprecedented numbers of airline bankruptcies and mergers, record cancellation of new aircraft orders, and the demise of such venerated names as Pan Am. If this dire situation is not soon rectified, I believe that the economic viability of our airlines and our entire aerospace manufacturing industry will be in serious jeopardy.

First, I wish to thank Chairman MINETA, Aviation Subcommittee Chairman OBERSTAR, Public Works ranking member, Congressman SHUSTER, and the ranking member of the Aviation Subcommittee, Congressman CLINGER. Without their strong and decisive leadership, this blue ribbon commission, whose creation is vital to the continued viability of our domestic airline industry, would never have seen the light of day.

Today, I have introduced the "Aviation Enhancement Act" and I hope that the Commission will give strong consideration to my bill.

H.R. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Enhancement Act of 1993".

SEC. 2. FINDINGS.

Congress finds and declares that—

(1) the United States commercial airline industry is currently suffering severe financial distress;

(2) sustained record losses and excessive debt burdens are causing air carriers to cancel new aircraft options and orders, thereby threatening the economic viability of the United States aerospace manufacturing industry;

(3) although most air carriers would benefit from acquiring new generation, quieter, more fuel-efficient aircraft, there is already more capacity than demand for seats, resulting in downsizing, not expansion, of fleets;

(4) many air carriers are increasingly unable to obtain financing at reasonable interest rates for purchasing new equipment;

(5) the inability of many air carriers to acquire new, quieter Stage 3 aircraft may jeopardize the planned phase out of noisier Stage 2 aircraft;

(6) States and local communities, the traveling public, airline employees, and airline shareholders would all benefit from stronger, healthier air carriers operating modern, fuel efficient, quieter aircraft;

(7) as the owner and operator of the Nation's air traffic control system, the Federal Government is a partner of the commercial aviation industry and must do its part to strengthen the air carrier and aerospace industries;

(8) it is estimated that the Airport and Airway Trust Fund will contain an unobligated surplus in excess of $4,300,000,000 on October 1, 1993;

(9) a prudent shift of the investment of the Airport and Airway Trust Fund surplus into modernization of the commercial aviation industry's fleet can provide vitally needed economic stimulus for carriers and manufacturers and will ensure that both industries remain competitive into the next century; and

(10) the Airport and Airway Trust Fund surplus should, therefore, be made available to guarantee loans for the acquisition of new aircraft if such acquisition will assure the phasing out of less fuel efficient and noisier or older aircraft at the same time.

SEC. 3. LOAN GUARANTEES FOR ACQUISITION OF STAGE 3 AIRCRAFT.

(a) IN GENERAL.—Title XI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501–1518) is amended by adding at the end the following new section:

"SEC. 1119. LOAN GUARANTEES FOR ACQUISITION OF STAGE 3 AIRCRAFT.

"(a) IN GENERAL.—The Secretary is authorized, subject to appropriations Acts, to guarantee any lender against loss of principal or interest on any loan made to an eligible air carrier for the purpose of financing the acquisition of new Stage 3 aircraft.

"(b) TERMS AND CONDITIONS.—A loan may be guaranteed by the Secretary under this section only if the loan is made subject to the following terms and conditions:

"(1) TERM.—The term of the loan does not exceed 20 years.

"(2) RATE OF INTEREST.—The loan bears interest at a rate which is less than the maximum rate for such loans determined by the Secretary. The maximum rate for such loans may not be less than the current average market yield on outstanding obligations of the United States with remaining periods to maturity comparable to the maturity of the loan.

"(3) PREPAYMENT.—There is no penalty for prepayment of the amount of the loan.

"(4) USE OF LOAN AMOUNTS.—The loan will be used only for the acquisition of Stage 3 aircraft which—

"(A) are manufactured in the United States; and

"(B) will be delivered to the borrower not later than 3 years after the date on which amounts are appropriated to carry out this section.

"(c) DOMESTIC MANUFACTURE.—For the purposes of subsection (b)(4), an aircraft shall be considered to have been manufactured in the United States only if 50 percent or more of the parts of the aircraft, by value, are manufactured in the United States.

"(d) RETIREMENT OF AGING AND STAGE 2 AIRCRAFT.—The Secretary may guarantee a loan under this section to an air carrier which owns or operates aging aircraft or Stage 2 aircraft only if the carrier agrees that, upon delivery of the aircraft being acquired with amounts of the loan, the air carrier will—

"(1) retire from service Stage 2 aircraft or aging aircraft containing a number of seats which equals or exceeds 200 percent of the number of seats contained in the aircraft being acquired; or

"(2) retire from service all of the air carrier's remaining Stage 2 aircraft and aging aircraft.

"(e) DEFAULT.—The Secretary may guarantee a loan under this section only if the air carrier applying for the loan agrees that, in the event of a default, the air carrier will transfer to the Department of Transportation title to all equipment acquired with the proceeds of the loan.

"(f) DISTRIBUTION OF LOAN GUARANTEES.

"(1) DETERMINATION OF AVAILABLE SEAT MILES.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Secretary shall determine the percentage of available seat miles attributed, for the most recent 12-month period for which such data is available, to each eligible air carrier certificated on or before October 1, 1992.

"(2) ALLOCATION.—

"(A) CARRIERS CERTIFICATED ON OR BEFORE OCTOBER 1, 1992.—An amount equal to 95 percent of the funds appropriated to carry out this section shall be available for guaranteeing loans to eligible air carriers certificated on or before October 1, 1992, and shall be allocated among such carriers based on the percentage of available seat miles attributed to each such carriers under paragraph (1).

"(B) OTHER CARRIERS.—An amount equal to 5 percent of the funds appropriated to carry out this section shall be available for guaranteeing loans to eligible air carriers certificated after October 1, 1992, and shall be allocated among such carriers based on a fair and equitable formula to be established by the Secretary.

"(C) TRANSFER OF ALLOCATIONS.—An eligible air carrier may transfer to other eligible air carriers all or part of the amount of loan guarantees allocated to such carrier under this paragraph.

"(g) ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary is authorized to take such actions as may be appropriate to enforce any right accruing to the United States, or any officer or agency thereof, as a result of the commitment or issuance of a loan guarantee under this section.

"(2) COLLATERAL.—All loan guarantees under this section shall be secured by the equipment being financed and any other assets necessary to provide sufficient collateral.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section $4,300,000,000 for fiscal years beginning after September 30, 1993.

"(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) AGING AIRCRAFT.—The term 'aging aircraft' means an aircraft which has been in service for at least 15 years.

"(2) ELIGIBLE AIR CARRIER.—The term 'eligible air carrier' means an air carrier which has been issued an operating certificate under part 121 of title 14, Code of Federal Regulations.

"(3) STAGE 2 AIRCRAFT.—The term 'Stage 2 aircraft' means an aircraft which complies with Stage 2 noise levels under part 36 of title 14, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(4) STAGE 3 AIRCRAFT.—The term 'Stage 3 aircraft' means an aircraft which complies with Stage 3 noise levels under part 36 of title 14, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title XI of such Act the following:

"Sec. 1119. Loan guarantees for acquisition of Stage 3 aircraft.
"(a) In general.
"(b) Terms and conditions.
"(c) Domestic manufacture.
"(d) Retirement of aging and Stage 2 aircraft.
"(e) Default.
"(f) Distribution of loan guarantees.
"(g) Enforcement.
"(h) Authorization of appropriations.
"(i) Definitions.".

The Aviation Enhancement Act will provide loan guarantees to airlines for the purchase of new, quiet, fuel efficient, stage three aircraft as mandated by the Federal Government. By the end of this decade, Department of Transportation regulations mandate that all airlines will have completed the transition to these new, quiet, fuel efficient and—expensive airplanes. With our domestic airlines facing great financial turmoil, it is becoming increasingly difficult for our air carriers to obtain financing at reasonable rates.

Mr. Speaker, a prudent investment of the aviation trust fund surplus into the modernization of the commercial aviation fleet can provide a vitally needed economic stimulus for carriers and manufacturers and will insure that both remain competitive into the next century.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. CANTWELL], a very diligent and hardworking member of our Subcommittee on Aviation.

Ms. CANTWELL. Mr. Speaker, today we are completing legislative action on a bill vital to my constituents and thousands of people across the country. H.R. 904 establishes a national commission to focus on the dire problems facing the domestic airline and aircraft manufacturing industries.

First, I want to commend Chairman MINETA, Chairman OBERSTAR, Congressman SHUSTER and Congressman CLINGER for the bipartisan cooperation and leadership that pushed this bill through the House in early days of this session. I hope that this legislation is an example of the days to come, when Congress and the administration put partisan differences aside, and work together to expeditiously address the needs of America.

Last month the Boeing Co. announced that due to the financial difficulties of the airline industry, they will reduce production on all aircraft models and consequently Boeing will layoff 28,000 employees nationwide, with 20,000 of those laid off from the Puget Sound region.

The impact to the 1st District of Washington is real. The aviation industry is one place where the United States has a competitive edge. Boeing is the largest exporter in this country and leads the world in commercial aircraft manufacturing. We must keep that competitive edge.

While I am convinced that the single most important thing we can do for the industry is to get our economy back on track the creation of this commission comes at a critical juncture and should investigate in great detail the options available to build new partnerships between public and private sector that will enhance our ability to compete in the international marketplace.

Mr. Speaker, this is not just another study that will stretch on indefinitely—the bill before us today directs the commission to thoroughly look at the industry and make recommendations in 90 days.

I urge all my colleagues to support H.R. 904, as amended so that we can begin immediately to ensure the continued viability of our airlines and our aircraft manufacturers.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I strongly support this legislation.

The community that I represent, Wichita, KS, is the home of perhaps more airplane manufacturing than perhaps any other place in the world. Half the airplanes in the world flying today were made in Wichita, KS.

□ 1250

We are also a very large Boeing facility, and, in fact, the percentage of Boeing layoffs are greater in Wichita than they even are in Seattle, which has the largest Boeing facility. The reason for that is we are not manufacturing as many commercial airplanes, and, of course, we have had great difficulty in the general aviation industry which is headquartered in Wichita Beach with Cessna and Learjet.

We also have grave difficulties in the commercial aviation industry, and my community of Wichita has been hit particularly hard.

This commission will look at long-range systemic solutions to try to buttress the greatest industry, I think, in America today, and that is the production of civil aircraft.

The greatest contributor to our balance of payments over the last few years, besides agriculture, has been in civil aircraft, civil aviation, and we must have a strong industry, which means we must have strong airlines.

This bill will help us push ourselves toward that goal. I commend the chairman, the gentleman from Minnesota [Mr. OBERSTAR], for this legislation.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just again urge support for this legislation. It is important, and it is important that the commission be established and started soon on its work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as a I may consume. Mr. Speaker, I want to again express my very great appreciation to the chairman, the gentleman from California [Mr. MINETA], for his strong support at the outset of the session, for the work of our subcommittee for setting the agenda so early to begin our work as we have done on the financial condition of the airline industry and on other very important aviation matters, and to my colleague, the gentleman from Pennsylvania [Mr. CLINGER], with whom I begin the 11th year of working together in a similar capacity on economic development, the Investigations Oversight Subcommittee, and now on Aviation, and with whom it is such a great pleasure to work, for his ever thoughtful and insightful contributions to the work of the committee and for his patience in enduring the long hours of hearings that we mutually set up.

Mr. Speaker, finally, in this document, the hearings record of the Subcommittee on Aviation and on the financial condition of the airline industry, is the starting point for the work of this commission. The commissioners will do well, and we will send each one of them, when appointed, a copy of this document and the committee report on the commission bill so that they will have before them this true compendium of information about the problems of the industry and the various solid recommendations for action to improve the condition of the airline industry.

Aviation is a $600 billion sector of our national economy, 10 percent of our GDP. We can do no less than give it our best effort to recommend positive and thoughtful and constructive steps to keep aviation strong and thriving and competitive in the domestic and world economy.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of H.R. 904, a bill which will create a Commission to help renew competitiveness in our airline industry. While the main focus of the Commission's work will be aiding the major carriers, I hope the Commission will heed the concerns of the many small businesses in the airline industry as well.

Hundreds of small businesses, and thousands of jobs, depend on a healthy airline industry for their survival. These companies produce parts, supply goods and services, and perform much of the support functions of the aviation industry. In addition, there are small airlines all across the country serving the smaller cities and less conspicuous routes. Generally, these smaller airlines are doing well and I believe the commission would do well to take a few pages from their book.

Mr. Speaker, small businesses have increasingly cried out for less Government intrusion and more respect for their ability to perform and create jobs. The airline and aviation industries are no exception. I receive complaints regularly about the onerous burdens placed on small businesses in the aviation support, repair, and parts businesses. These small businesses are being driven out of the market by excessive Government regulations. If a small business fails, the competition for the services they provide is gone, which results in higher costs for the financially strapped carriers.

Compounding this problem, Mr. Speaker, is the President's proposed Btu tax. This will be crippling to the aviation industry, not only for the carriers, but all the small businesses who serve them, and, in particular, the general aviation industry in America. Already decimated by regulations and litigation, the general aviation industry may not survive such an assault.

Mr. Speaker, I am glad this Commission is being formed and charged with the task of presenting a report to Congress in 90 days. I urge them to remember not only the workers at United and Boeing, but also the thousands of men and women employed by small carriers and small businesses whose livelihoods depend on a healthy and competitive airline industry.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 904.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 904, on which the Senate amendment was just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

APPOINTMENT OF BARBER B. CONABLE, JR., AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) providing for the appointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, as amended.

The Clerk read as follows:

H.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barnabas McHenry of New York on July 21, 1991, is filled by the appointment of Barber B. Conable, Jr. of New York. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 102, as amended.

As our Nation's museum, the Smithsonian Institution is the world's largest museum complex with 20 major facilities, including the world famous Air and Space Museum, the National Museum of Natural History, the National Museum of African Art, and the National Museum of American History.

Congress has vested the responsibility to administer the Smithsonian in the Smithsonian Board of Regents, which is composed of the Chief Justice, the Vice President, three members of the Senate, three members of the House, and nine citizen regents. The regents receive no salary for their services to the board and are appointed to a term of 6 years.

House Joint Resolution 102, as amended, provides for the appointment of Barber B. Conable, Jr., to fill the vacancy of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. Conable served as a member of the House of Representatives from 1965 to 1985. In August 1991, Mr. Conable retired from a 5-year term as president of the World Bank Group, headquartered in Washington, DC.

Mr. Conable has chaired the Smithsonian National Museum of American Indians' Development Committee since October 1990.

The amendment to this legislation is technical in nature, and merely specifies the name of the recent being succeeded, who he is being succeeded by, and the approximate date for the start of Mr. Conable's term.

Mr. Conable has complied with all the guidelines set by the committee to receive its approval, and therefore I urge my colleagues to support and adopt House Joint Resolution 102, as amended.

Mr Speaker, I reserve the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to rise today in support of House Joint Resolution 102 naming Barber Conable, Jr., to the regents of the board of the Smithsonian.

Mr. Speaker, I got to know Barber quite well as a Member of Congress and had the absolute pleasure of serving under him on my first term on the Committee on Ways and Means and watching and admiring the work Barber did as the ranking member. But probably under this context far more meaningful are the times I spent in his office over on the second floor of the Cannon Building looking at the American Indian artifacts that he had in his office, but, more importantly, listening to the wealth of knowledge that this man possessed about American Indians, not just in the region from whence he came but across the United States.

Of course, Barber then left and went on to become president of the World Bank, and now in retirement, I cannot think of a better way to utilize the many talents of this individual, not just from his knowledge but his untiring efforts working with and for people as a regent of the Smithsonian.

I am very, very pleased to stand and support House Joint Resolution 102.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is indeed an honor and a privilege to rise in support of our former colleague, a gentleman who made us all proud to be Members of Congress, the gentleman from New York, the Honorable Barber Conable.

Throughout his 20 years of service to this Chamber, Barber Conable personified the meaning of the phrase public servant in the most complimentary sense of the word. He was the kind of individual that we all looked up to and came to depend upon for sage advice, wise counsel, and distinguished leadership.

Barber Benjamin Conable, Jr., was born in Warsaw, Wyoming County, NY, in 1922. A graduate of Cornell University, Barber was a distinguished and courageous member of the Marine Corps during World War II, having participated in the assault on Iwo Jima and having served as a part of the U.S. occupation forces in Japan. Upon his discharge, Barber attended Cornell Law School, graduating with honors and opening a highly successful law practice in Buffalo, NY. Barber's law career was shortly thereafter cut short when he was recalled to active duty in the Korean conflict. Barber left the service at the end of that war with the rank of Colonel, and remained a member of the Marine Corps Reserve.

Barber then established a second successful law practice, this time in Batavia, NY. His skill and expertise in the courtroom became so renowned, as did his many charitable and community service activities, that Barber was elected to the New York State Senate in 1962.

In Albany, Barber so successfully demonstrated his skill as a legislator that, in 1964, a disastrous year for the Republican Party, Barber was one of the very few Republicans in the Nation elected as a freshman to the 89th Congress.

Throughout his 20 years in the House, Barber Conable became a beloved and valued friend to all of us on both sides of the aisle. Time magazine spotlighted him as the legislator's legislator, and the entire Nation came to know and appreciate the quiet brand of leadership Congressman Barber Conable came to personify.

In 1984, to the regret of all of us, Barber chose to voluntarily retire from his Congressional seat. There is no doubt that the people in his Congressional District in upstate New York would have continued to return him to Congress over and over, but Barber felt 20 years was enough. He left us to seek other challenges.

Soon thereafter, he was appointed president of the World Bank, a position he held with distinction and with honor.

I am pleased to convey my strong endorsement of Barber Conable to the position of Board of Directors of the Smithsonian Institution. There is no other individual in the Nation who would bring such distinction and such honor to this prestigious institution. Barber Conable is a true American patriot who makes us all proud of him. He will be a credit to the Smithsonian Regents, as he has been a credit to every position he has ever filled.

Mr. THOMAS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

□ 1300

Mr. HOUGHTON. Mr. Speaker, I am usually very impatient with the rule restrictions, the time restrictions in this House; but I am grateful for them today because I could talk for an hour about Barber Conable. But I will try to take only a minute.

I really think that I stand to endorse this great man as a citizen regent of the Smithsonian Institution for three reasons: First of all, he has always been a citizen legislator. So I think the whole concept of being a citizen regent is entirely in keeping with not only his character but also his abilities.

Second, I do not know anybody, maybe other people in this Chamber do, who has been more interested over the years in the historical traces of this country.

Third, he is a superb person. I do not think anybody really is going to argue with that.

I always remember somebody saying at one time or another, "this individual was a wonderful human." I say that about Barber Conable. He is a wonderful human. I think it is great that he has been given this opportunity to once again serve his country.

Mr. THOMAS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I thank the gentleman from California for yielding this time to me.

I certainly rise in very strong support of this designation of Barber Conable, our former colleague, the citizen regent of the Smithsonian.

If we ever have another renaissance, I think Barber Conable would be the quintessential of the modern man; he is the modern-day Medici, if there is such a thing.

He has had such eclectic interests and has been a towering figure in this body and in every body in which he served.

When he was here as ranking member of the Committee on Ways and Means, he was an expert in budgetary matters, and was a towering figure in bringing the Republican perspective to the debates.

Clearly, he has been a leader in fashioning strategies, particularly in the Third World countries, in his role as an outstanding president of the World Bank.

He has been a scholar of Indian affairs, particularly with concentration on the League of Six Nations. As my colleague from California said, he could sit at Barber's knee and learn so much about the history of this country from the Indian perspective.

Barber Conable is a towering figure in our time.

The only other thing I would cite is that as a member of the House Wednesday Group, he served so many years, and he is the only person I know who can recite the entire "Shooting of Dan McGrew" from start to finish without a misstep.

This is truly a man of enormous talent and deserves this designation with our strongest blessing.

Mr. THOMAS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], a member of the Board of Regents of the Smithsonian.

Mr. MINETA. I thank the very distinguished Chair for yielding this time to me.

Mr. Speaker, as a member of the Board of Regents of the Smithsonian Institution. I am very pleased to be able to rise in support of these resolutions, House Joint Resolutions 102, 104, and 105, to appoint three very fine individuals as Regents of the Smithsonian.

On behalf of myself and my very good friends and fellow Regents in the House of Representatives, the distinguished gentleman from Kentucky, Mr. NATCHER, and the distinguished gentleman from Pennsylvania, Mr. MCDADE, I would like to thank the distinguished Chair of the Subcommittee on Libraries and Memorials, Mr. CLAY, and the distinguished ranking member from that subcommittee, Mr. THOMAS, for their leadership and support on these resolutions and on the many other Smithsonian programs for which they have had such a positive impact.

The three men and women that are being appointed are truly outstanding individuals, and will be important additions to the Smithsonian's Board of Regents.

The Honorable Barber A. Conable, Jr., is well known as the former President of the World Bank and a former colleague of ours in the House of Representatives. Among his many endeavors, he has been a trustee of the National Museum of the American Indian.

Wesley Williams is a distinguished partner in the law firm of Covington & Burling, and has had a long career of legal, public, and community service here in Washington, DC, including serving as an adjunct professor of law at Georgetown University.

Hanna Holburn Gray is currently the president of the University of Chicago, and has had a distinguished academic career that has included professorships at such fine institutions as Harvard University, Northwestern University, Yale University, Chicago University, and, most importantly, my own alma mater, the University of California at Berkeley.

Again, on behalf of my fellow Regents, I rise in strong support of these resolutions and urge their immediate passage.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the joint resolution (H.J. Res. 102) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution providing for the appointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the House Joint Resolution 102, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri.

There was no objection.

APPOINTMENT OF WESLEY S. WILLIAMS, JR., AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 104) providing for the appointment of Wesley S. Williams, Jr. as a citizen regent of the Smithsonian Institution, as amended.

The Clerk read as follows:

H.J. RES. 104

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David C. Acheson of the District of Columbia on December 21, 1992, is filled by the appointment of Wesley S. Williams, Jr. of the District of Columbia. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 104, as amended.

House Joint Resolution 104, as amended, provides for the appointment of Wesley S. Williams, Jr. to fill the vacancy of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. Williams is a distinguished attorney and partner in the law firm of Covington & Burlington. He resides in the Washington metropolitan area and serves on the boards of a number of civic and community organizations.

The amendment to this legislation is technical in nature, and merely specifies the name of the regent being succeeded, who he is being succeeded by, and the approximate date for the start of Mr. Williams' term.

Mr. Williams has complied with all the guidelines set by the committee to receive its approval, and therefore I urge my colleagues to support and adopt House Joint Resolution 104, as amended.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to rise in support of House Joint Resolution 104. I do not know Wesley Williams well. It has been my pleasure to spend some time with him.

Mr. Speaker, he is a local product, and although he has had a distinguished career, currently working in the law firm of Covington & Burling, here in Washington, DC, he has contributed his time and talents over and over again to both the local government sector and to the private sector.

But what I found most rewarding about the time that I spent with Mr. Williams was the fact that those of us who are not from Washington know and appreciate the Smithsonian Institution as a national treasure but he allowed me to better understand and appreciate what a local resource it is because he conveyed to me the many hours he spent, with his hand in his mother's, being conveyed up and down the Mall as he grew up.

It is indeed a pleasure to stand and ask this House to endorse Wesley Williams, someone who grew up with the Smithsonian, to be one of its regents.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman, the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 104. It is a special pleasure to speak up for the appointment of Wesley Williams as a citizen regent of the Smithsonian Institution. He is not only one of Washington's most distinguished lawyers, he is a gentleman of culture, learning and conviction.

He happens, also, to be an African-American and, I am proud to say, a resident of my district who has contributed much to this city.

He will bring what often seems a boundless energy and keen intelligence for the benefit of the Smithsonian Institution. It is best said in his own words, and I quote him: "I bring, rather, specifically a half-century of active appreciation of the Smithsonian Institution, which has been my neighbor and my friend throughout the years of my formation. Accordingly, I also come with a sense of obligation to serve the Institution as it has so well served me."

□ 1310

I strongly urge the appointment of Mr. Williams as one which will bring credit to the Institution.

Mr. THOMAS of California. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the joint resolution (H.J. Res. 104) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution providing for the appointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on House Joint Resolution 104, as amended, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF HANNA HOLBURN GRAY AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 105) providing for the appointment of Hanna Holburn Gray as a citizen regent of the Smithsonian Institution, as amended.

The Clerk read as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of William G. Bowen of New Jersey on March 12, 1992, is filled by the appointment of Hanna Holburn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 105, as amended.

House Joint Resolution 105, as amended, provides for the appointment of Hanna Holborn Gray to fill the vacancy of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.

Ms. Gray is the president of the University of Chicago, and a distinguished historian. It is the committee's sense that she will prove to be an asset to the Smithsonian in fulfilling their mission and mandate.

The amendment to this legislation is technical in nature and merely specifies the name of the regent being succeeded, who he is being succeeded by, and the approximate date for the start of Ms. Gray's term.

Ms. Gray has complied with all the guidelines set by the committee to receive its approval, and therefore I urge my colleagues to support and adopt House Joint Resolution 105, as amended.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 105 naming Dr. Gray as a member of the Board of the Regents of the Smithsonian Institution.

She clearly has a depth and breadth in terms of an understanding of this country, perhaps uniquely so as a citizen regent, which she will soon be.

She is 1 of the 12 foreign-born Americans to receive the Medal of Liberty from President Reagan in 1986.

She was not born in this country. I think it is wholly fitting that someone of foreign birth be named as a citizen regent to an institution that was created and endowed by another of foreign birth.

This Nation is in fact made up of those who have come to our shores, and so I am very pleased to support and endorse House Joint Resolution 105, naming someone who was not born in this country to oversee a unique American institution initially founded by another of foreign birth as well.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the chairman, the gentleman from Missouri [Mr. CLAY] for yielding this time to me.

Mr. Speaker, I rise to support House Joint Resolution 105, the appointment of Hanna Holburn Gray to the Board of Regents of the Smithsonian Institution.

I speak in favor of Dr. Gray due to my family's ties to two great institutions of higher education that have benefited greatly from her leadership, wisdom, and personal example. My wife attended Yale College while Dr. Gray served there. In addition, my father-in-law is a most proud graduate of the University of Chicago, having attended college and law school there while Robert Maynard Hutchins served as the university's president. However, now we explain to our 7-year-old daughter and our 5-year-old son that Dr. Hutchins was a man who happened to serve as president of the University of Chicago prior to Hanna Holburn Gray.

Mr. Speaker, Dr. Gray has served Yale University, the University of Chicago, historical scholarship, and all higher education in this country with great distinction. I know we all will gain from her service as a regent of the Smithsonian Institution.

Mr. THOMAS of California. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the joint resolution (H.J. Res. 105) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution providing for the appointment of Hanna Holburn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Joint Resolution 105, as amended, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 27) providing for the appointment of Hanna Holburn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves to strike all after the enacting clause of the Senate joint resolution, Senate Joint Resolution 27, and to insert in lieu thereof the provisions of House Joint Resolution 105, as passed by the House.

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution, House Joint Resolution 105, was laid on the table.

APPOINTMENT OF BARBER B. CONABLE, JR., AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

Mr. CLAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 28) to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Barber B. Conable, Jr., of New York. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves to strike all after the enacting clause of the Senate joint resolution, Senate Joint Resolution 28, and to insert in lieu thereof the provisions of House Joint Resolution 102, as passed by the House.

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title of the Senate joint resolution was amended so as to read: "Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.".

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 102) was laid on the table.

APPOINTMENT OF WESLEY S. WILLIAMS AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTE

Mr. CLAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 29) providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, as amended, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress shall be filled by the appointment of Wesley S. Williams, Jr., of the District of Columbia. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves to strike all after the enacting clause of the Senate joint resolution, Senate Joint Resolution 29, and to insert in lieu thereof the provisions of House Joint Resolution 104, as passed by the House.

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title of the Senate joint resolution was amended so as to read: "Joint resolution providing for the appointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institute.".

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 104) was laid on the table.

USE OF ROTUNDA TO COMMEMORATE VICTIMS OF THE HOLOCAUST

Mr. FROST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 41) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust, as amended.

The Clerk read as follows:

H. CON. RES. 41

Whereas the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of the Victims of the Holocaust": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridiem until 3 o'clock post meridiem on April 20, 1993, and from 8 o'clock ante meridiem until 3 o'clock post meridiem on April 6, 1994, for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremonies shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, Mr. YATES, for introducing this important resolution, and I am honored to manage this measure on the floor today. I also want to thank the U.S. Holocaust Memorial Council for all their efforts in planning the Days of Remembrance. The resolution authorizes the use of the rotunda of the Capitol for Holocaust commemoration ceremonies.

Remembrance of the Holocaust is not pleasant. Those who were there and their families would just as soon forget. It hurts to recall its cruelty—the hatred, the racism, the torture that was inflicted. However, it is necessary that we reflect upon this horrific time in history to ensure that we do not forget. In a time when anti-Semitism and racism are too often portrayed as legitimate political alternatives, we must remember the pain and injustice of the Holocaust. Not only that, but we must also teach our children to remember so that the injustices of the past will not recur in our lifetime or theirs.

□ 1320

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also arise in support of House Concurrent Resolution 41, to permit the use of the U.S. Capitol rotunda for ceremonies of the days of remembrance of the victims of the Holocaust. It is the 10th year of the council's continuing effort to remind us of one of history's darkest chapters.

It is especially significant this year, Mr. Speaker, because as we recognize the 10th consecutive year of the days of remembrance of the victims of the Holocaust, next month will mark the opening of the permanent Holocaust Memorial here in the Nation's Capital. So this year, as we once again remember, it is especially gratifying to note that the same year will introduce us to a permanent memorial here in the Capital.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNTON). The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House agree to the concurrent resolution (H. Con. Res. 41) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution, as amended, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 13) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 13

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held at noon on April 20, 1993, and at noon on April 6, 1994, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 20, 1993 from 8 o'clock ante meridian until 3 o'clock post meridian and on April 6, 1994, from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

MOTION OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FROST moves to strike all after the resolving clause of Senate Concurrent Resolution 13 and to insert in lieu thereof the provisions of House Concurrent Resolution 41, as passed by the House.

The motion was agreed to.

The Senate concurrent resolution was concurred in.

The SPEAKER pro tempore. Without objection, the preamble of the Senate concurrent resolution is amended to contain the language of the House-passed concurrent resolution (H. Con. Res. 41) as follows:

Whereas the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust": Now, therefore, be it

There was no objection.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust."

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 41) was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WANTED: A NAFTA WORTHY OF OUR SUPPORT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, the currently negotiated Bush-Salinas-Mulroney NAFTA is clearly inadequate for redressing the concerns I share with many of my colleagues. It does not deal responsibly with the unfair trade and investment implications, and the economic dislocations certain to result from vastly different environmental, labor, agricultural, safety, and other trade-related standards, and their enforcement, among Mexico, the United States and Canada.

To his credit, President Clinton has moved substantially in the right direction. He is committed to negotiating supplementary agreements to NAFTA regarding worker rights and labor standards, environmental standards, and import surges.

Since this has never been done before, I am reintroducing two bills from last year that provide a positive, constructive approach for negotiating common, enforceable trade-related standards that can be organically linked to any NAFTA and succeeding trade agreements.

I hope these bills will be considered as part of an outstanding day-long NAFTA conference to be sponsored by the Alliance for Responsible Trade and the Citizens Trade Campaign this Thursday from 8 a.m.–3 p.m., in room HC5 of the Capitol. Our distinguished colleague, Congresswoman MARCY KAPTUR, and other leaders of the Democratic Economic Forum and the Fair Trade Caucus will be speaking and moderating an outstanding program.

HOUR OF MEETING ON THURSDAY, MARCH 25, 1993

Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet at 10 a.m. on Thursday, March 25, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE INNER CITY RECOVERY PROGRAM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to take this opportunity to address the continuing problems our communities are facing with drug and alcohol abuse. In particular, I would like to share with you a program that is making great progress in helping individuals with chemical dependency problems.

I recently had the privilege of attending an open house at the Inner City Recovery Program of Houston. The inner city recovery program is a nonprofit substance abuse program which provides drug and alcohol abuse counseling. The program also provides instruction in parenting skills and drug awareness and education.

While at the open house, I listened to individuals who had nearly given up on life due to their substance-abuse problem. These people found the help they needed through this program and it is programs like this that should serve as models for our efforts to combat this problem on the Federal level.

Mr. Speaker, when we think of the war on drugs we often think of police raids on crack houses and military seizures of drug shipments. What we all should remember is that the war on drugs has two fronts. While the police and military battle on one front, we must assure that the efforts on the rehabilitation front are recognized as well.

I applaud the efforts of the Houston Inner City Recovery Program and I ask my fellow Members to join me in appreciation for the important work it does in the area of substance abuse.

DISREGARD FOR FEDERAL LAW AT THE CLINTON WHITE HOUSE

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. CLINGER. Mr. Speaker, in early February, I wrote President Clinton informing him of a violation of the Federal Advisory Committee Act by his Health Care Task Force. To my surprise, his counsel responded by citing an exemption to the act which Congress never intended and which does not exist. A Federal judge ruled that they broke the law, an opinion the White House appealed yesterday, presumably to ensure that the Task Force continue to operate in secrecy.

Unfortunately, that embarrassing violation has not prompted the White House to obey the law.

A March 19 article in the New York Times discusses conflict of interest violations of at least one senior member of the Health Care Task Force. This member stated that he assumed he would be paid for his services but was never signed, has never signed any employment forms and has not received a pay check. More important, he described his efforts to get the administration officials to consider his possible conflict of interest violations but, and I quote, "found it difficult to get anyone to pay attention."

Mr. Speaker, Congress and the American people should know what special interests are influencing the Nation's health care reform proposals. That is why I am again calling on this administration to release the names of the individuals and special interests participating in the health care reform debate and shine some light on the public policymaking functions of the executive branch.

Mr. Speaker, I include for the RECORD the article to which I referred:

[From the New York Times, Mar. 19, 1993]

CLINTON HEALTH TEAM MEMBER IS FORCED ASIDE OVER CONFLICT

(By Robert Pear)

WASHINGTON.—The wall of secrecy surrounding the membership of Hillary Rodham Clinton's health policy team was breached today as White House officials finally identified one of its top members, only to disclose that he had been demoted for conflicts of interest.

The adviser, Thomas O. Pyle, was the head of one of 15 committees working for the Task Force on National Health Care Reform. He is also chairman of the Jackson Hole Group, a conclave of health-care executives and policy analysts sometimes described as a brain trust for the Administration.

Until today, White House officials had been unwilling to acknowledge that Mr. Pyle was on the staff of the task force. And, under questioning today, they said only that he had been been removed from his job and given an undefined "consultant" position because of concern about his stock ownership and service as a director of several companies in the health-care industry.

Mr. Pyle was, in effect, dismissed for crossing a line that is still not visible. In its rush to assemble a health policy, the White House hired many outside experts, temporary employees and consultants who say they do not completely understand Federal personnel laws or ethics rules.

It is now clear that the White House has established conflict-of-interest guidelines for the task force. But it is not entirely clear what those rules are, as the staff of more than 500 people races to devise a proposal to control health costs and guarantee coverage for all Americans. President Clinton has said he will send the proposal to Congress by May 1.

While confirming Mr. Pyle's role, the White House still refused to identify any of the other people employed by the task force, in large or small roles. But because their work could send shock waves through the American economy, trying to discover their identities has become a major Washington pastime.

Trade publications have named roughly 200 of the more than 500 people working for the task force. Of those who head the 15 working groups, about a dozen are known, including six Federal employees, a state official from California, a professor of sociology and a policy analyst closely identified with an advocacy group for elderly people. None of these seemed as likely to have a financial conflict of interest as Mr. Pyle.

CONTINUES AS CONSULTANT

Mr. Pyle said that Ira C. Magaziner, the senior adviser for policy development who is serving as manager of the task force operations, had told him he would have to step down as chairman of a panel working on such issues as medical malpractice, training of health-care professionals and ways to measure the quality of care.

Mr. Pyle remains a consultant to the task force. He has much less authority, but retains an office and a telephone in the Old Executive Office Building, next to the White House.

His case raises ethical question that loom over the work of Mr. Clinton's health policy advisers. A White House lawyer has told some people working for the task force that they may have "criminal liability" if they keep their ties to health-related businesses while working for the Government.

But the laws are complex. In its ethics handbook for Federal employees, the Justice Department summarizes one criminal law this way: "You may not participate personally and substantially in a matter in which you, your spouse, minor child or partner has a financial interest. This prohibition also applies if an organization in which you serve as an officer, director, trustee, partner or employee has a financial interest."

UNSIGNED AND UNPAID

Mr. Pyle said he started working for the White House on Feb. 8, assuming he would be paid for his services. But he said, "I have not signed any employment forms, and I have never been paid.

He said he informed White House officials of his business interests and outside activities because he realized they might create conflicts of interest.

"Before coming to Washington, I informed Magaziner and other officials of all my business ties." Mr. Pyle said in an interview. "After coming to Washington, I forcefully and repeatedly brought the issue up—my situation, my supposed conflicts. But I found it quite difficult to get anyone to pay attention.

"Eventually, it was decided that I did have conflicts. I could not be an employee of the Government according to various rules established for the task force, some of which are quite ad hoc."

Robert O. Boorstin, a spokesman for the task force, said Mr. Pyle's case showed that the Administration would enforce rigorous standards against conflict of interest.

"Tom Pyle is one of the most talented, innovative health administrators in America," said Mr. Boorstin. "We wanted his input. He was asked to come down and be a 'cluster' leader. But he could not extricate himself from a bunch on boards he sits on."

BUSINESS INTERESTS LISTED

From 1978 to 1991, Mr. Pyle was chief executive of the Harvard Community Health Plan, the largest health maintenance organization in New England. It now has 540,000 members.

He said he was still a director of the Millipore Corporation, a multinational high-technology company based in Bedford, Mass., and an adviser to the KBL Healthcare Acquisition Corporation, a merchant banking concern in which he owns stock.

Millipore sells a wide range of products to drug companies, biotechnology companies, hospitals and clinical laboratories, among other customers. KBL describes itself as a "publicly traded buyout fund organized for the express purpose of consummating a significant acquisition in the health care field," and says its initial capitalization will exceed $15 million.

Mr. Pyle is a senior adviser on health care for the Boston Consulting Group, which has many clients in the health-care industry. He said he was also a director of the Chickering Group, which sells student health insurance to universities, and a director of the controlled Risk Insurance Company of the Cayman Islands, which provides malpractice insurance to doctors.

For 10 years, Mr. Pyle has attended meetings of the Jackson Hole Group, which takes its name from its meeting place in Wyoming and consists mainly of people from outside the Government.

FIRST OPEN MEETING SET

The task force, formed on Jan. 25, tentatively plans to hold its first open meeting on March 29. Mrs. Clinton has defended the secrecy of the panel by saying, "We do not want to have health-care legislation in the Clinton Administration written by any special-interest group."

But William G. Kopit, a health-care specialist at Epstein, Becker & Green, a Washington law firm, said: "There is a double standard here. Conflict-of-interest principles are not interpreted consistently. Some special interest groups are more special than others.

"People who have formal ties to trade associations in the health-care industry cannot work for the task force or attend meetings of its staff," said Mr. Kopit. "But some people on the staff of the task force have ties to business and consulting groups whose paying clients include corporations in the health-care industry."

Information about the task force is commercially valuable. "We have received calls from Wall Street investment houses," said Mr. Kopit. "They want to know what health-care companies are well-positioned for health-care reform under President Clinton."

In recent weeks, Mrs. Clinton has held two public discussions of health care, in Tampa, Fla., and Des Moines. She plans to hold two more, in Dearborn, Mich., on March 22 and here in Washington on March 26. The meetings are organized and financed by the Robert Wood Johnson Foundation.

REPUBLICAN CRITICISM

Bob Dole of Kansas, the Senate minority leader, and Robert H. Michel of Illinois, the House minority leader, complained this week that the foundation was acting in a partisan way that helped build support for Administration policy. In a letter to the foundation, the Republican leaders said such conduct was "inappropriate for a nonprofit, tax-exempt, supposedly nonpartisan foundation."

Thomas P. Gore 2d, a vice president of the foundation, said the charges had no merit. But he added, "It is a concern of ours, that we are seen as being boldly partisan."

Only a handful of the many people working for Mrs. Clinton have been identified. One is Walter A. Zelman, a California insurance official who is supervising the design of the new health-care system. Judith Feder, a health policy analyst who worked in the Clinton campaign last year, is now trying to decide what health benefits should be guaranteed to all Americans.

Dr. Stephen H. Bandeian, a physician with a law degree who worked at the Office of Management and Budget under President George Bush, is in charge of linking the new program to existing programs like Medicare and veterans' health benefits. Paul Starr, a professor of sociology at Princeton University, is chairman of the panel drafting proposals for short-term cost controls.

Marina Weiss, an aide to Treasury Secretary Lloyd Bentsen, is responsible for determining how to pay for the President's ambitious program. Robyn I. Stone, a policy analyst at Project Hope, an international health foundation, is in charge of proposals for long-term care, including nursing homes.

DEPARTMENT OF ENERGY LABORATORY TECHNOLOGY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, today I am introducing the Department of Energy Laboratory Technology Act [DELTA] of 1993. This legislation is intended to help create a policy framework that guides the Department of Energy [DOE] laboratories through the 1990's and into the next century. Joining me as cosponsors are Mrs. MARILYN LLOYD, Mr. TIM VALENTINE, Mr. RICK BOUCHER, and Mr. RON WYDEN.

This bill is the result of hearings that the Committee on Science, Space, and Technology has held over the past 2 years, as well as considerable additional study by the members and staff of the committee. The fundamental goal of the bill is to create a process of disciplined evolution for the DOE laboratories—a process through which the enormous resources of these labs are carefully directed toward meeting some of the Nation's most pressing needs, while ensuring that the labs are rigorously evaluated to determine whether they are succeeding in their missions during the years ahead.

The origins of the DOE laboratories date back to 1943, when the Los Alamos National Laboratory was established as part of the Manhattan Project. During the 50 years since, the DOE laboratory system has evolved into one of the largest research and development complexes in the world.

The DOE laboratory system currently consists of 10 multiprogram national laboratories, 11 large single-program laboratories, and 9 smaller laboratories. Collectively, these labs operate on a budget in excess of $6.5 billion and combined employment of more than 56,000 personnel.

The DOE laboratories have achieved major scientific breakthroughs and other critical technology developments in areas such as national security, energy development, basic science, and hazardous waste cleanup—to name a few. The strength of these laboratories, particularly the multiprogram laboratories, has been in their ability to pursue long-term, high-risk, potentially high-payoff technology development efforts requiring multidisciplinary approaches.

For the three largest DOE laboratories—Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratory, each of which operate on an annual budget of approximately $1 billion—the development of nuclear weapons has been the unifying challenge and the principle funding source. The end of the cold war, however, has confronted DOE's defense labs with fundamental challenges. The national security needs of the Nation are changing rapidly, including a dramatic reduction in the level of activity associated with nuclear weapons research and development.

Additional challenges to the entire DOE lab system—and all Federal labs, for that matter—come as the result of the new administration's stated policy goals of ensuring that the activities at Federal laboratories are relevant to today's national needs, that such activities be evaluated on a regular basis, and that, to the extent possible, Federal labs work with industry to help contribute to United States economic growth.

The Department of Energy Laboratory Technology Act of 1993 is intended to help meet these challenges. We introduce this bill with the knowledge that the legislation will be improved during the hearing and markup processes that lay ahead, but also with the firm belief that we are presenting a coherent and reasonable approach to the complex problem of managing the DOE labs during a period of change.

In discussing the provisions and purposes of the bill, I will touch on four key objectives of the bill: First, providing an updated and focussed set of missions for the laboratories; second, improving the organization of the research, development, and technology transfer functions of the Department of Energy; third, enhancing collaboration between the DOE laboratories and industry by streamlining the technology transfer process; and fourth, ensuring that the activities of the DOE laboratories, and all Federal laboratories, are regularly subjected to performance evaluations and are coordinated to the maximum extent possible.

First, let me review the provisions of the bill which speak to the issue of the missions of the DOE labs. Throughout this discussion, I will refer to the bill by its acronym, DELTA. This acronym seems particularly appropriate for this bill. Delta is a mathematical symbol for change, and the process of change at the DOE laboratories is what we are trying to manage, measure, and enhance through this legislation.

We believe that the appropriate starting point for any legislation concerning the DOE laboratories must be an up-to-date prescription of the major missions of these laboratories. This might seem like a simplistic starting point, but the truth is that at no point in the history of the DOE laboratories has Congress provided detailed legislative guidance on the missions of the DOE labs. The Atomic Energy Act of 1954 contains a few short paragraphs that are relevant to the weapons research mission of the DOE labs, and various pieces of legislation over the years have addressed the specific research programs that are funded by DOE at the labs. However, there does not currently exist a statutory description of the major research and development missions of the DOE laboratories. At a time when the missions of the DOE labs are in a state of considerable flux, we believe that Congress must come forth with appropriate guidance.

Section 4 of DELTA does just that. Subsection (a) of section 4 provides authorization for the Department of Energy to maintain research and development laboratories for the purpose of pursuing eight broad mission areas which are specified in the bill. To some extent, this section can be viewed as simply grandfathering major research and development activities already underway at the DOE laboratories. In other respects, however, the subsection does much more than that. By providing clear mission statements and goals for each of these eight mission areas, the bill serves as a statement of purpose for the DOE labs.

The eight missions provided in DELTA are as follows:

First, enhancing the Nation's understanding of energy production and use, with emphasis on energy efficiency, conservation, and renewable energy production, with the goal of reducing the Nation's reliance on imported energy sources and minimizing the environmental impacts of energy use;

Second, advancing nuclear science and technology for national security purposes, with the goal of helping ensure a safe and reliable nuclear arsenal for as long as the Nation maintains nuclear weapons.

Third, assisting with the dismantlement of nuclear weapons, working to curb the proliferation of nuclear weapons, and conducting research on and the development of technologies needed for the effective verification of international arms control agreements, with the goal of reducing the threat of nuclear war;

Fourth, conducting fundamental research in energy-related science and technology, including construction and operation of unique scientific instruments, with the goal of expanding the Nation's basic understanding of the scientific principles of nature;

Fifth, assisting in the development of technologies and techniques for the disposal of hazardous waste—including radioactive waste—resulting from the nuclear weapons program, with the goal of accelerating the schedule and reducing the total cost of cleaning up the hazardous waste sites associated with the nuclear weapons production and other nuclear materials programs funded by the Department;

Sixth, working with industry and other Federal agencies to develop generic, pre-competitive green technologies, with the goal of protecting environmental quality and enhancing United States economic competitiveness;

Seventh, conducting technology transfer activities, with the goal of helping to enhance the ability of the departmental laboratories to meet their other mission responsibilities and also, to the extent practicable, contributing to sustainable United States economic growth; and

Eighth, utilizing the scientific, technical, and human resources at such laboratories to support the national goal of improving the quality of science, mathematics, and engineering education in our society.

We believe that the overwhelming majority of activities of the DOE laboratories should be tied to one or more of these eight mission areas. The DOE laboratories do have established expertise in other areas, and DELTA provides authorization for DOE to pursue such other missions, provided that certain conditions are met, including that the laboratories have substantial technical capabilities to devote to such missions and that such additional missions not interfere with the pursuit of the eight missions identified above.

Although some have suggested that the DOE laboratories be given free reign to become involved in essentially every area of technology development of potential interest to the Nation, we believe that such an approach would risk turning the DOE laboratories either into job shops for industry or fragmented institutions incapable of meeting the big national missions for which they are needed most.

Our general view concerning the technology transfer mission carried out by DOE is that, in the vast majority of cases, such activities should support and enhance the other major missions of the laboratories. Technology transfer generally needs to be grounded in a mandated technology development effort aimed at satisfying a public mission. However, we recognize that this definition may be too confining in that opportunities do arise for the DOE labs to develop jointly with industry technologies that do not directly support DOE's major public missions. With this in mind, we have included within the bill's definition of "technology transfer" the process of jointly developing new scientific or technical information or generic, precompetitive technology. In addition, in subsection (4)(b)(2), we have provided that up to 10 percent of a lab's annual budget may be committed to technology transfer activities that do not directly support the pursuit of the eight major mission areas identified in the bill.

We have taken our cues on the issue of laboratory missions, in part, from the many blue ribbon panels that have reviewed the DOE laboratories over the past several decades. Essentially all of these reviews have stressed the importance of clearly defined, manageable missions for the labs. The 1983 Packard Commission, for example, emphasized that Federal laboratory missions must be sufficiently clear and specific to guide the agency and the laboratories in setting goals against which the laboratories' performance can be evaluated. Those labs reviewed by the Packard Commission which had clear missions were the ones that operated the best; those with unfocussed or diffuse missions performed the worst.

We have taken the Packard Commission's sensible observations and have incorporated them directly into subsection (4)(c), which requires the Secretary of Energy to submit to Congress annually a report which provides a specific mission statement for each DOE laboratory, an explanation for any proposed changes in a lab's mission or missions, a general assessment of the performance of each DOE lab in meeting its mission or missions during the previous year, and a technology transfer plan for each lab. This last requirement is intended to make DOE and each of its laboratories think strategically about how its interactions with industry can be aggregated and otherwise organized in a way that maximizes their impact on specific industrial sectors.

No discussion of missions of the DOE labs should skirt the question of the size and configuration of the DOE weapons labs, which are facing fundamental challenges. In recognition of the collapsing budget for nuclear weapons R&D, DELTA, section 5, requires the Secretary of Energy to submit to Congress by March 31, 1994, a plan for the phased consolidation of the nuclear weapons research, development, engineering, and test-related activities of DOE's nuclear weapons labs, and redirection of one or more of DOE's nuclear weapons labs to civilian missions.

The reasons for this provision are obvious. For the first time in 40 years, the Nation is not developing a single new nuclear warhead, and no new orders are expected in the foreseeable future. In addition, the United States is in the middle of a nuclear test moratorium which is expected to be the precursor to a comprehensive nuclear test ban within 3 or 4 years. These factors contribute to the planned and expected reductions in DOE's nuclear weapons RDT&E budget.

Without a plan for phased consolidation and conversion at DOE's defense labs, the outcome could be a budget-driven, ad hoc contraction that could leave the Nation with a mediocre nuclear weapons R&D capability and a lost opportunity to redirect part of the DOE weapons lab system to new national missions. According to testimony by the General Accounting Office last summer before our committee, a cut of 25 percent from the existing DOE nuclear weapons R&D budget, in the absence of a consolidation plan, would result in two subthreshold nuclear design laboratories—Los Alamos and Livermore are DOE's nuclear weapons design labs. The new Secretary of Energy already has mentioned interest in turning one of the DOE nuclear weapons labs into a lab focussed on the development of green technologies. This legislation would provide the mechanism for DOE and DOD to flesh out such a proposal, including an assessment of any work force retraining or other conversion expenses that might be necessary.

If we are to take seriously the President's appeal to "make change our friend," as I believe we should, then we must develop plans aimed at managing such change. Major change is destined for the DOE weapons labs, so we should admit that fact now and start planning to make the best of it.

Let me now move on the issue of the organization of DOE's science and technology bureaucracy. Section 6 of DELTA proposes changes within the organization of DOE to enhance the Department's ability to manage its labs during this period of change, and to expand the level of collaboration between the DOE labs and industry. Specifically, the section creates an Under Secretary for Science and Technology within DOE, who would be responsible for the management of and coordination among all DOE laboratories. The section also creates a new Office of Technology Research, that would be created through consolidation of three existing technology transfer offices within the Department. This office would have the responsibility of coordinating the management of all DOE technology transfer efforts, issuing department-wide technology transfer policies, providing funds for cooperative research and development agreements [CRADA's], funding pre-CRADA research activities, and administering the National Technology Partnership Award created by the bill.

DELTA authorizes the following amounts for the Office of Technology Development: $310 million for fiscal year 1994, $400 million for fiscal year 1995, $500 million for fiscal year 1996,

$580 million for fiscal year 1997. This money is to be made available on a competitive basis to DOE labs regardless of whether they are defense or nondefense labs. At least 5 percent of these funds are to be provided for generic, precompetitive research that advances research and development activities to the point of providing the potential basis for technology transfer. The purpose of this provision is to provide funding that would take DOE-sponsored research the additional step beyond its mandated framework to determine whether it could be the basis for a CRADA or other technology transfer collaboration.

Section 6 also establishes a Technology Development Advisory Board at the Department of Energy and industrial advisory groups at each of the DOE laboratories. The purpose of these advisory boards would be to ensure that DOE and its labs are receiving regular advice and comment from industry and other private sector parties about how to improve their technology transfer activities.

The third major purpose of the bill is to improve the technology transfer process within DOE. Section 7 of DELTA aims at achieving this goal by amending the Stevenson-Wydler Technology Innovation Act of 1980 to streamline the consideration of CRADA's by DOE and enhance the authority of the directors of government-owned, contractor-operated laboratories to enter directly into CRADA's. We believe that these two changes in existing law are necessary in order to remove some of the red tape that threatens to kill technology transfer at the DOE labs before the full potential of such efforts are even tested.

Specifically, DELTA amends the Stevenson-Wydler Act to require DOE to process joint work statements and CRADA's within 30 days, and resubmissions within 15 days, which would be a substantial streamlining of the process compared with current law.

In addition, DELTA would permit Federal agencies to extend to the director of any government-owned, contractor-operated laboratory the ability to enter into CRADA's involving a Federal commitment of $500,000 or less without the specific approval of the agency. A step of this sort has been recommended by the private-sector Council on Competitiveness, and was adopted in Clinton campaign proposals. We recognize that this proposal raises numerous policy issues regarding accountability and oversight, yet we believe that giving lab directors CRADA signing authority could be an important step toward improving technology transfer by DOE.

Section 7 of DELTA also amends Stevenson-Wydler by requiring that all CRADA's involving a Federal commitment of $500,000 or more include technical milestones and other performance goals and evaluation criteria, and that all such CRADA's be reviewed annually against these milestones, goals, and criteria. Such reviews would need to include determination of whether any CRADA's should be terminated. This is a "reinventing government" sort of provision, in that it ensures that we are evaluating programs we put in place to determine whether they are meeting their established goals and how long they should continue.

As a means of providing increased recognition to Federal technology transfer activities, and thus increased incentives to excel at technology transfer, section 8 of DELTA establishes a National Technology Partnership Award. Modeled after the highly successful Malcolm Baldrige National Quality Award, the National Technology Partnership Award would bring Presidential recognition to Government organizations or individuals which have substantially benefited the economic or social well-being of the United States through a technology transfer or technology development partnership between the public sector and the private sector.

The final major provision of the bill involves the creation of a Governmentwide system for evaluating and coordinating the missions and activities of all Federal laboratories. Section 9 of DELTA aims at accomplishing this goal through the establishment of a Federal Laboratory Mission Evaluation and Coordination Committee, which shall be a Committee of the Federal Coordinating Council on Science, Engineering, and Technology and chaired by the Director of the Office of Science and Technology Policy. Among its responsibilities, the committee shall be responsible for reviewing the missions and activities of all Federal laboratories, with the goal of improving the efficiency and effectiveness of the overall Federal laboratory system, ensuring coordination of these laboratories, and ensuring, to the extent practicable, that between 10 and 20 percent of the budgets of these laboratories are devoted to collaborative efforts with industry and State and local governments.

The committee also would be responsible for developing and implementing a process for assigning missions to those Federal laboratories with the best scientific, technical, and human capabilities for successfully addressing such missions. During a period of tight Federal budgets and increased attention on the need for effective Federal expenditures, it is essential that the more than $20 billion spent annually at Federal laboratories be directed toward the facilities with the best prospects for success. Perhaps what we need is a system analogous to the proposed "choice" system for schools, thus directing Federal funding toward the Federal laboratories that are the best performers.

At the present time there exist more than 600 Federal laboratories and research centers. The full Federal lab system has never been analyzed from a holistic perspective to determine whether portions of the system should be realigned, consolidated, or closed in order to maximize the effectiveness of the system to meeting national needs. Such a holistic review of the Federal lab system probably is needed, which is why we have included as the final provision of DELTA a requirement that the committee prepare recommendations for the President regarding the advisability of establishing a commission to determine whether specific Federal laboratories should be realigned, consolidated, or closed.

Mr. Speaker, 2 years ago I sent a strong letter to then-Secretary of Energy Admiral Watkins complaining about a draft report on the future of the DOE laboratories that had been prepared by the Secretary's Energy Advisory Board [SEAB]. I felt strongly that the SEAB has simply proposed a status quo future for the DOE labs, thus skirting SEAB's assigned task of developing a strategic vision that would guide the DOE labs into the 21st century. Although I am not entirely sure that I have done much better through this legislation, I am convinced that a strategic vision is desperately needed for the DOE labs to ensure that the Nation gets the maximum return possible on its investments at these institutions. I urge my colleagues to review this legislation and to propose improvements in the bill, if they think changes are necessary.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of California) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, on March 23, 24, 25, and 26.

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, on March 23, 24, 25, and 26.

Mr. GUTIERREZ, for 60 minutes, on March 31.

(The following Member (at his own request) to revise and extend his own remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of California) and to include extraneous matter:)

Mr. TALENT.

Mr. CALVERT.

Mr. SOLOMON.

Mr. TAYLOR of North Carolina.

Mr. HUNTER.

Mr. GOODLING.

Mr. CAMP in two instances.

(The following Members (at the request of Mr. FROST) and to include extraneous matter:)

Mr. HOLDEN.

Mrs. MALONEY.

Mr. RICHARDSON.

Mr. CLEMENT.

Mr. MINETA.

Mr. SARPALIUS.

Mr. BILBRAY.

Mr. SERRANO.

Mr. NADLER.

Mr. MATSUI.

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 24, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

934. A letter from the Assistant Secretary of Defense, transmitting a report on the Department's ability to assign joint specialty officers to critical joint duty assignment positions, pursuant to 10 U.S.C. 661(d)(2)(D); to the Committee on Armed Services.

935. A letter from the Secretary of Defense, transmitting a report pursuant to 10 U.S.C. 161(b)(2); to the Committee on Armed Services.

936. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 93d National Convention of the Veterans of Foreign Wars, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 103–59); to the Committee on Armed Services and ordered to be printed.

937. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Italy, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

938. A letter from the Export-Import Bank of the United States, transmitting the annual report on it's operations for fiscal year 1992, pursuant to 12 U.S.C. 635g; to the Committee on Banking, Finance and Urban Affairs.

939. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Conflict of Interest, Dual Compensation and Outside Employment Allegations Regarding a UDC Employee," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Italy (Transmittal No. DTC–11–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

941. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC–21–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

942. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 103–58); to the Committee on Foreign Affairs and ordered to be printed.

943. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting its 1993 report on the U.S. Information Agency and the activities of the U.S. Government concerning public diplomacy, pursuant to 22 U.S.C. 1469; to the Committee on Foreign Affairs.

944. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) "Report to the President" for fiscal year 1992; to the Committee on Government Operations.

945. A letter from the Secretary of Transportation, transmitting the annual report of accomplishments under the Airport Improvement Program for the fiscal year 1991, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

946. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

947. A letter from the President and CEO, Resolution Trust Corporation, transmitting the status report for the month of February 1993 (The 1988–89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on House Administration. House Resolution 107. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the 1st session of the 103d Congress; with an amendment (Rept. 103–38). Referred to the House Calendar.

Mr. FROST. Committee on House Administration. House Resolution 137. Resolution providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by certain committees of the House from April 1, 1993, through May 31, 1993 (Rept. 103–39). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 138. Resolution providing for the consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes (Rept. 103–41). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 720. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; referred to the Committee on Agriculture for a period ending not later than March 24, 1992, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 103–40, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 1430. A bill to provide for a temporary increase in the public debt limit; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 1431. A bill to guarantee cost-of-living adjustments in fiscal year 1994 for persons receiving benefits under civil service retirement and military retirement and survivor benefit programs; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. BROWN of California (for himself, Mrs. LLOYD, Mr. VALENTINE, Mr. BOUCHER, and Mr. WYDEN):

H.R. 1432. A bill to establish missions for Department of Energy research and development laboratories, provide for the evaluation of laboratory effectiveness in accomplishing such missions, and reorganize and consolidate Department of Energy technology transfer activities, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Armed Services.

By Ms. DUNN:

H.R. 1433. A bill to amend the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to guarantee loans for the acquisition of Stage 3 aircraft, and for other purposes; to the Committee on Pubic Works and Transportation.

By Mr. DURBIN (for himself, Mr. YATES, Mrs. MINK, and Mr. PASTOR):

H.R. 1434. A bill to provide for the establishment of a Prescription Drug Price Review Board to identify excessive drug prices and for other purposes; to the Committee on Energy and Commerce.

By Mr. MINETA:

H.R. 1435. A bill to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PICKETT:

H.R. 1436. A bill to direct the Secretary of Transportation to transmit to the Congress a report on maritime policies of the Department of Transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI:

H.R. 1437. A bill to establish Federal, State, and local programs for the investigation, reporting and prevention of bias crimes; to the Committee on the Judiciary.

By Mr. INGLIS (for himself, Mr. Barcia, Mr. Armey, Mr. Goss, Mr. Crane, Mr. Hancock, Mr. Thomas of Wyoming, and Mr. Fields of Texas):

H.J. Res. 160. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limit; to the Committee on the Judiciary.

By Mr. LAUGHLIN (for himself, Mr. Collins of Georgia, Mr. Gonzalez, Mr. Hall of Ohio, Mr. Parker, Mr. Tejeda, Mr. Bacchus of Florida, Mr. Stokes, Mr. Spratt, Mr. Sarpalius, Mr. Clement, Mr. Combest, Mr. Kleczka, Mr. Lipinski, Mr. Hughes, Mr. Ortiz, Ms. Brown of Florida, Mr. McNulty, Mr. Fawell, Mr. Walsh, Mr. Pickett, Mr. Sanders, Mr. Jefferson, Mr. Mollohan, Mr. Neal of North Carolina, Mr. Clyburn, Mr. Ravenel, Mr. Inhofe, Mr. Hochbrueckner, Mr. Coleman, Mrs. Morella, Mr. Darden, Mr. Chapman, Mr. Sisisky, Mr. Bateman, Mr. de la Garza, Mr. Lancaster, Mr. Schaefer, Mr. Spence, Mr. Archer, Mr. Tucker, Mr. Dellums, Mr. Montgomery, Mr. Solomon, Mr. Traficant, Mr. Hall of Texas, Mr. Vento, Mr. Moorhead, and Mrs. Fowler):

H. Con. Res. 67. Concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers [CIOR], commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs; to the Committee on Armed Services.

By Mr. POMBO (for himself, Mr. Manzullo, and Mr. Diaz-Balart):

H. Con. Res. 68. Concurrent resolution concerning the approximately 190 children and youths at the Romanian Institution for the Unsalvageables at Sighetu Marmatiei who are in desperate need of humanitarian assistance; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. STUPAK (for himself, Mr. Baesler, Mr. Baker of Louisiana, Mr. Barton of Texas, Mr. Boucher, Mr. Emerson, Mr. Glickman, Mr. Johnson of South Dakota, Mr. McCloskey, Mr. Mollohan, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Poshard, Mr. Hoekstra, Mr. Roth, Mr. Schiff, Mr. Synar, and Mr. Thomas of Wyoming):

H. Con. Res. 69. Concurrent resolution expressing the sense of the Congress that rural health care should be addressed in any Federal health care legislation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Istook.

H.R. 85: Mr. Gallegly.

H.R. 87: Mr. Gallegly.

H.R. 145: Mr. Manzullo and Mr. Stearns.

H.R. 146: Mr. Gingrich.

H.R. 286: Mr. Clement and Mr. Levy.

H.R. 301: Mr. Zeliff.

H.R. 302: Mr. Serrano, Mr. Washington, and Mr. Fish.

H.R. 325: Mr. Zimmer, Mr. Kyl, Mrs. Meek, Mr. Matsui, Mr. Neal of Massachusetts, Mr. McDermott, Mr. Traficant, Mr. Hughes, Mr. Ortiz, Mr. Fish, Mr. Williams, Mrs. Lowey, Mr. Gilchrest, Mr. Hayes of Louisiana, Mr. Filner, and Mrs. Vucanovich.

H.R. 326: Mr. Vento, Mr. Sabo, Ms. Eddie Bernice Johnson, Mr. LaRocco, Mr. Peterson of Minnesota, and Mr. Camp.

H.R. 349: Mr. Castle, Mr. Roth, Mr. Lazio, Mr. Gilman, and Mr. Talent.

H.R. 396: Mr. Sensenbrenner.

H.R. 439: Mr. Barcia, Mr. Dornan, and Mrs. Meyers of Kansas.

H.R. 450: Mr. Gekas.

H.R. 455: Ms. Waters, Mr. Sisisky, Mr. Weldon, Mr. Bereuter, Ms. Kaptur, Mr. Flake, Mr. Torres, Mr. Fingerhut, Mr. Walsh, Mr. Dornan, Mr. Hinchey, Mrs. Meek, Mrs. Clayton, and Mrs. Schroeder.

H.R. 456: Ms. Waters, Mr. Barrett of Wisconsin, Mr. Weldon, Ms. Kaptur, Mr. Flake, Mr. Hinchey, and Mrs. Meek.

H.R. 509: Mr. Fish, Mrs. Thurman, Mr. Hefley, and Mr. Goss.

H.R. 559: Mr. Swift, Mr. Manton, Mr. Markey, Mr. Mazzoli, Mr. Gallo, Mr. Borski, Mr. Stark, Mr. Hochbrueckner, Mr. Moran, Mr. Kleczka, Mrs. Maloney, Mr. Torricelli, Mr. Franks of New Jersey, Mr. Towns, and Mr. Blackwell.

H.R. 574: Mr. Tauzin.

H.R. 616: Mr. Moorhead.

H.R. 618: Mr. Moorhead.

H.R. 676: Mr. Romero-Barceló and Mr. Zeliff.

H.R. 806: Mr. Menendez.

H.R. 814: Mr. Torkildsen, Mr. Wynn, Mr. Zeliff, Mr. Sawyer, Mr. Goss, Mrs. Fowler, and Mr. Fingerhut.

H.R. 824: Mr. Bateman, Mr. Gingrich, Mr. McDade, Mr. Fish, and Mr. Cox.

H.R. 838: Mr. Brewster, Mr. Pete Geren, Mr. Wilson, Mr. Andrews of Texas, and Mr. Gene Green.

H.R. 882: Mr. Pastor.

H.R. 883: Mr. Torkildsen, Mr. Greenwood, Mr. Saxton, Mr. Blute, Mr. Huffington, Mr. Knollenberg, Mr. Smith of Texas, Mr. Stump, Mr. Rohrabacher, Mrs. Fowler, Mr. Bachus of Alabama, Mr. Kolbe, Mr. Baker of California, Mr. Ballenger, Mr. Zimmer, Mr. Solomon, Mr. Sensenbrenner, Mr. Hastert, Mr. Boehner, Mr. Gallegly, Mr. Paxon, Mr. Ewing, Mr. DeLay, Mr. Istook, Mr. Zeliff, Mr. Allard, and Mr. McCandless.

H.R. 911: Mr. Moorhead, Mr. Lazio, Mr. Torkildsen, and Ms. Pryce of Ohio.

H.R. 918: Mr. Torres, Mr. Coleman, Mr. Mfume, Ms. Roybal-Allard, Mr. Blackwell, Mr. Rush, Mr. Payne of New Jersey, and Mr. Conyers.

H.R. 1003: Mr. Clay.

H.R. 1005: Mr. Clay.

H.R. 1008: Mr. Clay.

H.R. 1009: Mr. Owens, Mr. Zimmer, and Mrs. Meyers of Kansas.

H.R. 1094: Mr. Wynn, Mr. Fish, Mrs. Lowey, Mr. Conyers, and Mr. Blackwell.

H.R. 1141: Mr. Bereuter, Mr. Clyburn, and Mr. Hancock.

H.R. 1149: Mr. Fish.

H.R. 1191: Mr. McKeon and Mrs. Meyers of Kansas.

H.R. 1243: Mr. DeFazio.

H.R. 1254: Mr. Reynolds, Mr. Ackerman, Ms. Byrne, and Mr. Pomeroy.

H.R. 1325: Mr. Brewster.

H.J. Res. 46: Ms. Dunn.

H.J. Res. 129: Mr. McKeon and Mrs. Meyers of Kansas.

H.J. Res. 139: Mr. Browder, Mr. Hefner, Mr. Studds, Mr. Quillen, Mr. Sundquist, Mr. Hamilton, Mr. Spence, Mr. Smith of New Jersey, Mrs. Unsoeld, Mr. Hutchinson, Mr. Skelton, Mr. Shays, Ms. Danner, Mr. Dicks, Mr. Swift, Mr. Fields of Louisiana, Mr. Hastings, Mrs. Meek, Mr. Kreidler, Ms. Lambert, Mr. Tauzin, Mr. Jacobs, Mr. Montgomery, and Mr. Wilson.

H.J. Res. 142: Ms. Eshoo, Ms. Snowe, and Mr. Hinchey.

H.J. Res. 151: Mr. Levy, Mr. Lipinski, Ms. Pelosi, Mr. Ackerman, Mr. Beilenson, Mr. Saxton, Mr. Deutsch, Mr. Gene Green of Texas, Mr. Towns, Mr. Barcia, Mr. Gilman, Mr. Frost, Mr. Kasich, Mr. Schumer, Mr. Hochbrueckner, Mrs. Morella, Mr. Owens, Ms. Maloney, Ms. Lowey, Mr. Olver, Mr. Kopetski, Mrs. Meyers of Kansas, Mr. Solomon, and Mr. Bachus of Alabama.

H. Con. Res. 36: Mr. Sabo.

H. Res. 43: Ms. Fowler.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of March 18, 1993]

H.R. 1178: Mr. Allard, Mr. Andrews of Maine, Mr. Armey, Mr. Baker of Louisiana, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bereuter, Mr. Boehlert, Mr. Boehner, Mr. Bonilla, Mr. Brewster, Mr. Browder, Mr. Brown California, Mr. Bryant, Mr. Burton of Indiana, Mr. Camp, Mr. Chapman, Mr. Coleman, Mr. Combest, Mr. Condit, Mr. Costello, Mr. Cramer, Mr. Dooley, Mr. Dornan, Mr. Duncan, Mr. Emerson, Mr. Ewing, Mr. Fields of Texas, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gallegly, Mr. Gibbons, Mr. Glickman, Mr. Goodling, Mr. Gordon, Mr. Gunderson, Mr. Hall of Texas, Mr. Hamilton, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hastings, Mr. Hefner, Mr. Hutchinson, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. Johnson of South Dakota, Mr. Kleczka, Mr. Kolbe, Mr. Kopetski, Mr. Kyl, Mr. Lancaster, Mr. Lehman, Mr. Lewis of Florida, Mr. Lightfoot, Ms. Long, Mr. McCloskey, Mr. McCrery, Mr. Montgomery, Mr. Neal of North Carolina, Mr. Nussle, Mr. Oberstar, Mr. Oxley, Mr. Packard, Mr. Paxon, Mr. Penny, Mr. Pickett, Mr. Pomeroy, Mr. Roth, Mr. Rowland, Mr. Royce, Mr. Sarpalius, Mr. Sensenbrenner, Mr. Shaw, Mr. Shays, Ms. Slaughter, Mr. Smith of Michigan, Ms. Snowe, Mr. Stump, Mr. Swift, Mr. Tanner, Mr. Torres, Mr. Towns, Mrs. Unsoeld, Mr. Upton, Mrs. Vucanovich, Mr. Walsh, Mr. Wilson, Mr. Wynn, Mr. Young of Alaska, Mr. Zeliff, and Mr. Zimmer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

20. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to the shoot-to-kill policy and other violations of human rights in Northeast Ireland; to the Committee on Foreign Affairs.

21. Also, petition of the Legislature of Rockland County, NY, relative to the issuance of a postage stamp in memory of Thurgood Marshall; to the Committee on Post Office and Civil Service.

22. Also, petition of the Legislature of Rockland County, NY, relative to a "National Health Insurance System"; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

SENATE—*Tuesday, March 23, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity.—Psalms 133:1.

God our Father, we are grateful for E Pluribus Unum—"out of many—one." Thank you for the pluralism that is America—for the rich diversity that characterizes our Nation. Thank You for the political system built upon that diversity. Thank You for diversity which prevents unity from becoming uniformity and for unity which prevents diversity from becoming fragmentation.

God of Peace, we know that one instrument cannot make harmony, nor can a hundred instruments playing the same tune. It takes different instruments following different scores to make a symphony.

Grant, dear God, that the Senate will be a symphony making beautiful music that preserves and blesses the Nation.

In the name of Jesus, Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994–98

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of Senate Concurrent Resolution 18, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget of the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

(1) DeConcini amendment No. 185, to ensure that fiscal year 1998 funding levels for Community Policing Program are consistent with the levels requested by the President in his investment program.

(2) Wellstone amendment No. 186, to express the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels.

(3) Bingaman amendment No. 188, to state the assumptions of the resolution regarding fees for domestic livestock grazing on Federal lands and royalty fees for hardrock mining.

(4) Nunn amendment No. 189, to express the sense of the Senate regarding the effects of changes in inflation assumptions and in assumptions regarding Federal pay increases on spending levels for national defense and other Federal functions.

(5) Nunn amendment No. 192, to express the sense of the Senate regarding the consistency of level of appropriations for national defense for fiscal year 1994 and the budget resolution.

(6) Wallop amendment No. 194, to alter the instructions to the Committee on Energy and Natural Resources by reducing the amounts assumed to be generated through increases in grazing fees, changes to the Mining Laws of the United States, increases in recreation fees, and imposition of an irrigation surcharge.

(7) Brown amendment No. 196, to reduce Function 920 to reflect a freeze of Federal department and agency overhead in fiscal year 1994 and 1995, and an adjustment for inflation through 1998.

(8) Domenici amendment No. 198, to adjust defense spending consistent with a $60 billion reduction from last year's defense plan over 1994 to 1998.

(9) Leahy amendment No. 202, to ensure that fiscal year 1998 funding levels for Women, Infants, and Children (WIC) Program are consistent with the levels requested by the President in his investment program.

(10) Gorton amendment No. 209, to delete the increases in Inland Waterways diesel fuel user fee and offset the revenue losses by reducing domestic discretionary increases by equivalent amount including a sense of the Senate that the WIC, Headstart, and Childhood Immunization programs be held harmless from these spending reductions.

(11) Murkowski amendment No. 203, to conform the budget resolution with the assumption that the assumed Btu tax not apply to aviation fuel.

AMENDMENT NO. 203

The ACTING PRESIDENT pro tempore. The pending question is the Murkowski amendment.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, may I inquire of the time remaining on the Murkowski amendment?

The ACTING PRESIDENT pro tempore. Under the previous order 80 minutes remain equally divided.

Mr. MURKOWSKI. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. MURKOWSKI. Madam President, I appreciate the attention of the Chair.

Yesterday before this body I had the opportunity to offer on behalf of Senator DANFORTH, Senator STEVENS, Senator MCCAIN, and Senator GORTON an amendment numbered 203.

Madam President, in view of the time allotted to me I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. MURKOWSKI. Madam President, let me briefly describe what my amendment does. My amendment reduces revenues that are assumed to be raised by the Btu tax by $4.5 million over 5 years. Specifically, the purpose is to exempt the effect of the Btu tax on airline fuel. The revenue loss is offset by cutting an equal amount of $224 billion in new spending which is in the administration's plan.

Specifically, the Btu tax, in the opinion of the Senator from Alaska, is unfair and unjust for those who depend on oil. It taxes oil up to 60 cents per million Btu; yet it taxes other forms of energy at only 26 cents per million Btu.

In other words, coal is taxed at 26 cents, nuclear energy is taxed at 26 cents, and hydro is taxed at 26 cents. Why is oil suddenly singled out to bear this surtax of 34 cents? One would suggest that perhaps the budgeters needed more revenue and decided to penalize oil. It seems like we have elevated oil up to the level of a sin tax similar to tobacco and liquor.

You and I know, Madam President, you cannot run an airplane on hydroelectric generation and you cannot burn coal to power an airplane. You have to burn oil, in the form of aviation fuel.

Specifically, my amendment provides relief for the airline industry which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

simply cannot afford an expensive new tax of this magnitude. This would cost the airline industry approximately $4.5 billion over the next 5 years. This is an industry that lost $4.7 million last year and $8 billion over the last 3-year period.

The industry has never earned more than $1.7 billion. Fuel accounts for at least 15 percent of each carrier's operating expenses. Airlines are now paying 68 cents per gallon for aviation fuel. Most of that is kerosene. They would face an estimated 10- to 15-cent increase per gallon of fuel under the administration's plan.

Let us look at American Airlines alone. This is a leading domestic airline. They lost $1 billion this year and over a half billion last year.

The tax would cost American Airlines tens of millions of dollars. That same carrier has already indicated that they are grounding 25 of their large-bodied DC-10's.

In the last year, the third straight year of multimillion-dollar losses, U.S. airlines have been canceling or delaying purchases of aircraft, aircraft valued at approximately $27 billion, and I might add aircraft that would have been built in the United States.

One wonders how many more delivery dates will be postponed or canceled by putting an additional burden on America's airlines.

United Airlines has announced they will reduce their domestic schedule. They will close stations, and cancel plans to fly to some international routes. Now our President proposes to tax our airlines $4.5 million over the next 5 years.

Madam President, as we look specifically at the health of our airline industry, let me go through a few of the major airlines and what they are facing.

Serving Alaska, the Alaska Air Group located out of Seattle faces losses in 1992 of $84 million; yet they employ 6,381 workers. In Phoenix, America West, with losses of $131 million, employs 10,500. In Dallas, American Airlines, with losses of $935 million, employs 90,800 people. Continental Airlines in Houston, with losses of $125 million, employs 35,000 workers. In Atlanta and New York, Delta Air Lines, with a net of loss $564 million, employs 74,000. In Memphis, Federal Express, an all-cargo carrier, with net losses of $107 million, employs 81,500. Northwest Airlines in St. Paul, MN, with net losses of $383 million, employs 46,000. In St. Louis, Trans World Airlines, with net losses of $239 million, employs 29,000.

In Chicago, Denver, San Francisco, United Airlines, losses of $956 million; they employ 79,000. In USAir, here on the east coast, Arlington and Pittsburgh, losses of $1.2 billion; employs 46,000.

Madam President, we are looking at losses of those collective airlines in 1992 of $4.7 billion. We are looking at employment of 497,000 people. I do not think it is necessary to emphasize further the impact of this additional tax burden on our airline industry and what it will do to their bottom line.

As I said before, it will add $4.5 billion over the next 5 years. And there is no responsible relief proposed by this body as a consequence of levying this very, very heavy and unnecessary burden on an industry that is already overburdened.

Madam President, I have a chart here that clearly shows the net profit of our U.S. scheduled airlines in millions of dollars. As we can see, the airlines made modest profits in 1983 and 1984. They dropped to a loss in 1985; and in 1986 to 1988, a profit; they were marginal in 1989. And in 1990, 1991, and, clearly, 1992, we see, by losses of $2 to $4 billion per year, the effects of the general economic situation in the United States and how it reflects the airline industry's ability to serve in our domestic market to expand the job base and purchase new airplanes.

Clearly, with this additional tax burden, the bottom line in 1993 is simply going to go off the chart. I think it is irresponsible of this body to consider the application of this tax on the airline industry today without clearly coming up with some responsible alternatives that we continually talk about but never seem to identify.

Let us look at the prospects of more unemployment in the industry. There were 117,000 jobs lost in the aerospace industry last year. Thirty-eight thousand jobs were lost in civilian aircraft production and 47,000 more are in danger this year.

United has announced they will furlough approximately 2,800 workers, and an additional 1,900 workers that they planned to hire will not be hired.

Northwest Airlines laid off an additional 1,000 workers in January, on top of the 1,600 that were laid off in June of last year.

And just last month, Boeing in Seattle announced a layoff of 23,000 and another 5,000 more by mid-1994.

As we know, our President flew in an airplane and was driven in a car, both fueled by sinful oil-based fuels, to visit the Boeing Co. in Seattle and Everett to sympathize with people that his Btu tax will ultimately hurt. I think that in itself identifies the significance of this unfair and inequitable application of a surtax that is assessed solely on oil.

Let me point out very briefly the issue of competitiveness. We talk about our domestic industry—McDonnell Douglas, Boeing—but Airbus will be cheaper. They will be able to provide airplanes cheaper because they will not have to pay the new tax on oil and energy, and a great deal of energy is used to build airplanes.

Let me refer also to the aircraft owners and pilots that are going to be hit hard throughout the United States. There are close to 10,000 general aviation pilots in this Nation; more than 4,500 in my State of Alaska. This tax would be over and above the 15 cents per gallon already imposed on airline fuel and a brand new $300 per year registration fee to be levied on aircraft.

There are small villages in my State of Alaska where the only travel options are by boat, by snow machine, by airplane, save a dog team here and there. Hitting these people harder is unfair and it is unnecessary when the same budget document that raises their taxes includes $94 billion in new spending—new spending to encourage some of the Fortune 500 companies to use more energy, effective lighting, among other suggestions.

I would suggest the priorities in this budget are incorrect. The Btu tax would simply knock the legs out from under one of our most important and one of our most vulnerable industries. And that is an industry that needs help. It does not need more taxes.

Who gets hurt in the end, Madam President? People who have to fly because of remote locations or for business reasons; people who depend on the airline industry for employment—our hotels, our airport workers, tourism, business manufacturers; and there are thousands of Alaskan pilots who run the small air services that deliver mail, carry people and cargo back and forth to remote areas.

Madam President, I think it is also fair to say that the Btu tax is terribly inefficient. The proposal raises initially $95 billion in new taxes. But if we look at the $95 billion, we find that if we subtract the revenue loss due to business deductions and other revenues losses associated with implementing the new tax, we lose $24 billion. That leaves us with roughly $71 billion.

If we subtract, in addition, the cost of increased funding of food stamps, another $9 billion, that leaves us with $62 billion. And the earned income tax credit, $20 billion, that leaves us with $42 billion.

The low income home energy assistance program, let us take off $2 billion for that. That leaves us with $40 billion.

We are left with a deficit reduction of about $40 billion after levying $95 billion in new taxes. We raise $95 billion in taxes, yet that gets us $40 billion in deficit reduction at the most. That is basically the administration's proposal as applicable to the Btu tax.

Now, to increase the tax on any energy used for home heating, in my opinion, is bad policy. To double-tax those who heat with oil, I think, is even worse. Why punish those who heat with oil? But that is what we have done in the application of this Btu tax with the 34-cent surtax applicable on oil.

I feel all energy used to heat homes should be exempt, which is why I voted to rescind the Btu tax altogether.

Madam President, I have previously filed an amendment that exempts home heating oil from the proposed Btu surtax of 34 cents per million Btu. The revenue loss of $648 million is offset by cutting an equal amount of the $124 billion of new spending in the President's plan. But, the other side does not want to talk about this unfair tax on home heating fuel.

I attempted to bring up the amendment last night and was told that the White House is thinking about fixing it in some manner or form. We can fix it right here by eliminating the extra surtax on heating fuels and by voting for my amendment that will be up later tomorrow.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes has expired.

Mr. MURKOWSKI. I yield myself whatever additional time I need.

The ACTING PRESIDENT pro tempore. The Senator is recognized for as long as he wishes.

Mr. MURKOWSKI. I thank the Chair.

Madam President, let me talk a little bit about the impact of the new tax. This new tax would add from 8 cents to 10 cents, or more, to the cost of a gallon of heating oil by the year 1997. Some estimates suggest this is a 8- to 8.5-percent increase. However, the tax will not stay at 8 cents to 10 cents per gallon. It is indexed to rise with inflation, which is ironic, since this broad-based energy tax is going to add to inflation.

In some parts of the country, heating oil is the only realistic source of heating energy. Many would like to have alternate sources but they simply do not have them. Many towns in New England and the Northeast are dependent on home heating oil. Many homes in my State of Alaska are dependent on home heating oil and simply have no other alternatives.

This impact of 34 cents surcharge, above the charge of other energy sources, really hits home in the Northeast Corridor States. In Connecticut, oil accounts for 45 percent of residential energy consumption. In Maine, oil accounts for 58 percent of residential energy consumption. In New Jersey, oil accounts for 21 percent of residential oil consumption. In New York, oil accounts for 23 percent. In New Hampshire, oil accounts for 45 percent of residential energy. In Rhode Island, oil accounts for 35 percent. In Massachusetts, oil accounts for 37 percent; and in Vermont, oil accounts for 45 percent of residential energy used.

If my State of Alaska, oil accounts for 31 percent of residential energy consumption.

It is rather interesting that the Northeast States' Energy Coalition does not encourage production of more energy and the foreign export of energy, particularly in oil, from my State of Alaska. I wonder how they can possibly support this kind of an impact on their residents who are so dependent on heating oils, who have no other alternative, forcing them to pay a surtax of 34 cents per gallon on a Btu basis, simply because they have no other alternative. The equity of that simply escapes me.

In my State of Alaska the overall Btu tax will cost Alaskans about $216 million per year. That applies on a per-family basis, according to the American Petroleum Institute, of $1,521 per family. That slows our economy. It costs us jobs and makes products more expensive and less competitive.

Every product, virtually of any descriptive, Madam President, must move to Alaska by air, by barge, by ship, by car, by truck. The residents of Alaska will pay that additional levy as a consequence of a surtax on oil. While people lose their jobs and pay more for goods and services, clearly all costs are going to go up, including their heating bills. More troubling, perhaps, than the overall percentage, is that people without any alternatives are heavily impacted.

Madam President, may I inquire of the time remaining to the Senator from Alaska?

The ACTING PRESIDENT pro tempore. The Senator has 19½ minutes remaining.

Mr. MURKOWSKI. I thank the Chair.

Madam President, let me share with you a real-life situation.

At Kiana, a small native village of some 385 people on the banks of the Kobuk River above the Arctic Circle, in my State of Alaska, home heating oil currently costs just over $2 a gallon for the residents of that small community. This is representative of many Eskimo and Native villages in our State of Alaska. An average bush home uses a minimum of 100 gallons of heating oil a month during the 7 months in which the icy grip of winter blankets the small villages. Many homeowners who can afford it use more. Heating oil is their only available source of energy. Diesel is their source of energy for power generation, and for heat and cooking they use heating oil. More importantly, the residents of Kiana, who must hunt for food to live, must buy gasoline for their snow machines in order to reach the subsistence hunting grounds. A typical family will have to buy at least 1,000 gallons a year.

Gasoline delivered in the area is approximately $2.50 a gallon. For residents in Kiana, the direct cost of the proposed 8.3-cent-per-gallon tax on diesel and 7.5 cents tax on gasoline will raise their nearly $2,500 fuel bills by nearly $150 a year. This is no small amount, however, when incomes of nearly a quarter of the village residents fall below the poverty line. The effect is even bigger because every item that arrives in Kiana arrives by barge or plane, all of which are dependent on fuel.

I might add further, it is a very expensive flight in and out of the village.

But Kiana is not an isolated case. Across Alaska, the average family uses 10,000 gallons of diesel fuel a year, another 100 gallons for cooking, spending an average of $3,600 a year for just diesel oil. This is a heavy burden, considering the average family in the region earns only perhaps $10,000 or $11,000 a year. What cash is left is needed for gasoline and for parts for snow machines and ammunition for rifles, both absolutely essential for villagers to hunt for food to put on their table.

Food stamps certainly are not going to do Alaskans much good, unless we can figure out a way, perhaps, to get the wild caribou to turn themselves in in exchange for the right amount of food stamps. Many Alaskan Natives simply will not be helped. Heating oil tax will not pay for the increased funding for the Low-Income Home Energy Assistance Program, the earned income tax credit, and food stamps.

I think it is important to reflect on what we are doing here to a segment of our population. By levying this unfair, inequitable surtax on top of what is levied on all the other sources of energy—nuclear, hydro, gas, coal—and putting it just on oil, it is terribly unfair to a segment of our population that has no other alternative but to use oil. We are driving this segment of the population that is at a low-income level to below the poverty level so that they can then be eligible for the Low-Income Home Energy Assistance Program, and earned-income tax credit, and food stamps.

Is that really the kind of America that we want to create by increasing a tax on these people who have no other alternative but simply accept it? That is the whole point of the amendment that I am going to offer and that I have filed before this body—to relieve those people who have no other alternative, who are dependent on oil, from this 34-cent surtax, which has no merit on the basis of equity or fairness.

Madam President, the total tax on heating oil will raise $1.1 billion. That is what it will raise. While the Energy Assistance Program is going to be increased by $2 billion, food stamps are going to be increased by $9 billion. Is that the kind of return we want with our tax dollars? Do we want to help people or do we want to drive them below the poverty level? In many cases these programs will not offset the burden of this tax on people without alternatives. This really is not much of a payoff.

Let us look at who will be hurt by the surtax on home heating oil. Low-income people will be worse off simply because they cannot afford it. The middle-income people will be worse off because they are not covered with any type of energy assistance programs.

It is not fair to tax some more heavily than others when they have no alternatives. Yet, clearly, that is what we are doing.

What do we have when we are through, Madam President? When we are through with this tax, we have a deficit in the year 1993 of $310 billion. We have a national debt of $4.1 trillion. What do we have in 1994? In 1994, we have a $254 billion deficit, and we have a national debt of $4.3 trillion.

In 1994, we have added $36 billion in new taxes. We have cut defense $3 billion, and we have cut domestic spending $5 billion.

In 1995, we have a deficit of $233 billion and a national debt of $4.5 trillion. We have increased our taxes $46 billion.

In 1996, we have a deficit in that year of $197 billion. Our national debt has increased to $4.7 trillion. We have new taxes of $63 billion.

In 1997, our deficit is $187 billion. Our national debt is $4.9 trillion and we have $76 billion in new taxes.

And in 1998, Madam President, our deficit for that year is $214 billion, but our national debt is $5.1 trillion with a new tax burden of $74 billion.

The total, Madam President, from 1994 through 1998 in net new taxes is $295 billion. We have had a deficit in each year of over an average of $220 billion, and we have accumulated a total national debt of $5.1 trillion. That is the basic proposal that has been presented by the administration and sold as a deficit reduction package, and it has been sold as an investment in the future of our Nation.

Madam President, an investment is one thing, but added debt is another. When you use the words "investment in America," by the figures that I have just given, it is truly a debt to America. We have increased our national debt under the proposed CBO figures from $4.1 trillion to $5.1 trillion in the timeframe of 1993 to 1998. A part of this, of course, is the Btu tax, which is a significant portion of additional new taxes, Madam President, estimated to be $95 billion, but which nets roughly $40 billion after taking out offsetting spending and administrative costs.

At the end of this period, as I have indicated, we have increased our national debt to $5.185 trillion. I think, unfortunately, most Americans truly believe that the administration has a workable proposal to address the deficit and reduce the national debt. But I urge my colleagues and all Americans to look at the bottom line and to see realistically where we are at the conclusion of the administration's proposal because clearly it does not realistically address meaningful deficit reduction. It does not, by any manner or means, reduce the national debt. The national debt is increased by a trillion dollars and it does not make, Madam President, the necessary cuts that are needed from the standpoint of what is good for this country.

I know that some of my colleagues want to speak. I will wind up my statement. If I may ask the Chair, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes and 47 seconds remaining.

Mr. MURKOWSKI. I am sorry, I did not hear.

The ACTING PRESIDENT pro tempore. Eight minutes and 47 seconds remaining.

Mr. MURKOWSKI. Madam President, let me conclude, and it will just take me another minute. Let me highlight who gets hurt, Madam President, by this tax and by specifically the tax on home heating oils. Everyone who heats their home by home heating oil and has no other alternative gets a double whammy on this. They get hit twice. They get hit with a base tax of 26 cents plus the surtax of 34 cents, which is only on oil.

How do the oil companies make out? Oil companies who have imported refined products into the United States will capture a potential windfall due to higher prices. What about OPEC, Saudi Arabia? Do they generate benefits of higher oil prices? They certainly appear to. And in addition to generating higher prices, they can readily see this as a signal to increase prices further.

So the conclusion is that there is simply no justification, no equity, and no point in having this sin tax on heating oil. It costs more than it raises. It taxes the poor and cycles their money through an inefficient bureaucracy, putting many of them below the poverty level. It punishes those who use oil to heat their homes, and creates a windfall for foreign oil companies and OPEC countries.

Madam President, I yield 4 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, one, I wish to congratulate our colleague, Senator MURKOWSKI, for his excellent statement.

Madam President, I ask unanimous consent to be listed as a cosponsor of the amendment of the Senator from Alaska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Madam President, the Senator from Alaska has brought to the floor a very important amendment. He has made several comments concerning the Btu tax. And as the Presiding Officer is aware, we had an amendment to eliminate the Btu tax. Unfortunately, we were not successful. We were not successful because primarily almost all the colleagues on the other side of the aisle voted against us.

As I stated on the floor last week, that tax is going to put hundreds of thousands of people out of work. The Senator from Alaska has come to the floor with an amendment that says let us exempt aviation from this tax. I think we should eliminate the entire tax, but I certainly agree with the Senator from Alaska.

I happened to have a very large employer in my State, American Airlines. They are actually the largest private employer that we have in the State of Oklahoma. They employ about 11,000 employees in Oklahoma. They do a super job with the maintenance facility and computer facility in Tulsa. But if this tax goes forward, American Airlines is going to lose hundreds of millions of dollars per year.

Some people say they are just going to pass that on to consumers. Frankly, last year they lost $985 million. This tax is going to cost American Airlines anywhere from $160 million to $300 million per year. So they cannot pass it on. If they could pass it on, they would not have lost almost a billion dollars last year. If you look at the airline industry overall, in the last 3 years, they have lost $10 billion. So this is an industry that is really hurting, and this tax is going to cost the industry altogether well in excess of a billion dollars a year. They cannot afford it.

So I think the Senator from Alaska has an excellent amendment. I hope that my colleagues will support this amendment. I hope that we will have some Democrats who will support this amendment because the airline industry and its employees are important.

I have noticed now we have the administration and Congress talking about what can we do to help the airline industry? One of the best things we can do to help the industry would be to not pass this punitive tax, which would put hundreds of thousands of highly paid, skilled people out of work.

So I congratulate my colleague from Alaska on an excellent amendment. I hope the Senate will likewise concur and adopt it later this afternoon.

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Madam President, I will also seek 10 minutes to talk on the amendments that are scheduled to come up later on this afternoon.

The ACTING PRESIDENT pro tempore. There is no existing order providing for 10 minutes for discussion on the Murkowski amendment.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I might have 10 minutes to speak on the amendment prior to the vote later this afternoon.

Mr. SASSER. The Senator from Alaska is requesting he have 10 minutes to speak on the airline amendment prior to the vote on the amendment; is that the Senator's request?

Mr. MURKOWSKI. That is correct.

Mr. SASSER. I have no objection to that, if the Senator will agree to have the time equally divided.

Mr. MURKOWSKI. I agree to that. I thank the Senator from Tennessee.

Madam President, if I may conclude, I have how much time remaining?

The ACTING PRESIDENT pro tempore. Without objection, there will be 10 minutes equally divided on the Murkowski amendment prior to the vote.

The Senator from Alaska has 2 minutes remaining on his amendment.

Mr. MURKOWSKI. I thank the Chair.

Madam President, as a matter of putting my colleagues on notice, I have filed a home heating oil amendment. It is amendment No. 204. It is my intent to bring that amendment up at an appropriate time. I recognize I will not have an opportunity to describe that amendment, but I clearly feel that this body should vote up or down on the merits of striking the 34-cents-per-million Btu surcharge on oil and its effect on those who have no other alternative. I have already spoken at great length on the equity of the issue.

I also have another amendment, No. 205, which I intend to bring up as well, that would address the viability of America's mining industry as it relates to the user tax which would basically put America's mining industry out of business if a mandate prevails requiring a 12.5-percent royalty on minerals. We would lose some 27,000 jobs in this country. It would cost us about $500 million, and we would have achieved nothing but to move that industry overseas.

Finally, Madam President, I thank you and I want to encourage the Members of this body to recognize that the Btu tax, as far as it is applied to oil, is ineffective; it is unfair to your State of California, my State of Alaska, to Texas, to Oklahoma. It puts a huge burden on millions of Americans who have no other alternative except oil. They might like to use alternative fuels to heat their homes, but cannot. Yet we are asking that group to pay double.

Madam President, they are mad. They are upset. They want this body to repeal the 34-cent surtax on oil, and they want it done now.

I thank the Chair and I thank my colleagues.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SASSER. Madam President, I will vote against the amendment offered by our colleague from Alaska. To borrow a line from a former President that I am sure my friend from Alaska has tremendous admiration for, "Here we go again." Here we have another amendment offered by my friends from the other side of the aisle that attempts to tinker with a proposed tax in a manner that clearly should be subject to the confines of a Finance Committee markup.

Let me remind my colleagues once again that the budget resolution simply cannot dictate to the Finance Committee what revenues to raise or not to raise in order to meet the revenue target of the Finance Committee. In fact, while this amendment would reduce the Finance Committee's revenue target by some $4.6 billion, it offers no guarantees that the Finance Committee will go ahead and exempt aviation fuel from the Btu tax. That is because, as I have just stated, we do not have the authority in the budget resolution to specify to the Finance Committee what revenues to raise and what revenues not to raise.

Now, I ask my colleagues, where do you guess the offset is found for the almost $5 billion in revenues that will be lost under this amendment? If you had been around the Senate for the past few days, the answer is easy. The Senator from Alaska proposes an unspecified reduction in the good old allowances account, function 920.

Now, the reduction in discretionary spending of $5 billion is not small change even by Washington standards. What sort of consequences would a reduction of this magnitude have? It is hard to say since we do not know where the reductions would come from, but we do know they are going to end up coming out of discretionary accounts, and we do know our friends on the other side are going to resist any further reductions in military spending.

So that means the reductions are going to come out of domestic discretionary spending. Maybe less will be able to enroll in the Head Start Program. Maybe we will just take the money out of Head Start. Or, maybe it is implied that the Senator would not hit Head Start, maybe we would reduce some other programs, the childhood immunization program.

Well, if that is ruled out of bounds, maybe since this amendment deals with energy, the amendment would discourage the creation of cooperative research and development agreements between the national laboratories, I say to my friend from New Mexico; development agreements between the national laboratories and industry in efforts to enhance industry's ability to develop new energy and environmentally friendly technology, including electric vehicles and the greater use of natural gas.

I doubt that many Senators, particularly those with national laboratories in their States, will look very favorably on that development.

I hope the Finance Committee will address the concerns raised by the Senator from Alaska when they put together a tax bill.

Any energy tax proposals should not force one industry to absorb a disproportionate impact of the tax, and the aviation industry is certainly included in that. I would not want to be a party to forcing the aviation industry to absorb a disproportionate tax burden. I am confident that Senator Moynihan and his colleagues on the Finance Committee will not let that happen.

Last evening, one of the senior members of the Finance Committee was on the floor of this Chamber stating that he felt the Btu tax could have a disproportionate impace, adverse impact, on the aviation industry. I am confident that that senior member of the Finance Committee is going to use his good offices and his influence to see that there is not a disproportionate impact on the aviation industry.

This amendment should be rejected because it simply will not achieve the goals that the distinguished Senator from Alaska is seeking. But it could—and I think would—adversely affect many of the domestic discretionary programs that we all support here in this body, including programs I just named such as Head Start, the Women, Infants and Children feeding Program—a whole host of programs across the board that have had bipartisan support over the years, and which administrations of both parties have urged funding increases for.

So for that reason I say, Madam President, that I think this amendment ought to be rejected at the appropriate time.

Madam President, I might inquire: how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 30 minutes, 29 seconds left.

Mr. SASSER. Is there additional time remaining to the proponent of the amendment?

The ACTING PRESIDENT pro tempore. The time of the Senator from Alaska has expired.

Mr. SASSER. Madam President, I am prepared to yield back all of our time and move forward. I see the distinguished Senator from New Mexico [Mr. BINGAMAN] is on the floor. Under the agreement, his will be the next amendment in order.

Mr. BINGAMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Madam President, I appreciate the chance to offer an amendment this morning.

AMENDMENT NO. 215

(Purpose: To ensure that fiscal year 1998 funding levels for defense conversion programs are consistent with the levels requested by President Clinton in his investment program)

Mr. BINGAMAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico, Mr. BINGAMAN, for himself, Mr. PRYOR, Mr. LIEBERMAN, Mr. PELL, Mr. Bryan, and Mr. DODD, proposes an amendment numbered 215.

Mr. BINGAMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the defense conversion programs will be funded at the level requested by the President for fiscal year 1998.

Mr. BINGAMAN. Madam President, this amendment to the budget resolution is a sense-of-the-Senate proposal to ensure that fiscal year 1998 funding levels for defense conversion programs are consistent with levels requested by President Clinton in his reinvestment program.

Madam President, I am proud that I was able to join President Clinton and several of our colleagues, including Senator SARBANES and Senator MIKULSKI, when his defense reinvestment and conversion program was announced in Baltimore on March 11.

President Clinton has developed a comprehensive package that addresses the four major areas of need. Those areas are: First, worker training and adjustment assistance; second, investment in hard-hit communities; third, dual use technology development and commercial military integration; and, fourth, conversion opportunities in new civilian technology investments.

The President's plan is based in large part on the work done by the defense conversion task force that Senator PRYOR headed during his last year, in which I was fortunate enough to serve.

I would like once again, as I have several times previously, to commend Senator PRYOR for his fine work in this area.

The President's plan calls for an investment of almost $20 billion in conversion programs from 1993 through 1997 fiscal years. This includes $9.65 billion in new civilian technology investments primarily in the Department of Commerce, as well as in other civilian agencies.

It includes $1.5 billion in worker-training programs administered through the Department of Labor; it includes almost $3.4 billion through the Department of Defense for the Department of Defense personnel assistance and for community support; and it includes $4.7 billion in continued funding for dual use technology and commercial military integration programs established under the fiscal year 1993 defense authorization of appropriations bills.

Madam President, the end of the cold war has provided us with a historic opportunity to move away from the military challenges that consumed us in the past, and to begin addressing the economic challenges that define our future. Unfortunately, the transition that is required to move from a cold war economy to a post-cold war economy will not be an easy one. Hundreds of thousands of people will be affected by this transition. Madam President, I know many in your State have been affected already.

I know of your strong commitment to these types of programs.

Communities across the country will suffer as military bases close and defense firms adjust to lower levels of procurement. Military and civilian personnel, defense prime contractors and subtiered suppliers in cities large and small, all will be affected.

We have choices as we make these cuts. We can take steps now to ease the transition for these workers in these communities and these firms. This approach, which is the one advocated by President Clinton and endorsed by this amendment, would ensure that firms are given the opportunity and assistance they need to apply their technological skills in the commercial sector. It will ensure that military and civilian personnel and defense industry workers are given the opportunity to retain for the new commercial sector jobs that will be created over the next 5 years. It will assist communities that are impacted by the defense downsizing in building a new and stronger economic base for the future. It also ensures that a strong national industrial and technology base will remain to serve future defense security needs.

Our other choices are either to continue high levels of defense spending and put these issues off until the future or second, to cut defense spending without regard to the fate of workers and firms and communities that will be affected, and run the risk of not having a robust technology and industrial base to serve our national defense needs.

Madam President, the Clinton administration, in my view, has made the right choice. The President has developed a plan that balances the need to deal with the budget deficit, with the need to bolster the economy.

It is a plan that deals fairly with those impacted by smaller defense budgets and it provides opportunities for affected individuals to continue to move forward with their lives and their careers.

These choices are very important to me and to my State of New Mexico. New Mexico is second in the country in per capita Federal spending. Almost all of the Federal spending we receive in our State relates to our defense effort. At the same time, New Mexico is 47th in the country in per capita income. So defense cuts will hit New Mexico as they will many other areas of the country. The easy course would be to support continued high-level defense spending to maintain those New Mexico jobs. However, the only constant in today's world is change, and I believe that the better course is to build for the future and to help my State and other States adjust to the new economic reality.

The better course for the Senate is to support the President's adjustment and reinvestment program. It is our best hope both in my State of New Mexico and around the country for building a stronger economic base for the future.

I believe we need to endorse the President's plan. We need to put the Senate on record in support of this defense reinvestment and conversion program. I urge my colleagues to support the amendment.

Madam President, I ask unanimous consent that a summary of the President's proposal on defense reinvestment and conversion be printed in the RECORD.

There being on objection, the summary was ordered to be printed in RECORD, as follows:

DEFENSE REINVESTMENT AND CONVERSION,
MARCH 11, 1993

Today, President Clinton announced a major Defense Reinvestment and Conversion Initiative that will go into effect immediately. In a sweeping policy shift, the Clinton Administration will distribute $1.4 billion that Congress appropriated last year for defense conversion, which the Bush Administration had opposed and declined to spend. In addition, the Clinton Administration has redirected funds and proposed other FY93 spending totaling $300 million. By 1997, the investments for defense conversion would almost triple to over $5.2 billion, with a total of nearly $20 billion invested in FY93–97. These investments will promote economic growth while preserving a strong military and defense industrial base.

In today's announcement, the President described in detail the $1.7 billion in specific programs that will be implemented in 1993. The immediate conversion package includes four major areas of new investment:

1. Worker training and adjustment;
2. Investing in hard-hit communities;
3. Dual-use technology and commercial-military integration; and
4. Conversion opportunities in new civilian technology investment.

A National Economic Council interagency working group on defense reinvestment and conversion will issue a white paper in early April.

BRIEF SUMMARIES—1993 DEFENSE REINVESTMENT AND CONVERSION INITIATIVE:

1. Military and civilian worker training and adjustment: Now that we have won the Cold War and are readjusting our defense posture, we cannot leave the talented individuals who are responsible for that victory out in the cold. To achieve the economic strength that will ensure our national security in the new era, we must refocus the talents, energy and dedication of the men and women involved in national defense on creating economic growth and serving their communities. That is why the President's Defense Reinvestment and Conversion Initiative will dedicate over $375 million in FY93 alone to transition assistance, employment services and job training. Some defense funds will be transferred to the Labor Department and other agencies to carry out these programs. During FY93–97, the President's defense conversion plan will allocate nearly $4 billion for worker adjustment. FY93 funding includes:

$150 million for government- and employer-sponsored training programs for displaced defense workers;

$112 million for transition initiatives for members of the guard and reserve and severance pay and health benefits for separating civilians;

Early retirement benefits for military personnel with 15 or more years of service; retirement credit for service in law enforcement, teaching and other critical professions; and

Pilot programs to train separating military personnel and defense workers to enter critical jobs in teaching, law enforcement and health care.

In addition: The Department of Energy is redirecting $25 million for employee retraining and assistance programs.

2. Investing in hard-hit communities: There is a compelling need for actions that will speed and ease the transition of workers, communities and firms that are being hard hit by cuts in defense spending. Scores of defense-dependent communities are undergoing distress, as their workers lose jobs and their businesses contract. The recession and high unemployment have aggravated all of these problems. For communities that lose a military base, environmental clean-up is a major obstacle to base reuse. The 1993 package helps hard-hit communities by providing:

$30 million to substantially expand DoD's Office of Economic Adjustment so that every community with a military base scheduled for closure will have the tools and expertise to plan and adjust and create new economic opportunities;

$80 million for revolving-loan programs and grants through the Commerce Department to target the communities that will be most hard-hit by declines in the industries affected by the defense contraction; and

$84 million for Defense Department programs that allow retired military and reserve personnel to address unmet needs in the nation's schools and communities.

In addition:

DoD will streamline environmental cleanup to speed local economic recovery; a new DoD deputy undersecretary for the environment is being created to make this happen.

The Administration will explore the potential for using unneeded military facilities for community health and other programs.

3. Dual-use technology and commercial-military integration: For too long, our nation has denied itself the benefits to economic growth and technological advancement that could result from integrating the pursuit of defense and civilian goals. But we can no longer separate national security from economic security; in a post-Cold war world, they are one and the same. We must restructure the military-industrial complex so that commercial firms play the dominant role, since they now produce much state-of-the-art technology. That is why the Defense Advanced Research Projects Agency (DARPA) was renamed the Advanced Research Projects Agency (ARPA)—as the agency was known before 1972. This change symbolizes the Clinton Administration's commitment to supporting dual-use technology and integrating the commercial and military sectors.

ARPA is now ready to accept proposals for over $500 million in technology and industrial base programs. These funds will support industry-led R&D consortia in critical dual-use technologies and pioneering state/local efforts to commercialize and deploy technology. All programs require matching funds and merit-based selection. (For information, call: 1-800-DUAL-USE.)

ARPA and four other agencies (Commerce, NSF, Energy and NASA) are cooperating to jointly implement these programs through the Technology Reinvestment Project. The agencies will hold a series of regional outreach meetings in early April to brief potential applicants and answer questions. These programs, some of which were mentioned in our technology initiative, include:

$255 million for government-industry partnerships to develop advanced materials, manufacturing and other dual-use technologies;

$100 million for "regional technology alliances" among firms to share information and develop new products and markets;

$100 million for state and local manufacturing extension programs to assist small defense firms in making the transition to commercial production; and

$100 million for other programs to help small defense firms acquire dual-use capabilities.

In addition:

ARPA has $200+ million for industry research to develop electronics and materials technologies with both commercial and military application.

DoD is redirecting $85 million of Small Business Innovation Research (SBIR) funds to companies that are developing dual-use technology in such areas as electronics, materials, and instrumentation.

To encourage large defense firms to pursue dual-use and commercial applications, DoD is enlarging the scope of independent research and development (IR&D) reimbursed under defense contracts. This should result in the redirection of some share of IR&D activities, which total several billion dollars annually.

4. Conversion opportunities in new civilian technology investments: Technology is the engine of economic growth. By investing more in new civilian technologies, we can create exciting new opportunities for defense workers and firms, enhance U.S. competitiveness, and tackle unmet domestic needs. That is why the Clinton Administration has redirected funds and proposed other FY93 spending totaling $300 million.

Proposed spending in the President's stimulus package includes:

An additional $94 million for Department of Energy R&D partnerships with industry;

$117 million for the Advanced Technology Program and other activities of the Commerce Department's National Institute of Standards and Technology; and

$64 million for pilot projects to demonstrate the benefits of computer networking to schools and libraries.

DEFENSE REINVESTMENT AND ECONOMIC GROWTH INITIATIVES

[Budget authority in millions of dollars]

	1993	1994	1995	1996	1997	1993–97
Assistance for defense workers, personnel and communities:						
Department of Defense personnel assistance and community support	597	697	[1]697	[1]697	[1]697	3,385
Department of Energy personal assistance	25	100				125
Department of Labor displaced worker training	([2])	[3]300	[3]400	[3]400	[3]400	1,500
Department of Commerce community diversification assistance [EDA]	[4]15	33	55	55	55	213
Total: Worker and personnel assistance programs	637	1,130	1,152	1,152	1,152	5,223
Department of Defense dual-use technology reinvestment	[5]845	[5]964	[1]964	[1]964	[1]964	4,701
New Federal high technology investments (conversion opportunities)	165	1,206	2,329	2,758	3,175	9,651
Grand total: Programs that will assist defense workers, personnel, communities and firms	1,667	3,300	4,446	4,874	5,291	19,575

---

[1] This is the 1984 level. Specific estimates for 1985, 1986, and 1987 will not be available until the DOD completes the comprehensive review of Defense programs this year.

[2] $75 million will be transferred in 1983 from the Department of Defense.

[3] This is the portion of overall investment increases that could be expected to be used to retain displaced defense workers.

[4] In addition, $80 million will be transferred in 1983 from the Department of Defense.

[5] This excludes impact of broadened scope of allowable 1980 reimbursement.

[6] This includes investment programs that provide direct conversion opportunities (e.g., Department of Energy-Industry R&D partnerships and NASA civil aviation research) and 1994 of programs that provide some conversion opportunities (e.g., Department of Commerce programs for information highways, manufacturing and advanced and advanced technology). Not included are increases for Enterprise zones, Community Development Banks, National Science Foundation, highway programs, and the R&D tax credit that will provide opportunities for defense firms and workers, and help develop infrastructure useful for community economic diversification.

DEFENSE REINVESTMENT AND ECONOMIC GROWTH INITIATIVES

[Details of 1993 programs, budget authority in millions of dollars]

	Amount
Department of Defense dual-use technology reinvestment	[1]845
Reinvestment initiatives	327
Dual use technology partnerships	95
Commercial-military integration partnerships	48
Regional technology alliances	95
Agile manufacturing enterprise integration	29
Advanced materials partnerships	29
Advanced manufacturing technology parterships	23
Manufacturing engineering education program	29
United States-Japan management training	9
Less baseline programs included above	−30
Manufacturing/Technology Extension [2]	190
Electronics and materials initiatives	243
High definition systems	92
Optoelectronics	23
Metal matrix and ceramics	9
Diamond substrates	9
Multi chip modules/high temperature superconductivity	14
Multi chip modules	25
Advance lithography	71
SBIR refocused to dual use	85
New Federal high-technology investments (conversion opportunities):	
Direct conversion opportunities for defense firms and workers:	
Department of Energy	94
Government/Industry R&D partnerships, civil	47
Government/Industry R&D partnerships, defense	47
Some conversion opportunities for defense firms and workers:	
Department of Commerce	181
National Institute of Science and Technology [NIST]	117
Information highways	64
Assume 50 percent of this category provides conversion opportunities	91
Total: New Federal high-technology investments (conversion opportunities)	185
Grand total: Programs to assist defense workers, personnel, communities, and firms	1,667
Assistance for Defense workers, personnel, and communities:	
Department of Defense personnel assistance and community support:	
Temporary early retirement	10
Temporary health transition assistance	11
Guard and reserve transition initiatives	40
Separation pay and civilian health benefits	72
Troops to teachers/health care/law enforcement personnel	8
DOD Environmental scholarships and grants	([3])
Job training and employment services (Department of Labor)	[4]75
Job bank program	4
Military personnel occupational conversion and training	75
Transition Assistance/Relocation Assistance Programs [5]	60
Office of Economic Adjustment	30
Philadelphia Naval Shipyard Economic Conversion (1-time)	50
Community diversification (Department of Commerce)	[6]80
Retired military and reserve support of community programs [7]	84
Subtotal: Department of Defense	597
Department of Energy personnel assistance	25
Department of Commerce community diversification assistance [EDA]	[8]15

DEFENSE REINVESTMENT AND ECONOMIC GROWTH INITIATIVES—Continued

[Details of 1993 programs, budget authority in millions of dollars]

	Amount
Total: Community adjustment and assistance programs	637

[1] Excludes impact of broadened scope of allowable R&D reimbursement

[2] Programs to be managed by the Department of Commerce (NIST) with active DOD participation; FY 1993 funds support program over two year period.

[3] Program in development.

[4] These funds will be transferred to the Department of Labor.

[5] Although this is a continuing program, it is shown here because it is an important element of the Department's transition program.

[6] These funds will be transferred to the Department of Commerce.

[7] This includes high school training programs and Civilian Community Corps/National and Services programs.

[8] In addition to this funding, the Department of Commerce will have $30 million transferred from the Department of Defense.

Defense Reinvestment and Conversion Initiative DOD Program Summaries

PERSONNEL ASSISTANCE PROGRAMS

Early military retirement

This initiative would offer retirement benefits to military personnel with 15 or more years of service. Previously DoD offered retirement benefits after 20 years of service. The goal of the new incentives is to encourage voluntary retirements of military personnel with greater than 15 but less than 20 years of service, and thereby minimize layoffs. This program is targeted at military personnel who are not covered by other retirement or separation incentives, such as the Voluntary Separation Incentive/Special Separation Bonus, which are aimed at personnel with between 6 and 15 years of service.

Health transition assistance

This process is aimed at providing transitional health insurance to separating military personnel from the time they leave the armed services until the time they obtain health insurance through their civilian employer.

Guard and reserve transition initiatives

These initiatives are designed to ease the transition for members of the guard and reserve who are released as a result of the defense cutbacks. The initiatives include, among other things, new retirement incentives, separation pay, and priority placement in open positions in guard and reserve units.

Separation pay and civilian health benefits

This initiative would offer retirement and resignation incentives to DoD civilian personnel. The goal of this initiative is to encourage voluntary retirements and resignations among the civilian workforce, thereby minimizing layoffs. The incentives would be equal to $25,000 or the amount of severance pay to which an individual would be entitled, whichever is less. This initiative also offers transitional health insurance to separating civilians.

Troops to teachers/health care/law enforcement personnel

This initiative would establish three pilot programs to train separating military personnel, DoD and DoE civilian employees, and private sector defense workers to enter three public service professions for which many are particularly well suited: teaching, health care, and law enforcement. These programs use as a starting point the "Troops to Teachers" legislation passed for fiscal year 1993.

DoD environment scholarship program

The FY93 defense conversion package called for scholarships, fellowships, and training administered by DoD for the purpose of enabling individuals to qualify for employment in the field of environmental restoration and waste management in DoD. Program details are being developed.

Grants to colleges for training in environmental restoration

The FY93 legislation authorizes DoD to establish a program to assist institutions of higher education to provide education and training in environmental restoration and hazardous waste management techniques applicable to DoD and Doe facilities. Program details are being developed.

Job training and employment services

This initiative will establish a $75 million program to provide job training to separating military personnel, DoD civilians, and private sector defense workers. The program will be carried out by the Department of Labor.

Job bank program

DoD will expand access to the Interstate Job Bank, a Department of Labor-administered list of job openings. In addition, DoD will improve integration of existing databases of jobs and resumes to improve job search services for separating military and civilian personnel.

Military personnel occupational conversion and training

This $75 million program will provide employer-sponsored, DoD-approved job training for veterans. Employers who participate in the program would agree to hire individuals following on-the-job training. DoD will work closely with the Departments of Veterans Affairs and Labor in implementing this initiative.

Transition assistance/relocation assistance program

Each of the armed services offer transition assistance programs for their separating personnel. These programs provide services such as pre-separation counseling, employment assistance, and a variety of other services and benefits.

COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS

Office of economic adjustment

DoD will increase substantially the activities of its Office of Economic Adjustment (OEA). OEA is responsible for leading DoD's efforts to work with communities severely affected by reductions in defense spending. In particular, OEA will assist each community affected by a base closing develop a plan for economic conversion and revitalization. OEA works closely with other federal, state, and local government organizations to bring the full range of assistance programs to bear on affected communities. OEA grants will help communities develop adjustment plans and states develop assistance and diversification programs.

Philadelphia Naval Shipyard economic conversion

The 1993 Appropriations Act stated that $50 million may be available for conversion projects in Philadelphia. DoD is ready to work with Philadelphia to develop effective defense conversion programs using these funds. If the entire sum is not required for these programs, DoD proposes to use the remaining funds to run defense transition demonstration projects.

Community diversification

DoD will dedicate $80 million to pay for adjustment programs for defense-dependent communities to be carried out by the Economic Development Administration (EDA) of the Department of Commerce. The charter for EDA's Title IX program allows it to provide funds to pay for a variety of services in communities experiencing economic dislocation. EDA grants and revolving loan funds can be used to support business development, technical assistance public works, or almost any other activity that addresses economic adjustment problems that have been identified in each community's economic adjustment plan. DoD will execute a memorandum of agreement with EDA to transfer the $80 million. EDA will speed up the application process and provide priority attention to applications for these funds, and to reduce sharply its processing time for such applications.

Retired military and reserve support of community and educational programs

The Department of Defense will expand its support of a variety of programs that allow retiring and reserve personnel to address unmet needs in the nation's schools and communities. In particular, programs that foster youth development—such as the National Guard Civilian Youth Opportunity Pilot Programs and Junior ROTC Career Academies For At-Risk Youth—can put to good use the mentoring skills of retiring defense personnel.

DEFENSE REINVESTMENT TECHNOLOGY PROGRAMS

Dual-use critical technology partnerships

This program will support partnerships aimed at developing technologies that have both military and commercial applications. Industry will take the lead in submitting proposals, and may include federal laboratories, universities, and other entities.

Commercial-military integration partnerships

This program will support partnerships aimed at developing and maturing dual-use technologies with clear commercial viability. Industry again takes the lead in submitting proposals, with other research institutions involved as industry deems appropriate.

Agile manufacturing/enterprise integration program

This program is designed to capitalize on the emerging shift from mass production to flexible or "agile" manufacturing. Agile manufacturing allows independently-owned companies to form instantaneous partnerships with firms that have complementary capabilities in order to exploit market opportunities. These partnerships—called "virtual enterprises" or "virtual corporations"—will leverage our nation's strengths in information technology. Agile manufacturing capabilities are required in both the commercial and military sectors and are key to reconstituting military capabilities in any future national emergency. Industry will take the lead in submitting proposals in partnership with universities and other appropriate institutions.

Advanced materials synthesis and processing partnerships

This program will support partnerships aimed at improving industry's ability to take new materials from the laboratory to commercial production. Industry takes the lead in submitting proposals with other institutions involved as appropriate.

Advanced manufacturing technology partnerships

This program will fund partnerships aimed at developing new manufacturing technologies with dual-use applications with particular emphasis on significantly reducing health, safety, and environmental hazards associated with existing manufacturing processes. Industry will take the lead in submitting proposals with other institutions involved as appropriate.

Manufacturing engineering education grant program

This program will support manufacturing engineering education programs at colleges, universities and other institutions of higher education, on a matching basis. Educational institutions will submit proposals in partnership with industry and other institutions as appropriate.

Manufacturing experts in the classroom program

This program will support teaching, curriculum development and other activities of manufacturing experts with practical experience at institutions of higher education. Educational institutions will submit proposals in partnership with industry or labor organizations and other institutions as appropriate.

U.S.-Japan management training program

This program provides training for US scientists, engineers, and managers in Japanese technology management, language, and culture, and provides research opportunities in Japan to: 1) increase understanding of Japanese industry and technology management methods, 2) provide US scientists, engineers, managers, and students an understanding of Japanese business and social culture, and 3) provide opportunities for direct involvement in research, engineering and management activities.

Manufacturing/Technology extension programs

Manufacturing Extension Program: this program will assist small manufacturing (with up to 500 employees) in upgrading their capabilities to serve commercial and defense needs. Modelled after the agricultural extension program, this program will fund on a matching basic the efforts of state and local governments to deliver services to small manufacturers. State and local governments will submit proposals under this program in partnership with other institutions as appropriate.

Dual-Use Extension Assistance Program: this program will assist businesses economically dependent on Department of Defense expenditures to acquire dual-use capabilities through a variety of mechanisms. The program will involve state and local governments, the private sector, nonprofit organizations and other federal agencies.

Electronics and materials initiatives

These initiatives support industry research to develop dual-use technologies in: higher definition systems, optoelectronics, metal matrix and ceramics, multichip modules, multichip integration, advanced lithography, diamond substrates, multichip modules/high temperature superconductivity, battery technology, and composite materials manufacturing.

For information on the above programs, call 1-800-DUAL-USE.

NEW CIVILIAN TECHNOLOGY INVESTMENTS

R&D partnerships between industry and the National Labs: This initiative provides $235 million in FY93 to encourage partnerships between industry and the Department of Energy's defense and civilian labs. These labs are home to more than 59,000 scientists, engineers and technicians who perform over $6.6 billion worth of R&D each year. With the end of the Cold War, the mission of the National Labs should expand to include partnering with industry in areas such as renewable energy, microelectronics and photonics, environmentally-conscious manufacturing, and high-performance computing. Using Cooperative Research and Development Agreements (CRADAs) and other mechanisms, the labs can increase the share of their resources devoted to industry-driven, cost-shared partnerships.

Advanced Technology Programs: The Commerce Department's Advanced Technology Program, managed by the National Institute of Standards and Technology, provides matching grants for industry-led R&D projects, which are proposed by single companies or joint ventures. The Advanced Technology Program has provided funding for projects in machine tools, advanced automotive manufacturing, recycling of plastics, and flat panel display manufacturing. ATP can help defense contractors make the transition to the civilian sector. One defense contractor commented that "I've got a better perspective of the way commercial businesses operate than I did prior to our collaboration with . . . [joint ventures partners] . . . on the ATP."

Information Superhighways: Although the private sector will take the lead in deploying an advanced communications network, government can act as a catalyst by helping non-profit institutions such as schools link up to national networks. With the right investments, students will be able to tap into on-line electronic libraries, conduct scientific experiments using equipment anywhere in the country, and collaborate with other students on a wide variety of learning projects. In FY93, the National Telecommunications and Information Administration will have $64 million to promote networking pilot projects.

Mr. BINGAMAN. Mr. President, I yield the floor. I know there are other Senators, the Senator from Maryland being one, who would like to speak and address the same subject.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from New Mexico has control of the time.

Mr. SARBANES. Who has the time?

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Who controls the time? Is it myself and the Senator from New Mexico?

The PRESIDING OFFICER. The time is controlled by the proponent of the amendment, Senator BINGAMAN, and he has 52 minutes remaining. The time in opposition, the Chair advises the Senator, is controlled by the minority.

Mr. SASSER. Mr. President, will the Senator yield me time?

Mr. BINGAMAN. I am glad to yield the Senator from Maryland whatever time he consumes.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from New Mexico.

Mr. President, I just rise briefly, primarily to express my appreciation to the very able Senator from New Mexico for the lead he has taken on two issues. I want to link them together.

One is a very strong lead on the question of advanced technology, anticipating the economy of the future and focusing on developing high-skill, high-wage jobs in this country which I think is the route America must go. The very able Senator in a series of hearings which he has chaired in the Joint Economic Committee has focused attention on the high-technology field, on science, on research and development, and on all of the factors that together offer the opportunity for America to have a 21st-century economy.

This is particularly important because there is increasing concern in this country that we may be going down the low-wage, low-skill path as we address international competition. Of course, if we do that, that is a loser in the short term and in the long term.

We are never going to underbid what can be done by a lot of very low-wage countries around the world. That is not the path that our major industrial competitors are following in Europe or on the Pacific rim.

These countries are focusing on advanced technology, on research and development, on the new scientific breakthroughs, on developing the human talents through education and training of their people to the highest level.

The distinguished Senator from New Mexico has consistently drawn attention to that. He has been very much involved in the various efforts to develop a competitiveness strategy for the United States so that we are effective in the international arena.

We increasingly are being drawn into a global economy and, of course, if that is going to be the case, we have to pay attention to how we are going to be effective competitors in that global economy. The Senator from New Mexico [Mr. BINGAMAN] has certainly focused on that.

That is related, of course, to a defense conversion strategy. The President came to Maryland to the Westinghouse Corp. to lay out a play for defense conversion. Clearly in the defense field we have enormously talented people, very highly skilled, highly trained people, who for years and years now have been making a major contribution to this Nation's security through their work in defense industries. Of course, we also have highly trained and competent people within the defense services themselves.

Now, we can draw down the defense establishment that is necessary for our security in the light of changing and the light of the developments around the world, which have altered significantly the threats we are facing. That is not to say we do not continue to face threats, but they certainly are different in degree and quality from what we have experienced throughout the post-World War II period, throughout the time of the cold war where you had two major nuclear superpowers, in confronting one another with all of the repercussions that flowed from that kind of bipolar division in the world community.

That is no longer the case or at least has been significantly diminished. We have to rethink the resources we commit into the Defense Establishment, both military and civilian. But if you are going to do that, clearly you must couple it with a rational and effective conversion strategy. That is what the President is trying to do and that, in fact, is what the Senator from New Mexico has focused on now for a sustained period of time as you try to develop a strategy whereby you succeed in shifting your resources into these high technology sectors which represent the future for the economy of the country.

If we can accomplish that, and there is no reason to think that we cannot, then we are able, in effect, to offer opportunities for some very highly trained and capable people to continue to make a significant contribution moving though from the strictly defense sector into the civilian sector, at least into a dual-use sector which is something the President emphasized in his talk at Westinghouse.

We are familiar with the work of DARPA, which has been primarily in the defense sector. Because some people are concerned that the Government will get too heavily involved, there is no reason why that need be the case. With some prudence and care, we can provide some support for the shifting into the civilian technologies which represent the hope for the future.

So, I simply rise to express my appreciation to the Senator for the lead he has taken on this issue ever since he has come to the Senate. Sometimes it is not the most glamorous of work in terms of attracting a lot of attention, but I can assure you in terms of the future of the economy of this country it is fundamental and essential. The hearings which he has held and the legislation which he has sponsored and introduced, which incidentally has commanded very broad bipartisan support in this Chamber, are extremely important to the economic future of the country.

I thank the Senator for yielding me time. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland yields the floor.

The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, let me just thank the Senator from Maryland for his kind words and strong leadership on this set of issues and particularly in the work he has done through the Joint Economic Committee, as chairman in the last Congress, and his continued leadership there.

I do believe that through that committee we have been able, through a variety of hearings that he has chaired, to highlight some of the threats to high technology industries, the airline industries, and other industries that have traditionally been a mainstay of high-wage jobs in our economy and in putting that in the context of our international trade relations and the need to invest in workers, in technology development, and application.

I commend the Senator from Maryland for all the good work he has performed.

I agree with him that this defense conversion reinvestment program that President Clinton has put out here follows on very naturally from the initiatives we have taken in the Congress, and it is a central part of a rational technology policy for this country which I think will serve us very well in the next century.

So, I again thank the Senator from Maryland very much.

Mr. President, I yield 10 minutes to the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. BOXER] for 10 minutes.

Mrs. BOXER. I thank the Chair and I thank my colleague from New Mexico for yielding me this time.

I, too, want to add my words of praise that the Senator from Maryland had for the Senator from New Mexico because of leadership on this issue. I think that his amendment is very wise.

What we are doing is simply saying that we support President Clinton's initiative on conversion and reinvestment. President Clinton's initiative will help our defense workers, companies, and their communities by ensuring that they have the skills, the training, and the support they need to compete and prosper in a post-cold-war economy.

But, more than that, Mr. President, I think that this initiative is broader in its scope, because we have an opportunity as a nation to move from a military-based economy to a civilian-based economy and with it to create even more jobs to stimulate our economy in the longrun.

We have always, in this country, picked winners and losers, although there are those who say we never have and we never should.

During the cold war, this Government invested trillions into a military buildup and, by the very nature of making those investments, picked winners. And the winners were those in the military industrial complex and all the people who worked with them, and they were extremely successful.

Mr. President, we cannot just walk away, turn away on a dime, without having any plan or economic strategy for this transition.

There are many of us, including the Senator from New Mexico, who offered this amendment, and many of us in the House of Representatives over the past 10 years, that saw this day approaching, that saw it as an opportunity, that went on defense conversion bills which would have made sure that we were ready for this day.

As recently as a few years ago, the Congress, as a whole, tried to get out in front of this issue. We tried to get out in front of this issue by appropriating $200 million 3 years ago to begin to move toward this transition, to begin to give the communities the funding they needed to absorb the hits of these base closures and to avoid the hits of these terminated contracts.

But, unfortunately, the previous administrations, Mr. President, did not even spend the money. They signed the bills, Mr. President—the last one was $1.5 billion—to ease the pain and begin this transition. Not a dime was spent.

But when our new President took office and learned that these moneys were in fact appropriated and not spent, he flew out to California and he gave the people out there their first bit of hope, which is that he has a vision and he has a plan for doing these technologies, and he has a vision and he has a plan to invest in these technologies, not to throw away the military industrial complex but to make sure we can retain it.

I have a very simple theory. If you can build a bomber, you can build a bus. And do you know, Mr. President, that not one company in this great country of the United States of America can build a bus from start to finish? And do you know that last year the Senate and the House—and it was signed by the President—voted to spend many billions of dollars on mass transit in this country, a very needed and essential program if we are to compete in the global economy?

Where are these contracts going to go? I would like them to go to American companies. And this is the initiative our President is taking, to make sure that we have American companies and American workers that know these new technologies.

Mr. President, we are going to have to spend hundreds of billions of dollars cleaning up the environmental mess that we face—military bases that cannot be reused because they are too dirty and too hazardous. And yet none of the American companies are coming up with these new technologies. They are beginning, and I think the future looks bright.

The Senator from New Mexico and I both have nuclear weapons labs in our particular States. We have testimony from the employees at those labs, Mr. President, that, with the same kind of modeling that they use to replicate nuclear explosions, they can use that same kind of modeling to figure out ways to clean up this environment and keep these scientists employed. That is what this amendment is all about. It is underscoring this initiative taken by our President.

So, Mr. President, Congress tried to get out in front of this a long time ago. And now the day is upon us. More bases are closing. And we will fight to see that those are fair, that that list is fair.

But whether we add back bases or eliminate a few more, we see the writing on the wall, Mr. President. We need to be prepared for this transition or we are never going to win this new war we are in. We won the cold war. We must now win the economic war, or at least be able to compete in it. And that is why the President's initiative is so crucial.

In conclusion, let me say to my colleagues that my State is suffering. It is suffering for a lot of reasons. Construction is down, the aerospace industry is down, the defense budget is going down. It is suffering from the general recession in real estate. We know that.

But I have great hope that our President, with the help of those of us in the Senate and the House who see this picture clearly, can move this economy in a very exciting direction, can make sure that our communities have the help they need as they get hit hard with the impacts of base closures and canceled contracts, so they can make the transition.

And as we invest in the workers and as we invest in high technologies and we bring these companies along, we are going to have a new day in America and in California. We are going to educate our workers and reeducate them. We are going to make sure that our work force is ready.

California enthusiastically embraces President Clinton's call for change and enthusiastically embraces his economic plan.

Mr. President, in conclusion let me say to my colleague, the Senator from New Mexico, that his amendment today is a very important one because, without a transition plan, as we move toward this civilian-based economy, we will not be prepared for the global marketplace of the future.

I hope the Senate will pass the amendment unanimously.

I yield back my time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from California yields back her time.

The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me thank the Senator from California for her strong support for this amendment and for all of these initiatives that affect the defense sector and our high-technology sectors generally.

She is a relatively new Member of this body and has established herself very quickly as a strong advocate for defense conversion, defense reinvestment, and industrial modernization programs. Those were priorities of hers in her service in the House of Representatives, and I know that they remain that.

I very much appreciate her strong support and kind words for this amendment.

Let me now yield 15 minutes to the Senator from Arkansas. Let me state initially that he was the head of our task force on defense conversion. He was the leader in putting together the passage of initiatives that we were able to legislate last year and the President is building on in the defense reinvestment and conversion program that he announced this month.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume of the portion of the time allocated to this side of the aisle on this amendment.

The PRESIDING OFFICER. The Senator may proceed.

The Chair would advise that the Senator from New Mexico has 33 minutes remaining and the Senator from Iowa has 60 minutes remaining.

Mr. GRASSLEY. I do not think it is our intention on this side of the aisle to use all that time.

Mr. President, when it comes to defense, some things change and some things do not.

What has changed is the threat to the country. The Department of Defense budget is changing, and the movement to conversion is evidence of such change. But what is not changing is the Pentagon's ability to squirrel away funds and also its ability to use accounting that is unique and different and very creative.

In regard to how the Department of Defense does business and the money that is available to conversion as a result of spending less money on military personnel and on weapons systems, I think we have to consider how does the Defense Department spend our money. And are we, as a Senate, on top of their creative accounting?

I rise, hence, to talk about the Defense business operations fund. It is known as DBOF. It is within the Department of Defense budget.

DBOF is a bookkeeping scheme devised by clever Pentagon bureaucrats to generate excess cash. DBOF is a machine that generates cash—a cash generator. And a cash generator in the hands of clever Pentagon bureaucrats is something that Congress should be concerned about.

Mr. President, I raise the DBOF issue at this juncture, because DBOF figures prominently in the budget justification material supplied by DOD to date.

The justification material for the $264 billion DOD request consists of just two sheets of paper.

Mr. President, one of the documents is entitled the "National Defense (050) Budget Track." This document was presented to the committee by defense officials in February. This document includes an item of interest to me under the heading "Adjustments to the Bush Baseline." That item is DBOF/Rescissions.

There is no budget authority associated with DBOF/Rescissions, but it shows here, out of a clear blue sky, $24.3 billion in outlays for fiscal years 1993–98.

Now, I am told that this is a technical adjustment to offset DBOF savings projected by DOD bureaucrats earlier this year. The savings in question are to be used to cover funding shortfalls outside of DBOF—in the O&M account and elsewhere. In the past, as I understand it, such transfers were off-budget and were not scored as outlays.

Mr. President, in my opinion, DBOF has never generated any verifiable savings. DBOF generates excess cash by jacking up the prices of items sold to the military services. In practice, DBOF leads to higher costs, not savings.

Mr. President, I think the technical adjustment, as reflected in the Clinton administration's document, is appropriate, but DBOF needs constant scrutiny.

In fiscal year 1993, about $80 billion was pumped into DBOF. DBOF purchases supplies for the military services—from toilet paper to spare parts. DBOF fixes the prices of items sold, depending on how much excess cash is needed.

The cash generated by DBOF transactions is merged in one big pot of money where funds lose their fiscal year and appropriations account identity. With monthly cash balances of $5 to $6 billion last year, the potential for abuse is great.

I remain concerned about the real purpose of DBOF. As the remaining M accounts are closed out over the next 7 months—and, remember we legislated doing away with these $50 to $60 billion slush accounts called M accounts. We did that in 1991, I believe. As the M accounts are closed over the next 7 months, DBOF could easily become a new slush fund—a new source of unrestricted money to finance unauthorized projects beyond the purview of Congress.

Last year, for example, an attempt was made to use $1.9 billion in excess DBOF cash to purchase two DDG–51 destroyers off budget, so the money set aside in the budget for the DDG–51's could be used to buy other ships that were neither requested nor authorized.

I have obtained a very interesting internal DOD document on DBOF. The document was prepared by the Office of Financial Management and Comptroller at MacDill Air Force Base, FL. It is dated May 4, 1992. It contains a very candid assessment of DBOF by the assistant comptroller there, Maj. Joe Lokey.

I would like to quote from this document:

> There are fewer than a handful of people who even understand the complex and convoluted way DOD washes money into and out of DBOF funds. They are, however, useful in

subverting the intent of Congress who will no longer appropriate for specific purposes but simply ensure that the DOD Kmart is adequately capitalized. DBOF serves no value added purpose to warfighting capabilities as it simply moves money on paper from our right pocket to our left pocket. These funds are always out of balance and constantly need an infusion of cash because they don't, and never will, pay for themselves. DOD wants DBOF so that inept and inefficient operations can be covered by profitmakers—"overchargers"—and thus balance themselves out of view of scrutiny.

Mr. President, Major Lockey's assessment confirms my worst suspicions about DBOF.

Here again, for purposes of emphasis, I want to remind you I just quoted from a document, a memorandum by an assistant comptroller at MacDill Air Force Base, a major there.

And he says that DBOF is a convoluted way that the Department of Defense washes money into and out of DBOF funds. He very candidly says that this is a useful way of subverting the intent of Congress, who will no longer appropriate for specific purposes.

So you have the Pentagon not satisfied with the way the Congress is appropriating money, not authorizing the things that they want, and they have a fund by which they can get the money to do things that are not authorized by the Congress. He refers to it as the Department of Defense Kmart, and they are going to see that this is adequately capitalized.

He says that the Department needs a constant infusion of cash because they do not and never will pay for themselves. I think this is a sad state of affairs, and we cannot allow it to continue.

Our chairman, the distinguished Senator from Tennessee, will remember that I raised questions about DBOF during the markup earlier this month. At that time, the Senator from Tennessee agreed and did include language in the committee's report that addressed my concerns about DBOF. That language, to which I want to focus my colleagues' attention, is on page 11 of Report No. 103–19.

My greatest concern is the disposition of the excess cash generated by DBOF. DOD was supposed to develop a policy governing the managing of DBOF's cash accounts by November 22, 1992. So far, the Department of Defense has failed to do that. With monthly cash balances totaling billions of dollars, the potential for abuse exists.

For these reasons, the committee has directed the General Accounting Office to conduct a thorough audit of the DBOF cash accounts. We want to know how much excess cash has been generated since DBOF was established in 1991, how much cash has been used to operate the fund, and how much has been diverted outside the fund for other purposes.

Mr. President, if the General Accounting Office finds abuses in the use of DBOF cash, I hope that we will move to kill the program. Under current law, DBOF is scheduled to go out of existence by April 15, 1994, unless it is able to justify itself to Congress before then. That date could be easily advanced 6 months to October 15, 1993, for example, if we do not find this fund being used in a fiscally responsible way.

The bottom line is, we talk about defense conversion in this amendment. I do not find fault with the idea of defense conversion. I am not even going to find fault with the amendment of the Senator for New Mexico. I think we all supported some defense conversion, not as much as asked for by the President and inferred in Senator BINGAMAN'S amendment. The amount of money, I suppose, can be legitimately debated. He is asking for full funding of it. I think we all know that there has to be some plan for helping people to be qualified for other jobs. I suppose the justification is going to be that we are spending less on defense and some of this money ought to be used for defense conversion. Again, I do not think that there is any particular argument with that point because, in the fiscal year 1993 budget, there are some several hundred million dollars for that purpose.

As is evidenced from the Department of Defense use of DBOF and the cavalier approach to it being a slush fund, reminiscent of the days of M accounts that added up to $50 billion to $60 billion of slush fund money for the bureaucrats to play around with, we obviously have to be very careful how these new funds are being used, and in being careful, we might find that there is adequate funding or adequate money to be saved through the wise expenditure and handling of those funds, not only to do everything that the Senator from New Mexico wants to do, but, as a bottom line, have a lot of money left over to reduce our deficit.

When people at the grassroots hear us talking about spending less on defense, I think, as a practical matter, they are thinking in terms of our reducing the deficit by spending less on defense. They say to us that generations unborn have paid for the buildup of defense during the 1980's. You are talking to one Republican who would agree with you that a lot of that money was irresponsibly spent. But we still had, as irresponsible as it might have been spent, generations unborn paying for the buildup of defense in the eighties so that finally the victory in ending the cold war could be accomplished.

Now it seems to me that when we are at a point of building down and saving money because we are spending less on defense, those generations unborn who have to pay for the 1980 buildup in defense ought to have the right to demand of us today that we actually reduce the deficit with less expenditures on defense.

I yield the floor.

Mr. PELL. Mr. President, having served last year as a member of the Senate Democratic Defense/Economic Transition Task Force which was led by my extremely able colleague, Senator PRYOR, I am pleased to cosponsor this amendment introduced by my colleague from New Mexico, Mr. BINGAMAN. This amendment would ensure fiscal year 1998 funding levels for defense conversion programs consistent with the levels requested by President Clinton in his investment program.

I was pleased to be with the President 12 days ago at the Westinghouse electric plant in Baltimore when he unveiled his program and announced his decision to immediately make available $1.8 billion for defense conversion, the bulk of which was appropriated last year by Congress. This was certainly a welcome sign to many communities across our country which, like my State of Rhode Island, have been impacted with massive layoffs in the defense-based industries.

I have been arguing for nearly 10 years that the Federal Government should take a far more vigorous role in promoting diversification—or defense conversion—and adjustment to decreased expenditure for defense and have repeatedly introduced legislation to that effect.

It is critical that we support the President's defense conversion initiative. The President's initiative will help defense contractors to find a new future for themselves and their employees through dual-use technology and conversion opportunities in new civilian technology. Moreover, it will continue to help dislocated workers through worker retraining and adjustment and also assist impacted communities make the adjustment to the post-cold-war economy.

Mr. President, I strongly believe that it is precisely this sort of action that many communities across our country desperately need, and I urge my colleagues' support.

Mr. LIEBERMAN. Mr. President, I rise to enthusiastically support the amendment offered by Senator BINGAMAN on the issue of defense conversion. This amendment expresses the sense of the Senate that the President's plan for defense conversion be fully funded by fiscal year 1997. I was particularly pleased to work with Senator BINGAMAN, Senator PRYOR, and others on the Defense Conversion Task Force last year and I look forward to continuing work on the task force in the month's ahead.

Mr. President, the issue of defense conversion has been a priority of mine since I came to the Senate in 1988. Between then and now we have witnessed the destruction of the Berlin Wall; the collapse of communism in Eastern Europe; the reunification of East and West Germany; and the disintegration of communism in the former Soviet Union. Despite these historic changes, the Persian Gulf war and the current conflict in Bosnia make it clear that the world is still a dangerous, unsettled place, but it is also clear that the defense budget is coming down.

Mr. President, this amendment says that just as it was in our national interest to spend billions of dollars on defense over the last decade, it is now very much in our national interest to provide for an orderly transition and to enact diversification programs concurrent with reductions in defense spending.

As we consider this amendment, it is critical for us to remember that unlike most other conflicts the cold war was not fought on the battlefields, on the oceans, or in the skies. This was a war of wills and minds. Our strategy rested on the premise that the United States must have a technological edge in order to offset either the numerical advantage or unpredictable nature of our adversaries. As such, an important part of the war was fought in factories and laboratories throughout the country, and the soldiers included not only the armed services, but some of America's finest engineers, and scientists, and skilled workers.

Mr. President, the United States no longer needs to place the containment of communism as our top spending priority. We have the opportunity to reevaluate our national defense needs and reorder our national spending priorities.

While this opportunity is refreshing and is long overdue, we cannot forget that the actions we take to reduce defense spending will have broad and direct ramifications on our economy, on our industrial base, and on our ability to compete in the world marketplace. This is not to mention the workers and communities who, for reasons of national security, have become economically dependent on defense programs.

The fact is that for the past 45 years we have made an enormous investment in our defense infrastructure, in terms of both industrial capability and human resources. In the past we have evaluated levels of defense spending on either national security or budgetary grounds. It is clear, however, that since defense industries now represent a major part of our industrial, technological, and manufacturing base, it will be essential to make these decisions on economic grounds as well.

While Japan and Germany have been pouring capital into their civilian industrial base, we have been pouring it into our defense base. Currently 31 key U.S. industries produce 15 percent or more of their output for defense-related purposes, representing a big piece of what's left of our overall industrial and manufacturing base.

It is also important to recognize that it is clearly in our national economic interest to retain and reuse one of the finest trained and highly skilled work forces in the world—our defense workers—highly qualified and motivated—stars of the American work force. They can and should play an important role in the peaceful economic challenges that lay ahead.

Mr. President, I know of the need to assist in the transition of defense workers and industries from firsthand experience. Throughout the cold war, as it was in the Revolutionary War and in other conflicts involving our Nation, Connecticut has been an arsenal of democracy. Thousands of my constituents have been working in round-the-clock shifts to produce submarines, tanks, helicopters, and military aircraft engines—all the best in the world.

Now is the time for the Government, business, communities, and workers to pull together in order to provide for an orderly, thoughtful, transition to the economic challenges that lay ahead. President Clinton's plan for defense conversion, transition and reinvestment hits these challenges head on. It represents a comprehensive and well-balanced diversification initiative which addresses industrial, business, work force, and community issues.

In short, the President's plan will retrain defense workers for nondefense jobs; help communities adjust to defense cuts and base closures, and promote industrial diversification for the global, commercial marketplace. The plan sets the stage for a new, more relevant defense policy which recognizes the importance and necessity of dual-use products and technologies; of commercial/military integration; and of commercializing a much larger portion of defense related research and development.

Perhaps most important, Mr. President, the President's plan recognizes that absent economic growth and job creation, diversification is meaningless. Workers cannot be retrained for jobs that do not exist and communities cannot hold out hope for businesses that will never come. This plan focuses on making investments today—particularly in technology, manufacturing, and human capital—which will pay dividends in the future.

Mr. President, this country faces a number of challenges as we move into the post-cold-war era—a weakened economy, a crippling budget deficit, a chronic trade deficit, and an array of domestic problems demanding our time and attention. This, in combination with the global crumbling of communism, suggests that our defense budget can be reduced. We can do this one of two ways—either we can cut programs, troops, and contracts without regard for the consequences of our actions, or for a fraction of the cost, we can protect our investment in both our work force and our industrial base and provide for an orderly, less painful, transition to the hopefully more peaceful environment that lies ahead. I believe the President's plan leads us down the latter, wiser course.

Mr. DODD. Mr. President, I rise in strong support of this amendment and I ask unanimous consent that my name be added in cosponsorship. This amendment would amend the budget resolution to put the Senate on record in support of full funding for the President's defense conversion plan.

Today in communities all across the country, defense cuts are taking a heavy economic toll. This amendment is a very simple statement to the working men and women whose skills and ingenuities enabled us to win the cold war. The message is that we won't forget you and all you have done for our country.

Just 2 weeks ago, the President offered a $20 billion, 5-year defense conversion plan to help diversify defense industries, retrain defense workers, and stimulate economic activity in defense-dependent communities. In fiscal 1993, the current year, that plan would provide $375 million for job retraining, $110 million for grants and revolving loan programs for communities, and over $500 million for the development of new commercial technologies by defense-dependent firms.

Mr. President, with almost every day we come across another reason why we must act now on defense conversion. For Connecticut it was the news that the Defense Department plans to significantly reduce the operation of the sub base at Groton. A report published last Friday by the Connecticut Department of Economic Development estimates that such a move, if it is approved, would result in the loss of 2,700 jobs and cut nearly $40 million from the gross State product over the next 7 years.

Later in the year we will have the opportunity to enact the President's plan and fill in all the necessary details. But today we have the opportunity to fulfill a symbolic but no less important task: to place the Senate on record in support of full funding for this very important blueprint. I urge my colleagues to support this very important amendment.–

Mr. BINGAMAN. Mr. President, at this point, I yield 15 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized for 15 minutes.

Mr. PRYOR. Mr. President, thank you for recognizing me. I appreciate very much my distinguished colleague from New Mexico allowing me to speak for a few moments.

Mr. President, I do not intend to use the full 15 minutes. But I thought I would be remiss this morning not coming to the floor of the Senate and making a couple of comments about defense conversion. I think what the Senator from New Mexico is doing is basically redefining defense conversion into what he terms reinvestment—reinvestment in our country and certainly reinvestment in our future.

Mr. President, I wish to say a word or two about the fact that the Senator from New Mexico [Mr. BINGAMAN], since his arrival in the Senate, has constantly talked about what we are going to need to do when the cold war is over. He has constantly reminded colleagues of his in the Senate, long before it was popular or long before we thought it was even possible, what we were going to need to be doing in a post-cold-war environment.

The Senator from New Mexico has very wisely, I think, begun to put the Senate on a course that we must follow now and in the future and looking at new strategies and new ways that we can take the resources of our country, resources of our people, and channel those resources, Mr. President, into the right avenues so that we can provide jobs for our people and a higher quality of life for all Americans.

The reinvestment that Senator JEFF BINGAMAN, of New Mexico, talks about he has constantly identified in the past as growth technologies, those particular growth technologies that will afford the greatest potential for the greatest number of citizens throughout the entirety of the United States of America. He has truly been a leader in this field and, of course, he has been an eloquent spokesman and an advocate for reinvestment of defense dollars.

Mr. President, finally, related to Senator BINGAMAN, I think it was his opportunity—and I am glad that he had this opportunity—of going with our new President, just in the last several days, to Baltimore to Westinghouse and talking to the employees there and listening to their concerns about what is happening in this dramatic transformation of the American workplace with regard to our defense industries.

I can state for certain, Mr. President, that in Mississippi County, AR, we are going through the wrenching decisions and the wrenching realities of having just closed an enormous SAC base that has been in that community now for almost 35 years. Today, that base is nonexistent. Eaker Air Force Base, which served honorably and with distinction this country and its defense purposes, is now basically a hollow shell waiting to find someone to occupy it or some business to come forward and once again bring forth its vitality but in another mission.

Mr. President, all across America we are facing those decisions now, and because of the Senator from New Mexico and his leadership, we truly believe with his ability to identify the problems and also to join in working with our new President in such a commitment as this country has never seen before, we are truly going to accept the challenge, and that challenge is going to be met.

We also found that the Economic Development Administration, that agency of Government, small though it may be in size, was the one agency of Government that was given the mission of helping and assisting States and local communities with particular projects and concerns during a base closure period or a situation or an environment we would be ultimately creating. The Economic Development Administration has been recommended to receive zero dollars, and that indicated about the degree of commitment the past administration had in finding the necessary reinvestment dollars and reinvestment commitment that Senator BINGAMAN has so eloquently talked about for a number of years on the floor of the Senate.

We believe the President's commitment and his vision for reinvestment in this area of defense conversion is going to be an unprecedented first step in finding the ways to make a peacetime economy a viable economy, a real economy, and as Senator BINGAMAN has done identifying those growth technologies, getting the greatest good for the greatest number of Americans in the workplace.

Mr. President, I would also like to state that the 22-member task force which was appointed by Senator MITCHELL last year, upon meeting some 2 or 3 months ago, ultimately came forward with a proposal that was endorsed by all 22 members on the Democratic side of the aisle. We were also joined at the time, let me state, by former Senator Rudman of New Hampshire, with a very good, constructive report proposed by Senator Rudman and his colleagues on the Republican side of the aisle.

I think we are beginning to see a bipartisan approach to this reinvestment concept, to conversion of the military in a peacetime economy. I think we are going to see some positive and constructive things come forward, and this is one reason I am very proud that the distinguished chairman of the Budget Committee, Senator SASSER of Tennessee, and also others on each side of the aisle are supporting the Bingaman amendment. I am proud to support the Bingaman amendment today.

Before I sit down, Mr. President, let me, if I could, say a word about the Senator from Iowa, who has just concluded his remarks. Frankly, I do not know whether he is for or against the Bingaman amendment. But I will say, Mr. President, as a personal observation, the Senator from Iowa, Senator GRASSLEY, has been in the vanguard. He has been a pioneer in the last decade in pointing out some of the great concerns of defense spending that have not been properly prioritized. I compliment my friend from Iowa because he has taken very brave, extremely courageous stands in his very strong and certain positions, I might add, with regard to defense spending.

Mr. President, we think it is that sort of bipartisanship that is going to lead us into a new day of reinvestment spending, rechanneling our energies and calling forth our resources in the area of reinvestment.

I know the Senator from Iowa has had some concerns about sending these dollars, at one point $6 billion, as the President is now recommending, I believe, back over to the Defense Department.

Mr. President, let me assure the Senator from Iowa that a lot of this money is now going to be going to the Commerce Department and to the Department of Labor, where it should be expended properly. I am hopeful that proper monitoring of these expenditures will be held and certainly will be properly accounted for.

Mr. President, if I do have any remaining time, I yield back the remainder of my time and I thank the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Arkansas yields back his time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Arkansas for his leadership. As I stated earlier, he has been the catalyst for a great deal of the activity that has occurred in this area here in the Congress, and I greatly appreciate his leadership in the Senate.

Mr. President, I have been advised by the Senator from Tennessee that the manager of the bill has some concluding remarks he wants to make on this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico yields the floor. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, if we were following the regular process of using all time on the amendment, how much time do we have on the amendment?

The PRESIDING OFFICER. The Chair advises the Senator from New Mexico that the Senator from New Mexico controls 23 minutes, and the Senator from New Mexico [Mr. BINGAMAN] controls 23 minutes.

Mr. DOMENICI. We clearly do not intend to use our time, but I have standing behind me the senior Senator from Alaska, who asked me if I could yield him—2 minutes?

Mr. STEVENS. Yes.

Mr. DOMENICI. Two minutes, as if in morning business, to be charged against the amendment. Does anybody object to that?

The PRESIDING OFFICER. Without objection the Senator from Alaska is recognized for 2 minutes.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 628 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I thank the Senator from New Mexico.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I ask the distinguished chairman, did he have a unanimous-consent request that he was going to propound?

Mr. SASSER. Yes, I do. May I ask, Mr. President, has all time expired on the pending amendment?

The PRESIDING OFFICER. The Chair advises the Senator from New Mexico [Mr. BINGAMAN] controls 23 additional minutes; the Senator from New Mexico [Mr. DOMENICI] controls 21 additional minutes.

Mr. SASSER. Mr. President, I ask unanimous consent that the pending Bingaman amendment be laid aside; that it be disposed of following the Murkowski amendment No. 203; that prior to the disposition of the Bingaman amendment there be 10 minutes of debate on the amendment equally divided in the usual form; and that no second-degree amendments be in order to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Mr. President, I assume the Senator wants to reserve the right to object.

Mr. BINGAMAN. Mr. President, I reserve the right to object to inquires. Is it the intention of the manager that we ask for the yeas and nays on this amendment before we conclude this?

Mr. SASSER. It is my intention to ask for the yeas and nays. If the Senator will withhold for just a moment——

Mr. BINGAMAN. Mr. President, I raise no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the Bingaman amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. The yeas and nays have been ordered. Is it our understanding that when we have completed debate on this amendment that Senator PRESSLER will go next?

Mr. SASSER. That is my understanding. I think the unanimous consent ordered that.

The PRESIDING OFFICER. The Chair advises the Senator that is correct. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I yield myself 3 minutes.

Mr. President, while I compliment my colleague, Senator BINGAMAN, for his very conscious and serious effort in the defense conversion field, hopefully it will yield some good results as we attempt to apply some resources to converting to a nondefense America, and hopefully to a State like ours. But I do want to make sure that the record reflects that this is a nonbinding amendment. In a sense the Chair has told me, as I exchanged parliamentary inquiries about amendments like this, that they are in order only because they are the equivalent of a sense-of-the-Senate resolution.

What is happening on this round of budget resolutions on the floor is unique, in that instead of offering a sense-of-the-Senate resolution somehow or another the other side has come up with the idea that if they do it in the manner recommended in the Bingaman amendment, which is to have a sense-of-the-Senate resolution about an assumption that is in the budget, that we are voting in a more binding way or that it is more significant.

I just, without in any way diminishing my complimentary remarks regarding my colleague on defense conversion, hope everybody understands that first of all we do not have a budget before us on defense. There may be assumptions made. But we do not really know what the President is recommending.

Again, I say this is the first time this has ever happened. So to assume defense conversion will continue at the recommended and assumed dollar numbers is a good statement, sort of saying the Senate would very much like that defense conversion by fully funded. And even in that context, the Senator from New Mexico finds no fault with it. I just want to make it clear that is different than changing the budget resolution. The budget resolution is not being changed. It is not being altered.

There are thousands of assumptions in this budget resolution. If one were to now come up with an assumption on every item, one knows that the appropriators are not going to do all of those items. But you could still keep voting for them on the basis that we assume that set of assumptions.

Having said that, I hope as we move through defense cutbacks we do justice to defense conversion, and that we try to find the best possible ways to do this; that we spend some money on it.

My closing remarks, however, are that the best way to effect defense conversion; I think there is most general approval of this and most economists would concur: The best way to effect defense conversion is to have a very strong vibrant growing economy adding thousands of jobs each month.

That is the best way to effect conversion, because those people in the industry, defense industry, will find jobs.

Having said that, again I compliment my colleague for offering the assumption resolution here on the floor.

I yield back the remainder of my time on the Bingaman amendment at this point.

Mr. SASSER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. I advise the Senator that pursuant to the previous order, the amendment was laid aside.

Mr. SASSER. Is there time remaining on the Bingaman amendment?

The PRESIDING OFFICER. The order provided for 10 minutes prior to the recorded vote on the Bingaman amendment.

Mr. SASSER. Other than that, all time has elapsed or yielded back?

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. DOMENICI. My time came off the resolution. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Senator very much.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER].

AMENDMENT NO. 210

(Purpose: To express the sense of the Senate that no small business, family farm, or family ranch have its taxes increased to fulfill the requirements of this concurrent resolution)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. BURNS, Mr. BENNETT, Mr. COATS, and Mr. KEMPTHORNE, proposes an amendment numbered 210.

At the end of the concurrent resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING TAXATION OF SMALL BUSINESSES, FAMILY FARMS, AND FAMILY RANCHES.

It is the sense of the Senate that no revenue increase set forth in this concurrent resolution assume a tax rate on income generated by small businesses, family farms, or family ranches (regardless of the manner by which such businesses, farms, and ranches are organized) above the highest corporate tax rate.

Mr. PRESSLER. Mr. President, this amendment concerns the taxation of small business. Specifically my amendment states that it is the policy of the Senate that income from small businesses and family farms and ranches, our Nation's most productive job creators, shall not be taxed at a rate higher than our country's large corporations.

As the ranking member of the Senate Small Business Committee, I am deeply concerned about the effect of a significant tax increase on America's small businesses. Under the President's proposal, the top effective individual income tax rate will be raised to 42.5 percent when the surtax and Medicare tax are factored in, and the top corporate income tax rate would increase to 36 percent.

Eight out of ten small businesses pay income taxes at the individual rather than the corporate rate. This translates into 21 million small businesses nationwide, and some 15,000 in my home State of South Dakota.

Thus, raising taxes on individuals means raising taxes on the vast majority of small businesses. However, with the proposal to raise the top individual rate to a level higher than the top corporate rate, not only will small business see their income tax bill increase, but some could end up paying proportionately more in taxes than our Nation's major corporations. Our main street corner store could pay a higher percentage of taxes than IBM or General Motors.

Some say, oh, no, this is supposed to be a tax only on the very rich. A tax increase only on the wealthy? Think again. According to U.S. Treasury Department figures, 67 percent of the revenue paid by the top 2 percent of taxpayers is paid by small businesses and family farms, many of which file individually as S corporations.

The chart behind me illustrates that at the very least 28 percent, and estimates are that the numbers are between 40 and 50 percent, of the people that the administration has classified as rich are actually small business men and women. I point to this chart behind me which represents small businesses paying taxes as rich individuals. The reason for this is that most small businesses file an individual tax return, whether that small business is a proprietorship, S corporation, or partnership. Classifying them as rich is very misleading.

These small businesses and farms are paying the salaries of our families across South Dakota and our country.

As you can see, unlike the so-called rich, increasing the individual income tax rate paid by small businesses hurts not only the proprietors and owners—but millions of people who work for sole proprietors, partnerships of subchapter S corporations.

Not only could small businesses end up paying proportionately more in taxes than big businesses, but by enacting such a proposal, the Government would be taking money away from small businesses that could be used to expand and hire more employees.

Cash flow often is small businesses' primary source of working capital, new investment financing for growth—and job creation. Since the after-tax profits of a business are critical in supporting its ability to borrow—in other words, its line of credit at its bank—increasing taxes would have a disastrous impact on economic growth. Increasing the tax burden on small businesses is counterproductive to our efforts here to reduce the deficit and stimulate the economy. Every extra dollar of income small businesses hand over to the Government is a dollar less that can be reinvested in the economy.

This is a critically important point. It is important because small businesses are driving this economy. The Small Business Administration reports that from June 1991 to June 1992, small businesses created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for 2 out of every 3 new jobs from 1982 to 1990. The bottom line is simple: Hamper small business development and you hobble our country's economy.

I would prefer very much that we cut spending, rather than increase taxes, to reduce our Federal deficit. However, the writing is on the wall—we have an administration and a majority in Congress determined to raise taxes. If that is their intent—let me point out that raising taxes is not my intent—then they need to do so fairly and responsibly. That is what this amendment is designed to do.

My amendment makes clear that the revenue figures set forth in this budget resolution do not assume that income generated by small businesses and family farms and ranches shall be taxed at a rate higher than the highest corporate tax rate. As I mentioned, if a majority in Congress vote to raise taxes, they should do so in a fair manner. My amendment would help to ensure that happens.

Some may argue that this amendment would make the Tax Code more complex. I disagree. By making the various changes to the Tax Code proposed by the President and others, Congress already is making the Tax Code more complex. My amendment is based on the proposition that if changes must be made—if taxes must be raised—then, at the very least, this process should be done fairly.

Indeed, while my amendment may add a level of complexity for individual taxpayers who receive income from both small business and from other sources, it also removes one very significant level of complexity. If the top individual rate is set at a level higher than the top corporate rate, many small businesses organized as S corporations, partnerships, or sole proprietorships will have to make difficult decisions as to whether it would be worth the time, trouble, and expense of incorporating to take advantage of the lower corporate tax rates.

It is perhaps inevitable that many business decisions are made based on the tax consequences of the decision rather than whether it would be good or practical in business terms. However, we should avoid injecting the Tax Code into the business decisionmaking process whenever possible. That is something else my amendment seeks to do.

For the reasons I have just presented, the proposed increase in income tax rates is a shortsighted policy. However, last week's vote on the energy tax made clear that a majority in Congress is intent on raising taxes. Yes, we in the minority should continue the fight to cut spending, rather than raise taxes. But we also have to minimize the damage higher taxes advocated by Members on the other side of the aisle could inflict. I encourage my colleagues to join me in supporting this amendment. If we are serious about economic stimulus and deficit reduction, the Senate should be supporting small businesses—the engine driving our economy—rather than continuing to increase their taxes, regulatory burdens, and Federal paperwork requirements.

I encourage all of my colleagues to study and support this amendment.

So, Mr. President, in conclusion and in summary, let me say that the purpose of my amendment is to provide that small businesses not be taxed at a higher rate than corporations in this country.

I think it has been overlooked that under the proposal from the administration, small businesses would pay at a higher rate. Many of these small businesses are individual proprietorships, some are partnerships, some are farms, some are subchapter S organizations. They are those small businesses that dot across America and make up most of the employment and most of the new jobs.

When we talk about a stimulus package, we should be talking about creating new jobs. Most new jobs in this country are created in the small business sector. As I pointed out, in the corporate sector there has been a loss of jobs.

Most of the innovation in this country is being done by small businesses where good research is occurring. That is the magic of the American system, and all around the world people are trying to imitate the American free enterprise system.

It seems we are beating up on the very portion of our economy that is creating the most jobs, creating the most technology, creating the most research. As the ranking member of the Small Business Committee, I offer this amendment to express the sense of the Senate that we are opposed to taxing America's small businesses or family farms at levels higher than corporations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from South Dakota yields the floor.

The Chair recognizes the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, this amendment is not about small business at all. What this amendment does I think is lay bare the real agenda of some of our friends on the other side of the aisle, and that is protecting the very rich. They have done that with great devotion and dedication over the past 12 years, and that dedication continues here today.

Most of us in this body are concerned about the impact of any tax change, particularly tax changes that affect small business or family farms.

But that is not what this amendment is about, Mr. President. The proponents of this amendment are trying to equate tax increases for families at the very top of the income scale, and I am talking about the top one-half of 1 percent in this country with an attack on small business. That is simply not accurate.

If the limits in this sense-of-the-Senate resolution were adopted, we would be creating a special class of taxpayers whose income would be taxed differently from every other group of taxpayers. I think it is important that everyone knows just how we get into this special class of taxpayers that this amendment would set up.

The criteria is very simple. You have to be have an income from a small business or a farm or a ranch, and that income has to be more than $250,000 a year. That is right. If you have an income of over $250,000 a year, a quarter of a million dollars, then you have the right to this special tax treatment at a lower rate.

Now, my colleagues would have us believe that in order to protect small business we should vote for this amendment. How can anyone stand here and tell the American people that small business owners who make more than a quarter of a million a year should be treated differently from other people with the same income? Let us say you own a metal fabrication shop and you have an income of over a quarter of a million dollars a year, and you have another person who is a super salesman and is a life insurance salesman, and he or she makes over $250,000 a year selling life insurance. Why should that life insurance salesman's income be taxed at a higher rate than the person who owns the metal fabricating shop which will be classified as a small business?

Just in case someone says, well, you know $250,000 a year, a quarter of a million a year, that is not too much money; that seems too low. Let me point out that this figure is taxable income. This is income after all deductions and all exemptions have been removed. Gross income for this new and, according to the proponents of this amendment, especially deserving type of taxpayer. This new class of taxpayer's gross income would be considerably higher than a quarter of a million dollars a year, at least $135,000, and certainly much more for some people.

So, this amendment is not about small business. It is about protecting the rich.

Let us just look at the facts. I have a chart here which indicates the effective tax rate of the top 1 percent of taxpayers. Bear in mind, we are not talking about the top 1 percent in this amendment. We are talking about the top one-half of 1 percent who are wealthier than the top 1 percent. But in 1979, the effective tax rate on the top 1 percent was 33.7 percent.

Then, during the Reagan years, that was lowered to 27.9 percent. Their taxes were lowered and they made out like bandits during the past 12 years. All the statistics show that their taxes came down. Middle-income wage earners, their taxes stayed the same or went up, when you included their Social Security taxes.

Now, what the Clinton administration seeks to do is simply reestablish some tax equity here. It raises the effective tax rate of the top 1 percent up to 33.1 percent, still slightly below where it was in 1979.

So this amendment simply creates a special class of taxpayers in the very top one-half of 1 percent and says:

> We are not going to tax you as much if you happen to run a business or you happen to run a farm and you have a taxable income of over a quarter of a million dollars a year, a gross income of maybe $319,000 a year. You are not going to get taxed as much as some man or woman out here working on a daily basis that does not happen to own a business and makes that much money or makes the same amount of money.

Now where is the equity there and where is the fairness? It is just another effort to carve out a special little niche here—lower taxes for some of the wealthiest among us who have enhanced their wealth over the past 12 years, while those in the middle class were paying the bills.

I say to my colleagues: Where is the fairness there? Where is the equity?

That is what this whole Clinton approach is about—restoring some fairness and restoring some equity to the Tax Code that has been lost over the past 12 years. And that is what this budget resolution would do, Mr. President.

So I want to say to my colleagues: Do not be fooled by this assertion that this is to protect small business. We all want to protect small business. We know that small business has been the instrument of creating jobs in this country.

And do not be fooled by saying this protects the family farmer. We all want to protect the family farmer. But this amendment, Mr. President, as I read it, simply creates another special privileged class of taxpayers at the very top, at the very top, in the top one-half of 1 percent.

That is not what this Clinton plan is all about. It is not about protecting privilege. What it is about is trying to establish some fairness and some equity in this Tax Code.

The President of the United States, appeared before a joint session of Congress and spoke to the American people. He told them the truth. He said, "We are going to have to make a contribution. There is going to have to be some shared sacrifice to put our house back in order here."

And he said, "I am going to ask those at the very top who have benefited the most and disproportionately from the tax policies of the past 12 years to come once again and pay their fair share," as they did before that 1981 Kemp-Roth tax cut.

And that is what we have here. Simply an effort to get them to pay their fair share again and still, still at that, if we look at this chart, we see that they are still not paying quite the rate they were paying in 1979, before the gigantic tax cuts that favored the wealthiest among us went into effect in 1981.

There is nothing wrong with being wealthy. I think most of us in this country aspire to be wealthy. We do not want to unduly penalize or tax someone who is wealthy. All we are saying here is just let us have some equity. Let us have some fairness. And let us have those who have done the best, particularly over the past 12 years, let us have them pay their fair share like everybody else.

Our ox is in the ditch here. We have seen the national indebtedness of the United States of America spiral from less than a trillion dollars, in effect about $986 billion in 1979, spiral now to over $4.2 trillion.

It took us 200 years to build up a national debt of about a trillion dollars. We have quadrupled that national debt in the last 12 years. And one of the chief culprits has been that 1981 tax cut that deprived the Federal Government of about 20 percent of the revenues that it was getting at that time. That and the fact that we increased defense spending by about 33 percent in real terms. And that is why this ox is in the ditch.

The President, when he appeared before a joint session of Congress, said: "I am not complaining. I am not blaming anyone. There is plenty of blame to go around."

He said: "I am going to play the hand that is dealt me without complaining about it."

So he has appeared before us and presented a budget, an economic plan. We have modified it some in the Budget Committee. We think we made it better.

But I would say to my friends here, this amendment is not about protecting small business and family farms. It is simply about creating another special class of privileged taxpayers who have incomes considerably in excess of $250,000.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. I yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I was just listening to the debate. Somehow or another we seem to be missing one another in this debate over who is rich and who is not.

I was just in Alaska over the weekend. And I was talking to some people that have small businesses.

For instance, a boat owner, who has an adjusted gross income of $250,000. After paying for fuel and everything else, he has $250,000. He is going to be affected by these new taxes. He currently is in the 31-percent bracket.

But, Mr. President, what the proposal from the administration misses is he has $130,000 a year he has to pay for his mortgage. He has to have money from that $250,000 after he pays his taxes to pay his mortgage or he is out of business.

As a consequence of the proposals that are in this budget this year, he faces not only a 5-percent increase on his income tax—from 31 to 36 percent—he faces increased Social Security taxes as an employer and he also faces a 10-percent surtax on income after that. He will not be able to have enough left to pay his mortgage.

I do not understand people that put these small business organizations, entrepreneurs, partnerships, and subchapter S corporations in the category of rich people who sit and collect income off of investments.

The $200,000 that might come from an investment basis is not the same as income that comes in to somebody who is in the process of capital formation. Admittedly, if he ever gets his boat paid for he is going to have a fairly good estate. But he is never going to have a sizable income. He has about a $40,000 take-home pay now. This new package that the administration has presented, and endorsed now in the budget resolution, is going to cripple my State.

About 80 percent of the employers in my State, other than government—either State or local or Federal Government—and the big businesses such as the oil industry, 80 percent of the employers are small businesses. People who are in this category the Senator from South Dakota has, earn somewhere from $300,000 to $500,000 in terms of their adjusted gross income. They are paying for the buildings, they are paying for the trucks, they are paying for the boats in after-tax income. How do we face the problem of convincing these people who want to increase taxes that they have to get off the backs of people that are building the country, providing most of the new jobs? I think the Senator from South Dakota, as a representative of small business, is presenting an amendment that should be supported 100 percent by the Senate. Until people understand what it means to have capital formation by small entrepreneurs, by people who are expanding this country, they are not going to understand the economy at all.

I do predict, I say to the Senator from South Dakota, unless an amendment of this type is adopted, the small States such as we represent are going to be absolutely devastated by the impact of this new proposal.

For those people who are working and have an income from a law firm where the law firm is already paying for the building and paying for all the infrastructure and who have a take-home pay of some $200,000, I might understand the presentation made in behalf of the administration. I do not understand the failure to comprehend the point that the Small Business Committee is trying to make through this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would just say in reply to some of the things that have been raised, the question still remains why should a small business, making $300,000, be taxed at a higher rate than IBM or General Motors?

Let me also say in my State, at least, many of the small businesses will be paying much higher energy taxes. Small businesses are getting kind of a double or a triple whammy. Under the Clinton plan, not only are they paying a higher rate of taxation than corporations but they will also be in a position—small businesses have the hardest time passing on the additional energy taxes. So we are doing a double whammy to the most productive element in the American economy.

Let me say, raising the taxes on small businesses also hurts hundreds of thousands of workers who are employed by the small businesses. You can draw somewhat of a parallel to certain other tax increases, such as the so-called luxury tax. It was designed to soak the rich, but in actuality if put tens of thousands of employees out of work. We need to think of the employees of these small businesses.

I think what we have seen here is small businesses paying taxes as rich individuals. Frequently these small businesses, because of the higher rate of taxation, because of the energy taxation, are really getting hit with a substantial tax increase that will slow the growth of the economy, slow the expansion of small business and the creation of new jobs.

As I understand it, the Senate is going to consider this week a so-called stimulus package. I have seen figures that the jobs created will cost anywhere from $40,000 to $80,000 per job. Those are make-work, public sector jobs. They are very expensive to create. But here we have job creation in the small business sector that does not cost the Federal Government anything. These are real jobs, good jobs. These are permanent jobs, jobs that will create goods in industries within our society and create tax payers, not tax consumers.

But increasing the rate of taxation on small business to a higher rate than corporations pay, at a time when corporations are reducing their number of employees while small businesses are increasing theirs, is very inconsistent. It is true that certain individuals make $250,000 or $300,000 a year from a small business. But as my colleague from Alaska has pointed out, there are usually mortgages and certain liabilities, not to mention tort liability that go with the territory. So this is not as it seems.

In any event, the basic question is, even if you accept all the arguments of my friend from Tennessee, we are still taxing small businesses at a higher rate than we are taxing corporations. Why?

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, before yielding to the Senator from Alabama, let me just make one point here. Statements have been made that the owners of these so-called small businesses have mortgages to pay or bills to pay. If these mortgages that they have to pay or the bills they have to pay are in conjunction with the business—for example, if you have a partnership or a sole proprietorship, and have to pay the mortgage on the building that is owned by the partnership or the sole proprietorship—then all of that is deductible. We are not taxing that. The taxes are not levied against the small business. They are not levied against the partnership or the sole proprietorship. The taxes are levied against the individuals after they have paid all the expenses and deducted that and taken the money out for their personal income. Then that is when the taxes are levied. And they still have their personal deductions and personal exemptions to take credit for before the taxes are levied against what they take out.

So I think there is a misunderstanding here. The small business person, or the farmer or the rancher or what not, still deducts the cost of running the business. That is set off before the income is ever pulled out of the business to be taxed to the individual.

If they want to they can flip over and incorporate, if they wish to do that. If they incorporated, they would be eligible to get the lower corporate tax of 36 percent, as I understand it.

But I want to correct the misapprehension that this tax is just something levied on the top. No; it is not. It is levied after all deductions have been taken from the business and what is left over after all the business expenses are paid. Then that is the income to the individual. Then the individual takes the deductions, all the personal deductions, and personal exemptions, and then they pay the tax. I see on the floor my friend from Alabama. I yield the Senator form Alabama 4 minutes off the amendment.

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. President, the standard by which we must judge this proposed budget is simple: Does it put us on the road to reducing our Federal budget deficit?

The answer to that question is clearly "Yes." Consider the difference between deficit projections under this proposed budget and our current budget. With the Clinton economic plan, as modified by the Senate Budget Committee, the budget deficit in 1997 is expected to reach $187 billion. Without it, $346 billion. Cumulatively, over the next 5 years, this plan will reduce our Federal budget deficit by $502 billion. As a percentage of gross domestic product [GDP], this plan is expected to cut the deficit in half, from 5 percent in 1993 to 2.5 percent in 1997.

So we know that this plan is a step in the right direction. The real question being debated here is whether or not it is a big enough step. Of course, it does not solve our deficit problems overnight. It is simply not possible to do so under any plan. Our problems were created over time and they will be solved over time. The President's plan is creative and constructive. It is always easier to criticize than create, to obstruct rather than construct.

President Clinton has rightly challenged anyone opposing his plan to link their criticism to specific proposed improvements in it. He has evidenced a willingness to be open-minded and give any proposal full consideration.

This is quite simply the largest deficit reduction package ever seriously considered by the Congress. It makes substantial spending cuts in some 150 Federal programs, cutting Federal spending by $332 billion over 5 years.

The President's plan gives great momentum to action. This momentum must not be slowed by the politics of inaction which has prevailed for more than a decade.

But the important thing to understand about this plan is that it does not signal an end to our budgetary reduction efforts; it signals a beginning. Just last week we saw what happens once we start the deficit reduction ball rolling. On top of the cuts proposed by the President, Congress found $90 billion in additional cuts; that is, the Budget Committee. We cannot afford to let this momentum be stopped. We must commit to making this budget a starting place from which to find further cuts in Government spending and from which to overhaul Federal programs which are spending taxpayer dollars unwisely. The American people must have our pledge that this budget means accepting this budget as a starting point, not as a resting point. I hope my colleagues will join me in making that commitment.

In thinking about the President's proposed budget, I am reminded of Winston Churchill's famous remark about democracy: "It * * * is the worst form of government except all those other[s]."

President Clinton's plan has its shortcomings. We can all point to our particular dislikes in it. But it is better than all those others and, at some point, if you are serious about solving a problem, you must have the will and courage to take the first difficult step on the road to solving it. The President's plan can be that step. We should support it, amend it where necessary, and with continued vigilance by all Members of Congress, ensure that it works.

Thank you, Mr. President. I thank the Senator for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I thank the Senator from Alabama.

Mr. President, I am prepared, if the Senator from South Dakota is, to yield back all time on the amendment and ask for the yeas and nays and then move on to the Simon amendment. I see Senator SIMON is on the floor.

Mr. PRESSLER. I might just say, in summary, I feel very strongly this is an important amendment for the country because it affects the rate of taxation on small businesses and farms, and it affects the direction we are going in terms of stimulus in this economy. Rather than creating public service jobs, I think we should be creating private jobs, jobs in small business. I feel very strongly about that, and I have stated those arguments.

I understand Senator GRAMM of Texas wants to speak on this amendment, but if he could speak later on this amendment, it would be agreeable to me. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I am prepared to yield back my time, if the Senator is prepared to yield back his time.

Mr. PRESSLER. I am prepared to yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the pending Pressler amendment be laid aside, to be disposed of following the Bingaman amendment No. 215; that prior to the disposition of the Pressler amendment, there be 10 minutes of debate on the amendment equally divided in the usual form; and that no second-degree amendments be in order to the Pressler amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SASSER. Mr. President, I seek the distinguished Senator from Illinois has arrived on the floor and his amendment will be next in order.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON].

AMENDMENT NO. 217

(Purpose: To ensure that fiscal year 1998 funding levels for education reform and initiatives are consistent with the levels requested by President Clinton in his investment program)

Mr. SIMON. Mr. President, I offer an amendment on behalf of myself, Senator MURRAY, Senator BOXER, Senator PELL, and Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mrs. MURRAY, Mrs. BOXER, Mr. PELL, and Mr. KENNEDY, proposes an amendment numbered 217.

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the education reform and initiatives will be funded at the level requested by the President for fiscal year 1998.

Mr. SIMON. Mr. President, this amendment is a very simple one. It says that the priority of education that is set forth in this budget is one that we applaud, we affirm.

We have had a lot of talk about education. People are claiming to be education Presidents, Senators, House Members, Governors and so forth. We have not had very much action at the Federal level. This moves us in the right direction, and I applaud President Clinton for this.

Let me just add what is impressive about the Clinton interests in the field of education. It is not simply some speech that someone hands him and he reads. I have been impressed, being on college campuses and elsewhere with the President, that he really is concerned and is knowledgeable in this area.

Where are we? First, from the viewpoint of the local elementary and secondary education program, in the last 12 years, we have seen a drop in Federal assistance from 11 percent of the budget to 6 percent of that local budget. There may be some argument about the 11-percent figure. I have seen other figures at 9 percent. Let us just assume the more conservative figure; that 12 years ago, 9 percent of local education funding came from the Federal Government. Now it is down to 6 percent. Clearly, we have slipped.

Let us take a look from a different perspective at the budget. In fiscal year 1949, 9 percent of the Federal budget went for education. Today, we are down to 3 percent of the budget. Does that make sense in the world in which we live?

Mr. President, when I was in the, I guess, fourth grade, fifth grade—something like that; I cannot tell you precisely, but I remember reading in that geography book that the United States is a rich Nation because of all the natural resources that we have, and I believed that up until maybe 10, 15 years ago when all of a sudden I realized the countries that were moving ahead of us economically, in terms of growth rate, were countries like Japan, Taiwan, Sweden—countries that have virtually no natural resources. What they have done is invest in their human resources, and that is what we have to do if we want to move ahead. It is just that simple.

If you take our No. 1 economic competitor today—and it is Japan and I say that with great respect. I am not a Japan basher. I think occasionally some of that gets just a tinge of racism to it. But in Japan today—and let me digress to say I am not suggesting the Federal Government alone can shift the emphasis in our country, it is going to have to be all of us working together—in Japan today, they go to school 243 days a year. In Germany, they go to school 240 days of year. We go to school 180 days a year. I am going to get in trouble with the pages by these remarks.

Why do we go to school 180 days a year? The theory is so that our children could go out and harvest crops. My guess is there is not going to be a single page this summer who will be out harvesting crops.

I live at Route 1, Makanda, IL, population 402. That is about as rural as you can get, and even at Route 1 Makanda, IL, there are not very many students in the summertime out harvesting crops. We have to adjust to a different world and we have not done that. The Clinton budget starts to move us in that direction.

Or let us take another example, and I say this with great respect for the dedicated people who have become teachers in our society, but if you look at the college entrance scores for those going into teaching, unfortunately too often it reflects the fact that not the brightest and the best are going into teaching. That has to change. You talk to the top 5 percent of any high school graduate in class. Ask them what they want to become. They want to become physicians, lawyers, architects. Very few, if any, want to become teachers. That has to change, and I hope with the help of this budget, it can gradually change.

It is very interesting, in Japan, again—and these figures I have are about 6 or 7 years old; they may have changed—but in Japan at that point, teachers were making approximately the same as physicians and lawyers. I do not need to tell people in this body that that is not the case in the United States. In Japan, those who want to go into teaching score at the very top of their college entrance exams. They are appealing to very brightest and best of their young people to go into teaching. We have to do the same. I am not suggesting pay alone will do it, although I think that is a significant part of it. I think along with that we have to have higher standards.

But we have to do better in this whole field of education. We have to do better in the field of curriculum. There is only one country on the face of the Earth where elementary school students do not study a foreign language. Do you know what this country is? Well, of course you know. It is the United States of America.

There is only one country in the world where you can get into the Foreign Service without the knowledge of a foreign language. The United States of America.

I have talked to George Shultz about it. I have talked to Jim Baker about it. I have talked to Warren Christopher about it. One of things they say is you cannot expect our Foreign Service to do what our education system has not done. I talk to educators and they say, well, you cannot expect us to require foreign languages if even the Foreign Service does not require foreign languages.

But it is hurting us in security. When our hostages were taken in Tehran, only 6 of the hostages spoke Farsi, the language of the people there. One of the hostages testified before a subcommittee I chaired in the House and said, "We were speaking to the elite in English. We were not communicating to the people on the streets."

We just got involved in Somalia. Incidentally, despite occasional minor problems that we are facing over there, I think it is one of the finest hours for the United States, and I think it is perhaps George Bush's finest hour when we got involved there. But all of a sudden we needed people who spoke Somali. Well, not to the surprise of anyone here I suppose, we had a desperate time to find people who spoke Somali. When we were involved in the Kuwait problem, we had exactly five people in the military who spoke Arabic with the Iraqi dialect. We had a very difficult time in that area.

Well, all of this gets back to the field of education. Math and science, again, we are woefully behind. I was there when President Bush made his speech saying by the year 2000 I want American students to be number one in math and science. And I applauded along with everyone else. But the reality is without the kind of budget we have here, we are not only not going to be No. 1, I doubt that we will be No. 1, frankly, by the end of this century. I would love to do it and I will vote for help in that direction. But I think the reality is without this kind of constructive help that we have in this budget, we will be lucky not to slip back further.

I had been spending some time, Mr. President, visiting Chicago schools, going to the West Side of Chicago and the South Side of Chicago particularly, not taking reporters along with me, just to get a good feel of what is happening in urban schools. While there are some very good things happening—and sometimes we do not focus on those—there is also very much that is discouraging. We have to do better in this country in the field of education. There is just no question about it.

I visited a school on the South Side in Chicago with about 700 students, an area of high crime, high drug use. They had one part-time counselor. You simply cannot expect to do the kind of job that needs to be done with that kind of a commitment.

And then finally, in the field of higher education, this budget faces the $2 billion shortfall that we have in Pell grants. The basic grant, which we call the Pell grant, is now only about one-third of the assistance we give to students. We have in the last 15 years shifted from two-thirds assistance in grants and one-third in loans to two-thirds in loans and one-third in grants.

One of the things that this budget assumes also is that we are going to move to direct loans which will help hundreds of thousands of young people and others in this area. Without this $2 billion, if we could not borrow into the future on the Pell grants, the Pell grants would fall from $2,300 down to approximately $1,500 per student, precisely the wrong message.

I have just been handed a note that my new colleague from Wisconsin, one of the great additions to the Senate, wants to speak on this issue, and I am pleased to yield to Senator FEINGOLD. I am impressed by the way he is going about his duties in the Senate. The people of Wisconsin can be proud of him as well as the people of the Nation.

The Senator from Tennessee, the chairman of our committee, controls the time, but I yield the floor at this point.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Actually the Senator from Illinois controls the time on his amendment. It is his amendment. I will be pleased to yield back to him.

Mr. SIMON. I am unaccustomed to such power, Mr. President.

Mr. SASSER. I am confident the Senator will yield it in his usual efficiency.

Mr. SIMON. In that event, I will yield 10 minutes to the distinguished junior Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. I thank the Senator for his remarks.

I congratulate the senior Senator from Illinois for his amendment. I support it.

I would like to take this brief time to comment generally on the budget resolution reported by the Senate Budget Committee and associate myself with the remarks that the senior Senator from Alabama made a few moments ago.

The Senate resolution builds upon President Clinton's economic plan. It would achieve deficit reduction totaling $502 billion over a 5-year period. This would be the largest deficit-reduction package in the history of this country. It is a substantial downpayment on restoring the economic stability of this Nation, and it deals honestly with the most serious fiscal crisis we have ever faced. It contains tough economic measures. These measures will cause pain and sacrifice, but the irresponsible fiscal policies of the past 12 years, those years of increased Federal deficits and runaway Federal spending, have, unfortunately, brought us to the point that tough and decisive action is the only solution to the economic crisis which is undermining our Nation.

I think this country is at a turning point. If we do not change the economic course of this country now, we are going to sink deeper and deeper into debt, condemning our children and our grandchildren to a truly declining standard of living under an intolerable debt.

The President's economic proposal presented just a few weeks ago was one of the boldest and most ambitious economic plans to deal with the Federal deficit that has ever been proposed by any President. The Senate Budget Committee has modified the President's proposal in a manner that is totally consistent with the President's goals, but the committee also enhanced the President's proposal in some very significant ways. The Senate Budget Committee resolution provides for even greater net deficit reduction, $502 billion. That is $29 billion more in deficit reduction than was originally proposed by the President.

The Budget Committee's task was made even more difficult by the CBO and Joint Tax Committee reestimates of the President's proposal, particularly the revenue assumptions, which decrease the estimated deficit reduction impact of the President's proposal to only $406 billion. But the committee got to work and it worked to achieve real deficit reduction using the most conservative estimates and budget scoring. They deserve much credit for the work and effort which has gone into producing this resolution.

They have remained faithful to the President's overall economic program, achieving most of the additional deficit reduction by retaining but stretching out spending in the President's investment proposals over a longer period of time. The balance of the gap in this proposal has been built by increasing reductions in discretionary spending by $41 billion over the 5-year period, and by modifying the income tax proposals affecting upper income taxpayers.

Mr. President, there are a few specific points I would like to express. First, both President Clinton and the Senate Budget Committee proposal have proposed significant, deep cuts in Federal spending as a part of the deficit reduction proposal. The resolution assumes spending reductions totaling $332 billion over 5 years. That includes defense cuts of $105 billion, $81 billion in nondefense discretionary cuts, and $91 billion in entitlement and mandatory program savings.

These are not going to be easy cuts to enact or accept. They are going to cause pain. Real people will be affected by the cutbacks in spending on these programs, both in the defense area and in other areas. For the President to propose and the Congress to endorse spending cuts of this magnitude is, in my mind, indeed, courageous.

The budget resolution before us today demonstrates an ability to focus on priorities in the Federal budget and identifies what programs are essential and what programs are not.

It proposes the elimination of programs that do not work, or are no longer needed. It endorses the elimination of subsidies and free Government services for those who can afford to pay for the benefits they receive from the Government. It includes management reforms, to cut back in Government waste, making Government agencies more efficient and effective.

Mr. President, these are the kinds of changes that we must make if we are really going to be serious about reducing the Federal deficit. We must demonstrate to the American public that we are capable of looking at programs that may have at one time served a worthy purpose but are no longer justifiable. We need to show the American public that we can say it is time to terminate these programs or reduce spending on them. We need to show that we can withstand the pressures generated by special interests who are fighting to maintain the status quo.

American families make these kinds of decisions on a regular basis, a daily basis. They reassess and reevaluate where their dollars are needed, and adjust their budgets accordingly. They do not just continue to pay and pay for services or goods that they no longer need or cannot afford. Our Federal Government has to apply the same kind of discipline to the Federal budget.

Second, Mr. President, I do believe that we can cut Federal spending even deeper than that proposed by the President and the Senate Budget Committee. I have already cosponsored several bills that would make deeper cuts in certain areas, including eliminating the super conducting super collider and the space station. I have introduced legislation, S. 51 and S. 477, which would make deeper cuts in overseas broadcasting activities, and the Wool and Mohair Support Program. These are larger cuts than were proposed by the President in these areas.

At the same time, I fully recognize that this budget resolution itself does not prevent deeper spending cuts later in the year. The resolution simply says that the Congress must cut spending at least to the level set in the resolution. We are free to make even deeper cuts at a subsequent point in time. I hope that we will.

I believe we can and must make deeper cuts to bring down the Federal deficit, even further than this resolution proposes. My desire for deeper cuts does not in any way diminish my admiration for the President and the Senate Budget Committee for proposing deep and serious spending reductions and net deficit reductions. I will work to support both this resolution and the legislation that will actually implement the spending reductions the adoption of this resolution will require.

Mr. President, there is a final point that I want to stress. Both the President's proposal and the budget resolution include revenue increases as a part of the deficit reduction package. It would be ideal if we could achieve meaningful deficit reductions through spending cuts, but President Clinton is right in arguing that the size of our deficit requires a combination of targeted revenue increases along with spending reductions. Spending cuts should remain our top priority, but anyone who argues that the Federal deficit, given its current size, can be balanced just by cutting Government spending is playing games with the American public. The American public understands that some revenue increases, although never pleasant, are necessary to bring the Federal deficit under control. I think they are willing to accept these increases if they know that we are serious about cutting the Federal deficit.

Mr. President, I finally want to address the increased Government spending contained in both the stimulus and investment proposals made by the President.

For the most part I am supportive of the individual elements of these proposals. There is little question that this country does need to invest more in our infrastructure, our education and health care systems, and urban and rural development, and in making our work force and our industrial base more competitive and productive in the global economy.

But I do have deep concerns about the need to make these investments in a fiscally responsible fashion. When American families make decisions about investments, the purchase of a home, educational expenses, health care, they balance the benefits to be gained from those investments against problems of going deeper and deeper into debt. Sometimes they actually have to defer important expenditures until they have the money to pay for them. The Federal Government needs to apply the same kind of discipline.

I think the President has done a responsible job in the overall budget proposal of offsetting the increased spending for new, long-term investment by reducing spending on existing programs that have less justification, and at the same time the President provides significant deficit reductions.

Mr. President, I continue to be concerned that the new spending proposed in the economic stimulus package should be tied to spending reductions. I expect to work to create that linkage when the economic stimulus package is considered by the Senate so that we do not run the risk that we will approve significant, new spending without corresponding spending reduction.

In conclusion, Mr. President, I would like to reiterate my support for the tremendous work of the Senate Budget Committee and President Clinton in developing a budget that will begin to address seriously the fiscal crisis which the irresponsible fiscal policies of the past decade have created.

We must do everything we can to repair the damage which has been done to our economy before that damage becomes irreversible. That will require strong action now. The President has given us the leadership that is necessary. Now we must act.

Thank you, Mr. President.

I yield the floor.

Several Senators addressed the Chair.

Mr. SASSER. Would the distinguished Senator yield 1 minute to me?

Mr. SIMON. I am pleased to yield.

Mr. SASSER. Mr. President, I want to express my appreciation to the distinguished Senator from Wisconsin [Mr. FEINGOLD], for his statement here today. I think that Senator FEINGOLD is speaking the truth to the American people today. I agree with him. If we will lay out the facts, then I think the American people will support the efforts that are made to bring our fiscal house in order, and to restore some measure of sanity and balance to our Federal budget.

I welcome the remarks of the distinguished Senator. I think they were most appropriate. I commend him for the fine work that he is doing, not just on this budget, but the fine job that he is doing here in the U.S. Senate on behalf of the Senate and on behalf of the people of Wisconsin.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will ask the chairman a procedural question. Are we ready for a unanimous-consent agreement on amendments for this evening?

Mr. SASSER. If the Senator will withhold for just a moment and let me have the opportunity to examine a proposed consent agreement and discuss it briefly with staff, I think we may be.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, the chairman of the committee that has jurisdiction over education is Senator KENNEDY, and he is a leader not just in name but has been an extremely effective leader and advocate in this field of education. I am pleased to yield to him such time as he may consume.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Illinois for his kind comments. I acknowledge, as all of us on our committee and in the Senate that education policy has been an area of prime interest to the Senator from Illinois, not only in the course of his service here in the Senate, but in the House of Representatives as well.

I welcome his strong leadership in establishing the priorities for education in this particular budget. In proposing this amendment, this action is consistent with his leadership on education policies generally.

I am very hopeful we can get resounding support for this amendment which he offers to the Budget Committee, which I think is really reflective of the concerns of families.

I was in Boston over the weekend. The papers were doing a review of the service of Mayor Flynn, who is on his way to being appointed by the President as the special envoy for the Vatican. The newspapers also had a general review of the principal concerns of the people in Boston, and education once again was the overwhelming concern of the people in that city. I think it continues to be the concern of people all over this country, and I welcome the initiatives which have been provided to address this issue in the form of the budget resolution.

Mr. President, I strongly support Senator SIMON'S amendment on President Clinton's education funding package.

In the last 12 years, the Federal share of support for education has dropped from 11 percent of total spending to just 6 percent, and President Clinton's proposal to invest $9.2 billion in the next 5 years is an important step toward rebuilding the education infrastructure in our country.

Money alone is not the answer, but the Federal Government cannot be a catalyst for education reform without making a major investment. We have at last a President willing to invest in change instead of talking about it, and then depending on private initiatives to provide the needed support.

Public education means just that—public. It is our responsibility to provide incentives for reform strategies to encourage schools to improve the way teachers teach and how students spend their time.

The country can no longer afford the economic and social consequences of an education system that fails so many of our students. In some cities, the dropout rate for high school students is approaching 50 percent. Dropping out will scar these students all their lives. They have little chance for productive employment or worthwhile careers. Thirty percent of all new jobs expected to be created between 1990 and the year 2005 will go to college graduates or workers with equivalent skills. Where does this leave high school dropouts? On the street.

The President's plan, however, targets this problem. It shows understanding of the fact that students are best prepared for the workplace with a mixture of school and work.

With respect to higher education, in the last 12 years, the Education Department has left the student loan and Pell grants program in disarray. The need to put Federal support for higher education on a structurally sound foundation has never been greater. These programs are a lifeline to thousands of poor and working class Americans.

Student needs are soaring and the cost of higher education is skyrocketing. The President is willing to face up to the $2 billion Pell shortfall head-on in a courageous action that is long overdue. We cannot create an expectation among students that we are unwilling to help those who need our assistance the most. We must also do more to reduce student reliance on loans so they can enter the work force without a crippling debt.

The President is also prepared to offer strong support to improve standards for education and to ask Congress to join him in certifying new standards and laying them out for the American people so they can at last get a clear sense of what their children and their future workers should be able to do. Again, Federal leadership is essential and must lead the way and present a blueprint for States to consider.

President Clinton also supports the enactment of the national goals in education into Federal laws. These goals were developed over 3 years ago and still have not been acted on by the Congress. Action on our part is long overdue, and it is a central part of the President's program.

Goals and standards alone, however, will not guarantee that students learn more. Success depends upon each school in the Nation.

The President's package provides incentives for schools to reorganize themselves and prepare their students to master a more rigorous curriculum.

Finally, we must pay greater attention to the classroom and focus on results. For many years students did not get enough attention. We need a system for monitoring students in the classroom that does not isolate them. We cannot ignore the negative effect of labeling them on children.

President Clinton has challenged us to rethink our programs and encourage a coordinated approach to student needs. Requirements and regulations are useful and necessary, but they can also inhibit a coherent plan and reduce the creativity of teachers in the classroom. The best teachers spend too much effort finding ways around poorly thought out rules and requirements. President Clinton has challenged us to examine the current array of programs to give schools and parents more flexibility to fashion appropriate and individual solutions to the challenges facing students.

For all these reasons, I urge the Senate to support the amendment and more effective leadership on education. We cannot improve the Nation's schools overnight, but at least we can start moving in the right direction.

Mr. President, I think it is important for this body and the American people to understand the comprehensiveness of the President's proposal in the areas of education—the commitment of this administration to the full funding of Head Start and efforts to ensure that there is adequate funding to strengthen the content of the program and improve the working conditions and the salaries of those involved in the program. Head start continues to not only enrich the lives of the children who are participating in it but in many instances their parents as well.

In this budget proposal there is also an increase of funding for Even Start. That is the program to help provide literacy training for the parents of many of the needy children in our school systems. The administration and the President have also understood the importance of getting a good start for the children of this country by enhancing the WIC programs, immunization programs, and by a commitment to preventative health care for expectant mothers. If we fully fund Head Start and Even Start programs, and if we coordinate them with Chapter 1, the $6½ billion that we provide for the economically disadvantaged children, we will have taken important steps for our youngest children.

Chapter 1 is not solely restricted to the earliest years, but most of the funding for that program is focused in that area. We want to emphasize that we are also interested in well-baby care. All of these efforts will help poor children cope with some of the challenges, educational and social that they face.

There are also followup programs that the President has in elementary and secondary education which are going to help provide resources to local schools that will encourage them to be innovative and creative in dealing with the problems of dropouts, teenage pregnancies, and will help them enhance academic achievement. Some of the President's programs also encourage parents and teachers and businesses to be involved in the schools in a way that was enormously successful in South Carolina.

Finally, the President recognizes the importance of moving from school to work. Many of our friends overseas with whom we compete economically are very effective in bringing skills to high school students. This administration is working on that area so that we are going to be more imaginative and creative in moving young people from schools into work.

We will have a chance to talk later on about reform of higher education and the need to make additional resources available to young people at less cost through a direct loan program and to increase our commitment to Pell programs.

In the President's program, there will be opportunities for our young people to involve themselves in voluntary service and national service programs, hopefully all the way from K through 12. We want them to get the idea that voluntarism is a lifetime opportunity for Americans.

This is an exciting time for those who are committed to education. We are not just talking about single programs. We are talking about a comprehensive program. This program makes a comprehensive commitment to strengthening our education system, helping and assisting those programs which are really effective, and in trying to encourage programs in many different communities that can be creative and innovative to deal with some of the educational and social needs.

I should add that the President also shows an understanding of the importance of one-stop shopping in our schools to try and provide a comprehensive range of services for young people, particularly in inner cities, but also available in rural areas. The kinds of pressures that so many of these children are exposed to are great and include physical abuse, substance abuse, and violence in the home. This is an area of concern to the administration and we are working on those programs. I want to repeat that we cannot just ignore those young people who drop out. They are part of our society and they are part of our community. In many instances, they drop out for a variety of different factors and forces which we should be addressing in our society. We have to find ways of reaching out to them to involve them and bring them back into our society.

Finally, I want to say that this administration recognizes the importance of the private sector and in involving them in a more comprehensive way in our educational enhancement. This has been the feature of Governor Riley's own programs in South Carolina. Both Governor Riley and Governor Clinton have an extraordinary record of achievement in education as leaders in their States.

So, Mr. President, I am very hopeful that we can gain overwhelming support for this particular proposal. We are addressing these issues in the budget resolution. A clear vote in support of the Simon amendment will be a clear indication that this body and the American people want us to put the educational agenda on the front burner and not on the back burner. That is what I think this amendment does, and I am very hopeful that the amendment will be accepted by an overwhelming margin.

The PRESIDING OFFICER (Mr. BREAUX). Who yields time in opposition to the amendment?

Who yields time?

Mr. SASSER. Mr. President, I ask unanimous consent that following the conclusion of the sequence of votes ordered to occur beginning at 2:25 p.m. today, the Senator from Mississippi [Mr. LOTT] be recognized to offer his amendment regarding Social Security, and that following disposition of the Lott amendment the majority leader or his designee be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time in opposition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa oppose the amendment?

Mr. CRAIG. Mr. President, I yield 5 minutes of our time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 631 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I yield myself 2 minutes of our time to speak in opposition.

Let me also ask unanimous consent the names of Senators SIMPSON and KEMPTHORNE be added as cosponsors to amendment 197.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BTU TAX

Mr. CRAIG. Mr. President, it is obvious that the extensiveness of the Btu tax as it has been proposed has brought this Nation's attention to the kind of impact that this approach would have on the economic viability of this country and its energy supply. Many Senators have come to the floor speaking of amendments filed that will be presented and voted on later. I, too, have filed such an amendment exempting hydro from the Btu tax. It is the only truly renewable energy source in this Nation that falls under the Btu tax as proposed by the Clinton administration. It is regional-specific. Clearly, 65 percent of the hydroenergy in this country is produced in the Western part of the United States, and primarily in the Pacific Northwest.

As a result of this renewable and relatively inexpensive energy source, as compared with other types of energy sources, clearly economies have developed around this, such as the aluminum industry, pump storage plants, irrigation, which is substantially important to my State and my State's agricultural base, along with the pulpwood paper industry of the West.

Many of those industries would become mobile. As the cost of this energy goes up, they would seek cheaper energy sources, immediately to the north of us. In the Province of British Columbia and Canada rests a very large abundant cheap hydroenergy source. It is feasible to see that kind of dislocation. It concerns all of us a great deal.

As we move toward the voting process this afternoon, I will call up the amendment for its consideration.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the Joint Committee on Taxation, dated March 22, 1993.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON TAXATION,
Washington, DC, March 22, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: This is a response to your request of March 18, 1993, for a revenue estimate of a modification to the BTU tax on energy sources that has been proposed in the President's budget proposals.

The President's proposal provides for the imposition of an excise tax on fossil fuels and alcohol fuels based on the BTU content of each energy source. Further, hydro- and nuclear-generated electricity would be taxed at a rate equal to the national average of tax embedded in electricity generated from fossil fuel. Your proposal would exempt all hydroelectric generation from taxation.

This estimate and the estimate of aggregate revenues raised by the BTU tax are based on details of the President's proposal supplied to the staff of the Joint Committee on Taxation by the Treasury Department. Many details of the BTU tax proposal have changed substantially since it was originally proposed, and it is our understanding that additional changes are expected before it is formally submitted to the Congress. As a result of these changes to the President's proposal, the revenue effect of your amendment may change significantly before formal consideration of the BTU tax occurs.

Assuming your proposal is effective for energy sources purchased after July 1, 1994, we estimate the following effect on Federal fiscal year budget receipts:

[In billions of dollars]

Item	Fiscal year—					
	1994	1995	1996	1997	1998	1994–98
Current BTU tax proposal	1.0	9.4	17.0	22.1	23.5	73.0
BTU Tax with hydroelectric exemption	.9	9.2	16.5	21.5	22.8	71.0
Difference	(1)	−.3	−.5	−.6	−.6	−2.0

[1] Loss of less than $50,000,000.

Note.—Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

HARRY L. GUTMAN.

Mr. CRAIG. I offer this amendment to strike the portion of the Btu tax that would be generated by taxing hydroelectric power generation at the same rate as nonrenewable energy sources.

The stated goal of the Clinton administration Btu tax was to tax energy sources that are polluting, inefficient, and reduce dependence on foreign energy supplies. On the other hand, hydropower is the antithesis of these goals being a renewable energy source that is nonpolluting, a highly efficient method of energy production, losing little energy in the conversion of falling water to electric energy, and domestically produced. Indeed hydropower generates over 85 percent of the Nation's renewable energy sources and displaces about one billion barrels of oil that would other wise be consumed in the United States each and every year. Other renewable energy sources such as wind and solar power are not taxed in the proposal before us. In the name of equity and fairness, hydropower should be treated the same.

In the Pacific and Mountain West, approximately 62 percent of the tax will be born by these two regions—a most disproportionate application of the tax. My amendment will reduce the Btu tax by approximately $2 billion over the 5 years of the new tax proposal. This reduction will affect electric ratepayers in the 47 States that generate electricity using water power from the streams and rivers of our Nation.

Industries that have grown up around hydropower have done so to take advantage of this dependable and economical source of electricity. I am very concerned that the tax as proposed will economically discriminate against hydropower. It is in the spirit of equity and fairness that I offer this amendment and encourage my colleagues to support its passage.

Mr. President, I yield and retain the remainder of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 217

Mr. SIMON. Mr. President, the Senator from Connecticut [Mr. DODD] not only has been a leader in terms of family leave, he has also been one of the key leaders in the whole field of education, whether it is Head Start or student assistance or in the area of foreign student curriculum. I am pleased to yield such time as the Senator from Connecticut may consume.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me commend my colleague from Illinois for, once again, demonstrating his longstanding commitment to education. I do not mean longstanding just in terms of his tenure in this body or as a member of the Labor and Human Resources Committee, nor do I mean specifically his tenure in Congress, when I had the pleasure of serving with him since our first days in the House of Representatives, but also going back to his days in the private sector when he was a newspaper publisher and a member of the State legislature in his own State. His leadership in education issues is as long as anyone I know of in public life today. I am not surprised at all that he would be the author of the amendment that is before us.

I ask unanimous consent that I be listed as a cosponsor of that amendment, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, there have been numerous remarks already given on the importance of this amendment and of education, in general. Every time I hear of an amendment like this, I just assume that everyone understands how critically important it is for this country to make whatever intelligent investments we can to improve the quality of education in this country.

Mr. President, it is now the hour of 12:20 on a Tuesday afternoon. By 3 o'clock today and every other school day, some 2,000 children in this country will drop out of school and never go back. Every school day in this country, somewhere between 150,000 and 180,000 students bring a gun to school. We have a dropout rate that hovers around 25 percent.

Thirty-five percent of our young people begin school totally unprepared to learn. In some States, one out of five children repeat first grade.

These numbers and statistics are powerful indicators of our Nation's direction, Mr. President. If you look around the world at our major economic competitors, in Western Europe and the Pacific rim, you will find dropout rates hovering close to 1 percent—less than 1 percent of the student population. Yet, many of us get up and give speeches and talk about our country being a great power in the 21st century; as if we are going to be a strong economic force in the world. I do not know how anyone can give a speech like that, how anyone can stand before any audience in this country, and make such a prediction when you look statistically at where we are headed in our schools and with our children.

In 1989, the Governors of this country and former President Bush met and together identified the six national education goals for the year 2000. In 1989, the year 2000 may have seemed a long way off. We are now 6½ years away from that deadline.

While we have identified these goals, Mr. President, we are still widely divided over how we are going to achieve those goals, what measures we are going to use to determine whether or not we have made progress toward those goals, or what they mean for students and teachers.

What President Clinton and Secretary Riley have done is take our national goals and identify ways in which we can actually achieve them. Anyone who stands here, or stands elsewhere, and says reaching the goals is strictly a matter of money, ought to be discredited immediately. It is not just money, although money is clearly a critically important element. Good ideas, creative, innovative solutions to some of the problems that face our educational system are the essential elements of our success. And I would point out, Mr. President, that we already have some wonderful ideas that have emerged in our local communities, from parents and teachers, from business people, from legislators, from administrators at the community level in this country.

In my own State of Connecticut, many innovative ideas have emerged in communities where local people have come together to improve their schools. They do lack Federal support and funding, but they are terrific ideas already producing results. The Comer schools model in New Haven's elementary schools has now become a national model for how we can improve the educational performance of children at the earliest levels.

Connecticut's statewide mastery test and strategic schools profile has also been extremely helpful in our State in identifying our needs. The Yale-New Haven Teachers' Institute has been very successful in working with New Haven public school teachers to develop innovative and interesting curriculum for the public schools. Here is a major private learning institution, which for years, quite frankly, and I say this not to the great surprise of my colleagues, could have been anywhere; it was not involved with the local community. But today that is not the case. This great school, this institution of higher learning is today directly and deeply involved with public school teachers in the New Haven area working to improve the quality of those teachers.

The collaborative dropout program in Danbury, CT, has been identified as one of the best antidropout programs in the country, and the Statewide Excellence in Education Commission, a commission of educators, legislators, business people, and parents has also received national acclaim.

I point these out merely to show what one State is doing and what a series of communities are doing on their own to try and improve the quality of education.

President Clinton and Secretary Riley want to foster these kinds of local efforts. The Goals 2000: Educate America bill is soon going to be sent up by Secretary Riley as part of President Clinton's overall educational plan for elementary and secondary education. This bill will offer meaningful support to efforts to improve our schools. It will codify the national education goals, establish a standard setting procedure, and provide support for local school improvement efforts.

So, Mr. President, we are going to have a chance to actually vote on specific proposals that many people regardless of party, agree are absolutely vital if we are going to have the kind of economic growth and expansion that is essential to this country.

Mr. President, I speak at a public high school in my State every week and have for 10 years.

I have spoken at virtually every single public high school in my State, mostly to juniors and seniors. I do not think my State or our students are substantially different from most States today. You can go to certain high schools in my State, and they rival community colleges in terms of their campuses and in terms of their equipment and sports facilities and the ratio of students to teachers. Yet, you can literally walk from some of those schools to other schools, and I mean walk—I am not exaggerating here—15, 20 blocks, to visit another high school. And there you will see city schools, which despite the efforts of the school boards and teachers, are deteriorating and crime infested, with police walking the corridors just trying to maintain discipline.

I was at one public high school the other day where there are 30 computers for some 2,000 students. It is 1993. Thirty computers for 2,000 students. That is outrageous in this day and age where the computer is a critical learning vehicle and is an essential tool for advancement in education. Yet, here we are with a large secondary school and only 30 computers available to these kids. And we are going to ask them to be the best educated, best skilled generation we have ever produced.

Mr. President, I do not think Connecticut is unique in that regard. Obviously, my colleague from Illinois can speak with great certainty about similar problems; and my colleague, of course, from Rhode Island, who has been such a champion on these issues for decades, Senator PELL can speak of the disparity that exists in his State's schools.

Again, I am not subscribing to the notion that somehow turning on a faucet of money is going to resolve these problems. But if we do not come up with some sort of formulation to see to it that assistance reaches these students in very short order, then we are going to watch those trend lines of dropouts and educational performance continue to head in the wrong direction.

Thomas Jefferson said some 200 years ago that any society or nation that ever expects to be ignorant and free expects what never ever was and never possibly can be. I believe that statement certainly was true then, but if it was then it certainly is even more so today. It ought to be axiomatic that the investment of our society and Nation in educating our children is so directly linked to our ability to provide for a better future for coming generations that it ought not require debate. We could maybe argue about where some of those resources go, but the bottom line question the Senator from Illinois has raised today ought not to be a matter of debate. This is something on which every single one of us in the Senate, regardless of State, regardless of party, regardless of jurisdiction, ought to be joining together in because anything else we try to do will fail unless we deal with this issue. It is the cog of the wheel. It is the central ingredient. Without quality education, every other issue that we talk about will be left entirely to chance.

Mr. President, I commend any colleague from Illinois for raising this particular proposal, and I hope that on this issue, if on no other, there would be unanimity.

I commend him for his efforts and am pleased to join as a cosponsor and hope that the rest of my colleagues would as well.

I yield the floor.

The PRESIDING OFFICER. The Chair observes that the hour of 12:30 has come and passed. Senators need unanimous consent to proceed.

Mr. SIMON. Mr. President, I ask unanimous consent that the recess scheduled to begin at 12:30 be postponed until the conclusion of remarks by the Senators from Rhode Island, Washington, and Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I also ask unanimous consent that the senior Senator from

Connecticut be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I yield 6 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. PELL. Mr. President, I wish to express my strong support for this amendment, and particularly for the education action agenda already set into motion by President Clinton and his administration. It is abundantly clear that we have a President dedicated to improving American education.

Nothing could be better evidence of the administration's commitment to education than the appointment of Gov. Richard Riley as Secretary of Education. In the few short weeks he has been on the job, Secretary Riley has already demonstrated that his interest lies not in making headlines but in a sure, steady effort to strengthen our Nation's education system.

The education initiatives set forth by President Clinton in these early days of his administration are of critical importance in what they set out to accomplish. Perhaps even more important, they convey to the American people that we have a President who intends to be extremely active in the cause of bettering American education at every level.

The National Service objective already outlined by President Clinton are exciting not only because of how they will affect education but also because they kindle a new spirit of community concern and service on behalf of our citizenry. Tying student aid more closely to national and community service is a concept I am proud to have advocated for many years. I am literally overjoyed to see a President give life to this idea, and am committed to helping him bring it about. If we but give him the chance and work with him in the cause of national service, I am confident that our Nation will indeed be a better place to live in the coming years.

I am equally encouraged that the President clearly sees the National Service concept as an adjunct or supplement to the Pell Grant Program. Thus while he has acted quickly to move us forward in the area of National Service, he has acted with equally swift speed to place the Pell Grant Program on a sound footing for the first time in over a decade.

The proposal to erase the $2 billion shortfall in the Pell Grant Program is something that deserves the solid support of every Member of this Chamber, regardless of their party affiliation. It will erase all accumulated deficits, and give students and families the assurance that the funds we put into the Pell Grant Program will go out as aid to students, and that families can count on receiving the funds for which they are eligible.

Some may say that erasing the shortfall has nothing to do with economic stimulus. I would say simply that such an argument is wrong. Over the past several years, the ranks of individuals eligible for Pell grants have increased dramatically as thousands upon thousands of Americans have sought a college education or returned to school. This is a direct result of the recession in which both unemployed and underemployed workers see additional education as the avenue to a job, the way to upgrade their skills, and a chance to improve their economic standing. Restoring health to the Pell Grant Program will mean that individuals and families who count on this help can do so with the confidence that the help will be there when they need it.

President Clinton has also proposed an additional $500 million in funding for summer Chapter 1 programs in elementary and secondary education. This is an important provision. The Chapter 1 Program provides critical basic skills assistance to children from families who are not well off. A Chapter 1 summer program in our most disadvantaged areas will help sustain the gains that are made during the regular school year. It will also provide critical employment to the people who run the programs.

The President has also proposed $235 million to help States that did not benefit in the census, but which continue to feel the full weight of the recession and the ongoing responsibility to meet the needs of poor children in a program that, today, reaches only about 40 percent of those who are eligible to participate. This, too, is an important part of the economic stimulus package, for without it school districts will face the need to impose additional layoffs and cutbacks in services in the Chapter 1 Program.

Very soon the administration will submit its education reform legislation, Goals 2000: Educate America. My understanding is that this legislation, among other things, will codify the national education goals and the National Goals Panel, will provide an important framework for the development and certification of voluntary content standards, and provide important assistance to States, local education agencies, and individual schools to begin or build upon education reform efforts. I look forward with enthusiasm to working with the administration to obtain swift enactment for this important legislation.

Mr. President, I cannot emphasize too strongly how important it is that we give President Clinton and Secretary Riley the chance they deserve to chart a course of positive change in American education. It has been clear from the outset that the Clinton administration has an expansive view of education. It is committed to bringing fundamental change in elementary and secondary education through school reform, and to revitalizing American higher education by bringing the spirit of national and community service onto the campuses and into the minds and actions of students across America. I stand with the President in this pursuit, and urge my colleagues to give him the chance that he deserves to make American education second to none.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank my colleague from Rhode Island for his remarks. I think the kind of high regard we have for our colleague from Rhode Island for his leadership in education is suggestive of the fact that we call the basic grant the Pell grant in this country. We are grateful to him for his leadership.

Mr. President, I think my time is just about consumed on this amendment. So on behalf of the majority manager, I yield 5 minutes to the Senator from Washington off of the resolution.

Let me add I am pleased to have her as a cosponsor of this resolution, and I appreciate the good work she is doing as a new Member of the Senate.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. I thank the Chair.

I appreciate my colleague from Illinois offering this very important amendment. Our great and diverse Nation requires an educational system which is relevant for all participants. I believe increased emphasis on education policy in this country will enhance our ability to compete in the global marketplace. We need a national agenda to bring educators, parents, students, business leaders, and Government together to improve education for the sake of all of our future.

For too long the message from our National Government on education has been that schools are bad, teachers cannot teach, and kids cannot learn. I disagree. I believe that our public education system has not failed. We have failed our public education system, and it is time to turn that around.

Finally, we have a President who fully recognizes this. Clinton proposes to invest $9.2 billion over the next 5 years toward rebuilding the education infrastructure in this country. This is a step in the right direction.

We need to reverse the pattern of indifference that has characterized the Government's attitude toward public education over the last decade. We know children need to learn how to use a computer for jobs tomorrow but far too many schools today do not even have the electrical outlets they need to plug the computers in.

We know our children need access to the latest changes in our world, yet far too many schools do not have the money for current books and curriculum.

We know that the skills our children need for tomorrow are drastically different than the skills we needed when we were in our public education system, yet we have not invested in training for our teachers so they have those skills to pass on to their students.

Over the last 12 years the Federal investment in education has dropped from 11 percent of total spending to 6 percent. The United States spends less on critical kindergarten through 12th grade than do virtually all other major industrial nations.

One recent study comparing national expenditures on K–12 education ranked the United States 12th out of 16 nations. It is well past time to change our Nation's dismal record of neglect when it comes to investing in our children's education.

I know, as all of you do, that money alone will not solve our educational woes, but the Federal Government cannot serve as a catalyst for education reform without making a sufficient investment. While everyone agrees that education is the core of the American dream, the Federal Government up until now has failed in its responsibility to shape a comprehensive education policy that will provide leadership, vision, and resources for our children.

Fortunately, we now have a President who wants to get us back on the right track and his proposals deserve our full support. As a nation, we rob ourselves when we do not make education a top priority. The skill level and expertise of our work force is the foundation of our economic security. We must recognize that each year's class of dropouts costs our Nation $240 billion in earnings lost, and taxes forgone in their lifetime.This does not include the costs of welfare, health care, and social services borne by society.

By contrast, a high school diploma increases annual earnings by $927. We need to ensure that postsecondary education is within the reach of all Americans regardless of their family's income level. Nationally, the average cost for higher education has increased at twice the rate of family income over the last decade. Without financial aid, college has simply become unavailable, so far, to many students today.

Pell grants provide for hope for families who look to education as a way out of chronic poverty and we must support the President's proposal to fully fund the shortfall in Pell grant funding.

There is not a minute to lose. We cannot expect to retain our position as leader in innovation, research, products, and achievement in all areas unless we address the tragic state of our educational system in this Nation. The President has laid out a plan. We must join forces as legislators, principals, teachers, and parents to meet the needs of today's students for tomorrow's world.

I urge all of my colleagues to support the President's plan and begin the process of making educational excellence a top priority for our National Government.

I yield the remaining time.

Mr. SIMON. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMON. Mr. President, I have conferred with my colleagues on the Republican side on this. While there is not a Republican Senator present right now, this is agreeable on the other side.

Mr. President, I ask unanimous consent that the pending Simon amendment be laid aside to be disposed of following the Pressler amendment No. 210; that prior to the disposition of the Simon amendment, there be 10 minutes of debate on the amendment equally divided in the usual form; and that no second degree amendments be in order to the Simon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, on behalf of the majority manager, I yield——

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed to extend the recess until such time as I can complete my remarks and proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLLUTION PREVENTION

Mr. KERRY. Mr. President, thank you.

Last week, I was joined by 53 of our colleagues here in the Senate in sending a letter to President Clinton urging him to issue an Executive order requiring the Federal agencies, all of them, to undertake comprehensive pollution prevention activities.

The Senators who signed this letter to the President requesting this Executive order all share a belief that issuing such an order should outline specific actions that Federal agencies would be required to take in order to prevent pollution at the source, including requiring Federal facilities to first, report their toxic emissions and pollution prevention efforts under the toxic release inventory; second, to prepare comprehensive pollution prevention plans; third, to use the Federal procurement process to reduce the government's use of toxic chemicals; and fourth, to build flexibility into the Federal grants programs so as to encourage States to develop innovative policies to promote pollution prevention.

All those Senators who signed this letter to President Clinton believe that the Federal Government has a unique opportunity, and most importantly, a responsibility, to become the leader—not the delayer—in pollution prevention practices and in its day-to-day operations and in its purchasing decisions and in its policies.

It should be very clear to us that if we are going to demand of the private sector the enormous expense and to promulgate a whole set of requirements for the private sector to live up to the Clean Air Act, toxic waste disposal requirements, and a host of other environmental requirements, we have a responsibility in the Government not just to lead by word but also by example.

The Federal Government can set that example by undertaking on its own spontaneously to do what we are asking of the States as well of industry. And we should not only do that. We should do more. We should lead by example.

Federal facilities are known to be the Nation's largest polluters, releasing literally billions of pounds of toxic chemicals into the environment. In 1992, the Department of Defense alone was responsible for over 14,000 toxic waste sites at over 1,500 domestic facilities. Each of these toxic waste sites, each of these facilities, represents a location in the United States where American citizens are put at risk not by the actions of the corporate sector, not by the actions of other countries, but by our own agencies, by the departments of the Federal Government itself that are busy preaching and setting standards for the private sector.

Just one Department of Energy facility, the Hanford Nuclear Reservation, which we have talked about on the floor of the Senate before, released more than 200 billion gallons of waste into the environment.

According to the National Toxic Campaign Funds 1991 report, entitled "U.S. Military Toxic Legacy," I quote, "In 1989 DOD's estimates that it generated about 900 million pounds of hazardous waste as well as 17 billion pounds of waste water much of it contaminated with toxic chemicals.

"Furthermore, in 1989 DOD was also responsible for 658 oil and toxic waste spills that require cleanup. The EPA estimates that the cleanup of domestic DOD facilities will cost $20 to $40 billion and will take decades to complete. But these projections"—they also admit are most likely to rise.

The DOD Inspector General's Office told the Los Angeles Times that the cost could go as high as $100 to $200 billion just to clean up the toxic waste of the Departments of Defense and Energy which are not alone among those Federal agencies creating waste in America's environment today.

Focusing solely on the cleanup of toxic waste dumps is, we should say, also wasteful of both natural resources and taxpayer dollars, and it is inexcusable. It is far better and it is high time that we focus on reducing the waste before it is created so that we can prevent many of these future toxic waste problems. Pollution prevention has proven to be the cheapest and by far the most effective way to eliminate waste, especially over the long term.

Many people in the private sector acknowledge and even champion this. As Frank Popoff, who is the CEO of Dow Chemical, stated in his remarks during President Clinton's economic summit last December:

> At one time conventional wisdom said that the economy and the environment were irreconcilably opposed. Today, there is a growing recognition that pollution prevention and waste reduction are not just societal imperatives but make fundamental good business sense.
>
> I think we are learning today that environmental reform can be the genesis of jobs and create its own competitive advantage [for our country.]

The Federal Government would be very well served if it would heed this sage advice.

I point quickly to the recent example in the Clean Air Act. For a period of time in this country, the Competitiveness Council under Vice President Quayle spent an awful lot of time trying to slow down the process of implementation of the Clean Air Act. And, in fact, regulations that were supposed to implement this act were 12 times delayed.

Meanwhile, Japan and Germany proceeded ahead on the implementation of clean air standards, and their standards were higher than ours. That required their companies to produce state-of-the-art technology to meet those standards.

Now, while Eastern Europe and Indonesia and other countries are deciding they want to clean up, they are not turning to the United States to buy the technology. They are going to Japan and Germany because they have the state of the art. That is a competitive disadvantage that has been created as a consequence of procrastination on environmental cleanup.

Mr. President, I would respectfully suggest there are countless jobs to be created in America today if we would heed the sage advice of the CEO of a company that often has been viewed as an enemy in terms of environmental cleanup.

An important avenue to encourage pollution prevention has been something known as the multimedia data base, the toxics release inventory, or the TRI, as it is known in shorthand. This requires businesses to report on their toxic emissions to the air, land, and water.

In 1986, Congress passed the Emergency Planning and Community Right-to-Know Act, or EPCRA, which is also known as title III of the Superfund Amendments and Reauthorization Act. This recognized the public's right to know about the risks that are posed by a number of private-sector facilities which produce certain toxic chemicals. So we have recognized this right, that the private sector has to live up to, and we have understood that very valuable information is compiled by the Environmental Protection Agency in its TRI data base.

In addition, in 1990, the Pollution Prevention Act was passed, and that required these same private-sector industries to report on their source reduction efforts. It is a way of holding them accountable. There are methods on measuring progress. But similar facilities owned by the Federal Government are exempt from these laws.

So here we are with another example of the Federal Government not living up to the standards that it requires the rest of America to live up to. And, frankly, the American public is fed up with Congress setting one set of laws for the country and another set for itself, or with the Federal Government requiring things in the private sector and not being willing to live up to these standards itself. It creates a double standard that is unacceptable and literally undermines Government.

EPCRA and the Pollution Prevention Act are unique among environmental laws. Both are nonregulatory statutes that rely on reporting and public disclosure of information in order to achieve environmental protection. And I would respectfully suggest that is a standard that we would be well advised to adhere to in this country.

In addition to reporting under the TRI, Federal facilities have a wonderful opportunity to take advantage of pollution prevention through the Federal purchases of environmental goods and services. It is very difficult to exaggerate the massive scale of the Federal Government's purchasing operations. The Defense Department alone has identified no less than 70,000 standardization documents that include specifications, standards, and handbooks.

I am pleased that the Defense Department is beginning to evaluate these specifications to resolve unnecessary purchases of hazardous materials. For example, the Department is already considering how to reduce the use of toxic chemicals that are targeted by EPA in at least 600 standardization documents that currently require the use of those chemicals.

Mr. President, it is time that every Federal installation reports its toxic chemical releases into the air, water, and land under title III and the PPA. I look forward to working with my colleagues and to working with the administration and working with Carl Browner of the EPA in order to try to implement a plan in the next weeks and months that can direct us to do by Executive order what we have required the rest of the country to do by legislation.

I hope that this will happen. It will save millions of dollars, billions of dollars. It will protect lives. It will improve the health and safety of Americans and it will shore up the entire effort of this Nation to make the environment a part of our creation of jobs, as well as a part of our second thinking on a daily basis.

Mr. President, I ask unanimous consent that a copy of the letter sent to President Clinton be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 16, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask that you consider issuing an Executive Order specifying actions for agencies of the Federal Government to take to prevent pollution at the source.

Pollution prevention—reducing waste at the source rather than at the end-of-the-pipe—is often the cheapest and most effective way to diminish pollution, especially over the long term. Unfortunately, the opportunities for source reduction often are not realized because existing regulations, and the resources they require for compliance, focus upon treatment and disposal rather than source reduction, and existing regulations do not emphasize pollution prevention.

Michael Porter of the Harvard Business School has stated eloquently that:

"Turning environmental concern into competitive advantage demands that we establish the right kind of regulations. They must stress pollution prevention, rather than merely abatement or cleanup * * * Properly constructed regulatory standards, which aim at outcomes and not methods, will encourage companies to re-engineer their technology. The result in many cases is a process that not only pollutes less but lowers cost or improves quality."

The federal government has an opportunity and a responsibility to become the leader in applying pollution prevention in its day-to-day operations, in its purchasing decisions, and in its policies. Pollution prevention holds the promise of making the government operate far more efficiently—ultimately moving us towards greater stewardship of the public's resources and thereby improving government's credibility and trustworthiness. Realizing this promise will demand that we ask federal agencies to establish new policies and new programs in a time that calls for austerity. If we are to be leaders, we must lead not only by word, but by example—we must do ourselves what we are asking of industry and the states. Quite simply, we must take the time and spend the resources now to prevent waste and conserve resources so that we do not incur greater costs later.

There are many actions that the federal government can take to incorporate pollution prevention in its operations. A critical first step is to report publicly the amount of toxic wastes generated at federal facilities. Privately owned manufacturing operations already are required to report publicly such data under the Right-To-Know law and Pollution Prevention Act, and there is no reason why federal agencies should not play by the same rules.

The spotlight provided by these public disclosure requirements has helped companies to identify cost-effective ways to improve manufacturing efficiency by eliminating waste. Public reporting would allow federal agencies to reap these environmental and economic rewards, while providing a baseline against which to measure the federal government's progress in reducing waste. The Department of Energy's National Laboratories already have volunteered to take this step, providing a model for other agencies to follow. (The Right-To-Know law includes a provision that protects national security information from disclosure.)

Large federal facilities also can be instructed to prepare comprehensive pollution prevention plans that identify ambitious but achievable goals for reducing waste at the source. Many privately owned facilities already prepare such plans under state law. These plans, when combined with public reporting of toxic waste, would signal the federal government's new resolve to be a good neighbor to local communities that must live with the consequences of poor environmental management at federal installations. Plans should include measurable goals to improve energy efficiency as well.

The federal government exerts a powerful pull on the marketplace through its purchase of environmental goods and services. This power should be used to help build markets for environmentally benign products. An Executive Order can contribute to this goal by setting targets for reducing federal purchases of toxic chemicals or products made with environmentally harmful raw materials, taking into account the availability of safe and reasonably priced substitutes and by requiring federal facilities to publicly disclose the progress towards the targets. This initiative could accelerate efforts already underway at the Defense Department and in other agencies.

Finally, an Executive Order can direct agencies to build flexibility into federal grant programs to encourage states in their efforts to develop innovative policies to promote pollution prevention. It also may be valuable to consider establishing a national awards program to recognize products of technologies designed to reduce or eliminate environmental impacts in the design, manufacturing and marketing stages.

We pledge our cooperation with any such effort, and wish you every success in pursuing the twin goals of economic growth and environmental protection.

Sincerely,

George J. Mitchell; John H. Chafee; Patrick J. Leahy; Claiborne Pell; David L. Boren; William S. Cohen; Dave Durenberger; John F. Kerry; Carl Levin; Pete V. Domenici; David Pryor; Bill Bradley; James M. Jeffords; Donald W. Riegle, Jr.

Barbara Boxer; Herb Kohl; Paul S. Sarbanes; Daniel K. Inouye; Ben Nighthorse Campbell; Joseph R. Biden, Jr.; Arlen Specter; Edward M. Kennedy; Daniel K. Akaka; Richard H. Bryan; J. Robert Kerrey; Russell D. Feingold; Paul Simon; Howard M. Metzenbaum; Carol Moseley-Braun; Dale Bumpers.

John Glenn; Mark O. Hatfield; Tom Harkin; Jay Rockefeller; William Roth; Joseph Lieberman; Barbara Mikulski; Daniel Patrick Moynihan; Harris Wofford; Patty Murray; Bob Packwood; Richard Lugar.

Nancy Landon Kassebaum; Tom Daschle; Alfonse D'Amato; Dennis DeConcini; Dianne Feinstein; Dan Coats; Chris Dodd; Bob Graham; Paul Wellstone; Jeff Bingaman; Jim Sasser; Harlan Mathews.

Mr. KERRY. Mr. President, I notice the distinguished chairman of the Budget Committee is seeking recognition. So I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the time consumed by the Senator from Massachusetts be charged against our time on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, the appointment of Mr. Ralph Everett, of Virginia, to the Congressional Award Board.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:57 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the presiding officer [Mr. CONRAD].

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1994–98

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 185

The PRESIDING OFFICER. The pending business is the DeConcini amendment, No. 185.

Who yields time? The Senator from Arizona.

Mr. DECONCINI. Mr. President, I think under the agreement—I ask for clarifiation—there is 10 minutes equally divided at this time?

The PRESIDING OFFICER. The Senator is correct.

Mr. DECONCINI. Mr. President, the amendment before us is the community policing amendment which provides for some changes and some fulfillment of commitments made by President Clinton in his State of the Union Address. He talked about 100,000 police, and that is what this amendment says. It commits the Senate and the budget that we will pass here later to fulfill that commitment.

The amendment before us here will ensure that the funding levels for the community policing program are consistent with the $1.7 billion requested by president Clinton in his budget proposal.

Mr. President, I have previously spoken a lot about the problem that this country faces. It is severe. It is severe in my State and it is severe throughout the country. On the streets of America today, you literally are not safe, whether you are in the suburbs or in the inner city. There is a murder every 21 minutes in the United States of America. There is a robbery every 46 seconds. Before I finish here, there will be at least five robberies. And there is a burglary every 10 seconds. By the time I just said that, somebody's property was burglarized and something taken or destroyed.

This is obviously out of hand. I do not pretend to convince my colleagues that this is going to cure it. But what it is, it is the first step that I have seen from the White House to provide assistance to local law enforcement to see that there are more people available. We run across the arguments, now and then, about enforcing laws. Whether it is the drug laws—let us not enforce it, people are going to use drugs no matter what. Let us not have the interdiction program because they are going to fly planes in here.

That is like saying let us not put any more police on the streets because burglaries are going to continue to occur. Yes, they are. But there is a deterrent effect when the law enforcement people are seen, and particularly if they are part of the community.

In my State of Arizona there is approximately 1 police officer for each 400 residents of a city or town in Arizona. In Phoenix, approximately 2,000 officers serve a population of well over a million people. And in my hometown of Tucson, 800 officers serve a population exceeding 400,000 people.

That is not a lot of presence, when you think of 24 hours, administrative costs, the sick leave, problems that people go through. How many officers do you really have on the streets? Not very many. In fact, in Phoenix, AZ, the police department is so strapped that sometimes they do not have enough people to fully handle the basic emergency 911 calls. This is no fault of the police chief in Phoenix, AZ, Chief Garrett, one of the most innovative, hardest working chiefs I have ever known in Arizona. He just does not have the personnel. He cannot get them.

This amendment is known as cop on the beat. It puts people in the field, not in the towers of the administrative offices of the chief or anybody else. It puts them in the field, exactly where they belong.

I am pleased there are some additional cosponsors of this bill. The Senator from Texas [Mr. KRUEGER]; the Senator from Nevada [Mr. BRYAN]; the Senator from Delaware [Mr. BIDEN]; the Senator from Pennsylvania [Mr. WOFFORD]—are all joining in this.

I hope my colleagues here will put aside the fact that this happens to be a Democratic President's idea because that is not the issue here. If this was George Bush's idea, this Senator would be speaking in favor of it, and maybe offering the amendment if no one else did. It is an idea whose time has truly come. If we want better schools, if we want businesses to survive—whether it is in the suburb and shopping centers or the inner cities—if we want our children to be able to play in the neighborhoods, we have to have more police. I urge my colleagues to adopt this amendment.

Mr. WOFFORD. Mr. President, I rise as a cosponsor of the community policing amendment to the budget resolution. The issue of crime touches every neighborhood in every city and town in every State of this Nation. No one is immune from the ravages of random violent acts that have increased in number beyond our ability to control them with traditional policing methods.

According to the FBI, the national rate for violent crime reached an all-time high last year, an increase of 24 percent since 1987. For the second year in a row the United States also set a new murder record with an estimated 24,020 violent deaths. As a result, homicide is now the 10th leading cause of death in this country.

If success in fighting crime could be measured accurately by the number of people we put behind bars, then we would not have the problems we face today. With more than 1.2 million citizens in our jails and prisons, the United States has the highest incarceration rate of any industrialized nation. We spend $24 billion per year to operate our prisons and jails with an additional $10 billion for prison construction. Yet the United States has a rate of violent crime 5 times that of Canada and 10 times that of England.

In my own State of Pennsylvania violence is on the rise. In the city of Pittsburgh drug and gang violence have taken over the streets of many of the cities poorest neighborhoods. In Philadelphia like other major cities across the country the increased incident of crime has crippled local police resources and held captive law abiding citizens.

Our communities and our local law enforcement agencies are demanding that we provide them with the resources they need to take innovative steps to stem the growth in crime. I believe that this community policing amendment, in addition to passage of the upcoming crime bill, is an answer to that call.

This amendment will provide $1.7 billion for community policing from fiscal year 1994 to fiscal year 1998. It is the first step toward putting 100,000 more police on the front lines in the fight against crime. In addition, it will meet the President's challenge to provide the necessary funding for local law enforcement agencies to implement promising community policing initiatives.

Community policing makes the police officer a proactive force for crime prevention in the communities they patrol. It moves the police officer from a position of anonymity in the patrol car to one of direct engagement in the community. By allowing police officers to play a more constructive role in the community, community policing has the potential for lessening hostility between the police and crime plagued communities, in addition to increasing police accountability to the public.

From Philadelphia to Los Angeles, New York to Houston, we have seen examples of community policing, when properly funded and implemented, making a difference where other programs have failed. We must lend a hand to these efforts and others like them by passing this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I notice the Senator from Arizona is on the floor. I would like to ask him just a brief question. Maybe the Senator from New Mexico will yield me some time. I ask the Senator from New Mexico to yield me a couple of minutes.

Mr. DOMENICI. Mr. President, how much time do I control?

The PRESIDING OFFICER. The Senator from New Mexico controls just over 4 minutes.

Mr. DOMENICI. I yield the Senator 2 minutes.

Mr. NICKLES. Mr. President, I will ask the Senator from Arizona a quick question. It says under the Senator's amendment, it is a sense of the Senate that we will be funding the President's level for the community policing program. What was the President's level of funding for that?

Mr. DECONCINI. If the Senator will yield, it is $1.7 billion.

Mr. NICKLES. Are we spending any money in that program today?

Mr. DECONCINI. I do not know the answer to that question. This is additional money to fund an additional 100,000 police officers, he is talking about. I am sorry I cannot answer the first part of that program.

Mr. NICKLES. Is it a brand new program?

Mr. DECONCINI. I am advised it is an existing program. We are trying to find the money now. It is additional money to the existing program.

Mr. NICKLES. I share some of the concerns the Senator from Arizona has about some of the difficulties our police forces have in many cities and States. But I also am very concerned about the budgetary impact, and realize if we start picking up on more and more of the expense from the Federal side, I wonder about that liability, given the fact that the Federal Government is running such enormous deficits. That is my concern.

The intent or objective of helping local police forces is something that is very noble. I just question the financial aspect of it. That is the reason why I asked the Senator the question.

Mr. DECONCINI. If the Senator will yield?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank my friend from Oklahoma for joining me on the floor.

Mr. President, let me say to my friend from Arizona, I hope that some day we can have an opportunity on this particular program that he is talking about.

I will suggest to everyone that we are in a new habit now during the last 4 days on budget resolutions. We try to phrase an amendment so that it is not just sense of the Senate but that is what it ends up being because you cannot really change a budget resolution and not change it. If you put words in and do not change the numbers, what you are doing is offering a sense-of-the-Senate resolution, otherwise it would not be in order.

I urge that Senators, if they really think this program some day under some circumstances might work, if they think that there is enough money around, they can vote for it if they want because it is nothing more than saying it is a sense of the Senate that we should have this kind of program.

I myself am not going to vote for it because I do not think the program ought to be adopted. I think we have in existence a program that we can fund that will help the local law enforcement people hire more law enforcement people, and we do not need a whole new program called community law enforcement. We are way underfunded on the authorizing side of an existing judiciary program. In fact, we are billions under the authorization.

That is the one they have been asking us to fund because it is policemen for the local community. It is helping the local police in Oklahoma City and Albuquerque, NM, or Kansas City. I do not think we need to experiment with a new tier of local policemen funded by the Federal Government. I am going to vote against it because I do not think the program ought to be adopted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 185, offered by the Senator from Arizona [Mr. DECONCINI]. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the amendment (No. 185) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 186

The PRESIDING OFFICER. The question now before the Senate is on agreeing to amendment No. 186 by the Senator from Minnesota [Mr. WELLSTONE]. There is 10 minutes of debate evenly divided.

Mr. WELLSTONE. Mr. President, thank you.

Mr. President, I am very pleased to be able at this time to make an important announcement regarding the subject of my amendment. I think that the way for me to perhaps make this announcement is to read a letter. So I will do so.

This is from Secretary Bentsen.

DEAR PAUL: After studying the impact of the Btu energy tax on the ethanol and methanol industries in light of the Administration's objective to encourage use of alternative fuels, we have decided to exempt both ethanol and methanol from the energy tax. This exemption would also apply to other oxygenates, such as ETBE and MTBE, that are derived from ethanol and methanol.

Your leadership—

Mr. DOMENICI. Mr. President, the Senate is not in order.

Mr. WELLSTONE. I thank the Senator. I hope this will not count on my time. I thank the Senator from New Mexico. I remind my colleagues that all of us have issues that are important to people back in our States. This happens to be a very important issue to many of us. I thank the Senator from New Mexico for bringing us back to order.

Your leadership and input on this issue has helped us immensely in developing our position.

Please let me or my staff know if you have any further questions regarding this issue.

The only other thing I would like to say—and then I want to hand this over to Senator HARKIN and Senator DASCHLE, who are on the floor—I would like to thank the cosponsors, Senators HARKIN, PRESSLER, GRASSLEY, MOSELEY-BRAUN, EXON, SIMON, KERREY, BAUCUS, and KEMPTHORNE. I thank Senator DASCHLE for all the work he has done with Secretary Bentsen. And in Minnesota I would like to thank David Morris; Ralph Groschen, of Minnesota Department of Agriculture; and Richard Jurgensen, of the Minnesota Corn Processors.

I yield time now to Senator HARKIN and Senator DASCHLE.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Senator for yielding. I want to join him in this amendment. I congratulate the Senator from Minnesota for his great leadership in this area. I, too, have received a letter from Secretary Bentsen saying that they will basically exempt both ethanol and methanol and also the oxygenates, both ETBE and MTBE, from the Btu tax. I congratulate the Secretary for taking this position. It, quite frankly, made no sense that in the package they sent down the President excluded alternative forms of energy, such as wind, solar, and biomass energy, but did not exclude ethanol because ethanol is, by its very definition, a biomass fuel. This sort of completes the circle and makes sense of it by including it as a biomass fuel.

I just say this, Mr. President, I hope that in terms of further looking at this, they will narrow the methanol down to be methanol produced from biomass or methanol produced from renewable sources of energy.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Minnesota for his leadership on this amendment and for his work on renewable fuels.

Let me also commend the administration for their announcement just now. We deeply appreciate the cooperative spirit with which the announcement has been made. Clinton and this administration has long indicated its support for ethanol. They know it saves one-half billion dollars a year in farm subsidies. They know it reduces the dependence upon foreign oil. They know it can make a major contribution in cleaning our air.

This issue really represented the first opportunity to demonstrate what we all know, and they have done so. The exemption recognizes that ethanol is the primary biomass fuel. It recognizes that we need to do all we can to encourage renewable fuels. The announcement today puts words to action. There should be no doubt about the administration's support for ethanol now.

By voting for this amendment, we, too, can reaffirm our support for reducing farm subsidies, for reducing dependence upon foreign oil, for cleaning our air. Ethanol is a critical amendment to farm policy, to energy policy, to improving our environment. This is the first opportunity in this Congress to reaffirm our support and to recognize the need to advance renewable fuels, to join with the administration to create not only an effective budget policy, but an effective energy, farm, and environmental policy as well.

So let me again commend the distinguished former chairman of the Finance Committee and now Secretary of the Treasury for his work and his leadership in this regard, and thank again the distinguished Senator from Minnesota for his work on the amendment.

Mr. WELLSTONE. Mr. President, how much time do we have left?

The PRESIDING OFFICER. Twenty seconds.

Mr. WELLSTONE. I reserve the remainder of that time.

Mr. DOMENICI. I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I yield 1 minute to Senator BRADLEY, the Senator from New Jersey, in opposition.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I regret the action taken by the Secretary of the Treasury. I rise to oppose this action. I think we ought to focus——

The PRESIDING OFFICER. If the Senator will suspend for a moment.

The Senate will be in order.

Mr. BRADLEY. Mr. President, the current subsidy for ethanol is outrageous. It amounts to $7 per million Btu. That is the subsidy. Contrast that with a sales price of $2.50 per million Btu for natural gas and $6 per million Btu for gasoline.

In other words, Mr. President, the subsidy for ethanol on a Btu basis is larger than the sales price for natural gas or for gasoline. I mean this is outrageous. This amendment would give ethanol another 60 cents per million Btu of subsidy. We already are subsidizing it higher than the price of most other fuels. Now we are going to give them another 60 cents at a time when we are supposed to be reducing the budget deficit. This does not make sense in terms of the other arguments that are made.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRADLEY. I ask for another minute.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 1 minute.

Mr. BRADLEY. In terms of the life cycle greenhouse gas emissions, there are more in the production of ethanol from corn than there are emissions from gasoline. So it is not a great Clean Air Act amendment.

Finally, $1 billion in subsidies, one-third of all corn acreage going to ethanol will provide relief from a day and a half supply of oil.

So much for the energy-independence argument.

Mr. President, I ask unanimous consent that a "Dear Colleague" letter, a letter from Environmental Action and others, and a letter from the Independent Petroleum Association of America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, DC, March 22, 1993.

DEAR SENATOR: Independent natural gas and oil producers have been informed that an amendment may be offered during Senate consideration of the budget resolution to exempt ethanol from the President's BTU tax proposal. The Independent Petroleum Association of America opposes such an exemption.

This is more than a "misery loves company" argument. Ethanol, which already enjoys tax exemptions levied on oil-based fuels, also competes with natural gas and natural gas-derived fuels in new transportation markets and would gain a significant advantage if exempted from the BTU tax. Such an exemption cannot be justified as a matter of environmental, energy or tax policy.

The IPAA does not support the BTU tax, nonetheless we strongly urge you to vote against the ethanol exemption amendment to prevent further competitive distortions in the energy market should the BTU tax be enacted.

Sincerely,

ROY W. WILLIS,
Vice President for
Government Relations.

AMERICAN METHANOL INSTITUTE,
Washington, DC, March 18, 1993.

DEAR SENATOR: We respectfully urge you to be aware that the Dear Colleague letter you received yesterday from Senators Pressler, Wellstone, and Harkin, proposing that ethanol and methanol fuels made from biomass be exempted from the BTU tax proposed by President Clinton, does not reflect the position of the methanol industry. The American Methanol Institute strongly believes that if a BTU tax is enacted, it should, as the President has proposed, apply to all combustible fuels, including both methanol and ethanol, whether they are made from biomass, natural gas, or any other feedstock.

Proponents of further tax subsidies for ethanol cannot credibly argue that the use of ethanol increases energy efficiency, reduces the use of fossil fuels, and reduces oil imports, when at the same time the ethanol industry is claiming that the heavy use of fossil fuel to manufacture ethanol is a justification for giving more tax breaks to ethanol. The ethanol industry, already heavily subsidized by federal and state tax dollars, has asserted the illogical position that it should be exempt from the BTU tax because the very high energy input that goes into the manufacture of ethanol is, in itself, justification for not applying the tax to ethanol. In other words, because it takes so much energy to manufacture ethanol, and that energy will already have been taxed, the ethanol industry claims the final product should not be taxed, even though the final product is an energy fuel.

It is important to understand that energy is used to process all fuels. Extracting natural gas from the ground and compressing it to make CNG or LNG, or processing the natural gas into methanol, require the use of energy in the same way that farmers use energy to plant, harvest and dry the corn that becomes ethanol. Exempting ethanol or any other fuel whose feedstocks are produced with unusually high and inefficient energy inputs would punish the more energy-efficient fuels and reward those that waste the most energy.

Neither can ethanol legitimately claim to be a renewable fuel like solar energy or wind power. The production of ethanol often requires the depletion of non-renewable soils, the depletion of non-renewable groundwater resources, and always requires the use of great quantities of fossil fuels as already discussed.

Finally, we urge you to consider the severe budget and tax revenue consequences of continuing to provide more and more subsidies to ethanol. Sacrifices in other programs, and losses to the Treasury, cannot be measured only by the billions of dollars in subsidy payments to the ethanol industry. For every gallon of tax-subsidized ethanol used, our economy will not use fuels that pay the BTU tax, such as methanol and CNG. So direct federal revenue losses, and the economy's loss of investments in enterprises that pay the BTU tax, would be even higher.

Again, we urge that the Senate preserve President Clinton's principle of fair competition in the market-place by application of the proposed BTU tax to all combustible fuels, including ethanol and methanol made from any feedstock.

Very truly yours,

RAYMOND A. LEWIS,
President.

ENVIRONMENTAL ACTION, FRIENDS OF THE EARTH, NATURAL RESOURCES DEFENSE COUNCIL, SIERRA CLUB, UNION OF CONCERNED SCIENTISTS, THE WILDERNESS SOCIETY,
March 22, 1993.

DEAR SENATOR: As the Senate considers key elements of the President's economic package—the budget resolution and the stimulus package—we urge you to keep the public interest before the special interests. In particular, we urge you to oppose the Wallop Amendment and any other amendments regarding public lands subsidies, as well as the Durenberger and Wellstone Amendments regarding ethanol and the Gorton Amendment regarding hydropower. All of these amendments compromise the integrity of the President's package and all are both fiscally and environmentally irresponsible.

At the same time, we urge your support for the stimulus package and your opposition to the Boren-Breaux and Kohl Amendments. These amendments would seek further cuts in the stimulus package or in long-term programs, jeopardizing investments that are urgently needed to restore our human and natural resources and to lay the foundation for a strong economy.

Specifically:

The Wallop Amendment would block much needed reform of environmentally damaging taxpayer subsidies to mining, ranching, and agricultural special interests. These special interests would continue to collect almost $1 billion dollars in taxpayer handouts over the next 4 years, while degrading precious public resources. The public would doubly lose because needed investments in the stimulus package and other programs would be sacrificed to pay for continued subsidies to these special interests.

The Durenberger and Wellstone Amendments seek to exempt ethanol from the BTU energy tax. For environmental, as well as fiscal reasons the tax should be applied equally to all sources of energy, excepting only emerging technologies that are truly clean and renewable (such as solar and wind). As currently produced from corn, ethanol can actually exacerbate problems of global warming and poor air quality. The corn ethanol industry already enjoys hundreds of millions of dollars in annual tax subsidies (the existing federal subsidy of $7 per million BTU dwarfs the proposed $0.59/mmBTU proposed energy tax); much of the benefit flows to a single agribusiness giant, the Archer-Daniels-Midland (ADM) Corporation. The added subsidy to ADM and other ethanol special interests would again come at the expense of needed public investment. The Gorton Amendment which would exempt hydropower from the energy tax is also unjustified. Hydropower is an established technology with its own negative environmental consequences and should not be exempted from the energy tax.

It is time to end the special interests handouts that these amendments would preserve and it is time to invest in our human and natural resources. The targeted spending on environmentally sound infrastructure contained in the President's stimulus package is essential to create the foundation for a sustainable and competitive economy. Investments in water quality, restoration of public lands and forests, waste management, and an efficient transportation infrastructure will improve our quality of life and the environment, while putting thousands of Americans to work. Investment in the energy efficiency of federal facilities and federally-assisted housing, for instance, will pay back in a few years and generate continued taxpayer savings—and pollution savings—in the future.

The President has shown courage and foresight in proposing a balanced economic package that begins to put the public interest before the special interests. We urge you to do the same: supporting the stimulus package and opposing amendments that would compromise needed public investment or preserve damaging special-interest subsidies.

Sincerely,

Leon Lowery, Environmental Action; Marika Tatsutani, Natural Resources Defense Council; Alden Meyer, Union of Concerned Scientists; Ralph DeGennaro, Friends of the Earth; Melanie Griffin, Sierra Club; Don Hellmann, the Wilderness Society.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, March 23, 1993.

DEAR COLLEAGUE: We urge you to oppose a Sense of the Senate Resolution introduced by Senators Wellstone, Harkin and Pressler, and another Resolution to be introduced by Senator Durenberger, that would seek to exempt ethanol from the Administration's proposed energy or "BTU" tax. It is expected that these resolutions will come to a vote on March 23, 1993. While we, the undersigned, have differing positions on the wisdom of a BTU tax, we do agree that tax policy should not artificially favor one form of energy. As currently proposed, the BTU tax would apply evenly to all combustible fuels, including methanol and ethanol fuels, on a weighted energy equivalent basis. An exemption for ethanol would result in an unjustified tax preference for ethanol over methanol, which is a safe and efficient fuel made from domestic natural gas.

All combustible fuels should compete on their merits in the marketplace without the tax system providing preferences for one product over another. Tax preferences that encourage the development of products which cannot otherwise compete in the marketplace necessarily result in a misallocation of resources. Elimination of such tax preferences was a sensible principle of the Tax Reform Act of 1986. We believe it is equally applicable to the exemption of ethanol from the BTU tax.

Whether you support or oppose the BTU tax, we urge you to oppose any resolution or amendments that would exempt ethanol from the tax.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.
BILL BRADLEY,
U.S. Senator.

Mr. BRADLEY. Mr. President, enough is enough.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much. Let me yield myself 1½ minutes and see if I have time for one other Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment by Senator WELLSTONE does not change one number in the budget resolution, does not change one single solitary instruction, or order, to the Finance Committee to produce new taxes. What it is, and what the Secretary of the Treasury has done, is absolute, unequivocal, pure politics.

Now, some Senators can say, "I am voting for the resolution, but it does not include this provision that my people will not stand for." But why do they not take the money out of the budget resolution that accounts for that? That is very simple. Just put an amendment up and it says whatever this is going to cost, I want to make sure it is not going to be imposed and I am going to take out the money. What they are saying is put it on somebody else. But they run around back home and say, "I got it out as far as this particular kind of energy, I have seen to it that it is not going to be in this."

We could go through the whole budget resolution and do that. What I think is happening is that there are three kinds of votes around here. There is a yes vote, and there is a no vote, and there is a vote that says maybe sometime, but I am not sure when or if.

I yield 1 minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague for yielding. We had an opportunity to kill the Btu tax. We had an opportunity right on the floor.

The PRESIDING OFFICER. The Senator will suspend for 1 minute so I can restore order so the Senator can be heard.

Mr. GRAMM. Mr. President, we had an opportunity to kill the Btu tax on the floor of the Senate by dropping the revenues, by changing the reconciliation instruction that sends instruction to the Finance Committee recommending that it be adopted, and by cutting spending add-ons in order to keep the deficit at the same level. Yet, our colleagues voted against taking the tax money out, voted against cutting the spending add-ons to pay for it, and now we are getting a sense-of-the-Senate resolution that means absolutely nothing, that seeks to indemnify one more special interest group.

I want people to understand every time a special interest group is indemnified, that means the cost of this budget goes up. If the auto producers are indemnified for supporting this budget through protectionism, every American pays more for automobiles. If the airlines are indemnified for supporting this budget by not remitting a tax, people may pay more.

Mr. DOMENICI. Mr. President, I want to wrap this up by saying the Btu tax——

The PRESIDING OFFICER. The Senator's entire time has expired.

Mr. WELLSTONE. Mr. President, I have 20 seconds left.

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. WELLSTONE. There is nothing uncertain about this. It is based upon a U.N. report, "The Importance of Biomass, Clean Fuels." I remind my colleagues of an important letter from Secretary of the Treasury, Lloyd Bentsen, which now exempts ethanol from the Btu energy tax. It is fair, it serves the economy of this country, and it is an important amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—48

Akaka
Baucus
Bond
Boxer
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Conrad
Daschle
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hollings
Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kohl
Levin
Lugar
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Pell
Pressler
Pryor
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simon
Wellstone

NAYS—52

Bennett
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Domenici
Faircloth
Feingold
Gorton
Gramm
Gregg
Hatch
Hatfield
Heflin
Helms
Johnston
Kassebaum
Kerry
Krueger
Lautenberg
Leahy
Lieberman
Lott
Mack
McCain
McConnell
Metzenbaum
Murkowski
Murray
Nickles
Nunn
Packwood
Reid
Robb
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

So the amendment (No. 186) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, the budget resolution that we are now considering is the first great policy initiative of the Clinton administration. There have been other bills considered before now—family leave legislation, motor-voter legislation, and others—but nothing of the scale and importance of the legislation before us today. Truly, this legislation, more than any that we have considered this session, will, to a great extent, determine whether this administration and this Congress will be perceived in the future to have been successful.

Whenever a new administration steps in, there is a renewed sense of optimism in the country. It is not a partisan phenomenon. I think that we, too, who are in the opposition, feel it.

When Republicans come forward and say, "We want the President to succeed too" We are responded to with some smirks and some rolling of the eyes. But there is nothing ironic or insincere about saying that we wish the administration success. We will oppose the administration on various issues, but all Americans have a stake in the President's success in reducing the deficit.

That is not a joke, nor an empty political utterance. It is a reality—it is especially real for those of us who have children and grandchildren. All Americans have a dire need to see the deficit brought down, and that goes for Republicans as well as Democrats. It goes for everyone who cares about the future of this country.

Which brings me to state my own firm belief about the budget resolution—this plan will not help the President succeed in his goal of controlling the long-term growth of the Federal deficit. I will soon give my specific reasons as to why that is the case. But let me just say first that I do not believe that it is even in the President's best political interest to see this measure passed.

Those who hear of Republican opposition to the President's plan have repeatedly said—what would you do? What is your plan? It is a fair question. It is fair because doing nothing is not an option. I will take issue with anyone who suggests that defeating the President's plan is an end in itself. Let me state that clearly. Let no one believe that we will have acted responsibly simply by letting the Government continue on as it has been doing. The President is right that we need change.

We will be offering a series of amendments to provide the kind of change in the budget process that we believe are desperately needed. We may succeed or we may fail to get them passed. But those who vote in favor, as well as those who vote against this resolution, will still have the responsibility of eventually effecting the type of spending reform that we will need.

Let me now turn to why this plan will not do what it is designed to do. I will make it very simple. It will not resolve our deficit problems because it does not address the source of those problems.

Very simply—the level of current Federal taxation is at a high in recent history, both in absolute terms and as a fraction of GDP. The reason we have a deficit is simply that Federal spending outpaces Federal taxation. It does not come from a lack of taxation, and it will not be cured by more taxation.

Last year Federal entitlement spending went up by 24 percent. Remember that this spending occurs automatically, without an appropriation, unless we change the system by which it is given.

Why did entitlement spending go up so rapidly? Because Medicaid went up by 38 percent. Because Medicare went up by 16 percent. Increased taxation will not address that problem.

Unemployment compensation saw a huge increase last year. Increased taxation will not solve that problem—just the opposite. Increased taxation will only weaken an economy and further increase the need for future unemployment benefits.

There is only one thing we can do to repair this Nation's long-term fiscal situation, and that it is to slow the growth of entitlement spending. Otherwise, the tax increases of today will simply have to be followed by the tax increases of next year in order to keep pace.

What then, will be the effect of passing this resolution? Will we see the projected explosion in the deficit disappear? Even if we were to collect all of the revenue hoped for from these new taxes—and that is open to question—the deficit would only decrease marginally in the next 4 years, and then begin to rise again, due to uncontrolled entitlement spending.

This gets me back to why I believe that this budget resolution is deleterious and disastrous even for the Clinton administration. The American public is ready to sacrifice. There is a collective willingness to give the new President a chance, as there should be. This makes it doubly important that the opportunity be seized, and the problems be set right when they can.

Let me read from a letter written to the President by Dr. Jeff Victoroff from California. This is a remarkable letter, which he was kind enough to copy to my office, and I believe it sets out the situation as clearly as I possibly could.

> Cut entitlements. * * * If you take this courageous step, then deficit reduction, economic growth, and your presidency will be a success. If you don't, two years from now your current economic half-measures will have disappointed America.

Dr. Victoroff says of the American people—and we are hearing this from all of our constituents:

> They not only will tolerate sacrifice, they are eager to sacrifice, to feel as if they are part of a truly new day in American history. * * * Your first budget must take full advantage of this unique historic moment. If Reagan or Bush had pushed for dramatic cuts in entitlements, they would have been perceived as cruel and uncaring. If you push for this, you will be perceived as courageous. * * * Act now * * * you will have just this one opportunity to do this great thing. * * *

I ask that a copy of Dr. Victoroff's full letter be placed in the RECORD.

That, I believe, is the crux of the situation, The citizenry is ready to pull together and get the job done—so we had better get it done. This resolution will not do it. What will happen if we pass this resolution is only that we will collect more taxes, and then in 4 or 5 years we will have to come back and ask them to sacrifice some more.

Will they be willing to sacrifice then? Will they really believe us or ever believe us again? They will have little reason to do so on the basis of their experience with the results of this resolution.

I do not want to sound apocalyptic. But it will get harder and even harder to convince the people to make the sacrifices that need to be made to get the job done. Every time we promise success and provide failure, we increase cynicism and fuel selfishness. Thus we had better do this right.

I hope that my colleagues will give careful consideration to the Republican amendments as they are offered, and do not simply reject them reflexively out of hand. I hope that amendments to scale back projected mandatory spending increases will receive particular consideration, for they are the most important.

Before I close, I would again ask my colleagues to note the projections of increasing deficits beyond 1998 if this plan is adopted, and to contemplate how an overtaxed American public will react to deficit-reduction plans when that time comes. They may not be so receptive as they are now. It is my hope that we can amend this plan and improve it, and turn the promise of deficit reduction into a reality. I thank my colleagues and I yield the floor.

UNIVERSITY OF SOUTHERN
CALIFORNIA SCHOOL OF MEDICINE,
Downey, CA, March 10, 1993.

DEAR PRESIDENT CLINTON: You asked for the input of the American people. I'm writing in response to your challenge. I'm a neurologist, a psychiatrist, and a social scientist. I am not an economist. Nonetheless, I voted for you on the hope that you might act courageously in this moment of need. I am writing to make a strong plea for a specific economic action, based on a hopefully deep understanding of the American psyche. Please forgive me that I am so presumptuous, but the time is urgent.

Cut entitlements. Cut them swiftly, sharply, and without hesitation. Cut Social Security dramatically. Cut other entitlements to a degree that will take away the breath of even the most conservative of your Republican detractors. If you take this courageous step, then deficit reduction, economic growth, and your presidency will be a success. If you don't, two years from now your current economic half-measures will have disappointed America. You will lose the emotional support of the people, you will lose the White House, and you will lose any chance you might have had to bring eight years of moral vision to this country.

As a strong liberal, I am well aware that the idea of cutting entitlements may sound politically outrageous. However, as a social scientist, allow me to explain why it is not only politically possible but essential for your political survival: at this single historic moment, you have the full attention, the full sympathy, and the full cooperation of the American people. They are awaiting your economic plan as a starving throng awaits their deliverer. For the first time since the Kennedy administration, an American president is in a position to ask anything of the people, and get it. They not only will tolerate sacrifice, they are eager to sacrifice, to feel as if they are part of a truly new day in American history, a second American Revolution. Your first budget must take full advantage of this unique historic moment. If Reagan or Bush had pushed for dramatic cuts in entitlements, they would have been perceived as cruel and uncaring. If you push for this, you will be perceived as courageous. You will be perceived as the one person in government willing to face up to the truth about American economics, willing to take the heat for politically incorrect but morally brave and economically essential action. Act now, at the very beginning of your presidency, or you will forever lose the hearts of a desperate and needy populace. You will have just this one opportunity to do this great thing.

Now, again forgive me for my presumption, because I do not know you personally, and I have no right to speculate about your personal feelings. However, I am deeply concerned that you will shrink from taking this dramatic economic action because of your discomfort with confrontation. Please forgive me for putting it so strongly, but you may need to overcome your own psychological set to do the right thing for America at this critical moment. You have accepted the job of Commander in Chief, and the economic jeopardy of this country is every bit as serious a threat as war. You must act like a general. You must, setting your shoulders and holding in your feelings, send off good people to suffer, because the greater good requires it. Because, in your heart, you know that you will be protecting the freedom of a hundred lives for each one that dies in this battle.

Cut entitlements. Cut them now. You will win the most important victory a human could desire: you will act bravely, act beyond the limits you have set for yourself, and see your bravery justified by the course of history. Most sincerely yours,

JEFF VICTOROFF, M.A., M.D.,
Assistant Professor of Neurology.

AMENDMENT NO. 188

The PRESIDING OFFICER. The question is now on agreeing to the amendment of the Senator from New Mexico.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is one which we debated yesterday. Let me just briefly describe it and then defer to the Senator from Louisiana, who is chairman of the Energy Committee, to discuss his view of it and also to the Senator from Montana, who has taken a great interest in it.

The amendment tries to put the Senate on record with regard to two proposals in the budget resolution. One relates to the grazing fee on public lands. The other relates to the royalty for hardrock mining on public lands.

With regard to the grazing fee, it says that any change in the grazing fee shall be accomplished with an eye to maintaining a viable ranching industry. And that these changes would not be driven by an arbitrary budget target, revenue target.

With regard to royalty fees, again, it recognizes that a royalty fee may be appropriate for the hardrock mining industry. But again it puts the Senate on record as saying that the mining industry needs to remain viable in this country. We do not want a fee that interferes with that. And that any royalty that is imposed should not be arrived at by reference to arbitrary revenue targets.

I think it is a useful amendment, and I urge my colleagues to adopt it.

I also draw the attention of my colleagues to the statement that our Energy Committee chairman is going to make with regard to communications that he has had with the budget chairman.

I now yield to the Senator from Louisiana.

How many minutes does the Senator need?

Mr. JOHNSTON. May I have 4 minutes?

Mr. BINGAMAN. I yield 4 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, the Bingaman amendment calls into issue the same issue the Wallop amendment calls into issue. That is the reasonableness of the reconciliation instructions to the Energy Committee. Those instructions assume with respect to hardrock mining that there will be a royalty fee of 12.5 percent. It also assumes a holding fee for hardrock mining. It also assumes some other things, such as grazing fees, which are in the jurisdiction of the Energy Committee.

The question is posed: Are these instructions to the Energy Committee reasonable and do we expect them to come into law? The answer, Mr. President, is no.

Mr. President, I ask unanimous consent that a letter from me to Chairman SASSER be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 22, 1993.

Hon. JIM SASSER,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR JIM: As you know, Senator WALLOP has proposed an amendment to the Budget Resolution that would significantly reduce the amount of increased revenues required for the Committee on Energy and Natural Resources.

I intend to vote against the Wallop amendment. However, I should tell you that in my judgment the Committee will not approve changes in law that will meet the requirements of the Budget Resolution in its current form. We have been unsuccessful in our efforts to identify initiatives that would achieve savings and be supported by a majority of the Committee.

The Committee was not consulted about the Resolution's assumptions. Some are very unrealistic. For example, the Resolution assumes a 12½ percent royalty on hard rock mining on Federal lands. Senator Bumpers, the leading proponent of Mining Law reform has an 8 percent royalty in his legislation.

I will, of course, be glad to work with you to arrive at a more desirable result.

With kindest personal regards, I am

Sincerely,
J. BENNETT JOHNSTON,
Chairman.

Mr. JOHNSTON. Mr. President, in effect what that letter does is put the chairman on notice, as he and I have discussed orally, that we have to find a solution to this; that we do not expect to report, nor would it be reasonable to report, a royalty fee of 12.5 percent. I do not think you would realize the amount of revenue. You would put too many mining companies out of business if you had that kind of fee.

If that is my view, why would I then vote against the Wallop amendment? The answer is very simple, Mr. President. In a budget resolution, if you start taking it apart bit by bit and piece by piece, pretty soon the whole resolution falls apart, and I do not think we ought to do that. I believe that the chairman of the Budget Committee, and indeed the conference on the budget resolution, is going to work out these problems of what I call the western cluster bomb satisfactorily. In fact, I hope that the issue of mining law reform can be taken all the way out of reconciliation and solved in separate legislation.

I believe that the Secretary of the Interior, in effect, agreed with this the other day in testimony before us that it ought to be done by separate legislation. But it will take us a little time to do that. And, in effect, I think what we ought to do is support this resolution and put the finger on the chairman of the Budget Committee, as he understands—and he has already been put on notice—to help us solve this problem in the conference. I believe that he and we, working together on this conference committee, can do it, and that is the reason that I am going to not only vote for the Bingaman amendment but vote against the Wallop amendment.

Mr. BAUCUS addressed the Chair.

Mr. BINGAMAN. Mr. President, how much time remains for the proponents?

The PRESIDING OFFICER. The proponents had 10 minutes. They have 5 minutes remaining.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Montana.

Mr. BAUCUS. I thank the Senator from New Mexico.

Mr. President, I strongly support the amendment offered by the Senator from New Mexico. I thank the chairman of the Energy Committee for his letter. It is very much on target; namely, it is not possible for that committee to achieve the savings anticipated in the budget resolution without some modification and working with the Budget Committee and working with the President.

If I might, Mr. President, I would like to ask a question of the Chairman whether the question with respect to grazing fees and the question of hardrock mining royalty fees also applies to low-cost timber sales; that is, that provision in the President's economic program will again be subject to the chairman's committee. Do the same problems with respect to the issues you raised in your letter apply to the low-cost timber sales?

Mr. JOHNSTON. Mr. President, I do not know where we come out on any of these things individually. I know, for example, I have stated that I think we ought to have legislation this year on hardrock mining law reform, and I expect that we will do that. But I do not believe it is reasonable to require us to come up with these amounts of money from the Energy Committee jurisdiction.

The letter brings into view all of what I call cluster bomb issues in the West. We only have time to deal with these outside of reconciliation.

Mr. BAUCUS. Mr. President, very generally, these are all issues that must be dealt with but they must be dealt with on an evenhanded, fair basis, whether it is grazing fees, hardrock mining royalties, or low-cost timber sales. They must be addressed. There is room for some reform, and the industries in each of these areas do want to deal with this on a reasonable, balanced basis.

I want to say, Mr. President, that the President's economic program, as it was proposed, is not reasonable, is not balanced. It very much adversely affects the Western States, public lands States.

I must add to that, Mr. President, just last week I met with President Clinton, along with other Western Senators and, very much to his credit—and I applaud him for this—he said to us at the end of that meeting that we did have a very good case and he would work with us and would work with the economic program he proposed to the Congress to make sure that the President's overall economic program is evenhanded and is balanced.

I underline that point, Mr. President, because obviously if we are going to reduce the budget deficit, obviously if we are going to provide jobs for America, obviously if we are going to invest in the long term, we must work with the President's program because it is the only realistic program before us.

I call upon Members on the other side of the aisle, when the Wallop amendment comes up, to not vote for the Wallop amendment because once amendments like that begin to be adopted, the resolution will fall apart, it will fray and we will have nothing.

Instead, I ask them to work with this side of the aisle, support the Bingaman amendment, work with amendments to work with the President's program because, I say to the Members on the other side of the aisle, the President does want to work with Members of Congress on both sides of the aisle in trying to resolve these Western issues. He has given that assurance.

With that assurance, Mr. President, I strongly support the Bingaman amendment. I think it is right on target. I urge our Members not to go down the track of voting for the Wallop amendment and other similar amendments because to do so is to support gridlock and to support bringing down the program and is not working cooperatively with the President to find a solution.

I yield back the remainder of my time.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Forty-nine seconds.

Mr. BRYAN. Mr. President, I rise today as a cosponsor of the sense-of-the-Senate amendment introduced by my colleague, Senator BINGAMAN, regarding royalty fees for hardrock mining, and domestic livestock grazing fees.

Senator BINGAMAN's amendment addresses a part of President Clinton's economic plan that overlooks economic realities in the Western States. Just last week several of us from Western States took our plea to the President himself. It was at this time that we expressed our concerns that his economic plan would result in significant job losses in Western States, and how imperative it was that a compromise be reached that took into account the realities of modern mining and ranching. My colleague's amendment does just that.

The mining and ranching industries realize that they have to pay their fair share. However, the plan as it now stands asks them to do more than what is considered fair.

The last decade has witnessed a remarkable rural economic revival in my State, largely because of our latest entry into world-class mineral production.

Nevada is known for its gold and silver production, but copper production also sustained the economy for many years until the 1970's. It must be noted that Nevada also possesses substantial resources of molybdenum, lithium, barite, tungsten, iron, gypsum, and a variety of specialty clays, all of which are important strategic minerals. We also have active exploration for platinum. Many of these resources are largely undeveloped but will become important to Nevada and the Nation in the future. It must be noted, however, that a royalty such as the one proposed in President Clinton's economic plan could prohibit the development of such important strategic resources.

If important changes are not made in the President's economic plan, investment into Nevada mining and ranching operations could become restricted. Mining, as well as ranching, are historical, integral, and critical elements of the Nevada economy. These are two of the few sources of ongoing direct investment in the rural communities of the West, and they are an important source of State tax revenue and jobs, as well as raw materials to fuel the economy.

Mining companies invested approximately $5 billion in Nevada in the last decade; employment in the industry has increased from 6,000 jobs in 1985 to a peak of 16,000 in 1990; State and local taxes paid by the mining industry have increased from $21 million in 1986 to about $90 million annually.

In addition, total nonfuel minerals production in Nevada in 1992 was nearly $2.8 billion, about 12 percent of the total gross State product. We produced more than 6 million ounces of gold, about 62 percent of the United States production, about 11 percent of the world's production. It must not be overlooked that Nevada's gold production reduces the Nation's trade deficit, since we are a net exporter of gold.

Revision of the historic mining law of 1872 is complicated, as is the grazing fees issue, and these issues are sensitive for those of us who are vitally concerned both about the economy of the Western States, as well as the status and protection of our public lands.

The mining law of 1872 has been a source of controversy for several years. At the same time, however, much of the criticism of this law has been misplaced. Few people really understand the way the law operates. A few isolated cases of abuse of the mining law has tended to color public opinion even about the many highly responsible mining operations who make such a positive contribution to our economy.

There are, however, legitimate mining law reforms that need to be examined that have garnered broad support.

First, payment of fair market value when any person receives a mining patent pursuant to the mining law of 1872. This would prevent the perception that public lands are available for purchase under the law for $2.50 or $5 per acre. In reality, the fee historically has been merely a processing fee—the actual cost to develop a patent application is typically several thousands of dollars.

Second, the second major revision to the existing law that I support is to provide that once mining activities cease on formerly public lands, they will be reverted to the public ownership.

Third, and finally, I support the proposition that any land used for mining be appropriately reclaimed pursuant to applicable Federal or State laws when mining activity ceases.

Nevada's first general mining reclamation law became effective October 1, 1990, and is working well. Likewise, a host of other environmental laws and regulations have grown around the basic parameters of the mining law, and their impact on the industry has been substantial.

However, I know that some abuses of the mining law for mining purposes have occurred, and I believe there is a broad consensus within the industry as well as outside to prevent such abuses. But for those of us who represent public land States—Nevada is comprised of nearly 87 percent federally owned land—it is critical that mining reform not spell the demise of our mining and ranching industry. As the President's economic plan now stands, a 12.5-percent royalty, or a substantial increase in grazing fees, could cause severe damage.

Often the Federal ownership of vast tracts of land does little to benefit the residents of a State like Nevada, and efforts to create more private ownership have been slow. The use of these lands for mining and ranching, however, contributes much to the host State. Where abuses have occurred, change is warranted. However it is my hope that any changes take into account the multiple-use philosophy that governs our public lands, so that mining and ranching can continue with other proper uses of these lands.

AMENDMENT NO. 188

Mr. BINGAMAN. Mr. President, we in the West have to be realistic about the prospect for changes in the grazing fee structure. I am prepared for this. I can also support the establishment of a royalty for mining on Federal lands. But I feel strongly that these changes must be structured in a way that recognizes the importance of the continued viability of those industries and supports that continue viability. We cannot impose fees that are punitive in their effect. We cannot impose fees and royalties that threaten the economic future of these industries, and the communities that depend on them. Whatever we do must make sense. We need to figure out what these industries can accommodate, and peg fees to those economic realities.

Mr. President, when I speak about the rural communities in the West, I know something about the subject. I grew up in Silver City, NM, which, by most standards, would be considered one of those communities. In Silver City, in Grant County, ranching is an important industry. Mining is an important industry.

We have before us soon a stimulus package including money for summer jobs. In Grant County, summer jobs for youth often means working on a ranch or working at the mine, mill, or smelter. I remember well a summer during college which I spent working at the smelter in Hurley.

Now, I do not have exactly the right answer ready to present to my colleagues this morning—for either the royalties or the grazing fees. I think that is going to take a lot of work on the part of Congress, the administration, and the interested public, work that we need to do together. But I think it is important to point out some facts about grazing and mining on public lands, and to talk about whether the Budget Committee's numbers and the President's proposals are realistic.

It just does not make sense to arbitrarily set a revenue figure, and then establish the fee structure from that target. That is the reverse of how we should handle these matters.

Grazing fees:

For Interior Department [BLM] grazing fees, the President's plan sets a target of $48 million of additional revenue over the 4-year period 1994–97. While the official assumptions used to arrive at that number have not been released, I understand that the Congressional Budget Office estimates that this reflects a 33-percent annual increase in the grazing fees. That means that over a 4-year period, grazing fees would be raised over 120 percent. I think it is worth noting that the Senate has defeated proposals for this level of increase, for at least the last 2 years, on the Interior appropriations bill.

The Budget Committee, in its instructions to the Senate Energy and Natural Resources Committee, indicates a revenue goal of $53 million over a 5-year period from BLM grazing fees, and another $29 million from Forest Service fees. Some estimates suggest that this would bring the grazing fee to approximately $7.50/AUM in 1998. Today, it stands at $1.86/AUM. This is not an acceptable increase, Mr. President. Such an increase would cause serious harm to many of the small ranching operations in my State.

Mr. President, I am very concerned that we not kill off small ranching enterprises. We have 3,500 Federal land permitees in New Mexico, which represents about 50 percent of New Mexico ranchers. About three-quarters run less than 100 head of cattle. That is a very small operation. In fact, many of these ranchers have jobs in town—because they cannot make a living solely by ranching. People are not getting rich from public lands ranching in New Mexico—it is a family tradition, and it is a labor of love.

Public land ranchers can pay a higher fee for access to BLM and Forest Service rangeland than is being paid today, and many are willing to do so. But it is important that we realize that the ranching industry is not monolithic—the very large enterprises are in a different financial position than small ranchers. I think that whatever changes we make to the grazing fee structure must reflect that reality.

Mining royalties:

As far as mining is concerned, I think that you will find that many Senators, myself included, think that reform of the 1872 mining law is overdue. I agree that the American people should see some financial gain from the productive use of Federal lands for mining. And I do not have a problem with a hardrock mining royalty. However, we are told that the budget resolution reflects a belief that we can impose a 12.5-percent gross royalty on mining on public lands and still maintain a viable industry. If that is the assumption, then I believe it is totally unrealistic. A 12.5-percent gross royalty could shut down a significant proportion of U.S. mining activity.

Mr. President, we have to approach these issues in good faith, and that means we all have to agree that the United States should retain an economically viable mining industry. In New Mexico, mining provides approximately 2,000 jobs, many of them in rural communities where good jobs are few and far between. Over the last decade, mining jobs in New Mexico and around the West have disappeared by the thousands. Today, about a third of mining in New Mexico takes place on public lands. We know that many of those jobs are not coming back, Mr. President. But I think it is fair to suggest that we need to try to keep the mining jobs we have and permit mining to continue as a source of employment within our borders.

If we are going to charge a royalty, we should charge it on net profits—not gross proceeds. And we have to agree on the basis from which we are working. Otherwise, all conclusions are suspect.

Last week, 11 of us here in the Senate visited with President Clinton, Vice President GORE, and OMB Director Panetta on the impacts of the President's program on Western States. I was pleased and impressed with the President's reaction—he demonstrated a keen understanding of the issues that the ranching and mining industries must face. He assured us that the creation and retention of jobs, American jobs, is his top priority, and that he wants to implement a program that is fair to everyone and that allow us to do just that.

Mr. President, I assured President Clinton at the meeting, and I will say if for the record here today, that I support him, and I support his economic program. I want to work with the administration to establish fee structures that call on extractive industries to pay their fair share, but also fee structure that let them stay in business. This amendment simply expresses that intention.

Mr. President, let me just repeat what I said yesterday and again today. This amendment recognizes the reality that we find ourselves in, which is that there is going to have to be some sacrifice by everyone involved if the President's package is going to prevail. The West should not be exempt.

But what is done in the West with regard to grazing fees and mining royalties needs to be fair; it needs to be done with a view toward what the economic realities of those industries are. We are not asking in this amendment for those industries to be exempted. We are asking they be treated fairly.

I very much appreciate the statement of the chairman of the Energy Committee. I believe with his leadership we can see to it that they are treated fairly.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The senior Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, so there will not be any misunderstanding, I had volunteered on the floor to be a cosponsor of the amendment of my friend which is before us. I have since told him I had thought better of it. So I ask unanimous consent that I be permitted to withdraw as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me tell you why. The reason that I am not going to support the Bingaman amendment, and my colleague is as concerned about Western matters as I am, but the truth of the matter is that this amendment is a facade. It gives cover to some western Senators, presumably on the Democrat side of the aisle, so they can go home and say we did not want to do what the President wanted to do to you, and we have a sense of the Senate to prove it.

But the truth of the matter is, the rest of the talk, including the talk by my distinguished chairman, Senator BENNETT JOHNSTON, chairman of the Energy Committee and my dear friend, it is absolute doubletalk. Has anybody ever seen a budget resolution with an order to a committee: "Your raise $752 million, Energy Committee"?

That is what this reconciliation instruction says and it is not being changed one nickel, one dime, one period, or one paragraph by this resolution. It is still saying "BENNETT JOHNSTON, chairman of the Energy Committee," and that group around him, "you raise user fees on mining by putting on royalties and on grazing by raising grazing fees."

Now to stand on the floor of the Senate and to say "Republicans, where's your plan?" when here is another example that they do not want to accept the President's plan. So we have nice language saying, "Committee, you do right, you can tax these but do it so both of these industries remain viable." Is that not pretty?

You see, Senator BUMPERS thinks they are viable with 12.5 percent, 10.5, 8.5, just pick a number. How is the committee going to decide that? The only way to treat Western America fair and not take jobs right out from under every small community in my State and western rural communities is to take the $752 million out of the budget. That is not very difficult. Take it out, remove the instruction to the committee and cut $752 million out of $124 billion in increases in domestic spending. Now that is a minutia. Take $752 million out of the $124 billion increase in domestic programs and do not take the risk that a committee is going to go into session under an instruction. As miraculous as I have seen Senator BENNETT JOHNSTON be in the past, I just anxiously await him putting before the Senate a bill that says, "Senate of the United States, I met your reconciliation instruction, but I didn't raise the $752 million."

If that is the case, and I submit if he had not put his letter in the RECORD, I would have, because it is saying to the Senate, "I'm not going to do that." This letter says the Energy Committee cannot raise $752 million.

Why do we not do what is right and take it out and make sure that western America is protected, not saying we hope you are protected, we hope the tax will be neat and you will be viable and everybody is going to be kind and generous around here, but, on the other hand, if you change this package one little sentence, one little dollar, the package falls apart. Why does it fall apart? Can anybody tell me how in the world taking $752 million out of a growth budget on domestic going up $124 billion—how can you take out that little bit and say we are not going to risk the taxes on the West because we are all admitting, and the chairman of the committee is not from the West, it is unfair, it will not work, there is not that much money around?

Now, we all from the West say we do not want to be discriminated against by going up to $7.99 per animal unit month on grazing. We all say mining cannot stand 12.5 percent royalties, which is assumed in this resolution. So, if we all agree to it in the West, why not ask our brothers and sisters in the Senate to support us and take it out. That is the issue. There is no other issue.

So for those who took the floor today from the West—and I hope there were none on the Republican side—and said we are doing what is right by the West, the interests in the West, cattlemen are not going to be fooled; the sheepmen are not going to be fooled; the mining people are not going to be fooled because they know we still have this onerous tax in here, mandated to the Energy Committee from what I can tell.

With that I yield whatever time I have remaining to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. WALLOP. I thank the Senator.

Mr. DOMENICI. The Senator had told me in advance that was all right.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 188 offered by the Senator from New Mexico [Mr. BINGAMAN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE]), is necessarily absent

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Kassebaum
Kempthorne
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the amendment (No. 188) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 189

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia. There are 10 minutes of debate equally divided.

The Senator from Georgia.

Mr. NUNN. Mr. President, what is the order?

The PRESIDING OFFICER. There are to be 10 minutes of debate equally divided.

Mr. NUNN. Mr. President, I will take just a few moments. I hope I will not even use my 5 minutes here.

The total amount that President Clinton is recommending be cut out of the 5-year defense plan—here I am using the 5 years, 1993–97—is $122.6 billion. This amendment does not affect that number, but this amendment could have a very large effect if certain assumptions do not come true as forecast now in the Clinton administration budget.

The way that $122 billion is calculated is $60 billion, which is what President Clinton, then Governor Clinton, talked about in the campaign last year. In addition, the committee and the Senate and the Congress cut out $7.4 billion last year, which we at that time thought applied against the $60 billion, since it was a 1993 fiscal cut. But that is not counted in the Clinton administration numbers.

In addition, there is $18 billion taken out of the top line of defense, which is the defense portion of the Governmentwide pay freeze. About 70 percent of that pay freeze, plus the deduction of 1 percent each year thereafter for 4 years, about 70 percent of that relates to the military and civilian pay in DOD.

In addition to that, there is $10 billion offset for the Bush budget assumptions on management savings, which are very dubious. And in addition to that, there is a $27 billion inflation adjustment, which is basically an assumption that inflation is going to be approximately 2.2 percent for the next 5 years instead of what some people believe to be a more likely inflation number of around 3.5 or 3.4.

The first thing I want to say is I do not think anything phony is going on with these budget assumptions. I think they are assumptions that OMB and CBO agree on. I do think they are optimistic. I think we need to make sure we understand what we are doing on defense.

In addition to the $122.6 billion that I have just enumerated over the 5 years, there is another $50 billion being taken out, because the Bush budget took that out.

So we have $122.6 billion plus $50 billion which had already been reduced in the timeframe by President Bush. In addition to the $122 billion Clinton cuts, plus the Bush $50 billion cuts, we have $70 billion in the Bush budget that was inherited by the Clinton administration which is $70 billion of assumed management savings.

The problem with that is no one knows where those savings are coming from. We have that amount of money that is very dubious. It may be it is $20 billion that may be saved. It may be $30 billion. It may be more, but that could be a very large chunk.

Rapidly people can see here we are talking about $122 billion, plus $50 billion, plus at least $30 or $40 billion in management savings that are not going to come about. All of a sudden you are well over $200 billion in budget cuts.

People come to us and say to us on the committee: Do not cut this base. Do not cut this weapon system.

I tell everyone here now the decisions we are making will have a profound effect on the defense budget.

Mr. President, what this amendment does very simply: The first amendment we will be voting on says if the inflation numbers that have been mechanically adjusted downward to 2.2 percent in the Clinton administration did not intend to cut the defense budget by that much. It was an application of inflation numbers. If that mechanical adjustment is wrong and we end up having 3.5 or 4 percent inflation, this sense of the Senate says that money should be added back not only to defense but also to other budget categories.

So that is what this amendment does. It also deals with the $18 billion assumed pay decrease for the military by saying if we do not do that Governmentwide that money would be added back to the Defense budget.

Mr. President, I submit that this is an essential amendment, because these are assumptions that could come true. I also submit to my colleagues this is entirely consistent with the Clinton defense numbers. It does not change those numbers. It simply makes certain assumptions that may not be accurate become more realistic if they prove to be inaccurate.

Mr. President, I urge adoption of the amendment.

Mr. DOMENICI. Mr. President, do we have 5 minutes on our side?

The PRESIDING OFFICER. Five minutes is correct.

Mr. DOMENICI. Mr. President, let me use 1 minute of it.

I support the amendment that Senator NUNN purposes. The only thing that would be better is if we were really taking some of the cuts literally out of the defense number, but clearly what he has been discussing, as far as the Senator from New Mexico is concerned, I have no objection to it.

I yield back the remainder of my time.

Mr. NUNN. Mr. President, I am prepared to yield back the remainder of my time if I have any remaining.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment (No. 189), the Nunn amendment. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—69

Akaka
Baucus
Bennett
Bingaman
Bond
Boren
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Feinstein
Ford
Glenn
Graham
Hatch
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kohl
Krueger
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—30

Biden
Boxer
Bradley
Brown
Chafee
Coverdell
DeConcini
Dorgan
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Harkin
Hatfield
Kennedy
Kerry
Lautenberg
Mack
Mathews
Metzenbaum
Moseley-Braun
Moynihan
Murray
Packwood
Riegle
Roth
Simon
Wellstone

NOT VOTING—1

Inouye

So the amendment (No. 189) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 192

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 192, offered by the Senator from Georgia [Mr. NUNN].

The Chair recognizes the Senator from Georgia.

Mr NUNN. Mr. President, I will take only a brief couple of minutes here on this amendment. This amendment, No. 192, is also consistent with the Clinton defense numbers.

It does not in any way change the Clinton defense numbers. It is entirely consistent with those numbers.

The second point I would like to make is this amendment does not prevent further cuts in defense. If the authorization committee takes a look at any detail programs and decides to cut defense, that can be done. If the Appropriations Committee looks at the defense numbers, scrubs the budget, and decides they can cut $2 or $3 billion more in defense in the appropriations process, that can be done.

This is a very serious amendment, Mr. President, because it does have some real effect. If we put this into effect, if we carry out the sense of the Senate and we make this policy of the Senate, that will mean that if there are defense cuts, those defense cuts would go to reduce the deficit. They would not be shifted to other programs. If we want to shift defense money to other programs, and that has already been done in the Clinton budget—there is no doubt about that—if we want to do that further, the time to do it is on this budget resolution when the whole Senate can speak to it.

What I do not intend to happen, at least without protest, is for that to be done by one committee without the Senate speaking to it, shifting money from one account to the other. If we want to speak to it, if we want to revisit it later in the budget process, then we can amend the budget resolution. But I say to my colleagues, this is a very important wall because it really says that defense budget cuts will go to the deficit and will not go to other domestic programs.

Last year, for instance, Mr. President, if this amendment had not been in effect, it is my view the deficit would have been $5 to $7 billion higher. We cut in 1993 $7 billion below President Bush's numbers which were consistent with the budget resolution. So we cut $7 billion out of defense last year that did not have to be cut out of defense based on the caps. All of that went to deficit reduction because we had walls. If we had not had those walls, then it is my view at least—and this is conjecture, I will concede that—that we would have spent that money on something else.

So I consider this a very important amendment. I hope that if it is adopted that we will abide by this amendment. Of course, anyone who wants to come to the floor and make cuts in defense and shift it to education or health, that is what this debate is all about. But if we are going to do it, let us do it now. Let us know what we are doing, and let us do it in the whole Senate.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Senator SASSER is recognized.

Mr. SASSER. Mr. President, I will be brief. During the 1990 budget summit agreement, walls were put between defense, domestic discretionary, and international spending. Those walls came down at the expiration of fiscal year 1993. If we are going to reimpose walls between defense and discretionary, why not reimpose walls between defense, discretionary, and international? If we are going to follow this rationale, why not fence off the money in this budget assumption for the Department of Housing and Urban Development, the Department of Commerce, the Department of Justice, the Department of Health and Human Services? Why not fence all of the discretionary funding?

We have reached a point where defense has to take its chances and compete for priorities just like other discretionary funding. I well recall last year when we got into the business of trying to reduce defense spending we were told it could not be reduced that far. Yet, in the final analysis, it was reduced as far as we advocated earlier in the year.

So the point is this, Mr. President, and I do not want to take all the time because the distinguished Senator from Arkansas is here to speak, but there is no need to hold defense spending sacrosanct over other discretionary spending of the Congress.

How much time do I have remaining?

The PRESIDING OFFICER. Two minutes 20 seconds.

Mr. SASSER. I yield 2 minutes and 20 seconds to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would like to say, first of all, I hope the intentions of the Senator from Georgia come true. Bear in mind that we do not even have a defense budget from the executive branch yet. We do not know what is going to be in it. But what the Senator from Georgia is saying is no matter what is in it, if we cut anything below what is in it, you cannot use that for anything except deficit reduction.

We do not yet know whether we are going to meet our targets for deficit reduction or not. We do not know how critical the needs for childhood immunization, maternal and child health care, student loans, and crime prevention are going to be. But what the Senator from Georgia is saying is that no matter how critical they are, we want to discourage you from cutting defense to take care of any of those needs and, if you do, you cannot use it for those purposes.

As I say, I hope we cut a lot more than that, and I hope it goes on deficit reduction. But before we even get the President's budget, I am going to vote to cut the MX, I may want to vote to cut the C-17, I certainly am going to vote against the solid rocket motor, which is NASA program. I am also going to vote to cut SDI some, and I hope we have enough money to make a dent on the deficit.

But all I am doing is pleading with my colleagues: Do not, months in advance, prejudge this matter. Wait until we get there. You may decide that a program in your home State is a lot more critical to you than transferring this money to deficit reduction. I yield to nobody in my zeal to get this deficit under control. But we simply do not have to make that judgment today. It would be, frankly, irresponsible to make that judgment today. I supported the Senator's first amendment, with some trepidation and reservation, but I cannot in good conscience support him on this one because it is premature, and I think it would be irresponsible for us to make a decision this far in advance on what we want to do with any savings in defense.

I yield the floor, Mr. President.

Mr. NUNN. Mr. President, I yield such time as I have remaining to the Senator from New Mexico.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. How much time is that, Mr. President?

The PRESIDING OFFICER. Two minutes and five seconds are remaining.

Mr. DOMENICI. Mr. President, I thank my friend from Georgia.

Let me suggest perhaps there are two versions of responsibility. The Senator from New Mexico thinks it is irresponsible not to tell the Defense Department of the United States in this budget resolution what they have to spend. After all, they have to plan. They have procurement contracts to change and alter and amend. Do we want them to sit around and wait until the appropriators meet in the back room and allocate the funds under this budget and say, "Well, we have decided we are even going to cut below the President because Senators on this committee want to spend money on domestic programs"? Is that the way to manage the defense of the United States?

Mr. President, we are not asking much of the domestic programs of this country by doing this. Why? Because the President of the United States has already asked for and he now has in the domestic budget that is before us $124 billion in new programs, in new addons. Immunization is provided for; WIC is provided for—all the programs that anybody could ever want are provided for.

Why in the world would we take defense and say we are never going to tell the Chiefs of Staff where they stand until we get in the back room and decide how to divide up the total moneys for appropriations? From the Senator's standpoint, that is what costs us money. They cannot plan, they do not know where they are going until the last minute, and Senator NUNN has a very responsible amendment.

If you want to cut defense more, then do not do it under the super incentive of spending it on some domestic program that you might want. That is an incentive to cut defense beyond which the President wants. Take that incentive away. Let it be treated neutral and say to the American people: If we are going to cut defense some more, and there are some people saying they want to cut defense some more, the only way to cut defense some more and save the taxpayers money is to take it out of defense now, add some more cuts or take cuts away from the domestic program. You cannot do it by wishing on both sides of the equation.

Am I out of time?

The PRESIDING OFFICER. Time has expired.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me say that, first of all, the Defense Department is going to send a budget over here and it may be precisely the figure that is in this budget. I do not know. But if it is, there is not any certainty that we will not make further cuts. We may torpedo the C–17, V–22 Osprey, whatever, and want to put it toward deficit reduction. But this amendment presumes that no matter how critical a need may be, you may have an epidemic, you may have all kinds of things, but this amendment assumes that no matter how critical any domestic need in this country is, it is not as important as defense, and, therefore, do not try to take a nickel of defense and put it toward something else because defense money is either going to be spent for defense or it is going on deficit reduction, no matter how critical any other need may be.

I promise you that is the height of irresponsibility for us to make that decision today, months in advance, of any necessity for such a decision.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 192, offered by the Senator from Georgia [Mr. NUNN]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—56

Akaka
Bennett
Bingaman
Bond
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Faircloth
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—43

Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Harkin
Hatfield
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—1

Inouye

So the amendment (No. 192) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

AMENDMENT NO. 194

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 194, of the Senator from Wyoming [Mr. WALLOP]. There are 10 minutes of debate.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 2½ minutes of my time.

Mr. President, the arguments for my amendment have been made already by the chairman of the committee, by the Senator from New Mexico, by the Senator from Montana, all of whom said that the committee will not do what it is being ordered to do. If the election was about anything it appeared to be that Americans were telling us that they wanted to understand and they wanted to believe. This is a process that can be called truth in budgeting but for the process that we are undertaking here this afternoon.

Senators know the arguments. Senator JOHNSTON wrote a letter to the committee chairman, and he said he cannot and will not report back a reconciliation package that contains these requirements.

What are we doing here? Why are we trying to deceive the American people? What is this process? Where is the integrity of the budget process if we can say by a letter to the chairman of the Budget Committee that reconciliation does not mean anything?

So either the vote did not mean anything, or the process does not mean anything. The chairman said that we had to have reasonableness. I would tell the Senators in case they do not know that the process of the budget and reconciliation does not account for reasonableness.

Mr. President, the sixties are here. We are wrapped in situational ethics. The truth is whatever anybody happens to wish it to be said at the moment in time.

The Bingaman amendment was nothing but a cover for your reputation, glossy covered fabrication and everybody here knows it. Everybody here knows that that thing did not require the Senate to do anything. But it gave the people a chance at home to say I did not vote to be a part of the Clinton assault on the West.

Mr. President, an issue like America's mining policy that is the life blood of States like Nevada, Arkansas, New Mexico, Colorado, Montana, and other Western States ought not be decided in the reduced timeframe and the reduced structures of the reconciliation process where there are artificial deadlines, no hearings, and supermajority.

Mr. President, I give myself 30 more seconds.

The same goes with grazing. The same goes with park visitors who do not expect to pay park fees to raise food stamps, and the same goes to reclamation where the committee cannot do anything but break the law or usurp the territory and turf of the Finance Committee.

Mr. President, this was not an honest gesture that the Senate just went through. The Wallop amendment is. I reserve the remainder of my time.

Mr. REID. Mr. President, the Senator, the chairman of the Budget Committee, controls the time, the manager of the bill. Would the Senator yield to me time?

Mr. SASSER. Yes. I am pleased to. How much time do I have?

The PRESIDING OFFICER. Five minutes.

Mr. SASSER. I yield 3 minutes to the Senator from Nevada.

Mr. REID. Mr. President, the budget, the money spent by this Government, this year was $1.5 trillion.

We are talking about a score here of $750 million. There comes a time in a person's life where you have to rely on the good faith of those people you are dealing with. In this instance, as to the Bingaman sense-of-the-Senate resolution that has passed, I have been told and the western Democratic Senators have been told by a number of people that they will work with us on this amount that is set forth in the proposed budget, some $750 million.

We have spoken to the President. He has told us he will work with us. We have talked to his chief of staff McLarty. He recognized that this number is unrealistic as it relates to mining and grazing. We have talked to his chief legislative liaison with this body, Mr. Pasture. He recognized we have to work with this.

I do not want to start the unraveling of this budget as some do in this Chamber, even though I think that this 12½-percent royalty that is suggested is not in keeping with good sense, that it is something that is unrealistic. The administration has indicated a willingness to work with us.

For anyone to think that this would be the first time that one of the authorizing committees did not follow something in the budget resolution, they are mistaken. It happens every time we have a budget. This does not mean that we here in Congress do not follow the law and the rules the best we can. We do that all the time.

We are talking about spending each year $1½ trillion. We are talking about a very small amount. Even though the $750 million as compared to $1½ trillion does not seem like a lot, to us in the West it is a lot.

We have conveyed that to the President and those that work with him.

Also, I think importantly, the chairman of the authorizing committee, BENNETT JOHNSTON of Louisiana, has said that he will work with us on this. He has written a letter to the chairman of the Budget Committee, JIM SASSER, saying the requirements of the budget resolution as they relate to these matters are not realistic. Those are my words, not Senator JOHNSTON's, but it is a pretty good paraphrase.

I am opposing the Wallop amendment because I believe we can give the President the flexibility he needs while protecting industries in this budget that are vital to the West. I think we need to look as we talk about with the President net proceeds. We need to look as much as possible as it is relating to the windfall profit tax.

These have been conveyed to the administration. We have been holding meetings with various groups of people, miners, environmentalists, and recognize them and educate them as to the realism of some of the things they are trying to do and the unrealistic methods that they are trying to accomplish in that area.

So, reluctantly, I am opposing this Wallop amendment recognizing that I have to rely on the good faith of the people in the White House who dealt with me in this regard, including the Budget Committee chairman.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and five seconds.

Mr. SASSER. I yield the remainder of my time to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, everyone in this body has heard me on this issue for 4 years now.

First of all, the Wallop amendment takes $750 million out of $1.2 billion in cuts assigned to the energy and natural resources committee.

It may be that we cannot meet the $1.2 billion target, but the Wallop amendment unravels the entire budget. Make no mistake about that. If the Wallop amendment prevails, you can forget this whole effort. It is being unraveled. Forget talking about hard rock mining and grazing fees and other Government subsidies.

In 1990, I stood right here and missed imposing a moratorium on the Bureau of Land Management giving away land for $2.50 and $5 a acre by just two votes. Four days later, the Stillwater Mining Co. in Montana applied for what they call a first half final certificate toward a patent on 2,000 acres of land for which they will pay the princely sum of $10,000. Do you know what lies under that 2,000 acres of land, Mr. President, for which, Stillwater will pay $10,000? Thirty-eight billion dollars' worth of palladium and platinum. Do you know what the taxpayers are going to get in exchange for the 38 billion dollars' worth of minerals? Not one red cent.

In addition, just before George Bush was defeated in November, the Bureau of Land Management in Nevada gave a first half certificate to a Canadian company, the American Barrick Mining Co., for almost 2,000 acres for which $10,000. Do you know Barrick will pay what lies under that 2,000 acres? Ten billion dollars' worth of gold. We are scrounging trying to balance the budget and the last 2 years we may have given away $48 billion, 48 billion dollars' worth of the people's resources. I ask that the Wallop amendment be defeated.

Mr. SIMPSON. Mr. President, I rise to voice my strong support the amendment offered by my line colleague, the senior Senator from Wyoming, MALCOLM WALLOP.

I trust my colleagues in the Senate hear him clearly. If we are to enact a budget resolution, and tell the American people that we are going to try to balance the budget, we must be truthful. We must be realistic, and we must use real numbers, not imagined assumptions, as my colleague has so eloquently stated.

Also, Mr. President, it is patently unfair to try to balance the budget on the backs of the West and Western States' agriculture.

A 33-percent increase in the grazing fee on public lands will put a great many small ranchers in my State out of business. So to adopt such an increase and carry it over 5 years will be even more devastating. The Government's own figures—as explained by the senior Senator from Wyoming—prove that to be true. We risk putting as many as half of the ranchers in the West "out of business."

We should consider the people who will be affected by the administration's $1.1 billion target. Small ranchers and small farmers will be forced to get out of agriculture. Only the large—and largely foreign owned—agribusinesses will be able to survive such a drastic increase in their operating costs. The 33-percent increase in grazing fees will not raise a significant amount of revenue, it will force stockmen out of business and off the land. The original goal? The final result will be that the Federal Government will receive less income than at present.

The Federal Government currently receives $33 million; representing fees from 3,100 permittees, or $1,064 per person.

Under the Clinton plan, the administration is asking western stockmen to pay $3,516 per person—a net increase of $2,452 per person.

That, Mr. President, is a tax bite that most small western ranchers can not afford. Most, if not all, small ranchers are making less profit than that per year as it is now.

If such a drastic increase is enacted, 82,000 jobs will be lost directly, and there will be even greater negative consequences for local economies which depend on ranching and agriculture.

Then there are the other proposed revenue raising provisions. A 12½-percent royalty on hard rock mining could devastate the mining industry—which is already in dire straights.

An irrigation surcharge—a tax—will have the most devastating impact on those small farmers who are even now just barely getting by financially.

This surcharge is unspecified: We are not told how much it will be, only that it will be deposited into a fund to mitigate for wildlife habitat damage. We are told only that there will be $60 million raised and it will most certainly be felt in a most negative way by those who can least afford it.

The Senate must proceed cautiously—and realistically. We should pay great heed to what the distinguished ranking member of the Energy Committee is telling us today.

The Western States are willing to do what is fair to share in the burden of balancing the Federal debt. The amendment offered by my colleague from Wyoming will ensure that the West shoulders its fair share of the burden, but is not burdened by what amounts to a most unfair tax on the West.

Mr. JEFFORDS. Mr. President, supporters of this amendment characterize the Energy Committee's instructions as an assault on the West. I am not sure I agree. It is more a waning windfall than an assault.

The author of the amendment said, "I cannot stand by and watch my western constituency taxed through user fees to support new urban spending programs which will not help them in the least." He has it exactly backward.

Between fiscal years 1982 and 1991, Western State's share of allocable Federal spending exceeded their share of tax burden by $246 billion. That is a quarter trillion dollar stimulus.

Who paid the tab? Well, it came at the expense of States in the Northeast and Midwest. During those same 10 years, our share of tax burden exceeded our share of spending by $531 billion. We exported over half a trillion dollars. About half of that amount went to the West, and half of it went to the South. Frankly, we are getting a little tired of the arrangement.

There was a good bit of debate yesterday about mining, so I will speak on grazing. Legislative authority for the grazing fee formula expired in 1985. The authorizing committee has had 7 years to change the formula. It did not hold a hearing until last year. Now, we hear complaints about being forced to do something.

The fee was $2.31 per animal unit month in 1981. This year, it is $1.87 per AUM—a decline of 19 percent just in nominal terms. According to the Bureau of Land Management and the Forest Service, grazing fees, on average, amount to just 3 percent of the cash costs of raising cattle. An increase will not bankrupt ranchers, but it will pay the cost of the program.

The fee can be increased in a way that does not harm the small rancher. This is so because just a few ranchers control most of the grass. BLM, for instance, has 18,000 permittees. The top 20 individuals control 9.3 percent of the forage; the top 500 control over 37 percent of the forage.

Who are these large permittees? Some are publicly traded corporations such as Sierra Pacific Resources and Metropolitan Life Insurance. Both list over $1 billion in assets.

Dan Russell is another. He has 21 ranches that include over 5 million acres of Federal land. He has the 16th largest cow-calf operation in the country, according to the National Cattlemen's Association. Perhaps you have heard of J.R. Simplot? He sells potatoes to McDonald's and has family holdings in excess of $500 million, according to Forbes. These fellows can pay more.

I offered an amendment last year to establish two fees: a lower fee for ranchers with fewer than 500 head of cattle or 2,500 head of sheep, and a higher fee for ranchers with herds or flocks above those thresholds. That reasonable amendment was tabled by a 50–44 vote. The bottom line is that the authorizing committee—if it has the will—can restructure grazing fees to generate revenue for deficit reduction without harming small ranches and the rural communities dependent upon them. I urge my colleagues to reject this amendment. Send a message: It is time for a change.

Mr. HATCH. Mr. President, I rise today in support of the Wallop amendment to reduce the amounts assumed to be generated in the fiscal year 1994 budget resolution through increases in grazing fees, changes to the Mining Law of 1872, increases in recreation fees, and the imposition of an irrigation surcharge. Some of my colleagues may believe that these changes will be an easy way to generate money for the Federal Government. Well, Mr. President, I can assure them that it is not. Unless these proposed fee increases—actually a targeted tax on western miners and ranchers—are eliminated from the budget, there will be serious repercussions throughout the whole country. It won't take long for shoppers everywhere to know the West has been hit again by another hike in Federal fees.

Let me speak specifically to the issue of increasing grazing fees. Over 100 years ago, this body adopted policies encouraging our pioneer forefathers to go out West and settle the land. The incentives were in place to entice people to leave established cities in the East and head into the unexplored West. There were no assurances as to what these people would find. But, they were promised by their Government that if they ventured out and endured the countless risks and hardships that awaited them, then they could use the land they settled for their welfare and benefit. This is what has been occurring on western lands for the past 100 years. Now, all of a sudden, the Federal Government and this body are changing their minds. We no longer are going to allow the children and grandchildren of these first pioneers access to the public land.

There is no doubt in my mind that the President's budget, as now crafted, will increase grazing fees to a level that will force many Utah ranchers out of the grazing business. I would predict that within 5 years, these ranchers would either go bankrupt or voluntarily relinquish their permits. Once that happens, there will be no additional revenue achieved from this proposal, and everyone will lose—there will be no ranchers raising livestock and there will be no revenues coming into the Treasury to help pay for excessive spending by Congress. That is why the idea of increasing grazing fees to the level proposed by the administration is disturbing to me. It is fair to say that no one will be using the land in the future, at least not for grazing purposes, which is the intent behind increasing grazing fees.

The grazing formula functioning under the Public Rangelands Improvement Act [PRIA] is working, despite the arguments made by the opponents of this amendment. This is true because ranchers grazing on public lands are not allowed to own their grazing lands. Yet, it is their responsibility to manage and maintain such lands. That means, they must finance the costs of installing and maintaining stock water ponds, fences, roads, and other improvements. These costs, referred to as nonfee costs, are not included in the calculation of the grazing fee formula, but they are essential to proper management of livestock grazing and preservation of the natural resources of this country. If they were included in the grazing fee formula, the cost to graze on public land with the cost to graze on private land would be comparable. When a rancher uses private land, he pays a higher fee to gain access to the land. But he is not required to pay the additional nonfee costs because they are covered by the private landowner; that is, the individual who is in the business of leasing his own land for grazing purposes. For this important reason, the fee to graze on public land is low relative to the fee to graze on private land.

PRIA is working because PRIA determines a grazing fee that takes into account these nonfee costs. They are not actually submitted into the fee's determination, but those structuring the formula knew that nonfee costs existed and, therefore, designed a fee formula that compensates for these expenses. I urge my colleagues to review a summary of these nonfee costs by Dr. Darwin Nielsen, a professor in the economics department at Utah State University. He has done considerable research on the subject matter of fee and nonfee costs associated with grazing on public lands. I intend to include a comparison of these costs put forward by Dr. Nielsen at the end of my remarks. It is worth a careful examination by my colleagues prior to their voting on this amendment.

A large portion of Utah is currently owned by the Federal Government. To be specific, 69.2 percent of Utah's total acreage is owned and managed by various Federal agencies and departments. In order to sustain a viable ranching operation in Utah, access to these public lands is necessary. In fact, it is critical to the economic maintenance of this industry. Agriculture is an important industry to Utah's total economy, and livestock production forms an integral part of that industry. The Utah State Department of Agriculture estimates that livestock production results in over $1 billion of economic activity every year in Utah, most of it occurring in the rural or remote areas of the State. I hope that my colleagues can see that a capricious increase in grazing fees will have a dramatic ripple impact on Utah's economy if access to over two-thirds of Utah's land mass becomes off limits.

And this ripple goes far beyond the specific numbers, which are important, but are not representative of all the casualties from this proposal. I am talking about the lifestyle in our ranching areas, primarily in the rural areas, which will see the basis of their culture destroyed. These are real people that make their living off the land. They take care of the land because they know it is in their direct interests to be good stewards of the land. Someone mentioned to me several weeks ago that they considered many of the budget's proposals affecting natural resource management as cultural genocide for the West. I hope this individual is wrong. I do not totally subscribe to this description but I believe there is a message in that assessment. I do hope that the proposed increase of grazing fees is not merely a veiled attempt to eliminate grazing. If we do that, then we will eliminate the culture that typifies the West. Are we going to ask America's small rural communities to give up the intrinsic beauty of this livelihood and lifestyle just because Congress refuses to make the hard choice on spending cuts? I'm just glad the pioneers I mentioned did not wimp out like this. I believe defeat of this amendment is shortsighted, and I implore my colleagues to be sensitive to the cultural traditions that the proposed increase in grazing fees will certainly threaten, if not totally destroy.

In closing, livestock grazing is an essential economic activity in Utah and in many other States. Utah's ranchers pay taxes, they support their local governments, and they are solid citizens. They can take better care of the land than any Government agency.

I ask unanimous consent to include at the end of my remarks a recent resolution passed by the Utah State Legislature in support of the continuance of the PRIA grazing fee formula. This resolution expresses the importance of livestock grazing in Utah's economy, as well as Utah's culture.

I ask my colleagues to support the Wallop amendment and end the current assault being thrown at the West.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PRIVATE LAND FEE AND NONFEE COSTS

(By Darwin B. Nielsen, Economics Department, Utah State University, Logan, UT)

FEE AND NONFEE COSTS OF GRAZING PRIVATE LANDS

[Updated with January 1990 index numbers]

Item	1966	1977 (index)	1990 (index)	Nonfee cost	Amount
Lost animals	$0.37	$0.62 (1.68)	[1](1.80)	Meat animals/prices received	$1.12
Association fees	0	(2.00)	(1.69)	Production items	0
Veterinarian	.13	.29 (2.26)	(1.79)	Wage rates	.53
Moving livestock	.25	.58 (2.30)	(2.02)	Autos and trucks plus wage rates	1.16
Herding	.19	.43 (2.26)	(1.79)	Wage rates	.77
Salting and feeding	.83	1.74 (2.10)	(1.97)	Auto and truck plus feed	3.09
Travel	.25	.55 (2.18)	(2.13)	Auto and truck plus fuel and energy	1.19
Water	.06	.12 (2.00)	(1.69)	Production items	.20
Fence maintenance	.25	.57 (2.28)	(1.61)	Wages plus building and fencing	.92
Horse cost	.10	.19 (1.86)	(1.68)	Feed	.31
Water maintenance	.15	.34 (2.28)	(1.61)	Wages plus building and fencing	.55
Devel. depreciation	.03	.06 (2.00)	(1.69)	Production items	.10
Other costs	.14	.28 (2.00)	(1.69)	Production items	.47
Total	2.75				10.41

[1] Indices taken from USDA, "Agricultural Prices," Washington, DC, Economic and Statistics, and Cooperatives Service, Jan. 31, 1990.

Note.—1990 fee costs: Private fee equals $4.35/AUM (excluding nonfee cost). Total 1990 costs: Private lease $10.41 plus $4.35 equals $14.76.

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR ENCOURAGING CONTINUATION OF A FAIR GRAZING FEE FORMULA FOR CONTINUED LIVESTOCK GRAZING ON FEDERAL LANDS

Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

Whereas agriculture is one of Utah's most important industries;

Whereas livestock production is the catalyst for over $1 billion of economic activity annually which is critical to the health of our economically stressed rural communities;

Whereas the federal land resource which represents nearly two-thirds of the land area of Utah plays an important part in combining enough private and public land to create economically viable ranching operations;

Whereas the fee collected from grazing the federal lands pays an inordinately high portion of the multiple use costs of administering the public lands;

Whereas there is consistency between the economic activity on the public land as well as its multiple use and the material well being of the range and the animal and plant species on it;

Whereas contrary to popular theory if public land is left to run wild it would deteriorate over time, create fire hazards, and bring an end to species diversity;

Whereas over several generations public lands ranchers have developed the confidence to invest in fencing, water development, roads, and forage quality which provides an outdoor experience for public use and increased wildlife populations;

Whereas the cost of purchasing the permit and its associated non-fee costs such as lower productivity, larger land area needs, predatory animal losses, and more herders need to be taken into account when comparing public land grazing fees and private land leases; and

Whereas there is a movement among radical environmental groups and some members of the United States Congress to increase the grazing fee to levels that would seriously threaten the stability of Utah's livestock industry:

Now, therefore, be it resolved that the Legislature of the State of Utah, the Governor concurring therein, support the continuation of an equitable fee structure as is embodied in the Public Rangeland Improvement Act fee formula that preserves confidence and integrity over time and provides benefits to all Americans through multiple use of the federal lands including livestock grazing.

Be it further resolved that copies of this resolution be sent to the President of the United States, the United States Secretary of Agriculture, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of Utah's congressional delegation.

Mr. WALLOP. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I take exception with the Senator. There is a reconciliation initiative. The earlier vote was a gimmick and fabrication. And the Senate should know it and does know it no matter what they say. They are saying no matter how much is required, they will take care of our concerns and we should vote "no."

Whatever they told you, the instructions are required as you voted for them. You are required to match them, and there are only so many critters out of whose hide this can be taken and these hides have been spoken for.

This is an assault by the President on the West. When he completes the mugging of it and the ranchers are off the land and miners are collecting food stamps, you can look at this as the beginning.

No matter what promises are given, we either abandon the whole process of reconciliation and the budget, or we have to report back exactly what the people here will have voted us to report back.

That is the truth of it, Mr. President. It is truth in budgeting. The 60's situational ethics may or may not be valid. But the American public should know what took place in this Chamber this afternoon was a charade, that it was not honest, and it did not fit the pattern of what people have said it would fit.

Mr. President, I yield back the remainder of the time and urge my amendment be adopted.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming. On this question, the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 194) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 196

The PRESIDING OFFICER. Under the previous order, the question is now on amendment No. 196, offered by the Senator from Colorado [Mr. BROWN], with 10 minutes equally divided.

Who yields time?

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado may proceed.

Mr. BROWN. Madam President, I ask unanimous consent that Senators FAIRCLOTH and NICKLES be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, the President challenged this Chamber and Members of the other Chamber to come forth with ideas on how we could save money in the Federal budget. Unspoken yet I think felt by the President and by every Member of this Chamber was to look for ways we can save money in the Federal budget, reduce the deficit but not cut out the muscle, the sinew, and the bone that makes this budget and this Nation of ours function from a Federal level.

The challenge literally is to find the fat, to cut out areas where we can trim and reduce the deficit without endangering the solid, good programs that help people of the country.

This amendment, I believe, meets that standard. It is an amendment that is offered in a bipartisan spirit. It is an amendment that I believe deserves the bipartisan support of this Chamber.

What does the amendment do? It attempts to look at the area of administrative overhead. There was a recommendation by the Heritage group that suggested you could save $350 billion in this area, or in that neighborhood.

In reviewing it, we found, one, the recommendations, while they spotted an important area, were not specific. We spent sometime in this area. Working with the Office of Management and Budget, we identified the specific budget categories and classes that overhead comes under; that is object class 20 and those in the 20's, and object class 30 and those in the 30's. What we are talking about are the expenditures of the Federal Government for travel, supplies, rent, utilities, phone, printing, production, materials, and so on.

In short, what we are talking about is overhead, simple overhead in the Federal budget. It is related to the specific category within the budget. Madam President, last year in the previous administration, overhead went up over 11 percent in 1 year.

Our new President has challenged the country to reduce the deficit, and he has committed himself to reducing Federal employment by 100,000 employees. Let me make it clear, this amendment does not relate to salaries. The savings of salaries are to be achieved in the President's plan that is already before us, and those salary savings flow through to the taxpayer. This relates to the offices in which those 100,000 serve, the supplies that they use, the travel vouchers that they use; in short, the overhead that supports them.

This amendment simply suggests that you are going to go 2 years without increasing overhead expenditures and forego cost-of-living for the balance of 3 years. When the Office of Management and Budget estimated, we specifically excluded defense expenditures because defense expenditures are handled elsewhere within the President's budget. We also excluded the Department of Agriculture loans because they are handled in a different area.

The estimate was roughly $46 billion of savings can be achieved in 2 years without an increase. We are not talking about cuts. We are simply talking about not increasing for 2 years; $46 billion. But when we asked the Congressional Budget Office to evaluate this same amendment, they said, no, we think there are some other factors here and said this amendment would save $26.6 billion over 5 years. Again, not cutting, simply holding the spending for overhead steady for 2 years.

The committee used that smaller figure, $26.6 billion, for savings, but some of the staff on the committee said, "Wait a minute, we think there could be a conflict between this and other savings that are contemplated in the budget. We think there is maybe $10 billion in that area that may duplicate other savings."

So the amendment that is before the body is simply to save $16.6 billion; that is roughly a third of what the Office of Management and Budget says is available simply by holding spending steady.

So this is not draconian. It does not cut. It simply says you are going to go 2 years without an increase for administrative overhead, and it takes a third of the amount that the Office of Management and Budget claims is in that category.

Madam President, if we cannot save on overhead, we cannot save anywhere. These are the easy ones. This is an amendment I hope will have strong bipartisan support because by saving here, we eliminate the need to cut elsewhere.

The simple fact is, every business in this Nation, when they come upon difficult times, the first place they look to is overhead. They ask themselves: Is there not some way we can save in that area?

I might suggest, this very clearly does not conflict with any other single area. It is only a third of what is available. My hope is that my colleagues will join in this effort. We face tough times. That does not come as a surprise to anyone in this Chamber. Our deliberations have been far too partisan, but the problems the American people face are bipartisan and the solution they want is bipartisan. This is an idea solicited by the President that I hope will be well received because without taking a look at overhead, we will be diverting the effort to cut spending in other areas with far less priority.

Madam President, I ask for the support of this effort to reduce the deficit by $16.6 billion, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that he has consumed all of his time.

Mr. BAUCUS. Mr. President, I speak in opposition to the amendment offered by Senator BROWN. While we may all agree about the goal of reducing unnecessary and excessive administrative costs in the Federal Government, I believe the approach offered here is flawed.

Freezing the allowable administrative costs of all Federal departments and agencies across the board fails to penalize those bureaucratic agencies most prone to administrative excesses or reward those that are most efficient. It fails to set priorities.

The economic plan presented by President Clinton embodies the administration's priorities regarding the various Federal Government agencies. It deserves fair consideration before across-the-board measures are adopted. The reconciliation process, not the budget resolution, is where Congress should set its priorities.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Madam President, the amendment is being portrayed as a 2-year freeze on overhead expenses. In my judgment, this clearly falls under false advertising. The Brown amendment relies on grossly exaggerated and a flawed definition of overhead. Let me give my colleagues a couple of examples.

First, let us take the NASA budget. If you add up what NASA spends on the categories that the Senator from Colorado spoke about yesterday as overhead, it comes out to about 4 percent of NASA's obligations; 4 percent. That is a proportion that NASA spends on travel, transportation, rent, supplies, and printing. These are the expenses the Senator talked about, but if you look at how much of the NASA budget is included as overhead under the Brown amendment, it is not 4 percent, he includes 89 percent of the NASA budget.

Some may think you should cancel the space station, but I do not think it could be classified as an overhead expense. There are many such examples. For instance, take the Department of Energy. The Energy Department also spends about 4 percent of its budget for rent, travel, transportation, supplies, printing costs. But under the Brown amendment, it is not 4 percent; the Brown amendment counts 91 percent of the Energy Department's budget as overhead; 91 percent of the Energy Department's budget as overhead when actually only 4 percent is.

Madam President, these examples show that the amendment is flawed, and I think inadvertently misleading. The amendment is also unnecessary. It is unnecessary because President Clinton's plan before us includes an ambitious attack on overhead expenses. The President's proposal requires that all agencies cut administrative costs by 14 percent by 1997. Indeed, he has placed the Vice President in charge of a very ambitious program to streamline Government across the board, to cut overhead across the board, to reduce duplication and waste and inefficiency across the board. And the President has set an example by his cuts in the White House staff.

He has stated by action and implication that we should emulate his cut in the Senate and Congress. We are doing that by reducing staff here, reducing overhead in the Congress.

So I submit, Madam President, that this amendment is not a freeze of overhead. It is a freeze of discretionary accounts to the tune of about $16 billion. That is gong to do really, I think, irreparable damage to a number of the programs that are funded under the discretionary accounts. NASA is one example. The Department of Energy is another example. These are the most glaring examples, but it permeates the domestic discretionary accounts.

Madam President, I yield back all my time. I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Brown amendment (No. 196). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Daschle
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Dorgan
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to table the amendment (No. 196) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 198

The PRESIDING OFFICER. The pending question is the Domenici amendment No. 198.

Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, is the Domenici amendment the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Five minutes on each side?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes.

Mr. President, essentially this amendment is very simple and forthright. President Clinton, when he was a candidate, said the following: "Our defense plan cuts $60 billion more over 5 years than the cold war budget that the Bush administration advocates."

This amendment, as closely as I could draft it, says let us cut defense exactly the amount that President Clinton advocated when he was running.

I want to emphasize this is a path, because we do not have a budget, we do not know precisely what is being cut and what is not.

I choose in these difficult times to take the President at his words in his plan that he held up to the American people, and I say let us cut defense as much as the President told us he was going to cut it when he was running.

That means that instead of $127 billion in cuts on budget authority and $112 billion on outlays, essentially we are going to get to $60 billion in outlays in 5 years and $67 billion in budget authority. We are going to put that back in and we are going to reduce the new spending on new programs by an equivalent amount. The theory and the thesis is very simple. With $124 billion in new programs and defense coming down twice as much as was contended when he was running for President, let us just reduce the amount of the cuts in defense and increase and not have so much growth on the domestic side.

I do this for two reasons. I am fearful we are cutting too fast and, second, I believe it is now almost without question that this defense cut in this bill is going to cost between 1.2 and 1.8 million jobs. That is the Congressional Budget Office evaluation.

So I think we run at cross currents. While we are trying to create jobs, we are going to be running a hundred yard dash to get rid of jobs and perhaps we are going to be running a mile race to try to get new jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. DOMENICI. Mr. President, I am going to make the Congressional Budget Office letter part of the RECORD. I am not dreaming this up. They say between 1.2 and 1.8 million. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1993.

Hon. PETE V. DOMENICI,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: This letter responds to your staff's request for preliminary results on the effects of defense budget cuts on the national economy and defense employment. The Congressional Budget Office [CBO] will soon issue a paper, which is being prepared at your request, dealing more broadly with the economic effects of reduced defense spending.

In the long run, if cuts in defense spending are used to either reduce the federal deficit or fund carefully chosen federal investments, those cuts could lead to permanently higher levels of income than would otherwise occur. The short-run effects of these two choices differ, however. In the short run, cuts in defense spending—indeed, cuts in any type of federal spending—reduce the demand for goods and services if they are used to reduce the deficit. Coupling defense cuts with equal increases in public-sector investments or in other nondefense spending could reduce those adverse short-run effects.

The purpose of CBO's analysis is not to forecast the path of the U.S. economy but rather to isolate the short-run effects of cutting defense spending. The analysis therefore assumes that reductions in defense spending are not offset by increases in nondefense spending. Without such increases, the defense cuts would reduce the federal deficit.

THE ALTERNATIVES CBO EXAMINED

CBO examined the effects of the defense budget plan submitted by the Bush Administration in January 1992 (hereafter called "the Bush plan") and of three alternative plans that make larger cuts. As you requested, those alternatives assume that by 1998 annual defense budget authority is reduced below the Bush plan by $25 billion, $50 billion, and $100 billion, respectively. Under each of the alternatives, dollar reductions would be phased in gradually between 1994 and 1998, and investment and operating accounts would be reduced by identical proportions. Numbers of military personnel are assumed to be reduced by the same proportions as are operating accounts, with equal annual reductions in 1994 through 1998 (see Table 1 for the effects of the alternatives on budget authority and outlays).

Under those assumptions, the real decline in defense outlays from 1992 to 1998 would amount to 17 percent under the Bush plan. Reductions under the alternatives would range from 24 percent under Alternative A to as much as 42 percent under Alternative C (see Table 2).

The three alternatives are not designed to match any particular budget plan. Moreover, because the alternatives were derived by adjusting the Bush plan, they reflect last year's assumptions for inflation, which were considerably higher than current projections. If adjusted for the difference in inflation, the defense outlays recently proposed by the Clinton Administration would generally fall between those in Alternatives A and B.

EFFECTS ON THE NATIONAL ECONOMY

How would these three alternative budget plans affect the U.S. economy? The effects of the Bush 1992 plan are already reflected in CBO's current forecast for the U.S. economy, which was issued in January 1993. That forecast envisions some growth in real gross domestic product (GDP) in 1993 and 1994, though at rates that are lower than normal for a period of cyclical recovery. The forecast also anticipates declines in the civilian unemployment rate. Beyond 1994, CBO projects that the rate of growth of real GDP will average 2.5 percent a year.

To assess how the alternatives might affect these base-case estimates, CBO used the INFORUM model developed at the University of Maryland. This model was selected because of its ability to assess the effects of defense cuts at the level of individual industries and states. Other econometric models would generate different numbers. The results presented here should therefore illustrate the pattern and size of the economic effects associated with alternative defense budgets, but should not be treated as precise forecasts.

The defense budget cuts contemplated in Alternative A, if used to reduce the deficit, would alter the base-case economic forecast only slightly. The level of GDP in 1998 would be about 0.2 percent (two-tenths of a percent) lower than under CBO's forecast (see Table 3). Because the reduction in the level of GDP is so small, the growth rate of GDP over the 1993–1998 period would be nearly the same.

The larger spending cuts under Alternative B—in which real outlays fall by 30 percent from 1992 to 1998 compared with 24 percent under Alternative A—would imply correspondingly larger temporary reductions in GDP. According to the INFORUM model, Alternative B might reduce GDP by 0.6 percent in 1998. Alternative C—which envisions a real reduction in outlays of 42 percent between 1992 and 1998—would reduce GDP by 1 percent, according to the INFORUM model. The comparison, in each case, is with a policy that keeps defense spending at the levels of the Bush plan and does not vary any other spending or tax policy.

EFFECTS ON DEFENSE EMPLOYMENT

As of 1992, almost 5.5 million people were employed in defense-related jobs (see Table 4). Of those, about 2.7 million were private-sector workers, which include both direct workers (employees of defense contractors) and indirect workers (employees of their suppliers and subcontractors). The total of 5.5 million also includes 1.9 million military personal on active duty and 1.9 million civilian employees of the Department of Defense [DoD].

Under the Bush plan, about 870,000 of those defense-related jobs (or 16 percent) would be eliminated between 1992 and 1998 (see Table 4). Some 610,000 jobs in private industry would be lost, according to estimate from the INFORUM model. In addition, the jobs of some 190,000 active-duty military personnel and 70,000 DoD civilians would be eliminated by 1998.

Job losses would be larger under the alternatives. Between 1992 and 1998, Alternative A would lead to a decline of 1.3 million jobs. (see Table 4). This figure represents an additional loss of more than 400,000 jobs beyond the number predicted for the Bush 1992 plan. Alternative B results in a reduction of about 1.75 million positions by 1998, an increase of about 890,000 over that of the Bush 1992 plan. Under the budget cuts assumed in Alternative C, nearly 2.5 million defense-related jobs would be eliminated over the 1992–1998 period, or 1.6 million more than under the Bush plan.

Not all who lose their jobs under these scenarios will experience extended unemployment. Some former defense workers will switch to nondefense jobs within firms that produce both defense and commercial products. Others may be retained by firms that convert from defense to commercial business. Many will move to nondefense firms whose business is growing. Indeed, the employment prospects for displaced defense workers will depend more on the overall growth in the U.S. economy than on what happens within the defense sector. So far, the pace of job creation during the current recovery has been anemic. It appears, however, that the economy has now entered a period of growth that could lead to great job creation in 1993 and 1994.

I hope this information is useful. Please let me know if you have any questions.

Sincerely,

ROBERT D. REISCHAUER,
Director.

TABLE 1.—ALTERNATIVE NATIONAL DEFENSE BUDGETS

[By fiscal year, in billions of dollars]

	1993	1994	1995	1996	1997	1998	Total 1994–98
Bush Administration's 1992 Plan[1]							
Budget authority	[1]273	282	284	286	291	[2]296	1,438
Outlays	293	282	283	286	290	293	1,431
Alternative A: Cut $25,000,000,000 From 1998 Budget							
Budget authority	273	277	277	274	273	271	1,371
Outlays[3]	293	279	277	277	275	271	1,378
Alternative B: Cut $50,000,000,000 From 1998 Budget							
Budget authority	273	274	269	261	255	245	1,304
Outlays[3]	293	277	272	267	260	249	1,324
Alternative C: Cut $100,000,000,000 From 1998 Budget							
Budget authority	273	267	253	235	219	195	1,169
Outlays[3]	293	274	261	247	230	205	1,216

[1] Adjusted for Congressional action in 1993.

[2] Projected by the Congressional Budget Office assuming the same real decline in budget authority as in 1997.

[3] Outlays estimated after enactment to the fiscal year 1993 budget using economic and spendout assumptions consistent with the Bush administration's plan.

Note.—Numbers may not add to totals because of rounding.

Source: Congressional Budget Office.

TABLE 2.—CHARACTERISTICS OF ALTERNATIVES FOR THE DEFENSE BUDGET

	1998 outlays		Real reduction in outlays (percent)		Defense outlays as a percentage of GDP, 1998
	Billions of dollars[1]	Billions of 1993 dollars	1992–98	1987–98	
Bush 1992 plan	293	253	17	26	3.7
Alternative A ($25,000,000,000 cut)	271	234	24	31	3.4
Alternative B ($50,000,000,000 cut)	249	215	30	37	3.2
Alternative C ($100,000,000,000 cut)	205	177	42	48	2.6

[1] Nominal outlay estimates reflect last year's economic assumptions.

Note.—GDP=gross domestic product.

Source: Congressional Budget Office.

TABLE 3.—ESTIMATED IMPACT ON GROSS DOMESTIC PRODUCT OF ALTERNATIVE DEFENSE BUDGETS

[By calendar year]

	1994	1995	1996	1997	1998
Percentage change from base case:					
Alternative A	−0.1	−0.1	−0.1	−0.1	−0.2
Alternative B	−.1	−.1	−.1	−.2	−.4
Alternative C	−.1	−.2	−.4	−.6	−1.0

Note:—These effects assume no changes in elements of the federal budget other than defense. Thus, the alternatives imply very different paths to reducing the deficit.

Source: Congressional Budget Office using the INFORUM model.

TABLE 4.—DEFENSE-RELATED JOB LOSSES BETWEEN 1992 AND 1998

[In thousands of dollars]

	1992 level of defense employment	Losses under Bush 1992 plan	Losses under alternative		
			A	B	C
Private sector:					
Direct	1,650	415	510	620	805
Indirect	1,020	195	270	335	455
Subtotal	2,670	610	780	955	1,260

TABLE 4.—DEFENSE-RELATED JOB LOSSES BETWEEN 1992 AND 1998—Continued

[In thousands of dollars]

	1992 level of defense employment	Losses under Bush 1992 plan	Losses under alternative		
			A	B	C
Percentage change from 1992	NA	23	29	36	47
Public sector:					
Active-duty military	1,880	190	360	590	910
DOD civilians	905	65	135	205	315
Subtotal	2,785	255	495	795	1,225
Total	5,455	865	1,275	1,750	2,485

Note.—NA=not applicable; DOD=Department of Defense.

Source: Congressional Budget Office using the Inforum model.

Mr. DOMENICI. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no time is yielded, the time will be charged equally.

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, before yielding to the Senator from Pennsylvania, I want to say that this amendment offered by my friend and colleague from New Mexico is a complete anachronism. It does the opposite of everything we have heard from the American people over the last 3 years.

The cry from the heart of the American people in recent years has been what about us? What about us here at home? What about the needs of the American people in education, in health, in criminal justice to do something about this criminality that makes us afraid to walk the streets at night? That is in all these areas that have been neglected over the past 12 years.

And here we are, Mr. President, with an amendment that incredibly adds $60 billion to military spending at the expense of all of these long-neglected domestic needs. Only here in Washington is there any sentiment for taking funds out of Head Start for education, out of childhood immunization, out of neighborhood policing, and out of job training. Only in Washington would we be talking about taking $60 billion away from what the American people want and putting it in what they do not want—more military hardware.

Are we talking about buying more aircraft carriers, more MIRV missiles with hydrogen warheads on them? Are we talking about buying more B-2 bombers?

Mr. President, this amendment is a relic of the past, and I urge my colleagues to vote against it.

I yield the remainder of my time to the distinguished Senator from Pennsylvania [Mr. WOFFORD].

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, I am convinced that if the American people want this President to succeed, they want to see him and see us apply our Nation's energy and resources to meeting the human challenges here at home with the same commitment we have shown in meeting challenges abroad.

Americans want to give change a chance. They want a government that invests wisely instead of spending wastefully.

The American people know the national security begins at home, in our schools, on our streets, in our communities. That is why I am voting against this amendment offered by my colleague from New Mexico.

This amendment would transfer almost $60 billion from the President's domestic investment program to military spending.

Under the Clinton plan, we will meet our security needs. We will still be spending $277 billion on defense in fiscal year 1994. Throwing unneeded funds into the defense budget would cripple our ability to invest in our economic security here at home for their domestic needs that have been sorely neglected.

We are already paying the price in lost productivity and economic competitiveness. Federal investments in needed job training and in infrastructure development have declined almost a third in fiscal years from 1981 and 1992, from 13.8 to 9.4 percent. This declining investment has had a real impact on our education, health, transportation systems, and living standards.

We will never tame this deficit without rebuilding our economic productivity and investing in a better future and growth. That is the promise of the American life, a better life for our children, and that is the project we must keep by enacting the President's economic plan.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much do the opponents have remaining?

The PRESIDING OFFICER. Fifty-five seconds.

Mr. SASSER. I thank the Chair.

Mr. DOMENICI. Did I use 4 minutes? I thought I used 3.

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes remaining.

Mr. DOMENICI. Mr. President, I yield myself 1½ minutes.

Mr. President, so nobody will misunderstand the proposal that I make to the Senate will reduce defense spending for the 5 years ahead of us the sum total of $75 billion which was planned by President Bush and $60 billion planned by the President when he was campaigning, so we are talking about $135 billion.

I believe the American people accepted the President when he was running at his word, that it was going to be a balanced deficit-reduction package. It is not balanced. All of the cuts are out of defense, and domestic spending is increasing, and we are led to believe that is a job-producing economic revival budget.

The other part of it is $295 billion in taxes as simple as that.

I believe we ought to go slow on defense, use the President's promise and his plan, cut that much, and then slow up on the new domestic spending. I do not think that an anachronism. I think the American people, if they knew what we were doing to defense, would be saying, "Why aren't you cutting anything else?"

That is the issue. We are cutting nothing else except defense and raising taxes. I believe we are going to put people out on the street faster than we are going to produce jobs for them under this economic plan by a long shot.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has one-half minute remaining.

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, in constant dollars, in 1994 the Clinton budget spends $277 billion. That is $38 billion more than we were spending in constant dollars in 1979 in the Carter administration at $249 billion, and that is $45 billion more in constant dollars, dollars corrected for inflation, than the Nixon-Ford administration spent in 1975. And bear in mind the evil empire was alive and well then. Mr. Brezhnev was sitting in the Kremlin.

There is no more Soviet Union, and even under this Clinton plan we will be spending more than we spent in 1979 and 1975.

Mr. President, there is no need to take this money away from long-neglected domestic programs to plow more of it back into military spending.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, you can go back to any time in history and make a case for almost anything. The truth of the matter is the year he is using the number for is the exact year we lost the Vietnam war.

About 2 years later we had a hollow Navy. We could not fly the airplanes. We did not have enough fuel, and everybody was concerned.

Now we have come ahead with an All-Voluntary Army that is highly paid, and we expect to get our money's worth compared to those days.

I just do not believe that is what the American people expect us to do for the men and women in the military and for our defense.

Mr. BYRD. Mr. President, a vote for this amendment is the equivalent to saying that the President has underestimated our defense needs by some $60 billion over the next 5 years. This is the view that the national security state, as bloated as it is, without any major visible adversary threatening our survival, must be kept big, bloated, and beefed up—we took decades building this apparatus, and now we cannot face reality in the face and start the necessary downsizing in order to reinvigorate our economy and its skills, infrastructure, productivity and competition. We are too timid to make the necessary changes to accommodate the changes that have occurred in the world.

This is a vote for the past, not the future. The $60 billion that the Senator wants to plow back into our giant national security state is $60 billion we will shortchange the economic future of our Nation, $60 billion which might well be multiplied several times over when it is plowed into the right channels of investment in our economy. We are not going to be a superpower long by puffing up unnecessarily our military system, and shortchanging and neglecting the real basis of our superpower status. What a waste of resources.

What this amendment says is: Do not give the new President a chance to reinvigorate the Nation, to take us into new channels of productivity. It says stand pat, and slowly drift downward, with the dragging weight of an increasingly irrelevant military structure slung around our national neck.

I encourage my colleagues to ratify the opportunity the American people voted for last November. That is what this amendment is all about.

Mr. SASSER. Mr. President, I move to table the amendment.

Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from New Mexico. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hatfield
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Gregg
Hatch
Heflin
Helms
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 198) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 202

The VICE PRESIDENT. The pending question is the Leahy amendment No. 202. There will be 10 minutes of debate equally divided. The Senator from Vermont.

Mr. LEAHY. Mr. President, the amendment is a very simple sense of the Senate. What it says is the Congress assumes the Women, Infants, and Children Program will be funded at the level requested by the President for fiscal year 1998.

Over 3.5 million pregnant women, infants, and children are eligible for benefits under WIC today, but they are not served due to the funding limitations in the program.

WIC has gotten as far as it has through broad bipartisan support. I see the distinguished Republican leader, Senator DOLE, on the floor. I think of the years I have been on the Senate Agriculture Committee and there has not been a single WIC bill that I have not been able to join in with the distinguished Senator from Kansas. In fact, in the last 10 years, there have been a number of Dole-Leahy or Leahy-Dole WIC bills.

I say this because the question of feeding poor pregnant women or feeding their children once born is not a political question. In a greater sense of words, it is not even an economic question, even though it makes great economic sense because a healthy child is a child that learns, a healthy child, from the time of their infancy on, is one who has far less illnesses, and far less cost for that. but in this country, it is truly a moral issue.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. FEINGOLD). Who yields time?

The minority has 5 minutes in opposition.

If no Senator yields time, the time will be deducted equally from both sides.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, as to the numbers I used earlier, I should note that for every WIC dollar spent on pregnant women we save on Medicaid costs for illnesses beginning the first 60 days after birth anywhere from nearly $2 to $4.21 for newborns and mothers. As to the cost of low birthweight babies, for $30 a month we save almost $40,000 in just the cost of that child alone.

The whole point is, Mr. President, as the wealthiest, most powerful nation on Earth, the only nation on Earth that cannot only feed all its people but have food remaining to feed millions of others, we should not have hungry, malnourished, pregnant women or hungry, malnourished, newborn infants. This is one way to make sure that does not happen.

Mr. President, if the other side is willing to yield back its time, I would be willing to yield back the time on this side.

Mr. DECONCINI. Mr. President, will the Senator yield.

Mr. LEAHY. I yield to the Senator from Arizona.

Mr. DECONCINI. I compliment the Senator from Vermont for this amendment. He has certainly led this body for years. I am glad to have joined him in moving to add funds continuously and fully fund eventually the WIC Program. It is a program that pays off. For every dollar we put in, it saves us more than $3. It is an investment in people, exactly what the President has called for.

I am pleased that the Senator from Vermont as chairman of the Agriculture Committee and the appropriations subcommittee is doing what he is, and I am glad to join him. I hope everybody will look at this as a nonpartisan issue. It has no partisanship whatsoever. It is merely investing in people, in Americans, who need some assistance to eat and to be healthy. You cannot miss on this vote.

I thank the Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator, my good friend from Arizona.

Mr. President, I would like to clarify one aspect of my amendment—No. 202 to the concurrent resolution. The amendment assumes full funding for WIC by fiscal year 1996 because it incorporates the President's budget proposals.

The only reason that the amendment language focuses on fiscal year 1998 is that 1998 is the fifth year of the current budget cycle.

But the President's budget and the resolution will achieve full funding for WIC sooner than 1998.

I want to again urge support for this important amendment.

As I said yesterday, WIC serves children at some of the most critical times of their lives. It feeds their mothers when they are pregnant or breastfeeding.

And it feeds children during their important, early development years.

Yet, over 3.5 million pregnant women, infants and children that are eligible for benefits are not served due to funding limitations.

This is a disgrace—investing in WIC is one of America's best investments. President Clinton's proposal to fully fund WIC in 1996 should be supported by every Member of this Chamber.

It is time for America to get its priorities straight. President Clinton, and the American people, have made the right choices.

The President promised to fully fund WIC in "Putting People First," and in the campaign. The American public expects him to carry out his promise.

His proposed budget, "A Vision for Change for America," does just that.

This amendment makes clear that full funding for WIC will become a reality. This should not be a partisan issue, WIC has enjoyed bipartisan support over the years in the Senate.

I ask all my colleagues to join with me in supporting this amendment.

Mr. DECONCINI. Mr. President, I rise today to cosponsor the amendment of my dear friend and colleague, Senator LEAHY, which provide full funding budget authority for the Special Supplemental Food Program for Women, Infants, and Children [WIC].

Mr. President, for the last several Congresses my friend from Rhode Island, Senator CHAFEE, and I, together with the distinguished chairman and ranking member of the Agriculture Committee, Senator LEAHY and Senator LUGAR, and Senators BUMPERS, JOHNSTON, and SASSER, have led the efforts in the Senate to increase appropriations for the Special Supplemental Food Program for Women, Infants, and Children [WIC]. As my colleagues will recall, our effort last year sought to increase WIC funding by $400 million over the prior year's current services level in order to maintain the schedule for full funding of WIC by 1996.

Despite the fact that 82 of the 96 possible Senators cosigned the DeConcini-Chafee annual WIC appropriations request, WIC's enacted level was $2.86 billion, a full $140 million short of the fiscal year 1992 target of $3 billion. While it is very hard to imagine that 82 Senators can agree on anything these days, it is even harder to imagine that such a consensus could be formed and fail to achieve its goal. But that is exactly what occurred last year and has occurred for many years now.

Mr. President, I do not find fault in any way with any of the Senate or House conferees on last year's Agriculture appropriations bill. Their task was nearly impossible given an insufficient subcommittee allocation to meet all the demands placed upon them. Continuing crop disaster insurance problems and other problems made their decisions all the more difficult.

I sincerely applaud the efforts of Senate Agriculture Subcommittee chairman and ranking member. The late Senator Burdick and Senator COCHRAN always did as much as they could for WIC and their efforts last year were no less exceptional.

However, the fact remains we were unable to enact an appropriations level of $3 billion for fiscal 1993, has made this year's and the next 2 year's effort all the more difficult if the members of both the House and Senate sincerely intend to keep our repeated pledges for full funding of WIC by the end of fiscal year 1996. For myself, I remain committed despite recent setbacks. WIC is too important and whatever the cost, we are going to have to find the money. President Clinton agrees and that is why he has called for the same funding levels for WIC requested by this amendment. Under this amendment, WIC would be funded at $4.1 billion by fiscal year 1997.

Mr. President, WIC is a Federal domestic program that simply works. That is why I have been advocate for WIC since its inception because it is the right thing to do. WIC not only prevents infant mortality and low birthweight, study after study has also shown that WIC is the most cost-effective method to do so. WIC reduces Medicaid costs: at a minimum, each dollar invested in WIC's prenatal component saved between $1.92 and $4.21 for newborns and mothers beginning the first 60 days after birth, and from $2.98 to $4.75 for newborns only. In addition, other studies show that future special education costs are greatly reduced through WIC's early nutrition intervention.

Despite this remarkable record, WIC has yet to achieve its full potential. Current funding levels only support 60 percent of the eligible women, infants, and children nationwide, and just 50 percent of all eligible pregnant women. My home State of Arizona currently receives funding that enables the WIC Program to assist about 60 percent of eligible women, infants, and children statewide, but barely serves 40 percent of those eligible in the urban areas.

Yes, Mr. President, the Federal taxpayer does indeed pay quite a bit already for WIC. WIC currently provides critical nutrition and health benefits to an estimated 5.3 million low-income pregnant women and young children at risk of diet-related health problems, but almost as many other needy women and children are unserved.

Tragically, America ranks 20th in infant mortality among the 25 most industrialized nations in the world. Every year 40,000 infants die in the United States and another 11,000 babies are born with long-term disabilities that result from their weakened condition. In testimony before the Senate Budget Committee, Dr. Buford Nichols, of the department of pediatrics, Baylor College of Medicine, stated that "20,000 infant deaths can be prevented each year by improving prenatal nutrition and care."

Mr. President, the sad truth is, unless we act—and act soon—to provide full funding for WIC, we will lose more American infants in the next 13 years than we have lost soldiers in all the wars fought by this country in this century. Let me say that again, without full funding for WIC, America will lose more infants in the next 13 years than we have lost soldiers in all the wars fought by this country since the turn of the century.

The magnitude of this loss of life is certainly compelling. It should be reason enough to act. However, the failure to promptly fully fund WIC is also irrational from a purely fiscal perspective. WIC has been shown over and over to be among the best, if not the best, means to prevent infant mortality and low birthweight. Today, the lifetime costs of caring for just one low-birthweight infant can total as much as $400,000. The Surgeon General estimates that the average cost of a low-birthweight baby can exceed $39,000. The cost of prenatal care—care that might prevent the low birthweight condition in the first place—averages less than $32 per month. As a Nation we have a clear choice. We can pay more now, or we will pay far more later.

Mr. President, I know that sounds like full funding will be an impossible task and it may well prove impossible should the economy get worse than it is today. However, Senator LEAHY and I have gone to far to turn back now. The House and the Senate are now on record in support of full funding of WIC by fiscal year 1996. But, we have a long way to go. For myself, I am committed to press the issue as hard as I can and as often as it is required to achieve that goal. That is why I am supporting this amendment today.

The bottom line is: WIC is a Federal initiative that works and we should work to make it a reality for the millions of women and children whose health will continue to suffer without it. I haven't given up all hope that we can achieve full funding by fiscal year 1996. However, we can't get there without making a few tough choices. I urge my colleagues to make the right choice at this time and support the President's budget proposal for WIC and vote in support of the Leahy amendment.

Mr. DOLE. Mr. President, the Senate is about to vote on a sense-of-the-Senate resolution relating to funding for the Special Supplement Food Program for Women, Infants, and Children [WIC]. I want to make clear that my vote on this nonbinding amendment should not be interpreted as a vote against WIC. As the senior Senator from Vermont so graciously indicated, I am a longtime supporter of WIC, which is one of our most effective and well-targeted social programs. I believe that we should continue to move toward full funding of WIC, although given our budget crisis we might need to go at a somewhat slower pace than has been recommended.

Before we complete action on this resolution, I will be offering a leadership amendment which will contain additional funding for WIC—not a sense of the Senate, but real money for this most worthwhile program.

Again, I thank the senior Senator from Vermont for his kind words. I highly value the partnership that we have developed on nutrition issues, which has led to some of the most personally rewarding work I have done in the Senate.

Mr. LEAHY. Mr. President, again, I do not see the Republican manager of the bill, but we are ready to yield back our time.

Mr. DOLE. We yield back our time.

Mr. LEAHY. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 202 offered by the Senator from Vermont [Mr. LEAHY]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—82

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—15

Danforth
Dole
Domenici
Faircloth
Gramm
Gregg
Hatch
Helms
Kassebaum
Lott
Mack
Nickles
Packwood
Thurmond
Wallop

NOT VOTING—3

Inouye
Simon
Smith

So the amendment (No. 202) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 209

The PRESIDING OFFICER. The pending question is the Gorton amendment No. 209 with up to 20 minutes for debate equally divided and controlled in the usual form.

Who yields time?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I ask unanimous consent that Senator PACKWOOD and Senator COATS be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, the waterway user fee was far the largest tax increase included in the President's budget. It is clearly the most destructive, the most iniquitous, and the least justifiable of all of the tax increases proposed by the President.

This proposition is self evidently the case as the proposal has been abandoned by the majority party and by the President himself.

It has been abandoned, however, only through the vehicle of a sense-of-the-Senate resolution which simply proposes to impose on some other unnamed group of Americans the numbers of dollars represented by the waterway user fee.

In short, close to $1 billion must be added to taxes on some other group of people who do not know that they are at risk because they have not been identified in the sense-of-the-Senate resolution which was passed by this body last Thursday.

But because this tax has such a negative impact on such an important sector of our economy, those who use our waterways, this Senator believes it imperative that we put the nail in the coffin of this proposal.

Should it pass, and it is in the budget as passed by the House of Representatives, it will destroy the use of our waterways. It will multiply by 525 percent or from 19 cents to $1.19 a gallon taxes now imposed on fuels used by those craft navigating our inland waterways. It will penalize our agricultural sector and will not produce the revenues designed for it.

This amendment by taking revenues expressly out from the budget resolution to this tax and by reducing proposed taxes by precisely the amount of the waterway user fee will guarantee that it does not become a part of the law and will guarantee that some unintended and unknown victims will not be subjected to any new tax.

Seriously to state that a budget including $295 billion in new taxes over the course of the next 5 years cannot possibly be reduced by $1 billion, that $124 billion in new domestic spending cannot possibly be reduced by less than $1 billion is to treat the budget resolution as less than a serious proposition.

In short, Madam President, this amendment will guarantee this iniquitous tax is not imposed and guarantee that we get exactly the deficit reduction we would get if it were included.

Mr. COCHRAN. Madam President, I am pleased to cosponsor this amendment to delete the proposed increase in the inland waterway users tax from the budget resolution. This 525-percent increase in the tax on diesel fuel used on the inland waterway system will have a very serious effect on agriculture and the towing industry.

An article which appeared in the March 8 edition of the Memphis Commercial Appeal describes the detrimental effects of this tax increase, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. In addition to its direct impact on the towing industry, a $1 per gallon tax increase will hurt farmers and others who ship their products to market on the inland waterway system.

It is estimated that this tax increase alone will cause a $431 million per year decline in farm income.

When combined with the Btu and other taxes proposed in the budget resolution, this economic plan will be devastating to American agriculture. Not only must farmers rely on oil-based fuels to power their equipment, they use other products, such as some pesticides and fertilizers, which are petroleum based.

It is estimated that direct and indirect agriculture production costs will increase by as much as $1 billion per year under the administration's proposed energy taxes. Unless the inland waterway tax is deleted from this resolution, there will be a much higher rate of unemployment rather than a lower rate which I had understood was the goal of the President's economic plan which he called, A Vision of Change for

America. This is one change we will be better off without.

EXHIBIT 1

BARGE OWNERS SAY FUEL TAX STINKS

(By Kevin McKenzie)

William Sory, owner of Memphis Barge Line Inc., used short, pointed sentences to describe his opinions of a Clinton administration proposal that eventually would raise the fuel tax he pays by 600 percent.

"It stinks," was Sory's initial reaction. "It could put me out, that kind of increase."

His final word: "That's a pretty tough pill to swallow."

Raising the diesel fuel tax paid by inland waterway users from 17 cents a gallon now to $1.19 in four years is part of the economic plan announced by President Clinton Feb. 17.

However, during a television interview in New Orleans last week President Clinton gave towboat operators hope that the huge increase is being reconsidered.

"I think that should be re-examined," Clinton said. "I'm not sure that the way the plan was originally designed, that it was supposed to go up that much. . . . I don't think there was a deliberate attempt to quintuple it."

The proposed fee increase shocked the industry. Those who run companies that tow barges on the Mississippi and other inland rivers say it was the worst news they've heard from the White House since the last time a Democrat was president.

President Jimmy Carter's 15-month embargo on grain sales to the Soviet Union after that nation's invasion of Afghanistan translated into lost business that the barge and towing industry hasn't forgotten. President Ronald Reagan lifted the embargo in April 1981.

"This is kind of like deja vu with the last Democratic president," said Bill Stegbauer, vice president of operations for Memphis-based Southern Towing Co.

The fee increases would be in addition to the Clinton plan to levy a broad-based energy tax, based on the energy content of fuel measured by British Thermal Units (Btus). That energy tax alone would add an additional 8–10 cents a gallon for diesel fuel used by towboats, said Jeffrey Smith, vice president of The American Waterways Operators, an Arlington, Va-based trade group representing the industry.

The current 17-cent-a-gallon tax collects only enough to cover half the $430 million spent in 1993 by the Army Corps of Engineers for construction and major rehabilitation of waterways, the Clinton plan said. The fee will rise to 19 cents when the new federal fiscal year begins in October under a previously scheduled increase.

Under the Clinton proposal, the tax hike would collect $820 million in four years. The fee increases would be phased in, beginning with an additional 10 cents this year. Next year, 15 cents would be added, followed by another 20 cents in fiscal 1996. An additional 55 cents, for a total of $1.19, would be added in fiscal 1997, the industry trade group said.

The administration views the increased fees as a replacement for other tax dollars supporting the Corps of Engineers. And, to justify the increase in user fees, the Clinton plan calls the towing and barge industry the nation's most heavily subsidized form of commercial freight transportation.

However, those in the industry contend that others who benefit from waterways don't pay the tax, including farmers who profit from flood control projects and those who use rivers for sport and recreation.

"I wouldn't mind paying my fair share, but the Corps of Engineers maintains the waterways and the locks and dams for three interests—people who use it for commercial interests, flood control and recreation," Stegbauer said.

"Now if we want to put a tax on everybody that goes water skiing in Pickwick Lake, and everybody that goes fishing in the Mississippi River and all the farmers that get flood control protection, then OK," he said.

"If they want us to pay for all of it, then let me have the waterway system. Let my industry take it private and run it and charge all those people," Stegbauer said.

A diesel fuel tax of $1.19 a gallon will put some companies in the industry out of business, owners and industry representatives said. That will accelerate a trend that has seen a loss of small firms and a growing dominance of larger corporations.

The increased cost of shipping by river also would shift traffic to other modes of transportation, particularly railroads. Currently, 15 percent of the nation's freight—including more than half of grain exports, a quarter of the coal and nearly a third of the petroleum products—is transported on inland waterways, the industry's trade group said.

"This is an astronomical tax. Right now the leaders of this industry are getting together to try to see how we can fight for our survival," Smith said. "This makes us an endangered species, no doubt about it."

Sory said his towboat, the Sebring, uses 30,000 to 40,000 gallons of fuel a month pushing barges loaded with petroleum products on the lower Mississippi, Ohio and Cumberland rivers.

He said that with a $1 increase in the user fee, he would be forced to raise his prices to keep his 10-employee company afloat. However, he said he couldn't be sure how much of the cost he could pass along.

"I may try it all, but I don't know how far I'd get," Sory said.

For Southern Towing's fleet of 22 boats, Stegbauer said the company paid $160,000 to $190,000 a quarter for the user fee when it was 15 cents a gallon. The company, which has 280 employees aboard board and another 20 in Memphis, can't afford to pay several times that amount, he said.

"We don't have that kind of money," Stegbauer said.

"If we can bump half of it to our customers, that will be a major battle," he said.

"The other half will mean that we don't look forward to profits anymore. It's going to wipe us out because, without profits, no one is going to lend you any money. Without money to replace and upgrade equipment, you're not going to continue in business."

TOWBOATS, BARGES WAIT FOR CUTS

President Clinton's economic plan, A Vision of Change for America, views the nation's towboat and barge companies as recipients of government giveaways.

Increasing fees for companies that use inland waterways is one of 41 actions called for in Clinton's plan to eliminate subsidies and charge fees for government services.

"The nation can no longer afford subsidies and giveaways to those who don't need them, and we must assure that the taxpayer is fairly compensated for services or resources provided by the government," the report said.

Here is the text of the paragraph, on page 76, affecting use of the nation's rivers:

"Phase-in increased Inland Waterway user fees. The nation's inland waterways are the most heavily subsidized form of commercial freight transportation. Since the system was constructed for commercial navigation beneficiaries, they should pay for all operation and maintenance costs.

"Existing inland waterway fuel taxes collected on application segments of the system only offset half of the Corp of Engineers's cost of construction and major rehabilitation (estimated at $430 million in 1993).

"This proposal would increase the 1994 Federal inland waterway fuel tax from 19 cents to $1.19 per gallon in a series of increasing steps . . . Estimated savings are . . . $820 million over four years."

Mr. GORTON. Madam President, I yield 3 minutes to the distinguished Senator from Missouri [Mr. BOND].

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my colleague from Washington, and I rise in strong support of this measure which I cosponsor.

As Senator GORTON has pointed out, I think it was vitally important that we not just talk about doing something about this burdensome and ill-conceived tax. We need to take it out of the budget resolution. If there is any sense to this budget resolution, and too many people have worked too long and too hard to deny that it does have some force and effect, then I think we have to take real action and not just say, "By the way, we do not mean it."

As we look at the impact on agriculture of this proposed tax, it is draconian. The immediate implication of such a tax is not speculation. The cost of a typical 14-day trip carrying grain, corn, or soybeans from Minneapolis to New Orleans by inland waterways would increase by $70,000. Under the administration's plan, the fuel cost per ton for grain shipped from Saint Paul, from Quincy, and Pekin, IL, and Dubuque, IA, to the gulf would increase by 130 percent, 126 percent, and 125 percent, respectively.

Over half of all grain destined for overseas markets is shipped by barge. There is no way that our farmers could get back the extra charges by going to other countries and saying, "Please pay us more to handle our fuel tax costs." They are in a competitive market and they cannot set the price. They cannot raise the price.

Agricultural products comprise nearly 35 percent of all products moved on inland waterways. Agriculture has been hit hard in this tax package. It is being hit hard by the barge tax, the grazing fees, as well as in the other huge tax increase, the Btu tax.

A 525 percent increase in an inland waterways fuel tax on top of the other sacrifices U.S. agriculture has been asked to make goes well beyond a fair contribution. It goes to the point where the total of the new taxes to be imposed exceed the profits of the inland waterways industry. If this actually happens, the barge industry, well, it is not going to be around. All the people who work for the barge industry, all the people who service the inland waterway system would be thrown out of jobs.

So I say to my colleagues if you want to be serious, if you want to do something significant and not just go home and say, well, we passed a sense-of-the-Senate resolution, then let us get real and do something that will take out this tax, save the jobs of barge workers, save agriculture, and save our farmers.

I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I ask unanimous consent that the distinguished senior Senator from Minnesota be added as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I yield that Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Madam President, I rise to endorse and urge my colleagues to support the amendment by my colleague from the State of Washington. I congratulate him on his amendment.

As has been pointed out, the Btu tax proposed by the President, and implied in this resolution, is an especially heavy tax on rural America. States like Illinois, Minnesota, Iowa, Wisconsin, and across the western part of this country will suffer tremendously as a result of the President's Btu tax. The Btu tax hits Minnesota just as hard as the carbon tax would hit Kentucky or Wyoming or a gasoline tax solely would hit fuel transportation.

It is a tax that people in rural America pay three times. They pay it on the growing of crops through increased costs of fertilizer inputs as well as increased costs of electricity and fuel to run their machinery. They pay it on the production of the corps through increased costs of propane to dry their grain and increased costs of processing raw foods into prepared foods. And they pay it on the transportation—through the $1 increase in the barge fee. Farmers are paying the Btu tax three times. It is a very unfair tax.

The notion that we were going to begin exempting people from this tax seemed to be a fairly popular one which, of course, is traditional when you propose one of these across-the-board Btu taxes.

So I want to be clear with my colleagues. I do not favor the Btu tax to begin with, because of its unfair and regressive impact on rural America.

But the exemption being carved out, as my colleague from Washington has already pointed out, merely raises taxes. If you exempt the increase in the barge user fees without also cutting spending, then the expected billion dollars of revenue will pop up as a new tax somewhere else in the system.

I ask unanimous consent that I might continue for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Earlier today this body defeated an amendment by my colleague from Minnesota that would have exempted ethanol fuels. I voted for that amendment, but a majority of people in this body said we are not going to exempt one tax and increase another tax.

Tomorrow I am going to introduce an amendment that eliminates the threat of an ethanol tax and make sure that we do not even think about it again. My amendment, cosponsored by Senator DOLE and Senator GRASLEY, cut spending by $82 million—the projected revenues by the Joint Tax Committee for the Btu tax on ethanol. This is a very similar approach to the one that my colleague from Washington takes with regard to the barge user fee. If you want to be sure there is an exemption from a tax, then make sure that there is a real spending cut rather than merely an exemption from taxation.

I urge my colleagues on both sides of the aisle to support Senator GORTON's amendment because it will guarantee America's farmers that they will not be taxed on the cost of using our inland waterways.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

The Senator from Tennessee.

Mr. SASSER. Madam President, I will vote against the amendment offered by our distinguished Republican colleague from Washington. I will do so because we debated at length on this floor last week the reservations that I think the majority of the Senate has about the steep increase in the barge tax. In fact, the sense-of-the-Senate amendment expressing these concerns, which I supported and which was offered by our distinguished colleague from Iowa, Senator HARKIN, passed by an overwhelming margin.

During the debate, I stated that I shared the concerns regarding the undesirable impact the barge tax would have on the inland waterway industry. I feel that we have done all we can do now in the context of a budget resolution to make clear the majority Senate position on this particular matter.

Frankly, I wish our friend from Washington would withdraw this amendment, because I think it muddies the water with regard to the clear sense of the Senate with regard to what is to be done about a waterways tax. The Harkin amendment passed overwhelmingly.

Should the Gorton amendment not pass, then I think that muddies the water, and I am going to be compelled to oppose it.

I feel that we have already crossed this bridge. We have done all we can do to make the position of the Senate clear in a budget resolution. I must remind my colleagues once more that the budget resolution simply cannot dictate to the Finance Committee what revenues to raise to meet a particular revenue target.

This amendment offered by the distinguished Senator from Washington would reduce the Finance Committee's revenue target without being able to guarantee that the Finance Committee might not go ahead and implement the tax anyway because, just as I stated, we do not have the authority to specify to the Finance Committee what revenues to raise and what revenues not to raise, and indeed the Budget Committee should not have that authority.

But the Senate has already spoken overwhelmingly in a sense-of-the-Senate resolution as to its views on the imposition of a waterways tax to the extent that was supported by the administration.

The administration has indicated that it now has reservations about this waterways tax. This amendment follows what has become a trend with our colleagues on the other side of the aisle, and that is to offset this reduction in revenues from wherever they might come by reducing the revenue allocation as an unspecified reduction in the allowances function of the budget. This means one of two things. Either there is going to have to be a reduction of domestic discretionary spending to pay for this or we are simply going to have to raise the deficit.

What sort of consequences the reduction in discretionary spending would have it is hard to say, since we do not know where the reductions would come from. But I would conclude by advising my colleagues to reject this amendment since it will not achieve the goals sought by the Senator from Washington, while it could reduce funding in many vital areas, which our colleagues support.

I could enumerate those areas. We have gone over them before. They are important areas that the Senate has gone on record supporting such as increases in the Women, Infants, and Children Feeding Program, increases in Head Start, increases in community police efforts. All of these could be reduced if this amendment were to be adopted here by the Senate this evening. It is surplusage, because we have already stated emphatically in a sense-of-the-Senate resolution that the Senate as a whole will look very unfavorably on a waterways tax, should it be imposed to the extent that it was advocated in the original Clinton budget.

So, Madam President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 46 seconds.

Mr. SASSER. Madam President, we wanted to yield back some of the time but I am advised—may I ask how much time the Senator from Washington has remaining?

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. SASSER. Madam President, I am advised that the distinguished Senator from Iowa is rushing to the floor to speak on this amendment. Here he is now. I advise him we probably have 3 minutes left on this amendment if he wishes to speak in opposition.

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 50 seconds.

Mr. HARKIN. I thank the Senator for yielding. I wanted to be here to speak on this amendment.

First of all, I do thank my friend and colleague from Washington for his interest in this area and for his strong support of the barge industry in America. I know of his interest in this, and I know this amendment is well intentioned, and I know the Senator from Washington means to do well by this amendment.

But, frankly, as I am sure the chairman of the committee has pointed out, we have already spoken on this issue. The Senate is on record, 88 to 12, saying this tax should not be imposed on the barge industry. That vote just happened last week. So this amendment really does not add to that in any way. In fact, if anything, all this amendment really does say, as I read the amendment, is that we are going to have to make some cuts, some discretionary cuts that are not lined out. We do not know what they are. They are just some unknown cuts someplace.

Where will we take those cuts? Will we take them in education? Health care? Immunizations? All the programs we support around here? Will we take them out of the transportation budget? Where are we going to get to that because the Senate last week, in a 88 to 12 vote, said to the Finance Committee that when you report out for reconciliation, do not put this in there. Because if you put it in we are going to take it out. So we have already spoken on that and now we do not need to say let us take some cuts out of something else. We do not have to do that.

So I hope we will resist this attempt, again, to make further cuts in the discretionary budget that we have. We do not have to do that.

As I said, I know my colleague, my friend from Washington, means well. I know of his interest in supporting the barge industry. I do not question that one bit. I know he is foursquare on that issue.

But I really do not see why we have to at this time now say we are going to take some money out of the programs that are already hurting, for which we are going to need every ounce of support we can get—for education, health care, the Head Start programs, and everything else. We do not need that to pay for. All we need to do is tell the Finance Committee when they report it out for reconciliation they better not have it in there. Frankly, a 88 to 12 vote, I think, indicates they will not.

The Senate has already spoken on it. There is no need for this amendment, and I hope it will be defeated, not in the sense of taking out the taxes on the fuel for barges—we have already spoken on that—but defeated in the context of not being forced to take more cuts in discretionary programs.

Madam President, I yield the remainder of my time.

Mr. SASSER. Do we have time remaining, Madam President?

The PRESIDING OFFICER. The senator has 20 seconds.

Mr. SASSER. Madam President, I yield the remainder of our time.

The PRESIDING OFFICER. The Senator yields the remainder of his time.

Mr. SASSER. Madam President, I move to lay on the table the amendment of the Senator from Washington. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 209) offered by the Senator from Washington [Mr. GORTON].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 209) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred.)

Mr. FORD. Mr. President, due to a clerical omission, the vote of Senator BOXER was not recorded on the motion to table amendment No. 209. I ask consent that her "aye" vote be properly recorded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The RECORD has been changed to reflect the above order.)

AMENDMENT NO. 203

The PRESIDING OFFICER. The pending question is the Murkowski amendment, No. 203, with up to 10 minutes for debate equally divided and controlled in the usual form.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Madam President, my amendment would exempt the airlines from the Btu tax. The Senator from Alaska had also intended to bring up an amendment to exempt heating oil. It is amendment No. 204. Unfortunately, because of the time limitations, the Senator from Alaska will be bringing that up after time expires tomorrow. That would waive the mandatory surtax which adds 34 cents per million Btu to oil alone, and is clearly an inequitable tax proposal and focuses in on those who have no other alternative but oil.

Madam President, last year the airline industry lost $4.7 billion. In the last 3 years, the industry has lost $8 billion. The chart on my right indicates the reality as a consequence of 1988 and 1989, then in 1990, 1991, and 1992, and the forecast for 1993 is equally as disastrous. The bottom line is it is bad now, and it is going to get worse. It is going to get worse because we are proposing a tax on an already sick industry of $4.5 billion over the next 5 years. My amendment would relieve the industry of that tax as proposed by the administration.

It is a myth to think that the industry can absorb these costs. Many of them are in bankruptcy or chapter 11 now. Every major airline in this country is losing money. Last year, Alaska Airlines lost $19 million. American Airlines lost $1.5 billion in the last 2 years. USAir has lost over $1 billion.

We are looking at jobs, Madam President: 117,000 jobs were lost in the aerospace industry last year; 38,000 jobs were lost in civilian aircraft production, and 47,000 more are in danger this year. United will furlough 2,800 workers. An additional 1,900 will not be hired. Northwest has laid off 1,000 workers in January, 1,600 since last June. Boeing announced 23,000 and another 500 by mid-1994.

From the standpoint of competitiveness, Airbus will be cheaper in its production because it will not have to pay a tax on new energy to build airplanes.

Madam President, this affects every area of this country: Alaska Air, Seattle; America West, Phoenix; American Airlines, Dallas; Continental Airlines, Houston; Delta, Atlanta; Federal Express, Memphis; Northwest, St. Paul; Trans World Airlines, St. Louis; United Chicago, Denver, San Francisco; and USAir, Arlington and Pittsburgh.

Madam President, fuel counts for 15 percent of the carriers' operating costs, and we are proposing to put a tax on this industry of $4.5 billion over the next 5 years. My amendment cuts new spending in order to throw our vital airlines—a part of our economy, a part of our economic recovery—a lifeline, if you will, a lifeline instead of proposed additional congressional study to find out what is wrong with our domestic airlines.

What is wrong with them Madam President, is we are taxing them to death, and there is absolutely no jurisdiction for it. My proposal cuts $4.5 billion in new taxes that the airlines simply cannot afford by eliminating new spending that the country cannot afford.

Madam President, I reserve the remainder of my time and ask the Chair how much time is remaining.

The PRESIDING OFFICER. There is 1 minute and 20 seconds remaining.

Mr. MURKOWSKI. I thank the Chair.

Mr. SASSER. Madam President, I will vote against the amendment offered by our Republican colleague from Alaska. This amendment attempts to tinker with a proposed tax in a manner that clearly should be subject to the confines of the Finance Committee markup.

Let me remind my colleagues once again that the budget resolution cannot dictate to the Finance Committee what revenues to raise or not raise in order to meet their revenue target. In fact, while this amendment would reduce the Finance Committee's revenue target by some $4.6 billion, it offers no guarantees that the Finance Committee would not go ahead anyway and exempt aviation fuel from the Btu tax. It offers no guarantees that the Finance Committee would go ahead and make aviation fuel subject to the Btu tax. That is because, as I stated earlier, we do not have the authority in a budget resolution to specify to the Finance Committee what revenues it should raise and what revenues it should not raise, and we should not have that authority. That falls under the jurisdiction of the Finance Committee. It is within their purview, and they have the expertise to develop these initiatives as to where revenues should be raised and where they should not.

Now, I ask my colleagues, where do you guess the offset comes to make up the almost $5 billion of revenues that will be lost under this amendment? Well, would you guess it comes from the same place it has come in every other amendment that has been offered almost over the past 3 days? Out of the good old allowances account, function 920.

The truth is there is not any money to amount to anything in function 920, so it is going to come directly out of domestic discretionary spending, unspecified cuts in domestic discretionary spending.

I say we ought to let the Finance Committee work its will on this matter. Give them the revenue number, as we should do under the law, and let them do their work and leave them alone.

Madam President, I presume my time has just about expired, so I will yield back whatever time I have.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SASSER. Madam President, do I have any additional time?

The PRESIDING OFFICER. The Senator from Tennessee has 2 minutes 17 seconds.

Mr. SASSER. I yield 1 minute to the Senator from New York, the distinguished chairman of the Finance Committee.

Mr. MOYNIHAN. Madam President, I rise to endorse emphatically the statement of the distinguished chairman of the Budget Committee. These are not going to be easy decisions in the Finance Committee, but surely they are the decisions that only the Finance Committee—in the first instance—can make, and we will do. We ought not to be directed in this manner.

It serves no purpose. It skews the whole process and sets it back in the direction we ought not to go.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska has 1 minute, 30 seconds.

Mr. MURKOWSKI. Madam President, I appreciate the assurance of the chairman of the Finance Committee. However, I think it is fair that we recognize that this is a representative body and we have every right, to decide this matter. It is quite appropriate to express our views prior to consideration by the Finance Committee. I think, if we use the prevailing argument which has been used by the floor manager, my good friend from Tennessee, this whole process becomes academic. It is a bit of a charade, if you will, and we are really going through an extended timeframe for the purpose of seeing the majority dictate its will through tabling motions.

Madam President, it seems to me that, if we are looking for places to cut in order to keep our airline industry strong and keep people's jobs, we could consider a number of low-priority items in the President's proposal. One example is computer crosscutting technology. I am sure it may seem important to some, but it is not as important as keeping our airline industry strong. I urge my colleagues to give consideration to this amendment.

Mr. FORD addressed the Chair.

Mr. SASSER. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. One minute, forty-two seconds.

Mr. SASSER. I yield 1 minute to the distinguished chairman of the Rules Committee.

Mr. FORD. I thank the distinguished chairman and the Chair.

One thing we are trying to do here is help the airline industry. We passed a commission that is going to look at the industry and try to make it whole again. Leave it alone and let the Finance Committee work its will. We are already on that right track.

One thing we need to know. The distinguished Senator from Alaska brought this up. We leave them in chapter 11 too long. They do not have to pay their debts. They lower their rates and hurt those that are in good financial shape.

So I say to my colleagues, please table this one so we can help the airline industry and not do it piecemeal.

Mr. GORTON. I am pleased to cosponsor the Murkowski amendment which exempts the commercial aviation industry from the Btu tax which may well be entitled to the big-time unemployment tax.

The imposition of the Btu tax on energy will have a detrimental effect on many American industries in general, and a very specific negative impact on the aviation industry. This comes at a time when the aviation industry has experienced record losses totaling approximately $10 billion over the last 3 years—more than the total profit generated in its first 50 years. The industry can ill-afford to have further burdens by Government imposed upon it.

Aviation fuel costs are the second highest expenses of our airlines, after labor costs. The American Petroleum Institute estimates that the proposed Btu tax would increase jet fuel costs by 10–15 cents per gallon and would raise airline fuel costs between $1.2 and $1.8 billion.

It seems foolhardy to me to place such a tremendous burden on an already ailing industry. The result can only be increased layoffs and further cost-cutting measures that will be harmful to the entire aerospace industry. I urge the Senate to adopt the Murkowski amendment and exclude jet fuel from the Btu tax.

Mr. SASSER. Madam President, I yield the remainder of my time. I move to table the amendment. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Alaska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 203) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote by which the motion was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 215

The PRESIDING OFFICER. The pending question is the Bingaman amendment numbered 215, with up to 10 minutes for debate, equally divided and controlled in the usual form.

Mr. GORTON. Madam President, I rise today in opposition to the amendment of Senator BINGAMAN regarding full funding for defense conversion. I believe that virtually every past experience has shown that the Government cannot effectively or efficiently assist defense contractors in converting their plants toward nondefense production. It did not work after World War II. It did not work after the Korean or Vietnam wars. And I do not believe it will work now that the cold war is effectively over.

The cold war, and the reasons for spending huge sums of money on our national defense, has subsided. The private sector could not be relied to have the Government pay for our national security through tax dollars. Now that the threat of communism has receded, the Government should not continue to drain these resources away from the private sector in the name of defense conversion.

Madam President, if this were a time of plenty, if the Government was awash with extra money, funds to assist defense contractors in shifting towards nondefense production would make sense. The reality of this situation however, is far different. This country is running multibillion-dollar budget deficits as far as anyone dares to predict. The money will have to come through higher taxes or Government borrowing. In either case, the money will be taken from the private sector and given to Government bureaucrats to decide which industries should be favored with money. Invariably, these choices are political, not economic.

I believe that the most important thing the Government can do with respect to assisting defense industry workers is to get the Federal budget deficit in order. Lower Government borrowing will free capital for private investment. The Federal Government balancing its budget would be the equivalent of a $300 billion infusion of capital into the private sector of the economy every year. This huge infusion is nothing that the Federal Government can ever hope to match with Federal programs. It is that kind of infusion which will allow the private sector to create the high paying jobs America's workers need and deserve.

The entire economy will benefit from a reduced budget deficit. Unless and until the Federal Government gets its own fiscal house in order, the Federal Government should not be creating new obligations for the taxpayer's money.

Mr. BINGAMAN. Madam President, in order to set a good example for my colleagues, this amendment is well understood by all of us. It merely puts the Senate on record as endorsing the President's proposed expenditures for defense conversion and related programs over the next 5 years.

Unless there are questions someone has about it, I would be prepared to yield back my time, as long as the opponents would plan to do the same.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is the time in opposition yielded back?

Mr. DOMENICI. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. Conversations will cease.

Mr. DOMENICI. I ask my colleague, Senator BINGAMAN, does he want to yield back all of his time if we yield ours back?

Mr. BINGAMAN. That is exactly my position.

Mr. DOMENICI. We yield back our time, also.

Mr. BINGAMAN. I yield back the time of the proponents.

The PRESIDING OFFICER. All time has been yielded back.

The question then occurs on agreeing to the amendment of the Senator from New Mexico [Mr. BINGAMAN].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—70

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Thurmond
Warner
Wellstone
Wofford

NAYS—29

Bennett
Brown
Coats
Coverdell
Craig
Danforth
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Roth
Simpson
Smith
Stevens
Wallop

NOT VOTING—1

Inouye

So the amendment (No. 215) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER addressed the Chair.

AMENDMENT NO. 210

The PRESIDING OFFICER. The pending amendment is amendment No. 210, offered by the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I shall be brief in restating my amendment. My amendment points out that small business in this country will be taxed at a higher rate than corporations. My amendment would place small businesses on an equal basis with corporations.

Under the Clinton economic plan, small businesses will be asked to pay a marginal tax rate reaching 42.5 percent, plus they will also have to pay the energy tax. Small businesses cannot raise prices to pass on the energy tax to their customers. Therefore, the energy tax represents an effective rate of about 6 to 8 percent in additional taxes which will fall directly on the backs of America's entrepreneurs.

This means that small businesses could be taxed at the incredible rate of 50 percent, simply unbelievable. The largest corporations in this country will pay a rate of 36 percent. So my amendment merely states that small businesses should not be taxed at a higher rate than corporations.

For some reason, small businesses are being beaten up in the administration's tax plan. Small businesses are creating all the new jobs. Large corporations have actually lost jobs. Small businesses have continued to create jobs through the recession and through the recovery.

Now in this package that is before us, we are creating public service jobs that will cost, some estimate, between $50,000 and $80,000 per job, but we are beating up on the creator of jobs: small business.

Mr. President, I have many statistics here, but the hour is late and I want to be brief. The truth of the matter is that the Clinton economic proposal reaches a top marginal rate of 42.5 percent for small businesses. However, it reaches only the top rate of 36 percent for corporations. Thus, America's small business women and men will be paying higher rates than corporations.

In addition, the energy tax will fall the hardest on small business and family farms, I might add, because most farms are taxed the same way.

Mr. President, 80 percent of America's small businesses pay taxes at the individual rate rather than the corporate rate. There are proprietorships, S corporations and partnerships. Without repeating everything I said this morning, this group is creating the jobs, and the wealth will be taxed at the highest rate, 42.5 percent marginal.

Mr. President, I am joined in this amendment by Senators BURNS, BENNETT, COATS, KEMPTHORNE, D'AMATO, LUGAR, SPECTER, and others.

After the debate this morning, I received a call from a constituent in South Dakota who had seen it on C-SPAN, urging me to respond to the argument that all business costs are deductible. Mr. President, this was not a wealthy individual. He was probably one of the privileged few the other side is so fond of saying we are trying to protect. He was a farmer who is already finding it difficult to keep his small business going faced with the top income tax bracket of 31 percent.

Let me make clear, I do not even approve raising the tax rate on small businesses 36 percent. I think 31 percent has been a rate at which small business has produced a lot of new jobs. But the Clinton administration and the other side of the aisle insist on raising taxes and punishing small business men and women and their employees. This gentleman from my home State wanted me to note the administration's plan would have a devastating impact on farming and small business operations such as his. Mr. President, that is why I have offered this amendment.

Let me say a final word about small business cash flow. Increasing the marginal tax rate from 31 percent to more than 40 percent will reduce the after-tax dollars available to many small businesses as much as 17 percent. The after-tax profits of a business are critical in supporting its ability to borrow and expand. The administration's plan could have a disastrous impact on economic growth and put the brakes on job creation.

Finally, I want to reiterate my reason for offering this amendment. It is a simple point: It would be unfair to tax small businesses at a rate proportionally higher than America's major corporations, period. My amendment seeks to prevent that from happening.

I hope my colleagues understand the real argument behind this amendment. If they do, I am sure it will be adopted overwhelmingly. It should and I hope it does.

I yield the floor. I know my colleague from New York would like time, if I may yield to him.

The PRESIDING OFFICER. The Senator from South Dakota has 30 seconds remaining.

Mr. D'AMATO. Mr. President, it only takes 30 seconds to say if you want to create jobs, you are going to about it the wrong way when you raise the taxes and make it higher for corporations and small business than you do for General Electric. You have to be a damn fool. That is a 25-percent increase at the marginal rate. Those are the people who create jobs. So now you are going to have a poor guy who creates jobs, the engine of economic growth, and you tax them higher than General Electric. It does not make sense. It is a good amendment. We should adopt it.

The PRESIDING OFFICER. The Senator from Tennessee controls 5 minutes.

Mr. SASSER. Mr. President, this amendment is not about small business at all. It is not about protecting small business. The proponents of this amendment are trying to equate tax increases for persons at the very top of the income scale in the top one-half of 1 percent of the population as an attack on small business. That just simply is not accurate.

If the limits in this sense-of-the-Senate amendment are adopted, we would be creating a special class of taxpayers whose income would be taxed different from everyone else, a return to privilege for some.

I think it is important that everyone know just how you get in to this privileged class of people. The criteria is very simple. You have to own a small business and have an income, a net income, after all taxes, after all deductions, net income to put in your pocket of $250,000, a quarter of a million dollars.

If after all deductions, after all business expenses are paid, if you have $250,000 under this amendment, you are going to get special tax treatment.

Just in case $250,000 seems too low, let me point out that this figure is taxable income, income after all the deductions and all exemptions have been removed. Gross income, according to the proponents of this amendment, would be considerably higher, at least $315,000 in gross income before you would reach the $250,000 net income level.

So what this is about, Mr. President, is not protecting small business or the family farmer or the family rancher. This is about extending privilege to those who are already privileged. It is extending a special tax break to those who have a net income—not a gross income—that you put in your back pocket at the end of the year of $250,000. We are going to say they ought to have some kind of special tax treatment.

Now, if they object to being taxed at the same rate as everybody else, let us take an insurance salesman who goes out and works hard and this insurance salesman nets out of his work $250,000 a year. Then he is going to be treated differently under the Tax Code, if this amendment passes, then somebody who owns a metal fabrication shop, which is a small business, simply because one is a small business and one works for somebody else.

Now, if the small business people want to be taxed like corporations, let them incorporate. There is nothing to keep them from incorporating. Let them go ahead and incorporate. All we are saying is with this amendment we are going to create another privileged group of taxpayers who will be taxed less on net income simply because they happen to be engaged in a small business or own a farm or own a ranch.

I do not think that is fair and equitable, and that is what this Clinton program is partially about, trying to restore some of the equity and fairness to the Tax Code that has been lost over the past 12 years. So I urge my colleagues to defeat this Pressler amendment.

How much time is remaining, Mr. President?

The PRESIDING OFFICER. Fifty more seconds.

Mr. SASSER. I reserve the remainder of my time.

Has all time expired on the other side?

The PRESIDING OFFICER. All time has expired.

Mr. SASSER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded.

Mr. SASSER. Mr. Presisent, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment (No. 210) offered by the Senator from South Dakota [Mr. PRESSLER]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—47

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to table the amendment (No. 210) was agreed to.

AMENDMENT NO. 217

The PRESIDING OFFICER. The question occurs on the Simon amendment No. 217 with 10 minutes equally divided and controlled in the usual form.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I will try to get by with just 2 of my 5 minutes. What this amendment calls for is support of the education funding at the level requested by the President.

What we have been doing is slipping in education, whether measured at the local level or by federal effort. At the local level it has slipped from 11 percent of funding down to 6 percent of the total funding. At the Federal level, fiscal year 1949 we spent 9 percent of our Federal budget on education. Today we spend 3 percent of our Federal budget on education.

Look at the nations that are moving ahead competitively against us, and you will see they are investing in their human resources.

That is what we have to do. That is what this amendment says we have to do. No one spoke against it on the floor earlier today. I hope it can pass with a resounding vote, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, just to comment briefly, one of the reasons I cannot support the Simon amendment is that the President's education proposals have not yet been sent forth. We have not seen them. They have not yet been sent to Congress.

I may end up supporting those proposals, but I feel that it is like buying a pig in the poke for us to say we would support full funding for them tonight.

For that reason, I object and will be voting against the Simon amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 4 minutes and 20 seconds.

Mr. DOMENICI. I yield 2 minutes to the Senator.

Mr. JEFFORDS. Mr. President, I unfortunately must agree with my colleague from Kansas. Although I believe that we must do more for education, at this point in time, when we do not know what is being requested, to agree to whatever spending levels would be requested by the President I do not believe would be responsible at this particular moment.

I look forward to working with my good friend from Illinois to improve our educational systems and to do what we can to try to make our Nation more competitive.

At this particular time, without any idea of what the total amount of money is being requested, I do not feel would be responsible to support the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, let me respond just briefly to my friends from Kansas and Vermont.

This is a budget. That is the nature of a budget. It does not spell out the details.

But if you look at the 18 Western industrialized countries in terms of what they are spending per capita in elementary and secondary education, we are 14th among the 18 nations.

We have to do better. We have to devote resources. We may differ on the plans, but there is no question we have to do more in the way of resources.

So I hope we will support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, some time back when these kind of amendments started coming, I said to the Senate we are going to be in a real bind permitting these amendments to be in order.

Before this year they would not be in order. We are going to call this the equivalent of a sense of the Senate.

What we are doing now is after we finish four or five, I assume it would be fair for us to say on this side those who support the President's budget, on that side of the aisle only support the four or five programs that they brought to our attention, and they do not support the other ones. They do not support them fully. They support them partially. But these three or four that we are going to redundantly say fund them as prescribed in the budget are presumably going to get some super fair treatment.

The truth of the matter is they are not. The Appropriations Committee is going to decide which ones they fund and which they do not. There is no doubt about it. The fact is we are going to come down and take a Presidential budget that on that side of the aisle they support but try to put this side of the aisle behind the eight ball by saying you are not agreeing with us, to repeat once again. They are extra. We want to really put emphasis on them.

What about the 25 other programs the President asked to be increased? Are we to believe and are the people to believe they are not to get high priority and just these that we are being asked to vote on?

I think the Senate is doing itself an injustice with budget resolutions by imposing this kind of let us look again at it and reemphasize it and make everybody vote on the single items.

I hope we never do it again. We start new precedents all the time. We may be at it. Every year we try another way to make votes that do not make sense that people try to make sense.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, will my friend yield 30 seconds for a question?

Mr. DOMENICI. The last time I was out of time, as I recall, but I yield.

Mr. WALLOP. Mr. President, I am trying to finish before we are out of time this time.

I would ask if the Senator from Illinois would tell us of the out-migration figures from the United States to those 14 other countries that are so blessed by the way they handle themselves and not ourselves.

Mr. DOMENICI. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute and twenty seconds.

Mr. DOMENICI. I reserve the remainder of my time.

Mr. SIMON. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes and 50 seconds.

Mr. SIMON. Mr. President, responding briefly to my friend from Wyoming, obviously there is no massive exodus, but there are also some obvious results, and those are the test scores in math and science. We are way down.

The only country on the face of the Earth where you can go to elementary school and never receive a year of foreign language education is the United States of America. That was fine 50 years ago. That is no longer passable today. We have to do better. This is a budget that says we have to do better, and the President has called on us to do better. I commend him for it, and I hope the Senate will.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, it has been a long day, with a lot of votes. But I must say the most pleasant words I have heard today, and for a long time, were the words of the Senator from New Mexico that suggested that we not have votes in the Senate that were intended, as he put it, to put other people behind the eight ball.

Mr. DOMENICI. I said a new kind of vote.

Mr. MITCHELL. The old kind is OK?

Mr. DOMENICI. We already had those.

Mr. MITCHELL. I thank my colleague.

I wanted to be sure I heard him correctly.

Mr. DOMENICI. We had plenty of those before. We entered a new series here.

I want to close up my time very quickly by making one last suggestion.

Anybody in this body that believes the appropriators of the United States, the Appropriations Committee, which is going to have all of these given to them, $286 billion in domestic programs to fund, anybody that believes they are really going to fully fund a program that we have not yet adopted, that nobody knows anything about, just, frankly, can adopt all of these kinds of resolutions they would like, but they are not going to be funded that way.

I submit, if you really think this is an important amendment because you do not want to be put behind the poke or the pig or whichever, then vote for it.

If you really like to make the point that we are taxing Americans $295 billion in President's new budget and we do not even know what we are adding, what we are using it for, but just a new program in education, it seems to me we ought to vote "no."

I yield back the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today to briefly comment on the Simon amendment, expressing a sense of the Senate in support of the Clinton administration's education reform initiatives.

I will vote to oppose this amendment, Mr. President, not because I oppose education or education reform, but because I do not know what I am being asked to support. I want to be honest with my constituents, and I want to be honest with the President. Members of the majority may be willing to write a blank check on yet unknown proposals. I am not.

As a member of the Labor and Human Resources Committee—and its Education Subcommittee—I do expect to be deeply involved in the debate this year on Federal support for State and local education reform initiatives, on reauthorization of the Elementary and Secondary Education Act, on fundamental reform in our Federal student loan programs, on service learning and the President's national service initiative, on apprenticeships and other school-to-work transition proposals, on co-location of health and other services in and around schools, on Head Start and other early childhood programs, and on many other initiatives we will be asked to consider.

Indeed, Mr. President, I will have a number of initiatives of my own to add to this debate—several of which are highly consistent with proposals President Clinton is expected to offer.

For example, I have introduced with Senator LIEBERMAN and others my Public School Redefinition Act that authorizes federal startup funding for new charter public schools. I intend to work closely with the administration to ensure that funding authority for charter schools and State public school choice initiatives is included in the President's K-12 education reform bill that will be introduced in the next several weeks.

I also introduced today a bill to expand funding authority for the Maternal and Child Health Block Grant Program, and to offer more explicit authority to use those funds for health and related services in school-based settings. I intend to work on that issue in the context of health system reform and in the Labor Committee's work this year on education reform and reauthorization of Federal K-12 education programs.

Within the next week, I intend to introduce legislation with Senator WOFFORD increasing Federal support for service learning and creating a new program designed to train teachers on how to better integrate community service into the elementary and secondary school curriculum.

This legislation is consistent with the broad goals of the President's national service initiative. And, although I have some reservations about the scale and objectives of the stipended service component of that proposal, I intend to work closely with the administration and with colleagues like Senators SIMON, KENNEDY, and BRADLEY on legislation implementing the President's plan to allow college students to repay loans based on post-college income through the IRS. That proposal appears to be highly consistent with the IDEA proposal that Senator SIMON and I authored in the last Congress.

I have taken the time to list all these initiatives, Mr. President, to make it clear that—like Senator SIMON—I strongly support an active and constructive Federal role in support of education reform.

In some cases, that will mean increased Federal spending or new Federal programs.

But, I also want to make it clear that I do not equate new Federal programs or simply spending more money on existing Federal programs with real education reform.

In some cases, I believe the best thing the Federal Government could do to promote reform would be to step aside and let States and local communities design better and more efficient ways of meeting distinctly local needs. We can do that by removing—or allowing waivers from—unnecessary Federal regulations; by allowing funding from different sources to be combined or by more rationally distributing functions of government among our different levels of government.

I believe the new President and his Secretary of Education, Bill Riley, share many of these goals. And, I believe their perspectives as former Governors will make them very constructive partners in designing and implementing the kind of real reform in education that will produce results.

My vote today to oppose the Simon amendment is not an indication of my opposition to education or even my intention to oppose education reform initiatives the President may offer. It is an honest statement of my unwillingness to support proposals I haven't yet seen. And, I hope it's interpreted as an indication of my readiness to join in a bipartisan education reform effort, with the expectation that I—and the State that I represent—will have much to offer, as well.

Thank you, Mr. President, I yield the floor.

Mr. SIMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 217, offered by the Senator from Illinois [Mr. SIMON].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

The PRESIDING OFFICER (Mr. SIMON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the amendment (No. 217) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi [Mr. LOTT] is to be recognized.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi is recognized.

AMENDMENT NO. 240

(Purpose: To strike the proposed tax increase on social security income. The revenue reduction is offset by a reduction in proposed new spending)

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. MACK, Mr. MCCAIN, Mr. PRESSLER, Mr. HATCH, Mr. BROWN, Mr. COVERDELL, Mr. SMITH, Mr. WALLOP, Mr. NICKLES, Mr. D'AMATO, Mr. THURMOND, and Mr. FAIRCLOTH, proposes an amendment numbered 240.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, decrease the amount by $2,859,000,000.

On page 2, line 19, decrease the amount by $6,104,000,000.

On page 3, line 2, decrease the amount by $6,891,000,000.

On page 3, line 4, decrease the amount by $7,683,000,000.

On page 3, line 6, decrease the amount by $8,462,000,000.

On page 3, line 10, decrease the amount by $2,859,000,000.

On page 3, line 11, decrease the amount by $6,104,000,000.

On page 3, line 12, decrease the amount by $6,891,000,000.

On page 3, line 13, decrease the amount by $7,683,000,000.

On page 3, line 14, decrease the amount by $8,462,000,000.

On page 3, line 19, decrease the amount by $2,859,000,000.

On page 3, line 20, decrease the amount by $6,104,000,000.

On page 3, line 21, decrease the amount by $6,891,000,000.

On page 3, line 22, decrease the amount by $7,683,000,000.

On page 3, line 23, decrease the amount by $8,462,000,000.

On page 5, line 1, decrease the amount by $2,859,000,000.

On page 5, line 2, decrease the amount by $6,104,000,000.

On page 5, line 3, decrease the amount by $6,891,000,000.

On page 5, line 4, decrease the amount by $7,683,000,000.

On page 5, line 5, decrease the amount by $8,462,000,000.

On page 5, line 11, decrease the amount by $2,859,000,000.

On page 5, line 12, decrease the amount by $6,104,000,000.

On page 5, line 13, decrease the amount by $6,891,000,000.

On page 5, line 14, decrease the amount by $7,683,000,000.

On page 5, line 15, decrease the amount by $8,462,000,000.

On page 5, line 22, decrease the amount by $2,859,000,000.

On page 5, line 23, decrease the amount by $6,104,000,000.

On page 5, line 24, decrease the amount by $6,891,000,000.

On page 5, line 25, decrease the amount by $7,683,000,000.

On page 6, line 1, decrease the amount by $8,462,000,000.

On page 6, line 7, decrease the amount by $2,859,000,000.

On page 6, line 8, decrease the amount by $6,104,000,000.

On page 6, line 9, decrease the amount by $6,891,000,000.

On page 6, line 10, decrease the amount by $7,683,000,000.

On page 6, line 11, decrease the amount by $8,462,000,000.

On page 7, line 1, decrease the amount by $2,859,000,000.

On page 7, line 2, decrease the amount by $6,104,000,000.

On page 7, line 3, decrease the amount by $6,891,000,000.

On page 7, line 4, decrease the amount by $7,683,000,000.

On page 7, line 5, decrease the amount by $8,462,000,000.

On page 7, line 8, decrease the amount by $2,859,000,000.

On page 7, line 9, decrease the amount by $8,963,000,000.

On page 7, line 10, decrease the amount by $15,854,000,000.

On page 7, line 11, decrease the amount by $23,537,000,000.

On page 7, line 12, decrease the amount by $31,999,000,000.

On page 8, line 7, decrease the amount by $2,859,000,000.

On page 8, line 8, decrease the amount by $6,104,000,000.

On page 8, line 9, decrease the amount by $6,891,000,000.

On page 8, line 10, decrease the amount by $7,683,000,000.

On page 8, line 11, decrease the amount by $8,462,000,000.

On page 8, line 16, decrease the amount by $2,859,000,000.

On page 8, line 17, decrease the amount by $6,104,000,000.

On page 8, line 18, decrease the amount by $6,891,000,000.

On page 8, line 19, decrease the amount by $7,683,000,000.

On page 8, line 20, decrease the amount by $8,462,000,000.

On page 41, line 17, decrease the amount by $2,859,000,000.

On page 41, line 18, decrease the amount by $2,859,000,000.

On page 41, line 24, decrease the amount by $6,104,000,000.

On page 41, line 25, decrease the amount by $6,104,000,000.

On page 42, line 6, decrease the amount by $6,891,000,000.

On page 42, line 7, decrease the amount by $6,891,000,000.

On page 42, line 13, decrease the amount by $7,683,000,000.

On page 42, line 14, decrease the amount by $7,683,000,000.

On page 42, line 20, decrease the amount by $8,462,000,000.

On page 42, line 21, decrease the amount by $8,462,000,000.

On page 50, line 9, decrease the amount by $2,859,000,000.

On page 50, line 10, decrease the amount by $31,999,000,000.

On page 57, line 18, decrease the amount by $2,859,000,000.

On page 57, line 19, decrease the amount by $31,999,000,000.

On page 71, line 13, decrease the amount by $6,891,000,000.

On page 71, line 14, decrease the amount by $6,891,000,000.

On page 71, line 16, decrease the amount by $7,683,000,000.

On page 71, line 17, decrease the amount by $7,683,000,000.

On page 71, line 20, decrease the amount by $8,462,000,000.

On page 71, line 21, decrease the amount by $8,462,000,000.

Mr. LOTT. Mr. President, at the beginning, I think I should state that I assume there is work going on to determine exactly what the procedure is going to be for the rest of the night. I know there are some discussions and negotiations going on. I presume, when they reach some conclusion, they will let us know. In the meantime, we will go ahead and get started with the amendment we have to offer.

Mr. President, President Clinton's budget calls for a tax increase on Social Security recipients. I think we need to make that point clear right at the beginning. The Budget Committee's instructions, as I understand them, include a tax increase on Social Security recipients.

What is this tax increase used for? Does it go into the Social Security trust fund, as you would think would be the case and has been the case in the past with the bipartisan agreement that was reached in the eighties? No, that is not the case here. This increased tax on Social Security retirees will go for increased new spending. We are setting a very bad principle here. Once you start raiding this trust fund, moving these funds in any way, whether it is changing the payments that are received or increasing the tax on them, when you start taking that money and moving it into other programs, new spending, you are starting a new principle that is going to be very bad for the integrity of the Social Security trust fund.

I find it very hard to believe that this is part of President Clinton's budget proposal: I have to think maybe they did not really mean to do this, but it is in there, and I think we need to take it out now.

Some people will say, "Oh, we will take care of that later; this is just broad numbers; we will do it in the Finance Committee." In the Budget Committee when we had a vote, they said we will do it on the floor. We are on the floor. This is the kind of issue we need to deal with at the earliest possible opportunity to make it clear that we are opposed to raising taxes on Social Security beneficiaries.

Although I do not like a lot of the budget proposal, in my opinion, nothing in it is more unfair than this part of the budget proposal: To tax the Social Security benefits of these elderly retirees.

It has been said, even in some news media, something to the effect that this would be a tax increase on the most affluent Social Security recipients. As a matter of fact, I do not know what they mean by affluent. I do not know how they define wealthy. We are not talking about people with Social Security benefits and outside income of $200,000. No, not $200,000, not $100,000, not $50,000. You are talking about taxing the Social Security benefits of an individual down to $25,000, a couple with $32,000.

Mr. President, that is not even middle income; that is low income. When I hear this, I envision a retired schoolteacher who worked all of her life, is widowed, managed to save a little money, and has a little income. In total, it maybe goes up to $27,000 a year. She is gong to have a significant tax increase. So let us make this clear: This is a raid, taking taxes, taking money from Social Security retirees down to $25,000 a year. Surely that is not what was intended.

Mr. President, I ask unanimous consent to print a very fine article that was done by the distinguished Senator from Delaware [Mr. ROTH] in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Tax Notes, Mar. 22, 1993]

DOUBLE TAXING SENIORS OF TODAY AND TOMORROW

(By Senator William V. Roth, Jr.)

At basic tenet of the U.S. system of taxation has held that taxpayers should be taxed only once on their income, but a new proposal from President Clinton wavers from this policy and double taxes senior citizens. This new proposal will result in millions of people being taxed twice on the same income and strays from the bipartisan agreement reached in 1983 to save the Social Security trust fund from bankruptcy.

I am speaking of the Clinton proposal to increase the portion of Social Security earnings subject to income taxes to 85 percent from 50 percent, which would apply to jointly filing senior taxpayers earning over $32,000, and single taxpayers earning over $25,000.

The rule taxing up to 50 percent of Social Security benefits was part of the "Social Security Amendments of 1983." This compromise included several key elements, including a six-month delay in cost-of-living increases and a one-year acceleration of the 1977 tax increase on contributions. Since 1983, that compromise has kept the Social Security trust fund solvent, and no one has convinced me that cuts in Social Security are necessary in order to solve our budget deficit. Yet, raising the portion of benefits subject to taxation is considered desirable by some because it is one way to allocate any reduction in benefits to higher-income households.

This idea is anything but fair and will result in the double taxation of seniors today and especially the seniors of tomorrow. This is because more and more seniors will become subject to the tax on 85 percent of benefits, since the income thresholds ($25,000 and $32,000) on this tax are not indexed for inflation. For example, from 1989 to 1997, the percentage of families that will pay taxes on their Social Security benefits is expected to grow from 16 to 26 percent, according to the Congressional Budget Office (CBO). In future years, more and more seniors will be subject to this unfair tax.

Under current law, employers pay one-half of workers' combined payroll taxes from before-tax income, while employees pay the remainder out of income that is taxes. The tax rate for OASDI contributions is currently 6.20 percent of wages for both employers and employees, while the self-employed pay 12.40 percent of their earnings half of which is deductible. In 1983, the rationale for taxing 50 percent of the benefits was the need to salvage the bankrupt Social Security trust fund, and the theory that half of taxpayers' contributions are pretax, and half are after-tax.

Some hold that these benefits should be taxed more like public and private employee pensions. In general, that means taxing any previously untaxed benefits paid to retirees. President Clinton's proposal purports to do that. Essentially, this idea calls for an "exclusion ratio" based on the amount of after-tax contributions that current retirees made during their working years, compared to the total amount of benefits they can expect to receive. Because the ratio of after-tax contributions (the employee's share) to Social Security benefits varies with each worker's earnings history and marital status, no single exclusion ratio is correct for all beneficiaries. The administration's plan thus creates a "fiction," by using a uniform exclusion rate of 15 percent, so that up to 85 percent of benefits over the threshold amounts ($32,000 joint; $25,000 single) is taxable. This "fiction" assumes that today's retirees receive no more than 15 cents of their own after-tax contributions of each dollar they receive in benefits, while at least 85 cents is a return of previously untaxed income. The proposal will raise about $31.5 billion over five years according to the CBO and affect 23 percent of today's Social Security beneficiaries.

But there is absolutely nothing in this plan to prevent double taxation. So far in the history of Social Security, beneficiaries have generally been able to count on receiving more in benefits than they contributed in payroll taxes and interest earnings; so theoretically, beneficiaries are not subject to double tax under the 50-percent rule. However, this will not hold true forever, as younger workers who have paid higher taxes on more income begin to retire. In addition, the Social Security system is highly progressive, so that higher-income workers are less likely to recoup their contributions and earnings than lower-income workers, and so be subject to double taxation.

Let me offer a likely but simplified example of how this proposal stacks up against the theory of taxing these benefits like private and public pensions. Assume a single worker, age 65, retires in 1993, having earned the maximum taxable wage since 1949, and thus has lifetime contributions to Social Security totaling $36,670.17, all of which he has paid income tax on (known as the "investment in the contract" under section 72 of the Internal Revenue Code). The employer's contribution for the retiree is equal to the same $36,670.17, but this is a pretax contribution. If you assume that this retiree will collect the maximum monthly benefit of $1,128 and will have an essential lifespan equal to the IRS single life annuity of 15 years for a 65-year-old male, then the expected return is

$203,040. Under Treasury Regulations in section 1.72-4, the "exclusion ratio," or the amount of each payment that should be excluded from tax because tax was previously paid on this money, for this taxpayer is 18.1 percent (36,670.17÷$203,040). Thus, out of each payment, 18.1 percent should not be taxed, or $204.17 of each Social Security check.

But under the Clinton proposal, 85 percent of the retiree's benefits will be taxed, while 15 percent will be excluded from tax. The difference, equal to 3.1 percent of each payment, represents excess taxes over and above the amount that would be payable under a private or public pension. You can easily imagine worse scenarios, and as the baby-boomers grow up, the differences between the taxing of private/public pensions and the new "Clinton rule" will grow more disparate. I have requested a study to estimate the likelihood of double taxation of these future retirees.

Some argue that this formula fails to recognize the benefits of a retiree's cost-of-living increases that are built into the Social Security system. But the tax rules do not consider COLAs. For example, federal employees also receive COLAs, and the formula under section 72 that sets rules for taxing distributions does not consider these COLAs, nor other retirees' COLAs. In addition, under public and private pension plans, beneficiaries are entitled to receive any undistributed benefits when a retiree dies. In the retiree's last return, any excess taxes are taken into account and the beneficiaries receive a tax benefit, designed specifically so that there is no double taxation. By contrast, the Clinton proposal neither taxes Social Security beneficiaries fairly, nor in a method similar to the public and private pensions rules.

Finally, "smoke and mirrors" are being used to sell this idea, since the administration has classified this new tax increase as a "spending cut" so it can make a few invalid claims. One is that middle-class income taxes are not going to go up. Another is that spending cuts are equal to tax increases. Clearly this is not a spending cut. These income tax hikes hit middle-income seniors, and the smoke is getting thicker at the White House.

Mr. LOTT. Mr. President, one critical point that is made in this article is that "This new proposal will result in millions of people being taxed twice on the same income and that it strays from the bipartisan agreement reached in the 1983 to save the Social Security Trust Fund from bankruptcy." This is a very important point. We have reached that time now in our Social Security system where many, many people would be taxed for a second time on their Social Security benefits.

My amendment is very simple. It deletes the new tax increase on Social Security recipients proposed in the budget resolution, and in order to meet the same deficit targets, it eliminates $32 billion of new spending programs that are proposed. There are no tricks here. The amendment cuts new spending, rather than raising new taxes on Social Security retirees.

This proposed tax increase on Social Security benefits would have a major impact on the elderly of this country. It would raise $31.999 billion over 5 years from the elderly. It has been said in various places, "Well, it will just affect a small percentage." Years ago maybe it was only 10 percent, but the Congressional Research Service estimates that approximately 8.1 million beneficiaries, or 22 percent of the total recipients, will pay more taxes next year if this is adopted. For many senior citizens, this will add 10 percent or more to their annual tax bill. For some, this change will mean an increase of more than a thousand dollars a year in their tax liability.

It has been said that, "Well, the elderly ought to pay more." Under this proposal, the elderly certainly will pay more. But, so will many elderly people who are not wealthy. This proposed increase in the tax on Social Security benefits, combined with the proposed energy tax, will significantly reduce elderly Americans' after-tax income.

I am still a bit confused by the meaning of the term "wealthy," though, as the definition seems to be quite fluid. During the campaign, wealthy meant taxpayers earning over $200,000 a year. Then, in the State of the Union Address, wealthy came to mean those earning over $100,000. Now, with this proposal, it has changed again. A wealthy person is one making over $25,000 a year.

Well, in my opinion, people who earn $25,000 a year are not wealthy. And, this tax applies to a lot of those people. Again, we are not talking about people earning $100,000—or even $50,000. We are talking about people earning $25,000 a year. Yesterday's Washington Post editorial said that under this proposal "only the better-off would pay." I wish someone would explain to me when and how someone earning $25,000 a year became rich.

In his State of the Union Address, President Clinton said, "This plan will not affect the 80 percent of Social Security recipients who do not pay taxes on Social Security now. Those who do not pay tax on Social Security now will not be affected by this plan." However, the base levels used to determine the applicability of the tax of $25,000 and $32,000 are not indexed. So, each year more and more recipients pay taxes.

These threshold amounts have not changed since the law was enacted in 1983. At that time, 10 percent of Social Security recipients paid taxes on their benefits. Now, the percentage has risen to 22 percent. The Joint Tax Committee estimates that by 1998 that percentage will have risen to 30 percent. This is not because Social Security recipients are getting richer, it is because of inflation—as low as it has been these past 10 years—still moves the playing field. Under this proposal, as the number of people paying taxes rises due to inflation, the percentage on which they pay will also increase by 70 percent.

I think we need to realize what we are doing here. It has been suggested that all of the taxes in this proposal would really go against people making over $100,000 a year. As a matter of fact, when you look at the $295 billion tax bill, according to President Clinton, 70 percent of the new taxes supposedly will be paid by Americans earning over $100,000; 70 percent with 30 percent being between $25,000 and $100,000 a year.

But let me show you the difference when you look at Social Security beneficiaries. Who will pay the $32 billion in the Social Security tax bill? Thirty percent, only 30 percent of the new taxes will be paid by Americans earning over $100,000 a year. Over 70 percent, in fact the latest percentage we have been told is 74 percent, of these new taxes on the elderly will come from Americans earning between $25,000 and $100,000.

Mr. President, this is clearly just not fair and it is not going only against the better-off Americans.

Why are we thinking about this tax in the first place? Why are we trying to raise taxes from people on Social Security? It is a trust fund. It has $52 billion surplus. It is not causing the problem. Why are we trying to use these people and these taxes to deal with the problem that we have with the deficit? But, even worse, there is a fraud on our senior citizens, a monstrous charade because we are not even taking these taxes and applying it to the deficit. Many of them would probably say, "I'd be willing to make the effort, I'd be willing to make the sacrifice" if they thought it would really go to the deficit. In this case, it clearly will not go to the deficit. It is a grab of money out of our senior citizens' pockets which will be spent.

Now, Mr. President, in view of the hour, I have other remarks I would like to make, but we have a limited amount of time. I will save that time for later on tonight or in the morning, if that be the case.

At this point, I would like to yield 5 minutes to the distinguished Senator from Florida, who has some very important points he would like to make.

Mr. MACK. I thank Senator LOTT for yielding me that time.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Let me explain what the President's Social Security tax increase is all about. Right now, if the sum of a beneficiary's adjusted gross income plus otherwise tax-exempt income plus one-half of Social Security income exceeds $25,000, or $32,000 for a couple, then the beneficiary must pay tax on 50 percent of those Social Security benefits.

The President's proposal would increase the amount of Social Security benefits subject to a tax from 50 percent to 85 percent. This is a whopping increase of 70 percent in the amount of income subject to tax.

Because the income thresholds are not indexed for inflation, the number of beneficiaries paying the tax rises each year. The Congressional Research Service estimates that the tax hike would affect approximately 8.1 million beneficiaries or approximately 22 percent. The Congressional Budget Office estimates that this number will increase to 10 percent by 1998.

I cite both the significant size of this tax increase and the large number of people affected because this proposal really represents a major sacrifice for many older Americans. The American people are willing to make a sacrifice to reduce the deficit, but they want to see spending cuts first. In fact, my constituents are calling my office with a very consistent message: Cut spending first. They want to see a meaningful, significant plan for the Government to tighten its belt.

The President has said he agrees, and during his State of the Union Message, he said that he "seeks to earn the trust of the American people by paying for these plans first with cuts in Government waste and inefficiency, not gimmicks."

He reinforced his commitments in an address to the U.S. Chamber of Commerce: "If we don't cut spending, the tax reduction package has no credibility, and besides that a lot of this spending needs to be cut."

He went on further to say, "We have to tighten our belts before we ask Americans to tighten theirs." And further, "But there still will be net budget cuts that are very deep, and I'm looking for more." And then he went on: "Before we get to any tax increase, I want to know the spending cuts are going to be there. I will not sign a tax increase without the spending cuts."

One additional quote from the President: "I want to say again I don't want to raise one penny of this money unless we have the spending cuts, not a penny."

After all this tough rhetoric in asking people to sacrifice with higher taxes, let us examine the President's plan in the Senate budget resolution. Are they meaningful and significant plans for cutting spending? Let us take a look at the chart.

The first bar graph shows what spending would be if we did nothing different, that is, we followed present law. Between now, 1993 and 1998, there would be 9.373 billion dollars' worth of spending. You would think after all of that tough rhetoric we would see some massive reduction in overall spending throughout this plan. Some people would suggest that maybe it would be as low as $4 trillion. That is not the case.

Under President Clinton's plan, after all that tough rhetoric, maybe we would see some real reductions in Federal spending. Maybe we would get it down to maybe $8 trillion over the next 5 years. But that is not the case either. What we actually get is a plan—after all the tough talk about how much we are going to cut Federal spending, here is what it amounts to. It is 9.651 trillion dollars' worth of spending over the next 5 years. I mean talk about major sacrifice.

The interesting thing is I have not had anybody come up to my office over the last several weeks complaining about these massive cuts. Do you know why? Because they are not there.

Well, the Senate Budget Committee said they were going to go a little bit further. They were really going to find some cuts. They were going to reduce the amount of Federal spending that was going to take place. They came up with their own plan. Yes, that plan really cut Federal spending. They cut it down to $9.580 trillion in 1993 and over the next 5 years.

Now, from where you are sitting, you might have a tough time telling where the difference is. But let me suggest to you the reason that you are having difficulty is because under the President's plan there is six-tenths of 1 percent that has been cut over 5 years. And under the Senate Budget Committee's plan it looks to me that there is about 1.5 percent that has been cut out of Federal spending over 5 years. And because of having made this commitment to make this drastic cut in Federal spending, now the President wants the people who are receiving Social Security to pay their fair share.

I do not think the President and the Senate Budget Committee have made the case that they have really done something to cut Federal spending. And as a result of that, I think it is unfair to ask the seniors to at this time pay additional taxes.

I also reserve my further remarks until we find out exactly how the remainder of the evening is going to go.

I thank Senator LOTT for yielding me that time.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. I believe we have an equal amount of time.

Is the leader prepared to yield some time on his side?

Mr. MITCHELL. We are prepared to listen to the arguments of the Senator such as he may wish to make, and we are waiting to see whether or not we can reach agreement on this.

Mr. LOTT. I see the Senator from New York. Is he not prepared to make any remarks at this time? I do not want to dominate all the discussion.

Mr. MOYNIHAN. I find myself speechless. It is those visuals.

Mr. LOTT. Would the Senator like to use this chart?

Mr. MOYNIHAN. They confuse me. I only understand numbers.

Mr. LOTT. At this time then, Mr. President, I will yield 5 minutes to the Senator from Arizona. I do think we need to go along and get some balance in the debate. We will be prepared to work toward that end. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. McCAIN. I thank the Chair.

Frankly, I am a little disappointed not to be able to hear the Senator from New York because I would like to have responded to some of his statements. Usually we engage in back and forth, and keep the time equal so we can respond to each other. I am sorry we are deviating from that at this time.

Mr. President, I have not been a Member of Congress for a long time, not as many years as many Members who are here, going into my 11th year, and there are many things about my experience in the Congress that I will not remember—in fact, many of them I choose to forget.

The one fact I will always remember is in 1983 when the Social Security trust fund, the entire system was bordering on bankruptcy. The Social Security trust fund was losing over $1 million an hour. It needed to be fixed, and thanks to the efforts of a bipartisan National Commission on Social Security Reform there was a compromise, a very delicate and difficult one, crafted that the American people, including our seniors, could embrace for the purpose of salvaging the Social Security system and, indeed, fulfilling the obligation and the contract we entered into with our citizens when the Social Security system was founded.

Part of that compromise was an increase in taxes on certain Social Security recipients.

Mr. President, senior citizens somewhat reluctantly agreed to that compromise for the purpose of salvaging the system, but also because those taxes went into the Social Security trust fund in order to make the trust fund whole.

Now we are telling the senior citizens we are going to basically renege on that agreement we made with them about 10 years ago.

And we are going to increase taxes on their Social Security. And that money is not going into the Social Security trust fund, which now has some significant surpluses in it for good reason, as we all know, because the present baby boomers will need a great deal of that. But we are now telling them that we need to use their hard-earned income, and tax it in order to spend more money. What? Spend more money.

I do not think many of the seniors of this country want to wake up one morning, who have an income of $25,000 a year—or $32,000 a year, in the case of a couple—and find out that they "are rich"—they are rich, and they need to have their income taxed.

Mr. President, the seniors in my State are now experiencing a triple whammy. That triple whammy is one increase in taxes which is something they overwhelmingly—the majority of them—reject, and I think for good reason.

They are also facing the so-called Btu tax. Seniors have to have heat in some parts of the country. In my part of the country, they have a lot of it, and they need air conditioning. They need it in the summertime very badly. In my State, it is not a nice thing to have; it is an absolute requirement. Their expenditures are going to go up dramatically. So they are being hit by that.

And the third one is for those who, unfortunately, work. Because of a need to have to go out and earn a wage, work, they are now still subjected to the unfair and incredible earnings test tax, which comes to about $1 out of $3 in taxes that they earn.

So by failure to repeal the Social Security earnings test, which was part of President Clinton's campaign pledges, and laying on a Btu tax, it will increase their costs and expenses enormously; and then, of course, this one, this means that our seniors are being singled out, in some respects, in a very unfair and unjust fashion, in my view.

Mr. President, the Social Security trust fund today is used to obscure the true size of the deficit. The Federal Government's accounting procedure, which includes all revenues and expenses in calculating the size of the deficit, uses the trust fund reserves, as we know, to make the deficit appear smaller. My hope had been that the President would have joined those of us who tried to eliminate this practice, rather than perpetuate the charade.

Mr. President, I do not think this amendment proposal is going to pass. I think there is going to be a second-degree amendment that will put it at $50,000 instead of $32,000 and $25,000 respectively.

I will probably vote against that second-degree amendment because I do not think the seniors need to be taxed at any level for their Social Security benefits.

Mr. President, I look forward to more debate on this. I am frankly surprised that we would want to do this to America's seniors.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, how much time have we used on this side?

The PRESIDING OFFICER. The Senator has 39 minutes 30 seconds remaining.

Mr. LOTT. Thank you, Mr. President.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield 1 minute to the Senator from New Mexico?

Mr. LOTT. I am happy to yield 1 minute.

Mr. DOMENICI. I yield myself 1 minute off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I think my friend from Mississippi is a little bit concerned because if he only has 1 hour on this amendment, he is using all of his time and there is no response on the other side. What we are really trying to do is get an agreement and not, in the process, cut Senator LOTT out of time.

So let me suggest if we cannot get an agreement shortly, then I would suggest to the Senator that he need not worry, because I will yield him additional time off the budget resolution.

Mr. LOTT. I thank the Senator from New Mexico.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time is charged equally to both sides.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield 5 minutes to Senator NICKLES off the resolution.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. NICKLES. Mr. President, I rise as a cosponsor of the Lott amendment. I wish to congratulate the Senator from Mississippi for an outstanding amendment. I encourage my colleagues to take a look at this amendment. I think it is one of the most important amendments that we will be voting on in this entire debate on the budget resolution.

The amendment of the Senator from Mississippi is to save senior citizens from a very unfair and a very punitive tax. I might just mention at the outset, Mr. President, I think it is awfully important that we remember what candidate Clinton said during the campaign.

Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The point is well taken. The Senate will be in order.

Mr. NICKLES. Mr. President, I thank the Presiding Officer.

Mr. President, if I remember when candidate Clinton was making speeches during the campaign and soliciting support from people all across the country, he made a couple of promises. One, he said: I will not raise taxes on middle-income Americans to pay for my program.

He was asked that again. The reporter said: "Wait a minute. What if there is not enough money to pay for all the new spending you envisioned, all the so-called investments?"

He said: "I repeat. I will not raise taxes on middle-income-tax Americans to pay for new spending."

He has broken that promise, because now he is trying to increase taxes on retirees, people who have Social Security income. He wants to raise that tax from 50 percent to 85 percent. That is a very heavy tax.

I have talked to some senior citizens who have recently retired, and they told me that is going to cost them over $100 a month, and that was money that they were expecting. That was money that President Clinton told them or candidate Clinton said he was not going to touch.

As a matter of fact, if you look at it, as a candidate Mr. Clinton said he was going to try to eliminate the so-called earnings test, and many of us in the Senate, and I know the Senator from Mississippi, the Senator from Florida, myself, and others, have tried to eliminate the earnings test so we do not have a 33-percent surtax on senior citizens between the ages of 65 and 70. Candidate Clinton said, yes, he wanted to eliminate that so-called earnings penalty on senior citizens. He said that, as a candidate, it is not in his program.

As a matter of fact, this is just the opposite. This is telling people, who have Social Security income, we want more taxes from you so we have more money to spend. It is just that plain and simple, because in the amendment we have before us, we want to cut taxes $32 billion, and we want to cut spending $32 billion; in other words, let us not raise taxes on senior citizens so Congress can have more money to spend.

There is still going to be lots of money for Congress to spend. We now spend over $6,000 for every man, woman, and child in the United States every year. So Congress is still going to have a multitude and abundance of money to spend, but maybe we will not have that $32 billion. We will not be increasing taxes unfairly on senior citizens and in violation of the commitment that we made to them way back in 1983. we said, no, that was enough. That was all we were going to increase the tax, which was the 5 percent.

But now here is Congress coming again saying, seniors, we want you to ante up, we want you to pony up, we want more of your money so Congress can have more money to spend for the so-called stimulus investment.

I think that is not a fair deal. That is not what Candidate Clinton campaigned on. He said, "I will not raise taxes on middle-income-tax Americans to pay for new programs."

Let us hold him to that promise. I think we need to make a statement. I think when candidates say something they should mean it, and we in the Senate really should hold the President accountable to the statements he made during the campaign.

Mr. President, I am not sure this is inserted in the RECORD. I will insert in the RECORD, a study from the Congressional Research Service that says, if a couple has $40,000 of income their taxes will go up, because of President Clinton's proposal, $1,944. Most of us would describe a couple that has $40,000 of retirement income as middle income, and yet taxes go up by almost $2,000 a year. I do not think we should do it.

We need to pass the amendment of the Senator from Mississippi to make sure we do not unfairly penalize senior citizens. I hope my colleagues will adopt this amendment.

Mr. President, I ask unanimous consent to print in the RECORD the table to which I have referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PAYING MORE TAXES ON SOCIAL SECURITY

Estimated additional Federal income taxes in 1994 under President Clinton's proposal to make 85 percent of Social Security benefits of the most affluent retirees subject to tax. Currently, 50 percent of benefits are taxed for the most affluent retirees.

ANNUAL SOCIAL SECURITY BENEFITS

Annual income (excluding Social Security)	$5,000	$10,000	$15,000	$20,000	$25,000
Filing jointly—additional income taxes					
$20,000	0	0	0	0	26
25,000	0	0	26	158	289
30,000	26	158	289	420	551
35,000	263	420	551	683	814
40,000	263	525	1,048	1,537	1,944
50,000	490	980	1,470	1,960	2,450
75,000	490	980	1,470	1,960	2,450
100,000	490	1,085	1,628	2,170	2,713
Filing individually—additional income taxes					
20,000	0	0	131		
25,000	131	263	579		
30,000	490	980	1,225		
35,000	490	980	1,470		
40,000	490	980	1,470		
50,000	490	980	1,484		
75,000	543	1,085	1,628		
100,000	543	1,085	1,628		

Note.—Few people who file individual returns receive $15,000 in annual Social Security benefits and almost no one receives more than that amount.

Source: Congressional Research Service.

Mr. MCCAIN. Mr. President, as part of his economic plan, President Clinton proposed an increase in the tax on Social Security benefits for those with incomes over $25,000, or $32,000 for couples. I rise to join my distinguished colleagues and good friends from Mississippi and Florida, Senators LOTT and MACK, in proposing an amendment to eliminate this proposed tax increase.

Mr. President, the administration's proposal is unfair, it is cynical, and it is yet another broken campaign promise.

Let's get one thing straight from the outset, Mr. President, our Nation's seniors did not create this budget deficit—Congress did. Now we are trying to label tax increases on our Nation's seniors as spending reductions. I will not be party to balancing the budget on the backs of our Nation's seniors.

This plan, which the administration claims was designed to promote fairness and economic growth—hits a group that is hardly rich with a triple-whammy and undermines the purpose and, perhaps future, of Social Security. What's more, it is a disincentive to those seniors who could further contribute to our economic growth by continuing to work.

Many have questioned whether the President's plan is fair?

The answer is "No."

While the President has called for sacrifice—which is really code for more taxes—on the part of all Americans, he is, in fact, proposing that certain segments of our society make a disproportionately larger sacrifice.

During his campaign, President Clinton assured the American people that he would only tax those who made more than $200,000 per year. When President Bush pointed out that his proposals could raise the tax burden on families making as little as $36,000 per year, candidate Clinton called President Bush shameless.

Now we know who was speaking the truth.

Many senior citizens were understandably astounded to wake up the morning after the President announced his plan to find out that those elderly in our society that make as little as $25,000 and elderly couples making as little as $32,000 are now classified as rich and will have their taxes increased. I do not think that is fair. I think it is very important for us to recognize that the seniors in this country are getting a triple whammy. With the Btu tax, seniors and elderly citizens in my State are very much dependent in the summer time on air-conditioning and other essential utility bills. The fact is that they are going to face a tax increase, and, Mr. President, I do not believe that we are treating them fairly.

Mr. President, when I was first elected to Congress, in 1983, the Social Security trust funds were in terrible shape—losing over a million dollars an hour. That year we adopted the recommendations of the bipartisan National Commission on Social Security Reform.

We made a deal with our Nations seniors in enacting the recommendations of the Commission, and we did it for the purpose of saving the Social Security system from financial disaster. We made a deal, and we increased their taxes, in return for which the senior citizens of this country were assured that they would receive the benefits from the Social Security system, a contract that they entered into with the Federal Government. This administration is proposing that we break that deal. If we accept President Clinton's proposal we are going to tax our Nations seniors more and the taxes are not going to go into the Social Security trust funds. No, they are going to go into general revenues so that Congress and the administration can find another way to spend them.

Mr. President, when the senior citizens of this country find out what is being done to them, I think they are going to be understandably disturbed—to say the least.

I find this plan to tax 85 percent of Social Security benefits as a way to collect $32 billion in new taxes to help fund the new spending programs President Clinton would like to bring on line troubling for a number of reasons.

First, plans to balance the budget on the backs of our Nation's seniors assume that Social Security is mortgaging our children's future. But Social Security is not the problem. The problem is Congress' insatiable appetite for new spending. Were it not for the spending increases contained in the so-called investment and stimulus package, these revenues would not be needed in the first place.

Second, Social Security is being used to obscure the true size of the deficit. The Federal Government's accounting procedure, which includes all revenues and expenses in calculating the size of the deficit, uses the Social Security trust funds reserves to make the deficit appear smaller than it really is. My hope had been that the President would have joined those of us who have tried to eliminate this practice, rather than perpetuate the charade.

Third, the administration has found a way to raid the trust funds to finance new Federal spending, without technically touching the funds. They will just confiscate benefits.

Fourth, the administration's proposal will, in effect, turn Social Security into a means-tested program—a severe breach of faith with the American people.

What most don't realize is that not only Social Security, but interest, pension, dividend, tax-exempt bond, and wage income as well, are included in the calculation of this tax. Thus, many seniors with incomes over $25,000, a figure that will have fallen to $15,000 in today's dollars by 2010, when baby boomers begin to retire, will find that they effectively get no Social Security benefits at all. In short, Government will penalize instead of reward those who have sacrificed during their working years to save money for their retirement.

The most disturbing consequence of the President's proposal is that it continues to punish those seniors who still need to work in order to make ends meet. They would be hit with both the tax on their benefits and the Social Security earnings test penalty, which forces them to forfeit $1 in benefits for every $3 in income they earn over $10,560—a combined marginal tax rate that approaches 100 percent for some. During the campaign, he indicated he intended to address this confiscatory policy. I am sure few thought what he really intended to do was increase the taxes on elderly workers, as this proposal would do.

It is certainly true that our Nation's seniors—as a group—are better off today than they were when Social Security was created in 1935. It is also true that many other groups in our society are suffering from declining standards of living. Deficit reduction and economic growth are proper imperatives for the new administration. But, despite their sales job to the contrary, the administration's proposal to increase the taxation of Social Security benefits is neither an appropriate nor effective way to achieve them.

At this point, I would like to ask unanimous consent that two tables, developed by the Congressional Research Service, detailing the effect of the administration's proposal, be inserted in the RECORD.

In my opinion, we cannot and should not go along with this charade. It is, therefore, my hope that our colleagues will support our amendment to eliminate this provision of the administration's budget proposal.

A number of our Nation's prominent seniors' organizations are lining up in favor of our amendment, and against this provision in the Clinton administration's budget proposal. Among the groups opposed to this provision are the Retired Officers Association and the National Committee to Preserve Social Security and Medicare.

I was recently speaking with my good friend Martha McSteen, the president of the National Committee to Preserve Social Security and Medicare, about the impact of the budget proposal on our Nation's seniors. I would like to recount what she said, because I couldn't agree more.

Ms. McSteen, who headed the Social Security Administration from 1983 to 1986, agreed that deficit reduction is not painless and is going to require shared sacrifice. But, it was her opinion that the budget proposal asks seniors to share a disproportionate share of the deficit reduction through proposals to increase taxes on Social Security benefits, cuts in Medicare funding, and the proposed energy tax.

I hope that my colleagues will consider the words of my good and able friend, who heads the second largest seniors' organization in America, because she is right. And, if we do, I am confident that all of us will vote to repeal the provision that would increase taxation on Social Security benefits.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 7 minutes to the Senator from Texas off the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, there seems to be some dispute as to whether or not Senator LOTT will get a vote on his amendment. I would like to remind my colleagues of the fact that under the rules of the Senate governing a budget resolution we do have a limit on the time that we have to debate, but we have no limit on the ability to offer amendments at the end of that debate time. I feel so strongly about this Lott amendment that I want my colleagues to know tonight that I am going to offer this amendment in conjunction with several of my colleagues as many times as we have to offer it in order to get an up-or-down vote.

Obviously, any Member of the Senate can second degree that amendment, but then we can come right back and offer it again. I believe if we do that, if we are resolute and determined in doing it, at some point our colleagues on the left are going to decide that we are serious, that we want to have this vote, and we will get an opportunity to see who wants to raise Social Security taxes in order to fund more spending.

Let me say, Mr. President, I do not want to tax Social Security to fund new spending. I intend to vote for this amendment. I ask my colleagues here tonight when President Clinton said repeatedly in the campaign that he was only going to tax rich people who earned $200,000 a year, how many people thought he was talking about Social Security recipients with W-2 form income of $18,000 a year? I know we talk about $25,000 a year. But we have subsequently discovered in the fine print that President Clinton's proposal counts imputed income for those who own their own home as if they were getting income from not having to pay rent on their home.

I ask my colleagues when Bill Clinton said in the debate only people making $200,000 a year or more need to fear tax increases, how many people thought he was talking about Social Security recipients earning $18,000 a year?

I tell you something, Mr. President. Every Social Security recipient that voted for Bill Clinton thought he was not talking about them. I can guarantee you that.

This amendment is very simple. It says: Do not raise Social Security taxes to increase spending. What the amendment says is simply this: Take out the Social Security tax increase and then take out a corresponding amount of new spending add-ons in the Clinton budget so that there is no increase in the deficit.

So, in essence, what Senator LOTT's amendment does is simply this: It does not raise Social Security taxes. It does not spend the money. And it leaves the deficit the same.

I want to share something with my colleagues that I do not think many people understand. If you are a senior citizen and you earn $10,560 a year in wages, if you have a private pension of $6,332 a year, and if you get Social Security benefits of $9,500, you are under the Clinton proposal in the 76.25 percent tax bracket. You are in the 76.25 percent tax bracket, because you pay FICA 15 percent, income tax 15 percent, the Social Security earnings test of 33 percent, and then you pay 85 percent of the tax that you would pay on the Social Security payment as if it were income. When you add all that up, you find that under this proposal senior citizens earning $18,000 a year are in the 76-percent tax bracket. Where is the fairness in that, Mr. President? I do not think there is any fairness in it.

So I want to urge my colleagues if you think Social Security recipients earning $18,000 a year are rich people and they ought to be taxed to increase spending, then you want to vote against the Lott amendment. On the other hand, if you think playing "tax and spend" with Social Security benefits is an absolutely outrageous proposal and it ought to be defeated, if you believe that we ought not to raise the Social Security tax and we ought not to spend the money, then you want to vote for this amendment.

I believe this is probably the most important amendment we are going to vote on. I think it is a defining amendment.

It really comes down to: How much do you want to grow the Government?

I hear all this talk about growing the economy. I do not see any growth in the economy in the President's plan. What I see is raising taxes on income, on energy, and on Social Security taxes to fund more Government.

What this amendment says is this: Do not raise Social Security taxes to fund more Government spending.

I do not want to see Government grow, in the first place. But, second, I do not believe that any Member of the Senate can justify taxing Social Security recipients, making $18,000 a year on their W-2 form income, to fund more Government spending. I think that is an outrageous proposal. It ought to be defeated.

We have an opportunity on this amendment to correct this wrong. I urge my colleagues: Do not pass up this opportunity.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. I yield to the distinguished Senator from New York such time as he may consume.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman.

I rise at an hour when we are trying to negotiate. The leaders are trying to put together an agreement for the final disposition of amendments for a time or a point certain at which we will conclude this measure.

But I cannot allow a mistake to be left uncorrected which was just made, a very understandable mistake by my learned friend from Texas, who suggested that, under this proposal, we would be taxing imputed income of Social Security recipients.

Not at all. Absolutely not. No. Never. In no possible way will that be done. It has not been proposed. Had it been proposed, there would not be a vote in this Chamber for it, nor ought there to be.

What has been involved, as my learned friend—who is, after all, an economist, and a recognized one—will recognize, is the economist's broad-based income concept of family economic income. And that simply is a composite of the revenues that can be sent to a household, either has or which can be imputed to have because it has property that would have an income equivalent, so that you say how well off or how badly off a family is.

And in this composite index, which economists use to estimate how well off families are and what their ranking is, you impute the rental value of a house that is owned. Say, if you had to rent it, this is what it would cost you. Therefore, you have that imputed income in your standard of living. That is all it is, a measure of living standard. In no circumstances would we ever dream of taxing such an imputed value. it is a concept which economists use.

Mr. President, I know where this came from. The administration prepared, a month or so ago, an analysis of the impact on family economic income classes of the whole range of programs that are, in effect, the President's economic proposals. Those are expansion of the earned income tax credit, increase in low-income heating provision—LIHEAP, as the acronym is—increase in food stamp programs, and the taxation of a larger portion of Social Security benefits.

They produced this composite table to see what the effects—up, down, sideways—of those four different measures would be a number of family income classes which begin with zero to $10,000 and make their way up to $200,000 and over.

Mr. President, just so this would be perfectly clear in the RECORD, I ask unanimous consent to have printed in the RECORD at this time this one page of the administration's analysis of its proposal.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ADMINISTRATION'S REVENUE PROPOSALS—OFFSETS: EXPANSION OF EITC AND INCREASES IN LIHEAP AND FOOD STAMP PROGRAMS [1]

[Includes taxation of Social Security benefits; 1994 income levels]

Family economic income class [4] (thousands)	Federal taxes under current law [2]			Change in Federal taxes [3]			Total Federal taxes after change		
	Amount (billions)	As a percent of pre-tax income	As a percent of after-tax income	Amount (billions)	As a percent of pre-tax income	As a percent of after-tax income	Amount (billions)	As a percent of pre-tax income	As a percent of after-tax income
0 to 10	$6.7	7.8	8.5	−$0.2	−0.2	−0.2	$6.5	7.6	8.3
10 to 20	26.9	9.8	10.9	0	0	0	26.9	9.8	10.9
20 to 30	55.7	14.0	16.3	.4	.1	.1	56.0	14.1	16.4
30 to 50	152.1	17.3	20.9	4.4	.5	.6	156.5	17.8	21.5
50 to 75	203.1	19.0	23.5	7.6	.7	.9	210.7	19.7	24.3
75 to 100	174.3	20.4	25.6	5.9	.7	.9	180.2	21.1	26.5
100 to 200	242.6	21.2	26.8	8.0	.7	.9	250.6	21.8	27.7
200 and over	247.5	20.9	26.5	34.3	2.9	3.7	281.8	23.8	30.2
Total [5]	1,110.5	19.0	23.4	60.4	1.0	1.3	1,170.9	20.0	24.7

[1] This table distributes the estimated change in tax liabilities due to possible revenue options, including taxation of Social Security benefits. Included is a total of $10.2 billion of expansions in the EITC and increases in transfers for Food Stamps and the Low-Income Home Energy Assistance Program.

[2] The taxes included are individual and corporate income, payroll (Social Security and unemployment), and excises. Estate and gift taxes and customs duties are excluded. The individual income tax is assumed to be borne by payors, the corporate income tax by capital income generally, payroll taxes (employer and employee shares) by labor (wages and self-employment income), excises on purchases by individuals by the purchaser, and excises on purchases by business in proportion to total comsumption expenditures. Taxes due to provisions that expire prior to the end of the Budget period (i.e., before 1999) are excluded.

[3] The change in Federal taxes is estimated at 1994 income levels but assuming fully phased in (1998) law and long-run (1996) behavior. All excise and payroll tax effects on indexed transfers and tax brackets are accounted for. All income, payroll, and excise tax changes are included, with the exception that provisions which only affect the timing of tax collections are excluded. The incidence assumptions for tax changes are the same as for current law taxes (see footnote 2).

[4] Family Economic Income (FEI) is a broad-based income concept. FEI is constructed by adding to AGI unreported and underreported income; IRA and Keogh deductions; nontaxable transfer payments, such as Social Security and AFDC; employer-provided fringe benefits; inside build-up on pensions, IRAs, Keoghs, and life insurance; tax-exempt interest; and imputed rent on owner-occupied housing. Capital gains are computed on an accrual basis, adjusted for inflation to the extent reliable data allow. Inflationary losses of lenders are subtracted and of borrowers are added. There is also an adjustment for accelerated depreciation of noncorporate businesses. FEI is shown on a family, rather than on a tax return basis. The economic incomes of all members of a family unit are added to arrive at the family's economic income used in the distributions.

[5] Families with negative incomes are included in the total line but not shown separately.

ASource: Department of the Treasury, Office of Tax Analysis.

Mr. MOYNIHAN. I do thank you, Mr. President, because, my goodness, if ever there was something we would never dream of doing is taxing people who, through a lifetime, have paid a mortgage and they finally own their house. We would not dream of it.

There are two other things I would like to say. The statement has been made that this proposal will raise revenue, some $31 billion over 5 years, for new spending.

No, sir. No, sir.

This money, every penny of it, goes into the Medicare hospital insurance trust fund of the Social Security system. That trust fund is not as robust as we would like. It probably will run down to zero by about the end of this decade.

In the meantime, the old age, survivors and disability insurance trust funds will rise to a trillion dollars in surplus. Well, I suppose the word "surplus" is not correct. The fund will have $1 trillion in assets.

The funds, at the end of this year, will be at $370 billion. That is more than a year's disbursement. We are well passed that year's reserve. To get a feeling, Mr. President, in 1993, you are at $370 billion. In 2001, you are at $1.091 trillion. That is how much this reserve in the Social Security system is accumulating. It rises very rapidly now.

This is all the result of the arrangements which were put in place in 1983, very much the initiative of our, dare I say, beloved—he probably would not like that—but our beloved Republican leader, who, in 1983, was a member of the National Commission on Social Security Reform. The Senator from New York was a member.

And on the day of January 3, 1983, when the new Senate was sworn in, he and I had a conversation about what to do with that Commission, its time having expired and its mission having failed.

He said, "We are not going to let it fail." He asked me if I could meet him the next day in his office, and I did. The day after that, he had Robert J. Myers in. The next day, we kept meeting. He asked if we could go out to the home of then Chief of Staff James A. Baker III. And, in about 10 days' time, we had the agreement, which included, for the first time, a tax, the provision that 50 percent of the Social Security benefit be taxed.

That had been proposed, in effect, by the Social Security Advisory Council that reported in 1979.

In 1979, the Quadrennial Commission, which looks at the condition of the Social Security system, said: No, the time has come to start having recipients of Social Security retirement benefits pay tax on them as recipients of private pensions do, or State government pensions. It is normal.

The normal rate is 85 percent. I can recall a brief discussion of whether we should go to the 85 percent. Please do not hold me to a record in that regard, but I do remember the point being made by the tax attorneys present that the normal rate is 85 percent. Should we go that far? And we said, well, what do you say to 50 percent on this first step?

We also provided that we would not index the thresholds of $25,000 and $32,500, so they would drift down a bit so that the day would come that Social Security benefits would be subject to the same tax rates that private retirement benefits paid.

That day has come. This measure is in the President's program and it will be adopted. Why will it be adopted? Because we need the money. We desperately have to stop this growing, mounting debt. Already the service of the debt incurred in the 1980's is the largest item in our budget, larger than disbursements for Social Security retirement benefits. We are borrowing money to pay interest. It is the formula for ruin. And the President has said stop it.

If I may say it in anticipation, Mr. President, tomorrow morning the Honorable Alan Greenspan, Chairman of the Federal Reserve Board, will appear before the Finance Committee. And, mark you, Mr. President, he is going to say: I am not going to tell you how to do it, but you have to address the issue of the deficit.

The Senator from New Mexico has said it. The Senator from Kansas has said it. Heaven knows the Senator from Texas has said it. The Senator from New York says it. I would like to say this is part of what we are going to have to do to do it.

We are not taxing anybody twice. We are just giving equal exposure to taxation of persons receiving this stream of income as persons receiving other retirement benefits. Nothing more, nothing less. It is equitable and its time has come.

A Republican President, President Reagan; a Republican Senate, Howard Baker as majority leader; a Finance Committee with the present Republican leader as chairman—we put this into place. We knew what we were doing. We did the right thing. And we are simply taking the logical concluding step.

I see the Senator from New Mexico has risen. I would like to hear what he has to say and I happily yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. GRAMM. Will the Senator yield just for 2 minutes so I can respond briefly?

Mr. DOMENICI. I am pleased to. I yield 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, let me make my point again because I believe I am correct on this point. When the President talks about taxing Social Security benefits for people who are making $25,000 and more, he is not by his own tables counting W-2 form income. In order to argue fairness, so he can in fact tax people making $18,000 or more, not $25,000 or more, here is what the President's own table says.

It says "family income is a broad-based income concept."

Now, listen to the things they count to get you up to $25,000:

Employer-provided fringe benefits like parking, inside buildup on pensions, IRA's, Keogh plans, life insurance, tax-exempt interest, imputed rent on owner-occupied homes.

Mr. President, here is the point. The President did not want to say that he was taxing people who had W-2 form of $18,000 a year or more. So we have now created a new concept called broad-based family income, where we are counting fringe benefits, pension buildup, life insurance, tax-exempt interest, imputed rent on a home you own.

Our colleague from New York says never, ever would we tax these things. We are just trying to prove how fair it is to tax senior citizens making $18,000 a year or more.

My point is this. If we start this imputed income to argue fairness today, what is to keep us from taxing it tomorrow? I am worried we will tax it tomorrow. And my point stands. We are counting all of these things as income, to try to say it is fair to tax a senior citizen making $18,000 a year. It is not fair.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I have the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me say to my friend from New York, when I heard the Senator say: Never, never, never—I do not know—did you say it as many times as Winston or did you say it one less?

Mr. MOYNIHAN. One more.

Mr. DOMENICI. One more. That is it, when you said that you were talking about imputed income and you said we never tax imputed income. Let me tell you what happened. I do not have the verbatim but I will tell you what the President said in his State of the Union Address to the American people.

He said, 70 percent of the taxes in my proposal are going to come from people who earn $100,000 or more.

Mr. MOYNIHAN. I am sorry?

Mr. DOMENICI. My friend from New York, let me repeat. The President of the United States, in his State of the Union Address, made the following statement. It is not verbatim so I do not quote it.

Mr. MOYNIHAN. Sure.

Mr. DOMENICI. Seventy percent of the taxes imposed on the American people will be on taxpayers who earn more than $100,000. What he actually did was he used those family income distribution tables to get to the $100,000.

He did not tax under the family income distribution, which had imputed it. He merely raised a taxpayer who was actually earning and paying on $85,000, he raised him to the $100,000 level for his distribution of taxes. So he was telling the American people wrong. He was saying you are only going to be taxed—70 percent of this tax—for $100,000 or more of earnings. He really was saying $85,000, because he used this fictitious, imputed income to put them in a $100,000 bracket.

We now know from the Congressional Budget Office it is 85, not 100.

Mr. GRAMM. He knew they were rich.

Mr. DOMENICI. He knew they were richer than $100,000 in earnings.

Second, may I say for the record so we will get this imputed income straight, the President also made a statement in his State of the Union that was in error. It said that $30,000—people under $30,000 will not pay any tax, an unequivocal statement. People earning under $30,000 will not pay any tax. The truth of the matter is he was using $30,000 under the imputed income of that table. They are really going to pay—$21,000 and under are not going to pay. Instead of $30,000.

So we do not have as wealthy a group of people—to use his idea of wealth—in either bracket. Because 70 percent of the taxes are going to be paid on $85,000, and people who make more than $21,000 are going to be paying taxes.

So I think we are using, in a way, the imputed—where it serves our purpose to show distribution, even though we are not taxing people on that. They do not even understand the rental on a house is going to be taxed. But the President led us to believe that. That is what he used to let us believe that he was only taxing the very wealthy.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, on behalf of the manager of the bill, I yield 4 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

Mr. DOMENICI. Mr. President, I did not yield the floor. I am certain I did not yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has the floor. The Chair misunderstood.

Mr. MOYNIHAN. Could I have 2 minutes?

Mr. DOMENICI. Yes, I yield 2 minutes without losing my right to the floor.

Mr. FORD. Mr. President, let us get the consent to do this. Let us do it right.

Mr. DOMENICI. Mr. President, I ask unanimous consent to yield 2 minutes without losing my right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I have had the high honor to serve for 17 years in this Chamber with the Senator from New Mexico. I have not always agreed with him, but I have never found occasion to say he was misrepresenting anything and he did not misrepresent anything.

He said that for purposes of making a case for distributional equity, or what you like, the administration produced a table based on family economic income. But in no way, and the Senator from New Mexico said it, we are not going to tax that imputed income but they are using it, in his view, to adequately represent the distributional impact.

But the Senator from New Mexico and I do agree—I do not dispute his statement whatever, and I agree with his statement—in no sense would we ever dream of taxing imputed income.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, so the Senate will not think I will be here long, I hope we can get a unanimous-consent agreement. I only want to speak on three or four issues.

I want to thank Senator MOYNIHAN for his statement. Perhaps it is an interpretation of whether you use distribution tables right or not, but I think we all understand what the issue is, and I thank the Senator for his description of my work in the Senate in the past. I appreciate that very much.

Mr. President, I want to make a statement about this Lott amendment and not taxing Social Security because there may be some people who would say, "Senator Domenici, at some point in time, if you are putting a budget together, would you not consider this?"

I want to be absolutely clear. I am not going to support one single penny's worth of new taxes until I see a budget that cuts domestic spending permanently, because I think you are going to collect taxes, be it from Social Security recipients, or a new bracket, or Btu tax on a $21,000 wage earner, not $30,000, $21,000 and even lower if they are not getting any earned income tax back, if they do not have a family and do not work. I am not going to vote for one penny because we are not cutting domestic programs in this budget and, therefore, the seniors are going to put taxes in the coffers for no reason other than to increase domestic spending.

I say to my friend, the occupant of the chair, you made an argument today about education and we may need more money for education, but I am suggesting that the American people never thought we were going to raise domestic spending $124 billion in new programs so we could tax them. And I certainly urge that any organization representing the seniors in America let it be known that they are not going to support a tax on seniors until they see a budget that is real.

We have had a lot of talk about the integrity of this budget. I am not suggesting it is not truthful, but the truth of the matter is, it does not get you anyplace because you spend as much money as you cut. And even worse, there are no permanent entitlement changes in this budget, or mandatory spending. No permanent changes. The cuts in those programs are temporary. Do not pay the doctors so much next year, that is temporary. Do not pay the hospital so much, we are counting that as changing mandatory spending.

Why should the American people gamble on Congress and Presidents again that we are indeed going to get the budget under control?

I almost invented a poem sitting here, a rhyme: "No cuts here, wait till next year. It'll all be clear, the end is near."

You see what is going to happen, the end is going to be, you pay your taxes and you may not get a budget under control.

Frankly, that is bad enough on pure fiscal policy, but I guarantee you, for those who want to sit around and stand around and gab about growing jobs, growing jobs—how many times did we hear that?—growing jobs, like the Government knew how to grow jobs. Now how are you going to grow jobs with a $295 billion tax increase, which is just about the essence of the deficit reduction? You have defense and 295 billion dollars' worth of taxes.

I tell you, I have heard many times "the people of the country support this; they want change; they want a new plan." Frankly, we cannot get the message out there, but I want to repeat again that I do not think that 30 percent of the American people, much less 40 or 50, I do not think 30 percent would support a budget that does not restrain and cut domestic spending permanently.

I want to be totally honest. It cuts $7 billion, this budget, in domestic spending over the next 5 years. That is the net effect when you add up the pluses and minuses. I call that nothing; nothing.

So that is why I will not support this, and why I think nobody should, and that is why I think the AARP and other groups ought to tell their members forthrightly, clearly: Do not support this because there are not enough budget cuts in this, and you are going to put your money in the Federal coffers under some idea of equity of treatment so it can all get spent, right? I really do not think senior citizens deserve that.

I want to also say to my friend there are a couple inequities I did not, and you did not, mention. Do you know senior citizens cannot even shelter income under municipal bonds but other people can? If you are a senior citizen, you cannot invest in tax-free bonds; you have to pay taxes on what you gain on tax-free bonds. That is all part of this deal. That seems to me that ought to be changed if you are raising the threshold and give them at least the same kind of breaks that you give everybody else. The income from the bonds are counted toward the threshold. That is what I meant. So others do not get it counted toward their threshold. It is totally out of the tax. It is not even listed. They get to take it right out. We treat seniors different there and then we turn around tonight—and let me make another point.

This threshold started, Senator GRAMM, at $25,000; no indexation and it started 10 years ago. I wonder how much in today's dollars the $25,000 is? I would bet it is $37,000, $35,000. So, again, we are giving everybody else Consumer Price Indexes, everybody else gets to bring their dollars up to indexation, even on the tax brackets we index them, but not for seniors on this threshold. If nothing else, we ought to raise the threshold to where it belongs in current dollars as compared with 10 years ago. Whoever is busy about putting this tax on ought to at least do that.

I am pleased to have had the opportunity to discuss this. I am prepared at any time to proceed with a consent agreement. I am willing to do that.

At this point, I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to both sides.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. What is our parliamentary position?

The PRESIDING OFFICER. The Senate is in session. Time is being allocated to both sides. Time is temporarily in the charge of the Senator from Kentucky and the Senator from New Mexico.

Mr. FORD. Does the Senator desire some time?

Mr. ROCKEFELLER. I would like, if the Senator might yield, about 10 minutes.

Mr. FORD. I yield the Senator, on behalf of the manager, 10 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

I rise to urge the defeat of Senator LOTT'S amendment.

Let us be honest about the point of this amendment. It is designed to knock one of the legs out from under a balanced, serious, honest plan for charting this country's future. The proponents of this amendment do not want us to succeed in our drive for changing business as usual. This is an amendment aimed at weakening our resolve; at convincing one part of the population that they are being unfairly asked to do their share; and at scoring yet another victory for gridlock and division by trying to divide us right down the middle.

Well, I say to my colleagues that we should not walk into this trap. We should remember what the American people said in the voting booth on November 3. We should have the confidence to push forward, until we achieve the results that are the whole point of serving in public office.

How much louder do the American people have to shout before we believe that they understand our country and our Government must change course; that we have to end business as usual, break gridlock, and make the tough choices required to get our country back on the right track.

Our President is leading the way with his bold plan to cut the deficit, and to restructure our priorities to invest in key programs for our country's future education, health care, and economic growth.

This budget resolution is the first step toward charting a new course. I know that every Member would like to tinker with this part or that part of the package—but we just cannot do it.

If each Senator does, our package will unravel. This resolution is a solid, responsible proposal that is fair and deserves support.

I want to share with my colleagues two letters from West Virginia seniors. They are honest, refreshing accounts.

From a 73-year-old retired Federal employee from Jackson County, WV:

> Here are some attitudes which I hope you and the Congress will consider * * * the Federal Government is the head of a big family—some 275 or so million people. As head of a family of nine, I would not think of borrowing money and obligating my grandchildren to debt.
>
> The government cannot do all things for all people. * * * I could write several pages of attitudes but I will summarize briefly. In order to get things back on a sound basis, one or all of the following must be brought about:
>
> (1) increase efficiency in government;
>
> (2) increase taxes—proportionally for all, and;
>
> (3) do without some services, many of which benefit only special interests.

A senior couple from Marshall County, WV, wrote me the following:

> We are both retired with an income that allows us to live well, travel, etc. It's up to people like us to do our part before we bankrupt this country. Our children pay much more in taxes than we do. It's not fair to our young people. We disagree entirely * * * about social security being untouchable. We do however, feel that the suspension of the Social Security cost-of-living-adjustment for a year would be disastrous for those who rely solely on Social Security. * * *

They conclude their letter saying:

> Continue to focus on this country's problems as the President did during his campaign and gear up to reduce the deficit.

These are extraordinary testimonies from West Virginia seniors that should convince each Member to do the right thing, and vote to table the Lott amendment and support the budget resolution.

I have been reaching out to West Virginians in public forums cosponsored by local Chambers of Commerce in my State—to talk about the President's economic plan and our country's future. After the first two in a series I am holding, in Charleston and Bluefield, my sense is that the people want change. They expect us to face up to the tough decisions and get our country back on track.

I do not relish increasing taxes of any kind, including the one we are discussing now—no one does. But let us be honest about what the President's proposal on Social Security does—and what it does not do. First, it will only ask those seniors whose incomes are more than $25,000 to pay more taxes.

The vast majority of seniors—over 75 percent of seniors do not now pay taxes on their Social Security benefits, and will not be asked to pay under this proposal. I repeat—the seniors who do not pay taxes now, will not under the President's plan.

What the plan does is ask seniors who are comfortable and who already pay taxes on 50 percent of their Social Security benefits to pay a little bit more. Less than 3 out of every 10 seniors would be affected by this change and the average income of those affected would be over $61,000.

Under this approach, older Americans who are struggling on limited incomes are not going to be hurt or lose a thing.

We are asking those seniors who are comfortable in their retirement to give a little more.

As the New York Times wrote in a recent editorial:

> Equity is on the side of Mr. Clinton and the Senate Democratic Leadership * * * the 85% figure is not arbitrary. By levying the tax in this manner, retirees would pay tax on benefits in excess of their contributions. That's the same fair principle that applies to taxation of private pensions. * * *

This is fair, and it recognizes that every group in our country should contribute something towards our future.

Each group must be asked to give something, so every one will gain as we cut our deficit and put our country back on track.

Voting to table the Lott amendment is a tough but necessary choice, and I urge my colleagues to table this amendment.

I thank the Presiding Officer, and I thank the Senator from Kentucky.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who yields time?

Time will be deducted equally from each side against the amendment.

The Senator from Texas.

Mr. GRAMM. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAMM. Are we running time off the bill or off the amendment when we are sitting here?

The PRESIDING OFFICER. The time is being charged against the amendment.

Mr. GRAMM. How much time do we have remaining on the amendment?

The PRESIDING OFFICER. Approximately 65 minutes.

Mr. GRAMM. Madam President, if we do not have a resolution here in 65 minutes, I am going to move to table this amendment and we are going to vote on it tonight.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, is leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

Mr. DOLE. That is not charged against the bill?

The PRESIDING OFFICER. There are no precedents on that.

Mr. DOLE. Madam President, I ask unanimous consent for my leader's time and it not be charged against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 202

Mr. MACK. Madam President, I must oppose this amendment which would double funding for the Women, Infants, and Children's Program by 1998.

I cannot support this amendment because it makes no sense to commit to such arbitrary funding levels 5 years in the future, no matter how worthy the intended recipients. The amount of budgetary funds potentially within our control in 1998 cannot now be accurately predicted. Because of this uncertainty, I will not, 5 years prior to the funds being distributed, vote to guarantee anyone's appropriation.

Make no mistake, I fully expect to advocate ample funding on a year-to-year basis for WIC, as I have done many times in the past. It has proven successful in improving pregnancy outcomes, reducing low-birth weight births, and saving medical costs. But, we should focus on funding 1994 levels for WIC and deal with 1998 levels once we get other Government spending under control.

CLINTON ADMINISTRATION EXEMPTS RENEWABLE ENERGY FROM BTU TAX

Mr. DASCHLE. Madam President, I commend President Clinton's announcement today that he will not apply the Btu tax to renewable, environmentally benign, and domestically produced energy sources such as biomass-derived ethanol. I have worked with Treasury Secretary Bentsen for weeks on this issue, and am pleased that the Clinton administration has seen fit to recognize the critical role ethanol must play in our Nation's energy policy.

After 12 years of a rudderless energy policy, President Clinton is offering America a fresh approach. Last month, the President spelled out that approach in plain language when he announced that, "the administration will launch initiatives to develop new, clean, renewable energy sources that cost less and preserve the environment."

The President's promotion of domestically produced ethanol is particularly well-founded, because it contributes to the achievement of three of the President's top goals—environmental protection, job creation, and deficit reduction.

First, ethanol is an environmentally advantageous fuel. Ethanol blends reduce ozone-forming carbon monoxide emissions by up to 25 percent and displace up to 10 percent of the benzene, lead, and other toxic and ozone-forming elements of base gasoline. Ethanol is also one of the few motor vehicle fuels we use that actually reduces the greenhouse gas CO_2, according to the highly respected Oak Ridge National Laboratory.

Second, ethanol development creates good jobs here in America. Nothing is more central to this administration than the interrelationship between job creation and environmental protection, and ethanol provides one of the most dramatic success stories in this regard. The American ethanol industry not only has helped clean up the air, it has used more than 350 million bushels of corn every year, providing an additional 25 cents per bushel of corn sold in rural America.

Pure and simple, ethanol is one of the most effective ways we have found to improve farm income, create jobs, and stabilize rural economies. For every 100 million new gallons in production, 5,000 new jobs are created in rural America. Moreover, substituting over 900 million gallons of imported oil, methanol, or MTBE with domestically produced ethanol creates jobs here at home and improves our national trade balance and energy security outlook.

Finally, the administration is correctly placing a high priority on deficit reduction, and here, too, ethanol plays a constructive role. According to the General Accounting Office, the ethanol program saves the Government as much as $560 million every year in reduced farm program costs and increased rural economic development. And, speaking of subsidies, the last time I checked ethanol did not require a multibillion-dollar military tanker escort or a full scale war to ensure its safe delivery to market from South Dakota.

So, any way you look at it, encouraging the use of ethanol fits the Clinton-Gore vision for America. As one who has long championed the development of a viable and expanding domestic ethanol industry, and who authored the law to extend the solar, geothermal, and ocean thermal tax credits, I compliment the President on today's announcement that all renewable fuels will be exempted from the application of the Btu tax.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of Senate Concurrent Resolution 18 on Wednesday, March 24, at 9 a.m.; that there then be 30 minutes, equally divided in the usual form, remaining on the Lott amendment numbered 240, with a vote on or in relation to the Lott amendment occurring at the conclusion or yielding back of time; that following the disposition of the Lott amendment, the following first degree amendments be considered in the following order under the following time limitation:

A sense-of-the-Senate amendment by Senators LAUTENBERG and EXON on Social Security, 1 hour; an amendment by Senator GRAMM of Texas on spending and taxes, 90 minutes; a sense-of-the-Senate amendment by Senator KENNEDY regarding Btu tax/home heating fuels, 10 minutes; a sense-of-the-Senate amendment by Senator KRUEGER regarding Government waste, 10 minutes; a sense-of-the-Senate amendment by Senator PRYOR regarding agriculture, 10 minutes; an amendment by Senator DECONCINI regarding deficit reduction trust fund, 10 minutes; an amendment by Senators KENNEDY and KASSEBAUM regarding direct student loans, 10 minutes; a substitute amendment by Senator DOLE, 2 hours, on which there will be an up or down vote; a sense-of-the-Senate amendment by Senator SASSER regarding entitlement savings, 1 hour; a sense-of-the-Senate amendment by Senator NUNN regarding entitlement cap, 1 hour.

Mr. DOMENICI. That is not a sense of the Senate, Mr. Leader.

Mr. MITCHELL. Madam President, I stand corrected.

That is an amendment?

Mr. DOMENICI. Yes.

Mr. SASSER. Madam President, there is some confusion about that. We were told that the Nunn initiative is a sense of the Senate.

Mr. MITCHELL. Madam President, I amend my request to state that, with respect to both the Sasser and the Nunn provisions, it be a sense-of-the-Senate amendment or an amendment regarding entitlements; that the listed amendments in this agreement not be subject to second degree amendments; that no other amendments on the subject of Social Security, other than those listed in this agreement, be in order; that the time for debate be equally divided in the usual form; that final passage of the House Concurrent Resolution 64, after the Senate language, as amended, has been substituted in lieu thereof, be no later than 12 noon on Thursday, March 25; that upon disposition of the House budget resolution, the Senate insist on its amendment, request a conference with the House on disagreeing votes of the two Houses, that Chair be authorized to appoint conferees and the Senate companion be returned to the calendar; that upon the disposition of the budget resolution, the Senate, without any intervention action or debate, proceed on the consideration of H.R. 1335, the supplemental appropriations bill; that at 12 noon on Thursday, March 25, the Senate dispose of the pending amendment to Senate Concurrent Resolution 18 and proceed to House Concurrent Resolution 64, with the above occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I thank my colleagues.

Pursuant to this agreement, the Senate will complete action on the pending budget resolution no later than 12 noon on Thursday and, immediately following disposition of the pending budget resolution, the Senate will proceed to the consideration of the supplemental appropriations bill.

There will be a vote tomorrow between 9 a.m. and 9:30 a.m. I anticipate that the full 30 minutes will be utilized on the Lott amendment. So the vote on or in relation to the Lott amendment should occur at approximately 9:30. Senators should be alerted to that. And then there will be a series of votes throughout the day, with the possibility of a large number of votes later in the evening.

Madam President, I thank my colleagues. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. I now ask unanimous consent that we proceed to morning business and that Senators be allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGNES GEELAN—NORTH DAKOTA'S FIRST WOMAN EVERYTHING

Mr. DORGAN. Madam President, today I rise to honor the recent passing, at age 95, of Agnes Geelan, a dedicated North Dakota author, teacher and politician who is known in my State as the "first woman everything."

Agnes was born in Hatton, ND, in 1896 as the daughter of Norwegian homesteaders. Her immigrant father and uncle first arrived in Fargo, ND, by train and then traveled by foot many miles to the north to Traill County to stake a homestead.

She graduated from Mayville State College in 1915 and began teaching, until she left that profession in 1918 and 1919 to work to give women the right to vote.

She then taught for many years in the North Dakota towns of Enderlin, Lankin, Oberon, Mayville, and Carrington. Her activism was forged in the depression of the 1930's when she was president of the North Dakota American Legion Auxiliary and later when she held national offices in the Ladies Auxiliary of the Brotherhood of Railway Trainmen.

In 1946, she became the first woman to be elected mayor in North Dakota, when the people of Enderlin voted her into that office. While serving as mayor in 1950, she was the first woman elected to the North Dakota State Senate.

After two runs for Congress in 1948 and 1956, she was a leader in the movement to bring the two-party system to North Dakota by helping to switch the State's Non-Partisan League to the Democratic Party in 1956.

As a devoted pacifist, Agnes represented the U.S. League of Women Voters at the U.N. General Assembly's Third Session on Disarmament.

In 1976, at the age of 80, she became an author when she published "The Dakota Maverick," chronicling the life of former North Dakota Governor and U.S. Senator Bill Langer, who ranks as one of the State's most colorful politicians. She later wrote two novels, "The Minister's Daughters," in 1982, and its sequel, "Pine Cove Revisited," in 1985.

In 1987, when North Dakota was preparing to celebrate its Centennial, Agnes gave a moving tribute to her immigrant father and uncle.

Agnes Geelan's life represents the best of the pioneer spirit and courage that resides in North Dakota today and she will be missed with her passing. But her legacy of activism and dedication to helping people has made North Dakota a better place.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt—run up by the U.S. Congress—stood at $4,216,608,206,081.47 as of the close of business on Friday, March 19.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,416.04—thanks to the big-spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

THE DEATH OF EMMET O'NEILL

Ms. MOSELEY-BRAUN. Madam President, Emmet O'Neill, the head of my Chicago office, died last Friday. His untimely death was a great loss for the people of my State, and I want to take just a moment to tell the Senate about the kind of person he was.

Emmet was an outstanding public servant. He was a big help to me in representing the people of the State of Illinois in the U.S. Senate, as I know he was a big help to Senator Alan Dixon before me.

I first met Emmet when I was in the State legislature. I spent many a Saturday morning with him at Mayor Harold Washington's home for breakfast, where Emmet always provided a rare combination of good humor, sound advice, and a genuine interest in the lives of everyone there.

Emmet was also my friend, and a trusted advisor. I really liked Emmet. I think everyone liked Emmet, because Emmet liked and cared about everyone he came in contact with. Even more than that, Emmet liked to help people. Nothing gave him greater pleasure than to be able to solve a problem for someone.

Emmet was a rare gem of a person. He was always warm, and always wonderful to be with. He was a truly splendid practitioner of the politics of joy. He made a difference to virtually everyone whose lives he touched. He certainly made a major difference in my life, Mr. President, and I will greatly miss him.

ELIZABETH LAYTON

Mrs. KASSEBAUM. Madam President, when Picasso observed that it takes a long time to become young, he might well have been describing Kansas artist Grandma Layton. Elizabeth Layton of Wellsville, KS, died last week at the age of 83. The mother of five, she edited the local paper for many years. Then at 68, she enrolled in an art class—and discovered her unique talents and her true calling. With colored pencils and blind-contour drawing, she found in her art the cure for the depression that years of drugs and electroshock had not provided. Her creativity unleashed, she had, indeed, become young.

Grandma Layton did not sell her work—drawing was just something she did to remain well. Nevertheless, she received national recognition, and her work was exhibited throughout the United States. Her most recent exhibit in Washington was last spring at the National Museum of American Art. If there was ever any doubt about her ability to communicate, one had only to look through the comment book. For example, a viewer wrote, "You are our conscience, the voice from within our hearts that reminds us what is right and good and true."

Grandma Layton's wit could be acerbic, yet she was not afraid of sentiment. Nor did she shy away from the issues of today, and her work expressed views on the ERA, racism, AIDS, and aging. In fact, she drew herself—and often her husband Glenn—complete with wrinkles and liver spots. She could move you to tears or laughter, bring you to anger over injustice and intolerance or evoke compassion for the human condition.

Still the editor, Grandma Layton offered the commentary to accompany her work. If an epitaph is needed, she provided her own in the description for the drawing, "Pushing Up the Daisies." She is lying before a tombstone, a rainbow across her face, surrounded by animals and birds. Her eyes are daisies with one offering a friendly wink. Her words:

> This is my grave * * * it doesn't make any difference after you're dead what color your skin is * * * so I drew my skin black * * * people of other colored skin have the same feelings. * * * This is my gravestone * * * some child has pulled some daisies and laid them there on the grave. See, she is winking * * * she knows what's after this world. It's a hopeful picture.

To those who are searching to discover their muse, Grandma Layton remains an inspiration. She left a rich legacy: she left hope and humor.

JUSTICE BYRON WHITE LEAVES THE SUPREME COURT

Mr. DECONCINI. Madam President, I rise today to pay tribute to Justice Byron Raymond White, one of the preeminent jurists of our time who recently announced he is stepping down from the Supreme Court at the end of this term. Justice White leaves the Supreme Court after more than 30 years of exemplary service. The Court and the Nation will sorely miss him.

Byron White was born in Fort Collins, CO, on June 8, 1917, and was raised in the nearby farming town of Wellington. He attended the University of Colorado, where his exceptional ability in baseball, basketball, and football, earned him the nickname "Whizzer" White. Football was his best sport, however, and in 1937 White was catapulted to national fame as an all-American halfback after leading Colorado to an undefeated season where he led the Nation in running and scoring. White went on to graduate first in his class in 1938.

After college, Byron White attended Oxford University as a Rhodes scholar for 1 year, then enrolled in Yale Law School. His unique blend of brains and brawn enabled him to alternate between law school and playing professional football for Pittsburgh and Detroit, which paid for his studies. His athletic ability was so extraordinary that White was elected to the National Football Hall of Fame in 1954. Byron White also served as a Navy intelligence officer in the South Pacific during World War II.

After graduating from Yale Law School in 1946, White served as a clerk to Chief Justice Fred Vinson and later established a law practice in Denver. A strong supporter and friend of President John F. Kennedy, White was appointed Deputy Attorney General in 1961, when he helped extinguish the fire confronted by civil rights leaders in Alabama. The following year, President Kennedy appointed White to the Supreme Court, praising him for his humane and understanding approach to people and to problems. President Kennedy said then, that Byron White has excelled in everything he has attempted.

I have been fortunate to have had the opportunity to know Justice White professionally and socially and I share President Kennedy's assessment of him. The breadth and scope of his interests range from art to hiking, and he devotes his full energies to every endeavor he undertakes. He is truly the "Renaissance Man."

Despite his liberal background, Justice White is known for taking a pragmatic approach to legal issues and is widely respected for writing decisions from the influence of ideology or politics. Years ago, in fact, when asked whether he was a liberal or conservative, Byron White said, "I guess we'll just have to let the record speak for itself." I am confident the record of White's extraordinary accomplishments will speak for itself. Our Nation will genuinely miss Justice Byron White for his devotion to the high court and to the Constitution which is the underpinning of all we hold dear. His legacy, however, will endure through his instructive opinions and his pursuit of excellence.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 64. A concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The message further announced that pursuant to section 8002 of the Internal Revenue Code, the chairman of the Committee on Ways and Means designates the following members of that committee to serve on the Joint Committee on Taxation during the 103d Congress on the part of the House: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. ARCHER, and Mr. CRANE.

MEASURES REFERRED

The following measure, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 64. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 1335. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the recommended amendment of the Committee on Appropriations to the bill H.R. 1335, making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993, AND FOR OTHER PURPOSES (H.R. 1335)

The Committee on Appropriations, to which was referred the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, reports the same to the Senate with an amendment, and with the recommendation that the bill be passed.

ECONOMIC RECOVERY AND CREATING JOBS

This bill provides for critical investments in the transportation, water resources, and veterans health care infrastructure; youth employment and education; productivity-enhancing technology; rural and urban development; and environment and energy to strengthen America in the world community.

The current economic recovery has been conspicuous by the lack of job creation. Compared to the average of post-World War II recoveries this recovery has created the smallest percentage rise in nonfarm employment of any recovery. It has also produced the slowest rise in growth of gross domestic product [GDP]. It is clear that the economy is operating well below capacity. The recommendations contained in this bill will provide needed near-term jobs and economic stimulus helping to forestall just another downturn in the economy and a possible triple-dip recession.

In addition, provisions providing for ready-to-go infrastructure projects funded in this bill, represent a down payment on the long-term investment program in the Nation's infrastructure, both physical and human.

MAJOR PROVISIONS

Extended unemployment benefits—$4,000,000,000

Congress recently passed, and the President signed into law, legislation to provide up to 26 weeks of extended unemployment compensation.

Although that measure did include provisions to allow the Department to borrow from the advances to the trust funds to pay for benefits in the near term; the Department of Labor advises that without the appropriation of the $4,000,000,000 in this bill, it will run out of money for these benefits during the first part of April, leaving an estimated 1.8 million jobless Americans without unemployment compensation.

Federal-aid highways—$2,976,250,000

The administration's proposal brings the 1993 program level to that contained in the Intermodal Surface Transportation Efficiency Act [ISTEA]. This amount will increase obligations to $20,980,000,000, a 17-percent increase. These funds will be directed to fast-spending projects and will create an additional 120,000 direct and indirect jobs in 1993 and 1994.

Mass transit capital grants—$752,340,000

Under this proposal, 9,000 direct jobs will be created in 1993 and 1994. The funds will be used to replace over-age buses and vans, and to fund railcars and rail rehabilitation projects. The sum of $270,000,000, or 36 percent, will be devoted to quick-to-acquire bus and van purchases, while the remaining amount will be used for either bus or rail capital purposes.

Airport grants—$250,000,000

Many of the Nation's airports are congested, resulting in unacceptable delays for air travelers. Increased airport capacity can help reduce delays, speed air travel, and increase safety in many cases. This proposal will enable airports to undertake safety and capacity improvement projects that are ready to go.

Amtrak capital projects—$187,844,000

To allow Amtrak to purchase new train cars and locomotives, modernize stations and maintenance facilities, and to overhaul aging equipment. This will help Amtrak to improve its financial performance.

Community development block grants—$2,536,000,000

The community development block grant [CDBG] program is a formula-based program designed to enable communities to carry out a wide range of community development activities: neighborhood revitalization, economic development, and improved community facilities and services.

There remains a tremendous unmet need for these funds. The U.S. Conference of Mayors puts the number of unfunded CDBG-eligible projects ready to begin at close to $9,000,000,000. As a result, these funds will go to begin many of them quickly. Among the items for which these funds will be used are housing construction and rehabilitation, and public infrastructure like water and sewer systems.

The administration estimates 60,000 direct jobs will be created from this CDBG appropriation.

Small Business Administration loan guarantees—$2,575,558,000

A very real credit crunch is impacting on small business in this country. Banks just aren't lending to small business. This has led to increased demand for SBA guarantees. In fact, demand for SBA-loaned guarantees increased by 37 percent from 1991 to 1992, and in the fourth quarter of 1992 demand ran 46 percent above the same period the previous year. Appropriations have not kept pace. Current SBA credit will run out by May. If the Congress does not take action on this bill the SBA loan guarantee program will shut down. The administration estimates that this proposal will create over 12,000 direct jobs in 1993 and 1994.

Summer youth employment—$1,000,000,000

This proposal will create an additional 683,000 summer jobs for economically disadvantaged youth ages 14 to 21 years old. This will bring to nearly 1.4 million the total number who could participate in this program this summer. One-half of these funds will be concentrated in the 100 American cities with the greatest number of eligible youth.

Pell grant unfunded shortfall—$1,863,730,000

The President's proposal seeks to eliminate funding shortfalls in the Pell grant program for 1993–94 and prior academic years. These shortfalls occurred as result of an unanticipated surge in eligible applicants. The number of Pell grant recipients increased by 29 percent between 1990 and 1993. The Pell grant program now helps 4.4 million low-income students attend school each year, and eventually move on to become productive, taxpaying citizens. The Pell grant funds included in this package will help ensure that we meet the costs of grants for these students for the 1993–94 academic year.

Head Start—$500,000,000

The administration is proposing a new Head Start summer program which would eventually enroll 350,000 children. About 50,000 direct jobs will be created, mostly for parents of Head Start participants and other residents of low-income communities.

EPA sewage treatment construction—$845,300,000

The administration proposal would provide for States to capitalize their State revolving fund loan funds for sewage treatment construction. With only $2,500,000,000 appropriated for fiscal year 1993 and $2,400,000,000 in fiscal year 1992, these funds are vitally needed to help meet the enormous need for wastewater treatment construction nationwide—estimated at more than $100,000,000,000. The funds will be spent in every State for projects which are ready to begin construction immediately, and will create approximately 50,000 direct jobs.

Department of Veterans Affairs—$235,557,000

The bill provides $235,557,000 for maintenance and construction projects in VA hospitals in every State and six VA cemeteries. This will approximately double VA's funding for maintenance and repair projects in fiscal year 1993 to meet VA's enormous backlog of minor construction projects. It will generate 4,700 direct jobs.

More than 1,000 projects will receive funding—including modernizing patient treatment areas and wards, repairing roofs and windows, removing asbestos and lead-based paint, installing important medical equipment, and repairing and improving roads, buildings and water supply systems in VA cemeteries. These funds will enable VA to provide higher quality medical care to the Nation's 27 million veterans.

National Science Foundation—$207,622,000

The bill includes funds for research and facility activities at the National Science Foundation. This investment will create approximately 2,400 new direct jobs, and help create ideas that will help promote and sustain our Nation's long-term economic growth.

NSF research is designed to improve our country's productivity by generating new ideas that will enhance our long-term competitiveness. In addition, by training the current and next generation of scientists and engineers, the NSF is helping to provide the intellectual infrastructure for America's high-technology industries.

Water and waste disposal loans and grants—$470,000,000

The bill proposes to add $450,000,000 in direct loans. These funds are made available to rural communities with populations of under 10,000 to provide basic service, alleviate health and safety hazards, and promote economic development. There is a current backlog of $1,500,000,000 in loan applications and $600,000,000 in grant applications. In terms of job creation, about 2,500 direct jobs are created for each $100,000,000 in expenditures for infrastructure projects. These are primary jobs and do not include secondary jobs created as a result of the project.

Economic development grants—$93,900,000

The President's proposal includes $93,900,000 for the Economic Development Administration [EDA] grants. These grants will fund infrastructure—water and sewer projects; utilities and industrial sites. Of these funds, $48,900,000 will enable the administration to approve public works grant applications that are ready to go.

Of the funds requested, $15,000,000 will be targeted to help victims of Hurricane Iniki and Hurricane Andrew. Another $15,000,000 is targeted to assist communities impacted by Defense base closures and defense-related contract cutbacks. This will enable these communities to develop economic adjustment strategies and to produce nondefense-related jobs. The administration estimates that 850 long-term jobs will be created through this assistance.

Childhood immunizations—$300,000,000

The request includes $300,000,000 to finance vaccine purchases and education and outreach campaigns toward increasing the vaccination levels for all eligible children under the age of 2 years. The administration's goal is to vaccinate 1 million children during the summer of 1993.

Compensatory education for the disadvantaged—$734,805,000

The President has proposed a one-time supplemental of $500,000,000 to expand summer school programs in 1993 for educationally disadvantaged children from prekindergarten through high school. Funds would be allocated to schools with concentrations of poor children. The equalvalent of 14,000 direct education jobs would be created by this request.

In addition, the proposal includes $234,805,000 for a one-time adjustment for local school districts whose allocations are being decreased drastically as a result of using the 1990 census. The funds would be distributed to States based on the amount needed to bring counties up to about 92 percent of their fiscal year 1992 funding levels. This supplemental is important because the biggest cuts in allocations would hit States with the highest unemployment rates in the country. It will also allow States to retain 6,000 teaching positions that would otherwise have been lost.

Set forth below is a table summarizing by subcommittee the recommendations of the Committee:

SUMMARY OF RECOMMENDED APPROPRIATIONS

Subcommittee	Budget authority	Loan authorizations
Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	$602,655,000	$707,623,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies	507,555,000	2,575,558,000
District of Columbia	28,177,000	
Energy and Water Development	141,822,000	
Department of the Interior and Related Agencies	748,842,547	
Departments of Labor, Health and Human Services, and Education, and Related Agencies	8,814,358,000	
Limitation on administrative expenses	(302,000,0000)	
Department of Transportation and Related Agencies	924,334,000	
Limitation on obligations	(3,242,100,000)	
Treasury, Postal Service, and General Government	153,093,000	
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies	4,336,617,000	
Total	16,257,453,547	3,283,181,000
Limitation on administrative expenses	(302,000,000)	
Limitation on obligations	(3,242,100,000)	

LOW-PRIORITY PROJECTS

During House of Representatives debate on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for lower priority projects. Included were such items as: (1) community development grants for golf courses and cemeteries; (2) fisheries atlases and studies of the sicklefin chub; (3) construction of whitewater canoeing facilities; and (4) payments for a National Oceanic and Atmospheric Administration class VI computer.

On March 22, 1993, the Director of the Office of Management and Budget wrote to assure the Committee that these type of low-priority projects were not proposed in the legislation submitted by the President and would not be funded. The Director committed to work with Cabinet members and the Appropriations Committees to ensure that economic stimulus funding is used only for programs of merit and not for the type of projects discussed during House debate.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

1993 appropriation to date	$34,514,000
1993 supplemental estimate	37,569,000
House allowance	37,569,000
Committee recommendation	37,569,000

COMMITTEE RECOMMENDATIONS

An additional $37,569,000, the same as the budget request and the House amount, is provided for major modernization and repair of Federal agricultural research facilities, including cleanup of hazardous wastesites. Many of the Federal agricultural research facilities are outdated in terms of fire/safety and environmental codes and are unsuitable for advanced research. The administration estimates that 450 new jobs will be created in 1993-94. Additional jobs are created through demands in the building materials industry to supply these construction projects.

The Committee has been advised that the Department has tentative plans to use the funds for the following projects (amounts are approximate):

Peoria, IL ($13,200,000).—Renovate pilot plant to provide facilities for industrial and bioprocessing research and development activities in cooperation with private companies.

Beltsville, MD ($10,000,000).—Renovate building 001, a 1930's lab facility, to provide modern research labs for natural resources and weed science research.

Plum Island, NY ($3,000,000).—Repair dock and pier facilities at animal disease research facility.

Ames, IA ($3,900,000).—Construct incinerator and necropsy facility at animal disease research lab to comply with environmental codes.

Washington, DC ($2,000,000).—Replace deteriorated water lines at the U.S. National Arboretum.

Albany, CA ($500,000).—Renovate west annex building at the Western Regional Research Center.

Various locations ($2,400,000).—Correct immediate building deficiencies including roof and plumbing repairs, painting, and other maintenance.

Hazardous waste ($3,000,000).—Clean up leaking underground storage tanks and other environmental hazards at Beltsville, Plum Island, and other ARS facilities.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

1993 appropriation to date	$489,867,000
1993 supplemental estimate	4,000,000
House allowance	4,000,000
Committee recommendation	4,000,000

COMMITTEE RECOMMENDATIONS

To hire an additional 160 meat inspectors to improve the food safety of meat supplies, the Committee recommends an additional $4,000,000, the same as the House amount and the budget request. The current meat inspection workload is being met with extensive overtime and by putting processing inspectors on the slaughter lines. Processing facilities need to be inspected daily, but every carcass must be inspected at slaughter. While visual inspection will only detect a relatively gross level of bacterial contamination, an adequate number of inspectors assures that proper slaughter and processing procedures are followed to reduce the incidence of contamination.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

1993 appropriation to date	$228,266,000
1993 supplemental estimate	46,961,000
House allowance	46,961,000
Committee recommendation	46,961,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $46,961,000 for watershed project construction to address the more than $1,000,000,000 backlog of planned but unfunded projects authorized under the Public Law 566 and Public Law 534 programs. These programs provide financial and technical assistance to address a variety of purposes including flood control, water quality, erosion control, and recreation. Work is accomplished through project agreements with local sponsoring organizations. These local organizations are responsible for operating and maintaining completed works of improvement on non-Federal land. The administration estimates that 630 new jobs will be created by these funds in 1993-94.

Preliminary information from the Department indicates the funds may be distributed as follows:

State	Project	Funds
Alabama	South Fourche	$1,500,000
California	Beardsley, Llygas, Silva	8,000,000
Georgia	Little River, Tallapoosa	500,000
Iowa	Twelve Mile, Troublesome	1,500,000
Illinois	Lower Des Plaines	6,000,000
Indiana	Honey Creek	700,000
Kansas	Elk Creek, South Fork	1,000,000
Kentucky	South Fork Little River	800,000
Louisiana	Bayou Mallet	800,000
Mississippi	Town Creek	2,000,000
Missouri	Trouble, Grassy, U. Locust	2,000,000
North Carolina	Crabtree	3,000,000
New York	Virgil Creek	2,500,000
Ohio	Little Augling	2,000,000
Oklahoma	Upper Elk, Dry Creek	1,500,000
Tennessee	Hurricane Creek	1,800,000
Texas	Salado Creek	3,500,000
Virginia	Cedar Run	800,000
West Virginia	White Stick-Cranberry	4,500,000
Washington	Green River	2,600,000
Total[1]		47,000,000

[1] Total does not equal actual appropriation due to rounding.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

SECTION 502 GUARANTEED LOANS

	Loans	Subsidy
1993 appropriation to date	$329,500,000	$6,096,000
1993 supplemental estimate	234,805,000	4,297,000
House allowance	234,805,000	4,297,000
Committee recommendation	234,805,000	4,297,000

COMMITTEE RECOMMENDATIONS

An additional $234,805,000 in loan authority is provided for section 502 single-family housing guaranteed loans at a cost of $4,297,000. These are the same amounts as the House provided and requested by the President. Loan guarantees of private-sector mortgages are available for the purchase or construction of single-family homes for families with incomes that do not exceed 115 percent of median family income. Funds appropriated for 1993 are expected to be used by May 1993, and this increase is expected to meet the remaining demand and would be obligated by the end of the fiscal year. The administration estimates that these funds, together with the funds recommended for section 504 loans will generate 900 new jobs in 1993.

Estimates of the amounts States would be allocated follow:

State	*Funds*
Alabama	$5,638,000
Alaska	938,000
Arizona	2,332,000
Arkansas	4,424,000
California	9,520,000
Colorado	2,182,000
Connecticut	1,796,000
Delaware	558,000
Florida	6,047,000
Georgia	7,923,000
Hawaii	998,000
Idaho	1,515,000
Illinois	6,656,000
Indiana	5,612,000
Iowa	3,692,000
Kansas	2,762,000
Kentucky	6,743,000
Louisiana	5,052,000
Maine	2,452,000
Maryland	2,616,000
Massachusetts	3,187,000
Michigan	7,611,000
Minnesota	4,237,000
Mississippi	5,034,000
Missouri	5,326,000
Montana	1,244,000
Nebraska	1,651,000
Nevada	522,000
New Hampshire	1,565,000
New Jersey	2,400,000
New Mexico	1,887,000
New York	8,409,000
North Carolina	10,460,000
North Dakota	995,000
Ohio	8,947,000
Oklahoma	3,536,000
Oregon	3,466,000
Pennsylvania	10,897,000
Puerto Rico	5,527,000
Rhode Island	402,000
South Carolina	5,347,000
South Dakota	1,326,000
Tennessee	6,255,000
Texas	11,061,000
Utah	856,000
Vermont	1,255,000
Virgin Islands	750,000
Virginia	6,499,000
Washington	3,952,000
West Pacific areas	750,000
West Virginia	4,087,000
Wisconsin	5,106,000
Wyoming	802,000
State totals	214,805,000
General reserve	20,000,000
Total	234,805,000

SECTION 504 VERY LOW INCOME REPAIR LOANS

	Loans	Subsidy
1993 appropriation to date	$11,330,000	$4,548,000
1993 supplemental estimate	2,818,000	1,124,000
House allowance	2,818,000	1,124,000
Committee recommendation	2,818,000	1,124,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $2,818,000 for very low income repair loans at a cost of $1,124,000, the same amounts as the budget request and as provided by the House. These loans are made to very low income households to repair and rehabilitate existing housing units. The loans are made at 1 percent interest and are repayable in 20 years. The increase reflects the estimated level that can be obligated this fiscal year. The administration estimates that these funds, together with the funds recommended for section 502 loans will generate 900 new jobs in 1993.

Estimates of the amounts States would be allocated follow:

State	*Funds*
Alabama	$85,000
Alaska	14,000
Arizona	34,000
Arkansas	62,000
California	102,000
Colorado	22,000
Connecticut	14,000
Delaware	6,000
Florida	68,000
Georgia	106,000
Hawaii	12,000
Idaho	18,000
Illinois	74,000
Indiana	66,000
Iowa	43,000
Kansas	32,000
Kentucky	103,000
Louisiana	76,000
Maine	27,000
Maryland	29,000
Massachusetts	26,000
Michigan	83,000
Minnesota	53,000
Mississippi	78,000
Missouri	67,000
Montana	15,000
Nebraska	20,000
Nevada	5,000
New Hampshire	14,000
New Jersey	19,000
New Mexico	29,000
New York	78,000
North Carolina	136,000
North Dakota	12,000
Ohio	101,000
Oklahoma	50,000
Oregon	36,000
Pennsylvania	113,000
Puerto Rico	104,000
Rhode Island	3,000
South Carolina	73,000
South Dakota	16,000
Tennessee	90,000
Texas	164,000
Utah	11,000
Vermont	11,000
Virgin Islands	10,000
Virginia	91,000
Washington	42,000
West Pacific areas	150,000
West Virginia	58,000
Wisconsin	58,000
Wyoming	9,000
State totals	2,818,000
General reserve	
Total	2,818,000

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

WATER AND WASTE DISPOSAL LOANS

	Loans	Subsidy
1993 appropriation to date	$600,000,000	$87,360,000
1993 supplemental estimate	470,000,000	66,821,000
House allowance	470,000,000	66,821,000
Committee recommendation	470,000,000	66,821,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $470,000,000 in direct loans, at a cost of $66,821,000, for water and waste disposal loans. These funds are made available to rural communities with populations of under 10,000 to provide basic service, alleviate health and safety hazards, and promote economic development. There is a current backlog of $1,500,000,000 in loan applications. The additional funding will reduce this backlog by about one-third. The administration estimates that this funding, together with that recommended for rural water and waste disposal grants will generate 2,100 new jobs in 1993 and 1994.

Estimated State allocations follow:

Region and State	*Funds*
Region 1 (NE & VI):	
Connecticut	$2,783,000
Indiana	8,719,000
Maine	2,961,000
Massachusetts	4,120,000
Michigan	12,680,000
New Hampshire	1,863,000
New Jersey	3,567,000
New York	13,939,000
Ohio	13,156,000
Pennsylvania	16,646,000
Rhode Island	558,000
Vermont	1,603,000
Virgin Islands	450,000
Reserve	27,681,000
Subtotal	110,726,000
Region 2 (Mideast):	
Delaware	842,000
Kentucky	10,880,000
Maryland	3,699,000
North Carolina	16,287,000
Tennessee	10,504,000
Virginia	8,635,000
West Virginia	6,609,000
Reserve	19,152,000
Subtotal	76,610,000
Region 3 (SE & PR):	
Alabama	9,258,000
Florida	7,709,000
Georgia	11,660,000
Puerto Rico	16,744,000
South Carolina	7,985,000
Reserve	17,786,000
Subtotal	71,142,000
Region 4 (Delta):	
Arkansas	6,742,000
Louisiana	8,084,000
Mississippi	9,526,000
Reserve	8,118,000
Subtotal	32,470,000
Region 5 (SW):	
Arizona	2,163,000
New Mexico	2,111,000
Oklahoma	5,038,000
Texas	15,572,000
Reserve	8,295,000
Subtotal	33,179,000
Region 6 (NC):	
Colorado	2,526,000
Illinois	9,237,000
Iowa	5,258,000
Kansas	3,551,000
Minnesota	5,871,000
Missouri	7,709,000
Montana	1,822,000
Nebraska	2,666,000
North Dakota	1,670,000
South Dakota	2,075,000
Wisconsin	7,067,000

Region and State	*Funds*
Wyoming	717,000
Reserve	16,723,000
Subtotal	66,890,000
Region 7 (WP):	
Alaska	639,000
California	9,702,000
Hawaii	582,000
Idaho	2,161,000
Nevada	493,000
Oregon	3,983,000
Utah	1,050,000
West Pacific area	450,000
Washington	4,927,000
Reserve	7,996,000
Subtotal	31,983,000
Totals	423,000,000
National reserve	47,000,000
Total	470,000,000

RURAL WATER AND WASTE DISPOSAL GRANTS

1993 appropriation to date	$390,000,000
1993 supplemental estimate	281,767,000
House allowance	281,767,000
Committee recommendation	281,767,000

COMMITTEE RECOMMENDATIONS

An additional $281,767,000 is recommended for rural water and waste disposal grants, the same as the House amount and as the budget request. These funds are used in conjunction with the loan funds to reduce to reasonable levels the per household cost of repaying the loans. There is a current backlog of $600,000,000 in grant applications which would be reduced by one-half with the additional funding recommended. The administration estimates that this funding, together with that recommended for water and waste disposal loans will generate 2,100 new jobs in 1993 and 1994.

Estimated State allocations follow:

Region and State	*Funds*
Region 1 (NE & VI):	
Connecticut	$1,661,000
Indiana	5,203,000
Maine	1,767,000
Massachusetts	2,458,000
Michigan	7,566,000
New Hampshire	1,112,000
New Jersey	2,128,000
New York	8,318,000
Ohio	7,851,000
Pennsylvania	9,933,000
Rhode Island	375,000
Vermont	957,000
Virgin Islands	375,000
Reserve	16,568,000
Subtotal	66,271,000
Region 2 (Mideast):	
Delaware	503,000
Kentucky	6,493,000
Maryland	2,207,000
North Carolina	9,719,000
Tennessee	6,268,000
Virginia	5,153,000
West Virginia	3,944,000
Reserve	11,429,000
Subtotal	45,715,000
Region 3 (SE & PR):	
Alabama	5,524,000
Florida	4,600,000
Georgia	6,958,000
Puerto Rico	9,992,000
South Carolina	4,765,000
Reserve	10,613,000
Subtotal	42,453,000
Region 4 (Delta):	
Arkansas	4,023,000
Louisiana	4,824,000
Mississippi	5,685,000
Reserve	4,844,000
Subtotal	19,376,000
Region 5 (SW):	
Arizona	1,291,000
New Mexico	1,260,000
Oklahoma	3,006,000
Texas	9,292,000
Reserve	4,950,000
Subtotal	19,799,000
Region 6 (NC):	
Colorado	1,507,000
Illinois	5,512,000
Iowa	3,137,000
Kansas	2,119,000
Minnesota	3,503,000
Missouri	4,600,000
Montana	1,087,000
Nebraska	1,591,000
North Dakota	997,000
South Dakota	1,238,000
Wisconsin	4,217,000
Wyoming	428,000
Reserve	9,979,000
Subtotal	39,915,000
Region 7 (WP):	
Alaska	381,000
California	5,789,000
Hawaii	375,000
Idaho	1,289,000
Nevada	375,000
Oregon	2,377,000
Utah	627,000
West Pacific area	375,000
Washington	2,940,000
Reserve	4,843,000
Subtotal	19,372,000
Totals	252,900,000
National reserve	28,867,000
Total	281,767,000

Farmers Home Administration

VERY LOW INCOME HOUSING REPAIR GRANTS

1993 appropriation to date	$12,500,000
1993 supplemental estimate	5,635,000
House allowance	5,635,000
Committee recommendation	5,635,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $5,635,000 for very low income housing repair grants, the same as the House and budget request levels. The grants are made in conjunction with very low income housing repair loans and the maximum amount of a grant cannot exceed $5,000. Grants are available only to elderly households. The increase reflects the estimated level that can be obligated this fiscal year. An estimated 90 new jobs would be generated in 1993 by this increase.

Estimated State allocations follow:

State	*Funds*
Alabama	$163,000
Alaska	21,000
Arizona	63,000
Arkansas	127,000
California	206,000
Colorado	44,000
Connecticut	35,000
Delaware	13,000
Florida	160,000
Georgia	200,000
Hawaii	20,000
Idaho	36,000
Illinois	171,000
Indiana	143,000
Iowa	105,000
Kansas	81,000
Kentucky	189,000
Louisiana	142,000
Maine	57,000
Maryland	59,000
Massachusetts	65,000
Michigan	179,000
Minnesota	120,000
Mississippi	145,000
Missouri	151,000
Montana	31,000
Nebraska	51,000
Nevada	10,000
New Hampshire	32,000
New Jersey	50,000
New Mexico	50,000
New York	180,000
North Carolina	262,000
North Dakota	28,000
Ohio	213,000
Oklahoma	107,000
Oregon	77,000
Pennsylvania	263,000
Puerto Rico	172,000
Rhode Island	8,000
South Carolina	135,000
South Dakota	36,000
Tennessee	174,000
Texas	327,000
Utah	20,000
Vermont	25,000
Virgin Islands	20,000
Virginia	170,000
Washington	87,000
West Pacific areas	150,000
West Virginia	111,000
Wisconsin	133,000
Wyoming	18,000
State totals	5,635,000
General reserve	....
Total	5,635,000

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

CHILD AND ADULT CARE FOOD PROGRAM

Available, 1993	$1,273,160,000
1993 supplemental estimate	56,000,000
House allowance	56,000,000
Committee recommendation	56,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $56,000,000, the same as the House amount and the budget request, for the Child Nutrition Programs to increase funds available under the Child and Adult Care Food Program. This increase will fund meals for children participating in the proposed new summer Head Start Program.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

1993 appropriation to date	$2,860,000,000
1993 supplemental estimate	75,000,000
House allowance	75,000,000
Committee recommendation	75,000,000

COMMITTEE RECOMMENDATIONS

An additional $75,000,000, the same as the budget request and the House amount, is recommended for the Special Supplemental Food Program for Women, Infants, and Children. Participation will increase from 5.4 million in 1992 to 6 million in 1993, with up to 300,000 new participants added by this increase. WIC provides participants with coupons worth an average of $31 per month, for the purchase of specific supplemental foods rich in nutrients known to be lacking in the diets of low-income pregnant women and their children. In addition, at an average cost of $10 per month, participants are provided with health care screening and referrals as well as nutrition education and breast feeding counseling. Recent studies of WIC have documented that WIC reduces incidence of low birthweight babies and premature births. In fact, for each $1 spent on prenatal WIC, at least $3 in Medicaid costs are saved in the first 60 days of the child's life.

The Committee concurs with bill language indicating that grants are available to States that maintain the standards for eligibility which were in use on January 1, 1993. The Committee notes that these standards take into account changes in poverty income guidelines issued by the Department of Health and Human Services.

The Committee also concurs with bill language allowing the Secretary to waive regulations governing the allocation of funds and notes that this authority extends to any allocations made during fiscal year 1993. The Committee expects funds to be used in States where the need is greatest and expects to receive prior notification of allocations that deviate from the current regulations.

A distribution of funds based on the current formula follows:

State	*Funds*
Alabama	$699,000
Alaska	727,000
Arizona	2,383,000
Arkansas	379,000
California	17,710,000
Colorado	1,143,000
Connecticut	262,000
Delaware	76,000
District of Columbia	79,000
Florida	6,364,000
Georgia	1,244,000
Guam	205,000
Hawaii	546,000
Idaho	160,000
Illinois	1,328,000
Indiana	643,000
Iowa	360,000
Kansas	808,000
Kentucky	564,000
Louisiana	731,000
Maine	220,000
Maryland	1,081,000
Massachusetts	584,000
Michigan	1,613,000
Minnesota	398,000
Mississippi	543,000
Missouri	1,425,000
Montana	152,000
Nebraska	358,000
Nevada	697,000
New Hampshire	90,000
New Jersey	669,000
New Mexico	350,000
New York	2,320,000
North Carolina	1,201,000
North Dakota	77,000
Northern Marianas	4,000
Ohio	2,502,000
Oklahoma	1,175,000
Oregon	817,000
Pennsylvania	1,254,000
Puerto Rico	1,849,000
Rhode Island	97,000
South Carolina	750,000
South Dakota	97,000
Tennessee	932,000
Texas	12,663,000
Utah	304,000
Vermont	69,000
Virgin Islands	31,000
Virginia	922,000
Washington	1,701,000
West Virginia	247,000
Wisconsin	1,261,000
Wyoming	146,000
Total[1]	75,010,000

[1] Total does not equal actual appropriations due to rounding.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

1993 appropriation to date	$165,000,000
1993 supplemental estimate	23,481,000
House allowance	23,481,000
Committee recommendation	23,481,000

COMMITTEE RECOMMENDATIONS

An additional $23,481,000, the same as the House and budget request levels, is recommended for the Emergency Food Assistance Program for the purchase of easy to consume and nutrient dense commodities to be provided to needy low-income persons in emergency distress. These funds will permit additional commodities to be purchased and allocated to States based on the number of unemployed persons and the number of persons under the poverty line. Through TEFAP, the Federal Government purchases and donates to the States a variety of wholesome commodities, such as peanut butter, raisins, rice, and dry bagged beans. Canned foods such as peas, green beans, applesauce, orange juice, and pork and beef products are also provided. TEFAP operates through a network of largely volunteer organizations which distribute foods donated to them locally and by the Federal Government.

Estimated State allocations follow:

State	*Funds*
Alabama	$444,000
Alaska	42,000
Arizona	350,000
Arkansas	261,000
California	2,795,000
Colorado	265,000
Connecticut	206,000
Delaware	45,000
District of Columbia	63,000
Florida	1,187,000
Georgia	580,000
Guam	8,000
Hawaii	61,000
Idaho	81,000
Illinois	1,019,000
Indiana	402,000
Iowa	195,000
Kansas	163,000
Kentucky	384,000
Louisiana	549,000
Maine	91,000
Maryland	324,000
Massachusetts	468,000
Michigan	876,000
Minnesota	292,000
Mississippi	364,000
Missouri	440,000
Montana	76,000
Nebraska	96,000
Nevada	90,000
New Hampshire	72,000
New Jersey	582,000
New Mexico	177,000
New York	1,638,000
North Carolina	547,000
North Dakota	51,000
Northern Marianas	4,000
Ohio	922,000
Oklahoma	297,000
Oregon	245,000
Pennsylvania	958,000
Puerto Rico	906,000
Rhode Island	84,000
South Carolina	323,000
South Dakota	55,000
Tennessee	462,000
Texas	1,866,000
Utah	116,000
Vermont	42,000
Virgin Islands	9,000
Virginia	463,000
Washington	372,000
West Virginia	223,000
Wisconsin	332,000
Wyoming	33,000
Total[1]	22,996,000

[1] Total does not equal actual appropriation due to rounding.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

1993 appropriation to date	$217,000,000
1993 supplemental estimate	93,922,000
House allowance	93,922,000
Committee recommendation	93,922,000

The Committee recommends a supplemental appropriation of $93,922,000 for economic development assistance programs. This is the same as the President's request and the House allowance.

This appropriation would make additional funds available to the Economic Development Administration [EDA] to make grants to States, local governments, Indian tribes and private and public nonprofit organizations to promote economic growth and create jobs. These funds would provide grants to fund infrastructure, such as water and sewer projects, industrial site preparation, utilities, and access roads.

Of the funds recommended, $48,922,000 are provided to fund additional title I public works projects which can be approved and implemented expeditiously. The Committee also concurs with the President's request in recommending $45,000,000 for title IX economic adjustment grants which can be used for planning and project grants to assist economically distressed areas. These funds would be used to assist: (1) economic recovery for communities in Hawaii, Louisiana, and Florida that were devastated by Hurricanes Iniki and Andrew; (2) business development in riot-impacted communities in Los Angeles, CA; and, (3) communities adversely impacted across the Nation by Department of Defense base closures, realignments, and cutbacks in military procurement.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

1993 appropriation to date	$37,889,000
1993 supplemental estimate	1,878,000
House allowance	1,878,000
Committee recommendation	1,878,000

The Committee recommends a supplemental appropriation of $1,878,000 for minority business development. This recommendation is the same as the President's request and the House allowance.

These funds would provide the Minority Business Development Agency with resources to manage MBDA business development centers and to develop new strategies to stimulate private sector development and business ownership in America's minority communities. While 25 percent of the U.S. population is minority, only 6 percent of all businesses are minority owned.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

1993 appropriation to date	$1,521,416,000
1993 supplemental estimate	80,773,000
House allowance	80,773,000
Committee recommendation	80,773,000

The Committee recommends a supplemental appropriation of $80,773,000 for operations, research and facilities. This is the same level as the President's request and the House allowance.

These funds would be used as follows: (1) $21,000,000 to accelerate modernization of the National Weather Service through deployment of NEXRAD tornado detecting radars at various sites, and acquisition of supercomputers to facilitate improvements in meteorological forecasting; (2) $15,000,000 for NOAA's data modernization initiative at NOAA facilities in Colorado, Maryland, and North Carolina; (3) $9,000,000 for procurement of computers at National Marine Fisheries Service offices; (4) $10,773,000 for NOAA's participation in the interagency High Performance Computing and Communications [HPCC] Program; and (5) $25,000,000 for procurement of environmental research equipment and instrumentation for NOAA's Oceanic and Atmospheric Research laboratories.

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

1993 appropriation to date	$192,940,000
1993 supplemental estimate	14,088,000
House allowance	14,088,000
Committee recommendation	14,088,000

The Committee recommends a supplemental appropriation of $14,088,000 for scientific and technical research and services, the account which funds the National Institute of Standards [NIST] and "Technology's intramural research" account. This is the same as the President's request and the House allowance.

This funding supports NIST's role in the multiagency High Performance Computing and Communications Program. Other agencies involved in this effort include the National Science Foundation, National Aeronautics and Space Administration, and the National Institutes of Health. One objective of this NIST program is to accelerate the deployment of high performance computing and networking technologies. NIST would expedite standards development for electronic networks, with attention to industrial quality control and flexible computer-integrated manufacturing. An advanced manufacturing systems and networking testbed would be established at NIST laboratories to enable research into advanced manufacturing computer systems and networks. Most of the HPCC effort would be performed at NIST's laboratories in Boulder, CO.

Industrial Technology Services

1993 appropriation to date	$86,067,000
1993 supplemental estimate	103,315,000
House allowance	103,315,000
Committee recommendation	103,315,000

The Committee recommends a supplemental appropriation of $103,315,000 for the National Institute of Standards and Technology's Advanced Technology Program [ATP]. This is the same as the President's request and the House allowance.

The Committee recommended funding level enables NIST to aggressively expand and support high-risk, generic technology development by providing cost sharing cooperative agreements with industry. The ATP has established itself as a key national program to promote economic growth for American industry and to enhance competitiveness by accelerating the development of critically important technologies. The program is a cornerstone in the President's "Technology For America's Economic Growth, a New Direction to Build Economic Strength."

These funds will allow NIST to award an additional 80 ATP projects. NIST will be able to increase funding for the current competitive solicitation in fiscal year 1993 and to provide a second competition later in the year. Because investment in NIST programs produces jobs in new product areas utilizing advanced technologies, these jobs tend to offer higher paying, higher skilled employment. The administration estimates that the increase in ATP funds will create 330 short-term jobs, and potentially 20,000 long-term jobs.

National Telecommunications and Information Administration

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

1993 appropriation to date	$21,320,000
1993 supplemental estimate	63,867,000
House allowance	63,867,000
Committee recommendation	63,867,000

The Committee recommends a supplemental appropriation of $63,867,000 for the National Telecommunications and Information Administration's Public Telecommunications Facilities, Planning and Construction Program [PTFP]. This is the same as the President's request and the House allowance.

This funding would enable NTIA to provide grants to promote the development and use of broadband, interactive telecommunications networks linking the Nation's schools, libraries, governments, and other public information producers. Grants would be competitively awarded to States, local governments, universities, school systems, and other nonprofit applicants.

The Committee concurs with House language that urges the Department of Commerce to build upon the existing PTFP program in the implementation of this program.

RELATED AGENCIES

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

1993 appropriation to date	$222,000,000
1993 supplemental estimate	8,829,000
House allowance	8,829,000
Committee recommendation	8,829,000

The Committee recommends a supplemental appropriation of $8,829,000 for the Equal Employment Opportunity Commission [EEOC]. This is the same as the President's request and the House allowance.

This funding will enable the EEOC to more effectively and efficiently process new cases filed pursuant to the Americans With Disabilities Act of 1990 and the Civil Rights Act of 1991. Full implementation of these legislative mandates will enable all Americans to develop their full potential in the workplace and thereby increase the overall productivity of the American economy.

The Committee recommendation will enable the EEOC to hire an additional 156 investigators and enforcement personnel, all of whom will be placed in field offices in 35 cities throughout the country. The EEOC offices that would gain the most employment include: Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Houston, TX; Miami, FL; San Antonio, TX; and Seattle, WA.

Small Business Administration

BUSINESS LOANS PROGRAM ACCOUNT

1993 appropriation to date	$331,500,000
1993 supplemental estimate	140,883,000
House allowance	140,883,000
Committee recommendation	140,883,000

The Committee recommends a supplemental appropriation of $140,883,000 which subsidizes additional Small Business Administration [SBA] section 7(a) loan guarantees totaling $2,575,558,000. This is the same as the President's request and the House allowance. Including fiscal year 1992 carryover, this action would result in a total section 7(a) loan guarantee program level of $6,193,599,000 for fiscal year 1993.

The Committee also recommends inclusion of House proposed language which provides permissive authority to use up to $2,000,000 for program administration and oversight.

Demand for the section 7(a) program has increased substantially, since banks are not extending long-term credit to small businesses. In fact, demand for SBA guarantees increased by 37 percent from 1991 to 1992, and in the fourth quarter of fiscal year 1992 demand ran 46 percent above the previous year. Without supplemental funding, the loan guarantee program will run out of funds during May 1993, and will not be activated until after October 1, 1993.

The top five States which received section 7(a) loan guarantees in fiscal year 1992 were as follows: California ($1,257,101,000); Texas ($519,293,000); New York ($263,881,000); Georgia ($223,362,000); and Wisconsin ($159,440,000). The top five States experiencing increased demand in fiscal year 1992 (as compared with fiscal year 1991) for section 7(a) loan guarantees were as follows: Mississippi (197 percent); Connecticut (189 percent); Alaska (188 percent); New Hampshire (178 percent); and Rhode Island (132 percent).

The administration estimates that the credit extended to small businesses through this additional subsidy appropriation will create 12,100 jobs.

CHAPTER III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

Operation and Maintenance

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

1993 appropriation to date	$8,788,004,000
1993 supplemental estimate	$5,541,000
House allowance	
Committee recommendation	

The Committee recommends no supplemental funds for energy conservation projects for the Department of Defense, the same as recommended by the House. In fiscal year 1993, the Congress provided the Defense Department with authority to use $60,500,000 in the defense business operations fund for this purpose. Therefore, the Committee believes adding another $5,541,000 for this purpose is unneeded at this time.

CHAPTER IV

DISTRICT OF COLUMBIA

1993 appropriation to date	$688,000,000
1993 supplemental estimate	28,177,000
House allowance	28,177,000
Committee recommendation	28,177,000

The Committee concurs with the House allowance and budget estimate providing an additional $28,177,000 for the District of Columbia government. According to information received from the District government this additional Federal amount, which is not an increase in the Federal payment but rather is an additional Federal amount, will help the District continue Mayor Kelly's youth initiative. The authorized level of the Federal payment was set in Public Law 102-102 at 24 percent of the independently audited locally generated general fund revenue from the second previous fiscal year. The General Accounting Office reviews the amounts reported as local revenue and makes a statement to the appropriate committees.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

1993 appropriation to date	$3,487,705,000
1993 supplemental estimate	93,922,000
House allowance	93,922,000
Committee recommendation	93,922,000

The Committee recommends an appropriation of $93,922,000 for economic stimulus activities of the U.S. Army Corps of Engineers civil works program as proposed by the President. The recommendation includes $3,900,000 for construction, general; $76,497,000 for operation and maintenance activities, and $13,525,000 for flood control, Mississippi River and tributaries.

A key element of the administration's long-term investment package is improving the Nation's infrastructure and providing earlier realization of long-term benefits while at the same time increasing employment. The funds recommended in this bill will enable the Corps to expedite construction of ongoing high priority water resource projects and will provide funds for needed maintenance of existing projects. In addition, this program will result in a long-term savings by improving operational efficiency and safety, and replacing antiquated mechanical and electrical equipment.

The majority of the work will be performed by contract with the private sector. It is estimated that approximately 3,500 new jobs will be created by the funding recommended.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

1993 appropriation to date	$3,015,793,000
1993 supplemental estimate	47,900,000
House allowance	47,900,000
Committee recommendation	47,900,000

The Committee recommendation concurs with the House action in providing $47,900,000 for energy supply, research and development activities as requested by the President. The amount recommended includes $46,961,000 for cooperative research and development agreements [CRADA's] and $939,000 for Department of Energy, in-house energy management activities.

The funding recommended for CRADA's will be used to support non-Defense, multilaboratory collaborations to enhance U.S. competitiveness and contribute to the creation and retention of jobs for U.S. workers. This program will allow non-Defense national laboratory scientists and technicians to work with industry, including small business partners and industry consortia, and will bring the resources of the Department's laboratories to bear on the technology problems of American industries.

The proposed funding for the in-house energy management program will provide for survey audits preparatory to retrofitting energy efficient technologies into Department of Energy buildings.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

The proposed fiscal year 1993 economic stimulus package includes a total recommendation of $748,842,547 in additional funds for programs under the jurisdiction of the Interior Subcommittee. Similar programs as those funded in the stimulus package are base funded at a level of $1,890,000,000 in fiscal year 1993.

In general, the funds provided in the stimulus package will help the largest agencies in the Interior bill address some of their critical maintenance and repair backlogs; as well as provide for needed restoration of natural and cultural resources; address backlogs of road maintenance and repair, particularly on Indian reservations and in our national parks; provide educational and economic opportunities for tribes; increase energy efficiency; and accelerate use of alternative-fueled vehicles.

The total number of jobs (calculated in work-years) estimated to be created by the programs under the subcommittee's jurisdiction is roughly 19,300. The actual number of people hired may approximate 40,000, depending on the timing of enactment and progress in complying with Federal employment and contracting procedures.

The components of the President's economic stimulus program for agencies under the jurisdiction of the Interior Subcommittee help to address long identified backlogs or shortfalls. The estimated backlog of maintenance repair and rehabilitation projects for the six largest agencies under the subcommittee's jurisdiction approaches $6,000,000,000. This is nearly one-half the size of the subcommittee's annual funding level for all 40 of the agencies funded in the bill. Each year, funds are provided for maintenance and repair, but the rate at which new projects are added to the list each year surpasses the rate at which projects are removed from the list upon completion. This backlog addresses the physical infrastructure only. In addition, restoration of habitat and other natural and cultural resources under the subcommittee's jurisdiction has not kept pace with the demands placed by ever-increasing use of our public resources. The Department of the Interior supports about 450 million annual visits to the national parks, refuges, and BLM lands. The Forest Service supports an additional 500 million visits annually.

Based on information provided by the agencies, it is anticipated that the funding proposed in the stimulus package will be allocated as follows:

ECONOMIC STIMULUS PACKAGE PRELIMINARY STATE-BY-STATE DISTRIBUTION

[In thousands of dollars]

State	Agency						
	National Park Service	Fish and Wildlife Service	Bureau of Land Management	Bureau of Indian Affairs	Forest Service	Department of Energy	Total
Alabama	$559	$775			$1,125	$691	$3,150
Alaska	4,489	2,749	$54	$400	4,257	515	12,464
Arizona	11,928	1,500	86	23,566	10,845	505	48,430
Arkansas	1,943	1,034			3,679	554	7,210
California	27,009	11,719	180	1,107	39,074	2,555	81,644
Colorado	6,868	753	39	870	7,429	1,559	17,518
Connecticut	295	503				794	1,592
Delaware	165	873				182	1,220
Florida	4,484	5,717		336	1,082	871	12,490
Georgia	2,811	2,059			610	854	6,334
Hawaii	1,298	4,065				107	5,470
Idaho	960	1,696	107	1,133	13,121	572	17,589
Illinois	754	727			2,187	3,851	7,519
Indiana	1,600	570				1,864	4,034
Iowa	1,159	1,229		92		1,413	3,893
Kansas	481	405		276		745	1,907
Kentucky	2,017	50			1,487	1,262	4,816
Louisiana	838	2,136		88	4,530	486	8,078
Maine	798	809		431		832	2,870
Maryland	7,769	1,192				864	9,825
Massachusetts	6,990	1,081				1,870	9,941

ECONOMIC STIMULUS PACKAGE PRELIMINARY STATE-BY-STATE DISTRIBUTION—Continued

[In thousands of dollars]

State	Agency						
	National Park Service	Fish and Wildlife Service	Bureau of Land Management	Bureau of Indian Affairs	Forest Service	Department of Energy	Total
Michigan	4,796	1,974	....	73	2,774	4,237	13,854
Minnesota	1,639	3,976	....	3,357	3,145	2,865	14,982
Mississippi	5,557	2,414	....	1,323	3,815	460	13,569
Missouri	2,202	738	....	....	1,445	1,667	6,052
Montana	3,436	1,548	127	3,791	12,883	719	22,504
Nebraska	673	858	....	390	125	730	2,776
Nevada	5,400	563	75	88	950	281	7,357
New Hampshire	277	177	....	....	800	464	1,718
New Jersey	4,797	894	....	....	....	1,587	7,278
New Mexico	4,081	1,163	120	12,714	9,690	528	28,296
New York	18,761	1,578	....	150	....	5,567	26,056
North Carolina	15,293	1,297	....	1,011	2,296	1,170	21,067
North Dakota	882	2,095	....	4,318	....	702	7,997
Ohio	1,507	289	....	....	686	3,764	6,246
Oklahoma	699	741	....	1,634	193	736	4,003
Oregon	2,175	2,863	15,915	2,096	18,218	868	42,135
Pennsylvania	7,321	1,398	....	....	1,256	4,057	14,032
Rhode Island	296	178	....	....	....	351	825
South Carolina	1,498	940	....	....	540	514	3,492
South Dakota	1,892	3,031	....	8,387	639	542	14,491
Tennessee	2,971	1,133	....	....	1,690	1,194	6,988
Texas	4,149	4,958	....	100	50	1,784	11,041
Utah	11,884	1,080	115	343	6,337	675	20,434
Vermont	198	257	....	....	717	374	1,546
Virginia	20,498	2,038	....	....	1,444	1,185	25,165
Washington	7,132	4,764	....	6,248	20,413	1,409	39,966
West Virginia	1,692	331	....	....	4,000	865	6,888
Wisconsin	1,410	1,690	....	1,225	1,210	2,450	7,985
Wyoming	11,358	615	88	536	1,996	341	14,934
Other:							
American Samoa	70	....	....	....	....	63	133
District of Columbia	13,001	40	....	....	....	198	13,239
Guam	191	....	....	....	....	68	259
Micronesia (FSM)	207	....	....	....	....	....	207
Northern Mariana Islands	74	....	....	....	....	63	137
Puerto Rico	631	80	....	....	1,106	257	2,074
Virgin Islands	593	5	....	....	....	64	662
Unallocated	9,135	....	....	26,293	....	35,033	70,461
Total	253,591	87,348	16,906	102,376	187,844	100,778	748,843

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

1993 appropriation to date	$540,246,000
1993 supplemental estimate	1,878,000
House allowance	1,878,000
Committee recommendation	1,878,000

The Committee recommends an appropriation of $1,878,000, the same as the budget request and the House allowance. These funds are proposed to be used for riparian habitat restoration projects in 11 States throughout the western United States. When combined with the funds in the "Oregon and California grant lands" account, it is estimated that the BLM programs in the stimulus package will support between 350 and 450 work-years, or 1,100 jobs, in fiscal year 1993.

OREGON AND CALIFORNIA GRANT LANDS

1993 appropriation to date	$82,415,000
1993 supplemental estimate	15,027,547
House allowance	15,027,547
Committee recommendation	15,027,547

The Committee recommends an appropriation of $15,027,547, the same as the budget request and the House allowance. These funds will be used to address road maintenance and reforestation backlogs in the forested timberlands of western Oregon. Of the amount recommended, $5,635,000 is for reforestation and $9,392,547 is for road maintenance projects. It is expected that the reforestation funds will reduce by 70 percent the backlog of reforestation projects on the Oregon and California grant lands. The road funds will be used to repair 85 bridges and reduce stream sedimentation by replacing 40 culverts and resealing over 300 miles of roads.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

1993 appropriation to date	$530,537,000
1993 supplemental estimate	87,348,000
House allowance	87,348,000
Committee recommendation	87,348,000

The Committee recommends $87,348,000, the same as the budget request and the House allowance. These funds are proposed to be allocated to all 50 States.

Endangered species.—The budget request includes a total of $19,900,000 for endangered species activities, including candidate species status surveys, habitat conservation and restoration projects, permitting, and recovery activities, including actions, planning, and plan implementation. Prelisting activities will be conducted in support of species stabilization and conservation for the approximately 3,800 species awaiting status surveys.

Habitat conservation.—The Committee recommends $24,299,000, as proposed by the administration, for habitat conservation work. This amount includes $18,299,000 for habitat restoration on private lands. The funds will be used to restore over 50,000 acres of marsh and prairie potholes, plant 18,000 acres of bottomland hardwood forests and 35,000 acres of prairie grasslands, and restore over 200 miles of riparian habitat which will provide benefits to neotropical migratory birds, waterfowl, endangered species, and native animal and plant communities. Additional funding of $4,000,000 will be provided for 20 projects in 9 existing bay and estuary programs, and $2,000,000 will be provided in Florida for the national wetlands inventory.

Refuges and wildlife.—The recommendation includes $28,782,000 for habitat restoration and improvement projects within the national wildlife refuge system. These funds will be used for species population inventories, habitat management and improvement projects, protection of natural habitats, and initiating and updating baseline information regarding fish and wildlife resources on Alaska refuges. Slightly less than one-half of the total recommended for refuges and wildlife will be applied toward wetlands and other habitat projects, and the balance will go toward natural resource projects. The Service has estimated that approximately 200 of the 490 national wildlife refuges will receive funding under this program.

Migratory bird management.—A total of $3,000,000 is recommended to expand existing partnership agreements to protect, enhance, restore, and manage ecosystems for migratory birds and other fish and wildlife. Seven projects are proposed with a focus on urban fish and wildlife monitoring and habitat improvement.

Fisheries.—A total of $7,872,000 is recommended for fisheries habitat restoration and improvement, as well as other fisheries project work to help implement a coordinated, habitat-based fisheries program.

Research.—The administration has proposed funding of $1,455,000 for fisheries research and $2,040,000 for gap analysis. The gap analysis funds will support ongoing biodiversity data base development in 22 States, and to begin demonstrations in the Pacific Northwest and Great Basin, and expand work in New England, Pennsylvania, Delaware, and New Jersey. The fisheries research funds will be distributed to 21 States with ongoing fisheries research programs.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SERVICE

1993 appropriation to date	$983,995,000
1993 supplemental estimate	146,519,000
House allowance	146,519,000
Committee recommendation	146,519,000

The Committee recommends $146,519,000, the same as the budget request and the House allowance. Of this amount, $79,519,000 is provided for cyclic maintenance and repair and rehabilitation in the national parks. The physical plant of the National Park Service includes 15,000 buildings, 8,000 miles of roads, 1,400 bridges, 5,000 housing units, and approximately 1,500 water and sewer systems. In fiscal year 1993, the regions of the National Park Service identified repair and rehabilitation needs of approximately $400,000,000. Additional maintenance backlog funding of $12,000,000 is recommended for cultural cyclic maintenance. Of the 359 units in the National Park System, 203 are predominantly cultural areas. Additionally, natural resource restoration and preservation is funded at a level of $20,000,000, which will allow for over 350 projects nationwide to protect and preserve park natural resources. A recent Interior inspector general report documented a backlog of nearly 4,000 natural resource projects totaling over $400,000,000.

Additional operating funds are provided for exhibit rehabilitation ($5,000,000) and seasonal operations ($30,000,000). The exhibit rehabilitation funds will be used for 27 projects upgrading park interpretive exhibits nationwide, such as fabricating and installing an interpretive exhibit at Padre Island National Seashore in Texas and completion of production of an Acadian culture film for Jean Lafitte National Historic Site in Louisiana. The additional seasonal operational funds will be used to help many park units maintain visitor and interpretive services during the busy summer season, so as to prevent the closure of park areas, including Shenandoah Drive and Independence National Historical Park.

NATIONAL RECREATION AND PRESERVATION

1993 appropriation to date	$23,563,000
1993 supplemental estimate	1,409,000
House allowance	1,409,000
Committee recommendation	1,409,000

The Committee recommends $1,409,000, the same as the budget request and the House allowance. This amount will allow for measured drawings of 28 historically significant structures within the NPS to be completed and recorded and deposited with the Library of Congress. This work is traditionally done by students. These projects are located in 23 different States and will be conducted using cooperative agreements with the American Institute of Architects and the American Society of Civil Engineers, as well as using contracts with private firms. At present, before structures determined to be historically significant through the National Register process are removed or modified, measured drainages must be completed so that the Nation's architectural and engineering heritage are preserved.

HISTORIC PRESERVATION FUND

1993 appropriation to date	$36,617,000
1993 supplemental estimate	22,072,000
House allowance	22,072,000
Committee recommendation	22,072,000

The Committee recommends $22,072,000, the same as the budget request and the House allowance. Of the amount provided, $12,472,000 will be allocated on a formula basis to the States and tribes for historic preservation activities determined at the local level, consistent with the Historic Preservation Act. The balance of $9,600,000 will be provided to the National Trust for Historic Preservation to fund historic preservation activities at 16 historic properties in 8 States and the District of Columbia. The properties are: Aiken House, SC; Belle Grove, VA; Brucemore, IA; Casa Amesti, CA; Chesterwood, MA; Cliveden, PA; Decatur House, DC; Drayton Hall, SC; Filoli, CA; Lyndhurst, NY; Montpelier, VA; Oatlands, VA; Shadows-on-the-Teche, LA; Woodrow Wilson House, DC; Woodlawn, VA; and NTHP Headquarters, DC.

CONSTRUCTION

1993 appropriation to date	$229,831,000
1993 supplemental estimate	83,591,000
House allowance	83,591,000
Committee recommendation	83,591,000

The Committee recommends $83,591,000, the same as the budget request and the House allowance. The recommendation includes $50,000,000 for road maintenance and construction projects at 67 sites. Seven of these projects ($30,000,000) are major reconstruction projects that will be conducted through the Federal Highway Administration program, and the remaining $20,000,000 will be provided for regional road maintenance at 60 sites in 54 parks. The seven major projects are located at Blue Ridge Parkway, VA; Bryce Canyon National Park, UT; Golden Gate National Recreation Area, CA; Lake Mead National Recreation Area, NV; Mesa Verde National Park, CO; Shenandoah National Park, VA; and Yellowstone National Park, WY.

The remaining construction funds are allocated for line item projects ($18,000,000), employee housing rehabilitation ($10,000,000), and storm damage repair ($5,591,000). The storm damage funds will be used to help five units and the North Atlantic regional office recover from damages as a result of the strong, and slow-moving storm of December 1992. The high winds and coastal flooding from the storm resulted in damages to marina facilities, boardwalks, parking lots, seawall structures, and dune and beach front areas. The funds will be used for debris cleanup, resource stabilization, and building repairs so that facilities can open in time for the summer season. It is expected that nearly two-thirds of these funds will be allocated to the Gateway National Recreation Area in New York and New Jersey. If additional repairs are needed at Park Service units as a result of the recent winter storm in the southern and eastern United States, the Park Service should identify these needs in a reprogramming request.

The funding for employee housing will be allocated for 65 different projects in 53 units of the system. The line item construction projects will be used for five major projects that are ready to proceed to construction. These projects are located at Cape Hatteras National Seashore, NC (employee housing); Gateway National Recreation Area, NY (Jacob Riis Park); Grand Canyon National Park, AZ (employee housing); John D. Rockefeller, Jr. Memorial Parkway, WY (electrical lines for facility relocation); and Yosemite National Park, CA (electrical system).

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

1993 appropriation to date	$1,342,391,000
1993 supplemental estimate	92,044,000
House allowance	92,044,000
Committee recommendation	92,044,000

The Committee recommends an appropriation of $92,044,000, the same as the budget request and the House allowance. According to the Office of Management and Budget, these funds are expected to generate additional employment of approximately 1,000 work-years. The actual number of jobs created may be higher since many of the positions generated are expected to be summer jobs.

For school operations and administrative cost grants, a total of $48,844,000 is provided. These funds will be used to cover shortfalls which have resulted from a 5-percent increase in student enrollment at Bureau-funded schools and which could result in early closings of schools and layoffs of personnel. The Committee understands that the additional funds for school operations will restore staff positions which would otherwise be reduced, as well as provide needed supplies, such as textbooks and library materials, and cover increased transportation costs. Of the total of $22,587,000 provided for the 1992–93 school year, $18,497,000 is for school operations and $4,090,000 is for administrative cost grants. Of the total of $26,257,000 provided for the 1993–94 school year, $21,503,000 is provided for school operations and $4,754,000 is provided for administrative cost grants.

The Committee is concerned about the current methodology for estimating and distributing funding for school operations, which uses the Indian School Equalization Program [ISEP] formula. It is unclear that the formula allocates educational resources effectively and, as a result, the Committee is concerned that the quality of Bureau-funded education is being compromised. Given the current budget situation, it is essential that BIA education funds be allocated in a manner that more closely matches funding with identified educational needs and that allocated funds be properly managed.

The Bureau should closely examine the funding, enrollment, and staffing situation at all schools and explore alternative funding distribution mechanisms and improved accountability measures. As part of the ISEP formula reauthorization this year, the Committee encourages the Bureau to work closely with the authorizing committees to devise a funding distribution methodology which will more effectively allocate and manage resources.

The Committee recently concurred with the administration's proposed transfer of funding from the Indian Child Welfare Act [ICWA] grant program to school operations to prevent the closing of several Bureau schools as a result of funding shortfalls for the current school year. The reprogramming was approved as a stop-gap measure on the assumption that the stimulus package, as proposed by the President, would soon be enacted. In order to restore the ICWA grants to the fiscal year 1993 enacted level, it is the Committee's intent that any funds transferred from the ICWA grants be replenished by the funds provided herein for school operations and administrative cost grants for the current year and that these funds be replenished in the same manner that they were transferred to cover the shortfalls in school operations.

For school facilities operations and maintenance, $4,700,000 is provided for summer jobs to clean, paint, and upgrade Bureau-funded Indian schools, many of which are deteriorating. These funds will be allocated on a formula basis to 23 States.

For road maintenance, $23,500,000 is provided to upgrade school bus routes, medical access roads, and rural routes on Indian reservations. It is expected that these funds will result in the creation of approximately 300 new jobs in 15 States.

For forest development, $15,000,000 is provided for tree planting and precommercial thinning to increase future harvesting on about 50 reservations, which have been identified as having the largest acreage of need. According to a recent survey, approximately 1.7 million acres were identified as needing forest development activities.

CONSTRUCTION

1993 appropriation to date	$149,613,000
1993 supplemental estimate	4,696,000
House allowance	10,332,000
Committee recommendation	10,332,000

The Committee recommends an appropriation of $10,332,000, the same as the House allowance and an increase of $5,636,000 above the budget request. Subsequent to submission of the stimulus package to the Congress, the administration proposed transferring funds to this account from other BIA programs included in the supplemental request. The construction funds will help address the backlog of facility repair projects which have been identified on the reservations, which is estimated to be $550,000,000. It is estimated that over 325 jobs would be created with the funds provided.

Within this amount, $4,696,000 is provided to complete facility improvement and repair projects, including education and law enforcement facility repairs, and closure of certain solid waste landfills on Indian reservations.

The remaining $5,636,000 is provided to complete construction of two juvenile detention centers on the Navajo Reservation in Arizona and one juvenile detention center on the Pine Ridge Reservation in South Dakota. Funds provided previously for these three facilities are insufficient to complete construction. The additional funds will allow completion of the facilities.

GUARANTEED LOANS

1993 appropriation to date	$9,687,000
1993 supplemental estimate	5,636,000
House allowance	....
Committee recommendation	....

The Committee recommends that no additional funding be provided in fiscal year 1993 for guaranteed loans, a reduction of $5,636,000 from the budget request and the same recommendation as provided by the House. The administration has requested that the guaranteed loan funds be shifted to the "Construction" account to complete three juvenile detention centers.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

1993 appropriation to date	$1,307,274,000
1993 supplemental estimate	150,000,000
House allowance	150,000,000
Committee recommendation	150,000,000

The Committee recommends $150,000,000, the same as the budget request and the House allowance. These funds will be used to help reduce the backlog of cyclic maintenance and rehabilitation of facilities, trails, and recreation sites in our national forests. When combined with the funding recommended in the "Construction" account, it is estimated that between 2,300 and 4,000 work-years would be created. The Forest Service has estimated that 4,000 work-years would translate into approximately 8,000 jobs, most of them summer employment.

The recommended funds will be allocated as follows: $75,000,000 for recreation management, $25,000,000 for trail maintenance, $20,000,000 for facilities maintenance, and $30,000,000 for a new line item called ecosystem restoration. The ecosystem restoration funds will be used for a variety of activities, including but not limited to, rehabilitation of watersheds and riparian areas, road obliteration to reduce soil movement and sedimentation, restoration and revegetation of abandoned and inactive mines to help reduce nonpoint source pollution, restoration of fish and wildlife habitat, protection of threatened and endangered species, and treatment of timber stands to improve forest health and reduce the risk of damaging wildfire.

CONSTRUCTION

1993 appropriation to date	$255,259,000
1993 supplemental estimate	37,844,000
House allowance	37,844,000
Committee recommendation	37,844,000

The Committee recommends $37,844,000, the same as the budget request and the House allowance. These funds will be provided for reconstruction and rehabilitation of existing Forest Service facilities, trails, and recreation sites. The facilities funds will be allocated principally to recreation sites ($19,844,000 in 21 States), but some funds will also be used for Forest Service research facilities ($3,000,000 in 14 States) as well as fire, administrative and other buildings ($7,000,000 in 13 States). The FA&O backlog is approximately $369,000,000. No new facilities are to be initiated with these funds. The balance of the funding, $7,000,000, is for trail construction in 23 States.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

1993 appropriation to date	$578,903,000
1993 supplemental estimate	100,778,000
House allowance	100,778,000
Committee recommendation	100,778,000

The Committee recommends an appropriation of $100,778,000, the same as the budget request and the House allowance.

Within the transportation program, a total of $28,177,000 is provided to accelerate the purchase of alternative-fueled vehicles for the Federal fleet and to begin implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law, 102–486) regarding alternative fuels. It is expected that an additional 10,000 vehicles will be purchased with the additional funds.

For the Federal energy management program, a total of $6,856,000 is provided. Within this amount, $5,635,000 is provided to train more than 550 new energy managers and perform energy audits at approximately 470 Federal sites around the country. The remaining $1,221,000 is provided to establish a fund to be managed by the Federal energy management program for energy-efficiency improvements at all Federal agencies, except for the Departments of Defense, Energy, Veterans Affairs, and the General Services Administration, which receive direct funding for this purpose.

For the weatherization assistance program, $46,961,000 is provided for the weatherization of approximately 28,000 low-income homes. For the institutional conservation program, $18,784,000 is provided to weatherize approximately 800 school and hospital buildings. These funds are expected to generate approximately 1,000 jobs in over 1,200 communities across the country.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

1993 appropriation to date	$4,172,156,000
1993 supplemental estimate	1,000,000,000
House allowance	1,000,000,000
Committee recommendation	1,000,000,000

Summer youth employment

The Committee recommends $1,000,000,000 in supplemental funding for the summer youth employment and training program. Of that amount, $989,500,000 is provided for the summer jobs, bill language has been included to require that 30 percent of those moneys be used for academic enrichment activities. Of the remaining $10,500,000, $10,000,000 has been included for the design and development of models and demonstrations for the academic enrichment portion of the summer youth employment and training program, and $500,000 for the technical assistance and training programs.

Increased funding will provide an additional 657,000 summer jobs for economically disadvantaged youths ages 14 through 21 years of age.

People with disabilities, particularly youths with disabilities, are among the most unemployed or underemployed population in our Nation. It is the intent of the Committee that eligible youth with disabilities be among the targeted groups who are served this summer by this program.

These funds are available only for fiscal year 1993.

The following table displays the Senate formula allocation, which is based on current law.

JTPA title IIB summer youth program for 1993

State	*Current formula*
Alabama	$17,883,594
Alaska	2,543,158
Arizona	13,671,699
Arkansas	10,801,745
California	125,839,558
Colorado	10,846,287
Connecticut	10,409,951
Delaware	2,424,644
District of Columbia	4,480,572
Florida	52,148,184
Georgia	19,744,082
Hawaii	2,424,644
Idaho	3,274,853
Illinois	47,933,718
Indiana	16,085,505
Iowa	5,884,307
Kansas	3,848,665
Kentucky	15,513,700
Louisiana	27,142,350
Maine	4,845,819
Maryland	14,201,499
Massachusetts	28,738,598
Michigan	44,519,404
Minnesota	11,007,359
Mississippi	14,482,310
Missouri	17,038,434

State	*Current formula*
Montana	3,424,888
Nebraska	2,424,644
Nevada	3,389,206
New Hampshire	3,975,685
New Jersey	26,071,827
New Mexico	6,258,443
New York	71,503,632
North Carolina	19,186,138
North Dakota	2,424,644
Ohio	38,103,424
Oklahoma	10,900,048
Oregon	10,138,511
Pennsylvania	42,315,415
Puerto Rico	35,383,287
Rhode Island	4,306,848
South Carolina	11,781,254
South Dakota	2,424,644
Tennessee	17,405,692
Texas	68,612,989
Utah	3,338,288
Vermont	2,424,644
Virginia	18,578,984
Washington	16,426,033
West Virginia	10,885,261
Wisconsin	12,038,221
Wyoming	2,424,644
U.S. total	969,857,711
American Samoa	78,117
Guam	915,138
Marshall Islands	26,998
Micronesia	63,979
Northern Marianas	35,138
Palau	10,595
Virgin Islands	519,463
Native Americans	17,894,860
Subtotal	19,642,289
Demos	10,500,000
Grand total	1,000,000,000

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1993 appropriation to date	$390,060,000
1993 supplemental estimate	32,131,000
House allowance	32,131,000
Committee recommendation	32,131,000

The Community Service Employment for Older Americans Program provides employment opportunities for individuals 55 years of age and older. To expand those employment opportunities, the Committee recommends $32,131,000 for community service employment for older Americans. This funding will fund approximately 5,300 additional slots, for a total of 70,000 slots in 1993.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

1993 appropriation to date	$3,160,388,000
1993 supplemental estimate	14,300,000
House allowance	14,300,000
Committee recommendation	14,300,000

The Committee recommends $14,300,000 for the State unemployment insurance and employment service operations appropriation, the same amount requested by the President. These funds will be used to implement a nationwide profiling system to identify structurally unemployed workers and to establish a national center to develop the profiling system and provide technical support in developing new computer applications. The profiling system is funded from State operations at $6,600,000; the center is funded from national activities at $5,000,000, and the remaining $2,700,000 may be transferred to the "Program administration" account.

These funds are available only for fiscal year 1993.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

1993 appropriation to date	$665,000,000
1993 supplemental estimate	4,000,000,000
House allowance	4,000,000,000
Committee recommendation	4,000,000,000

The Committee recommends $4,000,000,000 to cover the fiscal year 1993 costs of the extension of the emergency unemployment compensation benefits from March 6, 1993, to January 15, 1994. This is the amount requested by the President. The extension of the emergency unemployment compensation program will provide benefits to an estimated 1.9 million individuals who have exhausted regular State unemployment insurance benefits. The EUC program extension would end October 2, 1993, for the filing of new claims, but payments for persons in claims status on that date may continue until expiration of eligibility, but no payments may be made after January 15, 1994. Claimants filing new EUC claims under the extension will be eligible for up to 20 or 26 weeks of benefits, depending on the level of unemployment in their State.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

1993 appropriation to date	$2,580,812,000
1993 supplemental estimate	200,000,000
House allowance	200,000,000
Committee recommendation	200,000,000

The Committee recommends $200,000,000 for the Ryan White Comprehensive AIDS Resources Emergency Act: $85,000,000 is provided for title I, for additional grants to 25 eligible metropolitan areas heavily impacted by AIDS; $85,000,000 is provided for title II, for grants to States for home and community-based care, continuing health insurance for people with HIV, purchasing pharmaceuticals, and other services; $25,000,000 is provided for title III, for grants to community-based organizations; and $5,000,000 is provided for title IV, to foster collaboration between comprehensive pediatric and family service projects and clinical research programs.

The Committee expects the majority of title IV funds will supplement ongoing pediatric/family AIDS demonstration projects to increase their capacity to support clinical trials for children, women, and families. In addition, the Committee understands funds will be used to provide planning grants and technical assistance to the 32 States that currently have no organized capacity for referrals and where the benefits of such demonstration projects can be identified.

These funds are available only for fiscal year 1993.

National Institutes of Health

NATIONAL LIBRARY OF MEDICINE

1993 appropriation to date	$104,184,000
1993 supplemental estimate	9,392,000
House allowance	9,392,000
Committee recommendation	9,392,000

The Committee recommends $9,392,000 for the National Library of Medicine for its role in a Government-wide supercomputer initiative. Funds would be used to develop technologies for applications of high-performance computing and high-speed networking in the health care sector. The supplemental appropriations would support research, development, and demonstration projects to create advanced methods of medical computing and communications. This is the same amount requested by the President and recommended by the House.

These funds are available only for fiscal year 1993.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

1993 appropriation to date	$56,984,000
1993 supplemental estimate	300,000,000
House allowance	300,000,000
Committee recommendation	300,000,000

The Committee recommends $300,000,000 for the childhood immunization activities within the Public Health Service.

Of this amount, $282,800,000 is included for the Centers for Disease Control and Prevention [CDC]. These funds are provided to improve the immunization rates among preschoolers. This appropriation is intended to fund the immunization action plans for improving vaccine delivery that were developed by the immunization grantees in 1992. The Committee is aware that many of the immunization action plans integrate the community and migrant health centers in their vaccine delivery efforts, and the Committee intends that the community and migrant health centers be provided additional financial support for these activities through funds provided to the States.

Also included is $4,200,000 for the National Institute of Allergy and Infectious Diseases and $7,000,000 for the Food and Drug Administration for vaccine research. The remaining $6,000,000 is provided for the Office of the Assistant Secretary for Health for coordination and administration of immunization activities. The Committee requests that the OASH report to the Committee on the activities supported with these funds so that the Committee can make informed decisions about fiscal year 1994 funding for coordination activities in OASH.

The Committee has been reluctant to increase funding for the National Vaccine Program Office in the past. While the Committee acknowledges the need for administrative funding to coordinate immunization activities, it believes these funds should be kept to a minimum and every possible dollar should be directed toward the purchase of vaccines and support of delivery activities. The Committee also believes appropriations for vaccine activities in other agencies should be made directly to those agencies.

These funds are available only for fiscal year 1993.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

1993 appropriation to date	$35,242,000
1993 supplemental estimate	10,000,000
House allowance	10,000,000
Committee recommendation	10,000,000

The Committee concurs with the House in recommending $10,000,000, to remain available until expended, to reimburse the old-age and survivors insurance and disability insurance trust funds for administrative expenses expended from the "Limitation on administrative expenses" account for the Social Security Administration to process non-Social Security casework under sections 9704 and 9706 of the Internal Revenue Code of 1986, as amended by section 19141 of the Energy Policy Act of 1992.

The amount provided reflects the estimated cost needed to reimburse the trust funds for the administrative expenses of carrying out the new functions in the Coal Industry Health Benefit Act (established by the Energy Policy Act of 1992) for which the Secretary of Health and Human Services is responsible.

SUPPLEMENTAL SECURITY INCOME PROGRAM

1993 appropriation to date	$23,346,846,000
1993 supplemental estimate	150,000,000
House allowance	150,000,000
Committee recommendation	150,000,000

The Committee concurs with the House in recommending an additional $150,000,000 for fiscal year 1993 for the supplemental security income [SSI] program.

The amount provided reflects the estimated cost needed to reimburse the trust funds for the SSI program's share of the administrative costs for the proposed fiscal year 1993 supplemental appropriation for the limitation on administrative expenses. In addition, the bill language changes the date from July 31 to June 15 for an indefinite appropriation to finance any benefit payment shortfall for the current fiscal year. This is a technical change and will not change the obligation or outlay pattern for the SSI program.

These funds are available only for fiscal year 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

1993 appropriation to date	$4,813,101,000
1993 supplemental estimate	302,000,000
House allowance	302,000,000
Committee recommendation	302,000,000

The Committee recommends an additional $302,000,000 from the Social Security trust funds for administrative expenses of the Social Security Administration, the same as the administration request and the House allowance. This bill provides $292,000,000 in additional funding in fiscal year 1993 for disability case processing and for investments in automation and SSA facilities to stimulate the economy as well as improve office habitability and service to the public.

The bill also includes $10,000,000, to remain available until expended, to provide administrative expenses for the Social Security Administration to process non-Social Security casework associated with carrying out the new functions in the Coal Industry Retiree Health Benefit Act for which the Secretary of Health and Human Services is responsible. These functions are chargeable to Federal funds. Thus the Social Security trust funds will be reimbursed for these costs from the payment to Social Security trust funds appropriation.

The Committee has not yet received the comprehensive report requested addressing a number of issues relating to SSA's proposed intelligent work station/local area network [IWS/LAN] initiative. The Committee recognizes that the Agency is continuing to pilot IWS/LAN projects and supports these pilot efforts and their evaluation prior to deciding the appropriateness, timing, and other issues related to national implementation. The Committee looks forward to reviewing the requested report and related budget justifications on the administration's multiyear investment proposal for this initiative.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

1993 appropriation to date	$3,658,391,000
1993 supplemental estimate	500,000,000
House allowance	500,000,000
Committee recommendation	500,000,000

The Committee recommends $500,000,000 to fund a new Head Start summer program. Most Head Start programs operate only during the school year. Providing funding for a summer program will help up to 350,000 disadvantaged children and their families to receive the program's comprehensive services throughout the summer months and also allow some of these children to participate on a full-day basis. In addition, the program will employ approximately 50,000 Head Start staff, most of whom are Head Start parents and other residents of low-income communities.

The Head Start program has a mandate that no less than 10 percent of the population served be children with disabilities. The Committee expects that this mandate will continue to be met by the Head Start program as it expands to serve all eligible children.

These funds are available only for fiscal year 1993.

The following table displays the formula allocation.

Head Start—Tentative estimates, fiscal year 1993

	Summer increase
Appropriation	$500,000,000
Alabama	7,700,000
Alaska	1,000,000
Arizona	7,700,000
Arkansas	4,700,000
California	62,500,000
Colorado	4,900,000
Connecticut	3,900,000
Delaware	1,000,000
District of Columbia	1,500,000
Florida	19,500,000
Georgia	13,100,000
Hawaii	1,400,000
Idaho	1,500,000
Illinois	21,300,000
Indiana	7,500,000
Iowa	3,900,000
Kansas	3,500,000
Kentucky	8,200,000
Louisiana	12,700,000
Maine	1,800,000
Maryland	5,900,000
Massachusetts	8,200,000
Michigan	20,500,000
Minnesota	6,200,000
Mississippi	8,000,000
Missouri	8,800,000
Montana	1,500,000
Nebraska	2,200,000
Nevada	1,400,000
New Hampshire	1,000,000
New Jersey	9,200,000
New Mexico	4,000,000
New York	33,500,000
North Carolina	10,300,000
North Dakota	1,000,000
Ohio	21,400,000
Oklahoma	6,100,000
Oregon	4,400,000
Pennsylvania	18,000,000
Puerto Rico	19,200,000
Rhode Island	1,500,000
South Carolina	6,300,000
South Dakota	1,300,000
Tennessee	9,400,000
Texas	37,500,000
Utah	2,700,000
Vermont	1,000,000
Virginia	7,200,000
Washington	7,900,000
West Virginia	4,000,000
Wisconsin	8,100,000
Wyoming	1,000,000

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

1993 appropriation to date	$6,708,986,000
1993 supplemental estimate	734,805,000
House allowance	734,805,000
Committee recommendation	734,805,000

The Committee recommends a supplemental appropriation of $734,805,000 for chapter I compensatory education programs. This is the same amount as the House and the same as the amount requested by the President. Under this program, formula grants to local educational agencies [LEA's] are provided for supplemental instruction and to help educationally disadvantaged children attain the academic skills they need to succeed in school. This supplemental appropriation for two chapter I activities will help spur economic growth and will create new jobs or retain jobs for many Americans who are or who would have expected to be out of work. This is a forward funded program with fiscal year 1993 funds supporting activities in the 1993–94 academic year.

These funds are available only for fiscal year 1993.

Chapter I summer programs

Of the total amount provided by the Committee for chapter I compensatory education programs, the Committee recommends a one-time supplemental appropriation of $500,000,000 for LEA's in the 50 States, the District of Columbia, and Puerto Rico, to operate 1993 summer programs that would enrich the education of disadvantaged children at the prekindergarten through high-school age levels. This amount is the same amount as the President's request and the House allowance and is the amount necessary to provide each State with adequate funds to operate viable summer programs. Using these funds, LEA's would either create new programs or expand existing summer programs to provide access to disadvantaged children. Funds may be used for educational activities already supported by chapter I and may also be used for additional activities such as arts education, food services, school health services, and transportation. Funds would be distributed using the chapter I concentration grant formula, which provides allocations to counties and LEA's with at least 6,500 children from low-income families or with a poverty rate of at least 15 percent.

The Committee is providing appropriations language requested by the President and provided by the House that will require school districts to obligate all of their funds by September 30, 1993, and also provide assurances that at least 80 percent of their funds will be liquidated by that date. This will ensure that this supplemental funding will contribute to an immediate economic stimulus effect. The chapter I summer programs would provide employment for up to 83,000 teachers, classroom aides, and other related staff. Approximately 80 percent of these funds would go to support salaries and other personnel-related expenses.

The Committee is concerned about the educational needs of children of migrant and agricultural farm workers. Recent reports found that there is a greater likelihood that migrant children will be overlooked by a school district in its assessment of service needs of its educationally disadvantaged population.

In order to fill the educational gap of migrant children and provide these children with needed compensatory education services, the Committee directs the Department of Education to provide guidance to school districts to ensure that children of migrant and agricultural workers participate in the summer chapter I program.

The following table displays the formula allocation.

Chapter I summer programs[1]

State	*Proposed supplemental*[2]
Alabama	$10,920,319
Alaska	356,489
Arizona	9,204,770
Arkansas	6,437,568
California	62,570,623
Colorado	4,009,018
Connecticut	2,333,336
Delaware	320,396
Florida	22,976,105
Georgia	13,460,917
Hawaii	1,024,226
Idaho	1,194,424
Illinois	23,700,534
Indiana	5,590,540
Iowa	1,827,062
Kansas	2,454,058
Kentucky	10,004,984
Louisiana	17,503,940
Maine	669,877
Maryland	4,472,074
Massachusetts	7,107,806
Michigan	21,596,907
Minnesota	4,034,082
Mississippi	11,296,806
Missouri	8,741,193
Montana	2,085,232
Nebraska	1,161,418
Nevada	715,538
New Hampshire	250,000
New Jersey	8,236,881
New Mexico	5,456,289
New York	47,649,582
North Carolina	7,349,933
North Dakota	833,355
Ohio	21,774,927
Oklahoma	7,120,870
Oregon	3,345,843
Pennsylvania	19,993,361
Rhode Island	1,563,847
South Carolina	6,862,683
South Dakota	1,330,478
Tennessee	10,669,177
Texas	51,182,070
Utah	1,310,544
Vermont	250,000
Virginia	5,928,321
Washington	5,146,584
West Virginia	5,778,683
Wisconsin	5,653,028
Wyoming	384,089
District of Columbia	1,826,956
Puerto Rico	22,332,257
Total	500,000,000

[1] Distribution is based on the concentration grants formula, with minimum State allocation of $250,000.

[2] Amounts shown are estimates.

Census adjustment

The Committee recommends a supplemental appropriation of $234,805,000 to help reduce the impact on districts that will lose chapter I funds in fiscal year 1993 as a result of the first-time use of 1990 census data in making chapter I allocations. The amount provided by the Committee is the same as the President's request and the House allowance.

The 1990 census showed that while the number of poor children in each State increased between 1980 and 1990, the distribution of those children shifted so that there are relatively more in the Western States and fewer in the Eastern States. This results in sharp decreases in the 1993 allocations, compared to the 1992 allocations, for all Eastern and many Midwestern States. In fact, the 1993 allocations for several Eastern States will be reduced between 13 and 18 percent in comparison to their 1992 allocations, and some of the biggest cuts will occur in areas that have the highest unemployment rates in the country. This supplemental appropriation will delay the effect of the decreases in chapter I allocations to give districts time to plan a transition to a decreased allocation and a smaller compensatory education program. The supplemental appropriation will provide an economic stimulus by preventing the loss in the 1993–94 school year of up to 6,000 teaching positions and services to up to 250,000 students.

The following table displays the formula allocation.

Census adjustment[1]

State	*Proposed supplemental*[2]
Alabama	$8,530,836
Alaska	185,939
Arizona	....
Arkansas	2,954,438
California	1,664,438
Colorado	194,687
Connecticut	5,322,934
Delaware	1,837,369
Florida	6,121,670
Georgia	9,238,125
Hawaii	1,140,251
Idaho	420,309
Illinois	13,716,229
Indiana	1,999,182
Iowa	2,105,089
Kansas	677,372
Kentucky	3,636,262
Louisiana	837,210
Maine	3,327,640
Maryland	7,742,773
Massachusetts	10,387,615
Michigan	1,171,114
Minnesota	2,657,308
Mississippi	4,237,159
Missouri	2,710,520
Montana	275,635
Nebraska	1,325,895
Nevada	174,206
New Hampshire	446,301
New Jersey	19,347,011
New Mexico	131,596
New York	41,739,548
North Carolina	12,803,378
North Dakota	559,114
Ohio	827,746
Oklahoma	448,989
Oregon	146,817
Pennsylvania	14,552,574
Rhode Island	1,457,990
South Carolina	5,843,009
South Dakota	1,000,448
Tennessee	8,157,865
Texas	1,490,878
Utah	121,779
Vermont	652,045
Virginia	9,165,897
Washington	71,740
West Virginia	1,044,648
Wisconsin	1,409,012
Wyoming	58,440
District of Columbia	2,701,787
Puerto Rico	16,034,560
Total	234,805,000

[1] Funds will be provided to States based on allocations to counties that, from the regular chapter I allocation, are receiving less than 92 percent of their fiscal year 1992 allocation for basic and concentration grants combined. Each State's allocation will be determined based on the amount of funding necessary to increase county allocations to 92 percent.

[2] Amounts shown are estimates.

STUDENT FINANCIAL ASSISTANCE

1993 appropriation to date	$7,546,109,000
1993 supplemental estimate	1,863,730,000
House allowance	1,863,730,000
Committee recommendation	1,863,730,000

The Committee recommends a supplemental appropriation of $1,863,730,000 for the Pell grant program within the "Student financial assistance" account. This allowance is the same as the House allowance, but $160,000,000 less than the total amount estimated by the administration as needed to pay off the Pell grant shortfall. The additional $160,000,000 will be considered as part of the regular supplemental the Congress will take up later this fiscal year. The reduction will not decrease the number of jobs estimated to be created by the supplemental package.

Pell grants, considered the foundation of the student aid programs, provide need-based grants to low- and middle-income students to help remove financial barriers to a postsecondary education. Grants are based on statutory need analysis and award rules. Over one-half the recipients in the 1993–94 award year are projected to have incomes below $10,000 and over 90 percent are projected to have incomes below $30,000. Approximately 6,600 postsecondary institutions, including public, private, and proprietary schools, participate in the Pell grant program.

The supplemental appropriation is provided to pay off accumulated Pell grant funding shortfalls. These shortfalls result from the difficulty in projecting program costs, which vary according to external economic and behavioral factors affecting student enrollment decisions. The annual appropriations cycle requires the projection of costs 2 years in advance of award year obligations and 3 years before actual award year costs are known. Recent growth in the number of qualifying Pell grant applicants has resulted in a growing multiple-year funding shortfall. When current year appropriations are insufficient to support current year award levels, the Department is authorized to borrow funds from the next year's appropriation. This borrowing, occurring over a number of years, has resulted in the current cumulative shortfall.

The supplemental is provided to defray program costs already accounted for in prior year and current year obligations and outlays. The supplemental will provide $1,370,730,000 to pay off prior year shortfalls accumulated through fiscal year 1992, and $493,000,000 to partially cover the currently estimated shortfall for fiscal year 1993, which funds awards for the 1993–94 academic year. The supplemental will ensure that no student's grant will be reduced in the school year starting next fall.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

1993 appropriation to date	($2,000,000,000)
1993 supplemental estimate	(250,000,000)
House allowance	(250,000,000)
Committee recommendation	(250,000,000)

The Committee has provided the full $250,000,000 in liquidating cash requested by the administration and recommended by the House for the Federal Aviation Administration's Airport Improvement Program.

In addition, the Committee has increased the limitation on obligations by $250,000,000 as requested. This is in addition to the $1,800,000,000 already appropriated for fiscal year 1993 for the Grants Program, and sets the obligation limitation at the fully authorized level of $2,050,000,000. This represents an almost 8 percent increase over the 1992 funding level.

The Federal Aviation Administration estimates that 75 percent of the funds would be allocated for pavement work, which includes construction, extensions, rehabilitation, and/or general improvements to runways, taxiways, apron areas, and access roads.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

1993 appropriation to date	($15,326,750,000)
1993 supplemental estimate	(2,976,250,000)
House allowance	(2,976,250,000)
Committee recommendation	(2,976,250,000)

The Committee has provided the full increase requested by the administration for the Federal-aid highways obligation ceiling. The supplemental amount, when combined with the previously made available funding ceiling, fully funds the obligation ceiling at $18,303,000,000 as authorized in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

The table below provided by the Federal Highway Administration depicts the distribution of the increased obligation limitation.

CURRENT FISCAL YEAR 1993 OBLIGATION LIMITATION INCREASED BY $2,976,250,000

State	Current formula limitation plus discretionary	Increased limitation	Revised increased total limitation
Alabama	$224,069,313	$47,154,401	$271,223,714
Alaska	176,082,420	37,008,028	213,090,448
Arizona	179,309,277	37,729,331	217,038,608
Arkansas	141,107,908	29,686,981	170,794,889
California	1,237,599,457	260,488,228	1,498,087,685
Colorado	190,775,723	40,163,072	230,938,795
Connecticut	297,526,421	62,598,956	360,125,377
Delaware	57,893,755	12,169,455	70,063,210
District of Columbia	78,687,211	16,539,253	95,226,464
Florida	480,490,621	101,154,774	581,645,395
Georgia	375,045,182	78,939,851	453,985,033
Hawaii	221,640,626	47,006,788	268,647,414
Idaho	94,116,384	19,785,929	113,902,313
Illinois	523,452,461	110,123,140	633,575,601
Indiana	279,959,053	58,987,068	338,946,121
Iowa	175,611,931	36,909,206	212,521,137
Kansas	160,254,387	33,681,425	193,935,812
Kentucky	200,485,160	42,202,599	242,687,759
Louisiana	213,999,477	45,023,338	259,022,815
Maine	70,920,919	14,909,794	85,830,713
Maryland	213,613,659	44,948,654	258,562,313
Massachusetts	879,166,033	184,783,747	1,063,949,780
Michigan	358,067,293	75,412,901	433,480,194
Minnesota	277,312,374	58,569,006	335,881,380
Mississippi	153,798,812	32,349,818	186,148,630
Missouri	296,322,724	62,364,634	358,687,358
Montana	136,200,280	28,625,771	164,826,051
Nebraska	122,960,805	25,869,732	148,830,537
Nevada	86,820,669	18,248,767	105,069,436
New Hampshire	67,951,261	14,283,066	82,234,327
New Jersey	410,597,479	86,328,262	496,925,741
New Mexico	148,380,594	31,185,495	179,566,089
New York	777,798,754	163,571,009	941,369,763
North Carolina	324,853,893	68,351,291	393,205,184
North Dakota	87,258,701	18,340,574	105,599,275
Ohio	471,655,989	99,330,013	570,986,002
Oklahoma	181,953,697	38,277,754	220,231,451
Oregon	168,543,880	35,436,156	203,980,036
Pennsylvania	580,483,136	122,116,499	702,599,635
Rhode Island	88,759,644	18,656,000	107,415,644
South Carolina	194,057,933	40,898,583	234,956,516
South Dakota	93,666,275	19,687,141	113,353,416
Tennessee	274,684,451	57,805,103	332,489,554
Texas	861,611,004	181,322,202	1,042,933,206
Utah	105,253,997	22,124,005	127,378,002
Vermont	62,091,624	13,051,649	75,143,273
Virginia	264,384,320	55,654,807	320,039,127
Washington	272,800,209	57,402,395	330,202,604
West Virginia	132,962,603	27,947,671	160,910,274
Wisconsin	245,124,059	51,573,063	296,697,122
Wyoming	94,250,356	19,809,887	114,060,243
Puerto Rico	67,612,742	14,316,413	81,829,155
Subtotal	13,880,026,936	2,920,803,685	16,800,830,621
Administration	423,092,000		423,092,000
Federal lands	438,000,000		438,000,000
104(a) setaside	283,795,732		283,795,732
Reserved for discretionary	301,835,332	55,446,315	357,281,647
Total	15,326,750,000	2,976,250,000	18,303,000,000

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION [AMTRAK]

1993 appropriation to date	$496,000,000
1993 supplemental estimate	187,844,000
House allowance	187,844,000
Committee recommendation	187,844,000

The Committee has provided $187,844,000 in supplemental funding for Amtrak capital improvements as requested by the administration. This supplemental funding, together with funds already appropriated, will bring total grants to Amtrak to $683,844,000 for fiscal year 1993, including capital funding of $352,844,000. The supplemental funding will be used for a wide variety of Amtrak improvement projects including equipment overhauls, improvements to maintenance facilities, improvements to passenger stations, track and right-of-way improvements, purchases of small equipment, and purchases of locomotives. The Committee is supportive of Amtrak's plans to distribute funding among these projects in a manner that will maximize employment opportunities in the near term.

Consistent with the directives of the House Committee, the Committee concurs that none of the supplemental funds shall be used for the development or evaluation of high-speed rail systems. Contrary to the directives of the House Committee, the Committee directs that not less than $120,000,000 of the supplemental funds made available shall be used for capital projects on or along right-of-way owned by Amtrak or State transportation authorities including the Northeast corridor. The Committee believes that Amtrak has a primary obligation to the capital infrastructure of taxpayer-owned right-of-way.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

1993 appropriation to date	$650,975,000
1993 supplemental estimate	466,490,000
House allowance	466,490,000
Committee recommendation	466,490,000

The Committee has provided the full amount requested, $466,490,000, in new budget authority for the Federal Transit Administration's Formula Grants Program. The Committee has included the requested bill language which would distribute the funds as follows: $17,423,000 for section 16; $26,420,000 for section 18; and $422,647,000 for section 9. In addition to the additional formula grant money from the general fund, the section 9 program would receive $15,850,000 in supplemental contract authority from the trust fund, making a total of $438,497,000 in new funds available for the section 9 capital program.

The total amount of new transit formula capital funds, a combination of general funds and trust funds, contained in the supplemental is $482,340,000. The table below, provided by the Federal Transit Administration, depicts the distribution of the additional capital funds.

IMPACT OF ADDITIONAL FISCAL YEAR 1993 SECTIONS 9, 18, AND 16, FORMULA FUNDING OPTIONS

[By State]

State	Fiscal year 1993 enacted (apportionments)				Fiscal year 1993 proposed stimulus at $482,340,000			
	Section 9	Section 18	Section 16	Total	Section 9	Section 18	Section 16	Total
Alabama	$8,346,608	$2,182,659	$844,035	$11,373,302	$2,348,426	$631,093	$306,935	$3,286,454
Alaska	1,348,700	325,481	167,262	1,841,443	379,474	94,110	135,693	609,277
American Samoa		46,391	51,664	98,055		13,414	50,421	63,835
Arizona	17,253,409	1,000,993	748,998	19,003,400	4,854,470	289,427	282,889	5,426,786
Arkansas	2,665,150	1,744,945	602,032	5,012,127	749,874	504,533	245,702	1,500,109
California	237,322,538	4,258,842	4,392,269	245,973,649	66,773,771	1,231,400	1,204,738	69,209,909
Colorado	16,691,713	909,093	590,113	18,190,919	4,696,430	262,855	242,686	5,201,971
Connecticut	24,468,068	824,633	670,249	25,962,950	6,884,408	238,434	262,963	7,385,805
Delaware	2,742,571	205,726	231,683	3,179,980	771,658	59,484	151,994	983,136
District of Columbia	15,277,294		230,267	15,507,561	4,298,465		151,636	4,450,101
Florida	68,918,832	2,737,771	2,977,168	74,633,771	19,391,206	791,598	846,677	21,029,481
Georgia	26,509,322	3,191,279	1,082,347	30,782,948	7,458,741	922,726	367,235	8,748,702
Guam		132,065	130,535	262,600		38,185	126,400	164,585
Hawaii	12,964,659	358,172	283,614	13,606,445	3,647,775	103,562	165,134	3,916,471
Idaho	1,606,180	722,602	289,287	2,618,069	451,920	208,933	166,569	827,422
Illinois	119,546,843	2,904,577	1,938,956	124,390,376	33,636,053	839,828	583,981	35,059,862
Indiana	18,426,828	2,828,208	1,036,716	22,291,752	5,184,627	817,747	355,689	6,358,063
Iowa	4,740,497	1,819,131	644,144	7,203,772	1,333,800	525,983	256,358	2,116,141
Kansas	4,345,416	1,447,061	546,615	6,339,092	1,222,639	418,403	231,680	1,872,722
Kentucky	9,112,366	2,388,782	810,590	12,311,738	2,563,882	690,692	298,473	3,553,047
Louisiana	14,667,485	1,975,696	813,081	17,456,262	4,126,887	571,252	299,103	4,997,242
Maine	1,152,122	953,350	351,484	2,456,956	324,164	275,651	182,307	782,122
Maryland	39,488,031	1,190,212	816,733	41,494,976	11,110,469	344,138	300,027	11,754,634
Massachusetts	61,057,986	1,275,546	1,158,405	63,491,937	17,179,456	368,811	386,480	17,934,747
Michigan	33,495,615	3,454,396	1,664,814	38,614,825	9,424,425	998,803	514,615	10,937,843
Minnesota	14,108,268	1,987,805	827,673	16,923,746	3,969,544	574,753	302,795	4,847,092
Mississippi	2,521,115	1,939,840	586,048	5,047,003	709,348	560,885	241,658	1,511,891
Missouri	16,969,688	2,315,281	1,050,767	20,335,736	4,774,642	669,440	359,244	5,803,326
Montana	1,215,400	585,365	268,783	2,069,548	341,969	169,252	161,381	672,602
Nebraska	4,593,414	883,241	397,435	5,874,090	1,292,417	255,380	193,933	1,741,730
Nevada	5,421,701	288,365	306,129	6,016,195	1,525,466	83,378	170,831	1,779,675
New Hampshire	1,704,081	763,515	291,460	2,759,056	479,465	220,762	167,119	867,346
New Jersey	93,741,371	1,091,664	1,382,549	96,215,584	26,375,350	315,643	443,194	27,134,187
New Mexico	3,720,714	858,213	354,455	4,933,382	1,046,871	248,144	183,058	1,478,073
New York	295,818,929	3,842,789	3,149,851	302,811,569	83,232,489	1,111,103	890,370	85,233,962
North Carolina	13,092,410	4,082,177	1,225,325	18,399,912	3,683,719	1,180,319	403,412	5,267,450
North Dakota	1,184,785	432,903	234,875	1,852,563	333,355	125,170	152,801	611.326
Northern Marianas		42,991	51,520	94,511		12,430	50,385	62,815
Ohio	46,722,796	4,155,940	2,021,747	52,900,483	13,146,064	1,201,647	604,929	14,952,640
Oklahoma	5,892,893	1,753,873	705,104	8,351,870	1,658,042	507,114	271,782	2,436,938
Oregon	12,836,383	1,410,653	658,401	14,905,437	3,611,683	407,876	259,965	4,279,524
Pennsylvania	86,638,376	4,635,994	2,415,856	93,690,226	24,376,830	1,340,450	704,649	26,421,929
Puerto Rico	13,637,229	1,385,381	626,680	16,649,290	3,837,011	400,569	251,939	4,489,519
Rhode Island	5,569,630	177,470	317,337	6,064,437	1,567,088	51,313	173,666	1,792,067
South Carolina	6,219,407	2,043,150	682,925	8,945,482	1,749,911	590,756	266,170	2,606,837
South Dakota	854,645	527,675	250,375	1,632,695	240,465	152,572	156,723	549,760
Tennessee	12,330,742	2,637,473	989,220	15,957,435	3,469,414	762,598	343,671	4,575,683
Texas	77,268,678	5,568,443	2,493,726	85,330,847	21,740,544	1,610,057	724,352	24,074,953
Utah	10,354,241	400,007	333,095	11,087,343	2,913,300	115,658	177,654	3,206,612
Vermont	429,513	471,787	214,054	1,115,354	120,849	136,412	147,533	404,794
Virgin Islands		100,978	132,027	233,005		29,197	126,778	155,975
Virginia	25,303,071	2,338,375	1,027,439	28,668,885	7,119,347	676,117	353,342	8,148,806
Washington	37,437,582	1,638,470	925,674	40,001,726	10,533,549	473,747	327,592	11,334,888
West Virginia	2,070,763	1,393,172	510,022	3,973,957	582,636	402,821	222,421	1,207,878
Wisconsin	18,074,989	2,407,238	944,210	21,426,437	5,085,632	696,028	332,282	6,113,942
Wyoming	593,465	336,679	188,177	1,118,321	166,979	97,347	140,986	405,312
Total	1,558,474,512	91,374,518	48,636,000	1,698,485,030	438,497,000	26,420,000	17,423,000	482,340,000

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

1993 appropriation to date	$1,134,150,000
1993 supplemental estimate	15,850,000
House allowance	15,850,000
Committee recommendation	15,850,000

The Committee has approved the requested increases of $15,850,000 in liquidating cash and the limitation on obligations for the transit portion of the highway trust fund. These additional funds will be apportioned for section 9 urban formula capital grants.

DISCRETIONARY GRANTS

1993 appropriation to date	$1,725,000,000
1993 supplemental estimate	270,000,000
House allowance	270,000,000
Committee recommendation	270,000,000

The Committee has provided an additional $270,000,000 in new budget authority specifically for discretionary bus grants, as requested by the administration and recommended by the House.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

1993 appropriation to date	$1,480,341,000
1993 supplemental estimate	148,397,000
House allowance	148,397,000
Committee recommendation	148,397,000

The Committee bill includes an additional amount of $148,397,000 for the Internal Revenue Service's "Information systems" account in fiscal year 1993, as requested by the President and approved by the House. These supplemental funds will be used by the IRS to replace outmoded information, tax, and telecommunication systems with state-of-the-art equipment. These funds will permit the IRS to respond more rapidly and accurately to taxpayer requests for account information and result in improved tracking of account receivables. The Committee is advised that contracts are currently in place which will permit the Service to obligate these funds in fiscal year 1993. The Internal Revenue Service indicates that an estimated 850 jobs will be created as a result of this supplemental funding in such areas of the country as San Jose, CA; Austin, TX; Poughkeepsie, NY; and Oklahoma City, OK.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

1993 appropriation to date	$330,501,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee bill includes an additional $4,696,000 as requested by the President and approved by the House for the General Services Administration's Federal buildings fund. These funds will be used to undertake energy conservation projects in Federal buildings throughout the United States. The General Services Administration estimates that an additional 250 jobs will be created as a result of this supplemental funding at various Federal office building sites in the United States.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

1993 appropriation to date	$14,642,723,000
1993 supplemental estimate	202,684,000
House allowance	202,684,000
Committee recommendation	202,684,000

The Committee has provided $202,684,000 for the "Medical care" account, as requested by the President and provided by the House. The funds provided will significantly augment VA's current budget of $229,626,139 for nonrecurring maintenance projects in VA medical facilities.

These funds will provide for maintenance and repair projects, including modernizing patient treatment areas and wards, repairing roofs and windows, removing asbestos and lead-based paint, and installing important medical equipment. The Department has numerous aging facilities which require maintenance and repair projects in order to correct code and critical operational deficiencies. According to the Department, there is a backlog of approximately $800,000,000 for nonrecurring maintenance projects. The funds provided will enable VA to provide higher quality medical care to the Nation's veterans.

The amount provided includes $751,000 for energy efficiency projects, as requested by the administration.

The following table provides a breakdown of the administration's request by State:

State	*Amount*
Alabama	$1,411,000
Arizona	2,305,000
Arkansas	4,237,000
California	2,229,000
Colorado	545,000
Connecticut	16,076,200
Delaware	404,000
District of Columbia	3,347,000
Florida	1,506,000
Georgia	3,056,000
Idaho	387,000
Illinois	17,675,000
Indiana	9,995,400
Iowa	3,185,000
Kansas	5,444,500
Kentucky	2,252,000
Louisiana	3,289,000
Maine	584,000
Maryland	2,546,500
Massachusetts	5,716,703
Michigan	6,074,000
Minnesota	806,000
Mississippi	1,748,000
Missouri	6,481,000
Montana	59,000
Nebraska	4,248,000
Nevada	284,000
New Hampshire	105,000
New Jersey	5,164,000
New Mexico	28,000
New York	18,726,983
North Carolina	1,081,000
North Dakota	1,314,000
Ohio	13,508,668
Oklahoma	1,798,000
Oregon	2,638,500
Pennsylvania	9,995,271
Puerto Rico	121,000
Rhode Island	293,000
South Carolina	2,136,000
South Dakota	5,382,201
Tennessee	2,107,800
Texas	6,938,000
Vermont	932,600
Virginia	5,158,500
Washington	3,402,000
West Virginia	2,745,000
Wisconsin	13,077,174
Wyoming	140,000
Grand total	202,684,000

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

1993 appropriation to date	$149,525,000
1993 supplemental estimate	32,873,000
House allowance	32,873,000
Committee recommendation	32,873,000

The Committee has provided $32,873,000 for minor construction projects, as requested by the President and provided by the House. These funds will provide for improvements at several VA hospitals as well as six national veterans cemeteries. The projects to be funded include renovating wards and clinics, and infrastructure repair and maintenance at cemeteries.

The following table provides the administration's request by State:

State	*Amount*
Alabama	$255,000
Arizona	334,000
Arkansas	232,000
California	5,032,000
Colorado	1,569,000
Florida	629,000
Georgia	631,000
Kansas	2,501,000
Massachusetts	2,434,000
Michigan	2,300,000
Montana	2,378,000
Nebraska	250,000
New Mexico	1,708,000
New York	1,405,000
North Carolina	2,324,000
Oklahoma	2,480,000
Pennsylvania	626,000
South Carolina	245,000
Texas	339,000
Utah	2,435,000
Vermont	418,000
Washington	638,000
Wisconsin	627,000
Wyoming	1,083,000
Grand total	32,873,000

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

1993 appropriation to date	$4,000,000,000
1993 supplemental estimate	2,536,000,000
House allowance	2,536,000,000
Committee recommendation	2,536,000,000

The Committee recommends a supplemental appropriation of $2,536,000,000 for community development block grants [CDBG]. This is the same amount as the administration request and the House allowance.

The Committee believes that the CDBG program is one of the Federal Government's best measures to stimulate the Nation's economy. It provides capital to States, communities, Indian tribes, and insular areas, on a formula basis, for improving important portions of our infrastructure: housing, public facilities like water and sewer systems, roads, and other public improvements, and for public services. The U.S. Conference of Mayors estimates that there are almost 9,000,000,000 dollars' worth of CDBG-eligible projects ready to be acted upon today. The funds provided under this supplemental appropriation will help address this need and generate almost 60,000 new jobs during the fiscal year 1993-95 period.

The Committee has included language, requested by the administration, that requires local officials to obligate funds under this appropriation by December 31, 1994. This will accelerate the pace at which jobs will be created by this supplemental expenditure.

The Committee has also included language requested by the administration to provide the Secretary with regulatory flexibility to expedite the use of funds by communities to meet certain immediate needs.

The State-by-State distribution of these funds, as proposed by the administration, is as follows:

State	*Total allocations*
Alabama	$37,979,000
Alaska	2,833,000
Arizona	29,015,000
Arkansas	20,037,000
California	273,293,000
Colorado	24,129,000
Connecticut	27,271,000
Delaware	4,768,000
District of Columbia	13,043,000
Florida	101,727,000
Georgia	51,675,000
Hawaii	10,834,000
Idaho	6,371,000
Illinois	133,959,000
Indiana	49,646,000
Iowa	28,739,000
Kansas	20,389,000
Kentucky	36,068,000
Louisiana	50,461,000
Maine	11,625,000
Maryland	38,084,000
Massachusetts	71,762,000
Michigan	100,269,000
Minnesota	41,014,000
Mississippi	27,265,000
Missouri	52,549,000
Montana	6,115,000
Nebraska	14,218,000
Nevada	7,876,000
New Hampshire	7,616,000
New Jersey	75,739,000
New Mexico	12,734,000
New York	250,237,000
North Carolina	44,533,000
North Dakota	5,060,000
Ohio	117,331,000
Oklahoma	22,416,000
Oregon	21,539,000
Pennsylvania	158,943,000
Rhode Island	11,597,000
South Carolina	27,017,000
South Dakota	5,883,000
Tennessee	38,112,000
Texas	169,024,000
Utah	13,883,000
Vermont	4,717,000
Virginia	40,915,000
Washington	36,790,000
West Virginia	18,904,000
Wisconsin	45,129,000
Wyoming	2,875,000
Puerto Rico	82,632,000
Subtotal	2,506,640,000
Indian grants	25,360,000
Special purpose grants (insular areas)	4,000,000
Grand total	2,536,000,000

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

1993 appropriation to date	$150,000,000
1993 supplemental estimate	423,000,000
House allowance	423,000,000
Committee recommendation	423,000,000

The Committee recommends the full administration supplemental appropriation request of $423,000,000 for the Transitional and Supportive Housing Demonstration Program. This amount is the same as the House allowance.

The supportive housing program underwent substantial revision in the Housing and Community Development Act of 1992. Its goal is to provide supportive housing and services, particularly for deinstitutionalized homeless individuals, homeless families with children, homeless individuals with mental disabilities, and other handicapped persons. Funds are awarded on a competitive basis.

The Committee notes that this appropriation is designed to address two needs: the creation of jobs and reducing the growing number of homeless in the United States. Jobs will be created since funds used under this program will provide for the rehabilitation of structures for permanent housing for the homeless. The administration estimates that 11,200 jobs will be created in the fiscal year 1993-95 period. Homeless persons will benefit because the program is designed to deal not with the symptoms of homelessness, but with its root causes: permanent shelter and self-sufficiency skills and services. Cost sharing is required for program recipients.

INDEPENDENT AGENCIES

Commission on National and Community Service

PROGRAM ACTIVITIES

1993 appropriation to date	$73,000,000
1993 supplemental estimate	15,000,000
House allowance	15,000,000
Committee recommendation	15,000,000

The Committee recommends a supplemental appropriation of $15,000,000 for program activities of the Commission on National and Community Service. This is the same as requested by the administration and the House allowance.

The Committee believes that national service offers a unique opportunity to help create the ethic of service among the Nation's young people. At the same time, it offers the chance for important tasks to be accomplished in communities that otherwise would go undone.

The supplemental funds provided in this act will create 1,000 jobs in the President's summer of service initiative, the initial step in his National Service Program. Young people between the ages of 18 and 25 will be involved in service activities to serve the education, health, public safety, and environment of at-risk children.

The Commission will select between 4 and 10 sites, on a competitive basis, for the use of this appropriation. Service programs must run for at least 8 weeks this summer. Each recipient program must have both service and leadership training for staff and participants. Youth participating in the program will receive a minimum wage stipend and a $1,000 postservice benefit that can be used for either education or training. Participating programs will be required to provide some matching funds to support the work of the summer of service effort in their community.

Environmental Protection Agency

ABATEMENT, CONTROL, AND COMPLIANCE

1993 appropriation to date	$1,318,965,000
1993 supplemental estimate	20,663,000
House allowance	20,663,000
Committee recommendation	20,663,000

The Committee has provided $20,663,000 to expand the Agency's energy efficiency programs, as requested by the President and provided by the House. These funds will be used to encourage the use of "green" technologies and systems that reduce energy consumption, thereby increasing the productivity of businesses and conserving energy. The Agency estimates that more than $1,000,000,000 in private investments in new lighting, heating, ventilation, building materials, and other equipment will be created as a result of this spending.

PROGRAM AND RESEARCH OPERATIONS

1993 appropriation to date	$823,607,000
1993 supplemental estimate	2,818,000
House allowance	2,818,000
Committee recommendation	2,818,000

The Committee has provided the administration's request of $2,818,000 for the "Program and research operations" account. These funds will provide for approximately 45 full-time employees [FTE's] to expand EPA's energy efficiency programs.

The Committee directs the Agency to provide a report within 30 days of enactment of this legislation detailing how these funds will be expended.

CONSTRUCTION GRANTS/STATE REVOLVING LOAN FUND PROGRAM

1993 appropriation to date	$2,550,000,000
1993 supplemental estimate	892,261,000
House allowance	892,261,000
Committee recommendation	892,261,000

The Committee has provided $892,261,000 for the "Construction grants/State revolving loan fund" account, as requested by the President and provided by the House.

The amount provided includes $845,300,000 for grants to States to capitalize their revolving loan funds for sewage treatment construction. These funds are critically needed to help meet the enormous need for wastewater treatment construction nationwide, estimated by the Agency at more than $100,000,000,000. The funds will be spent in every State for projects which are ready to begin construction. The funds will lead to the creation of approximately 50,000 jobs.

The following table provides the administration's request by State:

State	*State allotment*
Alabama	$9,520,500
Alaska	5,095,700
Arizona	5,750,700
Arkansas	5,569,700
California	60,893,900
Colorado	6,810,600
Connecticut	10,430,600
Delaware	4,179,800
District of Columbia	4,179,800
Florida	28,740,100
Georgia	14,395,700
Hawaii	6,594,200
Idaho	4,179,800
Illinois	38,507,300
Indiana	20,519,400
Iowa	11,523,300
Kansas	7,685,300
Kentucky	10,836,400
Louisiana	9,359,700
Maine	6,590,900
Maryland	20,592,600
Massachusetts	28,907,600
Michigan	36,609,700
Minnesota	15,649,200
Mississippi	7,671,000
Missouri	23,603,100
Montana	4,179,800
Nebraska	4,354,900

State	*State allotment*
Nevada	4,179,800
New Hampshire	8,508,600
New Jersey	34,793,000
New Mexico	4,179,800
New York	93,978,100
North Carolina	15,366,400
North Dakota	4,179,800
Ohio	47,931,800
Oklahoma	6,878,800
Oregon	9,618,200
Pennsylvania	33,726,400
Rhode Island	5,717,000
South Carolina	8,722,500
South Dakota	4,179,800
Tennessee	12,368,500
Texas	38,915,600
Utah	4,486,200
Vermont	4,179,800
Virginia	17,424,700
Washington	14,806,500
West Virginia	13,272,700
Wisconsin	22,018,000
Wyoming	4,179,800
American Samoa	764,400
Guam	553,100
Northern Marianas	355,300
Puerto Rico	11,104,900
Pacific Trust Territory	309,000
Virgin Islands	443,700
Subtotal	841,073,500
Indian set-aside	4,226,500
Total	845,300,000

The Committee has concurred with the administration and the House in waiving the 20-percent State match requirement, in order to expedite the award of funds.

The amount provided under this account includes $46,961,000 for nonpoint source pollution control grants, as requested by the President and provided by the House. These funds will enable our Nation's watersheds to be protected and restored through such activities as the construction of systems to treat urban runoff and animal wastes, urban lake renewal projects, and the restoration of wetland habitats. The amount provided will provide more than 2,400 jobs for laborers, heavy equipment operators, fishery biologists, engineers, and others.

The Committee has concurred with the administration and the House in waiving the 40-percent State match requirement for the section 319 program, in order to expedite the award of funds.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

1993 appropriation to date	$7,089,300,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee concurs with the House in recommending a supplemental appropriation of $4,696,000 for research and development activities of the National Aeronautics and Space Administration. This amount is the same level as was requested by the administration.

Funds appropriated under this account will provide for additional activities in NASA's portion of the high-performance computing and communications initiative. Advances in high-performance computing are essential for certain high-technology fields in which NASA plays an important role, including aeronautics, climate change analysis, and space technology. The Committee expects NASA to utilize these funds with an emphasis on the applications that result from the use of advanced computing networks and technology.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

1993 appropriation to date	$1,859,000,000
1993 supplemental estimate	197,230,000
House allowance	197,230,000
Committee recommendation	197,230,000

The Committee recommends a supplemental appropriation of $197,230,000 for research and related activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance.

About 55 percent of the funds provided in this account will go for strategic research initiatives already begun by the NSF in advanced materials, climate change, manufacturing, high-performance computing, and biotechnology. The remaining amounts will go to basic research proposals undertaken by individual investigators and small groups of researchers. Proposals will be selected in part on the basis of their ability to obligate funds quickly. The Committee concurs with the administration in believing that these funds will help stimulate the economy by creating an estimated 2,100 jobs. In addition, research funded by the NSF will promote long-term investment by generating new ideas that will spur the economic opportunities of tomorrow.

The allocation of research funds, consistent with the Administration's request, will be as follows:

Biological sciences	$20,000,000
Computer and information science	47,700,000
Engineering	35,770,000
Geosciences	43,780,000
Mathematical and physical sciences	40,550,000
Social, behavioral, and economic sciences	9,430,000
Total	197,230,000

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

1993 appropriation to date	$50,000,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee recommends a supplemental appropriation of $4,696,000 for academic research and facilities activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance.

The Committee notes its long-standing interest in reducing the tremendous backlog of need for major research equipment and facilities at the Nation's colleges and universities. Funds provided through this supplemental appropriation will be awarded on a cost-sharing basis to high-priority projects that will enhance the research environment.

SALARIES AND EXPENSES

1993 appropriation to date	$111,000,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee recommends $4,696,000 for salaries and expenses activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance. The Committee allocates these funds for connection only in use with the Foundation's relocation to its new headquarters.

TITLE II—GENERAL PROVISIONS

The Committee concurs in a House provision (Sec. 201) that no part of any appropriation contained in the bill remain available for obligation beyond the current fiscal year unless expressly so provided therein.

The Committee concurs in a provision requested by the President and proposed by the House (Sec. 202) that designates all funds provided under the bill to be emergency requirements.

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 602 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds provided in this bill are emergency funding requirements.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

[In millions]

Budget authority: Fiscal year 1993	$16,257
Outlays:	
Fiscal year 1993	6,889
Fiscal year 1994	6,218
Fiscal year 1995	3,021
Fiscal year 1996	857
Fiscal year 1997 and future years	592

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

[In millions]

New budget authority	$7,075
Fiscal year 1993 outlays resulting therefrom	1,568

R$PRNT
P$20SPRN

FY 1993 SUPPLEMENTAL H. R. - 1335

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate versus Requests	Senate versus House Amount
	FY 1993 EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
	CHAPTER I					
	DEPARTMENT OF AGRICULTURE					
	Agricultural Research Service					
102-50	Buildings and facilities	37,569,000	37,569,000	37,569,000	---	---
	Food Safety and Inspection Service					
102-50	Salaries and expenses	4,000,000	4,000,000	4,000,000	---	---
	Soil Conservation Service					
102-50	Watershed and flood prevention operations	46,961,000	46,961,000	46,961,000	---	---
	Farmers Home Administration					
	Rural Housing Insurance Fund Program Account:					
	Loan authorizations:					
	Low-income single family housing (sec. 502):					
102-50	Unsubsidized guaranteed	(234,805,000)	(234,805,000)	(234,805,000)	---	---
102-50	Housing repair (sec. 504)	(2,818,000)	(2,818,000)	(2,818,000)	---	---
	Total, Loan authorizations	(237,623,000)	(237,623,000)	(237,623,000)	---	---
	Loan subsidies:					
102-50	Low-income single family housing (sec. 502)	4,297,000	4,297,000	4,297,000	---	---
102-50	Housing repair (sec. 504)	1,124,000	1,124,000	1,124,000	---	---
	Total, Loan subsidies	5,421,000	5,421,000	5,421,000	---	---
	Rural Development Insurance Fund Program Account:					
	Water and sewer facility loans:					
102-50	(Direct loan authorization)	(470,000,000)	(470,000,000)	(470,000,000)	---	---
102-50	Loan subsidy	66,821,000	66,821,000	66,821,000	---	---
102-50	Rural water and waste disposal grants	281,767,000	281,767,000	281,767,000	---	---
102-50	Very low-income housing repair grants	5,635,000	5,635,000	5,635,000	---	---
	Total, Farmers Home Administration	359,644,000	359,644,000	359,644,000	---	---
	Food and Nutrition Service					
102-50	Child nutrition programs	56,000,000	56,000,000	56,000,000	---	---
102-50	Special supplemental food program for women, infants, and children (WIC)	75,000,000	75,000,000	75,000,000	---	---
102-50	The emergency food assistance program (TEFAP)	23,481,000	23,481,000	23,481,000	---	---
	Total, Food and Nutrition Service	154,481,000	154,481,000	154,481,000	---	---
	Total, Department of Agriculture	602,655,000	602,655,000	602,655,000	---	---
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
	Food and Drug Administration					
---	Salaries and expenses (by transfer)	---	(7,000,000)	(7,000,000)	(+7,000,000)	---
	Total, Chapter I:					
	New budget (obligational) authority	602,655,000	602,655,000	602,655,000	---	---
	(By transfer)	---	(7,000,000)	(7,000,000)	(+7,000,000)	---
	(Loan authorization)	(707,623,000)	(707,623,000)	(707,623,000)	---	---
	CHAPTER II					
	DEPARTMENT OF COMMERCE					
	Economic Development Administration					
102-50	Economic development assistance programs	93,922,000	93,922,000	93,922,000	---	---
	Minority Business Development Agency					
102-50	Minority business development	1,878,000	1,878,000	1,878,000	---	---
	National Oceanic and Atmospheric Administration					
102-50	Operations, research, and facilities	80,773,000	80,773,000	80,773,000	---	---
	National Institute of Standards and Technology					
102-50	Scientific and technical research and services	14,088,000	14,088,000	14,088,000	---	---
102-50	Industrial technology services	103,315,000	103,315,000	103,315,000	---	---
	Total, National Institute of Standards and Technology	117,403,000	117,403,000	117,403,000	---	---

R$PRNT
P$20SPRN

FY 1993 SUPPLEMENTAL H. R. - 1335

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate versus Requests	Senate versus House Amount
	National Telecommunications and Information Administration					
102-50	Public telecommunications facilities, planning, and construction	63,867,000	63,867,000	63,867,000	---	---
	Total, Department of Commerce	357,843,000	357,843,000	357,843,000	---	---
	RELATED AGENCIES					
	Equal Employment Opportunity Commission					
102-50	Salaries and expenses	8,829,000	8,829,000	8,829,000	---	---
	Small Business Administration					
	Business Loans Program Account:					
102-50	Guaranteed loans subsidy	140,883,000	140,883,000	140,883,000	---	---
102-50	(Limitation on guaranteed loans)	(2,575,558,000)	(2,575,558,000)	(2,575,558,000)	---	---
	Total, Chapter II:					
	New budget (obligational) authority	507,555,000	507,555,000	507,555,000	---	---
	(Loan authorization)	(2,575,558,000)	(2,575,558,000)	(2,575,558,000)	---	---
	CHAPTER III					
	DEPARTMENT OF DEFENSE - MILITARY					
	Operation and Maintenance					
102-50	Operation and maintenance, Defense agencies	5,541,000	---	---	-5,541,000	---
	CHAPTER IV					
	DISTRICT OF COLUMBIA					
102-50	Federal payment to the District of Columbia	28,177,000	28,177,000	28,177,000	---	---
	CHAPTER V					
	DEPARTMENT OF DEFENSE - CIVIL					
	DEPARTMENT OF THE ARMY					
	Corps of Engineers - Civil					
102-50	Construction, general	3,900,000	3,900,000	3,900,000	---	---
102-50	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	13,525,000	13,525,000	13,525,000	---	---
102-50	Operation and maintenance, general	76,497,000	76,497,000	76,497,000	---	---
	Total, Corps of Engineers - Civil	93,922,000	93,922,000	93,922,000	---	---
	DEPARTMENT OF ENERGY					
102-50	Energy supply, research and development activities	47,900,000	47,900,000	47,900,000	---	---
	Total, Chapter V:					
	New budget (obligational) authority	141,822,000	141,822,000	141,822,000	---	---
	CHAPTER VI					
	DEPARTMENT OF THE INTERIOR					
	Bureau of Land Management					
102-50	Management of lands and resources	1,878,000	1,878,000	1,878,000	---	---
102-50	Oregon and California grant lands	15,027,547	15,027,547	15,027,547	---	---
	Total, Bureau of Land Management	16,905,547	16,905,547	16,905,547	---	---
	Unites States Fish and Wildlife Service					
102-50	Resource management	87,348,000	87,348,000	87,348,000	---	---
	National Park Service					
102-50	Operation of the national park system	146,519,000	146,519,000	146,519,000	---	---
102-50	National recreation and preservation	1,409,000	1,409,000	1,409,000	---	---
102-50	Historic preservation fund	22,072,000	22,072,000	22,072,000	---	---
102-50	Construction	83,591,000	83,591,000	83,591,000	---	---
	Total, National Park Service	253,591,000	253,591,000	253,591,000	---	---
	Bureau of Indian Affairs					
102-50	Operation of Indian programs	92,044,000	92,044,000	92,044,000	---	---
102-50	Construction	4,696,000	10,332,000	10,332,000	+5,636,000	---
102-50	Indian guaranteed loan program account	5,636,000	---	---	-5,636,000	---
102-50	(Limitation on guaranteed loans)	(47,909,000)	---	---	(-47,909,000)	---
	Total, Bureau of Indian Affairs	102,376,000	102,376,000	102,376,000	---	---
	Total, Department of the Interior	460,220,547	460,220,547	460,220,547	---	---

R$PRNT
P$20SPRN

FY 1993 SUPPLEMENTAL H. R. - 1335

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate versus	
					Requests	House Amount
	RELATED AGENCIES					
	DEPARTMENT OF AGRICULTURE					
	Forest Service					
102-50 102-54	National forest system	150,000,000	150,000,000	150,000,000	---	---
102-50 102-54	Construction	37,844,000	37,844,000	37,844,000	---	---
	Total, Forest Service	187,844,000	187,844,000	187,844,000	---	---
	DEPARTMENT OF ENERGY					
102-50	Energy conservation	100,778,000	100,778,000	100,778,000	---	---
	Total, Chapter VI: New budget (obligational) authority	748,842,547	748,842,547	748,842,547	---	---
	CHAPTER VII					
	DEPARTMENT OF LABOR					
	Employment and Training Administration					
102-50	Training and employment services	1,000,000,000	1,000,000,000	1,000,000,000	---	---
102-50	Community service employment for older Americans	32,131,000	32,131,000	32,131,000	---	---
102-50	State unemployment insurance and employment service operations	14,300,000	14,300,000	14,300,000	---	---
102-50	Advances to the Unemployment Trust Fund and other funds	4,000,000,000	4,000,000,000	4,000,000,000	---	---
	Total, Department of Labor	5,046,431,000	5,046,431,000	5,046,431,000	---	---
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
	Health Resources and Services Administration					
102-50	Health resources and services	200,000,000	200,000,000	200,000,000	---	---
	Centers for Disease Control and Prevention					
---	Disease control, research, and training (by transfer)	---	(282,800,000)	(282,800,000)	(+282,800,000)	---
	National Institutes of Health					
---	National Institute of Allergy and Infectious Diseases (by transfer)	---	(4,200,000)	(4,200,000)	(+4,200,000)	---
102-50	National Library of Medicine	9,392,000	9,392,000	9,392,000	---	---
	Assistant Secretary for Health					
102-50	Office of the Assistant Secretary for Health	300,000,000	300,000,000	300,000,000	---	---
	Social Security Administration					
102-50	Payments to social security trust funds	10,000,000	10,000,000	10,000,000	---	---
102-50	Supplemental security income	150,000,000	150,000,000	150,000,000	---	---
102-50 102-54	Limitation on administrative expenses: Trust fund	(302,000,000)	(302,000,000)	(302,000,000)	---	---
	Total, Social Security Administration	160,000,000	160,000,000	160,000,000	---	---
	Administration for Children and Families					
102-50	Children and families services programs	500,000,000	500,000,000	500,000,000	---	---
	Total, Department of Health and Human Services	1,169,392,000	1,169,392,000	1,169,392,000	---	---
	DEPARTMENT OF EDUCATION					
102-50	Compensatory education for the disadvantaged	734,805,000	734,805,000	734,805,000	---	---
102-50 102-54	Student financial assistance	1,863,730,000	1,863,730,000	1,863,730,000	---	---
	Total, Department of Education	2,598,535,000	2,598,535,000	2,598,535,000	---	---
	Total, Chapter VII: New budget (obligational) authority	8,814,358,000	8,814,358,000	8,814,358,000	---	---
	(By transfer)		(287,000,000)	(287,000,000)	(+287,000,000)	---

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate versus Requests	Senate versus House Amount
	CHAPTER VIII					
	DEPARTMENT OF TRANSPORTATION					
	Federal Aviation Administration					
	Grants-in-aid for airports (Airport and Airway Trust Fund):					
102-50	(Liquidation of contract authorization)..........	(250,000,000)	(250,000,000)	(250,000,000)	---	---
102-50	(Limitation on obligations)..................	(250,000,000)	(250,000,000)	(250,000,000)	---	---
	Federal Highway Administration					
102-50	Federal-aid-highways (Highway Trust Fund) (limitation on obligations)..................................	(2,976,250,000)	(2,976,250,000)	(2,976,250,000)	---	---
	Federal Railroad Administration					
102-50	Grants to the National Railroad Passenger Corporation: Capital..................................	187,844,000	187,844,000	187,844,000	---	---
	Federal Transit Administration					
102-50	Formula grants..	466,490,000	466,490,000	466,490,000	---	---
102-50	Formula grants (Highway Trust Fund) (limitation on obligations)..	(15,850,000)	(15,850,000)	(15,850,000)	---	---
102-50	Trust fund share of transit programs (Highway Trust Fund) (liquidation of contract authorization)........	(15,850,000)	(15,850,000)	(15,850,000)	---	---
102-50	Discretionary grants..................................	270,000,000	270,000,000	270,000,000	---	---
	Total, Federal Transit Administration............	736,490,000	736,490,000	736,490,000	---	---
	Total, Chapter VIII:					
	New budget (obligational) authority.........	924,334,000	924,334,000	924,334,000	---	---
	(Liquidation of contract authorization).......	(265,850,000)	(265,850,000)	(265,850,000)	---	---
	(Limitation on obligations)................	(3,242,100,000)	(3,242,100,000)	(3,242,100,000)	---	---
	CHAPTER IX					
	DEPARTMENT OF THE TREASURY					
	Internal Revenue Service					
102-50	Information systems..................................	148,397,000	148,397,000	148,397,000	---	---
	INDEPENDENT AGENCIES					
	General Services Administration					
102-50	Federal buildings fund............................	4,696,000	4,696,000	4,696,000	---	---
	Total, Chapter IX:					
	New budget (obligational) authority.........	153,093,000	153,093,000	153,093,000	---	---
	CHAPTER X					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Health Administration					
102-50	Medical care.	202,684,000	202,684,000	202,684,000	---	---
	Departmental Administration					
102-50	Construction, minor projects........................	32,873,000	32,873,000	32,873,000	---	---
	Total, Department of Veterans Affairs..........	235,557,000	235,557,000	235,557,000	---	---
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Homeless Assistance					
102-50	Transitional and supportive housing demonstration program..	423,000,000	423,000,000	423,000,000	---	---
	Community Planning and Development					
102-50	Community development grants..........................	2,536,000,000	2,536,000,000	2,536,000,000	---	---
	Total, Department of Housing and Urban Development..................................	2,959,000,000	2,959,000,000	2,959,000,000	---	---
	INDEPENDENT AGENCIES					
	Commission on National and Community Service					
102-50	Programs and activities..............................	15,000,000	15,000,000	15,000,000	---	---

R$PRNT
P$20SPRN

FY 1993 SUPPLEMENTAL H. R. - 1335

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate versus Requests	Senate versus House Amount
	Environmental Protection Agency					
102-50						
102-54	Abatement, control, and compliance..................	20,663,000	20,663,000	20,663,000	---	---
102-50	Program and research operations.....................	2,818,000	2,818,000	2,818,000	---	---
102-50						
102-54	State revolving funds / construction grants..........	892,261,000	892,261,000	892,261,000	---	---
	Total, Environmental Protection Agency..........	915,742,000	915,742,000	915,742,000	---	---
	National Aeronautics and Space Administration					
102-50	Research and development.............................	4,696,000	4,696,000	4,696,000	---	---
	National Science Foundation					
102-50	Research and related activities......................	197,230,000	197,230,000	197,230,000	---	---
102-50	Academic research facilities and instrumentation......	4,696,000	4,696,000	4,696,000	---	---
102-50	Salaries and expenses................................	4,696,000	4,696,000	4,696,000	---	---
	Total, National Science Foundation...............	206,622,000	206,622,000	206,622,000	---	---
	Total, Chapter X:					
	New budget (obligational) authority.........	4,336,617,000	4,336,617,000	4,336,617,000	---	---
	Grand total:					
	New budget (obligational) authority.........	16,262,994,547	16,257,453,547	16,257,453,547	-5,541,000	---
	(By transfer)................................	---	(294,000,000)	(294,000,000)	(+294,000,000)	---
	(Direct/guaranteed loans)..................	(3,331,090,000)	(3,283,181,000)	(3,283,181,000)	(-47,909,000)	---
	(Liquidation of contract authorization).....	(265,850,000)	(265,850,000)	(265,850,000)	---	---
	(Limitation on administrative expenses).....	(302,000,000)	(302,000,000)	(302,000,000)	---	---
	(Limitation on obligations).................	(3,242,100,000)	(3,242,100,000)	(3,242,100,000)	---	---

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 34. A concurrent resolution calling for a continued United States policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations.

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report entitled "Third Interim Report on United States Government Efforts to Combat Fraud and Abuse In the Insurance Industry: Enhancing Solvency, Regulation and Disclosure Requirements—A Case Study of Guarantee Security Life Insurance Company" (Rept. No. 103-29).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

J. Brian Atwood, of the District of Columbia, to be Under Secretary of State for Management.

Lynn E. Davis, of Virginia, to be Under Secretary of State for International Security Affairs.

Stephen A. Oxman, of New Jersey, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of March 9, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. There being no objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 628. A bill to provide for an additional permanent Federal district judge for the judicial district of Alaska; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. COHEN):

S. 629. A bill to create "Healthy American Schools", where children will learn the lifelong health and fitness skills vital to developing a smart body and smart mind and to empower every school with the ability to become a healthy school, built on a firm foundation of "healthy mind and healthy body" curricula; to the Committee on Labor and Human Resources.

By Mr. KERRY:

S. 630. A bill to facilitate the detection and disclosure of auditors of financial fraud in connection with securities issues, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 631. A bill to contain health care costs and increase access to affordable health care, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER:

S. 632. A bill to amend title V of the Social Security Act to encourage States to provide funds for programs to enhance and expand school health services; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. JOHNSTON, and Mr. INOUYE):

S. 633. A bill to amend the Foreign Trade Zones Act to clarify that crude oil consumed in refining operations is not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Finance.

By Mr. GLENN:

S. 634. A bill to establish a program to enpower parents with the knowledge and opportunities they need to help their children enter school ready to learn, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S. 635. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. HARKIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. ROBB, Mr. WELLSTONE, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD):

S. 636. A bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 637. A bill to suspend temporarily the duty on pentostatin; to the Committee on Finance.

S. 638. A bill to extend the temporary suspension of duty on jacquard cards and other cards used as jacquard cards; to the Committee on Finance.

By Mr. DeCONCINI (for himself, Mr. SIMON, Mr. PRYOR, Mr. BUMPERS, Mr. KOHL, Mr. BRADLEY, Mr. CHAFEE, Mr. SARBANES, Mr. MOYNIHAN, and Mr. WARNER):

S. 639. A bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 640. A bill to suspend until January 1, 1995, the duty on Malathion; to the Committee on Finance.

S. 641. A bill to provide for additional extension periods for reexportation of certain articles admitted temporarily free of duty under bond; to the Committee on Finance.

S. 642. A bill to extend the existing suspension of duty on methyl and ethyl parathion and dimethoate; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN:

S. Con. Res. 19. A concurrent resolution condemning North Korea's decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Relations.

S. Con. Res. 20. A concurrent resolution relative to Taiwan's Membership in the United Nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 628. A bill to provide for an additional permanent Federal district judge for the judicial district of Alaska; to the Committee on the Judiciary.

JUDICIARY FOR ALASKA ACT OF 1993

Mr. STEVENS. Mr. President, I thank the Senator from New Mexico. I have just been informed that the Judicial Conference of the United States has requested 25 additional judges for the United States. The Federal district judge of Alaska now ranks number one in the Nation in the workloads of our Federal district judges. But unfortunately, even though Alaska has the highest workload in the United States, the Judical Conference has not requested an additional judge for Alaska.

The district of Alaska has a weighted average filings per judge at 646. This is the statistic which the Federal courts use to compare the workloads of Federal districts. The threshold indicator of a need for another judge is weighted average filings of 400—far below Alaska's average.

This extraordinarily high caseload means Alaskans seeking justice in the Federal judiciary face some of the biggest delays in the country. For these reasons, I am introducing a bill today to add a new Federal judge to the District of Alaska.

Much of the overload in the Alaska district courts stems from cases arising out of the *Exxon Valdez* oilspill.

The prospects reducing this case overload is not good. Administration of the Alaska National Interest Lands Conservation Act is expected to compound the problem. Under this act, the Federal Government now administers the rules for each of the 26 game management units in Alaska. Appeals from the Federal subsistence board will be heard by Alaska's district courts.

It is estimated that the litigation stemming from either the *Exxon Valdez* spill or the ANILCA could completely occupy the efforts of a Federal judge for the next 5 years.

I hope the Senate will seriously consider adding a new Federal district judge to Alaska at the next available opportunity.

I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL PERMANENT JUDGE FOR THE JUDICIAL DISTRICT OF ALASKA.

Section 133(a) of title 28, United States Code, is amended by amending the item relating to Alaska in the table to read as follows:

"Alaska .... 4".

JUDICIAL CONFERENCE OF THE UNITED STATES REQUESTS 25 ADDITIONAL JUDGESHIPS

The creation of additional judgeships is recommended in the following United States courts:

COURT OF APPEALS

First Circuit, 1.
Fifth Circuit, 1.
Sixth Circuit, 4.
Tenth Circuit, 3.

DISTRICT COURTS

Second Circuit:
Connecticut, 1 temp.
New York (Eastern), 1 + temp.
New York (Western), 1 temp.
Third Circuit:
Pennsylvania (Eastern), 1 temp.
Virgin Islands, 1.
Fourth Circuit:
North Carolina (Western), 1 temp.
South Carolina, 1 temp.
Fifth Circuit:
Louisiana (Middle), 1 temp.
Sixth Circuit:
Kentucky (Eastern), 1 rover to permanent in single district.
Kentucky (Western), 1.
Ohio (Northern), 1 temp.
Ninth Circuit:
Arizona, 1 temp.
Nevada, 1.
Oregon, 1 temp.
Eleventh Circuit:
Alabama (Middle), 1 temp.
Florida (Middle), 1.

It is anticipated that the Judicial Conference of the United States will approve a request for 10 additional judgeships for the Ninth Circuit at its March Conference.

By Mr. BINGAMAN (for himself and Mr. COHEN):

S. 629. A bill to create "Healthy American Schools," where children will learn the lifelong health and fitness skills vital to developing a smart body and smart mind and to empower every school with the ability to become a healthy school, built on a firm foundation of "healthy mind and healthy body" curricula; to the Committee on Labor and Human Resources.

HEALTHY STUDENTS—HEALTHY SCHOOLS ACT

• Mr. COHEN. Mr. President, I am pleased to join Senator BINGAMAN in reintroducing legislation we initially introduced in the last Congress, the Healthy Students—Healthy Schools Act of 1993, to strengthen the Federal Government's leadership role in promoting child health education and prevention efforts through our Nation's schools.

At the beginning of this century, 1 American child in 10 did not live to see a first birthday. Today, thanks to major strides in nutrition, sanitation, and advances in medical care, 99 out of 100 American children survive infancy.

However, while many American children are growing up healthy, well-adjusted, educated, and skilled, far too many are not. Poor health, poverty, substance abuse, and unintended pregnancies have limited the options and dimmed the futures of millions of American children.

The health issues facing American children have changed dramatically in recent years. Thirty years ago, child and adolescent health was threatened predominantly by contagious disease. Today, children and adolescents are endangered primarily by their own behavior. Drinking and driving, tobacco and other drug use, poor nutrition, inadequate physical activity, unintended pregnancy, and sexually transmitted disease all take a major toll on young people and place them at increased risk of chronic disease and disability as adults.

Almost 60 percent of the deaths in this country are attributable to cardiovascular disease and cancer. Unfortunately, American children are increasingly engaging in the three behaviors that contribute to these diseases: Tobacco use, improper diet, and insufficient exercise.

Dubbed the "dumpling decade" by Newsweek, today's children missed out on the fitness craze of the 1980's. I was particularly disturbed by a recent University of Maine study which revealed that the young people of my home State are particularly unfit: 72 percent of Maine boys and 64 percent of Maine girls are below the national norm for cardiovascular fitness. The same study found that 82 percent of Maine boys and 75 percent of Maine girls have a higher percentage of body fat than the national norm.

As British essayist Samuel Johnson once observed: "The chains of habit are too weak to be felt until they are too strong to be broken."

There is a general recognition that people who learn healthy habits early in life are more likely to practice them as adults. Conversely, poor habits—tobacco and other substance abuse, poor nutrition, and lack of exercise—may also have their roots in childhood. Because these risks do not respond to traditional kinds of medical treatment, effective health education programs in schools can be invaluable in helping our children to avoid high-risk behavior and develop healthy habits that will carry over into adulthood.

Last Congress, the Senate Subcommittee on Oversight of Government Management, held a hearing at my request on the Federal Government's role in promoting child health education efforts through the schools. The statistics cited at that subcommittee hearing were alarming.

Forty percent of American children aged 5 to 8 are obese, inactive, or have elevated blood pressure or cholesterol, all risk factors associated with cardiovascular disease. The problem of obesity and lack of physical activity is most marked in innercity children, who may also be exposed to other risk factors that threaten their health—poverty, inadequate housing, poor sanitation, crime, drugs, and inadequate access to health care.

Fifty percent of our elementary school students have tried smoking—the No. 1 preventable cause of death in the United States. What is particularly alarming is that children, especially girls, are smoking at younger and younger ages. Ninety percent of all smokers start before they are 21, 60 percent before they are 14, and 22 percent before they are 9.

In a recent study, 39 percent of our high school seniors reported that they had gotten drunk—meaning they had consumed 5 or more drinks a row—within the previous week. In my home State of Maine, an alarming 54 percent of our high school seniors reported getting drunk regularly, and 41 percent reported having driven a car while drinking alcohol or using marijuana. Drinking and driving remains the No. 1 killer of our Nation's adolescents: Ten American teenagers are killed every day in alcohol-related traffic accidents.

Sexual behaviors established during youth also contribute to significant health and social problems. With the advent of AIDS, these behaviors may also prove fatal.

These behaviors also contribute to the high adolescent pregnancy rate in the United States. In 1989, nearly 13 per cent of all births in the United States were to teenage mothers, and the birthrate for 15- to 19-year-olds was the highest in 16 years. Teenagers are two to three times more likely to give birth to low birthweight babies than older mothers. And low birthweight—babies born too small or too soon—is the major reason for our Nation's unacceptably high infant mortality rate. This problem is eminently preventable and is directly related to drug and alcohol abuse, smoking, poor nutrition, and a lack of prenatal care.

At the same time that our adolescent health problems have multiplied, student academic performance has declined. An unacceptable proportion of adolescents fail to complete high school, and even more young people are unable to achieve the high level of math, science, and communication skills they will need to function productively in the 21st century.

Too many young people are joining the growing ranks of the marginally unemployable every year, constituting a direct threat to our Nation's productivity and competitiveness. The success of our future economy will demand the full participation of our entire population. We must take action now to ensure that all young people, regardless of income, gender, or background, are prepared to be healthy, productive citizens.

Quality school health education programs—programs that are integrated, planned, and sequential and taught by educators trained to teach the subject—are essential if our children are to develop the knowledge and skills they will need to avoid health risks and maintain good health throughout their lives. However, while health education alone can teach children about good health, a more comprehensive approach is necessary if we are to actually reduce health risks and change behavior. For these programs to be truly successful, in addition to providing information through the classroom, the school should also be a health promoting environment.

While sound and up-to-date information about nutrition is important, it is equally important that the food served in the school cafeteria is consistent with what is learned in the classroom. In addition to teaching students about the hazards associated with tobacco use, schools should be smoke free and should also offer programs for students, faculty, and staff who wish to stop smoking.

Regular physical activity and exercise opportunities should also be available for both students and staff, and the emphasis should be on lifetime fitness activities such as walking, jogging, or swimming rather than interscholastic sports.

Finally, it is essential that the school be a safe place, free of violence, drugs, weapons, or crime.

I am convinced that there is much that the Federal Government can do to improve its efforts to promote child health through the schools. The Healthy Students—Healthy Schools Act, which Senator BINGAMAN and I are reintroducing today, is a major step forward and is intended not only to strengthen Federal efforts to promote comprehensive health education, but also to provide the coordination necessary to avoid unnecessary fragmentation and duplication.

The legislation establishes a central office within the Department of Health and Human Services to help coordinate and assist States and local education agencies to develop and maintain comprehensive school health education programs. It also establishes an advisory council of experts to review existing programs and curricula and establish realistic, achievable healthy students—healthy schools and goals for the Nation that are consistent with the healthy people 2000 goals established by the Public Health Service. Finally, this legislation authorizes the Secretary of Health and Human Services to award incentive grants to local educational agencies to encourage schools throughout the United States to grow into healthy American schools.

No one disputes the need to improve the health status of our Nation's young people. However, many do question whether the school is the appropriate setting for health promotion and education activities. Some educators argue that teachers are already overloaded, and that such efforts detract from the schools' primary mission of educating our nation's youth. However, a student who is sick, who is malnourished, who abuses drugs or alcohol, or who has an unintended child to raise is not in a good position to learn.

Our nation's elementary and secondary schools have the potential of reaching more than 46 million students and 5 million faculty and staff each year—approximately 20 percent of our total population. Furthermore, our schools are a microcosm of society and present the best opportunity for reaching young people of all races, nationalities, backgrounds, and income levels.

However, we cannot expect the schools to do the job alone. Schools, families, communities, and businesses must all work in partnership to help our young people develop the intellectual and physical skills they will need to take them into the next century as healthy, productive citizens in an increasingly competitive global marketplace.

Mr. President, just as America's children must be healthy to be educated, they must also be educated to be healthy. Enactment of the Healthy Schools—Healthy Students Act will help us to accomplish that goal, and I urge my colleagues to join us as cosponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Students-Healthy Schools Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) comprehensive, high quality education for the children of the United States has always been important, but in recent years it has become even more critical to the social and economic viability of our country;

(2) unhealthy children do not learn well and tend to grow into unhealthy adults, never realizing their full potential;

(3) without an increased focus on the health of our children, the United States will not be able to successfully compete in the 21st century;

(4) given the international dimensions of the health and education challenges facing the United States, the Federal Government should play a key role in the national effort to equip all American children with the intellectual and physical skills needed to compete in the new and rapidly changing global marketplace;

(5) although States and localities bear the primary responsibility for elementary and secondary education, strong national leadership, from the Congress and the Executive branch, is vital to the future health of our children, schools, and the United States;

(6) studies show that high quality, comprehensive educational care, as early as 3 years of age, translates into well-rounded individuals, better school performance, lower drop-out rates, lower teenage pregnancy rates, lower unemployment rates, and lower crime rates;

(7) a better understanding of the principles of good health, taught in a gender- and culturally competent manner, could help children succeed in school and become active, productive members of society;

(8) statistics on federally supported efforts to improve comprehensive school health curriculum demonstrate the effectiveness of preventive programs on the knowledge, behavior, and fitness of children and adolescents, yet few school systems offer such programs and most States do not have the resources to enforce sequential school health education requirements;

(9) several different agencies located in the Departments of Health and Human Services, Education, Agriculture, Interior, Energy, Defense, and Transportation currently administer school health education programs in areas such as AIDS education, drug abuse education, nutrition, physical fitness, smoking prevention, and asthma education;

(10) throughout the 1980s, Federal school health education efforts lacked coordination, despite—

(A) the 1978 legislative mandate directing the Commissioner of Education at what was then the Department of Health, Education, and Welfare to consult with the Public Health Service and the Surgeon General to "assure coordination and prevent duplication of effort" in all school health education programs; and

(B) the re-authorization and funding in 1988 of the Department of Education's Office of Comprehensive School Health Education;

(11) a coordinated Federal effort is needed to help State and local educational agencies develop and implement comprehensive school health education programs;

(12) over the past several years, the Department of Health and Human Services has led most Federal health education efforts, and the Public Health Service's 1990 report entitled "Healthy People 2000: National Health Promotion and Disease Prevention Objectives" outlines a comprehensive national strategy for improving the health of all Americans during this decade and includes specific goals related to school health education;

(13) one of the chief "Healthy People 2000" objectives is to increase to at least 75 percent the proportion of the Nation's elementary and secondary schools that provide planned and sequential kindergarten through 12th grade quality school health education; and

(14) the President and the Nation's governors have set six national education goals, as part of a strategy to create a new genera-

tion of American schools, which complement the Healthy People 2000 goals and form the basis of a healthy partnership.

(b) PURPOSES.—It is the purpose of this Act to—

(1) provide the Federal leadership needed to create Healthy American Schools, the building blocks of a healthy and strong education system capable of providing every child with the lifelong skills needed to become an intellectually and physically fit member of a productive work force;

(2) ensure that all federally funded school health education programs, including alcohol and substance abuse prevention programs, are coordinated and share the goals of reducing categorical barriers and comprehensively encouraging healthy students and healthy schools;

(3) designate a central office within the Department of Health and Human Services for the coordination and direction of Federal school health education efforts;

(4) establish a Federal clearinghouse where teachers can easily access health education information through the use of innovative and interactive technologies;

(5) establish an independent advisory council of highly respected, bipartisan, diverse experts to study, make recommendations, and identify core national health education goals to be known as the "Healthy Students-Healthy Schools Goals" that are consistent with the Healthy People 2000 Objectives;

(6) develop standards and a model framework for sequential Comprehensive School Health Education programs for use in kindergarten through grade 12;

(7) establish a comprehensive framework through which the Department of Health and Human Services will coordinate a national effort to assess, on a continuing basis, the health-related knowledge and behaviors of the Nation's school children and recognize schools which have successfully grown into Healthy American Schools; and

(8) establish an interagency task force on school health education to reduce categorical barriers and foster cooperation among Federal agencies carrying out school health education programs.

SEC. 3. DEFINITIONS.

As used in the Act:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the Healthy Students-Healthy Schools Advisory Council established under section 5.

(2) COMPREHENSIVE HEALTH EDUCATION.—The term "comprehensive health education" means a planned, sequential, kindergarten through grade 12 curriculum that addresses the physical, mental, emotional and social dimensions of health. Such curriculum shall—

(A) be designed to assist students in developing the knowledge, attitudes, and behavioral skills needed to make positive health choices and maintain and improve their health, prevent disease, and reduce health-related risk behaviors;

(B) permit students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices; and

(C) be comprehensive and include a variety of topics such as personal health, family health, community health, consumer health, environmental health, family life, mental and emotional health, injury prevention and safety, nutrition, prevention and control of disease, and substance use and abuse, taught by qualified teachers who have been trained to teach the subject.

(3) DEPARTMENT.—The term "Department" means the Department of Health and Human Services.

(4) LOCAL EDUCATION AGENCY.—The term "local education agency" means the local education agencies, as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965, and Federally recognized Indian tribes that are responsible for providing elementary and secondary education for tribal members.

(5) HEALTHY PEOPLE 2000 OBJECTIVES.—The term "Healthy People 2000 Objectives" means the 300 specific health objectives in 22 priority areas, such as fitness, nutrition, tobacco, maternal and infant health, cancer, cardiovascular disease, HIV disease, school health, immunization and environmental health, identified by the Secretary of Health and Human Services in the report entitled "Healthy People 2000: National Health Promotion and Disease Prevention Objectives".

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. DESIGNATION OF HEALTHY STUDENTS-HEALTHY SCHOOLS OFFICE.

(a) DESIGNATION.—The Secretary shall designate, within the Centers for Disease Control, an office to serve as the Healthy Students-Healthy Schools Office to carry out the functions and activities described in subsection (b).

(b) FUNCTIONS AND ACTIVITIES.—The Office designated under subsection (a) shall—

(1) assist State and local educational agencies in their efforts to—

(A) develop and maintain comprehensive sequential school health education programs and curricula, which, to the extent practicable, are based on the model framework developed by the Advisory Council, in all elementary and secondary schools within their jurisdiction;

(B) train teachers in comprehensive sequential school health education;

(C) integrate and encourage school-, community-based, and public-private health promotion partnerships and efforts;

(D) integrate health education programs with health and social services for school-age youth;

(E) provide nutritious school food services; and

(F) encourage healthy, tobacco-free school environments;

(2) provide technical support to State and local educational agencies and educators concerning health education programs and curricula and administer the grant program authorized under section 7;

(3) establish and maintain a national clearinghouse, using advanced technologies to the maximum extent practicable, and mechanism for the diverse dissemination of school health education material, including written, audio-visual, and electronically-conveyed information to educators, schools, health care providers, and other individuals, organizations, and governmental entities;

(4) assist States in coordinating school-based programs that will help ensure progress toward relevant Healthy People 2000 Objectives and the Healthy Students-Healthy Schools Goals established under section 5;

(5) assist States in developing mechanisms to uniformly evaluate competency based health education skills and physical fitness and to collect and maintain uniform data, including baseline data on a continuing basis, on health behavior indicators, including absenteeism due to pregnancy and ill-health, which will measure progress toward relevant Healthy People 2000 Objectives and the Healthy Students-Healthy Schools Goals established under this Act;

(6) assist the Secretary in preparing an annual report on the status of school health education in the United States, as required under this section; and

(7) coordinate with other Federal school health education efforts and assist in reducing categorical barriers to sequential, comprehensive school health education programs.

(c) OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.—

(1) IN GENERAL.—Section 4605(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(A) in the matter preceding paragraph (1), by striking out "Office of the Secretary" and inserting in lieu thereof "Office of Elementary and Secondary Education"; and

(B) by adding at the end thereof the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Assistant Secretary for Special Education, other offices within the Department, the Department of Health and Human Services, the Department of Agriculture and other Federal agencies, and to expand school health education research grant programs under this section.".

(2) TRANSITION.—The Secretary of Education shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by paragraph (1).

SEC. 5. HEALTHY STUDENTS-HEALTHY SCHOOLS ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established the Healthy Students-Healthy Schools Advisory Council that shall carry out the function and activities required under subsection (e).

(b) MEMBERSHIP AND APPOINTMENT.—

(1) IN GENERAL.—The Advisory Council shall be composed of 2 ex officio, nonvoting members and 18 voting members appointed under paragraph (3).

(2) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Education shall serve as ex officio members of the Advisory Council.

(3) APPOINTED MEMBERS.—Of the voting members of the Advisory Council—

(A) six shall be appointed by the President in accordance with paragraph (5);

(B) six shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(C) six shall be appointed by the President pro tempore of the Senate on the recommendation of the Majority Leader and Minority Leader of the Senate.

The initial members of the Advisory Council shall be appointed under this paragraph not later than 90 days after the date of the enactment of this Act.

(4) REQUIREMENTS.—Each member of the Advisory Council appointed under paragraph (3) shall—

(A) be eminent in the field of health education, adolescent and elementary behavior, family counseling, nutrition, reproductive and sexually transmitted disease behavior, drug and alcohol abuse, HIV prevention education techniques, epidemiology, school nursing, school health services, clinical medicine, school policy, public administration, or public-private health promotion partnerships or activities; and

(B) be selected for appointment solely on the basis of an established record of distinguished service or research.

(5) ADVISORY COUNCIL APPOINTMENTS.—Of the members appointed under paragraph (3)—

(A) two members shall be directors of adolescent health research units that are primarily supported by Federal funds and who have specialized interest in school health;

(B) four members shall be employees of State governmental entities or members of local education agencies or school boards and who have specialized interest in school health education or school health;

(C) two members shall be school health educators currently teaching school health in elementary or secondary schools;

(D) two members shall be school nurses currently employed in the field of school health; and

(E) four members shall be appointed representatives of national educational associations.

(6) REPRESENTATION.—The membership of the Advisory Council, shall at all times have members who represent various geographic areas, including rural and underserved areas, the private sector, academia, scientific and professional societies, and minority and youth organizations.

(7) CHAIRPERSON.—The members of the Advisory Council shall elect a member to serve as the Chairperson of the Advisory Council for a term of office that shall not exceed 3 years.

(8) TERMS.—

(A) IN GENERAL.—Each member appointed to the Advisory Council under paragraph (3) shall serve for a term of 5 years, except that of the initial members appointed under subparagraph (A) of such paragraph, three shall be appointed for a term of 4 years and two shall be appointed for a term of 3 years, as designated by the President at the time of appointment. No member shall be eligible to serve continuously for more than two consecutive terms.

(B) VACANCIES.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment with respect to such vacancy was made. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term.

(c) MEETINGS.—

(1) IN GENERAL.—The Advisory Council shall meet on a regular basis, but in no case less than five times during the first 2 years after the appointment of the members of the Council. Such meetings shall be at the call of the Chairperson, or on the written request of one-third of the members of the Advisory Council.

(2) INITIAL MEETING.—The Advisory Council shall have its first meeting not later than 120 days after the date of enactment of this Act.

(3) QUORUM.—A majority of the appointed members of the Advisory Council shall constitute a quorum.

(d) EMPLOYMENT AND EXPENSES.—

(1) EMPLOYMENT.—Appointed members of the Advisory Council may not be full-time employees of the Federal Government.

(2) EXPENSES.—While away from their homes or regular places of business on the business of the Advisory Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(e) FUNCTIONS AND ACTIVITIES.—The Advisory Council shall—

(1) establish national Healthy Students-Healthy Schools Goals based on existing data and research, including the Healthy People 2000 Objectives, identify the activities required to meet such goals, and identify the responsible Federal agencies or individuals with respect to each such goal;

(2) review existing comprehensive school health education standards, programs and curricula in elementary and secondary schools and review and evaluate Federally-supported health education programs currently being implemented in schools;

(3) develop a model framework for sequential comprehensive school health education curricula, including sample materials and methods for distribution to schools and to educators for use in kindergarten through 12th grade.

(4) develop and incorporate model school health education guidelines and evaluation mechanisms, including the gathering of baseline data, in the model framework for programs and curricula established under paragraph (1);

(5) provide scientific and technical advice concerning the development and implementation of all components of a comprehensive school health education programs and the reduction of categorical barriers to comprehensive school health education;

(6) recommend uniform methods for effectively linking research findings at the Federal level with implementation at the State and local level; and

(7) serve in an advisory capacity to the Secretary and other Federal agencies.

SEC. 6. HEALTHY STUDENTS-HEALTHY SCHOOLS INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Healthy Students-Healthy Schools Interagency task force that shall be staffed by the Office of Disease Prevention and Health Promotion and be composed of representatives of the Office of Disease Prevention and Health Promotion, the National Institutes of Health, the Centers for Disease Control, and other Federal agencies and departments, including the Extension Service of the Department of Agriculture, which have responsibility for components of school health and education, including AIDS prevention, drug and alcohol abuse prevention, injury prevention, physical fitness, and nutrition.

(b) CO-CHAIRPERSONS.—The Assistant Secretary for Health, Public Health Service, and the Assistant Secretary for Education (Elementary and Secondary Education) shall serve as co-chairpersons of the task force established under subsection (a).

(c) FUNCTIONS AND ACTIVITIES.—The task force established under subsection (a) shall—

(1) review and coordinate all Federal efforts in school health education, including drug and alcohol abuse prevention education, HIV prevention education, physical fitness, school services, and nutrition;

(2) provide scientific and technical advice concerning the development and implementation of the model framework comprehensive school health education programs and curricula to be developed under section 5;

(3) develop a consolidated grant application form (a form that serves as the main document containing the core information concerning a particular entity) and procedures that may be used with respect to all school health-related programs (including supplementary information procedures to be implemented when an entity that has already submitted a consolidated application form is applying for additional assistance) that require the submission of an application; and

(4) serve in an advisory capacity to and assist the Office designated by the Secretary under section 4, and other Federal agencies.

SEC. 7. FUNCTIONS OF THE SECRETARY.

The Secretary, with the assistance of the Advisory Council, shall—

(1) foster the interaction, coordination, and partnerships needed to create Healthy American Schools among Federal agencies, State and local governments, school administrators, educators, school nurses and other school health providers, the private sector, scientific communities, community-based organizations, health professionals, parents, and students;

(2) update progress toward achieving relevant Healthy People 2000 Objectives and the Healthy Students-Healthy Schools Goals established under this Act by establishing a national monitoring system to be implemented in schools and administered by the States and local educational agencies;

(3) ensure the timely implementation of the activities and nationwide mechanisms necessary for achieving and monitoring progress toward such objectives and goals;

(4) submit to the appropriate committees of Congress and the States an annual report, that shall include data on relevant agency budgets for each fiscal year, as required by section 9; and

(5) recognize, in the annual report, schools that have demonstrated exemplary efforts in becoming Healthy American Schools and provide a short evaluation to States that incorporate the Healthy Students-Healthy Schools Goals.

SEC. 8. HEALTHY AMERICAN SCHOOLS GRANT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary, acting through the Office designated under section 4(a), is authorized to award grants to States and local educational agencies to assist the schools under the jurisdiction of such States and agencies in becoming Healthy American Schools that teach comprehensive sequential school health education which, to the maximum extent practicable, make use of advanced technologies, such as computer-based learning and innovative communication channels.

(b) ELIGIBILITY.—To encourage all schools to become Healthy American Schools, the Secretary shall insure that every public elementary and secondary school in the United States is eligible to receive assistance under this section and that such assistance shall be distributed among all geographic areas, including rural, urban, and suburban areas.

(c) USES OF GRANTS.—Amounts awarded under this section shall be used to establish and implement comprehensive school health education curricula and programs that meet the goals of the Healthy Students-Healthy Schools program, which shall include—

(1) teacher training in sequential comprehensive school health education and related in-service training;

(2) healthy school environment standards;

(3) personal health and fitness activities;

(4) nutrition education and nutritious food services;

(5) mental health wellness programs;

(6) chronic disease prevention programs;

(7) substance abuse prevention education;

(8) prevention of intentional and unintentional injury and safety education;

(9) community and environmental health activities;

(10) family life education activities;

(11) activities for the prevention and control of communicable diseases;

(12) activities for the effective use of the health services delivery systems;

(13) development and aging activities; and

(14) worksite health promotion programs and partnerships with community-based organizations and the private sector.

(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the comprehensive school health education program for which assistance is sought, particularly the activities described in subsection (b);

(2) provide assurances that qualified health educators will teach or supervise the programs for which assistance is sought;

(3) provide assurance that the State, relevant local educational agency, or Indian tribe will involve the community, on an ongoing basis, in the planning, implementation and evaluation of the programs for which assistance is sought, including the establishment of partnerships with the private sector, cooperative extension systems of land-grant universities, nonprofit public agencies, organizations, community-based organizations, parents, and students;

(4) provide assurance that funding made available under this section will be used in a coordinated and cooperative manner with other school health education programs that the State, local educational agency or Indian tribe may be undertaking and will not duplicate other school health education programs;

(5) provide assurances that the State or Indian tribe will submit an annual report on the program to the Secretary (in the case of a local education agency, it shall submit an annual report to the State which shall then submit a Statewide report to the Secretary) to be integrated into the annual report required under section 9; and

(6) provide assurances that the State or Indian tribe will provide matching funds, through monetary or in kind contribution, in an amount that equals 25 percent of the amount of the grant.

(e) OUTSTANDING HEALTHY AMERICAN SCHOOL AWARDS.—The Secretary shall annually recognize schools that epitomize the Healthy Students-Healthy Schools Goals established under this Act and shall award such schools a commemorative plaque and a $1,000 cash award.

SEC. 9. EVALUATION AND ANNUAL REPORT.

(a) GENERAL AUTHORITY.—The Secretary shall uniformly collect, compile, and preserve data concerning school health education programs and curricula throughout the United States.

(b) DATA COLLECTION.—The Secretary shall develop and ensure the implementation of a system for the collection of data that uniformly measures and evaluates the impact of school health education programs and curricula to determine—

(1) the effectiveness of such programs in promoting progress toward achieving relevant Healthy People 2000 Objectives and the Healthy Students-Healthy Schools Goals established under this Act; and

(2) the impact of such programs on related health indicators such as absenteeism and teen-age pregnancy rates.

(c) RESULTS OF EVALUATIONS.—

(1) ANNUAL REPORT.—Not later than January 1, 1994, and annually thereafter, the Secretary shall prepare and publish a report that—

(A) evaluates the status of school health education in the United States, including the impact and effectiveness of the health education programs and curricula of each State;

(B) measures national progress towards achieving relevant Healthy People 2000 Objectives and the Healthy Students-Healthy Schools Goals established under this Act; and

(C) recognizes outstanding Healthy American Schools.

(2) ENTITIES RECEIVING REPORT.—In January of each fiscal year, the Secretary shall submit the report required under subsection (c) to the appropriate committees of the Congress and to the States to aid in the program evaluation and development efforts of such States.

SEC. 10. PROGRAM FOR COMPREHENSIVE HEALTH AND PHYSICAL EDUCATION AMONG INDIAN STUDENTS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation and cooperation with the Secretary of Health and Human Services and the Secretary of Education, shall develop and, not later than the date that is 1 year after the date of enactment of this Act, implement a program which provides gender and culturally competent sequential comprehensive health education and physical education to students enrolled in elementary and secondary schools operated by, or on behalf of, the Bureau of Indian Affairs.

(b) COURSES OF INSTRUCTION AND PARTICIPATION.—

(1) COURSES OF INSTRUCTION.—The program which the Secretary of the Interior is required to develop under subsection (a) shall provide courses of instruction for each grade of elementary and secondary school in a manner that ensures sequential, progressive, comprehensive, and continuous instruction.

(2) PARTICIPATION.—Except as otherwise prescribed by the Secretary of the Interior, all students enrolled in schools operated by, or on behalf of, the Bureau of Indian Affairs shall participate in the courses of instruction provided at such schools under the program developed under subsection (a).

(c) CONSULTATION.—In developing and implementing the program required under subsection (a), the Secretary of the Interior shall consult with—

(1) representatives of the Indian tribes that are to be served by such program;

(2) local educational and health personnel; and

(3) the Advisory Council established under section 5.

(d) REPORT.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Congress a report on the progress made by the Secretary of the Interior in carrying out the requirements of this section.

SEC. 11. APPROPRIATIONS AUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $200,000,000 for each of the fiscal years 1994 through 1997.

(b) USE.—Amounts appropriated under this section shall be used to fund the Healthy Students-Healthy Schools Grant Program, and to make available funds that may be necessary to carry out the activities of the Healthy Students-Healthy Schools Coordinating Office and the clearinghouse established under section 4(b)(4) and the Healthy Students-Healthy Schools Advisory Council established under section 5.

(c) LIMITATION.—The Secretary may not carry out the provisions of this Act until such time as amounts appropriated under section 8(a) for a fiscal year equal or exceed $25,000,000.

SEC. 12. DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Part E of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 5147. USE OF APPROPRIATIONS FOR HEALTHY STUDENTS-HEALTHY SCHOOLS PROGRAMS.

"Notwithstanding any other provision of law, amounts appropriated under this Act may be used in conjunction with the Healthy Students-Healthy Schools Program of any State, Indian tribe, local educational agency, or school, so long as substance abuse prevention is a major component of such Program, pursuant to the Healthy Students-Healthy Schools Act.".

SEC. 13. EFFECTIVE DATE.

This Act shall become effective on October 1, 1993.●

● Mr. BINGAMAN. Mr. President, I rise today to re-introduce legislation that will help us address a critically needed, though often overlooked, component of our education system: comprehensive health education. I am pleased that the distinguished Senator from Maine, Senator COHEN, is joining me in sponsoring the Healthy Students-Healthy Schools Act.

Mr. President, I believe that one of our Nation's greatest challenges is securing our children's health. In my view, we can meet this challenge in only one way: we need to make a commitment to comprehensive school health education for all children. Through education, we can ensure that a firm foundation is in place from which our children can build their future.

We need to focus on comprehensive school health education because the problems our children face are so pervasive. Throughout their school years, our children face challenge after challenge, from the most basic aspects of life: having food to eat, or a place to sleep and play, dysfunctional family life, peer pressure, drugs, alcohol, tobacco, crime, gangs, and violence.

The statistics are sobering: between 2.5 and 5 million of our children do not get enough food to eat; one in five lives in poverty; and hundreds of thousands of children live on the streets or in shelters. Fifty percent of all elementary school students have tried smoking; nearly 40 percent of high school seniors say they have gotten drunk; and more than half of all young people report that they have tried illicit drugs before graduating from high school. Related to this phenomenon, and spurred on by an aggressive drug trade, is a surge in juvenile violent crime and gang-related activity.

It is our responsibility to help our children confront these adversities and begin creating change. We can begin this change through comprehensive school health education, from kindergarten through twelfth grade. It is for this reason Senator COHEN and I are reintroducing the "Healthy Students-Healthy Schools Act."

The goal of the Healthy Students-Healthy Schools Act is to promote a national effort to make all American children healthier. First, our bill will establish a "Healthy Students-Healthy Schools" Office in the Department of Health and Human Services, which will serve as the focal point for health education within the Federal Government. A partnership will be created with the Department of Education for coordinating and implementing health education programs with States and schools.

The office will support programs that encourage physical health, well being, and disease prevention as regular parts of the school day. This office will establish a clearinghouse and dissemination network, using advanced technologies, for school health education material; encourage active community involvement in health education curriculum design; assist in efforts to integrate school health education with community-based health programs, social services, and public-private health promotion partnerships; and buttress States and local educational agencies with technical support. The office will also work with other Federal agencies to coordinate all Federal school health education programs.

Second, the President and the Congress will establish a national "Healthy Students—Healthy Schools" Advisory Council to establish realistic goals for the Nation and develop a model framework and standards for comprehensive sequential school health education.

Third, an interagency task force will be officially established, made up of representatives from all the Federal departments and agencies responsible for school health and education. This task force will review, coordinate, and help streamline Federal health education efforts; work to reduce categorical funding barriers inhibiting comprehensive school health education; and provide and disseminate scientific and technical advice on school health education curricula and technologies to departments, agencies, States, local educational agencies, and teachers.

Fourth, the Secretary of Health and Human Services will be authorized to award incentive grants to local educational agencies to encourage all schools throughout the United States to grow into "Healthy American Schools." The Secretary will annually recognize schools that are actively striving to achieve the Healthy Students—Healthy Schools Goals through ongoing, interactive partnerships which create "health promoting" environments for students, staff, families, and communities.

Finally, this bill will ensure that the Department of Education's drug-free school money can be used in conjunction with comprehensive school health education.

Mr. President, we can no longer wait to take action. We must provide our schools with the necessary assistance to make healthy students a top priority.

We, as a country, must invest in our children and our future. There is an old saying about the success of societies that look toward the future: "Societies grow great when men and women plant trees under whose shade they will never sit."

I urge my colleagues to join Senator COHEN and me in this effort to help our children grow into healthy adults, and I ask that a summary of the Healthy Students—Healthy Schools Act be printed in the RECORD at the conclusion of our remarks. Thank you.

SUMMARY OF S. 629: THE HEALTHY STUDENTS-HEALTHY SCHOOLS ACT

The goal of the Healthy Students-Healthy Schools Act is to promote a national effort to make all American children healthier. The Act establishes a central office in the Department of Health and Human Services to coordinate and promote federal, state, and local efforts to equip all school-age children with the intellectual and physical skills they need to be healthy and compete successfully in the changing global marketplace.

I. HEALTHY STUDENTS–HEALTHY SCHOOLS OFFICE

The Secretary of HHS will designate an office within the Centers for Disease Control to:

Administer a grant program that will help states, local educational agencies, communities, and parents develop and maintain sequential, comprehensive school health education programs;

Assist in efforts to integrate school health education with community-based health programs, social services, and public-private promotion partnerships;

Establish a clearinghouse and dissemination network, using advanced technologies, for school health education material; and

Together with states and localities, develop and implement a national system for monitoring progress toward key "Healthy People 2000 Objectives" and the national Healthy Students-Healthy Schools Goals.

II. NATIONAL HEALTHY STUDENTS–HEALTHY SCHOOLS ADVISORY COUNCIL

The President and the Congress will establish a national "Healthy Students—Healthy Schools" Advisory Council that will:

Review existing comprehensive school health education programs and curricula;

Develop realistic, achievable "Healthy Students-Healthy Schools Goals" for the nation based on the Healthy People 2000 Objectives; and

Develop a model framework, with measurable health, fitness, and knowledge indicators, for sequential, comprehensive school health education programs.

III. HEALTHY STUDENTS—HEALTHY SCHOOLS INTERAGENCY TASK FORCE

A "Healthy Students—Healthy Schools Interagency Task Force," made up of representatives from all the federal departments and agencies responsible for school health and education will be legislatively authorized to:

Review, coordinate, and streamline federal health education efforts;

Reduce categorical funding barriers inhibiting comprehensive school health education; and

Provide and disseminate scientific and technical advice on school health programs, curricula, and technologies to departments, agencies, states, local educational agencies, and teachers.

IV. HEALTHY AMERICAN SCHOOLS GRANT PROGRAM

The Secretary will be authorized to award grants to local educational agencies to assist schools in becoming "Healthy American Schools." The Secretary will also:

Annually recognize and promote schools that are actively striving to achieve the Healthy Students—Healthy Schools Goals through ongoing, interactive partnerships which create "health promoting" environments for students, staff, families, and communities; and

Compile data on existing programs and publish an annual report that evaluates the status of school health education in the U.S., based on individual, state, and national progress toward key Healthy People 2000 Objectives and the national Healthy Students—Healthy Schools Goals.

V. COORDINATED FEDERAL HEALTH EDUCATION EFFORT

Under the Healthy Students—Healthy Schools Act:

Legislation authorizing the Department of Education's $650 million Drug-Free Schools grant program will be amended to make clear that "Drug-Free" grants can be used as part of comprehensive health education programs, so long as alcohol and drug abuse education and prevention are substantial components of the comprehensive programs; and

A consolidated grant application form for all school health-related programs will be developed by the Healthy Students—Healthy Schools Interagency Task Force.●

By Mr. KERRY:

S. 630. A bill to facilitate the detection and disclosure of auditors of financial fraud in connection with securities issues, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL FRAUD DETECTION AND DISCLOSURE ACT

Mr. KERRY. Mr. President, today, as a followup to the investigative work I have done over the past few years in the area of financial fraud, I am introducing a bill, the Financial Fraud Detection and Disclosure Act, which is designed to amend Federal securities laws to facilitate the reporting of indicators of financial fraud to regulators by accountants.

As I learned over the past 4 years over the course of investigating the Bank of Credit and Commerce, International [BCCI], at present there are substantial limitations in current accounting practice concerning the detection of financial fraud. Too often, accountants apply inadequate procedures to provide reasonable assurances that they are detecting illegal acts that would have a direct and material impact on the financial statements they are purporting to certify.

External auditors play a critical role in the self-regulatory process in the financial marketplace. When an external auditor certifies the financial statement of a business, it is simultaneously providing different services to different audiences.

For the shareholders of the institution it is certifying, it is providing what is supposed to be a clear, full, and fair description of the actual performance of the business to assist the shareholder in determining the value of his investment, the performance of the company, and the strength of the company's management, as well as assurances that the company has no untoward risks from violations of law or regulatory compliance.

To anyone else, an annual certification represents what may be the principal means by which an outsider can evaluate the safety of entering into a transaction with a business. As Securities and Exchange Commissioner Richard C. Breedon testified last month:

> Both large institutions and the smallest individual investor, together with suppliers of goods and lenders, rely on financial statements in deciding whether or not to invest in a firm or to extend credit, and if so, on what terms. The more accurate those financial statements are in portraying the financial condition and operating results of firms, the more efficient the overall market can be in allocating capital and producing the most efficient economy. However, to the degree that financial statements do not fairly or accurately portray a firm's financial condition, credit and investment decisions will be made that may not have been made on the same terms had the firm's true financial condition been accurately understood.

It is by no means easy for any outsider, including accounting firms, to detect the self-dealing, off-the-books accounting, the use of nominees and front companies, schemes to inflate income, manipulation of inventories, dummy post office boxes and phony brass plate corporations, and similar practices of the crooks, criminals, and conmen who spring up anywhere they find an opportunity.

When the Federal securities laws were enacted 60 years ago, Congress considered establishing a corps of Government auditors to verify corporate balances of public companies and review their books. Congress then abandoned this notion in favor of giving the private accounting profession the responsibility for auditing the financial statements of publicly traded companies.

Today, neither the SEC nor any other Government agency is in a position to review public filings by corporations in any detail. That responsibility has been ceded to private accountants. Recognizing the difficulties inherent in catching fraud, no one is in a better position to police it at the first instance than the accountants retained to certify that a company's books and records present a true and accurate picture of its financial condition.

The Financial Fraud Detention and Disclosure Act would give the SEC the ability to issue new requirements to auditors to supplement current auditing standards, to assist them in detecting financial chicanery.

It also strikes a balance between the auditor's responsibility to the firm that has engaged the auditor, and the auditor's responsibility to the public, through establishing a system for the reporting of information concerning illegal activity that allows management to take corrective action, and only brings the Government into the situation when it becomes clear that remedial action will not or cannot be taken.

The act would impose a clearly defined set of responses governing accountants when they detect information that an illegal act may have occurred.

Under the act, auditors are to first assess the information, consider the impact of it on the financial statement, and then to inform management and the company's audit committees or board of directors. If the auditors believe the illegal act may have a material effect on the financial statement of the issue, and that management has not taken timely and appropriate remedial action, the auditors are required to issue a formal report to the firm's board of directors. The board is in turn required to notify the SEC of the report, with a copy of the auditors. If the board fails to take this action, the auditors are required to provide a copy of the report to the SEC themselves, and have the option of additionally resigning from the auditing engagement.

An important constraint on auditors—the fear that they might be sued for telling the Government of the illegality they have discovered—is eliminated by the Financial Fraud Detection and Disclosure Act. The act protects auditors from liability in any civil litigation for "any finding, conclusion, or statement expressed" in a report to the Board or the SEC under the act.

And the act contains reasonable provisions for civil penalties for accountants who willfully violate the procedures set forth to respond to information concerning financial fraud, enforced by the SEC.

This bill, a companion measure to H.R. 574, has been termed as a moderate change in current law, and "a step in the right direction" by outgoing SEC Chairman Breedon. It has already been the subject of hearings before the House Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce. To date, the measure has received substantial support from within the accounting industry as well. The gap between the public's expectations of accountants and the protection actually offered to the public by certified audits is far too large. This legislation is designed to narrow that gap, and if enacted, provide strong incentives for accountants to take strong action whenever they discover financial wrongdoing. If it proves insufficient to protect against every substantial securities fraud, it may still do much to limit the scope and scale of the damage that results when such frauds persist over many years, and long after the first signs of wrongdoing have been apparent.

I ask unanimous consent that the full text of the Financial Fraud Detection and Disclosure Act be placed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Fraud Detection and Disclosure Act".

SEC. 2. AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended by inserting after section 10 (15 U.S.C. 78j) the following new section:

"FRAUD DETECTION AND DISCLOSURE

"SEC. 10A. (a) AUDIT REQUIREMENTS.—Each audit required pursuant to this title of an issuer's financial statements by an independent public accountant shall include, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission, the following:

"(1) procedures designed to provide reasonable assurance of detecting illegal acts that would have a direct and material effect on the determination of financial statement amounts;

"(2) procedures designated to identify related party transactions which are material to the financial statements or otherwise require disclosure therein; and

"(3) an evaluation of whether there is substantial doubt about the issuer's ability to continue as a going concern over the ensuing fiscal year.

"(b) REQUIRED RESPONSE TO AUDIT DISCOVERIES.—

"(1) INVESTIGATION AND REPORT TO MANAGEMENT.—If, in the course of conducting any audit pursuant to this title to which subsection (a) applies, the independent public accountant detects or otherwise becomes aware of information indicating that an illegal act (whether or not perceived to have a material effect on the issuer's financial statements) has or may have occurred, the accountant shall, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

"(A)(i) determine whether it is likely that an illegal act has occurred, and (ii) if so, determine and consider the possible effect of the illegal act on the financial statements of the issuer, including any contingent monetary effects, such as fines, penalties, and damages; and

"(B) as soon as practicable inform the appropriate level of the issuer's management and assure that the issuer's audit committee, or the issuer's board of directors in the absence of such a committee, is adequately informed with respect to illegal acts that have been detected or otherwise come to the attention of such accountant in the course of the audit, unless the illegal act is clearly inconsequential.

"(2) RESPONSE TO FAILURE TO TAKE REMEDIAL ACTION.—If, having first assured itself that the audit committee of the board of directors of the issuer or the board (in the absence of an audit committee) is adequately informed with respect to illegal acts that have been detected or otherwise come to the accountant's attention in the course of such accountant's audit, the independent public accountant concludes that—

"(A) any such illegal act has a material effect on the financial statements of the issuer,

"(B) senior management has not taken, and the board of directors has not caused senior management to take, timely and appropriate remedial actions with respect to such illegal act, and

"(C) the failure to take remedial action is reasonably expected to warrant departure from a standard auditor's report, when made, or warrant resignation from the audit engagement,

the independent public accountant shall, as soon as practicable, directly report its conclusions to the board of directors.

"(3) NOTICE TO COMMISSION; RESPONSE TO FAILURE TO NOTIFY.—An issuer whose board of directors has received a report pursuant to paragraph (2) shall inform the Commission by notice within one business day of receipt of such report and shall furnish the independent public accountant making such report with a copy of the notice furnished the Commission. If the independent public accountant making such report shall fail to receive a copy of such notice within the required one-business-day period, the independent public accountant shall—

"(A) resign from the engagement; or

"(B) furnish to the Commission a copy of its report (or the documentation of any oral report given) within the next business day following such failure to receive notice.

"(4) REPORT AFTER RESIGNATION.—An independent public accountant electing resignation shall, within the one business day following a failure by an issuer to notify the Commission under paragraph (3), furnish to the Commission a copy of the accountant's report (or the documentation of any oral report given).

"(c) AUDITOR LIABILITY LIMITATION.—No independent public accountant shall be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to paragraph (3) or (4) of subsection (b), including any rules promulgated pursuant thereto.

"(d) CIVIL PENALTIES IN CEASE-AND-DESIST PROCEEDINGS.—If the Commission finds, after notice and opportunity for hearing in a proceeding instituted pursuant to section 21C of this title, that an independent public accountant has willfully violated paragraph (3) or (4) of subsection (b) of this section, then the Commission may, in addition to entering an order under section 21C, impose a civil penalty against the independent public accountant and any other person that the Commission finds was a cause of such violation. The determination whether to impose a civil penalty, and the amount of any such penalty, shall be governed by the standards set forth in section 21B of this title.

"(e) PRESERVATION OF EXISTING AUTHORITY.—Except for subsection (d), nothing in this section limits or otherwise affects the authority of the Commission under this title.

"(f) DEFINITIONS.—As used in this section, the term 'illegal act' means any action or omission to act that violates any law, or any rule or regulation having the force of law.".

(b) EFFECTIVE DATES.—As to any registrant that is required to file selected quarterly financial data pursuant to item 302(a) of Regulation S-K (17 CFR 229.302(a)) of the Securities and Exchange Commission, the amendments made by subsection (a) of this section shall apply to any annual report for any period beginning on or after January 1, 1994. As to any other registrant, such amendment shall apply for any period beginning on or after January 1, 1995.

By Mr. SPECTER:

S. 631. A bill to contain health care costs and increase access to affordable health care, and for other purposes; to the Committee on Finance.

COMPREHENSIVE ACCESS AND AFFORDABILITY HEALTH CARE ACT OF 1993

Mr. SPECTER. Mr. President, I have sought the 5 minutes, since there had been no morning business, and since I consider it important to introduce health care legislation, to use this time for that purpose. I am introducing legislation entitled, the "Comprehensive Access and Affordability Health Care Act of 1993," which is a voluminous bill, a composite of health care legislation which has been introduced by Senator COHEN, Senator KASSEBAUM, Senator BOND, and Senator MCCAIN, as well as my bill, Senate bill 18, introduced on January 21 of this year, the first legislative day.

I introduce this legislation because I believe it is important to move ahead on the consideration of health care legislation. For the past 2 years, I have been a member of the Republican Health Care Task Force chaired by the distinguished Senator from Rhode Island [Mr. CHAFEE]. Our group is in the final stage of preparing legislation. It is my hope that this will be completed in time to offer health care legislation as an amendment this month, before we begin the next recess. If that is not the case, then I want to be in a position, either myself or myself in conjunction with other Senators, to offer a comprehensive health care bill to be taken up by the Senate.

I am concerned about reports that we may not be able to complete health care legislation this year. There have been a number of statements by leaders in both the House and the Senate which cast substantial doubt on our ability to finish this important legislation. The distinguished chairman of the House Ways and Means Committee, Congressman ROSTENKOWSKI, said he doubted we would be able to finish health care legislation this year.

It is the view of this Senator that what we need to do is bring to the Senate floor a critical mass and have the Senate go to work on this kind of legislation, very much as the Senate did on the Clean Air Act in 1990, by dividing up into task forces and taking whatever steps are necessary to get the bill completed.

This Senator made that effort last July 29, adding some important amendments to then pending energy legislation. At that time the majority leader said that the health care amendments did not belong on the energy bill. This Senator agreed and said he would be glad to take them off if we had a date certain for health care legislation. The majority leader said that was not possible. This Senator responded that a date certain had been given to product liability legislation, and when the majority leader declined to do that for health care legislation, I pressed ahead for the vote. Not unexpectedly, the amendments were defeated.

I believe the American people have spoken emphatically on their desire to have health care legislation enacted. It is on a par virtually with an economic recovery program. I think the way we are going to act on health care reform is when the Senate takes the bull by the horns, or the House takes the bull by the horns, and moves ahead to consider such legislation.

It is for that purpose that I am offering this expansive bill which provides a critical mass for health care legislation. And, as I say, I am hopeful the Republican Health Care Task Force will complete its legislative proposal.

I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD along with a brief summary, which analyzes and summarizes the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(A) SHORT TITLE.—This Act may be cited as the "Comprehensive Access and Affordability Health Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS
Sec. 100. Block grant program.
Subtitle A—Health Plan Purchasing Cooperatives
Sec. 101. Establishment and organization; HPPC area.
Sec. 102. Agreements with accountable health plans (AMPs).
Sec. 103. Agreements with employers.
Sec. 104. Enrolling individuals in accountable health plans through a HPPC.
Sec. 105. Receipt of premiums.
Sec. 106. Coordination among HPPCs.
Subtitle B—Accountable Health Plans (AHPs)
PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS
Sec. 111. Registration process; qualifications.

Sec. 112. Specified uniform set of effective benefits.
Sec. 113. Collection and provision of standardized information.
Sec. 114. Prohibition of discrimination based on health status for certain conditions; limitation on pre-existing condition exclusions.
Sec. 115. Use of standard premiums.
Sec. 116. Financial solvency requirements.
Sec. 117. Grievance mechanisms; enrollee protections; written policies and procedures respecting advance directives; agent commissions.
Sec. 118. Additional requirements of open AHPs.
Sec. 119. Additional requirement of certain AHPs.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

Sec. 120. Preemption from State benefit mandates.
Sec. 121. Preemption of State law restrictions on network plans.
Sec. 122. Preemption of State laws restricting utilization review programs.

Subtitle C—Federal Health Board

Sec. 131. Establishment of Federal Health Board.
Sec. 132. Specification of uniform set for effective benefits.
Sec. 133. Health benefits and data standards board.
Sec. 134. Health plan standards board.
Sec. 135. Registration of accountable health plans.
Sec. 136. Specification of risk-adjustment factors.
Sec. 137. National health data system.
Sec. 138. Measures of quality of care of specialized centers of care.
Sec. 139. Report on impact of adverse selection; recommendations on mandated purchase of coverage.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

Sec. 201. Maternal and infant care coordination.
Sec. 202. Reauthorization of certain programs providing primary and preventive care.
Sec. 203. Comprehensive school health education program.
Sec. 204. Comprehensive early childhood health education program.
Sec. 205. Disease prevention and health promotion programs treated as medical care.
Sec. 206. Worksite wellness grant program.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

Sec. 301. Credit for accountable health plan costs.
Sec. 302. No deduction for employer health plan expenses in excess of accountable health plan costs.
Sec. 303. Increase in deduction for health plan premium expenses of self-employed individuals.
Sec. 304. Deduction for health plan premium expenses of individuals.
Sec. 305. Exclusion from gross income for employer contributions to accountable health plans.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

Sec. 401. Regulations requiring disclosure of certain information to beneficiaries under the medicare and medicaid programs.
Sec. 402. Outreach activities.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Sec. 501. Purpose.
Sec. 502. Hospital technology and services sharing program.

TITLE VI—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Sec. 601. Right to decline medical treatment.
Sec. 602. Federal right enforceable in Federal courts.
Sec. 603. Suicide and homicide.
Sec. 604. Rights granted by States.
Sec. 605. Effect on other laws.
Sec. 606. Information provided to certain individuals.
Sec. 607. Recommendations to the Congress on issues relating to a patient's right of self-determination.
Sec. 608. Effective date.

TITLE VII—INSURANCE ADMINISTRATION SIMPLIFICATION

Sec. 701. Uniform computerized billing system and standards for electronic data interchange.

TITLE VIII—CHILD HEALTH CARE

Sec. 801. School based health insurance.
Sec. 802. Refundable tax credit for children's health insurance expenses.
Sec. 803. WIC program, maternal and child health services block grant program, and medicaid.

TITLE IX—IMPROVING ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

Sec. 901. Revenue incentives for practice in rural areas.

Subtitle B—Public Health Service Act Provisions

Sec. 911. National health service corps.
Sec. 912. Establishment of grant program.
Sec. 913. Establishment of new program to provide funds to allow federally qualified health centers and other entities or organizations to provide expanded services to medically underserved individuals.
Sec. 914. Rural mental health outreach grants.
Sec. 915. Health professions training.
Sec. 916. Rural health extension networks.
Sec. 917. Rural managed care cooperatives.

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

Sec. 1001. Increasing payments to certain nonphysician providers under the medicare program.
Sec. 1002. Requiring coverage of certain nonphysician providers under the medicaid program.
Sec. 1003. Medical student tutorial program grants.
Sec. 1004. General medical practice grants.
Sec. 1005. Payments for direct and indirect graduate medical education costs.

TITLE XI—MALPRACTICE REFORM

Sec. 1101. Prelitigation screening panel grants.

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Sec. 1201. Establishment of medicare primary and specialty preferred provider organization demonstration projects.

TITLE XIII—TREATMENT AND OUTCOMES RESEARCH

Sec. 1301. New drug clinical trials program.
Sec. 1302. Medical treatment effectiveness.
Sec. 1303. Treatment practice guidelines as a legal standard.

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

Sec. 1401. Amendment of 1986 Code.
Sec. 1402. Definitions of qualified long-term care insurance and premiums.
Sec. 1403. Treatment of qualified long-term care insurance as accident and health insurance for purposes of taxation of insurance companies.
Sec. 1404. Treatment of accelerated death benefits under life insurance contracts.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

Sec. 1411. Credit for qualified long-term care premiums.
Sec. 1412. Deduction for expenses relating to qualified long-term care.
Sec. 1413. Exclusion from gross income of benefits received under qualified long-term care insurance.
Sec. 1414. Employer deduction for contributions made for long-term care insurance.
Sec. 1415. Inclusion of qualified long-term care insurance in cafeteria plans.
Sec. 1416. Exclusion from gross income for amounts withdrawn from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.
Sec. 1417. Exclusion from gross income for amounts received on cancellation of life insurance policies and used for qualified long-term care insurance.
Sec. 1418. Use of gain from sale of principal residence for purchase of qualified long-term health care insurance.

Subtitle C—Medicaid Amendments

Sec. 1421. Expansion of medicaid eligibility for long-term care benefits.
Sec. 1422. Effective date.

TITLE XV—FINANCING

Sec. 1501. Repeal of dollar limitation on amount of wages subject to hospital insurance tax.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

Sec. 1601. Employer responsibilities.
Sec. 1602. Individual responsibilities.
Sec. 1603. Self-insured plan requirements.
Sec. 1604. Provider responsibilities.

TITLE XVII—ENFORCEMENT PROVISIONS

Sec. 1701. Enforcement provisions for carriers, providers, and employers.
Sec. 1702. Enforcement provision for individuals.

SEC. 2. DEFINITIONS.

(a) ELIGIBILITY.—As used in this Act:

(1) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to a HPPC area, an individual who—

(A) is an eligible employee;

(B) is an eligible resident; or

(C) is an eligible family member of an eligible employee or eligible resident.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means, with respect to a HPPC area, an individual residing in the area who is the employee of a small employer.

(3) ELIGIBLE FAMILY MEMBER.—The term "eligible family member" means, with re-

spect to an eligible employee or other principal enrollee, an individual who—

(A)(i) is the spouse of the employee or principal enrollee; or

(ii) is an unmarried dependent child under 22 years of age; including—

(I) an adopted child or recognized natural child; and

(II) a stepchild or foster child but only if the child lives with the employee or principal enrollee in a regular parent-child relationship;

or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

(B) is a citizen or national of the United States, an alien lawfully admitted to the United States for permanent residence, or an alien otherwise lawfully residing permanently in the United States under color of law; and

(C) with respect to an eligible resident, is not a medicare-eligible individual.

(4) ELIGIBLE RESIDENT.—

(A) IN GENERAL.—The term "eligible resident" means, with respect to a HPPC area, an individual who is not an eligible employee, is residing in the area, and is a citizen or national of the United States, an alien lawfully admitted for permanent residence, and an alien otherwise permanently residing in the United States under color of law.

(B) EXCLUSION OF CERTAIN INDIVIDUALS OFFERED COVERAGE THROUGH A LARGE EMPLOYER.—The term "eligible resident" does not include an individual who—

(i) is covered under an AHP pursuant to an offer made under section 105(b)(1)(A); or

(ii) could be covered under an AHP as the principal enrollee pursuant to such an offer if such offer had been accepted.

(C) TREATMENT OF MEDICARE BENEFICIARIES.—The term "eligible resident" does not include a medicare-eligible beneficiary.

(5) ENROLLEE UNIT.—The term "enrollee unit" means one unit in the case of coverage on an individual basis or in the case of coverage on a family basis.

(6) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, including an individual who is entitled to such benefits pursuant to an enrollment under section 1818 or 1818A of such Act.

(7) MEDICARE-ELIGIBLE INDIVIDUAL.—The term "medicare-eligible individual" means an individual who—

(A) is a medicare beneficiary; or

(B) is not a medicare beneficiary but is eligible to enroll under part A or part B of title XVIII of the Social Security Act.

(b) ABBREVIATIONS.—As used in this Act:

(1) AHP; ACCOUNTABLE HEALTH PLAN.—The terms "accountable health plan" and "AHP" mean a health plan registered with the Board under section 111(a).

(2) BOARD.—The term "Board" means the Federal Health Board established under subtitle C of title I.

(3) HPPC; HEALTH PLAN PURCHASING COOPERATIVE.—The terms "health plan purchasing cooperative" and "HPPC" mean a health plan purchasing cooperative established under subtitle A of title I.

(4) CLOSED AND OPEN PLANS.—

(A) CLOSED.—A plan is 'closed' if the plan is limited by structure or law to a particular employer or industry or is organized on behalf of a particular group. A plan maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and one or more employers shall be considered to be a closed plan.

(B) OPEN.—A plan is "open" if the plan is not closed (within the meaning of subparagraph (A)).

(c) OTHER TERMS.—As used in this Act:

(1) HEALTH PLAN.—The term "health plan" means a plan that provides health benefits, whether directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).

(2) SMALL EMPLOYER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "small employer" means an employer that normally employed fewer than 100 employees during a typical business day in the previous year.

(B) SPECIAL RULE FOR LARGE EMPLOYERS.—Subject to subparagraph (C), the Board shall provide a procedure by which, in the case of an employer that is not a small employer but normally employs fewer than 100 employees in a HPPC area (or other locality identified by the Board) during a typical business day, the employer, upon application, would be considered to be a small employer with respect to such employees in the HPPC area (or other locality). Such procedure shall be designed so as to prevent the adverse selection of employees with respect to which the previous sentence is applied.

(C) STATE ELECTION.—Subject to section 101(a)(3), a State may by law, with respect to employers in the State, substitute for "100" in subparagraphs (A) and (B) any greater number (not to exceed 10,001), so long as such number is applied uniformly to all employers in a HPPC area.

(3) HPPC STANDARD PREMIUM AMOUNT.—The term "HPPC standard premium amount" means, with respect to an AHP offered by a HPPC, the sum of—

(A) the standard premium amount established by the AHP under section 115, and

(B) the HPPC overhead amount established under section 104(a)(3).

(4) PREMIUM CLASS.—The term "premium class" means a class established under section 115(a)(2).

(5) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(6) TYPE OF ENROLLMENT.—There are 4 "types of enrollment":

(A) Coverage only of an individual (referred to in this Act as enrollment "on an individual basis").

(B) Coverage of an individual and the individual's spouse.

(C) Coverage of an individual and one child.

(D) Coverage of an individual and more than one eligible family member.

The types of coverage described in subparagraphs (B) through (D) are collectively referred to in this Act as enrollment "on a family basis".

(7) UNIFORM SET OF EFFECTIVE BENEFITS.—The term "uniform set of effective benefits" means, for a year, such set of benefits as specified by the Board under section 132(a).

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

SEC. 100. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall award grants to States to enable such States to defray the costs associated with the implementation and administration of the requirements of this title in such States.

(b) AMOUNT OF GRANTS.—The amount of a grant awarded to a State under this section shall be determined by the Secretary according to a formula developed by the Secretary to take into consideration the population, health care availability, and geographic make-up of the State as compared to other States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to award grants under subsection (a), such sums as may be necessary for each fiscal year.

Subtitle A—Health Plan Purchasing Cooperatives

SEC. 101. ESTABLISHMENT AND ORGANIZATION; HPPC AREAS.

(a) HPPC AREAS.—

(1) IN GENERAL.—For purposes of carrying out this title, subject to paragraphs (2) and (3), each State shall be considered a HPPC area.

(2) ALTERNATIVE, INTRASTATE AREAS.—Each State may provide for the division of the State into HPPC areas so long as—

(A) all portions of each metropolitan statistical area in a State are within the same HPPC area; and

(B) the number of individuals residing within a HPPC area is not less than 100,000.

(3) ALTERNATIVE, INTERSTATE AREAS.—In accordance with rules established by the Board, one or more contiguous States may provide for the establishment of a HPPC area that includes adjoining portions of the States so long as such area, if it includes any part of a metropolitan statistical area, includes all of such area. In the case of a HPPC serving a multi-state area, section 2(c)(2)(C) shall only apply to the area if all the States encompassed in the area agree to the number to be substituted.

(b) ESTABLISHMENT OF HPPCS.—

(1) IN GENERAL.—Each State shall provide, by legislation or otherwise, for the establishment by not later than July 1, 1994, as a not-for-profit corporation, with respect to each HPPC area (specified under subsection (a)) of a health plan purchasing cooperative (each in this subtitle referred to as a "HPPC").

(2) SINGLE ORGANIZATION SERVING MULTIPLE HPPC AREAS.—Nothing in this subsection shall be construed as preventing—

(A) a single corporation from being the HPPC for more than one HPPC area; or

(B) a State from coordinating, through a single entity, the activities of one or more HPPCs in the State.

(3) INTERSTATE HPPC AREAS.—HPPCs with respect to interstate areas specified under subsection (a)(3) shall be established in accordance with rules of the Board.

(c) BOARD OF DIRECTORS.—Each HPPC shall be governed by a Board of Directors appointed by the Governor or other chief executive officer of the State (or as otherwise provided under State law or by the Board in the case of a HPPC described in subsection (b)(3)).

(d) DUTIES OF HPPCS.—Each HPPC shall—

(1) enter into agreements with accountable health plans under section 102;

(2) enter into agreements with small employers under section 103;

(3) enroll individuals under accountable health plans, in accordance with section 104;

(4) receive and forward adjusted premiums, in accordance with section 105, including the reconciliation of low-income assistance among accountable health plans;

(5) provide for coordination with other HPPCs, in accordance with section 106; and

(6) carry out other functions provided for under this title.

SEC. 102. AGREEMENTS WITH ACCOUNTABLE HEALTH PLANS (AHPS).

(a) Agreements.—

(1) Open AHPs.—Each HPPC for a HPPC area shall enter into an agreement under this section with each open accountable health plan registered with the Board under subtitle B, that serves residents of the area. Each such agreement under this section, between an open AHP and a HPPC shall include (as specified by the Board) provisions consistent with the requirements of the succeeding subsections of this section. Except as provided in paragraph (3)(A), a HPPC may not refuse to enter into such an agreement with an open AHP which is registered with the Board under subtitle B.

(2) Closed AHPs.—Each HPPC for a HPPC area shall enter into a special agreement under this paragraph with each closed AHP that serves residents of the area, in order to carry out subsection (e). Except as otherwise specifically provided, any reference in this Act to an agreement under this section shall not be considered to be a reference to an agreement under this paragraph.

(3) Termination of agreement.—In accordance with regulations of the Board—

(A) the HPPC may terminate an agreement under paragraph (1) if the AHP's registration under subtitle B is terminated or for other good cause shown; and

(B) the AHP may terminate either such agreement only upon sufficient notice in order to provide for the orderly enrollment of enrollees under other AHPs.

The Board shall establish a process for the termination of agreements under this paragraph.

(b) Offer of Enrollment of Individuals.—

(1) In general.—Under an agreement under this section between an AHP and a HPPC, the HPPC shall offer, on behalf of the AHP, enrollment in the AHP to eligible individuals (as defined in section 2(a)(1)) at the applicable monthly premium rates (specified under section 105(a)).

(2) Timing of offer.—The offer of enrollment shall be available—

(A) to eligible individuals who are employees of small employers, during the 30-day period beginning on the date of commencement of employment; and

(B) to other eligible individuals, at such time (including an annual open enrollment period specified by the Board) as the HPPC shall specify, consistent with section 104(b).

(c) Receipt of Gross Premiums.—

(1) In general.—Under an agreement under this section between a HPPC and an AHP, payment of premiums shall be made, by individuals or employers on their behalf, directly to the HPPC for the benefit of the AHP.

(2) Timing of payment of premiums.—Premiums shall be payable on a monthly basis (or, at the option of an eligible individual described in section 2(a)(2)(B), on a quarterly basis). The HPPC may provide for penalties and grace periods for late payment.

(3) AHPs retain risk of nonpayment.—Nothing in this subsection shall be construed as placing upon a HPPC any risk associated with failure to make prompt payment of premiums (other than the portion of the premium representing the HPPC overhead amount). Each eligible individual who enrolls with an AHP through the HPPC is liable to the AHP for premiums.

(d) Forwarding of Adjusted Premiums.—

(1) In general.—Under an agreement under this section between an AHP and a HPPC, subject to section 115(b), the HPPC shall forward to each AHP in which an eligible individual has been enrolled an amount equal to the sum of—

(A) the standard premium rate (established under section 115) received for type of enrollment, and

(B) the product of—

(i) the lowest standard premium rate offered by an open AHP for the type of enrollment; and

(ii) a risk-adjustment factor (determined and adjusted in accordance with section 136(b)).

(2) Payments.—Payments shall be made by the HPPC under this subsection within a period (specified by the Board and not to exceed 7 days) after receipt of the premium from the employer of the eligible individual or the eligible individual, as the case may be.

(3) Adjustments for differences in nonpayment rates.—In accordance with rules established by the Board, each agreement between an AHP and a HPPC under this section shall provide that, if a HPPC determines that the rates of nonpayment of premiums during grace periods established under subsection (c)(2) vary appreciably among AHPs, the HPPC shall provide for such adjustments in the payments made under this subsection as will place each AHP in the same position as if the rates of nonpayment were the same.

SEC. 103. AGREEMENTS WITH EMPLOYERS.

(a) In General.—Each HPPC for a HPPC area shall offer each small employer that employs individuals in the area the opportunity to enter into an agreement under this section. Each agreement under this section, between an employer and a HPPC shall include (as specified by the Board) provisions consistent with the requirements specified in the succeeding subsections of this section.

(b) Forwarding Information on Eligible Employees.—

(1) In general.—Under an agreement under this section between a small employer and a HPPC, the employer must forward to the appropriate HPPC the name and address (and other identifying information required by the HPPC) of each employee (including part-time and seasonal employees).

(2) Appropriate HPPC.—In this subsection, the term "appropriate HPPC" means the HPPC for the principal place of business of the employer or (at the option of an employee) the HPPC serving the place of residence of the employee.

(c) Payroll Deduction.—

(1) In general.—Under an agreement under this section between a small employer and a HPPC, if the HPPC indicates to the employer that an eligible employee is enrolled in an AHP through the HPPC, the employer shall provide for the deduction, from the employee's wages or other compensation, of the amount of the premium due (less any employer contribution). In the case of an employee who is paid wages or other compensation on a monthly or more frequent basis, an employer shall not be required to provide for payment of amounts to a HPPC other than at the same time at which the amounts are deducted from wages or other compensation. In the case of an employee who is paid wages or other compensation less frequently than monthly, an employer may be required to provide for payment of amounts to a HPPC on a monthly basis.

(2) Additional premiums.—If the amount withheld under paragraph (1) is not sufficient to cover the entire cost of the premiums, the employee shall be responsible for paying directly to the HPPC the difference between the amount of such premiums and the amount withheld.

(d) Limited Employer Obligations.—Nothing in this section shall be construed as—

(1) requiring an employer to provide directly for enrollment of eligible employees under an accountable health plan or other health plan;

(2) requiring the employer to make, or preventing the employer from making, information about such plans available to such employees; or

(3) requiring the employer to make, or preventing the employer from making, an employer contribution for coverage of such individuals under such a plan.

SEC. 104. ENROLLING INDIVIDUALS IN ACCOUNTABLE HEALTH PLANS THROUGH A HPPC.

(a) In General.—Each HPPC shall offer in accordance with this section eligible individuals the opportunity to enroll in an AHP for the HPPC area in which the individual resides.

(b) Enrollment Process.—

(1) In general.—Each HPPC shall establish an enrollment process in accordance with rules established by the Board consistent with this subsection.

(2) Initial enrollment period.—Each eligible individual, at the time the individual first becomes an eligible individual in a HPPC area of a HPPC, have an initial enrollment period (of not less than 30 days) in which to enroll in an AHP.

(3) General enrollment period.—Each HPPC shall establish an annual period, of not less than 30 days, during which eligible individuals may enroll in an AHP or change in the AHP in which the individual is enrolled.

(4) Special enrollment periods.—In the case of individuals who—

(A) through marriage, divorce, birth or adoption of a child, or similar circumstances, experience a change in family composition; or

(B) experience a change in employment status (including a significant change in the terms and conditions of employment);

each HPPC shall provide for a special enrollment period in which the individual is permitted to change the individual or family basis of coverage or the AHP in which the individual is enrolled. The circumstances under which such special enrollment periods are required and the duration of such periods shall be specified by the Board.

(5) Transitional enrollment period.—Each HPPC shall provide for a special transitional enrollment period (during a period beginning in the months of October through December of 1994 as specified by the Board) during which eligible individuals may first enroll.

(c) Distribution of Comparative Information.—Each HPPC shall distribute, to eligible individuals and employers, information, in comparative form, on the prices, outcomes, enrollee satisfaction, and other information pertaining to the quality of the different AHPs for which it is offering enrollment. Each HPPC also shall make such information available to other interested persons.

(d) Period of Coverage.—

(1) Initial enrollment period.—In the case of an eligible individual who enrolls with an AHP through a HPPC during an initial enrollment period, coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify.

(2) GENERAL ENROLLMENT PERIODS.—In the case of an eligible individual who enrolls with an AHP through a HPPC during a general enrollment period, coverage under the plan shall begin on the 1st day of the 1st month beginning at least 15 days after the end of such period.

(3) SPECIAL ENROLLMENT PERIODS.—

(A) IN GENERAL.—In the case of an eligible individual who enrolls with an AHP during a special enrollment period described in subsection (b)(4), coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify, except that coverage of family members shall begin as soon as possible on or after the date of the event that gives rise to the special enrollment period.

(B) TRANSITIONAL SPECIAL ENROLLMENT PERIOD.—In the case of an eligible individual who enrolls with an AHP during the transitional special enrollment period described in subsection (b)(5), coverage under the plan shall begin on January 1, 1995.

(4) MINIMUM PERIOD OF ENROLLMENT.—In order to avoid adverse selection, each HPPC may require, consistent with rules of the National Board, that enrollments with AHPs be for not less than a specified minimum enrollment period (with exceptions permitted for such exceptional circumstances as the Board may recognize).

SEC. 105. RECEIPT OF PREMIUMS.

(a) ENROLLMENT CHARGE.—The amount charged by a HPPC for coverage under an AHP in a HPPC area is equal to the sum of—

(1) the standard premium rate established by the AHP under section 115 for such coverage; and

(2) the HPPC overhead amount established under subsection (b)(3) for enrollment of individuals in the HPPC area.

(b) HPPC OVERHEAD AMOUNT.—

(1) HPPC BUDGET.—Each HPPC shall establish a budget for each year for each HPPC area in accordance with regulations established by the Board.

(2) HPPC OVERHEAD PERCENTAGE.—The HPPC shall compute for each HPPC area an overhead percentage which, when applied to the standard premium amount for individual coverage for each enrollee unit, will provide for revenues equal to the budget for the HPPC area for the year. Such percentage may in no case exceed 5 percentage points.

(3) HPPC OVERHEAD AMOUNT.—The HPPC overhead amount for enrollment, whether on an individual or family basis, in an AHP for a HPPC area for a month is equal to the applicable HPPC overhead percentage (computed under paragraph (2)) multiplied by the standard premium amount for individual coverage under the AHP for the month.

SEC. 106. COORDINATION AMONG HPPCS.

(a) IN GENERAL.—The Board shall establish rules consistent with this section for coordination among HPPCs in cases where small employers are located in one HPPC area and their employees reside in a different HPPC area (and are eligible for enrollment with AHPs located in the other area).

(b) COORDINATION RULES.—Under the rules established under subsection (a)(1)—

(1) HPPC FOR EMPLOYER.—The HPPC for the principal place of business of a small employer shall be responsible—

(A) for providing information to the employer's employees on AHPs for areas in which employees reside;

(B)(i) for enrolling employees under the AHP selected (even if the AHP selected is not in the same HPPC area as the HPPC) and (ii) if the AHP chosen is not in the same HPPC area as the HPPC, for forwarding the enrollment information to the HPPC for the area in which the AHP selected is located; and

(C) in the case of premiums to be paid through payroll deduction, to receive such premiums and forward them to the HPPC for the area in which the AHP selected is located.

(2) HPPC FOR EMPLOYEE RESIDENCE.—The HPPC for the HPPC area in which an employee resides shall be responsible for providing other HPPCs with information concerning AHPs being offered in other HPPC areas within the State.

Subtitle B—Accountable Health Plans (AHPs)

PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS

SEC. 111. REGISTRATION PROCESS; QUALIFICATIONS.

(a) IN GENERAL.—The Board shall provide a process whereby a health plan (as defined in section 2(c)(1)) may be registered with the Board by its sponsor as an accountable health plan.

(b) QUALIFICATIONS.—In order to be eligible to be registered, a plan must—

(1) provide, in accordance with section 112, for coverage of the uniform set of effective benefits specified by the Board;

(2) provide, in accordance with section 113, for the collection and reporting to the Board of certain information regarding its enrollees and provision of services;

(3) not discriminate in enrollment or benefits, as required under section 114;

(4) establish standard premiums for the uniform set of effective benefits, in accordance with section 115;

(5) meet financial solvency requirements, in accordance with section 116;

(6) provide for effective grievance procedures and restrict certain physician incentive plans, in accordance with section 117; and

(7) in the case of an open plan (as defined in section 2(b)(4)(B)), meet certain additional requirements under section 118 (relating to acceptance of enrollees and participation as a plan under the medicare program under the Social Security Act and under the Federal employees health benefits program).

(c) MINIMUM SIZE FOR CLOSED PLANS.—No plan may be registered as a closed AHP under this section unless the plan covers at least a number of employees greater than the applicable number of employees specified in section 2(c)(2).

(d) MEDICARE REQUIREMENT.—No plan may be registered as an AHP under this section unless the plan—

(1) meets the requirement of section 118(c); or

(2) provides for payment of the medicare adjustment amount under section 119.

SEC. 112. SPECIFIED UNIFORM SET OF EFFECTIVE BENEFITS.

(a) BENEFITS.—The Board shall not accept the registration of a health plan as an accountable health plan unless, subject to subsection (b), the plan—

(1) offers only the uniform set of effective benefits, specified by Board under section 132(a);

(2) has entered into arrangements with a sufficient number and variety of providers to provide for its enrollees the uniform set of effective benefits without imposing cost-sharing in excess of the cost-sharing described in paragraph (3);

(3)(A) provides, subject to subsection (c), for imposition of uniform cost-sharing (such as deductibles and copayments), specified under such subsection as part of such set of benefits; and

(B) does not permit providers participating in the plan under paragraph (2) to charge for covered services amounts in excess of such cost-sharing; and

(4) provides, in the case of individuals covered under more than one accountable health plan, for coordination of coverage under such plans in an equitable manner.

(b) TREATMENT OF ADDITIONAL BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not be construed as preventing an AHP from offering benefits in addition to the uniform set of effective benefits or for reducing the cost-sharing below the uniform cost-sharing, if such additional benefits or reductions in cost-sharing are offered, and priced, separately from the benefits described in subsection (a).

(2) NO DUPLICATIVE BENEFITS.—An AHP may not offer under paragraph (1) any additional benefits that have the effect of duplicating the benefits required under subsection (a).

SEC. 113. COLLECTION AND PROVISION OF STANDARDIZED INFORMATION.

(a) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Each AHP must provide the Board (at a time, not less frequently than annually, and in an electronic, standardized form and manner specified by the Board) such information as the Board determines to be necessary, consistent with this subsection and section 137, to evaluate the performance of the AHP in providing the uniform set of effective benefits to enrollees.

(2) INFORMATION TO BE INCLUDED.—Subject to paragraph (3), information to be reported under this subsection shall include at least the following:

(A) Information on the characteristics of enrollees that may affect their need for or use of health services.

(B) Information on the types of treatments and outcomes of treatments with respect to the clinical health, functional status, and well-being of enrollees.

(C) Information on enrollee satisfaction, based on standard surveys prescribed by the Board.

(D) Information on health care expenditures, volume and prices of procedures, and use of specialized centers of care (for which information is submitted under section 138).

(E) Information on the flexibility permitted by plans to enrollees in their selection of providers.

(3) SPECIAL TREATMENT.—The Board may waive the provision of such information under paragraph (2), or require such other information, as the Board finds appropriate in the case of newly established AHP for which such information is not available.

(b) CONDITIONING CERTAIN PROVIDER PAYMENTS.—

(1) IN GENERAL.—In order to assure the collection of all information required from the direct providers of services for which benefits are available through an AHP, each AHP may not provide payment for services (other than emergency services) furnished by a provider to meet the uniform set of effective benefits unless the provider has given the AHP (or has given directly to the National Board) standard information (specified by the Board) respecting the services.

(2) FORWARDING INFORMATION.—If information under paragraph (1) is given to the AHP, the AHP is responsible for forwarding the information to the Board.

SEC. 114. PROHIBITION OF DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN CONDITIONS; LIMITATION ON PRE-EXISTING CONDITION EXCLUSIONS.

(a) IN GENERAL.—Except as provided under subsection (b), an AHP may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR SERVICES.—

(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an AHP may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months beginning on the date of coverage under the plan. The exclusion of coverage shall not apply to services furnished to newborns and to pregnant women.

(2) CREDITING OF PREVIOUS COVERAGE.—

(A) IN GENERAL.—An AHP shall provide that if an enrollee is in a period of continuous coverage (as defined in subparagraph (B)(i)) as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

(B) DEFINITIONS.—As used in this paragraph:

(i) PERIOD OF CONTINUOUS COVERAGE.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under an AHP (or, before July 1, 1994, under any health plan that provides benefits with respect to such services) and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under an AHP, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

(3) LIMITATION.—This subsection shall not apply to treatment which is not within the uniform set of effective benefits.

SEC. 115. USE OF STANDARD PREMIUMS.

(a) STANDARD PREMIUMS FOR OPEN AHPs.—

(1) IN GENERAL.—Subject to subsection (b), each open AHP shall establish a standard premium for the uniform set of effective benefits within each HPPC area in which the plan is offered. The amount of premium applicable for all individuals within a premium class (established under paragraph (2)) is the standard premium amount multiplied by the premium class factor specified by the Board for that class under paragraph (2)(B). Within a HPPC area for individuals within a premium class, the standard premium for all individuals in the class shall be the same.

(2) PREMIUM CLASSES.—

(A) IN GENERAL.—The Board shall establish premium classes—

(i) based on types of enrollment (described in section 2(c)(6)); and

(ii) within each type of enrollment, based on age of principal enrollee.

In carrying out clause (ii), the Board shall establish reasonable age bands within which premium amounts will not vary for a type of enrollment.

(B) PREMIUM CLASS FACTORS.—

(i) IN GENERAL.—For each premium class established under subparagraph (A), the Board shall establish a premium class factor that reflects, subject to clause (ii), the relative actuarial value of benefits for that class compared to the actuarial value of benefits for an average class.

(ii) LIMIT ON VARIATION IN PREMIUM CLASS FACTORS.—The highest premium class factor may not exceed twice the lowest premium class factor and the weighted average of the premium class factors shall be 1.

(3) METHODOLOGY.—Standard premiums are subject to adjustment in accordance with section 102(d)(1).

(b) LIMITATION ON PREMIUM INCREASES.—

(1) BOARD ACTION.—The Board shall establish annual limits on the permissible percentage rate of increase for premiums with respect to AHP's providing the uniform set of effective benefits.

(2) INCREASES.—Annual increases in premiums for an AHP may not exceed the percentage limit established by the Board under paragraph (1).

SEC. 116. FINANCIAL SOLVENCY REQUIREMENTS.

(a) SOLVENCY PROTECTION.—

(1) FOR INSURED PLANS.—In the case of an AHP that is an insured plan (as defined by the Board) and is issued in a State, in order for the plan to be registered under this subtitle the Board must find that the State has established satisfactory protection of enrollees with respect to potential insolvency.

(2) FOR OTHER PLANS.—In the case of an AHP that is not an insured plan, the Board may require the plan to provide for such bond or provide other satisfactory assurances that enrollees under the plan are protected with respect to potential insolvency of the plan.

(b) PROTECTION AGAINST PROVIDER CLAIMS.—In the case of a failure of an AHP to make payments with respect to the uniform set of basic benefits, under standards established by the Board, an individual who is enrolled under the plan is not liable to any health care provider or practitioner with respect to the provision of health services within such uniform set for payments in excess of the amount for which the enrollee would have been liable if the plan were to have made payments in a timely manner.

SEC. 117. GRIEVANCE MECHANISMS; ENROLLEE PROTECTIONS; WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES; AGENT COMMISSIONS.

(a) EFFECTIVE GRIEVANCE PROCEDURES.—Each AHP shall provide for effective procedures for hearing and resolving grievances between the plan and individuals enrolled under the plan, which procedures meet standards specified by the Board.

(b) RESTRICTION ON CERTAIN PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A health plan may not be registered as an AHP if it operates a physician incentive plan (as defined in paragraph (2)) unless the requirements specified in clauses (i) through (iii) of section 1876(i)(8)(A) of the Social Security Act are met (in the same manner as they apply to eligible organizations under section 1876 of such Act).

(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this subsection, the term "physician incentive plan" means any compensation or other financial arrangement between the AHP and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled under the plan.

(c) WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES.—A health plan may not be registered as an AHP unless the plan meets the requirements of section 1866(f) of the Social Security Act (relating to maintaining written policies and procedures respecting advance directives), insofar as such requirements would apply to the plan if the plan were an eligible organization.

(d) PAYMENT OF AGENT COMMISSIONS.—An AHP—

(1) may pay a commission or other remuneration to an agent or broker in marketing the plan to individuals or groups; but

(2) may not vary such remuneration based, directly or indirectly, on the anticipated or actual claims experience associated with the group or individuals to which the plan was sold.

SEC. 118. ADDITIONAL REQUIREMENTS OF OPEN AHPS.

(a) REQUIREMENT OF AGREEMENT WITH HPPC.—In the case of a health plan which is an open plan (as defined in section 2(b)(4)(B)), in order to be registered as an AHP the plan must have in effect an agreement (described in section 102) with each HPPC for each HPPC area in which it is offered.

(b) REQUIREMENT OF OPEN ENROLLMENT.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must, subject to paragraph (3), not reject the enrollment of any eligible individual whom a HPPC is authorized to enroll under an agreement referred to in subsection (a) if the individual applies for enrollment during an enrollment period.

(2) LIMITATION ON TERMINATION.—Subject to paragraph (3), coverage of eligible individuals under an open AHP may not be refused nor terminated except for—

(A) nonpayment of premiums;

(B) fraud or misrepresentation; or

(C) termination of the plan at the end of a year (after notice and in accordance with standards established by the Board).

(3) TREATMENT OF NETWORK PLANS.—

(A) GEOGRAPHIC LIMITATIONS.—

(i) IN GENERAL.—An AHP which is a network plan (as defined in subparagraph (D)) may deny coverage under the plan to an eligible individual who is located outside a service area of the plan, but only if such denial is applied uniformly, without regard to health status or insurability of individuals.

(ii) SERVICE AREAS.—The Board shall establish standards for the designation by network plans of service areas in order to prevent discrimination based on health status of individuals or their need for health services.

(B) SIZE LIMITS.—Subject to subparagraph (C), an AHP which is a network plan may apply to the Board to cease enrolling eligible individuals under the AHP (or in a service area of the plan) if—

(i) it ceases to enroll any new eligible individuals; and

(ii) it can demonstrate that its financial or administrative capacity to serve previously covered groups or individuals (and additional individuals who will be expected to enroll because of affiliation with such previously covered groups or individuals) will be impaired if it is required to enroll other eligible individuals.

(C) FIRST-COME-FIRST-SERVED.—A network plan is only eligible to exercise the limitations provided for in subparagraphs (A) and (B) if it provides for enrollment of eligible individuals on a first-come-first-served basis.

(D) NETWORK PLAN.—In this paragraph, the term "network plan" means an eligible organization (as defined in section 1876(b) of the Social Security Act) and includes a similar organization, specified in regulations of the Board, as requiring a limitation on enrollment of employer groups or individuals due to the manner in which the organization provides health care services.

(c) REQUIREMENT OF PARTICIPATION IN MEDICARE RISK-BASED CONTRACTING.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan and which is an eligible organization (as defined in section 1876(b) of the Social Security Act), in order to be registered as an AHP the plan must enter into a risk-sharing contract under section 1876 of the Social Security Act for the offering of benefits to medicare beneficiaries in accordance with such section.

(2) EXPANSION OF MEDICARE SELECT PROGRAM.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388-137) is amended by striking "only apply in 15 States" and all that follows through the end and inserting "on and after January 1, 1992.".

(d) PARTICIPATION IN FEHBP.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must have entered into an agreement with the Office of Personnel Management to offer a health plan to Federal employees and annuitants, and family members, under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code, under the same terms and conditions offered by the AHP for enrollment of individuals and small employers through HPPCs.

(2) CHANGE IN CONTRIBUTION AND OTHER FEHBP RULES.—Notwithstanding any other provision of law, effective January 1, 1994—

(A) enrollment shall not be permitted under a health benefits plan under chapter 89 of title 5, United States Code, unless the plan is an AHP, and

(B) the amount of the Federal Government contribution under such chapter—

(i) for any premium class shall be the same for all AHPs in a HPPC area,

(ii) for any premium class shall not exceed the base individual premium (as defined in section 229(c)(3)), and

(iii) in the aggregate for any fiscal year shall be equal to the aggregate amount of Government contributions that would have been made but for this section.

SEC. 119. ADDITIONAL REQUIREMENT OF CERTAIN AHPS.

(a) MEDICARE ADJUSTMENT PAYMENT REQUIRED.—Each AHP which does not meet the requirement of section 148(c) shall provide for payment to the Board of such amounts as may be required as to put the plan in the same financial position as the AHP would be in if it met such requirement.

(b) REDISTRIBUTION OF PAYMENTS TO PLANS.—The Board shall provide for the distribution among AHPs meeting the requirement of section 148(c) of amounts paid under subsection (a) in such manner as reflects the relative financial impact of such requirement among such plans.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

SEC. 120. PREEMPTION FROM STATE BENEFIT MANDATES.

Effective as of January 1, 1994, no State shall establish or enforce any law or regulation that—

(1) requires the offering, as part of an AHP, of any services, category of care, or services of any class or type of provider that is different from the uniform set of effective benefits;

(2) specifies the individuals to be covered under an AHP or the duration of such coverage; or

(3) requires a right of conversion from a group health plan that is an AHP to an individual health plan.

SEC. 121. PREEMPTION OF STATE LAW RESTRICTIONS ON NETWORK PLANS.

(a) LIMITATION ON RESTRICTIONS ON NETWORK PLANS.—Effective as of January 1, 1994—

(1) A State may not by law or regulation prohibit or unreasonably limit a network plan from including incentives for enrollees to use the services of participating providers.

(2) A State may not prohibit or unreasonably limit a network plan from limiting coverage of services to those provided by a participating provider.

(3)(A) Subject to subparagraph (B), a State may not prohibit or unreasonably limit the negotiation of rates and forms of payments for providers under a network plan.

(B) Subparagraph (A) shall not apply where the amount of payments with respect to a category of services or providers is established under a Statewide system applicable to all non-Federal payors with respect to such services or providers.

(4) A State may not prohibit or unreasonably limit a network plan from limiting the number of participating providers.

(5) A State may not prohibit or unreasonably limit a network plan from requiring that services be provided (or authorized) by a practitioner selected by the enrollee from a list of available participating providers.

(b) DEFINITIONS.—As used in this section:

(1) NETWORK PLAN.—The term "network plan" means an AHP—

(A) which—

(i) limits coverage of the uniform set of basic benefits to those provided by participating providers; or

(ii) provides, with respect to such services provided by persons who are not participating providers, for deductibles or other cost-sharing which are in excess of those permitted under the uniform set of basic benefits for participating providers;

(B) which has a sufficient number and distribution of participating providers to assure that the uniform set of basic benefits is—

(i) available and accessible to each enrollee, within the area served by the plan, with reasonable promptness and in a manner which assures continuity; and

(ii) when medically necessary, available and accessible 24 hours a day and seven days a week; and

(C) which provides benefits for the uniform set of basic benefits not furnished by participating providers if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition.

(2) PARTICIPATING PROVIDER.—The term "participating provider" means an entity or individual which provides, sells, or leases health care services under a contract with a network plan, which contract does not permit—

(A) cost-sharing in excess of the cost-sharing permitted under the uniform set of basic benefits with respect to basic benefits; and

(B) any enrollee charges (for such services covered under such set) in excess of such cost-sharing.

SEC. 122. PREEMPTION OF STATE LAWS RESTRICTING UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—Effective January 1, 1994, no State law or regulation shall prohibit or regulate activities under a utilization review program (as defined in subsection (b)).

(b) UTILIZATION REVIEW PROGRAM DEFINED.—In this section, the term "utilization review program" means a system of reviewing the medical necessity and appropriateness of patient services (which may include inpatient and outpatient services) using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

Subtitle C—Federal Health Board

SEC. 131. ESTABLISHMENT OF FEDERAL HEALTH BOARD.

(a) IN GENERAL.—There is hereby established a Federal Health Board.

(b) COMPOSITION AND TERMS.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate. In appointing members to the Board, the President shall provide that all members shall demonstrate experience with and knowledge of the health care system.

(2) CHAIRPERSON.—The President shall designate one of the members to be Chairperson of the Board.

(3) TERMS.—Each member of the Board shall be appointed for a term of 7 years, except that, of the members first appointed, 1 shall each be appointed for terms of 3, 4, 5, 6, and 7 years, as designated by the President at the time of appointment. Members appointed to fill vacancies shall serve for the remainder of the terms of the vacating members.

(4) PARTY AFFILIATION.—Not more than 3 members of the Board shall be of the same political party.

(5) OTHER EMPLOYMENT PROHIBITED.—A member of the Board may not, during the term as a member, engage in any other business, vocation, profession, or employment.

(6) QUORUM.—Three members of the Board shall constitute a quorum, except that 2 members may hold hearings.

(7) MEETINGS.—The Board shall meet at the call of the Chairman or 3 members of the Board.

(8) COMPENSATION.—Each member of the Board shall be entitled to compensation at the rate provided for level II of the Executive Schedule, subject to such amounts as are provided in advance in appropriation Acts.

(c) PERSONNEL.—

(1) IN GENERAL.—The Board shall appoint an Executive Director and such additional officers and employees as it considers necessary to carry out its functions under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) MISCELLANEOUS PROVISIONS.—

(1) GIFTS, BEQUESTS, AND DEVISES.—The Board may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating its work.

(2) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 132. SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.

(a) SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.—

(1) IN GENERAL.—The Board shall specify, by not later than October 1 of each year (beginning with 1993), the uniform set of effective benefits to apply under this title for the following year.

(2) SPECIFICATION OF HEALTH CARE CONDITIONS.—

(A) IN GENERAL.—Such benefits shall include the full range of legally authorized treatment for any health condition for which the Board determines a treatment has been shown to reasonably improve or significantly ameliorate the condition. The Board may exclude health conditions the treatment of which do not impact on clinical health or functional status of individuals.

(B) COVERAGE OF CLINICAL PREVENTIVE SERVICES.—Such benefits shall include the full range of effective clinical preventive services (including appropriate screening, counseling, and immunization and chemoprophylaxis), specified by the Board, appropriate to age and other risk factors.

(C) COVERAGE FOR PERSONS WITH SEVERE MENTAL ILLNESS.—The Board shall establish guidelines concerning nondiscrimination towards individuals with severe mental illnesses and coverage for the treatment of severe mental illnesses. Such guidelines shall ensure that coverage of such individuals is equitable and commensurate with the coverage provided to other individuals.

(D) EXCLUSION FOR INEFFECTIVE TREATMENTS.—The Board may exclude from the benefits such treatments as the Board determines, based on clinical information, have not been reasonably shown to improve a health condition or significantly ameliorate a health condition. Except as specifically excluded, the actual specific treatments, procedures, and care (such as the use of particular providers or services) which may be used under a plan or be used with respect to health conditions shall be left up to the plan.

(E) NONDISCRIMINATION.—In determining the uniform set of effective benefits, the Board shall not discriminate against individuals with serious mental illnesses.

(3) DEDUCTIBLES AND COST-SHARING.—

(A) IN GENERAL.—Subject to subparagraph (B), such set shall include uniform deductibles and cost-sharing associated with such benefits.

(B) TREATMENT OF NETWORK PLANS.—In the case of a network plan (as defined in section 121(b)), the plan may provide for charging deductibles and cost-sharing in excess of the uniform deductibles and cost-sharing under subparagraph (A) in the case of services provided by providers that are not participating providers (as defined in such section).

(b) BASIS FOR BENEFITS.—In establishing such set, the Board shall judge medical treatments, procedures, and related health services based on—

(1) their effectiveness in improving the health status of individuals; and

(2) their long-term impact on maintaining and improving health and productivity and on reducing the consumption of health care services.

(c) BASIS FOR COST-SHARING.—In establishing cost-sharing that is part of the uniform set of effective benefits, the Board shall—

(1) include only such cost-sharing as will restrain consumers from seeking unnecessary services;

(2) not impose cost-sharing for covered clinical preventive services;

(3) balance the effect of the cost-sharing in reducing premiums and in affecting utilization of appropriate services; and

(4) limit the total cost-sharing that may be incurred by an individual (or enrollee unit) in a year.

SEC. 133. HEALTH BENEFITS AND DATA STANDARDS BOARD.

(a) ESTABLISHMENT.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Benefits and Data Standards Board (in this section referred to as the "Benefits and Data Board"), under the direction of a board of directors consisting of 5 directors.

(b) APPOINTMENT OF DIRECTORS.—

(1) SOLICITATION.—The Board shall solicit nominations for the initial board of directors of the Benefits and Data Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) CONTINUATION.—The by-laws of the Benefits and Data Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) TERMS OF DIRECTORS.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 14 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Benefits and Data Board shall make recommendations to the Board concerning each of the following:

(A) The uniform set of effective benefits.

(B) The standards for information collection from AHPs.

(C) Auditing standards to ensure the accuracy of such information.

Before making recommendations concerning the standards described in subparagraph (B), the Benefits and Data Board shall consult with the Agency for Health Care Policy and Research regarding the Agency's need for information in performing its activities.

(2) ASSESSMENTS.—The Benefits and Data Board shall provide the Board with its assessment of—

(A) medical technology;

(B) practice variations;

(C) the effectiveness of medical practices and drug therapies based on research performed by the Agency for Health Care Policy and Research;

(D) information from clinical and epidemiologic studies; and

(E) information provided by AHPs, including AHP-specific information on clinical health, functional status, well-being, and plan satisfaction of enrolled individuals.

(3) NATIONAL HEALTH DATA SYSTEM.—The Benefits and Data Board shall provide the Board with its assistance in the development of the standards for the national data reporting system under section 137.

(d) FUNDING.—

(1) IN GENERAL.—In order to provide funding for the Benefits and Data Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than the amount specified in paragraph (2) for the operation of the Benefits and Data Board.

(2) AMOUNT OF FUNDS.—The amount specified in this paragraph for each of fiscal years 1994 and 1995, is $50,000,000, and, for each succeeding fiscal year, is $25,000,000.

SEC. 134. HEALTH PLAN STANDARDS BOARD.

(a) ESTABLISHMENT.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Plan Standards Board (in this section referred to as the "Plan Standards Board"), under the direction of a board of directors consisting of 5 directors.

(b) APPOINTMENT OF DIRECTORS.—

(1) SOLICITATION.—The Board shall solicit nominations for the initial board of directors of the Plan Standards Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) CONTINUATION.—The by-laws of the Plan Standards Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) TERMS OF DIRECTORS.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 12 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Plan Standards Board shall make recommendations to the Board concerning the standards for AHPs (other than standards relating to the uniform set of effective benefits and the national health data system) and for HPPCs.

(2) ASSESSMENT OF RISK-ADJUSTMENT FACTORS.—The Plan Standards Board shall provide the Board with its assessment of the risk-adjustment factors under section 136.

(d) FUNDING.—In order to provide funding for the Plan Standards Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than 60 percent of the amount specified in section 133(d)(2) for the operation of the Plan Standards Board.

SEC. 135. REGISTRATION OF ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—The Board shall register those health plans that meet the standards under subtitle B.

(b) TREATMENT OF STATE CERTIFICATION.—If the Board determines that a State superintendent of insurance, State insurance commissioner, or other State official provides for the imposition of standards that the Board finds are equivalent to the standards established under subtitle B for registration of a health benefit plan as an AHP, the Board may provide for registration as AHPs of health plans that such official certifies as meeting the standards for registration. Nothing in this subsection shall require a health plan to be certified by such an official in order to be registered by the Board.

(c) MEDICAID WAIVER.—The Board shall develop criteria and procedures under which the Secretary may grant a waiver to a State to permit that State to enroll individuals, otherwise eligible for enrollment under title XIX of the Social Security Act, under ACPs through a HPPC. The waiver shall permit the State to use funds made available under such title XIX for the enrollment of medicaid eligible individuals through a HPPC. The State shall ensure that individuals enrolled in a AHP under such a waiver are guaranteed at least those minimum benefits that such individual would have been entitled to under such title XIX.

SEC. 136. SPECIFICATION OF RISK-ADJUSTMENT FACTORS.

(a) IN GENERAL.—The Board shall establish rules for the process of risk-adjustment of premiums among AHPs by HPPCs under section 102(d).

(b) PROCESS.—

(1) IDENTIFICATION OF RELATIVE RISK.—The Board shall determine risk-adjustment factors that are correlated with increased or diminished risk for consumption of the type of health services included in the uniform set of effective benefits. To the maximum extent practicable, such factors shall be determined without regard to the methodology used by individual AHPs in the provision of such benefits. In determining such factors, with respect to an individual who is identified as having—

(A) a lower-than-average risk for consumption of the services, the factor shall be a number, less than zero, reflecting the degree of such lower risk;

(B) an average risk for consumption of the services, the factor shall be zero; or

(C) a higher-than-average risk for consumption of the services, the factor shall be a number, greater than zero, reflecting the degree of such higher risk.

(2) ADJUSTMENT OF FACTORS.—In applying under section 102(d)(1)(B) the risk-adjustment factors determined under paragraph (1), each HPPC shall adjust such factors, in accordance with a methodology established by the Board, so that the sum of such factors is zero for all enrollee units in each HPPC area for which a premium payment is forwarded under section 102(d) for each premium payment period.

SEC. 137. NATIONAL HEALTH DATA SYSTEM.

(a) STANDARDIZATION OF INFORMATION.—

(1) IN GENERAL.—The Board shall establish standards for the periodic reporting by AHPs of information under section 113(a).

(2) PATIENT CONFIDENTIALITY.—The standards shall be established in a manner that protects the confidentiality of individual enrollees, but may provide for the disclosure of information which discloses particular providers within an AHP.

(b) ANALYSIS OF INFORMATION.—The Board shall analyze the information reported in order to distribute it in a form consistent with subsection (a)(2), that—

(1) reports, on a national, State, and community basis, the levels and trends of health care expenditures, the rates and trends in the provision of individual procedures, and the price levels and rates of price change for such procedures; and

(2) permits the direct comparison of different AHPs on the basis of the ability of the AHPs to maintain and improve clinical health, functional status, and well-being and to satisfy enrolled individuals.

The reports under paragraph (1) shall include both aggregate and per capita measures for areas and shall include comparative data of different areas. The comparison under paragraph (2) may also be made to show changes in the performance of AHPs over time.

(c) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Board shall provide, through the HPPCs and directly to AHPs, for the distribution of its analysis on individual AHPs. Such distribution shall occur at least annually before each general enrollment period.

(2) ANNUAL REPORT ON EXPENDITURES.—The Board shall publish annually (beginning with 1996) a report on expenditures on, and volumes and prices of, procedures. Such report shall be distributed to each AHP, each HPPC, each Governor, and each State legislature.

(3) ANNUAL REPORTS.—The Board shall also publish an annual report, based on analyses under this section, that identifies—

(A) procedures for which, as reflected in variations in use or rates of increase, there appear to be the greatest need to develop valid clinical protocols for clinical decisionmaking and review;

(B) procedures for which, as reflected in price variations and price inflation, there appear to be the greatest need for strengthening competitive purchasing; and

(C) States and localities for which, as reflected in expenditure levels and rates of increase, there appear to be the greatest need for additional cost control measures.

(4) SPECIAL DISTRIBUTIONS.—The Board may, whenever it deems appropriate, provide for the distribution—

(A) to an AHP of such information relating to the plan as may be appropriate in order to encourage the plan to improve its delivery of care; and

(B) to business, consumer, and other groups and individuals of such information as may improve their ability to effect improvements in the outcomes, quality, and efficiency of health services.

(5) ACCESS BY AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—The Board shall make available to the Agency for Health Care Policy and Research information obtained under section 113(a) in a manner consistent with subsection (a)(2).

(d) STANDARDIZED FORMS.—Not later than October 1, 1994, the Board, in consultation with representatives of local governments, insurers, health care providers, and consumers shall develop a plan to accelerate electronic billing and computerization of medical records and shall develop standardized claim forms and billing procedures for use by all AHPs under this title.

SEC. 138. MEASURES OF QUALITY OF CARE OF SPECIALIZED CENTERS OF CARE.

(a) COLLECTION OF INFORMATION.—The Board shall provide a process whereby a specialized center of care (as defined in subsection (c)) may submit to the Board such clinical and other information bearing on the quality of care provided with respect to the uniform set of effective benefits at the center as the Board may specify. Such information shall include sufficient information to take into account outcomes and the risk factors associated with individuals receiving care through the center. Such information shall be provided at such frequency (not less often than annually) as the Board specifies.

(b) MEASURES OF QUALITY.—Using information submitted under subsection (a) and information reported under section 137, the Board shall—

(1) analyze the performance of such centers with respect to the quality of care provided;

(2) rate the performance of such a center with respect to a class of services relative to the performance of other specialized centers of care and relative to the performance of AHPs generally; and

(3) publish such ratings.

(c) USE OF SERVICE MARK FOR SPECIALIZED CENTERS OF CARE.—The Board may establish a service mark for specialized centers of care the performance of which has been rated under subsection (b). Such service mark shall be registrable under the Trademark Act of 1946, and the Board shall apply for the registration of such service mark under such Act. For purposes of such Act, such service mark shall be deemed to be used in commerce. For purposes of this subsection, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(d) SPECIALIZED CENTER OF CARE DEFINED.—In this section, the term "specialized center of care" means an institution or other organized system for the provision of specific services, which need not be multi-disciplinary, and does not include (except as the Board may provide) individual practitioners.

SEC. 139. REPORT ON IMPACT OF ADVERSE SELECTION; RECOMMENDATIONS ON MANDATED PURCHASE OF COVERAGE.

(a) STUDY.—The Board shall study—

(1) the extent to which those eligible individuals (as defined in subsection (c)) who enroll with AHPs have significantly greater needs for health care services than the population of eligible individuals as a whole; and

(2) methods for reducing adverse impacts that may result from such adverse selection.

(b) REPORT.—By not later than January 1, 1996, the Board shall submit to Congress a report on the study under subsection (a) and on appropriate methods for reducing adverse impacts that may result from adverse selection in enrollment. The report shall specifically include—

(1) an examination of the impact of establishing a requirement that all eligible individuals obtain health coverage through enrollment with an AHP; and

(2) a recommendation as to whether (and, if so, how) to impose such a requirement.

(c) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual"—

(1) includes individuals who would be eligible individuals but for section 2(a)(4)(B), but

(2) does not include individuals eligible to enroll for benefits under part B of title XVIII of the Social Security Act.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

SEC. 201. MATERNAL AND INFANT CARE COORDINATION.

(a) PURPOSE.—It is the purpose of this section to assist States in the development and implementation of coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education programs, designed to improve maternal and child health.

(b) GRANTS FOR IMPLEMENTATION OF PROGRAMS.—

(1) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") is authorized to award grants to States to enable such States to plan and implement coordinated, multidisciplinary, and comprehensive primary health care and social service programs targeted to pregnant women and infants.

(2) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) provide assurances that under the program established with amounts received under a grant, individuals will have access (without any barriers) to comprehensive family planning counseling, pregnancy testing, prenatal care, delivery, intrapartum and postpartum care, pediatric care for infants, and social services as appropriate, including outreach activities, home visits, child care, transportation, risk assessment, nutrition counseling, dental care, mental health services, substance abuse services, services relating to HIV infection, and prevention counseling;

(C) provide assurances that under the program individuals will have access, without any barriers, to the full range of pediatric services provided by pediatric nurse practitioners and clinical nurse specialists, including in-home services for low birth weight babies;

(D) as part of the State application, submit a plan for providing incentive payments of up to $500 to pregnant women who—

(i) have not attained age 20;

(ii) are at risk of having low birth weight babies;

(iii) agree to attend not less than 5 prenatal visits and 1 postnatal visit; and

(iv) agree to attend a requisite number of prenatal care and parenting classes, as determined by the State;

(E) as part of the State application, submit a plan for the coordination and maximization of existing and proposed Federal and State resources, including amounts provided under the medicaid program under title XIX of the Social Security Act, the special supplemental food program under section 17 of the Child Nutrition Act of 1966, family planning programs, substance abuse programs, State maternal and child health programs funded under title V of the Social Security Act, community and migrant health center programs under the Public Health Service Act, and other publicly, or where practicable, privately supported programs;

(F) demonstrate that the major service providers to be involved, including private nonprofit entities committed to improving maternal and infant health, are committed to and involved in the program to be funded with amounts received under the grant;

(G) with respect to States with high infant mortality rates among minority populations, demonstrate the involvement of major health, multiservice, professional, or civic group representatives of such minority groups in the planning and implementation of the State program; and

(H) demonstrate that health promotion and outreach activities under the State program are targeted to women of childbearing age, particularly those at risk for having low birth weight babies.

(3) TERM OF GRANT.—A grant awarded under this subsection shall be for a period of 5 years.

(4) USE OF AMOUNTS.—Amounts received by a State under a grant awarded under this subsection shall be used to establish a State program to provide coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education program services, that are designed to improve maternal and child health.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, and $500,000,000 for each of the fiscal years 1996 through 1998.

(c) MODEL HEALTH AND NUTRITION EDUCATION CURRICULA.—

(1) AUTHORITY.—The Secretary, in conjunction with the Secretary of Education and the Secretary of Agriculture, is authorized to award grants, on a competitive basis, to public or nonprofit private entities to enable such entities to develop model health and nutrition education curricula for children in grades kindergarten through twelfth.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CURRICULA.—Curricula developed under paragraph (1) should be consistent with the goals of "Healthy People 2000: National Health Promotion and Disease Prevention Objectives", published by the Department of Health and Human Services in September 1990, and shall address the cultural and lifestyle realities of racial and ethnic minority populations.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 1994.

SEC. 202. REAUTHORIZATION OF CERTAIN PROGRAMS PROVIDING PRIMARY AND PREVENTIVE CARE.

(a) IMMUNIZATION PROGRAMS.—Section 317(j)(1)(A) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(A)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $380,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(b) TUBERCULOSIS PREVENTION GRANTS.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(c) SEXUALLY TRANSMITTED DISEASES.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the first period the following: "$125,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(d) MIGRANT HEALTH CENTERS.—Section 329(h)(1)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $80,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(e) COMMUNITY HEALTH CENTERS.—Section 330(g)(1)(A) of the Public Health Service Act (42 U.S.C. 254c(g)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $700,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(f) HEALTH CARE SERVICES FOR THE HOMELESS.—Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and such sums" and all that follows through the period and inserting "$90,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(g) FAMILY PLANNING PROJECT GRANTS.—Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended—

(1) by striking "and $158,400,000" and inserting "$158,400,000"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(h) BREAST AND CERVICAL CANCER PREVENTION.—Section 1509(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "for each of the fiscal years 1992 and 1993" and inserting "for each of the fiscal years 1992 and 1993, $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(i) PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "$205,000,000" and inserting "$235,000,000".

(j) HIV EARLY INTERVENTION.—Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of fiscal years 1992 and 1993, $310,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(k) MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by striking "$686,000,000 for fiscal year 1990 and each fiscal year thereafter" and inserting "$800,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998".

SEC. 203. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.

Section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155) is amended to read as follows:

"SEC. 4605. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) PURPOSE.—It is the purpose of this section to establish a comprehensive school health education and prevention program for elementary and secondary school students.

"(b) PROGRAM AUTHORIZED.—The Secretary, through the Office of Comprehensive School Health Education established in subsection (e), shall award grants to States from allotments under subsection (c) to enable such States to—

"(1) award grants to local or intermediate educational agencies, and consortia thereof, to enable such agencies or consortia to establish, operate and improve local programs of comprehensive health education and prevention, early health intervention, and health education, in elementary and secondary schools (including preschool, kindergarten, intermediate, and junior high schools); and

"(2) develop training, technical assistance and coordination activities for the programs assisted pursuant to paragraph (1).

"(c) RESERVATIONS AND STATE ALLOTMENTS.—

"(1) RESERVATIONS.—From the sums appropriated pursuant to the authority of subsection (f) for any fiscal year, the Secretary shall reserve—

"(A) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and the Republic of Palau, to be allotted in accordance with their respective needs; and

"(B) 1 percent for payments to the Bureau of Indian Affairs.

"(2) STATE ALLOTMENTS.—From the remainder of the sums not reserved under paragraph (1), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (2).

"(d) USE OF FUNDS.—Grant funds provided to local or intermediate educational agencies, or consortia thereof, under this section may be used to improve elementary and secondary education in the areas of—

"(1) personal health and fitness;

"(2) prevention of chronic diseases;

"(3) prevention and control of communicable diseases;

"(4) nutrition;

"(5) substance use and abuse;

"(6) accident prevention and safety;

"(7) community and environmental health;

"(8) mental and emotional health;

"(9) parenting and the challenges of raising children; and

"(10) the effective use of the health services delivery system.

"(e) OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.—The Secretary shall establish within the Office of the Secretary an Office of Comprehensive School Health Education which shall have the following responsibilities:

"(1) To recommend mechanisms for the coordination of school health education programs conducted by the various departments and agencies of the Federal Government.

"(2) To advise the Secretary on formulation of school health education policy within the Department of Education.

"(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) in any fiscal year shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.".

SEC. 204. COMPREHENSIVE EARLY CHILDHOOD HEALTH EDUCATION PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish a comprehensive early childhood health education program.

(b) PROGRAM.—The Secretary of Health and Human Services shall conduct a program of awarding grants to agencies conducting Head Start training to enable such agencies to provide training and technical assistance to Head Start teachers and other child care providers. Such program shall—

(1) establish a training system through the Head Start agencies and organizations conducting Head Start training for the purpose of enhancing teacher skills and providing comprehensive early childhood health education curriculum;

(2) enable such agencies and organizations to provide training to day care providers in order to strengthen the skills of the early childhood workforce in providing health education;

(3) provide technical support for health education programs and curricula; and

(4) provide cooperation with other early childhood providers to ensure coordination of such programs and the transition of students into the public school environment.

(c) USE OF FUNDS.—Grant funds under this section may be used to provide training and technical assistance in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) dental health;

(5) nutrition;

(6) substance use and abuse;

(7) accident prevention and safety;

(8) community and environmental health;

(9) mental and emotional health; and

(10) strengthening the role of parent involvement.

(d) RESERVATION FOR INNOVATIVE PROGRAMS.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to the authority of subsection (e) in each fiscal year for the development of innovative model health education programs or curricula.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $40,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

SEC. 205. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), qualified expenditures (as defined by the Secretary of Health and Human Services) for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1992.

SEC. 206. WORKSITE WELLNESS GRANT PROGRAM.

(a) GRANTS.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall award grants to States (through State health departments or other State agencies working in consultation with the State health agency) to enable such States to provide assistance to businesses with not to exceed 100 employees for the establishment and operation of worksite wellness programs for their employees.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the manner in which the State intends to use amounts received under the grant; and

(2) assurances that the State will only use amounts provided under such grant to provide assistance to businesses that can demonstrate that they are in compliance with minimum program characteristics (relative to scope and regularity of services offered) that are developed by the Secretary in consultation with experts in public health and representatives of small business.

Grants shall be distributed to States based on the population of individuals employed by small businesses.

(c) PROGRAM CHARACTERISTICS.—In developing minimum program characteristics under subsection (b)(2), the Secretary shall ensure that all activities established or enhanced under a grant under this section have clearly defined goals and objectives and demonstrate how receipt of such assistance will help to achieve established State or local health objectives based on the National Health Promotion and Disease Prevention Objectives.

(d) USE OF FUNDS.—Amounts received under a grant awarded under subsection (a) shall be used by a State to provide grants to businesses (as described in subsection (a)), nonprofit organizations, or public authorities, or to operate State-run worksite wellness programs.

(e) SPECIAL EMPHASIS.—In funding business worksite wellness projects under this section, a State shall give special emphasis to—

(1) the development of joint wellness programs between employers;

(2) the development of employee assistance programs dealing with substance abuse;

(3) maximizing the use and coordination with existing community resources such as nonprofit health organizations; and

(4) encourage participation of dependents of employees and retirees in wellness programs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of the fiscal years 1994 through 1998.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

SEC. 301. CREDIT FOR ACCOUNTABLE HEALTH PLAN COSTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. ACCOUNTABLE HEALTH PLAN COSTS.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the accountable health plan costs paid by such individual during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) ACCOUNTABLE HEALTH PLAN COSTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'accountable health plan costs' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(g)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON ACCOUNTABLE HEALTH PLAN COSTS.—The amount of the accountable health care costs paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed the reference premium amount for the taxable year.

"(3) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as accountable health plan costs.

"(4) DEFINITION.—As used in paragraph (2), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3)) of this Act applied for the taxable year period involved.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH ADVANCE PAYMENT AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) MEDICARE-ELIGIBLE INDIVIDUALS.—No expense shall be treated as an accountable health plan cost if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) SUBSIDIZED EXPENSES.—No expense shall be treated as an accountable health plan cost to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF ACCOUNTABLE HEALTH PLAN COSTS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom an accountable health plan costs eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's accountable health plan costs advance amount.

"(b) ACCOUNTABLE HEALTH PLAN COSTS ELIGIBILITY CERTIFICATE.—For purposes of this title, an accountable health plan costs eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have an accountable health plan costs eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has an accountable health plan costs eligibility certificate in effect, and

"(4) estimates the amount of accountable health plan costs (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) ACCOUNTABLE HEALTH PLAN COSTS ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'accountable health plan costs advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated accountable health plan costs included in the accountable health plan costs eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of accountable health plan costs credit.".

(c) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 303, is further amended by adding after paragraph (5) the following new paragraph:

"(6) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) TERMINATION OF HEALTH INSURANCE CREDIT.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF HEALTH INSURANCE CREDIT.—In the case of taxable years beginning after December 31, 1991, the health insurance credit percentage shall be equal to 0 percent."

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Accountable health plan costs.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 302. NO DEDUCTION FOR EMPLOYER HEALTH PLAN EXPENSES IN EXCESS OF ACCOUNTABLE HEALTH PLAN COSTS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) GENERAL RULE.—

"(1) LIMITATION ON DEDUCTION.—No deduction shall be allowed under this section for the excess health plan expenses of any employer.

"(2) EXCESS HEALTH PLAN EXPENSES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess health plan expenses' means health plan expenses paid or incurred by the employer for any month with respect to any covered individual to the extent such expenses do not meet the requirements of subparagraphs (B), (C), and (D).

"(B) LIMIT TO ACCOUNTABLE HEALTH PLANS.—Health plan expenses meet the requirements of this subparagraph only if the expenses are attributable to—

"(i) coverage of the covered individual under an accountable health plan, or

"(ii) in the case of a small employer, payment to a health plan purchasing cooperative for coverage under an accountable health plan.

"(C) LIMIT ON PER EMPLOYEE CONTRIBUTION.—

"(i) IN GENERAL.—Health plan expenses with respect to any employee meet the requirements of this subparagraph for any month only to the extent that the amount of such expenses does not exceed the reference premium rate amount for the month.

"(ii) TREATMENT OF HEALTH PLANS OUTSIDE THE UNITED STATES.—For purposes of clause (i), in the case of an employee residing outside the United States, there shall be substituted for the reference premium rate such reasonable amounts as the Federal Health Board determines to be comparable to the limit imposed under clause (i).

"(iii) DEFINITION.—As used in clause (i), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of this Act.

"(D) REQUIREMENT OF LEVEL CONTRIBUTION.—Health plan expenses meet the requirements of this subparagraph for any month only if the amount of the employer contribution (for a premium class) does not vary based on the accountable health plan selected.

"(3) EXCEPTION FOR MEDICARE-ELIGIBLE RETIREES.—Paragraphs (1) and (2) shall not apply to health plan expenses with respect to an individual who is eligible for benefits under part A of title XVIII of the Social Security Act if such expenses are for a health plan that is not a primary payor under section 1862(b) of such Act.

"(4) SPECIAL RULES.—

"(A) TREATMENT OF SELF-INSURED PLANS.—In the case of a self-insured health plan, the amount of contributions per employee shall be determined for purposes of paragraph (2)(C) in accordance with rules established by the Federal Health Board which are based on the principles of section 4980B(f)(4)(B) (as in effect before the date of the enactment of this subsection).

"(B) CONTRIBUTIONS TO CAFETERIA PLANS.—Contributions under a cafeteria plan on behalf of an employee that may be used for a group health plan coverage shall be treated for purposes of this section as health plan expenses paid or incurred by the employer.

"(5) EMPLOYEES HELD HARMLESS.—Nothing in this section shall be construed as affecting the exclusion from gross income of an employee under section 106.

"(6) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) COVERED INDIVIDUAL.—The term 'covered individual' means any beneficiary of a group health plan.

"(B) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).

"(C) HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—The term 'health plan expenses' means employer expenses for any group health plan, including expenses for premiums as well as payment of deductibles and coinsurance that would otherwise be applicable.

"(ii) EXCLUSION OF CERTAIN DIRECT EXPENSES.—Such term does not include expenses for direct services which are determined by the Federal Health Board to be primarily aimed at workplace health care and health promotion or related population-based preventive health activities.

"(D) ACCOUNTABLE HEALTH PLAN.—The term 'accountable health plan' has the meaning given such term by section 2(b)(1) of this Act.

"(E) SMALL EMPLOYER.—The term 'small employer' means, for a taxable year, an employer that is a small employer (within the meaning of section 2(c)(2) of this Act for the most recent calendar year ending before the end of the taxable year.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenses incurred for the provision of health services for periods after December 31, 1993.

(2) TRANSITION FOR COLLECTIVE BARGAINING AGREEMENTS.—The amendments made by this section shall not apply to employers with respect to their employees, insofar as such employees are covered under a collective bargaining agreement ratified before the date of the enactment of this Act, earlier than the date of termination of such agreement (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or January 1, 1996, whichever is earlier.

SEC. 303. INCREASE IN DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF SELF-EMPLOYED INDIVIDUALS.

(a) INCREASING DEDUCTION TO 100 PERCENT.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent of".

(b) MAKING PROVISION PERMANENT.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) LIMITATION TO ACCOUNTABLE HEALTH PLANS.—Paragraph (2) of section 162(l) of such Code is amended by adding at the end thereof the following new subparagraph:

"(C) DEDUCTION LIMITED TO ACCOUNTABLE HEALTH PLAN COSTS.—No deduction shall be allowed under this section for any amount which would be excess health plan expenses (as defined in subsection (m)(2), determined without regard to subparagraph (D) thereof) if the taxpayer were an employer.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) EXCEPTION.—The amendment made by subsection (c) shall apply to expenses for periods of coverage beginning on or after January 1, 1994.

SEC. 304. DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF INDIVIDUALS.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) amended by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR HEALTH PLAN PREMIUM EXPENSES.—

"(1) IN GENERAL.—The deduction under subsection (a) shall be determined without regard to the limitation based on adjusted gross income with respect to amounts paid for premiums for coverage under an accountable health plan.

"(2) LIMIT.—The amount allowed as a deduction under paragraph (1) with respect to the cost of providing coverage for any individual shall not exceed the applicable limit specified in section 162(m)(2)(C) reduced by the aggregate amount paid by all other entities (including any employer or any level of government) for coverage of such individual under any health plan.

"(3) DEDUCTION ALLOWED AGAINST GROSS INCOME.—The deduction under this subsection shall be taken into account in determining adjusted gross income under section 62(a).

"(4) TREATMENT OF MEDICARE PROGRAM.—Coverage under part A or part B of title XVIII of the Social Security Act shall not be considered for purposes of this subsection to be coverage under an accountable health plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 305. EXCLUSION FROM GROSS INCOME FOR EMPLOYER CONTRIBUTIONS TO ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employers to accident and health plans) is amended to read as follows:

"Gross income of an employee does not include employer-provided basic coverage under an accountable health plan (as defined in section 162(m)(2)(B)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

SEC. 401. REGULATIONS REQUIRING DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

"SEC. 1144. (a) ANNUAL REPORTS.—

"(1) INSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each institutional health care provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The annual report referred to in subparagraph (A) shall include—

"(i) mortality rates relating to services provided to individuals, including incidence and outcomes of surgical and other invasive procedures;

"(ii) nosocomial infection rates;

"(iii) a list of routine preoperative tests and other frequently performed medical tests, including blood tests, chest x-rays, magnetic resonance imaging, computerized axial tomography, urinalysis, and heart catherizations, and the cost of such tests;

"(iv) the number and types of malpractice claims against the provider decided or settled for the year; and

"(v) such other information as the Secretary shall require.

"(2) NONINSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each noninstitutional provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The report referred to in subparagraph (A) shall include—

"(i) information regarding the provider's education, experience, qualifications, board certification, and license to provide health care services, including a list of the States in which such provider is licensed and any limitations on such provider's license;

"(ii) any disciplinary actions taken against the provider by any health care facility, State medical agency, or medical organization which result in a finding of improper conduct;

"(iii) any malpractice action against the provider decided or settled;

"(iv) a disclosure of any ownership interest the provider may have in any health care facility, laboratory, or health care supply company; and

"(v) such other information as the Secretary shall require.

"(b) DISCLOSURE OF INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—

"(1) INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—The Secretary shall issue regulations requiring that each institutional and noninstitutional health care provider receiving payment for services under title XVIII or XIX shall make available any forms required in connection with the receipt of services under such title which consist of any diagnostic, surgical, or other invasive procedure, prior to the performance of such procedure.

"(2) INFORMATION PROVIDED BEFORE PERFORMANCE OF PROCEDURE.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to disclose to any individual receiving any surgical, palliative, or other health care procedure or any drug therapy or other treatment, the following information prior to the performance of such procedure or treatment:

"(A) The nature of the procedure or treatment.

"(B) A description of the procedure or treatment.

"(C) The risk and benefits associated with the procedure or treatment.

"(D) The success rate for the procedure or treatment generally, and for the provider.

"(E) The provider's cost range for the procedure or treatment.

"(F) Any alternative treatment which may be available to such individual.

"(G) Any known side effects of any medications required in connection with the procedure or treatment.

"(H) The interactive effect of the complete regimen of medications associated with the procedure.

"(I) The availability of the information under this subsection and under subsections (a) and (c).

"(J) Such other information as the Secretary shall require.

"(3) Emergencies.—The Secretary shall issue regulations with respect to the waiver of any requirement established under paragraphs (1) and (2) in a case where emergency health care is needed.

"(c) Patient's Right To Refuse Information and Treatment.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to inform any individual receiving services under such title of such individual's right—

"(1) to refuse any information which is available to such individual under the regulations described in subsections (a) and (b);

"(2) to refuse any procedure or treatment;

"(3) to refuse attendance by any such provider; or

"(4) to leave the premises of any such provider.

"(d) Definitions.—As used in this section—

"(1) Institutional health care provider.—The term 'institutional health care provider' means any hospital, clinic, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, or other facility receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(2) Noninstitutional health care provider.—The term 'noninstitutional health care provider' means any physician, physician assistant, nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or other individual receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(e) Compliance.—

"(1) Penalties for failure to comply.—The Secretary shall issue regulations establishing appropriate penalties for any failure to comply with the regulations issued under this section.

"(2) Waiver of compliance.—The Secretary may waive any of the requirements under the regulations issued under this section if a health care provider demonstrates that such requirements will result in an undue burden on such provider.".

SEC. 402. OUTREACH ACTIVITIES.

(a) Medicare Program.—

(1) Grants to nonprofit private entities for outreach activities.—

(A) Authority.—The Secretary of Health and Human Services (hereafter referred to in this paragraph as the "Secretary"), is authorized to award grants, on a competitive basis, to nonprofit private entities to enable such entities to develop outreach activities to inform beneficiaries under title XVIII of the Social Security Act of the information available to such beneficiaries pursuant to regulations issued by the Secretary under section 1144 of the Social Security Act as added by section 301 of this Act.

(B) Application.—To be eligible to receive a grant under subparagraph (A), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(C) Authorization of appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $5,000,000 for fiscal year 1996.

(2) Outreach through notice of medicare benefits.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(A) in paragraph (2), by striking ", and" and inserting a comma,

(B) in paragraph (3), by striking the period and inserting ", and", and

(C) by inserting after paragraph (3), the following new paragraph:

"(4) a description of the information available to beneficiaries under this title pursuant to regulations issued by the Secretary under section 1144.".

(b) Medicaid Program.—

(1) In general.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), is amended—

(A) by striking "and" at the end of paragraph (54),

(B) by striking the period at the end of paragraph (58) (as added by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) and inserting a semicolon,

(C) by redesignating the second paragraph (58) (as added by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) as paragraph (59) and by striking the period at the end and inserting "; and", and

(D) by adding at the end the following new paragraph:

"(60) provide for an outreach program informing individuals who receive medical assistance under this title of the information available to such individuals pursuant to regulations issued by the Secretary under section 1144.".

(2) Effective date.—

(A) In general.—Paragraph (1) shall apply to calendar quarters beginning on or after January 1, 1994.

(B) General rule.—In the case of a State which the Secretary determines requires State legislation (other than legislation authorizing or appropriating funds) in order to comply with paragraph (1), the State shall not be regarded as failing to comply with such paragraph solely on the basis of its failure to meet the requirements of such paragraph before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

SEC. 501. PURPOSE.

It is the purpose of this title to encourage cooperation between hospitals in order to contain costs and achieve a more efficient health care delivery system through the elimination of unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

SEC. 502. HOSPITAL TECHNOLOGY AND SERVICES SHARING PROGRAM.

Part D of title VI of the Public Health Service Act (42 U.S.C. 291k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 647. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.

"(a) Waiver.—The Attorney General, acting through the Secretary, may grant a waiver of the anti-trust laws, to permit two or more hospitals to enter into a voluntary cooperative agreement under which such hospitals provide for the sharing of medical technology and services.

"(b) Eligible Applicants.—

"(1) In general.—To be eligible to receive a waiver under subsection (a), an entity shall be a hospital and shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a statement that such hospital desires to negotiate and enter into a voluntary cooperative agreement with at least one other hospital operating in the State or region of the applicant hospital for the sharing of medical technology or services;

"(B) a description of the nature and scope of the activities contemplated under the cooperative agreement and any consideration that may pass under such agreement to any other hospital that may elect to become a party to the agreement; and

"(C) any other information determined appropriate by the Secretary.

"(2) Development of evaluation guidelines.—Not later than 90 days after the date of enactment of this section, the Administrator of the Agency for Health Care Policy and Research shall develop evaluation guidelines with respect to applications submitted under paragraph (1).

"(3) Evaluations of applications.—The Secretary, in consultation with the Administrator of the Agency for Health Care Policy and Research, shall evaluate applications submitted under paragraph (1). In determining which applications to approve for purposes of granting waivers under subsection (a), the Secretary shall consider whether the cooperative agreement described in each such application is likely to result in—

"(A) a reduction of costs and an increase in access to care;

"(B) the enhancement of the quality of hospital or hospital-related care;

"(C) the preservation of hospital facilities in geographical proximity to the communities traditionally served by such facilities;

"(D) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

"(E) improvements in the efficient utilization of hospital resources and capital equipment; or

"(F) the avoidance of duplication of hospital resources.

"(c) Medical Technology and Services.—

"(1) In general.—Cooperative agreements facilitated under this section shall provide for the sharing of medical or high technology equipment or services among the hospitals which are parties to such agreements.

"(2) Medical technology.—For purposes of this section, the term 'medical technology' shall include the drugs, devices, and medical and surgical procedures utilized in medical care, and the organizational and support systems within which such care is provided.

"(3) Eligible services.—With respect to services that may be shared under an agreement entered into under this section, such services shall—

"(A) either have high capital costs or extremely high annual operating costs; and

"(B) be services with respect to which there is a reasonable expectation that shared ownership will avoid a significant degree of the potential excess capacity of such services in the community or region to be served under such agreement.

Such services may include mobile clinic services.

"(d) Report.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the potential for cooperative agreements of the type entered into under this section to—

"(1) contain health care costs;

"(2) increase the access of individuals to medical services; and

"(3) improve the quality of health care.

Such report shall also contain the recommendations of the Secretary with respect to future programs to facilitate cooperative agreements.

"(e) DEFINITION.—For purposes of this section, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, commonly known as the 'Sherman Act' (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

"(2) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

"(3) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, commonly known as the 'Clayton Act' (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

"(4) any State antitrust laws that would prohibit the activities described in subsection (a).".

TITLE VI—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

SEC. 601. RIGHT TO DECLINE MEDICAL TREATMENT.

(a) RIGHTS OF COMPETENT ADULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may not restrict the right of a competent adult to consent to, or to decline, medical treatment.

(2) LIMITATIONS.—

(A) EFFECT ON THIRD PARTIES.—A State may impose limitations on the right of a competent adult to decline treatment if such limitations protect third parties (including minor children) from harm.

(B) TREATMENT WHICH IS NOT MEDICALLY INDICATED.—Nothing in this section shall be construed to require that any individual be offered, or that any individual may demand, medical treatment which the health care provider does not have available, or which is futile, or which is otherwise not medically indicated.

(b) RIGHTS OF INCAPACITATED ADULTS.—

(1) IN GENERAL.—Notwithstanding incapacity, each adult has a right to consent to, or to decline, medical treatment. Except as provided in subsection (a)(2)(A), States may not restrict the right to consent to, or to decline, medical treatment as exercised by an adult through the documents specified in this subsection, or through similar documents or other written methods of directive which clearly and convincingly evidence the adult's treatment choices.

(2) ADVANCE DIRECTIVES AND POWERS OF ATTORNEY.—

(A) IN GENERAL.—In order to facilitate the communication, despite incapacity, of an adult's treatment choices, the Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary"), in consultation with the Attorney General, shall develop a national advance directive form that—

(i) shall not limit or otherwise restrict, except as provided in subsection (a)(2)(A), an adult's right to consent to, or to decline, medical treatment; and

(ii) shall, at minimum—

(I) provide the means for an adult to declare such adult's own treatment choices in the event of a terminal condition;

(II) provide the means for an adult to declare, at such adult's option, treatment choices in the event of other conditions (such as persistent vegetative state) which are chronic and debilitating, which are medically incurable, and from which such adult likely will not recover; and

(III) provide the means by which an adult may, at such adult's option, declare such adult's wishes with respect to all forms of medical treatment, including forms of medical treatment such as the provision of nutrition and hydration by artificial means which may be, in some circumstances, relatively nonburdensome.

(B) NATIONAL DURABLE POWER OF ATTORNEY FORM.—The Secretary, in consultation with the Attorney General, shall develop a national durable power of attorney form for health care decisionmaking. The form shall provide a means for any adult to designate another adult or adults to exercise the same decisionmaking powers which would, under State law, otherwise be exercised by next of kin.

(C) HONORED BY ALL HEALTH CARE PROVIDERS.—The national advance directive and durable power of attorney forms developed by the Secretary shall be honored by all health care providers.

(D) LIMITATIONS.—No individual shall be required to execute an advance directive. This title makes no presumption concerning the intention of an individual who has not executed an advance directive. An advance directive shall be sufficient, but not necessary, proof of an adult's treatment choices with respect to the circumstances addressed in the advance directive.

(3) DEFINITION.—For purposes of this subsection, the term "incapacity" means the inability to understand the nature and consequences of health care decisions (including the intended benefits and foreseeable risks of, and alternatives to, proposed treatment options), and to reach informed decisions concerning health care. Individuals who are incapacitated include adjudicated incompetents and individuals who have not been adjudicated incompetent but who, nonetheless, lack the capacity to formulate or communicate decisions concerning health care.

(c) HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—No health care provider may provide treatment to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices. A health provider who acts in good faith pursuant to the preceding sentence shall be immune from criminal or civil liability or discipline for professional misconduct.

(2) HEALTH CARE PROVIDERS UNDER THE MEDICARE AND MEDICAID PROGRAMS.—Any health care provider who knowingly provides services to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices, shall be denied payment for such services under titles XVIII and XIX of the Social Security Act.

(3) TRANSFERS.—Health care providers who object to the provision of medical care in accordance with an adult's wishes shall transfer the adult to the care of another health care provider.

(d) DEFINITION.—For purposes of this section, the term "adult" means an individual who is 18 years of age or older.

SEC. 602. FEDERAL RIGHT ENFORCEABLE IN FEDERAL COURTS.

The rights recognized in this title may be enforced by filing a civil action in an appropriate district court of the United States.

SEC. 603. SUICIDE AND HOMICIDE.

Nothing in this title shall be construed to permit, condone, authorize, or approve suicide or mercy killing, or any affirmative act to end a human life.

SEC. 604. RIGHTS GRANTED BY STATES.

Nothing in this title shall impair or supersede rights granted by State law which exceed the rights recognized by this title.

SEC. 605. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specified in subsection (b), written policies and written information adopted by health care providers pursuant to sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), shall be modified within 6 months of enactment of this title to conform to the provisions of this title.

(b) DELAY PERIOD FOR UNIFORM FORMS.—Health care providers shall modify any written forms distributed as written information under sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) not later than 6 months after promulgation of the forms referred to in subparagraphs (A) and (B) of section 601(b)(2) by the Secretary.

SEC. 606. INFORMATION PROVIDED TO CERTAIN INDIVIDUALS.

The Secretary shall provide on a periodic basis written information regarding an individual's right to consent to, or to decline, medical treatment as provided in this title to individuals who are beneficiaries under titles II, XVI, XVIII, and XIX of the Social Security Act.

SEC. 607. RECOMMENDATIONS TO THE CONGRESS ON ISSUES RELATING TO A PATIENT'S RIGHT OF SELF-DETERMINATION.

Not later than 180 days after the date of the enactment of this Act the Secretary shall provide recommendations to the Congress concerning the medical, legal, ethical, social, and educational issues related to this title. In developing recommendations under this section the Secretary shall address the following issues:

(1) the contents of the forms referred to in subparagraphs (A) and (B) of section 601(b)(2);

(2) issues pertaining to the education and training of health care professionals concerning patients' self-determination rights;

(3) issues pertaining to health care professionals' duties with respect to patients' rights, and health care professionals' roles in identifying, assessing, and presenting for patient consideration medically indicated treatment options; and

(4) such other issues as the Secretary may identify.

SEC. 608. EFFECTIVE DATE.

This title shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE VII—INSURANCE ADMINISTRATION SIMPLIFICATION

SEC. 701. QUALIFIED HEALTH INSURANCE PLANS.

(a) REQUIREMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—HEALTH INSURANCE

"PART A—GENERAL PROVISIONS

"SEC. 2101. DEFINITIONS.

"As used in this title:

"(1) APPLICABLE REGULATORY AUTHORITY.—The term 'applicable regulatory authority' means—

"(A) in the case of a health insurance plan offered in a State with a program meeting the requirements of this title, the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance; or

"(B) in the case of a health insurance plan certified by the Secretary under section 2121(a)(2), the Secretary.

"(2) COMMISSION.—The term 'Commission' means the Health Insurance Standards Commission established under section 2111.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract or health maintenance organization group contract, multiple employer welfare arrangement, or any other health insurance arrangement, including an employment-related reinsurance plan. Such term does not include any of the following that is offered by an insurer—

"(i) accident only, dental only, or disability income only insurance;

"(ii) coverage issued as a supplement to liability insurance;

"(iii) worker's compensation or similar insurance; or

"(iv) automobile medical-payment insurance.

"(5) HEALTH MAINTENANCE ORGANIZATION.—The term 'health maintenance organization' has the meaning given the term 'eligible organization' in section 1876(b) of this Act.

"(6) INSURER.—The term 'insurer' means any person that offers a health insurance plan.

"(7) QUALIFIED HEALTH INSURANCE PLAN.—The term 'qualified health insurance plan' means a health insurance benefit plan that—

"(A) meets the Federal standards and guidelines described in part C; and

"(B) is accredited by the appropriate State insurance commission for the State involved according to standards promulgated by the Secretary under part B.

"PART B—HEALTH INSURANCE STANDARDS COMMISSION

"SEC. 2111. ESTABLISHMENT OF HEALTH INSURANCE STANDARDS COMMISSION.

"(a) IN GENERAL.—The Secretary shall establish a commission, to be known as the 'Health Insurance Standards Commission', to carry out the activities described in section 2112.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of 15 members to be appointed by the Secretary not later than June 1, 1992, in accordance with this subsection. The members of the Commission shall annually elect a member to serve as the chairperson of the Commission.

"(2) MEMBERS.—Individuals appointed by the Secretary under paragraph (1) shall be appropriately qualified independent experts with respect to the provision and financing of health care, and shall include physicians, registered nurses, registered pharmacists, consumers of health care, employers, third party payors, a representative from the American Standards Committee (ASCX 12) of the American National Standards Institute, individuals skilled in the conduct and interpretation of health economics research, and individuals having expertise in the research and development of technological and scientific advances in health care.

"(3) NOMINATIONS.—In determining those individuals to appoint to the Commission under paragraph (1), the Secretary shall seek nominations from a wide range of groups including—

"(A) national organizations representing physicians, including medical specialty organizations and registered professional nurses, registered pharmacists and other skilled health professionals;

"(B) national organizations representing hospitals, including teaching hospitals;

"(C) national organizations representing the manufacture of health care products;

"(D) national organizations representing the business community, health benefit programs, labor and the elderly;

"(E) national organizations for standards development; and

"(F) consumer organizations.

"(4) TERMS.—Individuals shall be appointed to the Commission for a term of three years, except that the Secretary shall, with respect to the initial members of the Commission, provide for the appointment of such initial members for shorter terms in a manner to insure that, on a continuing basis, the terms of not more than seven members expire in any one year.

"(5) COMPENSATION.—While serving on the business of the Commission (including travel time) a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from the home or regular place of business of the member, a member may be allowed travel expenses, as authorized by the Chairperson of the Commission.

"(c) ADMINISTRATIVE POWERS.—Subject to such review as the Secretary determines necessary to assure the efficient administration of the Commission, the Commission may—

"(1) employ and fix the compensation of such personnel (not to exceed 25 individuals) as may be necessary to enable the Commission to carry out its duties;

"(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies and from experts from the private sector;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

"(4) make advance, progress, and other payments which relate to the work of the Commission;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as the Commission determines necessary with respect to the internal organization and operation of the Commission.

"SEC. 2112. DUTIES AND ACTIVITIES OF COMMISSION.

"(a) RECOMMENDATION FOR IMPLEMENTATION OF TITLE.—

"(1) IN GENERAL.—Not later than September 30, 1992, the Commission shall prepare and submit to the Secretary a report containing the recommendations of the Commission concerning regulations for the implementation of the requirements of this title, including the long-term plan and uniform standards described in subsection (b)(1).

"(2) PUBLICATION OF REVISIONS.—The Secretary shall, not later than 60 days before the promulgation of final regulations under this title, cause to have published for public comment in the Federal Register the recommendations of the Commission under paragraph (1).

"(b) UNIFORM COMPUTERIZED BILLING SYSTEM AND STANDARDS FOR ELECTRONIC DATA INTERCHANGE.—

"(1) IN GENERAL.—The Commission shall develop a long-term plan for the implementation of computerized billing, eligibility, and any other activity that the Commission determines to be appropriate and uniform standards for electronic data interchange, to be applied as provided for in paragraph (6). Such long-term plan and standards shall include—

"(A) online communications standards;

"(B) specific designs for a standardized electronic uniform claim form;

"(C) the standards and plan for electronic data interchange and other measure derived from the Secretary's Work Group on Electronic Data Interchange;

"(D) any other standards or requirements determined appropriate by the Secretary; and

"(E) a plan to incorporate all insurance plans into the computerized system and standards including self-insured plans.

"(2) ELECTRONIC DATA INTERCHANGE.—The Commission shall acquire from the American National Standards Institute reports concerning the progress of such Institute in developing electronic data interchange. Based on such reports, the Commission shall, on an annual basis, adopt additional electronic data interchange standards, if necessary, and incorporate such additional standards into the implementation plan referred to in paragraph (1).

"(3) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Commission shall make recommendations to the Secretary concerning components of the long-term implementation plan and uniform standards for electronic data interchange developed under paragraph (1), based on the feasibility of health insurance plans to be able to comply as a qualified health insurance plan under part C.

"(4) REVIEW.—Taking into consideration the recommendations of the Commission, the Secretary shall review the proposed requirements of the Commission under paragraph (3) and determine the appropriate requirements necessary for the implementation of efficient, cost effective computerization under paragraph (1) and for requiring that a health insurance plan meet such requirements in order to be a qualified health insurance plan under this part.

"(5) PUBLICATION OF REQUIREMENTS.—The Secretary shall cause to be published for public comment in the Federal Register, not later than—

"(A) three months after receiving recommendations from the Commission under paragraph (2), the proposed requirements of the Secretary with respect to the computerization and standards for electronic data interchange and the proposed requirements of a qualified health insurance plan; and

"(B) six months after receiving recommendations from the Commission under paragraph (2), and after such consideration of public comment on the proposals under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to the requirements for computerization and standards for electronic data interchange and the requirements of a qualified health insurance plan.

"(6) REQUIREMENTS.—A system established under this section should—

"(A) use online communication for health providers to access in determining a patient's eligibility for benefits under the patient's health insurance plan;

"(B) provide each member covered under a qualified health insurance plan with a plastic card or other similar form of identification that shall serve as the mechanism to supply health insurance identification numbers and other information as the Secretary may determine appropriate to the health provider; and

"(C) not be a mandatory requirement with respect to a health provider whose place of business is located in a whole-county nonmetropolitan Health Professional Shortage Area as defined in section 332 as a condition of such provider's participation in a qualified health insurance plan.

"(7) MEDICARE AND MEDICAID.—A system established under this section shall apply with respect to participants under titles XVIII and XIX.

"(c) RECOMMENDATION FOR REVISIONS IN STANDARDS.—

"(1) IN GENERAL.—The Commission shall annually recommend to the Secretary revisions that should be made in the standards and requirements that a health insurance plan must meet, in addition to those described in part C, to be accredited as a qualified health insurance plan under this part, revisions that should be made in the long-term plan for implementation and uniform standards for electronic data interchange, and changes in the requirements for qualified health insurance plans with respect to additional components of the long-term plan for implementation and uniform standards for electronic data interchange that should be required of such plans based on the feasibility of such plans to comply. In making such recommendations, the Commission shall take into consideration the need to maintain broad coverage of quality medical services, the need to implement effective long-term management practices with respect to health care costs including the ability to manage the price, utilization and quality of health care services, the need to reduce administrative costs to insurers and health providers, and the need to reduce billing fraud. Such recommendations shall include any measures necessary to further reduce the administrative costs of health care, where feasible, by requiring—

"(A) additional efforts to reduce the costs of claims processing and billing through the standardization and automation, including the use of smart cards or other technology; and

"(B) simplified utilization review by processes that may include the implementation of the use of a uniform clinical data set.

"(2) ANNUAL REVIEW BY SECRETARY.—Taking into consideration the recommendations of the Commission under paragraph (1), the Secretary shall annually review the requirements with respect to qualified health insurance plans and determine appropriate revisions in such requirements necessary to maintain the efficient and effective delivery of medically appropriate and necessary care that is of high quality and the reductions in administrative costs. Such standards may not include the setting of minimum benefits.

"(3) PUBLICATION OF REVISIONS.—The Secretary shall cause to have published for public comment in the Federal Register, not later than—

"(A) May 15 of each fiscal year referred to in paragraph (1), the proposed revisions of the Secretary in the standards or requirements with respect to qualified health insurance plans for such fiscal year, including, the report of the Commission under paragraph (1); and

"(B) July 15 of each fiscal year referred to in paragraph (1), and after the consideration of the public comment under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to such revisions.

"(d) COLLECTION AND REVIEW OF INFORMATION.—

"(1) APPROPRIATE USES OF HEALTH RESOURCES.—In order to identify patterns of medically appropriate uses of health resources, the Commission shall collect and review information concerning medical and surgical procedures and services, including regional variations, giving special attention to treatment patterns for conditions that appear to involve excessively costly or inappropriate services not adding to the quality of care provided.

"(2) EFFECTIVENESS OF COMPUTERIZED BILLING.—The Commission shall collect and review data concerning the effectiveness and efficiency of the current health insurance claims billing system and the proposed computerized billing under subsection (b).

"(3) COST-CONTAINMENT METHODS.—The Commission shall collect and review data concerning methods of health care cost-containment that maintain high quality care and the right of the patient to choose their doctor or hospital.

"(4) ADMINISTRATIVE REQUIREMENTS.—In collecting and assessing information under this subsection, the Commission shall—

"(A) utilize existing information, both published and unpublished, where possible, collected and reviewed either by its staff or under other arrangements made in accordance with this paragraph;

"(B) carry out, or award grants or contracts for, original research and experimentation and demonstration projects, including clinical research, where existing information is inadequate for the development and use and valid guidelines for the Commission; and

"(C) adopt procedures permitting any interested party to submit information with respect to unnecessary administrative burdens on business, hospitals, physicians or consumers arising from health care administration, medical and surgical procedures and services (including new practices, such as the use of new technologies and treatment modalities) and information on proposed methods of health care cost-containment that maintain high quality care and the right of the patient to choose their own doctor or hospital, which information the Commission shall consider in making reports and recommendations to the Secretary and Congress.

"(5) ACCESS TO INFORMATION.—The Commission shall have access to such relevant information and data as may be available from appropriate Federal agencies.

"(j) ADMINISTRATION.—

"(1) ANNUAL REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress, a report concerning the functioning and progress of the Commission and the status of the Commission's work.

"(2) ACCESS.—The Secretary shall have unrestricted access to all deliberations, records, and data of the Commission, immediately upon its request.

"(3) EXPENSES.—In order to carry out its duties under this part, the Commission is authorized to expend reasonable and necessary funds as mutually agreed upon by the Secretary and the Commission. The Secretary shall be reimbursed for such funds by the Commission from the appropriations made with respect to the Commission.

"(4) AUDIT.—The Commission shall be subject to periodic audit by the General Accounting Office.

TITLE VIII—CHILDREN'S HEALTH CARE

SEC. 801. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall establish a program under which local educational agencies (as such term is defined in section 1471(12) of the Elementary and Secondary Education Act of 1965) shall offer basic health insurance coverage to eligible students in such schools.

(b) REQUIREMENTS.—

(1) APPLICABILITY.—The provisions of this section shall apply to each local education agency that receives Federal educational assistance.

(2) STATE EDUCATION DEPARTMENTS.—

(A) POLICIES.—The department of education for a State shall determine the types of health insurance policies that should be offered under this section by local education agencies of such State. In making such determination, the department shall ensure that coverage under a fee-for-service plan and a managed care plan is available to the local educational agencies in the State.

(B) ANNUAL REPORTS.—The department of education for a State shall annually prepare and submit to the Secretary of Education a report that describes the health insurance policies offered under this section in the public schools in such State.

(3) HEALTH INSURANCE COVERAGE.—The Secretary of Health and Human Services, shall determine the minimum requirements that any health insurance plan offered under this section must meet, including—

(A) the primary, preventative, medical, emergency and surgical care services and benefits to be covered under such plan; and

(B) any other matter determined appropriate by such Secretary.

(4) LOCAL ADMINISTRATION.—The department of education for a State shall administer the requirements of this section through the local educational agencies.

(c) ELIGIBLE STUDENTS.—To be eligible to be covered under a health insurance plan offered by a local educational agency, an individual shall—

(1) not be more than 18 years of age and reside in the school district;

(2) be uninsured for a period of not less than 6 months prior to the date on which coverage under the plan offered by such school would commence;

(3) not be covered or enrolled under title XIX of the Social Security Act or under any other public health insurance program; and

(4) meet any other requirements determined appropriate by the State department of education or the Secretary of Education.

(d) ENFORCEMENT.—If the Secretary determines that a local educational agency is not in compliance with the requirements of this section, the Secretary may withhold, or request a remittance, of not to exceed 10 percent of the total amount of Federal educational assistance to be made available, or previously made available, to such local educational agency for the fiscal year during which such noncompliance is occurring.

(f) CONSTRUCTION.—This section shall not be construed as requiring the purchase of policies under this section.

(g) ADMINISTRATIVE SUPPORT.—The Secretary may provide assistance to local educational agencies to assist such agencies in off-setting the additional administrative costs to such agencies in complying with this section.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations necessary to carry out this section.

SEC. 802. REFUNDABLE TAX CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified health insurance expenses paid by such individual during the taxable year.

"(b) Qualified Health Insurance Expenses.—For purposes of this section—

"(1) In general.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for medical care (within the meaning of section 213(d)(1)(C)) with respect to insurance policies issued pursuant to any program approved under section 101 of the Children's Health Care Improvement Act. For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) Dollar limit on qualified health insurance expenses.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a) shall not exceed $1,000 per qualifying child adjusted under regulations promulgated by the Secretary to reflect any increase in the consumer price index.

"(3) Phaseout.—In the case of any taxpayer whose adjusted gross income exceeds 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, the dollar amount under paragraph (2) shall be reduced (but not below zero) by the percentage by which such income exceeds such poverty line.

"(4) Election not to take credit.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(5) Coordination with health insurance premium credit.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 32.

"(6) Subsidized expenses.—No expense shall be treated as a qualified health insurance expense if—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof under title XIX of the Social Security Act, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(c) Qualifying Child.—For purposes of this section, the term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraph (A)(iii)).

"(d) Coordination with Advance Payments of Credit.—

"(1) Recapture of excess advance payments.—If any payment in excess of the amount of the credit allowable under this section is made to the individual under section 7524 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) Reduction of Credit to Taxpayers Subject to Alternative Minimum Tax.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) Advance Payment of Credit.—

(1) In general.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7523 the following new section:

"SEC. 7524. ADVANCE PAYMENT OF CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) General Rule.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of section 34A.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if the taxpayer furnishes, at such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(1) determine if the individual will be eligible to receive the credit provided by section 34A for the taxable year, and

"(2) estimate the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

"(c) Payments.—The Secretary shall make payment of the amount determined under subsection (b)(2) upon receipt of the information described in subsection (b).

"(d) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) Conforming Amendment.—Section 213 of the Internal Revenue Code of 1986 (relating to deduction for medical, dental, etc., expenses) is amended by adding the following new subsection:

"(g) Coordination With Health Insurance Expenses Credit Under Section 34A.—The amount otherwise taken into account under subsection (a) as expenses paid for medical care shall be reduced by the amount (if any) of the children's health insurance expenses credit allowable to the taxpayer for the taxable year under section 34A."

(d) Technical Amendment.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 34A of such Code".

(e) Clerical Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Children's health insurance expenses."

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7523 the following new item:

"Sec. 7524. Advance payment of credit for children's health insurance expenses."

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 803.—WIC PROGRAM, MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM, AND MEDICAID.

(a) Uniform Model Application Form and Process.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary"), working in consultation with the Secretary of Agriculture, shall develop a single model uniform application form and process to be utilized in applying for and obtaining benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary of Health and Human Services shall provide any waivers necessary to carry out this section.

(b) Availability of Form and Process.—The single model uniform application form and process shall be made available to States electing to adopt such form and process for use in applying for and obtaining benefits under such programs.

(c) Outreach Program.—The Secretary, working in consultation with the Secretary of Agriculture, shall provide an outreach program for States electing to adopt the single model uniform application form and process. The outreach program shall be designed to inform recipients and potential recipients of benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the option to apply for benefits under those programs using the single model uniform application form and process.

(a) In General.—The Secretary shall make grants to not more than five States to enable such States to conduct demonstration projects for the purpose of encouraging women to obtain prenatal and well-baby care under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) Application.—

(1) Submission of application.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(2) Review and approval of application.—The Secretary shall review and approve each application submitted pursuant to paragraph (1) in accordance with such criteria as the Secretary finds appropriate.

(c) Amount of Grant.—The amount of a grant to a State under this section shall be an amount that the Secretary finds reasonable and necessary for the development and implementation of the State's demonstration program.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IX—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

SEC. 901. REVENUE INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified health services provider who is a physician assistant or a nurse practitioner).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) RURAL HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'rural health professional shortage area' means—

"(A) a class 1 or class 2 health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) CESSATION OF DESIGNATION.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) SECRETARIAL WAIVER.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) EXPENSING OF MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) RURAL HEALTH CARE PROPERTY.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 1993, in taxable years ending after such date.

(d) DEDUCTION FOR STUDENT LOAN PAYMENTS BY MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

(1) INTEREST ON STUDENT LOANS NOT TREATED AS PERSONAL INTEREST.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k)).".

(2) QUALIFIED MEDICAL EDUCATION INTEREST DEFINED.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by

inserting after subsection (j) the following new subsection:

"(k) QUALIFIED MEDICAL EDUCATION INTEREST OF MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED RURAL MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of a registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act.".

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

Subtitle B—Public Health Service Act Provisions

SEC. 911. NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$118,900,000 for each of the fiscal years 1993 through 1996."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) IN GENERAL.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B.".

SEC. 912. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. COMMUNITY BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community based primary health care entities that provide services to pregnant women and children up to age three.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amounts available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by the amount available for allotment for such fiscal year.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II)) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in non-urbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States.

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330 and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a State, such amount shall not exceed twice the general population percentage of the State under clause (vi) or be less than one half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as a percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (ii), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3 year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3 year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(II)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under it's allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to pregnant women and children up to age three.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner and containing such information as such administering entity may require, including a plan for the provision of services;

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of pregnant women and children within the State who—

"(A) lack the health care coverage, or ability to pay, for primary or supplemental health care services; or

"(B) reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the State, within the State.

"(4) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of pregnant women and children who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

SEC. 913. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 912) is further amended by adding at the end thereof the following new section:

"SEC. 330B. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to in this section as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1992, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act; or

"(B) have submitted applications to the Secretary to qualify as FQHC's under such section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2) NON FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met;

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under section 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expanded existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of such Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHC'S.—The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1992, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHC'S.—The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that an entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $400,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $1,200,000,000 for fiscal year 1995, $1,600,000,000 for fiscal year 1996, and $1,600,000,000 for fiscal year 1997.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1993.

(c) STUDY AND REPORT ON SERVICES PROVIDED BY COMMUNITY HEALTH CENTERS AND HOSPITALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to in this subsection as the "Secretary") shall provide for a study to examine the relationship and interaction between community health centers and hospitals in providing services to individuals residing in medically underserved areas. The Secretary shall ensure that the National Rural Research Centers participate in such study.

(2) REPORT.—The Secretary shall provide to the appropriate committees of Congress a report summarizing the findings of the study within 90 days of the end of each project year and shall include in such report recommendations on methods to improve the coordination of and provision of services in medically underserved areas by community health centers and hospitals.

(3) AUTHORIZATION.—There are authorized to be appropriated to carry out the study provided for in this subsection $150,000 for each of fiscal years 1993 and 1994.

SEC. 914. RURAL MENTAL HEALTH OUTREACH GRANTS.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end thereof the following new section:

"SEC. 544. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and implement a plan for mental health outreach programs in rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions toward the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1993 through 1997.".

SEC. 915. HEALTH PROFESSIONS TRAINING.

(a) MEDICALLY UNDERSERVED AREA TRAINING INCENTIVES.—Subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended to read as follows:

"(a) PRIORITIES IN AWARDING OF GRANTS.—

"(1) ALLOCATION OF COMPETITIVE GRANT FUNDS.—In awarding competitive grants under this title or title VIII, the Secretary shall, among applicants that meet the eligibility requirements under such titles, give priority to entities submitting applications that—

"(A) can demonstrate that such entities—

"(i) have a high permanent rate for placing graduates in practice settings which serve residents of medically underserved communities; and

"(ii) have a curriculum that includes—

"(I) the rotation of medical students and residents to clinical settings the focus of which is to serve medically underserved communities;

"(II) the appointment of health professionals whose practices serve medically underserved communities to act as preceptors to supervise training in such settings;

"(III) classroom instruction on practice opportunities involving medically underserved communities;

"(IV) service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(V) the recruitment of students who are most likely to elect to practice in or provide service to medically underserved communities;

"(VI) other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities; or

"(B) contain an organized plan for the expeditious development of the placement rate and curriculum described in subparagraph (A).

"(2) SERVICE IN MEDICALLY UNDERSERVED COMMUNITIES.—Not less than 50 percent of the amounts appropriated for fiscal year 1996, and for each subsequent fiscal year, for competitive grants under this title or title VIII, shall be used to award grants to institutions that are otherwise eligible for grants under such titles, and that can demonstrate that—

"(A) not less than 15 percent of the graduates of such institutions during the preceding 2-year period are engaged in full-time practice serving the needs of medically underserved communities; or

"(B) the number of the graduates of such institutions that are practicing in a medically underserved community has increased by not less than 50 percent over that proportion of such graduates for the previous 2-year period.

"(3) WAIVERS.—A health professions school may petition the Secretary for a temporary waiver of the priorities of this subsection. Such waiver shall be approved if the health professions school demonstrates that the State in which such school is located is not suffering from a shortage of primary care providers, as determined by the Secretary. Such waiver shall not be for a period in excess of 2 years.

"(4) DEFINITIONS.—As used in this subsection:

"(A) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(B) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(i) an area designated under section 332 as a health professional shortage area;

"(ii) an area designated as a medically underserved area under this Act;

"(iii) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(iv) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(v) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.".

(b) MEDICALLY UNDERSERVED AREA TRAINING GRANTS.—Part E of title VII of such Act is amended by adding at the end thereof the following new section:

"SEC. 779. MEDICALLY UNDERSERVED AREA TRAINING GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to health professions institutions to expand training programs that are targeted at those individuals desiring to practice in or serve the needs of medically underserved communities.

"(b) PLAN.—As part of an application submitted for a grant under this section, the applicant shall prepare and submit a plan that describes the proposed use of funds that may be provided to the applicant under the grant.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate the greatest likelihood of expanding the proportion of graduates who choose to practice in or serve the needs of medically underserved areas.

"(d) USE OF FUNDS.—An institution that receives a grant under this section shall use amounts received under such grant to establish or enhance procedures or efforts to—

"(1) rotate health professions students from such institution to clinical settings the focus of which is to serve the residents of medically underserved communities;

"(2) appoint health professionals whose practices serve medically underserved areas to serve as preceptors to supervise training in such settings;

"(3) provide classroom instruction on practice opportunities involving medically underserved communities;

"(4) provide service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(5) recruit students who are most likely to elect to practice in or provide service to medically underserved communities; or

"(6) provide other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities.

"(e) ADMINISTRATION.—

"(1) REQUIRED CONTRIBUTION.—An institution that receives a grant under this section shall contribute, from non-Federal sources, either in cash or in-kind, an amount equal to the amount of the grant to the activities to be undertaken with the grant funds.

"(2) LIMITATION.—An institution that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (d) in the fiscal year preceding the year for which the grant is received.

"(f) DEFINITIONS.—As used in this section:

"(1) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(2) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(A) an area designated under section 332 as a health professional shortage area;

"(B) an area designated as a medically underserved area under this Act;

"(C) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(D) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(E) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(c) HEALTH PROFESSIONS TRAINING GRANTS.—Part E of title VII of such Act (as amended by subsection (b)) is further amended by adding at the end thereof the following new section:

"SEC. 780. HEALTH PROFESSIONS INTEGRATION GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to eligible regional consortia to enhance and expand coordination among various health professions programs, particularly in medically underserved rural areas.

"(b) ELIGIBLE REGIONAL CONSORTIUM.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity must—

"(A) be a regional consortium consisting of at least one medical school and at least one other health professions school that is not a medical school; and

"(B) prepare and submit an application containing a plan of the type described in paragraph (2).

"(2) PLAN.—As part of the application submitted by a consortium under paragraph (1)(B), the consortium shall prepare and submit a plan that describes the proposed use of funds that may be provided to the consortium under the grant.

"(c) USE OF FUNDS.—A consortium that receives a grant under this section shall use amounts received under such grant to establish or enhance—

"(1) strategies for better clinical cooperation among different types of health professionals;

"(2) classroom instruction on integrated practice opportunities, particularly targeted toward rural areas;

"(3) integrated clinical clerkship programs that make use of students in differing health professions schools; or

"(4) other training methodologies that demonstrate a significant commitment to the expansion of clinical cooperation among different types of health professionals, particularly in underserved rural areas.

"(d) LIMITATION.—A consortium that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (c) in the fiscal year preceding the year for which the grant is received.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $7,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 916. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1709. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of networks among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 746, to provide educational services to health care providers in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1993 through 1997.

"(g) DEFINITION.—As used in this section and section 1710, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 917. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 916 is further amended by adding at the end thereof the following new section:

"SEC. 1710. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such directors shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) NEGOTIATIONS.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payers concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payers may be liable.

"(B) AGREEMENTS.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) EMPLOYERS.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payer, health insurance coverage for employees of such entities. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) MALPRACTICE INSURANCE.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of providers members.

"(5) MANAGED CARE AND PRACTICE STANDARDS.—A cooperative established under paragraph (1) shall establish joint case management and patient care practice standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) CONFIDENTIALITY.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) LINKAGES.—A cooperative shall create linkages among member health care providers, employers, and payers for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 through 1997.".

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

SEC. 1001. INCREASING PAYMENTS TO CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) INCREASE IN PAYMENTS TO NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, CERTIFIED NURSE MIDWIVES, AND PHYSICIAN ASSISTANTS.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician";

(B) by redesignating subparagraph (M) the second place it appears and subparagraph (N), as subparagraphs (N) and (O), respectively; and

(C) by amending subparagraph (N), as redesignated, to read as follows: "(N) with respect to services described in section 1861(s)(2)(K) (relating to services provided by a nurse practitioner, clinical nurse specialist, or physician assistant) the amounts paid shall be 97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician,".

(2) NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—Section 1842(b)(12) of such Act (42 U.S.C. 1395u(b)(12)) is amended to read as follows:

"(12) With respect to services described in clauses (i), (ii), or (iv) of section 1861(s)(2)(K) (relating to physician assistants and nurse practitioners)—

"(A) payment under this part may only be made on an assignment-related basis; and

"(B) the prevailing charges determined under paragraph (3) shall not exceed—

"(i) in the case of services performed as an assistant at surgery, 97 percent of the amount that would otherwise be recognized if performed by a physician who is serving as an assistant at surgery, or

"(ii) in other cases, 97 percent of the fee schedule amount specified in section 1848 for such services performed by physicians who are not specialists.".

(3) DIRECT PAYMENT FOR ALL NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))".

(4) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(A) in clause (i), by striking "(I) in a hospital" and all that follows through "professional shortage area,";

(B) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(C) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

(b) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist, physician assistant, certified nurse midwife, or certified registered nurse anesthetist furnished to an individual described in paragraph (1) in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in subparagraph (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for such services under this part.".

SEC. 1002. REQUIRING COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (21), by striking "; and" and inserting a semicolon;

(2) in paragraph (24), by striking the period at the end and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively;

(4) by inserting after paragraph (23) the following new paragraph:

"(24) services furnished by a physician assistant, nurse practitioner, clinical nurse specialist (as defined in section 1861(aa)(5)), and certified registered nurse anesthetist (as defined in section 1861(bb)(2)); and";

(5) by striking the semicolon at the end of paragraph (25), as redesignated, and inserting a period; and

(6) by transferring and inserting paragraph (25), as redesignated, after paragraph (24).

SEC. 1003. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

Part C of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 753. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to eligible schools of medicine or osteopathic medicine to enable such schools to provide medical students for tutorial programs or as participants in clinics designed to interest high school or college students in careers in general medical practice.

"(b) APPLICATION.—To be eligible to receive a grant under this section, a school of medicine or osteopathic medicine shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the school will use amounts received under the grant in accordance with subsection (c).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts received under a grant awarded under this section shall be used to—

"(A) fund programs under which students of the grantee are provided as tutors for high school and college students in the areas of math, science, health promotion and prevention, first aide, nutrition and prenatal care;

"(B) fund programs under which students of the grantee are provided as participants in clinics and seminars in the areas described in paragraph (1); and

"(C) conduct summer institutes for high school and college students to promote careers in medicine.

"(2) DESIGN OF PROGRAMS.—The programs, institutes and other activities conducted by grantees under paragraph (1) shall be designed to—

"(A) give medical students desiring to practice general medicine access to the local community;

"(B) provide information to high school and college students concerning medical school and the general practice of medicine; and

"(C) promote careers in general medicine.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995.".

SEC. 1004. GENERAL MEDICAL PRACTICE GRANTS.

Part C of title VII of the Public Health Service Act (as amended by section 503) is further amended by adding at the end thereof the following new section:

"SEC. 754. GENERAL MEDICAL PRACTICE GRANTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to eligible public or private nonprofit schools of medicine or osteopathic medicine, hospitals, residency programs in family medicine or pediatrics, or to a consortium of such entities, to enable such entities to develop effective strategies for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(b) APPLICATION.—To be eligible to receive a grant under this section, an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity will use amounts received under the grant in accordance with subsection (c).

"(c) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used to fund programs under which effective strategies are developed and implemented for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1994 through 1998, and such sums as may be necessary for fiscal years thereafter.".

SEC. 1005. PAYMENTS FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION COSTS.

(a) DIRECT MEDICAL EDUCATION COSTS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (1)—

(A) by striking "hospitals for direct medical education costs" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs for direct medical education costs''; and

(B) by striking "hospitals associated" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs associated";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking "each hospital" and inserting "each hospital or public or private nonprofit entity";

(B) in subparagraph (A)—

(i) in the heading, by striking "HOSPITAL'S";

(ii) by striking "the hospital's" and inserting "the hospital's or entity's"; and

(iii) by striking "the hospital" and inserting "the hospital or entity";

(C) in clause (ii) of subparagraph (B), by striking "a hospital if the hospital's" and inserting "a hospital or entity if the hospital's or entity's";

(D) in subparagraph (C), by striking "the hospital" each place it appears and inserting "the hospital or the entity";

(E) in subparagraph (D), by striking "the hospital" and inserting "the hospital or the entity"; and

(F) in subparagraph (E), by striking "a hospital" and inserting "a hospital or entity";

(3) in paragraph (3)—

(A) in the heading, by striking "HOSPITAL";

(B) in subparagraph (A),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clause (ii), by striking "the hospital's" and inserting "the hospital's or entity's";

(C) in subparagraph (B),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clauses (i) and (ii), by striking "hospital's" each place it appears and inserting "hospital's or entity's"; and

(D) in subparagraph (C), by striking "hospital's cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(4) in paragraph (4)—

(A) in subparagraph (B), by striking "hospital" each place it appears and inserting "hospital or public or private nonprofit entity"; and

(B) in subparagraph (E), by striking "hospital" and inserting "hospital or public or private nonprofit entity".

(b) INDIRECT MEDICAL EDUCATION COSTS.—

(1) IN GENERAL.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

"(j) PAYMENTS FOR INDIRECT GRADUATE MEDICAL EDUCATION COSTS.—

"(1) IN GENERAL.—The Secretary shall provide for an additional payment for indirect costs of medical education in an amount equal to the product of—

"(A) the amount determined under subsection (a)(1) for qualified physician's services (as defined in paragraph (2)), and

"(B) the indirect teaching adjustment factor determined in accordance with section 1886(d)(5)(B)(ii) with 'r' equal to .2.

"(2) QUALIFIED PHYSICIAN'S SERVICES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified physician's services' means physician's services (as defined in subsection (k)(3)) that are—

"(i) provided during the course of clinical training by medical residents in the initial 3 years of postgraduate medical training in approved medical residency training programs in the fields of family medicine (as defined by the Secretary), general internal medicine (as defined by the Secretary), and general pediatrics (as defined by the Secretary), and

"(ii) provided at clinical training sites affiliated with approved medical residency training programs in family medicine, general internal medicine, and general pediatrics.

"(B) CERTAIN SERVICES EXCLUDED.—For purposes of paragraph (1), the term 'qualified physician's services' shall not include services provided during an inpatient hospital stay for which payment is made under part A of this title.".

(2) CONFORMING AMENDMENTS.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) in subsection (a)(1), by striking "subsection (j)(3)" and inserting "subsection (k)(3)";

(B) in subsection (b)(1), by striking "subsection (j)(2)" and inserting "(k)(2)"; and

(C) in subparagraphs (C) and (D) of subsection (d)(2), by striking "subsection (j)(1)" and inserting "subsection (k)(1)".

(c) SUBSECTION (d) HOSPITALS.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(v) In determining such adjustment the Secretary shall count only those interns and residents who are in the initial 3 years of postgraduate medical training.".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective for cost reporting periods beginning on or after October 1, 1993.

TITLE XI—MALPRACTICE REFORM

SEC. 1101. PRELITIGATION SCREENING PANEL GRANTS.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following new section:

"SEC. 915. PRELITIGATION SCREENING PANEL GRANTS.

"(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Administrator, shall establish a program of grants to assist States in establishing prelitigation panels.

"(b) USE OF FUNDS.—A State may use a grant awarded under subsection (a) to establish prelitigation panels that—

"(1) identify claims of professional negligence that merit compensation;

"(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

"(3) encourage early withdrawal or dismissal of nonmeritorious claims.

"(c) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1994 through 1997 fiscal years.".

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

SEC. 1201. ESTABLISHMENT OF MEDICARE PRIMARY AND SPECIALTY PREFERRED PROVIDER ORGANIZATION DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall provide for up to 10 demonstration projects to test the effectiveness of providing payment under the medicare program under title XVIII of the Social Security Act for primary and specialty procedures and services (as determined appropriate by the Secretary) furnished by preferred provider organizations. The demonstration projects provided for under this section by the Secretary shall—

(1) test the cost-effectiveness of preferred provider organizations furnishing primary and specialty services in controlling the volume of such services performed or ordered by physicians, and nonphysician providers such as nurse practitioners, clinical nurse specialists, certified nurse midwives, certified registered nurse anesthetists, and physician assistants, for which payment is made under title XVIII of the Social Security Act;

(2) gather information on factors which may encourage medicare beneficiaries to participate in a preferred provider organizational network;

(3) examine the efficacy of permanently establishing managed care networks of primary and specialty service providers; and

(4) examine the factors necessary to increase the quality and efficiency of primary and specialty services furnished by preferred provider networks in order to realize increased savings under the medicare program and to increase medicare beneficiary participation in such networks.

(b) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary may waive such requirements of title XVIII of the Social Security Act as the Secretary determines necessary in conducting demonstration programs under this section, including—

(1) coinsurance requirements;

(2) provider payment arrangements;

(3) beneficiary deductibles; and

(4) reimbursement for nonphysician providers.

(c) DURATION OF PROJECTS.—The demonstration projects provided for under this section shall be conducted for a period not to exceed 3 years from the date of the enactment of this Act.

(d) REPORT.—Not later than 180 days after the date of expiration of the demonstration projects conducted under this section the Secretary shall report to the Congress on the results of the demonstration projects including recommendations for modifications in the medicare program to increase the utilization of preferred provider organizations in providing primary and specialty services under such program.

TITLE XIII—TREATMENT AND OUTCOMES RESEARCH

SEC. 1301. NEW DRUG CLINICAL TRIALS PROGRAM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 409A. NEW DRUG CLINICAL TRIALS PROGRAM.

"(a) IN GENERAL.—The Director of the National Institutes of Health (hereafter referred to in this section as the 'Director') is authorized to establish and implement a program for the conduct of clinical trials with respect to new drugs and disease treatments determined to be promising by the Director. In determining the drugs and disease treatments that are to be the subject of such clinical trials, the Director shall give priority to those drugs and disease treatments targeted toward the diseases determined—

"(1) to be the most costly to treat;

"(2) to have the highest mortality; or

"(3) to affect the greatest number of individuals.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $120,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998.".

SEC. 1302. MEDICAL TREATMENT EFFECTIVENESS.

(a) RESEARCH ON COST-EFFECTIVE METHODS OF HEALTH CARE.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5) is amended—

(1) in subsection (a), by striking "and $115,000,000 for fiscal year 1993" and inserting "$115,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997"; and

(2) by adding at the end the following new subsection:

"(f) USE OF ADDITIONAL APPROPRIATIONS.—Within amounts appropriated under subsection (a) for each of the fiscal years 1993 through 1996 that are in excess of the amounts appropriated under such subsection for fiscal year 1992, the Secretary shall give priority to expanding research conducted to determine the most cost-effective methods of health care and for developing and disseminating new practice guidelines related to such methods. In utilizing such amounts, the Secretary shall give priority to diseases and disorders that the Secretary determines are the most costly to the United States and evidence a wide variation in current medical practice.".

(b) RESEARCH ON MEDICAL TREATMENT OUTCOMES.—

(1) IMPOSITION OF TAX ON HEALTH INSURANCE POLICIES.—

(A) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Tax on Health Insurance Policies

"Sec. 4501. Imposition of tax.

"Sec. 4502. Liability for tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax equal to .001 cent on each dollar, or fractional part thereof, of the premium paid on a policy of health insurance.

"(b) DEFINITION.—For purposes of subsection (a), the term 'policy of health insurance' means any policy or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed with respect to the health of an individual or group of individuals.

"SEC. 4502. LIABILITY FOR TAX.

"The tax imposed by this subchapter shall be paid, on the basis of a return, by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax, or for whose use or benefit the same are made, signed, issued or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax.".

(B) CONFORMING AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"SUBCHAPTER G. Tax on health insurance policies.".

(2) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND FOR MEDICAL TREATMENT OUTCOMES RESEARCH.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for Medical Treatment Outcomes Research' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the taxes received in the Treasury under section 4501 (relating to tax on health insurance policies).

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—On an annual basis the Secretary shall distribute the amounts in the Trust Fund to the Secretary of Health and Human Services. Such amounts shall be available to the Secretary of Health and Human Services to pay for research activities related to medical treatment outcomes.".

(B) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund for Medical Treatment Outcomes Research.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to policies issued after December 31, 1993.

SEC. 1303. TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.

Section 912 of the Public Health Service Act (42 U.S.C. 299b-1) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, guidelines established under this section may not be introduced in evidence or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

"(2) PROVISION OF HEALTH CARE UNDER GUIDELINES.—Notwithstanding any other provision of law, in any action brought in a Federal or State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under this section, the guidelines—

"(A) may be introduced by a provider who is a party to the action; and

"(B) if introduced, shall establish a rebuttable presumption that the service prescribed by the guidelines is the appropriate standard of medical care.".

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

SEC. 1401. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1402. DEFINITIONS OF QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

(a) IN GENERAL.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

"(a) QUALIFIED LONG-TERM CARE INSURANCE.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care insurance' means insurance under a policy or rider, issued by a qualified issuer, which—

"(A) provides coverage for not less than 12 consecutive months for each covered person,

"(B) provides benefits on an expense incurred, indemnity, disability, prepaid, capitation, or other basis,

"(C) provides benefits for—

"(i) medically necessary diagnostic, preventive, therapeutic, rehabilitation, or maintenance services,

"(ii) personal care services necessitated by physical disability, or

"(iii) preventive, therapeutic, rehabilitation, maintenance, or personal care services necessitated by cognitive impairment or the loss of functional capacity,

when provided in a nursing home, a respite care facility, the home of the covered individual, or any other setting which is not an acute care unit of a hospital or a medical clinic, and

"(D) provides coverage for care described in subparagraph (C) (other than nursing home care) equal to not less than 47.5 percent of the national median cost of nursing care coverage, as determined by the Secretary.

"(2) QUALIFIED ISSUER.—For purposes of paragraph (1), the term 'qualified issuer' means any of the following, if subject to the jurisdiction and regulation of at least 1 State insurance department:

"(A) Private insurance company.

"(B) Fraternal benefit society.

"(C) Nonprofit health corporation.

"(D) Nonprofit hospital corporation.

"(E) Nonprofit medical service corporation.

"(F) Prepaid health plan.

"(b) QUALIFIED LONG-TERM CARE PREMIUMS.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care premiums' means the amount paid during a taxable year for qualified long-term care insurance covering an individual, to the extent such amount does not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	The limitation is:
40 or less	$200
More than 40 but not more than 50	375
More than 50 but not more than 60	750
More than 60 but not more than 70	1,600
More than 70	2,000.

"(2) INDEXING.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 1993, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) MEDICAL CARE COST ADJUSTMENT.—For purposes of subparagraph (A), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1992.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Qualified long-term care insurance and premiums.".

SEC. 1403. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF TAXATION OF INSURANCE COMPANIES.

(a) IN GENERAL.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT OR HEALTH INSURANCE.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1404. TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) EXCLUSION OF AMOUNTS RECEIVED.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN ACCELERATED DEATH BENEFITS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who has a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) DREAD DISEASE.—For purposes of this subsection, the term 'dread disease' means a medical condition which has required or requires extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) PERMANENTLY CONFINED TO A NURSING HOME.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in the individual remaining in a nursing home for the rest of the individual's life.".

(b) TREATMENT OF QUALIFIED ACCELERATED DEATH BENEFIT RIDERS AS LIFE INSURANCE.—

(1) IN GENERAL.—Section 818 (relating to other definitions and special rules), as amended by section 803, is amended by adding at the end the following new subsection:

"(h) QUALIFIED ACCELERATED DEATH BENEFIT RIDERS TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) QUALIFIED ACCELERATED DEATH BENEFIT RIDER.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual on the life of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)), incurring a dread disease (as defined in section 101(g)(3)), or being permanently confined to a nursing home (as defined in section 101(g)(4)).".

(2) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(A) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) (relating to definition of life insurance contract) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(h)(2)), or any qualified long-term care insurance which reduces the death benefit, or".

(B) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

SEC. 1411. CREDIT FOR QUALIFIED LONG-TERM CARE PREMIUMS.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified long-term care premiums (as defined in section 7705(b)) paid during such taxable year for such individual or the spouse of such individual.

"(b) APPLICABLE PERCENTAGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means 28 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) BASE AMOUNT.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his or her spouse at all times during the taxable year.

"(c) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount allowed as a credit under this section shall not be taken into account under section 213.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1412. DEDUCTION FOR EXPENSES RELATING TO QUALIFIED LONG-TERM CARE.

(a) DEDUCTION FOR QUALIFIED LONG-TERM CARE PREMIUMS.—Subparagraph (C) of section 213(d)(1) (relating to the definition of medical care) is amended by striking "aged)" and inserting the following: "aged, and amounts paid as qualified long-term care premiums (as defined in section 7705(b))".

(b) DEDUCTION FOR LONG-TERM CARE EXPENSES FOR PARENT OR GRANDPARENT.—Section 213 (relating to deduction for medical expenses) is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR CERTAIN LONG-TERM CARE EXPENSES.—For purposes of subsection (a), the term 'dependent' shall include any parent or grandparent of the taxpayer for whom the taxpayer has long-term care expenses described in section 7705(a)(1)(C), but only to the extent of such expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1413. EXCLUSION FROM GROSS INCOME OF BENEFITS RECEIVED UNDER QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULES RELATING TO QUALIFIED LONG-TERM CARE INSURANCE.—For purposes of section 104, this section, and section 106—

"(1) BENEFITS TREATED AS PAYABLE FOR SICKNESS, ETC.—Any benefit received through qualified long-term care insurance shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) EXPENSES FOR WHICH REIMBURSEMENT PROVIDED UNDER QUALIFIED LONG-TERM CARE INSURANCE TREATED AS INCURRED FOR MEDICAL CARE OR FUNCTIONAL LOSS.—

"(A) EXPENSES.—Expenses incurred by the taxpayer or spouse, or by the dependent, parent, or grandparent of either, to the extent of benefits paid under qualified long-term care insurance shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(B) BENEFITS.—Benefits received under qualified long-term care insurance shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer or spouse, or the dependent, parent, or grandparent of either.

"(3) REFERENCES TO ACCIDENT AND HEALTH PLANS.—

"(A) IN GENERAL.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance.

"(B) LIMITATION.—Subparagraph (A) shall apply for purposes of section 106 only to the extent of qualified long-term care premiums (as defined in section 7705(b)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1414. EMPLOYER DEDUCTION FOR CONTRIBUTIONS MADE FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subparagraph (B) of section 404(b)(2) (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any benefit provided through a welfare benefit fund (as defined in section 419(e)), or

"(ii) any benefit provided under qualified long-term care insurance through the payment (in whole or in part) of qualified long-term care premiums (as defined in section 7705(b)) by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1415. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE IN CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to the exclusion of deferred compensation) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR LONG-TERM CARE INSURANCE CONTRACTS.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 125 (relating to qualified benefits) is amended by striking "and such term includes" and inserting the following: ", qualified long-term care insurance, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1416. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

"(a) GENERAL RULE.—In the case of an individual, gross income shall not include any qualified distribution.

"(b) QUALIFIED DISTRIBUTION.—For purposes of this section, the term 'qualified distribution' means any amount distributed from an individual retirement plan or a section 401(k) plan during the taxable year if such amount is used during such year—

"(1) to pay qualified long-term care premiums (as defined in section 7705(b)) for the benefit of the payee or distributee or the spouse of the payee or distributee, if such policy may not be surrendered for cash, or

"(2) to pay long-term care expenses (as described in section 7705(a)(1)(C)) of such an individual.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED DISTRIBUTIONS FROM IRA DEEMED MADE FIRST FROM DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—For purposes of section 72, qualified distributions from an individual retirement plan shall be treated as made from designated nondeductible contributions to the extent thereof and then from other amounts.

"(2) SPECIAL RULES FOR SECTION 401(k) PLANS.—

"(A) QUALIFIED DISTRIBUTIONS FROM SECTION 401(k) PLAN MAY NOT EXCEED ELECTIVE DEFERRALS.—This section shall not apply to any distribution from a section 401(k) plan to the extent the aggregate amount of such distributions for the use described in subsection (a) exceeds the aggregate employer contributions made pursuant to the employee's election under section 401(k)(2) (and the income thereon).

"(B) WITHDRAWALS NOT TO CAUSE DISQUALIFICATION.—A plan shall not be treated as failing to satisfy the requirements of section 401, and an arrangement shall not be treated as failing to be a qualified cash or deferred arrangement (as defined in section 401(k)(2)), merely because under the plan or arrangement distributions are permitted which are excludable from gross income by reason of this section.

"(d) SECTION 401(k) PLAN.—For purposes of this section, the term 'section 401(k) plan' means any employer plan which meets the requirements of section 401(a) and which includes a qualified cash or deferred arrangement (as defined in section 401(k)).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (k) of section 401 is amended by adding at the end the following new paragraph:

"(11) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(2) Subsection (d) of section 408 is amended by adding at the end the following new paragraph:

"(8) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(3) The table of sections for such part III is amended by striking the item relating to section 136 and inserting the following new items:

"Sec. 136. Distributions from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.

"Sec. 137. Cross references to other Acts.".

(c) INCREASE IN AMOUNT OF DEDUCTIBLE CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 219(b)(1) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "$4,000".

(2) SPOUSAL IRA.—Paragraph (2) of section 219(c) (relating to special rules for certain married individuals) is amended by striking "$2,250" and "$2,000" and inserting "$4,500" and "$4,000", respectively.

(3) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(C) Section 408(j) is amended by striking "$2,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1417. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED ON CANCELLATION OF LIFE INSURANCE POLICIES AND USED FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—

(1) EXCLUSION FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), as amended by section 216, is further amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. AMOUNTS RECEIVED ON CANCELLATION, ETC. OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount (which but for this section would be includible in the gross income of an individual) shall be included in gross income on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year if—

"(1) such individual has attained age 59½ on or before the date of the transaction, and

"(2) the amount otherwise includible in gross income is used during such year to pay for any policy of qualified long-term care insurance which—

"(A) is for the benefit of such individual or the spouse of such individual if such spouse has attained age 59½ on or before the date of the transaction, and

"(B) may not be surrendered for cash.".

(B) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 137. Amounts received on cancellation, etc. of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 138. Cross references to other Acts.".

(2) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end the following new paragraph:

"(4) in the case of an individual who has attained age 59½, a contract of life insurance or an endowment or annuity contract for a policy of qualified long-term care insurance, if such policy may not be surrendered for cash.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1418. USE OF GAIN FROM SALE OF PRINCIPAL RESIDENCE FOR PURCHASE OF QUALIFIED LONG-TERM HEALTH CARE INSURANCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to 1-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end the following new paragraph:

"(10) ELIGIBILITY OF HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION FOR EXCLUSION.—

"(A) IN GENERAL.—For purposes of this section, the term 'sale or exchange' includes a home equity conversion sale-leaseback transaction.

"(B) HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION.—For purposes of subparagraph (A), the term 'home equity conversion sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of the transaction,

"(II) sells property which during the 5-year period ending on the date of the transaction has been owned and used as a principal residence by such seller-lessee for periods aggregating 3 years or more,

"(III) uses a portion of the proceeds from such sale to purchase a policy of qualified long-term care insurance, which policy may not be surrendered for cash,

"(IV) obtains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(V) receives no option to repurchase the property at a price less than the fair market price of the property unencumbered by any leaseback at the time such option is exercised, and

"(ii) the purchaser-lessor—

"(I) is a person,

"(II) is contractually responsible for the risks and burdens of ownership and receives the benefits of ownership (other than the seller-lessee's occupancy rights) after the date of such transaction, and

"(III) pays a purchase price for the property that is not less than the fair market price of such property encumbered by a leaseback, and taking into account the terms of the lease.

"(C) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (B)—

"(i) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy the property for any period of time, including a period of time measured by the life of the seller-lessee on the date of the sale-leaseback transaction (or the life of the surviving seller-lessee, in the case of jointly held occupancy rights), or a periodic term subject to a continuing right of renewal by the seller-lessee (or by the surviving seller-lessee, in the case of jointly held occupancy rights).

"(ii) FAIR RENTAL.—The term 'fair rental' means a rental for any subsequent year which equals or exceeds the rental for the first year of a sale-leaseback transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 1992, in taxable years beginning after such date.

Subtitle C—Medicaid Amendments

SEC. 1421. EXPANSION OF MEDICAID ELIGIBILITY FOR LONG-TERM CARE BENEFITS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ELIGIBILITY FOR LONG-TERM CARE BENEFITS

"SEC. 1931. (a) ELIGIBILITY FOR NURSING FACILITY SERVICES.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1),

"(3) who is not otherwise eligible for medical assistance for nursing facility services under this title, and

"(4) who has been provided 30 months of nursing facility services (during a period in which the individual required the level of care provided in a nursing facility) during the previous 48 months (or, with respect to the application of subsection (e), 72 months), is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for nursing facility services so long as the individual continues to meet the requirements of this subsection (other than paragraph (4)) and is confined to a nursing facility or otherwise requires the same level of care as is provided in a nursing facility.

"(b) ELIGIBILITY FOR HOME AND COMMUNITY-BASED CARE.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1), and

"(3) who is not otherwise eligible for medical assistance for home and community-based long-term care under this title,

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for home and community-based long-term care so long as the individual continues to meet the requirements of this subsection and requires the same level of care as is provided in a nursing facility.

"(c) RESOURCE LIMITATION.—

"(1) IN GENERAL.—For purposes of this section, the resource limitation specified in this subsection is $500,000, increased, for each year after 1993, by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; U.S. city average) from July 1992 to July of the previous year, rounded (if not a multiple of $1,000) to the nearest $1,000.

"(2) CERTAIN PERSONAL PROPERTY NOT INCLUDED.—Personal property items with a fair market value less than $5,000 in the aggregate shall not be included in any calculation of resources under subsections (a) and (b) which are subject to the resource limitation specified in paragraph (1).

"(d) TREATMENT OF LEVEL OF CARE.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b), an individual is considered to require the level of care provided in a nursing facility if the individual cannot perform (without substantial human assistance) at least 3 activities of daily living or needs substantial human assistance because of cognitive or other mental impairment (including Alzheimer's disease).

"(2) ACTIVITIES OF DAILY LIVING DEFINED.—The 'activities of daily living' referred to in paragraph (1) are the following: eating, bathing, dressing, toileting, and transferring in and out of a bed or in and out of a chair.

"(e) SUBSTITUTION OF EXPENSES INCURRED FOR QUALIFIED HOME CARE FOR MONTHS IN NURSING FACILITY.—

"(1) IN GENERAL.—In determining whether an individual has been provided 30 months of nursing facility services under subsection (a)(4), expenses incurred (whether paid for by insurance, themselves, or relatives but not including expenses for which payment is made under this title, by the Department of Veterans Affairs, the Department of Defense, or other Federal programs) for qualified home care (as defined in paragraph (3)) shall be taken into account in the manner specified in paragraph (2).

"(2) CONVERTING EXPENSES TO MONTHS.—Expenses described in paragraph (1) shall be converted to months of nursing facility services by dividing such expenses by the national median monthly cost (as determined by the Secretary, and using a weighted average for both public and private nursing facilities) for nursing facility services in the month in which the expenses are incurred.

"(3) QUALIFIED HOME CARE DEFINED.—In this subsection, the term 'qualified home care' means home and community-based services described in section 1915(d).".

(b) CONFORMING AMENDMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by section 302, is further amended—

(1) in paragraph (10)—

(A) in clause (i) of subparagraph (A), by striking "or" at the end of subclause (VI), by striking the semicolon at the end of subclause (VII) and inserting ", or", and by adding at the end the following:

"(VIII) who are described in subsections (a) and (b) of section 1931;"; and

(B) in the matter following subparagraph (F)—

(i) by striking "; and (XI)"; and inserting ", (XI);

(ii) by striking ", and (XI)" and inserting ", (XII); and

(iii) by inserting before the semicolon at the end the following: ", and (XIII) the making available of medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931 shall not, by reason of this paragraph, require such assistance to be made available to other individuals";

(2) in paragraph (59), by striking "; and" and inserting a semicolon,

(3) in paragraph (60), by striking the period at the end and inserting "; and", and

(4) by adding at the end the following new paragraph:

"(61) provides for medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931.".

SEC. 1422. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle apply (except as provided under subsection (b)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after 1 year after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) TRANSITION.—In applying the amendments made by this subtitle, only months beginning after the date of the enactment of this Act may be counted toward meeting the 30-month deductible described in section 1931(a)(4) of the Social Security Act, as added by this subtitle.

TITLE XV—FINANCING

SEC. 1501. REPEAL OF DOLLAR LIMITATION ON AMOUNT OF WAGES SUBJECT TO HOSPITAL INSURANCE TAX.

(a) HOSPITAL INSURANCE TAX.—

(1) Paragraph (1) of section 3121(a) of the Internal Revenue Code of 1986 (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 of such Code is amended by striking subsection (x).

(b) Self-Employment Tax.—

(1) Subsection (b) of section 1402 of such Code is amended—

(A) by striking "(1) that part of net" and inserting "(1) in the case of the tax imposed by section 1401(a), that part of net",

(B) by striking "applicable contribution base (as determined under subsection (k))" and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 of such Code is amended by striking subsection (k).

(c) Railroad Retirement Tax.—

(1) Subparagraph (A) of section 3231(e)(2) of such Code is amended by adding at the end thereof the following new clause:

"(iii) Hospital insurance taxes.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1402(b)."

(2) Clause (i) of section 3231(e)(2)(B) of such Code is amended to read as follows:

"(i) Tier 1 taxes.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) Increased Revenues Not Deposited in Hospital Insurance Trust Fund.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "For purposes of this subsection, the amount of taxes imposed by sections 1401(b), 3101(b), 3111(b) of the Internal Revenue Code of 1986 shall be determined without regard to the amendments made by section 221 of the Managed Competition Act of 1992.".

(e) Technical Amendments.—

(1) Paragraph (1) of section 6413(c) of the Internal Revenue Code of 1986 is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) of such Code are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 of such Code is amended by striking paragraph (3).

(4) Sections 3122 and 3125 of such Code are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(f) Effective Date.—The amendments made by this section shall apply to 1994 and later calendar years.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

SEC. 1601. EMPLOYER RESPONSIBILITIES.

The Board shall require the following:

(1) No discrimination based on health status for certain services.—An employment-related health plan may not deny, limit, or condition coverage based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(2) Treatment of preexisting condition exclusions.—An employment-related health plan may not exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) Treatment of waiting periods.—An employment-related health plan may not impose waiting periods of any length.

(4) No discrimination based on income level.—An employment-related health plan shall apply equally to employees of all income levels.

(5) Equal contribution levels.—The total amount of an employer's contribution to the cost of coverage under an employment-related health plan for employees with incomes less than 200 percent of the income official poverty line shall equal or exceed such total amount for employees with incomes greater than 200 percent of such income official poverty line.

SEC. 1602. INDIVIDUAL RESPONSIBILITIES.

The Board shall require that to be eligible for benefits under a Federal program, an individual seeking benefits under such program shall certify to the administrator of such program that such individual and the dependents of such individual possess health insurance coverage that meets the applicable minimum standards under this title.

This section shall not apply to persons eligible for enrollment in—

(1) the medicare program under title XVIII of the Social Security Act,

(2) the veterans health care program under chapter 17 of title 38, United States Code,

(3) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code,

(4) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and

(5) the Federal employees program under chapter 89 of title 5, United States Code.

SEC. 1603. SELF-INSURED PLAN REQUIREMENTS.

(a) In General.—The Board shall require that in order to obtain certification as a health plan, a self-insured health benefit plan must demonstrate to the satisfaction of the Board that—

(1) the benefits and conditions of such plan (including copayments and deductibles) are substantially equivalent to those of a uniform set of effective benefits as provided under this Act;

(2) the self-insuring entity is adhering to non-discrimination standards substantially equivalent to those provided for carriers described in subsection (b);

(3) the average per capita cost of providing equivalent benefits to enrollees in the self-insured plan differs no more than 10 percent (either above or below) from the average per capita cost of providing uniform set of effective benefits to non-self-insured beneficiaries in the community (or communities) in which the self-insured group is located (without taking into account any reductions in costs due to health promotion activities of the employer); and

(4) the self-insuring entity possesses adequate financial reserves, as determined by the Board, to assure the immediate and long-term solvency of the entity and the benefits of individuals receiving coverage through such entity.

(b) Standards Described.—Standards described in this subsection shall include (but are not limited to) the following:

(1) No discrimination based on health status.—No self-insured health plan may deny, limit, or condition the coverage under (or benefits of) the plan with respect to health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual or group.

(2) Treatment of preexisting conditions.—No self-insured health plan may exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) Waiting periods.—No self-insured health plan may impose waiting periods of any length.

SEC. 1604. PROVIDER RESPONSIBILITIES.

The Commission shall require as a condition of participation in the health plan by any health care provider the acceptance by such provider of any payment as specified by the Board as full payment for the service performed.

TITLE XVII—ENFORCEMENT PROVISIONS

SEC. 1701. ENFORCEMENT PROVISIONS FOR CARRIERS, PROVIDERS, AND EMPLOYERS.

(a) In General.—Chapter 47 of the Internal Revenue Code of 1986 (relating to excise taxes on qualified pensions, etc. plans) is amended by striking section 5000 and section 5000A (as added by section 106) and inserting the following new sections:

"SEC. 5000. FAILURE OF CARRIERS WITH RESPECT TO THE UNIFORM SET OF EFFECTIVE BENEFITS.

"(a) General Rule.—In the case of any carrier offering any health plan, there is hereby imposed a tax on such carrier if such plan fails to qualify as a uniform set of effective benefits.

"(b) Amount of Tax.—

"(1) In general.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross premiums received during such taxable year with respect to all health plans issued by the carrier on whom such tax imposed.

"(2) Gross premiums.—For purposes of paragraph (1), gross premiums shall include any consideration received with respect to any health contract.

"(3) Controlled groups.—For purposes of paragraph (1)—

"(A) Contolled group of corporations.—All corporations which are members of the same controlled group of corporations shall be treated as 1 carrier. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) Partnerships, proprietorships, etc., which are under common control.—Under regulations prescribed by the Secretary, all trades or businesses (whether or not incorporated) which are under common control shall be treated as 1 carrier. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) Limitation on Tax.—

"(1) Tax not to apply where failure not discovered exercising reasonable diligence.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the carrier on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the carriers on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine whether any health plan qualifies as a uniform set of effective benefits.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all health plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000A. FAILURE OF PROVIDERS WITH RESPECT TO UNIFORM BENEFITS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person who provides any service under a uniform set of effective benefits to comply with the requirements of section 1604 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross income received during such taxable year with respect to all services provided by the person on whom such tax is imposed.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine compliance with the requirements of section 1604 of this Act.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all providers of services under health benefit plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000B. FAILURE OF EMPLOYERS WITH RESPECT TO UNIFORM BENEFITS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person to comply with the requirements of sections 1601 and 1603 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to a full-time employee shall be $50 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

"(A) beginning on the date such failure first occurs, and

"(B) ending on the date such failure is corrected.

"(3) CORRECTION.—A failure of a person to comply with the requirements of sections 1601 and 1603 of this Act with respect to any full-time employee of the person shall be treated as corrected if—

"(A) such failure is retroactively undone to the extent possible, and

"(B) the employee is placed in a financial position which is as good as such employee would have been in had such failure not occurred.

For purposes of applying subparagraph (B), the employee shall be treated as if the employee had elected the most favorable coverage in light of the expenses incurred since the failure first occurred.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the first date any of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) LIABILITY FOR TAX.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the following shall be liable for the tax imposed by subsection (a) on a failure:

"(A) In the case of a uniform set of effective benefits other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(C) Each person who is responsible (other than in a capacity as an employee) for administering or providing benefits under the uniform set of effective benefits and whose act or failure to act caused (in whole or in part) the failure.

"(2) SPECIAL RULES FOR PERSONS DESCRIBED IN PARAGRAPH (1)(C).—A person described in subparagraph (C) (and not in subparagraphs (A) and (B)) of paragraph (1) shall be liable for the tax imposed by subsection (a) on any failure only if such person assumed (under a legally enforceable written agreement) responsibility for the performance of the act to which the failure relates.

"(e) DEFINITIONS.—For purposes of this section, the terms 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under section 112, 114, 115(b), and 116. The term 'full time employee' shall mean an employee who performs on a monthly basis at least 30 hours of service per week."

"(b) CLERICAL AMENDMENTS.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new items:

"Sec. 5000. Failure of carriers with respect to uniform benefits insurance.
"Sec. 5000A. Failure of providers with respect to uniform benefits insurance.
"Sec. 5000B. Failure of employers with respect to uniform benefits insurance.".

SEC. 1702. ENFORCEMENT PROVISION FOR INDIVIDUALS.

"(a) IN GENERAL.—Subsection (d) of section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new paragraph:

"(5) EXEMPTION AMOUNT DISALLOWED FOR UNINSURED INDIVIDUALS.—The exemption amount for any individual for such individual's taxable year shall be zero, unless the policy number of the health plan for such individual is included in the return claiming such exemption amount for such individual.".

COMPREHENSIVE ACCESS AND AFFORDABILITY HEALTH CARE ACT OF 1993

This summary is organized by topic and does not necessarily coincide with the Title number in the bill text.

I. MANAGED COMPETITION/UNIVERSAL COVERAGE

Establish a Federal Health Board to develop a uniform set of effective benefits, with an emphasis on primary and preventive care.

To contain costs, the Board would determine annual limits on the allowable percentage rate of increase in premiums for Accountable Health Plans (AHPs) and develop uniform deductible and cost-sharing requirements. The Board would also develop standardized claims forms and billing procedures, as well as a plan to accelerate electronic billing and computerization of medical records.

The Board will register and develop standards for Accountable Health Plans on data such as cost, utilization, health outcomes, and patient satisfaction. This information would be collected and published annually by the Board and made available to participating health plans and consumers.

All persons will be required to carry a uniform set of effective benefits either through a group of individually. Low-income persons will receive direct public assistance for the cost of such coverage (see Section III below).

All insurers in the health insurance market will be required to offer a uniform set of effective benefits and to accept its conditions as identified by the Federal Health Board.

States would establish one or more Health Plan Purchasing Cooperatives (HPPCs) to serve as collective purchasing agents for small businesses and individuals. These HPPCs would contact with a range of competing health plans and would present the full range of plans to their customers. The HPPC would provide consumers with information about the plans prior to enrollment periods, including a "report card" measuring performance based on cost, quality and patient satisfaction information collected by the Board. The HPPCs would also manage the enrollment process. Individual consumers would choose a plan for one year and could subsequently change plans during an annual "open season." States could opt to purchase coverage for Medicaid beneficiaries through the purchasing cooperatives. Federal grant funding would be provided to cover States' costs in establishing and administering the HPPCs.

Insurers would enter into arrangements with providers to form Accountable Health Plans (AHPs) which would each offer the uniform set of effective benefits by the Board and would compete on the basis of price and quality of care. Plans could offer "supplemental" coverage for additional services. Plans would have to take all applicants and could not exclude participants on the basis of Premiums could vary according to the plan, but would be the same for all members of the purchasing cooperative, regardless of age, sex or health experience. State mandated benefit and anti-managed care laws would be preempted.

II. PREVENTIVE CARE

Expand primary and preventive health services by authorizing increased availability of comprehensive prenatal care services of women at risk for low birthweight births and assistance to local education agencies and pre-school programs in providing comprehensive health education. Increase authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Heath Centers (1.4 billion over existing authorizations).

Improve efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants.

Clarify that expenditures for health promotion and prevention programs are considered amounts paid for medical care for tax purposes.

Establish a new grant program for states to provide assistance to small businesses to establish and operate worksite wellness programs for their employees.

III. ACCESS TO HEALTH CARE

Refendable tax credit to low and middle-income individuals without employer-provided insurance. The amount of the refundable tax credit would be linked to the amount of the lowest-cost Accountable Health Plan in the region.

Self-employed persons and individuals without employer provided insurance who are ineligible for the tax credit could deduct the full 100 percent of the costs of the lowest-priced Accountable Health Plan available.

Employers could only deduct benefit costs up to the level of the lowest-cost Accountable Health Plan in the region. Employer-provided benefits in excess of that capped amount named be taxed as income.

Children's Health Care. To make health insurance available to children under 18 through their elementary and secondary schools. Directs the Secretary of education to establish this new program for children not eligible for Medicaid and would be basic coverage through their school system. The Secretary of HHS would design a minimum package that each plan would have to cover.

Establishes a refundable tax credit for the purchase of health insurance for children to be worth up to $1,000 per qualifying child for families with incomes below 100 percent of poverty, and phased out for families with incomes between 100 to 200 percent of poverty.

Requires the creation of a uniform application form and process for the Special Supplemental Food Program, the Maternal and Child Health Program, and Medicaid.

Improved Access to Health Care for Rural and Underserved Areas. This title would increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas. It would also provide a special tax credit and other incentives for physicians and other primary care providers serving in rural areas.

IV. CONSUMER DECISION MAKING

Enhance consumer decision-making by requiring that providers participating in the Medicare and Medicaid programs make information available to patients of the cost, quality, and options of available health care.

V. COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Provides a waiver from anti-trust laws for hospitals wishing to enter into voluntary cooperative agreements for the sharing of medical technology and services to contain costs by eliminating the unnecessary duplication of services and equipment.

VI. PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination.

VII. INSURANCE SIMPLIFICATION AND PORTABILITY

Establish a Health Insurance Standards Commission to develop a long-term plan for the implementation of uniform standards for electronic data interchange for qualified health insurance. The Commission would determine the effectiveness and efficiency of the current health insurance claims billing system and would develop a uniform computerized billing process.

VIII. MALPRACTICE REFORM

Encourage states to establish alternative dispute resolution mechanisms like prelitigation screening panels, which have had great success in a number of states in reducing medical malpractice costs.

IX. MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans.

X. TREATMENT AND OUTCOMES RESEARCH

Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments and treats such guidelines as a legal standard.

XI. LONG-TERM CARE

Increase access to and affordability of appropriate long-term care by: (1) creating tax credits for the purchase of long-term care insurance and tax deductions for amounts paid towards long-term care services of family members; (2) excluding life insurance and IRA savings used to pay for long-term care from income tax; (3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and (4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

XII. FINANCING

Lift the current $130,200 cap on wages subject to the Medicare health insurance tax.

Employers could only deduct benefit costs up to the level of the lowest cost Accountable Health Plan available through the regional purchasing cooperative. (Identified in Section III)

Employer-provided benefits in excess of that capped amount would be taxed as income. (Identified in Section III)

By Mr. DURENBERGER:

S. 632. A bill to amend title V of the Social Security Act to encourage States to provide funds for programs to enhance and expand school health services; to the Committee on Finance.

MATERNAL AND CHILD HEALTH BLOCK GRANT ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to introduce legislation that is of critical importance to the health of children and adolescents in this country.

This is a very simple bill, running only four pages in length. It does two things:

First, my proposal increases the authorized funding level for the MCH Block Grant Program by $250 million over the next 3 years—from $686 to $936 million.

And, second, my proposal adds two specific allowable uses of funds to the MCH law:

To provide and promote comprehensive and integrated health, social and education services for children;" and to enhance and expand health education, and access to primary and preventive health services in or linked to school settings, and to promote a healthy school environment."

Mr. President, my purpose in introducing this bill is, in part, to call needed attention to a whole series of problems facing families and children and youth in this country—problems involving drugs, violence, gangs, teen pregnancy, AIDS, suicide, breathing disorders, and many others.

They do not do justice to the human side of these problems. But, statistics do help document the problem:

The fact that 14 million children in America were not seen by a physician last year;

The fact that over 1 million teenagers become pregnant every year—30,000 of them under the age of 15; and

The estimate that 400,000 young people either commit or attempt suicide every year.

It is clear from these and other statistics that the community and family support structures we have always depended on are either inadequate or just not working.

And, it is equally clear that local communities must be willing to take on more of the responsibility for all the individual, family, and societal problems we have been dumping on schools.

What we do not have consensus on is exactly what each community should be doing and how they should be doing it.

Each community is different. What works at St. Paul Central High School—where I held a hearing on this subject last fall—won't necessarily work in much smaller Minnesota communities like Hawley or Cloquet.

On-site delivery of primary health services may work well in large urban schools. But, smaller schools—in either urban or rural areas—may not have enough students to justify the expense required to staff and equip a full-time school-based clinic.

Some communities may decide that a different combination of services—excluding primary health care, for example—should be co-located in their school.

Some communities may want to exclude family planning or pregnancy prevention services, or place limitations on accessing those services without parental consent.

Other communities may decide that whatever services they offer should be co-located across the street or around the corner.

And, still others may want to focus co-located services on the entire family—or on several different segments of the population.

One of the things I learned early in my exploration of these issues is that the MCH Block Grant Program is one of the best tools we have to respond to these differences in what each community should be doing and how they should be doing it.

The MCH Program is already one of the largest sources of operating funds for school-based health clinics. And, it is flexible enough to be used in just about any of the combinations of services and locations I have seen.

The problem is that MCH cannot do much more within its current funding limitations. This fiscal year, we have appropriated $665 million to the MCH Program, rapidly approaching the $686 million limit in what we've previously authorized.

The need to expand colocation of services in and around schools is not the only reason. But, it is clear to me that we now need to significantly raise the authorized funding level for MCH block grants.

Of course, getting this bill adopted is only the first step in getting more money into MCH Program.

That is why I also intend to continue my work with my distinguished colleague from Iowa, Senator HARKIN, to get the actual appropriations level for the MCH Program increased for next fiscal year.

Beyond introducing this bill, Mr. President, I am working on three other initiatives this year to make sure we do not forget the kids as we do comprehensive health care reform.

The first of those initiatives is to use every opportunity I have to educate all of us on the importance of adolescent health care in the context of the larger health care delivery system.

In the course of my personal education on this issue, I have become convinced that the unique health care needs of adolescents represent both a significant challenge and an even more significant opportunity.

I think it hit me hardest last fall when I spent a morning listening to students, parents, teachers, and health care professionals talk about the realities of adolescent health care during a hearing I held at St. Paul Central High School.

I am paraphrasing here, but one of the people I listened to that day put it something like this:

Imagine yourself as a typical teenager going to the doctor. You did not really want to go to the doctor in the first place. But, you finally give in to a nagging parent, or maybe even a nagging illness.

And, now with an already negative attitude, you are probably being asked to fit into one of two parts of the primary care delivery system.

You might be still going to the same pediatrician who gave you your first shots and got you through mumps and strep throat. But, now you are 15 or 16 years old—sitting there in the waiting room, between a runny-nosed 2-year-old, and a ridiculous life-sized blow-up of Cookie Monster or Big Bird.

Or, you might be going to the same family practice doctor or internist that your parents go to.

If you live in a smaller community, you are probably having to deal with a receptionist or nurse who is also your neighbor or a member of your mother's bridge club.

And, you are especially uncomfortable sitting in a waiting room filled with old people watching video tapes about colon cancer and osteoporosis!

Is it any wonder that too many adolescents just do not want to go to the doctor?

And, yet, adolescence is a time when major changes are going on—physically, mentally, socially.

Hard choices are being made—about personal behavior, about addictive substances, about what and how much we eat—choices that will affect each adolescent's health for the rest of his or her life.

Perhaps most important, adolescence is a time when each of us should be learning to take more responsibility for our own personal health.

All of these factors argue for giving additional—and more focused—attention to how we deliver and finance health care for adolescents.

How we do that has implications—in the larger health care reform debate now going on—for how we guarantee access.

But, if everything I believe in is true—about personal responsibility and prevention and learning good health habits—then doing adolescent health right should help save a whole lot of money in the long term.

A second goal I have set for myself this year is to get more of the cost of school-based health care paid for by third-parties—including Medicaid—especially as we move to a greater emphasis on managed care.

Clearly, we are heading in the direction of more managed care. And, I have been one of the leading advocates of creating a true and functioning health care market that includes managed care.

But, if we agree that health care for adolescents must be more sensitively delivered, and if we agree that the school can be a logical and cost-effective place to address the health care needs of adolescents, then, should not otherwise reimbursable services be financed by third party payers in school-based settings?

This is part of the larger debate that needs to go on about the role of public health programs and services in comprehensive health care reform.

I have some preliminary thoughts on where we ought to be headed.

But, I do not have all the answers to questions like:

How we deal with questions of confidentiality and bureaucratic barriers in making needed links between school and other community-based clinics and HMO's or HIPIC's or whatever managed care model gets used;

How—once a certain confidence level gets established—health care delivered in a school-based setting can again link back to the adolescent's family;

How differences in each community's values and preferences for services can be maintained;

How better access to health and other services can be provided to students who attend small schools, alternative schools, and schools in rural areas;

How needed links can be made to the more traditional delivery system—when there are gaps—on weekends, during the summer, and during other school vacations;

How school-based services can be made accessible to kids who have dropped out of school; and

How school-based services relate to the growing interests in neighborhood-based early childhood and family resource centers.

These are all tough questions that need to be addressed as we design a more effective and user friendly health care system for children and adolescents.

My third and final goal for this year is to continue the work I started last summer with my distinguished colleague from Massachusetts, Senator KENNEDY, to define a proper Federal role in planning and starting school-based health and other services.

An equally important part of that task is removing barriers in existing Federal programs, barriers to collocating programs and mixing different revenue sources, barriers to mixing programs with different priorities or different income eligibility requirements, and all the other bureaucratic barriers that stand in the way of where we are today on understanding and addressing the health care and other needs of children and adolescents, and where we need to be in the future.

I have already stated my personal preference for putting more dollars behind an existing program like MCH block grants—rather than creating a whole new program and hoping to get it properly funded.

And, I have stated my insistence on maintaining maximum flexibility to design programs that meet the differing needs—and differing values—in each local community.

But, I have also pledged to work with Senator KENNEDY and my colleagues on the Labor Committee to accomplish the goal of getting more States and local communities to make the commitment to collocate health and other services in and around schools.

The parts of Senator KENNEDY's proposal that appeal to me the most are those sections that address current bureaucratic and regulatory barriers to mixing funds sources and collocating different Federal programs.

Removing barriers to doing what is right is also a strong interest of the Clinton administration, in education and job-training programs, in health and social service programs, and in other areas, as well.

I know that is a strong interest of the Governors and of the mayors and county commissioners and school board members they all seem to be coming to Washington at this time of the year.

I am not sure how far we are going to get on this, this year.

But, one approach I have suggested is to swap the federalizing of Medicaid for a State takeover of many of the categorical programs that could be run better if States and local communities were only given the freedom to set the rules.

I realize that raises concerns among many of the people who have a stake in existing programs.

And, any effort that removes well-intended mandates and priorities for spending must also include new, creative ways of holding people who spend public money accountable.

My own bias is to build on the work being done in Minnesota and elsewhere on outcomes—in education, in health care, and in a lot of other areas of public service.

Clearly, Mr. President, a lot of work remains to be done to make sure that the unique health care needs of children adolescents are not left out as we undertake the larger task this year of reforming America's health care system.

The bill that I am introducing today is one part of making sure that—as we do fundamental system reform—we do not forget about the kids.

I look forward to working with my colleagues on both the Finance and Labor Committees as we take up that challenge during the remainder of this year. Thank you, Mr. President, I yield the floor.

By Mr. AKAKA (for himself, Mr. JOHNSTON, and Mr. INOUYE):

S. 633. A bill to amend the Foreign Trade Zones Act to clarify that crude oil consumed in refining operations is not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Finance.

FOREIGN TRADE ZONE OIL REFINERIES ACT OF 1993

• Mr. AKAKA. Mr. President, today I am introducing legislation to affirm the intent of Congress and the will of the courts regarding the treatment of foreign trade zone oil refineries by the U.S. Customs Service. Senators JOHNSTON and INOUYE join me in introducing this legislation.

Currently, 11 oil refineries operate within foreign trade zones in Hawaii, Louisiana, and Texas. A number of applications are pending for foreign trade subzone refineries at other sites.

Most refineries today rely on an increasingly large percentage of imported oil to compensate for the decline in domestic production. During the refining process, a small portion of the crude oil or derivative product is consumed in the course of the refining process and, therefore, never enters the Customs territory of the United States.

Under the Foreign Trade Zones Act of 1934, no duty is paid on merchandise which is consumed or destroyed in a zone. These zones are distinct geographical areas which lie outside the Customs territory of the United States.

In the case of crude oil and its derivatives, the nonduty status of oil consumed in the refining process was confirmed by the courts in a 1978 decision by the Customs Court—now known as the Court of International Trade—in the case of *Hawaii Independent Refinery, Inc.* v. *United States*, Customs decision 4777. The court ruled that since the subject merchandise never physically enters the Customs territory of the United States, it is not subject to duty since it never exits the zone. As a consequence of the decision in the HIRI case, the Customs Service is precluded from imposing duties on foreign crude oil which enters a foreign trade zone and is consumed in the refining process.

Despite this unambiguous ruling, a number of refineries in foreign trade zones must continue to pay duty on foreign crude oil consumed in the process of refining. The Customs Service, having lost the HIRI case, nonetheless has insisted that the Foreign Trade Zones Board [FTZB] establish conditions in the trade zone grants which require the payment of duty on fuel consumed during refining. To receive approval of an application for subzone status, the grantee is required to submit to the condition that: Foreign crude oil used as fuel for the refinery shall be dutiable. This has enabled the Customs Service to circumvent the intent of Congress, and the judicial affirmation of this intent, and collect duties through the trade zone grant process. As a consequence of this action, today we see situations where two or more refinery subzones located in the same foreign trade zone are subject to different duty treatment.

My legislation corrects this inequitable treatment of oil refineries operating within foreign trade subzones by clarifying the Foreign Trade Zones Act. My amendment reaffirms that crude oil consumed in the refining process is not subject to duty. Remember this oil never loses the extraterritorial protection of the foreign trade zone.

My amendment will have nominal effect upon Customs collections, but is essential to the continued viability and productivity of the zone-based companies. These companies produce the energy resources our country depends on. The legislation is narrow in scope, but it will ensure that refineries operating foreign trade subzones within our States will continue operations, continue providing good jobs, and continue investing in local economies. Petroleum industry analysts estimate that the total savings for the affected refineries will be approximately $600,000 to $800,000 annually. The Congressional Budget Office estimates that this provision would, net of income and payroll tax offsets, decrease Federal Government receipts by $1 million annually through 1997.

Congress enacted the Foreign Trade Zones Act to attract international investment, promote the economic benefits of a broadened industrial base, and encourage international trade and commercial activity within the United States. Imposition of this ill-advised condition by the FTZ Board clearly runs contrary to the intent of the act. We need to keep these refineries operating in foreign trade zones. Imposition of duties seriously impedes the competitiveness of U.S.-based operations, and gives an unfair advantage to petroleum products imported from overseas refineries. Foreign refineries which ship finished petroleum products to the United States do not pay Customs duties on fuel consumed. My bill assures a level playing field for all U.S. refineries and treats American refineries the same as foreign competitors.

Mr. President, this legislation corrects an inequitable situation which threatens the competitiveness and viability of refineries operating in foreign trade subzones. I urge my colleagues to join us in supporting this important bill. I ask unanimous consent that the full text of the bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN FUEL NOT SUBJECT TO DUTY.

(a) IN GENERAL.—Section 3(d) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act (19 U.S.C. 81c(d)) is amended—

(1) by striking "In regard" and inserting "(1) CALCULATION OF RELATIVE VALUES.—In regard"; and

(2) by adding at the end thereof the following new paragraph:

"(2) FUEL CONSUMED IN REFINING OPERATIONS.—Notwithstanding any other provision of law, crude oil and derivatives thereof, admitted into a foreign trade zone and consumed in the refining process, and not subject to duty.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles admitted into a foreign trade zone after the date which is 60 days after the date of the enactment of this Act.

By Mr. GLENN:

S. 634. A bill to establish a program to enpower parents with the knowledge and opportunities they need to help their children enter school ready to learn, and for other purposes; to the Committee on Labor and Human Resources.

A BETTER CHANCE TO LEARN ACT OF 1993

Mr. GLENN. Mr. President, I rise today to introduce legislation that will give pre-school children the chance they deserve to enter school ready to learn by giving parents the tools they need to prepare their children to succeed educationally. A Better Chance [ABC] To Learn Act addresses the first and most compelling national education goal—that by the year 2000, all children will start school ready to learn—by harnessing the energies of parents as their children's first and most influential teachers.

Schools today are called upon to cure a vast array of society's ills, and many Government dollars are spent in remediating educational and other deficiencies hampering the development of children from their earliest years in school. The bill I am introducing today will not cure all of those ills or remedy all of those deficiencies. What it will do is provide knowledge and support to parents and inspire them to help ensure the educational readiness and progress of their children. It will enhance the role of parents in building an ethic of learning at home and in easing the transition of children from preschool to kindergarten and beyond.

Education reform is high on our national agenda these days—as well it should be—and we are all striving to ensure that our public schools offer education of the highest quality. What we must remember, however, is that even the best school in the world cannot carry the entire burden of educating a child. Children must learn from their parents—or in some families, from their grandparents or other relatives—how to learn in school, and parents must reinforce at home what their children learn at school. Schools cannot replace parents. In a recent column, William Raspberry urged communities to establish programs to teach parents of young children techniques for preparing their youngsters to enter school. He cited one simple and pragmatic reason: "If parents don't value learning and show their children that they do, schools are hard put to make up the difference." This bill authorizes Federal matching grants to encourage and assist communities to establish, expand, or operate innovative, home-based parent and early childhood education programs that provide guidance and actively involve parents in preparing their children to begin school and in fostering positive attitudes toward education and learning. I cannot think of a more worthwhile long-term investment in our educational system and our future.

An alarming number of children in this country begin school unprepared for formal education. Seven thousand kindergarten teachers surveyed by the Carnegie Foundation for the Advancement of Teaching in 1991 found that 35 percent of the Nation's children were not ready for school. When asked to assess the readiness of students compared to those enrolled 5 years earlier, 42 percent of the teachers responded that the situation was getting worse. In response to the question "What would most improve the school readiness of children," 64 percent responded, "Parent education."

In his address to a joint session of Congress on February 17, President Clinton challenged us to use the "authority and the influence and the funding of the Education Department to promote strategies that really work in learning." Research shows that engaging parents in the deduction of their children is one strategy that really works. It makes a big difference in how much and how well children learn. We need only take a leaf from the book of the Japanese whose educational system, while not perfect, is extraordinarily successful. The Japanese stress the importance of partnerships among parents, teachers, and students and the value of parental involvement in education beginning in the preschool years. In particular, they place a high priority on providing a rich environment for learning at home as a foundation for the entry of their children into elementary school.

Of course, parents in this country want the very best for their children, too. Nonetheless, lack of time, support, and knowledge, loss of community, and competing pressures often prevent parents from preparing their children adequately to begin school. One-parent families are increasing, and the demands on all parents can sometimes be overwhelming. In fact, children from many different backgrounds and from all income levels were among those 35 percent of children found unprepared for school in the Carnegie survey. Certainly severe poverty and extreme educational disadvantage in families account for many of the school readiness deficiencies found among young children. But many children of working poor and near poor parents and parents who have had limited, and often unsuccessful, schooling themselves also begin school without a solid foundation.

Think of yourself as a parent with small children. Of course you want to provide the very best start in life for your children. Of course you want them to have an even better chance to succeed than you may have had. And, of course, you are willing to help and work with your children yourself. You look at the children and wonder what they will be 25 years from now.

But, what do you do—and how? Will what you do be effective? You are not trained as a teacher, have no materials and are not sure where to begin. If you yourself have not been able to finish or succeed in school, you may have even more questions. You may not have the resources or the support of your family or community to find the answers. Millions of parents across the country face the same dilemma.

I support Head Start and early childhood education programs funded under chapter 1 and believe that these programs should be expanded to serve all those eligible. Head Start and chapter 1, however, are targeted primarily at communities with the highest percentage of educationally and/or economically disadvantaged. For example, 90 percent of the children in each Head Start Program must be from families whose incomes fall below the official Federal poverty guideline—in 1993, $14,350 for a family of four—or who are receiving public assistance. The working poor and near poor generally do not qualify for these programs. And even if Head Start and chapter 1 were to be fully funded today, these families would not be eligible to receive services that they often need and seek.

In authorizing grants, A Better Chance to Learn Act gives special consideration to those families who fall through the cracks in our current educational system and whose numbers are increasing in my State of Ohio as they are in other States around the country. They are:

First, working poor and near poor families who do not qualify for Head Start or chapter 1 early childhood programs;

Second, families who qualify for Head Start and chapter 1 programs but who are not served by them. Head Start currently serves only about 30 percent of the eligible children, and the pre-school programs funded through chapter 1 are relatively small in number; and

Third, children of parents with limited and/or successful formal schooling.

The model for the innovative, home-based parent and early childhood education programs in this bill is the Home Instruction Program for Preschool Youngsters, known as HIPPY. HIPPY was developed in Israel in the late 1960's and is now operating in nine countries, including Germany, The Netherlands, New Zealand, Israel, and the United States. HIPPY currently serves over 10,000 families in 61 programs in 18 States in the United States, including 31 sites and a regional training center in Arkansas. Since its inception in 1989, a very successful HIPPY in Warrensville, OH, has served nearly 140 disadvantaged children in a community which previously had no other public pre-school program or social services. The Warrensville program attends to the needs of families such as those this bill targets. HIPPY eligibility factors focus on the educational background of the participating parent and the economic status of the family, but, in the words of the Warrensville program director, "* * * there remain parents who need what is offered, but who may not be eligible for enrollment in other programs with much stricter and inflexible guidelines." Warrensville and other local HIPPY programs are struggling to survive and, in fact, see a need to expand; other communities around Ohio and the country are seeking support to establish HIPPY programs of their own.

Parents participating in HIPPY learn how to work with their children for 15 to 20 minutes per day, 5 days a week, using educational materials specially designed and structured to enhance school readiness. This approach is wholly consistent with the first national education goal, which states as its objective that "every parent in America will be a child's first teacher and devote time each day to helping his or her pre-school child learn, and that parents will have access to the training and support they need." I believe such innovative, home-based parent and early childhood education programs will work because:

They demand the direct and active involvement of parents in the education of their children and foster a positive parent-child relationship.

They are particularly cost effective, requiring no capital investments of classrooms or transportation; the average annual cost nationwide for HIPPY is approximately $1,000 per child.

Their eligibility guidelines are focused but not rigid; local coordinators are given the flexibility to make decisions regarding community needs.

They are relatively small in size, can be tailored to individual communities, and work well in both urban and rural settings.

Through home visits and group meetings, they serve the needs of hard-to-reach families, helping them to connect with their communities and their children's schools.

I would like to see such programs replicated in Dayton, Akron, Cincinnati, Columbus, and other communities in need in Ohio and the rest of the country. I believe that parents want to give their children a better chance to succeed in school and to develop a love and excitement for learning. Many parents need and are seeking guidance and support to ensure that their children reach that goal. We must assist communities in extending services to them so that they might realize their full potential as their children's first and most important teachers—and we can do so without budget-busting new expenditures. To quote William Raspberry again, "* * * if we are serious about education, we've got to look at more than schools."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "A Better Chance to Learn Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act to encourage and assist local school districts and communities to develop, expand, or operate innovative home-based parent and early childhood education programs in an effort to—

(1) empower parents to be the primary educators of their children;

(2) provide children with school-readiness skills;

(3) develop positive attitudes toward education on the part of parents and children; and

(4) enhance the role of parents in the transition of their children from preschool to kindergarten.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" means private nonprofit organizations that are located within a community and that are not affiliated with any specific religion.

(2) DEVELOPMENTALLY APPROPRIATE.—The term "developmentally appropriate" as applied to a home-based program implemented by parents means those activities for the general population of 3- to 5-year-old children that are meaningful to parents and that will result in successful parent-child interactions.

(3) HOME-BASED.—The term "home-based" means that the program provides parent and early childhood education services in the private residence of the child receiving such services.

(4) LIMITED OR UNSUCCESSFUL FORMAL SCHOOLING.—The term "limited or unsuccessful formal schooling" means the—

(A) completion of high school with low achievement during enrollment;

(B) noncompletion of high school with low achievement during enrollment; or

(C) lack of general education degree.

(5) LOCAL EDUCATIONAL AGENCIES.—The term "local educational agencies" has the meaning given to the term "local educational agency" by section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891).

(6) NEAR POOR FAMILIES.—The term "near poor families" means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(7) PARENT EDUCATION.—The term "parent education" includes parent support activities, the provision of resource materials on child development and parent and child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home.

(8) WORKING POOR FAMILIES.—The term "working poor families" means families that—

(A) have family members—

(i) who are working; or

(ii) who were looking for work during at least the last 6 months of the year prior to the year in which a grantee determines such families' eligibility for services under this Act; and

(B) earn an income not in excess of 150 percent of the poverty line as described in paragraph (5).

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 4. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies and community-based organizations to pay the Federal share of the cost of the activities described in section 5.

(b) GRANT ALLOCATIONS.—The Secretary shall award—

(1) 50 percent of the total grants awarded under this section to applicants that are establishing new home-based parent and early childhood education programs; and

(2) 50 percent of the total grants awarded under this section to applicants that are operating or expanding existing home-based parent and early childhood education programs.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that describes in an application submitted under section 6 that such applicant's program targets—

(1) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act (42 U.S.C. 9831 et seq.) or chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et. seq.);

(2) families that qualify for assistance under the Federal programs described in paragraph (1), but that are not served by such programs; or

(3) parents who have limited or unsuccessful formal schooling.

SEC. 5. AUTHORIZED ACTIVITIES.

A grantee may use funds received under this Act for establishing, operating or expanding home-based parent and early childhood education programs.

SEC. 6. ELIGIBILITY.

To be eligible for a grant under this Act, an entity, as described in section 4(a), shall prepare and submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 7. PROGRAM REQUIREMENTS.

A grantee under this Act shall conduct a home-based parent and early childhood education program that—

(1) enhances parents' awareness of their strengths and potential as the primary educators of their children;

(2) provides support, training and developmentally appropriate educational materials that are necessary for parents to implement a school-readiness, home instruction program for their children;

(3) conducts group meetings with parents to provide support activities related to parenting skills and other topics of interest to participating parents; and

(4) to the maximum extent possible, provides opportunities for field trips to local sites of educational and cultural benefit.

SEC. 8. ELIGIBLE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—To be eligible to participate in a parent and early childhood service program conducted under this Act, an individual shall be a parent with one or more children who are age 3, 4, or 5.

(b) SPECIAL RULES.—

(1) PARTICIPATION.—No school system or parents shall be required to participate in programs funded under this Act.

(2) PROGRAM ACTIONS.—A program receiving grant funds under this Act may not take action that infringes on the right of parents to direct the education of their children.

SEC. 9. PAYMENTS AND FEDERAL SHARE.

(a) FEDERAL SHARE.—The Federal share described in section 4(a) shall be 80 percent.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—A grantee under this Act shall make available non-Federal contributions toward the cost of carrying out the program established, operated, or expanded with amounts received under the grant in an amount equal to at least 20 percent of the amount of funds provided under the grant.

(2) IN KIND CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1) may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 10. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other local public funds expended to provide services for individuals eligible to participate in a program under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $20,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

By Mr. RIEGLE:

S. 635. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMENDING THE PUBLIC UTILITY HOLDING COMPANY ACT

• Mr. RIEGLE. Mr. President, 2 weeks ago, Senator DALE BUMPERS introduced S. 544, the Multistate Utility Company Consumer Protection Act of 1993. As introduced, S. 544 contains just two sections. Section 1 of S. 544 states the bill's title. Section 2 would amend the Federal Power Act to overturn the decision of the U.S. Court of Appeals for the District of Columbia in *Arcadia* v. *Ohio Power*. This modest bill was referred to the Energy Committee.

Senator BUMPERS intends to do much more than overturn Ohio Power, however. His statement at page S. 2640 in the CONGRESSIONAL RECORD of March 10, 1993 reveals he wants a complete transfer of jurisdiction of a significant consumer and investor protection statute, the Public Utility Holding Company Act of 1935 [PUHCA], from the Securities and Exchange Commission [SEC] to the Federal Energy Regulatory Commission.

The statutory language that would effect this major change is not contained in S. 544. If you obtain a copy of S. 544 from the Senate Document Room, you will find just the two sections I described. The other provisions are contained in a four-section amendment that accompanied the two-section bill to the Energy Committee. If you look at the CONGRESSIONAL RECORD for March 10, you will find not two but six sections.

Today I am introducing Senator BUMPERS' bill, in its entirety, to demonstrate that the Senate Banking Committee has jurisdiction over this issue. The Banking Committee has jurisdiction over the SEC and the Federal securities laws, including PUHCA. The Parliamentarian has referred the bill to the Banking Committee.

THE PUBLIC UTILITY HOLDING COMPANY ACT

In the 1920's, holding companies began purchasing electric and gas utilities across the country. By the early 1930's, just a few large holding company systems controlled the lion's share of interstate transmission of electricity and of gas pipeline mileage.

PUHCA was enacted in 1935 as part of the New Deal of President Franklin D. Roosevelt. The law was adopted to protect investors and prevent abuses by holding companies. Through their corporate structure, holding companies were able to issue speculative securities without State approval and based on fraudulent asset values. The holding company structure enabled utilities to avoid regulation by the States. Holding companies were also engaging in self-interested transactions with subsidiaries and affiliates, to the detriment of utility customers.

PUHCA addressed these problems by subjecting certain interstate utility holding companies to Federal regulation by the SEC. Holding companies must register with the SEC unless they qualify for an exemption. PUHCA restricts each holding company to a single geographically integrated utility system with a simple capital structure. The SEC must approve acquisitions of securities or utilities by registered holding companies.

By virtue of its jurisdiction over the SEC, the Banking Committee has jurisdiction over PUHCA. In the early

1980's, the Reagan administration sought to have PUHCA repealed. The Banking Committee opposed this proposal, feeling that PUHCA continued to serve a meaningful consumer protection function.

PUHCA has been amended over the years, most recently by the Energy Policy Act of 1992. I opposed early versions of that legislation, because I felt they did not adequately protect consumers. Working with the Energy Committee, the Banking Committee drafted significant amendments to PUHCA that maintain consumer and investor protections.

PUHCA successfully reshaped the structure of the public utility industry, fostering stability and financial integrity. As of February 1993, just 12 utility holding companies were registered with the SEC under PUHCA.

BUMPERS BILL MUST BE REFERRED TO BANKING COMMITTEE

As a general rule, legislation to transfer enforcement jurisdiction under a statute is referred to the committee that currently has jurisdiction, not the committee that would exercise jurisdiction should the legislation be enacted. For example, in the 101st Congress S. 2814 would have amended the Commodity Exchange Act to transfer regulation of stock index futures from the Commodities Futures Trading Commission to the SEC. That bill was sent to the Agriculture Committee, which has jurisdiction over the CFTC and the Commodity Exchange Act.

By the same token, a bill to transfer enforcement of PUHCA from the SEC must come to the Banking Committee, which has jurisdiction over the SEC, PUHCA and all Federal securities laws. To prove this point, I am introducing Senator BUMPERS' bill exactly as it appeared in the CONGRESSIONAL RECORD—not just the first two sections, but the entire six sections.

The Senate Rules delineate the jurisdictions of the various committees for one purpose: to allow the Senate to operate more efficiently. The Parliamentarian has ruled the bill must be referred to the Banking Committee. Senator BUMPERS and the members of the Energy Committee should recognize the Banking Committee's jurisdiction over any legislation amending PUHCA.•

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. HARKIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. ROBB, Mr. WELLSTONE, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD):

S. 636. A bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. KENNEDY. Mr. President, today we are introducing legislation to protect women, physicians, and other health personnel, and public and private health clinics, from opponents of abortion who resort to violence, blockades, and other vigilante tactics.

Federal action is clearly needed to deal with the ongoing wave of violence aimed at clinics across the country where abortions are performed, and at the medical personnel who work there. These violent tactics have included assault and murder, bombings and bomb threats, arson, clinic blockades, invasions and occupations of clinics, and other reprehensible forms of intimidation and vandalism.

The Supreme Court's ruling in the Bray case last January makes clear that existing Federal laws are inadequate to deal with this challenge. This legislation is designed to fill that gap and provide effective remedies for women, physicians, nurses, and communities across the country.

The murder of Doctor Gunn at the clinic in Pensacola, FL, is the latest tragic result of these extremist tactics, but it is far from an isolated attack. Over 100 clinics have been torched or bombed in the past 15 years. Over 300 have been invaded and over 400 have been vandalized. Already this year, clinics have sustained more than $1.3 million in damage from arson alone.

The killing of Doctor Gunn was a shocking murder of a physician who was assisting women in the lawful exercise of their constitutional right to choose. Greater protections under Federal law are needed before the toll from these nationwide extremist acts rises higher.

The bill we are introducing today is aimed at the use or threat of force or physical obstruction to interfere with access to abortion services. It will prohibit assaults and attacks on medical personnel and clinic property. It will address the range of terrorist acts aimed at abortion providers. It will make conduct of this kind a Federal criminal offense, and remove any doubt that Federal law enforcement authorities have the power to act.

Our bill will also help the victims of these abhorrent tactics. It establishes a private right of action for women who have been prevented or intimidated from exercising their right to choose. The right of action will also be available to clinics and providers targeted by such tactics. In addition, the bill authorizes the Attorney General to bring civil suits to obtain injunctions against offensive conduct, seek damages for the victims, and impose stiff fines on the perpetrators.

The right to peaceful protest is protected by the Constitution, and nothing in this legislation undermines that basic right. Peaceful expression of anti-abortion views will not be penalized. But violent, intimidating, and destructive conduct, undertaken in order to interfere with the right to choose, has no such protection, and will be prohibited by this legislation.

This bill deserves broad support from all who abhor resorting to violence in these circumstances, whatever their views on abortion. It sends a message that extremist tactics will not be tolerated in our society, and that women, health care personnel, and health facilities deserve the full protection of the law against those who take the law into their own hands.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical clinics and other facilities offering abortion services have been targeted in recent years by an interstate campaign of violence and obstruction aimed at closing the facilities or physically blocking ingress to them, and intimidating those seeking to obtain or provide abortion services;

(2) as a result of such conduct, women are being denied access to, and health care providers are being prevented from delivering, vital reproductive health services;

(3) such conduct subjects women to increased medical risks and thereby jeopardizes the public health and safety;

(4) the methods used to deny women access to these services include blockades of facility entrances; invasions and occupations of the premises; vandalism and destruction of property in and around the facility; bombings, arson, and murder; and other acts of force and threats of force;

(5) those engaging in such tactics frequently trample police lines and barricades and overwhelm State and local law enforcement authorities and courts and their ability to restrain and enjoin unlawful conduct and prosecute those who have violated the law;

(6) such conduct operates to infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional, and burdens interstate commerce, including by interfering with business activities of medical clinics involved in interstate commerce and by forcing women to travel from States where their access to reproductive health services is obstructed to other States;

(7) prior to the Supreme Court's decision in *Bray v. Alexandria Women's Health Clinic* (No. 90-985, January 13, 1993), such conduct was frequently restrained and enjoined by Federal courts in actions brought under section 1980(3) of the Revised Statutes (42 U.S.C. 1985(3));

(8) in the *Bray* decision, the Court denied a remedy under such section to persons injured by the obstruction of access to abortion services;

(9) legislation is necessary to prohibit the obstruction of access by women to abortion services and to ensure that persons injured by such conduct, as well as the Attorney

General, can seek redress in the Federal courts;

(10) the obstruction of access to abortion services can be prohibited, and the right of injured parties to seek redress in the courts can be established, without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or other law; and

(11) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the Fourteenth Amendment to the Constitution to enact such legislation.

(b) PURPOSE.—It is the purpose of this Act to protect and promote the public health and safety by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide abortion services, and the destruction of property of facilities providing abortion services, and by establishing the right of private parties injured by such conduct, as well as the Attorney General in appropriate cases, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons, from—

"(A) obtaining abortion services; or

"(B) lawfully aiding another person to obtain abortion services; or

"(2) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides abortion services,

shall be subject to the penalties provided in subsection (b) and the civil remedy provided in subsection (e).

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with title 18 or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18 or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study concerning the effect that conduct prohibited by subsection (a) has had, is having or may be expected to have on the delivery of reproductive health services for women and on the health and welfare of women throughout the United States. Such study shall take into account the full range of reproductive health services offered at facilities targeted by such conduct, including abortion services, family planning, pregnancy testing, infertility services, testing and treatment for sexually transmitted diseases, screening for breast and cervical cancer, prenatal services, and other similar activities. Such study shall include consideration of—

"(A) the nature and extent of incidents in which conduct prohibited by subsection (a) has occurred throughout the United States;

"(B) the impact of such incidents on the medical facilities and providers that have been targeted, and on the ability of physicians and other health care providers to deliver reproductive health services to their patients; and

"(C) the effects of such incidents on the mental and physical health of women, including—

"(i) any medical risks or complications associated with delays in obtaining, or failure to obtain, testing, screening or treatment services in the areas of reproductive health;

"(ii) any medical risks or complications associated with delays in the termination of a pregnancy;

"(iii) any harm to maternal or child health associated with delays in obtaining, or failure to obtain, prenatal services; and

"(iv) any other effects of delays in obtaining or failure to obtain reproductive health services.

Such study shall take into account any short-term effects on the delivery of reproductive health services by the targeted facilities and providers, as well as any long-term implications for the health and welfare of women in the general population.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the results of the study conducted under paragraph (1), together with any appropriate recommendations and proposed legislation.

"(d) INVESTIGATION OF VIOLATIONS.—

"(1) IN GENERAL.—The Secretary shall conduct an investigation, on the request of a medical facility providing reproductive health services or on the initiative of the Secretary, to determine whether any person has violated or is violating this section.

"(2) ASSISTANCE.—The Secretary may obtain the assistance of the Attorney General, or a State or local government agency under a cooperative agreement with such agency, in conducting investigations under paragraph (1).

"(3) REFERRAL.—If the Secretary determines that reasonable cause exists to believe that a violation of this section has occurred or is occurring, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under subsection (e)(2).

"(e) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B).

"(B) DAMAGES.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of $5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL.—

"(A) IN GENERAL.—If the Attorney General has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) DAMAGES.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding $15,000, for a first violation; and

"(ii) in an amount not exceeding $25,000, for any subsequent violation.

"(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

"(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

"(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State or local law;

"(3) provide exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

"(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies; or

"(5) prohibit expression protected by the First Amendment to the Constitution.

"(g) DEFINITIONS.—As used in this section:

"(1) ABORTION SERVICES.—The term 'abortion services' includes medical, surgical, counselling or referral services relating to the termination of a pregnancy.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this section.

"(3) MEDICAL FACILITY.—The term 'medical facility' includes a hospital, clinic, physician's office, or other facility that provides health or surgical services.

"(4) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

Ms. MIKULSKI. Mr. President, it is with outrage and sadness that I join with Senator KENNEDY as an original cosponsor of the Freedom of Access to Clinic Entrances Act of 1993.

I am outraged because the previous administration failed to take sufficient action against antichoice protesters who have blocked clinics, harassed women seeking abortion services, stalked physicians and clinic health care workers, and bombed, vandalized, and destroyed clinics. These violent and lawless actions have made a mockery of the Constitution.

It is a fundamental tenet of this country that we all have the right to lawful demonstration—whatever our beliefs. But opponents of abortion have substituted vigilantism for lawful demonstrations. They have interfered with a woman's constitutionally protected right to obtain an abortion. They have destroyed clinic facilities, leaving women without access to health care facilities. And they have threatened the safety of individuals providing health care services.

This must be stopped.

I believe that the new Attorney General is going to do just that. She has made clear that she will not tolerate these tactics and that she will prosecute this type of vigilantism to the full extent of the law.

The killing of Dr. Gunn on March 11 in front of a Pensacola clinic has deeply disturbed all of us. It opened the country's eyes once to the inevitable consequence of extremism. There is no rationale, no justification, no solace to be found in Dr. Gunn's death. There is only profound sadness and outrage.

We must be able to protect health care providers like Dr. Gunn. We must assure them that they do not have to risk their life, or the sanctity of their homes and the safety of their families because of the health services they provide to women. The government has the historic role not only of protecting an individual's civil rights but has an obligation to protect the health and safety of its citizens.

The Supreme Court ruling in Bray versus Alexandria has left Congress with the responsibility of ensuring that women are able to exercise their right to get an abortion free from intimidation or violence.

There is not sufficient Federal authority to protect individuals seeking health care in family planning facilities; nor is there sufficient Federal authority to protect clinics and the individuals who work there.

This legislation will provide the Attorney General with the authority she needs to put an end once and for all to activities that prevent women and health care providers from gaining access to health care clinics and the services they provide.

I urge its swift consideration and passage.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 637. A bill to suspend temporarily the duty on pentostatin; to the Committee on Finance.

PENTOSTATIN DUTY SUSPENSION

• Mr. BRADLEY. Mr. President, I rise to introduce duty suspension legislation on behalf of the New Jersey-based Warner-Lambert Co. This bill would temporarily suspend the import duty on pentostatin. Joining me is my friend and colleague Senator LAUTENBERG. We introduced similar legislation in the last Congress.

Pentostatin or Nipent, the orphan drug which Warner-Lambert imports, is used to treat hairy cell leukemia patients. Currently, hairy cell leukemia affects about 2,500 patients in the United States. According to Warner-Lambert, clinical tests indicate positive results from the drug's usage. Warner-Lambert also maintains that due to its small patient population, the tariff suspension would cause no appreciable revenue loss to the Treasury.

According to the International Trade Commission, no domestic producers have registered objections to the proposed suspension. The legislation would enable Warner-Lambert to import the chemicals at reasonable prices, making its products more competitive in the international market and ultimately more affordable for consumers in the domestic market.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENTOSTATIN.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Pentostatin (provided for in subheading 2934.90.47)	Free	No change	No change	On or before 12/3/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on pentostatin, an orphan drug used in the treatment of hairy cell leukemia. Senator BRADLEY and I introduced similar legislation in 1992.

Warner-Lambert, a company headquartered in Morris Plains, NJ, developed pentostatin in a laboratory in Ann Arbor, MI. The drug, whose key component is now made in Michigan, is purified at Warner-Lambert's subsidiary in Frieberg, Germany and then imported back into the United States. According to the International Trade Commission, no comparable drug is manufactured in the United States.

Pentostatin treats patients suffering from hairy cell leukemia and who do not respond to interferon alfa, the most common treatment for hairy cell leukemia. Clinical tests indicate that 80 percent of hairy cell leukemia patients tested who receive pentostatin have a positive result from the use of the drug.

Mr. President, I urge my colleagues to support this measure.•

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 638. A bill to extend the temporary suspension of duty on jacquard cards and other cards used as jacquard cards; to the Committee on Finance.

SUSPENSION OF DUTY ON JACQUARD CARDS

• Mr. BRADLEY. Mr. President, I rise to introduce legislation to extend the duty suspension on unpunched Jacquard cards, pattern-setting tapes used in the manufacturing of textiles. Joining me is my friend and colleague Senator LAUTENBERG. I introduced a similar bill which passed during the 101st Congress.

Jerry Valenta and Sons, Inc., which is located in Hawthorne, NJ, uses Jacquard cards to create intricate patterns in textiles. Jacquard cards have never been produced in the United States. Since their machinery cannot operate without them, American companies like Jerry Valenta and Sons are forced to pay high duties to import Jacquard cards, putting them at a competitive disadvantage to foreign companies not subject to the same tariff.

Many of the textiles designed by Jerry Valenta and Sons are exported through manufacturing companies they service to markets in Europe and the Far East, positively impacting the American balance of trade. Extending this duty suspension will lower production cost, benefiting the manufacturing firms, and ultimately, the consumer.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DUTY SUSPENSION.

Headings 9902.39.27 and 9902.48.23 of the Harmonized Tariff Schedule of the United States are each amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in heading 9902.39.27 or 9902.48.23 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) on or before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date after the date that 15 days after the date of the enactment of this Act.

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on unpunched Jacquard cards, pattern-setting tapes used in the manufacture of textiles. Specifically, the Jacquard weaving process is responsible for the creation of some of the most intricate fabric patterns in existence.

Jerry Valena and Sons, Inc., located in Hawthorne, NJ, has been importing Jacquard machinery and cards for more than 25 years. There has never been an American manufacturer of Jacquard cards in the United States. In fact, U.S. Jacquard weavers are 100-percent dependent on foreign firms for the equipment necessary for their manufacturing process.

U.S. Jacquard fabric manufacturers are exporting their products to European and Far Eastern markets. If the duty suspension for Jacquard cards is extended, the U.S. manufacturers can price their products to remain competitive with foreign manufacturers who do not have to consider tariff costs. This extension could help the Jacquard fabric industry survive in a global marketplace that is becoming increasing more competitive.

Mr. President, I urge my colleagues to support this measure. •

By Mr. DECONCINI (for himself, Mr. SIMON, Mr. PRYOR, Mr. BUMPERS, Mr. KOHL, Mr. BRADLEY, Mr. CHAFEE, Mr. SARBANES, Mr. MOYNIHAN, and Mr. WARNER):

S. 639. A bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes; to the Committee on the Judiciary.

ANTIDRUG ASSAULT WEAPONS LIMITATIONS ACT OF 1993

• Mr. DECONCINI. Mr. President, I rise with my distinguished colleagues, Senators SIMON, PRYOR, BUMPERS, KOHL, BRADLEY, SARBANES, CHAFEE, MOYNIHAN, and WARNER, to introduce the Antidrug Assault Weapons Limitation Act of 1993. This bill, with bipartisan support, has passed the Senate the last two Congresses. Representatives SCHUMER and SYNAR will be introducing a companion version of this bill in the House.

Since the last time we approved this assault weapons ban we have seen drug-related violence continued to escalate; assault weapons continue to proliferate; police officers continue to be gunned down in the streets of America.

Once again, this country has graphically witnessed the destructive use of military-style assault weapons. The tragic situation in Waco, TX, where four ATF agents were murdered and several others were injured, was only one of many recent examples in which criminals have used assault weapons to overpower law enforcement. In cities across the country, gangs fight turf wars, armed with assault weapons, often killing or severely wounding innocent bystanders with weapons designed and built with the express purpose of killing human beings on battlefields.

The accessibility of these weapons is frightening. In January, a young Pakistani citizen bought a Chinese-made AK-47 in a Virginia gun store and 3 days later opened fire on several people, murdering two, outside the Central Intelligence Agency headquarters.

Every day police officers have to put their lives on the line for us: they are the foot soldiers in the war on drugs. But increasingly, this war finds the cop on the beat heavily outgunned. For wherever there are drugs, there are guns.

We have seen in the last few years a profound change in criminal firepower. Criminals have gone from using defensive weapons, like small handguns, to offensive weapons such as the AK-47, an assault rifle designed in Russia and currently manufactured in China and other countries. The AK-47, even in its semiautomatic civilian form, can fire up to 80 rounds of ammunition in 1 minute. This weapon is equipped with a flash suppressor, allowing the shooter to remain hidden at night. It will take a high-capacity magazine, allowing the shooter to fire multiple rounds without reloading. It has a pistol grip so that it can be spray-fired from the hip, and it has a folding stock so that it can be easily concealed. Finally, the AK-47 has a barrel mount designed to accommodate a bayonet.

Then there is the TEC-9, manufactured in Florida and the assault weapon most traced to crimes. The manufacturer calls this gun "as tough as your toughest customer." The TEC-9 has a threaded barrel designed to accommodate a silencer and is equipped with a 36-round magazine. It also has a barrel shroud which cools the barrel during rapid firing, allowing the shooter to grasp the barrel without incurring serious burns. Gang members love this gun, because in their drive by shootings they do not have to aim; they just spray.

Probably the most disturbing weapon on this list is the so-called Street Sweeper. This weapon fires 12 rounds of 12 gauge shotgun shells in less than 3 seconds. A lightweight weapon, it can be fired with one hand as a pistol, from the hip with the aid of a front grip, or from the shoulder with its folding stock. This weapon was initially designed and manufactured in South Africa for apartheid riot control. It has been advertised by its manufacturers as the perfect police entry weapon, "born in Rhodesia, improved in South Africa, patented, perfected, and totally manufactured in the United States."

Mr. President, these assault weapons were never intended for hunting or sporting purposes. Silencers, barrel shrouds, pistol grips, bayonets, folding stocks—these are the trademarks of assassins, not sportsmen. And, I am sorry to say, they are rapidly becoming the favored tools of drug lords and violent criminals. These weapons were designed to conduct modern warfare; unfortunately, that war is occurring on the streets of our cities.

It is time for Congress to act boldly and put an end to these weapons of mass destruction. This legislation will reduce the growing arsenal of assault weapons that drug traffickers are using against our law enforcement officers. It will impact criminals regardless of whether they obtain their assault weapon legally or illegally.

The bill is very straightforward. It will prohibit the future importation of five imported types of assault weapons and future manufacture of four domestic assault weapons. The bill imposes tough penalties for the use of an assault weapon in the commission of a violent or drug trafficking crime. The bill also provides Federal penalties for drive-by shooting culprits.

Additional provisions in the bill impose new penalties for the theft of firearms and the smuggling of firearms while engaged in drug trafficking or a violent crime. The bill also provides a mandatory revocation of a supervised release if the defendant is found in possession of a firearm and the court has provided as a condition of release that the defendant refrain from possessing any firearm.

The import and manufacturing prohibitions of the bill only last for 3 years and the bill directs the Attorney General to conduct an 18-month study to determine the impact of the bill on violent and drug trafficking crimes.

Mr. President, let me make something clear. This bill does not eliminate the rights of honest law abiding citizens to buy guns for protection, hunting, or other recreation. We are merely taking off the streets of America weapons that have no purpose other than to blow away human beings. No one buys an AK-47 to keep under their bed for their safety. No one buys a Street Sweeper to go hunting or plinking. Does this ban affect honest sportsmen? Honest sportsmen do not go hunting with Street Sweepers. Street Sweepers were made for riot control in South Africa.

I have never offered this bill as a complete panacea for crime. No provision being debated in this bill has been. Supporters of this bill are merely trying to bring some safety and sanity back to our streets and end the arms race that drug dealers are winning.

Opponents of this measure would like to make this an either/or situation. They either offer tough penalties or ban weapons. They are wrong. We need both. We need to end the proliferation of these assault weapons, but we also need to enact tough penalties for the criminal use of firearms.

On issues of crime and violence, I think we would consult those who risk their lives everyday for our safety. Law enforcement stands united behind this bill. Every major law enforcement organization in America, both management and labor, has supported this legislation. Every one of them:

The National Association of Police Organizations,

The Fraternal Order of Police,

The International Brotherhood of Police Officers,

The National Sheriff's Association,

The Police Executive Research Forum,

The Major Cities Chiefs,

The International Association of Chiefs of Police,

The National Organization of Black Law Enforcement Executives, and

The Police Management Association.

Indeed, when the Police Executive Research Forum [PERF], an organization of big-city police executives dedicated to advancing progressive policing practices, surveyed their members, 96 percent indicated they would support measures designed to curb the unrestricted flow of these weapons.

Mr. President, I believe that the Members of this body have too much respect for law enforcement in this country not to support them on this bill. I plan to work hard with my colleagues and our supporters in the House to send this legislation to President Clinton. He supports a ban on assault weapons but he needs the votes in the Congress to get a bill to his desk. So I urge my colleagues to continue their support for this bill.

I ask unanimous consent that the bill and some letters in support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ASSAULT WEAPONS

SECTION 101. SHORT TITLE.

This title may be cited as the "Antidrug Assault Weapons Limitation Act of 1993".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraphs:

"(29) The term 'assault weapon' means any of the firearms known as—

"(A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

"(B) Action Arms Israeli Military Industries UZI and Galil;

"(C) Beretta AR-70 (SC-70);

"(D) Colt AR-15 and CAR-15;

"(E) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

"(F) MAC 10 and MAC 11;

"(G) Steyr AUG;

"(H) INTRATEC TEC-9; and

"(I) Street Sweeper and Striker 12.

"(30) The term 'form 4473' means the form prescribed by the Secretary in section 178.124 of the Code of Regulations as of the date of enactment of this paragraph, as that form or paragraph may be amended, or a successor form or regulation, or the equivalent of such a form.".

(b) RECOMMENDATIONS OF THE SECRETARY.—Chapter 44 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 931. Additional assault weapons

"The Secretary, in consultation with the Attorney General, may recommend to the Congress the addition or deletion of firearms designated as assault weapons under section 921(29)."; and

(2) in the chapter analysis by adding at the end the following new item:

"931. Additional assault weapons.".

SEC. 103. UNLAWFUL ACTS.

Section 922 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(s)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer, import, transport, ship, receive, or possess an assault weapon.

"(2) This subsection does not apply with respect to—

"(A) the transfer, importation, transportation, shipping, and receipt to or by, or possession by or under, authority of the United States or any department or agency thereof or of any State or any department, agency, or political subdivision thereof, of an assault weapon; or

"(B) a lawful transfer, transportation, shipping, receipt, or possession of an assault weapon that was lawfully possessed before the effective date of this subsection.

"(t)(1) It shall be unlawful for a person to sell, ship, or deliver an assault weapon to a person who does not fill out a form 4473 in connection with the purchase of the assault weapon.

"(2) It shall be unlawful for a person to purchase, possess, or accept delivery of an assault weapon unless the person has filled out a form 4473 in connection with the purchase of the assault weapon.

"(3) If a person purchases an assault weapon from anyone other than a licensed dealer, both the purchaser and the seller shall maintain a record of the sale on the seller's original copy of form 4473.

"(4) An owner of an assault weapon on the effective date of this subsection who requires retention of form 4473 under this subsection shall, within 90 days after publication of regulations by the Secretary under paragraph (5), request a copy of form 4473 from a licensed dealer in accordance with those regulations.

"(5) The Secretary shall, within 90 days after the date of enactment of this subsection, prescribe regulations for the request and delivery of form 4473 under paragraph (4).".

SEC. 104. PENALTIES.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c) by inserting "and if the firearm is an assault weapon, to imprisonment for 10 years," after "sentenced to imprisonment for five years,"; and

(2) by adding at the end the following new subsection:

"(i) A person who knowingly violates section 922(t) shall be fined not more than $1,000 (in accordance with section 3571(e)), imprisoned not more than 6 months, or both.".

SEC. 105. DISABILITY.

Section 922(g)(1) of title 18, United States Code, is amended by inserting "or a violation of section 922(t)" before the semicolon at the end.

SEC. 106. STUDY BY THE ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this Act and the amendments made by this Act and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 107. EFFECTIVE DATE.

This title and the amendments made by this title—

(1) shall become effective on the date that is 30 days after the date of enactment of this Act; and

(2) are repealed effective as of the date that is 3 years after the effective date.

TITLE II—INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Drive-By Shooting Prevention Act of 1993".

SEC. 202. DRIVE-BY SHOOTING.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Drive-by shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

TITLE III—MISCELLANEOUS FIREARMS OFFENSES

SEC. 301. STEALING AND SMUGGLING OF FIREARMS.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(i) A person who steals a firearm that is moving as, is a part of, or has moved in interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years and may be fined under this title.

"(j) A person who, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (212 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates a State law relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3));

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 302. MANDATORY REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM.

Section 3583 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) MANDATORY REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM.—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm (as defined in section 921), and if the defendant is in actual possession of such a firearm at any time prior to the expiration or termination of a term of supervised release, the court, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, shall—

"(1) revoke the term of supervised release; and

"(2) subject to subsection (e)(3), require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision.".

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Arlington, VA, March 22, 1993.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: The International Brotherhood of Police Officers is an affiliate of the Service Employees International Union, the fourth largest union in the AFL-CIO. The IBPO represents more than 40,000 federal, state, and local rank and file law enforcement officers in the United States. The IBPO would like to reaffirm its strong support for the introduction of the Antidrug Assault Weapons Limitations Act of 1993 today.

As you are well aware, this piece of legislation prohibits the importation of five foreign assault weapons and the future manufacture of four domestic assault weapons. It provides tougher penalties for illegal possession of an assault weapon, use in a violent or drug trafficking crime, theft of a firearm, or use in drive-by-shootings. The bill commissions the Justice Department to conduct an 18-month study on the Act's impact on drug trafficking and violent crime. Obviously, the need for the provisions of this piece of legislation is great, and its swift enactment is long overdue.

On behalf of the International Brotherhood of Police Officers, I would like to thank you for your continued leadership in Congress on law enforcement issues, from enacting strong crime legislation to legislation supporting the health and safety of law enforcement officers. Your unwavering commitment is greatly appreciated not only by the law enforcement community, but by those who will be protected by this legislation. We look forward to working with you on this issue and many other critically important to the law enforcement profession.

Sincerely,

KENNETH T. LYONS,
National President.

GRAND LODGE
FRATERNAL ORDER OF POLICE,
Columbus OH, March 23, 1993.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the 240,000 members of the Fraternal Order of Police, I would like you to know of our strong support for the Antidrug Assault Weapons Limitation Act 1993. We commend you and and your cosponsors' political courage in introducing this important measure.

Our country is facing a growing crime problem aided by the use of assault weapons. The tragedy in Waco, Texas is but another example of the power of assault weapons. The proliferation of these high-tech killing machines has become so overwhelming that law enforcement is being forced to upgrade their own guns merely as a matter of self-preservation.

As to how important the issue of the increased spread of semi-automatic assault weapons is to be the cop in the street, I think it is safe to say that all of us who put on the uniform every day have to sometimes wonder about our own mortality. The questions of whether we will see our families again or in what physical condition we could end up in certainly runs through our minds at one time or another as we go about our job. The issue of these weapons may be a political one to some, but it is potentially a "life or death" issue everyday for us as we step out of the front door of our homes to go to work.

We appreciate your support and leadership on law enforcement issues. We look forward to working with you and your colleagues on this important legislation.

Sincerely,

DEWEY R. STOKES,
National President.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, March 18, 1993.

Senator DENNIS DECONCINI,
Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the members of the Police Executive Research Forum (PERF), an organization of big-city police executives dedicated to advancing progressive policing practices, I would like to commend you for proposing legislation that will make unlawful the possession of specified assault weapons. PERF members collectively serve more than 35 percent of the nation's citizens. Accordingly, they see the carnage these weapons have caused in our communities. Their regular encounters with the corrosive effects of drug abuse have become more dangerous because drug traffickers and abusers have turned to semi-automatic assault guns as their weapons of choice. They are used against police officers and against innocent bystanders caught in the cross-fire of drug addicts and gang members. When PERF members were surveyed on the proposed regulation of assault weapons, 96% indicated they would support measures designed to curb the unrestricted flow of these weapons.

We appreciate your continued support of law enforcement. We believe your proposed legislation will help keep guns out of the hands of criminals, while not impinging on the rights of law-abiding citizens. These guns simply have no legitimate sporting purpose. If you have any questions on PERF's positions on these or other matters, please contact Martha Plotkin or Karin Schmerler. Again, thank you for considering the views of law enforcement on this very important public safety matter.

Sincerely,

JOHN E. ECK,
Acting Executive Director.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 640. A bill to suspend until January 1, 1995, the duty on malathion; to the Committee on Finance.

SUSPENSION OF DUTY ON MALATHION

• Mr. BRADLEY. Mr. President, I rise to reintroduce legislation to suspend the tariff duty on malathion. Joining me is my friend and colleague, Senator LAUTENBERG. We introduced similar legislation last Congress.

This legislation will favorably affect Cheminova, Inc., a company with offices in Wayne, NJ. Cheminova imports a diverse line of chemicals that are primarily tailored for crop protection. Malathion is frequently utilized as part of a mixture containing other pesticides, increasing or expanding the use of other pesticide ingredients. Importing this chemical creates numerous American jobs for small pesticide manufacturers, formulators, and distributors.

According to the International Trade Commission, no domestic producer has registered objections to the proposed suspension. The legislation enables Cheminova to import the chemicals are reasonable prices making its products more affordable for consumers in the domestic market.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MALATHION.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	0,0 Dimethyl phosphorodithoate of diethyl mercaptosuccinate (Malathion) (provided for in subheading 2930.90.40)	Free	No change	No change	On or before 12/31/94

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of the bill to suspend the tariff duty on malathion. Senator BRADLEY and I introduced similar legislation in 1992.

Cheminova, Inc. in Wayne, NJ, imports this chemical which is used in a variety of pesticides for crop protection. The duty-free import of this chemical helps ensure the availability of jobs in the pesticide manufacture and distribution industries, and makes domestic pesticide products, of which these chemicals are subcomponents, more affordable for consumers. According to the International Trade Commission, no domestic producer has registered objections to the proposed suspension.

Mr. President, I urge my colleagues to support this measure.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 641. A bill to provide for additional extension periods for reexportation of certain articles admitted temporarily free of duty under bond; to the Committee on Finance.

DUTY SUSPENSION ON COMMUNICATIONS SATELLITE COMPONENTS

• Mr. BRADLEY. Mr. President, I rise on behalf of General Electric Astro-Space Division [GE Astro] to reintroduce legislation to extend the duty suspension deadline on communications satellite components entered under temporary importation under bond status [TIB]. Joining me is my friend and colleague, Senator LAUTENBERG. We introduced a similar legislation during the last Congress.

Components for communications satellites entering duty-free under TIB must be exported or launched within a period of 1 year, with extensions to a maximum of 3 years. However, GE Astro claims that failures of unmanned launch vehicles, such as in the *Challenger* disaster, have delayed the exportation and launch of communications satellites. As a result, GE Astro has not been able to meet the 3-year deadline set by current law, and has been fined. Allowing additional extensions of up to 2 additional years would mitigate the effects of the current export and launch backlog.

According to the International Trade Commission, no domestic producers have registered objections to extending the length of export time for these products under TIB. This legislation would enable GE to benefit from the initial extension, enabling them to manufacture satellites domestically and successfully compete with foreign-made satellites which enter the country duty-free.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REEXPORTATIONS OF COMMUNICATIONS SATELLITE ARTICLES.

(a) IN GENERAL.—

(1) EXTENSION.—The first sentence of U.S. Note 1(a) to subchapter XIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "and (2)" and inserting "(2)"; and

(B) by striking the period at the end and inserting the following: ", and (3) for articles imported under heading 9813.00.05, the time for exportation may be extended for 1 or more further periods which, when added to the initial 1 year, shall not exceed a total of 5 years, but any application for an extension beyond the 3rd year must be accompanied by the importer's certification that the articles are dedicated for incorporation into a communications satellite.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to goods entered on or after the date that is 3 years before the date of the enactment of this Act.

(b) EXPEDITED MITIGATION OF PENALTY ASSESSMENTS ON REEXPORTATIONS DELAYED BY LAUNCH SYSTEM FAILURES.—Goods imported under heading 9813.00.05 of the Harmonized Tariff Schedule of the United States after January 1, 1983, and before the date that is 3 years before the date of the enactment of this Act that are certified by the importer—

(1) as having been dedicated for incorporation into a communications satellite; and

(2) as not having been exported within the time required for exportation under the applicable bond directly or indirectly as a result of launch schedule delays resulting from any launch failure, launch system failure, or technical delay;

are subject to liquidated damages not exceeding 1 percent of the liquidated damages established in the applicable bond.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on communications satellite component parts for temporary importation under bond status [TIB]. Senator BRADLEY and I introduced similar legislation in 1992.

General Electric Astro-Space Division located in Princeton, NJ, imports communications satellite components under TIB. TIB provides for duty-free treatment of the components if they are exported or launched within a period of 1 year, with extensions to a total of 3 years. Unfortunately, GE Astro-Space Division has been delayed in the exportation of some of its communication satellites made with imported components. Uncertainty of launch dates has been a driving factor in these delays. This legislation would enable GE Astro-Space Division to export its satellites without breaching bond conditions.

Because foreign-made communications satellites are duty free, domestic manufacturers are disadvantaged when they must pay duty or liquidated damages on imported components that cannot be exported or launched within the bond period. It is important to remove unnecessary barriers to the competitiveness of the United States communications satellite industry.

Mr. President, I urge my colleagues to support this measure.•

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. REID, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 186, a bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 368

At the request of Mr. BUMPERS, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 419

At the request of Mr. DANFORTH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 419, a bill to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 458

At the request of Mr. SMITH, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 458, a bill to restore the second amendment rights of all Americans.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 535

At the request of Mr. WARNER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 535, a bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes.

S. 563

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 563, a bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution.

S. 587

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 587, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

SENATE JOINT RESOLUTION 38

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana [Mr. COATS], the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 38, a joint resolution designating March 20, 1993, as "National Quilting Day".

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week".

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week".

AMENDMENT NO. 185

At the request of Mr. DECONCINI the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of amendment No. 185 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 196

At the request of Mr. BROWN the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of amendment No. 196 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 197

At the request of Mr. CRAIG the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of amendment No. 197 intended to be proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 202

At the request of Mr. DECONCINI his name was added as a cosponsor of amendment No. 202 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 203

At the request of Mr. NICKLES his name was added as a cosponsor of amendment No. 203 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 209

At the request of Mr. GORTON the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Indiana [Mr. COATS], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of amendment No. 209 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

At the request of Mr. NICKLES his name was added as a cosponsor of amendment No. 209 proposed to Senate Concurrent Resolution 18, supra.

AMENDMENT NO. 210

At the request of Mr. PRESSLER the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of amendment No. 210 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

SENATE CONCURRENT RESOLUTION 19—RELATIVE TO CONDEMNING NORTH KOREA'S DECISION TO WITHDRAW FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Mr. LIEBERMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons of 1968, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime;

Whereas non-nuclear weapon states that are party to the Treaty on the Non-Proliferation of Nuclear Weapons are obligated to accept International Atomic Energy Agency safeguards on all sources of fissionable material within their territory, under their jurisdiction, or carried out under their control anywhere;

Whereas the International Atomic Energy Agency is permitted to conduct inspections in a non-nuclear weapon state party to the Treaty on the Non-proliferation of Nuclear Weapons of any site, whether or not declared by that state, to ensure that all source of special fissionable material in that country is under safeguards;

Whereas North Korea is a non-nuclear weapon state which ratified the Treaty on the Non-Proliferation of Nuclear Weapons in December, 1985;

Whereas North Korea, after ratifying the treaty on the Non-Proliferation of Nuclear Weapons, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas International Atomic Energy Agency inspections of North Korea's nuclear materials indicate that North Korea has produced more bomb-grade material than it has declared;

Whereas North Korea has not given a scientifically satisfactory explanation of this discrepancy;

Whereas North Korea has refused to provide International Atomic Energy Agency inspectors full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas, under pressure from the International Atomic Energy Agency to provide this full access, North Korea announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, effective June 11; and

Whereas this withdrawal is unprecedented in the history of the Treaty on the Non-Proliferation of Nuclear Weapons and undermines the strength of the international nuclear non-proliferation regime: Now, therefore, be it

Resolved that the Senate (with the House of Representatives concurring)—

(1) strongly supports the International Atomic Energy Agency's right to conduct inspections of any site in a non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) condemns North Korea's decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) urges the United States Security Council to insist that North Korea provide the International Atomic Energy Agency with full access before its official withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons on June 12, 1993;

(4) urges the United States Security Council to impose sanctions on North Korea, should it continue to refuse to provide this access; and

(5) calls on the President of the United States and the International community to take steps to strengthen the international nuclear non-proliferation regime.

• Mr. LIEBERMAN. Mr. President, I would like to submit a concurrent resolution concerning North Korea's withdrawal from the Treaty on the Non-proliferation of Nuclear Weapons. This is extremely dangerous, given North Korea's ruthless regime and its ties with other radical states, primarily in the Middle East.

While North Korea signed the treaty in 1985, it did not allow inspections by the International Atomic Energy Agency [IAEA] until last year. These inspections are integral to safeguarding fissionable material under the terms of the treaty. When the inspectors found that North Korea had produced more bomb-grade material than it had declared, the North Korean Government was unable to give any scientifically plausible explanation for the discrepancy. When the inspectors followed up with requests for access to sites not listed by the government, they were rebuffed.

Mr. President, at a time when nuclear weapons in the United States and the former Soviet Union are being reduced, North Korea and other radical states are attempting to secretly develop their own nuclear capabilities. Indeed, as a member in good standing of the IAEA, North Korea received technical assistance, including equipment and training from the IAEA, while developing their clandestine nuclear weapons program. This Congress must strongly support the right of the IAEA to conduct inspections in accordance with the treaty, and should call on the President and the international community to strengthen the nuclear nonproliferation regime. This Congress must send a clear and unambiguous message to those nations pursuing nuclear capacities that such actions will not be tolerated. This Congress and the administration must be prepared to pursue sanctions against North Korea, should that nation continue to refuse to abide by the terms of the treaty. This resolution is intended to send such a message.•

SENATE CONCURRENT RESOLUTION 20—RELATIVE TO TAIWAN'S MEMBERSHIP IN THE UNITED NATIONS

Mr. LIEBERMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 20

Whereas the governments in both Beijing (China) and Taipei (Taiwan) claim that they represent all of China, including Taiwan;

Whereas Taiwan was a Japanese colony during the period between 1895 and 1945;

Whereas at the end of World War II, the United States military temporarily allowed the Chinese Nationalist President, Chiang Kai-shek, to rule Taiwan;

Whereas the period of civil war which took place on mainland China between 1945 and 1949 ended when the Chinese Nationalist (Kuomingtang) Government was overthrown by the Communist regime (People's Republic of China) that remains in power today;

Whereas subsequent to this overthrow, the Communists forced the Nationalists off the mainland, and they fled to Taiwan;

Whereas ever since 1949, Taiwan has been a politically and economically independent entity completely separated from the People's Republic of China;

Whereas until 1971, appointees of the Chinese Nationalist Government, based in Taipei, represented Taiwan and mainland China in the United Nations; however, during that year, the Government of the People's Republic of China, based in Beijing, assumed the role of representing both mainland China and Taiwan;

Whereas on December 15, 1978, the United States and the People's Republic of China released a joint communique that announced a switch in United States diplomatic recognition from Taipei to Beijing;

Whereas that joint communique also stated that, "the United State will maintain cultural, commercial, and other unofficial relations with the people of Taiwan";

Whereas on December 15, 1978, in a unilateral statement released concurrently with that joint communique, the United States stated that it "continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves";

Whereas on April 10, 1979, President Carter signed into law the Taiwan Resolution Act (Public Law 96-8) which created a domestic legal authority of the conduct of unofficial relations with Taiwan;

Whereas since January 1, 1979, the United States, in accord with the Taiwan Resolution Act, has continued the sale of selected defensive military equipment and defense technology, to Taiwan;

Whereas Taiwan, with a population of 20,000,000, has in the past 40 years become an independent political entity and an important partner in world trade and the international economy (Taiwan has the world's largest foreign currency reserve, is the 5th largest trading partner of the United States, and is the 13th largest trading nation in the world);

Whereas in spite of its economic achievements and significant role in the world economy and in world affairs, the government of Taiwan does not have representation in the United Nations and in other international organizations;

Whereas the people of Taiwan have, through their elected legislators, expressed a strong desire to join the United Nations and other international organizations;

Whereas Taiwan's membership in the United Nations and in other international organizations would further enhance the peace, security, and stability in the Pacific and is in the best interest of the United State: Now, therefore, be it

Resolved that the Senate (with the House of Representatives concurring), That it is the sense of the Congress that the 20,000,000 people of Taiwan deserve to be represented in the United Nations and in other international organizations by appointees representing Taiwan's government.

• Mr. LIEBERMAN. Mr. President, I would like to resubmit a concurrent resolution concerning Taiwan. The concurrent resolution, which I submitted in the 102d. Congress, states that the 20 million people of Taiwan deserve to be represented in the United Nations and in other international organizations.

Such a move would affirm what has been a reality for nearly 40 years. During that time, Taiwan has become one of the leading economic models in Asia. It has the world's largest foreign currency reserve, is the 5th largest trading partner of the United States, and is the 13th largest trading nation in the world.

The people of Taiwan have taken a different political direction than the people of mainland China. While Taiwan is still far from being a perfect democracy, it has made substantial strides in developing democratic representative institutions, including a free press. Mainland China remains under Communist rule, with thousands of political prisoners.

By granting U.N. membership, we will be sending a clear message that Taiwan is a full-fledged member of the world community, whose independence cannot be threatened by mainland China. China still makes menacing statements about the use of force against Taiwan. U.N. membership would establish that Taiwan's status is not an internal affair, but a truly international concern.

Mr. President, Taiwan is a separate nation, and should be free to continue to chart its own course. It is time that we officially recognize its sovereignty by supporting full-fledged membership for Taiwan in the United Nations.●

AMENDMENTS SUBMITTED

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

DOMENICI AMENDMENTS NOS. 211–214

(Ordered to lie on the table.)

Mr. DOMENICI submitted four amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, as follows:

AMENDMENT NO. 211

On page 2, decrease the amount on line 18, by $400,000,000.

On page 2, decrease the amount on line 19, by $3,000,000,000.

On page 3, decrease the amount on line 2, by $5,400,000,000.

On page 3, decrease the amount on line 4, by $7,200,000,000.

On page 3, decrease the amount on line 6, by $7,600,000,000.

On page 3, decrease the amount on line 10, by $400,000,000.

On page 3, decrease the amount on line 11, by $3,000,000,000.

On page 3, decrease the amount on line 12, by $5,400,000,000.

On page 3, decrease the amount on line 13, by $7,200,000,000.

On page 3, decrease the amount on line 14, by $7,600,000,000.

On page 4, decrease the amount on line 6, by $400,000,000.

On page 4, decrease the amount on line 7, by $3,000,000,000.

On page 4, decrease the amount on line 8, by $5,400,000,000.

On page 4, decrease the amount on line 9, by $7,200,000,000.

On page 4, decrease the amount on line 11, by $7,600,000,000.

On page 4, decrease the amount on line 15, by $400,000,000.

On page 4, decrease the amount on line 16, by $3,000,000,000.

On page 4, decrease the amount on line 17, by $5,400,000,000.

On page 4, decrease the amount on line 18, by $7,200,000,000.

On page 4, decrease the amount on line 19, by $7,600,000,000.

On page 5, decrease the amount on line 1, by $400,000,000.

On page 5, decrease the amount on line 2, by $3,000,000,000.

On page 5, decrease the amount on line 3, by $5,400,000,000.

On page 5, decrease the amount on line 4, by $7,200,000,000.

On page 5, decrease the amount on line 5, by $7,600,000,000.

On page 5, decrease the amount on line 11, by $400,000,000.

On page 5, decrease the amount on line 12, by $3,000,000,000.

On page 5, decrease the amount on line 13, by $5,400,000,000.

On page 5, decrease the amount on line 14, by $7,200,000,000.

On page 5, decrease the amount on line 15, by $7,600,000,000.

On page 5, decrease the amount on line 22, by $400,000,000.

On page 5, decrease the amount on line 23, by $3,000,000,000.

On page 5, decrease the amount on line 24, by $5,400,000,000.

On page 5, decrease the amount on line 25, by $7,200,000,000.

On page 6, decrease the amount on line 1, by $7,600,000,000.

On page 6, decrease the amount on line 7, by $400,000,000.

On page 6, decrease the amount on line 8, by $3,000,000,000.

On page 6, decrease the amount on line 9, by $5,400,000,000.

On page 6, decrease the amount on line 10, by $7,200,000,000.

On page 6, decrease the amount on line 11, by $7,600,000,000.

On page 41, decrease the amount on line 17, by $400,000,000.

On page 41, decrease the amount on line 18, by $400,000,000.

On page 41, decrease the amount on line 24, by $3,000,000,000.

On page 41, decrease the amount on line 25, by $3,000,000,000.

On page 42, decrease the amount on line 6, by $5,400,000,000.

On page 42, decrease the amount on line 7, by $5,400,000,000.

On page 42, decrease the amount on line 13, by $7,200,000,000.

On page 42, decrease the amount on line 14, by $7,200,000,000.

On page 42, decrease the amount on line 20, by $7,600,000,000.

On page 42, decrease the amount on line 21, by $7,600,000,000.

On page 50, decrease the amount on line 9, by $400,000,000.

On page 50, decrease the amount on line 10, by $23,600,000,000.

On page 57, decrease the amount on line 18, by $400,000,000.

On page 57, decrease the amount on line 19, by $23,600,000,000.

On page 71, decrease the amount on line 13, by $5,400,000,000.

On page 71, decrease the amount on line 14, by $5,400,000,000.

On page 71, decrease the amount on line 16, by $7,200,000,000.

On page 71, decrease the amount on line 17, by $7,200,000,000.

On page 71, decrease the amount on line 20, by $7,600,000,000.

On page 71, decrease the amount on line 21, by $7,600,000,000.

AMENDMENT NO. 212

On page 2, decrease the amount on line 18, by $50,000,000.

On page 2, decrease the amount on line 19, by $250,000,000.

On page 3, decrease the amount on line 2, by $485,000,000.

On page 3, decrease the amount on line 4, by $585,000,000.

On page 3, decrease the amount on line 6, by $700,000,000.

On page 3, decrease the amount on line 10, by $50,000,000.

On page 3, decrease the amount on line 11, by $250,000,000.

On page 3, decrease the amount on line 12, by $485,000,000.

On page 3, decrease the amount on line 13, by $585,000,000.

On page 3, decrease the amount on line 14, by $700,000,000.

On page 4, decrease the amount on line 6, by $50,000,000.

On page 4, decrease the amount on line 7, by $250,000,000.

On page 4, decrease the amount on line 8, by $485,000,000.

On page 4, decrease the amount on line 9, by $585,000,000.

On page 4, decrease the amount on line 11, by $700,000,000.

On page 4, decrease the amount on line 15, by $50,000,000.

On page 4, decrease the amount on line 16, by $250,000,000.

On page 4, decrease the amount on line 17, by $485,000,000.

On page 4, decrease the amount on line 18, by $585,000,000.

On page 4, decrease the amount on line 19, by $700,000,000.

On page 5, decrease the amount on line 1, by $50,000,000.

On page 5, decrease the amount on line 2, by $250,000,000.

On page 5, decrease the amount on line 3, by $485,000,000.

On page 5, decrease the amount on line 4, by $585,000,000.

On page 5, decrease the amount on line 5, by $700,000,000.

On page 5, decrease the amount on line 11, by $50,000,000.

On page 5, decrease the amount on line 12, by $250,000,000.

On page 5, decrease the amount on line 13, by $485,000,000.

On page 5, decrease the amount on line 14, by $585,000,000.

On page 5, decrease the amount on line 15, by $700,000,000.

On page 5, decrease the amount on line 22, by $50,000,000.

On page 5, decrease the amount on line 23, by $250,000,000.

On page 5, decrease the amount on line 24, by $485,000,000.

On page 5, decrease the amount on line 25, by $585,000,000.

On page 6, decrease the amount on line 1, by $700,000,000.

On page 6, decrease the amount on line 7, by $50,000,000.

On page 6, decrease the amount on line 8, by $250,000,000.

On page 6, decrease the amount on line 9, by $485,000,000.

On page 6, decrease the amount on line 10, by $585,000,000.

On page 6, decrease the amount on line 11, by $700,000,000.

On page 41, decrease the amount on line 17, by $50,000,000.

On page 41, decrease the amount on line 18, by $50,000,000.

On page 41, decrease the amount on line 24, by $250,000,000.

On page 41, decrease the amount on line 25, by $250,000,000.

On page 42, decrease the amount on line 6, by $485,000,000.

On page 42, decrease the amount on line 7, by $485,000,000.

On page 42, decrease the amount on line 13, by $585,000,000.

On page 42, decrease the amount on line 14, by $585,000,000.

On page 42, decrease the amount on line 20, by $700,000,000.

On page 42, decrease the amount on line 21, by $700,000,000.

On page 50, decrease the amount on line 9, by $50,000,000.

On page 50, decrease the amount on line 10, by $2,070,000,000.

On page 57, decrease the amount on line 18, by $50,000,000.

On page 57, decrease the amount on line 19, by $2,070,000,000.

On page 71, decrease the amount on line 13, by $485,000,000.

On page 71, decrease the amount on line 14, by $485,000,000.

On page 71, decrease the amount on line 16, by $585,000,000.

On page 71, decrease the amount on line 17, by $585,000,000.

On page 71, decrease the amount on line 20, by $700,000,000.

On page 71, decrease the amount on line 21, by $700,000,000.

AMENDMENT NO. 213

At the appropriate place, insert the following:

"SEC. . PAY-AS-YOU-GO FOR THE STIMULUS PACKAGE.

"(a) It is the Sense of the Congress that the budget authority and outlay levels of the FY 1993 economic stimulus package should not be exempt from the budget and should be taken into account for the purposes of determining budgetary levels under sections 302, 311, 601, 605, and 606 of the Congressional Budget Act.

"(b) It is the Sense of the Senate that the conference report on the budget resolution shall include language pursuant to section 301(b)(3) of the Budget Act that would delay the enrollment of a fiscal year 1993 economic stimulus package, excluding provisions that pertain to 1993 summer employment, until Congress completes action on the reconciliation bill required to be reported pursuant to this concurrent resolution."

AMENDMENT NO. 214

On page 50, strike lines 12 through page 76, line 18 and insert the following:

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $10,294,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON SMALL BUSINESS.—The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $202,000,000 in fiscal year 1994; and $1,415,000,000 for the period of fiscal years 1994 through 1998.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,886,000,000 in fiscal year 1994; and $16,210,000,000 for the period of fiscal years 1994 through 1998.

(4A) COMMITTEE ON GOVERNMENT OPERATIONS.—The House Committee on Government Operations shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $693,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.—The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $110,000,000 in fiscal year 1994; and $996,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $205,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $9,601,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $31,000,000 in fiscal year 1994; and $296,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The House Committee on Science, Space, and Technology shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce budget authority and outlays: $2,391,000,000 in fiscal year 1994; and $30,166,000,000 for the period of fiscal years 1994 through 1998.

(B) In addition to the other amounts in this paragraph, the House Committee on

Ways and Means shall report changes in laws within its jurisdiction sufficient to achieve deficit reduction $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues: $36,095,000,000 in fiscal year 1994; and $295,010,000,000 for the period of fiscal years 1994 through 1998.

(D) The House Committee on Ways and Means shall increase the statutory limit on the public debt to $4,723,700,000,000.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) Budgetary Treatment.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) Definitions.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND.

(a) Initiatives To Improve the Health and Nutrition of Children and To Provide for Services To Support and Protect Children, and To Improve the Well-Being of Families.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to support and protect children, and to improve the well-being of families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) Economic Growth Initiatives.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation, a dislocated worker program, or other related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) Continuing Improvements in Ongoing Health Care Programs and Comprehensive Health Care Reform.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, or to control health care costs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) Initiatives To Improve Educational Opportunities for Individuals at the Early Childhood, Elementary, Secondary, or Higher Education Levels, or To Invest in the Health or Education of America's Children.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in the health or education of America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) Initiatives To Preserve and Rebuild the United States Maritime Industry.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a con-

ference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon such submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to implement the North American Free Trade Agreement and any other trade-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 11. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Congress declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$516,900,000,000 in new budget authority and $544,700,000,000 in outlays;

(B) with respect to fiscal year 1997:

$527,300,000,000 in new budget authority and $543,300,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$544,000,000,000 in new budget authority and $561,200,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 2003 as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

(g) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 12. DEBT LIMIT IN RECONCILIATION.

(a) FINDINGS.—The Senate finds that—

(1) during the month of March 1993, the public debt (as defined in 31 U.S.C. 3101) shall exceed $4,145,000,000,000;

(2) the Federal Government has accumulated more public debt since September 30, 1985, than it had in all the years before then since the founding of the Republic;

(3) the Federal Government has accumulated three times more public debt since September 30, 1981, than it had in all the years before then since the founding of the Republic;

(4) it is essential that the Government control the expansion of the public debt;

(5) pursuant to section 310(a)(3) of the Congressional Budget Act of 1974, the concurrent resolution on the budget may specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend that change in its response to reconciliation directives.

BINGAMAN (AND OTHERS) AMENDMENT NO. 215

Mr. BINGAMAN (for himself, Mr. LIEBERMAN, Mr. PELL, Mr. BRYAN, and Mr. DODD) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the defense conversion programs will be funded at the level requested by the President for fiscal year 1998.

BROWN AMENDMENT NO. 216

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING SOCIAL SECURITY BENEFITS TAXATION AND THE SOCIAL SECURITY OLD AGE, SURVIVORS, AND DISABILITY INSURANCE TRUST FUNDS.

It is the sense of the Senate that the revenue figures set forth in this resolution do not assume any increase due to increasing the amount of Social Security Old Age, Survivors, and Disability Insurance benefits subject to taxation and that if they do that they assume that the amount raised by any such increase should be deposited in the Social Security Old Age, Survivors, and Disability Insurance Trust Funds.

SIMON (AND OTHERS) AMENDMENT NO. 217

Mr. SIMON (for himself, Mrs. MURRAY, Mrs. BOXER, Mr. PELL, Mr. KENNEDY, and Mr. DODD) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the education reform and initiatives will be funded at the level requested by the President for fiscal year 1998.

SPECTER AMENDMENTS NOS. 218–221

(Ordered to lie on the table.)

Mr. SPECTER submitted four amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

AMENDMENT NO. 218

Whereas, there are 37 million Americans who have no health care insurance;

Whereas, health care costs are escalating uncontrollably: In 1992 Americans spent $839 billion on health care or 14 percent of our gross national product as compared with expenditures in 1970 of $74.4 billion or 7.4 percent of GNP;

Whereas, at the current rate of increase, the cost of national health care by the year 2000 is projected to be $1.6 trillion or 18 percent of GNP;

Whereas, aside from stimulating an economic recovery and reducing our nation's debt, the 1992 great nation political debate demonstrated that health care legislation is our nation's highest priority;

Whereas, a variety of health care proposals have been pending in the United States Congress for some time;

Whereas, the President has empowered the First Lady to preside over a Task Force to produce a health care reform proposal by May 1, 1993; and

Whereas, the enormity of health care reform raises the question as to whether legislation can be enacted this year: Now, therefore, be it

Resolved, That it be the sense of the Congress that health care reform legislation receive priority attention by the United States Congress with a target date of enactment of such legislation being no later than September 30, 1993.

AMENDMENT NO. 219

Whereas on February 17, 1993, President Clinton outlined in a State of the Union speech a program for increased spending and deficit reduction including new programs, spending cuts and taxes;

Whereas the 1990 budget agreement provides that there will be no increased expenditures without matching offsets or additional revenues unless an emergency is declared;

Whereas it would be unwise to declare an emergency under existing circumstances;

Whereas it would be unwise to provide for additional expenditures in a piecemeal fashion without simultaneously providing for appropriate offsets in budget cuts and or additional revenues;

Whereas it would be unwise to take any piecemeal action which would add to the deficit;

Whereas legislation to cut existing programs and to increase taxes would most likely be the most difficult part of any new legislative program: Now, therefore, be it

Resolved, That it be the sense of the Congress that no action should be taken on any legislative proposal on the President's program unless it is a unified package containing offsets for any additional expenditures through cuts in programs or increased taxes.

AMENDMENT NO. 220

Whereas career criminals commit a larger percentage of the violent and major felonies afflicting society, causing immeasurable physical injury to innocent persons and damage, destruction, or loss of property estimated at billions of dollars annually, thereby terrorizing law-abiding citizens, disrupting the community, and undermining respect for the law;

Whereas the continuing criminal activity of career criminals adversely affects interstate commerce;

Whereas despite prior convictions for serious offenses, many repeat offenders are placed on probation or sentenced to unduly short terms of imprisonment by State judges, to the detriment of public safety;

Whereas many habitual offenders cannot reasonably be rehabilitated and, unless incarcerated for life, will commit additional felonies;

Whereas many States have "habitual offender" statutes providing for life sentences for repeat offenders, upon subsequent felony convictions;

Whereas many State prison systems are severely overcrowded, understaffed, and unable to confine convicts sentenced to life imprisonment under State habitual offender statutes in a safe, secure, and humane manner for the full term of their sentences;

Whereas State judges may be deterred by the lack of sufficient prison space, staff, and funding from imposing life sentences for repeat offenders as provided by State law, and the Legislatures in those States without habitual offender statutes may be dissuaded by such considerations from enacting such statutes;

Whereas the interests of justice and public safety would be served if State authorities believed they were free to seek and impose life sentences for repeat major offenders unconstrained by such considerations;

Whereas the Federal Bureau of Prisons from time to time has empty cell space available and can make additional cell space available by consolidating inmates, consistent with suitable standards, and can open additional institutions and cells without great cost or delay in certain Federal facilities, including abandoned military facilities and Public Health Service hospitals;

Whereas the capacity of the Federal Bureau of Prisons has expanded greatly over the past several years with the construction of numerous additional facilities, at a cost of well over one billion dollars to the Federal Government; and

Whereas the Federal Bureau of Prisons has an outstanding record of safety and security, effectively and humanely confining inmates sentenced to life imprisonment: Now, therefore, be it

Resolved, That it be the sense of the Congress that the Director of the Federal Bureau of Prisons should have the authority to arrange and accept custody of prisoners who are sentenced to life imprisonment under a State habitual criminal offender statute, to the extent that space is or can readily be made available in the Federal prison system.

AMENDMENT NO. 221

Whereas more than 26 million Americans currently use illegal drugs, spending an estimated $50 to $150 billion annually just to purchase the drugs;

Whereas in major cities in this country as many as 75 percent of those arrested for serious crimes test positive for illegal drug use, and that over 50 percent of Federal prison inmates and 80 percent of State prison inmates report having used illegal drugs before incarceration;

Whereas illegal drug use is not confined to any one population group, social or economic class in our society, but rather affects our entire Nation;

Whereas, based on these figures, it is obvious that illegal drug use is closely associated with crime and misconduct that disrupt the maintenance of an orderly, law-abiding society;

Whereas the United States has the highest teenage drug use of any industrialized nation, and drug use has contributed to the poor discipline and achievement of our students at a time when education must be improved to strengthen U.S. competitiveness;

Whereas recent estimates report that nearly 20 percent, or over 738,000, of all pregnant women annually use one or more illegal drugs at some point during their pregnancies, multiplying the risk of serious physical and mental disability and behavioral problems, and resulting in significant increases in the costs borne by society to care for these children;

Whereas economic losses to industry and government due to accidents, absenteeism, and poor performance attributable to illegal drug use are estimated to total tens of billions of dollars;

Whereas for years this nation has been conducting a "war on drugs" at a cost of tens of billions of dollars;

Whereas evidence showed an initial decline in illegal drug use, recent statistics showing renewed increases in drug use among those arrested for crimes and in emergency room visits for illegal drug use demonstrate that illegal drug use is again increasing;

Whereas some success in curbing illegal drug use has been achieved, especially among casual and middle-class drug users, while the number of hard-core drug addicts continues to increase, as do homicide rates and the rates of violent crimes associated with illegal drug use and sales;

Whereas the allocation of Federal funds to combat illegal drugs has over the past several years provided over two-thirds of those funds to interdiction, law enforcement, and international programs designed to reduce the supply of illegal drugs, even though there is little evidence that the spending has succeeded in cutting the supply;

Whereas the number of total drug users has declined during the past several years, despite the fact that only one-third of Federal funds have been provided to education, rehabilitation, and treatment programs designed to reduce the demand for illegal drugs;

Whereas the total number of drug treatment slots nationally is estimated to be 1.5 million for the 26 million drug users, resulting, in many States, in lengthy waiting lists for drug users voluntarily seeking treatment, thereby hampering law enforcement efforts and adding to the long-term costs of drug use;

Whereas, for example, the City of Philadelphia is reported to receive 275 requests for drug treatment every week, it only has a residential treatment capacity of 370 beds;

Whereas research and survey data analysis support the efficacy of rehabilitation, treatment, and prevention services in reducing illegal drug use: Now, therefore, be it

Resolved, That it is the sense of the Congress that the allocation of Federal funds to reduce the availability and use of illegal drugs should be shifted over the next five years so that the allocation shall be equally distributed between interdiction, law enforcement, and international supply reduction efforts and education, rehabilitation, treatment, and research programs.

DURENBERGER (AND OTHERS) AMENDMENT NO. 222

(Ordered to lie on the table.)

Mr. DURENBERGER (for himself, Mr. DOLE, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, decrease the amount on line 18, by $1,000,000.

On page 2, decrease the amount on line 19, by $10,000,000.

On page 3, decrease the amount on line 2, by $19,000,000.

On page 3, decrease the amount on line 4, by $26,000,000.

On page 3, decrease the amount on line 6, by $26,000,000.

On page 3, decrease the amount on line 10, by $1,000,000.

On page 3, decrease the amount on line 11, by $10,000,000.

On page 3, decrease the amount on line 12, by $19,000,000.

On page 3, decrease the amount on line 13, by $26,000,000.

On page 3, decrease the amount on line 14, by $26,000,000.

On page 4, decrease the amount on line 6, by $1,000,000.

On page 4, decrease the amount on line 7, by $10,000,000.

On page 4, decrease the amount on line 8, by $19,000,000.

On page 4, decrease the amount on line 9, by $26,000,000.

On page 4, decrease the amount on line 11, by $26,000,000.

On page 4, decrease the amount on line 15, by $1,000,000.

On page 4, decrease the amount on line 16, by $10,000,000.

On page 4, decrease the amount on line 17, by $19,000,000.

On page 4, decrease the amount on line 18, by $26,000,000.

On page 4, decrease the amount on line 19, by $26,000,000.

On page 5, decrease the amount on line 1, by $1,000,000.

On page 5, decrease the amount on line 2, by $10,000,000.

On page 5, decrease the amount on line 3, by $19,000,000.

On page 5, decrease the amount on line 4, by $26,000,000.

On page 5, decrease the amount on line 5, by $26,000,000.

On page 5, decrease the amount on line 11, by $1,000,000.

On page 5, decrease the amount on line 12, by $10,000,000.

On page 5, decrease the amount on line 13, by $19,000,000.

On page 5, decrease the amount on line 14, by $26,000,000.

On page 5, decrease the amount on line 15, by $26,000,000.

On page 5, decrease the amount on line 22, by $1,000,000.

On page 5, decrease the amount on line 23, by $10,000,000.

On page 5, decrease the amount on line 24, by $19,000,000.

On page 5, decrease the amount on line 25, by $26,000,000.

On page 6, decrease the amount on line 1, by $26,000,000.

On page 6, decrease the amount on line 7, by $1,000,000.

On page 6, decrease the amount on line 8, by $10,000,000.

On page 6, decrease the amount on line 9, by $19,000,000.

On page 6, decrease the amount on line 10, by $26,000,000.

On page 6, decrease the amount on line 11, by $26,000,000.

On page 41, decrease the amount on line 17, by $1,000,000.

On page 41, decrease the amount on line 18, by $1,000,000.

On page 41, decrease the amount on line 24, by $10,000,000.

On page 41, decrease the amount on line 25, by $10,000,000.

On page 42, decrease the amount on line 6, by $19,000,000.

On page 42, decrease the amount on line 7, by $19,000,000.

On page 42, decrease the amount on line 13, by $26,000,000.

On page 42, decrease the amount on line 14, by $26,000,000.

On page 42, decrease the amount on line 20, by $26,000,000.

On page 42, decrease the amount on line 21, by $26,000,000.

On page 50, decrease the amount on line 9, by $1,000,000.

On page 50, decrease the amount on line 10, by $82,000,000.

On page 57, decrease the amount on line 18, by $1,000,000.

On page 57, decrease the amount on line 19, by $82,000,000.

On page 71, decrease the amount on line 13, by $19,000,000.

On page 71, decrease the amount on line 14, by $19,000,000.

On page 71, decrease the amount on line 16, by $26,000,000.

On page 71, decrease the amount on line 17, by $26,000,000.

On page 71, decrease the amount on line 20, by $26,000,000.

On page 71, decrease the amount on line 21, by $26,000,000.

CRAIG AMENDMENT NO. 223

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 19, decrease the amount by $300,000,000.

On page 3, line 2, decrease the amount by $500,000,000.

On page 3, line 4, decrease the amount by $600,000,000.

On page 3, line 6, decrease the amount by $600,000,000.

On page 3, line 11, decrease the amount by $300,000,000.

On page 3, line 12, decrease the amount by $500,000,000.

On page 3, line 13, decrease the amount by $600,000,000.

On page 3, line 14, decrease the amount by $600,000,000.

On page 4, line 7, decrease the amount by $300,000,000.

On page 4, line 8, decrease the amount by $500,000,000.

On page 4, line 9, decrease the amount by $600,000,000.

On page 4, line 11, decrease the amount by $600,000,000.

On page 4, line 16, decrease the amount by $300,000,000.

On page 4, line 7, decrease the amount by $500,000,000.

On page 4, line 18, decrease the amount by $600,000,000.

On page 4, line 19, decrease the amount by $600,000,000.

On page 5, line 2, decrease the amount by $300,000,000.

On page 5, line 3, decrease the amount by $500,000,000.

On page 5, line 4, decrease the amount by $600,000,000.

On page 5, line 5, decrease the amount by $600,000,000.

On page 5, line 12, decrease the amount by $300,000,000.

On page 5, line 13, decrease the amount by $500,000,000.

On page 5, line 14, decrease the amount by $600,000,000.

On page 5, line 15, decrease the amount by $600,000,000.

On page 5, line 23, decrease the amount by $300,000,000.

On page 5, line 24, decrease the amount by $500,000,000.

On page 5, line 25, decrease the amount by $600,000,000.

On page 6, line 1, decrease the amount by $600,000,000.

On page 6, line 8, decrease the amount by $300,000,000.

On page 6, line 9, decrease the amount by $500,000,000.

On page 6, line 10, decrease the amount by $600,000,000.

On page 6, line 11, decrease the amount by $600,000,000.

On page 41, line 24, decrease the amount by $300,000,000.

On page 41, line 25, decrease the amount by $300,000,000.

On page 42, line 6, decrease the amount by $500,000,000.

On page 42, line 7, decrease the amount by $500,000,000.

On page 42, line 13, decrease the amount by $600,000,000.

On page 42, line 14, decrease the amount by $600,000,000.

On page 42, line 20, decrease the amount by $600,000,000.

On page 42, line 21, decrease the amount by $600,000,000.

On page 50, line 10, decrease the amount by $2,000,000,000.

On page 57, line 19, decrease the amount by $2,000,000,000.

COHEN AMENDMENT NO. 224

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At an appropriate place in the resolution, insert the following new section:

SEC. XX. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION CONSISTENCY IN BUDGETING.

(a) FINDINGS.—The General Accounting Office has reported that the "National Aeronautics and Space Administration's program plans for fiscal years 1993 through 1997 called for up to about $20 billion more than was likely to be provided."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the National Aeronautics and Space Administration should submit to Congress each year a 5-year program plan that is consistent with the President's budget that is submitted in accordance with the provisions of section 1105(a) of title 31, United States Code.

DOMENICI AMENDMENT NO. 225

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On the appropriate page, add the following new section:

SEC. . BUDGETARY IMPACT OF DEVELOPMENTS IN RUSSIAN FEDERATION.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any increase in grants, credits, or guarantees for Russia and other new independent states, beyond the levels indicated by President Clinton on February 17, 1993, be absorbed within the discretionary caps included in this resolution;

(2) any additional budget authority for the National Defense function, beyond the levels provided for in this concurrent resolution, that may result from developments in Russia be paid for by reductions from the allocations for non-Defense programs, and not increase the deficit or require additional revenues;

(3) the use of the statutory exemption (contained in the Budget Enforcement Act of 1990) from fiscal constraints for discretionary and direct spending provisions that are designated as "emergency requirements" by both the President and Congress should be used only for necessary expenditures that are sudden, urgent, unforeseen, and are temporary in nature;

(4) it would be inappropriate to use the exemption for "emergency requirements" for increased spending as a result of developments in Russia.

DeCONCINI AMENDMENT NO. 226

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, add the following:

SEC. . DEFICIT REDUCTION ACCOUNT.

(a) LEGISLATION.—It is assumed that as a procedure appropriate to carry out the purposes of the Congressional Budget and Impoundment Act of 1974 (within the meaning of section 301(b)(4) of such Act), the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives would, as an integral part of the changes in law reported pursuant to section 7(b)(7) and (c)(12) of this concurrent resolution, report legislation to—

(1) establish a separate account in the Treasury into which 100 percent of the amounts by which the aggregate levels of Federal revenue should be increased as set forth in section 2(1)(A)(ii) of this resolution as well as contributions resulting from the changes in law reported pursuant to section 7(b)(7) and (c)(12) of this resolution would be deposited;

(2) ensure that any revenues deposited in such account would not be available for appropriation; and

(3) provide that any such revenues deposited in such account would be used to retire outstanding debt obligations of the United States Government.

(b) POINT OF ORDER.—Legislation reported pursuant to subsection (a) shall not be considered to be extraneous for purposes of section 313 of the Congressional Budget Act of 1974.

KASSEBAUM AMENDMENTS NOS. 227-228

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the concurrent resolution (S. Con. Res. 18), supra, as follows:

AMENDMENT NO. 227

On page 51, line 14, decrease the amount by $3,288,000,000.

On page 53, line 19, decrease the amount by $3,288,000,000.

On page 71, line 13, decrease the amount by $508,000,000.

On page 71, line 14, decrease the amount by $508,000,000.

On page 71, line 16, decrease the amount by $1,281,000,000.

On page 71, line 17, decrease the amount by $1,281,000,000.

On page 71, line 20, decrease the amount by $1,499,000,000.

On page 71, line 21, decrease the amount by $1,499,000,000.

On page 25, line 11, increase the amount by $508,000,000.

On page 25, line 12, increase the amount by $508,000,000.

On page 25, line 19, increase the amount by $1,281,000,000.

On page 25, line 20, increase the amount by $1,281,000,000.

On page 26, line 2, increase the amount by $1,499,000,000.

On page 26, line 3, increase the amount by $1,499,000,000.

On page 42, line 6, decrease the amount by $508,000,000.

On page 42, line 7, decrease the amount by $508,000,000.

On page 42, line 13, decrease the amount by $1,281,000,000.

On page 42, line 14, decrease the amount by $1,281,000,000.

On page 42, line 20, increase the amount by $1,499,000,000.

On page 42, line 21, increase the amount by $1,499,000,000.

AMENDMENT NO. 228

On page 71, strike lines 12 through 21 and insert the following:

(A) with respect to fiscal year 1996:

(i) for the national security category (defense and international spending): $275,800,000,000 in new budget authority and $286,800,000,000 in outlays; and

(ii) for the domestic category: $241,100,000,000 in new budget authority and $257,900,000,000 in outlays;

(B) with respect to fiscal year 1997:

(i) for the national security category: $270,500,000,000 in new budget authority and $271,300,000,000 in outlays; and

(ii) for the domestic category: $256,800,000,000 in new budget authority and $272,000,000,000 in outlays;

(C) with respect to fiscal year 1998:

(i) for the national security category: $276,500,000,000 in new budget authority and $274,800,000,000 in outlays; and

(ii) for the domestic category: $267,500,000,000 in new budget authority and $286,400,000,000 in outlays.

At the end of the resolution, add the following:

SEC. . SENSE OF SENATE SUPPORTING SEPARATE DISCRETIONARY CAPS.

(a) IN GENERAL.—It is the sense of the Senate that for fiscal years 1994 and 1995 separate spending caps should be continued on domestic and national security (defense and international accounts) discretionary spending in place of an overall discretionary spending cap.

(b) SPENDING CAP LEVELS.—The separate discretionary caps for fiscal years 1994 and 1995 should be as follows:

(1) With respect to fiscal year 1994—

(A) for the national security category: $285,100,000,000 in new budget authority and $299,600,000,000 in outlays; and

(B) for the domestic category: $211,800,000,000 in new budget authority and $239,200,000,000 in outlays.

(2) With respect to fiscal year 1995—

(A) for the national security category: $285,000,000,000 in new budget authority and $295,500,000,000 in outlays; and

(B) for the domestic category: $218,400,000,000 in new budget authority and $246,800,000,000 in outlays.

MCCAIN (AND OTHERS) AMENDMENT NO. 229

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. DOMENICI, Mr. STEVENS, and Mr. WALLOP) submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 10, increase the amount on line 4 by $1,033,000,000.

On page 10, increase the amount on line 5 by $981,000,000.

On page 10, increase the amount on line 11 by $1,820,000,000.

On page 10, increase the amount on line 12 by $1,777,000,000.

On page 10, increase the amount on line 18 by $2,455,000,000.

On page 10, increase the amount on line 19 by $2,417,000,000.

On page 10, increase the amount on line 25 by $3,112,000,000.

On page 11, increase the amount on line 1 by $3,071,000,000.

On page 11, increase the amount on line 7 by $3,343,000,000.

On page 11, increase the amount on line 8 by $3,321,000,000.

On page 41, increase the amount on line 17 by $294,000,000.

On page 41, increase the amount on line 18 by $242,000,000.

On page 41, increase the amount on line 24 by $534,000,000.

On page 41, increase the amount on line 25 by $490,000,000.

On page 42, increase the amount on line 6 by $847,000,000.

On page 42, increase the amount on line 7 by $809,000,000.

On page 42, increase the amount on line 13 by $1,130,000,000.

On page 42, increase the amount on line 14 by $1,089,000,000.

On page 42, increase the amount on line 20 by $1,152,000,000.

On page 42, increase the amount on line 21 by $1,131,000,000.

On page 43, increase the amount on line 3 by $739,000,000.

On page 43, increase the amount on line 4 by $739,000,000.

On page 43, increase the amount on line 10 by $1,287,000,000.

On page 43, increase the amount on line 11 by $1,287,000,000.

On page 43, increase the amount on line 17 by $1,608,000,000.

On page 43, increase the amount on line 18 by $1,608,000,000.

On page 43, increase the amount on line 24 by $1,982,000,000.

On page 43, increase the amount on line 25 by $1,982,000,000.

On page 44, increase the amount on line 6 by $2,190,000,000.

On page 44, increase the amount on line 7 by $2,190,000,000.

COHEN (AND OTHERS) AMENDMENT NO. 230

(Ordered to lie on the table.)

Mr. COHEN (for himself, Mr. LEVIN, and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution add the following new section:

SEC. SENSE OF THE SENATE REGARDING IMPROVING THE COST EFFECTIVENESS OF FEDERAL PROPERTY MANAGEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with buildings vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) the Office of Management and Budget scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but the Office of Management and Budget scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should direct the Office of Management and Budget to review Federal property management policies to ensure better coordination, maximize efficiency, and achieve cost savings;

(2) the Director of the Office of Management and Budget should encourage the General Services Administration, the Department of Defense, the Postal Service, and all other Federal agencies and the Judiciary, when appropriate and based on the cost-effectiveness, to modify building requirements in such a way as to allow for the purchase, lease, or lease/purchase of existing buildings at market rates, or to purchase Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than seek new construction of buildings;

(3) the Director of the Office of Management and Budget should review scorekeeping rules for Federal property leasing, lease/purchase, construction and acquisition to permit flexibility and improve long-term cost-effectiveness; and

(4) the Director of the Office of Management and Budget should review the General Services Administration's management of the Federal Buildings Fund to determine why the Fund is not self-sustaining and has not met its objectives, and, if necessary, recommend policy changes to enable the Fund to become self-sustaining.

NICKLES AMENDMENTS NOS. 231–232

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

AMENDMENT NO. 231

(A) At the end of the resolution, add the following new section:

"SEC. . SENSE OF SENATE DIRECTING THAT ANY SUPPLEMENTAL SPENDING FOR FISCAL YEAR 1993 SHOULD BE PAID FOR.

"It is the sense of the Senate that any supplemental appropriations Act for fiscal year 1993 should contain spending reductions sufficient to offset any spending increases in such Act.

(B) On page 5, line 1, decrease the amount by $6,214,484,000.

On page 5, line 2, decrease the amount by $3,016,484,000.

On page 5, line 3, decrease the amount by $853,370,000.

On page 5, line 4, decrease the amount by $587,882,000.

On page 5, line 11, decrease the amount by $6,214,484,000.

On page 5, line 12, decrease the amount by $3,016,616,000.

On page 5, line 13, decrease the amount by $853,370,000.

On page 5, line 14, decrease the amount by $587,882,000.

On page 5, line 22, decrease the amount by $6,214,484,000.

On page 5, line 23, decrease the amount by $3,016,616,000.

On page 5, line 24, decrease the amount by $853,370,000.

On page 5, line 25, decrease the amount by $597,882,000.

On page 6, line 7, decrease the amount by $6,214,484,000.

On page 6, line 8, decrease the amount by $3,016,616,000.

On page 6, line 9, decrease the amount by $853,370,000.

On page 6, line 10, decrease the amount by $597,882,000.

On page 6, line 17, decrease the amount by $6,214,484,000.

On page 6, line 18, decrease the amount by $3,016,616,000.

On page 6, line 19, decrease the amount by $853,370,000.

On page 6, line 20, decrease the amount by $597,882,000.

On page 7, line 1, decrease the amount by $6,214,484,000.

On page 7, line 2, decrease the amount by $3,016,616,000.

On page 7, line 3, decrease the amount by $853,370,000.

On page 7, line 4, decrease the amount by $597,882,000.

On page 7, line 8, decrease the amount by $6,214,484,000.

On page 7, line 9, decrease the amount by $3,016,616,000.

On page 7, line 10, decrease the amount by $853,370,000.

On page 7, line 11, decrease the amount by $597,882,000.

On page 8, line 7, decrease the amount by $6,214,484,000.

On page 8, line 8, decrease the amount by $3,016,616,000.

On page 8, line 9, decrease the amount by $853,370,000.

On page 8, line 10, decrease the amount by $597,882,000.

On page 41, line 17, decrease the amount by $6,214,484,000.

On page 41, line 18, decrease the amount by $6,214,484,000.

On page 41, line 24, decrease the amount by $3,016,616,000.

On page 41, line 25, decrease the amount by $3,016,616,000.

On page 42, line 6, decrease the amount by $853,370,000.

On page 42, line 7, decrease the amount by $853,370,000.

On page 42, line 13, decrease the amount by $587,882,000.

On page 42, line 14, decrease the amount by $587,882,000.

AMENDMENT No. 232

(A) At the end of the resolution, add the following new section:

"SEC. . SENSE OF SENATE REGARDING TRUTH IN BUDGETING.

"It is the Sense of the Senate that the American taxpayer should know that this Act is projected by the Congressional Budget Office to reduce the deficit by $458 billion over the next five years, not $502 billion as claimed in Senate Report 103–19.

McCAIN (AND OTHERS) AMENDMENT NO. 233

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. DOMENICI, Mr. STEVENS, and Mr. WALLOP) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 10, increase the amount on line 4 by $1,033,000,000.

On page 10, increase the amount on line 5 by $981,000,000.

On page 10, increase the amount on line 11 by $1,820,000,000.

On page 10, increase the amount on line 12 by $1,777,000,000.

On page 10, increase the amount on line 18 by $2,455,000,000.

On page 10, increase the amount on line 19 by $2,417,000,000.

On page 10, increase the amount on line 25 by $3,112,000,000.

On page 11, increase the amount on line 1 by $3,071,000,000.

On page 11, increase the amount on line 7 by $3,343,000,000.

On page 11, increase the amount on line 8 by $3,321,000,000.

On page 41, increase the amount on line 17 by −$294,000,000.

On page 41, increase the amount on line 18 by −$242,000,000.

On page 41, increase the amount on line 24 by −$534,000,000.

On page 41, increase the amount on line 25 by −$490,000,000.

On page 42, increase the amount on line 6 by −$847,000,000.

On page 42, increase the amount on line 7 by −$809,000,000.

On page 42, increase the amount on line 13 by −$1,130,000,000.

On page 42, increase the amount on line 14 by −$1,089,000,000.

On page 42, increase the amount on line 20 by −$1,152,000,000.

On page 42, increase the amount on line 21 by −$1,131,000,000.

On page 43, increase the amount on line 3 by −$739,000,000.

On page 43, increase the amount on line 4 by −$739,000,000.

On page 43, increase the amount on line 10 by −$1,287,000,000.

On page 43, increase the amount on line 11 by −$1,287,000,000.

On page 43, increase the amount on line 17 by −$1,608,000,000.

On page 43, increase the amount on line 18 by −$1,608,000,000.

On page 43, increase the amount on line 24 by −$1,982,000,000.

On page 43, increase the amount on line 25 by −$1,982,000,000.

On page 44, increase the amount on line 6 by −$2,190,000,000.

On page 44, increase the amount on line 7 by −$2,190,000,000.

STEVENS (AND OTHERS) AMENDMENT NO. 234

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mrs. KASSEBAUM, and Mr. LUGAR) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18) supra, as follows:

On page 30, increase the amount on line 24 by $30,000,000.

On page 30, increase the amount on line 25 by $30,000,000.

On page 31, increase the amount on line 6 by $61,000,000.

On page 31, increase the amount on line 7 by $61,000,000.

On page 31, increase the amount on line 13 by $93,000,000.

On page 31, increase the amount on line 14 by $93,000,000.

On page 31, increase the amount on line 20 by $127,000,000.

On page 31, increase the amount on line 21 by $127,000,000.

On page 32, increase the amount on line 2 by $162,000,000.

On page 32, increase the amount on line 3 by $162,000,000.

On page 41, decrease the amount on line 17 by $30,000,000.

On page 41, decrease the amount on line 18 by $30,000,000.

On page 41, decrease the amount on line 24 by $61,000,000.

On page 41, decrease the amount on line 25 by $61,000,000.

On page 42, decrease the amount on line 6 by $93,000,000.

On page 42, decrease the amount on line 7 by $93,000,000.

On page 42, decrease the amount on line 13 by $127,000,000.

On page 42, decrease the amount on line 14 by $127,000,000.

On page 42, decrease the amount on line 20 by $162,000,000.

On page 42, decrease the amount on line 21 by $162,000,000.

On page 50, decrease the amount on line 21 by $30,000,000.

On page 50, decrease the amount on line 22 by $473,000,000.

On page 55, decrease the amount on line 21 by $30,000,000.

On page 55, decrease the amount on line 22 by $473,000,000.

SPECTER AMENDMENTS NOS. 235–238

(Ordered to lie on the table.)

Mr. SPECTER submitted four amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra; as follows:

AMENDMENT No. 235

At the appropriate place in the bill, insert the following:

SEC. .

It is the sense of the Congress that health care reform legislation receive priority attention by the United States Congress with a target date of enactment of such legislation being no later than September 30, 1993.

AMENDMENT No. 236

At the appropriate place in the resolution, insert the following:

SEC. .

It is the sense of the Congress, in setting forth the budget authority and outlay amounts in this resolution, that it is assumed that funds to reduce the availability and use of illegal drugs will be shifted over the next five years so that the allocation shall be equally distributed between interdiction, law enforcement, and international supply reduction efforts and education, rehabilitation, treatment, and research programs.

AMENDMENT No. 237

At the appropriate place in the resolution, insert the following:

SEC. .

It is the sense of the Congress that the budget authority and outlay totals set forth in this resolution assume sufficient funding under function 750 (Administration of Justice) that the Federal Bureau of Prisons can arrange and accept custody of prisoners who are sentenced to life imprisonment under a State habitual criminal offender statute, to the extent that space is or can readily be made available in the Federal prison system.

AMENDMENT No. 238

At the appropriate place in the resolution, insert the following:

SEC. .

It be the sense of the Congress that no action should be taken on any legislative proposal on the President's program unless it is a unified package containing offsets for any additional expenditures through cuts in programs or increased taxes.

COHEN AMENDMENT NO. 239

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At an appropriate place in the resolution, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1994 through 1998 in excess of the amounts proposed by the President for such fiscal year.

LOTT (AND OTHERS) AMENDMENT NO. 240

Mr. LOTT (for himself, Mr. MACK, Mr. MCCAIN, Mr. PRESSLER, Mr. HATCH, Mr. BROWN, Mr. COVERDELL, Mr. SMITH, Mr. WALLOP, Mr. NICKLES, Mr. D'AMATO, Mr. THURMOND, and Mr. FAIRCLOTH) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 18, decrease the amount by $2,859,000,000.

On page 2, line 19, decrease the amount by $6,104,000,000.

On page 3, line 2, decrease the amount by $6,891,000,000.

On page 3, line 4, decrease the amount by $7,683,000,000.

On page 3, line 6, decrease the amount by $8,462,000,000.

On page 3, line 10, decrease the amount by $2,859,000,000.

On page 3, line 11, decrease the amount by $6,104,000,000.

On page 3, line 12, decrease the amount by $6,891,000,000.

On page 3, line 13, decrease the amount by $7,683,000,000.

On page 3, line 14, decrease the amount by $8,462,000,000.

On page 3, line 19, decrease the amount by $2,859,000,000.

On page 3, line 20, decrease the amount by $6,104,000,000.

On page 3, line 21, decrease the amount by $6,891,000,000.

On page 3, line 22, decrease the amount by $7,683,000,000.

On page 3, line 23, decrease the amount by $8,462,000,000.

On page 5, line 1, decrease the amount by $2,859,000,000.

On page 5, line 2, decrease the amount by $6,104,000,000.

On page 5, line 3, decrease the amount by $6,891,000,000.

On page 5, line 4, decrease the amount by $7,683,000,000.

On page 5, line 5, decrease the amount by $8,462,000,000.

On page 5, line 11, decrease the amount by $2,859,000,000.

On page 5, line 12, decrease the amount by $6,104,000,000.

On page 5, line 13, decrease the amount by $6,891,000,000.

On page 5, line 14, decrease the amount by $7,683,000,000.

On page 5, line 15, decrease the amount by $8,462,000,000.

On page 5, line 22, decrease the amount by $2,859,000,000.

On page 5, line 23, decrease the amount by $6,104,000,000.

On page 5, line 24, decrease the amount by $6,891,000,000.

On page 5, line 25, decrease the amount by $7,683,000,000.

On page 6, line 1, decrease the amount by $8,462,000,000.

On page 6, line 7, decrease the amount by $2,859,000,000.

On page 6, line 8, decrease the amount by $6,104,000,000.

On page 6, line 9, decrease the amount by $6,891,000,000.

On page 6, line 10, decrease the amount by $7,683,000,000.

On page 6, line 11, decrease the amount by $8,462,000,000.

On page 7, line 1, decrease the amount by $2,859,000,000.

On page 7, line 2, decrease the amount by $6,104,000,000.

On page 7, line 3, decrease the amount by $6,891,000,000.

On page 7, line 4, decrease the amount by $7,683,000,000.

On page 7, line 5, decrease the amount by $8,462,000,000.

On page 7, line 8, decrease the amount by $2,859,000,000.

On page 7, line 9, decrease the amount by $8,963,000,000.

On page 7, line 10, decrease the amount by $15,854,000,000.

On page 7, line 11, decrease the amount by $23,537,000,000.

On page 7, line 12, decrease the amount by $31,999,000,000.

On page 8, line 7, decrease the amount by $2,859,000,000.

On page 8, line 8, decrease the amount by $6,104,000,000.

On page 8, line 9, decrease the amount by $6,891,000,000.

On page 8, line 10, decrease the amount by $7,683,000,000.

On page 8, line 11, decrease the amount by $8,462,000,000.

On page 8, line 16, decrease the amount by $2,859,000,000.

On page 8, line 17, decrease the amount by $6,104,000,000.

On page 8, line 18, decrease the amount by $6,891,000,000.

On page 8, line 19, decrease the amount by $7,683,000,000.

On page 8, line 20, decrease the amount by $8,462,000,000.

On page 41, line 17, decrease the amount by $2,859,000,000.

On page 41, line 18, decrease the amount by $2,859,000,000.

On page 41, line 24, decrease the amount by $6,104,000,000.

On page 41, line 25, decrease the amount by $6,104,000,000.

On page 42, line 6, decrease the amount by $6,891,000,000.

On page 42, line 7, decrease the amount by $6,891,000,000.

On page 42, line 13, decrease the amount by $7,683,000,000.

On page 42, line 14, decrease the amount by $7,683,000,000.

On page 42, line 20, decrease the amount by $8,462,000,000.

On page 42, line 21, decrease the amount by $8,462,000,000.

On page 50, line 9, decrease the amount by $2,859,000,000.

On page 50, line 10, decrease the amount by $31,999,000,000.

On page 57, line 18, decrease the amount by $2,859,000,000.

On page 57, line 19, decrease the amount by $31,999,000,000.

On page 71, line 13, decrease the amount by $6,891,000,000.

On page 71, line 14, decrease the amount by $6,891,000,000.

On page 71, line 16, decrease the amount by $7,683,000,000.

On page 71, line 17, decrease the amount by $7,683,000,000.

On page 71, line 20, decrease the amount by $8,462,000,000.

On page 71, line 21, decrease the amount by $8,462,000,000.

WALLOP (AND OTHERS) AMENDMENT NO. 241

(Ordered to lie on the table.)

Mr. WALLOP (for himself, Mr. DOMENICI, Mr. DOLE, and Mr. FAIRCLOTH) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place add the following:

SEC. . SENSE OF THE SENATE REGARDING THE BTU TAX.

It is the sense of the Senate that, to the extent that the revenue figure set forth in this resolution assumes the imposition and collection of any Btu tax or other tax on any form of energy, that in order to obtain the full energy conservation benefits of any such tax that the reconciliation response would be based on the assumption that consumers should be notified on a monthly and an annual basis of the amount of the tax, and should be provided through posting, as on a gasoline pump, or through entries on consumer natural gas and electric utility bills.

NOTICE OF HEARING POSTPONEMENT

SUBCOMMITTEE ON RENEWABLE ENERGY, ENERGY EFFICIENCY, AND COMPETITIVENESS

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a hearing scheduled before the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources has been postponed.

The purpose of the hearing is to receive testimony on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.

The hearing was originally scheduled for April 1, 1993, at 2 p.m., and has been rescheduled to take place on April 22, 1993 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

For further information, please contact Leslie Black Cordes of the subcommittee staff at 202/224–9607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, at 10:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., March 23, 1993, to receive testimony on radio and television broadcast use fees on public lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, at 2 p.m. to hold a nomination hearing on Strobe Talbott, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, at 9 a.m. to hold a nomination hearing on Stephen Oxman, to be Assistant Secretary of State for European and Canadian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 23, 1993, to receive testimony on S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, March 23, 1993, at 9:30 a.m. to hold a hearing on antitrust exemptions and health care.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EXCEPTIONAL CITIES IN SOUTH CAROLINA

• Mr. HOLLINGS. Mr. President, I rise today to commend 3 very exceptional cities in my home State of South Carolina—3 cities which have been chosen as among the best 100 cities in the Nation in which to live.

Mr. President, I have always known that South Carolina has the best to offer in terms of the quality of life—but then, I am biased. I was raised in South Carolina and nowhere on Earth compares to it. So, when I read that Norman Crampton's book, "The 100 Best Small Towns in America" rated Beaufort, Georgetown, and Newberry, SC, among its best in America, I was not surprised.

Georgetown ranked 46 out of 100 in Mr. Crampton's survey. It is a small coastal community located between Charleston and Myrtle Beach. It has a population of only 9,517 that relies upon the incomes of commercial fishing, tourism, and a paper manufacturing plant. But, the cost of living is low and the community is close-knit. You can put your kids in the back yard and not worry. Everyone goes to a favorite bakery and barber shop. And, like most small towns, Georgetown has that quiet, peaceful feel to it, enhanced by the warm southern climate and gentle ocean breezes.

But Georgetown is also an up-and-coming small town. They are keeping pace with change by investing in the town—with a new $4.5 million Front Street renovation project to attract more tourism. And that translates into increased revenues for Georgetown, which in turn means better schools, law enforcement, libraries, and parks—all for a better tomorrow.

Beaufort ranked 23d in the survey and it's another coastal town just south of Charleston and north of Hilton Head. Beaufort is steeped in history. Visitors come to see the magnificent ante bellum mansions and, on St. Helena Island just off the coast, we have some of the finest examples of African-American history in the country. The very first school for newly freed slaves is here in the heart of Gullah country.

Beaufort is also a military town. Nearby is Parris Island where our U.S. Marines have been training since 1891. Military personnel frequent the local restaurants and stores, adding revenues to the local economy.

As is true of all our low-country coastal towns, Beaufort life revolves around the sea—shrimpers haul in the day's catch; crabbers pick along the beaches and inlets. Tourists flock to the local beaches and nearby Hilton Head to swim, play golf, and enjoy the laid-back atmosphere of the deep South. And those tourism dollars help Beaufort provide the services needed to make the town a safe, clean community.

Beaufort also capitalizes on its unique and unspoiled scenery through the film industry. Some of Beaufort's more attractive homes and inns have been backdrops for famous films like "The Big Chill," "The Great Santini," and "The Prince of Tides." The movie industry loves the hometown ambiance of Beaufort and the town benefits from their presence.

The third town cited in "The 100 Best Small Towns in America" is Newberry, a small community northwest of the State capital, Columbia. Newberry ranked 76th overall. Historically, Newberry is an agricultural community dating back to the mid-18th century. Today, Newberry still relies on agriculture and it leads the State in dairy and egg production.

But Newberry is moving in the direction of the 21st century by attracting more manufacturing, wholesale and retail industries. Newberry also has a special school program to provide startup training for industries. The schools work in partnership with industry to provide specialized high-technology training for employees. This unique program tailors the local work force to the needs of the industry helping assure employment for the area.

Newberry has its share of historic homes and Revolutionary War battle sites to attract tourists, but the best attraction is Newberry's fishing and water sports. Newberry County is located at the fork of Broad and Saluda Rivers. The Tyger and Enoree Rivers also flow through the area and lakes Greenwood and Murray are nearby. All this makes for great camping and outdoor recreation that is some of the best in the State.

Mr. President, I am very proud of the distinction bestowed upon Georgetown, Beaufort, and Newberry, and I commend the citizens, the local government, and the chambers of commerce for their hard work in making their communities such examples of excellence.•

EXPORT CONTROLS—THE NEED FOR A SENSIBLE U.S. POLICY

• Mr. DURENBERGER. Mr. President, many of our colleagues may have seen the article in the Washington Post on Friday, March 19, 1993, entitled "Cray Deal a Casualty of Atomic Weapons Fears." The article is a cruel reminder of how outdated export control laws can seriously injure the competitiveness of U.S. companies.

For some time I have been concerned that the U.S. Government, including the Congress, has been administering U.S. export controls without a complete understanding of the economic, political, and strategic impact these policies and procedures can have on our own companies as well as our own national security interests.

The case of Cray Research, Inc.'s efforts to sell a small supercomputer to a customer in India is just one example of a licensing process run amuck. In that case, delays in the export licensing process for the Cray system lasted 4 years, and created such frustration within the Indian Government that it actually funded and developed an indigenous Indian supercomputer while waiting for United States Government approval.

Indian officials have stated in public forums that the only reason they developed their own supercomputer is because they couldn't get ours. We certainly didn't do a very good job in this case either of promoting American exports or preventing potentially destabilizing proliferation.

Not only will this indigenous supercomputer become the politically appropriate supplier for customers within India, it will also compete in other markets outside India. In fact, the Indian system has already been installed in four countries, including two sites in Russia.

One should consider what was accomplished by the 4 year delay in this export license for Cray Research:

First, the customer has found an alternative solution that will enable it to use the indigenously developed system, which I understand is some 30 times faster than the system Cray wanted to export.

Second, this new Indian system will have none of the safeguards, physical and software restrictions, that are imposed on American supercomputer exports going to countries such as India. India certainly does not have export controls as stringent as ours. We will have no means of controlling the sale of advanced, potentially dual-use Indian technologies to questionable end users.

Third, the Indian supercomputer can be expected to compete with Cray Research and other American manufacturers both in India and in third countries.

Fourth, countries that previously had no hope of obtaining high performance computers may now turn to India as an alternative source to Western systems.

Mr. President, we have neither denied India the technology nor prevented the diversion of that technology to other countries of concern. All that has been accomplished is to virtually obliterate Cray Research's chances of doing business in India.

Cray Research, Inc. is a small, publicly held company with fewer than 5,000 employees. Cray does all its manufacturing in the United States. I consider them an example of what America does right—a small entrepreneurial company that produces an excellent, highly competitive product. Cray Research has kept ahead of the challenges of the Japanese mega-companies such as Fujitsu, NEC, and Hitachi by doing one thing very well—constantly developing and improving its supercomputers, pushing the technological envelope further and further outward.

To date, Cray has successfully established and continues to hold two-thirds of the world supercomputer market. Ironically, it appears that it might well be the policies of the United States Government, rather than the competence of Japanese competitors, that will erode Cray's worldwide market share.

We in Congress, and those in the Clinton administration, must use a new approach in dealing with export controls. The system was originally established at a time when we were the only source of much of the world's high technology products. Today's export control system must reflect the changes both in the high technology capabilities in the global marketplace as well as new geopolitical realities. Both have an impact on our foreign policy and national security objectives.

Supercomputer exports face restrictive and expensive controls. These controls are imposed to prevent the proliferation or misuse of the highly sophisticated technology. We must ensure, however, that these controls have the desired effect. Cray's experience with the India sale demonstrate a total failure of the United States export licensing process. Let us further ensure that the licensing process is transparent for the U.S. companies involved; consistently applied to all competitors; and timely in reaching its conclusions. In the opinion of this Senator, that's not asking too much.

Let us show a little courage in standing up to calls for unilateral controls that might send a message, but serve only to shoot ourselves in the foot.

Mr. President, I ask to include the attached article from the Washington Post in the RECORD immediately following my remarks.

The article follows:

CRAY DEAL A CASUALTY OF ATOMIC WEAPON FEARS

(By Stuart Auerbach)

The $10 million supercomputer sits unwanted on the floor of the Wisconsin factory of Cray Research Corp., its shiny skin removed and its high-technology innards used only to test replacement parts to upgrade other machines.

The supercomputer, designated No. 1205 by Cray, was built three years ago for the Indian Institute of Science in Bangalore. But the deal fell through in December, after India got tired of waiting for the Bush administration to resolve a two-year dispute over how to make sure the super-fast computing power of the Cray machine would not be diverted to make nuclear weapons and the missiles to deliver them.

Now Cray cannot find another buyer for the machine, which uses 11-year-old technology, because most institutions want more powerful, state-of-the-art supercomputers—the fastest, most powerful class of computers in the world.

And India has built its own supercomputers, which are taking over its home market and competing with Cray around the world. India can use its homemade supercomputers without restrictions in its nuclear program and, if it wants, sell to nations such as Iran, Iraq and Libya, which have been suspected of trying to built atomic weapons.

The debate over the sale to India illustrates the stresses within the U.S. government over selling advanced technology products—the country's edge in an increasingly competitive world—while trying to keep a lid on the spread of nuclear weapons.

The debate was never resolved by the Bush administration, and now the nation's proliferation concerns are likely to run head-on into President Clinton's oft-stated objective of increasing overseas sales of superior U.S. goods in order to boost the economy and create high-skilled, high-wage jobs. In many cases, though, the nation's technological edge lies in advanced products such as supercomputers or aviation electronics that can be used equally for peaceful or military purposes.

"This is a horror story that hurts U.S. commercial interests and its nonproliferation concerns as well," Willard Workman, international vice president of the U.S. Chamber of Commerce and a former government specialist on export controls, said of Cray's Indian deal.

Despite the end of the Cold War, restrictions on technology exports have not eased as U.S. fears that the country's high technology would bolster the Soviet military machine have been replaced by concerns over the spread of nuclear weapons to nations such as Iran, Iraq and Libya.

Proliferation foes hailed the breakdown of the Indian sale as a victory.

"The fact that India had to develop its own supercomputer vindicates our policy" of making it difficult for that country to buy a Cray, said Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control, a Washington-based think tank. "Just because somebody can make a pistol on his own doesn't mean you sell him an AK-47 assault rifle."

India has steadfastly denied that it is trying to develop an atomic bomb, but it did unleash what it termed "a peaceful nuclear explosion" in 1974 that U.S. intelligence analysts said was a major step in an ongoing, clandestine program to build nuclear weapons.

Furthermore, as part of its space program, India is building and testing missiles that have the capability to carry an atomic warhead and the opposition Hindu nationalist party, the BJP, has declared its support for the construction of nuclear weapons to brandish against the neighboring nations of Pakistan, which reportedly also has a clandestine nuclear weapons program, and China, which already has nuclear weapons.

Cray officials said enough safeguards were built into the sale of supercomputer No. 1205 to make sure its powers were not diverted. As evidence, they point to articles in the Indian press last May that detailed how "American highhandedness" denied Indian aeronautical engineers access to the Cray computer bought by the weather service to track monsoons.

According to the Times of India report, scientists were turned back when they sought to use the supercomputer for "urgent calculations" needed for the development of light combat aircraft and surface-to-surface missiles.

Nonetheless, stubborn foot dragging by arms control specialists, egged on by nonproliferation forces outside of government, tied up the licensing process and in the end caused India to pull out of the deal.

"It was very painful for Cray to lose the sale," said Lisa Kjaer, director of international trade affairs in Cray's Washington office.

Cray still leads the world in designing and building supercomputers, but it faces increased competition from U.S. firms such as Control Data Corp. and International Business Machines Corp., as well as some Japanese electronic giants. Now, countries such as India and Bulgaria are succeeding on the less powerful end of the market.

"The notion that the United States is the only supplier of supercomputers went out with the buggy whip," Workman said.

Tired of fighting licensing battles in Washington, the Indian government appropriated $10 million—coincidently the cost of the Cray machine—to develop its own supercomputers. Within three years, Indian scientists succeeded in creating a supercomputer known as the Param. The latest model of the Param is 28 times more powerful than the Cray that India had agreed to buy, but far less powerful than the most advanced Cray models.

Among the 14 Param buyers are universities in Canada, Britain and Germany, as well as two research institutes in Russia that were attracted by Param's relatively low cost—$350,000 compared with the $10 million price tag on a basic Cray model.

The Indian scientists developed their supercomputer by linking together as many as 256 small, readily available computers in a technique known as massive parallel processing. This allows skilled engineers to make machines far cheaper than the methods used by Cray and its Japanese competitors.

"The United States government essentially created competition for Cray and other U.S. computer makers," Kjaer said. "Why should the Indian government or an Indian company buy a Cray now when they can buy something that is cheaper, doesn't require hard currency and supports its high-technology development objects."

"Cray makes a superior product," she continued, "but it is not superior enough to overcome" India's anger over having to give up control over the use of the supercomputer.●

EL SALVADOR'S PEACE AND THE TRUTH COMMISSION

● Mr. **HATFIELD.** Mr. President, on March 15, an important component of the United Nations-sponsored peace agreement for El Salvador was fulfilled as the three-member Commission on the Truth issued its report on what it calls "some of the worst and most widespread human rights violations of human rights in El Salvador." The Commission found that the overwhelming majority of the cases studied—relating to 18,000 victims—involved the Salvadoran military.

A Spanish Jesuit, Baltasar Gracian, once remarked that "It is harder to tell the truth as to hide it." I fear that those who tried for over 10 years to hide the truth about the bloody record of the Salvadoran military now want to bury it by granting general amnesty to the accused. By ignoring the crying need for justice in the human rights abuse cases investigated by the Truth Commission, El Salvador's political leadership may inflict permanent damage on the reconciliation effort.

The stakes are also high for U.S. foreign policy. The members of the Truth Commission, former Colombian President Belisario Betancur; Reinaldo Figueredo Planchart, former foreign minister of Venezuela; and Thomas Buergenthal, professor of law at George Washington University, have boldly and bravely identified by name the military leadership responsible for atrocities such as the assassination of Archbishop Romero, the killing of four American churchwomen, and the murder of six Jesuits, their cook and her daughter. The Truth Commission has confirmed what many of us have believed for a long time: that the U.S. was bankrolling the Salvador military at a time when it was killing with impunity.

Those who continue to defend the United States role in the Salvadoran civil war take several lines of defense. Many involved in Latin American policy through the 1980's claim ignorance of what was happening around them. Others skip over the bloody history, preferring to argue that the cost of uninvolvement would have been greater. I cannot accept either excuse in light of the truth. For a decade the United States was willing to allow its policy to be shaped by the dictum that the "ends justify the means." This misguided policy must be abandoned.

The civil war in El Salvador brought no gains or freedom to the Salvadoran people. It brought only destruction of the country and death to tens of thousands of men, women and children. This was obvious even 8 years ago, when the Congressional Arms Control and Foreign Policy Caucus, which I have chaired twice, initiated its first report on U.S. involvement in El Salvador. In 1985, I joined with other members of the caucus in issuing a report detailing the effect of U.S. assistance on El Salvador's economy and living standards. We concluded that the U.S. aid programs were not helping end the war. Instead, we were helping to perpetuate the conflict. Our report argued that it was futile to pursue a military solution to a civil conflict which had its roots in poverty and deprivation.

In the frenzy of the Central American "red scare" our report fell on deaf ears. During the mid-1980's, only a handful of us argued against involvement in El Salvador or Nicaragua. Neither Congress or the administration was willing to shut off the pipeline of support to the crippled Salvadoran Government and the corrupt Salvadoran military.

The shameful truth of the military's involvement in the killings did not sink in until the six Jesuits and their assistants were dragged from their beds and shot. From the beginning it was suspected that the attack was a military operation. Yet the early discovery of the military's involvement in these murders was played down. As always, there was a desire to avoid staring at the facts. But some of us could no longer avert our eyes to the truth and when the caucus issued its third report on El Salvador, just 6 months after the Jesuits died, the subject was the military leadership.

In 1990, under supervision of Congressman HOWARD BERMAN and Congressman GEORGE MILLER and me, the caucus staff evaluated the Salvadoran high command and the record of documented human rights abuses carried out by their troops. The staff found that 14 of the 15 officers in El Salvador's primary commands rose to their positions despite the abuses. And in none of the over 50 violent cases listed in the reports was justice served. No officer was brought to trial.

In 1991 Congress began withholding some military aid to El Salvador. But just last year the U.S. Government continued to argue against the complete withdrawal of our support from the Salvadoran military, lest the commanders decide to walk away from the peace accords drafted under the active guidance of the United Nations.

Mr. President, it is time to stop rewarding the brutal and the corrupt. Twelve years and $6 billion in U.S. aid later, it is time to learn and understand the truth. Those who spread tyranny and death throughout this tiny country for 10 years should not be protected under the umbrella of peace. The Salvadoran National Assembly seeks to do this with its passage of legislation providing general amnesty for those who are named by the Commission on the Truth. As Ruben Zamora, the vice president of the assembly said as he walked out on the vote, "Justice must come before forgiving and forgetting." There have been more than 75,000 victims of the Salvadoran conflict. I can only hope that justice will not be the last victim. The United States should press the Salvadoran Government to reconsider the national assembly's vote to provide general amnesty to those identified by the Truth Commission and there should be a full and public accounting of our own Government's knowledge of the record of abuses committed by the Salvadoran military as they were at the same time accepting United States aid.●

APPLAUDING COLT

● Mr. **LIEBERMAN.** Mr. President, I want to take a few moments to applaud the workers of Colt Manufacturing Co. The Defense Department has just directed the requirements for the M4 carbine contract to Colt. The award could well be the first of a three-phase program that Colt has estimated to include a total of 50,800 rifles with a value of as much as $25 million.

Senator DODD, Congresswoman KENNELLY, and I supported Colt in an effort to win this contract. As a member of the Senate Armed Services Committee, I spoke at length to George Dausman, Acting Assistant Secretary of the Army, about the fine work that Colt had done in the past. I also pointed out to him that awarding a contract to Colt would support the U.S. defense industrial base, a primary concern of mine.

The workers of Colt deserve great credit for this decision. At a time of declining defense budgets, it is never easy to win a new defense contract. But the

Colt workers have shown time and again that they do superb work. As long as we have workmanship of this quality, America will not only hold its own in the world market, it will win.●

COMMENDING ANTHONY JOHNSON

● Mr. FORD. Mr. President, I stand today to recognize the heroic efforts of Anthony Johnson of Augusta, KY.

On February 5, 1993, a student from Augusta High School, where Mr. Johnson is principal, attempted suicide by jumping in the icy water of the Ohio River. Although he cannot swim, Mr. Johnson jumped into the river without hesitation and was able to bring the young woman close enough to the shore to be aided by a local police officer. Mr. Johnson suffered from shock and hypothermia. I would like at this point to insert for the RECORD a news report from the Maysville Ledger-Independent of February 6, 1993, detailing the incident.

We hear a lot these days about what is wrong with our society, Mr. President, so I am pleased to have this opportunity to take a few minutes to show what is right and good with it. Mr. Johnson's quick thinking and selflessness saved a young woman's life, and I commend him for his bravery and valor.

The article follows:

PRINCIPAL, COP THWART SUICIDE ATTEMPT

(By Margaret Bortz)

AUGUSTA.—A high school principal and a police officer thwarted an attempted suicide Friday, rescuing a drowning girl from the icy water of the Ohio River.

Augusta High School Principal Tony Johnson plunged into the river to save the 17-year old about 2 p.m., according to Augusta Police Chief Phil Cummins. Augusta police officer Joe Kiskaden then pulled Johnson, who apparently cannot swim, and the girl from the river at a steep, inaccessible site three miles west of Augusta, Cummins said.

Johnson contacted the police department about 11 a.m. Friday, and requested help in locating a group of students absent from school, officials said.

Johnson and Cummins quickly located two of the missing girls, who told them that three other girls "had left Augusta walking along the railroad tracks and intended to run away," Cummins said. They found the girls walking along the railroad tracks about three miles west of Augusta, where the embankment is steep and rocky.

"It's about the roughest area I can think of to get from the highway to the river," Cummins said.

From the roadside, Johnson tried to persuade the girls to return to school, Cummins said. After about an hour, one of the girls agreed to return with him. But when Johnson climbed down the embankment to the railroad tracks, one of the girls brandished a pair of scissors and made stabbing gestures, Cummins said.

"She was adamant about not coming back," Cummins said. "She was wild and distraught and (Johnson) backed off. Then all of a sudden, she dove into the river, with the scissors still in her hand.

"Mr. Johnson jumped into the river without hesitation—he couldn't swim himself," Cummins said. "I believe they would have both drowned if one of my officers, Joe Kiskaden, hadn't gone in and got hold of Mr. Johnson's hand.

"Johnson saved the girl's life and (Kiskaden) saved Johnson's."

It took rescue workers about 45 minutes to move the girl, who was in shock from hypothermia, from the riverside to the highway, Cummins said.

"It was a major rescue to get her out of the area," he said. The girl was strapped to a backboard and pulled up the embankment by the Augusta Fire Department Rescue Squad.

The girl was taken to Meadowview Regional Hospital. She was to be transferred to Bourbon General Hospital in Paris Friday night, according to a relative, who asked not to be identified. Her condition could not be ascertained late Friday.

Cummins said that Johnson also suffered from hypothermia shock and was treated by his physician.●

UNITED STATES-JAPAN SEMICONDUCTOR TRADE

● Mr. BAUCUS. Mr. President, I rise today to talk about the status of our semiconductor chip trade with Japan.

As you know, Mr. President, figures released Friday showed that United States and foreign exports of semiconductor chips to Japan finally exceeded the magic 20-percent market share target. In the fourth quarter of 1992, United States and foreign semiconductors gained 20.2 percent of that market.

I've been waiting for this happy piece of news for 7 years. During that time, the promises of a 1986 trade agreement were broken, and a second one was negotiated. Finally, a milestone has been passed.

Though long overdue, this event is truly welcome on several fronts. First, it shows the United States semiconductor industry's commitment to selling their quality goods in Japan. Second, it shows that with perseverance, we can make progress with Tokyo. With hard work, we can help competitive United States industries to realize their potential in the Japanese market.

The U.S. semiconductor industry is the most competitive in the world. The United States supplies Europe's $11.4 billion market with 47 percent of its chips. It supplies the United States $18.6 billion market with 70 percent of its chips. It's about time it reached 20 percent in Japan, the world's biggest market.

But to get even that far in Japan, the United States industry has had to work long and hard. And it has done it against all odds. In the late 1980's, it had to struggle to regain its market here at home after Japan's predatory pricing decimated the industry early in the decade.

And, if that wasn't enough, crossshareholder relationships in Japan between chip makers and their suppliers, known as keiretsu, squelched United States imports from 1978 on.

In the late 1980's—with the help of our tough trade laws—we corrected Japan's unfair semiconductor pricing tactics in our own market. But tackling keiretsu in Japan has proven to be a much bigger job.

By way of example, United States and foreign market share in Japan was only 9 percent when we reached our first chip agreement in 1986. Under that agreement, Japan promised us a 20-percent market share by 1990. Yet, by 1990, imports had only reached the 14- to 16-percent range.

It took a second, tougher agreement to put us over the edge. When it negotiated its new chip agreement in 1991, the United States pledged it would walk away from the deal if Japan did not buy 20 percent of its semiconductor chips from United States and other sources by the end of 1992.

In short, Japan knew that if it didn't meet this 20-percent target this time, it was all over. And it worked.

I should note that market share targets are not my favorite way to open markets. But, when everything else has been tried, I believe targets must be used as a last resort. After years of frustration, I believe this was the right way to go.

Mr. President, as I said before, a milestone has been passed. But the road stretches out many miles before us. Now that a 20-percent share has been reached, let's move beyond.

I will be watching to make sure that the 20-percent share is just the beginning. That, after all, was part of Japan's promise, too. And, in my mind, a failure to go beyond would go against the spirit of the agreement.

In the future, I look forward to watching the United States industry reach new milestones in the Japanese market.●

RECOGNITION OF HEROIC DEED—IN HONOR OF DOUGLAS RICE, KRIS ZOOK, AND MARVIN PUSTINGER

● Mr. WOFFORD. Mr. President, I rise today to salute Douglas Rice of Hermitage, PA, Kris Zook of Sharpsville, PA, Marvin Pustinger of Farrell, PA, along with Joshua Jamison of Topside, MA. On February 6, 1993, these young scholars rescued two Westminster students, who had fallen through ice into a lake on the college campus.

Several of the students are Eagle Scouts in Custaloga District. In addition, Mr. Zook and Mr. Pustinger currently serve as assistant Scoutmasters in Sharon, PA.

As suggested by Friedrich Schopenhauer, in moments of life and death, the oneness of humankind becomes apparent, and one becomes cognizant that our individual separation is but an aberration of time and space. The selfless actions of Douglas, Kris, Marvin, and Joshua clearly give flesh to this notion. The extraordinary courage and character of these young men is a tremendous source of pride for their schools, families, and our great Commonwealth. Again, I salute these brave individuals and offer my good wishes to all those involved in this heroic effort.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 19, 1993. The estimates of budget authority outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget—House Concurrent Resolution 287—show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated March 16, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 22, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through March 19, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 15, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
JAMES L. BLUM,
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF MAR. 19, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/– resolution
On-budget:			
Budget authority	1,250.0	1,247.9	–2.1
Outlays	1,242.3	1,241.8	–.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	–28.4
Debt subject to limit	4,461.2	4,123.8	–337.4
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAR. 19, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	926	5,850
102,381	218	13
103–6	3,322	3,322
Total	4,467	10,310

[2] Includes revision under section 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.•

A TRIBUTE TO METCALFE COUNTY

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Metcalfe County, an outstanding county located among the rolling hills of south-central Kentucky.

Metcalfe County was named for the famed stonemason, Thomas Metcalfe, who served as Governor of Kentucky from 1828 to 1832. Governor Metcalfe was known throughout the State as Old Stone Hammer. He earned this name while on the Presidential campaign trail for William Henry Harrison in 1840. A town along Metcalfe's campaign route presented him with a stone hammer in appreciation for his work. Metcalfe considered the presentation of the hammer to be quite an honor and wore the hammer on his belt for the rest of the campaign.

Metcalfe County has changed little since the days when Thomas Metcalfe governed the State. Agriculture is still an important part of the community's economic base, although a few industries have located in Edmonton. This combination has been outstanding for workers. The county's unemployment rate is near 4 percent, which is significantly lower than many communities in the United States.

Metcalfe County residents gather at the Bel-Air Restaurant, Jim's Grill, and Gene's Freeze each day to discuss local and world news. These daily gatherings promote a sense of community which is hard to find in most cities. Visitors are treated like neighbors, and long-time residents proclaim there is no better place to live than Metcalfe County. In fact, when the local country-rock band, the Kentucky Headhunters, found fame and fortune, members shunned suggestions to move and stayed in Metcalfe County where their family ties are strong.

Mr. President, I honor the good people of Metcalfe County for their dedication to preserving a tight knit community. Their perseverance truly is an inspiration to all.

Mr. President, I ask that an article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

(From the Louisville Courier-Journal, Mar. 22, 1993]

EDMONTON

(By Cynthia Crossley)

Recently, during a concert stop in California, the Edmonton-based Kentucky HeadHunters were walking around town doing a little sightseeing.

Guitarist Richard Young soon realized that the locals were doing a little sightseeing of their own—getting an eyeful of his brother Fred, the band's drummer.

"I've seen more people with purple hair turn back and look at Fred and those werewolf-looking' whiskers of his," Young said, shaking his own head of long hair. "You know they're thinking, "What's the world coming to?"

Young told the story over coffee at Gene's Freeze in Edmonton. He had come from his home in Wisdom, just west of Edmonton, and was headed to his son's Boy Scout dinner.

His brother Fred also comes home to Metcalfe County when he gets a chance. Last fall he married a local girl, and they plan to build a house on a farm owned by the Youngs' father. The bass drum Fred uses in concerts is the same one given him by

Metcalfe County High School, complete with the school name.

The HeadHunters may look a little unusual, but in their songs and their behavior, they stay true to their Metcalfe County roots. Since the Young brothers are known for being genuinely nice guys, perhaps one could argue that most people, including some purple-coiffed Californians, could benefit from a dose of the Metcalfe County lifestyle.

Just imagine starting your day on a dairy or tobacco farm, then driving over to the Bel-Air Restaurant for coffee, breakfast and the local gossip. If you go to the Bel-Air, you ought to go in a pickup; the parking lot is full of them.

Livestock and tobacco prices are frequent topics, as are "politics, taxes and the new school building," said Gabriel "Burns" Romines, as he sat recently at the Bel-Air's "Liars Table," a coffee-cup littered table off to the side of the dining room.

Then you would ease on back to your farm or to your "public" job. A public job is anything you do off the farm.

After toiling for a while, you might go to lunch on the square at Jim's Grill and head back to the Bel-Air in the afternoon for a coffee break.

In the summertime, you might go to the shady courthouse yard and sit on a bench with the whittlers, who swap knives when they're not adding to the mounds of wood shavings at their feet,

"The courthouse yard just seems to draw people into it," said Tom Emberton, an Edmonton resident and a judge on the Kentucky Court of Appeals. "It's a wonderful place."

Ah, the low-stress life. There aren't any traffic jams, since there's never enough traffic to support more than one flashing red light in the whole county.

And there aren't many controversies, since few things seem to rile folks.

There was a time, before Metcalfe County voted itself dry in the 1920's. when Edmonton had trouble with rowdies. The town "just couldn't handle it," said James Howard Young, a retired schoolteacher and raconteur who is the father of the two HeadHunters. "There were so damn many hoodlums they had to vote it dry."

One locally famous troublemaker of a century ago was a character named Dode Dowell. Dowell, who carried on a sort of Hatfield and McCoy feud with a man who lives across a ridge from him, is said to have shot a deputy marshal named Stotts at the courthouse in such a manner that the body rolled down some steps and stopped in front of the judge's bench.

There used to be a bullet hole in the courthouse from that incident, but several residents said the county had made "a big mistake" by covering it up during a refurbishing.

But now times are quiet and few things grow into big controversies. For example, several people shrugged when asked about the sinkhole problems at the new Metcalfe County High School. Metcalfe County isn't all that far from the heart of Kentucky's cave country, so folks say that's the way the land is around here.

Then there's the long tenure of Metcalfe County's elected officials. County Judge-Executive Woodrow Wilson is planning to retire at year's end, after 28 years in office. (Yes, he is named for the 28th president.) And Edmonton Mayor M. W. "Pat" Patterson, a retired driver for Greyhound Bus Lines, has served as mayor or as a City Council member since the early 1960s.

"The complaints are few and far between," Patterson said. "The council and myself have always gotten along."

(Retired Circuit Judge Cas Walden, 90, who held office for 20 years, knows of an exception to this rule. A county attorney by the name of G.B. Stone served one term around the turn of the century, and lost his re-election bid. However, Stone refused to move out of his one-room office in the courthouse, and the county allowed him to live there until he died, Walden said. You could say that Stone had a long tenure of sorts, because, as Walden notes, "he never did leave his ofice.")

Edmonton attorney Barry Gilley thinks there are few political controversies because "politics here is a hobby, as opposed to a part of life."

Of course, there could be another reason. Fowler Branstetter, a Metcalfe County dairy farmer and owner of an Edmonton farm-supply store, says a lot of people "don't have the time and don't want the responsibility and headaches" that come with holding a public office.

Unlike other towns, Edmonton shows little demand for economic growth. Edmonton, which sits just off the Cumberland Parkway, has two industrial parks that have lured some clothing factories and a couple of companies with Japanese ties—Sumitomo Electric Wiring Systems, which makes wiring harnesses for cars, and SPD Magnet Wire Co., a joint venture of Sumitomo Electric Industries and Phelps Dodge Magnet Wire company, a North American producer of magnet wire.

"That parkway has been a blessing for us. It's opened us up," said attorney Herb Sparks, chairman of Metcalfe's industrial-development authority.

Now most Metcalfe residents have jobs, according to unemployment statistics, although few of them are prospering by national standards. The unemployment rate has been around 4 percent, but per capita income is well below the state average.

Still, "if you're at the poverty level, you don't have much problem living here," said Walden, the retired judge.

Perhaps that's because of retailers like Bill Wilson, whose dry-goods store faces the courthouse square. Wilson spent a recent rainy day perched on his stool behind the counter, wearing a tweed hat and jacket. Ruby Garrett, the store's clerk, stood nearby. All but two of the 48-year-old store's hanging globe lights were off.

All around Wilson and Garrett lay clothing items stacked in mounds. Shoe boxes. Lingerie boxes. Hat boxes. Pants. Dress shirts. Work shirts. Bolts of material. There appeared to be three prices, generally penciled on the boxes: $9.95, $14.95 and $24.95.

Clearly, the retailing theories of late-20th-century chains and shopping malls had never been a source of merchandising inspiration for Wilson.

"Let's say you're looking for something you haven't seen in a store for 10 years. If you can't find it anywhere else, you can find it at Wilson's," said Clay Scott, publisher and editor of The Herald-News, the local newspaper.

Finding something does not mean browsing. If he allowed shoppers to wander the aisles, Wilson would have to turn the lights on. So people usually tell Wilson or Garrett what they need as soon as they come in and for the most part, one or the other can pull the item out of some pile fairly quickly.

The dressing "room" is in the back; if you aren't too tall, a stack of boxes will keep other shoppers from seeing you in your skivvies.

It may sound odd, but people quickly defend Wilson's method.

"That's the way retailers used to be," said Emberton, whose Court of Appeals office is next to Wilson's store. "Mr. Wilson goes out of his way to help you."

Several people in Metcalfe County believe that making the effort to help others is something most folks there do without a second thought.

"Very few people here would not treat you like you're their neighbor, whether they knew you or not," said Scott, "It's a very small, close-knit community."

One manifestation of that close-knit feeling is the response a visitor gets when asking about getting in touch with the HeadHunters. Without fail, the person being asked responds warmly, as if you have just asked about getting in touch with a favorite brother. People know when the group is on the road, where its members live, the first names of their wives, even the progress on the renovations of their homes.

"Well, you know, they were an overnight success after 15 to 20 years of hard work," said Sparks, who said he does some legal work for the group, "Those guys worked so hard, and when somebody does hit it like that, you're really happy that all that hard work paid off.

"And when they hit, they didn't choose to go somewhere else. They stayed in Edmonton, they married local girls * * *. They're just nice, genuine folks. Everybody's got a connection to them."

HeadHunter Richard Young, noting that the HeadHunters travel with a Kentucky state flag, returned the compliment.

"More than anything, we want people to know what a great place we're from," he said. "I travel constantly, and when I get to Kentucky, I can walk home. Metcalfe County is our base, what keeps us going, what keeps our sanity, when we're out in Timbuktu."

FAMOUS FACTS AND FIGURES

Metcalfe County is named for stonemason Thomas Metcalfe, the governor of Kentucky from 1828 to 1832. Metcalfe, known as "Old Stone Hammer," helped lay the foundation for the old Governor's Mansion in Frankfort. According to a local history, when Metcalfe campaigned in 1840 on behalf of then-presidential candidate William Henry Harrison, one town presented Metcalfe with a polished-steel stone hammer. Metcalfe considered the gift "the highest honor" and wore it swinging from his belt the rest of the campaign.

Edmonton was called Edmunton, after founder Edmund Rogers. When or why the spelling changed isn't known. Rogers, a surveyor, came to Kentucky in 1783 and laid out Edmunton around 1800.

Folks in Metcalfe County claim many of their crossroad communities were named by the old postmasters. That's true for Wisdom, Subtle and Summer Shade. But what about Goodluck? Is the mud of Mud Splash still there? Perhaps Alone was a complaint—or a wish. Alas, those postmarks are disappearing, as have another source of colorful names, the one-room schools. Who wouldn't want a diploma from the "Frog College" or "Possum Scratch" schools on the wall?

In his book "Alice, Let's Eat," writer Calvin Trillin talks about eating country ham at Porter's restaurant. The restaurant is across from the sulfur well of Sulphur Well. Trillin writes that he sampled the well water and told his companions of "my suspicion that the reputation of Porter's might rest on the fact that anything would taste good after that water." But Trilllin considered the meal "a triumph." The restaurant has changed owners, and the name has been changed to The Lighthouse, but the May 1991 issue of Travel & Leisure magazine says the country ham is worth the drive.

Population (1990): Edmonton, 1,477; Metcalfe County, 8,963.

Per capita income (1990): $10,553, or $4,412 below the state average.

Jobs (Metcalfe County, 1991): Manufacturing, 1,432; wholesale/retail, 364; services, 117; state/local government, 426; finance and insurance, 61; mining, 29; construction, 29.

Big employers: Sumitomo Electric Wiring Systems, 750; Metcalfe County Board of Education, 240; Kentucky Apparel and Laundry, 190; Edmonton Manufacturing Co., 155; Carhartt Inc., 141.

Media: Newspaper—The Herald-News, weekly. Radio—WKNK (country). Television: Cable available.

Education: Metcalfe County schools, 1,694 students.

Transportation: Air—Glasgow's Moore Field, 18 miles west of Edmonton. Nearest scheduled airline service available at either Standiford Field in Louisville, 113 miles north of Edmonton, or at Nashville International Airport, 117 miles southwest of Edmonton. Rail—CSX service available at Glasgow, 16 miles from Edmonton. Trucking—12 truck lines serve Edmonton.

Topography: Rolling hills with occasional sinkholes; the sinkholes are a reflection of the underlying limestone caves.•

RICHARD E. DISBROW RETIRES FROM AMERICAN ELECTRIC POWER

• Mr. GLENN. Mr. President, a nationally recognized leader in the electric utility industry, Richard E. Disbrow, is retiring as chairman and chief executive officer of the American Electric Power Co. at the end of April. Mr. Disbrow is the seventh chairman of the board in the 86-year history of American Electric Power. Under his leadership, AEP has taken major steps in environmental compliance and energy technology.

With Mr. Disbrow's leadership, AEP has achieved an international first by successfully converting the Wm. H. Zimmer Generating Station near Cincinnati, OH, from a nuclear to a coal-fired facility while still using a large portion of the equipment intended for the original nuclear plant. Since it began commercial operation in 1991, the Zimmer facility has received a number of awards, including the U.S. EPA's Region V Award for Excellence in Sulfur Dioxide Control.

With his direction, AEP has also advanced in the development of its clean-coal technology. AEP is now demonstrating the capability of the pressurized fluidized bed [PFBC] process at its Tidd PFBC demonstration plant near Steubenville, OH. This method has the ability to burn high-sulfur coal while eliminating 90 percent of the sulfur dioxide emissions and approximately half of the nitrogen oxide emissions.

In addition, under Mr. Disbrow's leadership, AEP has made a significant investment in development of the E-lamp, a new generation of lighting technology that was publicly introduced last year. This technology combines the light intensity of incandescent light bulbs and the energy efficiency of fluorescent lamps in a bulb with a 20,000-hour life.

Finally, Mr. Disbrow is proud of AEP's participation in U.S. EPA's Green Lights Program which encourages the nationwide use of energy efficient lighting. AEP is the largest coal-fired utility to have joined in the program and was the first electric utility to join Green Lights in six of the seven States it serves.

Throughout his 39-year career with the AEP system, Mr. Disbrow has made significant contributions to the reliability and dependability of the electric energy supply in the United States. I wish him continued success and much happiness in his retirement.•

ORDERS FOR WEDNESDAY

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 24; that following the prayer, the Journal of proceedings be deemed approve to date and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 34 (S. Con. Res. 18), the concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. WEDNESDAY

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 12:18 a.m., recessed until Wednesday, March 24, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1993:

DEPARTMENT OF STATE

WINSTON LORD, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE WILLIAM CLARK, JR., RESIGNED.

EXTENSIONS OF REMARKS

REMARKS OF GOV. ROBERT P. CASEY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. TALENT. Mr. Speaker, on March 11, 1993, I was in St. Louis, MO, where the Honorable Robert P. Casey, the Democratic Governor of Pennsylvania, delivered a thoughtful speech to the Conference on Abortion and Public Policy. Governor Casey has been a leading voice on this important issue, and I think his thoughts on abortion deserve to be heard. For this reason, I would like to submit a copy of his speech for the RECORD.

REMARKS BY GOV. ROBERT P. CASEY

All of us are joined in our conviction that abortion is a bad thing. And although many of us are Catholics, we are also joined in the conviction that abortion is not simply a Catholic concern. It's a catholic concern with the small "c"—the concern of anyone who rejects the idea of human life as a disposable commodity. The concern of anyone with eyes to see, a mind to reason, and a heart to feel.

It is not an arrogant boast, but a demographic fact, that most Americans share this conviction. Anytime the question is put squarely to them, "Do you oppose abortion on demand?" more than two out of three Americans answer yes. Asked if they favor restrictions on abortion such as we have enacted in Pennsylvania, again a majority of 70 to 80 percent say yes. Perhaps the most telling survey of all found that 78 percent of the people would outlaw 93 percent of all abortions—all but the familiar hard cases. Even in the last election, in which all sides sought to shelve the issue of abortion, exit polls revealed its central importance in the minds of most voters.

To those who favor liberal abortion policies, this persistent opposition is a mystery, a disturbing sign of something backward and intolerant in our society. Sometimes the abortion lobby pretty much concedes that Americans by and large favor restrictions on abortion—as when Pennsylvania's abortion laws were upheld by the Supreme Court. Such setbacks to their cause leave abortion advocates bewildered and alarmed, convinced that Americans still need to be "educated on the issue."

Other times—like right now—their tactic is to obscure public opinion by marginalizing the pro-life side, dismissing critics of their cause as a handful of fanatics resisting the tide of opinion. A quarter of a million people may gather to protest abortion on the Washington Mall, and if the media notice them at all, they're treated almost in a tone of pity, like some narrow fringe estranged from modern realities. As I discovered, even the governor of a major state, who holds pro-life views, can be denied a hearing at his party's convention without the national media protesting it. The success of this tactic is truly a public relations triumph, only possible in an environment which constantly marginalizes and suppresses the pro-life message. And despite 20 years of brainwashing, the American people have not been fooled. If the majority of Americans support abortion, why have three of the last four presidential elections been won resoundingly by pro-life candidates? If my position is irrelevant, then so, I'm afraid, are the views of some 80 to 85 percent of the people of Pennsylvania and the United States.

As I read the polls showing our continuing unease with abortion, nothing makes me more proud to call myself an American. Among the "herd of independent minds" who make up our opinion leaders, abortion may be taken as a mark of progress. But most Americans have not followed. In the abortion lobby's strange sense of the word, America has never been a "progressive" nation. For we know—and this used to be the credo of my party—that progress can never come by exploiting or sacrificing any one class of people. Progress is a hollow word unless everyone is counted in and no one written off, especially the most weak and vulnerable among us.

You cannot stifle this debate with a piece of paper. No edict, no federal mandate can put to rest the grave doubts of the American people. Legal abortion will never rest easy on this nation's conscience. It will continue to haunt the consciences of men and women everywhere. The plain facts of biology, the profound appeals of the heart, are far too unsettling to ever fade away.

The abortion issue has intersected with my public life from the very beginning. It started in 1966, seven years before *Roe v. Wade*.

The occasion was the Pennsylvania Democratic gubernatorial primary. New York had just passed a very liberal abortion law, and the question was, Would I sign such a law in Pennsylvania if it were to pass? My opponent's answer was that this was an issue only women fully understood; that he would appoint a women's commission to study the issue, if elected; and that he would sign such a law, if enacted, in Pennsylvania. My response was simple and unequivocal: If the law were to pass, I would veto it.

I lost that primary by a narrow margin. I am fairly certain that my abortion position hurt me, because in a Democratic primary, where turnout is relatively low, liberal voters turn out in disproportionately large numbers and thus exercise a disproportionate influence on the outcome.

The point I want to make about my decisional process in 1966 is this: I took the position against a liberal abortion law instinctively. I did not consider it to be a position dictated by my Catholic faith. As a matter of fact, the Catholic Church made it clear that it took no position in the primary. And many Catholics worked openly and actively for my opponent.

For me, the imperative of protecting unborn human life has always been a self-evident proposition. I cannot recall the subject of abortion ever being mentioned, much less discussed in depth, in school or at home. My position was simply a part of me from the very beginning.

When I was elected Governor in 1986, both my Democratic primary opponent and general election Republican opponent were pro-choice. The general election was a photo finish. When my opponent and I debated on statewide television shortly before the election, the inevitable question was asked: "If the Supreme court overruled *Roe v. Wade*, and the Pennsylvania Legislature passed a law banning all abortions except to save the life of the mother, would you sign it?" My opponent said that, while there were "too many" abortions in our country, and we should work to reduce that number, he would veto the law banning abortion. My answer was: "Yes, I would sign such a law."

My campaign people thought that my answer, with no qualifiers—no ifs, no ands, and no buts—had lost the election. I won by about 75,000 votes.

When I ran for reelection in 1990, my Republican opponent was stridently pro-choice. The abortion issue was the motivating factor behind her candidacy. She was banking on the conventional wisdom of that period—the post-*Webster* period—when the pro-choice groups tried to convince the country that women, shocked by the *Webster* decision, would rise up and drive all pro-life candidates from public life. And their message was as cruel as it was direct. The leader of the National Organization for Women in Pittsburgh said that I was sick, and would probably be dead before the election. (I had had open-heart surgery in 1987.) My opponent called me "a rednecked Irishman." The National Abortion Rights Action League released a poll purporting to show the election a dead heat when people were informed of my position on abortion. Pro-choice groups sent several dozen of their supporters to the Governor's Residence where they chanted, "Get your rosaries off my ovaries," as the television cameras whirred. And my opponent, who spent two million dollars, ran a television commercial purporting to depict a rape, to dramatize my position of refusing to recognize an exception for rape, in which it was difficult to distinguish me from the rapist.

I won by over one million votes, the largest winning margin in Pennsylvania gubernatorial political history. I am convinced the abortion issue was a key factor in that victory.

But, in between the 1986 and 1990 campaigns, I came face to face for the first time with a conflict between my personal and public position on abortion, and what I regarded as the duty imposed by my oath of office to "support, obey and defend" the Constitution of the United States. As a lawyer, I was trained to believe that the Constitution means what the United States Supreme Court says it means. The consequence of that line of reasoning was that I could not sign a law which was, on its face, in direct conflict with what the Supreme Court had decided, even when I personally did not agree with the Court's ruling.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That issue was squarely presented when our legislature, in December 1987, and before the *Webster* ruling, passed an abortion control law which required the woman to notify the father of the child. This meant the biological father, whether or not he was the spouse of the woman. The Supreme Court had already struck down as unconstitutional even a spousal notification requirement, where the biological father was the woman's husband, and the two were living together in a normal domestic relationship.

I vetoed the law, pointing to my constitutional duty, under my oath, and the futility—from the standpoint of protecting unborn human life—of passing laws which had no chance of ever taking effect to help the unborn.

This is what I said in my veto message:

"Let me restate in summary tbe distinction between personal belief and constitutional duty as it applies to this legislation. I believe abortion to be the ultimate violence. I believe strongly that *Roe v. Wade* was incorrectly decided as a matter of law and represents a national public policy both divisive and destructive. It has unleashed a tidal wave that has swept away the lives of millions of defenseless, innocent unborn children. In according the woman's right of privacy in the abortion decision both exclusivity and finality, the Supreme Court has not only disregarded the right of the unborn child to life itself, but has deprived parents, spouses, and the state of the right to participate in a decision in which they all have a vital interest. This interest ought to be protected, rather than denied, by the law. This policy has had, and will continue to have, a profoundly destructive effect upon the fabric of American life. But these personal beliefs must yield to the duty, imposed by my oath of office, to follow the Constitution as interpreted by the Supreme Court of the United States. . . .

"Most importantly, I emphasize again that we must—and we will—enact a strong and sustainable Abortion Control Act that forms a humane and constitutional foundation for our efforts to ensure that no child is denied his or her chance to walk in the sun and make the most out of life. I will sign this bill when it reaches the end of the legislative process and attains those standards."

Following the veto, my staff and I worked closely with pro-life groups and legislative leaders to draft the Abortion Control Act of 1989 within the framework of the Supreme Court cases, including the *Webster* decision. The law requires parental consent for minors, informed consent and a 24-hour waiting period. These limitations were upheld in *Planned Parenthood of Southeastern Pennsylvania v. Casey*. A spousal notification requirement in the law was struck down.

Thus, while concluding that my oath of office precluded me from signing an unconstitutional law, I also recognized a right, if not a duty, to work to change the law within the democratic process. First, by enacting a law that was designed to limit and reduce abortions within the constitutional authority of the states. Second, to speak out in favor of the protection of human life so as to influence others, including federal and state policymakers, so that they too would adopt this view.

I have described how I understood my position in 1987. But now, six years later, I feel compelled to inquire further: What exactly *is* the relationship between the rulings of the United States Supreme Court and the Constitution I am bound to uphold?

As everyone knows, the Court can be—and has been—seriously wrong. The Court erred in the case of Dred Scott. And I believe that the Court erred in the case of *Roe v. Wade*.

In this context, in this place, one cannot help but recall Abraham Lincoln's attitude toward the Supreme Court's Dred Scott decision, which he and so many others believed to be disastrously wrong.

Lincoln viewed the Dred Scott decision as, "not having yet quite established a settled doctrine for the country." A year after the decision, he said, "If I were in Congress, and a vote should come up on a question whether slavery should be prohibited in a new territory, in spite of the Dred Scott decision, I would vote that it should." Several years later, Congress did precisely that. In open defiance of Dred Scott, Congress outlawed slavery in the territories.

In his first inaugural address, Abraham Lincoln, in referring to the Dred Scott case, expressed the view that other officers of the government could not be obligated to accept any new laws created by the Court unless they, too, were persuaded by the force of the Court's reasoning. Any other position would mean, in his view, that "the policies of the government upon vital questions, affecting the whole people, [could] be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties, in personal actions." If that were to occur, said Lincoln, "the people will have ceased to be their own rulers, having to that extent practically resigned the government into the hands of that eminent tribunal."

After much thought and reflection since 1987, I must confess that I am more and more persuaded that Lincoln's view should be the standard for pro-life elected officials in 1993 and beyond.

The question I want to address tonight, then, is this: What are the responsibilities of a pro-life politician?

For no matter what the majority sentiments may be, the drift of law favors abortion. Our courts, which do not operate on majority rule, say abortion is legal, an implied constitutional right to privacy found nowhere in the text of the Constitution. For a politician like myself, opposition to abortion may thus become opposition to the existing laws one is sworn to uphold.

What then do conscience and duty require? I believe the first step is to understand that such dilemmas are not new to our day. Any man who has ever tried to use political power for the common good has felt an awful sense of powerlessness. There are always limits on what we can do, always obstacles, always frustrations and bitter disappointments. This was the drama a future president once studied in *Profiles in Courage*, a book that now seems quaint in its simple moral idealism. The founders of our country understood the limits of political power when they swore allegiance to something higher, their "sacred honor." Lincoln felt this tension when he sought to uphold the equality of men. His real greatness was in seeing that political reform alone wasn't enough; not only the slave had to be freed, but the slave owner from the bonds of his own moral blindness. Likewise, Thomas More expressed the dilemma when, faced with the raw power of the state, he declared, "I die the king's good servant but God's first." Far from being a new problem, this tension goes all the way back to the Pharisees and their challenge to declare for or against Caesar.

Just as the problem is an old one, so are the alternatives. One of these alternatives is accommodation with power, a pragmatic acceptance of "the facts." In the abortion question, this position is summed up in familiar disavowal, "I'm personally opposed, but . . ."

The hard facts—so runs this view—are against us. However we might oppose it, abortion is a sad feature of modern life. Tolerance is the price we pay for living in a free, pluralistic society. For the Catholic politician to "impose" his moral views would be an act of theocratic arrogance, violating our democratic trust. The proper and prudent course is therefore to bring change by "persuasion, not coercion." Absent a "consensus," it is not the place of any politician to change our laws permitting abortion.

I want to be careful here not to caricature this position. Some very honorable people hold it, and it is not my purpose to challenge their motives. Yet, as some politicians advance this view it does seem an evasion, a finesse rather than an honest argument. But that, so far as I am concerned, is the secret of their own individual hearts. Here I mean only to challenge the argument on its own intellectual grounds, with the presumption of good faith extended all around.

We can dispense easily with the charge of theocratic arrogance. That would certainly apply if we were trying to impose some uniquely Catholic stricture like church attendance or fast days on the general population. But the stricture to refrain from killing is not uniquely Catholic. And that, as a purely empirical assertion, is how nearly all people of all faiths at all times have regarded abortion—as killing. Just listen, for example, to Frank Sussman, the lawyer who represented Missouri abortion clinics in *Webster*.

"Neither side in this debate"—he said—"would ever disagree on the physiological facts. Both sides would agree as to when a heartbeat can first be detected. Both sides would agree as to when brain waves can first be detected. But when you try to place the emotional labels on what you call that collection of physiological facts, that is where people part company."

Or listen to former New York Mayor Ed Koch, a fellow Democrat: "I support *Roe v. Wade* wholeheartedly," he wrote in a column. "And I do it even while acknowledging to myself that at some point, perhaps even after the first trimester, abortion becomes infanticide . . ."

Or, for that matter, just listen to President Clinton speaking last month in Chillicothe, Ohio: "Very few Americans believe that all abortions all the time are all right. Almost all Americans believe that abortions should be illegal when the children can live without the mother's assistance, when the children can live outside the mother's womb."

By referring to the unborn as "children," the President was not making a theological claim; he was just putting all the physiological facts together. The same is true when we say abortion "kills." We don't say it in meanness. It's a unique kind of killing, for the motive may not be homicidal; it may be done in ignorance of what actually is occurring. We reserve a special compassion for women who find themselves contemplating abortion. But as an objective fact, that is what abortion is, and so mankind has always regarded it. Science, history, philosophy, religion, and common intuition all speak with one voice in asserting the humanity of the unborn. Only our current laws say otherwise.

So much for theocratic arrogance. That is the more obvious fallacy underlying the "personally opposed, but . . ." line of reasoning.

But I believe it arises from a deeper intellectual confusion. It confuses prudence with pragmatism, and mistakes power for authority.

Prudence we all know to be a virtue. Classical thinkers rated it the supreme political virtue. Roughly defined, it's the ability to distinguish the desirable from the possible. It's a sense of the good, joined with a practical knowledge of the means by which to accomplish the good. A world in which every unborn child survives to take his first breath is desirable. But we know that such a world has never been. And prudence cautions us never to expect such a world. Abortion is but one of many evils that, to one extent or another, is to be found at all times and places. Men can make good laws, but laws cannot make men good.

But the point is that after facing up to such facts, the basic facts of our human condition, prudence does not fall silent. It is not an attitude of noble resignation; it is an active virtue. The voice that says, "Ah, well, there is no consensus. We must take the world as it is. There is nothing further to be done"—that is not the voice of prudence. It is the voice of expediency.

Prudence compromises—it doesn't capitulate. It's tolerant, but not timid.

Prudence asks: "If there is no consensus, how do we form one? What means of reform are available to us? How, lawfully, can we change the law?"

And here is where the difference between power and authority comes in. In the best of worlds, the law commands both. The law confers power or rightful authority, and invests authority with power. The integrity of our laws rests on a continuity, a corpus juris reflecting the accumulated experience of our civilization. Laws are the conventional application of permanent principles. And if democratic government depends on any one central idea, it's that raw power alone, laws that flout those permanent principles, cannot command our respect. Our obedience, yes. Our allegiance, no.

Alexander Hamilton put it this way: "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of Divinity, itself; and can never be erased or obscured by mortal power." Even the more secular-minded Thomas Jefferson agreed: The "only firm basis" of freedom, he wrote, is "a conviction in the minds of people that their liberties are the gift of God."

American history has had its dark moments, but only twice has this principle been radically betrayed. Only twice has mortal power, using the instrument of the law itself, sought to exclude an entire class of people from their most sacred human rights.

This place in which we meet today marks the first time.

One hundred and thirty-six years ago, a human being was declared a piece of property, literally led off in chains as people of good conscience sat paralyzed by a ruling of the court.

The other time was January 21, 1973. An entire class of human beings was excluded from the protection of the state, their fate declared a "private" matter. That "sunbeam" Hamilton envisioned, the Creator's signature on each new life, was deflected by human hands. No one has ever described what happened more concisely than Justice Byron White in his dissent. It was an act of "raw judicial power"—power stripped of all moral and constitutional authority.

Roe v. Wade was not, then, one more natural adaptation in our constitutional evolution. It was not like *Brown v. Board of Education*, a refinement extending law and liberty to an excluded class. Just the opposite: It was an abrupt mutation, a defiance of all precedent, a disjuncture of law and authority. Where we used to think of law as above politics, in *Roe* law and politics became indistinguishable. How strange it is to hear abortion now defended in the name of "consensus." *Roe* itself, the product of a contrived and fraudulent test case, was a judicial decree overruling a consensus expressed in the laws of most states. It arose not from the wisdom of the ages or from the voice of the people, but from the ideology of the day and the will of a determined minority. It compels us to ignore the consensus of mankind about the treatment of the unborn. It commands us to disregard the clearest of Commandments. After twenty long years, the people of the United States have refused to heed that command.

Roe v. Wade is a law we must observe but never honor. In Hamilton's phrase, it's a piece of "parchment," a musty record bearing raw coercive power and devoid of moral authority. It has done its harm and will do much more. But those who say we must learn to live with it still don't get it. Ultimately, *Roe* cannot survive alongside our enduring, unshakable sense of justice. It is no more permanent than any other act of human arrogance. It is no more unchangeable than the laws which sent Dred Scott back to his master.

This has been the generation of what Malcolm Muggeridge called "the humane holocaust." The loss can never be recovered. Indeed, it can't even be calculated. Not even the familiar statistic—1.6 million a year—begins to express the enormity of it. One person's life touches so many others. How can you measure the void left when so many people aren't even permitted to live among us?

The best we can do is change what can be changed, and, most importantly, stay the course.

And there is no need to wait for some political consensus to form. That consensus is here, and it grows every time someone looks for the first time at a sonogram. It needs only leaders—prudent, patient leaders. It doesn't need apologists to soothe us into inaction. It needs statesmen who will work for change—change here and now.

So, we must ask ourselves, what must the role of the pro-life public official be in 1993 in the face of the catastrophic human carnage of abortion?

Let me be specific.

First, relentless, outspoken opposition to passage of the so-called Freedom of Choice Act.

Second, continuous effort to expand and enlarge the protection of human life in state and national laws and policies.

Third, a continuous drumbeat of public expression which makes the American people confront the facts about abortion in all of its evil.

Fourth, advocacy of a New American Compact in this country which seeks to involve all public and private institutions in a fight for policies and programs to offer women meaningful alternatives to abortion and to offer children and families the help they need to live decent, healthy and happy lives.

Fifth, political action which challenges both major parties and their candidates to protect human life and works for change in national elections.

The need for constancy, activism and relentless effort cannot be overstated. In light of recent events, there is no doubt that this country faces a crisis of awesome dimensions.

National commentators want to treat this issue as settled. We can never let them get away with that. This issue will never die. It will never be "over."

We live in a time of anarchy—when those who claim the right to choose deny pro-life advocates the right to speak. Our voices must be even more determined in response.

In summary, the role of the public official must be to lead—to stand up and say to the people of this country who believe in protecting human life: Press On!

Let this, then, be our clarion call, our call to arms, the keynote of this gathering: Press On!

TRIBUTE TO MARGARET WEGNER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a special individual, Margaret Wegner, from Midland, Michigan. Margaret is being honored at the Midland Exchange Club's "Book of Golden Deeds" presentation. As I describe to you Margaret's contributions to and involvement in the community, you will see why she is so deserving of this honor.

Margaret has been a hardworking and generous individual, giving unselfishly of her time to benefit the Midland County Fair Board. The first woman elected President of the Midland County Agricultural and Horticultural Society in 1980 (as the Fair Board is formally known), she is now in her 13th term and is instrumental in organizing the Midland County Fair. There are hundreds of details that go into organizing this event each year, over which Margaret has shown incredible mastery.

Margaret has been responsible for the master plan and upgrading of the fairgrounds. She implemented the purchase of 40 additional acres of property, saw the completion of a new water system for the grounds, and supervised the construction of two livestock buildings and the Hugh Glover arena. She has also computerized the managing facilities.

Margaret's ongoing commitment and dedication to the betterment of the fair allow for hundreds of hours of enjoyment for the people of Midland County. She is a leader in the Larkin Livestock 4–H group and an advisor to the Junior Fairboard, a group of teen-agers who serve as an advisory panel to the fair association's Board of Directors. Through the 4–H, Margaret acts as a liaison among the different age groups attending the fair to see to it that all needs are met.

Margaret is an outstanding role model that others look to because of her community dedication and involvement. She states that she does her work "for the kids." She strongly believes that children need good direction and encouragement—two characteristics that are vital elements in the building blocks of our communities.

Mr. Speaker, Margaret Wegner is truly a remarkable individual. I know that you will join with me in congratulating Margaret on receiving this truly outstanding recognition and wishing her success in future endeavors.

RECYCLING MARKETS IN WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, on February 3, I entered into the RECORD a report on recycling markets in western North Carolina prepared by the Western North Carolina Environmental Council. The end of the report, however, which included the council's recommendations, was mistakenly excluded. I would like to have those recommendations entered into the RECORD at this time:

RECYCLING MARKETS IN WESTERN NORTH CAROLINA

III. RECOMMENDATIONS

Resulting from the presentations given to the Western North Carolina Environmental Council, the sub-committee formulated the following recommendations concerning recycling:

1. Both federal and state governments should pursue alternatives to traditional regulation. Change the primary emphasis of government environmental agencies in dealing with small business from regulator to ombudsman/consultant.

2. To encourage the use of new technologies, restore research and development tax credits at both the state and federal levels.

3. Investigate methods of long-term storage and segregation of used tires until such time as a cost-effective recycling process has been developed.

4. Encourage the purchase of compost equipment by providing tax credits to individuals, businesses, or local governments who utilize such equipment to process yard refuse.

5. Encourage industries and utilities to reuse parts of the waste stream as fuel to offset use of natural resources by publicizing cost-effective, environmentally benign programs that have been used successfully in the past.

6. Review Federal Procurement Specifications and state generated standards to ensure that they do not inhibit use of recycled materials (e.g., use performance-oriented requirements).

7. Increase government purchase of recycled goods.

8. Encourage industries with incentives to develop comprehensive programs such as Dayco's.

9. Institute a moratorium on new legislation impacting recycling until existing regulations can be implemented and tested.

10. Increase public awareness of the impact of existing governmental positions and of the status of solid-waste disposal systems in North Carolina. The state could contact a number of residents by including an educational mail piece in on-going state mailing such as tax forms.

11. Encourage firms to conduct waste-stream analyses by publicizing the waste reductions and cost savings achieved by companies who have performed audits.

IV. CONCLUSION

Federal, state and local governments are reviewing their respective roles in the management of municipal solid waste. According to the Congressional Research Service, reauthorization of the Resource Conservation and Recovery Act, the Nation's principal law regulating the management of solid and hazardous waste is one of the top environmental priorities of the 102nd Congress. The CRS says, "The key issues in the RERA debate concern the management of municipal solid waste. About 70% of MSW goes to landfills, but the number of active landfills has declined from 20,000 in 1979 to fewer than 6,000 today (McCarthy 1)."

States are considering mandatory recycled content legislation; and local governments must continue to cope with public objections to landfills and incinerators. Within this broad setting, the recycling industry plays a small role.

However, Russ Duffner holds the view that, "The best thing for a recycling market is to keep government out of it." He continued, "Simple government regulations change the whole market-place." Even the federal Office of Management and Budget concedes:

"Traditional formal rulemaking procedures may not always be the best tools available to EPA to accomplish its goals of reducing environmental risk and protecting human health.

"(The) EPA will continue to experiment with negotiation and other forms of consultation to enable all interested parties to participate more fully in environmental rulemaking" (OMB 514).

To quote J. Winston Porter:

"Aiming for unrealistic recycling rates will not only discourage the public, but may lead to a fool's paradise where needed landfills and waste-to-energy facilities are dismissed. A national goal of 25–30% recycling is plenty ambitious for now. Also, we need to understand that local recycling rates will vary significantly due to market conditions as well as costs of local waste management alternatives.

"We've got a good thing going in recycling. Let's ride this wave awhile and see what we can rationally do before trying to further legislate the law of supply and demand" (Environmental Science and Technology September 1991).

ESSAY BY KENDRA TRACY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. HUNTER. Mr. Speaker, I am proud today to insert into the CONGRESSIONAL RECORD an essay written by a very special constituent, Kendra Tracy. Kendra is making her first visit to our Nation's Capitol with the Lakeside Middle School. Her essay is a very touching explanation of why she would like to represent her school in the wreath ceremony at the Tomb of the Unknown Soldier. I urge my colleagues to read Kendra's essay as she talks of her grandfather and grandmother and all others who have sacrificed for our country. It is indeed a wonderful essay.

ESSAY BY KENDRA TRACY OF LAKESIDE MIDDLE SCHOOL

There are three main reasons that I would like to represent Lakeside Middle School in the Wreath Ceremony at the Tomb of the Unknown Soldier. Each of them is very important to me. I would be very proud to be allowed to be a part of the ceremony.

My first reason is that my grandfather served in the Navy during World War Two. He was stationed on a ship in the South Pacific. My grandfather lost a lot of good friends, many who were lost at sea and never buried so that their families could visit them. My grandfather was never able to visit the Tomb of the Unknown Soldier, and I would like to do this for him.

My grandma served in the Army during World War Two, working as General Patton's secretary. She was with General Patton in Germany, and knew many people who never came home from that war. A lot of those people are buried somewhere in Europe in unmarked graves. One of her friends could be the unknown soldier who represents those lost in the 2nd World War. My grandma would be very proud if I was able to place the wreath on the Tomb of the Unknown Soldier.

I know how sad it must be for the people who have lost someone in a war and do not have a grave that they can visit when they need to feel close to that person. It's tragic enough that their loved ones died far away from home while serving their country. After what those soldiers went through, and after they've given their lives for their country, they deserve to have a place where their families can come. It's sad that most of these families aren't able to visit the Tomb of the Unknown Soldier. I would be proud to represent these families by honoring their heroes at the Tomb of the Unknown Soldier.

These are my reasons for wanting to be in the Wreath Ceremony at the Tomb of the Unknown Soldier. I would be representing my grandfather, my grandma, and the many families who have lost someone in the war, as well as Lakeside Middle School. It would be a great honor, one that I'd always remember proudly.

RADIO FREE EUROPE/RADIO LIBERTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. SOLOMON. Mr. Speaker, freedom and independence in Russia and Eastern Europe are not yet assured. As the recent events in Russia have so clearly displayed, the democrats in that part of the world still live a precarious existence. The Russian ex-Communist nomenklatura is resurgent, desperately clinging to what power it still has and longing to regain that which it has lost. A victory by these forces could have extremely deleterious consequences not only for Russia, but for all of the former Soviet empire.

This is why I consider efforts to consolidate away the existence of Radio Free Europe and Radio Liberty to be such utter folly. It is by now well known what a key role these organizations played in lighting the way to freedom for the former prisoners behind the iron curtain. The efforts of RFE/RL have been lavished with praise by such notables as Lech Walesa, Vaclav Havel, and Boris Yeltsin. The Estonian Foreign Ministry has even nominated RFE/RL for a Novel Peace Prize.

The broadcasts of RFE/RL were for years the only source of truth for those who endured the long night of communism. RFE/RL correspondents are afforded the highest levels of trust by politicians, journalists, and the general public in that part of the world. Less known, but no less important, is RFE/RL's unparalleled research and analysis ability. For years, scholars, journalists, and Western policymakers have relied on RFE/RL's research reports as an invaluable source of information on Soviet and East European developments.

Now, however, it seems as though the Clinton administration and Senator RUSS FEINGOLD no longer see the need for this unique and invaluable organization. I could not disagree more. Those forces in Russia that have recently been on the ascendancy have already moved to take some of the media under their thumb. Some hardliners there have called for jamming Radio Liberty again. What is this other than proof that Radio Liberty is still doing something right?

In many of the other former Soviet Republics, especially in the Caucuses and Central Asia, the free press still does not exist or, at best, is one decree away from extinction. Slovak Premier Meciar has tried to intimidate the nascent free press in his country. And, of course, Serbian strongman Slobodan Milosevic has used iron-fisted control of the press to stoke the ethnic embers of the Balkans.

The repression in Yugoslavia and Bosnia has led some to call for the establishment of RFE service in the Balkans. My esteemed colleague HELEN BENTLEY of Maryland has once again sponsored a bill to establish a Radio Free Asia. Mr. Speaker, I ask you, would not it be easier to implement both of these sensible ideas if RFE/RL retained its independence, instead of going through a wrenching consolidation process which would suck it into the labyrinth of the State Department bureaucracy?

Several leading authorities on this subject have registered their opposition to this idea. Former U.N. Ambassador Jeanne Kirkpatrick argued forcefully in a March 8 Washington Post article for retaining the independence of RFE/RL. Likewise, the noted historian and Soviet scholar Walter Laqueur devastated the idea of abolishing the independence of RFE/RL in a March 4 article in the Wall Street Journal. Also, last week, right here in these halls, Yelena Bonner, the heroic human rights activist in the former Soviet Union, said that the disestablishment of Radio Liberty would be a big mistake. Mr. Speaker, you just could not get a more enlightened opinion on this subject than Yelena Bonner's.

Yes, the cold war is over. Yes, all budgets must come under intense scrutiny in this time of record deficits. But the efforts of the Clinton administration and Senator FEINGOLD are hasty and premature. Both the broadcasting and research arms of this unique organization can still play a key role in assisting the democratic transformations in the former Soviet Union and Eastern Europe.

Mr. Speaker, I would like to insert into the RECORD the aforementioned articles by Ambassador Kirkpatrick and Mr. Laqueur:

NEEDED THEN, NEEDED NOW: RADIO FREE EUROPE AND RADIO LIBERTY GIVE INFORMATION ABOUT INTERNAL AFFAIRS THAT IS ESPECIALLY USEFUL DURING THIS TRANSITION TO DEMOCRACY

(By Jeane Kirkpatrick)

Once again the most successful international information-broadcasting programs ever run by the U.S. government are facing extinction. The Clinton administration is planning to phase out Radio Free Europe and Radio Liberty this year.

From their founding in 1949 and 1951, Radio Free Europe (which broadcasts to Eastern Europe) and Radio Liberty (which broadcasts to the Soviet Union) have had a precarious, controversial, gloriously successful existence—and made some powerful enemies. The diplomats of the State Department have always found them a nuisance and an interference with the department's management of foreign policy. The myth makers who saw Communist repression as a higher form of liberation have found the "radios" a dangerous provocation. The bureaucrats of the United States Information Agency have simultaneously envied the freedom and coveted the budgets of Radio Free Europe and Radio Liberty. Only their audiences have been enthusiastic about these independently run, U.S.-financed radios.

By now, so many leaders of so many new democracies in Eastern Europe have heaped so much credit on Radio Free Europe and Radio Liberty that no one publicly questions their essential contribution to ending the Cold War. Lech Walesa, now the president of Poland, described RFE as indispensable to Solidarity: "The degree [of RFE's importance] cannot even be described. Can you conceive the Earth without the sun?" And Vaclav Havel, now president of the Czech Republic, said of RFE, "You are the surrogate of the free and independent communication media that ought to exist over here, but don't." With this comment Havel described the radios as being exactly what they are intended to be: surrogates for providing the indigenous news and information that would have circulated in Eastern European and Soviet societies had they not fallen under totalitarian controls.

But who needs surrogate media now that the Cold War is over? Can't the countries do the job themselves? Can't the Voice of America do the job, as recommended by a presidential commission that reported to George Bush in August 1992? Its chairman, Tom C. Korologos, concluded, "RFE/RL served the country well, but with political changes, these programs increasingly resemble those of the Voice of America." Apparently, the Clinton administration agrees with George Bush and his commission that the radios have outlived their usefulness.

I believe the presidential commission and the Clinton administration are mistaken when they conclude, first, that the radios are no longer needed, and, second, that the Voice of America can do the same job anyway.

The Cold War is over, but democracy is not yet firmly rooted in formerly Communist societies. Information, news and public discussion are needed now in this time of transition. The radios can fill this need while local independent journalists and media are developing.

The VOA does not and cannot do the same job as RFE and RL. It does not provide news and information from inside the countries it serves, but works from American perspectives and policies. But it is information about internal affairs that is especially needed in this time of transition to democracy.

Studies in 1991 of the two U.S.-sponsored broadcasting systems make the point: A random sample of RFE programs in Hungary found that they devoted more than 42 items, or 40 percent of their first-run broadcast time, to Hungarian affairs, as compared to three items, or 4 percent, of VOA's first-run time. A comparable survey of Russian broadcasting revealed the same pattern. VOA dealt mainly with American topics, but 85 percent of RL's day had a Soviet focus. It is this local focus that makes the broadcasts of the independent radios more interesting and believable to Hungarian and Russian audiences.

RFE and RL will not be needed in Eastern Europe forever, but they are needed now while democratic media take root in the countries that they have served for four decades. And they are urgently needed now in the former Yugoslavia to provide reliable information and news to these societies closed by repression and torn by war.

That is not all. If the Clinton administration is seriously committed to strengthening and extending democracy, then it will want Radio Free Asia to do for China, Tibet, Vietnam, Burma, Laos, Cambodia, and other closed Asian countries what RFE and RL did for Eastern Europe. That will require an approach like that of RFE/RL. It will not be achieved with a cautious approach fashioned inside the U.S. government. It is not a job for the Department of State—or any other foreign office. It is a job for an independent agency with its own priorities.

The incompatibility of conducting foreign policy and running international broadcasting led the British to make the BBC World Service an independent agency. Should the Clinton administration desire to make a substantial, substantive contribution to the quality of U.S.-financed international broadcasting, it should consider moving the Voice of America out of the U.S. government rather than phasing out Radio Free Europe and Radio Liberty.

THE DANGERS OF RADIO SILENCE

(By Walter Laqueur)

Last week in Moscow a collection of essays was published devoted to vilifying Radio Liberty, the Munich-based broadcasting service that beams into the former Soviet Union. One essayist called Radio Liberty a "tool of Satan scheduled to destroy the world."

In the olden days, these campaigns were launched by the Communist Party of the Soviet Union. Now they are sponsored by the extreme nationalist, antidemocratic forces in the Russian capital. Meanwhile, the Moscow group that functions as the propaganda center of this political camp has called for the renewed jamming of Radio Liberty and its sister station, Radio Free Europe.

These demands are perfectly logical. Radio Liberty and Radio Free Europe played an enormous role in the outcome of the Cold

War. Now they are the main bulwark against the strong forces opposing democratization in the newly independent states of the former Soviet Union and in Eastern Europe.

These forces are gaining strength. Because of terrible economic difficulties, antidemocratic extremists are once again trying to control the flow of information in these regions; independent newspapers and TV stations in Russia, Ukraine and elsewhere have been forced to shut down for lack of funds. Yesterday's Communist Party officials, together with some defectors from the democratic camp, feel that victory is in their grasp.

PHASE OUT THREATENED

The greatest danger facing the Munich radios, however, comes from Washington, not Moscow. The new administration apparently wants to close the stations. Mid-level officials, it has been reported, have decided to phase out Radio Liberty and Radio Free Europe by 1994 and 1995 through a process of "consolidation" and "streamlining," as outlined in the president's economic plan. The Cold War, they argue, is over, and in any case the Voice of America can take over America's broadcasting tasks.

The two radios never had an easy life. In the 1970s, Sens. William Fulbright and Frank Church tried to close them down and almost succeeded. They thought Leonid Brezhnev would be annoyed by the broadcasts. According to official guidelines issued in the 1970s, the radios "had no mandate to advocate the establishment or disestablishment of any particular system, form of state organization, or ideology in the areas to which they broadcast." How the radios survived I do not know, but survive they did. Nor were they deterred by a few bombs at their broadcast facilities or by the infiltration of some KGB agents.

The new administration's apparent decision to shut down the stations—a decision that requires an executive order to become official, or an act of Congress—is based on several misunderstandings. One is purely tactical. It assumes that closing the stations would result in major savings in the near future. But the entire cost of the stations is negligible as these things go; it is less than the cost of one F-16 airplane, a fraction of the cost of a submarine. Moreover, the stations have contractual commitments that they cannot discard from one day to the next.

In any case, potential savings, or a lack of them, should not be the decisive issue. If the radios do not fulfill a useful function any longer, they should be closed down irrespective of the fact that only the next administration's budget will feel the benefit. On the other hand, if geopolitical realities warrant their continued existence, they deserve the relatively small amount of money their operations require.

In my view, the present situation in Eastern Europe and in the former Soviet states is critical and more than justifies a commitment to America's Munich-based radios. That this critical situation has a direct bearing on U.S. security and interests is known to President Clinton, at least in general terms. In a speech last Friday he said that if America had been willing to spend trillions of dollars to ensure communism's defeat in the Cold War, "surely we should be willing to spend a tiny fraction of that to support democracy's success where communism failed."

Unfortunately, it is not at all clear that the president, his chief advisers and legislators like Sen. Russ Feingold (D., Wis.), who has introduced legislation to "consolidate" the radios, know about the seriousness of the situation in the East. And how would they? I doubt whether there are more than seven or eight analysts in this country closely following the antidemocratic forces in Eastern Europe and Russia right now. None of them is in government. If tomorrow the president wanted a full and reliable report on this threat, he would not get it from the State Department or the CIA. The only place where this information is available (as any Russian expert would tell him) is the research department of Radio Liberty in Munich, the very entity his administration wants to "consolidate" and "streamline" out of existence.

But why continue the radios, some ask, if they overlap with the Voice of America? This question betrays yet another misunderstanding. There is no overlap. The task of VOA is, to put it inelegantly, to "sell America." The assignment of the Munich radios is to act as a surrogate source of information in countries where the media are not yet free—or where their freedom is threatened. This troubling media-condition can be found in all of Eastern Europe and the former Soviet Union, with the possible exception of the Czech Republic, Bulgaria, Slovenia and perhaps one or two others—out of 27 countries. VOA has many merits, but its direct political impact in Russia and Eastern Europe is almost nil, whereas that of the Munich radios is immense.

What is more, the Munich radios have built up an unrivaled network of correspondents and a unique research library that VOA does not need and cannot use. In any case, the division of labor between the two operations is obvious; the attempt to abolish it would probably ruin them both.

TIME IS RUNNING OUT

Democracy does not have that many weapons against its enemies. Why destroy the few that exist, especially two that have proved themselves so effective in the struggle against tyranny? If a proposal to end the radios had been mooted two or three years ago, it would still have been wrong but at least superficially plausible: The Cold War seemed over, the end of history was at hand. Today Eastern Europe and Russia face a critical period that may decide their fates and that of the world for years to come. To a certain extent America can influence the current struggle, but time is running out fast.

What has the new administration done so far? Short of an executive order or congressional action eliminating the radios, it has made a "negative" decision not to back them. And yes, it has appointed a "coordinator" for its policy vis-a-vis Russia. Poor man, he is likely to coordinate a policy and a budget that will not exist.

LANL FINDS HAPPY UNION WITH PRIVATE SECTOR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. RICHARDSON. Mr. Speaker, I commend to my colleagues the following article from the Santa Fe New Mexican regarding the future of Los Alamos National Laboratory. As one of the Nation's premier nuclear weapons research facilities, Los Alamos has an impressive record of achievement. In these days of defense cutbacks, I am pleased to report that Los Alamos has found ways to diversify and utilize the unique talents of the men and women employed there.

As the article illustrates, Los Alamos will retain its commitment to basic science and maintenance of the nuclear weapons arsenal, but lab scientists have also branched out into energy research and development and environmental restoration and management activities. By utilizing cooperative research agreements, Los Alamos and other national laboratories have proven their value to the future of American research and development. I urge my colleagues to read the article that follows.

LANL FINDS HAPPY UNION WITH PRIVATE SECTOR

(By Ann Lolordo)

LOS ALAMOS.—Twice a year, a Maryland biotechnology company's top researcher visits a mountaintop compound here—the birthplace of the atomic bomb—to provide updates on a joint venture that could reduce a day's work mapping human genes to seconds.

The unusual venture links John D. Harding of Gaithersburg, Md.-based Life Technologies Inc. with scientists at one of the nation's top nuclear weapons laboratories. And that blending of skills and lab techniques could revolutionize technology and profits in the drive to tie nuclear weapons architects more closely to business.

The legacy of the Los Alamos National Laboratory has been the Manhattan Project and 50 years of nuclear weapons research, but its future might increasingly depend on linking nuclear, computer, laser and other technologies to the needs of commerce.

President Clinton wants three nuclear weapons labs—Los Alamos, Sandia and Lawrence Livermore in California—to earmark 20 percent of their budgets for research not connected to weapons and that can be transferred to industry.

Los Alamos officials say their lab can meet that challenge. About 40 percent of its $1.1 billion budget involves nonweapons research, including mapping human genes, disposing of nuclear materials and detecting fingerprints with gold flecks. But only about 3 percent of the budget goes to public-private ventures.

"We want American industry to recognize these labs, which they have felt have been closed to them" said Michael G. Stevenson, Los Alamos' associate director for energy and environment. "We want them to recognize our value."

But Lawrence J. Korb, a defense policy specialist at the Brookings Institution in Washington, is concerned that nuclear weapons experts might be making decisions better left to marketing executives.

"It's an agency like any government bureaucracy trying to stay in business after their basic job is over," Korb said. "You have to realize those folks may understand how to blow up the world, but they don't know what you and I want to buy."

Edward A. Knapp, a former director of the National Science Foundation, summarizes the lab's challenge this way: Can scientists skilled in basic research meet the specialized needs of industry?

"It can be done, but it will be hard," said Knapp, who heads the Santa Fe Institute, an interdisciplinary research forum. "I don't think there are any opponents to making the shift. I think there are people who are very worried about having some competency in nuclear technology in case the world became a hot spot again."

Los Alamos officials say their commitment to basic research will continue and that the labs will remain "stewards" of the nuclear weapons arsenal. Their priorities, however, will shift toward maintaining the weapons arsenal and, more importantly, toward cleaning up their own nuclear waste dumps, which it is estimated will cost $100 billion and take decades to complete.

Amid the pinons and cedars of the Jemez Mountains, LANL scientists are working to harness energy from hot rocks at the earth's core, to virtually eliminate the radioactivity of nuclear wastes and to track the movement of radioactive material in air, water and soil.

Supercomputer software once used to determine the ability of a projectile to pierce armor is being adapted to research and transport and storage of nuclear materials, oil exploration and chemical refining.

In the past two years, LANL has entered into 35 research and development agreements worth about $89 million, a cost shared by the lab and its corporate partners. Those partners include big companies such as Hughes Aircraft Co. and small ones such as Life Technologies.

"The labs have gotten off to a very fast start. They have gone out and solicited cooperative working arrangements with industry," said Rep. George E. Brown Jr., D-Calif., chairman of the House Committee on Science, Space and Technology. "What we don't have at this point is a measure of how successful they have been in terms of transferring technology" to develop products and create jobs.

But Los Alamos has not been in the technology transfer business that long. Most cooperative research agreements were signed last year and cover two to three years.

And the lab has yet to undergo what its director, Siegfried S. Hecker, calls "a business revolution," a fundamental change in the way officials manage the lab's operations.

"There are not many people in the lab that understand the commercial culture of a business corporation," Brown said.

In recent years, Los Alamos' fledgling industrial partnerships have earned a small amount in royalties through such licensing agreements—about $100,000 annually. But officials say the payoff to lab scientists is usually in research dollars rather than royalty checks.

If lab scientists seek big money, they usually leave the federal payroll to start their own businesses, officials say. At least 38 spinoff companies, almost all in the Los Alamos area, have been formed by former lab researchers. Their work includes selling computer security technology to banks, manufacturing propane valves and marketing lasers.

TRIBUTE TO MONSERRATE FLORES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. SERRANO. Mr. Speaker, it is with great joy that I rise today to pay tribute to my dear friend Monserrate Flores, a man who will return to Puerto Rico this summer after having exerted outstanding community leadership in New York for the last 37 years.

Monserrate Flores arrived on the United States mainland at the age of 19 just at the end of World War II, when the return of U.S. service men and women brought unemployment to a post-depression peak. His first jobs were simple ones: washing dishes for a local hotel, distributing telephone directories, and working as the only Puerto Rican employee of the Ronay Handbags Corp. at a salary of $24 per week. By dint of hard work and dedication, Monserrate rose to become production manager at Ronay for a work force of 100 employees.

Monserrate Flores' activist career began in 1956, when he and several other members of the Puerto Rican community began organizing the first New York Puerto Rican Parade, which was held in 1958. Around that same time he joined the Spanish American Representation Movement, was soon elected chairman of the Bronx chapter, and later became the organization's national president.

While leading a fundraising drive in New York for a hospital in his hometown of San German, PR, Monserrate Flores discovered that a great many people from his hometown were living in New York. Impressed by their public spiritedness, he organized many of them into the Sociedad Civica de Sangermenos Ausentes, a civic society comprised of New Yorkers from San German.

Mr. Speaker, in 1960 Monserrate Flores helped found and was later elected the first president of United Organizations of the Bronx [OUB], a federation of Hispanic organizations that very soon proved to be one of New York's most valuable public interest organizations.

Under Monserrate Flores' leadership the OUB undertook a number of important initiatives with lasting impact, such as a successful drive to end capital punishment in New York State, and a police-community program to provide bilingual translators to local police precincts that has attained permanent status in the New York City Police Department. The OUB runs a blood bank which serves the entire United States and has been rated by the American Red Cross one of the best organized blood banks in the world. The organization also sponsors a 361-unit housing complex called OUB Gardens.

In 1962 Monserrate Flores, as president of the OUB, acted upon community complaints to launch an intensive investigation of the old Lincoln Hospital. The investigation revealed that the services being rendered by the hospital were well below acceptable standards, that the building itself was inadequate, and that the hospital's community advisory board did not include and was not accessible to Hispanics and African-Americans.

Monserrate Flores pressed for sweeping changes at Lincoln Hospital, and succeeded in instigating the hospital's reconstruction, and in having Dr. Nasry Michelen appointed the hospital's executive director—the first Hispanic executive director affiliated with the the City of New York. Monserrate himself was the first Hispanic appointed to the community advisory board and became the board's chairman.

When Dr. Michelen left Lincoln Hospital in 1969, the commissioner of the Department of Hospitals appointed Monserrate head of the search committee, but then inexplicably rejected Dr. Antero Lacot, the candidate the search committee, the medical board, and all local community groups endorsed.

Mr. Speaker, Monserrate Flores defied a court restraining order and led 500 citizens of the community in a takeover of the hospital that ultimately led to then-Mayor Lindsay overruling the hospitals commissioner and appointing Dr. Lacot the new administrator of the hospital.

In 1972 Monserrate Flores resigned as chairman of the Lincoln Hospital Advisory Board to develop a comprehensive election plan for a new community advisory board. After the election he joined the hospital administration as director of community and public affairs. From that time until he joined Metropolitan Hospital in 1990, Monserrate Flores developed innumerable constructive innovations, including the Patient Advocate Program, which he directed until July 1990 and which was used as a model for hospitals throughout New York City.

Mr. Speaker, over the years Monserrate Flores has been a consistent voice for the people. From 1964 to 1975 he produced a daily 15-minute news and commentary program for a local radio station. He has been a frequent columnist for newspaper in New York and Puerto Rico, and for many years was the editor of a weekly newspaper called Pueblo.

He was the first director of community affairs for the school that was later to be called Hostos Community College. He served as a special liaison between Governor Rockefeller, the Puerto Rican community in New York and the Governor of Puerto Rico. He served on the board of directors of the Metropolitan Museum and the U.S. Selective Service System. He was twice elected assembly Democratic leader for New York's District 73.

Mr. Speaker, Monserrate Flores is the recipient of over 300 awards, including the John F. Kennedy Award, the Roberto Clemente Award, and the Distinguished Service to the Nation Award, which was presented by President Gerald Ford. He was appointed to the Equal Opportunity Housing Commission by President Richard Nixon, and was sought by President Jimmy Carter for advice on urban affairs.

In summary, Mr. Speaker, Monserrate is a giant of New York's Hispanic community whose accomplishments can be and are appreciated across the Nation. I am personally very grateful to him for all the wisdom and leadership and love that he has shown me.

I hope my colleagues will join me in paying tribute and wishing the best of luck to this very special man.

TRIBUTE TO MAUREEN STANLEY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a special individual, Mrs. Maureen Stanley, from Laingsburg, MI. Maureen is being honored as the 1992 Teacher of the Year by the Corunna Public School System.

Maureen has been active in teaching for 20 years, and has served in her current position for 10 years. She has taught in many different areas within the high school since 1981, including pre-school, 5th grade, elementary special education, chapter 1 reading and high school special education. With a concentration in special education, Maureen has contributed much throughout her career to the special needs children of the Corunna school system.

Her educational achievements are many. Beginning with graduation from Owosso High School in 1969, she then went on to obtain a B.A. from Central Michigan University, and an M.A. from Michigan State University. She has also completed pre-med requirements while attending Michigan State, the University of Michigan, and Oakland Universities.

Maureen's involvement goes beyond the classroom. She has been a part of the respiratory therapy team at the Owosso Health Care Center for many years. She is also involved with the American Cancer Society, United Way, Students Against Drunk Drivers, and adult literacy programs. She is also very supportive of a number of her students outside of the classroom as she is the high school coach for the pom-pom squad and the girl's varsity tennis team.

In addition to all of this, Maureen enjoys time with her family, which includes her husband Paul, two stepchildren Melissa and Penney, and her 100-pound English Lab. She and her family enjoy such hobbies as sports, reading, travel, and photography.

Maureen has provided leadership and direction for the students of the Corunna Public School system, and her contributions will reach far beyond their childhood and adolescent years. Through her immeasurable commitment and dedication, Maureen has become a trusted individual to the friends and families of students throughout the area. She continues to actively give of her time towards the betterment of the community through her dedication to education.

Mr. Speaker, Maureen Stanley is truly an amazing individual. I know that you will join with me and the Shiawasse County community in congratulating Maureen on receiving this outstanding award and wishing her continued success in future endeavors.

PROF. SIDNEY FINE RECEIVES THE GOLDEN APPLE AWARD

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. FORD of Michigan. Mr. Speaker, I rise today to salute Sidney Fine, a history professor at the University of Michigan. The Students Honoring Outstanding University Teaching [SHOUT] have awarded him the 1993 Golden Apple Award. Michigan's student body has honored Professor Fine for providing the best possible education and learning environment for students. As part of the award process, Professor Fine will present his ideal last lecture to the university community.

The debate over college professors' duties and responsibilities to their students and their research rages on campuses nationwide—the University of Michigan is no exception. University of Michigan students sought to emphasize the importance of professors' teaching responsibilities when they established SHOUT.

Sidney Fine's research is formidable. He has contributed to the history of our State and our Nation. His work has centered on Michigan and the labor movement. His scholarship includes work on Frank Murphy, who served as mayor of Detroit, Governor of Michigan, and U.S. Supreme Court Justice, on the General Motors sitdown strike of 1936–37, and on Detroit during the Great Society era and the 1967 riots.

Mr. Speaker, as a Member of Congress and a Michigander, I have the greatest respect for Professor Fine's research. Members of Congress have the greatest respect for Professor Fine's research. Members of Congress rely on the historical record to make decisions. Professor Fine has made a significant contribution to this record on labor and on Michigan.

But, Mr. Speaker, to achieve a well-functioning democracy we must make the historical record useful to all citizens. This process takes a good teacher. Sidney Fine is such a teacher. He has taught at the University of Michigan since earning his doctorate there in 1948. His teaching has brought to students a sense of how our Nation has evolved and a sense of the people who helped shape our Nation. From this, students have been able to better understand present day society and how to help it continue to change for the better.

Professor Fine is known across the campus and across the State for his excellent teaching. He teaches the university's most popular nonrequired classes, U.S. History from 1901 to 1933 and U.S. History since 1933. The first question a University of Michigan history major receives from a fellow alumni is: "Did you have Sidney Fine?" In Professor Fine's lecture hall, the aisles are crowded with students. Many students who previously claimed no interest in history have been converted to history by Professor Fine's classes.

Professor Fine brings history alive. Let me give you an example. Professor Fine lectures on World War II in Michigan's Haven Hall to his undergraduates. He tells them of one of their predecessors, an architecture student who studied in the West engineering building, just across the diag. This architecture student, Raoul Wallenberg, went on to become the University of Michigan's most accomplished student for his work saving Jews in World War II. A Swede, he was honored by the Congress in 1981 as an honorary American. Professor Fine's lectures teach students to know history for they may well be a part of it.

Professor Fine has taught over 25,000 students. His students have not forgotten the value of his work. Working for a State institution, Professor Fine falls under State law regarding retirement. State law had stated that all public employees must retire when they reach 70 years old. A few years ago, just before his 70th birthday, he prepared for his retirement from the classroom.

No one received this news well. Undergraduates were upset that they would not be able to take his class. His former students could not believe that this man, as much a Michigan institution as the little brown jug, would no longer teach.

So, his students, some of whom served in the State legislature and who learned the right thing to do, changed the retirement law. Sidney Fine, at the age of 72, continues to teach History 466 and History 467. He plans to continue to teach as long as he is able to give all his work 110 percent.

We, Members of Congress, constantly see in this Capitol reminders of our Nation's history. We know the importance of history's lessons. Professor Fine has given his students the same appreciation of and inspiration from history. I can think of no greater compliment than to say that the University of Michigan is a better institution because Sidney Fine teaches there and his students are better off for having him as a teacher.

Mr. Speaker, because I am and will always be a student of history, I plan to read the last lecture that he will present Friday. I will then be privileged to say that I, too, am a student of Prof. Sidney Fine.

NEW YORK TELEPHONE RESPONSE TO WORLD TRADE CENTER BOMBING

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. NADLER. Mr. Speaker, I have addressed the House to condemn the bombing of the World Trade Center and honor heroic New Yorkers who were personally involved in this tragedy. Today, I wish to commend New York Telephone, which kept the lines of communication open on the day of the bombing, providing the only lifeline for trapped and terrified workers after the tragic bombing on February 26, 1993. The staff of New York Telephone planned effectively and worked swiftly to ensure that the network continued to function. I applaud the company and staff for their excellent response to this crisis.

Following the blast, New York Telephone's network continued to function despite the loss of electrical power and the subsequent shutdown of backup diesel generators. Backup batteries kicked in and allowed New York Telephone's three switches in the World Trade Center to operate in the critical hours following the blast. The network never went down.

At great risk, New York Telephone personnel entered the building within 3 hours after the explosion to reduce the power drain on the batteries by eliminating redundant systems. The risk was taken because if the batteries had lost power before commercial electricity could be restored, thousands of people trapped in the twin towers would be severed from the outside world. By 7 p.m., the lights on the switches were dying, signaling the end of communication with the victims in the towers. Then, at 7:20, light burst from the switches as power was channeled in by Consolidated Edison.

While work proceeded in the World Trade Center, New York Telephone established a special command center at 140 West Street, a company location across the street from the towers. Agencies including the New York Police Department, Fire Department, Emergency Medical Services, the Port authority, and the NYC Transit Authority used the command center to control their emergency operations. This saved on duplication of time and effort and speeded up the rescue process.

New York City's Department of Telecommunications and Energy had led a creation of a mutual aid agreement among the area's telecommunications providers, who worked closely to keep the customers connected. The plan was activated within 26 minutes of the explosion. This cooperation among competitors resulted in New York Telephone providing circuits to many companies. Thousands of new lines were installed, and thousands of displaced customers received services.

The New York City 911 system functioned flawlessly. An additional 30 lines were activated at 1 Police Plaza for 911 operators. A special emergency hotline was also activated for the New York City Police Department.

In light of the extent of the tragedy in Manhattan, business is as close to normal as can be expected thanks to the flexibility of New Yorkers. The people of New York City have reason to be grateful to the New York Telephone Co. for so quickly and skillfully adapting to this crisis. The work done by New York Telephone services as a fine example for those planning emergency response to follow.

CONGRATULATIONS AND THANKS TO NICHOLAS GOLDWARE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. CALVERT. Mr. Speaker, in his book, "Democracy in America," Alexis de Tocqueville wrote with admiration of the many voluntary associations in which Americans participate, and of the willingness of our citizens to give freely and unselfishly of their time and talents to help make their communities better places in which to live.

Perhaps nowhere in the country is this wonderful American spirit more in evidence than in the county of Riverside, CA, which has been fortunate to have a long line of outstanding men and women willing to accept roles of leadership in our community. They have served without compensation, seeking only to improve life for their families, friends, and neighbors.

One such individual is Mr. Nicholas H. Goldware, who will step down this week as the chairman of the board of the Greater Riverside Chambers of Commerce. Mr. Goldware is native of Riverside, and a graduate of the University of California at Riverside, where he received a bachelor of science in economics in 1969.

In addition to serving as chairman of the board of the chambers of commerce, Nick has served as chairman of Riverside Community Ventures Corp., Riverside Community Hospital, as an executive board-member of the economic development partnership, as president of the University of California Riverside Athletic Association, as an executive board member of the United Way, and as a past board member of the Riverside City and County YMCA's.

In recognition of his contributions to our community, Mr. Goldware has received numerous awards, including recognition by the Riverside Junior Chamber of Commerce as Man of the Year in 1978, the Riverside Police Department's recognition as Reserve Officer of the Year in 1983, and election to UCR's Athletic Hall of Fame in 1988.

With great appreciation for his many years of service to our community, I wish to express the gratitude of the people of Riverside County to Mr. Nicholas Goldware for his leadership as chairman of the board of the Greater Riverside Chambers of Commerce from 1992 to 1993. Thanks for a job well done.

INTRODUCTION OF LEGISLATION REGARDING FEDERAL BRIDGE FUNDS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. MINETA. Mr. Speaker, today I am introducing legislation to rectify a serious inequity in the interpretation of provisions enacted in the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 relating to the use of Federal bridge funds for the seismic retrofitting of bridges.

During the development of ISTEA, it was our intent to make bridge funds eligible for seismic retrofitting activities. However, the Federal Highway Administration [FHWA] has interpreted the ISTEA language as prohibiting the use of bridge program funds for seismic retrofitting activities unless the particular bridge is determined to be structurally deficient.

The legislation I am introducing today amends the bridge rehabilitation and replacement program to permit the use of funds for the seismic retrofit of bridges without regard to whether the bridge is determined to require replacement or rehabilitation.

Mr. Speaker, it is vital that the bridge funds continue to fulfill bridge rehabilitation and replacement needs nationwide. This legislation addresses any concern about depletion of funds for rehabilitation work by adjusting future apportionments to reflect the amounts expended for a State's seismic retrofit activities.

Mr. Speaker, by adopting this measure, the House of Representatives will be affirming an important policy tenet: the value of investment and preventative maintenance. By making relatively minor investments in bridge structures now, we will inevitably save money, and more importantly, lives, in the future. I urge the passage of this commonsense, cost-effective legislation.

TRIBUTE TO LUTHER J. BATTISTE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. MATSUI. Mr. Speaker, I rise today to recognize and honor an outstanding individual, Luther J. Battiste, who is being honored on April 10, 1993, at a dinner of family and friends.

Luther graduated from Tomlinson High School in Kingstree, SC. In September 1944, he enrolled at South Carolina State College where he earned both a B.S. and an M.S. degree. Upon graduation, Luther remained at the college to pursue a career. He began as a supply clerk at the college in the Department of Buildings and Grounds and rose to the position of assistant superintendent of buildings and grounds. He presently holds the position of director of physical plant. Luther's creativity, loyalty, and expertise has transformed the campus into a model of beauty for all other institutions to emulate. Since Luther entered the college as a student in 1944, he has witnessed and, in his present role, overseen the construction of 70 campus buildings.

In addition to his achievements at South Carolina State College, Luther has been a leader in his church and community. Luther has served as the senior warden of St. Paul's Episcopal Church and as the polemarch of the Orangeburg Chapter of Kappa Alpha Psi Fraternity. Luther is also the vice chairman of the South Carolina Association of State Planning and Construction Officials. He is a member of the National Association of Physical Plant Administrators of Colleges and Universities; the Southern Regional Association of Physical Plant Administrators of Universities and Schools; the National Association of Educational Buyers; and the South Carolina Commission on Higher Education's Task Force on Facilities.

The numerous awards Luther has won over the years are further testimony to his dedication and success. A few of the many awards he has received include the Kappa Man of the Year Award and the Army ROTC Award. He also was the first recipient from South Carolina to be given a citation by the National Landscape Association for contributions to environmental and community improvement through landscaping which he received in 1974. In addition Luther received the Distinguished Alumnus Award on Founder's Day, February 25, 1987, from the South Carolina State College. Luther's achievements and contributions to South Carolina have been recognized by Governor Carroll Campbell.

Mr. Speaker, I ask my colleagues to join me in honoring Luther J. Battiste for his commitment to service to South Carolina State College, his community, and his family. He is a citizen worthy of recognition and praise.

THE NEED FOR PBGC REFORM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. GOODLING. Mr. Speaker, a week does not go by without our hearing one story or another about the financial problems faced by the Government agency known as the PBGC. The Pension Benefit Guaranty Corporation [PBGC] was created in 1974 under ERISA title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded.

But now the 1992 financial statement released by the PBGC shows the single-employer fund established to make up any pension shortfall to also be underfunded to the tune of over $2.7 billion. Another S&L crisis in the making? Some critics of the status quo say that, if no action is taken, a taxpayer bailout in the range of $25 to $40 billion over the next 30 to 40 years may be necessary. Of course, it should be understood that this pessimistic view of the future course of the PBGC program is by no means a certainty. Subcommittees of both my Committee on Education and Labor and the Ways and Means Committee have held oversight hearings to determine the true extent of PBGC's problems and the remedies that may be needed to avoid such a taxpayer bailout.

At these hearings, the U.S. General Accounting Office [GAO] testified that the PBGC has made significant progress in financial management in the last several years under the leadership of the former PBGC Executive Director, James B. Lockhart III, because of these improvements, the GAO now hopes to be able to certify PBGC's financial statement later this year. However, the GAO considers more important the fact that problems beyond the PBGC's control continue to mount, posing multi-billion-dollar risks, thus creating a need for Congress to act.

That is not to say that PBGC today faces an overnight collapse. Retirees already receiving PBGC guaranteed pensions need reassurance, and should know that the PBGC already has $6.3 billion in assets on hand to pay out annual benefits of about $700 million. The GAP testified that the PBGC does not face cash flow problems in the short term. Unlike the savings and loan situation, the PBGC is like a giant pension fund which pays out its pension obligations in monthly installments, not in one lump sum. You might say that PBGC's safety tire can go flat with leaks, but is not likely to incur a sudden blowout.

However, the current cash flow accounting used in the Federal budget to measure the effect of PBGC's evolving obligations is also inadequate. For example, the number of PBGC insured plans has already declined 43 percent, so that only 67,000 defined benefit plans remain in the system. This presents an additional challenge to maintaining the program on a self-supporting basis that is maintained solely from the premiums levied on all covered defined benefit plans, and initially set in 1974 at $1 per plan participant, to pay for any PBGC shortfall. In fact, per capita premiums have escalated to $19 for fully-funded plans and to $72 for badly funded ones. These 2,000-plus percent increases have not stemmed PBGC's flow of red ink. The increasing risk which has to be carefully weighed is that merely increasing premiums on the well-funded plans may accelerate their exit from the system, this shrinking the tax base on which to levy the premiums necessary to finance present and future deficits.

As a result, alternative legislative approaches have been proposed. Last year, the Bush administration, representative JAKE PICKLE, and Senator JIM JEFFORDS proposed legislation to help address PBGC's growing financial problems. Even though the bills differed in their exact approach, they all encouraged faster funding for underfunded pension plans. I am cosponsoring the bill reintroduced by Representative PICKLE, H.R. 298, to encourage my colleagues to take a closer look at the problems of pension underfunding and to consider measures which will put the PBGC on a more sound and insurance-like basis.

Our Nation's pensioners and taxpayers deserve both a full accounting of the PBGC problem and effective and timely legislative action which might prove necessary. I look forward to any recommendations that the newly chosen PBGC Executive Director, Martin Slate, will provide to the Congress on this matter. I urge my colleagues to closely study and participate in the debate over this important retirement income security issue.

PRESCRIPTION DRUG PRICE REFORM

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. DURBIN. Mr. Speaker, today I am introducing legislation to protect American consumers from the high and rising costs of prescription drugs.

On February 17, the General Accounting Office released its assessment of the efficacy of Canada's Patented Medicine Prices Review Board in restraining prescription drug costs.

GAO concluded that Canada's board not only restrained price increases for existing drugs, but that drug prices in Canada would be a third higher if their board did not exist.

It's time for the American consumer to have the same protection from excessive prescription drug prices as our Canadian neighbors. It's time for us to protect senior citizens from having to ration their prescriptions to make them last longer. It's time for us to protect cancer patients who can't afford innovative new drugs, even though they were developed in Federal laboratories. And it's time to make the pharmaceutical manufacturers accountable for their promises to hold down the rate of prescription drug price increases.

My legislation creates a Prescription Drug Price Review Board, modeled after the Canadian board, to review drug prices, determine if they are excessive, and take action against those manufacturers that continue to price their products excessively. The Board will publish pricing information on brand name and generic prescription drugs to assist consumers and health care providers in identifying safe, cost-effective prescription drug options.

I urge my colleagues to join me in cosponsoring this legislation, which will restore a measure of reason to the pricing of prescription drugs.

I include my summary of the legislation to appear in the RECORD following these remarks.

THE PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 1993

1. Creates a Prescription Drug Price Review Board modeled after the Canadian Board.

2. Requires that the Board be made up of 5 members, appointed by the President with the advice and consent of the Senate, selected from experts in the fields of consumer advocacy, medicine, pharmacology, pharmacy, and prescription drug reimbursement.

3. Empowers the Board to collect from pharmaceutical manufacturers information regarding domestic and international prescription drug pricing, research and development costs, and manufacturing and marketing costs. Requires manufacturers to report each new drug price and price increases to the Board.

4. Requires the Board to determine whether the prices and subsequent price increases of each prescription drug are excessive based upon the following criteria:

Changes in the Bureau of Labor Statistics' Producer Price Index and the prescription drug component of the Producer Price Index,

The price at which the drug was sold to wholesalers in the United States and abroad during the preceding 10 years,

The price at which other drugs in the same therapeutic class were sold to wholesalers in the United States during the preceding 10 years,

The drug's Food and Drug Administration therapeutic potential rating,

The percentage of the drug's research and development costs contributed by the Federal government, and

The cost of manufacturing and marketing the drug.

5. Requires the Board to publish the results of its determinations of whether prescription drug prices are excessive in an easy to understand guide targeted to consumers and health care providers.

6. Requires the Board to notify the manufacturer of an excessively priced drug of the Board's recommendation for pricing the drug such that its price would no longer be considered excessive.

7. Empowers the Board to revoke the patent of an excessively priced drug, if that drug is under patent, or to revoke the patent of another of that manufacturer's drugs, if the excessively priced drug is not under patent.

8. Provides a mechanism for resolving differences between the Board and manufacturers through the use of public hearings.

9. Provides for a study by the National Academy of Sciences' Institute of Medicine to examine critical issues in the development, regulation, marketing and provision of pharmaceutical products.

TRIBUTE TO RUTH ECK

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. HEFLEY. Mr. Speaker, as Members of Congress, we are all familiar with the inevitable staff turnover which occurs with some frequency in our offices. At the same time, we cannot help but feel a sense of loss when faced with the retirement of a dedicated, longtime staff member who has played such a significant role in the successes we have had.

I rise today in recognition of one such member of our team, Ruth Eck.

Ruth dedicated herself to the Republican Party in Colorado after hearing then-Congressman Ken Kramer speak at a local town meeting. Her volunteer work for Ken eventually led to a permanent receptionist job in 1979. After 3 years, she was promoted to office manager.

When I was elected to represent the Fifth District in 1986, I sought Ruth's expertise and asked her to join my staff in Colorado Springs as district director. She agreed and came on board in February 1987.

Thanks to Ruth and her flair for organization and management, my district office has an excellent reputation for responding to the many people who come to us for assistance. Whether it was the man whose Social Security was terminated because the Social Security Administration had erroneously declared him dead or the small company caught in a jurisdictional dispute between the Government agencies, Ruth was on top of every situation. She brought the cases to my attention and, together, we worked on solving the problems.

Ruth and I share the philosophy that one of the most important jobs of a Congressman is to make Government work for the people. Without exception, Ruth conveyed a sense of compassion and concern for everyone who came to us seeking assistance and instilled that same attitude in those she supervised.

It was Ruth who made sure I was where I needed to be when I was supposed to be there. It was Ruth who kept me informed about what was happening in the district while I was in Washington. And, it was Ruth who gave selflessly of her time, her energy, and her loyalty to serve the people of the Fifth District.

For all of this and so much more, I want to thank Ruth—a true public servant in the best sense of the term—and wish her well as she begins retirement with her husband John, with whom she celebrates 37 years of marriage on April 7, 1993.

Ruth, you will be missed.

HONORING SHARON E. SIGESMUND

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to recognize the magnanimous gift of a generous American to the Jewish Federation of Las Vegas. Sharon E. Sigesmund is a native of Detroit, MI, who has adopted southern Nevada and the city of Las Vegas as her home. Ms. Sigesmund is a strong supporter of the interests of the worldwide Jewish community.

Sharon has played an active role in supporting the community of southern Nevada, taking a particularly vigorous interest in the Las Vegas Jewish community. She has served as president of Temple Beth Shalom Sisterhood and the Silver Meadows B'nai B'rith Women. Sharon is also a member of the regional board of B'nai B'rith Women.

Ms. Sigesmund's generosity and devotion recently made it possible for the Jewish Federation of Las Vegas to acquire a 21,000-square-foot building. The structure will be utilized as headquarters for the federation, as well as by several other affiliated organizations. As a way of recognizing her outstanding support for the many members of the Las Vegas community, the newly acquired building will be dedicated in the name of Sharon E. and Raymond H. Sigesmund.

So today I ask my colleagues to stand and recognize a truly generous Nevadan who has, through her work, made a genuine mark on the First District of Nevada, the Nation, and the world. Her contributions and accomplishments are worthy of recognition by this body.

TURKEY'S HUMANITARIAN EFFORTS IN ARMENIA

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. CLEMENT. Mr. Speaker, each day we learn more about the terrible plight of the citizens of Armenia who are enduring unbelievable hardships because of hostilities with their neighboring country of Azerbaijan.

A very good Armenian friend of mine, who lives in Memphis, has shared his own concerns with me, and told me of the humanitarian efforts which are focused on his fellow countrymen. Of particular interest are the efforts being made by Armenia's neighbor, the Republic of Turkey.

Mr. Speaker, the Turks are shipping their own grain to Armenia. This grain is part of a shipment of 100,000 tons that Armenians asked of Turkey when hostilities began. Turkey agreed, and as of March 4 had delivered 47,330 tons of Turkish wheat.

The Turks have done other things to insure the free flow of humanitarian aid to Armenia, including expediting a train carrying 300 tons of French assistance through Turkey to Armenia and passing through 16.5 tons of clothing from the Swedish Red Cross.

Last year, Turkey forwarded 1,690 tons of milk powder and 500 tons of baby food from the European economic community, 6,000 tons of wheat from Syria and other private organizations, and more tons of assistance from Project Hope.

The need continues to be great in Armenia. But countries like Turkey are helping by providing aid and expediting the shipment of assistance from others. Their efforts are greatly appreciated.

TRIBUTE TO THE ORDER OF DEMOLAY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to recognize the Order of DeMolay, an active young men's organization in my district. DeMolay helps build character in young men and boys who are striving to become better citizens and leaders for our future. Through civic participation, charitable projects, athletic competition, and social activity, these young men have learned and will continue to learn valuable lessons about themselves and the world around them.

And in Reading, PA, the DeMolay chapter is the largest of the 38 DeMolay groups throughout the State. This is a testament to the commitment, strength, and enthusiasm of the local DeMolay chapter. The DeMolay leaders help instill a sense of pride in the accomplishments of all their members.

The Order of DeMolay has declared March 1993 as International DeMolay Month. And, the Reading chapter has announced that they are celebrating their 74th anniversary this year. I would like to honor the Reading chapter of DeMolay on the floor of the House, and commend the members for their fine contributions to the community.

HONORING THE TEXAS TECH UNIVERSITY RED RAIDER MEN'S AND WOMEN'S BASKETBALL TEAMS

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in congratulating the Texas Tech Red Raiders and their victories at the Southwest Conference Basketball Tournament. Both the women's and men's teams did an outstanding job in clinching the tournament championships. Mr. Speaker, it is important to note this is only the second time in Southwest Conference history that teams from the same university have swept the championships.

The Lady Raiders, under the direction of Head Coach Marsha Sharp, had several impressive wins including the 78–71 victory against the University of Texas which assured their placing at the NCAA Tournament. There is no question the Lady Raiders are blessed with talented young women, however, there is a catalyst to their motivation and her name is Sheryl Swoopes. Ms. Swoopes was named 1992–93 women's basketball player of the year by the Women's Basketball News Service. Another of the Lady Raider's assets was Head Coach Marsha Sharp. Marsha has many reasons to be proud of her team, but she can also be proud of her accomplishment of being named coach of the year by the Women's Basketball News Service. The Lady Raiders sparked Texas Tech University at the SWC Tournament and the men were next to follow.

Under the direction of Head Coach James Dickey, the Texas Tech Red Raiders have had an exciting season. They entered the SWC tournament ranked fifth and went on to upset the University of Houston in the SWC Championship. The win assured them a place at the NCAA Tournament. One thing which is most impressive about The Red Raiders is the depth of their talent, and their youth. Lance Hughes, a sophomore guard, led the Raider's scoring drive with 27 points and he will be returning to the Red Raider squad. Also, Mr. Hughes was named the SWC Tournament MVP which his numbers clearly represent. Lance is not alone—freshmen like Lenny Holly, Koy Smith, and Jason Sasser were no strangers to Tech's win, and they undoubtedly will be a part of Tech's success in years to come.

I've heard it said that a kite rises against the wind and not with it. But to rise, the kite must be anchored to a firm foundation and Texas Tech's young players had two foundations to cling to—seniors Will Flemons and Barron Brown. Mr. Flemons was named to the all-tournament team selection and Mr. Brown's leadership in the guard position was a winning combination for Tech. Head Coach Dickey should be complimented for a job well done.

Mr. Speaker, Texas Tech basketball has been exciting in 1993 and there is no question that the Red Raiders will provide much excitement in 1994. I ask my colleagues to join me in congratulating the Red Raiders for a very successful season.

SENATE—*Wednesday, March 24, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Almighty God, Lord of history, Ruler of the nations, we pray for Your sovereign guidance in the affairs of our Nation. As the Senators work their way through a maze of statistics, amendments, and thousands of words, lead them to a resolution that will guarantee our future. Help us to understand that we do not sacrifice reason when we trust God, that we do not abdicate our responsibility when we commit our way to Him. Let Thy will be done on Earth as it is in Heaven.

We pray in the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 24, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1994–98

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget of the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Lott amendment No. 240 to strike the proposed tax increase on social security income, and to provide that the revenue reduction is offset by a reduction in proposed new spending.

The ACTING PRESIDENT pro tempore. The pending question is the amendment of the Senator from Mississippi.

Who yields time on the amendment?

Mr. LOTT. Madam President, why are we even thinking about this tax? Social Security is a separate trust fund. It did not cause the deficit, and it must not be used to solve it. In fact, last year the fund accumulated a $52 billion surplus. The irony here is that this surplus and revenues from the proposed tax increase are not used to reduce our deficit; every dollar of it goes for some spending program. What a monstrous charade this is on our senior citizens, to imply that they are sacrificing to reduce the deficit and then to grab more money out of their pockets to increase spending. Increasing this tax is wrong in principle, and it is unfair to the elderly.

Let us look at a typical case, a widowed schoolteacher whose income from pension, IRA, part-time work, and Social Security is $27,500. This woman is going to be asked to contribute an extra 70 percent of her Social Security payments to the tax base in figuring her contribution to the IRS.

I received a letter this week from Mr. Harry Bynum, a former constituent of mine who now lives in Arkansas. He very eloquently described the inequities of this proposed tax, and I would like to read a portion of his letter:

> I am 70 years old. I am disabled due to a heart condition and severe arthritis. I first started paying social security in 1939. It was a covenant agreement between myself and the federal government that I would pay then and they would pay me an amount at 65 years of age untaxed. Since that time, benefits have increased and the amounts paid in have increased. I was never allowed to falter on this agreement. It should not have been taxed in earlier years. The tax should not be increased now.
>
> I make a little over $32,000 a year but I am far from rich. I cannot even afford the cost of the new medicines for arthritis. We live very simply and there is no extra money. I have no way to earn it. Why should older people be singled out to make the greatest sacrifice of all? The campaign promise was that only people making over $200,000 would be taxed. Have we stooped so low now that $32,000 is rich?

In the interest of fairness let us look at what this tax does to many of our senior citizens, few of whom at $25,000 and above can be called rich by any stretch of the imagination. For a single person making $25,000 the tax on their Social Security benefits is increased 70 percent. For heavens sake, you are only asking that we make people earning $250,000 pay a 10-percent surtax. Why do you want to increase this poor senior citizen's marginal tax rate by 70 percent?

In 1983, when Congress initially passed the law to tax Social Security benefits, it made a deal with the American people that only 50 percent of their benefits would be taxed. The rationale for this value was that it represented only the employer's contribution. It was not an arbitrary percentage. What is the basis of 85 percent? Could it be Government greed? The other side of the covenant with Social Security recipients was that the proceeds would go only to the Social Security trust fund. Well, I remember a quote by Sam Ervin, the former distinguished Senator from North Carolina, who said "You can shear a sheep every spring, but you can only skin him once." We have already skinned the sheep.

And, recipients who work, get a double whammy. They are already penalized by the earnings test. For every $3 earned above $10,560, they lose $1 in their Social Security benefits. With this new tax, some beneficiaries who work will actually be worse off if they work harder and earn more wages. For example, let us consider an elderly couple who is still active and has kept working at their small plumbing business. They are lucky and earn enough to pay 28-percent tax rates. After income taxes, self-employment taxes for Social Security, State taxes, and the earnings test, this couple finds that this new tax on their Social Security earnings will force them to pay an extra $1.01 for each $1 that they earn. Is this an incentive for people to work and save for their own retirement? It seems to me the message this tax sends is clear: The harder you work, the higher your taxes.

I have been amazed by my colleagues' reaction to this tax proposal. When I offered my amendment in the Budget Committee markup, my Democratic colleagues voted against it and said we should debate this issue on the floor. Now, I expect Senators will say "There isn't really a tax on Social Security recipients in this package. This is just a bunch of numbers. The Finance Committee will make decisions on the tax increases." It seems to me that my colleagues believe this should be debated wherever it is not. Come on. The President's budget calls for this tax increase, and the committee instructions include it. We need to take it off the table now.

So I urge my colleagues to take a stand for the senior citizens who have helped to make our Nation a great country. They have spent their lives working hard and paying Social Security taxes to prepare for their retirement. I do not believe we should place an additional financial burden on them—particularly one as unfair as this.

The question here is this simple: Should Social Security recipients—retirees making as little as $25,000 a year—pay a higher marginal rate than any other American taxpayer just so the Federal Government can have more money to fund President Clinton's new spending programs?

If you think so, then vote against my amendment; but, if you agree with me that it is unfair for Social Security recipients to pay a larger portion of their income in taxes than other Americans, then I urge you to vote for my amendment.

Madam President, at the appropriate time I will need to ask for the yeas and nays, but I will defer that for a moment. To begin this morning, I would like to yield 5 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. I thank the Senator for yielding to me.

I support his amendment to strike from this budget a very unfair tax on the senior citizens.

This tax in the Clinton budget turns the Clinton fairness issue into a declaration of war on the elderly. Once more, there is a middle-income tax increase rather than a tax adjustment.

President Clinton has several tax messages for all different groups of Americans. For the rich, he says you have it coming. For the middle income, he says you are going to have to wait just a little bit longer. For the poor, he says you will not pay a dime. And now for the elderly in this part of the budget he says drop dead.

Last night, we heard the Senator from West Virginia [Mr. ROCKEFELLER] talk about seniors who are comfortable, who maybe average in this class $61,000. I do not know about the accuracy of those figures, but whatever the number is, I will bet the class of people we are talking about are the people who worked hard all their lives and saved money for retirement. I wish that the President and our friends on the other side of the aisle would understand one point, and that is there is no class in class warfare.

The elderly of America are amazed at this debate over them and what they ought to pay. They have always been told they are the salt of the Earth; they are the ones who endured the Depression; they are the ones who fought and won World War II; they are the ones who gave their kids an education that they never had.

They saved so that they would not be a burden to their younger people in old age. They paid into Social Security so that they would have a safety net, and they consider that Social Security a very sacred trust. Now they are reading about the deficit being headed toward the ozone.

People who are simplistic in their approach to answers to these problems look for a scapegoat. The liberal press has locked on to the seniors.

There is a bandwagon taking place here. The elderly are being accused of "getting ours" when they take Social Security, "getting ours" at the expense of our children or our grand kids. They are told that they are part of the most affluent; that they do not need Social Security, and if they take Social Security the only reason they are doing it is to pay for their greens fees or take some cruise in the Greek islands.

This is the bandwagon that is taking place in attacks on our senior citizens. I think the President has never seen a bandwagon he has not jumped on. The elderly are somehow all thought to be senile by policymakers today, that they simply do not understand the process; these seniors think that Social Security is insurance; they made contributions; they are entitled, also they do not have to feel like welfare cheats.

And where do they get this idea that this is insurance, this is an entitlement? You kind of get this idea after looking at your paycheck week after week, 40 years in the work force, and you see all the FICA taxes in that box, the money that is taken out of your paycheck.

Then they are told that they received more than they paid in. Well, what do you think insurance is all about?

Seniors, rich and poor, will be stuck with the trickle-down taxes of Clinton—the energy tax, the corporate tax that is going to be passed on, the burden and the cost shifting caused by reduced Government Medicare payments.

Seniors are going to be waiting for the other shoe to drop. They better be waiting, anyway, because there is health care down the road. And you are going to have to wait for all these other shoes to drop before you know whose ox will be gored by the next fairness project that comes out of this administration. That will not be the end though; you have to realize that this administration has more shoes to drop than Imelda Marcos.

So with this seek-the-rich economics, everybody gets wet and only the rich can afford an umbrella. But what the seniors are going to need is hip boots.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. I yield 2 minutes to the Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized for 2 minutes.

Mr. GORTON. Madam President, this is an unfair tax, and the amendment proposed by the Senator from Mississippi should be adopted. This is an unfair tax for relatively low-income individuals because it represents an increase of as much as 70 percent in Federal taxes on the benefits concerned. It is a particularly unfair tax because when combined with the Federal earnings test, there are certain categories of income in which the additional tax can go more than 100 percent of the additional income.

The disincentive to work and to continue to be productive imposed by this tax on top of that earned income test is overwhelmingly negative for a significant number of our seniors. This is an unfair tax because it was not expected. It was not only unadvertised during the course of the Presidential campaign but the people who will be subjected to it were told by the President that they are not in the category of individuals whose incomes were going to be subjected to new taxes.

This is an unfair tax because it is not being used to reduce the deficit of the United States but simply to authorize more spending.

The amendment of the Senator from Mississippi should be adopted. We should restore at least a modicum of fairness to this budget resolution, and the laws which will inevitably follow.

Mr. LOTT. Madam President, how much time have we consumed?

The ACTING PRESIDENT pro tempore. Seven minutes have been consumed against your 15 minutes.

Mr. LOTT. I believe equally divided. So 15 minutes would be used on the other side. I would like for them not to have the final 15 minutes. I wonder if we have any information about whether they are going to have anything to give us.

Do we get their 15 minutes if they do not show up? I think we cannot have a situation where they get all of the final 15 minutes. I think they should be on notice. We will have to do something to make sure this is an even debate. They need to come to the floor.

At this point, I yield 2 minutes to the Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MACK. Madam President, I thank the Senator from Mississippi for yielding.

Madam President, I ask unanimous consent that a letter in support of this amendment from Martha A. McSteen, president of the National Committee to Preserve Social Security and Medicare be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
March 22, 1993.

Hon. CONNIE MACK,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MACK: The National Committee to Preserve Social Security and Medicare, which represents about six million mostly senior Americans, including some 264,000 in Florida, supports your efforts to remove the proposed tax increase on Social Security benefits from the Budget Resolution now before the Senate, S. Con. Res. 18. Not only would the proposed tax increase be unfair and fiscally onerous to current beneficiaries, it also could seriously undermine the confidence of American workers that the Social Security system will be there for them.

Consider the numbers: A retiree with income of $40,000 (including $8,000 from Social Security) would pay an additional $784 in income tax. Yet a taxpayer not receiving Social Security with total income of $40,000 (including $8,000 in tax-exempt interest) would have no additional tax liability under the budget proposal. Is this fair? Our members hardly think so.

It is grossly unfair to workers and beneficiaries alike for the government to change the rules of the system after a worker has complied with the law, paid a lifetime of payroll taxes and made retirement plans based on that system. It also is unfair to employers who not only pay similarly significant amounts of payroll taxes, but also establish pension plans for their workers, based in large part on expected levels of Social Security benefits. Continually changing the tax rules undermines any semblance of retirement planning.

As you know, the Social Security program does not contribute to the deficit, not one penny. In fact, Social Security trust funds are running large annual surpluses and surpluses do not create deficits. However, those surpluses are being used to disguise the true size of our budget deficit. This is wrong. The purpose of the trust fund is to pay Social Security benefits, not reduce the deficit.

Senior Americans recognize the critical importance of reducing our federal deficit and are willing to do their fair share. However, they should not be singled out for extraordinary sacrifice.

The National Committee thanks you and supports your effort to remove the proposed additional tax burden from Social Security beneficiaries.

Sincerely,
MARTHA A. MCSTEEN,
President.

Mr. MACK. Madam President, I want to make several points this morning—one point I made last evening had to do with spending. When the President spoke to the Chamber of Commerce of the United States he said "No tax increases until we get spending cuts." He talked about deep spending cuts, real spending cuts, no gimmicks.

Let me tell you what the American people will get if the President's proposal goes through. We will get a six-tenths of 1 percent reduction in Federal spending over the next 5 years.

If the Senate Budget Committee's plan is passed, we will get about 1.5 percent in spending cuts. I know it is difficult to see the difference in those lines. It is difficult for people to believe that there really are any spending cuts in this proposal. Frankly, there are very few.

I do not think there are enough spending cuts to justify asking seniors to pay additional taxes on Social Security.

The message that we are sending to older Americans is that if you postpone spending now and save it for the future, and you accumulate enough to take care of yourself and do not have to rely upon others, the message the President is sending to you is that you must pay more taxes.

That is a disincentive. We have spent hours, and days, weeks, and months debating how we can encourage people to save, to take care of themselves, and the disincentive to save that we are imposing upon older Americans with this resolution is just terribly wrong.

The way I see it is the Democrats are sending a message that we are angry with success, that we want to punish success. This message is also wrong. The message we should be sending is that the Congress is finally going to get serious about cutting Federal spending.

Mr. LOTT. Madam President, in view of the time being consumed at the early hour, I would like to propound a unanimous-consent request that the time be extended for an additional 10 minutes equally divided on each side.

The ACTING PRESIDENT pro tempore. Would the Senator please repeat his request?

Mr. LOTT. I ask unanimous consent in view of the hour and the fact that there happens to be some traffic delays that we extend the time for an additional 10 minutes equally divided on each side.

The ACTING PRESIDENT pro tempore. The Chair would object to that in my capacity as a Senator from California.

Mr. LOTT. Madam President, I yield 2 minutes to the distinguished Senator from Pennsylvania.

Mr. MACK. Parliamentary inquiry. Why is it that there would be an objection to extending the time limit when there is no one here on the other side to engage in a debate? All we want to do is have the opportunity to debate this issue. It is extremely important to the people of my State. I think it is unfair to be cut off from this debate because no one from the other side is here.

The ACTING PRESIDENT pro tempore. I believe that any Senator has the right to object. I have taken that right for the time being. That is the way it is.

Mr. MACK. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Madam President, I yield 12 minutes to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Madam President, I note the beautiful smile with the statement "That is the way it is."

I came here, Madam President, on Thursday and Friday and Monday and Tuesday seeking an opportunity to argue a series of amendments which this Senator has offered to the resolution. I came here early this morning thinking that at 9 o'clock there would be an opportunity to have a few minutes.

I support Senator LOTT's amendment because I think that the tax on Social Security recipients is regressive.

For the balance of my 2 minutes, I would like to say that I have four very important amendments pending: First, which would press to have health care reform legislated by September 30 which is the essential ingredient for budget reform; second, to require a unified package so that any additional expenditures would be offset through cuts in programs or increased taxes; third, which would divide drug expenditures 50-50 between so-called supply and demand; and fourth, to establish Federal expenditures to incarcerate those convicted under State career criminal statutes.

It seems to this Senator that on these kinds of four critical issues a Senator ought to have longer than 2 minutes to articulate these propositions.

I take these 2 minutes this morning because under the timetable which is established in this body, it appears that I will have no time to debate and argue. But these issues will only come up on a vote at a later time.

On a matter that is as important to the United States as this budget resolution with as many fundamental changes, I would submit to those who are setting the agenda and the schedule that there ought to be more time at this stage—with the change of administration and very dramatic measures being considered by the Congress and the Senate—that there should be more time to consider these issues.

How much time do I have remaining, Madam President?

The ACTING PRESIDENT pro tempore. The Senator has consumed his 2 minutes.

Mr. SPECTER. I thank the Chair.

Mr. LOTT. Madam President, at this point I want to make sure this is done in a timely fashion. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I ask unanimous consent at this point to insert in the RECORD a letter from the Retired Officers Association dated March 22, 1993, in support of my amendment, opposing the Social Security tax increase.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, March 22, 1993.

MEMBERS,
U.S. Senate, Washington, DC.

DEAR SENATOR: We are writing to ask that you oppose the provision in the Budget Resolution which would increase the taxable amount of Social Security from 50 percent to 85 percent. As indicated in the enclosure, the potential tax increase ranges from about 7 percent for a couple receiving the average Social Security annuity to almost 22 percent for a couple earning the maximum Social Security. Upon reflection, we're sure you'll agree that a 22 percent tax increase imposes a disproportionate burden on elderly retirees. In fact, the impact on the elderly is more than double the threshold of pain (i.e., the 10 percent surtax) that President Clinton proposes for wealthy taxpayers earning more than $250,000 per year.

Sincerely,

T.J. KILCLINE.

SHAKING OUT MORE TAX DOLLARS

Clinton's proposed Social Security income tax hike could hit you harder than you think. In the examples below, couple 1 receives the average annual Social Security benefit ($6,000 plus $3,000 for spouse); couple 2 receives the maximum Social Security benefit ($13,000 plus spouse's $6,500). Depending on your income, your taxes could increase up to nearly 22 percent.

CURRENT TAXES BASED ON TAXING UP TO 50 PERCENT OF SOCIAL SECURITY INCOME

	Couple 1	Couple 2
AGI	$32,000	$50,000
SS income	9,000	19,500
Taxable SS	2,250	9,750
Taxable income [1]	22,250	47,750
Tax due	3,338	8,716

[1] Assumes standard deductions and exemptions.

CLINTON PROPOSAL BASED ON TAXING UP TO 85 PERCENT OF SOCIAL SECURITY INCOME

	Couple 1	Couple 2
AGI	$32,000	$50,000
SS income	9,000	19,500
Taxable SS	3,825	16,575
Taxable income [1]	23,825	54,575
Tax due	3,574	10,627
Tax increase (percent)	7	21.9

[1] Assumes standard deductions and exemptions.

Mr. LOTT. I yield the floor at this time.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. SASSER. Madam President, how much time do I have remaining on our side on this issue?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. SASSER. Madam President, may I inquire how much time remains for the proponents?

The ACTING PRESIDENT pro tempore. Twenty-eight seconds.

Mr. LOTT. Madam President, parliamentary inquiry. Twenty-eight seconds?

The ACTING PRESIDENT pro tempore. Twenty-eight seconds.

Mr. LOTT. Madam President, parliamentary inquiry. Twenty-eight seconds? I thought we had about 4 minutes left.

Parlimanetary inquiry. Does a parliamentary inquiry count against our time?

The ACTING PRESIDENT pro tempore. Yes, it does.

Mr. LOTT. Madam President, I would like the record to show that I resent the way this matter has been handled this morning. This is not the way that I have been led to believe the Senate conducts its business. It is not fair. It is cutting off the small opportunity we have to have a debate on this amendment this morning.

I register my complaint to that.

Mr. SASSER. Madam President, is this counted against my time?

The PRESIDING OFFICER. Yes, it is.

Mr. SASSER. I object to the Senator objecting on my time.

Madam President, frankly there is a bit of irony in this Chamber this morning and there was last night. We have had the rather curious spectacle of Members on the other side of the aisle lecturing Members on our side of the aisle about the sanctity of Social Security and the vulnerability of Social Security recipients.

If that is not the world turned upside down, I do not know what it is. I cannot help but marvel at this miraculous transformation that is taking place with our colleagues on the other side of the aisle, how suddenly enlightenment has come to them, and they are presenting themselves as the stalwarts, the protectors of Social Security. What a change?

I remember back in 1985 when then-Vice President George Bush sat right in that chair where you are sitting this morning, Madam President, and they actually brought in a Republican Senator on a stretcher so that they could break a tie and cut cost-of-living adjustments in Social Security. That is actually what happened. That Senator they brought in on a stretcher is now the Governor of the State of California, the Honorable Pete Wilson. And the Members on the other side of the aisle voted to reduce cost-of-living adjustments for Social Security recipients. That impacted on the most vulnerable of the elderly among us.

That is not in the distant past. That is something that occurred just in the recent past.

I remember a Budget Committee session when those on the other side of the aisle controlled this body and were in the majority when the chairman of the committee offered a black box amendment to cut Social Security by $40 billion. That was after a COLA freeze had been defeated on the floor. I believe that was 1983, I say to the majority leader. The strategy was to hide the intended freeze in an unspecified reconciliation instruction.

Keep in mind, Madam President, as I said earlier, that cost-of-living adjustment freezes come out of the pockets of the most vulnerable beneficiaries of Social Security.

In fact, if you get a COLA freeze today, a cost-of-living adjustment freeze, you would push a half million older citizens immediately right below the poverty line.

What are we talking about here today? My friends on the other side of the aisle would have you believe that President Clinton wants to tax all Social Security beneficiaries and all Social Security benefits. Nothing could be further from the truth. No one is going to pay a tax on Social Security benefits under this provision who is not already paying it.

I hope those on Social Security will hear me this morning and understand that if you are not paying a tax on your Social Security benefits now you will not be paying any tax under President Clinton's proposal. Seventy-eight percent of all Social Security beneficiaries pay no tax on their Social Security benefits. After President Clinton's proposal passes, that same 78 percent will still not be paying taxes.

The tax rate on those who are presently paying taxes on Social Security, rather than 50 percent of their Social Security benefits being used to flow over into taxable income, if they make more than $25,000 and are single or if they have incomes of more than $32,000 and are married, the 50 percent of their Social Security benefits that will be subject to taxation will be changed to 85 percent.

What is the magic number about 85 percent? It simply is an arbitrary figure that has been selected by those familiar with pension funds, and it is the figure that indicates the amount it excludes from taxation, the amount that the beneficiaries paid into the fund before they retired. They are only going to be taxed on those funds over and above what they paid into the fund.

What happens to these Social Security taxes paid by the most affluent beneficiaries of Social Security? It flows into a fund to finance Medicare. That is what is going to happen to it, Madam President. The most affluent 22 percent of the Social Security beneficiaries are going to have a modest rise in the tax on their Social Security benefits above a certain threshold amount, and those funds are going to flow into the Medicare trust fund. That is what is going to happen.

If you listen to our friends on the other side of the aisle, my goodness, you would think that this President was simply going to go out with a mask and gun and rob the old folks. That is exactly what it sounds like.

What do we have before us here? This is simply another effort on the part of our friends on the other side of the aisle to try to derail and dismantle this President's economic plan.

This amendment is simply another legislative hand grenade being lobbed from a sandbag position on the other side of the aisle in the hope that somehow we can return to gridlock, that somehow there will be a standoff, that somehow immobility can be sustained, that somehow we can unravel President Clinton's plan to do something about this deficit, that somehow we can embarrass this new President, that we can discredit Government and then capitalize on the dissatisfaction of the American people.

Madam President, I see the distinguished Senator from Nebraska has arrived on the floor and I will yield to him 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized for 2 minutes.

Mr. EXON. Madam President, I thank the Chair and thank my friend from Tennessee.

I would just like to alert the Senate, and I will read the amendment that will be coming up next after the Senate disposes of the amendment before us offered by Senator LOTT.

We have looked at this problem. We think it is a serious problem. We have a very substantial amendment that we think would solve the problems as far as most of the Members are concerned, and I say that with regard to people on both sides of the aisle.

The amendment that will be offered following disposal of the Lott amendment will be offered by Senator LAUTENBERG and myself and simply says that the revenues set forth in this resolution assume that the Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on benefits of Social Security with threshold incomes—Madam President, I want to emphasize this—with threshold incomes for the purpose of taxation of Social Security benefits of less than $32,000 per individuals and $40,000 for married couples filing returns.

What we are simply saying is, if you cannot find some other way around this, what we are really going to do is say to the Finance Committee, raise the threshold from the $32,000, as it is now for a couple, to $40,000. We think this adequately takes care of the middle-income Americans who we do not think should be further taxed in this area, recognizing the fact that this Senator supports the concept that higher income people should pay 85 percent on their Social Security receipts for income tax purposes.

I am simply saying, Madam President, that we have here a compromise that I think satisfies most, and the Senate will have an opportunity to vote on that following disposal of the amendment offered by Senator LOTT.

I reserve the remainder of my time, and I yield the floor.

(The VICE PRESIDENT assumed the chair.)

Mr. LOTT addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I yield myself the remainder of my time.

Let us make it absolutely clear. This amendment would knock out the Social Security tax increase on elderly Social Security recipients. This language in this budget resolution would tax Social Security recipients down to $25,000 for an individual and $32,000 for a couple.

Let us not be fooled by this. There will be a motion to table, and if you vote yea to table my amendment, you are voting for a Social Security tax increase on the elderly middle class and low income Social Security recipients. That is wrong and unfair. Vote for this amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that I might proceed for 2 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it was about 10 years ago today that the Social Security system sort of teetered on the brink of bankruptcy. We had a commission that did good work, and we made a lot of sweeping changes and had broad bipartisan support. On March 23, 1983, 10 years ago, we passed it and, as a result, the system is sound, doing well, and those were tough times; we had to make tough votes. A lot of colleagues joined together, and we made it work.

I want to remind my colleagues that as a part of that deal—I was on the commission, and I was chairman of the Finance Committee—we sort of made a pact with America's seniors. The beneficiaries of incomes above $25,000 for individuals and $32,000 for married couples were asked to pay income taxes up to 50 percent of their benefits.

A lot of people had reservations about this. That was a very difficult vote. At that time, 26 of my colleagues on the other side, who are still serving here—including the chairman of the Finance Committee, who was a member of that commission, and the majority leader—joined me in voting for that package. It passed with strong bipartisan support. The reason we made it 50 percent is that was the employer's share. We had some rationale to at least stop it at 50 percent. I think what we are doing now, in effect, whether we raise it or not, we are still saying to them that we did not keep our word that we made 10 years ago. We have made tough votes on this side of the aisle on Social Security, as was pointed out earlier.

I ask my colleagues to go back and take a look at the vote, and at the debate in 1983, and I think we will find that we have, in effect, said to our senior citizens, what we said in 1983 was one thing; what we are doing today is something different.

I ask that the vote on that measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECORD VOTE ANALYSIS—VOTE NO. 53

(98th Congress, 1st Session, Mar. 23, 1983)

SOCIAL SECURITY AMENDMENTS/PASSAGE

Subject: Social Security Act Amendments of 1983 (H.R. 1900). Passage, as amended.

ACTION: BILL PASSED

Synopsis:

Pertinent votes on this legislation include Nos. 28–29, 31–43, 46–54.

As passed by the Senate, the purpose of H.R. 1900 is to implement the consensus recommendations of the National Commission on Social Security Reform.

Specifically, the bill includes provisions in the following areas.—

Extension of Coverage.—(1) Extends social security coverage to Federal workers hired on or after January 1, 1984, or upon the enactment of a supplemental Civil Service Retirement System, whichever is later. Members of Congress, the President, Vice President, and the Commissioner of Social Security will be covered as of January 1, 1984 (see Vote Nos. 47–48).

(2) Extends coverage on a mandatory basis to all employees of nonprofit organizations, effective January 1, 1984 (see Vote No. 52).

Termination of Coverage.—Prohibits State and local governments from terminating coverage for their employees.

COLA Delay.—Delays the June 1983 cost-of-living adjustment (COLA) until December (January 1984 check), and provides all subsequent COLA's in December (January checks) (see Vote No. 32).

Stabilizer.—Adjusts, beginning in 1988, Old-Age, Survivors, and Disability Insurance (OASDI) benefits on the lower of the increase in the Consumer Price Index (CPI) or the average wage, if the OASDI trust fund ratio (reserves as a percentage of outgo) is less than 20 percent, and provide "catch-up" payments when the trust fund ratio has risen to at least 32 percent (see Vote No. 31).

Fail-safe.—Allows the Secretary of Health and Human Services, upon proper notification of the Congress, to reduce or eliminate the COLA in order to keep reserves from declining to unsafe levels.

Retirement Adjustment.—(1) Raises the normal retirement age to 66, by increasing the age for full benefits 1 month a year for 12 years (between 1999 and 2011) so that the provision will be fully effective beginning with those attaining age 66 in 2015 (see Vote Nos. 29, 35).

(2) Reduces initial benefit levels by approximately 5 percent for workers first becoming eligible for benefits in the year 2000.

(3) Gradually phases out, beginning in 1990, the retirement earnings test for people 65 and older (see Vote No. 42).

Limitation on Benefits.—(1) Eliminates all benefits to felons during their period of incarceration.

YEAS (88)

Republicans (47 or 89%)

Abdnor, Andrews, Armstrong, Baker, Boschwitz, Chafee, Cochran, Cohen, D'Amato, Danforth, Denton, Dole, Domenici, Durenberger, Goldwater, Gorton, Grassley, Hatfield, Hawkins, Hecht, Heinz, Humphrey, Jepsen, Kassebaum, Kasten, Laxalt, Lugar, Mattingly, McClure, Murkowski, Packwood, Percy, Pressler, Quayle, Roth, Rudman, Simpson, Specter, Stafford, Stevens, Thurmond, Tower, Trible, Wallop, Warner, Weicker, Wilson.

Democrats (41 or 93%)

Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Bumpers, Burdick, Byrd, Chiles, DeConcini, Dixon, Dodd, Eagleton, Exon, Ford, Glenn, Hart, Huddleston, Inouye, Jackson, Kennedy, Lautenberg, Leahy, Levin, Long, Matsunaga, Melcher, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Randolph, Riegle, Sarbanes, Sasser, Stennis, Tsongas.

NAYS (9)

Republicans (6 or 11%)

East, Garn, Hatch, Helms, Nickles, Symms.

Democrats (3 or 7%)

Heflin, Johnston, Zorinsky.

NOT VOTING (3)

Republicans (1)

Mathias—$^{2\text{AY}}$.

Democrats (2)

Cranston—^{2}, Hollings—^{2}.

Explanation of Absence:
1—Official Business.
2—Necessarily Absent.
3—Illness.
4—Other.

Symbols:
$^{\text{AY}}$—Announced Yea.
$^{\text{AN}}$—Announced Nay.
$^{\text{PY}}$—Paired Yea.
$^{\text{PN}}$—Paired Nay.

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from New Jersey.

Mr. CHAFEE. Mr. President, I thought we were going to vote at half past. I am not objecting, but we have a problem.

Mr. MITCHELL. Mr. President, they have used all of their time. Our side has unused time. The distinguished Republican leader asked unanimous consent to get 2 additional minutes to speak.

Mr. CHAFEE. Will we be voting at the end of this?

Mr. MITCHELL. I will take 2 minutes corresponding with the time for the distinguished Republican leader.

Mr. DOMENICI. Mr. President, how much time does the leader have?

Mr. MITCHELL. There are 3 minutes remaining. The Senator's time is used. I will take 2 minutes to match the Republican leader's. So that the time used will be exactly equal by both sides.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Chair. Very simply, within a few minutes we will have an opportunity to vote on the proposal to eliminate the increase in tax on Social Security, and there is nobody in the Chamber who does not favor that position. But, realistically, the President has a plan, a plan to get America back to work. And to permit it to be sabotaged at this point would derail any possibility of having this program put into effect.

So, Mr. President, very simply, what we are doing is offering the Senators an alternative, an opportunity to make a decision that would help protect modest income Social Security recipients. After the vote on or relation to the pending amendment, I will join with the distinguished Senator from Nebraska [Mr. EXON] to offer an amendment. That amendment will urge the Finance Committee to make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes of less than $32,000 for individuals and $40,000 for married couples filing joint returns. I ask all of our colleagues to keep in mind that the following amendment will provide you with a chance to express yourself on Social Security, in a way consistent with the President's plan to get the country back to work.

I yield the floor.

Mr. HATCH. Mr. President, I rise today as a strong supporter and cosponsor of this amendment.

When telling the American people about his economic plan, President Clinton said that his proposed income tax increase would only affect those with adjusted gross incomes above $100,000, that only 1.2 percent of American families would see their income taxes increase, and that low-income families would see the additional taxes offset through increased spending on relief programs or through expanded tax credits.

But, Mr. President, these claims are simply not true as to the impact of the plan on a large portion of our society, our Nation's seniors. The President's proposal to tax 85 percent of the Social Security retirement and disability benefits would increase the taxes paid by senior American couples earning as little as $32,000 a year and individuals earning only $25,000 a year. This is much less than the $100,000 figure he quoted during his State of the Union Address—not to mention the $200,000 figure he cited during the campaign.

Right now, this tax increase will affect roughly 22 percent of all Social Security recipients and, since the $32,000 and $25,000 threshold is not indexed for inflation, this proportion will increase to about 30 percent by 1998. Do the seniors of America deserve to be hit this much harder than the rest of us? Although, in truth, I do not believe that any taxpayer deserves to be hit for higher taxes until Congress does its job and cuts spending.

President Clinton stated that the tax increases would be offset for low-income taxpayers. While it is true that the increased spending for the Low-Income Home Energy Assistance Program and the Food Stamp Program will help some seniors, the expansion of the earned income tax credit will not. A significant portion of the relief designed to offset additional taxes will not reach some of those who need it most—those senior citizens who do not rely on Social Security alone to finance their retirement. These citizens should be rewarded, not penalized. They are trying to supplement their income and rely less on their families and the Federal Government in paying for their living expenses during retirement.

Mr. President, increasing the portion of benefits subject to tax would increase the marginal tax rate for these middle-income retirees by 5 to 30 percentage points, and some working seniors will face rates in excess of 100 percent. President Clinton's proposal will mean that senior citizens will pay an average of $483 in additional tax revenues. For someone earning $32,000, this is outrageous.

Let me share with you an example of how this proposal will affect a retired Utah couple. This couple worked hard all of their lives side by side running a small furniture store in a northern Utah town. They were moderately successful and have now retired on their Social Security benefits, a salary from the wife's part-time job, and the dividends and interest they earn each year from their savings and individual retirement accounts. Under the current law, this couple would pay income taxes of $4,950, including tax on half of their Social Security. Under the President's proposal to tax 85 percent of the Social Security benefits, though, the tax would be $6,403. This is $1,453 higher, Mr. President—an increase of almost 30 percent. The President's plan does not even ask the very wealthy to pay 30 percent more. In fact, one example that I saw of the impact of the proposed tax rate, including the surtax, on those making over $250,000 per year showed an increase in tax under the plan of 14 percent.

Why are we putting this burden on the backs of our seniors?

The marginal tax rates on working seniors that are subject to the Social Security earnings limit would be even more outrageous under the President's plan. When a Social Security recipient continues to work and is subject to the earnings test, the new proposal to tax 85 percent of the benefits could increase the tax rate to above 100 percent, when combined with payroll and State taxes. This means that every extra dollar earned by working harder would result in a higher tax of over $1, leaving the worker with less money than by not working at all.

Mr. President, I believe that we should be repealing the earnings limit, not increasing the penalty for those working toward retirement. The current tax treatment of retirees already creates enormous disincentives to work and save. President Clinton's proposal only exacerbates this flaw and further penalizes those who have saved to provide for their retirement.

Not only is the increase in the portion of benefits subject to tax unfair, it is bad policy. Tax revenues gained from taxing Social Security benefits should be used to pay for Social Security, not new spending. When established in 1984, the tax on Social Security benefits was designed to make the trust funds healthy again. In light of that intent, Congress required that any money brought in from the tax be credited to the trust fund.

Mr. President, the proposal put forth by President Clinton would use these funds for new spending. Even if the new taxes are technically going into the Social Security trust fund, in reality they will be spent. The Social Security trust fund currently has a huge surplus of over $300 billion, and this surplus is growing every year. As our colleague, Senator MOYNIHAN, chairman of the Senate Finance Committee, so eloquently expressed it in 1991, the use of this money for other than Social Security purposes is thievery. I share his view.

Increasing taxes on Social Security benefits and using the money for other purposes worsens our poor policy of using trust fund moneys for non-trust-fund purposes. This will only erode the integrity of the Social Security system and open the door for more trust fund raids.

No wonder the public does not trust Congress on Social Security issues.

I urge my colleagues to rise above partisan politics and support this amendment. Let us show the seniors in America that they merit fair and equitable treatment, not a disproportionate share of the deficit reduction pain.

Mr. PRESSLER. Mr. President, I am pleased to join my friend and colleague from Mississippi, Senator LOTT, in sponsoring this amendment to strike the proposal to increase taxes on Social Security recipients. As a member of the Senate Aging Committee, I am troubled deeply over the economic impact that a Social Security tax increase would have on our Nation's senior citizens. In short, the administration's deficit reduction plan, as reflected in this Senate budget resolution, represents a double-edged sword for America's seniors.

In my judgment, the national debt—which now exceeds $4 trillion—is the most important domestic problem facing our country. Congress must make tough choices to control and reduce our Nation's debt. However, these plans must be crafted fairly. Such plans should not burden our Nation's seniors with unfair tax increases.

Like all Americans, senior citizens are willing to do their part in getting our Nation's fiscal house in order. However, nearly 1 out of every 4 Social Security recipients is being asked to accept a Social Security tax increase—on top of the other new taxes contained in the administration's proposed deficit reduction plan. Frankly, the proposed Social Security tax increase is just one more penalty imposed on seniors earning a limited income, yet facing unlimited expenses.

Mr. President, permit me to summarize briefly how the President's proposed Social Security tax increase will impact senior citizens' tax burdens. Under current law, if a Social Security recipient's adjusted gross income [AGI], tax-exempt income and half of Social Security benefits exceed a certain limit—$25,000 for individuals and $32,000 for couples—the recipient must pay a tax. The taxable amount is the lesser of 50 percent of Social Security benefits or 50 percent of the excess over the income threshold. The proposal would raise the amount of Social Security benefits subject to taxation from 50 to 85 percent.

According to the Congressional Research Service [CRS], this proposed tax increase would mean increased tax bills for approximately 8.1 million Social Security recipients—22 percent of the beneficiary population. However, the earnings thresholds are not indexed to reflect inflation. As a result, the tax increase would impact a growing number of recipients each year. CRS estimates that by 1998, 30 percent of all Social Security recipients would be affected by the proposed tax increase.

Two articles recently published in the Wall Street Journal clearly illustrate the impact of this proposed tax increase on Social Security recipients. I ask unanimous consent these articles be printed in the RECORD immediately following my remarks.

Mr. President, America's senior citizens cannot afford to have yet another bite taken from their incomes. The income of our Nation's elderly has not kept pace with living costs. From 1980 to 1992, prescription drug prices skyrocketed 123 percent and health care costs increased 106 percent. During this same period, Social Security cost-of-living adjustments [COLA's] only increased by approximately 69 percent. Yet, the majority party is proposing a 70 percent increase in Federal taxes on some Social Security recipients. Is this a reasoned or reasonable approach?

The time for Social Security reform is long overdue. For example, senior citizens should not be penalized for remaining in the work force. Many elderly Americans cannot afford or do not wish to withdraw completely from the work force. Some need additional earnings to meet living and health care expenses at a time when their principal sources of income are fixed.

The current Social Security earnings limitation is a blatant disincentive for senior citizens to work—even if only in a limited capacity. Retirees between 65 and 69 lose 33 percent of their Social Security benefits for every dollar earned over the earnings limitation. The proposed tax increase on benefits would increase this work disincentive. In fact, for some seniors, this tax increase would cost them $1.01 for every additional $1 earned.

A number of my Senate colleagues and I are cosponsors of S. 30, the Older Workers Freedom to Work Act, which would remove the earnings limitation for those who have reached retirement age. I encourage my colleagues to review and swiftly pass this measure. In the meantime, should Congress approve another earnings disincentive? The answer is "No."

Mr. President, we must develop and implement reasonable approaches to reduce the Federal deficit. There are no easy or painless solutions. However, Social Security recipients should not be singled out to make unfair sacrifices. I urge my colleagues to support this amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 11, 1993]

HOW CLINTON'S TAX PLAN WILL HIT THE ELDERLY

(By Georgette Jasen)

The high cost of growing old may be about to get even higher.

President Clinton's proposal to increase taxation of Social Security benefits would cost many elderly Americans hundreds of dollars in additional taxes each year, and for some the bill would be more than $1,000.

While that may not seem like big bucks to those wealthy individuals who face income tax increases in the tens of thousands of dollars, the proposed increase would add 10% or more to many senior citizens' federal tax bills. Combined with the proposed tax on energy consumption and possible increases in Medicare premiums, many Social Security recipients would be taking a significant hit in after-tax income.

Unmarried retirees with income as low as $35,000 a year would feel some impact, according to calculations done by accountants Price Waterhouse & Co. for the American Association of Retired Persons. "This is not going to keep anybody from eating or paying the rent," says Larry Dildine, director of tax economics for Price Waterhouse in Washington. "But it will put the squeeze on people . . . who are by no means in the wealthy category."

Although the Clinton administration likes to point out that taxpayers with income over $100,000 would bear 70% of the increased tax burden of the tax package as a whole, Mr. Dildine estimates that about 70% of the burden of increased Social Security taxation will fall on retirees with income under $100,000.

Under the Clinton tax proposal, a hypothetical retiree whose $45,000 annual income includes $9,180 in Social Security benefits could face a far bigger tax increase than her yuppie daughter and son-in-law whose combined income is four times that amount. The young couple's substantial itemized deductions for mortgage interest and state and local taxes would push their taxable income below the threshold for the highest federal tax rate. The Social Security recipient is more likely to take the standard deduction if, like many retirees, she doesn't have a big mortgage and lives in a low-tax state, and she would be taxed on more of her Security Security benefits.

"It's a glaring double standard," says Janice Bernstein, a 61-year-old retiree in Los Angeles whose 69-year-old husband receives Social Security benefits. "Most [seniors] in this situation will not be able to re-enter the labor force" to make up for the lost income.

Administration officials say the plan is fair. "Most Americans are being asked in one way or another to play a part in this" effort to reduce the federal budget deficit, says Barry Toiv, a spokesman for the Office of Management and Budget. "Entitlement programs are a huge part of the budget and retirement benefits are a huge part of entitlements."

Mr. Toiv says the administration rejected the idea of tampering with Social Security's cost-of-living adjustment, "the most direct way to reduce spending," because "the direct impact would have been not only on those who can afford it, but also on those who can't."

Taxation of Social Security benefits began in 1984, based on 1983 legislation. Under that law, individuals with income of more than $25,000 and couples with more than $32,000, including 50% of their Social Security benefits, pay income tax on half their benefits.

The formula for calculating how much tax is due can get complicated. Let's say a couple has annual income of $50,000, including $36,000 from investments, a corporate pension, some part-time work, plus $13,140 in combined Social Security benefits. Half the Social Security benefits—$6,570—would be added to their other income, for a total of $43,430 to determine whether the benefits will be taxed. Under current law, 50% of the Social Security benefit or 50% of the excess over $32,000 is taxable, whichever is less. In this case, 50% of the $11,430 excess is less, so $5,715 would be taxable. Their total tax bill on all their income would be $4,526.

The Clinton proposal, as currently designed, would continue to use 50% of Social Security benefits to calculate income levels, but 85% of the benefit or 85% of the excess, whichever is less, would be taxable. In the above example, the couple would pay tax on $9,716 of their Social Security income. Their federal tax bill would be $5,126, or $600 more than under current law, a 13% increase.

Although the Clinton proposal wouldn't by itself make anyone subject to taxation for the first time, inflation adds more people to the pool each year. The income thresholds, which aren't indexed for inflation, have been the same since 1984. initially, 10% of Social Security recipients had their benefits taxed; it's now 22%. The Congressional joint committee on taxation estimates that the percentage will rise to 30% by 1998.

AARP estimates that 4.4 million families would pay more taxes next year if the Clinton Social Security plan is implemented. There currently are about 41 million Social Security recipients. Switching into tax-exempt investments may lower a retiree's total tax bill but it won't affect taxation of Social Security benefits. Income from tax-exempt investments, such as municipal bond interest, is included when calculating whether income exceeds the thresholds for benefits to be taxed. "I don't know that there's a lot these people can do," says Mark Springer, a partner with accountants KPMG Peat Marwick in Washington. "They're just caught."

The Treasury department has estimated that increased taxation of Social Security benefits would produce $21 billion in additional revenue over four years. The federal deficit for the current fiscal year, ending Sept. 30, is estimated at $319 billion.

For now, AARP says it is busy "educating" lawmakers about the effects of the Clinton proposal on retirees. As a free-standing proposal, AARP would oppose it, says Marty Corry, the association's director of federal affairs, but "we're still evaluating the whole package. We owe it to the President and to the public to see how the package comes together."

THE BURDEN OF BEING OLD

The effects of President Clinton's proposed tax changes on a hypothetical unmarried retiree who takes the standard deduction, compared with a childless two-career couple with substantial itemized deductions for mortgage interest and state and local taxes.

	The retiree	The yuppies
Wages	$0	$175,000
Other income [1]	35,820	5,000
Social Security	9,180	0

[1] Interest and dividends, no capital gains.

Source: Price Waterhouse & Co.

	Current law	Proposed law	Current law	Proposed law
Adjusted gross income	$40,410	$43,623	$180,000	$180,000
Deductions	4,600	4,600	24,951	24,951
Exemptions	2,400	2,400	4,367	4,368
Taxable income	33,410	36,623	150,682	150,682
Tax due	6,397	7,297	41,555	41,890
Increase from current law		900		325
Percent increase		14		1

[From the Wall Street Journal, Feb. 26, 1993]

RETIREES GET SOCKED AGAIN

(By Stephen J. Entin)

When President Clinton claims that his proposed income tax increases will affect only those with adjusted gross incomes above $100,000, he's forgetting about the elderly. Among his proposals is one to tax 85% of the Social Security retirement and disability benefits of couples who earn more than $32,000 a year and singles who earn more than $25,000. Right now, the roughly 20% of the elderly and the disabled who earn more than these amounts pay taxes on just 50% of their Social Security benefits.

If enacted, this change would increase the marginal tax rate on the incomes of many middle-income retirees. Those affected would see their marginal rate increase by five to 10 percentage points. Some could even face rates in excess of 100%.

In fact, the tax on benefits does not fall on the benefits themselves but on a retiree's other, privately earned, income. The operating philosophy seems to be: The harder you've worked to save for your retirement, the higher your taxes are.

The current system of taxing retirees is extremely complicated. Social Security benefits begin to be taxed when something called the "modified adjusted gross income" (MAGI) reaches $25,000 for a single taxpayer or $32,000 for a married couple filling jointly. The MAGI is the sum of ordinary adjusted gross income (wages, interest, pensions, dividends, etc.) plus tax-exempt bond income and 50% of Social Security benefits. Under current law, for each dollar by which a retiree's MAGI exceeds $25,000 or $32,000, 50% of his Social Security benefits become taxable, up to half of his benefits.

This means that as benefits become taxable, for every additional dollar of taxable income a retiree earns, his taxable income increases not by $1 but by $1.50. In other words, the marginal tax rate on that extra $1 of earned income is 1.5 times normal. It increases, for example, from 15% to 22.5%, or from 28% to 42%. This amounts to a penalty on retirees who have worked hard to build retirement incomes. A younger person with the same income pays a lower marginal rate of tax.

But that's not all. The highest rates of all occur when a recipient's "extra" income is from wages, rather than pensions, dividends or interest. This is because Social Security places a limit on what working recipients may earn without a second penalty. In 1993 that limit is $7,680 for those between the ages of 62 and 64 and $10,560 for those 65 to 69. If a recipient between the ages of 62 and 64 has wages above the limit, he loses $1 in Social Security benefits for every $2 he earns. That's an effective tax rate of 50%. If he's between the ages of 65 and 69, he loses $1 in Social Security benefits for every $3 he earns, an effective tax rate of 33⅓%. When this effective tax of 50% or 33⅓% interacts with the taxation of benefits and the Social Security payroll tax on the added wages, the marginal tax rate can zoom above 90%. And that's before state and local taxes. Once a recipient has paid taxes on half his Social Security earnings, his marginal tax rate falls back to the normal marginal rates.

This is how the current system works. But just wait. Under Mr. Clinton's 85% proposal, retirees face an even higher tax burden. Just how heavy that burden will be depends on how the proposal is implemented.

The crucial question, to which the president's budget offers no answer, is how "85%" is interpreted. No one at the Social Security Administration seems to know.

For every dollar of extra income, will $1.85 be immediately taxable? This would be a "phase-in" rate of 85%, and would increase a retiree's marginal tax rate to 1.85 times the normal rate. Under this interpretation, the normal rate of 15% would become 27.8% and the normal rate of 28% would jump to 51.8%. For the working recipient who loses $1 in Social Security benefits for every $2 he earns in wages (an effective tax rate of 50%) and who must pay the Social Security payroll tax on his wages, that could combine to produce an effective marginal tax rate of more than 100%

Or will the phase-in rate continue to be 50%? That is, for every dollar of extra income, will a retiree pay taxes on $1.50 (like today), but (unlike today) will that tax treatment continue until he has paid taxes on 85% (instead of 50%) of his Social Security benefits? Under this interpretation, the phase-in rate would stay the same (50%), but a broader range of retirement income would be hit by today's supernormal rates.

There's a third possibility that must be considered in trying to decipher what "85%" means. Would an 85% rate apply to the percentage of Social Security benefits included in a retiree's MAGI, a percentage that is currently 50%? If that's the case the number of retirees with MAGIs above the tax thresholds of $25,000 or $32,000 would soar.

In his address to Congress this month, Mr. Clinton promised that his proposal wouldn't increase the number of retirees who pay taxes on their Social Security benefits. To keep that promise, he'll have to make sure that the share of Social Security benefits included in the MAGI is not increased to 85%. Of course, there's inflation. Unless the income thresholds for taxation of benefits are adjusted for inflation, as years go by more and more retirees will find themselves with MAGIs above the threshold. At an annual inflation rate of 3%, by 2010, when the baby boom generation is beginning to retire, the thresholds for single and married taxpayers will have fallen to roughly $15,000 and $19,000 in today's dollars.

If Mr. Clinton's object in raising taxes on retirees is to save money for the Social Security System, then a far better way would be to slow the growth of benefits for future retirees. Another solution would be to increase the retirement age at which benefits begin. But the effect of the current system of allowing benefits to grow and then slapping huge taxes on them is to reduce younger taxpayers' incentives to work and save for their retirements.

The current tax treatment of retirees—even without Mr. Clinton's 85% solution—creates enormous disincentives to work and save. The Clinton proposal would exaggerate this flaw. If his object is fairness, he cannot achieve it with tax rates approaching or exceeding 100%. If his object is to turn Social Security into a means-tested welfare program, there are more efficient ways to do it.

Mr. DURENBERGER. Mr. President, I rise in support of the Lott amendment.

Mr. President, as I have stated earlier during this debate, we should evaluate proposed tax increases on what I would have thought would be commonsense criteria:

Is the tax needed? and

Is the tax fair, without invidious regional distinctions, efficient, and without unnecessary harm to the economy?

If this tax on America's elderly were a tax that was part of a legitimate deficit reduction exercise, where tax increases were part of a larger effort, including serious spending cuts, then perhaps we could consider it. I believe that the call to sacrifice that President Clinton has made would be answered by Social Security recipients, along with others, in such a circumstance.

And I have been willing to take on entitlement spending—even to venture near that so-called third rail of American politics—because I think the American people, including beneficiaries of entitlement programs, understand that something needs to be done about the deficit.

But, of course, that kind of shared sacrifice is not what this budget deal is about. This budget deal is almost entirely a tax increase. The cuts—merely reductions in planned increases, by the way—come only in the outyears—a technical term for what Minnesotans know as never.

Mr. ROTH. Mr. President, the budget plan proposed by President Clinton lacks any incentives to increase savings and investment. In fact, his plan, as proposed, will do just the opposite as a result of his huge tax increase on senior citizens. The message the President is sending to all Americans is "do stop thinking about tomorrow," contrary to the theme song his campaign adopted in 1992. I say this because the administration aims to balance the budget on the backs of millions of American seniors who have thought about tomorrow, who have been industrious, thrifty, and planned ahead for retirement. Under the President's proposal, some seniors will suffer an increase in income tax of almost 50 percent, or $1,652, for someone with income as low as only $30,000. This is well outlined in an article I would like to have included in the RECORD at the end of my statement. The article, by Nancy Blumberg, appeared in the Wilmington News Journal.

I have been a longtime proponent of increased savings incentives since the day I arrived in Congress. But the big spenders in Congress have continued to discourage would-be savers from planning for tomorrow. Perhaps the worst decision this Congress has made recently in this area is to dramatically restrict Americans from saving in individual retirement accounts. Another is the imposition of the earnings limitation on seniors that would like to continue working, but risk losing their Social Security benefits if they do so. Now, some would like to tie otherwise independent Americans to the limited hand of Government, again. The message that is being sent is, don't save for your retirement, because you'll be punished if you do. You are better off under the Clinton administration if you spend all your money today, and forget about tomorrow. What kind of plan for saving and investment is this?

Let's review the facts. Under the Budget Committee's plan, 23 percent of Social Security beneficiaries will have to pay 70 percent more in taxes on benefits. That's because under current law the maximum amount of benefits subject to the income tax is 50 percent, but if this becomes law then 85 percent of these benefits will be taxed. In addition, since the income thresholds on this tax are not indexed for inflation, more and more beneficiaries will be taxed in the future. In 1994, 23 percent of beneficiaries will have a 70-percent tax hike, but in only 4 short years that percentage will increase by almost a third to 30 percent, according to the Congressional Budget Office [CBO]. Although this will be a 70-percent tax increase on benefits, for some the tax will be even more onerous, and discourage seniors from working, saving, and investing—three things that are vital for a growing economy. If you look at a self-employed senior in the 28-percent bracket, as little as $22,100, by combining the earnings limit, the Social Security tax, the income tax, State income taxes and this new 85 percent of benefits tax, this senior could lose as much as $1.01 for every additional dollar he earns, and most seniors will lose at least 70 cents for every dollar they earn if they simply want to continue to work. Keep in mind that these seniors are not rich. They are earning between $20,000 and $40,000 a year, and yet the marginal tax rates they are facing are higher than anyone else in the country. Far too many politicians today seem to be preoccupied with raising taxes to pay for their programs, without considering the impact these disincentives have on Americans.

Finally, I would like to point out the flaws in the administration's theory that this tax hike will treat Social Security pensions more like private and public pensions. I strongly disagree. In fact, the 85 percent inclusion ratio is not fair; it results in the double taxation of seniors of today and tomorrow, and it is not based on the current rules for other pension plans. In fact, I've written an article on this topic, and it was published just this week in Tax Notes, and I would ask that the entire article be included in the RECORD in its entirety. I would encourage other Members to read this and see for yourself how this tax would punish seniors unfairly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED SOCIAL SECURITY TAX HIKE EXPLAINED

(By Nancy F. Blumberg)

President Clinton's proposal to increase the tax on Social Security benefits has raised considerable concern and questions among retirees.

Before evaluating the effect of the proposal, first consider current rules.

Prior to 1984, all Social Security benefits were free from tax. Currently, persons who are single or head of household with income in excess of $25,000, and persons who are married and filing a joint return with income in excess of $32,000, are taxed on some of their benefits.

Therefore, your Social Security benefits may be taxable depending on the amount of your income including Social Security benefits, and on your filing status.

What income is included to determine whether your benefits are taxable? All your taxable income without Social Security benefits plus your tax-exempt interest is included.

Tax-exempt interest is includable in determining whether your Social Security benefits are taxable, even though such interest is not included in calculating your taxable income.

You then add half your Social Security benefits to this income. If your total is above the $32,000 or $25,000 thresholds, then some of your benefits will be taxable.

Under current law, the taxable benefits are the lessor of (1) half your net Social Security benefit, and (2) half the excess of certain income items over the base amount for your filing status.

Those income items include all taxable income—except Social Security benefits—tax-exempt interest and half of your net Social Security benefits. Therefore, the most that will be taxable is half of the benefits you received.

WHAT THE CHANGES DO

Under Clinton's proposal, the taxable portion of your benefit will be a maximum of 85 percent instead of 50 percent. It also may lower the amount of income necessary before you are taxed since 85 percent of your benefits may be added to other income sources. Therefore, more taxpayers may find a portion of their benefits subject to tax.

This change can be illustrated by looking at the calculation of taxable Social Security benefits under the current law and under Clinton's proposal.

Here is an example. You are single and have a Social Security benefit of $8,000. In addition, you also have a pension of $20,000 a year and interest of $4,000. Under current law, you would compute your taxable benefit as follows:

Add 50 percent of your Social Security benefits ($4,000) and income included on your tax return—excluding Social Security benefits ($24,000). The total: $28,000.

The base income amount equals $25,000.

Excess income over base amount is $3,000.

Taxable benefits are the smaller of 50 percent of your Social Security benefit or 50 percent of the excess over the base amount of (50 percent of $3,000): $1,500.

Under Clinton's proposal, the taxable benefits may be computed as follows:

Add it percent of your Social Security benefits ($6,800) and income included on your tax return—excluding Social Security benefits ($24,000) The total: $30,800.

The base income amount equals $25,000.

Excess income over base amount is $5,800.

Taxable benefits are the smaller of 85 percent of your Social Security benefits or 85 percent of the excess over the base amount (85 percent of $5,800): $4,930.

The latter example shows a tax increase of $960 for a taxpayer in the 28 percent bracket ($4,930 minus $1,500 equals $3,430 at 28 percent).

The tax increase can be substantial for some taxpayers receiving taxable Social Security benefits. To illustrate how costly this may be, consider another example.

In this case assume, your Social Security benefits are $14,000 and you have other income of $30,000. You would be taxable on $5,900 more Social Security benefits. This would result in a tax increase of $1,652 in the 28 percent bracket, an increase in tax of almost 50 percent.

There are investments available that could decrease your current income. This will help some retirees reduce their taxable benefits. A tax deferred annuity may be appropriate for some, but caution in choosing a product and evaluating your personal needs is advised.

[From Tax Notes, Mar. 22, 1993]

DOUBLE TAXING SENIORS OF TODAY AND TOMORROW

(By Senator William V. Roth, Jr.)

A basic tenet of the U.S. system of taxation has held that taxpayers should be taxed only once on their income, but a new proposal from President Clinton wavers from this policy and double taxes senior citizens. This new proposal will result in millions of people being taxed twice on the same income and strays from the bipartisan agreement reached in 1983 to save the Social Security trust fund from bankruptcy.

I am speaking of the Clinton proposal to increase the portion of Social Security earnings subject to income taxes to 85 percent from 50 percent, which would apply to jointly filing senior taxpayers earning over $32,000, and single taxpayers earning over $25,000.

The rule taxing up to 50 percent of Social Security benefits was part of the "Social Security Amendments of 1983." This compromise included several key elements, including a six-month delay in cost-of-living increases and a one-year acceleration of the 1977 tax increase on contributions. Since 1983, that compromise has kept the Social Security trust fund solvent, and no one has convinced me that cuts in Social Security are necessary in order to solve our budget deficit. Yet, raising the portion of benefits subject to taxation is considered desirable by some because it is one way to allocate any reduction in benefits to higher-income households.

This idea is anything but fair and will result in the double taxation of seniors today and especially the seniors of tomorrow. This is because more and more seniors will become subject to the tax on 85 percent of benefits, since the income thresholds ($25,000 and $32,000) on this tax are not indexed for inflation. For example, from 1989 to 1997, the percentage of families that will pay taxes on their Social Security benefits is expected to grow from 16 to 26 percent, according to the Congressional Budget Office (CBO). In future years, more and more seniors will be subject to this unfair tax.

Under current law, employers pay one-half of workers' combined payroll taxes from before-tax income, while employees pay the remainder out of income that is taxed. The tax rate for OASDI contributions is currently 6.20 percent of wages for both employers and employees, while the self-employed pay 12.40 percent of their earnings half of which is deductible. In 1983, the rationale for taxing 50 percent of the benefits was the need to salvage the bankrupt Social Security trust fund, and the theory that half of taxpayers' contributions are pretax, and half are after-tax.

Some hold that these benefits should be taxed more like public and private employee pensions. In general, that means taxing any previously untaxed benefits paid to retirees. President Clinton's proposal purports to do that. Essentially, this idea calls for an "exclusion ratio" based on the amount of after-tax contributions that current retirees made during their working years, compared to the total amount of benefits they can expect to receive. Because the ratio of after-tax contributions (the employee's share) to Social Security benefits varies with each worker's earnings history and marital status, no single exclusion ratio is correct for all beneficiaries. The administration's plan thus creates a "fiction," by using a uniform exclusion rate of 15 percent, so that up to 85 percent of benefits over the threshold amounts ($32,000 joint; $25,000 single) is taxable. This "fiction" assumes that today's retirees receive no more than 15 cents of their own after-tax contributions of each dollar they receive in benefits, while at least 85 cents is a return of previously untaxed income. The proposal will raise about $31.5 billion over five years according to the CBO and affect 23 percent of today's Social Security beneficiaries.

But there is absolutely nothing in this plan to prevent double taxation. So far in the history of Social Security, beneficiaries have generally been able to count on receiving more in benefits than they contributed in payroll taxes and interest earnings; so theoretically, beneficiaries are not subject to double tax under the 50-percent rule. However, this will not hold true forever, as younger workers who have paid higher taxes on more income begin to retire. In addition, the Social Security system is highly progressive, so that higher-income workers are less likely to recoup their contributions and earnings than lower-income workers, and so be subject to double taxation.

Let me offer a likely but simplified example of how this proposal stacks up against the theory of taxing these benefits like private and public pensions. Assume a single worker, age 65, retires in 1993, having earned the maximum taxable wage since 1949, and thus has lifetime contributions to Social Security totaling $36,670.17, all of which he has paid income tax on (known as the "investment in the contract" under section 72 of the Internal Revenue Code). The employer's contribution for the retiree is equal to the same $36,670.17, but this is a pretax contribution. If you assume that this retiree will collect the maximum monthly benefit of $1,128 and will have an estimated lifespan equal to the IRS single life annuity of 15 years for a 65-year-old male, then the expected return is $203,040. Under Treasury Regulations in section 1.72-4, the "exclusion ratio," or the amount of each payment that should be excluded from tax because tax was previously paid on this money, for this taxpayer is 18.1 percent (36,670.17 ÷ $203,040). Thus, out of each payment, 18.1 percent should not be taxed, or $204.17 of each Social Security check.

But under the Clinton proposal, 85 percent of the retiree's benefits will be taxed, while 15 percent will be excluded from tax. The difference, equal to 3.1 percent of each payment, represents excess taxes over and above the amount that would be payable under a private or public pension. You can easily imagine worse scenarios, and as the baby-boomers grow up, the differences between the taxing of private/public pensions and the new "Clinton rule" will grow more disparate. I have requested a study to estimate the likelihood of double taxation of these future retirees.

Some argue that this formula fails to recognize the benefits of a retiree's cost-of-living increases that are built into the Social Security system. But the tax rules do not consider COLAs. For example, federal employees also receive COLAs, and the formula under section 72 that sets rules for taxing distributions does not consider these COLAs, nor other retirees' COLAs. In addition, under public and private pension plans, beneficiaries are entitled to receive any undistributed benefits when a retiree dies. In the retiree's last return, any excess taxes are taken into account and the beneficiaries receive a tax benefit, designed specifically so that there is no double taxation. By contrast, the Clinton proposal neither taxes Social Security beneficiaries fairly, nor in a method similar to the public and private pensions rules.

Finally, "smoke and mirrors" are being used to sell this idea, since the administration has classified this new tax increase as a "spending cut" so it can make a few invalid claims. One is that middle-class income taxes are not going to go up. Another is that spending cuts are equal to tax increases. Clearly this is not a spending cut. These income tax hikes hit middle-income seniors, and the smoke is getting thicker at the White House.

Mr. SMITH. Mr. President, I rise today to express my support for the amendment offered by my good friend from Mississippi, Senator LOTT. This amendment would strike the tax increase on Social Security contained in the budget resolution and offset the lost revenue by cuts in the as yet specified stimulus spending.

This tax hike that President Clinton has proposed to place on our seniors is nothing short of draconian. It would subject 85 percent, up from the current 50 percent, of the benefits of some Social Security recipients to Federal taxation. This would hit more than 8 million seniors with tax increases of up to $2,700 a year. None of the new funds generated by this tax increase would go to fund Social Security benefits. Instead, they will be converted into Government IOU's and used to fund other Government programs, including the dizzying array of new initiatives proposed by President Clinton.

In this light, the Lott amendment is very appropriate. It sends a clear signal to President Clinton that we will not accept new spending initiatives financed by the retirement benefits of our seniors. It also sends a clear signal to the American people that not everyone in this Chamber is swooning over the false promise of Clintonomics, which claims that massive tax increases will lead to job growth, and that massive new spending will lead to deficit reduction.

Mr. President, we have a problem here: The Federal Government consistently spends more money than it collects. If it collects more, it simply spends more. Americans have been suckered into sacrificing more of their hard-earned wages and retirement benefits more times than I can count, thinking that the Government would cut the deficit. Let us for once try something novel by cutting on the spending side. At the very least, we should not be asking senior citizens to sacrifice their retirement earnings while contemplating new spending, new initiatives, and new programs. Let us look first to reversing the growth of Government.

We should concentrate on eliminating waste, eliminating fraud, curbing pork-barrel spending, and axing obsolete programs. Only when we can look into our constituents' eyes and honestly claim that we are spending their money responsibly should we consider asking them for more. We certainly cannot make that claim now.

Mr. President, I saw a poll today that showed that when made aware of the tax increase on Social Security benefits, 66 percent of Americans who initially support the Clinton plan change their minds. Also, Americans support spending cuts over tax increases to reduce the deficit by a 14-to-1 margin. The Lott amendment will allow the Senate to address both of these concerns by eliminating the tax increase and cutting out some of the new Clinton spending. I urge all of my colleagues to listen to the American people and vote for the Lott amendment.

Mr. MITCHELL. Mr. President, I ask unanimous consent to be permitted to address the Senate for 2 minutes, and further that the time used by the Republican leader and myself be charged against the resolution.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, often what occurs in the Senate is not what it appears to be. That is the case this morning. This amendment has little to do with Social Security, and even less to do with taxes. This amendment is a torpedo aimed at President Clinton. This is an effort to defeat the President's program. This is an effort to undermine the President's program. This is part of a continuing assault on the President's program. This is an effort to slow down the momentum that is gathering for the President and his program in the country.

Obviously alarmed by that, our colleagues are now here making an effort to derail the President's program. So the issue is very simple here: If you want to stop President Clinton, if you do not want to give President Clinton a chance to get his program, if you do not want change in the economic policies of this country, if you want to continue the course that this country has been on for 12 years, accumulating this massive $4 trillion debt, then you ought to support the amendment and oppose the motion to table the amendment.

But if you want change in this country, if you think President Clinton deserves a chance to get his program going, after less than 3 months in office, if you want to be supportive of the President, if you want to turn the economic policy of this country around, if you want to end gridlock here, if you want to start things moving in this country again and see jobs created and bring the deficit down, then you will vote to table this amendment. That is the real issue here.

This is a transparent, virtually undisguised effort to attack the President's program. It is part of this continuing assault we are seeing on this resolution, which we will see on the next bill and on the bill after that.

So the choice we have to make is a very clear and simple one. Do we want to give President Clinton's program a chance, or do we want to torpedo the President's program before it gets underway? That is the choice that is before the Senate. All of the rest of this and all of these charts are window dressing. Let us get on with it and vote for change in this country. Let us give the President a chance, and let us vote againt gridlock. Table this amendment.

Mr. SASSER. Mr. President, may I ask if we have any time remaining?

The VICE PRESIDENT. There is 1 minute remaining.

Mr. SASSER. Mr. President, I see no other colleagues on my side who wish to speak. Has all time expired on the side of the proponents?

The VICE PRESIDENT. Yes, it has.

Mr. SASSER. Mr. President, I am prepared to yield back our time, and I move to table the amendment and ask for the yeas and nays on the motion to table.

The VICE PRESIDENT. Is there a sufficient second on the motion to table?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table amendment No. 240. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—47

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 240) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senate will be in order.

Under the previous order, the Senator from New Jersey, Senator LAUTENBERG, is recognized to offer an amendment.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, may we have order in the Chamber, please?

The VICE PRESIDENT. The Senate will be in order. Senators wishing to conduct conversations will please retire to the cloakrooms.

The Senator from New Jersey.

AMENDMENT NO. 242

(Purpose: To express the sense of the Senate on Social Security taxes)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of Senator EXON and myself and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. EXON, proposes an amendment numbered 242.

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

It is the sense of the Senate that the revenues set forth in this resolution assume that the Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes (for purposes of the taxation of Social Security benefits) of less than $32,000 for individuals and $40,000 for married couples filing joint returns.

Mr. LAUTENBERG. Mr. President, this amendment is designed to put the Senate on record in support of a simple message. It is a message about priorities.

And I would like, if I may, to inquire what is the time allocation for this and how is it divided?

The PRESIDING OFFICER. For this measure, 1 hour evenly divided.

Mr. LAUTENBERG. The message is simple. It says the Finance Committee, and we in the Congress, should make every effort to find alternative sources of revenue before we impose new taxes on the benefits of Social Security beneficiaries with moderate incomes.

Mr. President, President Clinton has proposed a bold, aggressive plan to get our economy back on track, reduce our deficit, and get people back to work. And that is what the American people want. They want action. While most understand that the Congress will argue over some fine points, at the end of the day they want us to pull together. They want Democrats and Republicans alike to get the job done. And that is the purpose of this budget resolution. To help it we are proposing this sense-of-the-Senate resolution.

No one likes all of the proposals in the administration plan. But we do need to move forward. That is why I fully intend to support the budget resolution, as I did in the Budget Committee on which I sit.

As my colleagues know, this budget resolution proposes revenues, spending, and deficit targets for the next 5 years. The mission is to reduce the deficit, get people back to work, and get the economy moving again. The resolution directs various committees to develop legislation that achieves certain levels of deficit reduction. However, it does not, and a budget resolution cannot, dictate specific policies.

Having said that, I think it is obvious that the Finance Committee is expected to give the highest priority to the President's recommendations.

In general, the President's revenue recommendations put most of the burden where it rightfully belongs—on the very wealthy and the powerful interests who have benefited disproportionately from the policies of the last 12 years. But one of the concerns that I have about the plan is the proposal to increase the portion of Social Security benefits subject to taxation, to lift that portion from 50 to 85 percent.

I know that President Clinton proposed this tax with the best of motives based on goals with which I generally agree. He has made it very clear that the burdens of deficit reduction have to be distributed fairly across the board so everyone who can afford to contribute joins in the effort.

I think that is the right approach.

At the same time, my concern about the proposal is that it might have an adverse effect on some elderly Americans with relatively modest incomes.

Under President Clinton's plan, as under current law, Social Security benefits would be taxable only if one's adjusted gross income, plus tax exempt income and 50 percent of Social Security benefits, exceed—in the case of individuals, $25,000, or in the case of married couples filing jointly, $32,000.

I know there are those who think that $25,000 or $32,000 is a fairly healthy income. And in fact in many areas it can buy quite a lot. But I have to tell you it does not buy a lot in New Jersey and many of the other high-cost areas of this country. In fact, New Jerseyans who make much more than that are having great difficulty in making ends meet. And I doubt there are many people in the State of New Jersey earning $25,000 who consider themselves rich.

My constituents have some of the highest living costs in this country, and $25,000 does not go very far. Especially for the many elderly citizens who must contend with high medical costs, high taxes, property taxes, high housing costs, and in some cases, expensive nursing home care.

I have received hundreds of letters and phone calls from senior citizens in New Jersey and their children, who are deeply concerned about this proposed tax increase.

People like the retiree from Old Bridge, NJ, who wrote to me recently. He is on a pension of $14,000. His wife makes $22,000. They pay $5,000 in property taxes. When you add in Federal, State and other taxes, and medical costs, they have very little left. Recently the costs of their medical insurance tripled. Meanwhile, their few savings are earning them a return of less than 3 percent. When this New Jerseyan looked at the increased tax on Social Security benefits he said to me: "This to me is not sacrifice, but suffering."

The new tax will also affect people like a widow who wrote me from North Wildwood, NJ. She struggled for years to raise her son, has never sought any government assistance, and has had a tough time making ends meet. She works two jobs, makes a total of about $30,000, and said: "I have never considered myself as even middle-income."

Mr. President, if people really have substantial incomes and low costs, this new tax might not be the end of the world. But for people like these folks from New Jersey who already are struggling to make ends meet, it could impose a serious hardship. They are the types of people whom I am concerned about and it is those people I think the Senate should protect first if we can.

This amendment sends a message to the Finance Committee that they should make every effort to find alternative sources of revenue before imposing new taxes on those senior citizens with moderate incomes. It does not tell them where they should find the revenues. That is up to the committee. That is their responsibility. My point is that just maybe there are various areas where the Finance Committee might look before we create an additional burden for moderate income elderly people, many of whom are struggling to get by.

At this point I want to emphasize that I have great respect for the members of the Finance Committee and the chairman, a friend and colleague. There are few for whom I have higher esteem. Few in this body have earned the respect and the admiration that PAT MOYNIHAN, Senator MOYNIHAN from New York, has earned as chairman of the Finance Committee, as former chairman of the Environment and Public Works Committee, and someone who is always in the forefront of sensible, progressive legislation. I know there is no one here with a stronger commitment to middle-class Americans, ordinary working people, than the distinguished Senator from New York. And I am confident that the package that will be produced by the Finance Committee under his leadership will be absolutely fair. This amendment leaves him with the discretion that he deserves to put together a solid package.

Let me add there is no magic to the income thresholds included in this amendment. My intention is merely to indicate a general direction in which I hope we can move the President's proposal. In fact, I recognize there are certain retirees with incomes higher than those suggested in this amendment who also are struggling. So if the committee can identify additional tax loopholes that we can close, and wants to raise the thresholds even higher, I certainly will not object and that is not precluded by this amendment.

Again, those decisions will have to be made by the Finance Committee and the Congress as part of the reconciliation process.

In conclusion, Mr. President, the main point of this amendment is that we should put ordinary Americans first. People in New Jersey who have $25,000 in income are not rich people. Many of them are struggling to barely get by. So let us go after these special interest loopholes and other breaks for the rich and powerful before we hit moderate-income senior citizens.

Also, let us also ensure nothing deters us from enacting a bold plan of economic stimulus and deficit reduction that will get our economy going, and put us on the path toward real fiscal responsibility.

Mr. President, I yield the floor and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Eighteen minutes.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the amendment I am offering today with my good friend from New Jersey is a sense-of-the-Senate amendment indicating that the Senate Finance Committee should make every effort to assure that the proposal made by President Clinton to tax Social Security benefits should only apply to those with incomes that exceed $32,000 for individuals and $40,000 for couples if any tax at all is so administered.

As has been discussed, under the current law, up to 50 percent of the Social Security benefits are currently included in taxable income for those Social Security recipients with income and benefits exceeding $25,000 for an individual and $32,000 for couples.

My amendment calls upon the Senate Finance Committee to recommend a course of action that will assure that the threshold limits will be raised as high as possible, yet still enable our President to meet his deficit reduction goals.

Mr. President, let me first say that I believe one of the strong points of the deficit reduction package before us is that it calls for sacrifices from a wide range of groups and interests. In that regard, it is balanced and, for the most part, a fair package that calls for shared sacrifice from most Americans. Our Nation's elderly residents are not excluded from that mix, but are treated fairly if the amendment that we are offering is accepted.

Other tax increases in the plan, however, rightly focus on our wealthiest taxpayers. For example, the new 36 percent tax rate will fall upon couples with incomes of over $140,000 and single filers with income over $115,000. Although the energy tax will have an effect on nearly every American, there can be no doubt that our President's economic plan is at least intended and I think was originally designed to place a heavier burden on those who can most afford to carry the burden.

The President's proposal to raise the taxable amount of Social Security benefits does not meet the fairness test, in my view. That is why we are suggesting this very important change. The tax increases in that proposal begin to have an effect for married couples who have only about $30,000 in other income. Although the tax is phased in for those with incomes near the thresholds, the real impact of the President's suggested proposal hits those couples very hard with other income between $30,000 and $40,000.

Example: For a couple with other incomes of $35,000 and Social Security benefits of $15,000, the increase in taxes is over $550.

While I do agree that some changes could be made in the manner in which Social Security benefits are taxed, I believe that a better approach to the one outlined by our President would be to have the higher level imposed upon those with incomes of at least over $40,000 for a married couple and at least $32,000 for a single filer. If at all possible, even higher thresholds should be put in place. What we are trying to do with this amendment is to address and make sure that middle Americans are not unfairly taxed.

Mr. President, due to the time constraints, I have not been able to determine exactly how much revenue would be lost were the thresholds raised as we have suggested in the amendment. However, we know that the estimated revenue loss if thresholds were raised to a much higher $40,000 for an individual and $50,000 for a couple would cost, or have a loss of about $8 billion. In other words, such a proposal would raise about $24 billion over the next 5 years, instead of the $32 billion as does the proposal offered by our President.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EXON. I ask for 2 additional minutes.

Mr. LAUTENBERG. I yield my colleague 2 additional minutes.

Mr. EXON. Mr. President, I believe the proposal I have outlined would lose probably $4 billion to $5 billion realistically or, to put it another way, it would raise about $27 billion or $28 billion in revenues versus the President's proposed revenue raising of $32 billion.

This Senate amendment does not change the reconciliation instructions being given to the Senate Finance Committee. The Senate Budget Committee in its presentation of the President's plan modified, listed several ways that the Senate Finance Committee could raise additional revenues. In addition, there is a long list of proposals that are assumed in the President's plan modified, that collectively cost more than the proposal contained in this amendment.

My point is simply that the Senate Finance Committee is being given an instruction to report tax increases that will raise nearly $300 billion over the next 5 years, and the proposal that I have suggested will not have a significant impact upon the job that committee must do.

In closing then, let me say this amendment will, however, protect retired citizens who are far from wealthy from shouldering the tax increases that is otherwise assumed in the budget resolution. This sense-of-the-Senate measure will increase the fairness of the President's plan while keeping its principle of shared sacrifice. I urge its adoption. I reserve the remainder of our time and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. How much time remains on that side and how much time do we have under the unanimous-consent agreement?

The PRESIDING OFFICER. Eleven minutes, 13 seconds for the proponents; 30 minutes for the opposition.

Mr. DOMENICI. I thank the Chair. I yield myself 5 minutes. Let me indicate that as to the 30 minutes on our side, obviously I do not need anything like 30 minutes for my thoughts on this. I am going to yield rather quickly 10 minutes to Senator SPECTER and the proponent of the real amendment on this is going to have 5 minutes or so and we will see how that all yields out on our side.

Mr. President, let me talk about this amendment, giving the highest respect to my good friend from New Jersey and my friend from Nebraska. The majority leader, Senator MITCHELL, a while ago, in talking about an amendment that actually took taxes out of the order to the Finance Committee to raise taxes—it took out the amount that is represented by the tax on senior citizens and said we are removing that $32 billion so we do not even impose it; so seniors, you do not have to worry about it. So it is a done deal, if you would have adopted the amendment which was defeated awhile ago. So he said during that debate—and that was with his usual great wordsmanship—that the amendment was "transparent." "Transparent" was the word.

Well, let me see if I can borrow from the distinguished majority leader and talk about this amendment.

If there ever was a transparent amendment, this one is of double transparency. This one is more like a transparent figleaf than a real amendment—a transparent figleaf. Why? Because essentially it says, seniors, we are trying to help you and we wish the Finance Committee would not impose a tax on you. That is the first transparency, to tell the seniors you are doing anything for them when you are wishing a committee that has been instructed to raise 300 billion dollars' worth of revenue, and in that $300 billion is the assumption that Social Security recipients will be taxed, will not tax them. That is the first wish.

Then the second wish. Lo and behold, it is determined that the threshold for taxation is too low in the proposal of the President because seniors are complaining that they did not think they were rich if they made $27,000 Social Security, pension, and everything else combined. So they are wishing a second good thing for the seniors. And that is that we raise the threshold to a new level, $32,000.

Now, frankly, Mr. President, a nice pattern has been set. Any time a Republican or a Democrat raises an issue about the President's plan that is indeed controversial—you remember, we should have courage; we should support the President's full plan. But whenever there is a real controversy, the other side offers a transparency, a sense-of-the-Senate that we are really not going to do that even though the budget resolution says we ought to do it.

We can go through them: Grazing fees, that was one, grazing fees and mining fees. We really do not intend to do that, so we want to tell everybody we are going to save them out there in the West. So we put in a sense-of-the-Senate, saying it is in the budget; it is in the President's plan. We are going to vote for this budget, say those Members who offer these sense-of-the-Senate resolutions on that side. But do not worry, we are going to vote here today and when we are finished voting there will be plenty of votes on the Democrat side to say we really do not intend it. We do not intend that the committee do this; do something else.

Now, my second point, made in all deference to the proponents, is that if this is a little item—$750 billion—one might honestly look out there and say we really do not think they have to do it, and I am going to go home and tell my people not to worry because I do not think they are going to do this to you. But this is one of the largest new tax components in the President's plan. It is $32 billion. Now, are we going to wish it away? Are we going to say to the Finance Committee: We have adopted a resolution, and it says it is the sense of the Senate that we really hope, we really do not think you have to put that tax on. Tax somebody else.

Well, maybe we ought to ask who? You remember Russell Long's famous saying: "Don't tax me; tax the person behind the tree."

Well, here we are saying do not tax Social Security even though it is in the President's plan because we are beginning to hear from a lot of senior citizens that they do not like this. So wish No. 1 is do not do that.

But is there any suggestion as to where we might get $32 billion? The American people understand: $32 billion in new taxes does not grow on trees. You take it away from Americans somewhere because you tax somebody else more. Who? I submit maybe you ought to raise the Btu tax for the $32 billion. That would be a good one, would it not? Raise $32 billion from the Btu tax. Suspend indexing. Cut mortgage interest deductions, State and local tax deductions. You can do any of those items. But do not do what the President said we were going to do, because we are getting a lot of complaints about it.

So, Mr. President, I am going to urge on our side that those who think the way we do vote against this, vote against this transparency, this coverup, this double transparency, because it truly is a figleaf. It does not do much at all. And yet there are those who would like the seniors to think that they have really saved them with this sense-of-the-Senate resolution.

Now, Mr. President, I yield 10 minutes to Senator SPECTER from Pennsylvania, and I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I thank my distinguished colleague from New Mexico for yielding me the time, and I compliment him on the statement which he has just made because I believe it goes to the heart of what is happening with respect to this budget resolution.

I believe Senator DOMENICI has coined a good phrase when he talks about controversy and transparency. Every time there is a controversial issue which has been raised, with this side of the aisle objecting to it, as the distinguished Senator from Mississippi, Senator LOTT, did on wanting to change the tax on Social Security, which is regressive—a fancy word which means that it hits low-income people—then immediately we have a sense-of-the-Senate resolution which says we really do not want to do that at all.

Now, within the Chamber we know precisely what is going on. But for the people watching on C-SPAN 2, it is pretty hard to figure out. It is difficult for those watching to understand that this kind of a sense-of-the-Senate resolution is going to be used by Senators when answering their mail from senior citizens protesting this unconscionable raise in Social Security taxes, which hits people of low income. Then the Senator is likely to respond saying well, I voted for the sense-of-the-Senate resolution to exempt people in low incomes.

But the hard part, Mr. President, is in this book. The hard part is in this book on the figures. That is what is going to happen. It is not going to be this sense-of-the-Senate resolution which is going to govern. The hard part is in this book and in these figures.

When my friend from New Mexico, a man who knows more about the budget than anybody else in this town or in this world, says vote against this sense-of-the-Senate resolution, I am not sure I am going to do that. The reason I am not sure I am going to do that is somebody is going to cite ARLEN SPECTER'S vote against this sense-of-the-Senate resolution, saying he does not care about the poor people and he does not vote to have the package modified to take care of the poor people.

So when this vote comes up, I am inclined to vote in favor of the resolution because of the difficulty of explaining it on the so-called 30-second commercial spot.

We are fighting all the time, Mr. President, against commercials that are going to pick a vote out of context here and there and make a representation which is factually untrue but virtually difficult to answer unless you buy a dozen 30-seconds spots and then hope you get the same people.

The American people ought to be aware of what is going on here on this transparency which is set to obscure the controversy.

Mr. President, on the last vote, there were those from the other side of the aisle who took the floor and said that Republicans were trying to undermine and defeat the President's program. That really is not so. I have said both publicly and privately that I want to support the President where I can, but I am not going to give him a blank check.

I think the Btu tax on energy is wrong. I think raising the tax on Social Security recipients, the lower levels, perhaps on any, is wrong. It is the duty of all Senators, elected as I have been by a State of 12 million people, to express our views and to try to improve this package. We have constructive ideas to offer. I have been on this floor for most of the past week since this resolution came up last Thursday and could not find any time. Senator DOMENICI asked me to take on a certain area of argument which I have prepared. I came over to the floor on Friday afternoon to get a few minutes on some other resolution. I came back on Monday and the Senate floor was filled. All day yesterday, the Senate floor was occupied.

I came at 9 o'clock this morning to try to find some time to talk about four resolutions which this Senator has proposed, which I consider to be very important amendments to the budget resolution. We are at a very critical time in our Nation's history, Mr. President. It seems like every time is critical, but there is no doubt about it now, with a new President elected and with control of the same party by a majority in the House and Senate. This budget resolution is our opportunity to make suggestions and to offer amendments if we can get somebody to listen to them.

Mr. President, the Senate is not in order. May we have the conversations cease, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. I thank Senator DOMENICI again for yielding me some time so I can spend a few moments on the amendments that I am offering, which I will not get to debate because the time will all be used up under the Senate budget rules. It is not enough to be around here for 12 years to find 10 minutes to speak on the budget resolution affecting $1.5 trillion.

One of my amendments, Mr. President, says that there ought to be a unified package containing offsets for any additional expenditures through cuts and programs or increased taxes.

What we did earlier this month on extending unemployment benefits without paying for it, I submit, was wrong. I voted for it because I think you have to extend unemployment benefits when you have so many Americans who are unemployed, 9 million or more Americans. We should have extended unemployment benefits but we should have paid for them. We ought not to adopt a budget resolution that does not contain offsets for any new programs. It ought to be a unified package. I submit that issue is worth more than 2 hours, but it ought to have at least more than 2 minutes.

The second amendment which I have on the list is to target passage of health care reform legislation for no later than September 30 of this year. Mr. President, the Congress should have legislated on health care a long time ago. This Senator brought an amendment on health care to the floor last July on the energy bill. I was told that it was the wrong place for the amendment. I agreed and said I would withdraw the amendment if the schedule were set so that there be would be a date certain to consider health care reform. I was told that the issue was too complicated. Then I reminded the schedulers that a date certain had been set for consideration of the product liability reform bill. But I could not get it done. We should have legislated last year.

On January 21, the first day we were in business for legislative matters, I took the floor, complimented President Clinton on his speech on inauguration day, and said that I wished he had directed his attention to something more specific on an economic recovery program and on health care legislation.

There have already been statements which have been made by our leaders which raise a question. Congressman ROSTENKOWSKI, the distinguished chairman of the Ways and Means Committee, has said publicly that he doubts we will have health care legislation this year. The distinguished majority leader has just come to the floor, Senator MITCHELL, who appeared on "Face the Nation" 3 weeks ago, and said that he thought we could have health care legislation finished perhaps this summer. But he said at that time that these issues have been around, as I recollect, for 6 to 8 years. I submit, Mr. President, we are ready to legislate today, and the bill which this Senator introduced on January 21, Senate bill 18, is a critical bill which would provide comprehensive health care reform.

Yesterday, I introduced an amalgam bill containing parts of legislation submitted by Senator COHEN, Senator KASSEBAUM, Senator MCCAIN, Senator BOND, and myself. I am working with Senator CHAFEE'S task force, where we hope to have legislation produced to offer on the floor of the Senate before we have the recess next month. I have no illusions about its success in terms of a party line vote.

I think the American people ought to know that we do not have to wait to legislate on health care reform. We have debated these issues again and again and again. It is past time that we ought to have full deductibility for the self-employed on their health care premiums. It is past time that we ought to have insurance market reforms to provide for groups to be insured. It is past time for primary and preventive care for low-birthweight babies, and it is past time to put in managed health care. It is past time to deal with the problem of terminal health care.

That is why I propose to press this amendment that we ought to act on health care as a priority matter, no later than September 30 of this year.

A third amendment which I have pending, Mr. President, deals with the allocation of $12 billion of Federal funding on the drug program. Right now $8 billion is allocated for the so-called supply side—that is, law enforcement, international interdiction—and $4 billion on education and rehabilitation. I have studied this issue for a long time, since my days as district attorney in Philadelphia, and am convinced that the long-range answer is really going to come in education and to some extent in rehabilitation. I think of my own two young sons who do not smoke because of the education which discouraged them from smoking. I believe that this body ought to debate how we are going to allocate $12 billion and not take by rote an allocation of 8 and 4 but ought to make it at least 6 and 6.

My 10 minutes is close to expiring, Mr. President. I will move on to my fourth amendment. I am describing these amendments in much too abbreviated a fashion because they are important matters. But I have reintroduced legislation——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SPECTER. I ask if my colleague from New Mexico will grant me 1 additional minute.

Mr. DOMENICI. I am pleased to. Would the Senator yield on my time? How much time do we have?

The PRESIDING OFFICER. Eleven minutes, forty-five seconds.

Mr. DOMENICI. I want to yield, whenever he gets to the floor, time to Senator LOTT. Then we will see if there are any other Republicans. If not, I will wrap it up and perhaps yield back some time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from New Mexico.

Mr. President, I have introduced significant legislation to deal with career criminals. The Federal bill was passed in 1984 and amended in 1986 and has become, so say the law enforcement officials, one of the most effective tools against drug sellers and violent crime by taking career criminals, those convicted of three or more serious offenses who were found in possession of a firearm, and giving them a mandatory sentence of 15 years to life.

We have in most of the States, more than 40 States, habitual-offender statutes, which are now not fully used, under which courts could sentence habitual offenders to life in prison.

I believe that we need realistic rehabilitation, Mr. President, for first offenders, juveniles, some second offenders. It is no surprise when somebody leaves jail without a trade or skill, to go back to a life of crime. For habitual offenders, we need life sentences, and the Federal Government ought to provide the funding, even for career criminals sentenced under State law.

I know my time is up. I thank the Chair and my colleague, the Senator from New Mexico.

I yield the floor.

Mr. LOTT. Mr. President, let me remind my colleagues again that what we are talking about here is a Social Security tax increase on retirees with benefits down as low as $25,000 for an individual, and $32,000 for a couple.

We had an opportunity on the previous amendment to stop that from happening. Forty-seven Senators voted against a Social Security tax increase on retirees down to middle-income levels and low-income levels.

The sense-of-the-Senate resolution pending before us says, well, we wish that the Finance Committee would look for other sources of revenue to take care of coming up with money which will be spent. Well, I have a novel idea. What we ought to be doing is not looking for more revenues to pay for this elimination of Social Security tax increase. We ought to be cutting new spending that is in the President's budget proposal.

But this is a sense-of-the-Senate resolution. This amendment really does not accomplish anything. It is a wish, We wish, Senate Finance Committee, that you would find some other source of revenue. But, if you cannot, we want you to consider maybe raising the threshold up to $32,000.

Well, whoopee. What about the retirees living on Social Security at $32,000;

are they wealthy? I do not think they would believe they are wealthy. Certainly, they are at least at the minimum of middle income, maybe below that.

Earlier this week in debate, the distinguished Senator from Arkansas called a sense-of-the-Senate resolution a monumental eunuch. It does not mean anything. It is an effort to say we love you seniors; we would rather not raise taxes on social security; we wish the Finance Committee would not do it, but if they do, it is OK if they begin at $32,000 instead of $25,000.

What we have here is a plan for people to ignore their vote on the previous amendment which would really protect Social Security recipients and listen only to their hollow and useless words, that we really do not want to do this, but the devil made us do it.

Seventy percent of the American people do not want us to raise taxes on Social Security beneficiaries down into these low- and middle-income areas. So why in the world are we doing it?

Mr. President, I think when you look at this amendment, what we really have before us, what is being offered, is just an effort to say the previous vote did not really count, and we hope the Finance Committee will find another way to raise this revenue. But the instructions from the Budget Committee, and the proposal of the President clearly say: tax Social Security recipients. This amendment is not going to prevent that from happening.

So I urge my colleagues once again, let us not take this big bite out of the Social Security tax recipient's income. You are probably going to still see 70 percent or more of it come from recipients that make $50,000 and $100,000. Yet, we are being told we do not want to attack the middle-income people. That is not what is happening with this proposal. I urge my colleagues to vote against this sense-of-the-Senate resolution, because it is hollow, and because you are voting, if you vote for it, to have a tax increase on Social Security recipients beginning at $32,000 for an individual, and $40,000 for a couple.

Mr. President, I yield the floor at this time. I notice the Senator from New Mexico is not here. Does the Senator from New Jersey have additional time he is going to use?

Mr. LAUTENBERG. How much time do we have, Mr. President?

The PRESIDING OFFICER. Eleven minutes, thirteen seconds.

Mr. LAUTENBERG. Well, we will be using some of that time.

Mr. LOTT. How much time remains on this side?

The PRESIDING OFFICER. Six minutes.

Who yields time?

Mr. LAUTENBERG. Mr. President, I yield myself as much time as I take, up to the remaining time for our side.

The PRESIDING OFFICER. The Senator from new Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I have listened with some amusement to the descriptions of the amendment I offered with my distinguished colleague from Nebraska. We have had various descriptions, and they use the terms hocus pocus, figleaves, transparencies, double transparencies. This sounds like a session on how to make film, Mr. President.

What we ought to do is speak truth in this place for a change. We listen to the cries of opponents on the other side, who are so upset by the fact that we want to try to deal with this deficit in a realistic fashion and reinvigorate the economy so that we can get people back to work and get ourselves back on track, instead of using all this time to talk about politics and 30-second commercials and the lot.

The Senator from Mississippi will forgive me for the reference, to the "lot." I do not mean Senator LOTT. I mean another lot.

The fact of the matter is that the very Senators who spoke against this resolution had no problem voting for elimination of grazing fees or inland waterway fees. Yes, they wanted to get the money back from taking it from discretionary programs. But their consciences were not touched at all when they suggested we eliminate fees for people who are using public lands to their advantage, making a profit, lots of money in some cases. That was OK.

But what about the senior citizen who has a modest income?

Mr. President, many of these senior citizens have worked all their life, tried their best, saved their money, faced catastrophic illness, maybe ended up in long-term nursing home care. And this amendment is trying to help those people.

Mr. President, if it were up to me, I would prefer that we not tax Social Security benefits at all. Given today's realities, though, that's not in the cards. So the question becomes, who deserves more protection? Ordinary, middle-class Americans or the very wealthy?

I say, let's protect moderate income Americans first. And so I disagree with my colleague from Mississippi, who wants to protect the wealthiest beneficiaries, no matter how much they make.

The fact is, there are senior citizens who have enormous incomes, some from investments. Yet my colleague from Mississippi says, no, not even those people ought to contribute more toward this terrible problem that we face.

Mr. President, this amendment suggests to the Finance Committee that they take another look, a second, third, or a fifth look, if they must, to see if they can find other sources for revenue needed to reduce this deficit from other places. Yet my colleagues on the other side of the aisle suggest that this is just wishful thinking.

Implicit in their argument is an assumption that the tax law is perfect as it presently exists. There are no more loopholes to close. And so, they suggest, it's just wishful thinking to try to help modest income, moderate income Social Security recipients. I don't see it that way.

Mr. President, I also want to correct something that was said earlier suggesting that this budget resolution will force the Finance Committee to adopt specific policies. That is simply not correct. A budget resolution can make suggestions and establish parameters. But it is up to the Finance Committee to do what they think is best. We have good management there. We have good leadership. And we trust that they will develop the best legislation that they can.

Mr. President, I hope that we will support this amendment, because what it says, very simply, to the Finance Committee, and to our colleagues here is: rather than going first to increase taxes on Social Security recipients with moderate incomes, people who have saved all their lives for these days and who face the risk of long-term illness or catastrophic sickness, we ask that you make every effort to find alternative sources of revenues.

It is shocking that those who would vote to eliminate the tax for the highest income Social Security recipients would object to our trying to protect the more moderate income recipients.

I yield such time as my friend from Nebraska wants.

Mr. EXON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Five and one-half minutes.

Mr. EXON. We reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Six minutes and twenty-two seconds.

Mr. DOMENICI. Mr. President, I probably will yield time back. I am going to have some Senators who want to speak. I am trying to get them here. I do not want to yield my time in advance.

I yield the floor.

The PRESIDING OFFICER. If neither side is yielding time, time will be charged equally.

Mr. EXON. I believe the Senator from Nebraska is yielded 5 minutes of the remaining time.

Mr. LAUTENBERG. All the remaining time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. I yield myself 4 minutes of that time. Please advise me if I go over that amount.

Mr. President, let me try to put this back in perspective after what I have been listening to in the opposition from the other side. As far as this Senator is concerned, there is not anything very transparent about this amendment. This amendment simply says that we recognize and realize that everybody is going to have to make some sacrifices if we are going to do anything about the skyrocketing debt of the United States that in the last 12 years, I would remind all, has gone from $100 billion to now over $4 trillion and going up certainly to at least $4.3 or $4.4 trillion in the next few weeks and is going to go on up from there, without any question, to over $5 trillion. The fact that we are paying about $300 billion a year interest on that is something that we must not lose track of.

What this amendment really says and does—and it is not transparent—is to say to the Finance Committee that they have been called upon to do a very, very difficult task to raise about $300 billion, that if it is necessary to place some taxes on Social Security recipients do not tax the Social Security receipts of middle-income Americans.

Everybody can argue about what a middle-income American is. I think most of us would agree that people who are making between $30,000 and $40,000 annual income probably define middle America as best we could.

I simply say and will point out that the basic thrust of this amendment is to tell the Finance Committee that if taxes on Social Security recipients are going to have to be raised do not do anything with the very low people, low-income people, and do not tax further the Social Security receipts of couples unless they make over $40,000.

It would be nice to stand up on the floor, and it is good politics, Mr. President, to say do not tax Social Security. The facts of the matter are I think especially higher income Social Security recipients would be the only ones that would receive additional taxes if this amendment is accepted and lived up to in the Finance Committee, as I think it will be. We are only asking additional tax receipts from the higher income people who are also draining Social Security.

I think most of the higher income people drawing Social Security would recognize that this is a sacrifice they have to make. I think all Americans had better get over this thing that we can solve the horrible fiscal problems of the United States of America simply by talk and simply by political posturing.

The facts of the matter are, if we are going to begin to solve this problem of the fiscal disarray of the Government of the United States of America, we are going to have to have some sacrifices. I believe that higher income people, higher income couples, with incomes over $40,000, can and should pay some additional taxes that they will have to pay under this proposal.

If I am to be besieged with political rhetoric that I am not interested in the Social Security recipients and it is unfair for even high income people——

The PRESIDING OFFICER. The time yielded the Senator has expired.

Mr. EXON. I yield myself additional time I have remaining.

I would simply say, Mr. President, that this proposal is fair. I would hope that we would endorse it.

I yield the remainder of my time to the Senator from Tennessee.

Mr. SASSER. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-three seconds.

Mr. SASSER. Mr. President, I commend the distinguished Senator from New Jersey [Mr. LAUTENBERG] and our able colleague from Nebraska [Mr. EXON] for bringing this amendment before the Senate today.

What these Senators are saying is that they want to do something about this deficit. They want to reduce this deficit. They have the courage to put their votes where their convictions are. But they are also saying that they want to try to redirect the Finance Committee, if at all possible, to raise the level for taxation to a certain extent.

I commend them for their efforts here today.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator's time has expired.

Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to the time of the Senator from New Mexico on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. How much time does the Senator have remaining?

The PRESIDING OFFICER. Two minutes and twenty-six seconds.

Mr. DOMENICI. Does Senator Bond desire to be recognized?

Mr. BOND. I do.

Mr. DOMENICI. I yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my distinguished colleague from New Mexico.

As I look at this amendment, this might be a nice thing for us to do to get on record as saying maybe we should not increase the Social Security taxes, but it seems to me that we just had an opportunity to vote on it for those who really do not believe we should be taxing Social Security benefits or increasing the tax on people with moderate income paying Social Security.

I just ask my distinguished Republican ranking member, Is there any reason why we should not vote for it? We have the vote that really counts. But what does this sense-of-the-Senate resolution do?

Mr. DOMENICI. Madam President, I yield myself the remainder of time.

The Senator raises a good question. Frankly, it seems to me that the amendment really is just an intention and a wish. I hope things do not turn out as the President has suggested.

In that context, if a Senator on either side wants to vote for it, knowing that really does not do anything, the full dollars are still in, all the dollars that are going to be needed on the tax side still are included in the assumption, that $32 billion of it is going to come from Social Security.

So I think any Senator can look at it however they want. If they do not want a risk that this will be something used against them, even though it is meaningless, then perhaps they would like to vote aye and support it.

From my standpoint, I am not going to do that as a Senator on this floor, just because I feel very strongly that we have already had the right vote. I do not want to water down the right vote, nor do I want anybody else to water down the right vote, whether they voted yes or no on the previous vote.

Mr. GREGG. Will the Senator from New Mexico yield?

Mr. DOMENICI. Yes.

Mr. GREGG. I just had a question.

If we were to actually believe this entire wish list that has been put forth over the last few days—I think this must be the fourth or fifth wish amendment that we have had—would there be anything left of the Clinton budget?

Mr. DOMENICI. Well, frankly, before we wrap up the day, I am going to see how many wishes we had and then I am going to see what is left that is controversial.

Because it seems to me, every time something is seriously controversial in the President's plan, we have somebody with a sense-of-the-Senate saying, "We wish it would not happen," kind of delivering the message to people that they are going to see to it that it is not. We did that on grazing fees yesterday.

Mr. DOLE. Mr. President, this sense-of-the-Senate amendment is not binding on the Senate Finance Committee. The real vote on Social Security taxes was the one we just cast on the Lott-Mack amendment. The Democrats tabled the real Social Security amendment with 52 votes.

Even if the Finance Committee were to raise the threshold to the levels suggested by this amendment, we would still be going back on the deal we cut with America's seniors 10 years ago.

Ten years ago we asked employers and workers and beneficiaries to make sacrifices to put the Social Security system on a sound financial footing. We made a deal that was fair. It passed with strong bipartisan support.

Ten years later, President Clinton is asking America's seniors to contribute $32 billion in higher taxes—only this time, the money is not going to strengthen the Social Security system.

This amendment tries to deal with the Social Security tax issue by wishing that it will go way. It might persuade the Finance Committee to reduce the amount of the tax increase somewhat. But, the point is that this time around, the money from these higher taxes is being used to finance other spending programs.

I will vote against the Lautenberg amendment.

Mr. ROTH. Mr. President, I plan to vote against this sense-of-the-Senate amendment to the budget resolution. Just 1 hour ago, the Senate voted on an amendment to remove the increase in taxes on Social Security benefits. I voted for that amendment—to remove the tax increase. Unfortunately, the amendment was defeated. That amendment had real teeth—much more so than the sense-of-the-Senate amendment before us now. This amendment says the Finance Committee should find alternative taxes to the Social Security tax proposed by the President. If my colleagues were opposed to increasing the tax on Social Security benefits, they should have voted for the previous amendment. All the current amendment says is that we should find other taxes. Let me be clear—I am against the President's tax increases. We should first focus on spending cuts. I have proposed a plan to reduce the deficit through reducing Government spending. That should be our focus, Mr. President, instead of looking for more and more taxes to raise.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from New Jersey [Mr. LAUTENBERG].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—67

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wofford

NAYS—32

Bennett
Bond
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Hatch
Helms
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roth
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—1

Inouye

So the amendment (No. 242) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas [Mr. GRAMM] is to be recognized.

AMENDMENT NO. 249

(Purpose: To strike the individual income tax increase, the energy tax increase, and the Social Security benefits tax increase, and an equivalent amount of new spending)

Mr. GRAMM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. LOTT, Mr. MCCAIN, Mr. HATCH, and Mr. MACK, proposes an amendment numbered 249.

Mr. GRAMM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 17, decrease the amount by $31,300,000,000.

On page 41, line 18, decrease the amount by $31,300,000,000.

On page 41, line 24, decrease the amount by $25,000,000,000.

On page 41, line 25, decrease the amount by $25,000,000,000.

On page 42, line 6, decrease the amount by $38,000,000,000.

On page 42, line 7, decrease the amount by $38,000,000,000.

On page 42, line 13, decrease the amount by $51,000,000,000.

On page 42, line 14, decrease the amount by $51,000,000,000.

On page 42, line 20, decrease the amount by $62,000,000,000.

On page 42, line 21, decrease the amount by $62,000,000,000.

On page 41, line 9, decrease the amount by $50,000,000.

On page 41, line 10, increase the amount by $86,000,000.

On page 41, line 11, increase the amount by $333,000,000.

On page 41, line 12, increase the amount by $278,000,000.

On page 41, line 13, decrease the amount by $73,000,000.

On page 38, line 11, decrease the amount by $50,000,000.

On page 38, line 12, decrease the amount by $50,000,000.

On page 38, line 18, increase the amount by $86,000,000.

On page 38, line 19, increase the amount by $86,000,000.

On page 38, line 25, increase the amount by $333,000,000.

On page 39, line 1, increase the amount by $333,000,000.

On page 39, line 7, increase the amount by $278,000,000.

On page 39, line 8, increase the amount by $278,000,000.

On page 39, line 14, decrease the amount by $73,000,000.

On page 39, line 15, decrease the amount by $73,000,000.

On page 2, line 18, decrease the amount by $29,593,000,000.

On page 2, line 19, decrease the amount by $31,022,000,000.

On page 3, line 2, decrease the amount by $40,420,000,000.

On page 3, line 4, decrease the amount by $50,545,000,000.

On page 3, line 6, decrease the amount by $54,440,000,000.

On page 3, line 10, decrease the amount by $29,593,000,000.

On page 3, line 11, decrease the amount by $31,022,000,000.

On page 3, line 12, decrease the amount by $40,420,000,000.

On page 3, line 13, decrease the amount by $50,545,000,000.

On page 3, line 14, decrease the amount by $54,440,000,000.

On page 5, line 1, decrease the amount by $31,300,000,000.

On page 5, line 2, decrease the amount by $25,000,000,000.

On page 5, line 3, decrease the amount by $38,000,000,000.

On page 5, line 4, decrease the amount by $51,000,000,000.

On page 5, line 5, decrease the amount by $62,000,000,000.

On page 5, line 11, decrease the amount by $31,300,000,000.

On page 5, line 12, decrease the amount by $25,000,000,000.

On page 5, line 13, decrease the amount by $38,000,000,000.

On page 5, line 14, decrease the amount by $51,000,000,000.

On page 5, line 15, decrease the amount by $62,000,000,000.

On page 5, line 22, decrease the amount by $31,300,000,000.

On page 5, line 23, decrease the amount by $25,000,000,000.

On page 5, line 24, decrease the amount by $38,000,000,000.

On page 5, line 25, decrease the amount by $51,000,000,000.

On page 6, line 1, decrease the amount by $62,000,000,000.

On page 6, line 7, decrease the amount by $31,300,000,000.

On page 6, line 8, decrease the amount by $25,000,000,000.

On page 6, line 9, decrease the amount by $38,000,000,000.

On page 6, line 10, decrease the amount by $51,000,000,000.

On page 6, line 11, decrease the amount by $62,000,000,000.

On page 6, line 17, decrease the amount by $1,757,000,000.

On page 6, line 18, increase the amount by $6,108,000,000.

On page 6, line 19, increase the amount by $2,753,000,000.

On page 6, line 20, decrease the amount by $177,000,000.

On page 6, line 21, decrease the amount by $7,633,000,000.

On page 7, line 1, decrease the amount by $1,757,000,000.

On page 7, line 2, increase the amount by $4,351,000,000.

On page 7, line 3, increase the amount by $7,104,000,000.

On page 7, line 4, increase the amount by $6,927,000,000.

On page 7, line 5, decrease the amount by $706,000,000.

On page 7, line 8, decrease the amount by $1,757,000,000.

On page 7, line 9, increase the amount by $6,108,000,000.

On page 7, line 10, increase the amount by $2,753,000,000.

On page 7, line 11, decrease the amount by $177,000,000.

On page 7, line 12, decrease the amount by $7,633,000,000.

On page 9, line 3, decrease the amount by $2,859,000,000.

On page 9, line 4, decrease the amount by $6,104,000,000.

On page 9, line 5, decrease the amount by $6,891,000,000.

On page 9, line 6, decrease the amount by $7,683,000,000.

On page 9, line 7, decrease the amount by $8,462,000,000.

On page 50, line 9, decrease the amount by $29,593,000,000.

On page 50, line 10, decrease the amount by $206,000,000,000.

On page 57, line 7, decrease the amount by $29,593,000,000.

On page 57, line 8, decrease the amount by $206,020,000,000.

On page 39, line 23, decrease the amount by $50,000,000.

On page 39, line 24, decrease the amount by $50,000,000.

On page 40, line 5, increase the amount by $86,000,000.

On page 40, line 6, increase the amount by $86,000,000.

On page 40, line 12, increase the amount by $333,000,000.

On page 40, line 13, increase the amount by $333,000,000.

On page 40, line 19, increase the amount by $278,000,000.

On page 40, line 20, increase the amount by $278,000,000.

On page 41, line 2, decrease the amount by $73,000,000.

On page 41, line 3, decrease the amount by $73,000,000.

Mr. GRAMM. Madam President, I have sent an amendment to the desk that I think is a very easy to understand amendment. I want to try to describe it as simply as I can, and then I want to go through and talk about why it is so very important to the future of America.

First of all, the amendment that I have sent to the desk attempts to address the two sides of the budget equation. It first tries to deal with the massive growth in Government spending that is embodied in the Clinton budget by freezing discretionary spending, by shearing off the add-on spending in new programs and by deleting the increase is spending proposed in the Clinton budget for old programs. It then takes the savings that are achieved by freezing discretionary spending, and by shearing off add-on spending, it takes those savings and uses them to eliminate the new individual income taxes, eliminate the Btu energy tax and eliminate the Social Security tax. In fact, Madam President, you could call this amendment the deficit neutral detaxification amendment.

I have put up here in very simple terms—in fact one of my trusty aides put this together. What he tried to do was to set this out graphically by taking the three parts of the budget and putting them on this chart in their relative size: Taxes, spending and then way down here, these tiny letters which I am sure our dear Presiding Officer cannot see, but that is cuts.

Now, let me explain the problem. Let me just look at 5 years of the Clinton plan and what it does.

If you take the taxes that are already built into our economy, if you take the $295 billion of new taxes and you look over a 5-year period, which is what this budget covers, over this 5-year period revenues are going to rise by $1.332 trillion. In fact, over this 5-year period the average working American is going to pay $12,109 more than that same average working American is paying today.

Also, over this 5-year period, under this budget, nondefense spending is going up by $840 billion. Over a 5-year period, compared to today, we are going to spend $840 billion more than we are spending today.

As I shared with my colleagues at breakfast this morning, a fellow came up to me in Texas on Monday and said, "Senator Gramm, are we going to cut nondefense spending before we raise these taxes?" I looked at him and I said, "I sure hate to tell you, but there are no cuts in nondefense spending in this budget." In fact, while we claim a $7 billion cut over 5 years out of $1.3 trillion a year in spending, the truth is that those are cuts relative to the planned growth in spending, not relative to actual dollars spent. But what is built into this budget is $840 billion worth of new nondefense spending.

Now, what I am trying to do, Madam President, is very simple. I am trying to take about a quarter of this built-in spending increase out, by freezing discretionary spending and by shearing off $136 billion of net new spending that the President is proposing.

Let me tell you why that is so important. That is so important because the Clinton program is giving us a vision of America that nobody voted for and, quite frankly, I do not think most Americans want.

Let me try to reduce it down to two figures. At the peak of the Johnson Great Society program, Government spending for nondefense purposes took 10 cents out of every dollar earned by every American to pay for it. If the Clinton plan is implemented, nondefense spending will take 19.3 cents out of every dollar earned by every American to pay for social spending, nondefense spending.

At the same time, it is very interesting to note that when Jimmy Carter left office, his last defense budget, which Congress and the American people deemed to be inadequate—we had to rebuild defense. We won the cold war. We tore down the Berlin Wall. We liberated Eastern Europe. We transformed the Soviet Union. We are now going to be spending under this budget half as much as a percentage of the total economy on defense as we spent when Jimmy Carter was President.

I do not believe, Madam President, that the vision most Americans have for their country is one of spending twice as much on social programs as a percentage of the economy as we spent when President Johnson was in office and half as much on defense as we spent when Jimmy Carter was in office.

So what my amendment does on the spending side is, very simply, that it deletes about a quarter of the growth in spending that is part of the Clinton budget and then it eliminates the new income taxes, the new energy taxes, and the new Social Security taxes. It ends up not affecting the total deficit reduction number in the Clinton budget, but it does so by controlling spending rather than raising all these taxes. It does not fix every problem in the budget. This is not a substitute. This is an amendment. But it dramatically improves it.

Now, let me talk about these taxes.

Last night and this morning when we talked about Social Security taxes, we talked about the unfairness. We talked about people who have saved all their lives to build up a nest egg to retire. Their income on their W-2 form is $18,000 a year, and the President is going to come along and tax their Social Security benefits, tax 85 percent of those benefits, taking away the benefits from a lifetime of work. We talked about how unfair it was. Senator LOTT and I and others tried to take it out. Unfortunately, that failed.

But, Madam President, I do not want to talk about fairness here. I want to talk about the economy.

There is a big problem with taxing Social Security that goes beyond being unfair. The people who are being taxed by this budget proposal worked all their lives to build up a private retirement program. If now we come along and we tax their benefits, what it is going to mean is that moderate income people in the future are not going to save for their retirement because they know that the Government is going to take the benefit away from them. So tens of billions of dollars of private retirement funds that we now use to invest and grow America, invest to grow the private sector, those private retirement funds are going to vanish.

As a result, even though the President's budget assumes that people are going to work and build up a nest egg and save and let Government take it away from them, that is not the way Americans behave. I am talking about an impact on growth and jobs and on the future of America, quite aside from fairness. That is why that tax increase needs to be dropped.

Let me talk about the energy taxes. I remember vividly in the State of the Union Address the President said this energy tax is a throwaway tax, $10 a month, $120 a year.

Well, what the President did not tell us was he was only talking about half the cost, because his budget says that the cost is $120 a year directly in higher gasoline prices and higher utility bills. But it also says that the average American will see everything they buy from groceries to airline tickets go up another $200. So the President's actual projected cost for the average American family on the energy tax is not the $120 we heard in the State of the Union Address, it is $320.

Now, outside groups have started to look at this Btu tax, and people like Dr. Schlesinger, who was Energy Secretary under President Carter, have said that this tax is probably about $500 a year on every working family. These are the same middle-income Americans who President Clinton said under his program they could choose between lower rates or higher deductions for their children.

Madam President, where is their choice? Where do they get to make that choice? They got to make that choice only when they voted. Now that they have voted, all of a sudden we are talking about raising their taxes—one of the great electoral betrayals that I have personally witnessed.

Madam President, the second thing we do in this proposal is we take out the Btu taxes.

Finally, let me talk about income taxes. If you listened to the debate about income taxes, you get the idea that we are taxing all these rich people, that only rich people are paying these taxes.

Madam President, what is missing in all this is that 1.4 million small businesses file as subchapter S corporations under the IRS Code as individuals. In fact, every estimate that I have seen indicates that at a minimum 60 percent of the income taxes paid by the highest income tax filers are paid not by individuals but by proprietorships, by partnerships and by subchapter S corporations.

So the President talks about taxing all these rich people, but it is not John Q. Astor that is being taxed. It is Dicky Flatt & Sons Stationery Shop in Mexia, TX. They are the people who are being taxed. Their retained earnings are being taxed away. Their ability to grow their business, to create jobs, to make America prosperous is being taxed away.

So, Madam President, what this amendment does is very simple. It freezes discretionary spending; it shears off the President's new spending; and it takes that money and uses it to offset the elimination of the individual income tax rate increase, the energy tax, and the Social Security tax and is able to maintain the total deficit reduction number in the President's budget.

The net result is that if this amendment is adopted, Government spending over the next 5 years will grow about 25 percent less than it will grow if the amendment is defeated. And we will not be imposing these taxes which will have the impact of putting America out of work.

The real question, Madam President, is do we want to grow America or do we want to grow the Government? Do we really want to tax Social Security recipients, average working families with an energy tax, and do we want to tax small businesses and family farms all to fund more Government spending? If people do not see anything else in my amendment, remember this one point: By freezing discretionary spending, and by sheering off the add-on, the spending the President has proposed, we can cancel for all practical purposes, eliminate new income taxes, energy taxes, and Social Security taxes. Why are those taxes in this budget? They are in this budget to fund new spending, not to reduce the deficit.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I see the distinguished Senator from Maryland on the floor. I would be pleased to yield to him such time as he might desire.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the distinguished chairman of the committee for yielding me time.

Madam President, this is an interesting amendment. It does deserve some careful consideration. It does reflect some very important differences.

Essentially what the Senator from Texas is doing is he is eliminating the investment dimension of the President's proposal. He in effect would freeze all spending. Of course, the President has been very up front about this issue. The President has said he is trying to accomplish two things. He is trying to accomplish deficit reduction and also accomplish an investment program in the future strength of the American economy. In order to achieve those objectives he seeks to find the resources from two sources: Cuts in other spending programs in the budget, and additional revenues.

The President has been very clear about that. I commend him for it. His strategy is to reduce the deficit, which he recognizes in an important national objective, and provide additional investment in the future strength of the American economy.

Then you say how are you going to do this? The President says that we are going to find the pool of money that is necessary to do this in two ways: We are going to cut other spending which will provide additional moneys, and we are going to raise some revenues.

What the Senator from Texas has said is I do not want to raise revenues, and I do not want to do investments. That is essentially his equation.

First of all, do we need these investments? Is there a problem in investing in America's future and in its strength in the years to come and enhancing our ability to compete internationally?

This is a chart that shows real net investment as a percent of real net national product. As you can see, net investment fluctuated up and down throughout the sixties and seventies. It came down during the early seventies, then back up again, down low in the early eighties, back up again. But over the last 7 or 8 years we have had a steady decline in our real net investment.

If you do not invest in the future, the economic health of the Nation will suffer. I think most people recognize this, and they make investments for the future strength of their economy. In fact, a lot of businesses go out and incur debt premised on the proposition that the future growth of their business will sustain it.

I want to show how our current investment compares with what is being done in other countries because someone may say that investment has been declining in the United States as a percent of national product on a historical basis, but we are still doing better than other countries. This chart shows fixed investment as a share of GDP in the 10 largest economies: Japan, Spain, Australia, Germany, Netherlands, France, Italy, Canada, and the United Kingdom, all spend more on fixed investment than the United States.

President Clinton recognizes this. President Clinton is saying we have to do better on the investment front. We have to have an investment strategy. That is what is contained in his budget proposal. It is a public and private sector investment strategy for the future strength of the country. There are a number of provisions in this proposal and in the stimulus package which encourage private and public sector investment.

Some people contend that public sector investment does not serve a purpose. But this is incorrect. Where does the transportation network come from? As a trucking executive said to me: If my truck sits in a traffic jam for 4 hours, that comes right out of the efficiency of my operation. My productivity is being undermined by an inadequate transportation network.

The Germans are investing in apprenticeship programs, at about five times the level we do in the United States. They are investing in the education and training of their work force.

This chart compares funding on nondefense research and development beginning in 1971, in the United States, Japan, and Germany. In the early seventies we were fairly close to German and Japanese levels, though we were still below them. But since then, West Germany and Japan increased their investment significantly, while the United States did not. So we have a large gap now in nondefense research and development.

My own view is that in part helps to explain the trade deficit. Other countries are investing in their future. They are on the cutting edge of modern technology in their research and development. Then they beat us on the trade front, because they are able to create products that are very competitive in the international arena.

Finally, I just want to show the relationship between productivity growth and public investment. This chart shows that countries with high levels of public investment also have high levels of productivity growth. Japan which has significant levels of public investment, also has significant levels of productivity growth.

Mr. SASSER. When the Senator says public investment, what does the Senator mean?

Mr. SARBANES. I am essentially talking about infrastructure. This is physical capital, not human capital, not education, which is another important criterion. If I had a chart on that, again we would have problems compared to other countries. But this is physical capital. The United States is far behind on public investment and low on productivity growth.

Mr. President, if anyone stops and thinks about it, most people would realize that we need to make investments for the future strength of the country. People do that. They save money to send their children to college and get an education.

Businesses invest in the future, and the Government needs to invest on behalf of our country. They need to encourage private investment, and they need to make directly the public investments that are essential to the efficient functioning of our economy.

Other countries are making these investments. If you look at the investment strategies that prevail in the European Community, or in the Pacific rim countries, the comparison with the United States is dramatic. They are not bound up by rigid ideologies. They are making practical, pragmatic judgments about the future strength of their economies. The Europeans now have laid out a major investment strategy for international rail. They are going to have a rail system that is going to be the marvel of the world. And we are still trying to see if we can get ours up to a passable level in the great urban corridors of the country where urban rail makes enormous sense.

What is the consequence of these other countries having investment strategies? The consequence is that we start running large trade deficits with them. We ran trade deficits beginning in the early 1980's, and they have continued until today. It improved a little last year because we received payments from other countries for the Persian Gulf operation. We got paid for the use of our military forces, and that temporarily brought the current account deficit up in the balance. It is now on its way back down again.

In the real competition of the last decade of the 20th century and into the 21st century which, in my judgment, is on the economic and trade front, we are in a negative position. The consequence of running these trade deficits is that our position as a creditor nation is deteriorating. We are now a debtor nation. The United States has been a creditor nation ever since World War I. All through the 1920's, the 1930's, and obviously through the war and the post-World War II period, we sustained a creditor position. Then we began running these large trade deficits, and our position deteriorated, and we moved into a debtor status, and that is where we now find ourselves.

So I think the President is right. We need an investment strategy, both in human capital and in physical capital, both in the public sector and in the private sector. We need to address the health of our people. We need to address the education and training of our people. We need to address research and development. We need to address infrastructure. We need to address investment in modern plant and equipment. We need to encourage all of the things that will make us more productive, and more competitive. These investments are essential to put us on a high-skill, high-wage path for the future.

At the same time, we need to bring down the very large deficit that has been incurred, essentially, over the last 12 years. President Carter was excoriated because he had a deficit of $50 billion. I can remember that: $50 billion. Everyone was up in arms, and President Carter was trying to address that problem. Then during the Reagan and Bush years, we ran very large deficits, and those large deficits have been handed to President Clinton. It is not as though he showed up and there was no deficit and he is going to run a deficit. He was elected and there is a huge deficit, and President Clinton is trying to figure out how to get the trend line on the deficit down, so we can start addressing our economic problems.

Some people ask: why do you not just get rid of the deficit all at once? Let us just do it next year. Of course, if you were to do that, you would put such contractionary pressure on the economy, you would precipitate it into a downturn. Ross Perot said as much when he laid out his economic plan, in terms of what he was trying to do the first and second year of the plan. He recognized that he had to worry about the growth path of the economy. Of course, President Clinton is trying to get the economy growing enough that when you attach deficit reduction to it, it will not precipitate the economy into an economic recession.

That is the argument on the investment side, the necessity to make these investments, coupled with a necessity to bring down the deficit. The President has put forward, by the judgment of objective observers, the most credible deficit reduction program that has been offered in the last decade. We get people on Wall Street and on Main Street who may not agree with all parts of it, but they are prepared to concede that the President is offering a credible deficit reduction program. He has coupled deficit reduction with an investment strategy. Now he seeks to find the resources for it out of spending cuts, which are very substantial in this budget, and out of revenue increases.

My colleagues on the other side now want to eliminate all of the revenue increases. Essentially, they will eliminate the revenue increases, and they will eliminate the investment strategy because, as I understand it, their proposal keeps the deficit reduction part of the proposal. They accept the deficit reduction proposal, but take out the investment strategy, and the revenue increases.

Let us see what it is they are concerned about on the revenue increase front, and I would like to ask the chairman of the committee a question on this particular point.

Will the chairman tell me what percent of the money on the revenue side in the President's proposal would come from high income individuals?

Mr. SASSER. The top 1.2 percent pays 64 percent of the revenue. The top 1.2 percent pays 64 percent. With regard to the top 5 percent, the figure would be considerably larger, and I do not have that at my fingertips right now, although I may have it in 1 second. If I could just see this chart here, I think this might demonstrate graphically to my friend from Maryland where the President's revenue is coming from. This indicates that 64.2 percent of the President's revenue will come from those making $200,000 or more.

Bear in mind that $200,000 figure is not gross income. That is $200,000 after all deductions and exemptions have been taken.

The next 8.7 percent will come from those making between $100,000 and $200,000. So, if you add those figures together, 75 percent of them is coming from those in the upper income brackets and almost 65 percent of the revenues are coming from those who make over $200,000 a year.

Mr. SARBANES. Madam President, now we are getting to the heart of this issue.

Mr. SASSER. Yes, we are.

Mr. SARBANES. Yes, we are. Now we are getting to the heart of the issue.

The President says: "I want to have an investment strategy to build America for tomorrow. We want to invest in our children. We want to invest in our working people. We want to give business incentives to build new plant and equipment. We want to upgrade our infrastructure. We want to increase funding for research and development. And we want to bring the deficit down. We are going to try to accomplish all of these imperative objectives."

You say to the President, "How are you going to do that?"

The President says, "We are going to do spending cuts, substantial spending cuts, and we are going to raise some revenues."

My colleagues on the other side say: "We do not want to raise those revenues. No, sir. We do not want to raise those revenues."

Seventy-five percent of the revenues that the President is proposing to raise and that are in this budget resolution come from people making $100,000 and above, and that is not gross income. It is $100,000 and above.

Mr. SASSER. Madam President, if the Senator will yield for just one moment, I might demonstrate to my colleague from Maryland that in 1979 the effective tax rate on the top 1 percent in income in the country was 33.7 percent. Under present law that was instituted during the Reagan-Bush administrations that 33.7 percent effective tax rate on the top 1 percent was cut to 27.9 percent.

What President Clinton seeks to do to finance this investment program is to raise on the top 1 percent the effective tax rate to 33.1 percent, still slightly below where it was in 1979, I say to my friend from Maryland.

Mr. SARBANES. I appreciate that very much. I think that the chart the chairman has shown is a very important chart and it fits right in with this one.

This is a little complicated. I am going to take a moment to describe it. The top 1 percent over the last 15 years has raised their pretax income from $305,000 per family a year, to $566,000. Their taxes have gone up from $108,000 to $163,000. So their pretax income has gone up 85 percent. Their taxes have gone up 50 percent, reflecting the cut in the rates and their aftertax income, which is this large block here, this red block has gone up 105 percent.

What has happened is, because of those tax rates which the chairman just demonstrated to us, there has been a huge increase and improvement in the income status of the top 1 percent of the population.

I want people to prosper, but I also want them to carry their fair share in meeting the economic problems of the country.

There has been a big party in the last decade, but only a small number of the American people have been the partygoers. And that is demonstrated here by the change in the share of income by income groups.

This is the bottom 20 percent of the population. They have less of a share of the income today than they had in 1979. This is 1979–89, which is when the figures were available for the comparison. The first fifth is minus 18 percent. The second fifth is minus 14 percent. The third fifth is minus 8 percent. The fourth fifth is minus 5 percent. The next 10th is minus 1.6 percent. Ninety percent of the population by income group has less of a share. The top 10 percent have increased their share and particularly the top 1 percent. The top 1 percent have increased their share of income 60 percent over this period.

The 1990 budget agreement alters this distribution somewhat. We do not yet have that data. But I am prepared to concede that it would alter it somewhat, but it would not change the basic message of this chart.

So what the President is saying, very simply, is that those who benefited so inordinately by the policies of the 1980's ought to step up to the plate now and help us to address our problems, help us to address the deficit problem and the investment problem. We do not only have a deficit problem in this country but we also have an investment deficit, and a trade deficit. And very frankly we have a growth and jobs deficit that we are currently facing in this country.

We have a lot of people unemployed. We have a higher unemployment rate today, 23 months after the trough of the recession, than we had at the trough of the recession. The unemployment rate today is higher than it was at the bottom of the recession. We have never experienced that in any recession in the post-World War II period. In every previous recession in the post-World War II period at this point in the recovery the unemployment rate was well below what it had been at the bottom of the recession. Today it is above what it had been in the bottom of the recession.

Mr. RIEGLE. Madam President, will the Senator yield for a question on this chart that he laid out?

Mr. SARBANES. Certainly.

Mr. RIEGLE. Would it not be fair to say when you show the change in income distribution, all the money was running up to the top 1 percent of the income scale and people down the income scale were losing a large share of income?

The plan the President put out is not designed as perhaps it should be to go back to this group over this 10-year period of time and say, "Give some of this back." An argument could be made for that.

What he is saying is let us not add to this, let us not keep tipping the balance away from most of the people in society and taking the money up to the top 1 percent of the income scale, especially when that group is not turning around and reinvesting that money in our country and in job growth. If that were happening, then there might be some argument, at least on the surface, for why this kind of distribution might be appropriate.

But what the President is saying is that rather than allow this to continue and allow more and more of the wealth of this country to accumulate at the top 1 percent, let us try to level it out just a little bit.

Let us try to let people in the working class, in the bottom 80 and 90 percent of the population by income in the country, have a chance to participate, as well.

I will bet you that if we probably took the campaign contribution lists for people who were advocating this program and we laid the campaign contributions down side-by-side with the people who got all this income, I will bet it is the same list. I will bet it is the same list.

We have to break that. And the way to break it is to stop this business where more and more of our national wealth is accumulating in the top 1 percent and see to it that the rest of the people of this country have a chance to participate and have a chance to get a job.

Senator SARBANES talks about a jobless recovery. It is the most extreme thing we have seen at any point since the end of World War II.

This chart right here reflects that fact. If you look, as he said, at what has happened since the trough of the recession, if you look at previous recessions, we ought to be up here right now with respect to job recovery after this recession. That is what the last seven recessions have looked like.

Instead, we are way down here. We have not even gotten the jobs back that we lost in the course of this recession. We are down here. We ought to be up here.

That is 4 million people right now who do not have jobs in this economy. We have to invest in job growth in America. That is what the President is talking about.

I hear this shopworn set of arguments from the people on the other side of the aisle; we tried your plan for 12 years and it did not work. The American people reached that judgment last November. They sent that crowd out. They brought in a new President, who came in with an economic plan for this country, an economic and jobs growth plan for this country, to start investing in America again; not just have an economic program for Kuwait and Communist China and every other country around the world, but have one for this country.

When you look at public investment in infrastructure and compare it with other countries, this is Japan, spending far more than we are; Italy, France, Canada, Germany, the United Kingdom, and way down at the bottom of the list, the United States. That has been the track we have been on. That is why we are not getting the jobs and the growth in income in this country, because we have not been investing in ourselves.

Now this President comes along. Having been elected by the American people to bring economic change and to bring a new plan, he brings a plan in here. He has in there incentives to create private sector job growth.

And the first thing we see happening is people on the other side want to come along and they want to try to prevent that program from having a chance to go into effect, even though their program did not work. They have just been invited to leave the executive branch of Government because they did not have an economic plan for America.

Now you have a President who has an economic plan for America and who does not like, as I do not like, these unfair income distributions that have accumulated from Reaganomics and supply-side economics over the last dozen years.

You cannot just take all the money in this country and give it to the most wealthy 1 percent and have this country work right. That is why there is so much hopelessness in the inner cities. There are not enough jobs to go around. People do not see a way to get in the economic system, and that has to change. The President has given us a plan to change it, and it ought to be supported.

Mr. SASSER. I thank the Senator from Michigan.

Madam President, I would like to yield some time to the distinguished Senator from North Dakota, but before doing so, I ask unanimous consent that, following the disposition of the pending Gramm amendment, No. 249, any recorded votes ordered relative to the five amendments ordered to follow the disposition of the Gramm amendment occur immediately following the vote on or in relation to the Dole substitute.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, reserving the right to object, and I will not, I want to say to Senators on our side that I think this is an accommodation to Senators so we will not be in and out every 15 minutes, but rather the next 5 amendments will be stacked. They will be debated for 10 minutes each, or whatever the allowed time, and then we will go to the Dole-Domenici, and others, substitute and then we will vote on it and those that have been debated today.

Mr. GRAMM. But this amendment will be voted on when we finish?

Mr. DOMENICI. As I understand it, when the time is up, we will dispose of it.

Mr. SASSER. When all time is gone on the Gramm amendment, it will be disposed of by a vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. I thank the Chair.

Madam President, I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I appreciate the time from the Senator from Tennessee.

The Senator from Maryland, I think, has done a very interesting and useful job in beginning to strip away the petals of this flower so that we can debate the real debate. One group wants to keep doing what we have been doing in this country, what we have been doing for 12 years that has not worked. One group wants fundamental economic change in the direction of this country. That is the real debate.

The Senator from Maryland showed us that major new taxes in this country were paid by people who enjoyed massive increases in income in the 1980's. But these people have not paid nearly the amount of tax they ought to pay.

We had a study last year over in the U.S. House that showed that the top 1 percent of Americans have virtually doubled their income but have paid only 50 percent more in taxes. This means they are only paying half as much taxes as they should pay on the increase in income they received.

So we are asking them to pay a little more. They can certainly afford to do that. Let us use that money to invest a little in the future of this country.

All of our friends here keep talking about family. They say you cannot do this with your family checkbook. You cannot overspend your family checkbook. You cannot overspend your business checkbook. That is true.

How would we deal with this if we were a family? We are spending more money than we have, a billion a day, often on things we do not need. How would we deal with it as a family?

We would sit down and we would say: "All right, we are spending more than we have. Let us cut some spending."

That is what the President has proposed.

Then we would say: "Let us see if there are other ways to bring more money in."

That is what the President has proposed; and he is raising revenue from those people who have done very well in the last decade.

Then we would say something else. We would say: "Let us see if there are other things we can do in this family to increase the means of the family and improve our earnings potential."

Yes. One of the things we can do is distinguish between spending and investment. If our family took $2,000 and bought a lot of cigarettes, that would be spending. After smoking 2,000 dollars' worth of cigarettes, we would have nothing to show for that spending.

If we took the same $2,000 and invested it in some sort of technical training for our kids who might go out and find better jobs, that would be investment that would improve our family.

The author of this amendment would have those who watch this debate believe that we are in trouble because of a massive explosion of new spending by an uncontrolled Congress. We are vending machine politicians: Find a national vending machine, put in a quarter, and out comes a national program. That is what he would have the American people believe.

But the facts are really quite different. The Senator offering this amendment would understand, if he had a different chart that showed the American people where the spending increases really are, that they occur in three areas.

Health care costs have exploded. And if we do not do something about them, we are not going to control the deficit.

Interest on the debt has exploded. We know that. You have to pay the interest on the debt. The only way you solve that is to ratchet down these deficits.

Social Security is growing. More people are retiring, causing Social Security outlays to increase. We raised the Social Security tax to pay for this.

So if you take a look at spending over 30 years, let us see what has happened. This chart, a very small chart, shows that Medicaid has increased, Medicare has increased, Social Security has increased, interest on the debt has increased, and all other nondefense spending has actually decreased as a percent of gross domestic product. And that is fact.

Now, we can debate this on the old terms we have used for 12 years. Supposedly one side is for lower taxes and lower spending and on the other side are some profligate politicians who want to grab more taxes and spend more money. This is not a very fruitful or very useful debate.

A year ago I stood on the floor of the other body, and I looked at the budget of a conservative President. He sent us a budget and said, "Mr. and Mrs. Congress, I would like you to follow me." He said, "I am a conservative President and I would like to add $2.21 trillion to the debt in the next 5½ years. Won't you please buy into this conservative plan?"

I stood up on the floor of the other body and spoke at some length about that conservative plan.

When it comes to deficit spending, there is not a plug nickel's worth of difference between conservatives and liberals in this town.

The only difference is between those who want to solve the problem and those who want to preach about old dogma.

Do we want to solve this problem? If we do, we must, it seems to me, find additional revenue to ratchet down the deficit. We must find a way to screw up enough courage to reduce spending and, yes, that includes spending that affects all of us.

I say to some of my friends across the aisle: I would, today, this minute, if I had the opportunity, cut out all funding for the space station; cut out all funds for the super collider; and cut out all funds for SDI. Do you know what that would do? It would save $7 billion next year. Those are pretty good savings. Those are real budget cuts.

It seems to me our challenge at this point is to stop talking past each other and start deciding how do we raise revenue, and we must; how do we cut spending, and we must—in real, honest, and effective ways. And also, as the Senator from Maryland so aptly said, how do we invest in the American family? I am talking about the national family, all of us together, working together for a better future. How do we invest in our common potential? How do we invest in our human potential to give this country a chance to grow again?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I am pleased to yield the Senator an additional 1 minute.

Mr. DORGAN. Last year we had the chief economist of the Deutsche Bank's subsidiary in Japan testify before the Congress. He said that in 1997 Japan will become the world's largest manufacturer, and after 2000, the world's largest economy. Why? Because each year Japan invests $440 billion more in new plants and equipment than we do in this economy.

If we do not get our finances straightened out and sorted out and sifted through; if we do not start doing the things necessary to put this country back on track; if we fail to give our kids a shot at a better standard of living; then none of us deserves to be here.

This plan from this President means fundamental economic change for this country. It is time all of us stood for fundamental reform and effected the changes that will put this country back on track.

I thank the Senator from Tennessee for yielding me the time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I thank the Senator from North Dakota and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to make a couple of quick responses. Our dear colleague showed us what happened from 1979 to 1989. And our colleagues love to talk about 1979 to 1989. Do you know why? Because Jimmy Carter was President every day in 1979, and every day in 1980. In many respects, 1980 was the worst year in American history for the working people of this country, except for the Great Depression years. But you know when you take 1979 to 1981, when Jimmy Carter was President, every income group in America got poorer. From the day Ronald Reagan's tax cut went into effect, January 1, 1982, to 1989, every income group in America got richer.

There is a fundamental choice here. Our colleagues tell us that Government investment—a new term—do you notice they never talk about taxes and they never talk about spending? They talk about revenues and resources and contributions. And they talk about investment. Let us call a spade a spade. Our colleagues on the left want to raise taxes to increase spending. What we are trying to do here is take one quarter of the spending increase built in over 5 years in the President's budget, take it out and get rid of these taxes that are going to destroy jobs.

We want to grow investment. But we want investment in the private sector of the economy. If socialism carries the day this program will work. But it has never carried the day. It has been rejected everywhere in the world except Cuba and North Korea and China and in Washington, DC.

I do not believe it will work.

I yield to the distinguished Senator from Mississippi [Mr. LOTT] 4 minutes.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Mississippi.

Mr. LOTT. I thank the Senator from Texas for yielding me this time.

Mr. President, our colleagues on the other side of the aisle have been talking for most of the last hour about change. This is no change. We saw this in the late 1960's, we saw this in the late 1970's. They are talking about more taxes, tax increases, and more spending. It is the same old stuff. That is what is really being talked about here. Nobody wants to talk about the fact that the problem with this proposal is it has major spending increases.

If the President wants to talk about changing the makeup of how money is spent, changing the mix to improve infrastructure, we will work on that. But the problem is they want to raise more taxes and it is not just on the wealthy. You are talking about Social Security—low-income people. You are talking about energy taxes that hit everybody. So we can do what? Same old deal. Increased spending. And here is a chart that shows what we are talking about.

They talk about how they are going to cut spending. The proposed spending cut is infinitesimal, the little bitty blue line down here. Yet, over the 5-year period this red bar represents the total proposed Government spending. As you can see, it goes way up. We are talking about trillions of dollars. The Government plans to spend over $8 trillion over the next 5 years.

Mr. SARBANES. Will the Senator yield?

Mr. LOTT. I only have 4 minutes. I apologize. We will get some more time.

Now, to address these so-called spending cuts: The proposed spending cuts are only 1.7 percent of the proposed total Federal spending. What are they? Some $18 billion of user fees. Where I came from, that is a tax increase. That is not a spending cut. Next, $74 billion—for $112 billion, depending on your baseline—of defense cuts. Oh, yes, always. We get in that defense cookie jar and get more spending cuts. Then, $64 billion of proposed interest savings. And finally, nondefense savings—about $7 billion. A little old bitty piece. What we really have in this package are spending increases. This amendment would eliminate those and provide some real spending restraint. During the campaign do you remember his motto, "It is the deficit, stupid." I have a variation: The problem with the deficit is spending. I will not add the last word because I do not want anybody to think I am talking about them. But that is what we want to do here, freeze domestic discretionary spending authority for 5-years. This would save $71 billion. The American people do not understand why they should have more taxes to have more spending and not reduce the deficit. They would make the tough choices if we were really getting tough choices here. But, this is the same old stuff.

Our amendment would also drop the proposed discretionary add-ons and mandatory add-ons. It would require spending offsets to fund the stimulus package we will turn to next, and pay for the recently passed unemployment compensation. We ought to pay for these new spending increases.

Our amendment takes that savings and eliminates tax increases. It eliminates the new income taxes on individuals. We do not need them if we control spending. It also eliminates the new energy tax, a regressive tax that hits rural and agricultural areas and poor States—all Americans. Let us eliminate the Social Security taxes; 47 Senators have already voted for that. Seventy percent of the American people say we should not be raising taxes on Social Security recipients.

So, by eliminating the spending we could eliminate all of those taxes. And our amendment would also provide an incentive for savings and investment by enacting the Roth IRA plan. This amendment would strike the spending, it would eliminate the taxes, and it would have a savings incentive by a significant improvement in IRA's.

But this is just a starting point. I would still like to eliminate all tax increases. The problem is not too much revenue. The problem is too much spending. This year, we are going to spend $1.5 trillion. Let us control it. Let us agree to the amendment of the Senator from Texas.

Mr. GRAMM. Mr. President, I yield to Senator DOMENICI from New Mexico 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized for 4 minutes.

Mr. DOMENICI. Mr. President, I wonder if my friend will modify that? I would like to give 2 minutes of that to Senator STEVENS, and I will just take 2 minutes. Is that satisfactory?

Mr. GRAMM. That is fine.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I think there are so many things we could discuss here but I just wanted to take two.

First of all, I do not believe anybody should leave this debate today thinking that Japan is beating America economically simply because they invest more in their public infrastructure than we do. That may be a fact. But I have not found anyone who understands Japan's formidable strides who would say the principal reason is because they spend more of their taxpayers' money. I just do not find anybody saying that.

Then my good friend, the occupant of the chair, said it right, except there is nothing in the President's proposal to do anything about it. He said the Japanese invest more in plant and equipment every year. What is there in this plan that will encourage that? Nothing. There is one little incentive called investment tax credits. I ask that you look at it. It does not help small business at all. What little bit it does, it does it for big businesses in America and it is minutia; it is almost nothing.

So what is really the difference? The difference is the Japanese save money and we do not save money, because our laws are disincentives to savings. And there is nothing in the Clinton plan to encourage savings. I challenge anybody to come up with anything significant. That issue has been ignored in this whole debate about growth and prosperity.

This amendment does a simple thing. The American people will understand that they are being taxed so we can spend money on new programs. It is as simple as day and night. I request 30 more seconds.

Mr. GRAMM. I yield the Senator 30 more seconds.

Mr. DOMENICI. It is simple as day and night. This amendment proves the point. Take out in new taxes the amount in new spending—equal. I would bet today if you put that proposition to the American people it will get an 85- to 90-percent response. That is what we thought we were doing. We thought we were cutting spending in order to increase taxes and get the deficit under control.

So I commend him for it. I think it makes the point perfectly, and to dance around the issue of what makes Japan stronger, as if more American taxes are going to make us stronger—let me tell you one last fact.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Can the Senator give me 30 seconds?

Mr. GRAMM. I yield 30 seconds.

Mr. DOMENICI. Mr. President, for the first time in this century, the top tax rate in the United States will be higher than England. Under this high tax rate, the British economy has stagnated for most of this century, while the United States prospered, largely because we did not have these ruinous tax rates. We are in the name of new jobs and growth leaning in the direction of marginal rates as high as England, which have proved disastrous. They are going to prove the same in the United States.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 2 minutes.

Mr. SARBANES. Mr. President, I want to say with all due respect to my colleague from Texas who has been leading the opposition to this amendment that if this were not serious business, I would have to say that some of the comments he just made were laughable. I make this point with respect to his comments that we have to do it all in the private sector and yet he has been the champion on this floor of the superconducting super collider, which is public money, public money to help build our scientific infrastructure.

Some think we should not have it and some think we should. The Senator from Texas is a champion of thinking we ought to have it. But it is public money. And then the space station. Ah, we get all this beating of the chest about the private sector. Then the Senator turns around and champions the space station. That is public money.

And then we had the S&L's. We are going to lay out $130 billion and about half of it is going to go into Texas for the abuses of the owners of the S&L's in Texas for which the rest of the country is paying.

So we get all of this beating of the chest, but what we have is we have socialism for Texas, as far as the Senator from Texas is concerned, and free enterprise and markets for everybody else. So, to come out here and give us a speech and then turn around on another day and get up and give a big speech for the superconducting super collider—which will cost $8 or $10 billion as projected out. Public money. A big speech for the space station which will cost $30 to $40 billion as projected out. Public money.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. SARBANES. And then the S&L's. The operators of those S&L's took the provision in the law that said you could get Federal deposit insurance but your powers would be governed by State law. These are State chartered institutions whose deposits were covered by Federal insurance. Texas then had a law which allowed them to engage in the widest indeed wildest sort of activities. They would engage in speculation that would make a prudent person blush.

So they went out and did it, my distinguished colleague's constituents, the operators of these S&L's and then it all fell apart. We had to honor the deposit insurance. We are now going to do that to the tune of about $130 billion, and about half of that is going to go for these practices on the part of S&L's in Texas.

And then he comes out here on the floor and we get one of these lectures: It is all going to be in the private sector; and yet we are pouring public money into Texas into the superconducting super collider, the space station, and the bailout of the S&L's.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, I often have found when people cannot debate the issues, they want to engage in attacking people or their States. I hope my colleagues will remember that I offered the amendment to assess the S&L's $15 billion, to close down troubled thrifts and each Member will have to answer for how they voted.

Let me also say I will not vote to raise taxes to fund programs in my State. Taxes are already high enough. I am proposing a 25-percent cut in spending, and if that means less Federal money available for Texas, it is a good bargain because we are not going to build Texas and America by raising taxes and funding more Government spending. We are going to do it through the private sector. We are spending 1.9 percent of all Government spending on science. We spent 5.2 percent 25 years ago. So to argue that we have a deficit problem because we are investing in science and the future is, I think, simply at variance with the facts.

I yield 3 minutes to Senator BOND.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND] for 3 minutes.

Mr. BOND. Mr. President, this amendment is about what we think our economy needs. Do we need more taxes or do we need less spending? Raising taxes has never created a private sector job, except maybe, of course, lawyers or accountants.

So why do our colleagues on the other side of the aisle and the administration decry the so-called jobless recovery and then do everything in their power to kill off job creation? Calling higher taxes for higher social spending and investment is a marvelous example of new speech. It is the same old tax-and-spend philosophy but we just call it investment.

Make no mistake about it, the Btu tax will cost jobs, the inland waterway tax will cost jobs, and if you look at this chart which is a replication of others, by the year 2000 we will be back up to the same deficit under the Clinton figures as we are now going to $400 billion.

Some of my colleagues said that credible objective observers have supported the Clinton plan.

I urge my colleagues to read the compilation of comments by prize-winning economists that occurred in yesterday's Wall Street Journal. They recognize the problems.

Several of my colleagues have heard my complaints about the reliance on taxation in this package; a ratio of nearly $4 in taxes to $1 in spending cuts will not work. And folks in America are going to be mighty disappointed when a program heralded as a deficit reduction plan results in higher deficits. Four times we have raised taxes the last 10 years and the deficit has continued to go up.

Last week in wrapup I referred to rabbit stew. I referred to it because the President did an excellent sales job in his State of the Union Message of selling the sizzle. But when you looked at it, the meat was not there. It reminds me as I said then, when he was equally divided between spending cuts and tax increases, of a rabbit stew sold in a cafe in a small town near my home. A fellow went in one day and said, "I'll have some of your famous rabbit stew." When he took a bite of it, he said, "Wait a minute. That doesn't taste like rabbit. That tastes like horse meat." He called the chef out. He said, "I can't taste the rabbit." The chef said, "I extended it a little bit with equal parts horse meat and rabbit." He said, "What do you mean?" The chef said, "One part horse and one part rabbit."

That is, Mr. President, what we have here. We have about equal parts, 313 billion dollars' worth of horse meat taxes, $81 of spending cuts, and only $7 of that domestic spending. I think it is time we took the horse meat out of the rabbit stew and supported this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. SASSER. I see the distinguished chairman of the Commerce Committee on the floor. I yield 10 minutes off the bill to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina for 10 minutes.

Mr. GRAMM. Point of order, Mr. President. Can time be yielded off the bill on this amendment? We are under unanimous consent. Is that in order? As I understood the unanimous-consent agreement, there is no time on the bill. Time is allocated to the individual amendments.

The PRESIDING OFFICER. The Chair would advise the Senator from Texas that it is the Chair's understanding, pursuant to the unanimous-consent agreement that was entered into last evening, while this amendment is pending, time may not be yielded off the resolution.

Mr. GRAMM. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has 30 seconds remaining.

Mr. SASSER. I yield to the Senator from South Carolina. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SASSER. Mr. President, do I control time under the resolution?

The PRESIDING OFFICER. The Senator does control the time under the resolution.

Mr. SASSER. Mr. President, after time is yielded on the amendment, may I then yield time on the resolution?

The PRESIDING OFFICER. The Chair would advise the Senator from Tennessee that under the unanimous-consent agreement it was understood that all time would be used on this amendment after which there would be an immediate vote.

Mr. SASSER. Mr. President, I yield the remainder of my time to my friend from South Carolina.

Mr. HOLLINGS. What time is that—30 seconds?

Mr. SASSER. Thirty seconds.

Mr. HOLLINGS. I can tell you here and now we did have a vote on Social Security taxes, and we had that vote on April 24, 1991. And the distinguished Senator from Texas voted to increase Social Security taxes on Joe Six-Pack by $24.6 billion in 1992, $27.6 billion in 1993, $38.2 billion in 1994, $44 billion in 1995, and $61.7 billion in 1996. By their fruit shall ye know them.

I thank the distinguished Senator.

Mr. SASSER. I thank the distinguished Senator from South Carolina.

Mr. GRAMM. Mr. President, I yield 3 minutes——

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. To the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized for 4 minutes.

Mr. GORTON. Mr. President, in an edition of the Washington Post published last week, its writer on economics, Robert Samuelson wrote an appreciation of the life and work of C. Northcote Parkinson, the author of several Parkinson's laws. The particular Parkinson's law to which Mr. Samuelson referred was that which, only slightly paraphrased, states that Government expenditures will rise to meet Government receipts and then some.

Never has Parkinson's law been more aptly and amply illustrated than it is by this budget resolution; $295 billion in new taxes are proposed in order to allow a huge increase in domestic spending in the United States. And then some. The result of course is that 6 or 7 years from now the deficit will be larger than it is today even by the President's own figures and by his own estimates. This has been true in the past in the United States. It has been true in every Western democracy. It will be true as a result of this budget resolution.

Now, however, we do not call it spending. We call it investment. And it is the curious position of the Senator from Maryland that people do not make investments with their own money. Somehow or another, they waste that money; that only Government can make investments that work.

One would have thought that the history of Russian civilization during the course of the last 50 years would illustrate the differences between Government economic investment and people economic investment. One would have thought the history of the United Kingdom in the last 50 years would illustrate that.

No, we are presented with a proposal to raise our tax rates to higher than the maximum tax rates in the United Kingdom and presumably to catch what is known as the English disease. The Gramm-Lott amendment will prevent that from taking place. It will create infinitely more jobs in the private sector where they will be lasting, permanent, and good jobs. It is an excellent amendment and should be adopted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 13 minutes remaining.

Mr. GRAMM. Mr. President, I yield 3 minutes to the distinguished Senator from Wyoming, the Republican whip.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I thank the Chair, and I thank my friend from Texas.

I was very impressed with his response to the Senator from Maryland with regard to some pretty powerful comments made, and it comes from the heat of the debate. It is ironic how we see now that all the buttons are being pressed in America because it is just a matter of time before the American public understands what is really going on here.

We all want to see—I really believe this—President Clinton succeed. Why should we want him to fail if in turn the country should fail?

I admire Mrs. Clinton and what she is trying to do with health care. We visited with her. She is trying desperately to breathe reality into the American public as to what we have here and what we must do, and what employers are going to have to do, employees are going to have to do.

Now, we cannot have the Tax Code subsidizing insurance for designer eyeglasses and hairpieces, although that seems intringuing to me; and dental work and other things of that nature which do not fit in any kind of description of what is a core health care program.

So we pray that she will be giving us some important things. And we have a Republican task force on health care, Senator CHAFEE doing a beautiful job for us on that. But what we are doing here is new taxes, and that is not what the campaign was about. The campaigns of George Bush and Bill Clinton, with Ross Perot acting as resident goad in the operation, all were saying "cut spending."

That was what the whole campaign was about. This resolution is not about cutting spending; this is increasing taxes. There are the figures: A net of $294 billion in new taxes, any way you slice it.

So when we propose these things on our side of the aisle, we remember the anxiety as we sat and watched them—from that side of the aisle—punch holes in and great gouges in George Bush and Dan Quayle. I know the pain.

But I can tell you, when those on the other side of the aisle say this is a disguised attempt to cut the heart out of the Clinton plan, or this is a torpedo aimed at the President's plan, and other similar descriptions of all Republican amendments, the American public knows that is not true. Because what we are going to be doing here—and will continue to do even if we go down in a great rush of flames—is to say what the American people were saying during the course of the campaign, which was: Cut spending, stupid.

That is what they were saying. They never would have dreamed that the whole pitch here was new taxes under the guise of investment, and never dealing with the entitlements. Let us forget the term entitlements and call it Social Security, Medicare, and Medicaid. Let us all get in this game together. And we all know what we have to do. Every one of us knows what we have to do, and we will not do it. We all talk a good game. But the entitlements are sucking us up.

We have seen the evidence presented by the Senator from Texas and others, that the administration's plan relies almost wholly on new taxes as the primary means of reducing the deficit. New taxes would total $294 billion over the next 5 years, and this would buy the American public only $7 billion in domestic spending cuts.

There are so many reasons why this administration plan is the wrong way to go, but the biggest one has to be that in the long run it will do little to change our long-term deficit crisis. With entitlements going up 24 percent in last year alone, there is no way that we can raise taxes fast enough to keep up. Spending cuts have to be made. On the Republican side we have now offered several amendments all of which have been voted down—that would reduce the amount of new spending in the package.

I would simply ask my colleagues—what is the heart of the President's plan? Is it deficit reduction? Or is it new taxation?

I ask, because the amendment from the Senator from Texas would not hurt the plan's ability to reduce the deficit. It would leave all of the deficit reduction intact. So if the heart of the plan is deficit reduction, there is little to fear from this amendment.

This amendment only attacks the heart of the plan if the heart of the plan is new taxation. It seeks to reduce the amount of necessary new taxes by simply not proposing to embark on a huge new spending spree. That is all that it does.

So once again I commend the Senator from Texas for putting the question most directly to this Senate—we have a chance here to decide whether the goal is to reduce the deficit, or simply to increase taxation and spending. Because, as the Senator from Texas has ably showed, the same amount of deficit reduction can be achieved without expanding Government in the way that this plan would propose.

I thank my colleagues and I urge them to support the Gramm amendment.

Mr. GRASSLEY. Mr. President, some attention has been given to promises that were made by the President during the campaign that he has now abandoned. I want to focus on two of these broken promises that are embodied in this budget resolution.

We all know the President pledged to reduce taxes for middle-income taxpayers. In addition, he strongly opposed a hike in the tax on gasoline, and was very critical of those political opponents who advocated an increased gas tax.

Unfortunately, once the election was conveniently over, we all witnessed a disturbing transformation in the new President and his agenda.

In a thinly disguised energy tax proposal based on Btu's, the President has not only dropped his pledge for a middle-income tax cut like a rock, he has also substantially increased the tax on gasoline.

The administration has admitted that this energy tax will hit low- and middle-income taxpayers. But, they argue these tax increases will be mitigated by other parts of the package, such as an expanded earned income tax credit, and increased low-income heating funds.

Well, Mr. President, these may help some taxpayers. But, it is important to remember that LIHEAP only helps low-income taxpayers and the EITC does not even apply to single or married taxpayers who have no children. Maybe this is the President's indirect way of being profamily. But, instead of giving families a tax break, he will just increase their taxes a little less than single individuals.

And remember, even with an expanded EITC, anyone making over $30,000 will not get any help or benefit at all. Of course, these are the people that the administration has determined are rich and do not need any help anyway.

To make matters worse, the administration has also been low-balling the amount of the resulting tax increase on average families. The President argues his energy tax will only cost the average family of four $17 a month or $204 a year. In Iowa, the Department of Natural Resources has estimated that the President's energy tax will cost the average family of four over $300 per year. I know that does not sound like much to many Members of Congress who make over $133,000 a year, but in

Iowa, a $300 tax increase is a major tax increase that this Senator cannot support.

So, I hope that the people of America will look very closely at the President's proposal. Because once they get past the feel-good rhetoric, the harsh reality will set in. And, hopefully, this plan will be sent back to the drawing board.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we have had a good debate here today. Before we vote, I want to sum up again what the amendment does. Over the next 5 years, under this budget, with a built-in increase in domestic spending that is already the law of the land, nondefense spending will grow by $840 billion. What this amendment does is it takes about a quarter of that increase out, and eliminates new income taxes on individuals as well as the Btu tax and the Social Security tax—and ends up not increasing the deficit, but dramatically changing the budget that is before us.

We can say tax with many different words. We can say spend with many different words. We are now in a debate that engages in doublespeak. There is a new language that has been created because people do not want to say tax, and because they do not want to say spend. But what this amendment does is it freezes discretionary spending; it eliminates the President's add-ons for new spending; and then it takes those savings to offset the elimination of individual income tax increases, to take out Social Security taxes, and to take out energy taxes.

Our colleagues have talked about these rich people, these people making over $200,000 a year. Let me remind my colleagues of the following facts. According to the Internal Revenue Service, there are 849,635 tax returns filed where the income reported is over $200,000 a year. The number filed by proprietorships over that amount is 254,836. The minimum number filed by subchapter S corporations is 329,108. So 68 percent of the tax returns filed that have over $200,000 a year of income are not coming from rich people; they are coming from proprietorships and subchapters S corporations.

So when our colleagues talk about taxing rich people, they are really talking about taxing small businesses and family farms. They are talking about taxing the very groups that create the jobs that make America grow.

Debating the budget this year has been very difficult, Mr. President, because I have never seen a bigger gap between the rhetoric and the reality. We have gone, in a few short months, from a promise of $3 of spending cuts for every $1 of revenues—$2 in spending cuts for every $1 in revenues when Senator Bentsen was before the Senate during the confirmation process and when Congressman Panetta was before our relevant committees; and the President, in the State of the Union Address, said $1 in spending cuts for every $1 in taxes—to now, when we take the word of President Clinton's designated numbers authority and the CBO says $3.84 in taxes for every $1 in spending cuts. Those spending cuts are basically in defense.

We heard throughout the campaign: We are going to tax rich people. We now find that the tax which was supposed to really get rich people—that 68 percent of those returns are filed by proprietorships, partnerships, and subchapter S corporations. We are not taxing John Q. Astor; we are taxing Joe Brown & Sons Hardware Store.

We heard the energy tax was a throwaway. Now Dr. Schlesinger, the Energy Secretary under President Carter, says it is $500 a year. We said we were going to tax rich people, and now Social Security recipients with a W-2 form income of $18,000 a year are going to have their taxes go up dramatically.

Mr. President, we have tried on this side to get the facts out. But quite frankly, we have not gotten the facts out. The President is a great salesman. I commend him. He has done an excellent job. Maybe we are not great salesmen.

But I want to leave may colleagues with this point: 16 months from now, when these tax increases and these spending increases have taken effect, the American people are going to discover what is in this budget. And it is my humble opinion—only my opinion—that when they do, they are going to believe that they have been duped. Many of them are going to go back to the Presidential campaign, and they are going to blame the President.

But democracy is about accountability. We are going to have a vote here on this budget. We are going to vote "yea" or "nay." Those who are voting "yea," those who are voting for this budget, are voting for the largest tax increase in American history, and the largest 5-year increase in nondefense spending in the history of our country. If you believe that is the way to prosperity, then that is the vote you ought to cast.

I do not believe it is the road to prosperity. I believe it is the road to economic decline. So I am going to vote "no."

When the facts are in, when people know what is in the budget, maybe they will say: Well, I should have known. There were a bunch of people trying to tell me. I did not want to believe it. It is my fault.

Maybe they will say that. I do not think they will say that. I think they will say: I was deceived. Maybe AARP, which has let the partisanship of their leadership stand in the way of supporting the Lott amendment, will say: It is our fault; we should have told people Social Security was being taxed.

I do not think they are going to do that. I think ultimately we are going to be held accountable.

That is exactly as it should be.

If this program works—and I hope it will, because it is the country of Republicans as well as Democrats—then I congratulate our colleagues for doing something that no other country in the world has ever really been able to do; that is, through growing Government, through increasing taxes on the working men and women of the country, by expanding Government spending, by having Government pick winners and losers, promote prosperity, while the whole world is going in the other direction. The whole world is rejecting Government as a source of prosperity and freedom.

Yet, here in this great temple to democracy, there is this desire to prove that the world is wrong, and that socialism may yet work.

I suspect, Mr. President, deep down in my heart, that socialism survives not because it works economically, but because it works politically; because socialism creates political constituencies.

But, in any case, we are going to get the proof.

I can stand here and say this is a bad budget. My colleagues can stand here and say it is a good one. But, ultimately, we will know when we look at the economy.

I say this, Mr. President: I am against this budget because I believe it will not work. It will not bring down the deficit. It will not put people to work.

If you want to dramatically improve it, if you want to freeze spending—which the American people say they are for—if you want to drop this add-on spending in the President's budget and make us cut $1 for $1 if we want to add some of these new spending programs and then take out income taxes, energy taxes, Social Security taxes—taxes that will stifle job creation, that will slow down the economy, and that will put Americans out of work—I urge my colleagues to vote for this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. MURRAY). All time has expired on this amendment. The vote occurs on the amendment No. 249 offered by the Senator from Texas.

Mr. SASSER. Madam President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to table the amendment (No. 249) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 254

(Purpose: To express the sense of the Senate, consistent with the position of the Clinton administration, that fuels used for home heating purposes are exempt from the supplemental Btu tax on oil)

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of myself and my colleagues, Senator KERRY, Senator LIEBERMAN, Senator DODD, Senator LEAHY, Senator JEFFORDS, Senator PELL, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. PELL, and Mr. MITCHELL, proposes an amendment numbered 254.

Mr. KENNEDY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

It is the sense of the Senate that revenue figures contained in this resolution assume, consistent with the position of the administration, that the Btu tax will be imposed at the same rate on all fuels purchased by households for home heating purposes and therefore that the supplemental tax on oil will not be imposed on such fuels.

Mr. KENNEDY. Madam President, I understand there is a time agreement, am I correct?

The PRESIDING OFFICER. That is correct. There will be 10 minutes of debate, equally divided.

Mr. KENNEDY. Madam President, I yield myself 2 minutes.

I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Madam President, one of the very constructive aspects of the administration's energy policy was to reject a number of different alternatives in finding a fair way to tax energy and settling on what is called the Btu tax, and by doing that to try to have as fair and as equitable distribution of the burden across the country as possible.

The administration also included an additional surtax on the use of oil. And we understand the reasons for that.

But one of the unfortunate consequences, when the administration added that supplemental tax, is that it hit home heating oil. Of all of oil's usage, only 2 percent is used for home heating. But half the homes in New England use heating oil.

So if we are not successful in providing an exemption for home heating oil, we would have a situation where one home was heated by gas, one by oil, and there would be a very significant disparity in that particular result.

So the purpose of this amendment is to try to carry forward what the administration, I think, was doing correctly, and that is to have equity and fairness across the country in the utilization of heating different homes.

With the acceptance of this amendment, we move ourselves a long way down the road. This is essential in terms of the New England homes. It is also enormously important to schools, to colleges, and to hospitals, which are largely dependent on home heating oil, as well as propane.

So, Madam President, I appreciate the willingness of the leaders to accept this amendment. It is of enormous importance.

I yield the remaining time to the majority leader.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Madam President, I ask unanimous consent that I be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I rise to support the amendment of the Senator from Massachusetts to clarify that the proposed Btu supplemental tax on oil will not apply to home heating oil and other heating fuels. This is a very important issue to my State of Maine as well as other States in New England.

The President has proposed a bold initiative for deficit reduction and long-term economic growth that includes a new tax on energy. The proposal includes a basic tax of 25.7 cents per million Btu's on coal, oil, natural gas and other energy, as well as a supplemental tax of 34.2 cents per million Btu's on oil.

Although the Clinton administration has proposed a higher tax on oil, the plan does assume that heating oil will be treated differently. The proposal is silent with respect to the treatment of propane and kerosene, two other fuels purchased by households for home heating purposes.

One of the objectives of the administration in developing its Btu energy tax was to design a tax that minimized the difference in tax burdens among different parts of the Nation. Compared to a carbon tax or a gasoline tax which would impose disproportionate burdens on different regions, the administration intended its Btu tax to be relatively neutral between different States.

That objective would not be obtained, however, if the supplemental Btu tax is imposed on home heating oil. According to the information I have, the highest tax States would be Alaska, Maine, Connecticut, Vermont, New Hampshire, Massachusetts, and Delaware. Their average residential tax burden would be almost 50 percent greater than the average burden in the rest of the Nation.

The Clinton administration agrees that this should not be the case and therefore it supports a different treatment for home heating oil. That is clearly stated in the Treasury Department's explanation of the administration's tax proposals. Over the last several weeks, I have spoken with several officials in the Clinton administration about this issue and the administration is in agreement that the supplemental tax on oil should not apply to fuels used for home heating purposes.

The result would be that oil-derived home heating fuels would be treated the same as natural gas and coal. This would remove the large regional disparity that would otherwise exist.

Propane presents a special case. This fuel, which is primarily used as a heating source among poorer and more rural households, is derived from either oil or natural gas. About two-thirds of current consumption is derived from natural gas but the administration proposal is not clear whether all or only some of the propane consumed would be subject to the supplemental tax.

This sense-of-the-Senate makes clear the intent of the administration and

Congress with respect to the Btu tax by stating that the supplemental portion of that tax will not apply to home heating fuels. The effect would be to treat families, States, and regions more fairly with respect to the burden of the Btu tax.

The effect of this amendment on the overall revenue collected from a Btu tax is quite minor. Home heating oil comprises less than 2 percent of all energy consumption. Therefore, while this amendment is very important to households consuming home heating oil—and to States heavily reliant on this form of energy for residential heating—the effect on the Btu tax is negligible.

I have spoken to the President about this issue and he agrees that the supplemental tax on oil should not apply to home heating oil. With this sense-of-the-Senate we are simply expressing congressional intent, consistent with the intent of the Clinton administration, that oil-derived home heating fuels all be taxed the same as other fuels that are used to heat homes.

Madam President, Members of the Senate, this amendment is consistent with the President's position on the Btu tax. The President has stated, throughout discussions of the matter, that home heating fuel would be treated equally.

As proposed, the tax imposes a higher level on oil. Unless special provisions were made for home heating oil and other home heating fuels, the result would be that a home heated with natural gas in one part of the country would pay a much lesser tax than a home heated with oil in New England or some other region.

The entire purpose of this amendment—again, as I stated, consistent with the President's proposal and in accordance with the President's previous statement on the subject—is simply to say that any fuels used to heat homes will be taxed at the same rate.

So that if a person heats his or her home with natural gas in the western part of the country, that would be the same tax level as someone heating with propane in the midwestern part of the country and it would be the same level as someone heating with oil in the northern part of the country. It is an effort simply to establish a fair and equal tax for home heating fuels.

I commend the Senator from Massachusetts for his leadership on the subject. I commend the President and the administration for their willingness to include such a provision in the President's proposal.

I reserve the remainder of the time of the Senator from Massachusetts.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. We have 5 minutes on our side, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield 1 minute to the Senator from New Hampshire and 2 minutes to the Senator from Alaska, and I will take 1 minute in wrapup.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I certainly agree with the intention and sentiment of the amendment, but let us not try to upstage the issue.

The fact is, the Btu tax, as proposed by the executive branch, is extremely discriminatory against cold regions of this country. The rate of tax under the Btu tax as proposed—there is nothing about it not being proposed—as actually, physically proposed by the administration is 2½ times the rate of tax on gas and on electricity. And that means the citizens of States like New Hampshire, States in northern New England, and States in the colder areas of this country are going—whether low income, middle income, or high income—are going to be paying an extra penalty as a result of this tax.

The PRESIDING OFFICER. The time of the Senator has expired.

The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. Madam President, I have not heard it said that they did not intend this tax on home heating oil. They simply say we are going to give it a 1-year exemption.

This amendment really does not—being that it is a sense-of-the-Senate amendment—bind this body.

This is the fourth time I have stood before this body and indicated that I have an amendment pending, No. 204, to strike the surtax. We are going to vote on that this afternoon. We are going to vote up or down.

Madam President, the reality of this is that we propose a relief, if you will, from this surtax of 34 cents per million Btu's. It would be offset by current new spending.

Specifically, what? Well, we have a new program here called crosscutting high performance computing, whatever that means.

That program cost $784 million over 5 years. The Btu tax, which I am proposing that we strike, would cost $648 million over 5 years.

The reality of this speaks for itself. It is unfair.

We are going to vote on it today and we should vote on it because we should not rely on a committee to make this resolve for us. Otherwise, this whole process is a charade, which it appears to be.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair, and I thank Senator MURKOWSKI.

I want to make two points. The distinguished majority leader speaks of discrimination for those homes that use fuel oil. What happens, when you start changing the President's plan, you discriminate. We permit other discrimination, but not the kind that is causing some political problem somewhere.

Everybody using crude oil derivatives is discriminated against in the Btu tax, everyone, not just those who are using it for fuel oil. All the businesses that use it instead of natural gas are being discriminated against.

What I see this as—and I urge everybody to vote for it; it is meaningless—is an SOS. I finally decided what these sense-of-the-Senate amendments are: SOS, the international signal of distress. It is political distress.

It is distress; it is political distress. So along we come and we say we do not like what the President proposed but we like everything else. Just take this piece out somehow, somewhere, sometime. Nonetheless, I do not think anybody ought to be against the proposition that this entire tax is discriminatory as far as petroleum products from crude oil.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute remaining.

Mr. KENNEDY. I will take the remaining minute.

I listened to our good friends across the aisle talk about this administration and the Btu tax. It was their President who put in the oil import fees and supported the oil import fees for year after year after year, for New England. So if we are talking about the history of where we are, trying to get a fair and equitable energy policy, I do not think they come to this particular issue with great credibility.

Madam President, I understand our time has expired?

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from New Mexico has 1 minute remaining.

Mr. DOMENICI. I thought we were out of time. Will the Senator speak for another minute?

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Madam President, I do not want this on my time, it is an inquiry. But I thought I was given 2 minutes. Clearly that was not the communication because the Chair called time on me.

The PRESIDING OFFICER. The Chair apologizes. The time remaining was 1 minute and 40 seconds. I apologize.

Mr. MURKOWSKI. Anyway, the point was made if you take the recommendation of my friend from Massachusetts we are going to vote on an innocuous sense-of-the-Senate resolution that is nonbinding. I am going to support it. But this body is going to have the opportunity to vote up or down on whether to waive this unfair tax. And that is what we should have, as opposed to just recommending to some committee that does not represent all 100 of us.

So that is the point. We are going to have a chance to vote on it and America is going to be watching your vote, because your vote will determine whether you wish to subject America to this unfair and inequitable tax, especially on those who are dependent on oil and who have no other alternative.

I yield the remainder of my time to the assistant floor manager.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. KENNEDY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Madam President, I want to commend my friend and colleague, the senior Senator from Massachusetts, for proposing this amendment. As always, he is concerned with equity, with looking out for those who might fall through society's cracks, whose plight we might overlook if we examined only the aggregate data and ignored the specific impacts of our policies.

I am a strong supporter, as is my colleague, of the President's plan to cut the deficit and increase investment—including his energy tax which I believe will increase our Nation's energy conservation and decrease our energy dependence. However, it is clear that the surplus tax on oil will extract an extremely high price from those whose homes use heating oil.

Families who heat their homes with heating oil are fully exposed to the higher tax on oil—they cannot substitute a different form of energy because converting their homes is prohibitively expensive. The differential, therefore, will simply punish those families who use home heating oil—many of whom are still suffering the effects of the recession and can barely make ends meet today.

Madam President, this discrepancy hurts New England families particularly hard since a greater proportion of New England families use heating oil than families nationwide. Roughly 50 percent of the housing stock in the New England region is oil-heated compared with about 14 percent nationally.

New Englanders do not use more oil out of choice, but out of historical necessity. The region lacks indigenous hydrocarbon resources. Coal has been difficult to transport to the region and natural gas pipelines have limited penetration in the region. As a result, petroleum has emerged as New England's single major energy alternative.

Our commercial sector has made as many adjustments as it can away from oil. New England industry responded to the oil crisis of the 1970's by reducing energy use to the point where overall energy use per capita in New England has fallen to three-quarters the national average—despite the long New England Winters. New England industry also switched the mix of its fuel consumption so that oil consumption in New England dropped from over 80 percent of energy use in 1970 to its present level of roughly 60 percent. Our businesses have done a great deal, and I am sure they will do more.

But families cannot shift as easily. As a result, the Congressional Budget Office estimates that the proposed tax would raise direct energy costs more in the Northeast than in any other region. I received a phone call late last week from a father of four who lives with his family in western Massachusetts. Their home is heated with heating oil and they can't switch to natural gas. He asked me why he and others like him in New England should sacrifice more than those who have easier access to natural gas in other parts of the country.

It is out of concern for families like his that I ask my colleagues to support this amendment.

Mr. CHAFEE. Mr. President, I am pleased to support the distinguished Senator from Massachusetts' amendment to provide a greater measure of equity to the President's energy tax proposals.

The President's energy tax proposal imposes an excise tax on all fossil fuels at a basic rate of 25.7 cents per million Btu's, with a supplemental tax of 34.2 cent per million Btu's applicable solely to oil. The amendment that Senator KENNEDY is offering today, expresses the sense of the Senate that this supplemental tax should not apply to oil used for home heating purposes.

The administration's own estimate of the effect that the energy tax proposal will have on heating oil users clearly demonstrates the need for this amendment. They estimate that as a result of this tax, both electricity rates and natural gas rates will increase by 4 percent. However, heating oil rates will increase 8 percent. I do not think any of us could argue with a straight face that this is an equitable outcome.

The typical Rhode Island heating oil consumer would incur about $83 in additional taxes as a result of this proposal. This is $50 more than consumers of natural gas will pay. Since 35 percent of Rhode Islanders rely on oil to heat their homes and businesses, this disparity will hit my State particularly hard.

Heating oil consumers throughout New England have done a great deal to conserve energy over the past 15 years. Average consumption has declined by more than 30 percent over this period, primarily by efficiency upgrades of oil heat equipment, insulation, and other energy improvements. This energy tax proposal effectively penalizes them for having been so conscientious.

The heating oil industry is a small business industry. There are thousands of heating oil distributors throughout New England employing about 50,000 people. By taxing oil higher than other forms of energy, this proposal will jeopardize these jobs.

Mr. President, the administration realizes the negative impact that their energy tax proposal will have on heating oil consumers, which is why they proposed to delay the imposition of the tax for 1 year. But delaying the tax by 1 year is not good enough. Heating oil users are willing to pay their fair share of the deficit reduction burden, but the administration's energy tax proposal requires them to pay more than their fair share. I hope my colleagues will join me in expressing the sense of the Senate that the energy tax must treat all energy on an equal basis.

Mr. SASSER. Madam President, parliamentary inquiry. Am I correct in understanding that the Senate will vote on or in relation to the Kennedy amendment after disposition of the amendment of the Republican leader, Senator DOLE?

The PRESIDING OFFICER. The Senator is correct, now that the yeas and nays have been ordered.

Mr. SASSER. I thank the Chair. I advise my colleagues, then, that the Kennedy amendment will not be voted on until later this afternoon.

I see the Senator from Texas is on the floor with an amendment. Under the unanimous-consent agreement he would be next to be recognized.

The PRESIDING OFFICER. Under the previous order the Senator from Texas will be recognized. There will be 10 minutes of debate, equally divided. The Senator from Texas.

AMENDMENT NO. 256

(Purpose: To express the sense of the Senate that any amounts saved as a result of any reorganization and streamlining of the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993 and for deficit reduction)

Mr. KRUEGER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. KRUEGER] proposes an amendment numbered 256.

Mr. KRUEGER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF SAVINGS FROM GOVERNMENT STREAMLINING.

It is the sense of the Senate that any amounts saved through the efforts of the National Performance Review Task Force headed by the Vice President and as a result of any other reorganization and streamlining of the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993. Any amounts saved in excess of those necessary to offset the cost of any such economic stimulus shall be applied to reduce the Federal budget deficit and for no other purpose.

Mr. KRUEGER. Madam President, over the preceding hours of discussion, I have heard my colleagues disagree with aspects of this budget resolution and propose modifications to others. But in these discussions and those that preceded them, I hear general accord about the need to streamline Government, to reduce the deficit, and to be judicious in advancing a fiscal stimulus package. I rise today to propose a budget resolution amendment that recognizes my colleagues' general accord on those three issues.

In 6 months, the National Performance Review Task Force headed by Vice President GORE will issue a series of recommendations for cutting costs, enhancing efficiencies, and reorganizing functions of the Federal Government. I seek a sense of the Senate resolution that amounts saved as a result of the audit will be turned to a pair of worthy ends. First, amounts saved as a result of this Governmentwide audit will match the cost of any economic stimulus package enacted in fiscal 1993. Second, I seek a sense of the Senate that additional savings—and there will be some—be applied to reduce the budget deficit and for no other purpose.

Last month I introduced the Federal Efficiency Improvement Act, which called for the kind of Governmentwide audit the Vice President is now conducting.

When I introduced that measure, I spoke of prudence, of actions that would be equitable to all groups of Americans and all generations of Americans. I argued for Government that is leaner and more efficient and makes fewer dollars to yield greater results. And I spoke, above all, about accountability.

The administration has in effect implemented many aspects of the Federal Efficiency Improvement Act by Executive order. The administration is taking steps to achieve the greater prudence and equity and efficiency and accountability that I spoke of. The amendment I now propose anticipates that success of Vice President GORE's task force. I am confident of that success. The amendment underscores the importance of the program by asking that its savings be directed toward two important purposes.

The exact dollar amount of applied savings from the audit will not be known until it is completed in 6 months. But I am certain they can be sizable, because this new program is modeled after a Texas plan which is a proven performer. The Texas performance review of State government operations in 1991 unearthed over $4 billion in savings out of a $30 billion budget, a 12-percent savings.

A 12-percent savings in the Federal budget would yield $150 billion—150 billion would cover entirely the $112 billion in 5-year investment spending increases proposed by the budget resolution and have $38 billion left over to trim our deficit. It would go a long way to offsetting $295 billion in proposed revenue raisers over the next 5 years.

So I ask my colleagues to consider how this amendment addresses economic challenges while addressing concerns many Senators have expressed.

Many Senators support fiscal stimulus but resist adding to the deficit. Others hold deficit reduction as the highest priority and resist spending increases until it is achieved. This amendment moves toward reconciling these separate viewpoints. Having embarked on one goal we all favor—improving the operation of Government—this amendment earmarks the savings to pay for the stimulus and pay down the deficit.

Unfortunately, the congressional budget process requires a vote in advance of September 7, when the audit generates specific numbers. We cannot now correct this budget resolution to reflect the spending reductions which are certain to flow from this program. But a good idea like the Texas plan takes some time, however, short, to work.

Given these circumstances, and while we await the specific expenditures which the Texas plan will target for elimination, this amendment recognizes the contribution which our program will bring. I urge my colleagues to support my amendment, and to expect significant results when the Texas plan audits are completed in less than 6 months' time.

Madam President, I ask how much time remains on my side?

The PRESIDING OFFICER. The Senator from Texas has 20 seconds remaining.

Mr. KRUEGER. I withhold my 20 seconds, Madam President.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me say to my friend from Texas, I was very hopeful that I could support this as something that was meaningful and would really yield some savings for the Federal Government and would cut expenditures. But I regret to tell the Senator from Texas that essentially this sense-of-the-Senate amendment does absolutely nothing. There are no dollar numbers, and that is what a budget resolution is about: you add or subtract dollars.

It is saying that the Vice President, whom I have great respect for, is conducting a commission-type activity to see if we can save money in the Federal Government. This amendment says if he does, we ought to apply some or all of that savings against the new expenditures that are going to be approved under the label of stimulus. I think everybody knows they are not really a stimulus. Actually, they are paying for a lot of new programs; and a lot of programs that were underfunded, they are going to fund.

We are saying to the American taxpayer: Do not worry about that. That is $16 billion in new expenditures; just add it to the deficit. But it does not amount to much. Anyway, we are going to tax you $295 billion in new taxes, and that is where we are really going to get the deficit reduction from.

This says, without any certainty, that we are not really going to do that because somehow or another, we are going to save money on the streamlining and modernization of Government study that is going on.

I remind the Members of the Senate that even if recommendations are made under this Executive order to study, Congress has to vote on them, approve them, and decide what they want to do with them. And for us to beg all of those issues and make an advance kind of decision about it—that it is all going to be helpful, and we are not going to waste the stimulus package and we are not going to really have to pay for that; we are really not going to add that much to the deficit because somehow or another this resolution says we are going to do a lot better than that—we do not know exactly how or when and if it will really work.

But I would like everybody to know this says, if and when that happens, I want to relieve the taxpayers of the burden they are paying for the stimulus, other than the first year.

So, again, it is innocuous. It does not do anything. I was hopeful that it did. If Senators want to vote for it, it is a wish and a hope that this reform commission does some good things; and then, if they do some good things, that Congress will do some good things and not spend the money they save, but rather apply it to the deficit.

I do not think that is really specific enough to have any impact on the budget of the United States.

As I indicated, because of that, I truly do not believe it does very much.

Do I have any time remaining, Madam President?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute and 20 seconds remaining.

Mr. DOMENICI. I reserve the time.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Will the Senator yield me 30 seconds?

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. KRUEGER. I yield the 20 seconds I have to the Senator from Tennessee.

Mr. SASSER. Madam President, I want to commend the distinguished Senator from Texas for offering this amendment which will direct that any savings that come from the National Performance Review Task Force be applied against the deficit and also used to help finance the jobs program of the President. This is new, innovative thinking we need to deal with the deficit problem.

I thank the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico has 1 minute and 15 seconds remaining.

Mr. DOMENICI. Madam President, I guess one way to look at it is that the budget before us is filled with unspecified cuts. In fact, in the last round, when the American people were told there were more cuts being made than President Clinton has in mind, nobody bothered to tell the American people where those cuts were coming from, where those reductions in Government were coming from. Just $31 billion was plugged into the budget under a little box in which you put these kind of numbers.

We cannot even do that for this one. We do not have any dollars to put down in an unspecified way, because we have no idea whether they are going to be real dollars or not. Frankly, I believe this is the way we should not vote on budget resolutions. It gives a false hope, leaves a false impression, and does little or nothing to affect the deficit.

So I hope that anyone who votes for it will vote for it in that context.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The amendment before us is now laid aside and the vote will occur following the disposition of the Kennedy amendment No. 254.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask unanimous consent that the Senator from Montana [Mr. BAUCUS] be recognized to offer a sense-of-the-Senate amendment on agriculture that I am authorized to offer under the previous order.

The PRESIDING OFFICER. The Pryor amendment is in order, and there will be 10 minutes of debate equally divided. Without objection, it is so ordered.

AMENDMENT NO. 257

(Purpose: Expressing the sense of the Senate that farming and related businesses receive relief from the energy tax)

Mr. BAUCUS. Madam President, I rise to offer an amendment in the nature of a sense-of-the-Senate amendment on behalf of myself, Senator PRYOR, Senator DORGAN, and Senator CONRAD.

The purpose of my amendment is to show that it is the sense of the Senate that relief from the proposed Btu tax should be provided to American agriculture. I understand that my colleague from Montana has addressed this subject on the floor.

The PRESIDING OFFICER. If the Senator will withhold, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. PRYOR, Mr. CONRAD, and Mr. DORGAN, proposes an amendment numbered 257.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, insert the following new section:

SEC. . RELIEF FROM ENERGY TAX FOR THE AGRICULTURE INDUSTRY.

It is the sense of the Senate that any energy tax enacted during the 103d Congress should provide such relief to the agriculture industry as is necessary to ensure that the industry does not absorb a disproportionate impact of that tax.

Mr. BAUCUS. Madam President, essentially, this is an amendment offered on behalf of myself and Senators PRYOR, DORGAN, and CONRAD, to show that it is the sense of the Senate that relief from the proposed Btu tax should be provided to American agriculture.

I understand that my colleague from Montana, Senator BURNS, has addressed this subject, and I agree very much with him that agriculture is disproportionately affected on its face under the budget resolution. It is the purpose of my amendment to show that it is the sense of the Senate, that agriculture not be so disadvantaged.

My amendment, Madam President, gives the Senate an opportunity to agree that some relief from the Btu tax for the agriculture industry is necessary. It is necessary to ensure that Americans continue to enjoy the safest, most abundant, and most low-cost food supply in the world.

At the same time, my amendment recognizes that the form and magnitude of such relief should be crafted by the Finance Committee in the course of its work on the revenue-raising provisions in the reconciliation bill. In its current form, the broad-based Btu tax will result in fewer American farmers, decreased agriculture production, reduced agriculture exports, and higher food prices for Americans.

In particular, the Btu tax hits farmers in three ways: First, farmers would have to pay a tax on the energy used on the farm for such things as irrigation and operation of equipment; second, they would pay the Btu tax on raw materials for food production, like fertilizer and crop protection chemicals; and finally, as a result of the Btu tax, the farmer would face an increase in transportation costs to get his products to market.

The increased costs cannot and will not be passed on by farmers. Instead, a farmer will absorb these costs and experience a continued decline in income. These are not increased costs on the wealthy; they are taxes on rural America, one of the hardest hit sectors of the economy in the past decade.

President Clinton has expressed a willingness to work with us, to work with the Congress in balancing the impact of this package on agriculture, and in the West in general. I plan to work with the administration; with the chairman of the Finance Committee, Chairman MOYNIHAN; and with my colleagues on the Finance Committee to mitigate the potential impact of the Btu tax on the agriculture industry and to work toward the enactment of an economic package that results in the economic growth and deficit reduction that the country so sorely needs.

Madam President, I very deeply thank my colleagues from Arkansas for allowing me to offer this amendment at this time.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD addressed the Chair.

Mr. DOMENICI. How much time does the Senator have remaining?

Mr. BAUCUS. Madam President, how much time on both sides?

The PRESIDING OFFICER. Two minutes and five seconds remaining.

Who yields time?

Mr. DOMENICI. Madam President, I yield myself 3 minutes. I am hopeful that if the Senator needs a minute or two, I might give him some of my time in a little bit.

Madam President, this is another one of the SOS amendments. If we do enough of them on the Btu tax, there will not be any Btu tax left. We have all kinds of sense-of-the-Senate amendments. Everybody is saying they are meaningless but, nonetheless, they attempt to say the Btu tax is discriminatory and we are not going to be discriminatory.

Now, this one says we are not going to discriminate against agriculture. What that essentially does is just gut the President's plan. We just have to face it. If that was done, the President's Btu tax is just about denuded because the President's energy tax places a very high, high tax, kind of a surtax on anything that comes from crude oil—diesel fuel that is used on the farm. All those on-farm uses, they come from that source. That is a very big user of derivatives of crude oil.

I do not know why the President decided to tax crude oil twice as much as the others, clearly twice as much as coal, but that was the essence of some environmental theme. So now we come along and say we are all for that. I do not, but apparently when we vote this resolution in, we are going to say we are for that Btu tax, but do not put it on my constituents.

So here is another one that has no meaning but in a sense is an effort to politically cover yourself so you can make believe that, indeed, you protected a group of constituents that are important to you.

I think if we had another day my prediction would be lived up to; there would be an amendment on every part of the Btu taxes. You would be exempting hospitals pretty soon, then all public buildings and municipalities, and then we would have one exempting heavy manufacturing where their competitors are using natural gas. We would not want them to be in a discriminatory position.

So however the Senate wants to vote on it, I think I have stated as best I can what it means and what it does not mean and what it is in terms of seeking some kind of political cover.

If I have any time remaining, I yield it to Senator CONRAD.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 2 minutes, 6 seconds.

Mr. CONRAD. I thank the Chair and I thank my colleague from New Mexico.

As a representative from an agricultural State, by some measures the most agricultural State in the Nation, agriculture is facing a triple whammy. Agriculture is facing cuts in the basic farm programs, cuts which, we have just learned from studies that were done at Texas A&M University, when applied to a specific farm in my State of North Dakota—in fact two specific farms—would reduce farm income 28 percent in one case and 37 percent in the other case.

These are not modest cuts. These are not insignificant reductions. That does deep and dramatic damage to the underlying economy of a State like mine. And this is before any Btu tax is imposed. It is before cuts in the REA program are imposed.

Madam President and my colleagues, this is something we have to pay attention to. Rural America has been hit by a decade of low farm income. In fact, the decade of the 1980's is the lowest period of farm income of any decade since they started keeping records in the early 1900's.

That is the backdrop. We have a projection that farm income before any cuts, before the imposition of a Btu tax, before REA cuts, is going to decline each and every year of the last farm bill.

So, Madam President, the proposal by the Senator from Montana, the sense-of-the-Senate resolution, is something that deserves our support. The health of the agricultural part of this economy demands our attention because it is central to the economic health of the country.

Madam President, I thank the Chair for this time and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I yield myself the remaining time.

Madam President, the points we make in this resolution were very well summarized by the Senator from North Dakota. I might say that the committee of jurisdiction, the Finance Committee, is the committee that very much understands this problem. The Senator from Arkansas, the Senator from North Dakota, and Senator DASCHLE, the Senator from South Dakota, are all members of that committee as well as myself, and we very much plan to deal with this on a fair, even-handed basis.

I understand some of the frustrations of the ranking member of the Budget Committee when sense-of-the-Senate resolutions come up. I think we all must remind ourselves, however, that this is part of the process. Sense-of-the-Senate resolutions are a good way for the Senate to express its view on the budget, express its view to the various authorizing committees how the authorizing committees should deal with these matters. They are not binding, that is true, but they are a sense of where the Senate is, a statement of the Senate.

There will be many, many opportunities in many different circumstances, different hearings, and so forth, to finally forge and fashion an economic package this year. It is not only the budget resolution. It is also going to be the stimulus package. It is the appropriations bills; the reconciliation bill this summer. It is all part of a process. I understand the Senator's frustration, but I think he also recognizes that this is a part of the process as we achieve a final solution at the end of this year is more in accordance with the views of Americans in all parts of the country.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, my opposition to the Btu tax is well-documented, but some points need to be reemphasized. Simply put, it is regressive, inflationary and promises—promises—to stall our recovery. That is particularly true of its impact on agriculture.

Bill Clinton did not make agriculture very many promises in the recent campaign. I guess we can be thankful for that. We are only 6 weeks into his administration, and already promise limbo is pretty crowded.

Bruce Reed, a senior advisor to President Clinton, stated that the energy tax would not "result in an excessive burden on rural America." The White House may be well-intentioned, but it is clear that the administration proposed the Btu tax without any regard for the livelihood of this Nation's farmers and ranchers.

Just a few numbers, Mr. President: A Btu tax would directly cost a typical 430-acre Midwest grain farm $800 a year. The indirect costs—that is, costs that have been passed on to the farmer—would be another $800 a year. Transportation costs—having farm inputs delivered and moving produce/livestock to market—would cost extra. Taking more than $1,600 off the farmer's bottom line would put many farmers in the red, and out of business.

Other businesses may grudgingly accept such a tax, well aware that they can pass these costs onto consumers. But farmers are price takers, not price setters; farmers cannot tack on another 10 cents a bushel to the selling price of corn; they cannot expect a premium at the market for their hogs to pass on the higher costs that they themselves absorbed due to this tax. Thus, farmers pay both ways. It has been said that farmers pay retail, sell wholesale, and pay freight both ways. That is certainly true with this tax proposal.

And farmers are not the only ones who will be hurt by this tax. Six in ten Iowa jobs relate to agriculture. Thus, as goes farming, so goes many jobs. Moreover, rural communities depend on their cars to travel to off-farm jobs, and doctors, grocers, and other merchants often located at great distance. Iowans use 500 gallons of gas a year per capita, while a New Yorker uses about half of that. Under a Btu tax, Iowans would pay twice as much as New Yorkers. Where is the fairness in that?

Though agriculture comprises only 1.8 percent of domestic spending, it will shoulder 6.4 percent of the cuts proposed by President Clinton over the next 4 years. Since 1982, agriculture has been a prominent part of every deficit reduction package. Farm program spending has been cut by 50 percent since 1986, while many areas of Federal spending have gone untouched.

Mr. President, despite being the production envy of the agricultural world, and the shining star of U.S. foreign trade, the Clinton administration insists that agriculture is the goose that laid the golden egg. We all know how that fairy tale ended, and it appears, viewing the Clinton tax package in its entirety, that the same fate awaits agriculture.

Farmers in this country have survived grain embargoes, high interest rates, inflation, droughts, floods, poor crop prices, and unfair foreign subsidies, just about every calamity known to man including Washington. God helping us, we farmers may—I repeat, may—survive the Clinton administration and this package of taxes.

Mr. BAUCUS. I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be set aside, and the vote will occur following disposition of the Krueger amendment No. 256.

Under the previous order, the Senator from Arizona is to be recognized for an amendment.

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Madam President, I am advised that the Senator from Arizona is on his way to the floor at the present time. I will simply suggest the absence of a quorum in anticipation of his timely arrival, charging it equally against both sides.

Mr. DOMENICI. Madam President, before we do that, may I ask the Senator a question and make an observation.

Mr. SASSER. Yes.

Mr. DOMENICI. I have no difficulty in waiting for a while, but I do think it is fair to tell the Senate that we are on this schedule because we are hopeful, if we stay on it, all of the freestanding amendments that are not going to get debated will have an opportunity to get voted on and we will finish by tomorrow at 12:30 noon. To be fair, we clearly have to stay more or less to the schedule for these debatable amendments or we are going to cut a lot of Senators out of a vote.

How much time does the Senator think we ought to take before we go to the next amendment?

Mr. SASSER. I suggest to my friend from New Mexico that we take 7 or 8 minutes.

Mr. DOMENICI. Could we take a temporary recess for 7 minutes?

Mr. SASSER. Why not, I say to my friend from New Mexico, let us have this short quorum call to see where we are.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, a quorum call is ordered, the time to be equally divided.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, the Senator from Arizona has arrived. His amendment is next in order under the unanimous-consent agreement.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Arizona.

AMENDMENT NO. 226

(Purpose: To require that a deficit reduction account be established)

Mr. DECONCINI. Madam President, I thank the Chair.

I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report Amendment No. 226.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 226.

Mr. DECONCINI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . DEFICIT REDUCTION ACCOUNT.

(a) LEGISLATION.—It is assumed that as a procedure appropriate to carry out the purposes of the Congressional Budget and Impoundment Act of 1974 (within the meaning of section 301(b)(4) of such Act), the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives would, as an integral part of the changes in law reported pursuant to section 7 (b)(7) of this concurrent resolution, report legislation to—

(1) establish a separate account in the Treasury into which 100 percent of the amounts by which the aggregate levels of Federal revenue should be increased as set forth in section 2(1)(A)(ii) of this resolution as well as contributions resulting from the changes in law reported pursuant to section 7(b)(7) and (c)(12) of this resolution would be deposited;

(2) ensure that any revenues deposited in such account would not be available for appropriation; and

(3) provide that any such revenues deposited in such account would be used to retire outstanding debt obligations of the United States Government.

(b) POINT OF ORDER.—Legislation reported pursuant to subsection (a) shall not be considered to be extraneous for purposes of section 313 of the Congressional Budget Act of 1974.

Mr. DECONCINI. Madam President, the amendment I offer today I offer for the millions of taxpayers across this country who are being asked in this budget and eventually through reconcilation and other processes here, to pay additional taxes in order to reduce the growing national debt.

My amendment would ensure that all new tax revenues proposed by the administration and those agreed to by the Congress will be used solely for deficit reduction.

These funds would be deposited in a deficit trust fund to be established within the Department of the Treasury that could only be used to retire the outstanding debt obligation of the U.S. Government. None—I repeat none—of the revenues deposited in this account would be available for appropriations for new or additional spending programs.

Madam President, this amendment directs the Senate Finance Committee and the Committee on Ways and Means to report legislation establishing this account in the Department of Treasury.

I included this provision so that the appropriate committees could use their expertise to ensure that the deficit trust fund would not become another gimmick. With their expertise and leadership I am convinced that such an account can be established which will ensure that our tax dollars would be used for what they were intended deficit reduction.

This is not a new idea. It is not even a new proposal. In fact, the amendment I offer today is almost identical to language that was included in the 1988 budget resolution. Unfortunately, as best I can determine, neither the Senate Finance Committee nor the Committee on Ways and Means reported legislation which would have created a deficit trust fund.

This proposal has merit. I believe the American people deserve to see this idea created today. If the deficit reduction fund cannot be crafted in substantive, meaningful way then I will be the first to say so. But I believe it can.

If a deficit trust fund cannot be crafted in a substantive, meaningful way then I will be the first to say so. I believe, however, that if we are going to ask the American people to pay more in taxes than we should at the every least do everything in our power to ensure that any new revenues be used for deficit reduction.

THE SPECIFICS

President Clinton's comprehensive 5-year proposal reduces the Federal deficit by a total of $502 billion. To accomplish this over the next 5 years, the plan calls for a $332 billion reduction in Federal spending with an increase of $295 billion in net revenues.

Thus, Madam President, by creating a deficit trust fund we can ensure that the additional $295 billion in revenues would be used exactly for what they are intended—deficit reduction not additional Government spending.

PRESIDENT CLINTON'S CALL TO ARMS

I believe President Clinton has submitted an honest proposal—one that tackles the tough choices of both spending reduction as well as increased tax revenues. I would argue that it is the most honest budget proposal submitted by a President since I first came to the Senate in 1977.

President Clinton has asked the American people to answer the call to arms for shared sacrifice in combatting our national debt. The American people have responded in kind indicating time and time again that they are willing to sacrifice for the future of their country and their children's futures if we are serious about tackling the deficit monster.

Madam President, I would offer one caveat to the American people's willingness to accept the notion that there will no longer be the proverbial free lunch. In my home State of Arizona, I have spoken to many people who are willing to pay more now to ensure a better future but they want to ensure that increased taxes are directed at deficit reduction.

CONCLUSION

The American people understand that the current budgetary system has built in loopholes. They also understand that these loopholes are large enough to drive a truck through. Clearly, you cannot create a $4 trillion national debt without these loopholes.

Madam President, we were wise to include an identical proposal in the fiscal year 1988 budget resolution. We were foolish not to follow our own advice. We owe ourselves, our constituents, and our country a second chance.

I yield to the Senator from Wisconsin. I thank him for his support.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise to commend the Senator from Arizona for this amendment. I think it is an important addition to the budget resolution. I think it is important because we need to restore public confidence, especially when it comes to tax increases that are proposed in the budget resolution.

I think some of these revenue increases are going to be necessary to solve the deficit problem. But the Senator from Arizona is absolutely right. We have to show the public that we can actually use these dollars to reduce the Federal deficit.

As I hold town meetings around my State, people say they want the President's plan, but the thing they most want to believe is that we will actually be able to use whatever dollars come out of the plan for deficit reduction and that we are able to restrain spending.

This amendment is designed to make it clear that the new taxes called for in this resolution will actually be used for deficit reduction and not for new spending.

I feel especially strongly about this because we had an experience in Wisconsin that is not completely different from what could happen here. In Wisconsin, a few years ago, our voters approved a constitutional amendment that for the first time would allow us to have a lottery. But the lottery dollars were supposed to be used only for property tax relief, not for general State spending. Everybody in the public understood that. But somehow the folks at our State capitol, and our Governor, did not. As a result, some $200 million that was supposed to go to direct property tax relief was spirited away for general State spending.

I had the opportunity as a State senator, on behalf of the taxpayers of the State, to bring a lawsuit to require that those proceeds not be used for general State spending but be used to give the taxpayers relief. Fortunately, we won that lawsuit and were able to stop the practice of diverting lottery proceeds into general expenditures.

The cry in Wisconsin at that time was, "Where is our lottery money?" everywhere we went.

What I want to see happen here is that we do not have a cry a few years from now here in the United States that says "Where is our deficit reduction money?" That is what is going to happen if we do not have the kind of approach the Senator from Arizona is offering here with his amendment.

The amendment is consistent with the numbers in the Senate budget resolution because there are more than enough spending restrictions and reductions to pay for the new spending. The resolution provides for $295 billion in new revenues, $332 billion in total spending reductions, and $124 billion in new investment spending. All of the new revenue could thus be used for deficit reduction, as would two-thirds of the spending reduction.

So I wanted to briefly indicate my strong support for this concept. I thank the Senator from Arizona. I yield the floor.

Mr. DOMENICI. Mr. President, my friend from Arizona knows the high esteem in which I hold him. I really wish, I would be thrilled, if setting up a deficit reduction trust fund for new taxes would help solve the deficit or the debt of our country. If that were the case, I would merely suggest we should have done it when the deficit started growing, say back in 1969; said all new taxes go into the trust fund and they are called trust fund to reduce the deficit.

But you see, there are only two ways to reduce the deficit of the United States, only two. You reduce or cut spending, or you raise revenue. There are no 5 ways or 10 ways, just 2. You reduce spending, or you raise revenues, or some combination of the two.

A deficit reduction trust fund does neither, because you see, you would set up a trust fund and—let us just use as an example, President Clinton's plan. You would put $295 billion in a deficit reduction trust fund. But, if you then looked at the budget of the United States, you would find that in 4 years under the President's plan the deficit is going to be starting back up.

So what do you do with a trust fund if Government grows?

Is the trust fund in some way an inhibitor to the deficit growing?

You see, it is all fungible. If you say only use it to buy down debt, on the one hand you buy down debt, and on the other hand as the deficit grows again, you issue more debt.

So I regret to say that the idea is a good one. It sounds great. We provided it in a budget resolution before, I think. Is that not right? I think that is correct. Really, the reason we do not do it is because it will not work.

So I wish it would work, as I indicated. In fact, I wish I could say that Senators found a brandnew way to help with the deficit reductions. But essentially, taking taxes when you are in a deficit position and saying put them in a trust fund, does nothing to reduce the deficit, because if Congress does not reduce the deficit, sooner or later you borrow more money. If you say there is a trust fund there, you can only buy down the debt, the existing debt, what do you do when you have to issue some more debt because you have not cut expenditures sufficient to keep the momentum of a deficit coming down.

So, again, I know my friend from Arizona, with whom I have worked on many issues—and he has supported the Senator from New Mexico, and I have supported him on many things. I regret to say that if I thought this was a way to help with our deficit, I would be his cosponsor and be clamoring for its passage, but I really do not think it will work.

Mr. DECONCINI. Mr. President, I want to thank the Senator for his vote of confidence in this new approach here. I appreciate that the Senator has been on the Budget Committee all the time that I have been in the Senate. But I feel that, as the Senator from Wisconsin pointed out, sometimes you need new approaches. We have never created a deficit reduction trust fund. In the budget of 1988, there was similar language directing the Senate Finance Committee to establish a deficit trust fund. I only urge the Senator to give it a shot. Maybe he is right.

Maybe nothing works except reducing expenditures. We have all talked about that, and we have all come in here and voted for more expenditures, whether it be for defense, the WIC Program, or whatever we think is important. But this is an identifiable tracing of the dollars that are going to be raised in taxes, so the American people are going to know where it is their dollar is going. It is not going to go for some new program. It is going to retire the debt. That still leaves us and the administration responsible for reducing expenditures.

I hope the Senator from New Mexico will at least let this proposal have a chance to breathe. Maybe he would be surprised if we had a deficit reduction fund. I thank the Chair, and I thank the Senator from Tennessee, the chairman, for permitting me to move on this effort here for the purpose of including it in this budget agreement. I think we have to find some new approaches here. I am ready to vote on the amendment.

Mr. SASSER. Mr. President, has all time been used?

The PRESIDING OFFICER (Mr. FEINGOLD). All time has expired.

Is there a request for the yeas and nays?

The amendment is laid aside. The vote will occur following disposition of the Baucus amendment No. 257.

Mr. SASSER. Parliamentary inquiry, Mr. President. I thought under the unanimous-consent request that only recorded votes would be delayed. I was under the impression that no one was requesting a recorded vote on this particular amendment. The proponent is not, and I am not.

The PRESIDING OFFICER. The Senator is correct. The question will occur on the amendment then.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have no objection. I assume we can voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 226) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I have been advised that the Senator from Massachusetts [Mr. KENNEDY] will not be offering his amendment on student loans, as under the previous order.

Accordingly, I ask unanimous consent that the Kennedy amendment be removed from the list of amendments provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, pursuant to the unanimous consent order, the Dole substitute amendment is next in order.

Mr. DOMENICI. Mr. President, I say to my friend from Tennessee, this came rather quickly, because in looking at the list, our Republican leader would have assumed we still have another 10 minutes or so. I wonder if we can put in a quorum call while I go advise him that his leadership amendment is up now.

Mr. SASSER. I suggest the absence of a quorum and request that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Republican leader is recognized to offer an amendment.

AMENDMENT NO. 258

(Purpose: To provide for a budget that would reduce the deficit from $310 billion in fiscal year 1993 to $162.9 billion in fiscal year 1998 and cause the deficit to continue to fall thereafter, without raising taxes on the American people)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of myself, Senator DOMENICI, Senator PACKWOOD, Senator SHELBY, Senator ROTH, Senator GRAMM, Senator GORTON, Senator HELMS and each of our Republican Senators BENNETT, COVERDELL, FAIRCLOTH, GREGG, and KEMPTHORNE, and others of my colleagues, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], (for himself, Mr. DOMENICI, Mr. ROTH, Mr. GRAMM, Mr. GREGG, Mr. BENNETT, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. PACKWOOD, Mr. SHELBY, Mr. NICKLES, Mr. SIMPSON, Mr. COCHRAN, Mr. LOTT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. D'AMATO, Mr. DANFORTH, Mr. DURENBERGER, Mr. GORTON, Mr. GRASSLEY, Mr. HELMS, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PRESSLER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. WARNER) proposes an amendment numbered 258.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, I understand there are 2 hours on the amendment equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I guess we lost some time here on the quorum call.

The PRESIDING OFFICER. Time was not charged on the quorum call.

Mr. DOLE. Mr. President, I have sent this amendment to the desk and we now have 35 cosponsors.

Over the past several weeks, there has been a lot of talk about Republican alternatives, whether or not there was a Republican alternative; if so, what it was. We had a number of Republican amendments, as I understand, the 34 amendments offered in the Budget Committee.

So I think it is fairly clear to those who watch the process closely, that there have been a lot of Republican input into the process, just as when we controlled the Senate, there was a lot of Democratic input in the process. I would say that it is more difficult to get out the message when you are in the minority and particularly more difficult when the other party, in this case the Democrats, control the White House.

Whether we understand it or not, the President of the United States, whether he or she be a Democrat or Republican, is going to get instant coverage on almost anything by having a press conference or making a statement. That is the message that many times the American people receive.

I do not fault that system. That is the way it works. I do not think it is going to change very quickly.

I just suggest to those who are concerned about what we are actually doing here, those who want to see what is in the package, those who want to see what is in the package, those who want to see the details, and those who wish to understand how much taxes are in President Clinton's package, how much net savings, nondefense savings, how much defense savings, and how many billion dollars in fees, I think perhaps we would like to make that clear, if we can, in the short time that we have.

I think it is significant that the cosponsors of this amendment are the five freshmen Members of the U.S. Senate on this side of the aisle. They have just been elected. Some are brand new in politics. They have been through the process, in fact, in one case four different elections. I think the Senator from Georgia, before he got here, had four elections last year, and he understands very well what the people of Georgia have been telling him. I think the same is true of the other freshmen colleagues on both sides of the aisle.

Unless I miss my guess, and I do not think the people in Kansas are much different than people in any other State, the American people do not have much faith in the Congress of the United States. They do not have a great deal of faith in the executive branch in our Government.

If you ask the average Americans, whether they be in Kansas, Wisconsin, Tennessee, New Mexico, or anywhere else, what we ought to do, they will say: You ought to cut spending first, because we believe, if you increase taxes someone is going to spend the money and you are never going to get around to cutting spending, and the taxpayers are going to be the losers, and they know that, because there is a lot of precedent for it. It has happened over the past years when Democrats, Republicans, whoever, it might be, were in control.

So, I just suggest what we are going to try to do in this time we have, is to point out there is more than one way you can reduce the deficit. You can take the approach adopted by President Clinton, and I applaud him for addressing the deficit. I just do not like his plan. You can take the Clinton approach and just raise taxes. Or you can take the Republican approach and control Government spending. You can choose between the President's world record tax increase and our world record spending restraint, and I happen to believe that is the difference. If you want more taxes, you go one way; if you want more spending cuts, you go the other way.

A lot of Americans could live with the combination of each, but there is not much spending reduction. If you look carefully at President Clinton's plan as we assess it, based on CBO estimates, there are about $295 billion in net tax increases over 5 years, $74 billion in additional defense spending cuts, but only $7 billion in nondefense spending cuts, and there is also $18 billion in fees. In my State, fees are taxes.

So if you add it up, it is 79 percent taxes and some defense cuts, and I think we have gone too far in that area, and a little bit of nondefense spending reduction. That is it. So you get some interest savings, but it is all taxes, and that is not what the American people voted for when they talked about change last November. They wanted us to change. They wanted us to reduce spending and to reduce the bloated Government and reduce a lot of things we do in the Congress and the executive branch, and every Government agency. They did not want us to pick their pockets for more taxes.

So, we believe our plan would provide real permanent deficit reduction for America. Let me say that many of us who are sponsoring this amendment have been there. We have made the tough decisions. We made tough decisions in 1985 when this Senator was the majority leader of the Senate, and about 2 or 3 o'clock in the morning we passed the deficit reduction bill of, I think, about $296 billion over 3 years in real spending cuts and no taxes, and one Democrat supported that package, one, the late Ed Zorinsky from the State of Nebraska.

So we understand how difficult it is, and I give credit to my colleagues on the other side who are having some success with their tax package. We know how difficult it is.

In putting this package together, our No. 1 priority has been to lay the groundwork for a sound economic future by controlling Government spending, holding the line on taxes, and creating good, private-sector jobs that will last.

We do this by asking Government, not the American people, to sacrifice. This plan relies on real cuts to reduce the deficit by $460 billion over 5 years. We take the steps that President Clinton, and those who support the President's plan, should have taken if they were serious about controlling the deficit.

We eliminate all of the President's new spending—any spending increases must be paid for with additional spending cuts. We eliminate the President's entire record $295 billion tax increase. We eliminate $18 billion in proposed user fees. We accept—we are working with the President—all of President Clinton's proposed mandatory and discretionary spending cuts except that we add back $20 billion to defense over 5 years to allow for a more orderly build-down. We add a nondefense discretionary freeze that allows for a $500 million increase—or investment—for childhood immunization and the WIC Program for fiscal year 1994.

We had a vote on WIC yesterday. We recognized the importance of this program. And as a long-time supporter of that program, we have included additional funds for the WIC Program.

And we add a cap on Medicare and Medicaid that would limit the growth of these programs to population, plus inflation, plus an additional percent each year for 4 years, and population, plus inflation plus an additional 2 percent in the fifth year.

Mr. President, the difference between our bipartisan proposal and the President's tax and spend plan could not be more clear. If you listen for 5 minutes, you would understand the difference. One is all taxes, no taxes in this package, and one is all spending cuts. That message ought to be fairly clear.

And I doubt that 10 percent of the American people understand what is in President Clinton's package. They think it is deficit reduction. They are for deficit reduction, so some are for the package not knowing it contains $295 billion in new taxes over 5 years and $178 billion in increased fees.

Our plan would cut the deficit from $319 billion this year to $168.4 billion by 1998. Because we are making real cuts, our plan would continue moving the deficit toward balance in the outyears. By contrast, the President's plan, as modified by the Senate Democrats, reduces the deficit to $213.5 billion in 1988, if you get all the things they say you are going to get—and that is very doubtful.

Because their plan fails to control Federal spending, outyear deficits will continue to rise. That is not what the American people are hearing from the White House, and it is not what the American people expect from us—the Congress, the President, and everybody else.

Mr. President, I am not going to go through all of the details. Senator DOMENICI will do that here in a minute. There are a number of Senators who contributed to this plan who can speak to the details.

But, I would like to make one point. If we learned anything over the weekend, it is that Russia and the world is still a dangerous place in which to live; that we are the only superpower economically and militarily and we have a lot of responsibility, which we do not want necessarily.

A lot of Americans do not want this responsibility, but who else is going to share it? There is not anybody else to share it.

So we have to carry that burden and responsibility, because we are talking about democracy in the former Soviet Union and Eastern Europe and we have a lot of things to be concerned about when we think about the future; look to our children and our grandchildren, what their futures may be if we live in a world of peace.

On top of all of this, all the danger in the world, President Clinton wants to cut defense another $112 billion on top of the $60 billion already advocated and already cut by President Bush. In fact, it was about $75 billion.

So I just suggest we are going too far on defense. We ought to slow down. We ought to cut defense, yes, but we should not gut defense.

Only 2 percent of the savings in their plan come from nondefense Government programs. Two-thirds of the Government is being asked to contribute a grand total of $7 billion over 5 years.

Now, that is a lot of money, but in the range of things we are talking, it is not a drop in the bucket. It is about a pinch of salt, and that is about all your going to get.

Mr. President, I quote my friend from New York, the distinguished chairman of the Finance Committee:

> It will be the largest tax increase in the history of public finance in the United States, or anywhere else in the world.

That is a pretty big tax increase. It calls for $3.86 in new taxes and fees for every dollar of spending cuts. That is not shared sacrifice.

So for all the reasons I can think of, and I think the people in my State of Kansas, the farmer, the truck driver, the nurse, the senior citizen, and all those people out there we are supposed to be concerned about, this is actually dealing with the deficit. This is going to make their lives better. It is going to open up opportunities, because the economy is going to grow if you cut spending, not if you raise taxes.

And, as our colleague, Senator PACKWOOD from Oregon, has pointed out time after time, never in the history of the world has any country that has raised taxes stimulated the economy. And if President Clinton succeeds, he is going to have a new recipe for more taxes all around the world.

Mr. President, I thank my colleagues for joining in cosponsoring this legislation.

I yield the floor.

I yield the time on our side to the distinguished Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to yield to some Senators who have helped us with the specifics of this package and with the real support that they have given us for doing something real on the spending side of this budget.

So I will reserve time for myself later on, but I want to now yield to—which of our freshman Senators was here first?

I yield 5 minutes to the Senator from Georgia. That is going to have to be sufficient. Is that all right?

Mr. COVERDELL. That would be fine.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia for 5 minutes.

Mr. COVERDELL. Mr. President, I appreciate the opportunity that our leadership has given to the new Senators to participate in this Republican alternative proposal.

I am not on the Budget Committee. I am only 75 days from the field, so to speak. But I do bring, I believe, a perspective and observation that is important, coming so fresh from the electorate, to this debate between what is now two plans.

We have the administration's proposal and we have the Republican alternative.

We have heard a great deal about the so-called Clinton economic plan. But, in the final analysis, every concept, every piece of legislation, each idea, comes down to a core, a trunk, so to speak, the fundamental piece. When you strip away all the glitter and all the words, there is that single heartbeat and soul of the idea.

At the heart of the President's proposal is the largest tax increase in American history; in the neighborhood of $300 billion. The President's plan envisions enlargement of the Federal Government, an era of new spending, historic tax increases, and historic spending.

As we heard throughout the campaign and during the inaugural festivities, President Clinton promised us that his plan would be centered on spending cuts. A close look at the plan reveals that nondefense cuts have all but disappeared to a $7 billion figure that does not occur until 1997, beyond even the next Presidential campaign. The heart of President Clinton's plan is higher taxes, more spending and minimal spending cuts.

Now comes the Republican alternative. What is its core? Where is its center? Where is its heartbeat? His spending cuts, reducing the size of Federal expenditures, putting reins and throttles on the growth of the Federal Government. It envisions no tax increase, no broad new spending and no expansion of the Federal Government. It is driven by a concept of restraint.

What is the result of this clash of philosophy and ideas? On the one hand you have a firm belief that America is best served when her resources are in the command of the individual citizen and of the private entrepreneur, that that is where we find innovation and creativity and the appropriate utilization of this nation's vast wealth. On the other hand we have the philosophy that government is the great resolver, that in government we find equitable solutions, that a bigger Government is better.

I believe that we would be better off as a nation, and more prosperous, if we left these $300 billions in the hands of America's families and businesses. And I believe if we shift this massive tax increase, $300 billion, from the private sector to the public, from a private economy to a Government economy, we will stagnate the economy which is fragile and just beginning to recover. It will cost us jobs. It will cost us economic security.

Mr. President, the people of Georgia have told me repeatedly, "Cut spending first, don't raise taxes." This is precisely what the Republican alternative seeks to do, and I urge my colleagues to support this proposal.

Thank you, Mr. President.

Mr. DOMENICI. I am sorry but I cannot do it. We have run out of time.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire for 3 minutes.

Mr. GREGG. Mr. President, I rise in support of this substitute which has been put forth by the Republican leadership here in the Senate. It is an excellent substitute. It addresses the core issues which I think divide the two parties, and which I believe the American people have asked be addressed, which is that we replace the Clinton plan, or the modified Clinton plan, or whatever you wish to call it. In fact what you wish to call it, I think, can be subject to some debate. I am sort of calling it the Crazy Eddie plan, because to a great extent it has a lot of touches of Crazy Eddie, who is a fellow we are all looking for today who ran a bit of a hoax on the American people out in New Jersey.

The Clinton plan has that same sort of aspect. Because it said, if I recall, that there will be spending cuts where there are not spending cuts. It said there will be no taxes on the middle class. Well, it has taxes on the middle class, substantial taxes on the middle class in New England in the area of the Btu tax. And of course you have the Social Security tax in there. And it claimed that the new spending would go for investment, whatever that means in the way of Federal terms.

Actually, when you look at these new spending programs, look at the supplemental they are talking about, they have spending in there for swimming pools, they have spending in there for lighting in some States, they have spending in there for new atlases for the fish and game folks, and a lot of other programs that are really investment in votes, not investment in this country.

So to replace that plan I think is appropriate. Let us replace it with something the American people want. What the American people want is for us to address the deficit, not by hitting them up with a $300 billion tax increase but to address the American deficit on the spending side of the ledger. What has been brought forward by the Republican leader, Mr. DOLE, is a program that accomplishes that. It represents a freeze on discretionary spending. It puts in place a spending restraint on entitlements. And it results in elimination of the new taxes which the President has proposed in his budget.

It gets to the same deficit reduction over the 5-year period, producing almost $450 billion of deficit reduction. But it does it the way I think the American people asked us to do it. It does it through spending restraint. It does not allow the Government to expand. It does not allow the Government to add $124 billion of new spending but rather limits the tax burden on the American people.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 3 minutes to Senator KEMPTHORNE.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho for 3 minutes.

Mr. KEMPTHORNE. Mr. President, we have all been sent here to be a very loud and clear voice on behalf of the people who sent us here, our constituents. The message I have heard from the people I represent is very clear and simple. It is: Cut spending first.

We have two very clear choices in this case. We have the administration's package which, as has been pointed out, is the largest tax increase in the history of this Nation. Or we have the Dole-Domenici amendment, of which I am proud to be an original cosponsor, which simply says we are going to cut spending, we are going to cut the size of the Federal Government, and we are not going to tax the American people in doing this.

We are a voice for the people we represent. I would like to just share with you, Mr. President, a letter I received which I think really reflects what so many of my constituents are saying.

DEAR SENATOR KEMPTHORNE: Contrary to popular belief, we have no more to give. If this tax increase is allowed to take effect we will not be able to make ends meet. Our income has decreased by 29 percent. This is not an exaggeration. We will not make it.

We do not appreciate the use of the term "contribution." Please do not fall into this trap. We are not so ignorant that terminology can make us go along with another tax increase.

We must see a marked reduction in spending. Not a decrease in the rate of increase. This is not acceptable.

Again, we urge you to stop this tax madness.

From a farm supply company in the rural town of Paul, ID. They simply write:

These are not taxes on the wealthy. They are taxes on rural America, one of the hardest hit sectors of our economy in the past decade. The ultimate effect of these taxes is higher food costs, which hits every American, particularly the poor, and spurs inflation.

Again, Mr. President, we have two very clear choices with this amendment by Senators DOLE and DOMENICI. The freshmen Senators who are here—we are new but we are fresh from the front lines where I think the message was delivered to us that we are to come here and we are to vote to cut spending. We are here to cut the size of the Federal Government. But we are not here to raise more taxes on the American public. That is the message.

I yield the floor back to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Senator. I yield 3 minutes to Senator BENNETT.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for 3 minutes.

Mr. BENNETT. Mr. President, the other evening I spoke in this Chamber about my business background and business approach to this circumstance. If I might continue that for just one thought here, I have earned my living on occasion as a consultant to sick businesses. I think it is perhaps not a stretch of the imagination to say that our Nation right now comes under the definition of being very much like a sick business. We have a lot of red ink on the bottom line.

If you want to solve the problem of a business that is running red ink, you have three choices. You can cut your expenses, you can increase your sales, or you can raise your prices. In this debate, putting it in that context, the President of the United States has told us that we need not cut our expenses. We can cut them in some places but we will turn around and spend it over in other places in an attempt to increase our sales—that is, make the economy grow more rapidly.

But the heart and soul of his approach has been to raise prices, or in Government terms that is raise taxes. Raising prices in a business is a good way to get money if your customers continue to buy. But if you raise prices the way General Motors did and Toyota comes in with something that is cheaper, you find yourself in the status that General Motors is in, where the whole operation is ultimately forced to do what they should have done in the first place, which was to cut their internal costs.

The proposal we have in front of us is a proposal that says we are not going to raise prices on our product. We are going to cut the cost of operating the business and see that gets taken care of, because we found if we raise prices people will react to that and do other things. We know that raising taxes does not automatically increase Federal revenue. It has been tried time and again. And we have seen the example in the business world with General Motors. We need to get the Toyota philosophy going in this circumstance, instead of the General Motors philosophy, because that is the business analogy that shows us that we can, indeed, make the right kinds of decisions.

It is awfully hard to cut. It is hard in a business to cut. You end up firing people who you hired who were your closest friends. But it is the thing that has to be done if you are going to survive long term.

So, to the degree I have any expertise at all from the business world, I offer the same here in the Senate, which is let us not raise prices—or in this case raise taxes—let us cut our internal costs.

I am proud to be a cosponsor of this amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have many Senators on my side who want to speak. I hope they will be patient. I cannot give them very much time since we are operating under time limits. I think at this point I better accept our leader's challenge and yield myself only 7 minutes.

Mr. President, it is pretty clear that the American people and a number of Senators are saying: Let us not increase taxes until we have cut spending. The problem is that there is no way to do that under President Clinton's budget because the only spending that we will be cutting is defense, and everybody knows that is going to be cut. There are no net cuts anywhere else.

So if you are frustrated about how to delay the tax increases until you get real cuts in domestic programs, you cannot even delay the taxes under that budget because there are no net domestic cuts.

So what we have done is accept the challenge of the American people that before any new taxes are requested from them, we truly get the expenditures of the Federal Government under control. I call to everyone's attention that even under our proposal, which gets us more deficit reduction in 1998, $40 billion—$40 billion more than the President's proposals and we do that with no new taxes. There is still a $169 billion deficit left in 1988 under our plan.

Under the President's proposal with all the new taxes, there is still a $216 billion deficit in 1998. So if the American people had been kind of suspicious that they are going to pay all these new taxes and not get the deficit under control, they are right.

What we decided is we would give the Senate an opportunity to truly restrain the expenditures of our Government, cut expenditures and do that, and finalize it. Then, if somebody wants to look at taxes because they think we ought to do better than a $169 billion deficit in 5 years, at least the American people would absolutely know that we have cut, and cut permanently, the growing deficit.

How do we do that? I am going to try to be quick.

I notice some are wondering what do we do with immunization? Essentially, we increase immunization and WIC by $500 million. If you want to be technical, the last budget—the one that is before us now—only had $197 million available for WIC. It is not anywhere close to what the President had.

Having said that, we are going to drop all the other President's add-ons. This will make it clear to the American people that the President intended to spend more money while he is taxing. He called it an investment. We just call it spending. We are going to eliminate his entire tax proposal. As I said, we are not going to do any taxes until we have cut spending and put spending on a path that is going downward.

We are going to eliminate the user fees from reconciliation and let the committees decide where they want to do those and how much, but not under the gun of deficit reduction.

In addition, we are going to accept all of the President's mandatory and discretionary cuts both in domestic and military. We propose to put $20 billion, not a huge amount, but something, back in defense. Among our worries on defense are we know you are going to lose more jobs than you ever pick up under anyone's proposal if you cut defense rapidly as proposed by the President.

Then we come to an exciting proposal that we believe sooner or later the Senate of the United States, Congress, and the President, will say we are going to adopt. Let me talk about the mandatory expenditures of our national Government without Social Security.

For anybody who is interested, this chart on health care and deficit is found in the President's February vision statement. The green line is what the President hopes we will save when we reform Medicare and Medicaid. This red line is the budget deficits under the President's proposal. But when you are finished with health reform, the President in his proposal says we are going to then cut health care and bring it down so that you have $118 billion in additional mandatory spending restraint because of health reform.

Our proposal says put a cap on Medicare and Medicaid, create deficit targets with enforcement across the board and establish discretionary spending caps for defense and nondefense. When we put our cap on, we only cap Medicare and Medicaid, and we say to those programs, here is what you can do with them: You can permit them to grow in 1994 by 9.6 percent; in 1995, by 10.7 percent; in 1996, by 10.4 percent. That is established by putting on a cap that is based on growth for the consumer price index plus demographics. The cap accommodates the new people added to these programs, plus 4 full percent growth.

Everybody should know that we are going to do it exactly the same way the President proposes to do it, because in his budget proposal, a Vision of Change for America, he says when we reform health care, we are going to save that amount of money, $118 billion. We only ask for $93 billion of that in our cap proposal. So we think we should right now send a signal to the health care reformers that we believe the President is right. And we ought to send a signal to them right now that the caps are in place so they can measure reform against this new quality performance approach which will permit spending to increase dramatically, but not as dramatically as it is currently projected to grow.

We do not cut anything. We just slow down the growth of the program.

The PRESIDING OFFICER. The Chair advises the Senator he has spoken for 7 minutes.

Mr. DOMENICI. I will take 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it is obvious to this Senator that the President has boasted about being the first President in history who is going to cut the deficit and invest in America, invest in our future. I think it is obvious now that what we have is a tax plan that is so big that it is the only real deficit reduction. The taxes increase also allow you to spend money on investments, excepting you are using the taxpayers' dollars to let Government grow on, and calling that an investment.

I expected that because I think our President has found that if you call spending an investment, as he said in 1988, if you call spending an investment, the people are more apt to buy a tax. That is the whole premise.

We are not going to go through all these so-called investments, but frankly, they are just new spending programs.

The PRESIDING OFFICER. The Senator has spoken for a minute.

Mr. DOMENICI. Thirty seconds, and I will not speak again.

So we are very clearly sending the American people the right approach. We will stand on this, and if it is implemented, we believe we will have a real deficit-reduction plan.

I yield to Senator SLADE GORTON for 3 minutes, and then, thereafter, 3 minutes to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. GORTON. Mr. President, in his State of the Union Address, our eloquent and compelling President spoke of an opportunity to create in the United States a growth in jobs and in economic opportunity while at the same time we reduce the budget deficit which is a burden on all Americans, present and future. He devised the budget which is now before us, as a way in which to accomplish both of those goals.

The American people overwhelmingly agreed and continue to agree with those Presidential goals. The American people desperately and correctly wish this President, who after all is the only President, to succeed. They are, therefore, still reluctant to believe, even as more and more of them have come to believe, that this budget will, in fact, accomplish neither goal.

We have no record of increased taxes increasing productivity and job opportunities and economic growth. We have no indication, even using his own figures, that this budget will permanently reduce the deficit which so greatly plagues us.

We know that our history and that of all other free countries is that every increase in taxes is inevitably followed by an increase in spending, and that the only way to limit spending on the part of Government is to limit the tax revenues which it receives.

As a consequence, we are faced with a budget which is a failure on its own terms, and an even greater failure inevitably by the results of our economic activity. This alternative, offering greater budget deficit reduction without an increase in taxes, is truly the budget of opportunities for Americans, a reduction in their budget deficit and a return to the prosperity which all of us so greatly desire and for which all of us aim.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona for 3 minutes.

Mr. MCCAIN. I thank the Chair.

I wish to make one salient point to start that really crystallizes what this debate is all about. The Federal Government will spend more than $8 trillion during the next 5 years under the President's plan. However, his proposal will cut domestic programs by just $7 billion during that time. Simply stated, President Clinton is proposing to cut Federal spending by less than one-tenth of 1 percent.

Mr. President, I happened to be listening to the news on the radio this morning while I was riding into work and heard the Presiding Officer make a comment, and that was—I believe I paraphrase it correctly—the American people understand that in order to bring the deficit under control we have to have increases in revenues.

Mr. President, I would just point out that in the last 10 years, five times we have told the American people we were going to raise their taxes, in return for which we were going to reduce the deficit. In fact, the result has been exactly the opposite; spending has gone up, taxes went up, and the deficit went up to the point where the national debt is now over $4 trillion.

So to allege that increasing taxes will somehow reduce the deficit flies in the face of the dismal record Congress has had. In fact, Ross Perot said recently that giving the Congress more money to spend—which is what this President's proposal is all about—without a balanced budget amendment and a line-item veto is like giving a friend with a drinking problem a liquor store; they will only spend the money.

Mr. President, if next year at this time the deficit is less than it is today, I will come to this floor and publicly apologize to the President. If it is, then it will fly in the face of the last 10 years when we have promised the American people we will cut spending in return for raising your taxes, when in fact the opposite has been true and the debt is now well over $4 trillion.

Mr. President, I wish to discuss one aspect of this proposal that is important to me because of my background, and that is what we are going to do to Federal employees and the men and women in the military, most of whom earn less than $30,000 a year. It is an issue that has not been talked about. It is something that needs to be talked about. These are the men and women who served in sacrifice to their country and we show our thanks by freezing their pay. They have already experienced over the last 10 years as much as a 10- to 11-percent decrease in real salary because of the failure of their pay raises to keep up with the cost of living.

Mr. President, most of the men and women in the military are enlisted and make less than $20,000 a year, and we are going to freeze their pay. I say that is unconscionable. I think it is unacceptable. I hope my colleagues will vote in favor of the amendment that I will have which lifts the freeze on Federal employees and military pay proposed by President Clinton, and which will restore their fiscal year 1994 and future pay raises, as well as locality pay, to levels authorized under current law.

Mr. President, the American people do not think we need more spending. The American people do not think we need more taxes, especially to pay for more Government spending. The American people want us to cut spending and leave their taxes alone.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. REID). The Senator's time has expired.

Mr. DOLE. Mr. President, I yield 3 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. FAIRCLOTH. Mr. President, I rise in support of Senator DOLE's amendment to cut the deficit by cutting spending, the only way you are going to cut it, not by raising taxes. The choice before the Senate is simple. You either vote for change by passing the Dole amendment or you vote for a report of the 1990 budget agreement by voting for the Clinton tax increase.

The Clinton budget repeats the 1990 deal which raised taxes on the American people in the name of deficit reduction. We all know what happened. We got the tax increase, the deficit only went higher, and we extended the recession.

Mr. Clinton's budget raises taxes $295 billion, the largest increase in history. Mr. President, our distinguished colleague, the senior Senator from New York, and chairman of the Finance Committee, Senator MOYNIHAN, himself has conceded that the Clinton tax increase is the largest tax increase in our history. Instead of cutting spending, the Clinton budget also increases domestic spending $124 billion on top of $245 billion in spending increases already built into the budget.

Congress has balanced the budget one time in 32 years, but in 28 out of those 32 years Congress has increased taxes, usually in the name of reducing the deficit. None of these tax increases has reduced the deficit. Now the President wants to increase taxes again. Increasing taxes never reduces the deficit. Increasing taxes gives Congress the authority to use the increase for leverage for increased borrowing and spending.

What makes anyone think that the 29th tax increase is going to do any better job of reducing the deficit than the failed 28 before it? I do not believe it, and the American people do not believe it. There is no change in the Clinton budget. It is more of the same—more taxes, more spending, all cloaked in the rhetoric of change.

The Dole amendment represents true change, a freeze on domestic discretionary spending—for the first time ever, a reasonable limit on the growth rate of mandatory spending. No tax increase. Social Security is protected. If we pass the Clinton budget, the President's own figures show the deficit will be increasing after 5 years even with the largest tax increase in the history of the country.

If we control spending with the Dole budget, we will have a lower deficit in 5 years and no tax increase.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FAIRCLOTH. I ask 1 more minute.

Mr. DOMENICI. I cannot give the Senator 1 more minute.

I will give the Senator half a minute.

Mr. FAIRCLOTH. The Dole budget is real because the deficit reduction targets will be enforced with across-the-board cuts if Congress tries to weasel out of spending cuts in future years.

There has been a lot of talk about fairness from the other side of the aisle about cutting, but when we put a $500 tax on the average family with the Btu tax, that is the most unfair tax that can be levied on anybody. The poor people pay more of it.

Raising taxes is not fair. Raising taxes costs jobs. It is common sense to cut spending, because Government cannot spend us rich.

I came to Washington to change things by cutting spending, so I plan to vote for the Dole amendment. I ask unanimous consent that a study by Paul Craig Roberts entitled "Now It's Blind Side Economics: The Clinton Plan," be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[The Institute for Political Economy, March 1993]

NOW IT'S BLIND SIDE ECONOMICS: THE CLINTON PLAN

(By Paul Craig Roberts)

President Bill Clinton's budget plan neither reduces the budget deficit nor provides a stimulus to the economy. Moreover, the economic rationale for the plan is unknown and has not been explained. The tax increases (primarily on personal and corporate income and on energy) are substantial larger than the "fiscal stimulus" provided by the plan. If evaluated in terms of the Keynesian theory, the plan is contractionary. A supply-side evaluation leads to the same conclusion. The higher personal and corporate income tax rates would raise the cost of capital more than the limited investment incentives would lower it. The overall effect would be less after-tax earnings and a supply-side contraction of the economy. My conclusion is that the claims being made for the plan are propagandistic and not real.

A growing national debt: Figures published in President Clinton's budget plan, "A Vision of Change for America," which was released on February 17, 1993, show that the new president is headed for a redink record. According to the plan, $916 billion will be added to the national debt over the next four years. That is $183 billion more than Reagan's cumulative first-term deficit and $238 billion more than Reagan's second-term deficit. Clinton's plan is an astonishing failure, because it is going to add more to the national debt by raising taxes and cutting defense spending than Reagan did by cutting tax rates and raising defense expenditures. If Clinton's plan works as claimed, it will add five and one-half years of Reagan deficits to the national debt in only four years. Obviously, this is not deficit reduction.

There are no net spending cuts in the budget plan. The plan creates an illusion of reduced expenditures by counting user fees, higher taxes on Social Security income, and more price controls on doctors and hospitals serving Medicare patients as spending cuts.

A contractionary policy: On March 3, 1993, the Republican Study Committee on the U.S. House of Representatives released its analysis of Clinton's plan showing that the net effect was a $253 billion tax increase over the 1994-1997 period. From both the demand-side and supply-side economic perspectives, tax increases stifle economic activity. Moreover, the broad-based energy tax will raise production costs throughout the economy. Energy-intensive industries such as the airline companies which are already struggling, will be especially hurt and so, in turn, will the aircraft manufacturers.

The higher energy costs will both squeeze profits and raise prices. Consequently, the economy could falter while inflation indices rose, causing confusion at the Federal Reserve about the appropriate monetary policy.

If the economy contracts as a result of the plan's increased taxation of consumption and investment the cumulative budget deficit will be much larger than the $916 billion that the plan projects. The combination of an aborted economic recovery with Clinton's new spending initiatives could mean a very large budget deficit.

Clinton's plan is an unusual one for Democrats to offer. Traditionally, Democrats have stressed the link between strong consumption and economic growth. Formerly they argued that "the reason businesses invest is that people buy." Tax increases and deficit reduction were regarded as counter-productive measures that would constrict consumption and investment and cause a downward spiral and mounting unemployment.

Today Democrats sound like Republicans of 60 years ago. They argue that higher taxes will help the economy by reducing the deficit and lowering interest rates. They assume without offering theory or evidence that the stimulus from lower interest rates will more than offset the contraction from the higher taxes, leading to an increase in output. They claim that a recent drop in long-term interest rates is the bond market's endorsement of their budget plan. However, they have not explained how adding almost $1 trillion to the national debt during the next four years causes borrowing costs to fall! It seems more likely that interest rates fell because the bond market sees a recession in Clinton's plan.

Among Clinton's top advisers there are many advocates of "industrial policy". Renewed recession before there is a complete recovery would result in more job layoffs and endanger some large corporations. It would create an environment in which a new hero—Industrial Policy—can save jobs and shareholders' equity and prevent the "deindustrialization of America." Once jobs are saved with subsidies, trade protection would follow. If Clintonomics is seriously pursued, it will lead to the break-up of the free-trade system.

Clintonomics seems to be primarily an emotional or psychological response to Ronald Reagan, who stressed that government was the problem and not the solution. This offended American liberals, who associate the growth of government with moral progress. They assume that all unmet needs are in the public sector where there are many claims on the taxpayers' money. The incoherence of Clinton's economic program is, perhaps, best understood as a dogmatic reassertion of the moral primacy of big government.

Higher taxes, higher deficits: Clinton says that his policy represents change. In fact, it is modeled on George Bush's 1990 budget plan. If Clinton's plan is enacted, it will be the fifth repetition of the tax-hike approach to deficit reduction that failed in 1981, 1982, 1984, and 1990 (along with smaller tax increases along the way).

A review of the previous efforts to reduce deficits with taxes shows the failure of this approach. In 1981, budget director David Stockman convinced President Reagan that scaling back the personal income tax rate reductions from 30 percent to 25 percent and delaying their implementation until the second half of his term would permit a balanced budget in 1984. Stockman got his way. Consequently, fiscal policy provided no stimulus to offset Federal Reserve chairman Paul Volcker's independent recessionary monetary policy during 1981–82. The economy fell into recession, and the deficit estimate for 1984 jumped from $0 to $128 billion.

The Reagan Administration responded to the fiasco of its first deficit-reduction program with a second deficit-reduction program. This time Stockman promised that the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA), which took back most of the prior year's tax reduction for business, would reduce the deficit to a mere $59 billion by 1987. TEFRA was enacted to much fanfare, but by December of 1982 Stockman's estimate of the $229 billion. The $59 billion deficit promised for 1987 had become $280 billion.

Other tax increases followed. The 5 cents a gallon gasoline tax and the 1983 Social Security Amendments were supposed to raise $118 billion over a multi-year period. However, no headway was made on the deficit. In 1984 taxes were raised again. The Deficit Reduction Act of 1984 (DEFRA) took back the remainder of the business tax cut and was supposed to raise $100 billion, but the deficit was unfazed.

None of this accumulated failure made any impression on Richard Darman when he occupied the Office of Management and Budget under President Bush. Darman forecast massive deficits unless President Bush broke his "no new taxes" pledge and signed on to a $165 billion tax hike. Bush gave in, and an ecstatic Darman made his budget deal with congressional Democrats. The budget for FY 1992 (issued early in 1991) projected a balanced budget in 1995 and a $20 billion surplus in 1996. Here it is 1993, and Clinton projects $300 billion deficits for these years unless he gets his tax increase.

The way out: It is irresponsible for the Clinton Administration to follow a course so thoroughly marked with failure. If $612 billion of tax increases has not reduced the deficit, Clinton's tax hike won't either. There has to be another way, and there is: either a budget freeze or a milder policy of permitting federal spending to grow, but by less than the annual increase in revenues that economic growth produces.

In 1987 Reagan practically froze the budget. That year federal spending increased only $13.6 billion compared to $44 billion in 1986 and $95 billion in 1985. As a result of this near-freeze, most of the $85 billion revenue growth that the economy produced that year went to deficit reduction. The budget deficit fell from $221 billion to $150 billion—a decline of one-third—in one year. If Reagan had repeated this feat a second year, he would have rid his record of the deficit issue. Instead, with the 1988 presidential election approaching, spending resumed, rising by $60 billion and absorbing that year's revenue growth.

From 1985 to 1989, federal tax revenue growth averaged $64 billion annually. If this revenue growth is projected into the future, a three-year budget freeze would reduce the annual deficit by $192 billion, which would more or less solve the problem. Three factors make it practical to freeze the overall spending level: the vast room for maneuver within a $1.5 trillion budget, documented waste, fraud, and abuse, and declining defense expenditures.

Huge budget offers room for maneuver: If the budget of the U.S. government were a country, it would be the fourth largest economy in the world. The federal budget is equal in size to the combined Gross Domestic Product of Canada and Latin America. The U.S. government spends every year more than the entire population of Great Britain or Italy—the fifth and sixth largest economies—can produce.

Every year in these economies, all sorts of adjustments take place. Investment flows shift, employment patterns change, and resources are reallocated while some industries grow and others shrink. In Mexico, Argentina, and Russia, privatizations are under way involving large sums of money and large numbers of people. It is preposterous to think that reallocations to meet pressing needs are not possible within a budget that is two to three times larger than the Canadian economy and about six times larger than the Mexican economy.

During recessions, the private sector gets by with less income than it had the year before. For example, in 1974 and 1975 the real GDP of the U.S. was less than in 1973, in 1980 it was less than in 1979, and in 1982 it was less than in 1981. During the Great Depression things were much worse for much longer. In 1933, for example, the real Gross National Product was 30 percent less than in 1929.

If the private sector can endure declines in income, the government can go two or three years without a raise. With economic growth producing about $65 billion in new tax revenues every year, a three-year overall budget freeze would bring revenues in line with spending. (A variant of this plan would be a shorter freeze followed by several years of holding the growth in spending below the normal growth in revenues.)

Responsible organizations, such as Citizens Against Government Waste, document $167 billion in waste, fraud and abuse in the annual federal budget—a sum two to three times as large as the annual growth in Social Security and Medicare entitlements and interest on the debt. The General Accounting Office agrees that large sums are wasted but doesn't know the precise amount.

To put this estimate of waste, fraud, and abuse in the federal budget in perspective, it is equal to the Gross Domestic Product of black Africa and is as large as the combined GDP of Colombia, Venezuela, Chile and Peru. The federal government wastes every year four to five times more than Nigeria produces and 22 times more than Kenya produces.

Even our state and city budgets are gigantic. New York City's budget is approaching $30 billion—a figure as large as the GDP of Chile. New York State's budget is larger than the GDP of oil-rich Venezuela. California's budget is equal in size to the national income of Argentina or South Africa. In the aggregate, state and local government spending totals approximately $1 trillion. If this sum is added to federal spending, total government spending in the U.S. is approaching the size of the Japanese economy.

New Yorkers do not get equivalent services in exchange for delivering the value of the Chilean economy to the mayor's office. Californians certainly do not receive services from the state equal in value to the national income of Argentina, and U.S. taxpayers get very little in exchange for turning over to Washington income that the entire French nation—including the French government—could live on comfortably. The government services that Americans receive certainly do not approach in value the output of the Japanese economy.

A budget freeze is the only plausible approach to deficit reduction. Once revenues catch up with spending, a simple rule will maintain budget health. Spending can grow every year, but by less than the revenues from the normal growth of the economy. The difference would be used to pay down the national debt. This budget rule would also stop the growth of government relative to the private economy that has been gradually crowding out property rights and the market. In 1900, government at all levels took less than 10 percent of GDP, leaving the private sector with more than 90 percent. By 1990, government claimed 33 percent of GDP, leaving the private sector with only 67 percent—the proportion that was left to medieval serfs.

The plan's prospects: The contradictions in Clinton's plan and its heavy reliance on tax increases have made Congress uneasy. Commentators have pointed out that the tax increases are not limited to the rich but affect retirees and people making only $20,000 per year. The Congressional Budget Office showed that the plan actually fell $55 billion short of its own claims in spending cuts. House Democrats have vowed to add $63 billion in spending cuts to the plan, and Senate Democrats talk about adding $90 billion in spending cuts.

Perhaps some real spending cuts will become part of the plan. However, the talk about additional spending cuts may be a poly designed to make the plan look less unbalanced. The Democrats are embarrassed that Clinton has so dramatically broken his vow not to raise taxes on the middle class. They are also fearful that the plan may hurt the economy, and they have realized that the plan does not reduce the budget deficit below Reagan's. The deficit reduction claimed by the plan is measured against projections of high baseline deficits in the future. No one knows how realistic these projections are or if they have been exaggerated in order to make Clinton's plan appear to be successful. For example, Clinton claims that in 1994 the deficit would be $300 billion, but that his plan will reduce it to $262 billion. He could make his plan look even better if he were to claim that the deficit would be $350 billion without his plan.

If Republicans resist the plan and point out its contradictions, it will lose support. The Democrats have trapped themselves with their anti-Reagan propaganda. They have committed themselves to "reversing the legacy of the Reagan years." Some people misinterpret this goal to be deficit reduction. However, what Clinton means is higher taxes and higher spending. Clinton's plan calls for the federal government to spend $9.6 trillion during the years 1993–1998. His smallest annual budget is $1.475 trillion compared to Reagan's largest budget of $1.064 trillion.

Modern economic studies show that federal spending is a drag on the economy, and taxes certainly are. By expanding government relative to the private economy, Clinton is going in a different direction from the rest of the world, which is trying to recover from the socialist excesses of the 20th century. If Clinton does not get in step with anti-government reforms elsewhere, the United States will become a reactionary force in world affairs.

Mr. SASSER. Mr. President, the distinguished minority leader has presented an alternative here this afternoon to the President's economic plan. Frankly, we have not had time to study the alternative. It was presented to us almost contemporaneously with the introduction of the amendment on the floor. But as you can see, this is a one-page document which is offered as a substitute for President Clinton's "Vision for Change in America."

As I say, we only received it less than an hour ago, but one thing is clear, Mr. President. This alternative is no substitute for President Clinton's bold and far-reaching program, not only of deficit reduction but also of economic growth.

My friends on the other side of the aisle would have you believe that this is a genuine, bona fide, legislative alternative. But I say that is not the case. My colleagues on the other side of the aisle are simply trying to sell the same old snake oil that they have been trying to sell, and with some success, for the past 12 years—the illusion of budgetary restraint without any specific policy cuts, all smoke and mirrors. It is all formulas, freezes, caps, all the same tired litany. But when you blow all the foam off of it, what you find is precisely why the American people said in November, we have had enough. It is time for a change.

Mr. DOMENICI. Will the Senator yield for a question at that point on my time?

Mr. SASSER. If the Senator will let me—I did not interrupt the Senator.

Mr. DOMENICI. Of course.

Mr. SASSER. I want to complete my remarks.

Let us scratch this Dole amendment a little bit and see what is under it.

I have the highest regard for the minority leader. He knows I have the greatest respect for him. We have worked together almost 17 years now. But when you look at his amendment, what do you find? Does it contain any new ideas? None. Nothing new. The same, tired, old formulas we have seen year after year after year; the same, tired, worn-out, discredited budgetary proposals that quadrupled the national debt of this country in 12 years.

I say to my friends from the other side of the aisle, some are talking about what the sad state of affairs things are in. Who got us in that sad state of affairs? It took this country 200 years to build up a national debt of less than $1 trillion. It took the Presidents, three Presidents, three terms—two Reagan terms, one Bush term—to quadruple the national debt that it took us 200 years to build up for.

So are there any new ideas here? None. Is there anything positive, constructive? Well, they did, Mr. President, adopt President Clinton's proposal with regard to childhood immunization of $200 million. I want to congratulate them for adopting the President's proposal in that regard.

But when you get beyond that, is there anything different from the empty promises that left this country at the doorstep of economic ruin? You tell me. Just look at what is at the heart of this alternative amendment—entitlement caps. How many times have we been down the road of entitlement caps? We know what entitlement caps mean. It is a way of dodging the tough decisions of deciding what to do about the exploding Medicare and Medicaid costs, Mr. President. That is where 85 percent of the growth in entitlements is. When you add on Social Security, that is where 95 percent of the growth in entitlements is.

But how do they deal with this problem?

Well, we are just going to stuff a cap on top of it, and walk off and leave it; say we are going to pay no more, no less. You know what that means. It means that as health care costs continue to grow, more of the burden of paying for it is pushed off on the elderly under Medicare.

Many of our new colleagues here on the other side were—we are pleased to have them here; fine people. But they were talking about what they saw as they campaigned across their States. I wonder if any of them had any Medicare recipients come up to them and say, Mr. Candidate, would you please put a cap on Medicare so the Government will pay less Medicare expense, and I will have to pay more? I want to pay more of my own cost of Medicare. I daresay that very few people told them that.

What else do we have in here? Preservation of the tax breaks for the wealthiest among us. Somehow our friends on the other side of the aisle always put that right at the forefront. That is what they will fight to the last ditch for, preserving the tax breaks for the wealthy that were at the heart of the Reagan supply-side program in the 1980's.

After 12 years of neglecting the problems of this country, 12 years of failing to invest adequately in the education of our young people, 12 years of experiencing exploding criminality across the cities of this country—now spreading into the rural areas—12 years of seeing the health care system deteriorate to the point that now we have 37 million people who are working, and most of them do not have any health care coverage.

What is the response of our friends on the other side of the aisle with their alternative to the Clinton economic plan? They say, let us put a freeze on education. Let us put a freeze on funds for crime prevention and criminal justice. Let us put a cap, in essence a freeze, plus a little bit of growth for inflation, on health care. In other words, everything the American people want and voted for in November, they want to shove it into the deep freeze and walk off and leave it.

Mr. President, entitlement caps are just another name for political duck and cover. The critics of the plan given to us by the distinguished President of the United States—these critics do not want to be specific. They do not want to take out a blue pencil and cut the programs as the President did. He sat down there with his Director of Office of Management and Budget, his Cabinet, leading experts from around the country, some of the Members of this body, day after day, week after week, night after night, weekend after weekend, going over this budget and making the tough choices piece by piece by piece.

This President took out the blue pencil, and he cut programs. But our friends on the other side of the aisle have not done that. They do not want their fingerprints on the budget. I do not think they want anybody's fingerprints on it.

The entitlement caps under this amendment would create great mischief; as I said earlier, it would harm some of our neediest and frailest senior citizens.

Mr. SARBANES. Will the Senator yield?

Mr. SASSER. I am pleased to yield.

Mr. SARBANES. I think the Senator is making a very important point when he says this amendment harms some of our neediest citizens. What happens is you get the concept up to such a level of generality that people do not understand what is really being done. They say we are going to put on an entitlement cap. Once you start working through the proposal, you realize that means you are going to cap Medicare and Medicaid spending.

Mr. SASSER. That is right.

Mr. SARBANES. The President wants to do health care reform because the costs of medical care are significantly outrunning the consumer price index. He wants to try to address that problem. That is the rational way to try to do it because he is talking about doing it in a context in which you are going to have universal health care coverage.

But what this proposal will mean, when it works its way down, is that senior citizens, and the poor, are going to need health care and are not going to be able to get it. Make no mistake about it. That is what entitlement cap means, once you have worked all the way through it, especially in the dimensions which they are talking about in this proposal.

Mr. SASSER. Mr. President, if the Senator will yield on that point, what we are seeing now are doctors and physicians across this country who are refusing to take Medicare patients, because they think Medicare does not pay enough by way of compensation.

We are seeing hospitals that refuse to take Medicare patients and Medicaid patients.

And what the distinguished Senator from Maryland is saying is, if these entitlement caps go into place, you are going to see more and more doctors saying: We are not taking any Medicare patients here, because Medicare is not paying enough. More and more hospitals are going to say: No Medicare patients here, no Medicaid patients here; we want the patients that have Blue Cross/Blue Shield, high option, or we want the wealthy patients, and the old and the poor need not apply.

Mr. SARBANES. Mr. President, I have a college roommate who is a pediatrician in a small town of about 40,000 people. He is the only pediatrician in that town who will take the Medicaid payment. Under Medicaid, you are required, if you render certain services, to take the standard Medicaid fee. All of the other doctors have opted out of it, because they do not make any money out of it.

This dear friend of mine does not make any money out of it either, but he feels that someone has to serve this population, and he is prepared to try to do it. He actually ends up putting in very, very long hours because there is no one else in town. He and his son are the only two in town prepared to serve people on Medicaid. They practice together.

Now the entitlement cap is going to cut further, and my friend's experience is going to repeat itself in communities all across the country. You say "cap entitlements." What does it mean in real life, at the grassroots level? What does that mean? What does that represent? We know what it represents. It means people who need medical care are not going to get it. What are you going to do with them?

Mr. SASSER. I think the Senator from Maryland raises an excellent point, Mr. President. I am not alone in my disdain for entitlement caps. Looking at it from a budgeteer's standpoint, they offer the illusion of large savings in Federal spending, but they purposely fail to specify where the cuts would fall.

Let me tell you what Dr. Alan Greenspan, the Chairman of the Federal Reserve Board, appointed by Ronald Reagan——

Mr. SARBANES. And reappointed by George Bush.

Mr. SASSER. The Senator is quite correct.

Here is what Dr. Greenspan had to say before the Senate Budget Committees about entitlement caps when he was asked about them:

"Entitlement caps are wholly noncreditable" to the markets.

What did Dr. Robert Reischauer, the Director of the nonpartisan, bipartisan, highly respected Congressional Budget Office have to say about entitlement caps? He said:

> They are, in a sense, a procedural promise to do something in the future, and a threat that if something isn't done, the sky will fall. And these have not been very successful in the past.

So any way you look at entitlement caps, from the point of view of the elderly Medicare beneficiaries, who will either have to pay significantly more for their health care—and by the way, did you know that Medicare recipients today are paying more for health care than they did prior to the inception of Medicare? I just learned that fact the other day. And what these entitlement caps will do, they will simply transfer more of the costs, health care costs, to the old. And it will mean for the poor: Well, you are out of luck. We are going to treat you like they treat them in Nicaragua, or El Salvador, or Guatemala. You just do not get any health care. You are out of luck.

Mr. President, the savings from an entitlement cap are far from magic. They are difficult to achieve. We have seen caps offered here for years. Mr. Richard Darman, President Bush's Director of the Office of Management and Budget, offered entitlement caps many, many times, but they came to naught.

Mr. President, the problem is not entitlements. The problem is health care costs, I say to my colleagues. If you backed Medicare and Medicaid out of the entitlements we would all be saying: Look around, entitlements are making us money. This year, Social Security will have between a $60 billion and $70 billion surplus. It is Medicare and Medicaid and health care costs that are driving the entitlement deficit.

So what do you do? You approach this problem precisely the way the President is approaching it. He is working at this very moment, and his administration is working at this very moment, and coming up with a comprehensive plan to deal with the health care crisis in this country, including health care costs controls.

That is the way you deal with the problem of Medicare and Medicaid. You deal with health care costs, not by simply putting a cap on it, and when the costs flow out around that cap, tell the old folks: You know, it is your tough luck; you have to pay for it.

Comprehensive health care reform is the answer to the entitlement problem.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time remaining is 42 minutes.

Mr. SASSER. Just a moment or two, and I want to defer to the distinguished Senator from South Carolina.

It is interesting to me, in looking at the plan that has been brought forward here by our friends on the Republican side of the aisle, that they place a freeze on domestic discretionary spending. We are going to freeze education. We are going to freeze the criminal justice programs. We are going to freeze the job training programs. We are going to freeze the people programs across the board, which really amounts to a cut. And these are the programs that have really taken it on the chin during the past 12 years.

But where do they add money, Mr. President? Well, you guessed it: $20 billion more for the military. President Clinton is proposing spending $1.316 trillion over the next 5 years for the military of the United States of America. But that is not enough for our friends across the aisle. The military has to have $20 billion more.

Let us put this in perspective. President Clinton proposes to spend, in 1994, $277 billion for the military of this country. Bear in mind, $277 billion, after the Soviet Union has collapsed. Our chief adversary is no more. We are the sole remaining superpower on the face of the Earth. We are going to still spend $277 billion for military hardware, and a whole host of things, such as building new aircraft carriers, new airplanes, B-2 bombers, you name it.

Historically, what did we spend for the military? In 1975, under the Nixon-Ford administration, we spent $232 billion in constant dollars—I am not comparing apples and oranges; we are talking about constant dollars here—$232 billion in constant 1994 dollars in 1975, and $277 billion in constant dollars in 1994.

The question comes: Why should we be spending $45 billion more on the military in 1994 than we did in 1975, when Brezhnev reigned supreme in the Kremlin, and they stood on top of Lenin's tomb every May Day and watched the power of the Soviet military machine parade past? That is not there anymore.

But even $277 billion is not enough for our friends across the aisle. They want to freeze investment in the United States, but add $20 billion to the military industrial complex. Strange priorities, Mr. President, strange priorities indeed.

I do not want to keep my friend from South Carolina waiting. He was here earlier today.

As my colleagues know, he is the chairman emeritus of the Senate Budget Committee and now the chairman of the Senate Commerce Committee. He is knowledgeable and learned in matters of the budget. I yield to him such time as he may require.

The PRESIDING OFFICER. The Senator from Tennessee has 37 minutes remaining and the Senator from New Mexico 15½ minutes.

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman.

With the Senator from Tennessee's handling of the budget, it is a compliment. For several years, considering what we have been doing, it would have been a dubious distinction to be known as emeritus chairman.

But in any event, I think the distinguished chairman is right on target. We said the other day in the morning of the debate that under this present budget that we are about to pass—I am convinced we will pass it here at 12 o'clock tomorrow—it is important what happens on defense, and I am the Senator who proposed the 5-percent increase in defense expenditures under Jimmy Carter. We got it through the Senate but could not get it through the House. The distinguished senior Senator from Massachusetts even voted with me on that. I voted along with President Reagan on his increase in the defense budget, but the truth of the matter is that President Clinton will spend some $200 billion more for defense in his first term than what President Reagan spent for defense in his first term, despite the disappearance of the Soviet threat, other than the threat of attack by nuclear-tipped missiles. There is no marching Red army threatening Europe, and there is no Russian military involvement in Third World countries.

I would like to be able to correct the record of the distinguished Senator from New Hampshire [Mr. GREGG] when he said a moment ago that we are going to fund fish farms, white-water rafts, and cemeteries. Those things were removed from the stimulus package in the Senate Appropriations Committee. Let us not get confused.

It has been noted that the budget resolution calls for the largest tax increase in history. The largest tax increase in history is needed to pay the largest bill we ever had in history. We would not need any of these taxes under the Clinton approach if interest costs on the national debt were not eating us alive. Put in Senator ROTH's plan. Put in Senator HOLLINGS' plan. Put in any Senator's plan, and we are still going to have to eat $23 billion in increased interest taxes next year alone. Let us call them taxes.

You know, you can avoid the luxury boat tax. We came back and repealed it. You can avoid the catastrophic health insurance tax. We came back and repealed it.

But the only way to repeal the tax of interest payments is to pay the bill, and that is what anybody coming into Government has the most difficult time doing. The biggest waste that we have ever seen is the $2.4 trillion that we have spent in gross interest costs for no Government at all, just for Government profligacy and waste over the 12-year period, or $1.7 trillion in net interest payments over that 12-year period. Up, up, and away.

So they ignore the waste of interest payments and they offer the same old nostrums of tax and spend like a bunch of political puppets on a string angling for a 20-second sound bite.

Finally, President Clinton put that approach to bed last November. They have not awakened to the point. I really rejoice in a former Governor coming to Washington, having paid the bills down in Arkansas and realizing there is a role for Government. There is a job to be done here.

This is embarrassing to me. At the top of this Dole-Domenici amendment, it says: Government, not the people, should be the first to sacrifice.

Come on. That is just PR nonsense. We are the Government, and we just got elected. We might not want a term limitation, but they tried to limit mine. And we are glad to get back here, and we can call a spade a spade.

Specifically, I am willing to say what the Senators on the other side of the aisle said they do not want to say. I want to say the word "tax."

They said, "There is no record of increased taxes producing growth."

That is absolutely false. If you come from a State like Arkansas or South Carolina, you learn right quickly you are not going to get investment in growth until you pay your bills. So the first duty I had back in the 1950's was to increase taxes to get a AAA credit rating to finance a technical training program, and to go out and solicit new industry for my State. That is the way all State and local government operates, for instance, a city mayor trying to improve the downtown section to get rid of the crime and trying to improve the recreational facilities, the museums, the arts, and everything else, that make your viable city. Governors do the same thing.

Yet we come up here in Washington like political puppets: We tax and spend, tax and spend. That is the whole idea. The only trouble is that crowd on the other side of the aisle for 12 years was using just that slogan to reelect themselves using the Government not for the interest and purposes and opportunities of the people, not for investing in people. They ridiculed the word investment.

President Clinton has come to town and he says, yes, we are going to invest, and I salute him.

Incidentially, let us get right quickly at the budget before my time is up. They do agree. Let the record show they agree with President Clinton's mandatory and discretionary cuts of $241. You would have never gotten those kinds of cuts out of Stockman. You would have never gotten them out of Darman.

But what they do is restore $20 billion in defense, and I take it from the Senator from Arizona he wants to increase the pay for the military, as well. We are not increasing the pay of anyone else.

They pamper anything in uniform, but they ruthlessly freeze domestic discretionary accounts. The freeze of domestic discretionary is totally out of whole cloth, totally unrealistic. They know it. We had about four votes on it, had it even in the Budget Committee, a 5-year freeze on education. No way. We came up here to provide for education, to spend for education, for law enforcement, for Head Start, and for health care.

And as the distinguished Senator from Maryland has just pointed out, it is also absurd to talk about a cap on Medicare. What such a cap says to Americans is you better hurry up and get sick before the first of June because after June 1, if you get sick, we are out of money and you are not going to get Medicare.

Let us get realistic about the whole thing.

Eliminate, they say, highway construction. The highway users and gas purchasers have paid the taxes to build highways. That crowd over there said, "Oh, no, let us use the highway trust fund as a slush fund." That is what we have been doing. No new highways. They call that increased spending. That is simply using the trust fund for its intended purpose.

I want to enact a value-added tax. The only point with which we agree is we are not going to solve the deficit problem—it is too big a problem—with this singular plan here. But with health cost containment here later this year and with additional revenues, we might be able to approach it.

I know my colleague, the former Governor of South Carolina, now the Secretary, went to the Department of Education and he was going to provide for new education programs. The first thing they gave him was a $2 billion bill for the shortfall in Pell grants. They have been using that as a slush fund.

We have been raiding and ravishing the Government in every respect—trust funds, Pell grant funds—anywhere we could find money. Political puppets on a string, 20-second bites, tax and spend. "Reelect me and don't do anything. The Government is the problem." They ought to be ashamed of themselves.

It was John Adams years ago, in the earliest of days of the Republic, who said "a declaration of hostility by a people to a Government produced by themselves and conducted by themselves is an insult."

Well, we just got elected here to do a job. And we know, the southern Governors, how to, by gosh, grow the economics in poor States through increased taxes and by paying the bills.

Ask the Black Caucus, who supported the increase in the sales tax here just a few years ago for the Education Improvement Act in South Carolina. That is the purpose of Government. The purpose is not to use all these trick charts and slogans and symbols just to reelect yourself and do nothing.

That is why the highways are cracked, the bridges are falling, the education plant is down, and the technology is behind.

In the entire population of the 18- to 24-year-old age group, 73 percent either cannot find a job, they are unemployed, or if they find a job they cannot find one that pays a living wage. That is a condemnation of this 12-year nonsense.

But they all come up with: President Clinton's promises; Clinton's promises. Do not get off that track.

Mr. Clinton did not get elected on any of his promises. He got elected on the promise that President Bush made. And President Bush promised to do nothing, to do absolutely nothing, about the economy; has not done anything in 4 years; neither did Reagan, except just cut back, cut back, cut back, and we are in a position of devastation now.

So President Clinton comes. Yes, he wants to get the Government going and he wants to invest. Yes, he wants to pay for it; that is, taxes, yes. And while investing, he also calls for cuts. At least they agreed to $241 billion in cuts. Yes, he wants to freeze your pay and my pay. Yes, he wants to streamline the Government. Yes, he has taken on, with his wife, the health care problem, and we are moving forward.

But the opposition says over and over again: Just taxes; scare the voter with a 20-second bite.

They do not talk about the reality that the largest tax is Federal interest costs quadrupling, the debt putting us in a downward spiral, where the debt is growing faster than the economy.

When President Bush came to office, he had a $5 trillion economy. When he left, he had $6 trillion. It grew by $1 trillion. But the debt grew from $2.5 trillion, when he came into office, to over $4 trillion, $4.1 trillion, $4.2 trillion.

So the debt is growing faster than the economy itself and we have got to rebuild, as President Clinton wants to do here.

Yes, he wants to invest. But it is not willy-nilly for nothing. He is trying to get us moving and to be responsible legislators up here. But others want to still play the political game: Reelect me; do not do anything; say I voted against all taxes.

Well, I hope we get some more taxes, because the only way we are going to cut spending for interest costs is to increase the regular taxes, like a value-added consumption tax. Mr. President, if we can put that in, maybe we can get on top of this runaway beast of interest costs taxes. Do not call them just interest costs. Call them interest taxes that continue to increase by spending and borrowing and borrowing and spending and raiding and turning trust funds into slush funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has 22 minutes remaining and the Senator from New Mexico has 15½ minutes remaining.

Who yields time?

Mr. DOMENICI. I want to yield 4 minutes to Senator ROTH.

I wish to thank him for the comprehensive deficit package that he introduced. We cannot vote on everyone's package, but his was invaluable in putting ours together. I think a close look at it will show that many of the principles have been incorporated in this. I thank him for that.

Mr. ROTH. Mr. President, I thank the distinguished Senator from New Mexico.

Mr. President, this budget substitute represents a defining moment—a time to determine in which direction do we want to see the country move. The President's budget represents higher taxes and bigger Government. Our budget alternative offers a different path—one which will result in real reductions in Government spending and the deficit, without the massive tax increases proposed by the President. Ultimately, my concern rests not only with the size of Government, but the amount of taxes that the Federal Government will absorb from the rest of the economy.

Let there be no mistake, my biggest concern with the President's budget is that it will stifle economic growth and job creation. Just as the economy is showing signs of strength, I am concerned that his budget will hurt growth, not help it. I am concerned that the tax increases in the President's budget, like the tax increases in the 1990 budget agreement, will lead to slower economic growth and a loss of jobs. Mr. President, you cannot tax America into prosperity.

The President's energy tax alone will cost thousands of jobs and lead to higher rates of inflation. This one tax will impact virtually every family, every business, every State and local government—each and every one of us everyday. The complete budget substitute offered today by Senators DOLE, DOMENICI, and myself offers a clear alternative—no tax increases, but real deficit reduction through a reduction in Government spending.

Not only am I concerned that the increased taxes will stifle economic growth and lead to a loss of jobs, I am concerned that the new taxes in the President's budget will simply lead to higher spending. As Budget Director Leon Panetta has admitted, there is no existing mechanism to ensure that increased taxes will go to reduce the deficit. It is impossible under current law to ensure that new taxes will not be spent. Nor does the administration want such a law. In fact, the President's budget calls for more than $160 billion in new spending beyond the increases available to hold most programs harmless for inflation and an increasing number of beneficiaries.

Under the President's budget, the insatiable appetite of the Congress for new spending has been handed a full tray of desserts. Until spending is restrained, the deficit will continue to grow. Some of our colleagues would have you believe that the deficit is due to a lack of Federal revenue. The fact is that revenue to the U.S. Treasury doubled between 1980 and 1990. Unfortunately, spending more than doubled during this period. History demonstrates that for every $1 in tax increases, the Congress spends $1.59. The President's program is clearly leading down this path.

The President challenged us. He said that those who disagree with his proposal should present an alternative. Just last week, I presented an alternative budget which provided $558 billion in deficit reduction, primarily through spending cuts and no tax increases. I am pleased to see that the leadership alternative includes many of the recommendations included in the plan I presented. Like the plan that I proposed, this budget alternative adopts domestic and entitlement spending reductions beyond those proposed by the President. And like my alternative, this plan accomplishes significant deficit reduction without touching Social Security and without any increase in taxes.

If we are truly going to reduce the deficit, we must start by cutting Government spending. Unfortunately, the President's plan fails to achieve that goal. In fact, according to the Congressional Budget Office, the President's budget, on a net basis, would increase nondefense spending in each year of the President's term of office. It would not be until 1998—2 years after the end of this term of office that there are net reductions in nondefense spending.

And we all know what happens when the sugar is presented up front and the sacrifice later—we never get to the hard part—the Congress and the President simply negotiate another budget summit. This alternative budget provides real spending reductions up front. This is what the American people want. This is what the American people deserve.

Because a number of newspapers, including the New York Times and Washington Post, headlined that Fed Chairman Alan Greenspan endorsed the President's budget, I asked him this morning in the Finance Committee whether he endorsed the President's budget. He said he did not endorse any plan, including the President's.

He said any plan relying on tax increases will not solve the deficit problem. Only by addressing spending can we control the deficit, he said.

The Dole-Domenici-Roth budget substitute we are offering presents a clear choice—a choice between bigger Government and higher taxes under the Clinton proposal versus smaller Government and lower taxes. I have heard from the people in Delaware, and to me, the choice is clear.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I thank the Senator from Delaware for his kind remarks and very good explanation of where we are and where we are going to be if the Clinton package is adopted.

I yield 3 minutes to Senator NICKLES from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. NICKLES. I wish to compliment the Senator from Delaware for an outstanding statement. I hope people listened to that statement. I would also like to complement the Senator from New Mexico, and Senator DOLE, for putting together what I believe is a very good, thorough, and comprehensive package. It is also a clear contrast. This is about as stark a contrast between two major philosophies and two budgets that we have had since I have been in the Senate—for years.

President Clinton's package is massive. It is a massive tax increase. Senator ROTH referred to the 1990 tax increase. This is much more than the 1990 tax increase and in my opinion will do much more damage to the economy than the 1990 tax increase. It is going to put a lot of people out of work, probably hundreds of thousands of people out of work.

President Clinton's package relies almost exclusively on tax increases. The only spending cuts in his package really are defense cuts. Again, I think he is going to be putting a lot of people out of work with those defense cuts. I think he goes too far and he goes too fast.

If you look at his nondefense cuts, you see he only cuts spending by $7 billion. That is over a 5-year period. Yet he raises taxes by a net of $295 billion, but I will mention his gross is $360 billion in new taxes and additional $18 billion in user fees.

So he relies exclusively on tax increases and cutting defense, while Senator DOLE's budget relies exclusively on cutting spending.

I have heard my colleagues say this is draconian, we cannot afford it. But we are spending over $8.5 trillion in the next 5 years. Surely we can afford to cut spending by an amount of $460 billion.

It is really a question if you think we should be taking money out of taxpayers, as President Clinton's budget does, or we should be taking money away from Government. I think we are spending too much. So this, Senator DOLE's substitute, is an excellent substitute. Some people said we could not and we should not be capping entitlements. I just disagree. The 1990 package did not cap entitlements. Frankly, if we look at the 1990 package, it was not successful in reducing the deficit.

I have heard my colleague from Tennessee say it was primarily Medicare and Medicaid. No question, Medicaid compounded at 29 percent last year and Medicare 13 percent. But the earned income tax credit went up last year by 55 percent; unemployment compensation last year by 47 percent; food stamps last year went up by 20 percent; AFDC went up by 15 percent. We need to cap entitlements. We need to cut spending. That is what this substitute will do.

Mr. President, I ask unanimous consent a series of Federal spending categories from the CBO be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FEDERAL SPENDING CATEGORIES

[In billions of nominal dollars]

Year	Outlays	Growth	Percent growth	Percent of GDP
Mandatory (except Social Security):				
Social Security:				
1980	$174.4			6.4
1981	202.7	$28.3	16.2	6.7
1982	218.8	16.1	7.9	6.9
1983	243.1	24.3	11.1	7.1
1984	230.2	(12.9)	−5.3	6.1
1985	263.6	33.4	14.5	6.5
1986	263.2	(.4)	−.2	6.2
1987	265.1	1.9	.7	5.8
1988	277.4	12.3	4.6	5.7
1989	295.8	18.4	6.6	5.6
1990	320.9	25.1	8.5	5.8
1991	367.4	46.5	14.5	6.4
1992	426.1	58.7	16.0	7.2
International:				
1980	12.8			.5
1981	13.6	.8	6.2	.4
1982	12.9	(.7)	−5.1	.4
1983	13.6	.7	5.4	.4
1984	16.3	2.7	19.9	.4
1985	17.4	1.1	6.7	.4
1986	17.7	.3	1.7	.4
1987	15.2	(2.5)	−14.1	.3
1988	15.7	.5	3.3	.3
1989	16.6	.9	5.7	.3
1990	19.1	2.5	15.1	.3
1991	19.7	.6	3.1	.3
1992	19.2	(.5)	−2.5	.3
Social Security:				
1980	117.1			4.3
1981	137.9	20.8	17.8	4.6
1982	153.9	16.0	11.6	4.9
1983	168.5	14.6	9.5	4.9
1984	176.1	7.6	4.5	4.7
1985	186.4	10.3	5.8	4.6
1986	196.5	10.1	5.4	4.6
1987	205.1	8.6	4.4	4.5
1988	216.8	11.7	5.7	4.4
1989	230.4	13.6	6.3	4.4
1990	246.5	16.1	7.0	4.5
1991	266.8	20.3	8.2	4.7
1992	285.1	18.3	6.9	4.8
Domestic:				
1980	129.1			4.8
1981	136.5	7.4	5.7	4.5
1982	127.4	(9.1)	−6.7	4.0
1983	130.0	2.6	2.0	3.8
1984	135.3	5.3	4.1	3.6
1985	145.7	10.4	7.7	3.6
1986	147.5	1.8	1.2	3.5
1987	147.2	(.3)	−.2	3.2
1988	158.4	11.2	7.6	3.2
1989	169.0	10.6	6.7	3.2
1990	182.5	13.5	8.0	3.3
1991	195.4	12.9	7.1	3.4
1992	213.9	18.5	9.5	3.6
Defense:				
1980	134.6			5.0
1981	158.0	23.4	17.4	5.2
1982	185.9	27.9	17.7	5.9
1983	209.9	24.0	12.9	6.2
1984	228.0	18.1	8.6	6.0
1985	253.1	25.1	11.0	6.3
1986	273.8	20.7	8.2	6.4
1987	282.5	8.7	3.2	6.2
1988	290.9	8.4	3.0	5.9
1989	304.0	13.1	4.5	5.8
1990	300.1	(3.9)	−1.3	5.4
1991	319.7	19.6	6.5	5.6
1992	304.3	(15.4)	−4.8	5.1
Net interest:				
1980	52.5			1.9
1981	68.8	16.3	31.0	2.3
1982	85.0	16.2	23.5	2.7
1983	89.8	4.8	5.6	2.6
1984	111.1	21.3	23.7	2.9
1985	129.5	18.4	16.6	3.2
1986	136.0	6.5	5.0	3.2
1987	138.7	2.7	2.0	3.1
1988	151.8	13.1	9.4	3.1
1989	169.3	17.5	11.5	3.2
1990	184.2	14.9	8.8	3.3
1991	194.5	10.3	5.6	3.4
1992	199.4	4.9	2.5	3.4
Earned income tax credit:				
1980	1.3			0
1981	1.3	0	0	0
1982	1.2	(.1)	−7.7	0
1983	1.2	0	0	0
1984	1.2	0	0	0
1985	1.1	(.1)	−8.3	0
1986	1.4	.3	27.3	0
1987	1.4	0	0	0
1988	2.7	1.3	92.9	.1
1989	4.0	1.3	48.1	.1
1990	4.4	.4	10.0	.1
1991	4.9	.5	11.4	.1
1992	7.6	2.7	55.1	.1
Unemployment compensation:				
1980	16.9			.6
1981	18.3	1.4	8.3	.6
1982	22.2	3.9	21.3	.7
1983	29.7	7.5	33.8	.9
1984	17.0	(12.7)	−42.8	.5
1985	15.8	(1.2)	−7.1	.4
1986	16.1	.3	1.9	.4
1987	15.5	(.6)	−3.7	.3
1988	13.6	(1.9)	−12.3	.3
1989	13.9	.3	2.2	.3
1990	17.5	3.6	25.9	.3
1991	25.1	7.6	43.4	.4
1992	36.9	11.8	47.0	.6
Medicare:				
1980	34.0			1.3
1981	41.3	7.3	21.5	1.4
1982	49.2	7.9	19.1	1.6
1983	55.5	6.3	12.8	1.6
1984	61.0	5.5	9.9	1.6
1985	69.7	8.7	14.3	1.7
1986	74.2	4.5	6.5	1.7
1987	79.9	5.7	7.7	1.8
1988	85.7	5.8	7.3	1.7
1989	94.3	8.6	10.0	1.8
1990	107.4	13.1	13.9	1.9
1991	114.2	6.8	6.3	2.0
1992	129.4	15.2	13.3	2.2
Medicaid:				
1980	14.0			.5
1981	16.8	2.8	20.0	.6
1982	17.4	.6	3.6	.6
1983	19.0	1.6	9.2	.6
1984	20.1	1.1	5.8	.5
1985	22.7	2.6	12.9	.6
1986	25.0	2.3	10.1	.6
1987	27.4	2.4	9.6	.6
1988	30.5	3.1	11.3	.6
1989	34.6	4.1	13.4	.7
1990	41.1	6.5	18.8	.7
1991	52.5	11.4	27.7	.9
1992	67.8	15.3	29.1	1.1
Food stamps:				
1980	9.1			.3
1981	11.3	2.2	24.2	.4
1982	11.0	(.3)	−2.7	.3
1983	11.8	.8	7.3	.3
1984	11.6	(.2)	−1.7	.3
1985	11.7	.1	.9	.3
1986	11.6	(.1)	−.9	.3
1987	11.6	0	0	.3
1988	12.3	.7	6.0	.3
1989	12.8	.5	4.1	.2
1990	15.0	2.2	17.2	.3
1991	18.7	3.7	24.7	.3
1992	22.6	3.9	20.9	.4
Family support (AFDC):				
1980	7.3			.3
1981	8.2	.9	12.3	.3
1982	8.0	(.2)	−2.4	.3
1983	8.4	.4	5.0	.2
1984	8.9	.5	6.0	.2
1985	9.2	.3	3.4	.2
1986	9.9	.7	7.6	.2
1987	10.5	.6	6.1	.2
1988	10.8	.3	2.9	.2
1989	11.2	.4	3.7	.2
1990	12.2	1.0	8.9	.2
1991	13.5	1.3	10.7	.2
1992	15.6	2.1	15.6	.3
Farm price supports:				
1980	2.8			.1
1981	4.0	1.2	42.9	.1
1982	11.7	7.7	192.5	.4
1983	18.9	7.2	61.5	.6
1984	7.3	(11.6)	−61.4	.2
1985	17.7	10.4	142.5	.4
1986	25.8	8.1	45.8	.6
1987	22.4	(3.4)	−13.2	.5

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars]

Year	Outlays	Growth	Percent growth	Percent of GDP
1988	12.2	(10.2)	−45.5	.2
1989	10.6	(1.6)	−13.1	.2
1990	6.5	(4.1)	−38.7	.1
1991	10.1	3.6	55.4	.2
1992	9.3	(.8)	−7.9	.2
Federal retirement and disability:				
1980	26.6	....	....	1.0
1981	31.2	4.6	17.3	1.0
1982	34.3	3.1	9.9	1.1
1983	36.5	2.2	6.4	1.1
1984	38.0	1.5	4.1	1.0
1985	38.5	.5	1.3	1.0
1986	41.3	2.8	7.3	1.0
1987	43.7	2.4	5.8	1.0
1988	46.8	3.1	7.1	1.0
1989	49.1	2.3	4.9	.9
1990	51.9	2.8	5.7	.9
1991	56.0	4.1	7.9	1.0
1992	58.7	2.7	4.8	1.0
Veterans benefits and services:				
1980	$14.0	....	....	0.5
1981	15.4	1.4	10.0	.5
1982	15.8	.4	2.6	.5
1983	15.9	.1	.6	.5
1984	16.0	.1	.6	.4
1985	15.9	(.1)	−.6	.4
1986	15.7	(.2)	−1.3	.4
1987	15.7	0	0	.3
1988	17.6	1.9	12.1	.4
1989	17.7	.1	.6	.3
1990	15.9	(1.8)	−10.2	.3
1991	17.3	1.4	8.8	.3
1992	19.6	2.3	13.3	.3
Other mandatory:				
1980	48.4	....	....	1.8
1981	54.9	6.5	13.4	1.8
1982	48.0	(6.9)	−12.6	1.5
1983	46.2	(1.8)	−3.7	1.4
1984	49.1	2.9	6.3	1.3
1985	61.3	12.2	24.8	1.5
1986	42.2	(19.1)	−31.2	1.0
1987	37.0	(5.2)	−12.3	.8
1988	45.2	8.2	22.2	.9
1989	47.6	2.4	5.3	.9
1990	49.0	1.4	2.9	.9
1991	55.1	6.1	12.4	1.0
1992	58.6	3.5	6.4	1.0

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. SASSER. Mr. President, the distinguished Senator from Oklahoma was stating a moment ago that unemployment compensation benefits went up last year. Of course they did. They went up last year in response to a terrible economy. They went up in response to the longest recession that this country has experienced since the Second World War. That is what this Clinton economic plan is all about: To try to get this economy moving again, to try to take these people off unemployment compensation and put them back into good, well paying jobs.

On the subject of unemployment compensation, that is not just something that is paid out of the Federal Treasury by the taxpayers. There is a trust fund into which employers and working employees pay. That is called the unemployment compensation trust fund. When I last looked, that trust fund had a surplus. Maybe that surplus is depleted now, but it will be built back up later when the economy recovers.

Yes, there is no question about it, more people were on food stamps last year, the last time I looked, than at any time in the history of the United States. One out of every ten Americans, 10 percent of our fellow citizens, on food stamps. And those who operate these food stamp offices tell us they see people applying for food stamps like they have never seen before. These are people who were middle-level managers; people who held well paying jobs, people who worked for some of the blue chip corporations in this country who, because of this recession and the economic policies that this country has pursued for the past 12 years under Presidents of my friend's choice—they have lost their jobs. They are on food stamps. They are drawing unemployment compensation.

That is what the Clinton plan is trying to address. It is trying to put some energy into this economy and into an economic recovery.

How do our friends on the other side respond to that? First, after they have increased defense spending, or military spending, by $20 billion, after they protect the wealthiest taxpayers in the country who benefited greatly from the Reagan tax cuts of 1981—after those two things are done, then they turn around and say we are going to put spending on people here in the United States and initiatives here in the United States—we are going to put them in the cold storage locker.

Do they want to cut the Head Start Program? Even President Bush wanted to fund that at a higher level. All the data indicates if you take these children who are disadvantaged and put them in the Head Start Program they are going to do better academically later on. Rather than ending up on welfare somewhere, or as juvenile delinquents, they have a better chance of ending up as educated, taxpaying citizens of this country who make a contribution.

Do they want to cut President Clinton's summer jobs for needy youth, to get these young people when they come out of school in the summer off the streets and put them in a workplace so they can learn the basic mores and habits and culture of the workplace? Or do they want to leave them on the streets so we will have another long, hot summer and wait for some spark to come, like occurred in Los Angeles, to ignite another national disgrace?

Do they want to cut the Community Policing Program? That is an initiative that is offered by the President in this economic proposal before us. The Community Policing Program will put cops on the beat, walking it. It will get them out of the cars, walking up and down the street, knowing what is going on in the neighborhoods that they are supposed to protect, knowing when something may be out of order, knowing the people who live in that neighborhood. And it is the people knowing they can live free of fear because there is a policeman working that beat now and they can see him or her rather than somebody whizzing by in an automobile at 35 miles an hour, they do not know who they are, and they whiz by maybe once or twice a day.

In the President's program there is something called a Police Corps Program.

This will put 100,000 new, young, college-educated policemen on the streets over the next few years. What the Clinton program does is it says to young people who may have difficulty going to college: If you will agree to serve in a police force of a city which requests your services for a period of years—I forget precisely how many, 3 or 4—then we will help defray your college education under the Police Corps Program. And that means that within 4 years, young people will be coming out of colleges learned in subjects like criminology, psychology, sociology, how deal with the criminal element and the culture that produces them. And these young people will be in these police forces. They will be benefiting the cities where they work and they will be benefiting themselves also because at the termination of the end of their time of service, they will not have enormous college loans to pay off and they will be able to go to college.

Many who study this program say that some of these young people coming out of college who go into police work will find they like it. So over a period of time, you are going to develop a higher caliber of police force all across the country. As the college-educated people stay in and move up through the ranks, you are going to have a more competent police force in city after city.

My friend on the other side say, "H'm, we want to put that in the deep freeze, we want to forget about that."

Is it not interesting, the American people so many times are way ahead of us in Washington, way ahead of those of us who run for elected office? The American people know that things need to change, and they know that if things are going to change, we are all going to have to make a contribution.

The Wall Street Journal and the National Broadcasting Co., now called NBC, I guess, recently took a poll and they asked the respondents in a scientific sample across this country: Do you prefer the economic plan offered by President Clinton, even though it calls for increased taxes? Or do you prefer the plan offered by the Republicans that does not raise taxes?

Sixty-two percent of the American people said give us the Clinton plan, even though there are some increased taxes in it; 30 percent chose the alternative. By over a 2-to-1 margin, they said: We want change and we are willing to make a contribution to try to change this country for the better.

Mr. President, when you boil this budget amendment down, what is really at stake is what the American people want and what this new President wants. They both want a change in the way we do things. The American people have rejected the misguided economic policies of the past 12 years. They know what got us into this mess. The 1981 tax cut President Reagan foisted on this Congress—and everybody was for it—turned what was a fiscal problem with our budget into a fiscal crisis. The American people want to get that behind them. They want to move on. They want to do something about creating jobs for our people again, good jobs at good wages. They do not want to continue to read these headlines everyday about IBM lays off 30,000; American Airlines lays off 20,000, people being laid off who know they will never ever be recalled to work in these blue chip companies that they once worked for.

Contrast this desire for change, this desire to move forward, this desire to get this economy moving again, this desire to put tax equity back into the tax structure so that the wealthiest among us once again have to pay their fair share, put this desire to do something about the health care crisis, put that altogether and that is the change that they want and they voted for and the change they are willing to make a contribution toward.

But what has the minority offered in response? It wants the status quo. This alternative budget resolution offered by our Republican colleagues maintains the status quo. I say to my colleagues on both sides of the aisle, if you want to keep on doing the same things we have done for the past 12 years that has quadrupled the national debt in 12 years, that has put 1 out of every 10 Americans on food stamps, that has given us some of the highest unemployment for the longest period of time we have had since the Second World War, that has given us the longest recession we have had since the Second World War, then vote for the status quo. Vote for the plan offered by our Republican colleagues on the other side of the aisle.

But, on the other hand, if you think this country needs to change, if you think we need to do something about creating good paying jobs, if you think we need to do something about competing effectively against our trading partners and trading adversaries around the world, if you think we need to do something about this exploding budget deficit, and if you think we need to do something about dealing with this health care crisis by coming up with a comprehensive health reform program, then vote for this Clinton budget as modified by the Senate Budget Committee.

Our friends on the other side of the aisle are very concerned about the fact that there are revenues or additional taxes in this Clinton proposal. But what they do not acknowledge is that more than 98 percent of the families in this country will have no increase in their income tax rates under the Clinton plan. It is only the top 1.2 percent—at the very top—who make over $200,000 a year who are going to experience the lion's share of these increases. They have to pay almost 65 percent of them.

In fact, more than 73 percent of the revenue increases in this whole Clinton proposal will be borne by families with incomes in excess of $100,000 and their increase will be modest at that level. People in the top 1 percent, and that is a family of four, that have a gross income of more than $333,000 will pay more than 60 percent of all of the new taxes under this Clinton proposal.

So clearly, it establishes once again some measure of tax fairness and some measure of tax equity.

May I inquire of the Chair how much time I have left?

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has 7 minutes left.

Mr. SASSER. Mr. President, I reserve the remainder of my time and yield to my distinguished friend from New Mexico if he wishes to speak.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield up to 6 minutes to the distinguished Senator from Alabama, and I thank him for coming to the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise this afternoon in support of the substitute. Why? Because I have serious reservations about the pending budget resolution and the President's revenue and spending plan upon which it is based.

I have three main reservations about the plan. First, the plan relies, I believe, too heavily on taxes as opposed to spending cuts. The weight of tax increases to cuts is at least 3 to 1—3 to 1, Mr. President, not 2 to 1, not 1 to 1, but 3 to 1 heavily weighted toward taxes.

Second, the plan calls for $124 billion in new discretionary spending—new discretionary spending.

That is a lot of money. I firmly believe that all tax increases should go to deficit reduction rather than to offset new spending. The best investment I believe we can put in our future in this country is a reduction in Government spending and our long-term deficit. That is what we need and that is what I believe most American people are crying out for.

Finally, the plan embodied in this resolution will not result in long-term deficit reduction. We have been there before. In 1998, the deficit will at least begin to increase again, if not before then.

Mr. President, the Clinton plan will no doubt require Congress to ask for more sacrifice in 4 or 5 years, if not sooner. The present resolution buys 4 years of time, putting off judgment day at a price, at a price, Mr. President, of $300 billion.

In contrast to the present resolution before the Senate, the substitute that I support will achieve at least $440 billion in deficit reduction through the same period. But more importantly, it will accomplish this task without raising taxes and will continue to reduce the deficit because it will reel in out-of-control mandatory spending in Medicare and Medicaid. Nearly two-thirds of Federal spending is mandatory in nature. Without significant steps to control such spending, we will not even begin to approach real debt and deficit reduction in this country; $300 billion in new taxes will not get to the heart of our deficit problem.

The substitute amendment which I support will cap Medicare and Medicaid spending under a formula that still allows for fair growth but at a substantially reduced rate. Aside from restoring $20 billion in defense spending, the substitute accepts the Clinton cuts, it drops the new spending, and it freezes domestic discretionary spending.

Such a freeze, Mr. President, will have us $92 billion over the next 5 years. The overwhelming message from my constituents in the form of letters, phone calls, and faxes is cut spending first. Cut spending first, Mr. President. This amendment does exactly that. It does, however, allow for a $500 million increase in funding for WIC and immunization, worthy and I believe successful programs I have always supported

Mr. President, I believe that before our Government can ask for taxes, it must prove it can spend those taxes wisely. To that end, this amendment eliminates $295 billion—$295 billion—in tax increases and $18 billion in user fee increases, yet because of its spending restraint it still creates deficit savings of $440 billion through 1998 and, unlike the other plan, will continue to save money after that period.

Asking for taxes before we look for every option to cut and control spending is not, I believe, what the American people want. I am convinced that it is not the taxpayers' patriotic duty to pay an ever greater amount of their income to a government that has not responsibly managed itself.

Mr. President, only when we restrain spending will we have the credibility to ask for taxes. The present plan, sold under the guise of deficit reduction, runs the risk of further damaging the severely limited credibility this Congress has with the American people.

In 1990, just 3 short years ago, we raised $160 billion in new taxes and are now back 3 years later asking for more. I have no reason, Mr. President, to believe that it will be any different this time around. This amendment, which I support, cuts spending first, does not raise taxes, and makes long-term progress toward deficit reduction rather than putting a finger in the debt dike in the form of the largest tax increase in the history of the American people.

The President's plan, many believe, is long on taxes and short on spending restraint. For this reason, I support the substitute amendment as the credible alternative for deficit reduction and spending restraint without new taxes.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, do we have any time remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes 7 seconds remaining.

Mr. DOMENICI. I yield 2 minutes to my friend, the minority whip, and the 7 seconds also—2 minutes and 7 seconds.

The PRESIDING OFFICER. The minority whip is recognized. He has 1 minute 52 seconds.

Mr. SIMPSON. I thank the Chair. I will speak very quickly. Do not take that 7 seconds off, Mr. President.

I want to thank Senator DOMENICI for what he does. He is a loyal warrior for our side. This is a tough issue that the American people are only just suddenly beginning to figure out. I think they really do believe, silly souls, that the election, to the winner, was about cutting spending and doing something about America run amok, run amok in the area of the entitlements programs. This President can do everything he wants to do and he will not get to first base. This will be a disaster for him. In 18 months, the American people will not be talking disappointment. They will be talking betrayal, because they will see what has happened to them.

New taxes. It will come to pass just about a year from now when they get the bill, April 15, 1994, that they have been truly had. And they thought they were hiring on a President to cut spending. All they got was $265 billion in new spending and never did a thing with the entitlement programs. There is not a soul here, including the Budget Committee chairman and the ranking member, who does not know in their heart and soul that you will never get here messing around with $2 billion here or $5 billion there. You do something with Social Security, Medicare, and Medicaid. The rest of it is fanciful phantasmagoria. And we know that. Every one of us knows it. So finally you get to an amendment which is almost a laugher in the sense of we are going to do a little bit here, just a little, to stop growth—4 percent, 2 percent. It will not get us there. It is going to continue to grow 8, 12.

I thank the Chair.

The PRESIDING OFFICER. The Senator has used 2 minutes 7 seconds.

Mr. SIMPSON. I will take the additional 7 seconds and appeal the ruling of the Chair.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged against no one.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I would like to use about 2½ minutes of my leader time and yield the remainder to the distinguished manager on the Republican side, Senator DOMENICI.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOLE. Mr. President, I want to make one point. I think it has been made a couple of times. I think if the American people understood what is in the Clinton package, I think the American people, by, say, a margin of 70–30 would be opposed to it. If they knew there was $295 billion in tax increases over 5 years—that is net really because it is more than that—net tax increases, and only $7 billion in nondefense spending reductions over 5 years, $7 billion compared to $295 billion in taxes, then another $74 billion in cuts in defense, then $18 billion more in user fees, which in our part of the country is a tax, that is 79 percent of the package is taxes.

We go too far on defense. The last time I looked around the world there were a lot of trouble spots. We are going to be putting—I think the Senator from New Mexico could tell you how many young men and women back on the streets looking for work. It is going to be very difficult.

I think I can say fairly accurately that, if you polled all the people who came through the Capitol today, this building, from all over America, and explained to them, gave them a little fact sheet on what is in the Clinton package, and said, Do you support it or not? I would be prepared to say that they are overwhelmingly against the package, whether you are a Democrat, Republican, or Independent.

The American people want us to cut spending first. In Minnesota, in Arkansas, in Tennessee, in Kansas, in New Mexico, in Idaho, everywhere in America, they do not trust us. They know, if we raise taxes, somebody is going to spend it. That is what this Clinton plan does, $136 billion in new spending. So it seems to me that it will take a while to get the message out. The President is new, he is popular, does a good job, he is a good salesman. The American people want the facts. This budget resolution will pass. Our amendment will be defeated. But we felt we had a responsibility to tell the American people that we have a plan that saves more money without any taxes and it is real spending cuts—real spending cuts.

So I just want to thank all the cosponsors of this amendment. I do not have any illusion we are going to win, because the Democrats have a majority. If they want to tax and spend and tax and spend, they have the votes. But let us not hear this old line about the rich, the rich, the rich. A lot of these rich are men and women out there in business, in subchapter S corporations, in partnerships, in sole proprietorships, creating jobs, and trying to make it work for America. They are called rich under the Clinton plan. They are going to pay a lot more taxes and create a lot less jobs.

So we would like to have a majority vote for our plan. Then I think the American people would see the economy jump up, we would see the Fed take appropriation action, and we could see jobs created in the private sector. For all of the reasons I stated previously, I think it is a good plan. I want to thank the distinguished Senator from New Mexico for all his efforts in helping us craft this, what I consider to be a very good plan.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield myself the remainder of the leader time as he indicated.

Mr. President, my friend Senator SASSER opened his remarks by displaying a very specific summary of the Republican package we handed out as if to indicate that they had a very big package before us with sheaves of paper and we had nothing.

So let us just compare them so everybody knows. This is the entire budget proposal that the Democrats have brought before us to the floor of the Senate. This is ours. As you can see, they are both the same size. We can just go weigh them if you like. But it stands to reason that our amendment has to correct almost everything in their resolution.

For starters, we both have a plan. They are both comprehensive. But they are very, very different in terms of what we choose to do.

I want to make a couple of points real quick. My friend from Tennessee himself suggested that we have had caps before on entitlements and they never worked. He was very careful because, after he said that, he said Director Darman suggested caps. But the truth of the matter is we never adopted caps that are enforceable on the mandatory programs of this country. We propose in our resolution that we do that for the first time, except for Social Security, and that we permit Medicare and Medicaid to grow in the following manner: 9.6 percent in 1994, 10.7 percent in 1995; and 10.4 percent in 1996.

And we got that idea from the President of the United States because in his vision for our country, he said we are never going to get the deficit under control until we reform health care and save money in health care.

This green line on this chart from the President's plan for getting the deficit under control, and I say to my friend, Senator DOLE, it is nothing more, nothing less than being very, very close to what our caps would require by way of reform. In fact, it is almost identical, $118 billion in savings, and we do not even ask for that much. We ask for $97 billion. So for those people who want to run around and say we are hurting people, I submit the President must have an idea that we are going to get those under control and reduce the deficit by $118 billion. We just want to put it in a formal, binding resolution so that those who are reforming health care will have those targets to move against as they reform the health care system.

My friend, Senator SASSER, has referred to snake oil. I do not know whether he was referring to me or to the Republicans. But let me tell you, if you do not put those caps on, you have a real snake oil budget, especially when you ask the American people to pay $295 billion in new taxes, and you do not bring the budget under control. Without the caps here, they are absolutely right, the deficit is not brought under control.

They believe we really will not cut spending and we will spend their taxes. And I am telling you right now, they do not even have to mistrust us for that. I mean, we can assure them that is going to happen, because without putting non-Social Security entitlements under control in this budget resolution—in an enforceable way, you do not have any significant spending restraint.

Having said that, we then hear that the President has a bold new plan, and that we ought to get out of the way and let the bold new plan take effect because it is going to create jobs, it is going to change America, it is going to get rid of the deficit.

Let me suggest it will change America for the worse in that it will not generate jobs. We will have less. It will not get the deficit under control, but will impose new taxes.

So we think we have a job issue. We think the issue is we will have more taxes and more spending, called investments in our future. Will his plan create or cause more American private sector jobs? I believe it is going to cost jobs.

Let me make two points.

On the marginal tax rates that have been alluded to here, my numbers say that we are going to increase the marginal rates on the American taxpayer by 32 percent and 28 percent. And I might suggest, this increase exceeds the marginal rate increase under Herbert Hoover. He was known for big marginal tax rate increases. This exceeds even that, in terms of a marginal rate increase.

Seventy-five percent of the Americans in the new higher tax brackets are small businesses, who leave their earnings in their business, because that is the way they grow. We are going to say to them, we are increasing the tax on you by 32 or 28 percent, and we take it right out of your retained earnings. What do you think that is going to do to small business for the next three or 4 years? It is going to cost us jobs. That is where American jobs come from, and there is nothing in the Democratic budget proposal that says we are going to cause savings to accrue. It just says we are going to tax you because we think you are rich. The Democratic plan says we are really not aware of the fact, and the voters are not, that it is going to be small business America that pays most of this tax, because of the way we have structured our subchapter S corporations, where they are treated as individuals. They leave their money in their businesses to grow, and we say we do not want you to grow. Take it out and give it to the Government for what we think are new investments, and we know what is better to invest in than you. We are saying that to business people and average Americans.

The PRESIDING OFFICER. All of the Republicans' time has elapsed.

Mr. DOMENICI. Mr. President, I ask for an additional minute.

Mr. SASSER. Mr. President, I have no objection to the distinguished Senator having 1 additional minute, but not off of my time.

Mr. DOMENICI. No, I will speak off of the resolution.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have a current poll from the United States Association, and it is just a very current one. Let me give you a couple of thoughts. The American people are beginning to understand this budget, and when they do, they will not support it. By a margin of 66 percent to 20, people who initially supported the Clinton plan changed their minds when told that there will be increases in taxes on Social Security benefits. They are not aware of that yet out there in our country.

By a margin of 51 to 41, Americans would vote against the tax hikes included in the Clinton budget. By a margin of 61 to 19½, people who initially support the Clinton plan changed their minds when they were told about the fact that the national debt will actually increase nearly $1.2 trillion over the next 5 years.

Given a choice, proposed alternatives to the Clinton plan, Americans choose alternatives by margins of anywhere from 58 to 23 and 56 to 25.

I hope everybody knows that we have tried our very best to get the message out. I do not know if we succeeded, but when the plan is incorporated into the fiscal policy, I am sure it will show up on the negative side.

Mr. SASSER. Mr. President, I yield 5 minutes to the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I will yield back any time I do not use. The Senator from New Mexico charged the Senator from Tennessee with calling this plan snake oil. I am disappointed in the Senator from Tennessee, because I think that is a charitable description of it.

I can remember back in 1981 when we got all these painless solutions to the deficit. The debt was a whopping $920 billion, and the whole world was standing on its head saying, "the apocalypse is at hand." The Republicans took over this body—56 Republican Senators—and Ronald Reagan took over the White House, and they said: "We have a simple solution. We are going to cut your tax rates from 70 percent to 50 percent, then to 28 percent double defense spending and balance the budget."

If I had not had a little country native intelligence, having come from a town of 1,000 people in Arkansas, I might have bought into that. You talk about a siren song. That is about as irresistible an offer as I ever heard. The Congressman from Little Rock, RAY THORNTON, I remember his 84-year-old father-in-law saying, "what a dynamite idea. I wonder why nobody ever thought of that before." Well, we have now quadrupled the debt to $4 trillion, so we know why nobody ever thought of that deficit strategy before.

Mr. President, we have the very same people—and they are friends of mine—on the floor of the U.S. Senate this afternoon that we had back in July 1981, telling us that they have this magic, painless solution. It did not make any sense then or now. We now know it was sheer lunacy then. But even the American people, who are entitled to be wrong occasionally, bought into it.

Do you know why we are here working on this economic plan today? It is because we bought into that strategy in 1981 and we brought this deficit and debt disaster, this economic disaster, to this Nation. We have jeopardized the future of my children and my grandchildren, as nothing else in the history of this country has ever done. I can tell you one thing: You can put any light you want on this, but this deficit and debt problem is not going to go away painlessly, as those who offer this amendment would have you believe.

This afternoon, they are saying: You know you do not get prosperity by raising taxes. You know you are not going to bring prosperity to this country and put people back to work by raising taxes. Well, we now know you do not do it by cutting taxes and increasing spending either.

Do you know something? I agree with Justice Brandeis when he said, and it is not very popular when you say it back home with folks. He said, "Taxes are the price you pay to live in a civilized society." That is exactly what they are. And unless we belly up and start doing what we know we have to do, no matter how painful it may be, we are not going to live in a civilized society.

Do you think I enjoy going home and telling my seniors that I am going to vote to require the top 22 percent of them to pay income taxes on 85 percent of their Social Security benefits instead of 50 percent?

I am reluctant to say this publicly, but I urged the President to make the top marginal rate 40 percent instead of 36 percent. I told him he would have to compromise and to ask for more than he had to have. I also said, "Mr. President, you are not just this country's last best hope; you are this country's last hope. We are either going to get deficit reduction done in the next 4 years, or it is going to be too late. I do not like to be a prophet of doom, but I must say I do not know what is sustaining us now.

Yes, I do, too. I will tell you what is sustaining us. It is the hope of the American people that the economic plan of this young, new President in the White House is going to work.

Hope springs eternal in this country, and I intend to support the President who advocates change. I do not know if his plan will work. Four years from now he will either be reelected because his program succeeded and is working, or he will not be because people are unhappy with his health plan and the deficit is not headed South.

I can tell you that, if you buy into this snake oil that we are about to vote on in a minute, when you buy into proposals like that, proposals that say we can do it painlessly you're voting for the same snake oil we bought back in 1981.

The only reason I suggested to the President that he go for a 40-percent marginal income tax rate was because the people on that side of the aisle will fight 36 percent just as hard and furiously as they will 40 percent. So, we might as well fight for as much deficit reduction as we can get.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, I yield myself 30 seconds.

I told the President, "You are going to be lucky to get a 36-percent marginal rate, if that is what you ask for. You may get 36 percent if you ask for 40 percent."

You are looking at one person here, and I do not mean to sound self-serving, who can afford to pay more in taxes. I guess I am in the top 1 percent of income earners, as are all my colleagues in this Chamber. We certainly can afford to pay more in taxes to save this country. Voting for a freeze on our wages for next year is just a small token. It would be good if we cut more to show the American people that we are serious.

Mr. President, I will just close by saying, it is a terrible thing to tell the American people but the truth will set you free. The truth is this deficit and debt crisis is not going to be solved without a lot of pain and a lot of grief. This afternoon it is time for Senators to stand up and be counted, and for God's sake do your duty to this country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. HATFIELD. Mr. President, it is important that I make myself clear on the fact that I do not vote for the Republican alternative because I support higher spending on defense programs. I support the Dole alternative in spite of the additional DOD moneys because I believe that the other proposals included in the Republican package are important to the economic viability of our Nation and worthy of acceptance.

This Republican alternative budget resolution would eliminate the almost $300 billion in new taxes proposed in the President's economic plan. I have been inundated with letters and calls from Oregonians asking Congress to cut spending first before we ask them to pay more in taxes. Previously, I have expressed my concern regarding certain taxes that are assumed within the President's plan. The so-called Btu tax has many potential implementation problems, is inherently regressive, and potentially devastating to certain energy intensive industries in the Pacific Northwest.

Another extremely important point in support of the Dole amendment is the provision for significant entitlement reform. I was one of the few who voted in support of implementing caps on non-Social Security mandatory spending during last year's budget resolution. This part of our budget has been out of control for some time now. Some 96 percent of the spending increases over the next 5 years will be in mandatory programs. Attempting to control these costs recognizes that the heart of our budget difficulties lie not in the lack of revenues, but in the lack of control over runaway growth in certain Government programs.

My vote for the Dole amendment notwithstanding, I cannot agree with those on both sides of the aisle who claim that the defense budget is absorbing inordinately large cuts. Of course each billion saved out of the Pentagon's budget is significant and has an effect upon our national security posture. But several military analysts have shown us that it is possible to achieve significant savings in defense in this time of lessened external threats. I believe we can go beyond the Clinton proposal.

This is not the last opportunity for Congress to consider this year's defense budget. It is certainly not our best opportunity, for we do not have our hands on any budget documents from the new administration, which could give us a clue as to where the changes will be made. As we move on to the authorization and appropriations process, I will continue to argue for deep—and responsible—reductions in military spending.

Mr. MITCHELL. Mr. President, I ask unanimous consent to proceed using my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator has the right to proceed.

Mr. MITCHELL. Mr. President, last November the American people voted for change. They voted to change Presidents. They voted to change the course in which this country was going. They voted, most of all, to change the economic policies of this country.

Today, in just a few minutes we will determine whether anyone in the Senate is listening to the American people. The substitute amendment is the same old thing. It is a continuation of the policies of the past 4 years.

If the Senate were to adopt the substitute amendment, it would be as though the election of last November had not occurred. It would be as though President Clinton had not been elected. It would be as though the American people had said they wanted to continue on the same course. That is not what they said.

If there is one message that came out of the Presidential election of last November, it is that the American people want change.

I urge my colleagues to listen to the American people, to honor the views of the American people, to change the course of this country, and most importantly change the economic policies of this country.

This amendment is one more—we are up to now 25 or 26 amendments; we have 29 scheduled before the end of the day—that has one purpose, and that is to defeat President Clinton's program.

They do not want to give President Clinton a chance. He has been in office just 2 months, and what we have had here are 5 consecutive days of an unremitting assault against the President's economic program, an effort to keep in place the very policies of the past 4 years that the American people just rejected, an effort to deny our new President a chance to get his program in place.

So the issue is very simple here. If you like the status quo, if you like the economic policies of the past 4 years, if you do not think there ought to be any change in this country's policies, if you want to keep going the way we have been going in the last years, piling up this impossibly high debt and telling the American people there are not any problems and we can do this all in a very easy way, why if you believe that, then you vote for this substitute amendment.

But if you think this country ought to change the course it is on, if you think this country ought to have a different economic policy, if you think this country ought to have a policy that looks to the future, not the past, if you think that President Clinton ought to have a chance, just a chance to get started in office, then you ought to defeat this substitute amendment and pass this budget resolution so that we can get going to address the serious problems facing the country.

Finally, Mr. President, there is one other thing that the American people said last November, and they said it to all of us here. They are tired of gridlock. They are tired of trying to stop things from happening. They want action. They want change. This is another guardians-of-gridlock amendment. This is another amendment that is in the nature of a roadblock, an obstruction, a way to prevent, stop, delay, halt.

We should listen to the American people. We should heed their word. We are here as their servants and their elected representatives, and they voted for change in November.

So, I urge my colleagues to vote for change, reject the status quo, reject the policies of the past 4 years, and set a new path for the country; defeat this substitute amendment and vote for the budget resolution.

Mr. President, I reserve the remainder of my leader time.

Mr. SASSER. Mr. President, I have 15 seconds remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SASSER. Mr. President, I am prepared to yield back the remainder of my time.

First, I ask unanimous consent that the three votes ordered to occur immediately following disposition of the Dole Amendment No. 258 be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I want to call to every Senator's attention, those present, those listening, and those will be advised by staff what the managers just agreed upon and what the Senate agreed upon.

The first vote will be for the regular time. The second, third, and fourth votes will be limited to 10 minutes.

Therefore, I ask the staffers to notify Senators as they come in. Senators should be on notice that we are going to try to conduct these votes within the time limitations set forth, and Senators should remain in the Senate to conduct these votes so we can move forward on this business.

Mr. DOMENICI. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. DOMENICI. I want to echo those remarks and merely indicate that we did this by stacking these few votes to accommodate Senators so they were not going to be in and out of here every 25 minutes. We hope they will be as accommodating to the U.S. Senate and let us finish this business.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Mr. President, does the time limitation of 10 minutes apply to subsequent votes after these scheduled now.

Mr. DOMENICI. Not yet.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Republican leader. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—42

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—1

Inouye

So the amendment (No. 258) was rejected.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

A VALUE-ADDED TAX REMAINS THE KEY TO DEEP DEFICIT REDUCTION

Mr. HOLLINGS. Mr. President, I have opted to withhold my VAT amendment to the budget resolution. It is clear that a strong consensus exists in the Senate to keep this bill clean and intact, essentially as proposed by the administration.

However, I remain more convinced than ever that a VAT tax is both necessary and inevitable if we are serious about deep deficit reduction. And I take heart from the bipartisan support that has grown for my VAT initiative since I first proposed it in 1987. Senator TED STEVENS joined me in cosponsoring this particular VAT amendment, and a growing list of distinguished Senators have come forth with VAT variants of their own, including Senators DANFORTH, DOMENICI, BOREN, BAUCUS, BRADLEY, JOHNSTON, ROTH, RIEGLE, CONRAD, DORGAN, SIMON, and DODD.

I have the utmost respect for President Clinton's courage in taking on the deficits. However, I must point out that for all the ambitiousness of the Clinton plan, the probability is that the deficit 4 years hence will remain roughly where it is this year, in excess of $300 billion.

Three years ago, then-President Bush crowed that his budget summit package would reduce deficit spending by $500 billion—and it largely did just that—but meanwhile the deficit has increased from $278 billion in fiscal year 1990 to $361 billion in fiscal year 1993. Now, today, President Clinton also promises nearly $500 billion in deficit reduction, and I don't doubt that he will achieve his goal. However, because the underlying deficit is expanding at a runaway rate, and because of ballooning interest costs, the President's austerity package will at best allow us to tread water; there will be little or no reduction in the size of the nominal deficit, which I predict will remain stuck in the $300 billion-plus range in 1997.

Mr. President, there is no education in the second kick of a mule. We must be under no illusions that the administration's package—for all its courage and ambitiousness—will result in a significant reduction in the current level of the deficit.

My point is this: If we are serious about deep deficit reduction—if we are serious about bringing the deficit down below $200 billion by 1997—then we must move much more aggressively on the revenue front. And that is exactly why I favor a 5-percent value-added tax. A VAT would be the most efficient vehicle for raising significant new revenues to truly drive down the deficit.

Mr. President, we are not babes in the woods with regard to Federal deficits. We have been pretending to reduce the deficit for more than 12 years, now, and all we have to show for our efforts is a quadrupling of the national debt. Let us look at the historical record.

Twelve years ago, the new President stepped forth with an audacious plan to slash taxes by one-third, drastically increase the defense budget, and trimming domestic spending. President Reagan promised that his plan would balance the budget in a year's time. Then-majority leader Howard Baker called Reaganomics a riverboat gamble, but he urged us to vote for it as a solid bet, and a majority of Senators went along with that gamble. I, for one dissented. I voted against the Reagan tax cuts. Any simpleton should have foreseen that Mr. Reagan's riverboat gamble would leave us up the creek, drowning in deficits.

And, sure enough, by fiscal year 1982, the deficit was already skyrocketing. However, President Reagan remained blissfully undisturbed. He issued new assurances that his policies would balance the budget in several years' time. To those of us who were disturbed by the soaring deficit numbers, majority leader Baker issued a challenge. He said we should put up, or shut up. So I put up, and Senator Baker politely told me to shut up. I offered a tough, across-the-board budget freeze, and Senator Baker quashed it.

To no one's surprise, the deficits continued to rise. We saw our first $100 billion-plus deficit in fiscal year 1982, and our first $200 billion-plus deficit just 1 year later in fiscal year 1983, with a sharp upward trajectory for the years to follow.

In desperation, in late 1985 I joined with two conservative Republican colleagues to pass the Gramm-Rudman-Hollings amendment, which locked in ambitious deficit-reduction targets to be enforced, if necessary, by an across-the-board sequester. Gramm-Rudman-Hollings was designed to require truth in budgeting. And, initially, it was enormously successful. It drove down the deficit from $221 billion in fiscal year 1986 to $150 billion in fiscal year 1987.

However, beginning with the budget for fiscal year 1988, Congress and the President began resorting to an spectacular jambalaya of accounting tricks and gimmicks in order to finesse the Gramm-Rudman-Hollings deficit-reduction targets. Once again, the deficit began to sprawl out of control. Gramm-Rudman-Hollings, which was intended to be a sword for deficit cutting, was instead was used as a shield—just so much camouflage to hide the fact that we were doing nothing serious about the deficit. It was in this environment, with the prospect of deficits spiraling out of control, that I first offered my value-added tax proposal. My VAT was a last resort, a last-ditch effort to get a grip on the deficits while they were still at a manageable level.

In 1989, I asked for a divorce from Gramm-Rudman-Hollings, which had become hopelessly corrupted and subverted in the course of a series of so-called budget summits. Of course, the whole purpose of those budget summits beginning in late 1987 was not to meet the Gramm-Rudman-Hollings targets, but to avoid those targets. The budget summits were the cancer, not the cure.

Specifically, the whole purpose of the 1987 summit was to circumvent the deficit-reduction requirements of Gramm-Rudman-Hollings, and thereby allow President Bush to avoid breaking his read-my-lips pledge on taxes. The 1990 budget negotiations began as a similar attempt to finesse Gramm-Rudman-Hollings and avoid new taxes, but the realities of an exploding deficit proved too much; the President was obliged to yield on taxes.

Finally, the coup de grace was administered to Gramm-Rudman-Hollings during the infamous 1990 budget summit. President Bush and Dick Darman conspired with a bipartisan group in Congress to repeal the Gramm-Rudman-Hollings targets. The predictable result was another big surge in the deficit, which for the first time passed $300 billion in fiscal year 1991.

Earlier in 1990, in the Budget Committee, I once again proposed a strict, across-the-board outlay freeze—a hard freeze that would have shaved $40 billion off the fiscal year 1991 deficit. The initial vote on my freeze was 10 to 10, with three abstentions, though it was defeated in the end. Again, frustrated in my efforts to slash spending and desperate to avoid a deficit-induced recession, I renewed my push for a value-added tax. Again, my arguments fell on deaf ears.

Today, because of this sorry record of past inaction and avoidance, the annual deficit stands at $361 billion. What's more, the Congressional Budget Office projects that deficits will sprawl toward $600 billion annually by the end of the decade. This is a 12-year record of abject failure on the part of Congress and the Executive.

The trajectory of the national debt is all too clear. The debt hit $1 trillion in 1982, $2 trillion in 1986, $3 trillion in 1990, and $4 trillion in 1992. In the early 1980s, it took 4 years to add another $1 trillion to the national debt. In the early 1990's, it takes only 3 years to add another trillion to the debt. By the end of the decade, we will add $1 trillion to the debt every 2 years—unless we act decisively now.

Certainly, President Clinton has made a courageous attempt to halt the upward surge of the deficit. However I fear that this is all he will accomplish: A halt to the growth in the deficit over the next 4 years. The package now before us does not raise taxes enough or cut spending enough to reduce the deficit in absolute terms. For all of our pain and caterwauling, we will at best stabilize the deficit in the range of $300 billion through fiscal year 1997. Beyond fiscal year 1997, CBO projects a sharp surge in the deficit, rising to $600 billion annually by the turn of the century. I must point out that the plan before us offers nothing whatsoever to address that looming fiscal catastrophe.

It is only in light of these realities that I have chosen to resort to the harsh medicine of a national value-added tax. If we are serious about deep deficit reduction, we will have to accomplish it through sharply higher revenues. A VAT tax is the fairest and most efficient means toward that end. I assure my colleagues that circumstances will force us to revisit the issue of a VAT tax in the very near future.

When that time comes, I will revive the essential elements of the amendment I have chosen not to offer on this budget resolution; a 5-percent national value-added tax, with no exemptions, and with all revenue set aside in a new trust fund, 75 percent of which would go to deficit and debt reduction and 25 percent to health care reform. Such a VAT tax would allow us to come to terms in a real and decisive fashion with the deficits that are destroying our economy.

VOTE ON AMENDMENT NO. 254

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 254 by the Senator from Massachusetts. There will be a 10-minute rollcall vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Graham
Gregg
Harkin
Hatfield
Hollings
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simon
Smith
Specter
Stevens
Wellstone
Wofford

NAYS—37

Bennett
Breaux
Brown
Coats
Cochran
Coverdell
Craig
Danforth
Dole
Domenici
Faircloth
Glenn
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kassebaum
Kempthorne
Kerrey
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nunn
Packwood
Robb
Shelby
Simpson
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the amendment (No. 254) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 256

The PRESIDING OFFICER. The question is on agreeing to amendment No. 256 offered by the Senator from Texas [Mr. KRUEGER]. The yeas and nays have been ordered. The clerk will call the roll. It will be a 10-minute vote.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—96

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Danforth
Jeffords
Kassebaum

NOT VOTING—1

Inouye

So the amendment (No. 256) was agreed to.

Mr. KRUEGER. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 257

The PRESIDING OFFICER. The question is on amendment No. 257 by the Senator from Montana [Mr. BAUCUS]. The yeas and nays have been ordered. This will be a 10-minute rollcall vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—6

Bradley
Danforth
Gregg
Lautenberg
Robb
Smith

NOT VOTING—1

Inouye

So the amendment (No. 257) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I inquire of the Chair. What is the pending business?

The PRESIDING OFFICER. Will the Senator repeat the question?

Mr. SASSER. I inquire of the Chair. What is the pending business?

The PRESIDING OFFICER. The pending business is, the Senator from Tennessee is authorized to offer amendments.

Mr. SASSER. Mr. President, the distinguished Senator from Virginia is seeking recognition for about 30 seconds to introduce a bill.

I yield to the distinguished Senator from Virginia for that purpose.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 647 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 262

(Purpose: To ensure that further Federal health care savings will be accomplished as part of comprehensive health care reform)

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 262.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, insert the following:

SEC. . REDUCING FEDERAL HEALTH CARE COSTS THROUGH COMPREHENSIVE HEALTH CARE REFORM.

It is the sense of the Senate that—

(1) the vast majority of rising mandatory program costs is due to increasing federal health care costs, and these costs are assumed in the levels set forth in this resolution;

(2) health care reform is essential to curb the escalating costs of health entitlement programs to reduce the deficit;

(3) the reduction in health costs in this budget resolution should be augmented by further savings in federal health outlays as a part of comprehensive health care reform which will be reflected in future budget resolutions; and

(4) comprehensive health reform will result in long term savings both for the public and private sectors of the American economy, and reduce the deficit levels set forth in this resolution at an ever increasing pace.

Mr. SASSER. Mr. President, I offer for the consideration of my colleagues this evening, a sense-of-the-Senate amendment which puts the Senate on record in the following way.

First, we recognize that the problem in rising entitlement spending is health care costs, that that is the principal energizer behind escalating entitlement costs.

Second, comprehensive health care reform is essential to cure escalating health care costs for all Americans as well as curbing health care cost in the Federal budget.

Third, we made a significant downpayment on health care costs in this budget resolution.

Fourth, further savings in health care spending should be achieved through comprehensive health care reform and will be reflected in future budget resolutions and in future deficit reduction.

Mr. President, many of my colleagues are concerned about the escalating entitlement costs in the Federal budget. I also am equally as concerned.

When we look at the two significant growth areas in the Federal budget, we find that there are two segments of the budget that are growing at a prodigious rate.

One, of course, is interest on the national debt, and that is something we have been trying to deal with here today, by urging on our colleagues, the passage of the Clinton budget as modified by the Senate Budget Committee, which is the largest deficit reduction package and will reduce the deficit by the largest margin of any budget that has been proposed in the history of the country.

But the second problem is the escalating, indeed exploding costs in so-called entitlement programs.

As I have told my colleagues in times past, 95 percent of the increase in the entitlement programs comes from three programs; 95 percent of the increase in the so-called entitlement or mandatory programs is involved with just three programs. One is Social Security. Two is Medicare. Three is Medicaid.

If you back Social Security out of that equation, the growth falls to about 85 percent of the entitlements encompassed in growth in Medicare and Medicaid costs. I think it makes sense to back Social Security out of the equation, because Social Security is not the problem. The Social Security trust fund, the old age and survivors trust fund this year will generate $60 billion more in revenues than it will pay out to beneficiaries.

Now, what is the problem in Medicare and Medicaid? Why is it going up so fast? Medicare and Medicaid are simply reflecting, Mr. President, the explosion in health care costs that have encompassed the whole health care economy, so to speak, and the health care economy with its very, very rapid growth, growing at two, three, and four times the consumer price index, year after year, after year. The health economy threatens to subsume the whole of this country.

Some are urging on us, and we may hear more about this later, so-called entitlement caps, aimed primarily at putting a limit on what the Federal Government will pay by way of formula for Medicare and Medicaid costs.

Mr. President, it is my position, and the position of the Clinton administration and the view of President Clinton himself, as enunciated through his statements on health care and through the statements of his Director of the Office of Management and Budget, Mr. Leon Panetta, that simply limiting what the Federal Government will pay for health care will not solve the problem. Because if we put a cap on Medicare and Medicaid, what we are saying is, the Federal Government is going to pay so much, and only so much, and we do not care how much higher the health care costs go.

What that means, in effect, if we put a limit on or we impose caps, it is going to mean that when older citizens who are Medicare beneficiaries go to a physician for treatment, they are going to find that more and more physicians simply refuse to take Medicare patients.

We are seeing that now all across the country, particularly in some of the higher-cost areas where the cost of living is high, such as New York City or perhaps even here in the Nation's Capital of Washington, DC.

The physicians are saying, we do not want to take Medicare patients because Medicare will not pay enough.

Now if we put a limit on what the Government will pay for Medicare and health care costs continue to go up faster than the rate of inflation, then this will spread across the country and you are going to have tens of millions of Medicare recipients, elderly people who cannot get treatment because physicians simply either will not take Medicare patients, or they will say, "OK, we will take the Medicare patient but the Medicare patient has to pay a large sum out of his or her pocket in addition to what Medicare pays."

That is not what the Medicare program was all about when it was put into law under the administration of President Lyndon Johnson.

The problem today is that I have seen figures that indicate that even under Medicare our elderly citizens are paying more for health care than they did prior to the passage of Medicare.

Well, what happens if the Federal Government limits what if pays for Medicaid? As the Presiding Officer knows, Medicaid is a cooperative program between the Federal Government and State governments to provide health care for the very poorest among us who otherwise would receive no health care or simply be at the mercy of whatever charity might be available.

If we put a limit on what we pay for Medicaid, it simply means that the State governments, which are already, some of them, on the verge of collapsing fiscally because of the terrific explosion in Medicaid costs, it means the State governments would be required to pay more.

In my native State of Tennessee, the State government cannot pay more for Medicaid. My Governor has told me that he has reached the end of the line. They simply do not have the funds to go any further with State payment of Medicaid.

So if the Federal Government limits what it is paying in the relatively poor per-capita States like the State of Tennessee, like the State of Arkansas, perhaps even like the State of New Mexico—I do not think that is a high per-capita income State—it means that those of us in low per-capita income States, where a State government has a low revenue base to raise revenue for its citizens, it means that its poor people are either not going to get adequate health care or get none at all.

It is going to mean that hospitals and doctors will refuse to treat Medicaid patients. That is happening now all over the country. All over the country hospitals refuse to take Medicaid patients and doctors refuse to treat Medicaid patients because Medicaid simply does not pay enough, these doctors and these hospitals say, to even defray their cost of operation.

So if we put a limit on what the Federal Government pays, then the poor people, as well, and State governments, as well, are left in a ditch.

Well, what is the solution? I am proud to say, Mr. President, that, fortunately, there is a solution over the horizon. At long last in this country, after looking the other way for many, many years, trying to pretend as if a problem did not exist, there is an administration in Washington and there is a President in the White House who recognizes the fact that something has to be done about the cost of health care. He and his wife are working very hard on developing a comprehensive health care program that will deal with the whole health care problem.

Because it is the overall cost of health care that is the problem. It is a problem that the Federal Government is having to pay so much, and that is increasing the cost of the entitlements and increasing the deficit. That is a problem. But the problem is the overall problem with health care in this country, the overall expense of the health care system and the health care apparatus here in the United States.

Mr. President, the sense-of-the-Senate amendment that I am offering here this evening is simply an affirmation of the President's approach, which says that we must take on the health care system in toto, get our arms around the whole thing.

It does not make sense, according to the President, to simply be controlling the public sector system, while allowing the overall cost of health care to go through the roof.

I think, Mr. President, that is a ticket to disaster. It is a ticket to a health care disaster for the American people.

President Clinton has said that we are going to have a comprehensive health care proposal in this Congress or proposed by the administration before the month of May is out, if memory serves me correctly.

Some are saying, "Well, let's go ahead and cap Medicare."

I say, what sense does it make to cap Medicare now? I see an entitlement cap as simply one more attempt, frankly, to derail the President's plan for economic recovery and economic change.

The cap on Medicare and Medicaid simply puts hardship, as I have said earlier, on the most vulnerable seniors and our most impoverished citizens. What the cap ultimately does is, it shifts the cost of the health care system back onto the private insurance system.

So it means the Federal Government is paying less; older people are going without the health care they would otherwise have gotten under Medicare—some are probably going without health care—poor citizens are going without health care, or getting more inferior health care than they are getting now; and in the private sector those who have private insurance companies, their health care premiums are going to continue to go through the roof. And you still will have out there, at present count, about 37 or 38 million Americans who have no health care coverage at all. You will still have them out there. And that sector of the population will be growing.

So President Clinton is right. I think any reasonable, rational examination of this problem by unbiased individuals—or even biased individuals—would indicate that the way to deal with this problem is to deal with it in a comprehensive fashion and not fasten on a little Band-Aid called entitlement caps and allow the hemorrhage and the blood to keep flowing around that little Band-Aid until the patient bleeds to death. That, essentially, is what I think would happen.

So, Mr. President, I offer this sense-of-the-Senate amendment for the consideration of my colleagues. I urge its adoption.

I will be pleased to yield to any other Senator who wishes to speak in opposition or any Senator who wishes to speak in support of the proposition.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as I understand it, if I am opposed, managing on this side, I have one-half hour on this amendment?

The PRESIDING OFFICER. The Senator from New Mexico is correct.

Mr. DOMENICI. How much time does Senator SASSER have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 14 minutes and 22 seconds.

Mr. DOMENICI. I want to yield some time now to Senators who are here on the floor.

Senator BOND has been working on this issue diligently and has some very good ideas about what we ought to do. I do not believe it is a sense-of-the-Senate resolution. But I think he ought to talk about caps on these mandatory expenditures as he views them, and what he recommends. I yield 10 minutes to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank our distinguished ranking member for giving me some time. I find myself in the unusual position of agreeing with the chairman of the Budget Committee about the problem. I think he has clearly stated, if Congress and the administration are serious about getting us to a balanced budget, serious about ending the deficit, then we have to attack the growth in the entitlements. Willie Sutton, we are told, robbed banks because, "That is where the money is." If we are serious about deficit reduction, then it is the entitlements where we must focus our attention.

Unfortunately, I do not believe the solution of, "Take our word for it, accept it on faith, we are going to get our hands all the way around all these health care costs," is enough. The reason we have budgets, the reason we have some limitations in this body, is to force us to come to grips with the problems we face.

I have talked earlier today, and earlier this week as well as last week, about the heavy reliance on taxation in this package. Almost 4 to 1 taxes-to-spending cuts just will not do, and I believe the folks in America and the folks back home in my State will be mightily disappointed when once again a much-heralded plan to reduce the deficit fails to meet its goals.

We raised taxes four times in the last 10 years in order to get the deficit under control, and the deficit is twice the size it was when we started. That is because Congress has shown no ability to use the new revenues for anything but new spending.

The Joint Economic Committee says spending increases $1.59 for every $1 that taxes rise. That is why I have continued to say we need more rabbit meat spending cuts in the stew of taxes that the President has supported.

Last year the economic package of candidate Clinton was $2 of spending cuts for every dollar of new taxes. Earlier this year the Budget Director, Mr. Panetta, also repeated the claim. Unfortunately, while the President and his team keep selling the package as one part spending cuts, one part tax increases—it is anything but that. This is precisely the problem with the Clinton economic plan: Great advertising, great sizzle, but there is not much rabbit in the rabbit stew. Fortunately, we are going to have an opportunity to do something about getting spending under control.

I cannot support the sense-of-the-Senate resolution that is before us now as the solution. Instead, I urge my colleagues to consider the arguments and do something that is significant, and that is to support the amendment which will be brought forward by the distinguished Senator from Georgia. That amendment will do something to remedy the problem by providing the backbone and discipline Congress so obviously needs actually to attack spending.

If we do not address the growth in entitlements, and the Clinton plan, and the plan reported out of the Budget Committee does not do so, then by the year 2000, instead of ending the deficit and balancing the budget, we are right back where we started from. That does not meet my test of serious deficit reduction and I doubt it meets anybody else's test.

Let us take another look at this chart.

This is a small chart. All you have to be able to see is the blue line. It starts off, the deficit is $300 billion. And as the proposed plan cuts military spending, it gets down to around $200 billion annual deficit, 1996–1997. But, unfortunately, it is back up to $300 billion a year in annual deficit, by the year 2000. And it goes back up to a $400 billion deficit by the year 2003.

What kind of deficit reduction plan is this? Mr. President, I suggest it is not a serious one. That is what brings us back to the subject of entitlements.

Several Senators, four Republicans, three Democrats, have stepped forward to say we must reform and control and do something about entitlements. To me that is true political courage. That amendment will say attack health care costs; reform the earned income tax credit if it is growing too fast; reform our foster care program if it is the problem.

Basically it says reform any program that is growing faster than inflation, plus a caseload growth, plus 4 percent. And if Congress does not reform these fast-growing programs, then a sequester of the offending programs will occur.

This is a slightly different twist than past entitlement caps in that it sequesters only the programs causing the problem, if there is a problem, instead of taking funds out of programs which are already growing very slowly.

Opponents of the entitlement caps say if we want to cut entitlements then we should do it, not just rely on procedural gimmicks or Budget Act reforms. Just do it. That might be the best way of describing this approach.

If we were to do it, that would be one thing. But it seems when amendments are offered to change entitlement programs, the same people who do not say impose some discipline, do not support the cuts.

So who is hiding the real agenda? For example, in the Senate Budget Committee I offered an amendment which would save over $20 billion in the Medicaid Program over the next 5 years by requiring States to adopt a managed care program and put it in place for their Medicaid patients. My effort was defeated.

So why did I offer it, and why am I so confident of it? Because we have adopted that kind of Medicaid reform in Jackson County, MO. Other States have dealt with it—Arizona, the city of Baltimore. When I was Governor we put in place a managed care program that said to the Medicaid recipients, you get to choose who you want to provide your health care, whether it is one of the very fine community health centers we have in Kansas City, or whether it is the Truman Hospital, or whether it is one of the preferred provider organizations.

It basically changed the incentive, because the chosen health care provider got a set sum of money every month, a capitation grant for each person, whether that person stayed healthy or got sick. And guess what, it put the incentive on keeping people healthy.

Do you know something, amazing things happened. The providers went out and provided primary care. They provided preventive care. They used staff for outreach. They brought patients in to take care of them, to keep them healthy and to treat them early when they got sick. They had fewer low-birth-weight babies, less time lost to sickness, fewer hospitalizations, less time in the hospital.

The people involved in the program like it more than anyplace else in Missouri because they have a fee for service program, because somebody was paying attention to them, because the incentive was to keep people healthy and, oh yes, it saved money. It saved a bunch of money for the State and for the Federal Government.

That is the kind of meaningful health care campaign that we ought to launch. We need a campaign to change the way that we provide incentives for health care in this country.

But Congress is not willing to stand up and make these tough choices unless we mandate that they do so. Let us not kid ourselves, Mr. President. Part of the problem around here is that we do not have the discipline to act. What this amendment says is you will get a couple of years to do it. If you do not do it, knowing the deadline is there, there is going to be an automatic sequester of those fast-growing programs and that, Mr. President, is the kind of discipline that is needed to make sure we take some real and significant action to do a better job of providing health care, to keep people healthy and to save on the costs of these fast-growing health care programs.

I urge my colleagues not to be deluded by the sense of the Senate. The sense of the Senate is fine that we ought to control the costs, but is not a substitute for serious reform. So I say let us get serious about it. Are we going to do something about the deficit? If we are, then we are going to have to get health care costs, Medicare, Medicaid under control. I suggest the Nunn-Domenici amendment, which will come up after this amendment, is the way to do it.

I thank my colleague from New Mexico and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. SASSER. Mr. President, I see the distinguished Senator from Pennsylvania on the floor. He has long been active in the whole issue of health care. Indeed, his efforts a couple of years ago I think highlighted the whole health care crisis. He has been a catalyst in this body and I think outside of this body in focusing national attention on what has become known as the health care crisis.

So I yield such time to the distinguished Senator from Pennsylvania as he might wish to consume.

The PRESIDING OFFICER. The Chair will notify the Senator from Tennessee that he has 13 minutes and 40 seconds remaining. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, I rise to support and to cosponsor the amendment of the valiant Senator from Tennessee. About half of all Federal spending pays for entitlements and mandatory spending. This is, of course, spending done by formula, and spending not constrained by annual appropriations bills. Let us be clear though what we are talking about: Social Security, Medicare, and Medicaid and also the student loan program, employment compensation, food stamps.

According to the Congressional Budget Office, total entitlement spending will increase from 12.5 percent of our entire domestic economy this year to 14.3 percent in 1998 if we do not take action. Medicare and Medicaid are the fast growing entitlement programs. Medicaid costs have exploded over the past several years, not only for the Federal Government but, as the Senator from Tennessee has pointed out, as we all know from our States, the explosion hits the States as well.

According to the Congressional Budget Office, Medicaid accounts now for almost half of all spending for so-called means tested entitlements and fuels two-thirds of the projected growth of such spending over the next 5 years. CBO estimates that Federal Medicaid spending will increase 82 percent over that time.

The rate of growth for Medicare rivals those of Medicaid. Medicare is projected to increase from $146 billion this year to $259 billion in 1988, a 77 percent increase. These are not driven by increased enrollment. The cost of health care services is the prime culprit.

As my former colleague and now Secretary of Treasury Bentsen said on the Senate floor last year, the abstract concept of an entitlement cap cannot be turned into reality without squarely addressing the underlying problem of health care costs.

As the President has repeatedly said, we are kidding ourselves if we believe we can contain the Federal deficit and provide long-term economic growth without getting those costs under control. That is why he said in his February economic message that we have to take action on health care not next year, not 5 years from now but right now. And that is why he is preparing to introduce his comprehensive proposal in just a few weeks.

The problem with the amendment that will be proposed by my friends from Georgia and New Mexico is that it is treating the symptoms without curing the disease. It provides no solution to the underlying problem of skyrocketing health care costs. Indeed, it would make a solution even harder to find. In my view, a vote for that amendment would be a vote against comprehensive health care reform. It is a vote against controlling health care costs for families and businesses. It is a vote against expanding access to health care for millions of Americans who are today without coverage.

This amendment would remove a part of the puzzle to solving the health care crisis for everyone. We have to understand that the puzzle will never be solved by pulling the pieces apart.

I would like to read a letter from an 11-year-old boy. It is the kind of letter I used to try to write when I was 11 years old: Eric Stodola from Erdenheim, PA, wrote to me to support the Clinton economic plan. Here is what he wrote:

> I like Clinton's plan and his thinking. I don't think it should be changed at all. I can see from the numbers and facts that in the long run the deficit will be lower and my mom and dad will be paid more. I don't think you should rip the plan apart because plans only work when they are all in one piece. I mean that the plan is like a puzzle and if you remove a piece, it doesn't work.

Mr. President, the amendment by my friends from Georgia and New Mexico would jump the gun, jump the gun on the comprehensive health care proposals that we are about to get in the month of May. Nobody wants to see that gun go off more than I do. There is nobody in this body who wants more than I do to see health care costs controlled, but it must be controlled as part of a comprehensive health care reform. The way to do that is to adopt the amendment today by the Senator from Tennessee that affirms our determination to move forward to comprehensive health care reform and fundamental cost control reform and to not adopt the entitlement cap, the broad-brush approach that moves ahead, puts the cart before the horse, and the horse is the comprehensive health care reforms that this country needs to pull us forward in a way that will give us growth in our economy and will give us the ability to control the deficit.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. I yield 10 minutes to Senator DANFORTH, from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. DANFORTH. Mr. President, this amendment and the amendment that follows which will be offered by Senator NUNN call attention to the great missing element in the budget resolution now before us. They indicate that something is, in fact, missing, and what is missing is any significant effort to deal with the fastest growing part of the budget, which is the entitlement programs.

This budget resolution does not adequately or significantly deal with the growth in the entitlement programs. Senator NUNN is shortly going to offer an amendment which does provide caps on the growth of the entitlements. I am sure that Senator NUNN will explain his amendment to the Senate. But the essence of it is that beginning in 2 years, the growth of the entitlements, absent Social Security—that will be kept out of this package—will be limited to 1 percent over the Consumer Price Index plus the growth in population.

This particular amendment that is offered by the chairman of the Budget Committee is simply an effort, in the opinion of this Senator, to attempt to siphon off votes from the Nunn amendment. The Sasser amendment is both meaningless and wrong, meaningless because it is yet another sense-of-the-Senate provision, has no teeth in it whatever, and wrong because it includes within it the statement that it is the sense of the Senate that comprehensive health reform will result in long-term savings both for the public and private sectors of the American economy.

The assumption of this sense-of-the-Senate amendment is that health reform will yield long-term savings to the public sector as well as the private sector and yet the memorandum that has been widely publicized in the press, that has been circulating around the Clinton administration indicates that the cost of the Clinton proposal will be anywhere from $30 to $90 billion per year.

That is money that is totally unaccounted for in this budget resolution.

We are told in the newspaper that according to the memorandum circulating in the Clinton administration, in addition to everything else we are going to be doing, we have a little problem that we have to account for, and the problem is that the new health plan is going to cost the Government $30 to $90 billion each year during the term of this budget resolution.

The New York Times has the figure a little bit more precisely pinpointed. They say that over 5 years the cost to the Treasury will be $175 billion.

Now, Mr. President, the point of this resolution is that whatever is done by way of health care reform, we cannot afford to create a program that is going to increase the cost of health care to the Government by $175 billion over 5 years.

Where are we going to come up with that money? Where is it going to be? It is not mentioned anywhere in this budget resolution.

So what is being said in the Nunn amendment is that whatever we do in health care reform, whatever is accomplished in health care reform, we will have 2 years to do it. Whatever is done in health care reform, we have to have a program which limits the cost of the entitlement programs for health care to CPI plus 1 percent plus the population change.

And if we are not going to have limited costs in health care, how are we going to afford to have a program?

I was at the Chamber of the House of Representatives along with the rest of the Senate during the State of the Union speech and heard the fervor in the President's voice about the need to control the cost of health care. The President told us both in his text and in his extemporaneous comments during that speech that we absolutely have to control the cost of health care.

What we are saying in the amendment that will be offered by Senator NUNN is, all right, let us control the cost of health care——

Mr. KENNEDY. Will the Senator yield?

Mr. DANFORTH. Let us control the cost of health care to the private sector and also to the public sector.

Mr. KENNEDY. Will the Senator yield?

Mr. DANFORTH. I wish I could, but we only have 30 minutes on this side, so I am going to hold on to my time, if I can.

Mr. KENNEDY. Will the Senator yield, if the Senator will yield me time, to answer a question?

Mr. SASSER. I would be pleased to yield such time as the Senator may want.

Mr. DANFORTH. Of course.

Mr. KENNEDY. Will the Senator yield?

What does the Senator understand will be the increase in health care costs over the period of the next 3 years? If we do nothing in this country, what is the Senator's understanding will be the increase in the health care costs?

Mr. DANFORTH. I think it is going to be very dramatic.

Mr. KENNEDY. It is going to be $300 billion. It is going to be $300 billion. The President has said that the savings are going to come from a reduction of the increase, and within that is going to be the $40 or $50 billion additional in terms of coverage.

So I do not understand the Senator's argument about saying, well, the President was talking about health care. His program is going to cost about $40 billion. Everyone understands that.

The purpose of the President's program is to put a cap not only on the expenditures of entitlements but those that are in the private sector.

I hope the Senator from Missouri as well as the Senator from Georgia will say now that they will go for cost containment of inflation plus 1 plus the growth in the elderly population. That would be great news to the President of the United States. If the Senator from Missouri will say that and the Senator from Georgia will say that, that is going to have a very—and our colleagues on the other side of the line will say that—that will provide a greater savings.

Does the Senator have an idea of what that would be, if you put cost containment in for the public and private sector of inflation plus 1 percent? Does the Senator know what the savings would be over the period of the next 3 years? One hundred twenty billion dollars.

Let us put this in some kind of perspective. I just cannot understand the Senator's arguments about not dealing in a comprehensive way, which the Senator from Tennessee is trying to do.

And the other point, if the Senator will agree with me, what will happen by putting a cap on entitlements, 85 percent of which is health care? It is going to make it much more expensive for the private sector, for the business of this country, let alone what it is going to do in closing out various hospitals. Understand that you get to a top grade of about 63 percent of Medicare in a hospital and they go bankrupt because you limit them. I do not know how many in Missouri are going to go belly up, but I think the Senator would be concerned about that.

Mr. DANFORTH. I very much thank the Senator from Massachusetts for his question. And I would simply say that people on this side of the aisle have been intensely interested in dealing with the comprehensive problem of health care, private and public cost of health care. We have been meeting every Thursday morning that the Senate has been in session for 2 years on the subject. We have had a retreat in Annapolis, MD on the subject.

People on this side of the aisle have been very, very intent on trying to do something responsible across the board on health care. And what the Senator from Georgia is going to do in his amendment is to say, all right, give the President 2 years to get his program in place, no caps on anything for 2 years.

We can have the cost to the Government go through the roof during that 2-year period of time. But when all is said and done, when we have a health care program in place, please let us make sure that it works. Let us do something for a change around here that works.

What we are saying is that whatever we come out with, whatever we come out with, entitlements as a whole, as a whole after we finish this program 2 years hence, should only go up by population plus cost of living plus 1 percent. And if we do not get entitlements under control, then instead of going from 30 percent to 50 percent of the budget, which they have done since the 1960's, they are going to go to 60 percent, 70 percent, who knows what else.

Mr. KENNEDY. Just one question. Would the Senator agree to have the same kind of cost containment on the rest of the health care budget as he is supporting here tonight?

Mr. DANFORTH. I would agree to have a total cap on entitlement programs, putting Social Security aside, of CPI plus 1 plus the growth of the population for the totality of the entitlement programs. That is what the Senator from Georgia is going to be proposing.

Mr. KENNEDY. I am talking about the total health care costs.

Mr. DANFORTH. I am saying that under Senator NUNN's proposal, when all of the entitlements are aggregated—maybe health care will be over 1 percent, but all of the entitlement programs, absent Social Security, combined must be CPI plus 1 plus population. And if it exceeds that, then no effort that we are making to try to balance the budget by raising taxes is going to be sufficient to get our economy on a sound foundation.

Mr. KENNEDY. Mr. President, if I could get an answer in terms of health care policy. The Senator is prepared to put a cap on one-quarter of the health care budget, which is effectively the Medicare and Medicaid Programs. That is effectively one-quarter. I am asking whether the Senator will agree, if he is so concerned about the increase in cost, to sign on to put a cap on the others.

Mr. DANFORTH. The Senator from Missouri is saying, Mr. President, he supports—along with probably almost all of the people on this side of the aisle—a comprehensive health care program which covers all of health care.

Mr. KENNEDY. Will it have the same cap?

Mr. DANFORTH. When all is said and done, Mr. President, when we finish the program, then the entire growth of entitlements absent Social Security should not be allowed to go up more than 1 percent over the cost of living index.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Who yields time?

Mr. KENNEDY. Mr. President, I thought the exchanges were on my time. I ask that in whatever time I have left, the Senator be permitted to conclude his 2 or 3 minutes' remarks.

Mr. SASSER. The Senator from Massachusetts is very generous with my time, Mr. President.

Does the Senator from Missouri need additional time?

Mr. DANFORTH. I am finished, Mr. President.

Mr. SASSER. I will be pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. For just 1 minute.

Mr. President, the proposed limitation on caps on health care just ain't going to work. You are taking one-quarter of the total health care budget and trying to treat it one way. And that has probably been the basic problem over the period with the Medicaid Program. And now you are wrapping Medicare, the Medicare parts, into it as well.

The Senator from Tennessee is absolutely right. We have a President who is committed to having a program. Here on the floor of the U.S. Senate, with comprehensive cost controls, we hear occasionally: Let us put a cap on one part, but not put a cap on the other.

What is necessary is that we put the cap on—or some kind of effective cost control on—the total of the program.

I think from just this debate, Mr. President, we see that this would be an incremental state that I think would do grave violence to what the President's efforts have really been on cost containment for millions of people, and for decent health care.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, what time is remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 4 minutes 4 seconds; the Senator from New Mexico has 9 minutes 41 seconds.

Mr. SASSER. I see the distinguished Senator from West Virginia has arrived on the floor. I will be pleased to yield to him such time as I may have.

At the expiration of that, when we go on to the next amendment, perhaps the distinguished Senator will wish to remain and speak on that amendment, also.

Mr. ROCKEFELLER. Mr. President, the Senator is entirely happy with that arrangement.

Mr. SASSER. I yield to the distinguished Senator the remaining time.

The PRESIDING OFFICER. The Senator from West Virginia has 3 minutes 35 seconds.

Mr. ROCKEFELLER. Mr. President, it is very clear what is happening here. The purpose of this amendment could not be clearer. I, obviously, strongly support the amendment of the Senator from Tennessee. By adopting this amendment, we will state directly and emphatically that reforming our country's battered health care system is the way to achieve long-term prosperity, deficit reduction, and a society that more properly cares for its people.

Any person who thinks that we can achieve budget deficit reduction without doing health care reform is absolutely wrong. The whole concept of putting the cap on entitlements—where we have already taken $55 billion out of Medicaid; where the overwhelming majority, I think it is 82 percent or something like that, in addition, would then come out of Medicaid and Medicare; which would then close down hospitals, and would close down physicians' offices to poor people and to seniors, since they would decline to give them the services because they were not being reimbursed under either Medicaid or Medicare in proper fashion—is a travesty.

It is an absolute travesty.

The way to do deficit reduction is by doing health care reform. In fact, if you take the deficit budget, even with the $0.5 trillion that we propose to reduce it over the next 5 years, with all the courage the President has shown—and, frankly, the courage the folks on this side and some on the other side have shown—on this issue, even if we do all of that, the budget deficit will begin to come back up in about the year 1996 or 1997, where the amendment that will follow this amendment, the amendment of the Senator from Georgia, would begin to take effect. And that is precisely where we need health care reform and cost containment for health care reform.

But when you are doing health care reform, you are doing something very, very major.

I do not know what the position of the Senator from Georgia is about health care reform. I think he thinks we cannot get it done this year. In fact, I think he told me that last night. The view of the Senator from Tennessee is entirely different; he feels we can get it done. And by a combination of his amendment and doing health care reform, we achieve what we want to achieve.

This amendment is directly an alternative to the very different proposals that we are told will be brought up next by the senior Senator from Georgia. That proposal, yet another plan to cap entitlements, could not be more different in its approach or in its effect, and it fails in both.

In my view, the idea of capping entitlement programs—and that must be very clear; it mostly means cutting Medicare and Medicaid, Medicare already having been cut—is equivalent to abdicating our responsibility.

In contrast, Senator SASSER's amendment echoes both the sentiment and the expectation of the American people. The public is demanding health care reform. The Sasser amendment notes the Government's increasing health care costs are responsible for the lion's share of the increase in costs of the mandatory programs. The Senator is right. We all know this. We all know that the only real way to achieve cost containment is with comprehensive health care reform.

So I urge my colleagues very strongly to adopt the amendment of the Senator from Tennessee. I hope that it will prevail, as much as I hope the following amendment will fail.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. SASSER. Mr. President, is any time remaining on our side?

The PRESIDING OFFICER. There is no time remaining on the side of the Senator from Tennessee. The Senator from New Mexico has 9 minutes 40 seconds.

ORDER OF PROCEDURE

Mr. SASSER. Mr. President, I ask unanimous consent that, following the conclusion of the debate on the pending Sasser amendment, it be laid aside until the conclusion of the debate on the Nunn amendment, and that the votes on or in relation to both the Sasser and the Nunn amendments occur in that order at the conclusion or yielding back of time on both amendments.

Mr. DOMENICI. Reserving the right to object, and I shall not, I wonder if the chairman will permit me to add to that request. And I request that the 9 minutes 40 seconds that I have remaining be transferred to the Nunn amendment as part of my support for that.

Mr. SASSER. I have no objection to that, Mr. President. I say that with the hope that the distinguished ranking member will not use all of that time, though, when we get to the Nunn amendment. I have no objection.

Mr. DOMENICI. Mr. President, I do not pledge that. But if the arguments are calm and mild on the other side, I might yield back a lot of time.

Otherwise, I may use every bit of it.

The PRESIDING OFFICER. Does the Senator from Tennessee so modify his request?

Mr. SASSER. I so modify the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I rise in strong support of the pending amendment offered by the distinguished chairman of the Budget Committee and ask to be made a cosponsor. The purpose of this amendment could not be clearer. by adopting this amendment, we will state directly and emphatically that reforming our country's battered health care system is the way to achieve long-term prosperity, deficit reduction, and a society that more properly cares for its people.

In fact, I hope all of my colleagues see this amendment as an opportunity to assure the American people that we get it. That we hear their cries for doing something about the health care costs that are crushing family budgets; that we intend to respond to the businesses of every size that can't afford to provide the coverage to workers that they'd like to; that we intend to help State and local governments get their hemorrhaging health care budgets under control. That we recognize that passing this budget resolution, even with its bold plan for reducing the deficit, will not be enough to secure the country's economic future—not until, and not unless we enact comprehensive health reform.

This amendment is an alternative to a different proposal that we are told will be brought up next, by the senior Senator from Georgia and others. That proposal, yet another plan to cap entitlements, could not be more different in approach and in its effect. In my view the idea of capping entitlement programs—and let us be very clear, that mostly means cutting Medicare and Medicaid—is equivalent to abdicating our responsibility. It is yet another notion of how to put the Federal budget on automatic pilot, and shirk making the tough decisions ourselves.

In contrast, Senator SASSER's amendment echoes both the sentiment and the expectations of the American people. The public is demanding health care reform that will finally get a handle on health care costs. Business, labor, families, States—all of us want and need these unsustainable costs checked.

The Sasser amendment notes that the Federal Government's health care costs are responsible for the lion's share of the costs of mandatory programs. We all know this. We all know the only help is comprehensive health care reform. That is the only way we will be able to preserve our existing entitlement programs and make sure that every American has access to basic health care services.

What's most important is that this amendment recognizes that there is a context for reduction of health care costs. The integrity of our efforts reduce both the deficit and health care costs depends on our addressing the real issues, and getting to the real cost drivers, not arbitrarily capping entitlements for the poor and the elderly. If we ever hope to really reduce this deficit, we must look at its prime escalators and get to the heart of the problem. It's not the individual programs—it's the system. Senator SASSER's amendment expresses what should be our real intent—to tackle the problems and to responsibly fix this once and for all.

I urge my colleagues to adopt this amendment, and make the record very clear that we intend to make this year when we put our economy on track, get the Federal budget in control, and reform our health system by deciding what's best for the American people—and not by putting Medicare and Medicaid through a shredder called a cap on entitlements.

As part of our dedicated effort to reduce the deficit, I support the careful review of every single solitary item in our national budget—with no exceptions. Most of my colleagues do as well.

But I will fight at every turn attempts to place arbitrary caps on entitlement programs, whether purely for health care programs or for all entitlement programs. Entitlement caps are unjust, they often attack the most vulnerable segments of our society. They're mean. They can hurt the people we're here to represent and to protect. Mr. President, I adamantly oppose the Nunn amendment.

The hard truth is the entitlement caps proposed in the Nunn amendment will do nothing to address what is really ailing our national economy and jeopardizing our children's futures. Capricious, across-the-board caps will provide a superficial budgetary fix, not real relief. Caps merely stave off making the hard decisions that can restore integrity to our budget and preserve our existing entitlement programs. The only thing that will permanently protect the Federal Government and our States from skyrocketing health care inflation and increased deficit burden is comprehensive health care reform. Indeed, I challenge the authors of this amendment to join me in fighting for comprehensive reform that will get to the root causes their amendment purports to address—ever escalating costs with no restraints.

The answer—the only answer—is health care reform with brutal cost containment. Not entitlement caps.

As chairman of the Veterans' Affairs Committee and chairman of the Medicare and Long-Term Care Subcommittee, I have some very specific concerns that I want to share with my colleagues. I want every Member to be aware that a vote to cap entitlements can mean a vote to deny a service-connected, disabled veteran his benefits, or a Medicare beneficiary hospitalization coverage for which they've already paid. A flat cap is that indiscriminate. It denies that veteran who has earned his health care benefits through his combat service and the Medicare beneficiary that has contributed through payroll taxes, alike. This distinction is important. Regardless of merit, benefits will be denied to those that rightfully are counting on their protection. A generic cap will not make any distinctions. We are accountable for making them.

And I would like to suggest that we should learn from the past. Around this time last year, a similar attempt was made by a small group of my colleagues. It failed. It failed big time. It failed because Members of this body refused to ignore their responsibility to be as fair to the American people as possible, especially in tough economic times.

Mr. President, the only cap we should be endorsing is a cap on all of our national health care spending. And I believe that cap only makes sense as part of our delivering on the promise our of new President, and the long held commitment of many of my friends in this distinguished body, to finally provide every American with access to basic health care benefits.

Again, I welcome the authors of this amendment to work with the President and those of us in Congress who are serious about shoring up the budget and reducing the deficit—join us in doing something that counts. It's time to stop lashing out at the people we should be trying to help. It's time to stop offering the false hope of quick fixes that are incapable of solving the systemic problems that are corroding our budget and economic future. Let's get to the business of comprehensive health care reform.

AMENDMENT NO. 206

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 206, offered by Senator HATFIELD, will be called from the desk, be deemed agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. We interrupted the distinguished Senator from West Virginia, Mr. President. I will be pleased to yield time to him now to continue his remarks, or yield to the distinguished proponent.

I yield to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if the Senator from West Virginia would like to complete his remarks, I will be delighted to accommodate him.

Mr. SASSER. Let me say to my friend from Georgia, I think he has to lay down his amendment.

The PRESIDING OFFICER. The Chair informs the Senator from Georgia he needs to send the amendment to the desk.

AMENDMENT NO. 263

(Purpose: To put a permanent, enforceable cap on the amount of non-Social Security mandatory spending beginning with fiscal year 1996)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself, Mr. DOMENICI, Mr. ROBB, Mr. DANFORTH, Mr. KERREY, Mrs. KASSEBAUM, Mr. BOND, Mr. COHEN, and Mr. PACKWOOD, proposes an amendment numbered 263.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. NUNN. Mr. President, first, in response to my friend from Massachusetts and my friend from West Virginia, might I say that I do not recall making any prediction that health care reform cannot pass this year.

I think it is going to be very unlikely that it can be put on a reconciliation bill this year, but I do not preclude the possibility that it could pass some time in the fall. If we can have it ready and thought through at that time, I would welcome that.

The second point is that I am not opposed to comprehensive health care reform. But what I hear, I believe, coming from the Senator from Massachusetts, and perhaps to some extent the Senator from West Virginia, and the Senator from Tennessee, on the comprehensive health care reform that is going to be sent up here, is that they must be very dubious that we are going to save any Federal money in it. Because all this cap does—and I will explain it in a moment—is give 2 years for this proposal to be put into effect. We have no cap at all in fiscal year 1994, and no cap at all in fiscal year 1995. It does not really have a cap until 1996.

If we are going to have a health care reform legislation up here that does not save any money for the Federal Government by 1996, what are we reforming health care for? I know we want to cover the uninsured, but I cannot believe that after all of the conversations I have had with President Clinton—and I know the Senator from West Virginia and the Senator from Massachusetts have had just as many on this subject—he is absolutely dedicated to saving money for the Federal Government. That is what he said as recently as yesterday. As a matter of fact, he said we were going to save hundreds of billions of dollars a year. I know he was including the private sector in that, but he was also including the Federal budget.

I cannot believe that there is so little confidence that we are going to have a comprehensive reform, but we are not willing to say we are going to save money. I do not believe that is the position of the President.

There are reasons to oppose this amendment, but I cannot conceive of the reason being that we do not believe that the President is going to have a comprehensive health reform plan that does anything about the Federal budget, because if it does not, we are out of business; we are out of business. We might as well understand that no matter what we do with taxes, no matter what we do with defense, if we do not get health care under control in the Federal budget, as well as in the private sector, this country is not going to be competitive. Our children and grandchildren are not going to be able to pay the taxes needed to keep the current health care system going, let alone even start to pay the taxes that they are going to have to pay to eliminate the budget deficit.

Mr. President, I want to explain the amendment, but I wanted to make sure that everybody understood that this amendment is based on what I thought was a reasonable expectation that health care reform is going to save the Federal taxpayers money. I want to make it clear that if that is not the case, then we better start over with this whole budget resolution, because we are not raising enough taxes and we are not cutting enough domestic discretionary, and we are not doing enough in defense to ever get the budget under control.

I do not favor more taxes and more defense cuts. That is all we have in this resolution in terms of deficit reduction. We have taxes and we have defense cuts. The domestic spending cuts are just about equal to the add-backs.

Mr. President, this amendment would not reduce entitlement spending. What it would do is reduce the rate of growth of entitlement spending to the increases needed to cover the increases in the number of beneficiaries.

I want everyone to look at this chart that shows us the amount that we are going to be spending over the next 5 years 1994 to 1998, compared to the previous 5 years, from 1989 to 1993. We are going to save in the next 5 years, about $200 billion in defense. On domestic discretionary, we are going to spend about $300 billion more than we did the previous 5 years. On interest on debt, we are going to spend about $250 billion more than we did the last 5 years. And on entitlement programs, which are the subject of this amendment, we are going to be spending about $1.4 trillion more than we spent in the last 5 years. Anybody who wants to quarrel with the numbers can do so. They came right out of the budget resolution.

Mr. President, I also want to make clear what is happening to the Federal budget, for those who are interested. I know the managers of the bill already know this. It is no mystery to them. The deficit dropped until 1976 and then started going up. Look what happened to the deficit in the 1980's. Look what happened to entitlements. It has gone right straight out the window.

So the Federal deficit is growing less than entitlements are growing. If the deficit was growing as fast as entitlement spending is growing, the Federal deficit would be even worse. So we are going to have to understand that fundamental point if we are going to come to grips with this.

Let us look at this chart, so we can see where we have been. The Senator from Tennessee said we should not go back to 1985 on defense; that we ought to have a reasonable period of time. Let us look back to 1963 and take the last 30 years. In 1963 we had President Kennedy in office. In 1963, if you look at defense share of the budget, at that time 53 cents out of every Federal dollar went to defense. In 1993, 22 cents out of every Federal dollar goes to defense, and that number is coming down very dramatically.

In 1963, 23 cents out of every Federal dollar went to entitlements. In 1993, 49 cents out of every Federal dollar goes to entitlements. The interest on the debt has gone from 7 percent of the budget in 1963 to 14 percent, and the so-called investment accounts, including education and many other programs that are highly regarded in this body and in the country have stayed about even from 1963 to 1993. They were 17 cents out of every dollar in 1963, and in 1993, 16 cents out of every dollar.

So, Mr. President, this is what is happening to the Federal budget. I think we all have to understand that, however we decide to vote on this amendment.

Mr. President, this amendment would limit the rate of growth of future entitlement spending to the increases needed to cover any increases in the number of beneficiaries that are added to the program, plus increases for inflation, plus an extra allowance that phases out by 1998. If a mandatory program exceeds the cap, there would be a grace period of not less than 60 days for the Congress to enact legislation that would bring that program's spending back into line. If such legislation is not enacted, a sequester on that specific program will result. We would not require any one entitlement program to suffer because another entitlement program exceeded its limit.

I hope everyone understands that is the fundamental difference between this amendment and what Senator DOMENICI and I proposed last year. We dealt with it last year all in one group. If one went over and that resulted in an overall entitlement cap being breached, everything would have been cut across the board. This year we are aiming at the specific offending programs. For example, if we go over in health care, we would not automatically cut food stamps, as long as that program did not exceed the allowance for increases in population plus the rate of inflation. I hope everybody understands that.

Under this budget resolution, during the next 5 years, we will be spending, as I just demonstrated, $1.4 trillion—not billion, trillion—more on entitlements than we did in the last 5 years. From 1989 to 1993, we will spend $3.2 trillion on entitlements, and on these same programs in the next 5 years, from 1994 to 1998, we will spend $4.6 trillion. Domestic discretionary spending will go up $300 billion. Defense will come down $200 billion. That is where we are going compared to the previous 5 years.

I think the conclusion is obvious, Mr. President. The part of the budget that has had constraints on it—that is the discretionary side, including both defense and domestic discretionary, has really been controlled. It may not have been controlled as well as we could have, but it has been controlled. The mandatory programs or entitlement programs that have not been subject to Gramm-Rudman or any discipline, they are out of control. We all know it. We may have different approaches as to how we want to deal with it. I know there are logical reasons for some people to oppose this amendment.

But the point is we have to deal with entitlements, and if health care reform is not going to save the Federal Government money, then we are really in very, very bad condition in this country.

Mr. President, let me simply restate what we are talking about when we discuss capping entitlement growth. Words like "cap" and "cut" get used pretty loosely sometimes, and that is particularly true in the news media.

In this budget resolution, the defense budget is actually going to have less money this year than we did the year before. That is a decrease. That is a cut. Federal workers will not get a pay raise next year, if we pass the President's budget. They will not get any less money, but their salaries will not get any bigger. That is a freeze. That is not a cut. That is a freeze.

What we are proposing for the entitlements is not a decrease, and it is not a freeze. We are saying we are going to add more money to entitlements, we are going to add more money every year to entitlements. Under our amendment, we are going to add enough money to keep up with inflation. We are going to add enough money to keep up with all the additional people who come under the entitlement programs.

We are saying, let us not do any more than that. Let us not do anymore than the amount that will cover the people that would be added, plus inflation, plus 1 percent for 2 years.

Is that a cut? Absolutely not. It is a growth in entitlements. Is it a freeze? No; it is not. It is a basic formula that says can't we have some goal, can't we have some limit, can't we have some accountability.

If the people who do not favor this amendment will tell us what their goal is, that would be fine. Do they have any goal for entitlement restraint? It is not in the budget resolution. This resolution saves $50 billion out of the $1.4 trillion growth. We are cutting $50 billion. That is commendable, but it is not enough.

(Mr. KERREY assumed the chair.)

Mr. NUNN. Mr. President, someone once paraphrased Isaac Newton saying for every action, there is equal and opposite criticism.

Last year when we proposed the Domenici-Nunn amendment on caps, there was one criticism that was repeated over and over again, and I have seen it in a number of editorials, and that is an entitlement cap is not specific.

They asked the question: Why do you not have specific cuts? Let me make one thing absolutely clear. The entitlement cap is no less specific than any other recommendation in this budget resolution.

If anyone can name one single specific cut that is set forth in this budget resolution, I want them to show me the language. Where is it? I do not know where it is. It is not in here.

Mr. President, where are the defense cuts coming from? Where are they coming from? We have $50 billion in Bush cuts to make. We have $60 billion in Clinton cuts to make plus another $62 billion that come from inflation savings and pay freezes. Between the Clinton defense cuts and the Bush defense cuts in the next 5 years, we have to find $170 billion. Does anybody tell us where that is coming from? No; it is not in the budget resolution.

Mr. President, when CBO recently said the Clinton administration had overstated the deficit reduction in the President's plan, the Budget Committee decided to make additional cuts, and they were assumed in the resolution. These $31 billion of additional cuts were made to the President's proposed investment package. If anyone can find the specifics of that $31 billion, I hope you will inform me.

I do not know what those cuts are. I think the President might want to know. Was it highway funding? Was it Head Start? Was it National Service? Perhaps someone could inform us.

Where is that $31 billion coming from? Where are the $170 billion we are going to have to cut in defense coming from?

Let us get specific. If we are going to get specific, let us not just talk about entitlements. Let us get specific on all the cuts.

Let me give one more example. On page 5 of the report accompanying this resolution—this is the instruction to the tax writing committee—it says as follows:

> As is the case with all reconciliation instructions, the tax writing committees are not bound to adopt any particular set of policy options to achieve additional revenues specified in this budget resolution. In fact, they may incorporate whatever statutory changes they desire.

Is that specific? That is as broad, Mr. President, as universal salvation. You can do anything you want. This whole budget resolution is that way. That is what we do on budget resolutions.

Mr. President, I hope we do not hear the charge that the Nunn-Domenici proposal is not specific again unless those who make that charge are willing to say where that $31 billion is coming from, and where the $170 billion in defense cuts is coming from.

Mr. President, there are several reasons why this cap on the growth of the entitlement makes sense.

First, simply math. I noticed that no matter who gets elected President, whether Reagan, Bush, or Clinton, arithmetic does not change. It does not change. Adding and subtracting stays the same.

If they agree we have to get the deficit under control, it is obvious we cannot continue to exclude 50 percent of the whole Federal budget, and that is what we have done. We have excluded 50 percent of the whole Federal budget and pretended we were going to get the deficit under control. It is impossible.

The second reason is accountability and responsibility. Even if we did not have a crippling budget deficit and debt, leaving half the budget on automatic pilot is a bad way to run our fiscal policy.

The third reason is common sense. If this amendment passes, our entitlement cap says programs can stay at the current level, with current benefits, and grow with the general rate of inflation plus the number of people that are eligible to receive those benefits.

Mr. President, in my view, this is a straightforward rule of thumb the American people can understand, and I think when they understand it they will support it.

Fourth, this cap is not a cut, and I have said that, and I have said it rather emphatically, but I think everyone ought to know this is not a cut. This is a reduction in the growth of programs that is growing out of control. That is what we are doing.

Mr. President, some people have said—and will say again in this debate—that we cannot control entitlement spending, because it would make health care reform impossible.

Again, I ask the question: What are we going to do in health care reform if we are not going to save any Federal dollars? I know we want to save the private sector money. I know it is a complicated situation. I have tremendous confidence Mrs. Clinton is going to come up with a real plan and the President is going to propose a real plan, and we are going to have some real options for cost control. I do not understand the logic of saying we cannot have an entitlement cap because health care is included.

Mr. President, one of the problems in the last 10 years in the Congress is that virtually every serious budget debate or amendment, no matter who is in power, no matter who is in the White House, whether in the first 2 years of the Reagan administration or the first 2 years of the Bush administration or the first 2 months of the Clinton administration, every time we have an amendment out here, it is treated as if it is going to bring down the White House, if they do not favor it. If they do not favor it, it is going to bring down the White House and it is going to do great harm to the President of the United States.

Mr. President, I think it is time for us as Republicans and Democrats to get beyond this rather simplistic treatment of the problems facing our country. I hope that we will begin examining issues on the basis of whether we are voting for or against our children and our grandchildren, not the White House, not the Democrats in the Congress, not the Republicans in the Congress.

What are we going to do around the turn of the century—and there may be some people here still in the Senate—I prabably will not be—when our children and grandchildren come up to us and say: "Look, I just read in the paper this country is going absolutely broke. Where were you, grandmother or granddaddy, when all that spending was taking place back in the 1980's and the 1990's? What did you do? Did you do anything? Did you do anything? Why, grandmother or granddaddy, why do we owe to the Social Security fund billions and billions of dollars? What are we going to do when we retire? Did you think about that?"

What are we going to do when we get to around the year 2015 and we see that we now owe the Social Security trust fund, not $4 billion, but $4 trillion?

This is something that no one talks about. I did not even hear Ross Perot talk about it last year.

Everybody assumes we are going to keep on borrowing from the Social Security trust fund. We raised the taxes in 1983. If those taxes had not been raised, Ronald Reagan could not have governed for the last 8 years.

We raised Social Security taxes. The purpose was to provide for the day when we were going to have the baby boomers retire. We were going to put that money in a trust fund so that we would be able to retrieve it when it came time to pay the baby boomers their retirement, because we did not want to raise taxes to the point, in the year 2015, where our children and grandchildren would go broke and the country would go broke.

Now what happened to that Social Security trust fund?

Mr. President, I want to look at the figures. I want people to understand that. We are borrowing, in the operating fund, $47 billion from the Social Security trust fund this year.

Now we already have borrowed $327 billion from that Social Security trust fund since 1982. That money is borrowed by the operating fund. We do not even pay the interest. The interest comes due and we need another Treasury bill. So the Social Security fund that everybody believes is in such great surplus, what does it have? A whole lot of Treasury bills. How are they going to be paid back?

Let us look at what we are doing to our children and grandchildren if we do not get these entitlement programs under control.

We are saying, basically, to our children and grandchildren, for the first time in history, a generation is saying, we want to keep our standard of living up, so we are wrecking yours. That is basically what we are doing.

Mr. President, in 1993, we will borrow $55 billion from the Social Security trust fund. In 1994, we will borrow $62 billion from the Social Security trust fund. In 1995, we will borrow $69 billion from the Social Security trust fund. In 1996, we will borrow $77 billion from the Social Security trust fund. In 1997, we will borrow $85 billion from the Social Security trust fund. In 1998, we will borrow $95.5 billion from the Social Security trust fund.

In 1999, we will borrow $105 billion. In the year 2000, we will borrow $117 billion. In the year 2001, we will borrow $129 billion.

In 2005, we will borrow $184 billion. In 2010, we will borrow $253 billion. In 2015, we will borrow $265 billion. And that is when we pay the piper.

Because in 2015, we stop taking in as much money from the payroll tax as we start paying out from the Social Security fund. And at that stage, we are going to be indicted, we are going to be indicted by the people who are living in America at that time.

They are going to look back and say:

> How did you do this to us? How could you have been that irresponsible? How could you have done it in the 1980s? How could you have done it the 1990s? How could you have talked about balancing the budget and never even told the American people that?

Even when we are projecting balanced budgets—which we do every now and then here in our wildest dreams and assumptions—even then, we are using that Social Security trust fund.

Who is going to pay for the Social Security recipients in the year 2016 to the year 2035? We will have to raise taxes to the point this country cannot be competitive if we keep going the way we are.

So I say to those who oppose this amendment, fine; fine. But come up with your own entitlement cuts. Come up with your own. And if we are not going to do anything about them, then let us confess we have failed the future generations of America.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator from Georgia yield 5 minutes to the Senator from New Mexico?

Mr. NUNN. Yes.

How much time do I have remaining?

The PRESIDING OFFICER. Fourteen minutes and five seconds.

Mr. NUNN. I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to the Senator, if you ever find some spare time from Armed Services, we would welcome you on the Budget Committee, either side. If you cannot find a niche on their side, we will ask you to join our side. Thank you for your eloquent remarks.

Mr. President, let me just make a couple of points. I cannot do much better than Senator NUNN has done, but I would suggest one of the problems we all have is that there is an instant reflex action by groups out in America; somebody prompts them. We did not have this amendment ready until today. Yet, Senator SASSER has passed out to everybody here in the Senate a list of 25 American organizations, including 2 church organizations, all of whom say that the Nunn-Domenici amendment will hurt them.

And, frankly, they are talking about last year's amendment. So I am hopeful that they will ask those who are sponsoring this amendment what it does, because the way we have done this amendment is different.

We will not be sequestering any of those nonoffending programs, and almost everything they are worrying about are nonoffending programs.

So let me, from that point, go on to why I think the Senate ought to adopt this.

Senator NUNN has told us that, without adopting some kind of a control, a cap on the major entitlement budget busters, Medicare and Medicaid, we are never, never, never going to control the deficits of the United States.

Now I remind everyone who is going to vote tonight or tomorrow on the budget resolution that is pending, that they are going to vote for $295 billion in new taxes, and there will not be one penny in genuine reform of the entitlement programs of this country.

So I just wonder if those who are going to vote for that would not feel that the American people are being done much more justice if you really cut the budget so that the $295 billion does not go down the drain?

Having said that, I believe what I just said helps the President of the United States, because I think the people really believe we are getting the budget under control with $295 billion new taxes. But, as my friend from Georgia indicated, we are not.

Right here to my left is a very simple chart. And I did not invent it. The President of the United States put that chart in his vision statement.

If you look at the red line—the red line is what is going to happen to the U.S. deficit when we adopt President Clinton's plan, as most people plan to do here tonight or tomorrow—you see the deficit goes down and then goes back up.

In his own plan, in his vision book, he puts a green line in. And the green line reflects that you have to get mandatory expenditures under control and, more specifically, the President of the United States says, "Budget deficit with health reform savings."

That is the green line. That green line cuts just about as much off the deficit as the Nunn-Domenici amendment.

The President is saying that is where we are going to be, that is where he wants to be. But there is nothing in this budget that says we are going to be there, unless you adopt the Nunn-Domenici, and others, amendment.

Then you will give the President what he has asked for and you will say to the reformers of health care, "When you put together the basic benefit package, be sure that you do that with targets in mind that come out of this mandatory cap."

I believe, without it, we will have no significant cost containment within reform.

And for those who say, "What about the non-Government section of health care?", I will just say, I have talked to experts. I have asked them if you can save money of this type in the reform effort on the Government side without sending those costs to the private sector? Their answer has been unequivocally, yes, there need not be any shifting, if you reform it right and you reform the basic minimum package and, in the process, reform both Medicare and Medicaid.

So I am delighted to be a cosponsor. We put this idea together last year, Senator NUNN and I, with some prominent people in this country.

Tonight we get to present it to the Senate of the United States as one of the principal ways to get the deficit of our country under control. I urge that we adopt it. And then I urge that the Senate put it in absolute mandatory sequester legislation and we will then be a long ways down the line to getting the deficit of the United States under control.

I yield whatever time I have remaining back to Senator NUNN.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, would the other side like to be heard on this point? Or I would be happy to yield to the Senator from Virginia.

Mr. SASSER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Tennessee has 30 minutes. The Senator from Georgia has 9 minutes.

Mr. SASSER. Mr. President, I will just make a few points. Then there are a number of speakers on the floor who wish to speak.

Mr. President, the point has been made here this evening, it appears to be the belief on the part of some of the proponents of this Nunn-Domenici amendment, that we have done nothing about entitlements in this budget resolution. The truth is that President Clinton's budget, as modified by the Senate, cuts $56.2 billion in 5 years out of entitlements. That is four times more than President Bush cut in his last budget of $14 billion from entitlements.

So it is not as if we are asleep at the switch. I mean, we are reducing, or attempting to reduce, entitlements in this budget resolution and we are doing it by cutting reimbursements to beneficiaries.

Using the chart of my distinguished friend from New Mexico, which he took, I think, out of the back of the President's proposal, we see what happens in the President's proposal if his health care plan is not adopted—what happens to the deficit. It comes down until 1997 and then starts back up.

But see what happens when the President's health care reform package is adopted, according to the calculations of, I assume, OMB. The deficit begins to stabilize—stabilizes, goes up just slightly but still stays at a relatively mangageable level. So this is, I think, an argument in favor of us letting the President present his health care proposal to this body, which he will do shortly, and then deal with the whole health care problem in one package.

There has been no dispute here this evening that the real problem in the growth of entitlements is the growth of health care costs. We are going to have a comprehensive health care reform package presented to us shortly. So I do not understand why we want to move down this track of trying to deal with, as the distinguished Senator from Massachusetts said, a quarter of the health care problem here this evening and leave 75 percent of it out there, not dealing with it at all. It appears to me we will be trying to do it on the backs of Medicare beneficiaries and on the backs of Medicaid beneficiaries.

The distinguished Senator from Georgia had some charts up there a moment ago. He had one going back to 1963. It showed how small entitlements were compared to other things at that time. Sure, there was no Medicare Program in 1963. What has happened in this period is millions of elderly people are now covered by Medicare when in 1963 they were left to the charity, many of them, of their children. And many of their children had to make a decision about whether to send little Joey to college or put mama in the hospital.

That is what Medicare was intended to deal with. What has happened during this period from 1963 to I think it is

1991, or whatever it was on the chart of the distinguished Senator, is millions of elderly have been lifted out of poverty by a combination of Social Security and Medicare. Social Security is almost 50 percent of the total entitlement payout that is shown in the growth of entitlements there on the chart of the distinguished Senator. And Social Security is developing a surplus of $60 billion, just this year. And of course we have been dipping out of the Social Security fund to finance the general revenues of Government. But I did not hear a lot of complaints about that in the early eighties, when people in this body were voting for the Reagan tax cuts that deprived the Federal Treasury of 20 percent of the revenues. I did not hear any complaints about that and I did not see anybody coming out here—at least very few—complaining about the growth in military spending during that period of about 30 percent in real dollars. Some say it was higher. There were no complaints about that.

But not all of a sudden we are very worried about the cost of entitlements and the cost of health care. I am worried about it too. I think the proponents of this amendment are genuine in expressing their concern. There is no dispute here. The only dispute is how do we deal with it? We all know we have a problem. We all, I think, in good conscience want to deal with it.

What I am saying here this evening to my colleagues is we have a President now who is going to deal with it. Let us see what this administration and what this President does in dealing with the whole universe of health care costs. That is what we need to do. For us to stand here this evening and try to put into a budget resolution something that is going to deal with 25 percent of the whole universe of health care costs I do not think that is very productive. I do not think that is very productive and I do not think it is going to get the job done.

Why do I not stop here now and yield some time to other colleagues who want to speak?

The distinguished Senator from West Virginia wishes to speak and then the distinguished Senator from Arkansas and the able Senator from Minnesota and the distinguished chairman of the Finance Committee was here a moment ago and he indicated he wished to speak.

May I ask my friend from West Virginia how much time he would require?

Mr. ROCKEFELLER. Four or five minutes, just to make a few points.

Mr. SASSER. I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Presiding Officer.

I would say through the Chair to the distinguished Senator from Georgia that I am not sure that we disagree on the problem. I think what we disagree on—and very explicitly—is the cure.

Basically, if we were to adopt the cap that the Senator from Georgia wants to do, we would be cutting $123 billion under no formula, just totally arbitrarily, out of Medicaid and Medicare from the years 1996 through 1998—$123 billion. There is no thought about how that is to be done. It is just simply done.

Let me give an example of why the Senator from Tennessee is so correct and why his amendment is so good. And why the Senator from Georgia's is so deficient, in this Senator's judgment. Take, for example, Medicaid. Because President Clinton cares about health care—cared about it all during his campaign, cares even more about it now—and because he cares about deficit reduction and now joins both health care and deficit reduction in his thinking—as was pointed out by the chart over there, you cannot do deficit reduction unless you do health care reform—you have to have a plan when you do these things. You do not just cut $123 billion out of Medicaid and Medicare with no plan, just by a mathematical formula that sweeps it away.

I will give an example: Drugs. Medicaid pays for prescription drugs, which my distinguished friend, Senator PRYOR, knows about far better than I do. This health care reform package has not yet been done. The Senator from Georgia surely understands that it is in the process of being done but has not yet been done. That puts us in a weaker position to argue, because we cannot say what it will be. The decisions have not been made. But one decision that may be made is that any drug company that raises its price of prescription drugs more than the cost of inflation will lose all of its tax benefits in Puerto Rico. As a result, the pharmaceutical companies come into my office and other offices saying, we will do this on a voluntary basis, just do not put it into law. Well, who knows about that?

But do my colleagues understand the relationship between having a health care reform plan in which there is a rule written about what will be the cost of prescription drugs in terms of their increase in price on an annual basis, and then the effect in turn of that on Medicaid? See, that is called planning. That is called thinking about what you are doing.

You just take a meat ax and cut out $123 billion—will the Senator from Tennessee yield? I just have a couple more thoughts that occurred to me. This Senator would enjoy having another 2 or 3 minutes.

Mr. SASSER. I will be pleased to yield to the Senator another 3 minutes.

Mr. ROCKEFELLER. Mr. President, the Senator is very gracious.

You talk to the concept of cutting $123 billion. What does that mean for businesses? That means that they are faced on an arbitrary basis with enormous cost shifting. There is no plan, no concept of universal coverage in this cap on Medicare and Medicaid. It is just an across-the-board cut done, I will not say coldheartedly, done without any thought; done with just budget in mind—not people; not medicine; not health care; frankly, not the deficit in mind—just done so they can say it has been done, we cut it; and go home and talk about it.

Business would be furious because that means they are stuck with cost shifting forever because there is no concept of universal coverage, which President Clinton is now working on, along with some of the rest of us.

Talk to physicians about the idea of this $123 billion cut. Physicians would simply stop seeing Medicaid patients. They would stop seeing Medicare patients. hospitals would stop seeing both of those because there is no plan. Now, if you put together cutting Medicaid and cutting Medicare with a plan, then that can make some sense. And, indeed, the President has already cut $56 billion out of Medicare, an extraordinary cut. I never thought that I, as chairman of the Subcommittee on Medicare and Long-Term Care, would even be part of that when it is not applied to health care or long-term care, but is applied to deficit reduction.

It is a very earnest effort at deficit reduction, all out of Medicare, but I have confidence because I am working with the President and his wife and the task force on a plan so that if there are more cuts to come, it will be within a plan called universal health reform. I cannot emphasize how important that is. If you do something across the board, it is thoughtless. It might make somebody feel good; it might make somebody look good. But it is a disaster for deficit reduction and it is a disaster for health care reform; an absolute disaster for health care reform.

In fact, I will say further, it would eliminate any real possibility of there being meaningful health care reform because you have taken all the cards off the table before you even begin to talk.

To my friend from Tennessee, I will say those are all the comments I will make at this particular moment.

Mr. SASSER. Mr. President, I thank the Senator from West Virginia. I yield 5 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair for recognizing me. I thank the distinguished chairman for giving me these 5 minutes.

Mr. President, in approximately 6 weeks, we are about to see a very, very unique thing happening to the U.S. Congress and for the American people because in 6 weeks, we are about to see, for the first time, a comprehensive health care bill come to the Congress of the United States for us to begin debating upon.

Mr. President, this will be the first time in some 40 years, or 30 years, that this Congress will have had the opportunity to look at a comprehensive health care plan. That is 6 weeks from now.

Should we adopt tonight—and I have the greatest respect, Mr. President, for the distinguished Senator from Georgia [Mr. NUNN]. He has made an eloquent argument. But his argument falls, because I truly believe—and I say this respectfully—this particular proposal, if adopted by the Senate and ultimately by the other body, will do more to damage the prospects of the health care plan offered by this new administration to the Congress and the American people, because at that time we will see a health care plan that is totally, exclusively driven by numbers and not by policies. We will have set an arbitrary ceiling upon the costs and the escalation, as Senator NUNN has said, of the cost of Medicare and Medicaid.

But what is the basic and root problem? What is the elemental problem with this proposal offered by our distinguished friend from Georgia tonight, Mr. President? It is the fact that we are going to see the U.S. Senate take a position saying that we are tackling the problem from the wrong end. I repeat that: Should we adopt the Nunn amendment, we are going to be tackling this problem from the wrong end.

Where we need to attack this problem is from cost containment. This is where the Clinton proposal is going to address the problem. The Nunn proposal does not address the problem from cost containment.

I am wondering if the distinguished Senator and the very fine colleagues who are supporting this amendment would be willing to also tonight say: OK, tonight, arbitrarily, we are going to set a cap on what a doctor can charge for a liver transplant or a heart transplant or a bypass or a lung cancer operation. Are we willing to set those caps? Are we willing to freeze those costs? Are we willing to arbitrarily, tonight, with no hearings and very little debate, make a monumental decision to basically paralyze the upcoming Clinton proposal on health care?

Mr. President, later in this year, there may be the proper opportunity to discuss what the distinguished Senator from Georgia is proposing to us tonight. There may be that chance. If there is, I will reconsider my position. But until we see how the new proposal offered by the new administration addresses the root of the problem, which is health care cost containment, in a comprehensive manner, I only beg my colleagues not to support this plan at this time and to vote the Nunn amendment down.

Give this new President a chance. Give this new administration an opportunity to present to the Senate and to the House and to the American people the first option, the first meaningful option that we have been given in the past 4 years to do something about health care costs and the cost of inflation of health care, and then we will be attacking the problem from the right end and not the wrong end.

Mr. President, I have a lot more to say about this issue. I see a lot of our colleagues who desire to speak. I yield back any time that I might have remaining.

Mr. NUNN. Mr. President, I have about five people who would like to speak. I want to make sure the Senator from Virginia has 4 minutes. If he could do it a little quicker than that, I have others who would like to speak.

I yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the chief patron of this particular legislation. I will try to be brief.

Let me say at the outset that I have enormous respect for our new President. I have waited a long time for my party to nominate someone about whom I could be truly enthusiastic. I have tremendous respect for what he is doing. I have waited a long time for the kind of address that we had in the joint session about 4 weeks ago. He truly challenged this country and this Nation to solve some problems, and he made us think about us and not me. He left all of us, I think, with the feeling that we had a mission and the ability to accomplish it.

My concern—and the reason that I am supportive, again, of the Nunn-Domenici amendment—is that with all of the good work, all of the challenge, all of the boldness that this President put into that address, if we do not do more than the plan accomplishes at the end of 4 years, those who felt they were making a sacrifice and making real progress are likely to be disappointed. And I do not want that to happen. I do not want people to be disappointed with a President who has so much potential to bring about the kind of change that I think is so critical for America.

This program, this particular proposal, is a very modest proposal. It does nothing for the first 2 years. In year 3, it simply begins to restrain the growth in entitlement programs. It still gives 1 percent above inflation, 1 percent above the new costs, 1 percent above program growth. And then the next year, it is 1 percent, and then zero.

This simply provides an outside force against which the President and his advisers can work to bring about the kind of cost reduction that I believe they are determined to bring about through the health care reform proposals.

I commend the President for what he has done. I am supportive of the President's package. I believe this helps the President accomplish his goal. And because I have a number of colleagues who are waiting to speak, I will yield back any additional time.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I yield to the Senator from Oregon 1 minute.

Mr. PACKWOOD. Mr. President, an entitlement program is a program that goes up automatically without any further action of Congress. You get $100 in Social Security. If there is 10-percent inflation, you get $110. A discretionary program does not go up automatically. Education gets $100. If you have 10-percent inflation, it does not go up to $110.

Today, what we call entitlement programs, the automatic programs, plus interest, take 54 percent of the budget and everything else gets 46 percent. In 10 years, those very same four programs, Social Security, Medicare, Medicaid, and other military and civilian retirement, will take 69 percent of the budget and everything else will get 31 percent. If we do not restrain the entitlement programs, you face two choices: Cut everything else—I do not mean defense; I mean everything else—or raise taxes to pay for it. The Nunn-Domenici amendment will push us toward restraining those entitlement programs.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Tennessee——

Mr. SASSER. Mr. President, I will yield to the distinguished Senator from Massachusetts 3 minutes and then I have others.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, just a moment of history. The question of universal comprehensive health care was in Teddy Roosevelt's package in the progressive movement at the turn of the century, universal health care at a price people could afford. We have been fighting for this program for a long period of time as a country. Harry Truman was asked, "What was your greatest failure as President of the United States? The failure to achieve it."

Everyone understands that the principal mistake has been because we have been taking incremental action which would supposedly solve the problem. How glad we are that there are so many people who are interested in health care this evening on cost containment and cost control. Where have they been all this period of time? Where have they been?

Well, Bill Clinton has a program and it does have cost containment and it does have universality.

Tonight we hear these eloquent words talking about the budget, aimed at the budget, and it hits the elderly people and the poor people. Entitlements are for whom? They are for the neediest people in our society. They are the children, poor children; they are on an entitlement; they get Medicaid; they need more services. Well, let us do something about that tonight at 1 percent.

Who is going to tell those children who need the services? Who is going to tell the Medicaid recipients, increasing 25 percent in the last year, 13 percent increase in the number of people who are eligible? What are you going to do with those people? You cannot get doctors in this country to treat people on Medicaid. OK, that is too bad about entitlements.

Mr. President, this is a very, very serious mistake. It is a distortion of the thoughtful, hopeful, trusting American people who want comprehensive care and have a commitment by this President to do it. Let us do it that way. Let us reject the kinds of half solutions that have really brought us to the place where we are this evening with millions of poor children, elderly people who fear for their lives in terms of failure to have any health care coverage at a cost they can afford.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I think the Senator from Pennsylvania rose first. How much time does the Senator wish?

Mr. WOFFORD. Two and a half minutes.

Mr. MOYNIHAN. Two and a half minutes. I am happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, I was sent to the body by the people of Pennsylvania to get action on universal affordable health care. So if I thought the amendment by my good friends from Georgia and New Mexico would take us in that direction, I would be here, come what may, voting for it. I believe, on the contrary, that moving forward now before we have the chance to consider the comprehensive proposal for health care reform to control costs from the President of the United States would turn upside down a process that is going to work, has a chance to work, and we need to give the President's proposal a chance.

I was off the floor for a few minutes and did not learn whether the Senator from Massachusetts got an answer to his question put to the Senator from Missouri: Do you mean you are going to cap the whole of health care costs or do you just mean you are going to cap Government costs?

And of those Government costs, let me remind you, that are going up hundreds of billions of dollars, more than $100 billion a year, for each dollar we spend on health care, 27 cents is for Medicaid and Medicare, 14 cents is for other Government programs. The rest is paid by the American people by private insurance and out-of-pocket costs.

Are we only going to deal with 27 cents of the dollar with what we are talking about? If so, then we are talking about balancing the budget on the backs of the elderly and the poor. To deal with this deficit, we have comprehensive health care reform that has a cap over the whole of the health care cost system, and we will have a chance to do that beginning in May. Do not let us lose that chance by putting this cart before the horse that we have to put on the track in May.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes 16 seconds; the Senator from Tennessee has 6 minutes, 54 seconds.

Mr. WELLSTONE. I wonder whether it would be possible——

Mr. SASSER. Mr. President, why do I not yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there are several other people who wish to speak. I wonder if it would be possible to extend this debate 5 minutes on each side.

Mr. SASSER. This is a very interesting debate, but let me tell my colleagues that after we conclude this and have two rollcall votes, we have about 30 amendments to vote on.

Mr. WELLSTONE. Mr. President, I take it that is an answer to my question?

Mr. SASSER. I yield to the distinguished Senator from Minnesota 2 minutes.

Mr. WELLSTONE. Mr. President, before I get started, a disclaimer. I was a teacher. I am now supposed to talk about this in 2 minutes. I will give it my best.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, 2 minutes. I do not even know how to do this. Why? Why this proposal, arbitrary, capricious, when we have now talked about a 4-year plan of deficit reduction, some investment, and we have a President of the United States, and I hope a Congress, committed to universal health care coverage which includes cost containment? Why? Because if it does not work, then you are going to be cutting benefits from Medicaid and Medicare people, and it is the cruelest thing you can do. And you have no plan. It is not tied in with any changes of how we deliver health care. Why? Because if you do not reach the caps this way, the Senator from Massachusetts is absolutely correct, zero on budget and policy priorities. Who are we going to cut? The School and Child Assistance Program for school lunch children? Are we going to cut the supplemental security income program for Social Security recipients? Did I not hear a lot of discussion on the floor today about how awful it was to raise taxes on the highest income Social Security beneficiaries?

Mr. President, the question is why? And, boy, we can be abstract on the floor of the Senate. But these statistics mean something in human terms, and this would be cruel and it would be unconscionable and the timing of it is off, when we finally have a President, and I hope a Congress, that is going to take action on these very issues.

Was that 2 minutes, Mr. President?

Mr. SASSER. Mr. President, I think he was under 2 minutes, if I am not mistaken.

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. SASSER. I thank the Senator from Minnesota.

Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, listening to the decibel level in this place, I must say to my colleagues I cannot wait for real health care reform to begin.

Somebody just recently challenged all of us who are standing up here supporting this amendment to say where have we been? Well, most of us, and those you will hear from tonight, have been for 15, 16, 17 years trying to get real health care reform, so I hope that is not lost on anybody.

I rise to compliment the bipartisanship of this amendment. I think that should not be lost on anybody because it is not lost on anybody in America.

And the people on the other side of the aisle can debate all they want about the fact we are anticipating something. The reality is you have in front of you a bipartisan effort to deal both with the problem of the deficit and the problem of the health care reform. If there are two things people in America and Minnesota care about, this is it. I really do not understand why we have this debate.

My colleagues from Arkansas said we ought to wait 6 weeks. We are. This is just the last chapter of the book. This is the one people turn to that says how much money we are going to save from all of this. This gives a very good indication of how much we can save. You can see it on the public programs, CPI plus one beginning in 1996. Just 3 years to get your reform going.

You can see the same thing in your private program. We can include that private program here with some very obvious reasons.

The reality is—Minnesota is the proof of it—you come back to Minnesota in the middle or late eighties, we did risk contracting for Medicare. Everybody bought the Medicare program. We were at CPI plus one in those days. But the reimbursement formula killed the program. That is how simple it is.

Now we are doing the same thing on private programs. We are bringing those costs down. We were 10 percent above the national average 10 years ago, 15 below the national average today, we are headed for 30 percent. It can be done. I hope the President comes and shows us exactly how it can be done.

But the framework, the goal is in this amendment. I strongly urge my colleagues to support this amendment. It will help the President. It will tell the President we are ready to take on the tough issues, to take up the elderly program; we are ready to take on the private program. That is the statement that I hear from this amendment. I strongly support it particularly because it is a bipartisan approach to solving the problem. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 3 minutes to the Senator from New York and then to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as chairman of the Finance Committee, I rise not simply to state my opposition to this amendment but my dismay that it has been offered. This sense-of-the-Senate amendment includes language that calls for spending limits on mandatory spending programs excluding Social Security.

Sir, we have been talking about Medicare throughout this. Medicare is title 18 of the Social Security Act. It gives recipients a right to receive their benefits for which they have paid, through contributory insurance, the Federal Insurance Contribution Act. If we can strip this right from citizens, what else can we not do?

Sir, mark me: We put the Social Security system in shape in 1983. It is in surplus. The Senator, my friend from Georgia, says the surplus goes on for another quarter century.

If we adopt this amendment, how far are we from the point where we say we will cut retirement benefits in half? The Social Security Act extends to retirement benefits, disability, survivors insurance, and medical insurance.

If we are going to be so loose with language as to say title 18 of the Social Security Act is not Social Security, when will the day come when retirement benefits are not Social Security? When will the day come that we will have breached a contract with the American people that was entered into in 1935, has been meticulously adhered to for more than half a century, retirement benefits never a day late or a dollar short for half a century? Here we are putting it at jeopardy due to our desires to keep some other programs going, the paid for contributory insurance of the American people.

If you want to put the Social Security system entirely at jeopardy, vote for this amendment, but I plead with you, vote no.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes, forty-eight seconds.

Mr. NUNN. I yield 2 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, just two points. I am a cosponsor of this amendment and I am proud to say that I think it does what, in a strong bipartisan fashion, all of us believe must be done here; that is to say, mandatory spending should not be put off limits. Second, as someone who cares a great deal about comprehensive health care reform and believes that President Clinton has spoken quite eloquently to why it is important, that is in no way relevant to this particular amendment tonight.

It is 2 years before it even starts. I have confidence, Mr. President, that in that time we are going to fashion a strong comprehensive health care bill. I yield any time remaining.

Mr. SASSER. Mr. President, I yield 1 minute to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, let me just say very briefly that there is a combination of failures in the amendment of the Senator from Georgia.

It is cruel for reasons which have been expressed in that it decimates at the rate of $123 billion over years, seniors, poor people, and children.

It is foolish in that it brings with it no plan, no thought, simply a meat ax which takes $123 billion off something called entitlements.

It is destructive because it is an absolute broadside on the President's health care reform plan, which completely negates what the good Senator from Kansas has just said, because there is every relationship between the Senator's amendment and health care reform.

I will remind our colleagues that our parliamentary situation is that we first had the Sasser amendment. I hope they will vote for it because it is sensible; we then have the Nunn amendment. I hope they will vote against it, because it is not.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. How much time do I have remaining.

The PRESIDING OFFICER. One minute forty-seven seconds.

Mr. NUNN. I yield 1 minute to the Senator from Rhode Island.

Mr. CHAFEE. We all agree these deficits are intolerable. Even under the proposal submitted by President Clinton, the debt of the Nation increases by $1 trillion in 4 years. So we have not gotten a handle on this problem at all. Second, we all agree that the entitlements are the principal driving force in our deficit.

The opponents of this object. They object to the approach of the Senator from Georgia and the rest of us. They say it is not pertinent. But it is also a fact, Mr. President, that the opponents have been opposed to all attempts to handle the entitlement problem that we face in this Nation.

We have had a whole series of votes on this matter. Those who have voted against it have never once voted to do anything about the entitlements on this floor. So it seems to me we can keep going with the present intolerable situation, or we can try to do something about it. There is a lot of talk about health care reform, as though that is going to solve the problem. But the facts are that health care reform is going to cost money in the first years of its initiation.

So I think this is a worthy try. I hope that my colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. How much time is remaining?

The PRESIDING OFFICER. Forty-four seconds to the Senator from Georgia.

Mr. NUNN. I reserve the remainder of my time.

The PRESIDING OFFICER. Thirty-seven seconds to the Senator from Tennessee.

Mr. EXON. Mr. President, I rise to ask unanimous consent.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent for 3 minutes, not charged to either side. I have a question to ask and I would like to have Senator NUNN answer the question, then Senator SASSER or whoever is on the other side. Three minutes only.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, I do not want to object, but I might ask: Would the questions generally be in opposition to the Nunn amendment? I would like to have 3 minutes for Senator NUNN in the event that is the case.

Mr. EXON. I respond to my friend. This Senator has not decided how to vote. I have been listening to this very interesting debate. I have a question that I would like to pose. We could have been through with it by this time, I think, if we had not had this exchange. May I have 3 minutes, no more, no less?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER (Mr. DASCHLE). The chair hears no objection. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I would like to pose this question to Senator NUNN and then Senator SASSER, or whoever would like to answer the question on the other side.

The White House, in two or three calls to me, within the last hour and a half, said that if this passes, it is going to eliminate any chance whatsoever for comprehensive health care reform. I, for one, have recognized for a long time that it was going to cost money to get into this matter of comprehensive health care.

My question is, first, to Senator NUNN. The White House says your measure will kill their plan. Please tell me why the White House is wrong.

And then, to Senator SASSER, or whoever would like to answer on that side of the aisle, in a minute, tell me both sides, because I still have not decided at this moment how I will vote. I yield 1 minute to Senator NUNN.

Mr. NUNN. Mr. President, I say to my friend from Nebraska, if the White House is putting out that word, it can only be based on the assumption or the premise that the White House does not believe its own Health Care Reform Act is going to save the American taxpayers any money, or any appreciable money, and that the White House must believe that the health care costs to the taxpayers of America, beginning in 1996, even after a 2-year reform, are going to grow more than the rate of inflation, plus all the population you plug in, plus 1 percent for 2 years.

That would be the only conceivable explanation I would have. I do not think that is consistent with any of President Clinton's past statements. It is not consistent with the chart that OMB puts out, or with the hundreds of billions of dollars that have been projected as savings, nor with the fiscal soundness of our Nation.

Mr. EXON. May I ask for a response from Senator SASSER?

Mr. SASSER. Mr. President, I am advised that the White House views this as detrimental to their health care proposal for a number of reasons, not the least of which are any savings that come from cost control; and there will be some cost control imposed here by this entitlement. It would be imposed unevenly and inequitably, in my judgment. But the cost controls and savings that will come from that are needed to finance the comprehensive health care proposal.

I think that is what the White House is saying. The distinguished Senator from West Virginia is much more knowledgeable in health care issues than I and, frankly, I would like to defer to his wisdom on this matter.

Mr. SARBANES. Will the Senator yield?

The PRESIDING OFFICER. Three minutes have expired. The vote now occurs on the amendment offered by the Senator from Tennessee.

The yeas and nays have not been ordered.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the Sasser amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the Nunn amendment to follow the Sasser amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, without prolonging this unduly, I ask for an additional 30 seconds of the Senator from Nebraska, provided I answered his question precisely and——

Mr. STEVENS. Reserving the right to object, Mr. President, there is a group of us that have 40 amendments here, and we do not get to say one word, and we have gone over 10 minutes on this amendment. Why is it that time can be allocated to those who already have spoken an hour and no time at all for those who have not had 1 minute to speak?

Mr. SASSER. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The question is on the amendment by the Senator from Tennessee.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Danforth
Faircloth
Helms
Wallop

NOT VOTING—1

Inouye

So the amendment (No. 262) was agreed to.

VOTE ON AMENDMENT NO. 263

The PRESIDING OFFICER. The vote now occurs on the amendment offered by the Senator from Georgia [Mr. NUNN].

Mr. SASSER. Mr. President, I move to table the Nunn amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. SASSER] to table the amendment of the Senator from Georgia [Mr. NUNN].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BOREN (after having voted in the negative). Mr. President, the Senator from Hawaii being absent, were he present, Mr. INOUYE would have voted in the affirmative. I would have voted in the negative. I therefore withdraw my vote.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—51

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—47

Bennett
Bingaman
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici

Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Boren, against

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 263) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, once again we are here at entitlement cap junction dealing with an amendment brought forward by my colleagues Senator NUNN and Senator DOMENICI.

We have been down this road before and at that time only 28 Senators voted for an entitlement cap, 4 Democrats and 28 Republicans. That was on April 10, 1992.

Mr. President, I ask unanimous consent that the recorded vote for that amendment be included in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

[102d Congress, 2d Session, Apr. 10, 1992]

FIRST BUDGET RESOLUTION, 1993 (VETERANS' COMPENSATION)

Bill No.: S. Con. Res. 106 (H. Con. Res. 287); amendment No.: 1779.

Subject: Mitchell amendment (to the Mitchell amendment No. 1778 [to the Domenici, et al., substitute amendment No. 1777] exempting Medicaid from the required cap and cuts) which exempts Veterans' compensation programs from the cap that would be imposed on all entitlement programs by the Domenici, et al., substitute amendment. (The Mitchell amendment No. 1778 fell when the Domenici, et al., substitute amendment No. 1777 was withdrawn.)

S. Con. Res. 106 (H. Con. Res. 287): Vote Nos. 68-80, 110.

Result: Amendment agreed to.

YEAS (66)

Democrats (50 or 93%)

Adams, Akaka, Baucus, Bentsen, Biden, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Pell, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wellstone, Wofford.

Republicans (16 or 40%)

Burns, Coats, D'Amato, Grassley, Hatch, Jeffords, Kasten, McCain, McConnell, Murkowski, Packwood, Pressler, Seymour, Specter, Stevens, Thurmond.

NAYS (28)

Democrats (4 or 7%)

Bingaman, Boren, Nunn, Robb.

Republicans (24 or 60%)

Bond, Brown, Chafee, Cochran, Cohen, Craig, Danforth, Dole, Domenici, Durenberger, Gorton, Hatfield, Helms, Kassebaum, Lott, Lugar, Mack, Nickles, Roth, Rudman, Simpson, Smith, Symms, Warner.

NOT VOTING (6)

Democrats (3)

Bradley—2, Dixon—2, Wirth—2.

Republicans (3)

Garn—2, Gramm—2, Wallop—2 AN.

EXPLANATION OF ABSENCE

1—Official Business.
2—Necessarily Absent.
3—Illness.
4—Other.

SYMBOLS:

AY—Announced Yea.
AN—Announced Nay.
PY—Paired Yea.
PN—Paired Nay.

ANALYSIS OF ISSUE

Party Cohesion

Democrats—93%.
Republicans—60%.

Measure of party support on this vote

For (66)

Democrats—50 or 76%.
Republicans—16 or 24%.

Against (28)

Democrats—4 or 14%.
Republicans—24 or 86%.

Mr. SASSER. Mr. President, now we are going to get into a debate very shortly about numbers—about billions and billions of dollars.

We will hear how the Nunn-Domenici entitlement cap will save billions of dollars and control the growth of entitlements.

But what about the effects of this entitlement cap? How does it affect veterans, farmers, senior citizens, Medicare and Medicaid beneficiaries and the like. How do the organizations representating these individuals feel about this entitlement cap.

Well, they opposed the entitlement cap in 1992 and they oppose the cap now.

The Veterans of Foreign Wars representing 2.2 million men and women oppose the proposal.

The disabled veterans oppose the cap. They note that the budget agreement of 1990 already has cut veterans spending by over $3 billion between 1990 and 1995. They say that "to repeal current sequestration protections afforded veterans' entitlements and once again reduce veterans benefits—especially as a result of increased spending by other Federal programs—is unconscionable."

The National Council of Senior Citizens notes, perhaps quite correctly, that once you cap trust fund financed programs, the next target will be Social Security.

The Child Welfare League of America notes that the entitlement caps will devestate foster care and adoption assistance programs.

The National Conference of State Legislatures says that entitlement caps will simply shift the cost and burdens to State and local governments in order to continue to provide the same levels of benefits.

And the Food Research Action Center notes that the Congressional Budget Office would prevent approximately 12 million children currently receiving nutritional benefits from getting a nutritionally adequate diet.

So, I repeat Mr. President, here we are again. And if you want to indiscriminately cut benefits for veterans, disabled veterans, Medicare beneficiaries, civilian and military retirees, kids needing nutritional assistance, people receiving supplemental security income and the like—vote for the Domenici-Nunn amendment.

Only 28 Members of the Senate voted for this sort of proposals in 1992, and I can see no reason why any more should vote for this sort of policy now. And if you do vote for an entitlement cap, talk to your veterans, talk to your farmers, talk to your senior citizens, talk to your military retirees, talk to the people in your State that need nutrition programs, or Medicare and Medicaid, and ask them whether they should get an across-the-board reduction in their benefits.

The answer will be a resounding no. A resounding no.

So I say to anyone who did not vote for an entitlement cap in 1992, why would you want to vote for one now? Ask yourself that question as you vote on the very same proposal that was so soundly defeated in 1992.

Mr. President, I ask unanimous consent that the letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ORGANIZATIONS OPPOSED TO NUNN-DOMENICI ENTITLEMENT PROPOSAL

Veterans of Foreign Wars of the United States.
Disabled American Veterans.
The American Legion.
Vietnam Veterans of America.
National Council of Senior Citizens.
National Association of Retired Federal Employees.
Families U.S.A.
Children's Defense Fund.
American Public Welfare Association.
Child Welfare League of America.
American Hospital Association.
Association of American Medical Colleges.
American College of Emergency Physicians.
American Protestant Health Association.
Catholic Health Association.
Federation of American Health Systems.
National Association of Children's Hospitals.
National Association of Psychiatric Health Systems.
National Association of Rehabilitation Facilities.
Voluntary Hospitals of America.
National Conference of State Legislatures.
American Federation of State, County, and Municipal Employees.
Service Employees International Union.

Evangelical Lutheran Church in America.
Food Research and Action Center.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 24, 1993.

Hon. JIM SASSER,
Chairman, Committee on Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 2.2 million men and women of the Veterans of Foreign Wars of the United States, I wish to convey our strong objection to a proposal that would direct spending caps on only selected mandatory spending programs. Should this cap become law it would result in veterans' entitlement programs being subjected to sequestration because of growth in other direct spending programs.

As you are well aware, Federal spending on VA benefits and entitlements have been reduced from approximately 4.8 percent in 1975 to a current level of approximately 2.4 percent. Certainly, VA entitlements are not a major contributing factor in the escalating Federal deficit. In fact, while veterans benefits were being reduced or eliminated other Federal entitlements have increased dramatically.

Again, Mr. Chairman, the VFW opposes direct spending caps and commends you for pointing out the inequities in this ill-advised proposal.

Sincerely,

JOHN M. CARNEY,
Commander in Chief.

DISABLED AMERICAN VETERANS,
Washington, DC, March 24, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Disabled American Veterans (DAV) shares your deep concern that should a proposed program of direct spending caps on mandatory spending become law, it would subject certain veterans' entitlement programs to sequestration as a result of growth in other direct spending programs.

Senator Sasser, as you are well aware, VA entitlements are not a major contributing factor in the ever increasing federal deficit. Quite to the contrary. The number of veterans and their survivors who receive service-connected disability and death compensation payments has been on the decline for the past several years. Additionally, the percentage of federal outlays spent on VA benefits and services has been cut in half from 5.0 percent in 1975 to 2.4 percent in 1993.

I also wish to point out that the Omnibus Budget Reconciliation Act of 1990 (OBRA) required VA to reduce spending on veterans' entitlements by $620 million in Fiscal Year 1991 and a total of $3.35 billion through Fiscal Year 1995. To meet these spending reduction requirements, VA was required to: suspend payments to certain incompetent veterans; institute a $2.00 copayment for prescriptions; repeal provisions which permitted reentitlement to survivors' benefits upon termination of a former spouse's or child's marriage; limit vocational rehabilitation to certain service-connected disabled veterans; limit burial benefits to wartime veterans and delay a COLA for service-connected disability and death benefit recipients.

While veterans' benefits were being reduced or eliminated, other federal entitlements were being enhanced. The remarriage provisions for CIA surviving spouses was liberalized and increased protection was being afforded to incompetent Social Security beneficiaries. Suffice it to say, that veterans were not treated fairly under OBRA.

Additionally, President Clinton's, as well as the House of Representatives' Fiscal Year 1994 budget calls for an overall reduction of veterans' benefits and services by $5 billion over the next five years.

To repeal current sequestration protections afforded veterans' entitlements and once again reduce veterans' benefits—especially as a result of increased spending by other federal entitlement programs—is unconscionable.

Senator Sasser, DAV certainly appreciates your efforts to point out the inequities contained in a proposed program of direct spending caps and we look forward to your continuing advocacy on behalf of America's service-connected disabled veteran population.

Sincerely,

JOHN F. HEILMAN,
National Legislative Director.

THE AMERICAN LEGION,
Washington, DC, March 24, 1993.

Hon. JIM SASSER,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: The American Legion cannot accept any budget proposal which places spending caps on entitlements unless all entitlements are included, such as, social security, Medicare and Medicaid. This is especially the case if such a proposal would subject veterans' entitlement programs to sequestration due to growth in other spending programs.

Many of the veterans who receive these benefits are on a fixed income and their livelihood depends on annual cost-of-living-adjustments (COLAs). Many of those who receive these benefits paid a dear price such as the loss of an arm or a leg or even the death of a spouse or parent. To deny them an annual COLA is to ignore their sacrifices.

The national deficit cannot and must not be balanced on the lives of those who had nothing to do with its creation. If every federal agency had practiced the same budgetary restraint that the Department of Veterans Affairs has, there would be a national surplus rather than a deficit. Progress can be made to reduce the red ink, but it must be based on prudent decisions. Economically crippling those who can't help themselves is not the right approach.

Thank you for your continued leadership on this and other issues concerning America's veterans. Your favorable consideration of the Legion's concern would be greatly appreciated.

Sincerely,

ROGER A. MUNSON,
National Commander.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, March 24, 1993.

Chairman JIM SASSER,
Senate Budget Committee, Washington, DC.

DEAR CHAIRMAN SASSER: Vietnam Veterans of America, Inc. is adamantly opposed to the entitlement caps amendment to the Senate Budget Resolution proposed by Senators Nunn, Domenici and others. Not only is this bad economic policy because the random, across-the-board cuts of an automatic sequester allow no prioritization of programs subject to reduced funding, but also because one group of entitlement beneficiaries, Social Security recipients, is given an up-front exemption from any sequester.

Given the current crisis in this nation, in which all Americans are asked to sacrifice in the short term in order to reduce the budget deficit and rebuild for the future, it would seem that this entitlement cap proposal singles out one population for which sacrifice is not required. Provision for any exemptions is simply unacceptable. If the legislator's "I-can-cut-more-than-you-can" game must be played such that specific constituencies are granted exemptions from entitlement caps, the only group that should be singled out is veterans-individuals who have already sacrificed of themselves for the benefit of this nation.

Again, I reiterate that the proposed entitlement cap is simply unacceptable because of the blatant disregard for the concept of equal sacrifice.

Sincerely,

PAUL S. EGAN,
Executive Director.

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, DC, March 24, 1993.

Hon. JIM SASSER,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR CHAIRMAN SASSER: The National Council of Senior Citizens (NCSC), on behalf of our five million members and 5,000 clubs and Councils nationwide, urges you to oppose Senators Nunn's and Domenici's proposal to place a budget cap on entitlement programs. We find this to be the most outrageous attack on the elderly we have seen in years.

This proposal could do serious harm to such critical programs as Medicare, Medicaid, veterans' benefits, civil service, military and railroad retirement, food stamps and SSI. All of these are vital programs for the elderly and their families which NCSC has long worked to defend. Moreover, once Congress has acted to cap trust fund financed programs, such as Medicare and railroad retirement, we foresee targeting Social Security for the next cap.

Senator, the National Council of Senior Citizens urges you and all other members of the Senate to do all that is in your power to stop this assault on the elderly, the poor and the most vulnerable of our society. Thank you.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

NATIONAL ASSOCIATION OF
RETIRED FEDERAL EMPLOYEES,
Washington, DC.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Budget Committee's modified version of President Clinton's budget proposals would be greatly harmed by an amendment expected to be offered by Senators Nunn, Robb, Domenici and Danforth. This amendment would include a provision to place annual caps on total entitlement spending beginning in fiscal year 1996.

If Congress failed to pass reconciliation legislation that met the cap, an automatic sequester of entitlement programs, excepting social security, would occur. Federal retirees know what it is to have their inflation protection sequestered unfairly. A repeat of that unfairness on top of the sacrifices already made is totally unacceptable.

The sacrifices already made by federal retirees sum to $31.6 billion for the period '82–'92. NARFE members and other federal retirees have accepted their portion of painful cuts—delayed and diet COLAs and increased enrollee costs for health care. Our ability to sustain sacrifice must know some limit and we must draw the line at an amendment that could again unfairly deny equity in inflation protection.

Sincerely,

C.W. CARTER,
President.

FAMILIES, USA,
Washington, DC, March 23, 1993.

Hon. JIM SASSER,
Chairman, Budget Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SASSER: I understand that an amendment to the President's economic package may be offered that would put a cap on Medicare and Medicaid spending. Such an amendment would bring disastrous results.

Isolated cuts in Medicare and Medicaid, without comparable cuts in private sector health spending, would exacerbate three existing problems.

First, they could result in higher out-of-pocket health costs—through added premiums, deductibles and copayments for poor people and seniors. For too many program beneficiaries, these costs are already unaffordable.

Second, by reducing Medicare and Medicaid payment levels for health care providers, fewer physicians and hospitals would keep their doors open for the elderly and the poor. Already there is a large discrepancy between what doctors and hospitals receive from privately insured patients versus payments from Medicare and Medicaid. If that discrepancy grows, discrimination will increase as fewer seniors and poor people would have access to care.

Third, doctors who continue to treat seniors and the poor would make up for lost Medicare and Medicaid income by shifting more health-care costs onto everyone else. Thus, the health-billing shell game would continue to get worse. Costs would be shifted to middle-class families and to businesses but not contained.

A major contribution to deficit reduction would result from reining in all health-care spending—including Medicare and Medicaid—by placing effective limits on what Americans are charged for our health care. Capping Medicare and Medicaid in isolation would cause more harm than good. We support your efforts to defeat this harmful amendment.

Sincerely,

RON POLLACK,
Executive Director.

CHILDREN'S DEFENSE FUND,
Washington, DC, March 23, 1993.

Hon. JIM SASSER,
Chair, Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my dismay that some members of the Senate are once again considering placing a cap upon entitlement programs. Children, our nation's future, will be the primary victims of such an arbitrary rule. Children already face enormous burdens and obstacles in our country, and the entitlement programs for them are already the stingiest and most limited. Placing a cap upon entitlement programs will only exacerbate these problems. At a time when we have opportunities to make a real difference for our children, it is unacceptable, both morally and politically, for Congress to pass such an arbitrary rule.

Last year, the Congressional Budget Office listed the following programs which benefit children and their families as covered by an entitlement cap, if one becomes law: Foster Care and Adoption Assistance, Medicaid, Unemployment Compensation, Food Stamps, Family Support (AFDC), Child nutrition programs, Supplemental Security Income (SSI), and guaranteed student loans. These are the very same programs which are rescuing children and their families during these tough economic times. It is the very fact that they are not capped which has provided the much-needed, if wholly inadequate, "safety net."

The costs of health care are the source of the large entitlement spending increases. But capping Medicare and Medicaid is the wrong answer at a time when access to health care for the elderly and the poor is worsening. The nation needs a national strategy to guarantee access to health care while restraining costs in the entire health sector. Capping just Medicare and Medicaid without attacking the problems of the health care system will not control health care inflation, but it will shift costs and reduce access to quality care for the most vulnerable populations. It would be particularly ironic—and outrageous—if, just as the new Administration is about to propose health care reform, Congress made it much more difficult to secure by passage of such a cap.

Including an across-the-board cap on other entitlements that have not been growing except when driven up by recession or other crises will mean that basic programs desperately needed by children and their families, those listed above, would be cut simply by rising health costs. This is illogical and inhumane. It effectively undermines all of the very laudatory purposes which the Congress had in mind when it created these programs.

The plight of America's children and their families is worsening. There are now over 14 million children in our country living in poverty. Over 100,000 of our children go to sleep homeless each night. An entitlement cap will arbitrarily wreak additional havoc in vulnerable lives which need support and stability from their government.

Thank you for your continuing leadership in opposing the entitlement cap amendments. If I or my staff can be of assistance to you, please let me know.

Sincerely,

MARIAN WRIGHT EDELMAN,
President.

AMERICAN PUBLIC
WELFARE ASSOCIATION,
Washington, DC, March 24, 1993.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: We understand the Senate will shortly consider an amendment to cap entitlement program spending.

Although we recognize the amendment includes an inflation factor adjustment, we must register our strong concern that this amendment would be very damaging to low income families and children.

Programs that serve these vulnerable populations can be affected by many unpredictable changes, particularly economic downturns and health care costs. A more appropriate solution to the latter problem is national health care reform.

We strongly urge you to oppose this amendment.

Best regards,

A. SIDNEY JOHNSON III.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, March 23, 1993.

DEAR SENATOR: The Child Welfare League of America (CWLA) strongly supports the FY94 Budget Resolution, S. Con. Res. 18, and opposes any amendments which would impose a cap on means-tested entitlement programs or otherwise harm America's growing numbers of vulnerable and at-risk children and families.

CWLA is a membership organization composed of 700 public and private nonprofit agencies in every state struggling to provide a range of services to some of the most vulnerable in our country—seriously abused or neglected children, children in foster care and children awaiting adoption. As the numbers of such children have escalated rapidly in recent years, and their seriousness and complexity of their problems have multiplied, help and assistance for these infants, children and youth has been increasingly inadequate. S. Con. Res 18 supports crucial new investments in the lives and well-being of these children and their troubled families.

Efforts to cap on means-tested entitlement programs—particularly Foster Care and Adoption Assistance and Medicaid (Titles IV-E and XIX of the Social Security Act)—would be especially harmful to these children.

The Federal Foster Care and Adoption Assistance Program is a means-tested entitlement which provides the primary source of basic support for abused and neglected children who must be separated from their parents and placed in foster care, as well as for such infants and children seeking loving and permanent adoptive homes. These children have severe problems, ranging from prenatal exposure to crack cocaine and alcohol, serious handicaps and emotional disabilities, and efforts to limit IVE support would only add to their problems.

Medicaid is another means-tested entitlement program of vital importance for abused and neglected children, children in foster care and children awaiting adoption. Many of these children exhibit significant physical, mental, emotional and developmental problems associated with the traumas they have suffered and rely on Medicaid to help them overcome these problems and lead healthy and productive lives. Capping Medicaid assistance could be especially threatening to these youngsters.

We urge you to vote in favor of S. Con. Res. 18 and oppose any amendments to cap means-tested entitlement programs or other efforts to cut back on essential investments in America's children and families.

Sincerely,

DAVID S. LIEDERMAN.

AMERICAN HOSPITAL ASSOCIATION, ASSOCIATION OF AMERICAN MEDICAL COLLEGES, AMERICAN COLLEGE OF EMERGENCY PHYSICIANS, AMERICAN PROTESTANT HEALTH ASSOCIATION, CATHOLIC HEALTH ASSOCIATION, FEDERATION OF AMERICAN HEALTH SYSTEMS, NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INDUSTRIES, NATIONAL ASSOCIATION OF PSYCHIATRIC HEALTH SYSTEMS, NATIONAL ASSOCIATION OF REHABILITATION FACILITIES, VOLUNTARY HOSPITALS OF AMERICA,
March 23, 1993.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: As organizations representing health care providers, we strongly urge you to reject any attempt to place caps on Medicare, Medicaid, or other entitlement spending during your consideration of the fiscal year (FY) 1994 budget resolution.

Imposing caps on Medicare and Medicaid spending, as well as other entitlements, would arbitrarily restrict spending on health care without any rational basis and avoids dealing with the reasons for health care cost inflation. By not addressing the underlying causes for the growth in health spending, this proposal would aggravate, rather than relieve, the defects inherent in our health care system. Spending caps would not spur necessary fundamental change in the health delivery system so that it is more patient-centered, but would simply lock in the status quo without any real reform.

The President has already called for $48 billion in savings from the Medicare program and $10 billion in savings from Medicaid over the next five years through a variety of reductions in payments to hospitals, doctors and other providers. Furthermore, the Administration has labeled these reductions in the Medicare program as a "stop-gap" measure, linking them directly to the need for comprehensive health care reform and to the fair treatment of providers and consumers alike.

Over the years, Medicare and Medicaid have seriously underpaid most of America's providers for the care they render. Further cutbacks could only have an adverse impact on the ability of providers to continue offering the same level of high quality care.

While we recognize the difficulties of achieving meaningful deficit reduction, we do not believe that placing arbitrary caps on entitlement spending should be a basis for accomplishing this end. Neither will it result in sound health policy. We, therefore, strongly urge you to oppose any effort to place caps on entitlement spending as you develop your FY 1994 budget resolution.

Sincerely,

The Above-listed Health Care Organizations.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, March 24, 1992.

Hon. PETE DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: As an organization that represents state governments, we recognize that the reduction of the federal deficit and the restoration of sound fiscal policy are critical to the economic future of America. However, while serious deficit reduction may require reducing federal entitlements, your amendment to cap the federal share of mandatory spending does not reduce the cost of these programs. It simply shifts the cost and burden to state and local governments in order to continue to provide the same level of benefits.

States are participants in the current delivery and funding of federal entitlement programs. For some time, we have been required to assume many of their costs and burdens. While the growth of entitlements has adversely impacted the federal budget, a similar effect has occurred at the state level.

If you decide to proceed with your amendment to cap entitlements, it should include statutory or regulatory changes to existing law that would authorize options for states to restructure, reduce or limit services; eligibility or payments to beneficiaries. Moreover, if entitlement programs are capped or reduced without these corresponding changes, states must be absolved from legal obligations to provide services to entitled individuals.

It is imperative that states participate as full partners in reshaping entitlement programs and reducing their rate of growth. We look forward to working with you on this goal.

Sincerely,

WILLIAM T. POUND,
Executive Director.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, March 24, 1993.

DEAR SENATOR: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the entitlement cap amendment to the Fiscal Year 1994 Budget Resolution expected to be offered by Senator Nunn (D–GA).

It is our understanding that this amendment would seek to place an annual cap on total entitlement spending. There are a number of problems with such a cap at this time. First, it would be a procedural fix to a substantive problem, resulting in false expectations in that it calls for deficit reduction without specifying where the savings would come from. It also fails to recognize the significant savings already called for in President Clinton's Economic Plan, which we support. It also does not do anything to address the root cause of rising entitlement costs, specifically spiralling health care costs. And, finally it would raise serious equity issues if it could be implemented.

For these and other reasons, we oppose the entitlement cap amendment and urge the Senate to reject it.

Sincerely,

EDWIN S. JAYNE,
Associate Director of Legislation.

SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL–CIO, CLC,
Washington, DC, March 23, 1993.

Hon. JIM SASSER,
Budget Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SASSER: On behalf of the one million members of the Service Employees International Union, I urge you to oppose any amendment to cap entitlements. Entitlement caps are blunt budgetary tools that penalize the poor, the elderly, the medically needy, and other at-risk populations.

If a budgetary cap were passed, efforts to enact comprehensive healthcare reform would be thrown into disarray. President Clinton's Healthcare Task Force is currently working to find means to bring healthcare costs under control while fundamentally extending access to under served populations. This ticklish process includes consideration of a complex mixture of new revenues and stringent cost controls. An entitlement cap would undermine the Task Force's work and severely constrain President Clinton's options for healthcare reform.

The entitlement cap would add additional financial pressures to state and local governments. Federal entitlement programs are already a severe strain on state and local governments. Capping the federal commitment to the programs would rob state and local governments of the resources necessary to carry out the federal entitlement programs.

Finally, capping entitlements would not remove the need for the programs, it would only aggravate the crisis.

Again, I urge you to oppose all entitlement caps.

Sincerely,

JOHN J. SWEENEY,
International President.

EVANGELICAL LUTHERAN
CHURCH IN AMERICA,
Washington, DC, March 23, 1993.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the Evangelical Lutheran Church in America, I wish to express concern over any proposed amendment to the 1994 Budget Resolution that would cap entitlement spending. An entitlement cap would severely damage entitlement programs for low income people. Cutting back vital safety net programs for low income people is not the answer to rising entitlement costs.

Entitlement growth in recent years has been due primarily to ever increasing medical costs. Between 1980 and 1990, the cost of all entitlements other than Social Security and the health care entitlements actually declined both in inflation-adjusted terms and as a share of the Gross Domestic Product. Yet a cap on medicaid and medicare at this time could negatively impact the potential for real health care reform. Universal access to comprehensive health care with effective cost controls not entitlement caps is a more appropriate response to rising entitlement costs.

I urge you to vote against any amendment that would cap entitlements.

Sincerely,

KAY S. DOWHOWER,
Director.

FOOD RESEARCH AND
ACTION CENTER,
Washington, DC, March 22, 1993.

Hon. JAMES SASSER,
Chairman, Senate Budget Committee, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our opposition to proposed annual caps on entitlement spending. As an organization dedicated to alleviating hunger and poverty in this country, these entitlement caps will have devastating implications on our agricultural and nutrition programs. Last year, Senator Domenici offered a proposal capping all entitlement programs, including nutrition. The Congressional Budget Office estimated that such an entitlement cap proposal would prevent approximately 12 million children currently receiving nutritional benefits from getting a nutritionally adequate diet. We urge you to defeat all attempts to cripple vital anti-hunger programs by placing arbitrary entitlement caps on them.

A cap on entitlement programs is not the answer to growing program costs. Most experts agree that the root cause of the increased cost lies in the area of health care. Health care costs are spiralling at such alarming rates that even if caps are proposed, health care costs will exceed their cap. The answer is health care reform, including cost containment, not caps on nutrition programs for low income, vulnerable populations.

In a year when reports documenting childhood hunger continue to demonstrate the need for stronger anti-hunger programs, we feel the direction that some supporters of a cap are taking is ill-advised. Families facing hard times must be able to depend upon strong and viable food assistance programs. A cap on the food stamp and child nutrition programs would inevitably lead to program cuts resulting in the exclusion of eligible participants and benefit reductions. Cutting across the board does not determine which programs are needed and which are not. It is not government by choice but by decree.

We urge you to vigorously oppose all efforts to place these egregious caps on entitlement programs.

Sincerely,

EDWARD M. COONEY,
Deputy Director.
ELLEN S. TELLER,
Staff Attorney.

Mr. MITCHELL. Mr. President, and Members of the Senate, we are now at a point in these proceedings that is without recent precedent. We have utilized all of the 50 hours prescribed by the Budget Act on the budget resolution. We have disposed of 30 amendments and consumed the full 50 hours.

A number of Senators have filed amendments which have not yet been considered. Some of them are germane to the resolution, some are not. In order to accommodate the sharply conflicting interests of Senators in this situation and permit us to complete action in a reasonable time, I am going to momentarily suggest the absence of a quorum so that the Republican leader and I and the managers can meet briefly to discuss the best way to proceed in an effort to respond to the numerous requests I have had this evening, now exceeding 20 or 25, about what time are we going to leave, how long are we going to go, when are we going to finish and questions of that type.

I think it makes sense to at least attempt to discuss and determine a procedure for handling the situation that accommodates as many people as possible. I do not expect that to last more than just a few minutes. I ask our colleagues to forebear and be patient during that period.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, and Members of the Senate, under the Budget Act all of the 50 hours on the resolution having been used, there is no further time for debate. However, under the same act, any Senator who now wishes to do so may offer an amendment on which a vote would occur immediately. We have many differences on issues, but I think we can all agree on one thing, that this is a very poor way to legislate.

Amendments can now be offered in which no one knows what is in them, no one knows if they are germane, no one knows if they are subject to a point of order, no one knows if they have anything to do with the resolution. Some of them I believe will involve subject matter which has been the subject of previous amendments on the resolution. Whether or not we ought to change the rules is a subject for another day. We have to deal with the situation as it now exists. Therefore, the distinguished Republican leader, the managers, and I have discussed it, and we believe there is no alternative but simply to proceed to begin to take up the amendments and to act on them.

Since almost all of the large list of amendments are being proposed by Republican Senators, we have agreed that the Republican leader, acting on behalf of his colleagues, will designate the first several of the amendments to be offered, and that we will then act upon each of those amendments without debate or any intervening action.

I now direct an appeal to my colleagues on the Democratic side.

I repeat this is a poor way to legislate. You are being asked to vote on amendments which you have not seen, which you have not read, which you have not had a chance to consider, which you do not know whether or not they are germane to this resolution. You do not know whether they are subject to a point of order, you do not know whether they have anything whatsoever to do with the resolution. We must complete action on this resolution by noon tomorrow under prior agreement.

Therefore, I have concluded that the only responsible way to deal with this situation is simply to table every amendment, not attempting to pass a judgment on the merits of it, because I cannot say to you, I cannot represent to you, that an amendment is without merit if I have not seen the amendment. Neither can you make that judgment. But the fact of the matter is we have debated this for a full 50 hours as permitted under the act. We have acted on 30 amendments. I think it is time to move on. The only way we are going to get through this, the only way we are going to get this done and get it over with, is simply to proceed and act on the amendments.

So I ask my colleagues to join with the chairman of the Budget Committee and simply vote to table every amendment. If it is a meritorious amendment, there will be a proper place to deal with it. This is a budget resolution which is an internal congressional document which does not in any event become law. The Constitution requires that in order for an action to become law, it must be passed by both Houses of the Congress and presented to the President for signature.

This resolution will not be presented to the President for signature. Therefore, if someone has a serious amendment which they want to become law, there will be an appropriate legislative mechanism to present it. This is not that mechanism. Anything that we do have is not going to become law. Therefore, I strongly urge and encourage my colleagues to join the chairman of the committee, and myself, in voting to table these amendments so that we can get through this business and get it over with.

I want to say that I apologize to anyone who offers a meritorious amendment. Obviously every person offering an amendment will believe it to be meritorious. Otherwise they will not be offering it. But I know of no other way to deal with this in a reasonable and responsible way. There simply is not time for anyone to evaluate an amendment. There is hardly time to discern the title. Since there is no opportunity to debate, we just do not have the chance to have a full understanding of the matter.

At the last count, I had—I am certain I am not up to date on this—there were nearly 50 amendments that have been filed. Of course, the rules do not require that an amendment have been filed in order to be offered.

I know that my colleagues on the Republican side are making a genuine, good faith effort to reduce the number that will actually be offered and voted on. But at this time we do not have any way of assurance on what that total number will be.

So I have concluded my statement on this subject. I suggest we proceed. Before we do, I would like to yield to the distinguished Republican leader for any comments that he may wish to make and to the managers if they wish to do so.

Mr. METZENBAUM. Would the majority leader yield?

Mr. MITCHELL. Yes.

Mr. METZENBAUM. Under the circumstances would it not make sense to have 10-minute rollcalls without any 5-minute lag period so we can keep going?

Mr. MITCHELL. That is what we are going to do.

Mr. DOLE. Mr. President, in fact we think we can have—I discussed this with the majority leader—10 minutes on the first, and 7½ minutes on the subsequent votes.

Mr. President, let me indicate that it is not the best way to legislate but many of my colleagues on this side, not because of any fault of their own, did not have an opportunity to debate the amendments during the 50 hours. It used to be 100 hours under the budget; we cut it back to 50 hours.

In 1981, there were 31 amendments to the budget resolution. I do not think there were any motions to table made. They were all, with one exception, defeated. They were to restore immunization funds, restore veterans, a lot of restoration funds in the budget. But I think there is one difference between now and the past; that is, there is a 12 o'clock noon deadline tomorrow.

So on this side it is obviously in our interest to proceed as the majority leader indicated because we may be cut out tomorrow if we come back and start at 9:30, with 7½ minutes per vote or whatever it takes tomorrow morning. At 12 noon we are finished.

Many of our Members would like to have a vote. They have not had a chance to debate, but they would at least like to have a vote on their amendment.

So it is my suggestion to do as the majority leader suggested. Let us proceed and move as rapidly as we can. If Members will stay here, we can dispose of 10 or 11 of these in a fairly short time. That would only leave 10 or 11 tomorrow morning. We are trying to reduce the list. Right now, I think there are 29 amendments that have been filed, and we would also suggest that we have some agreement that this is the list, that we have a finite list, and we do not add anymore overnight. We will try to get that agreement after the next vote.

So we are prepared to proceed, so that we can accommodate all of our colleagues, and at the same time protect those who have had no opportunity to debate their amendments but do want to vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to the Senate—in particular to the Republican Senators, first of all—I do not want to leave the impression, nor do I think the majority leader did, that because Republicans still have amendments, that we are somehow dilatory, or we are asking for some kind of special treatment. The truth of the matter is, we have been very cooperative. As a matter of fact, this is the first time since we have done this—and I have been on all of them—we have gone out of our way to get the amendments printed. I was here one time until 3 in the morning, and Senators were calling them up and sending them up there. There was such frustration that people were trying to get an answer as to what was in them.

We started early saying let us do them right, so that when Senator COHEN calls up an amendment, he will say number such and such. If you want to get ready in advance, you can pass out his amendment. That is a much better way to do it than we have ever done.

I thank our Senators for being cooperative in that regard. With reference to how people vote, I suggest that your leader suggested one way. I submit there are going to be just as real votes as we have had in the last 4 or 5 days. If on that side of the aisle everybody chooses to table them, I think you are going to know what your are tabling. Some of them are going to be very important amendments, as they have been in the past, to issues in our respective States.

So we are going to be ready on our side. We have a list. We hope you are all going to be satisfied with our efforts to start a list of 10, and then we will work quickly for another list of 10. We hope to get as many of them, if not all, completed in the time allowed before 12 noon tomorrow. I thank the leader.

Mr. MITCHELL. Mr. President, if I might state in response, first, I did not, either explicitly or implicitly, suggest that there was bad faith on anybody's part. Quite the opposite. We have been attempting to do this in a cooperative way, and the fact of the matter is, as everybody here knows, I am sure, if we were acting in bad faith, we could offer an unlimited string of second-degree amendments to the first Republican amendment that came up, and there would not be any votes on any Republican amendments. I, obviously, could make a nondebatable motion to adjourn until noon tomorrow, and there would not be any Republican amendments. Obviously, we are not going to do that, because there is no desire to cut anybody off. Rather, it is an attempt to accommodate in good faith what is an unusual situation, to say the least.

Mr. DOLE. Mr. President, if I might say to the Members on this side, be prepared in the order we have. Unless there is objection on the other side, this is the order: Senator BURNS, Senator CRAIG, Senator DURENBERGER, Senator STEVENS, Senator MURKOWSKI, Senator WARNER, Senator MCCAIN, Senator THURMOND, Senator SPECTER, Senator KASSEBAUM, and Senator BROWN.

Mr. BRADLEY. Mr. President, reserving the right to object, is the majority leader's intention that the only people offering amendments would be the Republicans? I would like to offer one at least after the first two or three, or whatever the majority leader feels would be appropriate.

Mr. MITCHELL. Well, so far, the list that we have, and I do not know the exact number. The last I heard, it was nearly 50, and they were Republican amendments. I was unaware of the amendment the Senator wishes to offer. No Senator can be precluded from offering an amendment. Any Senator who wants to do so may do so.

I hope Senators will not do so. We really have to finish action on this. I just want to comment further on what the Senator from New Mexico said about the significance of these amendments. We are all aware of what is occurring. Amendments are going to come up here that may be popular on a particular issue. It may have nothing to do with this resolution. Obviously, you will be on record at least on a motion to table.

But I do not know what the alternative to this is. It seems to me that it is a rational explanation that, first, a tabling motion is not a final disposition of the measure. Secondly, this is a budget resolution that is not going to become law. It cannot become law.

So I hope that my colleagues will refrain from offering amendments and will join in tabling the amendments that come up, so we can proceed and get on with this.

Mr. LEVIN. If the majority leader will yield for a question, is the current unanimous consent agreement that we vote at noon tomorrow on final passage, whether or not there are pending amendments?

Mr. MITCHELL. That is correct. At noon, whatever amendment we are on will be disposed of, and there will be no further amendments.

Mr. LEVIN. They will just fall by the way side?

Mr. MITCHELL. Any amendment not offered and disposed of will not be in order.

Mr. DODD. Is there a time agreement on each amendment that has already been agreed to?

Mr. MITCHELL. There is no time.

Mr. DODD. Will there be 10 or 15 minute votes?

Mr. MITCHELL. I am going to shortly request that the votes be 10 minutes. I am hoping that all Senators are present or within easy reach of the Capitol, and that this discussion has given those who are not an opportunity to get here.

Mr. STEVENS. If the majority leader will yield for a question, Mr. President, I would like to ask the majority leader this. Some of us were here on the floor several times seeking time. I did on several occasions. The Members on your side used their time exclusively, totally, and we were not involved at all even in getting time allocated on some of these amendments. The leader indicates these are not pertinent, and that implied somehow to me that there is some ulterior motive in these amendments.

If that is the case, I am very sad, because the amendment I have, I filed on Monday. I have had no time. As a matter of fact, I did not know about the unanimous-consent agreement that cuts the amendments off by noon tomorrow. The law says we are entitled to offer amendments.

In any event, I wonder about this concept of tabling every amendment without any knowledge at all of what is in the amendment.

Mr. MITCHELL. Mr. President, if I might explain, first, I did not intend to suggest an ulterior motive by the Senator from Alaska or anybody else. I surely would not have done that in any event. Secondly, the only thing worse in my mind in tabling an amendment that you do not know the contents of is to vote for the amendment that you do not know the contents of.

We are forced into a difficult situation. First, on the resolution, the time was equally divided. There should be no implication that Members of the Democratic side got more time than the Republican Senators. They did not.

The time is equally divided under the Budget Act, and the responsibility of handling the matter on each side rests with the managers.

So I do not know what happened to the Senator's amendment. I have no way of knowing. I am very sympathetic to him. As I said, there might well be some amendments I believe to be meritorious and would otherwise vote for them. As I said, asking a Senator to vote for an amendment on which he does not know the subject, he does not know what is in it, I think is not a prudent thing to do. I would prefer for myself—and I am urging my colleagues, and I respect the Senator—to vote to table it, and give the Senator offering it an opportunity at some later time—perhaps in some cases on a more appropriate legislative vehicle—to present it.

This does not foreclose any action in the future on any measure.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I hate to prolong this debate, but I would just like to suggest to the majority leader that I sent a dear colleague letter around last year. I was ready to offer mine on Friday and was asked by the other side of the aisle to wait. I was prepared to go Monday and was asked if I could wait until Senator KENNEDY got back in town on Tuesday. On Tuesday I was shut out by major amendments on the floor yesterday.

So I have been waiting in the wings, Mr. President. It is an amendment regarding direct lending to student loans that are not familiar to some people on the floor.

There are some of us who did try to find a slot and were trying to be accommodating.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, throughout this process, my understanding has been that the managers have alternated between Democratic amendments and Republican amendments, and the decision on which Republican amendments to be offered was made by the Republican leadership, as is appropriate, and the decision on which amendments were to be made on the Democratic side was made by the Democratic manager.

I do not know what else to do under the circumstances, and I am truly regretful and sympathetic to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there is no way for the distinguished majority leader to know this without my statement. I was here on Monday, which was a day that few of us were here, and my manager said: "Put your amendment up and debate it," which I did within the timeframe that he gave.

So when the majority leader said no one knows about it, my amendment is in Monday's RECORD, was debated 10 minutes, and the amendment and the debate is in the RECORD. It is germane and relating to national defense.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

AMENDMENT NO. 190

(Purpose: To reduce the revenue level contained in the budget resolution by an amount sufficient to assume an exemption under the Btu energy tax for off road fuel use and to offset lost revenues by reducing spending increases)

Mr. BURNS. Mr. President, I ask that we call up amendment No. 190, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana, [Mr. BURNS], proposes an amendment numbered 190.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. SASSER. Mr. President, I move to table the amendment of the Senator from Montana.

Mr. STEVENS. I object. The amendment under the rule must be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, decrease the amount on line 18, by $420,000,000.

On page 2, decrease the amount on line 19, by $440,000,000.

On page 3, decrease the amount on line 2, by $460,000,000.

On page 3, decrease the amount on line 4, by $480,000,000.

On page 3, decrease the amount on line 6, by $500,000,000.

On page 3, decrease the amount on line 10, by $420,000,000.

On page 3, decrease the amount on line 11, by $440,000,000.

On page 3, decrease the amount on line 12, by $460,000,000.

On page 3, decrease the amount on line 13, by $480,000,000.

On page 3, decrease the amount on line 14, by $500,000,000.

On page 4, decrease the amount on line 6, by $420,000,000.

On page 4, decrease the amount on line 7, by $440,000,000.

On page 4, decrease the amount on line 8, by $460,000,000.

On page 4, decrease the amount on line 9, by $480,000,000.

On page 4, decrease the amount on line 11, by $500,000,000.

On page 4, decrease the amount on line 15, by $420,000,000.

On page 4, decrease the amount on line 16, by $440,000,000.

On page 4, decrease the amount on line 17, by $460,000,000.

On page 4, decrease the amount on line 18, by $480,000,000.

On page 4, decrease the amount on line 19, by $500,000,000.

On page 5, decrease the amount on line 1, by $420,000,000.

On page 5, decrease the amount on line 2, by $440,000,000.

On page 5, decrease the amount on line 3, by $460,000,000.

On page 5, decrease the amount on line 4, by $480,000,000.

On page 5, decrease the amount on line 5, by $500,000,000.

On page 5, decrease the amount on line 11, by $420,000,000.

On page 5, decrease the amount on line 12, by $440,000,000.

On page 5, decrease the amount on line 13, by $460,000,000.

On page 5, decrease the amount on line 14, by $480,000,000.

On page 5, decrease the amount on line 15, by $500,000,000.

On page 5, decrease the amount on line 22, by $420,000,000.

On page 5, decrease the amount on line 23, by $440,000,000.

On page 5, decrease the amount on line 24, by $460,000,000.

On page 5, decrease the amount on line 25, by $480,000,000.

On page 6, decrease the amount on line 1, by $500,000,000.

On page 6, decrease the amount on line 7, by $420,000,000.

On page 6, decrease the amount on line 8, by $440,000,000.

On page 6, decrease the amount on line 9, by $460,000,000.

On page 6, decrease the amount on line 10, by $480,000,000.

On page 6, decrease the amount on line 11, by $500,000,000.

On page 41, decrease the amount on line 17, by $420,000,000.

On page 41, decrease the amount on line 18, by $420,000,000.

On page 41, decrease the amount on line 24, by $440,000,000.

On page 41, decrease the amount on line 25, by $440,000,000.

On page 42, decrease the amount on line 6, by $460,000,000.

On page 42, decrease the amount on line 7, by $460,000,000.

On page 42, decrease the amount on line 13, by $480,000,000.

On page 42, decrease the amount on line 14, by $480,000,000.

On page 42, decrease the amount on line 20, by $500,000,000.

On page 42, decrease the amount on line 21, by $500,000,000.

On page 50, decrease the amount on line 9, by $420,000,000.

On page 50, decrease the amount on line 10, by $2,300,000,000.

On page 57, decrease the amount on line 18, by $420,000,000.

On page 57, decrease the amount on line 19, by $2,300,000,000.

On page 71, decrease the amount on line 13, by $460,000,000.

On page 71, decrease the amount on line 14, by $460,000,000.

On page 71, decrease the amount on line 16, by $480,000,000.

On page 71, decrease the amount on line 17, by $480,000,000.

On page 71, decrease the amount on line 20, by $500,000,000.

On page 71, decrease the amount on line 21, by $500,000,000.

Mr. STEVENS. The purpose of the amendment was not read. I will object every time unless you say what the purpose of the amendment is.

Mr. MITCHELL. Is this the Senator's amendment.

Mr. STEVENS. No.

I continue to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that there be a 10-minute rollcall vote on——

Mr. SARBANES. Give 15 minutes on the first one.

Mr. SASSER. Fifteen. I withdraw the request.

Mr. MITCHELL. Mr. President, the Senator from Alaska has requested, and I am not certain what he had asked.

Would he restate the request.

Mr. STEVENS. Mr. President, the purpose of the amendment was not even read before the motion to table was made. I do not see any reason to make a motion to table before at least the body is informed of the purpose of the amendment. It is just a sentence.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MITCHELL. Mr. President, it was the offeror of the amendment, Senator BURNS, who asked that the reading be dispensed with.

Mr. FORD. What I was getting ready to say is he asked for the yeas and nays. We did not. And the manager of the bill on this side moved to table.

Mr. STEVENS. It was his request, not the request of the leader.

Mr. SASSER. Mr. President, let me say I am prepared to stand on this floor until 12 o'clock noon tomorrow. I will be delighted to listen to the reading of all amendments, and I will be pleased to go through 15 minutes of rollcall votes on all amendments if that is what the Senators desire to do. But the majority leader is simply trying to shorten this thing and in such a way so that all amendments can be dealt with in an expeditious way.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the following: Let us proceed with the first amendment. With respect to the second amendment and each amendment thereafter, I request that the majority and minority staffs combine their formidable talents and develop a brief statement of the intention of the amendment that be read at the time of each amendment as it arises, and I mean brief. If it cannot be agreed to on both sides, then it is not going to be read so that we can proceed to get this done. I do not want to get into the situation where a statement of the intention of the amendment is a mechanism for avoiding the time for debate. The longer we go on this and the more time we spend, the less we are going to accomplish.

The first vote is going to be a 15-minute rollcall under the ordinary rules because we do not know where all Senators are or how much notice they had. Following that, I will make a determination on how best to proceed.

Mr. SARBANES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SARBANES. If the regular order is invoked is the regular order now the presentation of the amendment, a reading of the amendment, and a 15-minute vote?

The PRESIDING OFFICER. That would be the order.

Mr. SARBANES. That would be the regular order.

Mr. MITCHELL. Mr. President, I yield to the Senator from Montana.

Mr. BURNS. Mr. President, I offered the amendment in that way to expedite it and I thought the understanding of the leadership was to expedite the votes tonight. That is the reason I offered it in the manner I did.

I am sorry I created any confusion among my colleagues, but I called up the amendment and I will ask for the yeas and nays if we have to start all over again.

Mr. SASSER. Mr. President, I appreciate what the Senator from Montana is saying, and I thank him for it.

If there is nothing more to be said at this moment, I make a motion to table the amendment of the Senator from Montana and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 190) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG].

AMENDMENT NO. 197

(Purpose: To reduce the Federal deficit by $3.290 billion in fiscal years 1994-98, increase efficiency and economy in Federal procurement, provide new job opportunities, increase competition for Federal construction contracts, promote small and minority business participation in Federal contracting, and eliminate unnecessary paperwork and reporting burdens, by providing for the repeal of the Davis-Bacon Act of 1931 and for conforming revisions in the Copeland Act of 1934)

Mr. CRAIG. Mr. President, I call up amendment 197.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. BROWN, Mr. NICKLES, Mr. HATCH, Mr. MCCAIN, and Mr. FAIRCLOTH, proposes an amendment numbered 197.

Mr. CRAIG. Mr. President, the purpose of this amendment is to repeal the Davis-Bacon Act of 1934.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. CRAIG. Mr. President, do we have at the desk the purpose as stated by our leader?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be described by the clerk.

The legislative clerk read as follows:

Craig amendment 197 regarding Davis-Bacon.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 1, decrease the amount by $460,000,000.

On page 5, line 2, decrease the amount by $470,000,000.

On page 5, line 3, decrease the amount by $470,000,000.

On page 5, line 4, decrease the amount by $480,000,000.

On page 5, line 5, decrease the amount by $500,000,000.

On page 5, line 11, decrease the amount by $460,000,000.

On page 5, line 12, decrease the amount by $470,000,000.

On page 5, line 13, decrease the amount by $470,000,000.

On page 5, line 14, decrease the amount by $480,000,000.

On page 5, line 15, decrease the amount by $500,000,000.

On page 5, line 22, decrease the amount by $200,000,000.

On page 5, line 23, decrease the amount by $560,000,000.

On page 5, line 24, decrease the amount by $750,000,000.

On page 5, line 25, decrease the amount by $850,000,000.

On page 6, line 1, decrease the amount by $930,000,000.

On page 6, line 7, decrease the amount by $200,000,000.

On page 6, line 8, decrease the amount by $560,000,000.

On page 6, line 9, decrease the amount by $750,000,000.

On page 6, line 10, decrease the amount by $850,000,000.

On page 6, line 11, decrease the amount by $930,000,000.

On page 6, line 17, decrease the amount by $200,000,000.

On page 6, line 18, decrease the amount by $560,000,000.

On page 6, line 19, decrease the amount by $750,000,000.

On page 6, line 20, decrease the amount by $850,000,000.

On page 6, line 21, decrease the amount by $930,000,000.

On page 7, line 1, decrease the amount by $200,000,000.

On page 7, line 2, decrease the amount by $560,000,000.

On page 7, line 3, decrease the amount by $750,000,000.

On page 7, line 4, decrease the amount by $850,000,000.

On page 7, line 5, decrease the amount by $930,000,000.

On page 7, line 8, decrease the amount by $200,000,000.

On page 7, line 9, decrease the amount by $760,000,000.

On page 7, line 10, decrease the amount by $1,510,000,000.

On page 7, line 11, decrease the amount by $2,360,000,000.

On page 7, line 12, decrease the amount by $3,290,000,000.

On page 8, line 7, decrease the amount by $200,000,000.

On page 8, line 8, decrease the amount by $560,000,000.

On page 8, line 9, decrease the amount by $750,000,000.

On page 8, line 10, decrease the amount by $850,000,000.

On page 8, line 11, decrease the amount by $930,000,000.

On page 41, line 17, decrease the amount by $460,000,000.

On page 41, line 18, decrease the amount by $200,000,000.

On page 41, line 24, decrease the amount by $470,000,000.

On page 41, line 25, decrease the amount by $560,000,000.

On page 42, line 6, decrease the amount by $470,000,000.

On page 42, line 7, decrease the amount by $750,000,000.

On page 42, line 13, decrease the amount by $480,000,000.

On page 42, line 14, decrease the amount by $850,000,000.

On page 42, line 20, decrease the amount by $500,000,000.

On page 42, line 21, decrease the amount by $930,000,000.

On page 71, line 13, decrease the amount by $470,000,000.

On page 71, line 14, decrease the amount by $750,000,000.

On page 71, line 16, decrease the amount by $480,000,000.

On page 71, line 17, decrease the amount by $850,000,000.

On page 71, line 20, decrease the amount by $500,000,000.

On page 71, line 21, decrease the amount by $930,000,000.

Mr. SASSER. Mr. President, I move to lay the amendment on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 197) of the Senator from Idaho.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—69

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—29

Bennett
Bond
Brown
Burns
Cochran
Cohen
Coverdell
Craig
Dole
Faircloth
Gramm
Grassley
Gregg
Hatch
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Nickles
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 197) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 222

(Purpose: To reduce the level contained in the budget resolution by an amount sufficient to assume an exemption for biomass-derived ethanol under the administration's Btu energy tax and to offset lost revenues by reducing new spending increases)

Mr. DURENBERGER. Madam President, I call up an amendment, for myself, Senator DOLE, Senator GRASSLEY, Senator BOND, and, Senator LUGAR, numbered 222 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota, Mr. DURENBERGER, for himself, Mr. DOLE, Mr. GRASSLEY, Mr. BOND, Mr. LUGAR, and Mr. PRESSLER, proposes an amendment numbered 222 relating to biomass-derived ethanol Btu exemption.

The amendment is as follows:

On page 2, decrease the amount on line 18, by $1,000,000.

On page 2, decrease the amount on line 19, by $10,000,000.

On page 3, decrease the amount on line 2, by $19,000,000.

On page 3, decrease the amount on line 4, by $26,000,000.

On page 3, decrease the amount on line 6, by $26,000,000.

On page 3, decrease the amount on line 10, by $1,000,000.

On page 3, decrease the amount on line 11, by $10,000,000.

On page 3, decrease the amount on line 12, by $19,000,000.

On page 3, decrease the amount on line 13, by $26,000,000.

On page 3, decrease the amount on line 14, by $26,000,000.

On page 4, decrease the amount on line 6, by $1,000,000.

On page 4, decrease the amount on line 7, by $10,000,000.

On page 4, decrease the amount on line 8, by $19,000,000.

On page 4, decrease the amount on line 9, by $26,000,000.

On page 4, decrease the amount on line 11, by $26,000,000.

On page 4, decrease the amount on line 15, by $1,000,000.

On page 4, decrease the amount on line 16, by $10,000,000.

On page 4, decrease the amount on line 17, by $19,000,000.

On page 4, decrease the amount on line 18, by $26,000,000.

On page 4, decrease the amount on line 19, by $26,000,000.

On page 5, decrease the amount on line 1, by $1,000,000.

On page 5, decrease the amount on line 2, by $10,000,000.

On page 5, decrease the amount on line 3, by $19,000,000.

On page 5, decrease the amount on line 4, by $26,000,000.

On page 5, decrease the amount on line 5, by $26,000,000.

On page 5, decrease the amount on line 11, by $1,000,000.

On page 5, decrease the amount on line 12, by $10,000,000.

On page 5, decrease the amount on line 13, by $19,000,000.

On page 5, decrease the amount on line 14, by $26,000,000.

On page 5, decrease the amount on line 15, by $26,000,000.

On page 5, decrease the amount on line 22, by $1,000,000.

On page 5, decrease the amount on line 23, by $10,000,000.

On page 5, decrease the amount on line 24, by $19,000,000.

On page 5, decrease the amount on line 25, by $26,000,000.

On page 6, decrease the amount on line 1, by $26,000,000.

On page 6, decrease the amount on line 7, by $1,000,000.

On page 6, decrease the amount on line 8, by $10,000,000.

On page 6, decrease the amount on line 9, by $19,000,000.

On page 6, decrease the amount on line 10, by $26,000,000.

On page 6, decrease the amount on line 11, by $26,000,000.

On page 41, decrease the amount on line 17, by $1,000,000.

On page 41, decrease the amount on line 18, by $1,000,000.

On page 41, decrease the amount on line 24, by $10,000,000.

On page 41, decrease the amount on line 25, by $10,000,000.

On page 42, decrease the amount on line 6, by $19,000,000.

On page 42, decrease the amount on line 7, by $19,000,000.

On page 42, decrease the amount on line 13, by $26,000,000.

On page 42, decrease the amount on line 14, by $26,000,000.

On page 42, decrease the amount on line 20, by $26,000,000.

On page 42, decrease the amount on line 21, by $26,000,000.

On page 50, decrease the amount on line 9, by $1,000,000.

On page 50, decrease the amount on line 10, by $82,000,000.

On page 57, decrease the amount on line 18, by $1,000,000.

On page 57, decrease the amount on line 19, by $82,000,000.

On page 71, decrease the amount on line 13, by $19,000,000.

On page 71, decrease the amount on line 14, by $19,000,000.

On page 71, decrease the amount on line 16, by $26,000,000.

On page 71, decrease the amount on line 17, by $26,000,000.

On page 71, decrease the amount on line 20, by $26,000,000.

On page 71, decrease the amount on line 21, by $26,000,000.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NOT VOTING—2

Helms
Inouye

So the motion to table the amendment (No. 222) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

(Purpose: To eliminate assumed reductions in Federal civil service survivors' annuities in order to protect the economic survival of the widows and widowers of Federal employees who would otherwise be faced with a reduction in their annual income by an average of about $1,500)

Mr. STEVENS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mrs. KASSEBAUM, and Mr. LUGAR, proposed an amendment numbered 234.

Mr. STEVENS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, increase the amount on line 24 by $30,000,000.

On page 30, increase the amount on line 25 by $30,000,000.

On page 31, increase the amount on line 6 by $61,000,000.

On page 31, increase the amount on line 7 by $61,000,000.

On page 31, increase the amount on line 13 by $93,000,000.

On page 31, increase the amount on line 14 by $93,000,000.

On page 31, increase the amount on line 20 by $127,000,000.

On page 31, increase the amount on line 21 by $127,000,000.

On page 32, increase the amount on line 2 by $162,000,000.

On page 32, increase the amount on line 3 by $162,000,000.

On page 41, decrease the amount on line 17 by $30,000,000.

On page 41, decrease the amount on line 18 by $30,000,000.

On page 41, decrease the amount on line 24 by $61,000,000.

On page 41, decrease the amount on line 25 by $61,000,000.

On page 42, decrease the amount on line 6 by $93,000,000.

On page 42, decrease the amount on line 7 by $93,000,000.

On page 42, decrease the amount on line 13 by $127,000,000.

On page 42, decrease the amount on line 14 by $127,000,000.

On page 42, decrease the amount on line 20 by $162,000,000.

On page 42, decrease the amount on line 21 by $162,000,000.

On page 50, decrease the amount on line 21 by $30,000,000.

On page 50, decrease the amount on line 22 by $473,000,000.

On page 55, decrease the amount on line 21 by $30,000,000.

On page 55, decrease the amount on line 22 by $473,000,000.

Mr. STEVENS. I ask unanimous consent that an article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARDSHIP FEARED FOR WIDOWS

(By Daniel J. Roy)

Retirees fear a hard economic blow would strike their survivors, especially widows, if

Congress approves President Clinton's change in the formula for survivors benefits.

Widows will suffer the most from a plan to reduce the survivors annuity, said Judy Park, legislative director for the National Association of Retired Federal Employees. Women tend to outlive their spouses, she said, and many women married to retirees have no other income source.

Under the proposal, surviving spouses of retirees would receive between 8 percent and 10 percent less each month than they do now, Park said.

"The wives of a lot of people in my generation stayed home to take care of the kids," said Milton Lichtman, a GS-15 Treasury Department attorney. "They have no other source of income."

The vast majority of retirees belong to the Civil Service Retirement System. They didn't pay into Social Security and do not reap that added income at retirement. They are more dependent on their government annuity, retirees said.

Almost two-thirds of the federal work force is covered under CSRS. The ratio of CSRS to Federal Employment Retirement System employees increases by age group, since fewer than 3 percent of eligible workers switched into FERS.

Current retirees would probably not be affected by the formula change, since the Clinton proposal seems to focus only on those who elect survivor benefits after Oct. 1, 1993, Park said.

In a letter to President Clinton, Rep. Constance Morella, R-Md., asked if employees who have already elected a survivors annuity would be affected. The White House has not yet responded.

People in both retirement systems can elect survivors benefits in exchange for a reduced annuity.

Currently, survivors benefits are equal to a percentage—up to 55 percent in CSRS and 50 percent in FERS—of a retiree's annuity before its reduced. Clinton's proposal would base the survivors benefit on a retiree's reduced annuity.

For example, a CSRS retiree who normally would receive a $10,000 annuity would receive about $9,000 if he or she elects a survivors benefit.

As the law now stands, when the retiree dies, the survivor would receive an annuity based on a percentage of the $10,000. Clinton's plan would base the survivors annuity on the $9,000 instead, giving the survivor about $800 less a year.

"The president said anyone under $30,000 wouldn't get severely hit," Lichtman said. "The average annuity for a survivor is less than $10,000. It's unconscionable to hit widows."

Although Lichtman had not planned to retire for several years, he is eligible and could change his mind if it looks like Congress will go along with Clinton's plan.

Even under the current formula, the vast majority of survivors—80.7 percent—receive benefits of less than $12,000 a year, according to Office of Personnel Management figures. As of Sept. 30, 1991, 39 percent received less than $6,000 a year.

Kathleen Rust, a widow in Clarksville, Ark., said the president is unaware of the significant impact the formula change would have on widows.

"I feel very strongly that there would be many women at or below the poverty level if they had their annuity cut," Rust said. "I can't believe my friend—and he is my friend—Bill Clinton, is going to balance the budget on the backs of widows of federal annuitants."

If Rust lost 5 percent to 10 percent of her annuity, she would have to change her lifestyle considerably.

"I would have to conserve in every area, particularly on travel and seeing my children," Rust said.

Harold Brockwell, of Waldorf, Md., has been retired since 1970. He said his wife would face great hardships if her survivors annuity were reduced.

Brockwell pointed out the increased costs of medical care for the elderly and said the lack of options for earning extra money should be considered when cutting benefits.

"We just can't take the cuts," he said.

Mr. SASSER. Madam President, I move to table the amendment and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 234) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 204

(Purpose: To exempt home heating oil from the proposed surtax on energy based on Btu's)

Mr. MURKOWSKI. Madam President, I call up amendment numbered 204 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. STEVENS, Mr. CHAFEE, and Mr. SMITH proposes an amendment numbered 204, regarding home heating oil.

The amendment is as follows:

On page 2, line 19, decrease the amount by $24,000,000.

On page 3, line 2, decrease the amount by $120,000,000.

On page 3, line 4, decrease the amount by $216,000,000.

On page 3, line 6, decrease the amount by $288,000,000.

On page 3, line 11, decrease the amount by $24,000,000.

Page 41, line 17, strike "−$3,900,000,000" and insert in lieu thereof "−$3,940,000,000";

Page 41, line 18, strike "−$3,400,000,000" and insert in lieu thereof "−$3,440,000,000";

Page 41, line 24, strike "−$6,800,000,000" and insert in lieu thereof "−$6,868,000,000";

Page 41, line 25, strike "−$6,500,000,000" and insert in lieu thereof "−$6,568,000,000";

Page 42, line 6, strike "−$8,300,000,000" and insert in lieu thereof "−$8,394,000,000";

Page 42, line 7, strike "−$8,000,000,000" and insert in lieu thereof "−$8,094,000,000";

Page 42, line 13, strike "−$10,400,000,000" and insert in lieu thereof "−$10,546,000,000";

Page 42, line 14, strike "−$10,000,000,000" and insert in lieu thereof "−$10,146,000,000";

Page 42, line 20, strike "−$10,600,000,000" and insert in lieu thereof "−$10,745,000,000";

Page 42, line 21, strike "−$10,700,000,000" and insert in lieu thereof "−$10,845,000,000";

Page 71, line 13, strike "$516,900,000,000" and insert in lieu thereof "$516,806,000,000";

Page 71, line 14, strike "$544,700,000,000" insert in lieu thereof "$544,606,000,000";

Page 71, line 16, strike "$527,300,000,000" and insert in lieu thereof "$527,154,000,000";

Page 71, line 17, strike "$543,300,000,000" and insert in lieu thereof "$543,154,000,000";

Page 71, line 20, strike "$544,000,000,000" and insert in lieu thereof "$543,855,000,000";

Page 71, line 21, strike "$561,200,000,000" and insert in lieu thereof "$561,055,000,000";

Page 16, line 11, strike "$21,200,000,000" and insert in lieu thereof "$21,240,000,000";

Page 16, line 12, strike "$21,600,000,000" and insert in lieu thereof "$21,640,000,000";

Page 16, line 19, strike "$23,000,000,000" and insert in lieu thereof "$23,075,000,000";

Page 16, line 20, strike "$21,900,000,000" and insert in lieu thereof "$21,975,000,000";

Page 17, line 2, strike "$23,600,000,000" and insert in lieu thereof "$23,709,000,000";

Page 17, line 3, strike "$22,600,000,000" and insert in lieu thereof "$22,709,000,000";

Page 17, line 10, strike "$24,600,000,000" and insert in lieu thereof "$24,778,000,000";

Page 17, line 11, strike "$23,300,000,000" and insert in lieu thereof "$23,478,000,000";

Page 17, line 18, strike "$24,500,000,000" and insert in lieu thereof "$24,678,000,000";

Page 17, line 19, strike "$23,500,000,000" and insert in lieu thereof "$23,678,000,000";

Page 37, line 7, strike "$13,600,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 8, strike "$14,900,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 14, strike "$414,500,000,000" and insert in lieu thereof "$14,485,000,000";

Page 37, line 15, strike "$14,900,000,000" and insert in lieu thereof "$14,885,000,000";

Page 37, line 21, strike "$15,100,000,000" and insert in lieu thereof "$15,068,000,000";

Page 37, line 22, strike "$15,300,000,000" and insert in lieu thereof "$15,268,000,000";

Page 38, line 3, strike "$15,500,000,000" and insert in lieu thereof "$15,467,000,000";

Page 38, line 4, strike "$15,700,000,000," and insert in lieu thereof "$15,667,000,000";

On page 3, line 12, decrease the amount by $120,000,000.

On page 3, line 13, decrease the amount by $216,000,000.

On page 3, line 14, decrease the amount by $288,000,000.

On page 4, line 7, decrease the amount by $24,000,000.

On page 4, line 8, decrease the amount by $120,000,000.

On page 4, line 9, decrease the amount by $216,000,000.

On page 4, line 11, decrease the amount by $288,000,000.

On page 4, line 16, decrease the amount by $24,000,000.

On page 4, line 17, decrease the amount by $120,000,000.

On page 4, line 18, decrease the amount by $216,000,000.

On page 4, line 18, decrease the amount by $288,000,000.

On page 5, line 2, decrease the amount by $24,000,000.

On page 5, line 3, decrease the amount by $120,000,000.

On page 5, line 4, decrease the amount by $216,000,000.

On page 5, line 5, decrease the amount by $288,000,000.

On page 5, line 12, decrease the amount by $24,000,000.

On page 5, line 13, decrease the amount by $120,000,000.

On page 5, line 14, decrease the amount by $216,000,000.

On page 5, line 15, decrease the amount by $288,000,000.

On page 5, line 23, decrease the amount by $24,000,000.

On page 5, line 24, decrease the amount by $120,000,000.

On page 5, line 25, decrease the amount by $216,000,000.

On page 6, line 1, decrease the amount by $288,000,000.

On page 6, line 8, decrease the amount by $24,000,000.

On page 6, line 9, decrease the amount by $120,000,000.

On page 6, line 10, decrease the amount by $216,000,000.

On page 6, line 11, decrease the amount by $288,000,000.

On page 41, line 24, decrease the amount by $24,000,000.

On page 41, line 25, decrease the amount by $24,000,000.

On page 42, line 6, decrease the amount by $120,000,000.

On page 42, line 7, decrease the amount by $120,000,000.

On page 42, line 13, decrease the amount by $216,000,000.

On page 42, line 14, decrease the amount by $216,000,000.

On page 42, line 20, decrease the amount by $288,000,000.

On page 42, line 21, decrease the amount by $288,000,000.

On page 50, line 10, decrease the amount by $648,000,000.

On page 57, line 19, decrease the amount by $648,000,000.

On page 71, line 13, decrease the amount by $120,000,000.

On page 71, line 14, decrease the amount by $120,000,000.

On page 71, lines 16 and 7, decrease the amount by $216,000,000.

On page 71, lines 20 and 21, decrease the amount by $288,000,000.

Mr. SASSER. Madam President, I move to table the amendment, and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. SASSER] to table the amendment of the Senator from Alaska [Mr. MURKOWSKI]. The yeas and nays have seen ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—46

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kassebaum
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 204) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 193

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I call up amendment 193 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 193 regarding defense contingencies.

The amendment is as follows:

On page 2, after the table of contents that begins on line 7, insert in Section 1 the following new subsection:

"(c)(1) It is the sense of the Senate that the Congress should promptly reconsider the amounts determined and declared by the Congress in this resolution to be the appropriate levels of new budget authority, outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1994 through 1998 for the National Defense (050) functional category, in the event of a material change in situation affecting the security interests of the United States.

"(2) For purposes of paragraph (1), a material change in situation affecting the security interests of the United States includes, but is not limited to—

"(A) an attack, or events indicating the significant potential for attack, on the United States, the armed forces of the United States, or a treaty ally of the United States, including the Republic of Korea;

"(B) a return to nondemocratic government in the Republic of Russia;

"(C) a substantial deployment of United States military forces in support of humanitarian or international peacekeeping or peacemaking missions, including in the former Yugoslavia; or

"(D) the establishment of a government hostile to the interests of the United States in a nation now or in the future possessing the capability to deliver nuclear weapons upon the United States, the armed forces of the United States, or a treaty ally of the United States.".

Mr. SASSER. Madam President, I move to table the amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I wonder if I might ask the majority leader if there is any chance we can begin to move toward 10-minute rollcall votes?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I was previously advised that if I put the request, objection will be made to it. I will now, during this vote, canvas Members and see if it is possible to do it.

Mr. DOMENICI. Might I just say I appreciate that very much, Mr. Leader. I kind of assumed when we entered into the unanimous-consent agreement that we would expedite as much as we could, and we had our mutual commitments to that effect. I hope there will not be any disagreement to moving toward a shorter time agreement.

Mr. MITCHELL. The Senator is correct in that regard but there were assumptions going the other way and our assumption was that the number of amendments to be offered after the 50 hours would be reduced. The initial discussions were down to about 11 or 12. In subsequent discussion the numbers have increased. And now, of course, they are still unlimited. So I think we are all acting in good faith.

Mr. DOMENICI. We did reduce 8 or 10. We had 38 or 39 at one point. We did our best.

Mr. MITCHELL. I understand that. And I am doing my best on this side.

Mr. DOMENICI. I thank the leader.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kassebaum
Kempthorne
Krueger
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 193) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 233

(Purpose: To restore military and Federal civilian pay levels, and ECI-based pay raises and locality pay to current law. Spending add-ons will be reduced by a corresponding amount)

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I call up amendment 233.

The PRESIDING OFFICER. The clerk will report the amendment. The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself, Mr. DOMENICI, Mr. STEVENS, Mr. WALLOP, and Mr. GRAMM, proposes an amendment numbered 233 regarding military and Federal pay.

The amendment is as follows:

On page 10, increase the amount on line 4 by $1,033,000,000.

On page 10, increase the amount on line 5 by $981,000,000.

On page 10, increase the amount on line 11 by $1,820,000,000.

On page 10, increase the amount on line 12 by $1,777,000,000.

On page 10, increase the amount on line 18 by $2,455,000,000.

On page 10, increase the amount on line 19 by $2,417,000,000.

On page 10, increase the amount on line 25 by $3,112,000,000.

On page 11, increase the amount on line 1 by $3,071,000,000.

On page 11, increase the amount on line 7 by $3,343,000,000.

On page 11, increase the amount on line 8 by $3,321,000,000.

On page 41, increase the amount on line 17 by −$294,000,000.

On page 41, increase the amount on line 18 by −$242,000,000.

On page 41, increase the amount on line 24 by −$534,000,000.

On page 41, increase the amount on line 25 by −$490,000,000.

On page 42, increase the amount on line 6 by −$847,000,000.

On page 42, increase the amount on line 7 by −$809,000,000.

On page 42, increase the amount on line 13 by −$1,130,000,000.

On page 42, increase the amount on line 14 by −$1,089,000,000.

On page 42, increase the amount on line 20 by −$1,152,000,000.

On page 42, increase the amount on line 21 by −$1,131,000,000.

On page 43, increase the amount on line 3 by −$739,000,000.

On page 43, increase the amount on line 4 by −$739,000,000.

On page 43, increase the amount on line 10 by −$1,287,000,000.

On page 43, increase the amount on line 11 by −$1,287,000,000.

On page 43, increase the amount on line 17 by −$1,608,000,000.

On page 43, increase the amount on line 18 by −$1,608,000,000.

On page 43, increase the amount on line 24 by −$1,982,000,000.

On page 43, increase the amount on line 25 by −$1,982,000,000.

On page 44, increase the amount on line 6 by −$2,190,000,000.

On page 44, increase the amount on line 7 by −$2,190,000,000.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Kassebaum
Kempthorne
Krueger
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to table the amendment (No. 233) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 243

(Purpose: To ensure adequate funds for the Department of Defense to continue military pay adjustments as prescribed under current law)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. MCCAIN, and Mr. COATS, proposes an amendment numbered 243 regarding military pay.

The amendment is as follows:

On page 10, line 4, increase the amount by $1,033,000,000.

On page 41, line 17, increase the amount by −$769,000,000.

On page 43, line 3, increase the amount by −$264,000,000.

On page 10, line 5, increase the amount by $981,000,000.

On page 41, line 18, increase the amount by −$717,000,000.

On page 43, line 4, increase the amount by −$264,000,000.

On page 10, line 11, increase the amount by $1,820,000,000.

On page 41, line 24, increase the amount by −$1,356,000.

On page 43, line 10, increase the amount by −$465,000,000.

On page 10, line 12, increase the amount by $1,777,000,000.

On page 41, line 25, increase the amount by −$1,312,000,000.

On page 43, line 11, increase the amount by −$465,000,000.

On page 10, line 18, increase the amount by $2,455,000,000.

On page 42, line 6, increase the amount by $1,831,000,000.

On page 43, line 17, increase the amount by −$624,000,000.

On page 10, line 19, increase the amount by $2,417,000,000.

On page 42, line 7, increase the amount by −$1,793,000,000.

On page 43, line 18, increase the amount by −$624,000,000.

On page 10, line 25, increase the amount by $3,112,000,000.

On page 42, line 13, increase the amount by −$2,318,000,000.

On page 43, line 24, increase the amount by −$794,000,000.

On page 11, line 1, increase the amount by $3,071,000,000.

On page 42, line 14, increase the amount by −$2,277,000,000.

On page 43, line 25, increase the amount by −$794,000,000.

On page 11, line 7, increase the amount by $3,343,000,000.

On page 42, line 20, increase the amount by −$2,495,000,000.

On page 44, line 6, increase the amount by −$847,000,000.

On page 11, line 8, increase the amount by $3,321,000,000.

On page 42, line 21, increase the amount by −$2,474,000,000.

On page 44, line 7, increase the amount by −$847,000,000.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Jeffords
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Coats
Helms
Inouye

So the motion to lay on the table the amendment (No. 243) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

AMENDMENT NO. 235

(Purpose: To express the sense of the Congress that health care reform legislation receive priority attention by the U.S. Congress with a target date of enactment no later than September 30, 1993)

Mr. SPECTER. Mr. President, I call up amendment number 235.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 235, sense-of-the-Congress on health care.

The amendment is as follows:

It is the sense of the Congress that health care reform legislation receive priority attention by the United States Congress with a target date of enactment of such legislation being no later than September 30, 1993.

Mr. SASSER. Mr. President, we have examined the amendment of the Senator from Pennsylvania. I have discussed it with him. We think the amendment is well taken, and we would be prepared to take it this evening by a voice vote in an effort to try to spare our colleagues at least one rollcall vote this evening and try to expedite matters.

Mr. SPECTER. Mr. President, I thank the distinguished chairman. That is acceptable to this Senator.

If I might just read it. It is very short.

It is the sense of the Congress that health care reform legislation receive priority attention by the United States Congress with a target date of enactment of such legislation being no later than September 30, 1993.

I thank my friend from Tennessee for accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment number 235.

The amendment (No. 235) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, the distinguished Republican leader, the managers, and I have been reviewing the progress made on this measure to date.

It is our unanimous view that we should complete action on the Kassebaum amendment, which is the next in line. That will be the 10th amendment on which we will have acted following the completion of the 50 hours. That should be the last vote tonight.

It is my view that we should discontinue the session and return at 9:30 tomorrow morning and make a good faith effort to complete as many additional amendments between then and the noon hour, when action will terminate on this measure.

I invite the Republican leader to comment, if he wishes to do so.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, we have completed 10 amendments, as we asked to do. It is our hope that we can reduce the number of amendments on this side—we are in the process of doing that now—so we can complete action by noon tomorrow. If we have the finite list, I hope maybe we could have 10-minute votes, too.

Mr. MITCHELL. Mr. President, the vote on the Kassebaum amendment—I believe the distinguished chairman will move to table that—will be the last vote this evening. We will resume at 9:30. Senators should be prepared to vote promptly at that time.

Mr. DOLE. Mr. President, if we can agree on a finite list, is it possible to get consent that we have 10-minute votes—we are going to reduce the number—then we would not be here all morning just voting?

Mr. MITCHELL. Yes, we can do that, if we can agree on a finite list.

Although I do not have authority to give that consent, I will make every effort to do so. I was notified there would be objection to any request. I will make every effort to obtain that, if we can agree on a finite list.

Mr. DOLE. I think we even now ought to reduce the number by 7 or 8. I think if we make a good faith effort for additional reductions, then we could reduce rollcalls to 10 minutes and we would not be here all morning voting.

Mr. MITCHELL. What I will say is that there will be no votes prior to 9:30 tomorrow morning. This will be the last vote this evening. There will be no votes prior to 9:30 tomorrow morning.

Mr. President, I yield the floor so that the Senator from Kansas may be recognized.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

AMENDMENT NO. 227

(Purpose: To reduce the reconciliation instruction to the Senate Labor and Human Resources Committee and offset by reducing nondefense discretionary spending increases)

Mrs. KASSEBAUM. Mr. President, I call up amendment number 227.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 227, regarding labor reconciliation instructions.

The amendment is as follows:

On page 51, line 14, decrease the amount by $3,288,000,000.

On page 53, line 19, decrease the amount by $3,288,000,000.

On page 71, line 13, decrease the amount by $508,000,000.

On page 71, line 14, decrease the amount by $508,000,000.

On page 71, line 16, decrease the amount by $1,281,000,000.

On page 71, line 17, decrease the amount by $1,281,000,000.

On page 71, line 20, decrease the amount by $1,499,000,000.

On page 71, line 21, decrease the amount by $1,499,000,000.

On page 25, line 11, increase the amount by $508,000,000.

On page 25, line 12, increase the amount by $508,000,000.

On page 25, line 19, increase the amount by $1,281,000,000.

On page 25, line 20, increase the amount by $1,281,000,000.

On page 26, line 2, increase the amount by $1,499,000,000.

On page 26, line 3, increase the amount by $1,499,000,000.

On page 42, line 6, decrease the amount by $508,000,000.

On page 42, line 7, decrease the amount by $508,000,000.

On page 42, line 13, decrease the amount by $1,281,000,000.

On page 42, line 14, decrease the amount by $1,281,000,000.

On page 42, line 20, increase the amount by $1,499,000,000.

On page 42, line 21, increase the amount by $1,499,000,000.

Mrs. KASSEBAUM. It is regarding direct student loans.

I ask unanimous consent that a statement of mine and of Senators COCHRAN, COATS, COHEN, LUGAR, PRESSLER, and JEFFORDS be made a part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 227) of the Senator from Kansas. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Graham
Harkin
Hollings
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—47

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Helms
Inouye

So the motion to lay on the table the amendment (No. 227) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 222

Mr. DURENBERGER. Mr. President, yesterday, unfortunately, the Senate went on record against a sense-of-the-Senate resolution—which I supported—calling for the exemption of ethanol and certain other alternative fuels from the Btu tax.

Today, I offer another approach to the ethanol aspect of this problem which I hope finds wider support.

And I would hope it is adopted, in order to send a clear, positive signal to both the ethanol community and the Finance Committee.

The amendment goes beyond expressing the sense of the Senate. Rather, it lowers total revenues in the resolution by the amount the Joint Tax Committee estimates would be raised were ethanol subject to the tax. Expenditures are lowered in the allowances account by the same amount.

Thus, my amendment provides the Finance Committee room to reduce the tax on ethanol by reducing both revenues and spending. It indicates our intention to exempt ethanol from the Btu tax, but would not result, implicitly or otherwise, in any increase in any other tax.

The reduction in revenues, and offsetting reductions in expenditures, amount to $1 million in 1994, $10 million in 1995, and a total of $82 million over the term of the budget resolution. Because there has been concern expressed on other amendments when changes to this function were proposed, I would like to make it clear that the allowances function of the committee-reported budget resolution already contemplates approximately $40 billion in unspecified cuts; my amendment increases that amount by a relatively tiny proportion, a total of $82 million—an addition of about two-tenths, of 1 percent to those unspecified cuts. No needed program should be put at risk by your vote for my amendment. After all, during the next 2 years alone, we will be spending at least $1.079 trillion—that's over $1,000 billion for discretionary programs.

I welcome Secretary Bentsen's announcement that the administration intends to urge the exemption of ethanol and other alternative fuels from the Btu tax. But, of course, that announcement does not bind the Finance Committee, or the House. And unless total revenues, and spending, in the resolution are reduced, we will only wind up raising taxes on some other part of the economy.

Because yesterday there were concerns expressed about the merit of the Government's policy of encouraging ethanol, I would like to take just a moment to address those concerns.

Now why should ethanol be exempt from the Btu tax? Currently the U.S. Government has invested in ethanol through incentives. Ethanol has a 7-cent-a-gallon edge over regular gasoline. The reason for this is that the Congress agreed that ethanol was better for our environment. It is better because it reduces smog and gives us cleaner air to breathe. It is that simple.

When I came to the Senate in the late 1970's, there was a great deal of interest in gasahol, a fuel that is 10 percent ethanol and 90 percent gasoline, because of the energy problems facing the Nation. As our consciousness of environmental degradation increased during the 1980's we recognized the health and environmental benefits of ethanol as well.

Besides cutting down on smog, ethanol has another environmental advantage. One of the most serious pollution problems in our northern cities in the winter time is carbon monoxide. When you start a car on a cold winter morning, the fuel does not burn well and carbon monoxide is produced in enormous quantities, enough to be a threat to those with heart problems and pregnant women.

Ethanol reduces carbon monoxide pollution because it contains more oxygen molecules than other components of gasoline and can improve the combustion process even in cold engines. Many of the 40 cities that do not meet Federal carbon monoxide pollution standards are looking for ethanol as a partial solution to the problem.

In 1990, the Senate approved my amendment to the Clean Air Act requiring the Environmental Protection Agency to issue regulations for gasoline that will reduce smog-forming emissions by 15 percent in 1995. The Senate, the House, and the President agreed with me that ethanol will help us make our air cleaner.

Ethanol production is still getting off the ground, however, and without the investment—to use a Clinton word—that the Government currently makes in ethanol, we could ruin the industry. That would be bad for the environment but it would also be bad for America's farmers—especially those in Minnesota.

Not only do the farmers grow the corn that makes the Nation's ethanol, but they have invested in the ethanol facilities themselves. Without the American farm community, the reformulated gasoline amendment to the Clean Air Act would have never been approved.

Mr. President, with corn prices below $2 a bushel, the corn farmers in Minnesota are not only hurting—they are on the brink of disaster. Industrial uses of corn are the future for these farmers and the rural communities that rely on them.

So far Minnesota farmers and farm cooperatives have invested $109 million in 4 ethanol plants that produce 40 million gallons of ethanol annually. There are plans to build another 8 ethanol plants in rural Minnesota that will produce an additional 126 million gallons of ethanol yearly. Just in the construction of these new plants, an additional $8.6 million will be invested in rural Minnesota communities.

Mr. President, we were unable to roll back the entire energy tax. And we were unable to provide a clear expression of the sense of the Senate on ethanol when there were no offsets.

But we will have the opportunity to provide a real incentive for a renewable, environmentally sound energy source—or, to put it differently, today we have the opportunity to prevent an additional tax being levied on the back of the American farmer.

And we can do it in a way—in as binding a way as we possibly can in a budget resolution—that will make sure that our intentions are honored all the way through the process.

I urge my colleagues to support the pending amendment.

AMENDMENT NO. 227

Mrs. KASSEBAUM. Mr. President, the main assumption underlying the Budget Committee's reconciliation instruction to the committee is that the current Guaranteed Student Loan Program will be replaced by a direct loan program.

As a practical matter, adoption of this budget resolution means adoption of full-fledged direct lending. Because other changes which might be made in the Guaranteed Student Loan Program do not have the advantage of the special accounting methods used in calculating direct loan savings, it is all but impossible for the Labor Committee to meet the reconciliation instruction by any means other than adopting direct lending.

Although I admittedly have serious reservations about direct lending, I am not offering this amendment to preclude the committee from adopting such a program. Rather, I am offering it to avoid a situation where the committee is forced to do so—even if further review shows this to be the wrong course to pursue.

Specifically, my amendment would reduce the reconciliation instruction to the Senate Committee on Labor and Human Resources from $6.697 billion to $3.409 billion. The cost of this amendment will be offset by a reduction in increases in nondefense discretionary spending in fiscal years 1996, 1997, and 1998.

The reconciliation instruction included in my amendment would, in fact, exceed the $3.2 billion savings assumed in the President's budget from implementation of direct lending. That figure, however, was developed by the Office of Management and Budget, while the Budget Committee's assumption is based on Congressional Budget Office estimates that direct lending would save $6.052 billion over 5 years. This nearly $3 billion difference alone indicates that there is enormous confusion and uncertainty regarding the direct loan concept.

This confusion and uncertainty is not limited to what level of savings might be achieved from direct lending. There are many questions which remain to be answered about the untested direct lending concept. To cite just a few:

What is the overall economic impact of replacing the private capital now used in the program and adding at least $15 billion annually to the Federal debt?

Is the Department of Education capable of assuming the enormous additional administrative responsibilities this program would entail? Unfortunately, the department's track record in the management of loan programs has not been exemplary. As noted in the General Accounting Office's series of reports on high-risk programs, "[T]he inventory of known problems in the Department's administration of guaranteed student loans raises questions about its ability to adequately manage a direct lending program."

Is Internal Revenue Service collection to be part of the program, and if so, is the agency able to have a collection process up and running in a short period of time?

Direct lending assumes the elimination from the program of banks, guaranty agencies, secondary markets, and other current participants. Given this, how will the over $60 billion in outstanding guaranteed loans be monitored and collected?

It seems to me that we are taking an enormous risk in dismantling the current Student Loan Program, financing a new program solely with new Federal debt, and putting its administration in the hands of Federal agencies which may have difficulties in assuming new management responsibilities—with no real debate or deliberation of what we are doing.

Yet, without the opportunity to explore any of these issues, the Senate is being asked to endorse today a full-fledged, direct lending program. Let me repeat, adoption of my amendment does not preclude the committee from developing a full, direct lending program, if it is determined that questions about it can be satisfactorily addressed. However, failure to adopt this amendment will leave the committee with little choice but to do so.

Moreover, adoption of my amendment would continue to require that the Labor and Human Resources Committee consider substantial student loan reforms. The reconciliation instruction under my amendment calls for significant savings, and student loans are the only area under the jurisdiction of the committee where these savings can be achieved. I hope you will join with me in supporting this amendment.

Mr. President, I ask unanimous consent that a list of some frequently asked questions about my amendment appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ABOUT THE KASSEBAUM AMENDMENT TO THE BUDGET RESOLUTION

Q. What is the Kassebaum amendment?

A. The Kassebaum amendment revises the reconciliation instruction to the Senate Committee on Labor and Human Resources to make it possible to consider student loan reforms other than full implementation of a direct lending program.

Q. What does the budget resolution say about direct lending?

A. The budget resolution contains a budget reconciliation instruction that the Committee on Labor and Human Resources achieve a savings of $6.7 billion over five years. The main assumption behind this instruction is a switch to direct lending ($6.1 billion savings).

Q. What is direct lending?

A. Direct lending is a program where student loan capital would be provided directly from the federal Treasury rather than from the private sector (banks). Institutions of higher education would "draw down" funds from the Treasury and either make loans themselves or contract with an outside agency to administer the program. Loan collection would be the responsibility of the Department of Education or the Internal Revenue Service, which would contract with collection agencies.

Q. Why is the Kassebaum amendment essential?

A. Adoption of this budget resolution means adoption of full-fledged direct lending. It is all but impossible for the Labor Committee to meet the reconciliation instruction by any means other than by adopting direct lending.

A. The Kassebaum amendment would give the committee a real choice in deciding how to achieve savings in the student loan program, without being tied to a proposal that remains highly controversial and little understood.

A. Senator Kassebaum does have serious concerns about direct lending, for a variety of reasons. However, this amendment does NOT preclude the committee from endorsing a direct lending plan. It merely gives the committee the latitude to examine this issue through hearings and the normal legislative process. The budget resolution's instructions amount to a legislative mandate to implement direct lending—by completely bypassing the committee's jurisdiction.

A. The cost savings estimates on direct lending which are driving the inclusion of this instruction are in dispute. The resolution's instructions use the Congressional Budget Office's (CBO) estimate that direct lending would save $6.1 billion, which is nearly double the Office of Management and Budget's (OMB) figure of $3.2 billion.

A. In the Higher Education Act Amendments of 1992, Congress authorized a direct lending pilot program so that we could test the theory on a small scale. Congress compromised on the pilot program, largely because it was thought to be imprudent to move forward with a full-fledged program before we knew how it would work. To require the committee to move now to direct lending, when the demonstration has yet to begin, defies common sense.

Q. Is there another way for the Committee on Labor and Human Resources to meet this instruction other than moving to direct lending?

A. Only cuts in mandatory spending and assessment of user fees can be used to comply with reconciliation instructions. The student loan program is the only mandatory spending program under the jurisdiction of the Labor and Human Resources Committee where these savings could be achieved.

A. Proponents of direct lending indicate there would be billions of dollars of savings associated with the program because it would no longer be necessary to make "special allowance" payments to banks to provide student loans. However, even if the committee makes drastic cuts in all of the following: the special allowance payment made to banks, the administrative cost allowance paid to guaranty agencies, the percentage that guaranty agencies can retain on defaulted loans they collect, and the federal government guarantee to lenders, CBO indicates that the committee will not save even half of the amount that this instruction would require.

A. The main source of savings that CBO and OMB count is the payment of the special allowance to the federal government under direct lending instead of to the lender under the current program. Even eliminating the special allowance payment to lenders would not save as much as direct lending. Short of charging students a higher interest rate, the committee cannot raise the revenues required to meet the reconciliation instruction by altering the current program. The instruction can only be achieved by moving to direct lending.

Q. What is the SAP, or special allowance payment?

A. The special allowance payment is the interest subsidy paid to lenders to reimburse them for the administrative costs of issuing and servicing the loans and for assuming the credit risk associated with the loans beyond what the government currently guarantees.

Q. Where will the money come from to offset the Kassebaum amendment?

A. The Kassebaum amendment would reduce the reconciliation instruction to the Senate Committee on Labor and Human Resources from $6.697 billion to $3.409 billion. Adoption of the amendment would continue to require that the Labor and Human Resources Committee consider substantial student loan reforms.

The cost of this amendment ($3.2 billion less in savings) will be offset by a reduction in new nondefense discretionary spending in fiscal years 1996, 1997, and 1998. The reconciliation instruction assumes the committee will increase spending in the first two years. Thus, Congress would not need to address where the money would be cut by the Kassebaum amendment until fiscal year 1996.

Q. Why is the CBO cost savings estimate of switching to direct lending so high?

A. The CBO cost savings estimate of switching to direct lending is $6.1 billion.

However, OMB's cost savings estimate is only $3.2 billion. The General Accounting Office says that direct lending will save $4.7 billion. The Congressional Research Service says that a switch to direct lending will either save no money or cost more in administrative expenses and increased defaults. Still, others (Sallie Mae, Peat Marwick) say that a switch to direct lending will cost significantly more than the current program.

It is obvious that there is no consensus on the cost or savings which would be generated by direct lending. However, it is clear that CBO estimates are the highest, and riskiest, to hold the committee to if they are wrong.

A. The CBO cost savings estimate is misleading because it assumes that the federal government will administer a student loan program at a cheaper cost than the private sector. The private sector is driven to be cost-efficient by market competition and the need to earn a profit. The federal government is not. CRS budget analysts question whether the federal governnment can administer student loans at a lower per-unit cost. The inflated costs of government contracting are also a problem about which even OMB Director Panetta has expressed concern.

AMENDMENT NO. 227

Mr. PRESSLER. Mr. President, I wish to express my strong support for the amendment offered by the distinguished Senator from Kansas, Senator KASSEBAUM, concerning the proposed changes in the Higher Education Act direct loan program. The Kassebaum amendment meets the goals of the budget resolution by allowing the committee to decide how to achieve savings in the student loan program, without being tied to a proposal that remains highly controversial and little understood.

Last year, during the reauthorization of the Higher Education Act, a great deal of time was devoted by the House-Senate conference committee in setting the parameters of the demonstration direct loan program included in the final bill enacted by Congress. Many of my colleagues at that time believed that a permanent Higher Education Act direct loan program was not needed.

Now, even before the demonstration direct loan program has taken effect, we are witnessing an attempt to put a permanent direct loan program on a "fast track." Specifically, there is a proposal to completely overhaul the current student loan system without benefit of the demonstration program's result. The Senate budget resolution assumes the transition to direct lending this year. It adopts fast-track consideration of a direct loan program.

Is the Senate aware that the Department of Education is having a difficult time getting any postsecondary institution to volunteer for the demonstration direct loan project? Is the majority of the Senate aware of the direct lending program being put on a fast track? Shouldn't we follow closely the results of the demonstration projects before effectively endorsing direct lending through this resolution?

In South Dakota, the guarantee agency for the student loan program is the Educational Assistance Corporation [EAC]. A letter I received from Clark Wold, the Deputy Director for Financial Aid Services of EAC, dated February 23, 1993, outlines major concerns with the direct lending proposal. He is concerned about disturbing the continuity of loan funds to students. He questions the projected cost savings of an untested program. South Dakota's guarantee agency has one of the lowest default rates in the Nation—only a 1.25-percent default claim for 1992. I value that agency's advice. I ask unanimous consent that Mr. Wold's letter, with enclosures, be inserted in the RECORD at the conclusion of my remarks.

The secondary market in South Dakota is the Student Loan Finance Corp. Steve Kohles, vice president of the SLFC, urged caution in his March 9, 1993, letter, because of "much conflicting information about the benefits and proposed cost savings of a direct lending program." Again, this agency has one of the lowest default rates in the Nation—2.78 percent compared to a national average among banks of 17.8 percent. I ask unanimous consent that Mr. Kohles' letter, with enclosures, be inserted in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I submit for the RECORD, a letter from Jon Veenis, senior vice president of Norwest Corp., dated March 5, 1993. He lists five points in opposition of the direct loan program which I would like to summarize. First, he states the projected "budget savings are highly suspect." Second, the "direct loan program carries a high degree of risk." Third, "significant doubts exist regarding the Department of Education's abilities" to deal with this program. Fourth, "Federal borrowing would increase." Mr. Veenis' final point is a very good one: "The current program operates effectively." I ask unanimous consent that his letter be inserted in the RECORD at the conclusion of these remarks.

In conclusion, Mr. President, we cannot afford to make decisions that potentially would add to the deficit and put the student loan program unnecessarily at risk. An unproved, untested, direct loan program could very well do just that. That is why I support the amendment offered by Senator KASSEBAUM.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EASTERN EDUCATION CORP.,
Aberdeen, SD, February 23, 1993.

Senator LARRY PRESSLER,
Hart Office Building, Washington, DC.

DEAR SENATOR PRESSLER: I am writing to express our concern about the Administration's proposal to implement a *direct lending student loan program* immediately rather than allowing the pilot project which has already been authorized to test its validity. We believe that immediate implementation is ill advised, and will work to the disadvantage of South Dakota students. Following please find a brief list of our concerns:

The details describing a "fast track" direct lending program are too skimpy to make such an important decision. Substantially more information is necessary to fairly judge the proposed system against the current system.

The Administration's information describing the potential cost savings from a direct lending program conflicts with other credible information about the costs of direct lending. In the face of conflicting information, we believe sufficient time is necessary to analyze the data and to agree to its validity. A "fast track" implementation schedule will not permit a careful study.

Quickly replacing the existing student loan program with an untested direct lending program will disturb the continuity of loan funds to students. Assuring students of a reliable flow of funds with which to finance their education must remain a high priority.

The reasons direct lending is attractive elsewhere do not exist in South Dakota. Our default rate is among the lowest in the nation (1.25% default claim rate for 1992); the level and quality of service we offer schools and lenders are second to none; South Dakota students have no problems with access to student loans;

We believe that allowing the pilot project to proceed as authorized in the Higher Education Act of 1990 will provide a fair test of the direct lending program. We ask that you resist attempts to implement an expansion of direct lending.

Sincerely,

CLARK J. WOLD,
Deputy Director for Financial Aid Services.

EDUCATION ASSISTANCE CORPORATION—MARCH 2, 1993

Education Assistance Corporation was designated as the student loan guarantor for South Dakota in 1978. Following are statistics that illustrate the number of loans and dollar volume of loans processed since our first loans were guaranteed in January, 1979.

Stafford Loans (subsidized):		
Applications, duplicated	352,510	
Volume processed		$761,558,891
Stafford Loans (unsubsidized):		
Applications, duplicated	4,969	
Volume processed		10,441,067
PLUS/SLS:		
Applications, duplicated	24,257	
Volume processed		68,266,274
Consolidation Loans:		
Applications, duplicated	911	13,694,274
Totals	382,647	853,961,090

Following please find data that illustrates the applications processed and volume generated for the 1991–92 processing year.

Stafford Loans (subsidized):		
Applications processed	36,719	
Volume processed		$84,713,473
Stafford Loans (unsubsidized):		
Applications processed	2,768	
Volume processed		5,850,534
PLUS/SLS:		
Applications processed	4,825	
Volume processed		14,111,559
Consolidation Loans:		
Applications processed	253	
Volume processed		4,078,617
Totals	44,565	108,754,183

Eac currently employs 70 people in its Aberdeen offices.

DIRECT LENDING: QUESTIONS AND ISSUES—MARCH 2, 1993

Following please find several questions and issues concerning direct lending, national service for student loan repayment and using the IRS to collect student loans.

The details describing a "fast track" direct lending program are too skimpy to make such an important decision. Substantially more information is necessary to fairly judge the proposed system against the current system.

The Administration's information describing the potential cost savings from a direct lending program conflicts with other credible information about the costs of direct lending. In the face of conflicting information, we believe sufficient time is necessary to analyze the data and to agree to its validity. A "fast track" implementation schedule will not permit a careful study.

Quickly replacing the existing student loan program with an untested direct lending program will disturb the continuity of loan funds to students. Assuring students of a reliable flow of funds with which to finance their education must remain a high priority.

The reasons direct lending is attractive elsewhere do not exist in South Dakota. Our default rate is among the lowest in the nation (1.25% default claim rate for 1992); the level and quality of service we offer schools and lenders are second to none; South Dakota students have no problems with access to student loans;

College graduates will earn substantially more than non-college graduates during their working lives. Forgiving a portion of their student debt through national service will result in all taxpayers subsidizing persons who can expect to earn substantially more in their lifetimes.

Collecting student loans through the IRS effectively raises the marginal tax rate of working persons throughout their lifetime. Higher marginal tax rates can act as a disincentive on their work effort. In addition, the IRS may not be equipped to track deferments and other features unique to student loans.

We believe that the unanswered questions pertaining to direct lending, national service and IRS repayment are too serious to allow immediate implementation of any of those options. EAC supports the direct lending pilot program provided in the Reauthorization of the Higher Education Act of 1993.

STUDENT LOAN FINANCE CORP.,
Aberdeen, SD, March 9, 1993.

Senator LARRY PRESSLER,
Hart Office Building, Washington, DC.

DEAR SENATOR PRESSLER: Thank you for allowing your assistant, Linda Benning, the time last week to meet with myself and Clark Wold. We appreciate your and Linda's interest in the Guaranteed Student Loan Program and your desire to insure that the program operates efficiently and for the benefit of students.

We share that same desire. That is why we are concerned about the Administration's proposal to implement a direct lending student loan program immediately rather than allowing the pilot program authorized by Congress in 1992 to test the validity of direct lending. There is much conflicting information about the benefits and proposed cost savings of a direct lending program. A "fast track" implementation schedule will not permit a careful study, and it could disrupt the reliable flow of funds to students that exists today.

I want to emphasize that we support the concept of national service, but we don't believe it needs to be tied to a direct lending program. National service, as well as income-contingent repayment, can co-exist with the existing student loan program. In fact, the implementation of these could take place almost immediately under the existing program.

The existing partnership between the Federal Government and private enterprise works. Over $14 billion of private capital is delivered to approximately four million students every year. The latest Reauthorization of the Higher Education Act should go a long way toward reducing defaults. There are other potential cost savings such as risk sharing in defaults or a further reduction in government-provided subsidies to lenders that could also be implemented.

Under a direct loan program, federal borrowing would increase between $15 and $20 billion annually. In addition, it is questionable if the Federal Government can operate the program more efficiently than private enterprise. Also, a direct loan program will not reduce default costs, and the Federal Government will bear the entire burden of default costs.

I have attached an introduction to Student Loan Finance Corporation and a summary of a study conducted by the Congressional Research Service (CRS) concerning the existing student loan program versus a direct student loan program. Because of concerns that lenders may be making too much money from the student loan program, I have also included a synopsis of how Student Loan Finance Corporation would fare under the reauthorized program given the past history of interest rates. I hope this will assist you in drawing your own conclusions.

Please stop in and see our operation when you are in Aberdeen. In the meantime, we would be happy to provide any additional information you may require. Again, thank you for your time and efforts.

Sincerely,

STEVE KOHLES,
Vice President, Accounting and MIS.

Student Loan Finance Corporation is a private non-profit corporation that acts as a secondary market for student loans made under the Higher Education Act. We buy and service student loans from banks in South Dakota and surrounding states. We have provided over $750 million in private capital since 1979 for the funding of student loans. We have worked with over 180,000 student loan borrowers during that same time period.

Current statistics:

Loans outstanding	$358,546,000
Number of borrowers	103,000
Number of employees	75
Default rate (percent)	[1]2.78
Debt outstanding	[2]$578,594,000

[1] This compares to a national average among banks of 17.8%. We have one of the lowest default rates in the country.

[2] We have issued over $1.5 billion in debt since 1979 and have developed a good reputation in the bond market.

FEDERAL FAMILY EDUCATION LOANS: REDUCED COSTS, DIRECT LENDING, AND NATIONAL INCOME

CONGRESSIONAL RESEARCH SERVICE—FEBRUARY 22, 1993

The Congressional Research Service (CRS) was requested by the Congress to conduct an economic analysis of the Federal Family Education Loan (FFEL) programs verses direct student loan lending. CRS's conclusions are as follows:

Conversion to a direct student loan program cannot be justified on the basis of either budget savings or increases in overall economic welfare.

Problems with the current FFEL programs cannot be fixed by conversion to a direct loan program, however inviting such a proposal might appear.

The FFEL program for which lenders receive a subsidy would generate little in the way of reduced budget outlays if switched to a direct loan program.

With direct lending, budget outlays for administrative costs are likely to increase beyond what is currently being incurred by the private sector FFEL programs.

The shift of lenders' subsidies to the federal government would not be a budget gain, for it represents nothing more than the failure of federal bookkeeping to record outlays for a direct loan program.

It is uncertain whether creation of a monopoly lender (the federal government) would be successful in stimulating a competitive loan origination and servicing market.

The job of delivering student loans was given to the private rather than the public sector perhaps partly in the expectation that the former might perform it at least cost.

It appears that the savings claimed for direct loans is attributable primarily to the current program providing lenders a more-than-competitive interest rate, a situation that can be remedied without a switch to direct lending.

Direct lending will not reduce default costs.

Earnings Spread on Student Loans for Student Loan Finance Corporation (SLFC). (Based on interest rates over last 5 years and the current program after Reauthorization).

Year	Average 90 day T-Bill[1]	Special allowance rate[2]	Total Earnings on loan[3]	Cost of funds commercial paper[4]	Earnings spread	Servicing costs[5]	Net earnings
1988	6.90	3.10	10.00	8.49	1.51	1.50	0.01
1989	8.40	3.10	11.50	9.71	1.79	1.50	0.29
1990	7.75	3.10	10.85	8.73	2.12	1.50	0.62
1991	5.55	3.10	8.65	6.55	2.10	1.50	0.60
1992	3.52	3.10	6.62	4.42	2.20	1.50	0.70

[1] Average coupon equivalent rate. Based on quarterly averages for the year. (this is the T-Bill rate that is used in the Student Loan program).

[2] The Special Allowance rate is paid to lender to give them a competitive return. With Reauthorization, the interest rate to the student is a variable rate of T-Bill +3.10% with a cap of 9%. Therefore the lender does not receive special allowance unless the cap is exceeded. (Please see [3] below.)

The formula to calculate Special Allowance paid to lenders is: Special allowance paid to lender = T-Bill + 3.10% − interest rate paid by student.[3]

Year	Borrower interest (percent)	Special allowance (percent)	Total earnings (percent)
1988	9.00	1.00	10.00
1989	9.00	2.50	11.50
1990	9.00	1.85	10.85
1991	8.65	0.00	8.65
1992	6.62	0.00	6.62

[3] SLFC would have received Special Allowance only in years 1988, 1989, and 1990.

[4] Average cost of commercial paper for the year for Student Loan Finance Corp.

[5] Servicing costs for SLFC range between 1.25% and 1.50% of loans.

Other Considerations:

(A) Cost of Funds for Sallie Mae would be close to the 90 day T-Bill.

(B) Under current arrangement, lender suffers loss if there is improper servicing of the loan. With direct loans, the Federal Govt suffers the loss.

(C) If it is felt that lenders are receiving to much compensation, that can be dealt with without a switch to direct lending. The Special Allowance rate could be reduced or there could be some sort of risk sharing implemented (lender wouldn't receive a 100% guarantee on defaulted loans). Please consider though that lenders need some incentive to participate in the program. Even for SLFC, some profit margin is necessary to provide for contingencies and to keep us viable to continue to obtain private capital to invest in student loans.

NORTHWEST BANKS,
Sioux Falls, SD, March 5, 1993.

Hon. LARRY PRESSLER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: Once again, thank you for your time on March 1 to discuss the important Direct Student Loan Proposal that may be included in President Clinton's budget. As a follow-up to our discussion, I want to emphasize that Norwest Corporation does not support the proposed full implementation of direct lending by 1997 for the following reasons:

1. The purported budget savings are highly suspect based upon studies completed by the Congressional Research Service, KPMG Peat Marwick, and Sallie Mae.
2. An untested direct loan program carries a high degree of risk if it is not successful. Student, schools, and others associated with higher education could be very negatively impacted.
3. Significant doubts exist regarding the Department of Education's abilities in administering a direct loan program.
4. Federal borrowing would increase by $15 to $20 billion per year.
5. The current program operates effectively despite its shortcomings.

Norwest's recommended course of action is to allow the Higher Education Act amendments of 1992 to be fully implemented. These amendments facilitate improvements to the existing program through standardization and simplification, elimination of fraud and abuse, and increased access to loan funds for students and parents. The amendments also include a direct loan pilot due to begin on July 1, 1994 that should be implemented and fully tested before abandoning the current system.

Furthermore, Norwest and other lenders stand ready to work with President Clinton to implement his national service and income contingent repayment initiatives within the framework of the existing program. We also believe that the current program is in concert with the President's goals of solidifying public/private partnerships and in reducing, or in this instance not expanding, the Federal bureaucracy.

Please call me at 605/339-7455 if I can provide you with additional information.

Sincerely,

JON A. VEENIS,
Senior Vice President.

AMENDMENT NO. 227

Mr. COHEN. Mr. President, I rise today in support of Senator KASSEBAUM's amendment to reduce the reconciliation instruction to the Senate

Committee on Labor and Human Resources from $6.7 billion to $3.4 billion. Until the Committee on Labor and Human Resources has had an opportunity to analyze fully both the merits and potential problems of a direct lending program, I think it is extremely unwise for this body to essentially direct the committee through its reconciliation instructions to undertake such a program. As a Senator who is not a member on this committee, I rely on the discussions and analysis that take place during committee hearings to help me evaluate various proposals. Given the amount of Federal money involved and the number of students affected by a direct lending proposal, I believe that direct lending is one proposal that requires evaluation by the committee of jurisdiction.

Let me be clear. I am not saying that I will either oppose or support a direct lending proposal if a vote on this issue comes to the floor. I simply ask that the Senate seriously consider and support Senator KASSEBAUM's amendment which will allow greater flexibility to the Committee on Labor and Human Resources by lowering the amount that the committee is directed to save. If the committee eventually decides that the merits of a direct lending proposal warrant implementation of such a plan, it can still do so. Under the current budget resolution, however, the committee can only meet the $6.7 billion savings by implementing a direct lending proposal, which has not yet been carefully evaluated. In fact, the direct lending pilot program, which was authorized by the Higher Education Act Amendments of 1992, will not even begin until next year. Results of this program will be essential to demonstrating how direct lending works on a small scale. It simply makes no sense that the Senate force the Committee on Labor and Human Resources to meet its required savings with direct lending on a large scale when the demonstration project has not even started. For these reasons, I urge my colleagues to support Senator KASSEBAUM's amendment.

AMENDMENT NO. 227

Mr. COCHRAN. Mr. President, I am convinced that one of our greatest national assets is our college and university system. Most of the world's greatest postsecondary institutions are in the United States. Our institutions of higher learning are not only outstanding, they are accessible, and therefore worthy of emulation by the rest of the world. Unlike most other nations, we are proud that any American who wants to go to college has the opportunity.

In fact, during the 102d Congress, the Senate overwhelmingly adopted, and President Bush signed into law, the Higher Education Amendments of 1992, significantly expanding Federal grant and loan programs to ensure that all students have access to a postsecondary education.

This legislation, Public Law 102-325, was developed over 2 years, with bipartisan support among members of the Committee on Labor and Human Resources. However, the direct lending proposal which would change the federally supported guaranteed student loan program by removing banks, and private capital from the process, replacing them with a program administered by the Federal Government and with dollars borrowed from the Federal Treasury, was a subject of much debate and controversy.

Proponents of the direct lending proposal claim that billions of dollars in savings justify this dramatic change. They argued that savings, based on elimination of the special allowance paid to banks—3.1 percent—as a service charge for handling the loans coupled with a default reduction plan to allow a more lenient payback option for borrowers, would help to pay for new education programs.

Opponents of the proposal question the cost saving estimates, which are also disputed by OMB and Peat, Marwick & Sons. The cost of implementing the new program could also add $10 to $12 billion in the first year to the Federal debt. We don't need a new, costly, and unproven program, which could add billions to the Federal debt while the private sector is willing and able to provide the capital for the loans.

Conferees ultimately reached a compromise and agreed to a direct lending demonstration program for 5 years. The bill authorized $750 million to be allocated to 500 selected colleges for direct lending. After 5 years, we would assess the effectiveness of the program and determine if institutions are able to process the loans, if the Department of Education has the expertise to make it work, and most important, if the cost saving estimates were accurate.

I truly believe this compromise was developed with the best interest of students and our outstanding higher education system in mind.

Now, less than a year later, before the direct lending demonstration has begun, we are considering the adoption of a full-blown direct lending program through the budget process. In addition to forcing the adoption of an untested program we are misusing reconciliation, which was designed to achieve compliance with budget numbers not to make nondebatable policy changes.

The budget resolution under consideration instructs the Senate Committee on Labor and Human Resources to reduce spending by $6.697 billion over 5 years. The only way these savings can even be claimed is through a full direct lending program.

The arguments are the same as they were last year. Only, I am even more convinced now that this is a bad idea. On February 22, 1993, the Congressional Research Service released a report to Congress which reflects greater doubt on the soundness of converting the current student loan program to direct lending. The CRS report says:

> Conversion to a direct student loan program cannot be justified on the basis of either budget savings or increases in overall economic welfare.
>
> Problems with the current Federal Family Education Loan [FFEL] programs cannot be fixed by conversion to a direct loan program, however inviting such a proposal might appear.
>
> The FFEL program for which lenders receive a subsidy would generate little in the way of reduced budget outlays if switched to a direct loan program.
>
> With direct lending, budget outlays for administrative costs are likely to increase beyond what is currently being incurred by the private sector FFEL programs.
>
> Direct lending will not reduce default costs.

Some say banks are making a killing off the special allowance payments made to help offset costs incurred in administering the Federal student loan programs. In Mississippi, this is not the case. The Federal student loan programs represent a small but important part of their portfolio.

I received a letter last week from a student loan manager at a Mississippi bank, which includes this statement:

> It is my understanding that the ultimate goal of this administration is to lower the deficit. How does this help if the Federal government would have to borrow up to $75 billion dollars in the next five years, before accounting for increases in the costs of education? Could not this growth in the national debt jeopardize the availability of loan funds to meet all students' needs, particularly in this time of pressure to reduce federal spending?
>
> The reauthorization of the Higher Education Act of 1992 has already eliminated many lenders due to the complexities and unknowns of the program. It appears to me that the reputation of commercial lending is at risk, as government represents that it can provide retail credit better and less expensive than banks. It is hard to comprehend that the government is prepared to replicate the present delivery system in order to implement this Program.

Mr. President, this program, if enacted, will be enormously expensive. The Department of Education estimates it will require 650 new full-time staff or contractor personnel to administer it at a time when government is supposedly downsizing. Staff salaries alone are estimated to cost over $52 million in the first 5 years.

A direct lending program will eliminate, at great expense, all of the efficiencies the private market has created. Furthermore, there is no assurance the new program would solve any of the problems which have plagued the current student loan program. The Department of Education would still have to hire and monitor contractors to collect loans in repayment and in default; it will have to ensure that the loans are being properly originated and serviced and that schools are not abusing the program. The Department finds it difficult enough to do these things effectively now. Under this new program the situation will deteriorate.

Only very large universities can afford the staff and computer systems necessary to do the loan origination and followup involved in a direct lending program. I predict that it won't be long before we will be voting on a request for more taxpayer funds for the increased expenses incurred by this new program.

In the face of such uncertainties, does it make any sense to adopt such a sweeping change as part of the budget resolution?

It would be far wiser to adopt the reconciliation figure of $3.409 billion in the Kassebaum amendment. This figure is more than the $3.2 billion in savings estimated in the President's budget for implementation of the direct lending program and would give some flexibility if we decided at some time that direct lending is not in the best interest of students, schools, and the American taxpayer.

Mr. President, I support the Kassebaum amendment and urge other Senators to vote for it.

AMENDMENT NO. 227

Mr. JEFFORDS. Mr. President, I rise in support of the amendment offered by my colleague from Kansas, Senator KASSEBAUM. This amendment will inject both reality and equity into the reconciliation instructions for the Labor and Human Resources Committee.

For the past few years there has been growing interest in overhauling our system of financing higher education for American students. Every one of my colleagues—especially those like me who have college age children—knows that the costs of higher education have become higher and higher, and our students are being buried under greater and greater amounts of debt. Additionally, the subsidies paid by the Federal Government to encourage lenders to participate in a program providing no-risk loans are far too costly.

We took some steps in the last reauthorization of the Higher Education Act to deal with this problem—such as making the interest rate repayment on student loans variable rather than fixed and reducing the special allowance paid to lenders from 3.25 percent above T-bill to 3.1 percent above T-bill. Interestingly enough, when I tried to reduce this special allowance even further, arguing that the profit made by lenders was too high, I lacked the votes of many of the same individuals who are now supporting direct lending under the guise of reducing excess costs in the program.

In addition to acting to contain costs of the existing program, we set up a pilot program in the higher education reauthorization to begin in 1994, to test the concepts of direct lending by the Federal Government and income contingent loan repayment.

There are two principal reasons for moving to a direct loan program. First, by eliminating the private banks from the role they currently play, the Federal Government may be able to save the money now paid to those banks. CBO estimates that this will save approximately $1 billion a year.

Second, and more importantly, those savings could be passed on to students, reducing somewhat the costs of their education. If they can borrow money at the Federal Government's cost, they can obviously save some over what they would pay for commercial or quasi-commercial credit.

There are substantial problems that direct lending poses compared to our current system, particularly access for students and families, Federal and institutional administrative capabilities, and the sheer capital requirements. My own view is that if we can save students money and these problems can be surmounted, we should move to a direct lending system.

Let me repeat that. If we can save students money, we should move to a direct lending system.

But what does all this have to do with the amendment and underlying resolution before us? The answer: everything.

The reconciliation instructions for the Labor Committee are about $6.7 billion over 5 years. As Willie Sutton might have noted that means student loans, because that's where the money is in the Labor Committee. And indeed, all of those savings are presumed to come from higher education financing, particularly the adoption of a direct lending program.

But the figure of $6 billion struck me as high given that last year, unofficial estimates for savings from direct lending pointed to something much less. I asked my staff to check this out. How could the savings be so great from moving to a direct lending system if the savings flowed through to the students?

Well, in retrospect, the answer is easy. The budget resolution assumes we will not pass on the savings of direct lending to the students. Put more bluntly, we will levy a tax on student borrowers if we adopt this reconciliation instruction without the Kassebaum amendment.

This is the way it works. Basically, the current program provides either subsidized loans or unsubsidized loans to student applicants.

For subsidized loans no interest is paid by students during the time they are in school. Instead, the Federal Government pays the interest, which is equivalent to the cost of a 91-day T-bill plus a premium of 3.1 percent above the T-bill to the lender. The amount paid above the T-bill is called the special allowance payment and is used to pay a profit and cover the administrative costs of issuing and servicing the loan. Under a direct lending program there is one significant difference—with the Federal Government providing the capital for the student loan there is no need to pay a special allowance to the lender. The estimated savings from removing the special allowance paid to the lenders is approximately $1 billion.

Unsubsidized loans work in a slightly different manner. Under the current program, lenders provide loans to students and interest accrues while that student is in school. The cost to the student is the sum of the T-bill plus 3.1 percent or the special allowance. All interest and principal goes to the lender. The Federal Government does not become involved unless the loan goes into default—in which case the Government reimburses the lender because the loan is fully guaranteed. Under a direct lending program, the student would pay principal and interest, not to a bank, but to the Federal Government. That means, the Federal Government gets reimbursed for principal, plus interest, plus 3.1 percent from the student.

In effect, a bulk of the savings achieved by moving to a direct lending program comes from the unsubsidized loan program and the extra 3.1 percent students are charged above the T-bill. Any attempt to lower this amount—to lessen the costs to students—would be stymied because savings, of the amount needed to justify our budget reconciliation, would not be possible if the 3.1 percent were lowered.

As many of my colleagues remember, I have been a longtime advocate of reducing the 3.1 percent. 3.1 percent is too much to pay lenders for administrative fees and it is too much to ask our students to pay. Without the Kassebaum amendment though, we will be unable to reduce the burden that this places on our students because a decrease in this number produces a decrease in the savings this committee is able to produce. But, bear in mind, the savings are predicated on costs borne by the students. In effect, by agreeing to the current budget reconciliation numbers this body will force students to repay their loans at rates well above the costs incurred by the Federal Government to borrow this money. In other words, we will be taxing students for borrowing money to go to college.

So instead of passing the savings from direct lending on to students, we put them in our pocket. This deficit-driven sleight of hand is not why this Senator is interested in direct lending, and I am somewhat surprised some of my colleagues seem to be willing to engage in it.

If you want to save money for the Federal Government and save money for students, you must vote for the

Kassebaum amendment. What it will do will scale back our reconciliation instructions so that we need not tax kids who are borrowing to pay for a higher education.

AMENDMENT NO. 227

Mr. SIMON. Mr. President, there are many reasons to oppose the amendment offered by my colleague from Kansas. The amendment calls for further cuts in the President's investment package, and these are cuts that we cannot afford to make. The amendment would set the precedent of allowing Members of Congress to pick and choose the budget estimates that they prefer. That is not the way the budget process should work.

But I would like to focus my time on the real target of the amendment: President Clinton's bold plan to revamp the Federal student loan program.

Mr. President, the Federal Government now pays for two separate student aid systems: a fairly simple system for delivering Pell grants, and a complex and expensive system for delivering guaranteed student loans.

The administration's proposal is straightforward: instead of using a Federal guarantee through banks, the Government will provide the loans directly, so that we can have one student aid delivery system. It would be integrated into the current Pell grant system, which already works well. For collection of payments on the loans, I support using the IRS, but the budget resolution is conservative and does not assume that. It assumes that the Education Department will contract with some of the same companies that do the collections today.

I am confident that the program will work because it builds on what we already do today, and we know from experience that it works.

This commonsense proposal faces opposition, though, because it steps on some very powerful financial toes. Just in the past few months, banks, Sallie Mae and others who profit off of the current system have hired some of the most powerful lobbyists in Washington. In fact, one of the biggest opponents has been the Student Loan Marketing Association—created by the Federal Government. The President of Sallie Mae, according to GAO made $2.1 million in 1991. But this is a Student Assistance Act, not a Sallie Mae Assistance Act.

Mr. President, Sallie Mae is trying to confuse this issue. In a letter to college presidents sent earlier this month, the president of Sallie Mae said that the Federal Government would have to replicate the GSL system. This is intended to create a fear of a massive new Federal bureaucracy, a takeover of the current student loan system.

Don't let Sallie Mae sell you that illusion, because nothing could be further from the truth. Why would the Federal Government want to provide aid to students at 7,000 schools by paying money to 8,000 banks working in various combinations with 46 different guaranty agencies which are also subsidized by taxpayers? There is no reason, except that it is the current system, and the status quo is hard to change.

Direct lending is a much simpler system than the guaranteed student loan program, and it saves money. The Kassebaum amendment helps bankers, not students.

I urge my colleagues to read the financial audit of the GSL program, completed just last week by the General Accounting Office. It concludes that the structure of the guaranty system "is not conducive to good financial management." The report identifies "serious problems in the program's structure." Among the findings:

> Guaranty agencies assume little financial risk and are not compensated in a way that provides sufficient incentives to prevent defaults.
>
> [M]any guaranty agencies have expanded their operations to activities that create serious conflicts of interest with their stewardship responsibilities.
>
> By assuming servicing and ownership roles, guaranty agencies are, in effect, responsible for regulating their own activities.
>
> None of the 10 guaranty agencies we visited reconciled quarterly and yearly data and only one reconciled its monthly bills to its quarterly reports submitted to the Department.
>
> We compared the information on tape dumps submitted to Education with guaranty agency source documents for 30 randomly selected loans and found that 19 had errors in the reported status of loans and student enrollment.
>
> Lender billings to Education often include loans guaranteed by several different guaranty agencies. However, the guaranty agencies we visited limited their reviews (of lenders) to the loans they guaranteed * * * [T]hey could not project an estimate of the accuracy of a lender billing (to the Department) and thus could not provide the Department with assurance that these billings were accurate.
>
> Discrepancies in data "could result in Education not receiving millions of dollars of loan origination fees owed by lenders."

Mr. President, all of the effort—and error—involved in auditing and determining payments to banks, and overseeing guaranty agencies, would disappear in a direct loan program. Sallie Mae wants you to believe that these tasks would be shifted somewhere else. But these tasks are unnecessary. Even the Bush administration recognized this. An Education Department analysis 2 years ago concluded.

> A Direct Loan program would be easier to manage and would greatly reduce opportunities for error and abuse. A centralized data base would improve data integrity and auditability. Department monitoring could be focused entirely on the postsecondary institutions and the collection contractors.

Mr. President, direct lending is simpler and it saves money. Two reports by GAO, and estimates by CBO and OMB confirm this.

Direct lending makes income-contingent repayment possible. This is a priority of President Clinton's.

Direct lending is supported by the higher education groups. I ask unanimous consent that information from some of the education groups be printed in the RECORD.

I urge my colleagues to vote to table the pending amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, March 22, 1993.

DEAR SENATOR: On behalf of our 1700 college and university members and the students who attend them, I urge you to vote against the amendment that will be offered by Senator Kassebaum to the Budget Resolution. The amendment proposes to reduce to $3.409 billion the savings assumed in the reconciliation instruction to the Labor and Human Resource Committee, and to offset the $3.288 billion in forgone mandatory savings with $3.288 billion in unspecified cuts to domestic discretionary programs in fiscal years 1996, 1997, and 1998.

While we appreciate Senator Kassebaum's desire to preserve loan availability for students, we do not concur that the replacement over a five year period of bank-based guaranteed loans with direct loans will cause the effects that are of concern to Senator Kassebaum. We support the President's effort to shift the loan programs toward direct federal lending. (See attached.) Further, we fear that passing on $3.288 billion in cuts to domestic discretionary programs poses a far greater danger to students in terms of constraining the future potential for increased grant assistance, thereby rendering students even more reliant on loans than is currently the case.

We urge you to uphold the provision of the Budget Act that prohibits transfers of funds from mandatory to discretionary spending categories, and to defeat the Kassebaum amendment.

Sincerely,

ROBERT H. ATWELL,
President.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, March 2, 1993.

The higher education associations listed below today released the following statement concerning direct lending:

During the 1992 reauthorization of the Higher Education Act, the higher education community enthusiastically supported a direct loan demonstration project, in which institutions of all types would participate in making loans to students. Throughout the term of this pilot project, extensive evaluation of the efficiency and viability of such a program was to be conducted, and a decision reached as to whether the program should be extended to include all postsecondary institutions.

The Clinton Administration's FY 94 budget proposal assumes full conversion to a direct lending program and a phase-out of bank-based lending by July 1997. The higher education associations listed below support this transition and urge that it be approached in a manner that does not exclude any institution that desires to participate, nor prematurely require the participation of institutions that are unable or unwilling to administer such a program.

We look forward to active and full participation by the higher education community as the details of this proposal are developed. We support the Administration's direct lending proposal as an important part of a larger framework aimed at expanding opportunities for all who aspire to attend college.

On behalf of:

American Council on Education.
American Association of Community Colleges.
American Association of State Colleges and Universities.
Association of American Universities.
Association of Catholic Colleges and Universities.
Association of Community College Trustees.
Association of Governing Boards.
Association of Jesuit Colleges and Universities.
Council of Independent Colleges.
National Association of College and University Business Officers.
National Association for Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.

AASCU OFFERS ANALYSIS OF DIRECT LENDING ISSUE

There are two possible forms of government credit financing, both of which have been used in federal student financial aid. One mechanism of federal financing is that of federal guarantees on loans made by third parties, and the other consists of lending out capital raised from the private capital markets by the federal government directly. Students and institutions are quite familiar with the federal guarantee mechanism through the Guaranteed Student Loan Program (GSL).

Direct lending is also quite well-known to the higher education community through the Perkins program and its predecessor the National Defense Student Loan (NDSL) program. The basic distinction between the two alternatives is that in direct lending, the federal government raises the capital needed for loans itself from the private sector and owns the resulting loan portfolio in its entirety, whereas under a guaranteed lending system, the government pays private intermediaries a premium to induce them to make the needed loans and agrees to buy (and therefore owns) only the weakest portion of the resulting portfolio—defaulted loans and loans canceled due to death, disability or other statutorily defined reasons.

Because the federal government borrows at the lowest market rate, cost of capital under direct lending is less expensive than under the guarantee mechanism. In addition, because under the guaranteed student loan program the government assumes the two most important financial risks involved in any lending operation, the credit risk as well as the interest-rate risk, the GSL system is a particularly expensive form of financing for the taxpayers.

Credit risk is the risk that a certain percentage of amounts borrowed will not be repaid, and interest-rate risk is the risk associated with lending out money at a fixed rate (or at an adjustable rate with a maximum cap) that may fall below the cost of capital for the lender over time. The federal government holds lenders absolutely harmless from the risk of default because it in effect acts as the cosigner of every student loan. In addition, the government also assures the profitability of the GSL program for banks through the payment of "special allowance" indexed to the 91-day Treasury bill. The special allowance, until recently set at 3.25 percent and reduced during the last reauthorization to 3.10 percent, guarantees that regardless of how high interest rates may go, lenders will always make a profit in the GSL program.

The enormous and over-escalating cost of the GSL program can be traced directly to the federal government's complete assumption of interest-rate risk and credit risk, the first of which can be substantially reduced through the use of less expensive federal capital in place of costlier private funds while the second can be reduced through a reconfiguration of the student loan system that is possible only under direct lending.

The simple and obvious thesis that the least expensive source of funds is the best source to tap for use in a federal lending program has been attacked by the various financial intermediaries who benefit from the existing GSL system. These include not only the thousands of participating lenders, but the 46 guaranty agencies that administer the loan guarantees on behalf of the federal government and 35 secondary markets, the largest of which is the Student Loan Marketing Association (Sallie Mae).

While a 1992 Education Department study indicates that the student loan business was the second most profitable lending operation for banks, surpassed only by credit cards lending, the main force of political opposition to direct lending will undoubtedly be those entities that rely primarily on the GSL system for their existence, the guaranty agencies and the secondary market. Sallie Mae and some guaranty agencies have charged that the proponents of direct lending have overlooked certain important questions. The following answers some of those charges:

WILL ACCESS TO LOANS NOT BE THREATENED UNDER DIRECT LENDING?

No. Direct lending as contemplated in President Clinton's reform plan and as feared by the financial players in the GSL system is a replacement for the existing GSL entitlement program for lenders with an entitlement program for students. As such, it is an entitlement which will not be subject to artificial annual appropriations battles as are the Pell and Perkins programs. Any student who currently qualifies for a GSL will qualify for a direct federal loan at a much lower net cost to the federal government, which indicates that better terms and conditions or a greater number of loans or both are more likely under direct lending than GSL.

Much has been made of allegations that government borrowing to raise capital for direct lending would be difficult and increase the deficit. Given the respective sizes of the national debt and the annual federal budget deficit, it is easy to see that the government knows how to borrow money, which the Treasury Department does through the sale of a variety of Treasury instruments. Therefore a highly efficient and reliable system for borrowing is already in place, for which the additional borrowing for direct student loan capital is but a drop in the bucket. Furthermore, the additional indebtedness incurred by the government is not counted towards the $300 billion deficit, but the $4 trillion national debt, and is, more important, offset by the assets purchased by the government, i.e. the loan paper that currently generates more than a billion dollars of profits for the middlemen.

Savings from direct lending, $6.052 billion over five years in the House and Senate budget resolutions, could not only be used to offer additional assistance to students, it could also decrease the deficit. The entire outstanding GSL loan volume appears in the budget as a 100 percent contingent liability (debt) to the federal government.

CAN THE EDUCATION DEPARTMENT HANDLE DIRECT LENDING?

Yes. This catch-all objection fails to note the functional complexity of the present GSL arrangement. The General Accounting Office recently rated the GSL program one of the six riskiest federal credit programs, in large part due to the difficulty of streamlining a program with thousands of lenders, 46 guaranty agencies, 35 secondary markets, and tens of servicers and collectors.

The system that the department now administers is on the face of it a peculiar way of having the government make loans available to students at institutions. This essentially triangular relationship is turned into a polygon with sides that include the department, the school, the student, the lender, the guaranty agency, the secondary market, the servicer, the collector and the Internal Revenue Service. The radical simplification that would ensure under direct lending would allow for vastly better oversight and accountability.

CAN INSTITUTIONS HANDLE DIRECT LENDING?

Yes. Any institution that administers the Pell program or runs the Perkins program can handle direct lending. Direct lending will free institutional resources by reducing the number of steps involved not only for the student and the department, but also for the institution.

The Direct Lending Demonstration program authorized by the 1992 amendments to the Higher Education Act makes federal capital available to the institution and allows its financial aid office to start and finish the loan origination process by doing what it now does as the first of several functional steps involved in the GSL program. Today the aid office must take the form filled out by the borrower, verify the borrower's eligibility, fill out the school section and mail the form to the particular bank indicated by the student. Then it must wait for the bank to obtain a guarantee from the guaranty agency and upon receiving the funds a number of weeks later, go through the same verification of student eligibility process again to ensure that the student's status has not materially changed.

Under direct lending the financial aid office will have originated the loan in the very step and the funds can be immediately posted in the student account, resulting in better service to both the institution and the student. It is important to note that schools that don't wish to actually administer direct lending will have the option of joining a loan origination consortium, which would allow them to continue to operate as they do under the present system.

Much has been said about school liability for servicing and collecting loans. Schools will not be required to service or collect the loans, and therefore will not be liable any more than they are under the GSL system, though some may decide they wish to do so to provide better service to students or to reduce default rates, which they will be allowed to do through separate contracts with the department.

WHY IS DIRECT LENDING A BETTER ALTERNATIVE TO GSL FOR BORROWERS?

By reducing the number of intermediaries and, most important, by eliminating the existing profit-driven incentive structure, direct lending will permit alternative terms and conditions that will be to the taxpayers' and borrowers' benefit. The savings from direct lending, estimated by the Congressional Budget Office to be at least $6.052 billion over the next five years, can either be reinvested in new programs of federal support for higher education or they can provide better terms for borrowers.

The large-scale, default-related industry that has emerged in the GSL system has created a fundamental impasse on the issue of defaults that only direct leading can resolve. Better repayment terms and particularly income-contingent repayment of loans for students facing default, would not only be a more lenient and appropriate treatment of financially strapped borrowers, but will save money by avoiding the vast majority of defaults.

The system as it now operates punishes those for whom educational borrowing did not work and it gives the wrong incentives to the financial middlemen in the form of costly and ineffective "default prevention" subsidies that direct lending would release as subsidies for students.

The simplicity of direct lending would be sufficient justification in itself for opting for it rather than the existing system. The current system's bewildering array of vested interests and financial intermediaries may be an administrative nightmare for schools, but it has tragic consequences for a large number of students who go into default because they do not know who owns the loan, which guaranty agency they must deal with and what the particular (and widely different) policies of these entities are.

President Clinton's budget, as well as the House and Senate budget resolutions, rely on the savings from direct lending. The financial intermediaries in the GSL system understand the threat and have activated a sophisticated lobbying campaign against direct lending in Congress and among institutions. They have also volunteered alternatives under GSL to come up with the savings—mainly through cutting subsidies to students—to maintain their own revenues. AASCU's Division of Governmental Relations and Policy Analysis can provide members with technical assistance on this issue.

AMENDMENT NO. 227

Mr. DURENBERGER. Mr. President, I rise today to oppose the amendment by the distinguished Senator from Kansas reducing anticipated budget savings from a new direct student loan program by approximately $3.3 billion.

I oppose this amendment, Mr. President, because I am a strong supporter of fundamental changes in Federal student loan programs—changes that will save taxpayers money and provide students and families with improved financial access to college.

I also believe the savings anticipated by the budget resolution is conservative, and definitely achievable—especially under the kind of fundamental change in student loan programs that Senator SIMON and I have previously proposed, the kind of change that President Clinton is now also embracing.

I realize, Mr. President, that the details of whatever program we use to meet these anticipated savings remain to be worked out. I also realize that the program these savings are based on doesn't presume income-contingent repayment through the IRS.

But the President is strongly committed to combining the concepts of direct lending and income-contingent repayment. So am I.

And an important reason for my hope that these concepts will both emerge in legislation we adopt this year is my strong belief that including income-contingent repayment in a new direct loan program will produce even more savings—especially long-term.

Mr. President, Members of this body know of my longstanding personal interest in linking direct lending and income-contingent repayment.

Almost 2 years ago, I introduced legislation previously authored by Representative TOM PETRI to create a new direct student loan program called IDEA.

Several months later, Senator SIMON joined me in introducing a modified version of IDEA that shifted more than $3 billion in annual savings to the Pell Grant Program and created a new excellence scholarship program for high achieving low income students.

I've met with students and parents and higher education leaders all over Minnesota—to discuss the IDEA proposal and to listen to their concerns about current student loan programs.

I've found overwhelming support everywhere I've gone.

Support from students and their parents—who are frustrated with a system they believe is unresponsive and unnecessarily bureaucratic.

Support from college administrators and financial aid officers—who know the current system is inefficient and who know that they could do better, if only given the chance.

And perhaps most important, support from middle income parents of our next generation of students—parents who are terrified that their kids won't have the same opportunities they had to gain the rich rewards that a college education can offer.

I mention my own past experience with IDEA, Mr. President, to help make the point that direct lending is not a partisan issue.

And, I want to use at least part of my time here today, to explain why Republicans should be at the forefront of this debate—in favor of fundamental changes in student loan programs. In fact, almost 50 Republicans have already made that choice in the House of Representatives by cosponsoring Congressman PETRI's IDEA proposal.

It's often argued during these debates, that the options before us are an innovative, consumer-responsive private sector—on one hand—and a stodgy, inefficient governmental bureaucracy, on the other.

My own experience suggests that, in this case, the usual distinctions between public and private sector roles really don't apply.

I have a hard time, Mr. President, even thinking of current student loan programs as part of the private sector, when there's a guaranteed rate of return to banks making the loans, and no financial risk if the loans end up in default.

I also have a hard time defending the efficiency and user friendliness of private sector student loan programs that produce as much confusion and outrage as I hear from my constituents who use them.

I'd maintain that this really isn't a question of private versus public sector programs, at all.

What we are really talking about, Mr. President, is making a public sector program work better and more efficiently.

Like many of my Republican colleagues, I have felt the administration's economic recovery program has been long on tax increases, short on real spending cuts, and woefully inadequate on the kind of fundamental reforms that produce both better quality Government and lower cost.

But, the direct loan program we're debating today is a welcome response to the need for real and fundamental reform in how we as a Federal Government do the public's business.

Direct loans are what reinventing Government is all about. Both Republicans and Democrats should give strong support to a proposal like IDEA that accomplishes more for less.

Mr. President, a direct loan program like IDEA also promotes the important Republican principal of individual responsibility.

Last year, there were almost $3.0 billion in defaulted student loans in this country. Federal taxpayers ended up being responsible for meeting that unmet obligation.

But, under programs like IDEA, the responsibility for paying off loans stays with students—even during hard economic times—but in a way that's fair and feasible.

When incomes are low, no payments are due. When incomes go back up, so do the size of payments.

A program like IDEA is also consistent with the principal that higher education pays off, by linking the size of loan payments to post-college income—ending the current link between access to student loans and precollege family assets or income.

And, finally, Mr. President, a program like IDEA makes a wider range of personal, family, and career choices financially feasible to more Americans.

One of those choices might be to take some period of time away from a career—as a parent at home with young children. No longer would the financial obligation of an outstanding student loan prohibit that option.

Another choice available to recent college graduates, under a program like IDEA, would be to devote some period of time to community service in a low-paying job or even as an unpaid community volunteer.

This latter option is consistent with the President's objectives in launching a new national service program. But, it makes that choice available to recent graduates at no cost to the Government.

For all of these reasons, Mr. President, I believe fundamental changes in student loan programs can and should be enacted by this session of Congress. I also hope they include all the fundamental elements of IDEA.

I believe the CBO estimates are not only credible—but conservative. I believe those savings will be even greater if an income contingent repayment program like IDEA were fully implemented.

I realize that strong special interests are threatened by these changes. But, I urge all of us to remember what and who student loan programs are really for.

By enacting the fundamental changes assumed by the budget resolution, we can focus savings on students and families, not on protecting the interest of collection agencies or Sallie Mae.

I urge the defeat of this amendment, Mr. President, and I look forward to working with its author—and all of our colleagues on the Labor Committee—to design a new student loan system that serves today's generation of students—and all those who will follow.

AMENDMENT NO. 227

Mr. PELL. Mr. President, I must regretfully oppose the amendment offered by Senator KASSEBAUM.

Let me say at the outset that I most definitely share the Senator's concerns regarding the savings the Labor Committee will be required to come up with. They are, to my mind, too high and too restrictive. If these numbers prevail, I am very fearful that they will place us irretrievably on a narrow path to a very specific direct loan proposal. We will have little room to maneuver. And, we will be required to enact very precise legislation that anticipates unforeseen problems and pitfalls. This would be exceptionally difficult, to say the least. And, for those of us who have preferred a demonstration approach, this is very troubling.

Safeguards are also absolutely necessary if we are to protect the availability of adequate loan funds for deserving students. And that should be our ultimate concern. For no matter the shape of the program, our commitment must be to making sure that students have access to the loans they need to finance a college education.

My views with respect to direct lending are, I believe, well known. I prefer accessing private capital. I also question whether or not a direct loan program will actually save us money. I am deeply concerned that many institutions may not have either the capacity or the desire to run a direct loan program. And, I must frankly admit that I am not at all sure that the Department of Education is administratively in the best condition to oversee a program of this magnitude.

I recognize that the Administration favors a direct loan program. I counsel it to move slowly and carefully in that direction. And I stand ready to lend whatever assistance and advice is necessary to help the administration fashion a reasonable and workable program. I have a deep commitment to making sure that students will have the loans they need regardless of the shape of the program.

Regarding income contingent loan repayment, I agree wholeheartedly with the President and am prepared to help put that concept into law.

As my colleagues know, I have been a longtime advocate of National Service, and am heartened by the President's deep commitment to this idea. I know that he views changes in the loan program as an integral way to help finance National Service. And that, I am afraid, is the primary concern I have with the amendment by my friend and colleague from Kansas, for it could well put the President's National Service program at risk.

According to the provisions of the Kassebaum amendment, a reduction in required savings in the loan program would be offset by a reduction in increased investment spending. National Service requires increased investment spending. So if you reduce investment spending, you could well be striking at the heart of National Service. I, for one, would regret very much if action on National Service had to be trimmed or perhaps even curtailed as a result of passage of the Kassebaum amendment.

In sum, while I share many of the concerns of my colleague from Kansas, I must urge my colleagues to oppose this way of resolving the issue.

Mr. COATS. Mr. President, nearly 40 years ago, a group of Indiana businessmen made a decision which was to provide impetus for vast new opportunities in American higher education. Recognizing that bright young Hoosiers were unable to attend college because they lacked the credit history and collateral necessary to obtain financing, these leaders decided to group together to provide security for loans for Indiana students.

These Hoosier businessmen formed a nonprofit organization and began to guarantee loans—confident that the investment in our young people was sound. This Indiana initiative served as a model for our first National Defense Student Loan Program.

Today, 50 percent of all the full-time students in the State of Indiana receive Federal assistance in pursuit of postsecondary education. Over 6 million students across our Nation depend upon the Federal Government for assistance. The Federal Student Loan Program is essential to the future of these students and to our Nation—we owe it to them to act carefully and prudently when considering changes in the Student Loan Program.

Yet, the budget resolution before us today contains a provision which would force us to adopt drastic changes in the Student Loan Program. The reconciliation instruction to the Senate Committee on Labor and Human Resources would require the committee to achieve a savings of $6.1 billion over 5 years in the Student Loan Program—the same savings the Congressional Budget Office [CBO] claims would result from direct lending as Senator KASSEBAUM has explained in great detail, adoption of the budget resolution would hence require the adoption of a full-fledged direct lending program.

During last year's reauthorization of the Higher Education Act [HEA], our committee held hearings to discuss the feasibility of replacing the guaranteed student loan structure with a direct lending program. Senators from both sides of the aisle voiced concerns about this transition and agreed that we should proceed cautiously. The committee determined that direct lending should first be tested.

The reauthorization resulted in a huge direct lending demonstration program of about a half a billion dollars. Mr. President, this pilot program has not even begun, and yet, here we are talking about a complete conversion to direct lending. This rapid transition is being fueled by claims of extensive savings. But great disagreement exists as to how much savings could be achieved—if any.

Where CBO claims $6.1 billion in savings, the General Accounting Office [GAO] places this figure at $4.7 billion. The Office of Management and Budget [OMB] estimates a savings of $3.2 billion, while the Congressional Research Service [CRS] and numerous other organizations, insist that direct lending will either result in no savings or even increased costs.

Mr. President, the disparity in these savings estimates is symbolic of the uncertainties related to direct lending. We can stand here all day and argue back and forth about the savings of direct lending, but the very fact that there is such a large degree of disparity, should send up red flags. We need to study and examine direct lending's impact before we jeopardize the entire Federal student loan structure.

We are being asked to decide today, without the benefit of the demonstration project, to commit the financial aid future of millions of students to direct lending. Mr. President, I believe that too many questions remain unanswered:

What effect will direct lending have on students?

The effect direct lending will have on students, in terms of access to loans and ability to choose lenders which meet their needs, has not been explored.

How will direct lending impact the schools?

GAO and CBO did not sufficiently take into account the financial impact of direct lending on schools.

The management firm of Peat Marwick estimate that schools would incur between $160 and $190 million in transition costs and between $130 and $179 million in additional annual administrative costs.

Schools will be expected to expand their administrative role with no compensation from the Federal Government.

Will the Department of Education be able to administer a program of this magnitude?

Concerns have been voiced from both sides of the aisle about the Education Department's ability to administer a program of the size and complexity of direct loans.

Will parents still be able to take on student loans for their children?

The concept of direct loans to parents by institutions has not been fully developed leading to uncertainties about parent access to student loans, or, conversely, poor credit decisions by schools, leading to overborrowing by families unable to meet repayment obligations.

What will happen to default rates?

Default rates under direct lending could be higher than comparable Federal Family Education Loan Programs [FFELP] during the transition period.

Mr. President, these are just a few of the questions that need to be answered before we can entrust our student's financial assistance to a full-blown direct lending program. These questions have not been adequately addressed, which is why Congress felt the need to create a demonstration program, last year.

For these reasons, I join the distinguished ranking member of the Senate Committee on Labor and Human Resources, Senator KASSEBAUM, in sponsoring this amendment and urge my colleagues to join us. We cannot commit the future of our Nation's student financial aid program to an untested system which could jeopardize the avilability, quality, and cost of higher education.

AMENDMENT NO. 233

Mr. McCAIN. Mr. President, the amendment I am offering today is a simple one. It would restore pay levels for military and Federal civilian employees to those authorized under current law. It would eliminate President Clinton's proposed freeze on military and Federal civilian pay during fiscal year 1994, as well as the proposed reduction in cost-of-living based pay raises during fiscal years 1995–97 and locality pay revisions.

The reason for the amendment is equally simple. The plan put forward by President Clinton, and adopted by the Budget Committee, places a disproportionate share of the burden on military and Federal civilian employees, the vast majority of whom could not be considered rich under even the most contrived of definitions, and many of whom do not even make poverty level wages.

These individuals are being asked to not only pay higher income taxes and higher energy taxes, but to have their wages frozen as well. In fact, the direct financial burden imposed on many Federal workers will be much greater under President Clinton's plan than will be borne by non-Federal workers earning much more. This isn't fair and it isn't right.

During his campaign, President Clinton said that only those Americans making more than $200,000 would be called upon to pay for his deficit reduction plans. He even called President Bush shameless for suggesting that persons making as little as $36,000 would be required to sacrifice under the Clinton plan. As we now know, President Bush actually overshot the mark and individuals making much less will be required to sacrifice to support new spending programs.

We sometimes talk about the pay of Government employees as if we were discussing some privileged class. Actually, Federal employees are generally paid less than their civilian counterparts, and many barely earn enough to maintain what would be considered a basic middle-class life style. In fact, the average Federal civilian employee makes $36,000, with some workers making as little as $12,000.

The situation is even dire with respect to those men and women who serve in our Nation's Armed Forces. They too are Government employees, and most are enlisted personnel who receive comparatively low pay. In fact, 70 to 80 percent of enlisted personnel earn less than $30,000, with the lowest paid personnel earning just $9,777 per year plus allowances. Some 20,000 enlisted personnel and their families are eligible for food stamps.

Moreover, during the past 10 years, military personnel pay has significantly lagged behind inflation and private sector salaries. Inflation has outpaced military salary increases by 7.8 percent and military pay has fallen behind private sector pay levels by an additional 11.8 percent.

The men and women who serve in the military volunteer for a career where they are often asked to risk their lives in the national interest. Even during peacetime, they are subject to constant relocation and reassignment, which often means that military spouses find it difficult to keep jobs or develop careers.

Mr. President, it simply isn't fair for us to ask those who already give so much to our country to give even more.

While fairness is the principal reason I am introducing this amendment, there are other important reasons as well. For example, the President's plan completely undercuts the congressional intent underlying the Federal Employees Pay Comparability Act [FEPCA], which was designed to establish a system to more closely tie Federal salaries to local wage rates and make them more competitive with the private sector. We should live up to the commitment we made with FEPCA.

In addition, I would note that a majority of all nondefense discretionary savings in the President's plan and in the budget resolution are derived from Federal employee accounts, across-the-board Federal pay reductions and unspecified administrative or attrition savings.

While it may be appropriate to realize some savings in this area, what the American people have told us, loudly and clearly, is that we should be eliminating unnecessary Federal programs, not hurting those that can least afford to be hurt. Once again, the Congress is attempting to avoid making the tough decisions to reduce or eliminate Federal spending programs which are supported by favored constituencies and special interests. Therefore, the costs of this amendment would be offset with commensurate reductions in the $112 billion in new program spending proposed in the President's plan and assumed in the budget resolution.

Mr. President, I urge my colleagues to play fair with those who serve in the military and the Federal Government and support this amendment.

AMENDMENT NO. 234

Mr. STEVENS. Mr. President, this amendment offered by myself, Senator KASSEBAUM and Senator LUGAR tries to correct an unconscionable provision of the proposal before us. Mr. President, under current law when a Federal employee retires, that person can elect to provide an annuity for surviving spouse. If the employee does that, the employee receives a reduced amount of retirement for the balance of his or her life. When the employee dies, the survivor receives a portion of the annuity that the employee has been receiving.

The provision that we would strike would require that the surviving spouse annuity be based upon a percentage of the retiree's reduced amount. What it means simply is that if you look at employees who retired around 1980, the average annuity of about $11,000 would go to the surviving spouse. This proposal would take $1,500 from those people who are currently getting 50 percent of the deceased spouse eligible annuity. It means $1,500, basically, from a sizable portion of our society who are widows of people who spent their lives working for the Federal Government.

I cannot think of anything that I have seen in this proposal that is worse. I make this statement now because I hope every Member of the Senate will look at our amendment No. 234 and delete this provision. It would literally take money from a widow who is getting one-half of the amount that her husband would have been entitled to receive if he had not indicated prior to his death that the survivor would receive a portion of his total eligible amount.

This portion should be stricken, and I hope the Senate will support amendment No. 234.

AMENDMENT NO. 240

Mr. BAUCUS. Mr. President, I rise in opposition to the Lott amendment. Under President Clinton's leadership we are now engaged in the difficult business of beginning to solve the Government's fiscal crisis. Rest assured that if we don't take care of the deficit, it will take care of us. It is clear that the deficit must be reduced and it is equally clear that any measures aimed at reduction must be fair and evenhanded.

President Clinton is mindful of the issue of equity and has called for a sharing of the burden, but only by all who can genuinely afford to contribute, and this would include some seniors. Presently, one out of five social security beneficiaries pay some tax on 50 percent of their benefits. The Clinton proposal would increase the rate of tax to 85 percent. Two important features need to be noted. First, these tax rates only become effective after one's income rises above certain threshold levels. These thresholds are designed to protect low- and middle-income beneficiaries from paying taxes they cannot afford. Presently, the thresholds are $25,000 for an individual and $32,000 for a couple, but it is conceivable we could raise these thresholds if fairness an equity demanded it.

Second, this approach does not extend the tax to new seniors but is addressed to the more affluent. For example, the Congressional Research Service projects the scenario of a retired couple with $15,000 in Social Security benefits and $35,000 in other income from private pensions, interest and dividends. These folks would pay an additional tax of $551, or viewed another way, $46 per month. Analysts point out that since even the most generous private pension plans rarely pay ordinary retirees more than about $20,000 a year, this couple would have to have a significant investment portfolio of several hundred thousand dollars. On balance, therefore, I think these folks are able to participate, to bear a share of the deficit reduction. And I honestly think that many seniors would willingly do so, because they know the deficit has to be dealt with if the country is going to get back on track and have a future.

Finally, I wish to add that the Clinton administration has indicated that all the revenues raised from this tax will be funnelled into the Medicare Program which seriously needs fiscal attention. In other words, these funds will still be used to serve seniors.

The Lott amendment proposes to maintain the status quo of a fiscal house in disorder. It fails to restore equity into the tax system and it favors the well to do at the expense of the rest of society. It's effect will be to send benefits to those that may not have a genuine need. This amendment looks to the past, not the future, and it needs to be defeated.

AMENDMENT NO. 243

Mr. SMITH. Mr. President, I rise in strong support of the Thurmond amendment to continue military pay adjustments as prescribed under current law.

Mr. President, as requested by the Clinton administration, the budget resolution before us freezes military pay in fiscal year 1994 and decreases cost-of-living adjustments for military personnel in the future. From the outset, let me say that I vehemently oppose this initiative.

While we in Congress may disagree on the merits of various defense programs and priorities, personnel compensation should not be a partisan issue. The U.S. military is an All-Volunteer Force that endures great sacrifice in the line of duty. Personnel on deployment are routinely separated from loved ones for as much as 6 months at a time. The remuneration that they receive for their service can hardly be considered generous.

Under the existing base force plan we are eliminating 500,000 active duty personnel from the Armed Forces, many against their will. In addition, President Clinton has advocated cutting an additional 200,000 personnel by 1998, which is certain to trigger widespread involuntary separations. At a time when manpower reductions are causing such uncertainty and anguish throughout the ranks, I find it unconscionable that Congress would even consider cutting the pay of our military personnel.

Mr. President, during the cold war we relied upon the U.S. military to safeguard our security. They did not let us down. Now that peace has been achieved, we must not let them down. The amendment before us would correct a terrible inequity and reinstate funding for the military pay adjustments prescribed under current law.

I urge my colleagues to support this important amendment and I yield the floor.

AMENDMENT NO. 254

Mr. PELL. Mr. President, I join the Senator from Massachusetts [Mr. KENNEDY], in introducing this amendment to send a strong message to the Finance Committee that residential consumers of home heating oil should not be forced to pay a disproportionate share of the Btu energy tax. As my neighbor in Massachusetts well knows, we in New England are placed in a very difficult position because our region relies heavily on home heating oil to keep us warm during the cold winter months. In fact, 35 percent of the homes in Rhode Island are heated with home heating oil, compared to only 14 percent nationally. We are willing to pay our fair share, but the supplemental oil tax portion of the Btu tax will have a significant and unfair impact on the residents of my State. With this supplemental oil tax, we are requiring that households using home heating oil either pay a premium over and above what their neighbor pays for energy or face the considerable cost of converting their home to an alternative energy source. And the cost of conversion are not inexpensive, running on the order of $2,000–$3,000.

The reality of the budget deficit and a decade of neglect in domestic investment has forced us to look at the tax as well as the spending side of the budget. And while I am not elated at the prospect of raising taxes, I do recognize that we have to make difficult choices if we are going to put this country back on track. I support an energy tax as a revenue raising option and believe the flat Btu tax spreads the burden across the broadest base of fuels and is the most fair regionally. However, the President's plan includes a major differential on oil that will hit home heating oil consumers much harder than others and I must express my objections to this inequity in an otherwise fair plan.

Although the administration recognized the inequity of home heating oil consumers by proposing a one-year delay in the phase-in of the supplemental tax on home heating oil to ease the transition for households that switch to another form of energy, many of these consumers lack the resources to convert and will therefore be fully exposed to the differential in oil prices.

The people of my State and the American public in general have voiced their willingness to share the burden of reducing the budget deficit if that burden is spread fairly. This supplemental tax imposes significant additional costs on residential consumers of home heating oil, and I am pleased that my colleagues have accepted this amendment.

AMENDMENT NO. 258

Mr. HATFIELD. Mr. President, it is important that I make myself clear on the fact that I do not vote for the Republican alternative because I support higher spending on defense programs. I support the Dole alternative in spite of the additional DOD moneys because I believe that the other proposals included in the Republican package are important to the economic viability of our nation and worthy of acceptance.

The Republican alternative budget resolution would eliminate the almost $300 billion in new taxes proposed in the President's economic plan. I have been inundated with letters and calls from Oregonians asking Congress to cut spending first before we ask them to pay more in taxes. Previously, I have expressed my concern regarding certain taxes that are assumed within the President's plan. The so called Btu tax has many potential implementation problems, is inherently regressive, and potentially devastating to certain energy intensive industries in the Pacific Northwest.

Another extremely important point in support of the Dole amendment is the provision for significant entitlement reform. I was one of the few who voted in support of implementing caps on non-Social Security mandatory spending during last year's budget resolution. This part of our budget has been out of control for some time now. Some 96 percent of the spending increases over the next 5 years will be in mandatory programs. Attempting to control these costs recognizes that the heart of our budget difficulties lie not in the lack of revenues, but in the lack of control over runaway growth in certain Government programs.

My vote for the Dole amendment notwithstanding, I cannot agree with those on both sides of the aisle who claim that the defense budget is absorbing inordinately large cuts. Of course each billion saved out of the Pentagon's budget is significant and has an effect upon our national security posture. But several military analysts have shown us that it is possible to achieve significant savings in defense in this time of lessened external threats. I believe we can go beyond the Clinton proposal.

This is not the last opportunity for Congress to consider this year's defense budget. It is certainly not our best opportunity, for we do not have or hands on any budget documents from the new administration, which could give us a clue as to where the changes will be made. As we move on to the authorization and appropriations process, I will continue to argue for deep, and responsible, reductions in military spending.

CRAIG AMENDMENT

Mr. MURKOWSKI. Mr. President, I rise today in opposition to the amendment of the Senator from Idaho which would repeal the Davis-Bacon Act. The Davis-Bacon Act requires the Federal Government to pay workers on Federal construction projects the prevailing local wage for similar labor on comparable construction work. The Davis-Bacon Act is important law, and deserves the support of this body. I urge my colleagues to defeat the Craig amendment.

Passed in 1931, the Davis-Bacon Act is designed to protect local contractors and local workers. Prior to the passage of Davis-Bacon, local contractors and workers could not gain access to Federal projects because of competition from out-of-town, fly-by-night firms which would come to a locality and underbid local contractors. The fly-by-nights were able to underbid local contractors not because they were more efficient, but because they came to a locality and undercut local wages and work standards. This nefarious activity by fly-by-nights had several effects. It hindered the growth of local enterprises and local employment, it artificially caused local wages to be lowered, and it led to a credibility gap between those people in a community for whom the project was to benefit and the out-of-town, wage-cutting contractors.

Davis-Bacon ended those practices, strengthening the diversity of the contracting industry, ensuring the employment of local people, and guaranteeing that workers on Federal projects are fairly paid. These achievements are particularly important in my State of Alaska. Living costs in Alaska are significantly higher than those in the lower 48. This is true for a variety of reasons, including the lack of an industrial infrastructure, high travel and shipping costs, and severe weather conditions. As a result of these factors, a study commissioned by the State of Alaska found that the cost of living in Anchorage, the largest city in Alaska, was some 14 percent higher than the cost of living in the nearest city in the continental United States, Seattle.

That 14-percent difference is the key to understanding the importance of Davis-Bacon to Alaska. Without Davis-Bacon, an outside contractor could come to the State with a bid based on the hiring of workers from outside. Those workers would be subject to the costs of living in Alaska only for the duration of the project; they would never pay higher Alaska mortgages, never pay higher costs to feed and clothe their families, and never stay and contribute to the economic and social well-being of their communities and the State. Without those costs, these outside workers could in fact undercut the wages of Alaskan workers. Ultimately, I believe that such an economic distortion would ensure that there would be no resident labor force in Alaska.

However, with Davis-Bacon ensuring that local wages are not undercut, contractors have no incentive to bring in outsiders. Instead, contractors hire Alaskans for Federal projects, men and women who contribute every day to making the State stronger economically and socially. These Alaskans make up one of the most highly skilled and diverse resident labor forces in the country. That is why, Mr. President, I feel as strongly as I do about keeping Davis-Bacon on the books, and I urge my colleagues to defeat this amendment.

Having said that, let me also speak briefly on another matter of great concern to working men and women: That is the issue of striker replacement legislation. As you know, legislation has been introduced in this body which would prohibit employers from hiring permanent replacement workers in cases of labor disputes involving economic matters. While it is already illegal to hire permanent replacement workers if the issue is one of unfair labor practices, this new legislation would extend that prohibition to workers hired during strikes based on economic concerns.

Mr. President, I oppose the so-called striker replacement legislation for much the same reason that I support Davis-Bacon. The reason is simple: I want to keep jobs, not lose them. Striker replacement legislation would alter the current balance between business and labor, a balance which has been in place for more than 50 years, and which has served both parties fairly. Striker replacement legislation would give enormous new power to unions, but I believe that power would ultimately be to the detriment of the interests of the working men and women of this country.

First, I believe that striker replacement legislation would have a negative impact on American competitiveness in the global marketplace, and could force the transfer of American businesses. Foreign companies which manufacture and export goods to the United States would not bear the cost of such legislation, and so American companies would be encouraged to relocate from the United States to overseas. We have already lost many American jobs to foreign nations were labor costs are lower. We do not need to further this trend.

Second, though some of the proponents of this legislation say that it is antilabor to oppose it, nothing could be further from the truth. In fact, it would be against the interests of labor to support such legislation. Disproportionately increasing the power of the strike weapon will force many businesses to close, unable to weather extended strikes without the employees needed to maintain operations. This reality will force many more businesses to work hard to avoid union activity. A company's refusal to accept a union's offer is often dictated not by the desire for greater profits, but by the absolute imperative to reduce costs and operate more efficiently and competitively in an increasingly demanding global economy. If a company can't compete, it closes down, and those jobs are lost.

If striker replacement were to become law, businesses which have employed union labor in the past would avoid doing so again in the future and businesses currently employing nonunion labor would redouble their efforts to stop attempts to organize their workers. This is particularly true in a business such as the construction industry in Alaska where companies cannot risk extended strikes which can shut down entire projects because of the short construction season, affecting a multitude of contractors and subcontractors. Striker replacement would so alter the balance of power between labor and business that business would simply opt out, and that is no victory for working men and women.

Mr. President, I believe that we in this body should stand up for good paying, long-term American jobs. That is why I support Davis-Bacon, which has done so much to ensure the strength of local businesses and local employment throughout the country. That is why I oppose striker replacement legislation, a misguided idea which will harm America's working men and women. Mr. President, I urge my colleagues to join me in defeating the pending amendment to repeal the Davis-Bacon Act and I urge my colleagues to oppose striker replacement legislation when it comes to the floor.

EXTENDING LOW-INCOME HOUSING TAX PROVISIONS

Mr. SARBANES. Mr. President, I would like to address a question to the distinguished chairman of the Budget Committee. My question concerns the resolution's assumptions with respect to the extension of certain tax incentives for affordable housing.

The low-income housing tax credit and the mortgage revenue bond programs are integral elements of Federal housing policy. Since its enactment, the tax credit has contributed to the development of more than 420,000 rental apartments for families earning less than 60 percent of median income. The mortgage revenue bond program has provided low-cost financing to more than 1.4 million families earning less than 115 percent of median income, allowing those families to purchase their first homes. Both of these programs have the dual benefit of creating jobs in the construction industry as well as expanding housing opportunities for low- and moderate-income families. I was quite pleased that the President's economic package called for permanent extension of these two valuable programs.

Mr. President, there is some concern that the assumptions behind the Senate budget resolution before us today might back off from the commitment to extend the low-income housing tax credit and the mortgage revenue bond programs permanently. I would like to take this opportunity to ask my colleague from Tennessee, the distinguished chairman of the Budget committee, if, in putting together this resolution, there was any intention to suggest that these important housing tax incentives should be extended for only 2 years?

Mr. SASSER. Mr. President, I am pleased to respond to my colleague from Maryland. I share his interest in maintaining these important affordable housing tax provisions. I have supported permanent extension for both the low-income housing tax credit and the mortgage revenue bond programs many times in the past. The Senate budget resolution before us today is in no way intended to suggest otherwise.

As you know, authority for both the low-income housing tax credit and the mortgage revenue bond programs expired on June 30, 1992. This hiatus has caused considerable disruption in the affordable housing delivery system. Housing projects require a long lead time for site acquisition and planning. Permanent extension is the only solution if we want to reassure the low-income housing community that they can go ahead with their plans. Permanent extension will prevent disruptions in the future.

Twice last year Congress provided permanent extension of these tax provisions in bills subsequently vetoed by President Bush. I too am pleased that the new administration has supported permanent extension, and I plan to work with our colleagues on the Finance Committee to secure permanent extension, once and for all, in this year's tax bill.

Mr. SARBANES. Mr. President, I thank the Senator from Tennessee for his remarks and look forward to working with him to secure permanent extensions of these programs.

Mr. SMITH. Mr. President, the Clinton proposal, as we all know, imposes a tax of nearly 26 cents per million Btu's on fossil fuels. While I strongly oppose this unfair tax, that is not what I am here to discuss. What I am here to discuss is the additional 34 cents per million Btu's surtax on oil alone. I am most concerned about the people in New Hampshire and the Northeast corridor who use oil to heat their homes. Oil now accounts for 45 percent of residential heating consumption in New Hampshire. Imposing a total tax of nearly 60 cents per million Btu's tax on oil will force some people in New Hampshire to make a choice between putting food on the table or keeping their children warm.

I believe that there are at least two things that need to be addressed before we allow this surtax to be imposed. Who does this tax hit the hardest and what good will come of this additional surtax?

First, who does this tax hit the hardest? While the majority of this unfair tax will be levied on those in the upper income tax bracket, the fact remains that the upper income bracket has the money to pay for it. With regard to the very poor, President Clinton has realized that this surtax will impose a heavy burden on people that are just trying to get by. Consequently, he has proposed increases for the Low-Income Home Energy Assistance Program. This provision may offset the new tax burden on the very poor. However, I am not confident of this. Having said all that, who do you think will be the hardest hit? It is the middle and lower class. This tax is not fair. This tax does not impose equity. This tax will drive the middle class, especially those who are unemployed and on shaky fiscal ground, right into poverty.

Second, what good will come of this additional surtax? This tax is expected to raise only $1.1 billion. Where are our priorities when we are frivolously spending billions and billions of dollars, yet we are voting to impose an unreasonable tax burden on our lower and middle classes? I would also like to point out that the estimated $1.1 billion that will be raised as a result of this surtax will not even be used to offset our national debt that now looms at around $4 trillion.

Mr. President, I believe that we have a responsibility to allow the lower and middle classes to keep their money and use it to heat their homes, put food in their children's mouths, and clothes on their children's backs. Consequently, I urge all Senators to vote in favor of the Murkowski amendment.

TO EXEMPT COMMERCIAL FISHING INDUSTRY VESSELS FROM THE BTU TAX

Mr. MURKOWSKI. Mr. President, I am today offering an amendment to exempt fuel used by vessels operating in the commercial fishing industry of the United States from the Btu tax as proposed by the President.

I believe this amendment is needed for several reasons. The seafood industry is a valuable component of this Nation's economy. It is one of the few areas where the United States consistently has a trade surplus, which has a positive impact on our economy and on the United States' standing in the economic world.

Our commercial fishermen produce healthy protein for a hungry world, and employ thousands of individuals in coastal States. Jobs are provided for many thousands of others in transportation, seafood processing and distribution, wholesale and retail sales, and so forth.

Unfortunately, Mr. President, the industry is not in the best of health. Prices for many fish species are low, and many experts will tell you that a large number of fishermen and fishing companies are operating on the edge. This tax could well push them over the edge.

If what we are trying to do is create jobs, let us not take actions that would result in losing them in large numbers.

My colleagues may have seen recent news accounts of civil unrest among fishermen in France and other countries, due to the poor shape of European whitefish markets. The situation in the United States is not that much different. The reason for that is that seafood prices are set by a world market, not by local markets. Dumping of whitefish products in Europe has a direct effect not only on French fishermen, but on our own as well. Similarly, the growth in salmon farming production in Norway, Great Britain, Chile, Canada, and a host of other countries has had a direct impact on salmon fishermen in Alaska and the Pacific Northwest, and on American salmon farmers.

At this sensitive time, adding an additional tax is exactly the wrong action. It places the fishing industry at great risk, along with all the jobs it creates both directly and indirectly.

It also places at risk the U.S. supply of healthy, ocean-grown protein, such as the millions and millions of pounds of high-quality fish caught each year off the coast of my own State of Alaska.

This is not just a question of jobs, it is a question of where the country should be putting its emphasis. Let us think about what we are doing. We have had much debate recently on the subject of health care, and I believe there is general agreement that Americans would be healthier if they ate more seafood. Yet what are we doing? We are preparing to adopt a tax that will both reduce the amount of seafood available to consumers, and increase our dependence on imported foreign seafood, much of which—according to FDA studies—is not as carefully and safely processed as American-caught seafoods.

Mr. President, the seafood industry would provide a very limited amount of income through the Btu tax—approximately $45 million in fiscal year 1994, increasing to $134 million in fiscal year 1996 and beyond—but the tax would have a tremendously damaging impact on the industry, on seafood-related jobs, on the viability of Government and private loans already made to the industry, and perhaps to public health.

We here in the Senate often pride ourselves on being able to take the long view of the issues of our time. I urge my colleagues to take the long view on this issue, and realize that exempting fishing industry vessels from the Btu tax will be by far more productive than the alternative.

VOTES ON GRAZING FEES AND MINING LAWS

Mr. PRESSLER. Mr. President, the Senate was confronted yesterday with two votes that were intended to ensure that fees charged to ranchers for grazing on public lands and the royalty fees for hardrock mining on Federal lands be established to ensure a viable ranching and mining industry. On the surface, it would appear that a Member supporting one amendment would support the other. However, that was not the case.

The Bingaman amendment simply expressed the sense of the Senate that the fees established on grazing lands and royalties on hardrock mining ensure viable industries. However, the amendment from the Senator from New Mexico did not include the specific numbers in the budget that would need to be adjusted to achieve the stated goal. Ranchers and miners are vital to South Dakota. I support their continued viability.

On the other hand, the amendment from the Senator from Wyoming [Mr. WALLOP] achieved the intent of both amendments and, at the same time, provided specific numbers that the Appropriations Committee could follow to ensure the future good health of our ranching and mining industries.

While I supported the spirit of the Bingaman amendment, I was compelled to vote against it. It was imperative that the Senate provide the specific budget details needed to achieve fairness for our ranchers and miners. Those specifics were included in the amendment from the Senator from Wyoming and that is the reason I supported the Wallop amendment on grazing and mining fees.

THE BUDGET RESOLUTION

Mr. SMITH. Mr. President, this budget resolution speaks for itself. If we look on page 3, line 6, we see the following:

> PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
> Fiscal year 1994: $4,723,700,000,000.
> Fiscal year 1995: $5,082,500,000,000.
> Fiscal year 1996: $5,428,800,000,000.
> Fiscal year 1997: $5,780,800,000,000.
> Fiscal year 1998: $6,161,400,000,000.

That is what people in the business community would call the bottom line. After all the claims and counterclaims, when the dust settles, this Nation will be more than $6 trillion in debt.

Again, let us read the resolution. On page 41, line 7, we find the following:

> The corresponding levels of gross interest on the public debt are as follows:
> Fiscal year 1994: $307,458,000,000.
> Fiscal year 1995: $326,949,000,000.
> Fiscal year 1996: $345,874,000,000.
> Fiscal year 1997: $362,860,000,000.
> Fiscal year 1998: $380,168,000,000.

Given those staggering numbers, it is hard to believe that the Senate is debating a budget that would add $140 billion in new spending over the next 5 years.

I have heard a lot of talk in this Chamber about the investment deficit in this country. I have seen graphs and charts that compare the levels of investment among industrialized nations.

Mr. President, those charts ignore one very important point: No other nation in the world is $4 trillion in debt. I am certain that there are many families in New Hampshire that would like to invest more money in education, or a better roof over their heads. But they cannot invest what they do not have.

Mr. President, the Federal Government cannot spend what it does not have—and we do not have money. Under the best-case scenario—if everything goes as planned, this is what will happen to the budget deficit under the Clinton plan:

1994—$268.1 billion.
1995—$257.0 billion.
1996—$220.0 billion.
1997—$204.9 billion.
1998—$228.5 billion.

With all the different budget estimates discussed in the Senate, it is easy to get confused. The American people, however, need only to remember the following three numbers.

First, $228.5 billion—that is the minimum amount of the deficit in 1998 according to the Clinton plan. It will likely be much higher.

Second, $380.2 billion—that is the minimum amount the Federal Government will pay in interest in 1998 according to the Clinton plan. It will likely be much higher.

Third, $6.2 trillion—that is the minimum amount of the national debt in 1998 under the Clinton plan. Again, it will likely be much higher.

Mr. President, that is not progress, it is pathetic. Mark my words, if this plan is adopted, I predict that:

The deficit will exceed $300 billion in 1998.

Interest on the debt will exceed $400 billion in 1998.

The National debt will be $6.5 trillion in 1988.

President Clinton's budget represents a complete retreat from candidate Clinton's promises.

Candidate Clinton promised a tax cut for the middle class. President Clinton's plan will increase taxes on families earning more than $25,000.

Candidate Clinton proposed $60 billion in defense cuts over the next 5 years. President Clinton has proposed defense cuts of $112 billion—without offering any specifics.

Candidate Clinton promised policies that would invest in people and create good jobs at good wages. President Clinton has proposed a new energy tax that will destroy jobs and stifle economic growth.

Mr. President, according to the Congressional Budget Office, the Clinton plan asks Americans to pay $3.80 in additional taxes for each $1 of spending cuts. That is not shared sacrifice. It is offering taxpayers up as sacrificial lambs.

I urge my colleagues to reject the Clinton budget. It speaks for itself.

JOB CORPS

Mr. SIMON. I would like to thank the chairman of the Budget Committee, Senator SASSER, for engaging in this colloquy with me.

The issue I would like to discuss today is Job Corps. I was very pleased with President Clinton's commitment to fully funding the Job Corps 50-50 plan by the year 2001. The Administration has proposed $133 million for Job Corps fiscal year 1994, as well as $30 million to eliminate maintenance backlogs. These funds are badly needed, and I fully support these funding levels. I know that the chairman of the

Budget Committee is very supportive of this proposal as well.

Mr. SASSER. That is correct. I, too, fully support the administration's Job Corps proposals.

Mr. SIMON. With adequate appropriations levels, 50 new Job Corps centers can eventually be opened. Opening new centers will help the program ultimately serve 50-percent more youths than are currently served. There are many areas of the country that desperately need these centers. I have been pushing for appropriations to open a Job Corps center in Chicago for many years. Chicago is the largest urban area that does not have a center now. In addition, there is a large population of at-risk young people there.

I know the Senator from Tennessee has also worked hard to locate a center in Nashville. I believe both these sites have a great deal of merit, and it is my hope that the priorities set out by the Clinton administration with regard to Job Corps will help to finally get these centers off the ground.

Mr. SASSER. I agree that both Nashville and Chicago would be excellent sites for Job Corps centers. We finally have leadership from the administration in this area, and a commitment for adequate funding levels. This leadership is long overdue. I look forward to working with my colleague from Illinois on this issue in the future.

THE CONGRESSIONAL BUDGET RESOLUTION AND VETERANS PROGRAMS

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to support the resolution as it was reported by the Budget Committee. The resolution's treatment of veterans programs embodies the recommendations in President Clinton's budget. On March 5, our committee provided to the Budget Committee our views and estimates regarding the budget for veterans programs. I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. Mr. President, this is a budget that recognizes the importance of meeting this Nation's solemn obligations to those who have served and sacrificed to protect our country—and to their families and survivors. The President has not proposed—and this resolution does not contain—provisions that would jeopardize the compensation paid to service-disabled veterans, their families, or their survivors. It does not unfairly single out veterans for cuts in cost-of-living adjustments or other benefits that remain untouched in similar, nonveteran programs.

President Clinton did not forget veterans in his plans for economic recovery and investment in America's future, recognizing the important role that veterans programs can play in these efforts. It is essential to veterans and all Americans that we move quickly, after adopting this resolution, to enact the economic stimulus package that the President has recommended.

As President Clinton has said, significant sacrifices will be necessary to bring the huge Federal deficit under control after 12 years of borrow-and-spend policies that have mortgaged our children's future. Veterans proudly sacrificed during military service and they have told us again and again that they will do their fair share for the economic security of our country.

Mr. President, this is what one veterans service organization said at a recent hearing before our Committee:

> [P]riorities have to be set and painful, unpopular decisions have to be made. * * * Parochial concerns * * * cannot be controlling as we address the related questions of our economic health and the federal deficit.

Almost all of the major veterans groups have made similar statements that demonstrate that veterans and their families—like the overwhelming majority of Americans—clearly stand ready to share in the sacrifices President Clinton has called for in his budget.

Mr. President, as we move ahead into the appropriations process, we must keep in mind two major concerns.

First, for several years, the budgets for the Department of Veterans Affairs and veterans programs in other Federal agencies have not kept up with inflation. Funding shortfalls have caused real reductions in vital medical care and other services.

The current level of VA medical care does not meet many critical health-care needs of veterans. For example, VA currently is not meeting the full needs of veterans suffering from post-traumatic stress disorder or with special disabilities such as blindness or spinal cord injury. And in order to meet day-to-day operating expenses, VA medical centers have used money that was meant for replacing broken and outdated medical equipment, creating an enormous backlog that will approach $1 billion at the end of the current fiscal year. VA medical research, which is so important to VA's efforts to address the health needs of veterans and to recruit and retain qualified medical professionals, has been cut back severely. VA research has produced thousands of important breakthroughs in medicine and improvements in the delivery of medical services—results that benefit not only veterans, but all Americans. President Clinton wants to invest in our Nation's future by investing in productive research—VA medical research is a good place to start.

Second, I am very concerned about suffering reductions that would threaten delivery of veterans' medical-care services or other benefits that veterans earned through service to our country. Our committee has been very active in ensuring that VA has the necessary tools to attract and retain highly qualified nurses, doctors, and other medical professionals. But we must make sure that VA has the funds it needs to use the tools we have provided, such as the system of locality pay for nurses.

Most important, Mr. President, we should not add to VA understaffing by imposing arbitrary, across-the-board personnel cuts.

Mr. President, today, our committee held a hearing on the terrible delays that veterans and their families face in trying to receive the benefits to which they are entitled. Governmentwide personnel reductions could dramatically increase already unacceptable delays in processing VA claims and providing rehabilitation counseling and other services to veterans. Staffing reductions in these functions would not reduce bureaucracy and delays—in fact, they would increase both.

Finally, Mr. President, I want to emphasize that the Senate and House Veterans' Affairs Committees this year will consider major reforms affecting eligibility for veterans health care. We already are working closely with the national health care reform task force headed by Hillary Rodham Clinton to ensure that VA's future role in the national health care system is addressed. It is inevitable that changes in VA health care will have budgetary effects we currently cannot estimate. We intend to work closely with the Budget Committee in addressing the budget impact of VA health care reforms we consider.

Mr. President, this is a good budget for veterans and for all Americans. After the failure of 12 years of borrow-and-spend budgeting, our new President deserves the chance—has the responsibility, in fact—to try a new approach. He has the overwhelming support of the American people and he deserves nothing less from their elected representatives in the U.S. Senate.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 5, 1993.

Hon. JIM SASSER, Chairman, Hon. PETE V. DOMENICI, Ranking Minority Member,
Committee on the Budget, U.S. Senate, Washington, DC.

DEAR JIM AND PETE: Pursuant to section 301(d) of the Congressional Budget Act of 1974 and the approval of a majority of the members of the Committee on Veterans' Affairs, our Committee hereby reports to the Committee on the Budget our views and estimates with respect to the FY 1994 budget for veterans' programs within the jurisdiction of our Committee. This report comprises our Committee's recommendations for programs in Function 700 (Veterans' Benefits and Services) and for certain veterans' programs included in Function 500 (Education, Training, Employment, and Social Services). We offer our recommendations to assist you and your

Committee in developing a budget that meets our nation's obligations to veterans and their families and we hope that you will consider our views carefully in formulating the budget resolution.

INTRODUCTION

President Clinton has outlined a budget that recognizes the importance of meeting this nation's solemn obligations to those who have served and sacrificed to protect our country—and to their families and survivors. The President has not proposed budget cuts or legislation that would jeopardize the compensation paid to service-disabled veterans, their families, or their survivors. He has not unfairly singled out veterans for cuts in cost-of-living adjustments or other benefits that remain untouched in similar, non-veteran programs. President Clinton's budget also includes veterans in his plans for economic recovery and investment in America's future, recognizing the important role that veterans programs can play in these efforts.

We congratulate President Clinton on choosing Jesse Brown as Secretary of Veterans Affairs and commend Secretary Brown for his role in putting forth a generally positive budget for veterans programs.

As President Clinton has pointed out, significant sacrifices will be necessary to bring under control the huge federal budget deficits that have accumulated and grown over the last 12 years. Veterans proudly faced sacrifice during military service and we know they stand ready to do their fair share for the economic security of our country. At a recent hearing, one veterans service organization, in remarks echoed by others, recognized that "priorities have to be set and painful, unpopular decisions have to be made.* * * Parochial concerns * * * cannot be controlling as we address the related questions of our economic health and the federal deficit." Veterans and their families clearly stand ready to share in the sacrifices President Clinton has called for in his budget.

For several years, the budgets for the Department of Veterans Affairs and veterans programs in other federal agencies have not kept up with inflation. Funding shortfalls have caused real reductions in vital medical care and other services for veterans and drastically increased the time it takes veterans and their families to receive benefits the veterans earned through service to our country.

Although we do not have the detailed FY 1994 budget, we are pleased that the President has recognized the important role VA can play in fostering an economic recovery. We strongly support his proposal to provide $235 million in the current fiscal year (FY 1993) for vital repair and maintenance projects at VA medical centers and other VA facilities, as part of an overall economic stimulus package. We also support President Clinton's proposal to invest in VA medical care by providing $279 million over the current services baseline for FY 1994 (almost $2.5 billion over the next four years).

The proposed government-wide personnel reductions could have devastating effects on veterans health care and dramatically increase already unacceptable delays in processing VA claims and providing rehabilitation counseling and other services to veterans. Staffing reductions in these functions would not reduce bureaucracy and delays—in fact, they would increase both.

The Senate and House Veterans' Affairs Committees this year will consider major reforms affecting eligibility for veterans health care. We already are working closely with the national health-care reform task force headed by the First Lady to determine the effects of national reforms on VA medical care and VA's future role in the national health-care system. It is inevitable that these changes will have budgetary effects we currently cannot estimate. We intend to work closely with the Budget Committee in addressing the budget impact of VA health-care reforms we consider.

The views and recommendations expressed in this letter are based on very limited information, since the President has not yet completed his decision-making regarding VA's FY 1994 budget and, consequently, we do not yet have documents that estimate and justify expenditures for specific services and benefits funded from each account.

Based on the best information available, to provide adequate services to our nation's veterans, we believe VA's FY 1994 budget should include a total of approximately $800–900 million above the current-services levels for VA discretionary accounts, including the $279 million for VA medical care allocated in the President's health-care investment package.

VETERANS MEDICAL CARE

Without knowing the exact funding level to be proposed for the Medical Care account, it is impossible to judge whether the amount would be sufficient to provide even minimally acceptable levels of care. The current services baseline for medical care includes an increase to cover the costs of inflation, but the adjustment is based on the general inflation rate—not the much higher medical-care inflation rate. Therefore, baseline funding for medical care could require real reductions in VA health-care services.

Perhaps most important, there are vital health-care needs—right now—that VA is not able to meet within its current budget.

During 1988, Congress became aware of a fiscal crisis that had been growing in the VA health-care system. During the mid-to-late 1980s, Administration officials had disguised large shortfalls in VA's medical care account funding and reassured the Congress that the Administration-requested funding levels were adequate. Despite substantial congressional add-ons, funding deficiencies grew. VA medical centers were forced to use funds originally appropriated for long-term purposes, such as hospital repairs and medical equipment, for daily operating expenses, such as staff salaries, supplies, and medicines.

In the paragraphs below, we have described the most pressing needs in VA medical care today.

Medical equipment procurement backlog. VA faces a huge, continuing backlog in replacing aging and outdated medical equipment, largely as a result of having to divert funds intended for medical equipment to personnel, medicines, and other daily operating expenses. The amount of old, unsafe equipment that VA cannot replace within current funding levels is interfering with the quality and timeliness of the care VA is able to provide and threatens the safety of VA patients. The backlog will be almost $900 million at the end of FY 1993.

Addressing this issue is critically important to the quality of VA health care. A three-year plan adding $300 million a year would have a significant impact on reducing the problem. However, additional funds will accomplish this goal only if VA clinical programs receive adequate funding. If they do not, VA medical center administrators can be expected to continue, of necessity, to use replacement-equipment funds for immediate operational needs.

Waiting times for care and treatment. The amount of time a veteran must wait to receive certain types of VA health care are unacceptable.

Specialty Clinics: For certain specialty clinics in many VA medical centers, veterans must wait six to nine months for an appointment. For some patients with low-level, chronic conditions, a six-month interval between appointments may be acceptable. But for most patients, including those requiring initial diagnosis, such long delays in securing appointments with specialists in unacceptable.

Post-Traumatic Stress Disorder (PTSD): Combat service frequently leads to development of PTSD. Meeting veterans' needs for diagnosis and treatment of PTSD must be a very high priority of the VA health-care system. But many veterans do not receive the treatment they need in a timely manner. Specialized Inpatient PTSD Units (SIPUs), which provide intensive care for PTSD in a hospital setting, have been plagued for many years by chronic waiting lists. Almost 1,000 veterans currently are waiting for care at SIPUs. The average waiting time for these veterans to receive treatment is almost four months. At one facility, the wait for treatment is over a year. The VA Special Committee on PTSD found that treatment inaccessibility further harms patients suffering from PTSD.

To eliminate waiting lists for screening and treatment, VA should establish additional SIPUs, PTSD Clinical Teams, and PTSD/substance-abuse units. In addition, VA should expand education, clinical training, and research related to PTSD diagnosis and treatment.

Nurse staffing. VA surveys show that nurse-to-patient ratios in VA hospital acute-care units are well below those at non-VA hospitals. The VA Inspector General recently confirmed this deficiency. He found that, even including physicians, health-care staff levels at VA medical centers were less than two-thirds of the staffing levels at public university teaching hospitals affiliated with VA medical centers. Historically, VA has had high nurse vacancy rates because of low pay. The VA Nurse Pay Act of 1990, which established a locality-pay system for VA registered nurses, has helped to alleviate this problem, but other difficulties now are arising. Inadequate on-call pay and mandatory shift-rotation patterns contribute to VA's nurse-recruitment problems. VA experiences shortfalls in other health-care professions as well. Changes to overcome these problems involve additional costs in the short run. In the long-run, however, they can improve recruitment, retention, and job performance of health-care personnel—and thereby save money in VA's delivery of health care.

Non-acute-care services. Preventive services, home-care services and other non-institutional alternatives to nursing homes, and hospice services are in the mainstream of U.S. health care. These services are very cost-effective, despite their start-up costs. Preventive, home-care, and hospice services all increase the physical and mental well-being of the patient and the patient's family and friends.

VA is falling behind the non-federal public and private sectors in providing these services. These services are not available at many VA medical centers and, when they are available, waiting lists often are long. Setting up hospital-based home-care programs at each of the 97 VA medical centers that do not have programs would cost almost $64 million. There are now 15 adult day health-care (ADHC) programs in VA medical centers. At an annual cost of approximately $452,000 for each program, establishing 85 more programs, as recommended by veterans organizations, would cost over $38 million. VA estimates that a six-bed, inpatient hospice unit costs $112,200 a year to operate. By the end of FY 1993, 28 VA medical centers will have inpatient hospice units. Establishing similar units at 100 VA medical centers would cost approximately $11 million.

Prosthetics and special-disabilities programs. VA's prosthetics and special-disabilities programs (including spinal cord injury, blind rehabilitation, and traumatic brain injury programs) are particularly significant components of the VA health-care system. They offer what is often the only source of vital services for conditions that commonly result from wartime service. These programs go to the core of VA's health-care mission. As a result of more than a year's effort by the Senate Veterans' Affairs Committee, funding shortages for prosthetics largely have been resolved.

Other special-disabilities programs—particularly spinal cord injury and blind rehabilitation—need funding increases to address significant and growing needs for services. VA has been unable to implement its strategic improvement plan for blind rehabilitation because of inadequate funding. These programs have not received the same attention or experienced the same improvements as the prosthetics program.

Decentralized Hospital Computer Program. The Decentralized Hospital Computer Program (DHCP) uses standardized software and hardware to support varied administrative and clinical functions at VA medical centers. For the past three years, OMB has rejected VA requests for funding necessary to ensure that the DHCP keeps pace with rapidly changing technology. This prevents increased administrative efficiency and improved patient services that the DHCP has shown it can produce.

Non-recurring maintenance and repair. We strongly endorse President Clinton's proposal to provide $235 million from the economic stimulus package to address the $800-million backlog of non-recurring maintenance and repair (NM&R) projects. These are important, smaller-scale projects necessary to keep aging facilities functioning. It includes projects to repair roofs; maintain heat, ventilation, and air-conditioning systems and boilers; and repair electrical and utility systems. Reducing this backlog is very important to VA's ability to provide modern, effective health services in safe and efficient settings. This money will produce more than 4,000 jobs over an eight-month period.

VETERANS MEDICAL AND PROSTHETIC RESEARCH

VA's research program improves direct patient care in the short run, is integral to the recruitment and retention of high-quality physicians and other health professionals, and has made great contributions to medical-care advances now available to veterans and the general population alike.

VA also has unique research responsibilities with respect to the physical and psychological traumas of combat and the many other health risks of military service. As a large, centrally managed health-care provider, VA also is in a unique position to research and evaluate various methods of delivering health care and organizing and managing health-care services.

However, funding for VA research has decreased severely in recent years. VA's funding rate for worthy, investigator-initiated projects has dropped from 61 percent in FY 1984 to less than 33 percent in FY 1993.

The FY 1993 appropriation for the Medical and Prosthetic Research account, $207 million, represents an 8.8-percent cut from the FY 1992 funding level.

An increased research budget is necessary to enable VA to fund a greater proportion of research projects already approved by peer-review panels, including health-services research that could be very helpful in illuminating the debate on the future of national health policy and the VA medical-care system itself. Continued reductions in funding for VA research, on the other hand, would harm VA and the entire nation.

BENEFITS

Claims processing and adjudication. Each year, VA Regional Offices receive approximately 4.5 million claims for benefits and veterans and survivors appeal approximately 46,000 cases to the Board of Veterans' Appeals (BVA), the highest adjudicatory body within VA. Adjudication of benefits claims has become more complex and the timeliness of adjudication has deteriorated since the establishment in 1989 of the U.S. Court of Veterans Appeals, which reviews final BVA decisions, and the 1990 enactment of legislation requiring VA to provide more complete information in notices of its decisions. VA has experienced particular difficulty implementing the Court's decisions. It is important to note that, despite the detrimental effect on adjudication timeliness of the Court's decisions, the veterans' service organizations have strongly supported the Court's decisions, which are having the effect of requiring VA to follow the law and its own regulations.

The added time that it takes to process claims has resulted in growing backlogs of pending claims. The timeliness problem has been further exacerbated by employment cuts within the Veterans Benefits Administration (the organizational entity to which the Regional Offices belong) due to inadequate funding in VA's General Operating Expenses account.

At the Committee's May 20, 1992, hearing, VA testified that the time to process a claim at the Regional Office level had increased an average of 25 percent and that an additional 464 full-time equivalent employees (FTE) would be required just to meet the increased workload associated with judicial review and another 700 to 800 FTE would be required to enable VA's Veterans Benefits Administration (VBA) to process claims in the same amount of time as in FY 1990. Also, more intensive training is needed for VA adjudicators to enable them to handle their responsibilities.

Lengthening processing times, due to personnel shortages, and VA's failure to apply new Court standards properly, due to unmet training needs, have led to bitter complaints from veterans and veterans service organizations. Funds for additional staffing and training are needed in order to provide veterans with the timely, accurate service they deserve.

Veterans services. Public Law 101-510 requires VA to cooperate with the Departments of Labor and Defense to furnish counseling, assistance, and information to members of the Armed Forces who are within 180 days of separation. VA's FY 1993 budget provides no funding for VA staff for this responsibility and thus calls for the use of existing staffing resources diverted from other activities.

To enable VA to provide the type of services required by the almost 400,000 men and women who will be separating from the military in FY 1994, adequate staffing will be critical for VA's services program. It is not realistic to expect VA to divert resources from other activities that will also experience increased workloads due to the downsizing of the Armed Forces. Public Law 102-484 authorized $6.5 million for VA in FY 1994 and this authorization should be fully funded.

Vocational rehabilitation and counseling. VA vocational rehabilitation and counseling (VR&C) services directly respond to the needs of service-disabled veterans—those whose sacrifices deserve the highest priority. At the funding level provided for FY 1993, service-disabled veterans will have to wait an average of 91 days for an initial appointment. VA's own standards allow an average waiting time of 30 days.

The time required for a veteran who has completed educational or training courses to become employed and able to maintain employment, which averaged 272 days in FY 1992, will increase to 285 days in FY 1993. VA's goal for this period 90 to 120 days. It is imperative that the VR&C program provide more responsive services. Unacceptable delays between application for services and initial face-to-face counseling can reduce the applicant's level of motivation and morale, give the impression that the system is unresponsive and uncaring, and increase the possibility of depression and psychosomatic symptoms for a person who has become disabled.

The growth and success of VR&C's disabled transition assistance program (DTAP), designed for servicemembers who are being separated for medical reasons, will add to the VR&C workload problem for FY 1994.

Information resource management. VBA's automated data processing and telecommunications systems that support benefit programs for veterans and their families. Full funding of VBA's planned improvements in this program would cost $121.1 million in FY 1994.

This includes $71.8 million and 731 FTE to support current systems in FY 1994—the benefits delivery network and the insurance system, maintenance of VBA's first-stage modernization plan equipment, training in the use of new technology, and implementation of a quality assurance program.

It also includes $49.3 million and 54 FTE for continued VBA modernization. Since 1985, VBA has undertaken efforts to improve the delivery of benefits and services through modernization and extension of its technology base. The next phase of the modernization plan will replace data systems at VBA's two benefits delivery centers—systems that support VBA's central applications and its data exchange with other agencies. This phase of the system modernizations will cost $23.6 million. The remaining $25.7 million is needed for continued computerization of payroll, travel, training, supplies, and maintenance contracts; equipment upgrades; and technology enhancement initiatives.

Veterans home-loan programs. Current budget scorekeeping rules require the budget to include costs of loan-servicing staff while ignoring the savings to the government from reduced foreclosures as a result of the increased servicing that the additional staff would provide. A pilot program in Houston documented net savings of over $11 million a year from the addition of just 10 FTE—an average net savings of $1.1 million for each FTE. During FY 1991 (the most recent fiscal year for which data are available), VA documented a savings of $51 million in reduced guaranty payments as a result of the loan-servicing efforts of 231 FTE. Taking into account VA's average FTE cost in FY 1991 ($34,572) the average net government savings for each FTE was more than $1,896,000 in FY 1991—equivalent to $202,000 in current dollars.

Using even the most conservative of these two estimates, the government actually can save over $200,000 for each additional FTE dedicated to loan servicing.

We urge your Committee to change the budget scorekeeping rules to reflect the true budgetary impact of adding employees who would produce these savings. Funding should be provided for the cost-effective addition of loan servicing personnel.

DEPARTMENT OF LABOR VETERANS' EMPLOYMENT AND TRAINING PROGRAMS

Transition Assistance Program. Public Law 101–510 gave the Department of Labor (DOL), in conjunction with the Departments of Defense and VA, the responsibility to conduct the Transition Assistance Program [TAP], which assists servicemembers who are within 180 days of being discharged to make the transition from active duty to civilian employment. Public Law 102–484 authorized $8 million for DOL's TAP efforts in FY 1994. Full funding for this program is necessary to enable the federal government to help those who served so well when our defense needs were greater make the transition to civilian life and employment.

State grants programs. Chapter 41 of title 38, United States Code, prescribes the staffing levels for both the disabled veterans' outreach program [DVOP] and the local veterans' employment representative [LVER] program. State personnel provided through the DVOP and LVER grants programs provide job counseling, training and placement services for eligible veterans, in addition to providing TAP services. For the last two fiscal years, the funding levels requested and appropriated have been below those required by statute. Without full funding, DVOP and LVER shortages will leave unemployed veterans underserved and hinder efforts to provide transition assistance services.

Job training programs. Title 44G of Public Law 102–484 authorized $75 million for payments to employers under the Service Members Occupational Conversion and Training Act of 1992. Assistance may not be paid on behalf of an eligible person who applies initially for a program of job training after September 30, 1995, or for any such program that begins after March 31, 1996. Increased downsizing of the active-duty Armed Forces will require a $25-million increase in the authorization level, to a total of $100 million, and a two-year extension of the September 30, 1995, and March 31, 1996, limiting dates.

GOVERNMENTWIDE STAFFING REDUCTIONS

We are concerned about the effect on VA of proposals to make across-the-board cuts in government employment and in funding as a result of government "streamlining." These reductions could have an especially harsh effect on veterans medical care and on VA's ability to deliver benefits in a timely manner.

Cuts in FY 1993 or 1994 funding for veterans programs below the "current services" baseline will not improve services. The Reagan Administration repeatedly proposed spending cuts in VA budgets that it attributed to unspecified efficiency improvements. It is clear that these cuts helped produce the continuing fiscal crisis in VA health care and benefits delivery.

VA needs increases above current-services levels to provide adequate health care for veterans and reduce intolerable delays in delivering veterans benefits. VA certainly should pursue long-term efforts to achieve savings through greater efficiencies, but we should not hurt veterans programs by cutting funding in expectation of major savings from unidentified and untested plans to improve efficiency.

DEFICIT-REDUCTION (RECONCILIATION) PROPOSALS IN THE PRESIDENT'S BUDGET

The President has proposed changes in direct-spending programs within our Committee's jurisdiction that the Office of Management and Budget estimates will reduce the deficit by a total of $328 million during FY 1994 and a total of $3.7 billion over the next 5 years. With certain caveats, we believe that this represents an achievable target for our Committee's fair share of the President's deficit-reduction program.

The President's budget recommends nine legislative provisions that OMB estimates will achieve these reconciliation targets. At this time, we express no opinion on the substantive merit of each provision; we need more time to review them and to consult with veterans service organizations, VA, and other concerned parties regarding their impact on VA programs and any alternatives that might be preferable. Initially, we consider the overall targets reasonable and fair to veterans, considering the budget-deficit crisis and the other, very positive parts of the President's economic plan will help veterans—and all Americans.

We note that the deficit-reduction targets are based on OMB estimates of the legislation proposed in the President's budget. Senate consideration of the reconciliation legislation itself will be governed by estimates made by the Congressional Budget Office—not OMB. If the CBO estimates differ significantly from the OMB estimates for these provisions, it will be critical to base our Committee's reconciliation instructions in the budget resolution on the CBO, not OMB, estimates.

Finally, as the authorizing committee with jurisdiction over these important veterans programs, we understand that we will have the flexibility to satisfy our reconciliation instructions through legislation we consider most appropriate. For example, we might wish to seek alternative to certain proposals in the President's budget that could have serious, adverse effects on the VA home-loan guaranty program.

CONCLUSION

With the foregoing reservations, our Committee generally supports the broad outlines of what President Clinton has proposed with respect to the budget for veterans programs. Recognizing the pressing need to address the federal budget deficit, veterans are prepared to do their part in regaining control over our nation's financial well-being. However, we wish to ensure that the sacrifices that veterans are asked to make do not impair the government's ability to meet its obligations to the nation's veterans and their families.

These views reflect the best judgment of the Committee on Veterans' Affairs as of this date. If we or the Committee staff can provide further assistance in your consideration of this report, please feel free to call upon us.

Sincerely,

DENNIS DECONCINI.
JOHN D. ROCKEFELLER IV.
GEORGE J. MITCHELL.
BOB GRAHAM.
DANIEL K. AKAKA.
THOMAS A. DASCHLE.
BEN NIGHTHORSE CAMPBELL.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. NUNN, Committee on Armed Services:

Maj. Gen. Albert J. Edmonds, USAF to be lieutenant general (Reference No. 45)

Maj. Gen. Eugene E. Habiger, USAF to be lieutenant general (Reference No. 46)

Maj. Gen. Carl G. O'Berry, USAF to be lieutenant general (Reference No. 47)

In the Air Force there is 1 appointment to the grade of brigadier general (Charles R. Holland) (Reference No. 48)

Lt. Gen. J.H. Binford Peay III, USA to be general and to be Vice Chief of Staff, U.S. Army (Reference No. 49)

Gen. Dennis J. Reimer, USA for reappointment to the grade of general (Reference No. 51)

Maj. Gen. John H. Tilelli, Jr., USA to be lieutenant general (Reference No. 52)

Rear Adm. David B. Robinson, USN to be vice admiral (Reference No. 61)

In the Marine Corps there are 11 appointments to the grade of major general (list begins with Jeffrey W. Oster) (Reference No. 65) [See January 20, 1993 for list.]

Total: 19

By Mr. MOYNIHAN, from the Committee on Finance:

Lawrence H. Summers, of the District of Columbia, to be an Under Secretary of the Treasury.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 643. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 644. A bill for the relief of Armando Taube Moreno; to the Committee on the Judiciary.

By Mr. KOHL:

S. 645. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. JOHNSTON:

S. 646. A bill to establish within the Department of Energy an international fusion energy program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. DeConcini):

S. 647. A bill to assist in the effective management of the civilian work force of the Central Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

By Mr. GREGG (for himself, Mr. Kempthorne, Mr. Coats, Mr. Lott, Mr. Bennett, Mr. Bond, Mr. Helms, Mr. Nickles, Mr. Craig, Mr. Coverdell, Mr. Faircloth, Mr. Wallop, Mr. Brown, Mr. Mack, and Mr. Smith):

S. 648. A bill to provide Federal payments for Federal mandates imposed upon State and local governments; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself, Mr. Mitchell, Mr. Pryor, Mr. Cohen, Mr. Kennedy, Mr. Simon, Mr. Leahy, Mr. Johnston, Mr. Sarbanes, and Mr. Wofford):

S. 649. A bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. Levin):

S. 650. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. Chafee, Mr. Kerry, and Mr. Wellstone):

S.J. Res. 69. A joint resolution providing for the United States to assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in the high-level United Nations Sustainable Development Commission; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. Dole):

S. Res. 82. A resolution to authorize the production of records by the Committee on Governmental Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 643. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

JEMEZ NATIONAL RECREATION AREA ESTABLISHMENT ACT

• Mr. BINGAMAN. Mr. President, I rise today on behalf of my colleague from New Mexico, Senator Domenici, and myself, to introduce a bill to authorize the establishment of the Jemez National Recreation Area in New Mexico. This national recreation area will be managed primarily to conserve, protect, and restore the recreational, cultural, archaeological, ecological, scenic, and wildlife resource values within this unique area of the Santa Fe National Forest. A plan for the national recreation area will be developed as an amendment to the Santa Fe National Forest Land and Resource Management plan to assure that this management emphasis will be carried out.

The Jemez National Recreation Area is approximately 57,000 acres in size. It is a place of volcanically formed mountains with beautiful valleys, stands of mixed conifer and deciduous trees, small hidden ponds, and steep canyons ringed with brilliantly colored rimrocks. Within the area is the east fork of the Jemez River, 11 miles of which has been designated as a national wild and scenic river. The Jemez National Recreation Area will further insure the river's beauty and recreational value. The area also holds an abundance of spectacular prehistoric sites.

This action will ensure for the future the interests of the over 300,000 visitors to the area each year. The Jemez Mountains area has long been valued by the citizens of Albuquerque, Santa Fe, Los Alamos, Espanola, and the surrounding communities for its exceptional recreational opportunities, the plentiful water and clean air, the numerous hot springs, the abundant wildlife, and just the sheer beauty of the place. People who visit again and again form special emotional attachments to the area. These are people who enjoy the area for hiking, camping, rock climbing, back packing, fishing, hunting, snowmobiling, swimming, and cross country skiing—in the Jemez Mountains they have the opportunity to do all of this.

With the rapid population growth in Santa Fe and Albuquerque, even greater demands will be made upon the area for these recreational opportunities. Recreational and interpretive facilities and a visitor center will be constructed with minimal impacts on the scenic values and primeval character of the recreation area. Maintenance of both new and existing facilities in the national recreation area will be emphasized from the start.

The Jemez Mountains are one of the richest areas in the Southwest for the evidence of ancient Indian occupation. Human habitation stretches back at least 4,000 years in this area. There have been major finds nearby at Bandelier National Monument, Jemez Mountain, and Puye Cliff. Survey in the area has recorded thousands of sites—from surface scatters of artifacts to large multiroom pueblos. In fact, some of the ruins are much larger than any within the National Park System. Site density is estimated at approximately 15 sites per square mile—there could well be 30,000 sites in the national recreation area. The proposed boundaries include the Virgin Mesa area, in which are found the most impressive cultural resource sites in the mountains. This bill directs that there will be particular emphasis given to the preservation, stabilization, and protection of these invaluable cultural resources.

Today, to the people of the Jemez pueblo, this land remains sacred for them as it was for their Tewa-speaking ancestors; it contains significant religious sites and shrines. The bill directs the protection of these cultural and religious sites and assures nonexclusive access by Indian people for traditional cultural and religious purposes. Further, upon request of an Indian tribe, an area may be temporarily closed to the general public in order to protect the privacy of religious and cultural uses in that area. The Governor of the Pueblo of Jemez and chief executive officers of other Indian tribes in the area will be consulted in these matters during preparation of the national recreation area management plan.

The Jemez National Recreation Area is important habitat for the peregrine falcon, the goshawk, the meadow jumping mouse, the Jemez Mountain salamander, the Mexican spotted owl, and the wood lily—all species on State or Federal listings of endangered or threatened species. Emphasis will be given to the preservation and protection of these wildlife and botanical resources.

The bill will not affect traditional uses—grazing, hunting, and fishing will continue in the area at the request of many local citizens.

Timber sales for personal fuelwood, for vigas and lattilas, and for purposes of public safety, wildlife needs, recreation and administration may continue. The Los Griegos sale, scheduled for fiscal year 1993, is specifically allowed on condition that uneven-aged management, including individual tree selection, will be used. Monitoring of this sale, as it proceeds and after its completion, will provide the Forest Service with valuable information for the planning of future timber sales throughout the Southwest. The methods prescribed for this sale might well be used more and more by the Forest Service in the future for the purposes of protecting threatened and endangered species, assuring biological diversity, and further controlling erosion in our fragile southwestern environment.

The largest elk herd in New Mexico migrates through this area. Hunting

and fishing in the area will continue to be permitted: they are important both for subsistence and recreational activities.

Grazing may be permitted within the national recreation area in accordance with regulations; riparian areas will be managed to protect their important resource values.

Local support for this bill is high; residents have been enthusiastic in their efforts to preserve the resources of the Jemez Mountains for future enjoyment. The Forest Service also supports the designation of a national recreation area in the general area proposed. Areas like the Jemez Mountains are in need of our committed protection; they must be cherished for the benefit and enjoyment of present and future generations. The legislation I am introducing today will see that this necessary protection and conservation of the Jemez happens.

Mr. President, last Congress the Senate passed legislation virtually identical to this bill I am introducing today, but due to procedural problems it failed to pass the House in the final days of the 102d Congress. This year, the House has already held a markup on companion legislation introduced by Congressman RICHARDSON, in whose district the Jemez NRA will be established. I hope that both Houses of Congress will move to speedily pass this legislation.

I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jemez National Recreation Area Establishment Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) RECREATION AREA.—The term "recreation area" means the Jemez National Recreation Area established by this Act.

(2) SECRETARY.—Except as otherwise provided in this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 3. ESTABLISHMENT OF JEMEZ NATIONAL RECREATION AREA.

(a) IN GENERAL.—To conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is established the Jemez National Recreation Area, to be administered by the Secretary.

(b) AREA INCLUDED.—

(1) IN GENERAL.—The recreation area shall be comprised of approximately 57,000 acres of land and interests in land within the Santa Fe National Forest, as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992.

(2) MINOR REVISIONS.—The Secretary may from time to time and in consultation with local tribal leaders make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of this Act.

(c) MAP AND DESCRIPTION.—

(1) FILING.—As soon as is practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC INSPECTION.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service of the Department of Agriculture.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—

(1) IN GENERAL.—The Secretary shall administer the recreation area—

(A) in accordance with this Act and the laws applicable to lands within the National Forest System; and

(B) in a manner that will further the purposes of the recreation area.

(2) MANAGEMENT.—Management of the natural resources within the recreation area shall be permitted only to the extent that the management is compatible with and does not impair the purposes for which the recreation area is established.

(3) RECREATIONAL ACTIVITIES.—Permissible recreational activities within the recreation area shall include hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall develop a management plan for the recreation area as an amendment to the Santa Fe National Forest Land and Resource Management Plan. The management plan shall—

(A) reflect the establishment of the recreation area, including newly designated land within the recreation area and adjacent National Forest land; and

(B) conform to the requirements of this Act.

(2) CONGRESSIONAL INTENT.—Nothing in this Act is intended to require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(c) CULTURAL RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(d) NATIVE AMERICANS.—

(1) PROTECTION OF SITES.—

(A) IN GENERAL.—In recognition of the past use of portions of the recreation area by Indian peoples for traditional cultural and religious purposes, the Secretary shall protect Indian religious and cultural sites and provide occasional access to those sites by Indian peoples for traditional cultural and religious purposes. The access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1991) (commonly known as the "American Indian Religious Freedom Act").

(B) TEMPORARY CLOSINGS.—In accordance with such joint resolution and upon request of an Indian tribe or pueblo, the Secretary may from time to time temporarily close to general public use one or more specific portions of the recreation area to protect the privacy of religious activities and cultural uses by Indian peoples. Any closure shall be made so as to affect the smallest practicable area for the minimum period necessary.

(2) CONSULTATION WITH NATIVE AMERICANS.—In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) ensuring access to cultural and religious sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) WILDLIFE RESOURCES.—In administering the recreation area, the Secretary shall—

(1) give particular emphasis to the conservation and protection of wildlife resources within the recreation area (including species listed as sensitive by the Forest Service); and

(2) comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) HUNTING.—

(1) IN GENERAL.—Within the recreation area, and subject to paragraph (2), the Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary in accordance with applicable Federal and State law.

(2) LIMITATION.—

(A) IN GENERAL.—The Secretary may designate zones where, and establish periods when, hunting and fishing shall not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

(B) CONSULTATION.—Except in emergencies, designation by the Secretary under this paragraph shall take effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(g) TIMBER HARVESTING.—

(1) IN GENERAL.—The Secretary may permit timber harvesting in the recreation area for commercial purposes (including vigas, latillas, and the gathering of fuelwood) and for purposes of public safety, recreation, wildlife, and administration, to the extent that the harvesting is compatible with the purposes of the recreation area.

(2) DAMAGED TIMBER.—Trees that are damaged or downed as a result of fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in accordance with the purposes of this Act.

(3) TIMBER SALES UNDER CONTRACT.—Nothing in this Act is intended to affect timber sales under contract on the date of enactment of this Act.

(4) LOS GRIEGOS TIMBER SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act is intended to affect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322, as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991.

(B) EXCEPTION.—The Secretary shall manage the sale using uneven aged management, including the individual tree selection method.

(h) GRAZING.—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) TRANSPORTATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails in existence on the date of enactment of this Act to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that permits dispersed recreation while minimizing the impact on significant archaeological and religious sites.

(2) ROADS.—The Secretary shall construct, maintain, and close roads within the recreation area only in accordance with the plan prepared pursuant to paragraph (1).

(j) RECREATIONAL FACILITIES.—The Secretary shall provide for recreational facilities within the recreation area. The facilities shall be constructed so as to minimize impacts on scenic beauty and the natural character of the recreation area.

(k) VISITOR FACILITIES.—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area to provide for education relating to the interpretation of the cultural and natural resources of the recreation area.

(l) POWER TRANSMISSION LINES.—In accordance with Federal and State law, the Secretary may permit a utility corridor for high power electric transmission lines if the Secretary determines that—

(1) there is not a feasible alternative for the location of the corridor;

(2) damage to the recreational and scenic quality of the recreation area will not be significant;

(3) it is in the public interest that the corridor be located in the recreation area; and

(4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) SCIENTIFIC INVESTIGATIONS.—The Secretary may permit scientific investigations within the recreation area if the Secretary determines that the investigations are in the public interest and are compatible with this Act.

SEC. 5. ACQUISITION OF LAND.

(a) STATE LAND.—Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) OFFERS TO SELL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) LIMITATION.—No land or interest in land may be added to the recreation area after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of the land or interest in land.

SEC. 6. MINERALS AND MINING.

(a) LIMITATION ON PATENT ISSUANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for a location or claim in the recreation area under the mining laws of the United States.

(2) CLAIMS FOR PROPERTY RIGHTS.—Notwithstanding any statute of limitations or similar restriction otherwise applicable, and not later than 1 year after the date of enactment of this Act, a party claiming to have been deprived of a property right by the enactment of paragraph (1) may file in the United States Claims Court a claim against the United States seeking compensation for deprivation of the property right. The United States Claims Court shall have jurisdiction to render judgment upon the claim in accordance with section 1491 of title 28, United States Code.

(b) WITHDRAWAL.—Subject to valid existing rights, lands within the recreation area are withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) RECLAMATION.—No mining activity involving any surface disturbance of lands or waters within the recreation area (including disturbance through subsidence) shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practicable to their premining condition.

(d) MINING CLAIM VALIDITY REVIEW.—

(1) EXAMINATION OF CLAIMS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall undertake and complete an expedited program to examine all unpatented mining claims within the recreation area, including those claims for which a patent application has been filed.

(2) DETERMINATION OF VALIDITY.—If the Secretary determines that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of the claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) USE OF MINERAL MATERIALS.—The Secretary may use mineral materials from within the recreation area for public purposes (including the maintenance and construction of roads, trails, and facilities) if the use is compatible with the purposes of the recreation area.

SEC. 7. ADJOINING LANDS.

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress. Lands evaluated may include the area authorized for study by section 5 of the Baca Location No. 1 Land Acquisition and Study Act of 1990.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

● Mr. DOMENICI. Mr. President, I am pleased to rise today to cosponsor this legislation, which is sponsored by the other Senator from New Mexico, Senator BINGAMAN, and which has a companion bill that has been introduced in the House of Representatives by Congressman RICHARDSON. During the 102d Congress, this language was passed by the Senate with similar legislation passed by the House of Representatives. This legislation will assure that some of the best natural and cultural values of our Nation, which have been appreciated for so long by native New Mexicans and visitors to New Mexico, will continue to be accessible and available for all Americans through the establishment of the Jemez National Recreational Area. This legislation addresses the concerns and is supported by local land owners, Jemez Pueblo and other native Americans, and the New Mexico environmental community.

With fewer than 20 national recreation areas within the entire country, a national recreation area designation represents the best of the best of our recreational resources. The approximately 57,000 acres included within the proposed Jemez National Recreation Area deserves to be included as one of the best. Designation of the Jemez National Recreational Area would provide present and future Americans enjoyment, particularly those seeking outdoors recreational opportunities in an area that the public has long recognized for its premier values.

The Jemez Mountains located in northern New Mexico have long provided spectacular beauty and a site for native American habitation. The area is within 30 miles commuting distance from major population centers whose major industry is tourism, an industry which is experiencing tremendous increases. Recreation activity related to overnight camping and day uses are intensifying. Within the past decade, vehicle use along State Highway 4 which passes through the area has increased by more than 220,000 vehicles. This kind of dramatic increase is also occurring for other uses, like hiking, picnicking, bicycling, and fishing in the summer, elk and deer hunting in the fall, and cross-country skiing and snowmobiling in the winter.

Few areas offer the abundance of natural beauty and cultural heritage of the Jemez Mountains. The Jemez Mountain area offers exceptional landscapes accentuated with the signs of human existence. The area is but a short drive to the Bandelier National Monument, an area that has shared the rich history of native American life and settlement.

The Jemez National Recreation Area designation will complement the special management of rare natural resources. The Jemez National Recreation Area is an important habitat for species on State or Federal listed endangered or threatened species, like the peregrine falcon, the goshawk, the meadow jumping mouse, the Jemez salamander, the Mexican spotted owl, and the wood lily. The East Fork of the Jemez River, which has 11 miles designated as a national wild and scenic river, will also be complemented by a corresponding national recreation area designation.

Mr. President, I urge the Senate to move rapidly on this important legislation, to authorize the Jemez National Recreation Area to ensure that the area is properly managed and its recreational, ecological, cultural, religious and wildlife resource values are conserved, and protected.●

By Mr. KOHL:

S. 645. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING

• Mr. KOHL. Mr. President, I rise today to reintroduce legislation that will help Wisconsin and several other States extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977 or who had been out of service for more than 30 years. This bill would simply remove those restrictions.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (4) of section 143(l) of the Internal Revenue Code of 1986 (defining qualified veteran) is amended to read as follows:

"(4) QUALIFIED VETERANS.—For purposes of this subsection, the term 'qualified veteran' means any veteran who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued.".

(b) The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.•

By Mr. JOHNSTON:

S. 646. A bill to establish within the Department of Energy an international fusion energy program, and for other purposes; to the Committee on Energy and Natural Resources.

INTERNATIONAL FUSION ENERGY ACT OF 1993

Mr. JOHNSTON. Mr. President, today I am introducing legislation to redirect the Department of Energy's fusion energy program in a way that will ensure that the United States works closely with the international fusion community toward the near-term goal of evaluating the scientific and technical feasibility of fusion energy. It is my firm belief that this restructuring of the Department's fusion program is necessary if the United States is to be in the position to realize the full potential of this energy source in the next century.

The Department of Energy now spends close to $350 million annually on its fusion research program, most of which is focused on magnetic fusion. A significantly smaller part of the program is focused on inertial confinement fusion. Inertial confinement fusion has been developed largely through the defense programs part of the Department of Energy, with a very small portion funded by the energy research program.

The Department's magnetic fusion research focuses on the use of strong magnetic fields to confine an extremely hot gas which undergoes fusion and produces heat. The physics of fusion, the energy process that powers our sun, is well understood. How to contain and harness that energy is not. Great strides have been made in the magnetic fusion program over the past several years. But there has also been significant restructuring of this program as it has become clear that Federal expenditures for research will be increasingly scarce. As a result, progress in this program has been difficult to measure.

Congress needs to make basic decisions about the fusion program. We must develop reasonable and near-term goals against which we will be able to measure progress. And we must work more closely with the international community toward those goals. We must streamline this program so that it is clearly focused on achievement of the next major milestone in magnetic fusion—the international thermonuclear experimental reactor, also known as ITER.

The legislation I am introducing today would do just that. It would direct the Secretary of Energy to focus the Department's magnetic fusion energy program on the development of ITER with the ultimate goal of developing a fusion demonstration reactor.

Last year, the United States entered into an agreement with Japan, Russia, and the European Community to design ITER. The agreement provides for completion of the design by 1996, with the cost of design activities borne equally by the four countries. The agreement addresses only the design phase of ITER, however, and any further agreement on the siting or construction of ITER has yet to be negotiated. If a decision is made to go ahead with sitting and construction, it is anticipated that construction of ITER would take 7 years from the time of site selection.

ITER is expected to embody most of the features of a fusion powerplant. ITER is being designed to produce 1,000 megawatts of energy, which is about half of that produced by an average-sized conventional electricpower plant. The purpose of ITER is to demonstrate the scientific and technical feasibility of magnetic fusion energy and to prove that a sustained fusion reaction can be maintained at an energy level sufficient to generate electricity in commercial quantities. Today, we can produce a fusion reaction for only a second or two. ITER will also test the types of materials and components that will be needed in a fusion demonstration reactor.

Once ITER proves that a sustained fusion reaction is possible and tells us what materials will be needed for a fusion reactor, an actual demonstration fusion reactor can be built. It is my expectation that ITER will resolve these issues sufficiently so we will be able to move forward to a demonstration reactor. But I also believe that we should not continue to spend substantial amounts of money studying the engineering problems associated with fusion if we cannot reach an agreement with the international community to develop ITER or if we decide ITER will not lead to a fusion demonstration reactor.

The United States has spent billions of dollars trying to make fusion energy a practical and commercial reality. It is time to focus our efforts on demonstrating the engineering feasibility of fusion through our participation in ITER. And our existing programs must be restructured accordingly to support that effort. While some level of basic research in fusion would still be appropriate in the absence of ITER, it would not be appropriate to continue the level of effort of today. Therefore, the bill directs the Secretary to reduce the magnetic fusion energy program to a basic energy program in the event it becomes apparent that we cannot or should not proceed with ITER.

We are at a critical juncture for the magnetic fusion program. It is time for the United States to make a commitment to ITER and to work with the international community to complete this project. The Secretary of Energy must be given authority to negotiate with the other countries involved in the ITER project. The bill provides the Secretary with such authority.

To develop ITER we need to plan to tell us how to get there. The bill would direct the Secretary to develop such a plan identifying the budget, critical path, milestones, and schedules for ITER. While other countries such as Japan have already selected a candidate host site for ITER, the United States has yet to begin a candidate selection process. If we want to compete to host ITER here in the United States, we need to start that process today. With the international community, we will also need to select a final host site as soon as possible so that construction can begin when the design is complete. To get this process moving along, the bill requires the Secretary to find a candidate host site within the United States for ITER and to identify the steps necessary for section of a final host site by the international community.

ITER will tell us whether fusion is the energy of the 21st century. The ITER design effort is well underway, and I am pleased that the United States is an active participant in that effort. But we must also be ready to take the next step to see this project to fruition. We are at a point that our magnetic fusion program must be focused entirely on ITER, and we must develop a plan to tell us how to get there. We should find a host site, be it here in the United States or abroad, so we can begin construction of ITER. The bill I am introducing today will commit the United States to such a process.

Mr. President, I ask unanimous consent that the text of the bill appear in the CONGRESSIONAL RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 646

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Fusion Energy Act of 1993".

SEC. 2. FINDINGS, PURPOSES AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) fusion energy has the potential to be safe, environmentally attractive, secure and economically affordable source of energy;

(2) the United States Department of Energy's magnetic fusion energy program has made significant progress toward realizing fusion as a viable source of energy;

(3) other industrial nations have also invested in significant magnetic fusion energy programs;

(4) an integrated program of international collaboration will be necessary for continued progress to demonstrate the scientific and technological feasibility of magnetic fusion energy;

(5) there is international agreement to proceed with the engineering and design of the International Thermonuclear Experimental Reactor to prove the scientific and technical feasibility of fusion energy and to lead to a demonstration reactor;

(6) the United States should focus the Department of Energy's magnetic fusion energy program on the design, construction and operation of the International Thermonuclear Experimental Reactor;

(7) the continuation of an aggressive fusion energy program requires the Department of Energy, industry, utilities, and the international fusion community to commit to the International Thermonuclear Experimental Reactor as soon as practicable; and

(8) an effective U.S. fusion energy program requires substantial involvement by industry and utilities in the design, construction, and operation of fusion facilities.

(b) PURPOSES.—The purposes of this Act are to—

(1) redirect and refocus the Department's magnetic fusion energy program in a way that will lead to the design, construction and operation of the International Thermonuclear Experimental Reactor by 2005, in cooperation with other countries, and operation of a fusion demonstration reactor by 2025;

(2) develop a plan identifying the budget, critical path, milestones and schedules for the International Thermonuclear Experimental Reactor;

(3) eliminate from the Department of Energy's magnetic fusion energy program those elements that do not directly support the development of the International Thermonuclear Experimental Reactor or the development of a fusion demonstration reactor; and

(4) select a candidate host site within the United States for the International Thermonuclear Experimental Reactor and to identify the steps necessary to lead to the selection of the final host site by the international community.

(c) DEFINITIONS.

(1) "Department" means the United States Department of Energy;

(2) "ITER" means the International Thermonuclear Experimental Reactor; and

(3) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3. INTERNATIONAL FUSION ENERGY PROGRAM.

(a) PROGRAM.—The Secretary shall redirect and refocus the Department's magnetic fusion program in a way that will lead to the design, construction and operation of ITER by 2005 and operation of a fusion demonstration reactor by 2025. The Department's magnetic fusion program shall be referred to as the ITER program and shall be carried out in cooperation with the international community.

(b) REQUIREMENTS.—In developing the ITER program, the Secretary shall—

(1) establish as the main focus of the Department's magnetic fusion energy program the development of ITER;

(2) provide for the development of fusion materials and other reactor components to the extent necessary for the development of a fusion demonstration reactor;

(3) eliminate those components of the magnetic fusion energy program not contributing directly to development of ITER or to the development of a fusion demonstration reactor;

(4) select a candidate host site within the United States for the International Thermonuclear Experimental Reactor;

(5) negotiate with other countries involved in ITER to select a final host site for ITER and to agree to construct ITER as soon as practicable;

(6) provide for substantial U.S. industry and utility involvement in the design, construction and operation of ITER to ensure U.S. industry and utility expertise in the technologies developed; and

(7) provide for reducing the level of effort in the ITER program to the levels prescribed in section 4(b)(2) in the event the ITER program is terminated in accordance with subsection (g).

(c) MANAGEMENT PLAN.—(1) Within 180 days of the date of enactment of this Act, the Secretary shall prepare and implement a management plan for the ITER program. The plan shall be revised and updated biannually.

(2) The plan shall—

(A) establish the goals of the ITER program;

(B) describe how each component of the Department's ITER program contributes directly to the development of ITER or development of a fusion demonstration reactor;

(C) set priorities for the elements of the Department's ITER program, identifying those elements that contribute directly to the development of ITER or to the development of a fusion demonstration reactor;

(D) provide for the elimination of those elements of the magnetic fusion energy program not contributing directly to the development of ITER, or to the development of fusion materials or other reactor components that are necessary for the development of a fusion demonstration reactor;

(E) describe the selection process for a proposed host site within the United States for ITER;

(F) establish the necessary steps that will lead to the final selection of the host site for ITER by the countries involved in the ITER program by the end of 1995;

(G) establish the necessary steps that will lead to the design, construction and operation of ITER by 2005 and operation of a fusion demonstration reactor by 2025;

(H) establish a schedule and critical path, including milestones, and a budget that will allow for the design, construction and operation of ITER by 2005 and operation of a demonstration fusion reactor by 2025;

(I) provide mechanisms for ensuring substantial industry and utility involvement in the design, construction and operation of ITER;

(J) set forth any recommendations of the Secretary on—

(i) the need for additional legislation regarding the ITER program; or

(ii) the possibility and desirability of accelerating the design and construction of ITER or the development of a fusion demonstration reactor; and

(K) provide for reducing the level of effort in magnetic fusion to the levels prescribed in section 4(b)(2) in the event the ITER program is terminated in accordance with subsection (g).

(d) INTERNATIONAL AGREEMENTS.—(1) The Secretary may negotiate or enter into agreements with any country governing the design, construction and operation of ITER or facilities related to ITER.

(2) The Secretary shall seek to enter into agreements with other countries to share in the cost of the facilities and components of the ITER program that contribute to the design, construction or operation of ITER or to the development of a fusion demonstration reactor.

(e) REPORT ON ITER NEGOTIATIONS.—The Secretary shall submit an annual report to the Congress on the status of negotiations with other countries regarding ITER. The report shall—

(1) identify the issues to be negotiated with other countries involved in the ITER program;

(2) identify impediments to reaching agreement on a host site for ITER, or on issues relating to the construction or operation of ITER;

(3) identify the steps needed to reach agreement on a host site for ITER or on issues related to the construction or operation of ITER;

(4) establish the timetable for agreement related to the siting, operation and construction of ITER;

(5) assess the likelihood of reaching agreement on a host site for ITER and on issues related to the construction or operation of ITER; and

(6) set forth the Secretary's recommendation on whether a special negotiator should be appointed to carry out negotiations on behalf of the United States with the countries involved in the ITER program.

(f) CERTIFICATION.—Prior to seeking funds for construction of ITER, the Secretary shall certify to the Congress that there is agreement in place or there is a substantial likelihood agreement will be reached with the countries involved in ITER on the siting, construction and operation of ITER.

(g) TERMINATION.—(1) The Secretary shall report to Congress if the Secretary determines that—

(A) ITER is no longer essential to the development of a fusion demonstration reactor;

(B) no agreement can be reached on the final host site for ITER;

(C) no agreement can be reached on the final design of ITER or on issues related to construction of ITER; or

(D) there is an insufficient commitment to the final ITER design by U.S. industry and utilities.

(2) Within 30 days of submission of the report under paragraph (1), the Secretary shall initiate the termination of the ITER program.

(3) In the event the Secretary terminates the ITER program, the Secretary may continue to carry out research in magnetic fusion, but only at the levels authorized in section 4(b)(2).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON APPROPRIATIONS.—No more funds may be appropriated to carry out the purposes of this Act than the amounts set forth in subsection (b). This Act shall be the exclusive source of authorization of appropriations to support any activities of the Secretary relating to magnetic fusion energy.

(b) APPROPRIATIONS.—(1) There is authorized to be appropriated to the Secretary for carrying out the purposes of this Act $350,000,000 for fiscal year 1994, $390,000,000 for fiscal year 1995, $475,000,000 for fiscal year 1996, and such sums as may be necessary thereafter.

(2) In the event the Secretary terminates the ITER program, there is authorized to be appropriated to the Secretary $50,000,000 for 1994, $50,000,000 for 1995 and $50,000,000 for 1996 for activities relating to magnetic fusion energy.

By Mr. WARNER (for himself and Mr. DECONCINI):

S. 647. A bill to assist in the effective management of the civilian work force of the Central Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE ACT

Mr. WARNER. Mr. President, today I am introducing the Central Intelligence Agency Voluntary Separation Incentive Act (S. 647). The legislation will provide some protection to CIA careerists as the CIA draws down its personnel levels in the coming months and years. It authorizes the Director of Central Intelligence to offer financial incentives to CIA personnel to resign or retire voluntarily—that is, on their own initiative. By offering financial incentives for voluntary departures, CIA expects to be able to minimize or eliminate altogether a need for CIA to involuntarily dismiss employees.

The legislation will accomplish four important objectives.

First, it will assist the CIA in managing its drawdown so that the resulting work force has the right mix of skills and experience to conduct CIA's mission effectively in the future.

Second, the bill will help ensure fair treatment of CIA personnel. CIA employees—and in particular those with clandestine duties—have served their country with distinction, often at great personal sacrifice and sacrifice by their families. The CIA must keep faith with them, especially if we are to continue to get people of the same high quality and dedication to serve in the CIA in the future.

Third, the legislation will save taxpayers' dollars. By offering now a financial incentive to an employee to leave CIA service voluntarily, CIA will not incur greater costs in the outyears.

Finally, the legislation will contribute to maintaining the proper secrecy of U.S. intelligence activities.

Federal law already grants the Secretary of Defense authority to provide similar incentives for voluntary separation to Department of Defense employees, to assist in downsizing that department. Thus, intelligence personnel employed by the Department of Defense already are covered by a voluntary separation incentive statute. Enactment of the bill I am introducing today will provide similar authority for voluntary separation incentives for CIA employees.

Senator DECONCINI, who chairs the Select Committee on Intelligence on which I serve as vice chairman, has cosponsored this important legislation to assist CIA employees. With bipartisan support for the legislation, I hope that the Congress can enact it promptly.

The legislation is essential to enable us to protect the interests of CIA employees as CIA carries out the planned prudent reductions in the size of its work force.

Mr. President, I ask unanimous consent that the section-by-section explanation of the legislation be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

SECTION-BY-SECTION EXPLANATION

The Central Intelligence Agency Voluntary Separation Incentive Act will assist the Director of Central Intelligence in managing effectively the reduction of the Central Intelligence Agency (CIA) civilian work force and help ensure fair treatment of CIA personnel as that reduction is accomplished. The legislation will allow the Central Intelligence Agency to offer limited financial incentives to CIA employees to volunteer to resign or retire, thereby minimizing the need for involuntary separations (i.e., layoffs) of CIA personnel. With the normal attrition of employees over time and with the voluntary separations of employees induced by the financial incentive this legislation would authorize, the CIA will be able to eliminate or minimize involuntary separations of CIA personnel in carrying out the planned drawdown of CIA personnel. Congress has already enacted similar legislation for military personnel (10 U.S.C. 1175) and for Department of Defense civilian employees, including DOD civilian intelligence employees (5 U.S.C. 5597).

The legislation will accomplish four objectives:

Assist the CIA in *managing the CIA personnel drawdown effectively*, so that the resulting smaller CIA work force can accomplish the CIA's intelligence mission effectively;

Ensure fair treatment for CIA personnel during the drawdown, and in particular the personnel of the clandestine services, who have performed extraordinary services for the nation entailing personal sacrifice;

Save taxpayers' dollars, by offering a limited financial incentive to employees to leave CIA service voluntarily, which will avoid the cost of the employees' future salary and benefits; and

Assist in *maintaining proper secrecy* of U.S. intelligence sources, methods and activities, by ensuring that CIA personnel who depart have done so voluntarily, in good morale, and with an orientation toward fully protecting national secrets in accordance with their legal obligations.

The bill consists of two sections. Section 1 entitles the bill the "Central Intelligence Agency Voluntary Separation Incentive Act." Section 2 of the bill authorizes the Director of Central Intelligence (the "Director") to establish a program of financial incentives to encourage the voluntary resignation or retirement of CIA employees. Section 2 consists of subsections 2(a) through 2(i).

Subsection 2(a) authorizes the Director, in his discretion, to establish a program under which the Director may pay a financial incentive to eligible CIA employees to encourage them to volunteer to resign or retire. The commitment of the authority to agency discretion is intended to make clear that the exercise of the authority under this legislation is not subject to judicial review (see for example 5 U.S.C. 701(a)).

Subsection 2(b) describes the CIA employees who would be eligible to receive the financial incentive in exchange for their volunteering to leave CIA service.

Paragraph 2(b)(1) provides that an employee must be serving under an appointment without a time limitation. Thus, an employee serving under a temporary appointment of specified duration, such as an employee hired for a summer job or an employee appointed for a two-year period to accomplish a specific task, would not qualify for the voluntary separation incentive program.

Paragraph 2(b)(2) requires that an employee have served the Central Intelligence Agency for not less than 12 months to qualify for the voluntary separation incentive program.

Paragraph 2(b)(3) authorizes the Director to establish additional requirements for an employee to qualify for the voluntary incentive awards program. The Director could, for example, determine that the CIA has an excess of personnel trained in particular skills, occupations, or foreign language capabilities and provide the voluntary separation incentives only to an appropriate number of individuals with those skills, occupations, or foreign language capabilities. This authority will assist the Director in ensuring that, at the end of the planned drawdown of the CIA's work force, the work force will have the correct mix of skills and experience needed to carry out the CIA's mission effectively.

Paragraph 2(b)(4) excludes rehired Federal annuitants from the voluntary separation incentive program. Such annuitants are currently excluded by law from the similar DOD program (5 U.S.C. 5597).

Paragraph 2(b)(5) excludes Federal disability retirement eligible employees from the voluntary separation incentive program. Such employees are currently excluded by law from the similar DOD program (5 U.S.C. 5597).

Subsection 2(c) grants the Director authority to extend the voluntary separation incentive program to a CIA employee who does not meet the requirements in subsection 2(b). Because of the unusual nature of much of CIA's work, and in particular its clandestine activities, a situation could arise in which the voluntary separation incentive program should apply to a CIA employee other than an employee who meets the requirements in subsection 2(b). Accordingly, subsection 2(c) allows the Director, on a case-by-case basis, to extend the program to such an employee. Unlike the other authorities granted to the Director by the legislation, the Director cannot delegate this authority. Also, because of the unusual nature of the authority granted by subsection 2(c), the Director is required to report each instance of its exercise to the intelligence committees of the Congress.

Subsection 2(d) sets limits on the dollar amount of the financial incentives that the Director may provide under the voluntary separation incentives program. Under no circumstances may the amount provided to an employee exceed $25,000. The amount provided to an employee will be less if a lesser amount will accomplish the objective of achieving the needed voluntary separations. The legislation leaves the Director the flexibility to offer differing amounts of financial incentives to different employees and allows the Director to change from time to time the amounts CIA will offer as an incentive for voluntary separation. The legislation also leaves the Director the flexibility to determine how to structure the payment of the incentive, such as lump-sum payment or payment in installments over time.

Subsection 2(e) provides explicit authority to the Director to terminate, in connection with the voluntary separation incentive program, the obligation of a CIA employee under any agreement the employee has with CIA to render service or reimburse the United States for not rendering service. For example, under Section 506 of the Intelligence Authorization Act for Fiscal Year 1987 (50 U.S.C. 403j note), the Director may fund an individual's education under an agreement by which the individual agrees to serve in the CIA after graduation or, if the individual decides not to so serve, to reimburse the U.S. for the costs of the education. The legislation allows the Director, in connection with providing the voluntary separation incentive to an employee under subsection (a), to extinguish any service or reimbursement obligation the employee has to the CIA. Subsection 2(e) ensures that the situation will not arise in which CIA asks an employee to volunteer to leave, provides the voluntary separation incentive, and then charges the employee under a pre-existing service or reimbursement agreement for failure to complete the service. Subsection 2(e) grants authority to extinguish the service or reimbursement obligation; it should not be misconstrued as functioning as a "waiver" of a debt to the United States, because no debt to the United States ever arises under the service or reimbursement agreement when the obligation to serve or reimburse is extinguished.

Subsection 2(f) requires the Director to administer the voluntary separation incentive program so that, over the life of the program, it does not cost the taxpayers money. Savings are likely to occur because the cost of the incentives paid to employees to leave CIA service voluntarily will be less than the cost of continuing to pay their salaries and benefits.

Subsection 2(g) sets forth the relationship of amounts paid as a voluntary separation incentive to other Government benefits, specifying that it is separate from and not the basis for computation of other benefits. For example, the amount of a voluntary separation incentive would not be added to an employee's salary during this last year of CIA service for purposes of computing the salary base used in determining a retirement pension under a Federal retirement system. Subsection 2(g) does not in any way affect the application of tax laws to the amount paid as voluntary separation incentive; the tax status of the amounts paid as voluntary separation incentives is determined by applicable revenue statues.

Subsection 2(h) provides that the Director may not pay a voluntary separation incentive in connection with a voluntary separation occurring after September 30, 1998. The legislation is intended to assist the CIA with the planned drawdown of its civilian work force; that drawdown is expected to be accomplished by September 30, 1998. The termination of authority in subsection 2(h) is tied to the date on which the voluntary separation occurs and not to the date on which payment of the incentive is made. Thus, for example, if a CIA employee were voluntarily separated in connection with the voluntary separation incentive program on September 25, 1998, but the CIA did not issue the check to pay the incentive amount to the employee until October 2, 1998, the payment would still be owed to the employee and would be a valid obligation, because the separation occurred before the September 30, 1998 deadline in subsection 2(h).

Subsection 2(i) requires the Director to prescribe such regulations as may be necessary to carry out the legislation. Such regulations constitute regulations concerning a foreign affairs function of the United States and matters relating to agency management and personnel (see 5 U.S.C. 553(a)).

By Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. PRYOR, Mr. COHEN, Mr. KENNEDY, Mr. SIMON, Mr. LEAHY, Mr. JOHNSTON, Mr. SARBANES, and Mr. WOFFORD):

S. 649. A bill to ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries; to the Committee on Finance.

MEDICARE ENROLLMENT IMPROVEMENT AND PROTECTION ACT OF 1993

Mr. RIEGLE. Mr. President, last Congress I introduced S. 2814, the Medicare Enrollment Improvement and Protection Act of 1992 to solve the problems that keep low-income seniors and disabled citizens from receiving financial assistance with their out-of-pocket Medicare costs through the Qualified Medicare Beneficiary [QMB] Program. Today, I am reintroducing this legislation with minor technical modifications and improvements based on comments we received on the bill. I am pleased that Senators MITCHELL, PRYOR, COHEN, KENNEDY, SIMON, LEAHY, JOHNSTON, SARBANES, and WOFFORD have joined me in cosponsoring this important legislation.

Six years ago, Congress acted to protect low-income seniors and disabled citizens from the increasing costs of deductibles, copayments, and premiums under the Medicare Program. The Qualified Medicare Beneficiary Program was to be implemented by the Department of Health and Human Services [HHS] and the States beginning in 1989. For the 2.5 million seniors who are enrolled in this program, the Medicaid Program pays for seniors' out-of-pocket expenses for Medicare coverage. These expenses include a deductible for hospitalization—$676—premiums for part B coverage—$36.60 deducted from Social Security check each month—a deductible for part B services—$100 a year—and a 20 percent copayment for most part B services. Without the QMB benefit, these seniors could face direct costs of over $1,100 a year if they are hospitalized just once, and that doesn't include copayments and deductibles for physicians' services.

Today, Families U.S.A. released a report which indicates that 1.8 million low-income beneficiaries are not receiving the QMB benefits to which they are entitled because they do know they are eligible or face other barriers that make it difficult to apply for the benefits. Furthermore, as of January 1, 1993, almost 1 million more individuals became newly eligible for limited help with their Medicare cost-sharing. Specified low-income Medicare beneficiaries [SLMB] receive financial assistance for their part B premiums, which cost $36.60 per month—$439 per year. In Michigan, over 94,000 individuals are eligible for QMB or SLMB benefits and are not receiving them today.

To illustrate the barriers people encounter in applying for this benefit, let me tell you the story of Jeanette Moyer of Constantine, MI, who tried to apply for QMB benefits for her 73-year-old mother. In October 1991, Jeanette learned of the QMB benefit from a story in the Kalamazoo Gazette. She called several Government offices to find out more about the program and to apply for her mother but most offices had not heard of the program. When she finally got through and received the application it was 27 pages long and very confusing. Jeanette started the process in October and finally her mother received coverage in January 1992. Her mother had been purchasing a private Medigap supplemental policy through AARP, even though her income was less than $6,700 a year and her assets were less than $4,000, and she clearly qualified for the program. With this new benefit she was able to cancel the policy.

I was among those who worked to preserve this benefit when the Medicare Catastrophic Coverage Act of 1968 was repealed. Since then, based on reports from national advocacy groups and Michigan citizens, I have initiated congressional letters to the Secretary of HHS, Dr. Louis Sullivan, pointing out problems of implementation and urging administrative changes and more outreach. Most recently, I have corresponded with Secretary Shalala, who has indicated a willingness to work on this issue. The legislation I am introducing today outlines specific actions we need to take to solve this problem once and for all.

This legislation improves the process of enrolling people in the QMB Program by directing Secretary Shalala to develop a system to accept QMB and SLMB applications at Social Security offices and by mail. To increase awareness of the program, the legislation strengthens information and notification programs and provides grants for outreach to a variety of organizations. To remove the current hassles in the system, the legislation directs the Secretary to develop a simplified application form for QMB and SLMB benefits for use in Social Security offices and through the mail.

In Michigan, Blue Cross/Blue Shield received a grant from the Health Care Financing Administration to conduct outreach to the elderly. They are working with the Michigan Office of Services to the Aging to train providers and advocates on the QMB and SLMB benefits. These individuals will take the information back to their communities, where they can implement an outreach program to reach low-income beneficiaries. My legislation would provide funds for outreach programs like this.

Mr. President, low-income seniors and disabled individuals, especially those with serious medical problems, have a hard time meeting the basic needs, such as food and rent. Congress intended to relieve some of their financial burden by alleviating their costs under Medicare. It's time we ensure they receive this relief. I urge more of my colleagues to join me in supporting this bill.

I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enrollment Improvement and Protection Act of 1993".

TITLE I—IMPROVING ENROLLMENT

SEC. 101. NOTIFICATION.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and",

(3) by inserting after paragraph (3) the following new paragraph:

"(4) a clear, simple explanation (designed to attract the reader's attention and stated plainly in English and any other language determined by the Secretary) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii).", and

(4) by adding at the end thereof the following new sentence: "The portion of the notice containing the explanation described in paragraph (4) shall also be prepared in a manner suitable for posting and shall be distributed to physicians, hospital offices, other medical facilities, and entities receiving grants from the Secretary for programs designed to provide services to individuals age 65 or older.".

(b) TOLL-FREE HOTLINE.—The Secretary of Health and Human Services shall establish a toll-free telephone number to provide individuals with information on medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)), including the availability of and requirements for obtaining such medicare cost-sharing, where to go for applications, and documentation needed for applying. Such information shall be offered to every caller to the hotline regardless of the specific inquiry. All notices described in section 1804(4) of the Social Security Act (42 U.S.C. 1395b-2(4)) shall include this toll-free telephone number.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 102. USE OF SOCIAL SECURITY ADMINISTRATION OFFICES AND SIMPLIFIED APPLICATION PROCESSES.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end thereof the following new section:

"ALTERNATIVE LOCATIONS FOR PROCESSING APPLICATIONS FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1931. (a) IN GENERAL.—The Secretary, through the Social Security Administration and the Health Care Financing Administration, shall provide, as an alternative to the procedure established by State agencies under State plans under this title, a procedure (including appropriate training of personnel by the Health Care Financing Administration) to assist individuals in completing the application form described in subsection (b) at Social Security Administration offices (and any other Federal office, as determined appropriate by the Secretary), and to accept by mail or in person such application form at such offices. The Secretary shall ensure that adequate resources are available to implement the procedure developed under this subsection.

"(b) SIMPLIFIED APPLICATION FORMS.—The Secretary shall develop a short, simplified application form to determine if an individual meets the requirements for status as a qualified medicare beneficiary under section 1905(p)(1), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in section 1902(a)(10)(E)(iii). The form shall be developed with the consultation of consumer advocates and State agencies and shall be available in offices described in subsection (a).

"(c) ADDITIONAL USES OF FORMS.—The Secretary shall periodically (at such times as determined by the Secretary) mail the forms described in subsection (b) to individuals potentially eligible for the status described in such subsection, and shall provide such forms to counselors in organizations described in section 105 of the Medicare Enrollment Improvement and Protection Act of 1993 for use in determining an individual's eligibility for such status.

"(d) SUBMISSION OF FORMS.—Except as provided in subsection (e), the Secretary shall refer application forms described in subsection (b) which are received by the Secretary to the appropriate State agency designated under this title for review and decision.

"(e) CERTIFICATION OF DETERMINATION OF STATUS.—

"(1) CERTIFICATION TO STATE.—If the Secretary, based upon an application described in subsection (b), makes a determination that an individual meets the requirements for the status described in such subsection, the Secretary shall certify such determination to the State in which the individual resides.

"(2) STATE RECOGNITION OF ELIGIBILITY.—If the Secretary certifies to the State that an individual meets the requirements for such status, the individual shall be deemed to have met the requirements for such status.

"(3) CONTINUING ELIGIBILITY REQUIRED.—Nothing in paragraph (2) shall be construed to prohibit a State from requiring an individual to continue to meet the requirements of such status after the individual is deemed to have met the requirements of such status under paragraph (2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 103. MANDATORY DIRECT ENROLLMENT OF PART A ELIGIBLES.

(a) IN GENERAL.—Paragraph (1) of section 1818(g) of the Social Security Act (42 U.S.C. 1395i-2(e)) is amended by striking "shall, at the request of a State made after 1989, enter into a modification of an agreement entered into with the State pursuant to section 1843(a)" and inserting "shall enter into an agreement with each State under terms described in section 1843".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 104. OPTIONAL PRESUMPTIVE ELIGIBILITY.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920 the following new section:

"PRESUMPTIVE ELIGIBILITY FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1920A. (a) IN GENERAL.—A State plan approved under section 1902 may provide that during a presumptive eligibility period, medical assistance may be made available for medicare cost-sharing (as described in clauses (i), (ii), and (iii) of section 1902(a)(10)(E)) to qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii) without regard to whether a final determination of eligibility for such assistance has been made.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income of the individual does not exceed the applicable income level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the individual for medical assistance described in subsection (a) under the State plan, or

"(ii) in the case of an individual who does not file an application by the last day of the month following the month during which the provider makes the determination referred to in subparagraph (A), such last day, and

"(2) the term 'qualified provider' means any provider that—

"(A) is eligible for payments under a State plan approved under this title, and

"(B) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(c) DUTIES OF STATE AGENCY, QUALIFIED PROVIDERS, AND PRESUMPTIVELY ELIGIBLE INDIVIDUALS.—

"(1) DUTIES OF STATE AGENCY.—The State agency shall provide qualified providers with—

"(A) such forms as are necessary for an individual described in subsection (a) to make application for medical assistance described in subsection (a) under the State plan, and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) DUTIES OF QUALIFIED PROVIDERS.—A qualified provider that determines under subsection (b)(1)(A) that such an individual is presumptively eligible for such medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made, and

"(B) inform the individual at the time the determination is made that such individual is required to make application for such medical assistance under the State plan by no later than the last day of the month following the month during which the determination is made.

"(3) DUTIES OF PRESUMPTIVELY ELIGIBLE INDIVIDUALS.—An individual who is determined by a qualified provider to be presumptively eligible for medical assistance under a State plan shall make application for such medical assistance under such plan by no later than the last day of the month following the month during which the determination is made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1994, without regard to whether or not regulations to implement such amendment are promulgated by such date.

SEC. 105. OUTREACH GRANTS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants, one-half to State agencies and one-half to organizations approved under paragraph (2), that submit applications to the Secretary that meet the requirements of this section for the purpose of providing information, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, benefits as qualified medicare beneficiaries (as defined in section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)), qualified disabled and working individuals (as defined in section 1905(s) of such Act (42 U.S.C. 1396d(s)), and individuals described in section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396a(a)(10)(E)) (in this section referred to as "eligible individuals"). The Secretary shall prescribe regulations to establish a minimum level of funding for a grant issued under this section.

(2) APPROVED ORGANIZATIONS.—For purposes of paragraph (1), an organization shall be approved by the Secretary to submit an application for grant funding (as described in subsection (b)) if, as determined by the Secretary, such organization has local entities that can assist older individuals with information and applications to determine if such individuals are eligible individuals.

(b) GRANT APPLICATIONS.—

(1) SUBMISSIONS.—In submitting an application under this section, a State agency or approved organization may consolidate and coordinate an application that consists of parts prepared by more than one department of such State agency or organization.

(2) PROGRAM REQUIREMENTS.—As part of an application for a grant under this section, a State agency or approved organization shall submit a plan for an information, counseling, and assistance program. Such program shall—

(A) establish or improve upon an information, counseling, and assistance program that provides counseling and assistance to eligible individuals in need of information that may assist such individuals in applying for medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3));

(B) establish a system of referrals to appropriate Federal, State, or local departments or agencies for assistance with problems related to enrollment in and full implementation of such medicare cost-sharing program, as determined by the Secretary;

(C) provide for a sufficient number of staff positions (including volunteer positions) necessary to provide the services of the information, counseling, and assistance program;

(D) provide for the collection and dissemination of timely and accurate enrollment information to staff members;

(E) provide for training programs for staff members (including volunteer staff members);

(F) provide for the coordination of the exchange of enrollment information between the staff of departments and agencies of the State government and the staff of the information, counseling, and assistance program;

(G) make recommendations concerning consumer issues and complaints related to such enrollment to agencies and departments of the State government and the Federal Government responsible for providing such medicare cost-sharing;

(H) establish an outreach program to provide the enrollment information and counseling described in subparagraph (A) and the assistance described in subparagraph (B) to eligible individuals; and

(I) demonstrate, to the satisfaction of the Secretary, an ability to provide the counseling and assistance required under this section.

(c) ADMINISTRATION.—The State agency or approved organization shall operate the information, counseling, and assistance program in locations other than State welfare offices, including facilities operated by any area agency on aging (as defined in section 102(a)(17) of the Older Americans Act of 1965), meals on wheels program, senior center, and other location determined by the Secretary in consultation with such agency or organization.

(d) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this section shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program.

(e) ANNUAL APPLICANT REPORT.—A State agency or approved organization that receives a grant under subsection (a) shall, not later than 180 days after receiving such grant, and annually thereafter, issue an annual report to the Secretary that includes information concerning—

(1) the number of individuals served by the information, counseling, and assistance program of such State agency or organization; and

(2) the problems that eligible individuals encounter in enrolling for medicare cost-sharing.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this section, and annually thereafter, the Secretary shall issue a report to the Committee on Finance of the Senate, the Special Committee on Aging of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Select Committee on Aging of the House of Representatives that—

(1) summarizes the allocation of funds authorized for grants under this section and the expenditure of such funds;

(2) outlines the problems that eligible individuals encounter in enrolling for medicare cost-sharing;

(3) makes recommendations that the Secretary determines to be appropriate to address the problems described in paragraph (2); and

(4) in the case of the first report issued 2 years after the date of enactment of this section, evaluates the effectiveness of counseling programs established under this program, and makes recommendations regarding continued authorization of funds for these purposes.

(g) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—There are authorized to be appropriated, in equal parts from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund, $30,000,000 for each of the fiscal years 1994, 1995, and 1996, and $10,000,000 for each of the fiscal years beginning after fiscal year 1996, to fund the grant programs described in this section.

TITLE II—APPLICATION OF OTHER MEDICAID ELIGIBILITY RULES

SEC. 201. OTHER MEDICAID ELIGIBILITY RULES.

(a) IN GENERAL.—Subsection (a) of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by striking "or, in the case of medicare cost-sharing with respect to a qualified medicare beneficiary described in subsection (p)(1), if provided after the month in which the individual becomes such a beneficiary)" and inserting "or, in the case of medicare cost-sharing with respect to a qualified medicare beneficiary (as defined in subsection (p)(1)), a qualified disabled and working individual (as defined in subsection (s)), or an individual described in section 1902(a)(10)(E)(iii), if provided in or after the third month before the month in which the individual makes application to become such a beneficiary or individual)".

(b) CONFORMING AMENDMENT.—Paragraph (8) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended to read as follows:

"(8) For purposes of payment to a State under section 1903(a), if an individual is determined to be a qualified medicare beneficiary (as defined in section 1905(p)(1)), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in subsection (a)(10)(E)(iii), such determination shall be considered to be valid for an individual for a period of 12 months from the date of application, except that a

State may provide for such determinations more frequently, but not more frequently than once every 6 months for an individual.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications filed after December 31, 1993.

TITLE III—REPORT

SEC. 301. REPORT BY SECRETARY.

The Secretary of Health and Human Services shall report to the Congress not later than 12 months after the date of enactment of this Act on the activities of the Department of Health and Human Services to ensure enrollment and full implementation of the benefits described in section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) and the effectiveness of each such activity. Such report shall also include any recommendations regarding any proposed legislation necessary to further improve such enrollment and implementation.

SUMMARY OF MEDICARE ENROLLMENT IMPROVEMENT AND PROTECTION ACT

PURPOSE

To ensure full and proper implementation of Medicaid coverage for certain low-income Medicare beneficiaries by the Department of Health and Human Services (HHS).

SECTION I—IMPROVING ENROLLMENT

Background: Only slightly more than half of those eligible for QMB benefits are receiving them due to lack of information and other barriers to gaining access to the program. in addition, as of 1/1/93, Medicare beneficiaries with incomes between 100% and 110% of poverty may be newly-eligible for some buy-in benefits as Specified Low-Income Medicare Beneficiaries (SLMBs).

(1) Notification

Legislative Proposal: Require the Secretary of HHS to notify all new Medicare beneficiaries of the QMB/SLMB benefits at the time they apply for Medicare participation.

In addition, the Secretary shall mail information annually about the QMB and SLMB benefits to Medicare beneficiaries. In informing potential Medicare beneficiaries, the information shall include the buy-in eligibility criteria, how to get additional information, and how to apply for the benefits. The information shall be designed to attract the reader's attention and should be written in clear and simple English, as well as other languages determined by the Secretary.

The Secretary shall also supply notices for posting to provider offices and to community agencies serving the low-income elderly and persons with disabilities.

(2) Toll-free hotline

Background: Medicare beneficiaries are currently confused as to where to go to get information on the QMB/SLMB benefits and to complete applications. They are not sure if they should go to Social Security or welfare offices and get mixed information about who is ultimately responsible for the QMB/SLMB program.

Legislative proposal: Establish a toll-free phone line for information on the benefit, including where to go for applications, documentation needed when applying, and other information. The information shall be offered to every caller to the hotline regardless of the nature of their specific inquiry. All notices about the buy-in benefit are required to include this toll-free number.

(3) Use of Social Security Administration offices and development of a simplified application form

Legislative Proposal: Require Social Security offices to take QMB and SLMB applications, so beneficiaries have the option to apply for these benefits at sites other than local welfare offices. The Secretary shall develop a plan to implement the process and to ensure adequate resources are provided (e.g. for training of SSA workers). The Secretary shall develop a simplified application form, with the consultation of consumer advocates and states, for use in Social Security offices. These forms will be referred to the state agency for follow-up. The Secretary shall periodically send forms to low-income Social Security beneficiaries which, when completed, would enable HHS to determine likely eligibility. HHS would refer the forms to the appropriate State or local agency or office.

(4) Outreach

Legislative Proposal: Provide grants totaling $30 million annually to agencies to provide information, counseling, and assistance with problems related to QMB/SLMB enrollment for low-income Medicare beneficiaries. One half of the appropriated grant funds would be available for states and state agencies; the other half would be available for community-based agencies with wide community support. Funds could be used for such activities as public awareness campaigns and one-on-one counseling by these organizations.

(5) Direct enrollment of Part A eligibles

Background: HCFA can identify individuals who are not entitled to Medicare hospital coverage (Part A) due to their lack of contributions to the Hospital Insurance Trust Fund. The QMB benefit extends Medicaid coverage of the Part A premium to these individuals. Over 30 states currently automatically enroll these individuals in Part A and QMB through Part-A buy-in agreements with the Secretary. The remaining states require these individuals to first apply for QMB benefits, before their Part A premium will be paid. Since enrollment in Part A is required for QMB benefits, these beneficiaries must first pay the Part A monthly premium to qualify as QMBs. Also, HCFA limits enrollment of QMB eligibles in Medicare Part A to the first three months of a year.

Legislative Proposal: The Secretary shall be required to establish Part-A buyin agreements with all the States to enroll these individuals automatically and to bill state Medicaid plans for the premiums. The Social Security Act shall be amended to permit Part A enrollment throughout the year, rather than only in the first three months.

(6) Optional presumptive eligibility

Background: Currently, states have the option of establishing presumptive eligibility for low-income pregnant women. Providers may make a preliminary determination that a woman seeking treatment is eligible for Medicaid and the state is obligated to cover pregnancy-related services provided for a certain time period or until the state completes an eligibility review, whichever is earlier. The individual may apply for Medicaid coverage up to the end of the month following the month in which presumptive eligibility was established, and is guaranteed coverage to that date.

Legislative Proposal: Allow states to extend presumptive eligibility to potential QMB eligibles. Certain providers would be authorized to establish presumptive eligibility for Medicare cost-sharing.

SECTION II—APPLICATION OF OTHER MEDICAID ELIGIBILITY RULES

Background: For most individuals eligible for Medicaid, the date of eligibility for benefits is based on the date of application. If an individual files an application for Medicaid in a given month, but the State does not make its eligibility determination until several months later, the individual will be eligible for coverage as of the date he or she filed the application and in most instances for 3 months prior to the date of application. However, QMB beneficiaries are ineligible until the end of the month in which eligibility is determined. In the time from filing application until determination, they may incur cost-sharing expenses for hospital care or other benefits.

Legislative Proposal: Make QMBs eligible for cost-sharing for 3 months prior to the date of application for those benefits, if they met the eligibility requirements during that time.

SECTION III—REPORT TO CONGRESS

Require Secretary Shalala to report to Congress, no later than 12 months after enactment, on Administration's activities to ensure enrollment and full implementation of the QMB and SLMB benefits and on the effectiveness of each activity.

Mr. MITCHELL. Mr. President, I rise today to join my distinguished colleague, Senator RIEGLE, as an original cosponsor of the Medicare Enrollment Improvement and Protection Act of 1993. This legislation is designed to solve a beneficiary access issue—to eliminate barriers which keep low-income seniors and disabled citizens from receiving financial assistance with their out-of-pocket Medicare costs. This legislation is designed to implement the Qualified Medicare Beneficiary Program.

The Medicare Enrollment Improvement and Protection Act of 1993 will fully implement the Qualified Medicare Beneficiary Program enacted by Congress over 5 years ago and the Specialized Low-Income Medicare Beneficiary Program, in effect as of this year.

It was the intent of Congress to create a program that would protect all elderly and disabled individuals whose incomes are at the poverty line from the increasing costs of Medicare deductibles, copayments and premiums. More than 5 years after enactment, however, 42 percent of low-income Medicare beneficiaries are not informed or face access barriers to receiving the benefits to which they are entitled.

Today, over 2 million beneficiaries are still unaware of the program and their eligibility status. As a result, low-income elderly and disabled persons may be paying over $1,100 a year unnecessarily if they are hospitalized only once.

Repeated efforts by Members of Congress to resolve this problem administratively have been less than successful. In June 1991, I joined with nine other members of the Finance Committee to urge that Medicare beneficiaries be allowed to apply for the Qualified Medicare Beneficiary Program at Social Security offices, rather than requiring them to make a second trip to welfare offices. These efforts and our urgent suggestions for comprehensive outreach programs have not resulted in significant improvements.

This bill requires Social Security offices to develop a simplified application and to assist all new Medicare beneficiaries to apply without a second trip to a local welfare office.

This legislation will also require the Department of Health and Human Services to simplify and initiate more effective enrollment procedures. This act will assure more effective notification including public awareness and outreach grants to community organizations.

In my home State of Maine, the area agencies on aging successfully conducted a 1991 statewide outreach to eligible qualified Medicare beneficiaries. As a result, Maine's rate of enrollment of eligible beneficiaries is significantly better than the national average. These efforts must be continued and stepped up to ensure full awareness and overcome barriers to enrollment.

The Medicare Enrollment Improvement and Protection Act of 1993 will provide the legal means to ensure the full implementation of a program to assist low-income Medicare beneficiaries with out-of-pocket costs—just as Congress intended almost 6 years ago. This bill is supported by many organizations including the National Association of Area Agencies on Aging and the National Council of Senior Citizens.

I commend Senator RIEGLE for his dedication to this issue. He introduced this legislation three times since 1991. The implementation of this beneficiary access program is even more timely with the addition of the Specialized Low-Income Medicare Beneficiary Program.

I urge my colleagues to join us to ensure the financial protection of all low income elderly and disabled citizens.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 650. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

APPRENTICESHIP IMPROVEMENT ACT OF 1993

Mr. RIEGLE. Mr. President, I rise to introduce the Apprenticeship Improvement Act of 1993. I am very pleased that my friend and colleague from Michigan, Senator LEVIN, is an original cosponsor of this legislation. The bill we are offering addresses one of our Nation's most critical challenges: Educating and training American workers so they can fill high-skill jobs that we must have in this country.

We face a job crisis in this country. Our manufacturing base is eroding and fewer good jobs are coming on line. This is especially true in my State of Michigan. In fact, over the past year 89 percent of the increase in jobs in Michigan were part-time jobs. These are jobs that generally pay lower wages and do not provide health and pension benefits. Consequently, young men and women entering the work force straight from high school do not have the same opportunities that existed in the past.

If we are to remain a strong Nation and rebuild our job base we need a strategy to provide meaningful job opportunities for all Americans. An important element of that strategy is ensuring that every citizen has the skills that he or she needs to be as productive as possible. Apprenticeship programs have proven to be a highly effective way of providing those practical skills they need to succeed.

Some 280,000 people are now enrolled in registered apprenticeship programs. Unfortunately, the United States, unlike many of our foreign competitors, does not provide enough support for apprenticeship opportunities. Furthermore, that support has declined; from 1980 to 1990, Federal support for apprenticeship programs declined by 70 percent.

President Clinton and Secretary of Labor Robert Reich recognize the importance of apprenticeship programs in training our work force. I am encouraged by their leadership and I look forward to working with them.

At the Federal level, apprenticeship programs are now administered by the Bureau of Apprenticeship and Training [BAT]. BAT plays a vital role in promoting and maintaining our apprenticeship system. BAT encourages employers to implement apprenticeship programs and helps workers find appropriate programs.

Despite the clear need to expand apprenticeship opportunities, BAT has been decimated by staff reductions over the past 12 years. In 1981, there were 459 full-time staff members at BAT; in 1990, there were 246. The legislation I am introducing today would restore some strength to BAT by increasing the staff level to 377.

This proposal would not return BAT to the level that existed in 1981. We face an enormous budget deficit that threatens our long-term economic health. I believe that it is appropriate to encourage the Federal Government to do more and spend less. This bill is consistent with that idea.

In addition, so we can make best use of the apprenticeship programs already available, the bill would require the Secretary of Labor to establish and maintain a national information collection system for apprenticeship and apprenticeship programs.

The Apprenticeship Improvement Act would encourage BAT to make a greater effort to ensure that more people who have not traditionally been part of the apprenticeship programs in the past have greater opportunity in the future. Women now account for 45 percent of the work force, yet only about 7 percent of apprentices are women. A GAO study found that a lack of public awareness of apprenticeship programs is a major reason women are under-represented in the work force. The bill requires that at least 1 percent of the funding for the program be made available for outreach recruitment activities to increase the participation of women, minorities, handicapped individuals, displaced workers, and disadvantaged individuals.

Within 6 months of the enactment of this bill the Secretary of Labor must submit a detailed report determining whether apprenticeship programs comply with regulations governing equal opportunity. The composition of our work force is changing dramatically—we must ensure that anyone who is capable of contributing is given the chance.

Mr. President, this bill would help us rebuild our economic strength by improving the productivity of our most important resource—our people. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apprenticeship Improvement Act of 1993".

SEC. 2. ESTABLISHMENT OF INFORMATION COLLECTION SYSTEM.

Section 2 of the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), popularly known as the "National Apprenticeship Act", (hereinafter in this Act referred to as the "Act") is amended—

(1) by inserting "(a)" after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

(b) The Secretary shall establish and maintain a national information collection system for apprenticeships and apprenticeship programs.".

SEC. 3. OUTREACH PROGRAM.

The Act is amended—

(1) by redesignating section 4 as section 5, and

(2) by inserting after section 3 the following new section:

"SEC. 4. The Secretary shall assure that from the amounts appropriated to carry out this Act in each fiscal year, not less than 1 percent of such amounts shall be available to establish outreach recruitment activities to increase the participation of women, minorities, handicapped individuals, displaced workers, and disadvantaged individuals in the apprenticeship programs authorized by this Act.".

SEC. 4. ESTABLISHMENT OF BUREAU OF APPRENTICESHIP AND TRAINING; APPOINTMENT OF EMPLOYEES.

(a) ESTABLISHMENT.—There is established in the Department of Labor, the Bureau of Apprenticeship and Training (hereinafter in this Act referred to as the "Bureau") which shall carry out the policies and functions of this Act on behalf of the Secretary of Labor (hereinafter in this Act referred to as the "Secretary"). The Bureau shall be under the direction of an administrator to be known as the Administrator of the Bureau of Apprenticeship and Training. The Administrator shall report directly to the Secretary.

(b) TRANSFER OF FUNCTIONS.—Functions of the Assistant Secretary for Employment and Training Administration of the Department of Labor with respect to the promotion of labor standards of apprenticeship, including research, information, and publications are transferred to the Bureau. Functions related to apprenticeship, including appropriate administrative and program support services, together with personnel necessary to the administration of such functions, and unexpended balances of appropriations and other funds related thereto, are transferred to the Bureau.

(c) APPOINTMENT OF EMPLOYEES.—The Secretary is authorized to appoint such employees as may be necessary for the administration of this Act in accordance with laws applicable to the appointment and compensation of employees and advisors of the United States.

SEC. 5. INCREASE IN FORCE.

(a) IN GENERAL.—The Secretary shall increase the force within the Bureau to 377 full-time employees not later than January 1, 1994.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 6. LIMITATIONS ON REDUCTION IN FORCE.

(a) IN GENERAL.—A reduction in force may not be conducted within the Bureau if—

(1) the reduction in force would reduce the total number of civilian employees within such Bureau; and

(2) such total number, after the reduction in force, would be less than the equivalent of 377 employees.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 7. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the Congress, not later than 6 months after the date of enactment of this Act, a detailed report concerning whether the apprenticeship program conducted by the Department of Labor under the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), complies with regulations governing equal opportunity.

(b) CONTENTS OF REPORT.—The report required by this section shall include—

(1) a detailed description of activities carried out by the Department of Labor to ensure compliance;

(2) a list of compliance reviews undertaken by the Department; and

(3) a description of any sanctions imposed as a result of the compliance reviews.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. KERRY, and Mr. WELLSTONE):

S.J. Res. 69. A joint resolution providing for the United States to assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in the high-level United Nations Sustainable Development Commission; to the Committee on Foreign Relations.

EARTH SUMMIT ENVIRONMENT LEADERSHIP ACT

Mr. PELL. Mr. President, today I am introducing the Earth Summit Environmental Leadership Act. Joining me in introducing this legislation are Senators CHAFEE, KERRY, and WELLSTONE. A companion measure is being introduced on the House side by Congresswoman NANCY PELOSI to whom special recognition and credit should go for her efforts in this area.

Last year in June, the leaders of over 100 nations met in Rio de Janeiro, Brazil for the U.N. Conference on Environment and Development or more simply the Earth Summit. The Conference was the largest ever meeting of heads of state. It was also vivid testimony to the importance environmental issues have assumed in international relations.

Five documents were completed at the Earth Summit: the Convention on Climate Change, the Convention on Biological Diversity, the Rio Declaration, Agenda 21, and a nonbinding authoritative statement on global forest management.

As my colleagues may remember, the Senate granted its advice and consent to the Convention on Climate Change, enabling the United States to become the first industrialized country and only the fourth country overall to become a party to the convention. The Bush administration declined to sign the Convention on Biological Diversity.

The centerpiece of what remains is Agenda 21, a 40 chapter, 600 plus page action plan for sustainable development into the 21st century. The resolution introduced today focuses on the steps necessary for Congress and the President to take to implement Agenda 21 effectively. With my colleagues indulgence, I will highlight just a few of those measures.

The resolution calls for the adoption of a national strategy for sustainable development. It notes that the strategy should be prepared with board input from all sectors of society, including State and local government, business, labor, and nongovernmental organizations. The President is called upon to submit an annual report to Congress on the steps taken to implement Agenda 21.

The resolution also calls for the promotion of sustainable development through the U.S. foreign assistance program and through the multilateral development banks.

Further, the resolution calls on the President to affirm the United States strong commitment to the Commission on Sustainable Development. The Commission was formally established only last month in New York at the meeting of the Economic and Social Council of the United Nations. Its mandate, broadly speaking is to monitor implementation of Agenda 21.

In order to ensure that the Commission has the credibility to carry out this function effectively, the resolution urges the President to appoint a high-level representatives or delegation from the United States to the Commission. In addition, resolution states that the United States should encourage the active participation of the representatives of the international financial institutions in the Commission's work.

Mr. President, alone in the Congress, I had the privilege and honor to attend both the Earth Summit and its predecessor by 20 years, the Stockholm Conference on the Human Environment. That earlier conference marked a turning point in environmental awareness around the world.

One of the Stockholm Conference's most significant accomplishments was the establishment of the United Nations Environment Programme. To my mind, UNEP has been one of the most cost effective investments in protecting the global environment that our Government has made.

The establishment of UNEP was not, however, the only product of Stockholm. In the aftermath of the Conference, numerous countries established their own versions of our Environmental Protection Agency or provided a formal mandate to protect the environment to an existing ministry.

Similar and indeed stronger action will be necessary to make the promise of UNCED a reality. The Earth Summit Environmental Leadership Act provides broad guidance for United States implementation of accords reached last June to the U.N. Conference on Environment and Development in Brazil, especially Agenda 21.

I am hopeful that broad, bipartisan consensus can be reached behind these policies, because such support will be essential for their effective implementation. I hope this resolution will enjoy that support.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 110

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 110, a bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes.

S. 161

At the request of Mr. SARBANES, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 161, a bill to provide for an endowment grant program to support college access programs nationwide, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 535

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 535, a bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes.

S. 557

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 557, a bill to combat telemarketing fraud.

S. 596

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from California [Mrs. BOXER], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 596, a bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes.

S. 600

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

SENATE JOINT RESOLUTION 54

At the request of Mr. MURKOWSKI, the names of the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. CRAIG], the Senator from Washington [Mrs. MURRAY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. SASSER], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 54, a joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Vermont [Mr. LEAHY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

AMENDMENT NO. 222

At the request of Mr. DURENBERGER the names of the Senator from Missouri [Mr. BOND] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of amendment No. 222 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

SENATE RESOLUTION 82 RELATING TO THE PRODUCTION OF RECORDS BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 82

Whereas, the Committee on Governmental Affairs has conducted an investigation of serious management problems at the National Archives and Record Administration;

Whereas, as a result of its investigation, the Committee referred matters that it had investigated to executive branch agencies for investigation and appropriate action;

Whereas, the Department of Justice has requested access to records of the Committee's investigation as part of the inquiry resulting from the Committee's referral;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Department of

Justice records of testimony and exhibits received by the Committee in its investigation of management problems at the National Archives and Records Administration, except for materials for which a privilege should be asserted.

AMENDMENTS SUBMITTED

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

LAUTENBERG AMENDMENT NO. 242

Mr. LAUTENBERG (for himself and Mr. Exon), proposed an amendment to the concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, as follows:

At the appropriate place insert the following new section.

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

It is the sense of the Senate that the revenues set forth in this resolution assume that the Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes (for purposes of the taxation of Social Security benefits) of less than $32,000 for individuals and $40,000 for married couples filing joint returns.

THURMOND AMENDMENT NO. 243

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. McCain, Mr. Coats, and Mr. Smith) submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 10, line 4, increase the amount by $1,033,000,000.

On page 41, line 17, increase the amount by −$769,000,000.

On page 43, line 3, increase the amount by −$264,000,000.

On page 10, line 5, increase the amount by $981,000,000.

On page 41, line 18, increase the amount by −$717,000,000.

On page 43, line 4, increase the amount by −$264,000,000.

On page 10, line 11, increase the amount by $1,820,000,000.

On page 41, line 24, increase the amount by −$1,356,000,000.

On page 43, line 10, increase the amount by −$465,000,000.

On page 10, line 12, increase the amount by $1,777,000,000.

On page 41, line 25, increase the amount by −$1,312,000,000.

On page 43, line 11, increase the amount by −$465,000,000.

On page 10, line 12, increase the amount by $2,455,000,000.

On page 42, line 6, increase the amount by $1,831,000,000.

On page 43, line 17, increase the amount by −$624,000,000.

On page 10, line 19, increase the amount by $2,417,000,000.

On page 42, line 7, increase the amount by −$1,793,000,000.

On page 43, line 18, increase the amount by −$624,000,000.

On page 10, line 25, increase the amount by $3,112,000,000.

On page 42, line 13, increase the amount by −$2,318,000,000.

On page 43, line 24, increase the amount by −$794,000,000.

On page 11, line 1, increase the amount by $3,071,000,000.

On page 42, line 14, increase the amount by −$2,277,000,000.

On page 43, line 14, increase the amount by −$794,000,000.

On page 11, line 7, increase the amount by $3,343,000,000.

On page 42, line 20, increase the amount by −$2,495,000,000.

On page 44, line 6, increase the amount by −$847,000,000.

On page 11, line 8, increase the amount by $3,321,000,000.

On page 42, line 21, increase the amount by −$2,474,000,000.

On page 44, line 7, increase the amount by −$847,000,000.

KERREY AMENDMENT NO. 244

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place, insert the following new section:

SEC. ___. SENSE OF SENATE REGARDING ADDITIONAL REDUCTIONS IN AGRICULTURAL SPENDING.

(a) Findings.—The Senate finds that—

(1) of the top 12 mandatory spending programs of the Federal Government, the farm price support program ranks 12th in total spending and is the only program of the 12 whose spending declined between fiscal years 1985 and 1992;

(2) spending for the farm price support program will comprise less than ⅕ of the nearly $63 billion budget for the United States Department of Agriculture during fiscal year 1993;

(3) agricultural spending can be reduced by the expansion of markets for agricultural products and improved management of farm programs, as well as by cuts in farm price support levels;

(4) each 1 cent per bushel increase in the price received by corn producers decreases the cost of the corn price support program by $55–80 million annually;

(5) each 1 cent per bushel increase in the price received by wheat producers decreases the cost of the wheat price support program by $17–22 million annually;

(6) agriculture is the largest industry in the United States, employing more Americans in production, processing, and marketing activities associated with agriculture than any other single industry;

(7) consumers in the United States spend 9.8 percent of their personal income on food consumed at home, a smaller percent of income than consumers in any other country in the world;

(8) the European Community spends nearly 3 times more than the United States in support of farmers of the European Community, including more in the form of export subsidies than the entire cost of United States farm programs;

(9) the net return on assets employed in United States agriculture was −5.8 percent in 1988, −5.3 percent in 1989, −5.3 percent in 1990, −5.5 percent in 1991, −4.6 percent in 1992, and is forecast to be −5.5 percent in 1993;

(10) 22 percent of all farm households have total incomes below the poverty line, more than twice the rate for all United States households;

(11) in 1990, 85 percent of the income of farm households came from non-farm sources;

(12) in the 1980's, the number of farms and ranches decreased by 12 percent and the number of Americans living on farms and ranches decreased by 25 percent; and

(13) according to the University of Nebraska, a 97-acre Nebraska corn farm that supported a family in 1975 needed to be 1,327 acres in 1991 in order to maintain the same standard of living for the family.

(b) Sense of Senate.—It is the sense of the Senate that any further reductions in agricultural spending required under this resolution be accomplished by increasing the prices that producers receive for their commodities in the marketplace rather than by making additional reductions in farm price support payment rates.

GRAMM AMENDMENT NO. 245

(Ordered to lie on the table.)

Mr. GRAMM, submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 19, line 19, increase the amount by $192,000,000.

On page 19, line 20, increase the amount by $192,000,000.

On page 20, line 2, increase the amount by $200,000,000.

On page 20, line 3, increase the amount by $200,000,000.

On page 20, line 10, increase the amount by $208,000,000.

On page 20, line 11, increase the amount by $208,000,000.

On page 20, line 18, increase the amount by $216,000,000.

On page 20, line 19, increase the amount by $216,000,000.

On page 21, line 2, increase the amount by $224,000,000.

On page 21, line 3, increase the amount by $224,000,000.

On page 41, line 17, decrease the amount by $255,000,000.

On page 41, line 18, decrease the amount by $255,000,000.

On page 41, line 24, decrease the amount by $265,000,000.

On page 41, line 25, decrease the amount by $265,000,000.

On page 42, line 6, decrease the amount by $276,000,000.

On page 42, line 7, decrease the amount by $276,000,000.

On page 42, line 13, decrease the amount by $286,000,000.

On page 42, line 14, decrease the amount by $286,000,000.

On page 42, line 20, decrease the amount by $297,000,000.

On page 42, line 21, decrease the amount by $297,000,000.

On page 2, line 18, decrease the amount by $63,000,000.

On page 2, line 19, decrease the amount by $65,000,000.

On page 3, line 2, decrease the amount by $68,000,000.

On page 3, line 4, decrease the amount by $70,000,000.

On page 3, line 6, decrease the amount by $73,000,000.

On page 3, line 10, decrease the amount by $63,000,000.

On page 3, line 11, decrease the amount by $65,000,000.

On page 3, line 12, decrease the amount by $68,000,000.

On page 3, line 13, decrease the amount by $70,000,000.

On page 3, line 14, decrease the amount by $73,000,000.

On page 4, line 6, decrease the amount by $63,000,000.

On page 4, line 7, decrease the amount by $65,000,000.

On page 4, line 8, decrease the amount by $68,000,000.

On page 4, line 9, decrease the amount by $70,000,000.

On page 4, line 11, decrease the amount by $73,000,000.

On page 4, line 15, decrease the amount by $63,000,000.

On page 4, line 16, decrease the amount by $65,000,000.

On page 4, line 17, decrease the amount by $68,000,000.

On page 4, line 18, decrease the amount by $70,000,000.

On page 4, line 19, decrease the amount by $73,000,000.

On page 5, line 1, decrease the amount by $63,000,000.

On page 5, line 2, decrease the amount by $65,000,000.

On page 5, line 3, decrease the amount by $68,000,000.

On page 5, line 4, decrease the amount by $70,000,000.

On page 5, line 5, decrease the amount by $73,000,000.

On page 5, line 11, decrease the amount by $63,000,000.

On page 5, line 12, decrease the amount by $65,000,000.

On page 5, line 13, decrease the amount by $68,000,000.

On page 5, line 14, decrease the amount by $70,000,000.

On page 5, line 15, decrease the amount by $73,000,000.

On page 5, line 22, decrease the amount by $63,000,000.

On page 5, line 23, decrease the amount by $65,000,000.

On page 5, line 24, decrease the amount by $68,000,000.

On page 5, line 25, decrease the amount by $70,000,000.

On page 6, line 1, decrease the amount by $73,000,000.

On page 6, line 7, decrease the amount by $63,000,000.

On page 6, line 8, decrease the amount by $65,000,000.

On page 6, line 9, decrease the amount by $68,000,000.

On page 6, line 10, decrease the amount by $70,000,000.

On page 6, line 11, decrease the amount by $73,000,000.

On page 47, line 22, decrease the first amount by $63,000,000.

On page 47, line 22, decrease the last amount by $339,000,000.

On page 57, line 18, decrease the amount by $63,000,000.

On page 57, line 19, decrease the amount by $339,000,000.

GRAMM AMENDMENT NO. 246

(Ordered to lie on the table.)

Mr. GRAMM (for himself, Mr. ROTH, and Mr. PRESSLER) submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 18, decrease the amount by $12,800,000,000.

On page 2, line 19, decrease the amount by $8,500,000,000.

On page 3, line 2, decrease the amount by $9,900,000,000.

On page 3, line 4, decrease the amount by $12,000,000,000.

On page 3, line 6, decrease the amount by $12,900,000,000.

On page 3, line 10, decrease the amount by $12,800,000,000.

On page 3, line 11, decrease the amount by $8,500,000,000.

On page 3, line 12, decrease the amount by $9,900,000,000.

On page 3, line 13, decrease the amount by $12,000,000,000.

On page 3, line 14, decrease the amount by $12,900,000,000.

On page 4, line 6, decrease the amount by $12,800,000,000.

On page 4, line 7, decrease the amount by $8,500,000,000.

On page 4, line 8, decrease the amount by $9,900,000,000.

On page 4, line 9, decrease the amount by $12,000,000,000.

On page 4, line 11, decrease the amount by $12,900,000,000.

On page 4, line 15, decrease the amount by $12,800,000,000.

On page 4, line 16, decrease the amount by $8,500,000,000.

On page 4, line 17, decrease the amount by $9,900,000,000.

On page 4, line 18, decrease the amount by $12,000,000,000.

On page 4, line 19, decrease the amount by $12,900,000,000.

On page 5, line 1, decrease the amount by $12,800,000,000.

On page 5, line 2, decrease the amount by $8,500,000,000.

On page 5, line 3, decrease the amount by $9,900,000,000.

On page 5, line 4, decrease the amount by $12,000,000,000.

On page 5, line 5, decrease the amount by $12,900,000,000.

On page 5, line 11, decrease the amount by $12,800,000,000.

On page 5, line 12, decrease the amount by $8,500,000,000.

On page 5, line 13, decrease the amount by $9,900,000,000.

On page 5, line 14, decrease the amount by $12,000,000,000.

On page 5, line 15, decrease the amount by $12,900,000,000.

On page 5, line 22, decrease the amount by $12,800,000,000.

On page 5, line 23, decrease the amount by $8,500,000,000.

On page 5, line 24, decrease the amount by $9,900,000,000.

On page 5, line 25, decrease the amount by $12,000,000,000.

On page 6, line 1, decrease the amount by $12,900,000,000.

On page 6, line 7, decrease the amount by $12,800,000,000.

On page 6, line 8, decrease the amount by $8,500,000,000.

On page 6, line 9, decrease the amount by $9,900,000,000.

On page 6, line 10, decrease the amount by $12,000,000,000.

On page 6, line 11, decrease the amount by $12,900,000,000.

On page 41, line 17, decrease the amount by $12,800,000,000.

On page 41, line 18, decrease the amount by $12,800,000,000.

On page 41, line 24, decrease the amount by $8,500,000,000.

On page 41, line 25, decrease the amount by $8,500,000,000.

On page 42, line 6, decrease the amount by $9,900,000,000.

On page 42, line 7, decrease the amount by $9,900,000,000.

On page 42, line 13, decrease the amount by $12,000,000,000.

On page 42, line 14, decrease the amount by $12,000,000,000.

On page 42, line 20, decrease the amount by $12,900,000,000.

On page 42, line 21, decrease the amount by $12,900,000,000.

On page 50, line 9, decrease the amount by $12,800,000,000.

On page 50, line 10, decrease the amount by $56,100,000,000.

On page 57, line 18, decrease the amount by $12,900,000,000.

On page 57, line 19, decrease the amount by $56,100,000,000.

BROWN AMENDMENT NO. 247

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 19, increase the amount by $2,000,000,000.

On page 3, line 2, increase the amount by $3,000,000,000.

On page 3, line 4, increase the amount by $3,000,000,000.

On page 3, line 6, increase the amount by $3,000,000,000.

On page 3, line 10, increase the amount by $0.

On page 3, line 11, increase the amount by $2,000,000,000.

On page 3, line 12, increase the amount by $3,000,000,000.

On page 3, line 13, increase the amount by $3,000,000,000.

On page 3, line 14, increase the amount by $3,000,000,000.

On page 4, line 6, increase the amount by $0.

On page 4, line 7, increase the amount by $2,000,000,000.

On page 4, line 8, increase the amount by $3,000,000,000.

On page 4, line 9, increase the amount by $3,000,000,000.

On page 4, line 11, increase the amount by $3,000,000,000.

On page 4, line 15, increase the amount by $0.

On page 4, line 16, increase the amount by $2,000,000,000.

On page 4, line 17, increase the amount by $3,000,000,000.

On page 4, line 18, increase the amount by $3,000,000,000.

On page 4, line 19, increase the amount by $3,000,000,000.

On page 5, line 1, decrease the amount by $34,500,000,000.

On page 5, line 2, decrease the amount by $69,000,000,000.

On page 5, line 3, decrease the amount by $119,000,000,000.

On page 5, line 4, decrease the amount by $179,000,000,000.

On page 5, line 5, decrease the amount by $240,000,000,000.

On page 5, line 11, decrease the amount by $34,000,000,000.

On page 5, line 12, decrease the amount by $69,900,000,000.

On page 5, line 13, decrease the amount by $119,000,000,000.

On page 5, line 14, decrease the amount by $179,100,000,000.

On page 5, line 15, decrease the amount by $240,100,000,000.

On page 5, line 22, decrease the amount by $30,500,000,000.

On page 5, line 23, decrease the amount by $66,400,000,000.

On page 5, line 24, decrease the amount by $115,900,000,000.

On page 5, line 25, decrease the amount by $176,000,000,000.

On page 6, line 1, decrease the amount by $237,000,000,000.

On page 6, line 7, decrease the amount by $30,500,000,000.

On page 6, line 8, decrease the amount by $66,400,000,000.

On page 6, line 9, decrease the amount by $115,900,000,000.

On page 6, line 10, decrease the amount by $176,100,000,000.

On page 6, line 11, decrease the amount by $237,300,000,000.

On page 6, line 17, decrease the amount by $30,500,000,000.

On page 6, line 18, decrease the amount by $64,400,000,000.

On page 6, line 19, decrease the amount by $112,900,000,000.

On page 6, line 20, decrease the amount by $173,100,000,000.

On page 6, line 21, decrease the amount by $234,300,000,000.

On page 7, line 1, decrease the amount by $30,500,000,000

On page 7, line 2, decrease the amount by $64,400,000,000.

On page 7, line 3, decrease the amount by $112,900,000,000.

On page 7, line 4, decrease the amount by $173,100,000,000.

On page 7, line 5, decrease the amount by $234,300,000,000.

On page 7, line 8, decrease the amount by $30,500,000,000.

On page 7, line 9, decrease the amount by $94,900,000,000.

On page 7, line 10, decrease the amount by $207,800,000,000.

On page 7, line 11, decrease the amount by $380,900,000,000.

On page 7, line 12, decrease the amount by $615,200,000,000.

On page 8, line 7, decrease the amount by $30,500,000,000.

On page 8, line 8, decrease the amount by $64,400,000,000.

On page 8, line 9, decrease the amount by $112,900,000,000.

On page 8, line 10, decrease the amount by $173,100,000,000.

On page 8, line 11, decrease the amount by $234,300,000,000.

On page 11, line 15, decrease the amount by $800,000,000.

On page 11, line 16, decrease the amount by $500,000,000.

On page 11, line 23, decrease the amount by $1,400,000,000.

On page 11, line 24, decrease the amount by $1,000,000,000.

On page 12, line 7, decrease the amount by $2,000,000,000.

On page 12, line 8, decrease the amount by $1,500,000,000.

On page 12, line 15, decrease the amount by $2,600,000,000.

On page 12, line 16, decrease the amount by $2,100,000,000.

On page 12, line 23, decrease the amount by $3,100,000,000.

On page 12, line 24, decrease the amount by $2,500,000,000.

On page 13, line 9, decrease the amount by $500,000,000 .

On page 13, line 10, decrease the amount by $300,000,000.

On page 13, line 16, decrease the amount by $1,000,000,000.

On page 13, line 17, decrease the amount by $800,000,000.

On page 13, line 23, decrease the amount by $1,500,000,000.

On page 13, line 24, decrease the amount by $1,200,000,000.

On page 14, line 5, decrease the amount by $2,000,000,000.

On page 14, line 6, decrease the amount by $1,700,000,000.

On page 14, line 12, decrease the amount by $2,500,000,000 .

On page 14, line 13, decrease the amount by $2,200,000,000

On page 14, line 20, decrease the amount by $200,000,000.

On page 14, line 21, decrease the amount by $100,000,000.

On page 15, line 3, decrease the amount by $300,000,000.

On page 15, line 4, decrease the amount by $200,000,000.

On page 15, line 11, decrease the amount by $500,000,000.

On page 15, line 12, decrease the amount by $400,000,000.

On page 15, line 19, decrease the amount by $600,000,000.

On page 15, line 20, decrease the amount by $500,000,000.

On page 16, line 2, decrease the amount by $800,000,000.

On page 16, line 3, decrease the amount by $700,000,000.

On page 16, line 11, decrease the amount by $800,000,000.

On page 16, line 12, decrease the amount by $400,000,000.

On page 16, line 19, decrease the amount by $1,500,000,000.

On page 16, line 20, decrease the amount by $1,000,000,000.

On page 17, line 2, decrease the amount by $2,100,000,000.

On page 17, line 3, decrease the amount by $1,600,000,000.

On page 17, line 10, decrease the amount by $2,800,000,000.

On page 17, line 11, decrease the amount by $2,300,000,000.

On page 17, line 18, decrease the amount by $3,600,000,000.

On page 17, line 19, decrease the amount by $2,900,000,000.

On page 18, line 2, decrease the amount by $100,000,000.

On page 18, line 3, decrease the amount by $100,000,000.

On page 18, line 10, decrease the amount by $300,000,000.

On page 18, line 11, decrease the amount by $200,000,000.

On page 18, line 18, decrease the amount by $400,000,000.

On page 18, line 19, decrease the amount by $400,000,000.

On page 19, line 2, decrease the amount by $1,200,000,000.

On page 19, line 3, decrease the amount by $1,100,000,000.

On page 19, line 10, decrease the amount by $900,000,000.

On page 19, line 11, decrease the amount by $900,000,000.

On page 19, line 19, decrease the amount by $200,000,000.

On page 19, line 20, decrease the amount by $100,000,000.

On page 20, line 2, decrease the amount by $300,000,000.

On page 20, line 3, decrease the amount by $200,000,000.

On page 20, line 10, decrease the amount by $400,000,000.

On page 20, line 11, decrease the amount by $400,000,000.

On page 20, line 18, decrease the amount by $600,000,000.

On page 20, line 19, decrease the amount by $500,000,000.

On page 21, line 2, decrease the amount by $700,000,000.

On page 21, line 3, decrease the amount by $700,000,000.

On page 21, line 11, decrease the amount by $500,000,000.

On page 21, line 12, decrease the amount by $400,000,000.

On page 21, line 19, decrease the amount by $1,000,000,000.

On page 21, line 20, decrease the amount by $1,200,000,000.

On page 22, line 2, decrease the amount by $1,400,000,000.

On page 22, line 3, decrease the amount by $2,000,000,000.

On page 22, line 10, decrease the amount by $1,800,000,000.

On page 22, line 11, decrease the amount by $2,900,000,000.

On page 22, line 18, decrease the amount by $2,300,000,000.

On page 22, line 19, decrease the amount by $3,900,000,000.

On page 23, line 3, decrease the amount by $200,000,000.

On page 23, line 4, decrease the amount by $100,000,000.

On page 23, line 11, decrease the amount by $500,000,000.

On page 23, line 12, decrease the amount by $200,000,000.

On page 23, line 19, decrease the amount by $700,000,000.

On page 23, line 20, decrease the amount by $400,000,000.

On page 24, line 2, decrease the amount by $900,000,000.

On page 24, line 3, decrease the amount by $600,000,000.

On page 24, line 10, decrease the amount by $1,100,000,000.

On page 24, line 11, decrease the amount by $800,000,000.

On page 24, line 20, decrease the amount by $1,600,000,000.

On page 24, line 21, decrease the amount by $800,000,000.

On page 25, line 3, decrease the amount by $2,700,000,000.

On page 25, line 4, decrease the amount by $1,800,000,000.

On page 25, line 11, decrease the amount by $1,900,000,000.

On page 25, line 12, decrease the amount by $3,000,000,000.

On page 25, line 19, decrease the amount by $5,000,000,000.

On page 25, line 20, decrease the amount by $4,100,000,000.

On page 26, line 2, decrease the amount by $6,000,000,000.

On page 26, line 3, decrease the amount by $5,200,000,000.

On page 26, line 11, decrease the amount by $5,200,000,000.

On page 26, line 12, decrease the amount by $4,900,000,000.

On page 26, line 18, decrease the amount by $11,900,000,000.

On page 26, line 19, decrease the amount by $11,600,000,000.

On page 26, line 25, decrease the amount by $20,000,000,000.

On page 27, line 1, decrease the amount by $19,700,000,000.

On page 27, line 7, decrease the amount by $29,200,000,000.

On page 27, line 8, decrease the amount by $28,900,000,000.

On page 27, line 14, decrease the amount by $40,100,000,000.

On page 27, line 15, decrease the amount by $39,700,000,000.

On page 27, line 22, decrease the amount by $13,600,000,000.

On page 27, line 23, decrease the amount by $13,600,000,000.

On page 28, line 5, decrease the amount by $28,700,000,000.

On page 28, line 6, decrease the amount by $28,700,000,000.

On page 28, line 12, decrease the amount by $44,500,000,000.

On page 28, line 13, decrease the amount by $44,500,000,000.

On page 28, line 19, decrease the amount by $61,400,000,000.

On page 28, line 20, decrease the amount by $61,400,000,000.

On page 29, line 2, decrease the amount by $79,900,000,000.

On page 29, line 3, decrease the amount by $79,900,000,000.

On page 30, line 24, decrease the amount by $1,000,000,000.

On page 30, line 25, decrease the amount by $600,000,000.

On page 31, line 6, decrease tne amount by $2,200,000,000.

On page 31, line 7, decrease the amount by $1,600,000,000.

On page 31, line 13, decrease the amount by $5,000,000,000.

On page 31, line 14, decrease the amount by $4,200,000,000.

On page 31, line 20, decrease the amount by $6,700,000,000.

On page 31, line 21, decrease the amount by $5,700,000,000.

On page 32, line 2, decrease the amount by $8,700,000,000.

On page 32, line 3, decrease the amount by $7,500,000,000.

On page 32, line 11, decrease the amount by $0.

On page 32, line 12, decrease the amount by $100,000,000.

On page 32, line 17, decrease the amount by $0.

On page 32, line 18, decrease the amount by $200,000,000.

On page 32, line 24, decrease the amount by $0.

On page 32, line 24, decrease the amount by $300,000,000.

On page 33, line 6, decrease the amount by $0.

On page 33, line 7, decrease the amount by $400,000,000.

On page 33, line 13, decrease the amount by $0.

On page 33, line 14, decrease the amount by $500,000,000.

On page 33, line 21, decrease the amount by $700,000,000.

On page 33, line 22, decrease the amount by $600,000,000.

On page 34, line 5, decrease the amount by $1,300,000,000.

On page 34, line 6, decrease the amount by $1,200,000,000.

On page 34, line 13, decrease the amount by $1,900,000,000.

On page 34, line 14, decrease the amount by $1,800,000,000.

On page 34, line 21, decrease the amount by $3,000,000,000.

On page 34, line 22, decrease the amount by $2,700,000,000.

On page 35, line 5, decrease the amount by $3,700,000,000.

On page 35, line 4, decrease the amount by $3,600,000,000.

On page 35, line 14, decrease the amount by $600,000,000.

On page 35, line 15, decrease the amount by $500,000,000.

On page 35, line 21, decrease the amount by $1,100,000,000.

On page 35, line 22, decrease the amount by $900,000,000.

On page 36, line 3, decrease the amount by $1,600,000,000.

On page 36, line 4, decrease the amount by $1,400,000,000.

On page 36, line 10, decrease the amount by $2,100,000,000.

On page 36, line 11, decrease the amount by $2,000,000,000.

On page 36, line 17, decrease the amount by $2,600,000,000.

On page 36, line 18, decrease the amount by $2,500,000,000.

On page 36, line 25, decrease the amount by $1,100,000,000.

On page 37, line 1, decrease the amount by $1,100,000,000.

On page 37, line 7, decrease the amount by $1,600,000,000.

On page 37, line 8, decrease the amount by $1,500,000,000.

On page 37, line 14, decrease the amount by $2,200,000,000.

On page 37, line 15, decrease the amount by $2,100,000,000.

On page 37, line 21, decrease the amount by $2,700,000,000.

On page 37, line 22, decrease the amount by $2,600,000,000.

On page 38, line 3, decrease the amount by $3,400,000,000.

On page 38, line 4, decrease the amount by $3,300,000,000.

On page 38, line 11, decrease the amount by $1,000,000,000.

On page 38, line 12, decrease the amount by $1,000,000,000.

On page 38, line 18, decrease the amount by $4,000,000,000.

On page 38, line 19, decrease the amount by $4,000,000,000.

On page 38, line 25, decrease the amount by $10,000,000,000.

On page 39, line 1, decrease the amount by $10,000,000,000.

On page 39, line 7, decrease the amount by $20,000,000,000.

On page 39, line 8, decrease the amount by $20,000,000,000.

On page 39, line 14, decrease the amount by $34,000,000,000.

On page 39, line 15, decrease the amount by $34,000,000,000.

On page 41, line 17, decrease the amount by $6,400,000,000.

On page 41, line 18, decrease the amount by $6,400,000,000.

On page 41, line 24, decrease the amount by $10,000,000,000.

On page 41, line 25, decrease the amount by $10,000,000,000.

On page 42, line 6, decrease the amount by $21,000,000,000.

On page 42, line 7, decrease the amount by $21,000,000,000.

On page 42, line 13, decrease the amount by $36,800,000,000.

On page 42, line 14, decrease the amount by $36,800,000,000.

On page 42, line 20, decrease the amount by $49,600,000,000.

On page 42, line 21, decrease the amount by $49,600,000,000.

On page 46, line 18, increase the amount by $100,000,000.

On page 46, line 19, increase the amount by $1,500,000,000.

On page 47, line 6, increase the amount by $100,000,000.

On page 47, line 7, increase the amount by $900,000,000.

On page 49, line 22, increase the amount by $13,700,000,000.

On page 49, line 23, increase the amount by $228,984,000,000.

On page 50, line 10, increase the amount by $11,000,000,000.

On page 50, line 22, increase the amount by $10,500,000,000.

On page 51, line 13, increase the amount by $200,000,000.

On page 51, line 14, increase the amount by $1,800,000,000.

On page 52, line 10, decrease the amount by $100,000,000.

On page 52, line 11, decrease the amount by $500,000,000.

On page 71, line 13, decrease the amount by $119,000,000,000.

On page 71, line 14, decrease the amount by $115,900,000,000.

On page 71, line 16, decrease the amount by $179,100,000,000.

On page 71, line 17, decrease the amount by $176,100,000,000.

On page 71, line 20, decrease the amount by $240,100,000,000.

On page 71, line 21, decrease the amount by $237,300,000,000.

D'AMATO AMENDMENT NO. 248

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE THAT IMPOSING NEW FEES ON STATE-CHARTERED BANKS WILL EXACERBATE THE CREDIT CRUNCH AND STIFLE ECONOMIC RECOVERY.

(a) FINDINGS.—The Senate finds that—

(1) No program to revitalize the economy and reduce unemployment will work unless small businesses, the real engine of economic growth and employment, can get the credit necessary to expand and to hire new workers.

(2) Small businesses employ half the country's workforce and contribute 40 percent to the nation's GNP.

(3) Between 1980 and 1987, while the Fortune 500 companies eliminated 3.1 million jobs, small businesses created 17 million new jobs.

(4) Between 1981 and 1986 small businesses with less than 20 employees created 88 percent of new jobs.

(5) Banks are the single most important source of capital to small businesses. Banks provide approximately 65 percent of all short-term funding for businesses that employee between 21 and 100 employees and nearly 70 percent of the long-term capital for small businesses with between 101 and 500 employees.

(6) The inability of small businesses to obtain credit, the so-called "credit crunch", is stifling economic recovery and employment growth. The Chairman of the Board of Governors of the Federal Reserve System has concluded that the credit crunch is a major reason why small business has not been able to expand as much as in the past and employment growth has been so slow.

(7) Based on the current 8 percent capital requirement, banks can lend $12.50 for every dollar of capital. Thus, every dollar that the government takes out of the banking system will reduce credit available to small businesses by $12.50.

(8) The budget resolution provision that requires the federal government to impose $1,379,000,000 in new fees on state-chartered banks will reduce the availability of credit to small businesses by $17,237,500,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget resolution provision raising additional fees of $1,379,000,000 on state-chartered banks will exacerbate the credit crunch, stifle economic recovery, employment growth and, therefore, should be stricken.

GRAMM (AND OTHERS) AMENDMENT NO. 249

Mr. GRAMM (for himself, Mr. LOTT, Mr. MCCAIN, Mr. HATCH, Mr. MACK, Mr. FAIRCLOTH, and Mr. NICKLES) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 41, line 17, decrease the amount by $31,300,000,000.

On page 41, line 18, decrease the amount by $31,300,000,000.

On page 41, line 24, decrease the amount by $25,000,000,000.

On page 41, line 25, decrease the amount by $25,000,000,000.

On page 42, line 6, decrease the amount by $38,000,000,000.

On page 42, line 7, decrease the amount by $38,000,000,000.

On page 42, line 13, decrease the amount by $51,000,000,000.

On page 42, line 14, decrease the amount by $51,000,000,000.

On page 42, line 20, decrease the amount by $62,000,000,000.

On page 42, line 21, decrease the amount by $62,000,000,000.

On page 41, line 9, decrease the amount by $50,000,000.

On page 41, line 10, decrease the amount by $86,000,000.

On page 41, line 11, decrease the amount by $333,000,000.

On page 41, line 12, decrease the amount by $278,000,000.

On page 41, line 13, decrease the amount by $3,000,000.

On page 38, line 11, decrease the amount by $50,000,000.

On page 38, line 12, decrease the amount by $50,000,000.

On page 38, line 18, increase the amount by $86,000,000.

On page 38, line 19, increase the amount by $86,000,000.

On page 38, line 25, increase the amount by $333,000,000.

On page 39, line 1, increase the amount by $333,000,000.

On page 39, line 7, increase the amount by $278,000,000.

On page 39, line 8, increase the amount by $278,000,000.

On page 39, line 14, decrease the amount by $73,000,000.

On page 39, line 15, decrease the amount by $73,000,000.

On page 2, line 18, decrease the amount by $29,593,000,000.

On page 2, line 19, decrease the amount by $31,022,000,000.

On page 3, line 2, decrease the amount by $40,420,000,000.

On page 3, line 4, decrease the amount by $50,545,000,000.

On page 3, line 6, decrease the amount by $54,440,000,000.

On page 3, line 10, decrease the amount by $29,593,000,000.

On page 3, line 11, decrease the amount by $32,022,000,000.

On page 3, line 12, decrease the amount by $40,420,000,000.

On page 3, line 13, decrease the amount by $50,545,000,000.

On page 3, line 14, decrease the amount by $54,440,000,000.

On page 5, line 1, decrease the amount by $31,300,000,000.

On page 5, line 2, decrease the amount by $25,000,000,000.

On page 5, line 3, decrease the amount by $38,000,000,000.

On page 5, line 4, decrease the amount by $51,000,000,000.

On page 5, line 5, decrease the amount by $62,000,000,000.

On page 5, line 11, decrease the amount by $31,300,000,000.

On page 5, line 12, decrease the amount by $25,000,000,000.

On page 5, line 13, decrease the amount by $38,000,000,000.

On page 5, line 14, decrease the amount by $51,000,000,000.

On page 5, line 15, decrease the amount by $62,000,000,000.

On page 5, line 22, decrease the amount by $31,300,000,000.

On page 5, line 23, decrease the amount by $25,000,000,000.

On page 5, line 24, decrease the amount by $38,000,000,000.

On page 5, line 25, decrease the amount by $51,000,000,000.

On page 6, line 1, decrease the amount by $62,000,000,000.

On page 6, line 7, decrease the amount by $31,300,000,000.

On page 6, line 8, decrease the amount by $25,000,000,000.

On page 6, line 9, decrease the amount by $38,000,000,000.

On page 6, line 10, decrease the amount by $51,000,000,000.

On page 6, line 11, decrease the amount by $62,000,000,000.

On page 6, line 17, decrease the amount by $1,757,000,000.

On page 6, line 18, increase the amount by $6,108,000,000.

On page 6, line 19, increase the amount by $2,753,000,000.

On page 6, line 20, decrease the amount by $177,000,000.

On page 6, line 21, decrease the amount by $7,633,000,000.

On page 7, line 1, decrease the amount by $1,757,000,000.

On page 7, line 2, increase the amount by $4,351,000,000.

On page 7, line 3, increase the amount by $7,104,000,000.

On page 7, line 4, increase the amount by $6,927,000,000.

On page 7, line 5, decrease the amount by $706,000,000.

On page 7, line 8, decrease the amount by $1,757,000,000.

On page 7, line 9, increase the amount by $6,108,000,000.

On page 7, line 10, increase the amount by $2,753,000,000.

On page 7, line 11, decrease the amount by $177,000,000.

On page 7, line 12, decrease the amount by $7,633,000,000.

On page 9, line 3, decrease the amount by $2,859,000,000.

On page 9, line 4, decrease the amount by $6,104,000,000.

On page 9, line 5, decrease the amount by $6,891,000,000.

On page 9, line 6, decrease the amount by $7,683,000,000.

On page 9, line 7, decrease the amount by $8,462,000,000.

On page 50, line 9, decrease the amount by $29,593,000,000.

On page 50, line 10, decrease the amount by $206,000,000,000.

On page 57, line 7, decrease the amount by $29,593,000,000.

On page 57, line 8, decrease the amount by $206,020,000,000.

On page 39, line 23, decrease the amount by $50,000,000.

On page 39, line 24, decrease the amount by $50,000,000.

On page 40, line 5, increase the amount by $86,000,000.

On page 40, line 6, increase the amount by $86,000,000.

On page 40, line 12, increase the amount by $333,000,000.

On page 40, line 13, increase the amount by $333,000,000.

On page 40, line 19, increase the amount by $278,000,000.

On page 40, line 20, increase the amount by $278,000,000.

On page 41, line 2, decrease the amount by $73,000,000.

On page 41, line 3, decrease the amount by $73,000,000.

SPECTER AMENDMENT NO. 250

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place in the resolution, insert the following:

SEC. . It is the sense of the Congress, in setting forth the budget authority and outlay amounts in this resolution, that it is assumed that funds to reduce the availability and use of illegal drugs will be shifted over the next five years so that the allocation shall be equally distributed between the so-called "supply side" (interdiction, law enforcement, and international supply reduction efforts) and the so-called "demand side" (education, rehabilitation, treatment, and research programs).

DANFORTH (AND OTHERS) AMENDMENT NO. 251

(Ordered to lie on the table.)

Mr. DANFORTH (for himself, Mr. BOREN, and Mr. BAUCUS) submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution, insert the following:

SEC. . It is the sense of the Senate that the Senate Committee on Finance should give serious consideration to the adoption of a broad and progressive consumption-based tax to replace part or all of the existing tax system when fulfilling its obligation under section 7 of this resolution.

Moreover, it is the sense of the Senate that not later than December 31, 1993, the Senate Committee on Finance should hold hearings on the various issues involved in moving our tax system toward a consumption-based tax system and away from the current income-based system.

MIKULSKI (AND OTHERS) AMENDMENT NO. 252

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BUMPERS, and Mr. RIEGLE) submitted an amendMENT intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At end of the resolution, add the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Children's Immunization and Women's Health programs will be funded at the level requested by the President for fiscal year 1998.

BOND AMENDMENT NO. 253

(Ordered to lie on the table.)

Mr. BOND submitted an amendment to the intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 41, decrease the amount on line 17 by $6,400,000,000.

On page 41, decrease the amount on line 18 by $3,800,000,000.

On page 41, decrease the amount on line 24 by $700,000,000.

On page 41, decrease the amount on line 25 by $2,000,000,000.

On page 42, decrease the amount on line 6 by $1,500,000,000.

On page 42, decrease the amount on line 7 by $2,000,000,000.

On page 42, decrease the amount on line 13 by $2,600,000,000.

On page 42, decrease the amount on line 14 by $2,000,000,000.

On page 71, decrease the amount on line 13 by $1,500,000,000.

On page 71, decrease the amount on line 14 by $2,000,000,000.

On page 71, decrease the amount on line 16 by $2,600,000,000.

On page 71, decrease the amount on line 17 by $2,000,000,000.

On page 5, decrease the amount on line 1 by $6,500,000,000.

On page 5, decrease the amount on line 2 by $1,000,000,000.

On page 5, decrease the amount on line 3 by $1,900,000,000.

On page 5, decrease the amount on line 4 by $3,200,000,000.

On page 5, decrease the amount on line 5 by $700,000,000.

On page 5, decrease the amount on line 11 by $6,500,000,000.

On page 5, decrease the amount on line 12 by $1,000,000,000.

On page 5, decrease the amount on line 13 by $1,900,000,000.

On page 5, decrease the amount on line 14 by $3,200,000,000.

On page 5, decrease the amount on line 15 by $700,000,000.

On page 5, decrease the amount on line 22 by $3,900,000,000.

On page 5, decrease the amount on line 23 by $2,300,000,000.

On page 5, decrease the amount on line 24 by $2,400,000,000.

On page 5, decrease the amount on line 25 by $2,600,000,000.

On page 6, decrease the amount on line 1 by $700,000,000.

On page 6, decrease the amount on line 7 by $3,900,000,000.

On page 6, decrease the amount on line 8 by $2,300,000,000.

On page 6, decrease the amount on line 9 by $2,400,000,000.

On page 6, decrease the amount on line 10 by $2,600,000,000.

On page 6, decrease the amount on line 11 by $700,000,000.

On page 6, decrease the amount on line 17 by $3,900,000,000.

On page 6, decrease the amount on line 18 by $2,300,000,000.

On page 6, decrease the amount on line 19 by $2,400,000,000.

On page 6, decrease the amount on line 20 by $2,600,000,000.

On page 6, decrease the amount on line 21 by $700,000,000.

On page 7, decrease the amount on line 1 by $3,900,000,000.

On page 7, decrease the amount on line 2 by $2,300,000,000.

On page 7, decrease the amount on line 3 by $2,400,000,000.

On page 7, decrease the amount on line 4 by $2,600,000,000.

On page 7, decrease the amount on line 5 by $700,000,000.

On page 7, decrease the amount on line 8 by $3,900,000,000.

On page 7, decrease the amount on line 9 by $6,200,000,000.

On page 7, decrease the amount on line 10 by $8,600,000,000.

On page 7, decrease the amount on line 11 by $11,200,000,000.

On page 7, decrease the amount on line 12 by $11,900,000,000.

On page 8, decrease the amount on line 7 by $3,900,000,000.

On page 8, decrease the amount on line 8 by $2,300,000,000.

On page 8, decrease the amount on line 9 by $2,400,000,000.

On page 8, decrease the amount on line 10 by $2,600,000,000.

On page 8, decrease the amount on line 11 by $700,000,000.

KENNEDY (AND OTHERS) AMENDMENT NO. 254

Mr. KENNEDY (for himself and Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. PELL, Mr. MITCHELL, Mr. WOFFORD, Mr. COHEN, and Mr. CHAFEE) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place insert the following:

It is the sense of the Senate that revenue figures contained in this resolution assume, consistent with the position of the Administration, that the Btu tax will be imposed at the same rate on all fuels purchased by households for home heating purposes and therefore that the supplemental tax on oil will not be imposed on such fuels.

NUNN (DOMENICI) AMENDMENT NO. 255

Mr. NUNN (for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING A NEW TAX SYSTEM FOR THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) a higher level of saving and investment for sustained long-term economic growth is a national priority;

(2) the United States must have a tax system that is compatible with policies to promote savings and investment in order to promote greater productivity and more rapid economic growth while maintaining fairness and the principle of progressive taxation;

(3) All individuals at all income levels should be given a fair opportunity to save, earn additional income from their investment and raise their standard of living;

(4) economic growth requires a tax system that facilitates successful competition in the emerging global marketplace;

(5) the tax system of the United States must be simple and efficient;

(6) the Congress should not enact a VAT on top of our current income tax system; and

(7) the current tax code is irreparably flawed and should be replaced with a new progressive consumption based, savings exempt income tax.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury shall conduct a study on the desireability and feasibility of abolishing the current income tax system and replacing it with a progressive consumption-based, savings exempt income tax system described in (c).

(2) the Secretary of the Treasury shall, not later than March 1, 1994, report the results of the study under subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(3) Following and contingent upon the Treasury study, but not later than December 31, 1994, the Congress and the President should decide whether to adopt a progressive consumption-based, savings exempt income tax system and specify appropriate transition strategy that assures that revenue requirements are met through consumption-based, savings exempt income taxes for individuals and cash flow taxes for corporations.

(4) If the Congress decides to go forward with this reform, not later than December 31, 1995, the Congress and the President should abolish the current income tax system and enact a progressive consumption-based, savings exempt income tax system, which when coupled with the budget reforms and spending reductions are adequate to balance the budget in 2002. Revenue increases would take effect only upon the enactment of spending restraints called for under budget resolutions considered after January 1, 1996.

(c) IN GENERAL.—The progressive consumption-based, savings exempt income tax system described in this subsection shall—

(1) replace the current progressive-rate income tax system with a simplified progressive rate tax on gross income which provides that savings and investment made by individuals would not be taxed; and

(2) replace the current corporate income tax system with a simplified cash flow tax on business gross income (sales minus cost of goods sold) which allows a deduction for savings reinvested in plant and equipment for the business.

(d) OTHER FEATURES.—The system shall provide that—

(1) corporations and individuals would continue to pay the same proportion of the total Federal income tax revenue as is paid under current law;

(2) the rate structure would retain, or improve upon the progressivity of current law;

(3) the rate structure would recognize that every family spends a certain amount of income on necessities and would provide a threshold amount of consumption upon which families would not be taxed;

(4) anti-savings and investment incentives in the current income tax code would be replaced by a system that exempts savings from taxation;

(5) wages, if saved and interest earned from those savings would be exempt from taxation;

(6) dividends earned and saved would be exempt from taxation under the new tax system;

(7) capital gains would, after a minimum holding period, be subject to progressively lower rates the longer the gains remain unrealize;

(8) estate and gift taxes would be modified so that no income escapes taxation at least once during the lifetime of the earner;

(9) there would be no bias in favor of either debt or equity financing;

(10) the export competitiveness of the United States would be enhanced by the providing border adjustability on terms meeting the requirements of the General Agreement on Tariffs and Trade;

(11) expensing of capital costs would replace other cost recovery systems; and

(12) dividends would be taxed only at the corporate level if the recipient reinvests or otherwise saves the dividends.

(e) The Secretary of the Treasury shall, not later than March 1, 1993, report the results of the study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. Such report shall include such legislative recommendations as the Secretary determines appropriate.

SEC. . CONGRESSIONAL HEARINGS.

(a) The applicable congressional committees shall, not later than December 31, 1994, conduct such hearings into the tax system described in section as the committees deem appropriate.

(b) CONTENT.—The hearings under subsection (a) should focus on the following issues:

(1) The impact of the new system on the economy, including potential changes in the growth rate of the Gross Domestic Product, changes in the cost of capital and cost of labor, increases in productivity, and increases in the national savings rate.

(2) The impact on the revenue-generating capacity, fairness, and simplification of the tax system;

(3) An appropriate level of basic income to be exempted from taxation;

(4) Evaluation of tax expenditures and other provisions in the tax code that subsidize certain activities;

(5) Evaluation of options to adjust such tax expenditures and other provisions' tax treatment to reflect the investment and consumption components;

(6) Appropriate treatment of gifts and estates to achieve generational equity;

(7) Appropriate treatment of transfer payments; and

(8) Transition problems and recommended measures to alleviate such problems;

(9) Applicable Congressional Committees.—For the purposes of this section, the term "applicable congressional committees" means the following:

(A) Committee on Finance of the Senate.

(B) Committee on Ways and Means of the House of Representatives.

(C) Committees on Small Business of the House of Representatives and the Senate.

(D) Committees on the Budget of the House of Representatives and the Senate.

(E) Committee on Banking, Finance, and Urban Affairs of the House of Representatives.

(F) Committee on Banking, Housing, and Urban Affairs of the Senate.

(G) Joint Economic Committee.

KRUEGER (AND DORGAN) AMENDMENT NO. 256

Mr. KRUEGER (for himself and Mr. DORGAN) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF SAVINGS FROM GOVERNMENT STREAMLINING.

It is the sense of the Senate that any amounts saved through the efforts of the National Performance Review Task Force headed by the Vice President and as a result of any other reorganization and streamlining of the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993. Any amounts saved in excess of those necessary to offset the cost of any such economic stimulus shall be applied to reduce the Federal budget deficit and for no other purpose.

BAUCUS AND OTHERS AMENDMENT NO. 257

Mr. BAUCUS (for himself and Mr. PRYOR, Mr. CONRAD, Mr. DORGAN, and Mr. HARKIN), proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following new section:

SEC. . RELIEF FROM ENERGY TAX FOR THE AGRICULTURE INDUSTRY.

It is the sense of the Senate that any energy tax enacted during the 103d Congress should provide such relief to the agriculture industry as is necessary to ensure that the industry does not absorb a disproportionate impact of that tax.

DOLE (AND OTHERS) AMENDMENT NO. 258

Mr. DOLE (for himself and Mr. DOMENICI, Mr. ROTH, Mr. GRAMM, Mr. GREGG, Mr. BENNETT, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. PACKWOOD, Mr. SHELBY, Mr. NICKLES, Mr. SIMPSON, Mr. COCHRAN, Mr. LOTT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. D'AMATO, Mr. DANFORTH, Mr. DURENBERGER, Mr. GORTON, Mr. GRASSLEY, Mr. HELMS, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PRESSLER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. WARNER) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

Strike all after the resolving clause and insert the following:

"SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

"(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficits.
Sec. 4. Social security.
Sec. 5. Major functional categories.
Sec. 6. Reconciliation.
Sec. 7. Social security fire wall point of order in the Senate.
Sec. 8. Enforcement procedures.
Sec. 9. Sense of the Congress on a Mandatory Cap.
Sec. 10. Sense of the Congress on paying for the stimulus package.
Sec. 11. Sense of the Congress on a Balanced Budget.
Sec. 12. Sense of the Congress on Budget Enforcement.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $878,100,000,000.
Fiscal year 1995: $933,300,000,000.
Fiscal year 1996: $979,600,000,000.
Fiscal year 1997: $1,019,600,000,000.
Fiscal year 1998: $1,069,900,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $87,500,000,000.
Fiscal year 1995: $92,700,000,000.
Fiscal year 1996: $97,800,000,000.
Fiscal year 1997: $102,300,000,000.
Fiscal year 1998: $106,800,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $790,600,000,000.
Fiscal year 1995: $840,600,000,000.
Fiscal year 1996: $881,800,000,000.
Fiscal year 1997: $917,300,000,000.
Fiscal year 1998: $963,100,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum defi-

cit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,212,000,000,000.

Fiscal year 1995: $1,262,400,000,000.

Fiscal year 1996: $1,297,800,000,000.

Fiscal year 1997: $1,340,500,000,000.

Fiscal year 1998: $1,397,600,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,125,000,000,000.

Fiscal year 1995: $1,162,200,000,000.

Fiscal year 1996: $1,189,800,000,000.

Fiscal year 1997: $1,221,400,000,000.

Fiscal year 1998: $1,265,600,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,209,100,000,000.

Fiscal year 1995: $1,250,200,000,000.

Fiscal year 1996: $1,274,900,000,000.

Fiscal year 1997: $1,279,200,000,000.

Fiscal year 1998: $1,322,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,123,800,000,000.

Fiscal year 1995: $1,154,300,000,000.

Fiscal year 1996: $1,168,200,000,000.

Fiscal year 1997: $1,160,700,000,000.

Fiscal year 1998: $1,190,700,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $331,000,000,000.

Fiscal year 1995: $316,900,000,000.

Fiscal year 1996: $295,300,000,000.

Fiscal year 1997: $259,600,000,000.

Fiscal year 1998: $252,400,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $333,200,000,000.

Fiscal year 1995: $313,700,000,000.

Fiscal year 1996: $286,400,000,000.

Fiscal year 1997: $243,400,000,000.

Fiscal year 1998: $227,600,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,746,500,000,000.

Fiscal year 1995: $5,119,500,000,000.

Fiscal year 1996: $5,485,700,000,000.

Fiscal year 1997: $5,824,200,000,000.

Fiscal year 1998: $6,151,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,700,000,000.

Fiscal year 1995: $12,200,000,000.

Fiscal year 1996: $24,300,000,000.

Fiscal year 1997: $37,500,000,000.

Fiscal year 1998: $38,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,800,000,000.

Fiscal year 1995: $149,400,000,000.

Fiscal year 1996: $141,700,000,000.

Fiscal year 1997: $133,300,000,000.

Fiscal year 1998: $135,600,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $387,700,000,000.

Fiscal year 1995: $373,000,000,000.

Fiscal year 1996: $366,200,000,000.

Fiscal year 1997: $338,500,000,000.

Fiscal year 1998: $327,100,000,000.

SEC. 4. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,300,000,000.

Fiscal year 1995: $356,400,000,000.

Fiscal year 1996: $375,700,000,000.

Fiscal year 1997: $393,000,000,000.

Fiscal year 1998: $410,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,700,000,000.

Fiscal year 1995: $286,300,000,000.

Fiscal year 1996: $297,200,000,000.

Fiscal year 1997: $308,200,000,000.

Fiscal year 1998: $319,100,000,000.

SEC. 5. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $273,500,000,000.

(B) Outlays, $284,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $271,600,000,000.

(B) Outlays, $278,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $261,800,000,000.

(B) Outlays, $269,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $251,400,000,000.

(B) Outlays, $251,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $254,100,000,000.

(B) Outlays, $252,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,300,000,000.

Fiscal year 1996:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,800,000,000.

Fiscal year 1997:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1998:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,500,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $4,000,000,000.

(B) Outlays, $3,300,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $3,700,000,000.

(B) Outlays, $3,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $2,400,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $18,800,000,000.

(B) Outlays, $21,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $20,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $7,000,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $11,800,000,000.

(B) Outlays, $10,200,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $2,700,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $8,400,000,000.

(B) Outlays, −$11,600,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, −$8,800,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $39,900,000,000.

(B) Outlays, $36,100,000,000.

(C) New direct loan obligations, $100,0100,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $35,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $40,100,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $42,200,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $42,800,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1995:

(A) New budget authority, $7,600,000,000.

(B) Outlays, $8,000,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1996:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1997:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

Fiscal year 1998:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $50,900,000,000.

(B) Outlays, $50,800,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

Fiscal year 1995:

(A) New budget authority, $49,600,000,000.

(B) Outlays, $49,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $22,600,000,000.

Fiscal year 1996:

(A) New budget authority, $47,300,000,000.

(B) Outlays, $43,000,000,000.

(C) New direct loan obligations, $12,800,000,000.

(D) New primary loan guarantee commitments, $11,700,000,000.

Fiscal year 1997:

(A) New budget authority, $45,800,000,000.

(B) Outlays, $45,400,000,000.

(C) New direct loan obligations, $25,700,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $46,100,000,000.

(B) Outlays, $45,500,000,000.

(C) New direct loan obligations, $26,800,000,000.

(D) New primary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,000,000,000.

(B) Outlays, $118,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $130,300,000,000.

(B) Outlays, $130,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $143,400,000,000.

(B) Outlays, $142,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $157,200,000,000.

(B) Outlays, $156,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $172,600,000,000.

(B) Outlays, $171,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,100,000,000.

(B) Outlays, $149,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,400,000,000.

(B) Outlays, $167,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $183,900,000,000.

(B) Outlays, $182,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,200,000,000.

(B) Outlays, $200,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $220,000,000,000.

(B) Outlays, $220,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1994:

(A) New budget authority, $51,100,000,000.

(B) Outlays, $51,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $58,400,000,000.

(B) Outlays, $58,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,800,000,000.

(B) Outlays, $63,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $71,300,000,000.

(B) Outlays, $71,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $79,200,000,000.

(B) Outlays, $80,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $206,400,000,000.

(B) Outlays, $209,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $212,000,000,000.

(B) Outlays, $216,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $222,500,000,000.

(B) Outlays, $220,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $234,700,000,000.

(B) Outlays, $229,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $237,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,500,000,000.

(B) Outlays, $36,100,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.

Fiscal year 1995:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $34,900,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

Fiscal year 1996:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

Fiscal year 1997:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,800,000,000.

Fiscal year 1998:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $15,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $14,600,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1994:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $240,200,000,000.

(B) Outlays, $240,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $261,500,000,000.

(B) Outlays, $261,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $281,700,000,000.

(B) Outlays, $281,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $299,300,000,000.
(B) Outlays, $299,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $315,800,000,000.
(B) Outlays, $315,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):
Fiscal year 1994:
(A) New budget authority, $250,700,000,000.
(B) Outlays, $250,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $271,800,000,000.
(B) Outlays, $271,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $291,300,000,000.
(B) Outlays, $291,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $307,500,000,000.
(B) Outlays, $307,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $321,900,000,000.
(B) Outlays, $321,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(21) Allowances (920):
Fiscal year 1994:
(A) New budget authority, −$4,700,000,000.
(B) Outlays, −$9,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$7,700,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$9,400,000,000.
(B) Outlays, −$15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$11,800,000,000.
(B) Outlays, −$37,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$12,700,000,000.
(B) Outlays, −$56,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(22) Undistributed Offsetting Receipts (950):
Fiscal year 1994:
(A) New budget authority, −$30,500,000,000.
(B) Outlays, −$32,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$30,600,000,000.
(B) Outlays, −$32,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$30,800,000,000.
(B) Outlays, −$32,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$31,300,000,000.
(B) Outlays, −$32,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$31,800,000,000.
(B) Outlays, −$32,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(23) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):
Fiscal year 1994:
(A) New budget authority, −$28,000,000,000.
(B) Outlays, −$29,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$28,100,000,000.
(B) Outlays, −$29,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$28,300,000,000.
(B) Outlays, −$30,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$28,700,000,000.
(B) Outlays, −$29,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$29,100,000,000.
(B) Outlays, −$30,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

SEC. 6. RECONCILIATION.

(a) IN GENERAL.—Not later than May 14, 1993, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committee on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall each report to their respective Houses a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SENATE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—(A) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $338,000,000 in fiscal year 1994; and $1,770,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—(A) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,700,000,000 in fiscal year 1994; and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—(A) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $125,000,000 in fiscal year 1994; and $1,124,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—(A) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $13,000,000 in fiscal year 1994; and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $2,453,000,000 in fiscal year 1994; and $37,956,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $10,294,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient

to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON SMALL BUSINESS.—The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $202,000,000 in fiscal year 1994; and $1,415,000,000 for the period of fiscal years 1994 through 1998.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,886,000,000 in fiscal year 1994; and $16,210,000,000 for the period of fiscal years 1994 through 1998.

(4A) COMMITTEE ON GOVERNMENT OPERATIONS.—The House Committee on Government Operations shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $693,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.—The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $110,000,000 in fiscal year 1994; and $996,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $205,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $9,601,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $31,000,000 in fiscal year 1994; and $296,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The House Committee on Science, Space, and Technology shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce budget authority and outlays: $2,391,000,000 in fiscal year 1994; and $30,166,000,000 for the period of fiscal years 1994 through 1998.

SEC. 7. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 8. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Congress declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$475,858,000,000 in new budget authority and $513,706,000,000 in outlays;

(B) with respect to fiscal year 1997:

$465,273,000,000 in new budget authority and $490,399,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$462,953,000,000 in new budget authority and $488,877,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 2003 as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

(g) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 9. SENSE OF THE CONGRESS ON A MANDATORY CAP

(a) It is the Sense of the Congress that legislation should be enacted that—

(1) caps the growth of mandatory spending for all programs except Social Security at a level that allows for beneficiary and inflation growth;

(2) prohibits, through a super-majority point of order, the consideration of congressional budget resolutions or direct spending legislation that would cause the mandatory cap to be exceeded; and

(3) provides processes, including reconciliation and sequestration procedures, to provide for orderly restraint in mandatory spending growth except Social Security if such spending exceeds the cap.

(b) It is the sense of the Congress that the conference report on this concurrent resolution on the budget should—

(1) include spending limits on aggregate mandatory spending excluding Social Security, at levels that allow for inflation and beneficiary growth;

(2) include spending limits on defense and non-defense discretionary spending for fiscal years 1994 through 1998; and,

(3) include reconciliation instructions to restrain mandatory spending growth to meet the mandatory cap.

SEC. 10. SENSE OF THE CONGRESS ON PAYING FOR THE STIMULUS PACKAGE

It is the Sense of the Congress that the budget effects of the President's economic stimulus package should not be exempted from the Congressional budget process and that if such legislation is enacted it should abide by "pay-as-you-go" and not cause an increase in the deficit.

SEC. 11. SENSE OF THE CONGRESS ON A BALANCED BUDGET

It is the Sense of the Congress that the budget should be balanced and that legislation should be adopted mandating a balanced budget.

SEC. 12. SENSE OF THE CONGRESS ON BUDGET ENFORCEMENT

It is the Sense of the Congress that budget enforcement procedures should be enacted including:

(a) individual statutory caps on defense and non-defense discretionary spending enforced by points of order and sequester orders;

(b) pay-as-you-go discipline for mandatory spending programs enforced by super-majority points of order and sequester orders; and,

(c) fixed statutory maximum deficit amounts that are enforced by super-majority points of order and sequester orders.

DANFORTH AMENDMENT NO. 259

(Ordered to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution, insert the following:

"An economic program that does not control the growth of entitlements cannot strengthen our economy."

KERREY AMENDMENT NO. 260

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF SENATE REGARDING ADDITIONAL REDUCTIONS IN AGRICULTURAL SPENDING.

( ) SENSE OF SENATE.—It is the sense of the Senate that any further reductions in agricultural spending required under this resolution be accomplished by increasing the prices that producers receive for their commodities in the marketplace rather than by making additional reductions in farm price support payment rates.

MURKOWSKI AMENDMENT NO. 261

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, decrease the amount on line 18, by $45,000,000.

On page 2, decrease the amount on line 19, by $90,000,000.

On page 3, decrease the amount on line 2, by $134,000,000.

On page 3, decrease the amount on line 4, by $134,000,000.

On page 3, decrease the amount on line 6, by $134,000,000.

On page 3, decrease the amount on line 10, by $45,000,000.

On page 3, decrease the amount on line 11, by $90,000,000.

On page 3, decrease the amount on line 12, by $134,000,000.

On page 3, decrease the amount on line 13, by $134,000,000.

On page 3, decrease the amount on line 14, by $134,000,000.

On page 4, decrease the amount on line 6, by $45,000,000.

On page 4, decrease the amount on line 7, by $90,000,000.

On page 4, decrease the amount on line 8, by $134,000,000.

On page 4, decrease the amount on line 9, by $134,000,000.

On page 4, decrease the amount on line 11, by $134,000,000.

On page 4, decrease the amount on line 15, by $45,000,000.

On page 4, decrease the amount on line 16, by $90,000,000.

On page 4, decrease the amount on line 17, by $134,000,000.

On page 4, decrease the amount on line 18, by $134,000,000.

On page 4, decrease the amount on line 19, by $134,000,000.

On page 5, decrease the amount on line 1, by $45,000,000.

On page 5, decrease the amount on line 2, by $90,000,000.

On page 5, decrease the amount on line 3, by $134,000,000.

On page 5, decrease the amount on line 4, by $134,000,000.

On page 5, decrease the amount on line 5, by $134,000,000.

On page 5, decrease the amount on line 11, by $45,000,000.

On page 5, decrease the amount on line 12, by $90,000,000.

On page 5, decrease the amount on line 13, by $134,000,000.

On page 5, decrease the amount on line 14, by $134,000,000.

On page 5, decrease the amount on line 15, by $134,000,000.

On page 5, decrease the amount on line 22, by $45,000,000.

On page 5, decrease the amount on line 23, by $90,000,000.

On page 5, decrease the amount on line 24, by $134,000,000.

On page 5, decrease the amount on line 25, by $134,000,000.

On page 6, decrease the amount on line 1, by $134,000,000.

On page 6, decrease the amount on line 7, by $45,000,000.

On page 6, decrease the amount on line 8, by $90,000,000.

On page 6, decrease the amount on line 9, by $134,000,000.

On page 6, decrease the amount on line 10, by $134,000,000.

On page 6, decrease the amount on line 11, by $134,000,000.

On page 41, decrease the amount on line 17, by $45,000,000.

On page 41, decrease the amount on line 18, by $45,000,000.

On page 41, decrease the amount on line 24, by $90,000,000.

On page 41, decrease the amount on line 25, by $90,000,000.

On page 42, decrease the amount on line 6, by $134,000,000.

On page 42, decrease the amount on line 7, by $134,000,000.

On page 42, decrease the amount on line 13, by $134,000,000.

On page 42, decrease the amount on line 14, by $134,000,000.

On page 42, decrease the amount on line 20, by $134,000,000.

On page 42, decrease the amount on line 21, by $134,000,000.

On page 50, decrease the amount on line 9, by $45,000,000.

On page 50, decrease the amount on line 10, by $537,000,000.

On page 57, decrease the amount on line 18, by $45,000,000.

On page 57, decrease the amount on line 19, by $537,000,000.

On page 71, decrease the amount on line 13, by $134,000,000.

On page 71, decrease the amount on line 14, by $134,000,000.

On page 71, decrease the amount on line 16, by $134,000,000.

On page 71, decrease the amount on line 17, by $134,000,000.

On page 71, decrease the amount on line 20, by $134,000,000.

On page 71, decrease the amount on line 21, by $134,000,000.

SASSER (AND OTHERS) AMENDMENT NO. 262

Mr. SASSER (for himself and Mr. ROCKEFELLER) proposed to the concurrent resolution (S Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . REDUCING FEDERAL HEALTH CARE COSTS THROUGH COMPREHENSIVE HEALTH CARE REFORM.

It is the sense of the Senate that—

(1) the vast majority of rising mandatory program costs is due to increasing federal health care costs, and these costs are assumed in the levels set forth in this resolution;

(2) health care reform is essential to curb the escalating costs of health entitlement programs to reduce the deficit;

(3) the reduction in health costs in this budget resolution should be augmented by further savings in federal health outlays as a part of comprehensive health care reform which will be reflected in future budget resolutions; and

(4) comprehensive health reform will result in long term savings both for the public and private sectors of the American economy, and reduce the deficit levels set forth in this resolution at an ever increasing pace.

NUNN (AND OTHERS) AMENDMENT NO. 263

Mr. NUNN (for himself, Mr. DOMENICI, Mr. ROBB, Mr. DANFORTH, Mr. KERREY, Mrs. KASSEBAUM, Mr. BOND, Mr. COHEN, Mr. PACKWOOD, Mr. COVERDELL, and Mr. THURMOND) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

Strike all that occurs beginning on page 5 line 1 and ending on page 45 line 23 and insert in lieu thereof the following:

Fiscal year 1994: $1,221,700,000,000.
Fiscal year 1995: $1,285,400,000,000.
Fiscal year 1996: $1,342,400,000,000.
Fiscal year 1997: $1,406,600,000,000.
Fiscal year 1998: $1,482,800,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,134,600,000,000.
Fiscal year 1995: $1,187,900,000,000.
Fiscal year 1996: $1,234,000,000,000.
Fiscal year 1997: $1,287,000,000,000.
Fiscal year 1998: $1,350,100,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,220,700,000,000.
Fiscal year 1995: $1,279,300,000,000.
Fiscal year 1996: $1,309,000,000,000.
Fiscal year 1997: $1,335,300,000,000.
Fiscal year 1998: $1,392,500,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,135,300,000,000.
Fiscal year 1995: $1,183,100,000,000.
Fiscal year 1996: $1,201,900,000,000.
Fiscal year 1997: $1,216,300,000,000.
Fiscal year 1998: $1,260,200,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $306,500,000,000.
Fiscal year 1995: $299,500,000,000.
Fiscal year 1996: $266,600,000,000.
Fiscal year 1997: $240,100,000,000.
Fiscal year 1998: $248,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $314,200,000,000.
Fiscal year 1995: $308,100,000,000.
Fiscal year 1996: $270,600,000,000.
Fiscal year 1997: $237,800,000,000.
Fiscal year 1998: $238,400,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,723,700,000,000.
Fiscal year 1995: $5,082,500,000,000.
Fiscal year 1996: $5,419,200,000,000.
Fiscal year 1997: $5,739,500,000,000.
Fiscal year 1998: $6,063,900,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,700,000,000.
Fiscal year 1995: $12,200,000,000.
Fiscal year 1996: $24,300,000,000.
Fiscal year 1997: $37,500,000,000.
Fiscal year 1998: $38,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,800,000,000.
Fiscal year 1995: $149,400,000,000.
Fiscal year 1996: $141,700,000,000.
Fiscal year 1997: $133,300,000,000.
Fiscal year 1998: $135,600,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $363,600,000,000.
Fiscal year 1995: $358,800,000,000.
Fiscal year 1996: $336,700,000,000.
Fiscal year 1997: $320,200,000,000.
Fiscal year 1998: $324,400,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1994: $1,056,300,000,000.
Fiscal year 1995: $1,171,100,000,000.
Fiscal year 1996: $1,293,700,000,000.
Fiscal year 1997: $1,418,400,000,000.
Fiscal year 1998: $1,541,900,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,300,000,000.
Fiscal year 1995: $356,400,000,000.
Fiscal year 1996: $375,700,000,000.
Fiscal year 1997: $393,000,000,000.
Fiscal year 1998: $410,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,813,000,000.
Fiscal year 1995: $286,457,000,000.
Fiscal year 1996: $297,401,000,000.
Fiscal year 1997: $308,456,000,000.
Fiscal year 1998: $319,408,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $263,500,000,000.

(B) Outlays, $277,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $262,600,000,000.

(B) Outlays, $272,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $253,800,000,000.

(B) Outlays, $264,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $248,400,000,000.

(B) Outlays, $249,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $254,100,000,000.

(B) Outlays, $252,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $19,000,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,300,000,000.

Fiscal year 1996:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,800,000,000.

Fiscal year 1997:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1998:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,800,000,000.

(B) Outlays, $18,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,100,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,800,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,700,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $21,200,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $23,000,000,000.

(B) Outlays, $21,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $23,600,000,000.

(B) Outlays, $22,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $23,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $23,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,300,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $11,100,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $7,000,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,100,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $10,100,000,000.

(B) Outlays, −$10,100,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:

(A) New budget authority, $10,900,000,000.

(B) Outlays, −$6,700,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $40,900,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $41,600,000,000.

(B) Outlays, $38,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $40,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $41,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $43,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1995:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1996:

(A) New budget authority, $8,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1997:

(A) New budget authority, $9,100,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,400,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $54,900,000,000.

(B) Outlays, $51,800,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

Fiscal year 1995:

(A) New budget authority, $56,400,000,000.

(B) Outlays, $53,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $22,600,000,000.

Fiscal year 1996:

(A) New budget authority, $60,100,000,000.

(B) Outlays, $51,200,000,000.

(C) New direct loan obligations, $12,800,000,000.

(D) New primary loan guarantee commitments, $11,700,000,000.

Fiscal year 1997:

(A) New budget authority, $62,900,000,000.

(B) Outlays, $59,200,000,000.

(C) New direct loan obligations, $25,700,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $68,000,000,000.

(B) Outlays, $64,100,000,000.

(C) New direct loan obligations, $26,800,000,000.

(D) New primary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,700,000,000.

(B) Outlays, $117,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $131,700,000,000.

(B) Outlays, $130,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $146,700,000,000.

(B) Outlays, $145,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $163,400,000,000.

(B) Outlays, $161,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $181,600,000,000.

(B) Outlays, $179,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,300,000,000.

(B) Outlays, $149,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,700,000,000.

(B) Outlays, $167,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $184,300,000,000.

(B) Outlays, $183,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,700,000,000.

(B) Outlays, $201,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $221,600,000,000.

(B) Outlays, $221,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1994:

(A) New budget authority, $51,200,000,000.

(B) Outlays, $51,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $61,400,000,000.

(B) Outlays, $58,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,800,000,000.

(B) Outlays, $63,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $71,300,000,000.

(B) Outlays, $71,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $80,100,000,000.

(B) Outlays, $80,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $211,800,000,000.

(B) Outlays, $213,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $220,200,000,000.

(B) Outlays, $221,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $236,200,000,000.

(B) Outlays, $231,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,600,000,000.

(B) Outlays, $243,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $260,000,000,000.

(B) Outlays, $253,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $10,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $11,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,300,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.

Fiscal year 1995:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $36,200,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

Fiscal year 1996:

(A) New budget authority, $37,300,000,000.

(B) Outlays, $35,900,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

Fiscal year 1997:

(A) New budget authority, $38,200,000,000.

(B) Outlays, $38,200,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,800,000,000.

Fiscal year 1998:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $39,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $239,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $260,000,000,000.

(B) Outlays, $260,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $278,600,000,000.

(B) Outlays, $278,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $294,700,000,000.

(B) Outlays, $294,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $309,800,000,000.

(B) Outlays, $309,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $250,400,000,000.

(B) Outlays, $250,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $270,300,000,000.

(B) Outlays, $270,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $288,200,000,000.

(B) Outlays, $288,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $302,900,000,000.

(B) Outlays, $302,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $315,900,000,000.

(B) Outlays, $315,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1994: $307,458,000,000.

Fiscal year 1995: $326,949,000,000.

Fiscal year 1996: $345,574,000,000.

Fiscal year 1997: $361,360,000,000.

Fiscal year 1998: $375,968,000,000.

(22) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$3,900,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$6,800,000,000.

(B) Outlays, −$6,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$8,300,000,000.

(B) Outlays, −$17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$10,400,000,000.

(B) Outlays, −$40,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$10,600,000,000.

(B) Outlays, −$62,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$32,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$30,800,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$31,000,000,000.

(B) Outlays, −$32,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$32,100,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$28,200,000,000.

(B) Outlays, −$29,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$30,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$30,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$29,000,000,000.

(B) Outlays, −$29,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$29,400,000,000.

(B) Outlays, −$30,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 6A. SENSE OF THE SENATE ON CONTROLLING MANDATORY SPENDING.

It is the sense of the Senate that the Congress should enact a cap on the growth of mandatory spending programs that—

(1) is enacted this year and takes effect beginning in fiscal year 1996;

(2) includes spending limits on mandatory spending programs, excluding Social Security, at levels that allow for increases for inflation plus increases in case load plus an additional allowance of 1 percent in fiscal year 1996, 1 percent in fiscal year 1997, an 0 percent in fiscal year 1998 and all subsequent years;

(3) prohibits, through a super-majority point of order, the consideration of concurrent budget resolutions or direct spending legislation that would cause the mandatory cap to be exceeded;

(4) provides processes, including reconciliation and sequestration procedures, to provide for the orderly enforcement of the mandatory cap if spending for a mandatory program exceeds the cap; and

(5) Provides for a period of not less than 60 days before such sequestration for committees of the House and the Senate with jurisdiction over mandatory programs which are determined to be exceeding these allowable spending levels to report legislation that reduces direct spending in their jurisdiction by an amount sufficient to eliminate the excess spending.

(6) Ensures that reductions in federal spending for mandatory programs required by such legislation is not to be achieved by shifting costs to state and local governments.

BRADLEY (AND HOLLINGS) AMENDMENT NO. 264

(Ordered to lie on the table.)

Mr. BRADLEY (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, add the following new section:

SEC. . Sense of the Senate regarding Line Item Veto authority including Appropriations and Tax Expenditures.

It is the Sense of the Senate that the President should be granted line-item veto authority over items of appropriation and tax expenditures. The line item authority should provide that:

(1) Each item of appropriation or each tax expenditure should be separately enrolled for presentment to the President; and

(2) The new authority would expire at the conclusion of the 103d Congress.

PRESSLER (AND OTHERS) AMENDMENT NO. 265

(Ordered to lie on the table.)

Mr. PRESSLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that funding to reduce the number of defense civilian, active duty and reserve military personnel from being released into the unemployment lines, and funding for WIC, Head Start, Maternal and Child Health, and humanitarian aid will be increased by amounts made available by the elimination of cargo preference.

PRESSLER (AND GRASSLEY) AMENDMENT NO. 266

(Ordered to lie on the table.)

Mr. PRESSLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that funding to reduce the number of defense civilian, active duty and reserve military personnel from being released into the unemployment lines, and funding for WIC, Head Start, Maternal and Child Health, and humanitarian aid will be increased by amounts made available by requiring U.S.-flag companies to offer world competitive bids in order to carry preference cargoes.

CAMERON PARISH LANDS CONVEYANCE ACT

JOHNSTON AMENDMENTS NOS. 267 AND 268

Mr. MITCHELL (for Mr. JOHNSTON) proposed two amendments to the bill (S. 433) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes, as follows:

AMENDMENT NO. 267

On page 3, line 23, strike "141.4 acres" and insert in lieu thereof, "162.36 acres".

AMENDMENT NO. 268

On page 4, line 2, strike "February," and insert in lieu thereof, "March,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 24, beginning at 10 a.m., to conduct a hearing on taking stock: assessing environmental threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 24 at 10 a.m. to hold a closed briefing on Treaty Doc. 102–37, the Treaty on Open Skies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet in executive session on March 24, 1993, at 9:30 a.m. to consider the nomination of Dr. Lawrence Summers to be Under Secretary of the Treasury.

I further ask unanimous consent that the Committee on Finance be permitted to meet March 24, 1993, at 10 a.m. to hear testimony from the Honorable Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 24 at 2 p.m. to hold a nomination hearing on Harriet Babbitt to be Ambassador to the OAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 24, at 11:30 a.m. to hold a nomination hearing on Joan Spero to be Under Secretary of State for Economic and Agricultural Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 24, 1993, to receive testimony on S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., March 24, 1993, to receive testimony on radio and television broadcast use fees on public lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 616, the compensation COLA bill, and oversight of VA claims processing and adjudication at 1:30 p.m. on Wednesday, March 24, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 24, 1993, at 9:30 a.m., in open/closed session, to receive testimony regarding the international security environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REV. JAMES PARIS WILSON

• Mr. RIEGLE. Mr. President, today I rise to honor Rev. James Paris Wilson, an outstanding spiritual and community leader who has made significant contributions to his hometown of Saginaw as well as to the State of Michigan.

Reverend Wilson began serving as pastor of Mount Olive Baptist Church in Saginaw in October 1958. As pastor of one of Saginaw's most renowned churches, he has ministered to thousands of individuals and families. Under his leadership, Mount Olive Baptist Church has seen three major renovations which improved the facility to better serve, not only the congregation, but the community as well.

As a prominent member of the religious community, Reverend Wilson has been most generous with his time, giving to causes and endeavors which mirror his strong religious beliefs. Reverend Wilson organized the Saginaw Valley Baptist District Association and has served as its moderator for over 30 years. Reverend Wilson also served as president of the Wolverine State Baptist Convention. During his 20 years of service, the convention purchased and established its first headquarters building in Saginaw.

As a citizen concerned with the well-being of others, Reverend Wilson served as the first African-American on the Saginaw County Board of Commissioners. He also served on the Saginaw City Council. During his political career he was known as a voice for the voiceless and a committed advocate for the poor, senior citizens, and the disenfranchised.

Mr. President, Reverend Wilson's commitment to his parishioners and his community should be an example to us all. He has shown remarkable courage and dedication throughout his distinguished career. I would like to join Reverend Wilson's family and friends in thanking him for his service and wishing him well in his retirement.•

ST. ROCCO PARISH 90TH ANNIVERSARY

Mr. PELL. Mr. President, this year of 1993 marks the 90th anniversary of St. Rocco Parish in Johnston, RI. More than 8,000 parishioners will be celebrating this important landmark in a growing tradition of faith and community.

The crowning event of the anniversary will be a Solemn Mass celebrated by His Excellency Bishop Louis E. Gelineau, Bishop of Providence, on Sunday, April 25, 1993, at 4 p.m.

St. Rocco Parish was established in 1903 by the Scalabrinian Fathers, also known as the Missionary Fathers of St. Charles Borromeo, to serve the Catholic Italian immigrants living in the Thornton, Knightsville, and Silver Lake neighborhood.

The founder and first pastor of St. Rocco Parish was Father Domenico Belliotti, C.S. The original St. Rocco Church was built on Clemence Street in the Thornton section of Cranston and was dedicated in 1903.

Land for a new church was purchased on Atwood Avenue in Johnston in 1938 under the guidance of Father Bartolomeo Marenchino, C.S. The Missionary Sisters of the Sacred Heart began to serve the parish community in 1942.

Under the guidance of Father Angelo Susin, C.S., the new church was built and dedicated in 1951. St. Rocco School was built in 1963 and now has an enrollment of 320 children from pre-K to Grade 8, staffed by the Missionary Sisters of the Sacred Heart.

St. Rocco Parish Community now includes about 3,000 families. A list of some of the parish societies indicates just how much the parish has grown and how active the community has become.

Parish societies include: Holy Name Society, St. Rocco Women's Guild, St. Vincent DePaul Society, Legion of Mary, CYO Youth Group, Boy Scouts, Girl Scouts, Cub Scouts and Brownies, Prayer Group, Altar Boy Group, and St. Rocco School PTG.

I am confident that I speak for all Rhode Islanders who have been touched by its good works, when I say we join in thanks and heartfelt wishes for the continued growth and success of St. Rocco Parish.

DEATH OF ELLEN ABRAMS

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Ellen Abrams, a wonderful person and a truly outstanding journalist from Connecticut who, tragically, was killed last week while jogging near her home.

Ellen Abrams reported for WTNH–TV for the past 7 years, and worked for WVIT–TV, the Connecticut Radio Network and WCNX radio before that. As a Senator and, before that, as attorney general of Connecticut, I got to know Ellen very well, and I can tell you that she was one of the best. She was a real professional, dedicated to her craft and to the public interest. She was also a warm and genuine human being who was a pleasure to work with, even while she was asking the tough questions.

Despite being in a profession where people often move all around the country, in the words of our former Governor, Ella Grasso, Ellen Abrams blossomed where she was planted—in Connecticut. She grew up in West Hartford and attended the Loomis-Chaffee School in Windsor. After attending George Washington University and Trinity College, she set out on a career that was always on an upward path. Ellen's talent cut through the clutter of a competitive environment and she became a success by virtue of that ability and her own hard work. At WTNH, she developed special expertise covering crime and the criminal justice system. She received several awards, including a regional Emmy nomination, for her series on the prison system in Connecticut.

My heart and prayers go out to Ellen's family, including her husband, Peter Darby, her sister, and her mother. We will all miss her very much. In her time on Earth, she really made a difference in the lives of many people, and she enriched her profession and our State by her presence.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,218,250,912,999.50 as of the close of business on Monday, March 22.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayer's money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it is really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,422.44—thanks to the big-spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

ENFORCEMENT OF THE NO-FLY ZONE OVER BOSNIA

Mr. WARNER. Mr. President, I rise today to speak about an issue that has been of great concern to me for the past year—that is, the turmoil in Bosnia and Herzegovina, and how the United States should, or should not, respond.

On numerous occasions I have addressed this body to express my serious reservations about the involvement of U.S. military personnel in the continuing conflict in that nation.

Now another decision is reported to be in the making by the U.N. which will involve the United States. As the U.N. Security Council is considering a resolution calling for the enforcement of the no-fly zone over Bosnia, I express now my concerns with the United States becoming involved in this enforcement action.

Mr. President, at my specific request, the chairmen of both the Senate Armed Services Committee and the Senate Select Committee on Intelligence conducted hearings and briefings within the past few weeks to receive testimony from the intelligence community and the Department of Defense on the situation in the former Yugoslavia and the various military and political options available. I urge my colleagues to carefully review the transcripts from these sessions which, in my opinion, contain very valuable information and judgments which Senators should consider before deciding to support the use of U.S. military force in this conflict.

Only one of the three briefings and hearings on this subject was conducted in open session. I am now asking the chairmen of the Armed Services Committee and the Intelligence Committee to request the respective agencies, which sent witnesses, to declassify as much of the testimony as possible from the two closed sessions.

My remarks today draw from the testimony in open session conducted by the Armed Services Committee on January 29—testimony which reinforced my belief that there is very little to be gained from a military perspective for the international community to proceed with enforcing the no-fly zone. In fact, testimony from witnesses from the Joint Chiefs of Staff revealed this interesting conclusion—contrary to popular belief, most of the violations of the no-fly zone over the past several months have been by Croatian military aircraft, not Serbian. Further, from an operational viewpoint, U.N. aircraft attempting to enforce a no-fly zone would have great difficulty distinguishing between the aircraft of the various factions.

Those who argue that enforcement of the no-fly zone will deter or detract from the ability of Serbian forces to continue fighting may be in for a surprise if these current patterns of flight activity continue. An enforcement resolution could well result in the shooting down of more Croatian planes than Serbian planes.

The witnesses at that Armed Services hearing were Lt. Gen. Martin Brandtner, USMC, director for operations for the JCS; and Rear Adm. Mike Cramer, USN, the director for JCS support, DIA—the top intelligence officer for the Chairman of the Joint Chiefs of Staff.

Admiral Cramer was asked directly—"even if the coalition were to completely enforce the no-fly zone, with no planes flying, you are saying * * * it would not make an appreciable military difference?" Admiral Cramer's response was—"Yes, sir, that is correct." When asked to elaborate on his remarks later in the hearing, Admiral Cramer stated—"It (enforcement of a no-fly zone) is not a significant contributor to what really the Bosnian Serbs are able to do on the ground with artillery and other means."

Given these important opinions expressed by experts entrusted to know, why are we pushing forward in the United Nations for this military option and putting at risk our military personnel? If we go forward and participate, pursuant to a U.N. mandate, and the missions fail to achieve any measurable military objective—as predicted by the Department of Defense witnesses—what do we then say to the world by way of explanation? Also, there have been no opinions given regarding the impact of executing this option on the ground forces of other nations currently fulfilling the "peacekeeping" role in the former Yugoslavia.

I believe that we all have an obligation to the men and women in uniform to ensure that if we send them on a military mission, we have thoroughly examined the risks of that mission, the chances for success, and the steps that we will take if we do not succeed. For example, if the enforcement of the no-fly zone does not bring about an end to the fighting, what will we do next? Have we considered that next military step? Is it most likely to be a call to use these same aircraft to suppress the hostile—and most damaging—Serbian use of heavy mortars and artillery? Are we slowly being drawn into an endless military engagement in a nation where the various ethnic groups have been fighting for centuries?

When General Brandtner was asked about the enforcement of the no-fly zone and the lifting of the arms embargo as steps to send a message of international resolve he responded—"History has proven that we have seldom weakened the will of nations by the kind of action that is contemplated."

I have talked to my Senate colleagues about this impending decision for the United States to become involved in this no-fly zone military operation and can find no evidence of any substantial consultation between the Congress and the executive branch on this issue. Given the conflicting testimony, given the greater—far greater—risk to our military personnel than in the airdrop mission, I urge the administration to initiate a consultation process prior to a final decision.

VERMONT LAW SCHOOL

Mr. JEFFORDS. Mr. President, I rise today to briefly commend the Vermont Law School. For the last 3 years, Vermont Law School has been ranked No. 1 for environmental law, according to U.S. News and World Report. Vermont, long known for its regard for the environment, is helping to promote environmental protection nationwide by providing the best training to the future environmental lawyers of this country. Three years as the best school is a tremendous accomplishment and I commend the administrators, faculty, and students for their accomplishment.

CAMERON PARISH CONVEYANCE ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 32, S. 433, Cameron Parish land conveyance bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 433) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 267 AND 268

Mr. MITCHELL. On behalf of Senator JOHNSTON, I send two amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. JOHNSTON, proposes amendments en bloc numbered 267 and 268.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 267

On page 3, line 23, strike "141.4 acres" and insert in lieu thereof, "162.36 acres".

AMENDMENT NO. 268

On page 4, line 2, strike "February," and insert in lieu thereof, "March,".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 267 and 268) were agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to convey by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to certain lands located in Cameron Parish, Louisiana, as described in section 2, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands referred to in section 2.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States: *Provided*, That the Secretary shall not acquire any lands under this subsection if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(d) RETENTION OF PROPERTY FOR COAST GUARD.—The Secretary, after consultation with the Coast Guard and the West Cameron Port Authority, shall except and reserve from such conveyance all right, title, and interest to approximately 3.0 acres of lands previously used by the Coast Guard, along with any improvements thereon, for the continued use and benefit of the Coast Guard.

(e) RETENTION OF OTHER ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances, as identified on the map referred to in section 2—

(A) a permit granted to the United States Army to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including, but not limited to restrictions on height of structures, and requirements to shield seaward facing lights.

SEC. 2. LAND DESCRIPTION.

The lands to be conveyed pursuant to this Act comprise approximately 162.36 acres of Federal lands located within the irregular section 32, Township 15 south, range 10 west, Louisiana Meridian, as generally depicted on the map entitled "Cameron Parish Land Conveyance" and dated March 1993.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR THE PRODUCTION OF RECORDS

Mr. MITCHELL. Mr. President, in behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution on authorization of the production of Senate records and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 82) to authorize the production of records by the Committee on Governmental Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Department of Justice has requested access to documents from the Committee on Governmental Affairs relating to its review into management practices at the National Archives and Records Administration. The Committee's investigation and report documented serious management problems at the National Archives and referred the matter to appropriate executive branch agencies for review.

In connection with a review that it has initiated in response to the Committee's referral, the Department of Justice is seeking records of testimony and exhibits received by the committee in this matter. Consistent with the Senate's customary practice, this resolution would authorize the chairman and ranking minority member of the committee to provide to the Department records of the committee's investigation into management practices at the National Archives.

The PRESIDING OFFICER. Without objection, the resolution (S. Res. 82) and its preamble are considered and agreed to, as follows:

S. RES. 82

Whereas, the Committee on Governmental Affairs has conducted an investigation of serious management problems at the National Archives and Record Administration;

Whereas, as a result of its investigation, the Committee referred matters that it had investigated to executive branch agencies for investigation and appropriate action;

Whereas, the Department of Justice has requested access to records of the Committee's investigation as part of the inquiry resulting from the Committee's referral;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Department of Justice records of testimony and exhibits received by the Committee in its investigation of management problems at the National Archives and Records Administration, except for materials for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:20 a.m., on today, Thursday, March 25; that following the prayer, the Journal of the proceedings be deemed approved to date; that at 9:25 a.m. the Senate resume consideration of Senate Concurrent Resolution 18, the budget resolution; that when the Senate resumes consideration of the budget resolution, the only amendments remaining in order to the resolution be the following first-degree amendments with no second-degree amendments in order thereto:

An amendment by Senator BRADLEY, No. 264; an amendment by Senator BROWN, No. 208; an amendment by Senator KEMPTHORNE, No. 195; and amendment by Senator COHEN, No. 200; an amendment by Senator GRAMM of Texas, No. 246; an amendment by Senator BOND, No. 253; an amendment by Senator SPECTER, No. 250; an amendment by Senator MURKOWSKI, No. 205; an amendment by Senator CRAIG, No. 223; an amendment by Senator DANFORTH, No. 259; an amendment by Senator D'AMATO, No. 248; an amendment by Senator BROWN, No. 247; an amendment by Senator SPECTER, No. 238; an amendment by Senator COHEN, No. 239; an amendment by Senator WALLOP, No. 241.

I further ask unanimous consent that the amendments be considered in the order as listed; that any votes with respect to any of the listed amendments following the first vote be for a maximum of 15 minutes only; further, that if the listed amendments have not been disposed of prior to 12 noon on Thursday, March 25, that they no longer be in order; that at 12 noon, the Senate vote on any pending amendment, and that the previous unanimous-consent agreement regarding the disposition of the budget resolution remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, let me summarize what will occur as a result of this agreement.

The Senate will resume consideration of this resolution at 9:25 a.m. this morning at which time there will be a vote on the Bradley amendment. That vote will be pursuant to our regular procedures which will be for 15 minutes plus a maximum extension of 5 minutes for a total time of up to 20 minutes on the first vote.

Thereafter, it will be in order for Senators to offer the amendments as listed, and each vote on subsequent amendments, and that would be beginning with the Brown Amendment No. 208, will be for a maximum of 15 minutes; that at 12 noon, the Senate will complete action on whatever amendment is pending and no further amendments will thereafter be in order. So if an amendment on this list has not been called up by 12 noon it will not be in order. And pursuant to the previous agreement, the Senate will then, after disposing of the last pending amendment, as of 12 noon, proceed to final passage of the budget resolution and then to consideration of the supplemental appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I renew my previous request with the following modification, that the Senate when it completes its business today stand in recess until 9:25 a.m. on Thursday, March 25, and that at 9:30 a.m. the Senate resume consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 9:30 a.m. on Thursday, March 25, 1993, the Senate resume consideration of S. Con. Res. 18, the Congressional Budget Resolution, with the only amendments remaining in order to the resolution to be the following, with no second degree amendments in order thereto:

Bradley, No. 264.
Brown, No. 208.
Kempthorne, No. 195.
Cohen, No. 200.
Gramm, No. 246.
Bond, No. 253.
Specter, No. 250.
Murkowski, No. 205.
Craig, No. 223.
Danforth, No. 259.
D'Amato, No. 248.
Brown, No. 247.
Specter, No. 238.
Cohen, No. 239.
Wallop, No. 241.

Ordered further, That the amendments be considered in the order as listed and that any votes ordered with respect to the listed amendments, following the first vote, be for a maximum of 15 minutes only.

Ordered further, That if the listed amendments have not been disposed of prior to 12 noon, Thursday, March 25, 1993, that they no longer be in order.

Ordered further, That no amendments on the subject of Social Security be in order.

Ordered further, That at 12 noon on Thursday, March 25, 1993, the Senate dispose of the pending amendments and proceed to H. Con. Res. 64, without any intervening action or debate.

Ordered further, That adoption of the House Concurrent Resolution 64, after the Senate language, as amended, has been substituted in lieu thereof, be no later than 12 noon on Thursday, March 25, 1993.

Ordered further, That upon the disposition of the House Budget Resolution, the Senate insist on its amendment, request a conference with the House on disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees, and the Senate companion be returned to the Calendar.

Ordered further, That the provisions of the three preceding paragraphs occur without any intervening action or debate.

Mr. MITCHELL. Mr. President, then if I can modify my previous statement, the first vote will begin at 9:30, and it will be in accordance with the standard voting time. All votes thereafter will be for a maximum of 15 minutes.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, appoints the Senator from Alaska [Mr. MURKOWSKI] to the Japan-United States Friendship Commission.

RECESS UNTIL 9:25 A.M. THURSDAY

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, as under the previous order, until 9:25 a.m.

There being no objection, the Senate, at 12:42 a.m., recessed until Thursday, March 25, 1993, at 9:25 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 24, 1993*

The House met at 12 noon.

Rabbi Seth H. Frisch, Temple Beth El, Portland, ME, offered the following prayer:

The festival of Passover proclaimed in Your Bible, Lord, is drawing near, and it is in the Passover festival meal that the question is asked by our youngest children: Why is this night different from all other nights? Why indeed, Lord?

We open our doors and we say during the festival meal: All who are hungry, let them come and eat. We say this because there are those who in every generation have been hungry, and over the times and the years we have noticed that there are many who hunger, and these times are no different than those times.

Lord, there are those who hunger for bread and those who hunger for freedom, and all too often they go hand in hand. While this does not make these times different from other times, yet we still ask for freedom from the fear of oppression and from the poverty of servitude which so many of Your children know from their own lives all too well.

During the festival of freedom, the Passover proclaimed in Your Torah, Your Bible, we see that we are commanded to eat unleavened bread. We are told that it is the bread of affliction eaten by Your ancestors, our ancestors, in slavery in Egypt. We are told also in the Bible that it is the bread of freedom which was eaten the first night out of slavery, and we ask: What has changed?

It is not the bread that is changed. It is the people who see it and feel it and eat it who have changed, and we notice, Lord, that the bread changes even today, for even our own people, we Americans in this Nation, have known and tasted of the bread of poverty and of the bread of freedom.

But what makes this night different from all other nights and these times different from all other times is that those who hunger for freedom and for bread look to us, this Nation, this leadership, this House, for your help.

So we today, Lord, look to You for Your guidance, and we ask that You answer our prayers and bestow upon our leaders the wisdom, the ability, and the means to lead us in the difficult challenges we must all face in the days and the months ahead. And so these are our prayers of blessing that You have bestowed upon us and that Your servants have always recited, thanking You for Your blessings in the past and asking for Your continued guidance all the days of our lives.

Blessed art Thou, O Lord, our God, sovereign of the universe, who has kept us in life, sustained us, and enabled us, all of us, to reach this day. Remain with us, teach us, and, dear Lord, guide us.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GOSS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 147, not voting 31, as follows:

[Roll No. 89]

YEAS—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—147

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Murphy
Nussle
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Applegate
Barcia
Brown (CA)
Carr
Clay
Doolittle
Dreier
Ford (TN)
Grandy
Henry
Houghton
Hoyer
Johnson (CT)
Lewis (FL)
McDermott
Mfume
Owens
Pickle
Quillen
Rangel
Royce
Sanders
Santorum
Sharp
Shaw
Stark
Swett
Tauzin
Tucker
Unsoeld
Whitten

☐ 1227

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. MILLER] please come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI SETH H. FRISCH

(Mr. ANDREWS of Maine asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of Maine. Mr. Speaker, I am pleased and honored to welcome to the House of Representatives Rabbi Seth H. Frisch, who offered this morning's opening prayer.

Rabbi Frisch was ordained by the Jewish Theological Seminary of America in New York City in 1986. He served for 3 years at the Temple Emmanuel in Newton, MA, before being installed at the Temple Beth El in Portland, ME, in 1989.

Rabbi Frisch is the youngest rabbi ever installed at the Temple Beth El, the largest Jewish congregation north of Boston.

He is also an active member of the community, a strong advocate for civil rights, and a good friend.

I am pleased and honored to welcome Rabbi Frisch to the Nation's Capitol today and thank him on behalf of the U.S. House of Representatives for offering this morning's opening prayer.

☐ 1230

WE NEED SERIOUS REFORM

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the Congress reminds me of the alcoholic who refused to enter a treatment facility, saying "I can reform myself."

Mr. Speaker, the Congress cannot reform itself. It spends money like the alcoholic drinks whiskey, rationalizing all the way to oblivion. We need to reform our spending habits, and we need to do it now.

Next week, the Democrat majority will pass a conference report on the budget that will include an extension of the debt limit.

The Democrats want to increase our debt limit by almost $225 billion. And yet they do not believe our debt problems warrant a radical solution like a balanced budget amendment to the Constitution.

They refuse to give us a vote on this important and, yes, radical reform proposal.

Mr. Speaker, I believe we need a vote on the balanced budget amendment before we vote on raising the debt limit. The American people need to know that the Congress has no intention of seriously reforming its ways.

TIME TO ACT ON THE CLINTON ECONOMIC PLAN

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last week the House shed the shackles of the status quo and rose to the occasion.

Thanks to strong Democratic support the House approved President Clinton's economic package by a comfortable margin.

This week the national spotlight is trained on the Congress. I would urge my colleagues to move the Clinton package forward.

The Clinton plan directs long-range investments in the economy, it makes $510 billion in deficit reduction, and it puts forth a short-term stimulus package to create a half million jobs.

Without action, the recovery will produce pitifully few jobs.

At this stage in the last seven recessions, the economy has typically recovered 237 percent of the jobs lost. In the current recovery, we have recovered only 29 percent of the jobs lost.

The House-passed Clinton plan will invigorate small businesses through job creation. It will invest in research and development to promote our Nation's competitiveness. Finally, the plan goes to bat for our children by vaccinating them from infectious disease and by boosting the Head Start Program.

The Congress stands on the brink of approving the most comprehensive economic plan we have ever seen. But we must all do our job.

The American people called on the House to back the President's plan. The House has responded to the people's challenge.

Mr. Speaker, this week the Congress should approve the Clinton plan to get the economy rolling and to create jobs.

INCREASING THE DEBT LIMIT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I urge the American people to look closely at President Clinton's budget conference report that we will probably take up next week.

Inside that document is a little gem which will increase our debt limit by hundreds of billions of dollars.

Yes, as the President drones out about his plan to decrease the deficit, his allies on the Hill will be making plans to increase the debt limit.

Mr. Speaker, this is ridiculous. Are we going to increase the debt or decrease the debt?

The only way to know for sure is to pass a balanced budget amendment to the Constitution.

I urge the Democratic leadership to allow us to vote on the balanced budget amendment before we even think of increasing the debt limit.

ENCOURAGING THE SENATE TO ACT ON THE STIMULUS PACKAGE

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, last fall the American people cast their ballots for change.

The people elected a leader who had a vision about what America could be, if the determination and resources could be found to initiate change. President Clinton has demonstrated the determination and the resourcefulness to carry out such change and has not disappointed those who called for renewal.

The renewal has begun with our passage of the President's stimulus package. The stimulus legislation will provide 500,000 jobs, without delay, to those unfortunate individuals not currently employed. Renewal continued with our passage of the budget resolution.

The President has kept his promise to the American people and has submitted to Congress his proposals for transforming Government. Last week we, in this body, took action on those proposals and overwhelmingly endorsed his economic stimulus plan and budget.

Mr. Speaker, the House of Representatives is pleased to have acted, in concert with the President, to move our Nation forward—to be the positive force for change that Americans asked for last November.

THE DEBT LIMIT AND THE BALANCED BUDGET AMENDMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when we passed that empty shell known as the Clinton budget last week, it did not include an item that should worry the American people.

But under the rules of the House, when we consider the conference report next week, we will also be considering a Democrat proposal to extend the debt limit. The majority party wants to increase the debt limit by hundreds of billions of dollars.

After seeing the pork in the President's spending package, I can see why they want the additional room to maneuver. But, Mr. Speaker, we must ask ourselves if extending the debt limit is in the best interests of the Nation.

We must come to grips with our debt. We shouldn't try to quietly expand it without considering serious options to reduce it. I ask you, Mr. Speaker, to give us a vote on one serious option, the balanced budget amendment to the Constitution, before we increase our debt limit.

The American people need to know that we are serious about reducing our debt. The Clinton administration has shown only a serious need to increase it so far.

CLINTON ADMINISTRATION RESPONDS POSITIVELY TO RUSSIAN CRISIS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the Clinton administration has handled the crisis in Russia with great professionalism, finesse, and credibility. The President's strong support for Boris Yeltsin, and his support for the forces of democracy and reform, and his leadership in encouraging the rest of the world to adopt a similar response has clearly contributed to an international response dedicated to continue the principles of civil liberties and free market economies.

The President clearly knows that America has big stakes in preserving democracy in Russia. A failure of democracy would produce a renewed nuclear threat, a strong and a legitimate push to restore the defense budget to significantly higher levels, thereby increasing our deficit and perhaps hurting economic recovery, and a reduction in American business and economic opportunities in Central and Eastern Europe.

What happens in Russia, Bill Clinton knows, will directly affect the lives of all Americans. There are some politicians in Washington, including a few in the other body, who seem to constantly want to publicly second-guess the President's policies, offering gratuitous advice without the benefit of the intelligence and advice only the President gets every day.

Public gratuitous advice during such tenuous times can sometimes be destructive. The President is handling the foreign crisis just fine. I am thankful that his team is in charge.

SPENDAHOLICS IN DENIAL

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, President Clinton has denied that there is any pork in his spending package.

The Democrats in the House have protested that this package is not pork, but investment.

Mr. Speaker, this is a classic example of spendaholics in denial.

Next week, when we take up the budget resolution conference report, the Democrats will seek to increase the Federal debt limit by hundreds of billions of dollars.

What do the Democrats want to pay for with this debt limit increase? More pork barrel projects: Things like swimming pool renovations, white water canoeing facilities, and rest room repairs.

I urge the Democrats to check themselves into a Spendaholics Anonymous clinic, and pass a balanced budget amendment to the Constitution.

URGING CONGRESS NOT TO LET THE PRESIDENT'S ECONOMIC PROGRAM UNRAVEL

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, a sweater retains its shape and form and its effectiveness to ward off the cold only if we leave the threads intact. If we start pulling at the threads, the sweater unravels and becomes a shapeless and formless mass of material.

The same, I think, analogy applies to the President's economic program. It is composed of a series of threads woven together. They make a form and a shape, and that form and shape will be lower inflation rates, it will be higher rates of employment, it will be a greater and a more abundant and healthier economy.

If the threads are pulled and the economic program unravels, as it will, then it becomes shapeless, formless, and totally ineffective to see us through to the next century.

As the President's program goes through the tortuous legislative process, and there will be people tugging at all of its threads, I hope those threads stay intact and I hope the garment stays together. In keeping the garment together, we can make America stronger.

□ 1240

RAISING THE DEBT CEILING AND THE BALANCED BUDGET AMENDMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, anxiety among constituents is rising over ever-increasing Federal spending and the $4.15 trillion national debt. And next week the Democrats will try to raise the debt ceiling again. Secretary Bentsen wants Congress to raise it by $225 billion.

There is also a hue and cry throughout the districts we represent for a balanced budget amendment. This issue received a lot of attention in the last election and we now have the opportunity and responsibility to make good on promises made, keep the public trust—and at the same time reduce the national debt.

Yet there are some Members who argue that such an amendment is unnecessary. Such a position is almost comical in the light of President Clinton's recent proposals to increase domestic spending by $180 billion, and to increase taxes by $300 billion and increase the debt by $1 trillion. Mr. Perot recently said that submitting such a spending program to Congress is like getting a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If it takes an amendment to the Constitution to change the spending habits of Congress for the better, I say let's do it.

Mr. Speaker, I propose, that we break with our miserable tradition—that we change—and try balancing the budget just once. Who knows we might like it. If a balanced budget amendment is passed we might just foster the environment necessary for continued economic growth, begin to reduce the national debt, and effectively represent the people who sent us here.

SUPPORT FOR BORIS YELTSIN

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, I first saw him standing tall in a room along with several of my colleagues where he stood there in support of Dr. Landsbergis and the movement in Lithuania, Estonia, and Latvia for their push toward democracy. We all watched him stand tall on top of a tank while the whole world watched him stand up for changes in Russia, for democracy and freedom.

He was the first elected president in over a thousand years in their country, and we heard him stand right here at this podium behind us and address this institution and talk about freedom and democracy and reducing nuclear weapons and working together for world peace.

He now stands again fighting for a new constitution for their country, for a balance of powers.

I can recall when we went to President Bush and begged him to recognize the Baltic States and the movements of Boris Yeltsin. We were the second-to-last country in the world to recognize them. It is encouraging to now have a President who stands tall along the side of President Boris Yeltsin.

TERM LIMITS

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. INGLIS of South Carolina. Mr. Speaker, there are a number of reform proposals that are floating around this House and many of those are very good proposals, and I salute them. But there is one reform proposal that guarantees the most sweeping change in true organizational change to this body, and that is term limits, limiting the number of years that Members of Congress can serve here.

Mr. Speaker, this last year we accomplished significant change in this House with 110 new Members of Congress. That is great. But we need to see even greater change in this House, particularly at the chairman and leadership position level.

It is very important, Mr. Speaker, that this bipartisan effort continue, that we have term limits in this House, and that we do that on bipartisan basis. This is not the Democrats' Congress; this is not the Republicans' Congress. This is America's Congress and America's Congress needs fixing with term limits.

PRESIDENT CLINTON'S ECONOMIC PLAN

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I take this opportunity to encourage full support of President Clinton's economic stimulus package. The President's plan is about putting people back to work. Opponents of the plan have charged that it is more unnecessary spending. Some have even claimed that much of this spending is for nonemergency purposes.

Let me make it plain, in my community, much of the proposed spending constitutes emergency relief. The exhaustion of unemployment benefits, Head Start, WIC, the Emergency Food Assistance Programs, AIDS research, and Pell grants all constitute an emergency in my district. We've been in a Reagan-Bush economic drought for 12 years and it's time for some rain to fall. It is an emergency when nearly 9 million people are unemployed; when every 104 seconds a black teenage girl becomes pregnant; when every 7 minutes a black baby is born to a mother who had late or nonexistent prenatal care; when less than 1 in 2 black children had private health insurance in 1990; and when black infants are more than five times as likely as white infants to die of AIDS. The African-American community has waited 12 long years for these programs to be funded. Twelve years of deprivation and denial, in my book, constitutes an emergency that must be met with all deliberate speed.

For those who are concerned about the level of proposed spending, President Clinton's plan includes 150 specific cuts in domestic programs. Every investments is paid for, dollar for dollar, by spending cuts in existing programs. Investment means putting more policemen on our streets; investing in the Nation's infrastructure; rebuilding roads and bridges and creating information networks. The President's investment package will create 500,000 jobs by the end of 1994.

Opponents to the President's plan argue that the recession is over and the economy is recovering. But the most important indicator—job growth—is stagnant. There are still mass layoffs—companies like Sears, United Airlines, Campbell Soup, and in my own district, Commonwealth Edison.

Do not let the opponents of this plan fool you. This economic recovery is still far behind those of previous recessionary recoveries when it comes to total jobs lost. The suffering that the American people have experienced must be addressed. I urge total support of President Clinton's investment package and start putting America back to work.

DEBT CEILING-BALANCED BUDGET AMENDMENT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, the idea to which the American people responded in this past election was the idea of change. The freshman class was elected on the promise that we would work for genuine, substantive change. Nothing could be more symptomatic of the business-as-usual thinking than the proposal on which we will vote to once again raise the debt ceiling—this time for another $225 billion.

This type of free-spirited spending is like the fellow who slovenly exceeds his credit card limit. Only there is a significant difference. Instead of Congress changing its irresponsible spending habits, it just raises its credit limit.

Instead of raising the debt ceiling, what we really need to do is pass a balanced budget amendment to the Constitution and restore fiscal responsibility to the institution of Congress.

QUICK APPROVAL OF CLINTON ECONOMIC PLAN URGED

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, the American people have spoken. They want a strong economy that answers the needs of real people. They want an end to gridlock and the status quo. They want real change.

It is a clear message. It deserves a clear and decisive response.

President Clinton responded clearly when he proposed his comprehensive economic plan to reduce the Federal deficit, cut Government spending, and make the crucial long-term investments that are needed to inspire and uplift the American people. Last week, the House responded with swift and decisive approval of the President's plan.

As President Clinton's plan enters the next stage of debate, the American people are waiting for a response. Will we move forward into a new era of fiscal responsibility and economic growth, or remain stuck in the rationalizations of the past? America is waiting for the answer.

I urge the Congress to take the next step and quickly approve the President's economic plan.

THE BUDDY CHECK TWELVE PROGRAM—AN INNOVATIVE APPROACH TO EARLY DETECTION OF CANCER

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, the buddy check twelve program of Jacksonville has received national recognition for its innovative approach to dealing with breast cancer awareness.

This joint program between Jacksonville's Baptist Medical Center, WTLV Television 12, and AT&T American Transtech, has impacted 124,000 people since its inception 1 year ago.

The program teaches self-examination for breast cancer. This approach has been used to make early detection a useful tool in saving lives.

Early detection can also be credited with reducing health care costs.

Studies have shown that breast cancer treatment, when detected early, costs approximately $9,000. For advanced stage breast cancer, the costs can reach $32,000.

I am proud of the commitment that has been shown in Jacksonville, and urge my colleagues to use the buddy check twelve program as a model in their own communities.

Getting back to the basics—people joining together to help each other—is what this country needs. The buddy check twelve program is one example—it should be copied throughout the Nation.

□ 1250

THE CLINTON ECONOMIC PLAN

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of the investment package proposed by President Clinton. This is an important program that should be passed into law.

The citizens of this country are demanding that their leaders keep their campaign promises to break the gridlock that has crippled our Government for far too long.

The passage of the President's economic plan by this House has shown the American public that we are serious about getting our country moving again. This economic plan must reach the President's desk without any revisions that exclude funding for such vital programs as Head Start, WIC, and children's immunizations.

Not one benefit is gained by preventing a single mother from getting help during her most difficult times. Not one benefit is gained by uneducated and unhealthy children. No one profits from this, most certainly not our economy.

All of us must do our part to see that the President's economic package is passed in its entirety.

INVEST IN AMERICAN CITIES AND STATES, NOT RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, democracy in Russia is great, but not all the Russkies are buying it. And America should not have to buy it by paying for it either. After all, if dollars produced democracy, the Mideast would be our 51st State.

America should push but not shove. In fact, America's cash may become America's curse for both Boris Yeltsin and democracy in Russia.

It is time for Russia to do it the old-fashioned way, for the Russian people to nurture, defend, and support democracy, not the American taxpayer. If we have any money laying around, we had better start investing in the cities and the States of America while our democracy is still pretty solid.

HUNTINGTON'S GENE DISCOVERY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize the historic discovery made by an international team of renowned scientists who have uncovered what some have called the most coveted treasure in molecular biology—the gene behind the insidious killer—Huntington's disease.

Mr. Speaker, Huntington's disease is a little-known, but very cruel, neurodegenerative illness that usually strikes a person in their 30's or 40's. This disease is progressive as it gradually, and most certainly, destroys both the mind and body. Those diagnosed with Huntington's disease have come to know that they can expect to live out a 10- or 20-year death sentence striking them down in the prime of life.

Mr. Speaker, folksinger Woody Guthrie is one of the best known victims of this illness that is passed from generation to generation.

But today, Mr. Speaker, the 30,000 Americans suffering from Huntington's disease and the 150,000 Americans at risk of contracting this genetic killer are one giant step closer to knowing that someday Huntington's disease will be a thing of the past, as a team of scientists have unmasked the renegade Huntington's gene after 10 years of searching.

Mr. Speaker, all Americans owe a debt of gratitude to the outstanding scientists of the human genome project. They are the dream team of genetic research and they include: Dr. James Gusella of Massachusetts General Hospital; Dr. Hans Lehrash of the Imperial Cancer Research Fund; Dr. David Housman of MIT; Dr. John Wasmuth of the University of California-Irvine; Dr. Peter Harper of the University of Wales; Dr. Nancy Wexler of Hereditary Disease Foundation of Santa Monica, CA; and Dr. Frances Collins of the University of Michigan.

Mr. Speaker, many others were involved in this important and historic research and we salute each of them.

THE NAFTA FORUM

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise today to express my commitment to ensuring that the North American Free-Trade Agreement does not compromise the livelihood of millions of American people, the health and safety of workers in all countries, and the health of our environment. President Clinton has articulated a commitment to ensuring that side agreements to the NAFTA adequately address these crucial concerns.

Tomorrow a very important forum will take place which will aid us in further deliberations as to the future of the North American Free-Trade Agreement. Leading experts from the United States, Mexico, and Canada and my colleagues, the gentleman from Missouri and the gentlewoman from Ohio, will come together to discuss the various aspects of this important issue. This forum will no doubt help us to consider more carefully the North American Free-Trade Agreement as it develops in the next coming months. I thank my colleagues for affording us this valuable opportunity.

INCREASED TAXES AND THE AILING AIRLINE INDUSTRY

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, yesterday this body gave final approval to a commission to study the problems of the ailing airline industry. I am hopeful that that commission will come back with some positive results. But I am reminded of the Aviation Subcommittee hearings that we just recently held where we listened to people who were involved in the airline industry as they voiced their concerns about needed changes in the tax codes, about concerns of the current bankruptcy laws, about allowing foreign carriers to invest in our domestic carriers, and their concern about additional taxation including the energy tax, a tax that supposedly will cost $140 million for every penny of increase in fuel to the ailing aviation industry.

As I watched those proceedings, I became concerned and frustrated that some of the Members of this body who are promoting that commission are some of the same Members who just last week voted for a budget resolution that was predicated on the largest tax increase in the history of this Nation including the energy tax, the very measure that will be devastating to the airline industry.

Mr. Speaker, we cannot have it both ways. I hope there will be some revisions in thoughts of Members of this body.

INTRODUCTION OF THE FOREIGN AID REPORTING AND REFORM ACT

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, this morning, I introduced legislation which will help this Congress and our new President bring another measure of accountability to Government. This bill is being called the Foreign Aid Reporting and Reform Act of 1993.

Last week, we approved a budget which calls on the American people to sacrifice in order to solve our Nation's budget crisis. We are, rightly, beginning to focus our priorities on investment instead of consumption. We cannot justifiably ask for sacrifice unless we are also willing to show some responsibility in our spending proposals.

One budget category which deserves close scrutiny is foreign aid spending. If we were to live and die by public opinion, foreign assistance would no longer be an issue in our budget negotiations. It would long ago have been dispensed with in favor of our domestic priorities.

As popular as that view might be back home, there is an argument for some foreign aid as long as it is in the best interests of the American people.

Mr. Speaker, our world is changing at an astounding pace. Today's maps are vastly different from those of a decade ago. But, our foreign assistance priorities have not keep pace. The Foreign Aid Reporting Reform Act is designed to help us keep in step with domestic and international priorities.

The current crisis in Russia is a perfect example of the need for this type of comprehensive study. Our ability to come to the rescue in an international crisis is limited both by politics and lack of money. By fully researching the current status of foreign assistance programs, including that of the former Soviet Union, we will be better prepared to make the tough choices necessary to avoid the chaos. We will be able to make intelligent choices—to respond, rather than simply react, to an international crisis.

My bill calls on the administration to report to Congress each year on the status of all foreign aid spending. This report would include information on where our foreign aid dollars are going and what goals we are trying to achieve. For the first time, my bill would require the administration to project a termination date when each foreign aid program would end. As with domestic spending, programs which still serve a legitimate purpose can be saved. Those which have served their purpose or which are not achieving their goals can be ended, in favor of more pressing needs and deficit reduction.

Mr. Speaker, the Foreign Aid Reporting Reform Act does not, of its own merit, increase or reduce our foreign aid spending. It will, however, streamline our current information so that we can make informed decisions about how and where our foreign aid dollars are spent. We owe the American people this additional measure of accountability.

I urge my colleagues to join me and over 30 original cosponsors in supporting the Foreign Aid Reporting Reform Act.

THE NEW SLICKTIONARY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Clinton continues to give so many new meanings to old words that perhaps we should consider replacing Webster's dictionary with Clinton's slicktionary.

It could contain these words and phrases: "Contributions," once known as "taxes," still means forcibly extracting from taxpayers their hard-earned dollars. "Deficit," normally considered the result of excessive Government spending, is now a justification for massive new taxes and more spending. "Investment" means a four-legged, rotund animal with curly tail, previously known as "pork." Or "spending."

□ 1300

"Patriotism," formerly used to describe loyalty to one's country, now means an obligation to pay the Government more taxes without complaint. "Tax fairness" is now frequently used to justify increased taxes, particularly on the top half of all wage-earners, who are already paying 94 percent of all taxes.

"Spending cuts" now defines not an actual decrease in spending, but rather a smaller increase than threatened.

Despite what President Clinton says, the American people know what these words really mean; they mean tax and spend, again and again and again.

LET US PULL TOGETHER AS A COUNTRY

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, I think we have heard a litany of voices this morning that are simply trying to gain time to complain. What we need to do is to pull together as a country. We have had 12 years of gridlock and deadlock and whining. What we need to do is look toward the future and see what we can accomplish.

Mr. Speaker, I have worked with the White House over the last week, I have talked to the President's representatives about the energy tax. I am pleased to learn that yesterday the President decided that ethanol, a renewable fuel, clean burning, good for the environment, will not be subject to the energy tax.

I think this is the type of work that we need to engage in. We have a President who has been more receptive to working with Congress than any President in my memory.

We have an opportunity to work together effectively and to put to an end the deadlock and gridlock that have plagued this city for so many years.

AMENDED HOUSE RULE WOULD REQUIRE THREE-FIFTHS VOTE TO RESTRICT GERMANE AMENDMENTS

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, I rise today to introduce legislation that will bring fair and open debate to the floor of the House of Representatives. This legislation is fairly simple. It would amend the rules of the House to require a three-fifths or 60 percent majority vote in order to adopt a rule which restricts consideration of any germane amendment. All amendments would have to be filed with the Rules Committee at least 3 days prior to consideration of the bill.

The intent of this legislation is to require that the majority consult with the minority to bring a rule to the floor. Rules could easily restrict amendments if the leadership of both parties were consulted.

Citizens around the country are calling for congressional reform and accountability of Members to their constituents back home. What better way to represent our constituents than by considering, through open debate on the floor, every aspect of the legislation we pass.

Some limits are necessary in order to keep debate moving on an issue so that we do not become so embroiled in debate that we are unable to move on to other important issues. However, germane amendments are obviously offered for a reason—because the Member is knowledgeable on the issue and feels that what he or she is offering should be considered by the Whole House. Rules, as they are now, have the effect of gagging these Members from offering amendments that are relevant to the legislation being debated.

All Members deserve to be heard and their constituents also have the right to hear their Representative's position on any given issue. I urge my colleagues to cosponsor this legislation and show that they support free and open debate on the House floor.

A NEW DIRECTION?

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, when President Bill Clinton spoke of a new direction in his State of the Union Address, I assumed he was talking about bringing the deficit down. I was wrong.

Unfortunately, he meant the deficit was going straight up, under his administration.

We saw signs of this last week when we voted for his massive spending package. Next week we will see more signs of Clinton's new direction when the Democrats vote to raise the debt limit by $225 billion.

Mr. Speaker, I think our deficit should go in a different direction: down.

We must reduce our public debt. That is why we must pass the balanced budget amendment and do it before we raise the debt limit.

The American people need to know where the Congress stands on actual debt reduction. Only a vote on the balanced budget amendment next week will give them that necessary knowledge.

TERM LIMITS' TIME HAS COME

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, a front-page article in the New York Times last week ridiculed those of us seeking to initiate some reforms in Washington. They labeled us goody-goody chic.

It printed wise sayings by veteran Members, quoted beltway insider comments about "nerds" and "reform wonks."

I suggest this article is out of step with America. People demand change. That means some reform here in this House.

Mr. Speaker, this morning I joined with my colleague, BOB INGLIS, the gentleman from South Carolina, and several grassroots organizations in launching a coordinated national effort to implement Federal term limits, which in many ways is the mother of all reform.

More than 22 million Americans have overwhelmingly voted to limit the terms of Congress. A full 36 percent of this body is already bound by term limits.

Mr. Speaker, I urge the leadership of this Congress to stop throwing roadblocks in the way of those of us who believe in a citizen Congress and who respect the wishes of the American people for change.

Mr. Speaker, I urge the majority leadership to help us move Mr. INGLIS' legislation.

NO PORK IN THE STIMULUS PACKAGE? WRONG

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, yesterday President Clinton, in his concluding remarks during his news conference, said there was not any pork in his economic stimulus package, that there were no swimming pools, no movie theaters, no beachfront parking garages, et cetera, et cetera.

I want to tell you, Mr. Clinton, that is a lot of baloney because they are in there. As a matter of fact, on Tuesday, February 23, Hon. Henry G. Cisneros, Secretary of Housing and Urban Development, appeared before the Subcommittee on Veterans' Administration, HUD, and Independent Agencies, and he brought with him a list of all the projects that were going to be funded.

If you will look, Mr. President, if you are paying attention, on page 983 you will find Mr. Cisneros' remarks about these projects and about how they were going to create jobs.

Mr. President, don't try to mislead the American people. That bill is laden with pork, waste, fraud. That is not what the American people want; they want that deficit cut and they don't want more taxes.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Indiana has expired.

The Chair would like to remind the Member to address the Chair and not anyone else.

BIG SPENDING—BUSINESS AS USUAL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today the House will consider a $508.5 million reauthorization of the family planning amendments.

This is a $96.5 million increase and requests a 55.5 percent increase for fiscal year 1993 spending over the current appropriation for the title X program.

I cannot believe that we are continuing to ask the American taxpayer to pay for such huge increases in these programs, day after day, month after month, year after year. This is just ridiculous.

Mr. Speaker, it is business-as-usual around here. It is the same old lipservice that has frustrated the American taxpayer, and gotten us where we are today, over $4 trillion in the hole.

No matter how one feels on the divisive issue of abortion, this bill should be defeated on fiscal grounds alone.

I am sure this legislation will pass and once again we will prove that all this talk about spending cuts is a charade, a hoax, a cruel joke on the American people.

☐ 1310

PRESIDENT CLINTON IS DISARMING AMERICA

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, President Clinton is disarming America. The world is still a very dangerous place. In the former Soviet Union, in Bosnia, in the Middle East, in North Korea, we see signs of danger, and President Clinton with his $127 billion in defense cuts is responding with weakness.

Will Rogers once said, "You can always tell when a war is about to come. It is when America starts disarming."

Mr. Speaker, President Clinton is disarming America.

THE TRUE STORY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. BENTLEY. Mr. Speaker, last year Congress acted positively in supporting the American automobile industry by affirming a 25-percent tariff on minivans and sports utility vehicles. Now the President has supported that congressional action by questioning why the Federal Government gave a $300 million a year freebie to Japan by reducing the tariffs.

The Japanese Government threatened to take this minivan dispute to the General Agreement on Tariffs and Trade [GATT] if the United States Government persisted in labeling the MPV as a truck for tariff purposes, and the van, also. We originally got into this situation of renaming trucks as cars because the Treasury Department overruled Customs on the classification of MPV's and vans. The chart on MPV's shows just what the inconsistencies are. It is a truck with 2 doors, a car if it has 4 doors—and a truck for CAFE purposes. If it is built like a truck—taxed like a truck—exhausts like a truck—then it is a truck. The freebies should stop. The President is right. Buy American.

HOW ABOUT BEFORE THE LAST 12 YEARS?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what I wanted to talk about is we have heard so much in the last couple days about the horrible atrocities of the last 12 years, so I went back and I said, "Well, what about before the last 12?"

And because there are so many people who are interested in saying the last 12 were so horrible, here is what we had for the 4 years before the

Reagan Presidency: 1979–80, the worst inflation in the country in 60 years, 3 to 4 percent under Ronald Reagan.

Interest rates, 21 percent, the highest in 120 years, cut in half under Ronald Reagan.

The weekly wage of American earners, down 9 percent on an average. The median family income down 5½ percent, the highest single tax increase in the history of the United States, auto loans 17 percent, fuel costs doubled.

The Misery Index, which the Democrats used to decry President Ford at that time, of course, that is unemployment plus the inflation rate, under President Ford was 13.2 percent. Under Jimmy Carter, the great humanitarian, 21 percent. Under Ronald Reagan, down to 9.2 percent.

Twelve years of misery? I think not. Look at the statistics, 18½ million new jobs created during that period of time.

I regret there is not more time to talk about these years, but I will do so in the future.

PROVIDING FOR CONSIDERATION OF H.R. 670, FAMILY PLANNING AMENDMENTS ACT OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 138 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 138

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered as read for amendment under the five-minute rule. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The amendment in the form of a motion to strike specified in the report to be offered by Representative Bartlett of Maryland shall not be in order if the text proposed to be stricken has been rewritten in its entirety by earlier amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 2. House Resolution 81 is hereby laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to my New York colleague, the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. WALKER. Reserving the right to object, Mr. Speaker, do I understand correctly that during the debate on the rule that we are about to take up there was a discussion in the Rules Committee with regard to this rule and future rules that would come up in which the gentlewoman from New York and her colleague, the gentleman from South Carolina, said fairly clearly in the Rules Committee that they did not believe that the House should ever again be allowed to have an open rule and that we should resolve all these things in committee and that the House floor should be a place that only ratifies action taken by the committees.

Ms. SLAUGHTER. Mr. Speaker, I am afraid the gentleman from Pennsylvania is wrong again. No; that was not the discussion.

Mr. WALKER. That discussion did not take place and we will not find any committee transcript indicating that kind of discussion?

Ms. SLAUGHTER. There was no discussion in the Rules Committee as to what kind of rules should be put forward in the future.

The gentleman from Pennsylvania [Mr. WALKER] may be referring to a comment that I had made at one point that what had happened in the past when the Department of Education was being discussed here on the floor is that the debate went on for a solid month. That is the only remark that was made.

I do not recall the gentleman from South Carolina saying anything about that at all.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I am a little disturbed by the answer that my good friend, and she is my good friend, the gentlewoman from New York [Ms. SLAUGHTER], has just given, because I just sent upstairs to try to get the transcript of what took place.

I have to tell my friend, the gentleman from Pennsylvania, that I was outraged and I said that some of those remarks were absolutely absurd that took place up there, because I was alarmed at what seems to be a pattern now that is taking place.

As a matter of fact, I am pointing out in my remarks here a little bit later that back in 1977 and 1978, about the time that the gentleman and I came here, that we had under Speaker O'Neill a fairly fair system of free and open debate with open rules on this floor.

Eighty-five percent of all the rules that came to the floor came here in an open rule process in which any Member from 435 areas of this country could stand up and offer legitimate, reasonable, germane amendments to any party of the bill.

In the course of the years since 1977 and 1978, this Rules Committee, governed by the King—I call him a King instead of a Speaker—has shut down these rules, so that in the last term of Congress two-thirds of every rule that came on this floor was shut down, was gagged, and Members of this House could not offer amendments on the floor.

I think what the gentleman from Pennsylvania [Mr. WALKER] is talking about is a colloquy that I believe the gentleman from South Carolina [Mr. BUTLER DERRICK] had with some of the Members who were testifying in which it was inferred—and I have to say that my good friend, the gentlewoman from New York [Ms. SLAUGHTER], later engaged in another colloquy which to me inferred that in the future we are not going to have Members have the right to come on this floor under the 5-minute rule and offer germane amendments to any piece of legislation, that in the future it was going to have to go through the normal committee process.

In other words, if you have got 25 Members serving on the Labor committee, only those 25 Members are going to have the right to have amendments considered on this floor or in the Foreign Affairs Committee or in the Ways and Means Committee.

□ 1320

That to me is the most undemocratic statement I have heard since I have been in this Congress, and that is the issue I said was so absurd up there the other day, and that is what we are going to put a stop to in this House because we are not going to let this continue.

Mr. WALKER. Mr. Speaker, further reserving the right to object——

Ms. SLAUGHTER. Mr. Speaker, could we have regular order, please?

Mr. SOLOMON. What did you say? You are trying to shut me off?

Mr. WALKER. Reserving the right to object——

Ms. SLAUGHTER. Mr. Speaker——

Mr. WALKER. Mr. Speaker, reserving the right to object——

Ms. SLAUGHTER. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentlewoman from New York [Ms. SLAUGHTER] withdraws her unanimous-consent request.

The gentlewoman is recognized for 1 hour.

Mr. WALKER. Mr. Speaker, we will continue this later.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

Can the gentlewoman withdraw her unanimous-consent request without getting unanimous consent?

The SPEAKER pro tempore. Yes, she can, since it has not yet been granted.

Mr. BURTON of Indiana. That is what the Parliamentarian just said?

The SPEAKER pro tempore. That is the ruling of the Chair.

The Chair now recognizes the gentlewoman from New York [Ms. SLAUGHTER]

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 138 is the rule providing for the consideration of H.R. 670, the Family Planning Amendments of 1993.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

No amendment to the bill is to be in order except those amendments printed in the report to accompany the rule. The amendments are to be considered in the order and manner specified in the report. Except as specified in the report, the amendments are not subject to amendment, nor to a demand for a division of the question.

The Bartlett amendment to strike language in the text of the bill shall not be in order if that language has been rewritten in its entirety by the adoption of an earlier amendment.

The rule makes in order all the germane amendments submitted to the Rules Committee except for two; in both cases, those amendments had not been offered at the Energy and Commerce Committee, nor had the issues they raised been discussed there despite their potentially far-reaching effects on title X Programs.

The rule provides for one motion to recommit with or without instructions.

Finally, the rule provides that House Resolution 81, the earlier rule to provide for consideration of H.R. 670, be laid on the table.

Mr. Speaker, I urge my colleagues to join me in strongly supporting H.R. 670, the Family Planning Amendments Act of 1993, the bill for which the Rules Committee has recommended this rule. While title X of the Public Health Service Act was first enacted in 1970, its programs have not been reauthorized since 1985. This overdue legislation will ensure the continued availability of a variety of essential family planning programs and activities.

Let me share with you why this legislation is fundamental. Title X provides a diverse array of health care services to 4 million beneficiaries in over 4,000 clinics across the country every year. Its prime focus is family planning services and education. Under the provisions of this bill, clinics will be able to provide accurate and complete information and counseling on a patient's full range of contraception and pregnancy options.

Women who receive these vital services under title X are just as entitled to complete and accurate information about their health care options as are beneficiaries in private health plans. Passage of this bill will guarantee the end of the previous administration's attempts to impose censorship on poor women's medical care options, threatening the health of low-income women and their families.

In addition to reproductive health services and family planning counseling, title X clinics also often provide access for many women to preventive health care services such as screening for breast and cervical cancer, diabetes, and high blood pressure. These comprehensive medical services are cost-effective investments to preserve our Nation's health.

Finally, title X also supports training, education, and research related to family planning, including the training of 14,000 health care providers to provide family planning services at title X clinics.

One thing title X cannot fund is abortion. Let me repeat that. Despite the opponents' attempts to muddy the issue, no funds under this bill can be used for abortion. What this bill allows is that when a patient makes a request, she can receive complete and objective counseling on all pregnancy management options. Furthermore, H.R. 670 mandates that grant recipients which provide abortion services with nonfederal funds must comply with State parental notification or consent laws.

The text of the reported bill is exactly the same as the House-passed version of this authorization in the 102d Congress. Regrettably, President Bush chose to veto that bill. Fortunately for the women of our Nation, the current administration supports enactment of this bill and notes that "the provisions in the bill requiring projects to provide complete information regarding pregnancy management are consistent with the President's recent directive to suspend and revoke the gag rule."

I commend Chairman WAXMAN for again bringing to the floor this vital legislation to ensure American women have access to all relevant medical information when making reproductive choices.

I ask my colleagues to support the rule so that we may proceed with consideration of this important legislation.

Mr. Speaker, at this time I yield, for the purpose of debate only, to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman from New York [Ms. SLAUGHTER] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I think by now most of our new Members are aware that there are actually two kinds of House rules around here. There are the standing rules that we adopted on opening day, presumably to guide our committee and floor deliberations for the next 2 years. Then there are these special rules which are resolutions reported by the Rules Committee to permit important bills to be considered out of order, and to establish the procedures for their debate and amendment.

Mr. Speaker, in the not-too-distant past, most of these special rules allowed for an open amendment process. Back in the 95th Congress, when Tip O'Neill was the Speaker, in 1977 and 1978, for instance, 85 percent of all of these rules allowed any and all Members to offer germane amendments—any one of the 435 Members. But, I say to my colleagues, all that has gradually changed over the years until in the last Congress, fully two-thirds of any rules that came on this floor limited the amendment process on important bills, and so far in this new Congress, eight out of eight rules have been limited, in other words, all of them, 100 percent.

Mr. Speaker, I think the time has come to rename these special rules King's Rules, because they seem to conform to the rules laid down by the King of Hearts at the trial of the knave in "Alice in Wonderland."

Do any of the Members have grandchildren? I just read this story to my grandchild the other day. I suggest you go back and reread it.

My colleagues will recall that when Alice was called as a witness, the King suddenly pronounced, "Rule Forty-two: All persons more than a mile high to leave the court."

Well, Alice protested that she was not a mile high, and she added, "That's not a regular rule; you invented it just now."

To which the King replied, "It's the oldest rule in the book."

Well, Mr. Speaker, things have gotten curiouser and curiouser in this House, and today we are operating under the King's Rules, right out of "Alice in Wonderland." We ought to be ashamed of ourselves.

Mr. Speaker, as much as we might protest that this is not a regular rule, and that the majority has just invented it, we are told that this is the oldest rule in the book: The King makes the rules around here, and they are subject to change at any time. And boy, are they ever.

Today is an example of just how absurd all this has become. Back on February 16, our Rules Committee reported a rule that allowed just one amendment to the family planning bill—an amendment by the gentleman from Virginia [Mr. BLILEY], who is sitting right behind me, requiring parental notification on abortions for minors.

The following day, February 17, the Democrat leadership pulled that rule, just as it was about to be brought up here on the floor, and nothing further was heard of it for more than a month. Yet we did not have anything on the floor for action. We had, I believe, one bill a week.

Then last week the chairman of the Rules Committee announced that he was reopening consideration for a new rule and Members could again file amendments they wished to offer.

□ 1330

Mr. Speaker, even though the Committee on Rules had rejected seven out of eight amendments submitted on the first go around, the Democrat chairman was now inviting Members to offer even more amendments. To me that was a hopeful sign that we would now have an open rule, or at least a modified open rule, making in order all of the amendments that were submitted up there.

But as it turns out, the Democrat majority had not been overcome by a sudden fit of guilt, fairness, or generosity. In point of fact, the Democrat leadership feared that the one amendment that had been made in order might just pass. So to counteract that possibility, they had to reopen the entire amendment process in order to neutralize that one amendment, and that is what this new rule is all about, neutralizing the opposition.

Talk about democracy. Oh, it is true that the Committee on Rules has made in order four other amendments submitted by Republicans. But, just as with the Bliley amendment, in two of those instances they allow a Democrat to trump the Republican amendments with a watered-down second-degree amendment so there will not be a legitimate vote on any Republican amendment. And in one instance they even allow a Democrat to totally preempt a Republican amendment that they made in order with another amendment, so that if that is adopted, it would preclude the Republican from offering it at all.

Mr. Speaker, you talk about cuteness. These are supposed to be representatives of the people of this Nation, not Members being cute.

Mr. Speaker, this new two-step rule process has been a complete sham and a shell game, allowing the Democrat majority to reopen the amendment process so that Democrat-trumped amendments can be offered. We might as well rename this Committee on Rules the trump shuttle. We show our hand first, then the Democrats shuttle back to the Committee on Rules to produce some kind of a trump card that knocks our hand out.

Mr. Speaker, just as when the king said to Alice that rule XLII requires that all persons over a mile high must leave the court, the Democrat leadership is saying that according to their king's rules, anyone with an amendment with a chance of passing will not win, and they will guarantee it.

It is a little like the Queen of Hearts put it at the same trial: First you get the sentence, then you get the verdict.

Here in the king's House you are sentenced to death by the Committee on Rules before the jury of your peers, the full House, can pronounce itself on the merits of your amendment at all.

I will put it another way, Mr. Speaker, and I hope Members back in their offices are listening. Free thinking and free voting Representatives can forget about participating in the legislative process. The rules are automatically rigged against them, unless they are doing the bidding of the Democrat leadership or the Democrat administration.

Well, welcome to the Committee on Rules. Instead of a kangaroo court, we have got a king of the rule court, right out of Malice in Wonderland. No, I am not tonguetied; Malice in Wonderland.

Mr. Speaker, I was amazed to read in last Sunday's Washington Post that one freshman Democrat was quoted as saying, "First and foremost, we are here to enact a substantive agenda." He goes on to say, "Whether or not we have open or closed rules will not affect the day-to-day lives of ordinary citizens."

Change? Mr. Speaker, I think there is a serious disconnect here on the part of some of the Members, too many of them, perhaps on the relationship between process and policy.

Let me put it bluntly: If you do not fight to be a part of this process, you are not going to have a dime's worth of influence on the policy. It is just that simple.

I did not come here for that, and I hope you did not. If you do not realize that every time you agree to one of these restrictive rules you are not only disenfranchising yourself, but you are disempowering your constituents as well, then you sure have a lot to learn about both procedure and policy.

Mr. Speaker, maybe to some Members that does not make any difference. Maybe they are more comfortable letting their Democrat leadership and Democrat administration make their decision for them. Maybe they prefer to be spared the pain and the work involved in being a real player around here. But let me caution Members right now: This kind of automatic pilot mentality will not land them safely back in their districts come election time. Mr. Speaker, Members will be held accountable for the decisions made by this Government, regardless of whether they are actually involved in it or not, and it just will not do for them to claim they were just following orders.

Mr. Speaker, if those policies turn out to be wrong and they fail, Members are going to learn real fast about term limits. There are 63 new Democrats over there. Just continue to be yes men. They should continue ignoring why their constituents that sent them here—it was for change. Remember that word? On the day after the election, just 19 months from now, it is right around the corner, they are going to wake up and find their term has been limited to one.

Mr. Speaker, that is right. Half of them will be gone. I have seen it happen year after year for 15 years. And they wonder, "What did I do wrong? I followed my Democrat leadership."

Mr. Speaker, I would appeal to Members on both sides of the aisle, do not stand blindly and idly by while your basic rights and those of your constituents are being stripped away. This is not a partisan matter. This is about a role of the people's branch, and your place in it. If you do not fight for it now, you will soon be out of it. You had better think about that.

Mr. Speaker, at this point in the RECORD I include extraneous material, including the rollcall votes in the Committee on Rules, including the rollcall vote where every Democrat voted party line against my amendment, the Solomon amendment, banning HIV-AIDS infected immigrants from coming into this country.

ROLLCALL VOTES IN THE COMMITTEE ON RULES ON MOTIONS OFFERED TO THE PROPOSED RULE ON THE FAMILY PLANNING AMENDMENTS (H.R. 670)

1. Solomon motion.—For an open rule plus Solomon amendment #9 (see attached summary of amendments) barring aliens with AIDS from permanent immigration. Rejected: 2–7. Yeas: Solomon and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Wheat and Slaughter.

2. Goss motion.—For an open rule. Rejected: 2–7. Yeas: Solomon and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Wheat and Slaughter.

3. Solomon motion.—To make in order Dornan amendment #6. Rejected: 2–7. Yeas: Solomon and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Wheat and Slaughter.

4. Goss motion.—To make in order Smith (NJ) amendment #8. Rejected: 4–5. Yeas: Moakley, Hall, Solomon and Goss. Nays: Derrick, Beilenson, Frost, Wheat and Slaughter.

5. Solomon motion.—To make in order Solomon amendment #9. Rejected: 2–8. Yeas: Solomon and Goss. Nays: Moakley, Derrick,

Beilenson, Frost, Bonior, Hall, Wheat and Slaughter.

6. Solomon motion.—To make in order Bartlett amendment #1 even if Waxman amendment #20 is adopted (note: the pending rule precludes Bartlett from being offered if Waxman is adopted). Rejected: 2-8. Yeas: Solomon and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat and Slaughter.

7. Derrick motion.—To report rule as moved. Adopted: 8-2. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat and Slaughter. Nays: Solomon and Goss.

Amendments Submitted to the Rules Committee on H.R. 670, The Family Planning Amendments Act of 1993

1. Bartlett.—Strikes language in the bill clarifying that the conscience clause exemption applies to either an individual or a project and, in the case of a provider, that the patient must be referred to a provider that will provide information.

2. Bliley.—Prohibits the provision of Title X grants to a provider unless that provider agrees that it will notify a parent or legal guardian of a minor seeking abortion services, and at least 48 hours have elapsed. Provides the following exceptions: (1) a doctor certifies that the abortion was necessary to prevent the death of the minor and there is insufficient time to provide the notice; (2) the pregnancy results from incest with a parent or the minor has been at risk of sexual abuse, child abuse or child neglect, provided that the physician notifies state authorities of the known or suspected abuse; (3) in cases where the provider complies with a state or local law which requires parental notification or consent and provides for no waivers or a waiver only for one or more of six stated circumstances.

3. DeLay.—Requires that information on pregnancy management options be given only by a counselor who has a professional degree in medicine or osteopathic medicine, nursing, clinical psychology, an allied health profession, or social work.

4. DeLay.—Requires that Title X grants be given to State health and human services agencies rather than directly to the public or nonprofit private entities.

5. Solomon.—Requires the Secretary, in carrying out duties under the Immigration and Nationality Act, to consider infection with AIDS to be a communicable disease of public health significance.

6. Dornan.—Requires a specific means test to establish "low-income family" under Section 1006 of the Public Health Service Act. This would include counseling services on contraception as well as pregnancy management options. Also specifies that, for minors, the determination of income will be made without maintaining confidentiality between the minor and the minor's family.

7. Burton.—Prohibits the provision of Title X grants to providers unless the provider agreed to distribute condoms which meet minimum FDA standards and provides counseling in the use of the condoms.

8. Smith of New Jersey.—Codifies that a Title X project must be kept separate and distinct, financially and physically, from any abortion-related activities.

Amendments Submitted Pursuant to Second Deadline: March 22, 1993

9. Solomon.—Prohibits the permanent admission into the U.S. of immigrants who are infected with the HIV virus (identical to Senate-passed language on NIH Authorization).

10. Johnson of Texas.—Withdrawn.

11. Baesler.—Withdrawn.

12. Baesler.—Withdrawn.

13. Kolbe.—Withdrawn.

14. Johnson of Texas.—Withdrawn.

15. Waxman.—Second degree amendment to the DeLay amendment. Adds to list of those allowed to provide pregnancy counseling, persons who meet criteria established by the Secretary and persons who are allowed to provide such counseling under State law.

16. Waxman.—Second degree amendment to the Smith (NJ) amendment. Requires that grantees maintain sufficient records to demonstrate that no Federal funds were used to provide abortion services.

17. Waxman.—Second degree amendment to the Bliley amendment. Restates the bill's provisions requiring that grantees abide by State law regarding parental notification for minors seeking abortion services with private funds and clarifies that State law is to be used to define the term "minor."

18. Waxman.—Second degree amendment to the Burton amendment. Clarifies that family planning clinics may only give out condoms that meet applicable existing FDA requirements regarding labeling and quality control, and any subsequently developed requirement on prevention of pregnancy and sexually transmitted diseases.

19. Waxman.—Second degree amendment to the Dornan amendment. Defines the target population of the family planning program to be individuals at 185% of the official poverty line and those whose economic status might otherwise prevent their participation.

20. Waxman.—Clarifies that referral for pregnancy management options is not required of an individual provider with objections of conscience but that the project receiving funds must make arrangements for such referral.

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	8	0	0	8	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Congress, through Mar. 17, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0 R–3)	PQ: (264–176. A: 259–164. Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: Motor voter	9 (D–1; R–8)	1 (D–0; R–1)	PQ: (248–171. A: 249–170. Feb. 4, 1993).
H. Res. 81, Feb. 16, 1993	MC	H.R. 6: Family planning	8 (D–0; R–8)	1 (D–0; R–1)	
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0	PQ: (243–172. A: 237–178. Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: (248–166. A: 249–163. Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: (247–170. A: 248–170. Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

H. Res. 138—Providing for the Consideration of H.R. 670, the Family Planning Amendments Act

(An amendment in the nature of a substitute offered by Mr. Solomon)

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole on the State of the Union for consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistant under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

Mr. Speaker, I urge all Members to strike a blow for democracy by voting no on the previous question. Get some guts over there. I used to do it against my own party. Vote down this gag rule and vote yes on my amendment to keep those immigrants that are infected with HIV virus out of this country. Your constituents will appreciate that.

Ms. SLAUGHTER. Mr. Speaker, I presently have no requests for time, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS], a new and very viable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I find it hard to say more articulately or more passionately what the distinguished ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON] has just enunciated.

I think our task here is to try and acquaint all the Members and all the audience and the leadership with the problems that we have got with the Committee on Rules.

Mr. Speaker, the President invited Republicans to participate in the legislative process and policymaking. But the Democratic leadership on the Hill has contrary ideas. It is using the Rules Committee to block substantive Republican contributions. The Democrat-controlled Rules Committee has implemented a systematic and wholesale denial of Republican amendments—to date in this Congress we have had eight closed or restrictive rules and no open rules. A few Republican amendments actually were allowed today, but they have been thoroughly gutted by a special process involving so-called second-degree amendments to cancel them out.

The President has invited us in but the Democrat majority on the Rules Committee has slammed the door in our face and pulled away the welcome mat. The majority here has apparently determined the best way to end gridlock is to terminate the democratic system. The surviving descendant of gridlock is a growing monster we could call step-lock. The Democrats are not taking any chances. They march in unison—in lock step—to close off sensitive debate, despite their overwhelming majority. It was not enough that the majority leadership strong-armed the Rules Committee to grant a mostly closed rule for this bill 1 month ago, allowing only 1 of 8 amendments filed, allowing for an amendment to ensure that parents are notified when their children seek abortions. The Democrats pulled that bill and directed the Rules Committee to create a series of perfecting amendments that deflect votes on relevant and substantive proposals offered by several Members.

Do not be fooled by the word "perfecting" used to describe the amendments offered by Mr. WAXMAN. Those so-called perfecting amendments do little more than gut the minority amendments. It is a process that pretends to give us a bigger picture—but yanks the magnifying glass away when the time comes to vote. Some legitimate Republican amendments were closed out entirely—like those offered by Mr. SMITH of New Jersey, Mr. DORNAN of California, and Mr. SOLOMON of New York—to address serious concerns about the proper use of public funds and public health. This bill seeks to boost title X funding by 56 percent over current levels in the next 2 years. Just days after approving the single largest tax hike in history when all Americans are being asked to sacrifice—is it appropriate to implement a 56-percent increase in this program at this time? And how does this issue—which Mr. WAXMAN has described as one of great public health significance—impact the First Lady's Health Care Task Force, known by some as Hillary Health which will not be revealed until early May?

And what about the public health matter of opening our national borders to immigrants known to be infected with the AIDS virus? By refusing to allow clean votes on these very crucial public health questions, the majority is gagging this House. We are talking about explosive medical cost questions that affect each American in a very personal way. Mr. Speaker, the Democratic leadership may have concluded that Republicans do not matter. But Republicans represent Americans, too. This is the people's House and the people have a right to be represented by each of the 435 Members they sent here. Please defeat the previous question and vote down this rule.

□ 1340

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I rise in strong support of the bill, and in opposition to the Bliley recommittal motion and the other proposed first amendments.

Title X is an important source of low cost, primary health care services for many poor women. It is part of our Nation's health care solution, not part of the problem. The program is also part of the solution to the abortion problem. I support title X as a legitimate part of a comprehensive effort to prevent unintended pregnancies and thus prevent abortions. It is instructive that those most strongly opposed to choice are also those most strongly opposed to effective voluntary family planning.

The gag rule—which the new President lifted recently—is offensive to American values and contrary to sound medical practice. The American people understand that a system of regulatory controls on factual information, controls on medical professionals, and abrogation of the rights of poor women does great damage to the fabric of our democracy. It is good that the gag rule will be permanently reversed by this legislation.

Mr. Bliley's proposal relating to the issue of parental involvement in abortion decisions should not be supported. H.R. 670 has already been drafted to ensure that it does not interfere with State laws on notice and consent. A provision was put in the bill to protect State parental notice and consent laws and should be left undisturbed.

It is also important to note that the Bliley motion does not contain appropriate provisions for a judicial bypass. The Supreme Court has required such a judicial bypass mechanism in past decisions and the Bliley motion, if adopted, would be an intentional invitation to litigation, and could well be found to violate constitutional standards.

Several other amendments may be offered today. They are all aimed at undermining title X and should be rejected. Mr. DELAY's amendments would have the effect of raising program costs and cutting back services. He would also effectively terminate many of the grantees who are currently doing excellent work under difficult conditions. And Mr. BARTLETT is proposing an amendment that would effectively reimpose the gag rule by allowing facilities that do not counsel or refer on all options to be funded under the program.

These amendments should be rejected and the underlying bill passed.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY], the distinguished ranking subcommittee member of the Committee on Energy and Commerce.

Mr. BLILEY. Mr. Speaker, I rise in strong opposition to this rule. It was approximately 1 month ago that the Rules Committee reported out House Resolution 81, which made my amendment on parental notification in order. Under this rule, all Members of the House would have been given the opportunity to vote on parental notification regarding abortions involving minors.

However, the Democratic leadership pulled the title X reauthorization from the floor when it became clear that the leadership was uncertain whether it had the votes to defeat my amendment.

The Democratic leadership sent the bill back to the Rules Committee in order to assure a rule that would give them the outcome they desired. This new rule attempts to provide a flimsy fig leaf of democracy by providing for some additional amendments. However, we all know that the primary goal of this new rule is to allow the Health Subcommittee chairman to offer a second degree amendment that completely guts my amendment.

Members should realize that Congressman WAXMAN's substitute is clearly a sham substitute which barely adds several new meaningless words to the underlying text of H.R. 670. Clearly, its only intention is to prevent a clean vote on my parental notification amendment.

Mr. Speaker, this body is supposed to represent democracy at its finest. Unfortunately, that has been far from the truth in recent days. I urge my colleagues to restore credibility and integrity to more debate process in this Chamber and to reject this bogus rule.

Mr. Speaker, I was at the Committee on Rules and I was present when the discussion took place between the gentlewoman from New York and the gentleman from South Carolina as to whether amendments were considered in committee and whether they should all be considered in committee or not. Indeed, the gentleman from South Carolina asked me if my amendment had been considered in the committee, and I assured him that it had. Whereupon, he remarked that "Then you are clean," and I said, "Well, I hope I am always that way."

So there was a discussion, and I would invite Members to look at the transcript that was taken at the Committee on Rules and to see for themselves what occurred or what did not occur.

Mr. Speaker, I thank the gentleman for yielding time to me.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, I rise to speak in favor of this rule and in favor of H.R. 670, the reauthorization of the Title X Family Planning Program. I have served as a volunteer with a family planning organization that has used title X funds to provide family planning services to low-income families. I also received the old office of a former Member of this House, George Bush, and before he underwent an ultimately unsuccessful political transformation, he was an original cosponsor of the Title X Program.

Mr. Speaker, the Title X Program is cost-effective. In addition to grants to State and local governments, the program uses low-cost nonprofit providers. Every $1 spent on family planning services saves $8 to $10 or more in future costs. The Title X Program improves maternal and child health. The Title X Program strengthens families. From personal experience, I know the program works, and works well, and so does every other Member of this body.

However, for the past decade, reauthorization of this program has been held hostage to politics. Two prior administrations thought it more important to score points than to serve people. The other side last time complained bitterly that the rule allowed too few amendments; now, the minority complains equally bitterly that the rule allows too many amendments. Once again, men on the other side of the aisle are trying to make innocent women and families bear the cost of their political posturing, by linking this program to some totally unrelated and nongermane issues. Prior and identical versions of this bill were thoroughly debated by this House. It's time to stop playing games with peoples' lives, to adopt this rule, and to reauthorize title X.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey [Mr. SMITH], one of the real leaders of this House.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, yesterday I testified and asked the Rules Committee to report an open rule for the consideration of H.R. 670 because the Family Planning Amendments Act of 1993 is an authorization bill and by definition, establishes the basic parameters of the program.

An open rule, it seemed to me, would be more likely to permit the House to work its will.

The Rules Committee instead opted for business as usual—allowing only a few amendments to be in order and has so crafted the rule that it is highly unlikely some important pro-life amendments permitted under the rule will even get a vote.

The rule before us is unfair, belittles the legislative process, and in a word, is a sham.

Mr. Speaker, I had hoped to offer an amendment designed to mitigate and perhaps even end the occurrence of a blatant conflict of interest—both ethically and financially.

That conflict of interest exists when title X projects also operate as abortion mills. My amendment would simply have required that a title X clinic be kept separate and distinct, financially and physically from the performance of abortions. It was and is a rather modest proposal.

HHS has compiled a list of at least 39 nonhospital title X clinics that are colocated with abortion mills. The fundamental difference between the provision of birth control and the chemical poisoning or dismemberment of babies by abortion should not be blurred, especially when a fee is collected for each baby aborted. Additionally, now that Mr. Clinton has, by Executive order, mandated referrals for abortion as a method of family planning, title X clinics are free to refer mothers for abortion at their own abortion mills. It doesn't take a rocket scientist to understand the consequence of this—more abortions and an obvious conflict of interest.

When you consider that one major title X recipient—Planned Parenthood—performs or refers for over 200,000 abortions per year which means that Planned Parenthood kills 1 million kids every 5 years. The need for physical and financial separation to avoid a conflict of interest is compelling and obvious.

In their September 24, 1982, report, the General Accounting Office [GAO] said that "HHS needs to set forth clear guidance on the scope of abortion restrictions in its title X program regulations and guidelines." The GAO report further addressed the issue of "organizationally separating the title X family program" from abortion-related activities.

The GAO report cited a Brooklyn, NY, clinic that operated a family planning clinic and an abortion clinic at the same location. They conducted abortion clinic hours from 8:30 a.m. to 10 a.m. 4 days a week and then shifted to family planning and abortion postoperative hours from 10:30 a.m. to 5 p.m. "Both the family planning and abortion clinics are staffed by the same personnel, and the medical director for the family planning program generally performs the abortions for the clinic as well," the GAO reported. Obviously, this type of activity violates the letter and spirit of the title X statute.

My amendment that was not made in order carefully tracked the final rule which HHS published on February 2, 1988. It would have provided for a case-by-case review by the Department of Health and Human Services. It would have exempted large, metropolitan hospitals due to their unique circumstances and broader public purposes. The final rule also provided a great deal of latitude in the Department's dealings with rural health centers.

Mr. Speaker, Mr. WAXMAN proposed a second-degree amendment which was designed to completely gut my language while putting in its place seemingly innocuous language that says the administration and title X recipients are required to follow the law as it relates to abortion by doing some bookkeeping. Big deal.

I argued that Mr. WAXMAN ought to be offering his amendment in addition to, but not in place of, my amendment.

But that's not the little game being played here.

Each of Mr. WAXMAN's second-degree amendments are diversionary in nature and constitute a cynical attempt to preclude consideration of Mr. BLILEY's amendment, mine and others.

Question: Why, Mr. Speaker, why. Why are the pro-abortionists so afraid to let our language proceed to the floor unfettered by tricky substitute language. When you think about it, it is really an insult to the character and intelligence of conscientious Members in this body because the pro-abortion lobby seems to think you are unable to understand the shell game being played out here, or they think that you do not care.

You know, Mr. Speaker, I am disappointed—but after 13 years here, not surprised anymore. Rather than getting discouraged, though, these cheap tricks only make me and others more determined. The bottom line is that the process here is not on the up and up and that goes double on this rule and bill.

Finally, if we all wonder sometimes why so many people in and out of government have lost faith in Congress it is precisely because of these kinds of deceitful tactics.

The time for reform in this duplicitous process has come.

With the power vested in this House, especially in the majority, goes the moral responsibility to be ethical and fair. This rule flunks any standard of fairness by a wide margin. This rule—this process—is an outrage.

□ 1350

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of the rule and I want to make several points. I think it is time for common sense, too. I think it is time for common sense in letting women be able to make decisions with a minimum of hubbub about them which Congress has imposed on them, which the Federal Government has imposed on them, which this debate imposes upon them.

Indeed, ultimately it is a decision that each woman is going to have to make. We ought not to make that process more difficult in the family planning authorization language. Mr. Speaker, I oppose the Bliley amendment, and I oppose it for a number of reasons.

First of all, Mr. Speaker, it is my reading of the Bliley amendment that there is an excellent chance that it will wipe out part, if not all, but definitely part of the West Virginia parental notification statute. That is the statute that in our State was fought over and agonized over for a long period of time. It is a statute, for instance, which was one reason that I withheld support from the early Freedom of Choice Act last year, because it did not have adequate protection for a statute such as the West Virginia parental notification statute.

Yet when I read the Bliley amendment, I read that it probably imposes restrictions that our State legislature, in a rural State, has deemed not worthy of imposing.

I am concerned when I see a waiting period of the magnitude of this one, since many women in our State drive 5 or 6 hours to one of the few clinics that performs abortions and can provide that assistance. So I would say that this seems to suggest one of those undue burdens that the Supreme Court spoke about in one of its recent decisions.

I am also concerned with the incest provision, which says yes, that a minor can waive the parental notification provisions if there is incest by the parent or legal guardian. However, what about by an uncle? What about by a brother? What about by someone of that status of relationship, and not just a parent or guardian, equally as destructive in the family setting? I think that the incest provision definitely falls short here.

For these reasons, Mr. Speaker, I oppose the Bliley amendment. I think it does harm. I also believe that these issues are going to be addressed in subsequent legislation, as well.

I also walked on the floor and heard the gentleman from New York [Mr. SOLOMON] talking very eloquently about his concern about the HIV situation. I think my colleagues ought to know that the situation he is talking about, banning those with HIV, testing HIV positive, from coming into this country, that is not germane to this provision of the bill. This is Title X: Family Planning Reauthorization. It does not deal with HIV and immigration provisions.

Second, if the Members remember, those on the House floor voted only 2 weeks ago to instruct conferees on another bill that this House stood overwhelmingly in opposition to allowing those with the HIV virus to enter this country. I voted for that language, to ban those from entering this country. That is presently being worked out in conference. That is not germane to this bill. It has been acted upon by this House, it will be acted upon in the future, and that should not be used as a smoke screen to diffuse support for this rule.

I urge support of this rule and support of this legislation. Let us get on with it.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], the deputy whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to once again use the chart to demonstrate how much we have gone in the last several Congresses toward adopting Mussolini rules in the House of Representatives. Mussolini rules are those that follow the handbook of Benito Mussolini, who wanted to make the trains run on time but resorted to fascism to do that. Mussolini rules in the House are those that want to make the House run on time but destroy democracy in order to do it.

Let us see here. During the 95th Congress, just a few short years ago, about 85 percent of all the rules were open rules, in other words allowed free and open debate, allowed middle-class America to have their views heard on the House floor.

□ 1400

Guess what? As middle-class America has become more and more disgusted with the Congress, and has found what Congress is doing, undermining everything they believe in, open rules have declined to the point that in this Congress they have plunged to nothing.

Today we have another Mussolini rule on the floor that gives us no chance for open debate whatsoever.

What has happened about closed rules, as middle America has found that Congress is not doing what they wish, Congress has more and more resorted to closed rules, until we get to this Congress, when every rule brought to the floor is a closed rule.

What does that tell us? It tells us that the American people are being shut out of this body. It tells us that the Democrats' majority can no longer allow the American people to have their say.

I suggested that this was going to become a part of a pattern here in a colloquy a few minutes ago, and I was told that no such thing was said in the Rules Committee about this becoming a pattern. Now I am not allowed to quote from the transcript of the Rules Committee, but I can paraphrase it, and everything that I said was absolutely true in that colloquy between the gentlewoman from New York and the gentleman from South Carolina in which they talked about the fact that the only amendments that should be allowed on the floor under anything other than emergency conditions should be those that come up in the committee.

Well, what does that mean? It means that we are not going to have a chance for Members of Congress representing 565,000 of their constituents to have their opportunity to offer amendments on the floor. That means that middle class America is being shut out of the House floor, and it is being done purposely, and the Rules Committee has every intention of continuing the pattern.

The gentlewoman from New York referred to the fact that there was a long debate over the Department of Education some years ago, and it went on for some days. And what they do not tell you about that debate—what they do not tell you about that debate that she refers to—is the fact that they checked with their former Republican colleague, Mr. Horton, about this, and Mr. Horton was a proponent of the Department of Education. He did not like that long debate, and I will tell Members why. Because when they went into that debate they had a 100-vote margin and they were going to win the thing by 100 votes. After the debate, and after that bill was defined for the American people, they only won by four votes, because the debate did change minds.

The fact is that that is what often takes place. When you allow free debate on the House floor, when middle-class America has their opportunity to be heard on the House floor, every once in a while minds are changed. Every once in a while we move ahead.

The Democrats know that if we are able to expose their legislation and their programs to the light of day that middle-class America will not agree with them, and they will have a chance, we will have a chance of reversing some of that legislation on the floor.

They do not want that to happen, and so the trend is clear. Mussolini rules are winning. More and more of the open rules are being declined and Mussolini rules are going up, so in this Congress Mussolini wins. We have gone from having "Jefferson's Manual" to having "Mussolini's Manual" governing the House of Representatives.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I would just like to say to my Democrat friends that last week on the floor I called probably 12 or 13 votes, and I received criticism not from Democrats but from Republicans as well because it took so much time, and people wanted to go home.

What is happening is that the Rules Committee is gagging, literally gagging the Republicans to such a degree that we have no alternative but to use what rules are left to fight for our constituents. If you close off debate in the Rules Committee so we cannot propose our amendments, then you are strangling 550,000 to 600,000 people, and that is just not right.

So I want to tell my Democrat friends that regardless of the pressure I get from Republicans or Democrats, I am going to be calling vote after vote after vote after vote. And when you want to go home to see your families on the weekends, when you have an airplane to catch, and when we are calling a vote, just remember, it is not because we want to do it, it is because you are gagging the Republican minority, because you will not allow us to bring our amendments to the floor which our constituents want fully debated.

So remember what we are telling you today, not only the gentleman from Pennsylvania [Mr. WALKER], the gentleman from New York [Mr. SOLOMON], and myself, but many others are going to be calling for lots of votes that are going to cause a lot of discomfort for you, and if you want this discomfort to end, then you are going to have to start being fair with the Republican minority.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MOORHEAD], the ranking Republican on the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, I rise in strong opposition to this rule.

The Rules Committee met last month and made the Bliley amendment on parental notification in order. Floor debate on H.R. 670 was scheduled for February 16 and 17. Because of the fear that the amendment might actually succceed, the bill was pulled from floor consideration.

To preclude any possibility that the amendment might prevail, the Rules Committee reconvened to develop a new rule to make in order a second degree amendment.

Mr. Speaker, the minority is continually seeking open rules so that any Member can offer amendments, even second degree amendments. Now we are being advised that when the majority crafts a closed rule and subsequently discovers that it does not have the votes, we are just going to go back to Rules and remedy the situation.

I urge my colleagues to send a message that this is not acceptable. Vote "no" on this rule.

Mr. EMERSON. Mr. Speaker, I did not personally offer any amendments on this bill to the Rules Committee; nor did I testify. I have offered amendments in the past, however, and I do support several of the amendments which were offered and either rejected, or accepted in a watered-down form. I know all too well the frustration that comes from being effectively silenced by the heavy hand of the Rules Committee.

Having been there, Mr. Speaker, I can say honestly that I am sick and tired of minority efforts to obtain fairness not being taken seriously in this body. The majority seems to think that every time the minority tries to amend a bill, it is being obstructionist.

Does it ever occur to the suspicious majority that perhaps the minority believes—in good faith—that certain amendments are simply better public policy? That some amendments are offered in an attempt to actually improve the legislation? That reasonable minds can and do legitimately disagree on important issues, and that these voices should be heard? Things like keeping abortion separate from family planning, or ensuring that moneys intended for low-income families actually go to low-income families, or a conscience clause?

These are legitimate concerns, and I believe that at least some of them represent the beliefs of a majority, regardless of how Members feel about abortion itself. These are not obstructionist ploys.

Before the majority simply closes its ears and dismisses my complaints and those of my colleagues as whining, why not listen to an objective voice? Last month, Dr. Thomas Mann of the Brookings Institution told the Joint Committee on the Organization of Congress that the current practice of the Rules Committee has deteriorated to a "sharp partisan conflict that has brought great disrepute to the House." Great disrepute to the House. Our rules are no longer about moving legislation forward, as they once were. Our rules are about silencing voices of dissent. And yes, this type of rule has, indeed, brought great disrepute to this great House.

In the spirit of discussion, dissent, and tolerance, I will oppose the rule. I urge Members who have a sense of fair play to do the same.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, President Lincoln in his first Inaugural said, "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution." And he went on to say, "And certainly would if such a right were a vital one."

Mr. Speaker, during the last election campaign we witnessed the opening round in a political revolution that is taking place in this land, perhaps most evident, I guess, in the adoption of term-limit initiatives in 14 out of 14 States where it appeared on the ballot—14 out of 14. And notwithstanding all of the winds of change rhetoric that is swirling around this Capitol right now, the people still feel that they are not a part of this Government, that they are being shut out. And you need look no further than these gag rules for evidence that they are indeed being denied full representation, a right guaranteed them under the Constitution.

This is not a partisan matter or a mere procedural squabble. We are talking about the denial of basic constitutional rights of Members of Congress. And believe me, the people are becoming more and more aware of just how important these special rules are.

People are listening. People are watching on C–SPAN, and they know what you are doing. They know what you are doing to the minority.

So I would urge my colleagues to reverse this dangerous trend by putting the people back in the people's House, and by putting this House back in the sunshine of freedom and deliberation.

Members, term limitations. Your constituents are watching, and you had better pay attention to that.

I ask Members to vote down the previous question so that I can offer an open rule that will allow us to again offer the amendment which would ban immigrants from coming into this country with the infectious disease of AIDS.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself just a few minutes to close debate.

I think it is very apt that the gentleman from New York [Mr. SOLOMON], opened his debate talking about Alice in Wonderland, because that is exactly what we all feel, that we have fallen down the rabbit hole after we have listened to one of these debates. The truth of the matter is in the Rules Committee, that is being put at fault here, it is not that we do not allow Republican amendments, it is that we do not allow every one of them. The one the gentleman from New York [Mr. SOLOMON] refers to is obviously not germane to this bill, and as the gentleman from West Virginia [Mr. WISE] so eloquently pointed out, it is being debated as we speak in another bill that has already passed this House.

The fact is in the last bill that I carried on this floor, the NIH bill, there were eight amendments allowed, five of them Republican.

Mr. SOLOMON. Would my friend yield at that point?

Ms. SLAUGHTER. No; I will not yield. If I may, I would like to close debate.

What we have here today is invective and threats, and shouting about what the American people are wanting.

I will tell Members what they are wanting in my district. They are wanting this Congress to get busy and to do something about the direction of this country, to make sure that their children are educated, their health care is taken care of, that their job is somewhat secure.

But we spend the time here, and as I have said many times, I think what we are doing, the fact is that the veto is lost from 1600 Pennsylvania Avenue, and this is the next way to create gridlock so that the House will not be able to do any of its work.

We have deliberated long and hard. Every Member who comes to the Rules Committee gets heard. And I will submit that what we do is what we are trying to do which is best for the Rules Committee, for our colleagues, and for the country.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 5(b) of rule XV, the Chair will reduce to not less than 5 minutes the time for any recorded vote that may be ordered on adoption of the resolution, without intervening business.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 164, not voting 14, as follows:

[Roll No. 90]

YEAS—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—164

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—14

Doolittle
Dreier
Ford (TN)
Hansen
Henry
Lewis (FL)
McDermott
Pickle
Quillen
Sharp
Shaw
Swett
Torres
Zeliff

□ 1429

Mr. BLACKWELL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FIELDS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 169, not voting 14, as follows:

[Roll No. 91]

YEAS—247

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)

Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—14

Doolittle
Dreier
English (AZ)
Ford (TN)
Henry
Johnson, E.B.
Lewis (FL)
Pickle
Quillen
Sharp
Shaw
Swett
Torres
Zeliff

□ 1439

The Clerk announced the following pairs:

On this vote:

Mr. Pickle for, with Mr. Doolittle against.

Mr. Torres for, with Mr. Lewis against.

Ms. English for, with Mr. Quillen against.

Mr. TAUZIN changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Reserving the right to object, Mr. Speaker——

Ms. SLAUGHTER. Mr. Speaker, I move to reconsider the vote by which the House passed House Resolution 138.

Mr. WALKER. Mr. Speaker, reserving the right to object, Mr. Speaker, I have not objected. I am reserving the right to object.

The SPEAKER pro tempore. The gentlewoman has a privileged motion which she can offer at this point.

□ 1440

MOTION OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I move to reconsider the vote by which the House agreed to House Resolution 138.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). For what purpose does the gentleman from Massachusetts [Mr. MOAKLEY] rise?

MOTION OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MOAKLEY] to lay on the table the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 165, not voting 13, as follows:

[Roll No. 92]

AYES—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—165

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—13

Barrett (WI)
Doolittle
Dreier
Ford (TN)
Henry
Lewis (FL)
Pickle
Quillen
Sharp
Skaggs
Swett
Torres
Zeliff

☐ 1457

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 32, nays 374, not voting 24, as follows:

[Roll No. 93]

YEAS—32

Allard
Armey
Baker (CA)
Bartlett
Burton
Castle
Cox
Crane
DeLay
Dornan
Duncan
Emerson
Fields (TX)
Franks (CT)
Hancock
Hefley
Hoke
Hunter
Kingston
Livingston
McInnis
McKeon
Mica
Moorhead
Paxon
Rohrabacher
Santorum
Schaefer
Smith (NJ)
Stump
Sundquist
Taylor (NC)

NAYS—374

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Dunn
Durbin
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—24

Berman
Brown (CA)
de la Garza
Dellums
Dingell
Doolittle
Dreier
Edwards (CA)
Ford (TN)
Henry
Johnson, Sam
LaFalce
Lewis (FL)
Martinez
Meyers
Pickle
Quillen
Rangel
Sharp
Swett
Tejeda
Washington
Williams
Zeliff

☐ 1517

Mr. HILLIARD changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ZELIFF. Mr. Speaker, I was unavoidably absent for rollcall votes numbered 90 through 93. Had I been present for these rollcalls I would have voted "No" in each instance.

During these votes I was meeting with officials at the Environmental Protection Agency to discuss the findings of my citizens task force on Superfund reform.

PERSONAL EXPLANATION

Mr. TEJEDA. Mr. Speaker, during rollcall vote No. 93 on motion to adjourn I was unavoidably detained. Had I been present I would have voted "No."

FAMILY PLANNING AMENDMENTS ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS). Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 670.

□ 1517

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, with Ms. SLAUGHTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 670 is a bill to reauthorize the Federal family planning program, to overturn the gag rule on health professionals in family planning clinics, and to require that these clinics comply with State law that is in force regarding parental notification or consent for minors seeking an abortion.

ON REAUTHORIZATION

The Federal family planning program is a key element in the Nation's effort to improve maternal and child health, lower infant mortality, and lower the rates of unwanted pregnancy and abortion in the United States. Over the years, expert review and medical research have always arrived at the same common sense conclusion: The best solution to unwanted pregnancy is to prevent the pregnancy.

Unfortunately, this program has been held hostage in the abortion debate for too long. The program has been proposed for repeals, block grants, freezes, and restrictions. It has not been reauthorized since 1985 and has not had significant funding increases since its last authorization.

The tragic result is that routine contraception services have been limited over the last decade, and that has meant unwanted pregnancy and, in turn, unnecessarily high rates of both low-birth-weight babies and abortions.

With this legislation, I hope that we can expand these services and move beyond the abortion debate to the health debate. The continued use of the family planning program as a pawn in this debate is self-defeating, leaving poor women with fewer and fewer ways to prevent pregnancy.

ON THE GAG RULE

We should also move to ensure that poor women are able to get the best medical advice of the health professionals that provide them services. The Bush administration proposed regulations to limit the ability of doctors and nurses to counsel and refer patients or even to answer point-blank questions with truthful answers. This regulation—which is known as the gag rule—is bad medicine, bad law, and bad precedent. And although President Clinton has now suspended the implementation of this regulation, it is important that we move forward with legislation to guarantee the provision of accurate and truthful information to all title X patients.

H.R. 670 would permanently reverse the gag rule and replace it with a codification of the guidelines that were issued by the Reagan administration on how a family planning clinic should deal with a pregnant woman. This is a simple approach: If a patient requests information on pregnancy options, she should be given that information. It should be nondirective, it should be complete, and it should be true.

This has been the practice of the program since its inception. It was formalized by the Reagan administration. It is supported by all health provider groups, including the American Medical Association and the American Nurses Association. It should continue to be the policy of the program.

ON PARENTAL NOTIFICATION

Finally, this bill contains an amendment to require that clinics receiving funds under this program comply with any State law in force that provides for parental notification or consent for minors seeking abortions.

The first thing that I want to make explicit is that title X funds cannot be used to perform abortions. Nothing in this bill changes that policy. This amendment affects only title X clinics that provide abortions with totally separate, non-Federal funds.

The amendment requires that these clinics comply with State law that is in force on parental notification and consent. The committee took this approach because of the widely varying provisions of State parental involvement law. Some States require it, some States do not. Some States make exceptions for medical emergencies. Some States allow notification to grandparents. Some States allow counseling by clergy instead.

Rather than superceding this variety of laws, the committee chose to recognize these laws in a States' rights manner. It would be inappropriate to override State laws in this extremely complex area through a small grants program.

CONCLUSION

In closing, I would simply reemphasize that the Federal family planning program is our best hope to achieve many maternal and child health goals. To reduce unwanted pregnancy we should make family planning widely available. To lower abortion rates we should give women the ability to prevent pregnancy. Finally planning is not the problem. It is the solution. I urge Members to support H.R. 670.

□ 1520

Madam Chairman, I reserve the balance of my time.

Mr. BLILEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am unable to support H.R. 670. I simply cannot reconcile the provisions of H.R. 670 with my view that the purpose of the family planning program is to provide low-income women with the health care services necessary to plan their families.

It must be remembered that the authorizing statute for the family planning program includes a prohibition on the use of title X funds in programs where abortion is a method of family planning. H.R. 670 conflicts with the underlying intent of this provision. It does not make sense that a program originally intended to reduce abortion should provide counseling and refer women for abortions. I do not believe that abortion counseling and referrals have any place in this program.

Since the very beginning of the program it has been HHS policy to treat abortion differently from other services. Referral is a very important and integral part of title X because it is a limited prepregnancy program.

Under H.R. 670, however, title X projects will be required to treat abortion referrals on an equal basis with all other types of referrals. In no way does the bill merely maintain the status quo in regards to counseling and referral.

H.R. 670 should also be opposed because it is a budget buster of the first magnitude.

The total authorization for fiscal year 1994 is a 37.7-percent increase over the fiscal year 1993 appropriation and is 16.7 percent higher than what came out of conference just last year for 1994. As one of the first programs to be reauthorized this year, it is the wrong message to send to the American people. What happened to our commitment to control spending and reduce the deficit? Does this reflect the type of spending requests we are going to grant in this new Congress? If you give title X a 37 percent increase, how are you going to say no to all the advocates of all the other programs?

In sum, Madam Chairman, I am unable to support this bill and I urge my colleagues to join me in opposing it.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Madam Chairman, I rise to speak in strong support of reauthorization of title X of the Public Health Service Act as set forth in H.R. 670 without amendment.

President Clinton has ordered lifting of the gag rule. For the first time in nearly 5 years, this body can, without the threat of veto, authorize and appropriate resources to provide a full range of information to women about pregnancy options. For the first time in nearly 5 years, we can ensure that women who seek medical assistance through federally funded family planning clinics will have complete information on which to base the difficult and critical choices associated with pregnancy.

Free choice is possible only with complete information. Every woman who must make choices about pregnancy, benefits from complete information. Our society as a whole benefits from the decisions made by fully informed women.

I urge my colleagues not to allow any amendment to H.R. 670.

The amendment proposed by the gentleman from Virginia intrudes unnecessarily and inappropriately in an area that Federal regulation need not and should not enter.

H.R. 670 already includes adequate provision to ensure that parents are notified before abortion in States which have required such notification by State law.

This is not an area in which government should intrude. Many young women are fortunate enough to be members of supportive families whom they consult in the course of making decisions about their pregnancy.

It is the young women who do not enjoy the support and confidence of their families who alone will be affected by the proposed amendment. Federal regulation cannot create family support where it does not exist. Such requirements are far more likely to limit access to health care than to create support.

I am alarmed that more than 1½ million abortions are performed in this country every year. I am deeply concerned that so many of our teenaged young women become pregnant.

Let us direct our attention and energies to addressing the societal problems so often associated with early pregnancy.

Let us strengthen our educational system. It must speak to and stimulate all the young people of our country.

Let us strengthen our economy. People of all ages must be able to work in meaningful jobs.

Let us implement fundamental health care reform. All people must have access to quality medical care.

Authorizing title X is a good place to start. It funds a broad range of medical services to many who otherwise would receive none at all. Title X is also critical for providing information. Studies indicate that an additional 1.2 million unintended pregnancies would occur without title X funding.

I urge my colleagues to defeat the amendment and pass H.R. 670.

□ 1530

Mr. UPTON. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. MOORHEAD], the ranking member of the full committee.

Mr. MOORHEAD. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I believe the family planning program can and has served a very useful purpose in our society—to help low-income women plan their families. The key term regarding the program is planning.

Unfortunately, though, as a result of President Clinton's decision to overturn the regulations prohibiting counseling or referral for abortion, and as a result of the mandate in H.R. 670 that such counseling be provided, the program now validates abortion related activities as a means of dealing with an unwanted pregnancy. Consequently, I am unable to support H.R. 670.

I supported the regulations issued by the previous administration prohibiting title X grantees from engaging in counseling, referral for, and activities advocating abortion as a method of family planning. In my opinion, these regulations restored the integrity of the family planning program to what the Congress originally intended it to be—a pre-pregnancy program to either help women get pregnant or prevent pregnancy. I regret that both President Clinton's executive order and this bill reverse these regulations. Reversal of these regulations undeniably links abortion with family planning and as a result I must oppose passage of this legislation.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Madam Chairman, in the past few years, we have seen a basic freedom—a woman's right to consult freely with her doctor—seriously threatened—not by outsiders, but by the Government itself.

I am speaking about the gag rule—a Federal regulation which would have affected every pregnant woman seeking treatment at a federally run family health clinic.

Supporters of the gag rule wanted to limit what doctors and nurses at these clinics could tell pregnant women about options available to them, including abortion.

This is a case of big government being too much government.

Their Big Brother message to women was simple: We know what's best. The less you know, the better.

Madam Chairman, those days are over. The gag rule is dead. With his Executive order last January, President Clinton killed it. And this week, with the Family Planning Reauthorization Act, we stand ready to bury it.

No one in this country—least of all pregnant women—should be limited by their Government in the kind of information they can receive from their doctor.

I am proud to support this bill and I am proud that we have a President who will sign it.

Mr. UPTON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman a couple of years ago, I met a remarkable young woman whose story underscores why, at a minimum, the Bliley amendment must be part of the title X program.

But first let me note with sadness, that as a direct result of President Clinton's recent order, title X is back in the business of abortion counseling and referral. Also, notwithstanding an obvious conflict of interest, abortion mills under the Clinton decree can, once again, be situated under the same roof and same ownership as a federally subsidized family planning project.

As a direct result of this linkage of abortion mills with family planning providers, more babies will suffer the cruelty of being dismembered by suction machines or being poisoned with various lethal chemicals. Only the most naive would believe otherwise.

As a direct result, more teenage moms will get abortions and suffer trauma, in some cases lifelong.

By now, Americans are beginning to recognize that with every abortion, one person is dead, the other wounded.

The Bliley amendment simply requires that at least one parent of a minor be notified that their daughter is scheduled for irreversible surgery—a type of procedure that destroys an unborn child.

A parent or legal guardian has a right to know if their daughter is seeking an abortion. Which brings me to the story of Erin Rettig, a courageous young woman I've met who, like millions of other teenagers, procured a secret abortion. And now desperately wishes she hadn't and desperately wishes her mom had been notified.

Erin Rettig relates her story,

> In March of 1985, exactly six years ago, we were having sex education in my P.E. class. The class was taught by a nurse from the Oroville Family Health Center, a Title X program. I had been afraid that I was preg-

nant, and the discussions so upset me that I ran from the room crying. Both my teacher and the Health Center nurse followed me outside to talk with me.

They made arrangements for me to go to the Health Center for a pregnancy test. They asked me if I was going to tell my mother. I did not want to disappoint my mom, so I told them I did not want her to know. They said my mother would never have to know. They asked me what I was going to do if I was pregnant. I said, "I guess I'll have an abortion." They said they could help, that it would be quick and easy, and they reassured me that my mother would never have to know.

After school the next day, my teacher took me to the Health Center. * * * I cried when I found out I was pregnant. The same nurse talked to me for about twenty minutes. She never encouraged me to talk with my mother, and she never explained to me that if I wanted to keep the baby, I could get financial help, medical help, and could even stay in school. Instead, she told me that if I was going to have an abortion, it would have to be done quickly. The nurse made an appointment for me to have an abortion at a clinic in the next town.

The nurse then talked with my teacher and told her all of the steps that would have to be taken to sign me up for welfare to pay for the abortion.

Each time I was out of school my teacher had to forge my daily reports to keep my mom from finding out I was pregnant.

My teacher took me. She sent a note home to my mom asking if I could babysit all day and spend the night.

At the abortion clinic, no one encouraged me to talk with my mother. I did not meet my doctor until I was already on the operating table.

Some of what I had been told was true. The abortion was quick. But it was not easy. And my mother did have to know, because at school next week, I began bleeding, and the school had to call my mother to get permission to take me to the hospital.

While I was recovering from the emergency surgery, and from the trauma of the abortion, I learned just how much my mother loved me and how much she cared about my best interests.

All of this happened six years ago. When I think back, I wish I could do it all over again. I wish my mother had known. I wish she had been there with me to help me decide what to do.

I know that if I had been told the truth, that I would have had that baby—I would not have had the abortion. My mother and my family would have helped me during my difficult time. I know that now—I wish I had been given the chance to find that out then.

Mr. Chairman, our compassion and concern for young girls, for minors like Erin Rettig—minors—should inspire us to support the Bliley amendment no matter what the extremists in the pro-abortion lobby say.

Finally, let me say that I strongly believe that parents are usually well aware of their children's medical history and can anticipate possible complications that may accompany a surgical procedure. Parents can also provide guidance and support to a minor child who might be frightened or confused. Parental consultation is usually required for a teenager to have a tooth drilled, get an eye exam, go on a school trip or get ears pierced. Certainly, parents have a right to be involved, at least notified in life-and-death decisions such as abortion.

Dr. James Rogers, author of a study on parental notification which was published in the March 1991 issue of the American Journal of Public Health, shows scientifically that abortion rates and pregnancy rates for minor girls declined dramatically after Minnesota's parental notification law went into effect. The average abortion rate among 15- to 17-year-old minors declined by 28.3 percent, Dr. Rogers reported.

The Missouri Department of Health reported a decline of 12.5 percent in "the percentage of aborted pregnancies to minors" between 1985 and 1988. This development coincided with the enforcement of a parental consent statute that had previously been tied up in the courts.

The Bliley amendment is the least we can do to help women and young girls of our country.

Finally because H.R. 670 facilitates abortions alternative via counseling and approval, because title X family planning clinics can be colocated with abortion mills, and because substantive reform amendments were blocked from being considered—I urge a "no" vote on H.R. 670.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond very briefly to the comment by the gentleman from New Jersey. He told a story about a young woman who had an abortion who regretted it and wished her mother had known.

I want to tell a story of a young woman by the name of Becky Bell who feared, because of the State law on parental notification, that her mother and father would disapprove, so she left the State, had an abortion, and, unfortunately, died.

□ 1540

Her mother said she wished there had not been that parental notification law.

Second, notwithstanding whatever the views are and how abortion ought to be handled, this bill is not about abortion. This bill is about family planning, contraception. And the story that the gentleman from New Jersey [Mr. SMITH] told us, as I recall, had nothing to do with a clinic that got title X funds. So if he wanted the Bliley amendment, it would not have even applied to that clinic that provided abortion services.

The issue of abortion and parental notification should not be decided on this bill. It should be decided on some bill dealing with abortion. It ought to be decided at the State level, not the Federal level.

Mr. Chairman, I yield 2 minutes to a very important member of our committee, a leader on this whole question of reproductive rights, the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support for H.R. 670. This legislation allows us to take a big step forward to try to catch up for the many years of backward movement we have experienced in our attempts to provide complete information to women and families about family planning.

The past two administrations have acted as if the world was a crisp and clean television sitcom in which everything always worked out perfectly. Well, it just isn't that simple. In the real world women get pregnant and sometimes find it necessary for various, myriad reasons to select pregnancy management options. This is not something revolutionary—it is an inescapable fact.

Often the women who come to family planning clinics face the most difficult decisions of their lives without full knowledge of pregnancy management options including prenatal care and delivery, adoption, birth control pills, and devices, and so on. The least we can do is provide them with access to the complete range of information and services available.

The recent violence at clinics and medical offices across the country has heightened the volatile nature of the debate about pregnancy termination. We in the Congress must keep cool heads and send a clear signal that we are supportive of the efforts of the front-line professionals who are providing the counseling and services.

H.R. 670 would require the title X clinics to offer basic, nondirective information on prenatal care, infant care, foster care, adoption and so on. Without this information it would be impossible for these clinics to fulfill their role of adequately and totally informing their clients about family planning.

The epidemic growth in teenage pregnancy is of major concern to all of us. So too, is the growth in unplanned pregnancies by adults. Both can lead to health and social problems such as low birth weight babies, unloved children and recurring generations of poverty, to name a few.

Family planning clinics provide a significant portion of the information that reaches our poorest citizens on issues that will have a lasting impact on their lives. What we do here today matters. It matters to the woman who is facing the most traumatic decision of her life. It matters to the young family trying to plan for its future. It matters in the most basic and personal way.

As this debate progresses in the House and in the other body you will hear from a variety of speakers who will offer amendments under the guise of improving the bill. I urge my colleagues to carefully evaluate these attempts to weaken this legislation. Many would try to decrease the effectiveness of this program with Trojan horse-like measures which appear to be tiveness of this program with Trojan horse-like measures which appear to be reasonable, but all too often make the work of these clinics less accessible to women.

Mr. Chairman, I heartily endorse H.R. 670 and urge my colleagues to support its passage.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I sincerely regret that so much of the debate on this bill has centered on the issue of women's rights and abortion.

In fact, this bill does little to advance women's rights because it does little to change national policy: What it does with respect to those issues is merely to codify policies that already exist by virtue of President Clinton's Executive order dated January 22.

The bill does do one thing, however, that the President cannot do without congressional help. It spends money.

The legislation that is before us today proposes to increase family planning spending by almost $162 million—or more than 50 percent over the next 2 years.

Let us not be fooled. A vote for this bill is not a pro-choice vote; it is a vote to dig deeper into the pockets of middle-class Americans who are already paying too much in taxes and whose economic well-being is, I think, increasingly threatened by what we do here.

It is absolutely irresponsible, as we promise to cut the deficit, for us to be considering legislation which increases spending as H.R. 670 does.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this bill—not because I oppose family planning, but because I oppose abortion. I strongly support family planning, and I truly wish that we could pass a family planning bill that everyone could support and then hash out the abortion issues separately. Why do they have to be linked? The plain fact of the matter is quite simple: Abortion is not family planning. Planning is something you do before pregnancy; abortion is something that comes after pregnancy. Abortion and family planning should not be in the same bill, but the majority here seems to treat the two as indistinguishable.

This bill does several things to promote abortion. It places abortion on a par with prenatal care, delivery, and adoption with regard to counseling and referrals; according to this bill, abortion is just another pregnancy management option—a rather cold and clinical way to describe a procedure that ends the life of a human being. The requirement for abortion counseling and referral extends even to those who conscientiously object to abortion and would rather not participate in abortion in any way—this bill tells them that if they want to continue to work toward the prevention of pregnancy, they must also refer for abortions. What will be next—will we require family planners to give women bus fare to abortion clinics?

This bill also requires that family planners give any individual information about abortion counseling and referral upon request. Not pregnant women, not title X clients—any individual. I think that the hard-earned tax dollars funding title X would be better used if they actually went toward preventing pregnancy in the first place than toward providing abortion information to anyone who happens to ask for it.

This bill moves title X—originally a worthy program—away from its original intent of preventing unwanted pregnancies and toward a goal of encouraging and advocating abortion—all with taxpayer dollars. I urge Members to oppose H.R. 670.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 670, the Family Planning Amendments of 1993, and I commend the chairman for bringing this crucial legislation to the floor.

The title X program has been one of the most highly respected an successful Federal health programs, but the program has been held hostage to politics over the last decade. As a result, the title X program has gone unauthorized, and funding has not been able to respond to the critical need for services.

Today, in passing this bill without crippling amendments, we can renew our commitment to critical family planning programs that improve women's health and prevent unintended pregnancies. Surely we can all agree on these goals.

Studies show that 3.1 million unintended pregnancies are averted each year because of publicly funded contraceptive services. Additionally, over $4 in health and welfare costs are saved for each public dollar invested in family planning. But today the United States leads all Western countries in teen pregnancy and childbearing rates. That reality has led to a growing national consensus on the importance of supporting family planning programs. H.R. 670 will act on that consensus and give new substance to these essential programs.

And, as we embark on the task of reforming our health care system, I want to remind my colleagues that the title X program goes far beyond family planning services. For some 85 percent of those who utilize title X clinics, it is their only source of medical care. In the process, millions of Americans have gained access to cost-effective preventive health care services thanks to title X.

I urge my colleagues to join me in advancing an agenda that will reduce unintended pregnancies and improve public health.

Vote "yes" on H.R. 670.

□ 1550

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, this bill puts some of us in a very difficult position. I believe that many unwanted pregnancies can be avoided through open counseling and complete information on reproductive health care, and to reduce the number of unwanted pregnancies and abortions, which I oppose.

I rise in strong support of the title X Federal Family Planning Program. In Wyoming, these facilities play an important role in helping families plan for children. For me, education is the best way this Nation can reduce unwanted pregnancies before they happen. It is my opinion, as well, that by preventing unwanted pregnancies through open counseling and complete information on reproductive health care, we can lessen abortions, which I oppose.

But I intend to vote against the bill because I have to tell you, I am absolutely disturbed by the 56 percent increase in spending for this bill during a time when the people of this country and the Congress are clamoring for cuts. In this act, even if we held it to last year's funding level, that would be something I could support. But a 56-percent increase over previous levels is not at all in line with what should be this body's commitment to balancing the budget. I resent being put in this position to vote against a program I support because of irresponsible spending increases.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, this bill will give an opportunity to those who have limited funds and limited access to medical facilities to enjoy the benefits that are available to all others, and for that reason I rise in strong support of H.R. 670.

I have had the privilege on a number of occasions to visit family planning clinics and to talk to the people who were there. I will tell you that the benefits from those clinics when observed first-hand are clear, not only to the families, not only to the individuals involved, but to society as a whole.

I am deeply troubled when I hear comments from the other side of the aisle from those who say it will cost us. Rather than costing us, this bill will be beneficial and in the long run will save money for society.

By avoiding unwanted pregnancies, we are going to avoid the problem of children who are born and who become a burden on society. We are going to avoid the problem of young teenage mothers who have unwanted pregnancies and have their education curtailed.

For all these reasons, as well as the beneficial health aspects of it as well, I rise in strong support of H.R. 670 and I urge all Members of the House to join in an affirmative vote on this legislation.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY].

Ms. MARGOLIES-MEZINSKY. Mr. Chairman. I raise today to voice my opposition to the Bliley amendment to House Resolution 690, the family planning reauthorization bill.

The Bliley amendment would require any woman visiting a title X clinic to notify one parent about her private decision. In addition, this restrictive amendment does not allow for judicial bypass.

All responsible parents hope that their child will come to them to discuss this kind of important decision. But I have seen the other side. As a reporter, I have been in a clinic with a young girl whose parents, I was told, regularly took part in operation rescue activities outside this clinic. This girl told me that she would rather kill herself than tell her parents. For this young woman, parental notification did not mean open communication. It meant an illegal abortion or worse.

The net result of this amendment is that all title 10 clinics will refuse this Federal funding, and will not be able to serve the many women who desperately need these services and counseling.

The Bliley amendment may force some women into dangerous decisions, and I urge my colleagues to defeat it and to stand up for the reproductive rights of American women.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise in strong and unqualified support of H.R. 670, and I urge my colleagues to support its passage without amendment.

I am pleased and gratified that the House is considering this landmark legislation, which will finally bring American family planning policy back into modern times and modern reality. This is a matter of utmost importance to American women and one which is a focal point for women in my district.

Family planning decisions are the most important health care decisions American women will make in their lifetimes—and yet, many women of child-bearing age cannot afford private counseling and treatment. Congress established the network of federally funded clinics so that all women, regardless of income, might receive sincere, objective, and professional counseling.

Unfortunately, 12 long years of archaic, reactionary administration policy have crippled the ability of clinics to meet the overwhelming demand for family planning services. Congress has failed to reauthorize title X in nearly a decade. As a result, funding for title X services has been frozen—limiting both the quality and availability of family planning services.

Even worse, the past two administrations have denied women the most basic information about their family planning options. Five years ago, the Reagan administration issued the infamous gag rule, preventing federally funded clinics from even discussing the full range of options—including the option of terminating one's pregnancy.

H.R. 670 ends this regressive chapter in the history of American health care. It authorizes appropriate increases in funding for title X services so that clinics can expand their staffs to meet the overwhelming demand for counseling services.

Best of all, H.R. 670 lifts the gag rule, and restores the fundamental right of all American women to make informed decisions about their reproductive health.

Mr. Chairman, H.R. 670 restores common sense to our family planning system. I urge my colleagues to vote for this landmark legislation.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I want to briefly discuss in a couple minutes the Dornan amendment that was not allowed under this restricted rule as well as two other amendments that are coming up in which each side will have 30 minutes to discuss.

Unfortunately, my amendment was not found in order, and I think it is ridiculous. My amendment would establish a means test for receiving services at title X family planning clinics. The Dornan amendment would have prevented the daughters of millionaires, billionaires, Congressmen, and other wealthy Americans from going to a clinic and saying, "My parents have been stiffing me on my allowance. I am poor. I want these taxpayer funded services."

The Dornan proposal would merely have redefined the term low-income family—the target group that was originally intended to be the benefactors of title X family planning services. In doing so, it would have simply ensured that those receiving these services are truly in financial need, falling at or below 150 percent of the official poverty line.

It would also have required that an unemancipated minor's total family income be considered prior to determining that minor's ability to pay. This would effect only those minors still dependent on their parents or other legal guardians. Current law asks middle class families to pay for title X services received by the children of millionaires or the children of persons at the congressional pay level. This is wrong. But perhaps more important the Dornan amendment would have resulted in more parental notification. But that was not allowed on the floor.

I also want to take this opportunity to speak on the DeLay amendment which is trying to address the serious problem of the lack of maturity or experience among people who provide important counsel in planned parenthood centers.

The gentleman from California [Mr. WAXMAN], my good friend and esteemed colleague, has tried to inject more reason into the process, I guess. He wants to add to the list of those allowed to provide pregnancy counseling, persons who meet criteria established by the Secretary of HHS and persons allowed to provide such counseling under State law. Leaving it up to the Secretary of Health and Human Services is fine, I could accept that under the DeLay amendment; but any State law that is silent on who may or may not provide counseling on pregnancy management options, that makes it appear that anyone trained or untrained, could be allowed to provide such counseling in title X clinics. That is what we have now if we consider the preliminary reports from Planned Parenthood which profiled 500 of their individual counselors and found that they are largely young, totally inexperienced, unpaid and probably, obviously, using the job for training experience and preparation for other jobs in the future.

□ 1600

And although the so-called gag rule is still nefariously, mentioned as some terrible chapter in medical history, it was just this type of situation it was meant to address.

Remember, President Bush made it perfectly clear that doctors could do whatever they wanted. What we were trying to get at was the young teenaged, unpaid volunteered, so-called counselors telling other frightened, young teenagers, "This is the way to go. If you don't want your child, kill your child, and you're saving your country an economic burden."

And by the way, Mr. Chairman, one of the four major suppressed stories last year: We will sell the placenta, and maybe something else, to European cosmetic firms where they will work it into face creams, and bring it back to America and sell it to American women. Fact.

Read "Operation Spike" by a bipartisan panel of journalists about that spiked story.

The third amendment that is allowed, the amendment offered by the gentleman from Maryland [Mr. BARTLETT] I will discuss during the time for that amendment.

Mrs. MORELLA. Madam Chairman, I rise in strong support of the Family Planning Amendments Act, H.R. 670.

Title X has been the focus of our national family planning effort since 1970, providing funding to more than 4,000 family planning clinics for medical and educational services to over 5.3 million low-income women and teenagers. While title X supported clinics focus primarily on contraceptive services, they also provide preventive health care. In fact, they are the only source of health care for over 50 percent of their patients. These clinics offer health screening, treatment, or referrals for cervical and breast cancer, anemia, sexually transmitted diseases, including HIV, hypertension, kidney dysfunction, and diabetes.

Each year, federally funded family planning programs prevent 1.2 million unintended pregnancies. And there has always been a prohibition on the use of title X funds for abortions. Clearly, this program is one of the most effective preventive public health care programs, and yet, it has gone unauthorized for 7 years and has suffered severe funding cuts.

H.R. 670 also overturns the outrageous restrictions of the gag rule. While President Clinton has already issued an Executive order suspending the gag rule, Congress must also overturn it to ensure that it is not reinstated in the future. The gag rule was a clear violation of the first amendment, would have resulted in defensive medicine, and would have created a class system for women's health. It was patronizing to women and it must be permanently overturned.

I also urge my colleagues to defeat all weakening amendments to the bill, particularly the Bliley amendment. I strongly believe that minors should have parental consent for an abortion whenever possible. However, laws mandating parental involvement can actually harm the teens and families they are intended to protect, by increasing illegal and self-induced abortions, family violence, suicide, and later abortions. H.R. 670 requires that title X grantees comply with applicable State law regarding minors' access to abortions.

The Bliley amendment would supersede the State laws for title X clinics in all but three States. It would establish very strict requirements for parental notification, making exceptions only if a mother's life is in immediate danger—thereby excluding serious medical conditions, such as AIDS or diabetes.

The amendment's exception for rape or incest would only apply if the incest was committed by the father or legal guardian; no exception is provided for other family members. No judicial bypass would be allowed, unless the State already has such a mechanism established.

States that failed to comply with these requirements would lose their Federal family planning funding, even though Federal funds are never used to pay for abortions.

Our focus should be on preventing unintended pregnancies and the need for abortions. Title X is a key part of this effort and it must be reauthorized so that low-income women can continue to receive these critical health services. I urge my colleagues to support H.R. 670 and to oppose all weakening amendments.

Mr. RICHARDSON. Madam Chairman, I rise today in strong support or H.R. 670, the reauthorization of the Title X Family Planning Program. Since the mid-1980's this legislation has been the source of bitter debate between the past two Republican administrations and the Congress. By renewing our commitment to the Title X Program, Congress will show the American public that common sense can prevail over Washington gridlock.

Funding for family planning services enables low-income women to take responsibility for their reproductive health, as well as assisting women in determining the number and timing of their pregnancies. By overturning the gag rule, Congress sends a strong massage to this Nation that American women have a right to uncensored information about pregnancy options, regardless of income.

Not only does this program provide much needed family planning services but also offers other vital health services such as screening for breast and cervical cancer, diabetes, and HIV, as well as providing community education and outreach. Family planning clinics play an essential role in providing health services to their clients. For over 85 percent of the patients who visit title X clinics, these clinics are their only source of health care.

One of the populations most in need of family planning services is American teenagers. Each year, 1 in every 11 American females between the ages of 15 and 19 has a birth or an abortion, figures which are significantly greater than many European countries. Federally funded family planning services are essential in reducing our Nation's astounding teen pregnancy rate, as well as relieving the many negative impacts of teen pregnancy on educational advancement and employment opportunities.

Finally, I wish to emphasize that funding the Title X Family Planning Program is money well spent. Every $1 spent on contraceptive services saves the taxpayer $4.40 in short-term mandated services to support unintended pregnancy and birth.

In light of the essential role family planning clinics play in the lives of millions of women of reproductive age, I strongly support the reauthorization of the Title X Family Planning Program and urge its swift passage.

Mr. KLECZKA. Madam Chairman, today I rise to express my strong support for passage of H.R. 670, a bill to reauthorize funding for the Title X Family Planning Program, and urge my colleagues on both sides of the aisle to join me in voting for this bill.

It is unfortunate the politics of abortion in general, and the gag rule in particular, have prevented Congress from enacting a title X authorization bill for nearly a decade. Counseling and referrals for pregnancy management options are only a few of the numerous services provided by title X clinics.

More importantly, the program also underwrites basic and reproductive health services for more than 4 million women, with priority given to low-income adults and teens. In the Fourth Congressional District of Wisconsin, which I represent, the Title X Program finances these important services for more than 13,000 women. Moreover, title X birth control services prevent at least 1.2 million unintended pregnancies nationwide each year, thereby precluding an estimated 516,000 abortions. In addition, it should be noted that for every $1 invested in family planning services, the Federal Government saves $4.40 in mandatory social services. By voting today to authorize title X funds for fiscal years 1994 and 1995, we would save money in the long term while ensuring that women in my district and yours continue receiving vital health services over the next 2 years.

Turning to the gag rule issue, it is reasonable and wise to restore in law the Title X Program's counseling and referral policy on pregnancy management options. This policy was replaced in 1992 by the gag rule, that bars clinic professionals from discussing abortion with a patient under nearly all circumstances. Before the gag rule took effect, clinic personnel were required to offer comprehensive and nondirective counseling on the legal options available to a woman faced with an unplanned pregnancy, included information on pre-natal care and delivery; child care; foster care and adoption; and abortion. Referrals to providers of the service chosen by the woman were also offered by clinic personnel. The gag rule clearly eliminated a sensible policy that from 1970 to 1992 limited the demand for abortions while enabling women to receive the information needed to make fully informed decisions about their care. Accordingly, I am pleased that H.R. 670 would place into law the nondirective counseling and referral policy once used by title X clinics.

In addition, this bill allows individual title X projects or personnel that are morally opposed to abortion to refuse to supply counseling or referrals for it, as long as they direct the patient toward another provider that is willing and qualified to provide such counseling and referrals.

Finally, H.R. 670 deserves our support because it does not weaken current Federal law that bars title X clinics from using taxpayer funds to perform abortions. I oppose Government financing of abortion except in cases of rape, incest, or if by continuing a pregnancy a woman's life would be endangered or her health impaired.

It is time to set aside politics as usual and authorize funding for the beneficial Title X Program. Let me emphasize again that the program's goal is the prevention of unwanted pregnancies and abortions; there has always been a prohibition on the use of funds for abortions. Thousands of unintended pregnancies and abortions have been prevented each year, thanks to title X. Millions of dollars have been saved in other medical and social services. Accordingly, I urge my colleagues to vote for passage of H.R. 670.

Mr. PENNY. Madam Chairman, I rise in support of H.R. 670, the Family Planning Amendments of 1993. I am extremely pleased that, after years of inaction, we are finally able to reauthorize the Title X Family Planning Program for an additional 2 years.

Family planning—and the program authorized under this act—is good policy. Without the availability of title X family planning services, it is estimated that there would be at least 1.2 million additional unwanted pregnancies each year, leading to perhaps as many as 500,000 additional abortions. It is the prevention of these unwanted pregnancies where those like me who hold pro-life views and those like President Clinton who hold prochoice views can find agreement. We can and must support American families through making sure that Federal dollars are available to keep family planning services and basic health care readily accessible to women throughout the country in all areas—rural and urban.

This legislation also contains sufficient safeguards separating the issues of family planning and abortion. Title X prohibits the use of family planning funds for abortion services. The bill specifically requires that any counseling provided is nondirective. Information on all pregnancy options, including prenatal care and delivery, infant care, foster care and adoption, and pregnancy termination will not be presented to a patient unless that patient requests the information.

Additionally, the bill includes a provision that individual title X providers as well as individual counselors are exempted from discussing specific pregnancy options, such as abortion, if they object to that option on religious or moral grounds.

Finally, while I strongly support this legislation, I do intend to support the amendment offered by Mr. BLILEY. I believe that adoption of a Federal standard regarding parental notification is a positive step.

Most important, however, is the hundreds of thousands of abortions that will be prevented through the availability of effective family planning services.

Mr. BROWN of California. Madam Chairman, I rise today in support of the Family Planning Amendment Act of 1993. For years, family planning clinics have provided counseling and health services to primarily low-income women, offering them an opportunity to make informed decisions on family planning. I have been a strong supporter of programs offered through title X and believe that we must ensure that both men and women receive high-quality care.

Family planning is especially crucial in my State where teen pregnancy ranks the second highest in the country. A majority of the clients who visit family planning clinics live at or below the poverty line, yet are not eligible for Medicaid. As a result, family planning clinics are often the first, and sometimes the only, contact these women have with health care professionals.

Family planning also makes economical sense. Citing my State as an example again, it is estimated that every $1 spent on family planning in California saves $11.20 in public costs associated with unintended pregnancy. These costs include Medicaid delivery, maternity and infant care, Medicaid abortions, AFDC, food stamps, and other social services.

Madam Chairman, I would like to add that I strongly support codifying the revision of the gag rule. In funding title X, we have a responsibility to ensure that clients visiting publicly funded clinics receive quality medical care and are fully informed regarding available options, including information on their reproductive lives. I believe one of the most effective ways to prevent unwanted pregnancies, and thus the number of abortions, is to throw our complete support behind family planning programs. This requires providing sufficient funding as well as enacting appropriate policies.

By appropriate policies I mean that doctors must be given the freedom to answer patients' inquiries and to provide accurate and complete information on family planning. Government has no place in telling doctors which legal medical procedures they are allowed to discuss with their patients. Accordingly, Government has no place in denying patients the right to receive nondirective counseling on pregnancy management options.

If we allow the controversy that the so-called gag rule inspires to obstruct the funding of title X programs, we will be undermining the proven successes of family planning programs. For the sake of the many people who depend on clinics funded under title X, we simply cannot let this happen. I strongly urge my colleagues to support this bill.

Ms. SNOWE. Madam Chairman, I rise in strong support of the Family Planning Amendments Act of 1993.

With the passage of this legislation, over 4 million low-income women across America will have improved access to family planning services and preventative health care. This is particularly important because, for 83 percent of title X clients, family planning clinics are their only source of primary health care.

The passage of the legislation before us today is significant for two major reasons. First, the bill strengthens the title X program by increasing its authorization to a more appropriate level. As many of you know, this program has not been reauthorized since 1984, and as a result, its funding suffered greatly over the last decade.

This is particularly regretful because significant savings in public dollars can be realized through effective family planning—every $1 spent on family planning saves $4.40 in public health and welfare costs.

The second important component of this legislation is the requirement that title X clinics provide their clients with complete pregnancy counseling. As a result of this provision, there will never again be a Government-enforced gag rule on the information doctors can provide to their patients. Never again will a woman's economic status determine the medical information she is allowed to receive.

This legislation sends a clear message to American women that the Federal Government trusts them to make responsible decisions regarding their health care.

Members of the House, everyday, thanks to the guidance and resources of family planning clinics, thousands of low-income women are protected against sexually transmitted diseases and unwanted pregnancy. Therefore, there is no better investment that both sides of the abortion debate can make than strongly supporting family planning programs.

Madam Chairman, those who support both antiabortion and anticontraception policies leave women with no realistic alternative to unwanted pregnancy. This position only exacerbates the current crisis of unwanted pregnancy and abortion and does nothing to solve these problems.

The entire thrust of the title X bill is solving this crisis through prevention. Family planning is one of the most effective tools in reducing the incidence of abortion and should be recognized as such.

For all of these reasons, I urge my colleagues to vote in favor of the Family Planning Amendments Act of 1993.

Mrs. VUCANOVICH. Madam Chairman, I find it fascinating that opponents of the Bliley parental notification amendment are attempting to frame this debate as a States' rights issue. Moreover, I object to the fact that we are asking the American taxpayer to pay for title X funds, yet are hearing arguments that the Federal Government should not be involved in the process. It cannot be argued logically that the Government must sponsor and subsidize—through tax dollars—this family planning program and not have any involvement in how and to whom those funds should be dispersed.

I am an ardent supporter of States rights and object to the Federal Government interfering with those rights when it is indeed an issue of States rights. However, contrary to how the opposition would paint the picture, the Bliley amendment is consistent with these rights. Title X is entirely a Federal program. That is, public and private nonprofit organizations apply on a voluntary basis and no matching of funds is required by the States or organizations choosing to participate. The Bliley amendment is not telling States what to do or invalidating their laws. It merely provides that those organizations which receive Federal funds through title X and perform abortions follow a true, not a loophole-ridden, parental notification requirement.

Madam Chairman, polls have consistently shown that 80 percent and more of the American people—whether they support abortion or not—strongly support parental notification laws. This amendment would merely bring this legislation, which calls upon the American taxpayer for funding, in line with the wishes of the majority of Americans.

Now I know that there are certain tragic situations in which a child would not be able to discuss the issue of abortion with her parents. The Bliley amendment has provided an exception for such extreme cases. The amendment allows for exceptions to the parental notification law to save a minor's life; if incest was involved in the pregnancy; or if the child is at risk of sexual abuse, child abuse, or neglect. In addition, it offers exception if the State is already in compliance with a State or local parental notification or consent law that allows only specific waivers.

Madam Chairman, this well-thought-out amendment should be included in the language of this bill to allow parents to be involved in such a life-threatening decision.

Mr. WAXMAN. Mr. Chairman, I had further requests for time, but none of those who have requested time are here at the moment. Therefore, if the minority is prepared to yield back its time, we are prepared to yield back the balance of our time.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of our time as well.

The CHAIRMAN pro tempore (Mr. SERRANO). Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of the bill, H.R. 670, is as follows:

H.R. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning Amendments Act of 1993".

SEC. 2. PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES.

(a) REQUIRING CERTAIN NONDIRECTIVE COUNSELING AND REFERRAL SERVICES.—Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following subsection:

"(b)(1) The Secretary may not make an award of a grant or contract under this section unless the applicant for the award agrees that the family planning project involved will provide to individuals information regarding pregnancy management options upon request of the individuals.

"(2) With respect to compliance with the agreement made under paragraph (1), the family planning project involved, and any provider of services in the project, may not be required to provide information regarding a pregnancy management option if—

"(A) the project or provider (as the case may be) objects to doing so in grounds of religious beliefs or moral convictions; and

"(B) the project or provider refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information.

"(3) For purposes of this subsection, the term 'information regarding pregnancy management options' means nondirective counseling and referrals regarding—

"(A) prenatal care and delivery;

"(B) infant care, foster care, and adoption; and

"(C) termination of pregnancy.".

(b) COMPLIANCE WITH STATE LAWS ON PARENTAL NOTIFICATION AND CONSENT.—Section 1008 of the Public Health Service Act (42 U.S.C. 300a-6) is amended by inserting "(a)" before "None" and by adding at the end the following:

"(b)(1) No public or nonprofit entity that performs abortions may receive an award of a grant or contract under section 1001 unless the entity has certified to the Secretary that the entity is in compliance with State law regarding parental notification of or consent for the performance of an abortion on a minor which is enforced in the State in which the entity is located.

"(2) Paragraph (1) shall not be construed to require or prohibit a State's abortion of parental notification or parental consent laws regarding the performance of an abortion on a minor, or to require or prohibit the enforcement by a State of such laws.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(e) of the Public Health Service Act, as redesignated by subsection (a) of this section, is amended to read as follows:

"(e) For the purpose of grants and contracts under this section, there are authorized to be appropriated $220,000,000 for fiscal year 1994, and $250,000,000 for fiscal year 1995.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING GRANTS AND CONTRACTS.

Section 1003(b) of the Public Health Service Act (42 U.S.C. 300a-1(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated $6,250,000 for fiscal year 1994, and $7,000,000 for fiscal year 1995.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INFORMATIONAL AND EDUCATIONAL MATERIALS.

Section 1005(b) of the Public Health Service Act (42 U.S.C. 300a-3(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 1994, and $13,500,000 for fiscal year 1995.".

SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized in title X of the Public Health Service Act to be purchased with an award of a grant or contract under such title, it is the sense of the Congress that entities receiving such an award should in expending the award purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF AWARDS.—In making awards of grants and contracts under title X of the Public Health Service Act, the Secretary of Health and Human Services shall provide to each recipient of such an award a notice describing the statement made in subsection (a) by the Congress.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

The CHAIRMAN pro tempore. No amendments to the bill are in order except the amendments printed in House Report 103-41, which may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in House Report 103-41, and shall not be subject to a demand for division of the question. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

The amendment in the form of a motion to strike specified in House Report 103-41 to be offered by the gentleman from Maryland [Mr. BARTLETT] will not be in order if the text proposed to be stricken has been rewritten in its entirety by earlier amendment.

It is now in order to consider amendment No. 1 printed in House Report 103-41.

For what purpose does the gentleman from Texas [Mr. DELAY] rise?

AMENDMENT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: Page 2, line 18, insert before the period the following: ", and that such information will be provided only through individuals holding professional degrees in medicine or osteopathic medicine, nursing, clinical psychology, the allied health professions, or social work".

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas [Mr. DELAY] will be recognized for 7½ minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, in rising to oppose the amendment offered by the gentleman from Texas [Mr. DELAY] I offer an amendment to his amendment.

The CHAIRMAN pro tempore. Is the gentleman from California [Mr. WAXMAN] offering his amendment now?

AMENDMENT OFFERED BY MR. WAXMAN TO THE AMENDMENT OFFERED BY MR. DELAY

Mr. WAXMAN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. WAXMAN to the amendment offered by Mr. DELAY: In the matter proposed by the amendment to be inserted on page 2, line 18, of the bill, insert before the ending quotations the following: ", through individuals meeting such other criteria as the Secretary determines to be appropriate for providing such information, or through individuals allowed under State law to provide such information".

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DELAY. Could the Chairman explain how we are going to proceed?

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DELAY] now will have 15 minutes, and the gentleman from California [Mr. WAXMAN] will have 15 minutes to debate both amendments.

Mr. DELAY. So we will be debating both amendments.

Mr. Chairman, the first vote will be on the amendment offered by the gentleman from California [Mr. WAXMAN] when offered?

The CHAIRMAN pro tempore. That is correct.

Mr. DELAY. And we will just trade back and forth and use the 30 minutes?

The CHAIRMAN pro tempore. As usual, yes.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I really find it very surprising that my amendment is controversial. I think it is self-explanatory. It would require that counselors in title X clinics who are providing information on what H.R. 670 terms "pregnancy management options," that is, prenatal care, adoption and abortion, among others, have a professional degree in medicine, nursing, clinical psychology, the allied health professions, or social work. My reason for offering this is quite simple. If part of the purpose of the Title X Program is to provide quality care and advice to pregnant women, then I believe it is only reasonable to require that the advice be given by a qualified professional.

During all the debate on the so-called gag rule and this title X policy over the years, Mr. Chairman, we have heard from the proponents of the Title X Program that counseling is being done by professionals and that the Bush administration and those of us that oppose the process are gagging professional medical service providers and professional counselors. Therefore, Mr. Chairman, I feel it is extremely important to emphasize that professionalism so that women, particularly underaged women that find themselves pregnant and come to a family planning clinic for advice, be protected from receiving uninformed or inexperienced advice.

It bothers me when I read from a Planned Parenthood preliminary report on the counseling function in their affiliates throughout the Nation that, and I quote:

> Data from the nearly 500 individual counselor profiles give a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PPFA employment for training, experience and preparation for other jobs in the future. * * * Counselors' formal training is relatively modest * * *.

A lawsuit involving the Planned Parenthood Association of San Mateo County in California further illustrates my point. In this case, a Planned Parenthood employee, with the job title "Reproductive Health Specialist" stated in a deposition that she had had no prior experience or education in medical care, nor had she even had a biology course, before being hired for that position. Rather, the prior job experience of this so-called reproductive health specialist was as an architectural drafter for various corporations. She was given 2 months', on-the-job training by the center manager, who also had no prior medical training.

This reproductive health specialist was responsible not only for performing medical exams on clients, she was also charged with providing information on human reproduction and counseling pregnant women on their reproductive choices. There is something very wrong with this situation—if I were a woman who expected to receive professional care and advice when going to a federally funded clinic, I would find this very upsetting.

Even as recently as last month I noticed a help wanted ad in the Washington Post in which a northern Virginia Planned Parenthood clinic was advertising for a full-time educator-counselor. The ad reads as follows:

> The clinic provides family planning, HIV & pregnancy options counseling and medical services. * * * College education desirable, bicultural and bilingual Spanish. Driver's license/car.

Isn't it sad, and even frightening, that for this pregnancy counseling position one must have a driver's license, but not a college degree? While I cannot comment as to the professionalism of this particular clinic or whether it receives title X funds, this ad serves as an obvious example of what my amendment attempts to correct. I do not think it is right for the Federal Government to fund clinics that hire individuals without even a college degree to counsel pregnant women on one of the most important decisions they are going to make in their lives.

It is my understanding after speaking with officials from the U.S. Department of Health and Human Services that State law does not address the issue of educational standards for counselors in a meaningful way, if at all. Rather, private organizations attempt to establish such standards for their own members. For example, the Council on Accreditation of Services for Families and Children, which is sponsored by the Child Welfare League of America, the National Association of Homes and Services for Children, and the Lutheran Social Ministry System, among others, requires its agencies' personnel who provide counseling to an expectant parent on the decision to parent the child, to transfer custody of the child, or to terminate the pregnancy to have a master's degree from an accredited program of social work education, or have a bachelor's or master's degree in an allied field and are supervised by a person with a master's degree in social work.

□ 1610

Furthermore, in a November 1991 letter signed by 21 organizations, including the American Medical Association, the American College of Physicians, and the National Association of Community Health Centers, the words "health care professionals" appear seven times on one page in reference to those who would be affected by the counseling restrictions known as the gag rule. It is obvious that much of the health care community recognizes the need to require counselors to be qualified. Why is it then that situations such as the ones I described earlier continue to exist? It is vital that we address this problem now.

I am not asserting that all family planning clinics receiving title X funds are employing inexperienced counselors. However, even if only a few clinics are doing so, then we are not taking women's health care seriously enough. I believe requiring pregnancy counselors to have a professional degree can only enhance the title X Program. I urge a "yes" vote on this amendment, and a "no" vote on the Waxman second-degree amendment.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the DeLay amendment specifies the types of professionals that can provide counseling: doctors, nurses, allied health professionals, social workers, and clinical psychologists. These are all well-educated people and simply we would feel comfortable with them providing counseling.

But I do not think we ought to be so limiting as the DeLay amendment would have us do if it were adopted. It would make across-the-board determination of the question who would be permitted to counsel. Even though there are some rural and underserved urban areas where some counselors may be specially trained health care workers and some poverty health clinicians, the health professionals with degrees are already fully occupied giving actual health care services and the delegation of counseling is made to people working under their supervision who may not have the same degrees. We should allow, and my amendment would permit, the States to decide the competence of people who would do counseling. We should allow the Secretary to determine this issue as well.

So my amendment to the DeLay amendment would allow for counseling by those people authorized under State law to do this work, and would also authorize the Secretary of HHS to continue to establish criteria in this area.

This amendment is a most flexible approach to high quality health care. Family planning clinics have been short funded and shortstaffed for years now. If the DeLay amendment is adopted without this amendment to it, no matter how hard some of us may try to have more money provided for these clinics, if they do not get more funds they just will not be able to hire the counselors to give the needed counseling to people who come in.

These counselors must be directly supervised by licensed professionals. They must be trained and they must meet the standards set by the Secretary or by State law.

So we are offering the amendment to the DeLay amendment. I would oppose the DeLay amendment if it were not amended, because it would in fact prevent many women from getting any counseling by anyone. Nurse practitioners, psychologists, social workers, will not be available to them. If they are available at all, they will be working in other clinics and providing other services.

Mr. Chairman, I believe we should give the clinics, the States, and the Secretary the flexibility to use their money in the most efficient way possible, and my amendment does that. I urge an "aye" vote for the Waxman amendment to the DeLay amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, a few years ago, Planned Parenthood really slipped up by allowing us a small peek into their usually secret, hidden, and Byzantine world of abortion and the typical profile of those counselors who counsel mothers to get them.

When you remember that Planned Parenthood alone performs, counsels, and refers for well over 200,000 abortions each year—in 5-year time periods they kill more than 1 million kids—and when you recall that Planned Parenthood runs the largest chain of abortion mills in the land, insights concerning the caliber, experience, and suitability of their so-called counselors should be a great interest to the Congress.

Especially when we're paying for it.

A Planned Parenthood report stated the fact:

> Data from nearly 500 individual counselor profiles gives a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PPFA employment for training, experience and preparation for other jobs in the future. Counselors' formal training is relatively modest. Only 20 percent are certified in counseling.

A counseling staff that is young, inexperienced, with modest formal training, using the experience as a stepping stone for other employment—raises serious questions concerning the quality of counseling.

Mr. Chairman, a recent ad in the help wanted section of the Washington Post, Planned Parenthood advertises for counselors with a text that said, "College education desirable." In other words, health education credentials are not necessary. There are no health credential prerequisites.

Now if nonfederally funded abortion counseling projects want to employ inexperienced abortion counselors, there is perhaps, little we can do about it.

But if federally subsidized groups like Planned Parenthood—which, by the way, get tens of millions each year from Uncle Sam—want to use noncredentialed abortion counselors, it better be our business.

I believe we have a serious obligation to women, especially teenagers, who use the clinics to insist on a high level of professionalism, training, expertise, and education for counselors.

Mr. DELAY's amendment raises those standards, to protect women from hack counselors. DELAY requires that individuals have a professional degree in medicine or osteopathic medicine, nursing, clinical psychology, and allied health profession, or social work.

Mr. WAXMAN's substitute approach, however, is not only weak and ineffective but is designed to establish a lower standard of competency for counselors than that envisioned by Mr. DELAY. And I hope no one will be fooled by the charade occurring here. Mr. WAXMAN's second-degree amendment again is offered as a killer amendment. By offering his amendments in the second degree, Mr. WAXMAN hopes to deprive this House of the opportunity to vote on Mr. DELAY's amendment. So much for openness and fairness.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot see how the gentleman from New Jersey [Mr. SMITH] could characterize a perfecting amendment to the DeLay amendment as a killer amendment. The DeLay amendment spells out certain professionals who would be eligible to give counseling, counseling only, at family planning clinics. My amendment would broaden that to say that a State could decide beyond those who are licensed health care professionals to serve in that capacity, provided, of course, they are trained appropriately and working under the supervision of someone who is a health professional.

This is an amendment that I think makes a lot of sense. Under any regular order of business in this institution, such an amendment would be appropriate to be considered.

Not only is it appropriate to be considered, it should be adopted. We live in a society where many people do not speak English. Why should not someone be able to counsel women about contraception in their own language? Why should they be precluded, if they are not a doctor, a nurse, psychologist licensed after years of training, a social worker licensed after years of training, but instead are women who have gone through instruction with these health professionals, working under the direction of health professionals and giving information, and only information, not medical services. So I think it is very appropriate to expand the list.

Now, one has to wonder why they want to be so restrictive in, who in fact, can give this counseling.

□ 1620

I would suspect that if the gentleman wanted to deny women counseling, he would say, "Well, the best thing to say is only a doctor could provide that counseling." After all, that is what the Bush administration proposed in their rule.

They were going to say no one could even tell the truth to a woman if she wanted to know about abortion. No one else but a doctor could tell her that information; knowing full well that in most family planning clinics, they could not afford to have a doctor. They had nurse practitioners. Instead, they said a nurse practitioner did not have sufficient competence.

Now some of these Members who are opposed to family planning and counseling are saying it should only be a doctor or nurse practitioner but not anyone else. So I think we ought to look behind what may be at stake in this issue insofar as this amendment is dealing with the real problem that we want competent personnel.

I think the States are competent to decide who ought to be giving counseling. They, after all, license professionals. We do not do that at the Federal level. Let the States make that decision.

I think the Secretary can adopt guidelines so that we have qualified personnel to give counseling and this counseling is about contraception. It is about where else to go for services, if the services are not provided at that family planning clinic.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding to me.

The fact that this report from Planned Parenthood is a few years old and that nothing has been done in a number of States, there is no real regulation insuring that these title X and other types of family planning providers, including abortion counselors, do not have the kinds of credentials. There is no standards in many States.

We have an opportunity today to help establish a standard so that competent medical or degreed or credentialed people, people who have a degree perhaps in counseling and, as I pointed out, this report said that only 20 percent of the counselers had a background where they received formal training in counseling.

That means that 80 percent do not have it. I would suggest to the gentleman that there are a number of people out there, and I have met many women who have been counseled improperly in their view, were not given all the options as a result. And they were by people who were either part-time or they were people who were just working at the clinic but did not have those kinds of credentials.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, it seems to me that if there is a problem in any institution where someone working in a capacity under someone else is not doing the job adequately, then the supervisors ought to be informed. But there are supervisors in every one of these clinics.

I think the States should be able to make the decisions for themselves in terms of who they think ought to be able to counsel. And I do not think all the answers come from Washington. I do not think they come particularly from those Members who do not want to give all the real information, who do not want to tell women about their rights and then do not want to let a women decide for herself if she wants to use contraception and avoid pregnancy or even decide for herself if she wants to terminate a pregnancy.

I think that we ought to allow the States and the Secretary to establish the qualifications. And if we hear about people acting inappropriately, we report them to their supervisors or the Secretary of Health and Human Services and the matter is straighened out, rather than adopt an amendment that would be a straitjacket to keep counselers from being available.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. SERRANO). The gentleman from Texas [Mr. DELAY] is recognized for 4 minutes.

Mr. DELAY. Mr. Chairman, I know the Chairman does not want to mislead the House about what my amendment says.

My amendment specifically lays out that social workers are included.

Members must understand that these health providers do more than just counseling. In some cases, they offer medical exams.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Virginia

Mr. BLILEY. Mr. Chairman, I just want to say to the gentleman that I rise in support of his amendment, that the amendment provides that the individuals who provide counseling to women in title X clinics have a degree in medicine, nursing, clinical psychology, the allied health profession or, at least, social work, that they have one of these degrees.

I think it is a good amendment.

Mr. Chairman, I rise in support of the amendment of the gentleman from Texas. The amendment provides that the individuals who provide counseling to the women at title X clinics have a degree in medicine, nursing, clinical psychology, the allied health profession, or social work.

The amendment is necessary because currently most of the counselors at these clinics have little to no professional training or education. A report prepared for the Planned Parenthood Federation of America describes the situation at many clinics. On page 1 of the introduction, the report states, "The fact that many affiliates rely to a large extent on unpaid part-time counselors is documented."

On page nine of the report there is a section entitled, characteristics of individual counselors, data from the counselor profiles. Let me quote from this section.

> Data from the nearly 500 individual counselor profiles give a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid, and probably using PPFA, Planned Parenthood Federation of America employment for training, experience and preparation for other jobs in the future.
>
> Counselors' formal training is relatively modest, which is presumably related to the training efforts made by the affiliates.

Mr. Chairman, we recently considered the National Institutes of Health reauthorization on the floor. During the debate on that bill, we heard over and over again that finally something was being done about women's health. It is interesting that the same Members who are so concerned about women's health are willing to let individuals with no professional training in medicine or mental health counsel poor women about very important decisions regarding their reproductive health.

I urge my colleagues to vote "Yes" on the DeLay amendment.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to point out that the gentleman has not read his amendment. His amendment talks about counselors only and not about people giving medical services. Medical services would have to be provided by people who are licensed to give those services.

The amendment speaks only to those who sit and advise people as to where to go for services or to talk about the kinds of things in a counseling session that would be counseling exclusive.

Mr. DELAY. Mr. Chairman, reclaiming my time, that is not entirely correct. My amendment applies to those who provide information on pregnancy management options, which includes persons with the title "reproductive health specialist."

We all know, and I have evidence of this, that often these people do more than just counsel.

Mr. Chairman, I would be happy to accept the portion of the gentleman's amendment which adds to my list of those allowed to provide pregnancy counseling, persons who meet criteria established by the Secretary of HHS. However, I have some serious concerns with the second part of the amendment, which adds to the list those persons who are allowed to provide such counseling under State law.

In the first place, I am concerned about the impact Mr. WAXMAN's amendment would have should State law be absent of any provisions regarding educational standards for counseling, and it is my understanding that, for the most part, State law is not specific in this regard. Since the gentleman's amendment appears to give State law a weight equal to criteria established by the HHS Secretary and my list of professional degrees that would become Federal law, if passed, it seems this would mean anyone could provide counseling, even a 17-year-old high school volunteer, if State law did not set specific educational requirements.

Furthermore, and this brings me to my second concern, suppose a State's laws did identify certain educational prerequisites to counsel for pregnancy, but they were less stringent than the Federal standards, such as requiring only a high school degree, or even a college degree but not in a social science or medical field. Under the Waxman amendment, it seems the standards set by State law would be sufficient for receiving title X funds, and we would find ourselves in the curious situation of having set Federal minimum standards for receiving Federal funding, and having these standards violated by recipients who are complying with State law. Since when has State law superseded Federal law when it comes to Federal funding? In essence, it seems this amendment would be making it legal for States to disobey Federal law. Interesting, but ridiculous.

I believe Mr. WAXMAN is concerned about States rights being infringed upon by Federal regulation, a concern which I certainly share. However, this is not an issue of States' rights. My amendment does not require a professional degree for pregnancy counselors across the board. It simply sets such standards at family planning clinics receiving title X funds. If a clinic does not wish to meet these standards, then it is under no obligation to participate in the Title X Program, and can continue to provide family planning services independently. Furthermore, States are free to establish any standards they wish for counseling, whether more or less stringent than the federal standards—it is up to each clinic individually to determine whether it meets or wishes to meet the Federal standards and receive title X funding.

It has always been, and continues to be, perfectly legitimate for the Federal Government to establish minimum criteria that must be met to be eligible to receive Federal funds. In fact, it is expected that the Federal Government set standards with regard to its allocation of money. It would be absurd to argue that States have the right to twist and turn Federal programs to implement them in whatever way they may desire.

By allowing State law to supersede Federal law, it is obvious that the Waxman amendment would completely undermine the intent of my amendment, which is to set high standards for Federal health care providers. As I stated earlier, pregnancy counselors advise women on one of the most important decisions they'll ever make in their lives—if the Federal Government is funding such counseling, then I strongly believe it has a responsibility to ensure that such counseling is provided by qualified professionals.

Don't settle for less.

Mr. Chairman, I urge a "no" vote on the Waxman amendment and a "yes" vote on the DeLay amendment.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time we have remaining.

The CHAIRMAN pro tempore. The gentleman from California [Mr. WAXMAN] has 7 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

The language of this DeLay amendment says that such information will be provided only through individuals holding professional degrees in medicine or osteopathic medicine, nursing, clinical psychology, allied health professions, or social work. The key thing is "such information."

We are talking about who can give information in a family planning clinic. I think all those professionals ought to be able to give information, but I do not think they are the only ones that should be permitted to give information. I think that if a State wants to enable others to give information, they should not be precluded from it. I do not think that the Secretary seeing that this program is administered the way Congress intends should preclude others from giving information. And if in a community where English is not the first language for most of the community, then I think that a person working in that clinic who speaks the language of the community, working under the direction of a health professional, ought to be able to give information, give counseling.

□ 1630

In rural areas where they will not have, sometimes, available to them doctors, social workers, osteopathic medics, or licensed health professionals, I think they ought to be able to have paraprofessionals to give information. We are not talking about medical services, but information.

Mr. Chairman, I think that the amendment we are offering to the DeLay amendment is a reasonable one. This clarifies the situation, and I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. SERRANO). The gentleman from Texas [Mr. DELAY] has no time remaining.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding time to me.

Mr. Chairman, I really salute the gentleman for his amendment, because I think it makes an incredible amount of sense. I used to be the attorney for Rocky Mountain Planned Parenthood, and the gentleman is pointing out some excellent points. No. 1, when we went onto the reservations where native Americans were, it was important often to have interpreters. The gentleman's amendment over here would make things very, very confused as to how this could be done with interpreters, what we can do.

Second, it is very clear that every State has been very, very strong in regulating the medical clinics and everything that is under their domain. They license people, they determine what is going on. No one is down here naming States, saying all this awful stuff is going on in States. We have just got this scenario factory out here unwinding where people are saying, "This is the scenario where it is possible it could happen," but no one is giving us any indication of how it could possibly happen.

I think we all know about medical malpractice, and States and clinics and everybody are terribly careful about the control they have and about what kind of information they are putting out. I think that the gentleman from California [Mr. WAXMAN] has the right approach to this. It should be in the States that oversee the clinics and oversee the licensing and oversee what is going on. They are the ones that are monitoring it. To have one level being monitored by the States and then the Feds coming in for another part of it makes no sense.

Second, if we cannot use paraprofessionals for any area where we need bilingual interpretation, we could have all sorts of problems in how we would implement the law if we were to change it from what the gentleman from California [Mr. WAXMAN] is trying to do.

I really encourage people to move forward on this, to finally get this issue behind us, and to strongly vote for the amendment of the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I have no further requests for time.

Mr. DELAY. Mr. Chairman, will the gentleman yield? I yielded to him.

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, to establish the intent of this House on the gentleman's amendment, could the gentleman explain to me what would happen on his intent if the State law does not speak to the qualifications of these health care providers?

Mr. WAXMAN. Mr. Chairman, I would say to the gentleman, if the DeLay amendment is adopted with the Waxman amendment to it, all those professionals spelled out in the amendment of the gentleman from Texas would be eligible to give counseling at a title X clinic.

If a State did not allow others to participate as counselors, then that State would not have addressed the matter. The Secretary would be required further to spell out through regulations additional individuals who could give information at these title X clinics, and that would be the full extent of the law in terms of how it would operate in title X clinics for counseling purposes.

Mr. DELAY. I thank the gentleman.

Mr. WAXMAN. If the gentleman understands that, perhaps he would be agreeable to it. I cannot see what objection he would have to either States deciding on their own to add qualified people to give counseling or the Secretary to make that determination.

Mr. DELAY. Mr. Chairman, if the gentleman will continue to yield, I still think it is rather confusing. If the gentleman would rewrite it, I might even accept it. I appreciate the gentleman establishing the intent, but I am not sure the courts will see it that way.

Mr. WAXMAN. Mr. Chairman, if I can reclaim my time, the gentleman from Texas [Mr. DELAY] is not on our committee. This issue has never come up on the subcommittee or the full committee. We have not had any contact from him to try to work out an amendment.

The gentleman has offered an amendment which he did not understand, from his own explanation, because he did not understand it was limited to counselors alone. He may not even realize that it excludes a lot of paraprofessionals and others who are quite competent to do this job. I think we ought to adopt this perfecting amendment, or otherwise to defeat the DeLay amendment, because I do not think it has been thought through what he is trying to accomplish, unless, unless it is to try to keep rural areas and inner city areas and short-funded family planning clinics from having people available to give counseling.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I thought this was a civil discussion, but the gentleman impugns my ability to read amendments and write amendments. This is absolutely untrue. We know what these specialists do. They do not just counsel, they even give medical exams. I understand that.

Mr. WAXMAN. Mr. Chairman, I would say to the gentleman, he is absolutely incorrect. The amendment does not address anybody but those giving counseling.

Mr. DELAY. Mr. Chairman, they do other functions besides just giving counseling. We all understand that. We know how Planned Parenthood works.

Mr. WAXMAN. I would say to the gentleman, Mr. Chairman, the amendment addresses only counseling.

Mr. DELAY. If the gentleman will yield further, the issue is we, even in this country, require Federal inspection of meat, but we do not care what the qualifications are of people that counsel teenage women on their reproductive options.

Mr. WAXMAN. What the gentleman is saying is that a State should not be able to determine that qualification, and I think a State should be able to. I think the Secretary ought to be able to deal with this as well.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today in support of reauthorization of the Title X Program. Reauthorization of this bill is imperative as we are confronted with an increase in teen pregnancy, the AIDS epidemic, and an ongoing battle with sexually transmitted diseases. Although this program has been funded through continuing appropriations. I believe this is a half-hearted approach to dealing with the devastating reality of these problems. Today we can change this. Mr. Chairman, we have a program before us designed to promote family planning and health care, especially among low-income women. This program must be authorized and legitimized to insure these services remain available, accessible, and affordable to women.

Title X funds over 4,000 clinics providing services to 4 million women. In addition to contraceptive services, family planning clinics provide health services and counseling to women who have nowhere else to go. In many cases these clinics are the only places low-income women can go to receive primary health care. Unfortunately, the issues surrounding reauthorization of the Title X Program have been constantly focused on the abortion debate. But there is much more to title X than this debate. How many people talk about how well-designed the program is to target low-income women and teenagers, the two groups at highest risk for poor pregnancy outcomes? How many people talk about the information these clinics put together to educate people about family planning? How many people talk about the preventive health services available to women at these clinics? What about screenings for cervical cancer and sexually transmitted diseases? Title X clinics should be applauded for their efforts to address all aspects of a women's health care needs. On a visit to a planned parenthood clinic in my hometown of Waterbury, CT, I was able to see the care and effort these professionals put into making their clinic accessible and supportive for women.

I do feel strongly, however, that parental involvement in the health decisions of minors who use these clinics is crucial to the effectiveness of these programs. These decisions are serious ones, ones that teenagers are often not able to deal with on their own. While the input of professionals is certainly quite valuable, nothing can equal the support and guidance that a parent can offer. The Government should be encouraging, rather than discouraging strong parental involvement in our children's lives and this is the best way of doing so. It is not our function to keep important information from parents regarding their children's health and well-being. The development of strong family units, with open communication will help in many cases to alleviate the problems these teenagers face.

Mr. Chairman, I feel we need to encourage and support family planning clinics, with an emphasis on the family, not obstruct and deter what is known to be a successful program of family planning and health care. It is time to reauthorize this program, the only major Federal program we have that goes directly to the need of family planning and avoiding unwanted pregnancies. Mr. Chairman, I support this bill, but more importantly I support the clinics and the women who will benefit from passage of this bill.

Ms. PELOSI. Madam Chairman, I rise today in strong support of H.R. 670 which reauthorizes title X, the Nation's family planning program. I urge my colleagues to pass this important bill without any weakening amendments.

Approximately 4 million women are served by title X clinics in the United States each year, an average of over 10,000 women a day. For many of these women, the federally funded clinics are the only access they have to health care—including treatment, prevention, and education. This legislation would provide funding levels of $238 million for fiscal year 1994 and $270 million for fiscal year 1995.

This bill, which provides essential funding for title X clinics through 1995, also clarifies the language regarding abortion counseling and referrals. It specifies that federally funded clinics must provide nondirective advice on all pregnancy options. On his first day in office, President Clinton suspended the gag rule regulations which the Reagan and Bush administrations attempted to impose on the clinics. He also directed Secretary Shalala to rewrite the regulations to clarify the law. I applaud his efforts to swiftly revoke this harmful regulation. We must now clarify in statute the language regarding abortion counseling and referrals, so that this may never be an issue for the women of this country again.

As we vote to permanently revoke the gag rule, we must also oppose the Bliley amendment which requires parental notification and a 48-hour waiting period for minors. There is no judicial bypass and it includes only two minor exceptions. One, if the minors' life is in imminent danger. Serious health problems would not be considered. And second, if the pregnancy is due to incest with the father or legal guardian, incest by an uncle, brother, or grandfather is not included.

The issue here is a fundamental one of fairness. The Bliley amendment restricts only poor teenaged girls' access to health care options because it applies solely to minors who receive their health care in federally funded clinics. Health care options must not be determined by economics and age. Oppose Bliley and let individual States decide their own laws on minors.

Madam Chairman, I urge my colleagues to support this legislation, oppose the Bliley amendment, and protect all women's right to choice including the rights of teenaged girls.

Mr. MFUME. Madam Chairman, Mr. Speaker, today we vote on legislation that has ramifications for millions of poor women across the country. Not only do we have the opportunity to reauthorize the Title X Family Planning Program, we also have the opportunity to rectify a policy that has, for almost 5 years, effectively denied low-income women access to critical medical advice.

The prohibition on Federal funds to title X clinics offering complete pregnancy management counseling has resulted in dangerous restrictions on dissemination of medical information. Formerly, such counseling may only have been made if the mother's life was in imminent danger. But if the woman's health was threatened—that is, if she has medical conditions that could be aggravated by a pregnancy—she was still denied access to information that was vital to her health and well-being.

Already the Clinton administration has demonstrated its commitment to improved family planning services by suspending the "gag rule" regulations and instructing title X clinics to resume counseling on all options for dealing with a pregnancy. Let us follow President Clinton's example and bring down the barriers that now exist for equal access to the counseling that women who can afford private health care take for granted.

Access to complete medical advice and threats to a mother's life are not the only issues at stake today. The United States has one of the industrial world's highest teenage pregnancy and childbearing rates. Teenagers are most likely to use the services of federally funded family planning clinics and are most at risk for problem pregnancies. Yet we have chosen to deny the clinics they use from providing abortion counseling or referrals.

Another political battle that has arisen to dilute this bill surrounds the issue of parental notification and States' rights. States should reserve the right to enact reasonable parental notification or consent requirements. Many already have laws in place—laws that would be undermined by a Federal standard.

By imposing a Federal standard on parental notification, Congress would be dictating to States stricter regulations than any now in force.

We cannot shirk from our responsibilities to this population and let politics interfere with the policies surrounding reproductive health care. The right to make individual decisions should not be impeded by antiabortion politics. Let us enable our doctors to provide the critical medical advice the "gag rule" has prohibited them from offering their indigent patients.

We must establish greater equality in the realm of public health and in the medical information made available to low-income citizens. It is imperative that we not exclude counseling for those who rely on public clinics because they can afford no other source of medical care. Today we have the opportunity to remedy the misdirected policies that "gagged" our physicians and have denied many their right to complete information with regard to pregnancy management.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. WAXMAN] to the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 94]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1657

The CHAIRMAN pro tempore (Mr. SERRANO). Four hundred sixteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Texas [Mr. DELAY] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c) of rule XXIII, the Chair announces that any recorded vote on the DeLay amendment, as amended, will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 165, not voting 14, as follows:

[Roll No. 95]

AYES—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—165

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Borski
Bunning
Burton
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Fish
Fowler
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim

King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McKeon
McNulty
Mica
Michel
Mollohan
Montgomery
Moorhead
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Ravenel
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Carr
Doolittle
Dreier
Ford (TN)
Geren
Henry
Lewis (FL)
Meek
Pickle
Quillen
Romero-Barceló (PR)
Sharp
Swett
Underwood (GU)

□ 1707

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SERRANO). The question is on the amendment offered by the gentleman from Texas [Mr. DELAY], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore (Mr. SERRANO). This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 16, not voting 11, as follows:

[Roll No. 96]

AYES—408

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—16

Allard
Applegate
Armey
Ballenger
Bunning
Costello
Michel
Myers
Nussle
Roberts
Shuster
Smith (OR)
Solomon
Tejeda
Vucanovich
Watt

NOT VOTING—11

Doolittle
Dreier
Ford (MI)
Ford (TN)
Henry
Lewis (FL)
Meek
Pickle
Quillen
Romero-Barceló (PR)
Sharp

□ 1716

Mr. SKELTON. Mr. CRANE, Ms. DUNN, Mr. BURTON of Indiana, and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103-41.

For what purpose does the gentleman from California rise?

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. WAXMAN: Page 3, strike lines 1 through 5 and insert the following:
>
> "(B) the project refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes, and the gentleman from Maryland [Mr. BARTLETT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, H.R. 670 contains language regarding the issues that are commonly called the conscience clause. This provision was offered last year as an amendment by the gentleman from Illinois [Mr. DURBIN], and was adopted overwhelmingly at that time.

The provision allows an individual doctor or nurse to decline to provide information about pregnancy management options—including abortion—if to do so would violate the doctor or nurse's moral convictions. It also allows a project receiving grant support to decline to provide such information.

The provision also requires that the project receiving the grant support refer a woman to another project that will answer her questions.

My amendment clarifies the provisions in the bill.

The current bill language could be interpreted to require individual doctors and nurses personally to refer patients to other sources of information.

My amendment makes it clear that this is a responsibility of the project receiving grant support—not each individual in that project—and that the project must make a referral.

This is the right balance.

No one is asking individuals to provide counseling—even nondirective, informational counseling—if it violates their principles to do so.

But we are saying that when a pregnant women asks for information, she can get the information she needs.

Madam Chairman, I urge an "aye" vote for the amendment.

Mr. BARTLETT of Maryland. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this amendment, I am very pleased that the original bill recognized the need for a conscience clause, but regrettably, the language of the original bill does not provide a conscience clause which is acceptable.

The language of the original bill required that someone offering counseling would have to refer the individual to someone who would talk to them about abortion. There are many people in the country who cannot do this.

□ 1720

The language of the amendment offered by the gentleman from California [Mr. WAXMAN] corrects the problem somewhat in that it now removes the obligation from the person who counseled, but it still places an obligation on the institution, on the organization, to refer to another institution, or organization, or clinic that will provide the counseling. This will disenfranchise many organizations, many clinics, across the country where everyone in the clinic is opposed to abortion and yet, from a compassionate viewpoint, they genuinely want to help these women.

Madam Chairman, I would submit that there is not probably a single woman in the United States who does not know that abortion is an option. Someone does not need to tell them that an abortion is an option. I object to language that would require the individual or the organization to refer this woman or this young woman to another organization where this kind of counseling for abortion would be provided.

Whether I were pro-life or whether I were pro-choice, Madam Chairman, as a matter of compassion and as a matter of fairness I would support removing the language from the bill, and we would do no violation to the intent of this bill. It is a very simple bill, and I say to my colleagues, "If you remove this language from it, we do not need to substitute language of the Waxman amendment. My amendment, which can be voted on if we vote this amendment down simply removes the offending language from page 3, the first five lines of page 3."

Madam Chairman, this is a very simple procedure. It now brings the conscience clause into what most people would feel was a true conscience clause. That was the intent of the bill. All that I ask my colleagues to do is please vote down this amendment and then vote yes for my amendment which would make this a true conscience clause.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I wish to respond to the gentleman's statement, and I yield myself such time as I may consume.

Madam Chairman, first of all I am pleased that the gentleman from Maryland [Mr. BARTLETT] recognizes that this amendment does clarify the conscience of individuals who do not want to personally give information that they feel is inconsistent with their beliefs, but this clarification, I think, is all that is needed. If we go further, Madam Chairman, what we would be saying is that a woman who wanted to get counseling would not be able to go anywhere. She would not be told where to go. Even though an individual may not want to give that information and counseling, that individual should refer to someone else in the program who does not have this disability in terms of giving this counseling that she is requesting, or refusal, and if there is no one in the plan there, she ought to be referred somewhere else to get the information. If they are going to get Federal funds, individuals who get the Federal funds, individuals who work in the plans who get Federal funds, should not have to violate their consciences, and that is what the purpose of this amendment is all about, and I think this clarification is very much needed.

Madam Chairman, I would urge an aye vote.

Madam Chairman, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, an extremely dangerous precedent will be set if the amendment offered by the gentleman from California [Mr. WAXMAN] is enacted forcing all title X family planning projects to refer for abortions. Under the chairman's amendment, federally funded family planning projects, comprised of doctors, nurses and counselors of conscience, who collectively oppose facilitating the demise of infant children, will either lose their Federal funds or if they buckle under the pressure will acquiesce to financial coercion and refer for abortions.

Mr. WAXMAN argues that his amendment is a conscience clause but it utterly fails to protect family planning projects which are nothing more than groups of people in complicity in abortion.

To illustrate: If a woman works at a title X clinic and she and her colleagues refuse to refer for abortions because they recognize the fact that these procedures kill baby girls and boys by dismembering their fragile bodies or because they are repelled by poisons routinely employed by the abortionist that chemically burn and disfigure the baby, under the amendment offered by the gentleman from California [Mr. WAXMAN], if they conscientiously object to abortion, they are no longer eligible for Federal aid. Forcing their title X clinic to have an abortion counselor or counselors makes them an accessory to the killing of babies, and no neat, little, tidy rationalization that they only referred to someone else who then made the referral does in no way lessen their involvement.

Madam Chairman, the amendment offered by the gentleman from California [Mr. WAXMAN] is not a conscience clause for groups of people. It compels, it forces title X projects to refer for abortions, so let us not kid ourselves on that score.

Madam Chairman, I urge its defeat. I urge it so that we can then get to the amendment to be offered by the gentleman from Maryland [Mr. BARTLETT] which gets on to this floor for consideration by this body, a genuine, authentic conscience clause.

Mr. BARLETT of Maryland. Madam Chairman, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Chairman, this is another one of those parliamentary moves where a reasonable person coming on this floor, believing in the individual rights of conscience, would say about the amendment offered by the gentleman from California [Mr. WAXMAN]: "Well, this looks pretty reasonable. How can I possibly vote against this?"

Yet, Madam Chairman, it precludes a vote of the amendment of the gentleman from Maryland [Mr. BARTLETT] which is a true conscience amendment vote.

I say to my colleagues, "If you don't think we have a conscience problem with abortion, may I announce to this Chamber that for the first time a doctor cannot be found in the U.S. military, in all the branches, anywhere in the world, willing to do abortions, except one, and at the base his anesthesiologist said, 'Not me, Jocko. Count me out. Find yourself somebody else to administer the anesthesia.'"

So, right now, until we recruit abortion doctors for the Navy, the Air Force, or Army, we have a real conscience problem under our brand-new, first ever in two centuries and 16-some years, a full-on, abortion-for-all-9-months-for-any-reason President. We have got our first abortion President, and as a result, my colleagues, we are going to have conscience problems all over this country.

Now we cannot force a crisis pregnancy center counselor who believes that there is a human life in the womb to tell a pregnant woman, "Go down to the far cubicle, because I have," what the gentleman from California [Mr. WAXMAN] called, "a disability in counselling on killing." He inadvertently, and I know he did not mean to do it, but the gentleman from California called it a disability. "If I don't gag, I have to say 'kill your baby.' We have just listened to the sonogram. We heard that sound that sounds like 'Wow' under the water; 'Wow, Wow, Wow, Wow, Wow, Wow, Wow,' 120 beats a minute. Let us kill that baby."

"I cannot bring myself to say that, so because of my 'disability,' go to cubicle 3–C, where we've got this volunteer honcho out there, a teenager, and she'll tell you how to do it."

Madam Chairman, we have got to have a substantive amendment here that allows for conscience which I think every man and woman of conscience in this great deliberative body would like to give to people who truly believe this is killing.

When I got here 17 years ago, Madam Chairman, it had been 15 years since my wife had had life inside of her, our youngest. That youngest, Kathleen, is now 7 months pregnant. I have gone through nine pregnancies, with my daughter-in-law and three daughters, during this last 15 years. I put my hand on those pregnant bellies and listened with the help of sonograms.

We are dealing with human life here. Respect the consciences of those who will not kill.

☐ 1730

Mr. BARTLETT of Maryland. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, this is an extremely difficult issue for many people, but one thing ought to be easy, and that is respecting somebody's conscience. I do not think your conscience is mortgaged to anybody. It ought to remain inviolable. People who have moral scruples about abortion, about being an accessory to abortion, about advancing or furthering the cause of exterminating unborn children, the sensitivity, indeed, the sanctity of their conscience, ought to be respected.

The gentleman from California [Mr. WAXMAN] does indirectly what the gentleman from Maryland [Mr. BARTLETT] wishes and seeks to prevent indirectly. It is a distinction without a difference. It is accomplishing the same purpose, namely, a referral for abortion, and it does contravene the conscience of someone who is opposed to this sort of action.

Madam Chairman, I plead with Members as they march forward into this new abortion era that we seem to be entering, respect the consciences of those who feel deeply and morally about this question, defeat the Waxman amendment, and permit the Bartlett amendment to be presented and hopefully adopted.

Mr. BARTLETT of Maryland. Madam Chairman, I yield myself the remainder of my time.

Madam Chairman, I do not think that there is a single person in the United States but what would hope that we could resolve the problems of unfortunate women who have a pregnancy they do not want by some means other than abortion. There are many, many clinics across the country that would seek to counsel women to this end. If we do not vote down this amendment and vote mine in, these clinics will not be able to function.

Madam Chairman, I ask Members to please vote down the Waxman amendment. Make it possible to vote a true conscience clause. The one thing that distinguishes our society and our country from every other society essentially and every other country in the world is the fairness and compassion that marks our society. Please recognize that in this vote. Vote down the Waxman amendment and then vote up the Bartlett amendment.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to clarify what this amendment is all about. This amendment states clearly that if someone finds it objectionable to his or her conscience to advise or counsel on abortion, that that individual not be required to participate in that counseling. That is a way to deal with those who have a definite conscientious objection to abortion and not to require them to do something that is inconsistent with their moral values.

This amendment also says that a woman can still get the information. If the Bartlett amendment were adopted, we would have the gag rule reincarnated, because a clinic would then be able to say, "Well, no one here wants to tell a woman where she could get that information, and therefore she will not even be referred to those who can give her the information she wants, the actual true full facts that she is entitled to," because a clinic is receiving Federal dollars and they ought to be able to give her at least a referral to someone who can give her the information she wants and the truth. So we would through this amendment permit those who have conscientious objections to participating, to opt out and not participate in counseling, and I urge that this conscience amendment be adopted. I ask for an aye vote for the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 163, not voting 12, as follows:

[Roll No. 97]

AYES—260

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Obey

Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—163

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Borski
Bunning
Burton
Buyer
Callahan
Camp
Canady
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McKeon
McNulty
Mica
Michel
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Conyers
Doolittle
Dreier
Ford (TN)
Henry
Johnston
Lewis (FL)
Pickle
Quillen
Romero-Barcelo (PR)
Sharp
Visclosky

□ 1756

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WAXMAN. Madam Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 119, not voting 29, as follows:

[Roll No. 98]

AYES—287

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Zeliff

NOES—119

Allard
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Camp
Canady
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Inglis
Inhofe
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Packard
Paxon
Petri
Pombo
Pryce (OH)
Quinn
Ramstad
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Sensenbrenner
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zimmer

NOT VOTING—29

Armey
Berman
Chapman
Combest
Cox
Doolittle
Dreier
Faleomavaega (AS)
Ford (TN)
Hefner
Henry
Kasich
Lambert
Lewis (FL)
Manton
Miller (CA)
Mink
Murphy
Pickle
Quillen
Romero-Barcelo (PR)
Sharp
Stark
Tucker
Visclosky
Whitten
Williams
Yates
Young (FL)

□ 1817

Mr. SENSENBRENNER and Mrs. ROUKEMA changed their vote from "aye" to "no."

Mr. MAZZOLI changed his vote from "no" to "aye."

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HOYER] having assumed the chair, Ms. SLAUGHTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, had come to no resolution thereon.

ME-TOO DRUGS OFFER SAVINGS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SUNDQUIST. Mr. Speaker, I rise today to draw this Chamber's attention to the sad, and very nearly tragic, mistreatment of a Democratic former Member of the House of Representatives.

A long time ago, someone counted up how much the chemicals and other substances that make up the human body were worth. The total came to 98 cents. Well, it may be time to update that figure. Based on the medical treatment Defense Secretary Aspin received from military doctors, we now know that a Defense Secretary is not even worth a buck fifty-five.

Now, I mean no disrespect to the Secretary. A buck fifty-five is what the military health system saved by giving the Secretary a typhoid vaccine injection rather than a more expensive oral vaccine. The injection Secretary Aspin received resulted in a fever, which caused dehydration, which, in turn aggravated the Secretary's preexisting heart condition.

The costlier oral vaccine, which, I understand, was developed with military funds, has fewer side effects, and is routinely administered to U.S. soldiers sent to developing countries. I applaud this practice. Our fighting men and women are worth the additional cost. In fact, I wish the doctors treating the Secretary had come to me before giving him the shot; I would have gladly paid the buck fifty-five out of my own pocket to spare him the hospital stay.

Now, Mr. Speaker, you may be wondering why I am rising to the defense of a leader of the other party. You should, instead, be wondering why the Members of his own party have not noted and deplored this grave injustice. The reason may be that they fear being politically incorrect.

In recent years, it has become common practice for some Members of this body to inveigh against the way the pharmaceutical industry does business.

It has been alleged that drug prices are too high. Never mind that a recent study by the respected National Bureau of Economic Research pointed out serious flaws in the data on which this allegation is based.

It has been alleged that drug company profits are too high. Never mind that a study by our own Office of Technology Assessment, while far from favorable to the industry, found that drug company profits are not far out of line with those in comparable industries.

It has also been alleged that drug companies spend too much time and money developing what are called me-too drugs. Now, for those of my colleagues who may not spend too much time following the pharmaceutical debate, let me make it clear what a me-too drug is. This is a drug that takes an existing formula and improves on it, perhaps by eliminating adverse side effects, by increasing the speed of action, or by making the active ingredient available in a form that is easier to use. The oral vaccine that probably would have saved Secretary Aspin in his stay in the hospital was just such a drug.

Those who deplore the money spent on me-too drugs would have drug companies spend all their time on developing break-through products. Would that they could. I do not know a single drug company CEO who would say, "Well, we could develop a cure for cancer or AIDS, but why not enter the crowded cold remedy market instead."

Many critics of the drug industry seem not to understand that scientific progress is incremental. I have spent some time with a number of scientists and university professors. I never saw any light bulbs go off over anyone's head as they got hit by a breakthrough idea. What I saw was lots of very smart people, making progress in small steps, picking problems they hoped they could solve, or make a contribution to solving. Scientific breakthroughs are really the culmination of many small steps, some of which may, originally, have been heading in an entirely different direction.

And breakthroughs are no good at all to the people who cannot benefit from them. Me-too drugs make these breakthroughs available to a broader range of people by eliminating certain side effects and, most importantly, by giving patients and their physicians a choice. That's what upsets me the most about the way the Secretary's doctors treated him—they had a choice, and they made the wrong one.

What could be even worse, however, is eliminating the choice entirely. Suppose scientists discover a cure for AIDS, or cancer, but it is not suitable to the needs of 20 to 30 percent of those who need it. This is the proportion of people who have adverse side effects from the injection from the Secretary was given. And suppose you are an AIDS or cancer patient in that 20 or 30 percent. I assure you, Mr. Speaker, I would be shouting, "Me, too! I want to be helped!"

Mr. Speaker, I have here in my hand a buck fifty-five. I would like to donate it to the Defense Department to make sure that the next time the Secretary's doctors need to give him a typhoid shot, that they stop and give him the safer oral vaccine. At least in this case, there is a choice. Let us not be so eager to reform the drug industry that we eliminate choice for the rest of us.

Mr. Speaker, under leave to include extraneous matter, I include the following article from the New York Times of February 24, 1993, for reprinting in the RECORD.

[From the New York Times, Feb. 24, 1993]

MILITARY GAVE ASPIN A RISKIER VACCINE

(By Eric Schmitt)

WASHINGTON, February 23.—Military doctors gave Defense Secretary Les Aspin a typhoid shot known to cause nausea and fever, aggravating a congenital heart condition, instead of a more expensive oral vaccine with fewer side effects, a senior Pentagon official said today.

"It's my understanding that the injection vaccine was used because it's cheaper than the oral one," said Mr. Aspin's spokesman, Vernon A. Guidry Jr. "That policy is now being reconsidered."

The cost to the Pentagon of a typhoid vaccine injection is 35 cents, and the immunization is effective for three years. The oral vaccine, which the Army helped develop, costs $1.90 and is effective for five years. The costlier oral vaccine is routinely administered to soldiers bound for developing countries. Mr. Aspin was inoculated in preparation for a trip this weekend to Somalia; the trip has now been postponed.

Doctors said today that Mr. Aspin had "significantly improved" since Sunday, when he was placed in intensive care at Georgetown University Hospital after suffering breathing difficulties related to a mild heart condition. Pentagon officials said Mr. Aspin, who is 54, would probably remain hospitalized one more night for further tests and evaluation.

FULL RECOVERY EXPECTED

Pentagon doctors issued their first detailed statement on Mr. Aspin tonight. According to The Associated Press, the statement said that Mr. Aspin was not suffering from chest pains but that the thickness of his heart muscle had increased since he suffered heart problems in 1991.

The statement said that Mr. Aspin had occasionally skipped heartbeats but that they were not dangerous. The doctors said they expected a full recovery.

Mr. Aspin had been suffering from bronchitis, but his breathing problems resulted mainly from a typhoid inoculation that induced a fever and aggravated his heart problem, Pentagon officials said.

The cost of Mr. Aspin's hospitalization following use of the less expensive vaccine is unknown. The Secretary chose to go to Georgetown Hospital instead of a military hospital in the Washington area because his personal doctor practices there, the Pentagon said.

FEVER A COMMON SIDE EFFECT

Infectious-disease specialists today raised questions about the quality of Mr. Aspin's medical treatment, particularly since a fever often follows the typhoid injection. Fevers often cause dehydration, which is known to aggravate Mr. Aspin's heart condition, hypertrophic cardiomyopathy, a thickening of the heart muscle that can impair the heart's ability to pump blood.

"The oral vaccine's great virtue is that you get the same level of protection without the side effects," said Dr. Pierce Gardner, acting chief of infectious disease division at University Hospital in Stony Brook, L.I.

Military doctors gave Mr. Aspin several inoculations in his third-floor Pentagon office last Saturday, said Mr. Guidry, who declined to identify the doctors. Mr. Guidry said the doctors were aware of Mr. Aspin's heart condition but apparently did not anticipate his reactions to the typhoid shot.

"The bronchitis was not diagnosed," Mr. Guidry said. "The reaction to the typhoid shot was not anticipated, and therefore the cumulative effect of the two problems with the chronic, underlying heart condition was not predicted."

But doctors interviewed today said that the typhoid injection causes side effects like fever, nausea, flu-like symptoms and a sore arm in 20 percent to 30 percent of the people inoculated.

As a result, the military worked for years to help develop an oral vaccine with fewer side effects. In the mid-1980's, the Walter Reed Army Institute of Research in Washington awarded a $782,000 grant to conduct field trials for an oral vaccine developed by the University of Maryland's Center for Vaccine Development and the Berna Products Corporation of Coral Gables, Fla., a subsidiary of the Swiss Serum and Vaccine Institute in Berne, Switzerland.

The United States Food and Drug Administration approved the oral typhoid vaccine in 1990. The Armed Forces Epidemiological Board, the Defense Department's medical advisory panel, recommended in May 1991 that military doctors give troops going overseas the oral vaccine instead of the injection.

"The Ty21a oral vaccine has been shown effective by extensive testing to be a safe and effective vaccine without eliciting the undesirable side reactions of the parenteral typhoid vaccines," according to the board's memorandum to the senior military medical officials.

In August 1991, the Army Surgeon General advised all Army medical commands to phase in the oral vaccine as existing stocks of the injection vaccine were depleted.

The oral vaccine is given in four capsules taken every other day, doctors said. The injection is a one-time shot, except for the initial immunization, which requires a booster 30 days after the first inoculation.

A Pentagon spokeswoman, Susan Hansen, said both types of typhoid vaccine were available to military commanders.

HOSPITAL ROOM AS OFFICE

Officials at the Defense personnel Support Center in Philadelphia, which buys medical supplies for military depots, said the center had 2,060 packages of vaccine shots, with 50 doses per packages, in stock and another 15,780 packages on order. The center last week ordered 6,000 packages of the oral vaccine, which have four capsules per package. Individual military bases have been ordering the oral vaccine for months, said Andreas Murai, the president of Berna Products.

A Pentagon spokesman, Bob Hall, said Mr. Aspin was expected to be released from the hospital's cardiac-care unit in "a day or so."

With secure communications equipment set up in his hospital room, Mr. Aspin took care of some pressing Pentagon business from his bed, Mr. Guidry said, meeting with Gen. Colin L. Powell, Chairman of the Joint Chiefs of Staff, and the designated Deputy Defense Secretary, William Perry.

While Mr. Aspin seemed in good spirits, Mr. Guidry said his voice was "gravelly" by the end of the day.

TOWARD A BALANCED BUDGET AMENDMENT

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARLOW. Mr. Speaker, it is deeply gratifying that the Republicans are joining with Democratic leadership in the historic march toward a balanced budget. It is very understandable that people in our country are looking to a balanced budget amendment, because after 12 years of Republican mismanagement of our economy we are in deep trouble and we need to move quickly.

Let me just point out the deficits proposed in the last 2 years of the Bush administration: The budget sent down from the White House to Capitol Hill in 1992, $280 billion deficit proposed by President Bush. In 1993, $349 billion deficit proposed by President Bush.

We want to remedy the mistakes of the past.

Mr. Speaker, in the Community Development Block Grant Program, in 1981 it was the Republicans who threw out the bookkeeper, who prevented oversight by the appropriations process for the moneys sent to the States under the Community Development Block Grant Program.

Why did this happen? Why did the Republicans propose this?

[In billions of dollars]

	Budget sent to Hill by Reagan/Bush	First budget resolution reported by Senate/House conference
1981	2.2	[1] 0.2
1982	61.7	37.6
1983	107.2	103.9
1984	202.8	171.6
1985	195.2	181.2
1986	180.0	171.9
1987	143.6	142.6
1988	107.8	108.0
1989	129.5	135.3
1990	91.1	99.7
1991	63.1	64.0
1992	280.9	278.8
1993	349.9	326.6

[1] $200 M surplus.

Note.—Budget numbers compiled by the Congressional Budget Office and the Congressional Research Service.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 265, nays 134, not voting 31, as follows:

[Roll No. 99]

YEAS—265

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bishop
Blackwell
Bliley
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Goodlatte
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Hoyer
Hughes
Inglis
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman

Wheat
Wilson
Wise
Woolsey
Wyden
Wynn

NAYS—134

Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bonior
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goss
Grams
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
McCollum
McCrery
McHugh
McInnis
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Ortiz
Oxley
Packard
Paxon
Petri
Pombo
Porter
Quinn
Ramstad
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Skeen
Slattery
Smith (MI)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—31

Applegate
Armey
Bateman
Berman
Brown (CA)
Combest
DeFazio
Doolittle
Dreier
Ford (TN)
Gibbons
Hefner
Henry
Hutto
Lewis (FL)
Maloney
Manton
McDade
Miller (CA)
Mink
Murphy
Pickle
Quillen
Sharp
Taylor (NC)
Tucker
Visclosky
Whitten
Williams
Yates
Young (FL)

□ 1836

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 6 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 25, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

948. A letter from the Chairman, Federal Trade Commission, transmitting the 15th annual report on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking, Finance and Urban Affairs.

949. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

950. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

951. A letter from the Acting Comptroller, Department of Defense, transmitting a report pursuant to section 108 of Public Law 102-229; jointly, to the Committees on Foreign Affairs and Appropriations.

952. A letter from the Acting Comptroller, Department of Defense, transmitting a report pursuant to section 108 of Public Law 102-229; jointly, to the Committees on Foreign Affairs and Appropriations.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Agriculture discharged from further consideration of H.R. 720; H.R. 720 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Ms. MOLINARI, and Mr. SOLOMON):

H.R. 1438. A bill to strengthen United States and international antiterrorism efforts; jointly, to the Committees on Foreign Affairs, Ways and Means, and the Judiciary.

By Mr. ANDREWS of Texas (for himself, Mr. EVANS, Mr. TOWNS, Mr. FROST, Mrs. MINK, and Mr. DEFAZIO):

H.R. 1439. A bill to create "Healthy American Schools," where children will learn the lifelong health and fitness skills vital to developing a smart body and smart mind and to empower every school with the ability to become a healthy school, built on a firm foundation of "healthy mind and healthy body" curricula; to the Committee on Education and Labor.

By Mr. ENGLISH of Oklahoma (for himself, Mr. DE LA GARZA, Mr. COMBEST, Mr. PENNY, Mrs. CLAYTON, Mr. MINGE, and Mr. BARLOW):

H.R. 1440. A bill to amend the Soil Conservation and Domestic Allotment Act to provide for comprehensive site-specific resource management plans on land used for the production of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. BERMAN:

H.R. 1441. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 1442. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

By Mr. BOUCHER (for himself, Mr. PAYNE of Virginia, Mr. SISISKY, Mr. BLILEY, Mr. PICKETT, Mrs. BYRNE, Mr. MORAN, Mr. GOODLATTE, Mr. GILLMOR, and Ms. KAPTUR):

H.R. 1443. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to businesses which mine metallurgical coal and are required to make contributions to the UMWA Combined Benefit Fund created by the Energy Policy Act of 1992; to the Committee on Ways and Means.

By Mr. CLEMENT:

H.R. 1444. A bill to amend title II of the Social Security Act to provide for payment of a benefit for the month of the recipient's death; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. GLICKMAN, Mr. WALSH, Mr. WOOLSEY, Mr. SPRATT, Mr. KANJORSKI, Mr. MCCLOSKEY, Mr. BLACKWELL, and Mr. LAFALCE):

H.R. 1445. A bill to provide for the trilateral negotiation of North American environmental, labor, and agricultural standards, to implement as U.S. negotiating objectives in the North American free trade area negotiations certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive trinational dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the North American free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. GLICKMAN, Mr. HINCHEY, Mr. WALSH, Ms. WOOLSEY, Mr. SPRATT, Mr. KANJORSKI, Mr. MCCLOSKEY, Mr. BLACKWELL, and Mr. LAFALCE):

H.R. 1446. A bill to provide for the multilateral negotiation of Western Hemisphere environmental, labor, and agricultural standards, to implement as U.S. negotiating objectives in any free trade area negotiations pursuant to the Enterprise for the Americas Initiative certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive multilateral dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgment against any unfair trade practices arising within the Western Hemisphere free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

By Mr. CLEMENT:

H.R. 1447. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. FIELDS of Louisiana (for himself and Mr. WYNN):

H.R. 1448. A bill to establish a limit on the fee which certain persons may charge for cashing checks and other instruments, to require depository institutions to cash checks issued by the United States or a State, and to provide that checks drawn by the Federal

Government may be mailed only to the personal residence or primary place of business of the payee, to a Federal post office box, or to a federally insured depository institution at which the payee holds an account; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. FRANK of Massachusetts:

H.R. 1449. A bill to prohibit any State or local government from requiring any disabled veteran to reside for a minimum period within the jurisdiction of such government as a condition of receiving benefits under any real property tax relief program of such government; to the Committee on the Judiciary.

By Mr. WALKER (for himself, Mr. Gingrich, Mr. Armey, Mr. McCollum, Mr. DeLay, Mr. Hyde, Mr. Hunter, Mr. Paxon, Mr. Burton of Indiana, Mr. Lewis of Florida, Mr. Sensenbrenner, Mr. Henry, Mr. Fawell, Mr. Rohrabacher, Mr. Barton of Texas, Mr. Zimmer, Mr. Sam Johnson, Mr. Calvert, Mr. Hoke, Mr. Smith of Michigan, Mr. Royce, Mr. Grams, Mr. Linder, Mr. Blute, Ms. Dunn, Mr. Baker of California, and Mr. Bartlett):

H.R. 1450. A bill to promote the competitiveness of American businesses by reducing the national debt to lower the cost of capital, providing tax incentives to further enhance private capital formation, modernizing antitrust law to remove barriers to cooperative enterprise, instituting civil justice reform to reduce litigious burdens, and reviewing new Federal regulations to prevent unintended effects, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Energy and Commerce, Science, Space, and Technology, Education and Labor, and Government Operations.

By Mr. GOODLATTE (for himself and Mr. Boucher):

H.R. 1451. A bill to amend the Appalachian Regional Development Act of 1965 to include Montgomery, Roanoke, and Rockbridge Counties, VA, as part of the Appalachian region; to the Committee on Public Works and Transportation.

By Mr. GOODLING (for himself and Mr. DeFazio):

H.R. 1452. A bill to allow States, local educational agencies, and schools the flexibility to use and combine Federal, State, and local funds to improve the educational achievement of all elementary and secondary school students; to the Committee on Education and Labor.

By Mr. GENE GREEN (for himself, Mr. Sarpalius, Mr. Berman, Mr. Wilson, Mr. Pete Geren, Mr. Ortiz, Mr. Washington, Mr. Laughlin, Mr. de la Garza, Ms. Eddie Bernice Johnson, Mr. Andrews of Texas, Mr. Pastor, Mr. Tejeda, Mr. Edwards of Texas, Mr. Bryant, Mr. Stenholm, Mr. Chapman, Mr. Hall of Texas, Mr. Coleman, Mr. Frost, Mr. Martinez, Mr. Strickland, Mr. Brooks, Ms. English of Arizona, Mr. Gonzalez, Mr. Faleomavaega, and Mr. Pickle):

H.R. 1453. A bill to provide equity in education funding for the States received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. Goodling, Mr. Petri, Ms. Molinari, Mrs. Johnson of Connecticut, Ms. Snowe, Mr. Kolbe, and Mr. Bereuter):

H.R. 1454. A bill to provide for the development of workplace readiness competencies and voluntary national industry-recognized skill standards, to promote school-to-work transition and youth apprenticeship, and for other purposes; to the Committee on Education and Labor.

By Mr. JACOBS (for himself and Mr. Shays):

H.R. 1455. A bill to provide protection for veal calves; to the Committee on Agriculture.

By Mrs. JOHNSON of Connecticut:

H.R. 1456. A bill to amend the Internal Revenue Code of 1986 to provide that income of spouses will not be aggregated for purposes of the limitations of sections 401(a)(17) and 404(2) of such Code; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. Frank of Massachusetts, Mr. Conyers, Mr. Owens, Ms. Pelosi, Ms. Norton, Mr. Kennedy, Mr. Moran, Mr. Oberstar, Mr. Mfume, Mr. Flake, Mr. Ackerman, Mr. Romero-Barceló, Mr. Towns, Mr. Hall of Ohio, Mr. Blackwell, Mr. Slattery, and Mr. Gonzalez):

H.R. 1457. A bill to protect the voting rights of homeless citizens; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 1458. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the cost of installing automatic fire sprinkler systems in certain buildings; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Mr. Moorhead, Mr. Smith of Texas, Mr. Gallegly, and Mrs. Roukema):

H.R. 1459. A bill to amend the Immigration and Nationality Act to expand the definition of "aggravated felony," to eliminate the administrative deportation hearing and review process for aliens convicted of aggravated felonies who are not permanent residents, and for other purposes; to the Committee on the Judiciary.

By Mr. McDERMOTT:

H.R. 1460. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of associations resulting from mergers of certain farm credit associations; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 1461. A bill to amend title 18, United States Code, to provide penalties for stalking; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Abercrombie, Mr. de Lugo, Mr. Underwood, and Mr. Young of Alaska):

H.R. 1462. A bill to amend section 203 of the National Housing Act to reduce the minimum downpayment required for a mortgage on a 1- to 4-family residence located in Alaska, Guam, Hawaii, or the Virgin Islands to be eligible for mortgage insurance under such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (by request):

H.R. 1463. A bill to amend title 38, United States Code, to implement recommendations made by the Commission on the Future Structure of Veterans Health Care; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself, Mrs. Mink, and Ms. Pelosi):

H.R. 1464. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. ORTON:

H.R. 1465. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 1466. A bill to amend the National Labor Relations Act to improve the procedure for appointing members to the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. PAYNE of New Jersey:

H.R. 1467. A bill to provide grants to community-based organizations to provide employment and job training services, to provide grants to those organizations to provide attitudinal, motivational, and skills training to certain disadvantaged youths and adults, and for other purposes; to the Committee on Education and Labor.

By Ms. PELOSI:

H.R. 1468. A bill to authorize the Secretary of Transportation to convey for scrapping by the National Maritime Museum Association not more than two vessels in the National Defense Reserve Fleet that are scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Ms. PELOSI (for herself and Mr. Miller of California):

H.R. 1469. A bill to authorize the Secretary of the Interior to use the facilities of the Golden Gate National Recreation Area to develop and implement a program to use drought-resistant species of plants in the landscaping of public lands; to the Committee on Natural Resources.

By Mr. RAHALL:

H.R. 1470. A bill to reauthorize the Mining and Mineral Resources Research Institute Act of 1984; to the Committee on Natural Resources.

By Mr. RICHARDSON:

H.R. 1471. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHUMER (for himself and Mr. Synar):

H.R. 1472. A bill to make unlawful the transfer or possession of assault weapons; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 1473. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to electric toothbrushes and parts thereof; to the Committee on Ways and Means.

By Mr. SMITH of Texas::

H.R. 1474. A bill to increase the irrigable acreage for the San Angelo Federal reclamation project, TX, and for other purposes; to the Committee on Natural Resources.

By Mr. SUNDQUIST:

H.R. 1475. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credits; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself, Mr. McMillan, Mr. Solomon, Mr. Stenholm, Mr. Tanner, Mr. Rahall, Mr. Peterson of Minnesota, Mr. Baker of Louisiana, Mr. Fawell, Mr. McHugh, Mr. DeFazio, Mr. Bateman, Ms. Woolsey, Mr. Hughes, Mr. Applegate, Mr. Torkildsen, Mrs. Lloyd, Mr. Lewis of Florida, Mr. Neal of North Carolina, Mr. Stearns, Mr. Packard, Mr. Cramer, Mr. Condit, Mr. Lancaster, Mr. Zeliff, Mr. McInnis, Mr. Traficant, Mr. Taylor of North Carolina, Mr. Minge, Mr. Hastert, Ms. Molinari, Mr. Schaefer, and Mr. Lehman):

H.R. 1476. A bill to require the President to submit to the Congress each year an integrated justification for U.S. foreign assistance programs, and for other purposes; jointly, to the Committee on Foreign Affairs, Agriculture, Banking, Finance and Urban Affairs, and Rules.

By Mr. WILLIAMS:

H.R. 1477. A bill to provide for the management of lands and recreational resources at Canyon Ferry Recreation Area, MT, and other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS (for himself and Mr. ROWLAND):

H.J. Res. 162. Joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques"; to the Committee on Post Office and Civil Service.

By Mr. HEFNER:

H.J. Res. 163. Joint resolution proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public institutions, including public school graduation ceremonies and athletic events; to the Committee on the Judiciary.

By Ms. SHEPHERD:

H.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States to provide a limitation on the terms of U.S. Senators and Representatives; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Mr. PETE GEREN, Mr. DE LUGO, Mr. WILSON, Mr. BARTON of Texas, Mr. EVANS, Mr. CHAPMAN, Mr. STARK, Mr. GINGRICH, Mr. BARCIA, Mr. BEREUTER, Mr. TEJEDA, Mr. SANGMEISTER, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. FROST, and Mr. HAYES of Louisiana):

H. Con. Res. 70. Concurrent resolution expressing the sense of Congress with respect to certain international aviation agreements and certain agreements between commercial air carriers of the United States and the United Kingdom; to the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H. Con. Res. 71. Concurrent resolution authorizing the use of the Capitol grounds for the 12th annual National Peace Officers' Memorial Service; to the Committee on Public Works and Transportation.

By Mr. GILCHREST (for himself, Mr. SOLOMON, Mr. GINGRICH, Mr. CRANE, Mr. LIVINGSTON, Mr. BUNNING, Mr. WOLF, Mr. LIGHTFOOT, Mr. RAMSTAD, Mr. EWING, Mr. OXLEY, Mr. MCHUGH, Mr. DIAZ-BALART, Mr. COLLINS of Georgia, Mr. BAKER of California, Mr. BACHUS of Alabama, Mr. ZIMMER, Mr. BOEHLERT, Mr. ALLARD, Mr. HERGER, Mr. RAVENEL, Mr. WELDON, Mr. SMITH of Texas, Mr. INHOFE, Mr. SHAYS, Mr. KLUG, Mr. BARTLETT, Mr. COBLE, Mr. HEFLEY, Mr. SCHAEFER, Mr. SANTORUM, Mr. KASICH, Mr. REGULA, Mr. KYL, Mr. HASTERT, Mr. SAXTON, Ms. ROS-LEHTINEN, Mr. CANADY, Mr. EMERSON, Mr. KOLBE, Mr. FRANKS of Connecticut, Mr. DORNAN, and Mr. GALLEGLY):

H. Res. 139. Resolution amending the Rules of the House of Representatives to require a three-fifths vote to adopt any rule reported from the Committee on Rules disallowing germane amendments to a bill or resolution; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

60. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to a bipartisan Pacific Northwest forest summit; to the Committee on Agriculture.

61. Also, memorial of the House of Representatives of the State of Utah, relative to Federal grazing fees; to the Committee on Natural Resources.

62. Also, memorial of the House of Representatives of the State of Utah, relative to a balanced Federal budget; to the Committee on the Judiciary.

63. Also, memorial of the Senate of the State of New Mexico, relative to veterans benefits; to the Committee on Veterans' Affairs.

64. Also, memorial of the House of Representatives of the State of Utah, relative to a medical care savings account; to the Committee on Ways and Means.

65. Also, memorial of the House of Representatives of the State of Iowa, relative to small issue private activity bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PRICE of North Carolina introduced a bill (H.R. 1478) for the relief of Chi Hsii Tsui, Jim Mie Tsui, Yim Whee Tsui, Yin Tan Tsui, and Yin Chao Tsui; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. BORSKI, Mr. MANTON, Mr. HAYES of Louisiana, and Mr. SERRANO.

H.R. 25: Mr. INSLEE, Mr. LAROCCO, Ms. WOOLSEY, Mr. LANTOS, Mr. TORRES, Mr. REED, Mr. BERMAN, Ms. CANTWELL, Mr. MCCURDY, Mr. CARDIN, Mr. STOKES, and Mr. TOWNS.

H.R. 28: Mr. JACOBS.

H.R. 59: Mr. ISTOOK, Mr. DEAL, and Mr. KNOLLENBERG.

H.R. 65: Mr. HUTTO, Mrs. LOWEY, Mr. HALL of Texas, and Mr. GONZALEZ.

H.R. 67: Mr. HALL of Texas, Mr. FRANK of Massachusetts, and Mr. JOHNSON of South Dakota.

H.R. 71: Mr. ANDREWS of New Jersey.

H.R. 94: Mr. SENSENBRENNER.

H.R. 112: Mr. DOOLITTLE and Mr. ZIMMER.

H.R. 159: Mr. ISTOOK.

H.R. 162: Mr. APPLEGATE, Mr. ARMEY, Mr. BARCIA, Mr. BATEMAN, Ms. ENGLISH of Arizona, Mr. FISH, Mr. ISTOOK, Mr. LANCASTER, Mr. MCDADE, and Mr. SOLOMON.

H.R. 163: Mr. ALLARD.

H.R. 171: Mr. SENSENBRENNER.

H.R. 174: Mr. VENTO, Ms. EDDIE BERNICE JOHNSON, Mr. FOGLIETTA, and Mr. TOWNS.

H.R. 214: Mr. RAMSTAD, Mr. ZIMMER, and Mr. BARCIA.

H.R. 303: Mr. DICKS and Mr. GONZALEZ.

H.R. 322: Mr. RAVENEL, Mr. PRICE of North Carolina, and Mr. REYNOLDS.

H.R. 335: Mr. BLUTE, Mr. KINGSTON, and Mr. FISH.

H.R. 349: Mr. ANDREWS of Maine, and Mr. BAKER of California.

H.R. 406: Mr. MATSUI.

H.R. 454: Mr. MEEHAN.

H.R. 455 Mr. OWENS.

H.R. 465: Mr. PAYNE of Virginia.

H.R. 485: Mr. MARTINEZ, Mrs. UNSOELD, Mr. TALENT, Mr. SAWYER, Mr. KOPETSKI, Mr. CLAY, Mr. TRAFICANT, Mr. GEJDENSON, Mrs. LLOYD, Mr. BLACKWELL, Mr. JEFFERSON, Ms. BYRNE, Mr. MORAN, Mr. EMERSON, Mr. HASTINGS, and Mr. JOHNSON of South Dakota.

H.R. 535: Mr. BROOKS, Mr. EDWARDS of Texas, Mr. EVERETT, Mr. LAUGHLIN, Mr. MARTINEZ, Mr. MATSUI, Mr. ORTIZ, Mr. PASTOR, Mr. REED, Mr. REGULA, Mr. ROEMER, Mr. WISE, Mr. HALL of Texas, Mr. KOLBE, Ms. FURSE, Mr. MOAKLEY, Mr. COLEMAN, Mr. BEVILL, Mr. SISISKY, Mr. PICKETT, Mr. DUNCAN, Mr. WYDEN, and Mr. ORTON.

H.R. 624: Mr. HANCOCK, Mr. BROWN of Ohio, Mr. BUYER, Mr. BERMAN, Mr. LAZIO, Ms. DANNER, Ms. FURSE, Mr. STRICKLAND, Ms. BROWN of Florida, Mr. POMEROY, Mr. DOOLEY, Mr. LEVY, Mr. MCINNIS, Mr. SCHAEFER, Mr. DURBIN, Mr. ISTOOK, Mr. HOKE, and Mr. ROEMER.

H.R. 653: Mr. KINGSTON, and Mrs. THURMAN.

H.R. 656: Mr. JOHNSTON of Florida, and Mr. TOWNS.

H.R. 672: Mr. CLAY, Mr. TORRICELLI, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. COSTELLO, and Mr. HUGHES.

H.R. 697: Ms. BYRNE, Mr. WYDEN, Ms. SLAUGHTER, Mr. WILLIAMS, and Mr. FIELDS of Louisiana.

H.R. 723: Mr. PORTER, Mr. SPENCE, Mr. BOEHNER, and Mr. LEVY.

H.R. 749: Mr. HAYES of Louisiana, Mr. ANDREWS of New Jersey, Mr. NEAL of North Carolina, and Mr. TEJEDA.

H.R. 767: Mr. CRAPO, Mr. JOHNSON of Georgia, Mr. BREWSTER, Mr. LAROCCO, Mr. MONTGOMERY, Mr. ROBERTS, and Mr. THOMAS of Wyoming.

H.R. 776: Mr. GUTIERREZ, Mrs. MORELLA, and Mr. ARMEY.

H.R. 786: Mr. EMERSON.

H.R. 792: Mr. BOUCHER.

H.R. 830: Mr. BAKER of California, Ms. FOWLER, Mr. BROWN of Ohio, Mr. TALENT, Ms. LAMBERT, Mr. CRANE, Mr. KINGSTON, Mr. UPTON, Mr. RAVENEL, Mr. INHOFE, Mr. PETRI, Mr. BACHUS of Alabama, Mr. MOORHEAD, Mr. BALLENGER, Mr. FRANKS of New Jersey, Mr. BARTON of Texas, Mr. SUNDQUIST, and Mr. COX.

H.R. 852: Mr. MCKEON, Mr. KIM, and Mr. GINGRICH.

H.R. 882: Mr. HEFLEY and Ms. SLAUGHTER.

H.R. 886: Mr. LEVY, Mr. SUNDQUIST, Mr. SKEEN, and Mr. LAZIO.

H.R. 915: Mr. ROMERO-BARCELÓ, Mr. MARKEY, and Mr. MCINNIS.

H.R. 916: Mr. CLYBURN, Mr. OWENS, Mr. SABO, Mr. BLACKWELL, Mr. HASTINGS, and Ms. FURSE.

H.R. 930: Mr. PETERSON of Minnesota, Mr. PETRI, Mr. BACCHUS of Florida, Mr. HYDE, Mr. TOWNS, and Mr. COLLINS of Georgia.

H.R. 942: Mr. COBLE, Mr. WILSON, Mr. SUNDQUIST, Mr. CRAMER, Mr. GUTIERREZ, Mr. SHAYS, Ms. BYRNE, Mr. COYNE, Mr. LAFALCE, Mr. WALSH, Ms. PELOSI, Mr. MCCLOSKEY, Mr. EMERSON, Mr. MORAN, Mrs. MORELLA, Mr. COLEMAN, Mrs. MEEK, Mr. ROWLAND, Mr. PORTER, and Mrs. MEYERS of Kansas.

H.R. 943: Mr. LEWIS of Georgia, Mr. DE LUGO, Mr. LEVY, and Mr. SANDERS.

H.R. 960: Mr. BARLOW, Mr. ROGERS, and Mr. SPRATT.

H.R. 962: Mr. EDWARDS of Texas, Mr. FISH, Ms. FOWLER, Mr. COMBEST, Mr. DORNAN, Mr. LEWIS of Florida, Mr. SPENCE, Mr. ISTOOK, Mr. BONILLA, Mr. DEAL, Mr. GRAMS, Mr. FRANKS of New Jersey, Mr. KNOLLENBERG, and Mr. GINGRICH.

H.R. 985: Mr. DUNCAN, Mr. HEFLEY, Mr. DICKEY, Mr. BARRETT of Nebraska, Ms. DANNER, Mr. ROGERS, Mr. SARPALIUS, Mr. BAKER of California, and Mr. KASICH.

H.R. 986: Miss COLLINS of Michigan.

H.R. 999: Ms. SLAUGHTER, Mr. GOSS, Mr. HILLIARD, and Mr. ZIMMER.

H.R. 1036: Mr. REED, Mr. BECERRA, Mr. COSTELLO, and Mr. PENNY.

H.R. 1048: Mr. JACOBS.

H.R. 1055: Mr. BATEMAN, Mr. KING, Mr. TORKILDSEN, Mr. GINGRICH, Mr. TOWNS, Mr. SLATTERY, Mr. JEFFERSON, Mr. HANCOCK, Mr. FROST, and Mr. ZELIFF.

H.R. 1067: Mr. GINGRICH and Mr. COX.

H.R. 1079: Mr. SAM JOHNSON OF TEXAS.

H.R. 1086: Mr. MACHTLEY.

H.R. 1088: Mr. MCHUGH, Mr. DOOLEY, Mr. EWING, Mr. LANCASTER, Mr. GOODLATTE, Mr. DORNAN, Mr. BALLENGER, Mr. ARMEY, and Mr. LIVINGSTON.

H.R. 1090: Mr. EWING and Mr. SANGMEISTER.

H.R. 1133: Mr. LAFALCE, Mr. STUPAK, Mr. SANDERS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. BRYANT, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. RAVENEL, Mr. MURPHY, Mr. COLEMAN, Mr. DURBIN, Mr. MANTON, Mr. VENTO, Mrs. KENNELLY, Mr. RANGEL, Mr. HAMILTON, Mr. UPTON, Mr. TOWNS, Mr. COYNE, Mr. FLAKE, Mr. BECERRA, Mr. BEILENSON, Mrs. MEEK, Mr. HINCHEY, Mr. CARDIN, Mr. BLACKWELL, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. KENNEDY, Mr. FAZIO, Mr. MFUME, Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. MORAN, Mr. ABERCROMBIE, Mr. SERRANO, Mr. MCCLOSKEY, Mr. SARPALIUS, and Mrs. LLOYD.

H.R. 1141: Mr. ROHRABACHER, Mr. SANTORUM, Mr. KLUG, and Mr. KYL.

H.R. 1149: Mr. TOWNS.

H.R. 1164: Mr. SCHUMER.

H.R. 1200: Mr. REYNOLDS, Mr. ANDREWS of Maine, and Mr. LANTOS.

H.R. 1210: Mr. VISCLOSKY.

H.R. 1247: Mr. SOLOMON, Mr. BLUTE, Mr. BAKER of California, and Mr. HOKE.

H.R. 1280: Mr. DINGELL, Mr. MCCLOSKEY, and Mr. BORSKI.

H.R. 1285: Mr. PENNY, Mr. BAKER of California, Mrs. LLOYD, and Mr. ANDREWS of New Jersey.

H.R. 1309: Mr. FAWELL, Mr. BALLENGER, and Mr. PENNY.

H.R. 1322: Mr. BALLENGER, Mr. LAZIO, Mr. JOHNSON of South Dakota, and Mr. HOKE.

H.R. 1327: Mrs. MEEK, Mr. HANSEN, Mr. JACOBS, Mr. MONTGOMERY, and Mr. HASTINGS.

H.R. 1332: Mr. BOEHNER, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GOSS, Mr. HEFNER, Mrs. JOHNSON of Connecticut, Mr. KREIDLER, Mr. LEWIS of Florida, Mr. MANTON, Mr. MAZZOLI, Mr. MCDADE, Mrs. MINK, Mr. OXLEY, Ms. PELOSI, Mr. RAHALL, Mrs. ROUKEMA, Mr. SAXTON, Mr. SCHUMER, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. SUNDQUIST, Mr. TOWNS, Mrs. UNSOELD, and Mr. ZIMMER.

H.R. 1360: Mr. FLAKE, Ms. BYRNE, Mr. WOLF, Mr. GONZALEZ, and Ms. WATERS.

H.R. 1368: Mr. SHAYS.

H.R. 1404: Mr. PETERSON of Minnesota, Mr. MCHUGH, Ms. MALONEY, Mr. KOPETSKI, Mr. SCHUMER, Mr. KING, Mr. BOUCHER, Mr. CLYBURN, Mr. FISH, and Mr. LANCASTER.

H.R. 1405: Mr. RUSH, Ms. MALONEY, Mr. ACKERMAN, Mr. BEREUTER, and Mr. KOPETSKI.

H.R. 1415: Mr. CLYBURN, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. ABERCROMBIE, Mr. RANGEL, Mr. STUDDS, Mr. BAKER of Louisiana, and Mr. TUCKER.

H.R. 1424: Mr. DEFAZIO.

H.J. Res. 1: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. HINCHEY, and Mr. KREIDLER.

H.J. Res. 9: Mr. MILLER of Florida.

H.J. Res. 22: Mr. COLLINS of Georgia and Mr. EVERETT.

H.J. Res. 30: Mr. GOODLATTE.

H.J. Res. 79: Ms. DANNER, Mr. FROST, Mr. HUGHES, Mr. JEFFERSON, Mrs. KENNELLY, Mr. QUILLEN, Mr. RANGEL, Mr. SERRANO, and Mr. WALSH.

H.J. Res. 80: Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BATEMAN, Mr. BILBRAY, Mr. BLILEY, Mr. BOEHLERT, Mr. BREWSTER, Ms. DANNER, Mr. EMERSON, Mr. GALLEGLY, Mr. GILMAN, Mr. HUGHES, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. KOPETSKI, Mr. MINETA, Mr. MORAN, Mr. NATCHER, Mr. RANGEL, Mr. SHARP, Mr. SISISKY, Mr. SKELTON, Mr. SPENCE, Mr. STUMP, Mr. TORKILDSEN, Mr. WALSH, and Mr. YOUNG of Alaska.

H.J. Res. 83: Mrs. MEYERS of Kansas and Mr. MARTINEZ.

H.J. Res. 86: Mr. PETRI, Mr. BLACKWELL, Mr. GREENWOOD, Mr. BILBRAY, Mr. OWENS, Mr. QUILLEN, Mr. MARKEY, and Mr. SOLOMON.

H.J. Res. 88: Ms. FURSE.

H.J. Res. 94: Mr. PARKER, Mr. CARDIN, Mr. ANDREWS of Texas, Mr. BEILENSON, Mr. BERMAN, Mr. BEVILL, Mr. BRYANT, Mr. GIBBONS, Mr. CRANE, Mr. DUNCAN, Mr. BEREUTER, Mr. MARKEY, Mr. SWIFT, Ms. CANTWELL, Mr. DINGELL, Mr. DARDEN, Mr. PETE GEREN of Texas, Mr. HOAGLAND, Mr. VOLKMER, Mr. STENHOLM, Mr. ABERCROMBIE, Mr. INHOFE, Mrs. KENNELLY, Mr. CALLAHAN, Mr. COBLE, Mr. EMERSON, Mr. CRAMER, Mr. DIAZ-BALART, Mr. HALL of Ohio, and Mrs. COLLINS of Illionis.

H.J. Res. 108: Mr. COPPERSMITH, Mr. FISH, Mr. FOGLIETTA, Mr. TOWNS, Mr. THOMAS of California, Ms. DUNN, Mr. TUCKER, Mr. POMEROY, Mr. YOUNG of Alaska, Mr. BARRETT of Wisconsin, and Mr. JEFFERSON.

H.J. Res. 111: Mr. COLEMAN, Mr. QUILLEN, Mrs. COLLINS of Illinois, Mr. FRANKS of Connecticut, Mr. SABO, Mr. HILLIARD, Mr. PETERSON of Florida, Mr. SMITH of Texas, and Mr. RAVENEL.

H.J. Res. 126: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARCHER, Mr. BACHUS of Alabama, Mr. CARDIN, Mr. COBLE, Mr. DEUTSCH, Mr. DURBIN, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FROST, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mr. LANCASTER, Mr. LAZIO, Mr. LEVY, Mr. LIPINSKI, Mrs. LOWEY, Mr. MACHTLEY, Mrs. MALONEY, Mr. MAZZOLI, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MINETA, Mr. MORAN, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PALLONE, Ms. PELOSI, Mr. RANGEL, Mr. SAXTON, Mr. STOKES, Mr. SWETT, Mr. TORKILDSEN, Mr. TOWNS, Mr. VENTO, Mr. WALSH, Mr. WAXMAN, and Mr. WOLF.

H.J. Res. 127: Mr. WOLF, Mr. KINGSTON, Mr. DINGELL, Mr. BLILEY, Mr. ANDREWS of New Jersey, Mr. LIPINSKI, Mr. BEILENSON, Mr. SANDERS, Mr. MCDERMOTT, Mr. FAZIO, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. FROST, Mr. TOWNS, Mr. WALSH, Mr. SANGMEISTER, Mr. HUGHES, Mr. QUILLEN, Mr. CONYERS, Mr. PALLONE, Mr. KILDEE, Mr. SHARP, Mr. TORRICELLI, and Mr. MENENDEZ.

H.J. Res. 133: Mr. HAMILTON, Ms. DANNER, Mr. COSTELLO, Mr. TOWNS, and Mr. BARCIA.

H.J. Res. 147: Mr. TRAFICANT, Mr. GINGRICH, Mr. WOLF, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. KASICH, Mr. BEVILL, Mr. RAVENEL, Mr. SPENCE, Mr. FROST, Mr. HEFNER, Mr. ROSE, Mr. MOORHEAD, Ms. BROWN of Florida, Mr. SPRATT, Mr. CLEMENT, Mr. FORD of Tennessee, Mr. QUILLEN, Mr. BACCHUS of Florida, Mr. COLLINS of Georgia, Mr. MCCRERY, Mr. ANDREWS of Texas, Mrs. MEYERS of Kansas, Mr. SOLOMON, and Mr. HUTCHINSON.

H. Con. Res. 2: Mr. STUMP.

H. Con. Res. 6: Mr. HEFLEY, Mr. TALENT, Mr. SANGMEISTER, Mr. QUILLEN, Mr. BACHUS of Alabama, and Mr. BARCIA.

H. Con. Res. 17: Mr. NEAL of North Carolina.

H. Con. Res. 29: Mr. UPTON.

H. Con. Res. 52: Mr. PARKER, Mr. STUPAK, Mr. SLATTERY, Mr. VISCLOSKY, Mr. PRICE of North Carolina, Mr. PETERSON of Minnesota, Mr. MOAKLEY, Mr. LIGHTFOOT, Mr. KILDEE, Mr. BAKER of Louisiana, Mr. BURTON of Indiana, Mr. ANDREWS of New Jersey, and Mr. BROWDER.

H. Con. Res. 56: Mr. WATT, Mr. OWENS, Mr. BECERRA, Mr. EVANS, Mr. ROMERO-BARCELÓ, Mr. TORRES, Mr. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. DE LA GARZA, and Mr. DE LUGO.

H. Res. 38: Ms. SNOWE, Mr. OLVER, and Mr. ANDREWS of Texas.

H. Res. 53: Mr. NUSSLE.

H. Res. 86: Mr. FRANKS of New Jersey, Mr. GALLO, Mr. KIM, Mr. KING, Mr. NADLER, Mr. SANGMEISTER, Mr. THOMAS of California, Mr. TORKILDSEN, and Mr. TUCKER.

H. Res. 118: Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, and Mr. MANZULLO.

H. Res. 122: Mr. LEVY, Ms. MOLINARI, Ms. DANNER, Mr. QUINN, Mr. TALENT, Mr. HANCOCK, Mr. MCNULTY, Mr. BLUTE, and Mr. TOWNS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1430

By Mr. SOLOMON:

—At the end of the bill, add the following new title:

TITLE II.—LEGISLATIVE LINE-ITEM VETO ACT OF 1993

SECTION 201. SHORT TITLE.

This title may be cited as the "The Legislative Line-Item Veto Act of 1993".

SEC. 202. LEGISLATIVE LINE-ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal years 1994 and 1995 which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this Act of limiting discretionary spending in fiscal years 1994 or 1995, as the case may be; and

(2) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations act for fiscal year 1994 or 1995 or a joint resolution making continuing appropriations providing such budget authority for fiscal year 1994 or 1995, as the case may be.

The President shall submit a separate rescission message for each appropriations bill under this paragraph.

SEC. 203. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless during the period described in subsection (b), a rescission dis-bill making available all of the amount rescinded is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 204 DEFINITIONS.

For purposes of this Act—

(a) the term "rescission disapproval bill" means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1994 or 1995, in whole, rescinded in a special message transmitted by the President under this Act; and

(b) the term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

SEC. 205. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES OF HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representative and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION DISAPPROVAL BILLS.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this Act.

(1) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

EXTENSIONS OF REMARKS

OPENING THE DOOR TO CITIZENSHIP

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. PRICE of North Carolina. Mr. Speaker, today I am proudly introducing a bill to help a man who has proven his love for and loyalty to the United States obtain his greatest wish: the ability to become a citizen of our country.

Mr. Speaker, you and many of our colleagues may have read the article on Charlie Tsui which appeared in Parade magazine on January 24, 1993. Within days of the story's publication, my office began receiving hundreds of letters from people all across the Nation who said that Charlie's story touched their hearts. A copy of this article follows my remarks, and I urge those who have not to take the time to read it.

Mr. Speaker, while various legal actions have permitted Charlie and his family to live and work in the United States without the threat of being deported, these same actions also prevent Charlie and his family from becoming lawful permanent residents [LPR's], the first step in realizing their dream of becoming full citizens of the United States. Charlie is essentially a man without a country. Without private legislation, the only means currently available to Charlie for securing LPR status is to go before an immigration judge and request a suspension of deportation. To do this, however, he would have to declare himself deportable and rely on the mercy of the judge to rule in his favor. If the judge were to rule against him, Charlie would face immediate deportation to one of the most repressive countries in the world as well as possible separation from his family. To require Charlie—a man who spent 7 years in a Chinese prison because he would not denounce his former Marine friends—to make this impossible choice seems unfair and unreasonable.

During the 102d Congress, the Senate voted unanimously in favor of a bill granting Charlie and his family the ability to apply for LPR status. Likewise, the International Law, Immigration and Refugee Subcommittee of the House Judiciary Committee unanimously endorsed the bill. Unfortunately, as this approval came during the waning hours of the 102d Congress, the full Judiciary Committee did not have time to meet on this bill—although every indication pointed to its approval. I am resuming this effort in the 103d Congress.

Mr. Speaker, the response I have received from people who have read the Parade magazine article on Charlie is simply amazing. I have heard from many of Charlie's former Marine buddies as well as former Marines who had heard of Charlie while serving in China but who have never met him. I have heard from sixth-grade students from Liberty Middle School in Liberty, GA, and seventh grade students from East Cobb Middle School in Marietta, GA. I have heard from people from almost every State, including New York, Pennsylvania, Virginia, Florida, Texas, Kentucky, Ohio, Utah, California, and Alaska, not to mention from my own State of North Carolina. These people agree that Charlie has proven his love for and loyalty to the United States, and that it is entirely appropriate for our Nation to acknowledge his loyalty and faith and grant him and his family the right to begin the process of becoming U.S. citizens.

HIS GREATEST WISH—TO BE A CITIZEN

(By David Perlmutt)

In the coming weeks, a private bill will be introduced in Congress to grant citizenship to one remarkable Chinese man and his family. This is his story:

The Chinese boy was pressed and spit-shined, like a good Marine should be. On this bitterly cold day in February 1948, he followed a group of U.S. Marines to an airstrip outside Tsingtao. For more than three years, they had treated the boy like a brother: feeding him, sending him to school—in short, making him one of them, a Marine. Now they were leaving.

"Bullard!" the boy shouted to PFC William Bullard as the two hugged. "You send for me, won't you? You bring me stateside, won't you?"

"Oh, yes, Charlie—someday we'll come back for you," Bullard told his young friend. As their plane roared down the runway, the Marines looked from the windows at the 13-year-old boy who stood at attention, saluting. He was crying.

So were the Marines.

It would be 35 years before William Bullard and his fellow Marines, could keep their promise. By then, the boy had paid a high price for his loyalty.

Today, he is 58 and calls himself Charlie Tsui (pronounced "tway"). The Marines called him Charlie Two Shoes. Even now, they are awed by his devotion to them and to the United States. Because he refused to denounce the U.S., he endured seven years in prison and 10 years under house arrest before finally entering this country in 1983.

All Tsui wanted in exchange for his loyalty was to be a U.S. citizen. Dozens of his former Marine buddies, most now in their 60s and 70s, pushed for passage of a bill that would have granted citizenship to him and his family. In October, the bill failed to get to the floor of the U.S. House, effectively killing it.

Tsui and his wife, Jin Mie, 54, now run a Chinese restaurant in Chapel Hill, N.C., with their three children. They own a five-room house and are not in jeopardy of being sent back to China. By all appearances, his family is living the American Dream. Still, Tsui says, without citizenship, he feels rootless.

"A lot of people tell me, 'A citizen doesn't make any more money than anybody else,'" he says. "It's not the money. It has to do with the honor, the integrity of being a citizen. I feel that I should have been a citizen 47 years ago. Because, when I first became a Marine, I felt: 'I'm a Marine, and a Marine is from the United States. So I'm a part of the U.S. too.' I don't understand why Congress turned its back on me after all I went through."

That is the real story—all that Tsui endured to become a U.S. citizen. It began in 1949, after the last Marines left China.

They had come to China in October 1945. World War II had been over for two months, but word of the Japanese surrender had yet to reach the mud-hut villages surrounding the city of Tsingtao. The Marines' mission: to disarm the Japanese and send them home.

As the Chinese had fought the Japanese, they were destined to fight among themselves—peasants under the Communist leader Mao Tse-tung rising up to overthrow the Nationalist government of Chiang Kai-shek.

In a village near an air base 15 miles from Tsingtao lived a frail 10-year-old. When the Marines asked his name, he said, "Tsui Chi Hsii." "Sounds like 'Charlie Two Shoes,'" said one Marine, and the name stuck. Charlie stoked their fires and brought eggs from his parents' farm. He took home K-rations—Spam, tuna, beans.

"All he was doing was trying to help his family," says Don Sexton of Greensboro, N.C., a former Marine corporal. "He wanted food, not money. The Japanese had deprived his village of what little it had."

The unit received permission from Charlie's parents to take him in. Soon he was one of them. He slept in their tents and, later, in the barracks at the Marine compound. He wore uniforms cut to his size—wool greens in winter, khakis in summer. He hiked and paraded with the Marines. They sent him to a school run by nuns, who led him to Christianity.

As Marines left, their replacements welcomed Charlie. Then suddenly, in January 1949, just after he turned 14, the Marines' mission was over. By February, they were gone. The Communists took control of China. Charlie was sent home.

Charlie's parents were frightened to see him. "Being with the Marines for four years, I could barely speak my language," he explains. "My parents know the Communists may kill me, and they are scared for themselves." His mother hid him in a hole in the backyard, covered with hay. After two weeks, Communist soldiers came to his house to see the boy. They assured his mother they meant no harm. Charlie appeared, still wearing his Marine greens. The soldiers told the boy the Americans were his enemies.

After they left, Charlie's mother began burning his Marine possessions: first, books and papers; then, piece by piece, his uniforms. "This is evidence they will use against you," she said. Finally, she came to his fatigue trousers. "You are not going to destroy these," he said. Instead, she dyed them black.

For 13 years, the Communists didn't bother Charlie. He went to school and to church, until the Communists boarded them up. After that, he prayed to himself—always in English, for practice. In 1960, he married Zhu Jin Mie. He found a job as a silk researcher. Then, in 1962, after refusing to sign a statement that the Marines had mistreated the Chinese, he was arrested, found guilty of "suspicion of espionage" and refusing to cooperate with the government, and sentenced to seven years in prison and 10 years under house arrest.

Tsui's son, Jeff, was 2 months old when he left for prison. Jin Mie, a teacher, was fired

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for refusing to divorce her husband and forced to work in the fields.

"Those seven years were easy," Tsui reflects about prison. "In my country, there wasn't much freedom anyway."

When Tsui was released, his son was 7. Still under house arrest, Tsui could work only at the dirtiest jobs—carrying manure to the fields and digging wells. Another son, David, and a daughter, Susan, were born. By 1979, the year Tsui regained his freedom, the United States and China had established diplomatic relations.

Tsui decided to write the Marines, but it took months to get permission. Relying on faith, he prayed: "Lord, thank you for keeping me alive. But you've got to help one more time. Help me remember addresses." Before long, he sent letters to three he'd committed to memory some 30 years earlier. One made it through: On a bright day in April 1980 in Autreyville, N.C., William Bullard reached into his mailbox and fished out a battered letter:

Dear Bullard,

How are you and your family? Do you remember your old buddy in China? . . . I hope you will be willing to help me as you did before to create success.—Charlie

Bullard cried. He'd long wondered if Charlie was alive. Bullard phoned his old Marine friends. All flooded Congress with letters.

On May 10, 1983, Charlie Two Shoes flew into Cleveland. "Semper Fi," he told Bullard and four other weeping ex-Marines—short for "*semper fidelis*" (Latin for "always faithful"), the Corps' motto. For 2½ years, Tsui lived in Tallmadge, Ohio, with former Marine PFC Roy Sibit, who, with Bullard, had led the effort to bring him to the U.S.

Tsui came on a six-month visa, which his Marine friends managed to have extended twice. The third time—in 1985, with Tsui just days from deportation—U.S. Attorney General Edwin Meese stepped in, arranging for him to stay indefinitely. Charlie sent for his family.

Not long after, says Tsui, his friendship with Sibit soured. So his family moved to North Carolina—first to Greensboro, where Charlie and Jeff installed carpet; then, in late 1986, to Chapel Hill, where they opened Tsing Tao Restaurant, decorating it with photos and mementos of Charlie and the Marines.

Though permitted to remain here, Charlie had not been given residency status—necessary to apply for citizenship. Last September, a bill to grant citizenship to Tsui was introduced by then U.S. Sen. Terry Sanford (D., N.C.). Many Marines wrote to Congress in support. But Roy Sibit has a different view. "Charlie already has the privilege of coming and staying in the U.S.," he says. "I don't feel he is deserving of getting citizenship by going through a special process."

It sailed through the Senate but, even after a background check confirmed Tsui's story, the bill died in the House. In the coming weeks, Rep. David Price (D., N.C.) will reintroduce it. "We hope to get the bill passed quickly," he says.

The men who fought to make their old friend from China a citizen hope so: "What you have in your midst," says former Marine Cpl. Jack Hutchins of Hazel Green, Ky., "is a true American hero."

HONORING RUSSELL AND ELIZABETH SIMMONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. RICHARDSON. Mr. Speaker, all of us are blessed with special constituents who take a serious and concerted effort at trying to improve the quality of life for all of our people back home. One such couple who has made a tremendous contribution to the citizens of New Mexico is Russell and Elizabeth Simmons of Raton.

Russell and Elizabeth moved to New Mexico in 1975, and have been writing to our State's political leaders ever since. In 1988, they founded a local chapter of the American Association of Retired People. They are a fixture at my town meetings and are a constant source of information for me.

I urge my colleagues to join me in paying tribute to this wonderful couple who were recently profiled in the Raton Range. The article follows:

STILL ACTIVE—RUSSELL AND ELIZABETH SIMMONS DIDN'T SLOW DOWN WHEN THEY RETIRED TO RATON

(By Todd Wildermuth)

For Russell and Elizabeth Simmons, retirement isn't for sitting home quietly. Not that it has taken retirement to get them involved in community activities or to express an opinion on a national topic of concern. They've been doing that for a long time now.

"We've been brought up and worked in things that mattered to the community," explains Elizabeth. "I think if you don't do it, democracy's going to go down the drain."

Elizabeth spent 20 years on the county commission in St. Paul, Minn., and was a member of the League of Women Voters. While a librarian there, she was involved in fighting censorship in the 1970s.

Russell has done a bit of everything—the ministry, the army, the law field—on his way to Raton, where he and Elizabeth have lived since 1975. At their house just outside the city limits, Russell sifts through books and all sorts of information he has requested from government agencies and other sources. If he comes across a news item or another piece of interesting information, he'll file it away as a possibility to be referred to in one of his frequent letters to the editor or perhaps in his weekly "Leisure Hour" introduction. Russell has been opening the Wednesday morning senior citizen get-together at the library for years. His remarks on issues ranging from local to worldwide have become such a crowd-pleaser that it has become almost impossible for Russell to even think about ever discontinuing his weekly opening. A couple years ago, Russell tried to announce his "resignation."

"A new year started and I kept my word and didn't do it, and all hell broke loose down there," he remembers.

So Russell remains a Leisure Hour fixture. And his letters remain a fixture in The Raton Range, as well as occasionally in the state's larger metropolitan papers.

But those are just the letters most of us see. Even more letters have been shipped off to whomever Russell thinks may have an answer for him. Or may need an answer from him. Be it the governor, a congressman or anybody else with the authority to take some action on an issue.

"I should get a federal grant to cover my postage," jokes Russell, whose pet subject is social security.

"When (State Representative) Bill Richardson was here a couple of town meetings ago, somebody asked a question about social security," Elizabeth says, "and Bill turned and said, 'Ask Russell Simmons. He knows more about social security than I do.' Because he does."

Elizabeth focuses her attention these days on the local AARP chapter she and Russell organized in 1988. They added AARP—a national organization for retired people—to the list of 92 formally organized groups and clubs already existing in Raton. They wanted to provide a group "just for fun" that wouldn't "obligate" its members to doing too much.

About 45 or so people are now involved in AARP, which holds its regular meeting the second Monday of each month at the Sweet Shop. All the other Mondays, about 20 folks will show up at the restaurant of the week to meet in Koffeeklatch. And those who like to do needlework while chatting come to the Stitch, Knit and Chatter club. The Koffeeklatch varies in numbers depending on the restaurant it's being held at each week, but it has become a much looked-forward-to feature for many AARP members.

"We have a really nice group," Elizabeth says. "One lady told me, 'I wouldn't miss it for anything. I get up in the morning and start the week right.'"

"We're supposed to have dues," says Russell, "so we have the minimum we could think of, we have a dollar a year. And I've always told them if it's too hard you can pay it quarterly. They manage to dig up a dollar."

And Russell and Elizabeth have managed to dig up a few retirees who thought they wanted no part of any more groups, causes, clubs, or other activities.

"People have done things through their church and they've done things through the Kiwanis Club and they've done things even through the business women (organizations)," Elizabeth says. "And by the time they get retirement age, into your 70s or 80s, they're pretty well burned out. One man told us, 'I'm retired. I'm not going to do another thing.' Well, he has come around in the last few years."

The Simmons came around to Raton in 1975 when Russell retired. A few years earlier, he had written to the secretaries of state in Arizona and New Mexico, inquiring about their state with the thought of moving from his home state of Minnesota. Arizona did not respond, but Russell's letter apparently got passed around to New Mexico communities. Numerous chambers and retirement groups sent him material.

In 1973, a trip home from Mexico doubled as a fact-finding mission through all the towns that had sent information. It wasn't an encouraging first look at the state.

"We were very discouraged because we could buy 1,500 acres or 500 acres, but you never could buy five," Elizabeth explains. "And we though we just wanted to be on the outside of a city on just about five acres."

Raton was the final New Mexico stop before pointing the car back to Minnesota, where they already had 40 acres to retire on.

"Russell was very discouraged," Elizabeth says. "He didn't even want to stop."

"This was our last chance," Russell says.

The best had been saved for last. They looked at some land and purchased it when they got back to Minnesota. Two years later, they were back in Raton as residents.

And as active ones. They have no intentions of becoming couch potatoes as retirees.

"You find them all over, not just before the television set," Russell says. "There's couch potatoes all over, they sit and just absorb and don't do anything."

"Put your money where your mouth is," Elizabeth says in no uncertain terms. "Get involved or don't criticize. If you don't like something, don't just tell yourself and all your friends. Tell the guy who has some power to something about it."

NATIONAL SCHOOL-TO-WORK AND YOUTH APPRENTICESHIP ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. GOODLING. Mr. Speaker, today I am joining with my good friend and colleague from Wisconsin, Mr. GUNDERSON, in introducing legislation we feel will go a long way toward addressing a critical need in the U.S. educational system. Our bill, the National School-to-Work Transition and Youth Apprenticeship Act of 1993, will encourage the development of State and local programs to provide education and employment opportunities for our Nation's youth who do not intend to go on to college after graduating from high school—often known as the forgotten half.

It has become a well-known statistic in recent years, that only about 50 percent, or approximately 1.4 million of this Nation's youth enter some form of postsecondary education the fall after they graduate from high school. Of these, only about half successfully complete a B.A. or B.S. degree. For the other half, representing 3 out of every 4 youth, a rough and often painful transition to a career begins.

Our legislation is designed to provide positive career-related options for these noncollege-bound youth—helping them to make successful transitions from high school either into the work force, or into further education or training which is directly related to an occupation. The bill builds on positive initiatives begun under the Bush administration in the areas of skill standards development and youth apprenticeship. The bill is also written as but one part of a comprehensive national work force policy which we are in the process of developing, that will benefit American youth, workers, businesses, and will make the United States truly competitive in the years to come.

There are many models of successful school-to-work transition programs in the United States, such as tech prep, high school career academies, and cooperative education that our bill indirectly encourages through grants to States for school-to-work transition systems. While no one approach is the answer, the youth apprenticeship approach to learning provides key elements leading to successful transitions for noncollege-bound youth. Therefore title IV of our bill focuses specifically on the development of a U.S. youth apprenticeship system, building on successful models of youth apprenticeship in the States—such as the technical prepyouth apprenticeship program that is currently underway in my district in York, PA.

The York program, which this year is limited to metalworking, but is expanding in the 1993–94 school year to Allied health, business office management, mechanical engineering technology, and metal trades technology, is operated out of the York County Area Vocational Technical School, and Pennsylvania's Department of Commerce. Students who might otherwise take what is normally known as the general track, are enrolled in a program that will provide them with a coordinated 4-year technical preparatory curriculum—with an emphasis on applied instruction and intensive worksite training.

Upon completion of the program, the students in the York Youth Apprenticeship program will have earned a high school diploma, valuable experience, and up to 2 years of college credits toward an associate degree. As a vital part of the program, business stakeholders are integrally involved in the entire program—even to the point of having business personnel review students' report cards with them. Teachers, who teach in terms—stressing the relevance of academic subjects to the technical portion of the program—are energized. Students are energized.

It is this type of innovative program that we are trying, through this legislation, to replicate nationwide. We believe the Federal Government has a proper role in assisting States and local areas to develop school to work transition and youth apprenticeship systems that meet their local economic, demographic, and labor market needs.

Specifically, title I of our bill requires the U.S. Departments of Labor and Education to form a compact to develop and implement U.S. work force preparation policy in the areas of skill standards development, broad-based school-to-work transition, and development of a U.S. youth apprenticeship system.

Title II of our legislation builds on current efforts undertaken by the Departments of Education and Labor—begun under the Bush administration that facilitate the development of voluntary, national industry-recognized skill standards. These skill standards are to be voluntarily developed through partnerships of business and industry, labor, and experts in the fields of education and training tied to work force development. Once developed, these partnerships are to recommend methods by which to assess such standards, recommend curricula for achieving the standards, and ensure that skill standards can be utilized by employees, employers, and the education and training community.

Title III of the bill provides grants to States for systemwide education reform and building of infrastructure that will result in programs and services that provide youth with the education, competencies, and skills necessary to make a successful transition from school to work or into further education and training which are directly related to an occupation.

Title IV of the bill provides grants to States and local consortia of business and education providers for the development of local youth apprenticeship programs. These grants will expand the range of skill training options for young people through immediate entry into a skilled occupation upon graduating from high school, entry into technical postsecondary education programs, entry into technologically oriented programs at colleges and universities, or entry into registered apprenticeships.

There is growing consensus in this country that U.S. competitiveness is directly dependent on the skills levels of our work force. This legislation goes a long way toward moving our Nation into the 21st century in the area of work force development. I encourage my colleagues to join us in cosponsorship of this important legislation.

ARTICLE EXPOSES TAX-AND-SPEND NATURE OF CLINTON BUDGET

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. SOLOMON. Mr. Speaker, the American people are starting to get wise to the Clinton budget, and many of them don't like what they see.

That includes reporters, commentators, and other shapers of public opinion who finally have had the time to scrutinize the budget.

One of those commentators is J. Craig Crawford of the Orlando Sentinel, whose excellent analysis of the Clinton budget I gladly place in today's RECORD. The article speaks for itself and I urge all members to read it.

WAITING FOR THE NITTY-GRITTY

(By J. Craig Crawford)

WASHINGTON.—Imagine that on the first Tuesday after the first Monday of November in a year divisible by four the citizens of the richest nation on Earth give you the power to spend their money.

If you can imagine that, then you might grasp what faces President Clinton after his 1992 election.

By April 5 the new president will tell the nation how he would spend its money next year.

You might say he won the world's richest lottery: $1.5 trillion for the 1994 budget year, which starts Oct. 1.

That's enough money to buy a swimming pool for every U.S. homeowner and have enough left over to send every American to the Caribbean for a week.

In one year the U.S. government spends more than twice as much as the estimated cost of rebuilding the former Communist East Germany during the next decade.

As Clinton sits in the Oval Office, pondering the magnitude of spending so much money (it equals a 70-mile-high stack of thousand-dollar bills), he might be forgiven a moment of wonder. He might even recall the words of one of the nation's first politicians to discover such joy.

"It's that most delicious of all privileges—spending other people's money," Virginia congressman John Randolph said in 1799.

But wait. Hasn't Clinton already announced his economic plan? Didn't the House approve his budget last week?

Not exactly. So far, Clinton has offered only an outline. And last week the House approved its broad spending and tax targets as part of a five-year plan to reduce the deficit, but not the details on what will happen next year. It will take months for Congress to work out the nitty-gritty once Clinton submits his complete 1994 budget.

The president's five-year "Vision of Change for America"—unveiled to the nation in his Feb. 17 speech to Congress and approved Thursday in the House—was not a budget. Not even close.

Only when Clinton submits his detailed budget will the nation find out exactly how he would spend its money next year. We're talking numbers, statistics, concrete stuff. Visions and rhetoric won't do.

But there are enough hints in Clinton's 145-page vision of the next five years for economists to get the hint about his 1994 plans.

If you think the kind of change that Clinton seeks involves less government, or tough cutbacks in federal overspending, you might be surprised by his 1994 budget.

"The rhetoric and the numbers in the president's proposals move in very different directions," Brookings Institution scholar Allen Schick said. "His rhetoric promises revolutionary change, but the reality is much closer to business as usual."

In Washington, business as usual means higher taxes and more spending every year.

And so far, Clinton's 1994 plans appear to be no different.

To see how, you'll need a budget microscope for your mind's eye.

First, set your imaginary microscope on the broadest level of resolution. Our first laboratory dish contains the overall tax and spending changes in Clinton's 1994 plans.

Taxes go up more than $100 billion. And spending increases nearly $40 billion.

That doesn't jibe with the rhetoric about sacrifice in the growth of government.

Let's tighten the focus on that mental microscope and see what's going on.

Next year the president would have the Internal Revenue Service collect another $107.3 billion in taxes, nearly a 10 percent increase over this year's $1.1 trillion in revenues. The increase is a combination of higher taxes on the wealthiest Americans, the proposed energy tax and a projected increase in overall tax revenues as the economy bounces back.

And his 1994 blueprint shows that federal spending would increase $38 billion, a 3 percent increase over this year's spending. Not a large percentage increase, perhaps, but far from the fiscal discipline that Clinton championed in his speech to Congress.

"Cuts, not gimmicks, in government spending," Clinton promised.

But twist your microscope knobs another notch and we find something else.

Clinton's 1994 plan claims to cut $20 billion in spending next year, but nearly one-fifth of his so called cuts actually are tax and fee increases—such as raising the taxability of Social Security benefits for retired couples earning more than $25,000 a year.

Let's give the president a bit of rhetorical running room on that one. What about his real spending-cut proposals? How far do they go?

Set your microscopes on superfine resolution. The largest budget-cutting specimen is $16.5 billion taken out of the Pentagon's $300-billion-a-year budget. That accounts for 80 percent of Clinton's claimed spending cuts.

What's left? The next-largest chunk of cuts is labeled "non-defense discretionary." That is spending on domestic programs that Congress adjusts every year, such as community aid grants or NASA's Space Station Freedom.

Tighten the focus on these cuts and two telling pictures emerge.

First, there is little substance to most of Clinton's domestic spending cuts. Second, all of the cuts are wiped out by spending increases—sometimes in the same programs that were cut.

Floating in our laboratory's budget dish are two items called "administrative cuts" and "streamlining government." Clinton's proposed cuts in these broad categories comprise 30 percent of all domestic savings in his 1994 plan.

Yet those cuts mostly are undefined. Perhaps the president's complete 1994 budget will provide the details.

Even so, his proposed cuts are overwhelmed by specific spending increases. He would trim $4 billion from domestic programs while adding $27 billion in what Clinton calls economic "stimulus" and "investment."

Here we see a contradiction that illuminates the gap between Clinton's budget rhetoric and reality.

Some programs receive cuts and increases in the same year.

Wastewater treatment projects, for instance, are listed under "program savings" in Clinton's 1994 plan. He would cut $104 million next year from the Environmental Protection Agency's spending on those projects.

But turn a few pages to "stimulus proposals" for 1994, and wastewater spending get a $179 million increase, a net gain of $75 million.

An EPA spokesman explained this budget maneuver as merely a switch in programs but acknowledged that Clinton was not cutting overall wastewater spending.

You might call this budget trick robbing Peter to pay Peter, with interest. And it's replayed throughout Clinton's economic plan in several categories, from highway projects to federal hiring.

All in all, over the next few years Clinton would cut $150 billion in programs that also receive that much, or more, in proposed increases.

The simultaneous cut-and-add strategy allows Clinton to impress those who want less government, while touting increases in those favoring more government.

So, the nation's new president gets more to spend, while taking credit for spending less. How's that for winning the world's richest political lottery?

"It's ingenious," economist Schick said. "By inflating cutbacks and increases he is playing to contradictory constituencies. Both are satisfied that things are changing, even though the course remains the same: Government grows."

UNDERSTANDING EVENTS IN THE NEW COUNTRIES OF CENTRAL ASIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HOYER. Mr. Speaker, we are all aware of the current turmoil in Russia. But that is not the only region of the former Soviet Union to be experiencing unrest and even chaos. As Co-Chair of the Commission on Security and Cooperation in Europe, I wish to draw the attention of my colleagues to the situation in the newly independent countries of Central Asia. There were great hopes when these new countries, former republics of the Soviet Union, became independent in January 1992, and join the CSCE, at last able to emerge from under the oppressive cover of first Russian, then Soviet colonization. Unfortunately, Mr. Speaker, events in a number of the Central Asian countries since that time have shown that some of the regimes there not only have not moved toward democratic and economic reform, but have set the clock back to the pre-glasnost days of Soviet-style repression.

In Uzbekistan, the most populous Central Asian country, the government of President Islam Karimov last year instituted a harsh crackdown against all opposition activists, even moving to shut down the only registered opposition party in the country. Reports of beatings, unlawful searches, arbitrary arrests and interrogations, and even abductions of members of opposition movements have become depressingly frequent. That there are fewer such reports from Turkmenistan is due primarily to the fact that Turkmen President Saparmurad Niyazov so tightly controls political, economic and social life in Turkmenistan, that those inclined to opposition activity are barely able even to become operational. During the past year in Tajikistan, the world scarcely noticed a civil war that has proved to be one of the most brutal and bloody clashes in the former Soviet Union. Decades of regional-based resentment, repressed under the lid of Soviet ideology, rose to the surface and exploded after the collapse of the Soviet regime, and thousands have died, and hundreds of thousands made refugees, as a result.

The situation is not so discouraging in the other two countries of the region, however. Though President Nursultan Nazarbayev maintains fairly tight controls over political developments in Kazakhstan, many opposition groups are active, and some are able to publish their own newspapers. Many problems remain, though, and at this point in time it is impossible to determine whether President Nazarbayev will continue down the path of slow, limited, democratization, or whether he, too, like the presidents of Uzbekistan and Turkmenistan, will assert the need for stability as justification for political repression. Democratic reform has advanced furthest in the small country of Kyrgyzstan, where many opposition groups are registered, and they and numerous opposition newspapers are not prevented from operating. As with Kazakhstan, however, there continue to be concerns that the former Communist Party apparatchiks who remain entrenched in the Kyrgyz government will one day make concerted efforts to roll back the political and economic reforms that threaten their narrow interests.

Mr. Speaker, I offer here only the briefest overview of the situation in the Central Asian countries. It is tragic that so little is known about this part of the world, hidden from view until recently, and I believe that it will be impossible for us in the United States to respond to these complex developments in this relatively unknown region of Central Asia without more information on what is happening there. Recently, a February 28 Baltimore Sun article by William Englund highlighted the human rights difficulties being experienced by Uzbekistan which I would like to share with my colleagues.

THE WORST HUMAN RIGHTS RECORD

(By Will Englund)

TASHKENT, UZBEKISTAN.—The mindless pop music thumps away at the "Istanbul" cellar restaurant here; the prostitutes conscientiously ply their trade at the hard-currency hotel; the markets groan with melons, carrots, spices and pistachios—all in all, it doesn't really look like a police state.

But the government is cracking down on its scattered opposition here with a vengeance.

Jailings, beatings and rigged trials are giving Uzbekistan—the largest and most important of the new countries of Central Asia—the worst human rights record of any former Soviet republic not now engulfed in a shooting war.

Uzbekistan's internal crackdown has sharply intensified this month, driving even the moderate opposition nearly to desperation.

"We are pressed to the wall. And we have only one way to carry on," Mukhammad Salikh, leader of the only legal opposition party, said in a recent interview.

"Now is the time of confrontation. The time of dialogue is over.

"We kept silent for a year and a half because we feared bloodshed. But now, even if our blood is spilled, we will go the streets. It's our only course. We have no weapons, we have no regiments, no squadrons, but we will come out with our bare hands."

The day after making that declaration in his office, Mr. Salikh was hauled in for a series of police interrogations, during which, he later said, he was told he would be beaten or killed if he didn't keep quiet.

Since then he has gone into hiding.

Uzbekistan could hold the key to all of Central Asia's future. With 22 million people, fertile farmland and a smattering of natural resources, as well as its central location, it is the natural kingpin of the region.

Clearly the government of President Islam Karimov sees itself as playing a leading role. Uzbekistan has provided the communist forces in Tajikistan with moral and material support throughout the fighting there. The government portrays the Tajik rebels as dangerous Islamic fanatics—and has now taken to describing its own opposition the same way.

Uzbekistan's government casts itself as a bulwark against religious extremism, prepared to use whatever means are necessary to preserve a secular state. Incessantly, it uses the example of war-torn Tajikistan as a hammer with which to pound its opponents.

Leaders of the opposition—most of whom are now in jail or on the run—say they want a democratic state, not a religious one. They portray the struggle in Uzbekistan as one that pits a repressive, holdover regime against the inexorable rise of democracy and freedom that is sweeping across the world.

The government dismisses that argument out of hand.

This month, the government shut down the only remaining independent newspaper. It drove the leadership of the democratically oriented Erk ("Will") Party—the only legal opposition party—underground. A member of parliament was expelled from the legislature and put on trial on charges of "hooliganism" and resisting arrest. Another, also expelled from parliament, was beaten and forcibly evicted from his apartment, along with his wife and three children, even though they own it.

Four leaders of the Birlik ("Unity") movement, are languishing in jail, awaiting trial on charges of anti-government activity. Birlik itself was suspended for three months in January.

And, Thursday, the government began the trial of Vasilya Inoyatova, a Birlik office worker who is accused of "defaming" the president in a poem she wrote last June. If convicted, she could face six years in prison.

"Let them give me six years in jail," she said defiantly. "I will never regret it. I know very well that I am right. I'm proud of it. I thank God I had the chance to do it."

In fact, though, opposition leaders are floored by the crackdown. Theirs has never been a strong movement. They are, for the most part, intellectuals—many of whom studied in Russia. They concede that among ordinary Uzbeks the government remains relatively popular.

Why, they ask, are they being hounded so relentlessly?

A foreign ministry official, Akhmadzhan Lukmanov, said that the government was forced to take strict measures against its opponents because their "uncivilized" protests and "lust for power."

And, inevitably, he raised the specter of Tajikstan. Uzbekistan, he said, must not allow itself to slide into civil war. Only a strong hand can prevent it.

"This Tajik lesson teaches Uzbekistan a great deal," said Mr. Lukmanov. "If there are [human rights] violations, you say they are harsh measures, but really they are normal."

Mr. Salikh has promised that the battered Erk Party would not give up. Despite its reputation for cautious moderation, he said, it would be taking to the streets with protests in the next several weeks.

But it's an open question how many will answer the call.

"Politics? We have no politics," said Munira Uldashova, a vendor at Tashkent's open market. Her counter was piled with yellow carrots, a specialty, and her quick broad smile revealed a mouth full of gold teeth.

"God gives good health, We work."

"Life's good here," insisted her friend, Delbar Israilova. "It's because of Karimov, of course. Our leader. If the father is good, the family is good. And he's good in all respects."

"Yes, in all respects," agreed Ms. Uldashova. "And he's working to create order, not only here but in Tajikistan as well. And that's good."

What these women and countless others worry about is not democracy or human rights, but the slipping of the economy and threats to order.

Inflation is as bad here as in any of the neighboring republics, and that hits the agricultural workers with their small private plots the hardest. Cash earned from last year's crop was almost worthless when it came time to prepare for this year's.

As prices went up, Uzbekistan's overall economy fell. Total production declined no more than the average of former Soviet republics last year, but that still meant a 20 percent drop in economic activity, with more to come.

The leaders of Erk and Birlik believe their greatest ally will prove to be the bad economy.

"Karimov had a chance to arrange reforms," said Mr. Salikh. "He had the most stable situation in the Commonwealth of Independent States. But he didn't follow the reforms. He tried consolidate the old regime. But the old regime is gone. Its time has passed. It's a dead-end.

But so far the government has not taken the blame.

In Samarkand, close by the Tajik border, a farmer named Sattar Shamuradov came in from the countryside to sell a load of juicy green melons.

"Yes, things are very bad here," he said. Things went bad with perestroika. Who's to blame?

"Maybe it's Gorbachev. Maybe it's Yeltsin," he said, naming two leaders, Mikhail S. Gorbachev and Boris N. Yeltsin, of what is now a very distant Moscow.

We can't blame the government here. It's because Russia and Ukraine don't send us things, the way they used to."

Samarkand, the fabled 14th century capital of the Mongol conqueror Tamerlane, gave rise three years ago to a movement of ethnic Tajiks, who predominate in the city. It was crushed just as thoroughly as Birlik has been.

In a recent interview with the Russian press, President Karimov himself said, "Any country needs strong executive power when it gains its own statehood. Strong executive power is necessary to prevent bloodshed and confrontation and to preserve ethnic and civil concord, peace and stability in our region. It is necessary for democracy's progress."

Sometimes the exercise of that power has been blatant.

Two weeks ago a Dutch reporter, Hubert Smeets, was detained in his hotel room in Tashkent by security agents after he had interviewed opposition leaders. The next day they escorted him to the airport where he was placed on a plane for Moscow.

In December, Uzbek agents kidnapped three dissidents on a street in Bishkek, the capital of neighboring Kyrgyzstan.

Two were later released. The third, Abdumannob Pulatov, was tried in January on a charge of impugning the president's honor, because of a poster he allegedly drew.

The case gained widespread attention, from the U.S. embassy here as well as from human rights groups around the world. That may be why Mr. Pulatov, after being convicted and sentenced to three years in prison, was immediately granted amnesty.

In Moscow later, he said, "International rights organizations saved my life. I could have been killed."

One group that supported him was an American organization called the Union of Councils for Soviet Jews, which hired a Russian lawyer to defend Mr. Pulatov, who is not Jewish.

The group's interest in Uzbekistan stems in part from a long-standing Jewish community in the city of Bukhara, which they fear could also face persecution.

At the moment, President Karimov's government is courting Israel, in part to bolster its image as a rampart against Muslim extremism. The Israelis have established several links with Uzbekistan, providing help, for instance, in the construction of an irrigation system.

At the same time, the government is seeking aid as well from both Turkey and Iran. But those two countries, which were expected to be the great Muslim competitors for Central Asian influence, have proved to have relatively shallow pockets as far as investment is concerned.

These past few weeks, though, the government's main focus has been on its scattered domestic opponents.

And it has been resolutely unapologetic about its human rights record.

"First of all," Sadik Safaev, the foreign minister, said in a recent interview, "comes the right to live."

A major accomplishment of the government had been to avoid the bloodshed of neighboring Tajikistan, he said.

"We shouldn't be under the pressure of political feelings or religious, or of ideological beliefs," he said. "And the Uzbeks have a right to some time to develop their society.

"I guess democracy's too serious a thing to be developed in just one year."

H.R. 1438, THE ANTITERRORISM ACT OF 1993

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today, H.R. 1438, the Antiterrorism Act of 1993.

Following the collapse of the Soviet Union and the end of the cold war, I believe our Nation has an extraordinary opportunity to strengthen our policies against terrorism.

Over the years, due to the extraordinary efforts of our Nation's law enforcement officials, Customs Service, and intelligence agencies, our Nation has been virtually free of terrorist incidents. However, as the World Trade Center bombing tragically demonstrates, we are certainly not free of this criminal scourge. Clearly, those responsible must be brought to justice. Additionally, while the world was granted a reprieve from terrorism following the gulf war, terrorism has not ceased, it has temporarily gone into remission. Many of the states that previously supported terrorism have only shelved their terrorist infrastructures for temporary storage.

I believe that there are several significant steps that can be taken to strengthen our Nation's fight against terrorism. While democracies must preserve the ideals upon which they are founded, I believe that democracies can and should have a strong response to terrorism. Our Nation, working with other nations, can severely curtail the freedoms under which terrorists have operated during the past decade.

My legislation seeks to impose a complete embargo on imports from nations which continue to support international terrorism. Without the support of the Soviet Union, several of these states are increasingly dependent upon the United States, or our allies. By imposing an embargo on these states, and by encouraging our allies to join us, we will be sending a strong message that support for international terrorism is no longer acceptable. Additionally, the bill contains provisions to prevent the use of nuclear terrorism, and creates a government-business antiterrorism council to seek out additional measures our government and businesses can take to counter terrorist activities. Lastly, the bill calls for the death penalty for terrorists who murder Americans, whether at home or abroad.

Mr. Speaker, I request that the full text of H.R. 1438 be inserted at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this vital measure.

H.R. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antiterrorism Act of 1993".

SEC. 2. GENERAL POLICY STATEMENT.

The Congress finds and declares the following:

(1) The continued use of terrorism is to be deplored.

(2) With the dramatic changes that have occurred in the world in the late 1980s and early 1990s, the world community has an extraordinary opportunity to further curtail, and possibly eliminate, terrorist activity.

SEC. 3. EMBARGO ON TRADE WITH COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) TRADE EMBARGO.—

(1) PROHIBITION ON IMPORTS.—Goods or services from a country described in subsection (b) may not be imported into the United States.

(2) PROHIBITION ON EXPORTS.—(A) Goods and technology that are subject to the jurisdiction of the United States, or that are exported by any person subject to the jurisdiction of the United States, may not be exported to any country described in subsection (b).

(B) As used in this paragraph, the term "goods and technology" includes—

(i) any goods or technology (as those terms are defined in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979); and

(ii) any materials or technology that are subject to export controls under the Atomic Energy Act of 1954.

(C) Sections 11, 12, and 13 of the Export Administration Act of 1979 (relating to violations, enforcement, and administrative procedure and judicial review) apply with respect to violations and enforcement of this paragraph, without regard to the termination date specified in section 20 of that Act.

(3) REGULATIONS.—The President may issue such regulations as are necessary to carry out this subsection.

(b) COUNTRIES SUBJECT TO EMBARGO.—

(1) DETERMINATION BY THE SECRETARY OF STATE.—Subsection (a) applies with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism. For purposes of this section, support for acts of international terrorism includes a situation in which the government of a country knowingly allows an international terrorist organization to operate or maintain facilities within the country without taking measures to prevent such organization from operating freely.

(2) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under paragraph (1) shall be published in the Federal Register.

(3) RESCISSION OF DETERMINATION.—A determination made by the Secretary of State under paragraph (1) may not be rescinded unless the President submits to the Congress—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(ii) that government is not supporting acts of international terrorism; and

(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(c) WAIVER AUTHORITY.—The President may waive, in whole or in part, the application of subsection (a)(1) or (a)(2)(A) with respect to a country if—

(1) the President determines that national security interests or humanitarian reasons justify such waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with the Congress regarding the proposed waiver and submits to the Congress a report—

(A) identifying the country concerned;

(B) describing the national security interests or humanitarian reasons which justify the waiver;

(C) specifying the imports and exports that will be allowed by the waiver if the waiver is less than a complete lifting of the embargo required by subsection (a); and

(D) specifying the period of time during which such waiver will be effective.

(d) REPEALS.—

(1) AUTHORITY TO BAN IMPORTS.—Section 505 of the International Security and Development Cooperation Act of 1985 (relating to the authorization to ban the importation of goods and services from countries supporting terrorism) is repealed.

(2) LICENSING REQUIREMENT FOR EXPORTS.—(A) Section 6(j) of the Export Administration Act of 1979 (relating to the requirement for validated licenses and notice to Congress for certain exports to countries supporting international terrorism) is repealed.

(B) Any reference in any law to a determination made under section 6(j) of the Export Administration Act of 1979 shall be deemed to be a reference to a determination made under subsection (a) of this section.

SEC. 4. OTHER PROVISIONS RELATING TO STATE SPONSORED TERRORISM.

(a) REPORT.—Concurrent with the publication in the Federal Register pursuant to section 3(b)(2) of this Act, section 620A(b) of the Foreign Assistance Act of 1961, or section 40(e) of the Arms Export Control Act of a determination by the Secretary of State that the government of a country has repeatedly provided support for acts of international terrorism, the Secretary shall submit to the Congress a report describing the measures the United States is taking, unilaterally and in concert with other countries, to pressure, both economically and politically, that government to terminate such support.

(b) EXAMPLES OF SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—

(1) FOREIGN ASSISTANCE ACT.—Section 620A(a) of the Foreign Assistance Act of 1961 is amended by adding at the end the following: "For purposes of this section, support for acts of international terrorism includes a situation in which the government of a country knowingly allows an international terrorist organization to operate or maintain facilities within the country without taking measures to prevent such organization from operating freely.".

(2) ARMS EXPORT CONTROL ACT.—Section 40(d) of the Arms Export Control Act is amended by adding at the end the following: "For purposes of this section, support for acts of international terrorism includes a situation in which the government of a country knowingly allows an international terrorist organization to operate or maintain facilities within the country without taking measures to prevent such organization from operating freely.".

SEC. 5. INTERNATIONAL TERRORISM CONTROL TREATY.

The Congress reaffirms the policy expressed in section 507 of the International Security and Development Cooperation Act of 1985, which expressed the sense of the Congress that the President should establish a process by which democratic and open societies of the world negotiate a viable treaty to effectively prevent and respond to terrorist attacks.

SEC. 6. INTERNATIONAL EMBARGO ON IMPORTS FROM LIBYA.

The Congress urges the President to seek the participation of other nations in an embargo on imports from Libya.

SEC. 7. REPORT REGARDING INCREASED INTERNATIONAL COOPERATION TO COMBAT TERRORISM.

Not later than 180 days after the date of enactment of this Act, the President shall submit to the Congress a report on the implementation of section 201 of the 1984 Act to Combat International Terrorism, which urges the President to seek more effective international cooperation in combatting international terrorism and identifies certain cooperative steps that could be taken.

SEC. 8. NUCLEAR TERRORISM.

(a) REAFFIRMATION OF 1986 PROVISIONS.—The Congress reaffirms the necessity of the President taking the actions to combat international nuclear terrorism specified in section 601(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, in particular paragraph (4) of that section which directs the President to seek an agreement in the United Nations Security Council to establish—

(1) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism; and

(2) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) ADDITIONAL MEASURES.—The Congress urges the President to seek within the United Nations Security Council whatever additional measures may be necessary to discourage the use of nuclear terrorism.

(c) REPORT TO CONGRESS.—Each report submitted pursuant to section 601 of the Nuclear Non-Proliferation Act of 1978 shall include a description of the measures the United States is taking unilaterally, bilaterally, or multilaterally—

(1) to curtail the spread of nuclear material and technology to countries whose governments support international terrorism; and

(2) to develop a prompt response to nuclear terrorist threats.

SEC. 9. IMPROVING THE ABILITY OF UNITED STATES BUSINESSES TO COUNTER THE THREAT OF KIDNAPPING AND OTHER ACTS OF TERRORISM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the President shall establish a Government-Business Antiterrorism Council to study and make recommendations on—

(1) additional steps the United States Government could take to assist United States businesses counter the threat posed by international terrorism; and

(2) measures that could be taken by United States businesses to counter the threat posed by international terrorism.

(b) MEMBERSHIP.—The membership of the council established pursuant to this section shall include representatives of the airline industry, the tourism industry, and multinational corporations.

(c) SPECIAL FOCUS ON KIDNAPPING FOR RANSOM.—The study conducted pursuant to this section should focus on ways to improve the ability of United States businesses to avoid the kidnapping of business executives abroad by terrorist groups seeking to obtain, through ransom payments, funds for terrorist activities.

SEC. 10. STATE DEPARTMENT COORDINATOR FOR COUNTER-TERRORISM.

In any reorganization of the Department of State, the position of Coordinator for Counter-Terrorism, with the rank of Ambassador at Large, shall be retained.

SEC. 11. TERMINATION OF IMET PROGRAM FOR MALTA.

Funds made available for fiscal year 1993 or 1994 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to the international military education and training program) may not be obligated for Malta.

SEC. 12. STEPS TO ENCOURAGE EXTENDED TOURS OF DUTY FOR GOVERNMENT PERSONNEL INVOLVED IN COUNTER-TERRORISM ACTIVITIES.

In recognition of the long start-up time required for sensitive counter-terrorism work, it is the sense of the Congress that United States Government personnel, both civilian and military, who are assigned counter-terrorism duties and who voluntarily accept extended tours of duty in order to continue to perform counter-terrorism duties should be accorded beneficial consideration for advancement after completion of such extended tours of duty.

SEC. 13. DESIGNATION OF FBI AS LEAD AGENCY FOR DOMESTIC COUNTER-TERRORISM.

The Federal Bureau of Investigation shall be the lead agency for coordinating the domestic counter-terrorism activities of the United States Government.

SEC. 14. DEATH PENALTY FOR TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS.

Section 2332(a)(1) of title 18, United States Code, is amended by inserting ", and shall be subject to the penalty of death in accordance with the procedures applicable to the imposition of that penalty under section 903(c) of the Federal Aviation Act of 1958 (49 U.S.C. Appendix 1473(c)) relating to procedures in respect of aircraft piracy penalties" after "so imprisoned".

SEC. 15. DEATH PENALTY FOR TERRORIST ACTS IN THE UNITED STATES.

(a) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"§ 2339. Domestic terrorism

"(a) Whoever commits a terrorist act in or affecting interstate or foreign commerce shall be subject to the death penalty, in accordance with the procedures applicable to the imposition of that penalty under section 903(c) of the Federal Aviation Act of 1958 (49 U.S.C. Appendix 1473(c)) if death results, and in any other case shall be fined under this title or imprisoned any term of years or for life.

"(b) As used in this section, the term 'terrorist act' means any crime of violence that appears to be intended—

"(1) to influence or to be in retaliation for the policy or conduct of a government;

"(2) to intimidate or coerce a civilian population; or

"(3) to affect the conduct of a government by assassination or kidnapping.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"2339. Domestic terrorism.".

TRIBUTE TO PAT RODDY, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. DUNCAN. Mr. Speaker, one of the leading businessmen in Knoxville, Pat Roddy, Jr., passed away last Saturday at the age of 90. Mr. Roddy had one of the most successful careers possible through his operation of the Coca-Cola distributing company for east Tennessee. Under his leadership, he saw the company grow from a small business into one of the largest companies in our area.

Over the years, Mr. Roddy helped thousands of people in countless ways. His children carry on his community service throughout east Tennessee and other parts of the South even today.

In this country today, unfortunately we sometimes imply, through our words and actions, that only Government helps people. Actually, our Government causes about as many problems as it solves, while businesses like Roddy Coca-Cola Bottling Co. provide jobs and strengthen the economy and supply the tax base that allows the government to do what it does.

This Nation became great because of people like Pat Roddy, Jr., and we should never forget the contributions like he made.

I want to insert the editorial about Mr. Roddy that ran in the Knoxville News Sentinel on March 23, and want to call it to the attention of my colleagues and readers of the RECORD.

A LOSS FOR KNOXVILLE

With the death of J.P. "Pat" Roddy, Jr., Knoxville has lost one of its most prominent businessmen and benefactors.

Roddy, 90, died Saturday at Fort Sanders Regional Medical Center after a fall he suffered last week.

At his death, Roddy was chairman of the board of Roddy Coca-Cola Bottling Co., the family-owned franchise that has bottled soft-drink products in East Tennessee since 1902, the year of his birth.

He started work for the firm when he was 12 and later held a full range of leadership positions, including board member, vice president and secretary, and president. He also served on the boards of the Commercial National Bank and the Hamilton National Bank.

His career with the family firm was interrupted by World War II service in the Navy, which he entered as a lieutenant in 1942.

While a student at the University of Tennessee in the 1920s, Roddy ran track; and his close involvement with UT athletics continued throughout his life. He is believed to be the first person to broadcast a UT football game on the radio.

Roddy's children by his wife of 55 years, the late Mary Lois Wright Roddy, remain active in the business and are civic and community leaders in their own right. In 1991, the Knoxville Roundtable of the National Conference of Christians and Jews recognized the impact of the whole family on humanitarian causes with its annual Brotherhood/Sisterhood Award.

Pat Roddy, Jr.'s life spanned most of the 20th century, and he was witness to and an active participant in the growth and progress of his hometown. The impact of his abilities and interests will be felt in the region for decades to come.

We join the community in mourning his death, and we offer our sympathies to his family and friends.

THE LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HORN. Mr. Speaker, on March 12, Secretary of Defense Les Aspin released his list of military bases recommended for closure. I was pleased to see that the Long Beach Naval Shipyard was not on Secretary Aspin's list—nor was it on the original Navy list.

I salute the Navy and the Secretary for their wisdom and sense of judgment. Yet I also know that this process is not complete. The Base Closure and Realignment Commission has the authority to add any base it may choose to its own list in the months ahead. In fact, this ability to consider additional bases resulted in the Commission's consideration, to the protest of the Defense Department, of the Long Beach Naval Shipyard in the 1991 base closure round. The Commission subsequently voted to retain the shipyard. What I want to lay out today is why the Long Beach Naval Shipyard was not on the 1993 recommended closure list and why it should not be on the Base Closure Commission's list either.

The Base Closure Commission is required by law to consider bases primarily on the basis of military value. Congress explicitly mandated this requirement so that we do not conclude the process with a base infrastructure which is of little use to our military. Second, the Commission is to consider the return on investment stemming from the closure of individual bases. Not only do we mean to draw down our base infrastructure in the most militarily rational manner, but we mean to save money as we do so. Last in priority, Congress stipulated that the Base Closure Commission would consider the economic impact of a particular base's closure.

There are efforts in Congress to place greater emphasis on this last priority of economic impact. As a Member from southern California, from Los Angeles County, I am particularly sensitive to these efforts. While the rest of the Nation is slowly emerging from the recession, southern California is not. My district has been economically devastated by defense cuts, even as traditional economic engines such as the construction industry remain dormant and manufacturing industries flee the State in search of a lower cost climate. Unfortunately, because we face ever deeper cuts in our military forces, the economic pain on my community associated with these cuts will continue for several years to come. Long Beach and the surrounding communities are staggering under an unemployment rate of more than 10 percent, with not a great deal of hope for the immediate future.

Though Los Angeles County could ill-afford the loss of the Long Beach Naval Shipyard and its 4,200 jobs, coming as the closure might on top of the 1991 mandated closure of the Long Beach Naval Station, I do not believe that we should change the closure priority criteria at this time. I will certainly point out to the Commission the special pain that southern California is experiencing, but I will base my presentation to the Commission for the retention of the shipyard first and foremost on its strong military value. We cannot on one hand argue for deep defense cuts, and an associated peace dividend, and then, on the other hand, become supplicants for protection when the budget knife strikes too close to home.

In this 1993 base closure round, the Navy has finally been forthcoming with deep cuts in its shore infrastructure. The dream of a dispersed homeport structure has disappeared. On the Pacific coast, California has been hit particularly hard. The Long Beach Naval Station is already slated for closure in 1996 and it is clearly the Navy's intention to remove itself from the San Francisco Bay area. What will remain is one Pacific megaport in San Diego, one homeport at Everett, Washington—supported by the Puget Sound Naval Shipyard with its ability to do all types of nuclear work—and a homeport and naval shipyard at Pearl Harbor.

In 1991, San Diego and Long Beach were home to 31 percent of the entire Navy's surface fleet. While I do not have comparable percentages for 1993 or for years into the future, I think that this 31 percent will very likely remain constant. With realignment, the number of ships homeported at San Diego may even remain constant, though overall Navy ship numbers will fall. Certainly, San Diego will remain the center of Pacific surface fleet activity.

Because San Diego has neither a dedicated naval shipyard to support this fleet, nor the drydock infrastructure to repair its largest ships, the Long Beach Naval Shipyard is in a unique position to serve the Navy's most pressing needs well into the future.

As the Navy will shrink to well below 400 ships and submarines, two critical points need to be understood. First, it is clearly the Navy's intent to cut back the nuclear navy to a greater degree than the rest of its fleet. Fast attack submarines will likely fall from over 80 to around 40. That cutback will result in a massive reduction in the workload for shipyards that primarily do nuclear work. While the Navy had been anticipating a spike in nuclear refuelings of submarines late in this decade, those refuelings clearly will no longer be done.

It is also the Navy's intention to increasingly move away from nuclear propulsion systems in its surface fleet and toward gas turbine systems that are easier, cheaper, and faster to maintain. This trend also means the loss of nuclear shipyard work. Second, the Navy means to become a force less focused on a sea control mission and one aimed more at force projection. This is why the Navy has stated its intention to cut its attack submarine force by 50 percent while maintaining a fleet of 12 aircraft carriers. The Navy of the future will be more surface-oriented, more nonnuclear propelled, and made up of larger ships—primarily carriers and amphibious platforms, which can project power, as opposed to smaller ships tasked to an anti-submarine mission.

The trends outlined above will create an environment which logically argues for the retention of the Long Beach Naval Shipyard.

Long Beach is strategically located near the major concentration of the Navy's surface fleet. The shipyard specializes in work—complex and otherwise—on surface ships. In fact, while Long Beach is certified to do nuclear work, it does not do work on nuclear systems.

Long Beach is home to drydock No. 1, the only drydock south of Washington State able to drydock aircraft carriers, large amphibious ships, and the largest class of fleet oilers. Navy policy dictates the availability of two carrier-capable drydocks on the west coast. While the number of ships in the Navy will decline, the Navy anticipated in 1991 that large drydock utilization will fall very little. Without Long Beach, the Navy would be left with a megaport in San Diego, but without the necessary infrastructure to repair and overhaul those ships in the most efficient and timely manner.

Long Beach has a highly qualified and dedicated, strike-free work force. The shipyard embodies a mix of skills and an industrial overhead that private shipyards simply cannot duplicate. As Admiral Horne stated in testimony before the Department of Defense's 1988 Base Closure Commission, "There is no comparable skill base in the private sector on the Pacific coast to support ships with complex combat systems." Long Beach carries the capacity to do emergent repair work which yards in San Diego cannot do. When it comes to shore infrastructure, the Navy and the Commission are compelled to think in the very long term. If the Long Beach Naval Shipyard closes, this piece of land will never be available again to the Navy for reuse.

Long Beach is also the most efficient, cost-effective shipyard in the Navy. While some may claim otherwise, the most obvious indicator of shipyard performance, accumulated operating results, clearly shows Long Beach is the only shipyard which has returned shipwork savings to the Navy over any stretch of time.

Long Beach serves as an important yardstick by which to measure the cost of ship repair work in both private and public yards. The Long Beach Naval Shipyard is an honest broker by which the documented overruns at other Pacific coast yards can be kept in check and millions of taxpayer/Navy dollars can be saved. My colleague DANA ROHRABACHER has passed on to me a letter he received from a constituent in Seal Beach, who recalls that it was routine practice in the Navy to get estimates from Long Beach on ship repair work that was being bid out exclusively to private shipyards in San Diego—all in an effort to keep the San Diego yards from inflating their bids.

If the aim of the Navy is to reduce its shore infrastructure in the most militarily logical manner while generating the possible greatest cost savings, closure of the Long Beach Naval Shipyard does not make sense. The Navy needs two carrier-capable drydocks on the west coast. The construction of another large drydock the size of No. 1 at Long Beach would cost at least $250 million—the same amount associated with the entire closing costs at Mare Island. In 1991, the Navy's Base Evaluation Committee found the cost to close Long Beach, less drydock replacement, was $750 million. Annual cost avoidance was a mere $9.4 million, while payback of closure would be 79 years. In comparison, the longest payback on the entire 1993 base closure list is 12 years. Clearly, the closure of the Long Beach Naval Shipyard is not a good return on investment.

Ironically, the anticipated closure of the Long Beach Naval Station has strengthened the case for the Long Beach Naval Shipyard. The 1991 base structure committee gave Long Beach Naval Shipyard a lower yellow ranking—as opposed to green—in the land/facilities category because of supposed encroachment from the city. The closure of the Long Beach Naval Station will free up both land and housing for use by the shipyard. Importantly, the city of Long Beach is absolutely committed to a land reuse strategy of shipyard first.

Unfortunately, the base closure process can degenerate into a fight among various communities trying to preserve military facilities. I do not want to enter this fray. The Navy's analysis, the Commission's analysis, and the analysis of those who fervently hope to save their facility should remain objective.

I do feel compelled to make several observations in an effort to deter any finger pointing. First, the Long Beach Naval Shipyard was ranked third among all naval shipyards in terms of military value in 1991. Again in 1993, it ranks behind only Puget Sound and Norfolk in the list of best shipyards. Thus its retention is clearly warranted under this important criterion.

The base closing list is a reflection of the Navy's belated recognition that it cannot refuse to look at eliminating nuclear shipyards in the face of a declining nuclear fleet. In my discussion with Mr. Charles Nemfakos, the civilian head of the Navy's base structure analysis team, he admitted that the nuclear yards had gotten a King's X solely on the basis of their nuclear status. In fact, the 1991 Base Structure Committee [BSC] within the Navy stated that "all nuclear yards provided a unique ability and strategic asset to the Nation. They were then excused under Step 5 of the BSC procedure." The Navy was severely reprimanded for its unsystematic evaluation system in 1991. In this year's round, the Navy has acknowledged that Long Beach plays an invaluable strategic and operational role in the Navy ship repair of the future.

I also argue that the Long Beach Naval Shipyard is an important yardstick by which to keep the good shipyards in San Diego from engaging in a General Accounting Office-documented practice of low balling, with the attendant cost overruns, which makes the cost of repairs to the Navy more expensive. The naval shipyard in Long Beach and the private shipyards in San Diego can coexist. I will point out to the Commission that neither is a good substitute for the other and that their capabilities are different. These yards should not be seen as mutually exclusive. Rather, they are mutually reinforcing. Healthy competition will always benefit the customer, in this case the Navy, in the long run.

I believe that the Base Closure Commission should also take a look at overseas bases. As the Commission is precluded from doing so under current law, I have introduced legislation to include our overseas base structure in the regular order of the closure process. My particular concern results from the amount of workload which is diverted from our naval repair facilities on the west coast to Yokosuka, Japan. The General Accounting Office has documented that repairs worth approximately $1.5 billion have been done in Yokosuka. A large percentage of these repairs could very well have been done in the United States by U.S. workers.

While I do not believe we should completely abandon our forward deployed military presence, the long-term trends of U.S. budget constraints and foreign political realities mean we will increasingly need to rely on U.S.-based facilities. In the case of Yokosuka, it is very likely that the long-term will eventually bring the Socialists to power in Japan. With their ascendancy will come a reduced willingness to house foreign bases on their territory. The Navy may save money in the short term by having repairs done at Japanese-subsidized Yokosuka, but if the long term brings our loss of the Yokosuka facility while the Navy has meanwhile allowed its United States-based shopyard infrastructure to whither, then these short-term savings will have placed our strategic capability and overall security posture in jeopardy.

I would point out that being asked to vacate long-held bases in other countries is not as unlikely as many might think. By the end of this decade, we will have left Panama. Spain essentially ordered the closure of the United States airbase in Torrejon. We might remember that we once had a major United States air base in Libya and key facilities in Iran. And most recently, the Philippines renounced our long-held security arrangement by expelling us from Clark Air Force Base and the Subic Bay naval facilities.

Finally, I would remind the Commission and other interested observers of the last minute pleas made in 1991 by the Deputy Secretary of Defense Donald Atwood and the Chairman of the Joint Chiefs of Staff Gen. Colin Powell. Both men stated,

> Closure of the [Long Beach Naval] Shipyard would seriously degrade drydock capability for all large ships in the Southern California area. Alternatives in Hawaii and Washington simply could not provide the services found at Long Beach.

We have a long road before us. The Secretary of Defense testified before the Commission that his list of base closures was frankly a conservative one, based primarily on a force structure plan issued by the previous Republican administration. It is my firm belief that when all is said and done, the overall weight of the evidence on Long Beach's side will convince the Commission to find the Navy's decision not to recommend closure a justified one. The strong argument of General Powell 2 years ago on behalf of the shipyard's high military value, and in particular, its essential large drydock, is no less compelling today.

HELENE C. MOMBERG, JOURNALIST AND PHILANTHROPIST

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mrs. SCHROEDER. Mr. Speaker, I would like to take this moment to salute veteran Colorado journalist Helene Momberg, who has just established a scholarship fund for students attending college in her home State. Helene is well-known as the long-time, as in 28 years long, editor of the Western Resources Round-Up.

Her philanthropic endeavors are equally famous. Back in the early 1970's, she founded the Achievement Scholarship Program, which provides college and trade school support for Washington-area youths on parole or probation. Most recently, Helene organized the Luther and Helene Denzler Momberg Scholarship Fund, which will support financially needy students attending Colorado schools.

The statement that follows provides more information about this most remarkable woman.

NEW SCHOLARSHIP FUND ANNOUNCED AT AWRA "ROAST" BY VETERAN NEWS WOMAN

WASHINGTON.—Helene C. Momberg, a veteran news woman here, announced on Jan. 28 at a reception given in her honor here by the American Water Resources Association that she is establishing a scholarship fund for students attending college in her home state of Colorado.

The Association "roasted" Ms. Momberg for her long career in writing about natural resource problems, programs and issues that affect the 17 Western reclamation states. She is the editor of Western Resources Wrap-up, which she has published for the past 28 years.

Ms. Momberg stated, "I am setting up a scholarship fund in my will in honor and in memory of my parents, Luther and Helene Denzler Momberg, longtime residents of my hometown of Leadville, Colo. Initially annually there will be six starter scholarships of $5,000 each, two to go to financially needy students attending the University of Colorado at Boulder; two to go to financially needy students attending the University of Southern Colorado at Pueblo; and two to go to two graduating seniors from Lake County High School at Leadville who need financial aid to attend college. All must be highly motivated students with good grades."

Ms. Momberg was the Washington correspondent here for the Pueblo Chieftain and Star-Journal from 1947–84, while she operated a news bureau here. She is a graduate of the University of Colorado at Boulder and of Leadville High School. She is a native of Leadville, Colo.

The reception raised about $300 for the Achievement Scholarship Program (ASP), which Ms. Momberg founded in 1973 and operated thru 1989 to provide scholarships for Washington-area youths on parole and probation to attend college and trade school. To assure ASP's future, Ms. Momberg turned the program over to the ARCH Training Center of Washington, DC, to operate.

CRIMINAL ALIENS DEPORTATION ACT OF 1993

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. MCCOLLUM. Mr. Speaker, today I introduced a bill to expedite the deportation of criminal aliens who have been convicted of aggravated felonies. As a result of this bill, the only aggravated felon aliens who could avoid deportation would be those who have been permanent resident aliens for at least 7 years and who were sentenced to less than 5 years imprisonment.

Our Federal, State, and local prisons are crowded with large numbers of criminal aliens. About one-quarter of the Federal prison inmate population is foreign-born and in some border States more than 40 percent are aliens. State and local jails have similarly large percentages of criminal aliens, many of whom are in the United States illegally.

The burden on the criminal justice system, especially in high-impact States like Florida, New York, California, and Texas, is straining already overstretched budgets. For example, the State of Florida has 2,590 aliens in its prisons. The cost of incarcerating these inmates is $39.7 million annually.

Deportable criminal aliens who are released from prison may or may not be turned over to INS, which may or may not have the capacity to detain them pending deportation proceedings. If INS does not detain these aliens upon their release from prison, the Government loses control over them and locating and deporting them becomes very difficult.

Even when criminal aliens are turned over to INS and detained, the administrative process for deportation is time-consuming. Criminal aliens can delay the process by raising defenses to deportation, regardless of whether they are eligible for them. This process and repeated appeals can consume several years, further exacerbating the problem of limited detention capacity.

We can help reduce the cost of incarcerating criminal aliens, reduce prison overcrowding, and protect the general public from the danger of repeated offenses by aliens who commit serious crimes by expediting the deportation of criminal aliens.

The bill I introduced today will help address this problem by expediting the deportation of criminal aliens who commit aggravated felonies.

Aggravated felony is defined in the Immigration and Nationality Act as felonies involving murder, drug trafficking, trafficking in firearms or destructive devices, money laundering, or any crime of violence for which the term of imprisonment imposed is at least 5 years. My bill will expand this definition to include three additional classes of alien felons:

First, those who have committed serious immigration-related crimes, such as alien smuggling and trafficking in fraudulent documents.

Second, those who have participated in serious criminal activities and enterprises, but who have not themselves committed murder, trafficked in drugs, trafficked in firearms, or committed a crime of violence, and

Third, those who have committed serious white collar crimes.

Under my bill, criminal aliens who are not permanent resident aliens and who have been convicted in either State or Federal court of an aggravated felony would be deportable upon their release without further administrative processing. Federal court review of such cases would be limited to the question of whether the person in question is in fact an alien and has been convicted of an aggravated felony.

This will streamline the process, eliminating administrative hearings and frequently used delaying tactics, including petitions for relief from deportation and time-consuming administrative hearings and appeals.

My bill also provides for judicial deportation of any alien, including a permanent resident alien, who is convicted in a Federal trial court of an aggravated felony. In such a case, the U.S. attorney can request a Federal judge to issue an order of deportation during the sentencing phase of the trial. In cases where judicial deportation is sought, it would replace the current administrative procedure used for determining deportability. Aliens found deportable under this process would continue to have the right to appeal to the appropriate Federal Circuit Court of Appeals.

This bill also increases penalties for failing to depart and for reentering after a final order of deportation has been issued. Failure of criminal aliens to depart should be less of a problem under the new deportation procedures because the Government will be able to execute a final order of deportation while it still has control over the alien. However, illegal reentry will continue to be a major problem. Increased penalties are justified and necessary.

Finally, my proposed bill expands forfeiture for smuggling and harboring illegal aliens. INS currently has the authority to seize and subject to forfeiture conveyances used in or facilitating the smuggling or harboring of illegal aliens. This bill would allow the seizure and forfeiture of all property used in or acquired with the proceeds from such activities.

This bill would increase receipts and meets the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act. The following section-by-section analysis provides additional details. I strongly encourage my colleagues to cosponsor and support passage of this legislation.

SECTION-BY-SECTION ANALYSIS OF THE CRIMINAL ALIENS DEPORTATION ACT OF 1993

Section 1. Short title: "Criminal Aliens Deportation Act of 1993".

Section 2. Expands definition of "aggravated felony" for purposes of the Immigration and Nationality Act. Under this definition, aggravated felonies include the current offenses (murder, drug trafficking, trafficking in firearms or explosives, money laundering, and any crime of violence for which the sentence is 5 or more years) plus the following: firearms violations, failure to appear before a court to answer a felony charge, demanding or receiving ransom money, unlawful conduct relating to RICO, immigration-related offenses including alien smuggling and sale of fraudulent documents, child pornography, owning or operating a prostitution business, treason, and tax evasion exceeding $200,000.

Section 3. Provides for prompt deportation of any alien who is not a permanent resident alien and whom the Attorney General determines is deportable and has been convicted of an aggravated felony. Section 242(h) of the Immigration and Nationality Act provides that an alien sentenced to imprisonment shall not be deported until such alien's release. This new section does not alter this requirement—the alien would still serve his or her prison term. However, a final order of deportation could be issued during such alien's imprisonment and executed upon the alien's release.

This section eliminates the following procedures for non-permanent resident criminal aliens: (1) administrative hearing before an immigration judge, (2) administrative review by the Board of Immigration Appeals of the immigration judge's determination, (3) availability of current grounds of relief from deportation, and (4) federal court review of the Attorney General's determination on any grounds other than whether the person sought to be deported is an alien and whether the alien has in fact been convicted of an aggravated felony. The AG may not execute a final order of deportation until 14 days after it has been issued in order to allow the alien an opportunity seek federal court review.

The expedited deportation proceedings currently included in section 242A and applicable to all aliens would be limited to permanent resident aliens. Current section 242A language allows for the institution of deportation proceedings while the alien is incarcerated, with the intent of completing the process so that the alien can be deported upon his or her release.

Section 4. Allows *federal* trial courts to issue an order of deportation during the sentencing phase of the criminal trial of an alien convicted of an aggravated felony. This section applies to all criminal aliens, including permanent residents.

Such an order must have been requested by the U.S. Attorney with concurrence of the INS Commissioner. Notice of intent to seek a judicial order of deportation must be given promptly after an adjudication of guilt or guilty plea. The government would still be responsible for showing that the defendant is an alien subject to deportation and that the crime the alien has been convicted of meets the definition of an "aggravated felony;" a charge containing factual allegations on these two matters must be filed at least 20 days prior to the sentencing date.

Judicial deportation would replace current administrative deportation procedures in those cases where it is sought. Aliens found deportable under this process would continue to have the right to appeal their deportation to the appropriate federal circuit court of appeals.

Judicial deportation would not be required in every criminal trial of an aggravated felon alien, and the Attorney General would retain his or her right to seek an administrative determination of deportability if the federal court denies a motion for judicial deportation.

Section 5. Restricts defenses to deportation for criminal aliens convicted of aggravated felonies. As a result of amendments made by this section, the only defense to deportation for aggravated felon aliens would be for permanent resident aliens who have lived in the U.S. in such status for at least seven years and who have been sentenced to less than five years imprisonment for such felony.

Currently, a permanent resident alien is ineligible for relief under section 212(c) (for permanent resident aliens who have lived in the U.S. for seven consecutive years) if he or she has served five or more years for one or more aggravated felonies. This section would amend the language to make aliens who have been sentenced to five or more years ineligible for section 212(c) relief.

This standard is more relevant to judging the seriousness of an offense since dangerous criminals are at times released prematurely due to prison overcrowding or other reasons unrelated to the seriousness of his/her crime. Moreover, the current standard presents a serious logistical obstacle to the speedy commencement of deportation proceedings since it may be unknown until five years have been served whether the alien would be able to seek relief under section 212(c).

Section 5 also makes it clear that aggravated felons may not request or be granted withholding of deportation under section 243(h). The Immigration Act of 1990 unambiguously denied aggravated felon aliens from applying for or being granted political asylum; however, the question of an aggravated felon's ability to request a hearing on eligibility for withholding of deportation was not addressed. Although the Executive Office for Immigration Review has determined that no hearing is possible in such cases, litigation on this issue is likely.

This section does not affect the Attorney General's authority to designate a country other than that of the alien's nationality for deportation. It is consistent with the intent of the UN Protocol Relating to the Status of Refugees to permit denial of withholding of deportation in cases of persons convicted of a "particularly serious crime."

Section 6. Enhances penalties for failing to depart or for reentering after a final order of deportation has been issued.

Currently, an alien who is deportable for criminal offenses, document fraud, or security risk is subject to criminal penalties of up to 10 years imprisonment for failure to depart. However, there are no penalties for aliens deportable for other reasons who fail to depart. Subsection (a) retains the current 10 year penalty and provides for criminal penalties of up to 2 years imprisonment for aliens who are issued deportation orders on other grounds and who fail to depart.

Subsection (b) increases the penalties for criminal aliens who reenter the U.S. after being formally deported. Currently, an alien convicted of a felony other than an aggravated felony who re-enters is subject to 5 years in prison and a criminal fine; this subsection extends the penalties to aliens convicted of three or more misdemeanors and increases the maximum prison sentence to 10 years. Aggravated felons who re-enter the U.S. currently are subject to criminal fines and up to 15 years in prison; this subsection increases the maximum prison sentence to 20 years. Language also is added to make it clear that any alien who stipulates to deportation during a criminal trial shall be considered to have been formally deported.

Subsection (c) would allow a court in a criminal proceeding against a deported alien who re-enters the U.S. to re-examine the underlying deportation order only if the alien demonstrates (1) that he/she exhausted available administrative remedies that may have been available against the deportation order, (2) that the deportation proceedings improperly deprived the alien of the opportunity for judicial review, and (3) that the entry of the order of deportation was "fundamentally unfair." This language, taken from *United States* v *Mendoza-Lopez*, 481 U.S. 828 (1987), is intended to ensure that minimum due process was followed in the original deportation proceeding while preventing wholesale, time-consuming attacks on underlying deportation orders.

Section 7. Expands current INS authority to seize and subject to forfeiture conveyances used in or facilitating the smuggling or harboring of illegal aliens to allow seizure and forfeiture of all property in such cases.

Section 8. Responds to two holdings of the 9th Circuit. Subsection (a) makes it clear that deportation proceedings may be conducted by electronic or telephonic media or, where waived or agreed to by the parties, in the absence of the alien.

Subsection (b) makes it clear that nothing in this Act or in section 242(i) (directing the AG to begin deportation proceedings as quickly as possible after a conviction) shall be construed to create a legally enforceable right or benefit.

RACISM PERSISTS AT THE LIBRARY OF CONGRESS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. CLAY. Mr. Speaker, too often, too many people act as if this country has successfully resolved the issue of race and now affords all Americans an equal opportunity to succeed based upon their abilities. Sadly, such views do not reflect the reality faced daily by black, Hispanic, Asian, Native, and other nonwhite Americans. The fact that the Congress of the United States has yet to provide equal opportunity even for those it employs reflects the extent to which racism and bigotry continue to blight our country.

On August 14, 1992, the U.S. district court for the District of Columbia found in favor of a class of black plaintiffs alleging discrimination on the part of the Library of Congress. In view of that decision, the Subcommittee on Libraries and Memorials of the Committee on House Administration and the Subcommittee on Oversight and Investigations of the Committee on Post Office and Civil Service have recently conducted joint hearings on the Library's employment practices. In order that both my colleagues and the American people may better understand the extent to which black Americans have been denied equal or fair employment opportunities to obtain professional and administrative positions within the Library of Congress, I wish to insert the following statement into the CONGRESSIONAL RECORD. This statement was presented before the subcommittees by Joyce Thorpe, a member of the class of black employees that sued the Library. A graduate of the George Washington University School of Law, Ms. Thorpe has been employed by the Congressional Research Service since 1977. Notwithstanding her long tenure at the Library and her law degree, Ms. Thorpe is not employed as an attorney, but as a paralegal specialist.

TESTIMONY OF JOYCE THORPE

Mr. Chairman and Members of the Committee, I wish to express my appreciation for being able to appear before this committee.

I am Joyce Thorpe. I have a law degree from George Washington University. I am a Paralegal Specialist in the American Law Division of the Congressional Research Service, and I am a plaintiff in the Howard Cook Class Action lawsuit. I am testifying not as a Library official but as a member of that lawsuit.

My testimony revolves around issues which Mr. Cook—who, unfortunately, will not be able to testify—has already raised and submitted to this committee. My involvement will be simply to summarize Mr. Cook's testimony and then to make myself available for any questions the committee members might have.

Mr. Cook raised twelve issues in his testimony. I am prepared to summarize and discuss, to the best of my ability, those issues relating to the Class Action History, Affirmative Action, Training, Parity in Minority Representation in the Workforce, the Congressional Research Service, and the Equal Employment Opportunity Complaint Office. Dr. Tommy Shaw, a court-designated class action representative, an industrial psychologist, and a Library of Congress employee, will address the issue of employment selection procedure development.

CLASS ACTION HISTORY

The Howard Cook Class Action was filed in November 1975, more than 17 years ago. It took the Library more that 6 years to process the administrative phase of this compliant, finally concluding that discrimination did not exist, resulting in a lawsuit being filed in Federal court in 1982. In April 1987, the Library conceded liability in the 4A Subclass of the Howard Cook class action; and on August 14, 1992, the U.S. District Court for the District of Columbia issued a decision which concluded that the Library had intentionally discriminated Black employees to an enormous degree in the use of its employment selection procedures.

The Library of Congress has responded to this decision in at least three ways: (1) It has continued to use the procedures that the court found to be discriminatory, (2) It has developed a scheme called "Actions to Ensure Equity in the Competitive Selection Process" to suggest that the selection procedures are being changed, and (3) It has refused to negotiate in good faith toward a settlement.

The Class does not, contrary to the Library's testimony to this committee, foresee an early settlement of this case. In fact, the Class believes that the only way in which this case can reach a conclusion is through the court.

AFFIRMATIVE ACTION

In spite of the Library's long history of affirmative action, gross underrepresentation of minorities in professional and administrative position remains the order of the day. One of the major weaknesses of the Library's affirmative action program is the placement of emphasis on education, which, in the Library of Congress, means to recycle African Americans through the education mill when they really should be getting relevant training; for they already have enough education. I would like to cite an example of what could happen as a result of this obsession with education. An article which appeared in the Library of Congress February 19, 1993, issue of the Gazette entitled "Library Olympian Recalls Victories," features Mr. James Bradford, who has more then 40 years of employment in the Library; two master degrees, one of which is a Master of Library Science and one of which is a Master of Business Administration; and a technical position as GS-9; that's right! A GS-9.

There are two other dimensions of particular affirmative action relevance for African

Americans. These relate to contractors and promotions based on reclassification. African Americans rarely, if ever, are paid $300.00 per day as contractors and then subsequently hired as permanent employees at senior level grades. Nor are they assigned to positions with the idea of senior level promotions based on reclassification. These events are common occurrences for whites.

TRAINING

Training for African Americans and other minorities in the Library of Congress is little more than instructions on how to use a word processor or differences among different brands of computer systems. The Library abolished the Training Office in 1990 and reestablished it, with inadequate resources and staff, only two weeks ago.

PARITY IN MINORITY REPRESENTATION IN THE WORKFORCE

A goal of reaching parity of representation of minorities in all grade levels should be established and completed within the next five years. Minorities should constitute whatever their percentages are in the workforce, by grade and occupation.

THE CONGRESSIONAL RESEARCH SERVICE

The Congressional Research Service deserves special attention by this committee because it is, in a real sense, the progeny of Congress. However, it is also grossly underrepresented by minorities in professional and administrative positions. Four of the original seven plaintiffs in the 4A Subclass of the Howard Cook class action were employed in the Congressional Research Service.

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS OFFICE

The Employment Opportunity Complaints Office concluded in 1981, in the Howard Cook class action administrative complaint, after a six-year investigation, that the "investigative file does not support the allegations of discrimination." However, the court found in 1992 that discrimination had occurred.

This office refuses to process complaints of discrimination within the 180 days required by law. Cases linger in that office without being processed for two, three, five, or seven years and longer without being completed.

Mr. Chairman, Mr. Cook respectfully requests that a copy of a letter he prepared on behalf of the Black Employees Library of Congress, dated July 1, 1974, to the Chairman, Joint Committee on the Library, be included as part of the record of these proceedings, a letter that will serve to illustrate a long history of inappropriate behavior by the Library in general and by the Equal Employment Opportunity Complaints Office in particular.

EDUCATIONAL FLEXIBILITY AND EDUCATION REFORM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. GOODLING. Mr. Speaker, today Congressman DEFAZIO and I are introducing a bipartisan bill to provide States, schools, and school districts with the freedom to create innovative educational reform programs to help our Nation's students meet the National Education Goals.

For too many years we have focused our attention on whether or not schools and school districts receiving Federal education dollars have complied with every aspect of Federal regulations and not on what is most important: whether or not these Federal programs are achieving their stated goals.

While none of us wants to see the misuse of Federal funds, we also don't want to tie the hands of local educators, those who know best how to provide effective education to school children throughout the United States. Unfortunately, that appears to be what we have done.

Over and over again, I have heard superintendents, principals, and teachers complain that they spend more time filling out forms and justifying how dollars are spent then spending time educating children. Although some of the regulations about which they complain are added at the State and local level, we at the Federal level are responsible for our fair share of this burden.

Pulling children out of their regular class during prime instruction periods in order to remediate existing problems does not help them raise their overall achievement. It can actually put them further behind when they miss important classwork. But this is a common practice and, in most instances, is done to comply with Federal regulations.

The Freedom To Improve Educational Achievement Act will allow States, schools, and school districts to receive waivers from burdensome regulations in return for Increased achievement and progress toward goals developed at the State and local level.

It is time we look to raising the educational achievement of all children through the systemic reform of our current system of education. Flexibility is one essential element of this process. We need to trust our local educators to use flexibility wisely. They are on the front lines and have the best interest of their students at heart.

Mr. Speaker, I encourage my colleagues to join Congressman DEFAZIO and myself as cosponsors of this important legislation. As a former educator, I assure you it will go a long way towards helping our students meet the national educational goals.

THE BAD BTU TAX

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. BEREUTER. Mr. Speaker, this Member encourages his colleagues to read the following important critique of the Clinton administration's proposed Btu tax or, as this Member calls it, the anticompetitiveness tax. The March 24 Journal of Commerce article correctly points out that the Btu tax will hurt the competitiveness of U.S. industries and agriculture by driving up the cost of their production and increasing prices of U.S. exports.

Mr. Speaker, U.S. exporters currently face tax inequities when competing with countries that impose value added taxes. The proposed Btu tax only adds to these inequities by unilaterally and unwisely raising the price of U.S. produced goods without imposing any additional costs on imported goods. Therefore, this Member believes the Btu tax will, among many other negative impacts, increase U.S. trade deficits and drive domestic manufacturing and production facilities overseas. Clearly, the Btu tax is a bad idea.

THE BTU TAX

The Clinton economic bandwagon, having rolled through the House, now is lumbering through the Senate, squeaky wheels and all. As a deficit reduction plan, it will do far less than advertised. But Democrats, trying hard to preserve party unity and convinced Mr. Clinton's plan is the only deficit-cutting vehicle around, are moving it along.

In the process, some bad ideas are coming closer to enactment. Last week, for example, the Senate narrowly approved one of the plan's biggest clunkers: the president's proposal to tax energy based on its heat content as measured in British Thermal Units, or Btu's.

The administration advertises this tax as a two-fer: a way to raise taxes for deficit reduction while promoting energy conservation. It proposes to levy a tax of 25.7 cents per million Btu's on natural gas, coal and nuclear energy, and 59.9 cents per million Btu's on oil. Hydroelectric power would be taxed at a rate yet to be determined and wind and solar energy would be exempt.

The tax is, indeed, a two-fer, but not in the way the administration says. It allows politicians to soothe both business and consumer groups by telling each the tax will fall mainly on the other. Families, they say, will pay only slightly more because business will absorb higher costs of producing goods. But companies are told a different story: They can pass higher costs along to consumers.

The truth, of course, is somewhere in between. The Heritage Foundation estimates companies will pass along between 60% and 80% of their higher costs. The average family of four will, therefore, pay more of the tax than the administration says. In the Heritage estimate, the average family will pay a tax of $450 a year, not $204 as originally claimed.

Not all families will be affected the same. The direct energy tax—higher prices for oil, gasoline and electricity—will fall most heavily on low-income consumers, who spend more of their income on energy. Higher prices for consumer goods would be similarly regressive. Families in the Midwest, South and West, who travel longer distances, would pay more than those in other regions.

And what of the impact on companies? The Btu tax is a tax on production: It encourages businesses to change the way they make goods and services, perhaps substituting other resources for energy or using more energy-efficient machines. Some companies may respond by shifting some production offshore. Others may stay put but make costly changes in their manufacturing processes, spending money they might otherwise invest in expanding capacity.

In either case, higher energy costs will make their U.S.-produced goods more expensive, giving an edge to foreign competitors. It's foolish to argue, as the administration does, that these tax-induced changes will not affect workers. Whatever they decide, companies will reduce output—and employment—in the United States.

Overall, the American Enterprise Institute estimates the Clinton economic plan, including the Btu tax, will subtract more than 1 percentage point from the economy's growth over the next 4 years. That much reduction in output will add $240 billion to the budget deficit, according to the Congressional Budget Office.

The drawbacks of the Btu tax were not lost even on Democrats who voted for it. Several of the 53 Senators who sided with the administration hinted they will try to whittle away at the tax when it comes up again in the Senate Finance Committee.

One of them, Alabama Sen. Howell Heflin, admitted the energy tax is a loser. Yet, he voted against the amendment to delete the tax because "it was a killer amendment; it would have killed the President's program."

All in all, that's a pretty weak reason for congressional Democrats to put their better judgment on automatic pilot and go along with Mr. Clinton's onerous tax.

THE MEDIA'S SHAME

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to call attention to a recent editorial in the Philadelphia Inquirer. This editorial condemns the lack of sensitivity in the coverage of Italian-Americans by some members of the media. It criticizes the stereotyping of Italian-American culture and history. This has long caused me great distress, as I am proud of what people of my heritage have accomplished for this country. I wish to enter this article in the CONGRESSIONAL RECORD so that others can be made aware of this subtle yet terrible discrimination.

[From the Philadelphia Inquirer, March 15, 1993]

ITALIAN AMERICANS JUST WANT RESPECT

(By Arthur J. Gajarsa)

To be sensitive is defined as being "susceptible to the attitudes, feelings or circumstances of others." To be sensitive also means to be "quick to take offense; touchy."

Today, all across this country we find the issue of sensitivity at the heart of a growing dispute between Italian Americans and the media. Italian Americans contend that the media are not sensitive in their coverage, treatment and portrayal of Italian Americans. The media counter that the Italian American community is too sensitive. There may be a little bit of truth on both sides.

Is there a happy medium that can be reached? The Media Institute of The National Italian American Foundation (NIAF) believes so. The Federal Communications Commission has banned at least seven words on radio and television for the obvious offense they cause to the general public. We at the NIAF proposed another group of words that should not be seen, heard or printed by the media: "wop," "guinea," "dago." These derogatory words have no place in the modern Americans' vocabulary and no argument can justify their use, whether for humor or historical veracity.

Then we move to certain other overused words applied to Italian Americans. The most common of these is "mafia."

We reject and resent the guilt-by-association principle that the media applies when using this term. It is not because the Italian American community does not recognize the existence of the mafia. We do, and we deplore it. However, we argue that there is absolutely no need for the media to link the mafia with Italian Americans solely. Not even the FBI does that.

In fact, the U.S. Justice Department estimates that less than one-tenth of one percent of the nation's 20 million Italian Americans have anything to do with organized crime.

Other words used in other contexts can and do offend Italian Americans. They are words like "goombah," especially when applied to people of stature such as state Sen. Vincent J. Fumo and State Supreme Court Justice Stephen A. Zappala. Certain images also offend: the gangster character, the loud mother, the so-called neighborhood "guido." They offend because they are all designed to promote negative stereotypes of Italian Americans.

As Italian Americans, we urge the media to think before publishing a story or producing a program. Is it essential that certain terms or images be used when referring to Italian Americans? Does the potential harmful impact it might have on sectors of the Italian American community ever come into play? Aren't the media aware that this constant reinforcement of a negative stereotype has already impacted generations of Italian Americans, some of whom have suffered actual discrimination as a result of this perception?

Isn't this principle of "think before you speak or write" an exercise in sensitivity that is already applied by the media to portrayals of many ethnic and racial groups? Most certainly it is and should be.

But when it isn't, the outcry is usually quick and effective.

Therefore, we call for a new policy of ethnic neutrality by the media. Cover the facts, make your point but do it without resorting to terms, expressions or images that promote unflattering stereotypes and undue ridicule to millions of Americans of Italian descent.

This policy of ethnic neutrality makes undisputable sense. It would reduce tensions between ethnic groups and the media. This approach would demonstrate the media's sensitivity to the concerns of Italian Americans and could lead to a lessening of sensitivity by Italian Americans toward the media. We stress it is sensitivity, not censorship, we advocate. We do not want to restrict the media; all we seek is the kind of respect that comes only when all ethnic, racial and religious groups are treated equally by the media. The era of the double standard when applied to Italian Americans must end.

PRESIDENT CLINTON KNOWS FOREIGN POLICY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. RICHARDSON. Mr. Speaker, President Bill Clinton has shown Presidential leadership on the Soviet crisis by backing Boris Yeltsin early and not sending the wrong signal by changing the date of the upcoming summit.

He is right—Boris Yeltsin has been courageous in sticking up for democracy and civil liberties and market reforms, in Russia. Yeltsin is the first elected president in 1,000 years of Russian government * * * and I think most Americans support the President's plan to present an extensive, aggressive, and specific plan for American-Russian partnership at his summit with Yeltsin.

Mr. Speaker, President Clinton inherited an unstable and unpredictable world when he took office. I think his action regarding Russia and other international issues shows clearly—this President knows foreign policy; this President has great instincts on international affairs, and, most important, this President knows how and when to act.

STD AWARENESS MONTH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. PRICE of North Carolina. Mr. Speaker, I would like to call attention to a proclamation by the Governor of my State, North Carolina, declaring April as Sexually Transmitted Disease [STD] Awareness Month.

Governor Jim Hunt's proclamation is part of a national public awareness campaign which is being launched in April by the American Social Health Association [ASHA] to educate Americans about STD's.

I commend Governor Hunt and ASHA for taking the lead in this critical public health initiative, and I am submitting Governor Hunt's proclamation for the RECORD.

STD AWARENESS MONTH, 1993

(By the Governor of North Carolina)

A PROCLAMATION

Unfortunately, sexually transmitted diseases [STD's] afflict many North Carolinians, and across the country, more than twelve million people contract STDs each year.

In an effort to educate the public and control the spread of STDs, organizations in many states, including North Carolina, are implementing comprehensive public awareness programs.

The American Social Health Association has developed a public education campaign that will begin in April emphasizing the prevention, identification, and treatment of STDs.

Now, therefore, I, James B. Hunt, Jr., Governor of the State of North Carolina, do hereby proclaim April, 1993, as "STD Awareness Month" in North Carolina, and call upon all the residents of our Great State to observe this period by supporting the aims and goals of this noteworthy campaign to diminish the incidence of STDs.

JAMES B. HUNT, Jr.

CHILDHOOD IMMUNIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 24, 1993, into the CONGRESSIONAL RECORD:

CHILDHOOD IMMUNIZATION

The United States once pioneered the use of vaccines to fight childhood diseases. It now faces an immunization crisis. Preventable diseases that were once thought to be largely eradicated in this country—such as whooping cough and measles—have returned. In 1990, nearly 27,000 cases of measles were reported, 17 times the all-time low number in

1983, resulting in 90 deaths; almost half of the cases reported were among pre-school-age children.

Steps must be taken now to reverse this dangerous and costly trend. No one disputes that immunization is a solid investment. Vaccines are safe and effective for most children, keep children healthy, and reduce health care spending in the long run. Every $1 spent on immunization saves $10 in later health care costs. The U.S. Government has in the past helped fund successful immunization drives here and abroad, and should now make the same commitment to curb childhood diseases in this country.

Reason for Outbreaks: More children are becoming ill because many of them are not getting their vaccines in a timely manner or are not fully vaccinated. Many parents wrongly assume that children do not need to be vaccinated until they start school, when in fact children need to be immunized beginning at birth, and should complete most of their vaccinations by the time they reach 2 years of age. Epidemics spread quickly among young children, and diseases like whooping cough and measles can kill the very young.

Only about half or less of 2-year-olds are fully vaccinated, and in some inner-city areas, the rate is as low as 10%. In Indiana, 53% of two-year-olds are fully immunized. The U.S. is the only industrialized nation that does not ensure that every child is immunized.

Barriers to Immunization: There are many factors contributing to the decline in immunization rates. First, vaccines have become very expensive. About half of immunizations in the U.S. are delivered through the public sector, including health care clinics; the other half through private physicians. In 1992, fully immunizing a child in a public health clinic cost $113.20 compared with the 1982 cost of $6.69. The 1992 estimated cost in the private sector is now $464.39, including physician office visits. Federal and state governments buy about half of all vaccines, and can therefore bid down the price of vaccines for public clinics. Drug companies claim that the price increases were caused by a spate of lawsuits in the 1980s brought by families claiming damages for alleged vaccine-related injuries. Others say that many drug companies face little or no competition in manufacturing vaccines and can raise prices at will. They note that concerns about lawsuits were addressed by changes in federal law which created a no-fault compensation program for injured children, and yet prices have still not come down.

Second, insurance coverage for vaccinations is inadequate. Only half of private insurance plans cover the cost of immunization services. Consequently, many parents have to pay for the vaccinations out-of-pocket, or try to get vaccinations for their children at public clinics, which often will charge little or nothing, or choose not to vaccinate their children.

Third, public clinics cannot handle the added caseload. Public clinics primarily serve low-income families, but do not have the resources to keep pace with the rising number of poor and uninsured children, let alone middle-income families seeking vaccinations for their children. A recent government survey found that most public clinics required appointments for immunizations, and about half required complete physical exams and physician referrals. Most were understaffed, and many charged patients an administration fee. Furthermore, in most states, Medicaid (the state-federal health care program for low-income families) reimburses physicians for only a fraction of the usual fee for immunization services.

Fourth, many parents are not adequately informed about the vaccinations their children should receive and then they should receive them. Guidelines have changed in recent years. In 1973 children were supposed to receive 8 doses of 3 vaccines—DTP (a diphtheria, tetanus, and whooping cough combination), polio, and MMR (a measles, mumps, and rubella combination). The current vaccination schedule calls for every child to receive 14 or 15 doses of various vaccines, given at birth, 2 months, 4 months, 6 months, and 15 to 18 months of age.

Possible Reforms: President Clinton has made childhood immunization a priority in his health care program. The U.S. Public Health Service has called for increasing the childhood immunization rate to 90% by the year 2000, and President Clinton has made several proposals to achieve that objective. First, he has included an additional $300 million in his economic stimulus package for childhood immunizations at public and nonprofit clinics, for a total of $641 million. The House passed the measure on March 18, 1993. Second, the President wants to work with drug manufacturers to ensure that any state can purchase necessary vaccines at reasonable prices. Third, he will seek to guarantee vaccination coverage for all children, regardless of whether they use public, nonprofit, or private health providers, and establish an information and tracking system to follow children's vaccination rates and monitor disease outbreaks.

State and local health officials are seeking ways to improve vaccination programs in local communities. Many states, including Indiana, are establishing "Immunization Action Plans" aimed at placing immunization clinics in non-traditional sites, including rural communities. In 1990, Washington state started buying vaccines from the Centers for Disease Control at the federal contract price and distributing them free to private and public clinics. Ten other states have adopted some form of bulk purchase of vaccines, and still others are considering doing so.

Conclusion: The keys to increasing immunization rates are access and education. Some obvious reforms come to mind. Health care insurers could be required to include immunizations in their basic benefits package. Medicaid could increase reimbursement rates for immunizations. The number, staff and type of facilities through which government-supplied vaccines are made available could be increased. In addition, the government could help launch a national education campaign on the importance of immunization for infants, Immunizations reduce the nation's health care bill and allow healthier people to be more productive, and must be encouraged.

THE EQUAL SURETY BOND OPPORTUNITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Equal Surety Bond Opportunity Act [ESBOA]. The ESBOA is directed against barriers many qualified small and emerging construction firms encounter in obtaining surety bonding.

Surety bonding is mandatory for bidding on all Federal construction work in excess of $25,000, all federally assisted construction projects in excess of $100,000, and most State and local public construction. Surety bonding requirements, however, are not restricted to Government contracting. Increasingly, private construction contracts also require surety bonding. As surety bonding has become a widespread requirement for competition, the inability to obtain surety bonding can cripple a construction firm, especially a small or nascent one.

In 1968, Congress passed the Equal Credit Opportunity Act to prohibit discrimination in credit practices. Modeled after this legislation, the ESBOA will prohibit sureties from discriminating on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, disability, or age—if the applicant is not a minor. In cases where discrimination is proved, the ESBOA provides for civil liability, including actual damages, equitable relief, and attorney's fees to compensate the bond applicant.

Significantly, the ESBOA requires notification of a contractor of the action taken on his or her application within 20 days of receipt of a completed bond application. If the applicant is denied bonding, the surety would also be required, upon request, to provide a written statement of specific reasons for such denial. The need for this provision has been amply demonstrated. According to the National Association of Minority Contractors [NAMC], many minority contractors report being turned down for a bond without an explanation. When explanations are not proffered, a perception of discrimination in the surety industry is created. This perception drives minority contractors to obtain sureties outside the mainstream, often at significant additional expense and fewer protections, placing themselves, their subcontractors, and the Government at greater risk.

During my research on the subject of surety bonding, I learned that many small businesses—particularly those owned by women and minorities—have consistently and expressly raised concerns about access to surety bonding. The principal source of surety bonding is private, for-profit corporate surety firms. The purpose of a surety bond is to reduce business risks by guaranteeing a contractor's ability to perform a contract, but it is clear that some surety companies use criteria that have nothing to do with performance. Both the NAMC and the Women Construction Owners and Executives [WCOE] report discriminatory practices by individual surety agents. Although the reasons agents give for denial, if any are provided at all, are generally more subtle forms of discrimination, WCOE has reported instances in which reasons given for denial of bonding included divorce or death of a spouse who was never a partner in the business, not being married, being a woman, or being an African-American woman. These reasons are undeniably discriminatory, and the ESBOA is focusing on halting this practice.

The ESBOA will help qualified women- and minority-owned businesses to compete in the contracting business by helping them obtain adequate surety bonding. The ESBOA simply requires that surety companies comply with the same nondiscrimination laws that bind banks and other lending institutions. I urge my colleagues to support this bill and help abolish the artificial impediments to the development and survival of emerging small businesses.

THE FAMILY BUSINESS PENSION RELIEF ACT OF 1993

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, for 20 years, Jim and Susan Richards have operated a small turbine manufacturing business in Connecticut. Like millions of small business owners across the Nation, they have struggled to keep up with changes in technology and the economy, while at the same time offering the best benefits possible in order to maintain a high-quality work force. Among other benefits, their employees enjoy being able to participate in a retirement plan, a Simplified Employee Pension [SEP], designed to encourage small business participation while minimizing paperwork.

Jim and Susan each play a key role in the operation of their business, yet the family aggregation law regarding pensions penalizes them by treating them as one, not two people. They are treated as if they receive one wage and are limited to the amount a single wage earner could contribute to secure their retirements. In other words, if Jim or Susan worked as hard for someone else, they could be twice as secure in their retirement. Is this fair? Supportive of family enterprise? Absolutely not. And furthermore, should any of their children work in the business, they too would be included in the single employee contribution limit, thus prevented from saving for their personal retirement.

The intent of current law is to prevent a business owner from circumventing the limit on tax-deferred pension contributions by putting family members on the payroll who, in reality, do not actively participate in the work of the company. To prevent abuse, however, we impose a great injustice on adults who work together to make a business succeed—and happen to be married or family members.

Therefore, today I am introducing legislation to modify family aggregation requirements and permit spouses and adult children to fully contribute to their own pension plans independently of one another, provided that they are fully contributing as employees of the firm. Thus, their retirement benefits would be the same as if they worked for someone else in similarly paying jobs.

I hope that my colleagues who share my commitment to encouraging small business development will join me in support of the Family Business Pension Relief Act of 1993.

BRETT GAILEY OF LARGO, FL, AWARDED EAGLE SCOUT HONORS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. YOUNG of Florida. Mr. Speaker, one of the greatest pleasures I have as a Member of Congress is to visit with our Nation's youth because they inspire me with their spirit and enthusiasm and their eagerness to be our Nation's next generation of leaders.

Every once in a while, though, I am struck by an especially outstanding student who has taken the calling of community service to new heights. Brett Gailey of Largo, FL and a student at St. Petersburg Catholic High School, is a remarkable young man who has excelled in his studies, athletics, and in his service to our community. The latest honor accorded him was the presentation of his rank of Eagle Scout last week during the ceremonies of Boy Scout Troop 468 in Largo.

The community service project Brett took on as required by the Boy Scouts, was the designing and landscaping of the grounds at St. Petersburg Catholic. After 6 months of work, and 256 hours of volunteer service, he completed the project on his way to earning his Eagle Scout honors.

This was just one of many ways in which Brett has made an important contribution to our community. At age 12 he began his volunteer service at the Largo Medical Center, and since then has devoted more than 800 hours to assisting the patients and staff there in so many different ways. In addition, Brett works with patients at nearby Sabal Palms nursing home.

He also is an outstanding student and through the completion of a number of honors classes has earned a 4.15 grade point average on a scale of 4.0. He is as active in his school as he is in his community, serving as a class officer, treasurer of the Mu Alpha Theta math honor society, a member of the Interact and St. Vincent de Paul service clubs, a cheerleader, and as a top rated middle linebacker on the football team.

Although Brett says that community service is its own best award, he recently was honored with the receipt of the Ricky Bell Community Service Award Scholarship. This is an annual recognition given in memory of the former Tampa Bay Buccaneer running back who died of a rare blood disorder in 1984 after a short but great National Football League career. Ricky Bell touched so many people in the Tampa Bay area that this annual award is given in memory of that spirit of community service.

Mr. Speaker, following my remarks I will include for the benefit of my colleagues a story about Brett Gailey by Bob Chick of the Tampa Tribune. It offers great hope to our Nation as Brett's generation prepares to assume a leadership role at our local, State, and Federal levels.

My best wishes and congratulations go out to Brett Gailey, his parents, and their 8 children, all of whom share the same conviction that through community service they seek to make important contributions to their neighbors in need. For Brett, the next stop after high school is a college education at Princeton, Harvard, or Notre Dame where he hopes to play football. There is no doubt in my mind that Brett will excel in his studies and that we have not heard the last of this newly honored Eagle Scout.

A SALUTE TO BILL MAYHUGH AND THE WMAL LEUKEMIA RADIOTHON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. WOLF. Mr. Speaker, history was made this past weekend in the Washington metropolitan area. Local radio personality Bill Mayhugh hosted the annual WMAL–AM 630 Leukemia Radiothon starting Saturday afternoon, March 20, and when the fundraising event ended Sunday afternoon, the tote board read: $1,635,508—a recordbreaking amount.

That incredible total for the 21–hour radiothon was reached through the generosity of not only Nation's Capital area residents, but also from the outstanding contribution of the United Food and Commercial Workers union. UFCW members, nationwide and in Canada, this year, donated $1,419,000 to the radiothon to assist the Leukemia Society of America in its fight against the tragic disease.

Bill Mayhugh, in his famous mellow voice, has been encouraging generous WMAL listeners, local businesses, and employee groups for over two decades to call in their pledges to help find a cure for leukemia. His poignant stories of children stricken with leukemia, and their plight, have literally opened the pocketbooks of area residents, and others across the Nation, who have donated close to $10 million for leukemia research over the 21 years of the WMAL radiothon.

WMAL's nonstop weekend radiothon, held again this year at the Pentagon City Fashion Center in Arlington, VA, annually draws local radio and television personalities and elected officials who stop by to talk on air with Bill, share an anecdote, and urge listeners to phone in their pledges. Satirist Mark Russell, ABC News reporter Cokie Roberts, and, by phone, NBC's Willard Scott were among those who visited with Bill during the radio event.

Mr. Speaker, we salute Bill Mayhugh, WMAL, the United Food and Commercial Workers union and the many, many residents of the Washington metropolitan area whose public spirit and generosity made a difference this past weekend in the effort to find a cure for leukemia.

NISEI ACHIEVED INTELLIGENCE COUPS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. ABERCROMBIE. Mr. Speaker, 1993 marks the mid-point of a 4-year period in which we are marking the 50th anniversaries of significant events in World War II.

Many of those events made headlines at the time. Some, due to the requirements of military secrecy, went unnoticed by the American public. But all of them contributed to America's victory in the Second World War.

I want to take this opportunity to note the achievements of one group of Americans who, because they were the right soldiers at the right place at the right time, were enormously important to the war effort. The accomplishments of the Japanese-American soldiers of the Military Intelligence Service were among the most valuable contributions of any Allied troops during World War II. Their record is summarized in an article by Mr. Bill Wagner entitled "Nisei Achieved Intelligence Coups," which appeared in the January 1993 issue of the VFW magazine. I would like to share that article with my colleagues:

NISEI ACHIEVED INTELLIGENCE COUPS

(By Bill Wagner)

Americans of Japanese ancestry played a vital but little-known role in the Pacific Theater of WWII.

The 6,000 mostly Japanese-American (Nisei) graduates of the Military Intelligence Service Language School (MISLS) of Fort Snelling, Minn., could well be the last unsung heroes of World War II.

They served from the icy tundra of Kiska and Attu in Alaska's Aleutians to the boiling jungles of Burma and India, and on still classified missions with the OSS—Office of Strategic Services, a CIA forerunner. Nisei agents also went on forays into the caves of Yenan to rendezvous with two then obscure Chinese partisans named Mao Tse Tung and Chou En Lai. Nisei MISLS grads played a major, if unheralded, role in nearly every battle in the Pacific during WWII.

Although their contributions have rated little more than a heroic and gallant footnote to the chronicles of the war, Gen. Douglas MacArthur underscored their part when he said: "Never in military history did an army know so much about the enemy prior to an actual engagement."

Despite this accolade, mention of the Japanese-American part in WWII conjures up for most memories of the famed Nisei "Go For Broke" 442nd Regimental Combat Team which fought with distinction in Italy.

SHROUDED IN SECRECY

But the exploits of the other Japanese-Americans, the MISLS grads, so far have been told only in bits and pieces. For one thing, their work was shrouded in secrecy. Some of it was still classified in 1971.

Perhaps the Nisei's biggest intelligence coup was the capture and translation of the Z Plan, Imperial Japan's strategy for defending the Marianas Islands (Guam and Saipan).

Armed with that translation, Adm. Raymond Spruance's pilots destroyed Jananese airbases and scores of aircraft before the landings. American subs sent two Japanese carriers to the bottom. Homefront newspapers dubbed it "the great Marianas turkey shoot." Tokyo was now within range of American bombers.

Another coup was the Imperial Japanese army's ordnance inventory. It listed amounts, types and manufacturers' names and locations on the home islands, providing new targets for B-29s.

Immediately before the American landings in the Philippines in October 1944, Nisei translators learned of Japan's master plan for the defense of the islands.

If many of these disasters could be laid at the door of Japanese commanders' carelessness with codes, it's hard to fault them. When war broke out, U.S. intelligence officials estimated that only 100 Americans had mastered the complexities of the Japanese language.

SEARCH FOR TRANSLATORS

Gen. John Weckerling, an army intelligence officer, said Japanese could easily be the world's most difficult language. Weckerling and another intelligence officer, Col. Kai Rasmussen, hit upon the idea of using the 4,000 Nisei already in the service before Pearl Harbor. But they found less than 10% could read or speak more than a few words of Japanese.

Even though a lot more than refresher courses would be needed, Weckerling and Rasmussen obtained a budget outlay of only $2,000 just before Pearl Harbor for the first MISLS school in San Francisco's Presidio. The school was relocated in Minnesota when an executive order required Japanese-Americans evacuate the West Coast.

Once graduated, the Nisei scattered across the Pacific. For some, there was even more training. Charles Tatsuda, originally from Alaska, who returned to the Minneapolis-St. Paul area after the war to study and practice law, was among a handful sent to paratrooper school. Although they never jumped in combat, Tatsuda points out, "We all won Bronze Stars."

Serving as an intelligence sleuth in the Philippines, he said in a letter home: "The fighting has been tough—close combat, picking off a great deal of the enemy with rifles and not with big guns."

Another Nisei who returned to Minnesota after the war, California native Kiyoshi Ishibashi, was a member of the MISLS team in Calcutta, India. The unit broke codes by listening for "one word" signals carefully concealed in routine messages. Later, in Burma, Ishibashi's group "monitored and translated all Japanese aircraft broadcasts. We had to be careful in combat zones of our own soldiers mistaking us for the enemy."

GETTING ON WITH BEING AMERICANS

Whether in Europe or the Pacific, Nisei heroism was displayed while over 100,000 Japanese-Americans were held in detention centers. Many were the parents, brothers and sisters of Nisei GIs.

"It was the Nisei way," says Bud Nakasone, a Hawaii native who also returned to Minnesota to teach, collect and continue his army intelligence work in the Reserves.

"Americans got a better view of us through this kind of bravery," Nakasone says today. After the war, Nakasone says Nisei were primarily interested in putting their wartime glory—and the degradation of the camps— behind them "and get on with being Americans. And we did."

STOP DISCRIMINATION AGAINST OUR SENIOR CITIZENS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mrs. VUCANOVICH. Mr. Speaker, last week I, along with some of my colleagues in the House and Senate held a press conference to draw attention to the need to repeal the Social Security earnings penalty.

On February 4, 1993, we sent a letter to President Clinton reminding him of his promise in "Putting People First" to "* * * lift Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for all." In that letter, we asked him to include language to remove this burdensone and discriminatory limitation in his economic growth package. I am concerned that when his economic growth package surfaced there was no mention of the earnings test.

The purpose of the press conference was to direct the attention of Members of Congress and the President to legislation we have introduced to correct this depression era fossil. This rule was fostered during the depression to take older Americans out of the workplace to make room for the masses of unemployed. Those conditions changed long ago. In fact, the U.S. Department of Labor has warned of pending shortages in the labor market.

At present a senior citizen age 62 to 64, loses $1 in Social Security benefits for every $2 he or she earns over the limit of $7,680. Seniors aged 65 to 69 lose $1 in benefits for every $3 over the limit of $10,560. However, if you reach 70 and still want to work, there is no penalty. Our legislation would eliminate the Social Security earnings limit for people who reach normal retirement age, which is currently age 65.

Mr. Speaker, is a mind a terrible thing to waste only if it is in the body of a 20-year-old? President Kennedy once said, "It is not enough for a great nation merely to have added new years to life—our objective must also be to add new life to those years." The Social Security earnings limitation subtracts from those years. I submit to the Congress and to the President of the United States that through this rule, we have thrown away a generation who mastered fine skills, fought a world war, turned initiative into successful business practices, and invented solutions to problems with the younger generation.

No person should be penalized for being willing to work. I hope that other Members of Congress and the President will see the need to end this unfair discrimination against one of our Nation's most valued resources—our senior citizens.

THE NATIONAL SCHOOL-TO-WORK TRANSITION AND YOUTH APPRENTICESHIP ACT OF 1993

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. GUNDERSON. Mr. Speaker, today, I am joining with my good friend and the ranking minority member on the Education and Labor Committee, Mr. GOODLING, and others, in introducing a bill designed to meet the needs of the over 50 percent of U.S. youth who do not plan to seek a 4-year college degree after graduating from high school. Specifically, this legislation, the National School-to-Work Transition and Youth Apprenticeship Act of 1993, is designed to establish high quality work-based learning programs throughout the United States, that train youth for skilled, high wage careers which do not require a 4-year education. Establishment of such a system in this country, would address a serious inadequacy in this Nation's educational system, as well as significantly improve the quality of the U.S. work force, enabling the United States to better compete in the global marketplace.

At a time when only 50 percent of U.S. youth go on to college after high school, with only 20 to 25 percent of all youth completing 4-year degrees, our U.S. educational system continues to be disproportionately geared to meet the needs of the college bound. There is no question that the United States has an extremely well developed, and well funded infrastructure in place to guide young Americans from high school to college—in fact arguably the best in the world. Federal programs to assist college-bound youth provide combined public and private subsidies of $5,000 per year, for 4 years, per student. However, according to a 1990 GAO report, while postsecondary students are subsidized with Federal support, those who never enter or who drop out of the higher education system lose out on over $10,000 of public investment in their future.

In this country, 4-year college is often seen as the route to successful careers, with high school curriculum disproportionately geared to the college-bound. Counselors in high school typically advise about colleges, not careers—with a 1991 survey by ETS finding that almost one-half of all high school students never talked to a counselor about occupations. Job search assistance is almost nonexistent in U.S. high schools. And very few U.S. employers recruit from high school, with even fewer making use of high school academic records or teacher recommendations.

For many young Americans, the years between high school and entrance into the adult work force are wasted years. In large because of the difficulties which noncollege bound youth have in making the transition from school to work, high school graduates are falling further and further behind their college cohorts. Males with only a high school diploma saw wages fall 30 percent since 1973—from $9.75 to $6.90. The gap is wages between college graduates and high school graduates has increased from $3.64 to $5.03 an hour over the same period.

Moreover, American businesses are confronting an imminent shortage of skilled workers, of crisis proportion in certain high skilled industries, which is directly affecting U.S. competitiveness. Demographic trends, technological change, increased international competition, and to a degree, inadequacy of U.S. education and training systems have resulted in shortages of skilled workers, and an excess of unskilled, hard-to-employ individuals. A significant proportion of youth graduate from high school with inadequate basic skills and lacking in work readiness competencies. An estimated 17 million workers need remedial education each year. Employers are so concerned, they are spending nearly a billion dollars a year, according to some accounts, in basic skills education for their workers. And all of this is occurring at a time when higher skill occupations are growing at 2½ times the rate of lower skill jobs. Yet the United States is the only major industrial nation lacking a formal system for helping youth make the transition from school to work.

In recent years, numerous commissions have called for schools to improve achievement with longer days, after increased standards for curriculums, graduation, and teachers. However, few have focused on motivation problems that cause poor achievement. This somewhat changed in the late 1980s, with reports: "Workforce 2000" (1987); "Forgotton Half" (1988) and "America's Choice: High Skills or Low Wages" (1990) stressing high academic standards for all youth, tied to skills that workers need for successful careers in workplaces of future. However, a big problem remains. Many students still don't see the relevance of school. They cannot connect the hours of assignments, lectures, drills, tests and books with the real world and its tie to careers.

These realizations have forced States and local areas to undertake reform efforts to meet the challenge in our U.S. educational system as it pertains to the U.S. workplace. Such reforms have resulted in the establishment of State and local youth apprenticeship and other school-to-work transition programs peppered throughout the country.

In Wisconsin, under the leadership of Gov. Tommy Thompson, State Superintendent of Schools Bert Grover, and other key players, tech prep, and youth apprenticeship programs for students interested in technical careers have been developed, and now serve as models for other States and for national legislative efforts in establishing such programs nationwide. Wisconsin's Youth Apprenticeship Program, based in part on successful program designs in European countries, integrates school-based and work-based learning to provide youth with academic and occupational skills leading to both a high school diploma and a certificate of occupational proficiency in a specific industry. Our bill similarly develops a national model for youth apprenticeship, as well as establishing a national system for skill standards development.

Specifically, title I of our bill requires the U.S. Departments of Education and Labor to establish an interagency compact on work force preparation, to be administered according to an interagency agreement between the Secretaries of Education and Labor, in consultation with the Secretary of Commerce. The compact is directed to utilize existing staff and resources of the Departments of Education and Labor, and to develop U.S. work force preparation policy and oversee program administration specifically in areas of: skill standards development; broadbased school-to-work transition; and development of a U.S. Youth Apprenticeship System.

Title II of the bill requires the compact to facilitate the development and subsequent endorsement of a national system of voluntary, industry-recognized skill standards, including recommendations for the assessment and application of such standards to education and training programs leading to certificates of mastery for broadly based occupations within major industries or clusters of industries. Under our legislation, industry-recognized skill standards are to be developed through partnerships of business and industry, labor, and education, and training experts in related fields of work force development—brought together through grants provided by the compact. Our bill also provides for the establishment of an advisory group on workforce skills, composed of experienced individuals from business and industry, labor, education, and training, who are known for their expertise in the area of work force development, a majority of whom are to be representatives of the private sector. The advisory group is to identify workplace readiness competencies which employers agree all students should possess upon completion of high school in order to be effective participants in the work force, and make subsequent recommendations on the incorporation of such competencies into the academic and work-based curriculum in grades K–12, as well as other appropriate education and training programs, taking into account the previous work of the SCANS Commission. The advisory group is also intended to provide expert advice to the compact on the identification of industries and industry clusters for which voluntary industry-recognized skill standards might be successfully developed and utilized. The advisory group is also intended to advise the compact on the subsequent endorsement of such standards.

Title III of our bill, provides competitive grants to States for the development of State plans in States where no such plan exists, and for systemwide education reform, infrastructure building, and implementation of State and local programs and services that will result in the development of broad-based school-to-work transition programs in States with approved plans in place. Under this title, State plans must be cooperatively developed, and grants cooperatively administered by the State's lead agencies for education, including secondary, vocational, and higher education, labor, employment and training, and where appropriate, youth apprenticeship. Grant moneys are intended to result in a reform of school structures, curricula, and instructional methods resulting in: experiential learning; integration of academic and vocational instruction; the availability of career awareness and exploration programs and opportunities in middle school and early high school years; improved and expanded career and academic counseling; the development and expansion of supportive services and a supportive environment for alternative learning opportunities; mastery learning; and expanded the innovative teacher and counselor training opportunities in the area of school-to-work transition, including opportunities outside of the classroom.

Last, title IV of our bill provides competitive grants to States, and States in turn provide grants to local consortia for the development and implementation of youth apprenticeship programs. This title is based in large part on legislation introduced last year by President Bush, the National Youth Apprenticeship Act of 1992.

The youth apprenticeship title of this bill has the goal of expanding the range of skill training and career options for youth through immediate entry into a skilled occupation upon high school graduation, entry into certified apprenticeship programs, entry into technical postsecondary education programs, or technologically oriented programs at colleges and universities. Under this program, State plans must also be cooperatively developed, and grants cooperatively administered by the State's lead agencies for education, and labor, employment and training, and where appropriate, youth apprenticeship. Local consortia who will actually run youth apprenticeship programs under this act, must include at least one education and one business entity in a partnership. As provided for under the bill, eligible local consortia must be composed of at least one of each of the following: First, local educational agencies, an individual school within an LEA, an area vocational school, or any of these agencies or schools in partnership with institutions of higher education as defined under section 481 of the Higher Education Act of 1965, which includes 2-year public technical or community colleges, and proprietary institutions eligible under the Higher Education Act; and second, local employers or business associations, including private industry councils.

Youth Apprenticeship Programs funded under this title must: Be based on an agreement developed by the school, the employer, the student, and the student's parent; include as a prerequisite, career exploration prior to entry into an apprenticeship; include structured, sequenced classroom instruction linking academic and work-based learning, that complies with state graduation requirements; include integrated classroom instruction and work-based learning that is competency-based, and developed through cooperative efforts of educators and participating employers; include work-based learning, either job-specific or in clusters within an industry, in a skilled occupational area, and provided by a skilled mentor; include guidance and counseling, by staff that are trained and dedicated to counseling youth in youth apprenticeship programs, as well as educators who are trained and dedicated to the teaching of students in apprenticeships; and result in the receipt of a high school diploma, and either the receipt of an approved certificate of mastery, where appropriate, entry into a postsecondary program, or entry into a registered apprenticeship program.

Finally, while funding is of course an important element in the development of comprehensive school-to-work transition and youth apprenticeship legislation, we purposely stayed away from the funding debate, recommending funding in fiscal years 1994 through 1998 at such sums for all of programs established under this bill. This decision was made based on the premise that we wished to focus on policy direction as opposed to battles over the budget at this stage in the development of this legislative package. We feel that through reform of our education system to provide comprehensive school-to-work programs in grades K–12, and more focused programs such as youth apprenticeship for upper level high school students, we will go far to build the necessary bridge between school and the workplace. We feel that this legislation establishes the proper role of the Federal Government in helping States and local areas to develop and expand innovative service delivery programs that meet the needs of local areas, while providing Federal guidance on the establishment of national skill standards, a national school-to-work policy, and a national youth apprenticeship system in the United States. We encourage others to join us in cosponsorship of this important legislation.

IN MEMORIAM OF PROFESSOR EMERITUS ALLAN BURNS COWART

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HUTTO. Mr. Speaker, the Small Business Development Centers, I believe, have done some excellent work for the small businesses of our Nation. One of the outstanding citizens of my district, Allan Cowart, was a pioneer of these centers. Mr. Cowart recently passed away and I insert the following statement, delivered by Don Clause, into the CONGRESSIONAL RECORD:

IN MEMORIAM: PROFESSOR EMERITUS ALLAN BURNS COWART

Professor Emeritus Allan Burns Cowart died on March 6, 1993. Born in Pensacola, Florida on October 21, 1921, his first commitment was service with the U.S. Army Air Corps where he became an Air Traffic Control Officer with the first U.S. Fighter wing established in England in 1943—medical limitations having denied him becoming a pilot. Upon returning to the U.S. in 1946, Allan became Director of Music for Butler County High Schools, Alabama, started a music store and was a founder of the Auburn Knights Band Group of his vintage. The next four years were spent in Argentina and Ecuador as Superintendent of Pan American Grace Airways for that area; however, the Korean War forced him back into active duty which only terminated with retirement as a Lieutenant Colonel in 1970. His specializations were in the development of real time air traffic and defense control systems including heading research projects for the FAA. War and peacetime service took him through the Far East, Southeast Asia, India, Polynesia, the Middle East and Caribbean.

A passion for knowledge and pure academic learning was fulfilled through Bachelors Degrees with majors in Psychology (Hawaii) and Social Sciences (George Washington) then a Masters in Government Administration—again at George Washington University. In 1970 he was accepted into the Georgia PhD program, but this coincided with appointment as an Assistant Professor of Management at the UWF Eglin Center.

His strongest sense of mission from the beginning of his time at UWF was to extend University resources to assist small business. On July 1, 1972, President Harold Crosby authorized the start of a UWF Resource Center for Small Business Management funded by UWF resources and a grant of $43,000 from the MDIA. In October of that year UWF was appointed as one of the 36 original Small Business Institute Schools thereby giving senior and graduate students opportunities to assist small businesses while doing for-credit curriculum courses. In May 1976, the Small Business Administration selected UWF as one of six University Business Development Centers to cooperate in developing a national program to aid small business, and in March 1977, provided $40,000 towards delivering services. In April of 1977, Allan Cowart testified before the U.S. Senate Small Business Committee to gain support for such programs of management assistance. Later in 1977 the State began to fund the UW Center and in February 1978, Governor Askew, Senator Childers and Chancellor York formally dedicated the UWF SBDC facility. In October 1978, the Board of Regents approved the SBDC concept as a Statewide program with UWF being appointed as the Florida Host Institution and Allan as State Coordinator.

Allan Cowart's work at the 1980 White House Conference on Small Business contributed to Public Law 96-302 which authorized the nationwide application of the SBDC programs to assist small business. Today, there are some 750 SBDC subcenters across the nation.

As a fully tenured professor, Allan Cowart retired in August 1985 and was appointed Professor Emeritus the following year. In April 1984, he had been back in Washington testifying to the House of Representatives Committee on Small Business. As a material mark of his impact, his encouragement to develop Procurement Assistance for Small businesses in Florida ensured that by the end of 1992 over $1 billion of contracts had been obtained through FSBDC help.

The characteristics of this former faculty member were of a person with vision, with singleness of purpose, of determination leavened with charm, humanity and understanding. A person of many intellectual attributes—one who spanned both the humanities and the sciences, a musician and a businessman, a teacher and an inspirer—a person who was fully active in community affairs until the last few days of his life.

His legacy is firmly written into the history of this University and through gratitude from thousands of small business owners whose needs he saw and ensured that they could be alleviated through University assistance to the benefit of both teaching and private enterprise.

He was a true pioneer and a major contributor to the development of the University of West Florida and as such he will be ever remembered.

TRIBUTE TO THE REVEREND AND MRS. EDDIE McDONALD

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. CARR. Mr. Speaker, it is with great pride that I rise today to celebrate a milestone in Michigan. On Saturday, March 27, friends, family, and the congregation of the Friendship Missionary Baptist Church in Pontiac, MI, will gather to celebrate the 25th pastoral anniversary of the Reverend and Mrs. Eddie McDonald. I urge my colleagues to join me in saluting this remarkable couple and in congratulating them on this momentous occasion.

I am proud to stand here today and say that no one has better and more true values than my friends, the Reverend and Mrs. McDonald. They exemplify all the finest attributes of Christian service and devoted leadership. They have dedicated their lives to spreading the word of God, and have faithfully ministered to the needs of their church and the people of our community. I am truly thankful that our community has been represented strongly through their Christian service, dedication, and hard work.

The McDonald's have spent virtually a lifetime together, forging a true union of partnership in their 42 years of marriage and in their 25 years of service to the Friendship Missionary Baptist Church. Success and devotion are qualities they both possess, and these qualities shine through in their marriage, in their eight loving children, and in their contributions to their church.

On a more personal note, I am deeply grateful to have good friends like the Reverend and Mrs. McDonald. Our friendship extends over more than a decade, and words cannot describe how dear they are to me and how grateful I am to have them as friends.

I am confident that the Friendship Missionary Baptist Church will continue to thrive through their spiritual leadership and through God's abundant blessings. Again, I urge you to join me in saluting this remarkable couple, and in wishing them the best of luck and much happiness and success.

MICHAEL N. COPPOLA: MAN OF THE YEAR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. QUINN. Mr. Speaker, it is my pleasure to rise today on the floor of this House in recognition of Michael N. Coppola from Buffalo, NY in my district, and to congratulate him for being named Boys' Town of Italy's 1993 Man of the Year.

Mike was trained well by the Jesuits of Canisius High School and Canisius College, where he earned his B.S. degree in marketing.

Today, Mike is corporate vice president of Tops markets. But 29 years ago, in 1964, he began his career with Tops as a part-time stock clerk, and has since risen through the ranks of the organization to the position he now holds. He served his industry as a past president of the Frozen Foods Association of Western New York.

Mike's commitment extends to our entire community. Last year, he served Boys' Town as chairman of the ball of the year. Recently, as chairman of the United Way's Food Division, Mike was awarded the Jacobs Cup for achieving the greatest increase in contributions over the past year. Mike works closely with his staff at Tops to help provide leadership and important fundraising for a number of other western New York community organizations.

That commitment must come from home, for Mike is a true family man. He is the eldest of 10 children, a loving husband, and devoted father. He and his wife, Kathy, who is also very involved in service to our community through a number of organizations, are both lifelong residents of western New York. Here, they have raised their four children: Jennifer, Jill, Michelle, and Jeffrey.

Another inspiration for Mike must have been his great aunt, Eve Nelson, who was named Boys' Town Woman of the Year in 1970 in New York City. She is justifiably proud of her nephew's involvement in this fine cause today.

Mr. Speaker, I ask my colleagues to join me in extending congratulations to the Boys Town of Italy Man of the Year—Mike Coppola.

VCU SCHOOL OF SOCIAL WORK CELEBRATES 75TH ANNIVERSARY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. BLILEY. Mr. Speaker, I would like to call your attention to a momentous day in the annals of the school of social work at Virginia Commonwealth University [VCU]. They are celebrating their 75th anniversary.

The school of social work was established in 1917, as the Richmond School of Social Economy. The name was soon changed to the Richmond School of Social Work and Public Health. One of the major reasons the school was established was to help returning veterans from World War I to be reintegrated back into society as the war concluded.

After being affiliated with the College of William and Mary, the school was one of several components of the Richmond Professional institute [RPI], which became an independent State University in 1962. RPI and the Medical College of Virginia merged and became VCU in 1968.

The school is the fifth largest school of social work in the country, and is the oldest school of its kind in the South. It is 1 of only 26 schools of social work offering a bachelors and masters degree along with a doctorate. The school's master of social work program is the largest graduate program at VCU. It has 4,666 living alumni who practice social work throughout Virginia, North America, and internationally.

The school has provided both academic and professional leadership and training, and its faculty is considered to be one of the finest in the Nation. Four hundred sixty-two field instructors supervise students doing practical field work throughout the Commonwealth and the District of Columbia, and the faculty is actively engaged in research, writing, and in the development of social work theory.

For the past 75 years, the school has provided leadership and guidance in social policy and social welfare. Its graduates serve on the front lines of both private and public social service organizations as well as in senior administrative positions in Government agencies and the nonprofit sector.

I enthusiastically commend the school of social work for its commitment to our Nation and the betterment of her people. I sincerely hope that their tremendous accomplishments will continue in the future.

TRIBUTE TO MIKE CAMPBELL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Mike Campbell who is stepping down as president of the Madison County Farm Bureau. This Friday's 74th annual meeting in Edwardsville, IL, will be the last meeting Mike will chair. Mike has been involved in Madison County Farm Bureau since 1974. He was first elected to the board of directors in 1978 and has served as president since 1984.

However, Mike's involvement in farm bureau activities has not been limited to the Madison County chapter. He is known throughout Illinois for his involvement in bringing issues affecting farmers to the attention of State and national legislators and working with legislators to find logical solutions to these issues. Mike is a founding member of the Illinois Farm Bureau's activator committee and has served as vice chairman of the committee since 1986. He is also chairman of my agriculture advisory board for the 12th Congressional District.

Though he is giving up his presidency of the Madison County Farm Bureau, Mike will continue to serve on the board of directors. I am thankful for his contributions to agriculture in Madison County and throughout Illinois and wish him well as he pursues new opportunities with the farm bureau. I thank my colleagues for joining me in recognition of Mike Campbell.

FIRE PROTECTION IN HIGHRISE BUILDINGS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. MAZZOLI. Mr. Speaker, communities across the country, including mine in Louisville, KY, are taking steps to prevent the tragedy of fires in highrise buildings. In Louisville, Mayor Jerry Abramson, the Louisville Board of Aldermen, and Louisville Fire Division Chief Russell Sanders are working to enact a city ordinance which will require highrise buildings to be retrofitted with automatic sprinklers.

To advance and complement these local initiatives, I am today introducing legislation which will allow for a 15-percent tax credit for the cost of installing automatic fire sprinkler systems in existing highrise buildings which were erected before State or local building codes required sprinklers.

Building owners who retrofit structures to meet National Fire Protection Association standards would qualify for the credit for work done between December 31, 1992, and January 1, 1999.

Fighting fires in highrise buildings is extremely dangerous, and often it is impossible to extinguish highrise fires using conventional firefighting equipment, techniques, and personnel. As a consequence, lives are lost and millions of dollars of property damage is done. Examples are the recent highrise fires at the MGM Grand in Las Vegas which claimed 85 lives; at the San Juan DuPont Plaza, 96 lives, and at the Peachtree 25th Building in Atlanta, 6 lives.

Technology exists to safely, efficiently, and effectively control and extinguish fires. That technology is the automatic fire sprinkler system. National Fire Protection Association statistics show that the success rate of sprinkler systems in extinguishing fires is more than 96 percent.

The value of an automatic sprinkler system can best be illustrated by the February 1991, Meridian Plaza highrise fire in Philadelphia. In that disastrous instance, eight unsprinkled floors were completely destroyed before the fire was extinguished at the 30th floor by nine sprinkler heads.

Louisville Fire Division Chief Russell Sanders further describes the importance of automatic sprinklers in the Louisville Courier-Journal article which follows this statement.

Providing an incentive for installing these life-saving sprinkler systems makes economic sense and saves precious lives. I urge my colleagues to join me in cosponsoring this important measure.

SPRINKLERS AND LIVES

(By Russell E. Sanders)

In November of 1980, a fire at the MGM Grand Hotel in Las Vegas left 85 people dead, over 600 injured and more than $30 million of property loss. Less than three months later, Las Vegas experienced another disastrous high-rise fire. This time, fire at the 30-story Hilton Hotel involved 22 floors and caused eight deaths, 302 civilian injuries and 48 firefighter injuries.

Then, in December 1986, a fire burned out of control at the Dupont Plaza high-rise hotel in San Juan, Puerto Rico, killing 97 occupants and injuring 140 others.

High-rise office buildings have also been ravaged by fire. In May 1988, a fire at the Interstate Bank Building in Los Angeles destroyed the 12th through 16th floors and killed one security guard, before 383 firefighters gained control. More recently, in February 1991, a fire at One Meridian Plaza in Philadelphia burned out of control for 19 hours, destroyed eight floors without sprinklers, killed three firefighters and caused property damage that is now estimated at over $1 billion.

Because the Interstate Bank fire occurred after business hours and the One Meridian fire on a Saturday, only a few people were in these buildings at the time. The loss of life would have been much greater had the fires occurred during business hours.

These are only a small sample of the tragic fires that have occurred in unsprinklered high-rise buildings in this country and abroad.

The long list of needlessly destroyed lives and property will continue to grow if we fail to act. I emphasize "needlessly" because the technology to prevent these disasters is available and affordable in the form of retrofitted automatic sprinkler systems.

In fact, the effectiveness of sprinklers was clearly demonstrated in two of the tragic fires described above. At the MGM Grand the fire moved in two directions. In one direction where no sprinkler protection existed, the fire grew uncontrolled; in the other, sprinklers stopped it cold. At One Meridian Plaza fire completely destroyed the unsprinklered 22nd through 29th floors before being extinguished at the 30th floor by nine sprinkler heads.

National Fire Protection Association statistics indicate that the success rate of sprinkler systems is better than 96 percent. In instances when sprinkler systems have failed, the failure with few exceptions was due to burn intervention—the system was shut down either prior to the fire or before complete extinguishment. Further, a multiple fatality fire has never occurred in a high-rise that was protected by a properly installed working sprinkler system.

Computer modeling of the Interstate Bank fire revealed that temperatures on the initial floor of the fire reached 1,100 degrees Fahrenheit within 11 minutes of the fire's start. Then flashover occurred—the smoke reached a temperature that radiated sufficient energy to raise exposed combustible surfaces to their ignition temperatures.

Major metropolitan fire departments all over the world have proven time and again that once flashover occurs in unsprinklered high-rise buildings, the problems of fire and smoke control become unmanageable. When firefighters are unable to control the spread of fire and smoke protecting the lives of occupants and firefighters becomes difficult, at best, and in many cases impossible.

The Kentucky Building Code defines a high-rise as having floors used for human occupancy more than 75 feet above the lowest level of access for fire department vehicles. Measurement is from grade level to the floor level of the top floor used for human occupancy.

In the City of Louisville we have counted 46 unsprinklered properties that fit this definition; five others are in Jefferson County outside the city limits. There is an approximately equal distribution between office-commercial and residential properties. Five of these properties are apartments for the elderly, managed by the Housing Authority of Louisville (HAL).

Every U.S. city that has experienced one of these tragic high-rise fires has at least one thing in common. Each reacted after the disaster by passing legislation requiring the installation of sprinkler systems in all (or selected occupancy classes of) existing high-rise buildings.

We are a progressive community; let's not wait for a tragedy and then react.

The housing authority recently received approval for a federal grant to retrofit its five high-rises with automatic sprinkler systems. Tenants and residents in the remaining 46 unsprinklered properties need this same protection and your firefighters need this help

---

THE VETERANS HEALTH CARE REFORM ACT OF 1993

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. MONTGOMERY. Mr. Speaker, today I am introducing the Veterans Health-Care Reform Act of 1993, a bill that would implement the legislative recommendations of the Commission on the Future Structure of Veterans Health Care, the so-called Mission Commission. The bill would restructure eligibility for VA health care benefits by completely revising chapter 17 of title 38, United States Code. The act contains the following major provisions:

Revises eligibility rules to provide that any veteran deemed eligible for VA care would be eligible to receive all needed care and services. Under the existing system, the rules of eligibility differ depending on the type of care the veteran needs. Currently, a veteran may be eligible for one type of service; for example, hospital care, and be ineligible for another type; for example, outpatient care.

Broadens the number of veterans with so-called mandatory eligibility for VA health-care and health-related services. It would state that VA shall furnish needed care and services to any service-connected veteran and to any nonservice-connected veteran with income below the current "means test" level. In 1993, the "means test" income level is $19,408 for a single veteran and $23,290 for a married veteran, plus $1,296 for each additional dependent. Under current law, many such veterans are not entitled to all types of care, outpatient care for example.

Broadens the types of health-related services VA shall furnish to eligible veterans to include social support, such as personal care and homemaker services. It would also clarify that VA shall furnish all eligible veterans with needed preventive health care services, respite care, hospice care, medical and prosthetic equipment and devices, and home improvements and structural alterations when appropriate.

Provides that VA shall contact for all needed care and services for eligible veterans if the department is not capable of furnishing the care or services in its facilities, or if VA facilities are geographically inaccessible.

Authorizes VA to establish a system under which veterans ineligible for cost-free VA care, as described above, could still obtain care from VA at a cost determined by the Department. It would provide for VA to be reimbursed by other Federal or State programs for care furnished to veterans with dual eligibility.

Mr. Speaker, this is one of several bills that has been introduced to change eligibility for VA health care. These bills will provide a point of reference as the committee continues to work with the administration on National Health Care reform and the continued role of the VA in such reforms.

CRS REPORT ON MEDICAL INDUSTRY PROFITS SHOWS THAT DRUG FIRMS ARE UNUSUALLY PROFITABLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. STARK. Mr. Speaker, I would like to call your attention to a recent Congressional Research Service report, which analyzed the profitability of medical industries. The report shows that between 1987 and 1991, the drug industry's profits were higher than any other medical industries and they more than doubled the profit "benchmark" of the all-manufacturing average as a percent of both equity and sales.

CRS noted that the pharmaceutical industry's ability to remain extremely profitable over the past 30 years is quite rare. The report identified some of the causes for high profitability to be market structure [oligopoly], patent protection, barriers to entry, large staffs of detailmen, and third party payers who were "less than diligent in resisting high prices."

The report hypothesizes that because drug profits are so high, there exists the possibility of "reducing prices without compromising quantity and quality of supply." I strongly agree.

This CRS report further strengthens recent congressional arguments about the practices of the drug industry and the marketplace within which they thrive.

I would like to caution you, Mr. Speaker, and my colleagues about promises currently being made by the pharmaceutical industry to voluntarily contain prices without any Government oversight. As a headline, it may sound nice. However, we need to know a great deal more.

There is no means to ensure that new drugs are priced reasonably upon their introduction. Chances are, if drug executives know that they will have to contain price increases, they will jack-up the introduction price to increase revenues.

My bill, H.R. 916, entitled the Prescription Drug Prices Review Board Act of 1993, will save money for prescription drug consumers, large and small. By increasing the availability of pricing information, allowing for drug price review and negotiation, and serving penalties on those who excessively price prescription drugs, the board will make sure the American consumer is protected from price gouging. At the same time, it will see that the U.S. pharmaceutical industry remains strong and profitable.

The drug industry continues to resist legislation which will affect their pricing decisions. Consumers and Members of Congress are tired of drug business as usual. That's where we stand today. Roy Vagelos, who has been Merck's chairman and chief executive officer, stated in the Washington Post that "in the long run, the business view must reflect the customers. If the customers start to resent you, you've got a problem." I agree.

Following is a table from the CRS study that makes clear why pricing reform is overdue.

TABLE 1.—PROFITABILITY OF DRUG INDUSTRY VS. ALL-MANUFACTURING BENCHMARKS, 1987–1991

	1987	1988	1989	1990	1991	5 yr. avg.
As percent of equity						
Drugs	17.56	30.44	29.43	27.12	26.07	26.12
Benchmark—all manufacturing	12.83	16.18	13.85	10.69	6.41	11.99
As percent of sales						
Drugs	10.4	16.0	15.4	15.7	15.2	14.54
Benchmark—all manufacturing	4.9	6.0	5.0	4.0	2.5	4.47

Source.—Commerce Department Quarterly Financial Report for Manufacturing, Mining and Trade Corporations.

H.R. 1430, A BILL TO INCREASE TEMPORARILY THE STATUTORY LIMIT ON THE PUBLIC DEBT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday I introduced H.R. 1430, a bill to increase temporarily the statutory limit on the public debt.

Mr. Speaker, we have just about run out of room under the current limit. Last Thursday, March 18, I received a letter from Secretary Bentsen informing me that the Treasury Department expects to run out of cash and borrowing authority on April 7. In that letter, Secretary Bentsen requests that the Congress act quickly to enact legislation to increase the debt limit to $4,370 billion through September 30, 1993. This increase would be temporary. Therefore, after September 30, the debt limit would revert to the current level.

Secretary Bentsen emphasized in his letter the importance of enacting a debt limit increase before Congress departs for the Easter district work period, so that Social Security beneficiaries who try to cash the checks they receive at the beginning of the month will not be left high and dry. In order to comply with Secretary Bentsen's request and to accommodate the need for timely action, the Committee on Ways and Means will report H.R. 1430 to the House as quickly as possible. This will facilitate floor action and final enactment before the Congress leaves for the Easter work period. This will also allow for the smooth functioning of Government without interruption.

TRIBUTE TO THE HEBREW FREE LOAN SOCIETY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the Hebrew Free Loan Society, which is celebrating its 100th anniversary.

For the past century, the Hebrew Free Loan Society, which is located in my congressional district, has followed the age-old guiding principle of helping others to help themselves. Following this credo, the Society offers aid in the form of interest free-loans to immigrants from all over the world, and to descendants of immigrants so that they can continue to contribute to the vitality and vibrancy of the United States.

Over 1 million loans totalling more than $117 million have been granted, no strings attached, since the society was founded in 1892. With these loans, the Hebrew Free Loan Society has contributed to the financial stability and dignity of the people of the New York metropolitan area.

I would like to call the attention of my colleagues to the commendable work of this outstanding organization and congratulate the members on its growth and success. I also wish to recognize the hard work of the Hebrew Free Loan Society under the leadership of Society president David M. Durst, vice presidents David Botwinik, Donald Flamm and Stanford Warshawsky, treasurer William Golden, secretary Judah Gribetz, executive director Arnold Teitelbaum and assistant director Michael Novick.

I call upon all my colleagues in the House of Representatives to join me in paying tribute to these dedicated individuals, and in wishing the Hebrew Free Loan Society another 100 years of service.

HEALTH CARE REFORM SHOULD START WITH CHILDREN AND PREGNANT WOMEN

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. DURBIN. Mr. Speaker, President Clinton has demonstrated how serious he is about health care reform by asking his wife, Hillary Clinton, to head the effort to develop a comprehensive health care proposal. Mrs. Clinton knows how important this issue is, especially to vulnerable populations such as our Nation's children and pregnant women.

Our Nation's health care problems are apparent. Medical prices are rising far faster than the rate of inflation. American families are being priced out of the U.S. health care system because they can't afford their health insurance premiums or the out-of-pocket costs of adequate medical care.

Millions of Americans who do have insurance are only a pink slip away from being locked out of the health insurance market because of preexisting health conditions that would limit their ability to obtain a new policy.

The number of Americans who are uninsured is growing, and children are especially likely to lack health insurance coverage and adequate health care. As many as 12 million children have no health insurance coverage, and two-thirds of them live in families above the poverty level.

Although prenatal care is one of the most critical steps to a healthy start in life, one-fourth of all pregnant women do not get adequate prenatal care. And less than half of American children receive the immunizations they should have by the age of 2.

Health care reform is essential to the well-being of every American citizen and to our Nation as a whole.

We must enact a reform package that ensures that every American has affordable health care coverage as soon as possible, starting with the population where the investment in health care coverage has the most immediate and obvious return—our children.

If we fail to provide health insurance to pregnant women and children as soon as possible, we are being penny-wise and pound-foolish. What little we save by not covering those who are our most vulnerable citizens comes back to haunt us later in preventable childhood illnesses, learning disabilities, and eventually juvenile delinquency, social services, and crime.

Mr. Speaker, we need to put an end to the patchwork health care system we have today, which leaves so many children so vulnerable. We need to enact a health care reform plan that provides coverage to everyone at a price they can afford, starting with the children. I look forward to working with President and Mrs. Clinton to make this goal a reality.

TRIBUTE TO DR. ROBERT J. STEIN ON HIS RETIREMENT AS CHIEF MEDICAL EXAMINER OF COOK COUNTY, IL

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to pay tribute to Dr. Robert J. Stein, on the occasion of his retirement after 17 years of distinguished service as the chief medical examiner of Cook County, IL. I ask my colleagues to join me as we recognize his many achievements.

The list of Dr. Stein's accomplishments is long and impressive. He received his medical degree from the University of Innsbruck, Austria in 1932 and his M.Sc. in pathology from Northwestern University in 1952. Since then, he has shared his wide knowledge as a member of the faculties of many distinguished institutions, including the U.S. Army Graduate Medical School and the University of Iowa Medical School. He is currently professor of clinical pathology, Stritch School of Medicine, Loyola University; adjunct professor of pathology, University of Illinois Medical Center; and professor emeritus, Northwestern University.

Dr. Stein is the author of many articles and the recipient of many awards reflecting his landmark research in forensic science and pathology. Yet he is best known to the people of Cook County as a tireless public servant who has never faltered in his commitment to improve and protect the health and well being of people. He has raised public awareness about the social costs of gun and drug related violence. He has been vigilant in his efforts to protect the public from dangerous products and environments.

We honor Dr. Stein the most for his concern for the children. He has been a crusader against child abuse. He has exposed the dangers of lead contamination to children, and he has fought to protect our most vulnerable citizens from dangerous household products. He has saved countless young lives through his efforts.

I am pleased today to honor Dr. Robert J. Stein: scientist, public servant, and humanitarian.

TRIBUTE TO DOROTHY L. DOBSON

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HANSEN. Mr. Speaker, being an educator is one of our country's most important professions. If you name anything that is vital to our Nation's well being—a prosperous economy, personal opportunity, a sound defense—you will realize that none of these things can be achieved without educators that are effective in teaching the future leaders of our country.

I rise today in honor of Ms. Dorothy L. Dobson, an outstanding educator at the Edith Bowen Laboratory School in Logan, UT. Ms. Dobson received the National Council for the Social Studies [NCSS] teacher of the year award because of her caring attitude and exceptional teaching ability. She is a model for her colleagues and an asset for the students who have the privilege of being in her class.

Motivating and properly preparing our youth is a great responsibility and one that can be very rewarding. With the ever-increasing budget constraints on our current educational system, teachers are rising to the challenge of doing more with less. The youth of today will be better able to contribute to society through the dedicated efforts of Ms. Dobson and the many other fine teachers in our educational system. I commend Ms. Dobson on this well-deserved achievement and am honored to have such an excellent teacher in the First District of Utah.

HONORING GEORGE ROWE

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. MANN. Mr. Speaker, I want to take this opportunity to thank George Rowe, the city of Cincinnati director of public works, for his 42 years of service to the citizens of Cincinnati. George is retiring on April 1, 1993.

George worked his way up from the position of draftsman to hold such positions as superintendent of convention center, Riverfront stadium manager, the director of purchasing, and finally serving 13 years as director of public works. During his tenure as director of public works, George was responsible for implementing the lion's share of the city's infrastructure restoration program, the creation of the stormwater management utility division for correcting the longstanding stormwater drainage problems in the city and the solid waste management division, and implementation of the city's curbside recycling program.

George has been a people-oriented manager who has always encouraged his employees to perform at their best. One motivational method he has championed has been to use a team building program through in-house seminars, cross-departmental training, and regular communications bulletins. George Rowe also implemented the Public Works Employee of the Year Program for recognizing outstanding job performance.

George Rowe has also been heavily involved in professional and community organizations. George is currently the regional director of the American Public Works Association and is president-elect of the association. His service to the citizens of the city has not stopped with his professional duties. He has played a very active role at Gaines Methodist Church, the Boy Scouts and Girl Scouts of America, the American Red Cross, the Fine Arts Fund, and the United Negro College Fund, to name but a few groups that have benefited from his talents.

I am proud to have had the opportunity to work with George and wish him all the best as he retires from city service.

A TRIBUTE TO MORRIS HERSHMAN

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. SANGMEISTER. Mr. Speaker, it is with great pride and respect that I rise today to pay tribute to a close friend and an outstanding resident of my district, Rabbi Morris Hershman. On March 30, Rabbi Hershman's congregation, family, and countless friends will celebrate his 50 years as the spiritual leader of the Joliet Jewish congregation, and, of no less importance, his 50 years of dedicated service to his community.

In 1943, Rabbi Hershman, a recent graduate of the Hebrew Theological College in Chicago, arrived in Joliet. Since then, he has been a leader in his own profession, as he has served on the executive committee of the Chicago Board of Rabbis, the Synagogue Council of America, and the national board of the United Jewish Appeal. He led his congregation in establishing a local memorial to the victims of the Holocaust so that ours and future generations will never forget that terrible period in world history.

Rabbi Hershman saw his role in Joliet as more than that of spiritual leader of the community's Jewish population. He felt that it was his civic obligation to reach across religious lines and work with people of all faiths to better the community that everyone shared.

He has been a teacher, role model, and activist for all children and a champion of educational causes. For years, he has served as a keynote speaker for the United Way Campaign. He has also served on the board of the Joliet Junior College Adult Education Program Advisory Council and the Boy Scouts of America. In recognition of his accomplishments, Lewis University in Romeoville and the College of St. Francis in Joliet have awarded him honorary dectorate degrees.

A champion of health causes, Rabbi Hershman served as president of the Will County Health Planning Council, the Midwest Community Health Service, and on the board of the American Red Cross. He presently chairs the board of trustees of Silver Cross Hospital in Joliet.

A gifted orator, Rabbi Hershman has been at the forefront of making local government work for all the people. He was a founding member of the Joliet Mayor's Commission of Human Relations and was a driving force in the campaign to bring the city manager form of government to Joliet.

The Rabbi has been tireless in his leadership role in civic, charitable, and professional organizations over the years. He is a past president of the Joliet Rotary Club and the Joliet Region Chamber of Commerce.

Rabbi Hershman's partner in life and in his passionate drive to better our community is his wife, Goldie. He and Goldie, a former special education teacher, raised two children who have evidently inherited their parents sense of idealism. Naomi teaches visually impaired children and Josh is an attorney. Perhaps two of Rabbi Hershman's greatest blessings are his grandchildren, Jenny and Ben.

Rabbi Hershman's extraordinary dedication to helping others mirrors the teachings of the Hebrew scholar, Maimonides. According to the teachings of Maimonides, the highest level of charity is to enable another human being to help himself. Mr. Speaker, on behalf of my constituents in the 11th District of Illinois, and myself, I am proud to recognize Rabbi Morris Hershman, who has helped not merely one man to improve his circumstances, but has enabled an entire community to become stronger.

LEGISLATION TO INCLUDE THE COUNTIES OF MONTGOMERY, ROANOKE, AND ROCKBRIDGE INTO THE ARC

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. GOODLATTE. Mr. Speaker, I rise today to urge my colleagues to support a bill that Representative RICK BOUCHER and I are introducing which would amend the Appalachian Regional Development Act of 1965 to include the Virginia counties of Montgomery, Roanoke, and Rockbridge and the contiguous, independent cities of Roanoke, Salem, Radford, Lexington, and Buena Vista as part of the Appalachian Regional Commission. I believe this legislation is vital to the Appalachian region of the Commonwealth of Virginia.

The Appalachian Regional Commission [ARC] was established in 1965 as a Federal-State partnership in economic and social development. ARC's goals have been to encourage the economic development and growth of the Appalachian region.

ARC has the mission to develop an infrastructure that will help Appalachia become economically viable and competitive. It has done so by constructing some 2,100 miles of highways, implementing recycling programs, creating vocational education facilities, and building reliable waste disposal facilities, water and sewer systems.

The three counties which we propose to add are all vital to the ultimate success of the ARC. One of them, Montgomery County, along with the indpendent city of Radford, is in Mr. BOUCHER's district to the south of Roanoke County which is the southernmost part of my district.

Montgomery County, which has a total population of 74,000 people, is geographically part of the Appalachian Region. Although it is blessed with an abundance of natural resources and creative people, it is plagued with cyclical unemployment. Despite being home to Virginia Tech and possessing the fourth highest concentration of Ph.D's per capita in the Nation, 26 percent of all Montgomery County residents aged 25 and over do not have a high school education. In some areas of the county, that figure exceeds 50 percent.

Rockbridge County, and the independent cities of Lexington and Buena Vista, which occupy the central portion of my congressional district, are bordered on the west by the counties of Allegheny, Bath, and Highland, and the cities of Clifton Forge and Covington. Lexington is home to the Virginia Military Institute and Washington and Lee University. Despite benefiting from these universities and an impressive tourism industry, the area has been plagued by many recent layoffs and plant closings. Just this past summer a bus manufacturer in Buena Vista, which was a major employer, announced that it would close its gates. The area has been crippled as a result.

Rockbridge is bordered by counties that are members of ARC and has been cooperating with its neighbors on a number of projects including a regional landfill. Rockbridge continues to explore the concept of regionalism and would like to become involved in the Appalachian Regional Recycling Consortium [ARRC]—an ARC project.

However, Rockbridge has been denied involvement in ARRC because it is not a member of ARC. As a result, the recycling effort has suffered because the participating counties are unable to supply a large enough volume of recyclable material to make the program cost-effective. The addition of Rockbridge County to the ARC could help the recycling effort become a reality.

Roanoke County and the independent cities of Roanoke and Salem could well be the linchpin between success of the ARC and its failure. With a population of approximately 200,000, the Roanoke Valley has a history of cooperative agreements and joint ventures with surrounding counties. Some of the joint opportunities the Roanoke area governments have pursued include, the further development of tourism and industrial sites along the I–81 and I–581 corridors, educational/vocational training projects, and the enhancement of water and sewer infrastructure. If admitted to the ARC, Roanoke County could combine its resources and economic vitality with its less urban neighbors to help facilitate much-needed ARC regional projects.

Clearly, if Montgomery, Roanoke, and Rockbridge Counties and the contiguous independent cities are designated as part of the ARC region there will be an enhanced opportunity to pursue these types of joint programs. The potential for combined efforts in tourism, infrastructure projects and strengthening competitiveness in attracting new businesses would be tremendous.

In addition, for the ARC to ultimately succeed in its mission to provide Appalachia with the infrastructure it needs to develop into an economically viable region, it only makes sense that these three important counties be added to its membership. Their addition will provide an essential sense of regionalism with the counties already within ARC, allowing them to work together to solve the many problems of the area. It's time to realize that city, county and even State lines are becoming less and less a barrier to cooperation.

Finally, by designating the Roanoke Valley and Montgomery County as a part of ARC, Congress will be strengthening the partnership between Western and South Western Virginia.

I urge my colleagues to support this urgently needed legislation.

FEDERAL AND POSTAL SERVICE EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH ACT OF 1993

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. CLAY. Mr. Speaker, on the first day of the 103d Congress, I introduced H.R. 115, the Federal and Postal Service Employees Occupational Safety and Health Act of 1993. This bill will extend to the millions of Federal and postal workers the same protection against unsafe and unhealthy working conditions that now applies to private sector workers.

It is a privilege for me to have introduced H.R. 115. Nothing is more important to me than the welfare and rights of the nation's working men and women. This commitment is demonstrated by my longtime sponsorship of the Family and Medical Leave Act, the Striker Replacement Act and the Hatch Act Reform bill. H.R. 115 deals with the physical welfare of workers. In this day and age there is simply no excuse for the amount of death, injury, pain, and suffering in this country from occupational injuries. When is happens in the private sector, it is inexcusable and unproductive. When it happens in the Federal workplace, it borders on criminal. As a matter of public policy, there is no place for secondhand safety standards and slipshod enforcement in the offices and facilities of the U.S. Government.

For too, too long Federal and postal workers have been not received the same level of protection as workers do in the private sector under the Occupational Safety and Health Act of 1970. Neither all of the protection nor any of the enforcement mechanisms of the original act apply in the Federal workplace.

The bill has two major thrusts:

First, my bill—like the one that former Representative Sikorski introduced last Congress covering Federal workers—proposes that each agency establish safety and health programs and safety and health committees in each worksite. Federal workers and managers should make workplace safety an important part of their jobs. I hope to accomplish this by requiring every agency to establish and carry out a comprehensive safety and health program to eliminate hazards and reduce occupational illnesses and injuries in each worksite. My bill also requires Federal agencies and the Postal Service to create worksite safety and health committees. With representatives from both the agency and nonmanagement employees, the committees will be the forum for solving workplace safety problems and for identifying and correcting hazards on an ongoing basis.

Second, the bill extend OSHA health and safety standards to Federal agencies and the postal service and authorizes OSHA to enforce them in Federal and postal workplace. This is a major step forward. In essence, the same kind of tools currently available to the Secretary of Labor to enforce safety and health standards in the private sector will be available to the Secretary for enforcement in the Federal sector. While fines and penalties will be an important part of the Secretary's enforcement tools, I am mindful of the effect that fines may have on jobs. Therefore, H.R. 115 contains language expressing the sense of the Congress that agencies should not pay finds out of funds appropriated for salaries. The bill also creates the Federal Occupational Safety and Health training fund. Any fines paid by an agency to the Secretary will be deposited in the fund and used to pay for agency safety and health education programs.

In closing, I look forward to working with the Clinton administration, employee organizations, and other interested parties on this issue. I am confident that working together Federal and Postal Service employee occupational safety and health will get the attention it deserves this Congress.

TRIBUTE TO THE CLINTON TOWNSHIP POLICE DEPARTMENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the dedicated men and women who honorably serve in the Clinton Township Police Department. The Clinton Township Police Department has served the community well in protecting the health, safety, and welfare of the citizens.

Four Clinton Township Constables were organized into a police department in May 1964. The constables patrolled Clinton Township on weekends in an attempt to reduce traffic accidents. In July 1965, a volunteer police department was approved by the Clinton Township Board. The volunteer police department consisted of 20 auxiliary officers.

The community voiced its approval of the police department and its distinguished members on April 1, 1968, by approving a tax increase to form a full-time police department. The police department started operations with one chief of police, 19 police officers, and 22 reserve officers. Their duty was to patrol approximately 30 square miles and protect 40,000 residents. Current Chief of Police Robert Smith was promoted to his position in 1972. In 1975, the police department moved from its original location to its present location.

After starting with four dedicated Constables, the Clinton Township Police Department today consists of 89 sworn officers whose mission is to serve, defend, and protect the approximately 90,000 residents of Clinton Township.

I commend the officers of the Clinton Township Police Department for their years of dedicated service to our community. And I ask that my colleagues join me in saluting the accomplishments of the Clinton Township Police Department. We can all feel safer knowing that the valiant officers of the Clinton Township Police Department are always close, always prepared, and always ready to help.

A TRIBUTE TO DOUG BUFFONE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. HYDE. Mr. Speaker, on Friday night, the Greater Chicago UNICO Chapter will honor a great Chicagoan, Doug Buffone, a father, a businessman, a sportscaster, and of course, a 14-year linebacker for the Chicago Bears.

Doug grew up in Pennsylvania, acquiring an early zest for sports, including baseball, football, and basketball. Upon graduating from high school in 1962, Doug was scouted by Tommy Lasorda to play for the Los Angeles Dodgers. He passed up the opportunity in order to attend the University of Louisville where he earned a degree in marketing. It was at Louisville that Doug's skill on the football field led to a berth on the All America team of 1966. His college career included appearances in the Senior Bowl, the Blue-Gray Bowl, and the college All-Star game.

In 1966, George Halas, the legendary owner and manager of the Chicago Bears, drafted Doug to play for the team. Little did anyone know that Doug's career with the Bears would last a record 14 seasons. As a linebacker he holds the record for the most interceptions, 24. His teammates include a Who's Who of Hall of Famers including Gale Sayers, Dick Butkus, Alan Page, Mike Ditka, Doug Atkins, Dan Hampton, and Walter Payton.

Since his retirement from football in 1980, Doug has proven to be just as successful in business as he was in football. He is a regular sports analyst and the host of his own weekly sports show. From 1986 to 1989, he was director of development for arena football. He is a member of the Chicago Sports Hall of Fame, and the National Italian Sports Hall of Fame.

Doug is the father of four children and has been married to his wife, Dana, for 7 years.

Doug, let me join you and you many friends in extending my congratulations and warmest wishes for a great career and a brilliant future.

NORTH AMERICAN ENVIRONMENTAL, LABOR, AND AGRICULTURAL STANDARDS ACT OF 1993 AND THE WESTERN HEMISPHERE ENVIRONMENTAL, LABOR, AND AGRICULTURAL STANDARDS ACT OF 1993

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. BROWN of California. Mr. Speaker, in May 1991, the House had a heated debate on whether to grant then-President Bush's request for fast-track authority to negotiate a North American Free-Trade Agreement with Mexico and Canada. By a narrow margin that authority was extended until June 1, 1993. A shift of 20 votes would have resulted in a different outcome on that comparatively narrow process question. But it was crystal clear during that debate that many House Members, fast-track supporters as well as fast-track opponents, have profound concerns about the unfair trade and investment implications and the economic dislocations certain to result from vastly different environmental, labor, agricultural, safety, and other trade-related standards and their enforcement among the three countries.

In a nutshell, the currently negotiated agreement is quite inadequate for meeting these concerns. Yes, former President Bush's negotiators were very willing to conduct general briefings on Capitol Hill and that readiness was appreciated as far as it went. But the key point is that President Bush's negotiators did not take seriously the advice offered by many Members of Congress for tackling our legitimate concerns about this unprecedented trade agreement among countries at dramatically different levels of economic development.

To his credit, President Clinton has committed to negotiating and securing supplementary NAFTA-related agreements on trade-related labor and environmental standards and on import surges as well as a more open and representative dispute resolution mechanism.

Toward these ends, I am introducing today two companion bills that provide a roadmap for attaining such provisions. The underlying rationale for these two bills, The North American Environmental, Labor, and Agricultural Standards Act of 1993 and the Western Hemisphere Environmental, Labor, and Agricultural Standards Act of 1993, is explained more fully in an article that I authored in the spring, 1992 edition of the World Policy Journal, a copy of which I'd be glad to provide to you upon request.

My bills amend U.S. trade law to provide a framework for intrinsically linking trade-related standards to any NAFTA or future free-trade agreements. They will provide a statutory yardstick by which to substantively measure what progress our trade negotiators are making to secure effective provisions in relation to the impending NAFTA and future trade agreements on the legitimate trade-related labor, environmental, agricultural, and other concerns shared by us and so many of our constituents.

The highlights of the NAFTA bill, and its Western Hemisphere counterpart, are the following:

Proposes enforceable, fundamental worker rights and labor, environmental, and agricultural standards, for example, freedom of association and full public disclosure of toxic chemical and hazardous substance discharges, to be organically linked to any NAFTA;

Proposes that the systematic denial or violation of those rights and standards in any of the three NAFTA countries, as a means of gaining a competitive advantage in trade, be treated as an actionable unfair trade practice;

Provides for the establishment of a trinational dispute resolution mechanism to enforce the terms of any NAFTA and related agreements and to adjudicate trade disputes arising from those agreements, including unfair trade practice petitions filed by governments or informed nongovernmental parties in any of the three countries, including those involving systematic violation of agreed-upon continental labor, environmental, and agricultural standards; and

Authorizes technical assistance to bring scientific and technological expertise to bear in resolving NAFTA trade disputes and facilitating continental solutions to trade-related environmental and workplace safety and health problems across national borders.

Fundamentally, this legislation seeks to move the NAFTA-related negotiations and the corresponding trade debate within the Congress to a more specific, results-oriented footing that tackles the basic labor, environmental, and agricultural concerns shared by so many of our constituents as well as Mexicans, Canadians, and others throughout the hemisphere. In developing this legislation, I have been in direct communication with knowledgeable people inside and outside of the Mexican and Canadian Governments and elsewhere. It will allow Members of Congress for the first time to chart a specific, positive course of action to take in organically weaving labor rights and environmental, agricultural, and other trade-related standards into any NAFTA or other trade agreement.

THE NAVAL RESERVE'S "CAMPAIGN DRUG FREE"

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a letter I received from Rear Adm. Tom Hall, Chief of the Naval Reserve, concerning their national antidrug efforts. The letter reads in part as follows:

OFFICE OF THE CHIEF OF
NAVAL OPERATIONS,
Washington, DC, March 15, 1993.

Hon. G.V. (SONNY) MONTGOMERY,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: I am writing to provide you with some additional information on the Naval Reserve's National Anti-Drug efforts that I briefly presented to you and your colleagues at the Congressional Breakfast on March 9, 1993. On behalf of the Naval Reserve, your interest in this area of major national concern is deeply appreciated. Naval Reservists have stepped forward to defend America since the War for Independence. I am proud to say that they are stepping forward again to help fight another desperate enemy—illegal drugs.

Naval Reserve ships and aircraft have been conducting intensive drug interdiction operations, which attack the "supply" side of the drug problem, for several years. This effort involves the detection and monitoring of the illegal international drug trade on the high seas and in international airspace, as well as the transportation of law enforcement detachments necessary for the boarding of ships, seizure of illegal drugs and arrest of international drug smugglers. More recently, we have begun attacking the "demand" side.

Campaign Drug Free, the Naval Reserve's Anti-Drug Information Program, is completely manned by Reservist volunteers who carry a simple message to a school-aged audience: you don't need drugs to be happy and successful! Perhaps even more than their active duty counterparts, Reservists are extraordinarily well-suited for this grassroots, community program—in addition to being members of the Navy, with its zero tolerance for drug abuse, they are recognized, motivated community members with a personal interest in seeing that their communities are free of illegal drugs.

The Naval Reserve is joined by the Marine Corps and Coast Guard Reserves in this effort, and is also getting a boost from '60's teen idol Frankie Avalon, who has completed a Campaign Drug Free Public Service announcement for television. Another celebrity supporter is Lieutenant Commander Drew Brown, a Naval Reservist whose "stay in school—stay free of drugs" motivational message is known to many thousands of school children around the country. Plans are underway to utilize Lieutenant David Robinson, USNR, Naval Academy graduate and NBA star of the San Antonio Spurs to assist in this effort.

My Campaign Drug Free National Coordinator is Captain Bob Erbetta, telephone (703) 694-8378/695-5588. Thank you for your continued interest in and strong support of our nation's Naval Reserve.

Sincerely,

T.F. HALL,
Rear Admiral, U.S. Navy, Director of Naval Reserve.

THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1993

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Voting Rights of Homeless Citizens Act of 1993. This bill will protect the voting rights of homeless citizens.

No one should be excluded from registering to vote just because they don't have a home. But in many States they are.

Before the civil rights movement, African Americans were denied the right to vote. There were areas in the South where 50 to 80 percent of the population was black. Yet, there was not a single registered black voter.

On January 4, 1965, President Lyndon Johnson said, "I propose that we eliminate every remaining obstacle to the right and opportunity to vote." Eight months later—after Bloody Sunday—President Johnson signed into law the Voting Rights Act of 1965. As a result, millions of citizens are now able to vote.

The results have been impressive. But, we still have a long way to go to make sure that every citizens is properly represented on Capital Hill, in the State house, on the city council, and on the country commission.

I commend those of you who are working to make sure that everyone has the right to vote. I urge my colleagues in the House to join me in cosponsoring the Voting Rights for Homeless Citizens Act of 1993.

TRIBUTE TO FRANK NAPIER

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay special tribute to Frank Napier, Jr., one of New Jersey's finest leaders in education. Mr. Napier has retired from the Paterson Public School System after 35 years of dedicated service.

"I became involved in education because I could not understand why schools should be boring, unexciting, nonmotivating places where young people are sent to spend their growing years," is a statement by Mr. Napier that eloquently illustrates his commitment of creating a positive learning environment for the children of Paterson.

Born and raised in Paterson, NJ, Mr. Napier became it's first African-American superintendent. Being superintendent to New Jersey's third largest school system, with a multicultural student body of more than 25,000 that collectively speaks 30 different languages was a tremendous job that Mr. Napier excelled at.

Mr. Napier was also a teacher. He was an adjunct professor at William Paterson College and an elementary school teacher earlier in his career. As Henry Adams once said, "a teacher effects eternity; he can never tell where his influence stops."

I know for a fact that Mr. Napier has contributed countless hours to preparing individuals for productive and successful futures. His influence has reached far beyond the borders of Paterson, NJ. I am just one voice of many that is reaching out to say thanks to a man who has given so much of his time and energy to our community.

I wish Mr. Napier the very best in his retirement years. His leadership throughout the community and his commitment to excellence in education shall not be forgotten. I thank my colleagues for joining me in saluting Frank Napier, Jr.

MINERAL INSTITUTES REAUTHORIZATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to reauthorize the Mining and Mineral Resources Research Institute Act of 1984.

Under this act, 30 universities and colleges throughout the Nation receive allotment grants through the U.S. Bureau of Mines to support basic research and education in the mining and minerals sciences and engineering fields.

In addition, six generic mineral technology centers comprised of university consortiums receive research grants under the act to promote the advancement of technology in the areas of mine systems design and ground control, comminution, pyrometallurgy, mineral industry waste treatment and recovery, marine mineral technology, and respirable dust. Meanwhile, a seventh generic center, for strategic resources mineral technology, while authorized by Public Law 101-498, has yet to be established.

The authorization for the Mineral Institutes program expires at the end of fiscal year 1994. Under the Mining and Mineral Resources Research Institute Amendments of 1993 the program would be reauthorized for an additional 5 fiscal years at existing levels of budget authority. The legislation also calls for a review of the eligibility and activities of the institutes and generic centers. Finally, the bill would authorize the establishment of two new generic centers in the fields of mine health and safety and metallic/non-metallic mining reclamation.

DISTINGUISHED TEAM RECOGNIZED

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. OBEY. Mr. Speaker, I ask my colleagues to join me in recognizing and congratulating the Rhinelander High School mock trial team for winning their fifth State championship in the last 6 years. The State tournament was held in Madison on March 14 and 15. Rhinelander successfully argued their side of the case in several rounds of competition including the championship round before six

State supreme court justices. Winning the State tournament means that Rhinelander was judged to be the best out of over 150 teams competing statewide. In the 10 years that mock trial has been a high school activity in Wisconsin, Rhinelander has won the State tournament 5 years.

The Hodags will now travel to Atlanta, GA, and represent the State of Wisconsin in the national tournament, where they will try to become the only team in history to win two national titles. Rhinelander won the national tournament in 1989 at Louisville, KY.

Kathy Vick-Martini, a social studies teacher and the coach of this fine group of young men and women, has demonstrated how hard work and dedication can give a small town team the edge over big city, rich suburban powerhouses. Hopefully, they will continue this success in Atlanta.

Congratulations and good luck to the team members and coaches:

Members: Pat Adams, Jason Carriere, Kevin Crumley, George DeMet, Kelly Drayton, Vanessa Newburn, Dane Rasmussen, and Sheila Vanney.

Attorney coaches: Ann Munninghoff, Mike Roe, Jim Jacobi, and Melissa Hilken.

CONGRATULATIONS TO THE SOUTHERN UNIVERSITY JAGUARS BASKETBALL TEAM

HON. CLEO FIELDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. FIELDS of Louisiana. Mr. Speaker, it is with great pleasure and pride that I take this opportunity to congratulate an outstanding group of young men from Southern University in Baton Rouge, LA.

The Southern University Jaguars won their first NCAA tournament game in six tries. Last Friday, they beat fourth-seeded Georgia Tech 93 to 78.

It is a great example of hard work and determination. The Jaguars were not expected to get that far. After a season of ups and downs, they were not the favorite going into the Southwestern Athletic Conference tournament.

But they ended up beating Jackson State. As SWAC champions, they headed to Tuscon, AZ, for the NCAA tournament. Many expected them to return home immediately following the game against Atlantic Coast Conference champions Georgia Tech. That did not happen.

In a stunning game, they eliminated that team. Although they did not advance any further, our community is extremely proud and honored to call these young men our own. That was evident by the hundreds who turned out to greet the team at the Baton Rouge Airport.

Once again, I want to congratulate head coach Ben Jobe and everyone associated with the entire basketball program for a fine season.

THE CANYON FERRY RECREATION, TOURISM, AND ECONOMIC DEVELOPMENT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation to implement the agreement between my State and the Federal Government on the future management of the Canyon Ferry Reservoir in Montana. Canyon Ferry is one of Montana's most important recreation attractions, and this legislation will set into motion plans to both upgrade the facilities at Canyon Ferry, and to assure the continuance of recreation opportunities over the long term.

The problem, Mr. Speaker, is that the State has simply not had the resources to properly maintain and improve the recreation sites at Canyon Ferry Reservoir. Reliance on State funds alone to manage this 48,000 acre recreation area is simply not doing the job, and the State has formally notified the Bureau of Reclamation that it will abandon its role at Canyon Ferry unless additional Federal funds and management expertise are brought in. This bill reflects the outcome of negotiations between the State, the Bureau of Land Management, and the Bureau of Reclamation to solve this problem and to allow BLM to bring its considerable expertise in recreation management to Canyon Ferry. It also provides an avenue for Federal funds to be applied to the maintenance of the recreation sites at the area.

Under this legislation the Bureau of Land Management will become the lead agency at Canyon Ferry, overseeing management of the public lands and the recreation facilities, with the cooperation and assistance of the State of Montana. The Bureau of Reclamation will continue its historic role in managing water flows through the reservoir.

This agreement, and this bill, enjoys strong, broad based support in Montana. This bill is supported by the Lewis and Clark and Broadwater County Commissions, the Helena and Townsend Chambers of Commerce, the Canyon Ferry Recreation Association, Trout Unlimited, Ducks Unlimited, and Good Sam Club, the Prickly Pear Sportsmen's Association, and the Broadwater Lake and Stream Improvement Commission.

Mr. Speaker, this legislation could provide real economic benefits for Montana as well. About one-fourth of the 200,000 visitors to Canyon Ferry were from out of State, and these visitors are believed to have spent $5 million on Montana goods and services. Canyon Ferry is the State's most heavily fished reservoir; with the improvements that could accrue with this bill, the reservoir could be one of the best water recreation sites in the Northwest. But we need to maintain roads, put in water wells, upgrade toilet facilities, build docks, boat launches, and parking lots, and much more. This legislation makes the Federal Government an appropriate partner in the management of this important resource, and so I urge its passage.

IN HONOR OF LOUIS JOHNSON, JR.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. FAZIO. Mr. Speaker, I rise today to honor a selfless community leader and constituent, Mr. Louis Johnson, Jr., who has provided 50 years of service to the commercial, social, civic, and religious community of Orland.

A retired shoe merchant, Mr. Johnson began his career in 1945 at Johnson's Family Shoes, a business started in 1914 by his father as a shoe repair shop on Walker Street in Orland. The business, moved in the early 1940's to its present location on Fourth Street in Orland, is one of the few firms with over 50 years of activity in Orland.

There are now 22 Johnson's Family Shoes stores in California, as well as stores in Oregon, Nevada, Iowa, and Nebraska. However, Orland remains the home base for the entire operation—a testment to Mr. Johnson's community loyalty.

Presently, the business is under a third generation of family leadership in Mr. Johnson's sons: Don, Marty, and Scott. In daughter Barbara and his eight grandchildren, Mr. Johnson is assured that the business has a large cast of support.

Mr. Johnson joined his father in the shoe business after returning from Army Air Force service. It was while on company business in Chicago 46 years ago that Mr. Johnson met his bride-to-be, Ann, who remains loyally at his side today. At the time they met, shoes were selling for as much as $5.95 and there was talk that they would be as much as $10 by 1950. Today, as an example of change, tennis shoes sell for as much as $200.

Outside of his business, Mr. Johnson was and continues to be involved in the Orland community. He is a charter member, foundation benefactor, Paul Harris fellow and past president of the Orland Rotary Club; past chairman of the local chapter of the American Red Cross; a board member for the area Salvation Army; and he served for 10 years on the Orland City Council. Mr. Johnson also holds membership in the American Legion and the Veterans of Foreign Wars.

Currently, he is chairman pastor of the parish relations committee for the Orland Federated Church, and is vice chairman of the board of directors for Glenn General Hospital.

Mr. Johnson has a life-long relationship with the Boy Scouts of America [BSA], having been a Cub Scout and Master, chairman of membership enrollment for the Hamilton City/Orland Area and Mt. Lassen Area BSA, and was the recipient of the Scout's Silver Beaver Award, which is the highest-ranking award presented by the Scouting organization in the north State area. He is presently chairman of a fundraising campaign to benefit scouting.

I join my colleagues today in honoring Mr. Johnson for his many years of service to the Orland community and I wish him much happiness and continued success in all his future endeavors.

THE 100TH ANNIVERSARY OF THE CITY OF LACONIA, NH

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. ZELIFF. Mr. Speaker, today is a special day in the city of Laconia, NH, for it was on this day, 100 years ago, on March 23, 1893, that Laconia was granted a charter by the New Hampshire State Legislature to become a city.

Laconia, the "City on the Lakes," was first settled by native Americans who recognized the value of the area surrounding Lake Winnipesaukee as a source of abundant food, good shelter, and ease of mobility. Weirs Beach in Laconia received its name from the ingenuity of the Indians in constructing the weirs—fences set in a waterway for catching fish—to provide food for their settlement.

While a colonial exploring party visited the Weirs in 1652—leaving its initials on Endicott Rock at Weirs Beach—the French and Indian War prevented a permanent settlement by European settlers until well into the 1700's. Gilmanton, on the east side of the Winnipesaukee River, was incorporated in 1727, and Meredith Bridge, now downtown Laconia, was established in 1761. In 1855, the present Laconia was incorporated when Meredith Bridge and the surrounding communities of Lakeport, Weirs, and a portion of Gilmanton were all combined into the existing township.

In 1893, industry and the town had grown to such an extent that the citizens petitioned the Legislature and the settlement became the city of Laconia.

Laconia grew steadily through the turbulent years of the Spanish-American War, World War I, the Depression, and World War II. Agriculture and timber formed the basis of the economy early on, but were gradually replaced by manufacturing, tourism, and service industries. Heavy industry has declined since World War II, with light manufacturing and high-technology industries taking its place. The tourism industry has maintained a solid foothold in the region, and has been supplemented by financial, professional, and service segments of the economy.

Laconia continues to successfully promote her recreational opportunities and tourist attractions. In the summer, boating, swimming, fishing, waterskiing, picnicking, hiking, camping, golf, and other family activities are a few of the reasons why so many come to Laconia. Of course, Laconia's attractions in the winter are well known to the region's skiers, as are other opportunities to participate in wintertime sports, such as ice fishing, snowmobiling, skating, and sled-dog racing. The World Championship Sled Dog Derby, run by the Lakes Region Sled Dog Club, occurs every February and attracts world-class teams from the across the United States, Canada, and abroad.

Belknap Mill, which is listed in the National Register of Historic Landmarks, represents the major historical point of interest in Laconia. Built in 1832, it is the oldest, most unaltered brick textile mill in the United States. The bell at the mill was cast by George Holbrook, an apprentice of Paul Revere. The mill's early 1900's wheelhouse, whose water-powered wheels supplied electricity to the city, is the last of its kind in America. The mill was restored and is run by the Belknap Mill Society as a nonprofit civic, educational, and cultural center.

Laconia also takes pride in the many other cultural opportunities supported by the community, including the Laconia Putnam Fund Lecture Series, the New Hampshire Music Festival, and many local theater and musical organizations.

Mr. Speaker, Mayor Fitzgerald and the people of Laconia have good reason to take pride in the rich heritage of their city, and I join with them in paying tribute to the spirit, hard work, and vision of the city's ancestors. And I am confident that when Laconia celebrates its bicentennial 100 years from now—and another Member of Congress stands here in the well to pay tribute to the city—our grandchildren and great-grandchildren will look back upon another 100 years filled with optimism and prosperity.

THE SYRACUSE BLITZ NAMED NATIONAL INDOOR SOCCER CHAMPIONS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1993

Mr. WALSH. Mr. Speaker, I rise today in recognition of outstanding individual team performance.

The under-12 boys soccer team, the Syracuse Blitz, has triumphed at the national championships held in Atlanta, GA, March 12–14, 1993. They have truly earned the title "National Indoor Soccer Champions."

These young men have earned the recognition of my colleagues. The team consists of Anthony Habayeb, Michael Spadaro, Gregory Tait, Laurence Franks, Robert Hammer, Darek Popovich, Brian Pilger, Brian Tuttle, Brian Bome, Colby Sill, Ashtian Holmes, Jasin Lord, Matthew Loucy, Brenden Causgrove, and David Keegan.

Their victory is shared by the Syracuse community. I am especially grateful to the adults whose efforts have made this championship possible: Camille A. Habayeb, president of the Syracuse Blitz; Patrick Franks, coach; Vincent Spadaro, assistant coach; and Rick Tait, team manager. They are to be commended for their efforts. The parents of these children are also to be commended for supporting the youth of our community by providing activities which develop teamwork and cooperation, skills which will last a lifetime.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 25, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 26

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Terrence R. Duvernay Sr., of Georgia, to be Deputy Secretary of Housing and Urban Development, Jean Nolan, of Maryland, to be an Assistant Secretary of Housing and Urban Development, and Lawrence H. Summers, of Washington, D.C., to be an Under Secretary of the Treasury.

SD-538

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine firearms import licensing and policies.

SD-342

MARCH 29

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD-192

MARCH 30

9:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD-192

9:30 a.m.

Energy and Natural Resources

To hold hearings on the science of global climate change.

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-G50

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.
SD-192

MARCH 31

9:30 a.m.
Environment and Public Works
To hold hearings to examine Federal and State relations in implementing United States environmental laws.
SD-406

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, the Non Commissioned Officers Association, and the National Association of Uniformed Services.
345 Cannon Building

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Commerce.
SR-253

1:30 p.m.
Veterans' Affairs
To hold oversight hearings on the cost and other factors affecting the health care choices of veterans.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.
SD-192

APRIL 1

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense plan.
SH-216

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to examine the impact of the North American Free Trade Agreement on the American work force.
SD-342

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.
SD-116

Environment and Public Works
To hold hearings to examine proposals to abolish the Council on Environmental Quality.
SD-406

2:00 p.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine corruption in the professional boxing industry.
SD-342

APRIL 20

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

APRIL 22

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 13

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

MAY 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

POSTPONEMENTS

MARCH 30

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, March 25, 1993*

The House met at 10 a.m.

Father Joe Metzger, St. Andrew's Catholic Church, Roanoke, VA, offered the following prayer:

Let us pray, almighty and loving God, You guide and govern everything with order and love. Look upon the Members of Congress and fill them with the spirit of Your wisdom. Grant them right faith, firm hope, perfect charity, and profound humility. May they always act in accordance with Your will and may their decisions secure justice and equality for every human being at all stages of life, an end to all division, and a human society built on love and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 149, not voting 45, as follows:

[Roll No. 100]

YEAS—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Hyde
Inglis
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Ortiz
Orton
Owens
Pallone
Parker
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—45

Andrews (NJ)
Barton
Bishop
Carr
Chapman
Clay
Conyers
Coyne
Crane
Dingell
Dixon
Doolittle
Dornan
Dreier
Ford (TN)
Goodling
Hastings
Henry
Inslee
Jefferson
Johnson, E. B.
Maloney
Manton
McCurdy
McDade
Michel
Miller (CA)
Minge
Obey
Olver
Pastor
Pelosi
Pickle
Quillen
Rangel
Roberts
Rush
Sanders
Serrano
Sharp
Swift
Tucker
Volkmer
Whitten
Williams

☐ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MFUME). Will the gentleman from California [Mr. LANTOS] please come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A WELCOME TO FATHER JOE METZGER

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, it is my pleasure today to present to the House the guest chaplain who offered our prayer, Father Joe Metzger, a native of Richmond, attended Roanoke parochial

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

schools and Roanoke High School, Roanoke Catholic, graduated from Hampden-Sydney College, was an intern for me.

As soon as he graduated, he went off to Texas to be the financial chairman for the first campaign of the gentleman from Texas [Mr. ARMEY].

Following that, he entered study for the priesthood for the Diocese of Richmond. He attended the North American Seminary in Rome, where he graduated.

He was ordained in Richmond and has served these past 2 years as associate pastor of St. Andrews Catholic Church in Roanoke, VA, in the district of the gentleman from Virginia [Mr. GOODLATTE], our good friend.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I would just like to take a moment and add my welcome to Father Joe. When he worked for me in 1984, I called him son. Now I call him Father. I am confused about that.

The Democrats, of course, would probably enjoy the fact that after Joe helped me get elected, he was then consigned to the priesthood to review his studies and to cleanse his soul, which was a little better outcome than my second finance director, who is still in prison.

I want to thank Joe for being here today.

AN OUTRAGE IN FORT WORTH, TX

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, 2 days ago, an outrage occurred in State District Court in Fort Worth, TX. Christopher William Brosky, an admitted white supremacist and skinhead was brought to trial for the racially motivated murder of an Arlington, TX, black man.

While he was found guilty, an all-white jury gave him 10 years probation.

This is a murder case, and he will not spend 1 day in jail.

I have contacted the Attorney General of the United States, Janet Reno, to ask for an investigation by the Justice Department to determine if any Federal civil rights laws were violated.

The 10-year probated sentence is an outrage. It is my hope that Federal civil rights charges can be brought against this man in Federal District Court. I believe that an investigation by the Justice Department is imperative at this time.

This is not the 1950's. This is 1993, and this conduct cannot be permitted.

FATHER JOE METZGER

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I rise today to welcome a dedicated servant of my hometown, Father Joe Metzger. As a priest at St. Andrews Church in Roanoke, VA, Father Metzger serves both the Lord and his parishioners with humility, integrity, and a loving spirit. We are indeed fortunate to have him in our community.

However, it is his work with the young people that I wish to especially commend. Father Metzger consistently goes above and beyond the call to take the love of Christ to young people in Roanoke Valley. He sets a great example for them and is unfailingly upbeat and positive.

PRESIDENT CLINTON'S INVESTMENT PACKAGE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the recession is not over for people on the unemployment line. That is why it is vital for working Americans that President Clinton's investment package be passed by Congress as soon as possible.

President Clinton understands that job creation is the true measure of a strong economy and a strong nation.

My northwest Indiana district has already lost more than 38,000 jobs since 1979. Inland Steel will terminate another 100 workers this month. Food stamp utilization in my district has jumped by 20 percent since 1991.

We cannot wait. President Clinton's economic package will create 500,000 jobs immediately and 8 million jobs by 1996. It addresses infrastructure, education, and research and development, all of which have been ignored for the last 12 years.

The President's plan will keep the economy moving, create jobs for working Americans and cut the deficit.

Mr. Speaker, President Clinton was elected to change the direction of our country. We need to put his plan into action and put America back to work.

WAR CRIMES TRIBUNAL FOR SADDAM HUSSEIN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, 2 years ago, I introduced a House resolution calling upon the United Nations to establish a war crimes tribunal for Saddam Hussein and his accomplices.

This war crimes resolution, based on the Geneva Convention of 1948, was cosponsored by 98 House Members and passed by a vote of 421 to 1. A similar Senate resolution was adopted on a voice vote.

Mr. Speaker, with the newly released report of Saddam's unspeakable war crimes, it's time for the administration to push for a formal U.N. war crimes tribunal against this brutal dictator.

The recent report documents atrocities that cannot go unpunished: The torture of Kuwaiti people by penetrating body parts with electric drills; acid baths followed by dismemberment; babies taken from incubators and left to die; brutal rapes and 1,082 gruesome murders.

Mr. Speaker, the House and Senate have spoken. Now it's up to the President to enforce the war crimes resolution and lead the international community in holding Saddam Hussein accountable.

A war crimes trial is not only justified, it is necessary to send a message to all future tyrants that well-established principles of international law will be enforced.

□ 1030

URGING QUICK CONGRESSIONAL ACTION ON BUDGET PACKAGE

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, when President Clinton took office he said that he was going to take quick, decisive action to help America and the American people. That is exactly what he has done in his economic stimulus and investment package.

Yes, this House has passed that. We are investing in roads and bridges. We are investing in people as well, in our students through the Pell Grant Program, through the summer youth employment program, through the summer Head Start Program; for such things as the National Science Foundation, the National Park Service, and the VA medical care program, as well.

I am urging the other body today to take quick action, as we did in the House, to help America, to help American people. We started out this road in the House with having the unemployment benefit program, to extend unemployment benefits to those who are in a crisis situation today. This package that the other body is considering pays for that program, and that is why we must have quick action.

The President's plan is about our immediate future. Far too many Americans remain jobless. Importantly, we must invest in our long-term future as well. The President's plan is an investment in America. I urge the other body to move quickly and decisively.

FAIRNESS IN HOUSE RULES AND CUTTING PORK BARREL PROJECTS

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I would just like to say to my Democrat friends who were complaining to me about all the votes that are being cast and ordered in the last few days that it will continue indefinitely, and I hope if they are really concerned about it they will talk to the Committee on Rules, because those votes will end as soon as there is a modicum of fairness. That is all we request on the Republican side is fairness from the Committee on Rules.

Mr. Speaker, I would like to talk just a little bit about President Clinton's economic recovery package. He said in a news conference the other day there was not any pork in there. I would like to say, if the President was paying attention, Mr. Speaker, here are hundreds of pages of pork, hundreds of pages of pork.

Mr. President, if you cannot find them, I will find them for you and I will bring them down to the White House. There are billions of dollars in pork barrel projects.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair would remind the gentleman in the well that all remarks should be directed to the Chair.

Mr. BURTON of Indiana. Mr. Speaker, I agree, and I am saying to the Speaker that if the President were looking, Mr. Speaker, I hope he will take a look at what I am showing to the American people. That is that there are billions of dollars in pork barrel projects, such as movie theaters, swimming pools, parking garages, et cetera, et cetera.

Mr. President, I would say, if he does happen to be paying attention, Mr. Speaker, let me know. Give me a call and I will bring this down to the White House. This is not an economic recovery package, it is a payoff to big city mayors, and I think the people in this country ought to know it.

URGING SENATE APPROVAL OF CLINTON ECONOMIC PACKAGE

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, I would just ask my esteemed colleague from the other side of the aisle, Is pork fully funding Head Start? Is pork fully funding the Women, Infants and Children's Program? I think not.

Mr. Speaker, the House last week approved an economic plan that squarely addresses the two key issues facing us today—creating jobs and reducing the deficit.

Every Member of this body did not agree on the specifics of this plan. I advocated more spending cuts. Some of my colleagues supported additional stimulus measures.

But I am proud that the vast majority of the Members of the U.S. House of Representatives came to agreement on an economic package that promises hope to those in my district and those across the Nation who are without jobs, or barely making ends meet.

I am proud that we agreed on a package that will create half a million jobs over the next 5 years.

I am pleased that we agreed on a package that cuts $63 billion more in spending than the President had proposed.

But the House of Representatives cannot do this alone. It is time for the other body to show this same commitment to breaking the gridlock.

I urge my colleagues in the other body to swiftly pass a budget resolution and an investment plan that creates opportunity and puts our Nation back on the course to economic prosperity.

ENCOURAGING PRESIDENT CLINTON TO SOLICIT ARAB CONTRIBUTIONS TO SUPPORT DEMOCRACY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I want to commend the President for the sensitivity and the intelligence with which he is handling the crisis in Russia, which clearly may be one of the most significant issues of his entire administration.

I would like to offer one modest suggestion. Had we not acted 2 years ago in Kuwait and Saudi Arabia, Kuwait today would be the 19th province of Iraq, and Saudi Arabia would be the 20th province of Iraq. I am asking the President to pick up the phone and call the Emir of Kuwait and the King of Saudi Arabia and suggest that each of them contribute $3 billion to a package that is necessary to keep the Soviet Union democratic and friendly to the United States. It is high time our wealthy Arab friends contribute their fair share to our collective defense.

Keeping Yeltsin in office is an important priority for this Nation. Keeping democracy in Russia is one of the most important things we will do during the balance of this century, and Kuwait and Saudi Arabia should contribute.

DEBT CEILING/BALANCED BUDGET AMENDMENT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, it is business as usual. In a decade alone—from May 1980 through November 1990, this body voted to increase the debt ceiling 32 times. And now, contrary to promises of fiscal responsibility, the administration is asking Congress to temporarily raise the debt ceiling by a quarter of a trillion dollars. And they expect this ceiling to be high enough for only 6 months.

Thirty-two times in 10 years—and 11 of those times it was called "temporary." The term temporary might seem to reduce the gravity of such irresponsibility, but temporary almost always becomes permanent and it's business as usual again.

I urge my colleagues to vote against business as usual. Vote against raising the debt ceiling. Vote for a balanced-budget amendment.

VICTIMS OF HANDGUN VIOLENCE

(Mrs. COLLINS of Illinois, asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, in this Congress we debate, disagree, and delay taking substantive action on gun control legislation, while on the streets of America innocent people are being killed daily. Earlier this month I read the names of 50 individuals who lived in Cook County, IL, but were killed in January of this year by handguns. Today I stand before you to submit the names of 46 people who were killed by guns in Cook County in February 1993.

Names and numbers however cannot express the personal loss and grief that the families of those 46 victims must endure. How can I respond to the family of Eric Black—residents of the Seventh Congressional District—when they ask me why we here in Congress have not passed gun control legislation?

Eric Black was shot to death on February 4, 1993, by two unknown gang members. Outside her house, Mrs. Black saw her son gunned down, along with Francine Epting, her neighbor, and William Howard, who was hit by a stray bullet and died hours later.

Mrs. Black, who lived through the horror of her husband having been killed 12 years ago, now must endure the same senseless pain of the loss of her youngest son. Why? she asks.

Twenty year old Eric Black had the potential of leaving his neighborhood, which is riddled with gangs, drugs, and violence. Last year he graduated from the George W. Collins High School, named after my late husband, and was taking classes at Malcolm X College in order to prepare himself for a brighter future. He leaves two young children who will be reared without the love of their dad.

Mr. Speaker, this Congress has delayed for far too long the passage of gun control legislation. We blindly continue to debate the true meaning of the constitutional right to bear arms, at a time when massive killings of our youth are so commonplace as to become an accepted way of life. Until gun control legislation is passed, more Americans will senselessly die.

Already many people have been injured by fire arms in the Chicago metropolitan area this year, but the following were killed by street guns in Cook County during the month of February 1993.

Franklin Brandon, Ronald Bradberry, Alex Barrajas, Willie Burdine, Eric Black, Antonio Collins, Richard Crayton, Arlesia Davis, Alfred Escalente, Francine Epting, Angel Flores, Job Gonzalez, Cornell Greer.

Jasmine Gomez, Cornelius Harland, William Howard, Lona King, Robert Kettleson, Kenneth Nullen, Donnell Monroe, Curtis Madlock, Eric Mocco, Hector Olague, Charles Pearson, Cheryl Pitelka, Leroy Peck Jr., Kevin Pierce, Clay Randall, Shawn Redmond.

Jeffrey Rodgers, Walter Rule, Daniel Ray, Amer Nafi Said, Reginald Smith, Antoine Taylor, Gerald Thomas, Ramzi Toman, Richard Volk, Rodrigo Vargas, Motez Walton, Booker Whitfield, Ronnie Williams, Rickie Watson, Wayne Wilson, and William Zielke.

The question is: How many more will have to die before this body can muster the courage to pass sound gun control legislation.

□ 1040

LEWIS GRIZZARD—A GREAT AMERICAN

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, I rise to pay tribute to a great American who has warmed the hearts of many of our countrymen from coast to coast. I rise to ask all those within the sound of my voice to honor Lewis Grizzard, a distinguished columnist who this moment is awaiting word on whether he may have to have a heart transplant.

Lewis Grizzard is a native of the Third District of Georgia, but he has become a good neighbor to all Americans through his special brand of humor we find in his nationally syndicated column.

Many of his friends say Lewis has lived life his way, which in medical terms may not have been the right way. But, his way has brought to the eyes of many tears from laughter who now shed tears of sorrow due to his guarded condition. Lewis Grizzard has been an inspiration to many heart patients through his retelling of his own experience with heart valve replacements, this being his third such operation.

Mr. Speaker, I ask that you allow me to implore all those who have laughed when reading one of Lewis' columns to now silently pray that God will grant Lewis more time on this Earth to do that which God intended: make life more enjoyable for his fellow man.

AMERICAN FREE-TRADE AGREEMENT BAD FOR AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the big shots in Washington are telling us not to worry about NAFTA; America will lose some menial jobs to Mexico, but we will replace them here in America with high-technology jobs.

Ladies and gentlemen, who is kidding whom? We have not seen, and we have been waiting on these high-technology jobs for 20 years, and all we get is retraining. What are we retraining American workers to do? Flip hamburgers?

Ladies and gentlemen, we have a big problem. And I go a step further than Ross Perot. I agree with him, but I think NAFTA is unconstitutional to boot.

How can you enjoy life, liberty, and pursue happiness in America without a job?

Before this Congress is over with NAFTA they will be calling Ma Bell Taco Bell.

ELIMINATE THE BUREAUCRACY AT FDA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, everyone is concerned today about the high cost of medical care, and we are all looking for ways to hold it down.

Actually, costs have skyrocketed mainly due to all the rules, regulations, and redtape of our own Federal Government. There is no better example of this than the bureaucratic quagmire called the Food and Drug Administration.

The American Medical Association estimates that it now takes 12 years and $231 million on average to get a drug to market. This is ridiculous. No wonder drugs cost so much in this Nation. No wonder people can go just across the line into Mexico and buy drugs at a fraction of the cost here.

We all want safe drugs, but you can go overboard on anything. Now the FDA has become so bureaucratic that it is driving the cost of medicine out of reach for many people, and is very possibly keeping lifesaving drugs off the market for years.

There is no such thing as a 100-percent safe drug. Even aspirin is unsafe for many with ulcers.

If we really want to bring down the high cost of medicine, the best way would be to eliminate much of the bureaucracy at the Food and Drug Administration.

INTRODUCTION OF LEGISLATION TO TERMINATE PAY OF FEDERAL JUDGES CONVICTED OF FELONIES

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANGMEISTER. Mr. Speaker, today I am introducing legislation to terminate the pay of federal judges when they are convicted of a felony.

In recent years, a gross abuse of taxpayer dollars has become common. Since 1984, four Federal judges have been convicted of felonies and sentenced to serve time in prison. While their crimes have all been different, they all had one thing in common. They all refused to leave the bench and they continued to accept their pay until impeached and removed by the Senate. Currently, two convicted judges continue to receive $133,600 a year in salary.

That is right, we are paying more than $133,000 a year to a judge currently serving a prison sentence in Florida.

How much taxpayer money has been paid to criminals?

Judge Harry Claiborne—$175,000.

Judge Walter Nixon—$325,000.

Judge Robert Collins—$194,000—and counting.

Judge Robert Aguilar—$322,000—so far.

And this does not include the cost of impeachment proceedings.

My legislation is straightforward. At the time a Federal judge is convicted of a felony, his pay is terminated. If his conviction is later overturned on appeal, his salary is reinstated with back pay. I invite all of my colleagues to join me and cosponsor this legislation to protect the American taxpayers from this outrageous drain on the Treasury.

DEBT CEILING DISASTER

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, ever since the President gave his State of the Union Address, the American people have been awaiting details pertaining to his ambitious economic programs. Well, these details are now starting to trickle out of the White House, and frankly some of them are disastrous.

Contrary to promises of fiscal responsibility, Mr. Clinton's administration is now asking the Congress to temporarily raise the debt ceiling by a quarter of a trillion dollars. Furthermore, they expect this ceiling to be high enough for only 6 months.

Mr. Speaker, this fiscal gluttony has got to stop. If we give in this time, when will it end? I fail to see the incentive here to balance the budget. I fail to see the incentive to pay our bills. A higher debt ceiling can only lead to higher spending and higher taxes. Simply put, this is an extraordinarily irresponsible proposal.

The American people did not send any of us here to increase the debt. They sent all of us here to solve America's economic problems. Mr. Speaker, raising the debt ceiling is not the way to go. I urge my colleagues to reject any and all attempts by the administration and Members of this body to delay fiscal responsibility by raising the debt ceiling.

UNITED STATES CANNOT AFFORD NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, Buy American has a great, rosy sound. We put it into law. But I can tell you this: If the North American Free-Trade Agreement is signed into law, by the year 2000 we will not have any need for it, because most of the products are not going to be made in this country. We are going to be making our airplanes, our automobiles, and all of our other products in Mexico.

I can tell Members we are losing our jobs now. By the droves they are moving to Mexico; they are moving to Canada; they are moving to China; they are moving to Japan.

What do we have left? We have minimum wage jobs.

I say to those who want to balance the budget: If you want to balance the budget, my friends, we cannot do it by taxing unemployment benefits, by taxing retirement benefits, or by taxing minimum wage salaries.

The United States cannot afford, they cannot afford the North American Free-Trade Agreement. We cannot afford to keep putting more people on welfare, more people in soup lines, and creating more part-time jobs in Wendy's and McDonald's.

They say the economy is good. I am here to tell you that in my district there are 14 percent unemployed. They say the figures of February are 380,000 new jobs. I can tell you that 350,000 of them are part-time and minimum wage.

□ 1050

Mr. Speaker, I say that NAFTA needs to be renegotiated, bring back the jobs that Americans have developed, and made in this country.

HEALTH PROMOTION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, an American Medical Association study released on February 22 showed that 1 in 4 health care dollars is spent on treating conditions that result from potentially changeable behaviors, including drug abuse, alcohol abuse, smoking, domestic and street violence, and failure to get routine checkups.

Mr. Speaker, Members may be interested to learn that my measure, H.R. 36, the Comprehensive Preventive Health and Promotion Act, will require the Department of Health and Human Services to publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, health care providers, and other appropriate groups and individuals.

Additionally, this legislation provides for prevention and health promotion workshops to be established for businesses and for Government. The wellness workshops will include nutrition counseling, smoking cessation programs, back clinics, and information on stress management.

Mr. Speaker, I urge all of my colleagues to examine H.R. 36, and to help move our country in a healthier direction.

PRESIDENT CLINTON KNOWS FOREIGN POLICY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, President Clinton has shown Presidential leadership in his first foreign-policy test on the Soviet crisis. His good political instincts in the domestic arena are evident in foreign policy also.

By backing Boris Yeltsin early and not sending the wrong signal on changing the summit site, President Clinton and Secretary of State Christopher have contributed to shoring up Yeltsin at a critical time. Mr. Speaker, the President inherited an unstable and unpredictable world when he took office. I think his actions regarding Russia and other international issues show that he is a President who knows foreign policy and can act and protect this country at a time of crisis.

WHERE ARE THOSE WHITE HOUSE BUDGET CUTS?

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, a few weeks ago, columnist David Broder coined a new term that I think describes the Clinton administration better than any partisan critic could. He titled his column about the seemingly endless string of broken campaign promises by the White House, "Beware the Trust Deficit."

Well, President Clinton has dipped into that precious account once again by reneging on his promise to cut Executive staff. Mr. Speaker, we all know that the President promised to reduce the operating budget of the White House by 25 percent. That was announced with great fanfare.

Then, very quietly, he has come to Congress with requests for the following increases in the White House budget: a 36-percent increase in the budget of the Office of Policy Development, a 9-percent increase in the office of the National Security Council, and a 4-percent increase for operations of the Executive Mansion.

You might ask, "Where, then, are the cuts going to come from?"

Some will come from the Office of Drug Control Policy, an effort that President Clinton apparently thinks is not important. The rest, it appears, have just been forgotten.

Forgotten like the middle-class tax cut, forgotten like real spending cuts, forgotten like most of the President's campaign promises.

The President promised to set an example for Congress by cutting his own budget. Let us hold him to his word and reject these increases for White House operations. It is time to take action on the trust deficit.

THE PRESIDENT'S PLAN OFFERS HOPE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 2 days ago I sat in a room with more than a dozen mayors and community business leaders and discussed the potential for cities, businesses, and workers offered from the President's economic plan. It was a unique moment; these leaders, with varying perspectives, all agreed that the plan presented by the President, and just passed by the House, offered something new. The optimism they shared was not because of any one part of the President's plan, but for the idea of a plan. For the idea of Government finally leading, finally committing itself to a solution.

For 4 years, they had watched gridlock block economic change. What they saw in the results of last week's action in the House was a commitment to the future, to turning the corner on the recession. They shared a sense of hope.

This feeling is evident across the Nation, and it should infuse this Chamber as debate proceeds on the President's economic package. The economic plan passed in the House and now being considered in the other body offers hope to people who have been laid off, businesses on the verge of collapse, and cities that have sunk into depression.

The plan we accepted last week moves this country in a new direction, and the people know it. We cannot now afford to allow small differences to dash the hope it offers. To do so would extinguish the spark of trust that is beginning to reemerge between this Government and the people it serves.

TABLE THE OFFICE FURNITURE PERK

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, today I rise to lend my support to a measure that I believe has some personal relevance to the 110 Members of the freshman class. It is about reform that all of my distinguished colleagues can understand. It is about a comparatively small reform issue in actual dollars, but big things often come in small packages.

Mr. Speaker, I think it is fair to say that bipartisan reform is readily achievable if two freshman Members from different political persuasions and as far apart geographically as Michigan to South Carolina can collaborate on reform issues. My colleagues, Mr. STUPAK from Michigan and Mr. INGLIS of South Carolina have worked together in crafting H.R. 1026, a bill to repeal the first section of Public Law 93-462 to limit departing Members' purchases of office furnishings from their district offices at vastly reduced prices.

This bill is not a glamorous piece of legislation, nor will it alone solve our $4 trillion debt problem. But it is one step in bipartisan reform efforts that will eventually lead to greater measures.

Most of us sought office on a platform of reform issues, and nothing hits home harder than to inherit a district office with only one chair or one computer on the premises. One staff member recently referred in Roll Call magazine to "hover[ing] around the one computer and pass[ing] the keyboard around" because that was the only piece of equipment left. This predicament serves neither taxpayer nor constituent. H.R. 1026 is our way of saying that we will not accept business as usual and we will not accept the perk of selling off taxpayer-financed furniture at firesale prices as one last perk to departing Members of Congress.

TRIBUTE TO WILLIAM F. BENGELE FOR UNCOVERING FRAUD AND ABUSE IN MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, $850 billion is spent annually in the United States on health care. Medicare itself pays out $110 billion in medical benefits for services rendered to its 35 million beneficiaries. In fact, Medicare is the single largest payer for health services in the United States.

Unfortunately, there will always be those who capitalize on the ignorance of others and make a buck by creating a scam. The General Accounting Office has uncovered fraudulent billing for services not rendered, profit schemes which circumvent Medicare regulations, and false billing for patients that do not exist.

Health industry experts estimate that fraudulent medical claims and health insurance scams could account for 10 percent of the U.S. health bill or $85 million.

Today, I am pleased to recognize William F. Bengele, who resides in Lorain, OH, in the 13th Congressional District. As an investigator for Blue Cross and Blue Shield of Ohio, Mr. Bengele diligently worked to investigate cases of fraud and abuse in the Medicare Program. As a result of his investigation, $610,000 that could have been spent fraudulently will now be added as savings to Medicare.

Given the enormity of spending on health care in the United States, I think it is safe to say we are all concerned about escalating costs. Mr. Bengele played a significant role in reducing health expenditures, particularly those under Medicare. The Department of Health and Human Services recently recognized him with the Integrity Award—the highest civilian distinction provided by the U.S. Government.

Mr. Speaker, I ask my colleagues to join me as I congratulate Mr. Bengele for his exceptional service and commend him for a job well done.

YOU HAVE A CHOICE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, I just want to say to the American people: You do have a choice. You have a choice between more taxes and no taxes.

The Democratic budget offers you deficit reduction and more taxes. The Republican budget offers you deficit reduction and no taxes. Republicans cut spending more, so as not to raise taxes.

President Clinton wants you to believe that the only way to reduce the deficit is to raise taxes. He is very clever about this. He does not want you to know you have a choice. You do. You do not have to pay more taxes. You can choose the Republican plan to no new taxes.

Mr. Clinton sounds persuasive. But remember—during the campaign he promised middle-class tax cuts, not tax hikes. Now he proposes more new spending and more new taxes.

Your voice can be heard in the Oval Office and in the Halls of Congress. You do not have to accept more taxes. You can choose no taxes. Let the President and Congress hear that you support the Republican budget. You do have a choice.

□ 1100

TRIBUTE TO CHICAGOAN EMMET O'NEILL

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise this morning to salute the life-long contributions of the late Emmet O'Neill, who passed last Friday. This distinguished Chicagoan was a major influence on my own political development.

He contributed unselfishly of his time and talent to the public and political lives of hundreds of distinguished men and women from Chicago, including our distinguished Senator from Illinois, CAROL MOSELEY-BRAUN, the late Chicago Mayor Harold Washington, and former Senator Alan Dixon, of Illinois.

Known, lovingly, by many as the good samaritan of Illinois politics, O'Neill was a champion for the rights of women, the poor, the elderly, minorities, the homeless and for people who, generally, are denied the opportunity to participate in the mainstream of our society.

I will miss my friend Emmet O'Neill and I join his family, friends, and the men and women of good will in Chicago in mourning his loss to our city, State, and Nation.

SUPPORT THE BLILEY MOTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, just as abortion on demand constitutes an abandonment of unborn baby boys and girls to the violence of the abortionist—and let us not fool ourselves, dismemberment by knife or section of a baby's body and chemical poisoning of that baby is child abuse and abandonment—if this House rejects the gentleman from Virginia, Mr. BLILEY's modest one-parent notification recommittal motion, we will be abandoning tens of thousands of minors not covered by a State parental notification law. These young girls, 14, 15, 16 years of age, will be vulnerable to being influenced, encouraged, and even pressured and persuaded to have an abortion without their parents' knowledge.

Parents have both a right and a responsibility to know what adults in the sleazy multi-billion-dollar abortion industry are doing or planning on doing to their minor pregnant daughters.

Let us not abandon these young women; support the Bliley motion.

PRESIDENT'S BUDGET LIVES UP TO COMMITMENT TO VETS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in testimony before the House Appropriations Committee yesterday, Veterans' Affairs Secretary Jesse Brown laid out the details of President Clinton's fiscal 1994 budget for the VA.

We were pleased to learn that the administration is recommending $1 billion increase in funding for the Nation's veterans' hospitals, clinics, nursing homes, and other medical facilities which have operated with deficient resources for at least the past 10 years. This increase will result in a total $15.6 billion VA medical budget.

This spending plan recognizes that VA deserves a strategic role in the health care direction of this country. The President's budget also recognizes that VA must have sufficient resources to take care of its current obligations and, hopefully, expand to care for others whose health care needs are going unmet.

With this budget proposal, the President is treating veterans fairly. With this budget proposal, he is keeping his commitment to give veterans the kind of health care system their country owes them.

IN HONOR OF THE STATE OF MARYLAND

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, on this date in 1634, after 4 months at sea, the Ark and the Dove landed at St. Clements Island in the Chesapeake Bay, establishing the first permanent settlement in what was to become the State of Maryland as one of the original 13 colonies.

Maryland's history of government, however, is as old as its first settlers. Less than a year after landing at St. Clements, the first General Assembly met at St. Mary's. Fifteen years later, it passed a religious tolerance law, the first in the Colonies.

From the Appalachian mountains in the west, to the Chesapeake Bay and Atlantic Ocean in the east, Maryland is a microcosm of the entire American landscape.

But Maryland is also unique, from lacrosse to duckpin bowling, steamed crabs to Skipjacks. Our national anthem was penned in Maryland, as Francis Scott Key viewed the Stars and Stripes still flying at dawn's early light during the British shelling of Fort McHenry in the War of 1812. And the land on which we now are standing was ceded by the State of Maryland so that we could have an independent seat for our Federal Government.

Mr. Speaker, today is Maryland day, and not only do I proudly stand here both as an American and a Marylander but I am certain you, as a fellow Marylander, do as well.

The SPEAKER pro tempore (Mr. MFUME). The Chair wishes to associate himself with the remarks of the gentlewoman from Maryland [Mrs. BENTLEY].

EMERGENCY PORK?

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, a few days ago, President Clinton said to us that there were no pork programs in his stimulus package. President Clinton told the American people that they could "read those bills for years in vain and not find those projects."

Well, Mr. Speaker, I read those bills and in a few minutes found numerous examples of wasteful spending. Some of the line items include: $1.4 million for drawings of significant structures (page 10, line 10); $28 million to pay off the District of Columbia's debt (page 7, line 18); and $148 million to the IRS for new computers (page 25, line 16).

Mr. Speaker, the billions of dollars of new spending in this plan will be added straight to the deficit. Congress has declared an economic state of emergency to side step the budget caps, but still remains addicted to pork-barrel spending.

Why are we spending $197 million on research grants such as a study of nontraditional forms of popular religion in Sicily? If the Democrats believe we are truly in an economic emergency, you've got to wonder why they choose to spend your hard-earned dollars on projects like these.

NORTH KOREA'S WITHDRAWAL FROM NUCLEAR NONPROLIFERATION TREATY

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I rise to express my concern regarding North Korea's decision to withdraw from the Nuclear Non-Proliferation Treaty. While we are focused on the ethnic conflict in the former Yugoslavia and the situation in Russia, both pale in comparison to the specter of a confrontation on the Korean Peninsula.

It is no secret that the Communist regime in Pyongyang is developing a nuclear capability. According to knowledgeable sources, Pyongyang's decision to withdraw was an insolent response to the demand by the International Atomic Energy Agency to conduct an inspection of two sites in North Korea. These sites, many believe, contain undeclared bomb-making plutonium.

Without an inspection, the world will be faced with a prospect far worse than just a nuclear arms race in Northeast Asia. I believe we will be ill prepared to deal with the result, given our current narrow foreign policy focus.

Our Asian allies have sensed this and they are wondering aloud if we will maintain our regional commitment.

Mr. Speaker, we must do everything in our power to reassure our Asian allies of our resolve against tyrants like Kim IL Sung. We must convince them that nuclear weapons are not the answer, but rather their biggest nightmare. For our part, we must be vigilant and continue to scan the western horizon—Asia is where tomorrow's greater danger lurks.

SEPARATE VOTES ASKED FOR DEBT LIMIT, BALANCED BUDGET AMENDMENT, AND LINE-ITEM VETO

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the spending natives are growing ever more restless. If you listen carefully, you can hear their drumbeat calling for an almost $225 billion increase in the debt limit. And unfortunately, as we move toward Easter recess, that sound will only increase until it leaves the American people with a pounding headache.

You see, certain lawmakers around this place, have hopes of hiding a debt limit increase in a jungle of budget resolutions and conference reports. They want to raise the ceiling on the debt limit and add some more upstairs rooms to house their pet pork projects.

Mr. Speaker, before we give them license to start construction, we must demand a separate vote on increasing the debt limit and press for a vote on the balanced-budget amendment and line-item veto.

CAN'T FIND THE PORK? HERE IT IS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I want to take this time, since we are speaking about the debt limit to pay for pork, I wanted to yield briefly to my friend from Indiana [Mr. BURTON] in order to give us the sticker price on some of these piggies.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, President Clinton said the other day that there was not any pork in his economic stimulus package. How about $450,000 for room additions at the Inglenook Recreation Center in Alabama? How about $100,000 for recreation repairs in another part of the recreation center in Birmingham, AL?

There are billions of dollars of these pork-barrel projects, Mr. Speaker, and the President has said he cannot find them. I do not understand it. The President must need glasses. He is a nice looking fellow, but he ought to put glasses on because here is billions of dollars of pork in the community development block grants with which he is paying off these big-city mayors.

Mr. Speaker, I wish you would bring this to the attention of the President because obviously he cannot find them himself. I would be glad to run these down there in my own car.

Mr. Speaker, with that, I have a privileged motion at the desk.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. HUNTER] has expired.

□ 1110

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 13, nays 399, not voting 18, as follows:

[Roll No. 101]

YEAS—13

Baker (CA)
Ballenger
Bartlett
Burton
Crane
DeLay
Doolittle
Dunn
Franks (CT)
Hoke
Hunter
Livingston
Torkildsen

NAYS—399

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Dornan
Duncan
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Carr
Dicks
Dreier
Edwards (CA)
English (OK)
Ford (TN)
Henry
LaFalce
Manton
McDade
Pickle
Quillen
Rostenkowski
Sharp
Talent
Torricelli
Whitten
Williams

□ 1131

Ms. SNOWE, Ms. MARGOLIES-MEZVINSKY, Ms. SCHENK, Miss COLLINS of Michigan, and Mr. COYNE changed their vote from "yea" to "nay."

Mr. RUSH changed his vote from "present" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FAMILY PLANNING AMENDMENTS ACT OF 1993

The SPEAKER pro tempore (Mr. MFUME). Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 670.

□ 1132

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, with Mr. MONTGOMERY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 24, 1993, amendment No. 3 offered by the gentleman from California [Mr. WAXMAN] had been disposed of.

It is now in order to consider amendment No. 5 printed in House Report 103-41.

AMENDMENT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: Page 4, after line 3, insert the following subsection:

(c) ELIGIBILITY FOR GRANTS.—Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended—

(1) in the first sentence, by striking "public or nonprofit private entities" and inserting "States";

(2) by inserting after the first sentence the following sentence: "In expending such a grant or contract, a State may operate such projects directly or through grants to and contracts with public or nonprofit private entities."; and

(3) in the last sentence, by striking "entities which receive grants or contracts" and inserting "States and other entities receiving amounts from grants or contracts".

Page 4, line 4, strike "(c)" and insert "(d)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I know by Members seeing me standing up today that they may think this is a pro-life amendment. This is not a pro-life amendment; this is a good government amendment. This actually frees up more family planning money and title X moneys to those planning clinics that deserve them. This is an efficiency-in-government amendment. This is changing the status quo that we hear a lot about in this Chamber.

Mr. Chairman, my second amendment deals with reforming the Title X Program system of grant allocation. Currently, State health departments, public and private nonprofit entities are equally eligible to apply directly to the Secretary of Health and Human Services for grants under the Title X Family Planning Program. However, States are the sole grantee in only 26 States. Eleven States share title X funds with other entities in their State, and 14 States, including the District of Columbia, do not have any control over the title X funds the State receives. In sum, nearly 40 percent of all title X funds are spent outside of the control of the States.

Now, as a businessman, to me this demonstrates very poor management. Who is more likely to be able to identify where the gaps are in local family planning services, or which private entities are going to make best use of limited resources—a Federal bureaucrat in Washington, DC, or a State health department official? My amendment would make only States and territories eligible for title X grants. Other public and private nonprofit entities could then apply to the State and receive title X funds through the State. The State would thus be able to determine where the funds are most necessary and who would make best use of them.

The current system of title X grant allocation is severely outdated. When the title X of the Public Health Service Act was established more than 20 years ago, it was true that a number of States did not provide family planning services. In fact, in 1970, Congress found that family planning services were available in only 40 percent of the counties in the United States. It was argued that it was necessary to allow other public and private nonprofit entities to receive direct funding in order to make services available.

However, much has changed in that time. Title X is no longer the principle source of family planning funding. Medicaid, title XX of the Social Services block grant, and the maternal and child health block grant are only a few of the other sources of funding that are available. As States receive funding directly under all of these other Federal programs, it does not make any sense that title X funding is not included.

Public health problems such as AIDS, infant mortality, and other sexually transmitted diseases require coordination with family planning services. The lack of coordination of services between family planning and prenatal care is cited as a major contributing factor in low birthweights and infant mortality. Those most likely to use title X clinics, adolescents and low-income women, are at the greatest risk of problem pregnancies. Only States have the ability to coordinate all of these programs. Title X should not continue to be kept separate from other public health services—it is time for reform.

Limiting title X grants to States would also be more cost efficient, as the Secretary would no longer have to make grant allocations to over a hundred different entities. This is simply good government. At a time when the Federal Government is seeking ways to control the cost of health care, we should not overlook the costs of administration. Not only would eliminating that layer of administration from the Secretary's responsibilities cut costs, most States are already equipped for allocating title X grant money.

Let me state again that it is time for reform. We owe it to the American people to scrutinize every program the Federal Government administers to try to make it more efficient and cut back on unnecessary waste. Here is a prime example. I urge my colleagues to take advantage of it and vote yes on the Delay grant allocation reform amendment.

☐ 1140

Members, look and see if your State is already doing this. Bring the other 14 and 11 States remaining into the 1990's.

Those of my colleagues that are for family planning, this will free up more money for family planning because it will cut down on all the overhead in these nonprofit entities.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this amendment.

This amendment would severely curtail family planning services in a number of States.

Let us begin with a little background on how the family planning program really works.

States are already eligible grantees for family planning services.

In fact, if States apply, they are given preference over any other entity for receiving funds under this program. They are given a sort of "right of first refusal."

This system gives States the predominant role that they seek in health care services.

And in 38 States, the State now receives title X funding.

But if the State does not apply, or if the State does not apply for services in all parts of the State, or if the State does not submit an approvable application, then other nonprofit clinics are allowed to apply to get Federal assistance to provide family planning services.

In 12 States now, nonprofits receive all title X funding to provide family planning services.

So, since States now have preference for getting family planning funding if they apply, the only effect of the amendment before us is either to force States to apply when they do not want to or to cut off family planning services in those 12 States.

Some States do not want to apply because they do not run health programs throughout the State. Some smaller States, for instance, do not have local health departments to administer clinic programs.

And, let us be blunt, some States do not apply because they do not want to enter the debate about family planning services.

If we enact this amendment, in these States, there will be no family planning clinics. The result will be more unintended pregnancies, more abortions, and more low-birthweight babies.

I urge defeat of the amendment. If States want to run this program, they can. If they do not, we should ensure that women have access to family planning services anyway.

Madam Chairman, I reserve the balance of my time.

Mr. DELAY. Madam Chairman, I yield 2 minutes and 15 seconds to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Madam Chairman, the DeLay amendment addresses how the advise and consent of Government should be handled insofar as abortion counseling is concerned. I was not going to become involved in the debate today because it always seems to be an exercise in futility. I do not know of any Members of the U.S. House of Representatives that are undecided on the issue of abortion. Each Member is either for abortion or against abortion.

The word "choice" has been used by proabortionists to confuse the issue. In fact, the most brilliant public relations man in the history of the industry was the guy that discovered the word "choice." Prior to that time, it was called the proabortion movement and they were going nowhere. When they changed the name of the proabortion movement to pro-choice, a large number of confused Americans seemed to think that pro-choice was a reasonable route to take.

In a few weeks, we will be considering the Freedom of Choice Act and the proabortionists will be flaunting numbers around to try to convince Americans that if they are pro-choice, then they are for the Freedom of Choice Act. I plan to devote a lot of time to discussion against the Freedom of Choice Act, but suffice it to say today, the Freedom of Choice Act will strike down all State restrictions and allow abortions all the way through the 9th month for any reason whatsoever.

Tonight, I am expecting the birth of my first grandchild. I plan to be there at the glorious moment of birth. But if the Freedom of Choice Act were law today, there would be nothing to prevent my daughter-in-law from terminating the life of my grandchild only hours before birth. Of course, she would never do that but the law would allow it.

So today the proabortionists in this Chamber are using the pro-choice numbers indicating support for counseling proabortion.

This morning at our weekly prayer breakfast our speaker was Hon. ROSCOE BARTLETT. From an academic standpoint, Congressman BARTLETT is the most learned Member of this body. He observed in his speech that the polls on the matter of abortion really do not mean very much and that the results are all determined by the way the questions are asked. If the pollster asks, "Do you believe a woman should have the right of choice?" The response would be quite different than if the pollster asks, "Do you believe the woman should have the right to kill her unborn child?

Yesterday, a young couple I had not known before came into my office. They were from my district in Tulsa, OK. Their names are Jerry and Elizabeth McKelvey. In visiting with them, I found that they were newlyweds and had met at an antiabortion rally in Wichita, KS. I told them it was coincidental they would make their first trip to Washington at such an historical moment. As Congressman HYDE said yesterday, "This vote will mark the dawn of the abortion era."

One hundred years from now, history will reflect this barbaric era where millions of unborn babies were brutally murdered with the advice and consent of government. It is that advice and consent that we are considering today.

Mr. WAXMAN. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Madam Chairman, I thank the gentleman for yielding time to me. Madam Chairman, I rise reluctantly to oppose the DeLay amendment which would require title X grants to be given only to State health and human services agencies, instead of directly to the public or nonprofit providers.

Title X has been an important program in my home State of Pennsylvania. I was a strong proponent of the program throughout my tenure in the State legislature, and I will continue to support it in the Congress.

Family planning should not be a political issue. It is an important national women's health issue. Without family planning each year thousands of additional low-income women would either have abortions or give birth and be forced onto this country's welfare roles at an added cost to the Treasury of billions of dollars.

The Department of Health and Human Services already provides grants to State health departments exclusively in 31 States. So in those 31 States the DeLay amendment would have no impact at all. In seven States, title X funds go in part to State health departments and in part to private or public nonprofit agencies. So in those additional States, the DeLay amendment would have only minimal impact. But in 12 States, including my State of Pennsylvania, title X funds go to regional umbrella agencies who then subcontract with local agencies. And in those States the DeLay amendment could do some real damage.

My State of Pennsylvania administers the Title X Program through four family planning councils around the State. These family planning councils distribute title X funds to respected hospital-based clinics, local health departments, and other nonprofits organizations.

The DeLay amendment would interfere with the ability of family planning advocates in States, like Pennsylvania, to organize programs that meet their needs, It would result in new, additional, and unnecessary bureaucratic cost and overhead. Furthermore, the DeLay amendment would subject the Title X Program to the ebb and flow of politics at the State level. To date, the program has been immune from State politics.

Family planning services are too important to the women of my State to allow politics to get in the way.

If you support family planning, then you should vote against this amendment because it interferes with existing local decisionmaking.

I encourage my colleagues to defeat the DeLay amendment.

□ 1150

Mr. DELAY. Madam Chairman, I would ask the Chair, how much time I have remaining.

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. DELAY. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Madam Chairman, no matter where we stand on the difficult issue of abortion, I believe Members, and particularly Republicans, ought to be very cautious about supporting the position of a new mandate on States. That is what this is. In Connecticut we like the way we distribute family planning funds through the private sector. Their administrative costs are far lower, their oversight of the programs is far more aggressive. They do such a good job, in fact, that we distribute all State funds that way, too.

For me to vote for our State bureaucracy to have to absorb this responsibility would be to go against everything I believe. I oppose new mandates. I support the private sector as a way of providing more efficient service, and out of the 85 grantees across the Nation, only 38 States have chosen to be the primary grantee.

If the States in their wisdom think that that serves their people best, why are we here today to say that we know better than they, and they have to do it our way? This is really not an abortion issue, this is a good-government issue.

As one who wants to see government press things out of the bureaucracy and into the nonprofit private sector, I want my State to be able to distribute human services funds as efficiently and as effectively as they can.

Second, I want them to do oversight and to think about quality. My experience with government oversight of quality, both from the Federal and the State level, is not good. My experience as a former member of the appropriations committee of my United Way agency of oversight at the local level is very good. I am proud of the way Connecticut distributes its funds. It does it efficiently, it does it well. The programs are high quality.

I certainly am going to vote against mandating the State bureaucracy assuming this responsibility.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Madam Chairman, I rise today in support of H.R. 607, the Family Planning Reauthorization Act of 1993. I am both happy and relieved to know that finally, after years of having our health problems ignored or pushed to the side, we are including the health needs of women in the larger agenda of health care reform.

The family planning amendments authorizes $238 million for fiscal year 1994 and $270.5 million by fiscal year 1995. Some of the key authorizations include $6 million for family planning training programs, $220 million for clinics serving low-income women, and $12 million for family planning information and education.

Most importantly, the family planning reauthorization bill provides low-income women with all of the information necessary to determine how to manage an unintended pregnancy. No longer will the gag rule loom over the heads of millions of women who are faced with this difficult and very personal decision. We are jubilant to see that Reagan era restriction gone for good.

Yet even as we take some steps forward, there are unfortunate areas where progress is hindered by ghosts of the Reagan and Bush administrations. As it stands, title X legislation states that clinics must abide by State parental notification laws. Congressman BLILEY has introduced an amendment to H.R. 670 that would not permit judicial bypass, thereby causing teenage girls to forfeit their right to appear before a judge to obtain an abortion without parental consent. This damaging amendment would also impose a 48-hour waiting period, as well as require parental notification if a woman has been sexually abused by a relative other than her father. That means that a woman can be raped by a brother, a cousin, or an uncle—and face the prospect of having no means of obtaining a legal, safe, abortion.

Just a few weeks ago a doctor at a family planning clinic in Florida was murdered in cold blood by an antichoice fanatic. The callous reaction by other antiabortion activists was astounding. They even claimed that he was not one of theirs, meaning that they were not responsible for his actions. We must end this growing campaign to illegally reverse Roe versus Wade through intimidation and violence.

We cannot continue to stumble our way into the future. We have an opportunity to move swiftly and effectively, and to obliterate the injustices of the last 12 years that have been heaped upon the women of this Nation. I strongly urge my colleagues to vote in favor of this critical piece of legislation, without any restrictive amendments that stand in the way of progress.

Mr. WAXMAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I rise in opposition to the DeLay amendment.

Madam Chairman, the DeLay amendment proves the old saying you can't judge a book by its cover. This amendment is no improvement on H.R. 670 as some of its supporters suggest, it is actually designed to gut the Title X Program by allowing States which opt out of participating in the program to effectively block all title X funds from being used in their State—by private as well as public clinics.

It seems that the opponents of safe accessible family planning services will go to incredible lengths to ensure that others are not able to use these important services. The women of America are becoming very tired of these innocent-looking amendments which have the appearance of good will but ultimately are designed to limit their access to complete information on family planning.

The restrictions on the Title X Program offered in the DeLay amendment would make it tremendously more difficult for women in many parts of our country to avail themselves of these important pregnancy management services.

Madam Chairman, I hope that my colleagues will see clearly that this amendment will only hurt this program, and by extension, hurt the women who use it. I urge my colleagues to join me in voting to defeat this mischievous DeLay amendment.

Mr. DELAY. Madam Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] is recognized for 3¼ minutes.

Mr. DELAY. Madam Chairman, this is not a mischievous amendment. We have been trying to do this kind of reform for the last 10 years or more, and bring us into the 1990's. The arguments that the chairman uses in my opinion are 20-year-old arguments, when States did not have facilities to administer these grants. They now have the facilities and are administering block grants. Every State has the maternal and child health block grants being administered. All we have to do is bring it to title X.

This has nothing to do with affecting family planning services. It does not attack women. It has nothing to do with women's rights. All these clinics will continue to be in operation. In fact, more services may be offered to women because we will be able to save administrative costs.

In Pennsylvania, with four councils, they have four overhead costs administering those four councils that could be brought together and saved by administering through Pennsylvania's Department of Health that already administers all kinds, in fact, 60 percent of family planning moneys, kinds of grants more than title X grants. It is already being done in the States.

All we are saying is if we want title X funds, it has to be administered through the State, and they can make one application to the State rather than the Federal Government, and in making the application, it would be much easier to administer and it would save a lot of money.

This is not an attack on family planning services. This is reform to change the status quo and save money, and still provide, in fact, more family planning services to the women of this country.

Mr. WAXMAN. Madam Chairman, I urge a no vote on the DeLay amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 277, not voting 16, as follows:

[Roll No. 102]

AYES—142

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Costello
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Gallegly
Gillmor
Goodlatte
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Herger
Hobson
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lightfoot
Linder
Lipinski
Livingston
Manzullo
McCollum
McCrery
McKeon
Mica
Michel
Miller (FL)
Mollohan
Moorhead
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon

Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)

NOES—277

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—16

Archer
Barton
Carr
Dreier
Faleomavaega (AS)
Ford (TN)
Furse
Gingrich
Henry
Martinez
McCandless
McDade
Pickle
Quillen
Romero-Barcelo (PR)
Sharp

□ 1217

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Pickle against.

Mr. FORD of Michigan and Mr. OBERSTAR changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRAMS. Mr. Chairman, on rollcall vote No. 102 regarding the DeLay amendment to the bill H.R. 670, I am recorded as having voted "no." My intention was to vote "yes."

The CHAIRMAN. It is now in order to consider amendment No. 6.

It is now in order to consider amendment No. 8 to be offered by the gentleman from Indiana [Mr. BURTON].

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 4, after line 3 insert the following subsection:

(c) INFORMATION ON CONDOMS.—Section 1001 of the Public Health Service Act, as amended by subsection (a) of this section, is amended by inserting after subsection (b) the following subsection:

"(c) The Secretary may not make an award of a grant or contact under this section unless the applicant for the award agrees that the family planning project involved will—

"(1) distribute only those condoms meeting minimum standards established by the Food and Drug Administration for the prevention of pregnancy and the prevention of the transmission of sexually transmitted diseases; and

"(2) advise individuals of the benefits of the proper use of condoms, of the extent of risk that still exist with condom usage, and of the fact that condoms currently available do not completely eliminate the risk of pregnancy or the transmission of sexually transmitted diseases.".

Page 2, strike lines 9 and 10 and insert the following:

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

Page 4, line 4, strike "(c)" and insert "(d)".

Page 4, line 5, strike "1001(e)" and insert "1001(f)".

Page 4, line 8 striking "(e)" and insert "(f)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, on television over the past several years, mainly due to the AIDS crisis facing America, there have been numerous public service announcements and commercials pointing out that condoms are a method that can be employed for safer sex, they call it.

□ 1220

Unfortunately, these commercials or public service announcements have indicated to a lot of young people that there is no real risk involved. And so, for that reason, I feel it is imperative that the family planning clinics and other organizations that counsel young people be mandated to tell them of the risks involved; that is, that condoms are not a panacea for control of sexually transmitted diseases, such as AIDS, gonorrhea, or syphilis, and also that condoms also will not prevent pregnancies, in many cases. As a matter of fact, according to a number of different research institutes, condoms have a failure rate of anywhere from 12 percent to as high as 45 or 50 percent, depending upon what kind of condoms you are talking about.

Now, we have talked to the Planned Parenthood people, and most of the Planned Parenthood clinics around the country are counseling young people who come to them on the dangers that still exist even if you use this kind of device. So, for that reason, Planned Parenthood does not oppose this amendment. In fact, I believe Planned Parenthood is in support of it.

All we are doing is codifying what is already being done, No. 1; and, No. 2, it is going to force those family planning clinics that do not now spell out all of the information for young people, to do so.

This needs to be done for two reasons: To avoid unnecessary pregnancies, No. 1; and, 2, to make sure that young people know that they can still get the AIDS virus or other sexually transmitted diseases even if they use condoms.

Condoms are not a panacea for child prevention or a panacea for sexually transmitted disease prevention.

With that, Madam Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. WAXMAN TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. WAXMAN. Madam Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN to the amendment offered by Mr. BURTON of Indiana: In the matter proposed by the amendment to be inserted on page 4 of the bill, after line 3, in section 1001(c)(1) of the Public Health Service Act (as proposed to be added by such matter), strike "meeting minimum standards established by" and insert the following: "meeting current requirements for quality control and labeling, and any subsequently developed standards, established by".

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, it is my understanding that the gentleman from Indiana, the author of the amendment, does not oppose my amendment, but let me briefly explain what it does.

The Burton amendment as it stands would require family planning clinics to comply with FDA standards that don't exist.

The FDA has general regulations on condoms as medical devices. These regulations are about quality control and labeling.

Condoms, as what some have called the world's oldest medical device, have always been around and have never been fully regulated for their ability to prevent pregnancy or sexually transmitted diseases.

My amendment to the Burton amendment would require that family planning clinics dispense only those condoms that comply with existing FDA requirements and with any subsequently developed requirements about prevention of pregnancy or sexually transmitted diseases.

Madam Chairman, my amendment to the amendment offered by the gentleman from Indiana [Mr. BURTON] would require that family planning clinics dispense only those condoms that comply with existing FDA requirements and with any subsequently developed requirements about prevention of pregnancies or sexually transmitted diseases.

I would hope the gentleman from Indiana would find this consistent with his amendment.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield briefly?

Mr. WAXMAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Madam Chairman, my amendment is—

I just want to make sure, for the record, that this is going to codify what is already being done, No. 1; and, No. 2, the family planning clinics will in the future have to explain to young people the dangers that still exist even though these devices are used.

Mr. WAXMAN. The gentleman is correct that it would require that they follow the FDA regulations in effect now and in the future and that they provide counseling on the use of condoms.

Mr. BURTON of Indiana. I thank the gentleman for yielding, and I support his perfecting amendment.

Madam Chairman, I yield back the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON] as amended.

The amendment, as amended, was agreed to.

Mr. FAZIO. Madam Chairman, I rise in support of H.R. 670, the bill that will reauthorize funding for title X of the Public Health Service Act. Title X, the Federal family planning program, provides family planning and other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America. H.R. 670 will authorize this critical program for the first time since 1985.

The United States is the only developed country where teen pregnancy has been increasing in recent years. But, at least in part because title X has not been reauthorized for 8 years, its funding has decreased by two-thirds between 1980 and 1990. This is primarily due to the controversy that sometimes surrounds the program, as well as to misconceptions about its role. For example, although the use of title X funds for abortion has always been prohibited, and there is nothing in the bill that changes this, many perceive title X as a pro-choice, or pro-abortion program.

Many people are also unaware of the scope of the title X Program, as well as of the affect that it has on the lives of millions of Americans. What a lot of us do not realize is that title X does more than assist women with family planning by providing contraceptive counseling and supplies. It also provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, diabetes, sexually transmitted diseases and HIV. Without title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

Title X supports public health departments; Indian nations; statewide, regional and local family planning councils; hospitals; university medical centers; community action organizations; neighborhood health centers; nursing services; and, yes, planned parenthood affiliates.

California has received title X funds since the Public Health Services Act was passed in 1970. In 1991, California clinics used these funds to provide services to approximately 450,000 clients. Twenty-six percent of these clients are under 20 years of age, and 58 percent are aged 20 to 29. Last year, California family planning clinics received approximately $11 million in title X funds.

When we support contraceptive services—both care and supplies—we thwart unwanted pregnancies and, ultimately, the need for abortion. For example, according to the California Family Planning Council, as estimated 138,000 unintended pregnancies are averted in California every year as a result of publicly funded contraception. Each client seen at a title X funded clinic costs the Federal Government approximately $35.00 annually. And, every one of these dollars spent on family planning programs in California saves $11.20 in public costs associated with unintended pregnancy—such as Medi-Cal delivery and continuing maternity and infant care, Medi-Cal abortions, aid to families with dependent children, food stamps, and other social service costs. But the annual costs of unintended pregnancies for clients eligible for Medi-Cal coverage for maternity and infant care, AFDC, WIC, and food stamps average $9,383 for those women who carry their pregnancies to term.

H.R. 670 also reinforces the status quo when it comes to parental notification. It requires that clinics certify their compliance with State laws regarding parental notification or consent for the performance of an abortion on a minor, even though such abortions would only be performed with non-Federal funds. The bill, therefore, does not change any State laws regarding parental notification.

H.R. 670 also provides clarification with respect to the authority of family planning clinics to provide information and counseling regarding family planning. It requires them to provide a patient with complete, nondirective information about her pregnancy, if she asks for it.

H.R. 670 is supported by all the major medical groups, including the American Medical Association, the American Nurses Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, and the American Public Health Association.

If we truly care about the health and welfare of our people, we have no choice but to support this reauthorization of America's family planning program. Madam Chairman, I urge my colleagues on both sides of the aisle to support the bill.

Ms. WOOLSEY. I rise today to urge my colleagues to vote in favor of the Family Planning Amendments Act of 1993. I would like to take the time to commend my colleague from California, Chairman WAXMAN, for the years of work that have gone into crafting this piece of legislation. The final product is a bill that provides urgently needed health care services for low-income women.

Title X provides contraception services, infertility services, basic gynecological care, and counseling and referral to millions of women, many of whom have no other accessible or affordable source of health care. In addition, title X clinics often serve as a link-up point for low-income women to gain access to other necessary social services for which they qualify.

The money authorized under this bill is an investment in our women and children; estimates suggest that the program saves $4 for each $1 spent. Very simply, this body cannot afford not to pass this bill; it is the model of preventive health care at its best.

I fully support H.R. 670, and urge my colleagues on both sides of the aisle to join me.

Ms. NORTON. Madam Chairman, finally I am able to rise today to support this long overdue and critically necessary measure to extend family planning programs and activities authorized under title X of the Public Health Service Act and to codify the reversal of the gag rule lifted by President Clinton during his first week in office.

The nearly four million low-income women currently served by clinics funded by title X have received less than they deserve, less than they are entitled to, and far less than the rest of us. For example, in the first 6 months of 1992 over 7,200 women in the District of Columbia were served by clinics receiving title X funds, and almost 85 percent of these women were at or below 150 percent of the Federal poverty level. They share with other women across the country who use such services two disabilities; they have been denied reproductive information necessary to make informed decisions about their medical needs and they have suffered from the gradual reduced funding of family planning services. The figures are shocking. Total public funding for contraceptive services declined by one-third between 1980 and 1990. Constant-dollar expenditures under title X decreased by almost two-thirds between 1980 and 1990. Title X family planning and contraceptive services funding for the District of Columbia was cut by 43 percent from fiscal years 1981 to 1990.

The tragedy of these figures is that often those in this House who have most supported these cuts have at the same time even more vehemently opposed abortion. In one of the most irrational juxtapositions in recent public policy, title X opponents have assured a rising abortion rate. Decreased title X funding has resulted in the increased number of unintended pregnancies during the last decade, especially among blacks, the less educated and the poor. Increases in unplanned pregnancies occurred among the very women title X was designed to serve. The number of American women at risk of unintended pregnancies—that is, women who are fertile, sexually active and not using contraception or not using contraception accurately—rose from 34 million in 1982 to 39 million in 1988. Today, 20 percent of Medicaid-eligible women seeking abortions carry pregnancies to term due to a lack of public funding. And 22 percent of Medicaid-eligible women having second trimester abortions would have had earlier abortions had public funding been available. Late-term abortions increase the mother's risk of death and serious complications, and drive up the cost of the procedure by as much as 50 percent.

Abortions will always be available in this country. We cannot bar them but we can make them unnecessary. Title X, adequately funded and unrestricted as other medical services are, is a powerful anti-abortion remedy. Studies show that during the first decade of the Title X Program 2.3 million abortions were averted. Equally counterproductive in the defunding of title X has been the failure to expand access to other vital services such as basic gynecological care, prenatal care, delivery, infant care, adoption, and foster care. Because title X clinics serve as the entry point for millions of low-income women and adolescents into the Nation's health care system, this legislation must be viewed as a vital precursor of the health care that must come with full health care reform.

The recession, compounded by chronic unemployment and lack of adequate health insurance, have forced increasing numbers of women to rely on the services provided by these clinics. In the District of Columbia, over 93,000 women between the ages of 13 and 44 are at risk of unintended pregnancy and, therefore, in need of family planning counseling and reproductive health care. Almost 40,000 of these D.C. women are below 250 percent of the Federal poverty line; an additional 17,000 are below 100 percent of poverty. Title X clinics are the only available source of contraceptive and infertility services, basic gynecological care and health information counseling and referral for over 80 percent of the 4 million women served.

Indigent women in the District of Columbia have the most compelling case in the country. A Presidential veto exercised every year for the last 4 years has kept the District from using its own tax raised funds to finance abortions, in derogation of every principle of democracy and home rule. Particularly insulting and un-American has been the gag rule restricting poor women's access to information as to where to go for funds or advice in lieu of seeking help in the District. What was the point—to keep these D.C. women ignorant and therefore pregnant? What President Clinton has done by abolishing this two-tiered system of reproductive rights, this bill codifies today. H.R. 670 declares all women regardless of income to have equal rights to reproductive information.

H.R. 670 is one of the most vital pieces of legislation facing the Congress this term. It fits President Clinton's notion of investment and return in an extraordinary way. Recent studies show that for every $1 invested in family planning services, the Federal Government saves $4.40 in mandatory public health and social services. That's undeniable cost-effectiveness. This bill will finally make the health problems that affect women of every race and background a high priority, one we cannot afford to ignore.

Mr. ABERCROMBIE. Madam Chairman, I rise in strong support of H.R. 670, reauthorization of the Title X Family Planning Program. Since 1985 this program has endured 1 year extensions because of political maneuvering that had nothing to do with the primary functions of the program. These controversies included issues such as the gag rule, which barred title X clinics from providing abortion counseling or referrals. However, President Clinton's Executive order to rescind this decree finally clears the path for passage of this crucial program.

Title X of the Public Health Service Act was originally enacted in 1970 and was designed to provide grants for family planning service at clinics across the country. H.R. 670 clarifies the original intent of Congress and codifies the requirement that all title X grantees provide full information on pregnancy management options upon the request of the patient. These options include counseling and referral for prenatal care and delivery; infant care, foster care and adoption; and termination of pregnancy.

Currently, about 4,000 clinics receive title X grants serving more than 4 million low-income women and adolescents. For the vast majority of individuals who use title X clinics, it is the only source of health care. In the State of Hawaii we have a network of 21 clinics serving more than 17,000 individuals.

It is important to note that title X funds have never been used for abortion services. This has never been the intent of the program. However, in response to legitimate concerns H.R. 670 includes a provision that requires title X grant recipients that provide abortion services with non-Federal funds to certify their compliance with State parental notification or consent laws. Also, H.R. 670 provides an exemption for providers—on the basis of religious beliefs or moral convictions—to provide information regarding a pregnancy management option. In these instances patients would have to be directed to an agency that will provide the information that has been requested.

While most of the funding is directed toward providing grants to clinics for family planning services the bill also includes grants to educate personnel who provide family planning services at title X clinics. Furthermore, a section of the bill has been designed to develop and make available to the public information on family planning and population growth.

Mr. Speaker, we waited too long for reauthorization of the Federal family planning program. H.R. 670 is an important piece of legislation and plays an integral part in our health care system. Passage of H.R. 670 allows low-income women and adolescents to gain full access to necessary information so that they can make prudent decisions regarding their health and welfare. I urge my colleagues to support this bill.

Mr. MCCANDLESS. Madam Chairman, several Members voted for this bill with the reasoning "It's not the money that counts, its the principle of the thing." Well Mr. Speaker, as for my vote, it's the money.

I rise in opposition to this legislation for the same reason I have opposed many other bills during my 10 year tenure in the House—the money.

How much money? In fiscal year 1993 we spent about $173 million. For fiscal year 1994, we will spend $238 million and for fiscal year 1995, we will spend over $270 million. This represents a 56-percent increase over the next 2 years. How can anyone believe this Congress is serious about deficit reduction when we pass bills this far over budget?

I favor repealing the gag rule. But this is the second time I have had to vote against repealing the gag rule due to budgetary reasons totally unrelated to abortion. The first being a repeal attached to the Labor/HHS appropriations. Let me make one thing clear—I favor repealing the gag rule. I voted to repeal it last year on a similar bill, even though it raised spending, but not to the unacceptable level this bill does. I supported President Clinton's repeal by Executive order.

I am growing increasingly angry at the arrogance of the big spenders who attach huge increases in funding to important legislation. This is not the time to railroad deficit-increasing bills through the Congress. We easily could have overturned the gag rule without spending another $97 million. We need to get on track toward cutting spending.

Of all the amendments offered, couldn't the Rules Committee find it in order to allow one amendment that would cut spending? Until they give me, and the Congress a chance to vote on eliminating waste and huge funding increases, I'm going to be voting against more legislation that I would normally support if we had some measure of fiscal sanity in the House.

Mr. DINGELL. Madam Chairman, title X is a critical public health program which provides funding for provision of family planning services to more than 4 million, mostly low-income, Americans. The program also provides information, education, training, and research in family planning.

The Title X Program annually prevents an estimated 1.2 million unintended pregnancies and thereby prevents more than half a million abortions. The statute has long provided—and continues to provide—that no Federal funding may be used to fund abortion as a method of family planning. Though one mission and accomplishment of the program has been the prevention of abortion, political interference has distracted those operating the program from doing their job as well as they might. Moreover the Congress has become distracted from helping promote the good work that title X accomplishes and has not reauthorized it in several years.

As the author of the prohibition on the use of Federal funds to pay for abortion as a method of birth control, I continue to believe in this policy. I also believe in the importance of this program. I have reviewed the alleged evidence that the program promotes abortions and found it wanting. Instead, I find a program which is accomplishing—admittedly against tall odds—its original mission of providing family planning services to American families.

In keeping with the mission of the program, this reauthorization increases funding for vital programs while continuing to keep the Federal Government out of the business of abortion. The legislation does not change the provision codified in section 1008 against use of Federal funds to pay for abortion as a method of birth control. With respect to parental notification for abortion conducted on minors, the bill essentially defers to State law by requiring clinics to certify compliance with such laws. Finally, the bill codifies the reversal of the gag rule. It protects the free speech of physicians whatever their stance on abortion by requiring discussion of all pregnancy options upon request while allowing a so-called conscience clause exception for those who are unable to meet this requirement.

I strongly support this legislation and recommend its passage.

Mr. BACHUS of Alabama. Madam Chairman, it is outrageous in this age of deficit reduction, that title X funding is slated to receive a 56 percent increase over last year. And the irony is that not one study has demonstrated that prior funding has been effective in reducing the number of unplanned pregnancies. Additionally, there has been a decline in the number of low-income women at risk of unintended pregnancy. Not only is this bill fiscally questionable, but by mandating abortion referral and counseling, it further distorts the original intent of title X funding—family planning.

In a recent poll, 88 percent of Americans support restrictions on access to abortion including parental notification. Ignoring the sentiments of the vast majority of Americans instead, this bill forces title X recipients to offer referrals for abortions at the patient's request. Even those caregivers with moral objections to abortion services are forced to refer patients to an organization to discuss pregnancy termination. In many states, even minors must be referred to an abortion provider upon request without any parental notification.

Title X money is intended for family planning. I submit that abortion is not a method of family planning. This money could be used for education and other pregnancy prevention measures. However, it is serving only to perpetuate the profit making abortion industry. Title X funding does this by cutting the overhead costs of the "for profit" abortion industry by allowing the money to be directed toward administrative costs of operating these facilities. Planned Parenthood, America's leading abortion provider and the largest recipient of title X funding, facilitates 32 abortions for each patient that receives prenatal care. Where's the parenthood in planned parenthood?

I respectfully encourage my colleagues to oppose this bill on the grounds that it is fiscally irresponsible, it ignores parental notification responsibilities, and it further deviates from the original intent of title X funding.

Mr. KOLBE. Madam Chairman, I have supported this reauthorization in the past—my position on the issue of a woman's right to choose has been consistently expressed in earlier debates. I support reversing the so-called gag rule, and I support the family planning program as a means of reducing the number of unwanted pregnancies and abortions.

I find this vote today quite difficult. Not because of the moral issues raised in the context of this bill—but because of the fiscal issues blatantly ignored by it. Mr. Chairman, the real issue in this bill is not abortion counseling, or a woman's right to choose. It is, very simply, funding. This is a reauthorization. So let's examine its merits apart from the emotional debate on abortion counseling, or parental notification and consent.

Title X of the Public Health Service Act of 1970 is a very important Federal program. Many women receive basic primary health care from this program. It represents our best hope for reducing unwanted pregnancies and for halting the spread of sexually transmitted diseases. And, certainly, this program's funding history has not been glorious. If we are committed to the goals of the program we must find ways to translate that philosophical commitment into a fiscal commitment. But this bill increases the authorized budget for title X by 37 percent in 1 year. It authorizes a $65 million increase in funding for fiscal year 1994 and another $32 million increase in fiscal year 1995. Over the 2 years of the authorization it is a total funding increase of 53 percent—with no offset.

How do we square this with the President's call to get serious about the deficit? How ironic that 1 short week after this body overwhelmingly approved new tax burdens on the vast majority of Americans, we will vote to increase authorized spending for one program by 37 percent. As a member of the Appropriations Committee, I can tell you that we are only kidding ourselves and others to believe Appropriations will make a 37-percent increase in spending for title X family planning. Where within the Labor, Health and Human Services and Education budget will we find the money? What program will be cut? Head Start? WIC? Pell grants? So, why not be honest up front and reauthorize this program at a fiscally responsible level?

I would also like to point out that these reauthorization figures are significantly higher than the amounts passed just 7 short months ago when we passed a conference report that was vetoed. Madam Chairman, what has changed in 7 short months? Seven months ago we passed, quite easily, a bill that reauthorized this program at fiscal years 1994 and 1995 amounts nearly $89 million less than the authorization we are considering here today—a more responsible, more realistic authorization.

As a member of the Appropriations Committee, I am quite sure that this program will not receive full funding next year. But I will fight that battle in my committee later this spring. I just wanted my colleagues who so often come to this well preaching about reform to know what they are getting in a vote for this bill.

I believe we must stop the deceptive procedure of authorizing enormous amounts that we know will never see the light of day in the Appropriation Committee, but which create pressure for added spending in future years. Time and time again we enact policy that fails to look at the big picture. Let's stop doing foolish things on emotional issues to score a few political points and get to the heart of what ails us. Perhaps the Speaker will give us permission to hang a big sign in the rear of the Chamber exclaiming "It's the deficit, stupid!" as a reminder.

Mrs. LLOYD. Madam Chairman, I rise in support of H.R. 670, a 2-year reauthorization of the Federal family planning program, title X of the Public Health Service Act. Title X is a primary health care program intended to make family planning services available to low-income women. The program partially funds about 4,000 clinics that provide health care services to 4 million American women annually.

Reauthorization of the family planning program is an important health care issue. Far too many low-income women are medically underserved because they don't have adequate health insurance or can't afford the services of a private physician. Many low-income women depend on title X funded clinics as their primary entry into the health care system and for preventive health care services, including screening or referral for cervical and breast cancer, anemia, hypertension, kidney dysfunction, diabetes, STD, and HIV. For a large number of title X clients, family planning clinics are their only source of primary and preventative health care.

This is not a debate about abortion—as its proponents claim, and the bill will not provide Federal funding of abortions. Since the inception of the Title X Program in 1970, there has been a prohibition of title X funds for abortion services. Reports by the General Accounting Office and the Department of Health and Human Service's inspector general have substantiated that title X funds are not used to perform abortions.

The bill requires that family planning personnel provide counseling and referral services on all pregnancy options, including prenatal care and delivery, infant care, foster care, and adoption; and pregnancy termination. Such information is to be provided only at the client's request and only in a nondirective manner—not suggesting or advising one option over another.

This bill will codify President Clinton's lifting of the gag rule that limited these clinics ability to provide complete health care, by allowing them to discuss pregnancy termination.

This will free health care professionals to discuss all available options with title X clients and will prevent the establishment of one set of criteria for low-income women and a different set for women who are financially secure. It will give poor women equal access to the same information as women who can afford the services of a private physician.

Title X is a valuable, preventive health care program. Support the passage of H.R. 3090.

I support parental notification. Tennessee has a parental notification law in place today. The Bliley motion to recommit with instructions would take away our State's right and replace it with a Federal mandate. I support the original as it stands, because it protects the right of States to set parental notification laws.

Mr. DURBIN. Madam Chairman, though I support parental notification for abortion procedures, I cannot support the Bliley amendment to the reauthorization of title X family planning for three reasons.

The Bliley language limits waiver of parental notification to cases of incest, abuse, or neglect by a parent or legal guardian. This is a reasonable waiver but does not go far enough.

My own State of Illinois revised its definition of the crime of incest in 1984 to include sexual attacks not only by parents but also attacks by close relatives of the victim as well as persons residing in the household with the child continuously for at least 1 year.

This definition is more realistic and sensitive to the realities facing many families. The Bliley language does not take these realities into consideration.

Second, Mr. BLILEY allows an exception for parental notification only for the crime of incest. Illinois and at least five other States, Maryland, Michigan, New Jersey, Ohio, and Vermont, have replaced the crime of incest with new crimes such as sexual relations within families. Mr. BLILEY's language neither acknowledges these changes in State criminal practice nor provides for any way to make his approach to parental notification compatible with these new laws.

Finally, there is a carefully crafted provision in the Bliley language which allows for State preemption of the Federal parental notification provision. The wording of this language narrowly defines the State parental notification laws which would preempt the Federal standard. In fact, the definition is so narrow as to disqualify the parental notification laws in 21 States for purposes of preempting the Bliley Federal standard.

The language already included in the bill requires title X family planning clinics to certify compliance with State parental notification laws in force and is a better alternative to the Bliley language.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PICKETT) having assumed the chair, Ms. SLAUGHTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, pursuant to House Resolution 138, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the following amendments adopted in the Committee of the Whole: No. 1, the DeLay amendment requiring counselors to be professionals who have degrees in medicine or mental health, as amended by the Waxman amendment; No. 2, the so-called Waxman amendment regarding the conscience clause; and No. 3, the so-called Burton of Indiana amendment regarding condom standards, as amended by the Waxman amendment.

Mr. Speaker, I demand separate votes on those three amendments.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 2, line 18, insert before the period the following: ", and that such information will be provided only through individuals holding professional degrees in medicine or osteopathic medicine, nursing, clinical psychology, the allied health professions, or social work, through individuals meeting such other criteria as the Secretary determines to be appropriate for providing such information, or through individuals allowed under State law to provide such information".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 12, as follows:

[Roll No. 103]

YEAS—418

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez

Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Dreier
Ford (MI)
Ford (TN)
Gingrich
Henry
Hunter
Lambert
Manton
Markey
Pickle
Quillen
Sharp

□ 1247

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PICKETT). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 3, strike lines 1 through 5 and insert the following:

"(B) the project refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information.

The SPEAKER pro tempore. The question is on the amendment.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 259, nays 157, not voting 14, as follows:

[Roll No. 104]

YEAS—259

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kim
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—157

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Borski
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Emerson
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McKeon
McNulty
Mica
Michel
Mollohan
Moorhead
Murtha
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barcia
Darden
Dreier
Ford (TN)
Henry
Holden
Hunter
Markey
Miller (CA)
Pickle
Quillen
Sharp
Spratt
Talent

□ 1256

Mr. McCOLLUM changed his vote from "yea" to "nay."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PICKETT). The Clerk will report the final amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 4, after line 3, insert the following subsection:

(c) INFORMATION ON CONDOMS.—Section 1001 of the Public Health Service Act, as amended by subsection (a) of this section, is amended by inserting after subsection (b) the following subsection:

"(c) The Secretary may not make an award of a grant or contract under this section unless the applicant for the award agrees that the family planning project involved will—

"(1) distribute only those condoms meeting current requirements for quality control and labeling, and any subsequently developed standards, established by the Food and Drug Administration for the prevention of pregnancy and the prevention of the transmission of sexually transmitted diseases; and

"(2) advise individuals of the benefits of the proper use of condoms, of the extent of risk that still exist with condom usage, and of the fact that condoms currently available do not completely eliminate the risk of pregnancy or the transmission of sexually transmitted diseases.".

Page 2, strike lines 9 and 10 and insert the following:

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

Page 4, line 4, strike "(c)" and insert "(d)".

Page 4, line 5, strike "1001(e)" and insert "1001(f)".

Page 4, line 8, striking "(e)" and insert "(f)".

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 13, as follows:

[Roll No. 105]

AYES—417

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Dreier
Edwards (CA)
Ford (TN)
Hall (OH)
Henry
Hunter
Kaptur
LaRocco
Pickle
Quillen
Sharp
Shepherd
Talent

□ 1304

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PICKETT). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BLILEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. BLILEY moves to recommit the bill, H.R. 670, to the Committee on Energy and Commerce, with instructions to report back the same to the House forthwith with the following amendment:

Page 3, strike line 12 and all that follows through page 4, line 3, and insert the following:

(b) PARENTAL NOTIFICATION REGARDING ABORTION.—Section 1001 of the Public Health Service Act, as amended by subsection (a) of this section, is amended by inserting after subsection (b) the following subsection:

"(c)(1) The Secretary may not make an award of a grant or contract under this section unless the entity applying for the award agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with a grant or contract provided by the Secretary, unless there has been compliance with one of the following:

"(A)(i) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is so provided; and

"(ii) the notification is either (I) delivered personally by the attending physician or the physician's agent, in which case the 48 hours is measured from the time of so delivering the notification, or (II) the notification is provided through certified mail, with return receipt requested, and with restricted delivery addressed to a parent or legal guardian at the dwelling house or usual place of abode of the parent or guardian, in which case the 48 hours is measured from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted.

"(B) The attending physician certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death, and that there is insufficient time to provide a notification in accordance with subparagraph (A).

"(C)(i) The minor declares that the pregnancy resulted from incest with a parent or legal guardian of the minor, or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or legal guardian of the minor; and

"(ii) the attending physician notifies, in writing, the authorities specified by the law of the State involved to receive reports or allegations regarding the applicable offense specified in clause (i).

"(D) The entity complies with a State or local law that—

"(i) is in effect in the State or locality, respectively;

"(ii) provides the requirement that a parent or legal guardian be notified before an abortion is performed on an unemancipated minor under the age of 18 (or a requirement that both parents be so notified), or provides the requirement that a parent or legal guardian give consent before an abortion is performed on such a minor (or a requirement that both parents give such consent); and

"(iii) either contains no provision waiving a requirement described in clause (ii), or provides a waiver of the requirement only for one or more of the following circumstances:

"(I) A court determines that the requirement should be waived.

"(II) A physician determines that the minor is suffering from a physical disorder or disease that makes the abortion necessary to prevent her death, and that there is insufficient time to comply with the requirement.

"(III) The pregnancy resulted from incest.

"(IV) The minor has been subjected to or is at risk of sexual abuse by a parent or legal guardian.

"(V) The minor has been subjected to or is at risk of child abuse by a parent or legal guardian.

"(VI) The minor has been subjected to or is at risk of child neglect by a parent or legal guardian.

"(2) For purposes of this subsection:

"(A) The term 'attending physician' means the physician with the principal responsibility for making the decision to perform the abortion involved.

"(B) Each of the following terms has the meaning given the term under the law of the State involved: (i) 'Child abuse'. (ii) 'Child neglect'. (iii) 'Incest'. (iv) 'Legal guardian' (with respect to a child). (v) 'Sexual abuse'. (vi) 'Unemancipated minor'.

"(C) Each of the following terms has the meaning given the term under rule 4 of the Federal rules of civil procedure for the United States district courts: (i) 'Dwelling house'. (ii) 'Usual place of abode'.

"(D) The term 'State involved' means the State of the location of the facility from which an abortion for the minor involved is sought.".

Page 2, strike lines 9 and 10 and insert the following:

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

Page 4, line 5, strike "1001(e)" and insert "1001(f)".

Page 4, line 8, strike "(e)" and insert "(f)".

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] is recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume. Let me describe the details of this amendment. It states that any facility that performs abortions and is affiliated with an entity that receives title X grants or contracts cannot perform an abortion on an unemancipated minor under age 18, unless written notice is provided to a parent or guardian and 48 hours elapsed after the notification is provided. Let me repeat—the notification provision only affects title X-affiliated abortion facilities. It is a condition for receiving Federal money. It does not preempt State law and does not affect facilities which are not affiliated with a clinic receiving Federal funds.

There are three exceptions to this requirement.

First, parental notification is not required if a physician certifies that a medical emergency exists making the abortion necessary to save the minor's life.

Second, parental notification is not required if the pregnancy is the result of incest with a parent or legal guardian, or the minor has been subject to sexual abuse, child abuse, or neglect. In these cases, the attending physician must provide written notification to the appropriate State or local authorities before the abortion is performed.

Third, parental notification is not required if the provider is in compliance with State law requiring parental notification or consent. And these State laws can have exceptions for judicial bypass, incest, medical emergencies that threaten the life of the mother, and sexual or child abuse of the minor.

I want to emphasize again that this amendment does not preempt State law. It does not require a State to pass a new law nor to amend current law. It simply effects a provider's ability to receive title X funds. And the requirement is for parental notification and not consent. If a title X-affiliated provider does not want to follow the notification requirements, the title X clinic can simply refuse to accept the Federal funds.

And I would like to point out that most Americans support the notion of parental notification. A New York Times poll revealed that 83 percent of Americans support mandatory notification of at least one parent before a minor is allowed to have an abortion.

At the hearing we had in 1991, two witnesses testified before us about the tragic consequences of a young teenager having an abortion without her parents' knowledge. At this hearing, a young woman recounted her painful story. When she was a high school student, she became pregnant, and her teacher advised her to get an abortion. She did not tell her mother about her pregnancy, and the only advice she received from others was to terminate her pregnancy. She testified that she regrets having had the abortion and she regrets not telling her mother because of the support she could have received.

Mr. Speaker, my amendment will help to avoid more stories like these in the future. I urge my colleagues to vote for the motion to recommit.

Mr. Speaker, I would point out that just recently the President's own daughter was sick at school, and the nurse wanted to give her an aspirin. And because there was not a letter there from one of the parents, from the President or Mrs. Clinton, they had to call the President to get permission to give Chelsea an aspirin.

☐ 1310

Now here we have an invasive procedure on a minor and we want to say no notification is required. It does not seem to make sense.

Finally, I ask the Members, as we consider this amendment, to consider it as parents. Would we want to know if it was our child, God forbid?

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. PICKETT). The gentleman from Virginia [Mr. BLILEY] has 30 seconds remaining.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Virginia very much for yielding 30 seconds to me.

I would like to indicate, also, to my colleagues, how ridiculous is it in America when a person needs parental consent to get an aspirin, but does not need parental consent for their daughter to have an abortion?

I ask the Members on this side to realize that this amendment should pass overwhelmingly on the House floor. I ask and urge all the Members to vote for it.

Mr. WAXMAN. Mr. Speaker, I yield myself 1 minute. I rise in opposition to the Bliley amendment. The issue before us is not whether we are going to have parental notification or consent required before a teenager has an abortion. The issue is whether, for those clinics that get title X funds that have abortion services, such as a hospital, it is going to be required by one law, the Bliley amendment, which will supersede the State law on the subject.

States have addressed this question. It is appropriate for States to address it because there are complicated matters to be adjusted between privacy rights, parental rights, public health, and appropriate medical care. Over 40 States have taken action. This amendment would supersede those State laws.

Mr. Speaker, the bill requires that every grantee must certify that they are in compliance with State laws. This Bliley amendment is one that I think is stricter than any State law in force in the Nation. There is no judicial bypass under any circumstance, no emergency exception unless the girl is actually going to die, no exception for incest with anyone other than the parent, not an uncle or a mother's boyfriend.

Mr. Speaker, I urge a "no" vote on this amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, I thank the gentleman for yielding time to me.

I too, Mr. Speaker, rise to oppose the motion for recommittal. I support parental notification. Parents should be notified, but that is not the point that we are discussing here, as the chairman has already made clear. States have taken a number of different approaches, and I believe that the States should be allowed to work out this very difficult problem, as has my own State of Georgia, which provides for parental notification. It makes an exception if the attendant physician makes the determination that there is a medical emergency.

I do not want that taken away from my State of Georgia. The proposal of the gentleman from Virginia [Mr. BLILEY] would do exactly that. For that reason I oppose the gentleman's proposal, which would supersede the State law for my entire State.

What we do in Georgia works very well. I do not want to see it changed.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I support parental notification. I oppose the Bliley amendment. The Bliley amendment is so narrowly drawn as to disqualify 21 State laws that provide for parental notification. Second, Mr. BLILEY attaches his amendment to the crime of incest, which has already been abolished in six States. He is not mindful of the fact that these States now have a new crime, which affects the situation.

I believe it is an error of major proportion for the opponents of abortion to oppose or weaken efforts to promote family planning. When the pro-life forces weaken family planning efforts in our Nation, their strategy only adds to the excessive number of abortions.

Save this important issue of parental notification for an amendment drafted with precision in the Freedom of Choice Act, where it belongs. Vote no on the motion to recommit.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this motion to recommit. It is a very dangerous one, because it takes away States rights, because no State, with the exception of three, would have their laws not be superseded. As a matter of fact, there are exceptions only for the imminent danger of the life of the mother. No other medical conditions are included, like AIDS or diabetes.

Also, the definition of rape and incest contains no exceptions, unless the incest is committed by the father or the guardian, not a brother or an uncle. This is very dangerous, so I certainly ask this body to oppose this motion to recommit. Let the States decide.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, those who want to vote for parental notification, if voting for this bill, will vote to require every clinic to abide by and certify that they are abiding by the parental notification requirements in State law. The Bliley amendment would supersede most State laws. This is a matter that should be decided by the States.

If we are going to develop a policy on this issue, it ought to be more thoughtful than trying to attach it to a grant program and cripple a grant program that is set up for family planning services itself. I urge a "no" vote on this motion to recommit and support for the legislation.

Ms. HARMAN. Mr. Speaker, I rise in strong support of H.R. 670, which restores, after 8 long years, the family planning activities of title X of the Public Health Services Act and codifies President Clinton's reversal of the odious gag rule.

As a mother of four, I know personally the value of family planning and pregnancy counseling. I made the decision to bear my children—in loving consultation with my spouse, and fully aware of my options concerning adoption, foster care, and pregnancy termination. No court or government told me what to do with my body, and so it should be—and must be—for all women in America.

Two of my four children are daughters, both still minors. As their mother, I am deeply committed to making certain they use good judgment about any sexual encounters and make certain to avoid health risks and unwanted pregnancies. No question that the best way to reduce abortion is to eliminate unwanted pregnancies.

The harder question is whether my daughters should be required to notify me in the event they choose to terminate a pregnancy. Under recent Supreme Court decisions, they need not notify me about preventing pregnancies through contraception, or seeking services related to general or reproductive health. This is a tough issue for mothers and many others, and a small number of States require parental notification or consent. California does not, and California's law, in many respects, is a model for the Nation.

I am content to leave this difficult issue of notification to the States, and hence support the language in the bill. I strongly oppose the Bliley amendment which would impose a new Federal mandate and regulations to stifle the States. This is a heavy-handed approach to a sensitive and private issue and I urge my colleagues to reject it.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appear to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 8, as follows:

[Roll No. 106]

AYES—179

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Flake
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
McNulty
Mica
Michel
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker

Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOES—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Wynn
Yates
Zeliff

NOT VOTING—8

Dreier
Ford (TN)
Henry
Pickle
Quillen
Sharp
Stark
Woolsey

□ 1335

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Pickle against.

Mr. HOKE changed his vote from "aye" to "no."

Mr. de la GARZA, Mr. KIM, Ms. DUNN, Mr. COSTELLO, and Mr. TAUZIN changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 149, not voting 8, as follows:

[Roll No. 107]

AYES—273

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (TX)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—149

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Emerson
Everett
Ewing
Fields (TX)
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hall (OH)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manzullo
McCandless
McCollum
McCrery
McKeon
Mica
Michel
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quinn
Rahall
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Dreier
Ford (TN)
Henry
Lehman
Pickle
Quillen
Sharp
Torres

□ 1353

The Clerk announced the following pair:

On this vote:

Mr. Pickle for, with Mr. Quillen against.

Mr. CLINGER and Mr. OBERSTAR changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PICKETT). Without objection, a motion to reconsider is laid on the table.

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, I would just like to say to my friends on the other side of the Chamber that we do not want to call a lot more votes today. I know everybody is anxious to go home, but I hope they will talk to their friends on the Rules Committee and ask for a modicum of fairness for the Republicans in the minority.

I think that it is important that the message be sent clear that we do not want to be obstructionists. All we want is fairness. If you bring a rule to the floor that will allow us even 10 or 15 minutes, you can vote us down, that is fine. We just want our day in court. So I hope the Rules Committee will at least think about this.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I move to reconsider the vote by which the bill was passed.

MOTION OFFERED BY MRS. UNSOELD

Mrs. UNSOELD. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington [Mrs. UNSOELD] to lay on the table the motion to reconsider offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 142, not voting 14, as follows:

[Roll No. 108]

AYES—274

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff

NOES—142

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Emerson
Ewing
Fawell
Fields (TX)
Fish
Franks (NJ)
Gallegly
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kyl
Levy
Lewis (CA)
Lewis (FL)
Linder
Lipinski
Livingston
Manzullo
McCandless
McCollum
McCrery
McKeon
Meyers
Mica
Michel
Miller (FL)
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Poshard
Pryce (OH)
Quinn
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—14

Berman
Brown (CA)
Calvert
Clyburn
Dreier
Everett
Ford (TN)
Henry
Lightfoot
Murphy
Pickle
Quillen
Sharp
Washington

☐ 1414

Mr. KREIDLER and Mr. RIDGE changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business for rollcall vote No. 107. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 107, "aye" on final passage of H.R. 670, the Family Planning Amendments Act of 1993.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during rollcall vote No. 106. Had I been present, I would have voted, "no" on the motion to recommit.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 670, the bill just passed.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 670, FAMILY PLANNING AMENDMENTS ACT OF 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 670, the Clerk of the

House be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EDUCATION AND SHARING DAY, USA

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 150) designating April 2, 1993, as "Education and Sharing Day, USA," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I do not object, and we would like to inform the House that the minority has no objection to this legislation. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 150

Whereas the Congress recognizes that ethical teachings and values have played a prominent role in the foundation of civilization and in the history of our great Nation;

Whereas President William J. Clinton has indicated that ethical considerations will inform all of the decisions of his Administration;

Whereas ethical teachings and values have formed the cornerstone of society since the dawn of civilization and found expression in the Seven Noahide Laws;

Whereas sharing and education represent two pillars of these Laws and of ethical conduct;

Whereas Rabbi Menachem Mendel Schneerson, the leader of the Lubavitch movement, is revered worldwide for the contributions he has made to education and sharing;

Whereas the 2,000 educational, social, and rehabilitative institutions administered by Lubavitch advance these ideals for the millions of people whom they serve each year;

Whereas Rabbi Menachem Mendel Schneerson has interpreted the miraculous events of our times, the increasing vitality of these ideals for the furtherance of human understanding and betterment;

Whereas the extraordinary life and work of Rabbi Menachem Mendel Schneerson have long been acknowledged by the Congress through the enactment of Joint Resolutions designating his birthday in each of the last 15 years as "Education Day, U.S.A.";

Whereas the Lubavicher Rebbe's 91st birthday falls on April 2, 1993;

Whereas in tribute to this esteemed spiritual leader, the Lubavicher Rebbe's birthday will be designated as "Education and Sharing Day, U.S.A."; and

Whereas such designation will signal a renewal of our Nation's commitment to greater acts of charity, to an enriched emphasis on education, and to the furtherance of ethical teachings and values in the affairs of government and in the lives of our citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 2, 1993, the birthday, and the culmination of the celebration of the 90th birthday year, of Rabbi Menachem Mendel Schneerson, leader of the worldwide Lubavitch movement, is designated as "Education and Sharing Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and actitivties.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 64. Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 64) concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 433. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair announces, on behalf of the majority leader, the appointment of Mr. Ralph Everett of Virginia, to the Congressional Award Board.

The message also announced that pursuant to Public Law 94–118, the Chair, on behalf of the President pro tempore, appoints Mr. MURKOWSKI, to the Japan-United States Friendship Commission.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1994

Mr. SABO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would just like to say to my good friend, the gentleman from Minnesota [Mr. SABO], the chairman of the Committee on the Budget, that we have had a series of votes today protesting what we consider to be mistreatment by the Committee on Rules. Mr. Speaker, I will not object to this, but I hope that the gentleman, as one of the leaders of his party, would implore the Committee on Rules to allow us to bring some amendments to the floor. They do not have to give us an hour, but just 5 minutes on each side, so we can at least let the American people know how we feel on certain issues. If the gentleman would do that, I would certainly appreciate it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KASICH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to House Concurrent Resolution 64 be instructed to agree to the highest level of deficit reduction, the lowest levels of budget outlays, and the lowest level of revenues within the scope of the conference without resorting to higher taxes on Social Security beneficiaries.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

□ 1420

Mr. KASICH. Mr. Speaker, I yield myself 2 minutes.

I do not want to really get into a rhetorical battle here myself. I am sure we are going to have a lot of rhetoric. I really want to keep it simple so Members understand what we are trying to do.

This motion to instruct conferees is very basic. What we are saying is that we want the tax that is levied under the Clinton plan to tax senior citizens to be eliminated and to be replaced with spending cuts.

In a nutshell, when Members come to the floor to cast a vote on a motion to instruct conferees, if they are in favor of the Clinton plan as presently constituted that levies a tax on our senior citizens, then they have to vote against the motion to instruct. If they think we ought to cut spending first and tax later, then their vote in favor of the motion to instruct should be "yes."

In a nutshell, this is the first time the House has had an ability, the full House has had an ability to vote on an amendment that says that we should cut spending first, tax people second or, under our feeling, not tax them at all.

But if my colleagues are for less levels of taxation in the Clinton plan, if they think that the senior citizens should not be paying those taxes as levied under the Clinton plan, then they want to vote with the motion to instruct conferees to cut spending first and to eliminate the taxes on senior citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

I am not going to oppose the resolution. Like all motions to instruct, there are motions to instruct to varying degrees. We can comply with them.

I would tell the gentleman from Ohio that there are certain contradictions in the resolution in terms of maximizing deficit reduction, adopting lowest levels of budget outlay and lowest levels of revenues.

Frankly, I intend to pursue aggressively the House budget resolution. We do have the lowest level of budget outlays of the two budgets. We do have the lowest level of revenues of the two budgets, and we intend to pursue that.

Frankly, the Senate has a somewhat higher level of deficit reduction because they have more revenues than we do. And frankly, we will be concentrating on defending the House position of lower revenues and lower outlays in comparison to the Senate budget resolution.

We will aggressively pursue that, Mr. Speaker, but let me speak a moment to the question of Social Security taxation, because clearly that will be a subject of controversy as we go through reconciliation and writing of the tax bills.

I think it is time that we speak honestly to a very fundamental issue we face in this country. Let me say, very bluntly, that I understand no justification why an elderly couple with income of $40,000 to $50,000 should pay significantly less income taxes than a working couple with similar income. And that working couple, in addition to paying significantly higher income taxes, today is also paying a significant payroll tax, including Medicare taxes, which a retired couple is not paying.

The difference is dramatic, and I make no apologies for support of that position.

I started in politics many years ago. When I started, if one spoke of elderly and poor, they were virtually synonymous. In 1993, that is no longer the case, no longer the case.

There are today, however, still millions of elderly, particularly elderly widows, who are poor or very near poor or living marginally. I, for one, have always opposed limiting their Social Security COLA's because I thought that was unfair and changed their place in life.

But the stereotype that we had years ago, when I first went to office, of elderly and poor being synonymous is no longer the case. We have to learn, if we are going to deal with our deficit, equity within the Tax Code between retirees and working people, when we come to health care reform, we also need to be able to deal with that dissension. And when we come to the question of whether we change the Tax Code, as it relates to the elderly, we are fundamentally facing the equity between couples who have retirement income and couples who are working.

Even with the changes, because of other provisions of the Tax Code, the working couple will still be paying significantly more in taxes. It would simply provide some greater equity than what occurs in the Tax Code today.

I make no apologies for it. I think what is proposed by the President is fair. I think what is assumed in our budget resolution is fair, and I think what this Congress will eventually do is fair.

I must say to my friends on the other side, I think they fundamentally agree with that. Unfortunately, one of the things we could not agree to was an amendment by the gentleman from North Carolina [Mr. MCMILLAN] to vary the premium for part B of Medicare for incomes over $100,000. Our assumption is that that will be dealt with in health care reform.

We thought there was equity in that proposal. And frankly, what we are suggesting in the Tax Code is relative equity between working and retired couples and working and retired singles.

I, frankly, for one, make no apologies for it. I think it is time that we deal with the issue directly and honestly. But as it relates to the thrust of the instructions, I will not oppose. Some we will be able to comply with; some we cannot.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I basically disagree. I do not think that the President's tax proposal is fair.

I rise in support of the motion to instruct. Unfortunately, this motion is the only way that the Members of this body can be given an opportunity to cast a vote directly on the most unfair provision in the entire Clinton proposal—the increase in taxes on Social Security recipients.

When the budget was considered in this body last week, we were not given an opportunity to vote on the Social Security tax. Our hands were tied. The Budget was considered under a gag rule which prevented us from considering any amendments of this nature.

But this motion gives each of us an opportunity to vote and speak out for basic fairness for Social Security recipients.

I do not like the President's tax package. I don't believe raising taxes is the answer. I think the energy tax is bad policy—counterproductive policy. The waterway user fee increase is definitely bad policy.

But one of the tax proposals in the President's proposal stands out above all the others when it comes to unfairness and dishonesty. And that is the President's proposal to raise from 50 to 85 percent, the portion of Social Security benefits that is taxable.

We are not talking about wealthy people here. We are talking about individuals with incomes over $25,000—couples over $32,000.

We are talking about people who managed to scrimp and save and put enough money away for his or her retirement years to have a modest income. It is a retirement planning penalty.

Some people have criticized the President's tax plan because it breaks his promise not to raise taxes on middle class America. Generally they point to the energy tax—the Btu tax—as the culprit, because that tax is passed on to every consumer and every homeowner in the country.

But the proposal to raise taxes on Social Security benefits is the real broken promise.

The administration fudged their numbers enough to be able to say that

70 percent of the increased tax burden would fall on people with incomes over $100,000.

But 70 percent of the increased revenue from the Social Security tax increase falls on people with incomes well under $100,000.

The President's tax plan singled out millionaries—people with incomes over $250,000—for that special 10-percent tax surcharge. But the Social Security tax increase does exactly the same for many people with incomes between $25,000 and 32,000. Many of these middle-class, retired folks will be hit with tax increases over 10 percent.

They're not millionaires. They aren't even wealthy by most standards. But many Social Security recipients will be hit with 10- 11- 12- even 13-percent increases in their overall tax liability because of this proposal.

That is a crime. But it gets worse.

Over and above the outrageous inequity of this kind of tax increase for the elderly, there is another big problem with the Social Security tax increase.

Not only does it penalize savings and investment, it also breaks a sacred promise to Social Security recipients.

When the tax on Social Security benefits was enacted in 1983, the revenues were directed to the Social Security trust fund to ensure its future solvency. That was the purpose of the tax—to keep the Social Security trust fund strong.

The administration's proposal does not do that. The President's proposal would divert the additional revenues to other measures. We are talking about an outright raid on the Social Security trust fund.

The President's proposal to increase taxes on Social Security benefits is an outrageous breach of faith to Social Security and senior citizens.

Mr. Speaker, colleagues, the Social Security tax increase is not only bad policy, it is a broken promise and breach of faith.

We did not get an up or down vote on it last week. We have the opportunity to that right now. I urge you to search your soul and your conscience and do what is right—support this motion to instruct.

□ 1430

Mr. SABO. Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. HERGER], a member of the committee.

Mr. HERGER. Mr. Speaker, I rise in strong support of the motion, and in opposition to raising taxes on senior citizens' Social Security benefits.

For years, we have heard the misleading rhetoric from our Democratic colleagues that Republicans were supposedly hostile to Social Security. This has never been the case, and today we Republicans are standing up to defend the Social Security system. We are saying it is wrong to tax 85 percent of a senior citizens' Social Security recipient's benefits simply because that person worked hard all his life and saved for his or her retirement.

Who is going to bear the brunt of this $32 billion tax increase? People with incomes as low as $28,000. Mr. Speaker, these are not fat cat millionaires. They are the people who have played by the rules—and have saved some money for their retirement.

What President Clinton and the Democrats are trying to do is penalize people who did what our Government expected them to do. We are hurting those who planned to supplement their Social Security benefits with savings or investments. We are treating these seniors like cash cows, to be milked to feed the growth of a runaway Government bureaucracy.

Is this the new Clinton fairness? Has the Congress decided that anyone making over $28,000 is now rich? Is the administration so out of touch that they have forgotten senior citizens often must pay for medication and other expenses that are frequently a part of growing older?

I hope not. Mr. Speaker, one way we can show that we are not out of touch is to support the gentleman from Ohio's motion to instruct the conferees to drop the punitive Social Security tax increase on senior citizens living on fixed incomes.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listen to the Republican rhetoric in utter amazement. We just voted on their budget resolution, their budget amendment. They today say we should not change anything that relates to taxes on the income for couples with incomes of $40,000 to $50,000 to make them more comparable to working couples, couples who are still working.

In their budget proposal, however, they had a $19 billion benefit cut on Medicare for elderly sick people, to increase their deductible for home health services and laboratory services. The Republican philosophy appears to be if one is elderly, if one is sick, and if one is poor, we will ask you to pay more, but if we ask on the ability to pay on income in comparison of taxes between an elderly couple and a working couple, to try to get some equity there, that is wrong. I do not understand that.

Clearly they would have preferred not this tax proposal, but they would have preferred $19 billion more for the elderly poor or sick, to increase their copayment. That does not make sense to me.

Let me speak to one other issue. Nothing is being taken away from the trust fund for retirement and disabled people. The additional revenues, however, do go under the President's current proposal to the hospital insurance fund, the Medicare fund, the fund with the most funding problems in the immediate future.

I am not sure the opposite side of the aisle is suggesting we let Medicare go bankrupt, that we should not deal with the funding problems that come there in the next 4 or 5 years. It seems to me an appropriate place for the additional revenues to go.

Let us be clear on the facts. Republicans want the poor, the elderly poor, to pay more deductibles. However, when we start speaking of the relative equity between working couples or working singles and retired singles, they say no.

I hear about asset accumulation. I also recall their amendment, one of the changes we had related to student loans, to exclude home and farm values in computing eligibility for student aid. They want to take that savings incentive away. There seems to be no consistency.

Despite my disagreement with this portion of the motion to instruct, Mr. Speaker, I still intend to vote for it because there are a couple of things in there that I think we will be able to comply with.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me say off the bat, in response to the point that the chairman just raised, that first of all the Democrat plan, when we include the Medicare changes and the Social Security taxes, affects senior citizens by $85 billion. The Republican impact on Medicare is $73 billion. Right off the bat the Democrats are hitting the senior citizens by $12 billion more just in those categories.

What the Republicans have done, and have been the leaders on, is saying that Medicare part B ought to be means-tested, $100,000, which has been consistently rejected in the Committee on the Budget by the Democrats.

We are the first party to say that Medicare part A, that the deductible for people over $100,000 ought to be raised. The issue of copayments is one that I believe Mrs. Clinton will even address, because all Americans know that copayments are an essential part of having people involved in deciding what they should do on health care issues.

The simple fact of the matter is, the proposals that the Republicans have made here, the reason why some people have voted against them is because they are concerned about the complaints from rich senior citizens who have assets over $1 million and retirement incomes in excess of $100,000.

□ 1440

Furthermore, the Republican plan does not tax energy. We are not going to also tax senior citizens when they drive their cars. And furthermore, any of the revenues that we raise are used to reduce the deficit. Any of the means testing that we use is to reduce the deficit, not to pass out money in community development block grants to parking garages on beaches and to have white water rafting teams to prepare for the 1996 Olympics, or any of this other investment spending which, as Members all now, one man's investment is another person's pork.

We do not want to tax people. We want to cut spending first and raise taxes later.

Mr. Speaker, I yield 3½ minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Speaker, I thank the gentleman for yielding the time and I rise in support of the motion to instruct conferees.

I would like to respond to the chairman of the committee. There is a decided difference in asking senior citizens above a certain level of income, to raise the premium to a very reasonable amount on how they share and benefit in that program, and raising taxes on Social Security benefits here across the board, the proceeds of which are not going to be used to reduce health care costs, but for any other purpose which you all choose to devote them to. I think those watching should make a clear distinction.

With respect to the issue of copayments, I can guarantee that copayments are going to be a part of the health care reform proposal that is going to be proposed by your administration, and they should be, because people ought to be a part of the decisionmaking stream with respect to their health care. We may want to have some adjustment in there for low-income people that cannot afford to pay it, and that is perfectly OK. But copayments have been a part of the Medicare system since its beginning.

The only proposals we made were to include some things under copayments, that for some mysterious reason, have not in the past, been included under the copayments provision. So I think the public needs to understand what is at issue here.

But raising taxes on the backs of low- and average-income senior citizens is only part of the problem with the Clinton/congressional Democratic budget. Their bill raises net taxes by $267 billion while reducing net spending by only $160 billion, mostly out of defense, over the next 5 years.

Americans are prepared to sacrifice, if they believe their sacrifice will pay off in a balanced budget and a growing economy, and if they believe Congress has cut all possible spending first.

The Republican alternative did that. We proposed $38 billion in real spending cuts in the first year and $430 billion over 5 years with no new taxes.

The Clinton/congressional Democratic plan raises taxes by $28 billion in the first year while only cutting spending by $6 billion, again, mostly in defense. This does not count the additional $16 billion in additional emergency spending in the so-called stimulus package, which will only stimulate the deficit, pork-barrel spending, and future inflation.

This Clinton/congressional Democratic budget uses up all of the tax options out there; three times the amount of taxes adopted in the 1990 budget agreement that caused so much political turmoil. And this budget still fails where the 1990 agreement failed, and that is not getting control of the runaway costs in entitlements.

This is not the end; in a few months, we will have a health care reform proposal that, if not done right, could cost twice the amount of taxes proposed in this budget or $60 to $80 billion more per year.

My colleagues, vote to support this motion and let us recommit to live up to the expectations of the American people who are willing to sacrifice their pet interests in the national interest for a balanced budget.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I think we have to recognize this for really what it is. It really does not have a lot to do with the budget, and people who have been watching television for the last few nights have seen the talk shows where you have seen things held up where that this stimulus package is going to build golf courses and all of these things, and when you scrub it, it is not in there. It is just absolutely garbage that is being put out, misinformation.

And let us take this for what it is. This is looking to the next election 2 years from now where the pollsters and everybody are always saying if you do this you are going to have an issue on how the Democrats are attacking Social Security recipients.

If Members want to go back a few years to the first Reagan budget that ever came to this floor, and it is over 12 years ago, it was Republicans that offered the $125, to cut $125 for the oldest, sickest Social Security recipients in this country. David Stockman offered it, and you did not even have the guts to vote for that budget.

Now let us accept this for what it is. It is political rhetoric, and it is what you are going to see in the campaigning in 2 years from now.

I will put my record of supporting senior citizens, and veterans, and handicapped, and people who are deserving against anybody's in this House. And under your budget, I say to the gentleman from Ohio [Mr. KASICH], you had an attack on the WIC Program which everybody tells us is one of the best programs in the country. So let us accept this for what it is. It is rhetoric, and it is what we are going to see in commercials 2 years from now. It has nothing, absolutely nothing to do with what we are considering here today or we are going to be considering in the conference report.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], and I hope that the gentleman from North Carolina will listen to the correct explanation of what we did with the WIC Program.

Mr. KOLBE. Mr. Speaker, the heart of this thing is the Social Security tax. And I just listened to the gentleman from North Carolina talk about the WIC Program. We are not talking now about the stimulus, but the WIC Program is in the budget, and let me make it very clear.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I really do not have the time on my time. If the gentleman will give me another minute, I will yield.

Mr. HEFNER. Mr. Speaker, I did not bring up the stimulus package. The gentleman from Ohio raised the stimulus package, and talked about whitewater rafting. I did not raise the stimulus package. But I raised it in response to what the gentleman from Ohio said.

Mr. KOLBE. I appreciate what the gentleman has said. Reclaiming my time, I will ask for 1 more minute from the chairman of the committee, if I might, when I finish here in a minute.

Mr. SABO. Mr. Speaker, I yield 1 additional minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman very much for the time.

Mr. Speaker, on the question of the WIC Program, let me make it very clear that we cut several billion dollars out of that program, but we cut it out of the administrative costs, and the administrative costs only. The Congressional Budget Office has scored it as saying this would have no impact, no negative impact on the delivery of services to those people who receive the food and nutrition programs.

And while in all of the food and nutrition programs about 5 percent of it goes to the WIC Program, we would put a floor of 12 percent of all of those nutrition programs for the WIC Program, so that is at least two times as much that would be spent on WIC as currently is being spent.

Let me get back to the issue that we are talking about here, which is the motion to instruct. The heart of this, as I said, is the Social Security tax.

Yes; we want a lower level of spending. Yes; we want the lowest level of revenues possible. But the real question we are debating here today is this tax on senior citizens, on benefits paid, Social Security benefits that are paid, is that equitable?

The chairman of the committee has said that it is really fair to tax them a little bit more because working people are paying it. But what this fails to recognize is that we are really taxing savings. We are really taxing retirement income, as my colleague from Kentucky pointed out. What you are really saying in this, to the working person, is do not bother to save your money now because you are going to get taxed on that when you retire. Not only are you paying taxes now to pay for Social Security benefits for others, but then when you start receiving them, you are going to get taxed again on those.

So we are actually discouraging savings, and we are encouraging people to try to reduce their incomes when they are elderly and live only on their Social Security benefits. Nothing, nothing could be worse in terms of the savings rates that we have in this country and encouraging people to save when we say we are going to tax your Social Security benefits more if you save more and you have a larger income.

□ 1450

That is really what this is about, and that is why I think my colleague, the gentleman from Kentucky, is absolutely right to say that this is the real broken promise in the President's budget. This is the real broken promise.

We have in the past never, never taken the taxes that have gone to Social Security that have been paid on taxes on Social Security benefits and put those in anything but the Social Security trust fund.

The chairman is right. We are not taking anything away from it that is there now. But once you break the pledge, it is very easy to start to say, "Well, let us take a little bit more for the HI fund, the health insurance fund, because we need the dollars, because that is going bankrupt." We open that door when we do this, and I say to the senior citizens whom we made that commitment to in 1983 before I was here, I say that this is not the time to do it. We should adopt and we should vote for the Kasich motion to instruct.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOBSON], a member of the Committee on the Budget and the Committee on Appropriations.

Mr. HOBSON. Mr. Speaker, as a member of the House Budget Committee, I am pleased that we have this opportunity to draw attention to the priorities outlined in the President's tax plan.

The President's plan would increase the percentage of Social Security benefits that are taxed. For individuals whose income and benefits exceed $25,000, they will pay taxes on 85 percent of their benefits, 35 percent more than what is taxed now.

I agree that cutting the deficit requires sacrifice, but I believe that the burden must be shared equally among all Americans rather than targeting a single group, like older Americans.

These are people who have worked all of their lives and who we have encouraged to save, and now what we are going to do is hit them right between the eyes when they have no ability to recover. This is going to be devastating.

The Republicans on the House Budget Committee offered an alternative budget resolution that achieves serious deficit reduction, $68 billion more than the President's plan, without raising taxes or tinkering with Social Security.

Tax increases proposed in the Senate budget resolution exceed the increases in the House version. This motion instructs the conferees to choose the lesser of the two tax increases, and suggests that this can be achieved by eliminating the President's new Social Security tax.

Mr. Speaker, I urge support of this motion, because it is right. It is right for those seniors. We cannot increase the burden on these seniors who do not have the ability to make up this income.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I urge my colleagues to support the motion to instruct, to address the Social Security tax issue.

In my district in Florida, which is one of the oldest districts in the Nation as far as average age, Social Security is a very, very important issue to us.

I believe Social Security should be off limits. We should not touch Social Security. Let us leave Social Security alone by itself.

My constituents are telling us, "DAN, we are willing to contribute. We are willing to make some sacrifices. But, first, we have to make sure the cuts are there. Let us get rid of all the wasteful spending, the pork barrel spending. Let us get a lean, mean government before we go after the taxes. The other thing is let us be fair. Let us share the burden."

Why are we going to hit the Social Security people? This is not a nickel-or-dime tax to Social Security recipients. We are talking about a tax of $500 or $1,000 a year more. That is a lot of money to someone making $25,000 a year in retirement. These people do not have a chance to go out and get new incomes. They only are limited. They have fixed incomes.

So why tax them more? They are already being hit with a Btu tax. We do not need to say, "Pay more, and pay another $500 or $1,000 a year." It is not fair. It is means testing.

President Clinton said we are not going to tax the middle class. When is $25,000 not middle class?

Instead of cutting and hitting Social Security, let us go after spending.

We offered amendment after amendment to the Democratic proposal. The Davis-Bacon Act would save us $6.2 billion alone.

The pork barrel spending, the Grace Commission listed pages and pages of cuts that needed to be addressed, and they refused to go after them.

Before we tax our senior citizens, please, let us go after spending cuts first. Let us instruct the conferees to not tax our senior citizens.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SHAW], a member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I rise in support of the Kasich motion.

The Kasich motion is a simple one—it instructs conferees to reduce the deficit wherever possible through spending cuts, and not higher taxes on Social Security benefits.

I strongly oppose the President's proposed tax increase on Social Security benefits, which was first termed a "spending cut."

But I also want to make sure that Members know that under current law taxes on seniors' benefits have been rising every year since 1984. They will continue to do so whether or not we approve the higher rates the President has proposed, because the thresholds above which this tax is applied have never been indexed for inflation.

In 1984, the first year seniors paid taxes on benefits, 8 percent of beneficiaries were liable. Now that number has almost tripled, so that in 1993 a full 23 percent of seniors will pay some taxes on benefits. As the President admits in his budget, by 1998 a full 30 percent of so-called wealthy beneficiaries will pay taxes on benefits.

Now I suppose some may think that this means that more and more seniors are rich. Think again—all it means is that more and more seniors who planned for their retirement are paying taxes on benefits.

This Carteresque bracket creep is just a hidden tax increase, and it should be eliminated. Requiring seniors affected by it to pay even more in taxes simply adds to the unfairness of the current situation. I plan to offer legislation that would eliminate this bracket creep, but for now the House should at least be on record opposing higher taxes on benefits.

Mr. Speaker, I urge Members to support the Kasich motion. Let us get this deficit down by cutting spending, not by punishing seniors who saved for their retirement.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the motion made by the gentleman from Ohio [Mr. KASICH].

Very simply, the motion calls on the members of the conference committee from the House of Representatives to insist on the maximum amount of deficit reduction through spending cuts without raising taxes on Social Security benefits. It is in line with the effort in the other body yesterday of Senator TRENT LOTT of Mississippi who offered an amendment to the budget resolution to strike the Social Security tax increases and achieve the same budget savings through spending cuts.

Mr. Speaker, since I was first elected, I have noted our problem is not that we are taxed too little, but that we are spending too much. So I am very concerned that the budget resolution, which is about to go to conference, continues the failed policies of past Congresses that seem so addicted to raising taxes rather than cutting spending.

I cannot understand how we can justify going back on the commitment we made in 1983 when we restructured Social Security to put it back on a sound financial footing. We cannot balance the budget on the backs of our Nation's senior citizens, and we cannot raise taxes on Social Security in order to pay for new spending.

As my colleague, the gentleman from Arizona [Mr. KOLBE] pointed out, this is a tax on savings. That is unfair, and it is bad public policy.

Mr. Speaker, I have heard from many of my constituents in Arizona demanding that the Congress cut spending first. I believe they are exactly right. Some of my constituents have also said they are willing to do their share to cut the deficit, Mr. Speaker, but none of them can understand having a tax levied on benefits for which they worked all of their lives just to finance more spending.

The motion offered by the gentleman from Ohio is very reasonable. It simply calls on the conferees from the House to reject the myth that the budget resolution must include Social Security tax increases in order to reduce the deficit.

Vote aye for deficit reduction without taxing our seniors.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

Mr. COX. Mr. Speaker, I thank the gentleman from Ohio, the distinguished ranking member of our committee, for yielding me this time.

Mr. Speaker, let us for a moment return to the big picture. The Democratic budget and the Clinton budget proposed the largest tax increase in American history.

The Republican budget contains real spending cuts without these tax increases. What we are asking you to do today is to vote to instruct our conferees to get rid of the most noxious of all of the tax increases. We oppose the tax increases, period; you support the tax increases across the board. We are trying right now to get rid of the most offensive of all of these tax increases, and that is the 70-percent, and that is what it works out to, the 70-percent tax increase on senior citizens who receive Social Security.

□ 1500

Now, I have heard the chairman say, this is the thrust of the Democratic argument, that it is fair to raise income taxes on wealthy Social Security recipients, and I have heard the chairman say his idea of wealthy is a working elderly couple making $40,000 a year.

I disagree, first, that that is fair and, second, that such people are wealthy.

But more than that, it does not stop there. We are not talking about working elderly couples who make $40,000, and that is the bottom; this goes all the way down to an elderly couple that is so poor that both of them must work and neither of them has an income of more than $16,000 a year.

Mr. Speaker, this is not wealthy, this is not wealthy at all. We ought to cut spending. But the taxes that you are seeking to raise here are only one-seventh of the new spending proposed in the Clinton budget.

In committee we offered an amendment to get rid of these increased taxes and to pay for it by eliminating the new Clinton spending.

It was defeated on a party-line vote.

We have already spent in just recent days one-half of these new taxes that will be raised from poor- and middle-class seniors on what we call a dire emergency supplemental that was loaded with pork.

President Clinton promised not to tax the middle class. Now the Democrats are offering a 70-percent tax increase on those near poverty. An elderly couple, with both spouses working, neither making more than $16,000 a year, is not wealthy. These people are hard working, salt of the earth, poor Americans.

Their incomes are one-eighth of yours.

Mr. Speaker, these people would be made desperate by this punitive, confiscatory, and unfair new tax. Tax the wealthy? My God, will no one here tell the truth?

Let us stop this 70-percent tax increase on elderly working poor Americans.

Vote "yes" on the motion to instruct.

Mr. Speaker, the chairman will try to tell us that working senior citizens do not get Social Security benefits. But of course, they can, and do, and should. These are people whom the Democrats are taxing. At least, in their favor, we can see that they seem not to understand what they are doing. Unfortunately, the working seniors who must pay the taxes will.

As for the size of the tax increase, the current portion of Social Security benefits subject to tax is 50 percent. The Democrats will now subject 85 percent of Social Security benefits to full taxation. That, Mr. Speaker, is a 70-percent increase. If the Democrats can't add, well—go figure.

Mr. SABO. Mr. Speaker, I yield myself such time as I may use.

Let me make a few comments. I have to tell the last gentleman who spoke he has some new math. I am not quite sure where it comes from. Frankly, if you have an elderly couple, both making $16,000, they are not collecting Social Security. So this law does not apply.

Where you can come up with a 70-percent increase is beyond my comprehension.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from California.

Mr. COX. I thank the gentleman for yielding.

Mr. SABO. That is what the gentleman said.

Mr. COX. The tax, does it not, begins at a joint income of $32,000?

Mr. SABO. If they are both working, getting $16,000, they are not eligible for Social Security. So therefore they have no Social Security benefits.

Mr. COX. Retirement income?

Mr. SABO. Not Social Security.

Mr. COX. Retirement income?

Mr. SABO. That would not be impacted by this change. Retirement income is subject to normal tax laws currently. This proposal would make Social Security tax similar to other retirement benefits, but if this couple were working with $16,000 of income each, they would not be collecting Social Security. This would have no impact on them. This is not a 70-percent increase.

Let me just——

Mr. COX. Would the chairman disagree that the tax applies to joint incomes of $32,000?

Mr. SABO. Frankly, it would not impact a couple with $32,000 income even if it were all retirement benefits and they were not working. So clearly if they were both working, it would not apply.

Mr. COX. The chairman would agree the tax kicks in at a joint income of $32,000 a year?

Mr. SABO. No, it would not apply, because it is phased in at $32,000. It would not be phased in yet.

Actually, for a couple close to $40,000 of retirement benefits and not earned income before it applies; so the gentleman's numbers are all mixed up.

Mr. COX. If the gentleman——

Mr. SABO. Reclaiming my time, reclaiming my time, it is not a 70-percent increase.

Let me just make a couple of points again.

Again, I am going to vote for the resolution because I intend to work for the lowest level of budget outlays and the lowest level of revenues in conference, which are in the House budget resolution.

Let me get back to that point. I will agree, that I will hit 50 percent of the gentleman's instructions, which is not bad, it is better than the gentleman from Ohio [Mr. KASICH] hit.

But let me just put this in perspective again.

We had a Republican proposal which wanted to raise $19 billion of increased Medicare dollars simply by changing the deductible for home health services and some laboratory services. That was $19 billion, to come from the elderly, regardless of income, at the point they were sick.

Now they object very strenuously to the type of change that would put a little more parity between people, couples making $40,000 and more, between them and working couples. Let me just use as an example: A couple with a $40,000 income, if they are working, they would pay $4,065 of income taxes. Today that couple would, if they were retired, pay $2,790.

With this change in law, the working couple would still pay $4,065, the retired couple would go to $2,948, an increase of $158, or roughly 5 percent increase. They would still be paying over $1,000 less in income taxes than that working couple who has the same income, plus the working couple would be paying $3,000 in payroll taxes. So the difference for the $40,000 couple, if they are working, elderly or nonelderly, they would be paying over $7,000 in income and payroll taxes; the retired couple would be paying $2,948, or less than half.

It is, the type of change that we are talking about is nothing in the 70-percent category. It is a fundamental shift for some couples to treat them more like the tax law does for other couples for private pensions or Federal pensions, as a matter of fact. It has some equity.

And at the same time, what utterly amazes me is that the Republicans come with an earlier proposal to save not—$19 billion, and this tax change is about $30 billion, but their $19 billion was going to be totally from seniors regardless of income at the point they were sick. Their posturing today amazes me.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. I thank the gentleman for yielding to me.

I just want to ask a question because I am a bit confused, which is how I get from time to time at my age. But I would like to ask a question: The gentleman from California [Mr. COX] said that a couple making $40,000 a year is not rich. And that is true.

Mr. SABO. Absolutely.

Mr. HEFNER. If they are working, they are not drawing Social Security, are they?

Mr. SABO. That is right.

Mr. HEFNER. So a working couple making $40,000 are not drawing a Social Security check, am I right?

Mr. SABO. Absolutely, and would not be impacted by this type of change.

Mr. HEFNER. All right. I just wanted that for my own clarification.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. KASICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I rise in strong support of the Kasich motion to instruct.

Mr. Speaker, I rise in strong support of the Kasich motion to instruct.

Out of the largest tax increase in American history, Congress should be able to avoid hitting the elderly with higher taxes on their Social Security benefits. Out of an across-the-board tax increase that broadsides anyone making as little as $30,000, anyone who drives a car or heats a home, we should be able to avoid a 70-percent tax increase on some Social Security benefits. Out of $270 billion in new taxes on American people, we should be able to be fairer than taking $30 billion from the Nation's elderly.

How unfair is it? Well, seniors receiving just $28,000 in benefits would pay a higher percentage in taxes than a couple in their 40's making $90,000. Maybe this doesn't appear unfair to an administration which counts the rent value of a home in order to artificially inflate people's income. And even if it does, don't expect the administration to admit it, anymore than they were willing to admit this is even a tax increase. My colleagues will recall, that Mr. Clinton counts the Social Security taxes as part of his spending cuts.

Let me propose this simple solution to the conferees: spare seniors an unjustified $30 billion hit by abandoning President Clinton's unnecessary $30 billion pork-ridden stimulus plan. The deficit doesn't need another $30 billion added to it, and America's seniors don't need $30 billion taken from them.

Let us endeavor to insure the highest level of deficit reduction, the highest level of spending cuts, the lowest level of tax increases, and that seniors are not run over in the process. Support the Kasich motion to instruct the conferees.

Mr. KASICH. Mr. Speaker, I yield myself the balance of my time.

I might say to the distinguished chairman that you cannot read half of this language. The last five or six words here, "without resorting to higher taxes on Social Security beneficiaries," what we will be watching in conference is how the House responds to this idea of taxing, now, up to 85 percent of Social Security benefits. We think that should not be done. We think we should cut spending first.

I hope that the chairman will agree to go along with the whole resolution, the whole motion to instruct, because that is what it is.

Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. KASICH].

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KASICH. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 17, as follows:

[Roll No. 109]

YEAS—413

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee

Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—17

Barton
Brooks
DeFazio
Dreier
Fish
Ford (TN)
Gingrich
Henry
Lewis (CA)
Pickle
Quillen
Ridge
Sharp
Smith (OR)
Stark
Washington
Whitten

☐ 1530

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). Without objection, the Chair appoints the following conferees: Messrs. SABO, GEPHARDT, KILDEE, BEILENSON, BERMAN, WISE, BRYANT, STENHOLM, and FRANK of Massachusetts, Ms. SLAUGHTER, Messrs. KASICH, MCMILLAN, KOLBE, and SHAYS, Ms. SNOWE, and Mr. HERGER.

There was no objection.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct conferees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this extended moment to inquire of the distinguished majority leader the program for the next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, business is finished for today. There will not be a session tomorrow. Monday, March 29, the House will meet at 3 o'clock in the afternoon to take up at least four bills on suspension. There might be one or two others.

The House will consider on suspension S. 252, Idaho Land Exchange; S. 164, Custer National Forest; H.R. 239, Stock Raising Homestead Act; and House Resolution 118, Condemning the Release by the Government of Malta of Convicted Terrorist Mohammad Ali Rezaq.

We will try to hold those votes as long as we can so that Members on the West Coast and other faraway places are able to get here. We would anticipate there will not be a vote before 4 o'clock, and we will try to make it 5 o'clock.

On Tuesday, March 30, and the balance of the week, the House will meet at noon on Tuesday, 2 p.m. on Wednesday, and 11 a.m. on Thursday and Friday. On Tuesday we will take up House Resolution 107, the Committee Funding Resolution, 1 hour of debate, and then possible consideration of a debt limit extension, subject to rule, a possible conference report on House Concurrent Resolution 64, the budget resolution, and possible conference report on H.R. 1335, the fiscal year 1993 stimulus and investment supplemental appropriations. There may be a possible motion to go to conference on the so-called motor-voter bill.

Mr. MICHEL. Mr. Speaker, did the gentleman make mention that we would not then convene until 3 o'clock on Monday?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. MICHEL. Mr. Speaker, I have on my sheet two other measures beyond the four suspensions. Are those on the program for sure?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, they have not yet been cleared. Obviously, we will do that. But there are two bills, one with regard to the FBI and another with regard to the NAID Act that we need to clear before they can be added.

Mr. MICHEL. Mr. Speaker, might I inquire regarding the prospects of our ultimately meeting on Friday of next week?

Mr. GEPHARDT. Mr. Speaker, Members should expect the likelihood of meeting on Friday as high, because we are trying to finish the budget and the investment bill and need to have a debt bill finished before we can go away on the district work period over the Easter period.

Mr. MICHEL. Mr. Speaker, one final question having to do with the special order requests. For today are those permissible? Will they be going forward today? As Members may or may not know, the Speaker and the distinguished majority leader and minority leader and several others have gotten together to see if we could not come to some accommodation with respect to how we operate under special orders and 1-minutes. The question was raised earlier in the session. We recognize that there maybe were some problem areas that we wanted to resolve.

Mr. Speaker, we have not come to any firm conclusion there. But in the interval period of time, Members are really somewhat at a loss to know how to proceed.

Is it legitimate to ask these days for special orders? Are they going to be granted?

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I would be happy to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, the distinguished minority leader and all the Members of the House should expect a request for a rollcall vote on adjournment after the announcements.

Mr. MICHEL. Today?

Mr. TAYLOR of Mississippi. Yes, sir.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader, and I have no further requests.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield one moment further, so Members can be assured of what is going to happen on Monday, I wanted to ask the distinguished majority leader if there would be the possibility of procedural votes earlier than 4 o'clock or 5 o'clock, the time we had hoped to hold votes, so Members could get here from the West Coast?

Mr. MICHEL. Mr. Speaker, I would sure hope that would not be the case. Normally our convening time would be 12, and, frankly, we do not even have votes on Monday. But the fact that we have things we have to get done next week before the Easter break here, it was my feeling that if we came in at a later hour and then could give Members the assurance that they are not going to get caught unbeknownst simply because of some Member's feeling at the moment. I would like to think that the minority leader can give the assurance that if we meet at 3 o'clock, that then we hopefully will not have any votes until, as the gentleman indicated, after 4, because of the debate time on the suspensions plus the other two matters.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I would like to inquire of the leadership on both sides, is my understanding from the distinguished gentleman from Mississippi [Mr. TAYLOR] that he is going for adjournment every single legislative day for the foreseeable future. If this is the case, and it seems to have much approval on the other side, then that is the end of 1-minute also. Let us hear applause on that.

□ 1540

And that means that although I do not want to do something precipitous about Monday, I am a Californian, there are 22 of us. There are 32 Californians and Hawaiian and Oregonian and Washington and other Western States that have to go through some of our big cities.

I would say this would be the last Monday that Members will see that kind of courtesy extended to Members. If there is not going to be 1-minutes and special orders, and I have only taken one special order this whole year, so there is not any personal interest, but if we are further limiting the rights to speak of minority Members, along with the tyranny on the Committee on Rules, this will be the last Monday Members will not see votes starting off the day with a Journal vote and an immediate adjournment vote.

What are we doing here? What is this ugliness and rudeness? This is the worst session I have ever seen ever and where is the Speaker, for God's sake? He disappeared a week ago.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The Chair would advise the gentleman from California, the Speaker is in the chair.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I simply want to say to the minority leader that as he knows, we have had a number of conversations that are continuing. We are trading proposals and ideas for how to reasonably deal with special orders that would be an appropriate way for all the Members and that Members could agree to.

We will continue to work as hard and as quickly on that as we can and try to bring back to the membership a set of ideas that we hope can gain support.

REQUEST FOR MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, there being no further legislative business before this body, I move that we adjourn.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has the floor.

Mr. TAYLOR of Mississippi. Mr. Speaker, I withdraw my motion to adjourn.

ADJOURNMENT TO MONDAY, MARCH 29, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST FOR DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PICKLE (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of personal business.

Mr. ZELIFF (at the request of Mr. MICHEL) for today between the hours of 2:30 p.m. and 4 p.m., on account of attending a meeting at the Environmental Protection Agency on Superfund cleanup sites in New Hampshire.

Mr. DOOLITTLE (at the request of Mr. MICHEL) for today and until 12 noon on March 25, on account of attending a funeral.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 43 minutes p.m.) under its previous order, the House adjourned until Monday, March 29, 1993, at 3 p.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1992 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, March 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, enclosed is the calendar year (CY) 1992 report entitled Extraordinary Contractual Actions to Facilitate the National Defense.

Section A, Department of Defense Summary, indicates that 73 contractual actions were approved and that 7 were disapproved. Those approved include actions for which the Government's liability is contingent and can not be estimated.

Section B, Department Summary, presents those actions which were submitted by affected Military Departments/Agencies with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Strategic Defense Initiative Organization, Defense Information Systems Agency, Defense Mapping Agency, and the Defense Nuclear Agency reported no actions, while the Departments of the Army, Navy, and Air Force, and the Defense Logistics Agency provided data regarding actions that were either approved or denied.

Sincerely,

D.O. COOKE,
Director.

Enclosure: As stated.

DEPARTMENT OF DEFENSE

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (Public Law 85–804), Calendar Year 1992

FOREWORD

The Deputy Secretary of Defense (DEPSECDEF) has determined that the national defense will be facilitated by the elimination of the requirement in existing Department of Defense (DoD) contracts for the reporting and recoupment of nonrecurring costs in connection with the sales of military equipment. Accordingly, pursuant to the authority of Public Law 85–804, DEPSECDEF has directed that DoD contracts heretofore entered into be amended or modified to remove these requirements with respect to sales on or after October 7, 1992, except as expressly required by statute.

In accordance with the DEPSECDEF's decision, the Deputy Under Secretary of Defense for Acquisition has directed the Assistant Secretaries of the Army, Navy, and Air Force, and the Directors of the Defense Agencies, to modify or amend contracts that contain a clause that requires the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, through the addition of the following clause:

The requirement of a clause in this contract for the contractor to report and to pay a nonrecurring cost recoupment charge in connection with a sale of defense articles or technology is deleted with respect to sales or binding agreements to sell, that are executed on or after October 7, 1992, except for those sales for which an Act of Congress (see section 21(e) of the Arms Export Control Act) requires the recoupment of nonrecurring costs.

This report reflects no costs with respect to the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, as none have been identified for Calendar Year 1992.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1992

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY–DECEMBER 1992

Department and Type of Action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	73	31,932,671.00	22,437,643.00	7	100,507,592.88
Amendments without consideration	6	31,921,237.00	22,426,209.00	5	26,107,592.88
Correction of mistake	0			1	74,400,000.00
Formalization of informal commitment	1	11,434.00	11,434.00	0	
Contingent liabilities	66			1	
Army, total	26	4,793,237.00	2,581,488.00	1	6,857.00
Amendments without consideration	3	4,793,237.00	[1] 2,581,488.00	1	6,857.00
Contingent liabilities	23			0	
Navy, total	44	9,139,434.00	9,031,434.00	3	100,000,000.00
Amendments without consideration	2	9,128,000.00	[2] 9,020,000.00	2	[3] 25,600,000.00
Correction of mistake	0			1	74,400,000.00
Formalization of informal commitment	1	11,434.00	[4] 11,434.00	0	
Contingent liabilities	41			0	
Air Force, total	3	18,000,000.00	10,824,721.00	2	485,028.00
Amendments without consideration	1	18,000,000.00	10,824,721.00	1	[5] 485,028.00
Contingent liabilities	2			1	
Defense Logistics Agency, total: Amendment without consideration	0			1	15,707.88
Strategic Defense Initiative Organization, total:	0			0	
Defense Information Systems Agency, total:	0			0	
Defense Mapping Agency, total:	0			0	
Defense Nuclear Agency, total:	0			0	

[1] Intes Construction Company requested extraordinary contractual relief in the amount of $4.5 million under Public Law 85–804. The request for relief was approved for $2.5 million. JAYCOR, Inc., requested extraordinary contractual relief in the amount of $293,237 under Public Law 85–804. The request for relief was approved for $81,488.

[2] Cincinnati Gear Company requested extraordinary contractual relief in the amount of $11.69 million under Public Law 85–804. The request for relief was approved for $9 million. The employees and sub-contractors of MIU Construction Company were granted extraordinary contractual relief in the amount of $20,000 after being denied the ordinary Davis-Bacon Act relief due to a Navy accounting error.

[3] Denials involved Tampa Shipyards ($24.7 million) and Oman-Fishbach International ($900,000).

[4] The Bahrain Defense Force Officer's Club was granted extraordinary contractual relief for the payment of subsistence support that was supposed to have been provided as part of a "Host Nation" agreement but was not.

[5] The Contractor, Mekel Engineering, Inc., withdrew its February 27, 1992, application for extraordinary contractual relief under Public Law 85–804 without either approval or denial by the Government.

SECTION B—DEPARTMENT SUMMARY

DEPARTMENT OF THE ARMY

Contractor: Intes Construction Company.

Type of Action: Amendment Without Consideration.

Actual or estimated potential cost: $2,500,000.

Service and activity: United States (U.S.) Army Corps of Engineers.

Description of product or service: Construction of a composite medical facility at Incirlik, Turkey.

Background: On November 10, 1988, the European Division of the U.S. Army Corps of Engineers awarded Contract No. DACA90-89-C-0400 to Intes Insaat San. Ve Tic. A.S. for the construction of a composite medical facility at Incirlik, Turkey, for the firm fixed price of $13,556,157, payable in U.S. dollars.

In September 1990, Intes submitted a request for relief under Public Law 85-804. This request was forwarded to the U.S. Army Corps of Engineers for consideration under DFARS 250.303. The Corps returned the request to the Army Contract Adjustment Board (ACAB) with the required analyses and documentation in February 1992. The Corps recommends granting relief, notwithstanding contrary recommendations by subordinate commands.

After reviewing Intes' request, its testimony before the Board, and the recommendations of the Corps and subordinate commands, the Board has determined that extraordinary contractual relief is warranted under the circumstances.

Statement of facts: For several years prior to the award of this contract, the inflation rate in Turkey exceeded 70 percent. The rate of inflation, however, was matched by changes in the U.S. Dollar/Turkish Lira exchange rate such that contracting in U.S. dollars provided insulation against the effects of inflation. The Contracting Officer followed the standard area practice of making the award in Dollars to take advantage of this stability.

Subsequent to award, the parity between the inflation rate and the currency exchange rate diminished. Inflation increased at a substantially higher rate than the Dollar in relation to the Lira.

Stripped of the insulating effect of the exchange rate, Intes began to experience significant losses due to inflation. The company was forced to borrow increasing amounts of money at varying interest rates exceeding 90 percent. Intes' financial stability was marginal, at best, at the time of award. Because of its increasing debt and the proposed loss on this contract, it is now unable to obtain additional financing for the project. Intes is in danger of being forced into bankruptcy by its creditors.

The hospital will be a chemical/blast protected facility designed to accommodate 235 combat casualties. It is replacing a facility which has been determined to be unsatisfactory by the Air Force Safety and Inspection Center due to multiple, major Life Safety Code violations. It will be the only U.S. military hospital in the Middle East. The current facility is not adequate to meet wartime mission requirements.

Justification: Intes requests Public Law 85-804 relief under the authority set forth in FAR 50.302-1, "Amendments Without Consideration." Paragraph (a) provides that:

When an actual or threatened loss under a defense contract, however caused, will impair the productive ability of a Contractor whose continued performance on any defense contract or whose continued operation as a source of supply is found to be essential to the national defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the contractor's productive ability.

Although Intes has asserted that its continued operation as a source for future procurements is essential to the national defense, we conclude that it is not. The Corps reports that its bidders list for this area includes numerous contractors with similar capabilities.

The question of Intes' continued performance on this contract, however, is a different matter. FAR 50.305(d) provides that when essentiality is an issue and another agency is involved, the agency's advice must be obtained before making the final decision. The Commander, Headquarters TUSLOG (USAFE) noted that "Desert Storm and Desert Shield highlighted an already urgent need at Incirlik for a new hospital with significantly increased capability." We believe the Air Force has established a factual basis for a determination of essentiality. The existing hospital poses a threat to the safety of patients and staff. The new hospital is designed to be operable in an environment with chemical and nuclear contamination. The estimated delay associated with a reprocurement has been estimated from a minimum of

6 months to as long as 18 months or more. We believe this is unacceptable given that Incirlik facility is the only U.S. military hospital in the Middle East.

In its submission of January 17, 1992, Intes requested relief in the amount of $6,796,295. This consisted of about $5 million in immediate cash and $1.5 million to be paid over the remaining period of performance. The Corps District Commander (CDC) has estimated the cost of completion in a reprocurement to be approximately $4 million. The CDC presented this information to Intes and asked them for an absolute bottom line estimate of relief required. Intes responded by noting that it had sold some real property and improved its situation with creditors. Intes also revised its request for relief to reflect only the amount it asserts is necessary to keep its creditors at bay and complete the project without incurring additional losses. Intes requests an immediate payment of $3.25 million for creditors and $1.25 million to complete the project. Total relief requested would therefore be $4.5 million.

The Defense Contract Audit Agency (DCAA) conducted an audit of Intes in support of this request. DCAA estimates that Intes will lose approximately $2.5 million if it completes this contract without relief. In DCAA's opinion, this loss is attributable to Intes underbidding overhead and failing to heed readily available indications of expected changes in the exchange rate. DCAA also asserts that Intes' allocation of interest to this contract is overstated. DCAA does, however, confirm that Intes is heavily laden with debt and consequently is in severe financial difficulty.

The Board is authorized to grant relief to the extent necessary to avoid impairment of the contractor's productive ability. The relief requested by Intes exceeds the amount necessary to avoid impairment of its ability to finish the project and, in any event, the amount that can be prudently granted given the rough yardsticks used to gauge the relief requested.

Intes' financial posture was somewhat precarious prior to the award of the contract. The subsequent decline in its condition appears to be a continuation of an existing trend. The Board is concerned that even if relief is granted, Intes may not be able to complete the effort. Therefore, the Board must fashion relief in a manner that will provide some assurance of payment to Intes' creditors while not unnecessarily risking additional funds.

Decision: The Board concludes that continued performance of this contract is essential to the national defense. Subject to the availability of funds to be obtained by the Corps, an amendment without consideration is hereby authorized under FAR 50.302–1. The Corps is authorized to grant the relief set forth below:

1. Increase the contract amount by $2.5 million, payable only if, and when, the contract is satisfactory completed.
2. Extend the period of performance to December 31, 1992.
3. Eliminate retainage of any portion of progress payments and pay any and all amounts currently retained.

This action will facilitate the national defense.

Contractor: JAYCOR Inc.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $81,488.

Service and activity: Lake City Army Ammunition Plant (LCAAP), Wilmington, Delaware.

Description of product or service: Pension Program.

Background: Due to the sensitivity of the program and the urgency of the need, JAYCOR's participation in this lease was encouraged by Government technical representatives. Neither JAYCOR's representative nor the Government's technical representatives were aware of the limitations on the Government's ability to enter into leases. JAYCOR's representative and the Government technical representatives mistakenly believed that the Government was able to enter into a lease for the same duration as the lease JAYCOR entered into with the building's owner.

JAYCOR signed a full five year lease with the owner, at a rate of $105,000 per year, expecting the Army to sign a full five year lease with it. Procurement regulations prohibited the Army from signing a five year lease. Neither JAYCOR's representative nor the Government's technical representatives were aware of this restriction on lease term until the contracting officer prepared the lease. JAYCOR's lease with the Government provided for one base year with four option years. JAYCOR was, however, obligated for a full five years lease with the owner of the building.

JAYCOR leased the property to the Army for one year with four option years at $113,215 per year. JAYCOR also had a maintenance contract for the property.

The Army exercised the first two option years. The remaining two options were not exercised. JAYCOR remained liable for the remaining two years rent under the terms of its five year lease with the property owner.

On October 17, 1989, JAYCOR filed a request for relief under Public Law 85–804 for the cost of its lease with the building's owner and other related expenses.

JAYCOR alleged that an informal commitment existed between it and the Government. JAYCOR alleged that Government representatives directed it to enter into the five year lease. The Contracting Officer's investigation found no factual support for JAYCOR's allegation that it was directed to enter into the five year lease by Government representatives. However, the investigation concluded that sufficient facts existed to justify relief based upon either Government action, FAR 50.302–1, or residual power, FAR 50.4, but that the case for relief was not overwhelming.

During the Contracting Officer's investigation of the claim, several collateral criminal investigations of JAYCOR were initiated. Because of the unresolved criminal investigations and the contracting officer determination that the equities were relatively equally balanced, JAYCOR's request for equitable relief was denied on August 3, 1990.

JAYCOR continued to seek reconsideration during 1990 and 1991. The criminal investigations proceeded. In 1992, the criminal investigations concluded without finding any wrongdoing by JAYCOR. With the uncertainties arising from the criminal investigations removed, the contracting officer agreed to reconsider JAYCOR's claim.

Justification: The Contracting Officer recommended relief in the amount of $81,488 which was calculated based upon equal shares of the lease costs after JAYCOR's failure to attempt timely mitigation of damages was accounted for. The Contracting Officer based relief upon FAR 50.302–1(b), "Amendments Without Consideration (Government action)." Because the requested relief is over $50,000, the Contracting Officer referred the request to the ACAB.

Decision: By unanimous decision of the Army Contract Adjustment Board, an amendment without consideration is hereby authorized under FAR 50.302–1(b). The Government action supporting this relief was the original encouragement of JAYCOR to enter into the contract with the building owner, and the mistaken belief by Government technical representatives that the term of JAYCOR's lease with the building's owner could be duplicated in the Government's lease with JAYCOR. This Government action contributed to JAYCOR's loss resulting from its liability for two years of its five year lease for the building after the Government failed to exercise the remaining option years.

The Contracting Officer is authorized to recognize an amount not to exceed $81,488. This action will facilitate the national defense.

Contractor: Blount Brothers Corporation.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $6,857.

Service and activity: U.S. Army Corps of Engineers.

Description of product or service: Installation of interior walls and partitions for the construction of a 250,000 square foot office building at Peterson Air Force Base, Colorado Springs, Colorado.

Background: On August 9, 1985, the U.S. Army Engineering District, Omaha (CEMRO) awarded Contract No. DACA45–85–C–0146, in the amount of $17,723,000 to Blount Brothers Corporation. Under this contract, Blount Brothers was to construct a 250,000 square foot office building at Peterson Air Force Base, Colorado Springs, Colorado.

Blount Brothers awarded a subcontract to Facilitek Corporation for the installation of the building's interior walls and partitions. A number of these walls required the erection of steel studs to which were attached sheetrock and drywall. Facilitek classified and compensated these steel stud installers as "drywallers." As provided by the contractual wage decision, drywallers were to be compensated at a total hourly wage rate (basic hourly rate plus fringe benefits) of $9.06.

Following the receipt of an inquiry from one of the affected employees, the Contracting Officer sought guidance from the U.S. Department of Labor (DOL) as to the appropriate classification and wage rate for purposes of compliance with the Davis-Bacon Act. Based on the guidance furnished by the Denver Regional Office of the U.S. DOL's Wage and Hour Division, these workers should have been classified and compensated as carpenters. As provided by applicable regulations (29 CFR 5.5(a)(2)) and the contract provision entitled "Withholding of Funds," the Contracting Officer notified Blount Brothers of the labor standard violations by the subcontractor. When corrective action was not taken by the prime contractor, the Contracting Officer withheld contract funds sufficient to satisfy the appropriate wage restitution.

The Contractor thereafter sought administrative review by the DOL's National Office of the determination rendered by the DOL's Regional Office. In response, the DOL National Office requested that the Contracting Officer undertake a survey of classification and compensation practices in the project vicinity. Inasmuch as the survey findings did not support the determination of the DOL's Regional Office, the Contracting Officer forwarded a report to the Department of Labor furnishing the survey results. In view of these developments, the Contracting Officer advised the DOL that he intended to release the funds withheld to cover the possible labor standards violations.

Upon the release of the withheld funds, representatives of the subcontractor filed what was referred to as "a claim for interest pursuant to Section 611 of the Contract Disputes Act." The interest is for the period of time that the Contractor's earnings were withheld. The Omaha District determined that the demand for interest was not valid on two counts. First, a claim against the Government must be submitted by the prime contractor; the Government has no privity of contract with subcontractors. Second, the payment of interest is a waiver of sovereign immunity, which is prohibited unless specifically authorized by an act of Congress or by the contract.

The Contract Disputes Act only provides for the payment of interest on a claim and the Contractor's request was not supported by a claim. Further, the Comptroller General has held that interest is not required to be paid on amounts withheld by contracting agencies at the direction of the Department of Labor. *Request for Advance Decision from Army Finance and Accounting Officer—Re-consideration*, B-201328, October 28, 1981. Therefore, the payment of interest is prohibited even where equity would permit it. This also applies where the Government has unreasonably delayed payments. *Muenich v. United States*, 410 F. Supp. 944, 947 (N.D. Ind. 1976). See also *Roy McGinnis and Company, Inc.*, B-226171, June 2, 1987.

The Contracting Officer therefore notified the contractor that relief could not be granted under either the Contract Disputes Act or the "Disputes" clause of the contract.

Blount resubmitted its "claim" under Public Law 85-804 and Part 50 of the Federal Acquisition Regulations entitled "Extraordinary Contractual Actions." More specifically, the Contractor is requesting relief under Section 50.302.1(b), which is entitled "Amendments Without Consideration."

Justification: The factors which must be present before relief can be granted are as follows: First, the Contractor must suffer a loss under the contract. Next, the character of the Government's action must be considered in determining whether relief is proper. Finally, it must be determined whether the Government directed its action at the Contractor and acted in its capacity as the other contracting party.

Decision: The Contractor's request for relief was denied based on the decision discussed below:

In order for relief to be granted under the above cited section, Blount must show a "loss under the contract not merely a decrease in its anticipated profits." Although the Contractor was requested to provide evidence of his original cost breakdown and the estimated total loss under the contract, the requested information has not been submitted. Therefore, it must be assumed that no loss can be documented.

The next factor to be considered is the character of the action. By nature, Blount's request is not one for which part 50 of the FAR was designed to provide relief. Part 50 is based upon the extraordinary emergency authority granted by Public Law 85-804 (50 USC 1431-1435). The law was enacted for the benefit of the nation as a whole in order to facilitate prosecution of wartime activities. It serves as an outline of the policies and procedures to enter into, amend, or modify a contract which will facilitate the national defense. The Contractor's request in no way relates to the stated purpose of this law. Further, it may be argued that if the Contractor's request were granted, it would open the door for a number of claims of this type. Furthermore, granting of equitable relief under this provision of the FAR would impinge the ability of the Contracting Officer and the DOL to effectively enforce labor standards protections.

The final consideration in examining Blount's request for relief is whether the Government directed its action at the contractor and acted in its capacity as the other contracting party. The withholding of funds was undertaken by the Corps based on guidance furnished by the DOL and in accordance with the regulations promulgated by the DOL as reflected in the contract provision entitled "Withholding of Funds."

Contractor: Action Manufacturing Company.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $0.

Service and activity: Any Armament, Munitions and Chemical Command (AMCCOM).

Description of product or service: Pay existing debts of the company and to convert its fixed price contracts into cost contracts.

Background: In Memorandum of Decision Number 1234, the Board directed the Army Armament, Munitions and Chemical Command (AMCCOM) to enter into a supplemental agreement with Action Manufacturing Company (Action). AMCCOM was authorized to pay all existing debts of the company and to convert its fixed price contracts into cost contracts.

Justification: AMCCOM has reported that several contracts were completed for amounts substantially less than their cost ceilings, primarily due to the payment of Action's debt under other aspects of the supplemental agreement. AMCCOM has asked whether these amounts can be applied to contracts that cannot be completed within the cost ceilings estimated and established pursuant to the Board's decision and the supplemental agreement.

Decision: The Board's decision limited the total cost of the supplemental agreement to $24,500,000. The portion of relief applicable to the contract conversions was calculated by using the original fixed prices as a composite baseline. Amounts applied in addition to the baseline are allocable to the relief ceiling. Amounts merely shifted within the baseline do not constitute additional relief and should not be included in AMCCOM's calculation of relief granted.

AMCCOM has also proposed to insert absolute cost ceilings in the remaining contracts as a means of ensuring that the relief stays within the limit established in the initial decision. The Board concurs with this approach and authorizes AMCCOM to amend the supplemental agreement to include such ceilings.

These actions will facilitate the national defense.

Contingent liabilities

Provisions of indemnify contractors against liabilities because of claims for death, injury, or property damage arising from the demilitarization of chemical weapon stockpiles, operation and maintenance of chemical agent disposal facilities, handling of high energy propellants, or other risks not covered by the Contractor's insurance program were included in these contracts; the potential cost of the liabilities cannot be estimated since the liability to the United States Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with the operation and maintenance of chemical agent disposal facilities, production of antitoxins, handling of explosives, or performance in hazardous areas.

Contractor:

	Number
EG&G Defense Materials, Inc.	1
United Engineers and Constructors, Inc., Stearns-Rogers Division (Stearns-Rogers)	1
Bechtel National, Inc. (Bechtel)	1
Mason Technologies Inc. (MTI)	1
General Physics Corporation (GPC)	1
University of Minnesota	1
Federal Cartridge Company; ICI Americas, Inc.; Martin Marietta Ordnance Systems, Inc.; Olin Corporation (3 sites); Holston Defense Corporation	7
Day and Zimmerman/Basil Corporation; ICI Americas, Inc.; Mason and Hanger-Silas Mason Company; Uniroyal Chemical Company, Inc.; Day and Zimmerman, Inc. (2 sites); Thiokol Corporation (2 sites); Hercules, Inc. (2 sites)	10
Total	23

DEPARTMENT OF THE NAVY

Contractor: Cincinnati Gear Company.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $9,000,000.

Service and activity: National Steel and Shipbuilding Company (NASSCO).

Description of product or service: Reversing Reduction Gears (RRGs) for installation in AOE 6, AOE 7 and AOE 8 Fast Combat Support Ships.

Background: Contract N00024-90-C-2312 with the Cincinnati Gear Company (CINTI), 5657 Wooster Pike, Cincinnati, Ohio, calls for the design and manufacture of Reversing Reduction Gears (RRGs) for installation in AOE 6, AOE 7 and AOE 8 Fast Combat Support Ships currently under construction at National Steel and Shipbuilding Company (NASSCO). The gear for AOE 6 has been delivered to NASSCO for installation and trials. On December 3, 1991, CINTI requested $11,690,000 in Public Law 84-804 relief regarding its existing contractual obligation to deliver the RRGs for AOE 7 and AOE 8. After review of the request by the Defense Contract Audit Agency (DCAA), CINTI subsequently revised the amount of requested relief downward to $9,108,000. CINTI requests the relief in the form of an amendment without consideration. This amount would allow CINTI to continue contract performance and avoid an imminent filing for bankruptcy protection. Absent relief, CINTI's cash requirements will exceed its available lines of credit in the third quarter of calendar year (CY) 1992, thereby jeopardizing completion of the AOE 7 and 8 RRGs. Naval Sea Systems Command (NAVSEA) has recommended that relief be granted in order to resolve CINTI's cash flow problems through the completion of all AOE 7 and 8 RRG effort.

The NAVY has approximately $400 million invested in the AOE 7 and 8 construction ongoing at NASSCO, and the RRGs are essential components of these two ships. The mission of the AOE 6 class is to provide delivery of on-station munitions, dry and frozen provisions, and bulk petroleum/oil/lubricants, to aircraft carrier battle groups (CVBGs) underway in hostile environments. The AOE 6 class ships, which are built to a MIL-SPEC combatant standards design, and have survivability features (i.e., shock, blast, etc.) equivalent to other ships in the CVBG, significantly extends the endurance of the CVBG for combat operations. The CINTI RRGs are critical propulsion components for these ships.

Evaluated force levels for various scenarios show that station ships are required to maintain battle group endurance. The ability of the AOEs to provide all replenishment services simultaneously minimizes the non-operational time of the battle group. Alternatives which use multiple shuttle ships in combination to perform the station ship functions (such as AORs combined with AEs) require multiple replenishment which, coupled with their slower speed, reduces the on-station time of the battle group. These combinations are more expensive to operate and exacerbate the shortfall of AE ships.

The RRG has been previously designed, manufactured, and tested as a suitable alternative to controllable pitch propellers (CPPs) and results in increased overall propulsion plant efficiency. The AOE 6 class RRG is a transmission speed reducer and propulsive thrust reversing device. USS SUPPLY (AOE 6) is the first ship in the U.S. Navy to employ the RRG for astern and maneuvering operation. The AOE 6 class RRG utilizes a newly designed SSS Clutch and a hydraulic Franco-Tosi Reversing Converter Coupling (RCC). The AOE 6 class RRG is the first Navy gear set to use the RCC. The AOE RRG is the largest hardened and ground gear that has been manufactured for a U.S. Navy ship.

Justification

Essentiality: The Chairman of the Joint Chiefs of Staff, by memorandum CM-1324-92, dated May 29, 1992 (unclassified), has reaffirmed the need for four AOE 6 class ships to provide logistics support to CVBGs. As the RRGs are critical propulsion components for the AOE 7 and 8 ships it is essential that the RRGs be provided as soon as possible to support the most cost-effective and timely means of completing the AOE 7 and 8 ships. CINTI is the only available source in a position to deliver the AOE 7 and 8 RRGs close to the scheduled dates. Granting Public Law 85-804 relief will facilitate the national defense by supporting completion of the RRGs such that the AOE 7 and 8 ships can be completed to support the Base Force.

Alternatives: In order to ensure that there is no adequate and acceptable alternative to use of P.L. 85-804 for obtaining the AOE 7 and 8 RRGs the following were considered: (1) completion of the AOE 7 and 8 RRGs by another Contractor; (2) completion of the AOE 7 and 8 RRGs by a Navy shipyard; (3) providing unusual progress payments under the CINTI contract; and (4) CINTI filing for bankruptcy protection. Review of these alternatives resulted in the following conclusions:

(1) Completion of the AOE 7 and 8 gears by another Contractor is not practicable because of the cost and schedule impacts to the ship construction schedule. In order to support a January 25, 1994 delivery date for AOE 7, and the August 25, 1994 delivery date for AOE 8, the NASSCO contract requires the AOE 7 and AOE 8 RRGs, currently in the manufacturing stage at CINTI, to arrive at the shipyard on the scheduled dates of January 25, 1993 and August 18, 1993, respectively. In order to replace CINTI with another gear manufacturer, NAVSEA projects that it will take approximately 11 months to award a competitive reprocurement contract for completion of AOE 7 and 8 RRGs. Once a contract is awarded, it is estimated that it will take approximately 19 months for the AOE 7 RRGs, and 24.5 months for the AOE 8 RRGs, to be delivered to NASSCO using CINTIL material for both gear sets. These estimates are based upon a review of the contracting and specification development processes, and the discrete manufacturing operations and other steps which remained to be completed on the RRGs as of July 1, 1992 to delivery. These estimates also assume that the successor Contractor is not delayed in commencing AOE 7 and 8 RRG work due to its existing workload.

Based on $1.75 million per month ($1.5 million/month deescalated) shipbuilder cost impact for late delivery of the RRGs to NASSCO, it is estimated the shipbuilder impact alone could be as high as $90.0 million. The estimated shipbuilder cost impact assumes that NASSCO does not have to close up the ships and lay off workers until the RRGs arrive. In the event such action becomes necessary, the cost impact would be significantly higher than the amount shown above. Because of the high cost and unacceptable adverse impact on the AOE 7 and 8 ship construction schedules and alternative of using another Contractor was rejected.

(2) Based on a survey of seven naval shipyards it was concluded that the naval shipyards do not currently have the capability to manufacture AOE-6 class reduction gears for two primary reasons: no naval shipyard has gear hobbing equipment with the capacity required for the large gear, and no naval shipyard currently has the gear grinding capability required for the specified finish of the AOE-6 reduction gears. In order to obtain the necessary capability/capacity to manufacture AOE-6 reduction gears, a capital investment of approximately $3.5 million would be required, in addition to a significant period required to obtain funding and capital equipment. This alternative was also rejected.

(3) The progress payment rate under the CINTI contract is 80 percent. The Defense Contract Audit Agency (DCAA) performed cash flow analyses at an unusual progress payment rate of 95 percent. Review of these projections concluded that granting of unusual progress payments could not resolve CINTI's financial situation. Further, the degree of relief which would be provided by a 95 percent progress payment would, at best, provide only a period of four months before additional relief was required. It was concluded that even though providing unusual progress payments would accelerate cash payments for a limited period of time, total payments under the contract would not achieve delivery within the available line of credit. This alternative was also rejected.

(4) The risks and uncertainties associated with a filing for bankruptcy protection cannot be predicted. A contract can be assumed or rejected, as well as other actions taken. Additionally, the Navy would lose control of the situation because it must deal with bankruptcy court and creditor committees rather than with its Contractor. It was concluded that if the AOE RRG contract is rejected by CINTI, the Navy would have to request the bankruptcy court to approve terminating the contract for default and the removal of all AOE 7 and 8 gear material to another facility. As noted above, the costs associated with having another source complete the AOE 7 and 8 RRGs, and the downstream impact on the shipbuilder, far exceed the amount of Public Law 85-804 relief requested to complete the RRGs at CINTI. Because of the uncertainties inherent in the bankruptcy process, and the related cost increases and schedule delays, this alternative was not considered to be in the Navy's best interests.

Absent Public Law 85-804 relief NAVSEA anticipates that CINTI, because of losses it has incurred on the AOE RRG contract, will be forced to file for protection under the bankruptcy laws and may reject the AOE RRG contract. As noted above, such action would cause significant delays and cost increases to the AOE shipbuilding program and greatly diminish the likelihood that these ships would ever become operational.

Summary: In summary, a thorough review of available financial data and applicable DCAA audit reports, resulted in a conclusion that without an amendment pursuant to Public Law 85-804, providing relief of up to $9.0 million, CINTI's cash flow will be so unstable as to preclude delivery of the AOE 7 and 8 RRGs to the shipyard.

Decision: Applicable regulations provide that no contracts, amendments, or modifications shall be entered into under the authority of Public Law 85-804 unless other legal authority in the Department is deemed lacking or inadequate. In the present case, the financial position of CINTI has deteriorated due to losses it has incurred, and projects it will incur, to the extent that, absent the granting of extraordinary contractual relief, it is probable that CINTI will be compelled by its creditors to file for protection under the bankruptcy laws and stop work on the AOE 7 and 8 RRGs. The Federal Acquisition Regulations (FAR) at 50.302-1(a) provides:

(a) When an actual or threatened loss under a defense contract, however caused, will impair the ability of a Contractor whose continued performance on any defense contract... is found to be essential to the national defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the Contractor's productive ability.

For the foregoing reasons, the Board concludes that CINTI faces an actual or threatened loss which will impair its productive ability on a contract on which continued performance is essential to the national defense. The operating forces need the AOE 7 and 8 to provide adequate logistics support for the Carrier Battle Groups. The relief of up to $9.0 million recommended by NAVSEA is projected to be the amount necessary to achieve the Navy's objective of ensuring continued contract performance until AOE 7 and 8 RRG are manufactured and delivered, thereby best preserving the Navy's investment in the AOE 7 and 8 ships. Accordingly, in the exercise of authority to grant an amendment without consideration under Public Law 85-804, it is hereby determined that it will facilitate the national defense to amend contract N00024-90-C-2312 without consideration in an amount not exceed $9.0 million. additionally, the Procuring Contracting Officer (PCO), may make necessary adjustments to the contract delivery dates and waive consideration for specification changes that are consistent with this relief. Contract price increase resulting from the Public Law 85-804 relief shall be used to complete delivery of AOE 7 and 8 RRGs. Adequate internal controls and audit trails shall be in place to validate use of these additional payments.

The PCO is authorized and directed to prepare and execute the required contractual documents in accordance with this decision. When relief is provided during performance, there is naturally concern whether the relief will accomplish its purpose and whether CINTI's management will be motivated to complete performance with maximum efficiency. The Board has carefully reviewed the cash projections, and NAVSEA has closely reviewed CINTI's operations and management. Based on this, the Board has confidence that the provided relief will accomplish its purpose. Nevertheless, the Board must insist on a number of conditions which the PCO shall, by modification of the contract, make a condition for relief.

The modification shall include the following conditions:

(a) the Contractor shall provide the PCO each week an updated cash flow analysis for the period ending three months after delivery of the AOE 8 gear;

(b) based on the provided information the PCO may, at his discretion, on a periodic basis, adjust the contract price, based on the Contractor's current cash position, to provide adequate funds to maintain the production of the RRGs, up to a cumulative total of $9,000,000 from which the PCO may provide a delivery incentive not to exceed $1,000,000 per gear in order to motive Contractor adherence to the delivery schedules for AOE 7 and 8 gears;

(c) the PCO shall obtain agreement from the Contractor that upon delivery of the AOE 8 RRG, the Contractor shall allow the Government to offset against any amount due to the Contractor on the AOE program an amount that would have leave the Contractor with $8.66 million of revolving debt (this is the amount existing on June 30, 1992), assuming use of $1.8 million of cash which was collateral for the Contractor's revolving debt in the operation of the business. This agreement excludes amount paid by the Government as delivery bonuses.

(d) The Contractor shall agree that the assumptions contained in the cash flow projections which support the granting of relief shall not be materially changed during the period of this relief;

(e) a general release clause, waiving any and all claims against the Government, arising prior to the date of the amendment, out of the performance of this or any other contract between the Government and the Contractor:

(f) the Contractor shall not, during the period of relief, make investments or advances or loans to any person or corporation, nor declare or pay any dividends, make any other distribution on account of any shares of its capital stock, or increase executive compensation, without the consent of the PCO;

(g) require that the Contractor's cash assets, specifically its $1,800,000 reserve, be made available to meet cash requirements;

(h) The Contractor shall not make any advance or loan, or insure any liability as guarantor or surety for any unrelated party, corporate officer, or director.

The modification may also contain such additional terms which, in the judgment of the PCO, are necessary and proper to protect the Government's interests.

Contractor: MIU Construction.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $20,000.

Service and activity: Naval Air Station, Alameda, California.

Description of product or service: Interior painting and repair of building 5, Naval Air Station, Alameda, California.

Background: Western Division, Naval Facilities Engineering Command (WESTDIV) awarded Contract N62474-84-C-8732, interior painting and repair of building 5, Naval Air Station, Alameda, California, to MIU Construction for $159,500 on July 6, 1989. This project was administered by the Resident Officer In Charge of Construction, San Francisco Bay. As a construction contract, both performance and payment bonds were required. The Contractor proposed and the Government accepted individual sureties for the bonding requirements of this contract.

During the contract performance period the Contractor experienced numerous performance and cash-flow problems with his employees and sub-contractors. Ultimately, the contract was terminated for default. Mr. Ungeraeu, President of MIU, signed a novation agreement to have his sureties complete the contract. Like Mr. Ungeraeu, the sureties have also filed for bankruptcy.

On September 26, 1989, the ROICC requested the DOL initiate an investigation of wage discrepancies. On November 29, 1989, the DOL requested that the ROICC withhold $131,708.

The DOL Davis-Bacon Act (DBA) and Contract Work Hours and Safety Standards Act (CWHSSA) investigation of MIU Construction, disclosed that the firm failed to pay the required prevailing wage rates to employees who worked on the project in excess of forty hours per week.

DBA back wages were computed in the amount of $34,002.85 for 22 employees and CWHSSA back wages were computed in the amount of $2,537.68 for 15 employees. Liquidated damages of $410 were also computed. At the conclusion of the investigation, MIU agreed to make full restitution of $36,540.53 through the transfer of monies due them on the contract.

Progress payments related to this contract were processed by the Navy Financial Services Department, Navy Supply Center, Oakland, California (RFSD). In an attempt to assist the Contractor in minimizing his cash flow problems, the ROICC telefaxed invoice number 4 to RFSD. This invoice was not properly posted at RFSD and as a result, payment was duplicated. Checks were issued in the amount of $19,147 on December 12 and December 22, 1989. This error was not identified by RFSD until February 1991.

On January 18, 1991, the DOL directed the Navy to transfer $36,540.53 to the General Accounting Office for disbursement to the underpaid employees. But for the fact that invoice number 4 had been processed for payment twice, sufficient funds would have been available for transfer to GAO.

Justification: The FAR, sub-part 50, "Extraordinary Contractual Actions" prescribes the policies and procedures for initiating contract actions required to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85-804 (as amended by Public Law 93-155).

The action proposed by this Memorandum is within the authority of the Act because no other legal authority exists within the Agency.

We consider the transfer of additional funds to GAO for disbursement to the Contractor's employees to be an amendment without consideration in accordance with FAR 50.302.1(b). The Contractor has not suffered a loss, but his employees have endured financial hardship by the Navy's inability to provide restitution. The employees, acting on behalf of their employer, MIU, provided services to the Government from which a benefit has been derived.

The action of the Government, specifically, the failure of both the administering contract office and the disbursement office to provide an accurate detailed accounting of contract funds, lead to an overpayment to the Contractor so that there was not enough money remaining in the contract to make restitution.

The Government has filed a demand for payment against MIU for the amount of money over-paid on this contract. COMNAVFACENGCOM has advised WESTDIV to file a claim in Bankruptcy Court against the sureties.

The contract balance of $18,402.64 was transferred to the GAO on June 13, 1991. By COMNAVFACENGCOM memo of August 15, 1992, approximately $20,000 in SIOH funds were approved for transfer from WESTNAVFACENGCOM to ROICC San Francisco. The ROICC will prepare the appropriate documentation to forward this money to the GAO for disbursement.

Decision: The recommended action shall not be construed to create any liability on the Government's part; nor shall this set precedent as to the Government assuming the responsibilities covered by sureties for obligations that would otherwise be fulfilled by payment and performance bonds.

This action will facilitate the national defense by ensuring that the Government does not place an undue financial burden upon the affected parties as a result of Government negligence and oversight.

As stated in COMNAVFACENGCOM letter of June 3, 1992 (see DCN 2U000733), these employees were denied the ordinary Davis-Bacon remedy as a result of a Navy accounting error. It was therefore appropriate that a transfer of approximately $20,000 be made to the GAO for restitution of labor violations.

Contractor: Tampa Shipyards.

Type of action: Amendment Without Consideration.

Actual or estimated potenial cost: $24.7 million.

Service and activity: Naval Sea Systems Command (NAVSEA).

Description of product or service: Completion of T-AO 191 and T-AO 192 fleet oilers.

Background: Tampa Shipyards Inc. (Tampa), a wholly owned subsidiary of the American Shipbuilding Company (AMSHIP), submitted a Request for Extraordinary Contractual Relief under Public Law 85-804 on May 26, 1992, in the amount of $24,158,721 (original request). Tampa submitted a revised request received by the PCO on August 3, 1992. The revised request changed the total amount of relief requested to $24.5 million. The request arises out of Tampa's performance of Contract N00024-90-C-2300 for the completion of T-AO 191 and T-AO 192 fleet oilers.

NAVSEA awarded Tampa letter contract N00024-90-C-2300 on November 16, 1989, for the completion of T-AO 191 and T-AO 192. NAVSEA originally awarded the construction contract for these ships to Pennsylvania Shipbuilding Company (PennShip), but the contract was terminated for default. Modification PZ0004, dated June 29, 1990, definitized the Tampa contract. The primary effort in the contract consists of: 1) a fixed price incentive contract line item number (CLIN) 0001 covering Tampa labor and overhead costs for the design and construction of the two ships with a ceiling price of $49 million and 2) a cost reimbursable CLIN 0007 for the additional material and subcontractor effort necessary to complete the ships.

During performance of the contract, Tampa and NAVSEA had differing interpretations over responsibility for correction of defects or deficiencies for work performed by PennShip and concerning the amount of material necessary to complete the ships. As a result, the parties executed Modification P00012 on April 30, 1991, which stated in part:

WHEREAS, the Parties now agree that it is in their mutual interests to clearly provide that the Contractor, for adequate consideration as set forth herein, will assume total responsibility for the provision of acceptable vessels under the contract, to include correction of any defects or deficiencies for work performed by the defaulted Contractor, whether or not previously inspected or accepted by the Government under the terminated contract, and whether or not reasonably susceptible of being known by the Contractor, except as otherwise allowed for herein; and . . .

The only exception to the Contractor's obligation to correct all defects specified in the contract is under CLIN 0007 whereby Tampa is reimbursed for the cost of repairing latent defects in vendor supplied equipment and material where there is no vendor supplied warranty. Modification P00012 increased the ceiling price of CLIN 0001 to $59.6 million for both ships, and provided an immediate lump sum payment of $3.2 million. The delivery date for T–AO 191 was extended to May 29, 1992 (extended by six months), and for T–AO 192 to December 15, 1992 (extended by five months). Modification P00012 also contained a full and final release precluding Tampa from any further recovery for "covered events" occurring prior to the execution of the modification.

Tampa experienced significant financial and performance problems which resulted in Tampa's failure to make progress to meet the T–AO 191 contract delivery date of May 29, 1992. NAVSEA issued a Cure Notice to Tampa on March 20, 1992, in order to preserve the Government's right to terminate the contract for default. The specific items addressed in the Cure Notice were: excessive over-aged accounts payable; continued inability to adhere to the critical path schedule; insufficient monthly physical progress to support contract delivery dates; severe shortage of working capital; and the scheduled procurement of onboard spares and repair parts which would not support the contract delivery date.

Justification: Tampa responded to the Cure Notice on March 30, 1992. Tampa's response was predicated upon the generation of $10 million in working capital. Tampa proposed that it would provide $5 million of the working capital, with the Government providing the balance by means of a change to the progress payment system and a release of a $3 million letter of credit issued by Tampa as a performance guarantee on the T–AO contract. NAVSEA notified Tampa by letter on May 15, 1992, that its responses to the Cure Notice did not support the requested course of action. In order to ensure the Government's right to terminate for default at a later time, the contract delivery dates for the two ships were unilaterally extended. The new contract delivery dates were established as January 31, 1993, for T–AO 191 and September 30, 1993, for T–AO 192. Modification P00016 dated May 25, 1992, incorporated the changes to the delivery dates.

On May 26, 1992, Tampa submitted its original request for extraordinary contractual relief in the amount of $24,158,721. Tampa stated that it would be forced to file for bankruptcy protection if an initial payment of $16.7 million was not made by June 6, 1992. This request was subsequently orally modified such that $7 million was requested by June 6, 1992, supplemented by an additional $500,000 per week above normal progress payments. Tampa proposed this modified arrangement to provide sufficient working capital until a decision was made on its Public Law 85–804 request. Tampa asserted in its original request that the Government should provide contractual relief based upon the following three theories: Tampa's continued performance is esssential to the national defense; the Government has caused a loss to Tampa which has resulted in potential unfairness; and the Government should correct mistakes in the T–AO contract. In addition, Tampa requested that the contract be reformed to convert the existing fixed price incentive CLIN 0001 (Detail Design and Construction) to a cost plus fixed fee line item, the delivery dates be extended for each ship, and the $3 million letter of credit requirement be canceled.

A preliminary analysis was performed by NAVSEA, including a visit to Tampa by NAVSEA representatives and the Assistant Secretary of the Navy for Research, Development, and Acquisition (ASN(RD&A)), which concluded that Tampa had not provided any basis for approval of the relief. NAVSEA advised Tampa on June 5, 1992, of the decision not to grant interim relief and reaffirmed the expectation of continued performance.

Mr. George M. Steinbrenner, the former Chairman of the Board of AMSHIP, the current chairman of the AMSHIP Executive Committee and principal stockholder of AMSHIP, commissioned a study by Paul Maglicocchetti Associates (PMA) of selected Tampa activities and requested that ASN(RD&A) withhold a final decision on the Public Law 85–804 request for approximately two weeks until the PMA study was completed. (PMA is a defense and legislative consulting company.) Mr. Steinbrenner subsequently requested additional time for PMA to conclude its study and briefed ASN(RD&A) on June 30, 1992. The study focused on two areas, namely, the reasonableness of the Tampa estimates to complete the ships and the organization, management and staffing of areas critical to the proper functioning of Tampa.

The study by PMA on Tampa's behalf concluded that sufficient uncertainty existed in Tampa's estimates at completion (EAC) such that the estimated loss should be increased by a contingency factor of 25 percent. The PMA report also indicated that Tampa had failed to adequately staff and organize the company to perform new construction work despite representations made to the Navy prior to T–AO contract award. The report provided a recommended management and organization restructuring but did not address a plan to restructure the company from a financial perspective.

Mr. Steinbrenner advised the navy that questions concerning the PMA study should be discussed with representatives of PMA. NAVSEA and PMA met on July 8 and July 9, 1992, to discuss the financial restructuring of the company, the original Public Law 85–804 request, and NAVSEA's specific questions concerning the PMA study. During these discussions, PMA acknowledged that the original Tampa Public Law 85–804 request was unclear regarding the amount of total relief requested and that the Public Law 85–804 submission should be revised. PMA indicated that the initial proposal requested that CLIN 0001 be converted to a cost reimbursable line item. However, PMA discussed a proposed revised request which would retain CLIN 0001 as fixed price incentive, but with the ceiling price increased by $24.7 million, and that a provision for unusual progress payments be included. The new ceiling price for CLIN 0001 would be increased to $84.3 million. In addition, Tampa would rescind its request to cancel the $3 million letter of credit. Under PMA's proposed revised plan, if there were an agreement to grant relief in the amount of $24.7 million pursuant to the Public Law 85–804 request, PMA estimates that Tampa would receive an immediate payment of approximately $16.7 million through an unusual progress payment.

NAVSEA received the revised request for relief in August 1992. The revised request states that the basis for relief is on the theories of essentiality and mistake. Tampa indicated that it will be forced to cease all business operations by August 7, 1992, if Public Law 85–804 relief is not granted. The supplemental request states that the contract should be amended to: and mistake. Tampa indicated that it will be forced to cease all business operations by August 7, 1992, if Public Law 85–804 relief is not granted. The supplemental request states that the contract should be amended to:

Convert CLIN 0001 to a firm fixed price line item with a price of $83.5 million (amounting to an increase of $23.9 million);

Authorize an unusual progress payment of approximately $15,222,000;

Increase CLIN 0007 by $562,000 to reimburse Tampa for previously disallowed subcontractor costs;

Change the progress payment system by deleting the billable points;

Reduce the amount of retainage for each ship to $500,000;

Establish a new cost type CLIN for Equipment Failure Reports (EFRs). Reduce the scope of CLIN 0001 by approximately $6 million to cover EFRs and place this amount under the new CLIN. Further, pay Tampa delay and disruption for EFRs based on a Tampa formula;

Establish a controlled bank account for CLIN 0002 (spare parts) and authorize down payments for purchases; and

Extend the delivery dates for T–AO 191 to October 31, 1993, and June 30, 1994, for T–AO 192, based on receipt of relief by August 31, 1992.

Decision: A. Neither Tampa's continued operation as a source of supply nor Tampa's continued performance on the T–AO contract is essential to the national defense.

FAR 50.302–1(a) states that a contract may be amended without consideration when a Contractor suffers an actual or threatened loss under a defense contract that impairs its productive ability provided the Contractor's continued performance on a Government contract or continued operation as a source of supply is essential to the national defense.

It is NAVSEA's position that there is no basis to grant Tampa an amendment without consideration based on essentiality to the national defense. Other sources are capable of building T–AO 187 class ships. NAVSEA's analysis indicates that transferring the ships to another facility would not add unacceptable cost or schedule delays. Therefore, Tampa's continued performance of the T–AO 191 and T–AO 192 contract is not essential to the national defense.

Tampa's request for Public Law 85–804 relief relies on the November 16, 1989, Industrial Mobilization Base Justification and Approval (J&A) to establish that it is essential to the national defense as a source of supply. The J&A, which provided authority to award the contract to Tampa, found that it was in the best interest of the national defense to maintain Tampa as a source for auxiliary ship construction in the near term of two years. Many of the assumptions which were relied upon in making the decision in the 1989 J&A have since changed. The current projections for new Navy construction indicate a significant decrease in the anticipated quantity of ships is required. It is NAVSEA's position that the loss of Tampa as a shipyard would not significantly impair the national defense or appreciably decrease the nation's shipbuilding capability. Even if Tampa was no longer a viable shipbuilding firm, there are a sufficient number of shipbuilding facilities in the United States which could satisfy the Navy's procurement requirements. This position is supported by a recent Shipbuilders Council of America (SCA) study based on Navy data which demonstrated that the Navy's shipbuilding capacity requirements could be satisfied by other existing shipyards, even if Tampa was no longer a viable shipyard. Further, Tampa does not possess any type of critical facilities. Therefore, NAVSEA concludes that there is no basis to support Tampa's contention that it is essential to the national defense as a continued source of supply.

In addition, Tampa's request for relief under Public Law 85–804 does not contain facts similar to the requests of other shipbuilders which were found to be essential to the national defense. Tampa's Public Law 85–804 request refers to the Navy's decision to grant relief to Marinette Marine Corporation (Marinette) regarding its performance of the MCM–1 class shipbuilding contracts. The facts contained in Tampa's request for relief are significantly different from those in the decision to grant Marinette relief under Public Law 85–804. At the time of submission of the Public Law 85–804 request, Marinette had submitted Requests for Equitable Adjustments (REAs) to NAVSEA. The Navy granted Public Law 85–804 relief, along with settlement of the REAs. Relief to Marinette was based on the finding that Marinette faced an actual or threatened loss which impaired its productive ability on the MCM contracts, the continued performance of which was essential to the national defense. It was determined that the MCM ships were urgently needed by the Navy. Further, it was determined that the relief to Marinette provided the least negative impact to the Navy from both coast and schedule aspects.

In another request by a shipbuilder, the Navy granted interim relief to NASSCO under Public law 85–804 regarding its performance of the AOE–6 contract. The facts under that contract were also dissimilar to Tampa's request for relief. NASSCO had submitted over 40 claims to NAVSEA. NASSCO was granted interim relief pending evaluation of claims. It was concluded that resolution of NASSCO's claims through the disputes clause of the contract was inadequate, because NASSCO could not or would not sustain continued operations through the time necessary to resolve the disputes because of its financial condition. The Navy found that NASSCO faced an actual or threatened loss which impaired its productive ability regarding a contract whose continued performance was essential to the national defense. It was determined that relief would facilitate the national defense, because there were no other practicable or feasible alternatives to obtain the AOE–6 or AOE–7 which are essential ships. Further, it was concluded that transferring the ships to another facility for completion would add significant and undue cost and schedule delays. There was also a determination that any delays due to deliveries of the AOE–6 or AOE–7 would increase the Navy's shortfall for combat logistics force ships. The decision to grant relief to NASSCO was a unique situation where Public Law 85–804 was used as a method to allow NASSCO to continue performance until claims were evaluated and settled.

B. It is unlikely that Tampa would be able to successfully complete the contract even if Public Law 85–804 relief was granted.

Even if Tampa was determined to be essential to the national defense, it was concluded that denial of Tampa's request for Public Law 85–804 relief is the proper course of action, because it is unlikely that Tampa would be able to successfully complete the T–AO contract even if the requested relief were granted. Tampa's Public Law 85–804 request has not demonstrated a realistic viable plan for completing the T–AO contract or for extricating itself from its financial distress. The PMA study recognizes that Tampa has not been properly managed, staffed or organized to perform the T–AO contract. While the PMA study recommended some specific management initiatives, there are no reasonable guarantees these steps will assure the Tampa can complete the ships.

Based on analysis of all of the documents and information provided, NAVSEA does not believe that Tampa can perform the T–AO contract even if the relief requested were granted. It was concluded that Tampa needs significantly more than the $24.5 million requested to establish that its productive ability would no longer be impaired and to complete the ships. Tampa has not provided an adequate basis for the Navy to accept Tampa's assurances concerning its cash flow projections and representations concerning financial viability to support the completion of the ships.

NAVSEA's concern, that it is unlikely that Tampa will complete the T–AO contract even if the financial relief is granted, is demonstrated by Tampa's request to further extend the delivery dates each time it has made a Public Law 85–804 submission. (Modification P00012 extended the delivery dates to May 29, 1992, for T–AO 191 and December 15, 1992, for T–AO 192. (Modification P00016, dated May 28, 1992, unilaterally extended the delivery dates to January 31, 1993, for T–AO 191 and September 30, 1993, for T–AO 192.) In its original request under Public Law 85–804, Tampa requested that the delivery dates be extended to June 11, 1993, for T–AO 191 and February 28, 1994, for T–AO 192. The PMA study, referencing an anticipated settlement on the Public Law 85–804 request, stated: "Should funds become available by July 1, 1992, TSI has established September 1993 and April 1994 as the current scheduled date of completion for the T–AO 191 and T–10 [sic] 192, respectively." Tampa's revised request indicates that the delivery dates should be extended to October 31, 1993, for T–AO 191 and June 30, 1994, for T–AO 192. It is apparent from Tampa's submissions that Tampa cannot either project when ships would be completed or provide adequate assurances that it can deliver these ships and complete the contract.

c. Tampa has not established a basis for relief to correct a mistake in the T–AO contract

FAR 50.302–2 states that a contract may be amended or modified to correct or mitigate the impact of a mistake. FAR states that examples of mistakes are: failure to express the agreement of the parties; and obvious unilateral mistake; and a mutual mistake as to a material fact. Tampa's request states that there was a mutual mistake "as to the complexity of the understanding in having a second Contractor take over and complete the work that has been stated by another party." According to the revised request, it was impossible for the parties to accurately define the work because of "unforeseen difficulties."

NAVSEA considers that, since Tampa inspected the ships prior to award, Tampa should have been able to reasonably determine the scope of work. Also, Tampa worked on the ships for almost 18 months before it signed Modification P00012. This was a significant additional period in which Tampa could have identified the remaining scope of work. Modification P00012 provided Tampa significant consideration to unconditionally assume the responsibility for any additional work including the correction of PennShip defects. While performance of the contract has been more costly than originally projected by Tampa, it does not appear that there has been a mistake for which relief should be granted.

Tampa asserts in its letter dated August 3, 1992, which supplements the request, that there was a mutual mistake regarding operation of progress payment methodology (progressing system). Tampa maintains that both parties intended that Tampa would receive a 25 percent "advance payment" based on the operation of the progressing system. The approved progressing system includes billable points, the first of which is 25 percent. According to Tampa, whenever it began a work item, it believed that it would be authorized to receive 25 percent "up front working capital." Tampa now asserts that both parties did not recognize at the time the progressing system was approved that this assumption was incorrect, because clause H–26, "Payments," states that the amount of payment for physical progress shall not exceed the amount of costs incurred by the Contractor.

There was no mutual mistake concerning the operation of the progressing system. NAVSEA was fully aware of the operation of the Payments clause when it approved the progressing system. It was not the intent of NAVSEA to provide Tampa as "advance payment." NAVSEA is not authorized to give Tampa an "advance payment" as is now asserted.

Tampa provided an invoice as an attachment to its letter concerning the progress payment system. The letter states, "Note the first invoice prepared using this methodology is contained in Attachment 'B'." This invoice concerning the operation of the "Payments" clause. The invoice specifically states, "Progress Payment No. 1 for period ending August 12, 1990 is hereby requested under clause H–26 entitled 'Payments (applicable to CLIN G001)' of the above referenced contract." Tampa also acknowledges that the invoice reflects a reduced payment. The invoice establishes that Tampa had knowledge that invoices could be reduced by the operation of the "Payments" clause. Tampa has not provided any information to establish a mutual mistake occurred when the progressing system was approved by NAVSEA.

Conclusion: After considering all relevant information, it is determined that Tampa's Public Law 85–804 request should be and hereby is denied.

Contractor: Oman-Fischbach International.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $900,000.

Service and activity: The Department of the Navy.

Description of product or service: Construction of petroleum, oil and lubricants (POL) tank farm at Lajes Field, Island of Terceria, Azores.

Background: Oman-Fischbach International (hereafter referred to as OFI), a joint venture of two American companies; Oman Construction Company and Fischbach and Moore International Company, was awarded contract N62470-81-C-1177 for construction of petroleum, oil and lubricants (POL) tank farm at Lajes Field, Island of Terceria, Azores. The contract was awarded on September 30, 1985 for $21,622,000.

By amendment 0001 to the Invitation to Bid, all bidders were advised that the successful Contractor was required to: (a) fulfill, to the maximum extent possible, its manpower needs with Portuguese nationals; (b) give preference to the use of Portuguese materials in contract performance; and (c) rent disposal or borrowed areas from Portuguese nationals or land owners when Government furnished areas were not available. Each bidder was required to provide his bid price in U.S. Dollars (as opposed to a foreign currency); and the successful bidder would be paid by the Navy in U.S. Dollars.

Bid opening was held on August 20, 1985, and ten bids were received in response to this Invitation For Bid (IFB). Bid prices ranged from $21,622,000 to $29,750,000. The second, third, and fourth low bids were $21,800,000; $23,363,273; and $23,973,000, respectively. The Government estimate was $32,000,000.

Justification: OFI has submitted a request for extraordinary relief under the Federal Acquisition Regulation Sub-part 50 (Public Law 85—804) in the amount of $667,353.64 and $200,480.00 for one of its principal subcontractors, A.J. Marques & Marques LdA (Marques). Marques is a British-Portuguese (BP) joint venture contracted to perform the painting portion of the contract requirements. Marques based its bid to OFI in U.S. Dollars, recognizing that they would incur costs in BP Sterling and Portuguese Escudos.

OFI's request for extraordinary relief is based on variances in the exchange rates for U.S. Dollars with BP Sterling and the Portuguese Escudo. At the time of contract award the U.S. Dollar ($1.00) was the equivalent to 172.56 Portuguese Escudo and 136.42 BP Sterling. OFI and Marques both maintain that even though they used an "average" exchange rate, the "extreme" variations and the subsequent devaluation of the U.S. Dollar caused them to lose not only anticipated profit but sustain actual monetary losses because they were required to utilize the BP Sterling and the Portuguese Escudo in payment to their subcontractors and suppliers.

Marques further asserts that their loss was also based on unusually severe weather conditions experienced during the contract performance period. We note, however, that this issue was addressed by modification P00020 which extended the contract completion date by 77 calendar days from April 2, 1988, to June 18, 1988, for abnormal weather conditions that existed December 1, 1986 to March 31, 1987. As a no-cost time extension, P00020 was issued bi-laterally on May 19, 1987, and is considered to constitute a complete and equitable adjustment.

FAR 50.3 classifies extraordinary contractual relief into three broad areas of consideration. The first, "contract adjustment" considers a Contractor's request for relief based on whether the Contractor suffers a loss under a defense contract because of Government action, the character of the action will generally determine whether any adjustment in the contract will be made, and its extent. When the Government directs its action primarily at the Contractor, and acts in its capacity as the other contracting party, the contract may be adjusted in the interest of fairness.

In the instant case, a change in the exchange rate cannot be considered an action directed primarily against OFI by the U.S. Government. The devaluation of the U.S. Dollar was an event whose outcome is dictated by the world market and economic trends. The rate of exchange when examined against a four-year period, shows a statistical "bell curve" pattern, with the September 1985 rate being the peak. A prudent approach would base a bid on a more reasonable rate of exchange considering that historical data showed that 172 ESC: $1.00 was an unprecedented rate of exchange.

In addition, while the rate of exchange was 172 ESC: $1.00 at the time of award; as the time bidders were preparing their bid it was considerably lower at 167.34 ESC.

Other aspects of relief criteria consider adjustment if there is a mistake or ambiguity in the contract. With regard to OFI's request, this is not applicable. Another consideration examines informal commitments that need to be formalized in order to make payment. Again, with OFI, this is not applicable.

As an ancillary note; there have been 53 change orders/modifications issued against this contract for the period September 1985 to April 1990. Over a 4.5 year period, the contract value has increased by $1,155,559. Each change order or modification utilized the current rate of exchange in determining the U.S. dollar value of that change.

Decision: Based on the findings as outlined above, neither OFI nor Marques have substantiated any basis for extraordinary contractual relief as provided by FAR 50.3 Therefore, the request for relief in the amount of $867,833.64 is denied in its entirety.

Contractor: Bethlehem Steel Corporation (BSC).

Type of action: Correction of Mistake.

Actual or estimated potential cost: $74.4 million.

Service and activity: NAVSEA.

Description of product or service: Construction of two Navy oceanographic survey ships, TAGS 39 and TAGS 40 at the corporation's Baltimore Marine Division, Sparrows Point Yard.

Background: Bethlehem Steel Corporation (BSC) requested extraordinary contractual relief on Contract N00024-85-2188 for $74.4 million from the Secretary of the Navy on January 3, 1991. This contract was performed at the corporation's Baltimore Marine Division, Sparrows Point Yard, and involved the construction for two Navy oceanographic survey ships, TAGS 39 and TAGS 40.

The request was sent to the Navy Contract Adjustment Board (NCAB) on February 8, 1991.

BSC requested relief from the Contracting Officer (NAVSEA) on three prior occasions. On June 8, 1987, BSC submitted a request for reformation of the contract (to a cost type contract) based on inappropriate contract type. This was denied by the Contracting Officer on August 6, 1987. On October 24, 1988, BSC requested reformation of the contract based on mutual mistake, unconscionability and commercial impracticality. This was denied by the Contracting Officer on July 3, 1989. On October 23, 1989, BSC submitted a claim to NAVSEA for restitution and reformation of the contract based on mutual mistake regarding the work involved. This was denied by a Contracting Officer's final decision dated September 17, 1990. BSC did not appeal this denial to the Armed Services Board of Contract Appeals within the required time period, but did file an appeal with the Claims Court on September 12, 1991.

BSC bases its January 3, 1991, request for extraordinary contractual relief on the fact that it suffered undisputed large losses in constructing the two vessels, and argues that the procurement was flawed, in that the wrong type of contract (fixed price) was used. BSC argues that an improper procurement technique (a Circular of Requirements "COR") was used, and inadequate time was afforded the offerors to prepare proposals. BSC states that as a result of the procurement techniques, the performance problems detailed in the request occurred. BSC concludes that this was a case of mutual mistake for which contract reformation and monetary adjustment is appropriate.

BSC supported its January 3, 1991, request with an update of the four volume claim dated October 23, 1989, previously submitted to NAVSEA. Additionally, BSC met with the NCAB on June 12, 1991, and on August 22, 1991. BSC submitted additional written remarks for the record as a result of these meetings on June 21, 1991, and August 26, 1991. There was also an exchange of correspondence regarding the use of the COR technique, and the complexity of the vessels built using the COR technique.

Applicable regulations require that no contracts, amendments, or modifications shall be entered into under the authority of Public Law 85-804 unless other legal authority in the department is deemed lacking or inadequate. In this case, BSC has asserted what amounts to mistake or commercial impracticability, both legal theories which could be argued before either the Board of Contract Appeals or the Claims Court. However, the Contracting Officer has issued a final decision denying the request, and it is clear that there is no other avenue of relief from the Navy. In addition, by seeking relief from the NCAB, BSC has sought the most expedient and inexpensive forum available. The NCAB concludes therefore, that since the Navy (NAVSEA) has issued a final denial, BSC has exhausted its legal remedies within the agency, and the request is properly before the NCAB notwithstanding the appeal filed to the Claims Court on September 12, 1991.

The NCAB has requested a verification of the amounts claimed, and an audit of the booked costs reveals that BSC overran the contract price by approximately $74 million. While this information has been taken from the BSC ledgers and has not been subject to a comprehensive audit, the NCAB is reasonably satisfied that the amount is substantially correct. The NCAB is aware that this amounts to a total cost claim, in that the amount requested is the remainder after the contract price is subtracted from total costs incurred for the project. BSC has made an adjustment for $17.7 million, which have been excluded from total costs, because these costs were unabsorbed overhead costs associated with projected business base that did not materialize. The audit also reviewed and took no exception to the methodology used by BSC in excluding this $17.7 million from costs charged to the contracts.

Justification: BSC's basic position is that the procurement was flawed, as indicated above. In greater detail, BSC requests that the contract should be adjusted because of fairness and the needs of the mobilization base. For clarity, the BSC request and then the NAVSEA response have been summarized. The NAVSEA response is the NCAB's interpretation and summary of information received from NAVSEA.

(1) Fairness. Mutual mistake. It is critical to understanding BSC's position to recognize that BSC's request is based on events which occurred on or before contract award. BSC has signed a mutually negotiated modification (for $22 million) releasing all post award claims. Events occurring during contract performance are used to illustrate the alleged mutual mistake.

(a) BSC contends that the use of a Circular of Requirements (COR) was unsuitable for a ship of the complexity of the TAGS 39/40. BSC states that these ships were represented by the Navy to be commercial, subject to a performance specification, the COR.

NAVSEA response. NAVSEA points out that procurement officials are by statute given a wide discretion in their choice of procurement techniques, 10 USC 2304, and 10 USC 2306. A COR is essentially a performance specification but in identified areas, it does impose military specifications and it can be very detailed and specific. If the COR is satisfied, then the Contractor has discretion as to how to construct the ship. It is obvious that there will be an interplay between the COR requirements and the Contractor's discretion as to the remainder of the ship. BSC had adequate opportunity to review the COR, and had discretion in achieving COR performance objectives.

NCAB assessment. The NCAB finds that the Acquisition Strategy included use of fixed price with price escalation for certain cost items and contracting with a COR technique. The Assistant Secretary of the Navy (Shipbuilding and Logistics) supported the use of the COR procurement technique in a letter dated November 10, 1983. At the time of the solicitation, no offeror took issue with the use of a COR. The Request for Proposal (RFP) required the Contractor to develop ship specifications and a contract design which the Contractor would later use to develop a detailed design and then build the ships. Responsibility for completeness, accuracy and adequacy of ship specifications, contract design, and detailed design was the Contractor's as specifically stated in the contract at clause H-37. The Navy has used a COR technique frequently with success for specialized noncombatant vessels. The experiences of other contractors with COR procurements indicates that there is nothing inherently wrong in using a COR technique and indeed, it seems to work well with auxiliary vessels.

The Navy has used the COR technique in a number of auxiliary (i.e. non-combatant) ship contracts, (see David White and Carlton Croyle, Jr., "Navy Acquisition of Ships to Commercial Standards Using a Circular of Requirements"), and continues to acquire additional ships with this technique. The Board was shown instances where the Navy has combined a COR requirement procurement approach with a fixed price contract format, as well as fixed price incentive and cost contracts, to secure the construction of 13 different classes of ships over the past 17 years, including the AGOR 21/22; T-AGOS 1; T-ATF 166; YTT 1: YTB; AGOR 23 and the T-AGS 51. The NCAB was presented evidence that these are the largest new construction ships for which a COR technique has been used, as opposed to conversion, and they appear to be among the most complex ships that have been built using the COR procurement technique. It appears to have been near the outer limit of suitable cases. The issue presented to the Board, however, is not whether it stretched the envelope but whether it exceeded the limits as to constitute an unfair contractual vehicle. From all that has been presented, it did not.

(b) BSC alleges that insufficient time was allowed to prepare its proposal.

NAVSEA response. There was sufficient time. The Navy allowed 55 weeks from issuance of the preliminary COR to Best and Final Offer (BFO). During the proposal period other firms requested that the RFP requirements be reduced and additional time for proposal submission be provided resulting in the Navy's reducing some requirements, eliminating others and extending the RFP closing date. BSC's only request was a 35 day extension for price proposal submission. The Navy extended the time by 42 days.

NCAB assessment. The NCAB finds from the contemporaneous record, that the length of time was not an issue in this procurement. The offerors had 55 weeks from issuance of the preliminary COR to the BFO, which should have been adequate. It was noted for the record that BSC's allegation that the Navy takes 18 to 24 months to prepare a design specification is misleading. The Navy has taken this amount of time for surface warfare ships when the Navy is doing its own design work; it does not take this amount of time when contracting for vessels using a COR technique. While Modification 6 to the COR, incorporating the subbase, may have come late in the process, and its incorporation did not lead to some ultimate delay and disruption, BSC was compensated for this by Modification P00010 to the contract which awarded BSC $22 million for subbase problems, and obtained for the Navy a release of all post-award claims.

(c) BSC contends that they and the Navy believed the BSC contract design was an adequate basis for pricing and building the ships, but it was seriously flawed as demonstrated by the specific items BSC alleges. These items are detailed and discussed in Part III below. BSC argues that because the Navy evaluated the proposal and awarded a contract based on the proposal, that this action has caused the Navy to approve that the proposal was suitable or adequate for its intended purpose, i.e. adequate to build the vessels in question.

NAVSEA response. The Solicitation required BSC to submit contract guidance drawings and a specification. BSC stated that BSC would meet all the requirements of the COR. The Navy had no reason to believe that BSC did not understand the COR or contract requirements. Changes to the proposal design are expected in working to the final detail design in what engineers call the "design spiral." The Navy evaluation did not warrant that the BSC contract proposal would be adequate, but only that it met minimal evaluation criteria. Many of the BSC problems were self inflicted.

Neither party believed at the time that the design evaluated was suitable as is for production. To quote from NAVSEA's letter of September 17, 1990, denying BSC's request for adjustment:

"Bethlehem's position that, at the time of contract award, Bethlehem's contract design was believed to contain the level of detail and accuracy implied in its claim is not reflected in Bethlehem's proposal and is not supported by the language of the contract, which clearly contemplates the existence of errors and omissions in Bethlehem's contract design and specifications and allocates the risk of such errors and omissions, as well as the risk of compliance with the contract requirements, to Bethlehem."

The contract precludes any argument by BSC that the design was the Government's. Contract Line Item 0001 explicitly called for the Contractor to produce the detailed design for the T-AGS 39 Class ships. Special Provision H-37 of the contract also states:

"H-37. Additional contractor responsibility—Inasmuch as the T-AGS 39 Class Ship Specification, Contract Design, and Detail Design were developed by the Contractor, the Contractor assumes responsibility for their completeness, accuracy, adequacy, and compliance with the Circular of Requirements. In the event that there are any errors or omissions in the aforementioned specifications and designs, or in the accompanying plans that affect the detail design and construction effort, the Contractor shall correct such errors and omissions at the request of the Contracting Officer, with no increase in price."

Furthermore, the Contractor shall be responsible for ensuring that the ships as delivered to the Government comply with all applicable laws of the United States and with the regulations/standards (of governing regulatory bodies identified in the T-AGS 39 Class Ship Specifications and COR in effect as of March 22, 1985).

NCAB assessment. The NCAB believes that the Contractor was clearly tasked to develop the detail design package, and both the ship's design and the product were the Contractor's responsibility. The Navy evaluation of the proposal does not shift the risk to the Government. The proposal is for the Government's protection, and the purpose of the proposal is to satisfy the evaluations that the proposal meets the minimal evaluation criteria. Acceptance of a Contractor's proposal is not an implied Navy assurance that the proposal, as submitted, would produce the desired result, within the bid cost parameters.

The NCAB can find no basis to support the assertion that the Government warranted the proposal design to be adequate or suitable for the ship.

The NCAB finds that there was not a mutual mistake as to the significant specifications that BSC alleges. These are discussed sequentially in the DECISION.

(d) BSC alleges that under current contract policy, the contract would have been issued as a cost plus or fixed price incentive with a shareline since TAGS 39 is the lead ship of a new class.

NAVSEA RESPONSE. Regulations in effect at the time of solicitation and contract award did not preclude use of a fixed price contract. BSC did not question the contract type before award. BSC stated a willingness and ability to perform for the Price.

NCAB assessment. The NCAB finds that at the time the contract was awarded, the decision to use a fixed price contract with escalation for certain cost factors was proper and fully briefed and approved at appropriate levels. In fact, 10 USC 2306(c) requires that before a cost contract may be made, a determination must be made that such a contract is likely to be less costly to the Government than any other kind, or it is impractical to obtain the property or services except under such a contract. The Acquisition Strategy called for a fixed price contract with escalation, and that strategy was approved at appropriate levels. The NCAB does not consider a later change in policy which could preclude award of a particular type of contract to be a basis for reformation of prior contracts awarded before such a policy change.

The NCAB also finds that the circumstances indicate that BSC sought this contract to maintain its Baltimore Marine Division's (BMD) operation. BSC pursued this contract with some determination, and there is evidence that BSC did not expect the contract to produce a return, but primarily sought to keep the shipyard viable. The facts are that BSC underbid the second lowest bidder by a considerable amount, some $40 million (about $26 million or 17 percent lower at the cost line.) BSC reduced its price by 5 percent for "modular construction," a construction method with which BMD had no significant experience, and bid "no profit" on the first new construction ship at the yard in a decade. The Navy was concerned with this bid, and with the ability of BMD to deliver at that price, that it requested and obtained a corporate guarantee from BSC for completion of the contract. In view of Bethlehem's determined effort to secure this contract, it appears unlikely that the fault of this procurement lies in the procurement vehicle.

(2) Preservation of the mobilization base.

BSC requests that relief be provided to support the mobilization base.

NAVSEA response. BSC's Baltimore Marine Shipyard is not essential to the national defense.

NCAB assessment. There appears no reason to support the shipyard on a mobilization basis. It is not currently building any ships for the Navy, and it is understood that the TAGS was its first new ship construction in over a decade. BSC announced in March 1989 that it was withdrawing from new construction and shifting to repair and overhaul. The 1988 Shipbuilding Production Base Analysis determined that closure of BSC and some other yards engaged primarily in construction of auxiliary ships would cause only a minor impact on new construction deliveries. Consequently, the NCAB finds that BMD is not essential to the national defense.

Areas asserted indicative of mutual mistake: BSC asserts that there were a number of specific issues that resulted in considerable rework and redesign, and the result was that the contract price was substantially exceeded. BSC stated in its claim to NAVSEA of October 23, 1989, and repeated in its January 3, 1991, submission to the Secretary, that the combined effect of the following areas illustrate the enormity of the mutual mistake and the difficulty of its correction. In forming an opinion on these technical issues, the NCAB relied on information from BSC, NAVSEA, and the Ship Technical Office in the Office of the Assistant Secretary of the Navy (Research, Development, and Acquisition.) The NAVSEA response is, as before, the NCAB's summary of the NAVSEA information provided to the Board.

(1) BSC request. "The main propulsion engines selected during the contract design effort had to be increased in size to achieve the power requirements needed to assure a 20-knot cruising speed." The proposal was based on two Colt/Pielstick Model PC-2 16 cylinder, 11,792 bhp engines. BSC alleges that it discovered that these engines would have insufficient power (apparently 25,000 bhp was needed), and four months after award, changed to two Enterprise/TransAmerica DeLaval RV-5 16 cylinder, 12,500 bhp engines, which weighed some 300,000 lbs more.

NAVSEA response. The COR specified only that the vessels were to be built with medium speed, American built diesel engines (COR Section 6.51). The choice of engines was with BSC, and BSC explicitly reserved its right to change engines. Contemporary documentation dated September 25, 1985, indicates that BSC unilaterally selected DeLaval "primarily due to schedule considerations." Switching, four months into the contract, to larger, heavier diesels, when all original planning had been done on the Colt engines, BSC brought these problems on itself.

NCAB assessment. The NCAB does not see this as an area of mutual mistake. It believes that the record is clear that BSC explicitly retained its option to change engines, and unilaterally exercised it. The NCAB also believes that the DeLaval engines were less expensive. While greater than anticipated delay and disruption may have resulted from use of the heavier and larger DeLaval engines, and resulting changes in the drawings, this was not a mutual mistake, but a result of a BSC management decision. Many of the resulting problems were clearly foreseeable once the decision had been made by BSC to change engines.

(2) BSC request. "The power take off [generator, "PTO"] required by the COR had to be eliminated because of space considerations and because PTO power demands would have required even larger main propulsion engines."

NAVSEA response. BSC's design agent, M. Rosenblatt & Son, prepared a Preliminary Draft Value Engineering Study eliminating the PTO generator, dated August 30, 1985. In turn, Bethlehem Steel submitted a Value Engineering Change Study Proposal (VECP) to the Navy to eliminate the PTO Generator on September 13, 1985. This VECP was ultimately approved, and Bethlehem shared in the cost savings by $288,299. The elimination of the PTO Generator was reflected in the Bethlehem preliminary drawings of October, 1985. The VECP did not indicate any problem relative to main propulsion engine horsepower as the basis for the VECP.

NCAB assessment. The NCAB does not see this as an area of mutual mistake. The VECP was submitted to obtain Navy concurrence for removal of equipment the function of which BSC concluded through engineering analysis could be performed through other means at a reduced cost.

(3) BSC request. "The main propulsion subbase, a massive structure which was to serve as a floating foundation for the two main engines, was drastically modified to suit Navy concerns about access and structural integrity, increasing the weight of the subbase by some 44 tons." Modification 6 to the COR issued during evaluation of the initial proposals, increased the requirements for HFN noise, and called for the addition of a flexibly mounted "rate" or engine subbase for the mounting of the main engines.

NAVSEA response. While it appears that the resultant attempt to engineer and install the subbase caused difficulty and delay, BSC requested an equitable adjustment, and by Contract Modification P00010 was awarded an additional $22 million for the subbase and other "covered events." The Navy also points out that BSC contributed to this delay. As an example, the COR required that there be sufficient space between the main machinery subbase and the hull to permit access for maintenance, preservation and painting. In general, the industry accepts as a minimum 18 inches. BSC proposed a subbase with only 6 inches of access underneath it.

NCAB assessment. While the problems relating to the subbase and the related access space caused BSC delay and disruption, BSC as a result of negotiation and a bilaterally executed modification, P00010, has been fully compensated. It also appears that the subbase problem was complicated by the engine switch and the elimination of the PTO generator, items in BSC's control.

(4) BSC request. "The foregoing changes required Bethlehem to undertake a complete machinery space redesign, which was not complete until six months into the contract."

NAVSEA response. Changes and redesign are to be expected as part of the design spiral. In all new ship construction, the initial drawings are not the final design drawings. Both the COR and the BSC prepared specifications contain the following definition of a Contract Guidance Drawing (the level available at contract award):

Contract guidance drawing—A drawing identified as a 'Contract Guidance Drawing' and which illustrates design features of the ship. A contract guidance drawing does not necessarily depict, nor is it intended to depict, all features and details of the systems and structures to which it relates. It serves the purpose of providing information which, when utilized in conjunction with applicable specification requirements and other information, may assist in detail design." Both parties knew, therefore, that the initial drawings did not represent the final detail design, and that design is worked out in a process called the "design spiral" through a reiterative process.

BSC's decisions on the PTO and engines were part of BSC's management prerogative in meeting the COR design. BSC contributed to its own design problems when four months into the contract it terminated its design agent, M. Rosenblat & Son, and brought the design in-house to BMD, which had not built a ship in a decade, and had no experience with modular new ship construction. This resulted in much of the rework mentioned in this and the succeeding items. It does not follow that the Navy is responsible for resultant delay and disruption, or that there was a mutual mistake.

NCAB assessment. The choice of the means of meeting contract requirements, in the case of the engines or the PTO generator, was with the Contractor. The Contractor clearly had discretion in meeting COR requirements, and had to make its own schedule and cost tradeoffs. While the NCAB agrees with BSC in that the addition of the unexpected subbase did cause it difficulty, it notes that BSC was provided $22 million as full compensation for the additional work by Modification P00010. The NCAB finds that by far the greater share of this rework resulted from a number of choices made by the Contractor: specifically, the engine swap, the decision to continue production before detailed design was completed, and a new and inexperienced design team.

(5) BSC request. "All of the piping diagrams had to be redesigned to suit regulatory body requirements, Navy requirements, and/or the machinery space rearrangements. This effort was not complete until nine months into the contract, and it forced Bethlehem to abandon a large part of its preoutfitting plans."

NAVSEA response. It is recognized that extensive rework of the piping and ventilation system was necessary and very costly in that bulkheads frequently had to be cut through in order to reroute pipes and vents. As previously noted, the initial contract guidance drawings were never intended to be the detailed design package. The COR clearly stated the ventilation system and piping requirements had to be met. BSC submissions contemporaneous with Amendment 10 to the RFP (Modification 5 to the COR), indicate that BSC had taken these requirements into consideration.

NCAB assessment. While there is evidence of delay and disruption, it appears that BSC contributed significantly to the root problem of inadequate design, and rework.

(6) BSC request. "The HVAC [Heating, Ventilation and Air Conditioning] system had to be redesigned and increased in capacity to the extent that the number of fans increased by 30 percent and duct runs increased 50 percent."

NAVSEA response. The Contractor-developed HVAC Contract Guidance Drawings and the HVAC Specification in the Contractor's Best and Final Offer were found to be acceptable subject to the correction of minor deficiencies and further development of detail design. The COR and the BSC Specification noted, as quoted previously, that a contract guidance drawing is not a final detail drawing. It is therefore not possible to discern from the HVAC Guidance Drawings many of the detailed problems Bethlehem identified after award and attributes to defective Guidance drawings. Navy fans were specified in the COR because of their low noise characteristics. In general, insufficient detail was provided by the Contractor in this area to validate their allegations that they misunderstood HVAC requirements.

NCAB assessment. The HVAC redesign appears to be primarily a result of Contractor actions. The NCAB believes that the redesign resulted from BSC management decisions regarding its design and production efforts.

(7) BSC request. "Extensive revisions were required in the electrical system, including increasing the capacity of the generators, and making wholesale changes to the Electrical One-Line Diagram."

NAVSEA response. The one-line contract guidance drawing and electrical specifications section resulting from Best and Final Offers were found to be acceptable to NAVSEA, subject to correction of minor deficiencies and further development. Once Again, the COR and the Specifications contained the paragraph cited indicating that contract guidance drawings are not final detail drawings. Changes are expected in one-line electrical diagrams during detail design as actual equipments are purchased and locations of equipment are finalized. Changes may also be made for economic reasons as well as logistic ones.

NCAB assessment. The NCAB believes while the parties may disagree as to the necessity and degree of making the electrical system changes, it appears that these changes were part of the design spiral, and do not amount to mutual mistake.

(8) BSC request. "Substantial structural changes were required, including completely revising the bow lines to suit model tests which had to be delayed until six months into the contract due to David Taylor Naval Ship Research and Development Center scheduling conflicts."

NAVSEA response. The Contractor was aware that the initial design was not fixed. The contract requirements called for post award tank model testing which would be expected to lead to changes in the lines and steel requirements, as well as design development associated with the construction of models and mockups, such as those for the entire engine room and subbase. The tests indicated the need for changes in the lines and consequently, for changes in the requirements for structural steel. The requirements for performing post award powering, seakeeping and bow shape trade-off tank model tests as part of the design validation process were clearly defined in the COR and BSC prepared specifications. Any ship designer doing tank model tests on new ship designs could reasonably anticipate revisions to the lines and associated impact on structural steel requirements.

NCAB assessment. A reading of the COR would indicate that the precise vessel shape was to be determined based on model testing, which was to be completed subsequent to contract award. BSC should have recognized the risk BSC assumed by proceeding with production prior to completion of detailed design. The COR is clear. For example, COR, Section 6.1.4, discusses model testing, and Section 6.1.5(C) calls for the testing of "bulbous bow configurations." The COR requires at least two such configurations to be tested. It was BSC's decision to begin construction work before final detail design. As such, BSC must be said to have assumed the risk of redesign, which increased the amount of structural steel required and also resulted in some ship design modifications.

(9) BSC request. "A major, on-going research and development effort was required to meet the state of the art high frequency noise [HFN] limitations imposed by mission requirements, resulting in far-reaching changes in equipment and installation procedures applicable to virtually all auxiliary machinery." BSC contends that these efforts were far over what could reasonably have been anticipated. BSC states that it had to individually test over 150 pieces of equipment to determine their HFN characteristics, and ultimately units were mounted on resilient padded mounts and acoustic tile was installed on the ship to dampen sound transmissions. Waivers were also requested and granted for certain equipments.

NAVSEA response. As this was an oceanographic survey ship, which would use sonar for mapping the ocean bottom, at relatively high speeds, it was obvious to both the Navy and BSC from the beginning that the specifications contained HFN limitations. Indeed, the solicitation called for plans to demonstrate that satisfactory noise levels were achievable, and BSC provided such plans. It can hardly be said to have been surprised. The scope of HFN problems were not different than what BSC could have anticipated. BSC had included HFN studies in its proposal and the studies submitted by BSC's design agents did not differ significantly from Navy estimates of HFN limitations necessary. Prior to BFO's the offerors were well advised as to HFN levels and offerors were advised by NAVSEA letter that the successful offeror would be called upon to select appropriate compliance testing procedures for on board equipment.

It may be true that the final HFN parameters were difficult to ascertain at the time of contract award, but this is a matter of design maturity, which all offerors understood. Some offerors did state that it was impractical to prepare detailed noise and HFN treatments until the detail design had been accomplished, and at that time only calculations based on general acoustic principles, and hull designs could be produced. The Navy accepted the general treatments in the proposals but offerors were not relieved at that time of the contractual obligation for developing and meeting final parameters. This was true not only for HFN, but also for related acoustic studies for airborne noise, and vibration studies.

NCAB assessment. The NCAB finds that the parties were aware of the need for HFN considerations from the start. While the offerors may have had some difficulty in pricing this aspect, and BSC was surprised when it was required to test over 100 individual equipments for HFN noise, this was not a mutual mistake but rather a required effort that BSC should have been prepared to make to meet contract parameters. During contract performance, the HFN standards in the COR were reduced from "requirements" to "goals" by contract modification P0006. It does not appear that meeting the parameters was impossible, only that meeting the parameters was difficult and required individual testing of equipments. BSC has estimated a cost about $640,000 for HFN problems in Volume IV, p. 33–34, of the BSC claim. The NCAB has no basis to conclude that this was an unreasonable amount which BSC should have provided for in its proposal. These events are also included in the mutually agreed release language of P00010. The NCAB concludes that BSC has been compensated for any additional effort incurred in meeting HFN requirements.

(10) BSC request. "Procurement of equipment and machinery was delayed and disrupted due to changes in system capacities or other requirements flowing from the foregoing items, as well as the need to comply with stringent electromagnetic interference [EMI] requirements (which are unknown to commercial vendors) and which are incompatible with commercial equipment."

NAVSEA response. EMI parameters were in the COR and BSC had anticipated them in its proposal. As in the case of HFN, EMI requirements are an expected parameter in designing vessels of this type. As HFN, offerors were advised of EMI parameters and submitted plans to meet them.

NCAB assessment. Delay and disruption has been treated before. The NCAB finds that EMI parameters were in the COR and that BSC could reasonably have anticipated them. It finds that EMI is also a covered event under the release language of Modification P00010 and that BSC attributes $681,000 to EMI efforts in Volume IV, p. 42, of its claim. The NCAB also finds this well within the range that a Contractor should have anticipated in its proposal.

Decision: The NCAB is well aware of the body of Government contract law on mutual mistake and commercial impracticability. The NCAB is not, however, a judicial forum to decide legal issues; it is impaneled to see if extraordinary contractual relief should be provided under the guidelines of FAR Part 50. If BSC has a valid legal claim, there are alternate forums available, and BSC has in fact filed a claim with the Claims Court. Nevertheless, even though the NCAB is not bound by case law, it has considered existing case law as a guide for considering the fairness issues raised in the BSC request.

The NCAB believes that the case law indicates that in order to prevail on a issue of mutual mistake, BSC must demonstrate that a mistake exists as to a fact or assumption that was fundamental to the contract at the time it was executed; that both parties made the same mistake as to the same fundamental fact or assumption; that this mutual mistake was material; and finally, that BSC did not assume the risk of the mistake.

The NCAB does not believe that BSC has satisfied this test under existing legal criteria. It appears to the NCAB that there was no mutual mistake by the parties and that BSC assumed the risk of performance. Both of these conclusions would block legal recovery. The Board must go one step further, and decide whether the contract should be adjusted under FAR Part 50. The mere fact that a loss is suffered is not sufficient. The Board has sought evidence of some Government action which while not creating any liability on the part of the Government, would have unfairly increased the Contractor's costs. We have previously discussed in detail the areas that BSC has asserted as indicative of mistake. We have concluded that there was no mutual mistake, nor any unfair Government action, but rather a unilateral cost or effort estimation mistake on the part of BSC. Unilateral cost estimation or effort estimation mistakes on the part of fixed price contractors are not considered by the NCAB as an appropriate basis for relief under a fairness standard.

There are numerous factors which indicate that BSC assumed the risk of performance. BSC was aware, or should have been, of the risks involved. BSC had adequate opportunity to review the COR specification which contained the requirements BSC is now alleging as mistake or as impractical. The BSC proposal identified these areas and presented an acceptable understanding of the problems involved. Despite this, BSC aggressively bid the contract, and BSC provided the Navy with a corporate guarantee to assure award. These factors indicate that BSC had knowledge, had opportunity to inquire, and deliberately chose to accept the risk.

During contract performance, the parties executed a bilateral modification to the contract, P00010, which released the Navy from all post award contract claims, except it preserved to BSC the right to make a claim for reformation based on events before and at contract award. The relevant language from that contract modification is:

Contract Modification P00010, dated February 29, 1988 [Paragraph] D. EXCEPTIONS:

(1) Except for the items designated below, the Contractor's release set forth in this modification is complete and final with respect to Covered Events, no rights are reserved under this modification and, in any event, any and all such rights shall be deemed to have been waived without exception. . . .

(a) . . .

(b) A request for reformation of this contract on the basis of a mutual mistake and/or other legal and equitable principles arising out of events which occurred on or before contract award which request has been discussed generally between the parties and is referred to in a letter from Bethlehem to the Navy dated June 8, 1987, and a September 1987 submission to the Navy titled 'Bethlehem T-AGS Position Paper.' This request can be made pursuant to either the Contract Disputes Act of 1978, or Public Law 85-804, Extraordinary Contractual Relief. The facts underlying the below listed actual or potential Requests for Equitable Adjustment (REAs), which such REAs have been discussed by the parties, may be relied upon in pursuing a claim for reformation of the contract as described above. Except to the extent provided herein, the facts supporting the below listed actual or potential REAs are considered "Covered Events" and are included within the scope of this release.

(a) State of the Art High Frequency Noise Limits;

(b) Subbase Improved Access;

(c) Impractical Electromagnetic Interference Requirements;

(d) Mission Management Area Design Problems;

(e) Subbase Structural Strength Changes; and

(f) Special HVAC [Heating, Ventilation, and Air conditioning] Acoustic Treatments.

Public Law 85-804 relief is without consideration, and is not bound by Modification P00010, however, the NCAB in being guided by principles of fairness should not compensate a Contractor for changes for which it has already been compensated. We accordingly take this modification at face value, and look only at BSC's position prior to award, to see if there was a mutual mistake, or if the inappropriate contract type was used.

The NCAB finds that at the time the contract was awarded, the decision to use a fixed price contract with escalation was proper and briefed and approved at appropriate levels. The contract provided for escalation in the event of cost increases (based on specific indexes) to enumerated categories of labor and materials. At the time of the solicitation, no offeror took issue with either the type of contract or the use of a COR. The NCAB does not consider a change in contracting policy which might preclude the award of a particular contract type or format at a later time to be a basis for reforming prior contracts.

The NCAB believes that the COR procurement technique was appropriate for this procurement. The Navy has used a COR technique frequently with success for several specialized noncombatant vessels. The experiences of other contractors with COR procurements indicates that there is nothing inherently wrong in using a COR technique and indeed, it seems to work well with auxiliary vessels. While BSC states that TAGS 39/40 are significantly more complex than others built using the COR technique, the NCAB does not believe that those arguments invalidate the decision to use the COR technique. While T AGS 39/40 are larger than those typically built using the COR technique, and they are new construction as opposed to conversion from prior construction, BSC cannot claim to be surprised by this knowledge. BSC knew these facts at contract award. And most significantly, BSC did not object before award to the use of a fixed price with escalation contract, or the use of a COR procurement technique.

BSC also did not object to the length of time provided for proposal preparation. The NCAB finds from the contemporaneous record, that the length of time was not an issue in this procurement. The offerors had 55 weeks from issuance of the preliminary COR to BFO, which should have been adequate. While Modification 6 to the COR, incorporating the subbase, may have come late in the process, and its incorporation did lead to some ultimate delay and disruption, BSC was compensated for these expenses by Modification POOO10 to the contract which awarded BSC $22 million for subbase problems and granted the Navy a release of all post-award claims.

The NCAB believes that there was no issue of mutual mistake regarding the contract requirements. Rather it was clear what the Navy wanted and the contract explicitly placed responsibility for contract design on the Contractor. The RFP required the Contractor to develop ship specifications and a contract design which the Contractor would later use to develop a detailed design and build the ships. Responsibility for completeness, accuracy and adequacy of ship specifications, contract design and detailed design was the Contractor's as specifically stated in clause H-37 of the contract. Navy review of the Contractor's proposal was not intended to validate the design but only to check for compliance with minimum COR requirements. Navy review of the proposal did not shift the responsibility for the design from the Contractor to the Navy.

The NCAB also finds that BSC actions to win the contract contributed to the ultimate overrun. BSC aggressively bid to obtain the contract and was left without any management reserve. In fact, after being questioned on the reasonableness of its costs during discussions, BSC dropped its price even further at best and final offer and deleted all profit. BSC at BFO underbid the next lowest bidder by $40 million (about $26 million or 17 percent lower at the cost line, i.e. without profit), with a 5 percent reduction for "modular construction" (a construction method with which BSC had only limited experience), and bid "no profit" on the first major new construction at BMD in about ten years. Clearly, BSC could not realistically expect to produce a positive return on this contract, and there is evidence that BSC anticipated that this contract would incur a small loss. The Navy did not stand by idly while BSC continued to cut costs from its proposal. It questioned BSC closely about its costs, and finally, before awarding BSC the contract, required BSC to provide a corporate guarantee of performance. Clearly, the Navy at contract award insisted that BSC, with its corporate resources, guarantee that Baltimore Marine Division would successfully complete this contract. While BSC minimizes the importance of this guarantee, stating that since BSC signed the contract, not BMD, that BSC in any event would have been liable, the NCAB believes the corporate guarantee to be significant. It represents contemporaneous evidence that the Navy had concerns about the price bid, and it represented BSC's deliberate commitment to perform at the reduced BFO price.

The NCAB further finds that unilateral BSC management decisions during performance contributed to the cost growth. Approximately 10 weeks into the contract, BSC changed to heavier, larger engines necessitating expensive changes in machinery arrangement, support structures and related equipment. Four months into the contract, BSC dismissed M. Rosenblatt as its design agent and attempted to do the design in house with new and inexperienced personnel. At this point, when design problems indicated a hold on production effort was in order, BSC chose to continue production activity concurrently with design activity.

The NCAB has reviewed in detail the ten items that BSC alleges represent areas of mutual mistake. Of the first three items, the engine switch, the PTO, and subbase, the first two items represent management decisions whereas the third represents a Government change to the specification for which BSC has been fully compensated. Each choice impacted the other, as item four represents the delay and disruption attributable to the first three. The NCAB does not believe any of these items illustrate mutual mistake.

Items five, six, and seven are delay and disruption items to the various shipboard electrical, ventilation, and piping systems. The NCAB believes that this delay and rework resulted from the choices made by BSC, and the inability of BSC to rapidly react with new designs to a fluid situation. BSC's new and inexperienced staff needed time to prepare the design, and BSC's decision to continue construction activity led inevitably to major rework. BSC's low bid included no margin for rework or redesign, and as a result this area magnified the losses already accumulated.

Items eight, nine and ten, the ship lines, high frequency noise (HFN) and electromagnetic interference (EMI) were obviously design spiral items. The NCAB finds these requirements to be stated in the COR, and that post award design effort would be required to satisfy the requirements. It should have been anticipated that additional ship modeling would be needed, and that HFN and EMI parameters would have to be developed and tested. In conclusion, a lengthy review of the areas asserted to indicate mistake, reveals a situation driven not by mutual mistake but by an underestimation of work necessary to satisfy the design spiral inherent in new ship construction.

The NCAB has found this to be a very difficult case. The facts and circumstances presented by BSC include a number of compelling elements and have prompted us to conduct an extensive series of meetings, interviews and written exchanges with both BSC corporate officials as well as Navy representatives. BSC took on an ambitious ship construction project and completed it despite enormous losses. This is to BSC's credit as a corporation. After much deliberation, the NCAB concludes that BSC committed itself to no less with its corporate guarantee of performance. While both parties were surprised by the difficulty of the engine mounting problems, and some of the efforts necessary to meet HFN and EMI requirements, those issues were addressed and settled between BSC and NAVSEA. The NCAB believes that BSC was fully compensated for changes after award by Modification P00010 for $22 million and should not be compensated again for these changes.

The NCAB can find no evidence to indicate that the Government was either unfair, or that Government action or inaction contributed to the loss, except for the areas already compensated for under Modification P00010.

The NCAB finds that BSC has not produced any documentation or significant evidence to support its request for relief based on maintaining the mobilization base. There is no reason to maintain the shipyard for new construction purposes as an element of the mobilization base. The TAGS construction was its first new ship construction in about a decade. BSC announced in March 1989 that it was withdrawing from new construction and shifting to repair and overhaul. The 1988 Shipbuilding Production Base Analysis determined that closure of BSC and some other yards engaged primarily in construction of auxiliary ships would cause only a minor impact on new construction deliveries. Consequently, the NCAB agrees with the NAVSEA position that BMD is not essential to the national defense.

The request for relief is denied.

Contractor: Bahrain Defense Force.

Type of Action: Formalization of Informal Commitment.

Actual or estimated potential cost: $11,434.

Service and activity: Bahrain Defense Force Air Base in Shaikh Isa, Bahrain.

Description of product or service: Subsistence support.

Background: In early August 1990, as part of the 7th Marine Expeditionary Brigade, Marine aircraft Group 70, Operation Desert Shield, elements of the Third Marine Aircraft Wing rapidly deployed to Southwest Asia. Arrangements were made for an operational site at the Bahrain Defense Force (BDF) Air Base in Shaikh Isa, Bahrain.

Advance party personnel arrived without the capability to establish subsistence support due to the immediate nature of their deployment. Liaison with the BDF was made to procure subsistence support for Marines and other U.S. Forces personnel. The BDF agreed to provide this support in their officer's Mess and Enlisted Mess Hall. No other subsistence was available for U.S. Forces.

A rapid and enormous increase in personnel utilizing these facilities necessitated expansion of services and a heavy reliance on commercial vendors. No formal contract actions were effected for subsistence support due to the understanding of MAG–70 personnel that subsistence was to be provided as part of a "Host Nation" agreement.

After several months it was realized that subsistence was not going to be provided by the BDF under a Host Nation Agreement. This prompted the implementation of contract actions by U.S. personnel and contract ratification actions to remedy the situation where supplies and services were received without formalized contract procedures in place. Ratification actions totaled approximately $5.5 million with 18 vendors. However, the subsistence which is a part of this extraordinary contract relief was not part of a contract or ratification.

In the instance of the previous ratification, and this extraordinary contract relief action, the BDF acted in the capacity of a vendor. The portion of the prior ratification involving BDF resulted in a payment to BDF of $614.55 on June 14, 1991. The subsistence involved here was not part of that ratification.

Justification: At the time of the ratification, DBF indicated that there were additional outstanding invoices. These 50 invoices, totaling 4266.600 Bahrainian Dinars, or $11,434.49 were received by Headquarters Marine Corps in February 1992. Marine Corps accounting records do not reflect these invoices as having been paid.

It is impossible to determine who ordered the subsistence in question, whether it was used exclusively by U.S. Forces, and where any excess, if any, is presently located. However, statements prepared by personnel familiar with the U.S. buildup in Bahrain, as well as a telephone conversation with the former Chief, Office of Military Cooperation, American Embassy, Bahrain, substantiate that, with the exception of two invoices, numbers 37 and 38, these supplies were used in direct support of subsistence for U.S. personnel.

BDF invoices number 37 and 38 are dated June 25, 1990. These represent purchases of bottled water and "sterno type" fuel cans used to heat food in a serving area. The total dollar value of these two invoices is approximately $50. Signatures on these invoices as well as the type of items are consistent with those seen after August. Even though it is unclear whether these items were used in direct support of U.S. forces, it will facilitate the National Defense to pay these invoices. The negligible amount of money involved ($50) is insignificant when compared with the adverse impact caused by poor relations with Bahrain.

This matter has become a serious concern to the BDF with the American embassy caught in the middle trying to maintain good relations with Bahrain.

Nonpayment of these invoices is having a negative impact on relationships between the U.S. Government and the Government of Bahrain and on current negotiations between representatives of the American Embassy, Office of Military Cooperation, and the Bahrainian Government.

Accordingly, payment of the invoices will facilitate the National Defense.

No other legal authority within the Marine Corps allows for payment of the invoices.

Decision: It is determined that the Bahrain Defense Force Officer's Club should receive payment for subsistence support under the provisions of the Federal Acquisition Regulation Part 50 to facilitate the National Defense.

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from, nuclear radiation, use of high energy propellants, or other risks not covered by the Contractor's insurance program were included in these contracts; the potential cost of the liabilities cannot be estimated since the liability to the United States Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:

	Number
Hughes Aircraft Company	4
Kearfott Guidance and Navigation Corporation	3
Litton Systems, Inc	1
Thiokol Corporation	1
Paramax Systems Corporation	2
Rockwell International Corporation	2
Interstate Electronics Corporation	2
Raytheon Company	5
Westinghouse Electric	5
Lockheed Missiles and Space Company	6
General Electric Company	4
General Dynamics Corporation ...	3
McDonnell Douglas Missile Systems Company	1
Newport News Shipbuilding and Drydock Company	1
Connaught Laboratories, Inc	41

DEPARTMENT OF THE AIR FORCE

Contractor: Pacific Architects and Engineers (PAE).

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $10,824,721.

Service and activity: Zaragoza Air Base (AB) Spain.

Description of product or service: Maintenance and operation of Zaragoza AB, Spain.

Background: PAE, the base maintenance and operations Contractor at Zaragoza AB, Spain, has requested relief under Public Law 85–804 to permit reimbursement of severance pay required by Spanish law for employees terminated as a result of the closure of Zaragoza AB. The request is for a contract adjustment to amend without consideration Contract No. F61521–91–5005, the Spanish Base Maintenance Contract (SBMC).

The SBMC is a cost reimbursement award fee type contract which was awarded by the U.S. Air Forces in Europe (USAFE) to PAE on May 17, 1991. The estimated cost and maximum award fee for the basic year (fiscal year 1992) are $27 million and $1.1 million, respectively. The contract contains the clause at FAR 52.237-8, which the USAFE contracting officer has determined precludes the reimbursement of severance payments to local employees beyond amounts which would be payable to employees in the U.S. in similar employment circumstances. This clause is contained in the contract as directed by FAR 37.110(f), which implements the requirements of 10 USC 2324(e)(1)(M).

10 USC 2324(e)(1)(M) states as follows:

> . . . (e)(1) The following costs are not allowable under a covered contract: . . . (M) Costs of severance pay paid by the Contractor to foreign nationals employed by the Contractor under a service contract performed outside the United States, to the extent that the amount of severance pay paid

in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined under regulations prescribed by the Secretary of Defense . . .

FAR clause 52.237-8 states in pertinent part:

> . . . Costs of severance payments to foreign nationals employed under a service contract or subcontract performed outside the United States are unallowable to the extent that such payments exceed amounts typically paid to employees providing similar services in the same industry in the United States . . .

The SBMC contract was the first covered contract to be awarded by USAFE after the severance cost allowability limitation imposed by 10 USC 2324(e)(1)(M). FAR clause 52.237-8 was present in the solicitation for the SBMC. Prior to contract award a potential offeror requested clarification of the impact of this clause on the allowability of severance costs. The contracting officer's written response was provided to all potential offerors, including PAE. From this exchange, the contracting officer believes there should have been no ambiguity that severance costs beyond those payable to employees in the U.S. under similar employment circumstances would be unallowable. However, the benchmark "typical" severance pay entitlement in the U.S. was not known at that time. In these circumstances, the only other offeror refused to accept the inclusion of FAR clause 52.237-8 in the contract and was therefore eliminated from the competition.

Prior to the award to the SBMC, Zaragoza AB was scheduled to enter standby status sometime after September 1991. This was public information which was known, or should have been known, to PAE. However, the decision to completely close Zaragoza AB was not made until after contract award. Since neither the decision to close Zaragoza AB nor the date for Work for the SBMC was not adjusted to reflect any reduced effort required on this account.

On July 31, 1991, the Air Force announced its decision to completely close Zaragoza AB by September 30, 1992. As a result of the base closure PAE must terminate the employment of approximately 486 Spanish nationals. Consistent with applicable Spanish law and labor practices, employers and employees must agree to the terms of the termination, including severance pay entitlement, before the employees may be terminated. If agreement cannot be reached, the employer must submit its severance offer to Spanish labor authorities for approval. Until agreement is reached or the employer's offer is approved, the affected employees must be paid their normal wages. The SBMC requires PAE to comply with all local, host country laws, including those regarding wages and other employee benefits. Since the SBMC is a cost reimbursement contract, such wage costs will be paid by the Air Force, provided they meet the requirements of applicable cost principles and the terms of the contract for cost allowability.

After receipt of notice of the closure of Zaragoa, PAE began negotiating with the employee union to reach agreement on the severance pay entitlement as required under Spanish law. Spanish law permits workers a severance benefit equivalent to between 20 to 60 calendar days for each year of employment. PAE estimates the ultimate severance entitlement arrived at through negotiation to be 45 days at an estimated additional cost of approximately $18 million. However, in connection with the recent termination of Spanish employees of the Spanish Ministry of Defense working at Zaragoza AB and Torrejon AB, the final severance entitlement agreed to by the employees was 30 calendar days per year of employment.

At the request of the SBMC contracting officer, DCAA surveyed U.S. severance practices and determined that one week severance pay per year of employment is customary in the U.S. This is in comparison to a severance pay entitlement under Spanish law of between 20 to 60 days pay for each year worked. Therefore, as a result of the closure of Zaragoza AB, PAE will be required by Spanish law to incur substantial severance costs which, if relief is not granted, will not be reimbursable under the terms of the contract. If 30 days per year of employment is the ultimate severance entitlement, the non-reimbursable costs of severance pay would be an estimated $12 million. Most of the severance entitlement was accrued by employees working at Zaragoza over many years prior to the enactment of 10 USC 2324 (e)(1)(M) and would not have been expressly unallowable under previous contracts which did not contain FAR clause 52.237-8.

PAE's negotiations with the employee union have focused on the number of days severance entitlement. These negotiations have not been productive. One reason for the lack of progress is because PAE has made only offers that are contingent on the reimbursement of severance costs under the SBMC. PAE asserts it does not have the financial capacity to pay the severance costs required by Spanish law if these costs are not reimbursable, and that it therefore cannot make a severance entitlement offer which is beyond its ability to pay.

PAE asserts that since it does not have the financial capacity to pay the unreimbursed severance costs, it will be unable to terminate employees to meet the schedule for closure of Zaragoza AB and will be unable to continue performance of the contract. The lack of progress in negotiations with the union has already resulted in labor unrest due to the employees' fears of being denied severance pay to which they are entitled under Spanish law. If severance costs are not reimbursable, PAE predicts further, perhaps more serious, labor unrest which could threaten the operations of other U.S. facilities in Spain, risk damage to U.S. property and pose a hazard to U.S. personnel in Spain. PAE further predicts complex and protracted litigation between and among U.S., PAE, Spanish employees and the Government of Spain as well as a negative impact on relations between the U.S. and Spain if severance costs required by Spanish law continue to be non-reimbursable. Based on extensive firsthand knowledge of the situation, cognizant contracting and operations officials of USAFE, including the Commander in Chief, concur with PAE's predictions and recommend granting the requested relief.

Justification: The Air Force has authority to grant the requested relief under Public Law 85-804, 72 Stat. 972, codified at 50 USC 1431-1435, as amended, and Executive Order 10789 as amended. This law, as implemented, gives the Secretary of the Air Force or his authorized representative the authority to enter into or amend contracts without regard to provisions of law relating to the making, performance, amendment or modification of contracts, in order to facilitate the national defense. This authority is implemented through provisions of FAR Part 50, DFARS Part 250, and AFFARS Part 5350. By Secretary of the Air Force Order No. 640.11, the Secretary of the Air Force has constituted and delegated authority to the Air Force Contract Adjustment Board (AFCAB or Board) acting in accordance with the FAR and DFARS, to approve, authorize and direct appropriate action, or to deny, all requests for relief under Public Law 85-804.

Decision: PAE requests amendment of the SBMC to make severance costs required by Spanish law allowable costs under the contract, not withstanding the provisions of the clause at FAR 52.237-8, which the contracting officer has determined limits the reimbursement of severance costs to amounts customarily paid to employees in the U.S. in similar employment circumstances. PAE claims entitlement to relief under the provisions of either FAR 50.302-1(b) for amendments without consideration of FAR 50.302-2 for correction of mistakes.

FAR 50.102(a) provides that relief may not be granted unless other legal authority within the agency is lacking or inadequate. The contracting officer has concluded that the contract does not permit reimbursement of the severance costs in question and that as a result the USAFE contracting officer is without authority to accept PAE's assertion that the costs are reimbursable under the contract.

PAE could submit a contract claim under the Disputes procedures of the contract. This would require the issuance of a formal contracting officer's decision denying the claim, which could then be appealed to the Armed Services Board of Contract Appeals (ASBCA). The ASBCA should rule against PAE based on unambiguous contract provisions making the severance costs in question clearly unallowable. Even if PAE were to prevail in appeal to the ASBCA, the matter could not be resolved in time to prevent the serious impacts described by PAE and USAFE as the probable result of continued non-reimbursement of the severance costs required by Spanish law. Further, PAE has asserted that if the severance costs are not permitted to be reimbursed, it would cease contract performance, with the possible consequence of extensive and prolonged multi-party litigation. As a result, other possible avenues of redress are either outside the agency, unlikely to permit relief, or incapable of providing a timely resolution of this matter. Therefore, other legal authority with the agency, as contemplated by FAR 50.102, is lacking or inadequate.

The requested relief may only be granted based on a finding by the AFCAB that the contract adjustment will facilitate the national defense. Providing for fair and equitable treatment of contractors facilitates the national defense by helping to assure an adequate supply of defense contractors willing to bid on and perform future defense contracts. Granting of relief which permits performance of, or avoids negative impacts on, defense contracts and Defense Department overseas operations also facilitates the national defense.

PAE's request for relief asserts correction of an obvious mistake as a possible basis for granting the requested relief. A contract adjustment may be granted for the purpose of correcting a mistake such as a failure of the written contract to express the parties' true intent, an obvious unilateral mistake or a mutual mistake of both parties as to a material fact. However, while USAFE recommends granting relief to PAE on other grounds, it disagrees that a mistake was made of the nature required to permit relief as contemplated by FAR 50.302-2. The pre-award question raised by another offeror on the impact of the contract provisions concerning limitations on reimbursement of severance costs, and the USAFE response to the question which was provided to PAE, lead to the conclusion that any "mistake" involved assumptions as to the likely occurrence of a mass severance event rather than a mistake as to the allowability of such severance costs, as alleged by PAE in its request for relief requested on the basis of an alleged mistake is not warranted in the circumstances.

As a separate basis for relief, PAE cites the provisions of FAR 50.302-1(b) for granting an amendment without consideration based on action by the Government. It is on this basis that USAFE recommends granting the relief requested by PAE. Applicable portions of FAR 50.30 2-1(b) are as follows:

> . . . When a Contractor suffers a loss (not merely a decrease in anticipated profits) under a defense contract because of Government action, the character of the action will generally determine whether any adjustment in the contract will be made, and its extent. When the Government directs its action primarily at the Contractor and acts in its capacity as the other contracting party, the contract may be adjusted in the interest of fairness. Thus, when Government action, while not creating any liability on the Government's part, increases performance costs and results in a loss to the Contractor, fairness may make some adjustment appropriate . . . .

This Board finds that the three required elements for relief on the basis of government action are present. First, PAE stands to suffer a substantial loss if it is not reimbursed for the costs of severance pay required by Spanish law. The SBMC is a cost plus award fee contract with a potential award fee of approximately $1.1 million compared to an estimated $12 to $18 million deficit between what Spanish law will likely require PAE to pay and what the contract as it now stands will permit to be reimbursed. Second, the loss to PAE will result from the Government's action in closing Zaragoza AB, and disallowing most of the costs of severance pay required to be incurred by PAE under Spanish law. Third, it would be unfair not to reimburse these severance costs which, for the most part, have accrued over many years before the present contract was executed and for which the Government has received at least an indirect benefit.

After careful consideration of the unique circumstances involved in this matter, the Board finds it necessary and appropriate to grant some measure of relief to PAE. Relief will facilitate the national defense by avoiding the serious negative impacts on performance of the SBMC, the schedule for closure of Zaragoza AB, and defense operations in Europe, which will be caused by continued nonreimbursement of severance costs. These negative impacts include, but may not be limited to, delays in closing Zaragoza AB, labor unrest which may pose a hazard to U.S. defense operations, property, and personnel, deterioration of relations with the Government and people of Spain, and the potential inability to contract for essential services in the future.

However, from the perspective of this Board, PAE bears some responsibility, although not total responsibility, for the present difficult situation, in that PAE knowingly and willingly entered into the SBMC contract containing the severance cost allowability provisions from which PAE now seeks relief. In these circumstances, equity requires not only protection of PAE against unfair cost disallowance, but also recognition of the legitimate interests of the U.S. and those other potential offerors which chose not to accept the risks willingly undertaken by PAE.

This Board finds that permitting the reimbursement of reasonable severance costs, limited to not more than 30 calendar days severance pay for each year of employment, will provide sufficient relief to PAE and will be adequate to facilitate the national defense. This 30 day severance entitlement is considered reasonable by the Board in view of the previous successful negotiations with Spanish employees of the Spanish Ministry of Defense working at Zaragoza AB, and is consistent with PAE's prior settlement offers. If PAE finds it necessary to agree to more than 30 days severance entitlement in negotiations with Spanish employees, any such severance costs in excess of a total of 30 days per year of employment will be unallowable and will be born by PAE.

In addition, the following conditions and restrictions apply to the reimbursement of severance costs described above:

1. The 30 day severance costs considered reasonable by this Board is the total reimbursable amount, including the 7 days previously determined by the DCAA to be typical for similarly situated employees in the U.S.

2. No fee, profit, overhead or other burden will be applied to the entire 30 days severance costs granted herein. This restriction applies to all severance costs of Spanish employees at Zaragoza AB, including the seven day entitlement found by the DCAA to be typical in the U.S.

3. The amendment of the SBMC authorized by this decision will be an Accord and Satisfaction as to all Spanish national severance costs related to the SBMC at Zaragoza AB. PAE will release the U.S. from any and all claims whatsoever, related to the costs of severance of Spanish employees at Zaragoza AB, including, but not limited to, any claims or charges for attorney's fees or other costs of pursuing this request for relief, or otherwise pursuing a decision by the Government on the allowability of such severance costs.

The SBMC contracting officer is authorized to amend the SBMC as needed to implement this decision, subject to the above stated conditions and restrictions.

All members of the Board concur in this decision.

Contractor: Mekel Engineering, Inc.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $485,028[1]

Service and activity: Unknown.

Description of product or service: Unknown.

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the Contractor's insurance program were included in one contract; the potential cost of the liabilities cannot be estimated since the liability to the United States Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear-armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:

	Number
General Dynamics/Convair Division	1
CRAF (Samolia, Operation Restore Hope)	1
	[1]2

[1] An additional indemnification was approved; however, the Air Force has deemed it to be "CLASSIFIED," not subject to this report's purview.

DEFENSE LOGISTICS AGENCY

Contractor: Yeargin Sales, Inc.

Type of action: Amendments Without Consideration.

Actual or estimated potential cost: $15,707.88.

Service and activity: Navy Regional Contracting Center, Office of the Secretary of Defense, the Military Services, and Other Defense Agencies, Washington, D.C.

Description of product or service: Cable, Telephone, NSNs 6145-01-022-8212 and 6145-01-022-8213

Background: The Contractor is H. Yeargin Sales, Inc. (Yeargin), 107 Susan Lane, Circleville, New York 10919-9719. Contract DAL500-85-C-4880 was awarded by the Defense Industrial Supply Center (DISC) to Yeargin on September 30, 1985, for a quantity of 16,000 feet of cable telephone, National Stock Number (NSN) 6145-01-022-8212, at a unit price of $1.888 and a total contract amount of $73,632.00. Purchase Order DLA500-86-M-B705 was issued by DISC to Yeargin on November 15, 1985, for 2,000 feet of cable telephone, NSN 6145-01-022-8213 at a unit price of $6.01845 and a total amount of $12,036.90.

Under the two contracts and one purchase order (hereafter referred to as "the contracts"), Yeargin purchased foreign supplies, which were imported from Spain. The date of importation was June 26, 1986. In July 1986, Yeargin filed an entry in Baltimore, Maryland claiming duty-free entry under Tariff Schedules of the U.S. Annotated (1986) (TSUSA) Item Number 832.00. On February 2, 1987, U.S. Customs Service, Baltimore District, issued a notice to Yeargin that the articles were dutiable at 5.3 percent because duty-free certification had not been received. Yeargin sent copies of DD Forms 250 to Customs in Baltimore by letter of February 25, 1987. Customs responded to Yeargin on March 3, 1987, that "entry cannot be liquidated free of duty unless and until duty-free certificate from the Defense Contract Administration Services Region (DCASR) is furnished." Yeargin asserts that it responded to Customs by letter dated March 27, 1987, stating that it was securing and forwarding required documents to Defense Contract Administration Services Management Area (DCASMA), New York for issuance of the Certificates.

Customs denies having received this letter. By letter dated June 4, 1987, Yeargin forwarded a Form 7501 to the Administrative Contracting Officer (ACO) at DCASMA. The entry was liquidated by Customs on June 26, 1987, at 5.3 percent. A supplemental duty bill was issued for $9,037.35. DCASR, New York issued Certificates of Duty-Free Entry on December 23, 1987, and again on June 27, 1988 to Alltransport, Inc., the designated customhouse broker for Yeargin. The Baltimore customs district received the Certificates on June 30, 1989. By check dated June 22, 1989, Yeargin's surety had paid the U.S. Customs Service $11,007.88, for duty and interest.

Justification: Yeargin wrote to the ACO on June 22, 1989, asking for assistance; the

---

[1] The Contractor withdrew its February 27, 1992, application for extraordinary contractual relief under Public Law 85-804 without either approval or denial by the Government.

International Logistics Office at DCASR then wrote to Customs on June 30, 1989, forwarding copies of the Certificates and requesting reliquidation. Also in June 1989, Yeargin sought assistance from Congressman Benjamin A. Gilman. Customs' response to correspondence from Representative Gilman was to aver that no remedy was available to Yergin because all deadlines for protests and appeals had passed. By letter dated June 1, 1990, addressed to both the ACO at DCASMA and the U.S. Customs Service, Regional Commissioner of Customs, Boston, Yeargin requested relief under Public Law 85–804 in the amount of $11,007.88 plus $4,700 for overhead and time spent by Yeargin in attempting to resolve the matter. In its January 28, 1992, letter to Defense Industrial Supply Center (DISC), Yeargin refers only to the $11,007.88 figure.

Decision: Under the authority delegated to the Assistant Counsel by the Commander, DISC, by Inter-Office Memorandum dated October 28, 1991, it is hereby decided that Yeargin is not entitled to the relief it has requested under Public Law 85–804. The decision is based on the following:

FAR 50.302 provides for only three types of contract adjustment that may be sought. Two of these, correcting mistakes and formalizing informal commitments, are inapplicable to the instant case. The third type, amendments without consideration, is available only if the conditions in either FAR 50.302–1 (a) or (b) are met.

FAR 50.302-1(a) permits relief in cases where a loss under a contract "will impair the productive ability of a Contractor whose continued performance on any defense contract or whose continued operation as a source of supply is found to be essential to the national defense." Relief would be permitted "only to the extent necessary to avoid such impairment to the Contractor's productive ability." Yeargin had not demonstrated how the alleged loss it has suffered impairs its productive ability. Moreover, there is no showing that Yeargin is essential to the national defense. At the time of the contracts in question, Yeargin was a dealer, not a manufacturer. Since that time, Yeargin has ceased to act as a Government Contractor at all, acting instead as a representative retained by potential contractors to assist them in obtaining contracts. Therefore, it was found that the conditions required by FAR 50.302-1(a) have not been met.

FAR 50.302-1(b), unlike -1(a), pertains only to cases where a loss was caused by Government action. The subparagraph provides in part that "when Government action, while not creating any liability on the Government's part, increases performance cost and results in a loss to the Contractor, fairness may make some adjustment appropriate." Generally, it is the "character" of the Government action that determines whether relief will be granted, and its extent. The time taken by DCASR New York in issuing the Duty-Free Certificates may arguably be construed as such "Government action." However, a review of the record in its entirety reveals that the actions of Yeargin and/or its customhouse broker actually resulted in the increased cost and the loss, if any, to Yeargin.

Whether or not Yeargin's March 27, 1987, letter was in fact sent to or received by Customs, its contents contain an admission by Yeargin that, as of that date (over eight months after entry), Yeargin was still "in the process of securing copies of the Forms 7501 and DD Form 250," and intended to forward these documents to DCASMA New York in one to two more weeks. Yeargin did not forward the Forms 7501 to the ACO at DCASMA New York until June 4, 1987, nearly 11 months after entry. Yeargin has not presented any explanation for its delay in providing the required documentation.

Subsequent to the June 26, 1987, liquidation by Customs, Yeargin had two methods available under Customs regulations to correct the situation: a protest within 90 days of liquidation or an application for reliquidation under 19 USC 1520(c) within one year after the date of liquidation or exaction. Yeargin did not follow either or these avenues of legal relief. In fact, the record shows that, after the liquidation, Yeargin did not attempt to pursue a remedy with either DCASMA or Customs until it wrote to the ACO nearly two years later, on June 22, 1989. After liquidation Yeargin did not even check with Customs to learn if the March 27, 1987, letter had been received, which arguably would have entitled Yeargin to an extension for filing the Certificates under Customs Regulation 159.12(a)(ii).

DCASR New York did issue the Certificates, on December 23, 1987, and again on June 27, 1988, to Alltransport. Alltransport claims to have filed the Certificates with Customs in Baltimore on May 16, 1988; Customs asserts that the Certificates were not filed until June 30, 1989. Whichever version is true, there appears to have been a substantial delay by Alltransport in delivering the Certificates to Customs after they had been issued by DCASR.

It was found that the conditions required by FAR 50.302-1(b), particularly those of causation and "fairness," have not been met. Although it may be true that DCASR delayed in issuing the certificates (from June to December 1987), such Government action did not cause the loss complained of. Yeargin had not provided some necessary documentation to DCASR until 11 months after entry. Yeargin's broker, Alltransport, who had undertaken to deliver the Duty-Free Certificates to Customs, took over four months at a minimum (December 1987 to May 1988) to do so. Thus, even if DCASR had issued the Certificates immediately after receiving the documentation from Yeargin in June 1987, the combined delays of Yeargin and Alltransport would still have resulted in missing the deadline. The Government should not be faulted for a Contractor's or subcontractor's delay that occurred independently of a Government-caused delay. See the analysis in *Brooks Lumber Company*, ASBCA number 40743, 91–2 BCA 23,984. Moreover, after liquidation, Yeargin had remedies at law but did not pursue them. Therefore, Yeargin is not entitled to the equitable relief of Public Law 85–804.

FAR 50.203(C) contains an express limitation on the exercise of authority to grant relief: "No contract shall be amended or modified unless the Contractor submits a request before all obligations (including final payment) under the contract have been discharged." DLA's records indicate that final payment on DLA500–85–C–4800 was made on July 17, 1986; final payment on DLA500–86–C–0210 was made on July 21, 1986; and final payment on DLA500–86–M–B705 was made on July 9, 1986. Yeargin's request for extraordinary contractual relief was dated June 1, 1990. Under Custom's regulations, Yeargin had six months, plus one two-month extension, for providing Customs with the Certificates, within the one year period for liquidation. When Customs liquidated and issued the bill in June 1987, the contracts became final. Yeargin did not protest until two years later after "final payment," giving Yeargin the most favorable construction of its contract, allowing adjustment through Customs under the duty-free entry provisions. This was too late. Therefore, relief was not granted.

The foregoing decision that Yeargin is not entitled to relief under Public Law 85–804 is final and not subject to judicial review. See *Coastal Corporation* v. *United States*, 713 F.2d 728, 731 (Fed.Cir. 1983) and cases sited therein.

Contingent Liabilities: None.

Contractor number: None.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

953. A letter from the Director, Administrative Office of the United States Courts, transmitting a request for supplemental appropriations for fiscal year 1993; to the Committee on Appropriations.

954. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101–510, section 2903(c) (104 stat. 1811); to the Committee on Armed Services.

955. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101–510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

956. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments pursuant to Public Law 101–510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

957. A letter from the Director, Administration and Management, Department of Defense, transmitting the calendar year 1992 report on "Extraordinary Contractual Actions to Facilitate the National Defense", pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

958. A letter from the Under Secretary of Defense for Acquisition, Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during fiscal year 1992, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–14, "Rental Housing Act of 1985 Frigid Temperature Temporary Amendment Act of 1993", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

960. A letter from the Secretary of Energy, transmitting the annual report of actions under the Powerplant and Industrial Fuel Use Act of 1978 during calendar year 1992, pursuant to 42 U.S.C. 8482; to the Committee on Energy and Commerce.

961. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the semi-annual reports on voluntary contributions by the United States to international organizations for the period April 1992 to September 1992, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

962. A letter from the Secretary of Labor, transmitting the quarterly report on the ex-

penditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

963. A letter from the Acting Attorney General, Department of Justice, transmitting the 1992 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on the Judiciary and Intelligence (Permanent Select).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WALKER:

H.R. 1479. A bill to focus basic energy research where the potential for revolutionary technological advancement is the greatest; to the Committee on Science, Space, and Technology.

By Mr. SANGMEISTER (for himself, Mr. Porter, Mr. Lipinski, Mr. Poshard, and Mr. Santorum):

H.R. 1480. A bill to terminate the salary of any justice or judge of the United States who is convicted of a felony; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 1481. A bill to deauthorize the Kissimmee River restoration project, Florida; to the Committee on Public Works and Transportation.

By Mr. INGLIS:

H.R. 1482. A bill to eliminate the tobacco price support program; to the Committee on Agriculture.

H.R. 1483. A bill to require the President to dispose of materials in the National Defense Stockpile that are obsolete for military purposes or in excess supply in the stockpile and to acquire strategic and critical materials that are in inadequate supply in the stockpile; to the Committee on Armed Services.

H.R. 1484. A bill making appropriations for the House of Representative's official mail cost for the fiscal year ending September 30, 1994 and for other purposes; to the Committee on Appropriations.

H.R. 1485. A bill making appropriations for the House of Representative's committee funding, salaries, and expenditures for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

H.R. 1486. A bill to amend the Housing Act of 1949 to decrease the number of loans made under section 502 of such act and increase the regulator payments made by borrowers under such loans; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1487. A bill to limit the amounts obligated or expended for fiscal year 1994 for travel expenses for officers and employees of the Federal Government; jointly, to the Committees on Government Operations, House Administration, and the Judiciary.

By Mr. JOHNSON of South Dakota (for himself, Mr. Durbin, Mr. Grandy, Mr. Gunderson, and Mr. Bereuter):

H.R. 1488. A bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 1489. A bill to amend the Internal Revenue Code of 1986 to repeal the provision which includes unemployment compensation in income subject to tax; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. Fields of Texas, Mr. Laughlin, Mr. Young of Alaska, Mr. Ortiz, Mr. Dooley, Mr. Stenholm, Mr. Parker, Mr. Rowland, Mr. Brewster, Mr. Montgomery, Mr. Hall of Texas, Mr. Edwards of Texas, Mr. Paxon, Mrs. Vucanovich, Mr. Sam Johnson, Mr. Sarpalius, Mr. Lewis of California, Mr. Hayes of Louisiana, Mr. Smith of Texas, Mr. Bonilla, Mr. Cunningham, Mr. Hansen, Mr. Collins of Georgia, and Mr. Brooks):

H.R. 1490. A bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of its programs for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing the act, to provide for equitable treatment of non-Federal persons and Federal agencies under the act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY:

H.R. 1491. A bill to extend nondiscriminatory treatment to the products of Romania for 3 years; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 1492. A bill to amend the Public Health Service Act to establish a program for postreproductive health care; to the Committee on Energy and Commerce.

By Mrs. MEYERS of Kansas:

H.R. 1493. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Natural Resources.

By Mr. MILLER of California:

H.R. 1494. A bill to establish a national policy prohibiting the location of new public schools and child care centers on real property where the electromagnetic field exceeds an average 2 milligauss per day, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHUMER:

H.R. 1495. A bill to amend title 18, United States Code, to prohibit certain practices by unregulated loan brokers; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. McCollum, Mr. Gallegly, Mr. Gilman, Mr. Combest, Mr. Canady, and Mr. Coble):

H.R. 1496. A bill to amend the Immigration and Nationality Act to authorize the registration of aliens on criminal probation or criminal parole; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 1497. A bill to amend title 18, United States Code, to preserve personal privacy with respect to information contained in prescription drug records; to the Committee on the Judiciary.

H.R. 1498. A bill to amend the Social Security Act to provide for findings of presumptive disability under title II of such act in the same manner and to the same extent as is currently applicable under title XVI of such act; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 1499. A bill to modify the flood control project for the Little Calumet River, Indiana, to direct the Secretary of the Army to provide a local preference in awarding contracts to carry out the project, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HINCHEY (for himself, Mr. Hoagland, Mr. Murtha, Mr. Valentine, Mr. Brown of California, Mr. McHale, Mr. Stark, Mr. Evans, Mr. Towns, Mr. Machtley, Ms. Slaughter, Mr. Neal of Massachusetts, Mr. McDermott, Mr. Gilchrest, Mr. Smith of New Jersey, and Mr. Waxman):

H.R. 1500. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. YATES:

H.R. 1501. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mrs. CLAYTON:

H. Con. Res. 72. Concurrent resolution expressing the sense of Congress that stimulus package funds appropriated to accelerate the economy should be equitably targeted to economically distressed areas that have not benefited from the current economic recovery; to the Committee on Government Operations.

By Miss COLLINS of Michigan (for herself, Mr. Schumer, Mr. Clay, Mr. Murphy, Mr. Ford of Tennessee, Mrs. Meek, Mr. Scott, Mr. Towns, and Mr. Romero-Barcelo):

H. Con. Res. 73. Concurrent resolution expressing the sense of the Congress that Job Corps is a long-term program that invests in America's future and should serve as the cornerstone of youth policy in America; to the Committee on Education and Labor.

By Mrs. JOHNSON of Connecticut (for herself, Ms. Snowe, Mr. Ramstad, Mr. Kingston, Mr. Bliley, Mr. Coble, Mr. Lightfoot, Mr. Canady, Mr. Zimmer, Mr. Schiff, Mr. Cox, Mr. Paxon, Mr. Sensenbrenner, Mr. Archer, Mr. McCrery, Mr. Baker of Louisiana, Mrs. Bentley, Mr. Shaw, Mr. Young of Alaska, Mr. Hutchinson, Mr. Pombo, Mr. Manzullo, Mr. Grandy, Mr. Herger, Mr. Collins of Georgia, Mr. Rohrabacher, Mr. Goodlatte, Mr. Gilman, Mrs. Meyers of Kansas, Mr. Fawell, Mr. Hobson, Mr. Walker, Mr. Ewing, Mr. Hastert, Mr. Upton, Mr. Boehlert, Mr. Bartlett, Mr. Hoekstra, Mr. Knollenberg, Mr. Santorum, Mr. Kasich, Mr. Gingrich, Mr. Stump, Ms. Fowler, Mr. Lewis of California, Mr. Hefley, Mr. Allard, Mr. Schaefer, and Mr. Moorhead):

H. Con. Res. 74. Concurrent resolution expressing the sense of the Congress that the energy tax proposed by the President will harm the economy and should not be approved; to the Committee on Ways and Means.

By Mr. JOHNSTON of Florida (for himself, Mr. Payne of New Jersey, Mr. Gejdenson, Mr. Edwards of California, and Ms. McKinney):

H. Con. Res. 75. Concurrent resolution to support the peace process in Angola; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H. Res. 140. Resolution to amend the Rules of the House of Representatives to require printing in the Congressional Record of certain travel by Members; to the Committee on Rules.

H. Res. 141. Resolution to amend the Rules of the House of Representatives to prohibit the use of appropriated funds for travel outside of the United States by Members of the House who are not seeking reelection and their spouses and personal staff; to the Committee on Rules.

MEMORIAL

Under clause 4 of rule XXII.

66. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to the blockade of Armenia by Turkey and the Nagorno Karabagh conflict; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Hoyer, Mr. Matsui, Mr. Kennedy, Mr. Yates, Mr. Bilbray, and Mr. Synar.

H.R. 11: Mr. DeFazio, Mr. Murphy, Mr. Romero-Barcelo, Mrs. Byrne, Mr. Evans, Mr. Stokes, Mr. Richardson, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Boucher, Mr. Stark, Mr. Darden, Mr. Hastings, Ms. Woolsey, Mr. Traficant, Mr. Kopetski, Mr. Lehman, Mr. Edwards of California, Mr. Sanders, Mr. Rose, Mr. Scott, Mrs. Schroeder, Mr. Clyburn, Mr. Torricelli, Mr. Carr, Mr. Gejdenson, Mr. Brown of California, and Ms. DeLauro.

H.R. 60: Mr. Hayes of Louisiana.

H.R. 147: Mr. Royce.

H.R. 163: Mr. Crapo, Mr. Royce, and Mr. Boehner.

H.R. 226: Mr. Sanders, Mr. Williams, Mr. Costello, and Mr. Shays.

H.R. 247: Mr. Stump.

H.R. 264: Mrs. Vucanovich.

H.R. 280: Mr. DeFazio, Mr. Murphy, Mr. Valentine, Mr. Schumer, Mr. Romero-Barcelo, Mr. Stokes, Mr. Richardson, Mr. Traficant, Mr. Mollohan, Mr. Porter, Mr. Sabo, and Ms. DeLauro.

H.R. 281: Mr. Evans, Mr. Vento, Mr. Obey, Mr. Dixon, and Mr. Wheat.

H.R. 282: Mr. Frost.

H.R. 348: Mr. Knollenberg, Mr. DeLay, and Mr. Kingston.

H.R. 349: Mr. Hoekstra, Mr. Knollenberg, Mr. Miller of Florida, Ms. Byrne, Mr. Condit, Mr. Gutierrez, Mr. Parker, Mr. Payne of Virginia, and Ms. Schenk.

H.R. 381: Mr. Armey.

H.R. 383: Mr. Armey.

H.R. 389: Mr. Armey.

H.R. 390: Mr. Armey.

H.R. 462: Mr. Barlow, Mr. Manton, Mr. Coyne, Mr. Fish, Mr. Camp, Mr. Serrano, Mr. Pickett, Mr. Santorum, Mr. Flake, Mr. Ravenel, Mr. Linder, Mr. Natcher, and Mr. Callahan.

H.R. 464: Mr. Baker of California.

H.R. 509: Mr. Walsh.

H.R. 521: Mrs. Lloyd, Mr. Valentine, Mr. Romero-Barcelo, Mr. Neal of North Carolina, Mr. Baesler, Mr. DeFazio, Mr. Holden, Ms. Furse, Mr. Parker, Mr. Montgomery, Mr. Kopetski, Mr. Clyburn, Mr. Hayes of Louisiana, Mr. McDermott, and Mr. Whitten.

H.R. 549: Mr. Coble, Mr. Lazio, and Mr. Collins of Georgia.

H.R. 550: Mr. Santorum.

H.R. 634: Mr. Williams.

H.R. 635: Ms. Thurman.

H.R. 643: Mr. Ramstad and Mr. Zimmer.

H.R. 684: Mr. Schumer and Mr. Clyburn.

H.R. 741: Mr. Inhofe, Mr. Livingston, Mr. Goss, Ms. Dunn, Mr. McCrery, and Mr. Miller of Florida.

H.R. 799: Mr. Applegate.

H.R. 824: Mr. Goss.

H.R. 842: Mr. Blackwell.

H.R. 857: Mr. Zimmer and Mr. Baker of California.

H.R. 898: Mr. Abercrombie, Mr. Allard, Mr. Andrews of Texas, Mr. Andrews of New Jersey, Mr. Applegate, Mr. Bacchus of Florida, Mr. Barcia, Mr. Barton of Texas, Mr. Bateman, Mr. Bevill, Mr. Bilbray, Mr. Borski, Mr. Brewster, Mr. Browder, Mr. Brown of California, Mr. Brown of Ohio, Mr. Bunning, Mr. Burton of Indiana, Mr. Collins of Georgia, Mr. Coyne, Mr. Cunningham, Mr. Dornan, Mr. Emerson, Mr. Fields of Texas, Mr. Gephardt, Mr. Gordon, Mr. Hall of Ohio, Mr. Hall of Texas, Ms. Harman, Mr. Herger, Mr. Hochbrueckner, Mr. Holden, Mr. Inhofe, Mr. Johnson of Georgia, Mr. Kanjorski, Mr. Klein, Mr. Laughlin, Mr. Livingston, Mrs. Lloyd, Mr. McCurdy, Mr. Michel, Mr. Montgomery, Mr. Oberstar, Mr. Orton, Mr. Pickett, Mr. Price of North Carolina, Mr. Rowland, Mr. Sisisky, Mr. Skelton, Mr. Smith of New Jersey, Mr. Spence, Mr. Stenholm, Mr. Stump, Mr. Synar, Mr. Tanner, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Thornton, Mr. Valentine, Mr. Volkmer, Mrs. Vucanovich, and Mr. Wolf.

H.R. 903: Mr. Lipinski, Mr. Klink, Mr. Frost, Mr. Ford of Michigan, and Mr. Hughes.

H.R. 915: Mr. Lancaster and Mr. Frost.

H.R. 924: Mrs. Meyers of Kansas, Mr. Towns, and Mr. Smith of New Jersey.

H.R. 955: Mr. Mineta.

H.R. 963: Mr. Neal of North Carolina.

H.R. 967: Mr. Packard, Mr. Ewing, Mr. Pastor, Mr. Spratt, Mr. Pomeroy, Mr. Barcia, Ms. Slaughter, Mr. Nussle, Mr. Bacchus of Florida, Mr. Bonilla, Mr. Hoekstra, and Mr. Bliley.

H.R. 981: Mrs. Morella.

H.R. 987: Mr. Yates, Mr. LaFalce, Mr. Durbin, Mr. Martinez, Mr. Lehman, Mr. Blackwell, Mr. Schumer, Ms. Byrne, and Mr. Pastor.

H.R. 998: Mr. Huffington.

H.R. 1013: Ms. English of Arizona, Ms. Maloney, Mr. Costello, Mr. Meehan, and Mrs. Vucanovich.

H.R. 1019: Mr. Ford of Tennessee, Mrs. Meek, Mr. Blackwell, Mr. Clay, Mr. Frost, Mr. Gutierrez, Mr. Scott, Mr. Pastor, and Ms. Norton.

H.R. 1020: Mr. Martinez, Ms. Roybal-Allard, Mr. Torres, Mr. Edwards of California, Ms. Woolsey, Mr. Matsui, Ms. Eshoo, Ms. Pelosi, Ms. Velazquez, Mr. Tucker, Mr. Becerra, Mr. Clyburn, Mr. Ford of Tennessee, Mrs. Meek, Mr. Blackwell, Mr. Clay, Mr. Frost, Mr. Gutierrez, Mr. Scott, Mr. Pastor, and Ms. Norton.

H.R. 1021: Mr. Martinez, Ms. Roybal-Allard, Mr. Torres, Mr. Edwards of California, Ms. Woolsey, Mr. Matsui, Ms. Eshoo, Ms. Pelosi, Ms. Velazquez, Mr. Tucker, Mr. Becerra, Mr. Clyburn, Mr. Ford of Tennessee, Mrs. Meek, Mr. Blackwell, Mr. Clay, Mr. Frost, Mr. Gutierrez, Mr. Scott, Mr. Pastor, and Ms. Norton.

H.R. 1022: Mr. Martinez, Ms. Roybal-Allard, Mr. Torres, Mr. Edwards of California, Ms. Woolsey, Mr. Matsui, Ms. Eshoo, Ms. Pelosi, Ms. Velazquez, Mr. Tucker, Mr. Becerra, Mr. Clyburn, Mr. Ford of Tennessee, Mrs. Meek, Mr. Blackwell, Mr. Clay, Mr. Frost, Mr. Gutierrez, Mr. Scott, Mr. Pastor, and Ms. Norton.

H.R. 1036: Mr. Manton, Mr. Kennedy, and Mr. Tucker.

H.R. 1079: Mr. Gingrich.

H.R. 1080: Mr. Gingrich.

H.R. 1081: Mr. Gingrich.

H.R. 1111: Mr. Baesler, Ms. Pelosi, Mr. Towns, Mr. Sawyer, Ms. Slaughter, Mr. Rush, and Mr. Jefferson.

H.R. 1141: Mrs. Vucanovich, Mr. Pickett, Mr. Hutto, Mr. Machtley, Mr. Dornan, Mr. Lightfoot, Mr. Torkildsen, and Mr. Gingrich.

H.R. 1144: Mr. Bilbray.

H.R. 1146: Mr. Abercrombie, Mr. Andrews of New Jersey, Mr. Berman, Mr. Fazio, Mr. Inslee, Mr. Jefferson, Mr. Kennedy, Mr. Miller of California, Mr. Mineta, Mr. Olver, Mr. Reed, Mr. Roemer, Mr. Sanders, Mrs. Schroeder, Mr. Synar, and Mr. Wheat.

H.R. 1161: Mr. Jefferson, Mr. Johnston of Florida, and Mr. Santorum.

H.R. 1171: Mr. Frost.

H.R. 1172: Mr. Thornton, Mr. Olver, Ms. Cantwell, Mr. Ford of Tennessee, Mr. Hochbrueckner, and Mr. Clyburn.

H.R. 1173: Mr. Neal of Massachusetts and Ms. Roybal-Allard.

H.R. 1191: Mr. Armey.

H.R. 1207: Mr. Visclosky.

H.R. 1222: Mr. Gingrich, Mr. Paxon, Mr. Zeliff, Mr. Owens, Mr. Solomon, and Mr. Oxley.

H.R. 1244: Mr. Lancaster, Mr. Poshard, Mr. Mazzoli, and Ms. Danner.

H.R. 1292: Mr. Romero-Barcelo, Mr. Berman, and Mr. Pastor.

H.R. 1406: Mr. Ravenel.

H.R. 1460: Mr. Kopetski.

H.J. Res. 28: Mr. Baesler, Mr. Hamilton, Mr. Byrne, Mr. Kim, Mr. Glickman, Mr. Evans, and Mr. Andrews of Maine.

H.J. Res. 45: Mr. Thomas of Wyoming.

H.J. Res. 84: Ms. Brown of Florida and Ms. Molinari.

H.J. Res. 128: Mr. Kildee, Mr. Bunning, and Mr. Doolittle.

H.J. Res. 129: Mr. Armey.

H.J. Res. 143: Mr. Lantos, Mr. Machtley, Mr. Schiff, Mrs. Vucanovich, Mr. Lancaster, Mr. Hinchey, Mr. Dellums, Mr. Carr, Ms. Schenk, Mr. Markey, Ms. Dunn, Mr. Taylor of Mississippi, Mrs. Lowey, Mr. Synar, Mr. Reed, Mr. Wynn, Mr. Moran, Mr. Stupak, Mr. Gene Green, Mr. Brown of California, Mr. LaRocco, Ms. Lambert, Mr. Shays, Mr. Scott, Mr. Hamilton, Mr. Owens, Mr. Lewis of Georgia, Mr. Hoyer, Mr. Matsui, Mr. Price of North Carolina, Mr. Moorhead, Mr. Romero-Barcelo, Mr. Swett, and Mr. Evans.

H.J. Res. 145: Mr. Stump, Mr. Ballenger, Mr. King, Mr. Crane, Mr. Lewis of Florida, Mr. Livingston, Mr. Armey, Mr. Walsh, Mr. Klug, Mr. Machtley, Ms. Dunn, Mr. Young of Florida, Mr. Rohrabacher, Mr. Collins of Georgia, Mr. Gingrich, Mr. Smith of New Jersey, Mr. Petri, and Mr. Cox.

H.J. Res. 149: Mr. Brown of Ohio, Mr. Hughes, Mr. Romero-Barcelo, Mr. Frost, Mr. Solomon, and Mr. Collins of Georgia.

H. Con. Res. 15: Mr. Williams.

H. Con. Res. 26: Ms. Margolies-Mezvinsky, Mr. McHale, Mr. Filner, Mr. Torricelli, Mr. McNulty, Mr. Sanders, Mr. Evans, and Mr. Moorhead.

H. Con. Res. 37: Mr. Hughes, Mr. Fish, Mr. Reynolds, Mr. Hinchey, Mr. Abercrombie, Mr. Andrews of Maine, Mr. Fazio, Mr. Frank of Massachusetts, Mr. Glickman, Mr. Jefferson, Mr. Kennedy, Mr. Miller of California, Mr. Mineta, Mr. Olver, Mr.

SANDERS, Mrs. SCHROEDER, Mr. SYNAR, Mr. VISCLOSKY, Mr. WHEAT, Mr. WYDEN, Mr. SLATTERY, Mr. BLACKWELL, Ms. FURSE, Mr. CONYERS, Mr. PASTOR, Mr. DEUTSCH, and Mr. NEAL of North Carolina.

H. Con. Res. 38: Mr. ARMEY, Mr. GALLEGLY, and Mr. ROYCE.

H. Con. Res. 51: Mr. MOORHEAD and Mr. ZELIFF.

H. Res. 38: Mr. RICHARDSON and Mr. BLACKWELL.

H. Res. 40: Mr. GUTIERREZ, Mrs. COLLINS of Illinois, Mr. HOCHBRUECKNER, and Mr. FORD of Tennessee.

H. Res. 50: Mr. HASTERT, Mr. HANCOCK, Mr. EWING, Mr. TALENT, and Mr. CRAPO.

H. Res. 118: Mr. DIAZ-BALART.

H. Res. 123: Mr. ROBERTS, Mr. FAWELL, Mr. EWING, Mrs. JOHNSON of Connecticut, Mr. STUMP, Mr. BALLENGER, Mr. KING, Mr. CRANE, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. ARMEY, Mr. WALSH, Mr. KLUG, Mr. MACHTLEY, Ms. DUNN, Mr. YOUNG of Florida, Mrs. MEYERS of Kansas, Mr. COLLINS of Georgia, Mr. GINGRICH, Mr. SMITH of New Jersey, and Mr. COX.

H. Res. 124: Mr. GOSS, Mr. ARMEY, Mr. PETRI, Mr. BARTON of Texas, Mr. PASTOR, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. STUMP, Mr. BALLENGER, Mr. KING, Mr. CRANE, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. WALSH, Mr. KLUG, Mr. MACHTLEY, Ms. DUNN, Mr. YOUNG of Florida, Mr. EMERSON, Mr. COLLINS of Georgia, Mr. GINGRICH, and Mr. COX.

H. Res. 139: Mrs. MORELLA, Mrs. BENTLEY, Mr. STUMP, Mr. LEWIS of California, Mr. HORN, Mr. GOODLING, Mr. ROTH, Mr. UPTON, Mr. GOSS, Mr. HOBSON, Mr. WALKER, Mr. WALSH, Ms. SNOWE, Mr. BEREUTER, Mr. QUINN, Mr. CASTLE, Mr. POMBO, Mr. HOEKSTRA, and Mr. ARMEY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

23. The SPEAKER presented a petition of the Board of Education, Attalla, AL, relative to reinvest in America; to the Committee on Education and Labor.

SENATE—*Thursday, March 25, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:25 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Death and life are in the power of the tongue * * *— Proverbs 18:21.

God of truth, love and justice, this is a time of great tension in the Senate. Our future hangs in the balance with budget debate. Long hours add to the tension, and hanging over everything like a thick cloud, compounding pressure and increasing the delicacy of the agenda, are the crises in Russia, Yugoslavia, and North Korea.

Mighty God, the Bible declares You spoke the universe into existence, and Proverbs reminds us that the power of life and death is in the tongue. The Senate's business involves words which can confuse as well as clarify. Grant grace in this time of pressure when there tends to be more heat than light, that words will be used constructively and profitably to illuminate rather than cloud the issues or attack persons.

We pray in His name who was the Word made flesh. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, under the order governing consideration of the pending budget resolution, the Senate will proceed at 9:30 to vote on an amendment by Senator BRADLEY. That will be a 20-minute vote; 15 minutes and a possible 5-minute extension under the regular voting procedure.

Following that, there will be nine consecutive votes, or however many votes occur up through the noon hour. All votes subsequent to the vote on the Bradley amendment will be for a maximum of 15 minutes.

Senators are hereby placed on notice that under no circumstances will the votes on those amendments subsequent to the first one, under no circumstances will those votes extend beyond 15 minutes. Senators should remain on or near the Senate floor to participate in these votes.

We will continue with amendments from a list agreed upon early this morning until noon, at which time we will dispose of whatever amendment is pending. Any amendment which has not by then been offered will not be in order.

We will proceed to final passage of the budget resolution at noon, or immediately following the disposition of whatever amendment is pending at noon. Following final passage we will proceed to consideration of the supplemental appropriations bill.

Mr. President, I again want to thank my colleagues for their cooperation in this very difficult but necessary effort and we are now about to proceed to the Bradley amendment pursuant to the previous order.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1994–98

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of Senate Concurrent Resolution 18, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget of the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

AMENDMENT NO. 264

Mr. BRADLEY. Mr. President, I call up amendment No. 264 at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself and Mr. HOLLINGS, proposes an amendment numbered 264.

At the end of the resolution, add the following new section:

SEC. . SENSE OF THE SENATE REGARDING LINE-ITEM VETO AUTHORITY INCLUDING APPROPRIATIONS AND TAX EXPENDITURES.

"It is the Sense of the Senate that the President should be granted line-item veto authority over items of appropriation and tax expenditures. The line-item authority should provide that:

(1) Each item of appropriation or each tax expenditure should be separately enrolled for presentment to the President; and

(2) The new authority would expire at the conclusion of the 103d Congress."

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I move to table.

Mr. BYRD. Will the Senator yield before he makes this motion? I hope the Senator will not make a motion to table this amendment. I hope that we vote for this amendment. I would like to vote for this amendment. I know what is in the amendment. It would also extend the veto to tax expenditures. I think we all ought to vote for this amendment.

Mr. MITCHELL. There is no time for debate here.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Jersey.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I further announce that, if present and voting, the Senator from North

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Carolina [Mr. FAIRCLOTH] would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—73

Akaka
Bennett
Bond
Boren
Bradley
Breaux
Brown
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Roth
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—24

Baucus
Bingaman
Boxer
Bryan
Bumpers
Cochran
DeConcini
Dodd
Feingold
Harkin
Hatfield
Jeffords
Johnston
Levin
McCain
Metzenbaum
Mitchell
Murray
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Wellstone

NOT VOTING—3

Biden
Faircloth
Inouye

So the amendment (No. 264) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 208

(Purpose: To reduce Function 600 to reflect an elimination of federal unemployment insurance subsidies to wealthy individuals with annual net taxable incomes over $120,000)

The ACTING PRESIDENT pro tempore. Under the previous order, the next amendment is the amendment by the Senator from Colorado [Mr. BROWN] numbered 208.

Mr. BROWN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I call up amendment 208.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 208 regarding unemployment insurance.

The amendment is as follows:

On page 5, line 1, decrease the amount by $60,000,000.

On page 5, line 2, decrease the amount by $65,000,000.

On page 5, line 3, decrease the amount by $72,000,000.

On page 5, line 4, decrease the amount by $78,000,000.

On page 5, line 5, decrease the amount by $86,000,000.

On page 5, line 11, decrease the amount by $60,000,000.

On page 5, line 12, decrease the amount by $65,000,000.

On page 5, line 13, decrease the amount by $72,000,000.

On page 5, line 14, decrease the amount by $78,000,000.

On page 5, line 15, decrease the amount by $86,000,000.

On page 5, line 22, decrease the amount by $60,000,000.

On page 5, line 23, decrease the amount by $65,000,000.

On page 5, line 24, decrease the amount by $72,000,000.

On page 5, line 25, decrease the amount by $78,000,000.

On page 6, line 1, decrease the amount by $86,000,000.

On page 6, line 7, decrease the amount by $60,000,000.

On page 6, line 8, decrease the amount by $65,000,000.

On page 6, line 9, decrease the amount by $72,000,000.

On page 6, line 10, decrease the amount by $78,000,000.

On page 6, line 11, decrease the amount by $86,000,000.

On page 6, line 17, decrease the amount by $60,000,000.

On page 6, line 18, decrease the amount by $65,000,000.

On page 6, line 19, decrease the amount by $72,000,000.

On page 6, line 20, decrease the amount by $78,000,000.

On page 6, line 21, decrease the amount by $86,000,000.

On page 7, line 1, decrease the amount by $60,000,000.

On page 7, line 2, decrease the amount by $65,000,000.

On page 7, line 3, decrease the amount by $72,000,000.

On page 7, line 4, decrease the amount by $78,000,000.

On page 7, line 5, decrease the amount by $86,000,000.

On page 7, line 8, decrease the amount by $60,000,000.

On page 7, line 9, decrease the amount by $125,000,000.

On page 7, line 10, decrease the amount by $197,000,000.

On page 7, line 11, decrease the amount by $275,000,000.

On page 7, line 12, decrease the amount by $361,000,000.

On page 8, line 7, decrease the amount by $60,000,000.

On page 8, line 8, decrease the amount by $65,000,000.

On page 8, line 9, decrease the amount by $72,000,000.

On page 8, line 10, decrease the amount by $78,000,000.

On page 8, line 11, decrease the amount by $86,000,000.

On page 30, line 24, decrease the amount by $60,000,000.

On page 30, line 25, decrease the amount by $60,000,000.

On page 31, line 6, decrease the amount by $65,000,000.

On page 31, line 7, decrease the amount by $65,000,000.

On page 31, line 13, decrease the amount by $72,000,000.

On page 31, line 14, decrease the amount by $72,000,000.

On page 31, line 20, decrease the amount by $78,000,000.

On page 31, line 21, decrease the amount by $78,000,000.

On page 32, line 2, decrease the amount by $86,000,000.

On page 32, line 3, decrease the amount by $86,000,000.

On page 49, line 22, decrease the amount by $60,000,000.

On page 49, line 23, decrease the amount by $361,000,000.

On page 57, line 7, decrease the amount by $60,000,000.

On page 57, line 8, decrease the amount by $361,000,000.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, Senators should be on notice—I announced it last night and this morning—this vote and every vote thereafter until we complete these amendments is a maximum of 15 minutes. The vote will be cut off at exactly 15 minutes.

Mr. SASSER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BROWN. Mr. President, parliamentary inquiry. I understood that the purpose of the amendment was to be read. Is that not correct? It is a one-sentence statement. It is not a long one.

Mr. SASSER. It was read, I say to my friend. I believe it was read.

Mr. BROWN. No, it was not. There is a one-sentence statement on the amendment as it is presented. It is extremely brief. It was not read.

Mr. SASSER. A summary was read. Would the clerk kindly repeat what was read.

The legislative clerk read as follows:

Amendment 208 regarding unemployment insurance.

Mr. BROWN. Mr. President, I certainly am going to go along with whatever our leaders have agreed on. But a copy of the summary was presented to me which I understood was agreed to. I am happy to offer to waive the reading of the amendment, but the summary is not descriptive. It is not what was agreed to here.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. The agreement that we worked out together is that the statement of the amendment is to be put on the table for Senators to read. The statement of purpose will be read from the desk as has been done in the previous four amendments, just state the generic nature of it, not the specifics.

Mr. BROWN. I thank the Senator.

Mr. BUMPERS. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has the floor.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Wellstone
Wofford

NAYS—46

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to table the amendment (No. 208) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 195

Mr. KEMPTHORNE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for himself, Mr. BROWN, Mr. CRAIG, Mr. BENNETT, Mr. FAIRCLOTH, Mr. GREGG, and Mr. COVERDELL, proposes an amendment numbered 195 regarding legislative branch.

The amendment is as follows:

On page 5, line 1, decrease the amount by $569,000,000.

On page 5, line 2, decrease the amount by $504,000,000.

On page 5, line 3, decrease the amount by $441,000,000.

On page 5, line 4, decrease the amount by $375,000,000.

On page 5, line 5, decrease the amount by $307,000,000.

On page 5, line 11, decrease the amount by $569,000,000.

On page 5, line 12, decrease the amount by $504,000,000.

On page 5, line 13, decrease the amount by $441,000,000.

On page 5, line 14, decrease the amount by $375,000,000.

On page 5, line 15, decrease the amount by $307,000,000.

On page 5, line 22, decrease the amount by $515,000,000.

On page 5, line 23, decrease the amount by $503,000,000.

On page 5, line 24, decrease the amount by $463,000,000.

On page 5, line 25, decrease the amount by $398,000,000.

On page 6, line 1, decrease the amount by $330,000,000.

On page 6, line 7, decrease the amount by $515,000,000.

On page 6, line 8, decrease the amount by $503,000,000.

On page 6, line 9, decrease the amount by $463,000,000.

On page 6, line 10, decrease the amount by $398,000,000.

On page 6, line 11, decrease the amount by $330,000,000.

On page 6, line 17, decrease the amount by $515,000,000.

On page 6, line 18, decrease the amount by $503,000,000.

On page 6, line 19, decrease the amount by $463,000,000.

On page 6, line 20, decrease the amount by $398,000,000.

On page 6, line 21, decrease the amount by $330,000,000.

On page 7, line 1, decrease the amount by $515,000,000.

On page 7, line 2, decrease the amount by $503,000,000.

On page 7, line 3, decrease the amount by $463,000,000.

On page 7, line 4, decrease the amount by $398,000,000.

On page 7, line 5, decrease the amount by $330,000,000.

On page 7, line 8, decrease the amount by $515,000,000.

On page 7, line 9, decrease the amount by $1,018,000,000.

On page 7, line 10, decrease the amount by $1,481,000,000.

On page 7, line 11, decrease the amount by $1,879,000,000.

On page 7, line 12, decrease the amount by $2,209,000,000.

On page 8, line 7, decrease the amount by $515,000,000.

On page 8, line 8, decrease the amount by $503,000,000.

On page 8, line 9, decrease the amount by $463,000,000.

On page 8, line 10, decrease the amount by $398,000,000.

On page 8, line 11, decrease the amount by $330,000,000.

On page 36, line 25, decrease the amount by $569,000,000.

On page 37, line 1, decrease the amount by $515,000,000.

On page 37, line 7, decrease the amount by $504,000,000.

On page 37, line 8, decrease the amount by $503,000,000.

On page 37, line 14, decrease the amount by $441,000,000.

On page 37, line 15, decrease the amount by $463,000,000.

On page 37, line 21, decrease the amount by $375,000,000.

On page 37, line 22, decrease the amount by $398,000,000.

On page 38, line 3, decrease the amount by $307,000,000.

On page 38, line 4, decrease the amount by $330,000,000.

On page 71, line 13, decrease the amount by $441,000,000.

On page 71, line 14, decrease the amount by $463,000,000.

On page 71, line 16, decrease the amount by $375,000,000.

On page 71, line 17, decrease the amount by $398,000,000.

On page 71, line 20, decrease the amount by $307,000,000.

On page 71, line 21, decrease the amount by $330,000,000.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell

Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 195) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 200

(Purpose: To express the sense of the Senate supporting granting the President expedited rescission authority with respect to items of appropriation, tax expenditures, and direct spending)

Mr. COHEN. Mr. President, I call up amendment No. 200 and ask unanimous consent that Senator CAMPBELL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. CAMPBELL, proposes an amendment numbered 200, regarding enhanced rescission authority.

The amendment is as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING ENHANCED RESCISSION AUTHORITY INCLUDING TAX EXPENDITURES AND DIRECT SPENDING.

It is the sense of the Senate that the President should be granted expedited rescission authority over items of appropriation, tax expenditures, and direct spending. The expedited authority should provide that—

(1) Congress would be required to vote on rescission requests; within 20 days;

(2) rescinded funds would be used to reduce the deficit; and

(3) the new authority would expire at the conclusion of the 103d Congress.

Mr. SASSER. Mr. President, I move to table the amendment, and I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—34

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Byrd
DeConcini
Dorgan
Feingold
Ford
Harkin
Hatfield
Johnston
Kennedy
Kohl
Levin
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone

NAYS—65

Bennett
Bond
Boren
Breaux
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Krueger
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 200) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 200) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 246

(Purpose: To shield small businesses and family farms from President Clinton's proposed tax on the wealthy. Under the amendment, proprietorships, partnerships, and Subchapter S corporations would be exempt from President Clinton's proposed increase in the marginal individual income tax rates, and the add-on spending contained in President Clinton's plan is reduced by a corresponding amount so that no deficit increase results from exempting small businesses and family farms from the increased marginal tax rates)

Mr. GRAMM. Mr. President, I call up amendment No. 246.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. ROTH, Mr. PRESSLER, Mr. DOMENICI, Mr. GORTON, and Mr. BOND, proposes an amendment numbered 246, regarding small businesses.

The amendment is as follows:

On page 2, line 18, decrease the amount by $12,800,000,000.

On page 2, line 19, decrease the amount by $8,500,000,000.

On page 3, line 2, decrease the amount by $9,900,000,000.

On page 3, line 4, decrease the amount by $12,000,000,000.

On page 3, line 6, decrease the amount by $12,900,000,000.

On page 3, line 10, decrease the amount by $12,800,000,000.

On page 3, line 11, decrease the amount by $8,500,000,000.

On page 3, line 12, decrease the amount by $9,900,000,000.

On page 3, line 13, decrease the amount by $12,000,000,000.

On page 3, line 14, decrease the amount by $12,900,000,000.

On page 4, line 6, decrease the amount by $12,800,000,000.

On page 4, line 7, decrease the amount by $8,500,000,000.

On page 4, line 8, decrease the amount by $9,900,000,000.

On page 4, line 9, decrease the amount by $12,000,000,000.

On page 4, line 11, decrease the amount by $12,900,000,000.

On page 4, line 15, decrease the amount by $12,800,000,000.

On page 4, line 16, decrease the amount by $8,500,000,000.

On page 4, line 17, decrease the amount by $9,900,000,000.

On page 4, line 18, decrease the amount by $12,000,000,000.

On page 4, line 19, decrease the amount by $12,900,000,000.

On page 5, line 1, decrease the amount by $12,800,000,000.

On page 5, line 2, decrease the amount by $8,500,000,000.

On page 5, line 3, decrease the amount by $9,900,000,000.

On page 5, line 4, decrease the amount by $12,000,000,000.

On page 5, line 5, decrease the amount by $12,900,000,000.

On page 5, line 11, decrease the amount by $12,800,000,000.

On page 5, line 12, decrease the amount by $8,500,000,000.

On page 5, line 13, decrease the amount by $9,900,000,000.

On page 5, line 14, decrease the amount by $12,000,000,000.

On page 5, line 15, decrease the amount by $12,900,000,000.

On page 5, line 22, decrease the amount by $12,800,000,000.

On page 5, line 23, decrease the amount by $8,500,000,000.

On page 5, line 24, decrease the amount by $9,900,000,000.

On page 5, line 25, decrease the amount by $12,000,000,000.

On page 6, line 1, decrease the amount by $12,900,000,000.

On page 6, line 7, decrease the amount by $12,800,000,000.

On page 6, line 8, decrease the amount by $8,500,000,000.

On page 6, line 9, decrease the amount by $9,900,000,000.

On page 6, line 10, decrease the amount by $12,000,000,000.

On page 6, line 11, decrease the amount by $12,900,000,000.

On page 41, line 17, decrease the amount by $12,800,000,000.

On page 41 line 18, decrease the amount by $12,800,000,000.

On page 41, line 24, decrease the amount by $8,500,000,000.

On page 41, line 25, decrease the amount by $8,500,000,000.

On page 42, line 6, decrease the amount by $9,900,000,000.

On page 42, line 7, decrease the amount by $9,900,000,000.

On page 42, line 13, decrease the amount by $12,000,000,000.

On page 42, line 14, decrease the amount by $12,000,000,000.

On page 42, line 20, decrease the amount by $12,900,000,000.

On page 42, line 21, decrease the amount by $12,900,000,000.

On page 50, line 9, decrease the amount by $12,800,000,000.

On page 50, line 10, decrease the amount by $56,100,000,000.

On page 57, line 18, decrease the amount by $12,900,000,000.

On page 57, line 19, decrease the amount by $56,100,000,000.

Mr. SASSER. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—54

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Riegle
Campbell	Kerry	Robb
Conrad	Kohl	Rockefeller
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford

NAYS—45

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Shelby
Coverdell	Jeffords	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Specter
Danforth	Krueger	Stevens
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 246) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 253

(Purpose: To implement the proposal in President Clinton's book "Putting People First" that the line item veto is vital to "Eliminating pork barrel projects and cut government waste" and that his administration "will ask Congress to give the President the line item veto")

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized.

Mr. BOND. Madam President, I call up amendment 253. I ask unanimous consent that Senator NICKLES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, and Mr. Nickles, proposes an amendment numbered 253 regarding cuts reflecting line-item veto.

The amendment is as follows:

On page 41, decrease the amount on line 17 by $6,400,000,000.

On page 41, decrease the amount on line 18 by $3,800,000,000.

On page 41, decrease the amount on line 24 by $700,000,000.

On page 41, decrease the amount on line 25 by $2,000,000,000.

On page 42, decrease the amount on line 6 by $1,500,000,000.

On page 42, decrease the amount on line 7 by $2,000,000,000.

On page 42, decrease the amount on line 13 by $2,600,000,000.

On page 42, decrease the amount on line 14 by $2,000,000,000.

On page 71, decrease the amount on line 13 by $1,500,000,000.

On page 71, decrease the amount on line 14 by $2,000,000,000.

On page 71, decrease the amount on line 16 by $2,600,000,000.

On page 71, decrease the amount on line 17 by $2,000,000,000.

On page 5, decrease the amount on line 1 by $6,500,000,000.

On page 5, decrease the amount on line 2 by $1,000,000,000.

On page 5, decrease the amount on line 3 by $1,900,000,000.

On page 5, decrease the amount on line 4 by $3,200,000,000.

On page 5, decrease the amount on line 5 by $700,000,000.

On page 5, decrease the amount on line 11 by $6,500,000,000.

On page 5, decrease the amount on line 12 by $1,000,000,000.

On page 5, decrease the amount on line 13 by $1,900,000,000.

On page 5, decrease the amount on line 14 by $3,200,000,000.

On page 5, decrease the amount on line 15 by $700,000,000.

On page 5, decrease the amount on line 22 by $3,900,000,000.

On page 5, decrease the amount on line 23 by $2,300,000,000.

On page 5, decrease the amount on line 24 by $2,400,000,000.

On page 5, decrease the amount on line 25 by $2,600,000,000.

On page 6, decrease the amount on line 1 by $700,000,000.

On page 6, decrease the amount on line 7 by $3,900,000,000.

On page 6, decrease the amount on line 8 by $2,300,000,000.

On page 6, decrease the amount on line 9 by $2,400,000,000.

On page 6, decrease the amount on line 10 by $2,600,000,000.

On page 6, decrease the amount on line 11 by $700,000,000.

On page 6, decrease the amount on line 17 by $3,900,000,000.

On page 6, decrease the amount on line 18 by $2,300,000,000.

On page 6, decrease the amount on line 19 by $2,400,000,000.

On page 6, decrease the amount on line 20 by $2,600,000,000.

On page 6, decrease the amount on line 21 by $700,000,000.

On page 7, decrease the amount on line 1 by $3,900,000,000.

On page 7, decrease the amount on line 2 by $2,300,000,000.

On page 7, decrease the amount on line 3 by $2,400,000,000.

On page 7, decrease the amount on line 4 by $2,600,000,000.

On page 7, decrease the amount on line 5 by $700,000,000.

On page 7, decrease the amount on line 8 by $3,900,000,000.

On page 7, decrease the amount on line 9 by $6,200,000,000.

On page 7, decrease the amount on line 10 by $8,600,000,000.

On page 7, decrease the amount on line 11 by $11,200,000,000.

On page 7, decrease the amount on line 12 by $11,900,000,000.

On page 8, decrease the amount on line 7 by $3,900,000,000.

On page 8, decrease the amount on line 8 by $2,300,000,000.

On page 8, decrease the amount on line 9 by $2,400,000,000.

On page 8, decrease the amount on line 10 by $2,600,000,000.

On page 8, decrease the amount on line 11 by $700,000,000.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent there be 1 minute on each side.

Mr. MACK. I object.

Mr. DOMENICI. I must object.

The PRESIDING OFFICER. There is objection.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cochran
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the motion to table the amendment (No. 253) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 250

(Purpose: To express the sense of the Congress that the allocation of Federal funds to fight illegal drug availability and use should be shifted so that such funds are evenly distributed between drug supply reduction programs and drug demand reduction programs)

Mr. SPECTER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and [Mrs. FEINSTEIN, proposes an amendment numbered 250 regarding drug funding.

The amendment is as follows:

At the appropriate place in the resolution, insert the following:

SEC. .

It is the sense of the Congress, in setting forth the budget authority and outlay amounts in this resolution, that it is assumed that funds to reduce the availability and use of illegal drugs will be shifted over the next five years so that the allocation shall be equally distributed between the so-called "supply side" (interdiction, law enforcement, and international supply reduction efforts) and the so-called "demand side" (education, rehabilitation, treatment, and research programs).

Mr. SASSER. Madam President, the Specter amendment is a sense of the Congress that we on the majority side think is well taken. We have discussed this with our colleague on the minority, and we are agreeable to adding it.

Mr. SPECTER. Madam President, in offering this amendment I do so on behalf of the distinguished Senator from California [Mrs. FEINSTEIN] and myself. If I might state for the RECORD very briefly that this sense-of-the-Congress resolution calls for funds to reduce the availability and use of illegal drugs——

Mr. DOMENICI. Madam President, there is no time on the amendment. I object.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the amendment.

The amendment (No. 250) was agreed to.

Mr. SPECTER. Madam President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 205

(Purpose: To reduce the instructions to the Energy and Natural Resources Committee by the amount of assumption on changes to the Mining Law)

Mr. DOMENICI. Madam President, I send an amendment to the desk on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. CRAIG] proposes an amendment numbered 205 regarding mining law.

The amendment is as follows:

Page 48, line 20, strike "125,000,000" and insert in lieu thereof "85,000,000";

Page 48, line 21, strike "$1,124,000,000" and insert in lieu thereof "$631,000,000";

Page 54, line 20, strike "$110,000,000" and insert in lieu thereof "$70,000,000";

Page 54, line, 21 strike "$996,000,000" and insert in lieu thereof "$503,000,000";

Page 41, line 16, strike "−$3,900,000,000" and insert in lieu thereof "−$3,940,000,000";

Page 41, line 18, strike "−$3,400,000,000" and insert in lieu thereof "−$3,440,000,000";

Page 41, line 24, strike "−$6,800,000,000" and insert in lieu thereof "−$6,868,000,000";

Page 41, line 25, strike "−$6,500,000,000" and insert in lieu thereof "−$6,568,000,000";

Page 42, line 6, strike "−$8,300,000,000" and insert in lieu thereof "−$8,394,000,000";

Page 42, line 7, strike "−$8,000,000,000" and insert in lieu thereof "−$8,094,000,000";

Page 42, line 13, strike "−$10,400,000,000" and insert in lieu thereof "−$10,546,000,000";

Page 42, line 14, strike "−$10,000,000,000" and insert in lieu thereof "−$10,146,000,000";

Page 42, line 20, strike "−$10,600,000,000" and insert in lieu thereof "−$10,745,000,000";

Page 42, line 21, strike "−$10,700,000,000" and insert in lieu thereof "−$10,845,000,000";

Page 71, line 13, strike "$516,000,000" and insert in lieu thereof "$516,806,000,000";

Page 71, line 14, strike "$544,700,000,000" and insert in lieu thereof "$544,606,000,000";

Page 71, line 16, strike "$527,300,000,000" and insert in lieu thereof "$527,154,000,000";

Page 71, line 17, strike "$543,300,000,000" and insert in lieu thereof "$543,154,000,000";

Page 71, line 20, strike "$544,000,000,000" and insert in lieu thereof "$543,855,000,000";

Page 71, line 21, strike "$561,200,000,000" and insert in lieu thereof "$561,055,000,000";

Page 16, line 11, strike "$21,200,000,000" and insert in lieu thereof "$21.240,000,000";

Page 16, line 12, strike "$21,600,000,000" and insert in lieu thereof "$21,640,000,000";

Page 16, line 19, strike "$23,000,000,000" and insert in lieu thereof "$23,075,000,000";

Page 16, line 20, strike "$21,900,000,000" and insert in lieu thereof "$21,975,000,000";

Page 17, line 2, strike "$23,600,000,000" and insert in lieu thereof "$23,709,000,000";

Page 17, line 3, strike "$22,600,000,000" and insert in lieu thereof "$22,709,000,000";

Page 17, line 10, strike "$24,600,000,000" and insert in lieu thereof "$24,778,000,000";

Page 17, line 11, strike "$23,300,000,000" and insert in lieu thereof "$23,478,000,000";

Page 17, line 18, strike "$24,500,000,000" and insert in lieu thereof "$24,678,000,000";

Page 17, line 19, strike "$23,500,000,000" and insert in lieu thereof "$23,678,000,000";

Page 37, line 7, strike "$13,600,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 8, strike "$14,900,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 14, strike "$414,500,000,000" and insert in lieu thereof "$14,485,000,000";

Page 37, line 15, strike "$14,900,000,000" and insert in lieu thereof "$14,885,000,000";

Page 37, line 21, strike "$15,100,000,000" and insert in lieu thereof "$15,068,000,000";

Page 37, line 22, strike "$15,300,000,000" and insert in lieu thereof "$15,268,000,000";

Page 38, line 3, strike "$15,500,000,000" and insert in lieu thereof "$15,467,000,000";

Page 38, line 4, strike "$15,700,000,000" and insert in lieu thereof "$15,667,000,000";

Mr. SASSER. I move to table the amendment, and I ask for yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—61

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NAYS—38

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—1

Inouye

So the motion to lay on the table the amendment (No. 205) was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 239

Mr. SASSER. Madam President, I ask unanimous consent that amendment numbered 239 by the Senator from Maine [Mr. COHEN] be called up, agreed to, and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the Amendment (No. 239) was agreed to.

The text of the amendment reads as follows:

At an appropriate place in the resolution, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1994 through 1998 in excess of the amounts proposed by the President for such fiscal year.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 223

(Purpose: To promote equity and conformance with the stated goals of the administration's energy tax policies, which stress taxation of energy sources which are nonrenewable, are polluting, are inefficient, and produce dependence on foreign energy supplies; by providing for the exclusion of hydroelectric power, which is renewable, nonpolluting, highly efficient, and domestically abundant, from any proposed new energy taxes)

Mr. CRAIG. Madam President, I call up amendment number 223.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 223, regarding hydropower.

The amendment is as follows:

On page 2, line 19, decrease the amount by $300,000,000.

On page 3, line 2, decrease the amount by $500,000,000.

On page 3, line 4, decrease the amount by $600,000,000.

On page 3, line 6, decrease the amount by $600,000,000.

On page 3, line 11, decrease the amount by $300,000,000.

On page 3, line 12, decrease the amount by $500,000,000.

On page 3, line 13, decrease the amount by $600,000,000.

On page 3, line 14, decrease the amount by $600,000,000.

On page 4, line 7, decrease the amount by $300,000,000.

On page 4, line 8, decrease the amount by $500,000,000.

On page 4, line 9, decrease the amount by $600,000,000.

On page 4, line 11, decrease the amount by $600,000,000.

On page 4, line 16, decrease the amount by $300,000,000.

On page 4, line 17, decrease the amount by $500,000,000.

On page 4, line 18, decrease the amount by $600,000,000.

On page 4, line 19, decrease the amount by $600,000,000.

On page 5, line 2, decrease the amount by $300,000,000.

On page 5, line 3, decrease the amount by $500,000,000.

On page 5, line 4, decrease the amount by $600,000,000.

On page 5, line 5, decrease the amount by $600,000,000.

On page 5, line 12, decrease the amount by $300,000,000.

On page 5, line 13, decrease the amount by $500,000,000.

On page 5, line 14, decrease the amount by $600,000,000.

On page 5, line 15, decrease the amount by $600,000,000.

On page 5, line 23, decrease the amount by $300,000,000.

On page 5, line 24, decrease the amount by $500,000,000.

On page 5, line 25, decrease the amount by $600,000,000.

On page 6, line 1, decrease the amount by $600,000,000.

On page 6, line 8, decrease the amount by $300,000,000.

On page 6, line 9, decrease the amount by $500,000,000.

On page 6, line 10, decrease the amount by $600,000,000.

On page 6, line 11, decrease the amount by $600,000,000.

On page 41, line 24, decrease the amount by $300,000,000.

On page 41, line 25, decrease the amount by $300,000,000.

On page 42, line 6, decrease the amount by $500,000,000.

On page 42, line 7, decrease the amount by $500,000,000.

On page 42, line 13, decrease the amount by $600,000,000.

On page 42, line 14, decrease the amount by $600,000,000.

On page 42, line 20, decrease the amount by $600,000,000.

On page 42, line 21, decrease the amount by $600,000,000.

On page 50, line 10, decrease the amount by $2,000,000,000.

On page 57, line 19, decrease the amount by $2,000,000,000.

Mr. SASSER. Madam President, I move to table the amendment and I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. SASSER] to table the amendment of the Senator from Idaho [Mr. CRAIG].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—2

Inouye
Roth

So the motion to lay on the table the amendment (No. 223) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 253

Mr. BOND. Mr. President, President Clinton's book "Putting People First" states that the line-item veto is vital to "eliminate pork barrel projects and cut Government waste" and that his administration "will ask Congress to give the President the line-item veto."

This amendment says we should give the President this much-needed tool now enjoyed by 42 Governors, and then reduces discretionary spending by the $9.8 billion that the President said he could save over the next 4 years by striking the pork from the budget.

This is only a small step, but it is a vital one in our effort to get the deficit under control. The President has asked for this porkbusting weapon; he should be listened to and given this authority.

THE ENERGY TAX AND AGRICULTURE

Mr. DORGAN. Mr. President, in support of the amendment by Mr. BAUCUS, I just want to again emphasize the need for Congress to structure the proposed energy tax in a way that does not weigh so disproportionately upon American agriculture and other producing industries. To do so would stymie the kind of growth this very budget resolution is supposed to encourage.

Our economists at North Dakota State University calculated that the cost of the proposed Btu tax on an average family farmer in North Dakota will be more than $2,400 annually. The farmer will not only pay higher prices for fuel, for drying his grain, and for the electricity he uses on this farm, but he will pay substantially higher prices for fertilizer because the fertilizer is produced from natural gas. He will also pay higher prices to transport his supplies to his farm, and to transport his products to market.

It is critical that we take a look at the cumulative cost of a new tax, and that we try to adjust the tax so that we do not unwittingly harm the same rural economy we are trying to stimulate.

So, it is important that we include this statement of intent, which I have cosponsored with Mr. BAUCUS, in our budget statement.

DEPOSIT INSURANCE

Mr. METZENBAUM. Mr. President, I wish to inquire of the distinguished chairman of the Budget Committee regarding a particular provision in the pending resolution. It is my understanding the budget resolution before us provides for an additional $50 billion in spending for the Resolution Trust Corporation; is that correct?

Mr. SASSER. The resolution as reported by the Senate Budget Committee assumes CBO's projections for the deposit insurance. These estimates, which reflect the full cost of the savings and loan cleanup, assume $50 billion in anticipated losses over the next 6 years.

Mr. METZENBAUM. I say to my friend from Tennessee, and to the rest of my colleagues, that it is the opinion of this Senator that $50 billion is far too much to allocate to the RTC at this point in time. Until such time as the new administration is able to implement wholesale changes in the way the RTC goes about its business, I simply cannot support spending of such size. I could stand here for hours recapping the mismanagement and waste that plagued the RTC during the previous administration. I will not do so at this point, and I will refrain from offering an amendment on this subject, if I can quickly get some matters on the record with my friend from Tennessee.

Am I correct that the pending resolution's provision of $50 billion in no way represents the view of this body that such an amount is appropriate?

Mr. SASSER. Although the baseline assumes full funding for deposit insurance, the precise estimate of losses depends on a number of factors. For this reason, it will be up to the Banking Committee, the Congress, and the administration to determine exactly how much will be required to close the books on the savings and loan cleanup.

Because the Budget Enforcement Act specifies that legislation to provide funding for deposit insurance does not count on the pay-as-you-go scorecard, offsetting tax increases or spending cuts are not required. Under our scoring procedures, deposit insurance is considered a mandatory obligation of the Government, and legislation that merely funds existing obligations is not considered new spending under the BEA. This provision of law gives us the flexibility to resolve these obligations in the most efficient and cost-effective manner possible.

Mr. METZENBAUM. Is it also true that the passage of the pending legislation will have no effect whatsoever with respect to the eventual amount appropriated for the RTC?

Mr. SASSER. The Senator is correct.

Mr. METZENBAUM. I thank the Senator for those assurances. As I've said, I firmly believe that before we approve any massive appropriation of funds for the RTC, progress must be made in fixing what is broke at the RTC. I am heartened by what I've heard so far from the Clinton administration thus far on this score, and I look forward to working with the administration and with my colleagues in the immediate future on this problem.

SENATE BUDGET RESOLUTION

Mr. MATHEWS. Mr. President, I rise in support of Senate Concurrent Resolution 18, the Senate budget resolution reported to the Senate last week by the Budget Committee.

I commend my colleague from Tennessee, Senator JIM SASSER, for his efforts to push forward the President's package. And I especially want to note his efforts to make further spending cuts and to further reduce the national deficit.

Mr. President, since the Budget Enforcement Act of 1990, the Congress has made efforts to get a handle on the deficit. Among others, I have been disappointed by previous administrations' efforts to borrow the United States out of deficit spending. It simply has not worked.

My colleague from Illinois, Senator SIMON, recently pointed out that interest payments on the national debt were $74 billion in 1980. Mr. President, those payments will be greater than $300 billion in 1994, quadrupling just as the debt has done. It is apparent that we must act now.

I am somewhat dismayed by the accusations of my colleagues on the other side of the aisle. They seem to be saying that we don't need to take action. They seem to feel that holding on to current policies will somehow miraculously solve our deficit problems. Mr. President, this is not the situation. A new plan must be undertaken.

I do not, however, come to the Senate floor as a proponent of taxation as the only way to address this deficit. I must say that the revenue increases proposed in this package are very difficult for me to support. However, I have seen the numbers; I understand the gravity of the problems associated with the deficit, especially the problems of not addressing it; and I feel that the time has come to promote a package which comprehensively addresses the matter.

Mr. President, I use the terms package and comprehensive because those terms aptly describe the budget resolution before the Senate today and the stimulus bill which we will consider in the coming weeks. The President and the Budget Committee have forwarded a long-term plan in the form of a budget resolution with specific policy objectives and investment programs for the next 5 years.

For fiscal year 1994 this package calls for $17 billion in spending cuts. Over the following 4-year period Congress will reduce Federal spending by an additional $259 billion. This, accompanied with changes in timetables for paying debt interest, will reduce Federal spending by $332 billion over the 5-year period between 1994 and 1998. When combined with new revenues which are tied to deficit reduction, we have a package which serves to reduce the projected deficit by the year 1998 by some $500 billion. I would like to note, Mr. President, these are numbers which the Congressional Budget Office supports, not numbers inflated by integrating all moneys which the U.S. Treasury may have access to, but cannot truly be accounted for as revenues.

Mr. President, I have noted that I am not a supporter of taxation to pay for Government programs. I could not support this package if I felt that the revenues proposed by the Budget Committee were not linked to deficit reduction. While we must cut Government spending, we cannot bring the Government to a standstill and assume the American economy will go on operating. For this reason, some additional revenues must be sought out to address the deficit.

I am encouraged that we are moving in the right direction. In the coming months and years we must further eliminate those programs which are no longer needed and make all of our operations more efficient and thus reduce spending further. I will continue to push for additional cuts, as called for in this resolution. And I will also continue to seek reforms in many of our entitlement programs, especially related to health care, as gaining control over those portions of our annual spending will be integral to realizing greater deficit reduction.

Mr. President, we will hear a great deal on the Senate floor in the coming days and weeks about what a bad plan the President and the Budget Committee have presented to us. I believe it is very easy to criticize, but when the American people look at the long-term objectives of this package, they will realize the President does have a plan. I would submit that those opposing this plan do so because they lack a better plan of their own. They certainly have offered no comprehensive package which will address the matter.

For these reasons, Mr. President, I urge my colleagues to support the package before us today. This resolution is the first step toward adopting a new direction for America, a direction which will move us toward economic stability while doing that which the American people have demanded—reducing the deficit which so hinders the future of this great Nation.

Mr. President, I again commend Senator SASSER on his efforts and I yield the floor.

LIHEAP FORWARD-FUNDING

Mr. HARKIN. Mr. President, I want to call the attention of the managers to a technical matter pertaining to a recent law change requiring the forward-funding of the Low-Income Home Energy Assistance Program [LIHEAP].

The enacted fiscal 1993 appropriations legislation began the transition to LIHEAP forward-funding by providing an advance of $1,437,408,000, to cover the 9-month period bridging the gap between the old fiscal year funding cycle and the new July 1 to June 30 program year cycle. To complete this process, we will need to include another 12 months of budget authority in the fiscal 1994 Labor-HHS appropriations bill, for the new, forward-funded program year. It is my understanding that both the $1,437,408,000 advance provided in last year's bill and the new fiscal 1994 appropriations will be scored as budget authority against our discretionary ceiling for fiscal 1994, requiring a special one-time adjustment in the budget resolution. Senator SPECTER and I wrote a letter to OMB Director Panetta, a copy of which I ask to be included in the RECORD at the end of my statement, elaborating on this technicality, which does not affect outlays. It is also my understanding that there may be sufficient budget authority room under the resolution's discretionary cap to accommodate a technical adjustment in conference on the budget resolution. Hopefully, the conferees will be able to assign the necessary discretionary budget authority to function 600 in fiscal year 1994 to cover this one-time anomaly.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 18, 1993.

Mr. LEON PANETTA,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. PANETTA: We are writing to request your inclusion of a technical adjustment in the fiscal year 1994 discretionary spending limit, due to an anomaly in the Low Income Home Energy Assistance Program (LIHEAP). The authority for such an adjustment is contained in section 251(b) of the Deficit Control Act of 985, in order to accommodate technical changes in "concepts and definitions."

The adjustment is necessary to accommodate a one-time-only 9 month transition appropriation of $1,437,408,000, covering the gap between the end of fiscal 1993 and the start of the new program year mandated by authorizing legislation. These funds were included in the fiscal 1993 Labor-HHS-Education appropriations bill as a fiscal 1994 advance appropriation. Without an adjustment in the discretionary spending limit, we would not have the funds necessary in the fiscal 1994 Labor-HHS-bill to provide another 12 months of LIHEAP budget authority for the new forward funded program year.

Specifically, we are asking that there be an upward adjustment of $1,437,408,000 in the fiscal 1994 discretionary budget authority limit, in recognition of statutory changes in the funding cycle of the Low-Income Home Energy Assistance Program. This technical adjustment should not affect either outlays or the Federal deficit.

We appreciate your timely consideration of this matter.

Sincerely,

ARLEN SPECTER,
Ranking member, Appropriations Subcommittee on Labor, HHS, and Education

TOM HARKIN,
Chairman, Appropriations Subcommittee Labor, HHS, and Education.

MEDICARE PROGRAM PROTECTION ACT OF 1993

Mr. HARKIN. Mr. President, during the past several days we have heard a great deal of debate about what rising health care costs are doing to the Federal budget, the American economy, and American families.

That is why now is a good time to acquaint Senators with a bill that I introduced earlier this year, the Medicare Program Protection Act of 1993, S. 256.

My bill would have an immediate effect on health care costs by attacking them precisely where we should, by preventing fraud, abuse, and overpayments. Each year according to the General Accounting Office [GAO] and the HHS inspector general, we literally lose billions of dollars to undetected improper payments and fraud in Medicare alone.

It is critical that we stem this improper spending. My bill would accomplish that by implementing a recommendation that GAO has been urging Congress to adopt for several years—to strengthen the management of the Medicare Program and give a much higher priority to those activities which prevent the wrongful payment of Medicare claims.

My proposal draws directly from a proposal by GAO that limited adjustments be made in the discretionary spending caps in order to improve management controls over the payment of Medicare benefits. Under my bill, the maximum increase which would be allowed would be based on the historical rate of increase in the volume of Medicare claims. In other words, we would be able to provide the administrative funds necessary to ensure that Medicare claims are paid properly as Medicare's claims workload increases each year.

My bill would give to Medicare the same budget rules that we have already enacted for funding the administrative operations of the Internal Revenue Service. It is a common sense change that will save American taxpayers money. When Medicare claims are properly managed, the Federal budget saves $13 for every $1 dollar of administrative funds spent on enforcement. In recognition of these savings, as is the case with the IRS, a limited increase in funding for Medicare payment enforcement programs is fully justified so that funds for these cost-effective activities do not have to come from cutting spending elsewhere to stay within the extremely tight allocation ceilings.

Mr. President, I know that there is not a Member of this body who is not alarmed by the stories they have heard about the instances of flagrant overcharging and other abusive practices in the health care marketplace.

Each year we are spending more and more on overcharges, unnecessary services, and unchallenged and often bogus claims for payment. The total for this wasted and improper spending is reaching staggering proportions. If we could reduce Medicare's $140 billion budget even by only 1 percent by doing a better job of managing the program, we would save $1.4 billion immediately. Under my bill, we could save many times this amount and these are funds which could be used for the many other high priority needs of our country or to reduce our debt burden by direct and effective action.

Mr. President, I urge my colleagues to join me in this effort to promote the strong enforcement of the payment of Medicare benefits. The American taxpayer deserves the support and protection that this legislation would bring.

I ask unanimous consent that my recent letter to the director of OMB, the Honorable Leon Panetta, on the Medicare Program Protection Act be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 10, 1993.
Hon. LEON PANETTA,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. PANETTA: I am writing to seek your support for the "Medicare Program Protection Act of 1993" which I introduced January 28, 1993 as S. 256. It is my hope that you will incorporate this legislation in the Administration's package of recommendations to Congress.

This legislation amends the 1990 Budget Enforcement Act to safeguard Medicare from overpayment, fraud, and abuse and to ensure adequate funding for the administrative services provided to Medicare's 34 million beneficiaries. Caps on discretionary spending and the limits that apply to appropriations subcommittees would be adjusted for funding increases provided for Medicare payment safeguard and claims payment services performed by Medicare intermediaries and carriers. The amount of the adjustment to the spending cap could not exceed 11.6 percent each year, the average annual rate of increase in the volume of Medicare claims submitted for payment.

Only funds made available for the specified purposes would be eligible for the adjustment to the spending limits. The adjustment would not be available for funding provided for other programs or for amounts above the 11.6 percent maximum adjustment rate.

Adjustments would be available through fiscal year 1995, the year when the Budget Enforcement Act is scheduled to expire. For fiscal 1993, the adjustment could not exceed $177,000,000; for fiscal years 1994 and 1995, the amounts are up to $198,000,000 and $220,000,000 respectively. In the first full year of operation, savings would exceed $2 billion, because Medicare's audit and claims review procedures save more than 13 times their administrative budget, and are costs which would otherwise have been paid inappropriately by the Federal Government.

The procedure is identical to the adjustments made under the rules of the Budget Enforcement Act for the administrative costs of the Internal Revenue Service. In both cases, the procedure is intended to remove the disincentives now facing Congress for funding cost-effective programs that return far more than their administrative expense by better protecting taxpayer dollars and properly enforcing federal laws and regulations.

The proposal is based on recommendations to Congress by GAO, which has sounded repeated warning that Medicare is losing billions of dollars in improper spending, largely because of inadequate management resources.

In recent years, constraints on appropriations have kept Medicare audit funding far below the level needed to match the growth in workload experienced over the last decade. It is unrealistic to expect the Labor, Health and Human Services, and Education Appropriations Subcommittee to reduce amounts otherwise available for such popular and underfunded programs as Head Start to make up this shortfall.

In the 102nd session of Congress, I introduced a similar bill which passed Congress as part of the Revenue Act of 1992 but which President Bush, unfortunately, pocket-vetoed. Your assistance in making this provision a part of the President's recommendations would virtually ensure enactment this time around.

With best regards,
Sincerely,
TOM HARKIN,
Chairman, Labor-HHS-Education Appropriations Subcommittee.

"BELOW COST" TIMBER SALES

Mr. RIEGLE. Mr. President, I would like to engage the distinguished chairman of the committee in a colloquy regarding the initiative on Forest Service below cost timber sales. I would ask my friend what the budget resolution we are debating today assumes in this regard.

Mr. SASSER. Mr. President, I would be pleased to respond to the Senator from Michigan. As the Senator knows, the committee has assumed a 5-year savings of $275 million through reductions and cost savings related to the Forest Service timber program, as included in the President's economic package. Over the 5-year period, these savings are offset by $202 million in foregone revenues from timber sale revenues, as acknowledged by the administration and by the Congressional Budget Office. Thus, a net savings of $72 million is assumed.

Mr. REIGLE. As the chairman knows, this issue is important to workers, communities, and wood mill operations in a number of States including my State of Michigan. Is it the chairman's understanding that the authorizing and appropriations committees are not limited to reviewing only the Forest Service's timber programs as the means of achieving the required savings?

Mr. SASSER. The Senator from Michigan is correct. The Appropriations Committee can achieve these savings in any way they see fit. They do not have to terminate timber programs on given national forests.

Mr. RIEGLE. While I believe that the national forests should be returned to profitability, I believe there are a number of steps that can be taken before terminating timber programs.

First, committees and the Congress should look at the upfront agency and program costs to see where improvements can be made. A number of inefficiencies hurt the balance sheets of the national forests in my State. We can and should initiate cost-cutting measures that will help make certain forests more profitable.

Second, a variety of factors should be analyzed. It is important to acknowledge the effects of dramatic increases in timber prices over the past few months. Higher prices, resulting from timber supply shortages, are enhancing the profitability picture of a number of forests in Michigan and the West, and could make some U.S. forests profitable in a few short months.

Additionally, we must ensure that any initiative Congress adopts in this area does not expand the national timber shortage, which now adds over $4,800 to the price of a new home. These price fluctuations are already aggravating new home construction and hindering the United State's economic recovery. We don't need to put thousands of additional timber workers out of jobs.

Third, we need to look at what factors are contributing to the financial picture of every so-called below-cost forest. Many of these forests operate only slightly below-cost and with minor adjustments could operate profitably quickly. I believe the relevant committees must ensure Congress is not putting timber-related workers out of work and adding to our Nation's economic woes by not readjusting the way the U.S. Forest Service spends its assets.

I appreciate the chairman taking the time to engage in this dialog. I hope to work with this administration to find real savings and equitable solutions directed at Forest Service timber sales.

Mr. SASSER. Mr. President, I appreciate the concerns raised by my friend from Michigan. These are important issues and factors that need to be carefully considered as part of a comprehensive effort to achieve real cost savings for the Forest Service timber program.

Mr. GRASSLEY. Mr. President, Buckminster Fuller once said the following:

> When I am working on a problem, I never think about beauty. I think only of how to solve the problem; but when I am finished, if the solution is not beautiful, I know it is wrong.

Mr. President, the budget resolution we just passed is not beautiful. It is ugly. And therefore, according to Buckminster Fuller's evaluation, this budget is wrong.

In my view, the substitute offered by the distinguished Republican leader was a beautiful budget. That is because it addressed directly the problems we face, because it cut spending first, just as America has demanded. It would have lowered the deficit beyond 1997, unlike the Clinton budget.

And it would have lowered, therefore, the long-term debt. The Republican substitute showed there are alternatives to deficit reduction without having to raise taxes. The choices are therefore clear and distinct.

This is definitely a defining moment, Mr. President. The budget of the United States is the most important statement of an administration's policy. This budget we just passed speaks loudly and clearly as to where this country is headed under this new administration.

This is a budget that could easily have been passed on March 25, 1977. In that respect, this budget is anachronistic. It is obsolete. It is devoid of new ideas. It has lots of new rhetoric. But only the packaging is new. The substance is not.

This is a Jimmy Carter, tax-and-spend budget, pure and simple. That is why I call it deja voodoo. It is simultaneously the largest tax increase ever, the largest spending increase ever, and the highest debt amount ever. Taxes will go up by $300 billion, new spending will go up by $250 billion, and the debt will go up by $1.8 trillion.

If ever there was a budget worthy of the moniker business-as-usual, surely this is it.

Let me suggest, Mr. President, why this budget is a failure. The fact of the matter is, we simply do not have the money to increase spending. The debt is rising so rapidly that it is about to explode.

It was important that this budget fulfill the President's pledge to reinvent government. Reinventing government is needed because we need to find ways to get better performance with fewer dollars. The status quo is not working, and it is costing us a fortune.

This is a dangerous road we are heading down, Mr. President. I congratulate my colleagues on this side of the aisle for their energy and efforts to educate the American people about the perils of this budget.

We stripped away the false advertising that portrayed this budget as representing change, because there is no change. We have this budget as a platform for raising taxes, because that is its true intent. We exposed the fact that this Congress failed to make the President live up to his campaign promises on cutting spending, cutting the deficit, and cutting taxes for the middle class. He broke each of these pledges.

Mr. President, America's eyes are now open to the reality—the truth—of this budget. They are getting bigger government, not reinvented government. In the months ahead, the choices will continue to be bigger government versus reinvented government, between tax-and-spend budgets, versus more effective government with fewer dollars.

These are two diverse visions for the American people. Many of us, even on this side of the aisle, stood ready to help a new President who promised change and innovation in Government. Instead, the President and this Congress chose the status quo. The lines are clearly drawn, Mr. President.

I yield the floor.

THE BUDGET OF THE JUSTICE DEPARTMENT

Mr. **GRASSLEY**. Mr. President, as we try to reduce the budget deficit through a close examination of spending, we rightly are concerned with controlling costs of such big ticket items as health care and defense.

But if we are to truly control spending, we must consider other program areas as well. Certainly, we should consider the Department whose budget has increased the most in recent years. Contrary to what we often hear, the Department that fits that description is the Justice Department.

Mr. President, I would like to examine what is being proposed in the budget as it relates to the Justice Department and see whether what has been proposed makes sense.

A recent article in Forbes magazine traces the recent, exorbitant growth of the Justice Department.

In the March 15 issue, Janet Novack writes the following:

> Since 1980, the U.S. Department of Justice's budget has more than quadrupled. In this period, Justice's payroll has swelled from 53,400 to nearly 98,000, growing 4½ times faster than Federal civilian payrolls as a whole.

I believe that the Justice Department's growth has been driven more by the demands of substantive legislation, such as the federalization of crimes, than by direct budgetary factors.

The Department is now large enough that it seems particularly appropriate to ask whether the additional sums have been expended wisely and efficiently. For the same reason, we should ask whether the Clinton Justice Department proposals really take us in the direction of reinventing government, as is claimed.

I am concerned about what has happened to the DOJ budget in recent years. The Forbes article notes that many of the functions undertaken by the Justice Department in the area of crime fighting are already performed by State and local authorities.

This, then, constitutes extensive duplication of Justice Department resources. Additional Federal funding not only has gone for duplication, Mr. President, but it has also created interference with State and local governments' functioning. I am concerned that this trend may well be exacerbated by the Clinton budget.

For example, the budget proposes the creation of a Police Corps. Under this new program, college students would have their tuition paid for if they agree to spend 4 years as police officers.

I am concerned that very few questions have been raised or answered about this program, which, if fully funded, will cost $25 million next year and a total of $400 million over the next 4 years. Even basic questions have not been asked, such as, "Is this an effective way to spend such a large amount of money?"

To begin with, let us consider a basic observation: There is no real evidence that adding new police officers through the Police Corps will have any effect on the amount of crime committed. This is particularly true where, under the Police Corps, new officers will not be deployed on the basis of their marginal ability to add protection. Instead, they will be deployed largely to places of the recruits' choices, irrespective of the need for additional police protection in those areas.

A second problem with the Police Corps is that, as Chief Steven R. Harris, president of the International Association of Chiefs of Police has observed, this program "would spend hundreds of millions of dollars in Federal funds and not provide financial support for a single new police officer." Let me explain this statement, Mr. President.

Only if hard-pressed localities are able to find additional funds beyond current budgetary levels will any new police officers hit the streets. This is true because the Federal Government would provide the college education, but not provide any money for training these recruits after they graduate.

Even if localities can provide the money to train police officers, the half life of the value of the training will be only 2 years because almost all of these Police Corps graduates will have found something else to do after their 4-year commitment has ended.

When the Police Corps begins to cost a great deal of money next year, maybe we should consider whether these funds might be better spent by targeting police training assistance directly to localities that have suffered the greatest increase in crime.

The Clinton streamlined budget will cut back a bit on resources, but it does not move significantly toward reinventing the Justice Department. Nor will it make the Department more effective. In fact, it may do the opposite.

Consider the following: The Justice Department's costs are highly personnel-intensive. Accordingly, the streamlining proposed in its budget is an across-the-board cut in resources through a hiring freeze.

A hiring freeze would disproportionately affect the Immigration and Naturalization Service and the Border Patrol because these agencies have a high turnover. The proposed streamlining initiatives, then, may be an ineffective way to save money.

For the Justice Department to truly be reinvented, it seems to me, we should cut people who perform low-priority functions and keep people who perform high priority functions.

To suggest just one example, maybe there should be fewer lawyers and other resources in the criminal division in Washington and more such resources fighting crime in the field offices.

Certainly, reinventing the Justice Department requires the considered use of the scalpel rather than the blunt instrument of across the board, so-called streamlining initiatives contained in the Clinton budget.

The Justice Department is now growing so rapidly that its spending should receive significant attention. We should make sure that resources are spent wisely, and we should be careful about what new tasks we impose on the Department through the passage of substantive legislation.

It is time that we examine how the Justice Department can become more effective through fewer resources, both in performing its own functions and in not interfering with the functions of other Federal agencies and States and localities.

I will be devoting attention to this matter throughout the coming year, and I hope to offer specific legislative proposals in the near future. In the meantime, I would ask unanimous consent that the article from Forbes magazine to which I referred, be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Forbes Magazine, Mar. 15, 1993]

HOW ABOUT A LITTLE RESTRUCTURING?

(By Janet Novack)

Since 1980 the U.S. Department of Justice's budget has more than quadrupled. In this period, Justice's payroll has swelled from 53,400 to nearly 98,000, growing 4½ times faster than federal civilian payrolls as a whole. Today there are 4,200 local assistant U.S. attorneys, 2½ times as many as in 1980.

As its staffs have grown, so has Justice's role in American society—although the real work Justice does hasn't risen as fast as its staff. This illustrates once again the truth of C. Northcote Parkinson's Law of bureaucracy: Work expands so as to fill the time available for its completion. And Parkinson further observed, as the real or imagined work expands, the bureaucrats ask for more bureaucrats to do it.

The Justice Department has been a prime instrument for thrusting the federal government ever deeper into the lives of the citizenry. When the U.S. government was born there were 3 specific federal crimes: treason, counterfeiting and piracy on the high seas. With patriotism in intellectual disrepute, there isn't much work for Justice in the treason line today. Counterfeiting remains a problem but accounts for only about 2% of U.S. prosecutions. Old-fashioned piracy scarcely exists. But Justice is not running out of work. Congress keeps defining new crimes. Today there are not 3 federal crimes but more than 3,000.

Why has Justice grown so explosively?

Because the politicians, frustrated by high taxes and by the deficit, have found a way to grandstand for the voters without increasing visible taxes. Hiring a few thousand new lawyers and sleuths is a lot cheaper than finding tens of billions of dollars for new programs. But this is not a cheap exercise for society. In a recent article (*Feb. 15*), FORBES quoted experts who estimated that every dollar the government spends on regulatory enforcement inflicts about $20 in compliance costs upon private citizens.

Justice increasingly thrusts itself into American life as the policeman for expanding federal regulation. Many of the new federal crimes Congress has created are actually bastard children of regulation, whether it's in banking, securities trading or the environment, or even the war on drugs. Distributors of certain chemicals risk going to jail if they don't screen their customers to weed out potential illegal drugmakers; car dealers and other merchants now break federal law if they do not report someone paying with large amounts of cash.

Business is even being forced to pay some of the direct costs of Justice's growth. Congress last year ordered that registration fees paid by drugstores, doctors and other legitimate dispensers of controlled substances be quadrupled (to $66 million a year) to pay for criminal investigations into the illegal diversion of drugs.

Political leverage is what this is all about. Passing new laws makes Congress seem responsive to the wants and fears of the voter. *Seem* responsive. Stealing someone's car at gunpoint was already a serious crime in all 50 states. But after a Washington, D.C. suburban mother was killed in a savage carjacking last September, Congress made a show of getting tough on crime by making armed carjackings a federal crime. Now carjackings can be prosecuted by U.S. Attorneys, if they choose. So far the feds have prosecuted only about two dozen cases but have made lots of headlines doing it.

Representative Charles Schumer (D-N.Y.) chairman of the House subcommittee on crime and the sponsor of the carjacking bill, is proud of his work: "This is why government was formed, to make people feel safe. This is one thing people are willing to pay for."

Trouble is, they are already paying for it through state and local law enforcement agencies. In 1991 state and local governments spent about $75 billion on cops, prisons, prosecutors and courts, a sum in no way diminished by increased federal spending.

There is no evidence that adding a federal layer of law enforcement decreases the number of armed carjackings.

Burke Marshall, a noted Yale Law School professor, recently examined the Justice Department for the Clinton transition team. Opines Marshall: "If we're talking about the kind of crime enforcement people are interested in, the money ought to go into building up the local police and enforcement rather than increasing the bureaucracy in the Department of Justice." Despite the near doubling of the Justice payroll in a decade, state and local governments still handle 94% of all prosecutions.

Far from helping local governments counter crime, the feds have actually cut back their financial support for the locals. In 1976, $872 million, or 26% of federal justice spending, went to local law enforcement; in 1990, only $728 million, or 7% of the pot, did. Supreme Court Chief Justice William H. Rehnquist has concluded: "The nation can no longer afford the luxury of state and federal systems which work at cross-purposes or which irrationally duplicate each other's efforts." Clinton has proposed putting more federal money into support for local cops. But this could simply lead to more duplication.

Too often in federal enforcement the name of the game is publicity, not a reduction in the amount of crime. In cases with high publicity value, federal prosecutors sometimes go after a criminal who is already under state indictment or is already in the state pen. In 1991 the U.S. Attorney in Philadelphia tried a 66-year-old man who had already been convicted in state court of running a drug and crime ring and was in the state pen facing a 20-to-40-year term.

Federal prosecutors are also reaching down into the local police blotter and trying all sorts of gun and drug cases. "These are all cases that the locals can try, but the federal prosecutors cherry pick them," complains Newman Flanagan, who retired last year as Boston's district attorney and is now executive director of the National District Attorneys Association.

Yet the Justice Department has been remarkably successful in wrapping its efforts in a noble mantle. Representative Bob Wise (D-W. Va.) was from January 1989 through 1992 chairman of a House subcommittee that attempted to oversee Justice. "If you criticize Justice," Wise says, "the implication is created that you're undercutting the effort to fight drugs and criminals." The Justice Department, he adds, "is an incredibly deep bureaucratic swamp."

Like any swamp, this one is full of decayed matter. U.S. District Court Judge J.P. Stadtmueller was U.S. Attorney in Milwaukee before he was appointed to the bench in 1987. Judge Stadtmueller says: "Many U.S. Attorneys' offices have 25% to 30% deadwood. If these people were in private law firms, they would have been out on the street a long time ago."

Like any bureaucracy, this one moves inexorably toward entrenching itself. Until the early 1980s assistant U.S. attorneys basically served at the pleasure of the country's 93 U.S Attorneys, who are appointed by the President. The U.S. Attorneys could fire their assistant attorneys. But thank to a series of court decisions and a 1990 law passed by Congress, assistant U.S. attorneys now enjoy what amounts to near lifetime job security.

Many Justice Department lawyers have every incentive to seek job security. U.S. Attorneys earn $113,500, while assistant U.S. attorneys without supervisory responsibilities now earn up to $87,900 a year—and up to $94,900 in high-cost cities like New York and Los Angeles. National median earnings for lawyers: $56,420. Former D.A. Flanagan notes that as Boston D.A. his pay was only $72,500; he also says his assistants generally earned little more than half of what their counterparts in the federal government did, while carrying a heavier caseload.

No surprise then that annual turnover among Justice Department lawyers was just 5% last year, down from 13% in 1980. The federal government's 31,000 criminal investigators (not all in Justice) do nicely, too, averaging $62,000 a year, including overtime, compared with a median of $27,500 for all police and detectives.

Are Justice Department lawyers overworked? Some certainly are. But between 1980 and 1991 the number of criminal cases filed per assistant U.S. attorney dropped 40%; civil filings per attorney fell 38%. The number of individuals indicted per assistant attorney has dropped 33%. There's clearly a productivity problem here.

What do these 98,000 Justice employees do? Three-fourths are in what might be termed Justice's wholly owned subsidiaries: the Bureau of Prisons, 24,000; the FBI, 24,000; the Drug Enforcement Administration, 7,100; U.S. Marshals, 3,700; Immigration & Naturalization Service, 11,700.

As for the more troublesome balance, almost 1,400 are at the top in "general administration." Another 13,500 are lawyers and their assistants. Burke Marshall says this about the swelling Justice bureaucracy: "Because of the proliferation of federal crimes, the turf fighting is getting worse."

For example, the Drug Enforcement Administration, Federal Bureau of Investigation and Immigration & Naturalization Service all have some responsibility for waging the war on drugs. The FBI and DEA maintain separate computerized drug intelligence systems, as do numerous agencies throughout the federal government. Wouldn't it be more efficient if they pooled their resources? Yes, according to estimates that DEA informally provided to Congress, about $100 million a year could be saved by merging systems.

But instead, in 1990 yet another organization—the National Drug Intelligence Center—was layered on top to build a new comprehensive drug trafficking database. When fully operational, it will have 150 employees in Johnstown, Pa., the home of Representative John Murtha (D–Pa.), who pushed funding for it through Congress.

Last year, sensing big bucks in guns, the FBI attempted to gain more jurisdiction over firearms violations—the traditional province of Treasury's Bureau of Alcohol, Tobacco & Firearms—leading to a personal confrontation between then Treasury Secretary Nicholas Brady and then Attorney General William Barr.

With the collapse of the Soviet Union, the FBI can no longer justify so many counterintelligence agents (the exact number is classified). Will it cut back? Don't be silly. So far it has transferred 385 to fight violent crime and 65 to investigate health care fraud. Now it is enthusiastically pursuing alleged economic spying against the U.S., much of it, it is said, by our allied.

The FBI isn't always the encroacher. The Secret Service, which finds itself with rather too little to do to justify manpower between elections, got friends on the Hill to assign it S&L investigative duty.

In the early 1980s the Reagan Administration actually came close to merging DEA and FBI, and in 1984, 56 separate projects were undertaken to integrate various functions of the two agencies. Only 9 of the 56 projects were completed, the rest dropping into bureaucratic limbo. One successfully merged area was training. But now DEA has gotten $11 million and is hunting for another $23 million to build its own training center in Quantico, Va.

With so many federal agencies involved in the war on crime, sometimes they end up not only duplicating but tripping over each other. In one notable case, Jay Stephens, U.S. Attorney for the District of Columbia, had to referee between the DEA and the FBI, which were both trying to trap then Mayor Marion Barry on a drug charge. (Stephens persuaded the DEA to back off.)

The agencies are all so keen to claim credit for drug seizures that the government had to create a special Federal-wide Drug Seizure System to eliminate double counting (FDSS showed 3,034 pounds of heroin seized in 1991, with Treasury's Customs Service claiming credit for 2,960 pounds and DEA insisting it was responsible for 2,455 pounds).

Meanwhile, Congress keeps handing Justice new excuses to demand more money and personnel. Congress attempted to rein in lenient judges by creating strict guidelines for sentencing offenders, and decreeing that convicts must serve at least 85% of their federal sentences for crimes committed after Nov. 1, 1987. Since then, responding to what they saw as a popular demand for a crackdown, the politicians have layered stiff mandatory minimum sentences for certain drug crimes on top of the guidelines.

These tough mandatory sentences have done little to reduce drug traffic, but they have enabled the Justice Department to create new jobs in the prison system to guard convicted two-bit dealers. Since 1986 the Bureau of Prisons has doubled in size, to 24,000 employees. It's expected to grow by 37,000 by 1995.

Harvard University Associate Professor Mark A.R. Kleiman is a respected student of the drug problem. He says the money used building jails and hiring guards could more efficiently be spent for intensive supervised probation or parole with drug-testing for drug-using offenders: "We've got to learn how to control people without paying their room and board bills."

The discovery by our society of any new category of crime is a potential growth area for Justice. In that sense environmental crime has been a godsend. Washington defense attorney Reid Weingarten, who spent ten years as a Justice prosecutor, says: "The attitude among federal prosecutors is that if a truck driver dumps toxic waste into the river, the president of the company goes to jail if he had a lax environmental program."

"The federal government has no business making every piece of dirt dropped on your property a federal crime," complains Paul Kamenar, executive legal director of the Washington Legal Foundation. Kamenar's foundation has taken up the causes of three men—in Florida, Pennsylvania and Maryland—sent to jail for wetlands violations. Warns Kamenar: "Congress is ready to federalize anything they think is a social ill."

The savings and loan mess certainly proved that. No matter that Congress itself bears most of the responsibility for the mess, no matter that many congressmen were deeply implicated, Congress was happy to give Justice the money to seek scapegoats in the disaster (Forbes, Sept. 28, 1992). In 1990 and 1991 Congress voted Justice an extra 1,854 attorneys, criminal investigators and support staffers, including 320 new prosecutors in the U.S. Attorneys' offices.

Atlantic City attorney Rudolph Westmoreland was indicted in Milwaukee in 1991 on three counts relating to an alleged conspiracy to defraud a now defunct S&L. His crime? Prosecutors alleged Westmoreland fibbed on a mortgage application for a four-bedroom Phoenix house when he said he was buying it as a second home. Westmoreland, they asserted, was actually buying the house not for himself but for his brother. (The mortgage in question was paid in full after the brother took title to the house and refinanced it.)

After a three-day trial, a jury acquitted Westmoreland. Cost to Westmoreland to defend himself: $40,000. Cost to the taxpayers to prosecute him: plenty.

When the thrift mess is cleaned up, what will happen to the S&L prosecutors? Professor Parkinson would know the answer. Already there's talk of how useful they'd be pursuing bankruptcy fraud or other white-collar offenses.

Not satiated with spending taxpayer money, the Justice Department—like the Argentinean army under Perón—builds revenue sources of its own. The army ran its own factories and businesses, some built up with seized assets. Since 1988 Justice has spent more than $850 million realized from the seizure of cash and assets associated with criminal activities.

Seizures began to be used aggressively in 1978 as a weapon against drug dealers. But since the late 1980s seizures have been used—along with money-laundering charges—against all manner of alleged white-collar criminals. Money laundering has replaced RICO (the Racketeer Influenced & Corrupt Organizations Act) as Justice's favorite weapon for attacking business people. "RICO looks mild by comparison to the money-laundering statutes. Money laundering is much easier to prove," says Michael Goldsmith, a Brigham Young University Law School professor who is an expert on both laws.

RICO charges, though temptingly broad, turned out to be difficult for prosecutors to prove. Rudolph Giuliani, the publicity-loving former U.S. Attorney in Manhattan, had some momentary glory when he won RICO convictions against executives from Princeton/Newport Partners, for alleged tax violations. But the appeals court later reversed those convictions.

"There's no sense that Justice is concerned about citizens' rights, no matter what kind of crimes they're accused of," says Miami lawyer Talbot D'Alemberte, past president of the American Bar Association and a friend of Attorney General designate Janet Reno.

In *Macbeth* Shakespeare has Banquo say to the witches; "If you can look into the seeds of time, and say which grain will grow and which will not, speak then to me. . . ."

Okay, we will. There are several grains in the Justice Department that promise a lot of growth:

Justice's environmental division in Washington, with 660 staffers, is sure to grow smartly under Clinton, since he has promised even more environmental enforcement. Look, too, for more environmental cases to be initiated in the field by the U.S. Attorneys who dream of the exposure they could get from them on the nightly news.

The Civil Rights division (with 510 employees) and Antitrust (with 460) are almost guaranteed extra business and more growth.

Last year Congress made it a federal offense to fail to pay child support to children in another state. Clinton has endorsed a bill being pushed by key Democrats that would make wife-beating a federal crime, too. More work, lots more, for Justice.

And then there's the Bureau of Prisons. Absent any major revamping of the sometimes illogically harsh mandatory minimum sentences, the prison bureaucracy can do nothing but grow and grow.

Any bets on how big the Justice Department will be three years into the Clinton Administration? 100,000 employees? 110,000? More?

BUDGET RESOLUTION

Mr. COHEN. Mr. President, I rise to voice my opposition to the budget resolution proposed by the Senate Budget Committee. There are few things more important to the long-term growth of the U.S. economy than reducing the deficit. Unfortunately, the plan before us will not achieve lasting deficit reduction because it relies too heavily on new revenues and not enough on spending cuts.

I am not opposed to new taxes, especially on the wealthiest members of our society. I strongly believe, however, that every $1 in new taxes should be accompanied by $2 in spending cuts. Unless spending is restrained, new revenues will lead to more Government, not lower deficits. Since World War II, spending has increased $1.59 for every new $1 in taxes. The record is clear that, without enforceable spending restraints, new taxes will not lower the deficit.

During Office of Management and Budget [OMB] Director Panetta's confirmation hearing, he advocated a 2:1 ratio of spending cuts to new revenue. I regret that this objective was abandoned by the administration. I believe the administration and the Democratic majority too quickly resorted to new taxes. While there appears to be greater public tolerance for new taxes, this tolerance is based upon the belief that new revenues will be used to reduce the deficit. I am afraid that few people realize that the budget resolution before us cuts nondefense domestic spending by only $7 billion over the next 5 years. This represents a mere 2 percent of the entire deficit reduction plan. New taxes, on the other hand, accounts for 64 percent of the plan.

I am not opposed to reducing defense spending, nor am I opposed to increasing spending for certain domestic programs with proven records of success. However, I believe that the peace dividend should be used solely for the purposes of helping individuals and communities affected by defense cuts, and for reducing the deficit. The end of the cold war provides a unique opportunity to cut spending and reduce the deficit. We should not squander this opportunity.

Certain domestic programs with proven track records may warrant increased funding. However, we should pay for these programs by shifting money from wasteful or unproductive programs. There are legions of programs that have outlived their original purpose.

I do not suggest that deep spending cuts are easily obtained. It is critical, however, that we commit ourselves to make the necessary cuts. We cannot tax or borrow our way out of the spending binge we have been on. While over the past 30 years Federal taxes as a share of the economy have remained about the same, spending has increased steadily.

Tough choices between spending priorities have been avoided in the past because Congress and the President have been too willing to borrow money. The Federal Government should take a lesson from Bill Giguere, the Public Works Director in Scarborough, ME. Scarborough, like the rest of Maine, has been hit by record amounts of snow this past winter. When Mr. Giguere was asked recently what the town would do once the snowplowing budget was exceeded, he said they would keep on plowing. But they'll have to find the money in other accounts.

It is precisely this type of discipline that has been rare in Washington. The Federal Government, unlike the town of Scarborough, has opted to finance new spending through deficits rather than by making responsible decisions about spending priorities.

Finally, serious deficit reduction is impossible without addressing entitlement spending which accounts for half of all Federal spending and is the fastest growing part of the budget. Entitlement spending is on automatic pilot in that expenditures are made without direct appropriations by the Congress. It is a misnomer, however, to suggest that Congress has no control over entitlements. Congress has the power to modify entitlement programs at any time. Failure to restrain spending in these programs is a willful act by the Congress and the President. I regret that an amendment I cosponsored which would have saved $97 billion over 5 years by limiting entitlement spending did not pass. This amendment would have held Congress' feet to the fire to reform health care since escalating health care costs are the principle cause of rising entitlement spending.

It should make us very queasy to look at the mountains of debt we are passing along to our children and their children. By our actions and choices, we are jeopardizing the future of our children. Our debt-financed consumption binge will lower future economic growth and future standards of living. The question is whether we will address the problem now or delay and exacerbate the problem. As a recent GAO report on the deficit pointed out, "[T]he key question facing policymakers is not whether to undertake major deficit reduction, but when and how."

We cannot reduce the deficit without some sacrifice. We have a deficit in the first place because Congress and the President have told the American people that they can have both lower taxes and more Government. The word "sacrifice" has been banned from the political lexicon. It must reappear if we are to ever make serious progress in reducing the deficit.

The budget resolution asks taxpayers to contribute more in terms of taxes, but for long-term deficit reduction, sacrifice in terms of spending cuts is essential. Without enforceable spending cuts, higher taxes will simply mean bigger Government.

Insofar as the budget resolution before us does not reduce spending in the manner that I believe is essential for long-term deficit reduction, I cannot support it. I will be working with my colleagues over the next few months to make the changes that I believe are necessary to strengthen this plan.

THE BUDGET RESOLUTION FOR FISCAL YEAR 1994

Mr. LEVIN. Mr. President, what is before the Senate today is more than a budget resolution outlining spending and revenue priorities for the next 5 years. What is before the Senate are critical choices that will have profound consequences for the future.

Do we continue the ideological and political gridlock that have immobilized Washington for the past decade? Or, do we listen to the American people's call for action to revitalize our economy?

President Clinton has heard that call. He has offered a balanced plan to reduce the budget deficit and invest in a number of areas, including education, training, health, crime prevention, and internal improvements. His clear goal is to foster sustainable economic growth based on high paying jobs. Unlike the policies pursued over the past 10 years, the Clinton plan is directed at reducing our borrowing from the future—from our children. Without getting into lectures on economics, less Federal borrowing translates into lower interest rates that make it more affordable for average Americans to buy a home, purchase a car, or go to college.

The Clinton plan recognizes that as essential as spending cuts are to reducing the budget deficit, spending cuts alone cannot do the job.

I applaud the President's call to stop funding programs that have outlived their usefulness. I also believe that the reductions in defense spending far more accurately reflect the changes in our defense needs due to the end of the cold war than did the final proposal by President Bush.

But basic mathematics and simple fairness require that revenues also be increased, particularly from the wealthiest individuals who saw their incomes increase substantially during the 1980's at a time when the rest of the country was either standing still or falling behind. Year after year during the past decade, it was assumed that the public would react reflexively against any proposal to increase taxes. President Clinton had the boldness to lay out the case for a balanced package, including revenue increases, and the public, in its common sense, has responded to his call for fiscal responsibility.

The Budget Committee approved the core elements of the Clinton program and improved upon it. For example, the budget resolution calls for $69 billion more in spending cuts over the 5-year period of fiscal year 1994 through fiscal year 1998 than were proposed by the President as calculated by the nonpartisan Congressional Budget Office. These additional spending cuts are 50 percent deeper than those proposed by President Clinton. At the same time, the budget resolution more appropriately classifies the increase in the tax on upper income Social Security recipients as a tax increase and not a spending cut as it was classified in the Clinton budget.

These proposals have been criticized as cutting military spending too much, relying too heavily on tax increases instead of tax cuts, and spending too much on programs designed to improve our Nation's human and physical resources. In other words, they have been criticized for representing an approach other than the Reagan-Bush program, a program that led the way to increasing the national debt by $3 trillion in little more than a decade. I opposed the Reagan-Bush program from the outset, and believe that it is the time for a bold, creative alternative.

STRONG INVESTMENT FOR CHILDREN

Mr. ROCKEFELLER. Mr. President, as we review the budget resolution pending before the U.S. Senate this week, I want to call special attention to the major, and needed, investments this plan has for America's children.

As Chairman of the National Commission on Children, I have been traveling the country to promote our unanimous, bipartisan report, "Beyond Rhetoric." Our report calls for new investments in children and families and challenges leaders at every level to make bold changes in policy and programs.

This budget resolution meets the test of moving beyond rhetoric to provide solid investments in children and families. It includes an expansion of the earned income tax credit [EITC] for low-income working families. This credit is an important incentive to help families who are playing by the rules and going to work every day but struggling to make ends meet and care for their children. The Commission strongly endorsed the EITC as a key part of family income security.

Expanding Head Start, child immunizations, and the Women, Infants, and Children Supplemental Feeding Program [WIC] to ensure that these programs are fully funding in the near future are compassionate and cost-effective initiatives. Each of these programs has a proven record of success, and each one was warmly endorsed by the Commission. For example, a GAO study in 1992 proved that spending money up front in the WIC program to give pregnant women, infants and children nutritional foods yields measurable benefits. Every dollar spent on WIC yields an estimated $3.50 in savings on medical care.

Job Corps, a successful program of education and training, would also be expanded by this resolution. The Commission endorsed Job Corps as an important program that provides new hope and opportunity to extremely disadvantaged youth by providing remedial education and practical skill training for high risk teens, who have often dropped out of high school.

As we begin to chart a new course for our country with this bold resolution, I welcome its commitment to children and families. Our country will not prosper in the future if we neglect our children today. I am proud to support this resolution and its investments in children. I look forward to working with my colleagues and President Clinton to convert the promise of this resolution into real support for children and families in West Virginia and across our country.

THE BUDGET RESOLUTION

Mr. DURENBERGER. Mr. President, at the close of this debate it makes sense, I think, to outline my views on the budget resolution as it now stands.

During the past few days, we had a series of votes on amendments.

I supported a series of amendments that expressed the sense of the Senate in favor of a number of important programs.

I was more enthusiastic, I should say, about some other amendments that matched suggested tax or spending increases with offsetting budget cuts.

I opposed the Btu tax and the tax on Social Security benefits. While I oppose those taxes I didn't just vote "no," I supported offsetting cuts in new, increased spending to keep the positive, deficit reduction feature of the President's proposals.

On ethanol, I supported a sense-of-the-Senate resolution, which unfortunately did not pass, to the effect that ethanol should be exempted from the Btu tax. Later, I offered an amendment to do more than express the sense of the Senate, and in fact lowered the amount of money the Congress bound itself to raise in taxes—and the amount of money the Congress would spend. This would have given the Finance Committee of the Senate the room not to tax ethanol without requiring the Finance Committee to play off ethanol against others who seek favorable tax treatment, and I regret that the amendment was not adopted. A solid majority of Senators voted for one or another of these amendments, however, and I am confident that a satisfactory solution to the possible taxation of ethanol will be reached.

Now we will move to the supplemental appropriations legislation, which is mainly devoted to spending to what I have already characterized as unneeded stimulus. There are some provisions in the bill as reported that relate to the traditional subject matter of urgent supplemental appropriations. Much more of it consists merely of additional resources being devoted to programs which are, however worthy, not on the verge of running out of money—to put it mildly. In any event, we should find offsetting cuts for the spending we decide to approve, as originally contemplated in the Budget Act, rather than exempting it all as emergency as is the case in the reported supplemental.

Next week we will also be taking up the debt ceiling extension. After a period around Easter when Senators will have a chance to spend some time with their constituents, we will proceed to begin the difficult work of carrying out the reconciliation instructions—actually determining in detail what changes in tax and spending provisions will be made.

As we proceed with all this future business, I will continue to seek guidance and counsel from Minnesotans, for the decisions that will be made during the next few months which will affect every one of us and are likely to change the Nation in which they live in a fundamental way.

SOCIAL SECURITY TAX INCREASE AND EFFECT ON STATE ECONOMIES

Mr. McCAIN. Mr. President, as you know, yesterday the Senate failed to adopt an amendment I offered with my good friends, Senators LOTT and MACK, to eliminate President Clinton's tax increase on Social Security beneficiaries. I found the outcome of this effort a travesty, as I am confident will our Nation's senior once they have an opportunity to learn about it.

One of the implications of this new tax that was not mentioned during the debate, that I found interesting, is the impact on the economies of States. I am submitting, for the RECORD, a table detailing the revenue that will come from seniors in each State—revenue that will be taken from the economies of those States.

Mr. President, this Nation's deficit was not caused by this Nation's seniors nor the States—it was caused by Congress' insatiable appetite for spending. Yet this new tax is a penalty to both out Nation's seniors and the States—a penalty which neither deserve.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVENUE FROM INCREASING THE TAXATION OF BENEFITS UP TO 85 PERCENT BY STATE, 1994–98

[In millions of dollars]

State	1994	1995	1996	1997	1998	1994–98
Alabama	$29	$60	$67	$74	$83	$314
Alaska	5	11	12	13	15	55
Arizona	48	99	110	122	136	516
Arkansas	18	37	41	46	51	193
California	365	757	838	932	1,041	3,932
Colorado	27	57	63	70	78	295
Connecticut	50	104	115	128	143	541
Delaware	9	19	21	24	26	100
District of Columbia	6	12	14	15	17	64
Florida	249	516	571	635	709	2,680
Georgia	47	97	107	119	133	503
Hawaii	16	32	36	40	44	168
Idaho	7	14	16	18	20	74
Illinois	142	294	325	362	404	1,527
Indiana	49	101	112	124	139	524
Iowa	35	72	80	89	100	376
Kansas	28	58	64	71	79	300
Kentucky	22	45	50	55	62	234
Louisiana	24	50	56	62	69	261
Maine	12	25	28	31	34	130
Maryland	53	109	121	134	150	567
Massachusetts	71	148	163	182	203	767
Michigan	84	174	192	214	239	902
Minnesota	43	89	98	110	122	462
Mississippi	16	33	37	41	46	173
Missouri	51	105	116	130	145	547
Montana	8	17	18	20	23	86
Nebraska	19	40	44	49	55	206
Nevada	12	25	28	31	34	130
New Hampshire	13	26	29	32	36	136
New Jersey	119	246	273	304	339	1,281
New Mexico	13	27	30	33	37	141
New York	243	503	557	620	692	2,616
North Carolina	58	121	134	149	167	630
North Dakota	7	14	16	18	20	74
Ohio	93	194	214	239	266	1,006
Oklahoma	30	62	69	76	85	322
Oregon	29	60	66	74	82	310
Pennsylvania	123	254	282	313	350	1,322
Rhode Island	12	24	26	29	33	124
South Carolina	27	56	62	69	77	292
South Dakota	5	11	12	14	15	58
Tennessee	38	79	88	97	109	411
Texas	142	295	327	364	406	1,534
Utah	11	24	26	29	33	123
Vermont	6	12	14	15	17	64
Virginia	65	136	150	167	187	706
Washington	59	122	135	150	167	632
West Virginia	12	25	27	30	34	128
Wisconsin	44	92	102	113	126	478
Wyoming	5	10	11	12	13	49

Source: National Committee to Preserve Social Security and Medicare based on Amount of Social Security benefits included in AGI in 1988 by State as a percentage of total.

The PRESIDING OFFICER. The clerk will report House Concurrent Resolution 64.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The PRESIDING OFFICER. Under the previous order, all after the resolving clause is stricken and the text of Senate Concurrent Resolution 18, as amended, is inserted in lieu thereof.

Mr. SASSER. Madam President, I ask for the yeas and nays on final passage of the budget resolution, House Concurrent Resolution 64, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. KERREY). The question is on agreeing to House Concurrent Resolution 64, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the concurrent resolution (H. Con. Res. 64), as amended, was agreed to, as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 64) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998," do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social security.
Sec. 6. Major functional categories.
Sec. 7. Reconciliation.
Sec. 8. Sale of Government assets.
Sec. 9. Deficit-neutral reserve fund.
Sec. 10. Social security fire wall point of order in the Senate.
Sec. 11. Enforcement procedures.
Sec. 12. Debt limit in reconciliation.
Sec. 13. Sense of the Senate regarding the barge tax.
Sec. 14. Assumptions; Head Start program.
Sec. 15. Assumptions; Community Policing program
Sec. 16. Sense of Senate regarding grazing fees.
Sec. 17. Sense of Senate regarding hardrock mining royalty fees.
Sec. 18. Sense of the Senate regarding the effects of changes in inflation assumptions and in assumptions regarding Federal pay increases on spending levels for national defense and other Federal functions.
Sec. 19. Sense of the Senate regarding the consistency of level of appropriations for national defense for fiscal year 1994 and the budget resolution.
Sec. 20. Assumptions; WIC program.
Sec. 21. Assumptions; Defense Conversion programs.
Sec. 22. Assumptions; education reform and initiatives.
Sec. 23. Sense of the Senate on social security taxes.
Sec. 24. Deficit reduction account.
Sec. 25. Sense of the Senate regarding rate for all home heating fuels.
Sec. 26. Sense of the Senate regarding the use of savings from Government streamlining.
Sec. 27. Relief from energy tax for the agriculture industry.
Sec. 28. Assumptions; medical research.
Sec. 29. Reducing Federal health care costs through comprehensive health care reform.
Sec. 30. Priority attention for health care reform legislation.
Sec. 31. Sense of the Senate regarding line item veto authority including appropriations and tax expenditures.
Sec. 32. Sense of the Senate regarding enhanced rescission authority including tax expenditures and direct spending.
Sec. 33. Sense of the Senate regarding the National Aeronautics and Space Administration.
Sec. 34. Drug supply reduction programs and drug demand reduction.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $914,200,000,000.
Fiscal year 1995: $979,800,000,000.
Fiscal year 1996: $1,042,400,000,000.
Fiscal year 1997: $1,095,200,000,000.
Fiscal year 1998: $1,144,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $36,100,000,000.
Fiscal year 1995: $46,500,000,000.
Fiscal year 1996: $62,700,000,000.
Fiscal year 1997: $75,500,000,000.
Fiscal year 1998: $74,200,000,000.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $90,200,000,000.
Fiscal year 1995: $98,800,000,000.
Fiscal year 1996: $104,200,000,000.
Fiscal year 1997: $109,100,000,000.
Fiscal year 1998: $114,000,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $821,100,000,000.
Fiscal year 1995: $875,000,000,000.
Fiscal year 1996: $931,300,000,000.
Fiscal year 1997: $978,500,000,000.
Fiscal year 1998: $1,021,800,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $33,200,000,000.
Fiscal year 1995: $40,400,000,000.
Fiscal year 1996: $55,800,000,000.
Fiscal year 1997: $67,800,000,000.
Fiscal year 1998: $65,700,000,000.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,221,700,000,000.
Fiscal year 1995: $1,285,400,000,000.
Fiscal year 1996: $1,342,700,000,000.
Fiscal year 1997: $1,408,100,000,000.
Fiscal year 1998: $1,487,000,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,134,600,000,000.
Fiscal year 1995: $1,187,900,000,000.
Fiscal year 1996: $1,234,300,000,000.
Fiscal year 1997: $1,288,500,000,000.
Fiscal year 1998: $1,354,300,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,220,700,000,000.
Fiscal year 1995: $1,279,300,000,000.
Fiscal year 1996: $1,318,600,000,000.
Fiscal year 1997: $1,367,000,000,000.
Fiscal year 1998: $1,448,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and dis-

bursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,135,300,000,000.
Fiscal year 1995: $1,183,100,000,000.
Fiscal year 1996: $1,211,500,000,000.
Fiscal year 1997: $1,248,000,000,000.
Fiscal year 1998: $1,316,400,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $306,500,000,000.
Fiscal year 1995: $299,500,000,000.
Fiscal year 1996: $276,200,000,000.
Fiscal year 1997: $271,800,000,000.
Fiscal year 1998: $304,500,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $314,200,000,000.
Fiscal year 1995: $308,100,000,000.
Fiscal year 1996: $280,200,000,000.
Fiscal year 1997: $269,500,000,000.
Fiscal year 1998: $294,600,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,723,700,000,000.
Fiscal year 1995: $5,082,500,000,000.
Fiscal year 1996: $5,428,800,000,000.
Fiscal year 1997: $5,780,800,000,000.
Fiscal year 1998: $6,161,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,700,000,000.
Fiscal year 1995: $12,200,000,000.
Fiscal year 1996: $24,300,000,000.
Fiscal year 1997: $37,500,000,000.
Fiscal year 1998: $38,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,800,000,000.
Fiscal year 1995: $149,400,000,000.
Fiscal year 1996: $141,700,000,000.
Fiscal year 1997: $133,300,000,000.
Fiscal year 1998: $135,600,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $363,600,000,000.
Fiscal year 1995: $358,800,000,000.
Fiscal year 1996: $346,300,000,000.
Fiscal year 1997: $351,900,000,000.
Fiscal year 1998: $380,600,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1994: $1,056,300,000,000.
Fiscal year 1995: $1,171,100,000,000.
Fiscal year 1996: $1,293,700,000,000.
Fiscal year 1997: $1,418,400,000,000.
Fiscal year 1998: $1,541,900,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,300,000,000.
Fiscal year 1995: $356,400,000,000.
Fiscal year 1996: $375,700,000,000.
Fiscal year 1997: $393,000,000,000.
Fiscal year 1998: $410,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,813,000,000.
Fiscal year 1995: $286,457,000,000.
Fiscal year 1996: $297,401,000,000.
Fiscal year 1997: $308,456,000,000.
Fiscal year 1998: $319,408,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:
(A) New budget authority, $263,500,000,000.
(B) Outlays, $277,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:
(A) New budget authority, $262,600,000,000.
(B) Outlays, $272,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:
(A) New budget authority, $253,800,000,000.
(B) Outlays, $264,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:
(A) New budget authority, $248,400,000,000.
(B) Outlays, $249,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:
(A) New budget authority, $254,100,000,000.
(B) Outlays, $252,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,000,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,300,000,000.

Fiscal year 1996:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,800,000,000.

Fiscal year 1997:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $17,800,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1998:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $17,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $18,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $20,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $21,800,000,000.
(B) Outlays, $21,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:
(A) New budget authority, $4,700,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,000,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $4,000,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:
(A) New budget authority, $21,200,000,000.
(B) Outlays, $21,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $21,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $22,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $23,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $23,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,300,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $11,100,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $7,000,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,100,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $10,100,000,000.

(B) Outlays, −$10,100,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:

(A) New budget authority, $10,900,000,000.

(B) Outlays, −$6,700,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $40,900,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $41,600,000,000.

(B) Outlays, $38,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $40,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $41,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $43,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1995:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1996:

(A) New budget authority, $8,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1997:

(A) New budget authority, $9,100,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,400,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $54,900,000,000.

(B) Outlays, $51,800,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

Fiscal year 1995:

(A) New budget authority, $56,400,000,000.

(B) Outlays, $53,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $22,600,000,000.

Fiscal year 1996:

(A) New budget authority, $60,100,000,000.

(B) Outlays, $51,200,000,000.

(C) New direct loan obligations, $12,800,000,000.

(D) New primary loan guarantee commitments, $11,700,000,000.

Fiscal year 1997:

(A) New budget authority, $62,900,000,000.

(B) Outlays, $59,200,000,000.

(C) New direct loan obligations, $25,700,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $68,000,000,000.

(B) Outlays, $64,100,000,000.

(C) New direct loan obligations, $26,800,000,000.

(D) New primary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,700,000,000.

(B) Outlays, $117,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $131,700,000,000.

(B) Outlays, $130,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $146,700,000,000.

(B) Outlays, $145,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $163,400,000,000.

(B) Outlays, $161,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $181,600,000,000.

(B) Outlays, $179,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,300,000,000.

(B) Outlays, $149,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,700,000,000.

(B) Outlays, $167,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $184,300,000,000.

(B) Outlays, $183,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,700,000,000.

(B) Outlays, $201,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $221,600,000,000.

(B) Outlays, $221,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1994:

(A) New budget authority, $51,200,000,000.

(B) Outlays, $51,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $61,400,000,000.

(B) Outlays, $58,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,800,000,000.

(B) Outlays, $63,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $71,300,000,000.

(B) Outlays, $71,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $80,100,000,000.

(B) Outlays, $80,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $211,800,000,000.

(B) Outlays, $213,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $220,200,000,000.

(B) Outlays, $221,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $236,200,000,000.

(B) Outlays, $231,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,600,000,000.

(B) Outlays, $243,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $260,000,000,000.

(B) Outlays, $253,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $10,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $11,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,300,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.

Fiscal year 1995:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $36,200,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

Fiscal year 1996:

(A) New budget authority, $37,300,000,000.

(B) Outlays, $35,900,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

Fiscal year 1997:

(A) New budget authority, $38,200,000,000.

(B) Outlays, $38,200,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,800,000,000.

Fiscal year 1998:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $39,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $239,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $260,000,000,000.

(B) Outlays, $260,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $278,900,000,000.

(B) Outlays, $278,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $296,200,000,000.

(B) Outlays, $296,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $314,000,000,000.

(B) Outlays, $314,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $250,400,000,000.

(B) Outlays, $250,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $270,300,000,000.

(B) Outlays, $270,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $288,500,000,000.

(B) Outlays, $288,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $304,400,000,000.

(B) Outlays, $304,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $320,100,000,000.

(B) Outlays, $320,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1994: $307,458,000,000.

Fiscal year 1995: $326,949,000,000.

Fiscal year 1996: $345,874,000,000.

Fiscal year 1997: $362,860,000,000.

Fiscal year 1998: $380,168,000,000.

(22) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$3,900,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$6,800,000,000.

(B) Outlays, −$6,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$8,300,000,000.

(B) Outlays, −$8,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$10,400,000,000.

(B) Outlays, −$10,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$10,600,000,000.

(B) Outlays, −$10,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$32,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$30,800,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$31,000,000,000.

(B) Outlays, −$32,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$32,100,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$28,200,000,000.

(B) Outlays, −$29,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$30,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$30,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$29,000,000,000.

(B) Outlays, −$29,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$29,400,000,000.

(B) Outlays, −$30,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 7. RECONCILIATION.

(a) IN GENERAL.—Not later than May 14, 1993, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committee on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall each report to their respective Houses a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SENATE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—(A) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to increase revenues: $32,000,000 in fiscal year 1994; and $223,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—(A) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—(A) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $338,000,000 in fiscal year 1994; and $1,770,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $100,000,000 in fiscal year 1994; and $533,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—(A) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,700,000,000 in fiscal year 1994; and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—(A) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $125,000,000 in fiscal year 1994; and $1,124,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—(A) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $13,000,000 in fiscal year 1994; and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $2,453,000,000 in fiscal year 1994; and $37,956,000,000 for the period of fiscal years 1994 through 1998.

(B) In addition to the other amounts in this paragraph, the Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to achieve deficit reduction: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(C) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues: $35,963,000,000 in fiscal year 1994; and $294,254,000,000 for the period of fiscal years 1994 through 1998.

(D) The Senate Committee on Finance shall increase the statutory limit on the public debt to $4,723,700,000,000.

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $10,294,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON SMALL BUSINESS.—The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—(A) The House Committee on

Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $202,000,000 in fiscal year 1994; and $1,415,000,000 for the period of fiscal years 1994 through 1998.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON ENERGY AND COMMERCE.—(A) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,886,000,000 in fiscal year 1994; and $16,210,000,000 for the period of fiscal years 1994 through 1998.

(B) COMMITTEE ON GOVERNMENT OPERATIONS.—The House Committee on Government Operations shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $693,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.—The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $110,000,000 in fiscal year 1994; and $996,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $205,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $9,601,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $31,000,000 in fiscal year 1994; and $296,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The House Committee on Science, Space, and Technology shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce budget authority and outlays: $2,391,000,000 in fiscal year 1994; and $30,166,000,000 for the period of fiscal years 1994 through 1998.

(B) In addition to the other amounts in this paragraph, the House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to achieve deficit reduction $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues: $36,095,000,000 in fiscal year 1994; and $295,010,000,000 for the period of fiscal years 1994 through 1998.

(D) The House Committee on Ways and Means shall increase the statutory limit on the public debt to $4,723,700,000,000.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO SUPPORT AND PROTECT CHILDREN, AND TO IMPROVE THE WELL-BEING OF FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to support and protect children, and to improve the well-being of families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation, a dislocated worker program, or other related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND COMPREHENSIVE HEALTH CARE REFORM.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, or to control health care costs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution

on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) INITIATIVES TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS AT THE EARLY CHILDHOOD, ELEMENTARY, SECONDARY, OR HIGHER EDUCATION LEVELS, OR TO INVEST IN THE HEALTH OR EDUCATION OF AMERICA'S CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in the health or education of America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO PRESERVE AND REBUILD THE UNITED STATES MARITIME INDUSTRY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to implement the North American Free Trade Agreement and any other trade-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 11. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Congress declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$516,900,000,000 in new budget authority and $544,700,000,000 in outlays;

(B) with respect to fiscal year 1997:

$527,300,000,000 in new budget authority and $543,300,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$544,000,000,000 in new budget authority and $561,200,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment,

motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 2003 as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

(g) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 12. DEBT LIMIT IN RECONCILIATION.

(a) FINDINGS.—The Senate finds that—

(1) during the month of March 1993, the public debt (as defined in 31 U.S.C. 3101) shall exceed $4,145,000,000,000;

(2) the Federal Government has accumulated more public debt since September 30, 1985, than it had in all the years before then since the founding of the Republic;

(3) the Federal Government has accumulated three times more public debt since September 30, 1981, than it had in all the years before then since the founding of the Republic;

(4) it is essential that the Government control the expansion of the public debt;

(5) pursuant to section 310(a)(3) of the Congressional Budget Act of 1974, the concurrent resolution on the budget may specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend that change in its response to reconciliation directives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt;

(2) any change in the statutory limit on the public debt that is recommended pursuant to a reconciliation directive shall be included in the reconciliation legislation reported pursuant to section 310 of the Congressional Budget Act of 1974 for that fiscal year;

(3) except as provided in paragraph (4), the Senate shall not consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for that fiscal year in the concurrent resolution on the budget for that fiscal year agreed to under section 301 of the Congressional Budget Act of 1974; and

(4) the prohibition of paragraph (3) shall not apply to a reconciliation bill or reconciliation resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(A) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of that Act; and

(B) becomes effective on or after the first day of the following fiscal year.

SEC. 13. SENSE OF THE SENATE REGARDING THE BARGE TAX.

It is the sense of the Senate that the revenue figures set forth in this resolution do not assume an increase in inland barge fuel taxes beyond those increases already scheduled in current law and nothing in this resolution should be considered to assume such a tax or fee.

SEC. 14. ASSUMPTIONS; HEAD START PROGRAM.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Head Start program will be funded at the level requested by the President for fiscal year 1998.

SEC. 15. ASSUMPTIONS; COMMUNITY POLICING PROGRAM.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Community Policing ("Cops on the Beat") program will be funded at the level requested by the President for fiscal year 1998.

SEC. 16. SENSE OF SENATE REGARDING GRAZING FEES.

It is the sense of the Senate that the assumptions underlying the levels of revenues set forth in this resolution include the assumption that fees charged for domestic livestock grazing on lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior in western States should be set at an amount that permits the ranching industry to remain viable and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

SEC. 17. SENSE OF SENATE REGARDING HARDROCK MINING ROYALTY FEES.

It is the sense of the Senate that the assumptions underlying the level of revenues set forth in this resolution include the assumption that royalty fees charged for hardrock mining should be set at an amount that permits the mining industry to remain viable in the United States and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

SEC. 18. SENSE OF THE SENATE REGARDING THE EFFECTS OF CHANGES IN INFLATION ASSUMPTIONS AND IN ASSUMPTIONS REGARDING FEDERAL PAY INCREASES ON SPENDING LEVELS FOR NATIONAL DEFENSE AND OTHER FEDERAL FUNCTIONS.

It is the sense of the Senate that—

(1) if the estimates for inflation for fiscal years 1994 through 1998 used in the President's fiscal year 1994 budget request and this concurrent resolution are too low, the amounts for budget authority and outlays for the national defense (050) and other budget functions should be increased to offset the adverse effects of the higher inflation; and

(2) if Congress does not enact legislation freezing Federal pay levels for fiscal year 1994 and reducing the rates of increase in Federal pay levels for fiscal years 1995 through 1997, as assumed for the President's fiscal year 1994 budget request and this concurrent resolution, there should be appropriate increases in the amounts of budget authority and outlays for the National Defense (050) and other budget functions in this concurrent resolution to allow the departments and agencies of the Federal Government to meet the resulting increases in costs for pay.

SEC. 19. SENSE OF THE SENATE REGARDING THE CONSISTENCY OF LEVEL OF APPROPRIATIONS FOR NATIONAL DEFENSE FOR FISCAL YEAR 1994 AND THE BUDGET RESOLUTION.

It is the sense of the Senate that—

(1) appropriations for fiscal year 1994 for the programs, projects, activities, and authorities under budget functional category 050 (national defense) should be made at the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year; and

(2) if the appropriations for fiscal year 1994 for such programs, projects, activities, and authorities are less than the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year, the savings resulting from the lesser levels of appropriations should be used only for reducing the deficit in the budget of the United States.

SEC. 20. ASSUMPTIONS; WIC PROGRAM.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Women, Infants, and Children (WIC) program will be funded at the level requested by the President for fiscal year 1998.

SEC. 21. ASSUMPTIONS; DEFENSE CONVERSION PROGRAMS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the defense conversion programs will be funded at the level requested by the President for fiscal year 1998.

SEC. 22. ASSUMPTIONS; EDUCATION REFORM AND INITIATIVES.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the education reform and initiatives will be funded at the level requested by the President for fiscal year 1998.

SEC. 23. SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

It is the sense of the Senate that the revenues set forth in this resolution assume that the Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes (for purposes of the taxation of Social Security benefits) of less than $32,000 for individuals and $40,000 for married couples filing joint returns.

SEC. 24. DEFICIT REDUCTION ACCOUNT.

(a) LEGISLATION.—It is assumed that as a procedure appropriate to carry out the purposes of

the Congressional Budget and Impoundment Act of 1974 (within the meaning of section 301(b)(4) of such Act), the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives would, as an integral part of the changes in law reported pursuant to section 7 (b)(7) and (c)(12) of this concurrent resolution, report legislation to—

(1) establish a separate account in the Treasury into which 100 percent of the amounts by which the aggregate levels of Federal revenue should be increased as set forth in section 2(1)(A)(ii) of this resolution as well as contributions resulting from the changes in law reported pursuant to section 7 (b)(7) and (c)(12) of this resolution would be deposited;

(2) ensure that any revenues deposited in such account would not be available for appropriation; and

(3) provide that any such revenues deposited in such account would be used to retire outstanding debt obligations of the United States Government.

(b) POINT OF ORDER.—Legislation reported pursuant to subsection (a) shall not be considered to be extraneous for purposes of section 313 of the Congressional Budget Act of 1974.

SEC. 25. SENSE OF THE SENATE REGARDING RATE FOR ALL HOME HEATING FUELS.

It is the sense of the Senate that revenue figures contained in this resolution assume, consistent with the position of the Administration, that the BTU tax will be imposed at the same rate on all fuels purchased by households for home heating purposes and therefore that the supplemental tax on oil will not be imposed on such fuels.

SEC. 26. SENSE OF THE SENATE REGARDING THE USE OF SAVINGS FROM GOVERNMENT STREAMLINING.

It is the sense of the Senate that any amounts saved through the efforts of the National Performance Review Task Force headed by the Vice President and as a result of any other reorganization and streamlining of the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993. Any amounts saved in excess of those necessary to offset the cost of any such economic stimulus shall be applied to reduce the Federal budget deficit and for no other purpose.

SEC. 27. RELIEF FROM ENERGY TAX FOR THE AGRICULTURE INDUSTRY.

It is the sense of the Senate that any energy tax enacted during the One Hundred Third Congress should provide such relief to the agriculture industry as is necessary to ensure that the industry does not absorb a disproportionate impact of that tax.

SEC. 28. ASSUMPTIONS; MEDICAL RESEARCH.

It is the sense of the Senate that the budget authority and outlay totals set forth in this resolution assume that the Committee on Labor and Human Resources will make every effort to embark upon a sustained investment strategy in health research and development over the next 5 years and that support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

SEC. 29. REDUCING FEDERAL HEALTH CARE COSTS THROUGH COMPREHENSIVE HEALTH CARE REFORM.

It is the sense of the Senate that—

(1) the vast majority of rising mandatory program costs is due to increasing Federal health care costs, and these costs are assumed in the levels set forth in this resolution;

(2) health care reform is essential to curb the escalating costs of health entitlement programs to reduce the deficit;

(3) the reduction in health costs in this budget resolution should be augmented by further savings in Federal health outlays as a part of comprehensive health care reform which will be reflected in future budget resolutions; and

(4) comprehensive health reform will result in long term savings both for the public and private sectors of the American economy, and reduce the deficit levels set forth in this resolution at an ever increasing pace.

SEC. 30. PRIORITY ATTENTION FOR HEALTH CARE REFORM LEGISLATION.

It is the sense of the Congress that health care reform legislation receive priority attention by the United States Congress with a target date of enactment of such legislation being no later that September 30, 1993.

SEC. 31. SENSE OF THE SENATE REGARDING LINE ITEM VETO AUTHORITY INCLUDING APPROPRIATIONS AND TAX EXPENDITURES.

It is the sense of the Senate that the President should be granted line-item veto authority over items of appropriation and tax expenditures. The line item authority should provide that:

(1) Each item of appropriation or each tax expenditure should be separately enrolled for presentment to the President; and

(2) The new authority would expire at the conclusion of the One Hundred Third Congress.

SEC. 32. SENSE OF THE SENATE REGARDING ENHANCED RESCISSION AUTHORITY INCLUDING TAX EXPENDITURES AND DIRECT SPENDING.

It is the sense of the Senate that the President should be granted expedited rescission authority over items of appropriation, tax expenditures, and direct spending. The expedited authority should provide that—

(1) Congress would be required to vote on rescission requests within 20 days;

(2) rescinded funds would be used to reduce the deficit; and

(3) the new authority would expire at the conclusion of the One Hundred Third Congress.

SEC. 33. SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1994 through 1998 in excess of the amounts proposed by the President for such fiscal year.

SEC. 34. DRUG SUPPLY REDUCTION PROGRAMS AND DRUG DEMAND REDUCTION.

It is the sense of the Congress, in setting forth the budget authority and outlay amounts in this resolution, that it is assumed that funds to reduce the availability and use of illegal drugs will be shifted over the next five years so that the allocation shall be equally distributed between the so-called "supply side" (interdiction, law enforcement, and international supply reduction efforts) and the so-called "demand side" (education, rehabilitation, treatment, and research programs).

Mr. SASSER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on the part of the Senate, and Senate Concurrent Resolution 18 is returned to the calendar.

The PRESIDING OFFICER (the Vice President), appointed Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY, conferees on the part of the Senate.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, under the previous order, the Senate was now to turn to the consideration of the supplemental appropriations bill. However, to accommodate the interests of several Senators with respect to the scheduling of that bill, I now ask unanimous consent that there be a period for morning business until 1 p.m.; and that at 1 p.m. today the Senate turn to consideration of H.R. 1335, the supplemental appropriations bill.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1994–98

Mr. MITCHELL. Mr. President, I want to congratulate the Senate, and particularly the Senators from Tennessee and New Mexico, the chairman and ranking member of the Budget Committee, for their skill, patience, and perseverance in what was an unusual circumstance.

The Senate has now completed 6 days of debate on the budget resolution. In that process, a total of 43 rollcall votes were cast. There was lengthy, often heated debate. And I am pleased that as majority leader the Senate has moved forward virtually in tact the economic program proposed by President Clinton.

I believe that this program is tough, fair, and balanced, and in the best interests of the country. And I am gratified at the action taken so far. I recognize that there are honest differences of opinion among us as to the best economic course for the country, and I also recognize that there remain many steps to be taken before this program is fully implemented. But this is a major step, and the person most responsible for making that step possible is the distinguished chairman of the Budget Committee, Senator SASSER, who I commend, and to whom I express, on behalf of the President and I believe all of the American people, deep gratitude.

I yield the floor.

Mr. SASSER. Mr. President, I thank the distinguished majority leader for his statement here this afternoon on the floor of the Senate. I want to express my appreciation to the majority leader for his assistance in moving this budget resolution across the floor of the Senate and into conference. He is correct that there is much work left to be done, but I think we are well on the road here to getting this President's economic package passed, as far as the budget aspects are concerned.

I would like to take a moment to thank the professional staff of the Senate Budget Committee. This dedicated group of professionals have worked tirelessly to help assemble the complex budgetary information necessary for any intelligent debate on the Federal budget.

The staff of the committee includes such fine professionals as Randy DeValk, who reviews the national defense function of the budget, and Doug Olin, who covers international affairs programs and has been pinch-hitting on income security in this year's budget resolution.

In the human resources programs, Kathy Deignan, whose responsibilities cover health, Medicare, and veterans' programs, as well as more general review of entitlements, has been a stalwart. Working with her on the education and health programs is Amy Peck Abraham.

Dave Williams covers revenues, agriculture, and a host of other areas. Matt Greenwald serves the committee in a variety of program areas, including science, technology and space, energy, and natural resources.

Kip Banks reviews transportation and justice programs. Amy Kestbaum has provided support in reviewing community and regional development programs.

Two newcomers to the staff, Tony Dresden and Bob McCarson, have helped greatly in improving the communications ability of the committee. Chuck Marr continues as the committee's economist, and has become somewhat of an expert in chart production.

The legal staff of the committee continues to provide steadfast support not only during the long hours of debate on the budget resolution, but throughout the year in the review of each and every piece of legislation which passes through the Senate. Bill Dauster and Agnes Bundy are well known to the Members of this body for their long hours here on the floor.

No budget resolution would be possible without the indefatigable Sue Nelson and Jennie MacGregor of the committee's budget review group. These dedicated professionals worked night after night preparing the detailed budget materials needed to complete this effort. I cannot praise their efforts highly enough.

There are many others who have worked long and hard on this effort, including Anne Willis Hill, the committee's chief clerk, Lisa Bartko, Diane Bath, Angela Costalas, Ann Driscoll, Meg Duncan, Louise Echols, Bert Gilliam, Alex Green, Kelly Hines, Nell Mays, Donald Tobin, and Buck White.

I would, of course, be remiss if I failed to mention John Callahan, the committee's deputy staff director, who gave so much of his time and effort to this process. This dedicated Irishman even gave up a St. Patrick's Day celebration to support our efforts here on the floor.

Last, but certainly not least, I would like to express my special thanks to Larry Stein, the committee's staff director. Larry's efforts in crafting this package and helping us shepherd it through the process has been instrumental in its success.

No committee can operate effectively without a dedicated group such as this. As chairman, I know just how important their efforts truly are. I hope the Senate will join me in recognizing their fine work.

As always, I want to say it has been a pleasure to work with my distinguished friend from New Mexico, the ranking member of the Budget Committee. He cooperated where he could, and sometimes he felt that, out of conscience, he had to take a different course on some of the events that were coming before the Budget Committee, in committee and on the floor of the U.S. Senate. He did it in good humor and in a spirit of conciliation. I thank him for that. As always, it is a joy to work with him, and I look forward to working with him on the conference.

Mr. DOMENICI. Mr. President, might I say that I think this has been a vital debate. While there is much more to be done, and exactly how it will all turn out is still ahead of us, I do not think there is any question that the President and his ideas about getting the deficit down and his constant focusing on the deficit are very important for this country. It just happens that we have a difference of opinion as to how to get the deficit down. I think we both want to get the deficit down. The Republicans do also. I think our differences are bona fide, and I think we presented ours in a valid manner.

Essentially, I think our amendments—when the major ones are reviewed—will indicate where the Republicans want to go. I will not discuss that now. We will discuss it later, because it has been said on the floor a number of times. We just have a difference of opinion as to whether the plan of the President will work or not. We believe we ought to get deficit reduction done. We think we have a better approach and, hopefully, we will continue to pursue that and take it to the American people.

Let me close, however, by thanking, first, the majority leader for his cooperation, and Senator DOLE for both his cooperation and his confidence that he has expressed in me. Last but not least, I congratulate my colleague, Senator SASSER, chairman of the committee. I have been on that side before, on the chairman's side, and I have won. And when I came to this side, in the minority, I lost most of the time. I guess that is the way it is supposed to be or is going to be. But I do think he handled this matter—a very difficult one—skillfully, and he was always gracious and understanding to the Republican side, consistent with our rules, and where he could be helpful, he tried.

I apologize to Senator DANFORTH, because he did not get to call up his amendment. We clearly understood that he would. We ran out of time. For some who might think the Senator from New Mexico, in trying to keep things rolling, was being obstinate, frankly, we had commitments to Senators, and we could not live up to one of them, because we used more time than we planned as we moved through the amendments. But I understand that Senator DANFORTH will offer his amendment on another bill at another time.

With that, let me close by saying that I hope everybody understands that we tried to improve what we perceived on the Republican side to be deficiencies in the President's plan. I think we did it as best we could, and I am hopeful that the American people better understand what is before them now in terms of the President's plan and what the Republicans have tried to do here and will continue to try to do in the future.

Again, I thank Senator DOLE. He was not here when I indicated my appreciation for all that he has done.

With that, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I want to commend the managers of the bill, the Senator from Tennessee and the Senator from New Mexico, and also the majority leader. This has been a difficult process. I know we had two sessions until 1 o'clock in the morning, or whatever it was, and it sometimes gets a little tense here. But I think everything worked out fairly well.

I did not like the result, but I think we did what we had to do, and I hope that everybody understands that regardless of our position on the package, everybody wants the economy to grow and create jobs in the private sector and do all those things. And now, even though this is a difficult task, the hard part starts. We start shooting with real bullets from here on. The Finance Committee, of which I am a member along with the majority leader, will have about 99 percent of the revenue responsibilities and about 50-some percent of the spending responsibilities. So it is going to be a very, very busy committee. It is one where perhaps we will try to figure out what we are going to do with all of these sense-of-the-Senate resolutions and all of these things talked about in the debate.

I think this is a big, big mistake that we have just made, and maybe there is still time to rectify it. Maybe we can make enough changes, or start over, or somehow focus on the spending reductions rather than the tax side. I do not know anybody that has challenged the numbers we have talked about, such as the $295 billion in net new taxes over the next 5 years; only $7 billion in nondefense spending reductions over the next 5 years; $74 billion in defense spending reductions, and $18 billion in user fees.

So it seems to me that we have a pretty good recovery underway now. We do not want to stifle it. It seems to me that we are on the verge of doing that, if all of these things happen.

Over the past several weeks, we have been hosting breakfast meetings with different people who might have an interest in this legislation—business people, people who represent farmers, people who represent business across America, people who represent taxpayers, men and women all across America, in my State and every other State; and I get a pretty good indication that once people understand what is in this package—and they all want deficit reduction as the President does—they might say: I want deficit reduction, and I want the President to succeed, but what is in his package? I think that once the American people start to understand what is in the package, as a poll indicated yesterday—I think the Senator from New Mexico talked about it—and once they understand we are taxing more Social Security benefits to support drops, 30, 40 percent, and once they understand that most of this package is new taxes or increased taxes, the support drops dramatically.

When we consider the budget resolution, we can sort of talk in generalities, but now we are getting into the hard part. We go to the Finance Committee and the other committees of jurisdiction. We are talking about real new spending and real new taxes and real increased taxes. And I believe the American people will start to tune in.

Again, I applaud President Clinton. He is a new President. We want him to succeed, but we do not want bad policy just because we want him to succeed. We have a responsibility on this side of the aisle, and I know we are joined by a few Democrats and, hopefully, will join us later if we get to reconciliation, to make certain that we are not going to derail the economic recovery that is now underway.

It is a very, very important challenge we have. We do not know anything about the details in this plan. It just seems to me that the more we get into details, as Ross Perot says, the devil is in the details—a lot of people believe Ross Perot, and we hope to find out when they get to the committee of jurisdiction.

Seventy-nine percent of the deficit reduction plan comes from taxes and user fees. As far as I know, that has not been challenged. If it is, we would be happy to take a look at the figures. That is $3.86 in new taxes for every dollar of spending reduction.

That is not what I think the American people voted for last November when they talked about change, talked about gridlock, and talked about all these things. It seems to me we have a big, big responsibility to the American people. This is only the first tax bill. When we get into health care later on this year or next year, there is going to be another big tax increase to pay for that. And who is going to be asked to pay for that tax increase?

I would say, as I have said before, I think we are going too fast on defense cuts. If we need a wake-up call, look at what is happening in the Republic of Russia right now. We do not know what the fate of Boris Yeltsin will be. Maybe he is not as important as the fate of democracy in the Russian Republic and other 14 Republics of the former Soviet Union plus all of Eastern Europe.

I would just say to my colleagues when we get into the appropriate committees let us go slow. Let us take the recommendation of General Powell and the Joint Chiefs of Staff, and others, who have to have this reduction in spending and have to implement the reduction in spending. It ought to be orderly. In my view, whether you cut another $112 billion as recommended by President Clinton, there are going to be about 1.8 million people back in the streets who are now in defense-related industries or in the service of the United States.

Sure, we cut defense. It was not meant to be a jobs program. But let us not gut defense in the process.

So, I just suggest that when you start looking at the impact on jobs, nobody talked about how this is going to affect jobs. As Martin Feldstein, an economist at Harvard, indicated nobody considered economic behavior when it comes to taxes. If you are a taxpayer and you see this big tax bill coming, you have a right to avoid taxes. You cannot evade taxes legally, but you can avoid taxes by shifting your income or getting into some tax shelter, reducing the amount of income tax you might pay.

For all the reasons I can think of, it seems to me we made a big, big mistake. But it is not final yet. We can still make changes in the appropriate committees.

I thank my colleagues who supported the Republican alternative. We had a lot of questions. Where is the Republican alternative? We still do not know the details of the President's plan, but we gave you the details of our plan. It seems to me that we were on target. We were cutting the budget $460 billion without tax increases.

Again, I would say this when I go home. I live in a small town. I know most of the people there and they know me. There are no politics involved when you go back to your home town or home State and talk to the real people out there trying to make it work, trying to make a living, trying to pay their taxes, trying to send their kids to school. They tell you right up front that they want spending cut first and they want us to be the example. They do not trust us with more tax money. They do not trust the Congress. They do not trust the executive branch. They know if we increase taxes someone is going to figure out some way to spend it, and the deficit is going to get bigger and bigger and bigger.

So, I would just suggest that we still have time. We do not need all this new spending advocated by President Clinton, $136 billion in additional spending. We are taking out of defense and increasing taxes to pay for new spending. We do not need the stimulus package which is about to come on the Senate floor. We can do without that completely. We do not need to add another $16 billion to the deficit.

Mr. President, I hope my colleagues on both sides of the aisle will start facing reality. The first round, the preliminaries are over. Now we are getting ready for the main bout, and the main is bout where we start landing real punches on the American taxpayer, and the America taxpayer is not going to like it. All this budget talk does not cost anything, but when you start the real punches in the real committees, then the American taxpayer, in my view, does not want to be down for the count. The American taxpayer wants to be out there trying to make the economy grow and trying to make America even a better country than it is now.

Mr. President, Republicans want to work with the President to keep the economy moving, create millions of good, high-wage jobs that will last, and attack the deficit with real enforceable controls on Government spending. However, I am afraid that the Democrat majority is on the verge of making a terrible mistake by approving a tax-heavy budget plan.

During this debate, Republicans have demonstrated with our votes and our amendments, that we are willing to back up our tough talk on the deficit with tough choices. We met the President's challenge—we offered a better way to cut the deficit through spending restraint, not big tax increases.

THE BUSH RECOVERY

Mr. President, the Bush recovery continues to pick up steam. Growth was up 3.8 percent in the fourth quarter of 1992—the largest increase in 4 years and the seventh consecutive quarterly gain. In 1992, U.S. economic growth was the highest of any major industrial nation.

We are now beginning to see evidence of growing momentum in the economy. February's 365,000 jobs increase was the largest 1-month jump since January 1989. Since October 1992, employment has grown by 764,000. That is 50 percent more jobs than President Clinton promised over the next 2 years from his economic plan. This so-called jobless recovery has, in fact, provided employment to 1.7 million more Americans since the recovery began in the spring of 1991.

Inflation is down. Interest rates are down. Productivity is up. In fact, last year's 2.7-percent increase was the largest annual increase in 20 years. The prospects for a sustained recovery are good.

REPUBLICAN PRIORITIES

Republicans want to keep the economy moving. Republicans will oppose policies that could undermine the recovery that is underway. We want to create millions of good, new jobs that will last. Republicans want to help businesses create jobs in the private sector by encouraging more saving and investment.

Republicans want to cut spending first. We are serious about reducing the deficit, and we want President Clinton to back up his tough talk on the deficit with real cuts in Government spending.

Before the President and the Democrats in Congress force the farmer, the shopkeeper, the nurse, the truck driver, and the senior citizen to reach into their pockets and make a contribution to deficit reduction—before the American people are asked to send more of their hard-earned money to Washington—Republicans want to make sure that every Government program takes the hit it deserves.

PROBLEMS WITH THE DEMOCRATS' PLAN

Mr. President, we have heard the debate. I would just remind you of the highlights of the President's plan, as modified by the Senate Democrats. According to the independent Congressional Budget Office—President Clinton's official budget scorekeeper, 79 percent of the deficit reduction in their plan comes from higher taxes and user fees—$295 billion in net new taxes and $18 billion in higher user fees. In other words, the American people are being asked to contribute $3.86 in higher taxes and fees for every $1 of spending cuts. That is Bill Clinton's version of shared sacrifice.

Add up all the tax increases, and they total $359 billion. That is a record. Last week, in describing the Democrats' budget plan, the distinguished chairman of the Finance Committee said:

> It will be the largest tax increase in the history of public finance in the United States, or anywhere else in the world.

GUTTING DEFENSE

Events in Russia over the past week remind us that the world is still a dangerous and uncertain place. Yet, the Democrats under the leadership of President Clinton want to gut defense with $112 billion in additional cuts. That is $112 billion above and beyond the cuts approved by President Bush and Congress last year.

GROWING GOVERNMENT

Only 2 percent of the savings in the Democrats' deficit reduction plan comes from nondefense programs. Two-thirds of the Government is being asked to contribute a grand total of $7 billion over 5 years to reduce the deficit. Later today, we will be asked to increase the deficit by more than twice that amount for President Clinton's spending stimulus package.

The fact is that the Democrats' economic plan is not a plan to reduce the deficit. It is not a plan to control spending. And, it is not a plan to keep the economy moving. It is a plan to raise taxes to finance more Government spending.

WHAT ABOUT JOBS?

Higher taxes will not create a single job. In fact, higher taxes will destroy jobs, and a tax increase of this magnitude could stall the economic recovery that is now underway.

Mr. President, the markets are beginning to grasp the full meaning of the Clinton economic plan and the impact that a record $295 billion tax hike could have on the economy. In fact, the March blue chip survey of 50 private economic forecasters shows that the consensus forecast of real GDP growth in 1994 fell two-tenths of a percentage point. The panel members cited, "The potentially negative effects on the pace of the Clinton administration's plan," as a reason for the decline.

THE SENATE REPUBLICAN ALTERNATIVE

Yesterday, 33 Republicans and the distinguished Senator from Alabama [Mr. SHELBY] joined me in introducing a comprehensive alternative to the President's tax-and-spend plan. This alternative was defeated on a vote of 57 to 42.

Our alternative highlights the fundamental differences Republicans have with President Clinton's economic program. If adopted, we believe our plan would have provided real, permanent, deficit reduction for America. In putting this package together, our No. 1 priority was to lay the groundwork for a sound economic future by controlling Government spending, holding the line on taxes, and creating good, private sector jobs that will last.

We do this by asking Government, not the American people, to sacrifice. Our plans relies on real cuts—$406 billion—to reduce the deficit by $460 billion over 5 years. We take the steps that President Clinton and those who support the President's plan should have taken if they were serious about controlling the deficit.

The amendment would have eliminated all of the President's $124 billion in new spending and require that any spending increases be paid for each year with additional spending cuts.

The amendment would have eliminated the President's entire record $295 billion tax increase—all the tax increases and all of his tax cuts. We eliminated $18 billion in proposed user fees. In my part of the country, a user fee is a tax.

The amendment included all of President Clinton's proposed mandatory and discretionary spending cuts except that we add back $20 billion to defense over 5 years to allow for a more orderly build-down. Nevertheless, our plan contained significant 5-year defense cuts—$129 billion below current levels.

We added a nondefense discretionary freeze that allows a $500 million increase next year for childhood immunization and the WIC Program.

And we added a cap on Medicare and Medicaid that would limit the growth of these programs to population, plus inflation, plus an additional 4 percent each year for 4 years, and population, plus inflation plus an additional 2-percent in the 5th year. This cap would allow an increase of roughly 12-percent per year for the first 4 years, and a 10-percent increase in year 5.

A DIFFERENT APPROACH

The differences between our bipartisan proposal and the President's tax-and-spend plan could not be more clear. It is a choice between record-breaking tax increases and record-breaking spending cuts.

Our plan would cut the deficit from $319 billion this year to $168 billion by 1998. Because our plan makes real cuts, the deficit would continue moving toward balance in the outyears. By contrast, the President's plan, as modified by the Senate Democrats, reduces the deficit to $213.5 billion in 1998. Because their plan fails to control Federal spending, outyear deficits will continue to rise. That is not what the American people want from their Government.

STRONGARM TACTICS BY THE DEMOCRATS

The administration and the Democrat leadership in Congress have taken unprecedented steps to try to lock the President's program in place before the American people find out what is in it. Today, we are being forced to vote before we get to see the President's budget—the one with all the legally required details.

The $112 billion cut in defense is the single largest cut in the President's plan, but not even the distinguished chairman of the Senate Armed Services Committee can answer basic questions about how these cuts will affect the Defense Department.

What programs will be canceled? Which bases will be closed? How many jobs will be lost? Not just the active duty and Reserve personnel, but Federal workers, scientists, lab workers, and jobs in private industry—CBO estimates that at least 2.4 million jobs will be affected. These are important questions. We cannot answer them because President Clinton has failed to submit a budget with all the legally required details.

CONCLUSION

Take away all the slick packaging. Forget all the talk about new Democrats and putting people first. And look at what these two very different visions for America have to offer.

There is more than one way to reduce the deficit. President Clinton told Republicans to put up or shut up on the deficit. Republicans have met the challenge, and in doing so we have given the American people a clear choice.

The Democrat plan will force American taxpayers to contribute $295 billion in higher taxes so that Government can continue to grow. In sharp contrast, the Republican recipe for deficit reduction relies on spending cuts—a 5-year total of $406 billion.

They want taxpayers to sacrifice for Government. We want Government to make the biggest contribution to deficit reduction.

Mr. President, I am afraid that the Democrat plan that is about to pass will end up sacrificing jobs, economic growth, adequate deficit reduction, and perhaps most importantly, sacrificing the trust of the American people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, it had not been my intention to continue the debate which has extended over the past 6 days and which was concluded with the vote on the budget resolution, but I feel constrained to respond to some of the statements made by the distinguished Republican leader and to present the facts as to the budget that has just been adopted by the Senate.

Rather than dealing in generalities, let me deal in specific figures.

Under this budget resolution, in the 5-year period covered by the resolution there will be spending reductions of $332 billion. There will be spending increases of $124 billion. There will be revenue changes totaling net $295 billion.

By any accounting, that will reduce the deficit by $502 billion over the next 5 years, the most substantial deficit reduction program ever presented by a President and ever approved by this Senate. And every penny of additional spending is more than offset by spending reductions. Let me repeat the numbers: $332 billion in spending reductions; $124 billion in spending increases. That is a margin of 2½ to 1 by which the spending reductions offset the spending increases.

The revenues will, therefore, be directed totally toward deficit reduction.

Mr. President, I have been in the Senate for 13 years. In those 13 years, I have probably heard 13,000 speeches about the need to reduce the deficit. This Chamber has high ceilings, but the ceilings would have to extend to the sky to accommodate all of the hot air that has been expended in the 13 years I have been here over the need to reduce the deficit.

When we finally get a President who has the courage to tell the American people that to reduce the deficit sacrifice will be required, that it cannot be done painlessly with smoke and mirrors and phony budgets, when we finally get that and we finally get a budget that will actually reduce the deficit by $502 billion over 5 years, our colleagues on the other side unite in opposition against it.

The American people made a choice last November. They made a choice to change the economic policies which this country had been pursuing in the previous 4 years, and to do that they changed Presidents.

The question now before the Congress is whether we are going to be willing to heed the voice of the American people and vote for change, which is what this budget represents, or whether we are going to pursue the same old policies that we have pursued over the past 4 years that have produced the most spectacular and tragic increase in the Federal budget debt in all of American history.

This is tough medicine, and many of our colleagues were unable to swallow the medicine. Many of our colleagues were willing to talk about reducing the deficit but will not vote to reduce the deficit.

I repeat the figures: $332 billion in spending reductions, $124 billion in spending increases, and a net increase in revenues of $295 billion, every penny of which will go to reduce the deficit.

Mr. President, I do agree that the hard part lies ahead. This has been a tough first step, a difficult week, with a lot of difficult votes. There will be a lot of 30-second commercials run about these votes in the next couple of years to try to portray those who had the courage to stand up to the deficit in an unfavorable light.

But I think the American people want action. I think the American people want change, and this Senate has taken a step toward giving it to them. And for that, I commend the Senate and I look forward to what I hope will be the active and aggressive and early completion of this budget to turn this country and this economy around.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

THE BUDGET PACKAGE

Mr. NICKLES. Mr. President, I would like just to make a couple of comments concerning the budget package that just passed.

I heard the majority leader and also the minority leader make a few comments. But I also heard some facts that I think need to be corrected. And I will put this material in the RECORD and hope that my colleagues and the media and others pay a little attention.

I heard the majority leader say this was a $502 billion deficit reduction package. That is not the case, according to the Congressional Budget Office. I have a letter—and I will ask to have it printed in the RECORD—dated March 10, from Mr. Reischauer, that says that he scored this package at $458 billion.

The Budget Committee selected a higher baseline and took credit for about $44 billion of spending cuts that are not there.

So I think it is misleading to say the budget package reduced the budget by $502 billion, when CBO says it is $458 billion. And I might mention, that does not mean the package that was just passed is the largest deficit reduction in history. It is not. I think it may be the most recessionary in history, because clearly this package is the package, at least in the last 13 years, that relies so heavily on tax increases.

Again, I heard some comments that this was a fairly balanced package. It is not a balanced package. It is factual that there is $3.86 in tax increases for every $1 of spending cuts, and almost all the spending cuts are in defense. So people need to realize this. This package is recessionary.

I might mention this budget package did not assume that these massive tax increases are going to put anybody out of work. The Senator from Kansas talked about the impact on employment. I will tell the Presiding Officer that these massive tax increases in agriculture are going to cost jobs. These massive tax increases in the airline industry and the paper industry and the aluminum industry are going to cost jobs. Increasing tax rates 25 percent for people who make over $140,000—a lot of those are entrepreneurs—is going to cost jobs. This budget package did not seem to consider that. It did not take into consideration the economic impact of these very large taxes.

I will mention, too, on the spending cuts, the spending cuts really do not happen until the 4th and 5th years. So this is a big new spending program. It has lots of spending. The spending is up front—the so-called stimulus, if you want. But it is going to take a lot of stimulus to compensate for $378 billions of taxes. I heard the majority leader say $295 billion. There are $295 billion of net new taxes. But there is also an additional $18 billion of so-called user fees. That takes more money from individuals. And, I will say, the gross amount of taxes is $360 billion. So you add $360 billion in new taxes and $18 billion in so-called user fees, you are talking about total new taxes of $378 billion.

It is true there are so-called tax cuts of $64 billion. But if you look at this, if you add all the new taxes and fees, you get $313 billion in new revenues the Government is going to be taking from the private sector. If you add up all the cuts, including defense cuts, entitlement cuts, nondefense cuts—all the nondefense cuts, I might mention, Mr. President, are only $7 billion—if you add the defense cuts of $74 billion, you end up with $81 billion of cuts over the next 5 years.

We are going to spend over $8 trillion in the next 5 years. So if you add this up, you will realize that the ratio of new taxes, $313 billion of new taxes and fees, versus the spending cuts, including defense, of only $81 billion—that is $3.86 in taxes for every $1 of spending cuts.

The majority leader and others said we are going to include debt service savings as a spending cut. We have never scored that in the past. If we spend less because interest is less—I hope that is the case but we should not be taking credit for it and saying we are going to save taxpayers that amount of money.

Mr. President, I have this table as well as the letter by CBO to substantiate my statements that this deficit reduction package contains $3.86 in taxes for every $1 in spending cuts. I conclude with my statement this is not a deficit reduction package, it is an unemployment package, and it is going to put hundreds of those people out of work.

Mr. President, I yield the floor and ask unanimous consent to have those documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

$3.86 in taxes for every $1 in spending cuts[1]

	1994–98
President's plan—modified:	
Gross new taxes	360
User fees	18
Total new revenues	378
Tax cuts	(64)
Net new taxes and fees	313
Nondefense spending cuts	131

$3.86 in taxes for every $1 in spending cuts[1]*—Continued*

	1994–98
Nondefense spending increases	(124)
Net nondefense spending cuts	7
Defense spending cuts	74
Net spending cuts	81
Total new taxes and spending cuts	394
Debt service savings	64
Total deficit reduction	458

[1] $313 billion net new taxes and fees/$81,000,000,000 net spending cuts=3.86. Items which increase the deficit are shown in (parentheses). Dollars in billions, compared to the CBO capped baseline. Details may not add due to rounding.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 10, 1993.

Hon. PETE V. DOMENICI,
Ranking minority member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: In response to your letter requesting the savings from Chairman Sasser's "President's Plan Modified" compared to CBO's capped baseline (which assumes compliance with discretionary spending limits in the Budget Enforcement Act), we have prepared the following table:

[In billions of dollars, by fiscal years]

	1993	1994	1995	1996	1997	1998	Cumulative savings	
							1993–98	1994–98
Deficit:								
CBO capped baseline	301.6	286.7	284.4	290.0	321.7	359.7	NA	NA
"President's plan modified" including stimulus	308.2	253.9	233.0	196.9	186.7	213.8	NA	NA
Difference	6.7	−32.8	−51.4	−93.2	−135.0	−145.9	−451.7	−458.3

The estimated deficits for the "President's Plan Modified" include the effects of the President's proposed stimulus package. Spending classified as emergency spending for purposes of the Budget Enforcement Act is excluded from the budget resolution for technical reasons, although the debt service effect of that spending is included.

Cumulative 1993–1998 savings would be $44.2 billion greater using the Administration's baseline concept, which assumes defense discretionary spending at the levels proposed by President Bush (as adjusted by the Clinton Administration) and nondefense discretionary spending at the 1993 appropriated level adjusted for inflation.

If you have any further questions, please call me, or your staff may contact Jim Horney (226–2880).

Sincerely,
ROBERT D. REISCHAUER,
Director.

DEATH OF ELIZABETH "GRANDMA" LAYTON

Mr. DOLE. Mr. President, "To the stars through difficulties" is the State motto of Kansas—and no Kansan was a better embodiment of that motto than Elizabeth "Grandma" Layton, who passed away recently at the age of 83.

Fifteen years ago, at age 68, Grandma Layton turned to painting to help overcome depression brought about by the death of her son.

And Grandma Layton did not paint landscapes or still lifes; rather, she used her artistic gifts to communicate messages. Many of her drawings—which she donated to worthy causes, rather than selling them—centered around topics such as the abilities of senior citizens, women's rights, racism, and AIDS.

Grandma Layton's gift first came to public attention through a one-woman show at the Wichita Art Museum. From there, her drawings were seen by countless citizens throughout the country, at locations like the Smithsonian Art Museum, which hosted a one-woman show last year.

Another large showing is scheduled for this summer at the Art Institute of Chicago.

My sympathies are extended to Grandma Layton's family, which includes her husband, Glenn, a son, 3 daughters, 3 stepsons, one stepdaughter, 25 grandchildren, 26 great-grandchildren, as well as to the countless others who came to know and love this remarkable Kansan.

SISTER MARYANN GLINKA

Ms. MIKULSKI. Mr. President, I rise today with great sadness to express my sorrow over the shocking loss of a member of our Baltimore community.

The violent death of Sister MaryAnn Glinka has shocked us all. Every day we hear the stories in our cities of violent deaths. And behind every incident there are family and friends mourning. We do not often hear all of the family's stories. But everyone who is tragically taken away, leaves something behind.

Every once in a while, a violent death is somewhat different. It stands out from the blinding statistics of increasing homicides. It sends a big tremor through the community.

In the case of Sister MaryAnn, her death is different, not only because of the violent way she was taken from us, but because of the special feelings she has left behind.

Sister MaryAnn grew up not very far from where I did in Fells Point. She decided early in life she would dedicate herself to helping others by becoming a nun.

Sister MaryAnn took her religious vows when she was a teenager. She lived a life that was full of giving back and helping others.

Sister MaryAnn graduated from Immaculate Conception High School in Lodi, NJ. She graduated from Felician College in 1970 and received a masters degree in education from Kean College and another from Barry College.

After teaching in Newark, NJ, Sister MaryAnn was transferred to the Franciscan community of Baltimore. In 1980 she was principal of Sacred Heart School in Danville, VA. Sister MaryAnn then served as principal of two Baltimore area schools: Rosa Parks Cluster School and St. Clare's School in Essex.

Her colleagues elected her Mother Superior of the Baltimore Franciscan Sisterhood in 1990.

In every step in her life, she touched people. And people around her felt her warmth. She reached out and knew how to react to the unique needs of everyone around her.

Sister MaryAnn once said, "if people can say of you that you really tried, then God will say you have triumphed."

Mr. President, Sister MaryAnn triumphed. She triumphed with every obstacle she faced. And she triumphs now in the lessons she has left behind.

JEROMIAH O'NEAL

Ms. MIKULSKI. Mr. President, I rise today to both express my sorrow and pay tribute to Mrs. Jeromiah O'Neal.

We hear over and over the stories of violence. But sometimes we have to stop and tell those stories and reflect on the real people behind these violent acts.

Jeromiah O'Neal was tragically killed in her home this past weekend. She was 74 years old and has lived in Baltimore since the 1930's.

Mrs. O'Neal lived alone. But she, like many other residents of this city, made a special contribution to the city that often goes unnoticed. As a single parent, she raised a hard-working son. She worked hard to raise her son and always made the sacrifices for him.

She gave her son the basic values of honesty and integrity. Mrs. O'Neal always told her son that he was not better than anyone else, and you should treat everyone as an equal.

Her son has done just that. Her son is a successful cameraman for channel 2 in Baltimore. He also portrays a photographer on the television series "Homicide."

Peter's mother Jeromiah always said he could accomplish whatever he wanted. And he has done just that.

The senseless violence that plagues our city has got to stop. With every violent act, there is a family in anguish. And when we lose a member of our Baltimore community, that has lived a special life, we all feel that family's anguish.

My sympathy goes out to Peter O'Neal and his family. But I know he will take the special lessons his mother taught him and pass them on to his children.

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, I am honored to be a cosponsor of the resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

This day proudly marks the 172d anniversary of the beginning of the revolution and the display of immense courage with which the Greek people gained independence from the 400-year rule of the Ottoman Empire. Today we need only look to many other parts of the world to know that the right to self-determination is still an unrealized dream for many peoples. The Greek people won that right nearly two centuries ago, and they have flourished ever since.

This day also marks the strong and continuing ties between Greece and the United States. The American people have long been committed to a strong relationship with Greece. Throughout my years in public service, I have been proud to work with the Greek-American community to strengthen this bond.

America has also been enriched by the generations of Greeks who have come to this country. Greek-Americans have made numerous contributions to the United States. They carry on the ancient tradition of individual freedom and democracy which began in Greece in the fifth century B.C. and which still provides a shining standard of liberty and justice for others to follow.

On this occasion, we are also mindful of the continuing tragedy in Cyprus. The ongoing plight of the people there is a stark reminder of the importance of achieving a lasting peace based on the legitimate rights of both the Greek and Turkish communities. I urge these two communities to return to the negotiating table and work toward a peaceful settlement for the benefit of all the citizens of Cyprus.

TRIBUTE TO J.P. "PAT" RODDY, JR.

Mr. SASSER. Mr. President, I rise today to pay tribute to a prominent businessman and humanitarian in the city of Knoxville in my home State of Tennessee.

Mr. J.P. "Pat" Roddy, Jr., passed away on March 20, 1993, at age 90. His life was a testament to the values that have made this country so great. Pat Roddy was a hard worker who loved his family, his church, his community, and his country.

Pat Roddy began his business career at age 12, when he started working in his father's Coca-Cola plant. At that time, he made 25 cents a week. He began working full time at the plant in 1925 and rose to become chairman of the board.

He was a man of many interests, but his passions were University of Tennessee sports and photography. The story is told that on many nights before a big game, the Roddy home was opened to athletes so they could have a quiet evening and a good night's sleep.

And in his book, "75 Years of Refreshment," a history of the family business, Pat included a pictorial journal of Knoxville dating back to the early 1990's.

Mr. Roddy was married to the late Mary Lois Wright and they had three children: Mary Ellen Mitchell, Rev. Thomas Russell Roddy, and Pat Roddy III.

Mr. President, Pat Roddy and his family were enthusiastic participants in the growth and the success of the city of Knoxville, TN. His contributions will be felt and remembered for decades to come. And, while we mourn his passing, we salute his achievements and honor his memory.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,219,501,089,620.29 as of the close of business on Tuesday, March 23.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,427.30—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

TRIBUTE TO SAMMY CAHN, SONGWRITER

Mr. SIMON. Mr. President, today I would like to pay tribute to the lyricist Sammy Cahn. One of the greatest songwriters of our time, Mr. Cahn wrote numerous hits, including "All the Way," "Day by Day," "Time After Time," and "Three Coins in the Fountain." He recently passed away at the age of 79.

Mr. Cahn was the son of Jewish immigrants on the Lower East Side of New York. He had his first hit in 1935 with "Rhythm Is Our Business." An Academy Award winner, he wrote numerous hits for Frank Sinatra, as well as Dean Martin, Paul Anka, Sammy Davis, Jr., and Tony Bennett. He collaborated with composers such as Jule Styne, Jimmy Van Heusen, and Saul Chaplin. Mr. Cahn was president of the National Academy of Popular Music from 1973 to the time of his death.

Mr. Cahn's extraordinary life was marked by great success. His Broadway songs and movie musicals are familiar to us all. Although his presence in the music industry will be missed, his contributions will not be forgotten.

GREEK INDEPENDENCE DAY 1993

Mr. PRESSLER. Mr. President, today is Greek Independence Day—the 172d anniversary of the revolution that freed the Greek people from the Ottoman Empire. For more than four centuries, Greek life was subject to Ottoman oppression. Citizens were deprived of all civil rights. Schools and churches were closed. Greek boys were kidnaped and raised as Moslems to serve the Sultan.

Today, however, we celebrate a shared history of Greek and American democratic traditions. Ancient Greek intellectuals were great theorists of democracy. Their ideas were an integral part of the success of the American Revolution, and the more recent European revolutions of democracy, which have knocked down walls of repression and the iron curtain of totalitarianism. Thomas Jefferson once said, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness." We are truly indebted to the ancient Greeks—the founding fathers of democracy.

On March 25, 1821, democracy came full circle, when Greece asserted its independence from the Ottoman Empire. This time, Greek intellectuals took a page from America's founders by translating the Declaration of Independence into Greek and using it as their own declaration. Since then, the two countries have been strong allies. Greece is one of only seven countries in the world that has fought side by side with the United States in every major international conflict of the 20th century. In World War II, for example, more than 600,000 Greeks—9 percent of the nation's population—gave their lives to free Europe from the chains of fascism. Their long lasting commitment to democratic principles deserves our most sincere appreciation.

It is my strong hope that our relationship with the people of Greece—lasting good will and the sharing of ideas—will continue to prosper. Greece remains a dedicated ally with a strong democratic base. On behalf of my Greek-American friends, I wish her and her people many more anniversaries of Greek independence.

Mr. President, I ask unanimous consent that an article from the Greek American about the Greek revolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Greek American, Mar. 20, 1993]

CORRUPTION AND 1821

(By Jerry Theodorou)

In the popular imagination the Greek struggle for independence lives on as a romantic story of gallant and patriotic heroism. The reality of the Greek independence movement consists, however, of equal measures of civil war, graft, and pillaging of innocent Greek villagers. These ugly realities coexisted with the sporadic battles against the Ottoman overlords.

The finances of Greece during the independence movement and in the early life of the new nation were chaotic, venal and backward. Centuries-long vassalage to Ottoman rulers did not prepare Greeks to run their economic affairs ably, and the early leaders of Greece did little to set the young country on a sound financial footing.

THE GREEK ECONOMY PRIOR TO 1821

Under Ottoman rule the territories that would become Greece were in the main given over to agricultural production. As late even as the 1860s Greece was severely underdeveloped, untouched by the industrial revolution that had transformed northern Europe.

The great British historian George Finlay, who took part in the Greek revolution, and settled in Greece, where he lived for several decades, wrote towards the end of his life that, "after nearly thirty years of peace (Greece) remains without roads, without manufacturers, and without agricultural improvements."

Greek traders and merchants in the diaspora communities lived better (as they do today) than their compatriots on the Greek mainland. In Odessa, Trebizond, Lasi, Galatzi, Braila and all throughout Asia Manor as well, Greeks exploited their commercial savvy to advantage. After the 1774 Treaty of Kainardji, when Russia began to exert more influence in Ottoman affairs, Greeks in Russia and Turkey were allowed to prosper and accumulate fortunes.

Greek shipping had taken root in Syros and in other Cycladic islands, where a race of captains and sailors was developing the skills that would enrich future generations of Greek shipping clans.

Notwithstanding the higher economic status enjoyed by some Greeks of the diaspora the economic position of the Greek in Ottoman times was for the most part uninspiring. Peasant Greeks paid one seventh of their agricultural production to the Sultan and divided the rest with the landlord. In addition to this land-tax Greek farmers were required to supply an amount of grain to the stores in Constantinople.

Greeks were responsible for their own tax collection and their physical protection. A Greek militia; know as armatoloi, was used to guard the mountain passes. The institution of armatoloi declined in the early 1800s and their role was taken over by the klephts. The klepht has been romanticized in Greek folk ballads as a nature-loving, Robin Hood of high moral principles, but it must be remembered that klephts were also often ruthless thieves who brought terror to the Greek countryside.

Early nineteenth century writers on Greece give a mixed appraisal of the lot of Greeks. "* * * some represented the Greeks as suffering intolerable oppression, as living in hourly fear of their lives or of the confiscation of their property; others declared that no people in Europe was so lightly taxed, as subject to so few personal burdens."

The truth of the matter is probably between the two extremes. The economic dilemma of the Greek at the time was that if he prospered he would be a target for the tax man, so Greeks developed the tendency to hide their wealth and to be sly and devious in fiscal matters.

1821 AND THE LOAN

A few years after the formal start of the revolutionary struggle, which began on March 25, 1821 at Agia Lavra in the Peloponese, the Greeks were in need of money. Lord Byron, whose philhellensim was in part responsible for securing a loan for Greece, was afraid that its proceeds would be spent by one Greek faction and that other factions would disown the debt. Byron's worst fears were realized.

In 1824 the first London loan for 300,000 pounds sterling was secured for Greece. The London loan, according to Finlay was directed by Greek leaders to purchase of frivolous items including expensive decorative military clothing, filigreed pistols, gold-embroidered jackets and other luxury items began to flood Greek markets after the disbursement of the loan. "The complaint that Greece was in danger of being ruined by this extravagant expenditure was general, yet everybody seemed to do his utmost to increase the evil by spending as much money as possible in idle parade. Strange stories were current at the time concerning the large sums of money which individuals contrived to amass."

CORRUPTION IN YOUNG GREECE

In 1829 Alexander Mavrocordatos was the first Greek Minister of Finance. The Ottoman system of collecting a fraction of the peasants' agricultural production was continued, but the "privilege" of collecting the taxes was sold in private deals. Soldiers behaved like lawless bandits in the countryside and Greece was deteriorating into a condition of anarchy. Finlay, who lived in Greece at the time, wrote that, "the whole substance of the land was devoured by hosts of soldiers, sailors, captains, generals, policemen, government officials, tax-gatherers, secretaries, and political adventurers, all living idly at public expense, while the agricultural population was perishing from starvation."

In the 1830s the Greek state was seeking sources of revenue to supplement the direct agricultural tax. Private lands were expropriated by the central government and Mavrocordatos gave properties to his political supporters as gifts. Already there were Greeks living in northern Europe and they grumbled at the expropriation, vowing that they would never again invest in Greece.

Venality was also present in the Greek ecclesiastical ranks. According to Finlay, "money was sought with shameless rapacity" by the higher clergy. Bishops were responsible for running many of the judicial affairs of Greece and they resisted fiercely the creation of genuine courts of law because they would lose that source of revenue.

ROBBERS AND BAVARIANS

In the 1830s the Greek countryside had plunged into lawlessness as a result of the depredations of bands of armed robbers that had gotten completely out of control. Travelers were murdered in cold blood; government money was routinely stolen, and the agricultural tax was plundered.

By that time the Bavarian King Otto had been installed in Greece and much of the administration of the country was undertaken by a regency comprised of Bavarian noblemen. Count Armansperg was responsible for picking up where Mavrocordatos left off in the financial arena, but Amansperg didn't do a better job.

In the 1930s Finlay informs us that the condition of Greeks was still miserable. "The agricultural population remained in a stationary condition. They were plundered by brigands, pillaged by gendarmes, and robbed by tax-collectors. They had to bear the whole burden of the conscription, and pay heavy municipal taxes, yet their property was insecure, and no roads were made."

Many of the characteristics of the Greek economy and the Greek leaders of the 1820s and 1830s linger in Greece today. One still hears uneducated Greek politicians proclaim that the world owes Greece because it built the Parthenon; the idleness of public officials has not been shaken off, and the tax system is mired remains venality and inefficiency.

One could draw more parallels, but instead we wish you a happy March 25, and remind you that only three weeks separate March 25 and April 15.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent that I may proceed as if in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Illinois is recognized.

(The remarks of Mr. SIMON pertaining to the introduction of Senate Joint Resolution 70 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1335, and the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

[TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

[CHAPTER I

[DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

[DEPARTMENT OF AGRICULTURE

[AGRICULTURAL RESEARCH SERVICE

[BUILDINGS AND FACILITIES

[For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

[FOOD SAFETY AND INSPECTION SERVICE

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,000,000.

[SOIL CONSERVATION SERVICE

[WATERSHED AND FLOOD PREVENTION OPERATIONS

[For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

[FARMERS HOME ADMINISTRATION

[RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

[For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

[RURAL DEVELOPMENT ADMINISTRATION

[RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

[For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

[RURAL WATER AND WASTE DISPOSAL GRANTS

[For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

[FARMERS HOME ADMINISTRATION

[VERY LOW-INCOME HOUSING REPAIR GRANTS

[For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

[FOOD AND NUTRITION SERVICE

[CHILD NUTRITION PROGRAMS

[For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

[SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

[For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: *Provided*, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: *Provided further*, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

[THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

[For an additional amount for "The emergency food assistance program", $23,481,000: *Provided*, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

[CHAPTER II

[DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

[DEPARTMENT OF COMMERCE

[ECONOMIC DEVELOPMENT ADMINISTRATION

[ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[For an additional amount for "Economic development assistance programs", $93,922,000.

[MINORITY BUSINESS DEVELOPMENT AGENCY

[MINORITY BUSINESS DEVELOPMENT

[For an additional amount for "Minority business development", $1,878,000 for program management.

[NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[OPERATIONS, RESEARCH, AND FACILITIES

[For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

[NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

[SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

[For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

[INDUSTRIAL TECHNOLOGY SERVICES

[For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

[NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

[PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

[For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

[RELATED AGENCIES

[EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $8,829,000.

[SMALL BUSINESS ADMINISTRATION

[BUSINESS LOANS PROGRAM ACCOUNT

[For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: *Provided*, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102-395 for "Salaries and expenses", Small Business Administration.

[CHAPTER IV

[DISTRICT OF COLUMBIA

[FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

[For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

[CHAPTER V

[ENERGY AND WATER DEVELOPMENT

[DEPARTMENT OF DEFENSE—CIVIL

[DEPARTMENT OF THE ARMY

[CORPS OF ENGINEERS—CIVIL

[CONSTRUCTION, GENERAL

[For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

[FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

[For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

[OPERATION AND MAINTENANCE, GENERAL

[For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund.

[DEPARTMENT OF ENERGY

[ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

[For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

[For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

[CHAPTER VI

[DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

[DEPARTMENT OF THE INTERIOR

[BUREAU OF LAND MANAGEMENT

[MANAGEMENT OF LANDS AND RESOURCES

[For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

[OREGON AND CALIFORNIA GRANT LANDS

[For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

[UNITED STATES FISH AND WILDLIFE SERVICE

[RESOURCE MANAGEMENT

[For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

[NATIONAL PARK SERVICE

[OPERATION OF THE NATIONAL PARK SYSTEM

[For an additional amount for "Operation of the national park system", $146,519,000.

[NATIONAL RECREATION AND PRESERVATION

[For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

[HISTORIC PRESERVATION FUND

[For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: *Provided*, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

[CONSTRUCTION

[For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

[BUREAU OF INDIAN AFFAIRS

[OPERATION OF INDIAN PROGRAMS

[For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

[CONSTRUCTION

[For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

[DEPARTMENT OF AGRICULTURE

[FOREST SERVICE

[NATIONAL FOREST SYSTEM

[For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

[CONSTRUCTION

[For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

[DEPARTMENT OF ENERGY

[ENERGY CONSERVATION

[For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102-486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: *Provided*, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

[CHAPTER VII

[DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

[DEPARTMENT OF LABOR

[EMPLOYMENT AND TRAINING ADMINISTRATION

[TRAINING AND EMPLOYMENT SERVICES

[For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: *Provided*, That of the funds provided herein for part B of title II, $18,500,000 shall be for territories and entities specified by section 252(a) of the Act, which shall be allotted based on the allotment methodology made to such areas under Public Law 102-170, of which $6,000,000 must be used only to provide academic enrichment activities, as defined by the Secretary: *Provided further*, That of the funds provided herein for part B of title II, each State and service delivery area shall be allotted an amount which, when added to its allotment from Public Law 102-170, results in a total amount which is 25 percent above the total of its allotments under Public Laws 101-517 and 102-302, except that such allotment to each State and service delivery area under this proviso shall be reduced by the amount of its unexpended carryover as of January 30, 1993: *Provided further*, That of the funds provided herein for part B of title II, $294,000,000 shall be for academic enrichment, as defined by the Secretary, and shall be allotted among States and allocated among service delivery areas on the basis of the relative number of economically disadvantaged youth, as defined in section 262 of the Act, in such areas as compared to the total number of economically disadvantaged youth in all States and service delivery areas within each State, respectively, and only to provide academic enrichment activities: *Provided further*, That funds made available herein for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: *Provided further*, That funds provided herein for part B of title II which are not allotted under the first three provisos under this heading shall be allotted to service delivery areas containing the 100 cities with the largest population of economically disadvantaged youth, as defined in section 262 of the Act, on the basis of the relative number of economically disadvantaged youth in each of the service delivery areas as compared to total economically disadvantaged youth in all such service delivery areas: *Provided further*, That data related to economically disadvantaged youth herein shall be based on 1990 Census data: *Provided further*, That of the funds provided herein, except for the $294,000,000 expressly allotted for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: *Provided further*, That up to 3 percent of each State's allotment for academic enrichment may be reserved for State administration, oversight, and support of a State practitioner's network.

[Funds provided in Public Law 102-394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

[COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

[For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

[STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: *Provided*, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

[ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

[For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Health Resources and Services Administration

[HEALTH RESOURCES AND SERVICES

[For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

[National Institutes of Health

[NATIONAL LIBRARY OF MEDICINE

[For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

[Assistant Secretary for Health

[OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

[Social Security Administration

[PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

[For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

[SUPPLEMENTAL SECURITY INCOME

[For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

[LIMITATION ON ADMINISTRATIVE EXPENSES

[For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

[Administration for Children and Families

[CHILDREN AND FAMILIES SERVICES PROGRAMS

[For an additional amount for carrying out the Head Start Act, $500,000,000.

[DEPARTMENT OF EDUCATION

[COMPENSATORY EDUCATION FOR THE DISADVANTAGED

[For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: *Provided*, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: *Provided further*, That no State shall receive less than $250,000 of such funds: *Provided further*, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: *Provided further*, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: *Provided further*, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: *Provided further*, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: *Provided further*, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: *Provided further*, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: *Provided further*, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

[For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102-394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102-394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: *Provided*, That such allocations to States shall be ratably reduced if necessary: *Provided further*, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102-394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102-394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: *Provided further*, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: *Provided further*, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

[STUDENT FINANCIAL ASSISTANCE

[For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

[CHAPTER VIII

[DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

[FEDERAL AVIATION ADMINISTRATION

[Grants-in-Aid for Airports

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(AIRPORT AND AIRWAY TRUST FUND)

[The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

[(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

[(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)-2206(c)(4) and 2207(d)).

[FEDERAL HIGHWAY ADMINISTRATION

[Federal-Aid Highways

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

["(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

[FEDERAL RAILROAD ADMINISTRATION

[Grants to the National Railroad Passenger Corporation

[For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

[FEDERAL TRANSIT ADMINISTRATION

[Formula Grants

[For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: *Provided*, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

[The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

[Trust Fund Share of Transit Programs

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": *Provided*, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: *Provided further*, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

[Discretionary Grants

[For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: *Provided*, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

[CHAPTER IX

[TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

[DEPARTMENT OF THE TREASURY

[Internal Revenue Service

[INFORMATION SYSTEMS

[For an additional amount for "Information systems", $148,397,000, to fund procurement of computer and telecommunications equipment and services.

[INDEPENDENT AGENCY

[General Services Administration

[Public Buildings Service

[FEDERAL BUILDINGS FUND

[For an additional amount for the "Federal Buildings Fund", $4,696,000 for additional projects to improve energy efficiency at General Services Administration facilities.

[CHAPTER X

[DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

[DEPARTMENT OF VETERANS AFFAIRS

[Veterans Health Administration

[MEDICAL CARE

[For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

[For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

[Departmental Administration

[CONSTRUCTION, MINOR PROJECTS

[For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

[DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Homeless Assistance

[TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

[For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: *Provided*, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: *Provided further*, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: *Provided further*, That the total amount approved for any one applicant may not exceed $10,000,000: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: *Provided further*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

[Community Planning and Development

[COMMUNITY DEVELOPMENT GRANTS

[For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: *Provided*, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

[INDEPENDENT AGENCIES

[Commission on National and Community Service

[PROGRAMS AND ACTIVITIES

[For an additional amount for "Programs and activities", $15,000,000.

[Environmental Protection Agency

[ABATEMENT, CONTROL, AND COMPLIANCE

[For an additional amount for "Abatement, control, and compliance", $20,663,000.

[PROGRAM AND RESEARCH OPERATIONS

[For an additional amount for "Program and research operations", $2,818,000.

[STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

[For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: *Provided*, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: *Provided further*, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

[For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: *Provided*, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

[National Aeronautics and Space Administration

[RESEARCH AND DEVELOPMENT

[For an additional amount for "Research and development", $4,696,000.

[National Science Foundation

[RESEARCH AND RELATED ACTIVITIES

[For an additional amount for "Research and related activities", $197,230,000.

[ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

[For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,696,000.

[TITLE II—GENERAL PROVISIONS

[SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: Provided, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: Provided further, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: Provided, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: Provided, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102–486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: Provided, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: Provided, That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

Funds provided in Public Law 102–394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: Provided, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: Provided, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: Provided further, That no State shall receive less than $250,000 of such funds: Provided further, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: Provided further, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: Provided further, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: Provided further, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: Provided further, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of *section 1403, 1404, 1405, or 1432(b)(1) of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.*

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102–394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: Provided, That such allocations to States shall be ratably reduced if necessary: Provided further, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)–2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: Provided, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": Provided, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: Provided further, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: Provided, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $148,397,000, to fund procurement of computer and telecommunications equipment and services.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDINGS SERVICE

FEDERAL BUILDINGS FUND

For an additional amount for the "Federal Buildings Fund", $4,696,000 for additional projects to improve energy efficiency at General Services Administration facilities.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: Provided, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: Provided further, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: Provided further, That the total amount approved for any one applicant may not exceed $10,000,000: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: Provided further, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: Provided, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: Provided further, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: Provided, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: Provided further, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: Provided, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

The PRESIDING OFFICER (Mr. KOHL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, last November, in the midst of one of the most anemic recoveries from recession the country has ever seen, the American people went to the polls and voted for change. They elected a new President who campaigned on a promise to end gridlock, to create jobs, to reduce the Federal deficit and to invest in America. Upon taking office, President Clinton and his administration worked tirelessly to put together an economic program that has two central goals: Lasting economic growth and a rising standard of living for all Americans.

To accomplish these goals, the President realized that we must mix two seemingly incompatible ingredients:

On the one hand, we must reduce Federal deficits—which drain our economic strengths, and which will continue to grow unless we take decisive action to bring them under control; and at the same time,

We must invest more, both public and private funds, in programs that will bring about sustained long-term economic growth.

In putting together his economic plan, the President also recognized that his first priority—his number one priority—had to be putting people back to work now; not a year from now, or 2 years from now, but now, immediately.

The President participated personally in the discussions that went into his economic plan. He worked long days and nights going over literally every part of his plan for changing America's future from one of despair and fear and hopelessness into one of bright promise and hope for all Americans.

As a result, the plan that the President has presented to Congress and the American people is carefully and delicately balanced. It asks for the participation of every segment of America in rebuilding America into the economic superpower that we once were. So, Mr. President, it is a fair program that asks each segment of our society to contribute according to its ability. Those who gained the most in the 1980's are asked to do more than those who gained the least.

The President has shown remarkable and refreshing leadership in making the tough decisions that he had to make in crafting his economic plan. He asked for more resources—something that no politician likes to do, vote—but something without which deficit reduction would not have been possible. The President called for spending cuts in all areas of the budget—defense, nondefense and entitlements. Again, while it may be easy to vote for unspecified spending cuts, it is not so easy to vote on specific spending cuts that inevitably affect the American people. The President presented us a fair and balanced plan that contains these tough choices and a plan that contains an absence of gimmicks.

That plan has three parts:

Short-term stimulus to create jobs immediately;

Long-term investment; and

Deficit reduction.

The President asked Congress to act quickly on the short-term stimulus portion of his plan in order to put people back to work and to help reduce the risk of a triple-dip recession.

Congress, instead, chose to act on the budget resolution first, in order to assure the financial markets and the American people that we are serious about reducing the Federal deficit. The President agreed to work with Congress on the budget resolution. He agreed to more spending cuts and to more deficit reduction than he had proposed earlier for the next 5 years. So, both Houses of Congress have now passed budget resolutions calling for 5-year deficit reductions.

The Senate completed its work on that resolution today, and the resolution now goes to conference with the other body.

Reductions in that resolution over a 5-year period are in excess of $500 billion, some $30 billion more than the President's $473 billion.

The Budget Committees of the House and Senate must now meet in conference to resolve the differences between the House and Senate-passed budget resolutions.

Once that budget resolution conference is completed and the conference agreement is passed in both Houses, we will have set in place one key part of the Clinton economic plan—deficit reduction.

It is set in place—one part of the Clinton economic plan—deficit reduction.

Once the budget resolution conference is agreed to, reconciliation instructions will go out to committees with jurisdiction over revenues and over entitlement spending and over mandatory spending.

Those committees will get their reconciliation instructions from Budget Committees, once the conference report on the budget resolution has been agreed to.

Those committees will have to put together legislation that will raise the necessary revenues and reduce entitlement and mandatory spending in accordance with the reconciliation instructions. Action will then be necessary on a reconciliation bill which will contain these revenue and entitlement changes.

But, the budget resolution conference agreement will do something else as well. Once it is agreed to, the budget resolution conference automatically locks in place discretionary spending levels for the next 5 years, fiscal years 1994–98. Many Senators may not realize it, but the spending levels for discretionary programs are set in the budget resolution; these are the bread and butter programs that touch every home and every person in America, discretionary programs—the spending levels for discretionary programs are set in the budget resolution that we just passed less than 2 hours ago. They are set.

They are not dependent on some future action on a reconciliation bill. So, to those Senators who want to go home for Easter and say: "I voted to cut spending," I can tell you that you have done just that if you voted for the budget resolution. You have voted to cut discretionary spending dramatically over the next 5 years already if you voted for the budget resolution. Those who voted for the budget resolution can go home for Easter, and they can say "wake up and smell the coffee. I voted to cut spending before I came home."

You have voted to cut discretionary spending dramatically, already, and you do not have to wait on any reconciliation. You have already done it. You have voted to cut discretionary spending dramatically over the next 5 years.

Let us look at the chart. The chart to my left is entitled "President's Budget Modified."

This chart shows that defense outlays will be cut $105 billion below inflation over the next 5-year period, fiscal years 1994–98. Nondefense discretionary spending will be cut $81 billion below inflation. So that is a total of $186 billion in cuts for discretionary spending below inflation over the next 5 years. Now listen. But, the President wanted an economic insurance policy. He called for a short-term stimulus appropriation bill to create immediate jobs this spring and summer; and he called for a long-term investment program for roads and bridges, airports and mass transit, education and training, nutrition and preventive health care, and more civilian research and development.

What did the Senate-passed budget resolution—which is now pending before the Senate—contain? It is all costed in there, all costed into that budget resolution that we just passed not 2 hours ago.

What did it contain for those programs? This chart shows that the budget resolution contained increased outlays totaling $12 billion over the next 5 years for the jobs stimulus bill which is presently before the Senate; and it contained $112 billion for the President's long-term investment program. When we add up the overall effect of the Senate-passed budget resolution on discretionary outlays for fiscal years 1994–98, we see that there is no net increase in discretionary spending.

There is a net decrease of $62 billion. It does not show on the chart. But it shows $124 billion in increase, and it shows cuts amounting to $105 billion and $81 billion, making a total of $186 billion in cuts. So we have $186 billion in cuts, and then the President, in his long-term program, says he wants $124 billion; and $124 billion from $186 billion, whether we use the old math or the new, leaves a $62 billion cut. So every Senator who voted for that budget resolution today can go home and say: We voted to cut discretionary outlays by $62 billion. We do not have to wait for any reconciliation bill. It is already in the bag.

Now let us look at the budget authority rather than outlays, because it is budget authority that is contained in appropriation bills. As Senators are aware, the Budget Enforcement Act already sets caps on discretionary budget authority for fiscal years 1994 and 1995. Those caps were negotiated with the Bush administration at the summit in 1990 and were laid into the Budget Enforcement Act. For fiscal year 1994, the discretionary budget authority cap is $513.154 billion and, for 1995, the budget authority cap is $520.639 billion. The Senate-passed budget resolution contains a discretionary cap of $496.858 billion for fiscal year 1994 and a 1995 cap of $503.363 billion. That is a cut of $16.296 billion in discretionary budget authority for fiscal year 1994 and $17.296 billion for fiscal year 1995 below the levels agreed to by the Bush administration at the 1990 Budget Summit.

I voted for that budget resolution that passed a little less than 2 hours ago. I voted to cut outlays for discretionary. I voted to cut them—cut them—$62 billion. I voted to cut outlays $62 billion. Outlays means when you pay the bills that come in. We cut that $62 billion.

I also, in voting for that budget resolution, voted to cut budget authority—ratchet down the Appropriations Committee, cut budget authority over the next 2 years below the caps set at the summit—$16 billion in fiscal year 1994 and $17 billion in fiscal year 1995. So that is a total of $33.5 billion. That is a $33.5 billion in spending authority. Hallelujah. I can go home now and tell the people I voted to cut revenues. When I voted to pass that budget resolution, I voted to cut outlays $62 billion over the next 5 years for discretionary spending. I voted to cut budget authority $33.5 billion over the next 2 years. We are not waiting for any reconciliation bill. We have done it. Dizzy Dean said, "It's all right to brag if you've done it." We have done it already.

Those are drastic cuts in budget authorization over the next 2 years. The appropriations bills for fiscal year 1994 and fiscal year 1995 will have to fund all discretionary programs, including the President's long-term investment program, within the budget resolution's discretionary budget authority caps.

Now let us look at how the Senate-passed budget resolution compares to the President's request for domestic discretionary spending. This chart shows that if we fund military and international spending at the levels requested by the President over the next 5 years, we will have to cut the President's requests for domestic discretionary budget authority by $7.123 billion in fiscal year 1994; $15.793 billion in fiscal year 1995; $9.823 billion in fiscal year 1996; $5.476 billion in fiscal year 1997; and $0.904 billion in fiscal year 1998. That will equal $39.119 billion in cuts for domestic discretionary appropriations below the President's requests for the 5-year period. We have gone for enough. Any further weakening of the President's economic program will be bad for the economic health of the Nation. Those who wish to see the Government stand on the sidelines for another 5 years will have won—the American people will have lost. The final stage will have been set for America to permanently take its place as a second-rate economic power, beholding to other wiser, stronger economies throughout the world.

Now, I will turn to the bill before the Senate, H.R. 1335, the economic stimulus appropriations bill. In plain language, it is a jobs bill.

Mr. President, this bill is one of the three ingredients which the President has called for in his economic program to restore the American economy. He believes this stimulus package is needed now, in full, without any fences around any of these funds, and without any offsets. He has made that clear in a letter to me which I will now read.

This letter is dated March 23, 1993:

> DEAR MR. CHAIRMAN: I am writing to emphasize my firm, continuing commitment to the economic stimulus package presented in "A Vision of Change for America" and passed by the House of Representatives last week. I also appreciate your willingness to schedule a committee mark-up on the measure so soon after House action on H.R. 1335.
>
> I strongly believe we cannot allow this economic recovery to weaken or collapse. We still have fewer jobs in the economy than we had in 1990, major corporate downsizings are continuing, and the economic growth numbers over the last two quarters are only about half the pace of the typical recovery. This stimulus package is an essential bridge from today's weak recovery to the development of a stronger base for long-term growth. It is an integral part of our economic plan of short-term stimulus, long-term investment and deficit reduction.
>
> Therefore, I respectfully request that the stimulus bill be approved with the same spending levels as proposed on February 17. Let me also make clear that any delays in spending will undercut the purpose of the stimulus bill—to spur economic activity on an expedited basis during the coming months. I would oppose "fencing" the availability of funding for portions of the stimulus package which could unduly delay or even jeopardize the funding for those programs. Finally, I would strongly oppose any attempt to provide offsets for any portion of the stimulus package. To do so would cancel the intended benefits of the measure and threaten the education, infrastructure, health and other investment initiatives proposed in my five-year economic plan. Support of the stimulus bill by the Senate Appropriations Committee and by the full Senate is critical to the success of our economic program. As always, your leadership is greatly appreciated.
>
> Sincerely,
>
> BILL CLINTON.

Mr. President, that is the President's letter stating in no uncertain terms what his position is. He gave me that letter when I was down at the White House Monday of this week.

I said: "Mr. President, I want to know where you stand. Where is the line in the sand? Where do you draw the line in the sand? I am going to be managing that bill."

And he handed me a letter clearly stating where he stands. He is against any fencing, and he is against any amendment providing for offsets.

Yet, we have Senators who are questioning the wisdom of this stimulus program. They are asking why we need this stimulus package when the economy is already showing signs of growth.

There are two major reasons:

First, this is not a strong recovery by any standard one chooses to look at, as these next charts will show:

The first chart is titled "Job Growth." This recovery has produced virtually no job growth compared with a typical recovery.

Here we are. Now we are 23 months into the "recovery." From the time that we hit the trough of the recession, we are now 23 months past that into the "recovery."

What is the showing for job growth, the percentage of increasing jobs, in these 23 months. It is 0.75 percent. In other words, three-fourths of 1 percent job growth after 23 months of so-called recovery.

And what is the typical recovery as compared with this anemic recovery? Typically, the recovery at this juncture should have shown an increase in jobs of 7 percent. So when you take the previous post-World War I recession after 23 months there would have been a 7-percent increase in jobs. And here we are sputtering along, with three-fourths of 1 percent increase.

The next chart is entitled "Food Stamp Program Participation (Average Monthly Participation)."

In fiscal year 1988 there were a little over 18 million participants. As of today, 23 months into the so-called recovery, how many Americans are on food stamps? Over 26 million. In other words, 10.6 percent of the total population, 1 out of every 10 Americans is on food stamps today. That does not sound like much of a recovery. That is the highest, I believe, on record.

The next chart is titled "Aid to Families with Dependent Children, Fiscal Years 1988–93." See how the number of individuals on the AFDC Program has increased. The numbers have increased from 1988 to this point in 1993, from 10.9 million to 14.1 million individuals, and that, too, is a record high.

Medicaid Total Recipients. On this chart the viewers will note that in 1988 there were 23½ million recipients, and as of now the Nation has reached the record high with 32.6 million recipients of Medicaid. So after these years we have seen a fairly steady rise up to this point and then a very, very strong acceleration beginning in 1991, 1992, and 1993. That does not speak for much of a recovery.

All of these—food stamps, aid to families with dependent children, Medicaid—show record increases.

These astounding rises, plus the fact that we have such anemic job growth, all of these indicate that the recovery is very anemic.

All of these indicate that the recovery is very anemic. And these do not amount to budget deficits. These items that I have just shown on the charts here increase the deficit.

What do they show? They show that people are out of work. That is why we are getting more people on the food stamp roles, more on the AFDC roles, more on Medicaid. They are losing their jobs. They do not have jobs. That is not cutting the deficit. That is increasing the deficit.

The second reason we need this jobs stimulus bill is to ensure that we do not fall into a triple-dip recession. We have already had two dips in this economic recovery. This anemic recovery has stalled twice already and it could easily happen again. We are about to embark on a major deficit reduction program, which we all recognize is essential, but which will, nevertheless, pose economic problems in the near term.

Deficit reduction, when it kicks in, will drain purchasing power from the economy. Every dollar of spending that will be cut is somebody's income—somebody's income. When that income is reduced, then that beneficiary—that recipient, that somebody—will cut back his spending, which in turn will reduce someone else's income. The same holds true for tax increases.

While it may be true that the Federal Reserve will offset the effects of deficit reduction, there will surely be a lag. The Fed will not cut interest rates until they are sure that deficit reduction will occur. Meanwhile, people need jobs today—today.

The American people know that this job-creating stimulus is needed. They know that.

Do you know how I know that they know it? Well, here are some polls. This is from the NBC/Wall Street Journal survey, March 5 through March 19, 1993.

Question: "As of right now, which one do you feel is the most important economic issue facing the country?"

What was the response, on the chart to my left:

Inflation; 7 percent of the respondents said they believed inflation was the most important economic issue facing the country.

Unemployment, 44 percent; interest rates, 2 percent; Federal budget deficit, 28 percent; Federal taxes, 7 percent; U.S. trade deficit, 8 percent; all equally important: 3 percent said they felt all were equally important; and 1 percent of the respondents said they were not sure.

Note again that those who expressed a feeling that unemployment was the most important economic issue facing the country were by far the largest of the groupings, with 44 percent saying unemployment is the most important and with 28 percent saying the Federal budget deficit is the most important.

So, by far—by far—even over reducing the deficit, by far, most of the American people, as of that date period, said that the most important economic issue facing the country was unemployment.

Here is another poll, a CBS News/New York Times poll, latest survey.

Question: "Which is more important in the immediate future, creating jobs or reducing the deficit?"

That is putting it pretty plain. You cannot misunderstand that. "Which is more important in the immediate future, creating jobs or reducing the deficit?"

The response was: 67 percent said that creating jobs was more important in the immediate future; 19 percent said reducing Federal deficit; 12 percent said neither; 2 percent answered, "Don't know."

But, again, the question: "What is more important in the immediate future, creating jobs or reducing the deficit?"

Sixty-seven percent said creating jobs is the most important; 19 percent said reducing the Federal deficit was the most important.

So about 3½ to 1 said that creating jobs—jobs—was more important than reducing the Federal deficit.

The President believes that this stimulus package is the bridge to get us from today's weak and sluggish economy onto stronger and higher ground. This is an essential step before we begin to feel the effects of deficit reduction in fiscal year 1994 and beyond. We cannot afford to let this recovery stall for a third time.

That is what we are just gambling with. We are playing around with little amendments here, playing around with amendments that may cause this economy to stall for a third time. And the cost would be enormous.

What does the stimulus bill contain? What does it contain?

Quickly, the major provisions in H.R. 1335, which is now pending before the Senate, the so-called stimulus bill—I call it a jobs bill—the major provisions are:

Four billion dollars in extended unemployment benefits; $2.9 billion for Federal-aid highways; $736,490,000 mass transit capital grants; $250 million for airport grants; $187.8 million for Amtrak capital grants; $2.5 billion for community development block grants; $2.575 billion for SBA loan guarantees; $2 billion for Pell grant unfunded shortfall; $1 billion for summer youth employment; $892 million for EPA sewage treatment construction; $500 million for Head Start; $470 million for waste and waste disposal loans and grants; $235.5 million for Department of Veterans Affairs; $207 million for the National Science Foundation; $93.9 million for economic development grants, which would fund ready-to-go infrastructure projects by States and local governments, as well as assist victims of Hurricanes Iniki and Andrew.

(Mr. FEINGOLD assumed the chair.)

Mr. BYRD. To those who propose that we offset the cost of this package, let me make several points. First, for fiscal year 1993, the 13 annual appropriation bills total, under OMB scoring, $514.795 billion in discretionary budget authority.

This chart to my left indicates what I have just said. It is titled "Discretionary Budget Authority" in billions of dollars. It shows that the 13 annual appropriations bills for fiscal year 1993—we are living in that fiscal year right now—the 13 annual appropriations bills which Senator HATFIELD and I have managed on this floor last year, the calendar year, but for this fiscal year right now, total under OMB scoring, $514.795 billion in discretionary budget authority. That is $16.262 billion below the fiscal year 1993 caps, which total $531.057 billion. So, there is $16.262 billion left—what did I say? There is $16.262 billion left under the fiscal year 1993 discretionary budget authority cap allowed by the Budget Enforcement Act. This bill, as reported by the Appropriations Committee, totals $12.247 billion in discretionary budget authority. Therefore, even after subtracting the budget authority contained in this bill from the 1993 budget authority remaining under the 1993 caps, there will still be, in the aggregate, $4.015 billion remaining.

Second, as I explained earlier in my remarks, the Senate-passed budget resolution included the cost of this stimulus bill in its package of deficit reductions, which total over $500 billion—$502 billion I believe—$30 billion or $29 billion to be exact—$29 billion in greater cuts than proposed by the President. To agree to offset the cost of this stimulus bill would be to cut billions more from fiscal years 1994-98 discretionary outlays.

Furthermore, as the President indicated in the letter which I read into the RECORD earlier, to offset this stimulus package would be to cancel its benefits. There would be no net stimulus.

Another view is that we should fence portions of these appropriations until after enactment of the reconciliation bill. This would, some believe, enable Congress to show that it is serious about deficit reduction before it enacts additional spending. Here again the President has made clear that he opposes any such fencing. In addition, as I have already explained, the budget resolution itself has already cut discretionary budget authority deeply. We have already done it. We need not wait to declare that we have cut discretionary budget authority. Those who find it useful can declare it from the rooftops—once again, "We have found the courage to cut discretionary spending! We have slowed down and cut back the President's investment program."

In fact, I fear we have cut too much already from discretionary investment spending, and not enough from consumption, mostly entitlement spending.

The bottom line is—if I might use an outworn cliche—the bottom line is: The President believes that we need this stimulus package because we cannot afford to let the economy go into the tank for the third time. If we do, we will place this Nation in grave jeopardy. Millions of Americans need jobs now. The same structural problems that stalled this recovery twice already are still around. What are they? Overbuilt real estate and shaky real estate prices; weak financial institutions; Government at all levels forced to cut spending; major corporate downsizing commenced over the last 2 years is still being implemented; and businesses are running extraordinarily high amounts of overtime because they are reluctant to hire new workers in a shaky economy.

I recall an old poem by Hezekiah Butterworth. Back when I went to school in two-room school houses in southern West Virginia, we were taught to memorize. We see people out jogging their bodies these days, running up and down the streets. We were taught to jog our minds, jog our memories. I remember a verse which ran like this:

I walked through the woodland meadow
  Where sweet the thrushes sing;
And I found on a bed of mosses
  A bird with a broken wing.
I healed its wound, and each morning
  It sang its old sweet strain,
  But the bird with a broken pinion
  Never soared as high again.

I do not believe the American people want us to break this President's wing. He will have plenty of difficulties down the road. There will be many times when he will lose, probably, this or that or something else. There will be some times I will vote against his position. On some particular issues, any one of us will probably vote—we will not agree with the President.

Which recalls to my memory—may I say to my very dear and close friend, MARK HATFIELD, in reading Herodotus, the Father of History, I found that Cyrus, who ruled Persia between the years 550 and 529 B.C., after he had conquered Babylon, wanted to bring under his control the Massagatae, the Scythians to the northeast of the Caspian Sea.

Cyrus started with his mighty army and he reached the Araxes River. Before he crossed the Araxes River, he called his Persian chiefs about him and asked for their advice. King Croesus, who was formerly the King of Lydia and whom Cyrus had defeated—and after conquering Croesus, Cyrus had taken Croesus into his own court as an adviser—after the other Persian chiefs had stated their viewpoints, Croesus said, "Oh, King, you have been very fortunate in all of your wars. You have won them all. There is a wheel on which the affairs of men revolve. And its movement forbids the same man to be always fortunate." Cyrus was killed in the battle.

So, my fellow Senators, there is that wheel on which the affairs of men revolve, and its movement forbids the same man to be always fortunate. And this President or any other President will not be always fortunate.

But let us not break his wing here on the 64th day of his presidency. Let us not break the President's wing. Let this bill be defeated or let his program be cut back or delayed, and the headlines will say: "Major Defeat for President's Economic Program."

Once a bird's pinion is broken, it cannot fly high again. I am one Senator who will not participate in the breaking of this President's pinion on his economic package. His program deserves a chance. Now is not the time to engage in partisan delay and gridlock. There will be opportunities over the next 4 years for those who honestly and sincerely believe that the President's program is not working, if it is not by that time, to come to the floor of the Senate and criticize his failures. That is fair. That is part of the process that makes this country the greatest country on Earth, the greatest country with the greatest political system on Earth. I say in all sincerity to my friends on the other side of the aisle: You have done well enough already—we have all done well enough already—in helping to modify the President's program.

I close by thanking my Republican friend for whom I have the greatest admiration, and I call him my friend. I thank him for his cooperation, his support, his advice, his work that he does in the Appropriations Committee. When we reported this bill out of the Committee on Appropriations, it was voted out by all 16 Democrats and by 3 Republicans: The ranking member, Mr. HATFIELD; the distinguished Senator from Alaska [Mr. STEVENS]; and the distinguished Senator from Pennsylvania [Mr. SPECTER]. There was a bipartisan demonstration in reporting that bill.

We do not have partisan battles in our committee. We have partisan battles out here on the floor. We do not have them in our committee. We have teamwork. We have a difference of opinion. A Senator will say: "I'll have an amendment on the floor. I will not offer it here. Report the bill out and let the Senate work its will." There is no partisanship in the Appropriations Committee.

Mr. President, I apologize to my colleague, Mr. HATFIELD, for the length of time that I have taken. I again thank him, expressing my deepest appreciation. He was formerly the chairman of this committee. He was chairman of it longer than I have been chairman of it; is that right, 6 years? Senator HATFIELD was chairman for 6 years of this committee. I am still a fledgling little bird just out of the nest in my fifth year. My wings have not yet fully sprouted. I hope no one decides to break this little bird's pinions this early.

I yield the floor, and I hope that my colleague will seek recognition at this point.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, first of all, I would like to merely comment that this is indeed a difficult task that the Appropriations Committee has to perform. In fact, every action of the Appropriations Committee is increasingly a difficult duty and performance.

The chairman of the committee has really grappled with this problem to bring about a proposal to the Senate that we have now before us. As we begin to consider this, it has far greater ramifications than a legislative act or a legislative vehicle. This is the embodiment, as the chairman has indicated, of President Clinton's stimulus supplemental proposal. So it has a focus, probably, of the Nation that we have had few such intense focus on the actions of an appropriations vehicle as we have today.

Mr. President, as we all know, in an annual appropriations bill, that is one of the actions that has to be concluded before a Congress can conclude its business. No other bill coming before this body, as an authorizing bill, is a requirement. An appropriations bill is always a requirement, not necessarily the supplementals, but certainly the annual appropriations bill is one of those must-do bills.

The Committee on Appropriations in reporting this bill on Tuesday with one amendment in the nature of a substitute is the only change made to the House-passed bill. The substitute offered by the chairman, the Senator from West Virginia, is that we have not agreed to the House proposal to change the formula for the allocation of summer jobs funding. By the action of the committee, the substitute does not alter the total amount of funding provided, but it does maintain the formula that was proposed to be changed in the House version.

Mr. President, if this supplemental is approved, it would provide $16 billion in budget authority in supplemental appropriations for a variety of programs in several agencies, plus $3 billion more in obligation for highways, transit projects and airports for a total of approximately $19 billion.

The entire amount provided is designated as an emergency under the terms of the 1990 budget summit agreement, which I had the honor of serving with the chairman of the Appropriations Committee and others in the Senate, along with representatives of the administration. And, therefore, because it is an emergency, it exempts this appropriations supplemental from the limitations of the discretionary spending caps established in that agreement for the 5-year period.

Mr. President, I want to, as I did in the committee and with my chairman, make very clear that I did join the chairman in voting out this bill as a measure to be determined by the floor because it is the right of the floor and the body as a whole to make its final determination on any action of any committee. But I must clearly say I do not believe that every dollar recommended in this bill is for an emergency requirement. Nor do I believe that all of these programs provide economic stimulus or create jobs immediately.

We cannot defend, from my perspective, this bill as having achieved in every case every item in this bill those two objectives. In some cases, we have doubled and tripled in the supplemental what was the fiscal year 1993 appropriation. That is a little strange and I think something to debate, to question, to discuss.

What is certain is that the bill, as recommended, would add to the Federal deficit. There is no way we can escape that unless we remove the emergency and have offsets or provide for a future sequester.

I do not think we should in any way try to hide a simple fact, nor is anyone attempting to do so, but let us make it very clear for the public consumption. This bill adds to the Federal deficit as presently constituted.

There will be an opportunity to discuss these matters as we proceed, and I am sure a number of Members on this side of the aisle, and perhaps the other side as well, will want to raise questions and offer amendments. I do not consider this bill locked into concrete. I do not consider that proposing a change to this bill in any way destroys the package or the intent.

The chairman of the Appropriations Committee and I have frequently joined shoulder to shoulder on this floor to fend off line-item vetoes, enhanced rescissions, because we believe in the constitutional provision that the Congress has control of the purse strings. I do not care, Mr. President, whether it is a Democrat President or Republican President. No President, in my view, can send up to the Hill any kind of proposal and say in order to be supportive of the President we have to buy it lock, stock, and barrel. There is no need for legislative action if that were the case.

Therefore, I want to say to my side of the aisle, I am not inhibited about in any way suggesting changes to this bill or modifications or anything else. And I know that has been the tradition of the Appropriations Committee through the many years I have served on it, and the chairman of the committee today has certainly faced the reality of that with historic procedures and Senate rules.

No one is being denied in any way their rights. Now, we can argue and debate and be persuasive of holding the line, or we can say this is an important way to put the package together. But by the same token we can say there are better ways of putting the package together if we wish to do so.

Having said that, Mr. President, I want to send to the desk an amendment to this package, and I think because it is on behalf of the chairman, Senator BYRD, and myself, the ranking Republican member, we are giving a very clear signal that neither one of us believes that this is locked into concrete, without it being possible to improve or subject to amendment.

AMENDMENT NO. 269

Mr. HATFIELD. Mr. President, I ask for this amendment's immediate consideration. And if it is all right with my colleagues, I would like to have the clerk read the amendment in full; it is short.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself and Mr. BYRD, proposes an amendment numbered 269:

On page 58 strike out line 26, and insert in lieu thereof the following: "of 1985, as amended.

"SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: *Provided*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

"(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VII computer.".

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, during the debate in the other body on H.R. 1335, the fiscal year 1993 emergency supplemental appropriations bill, assertions were made that the President's economic stimulus program earmarked—earmarked—funds for what were characterized as wasteful, low-priority projects. Included were hypothetical examples of projects Governors, mayors, and local officials could choose to fund under the Community Development Block Grants Program.

I listened carefully to the debate, and then I reviewed the economic stimulus package the President had submitted.

Mr. President, I was not sure if the opponents of H.R. 1335 were speaking about the bill that was before them. I could not find references to the projects that the opponents of the measure had raised. But the allegations having been made, I was concerned. Senator HOLLINGS and other members of the Senate Appropriations Committee expressed their concerns to me.

I then contacted Mr. Leon Panetta, the Director of the Office of Management and Budget, inquiring about these assertions. And when I was down at the White House talking with the President on Monday—I already referred to that visit—I brought the matter up again, at which time Mr. Panetta handed me the following letter dated March 22, which I will request a little later be printed in the RECORD.

I want to emphasize what the President's Budget Director states in that letter. Mr. Panetta notes that:

> None of the specific projects referenced are actually in the legislation.

He goes on to state:

> Let me assure you that the administration does not support funding for any of the types of projects that the opponents of the legislation speculated would be funded. The administration will work with the appropriate members of the Cabinet and the Appropriations Committees to ensure that stimulus funding is used only for programs of merit, and the low-priority projects of the type discussed in the House will not be funded.

During a press conference this week, in response to a question about these alleged projects, President Clinton himself stated:

> You will read those bills for years in vain and not find those projects. I will do everything I can to keep undue waste and abuse from coming into this process.

When the Appropriations Committee marked up the bill early this week, we felt so strongly about the issue that we included language in the statement accompanying this bill recording our position that such projects should not be funded. This was language that had been drawn up by the distinguished junior Senator from South Carolina [Mr. HOLLINGS]. He wanted that language included in the statement, so the committee included that language.

But the situation we now have before us is that the opponents of the measure have created the impression that such low-priority projects actually have been proposed and that when this bill is passed, appropriations would be used to support these projects. Regardless of what the Budget Director has stated and regardless of what the President has stated, the impression has been created that the moneys in this bill will be used to fund golf courses, fisheries atlases, studies of the sicklefin chub, white water canoeing facilities, and payments for a research computer that has already been installed.

Mr. President, the amendment that Mr. HATFIELD and I support—Senator HATFIELD offered the amendment on his behalf and mine—this second-degree amendment which I am offering, if agreed to, puts the issue to bed. This whole amendment puts the issue to bed once and for all. It simply prohibits funds in this act from being used for any of these alleged uses. In case any local official actually wanted to attempt to use community development funds for a golf course, in case any bureaucrat actually wanted to develop a fisheries atlas, they will not be able to do so with funds provided in this bill.

Mr. President, this bill is about jobs. It is an economic stimulus bill. It is about getting our economy moving here at home. There is no funding requested in this bill for foreign aid, for State Department Embassies, or for forgiving foreign debt. It is my intent that this amendment help the Senate to focus on these important issues. And it is my intent, and the intent of the distinguished Senator from Oregon, Mr. HATFIELD, to put this extraneous, this fictitious projects issue behind us. H.R. 1335 will state that such projects are prohibited from receiving funding, and regardless, the executive department has already promised that they too will scrutinize their executive branch agencies as to how they spend these appropriations.

Mr. President, I ask unanimous consent that the letter written to me by Leon Panetta, Director of the Office of Management and Budget, to which I alluded here earlier, be printed in the RECORD; together with a statement of the administration policy, dated March 25, which reiterates the President's determined position with respect to this package and amendments thereto; together with the letter which the President wrote to me as chairman of the Committee on Appropriations on March 23; together with other materials that are pertinent to the pending amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 22, 1993.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During debate in the House of Representatives on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for what were characterized as wasteful, low-priority projects. First, let me respond by saying that none of the specific projects referenced are actually in the legislation proposed by the President. It was the opponents of the stimulus legislation who developed the list of possible recipients of assistance.

In designing the economic stimulus program, the Administration emphasized programs of real merit that would produce jobs. The Administration is committed to careful oversight of the stimulus program.

Let me assure you that the Administration does not support funding for any of the types of projects that the opponents of the legislation speculated would be funded. The Administration will work with the appropriate members of the cabinet and the Appropriations Committees to insure that stimulus funding is used only for programs of merit and that low priority projects of the type discussed in the House will not be funded.

Sincerely,

LEON E. PANETTA,
Director.

H.R. 1335, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

The Administration supports passage of H.R. 1335, as reported by the Senate Appropriations Committee and commends the Committee for its prompt consideration of the President's economic stimulus program.

President Clinton, in a March 23, 1993 letter to Chairman Byrd, stated, "this stimulus package is an essential bridge from today's weak recovery to the development of a stronger base for long-term growth." The economic stimulus bill is an integral part of the President's economic plan of short-term stimulus, long-term investment and deficit reduction.

The Administration opposes any efforts to delay passage of this critical legislation and opposes amendments which would delay the availability of specific funding in the Committee-reported bill. Such delays could jeopardize the effort to spur economic growth during the coming months and put the spending and stimulus at risk.

In addition, the Administration opposes amendments which would drop the emergency designation for a significant portion of the funding contained in the bill, thus requiring unspecified offsets for a significant portion of the stimulus bill. To do so would cancel the intended benefits of the measure and threaten the education, infrastructure, health and other investment initiatives in the President's five year economic program.

THE WHITE HOUSE,
Washington, DC, March 23, 1993.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to emphasize my firm, continuing commitment to the economic stimulus package presented in A Vision of Change for America and passed by the House of Representatives last week. I also appreciate your willingness to schedule a committee mark-up on the measure so soon after House action on H.R. 1335.

I strongly believe we cannot allow this economic recovery to weaken or collapse. We still have fewer jobs in the economy than we had in 1990, major corporate downsizings are continuing, and the economic growth numbers over the last two quarters are only about half the pace of the typical recovery. This stimulus package is an essential bridge from today's weak recovery to the development of a stronger base for long-term growth. It is an integral part of our economic plan of short-term stimulus, long-term investment and deficit reduction.

Therefore, I respectfully request that the stimulus bill be approved with the same spending levels as proposed on February 17. (Let me also make clear that any delays in spending will undercut the purpose of the stimulus bill—to spur economic activity on an expedited basis during the coming months. I would oppose "fencing" the availability of funding for portions of the stimulus package which could unduly delay or even jeopardize the funding for those programs.) Finally, I would strongly oppose any attempt to provide offsets for any portion of the stimulus package. To do so would cancel the intended benefits of the measure and threaten the education, infrastructure, health and other investment initiatives proposed in my five-year economic plan. Support of the stimulus bill by the Senate Appropriations Committee and by the full Senate is critical to the success of our economic program. As always, your leadership is greatly appreciated.

Sincerely,

WILLIAM J. CLINTON.

AMENDMENT NO. 270 TO AMENDMENT NO. 269

Mr. BYRD. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 270: In lieu of the matter insert the following: "of 1985, as amended.

"SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: *Provided*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

"(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 270) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 269), as amended, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank my colleague for his support of this amendment. I think this is something that needed to be done. Although the administration, as I say, had clearly no intention to support such a project, it is now being clear that the moneys in this bill will not be spent for such.

Mr. President, does the distinguished Senator from Mississippi wish to speak?

Mr. COCHRAN. Mr. President, if the Senator will yield, I have some opening remarks on the subject of the bill that I would like to make at the appropriate time in the debate.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, the measure before the Senate now is the second major legislative initiative the President has recommended in connection with his economic plan for the country. With the passage of the budget resolution by the Senate earlier today, the Budget Committee conferees will resolve differences between the two bodies on that measure and file a conference report. But in the meantime, this separate bill, the economic stimulus bill, is before the Senate for debate.

One reason why I feel it is important to speak at this point on the subject of this bill is that the Senate is uniquely situated to ensure a full discussion of whether or not we need to pass this bill, whether it should be changed in any respect, whether there should be amendments made to improve it or change its emphasis in any way.

As we have seen during the progress of the economic package so far, the other body is not very well situated under its rules of procedure to permit that kind of open discussion—or full debate—and consideration of amendments that might be suggested by Members of Congress. I am sure it was noticed that there were only three amendments that were ruled to be in order by the House Rules Committee when the budget resolution was considered by the House.

Conversely, here in the Senate, numerous amendments were called up and debated, some for not very long because we ran out of time toward the end of the 50 hours that were made available for consideration of the budget resolution under the rules. But because of that debate and the unique provisions in our rules, I think the American people and Members of Congress and those who watch the proceedings of this Congress understand a lot more about the details of the economic plan than they would have had an opportunity to understand before the Senate debate occurred.

I am not suggesting that we need to delay the consideration of this bill. That is not my purpose in rising today to speak. We did not have what some have called gridlock in the consideration of the budget resolution, but we did have a full airing of differences of opinion that exist here in the Senate regarding the budget resolution. And I am confident that, before we complete action on this appropriations bill, we will have an opportunity for Senators to discuss their individual views and differences, if they have differences, over what should be in this stimulus package. Frankly, this Senator has a great deal of concern about whether we need an economic stimulus bill of this kind at this time.

A great deal has been said during previous months, and in recent days, about the sad state of the economy and how we have a very serious crisis on our hands because of our economy in the United States. If you say that over and over again, if the leadership of the country continues to emphasize that as the most serious problem that we face as a nation today, and unless there is some argument that can be made that has credibility on the other side of the issue, everybody is going to believe it. I mean, it becomes widely agreed that we have an economic crisis, that we are in an emergency situation, and that the Federal Government is obligated to come forth quickly and fix it, to change it, to make some policy decisions that move the country in a different direction.

That is the great plea that we hear now from the White House and from leaders in the Congress on the other side of the aisle. That is the tone that we heard during the debates last year in the Presidential election. "It's the economy, stupid," was a sign that was on a wall in a campaign office. That was the rhetoric that was designed to win the election. And it succeeded. The election was won by those who talked about the serious problems of the U.S. economy.

So now we find ourselves in this situation where, since the American people elected Bill Clinton and he ran on that theme and with that kind of campaign, we are obligated now to adopt a legislative program that is designed to be in keeping with the need to fix the devastated economy of the United States.

I think before we go further in the adoption of this bill, which the distinguished Senator from Oregon describes as adding $16 billion in budget authority without offsets—in other words, adding $16 billion to the deficit—we ought to stop and analyze this thing a little bit more carefully whether we need it, specifically for the reasons that are being given to the Senate now and to the American people.

I do not agree that the United States is a second-rate economy. I do not agree that it is in any imminent danger of becoming a second-rate economy. Clearly, without question, this economy is the strongest economy in the world. Nobody else is close. That is the fact.

In 1990, the gross domestic product of the United States—the value of all goods and services produced in the United States—was $5.6 trillion. The next closest country in terms of value of gross domestic product was Japan with $2.1 trillion.

Now our economy is over $6 trillion in annual value. The combined gross domestic product of Japan, Germany, France, Italy, and Canada, does not equal the gross domestic product of the United States of America, and that is a fact.

We are not a second-rate economy. We are not failing to produce jobs. In February of this year alone, the U.S. economy produced 365,000 new jobs.

The economic stimulus plan that we are being asked to adopt today, which adds $16.3 billion in new spending authority, with no offsets, and which would increase the deficit by that amount, would create, according to the testimony given by the Director of Office Management and Budget, Mr. Panetta, only 219,000 jobs in all of the rest of 1993. Think about that.

This is said to be an emergency, a crisis; and we are being called upon to act quickly under an emergency declaration that sets aside the rules of the budget that we have to offset new spending. Why? Because we have to create a lot of new jobs through this measure. And where are we going to get the money? We are going to increase the deficit, which requires the Government to borrow more money, and to pay more interest. That is not economically healthy; that is economically dangerous.

We just concluded a debate on a budget resolution during which we talked about how much we could reduce the deficit. We all agreed we needed to reduce the deficit, because it was a threat to continued economic growth and prosperity. Now we come right along behind it, the same day, and take up this bill which will require the Government to borrow money on the credit of the American people to stimulate the economy, to create 219,000 jobs this year, when our economy, without the benefit of any economic stimulus package created 365,000 jobs last month. Think about that. That is a fact.

If it were not for the U.S. Senate and the rules and procedures we have available to us, we might not be able to explain that to the American people. They may not be able to hear that, and very few will probably hear this. But it is an important consideration for the Senate, and we should look at what the other facts are that could influence our decision as to whether or not we need to pass this bill at this time for the purposes stated.

In the coming months, we will be debating trade issues. We will be debating other legislative proposals. The administration will be promulgating regulations carrying out the provisions of a Clean Air Act and other legislation that has previously been passed by the Congress, all of which is going to have an economic impact, all of which will have an impact on job creation and economic growth.

I hope we do not decide to concentrate all our attention on only this bill, to make a judgment as to how we ought to craft this bill to stimulate growth in the U.S. economy, because there are so many other things that the Congress and the administration are going to be doing this year that will affect the job-producing capability of our economy, and we ought not to overlook that, and we ought not to go back and tell people during this next recess that we have taken care of the economy now, you can relax. All of this fear that has been engendered, it has created anxiety and worry about whether or not you are going to lose your job. According to this logic, all these bad things will be happening to our economy that you heard the President say in the campaign. In other words, because we passed this economic stimulus bill everything will be taken care of. We passed a budget resolution that is going to reduce the deficit.

Well, I think my constituents are not going to be that impressed after they find out exactly what was passed by the Congress at the President's request, and what its impact is really going to be on job growth, economic health, and deficit reduction. We have already found out in the budget debate how many new taxes are going to be enacted if the Finance Committee and the Ways and Means Committee can carry out the instructions or act on the assumptions of that resolution—$295 billion in net new taxes and more than $350 billion in gross new taxes to be levied. And don't forget the cuts in the defense budget that are emphasized in the resolution.

Not much in domestic spending reduction is presumed or suggested or requested. According to this plan, you will cut the deficit in half by the end of the fourth year of this new President's term of office. That sounds pretty good. You will have cut the deficit in half by the end of the fourth year. In hearings in our Governmental Affairs Committee the other day, I asked OMB Director, Leon Panetta, what his definition of that was. What did that really mean? It turns out that it means that at the end of the fourth year, the annual operating deficit of the Federal Government will be only $214 billion.

Well, if you start back at this first year and then add up the new annual deficits that will be incurred during these next 4 years, you will find that we will accumulate $1 trillion of new debt to add to the $4 trillion that we have now.

That is deficit reduction? Well, it reduced the deficit in the annual budget, but it did not reduce the national debt. A lot of people think this is reducing the national debt.

So the pressure of a very large debt will continue to be on our economy. And we are being asked to add to that debt today. That is what I am saying. This bill adds to it. Does it necessarily add to it? Should it be enacted? There is a big question in my mind, Mr. President, as to whether we are doing the right thing by enacting this bill. I think we are creating an illusion. We are assuming that the American people are going to believe that this is helping the economy when we see some new programs enlarged, some CDBG grants and more money for certain social programs. And, frankly, there is a lot of new spending in this bill that would be nice to have. It truly would be good to have unlimited resources at the Federal level, so that we could enlarge all of the Government programs that are popular and that provide important, needed services that benefit American citizens. But we have an obligation to look at the overall picture, not just to short-term political benefits we might gain by passing a new spending bill with a lot of new money in it.

The President is going to be mighty popular—and already is with some people—for recommending it. People have been coming up here; organized groups and individuals have called and written to say "please support the President's plan, because it will help us with our program."

It will help my situation. Everybody would like more money. A lot of people are going to be helped by the new benefits they will receive from this bill. That is obvious.

I am sure that before the debate is over we will have Senators here on the floor naming the programs and the amounts and saying, "Are you going to vote against that?" It is going to be a tough political call to make. But we have an obligation, Mr. President, and I do not want to sound self-righteous about this as if this is something that I am uniquely able to perceive. But we have to start dealing with the details, looking at the fine print, getting to the bottom of this proposal, making sure we all understand what is in it and what the impact will be before we vote.

I know Senators will have different opinions about it. But frankly I think we ought not to overlook the positive news about our economy that will help create new jobs in the months and years ahead, that will help keep the United States at the forefront of economic growth and leadership in the years ahead, so that we can enjoy prosperity and all the other benefits that we have come to appreciate from being American citizens and living in this great country.

I am going to mention a few other factors that I think we ought to consider before we begin taking up amendments and suggestions that Senators will have for modifying this bill.

I mentioned the total number of jobs that were created in just February of this year in our economy. That's 365,000 new jobs. And it is not like that was an aberration. The economy has been growing at an impressive rate over the last several years in some respects, and in recent months the growth rate in the U.S. economy has been very impressive indeed by any measurement.

If you look at just the expansion of the economy as measured by gross domestic product, I mentioned a total $6 trillion value of our annual economy, but in the last quarter of 1992, for example, we had a very impressive 4.8-percent rate of growth. This is particularly impressive because our economy has become so tied to the international marketplace.

So much of what we earn today is generated through exports in the global economy, and there have been serious financial problems in many areas of the world. In Europe particularly, and we know the strains in the former Soviet Union and in Eastern Europe.

But despite those problems and the uncertainties of the international marketplace, the United States over the last 4 years has enjoyed an 8.6-percent annual rate of growth in exports. Two years ago, the United States became the world's largest exporting country, taking the place of Germany, which had been No. 1. And our economy continues in the international area to show competitiveness that is unmatched by any other country.

As to the rate of productivity, which we hear a lot about from the White House nowadays—we need to do something about productivity in this country the President says; we need to have a productive work force, well trained, highly skilled, that works hard, and turns out the product efficiently—the news is that our productivity increased by 2.7 percent last year, the largest single year increase in productivity in the United States in 20 years. We have the most productive work force in the world.

That means that we are poised to take advantage of new trading and business opportunities as they develop throughout the world. Because we see the changes being made in Eastern Europe and a more market-oriented economic policy in the former Soviet Union, new developments in our own hemisphere which create opportunities for new trade so we can sell what we are producing and making on our farms and in our factories, we are poised as no other country in the world to take advantage of these new opportunities.

I am not saying we do not have problems that need addressing. I am saying, Mr. President, that there are positive facts that ought to be taken into account when assessing the economic situation we are in right now and trying to decide against that background of factual information whether this justifies adding the amount of money we are being asked to add today to the deficit for the purposes contained in this bill.

I mentioned the last 8 years of increase in export of goods from the United States. Over the past year, exports have climbed at a 5-percent rate even in view of the slowdown in the economies that we have seen among those with whom we do business throughout the world.

We hear about a jobless recovery, that the rate of unemployment is still high, higher than it has been at the end of any recovery in the history of the United States, or words to that effect.

Here is a fact: During this so-called jobless recovery, employment has been provided to 1.7 million more Americans since the recovery began in the spring of 1991. Job growth is occurring. We would like very much to see the job production of the economy continue to expand even further.

What is going to keep it from expanding even further are higher deficits, more taxes, and more Federal Government regulations that are expensive for businesses, industries, and farmers to comply with, and they will have serious and adverse economic effect on our economy. We should refrain from doing the things that add new burdens without good reason on our economy. Our restraint can be a positive force for growth.

The Federal Government could help many areas of the economy and free up this economy for a new surge of job creating growth by refusing to raise taxes and enlarge the deficit.

We share with the President the goals of economic growth and deficit reduction. But here today we are asked to set aside our concerns and ignore the impact that this bill is going to have on our existing budget deficit.

Mr. President, I have tried to make my case. My concerns have been expressed as well as I can express them.

I appreciate very much the indulgence of the distinguished managers of the bill.

The PRESIDING OFFICER. The President pro tempore is recognized.

AMENDMENT NO. 271

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 271.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BYRD. Mr. President, my amendment, in the nature of a substitute, is straightforward.

It modifies the recommendation of the committee in three instances. First, it reduces the appropriation for information systems of the Internal Revenue Service from $148,397,000 to $43,700,000. Second, it deletes funding of $4,696,000 for the GSA Federal Building Fund. And, finally, it adds a general provision to clarify that none of the funds in the bill may be used for low-priority programs, projects, or activities.

During committee consideration of H.R. 1335, several Senators sought to make modifications to this bill, but, at my request, withheld action on their requests until floor consideration.

The first two modifications are made at the request of the senior Senator from Arizona [Mr. DECONCINI], the chairman of the subcommittee with jurisdiction over these programs. He has made a strong case that these funds are not now urgently needed.

The third modification, a new general provision to the bill, suggested by Senator HOLLINGS, prohibits the use of any funds in this act for certain low-priority projects and activities that were cited during debate in the other body. It is an amendment that Senator HATFIELD and I have already offered, and it is included in this amendment.

It is not the intent of either the President or Congress that unmeritorious programs or low-priority projects be funded as part of this stimulus package.

The final modification was the subject of an earlier amendment that was agreed to.

That will be the purpose of the amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 272 TO AMENDMENT NO. 271

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 272 to amendment No. 271.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BYRD. Mr. President, I understand some other Senators have amendments. The Senator from California, I understand, has an amendment; the Senator from Wisconsin has an amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I know the distinguished chairman of the Appropriations Committee has just offered two amendments that are currently pending before the body. While those amendments are being discussed with the ranking minority member, the Senator from Oregon, I would like to make some comments that address the general thrust of the stimulus package that is presently before the Senate.

Mr. President, I doubt that I am unique in this situation. I spoke to a constituent just last week in Louisiana who, in commenting on what the Senate is now considering, said, essentially:

> Senator, I think you folks are on the right track. I think what President Clinton is trying to do is the right thing. But, quite frankly, Senator, I just don't think that you people up in Washington are going to really cut spending before you start spending in new programs.

I think that that statement, Mr. President, and my colleagues, is reflective of the feelings of a large number of people in the United States at this time.

We have a $4 trillion long-term national debt. We are getting ready to try to increase that even higher. We have a $300 billion-plus deficit this year.

And while the American people want this President to succeed, as I do, they simply, because of our past track record, do not really trust the Congress of the United States to be able to restrain ourselves to take a strong look at the Federal budget and our spending priorities and start to cut spending that is unnecessary and not needed before we are able to go ahead with new spending on new programs that have not yet even been authorized. The bottom line is that they simply do not trust us.

I think it is very important that we in this Congress work with this new President, who ran as a new Democrat, who pledged to do things differently, who pledged to get this economy moving again, but, at the same time, pledged to work very seriously about reducing the $4 trillion long-term national debt.

The people of this country want all of us to succeed. They are tired of gridlock. They are tired of veto. And they are tired of deficits that cost us billions of dollars, hundreds of billions of dollars every year.

We are spending, in this country, money for things that we get no return on because of our long-term national debt. We are spending $200 billion a year just paying the interest on the national debt. No jobs are created, no investment in apprenticeship programs are made, no education and no health care is paid by that $200 billion every year. That is just money out the window.

I think the American people are sick and tired of that type of action and response by this Congress. They want this President and they want this Congress to be responsible. They want us to show them that we can, in fact, govern differently from the way we have attempted to govern in the past.

I think that we have an opportunity right now, working with this President, to take a bold step in the correct and proper direction.

Let me say that I strongly support this President. I was his campaign chairman in my home State of Louisiana. I want him to succeed. I think he is on the right track. I think that his proposals, with the tax incentives that he has proposed, are the right way to go. I think his recognition, as difficult as it is, that we need some new revenues in certain areas is appropriate and proper, and I plan to support that.

I even think that the concept of a stimulus package is important and is needed. And I want to support enactment of an entire stimulus package immediately to help this economy.

But I want to say right now that I think that a stimulus package should be judged on two things, as the President indicated when he introduced it: No. 1, it should create jobs; and No. 2, it should be responsive to time-sensitivities in getting these jobs created promptly and as they are needed and as they can be created. I think that criteria for the stimulus package is appropriate and it is proper.

We should look at it. We should determine if it creates jobs. How much does it cost? When can these jobs be created?

And if it meets both of those tests, then I would suggest it should be enacted immediately.

I think we have done some real substantial work on the budget. Chairman SASSER from Tennessee and the ranking minority member worked long and hard to try to craft a budget which would help put us on the proper course.

I want you to know that, despite all of the speeches on the floor of this body, and despite all of the information that we have presented, and despite all of the charts that we have seen—and I do not have any charts; did not have anybody to make the charts on short notice.

But I noticed some of the charts the distinguished chairman of the Appropriations Committee had.

The first chart was very telling. That chart showed that, with all of the things we are talking about doing, with all the sacrifice that we are talking about making, and with all the budget deficit that we have explained to each other and have sent out press releases on that we have accomplished, the simple fact is that the Congressional Budget Office's own numbers say we are looking at a budget deficit in 1994 of $296 billion. And, if everything we said we are going to do is done, we are looking at a budget deficit in 1998 of $361 billion.

I do not know how we all add, but the way we add back home in Louisiana is that we have not done a lot to reduce the deficit if it is going to be higher in 1998 than it is in 1994 when we got started.

We can talk about all the things we have, and we can talk about all the taxes that we have raised. But the numbers from the Congressional Budget Office, I think, are pretty clear. The budget deficit, under the program we are working on, is going to be $361 billion in 1998 and is projected to be $296 billion in 1994 if we do everything that we have promised to do.

I am not sure how many people in this country are going to look at that and say that is what they want Congress to do, that is what this last election was about, because I think it was not about that. It was about doing things substantially different from the way we have done them in the past.

I want my colleagues to please consider the poll data that we are all looking at. I think it is absolutely correct, as the chairman of the Appropriations Committee pointed out, the No. 1 economic issue in this country is jobs. There is no question that the American people want more jobs, and are concerned about those who are unemployed and those who are underemployed. And that is their No. 1 concern economically. Overall, I think their No. 1 concern is health care, which we need to address. But economically speaking, I think it is correct to say they want more jobs.

But I doubt very seriously that anyone's constituency, certainly not even a majority of anyone's constituency, thinks we do not have enough jobs in this country because the Federal Government does not spend enough money. I think they look at the fact that we are underemployed and unemployed in this country as being a function of a $4 trillion long-term debt and a $300 billion deficit this year, projected to increase each year. They know we are not going to be able to sell to them that we have to spend more deficit moneys in Washington so somehow the economy is going to get better in the long term.

I suggest we have tried that. I suggest the numbers we now see as a result of that experiment are not very positive at all. I am interested in the fact that this proposal which is before us is projected to increase the number of jobs created by 219,000. That is an impressive number. We need 219,000 more jobs in America. But do we need to increase the deficit by $16.3 billion to get 219,000 more jobs? Is that the way this country wants this Congress and this country to move?

The distinguished Senator from Mississippi, I think, pointed out that without any deficit increase caused by spending, the U.S. economy itself in the month of February increased the number of jobs in this country by 365,000 jobs. Without any stimulus package, without any deficit financing, the economy is getting better. The stock market looks better. Interest rates are coming down. I think that is probably better medicine than anything we are going to be able to do.

Having said that, I want to reiterate what I said initially. That is, I want this President to succeed. He has the capacity to present the programs we need in order to get this country moving again. I think he is on the right track. But I also suggest that we can slightly modify the stimulus package in a way that will address the concerns of those who think we need no stimulus package, and at the same time address the concerns of those who think that we need a greater stimulus package and more deficit spending than this proposal recommends.

My approach says what we ought to do is judge by the President's own standards this stimulus package and take those proposals that create the most number of jobs and those that create the most number of jobs the quickest, this summer, and pass those immediately, today, if we could, and at the same time, take those parts of the stimulus package that are not time sensitive, that do not have to be spent this summer, that can be spent in the latter part of this fiscal year or in fiscal year 1994, and allow those parts of the stimulus package to go into effect later. By later I mean after this Congress has shown that we have the discipline to really cut spending.

That is not going to happen by the passage of the budget resolution. That is a goal. That is a target. That is a suggestion of what we should do. It gives instructions to the committees on how to raise revenues and how to cut programs. But it is only a guide.

People in America know the budget resolution does not make any real cuts in any single program that we have control over.

My suggestion is that we take approximately half of the stimulus package, all financed by deficit spending, and say to the American people: We are not going to spend that money. We are not going to increase your deficit in these areas that are not time sensitive, that are not urgent, that can be done a little bit later, and allow them to go into effect only after we have done the budget reconciliation, which is where the real cuts will occur.

I suggest this is the moment of truth. The last several days, as hard as everyone worked, we did not make any real cuts and did not reduce real spending in any specific program, but rather only set out guidelines and targets that Congress will have to meet later.

I suggest we keep faith with the American people, who want us to cut before we spend more, and particularly that we cut before we spend more that is financed by increasing the deficit; that we show them that we really have the courage to do what is necessary to reduce the deficit by making real Federal spending cuts.

My amendment is really quite simple. Approximately half of the stimulus package goes into effect immediately. Approximately the other half goes into effect after we have adopted the budget reconciliation. At the appropriate time, that amendment will be offered and it will be debated. I think every Member has received a copy of which programs I suggested are appropriate to be allowed to be spent up front immediately, and those programs which I—along with my colleague, Senator DAVID BOREN, who has worked with me in crafting this amendment—suggest can be spent later with the same impact from a job stimulus standpoint.

Some said this amendment by BREAUX and BOREN is going to destroy the stimulus package. We have had calls. My own party has turned on the telephones and has called people from around this country to say: Call BREAUX and tell him not to offer this amendment. I got a call from a lady yesterday, interestingly enough, who said, "I know Senator BREAUX has been a big supporter of President Clinton. I would like him not to try to change his stimulus package."

My office said, "Thank you very much for the call. May I ask where you are from?"

And the lady said, "Well, I am a 70-year-old lady from the State of New Jersey, but I am thinking about moving to Louisiana."

Obviously there is a very orchestrated effort to try to get to those constituencies around the country that want the money. They want the money, they all want the money, but they also want us to reduce the deficit and balance the budget and bring down the long-term national debt.

So I appreciate those calls. But every one I have taken, that I have talked to, when I explained to the caller that, yes, I am for the stimulus package, I want it all to go into effect, I want to pass it all right now so we do not have to pass it later on, but I just do not want to spend the half of it that is not essential until after we have had a chance to really cut some Federal spending—almost all of those callers say: "You know, Senator, that makes sense. I have been telling you to cut spending for months and for years." Now we actually have a proposal for the first time this year, with a chance to show some discipline as a Senate. And when I explain that to them, they say, "You know, that is a fine idea and I support you on it."

Some have said the President has said this is really terrible; it is going to destroy the whole program. If Breaux is adopted we may as well fold up our tents and go home.

That is not what I have heard coming from the White House, which I have tried to involve in this process, that I have worked with closely. I know their position publicly is that they would prefer to see it all passed up front.

But what I read about the President's Press Secretary, my good friend George Stephanopoulos, quoted in the Washington Post on Tuesday of this week, when he was referring to the Breaux-Boren amendment, is:

> But if compromise is necessary, Stephanopoulos described as "constructive"—

Not destructive but constructive—

> an alternative by Democratic Senators John B. Breaux of Louisiana and David Boren of Oklahoma that would authorize spending the full amount—

The whole $167.3 billion—

> but delay release of a large portion of the money until after spending cuts and tax increases are fully enacted this summer.

Constructive. When I heard the word constructive I interpreted that to be a positive reaction, and I think the reaction is positive.

When the President was asked at his own press conference on Wednesday about the stimulus package in the Senate, the President himself responded—and I will tell you one thing, this President knows the details of what is pending in the Congress; he knows the package, he knows the numbers, he knows the programs. He is the most fully informed President that I have ever had the privilege of working with in my 20 years in the Congress, and I would bet that many Members who have been here a lot longer than that would have the same degree of confidence in this President's knowing what he is talking about.

But when asked about the Breaux amendment, President Clinton said:

> Now, Senator Breaux is much closer to me than many others are in the sense that he basically wants to phase in this spending. But the problem with phasing it in is if you delay the investment, you also delay the impact of the investment, which means you put off the effective date of the jobs being created. That is my only argument with him. He, to be fair to him, has said that this is an acceptable stimulus package and an acceptable level of Government investment, but I think we should, in effect, slow down the rate of spending until we have the whole package passed.

That is what the President said in his own words when asked a question about this approach. The Breaux-Boren amendment gives the President immediately 181,000 jobs created up front as soon as we vote on this. That is 82 percent, approximately, of the total jobs that they said would be created by the stimulus package, and it gives him the remainder of the jobs, 35,000, after we have shown the American public that for once this Congress believes that this is a different period of time; that we are going to do things differently.

So I will take no more time, and I certainly appreciate the indulgence of the managing Members on this legislation. I will say, at the appropriate time I will be offering this amendment, which I think is a better approach, a slight modification, but one that moves toward the exact same goals that the President of the United States has asked this Congress to enact.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, I have listened with great interest to the statement by the distinguished Senator from Louisiana [Mr. BREAUX]. I have listened with respect because I respect the Senator from Louisiana. I respect his conscientious purpose, and I believe that he believes that he is doing the right thing. I cannot fault him for doing what he thinks is right.

But, Mr. President, what the distinguished Senator is saying—these are my words—we will give him half now, roughly $8 billion of the $16 billion package, of which $4 billion is unemployment compensation. Put $8 billion down now.

Then he says that after this Congress has shown that it has the discipline to make cuts, meaning after the reconciliation bill has passed both Houses, gone to conference and we have agreed upon the conference report, then we will release the other $8 billion, then the other $8 billion will be released. Give you half now, half down the road somewhere. What we want to do is to show this Congress has the discipline to make cuts. He said the budget resolution does not make any cuts.

Mr. President, my good friend from Louisiana, I know, was not listening when I said earlier today that when we voted for that budget resolution, we voted for cuts, not cuts that will come back as a result of reconciliation instructions to be put into the reconciliation bill, passed by both Houses, sent to conference, and then adopt the conference report. That is not what that budget resolution said to this chairman, the chairman of the Appropriations Committee. That budget resolution made the cuts for me. I voted for it. But when that budget resolution is agreed to in conference, when they reach an agreement, I do not, as chairman of the Appropriations Committee, wait for any reconciliation instructions because the Budget Committee does not send to the Appropriations Committee any reconciliation instructions. That budget resolution has already made the cuts insofar as the Appropriations Committee is concerned.

And when this chairman gets his 602(a) allocations as a result of the budget resolution we agreed to, I will be reading it in spades. It will be saying in spades, the budget resolution cut $62 billion in outlays over the next 5 years in discretionary spending—$62 billion. We do not wait for any reconciliation bill; we have already said that in agreeing to this resolution. Hear me; $62 billion over the next 5 years cut in outlays—$62 billion cut.

So we do not have to wait until reconciliation bills have been passed for Congress to show it has the discipline to make cuts. We on Appropriations know we have had it. Not only does that resolution say that we will suffer cuts in outlays in discretionary spending over 5 years amounting to $62 billion, but it says over the next 2 years, fiscal years 1994 and 1995, the budget authority, which is what we appropriate in the Appropriations Committee, the budget authority that we will have to appropriate for discretionary spending will be cut $33.5 billion below the caps that we set at the summit.

We went out to the summit and we all agreed to caps, and those caps are law. They are still law. And for 1994 and 1995, those caps are there, but the budget resolution that we agreed to today says that we are going to be under those caps $16-plus billion in 1994, $17-plus billion in 1995, making a total of $33.5 billion under the caps, not waiting on the reconciliation bill.

Now. We are not waiting to make cuts. We do not have to wait until the reconciliation bill passes to show the American people we have the discipline to make cuts. We have already been cut. We got the knife: $62 billion in outlays over the next 5 years. We get our orders from this resolution. This resolution instructs, the resolution we agreed to today instructs the Appropriations Committee as to what to do. We have already been cut.

Now, our good friends who will be the offerors of the amendment that Senator BREAUX has mentioned, our good friends are saying, we will give half now, half later.

Here is the problem with that. This fall the deficit cut is going to kick in as a result of reconciliation. Our country is in an anemic condition right now—23 months out from the trough of the recession. We have only had an employment increase of ¾ of 1 percent, whereas the normal increase in employment 23 months out from the trough of the recession would be 7 percent, a 7 percent increase in employment. We have less than 1 percent. We have suffered a double dip already in this recession. Who knows, we may suffer a third dip. That is the purpose of this bill, to avoid that third dip.

We have a weak patient here. We have a weak economy. It is going into a major operation when the budget deficits kick in this fall.

We have a weak patient. When you have a weak patient and he has to undergo major surgery, and he is anemic, he has to have a blood transfusion. He has to build up his strength before he goes under that knife in the major operation.

So our good friends are saying, well, you need a pint of blood plasma here. You need a pint. We will give you a half-pint. We will give you a half-pint, just a half-pint. We know you are going into the operation, you are going under the knife. The chief physician down at the other end of the avenue says you ought to have a pint, but our approach is you get a half-pint now and a half-pint later. A half-pint now, and then if you make it, if you are still around in August, we will give you the other half-pint then.

Well, that is what it amounts to, Mr. President. I think we ought to listen to the President on this, 64 days of his being President. He went around the country. He spoke to all those crowds. I did not go. I have not been out there like he has, all around the country—the West Coast, East Coast, Canadian border, Gulf of Mexico, all over the country. He talked with people all over the country. He came through a rough campaign and he saw what the people needed, saw what the country needed.

He was elected. Now he sees what the situation is. He no longer sees through a glass darkly. He sees the real world and he says this is what we need.

Mr. President, I hope we will not fiddle-faddle around with the President's request here and take a gamble on this stimulus, the transfusion that the economy needs. Let us not put it off. Let us give him the whole package.

Mr. President, there is some question, it seems, as to where the President stands. I do not have any questions about where the President stands. He wrote a letter to me and told me where he stood. Now, they say, well, he still does not know exactly where he stands.

If the President has written me a letter and told me where he stands, and I read the letter into the RECORD this morning, does anybody think the President is going to undercut me? I am the chairman of the committee. I am fighting for his program.

I went down to his office. I said, "Where is the line you draw in the sand? Where do you really stand? Where do you stand on delays? Where do you stand on fencing?"

He said, "I am against both." He handed me a letter.

Now, should there be any doubt as to where this President stands? Surely, he is not going to say that to this Senator who is fighting for is program and then jerk the rug out from under my feet. I do not believe he would do that.

That was the other day. Now, let us see what is here on my desk today.

"Statement of Administration Policy. This statement has been coordinated by OMB with the concerned agencies, Executive Office of the President, Office of Management and Budget, March 25, 1993," just 3 months after Christmas. March 25. The subject of this is "H.R. 1335, Emergency Supplemental Appropriations Act of 1993." Here is what it says:

> The administration supports passage of H.R. 1335, as reported by the Senate Appropriations Committee and commends the committee for its prompt consideration of the President's economic stimulus program.
>
> President Clinton, in a March 23, 1993 letter to Chairman Byrd——

I have been talking about his letter to me. Now he is talking about it. I have been telling you about this letter the President personally handed to me. Now he is talking about it. He is doing the talking now.

> President Clinton, in a March 23, 1993 letter to Chairman Byrd, stated, "this stimulus package is an essential bridge from today's weak recovery to the development of a stronger base for long-term growth." The economic stimulus bill is an integral part of the President's economic plan of short term stimulus, long-term investment and deficit reduction.
>
> The administration opposes any efforts——

Date March 25.

> The administration opposes any efforts to delay passage of this critical legislation and opposes amendments which would delay the availability of specific funding in the committee-reported bill.

He is not saying give me a half-pint today, give me a third-of-a-pint transfusion. He says "any delay."

> opposes amendments which would delay the availability of specific funding in the committee-reported bill. Such delays could jeopardize the effort to spur economic growth during the coming months and put the spending and stimulus at risk.
>
> In addition, the administration opposes amendments which would drop the emergency designation for a significant portion of the funding contained in the bill, thus requiring unspecified offsets for a significant portion of the stimulus bill. To do so would cancel the intended benefits of the measure and threaten the education, infrastructure, health and other investment initiatives in the President's five year economic program.

Mr. President, there we have it. We have the statement of administrative policy as of today, March 25, and it is on Senators' desks.

So it should leave no doubt in the minds of the Senators where the President stands today on either of these amendments, one that will probably be offered by Mr. KOHL, and an amendment which will be offered by Mr. BREAUX in support.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I would like to propound a series of questions at this time to the Chair and the Parliamentarian as to the exact situation that we are possibly in with the pending matter.

I therefore, would ask, Mr. President, is the pending question amendable?

The PRESIDING OFFICER. There are several pending questions.

Mr. HATFIELD. Perhaps the Chair would clarify.

The PRESIDING OFFICER. One is a second degree substitute offered by the Senator from West Virginia, which is not amendable. The committee reported substitute amendment remains amendable.

Mr. HATFIELD. Mr. President, if this amendment that, the question that is pending—will it be amendable if it is adopted?

The PRESIDING OFFICER. The adoption of the substitute amendment renders the underlying amendment question no longer amendable; the underlying question no longer amendable.

Mr. HATFIELD. No longer amendable?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Would it be amendable at any time during the consideration of this bill?

The PRESIDING OFFICER. The committee substitute amendment at the present time continues to be amendable, unless the substitute for it is adopted.

Mr. HATFIELD. Before it is adopted?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Once it is adopted then, it is no longer amendable.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Is a tabling motion to the pending question in order?

The PRESIDING OFFICER. A tabling motion is in order.

Mr. HATFIELD. Mr. President, if such a motion were adopted, a tabling motion, then does that make the bill and the pending question amendable for any other Senator?

The PRESIDING OFFICER. The deficit of the tabling would open up the floor for other amendments.

Mr. HATFIELD. Then that is the only way that a Senator may offer and have adopted an amendment under the current situation we are in? Adopted as not on other than on a temporary basis, I should put it. Or that the adoption of this amendment that is pending now, the question, would wipe out any other amendment that might be adopted in the interim before it is adopted. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The effect of adopting the substitute amendment is to wipe out the previous amendment.

Mr. HATFIELD. Let me be redundant.

Mr. President, if under the current pending question, and the parliamentary situation we are in, if any one of the Senators in this body, on either side of the aisle, wishes to offer an amendment that would in any way change this bill, it could be adopted, but once this, and a whole series, let us say we had 50 amendments that were adopted, but once the pending question is handled in terms of the final action of adoption or rejection, adopting the current question would wipe out all those previous amendments that had been acted upon and perhaps adopted.

The PRESIDING OFFICER. The effect of adopting the substitute?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. It is in essence a change of language of the underlying bill. So it is a substitute.

Mr. HATFIELD. Would the Chair repeat that?

The PRESIDING OFFICER. The adoption of the substitute.

Mr. HATFIELD. Would wipe out the other amendments.

The PRESIDING OFFICER. It would have that effect. The Senator is correct.

Mr. HATFIELD. I thank the Chair.

I think I understand the situation. Mr. President, I am looking at this from a practical point of view. Would it not be, I am not asking the Chair this. Let me wonder out loud. Why do then under the current situation should we go to the question? Because any amendments that might be offered and adopted henceforth, as I understand the question, the ruling, could then be totally wiped out at the moment we raise the pending question to a vote, and if that pending question were adopted, then whatever has happened in the meantime, my colleagues or myself who offered amendments, we had votes on those amendments, those amendments have been adopted, but then once the final, the pending question is adopted, it wipes the whole slate clean. Is that correct, Mr. President?

The PRESIDING OFFICER. If that is the question to the Chair, that would be the effect of it.

Mr. HATFIELD. We could all get home for the weekend. Why waste our time in offering amendments?

The PRESIDING OFFICER. Is that a question for the Chair? [Laughter.]

Mr. HATFIELD. No. I am not asking the question. I know better than to ask the Chair that question. I thank the Chair.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I just understood the parliamentary situation but I cannot help but believe there will be some opportunities since we are debating a matter of such great importance that before the supplemental appropriations is acted upon there certainly will be one way or another I would think for some opportunity for us to take into consideration those matters which should be fairly considered in terms of making major decisions for the future of this country to allow the legislative process to work.

So assuming that that will be the case, that somehow there will be an opportunity for the Senate to work its will on these matters, I do want to take up again the matter discussed by my colleague, the Senator from Louisiana, a little bit earlier.

We have a historic opportunity before us to do something that badly needs to be done to preserve opportunity for the next generation of Americans. I think we all understand, we have spoken about it on this floor before, there have been attempts made over the last several years to do something about the budget deficit.

The American people have a sense of unease. They understand that opportunity is simply not going to be there for the next generation, an opportunity that we have enjoyed unless we do something about it. One of the secrets to America's greatness—I have heard the President speak about this when he was still the Governor of Arkansas—is the fact that a preceding generation of Americans has cared more about passing on increased opportunities to the next generation than it has cared about its own temporary prosperity, and indulging itself.

Sacrifices have been made by every generation, so that the next could have more. All of us can think about things that our parents have done without, and that our grandparents have done without, so that we might have an opportunity ourselves. I am sure there are many who have seen their parents and grandparents go without a new car, a new suit of clothes, a vacation, buying some consumer good, so that their sons and daughters could go to college, or have some other opportunity, who have asked themselves what could I ever do to repay my parents or my grandparents for the opportunity that has been given to me? And, of course, what we can do is pass on those same opportunities, and be willing to make those same kinds of sacrifices for our children and our grandchildren.

Mr. President, when I heard President Clinton speak several years ago when he was Governor of Arkansas, he said that he asked his teacher in high school about the secret of the greatness of this country, and that is the answer she gave. We have been greater than other nations blessed with similar populations and resources, because every generation has cared more about the next than it has about itself.

We have come to understand and to focus our attention, as never before in this country, on exactly what it will do to that future if we continue to live beyond our means. The Federal budget deficits have piled up on the last decade. In the last 12 years alone, think about it, the national debt of this country has gone from $1 trillion in 1980 to $4 trillion in 1992.

In 1980, the national debt was equal to 22 percent of our gross domestic product. Today, it is equal to 48 percent of our GDP. The Federal budget deficit is estimated to be in excess of $380 billion for 1993. And if we do nothing, not increase our spending, just stay exactly as we are, do not change a word in the law, stay exactly where we are, the Federal budget deficit will increase to $650 billion by the year 2003, $650 billion a year. That will mean that the national debt of this country will have far more than doubled again, and it will mean that the interest alone on the national debt will take up 25 percent of all of the taxes collected in this country by the year 2000. And by the year 2010, almost half of the entire Federal budget will go just for interest on the national debt.

We understand, Mr. President, exactly what that will mean. It will mean this: When you consider that even to keep a minimal defense effort—and as we have seen from the events in Russia in the last few days, nobody can predict what the future will hold for us. I heard Mrs. Thatcher say not too long ago that "the one thing we can learn from history is that the unexpected will nearly always happen." And we have to be prepared for it. Even those of us who feel that it is prudent and sound for us to shift some priorities in terms of spending, and with the opportunities presented by the end of the cold war, at least for now, shift some defense spending to meet pressing domestic needs, to rebuild the economic strength of this country; I do not think there is anyone that would suggest that we can in essence totally unilaterally disarm this country and not have the minimum amount of force and capability necessary in the defense establishment to meet that unexpected emergency, which is bound to arise.

So if you have 25 or 30 percent of your budget—even a trimmed-down budget—still going for defense, if you have 35 or 40 percent of your budget going for entitlements, Social Security, and, thus far, it has still been ruled pretty much out of bounds in terms of making major changes, pensions, veterans benefits, and others like entitlement programs, the health care costs of this country, even if we passed health care reform, which all of us hope and pray that we will, it will still be enormous. So if you have 25 percent of the budget or 35 percent of the budget going to pay the interest on the national debt, plus the minimum amount that goes to defense, plus entitlements or what would go for health care, you will end up with virtually nothing left, 2 or 3 or 4 percent of the budget left for everything else. We have the FBI, law enforcement, keeping our embassies open, international trade, the agriculture programs, veterans programs, education programs, transportation programs, almost nothing left for those other functions of Government. And there would be absolutely nothing left to respond to an emergency, if one comes. Nothing.

We will face the time 10 years from now, if we do not act to do something about the budget deficits, and it will be almost unnecessary for Congress to meet. That might not be all bad from the point of view of some American citizens. I can understand why. But the reason for it would be serious indeed. It would be because we would have nothing to do. We would simply have to come here, and we could spend about a day on the budget, because there would be no flexibility. The pensions would be automatic; health care would have to be paid for; defense would have to be maintained at a minimal level; and all of the rest we would have to pass, because it will be interest on the national debt. And there would be no priority setting at all and no way to take care of an emergency.

When that day comes, Mr. President—and it will come with certainty, and that is what we have to face—if we do not act, the United States of America will be relegated by the history books to a nation that was great, a nation that was a world leader, in the past tense, because no nation and no people can lead the world if they do not even have the flexibility to respond to an emergency. And that is where we are going. We could add to it the factor that more and more of that debt on which we would have to pay the interest and be locked into each year will be held by those in other nations, foreign governments, and corporations; and the people of the United States of America, an independent and free people, would lose their independence and their freedom, because the purse strings would be held by those beyond our own borders. And they would have the ability to plunge us into economic chaos if they decided to do so.

That is where we are headed, Mr. President, and that is why this matter must be discussed. As far as I am concerned, this matter will be discussed at length by me and others, because we care about where this country is going. If it takes a day, 2 days, 2 weeks, or 2 months, for us to make sure that we set this course in the right direction for the people of this country, so be it. I brought some reading materials with me today. I will be happy to share these materials with my colleagues today, tonight, tomorrow, tomorrow night, over the weekend, if it is necessary. This is an important decision that we are making for the future of this country.

(At this point, Mr. ROBB assumed the chair.)

Mr. BOREN. It is beyond partisan politics. It is something that is fundamental. It is a choice that must be made.

I commend the President for explaining to the American people in clean and honest terms, as have very few of our leaders ever explained it, exactly what is going to happen to us if we do not sacrifice. I commend the President because, when he laid out these deficit figures and he told us what was going to happen to us if we did not deal with them, he did not pretend to us that we could solve the problems by waving a magic wand, by singing a song, or doing a tap dance, by paying more or going more into debt. He did not tell us that it will not hurt. He did not tell us that sacrifice would not be required. He did not try to fool us with the silly notion that we all too often followed in the past, that we could cut our revenue, cut our income, spend more, and balance the budget.

We heard that for 10 years. We heard we could cut our income, and we could spend more. And we did spend more, significantly more. Spending went up all the time during that decade, and somehow, magically, so much economic activity would be generated that we would balance our budget.

And for 10 years no one wanted to point out that the emperor had no clothes because it was painless to tell the American people that we could be for balancing the budget but we were not going to ask them for any sacrifice to do it.

So, Mr. President, President Clinton deserves great credit. When he said to the American people we ought to balance the budget, he had the courage to tell them the truth. I am going to ask you to make sacrifices to do it. I commend him for that.

As I indicated at the time as far as his deficit reduction package is concerned, this Senator is prepared to support those goals and if there are amendments offered, which either reduce the amount of spending cuts or reduce the amount of revenue necessary to hit the deficit reduction goals, this Senator will oppose them unless he offers suggestions of his own for raising revenues in other ways or cutting spending in other ways to still meet those targets. That is exactly the way I feel about it.

The President does not need to have any doubt as to whether this Senator is willing, as I voted yesterday on the budget resolution on Social Security, and other issues, as many of us voted some tough votes, to indicate that we are willing to do that. We must get the deficit down.

None of us should support amendments that either reduce the amount of revenue available to do it or put money back into the spending side and do away with some of the spending cuts, unless we come forward with proposals that provide spending cuts elsewhere or revenue increases elsewhere.

Mr. BREAUX. Mr. President, will the Senator from Oklahoma yield?

Mr. BOREN. I am happy to yield.

Mr. BREAUX. I ask the Senator from Oklahoma as he makes his point, does the Senator not take comfort from the fact that these new spending programs are being presented to the Senate after the adoption of the budget resolution which some would argue set out there are going to be cuts made in the future? Does that not satisfy, I would ask the Senator, his concern about us spending before we made real cuts in the programs?

Mr. BOREN. I would say to my good friend from Louisiana I am glad we decided to take the budget resolution up first before we took up the supplemental appropriations bill. I think it does send a signal and I think a very worthwhile signal that Congress wishes and said so now in the resolution to reduce the deficit and has committed itself to reducing the deficit.

I would say to my colleague that while I think that is a step in the right direction, I do not think it is sufficient.

I serve on the Finance Committee, for example. The Finance Committee under this budget resolution will have to pass revenues. What if we do not pass those revenues? The budget resolution is not self-enforcing. It may be impossible for us to have any other bill from the Finance Committee considered on the floor. It might be subject to a point of order. But if the committee fails to have the courage to pass the revenue increases called for, or the changes in some of the entitlement programs, and other matters, there is no provision for locking up the Finance Committee and sending them off to Alcatraz, or somewhere else, to stay under lock and key until we do our duty. It is not self-enforcing.

Mr. BREAUX. Mr. President, will the Senator yield further?

Mr. BOREN. I am happy to yield.

Mr. BREAUX. Is it what the Senator is saying to the Members of the body that there are activities to occur in the future by the Senate Finance Committee, on which I serve with the distinguished Senator from Oklahoma, that if we do not meet those targets by raising, as I understand it, some $22 billion more than even the Clinton proposal has requested in revenues or in taxes, if we do not accomplish that, there is no mechanism to force that to become law in any way?

Mr. BOREN. I would say to my colleague that he is correct. There is simply no way to make sure that that is going to happen.

We hope that will happen. We passed the resolution telling ourselves it should happen. We have instructed ourselves to do it, but it is not automatic.

I would hate to say also to my colleague, but I think it is true, we have seen reconciliation bills passed before and we see the way you can score things in a reconciliation bill.

I do not know how many times we have come down to the end and we have not been able to make all the cuts, the real cuts, not smoke-and-mirror cuts, but the real cuts to come up with the total given to various committees. I have seen it happen and we have all seen it on committees on which we serve. We come up with a cosmetic change that we can get CBO to score or OMB to score as real cuts, but they are not real cuts.

The biggest joke that we have come up with for years has been to come up short in the reconciliation bill. If you are $1 billion short or $100 billion short, you hire 100 more IRS agents, and you say we hired the IRS agents and they are to discover waste, fraud, and abuse in the way tax returns are filled out and taxes not paid. And we will give ourselves credit for 2 or more billion dollars collected that way.

One of the very keen members of the committee once suggested when someone got up and said we are going to score another $2 billion doing away with waste, fraud and abuse, he said, "I have been thinking about it." It has become a tradition. It has become a tradition that we do away with waste, fraud, and abuse everywhere, and we have done away with waste, fraud, and abuse now every year for a decade giving ourselves financial credit on our phony bookkeeping for doing it.

He said: "You know, I have gotten alarmed about it. This year instead of doing away with waste, fraud, and abuse, I think he should phase it out gradually because there are too many people depending on waste, fraud, and abuse."

It was tongue-in-cheek, of course, but it made the point that we have not always vigorously really done our duty in terms of real cuts and we have known we were not.

The one thing about it around here that has been bipartisan—there is too much partisanship—the one thing that has been bipartisan is if we could all get off the hook making the tough decisions using smoke and mirrors, phony numbers, there has been a bipartisan agreement to cook the books and not make those tough choices and to duck, dodge, and evade.

That is why, Mr. President, when I heard the President of the United States tell the American people in his address to the joint session of Congress that he was serious about doing something about the budget deficits, he was serious about trying to use real numbers, and that became a point of discussion during his speech to the joint session. there was not any magic way to do it. He was going to have to ask the American people to do two things: Cut back on some of the programs that we are now enjoying, and they may be good programs, and people are getting real benefit from them, but if you cannot afford them you cannot afford them. The other thing he was going to ask was based as much as possible on the ability of a person to make that contribution he was going to ask for additional revenues—additional revenues. He did not even call it revenue enhancements. He said "taxes." That is refreshing, too. We have always used other terms to pretend to the people that taxes were not being raised when they were. So he told the truth.

Mr. President, I think that was a very important moment for this country. I commend the President for telling the American people the truth. Because he did tell the truth, because he did not underestimate the patriotism of the American people, because he did not underestimate their willingness to sacrifice for the next generation, there was an amazing response in this country that I think startled those in politics who had a faint heart to try to do anything about it in the past. The American people not only said, "Yes, we are willing to do it," they said, "Do more if you can." And a very unusual thing happened here in Congress, and it was something no one would have predicted. Instead of resisting the spending cuts, large numbers of people in Congress said, "Let us do more."

Mr. President, we are willing to join him and we are willing to even do more. That has created great opportunities in this country that none of us have seen in American politics for a long time.

The people, they have always been ahead of us. The people know what they are doing to the next generation. The American people are just like the last generation. They care more about their children and their well-being than they do about themselves. They are willing to forgo some things now if they can get this terrible burden removed from their children and grandchildren, if they can build a competitive economy, if they can give their children a good education, a quality education.

They are willing to make sacrifices, just as our parents were and grandparents were. It is still a great country. This is still a great people. They are willing to do that.

I received a letter, I meant to bring it to the floor with me a minute ago, but I think I can quote it directly, because it meant so much to me to receive. I received it the day before yesterday from one of my constituents who identified herself as being from Sapulpa, 72 years of age.

She told me that she lived on Social Security; that she earned as much as the law would allow by working part-time; that she had a real economic struggle.

Do you know what she said to me? She said, "Senator, you can cut my Social Security if you have to, and I will work a little harder if I have to." She said, "Even if I lose my home and have to sell it, I would be willing to do that so long as you take this terrible burden off the backs of my children and my grandchildren." And, she said, "Now I even have a great grandchild."

She said, "I love them so much, I am willing to make that sacrifice, if you make sure everyone else does their fair share, too." She put that in.

She was willing to make the sacrifice if we will get that deficit down. She did not write me to say, "Please, Senator, vote for more spending programs. Please, Senator, send more projects to Sapulpa, OK, or my home State, I can hardly wait to get it. Spend more of the taxpayers' dollars."

Mr. President, she did not say, "Cut my Social Security check or put me back to work at 72 years of age or cause me to think about selling my House to help my country so we can spend more."

No, she did not say that.

And let me say that the vast majority of the American people who have expressed their confidence in this President and their willingness to follow this President, and his approval rating in the public opinion polls and the approval for his deficit reduction package are because the American people believe he is serious about getting this deficit under control.

For every person who is mainly concerned about getting another project for their town or for their State, for every elected official who is up here concerned about trying to look good so they can put up another sign somewhere with their name tacked on the bottom of it for another project, there are a thousand people who are supporting this President because of what he is trying to do to get the deficit down.

That is what is driving it. That is what the people want.

When I was at home in Oklahoma over the weekend, I spoke in three different communities a great distance apart in our State; different economic mix.

From the eastern part of the State, where industries like lumbering and home building and aviation are important, to the western part of our State, where wheat farming is the mainstay and cattle ranching, I heard the same message over and over and over again: "Senator, if you have to raise my taxes—I don't like it, I am stretched, I am having a hard time meeting my family budget—but if you have to do it, do it. If you have to cut some program that is benefiting me," farmers even told me this, "cut the program, if you have to. But promise me that you will keep faith with us that you will use the money to reduce the deficit. And if you people in Congress," and this was said to me bluntly, sometimes almost nose to nose by individual citizens as they talked with me, "if you people break faith with us and you raise our taxes and you cut those programs and then you just go out there and spend the money like you have always done it before, don't come back and ask me to sacrifice again."

That is what the American people are saying to us. Are there any of us who have missed it? Surely, we have not. Any Member of this body who is in touch with his constituents or her constituents surely has not missed the point of what the American people want.

And, as far as this Senator is concerned, I am going to try to keep faith with that, and I am going to try to keep faith with the course on which I believe the President indicated he was setting us when he spoke to the joint session of Congress.

That is why it is too important, Mr. President, to make a political decision on this matter. That is why it is fundamentally important that we do something to send a message to the American people that we are not going to fall back on our old ways. That is why this Senator is prepared to take whatever time it takes and to speak however long I need to speak, until we take appropriate action on this matter.

Mr. WELLSTONE. Will the Senator yield?

Mr. BOREN. I will yield for a question.

Mr. WELLSTONE. Just a question.

Mr. BOREN. I am happy to yield for a question.

Mr. WELLSTONE. I was listening to the Senator talking about the response to the President's speech. I heard the State of the Union speech and the President talked about deficit reduction. And I very much appreciate what the Senator had to say about that.

The President also said that he felt that the major reason he was elected and what the election was all about was the focus on the economy and jobs for people.

Would the Senator agree that there is a strong correlation between levels of unemployment and the deficit reduction; that is to say, for every percentage you can bring unemployment down, you really make a significant dent on the deficit, to the tune of, as I remember, about $50 billion or thereabouts?

Mr. BOREN. Certainly, I think that is true. I think if you have an economic slowdown, as we have seen, you are increasing the pressures on the deficit two ways: One, you have less revenue coming in, because there are not as many taxpayers, not as many people earning a living and, therefore, they are not paying taxes. Second, you also have a great stress because more benefits have to be paid. Obviously, you are paying unemployment compensation and other benefits. There is a great stress and need for benefits when you have an economic downturn. That is absolutely correct.

Mr. WELLSTONE. The Senator from Oklahoma spoke with a great deal of passion—which I really appreciate, because I think it was, as my children would have said, when they were younger, real—when he spoke about our parents and grandparents and how do we pay back our debt of gratitude to them. And he said, we make life better for our children and grandchildren.

Mr. BOREN. Yes.

Mr. WELLSTONE. Would the Senator agree that there is a very strong correlation between the quality of lives of our children, let us just say our children in this country, the quality of lives of children in this country and whether or not their parents are gainfully employed?

Mr. BOREN. Certainly when you have unemployment, you have great stress. Statistics indicate that there are more divorces, there is a breakdown of family, crime rates up, social problems increase, and all the rest of it; the tax base to support the schools is reduced. Certainly, that is true.

Mr. WELLSTONE. Well, I guess my question to the Senator is, as I understand it, and I do not know whether we can reach agreement. The Senator has been kind enough to yield, so I am not going to use this as an occasion to speak. Both of us were teachers and we like to do that. I promise not to abuse this privilege of being on the floor right now.

But, as I understand it, I guess I want to make it clear, I think there is a high moral ground that goes with concern about our country and our future. But this economic stimulus package, I think the Senator said this—is directly linked—this was the President's judgment, I think it is the judgment of the chairman of the Appropriations Committee, to investment in this economy, be it people, be it physical infrastructure, with the focus on summer jobs.

So why does the Senator seem to talk about the investment package and deficit reduction as if they are different things? The President has not, nor has the chairman of the Appropriations Committee.

Mr. BOREN. I am glad the Senator asked the question. I understand, and I know my colleague well and his ability, and I did have kind of a glimmer as to where he might be ending up with the question he was asking me.

Of course, this Senator does not believe that it is wrong to make investment in certain kinds of programs. Of course, this Senator does not believe it is wrong to try to generate economic activities that will create jobs. I believe in that. Nor do I have any quarrel with much of what the President wants to invest. There is some additional spending in his budget package. There are cuts in spending, there are increases in revenues, and there are some increases in spending. And you still end up with a very large net reduction in the deficit. It is a balanced program.

I have few quarrels with him, very few, about reducing the deficit, how he wants to do it. I think all of us could come up with a few things here or there we would do slightly differently. I wish we were reducing it more. I wish we were taking on entitlements now. I think we are going to have to means test some of our entitlements to a greater degree than we do now if we are really going to solve the budget problem. I think we all know it. We are going to have to do it down the line and the President knows it.

Nor do I have a quarrel with some of the areas where he wants to spend more money. I think we probably agree on a lot of those. Early childhood development—Head Start, for example, and immunization of our children. These are things that are important. We know if you do not immunize children you are going to have health problems down the road that are going to cost 10 times as much as it will cost to immunize those children. And certainly we ought to be thinking not only of what will cost more but what is better for those children in human terms as well: Investing in education, Head Start, getting children ready and giving them the rudimentary backgrounds that they are so often not getting at home to prepare them for education when they begin their formal classroom training, building that kind of base that is so necessary, that Head Start provides. I just think of those as some examples.

Going in and taking care of some of the infrastructure needs in our communities, through the community development block grants, water and sewer lines, and other things that are necessary to have economic growth—the infrastructure that has been decaying in our country. I do not disagree with those things. I do not oppose those things.

In the amendment that Senator BREAUX and I have crafted, we have taken the President's own numbers. We have not come up with our own numbers. We have taken the President's numbers. On all of the items in the supplemental appropriation bill as the President sent them over he had a line out to the side and he said, "Here is how many jobs my experts estimate these jobs will create."

Senator BREAUX and I have crafted an amendment which would allow, out of the $16 billion, about $7.9 billion to go immediately. I would show my colleague, of those that we would allow to go immediately, if we pass this supplemental bill, as soon as the President signs it into law—we list the projects that would take place immediately. The money would be released immediately. Unemployment payments, summer youth jobs, some of the community development block grant money. Highway money comes from a separate trust fund. It is not really affected under the outlay restrictions. But 82 percent, over 80 percent of all of jobs, according to the President's own figures, that would be created under his supplemental stimulus package, we would release immediately under our amendment. Less than 20 percent would be delayed.

We do that by carefully selecting which funds. We actually delay 56 percent of the money, but we release the 44 percent that will really create the most jobs. That is what the Senator is talking about, is job creation. And we do not stop that at all.

I think we have all had discussions with the President and we have heard him both in public and private say that some economists tell us if we really are successful in passing the deficit reduction package that includes both revenues and spending cuts—if we are really successful in doing that, that there will be a drag on certain key elements of the economy. It will slow them down somewhat. And, therefore, he has tried to craft a package to keep that drag from becoming too great. We are talking about over the next 5 years.

This Senator is not opposing the balanced plan presented by the President. In fact, this Senator is supporting it.

What the amendment that is offered by Senator BREAUX and myself and several of our colleagues would do, I think, is strengthen the hand of the President, greatly strengthen the hand of the President. And in the long run I think it would increase public support for the balanced kind of program that the President wants to carry out.

But I think the timing question is exceedingly important because, while it is necessary to have a balanced program, let us suppose we do not meet the deficit reduction targets. Let us suppose, even though we have acted in good faith and with good will here to pass the budget resolution, which is passed today and I voted for the budget resolution and voted against nearly all the amendments to the budget resolution—I am glad the President has won this victory. I celebrate the fact the budget resolution has been passed. He deserved for it to be passed. He is trying to lead us in the right direction. I support him and I support that package.

But when it comes down to it, if the Finance Committee drags its feet on some of the revenues or they do not come out right or some of the committees resort to the old smoke-and-mirrors tricks of cosmetic cuts that are not real, even though they might be able to get them scored, then the amount of drag, as the President and his economists have described it, on the economy will not be as much. And what might be appropriate in the stimulus package to offset the drag might be different.

So I think we have to keep that in mind. But the main thing I am concerned about is this. I am convinced that while the American people are willing to give this President and this Congress, even, a chance, and they are willing to make some sacrifice, they are watching us very, very closely. And they should. Anyone who has looked at the history of how this institution under both parties has conducted itself, or how the White House under both parties has conducted itself—my goodness, we just had administrations that for 12 years told us they wanted to balance the budget and campaigned on the budget deficits and talked about it all the time. While they were talking about it the national debt rose from $1 to $4 trillion and then they tried to blame the Congress for it, even though the record speaks for itself that those two Presidents requested the Congress to spend more than they ever spent.

So the people are right to be skeptical. Three times as many people have called our offices, according to surveys made at the switchboards and telephones of Congress, than any other time we can recall. That is good. People are interested. People care. The people are watching now.

As they watch us, and knowing our history and knowing how we behaved in the past, even as to budget resolutions and reconciliation bills, it is crossing the minds of a lot of people we might be getting ready to slip back into our old ways: Pass the spending package and then never get around to really enacting the reconciliation bill which is the real deficit reduction only when the President signs it into law.

Mr. WELLSTONE. If the Senator will yield?

Mr. BOREN. I am happy to yield, again for a question, because I do not want to lose the floor.

Mr. WELLSTONE. So I have to frame questions in a respectful way.

If the Senator will yield, maybe the Senator could answer my question because I would like to use this opportunity, since the Senator has the floor, to have a discussion about this.

Mr. BOREN. I welcome that.

Mr. WELLSTONE. I can tell the Senator does welcome that.

My question is as follows. Given what the Senator has just identified as I think an essential political truth in the United States of America today—all for the good, I might add—that the people are watching us carefully and closely, why would the Senator assume, therefore, that his colleagues would not live up to that very clear mandate? And before the Senator responds—and instead, make a proposal which would cut in half a very, very small economic stimulus package, much less than the President himself has said is really needed but is, nevertheless, a stimulus that gets us going?

As I look—and this is part of the question—at some of the items that are not included in the Senator's proposal as being time sensitive, I see considerable CDBG funds, I see children's immunization, I see the minority business program, I see mass transit, I see WIC, I see Pell. I guess my question is I do not understand why the Senator would want to put all of that off when in fact to those people affected it is not time sensitive, it is now. It is just what the Senator said was important.

The Senator has said there is a direct link to employment and the whole issue of the deficit. Yet the Senator is willing to put all of that off when we know this is exactly what the President stands for.

Is that a question?

Mr. BOREN. I think that is a good question. Whether it had a question mark after it or not, I am delighted to try to answer it.

With all due respect, I have to say to my good friend from Minnesota—I would have to say, and I say this with all sincerity, I think my colleague knows this—I have great respect for him.

I think I know what motivated him to run for the U.S. Senate. It was out of absolute sincere concern for the country and he wanted to make a difference. I may differ from time to time on a policy conclusion as to the best way to do that with my colleague from Minnesota, but I would be the first to say that I believe the Senator from Minnesota is always motivated by what he thinks is right and best for the country.

I wish I could say that about every person I know in American politics. I have to be honest with you, I cannot, but I can say it about the Senator from Minnesota and I can say it about the distinguished President pro tempore of the Senate, the Senator from West Virginia.

I have been privileged to serve now with, I think, well over 200 Members of the Senate. The Senator from West Virginia, I have forgotten how many I heard him say he has served with, but there are not any other people with whom I have served that I would say I have more confidence in the sincerity and integrity, the willingness to fight for belief and for what is really right for the country than I do my colleagues who are on the floor. I hope, I believe they would because I know them both. I think they would grant me the same, even though they might say sometimes I am a little stubborn and get off on the right foot. The Senator from West Virginia may think I am now.

I have to say I believe the question of the Senator of Minnesota speaks to why I am a little worried. The way you asked me illustrates why I am a little worried. The things we have spent money on in this country, for the most part—there are a few things; you can get out a list and you can find ridiculous things we are spending money on. We are all familiar with getting lists clipped out of the Reader's Digest sent to us by our constituents and they are ridiculous, some really ridiculous things.

For the most part, most of these bills are passed to spend money on things people really want. Can anyone say immunization of children is a bad thing to waste? Can anyone say the WIC Program, Women, Infants and Children, prenatal care is a bad thing? We know it is absolutely necessary. These are all things that we want.

My father used to say to me sometimes when he had to write the family budget: "Son, your wants and your needs are all mixed up. You may want these things, you might even need these things, but if we don't have the money in the bank, we cannot do them right now, so we will have to do them as we can afford them."

Mr. BREAUX. Will the Senator yield for a question?

Mr. BOREN. I will be happy to.

Mr. WELLSTONE. If I could just indulge the Senator from Louisiana, I would like to thank the Senator from Oklahoma. I, unfortunately, have an engagement. I hope I can come back to the floor if the Senator is going to be here for a while.

Mr. BOREN. The Senator will be here. I might be here for a few days, so I do not want you to feel you will miss me. At any time I welcome an interchange with you, but especially after I get tired after a few hours, I surely would like you to come back over and visit with me.

I think, what I am saying is this: We all have these concerns, we have humanitarian concerns and things we want to do and we want to spend money on. I will say, to put it this way, if you compare how well we have met our humanitarian concerns and desire to help people by spending money on programs, compared with how well we exercised our fiduciary responsibility to make sure we did not pile up debt on the next generation, we have succeeded a lot better at spending than we have succeeded in bringing down the debt on the next generation.

We have been real good going to the store and using the credit card on things that look good to us. We have been poor on paying the bills. My worry is exactly that. Once again, I have said, let us not let the children have the dessert before they get the spinach, because an average 5-year-old, once they have eaten dessert, no matter how long you want them to sit in the chair to finish the spinach, they will not. If you do it the other way around, you might have an opportunity of getting it done.

I have a sincere concern that is what we are doing here. We are about to pass a supplemental bill of $16 billion. It is not a huge amount of money as the total package goes.

Mr. WELLSTONE. I thank the Senator, and we can talk later on about priorities. I would just like to say to the Senator by way of a question, I assume that you also want to make sure that the children get the chance to eat the spinach.

Mr. BOREN. I do, indeed.

Mr. WELLSTONE. And for many children, they cannot wait, and that is tied in, I assume the Senator knows, to the economic situation and jobs. I thank the Senator.

Mr. BOREN. Absolutely. I thank my colleague.

Mr. BREAUX. Will the Senator yield for a question?

Mr. BOREN. I will be happy to yield.

Mr. BREAUX. The Senator from Oklahoma has mentioned a program that I would like to ask him a question about because he brought it up, and that is the special supplemental food program for women, infants and children, which we commonly refer to as the WIC Program. The Breaux-Boren amendment, as I understand it, says the $75 million that the President has requested as a supplemental appropriation for this Women, Infants and Children Program, that our amendment delays the implementation, as I understand it, of that $75 million until after budget reconciliation, which has the real cuts, is adopted.

My question to the Senator is: Does the Senator from Oklahoma know that the Women, Infants and Children Program already for fiscal year 1993 has $2.860 billion already authorized and already appropriated to take care of that very legitimate need? Does the Senator understand that that money, in fact, has already been appropriated and what we are talking about is merely an additional add-on of $75 million that could be spent after budget reconciliation?

Mr. BOREN. Absolutely. My colleague is correct. Neither the Senator from Louisiana nor myself, obviously, are opposed to the WIC Program. I know that I have authored several amendments to increase the funding for the WIC Program in the past. Remember the Agriculture Committee I faithfully supported.

I can recall the Senator from Louisiana on several occasions voting for and speaking for the WIC Program. But as he just said, we have $2.8 billion already in the budget. The WIC Program is not shut down, the doors are not closed. We are spending over $2.8 billion on it right now. This supplemental calls for an additional $75 million out of $2.8 billion. The Senator from Louisiana and I are not even saying do not give them the $75 million. All we are saying is wait a couple of months until the President has safely signed into law that deficit reduction bill.

This helps the President of the United States. He wants to get his deficit reduction package passed. And with all due respect, I just think that maybe my good friend from Minnesota, who was just engaging me in dialog a minute ago, is obviously for some of these spending programs. I am not opposed to them. He is obviously for them. I think that he knows that to get those programs triggered into effect he should vote for the deficit reduction bill the President wants, that gives him an even added incentive to vote for that deficit reduction bill. Then those programs will trigger in.

What could be fairer than that? We are not here saying defeat the President's stimulus package. We are not saying rebuke the President, do not give the President what he has asked for, the President's program does not make sense. No, absolutely not. We are saying pass the whole $16 billion stimulus package in this supplemental bill, but except for those things that really are an emergency—the unemployment funds are about to run out, schools are going to be out and if you are going to have a summer jobs program you have to do it while school is out and put children to work—let that go now. But as to the rest of it, most of which was going to be phased in over the next year, 2, 3 years anyway, let that wait and do not let that take effect, have that trigger to take effect if and when the President is privileged to sign into law the deficit reduction package, the reconciliation bill.

What that does is this: It sends a very important message to the American people who are watching us. It says to the American people, you have told us we are willing to sacrifice but do not slide back into your old ways of spend now, cut later. We are willing to make the sacrifice but do not pull the wool over our eyes. That is what it says. It says we have heard your message, we agree with you, we are not going to break faith with you and, therefore, we are not going to trigger over $8 billion of the money in the supplemental package until and unless the President wins on his budget deficit reduction package and he is able to sign the reconciliation bill. Then we will have a double celebration. We can celebrate as Americans when the President signs that bill into law which reduces the deficit. We can celebrate, we have taken an important historic step toward getting that deficit down and those people who feel strongly that these supplemental spending programs are needed, they can celebrate, too, because the minute he signs the reconciliation bill and gets the deficit down, then those stimulus programs can begin to work, too. But we will not—we will not—have let up on the discipline. We better set that precedent right now. People say, well, it is not a lot of money. I remember Senator Dirksen said one time, "A billion here, a billion there, before you know it you're into real money." I think the American people feel that way. And $8 billion may not be much to us when we have gotten into the bad habit of thinking of debts that go up to $4 trillion but it is a lot of money.

A lot of people will have had to make a lot of sacrifices. My constituent from Sapulpa, OK, the woman I quoted earlier who said take away some of my Social Security benefits if you have to because I do not want to pass on this debt to my children or grandchildren, $8 billion is a lot of money to her, I am sure of that. And it sends a signal. It sends a signal. It just says we are not going to slide back into our old ways. Does it say that we are slowing down the President's plan? Absolutely not. Does it say we are opposed to the President's plan? Absolutely not. Does it say we think the President's proposals are mistaken? Absolutely not.

As I have said, I want to see the President succeed. I have taken the pledge on the deficit reduction package of his that I am not going to vote for changes unless they are paid for in the deficit reduction package. That is how strongly I feel about it.

I have gone back home and defended his program at times it would have been unpopular to do so to some groups and said we are all going to have sacrifice. I applaud what he has done. Sometimes you have to help someone even if they do not see the interest themselves.

I think the Senator from Louisiana and I are being of enormous help to the President at this moment by saying to him instead of having your stimulus package imperiled because there is doubt as to whether or not we are slipping back into our old ways of spend now-pay later, instead of trying to trim back the package and take certain things out of it, we are simply proposing to help him pass a stimulus package with everything intact but to say there is an insurance policy here, there is a trigger. The insurance policy is you do not get the spending program until we pass the deficit reduction.

Now, to me, that is a fair and a balanced compromise.

Let me say, Mr. President, the passage of the President's plan, the reconciliation bill, is a long road. We passed the budget resolution today, and the budget resolution is cause for celebration. But it is a message to ourselves. It does not even go to the President of the United States to sign. It is a long way between the action we have taken today and there will be many votes cast on this floor, there will be hundreds of votes, anguished votes, cast in committees and there will be thousands of public meetings around this country, meetings of Members of

Congress with their constituents before we actually are able to pass into law the deficit reduction.

It is not going to be easy. It is not going to be easy. It is going to be hard. It is going to be difficult. It is not at all assured yet that the President will prevail on these matters. It is a long road. And that is why reasonable approach is called for. That is why you need to bring as many people into your tent as you can bring into the tent to help you. That is why those who are in what has been called by some the moderate wing of the Democratic Party ought to be brought in under the tent and their concerns should be listened to because their votes are going to be needed down the line.

Everybody in here knows it. The President knows it. That is why those on the other side of the aisle who happens to belong to the Republican Party—they are Americans, too, and they care about their country, too. We may differ on some points. The votes of several members of the Republican Party are going to be needed, too. And it is wrong, it is wrong from a political point of view, to try to ram something through without considering the legitimate concerns of others and think that you are improving your chances of getting your whole package adopted later on down the line.

The Senator from Louisiana and I both serve on the Finance Committee. That committee has only 20 members—11 Democrats and 9 Republicans. Key parts of this plan must go through the Finance Committee. It is going to take a lot of support. It is going to take every single Democrat in that committee and it is going to take some Republicans in that committee before it is over with to pass real deficit reduction.

We better figure out how we can build coalitions. We better figure out how we can reach out across the aisle and bring those Republicans who care about deficit reduction into helping to craft and pass a plan that will help this country. We better think about how we can bring every element of the Democratic Party together to try to help pass a plan that will bring down the deficit in this country.

We have had too much division in this country. We do not need more division. We need inclusion. And the President was very successful in the election campaign because he said I am a new kind of Democrat. I do not practice the politics of exclusion. I practice the politics of inclusion. And I reach out to Republicans and Democrats alike and people in business as well as people in labor to try to craft a coalition to bring us all together to do what is right for our country.

He was right when he said it in the campaign, and he is right in the kind of proposal he has made in terms of getting the deficit down. And he would be right now to practice the politics of inclusion, in trying to bring as many people together who will be there not just today but who will be there 1 month from now or 2 months from now, a year from now and 2 years from now when the euphoria of the current moment fades and the tough reality of the sacrifice that is required to get the deficit down really dawns on all of us and political resolve begins to weaken. He is going to need all of our votes. He is going to need the help of all of us—Democrats and Republicans alike, northern Democrats and southern Democrats, eastern Republicans, and moderates and conservatives and liberals—and he is going to need the continued and sustained help and support of the American people who have their eye on the ball and the mission that needs to be done.

That kind of purpose and that mission and the achievement of ultimate success not for one person, not for one party but for America, rests upon trying to hear the concerns of all and responding fairly to the concerns of all.

That is what the Senator from Louisiana and I have tried to do. Some of us wanted to cut the stimulus package back or condition even more of it on getting some cuts in other spending programs. The President said, no, I feel I have to have all of it. I do not want the momentum slowed down. And so the Senator from Louisiana, who first crafted the idea of this compromise in this amendment, said all right, Mr. President, we will yield on the point of paring it back but let us at least put in this insurance policy that says if we give you the whole $16 billion program, let us at least condition the spending of some of the money on our meeting your own goals, not our goals, your own goals for deficit reduction as spelled out in the reconciliation bill you proposed and in the message you gave to the Joint Session of Congress.

So, Mr. President, this is our effort to strike a balance, to say to the President we have heard you. Now we hope you will hear us.

We hope you will hear the American people more importantly than hearing us. We hope you will hear our constituents, the constituents who are supporting you right now, the constituents who are saying we are willing to sacrifice. We have heard your call for sacrifice, Mr. President. We are willing to answer that call but do not disappoint us. Do not go out and spend more money.

People have not forgotten. Remember President Reagan—and he was right about this—remember when we passed the large tax increase, and I believe it was called TEFRA, and there was a promise that after we passed the large tax increase there would be spending cuts later?

Well, we ate the dessert, but we never ate the spinach. We took the spoonful of sugar but we never took the medicine.

We spent the money. We raised the taxes. Spending did not go down; spending went up. That was not all the fault of the Democratic Congress, as I said. That was also the fault of the White House itself because they requested us to spend even more money than we spent especially in the defense area. A dollar is a dollar. They asked for more dollars than we appropriated.

So it was a bipartisan blame to go around on that. But the public saw that happen. It has been widely reported. The American people sometimes know more than those of us in Washington think they know.

That is the reason they have called us on the telephone and are watching us. Thank goodness, they are, because they are right.

And we must put in place an insurance policy that will keep us from making that mistake again. We must help the President by keeping his coalition intact so that those that want the additional spending will have a strong reason to continue to support the President's effort to reduce the deficit.

And we will help the President by keeping on board Members of our own party, virtually all of them, to help this program, to help the President by sending a signal to those on the other side of the aisle, as well, that we are serious about deficit reduction. And it will help, I think, in terms of, over time, getting their support, because we will have greater credibility than if we slip back into our own old way.

Mr. President, this is offered in the spirit of trying to be helpful. I apologize to my colleague from Louisiana. He sought to ask me a question. I yield to him for the purpose of a question.

Mr. BREAUX. Mr. President, I thank the Senator for yielding for a question. My question is to the Senator to please explain to me what I consider to be one of the sensitive areas in the president's proposal. I would like to ask him how the Breaux-Boren amendment addresses the question of what we do about immunization.

The President has requested that $300 million, as I understand it, in additional funds be appropriated for this fiscal year for our immunization program for childhood immunization activities, which I strongly support. I was wondering, does the Senator from Oklahoma know how much money is in the proposed amendment, which has not yet been offered? How much is in the Breaux-Boren amendment for the immunization program? And is it all completely delayed until after budget reconciliation, or is any of the immunization money authorized to be spent immediately upon enactment of the Breaux-Boren amendment?

Mr. BOREN. Mr. President, I thank the Senator from Louisiana for the question. In fact, half of the money, $300 million, is asked for the immunization program. And in our amendment we provide half of the money, $150 million, will be immediately released.

Let me say also, we have attempted to talk with those in the executive branch and the administration to determine which of these programs are the most sensitive and the most urgent. And we have found that they felt that as far as the younger children, those that are not school age, that it would be wise to go ahead and try to immunize those, as many as possible, during the summer months.

That is the reason we put in half the money, $150 million. For those that are of school age, it is even more cost effective, because you have leisure time locating and notifying them to immunize those children after school starts.

So we would trigger the rest of the money, the other $150 million, after the beginning of the school year. That is a good example of how in no way are we disrupting the President's program, because we have consulted with the White House; we have consulted with the administration, the agencies that would be carrying out these programs. We know it makes sense to immunize the younger children in the summer and the school-age children after school starts. That is what we have done. There is no damage done to it.

But at the same time, we are able to tell the American people we are responsible, and we are trying to make sure that we do not spend now and never do the cutting. So I think that is a very good example. We have done the same thing with the community development block grant.

Mr. BREAUX. Will the Senator yield for another question on the immunization program?

Mr. BOREN. Yes.

Mr. BREAUX. Does the Senator know that for this fiscal year, 1993, the Congress has already appropriated $341.81 million for the immunization program?

Mr. BOREN. Yes, Mr. President, that is absolutely correct.

So in other words, we are not, obviously, by this amendment, putting the immunization program on hold. It is already ongoing. So in addition to the money the Senator just mentioned, over $300 million, we add another $150 million. Then, to speed up the process, we would trigger the other $150 million when school starts.

I do not know if the Senator from Louisiana recalls it, but this Senator last year was the principal author of the bill. I introduced the bill to increase immunizations, and also to change the way in which we buy the vaccines, so that we could get a more cost-beneficial way of purchasing the vaccine so we would be able to reach more of the children.

So the Senator from Louisiana is asking this Senator about a program that is near and dear to his heart. Let me say, the Senator from Arkansas [Mr. BUMPERS] was one of the people who inspired all of us on this matter. This goes back to the time when Senator BUMPERS was the Governor of Arkansas, and he and Mrs. Bumpers actually called out the National Guard to immunize the children of Arkansas. This has been a very strong interest of his.

Being in the neighboring State and seeing what happened at that time, it became a very strong interest of mine. And we have been very, very interested in doing something about it.

Let me say that the immunization bill which I proposed saved $52 million in the way we acquired the vaccines, so that we could increase the number of immunizations as a result of the savings.

So I am very interested in that program. Nothing that we are saying here in terms of triggering part of the stimulus package after we pass the deficit reduction should in no way indicate that we are not in sympathy with that program.

The Senator from West Virginia, in his substitute, has moved to take a few things out of this original package, and I think very wisely. I say I agree with the Senator on some things that you might call questionable, and some have called questionable.

But virtually everything else that is left in there are items that are not boondoggles, are not waste; they are sound. And they are things that I think most of us would feel would be wise investments for the country and wise expenditures.

Mr. BREAUX. Mr. President, will the Senator yield for one final question?

Mr. BOREN. I am happy to yield.

Mr. BREAUX. Mr. President, I think it is very important, and it is this Senator's understanding that one of the criteria for the President's stimulus proposal is the fact that these are moneys that are needed to be spent early on; and second, these are moneys that, if appropriated, would create large numbers of new jobs.

My question to the Senator is, can the Senator tell me what the administration projection is on the number of jobs created nationally by the adoption of the immunization program? I know the figure has been indicated to be, last month in this country, in February alone, something like 365,000 new jobs which were created in the private sector in this country.

Can the Senator tell this Senator how many jobs are projected to be created by the expenditure of this $300 million that the President has requested nationally?

Mr. BOREN. Mr. President, the figures are indicated that from the $300 million, 250 jobs would be created. Let me say that would mean we are creating eight one-hundredths of a job, that is eight one-hundredths of one job for $1 million spent. So if you spend $1 million, you would have to spend $12 million to create a job—one job.

I would have to say to my good friend from Louisiana, that does cause some of us to kind of swallow and think again if this is being called a jobs program.

That is pretty expensive, when you consider how much it costs the private sector to create a job, as my friend just pointed out. It is kind of hard for us to think in terms of eight one-hundredths of one job for $1 million.

But while I point that out to my colleague, I again want to make a serious point. I think the question indicates this particular provision is obviously not a job-creating measure; and that while that is true, it is still a very valuable program. Because the immunization of children will not only save a lot of heartache—terrible physical problems resulting from the illness of children who might have those diseases if they are not immunized—it also will save a lot of health dollars. It will save a lot of pain and suffering, but it will save a lot of health dollars down the line.

It is very cost effective. It is estimated to save $10 for every $1 spent on immunization. So it is a sound program, but it is not a job-creating program. If we were to create jobs at the rate of creating eight one-hundredths of a job for every million dollars we spend in Government, I do not think our money would go very far, if all of our job-creating programs were like that. It is not cost effective as far as jobs are concerned, but it is in terms of the investment it makes in the health care of our children and of our society.

So this Senator strongly is for it. As I say, I have invested a good bit of my own legislative time in trying to promote the immunization of children on a wider scale and more cost effectively. It is an example of why, in terms of being time-sensitive, it is certainly not going to hurt to trigger the $150 billion we are deferring until the reconciliation bill is passed. When we talk about passing the reconciliation bill, the deficit reduction package, we are not talking about waiting until the year 2000. We are talking about, hopefully, acting in June, July, or August. So we are really talking about 2 or 3 months from now, not 2 or 3 years, or decades from now. So you talk about a modest proposal, a modest proposal. We are not even saying you cannot spend the $8 billion. We are simply saying: Let us wait 2 to 3 months to spend the other $8 billion, until we have proven that we are worthy of being able to spend it by passing our deficit reduction proposal.

Mr. GORTON. If the Senator will yield for a question. The Senator from Washington has listened to a good deal of what the Senator has said. The Senator from Washington has read an outline of what the Senator proposes.

While this Senator may not believe that these delays and these changes go as far as the Senator from Washington would wish, certainly it is the view of the Senator from Washington that his distinguished colleague from Oklahoma should have an opportunity to present and to debate and to have a vote on his proposals in a way in which is meaningful, so that if he wins, he wins, and his proposal will be a part of the ultimate bill.

Is that, I ask my friend from Oklahoma, the goal of the Senator from Oklahoma, to be able to present his position in a way in which he has an honest debate on it, and if he gets enough votes, his proposal becomes part of the bill?

Mr. BOREN. I thank my colleague. The Senator from Oklahoma certainly hopes that will be the case. I certainly believe it will ultimately be the case. I do think we need to look at these proposals. I hope we have a chance to see if we can improve the bill. I think this does improve the bill.

Let me say to my good friend that I appreciate his compliment to the amendment. I hope that, in the spirit of compromise, he and others may be enticed to support this kind of amendment, even if it does not go as far as he wants to go, because it is obviously a step in the right direction.

Mr. GORTON. This Senator wishes to look carefully at this amendment, and he hopes the Senator from Oklahoma may be open to some changes and modifications to this own proposal. This Senator asks, does he believe that it is also appropriate for Members on this side of the aisle to have an opportunity to amend this, to present their amendments to this bill and have them voted on in such a fashion that if they are successful, they become part of the law?

Mr. BOREN. I think that is correct, because as I said earlier, we have a long process to go through here.

Mr. BYRD. Will the Senator yield?

Mr. BOREN. I will yield to the distinguished Senator from West Virginia in just a moment.

I think we have a long process to go through, and we need to really think together. Let me say that I hope we will see this attitude develop on both sides of the aisle, I say to my colleague. I hope my colleagues on the other side of the aisle—I hope there will not be a knee jerk reaction to proposals coming out of this White House as well.

This Senator, in the past, has attempted on many occasions to support the Presidents of the other party when he thought they were trying to do right. I say, with all sincerity, to my colleague that while we may differ in part on some of the proposals made by this President, I do believe this President deserves a great vote of confidence from the American people for speaking so clearly and truthfully to the American people about the need to get the deficit under control.

I hope my colleagues on the other side of the aisle will extend a hand to the President with constructive proposals and suggestions, and when they do, it would certainly be my advice to the President that he listen and try to meet them halfway.

Mr. GORTON. I thank my friend for the gracious answer.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Chair reminds Senators that a colloquy should be addressed through the Chair.

Mr. GORTON. Madam President, I thank my friend and colleague from Oklahoma for his gracious answer, and I say that we do hope he will have an opportunity to present this amendment in a meaningful fashion and, obviously, the Members of this side will have an opportunity.

Mr. BOREN. Madam President, I will be happy to yield to my colleague from West Virginia.

Mr. BYRD. Madam President, the distinguished Senator from Washington wishes the Senators to have the opportunity to offer amendments. They can offer amendments. The Senator from Washington can offer an amendment to the underlying committee substitute. I would be very happy to see the distinguished Senator from Oklahoma offer his amendment and let us have a full debate on it and see what kind of vote it gets.

I have been very interested in what the Senator has said. I think he is making a fine statement, and he is making an interesting statement. But do not let the word go out that Senators cannot offer amendments. Senators can offer amendments.

Madam President, I ask unanimous consent that the Senator from Oklahoma may keep the floor, that he be protected in his rights to the floor. I see that there may be other Senators who wish to get into a colloquy. The Senator's rights are protected. If they wish to ask me a question while the Senator has yielded to me, they may.

The PRESIDING OFFICER. Without objection, the Senator's rights will be protected.

Mr. GORTON. Under those circumstances, I simply would like to say to the distinguished chairman of the Appropriations Committee that this Senator is very much aware that either the Senator from Oklahoma, or one of us, can offer an amendment at this point to the underlying resolution. We are also aware that, whether it was adopted or not, or whether 50 of them were adopted or not, they could be preempted by one fell swoop by the way in which the distinguished President pro tempore has set up the amendment tree.

As a consequence, at least at this point, this Senator does not believe it meaningful to present such an amendment. He believes that it will be meaningful at such time it is adopted—if it is—and it becomes part of the bill passed in this body.

Mr. BYRD. If the Senator will allow me, Senators may offer amendments now. They may offer amendments to the committee substitute. They may offer amendments to the bill. The distinguished Senator from Washington has referred to the "way" the chairman of the Appropriations Committee has set up the amendments.

The chairman of the Senate Appropriations Committee has followed the rule book. I can remember trees having been set up when I was minority leader. I did not complain about it. I knew that the tree had been set up according to the rule book. I knew that the distinguished majority leader had first right of recognition. There was no point in my challenging him when I was minority leader and he was majority leader.

He set up the tree. He did it by the rules.

Mr. DOLE. I watered it, too.

Mr. BYRD. He did it by the rules.

I think at that time I did not have any opportunity to offer an amendment to anything because he just kept on adding to the tree.

I have only filled one tree here. There are other trees here that can be filled on this chart. Senators may offer amendments. If this is a filibuster we are about to get into, let the people know what it is. If what we are about to get into here is a filibuster, let us just call it a filibuster and go at it.

I have a feeling that the distinguished Senator from Oklahoma, in his great sincerity, wants to offer his amendment. The road is open. The distinguished Senator can offer it. We can debate it, debate it the rest of the evening, debate it tomorrow, or we can vote on it. When we have debated it to our heart's content, we vote on it. Let us see what the vote says.

He may not win even in offering it to the committee substitute. Let us see whether he can win or not.

I say to Senators on that side, offer their amendments. The road is open. Other Senators will be glad to listen to what they have to say.

I say to the Senator offer the amendment. The Senator from Oklahoma has the right to talk as long as he wishes, of course, before he offers his amendment.

But if what I hear coming from the other side of the aisle is, oh, we have been shut out from offering any amendments by the way the chairman of the Appropriations Committee has set up a tree. This is just one tree. There are other trees. I have not filled all the trees. I can get the majority leader out here, and we could fill some more trees, but I do not want to do that.

Mr. GRAMM. Madam President, will the distinguished chairman yield?

Mr. BYRD. The Senator from Oklahoma has the floor.

Mr. BOREN. Madam President, I yield with the understanding that by unanimous consent I do not lose my own rights to the floor.

Mr. BYRD. Madam President, I want the Senator from Oklahoma to know I will be the first here to protect his rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Madam President, the chairman is here to protect his rights. They will certainly be protected.

If the distinguished Senator will yield, I think what my colleagues are trying to say is that we are all aware that the distinguished chairman of the Appropriations Committee has structured the debate in a way that gives him ultimate control over it because, while in fact the distinguished chairman has filled only one so-called amendment tree, that is the tallest or most important tree. So whatever we might do to these other trees that languish in the shade, when all of that is finished, the distinguished chairman, when the vote comes on his tree, cuts all of ours down and we end up with his tree standing on the hillside, alone and at that point we have no ability to make any changes in the bill.

It is true that the distinguished chairman has the right and clearly has the knowledge to use the rules to his benefit. But as the distinguished chairman knows, we also have rights, and one of the rights we have is to refuse to participate in a situation which we believe, though it is totally fair and totally within the rules, creates a playing field on which we believe that we are not capable of getting a fair contest underway.

One of the things that I have, I say to the chairman, vigorously opposed is the idea that this bill should be an instrument of gridlock, that we should begin this debate by saying that if we do not get our way, we are going to prevent the bill from being voted on. I do not think that is good policy or good politics.

On the other hand, the problem we have with the way the debate is now structured, is that no matter how successful we are, no matter how many amendments are adopted, they are all washed away when we ultimately vote on the distinguished chairman's tree, which is now filled.

Might I also say, if the distinguished chairman would be indulgent, that I appreciate the debate that is being undertaken by the Senator from Oklahoma but, try as I may, I do not see his amendment as any change. His amendment simply says: Let us spend the money over 2 years. Let us vote on spending it today and if we do not need the second half 2 years from now we are going to spend it anyway.

As I look at the spend-out rate under the distinguished chairman's bill, I do not see it as being significantly different from Senator BOREN's spend-out rates.

So, I see an amendment that has great symbolism. It lets people believe that we have, in fact, done something, but I do not believe that it, in fact, does anything, and it is my strong feeling at this point that I will oppose the amendment of the distinguished Senator from Oklahoma because what we do not need is cosmetics. What we need is a dramatic change in this bill. I hope we get an opportunity to undertake that change.

I believe that some of the amendments we might offer might be adopted. I believe that we might develop a bill that could have a broad base of support.

But I would say to the distinguished chairman that there is a fundamental philosophical difference here. I deeply respect the view of the chairman. I think he has a different vision of America and our needs than I do. I do not think any lengthy debate would ever change that.

I have found through 8 years of hard experience that one rarely wins debates with the distinguished chairman of the Appropriations Committee in any case.

The reason at this point that we are not rushing forward to offer amendments, and perhaps the Senator from Oklahoma is not rushing forward with them for the same reason, is that it seems to us to be an exercise which may be good for our minds, perhaps good for our legislative skills, but any such amendments will not change the ultimate law of the land the way the distinguished chairman has structured the debate, and that is the problem.

Mr. BYRD. Madam President, will the Senator yield with the same understanding?

Mr. GRAMM. I yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, if this is an "exercise," it is not the first time we have engaged in this kind of an exercise of debate in futility, seeing our amendments defeated.

This Senator plays by the rules. Most Senators I have found, based on my observations through the years, do not pay much attention to the rules. That is dry stuff. It does not get headlines. Who wants to bother with reading an old rule book? Who wants to bother reading that book on Senate Procedure? Let someone else do that. They do not know what the rules are. They have been years here, and they do not pay much attention to the rules. Sometimes I have to remind Senators of the rule to address another Senator in the third person, not in the second person. I have played by the rules in setting up the pending amendment.

I am defending this President's program as his program is involved in this package. I am here to defend his program. I have said that all along. I may disagree with him at some future point on something, probably will, and may take the floor to say so. But on this, while my distinguished friend from Oklahoma refers to his amendment as an insurance amendment, the President's package is an insurance package. The President's package—the stimulus package, the jobs package—is an insurance package. It is insurance against a triple dip in this recession. We have already had two dips. We have had a double dip. This package is an insurance policy against a triple dip. It puts people to work now so that we avoid another dip in the recession again.

This jobs package is the insurance policy, not the amendment my good friend from Oklahoma is offering. He calls that an insurance amendment. I say the President's package is an insurance package.

Now, my friend from Oklahoma refers to spinach and dessert. We appropriators have already had the spinach. We had the spinach when we passed this resolution earlier today with $62 billion cut in outlays. We do not wait for any reconciliation bill. That resolution that we passed says to the Appropriation Committee, "You cut outlays." In your allocations to your subcommittee over the next 5 years, your subcommittees will have $62 billion less to allocate in outlays and over the next 2 years in budget authority you will have $33½ billion less to allocate.

We have already had our spinach. We appropriators have already been cut.

Once this budget resolution that passed the Senate this morning goes to conference and comes back, if it says then what we voted on, we have had serious cuts in Appropriations. There is not anything I can do about it. I have had my spinach. The Appropriations Committee has had its spinach to the tune of $62 billion in outlays over 5 years, $33 billion in budget authority over 2 years. Now that is spinach. That is real spinach.

So, Madam President, I urge Senators to call up their amendments. Do not stand up here and filibuster my amendment that I have offered. Do not have the American people believing you are not filibustering the President's package. You are.

That is the amendment I have in place. This is the President's package. The pending substitute for the substitute for the substitute is the President's package.

We took out a few little things already. Senator HATFIELD and I took out a few things.

Mr. GORTON. Madam President, will the Senator from West Virginia yield for a further comment, with Senator BOREN's rights being protected?

Mr. BYRD. Yes, I yield; with trepidation.

Mr. GORTON. No trepidation is necessary, Madam President, on the part of the Senator from West Virginia.

All this Senator has learned, he suspects, almost all that he knows about the rules, with many defects, is by reason of the kindness of the distinguished Senator from West Virginia.

And this Senator, as he said, is quite aware of the fact that the Senator from Oklahoma can offer an amendment to a different tree; the Senator from Washington can offer an amendment to a different tree.

He, however, shares the views of the Senator from Texas that that right becomes almost meaningless, when the tree now occupied by the Senator from West Virginia is so completely full and will be unamendable when it is voted upon.

Now, whatever the history of other debates on similar bills, as interesting as they may be, it seems to this single Senator, at least, that the Senator from Oklahoma should have the opportunity to offer his amendment in such fashion that, should it pass, it would clearly become a part of the bill which passes the Senate of the United States.

The Senator from Washington would very much like that opportunity. He does not, in any way, deprecate or criticize the rights of the Senator from West Virginia in his mastery for having temporarily frustrated the desires of the Senator from Oklahoma and the Senator from Washington in that respect.

He may only point out, however, that the members on this side of the aisle, if they feel as the Senator from Washington does, operating under and utilizing exactly the same rule book referred to by the Senator from West Virginia, can, of course, prevent the Senator from West Virginia's tree from being voted upon.

Mr. BYRD. Yes, now we hear, now we are hearing what this is all about.

Go ahead. I apologize to the Senator for interrupting him.

Mr. GORTON. This is every bit as much a right of all Senators under the rules as it is the right of the Senator from West Virginia.

And it is at least the view of this Senator that he wishes the opportunity to offer real amendments which, if they are passed, will really become a part of this bill. And, certainly, it will be his recommendation that the rules be utilized in exactly that fashion until such time as such an amendment could be adopted.

Mr. BYRD. Madam President, if I may reply, with the rights of the Senator from Oklahoma protected.

Now we hear all this business about this frustration. The Senator from Washington speaks of frustration, temporary frustration.

What does the Senator from Washington expect me to do as manager of this bill? Does he expect this Senator to walk over and say, "Can I do this?" "May I do this?" "If you will let me do this, I will do thus and so?"

I have seen a lot of obstruction in this Chamber in the last few days.

And if Senators want to filibuster this insurance package that is presently pending before the Senate, the President's package, if they want to filibuster that, let them go to it.

If the Senator wants to offer an amendment and get a meaningful vote on it, let him call up his amendment. Let us see what kind of vote he gets. Call up his amendment. He may not carry his amendment. Then, of course, he will have no reason to complain.

But, I can understand frustrations. I have been around here a long time.

I asked this morning for 2 minutes, 1 minute on my side and 1 minute on the other side, even-Steven—a minute for me, a minute for the Republican side—on a very dangerous amendment that was pending before the Senate. I just asked for 1 minute, and a Republican Senator objected to my having 1 minute. I felt like Phocion, who was a great Athenian general. A neighbor came by and showed Phocion's second wife some jewelry. Then she asked Phocion's wife if she had any ornaments. Phocion's wife said, "Oh, yes. My ornament is Phocion, my husband. He is my ornament. He has been named general of the armies many, many times."

Phocion, as time went on, stood accused before his fellow countrymen, and he attempted to speak. He was on trial for his life. He was going to be executed.

Fortunately, I was not on trial for my life this morning.

But Phocion was on trial for his life. He was going to be executed. He tried to speak, but the crowd would not let him speak.

Phocion said, "Do you want to deal with Phocion fairly or unfairly?"

And the crowd said, "We want to deal fairly."

He said, "How can you deal with Phocion fairly if you won't let him speak?"

That is what a Republican Senator did to me this morning. I asked for 1 minute; could not get it. So, I was frustrated.

I am trying to protect the President's package. Now, there it is. It is on the tree. If you want to call up an amendment, call it up. Call it up as the underlying substitute. Let us see if you have the votes to win. Then you may have some reason to shed tears. We may watch you as you shed tears. We may be sympathetic; maybe not.

But that is the way the rules play around here. Let the Senator offer his amendment.

No, the Senator is going to put the blame on the fact that this one tree has been stacked. The American people are not going to buy that.

The Senator may offer his amendment. Offer it. Let us get a vote on it. Let the distinguished Senator from Oklahoma offer his. Let us get a vote on it. Let us see where Senators stand.

But if I hear what I think I am hearing, there is going to be a filibuster against Senator BYRD's substitute. Senators are going to talk, "until they get a chance to get meaningful amendments." Well, Senators have the opportunity. Call up the amendments. Let us see where the Senate stands on the Senator's amendment.

Madam President, I thank the distinguished Senator from Oklahoma for his kindness in yielding.

Mr. DOLE. I wonder if the Senator from Oklahoma might yield so I might ask a question of the distinguished chairman of the Appropriations Committee.

Mr. BOREN. If I could yield under the same conditions under which I yielded before, that I not yield my right to the floor. I ask unanimous consent that I may yield for a question without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator yields for a question.

Mr. DOLE. I say to the distinguished chairman of the Appropriations Committee, I believe I remember in 1985 there may have been a similar occurrence. It was on a different budget resolution, as this Senator recalls. And I guess the bottom line is, you sort of take it or leave it. We take your package or we leave it.

But the question is, as I understand the amendment of the Senator from West Virginia, it cuts $100 million out of IRS, and $5 million out of another area. Many of us have amendments to cut funds out of different areas. I guess my question is, if the Senator from West Virginia feels we are spending too much money in those two areas, then it is a deviation from the President's package. Others of us have responsible amendments cutting other areas where we think we might find the support of the Senator from West Virginia.

I guess the question is, we do not know how to get there because you are, as you properly suggest, using the rules. The chairman uses the rules better than anybody that I have ever known in the U.S. Senate. I compliment you for that.

But I guess the frustration is, even though we understand it, we are still frustrated, as you just suggested you were earlier, since we are trying to figure out some way that eventually we will have an opportunity to offer amendments to strike additional projects or moneys from the bill before we get to the final disposition.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I must say to the distinguished Republican leader, he is always very courteous to me. And when he was in the majority he was always courteous and kind to me. But when he played, he played the game hard. And I admire him for that. He was carrying his President's load in the Senate as majority leader. So he used the rules.

And I did not cry about it. I stood up here and smiled. I said the leader is playing by the rules. I did not cry about it then. I am not going to cry about it today. If Senators want to vote down this substitute it is right here for them. Let them move to table it. Let them vote it down. Then that tree will be opened again.

Or, if Senators do not feel they can offer meaningful amendments and get meaningful votes, then let us just vote on the committee substitute and go home; pass the President's package. I am sure there are Senators who do not want to go home yet. So let them offer their amendments.

I say to the distinguished Republican leader, if he has amendments, offer those amendments. Offer them. Let us see where the Senate stands. I may vote for some of them. I may not. How do I know what amendments are around here? I do not know whether Senators have amendments or not. Senators may be just attacking my amendment to make believe that they have been imposed upon. Let us see the amendments. Call them up. Let us have a vote on them.

I am eagerly awaiting votes. But if this is, indeed, going to be a talk-a-thon to keep from voting on the amendment that is pending, let us just admit it and say so. And Senators have almost done that already. But I hope we will not have that. I hope we will not have a filibuster here on this pending amendment.

Why filibuster this amendment? It is the President's package. Do Senators want to filibuster the President's package? Is that what they want to do? I do not believe that is what the Senator from Oklahoma wants to do. But I am eagerly awaiting the offering of an amendment, offering of the Breaux-Boren amendment, or the Boren-Breaux amendment. Then let us debate it. Let us have at it. I have a few things to say about the amendment when it is up here. I want to look at it and examine it carefully, put it under a magnifying glass. I will not filibuster. In due time we will vote one way or the other on it.

I certainly thank the distinguished Senator for yielding. Apparently, if I gather—as I understood the Senator—there will not be any amendments offered until they get a chance to offer "meaningful amendments." Let the American people understand that this is a filibuster against the pending amendment. It is a filibuster.

Madam President, I thank the distinguished Senator.

Mr. DOLE. Will the Senator from West Virginia object to getting the yeas and nays on the second-degree amendment?

Mr. BOREN. Madam President, I have not yielded for that purpose.

Mr. BYRD. The Senator has not yielded for that purpose. The question is do I object to getting the yeas and nays on the pending second degree? No, I do not object to it. But let me say to the Senator, he may be wiping out the last bit of insurance he has, if he does that. So long as the yeas and nays are not ordered on that amendment, I can modify it and I do not have to have any unanimous consent to modify it. It may be that I would want to modify it at some point to accommodate another Senator whose amendment has been called up and it has been shown that the amendment has real strength here.

So the yeas and nays can be ordered. But if they are ordered it shuts off that prospect. Do not blame me for it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I thank my colleagues and let me again thank the distinguished Senator from West Virginia, the chairman of the Appropriations Committee, for protecting this Senator's rights to the floor while this colloquy and discussion went forward.

I say to my colleague from Texas, I hope that I will be able to convince him, and my colleagues on the other side of the aisle, in the course of my discussion, to support the amendment the Senator from Louisiana and I intend to offer. I hope partisan considerations would not keep them from supporting the amendment. Because, after all, whether it goes as far as they want to go, it does go in the direction of assuring we will keep on the discipline of reducing the budget deficit before we pass the additional spending package.

So I hope that would not take the point of view of simply trying to oppose the amendment for some partisan reason.

Madam President, I hope in the course of my discussion that my colleagues on the other side of the aisle will understand that we are attempting to keep the discipline on. We are saying that the additional spending will simply not take place—the $8 billion I have here shown on the amendment—we are keeping the stimulus moving. These 181,652 jobs, by the President's own figure, would be created immediately and triggered immediately. Only 35,000 would be delayed. That is not a large price to pay for the fact that you would be keeping $8.4 billion under this amendment as an insurance policy in terms of $8.4 billion in spending that would not be triggered until and unless we pass the President's deficit reduction plan in the reconciliation bill.

So I have to say I believe with complete sincerity that my goal is the same as that of the distinguished chairman of the Appropriations Committee. I think I am defending and supporting the spirit of what the President of the United States has asked for us to do.

I have not heard enough comment yet, though, to be convinced. It is clear to me I do need to explain the amendment a little further to win the support of the Senator from West Virginia, so I do want to do that.

So I do want to do that and I do want to be able to share with my colleagues some writings on the subject of deficits reduction.

Mr. BREAUX. Will the Senator yield?

Mr. BOREN. I will be happy to yield to my colleague for a question.

Mr. BREAUX. Madam President, I asked the Senator to yield for a question.

The question is: As I understand it, under the proposed Breaux-Boren amendment that is going to be offered at some point, it is my understanding one of the largest programs—and I would like the Senator to comment and confirm this if he can—one of the largest programs in the President's stimulus package is the proposal on the highway program, and also the program that is proposed for airport improvement.

I am wondering if it is the Senator's understanding whether any of those features in both the highway program and in the airport program are delayed by the amendment in question in any way? Or are those programs, in fact, allowed to go into effect immediately upon adoption?

(Mr. AKAKA assumed the chair.)

Mr. BOREN. Mr. President, let me say those programs that are mentioned—the highway program, for example, is operated separately, of course, under the trust fund and the fund for highways, which would create a number of jobs; it is certainly very effective job creation—those programs are not part of the $16.2 billion in terms of the outlays. It is not budget authority that we are involved with there.

So, therefore, under our amendment, the highway program would not be affected. The highway program would be able to proceed, and the jobs that would be created under the highway program would in no way be delayed. That is a large number of jobs, over 13,000 jobs, that would go forward. And we have included that in the 181,000 because those jobs would go forward under our amendment.

Mr. BREAUX. I thank the Senator for his response.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague for his questions.

As I was saying, with thought and with an understanding of what the American people hope to see us do, and that is make certain that we keep the discipline on for deficit reduction before embarking on spending programs, it is a very important principle that we tie what we can afford to spend to how much we are cutting the deficit. How well we are doing our job of cutting the deficit should in many ways dictate what we can afford to spend in other areas of Government, even for things that we want.

Perhaps that is an old-fashioned attitude, but it is an old-fashioned attitude that I think we very much need in this country. We may face the situation down the road, as we watch the progress on the President's deficit reduction proposal, we may find, for example, we are not exactly hitting our targets as we go into the year 2, 3, 4, and 5. Are we simply going to let it slide, or are we going to come back and say, "Well, wait a minute; we are going to have to look at other areas of spending cuts—entitlements or something else—until we get back on track and until we hit the deficit reduction targets the President set forth."

That is why I think it is important at the very beginning of this effort—this monumental effort begun by our President with my wholehearted support to get our deficit down—that we make the point now that can be applied in the future that we are simply going to continue to adjust what we spend so that we can hit these deficit reduction targets and stay with the plan; not only now, not only this month, not only next month, but next year and the year after and the year after.

One of the reasons we do not succeed with some of our political objectives in this country is we have a very short attention span. This week, it is the budget we are concerned about. Next week, it is something else. We cannot afford to have a short attention span on this matter. This is a discipline that is going to have to become a discipline for this country for years to come, to begin to squeeze back and live within our means so that we do not destroy the opportunity for the next generation.

A little earlier, I quoted a letter I received from a constituent in Sapulpa, OK. I think I incorrectly indicated that she told me her age in the letter. She did not. I am not going to, of course, violate her privacy—she wrote to me in a private letter—by giving her name. I do want to read the actual text of this letter. It came in longhand. It is obviously heartfelt.

Here is what she said:

> DEAR SENATOR BOREN: First of all, I want to thank you so much for supporting the President's bill to try to help our great country get out of this mess.
>
> Senator Boren, I'm a widow living on a fixed income and work part time to help. I have four beautiful grandchildren, and I just hope and pray we don't leave this awful deficit for them to face.
>
> I'm more than willing for you to cut my Medicare or Social Security, even if I have to sell my home to make it, rather than have this mess passed on to my wonderful grandchildren—if you only make others pay their fair share, too.
>
> Thank you, and God bless you for trying to help our children. I love you for that.

That letter represents the spirit of America. That is the way the American people feel, and I am convinced the vast majority of people—from all walks of life, of different ages, of different income levels—the American people really care. They love this country; they love their children and grandchildren. They want the opportunity passed on. They do not want this great country diminished, and they know that what we have done in piling up the debt and tying our hands as to our future options is really eroding the basic strength of this country. And they do not want it to continue.

They are willing to sacrifice. They are willing to sacrifice not only to get the deficit down, but I am convinced they are willing to sacrifice for some spending programs: Head Start for children, things that need to be done, and infrastructure. We know we have to repair the roads. We cannot continue to live with the roads and bridges the last generation built for us. We have to build some for the next generation, too; environmental systems for the next generation.

The President has presented a fair and a balanced package overall, and I would not agree philosophically with the comments made by my colleague from Texas a moment ago. I think the President deserves great credit. Just as I, from time to time, did not let this aisle divide me from supporting Presidents of the other party when they had a good idea, I hope that my colleagues on the other side of the aisle will not let this aisle divide them from supporting our President who is now in office when he asks us to do what needs to be done to help the American people.

So, again, I offer this amendment in all sincerity, with my colleague from Louisiana and with others, and we will hopefully be offering this amendment a little later. I offer this proposal not in the spirit of opposing the President, but in the spirit of enthusiastic support for the President, of carrying out in spirit what the President said in his speech to the joint session about making sure that the coalition of support in the Congress stays with him long enough to pass the deficit reduction measure.

Mr. President, this President has been called a new kind of Democrat. He is centrist; he is moderate. He does not believe that business is all evil. He does not believe that job creation is all evil. He does not believe the private sector should not be given an opportunity through the right kind of tax policies. He has made proposals himself on investment tax credit, targeted capital gains, and other matters which would help us create jobs in the private sector, and increase investment in the private sector.

He is for reform of the institutions of Government. He has been of enormous help to those of us who are fighting to reform the campaign finance system, for example. We no longer what to have so much money pouring into election campaigns, especially from the political action committees and special interests.

There are all sorts of reasons why I enthusiastically support the initiatives of this President. But I hope that he will not be tugged out of the middle of the road and out of the center. I hope that he will not be pulled by some of those in the Congress in the wrong direction. I hope he will not be tempted into programs of spending now and cutting the deficit later, because I truly believe he is sincere, in what he wants to do to cut this deficit.

If this President, having created the greatest opportunity we have ever had by speaking honestly to the American people about the need to get the deficit down and the sacrifices that will be required to do it, is not able to take advantage of the opportunity which he himself has created because those of us in Congress keep pushing him to spend more and cut less and spend more now and cut later, it will be a tragedy. It will be a tragedy for the country because he has given us a great opportunity, and it took a lot of courage for him to give us that opportunity.

There comes a time when you have to tell a friend sometimes that you think they need to change course just a little bit.

The best friend you can possibly be to someone else is not just tell them what they want to hear and nod your head and instantly agree with everything they want to do. Sometimes the best thing a friend can do for another friend is tell them the truth.

That is exactly what I am trying to do with the President's program. I consider myself to be a friend of the President, not only in a personal sense but in a political sense, and an ally in terms of what he wants to do in terms of getting the budget deficit down.

As a friend and ally of the President, I have an obligation to tell him the truth, and the truth of the matter is you run the risk of losing the confidence that the American people have that we are serious about getting the budget deficit down unless we somehow put this insurance policy in place which sends a message right from the beginning that how much we are able to spend is going to be linked to how successful we are in getting the budget deficit under control.

So, Mr. President, I think it is absolutely essential. I think those of us who are supporting this amendment are doing so in the spirit of very strong positive support for the President's goals and objectives, and we simply feel that the passage of this amendment will not impede the accomplishment of his goals but will enhance the accomplishment of his goals and that over time it will help bring more and more people to support his program and his program for deficit reduction.

That is why, Mr. President, I am willing to take as much time as it takes to try to bring to the attention of my colleagues the need to send this message now. If it takes an hour, it will take an hour. If it takes a day, it will take a day. If it takes a week, it will take a week. This is important.

We are embarked on a journey together as a people. For too long people have been separated from their own Government. They have distrusted their own Government. They have wondered if this place really belonged to them, or did it belong mainly to us who temporarily occupy these chairs.

These are not our chairs. These are not our desks. It is the property of the people. We are just their temporary servants, their hired hands. You open up the drawers of these desks and you will see the tradition here, like children in school, of putting our names in the desks. We do not carve on the tops of the desks. No one would want to deface a desk used in this Chamber by Harry Truman or some of the great Senators of the past like Henry Clay or Webster or Calhoun. But on the inside of the desk drawers we carve our names.

You pull open these drawers and look down those names and you see names like Truman, La Follette, Taft, Humphrey, John Kennedy, Webster, Clay, Calhoun, many others. When you see those names, you realize that we have a bigger responsibility than to ourselves individually, our political careers, our party. We have an obligation to the country. We are trustees. If we do not look after this institution, if we do not look after our Government, if we do not think about the opportunity for the next generation, who will? Who will? We are charged with that responsibility. Once in a while we have to step back and not worry about what the polls are saying. We better start worrying about what the history books are going to say. We better worry about what they are going to say about this critical period in American politics in which we are given an opportunity to change our ways, perhaps the last chance to change our ways to keep this country strong and vital and our system all it can be.

This democracy is in many ways a wonder of the world. I remember once Gardner described it as an even more impressive wonder of the world than the great wonders of physical construction because he said the pyramids, once they were built, as majestic as they are, as fascinating as they are in terms of the mode of construction, about which we are still having arguments by scholars, he said once the pyramids were built, they were there to stand. They needed very little maintenance.

This democracy of ours is not like that. It is like a family relationship. It has to be tended. It is like a friendship. A friendship withers and dies unless it is tended, unless the friend helps the friend, unless you are there for each other. It is like a family, the same thing. A family stays strong only through constant effort every day. And a democracy stays strong only if all of us who tend it now truly love it and care about it and try to do the right thing for it.

That is why I feel so strongly it is helpful to the President and not hurtful to the President that we make sure from the very beginning we keep on this discipline.

That is why I am speaking tonight, and this is why I might speak longer. It is not because I want to be difficult but because I sincerely believe we are at a point in time in which crucial decisions are being made for the future of this country.

I was in China not too long ago, Mr. President. I had a very interesting experience of meeting with the leadership there and also of seeing what is going on in that country. I think the distinguished Presiding Officer has also had an opportunity to do that.

You can see with your own eyes what real economic growth looks like when you go into the southern part of that country. You can see what 16 percent real economic growth looks like when you see cities transformed, skylines changed within 3 to 4 years; you do not even recognize the places. And you see the countryside where farmers are building houses and garages with cars they do not even have yet because they are so optimistic, and you see the beginning of free enterprise with farmers now in a free market not only able to trade their food products on a free and capitalistic market, they are also putting together factories where they themselves are stockholders and they work shifts in these factories at night and are getting foreign investors; and you see the stock exchange in Shanghai which has gone up 40-fold in value in 18 months and you see what all is going on there.

After I had seen it and we were leaving the area, I said to a young member of my staff, "What is your reaction to China?" He said, "As an American I was afraid." That was not the reaction I expected. I said, "What do you mean?" He said, "If they work out their political problems and they are wise enough to move toward democracy and human rights, in the same way that they have their act together economically, they are going to be a tremendous influence in this world." With 1.2 billion, some are saying already they will have the largest economy in the world by the year 2000, larger than ours. He said, "I am afraid as a American. I wonder if we can compete with that. I wonder if we are still going to be a world leader 20, 25 years from now."

I know one thing, Mr. President. We will not be, not if we do not get this deficit under control, not if we do not get our economic house in order, not if we do not find ways to encourage productivity.

Call it capitalism and provincialism of me to be this way, but I think it would be a bad thing for the next generation of Americans, bad thing for the world if we do not remain a world leader, if we do not remain a strong, great nation because I do not believe there has ever been a nation in the world in recorded history that has given more not only to our own people but the rest of the world. There has never been a country as generous as we have been, never been a country that has inspired change around the world as we have. I say that with great pride as an American. I believe we live in the greatest country in the world, and I am not ashamed to say that. Maybe that is an old fashioned idea. That is why we have such a strong obligation to keep it a great and vital country, and there are things that have to be dealt with if we are going to do that.

We have to recreate a spirit of family and a spirit of community in this country. That is one of the reasons it always distresses me when we break down along party lines. We have to rebuild our society, rebuild a sense of community, realize that we belong to each other and we are a part of each other in this country.

When a child drops out of school, that child's talent is wasted even if we do not know the child or the family. We might be afraid and drive through the neighborhood where that child lives with the doors locked and windows rolled up. We are all diminished when that child is wasted because that child is part of our American family. We have to understand that.

We live in a country where over 500 people out of 100,000 are in prison. In Japan the rate of imprisonment is 11 per 100,000, versus 500 per 100,000 in the United States. That is happening because our community has broken down, because we have not wanted to bother taking care of each other. It has always been easier for us to send someone a welfare check through the mail than to figure out how to make them a productive part of the community again.

That is the reason I feel so strongly, such a program as the WPA, where we give a person a job, an individual in the community, where they will feel some pride, where there is more planning, more work, more thinking, more caring for each other, but they do not alienate people, where they do not leave people idle with no reason to get out of bed in the morning.

There are so many things we need to do together. We cannot do it as Republicans, and Democrats, we have to do them as Americans.

So we have to begin to think about how to do it. We are not going to be able to do any of it if we do not get our spending under control and get the budget deficits under control, because as I said in the beginning, when you reach the point where 25 percent of all the money collected from taxes in this country every year goes to pay the interest on debt, and after the end of this century at the rate we are going it is going to be 43 percent, in about 20 years, you do not have flexibility to do anything, you cannot deal with any of these problems, and you cannot play a role in the world. So we have to do something about it.

Mr. BREAUX. Would the Senator yield?

Mr. BOREN. I am happy to yield for a question.

Mr. BREAUX. I thank the Senator from Oklahoma for yielding. I would like to ask him a question about the effectiveness of programs designed to stimulate the economy and create jobs.

It is my understanding that the President's concept behind this stimulus package is to pass legislation that would create jobs very quickly by giving money to the communities to do certain things; that in turn will allow cities and counties to start construction projects like we have under the Community Development Block Grant Program.

My concept, my concern, is that we have tried these types of stimulus programs in previous years. It seems to me that in the past when Congress has given communities large amounts of money for them to spend very quickly on needed programs and the communities have, in fact, been able to use these funds, but have not been able to use them as quickly as Congress would like them to be able to spend them, thereby delaying the job creation, it is my understanding that the thrust of the Breaux-Boren amendment is to say that those programs that can use the money very quickly would be able to have that money. We would be delaying a small portion of the money.

What I want to ask the Senator—it is my understanding that the GAO, the General Accounting Office, did a survey the last time that we had a stimulus package back in 1983 when the Congress passed the Emergency Jobs Act of 1983. I was wondering whether the Senator from Oklahoma has any information on what happened the last time we tried this program that would shed some light on whether we can put it into effect overnight, or would it take a few months to put these programs into effect?

Is it a fact that a delay that he has suggested—just a matter of a few weeks, really until we pass a budget reconciliation—would be harmful to the creation of these jobs? Does the Senator have any information from previous experience as to how this might play out?

Mr. BOREN. I say to my colleague from Louisiana, that his suspicions are well-founded, that in fact the history is that these funds are not expended immediately, the jobs are not created immediately. There is a timelag.

It was reported in the Congressional Quarterly, in the March 13 issue, that when the GAO examined these programs they found that only 34 percent of the allocation had been spent within 15 months of the law's enactment on March 24, 1983. If you go back to the Emergency Jobs Act of 1983, historically, only 50 percent had been spent after 27 months.

So we can certainly see what the situation is there. The supplemental community development block grant money available to large cities and counties under the 1983 act, GAO estimated that about 29 percent of that was spent after 1 year, and about 60 percent was spent after 18 months.

So my colleague's point is well taken. We are certainly hereby suggesting this trigger, and by setting it up as an insurance policy to make sure that the discipline remains for deficit reduction, and not in any way imperiling the creation of jobs in a timely fashion.

I think the GAO report of the past programs makes that very, very clear. I thank my colleague for this question.

I feel that perhaps we should begin now a more thorough discussion of the deficit matters, as we understand the importance of setting this precedent early. I have brought a number of published works over that I do want to share with my colleagues during the course of this debate. The published data is worthwhile reading, and is sufficient to, certainly, I think, cause us to have a profitable use of our time today and over the next few days if we need to extend our interest and our education of these matters.

I want to first read from a book. Its title is very appropriate. It is called "On Borrowed Time, How the Growth and Entitlement Spending Threatens America's Future," by Peter G. Peterson and Neil Howe.

Let me begin by sharing with my colleagues the first chapter of this book. It is entitled "The Imperiled American Dream." Again, I think very appropriately titled given the discussion we are having and given the interest and the attention that the President has wisely focused the American people, on exactly what our circumstances are in this country if we do not get spending under control.

The authors again not only have given an appropriate title to this book, an appropriate title to the first chapter, they begin with a quotation that in many ways says it all, from Thomas Jefferson, quoted by Henry Adams. Here is the quotation from Mr. Jefferson: "The principle of spending money to be paid by posterity under the name of deficit funding is but swindling"—the future—"on a large-scale."

I think we ought to think about that. That is one of the reasons why we talk about being kind to the next generation and spending money to help the next generation. We also had better think about how they are going to pay for it, or how we are going to pay for it. It is one thing for us to very kindly begin to think about our children and pass programs to help our children if we are going to pay for them ourselves. It is quite another thing for us to begin programs and ask them to pay for them and burden them with the debt to pay for them.

When I talked earlier about the greatness of our country being in the fact that every succeeding generation of Americans has cared more about the next generation than it has for itself, I was thinking about what our parents and grandparents have sacrificed in order that we might have opportunities.

How many of us are in that position? I have heard my father talk about my grandparents who were farmers and had a very difficult time, sometimes having lost their own farms, having to work as tenant farmers on other people's land.

I think about how I used to see my grandmother thin the gravy one more time, and take the pieces of chicken that nobody else wanted and pretend to prefer them over the food given to the children. I think about how many of those children in this family were able to go on, get an education, a stake in this life. I think about what my own parents have sacrificed for me so that I could have the best education they could provide for me.

It is our turn. It is our turn. We are not fulfilling our turn by passing on the bill to the next generation.

So I want to read from this work, "On Borrowed Time," by Mr. Peterson and Mr. Neil Howe. The first chapter: The Imperiled American Dream:

> In the wake of the stock market panic in October 1987, leaders from Congress and the Reagan administration loosed a chorus of dismay over the size of the Federal budget deficit. Since many Americans had feared for years that our deficits were threatening our long-term future, there was no need for any of us to act as though we were stumbling across the problem for the first time. With the stock market on everyone's minds, our leaders could not avoid expressing new shock over ongoing revelations over our national profligacy—more red ink, graver projections, and still larger liabilities handed down to our children. So, once again, we move through our periodic ritual of atonement. Once again, a profoundly troubling milestone is reached; a clarion call to action is sounded. Political gridlock sets in and eventually the meaning of events recedes from public awareness.

That is what we must not let happen this time. He is talking about what we said we were going to do in the aftermath of the stock market panic in 1987. Remember, for a few days and weeks everybody was talking about the big collapse in the stock market, and we had to do something to restore economic confidence, and something we needed to do was get the deficit under control. I imagine most of us have not thought much about when it even happened. We could not even remember, if you asked us, when was that. It was in October 1987.

He said we went through a periodic ritual of atonement after that. Yes, we have not done our job well. We have reached a profoundly troubling milestone. I remember that after that happened, everybody said "surely we will do something now. We will have to do something now. The country is watching. The stock market has collapsed. We will have to do something now. There is no way we will not."

Well, we did not. At least, we surely did not do enough, and we certainly did not keep on the discipline, and the discipline flagged and our attention to it flagged, and now we are back again. Just one of those milestones. We are saying to ourselves—and the President has now said it before the American people—what needs to be done and, surely, we will do it now. We better learn from history. We better learn, as I said before, the lessons of not eating the dessert before the spinach. It has happened too many times.

The authors go on:

> As a consequence of the panic on Wall Street, the ritual was replayed with more than the usual fanfare. Press conferences, camera flood lights, television spots, and fists pounding at congressional committees, all reminding us of our predicament.

It sounds a little familiar.

> News clip interviews with bond dealers at the World Trade Center reminded us that current levels of direct and indirect Federal borrowing devoured nearly half of all of the funds raised from U.S. lenders, represented a choke hold on investment and forced us to hock our IOU's abroad.

Mr. President, it has been a while since I have read this material, so I did not have it in mind as I began the opening remarks here 2 or 3 hours ago. But it sounds a little bit like what I said earlier in the afternoon. It indicates how we keep on repeating ourselves, and how we are running out of chances, and we better do it this time, not just talk about it.

> Directors of foreign central banks reminded us that the United States cannot go on indefinitely borrowing over $150 billion per year net from foreign creditors. That is about two-thirds of our net domestic investment in business and housing, or about 1 percent of our national worth sold yearly to foreigners, with the agreement that we can rent it back.

We better think about that.

> Think tank academics scribbling on op ed pages gave us a lesson in simple economics. It is absurd to delude ourselves with competitiveness motives, as long as we choose to consume over 97 percent of our national income, while the equivalent consumption rate is less than 90 percent in Europe, and less than 85 percent in Japan.

In other words, they are saving 15 percent and investing it. We are saving 3 percent and investing it.

> How long are we going to be able to compete under that scenario? There was much else to tell, but not perhaps enough time to tell it all. We might have listened to mayors and Governors talk about how, despite all of the public borrowing, we cannot maintain our streets, buses, sewers, and airports. Similarly, we might have asked college teachers why incoming freshmen today are not as well schooled as they themselves were; or plant foremen why our most capital intensive manufacturers are losing out to Asian competitors; or foreign service officers why the smallest foreign aid bill has become a budget issue; or scrambling entrepreneurs why they have trouble finding investors willing to fund the development of new production technologies.
>
> Most of all, we might have asked both our national leaders and ourselves why the widening flood of public debt seems to spare hardly a rivulet on behalf of America's most disadvantaged minorities. Young parents and their children, compared with older households, have the highest rate of poverty, least access to health carry, and lowest per capita incomes. Indeed over the last two decades, younger Americans as a group, under age 35, have been experiencing a continuous and unprecedented decline in real income. Yet, they alone constitute the human resource on whom we must rely not only to service our exploding Federal and foreign debt to the order of $100,000 per working adult by the year 2000—

Think about that; there will be $100,000 of Government debt on the shoulders of every working adult by the year 2000 if we do not do something about it. Is that the opportunity we want to hand on to our children? Is that the kind of sacrifice made by our parents and grandparents for us, to hand over to us $100,000 more of Federal debt.

> * * * but also to care for the exploding numbers of us who will retire in the decades thereafter. They also just happen to represent the furthest living reach of posterity, the only means by which we can hope to safeguard our national destiny.

How true that is.

The problem the crash of 1987 brought, once again, to the attention of our national leaders was, in short, our blunt failure to provide for our economic future. And we still have been failing to do it. The President of the United States called us up short, and that is why his message to us in the State of the Union Address was one that we truly needed to hear. About halfway through that address, as I listened to the President speak to us, as he became more blunt in telling us what it was going to require for us to work our way out of these deficits and to begin to reduce the debt, I began to have a feeling of optimism that I have not experienced as a Member of the Senate for quite a number of years, an optimism that we really could get something done.

I want to express my gratitude to the President publicly, as I have privately, for giving us that sense of optimism, that hope, that we really were going to face up to it. You know, leadership is not about appealing to our worst instincts. Leadership is not about appealing to our selfishness. Leadership is not about appealing to our prejudice. Leadership is not about appealing to our short-term gain. Leadership, real leadership, involves appealing to our best instincts, our generosity, our understanding, our humanity, our tolerance for other people, and above all, through our desire to take care of those that will follow us, as opposed to just thinking about ourselves. Leadership appeals to us to think about others in our community and to get the focus off of ourselves. And when the President spoke to us in the joint session, he showed real leadership, because he appealed not to our selfish instincts, but to our best instincts.

That is why we must make sure that, as we go through the process of enacting his program, we constantly try to improve it and we constantly try to keep it in the spirit with which it was originally offered, because there are those who pull and tug on any President of the United States. There are those who say, "Oh, Mr. President, you better have some sweeteners there if you are going to get the package passed and you better prime the pump before you start cutting the deficit." There are people who pull and tug in all directions, and there are people who force compromises in order to move forward.

That is why those of us who truly want to see the deficit reduced and who are prepared to help in that cause must use every bit of influence we have to try to see that it is carried on in the right path.

So, the authors have very wisely talked to us about what we have learned in the way in which we dealt with the crash of 1987.

Then the author goes on, after talking about it, we are going to do something, and we have to, realizing we were in a lot of trouble in this country back in 1987, what we did, and what we tried to do. They go on to say:

> To their credit, Congress and the administration set out with passionate pronouncements of resolute action. They organized the budget summit, and they worked furiously through the last week of October, well into November to negotiate a grand compromise on the Federal deficit. Newspaper headlines hinted at a great breakthrough in entitlement benefits, defense spending, and taxes. Television interviews and the newspaper oped pages started debates on comprehensive spending freezes.

I recall writing some of those articles and talking with some of our colleagues here about that subject.

New approaches to Medicare, physician payments, permanent changes in benefits, cost-of-living adjustments, or COLA's, and during the second week of November there was growing optimism that negotiators might agree on subtracting 2 percentage points from all nonpoverty COLA's over the next 5 years.

I remember that so-called CPI-minus-2 proposal back then, as many of us on both sides of the aisle hoped we would have, we would have had a very different situation than today.

This single reform affecting the largest consistently growing sector of the Federal budget would save an estimated $27 billion roughly by fiscal year 1992.

That was last year.

Seeing through, hoping through the technique of beneficiaries' lobbies, the weary negotiators turned to the defense budget where here they fought another pitched battle among themselves over a couple billion dollars and came out with about the same meager savings as they did in benefits. The savings in both benefits and defense totalled about $24 billion over 2 years in a $1.1 trillion budget. Another $26 billion was picked up in additional tax revenue, and after that the grand compromise wore down to nickel and dime scrimmages over a narrow field of action.

With the negotiators claiming that the economic future of our country was hanging in the balance, the public might have expected decisive action. If so, it was disappointed. The final compromise revealed, after many delays on November 22, 1 month and 3 days after Black Monday showed that as the echo of the crash faded—

We are not talking here about even 1 year or 2 years or a decade. We are talking about 1 month.

As the echo of the crash faded, Washington failed once again to move beyond gesture. With little comment and more than a few apologies, we would be doing exactly what we are doing today if the Dow was at 3,000 and everybody was celebrating on Wall Street, lamented Congressman Foley—

Now Speaker FOLEY—

Congress passed the compromise only days before Christmas.

The Reagan administration receiving a rain check 2,000-page budget resolution a few hours before all Federal operations were due to shut down for lack of funds, signed it, and hardly enough time to leaf through all the pages. Even at face value, the overall projected savings for fiscal year 1988 were unimpressive. The $30.5 billion it represented only 17 percent of the projected deficit and 3 percent of total projected spending. But even this figure was puffed up by every manner of accounting foolery. Five billion dollars, for example, was saved—

We use that term—

through asset sales, as if a family could save money by selling its furniture.

I think I recall several of my colleagues making that point at the time.

Another $2 billion was saved by refinancing loans by the Rural Electrification Agency, a peculiar accounting transaction in which the U.S. Treasury was credited when selling loans but not debited when buying them back at lower interest rates.

That way we sold the loans and we got a credit for selling them, bought them back, and that was taken off budget.

And $3 billion more than in fanciful interest savings, improved IRS collection and outlay in revenue typing changes.

I talked about that a little earlier about how we use smoke and mirrors so many times by moving around IRS collections and adding additional agents, and the rest of it.

Altogether the real deficit cuts amounted to less than $23 billion, and even these savings represented not a single strategic decision on either national defense or entitlement benefits. In fact, more than half of the benefit changes include sunset provisions, in other words, that will expire after the year fiscal year 1989.

Some of them did expire, as we know.

The final embarrassment was not to come until February 1988 when the Congress' budget office laconically reported that new budget projections based on slower economic scenarios showed a baseline 1990 deficit that was $20 billion higher than it was last November.

At one stroke nearly all the real savings of the "grand compromise" had suddenly evaporated. Now, as before, we look forward with endless years of Federal mortgages on our Nation's future, deficits in the $130 billion to $170 billion range by the early 1990's.

This demonstrates that even those who were trying to be as realistic as Mr. Howe and Mr. Peterson were overly optimistic themselves. Oh, but could we get to deficits of $170 and $180 billion? In fact, that is what the President is trying to do. We are at $308 billion and go to $600 without action. He is trying to get us back to $180 billion. That just shows—this book is only about 4 years old. Let us see. It was published in 1988.

So again that is by people who were really far more realistic about the deficit at that time than many others in the country. Look at what has happened.

Mr. BREAUX. Mr. President, will the Senator from Oklahoma yield?

Mr. BOREN. I am happy to yield.

Mr. BREAUX. I do not mean to interrupt the Senator at this point in his remarks, but I am confused. I am wondering whether the Senator may respond to a question that I will pose with regarding the content of the President's proposed stimulus package, the President's document Revision of Change for America, which I think is a very fine document that has a number of wonderful recommendations. I am trying to get this economy going. It says in that document on page 27, dealing with the economic stimulus, that there were two criteria that guided the design of the stimulus package. The first was speed. He said, "Any tax reduction or spending programs included in the package had to be fast-tracked and job-created."

I take that to mean they wanted to include in this package, provisions that could be adopted quickly, where money could be spent quickly, and that jobs would be created quickly as a result of those expenditures.

My question is: I noted that part of the stimulus package contains $28 million in spending for the District of Columbia. Can the Senator from Oklahoma enlighten me as to how many jobs does the Presidential document say will be created by this additional $28 million that has been requested to be appropriated to the District of Columbia which, I might add, is in addition to the already $688 million that was already appropriated to the District of Columbia in 1993?

Mr. BOREN. I thank my colleague for his question.

I would say that, according to the President's document, and there is a column which indicates how many jobs are created each one, there are no jobs created by that $28 million increase in the Federal payment to the District of Columbia.

Mr. BREAUX. If the Senator will yield further, is the Senator telling me they are asking that we spend $28 million and there are zero jobs to be created as a result of that?

Mr. BOREN. The Senator is correct. That is exactly right.

Again, I am not trying to insert my figures or my assesment. That is the assessment of the Presidential document.

And, again, it goes to the question as to whether or not we can debate whether or not $28 million should go to the District of Columbia. We know that this is the Capital of the whole country. We know the District of Columbia has been struggling through difficult economic times. I am not unsympathetic to the plight of the District, nor to their budget problems. I think all of us, in addition to following the problems of our own States, because we work here, we understand the problems they are facing.

But, again, we are delaying, under our amendment, as I already pointed out, we are leaving unaffected 82 percent of the jobs. We are creating 181,000 jobs immediately under our amendment. When we delay the funds for the District, along with delaying the $8.4 billion that we say should be delayed until deficit reduction is passed, according to the President's own document, we are not reducing by a single job the number of jobs that would be created.

So, as far as the stimulus is concerned, we are certainly not in any way doing that.

Mr. BREAUX. If the Senator would yield further for a question, I note that in the document, again entitled "A Vision of Change for America," on page 35, under this $28 million appropriation for the District of Columbia, the statement is made that the administration proposes $28 million to reduce the District's budget deficit.

Now, I am wondering if the Senator from Oklahoma can explain to this Senator why that has anything to do with Federal job stimulation and growth or reduction in the deficit of the Federal Government? Does the Senator see any connection between that proposal and what the goal of a stimulus package is on the entire country?

Mr. BOREN. Mr. President, I have to say to my colleague that I cannot. The short answer—and I suppose that is kind of a rarity on the Senate floor—the short answer to his question is, I do not know and I cannot figure that out. I think that is a question that deserves an answer. I do not understand it. I do not know why it was put into the supplemental, as opposed to being considered in the normal appropriations process when we try to determine how much we can afford based upon our deficit projections.

Mr. BREAUX. If the Senator would yield further, I have another question that I would like to see if the Senator might be able to respond to, which I think is particularly important.

Some of our colleagues have said that we should not delay programs that help children and help students. And I agree that that is, indeed, a very high priority that should not be delayed.

One of the programs that is contained in the Breaux-Boren amendment is a suggestion that the category entitled Pell grants, both prior and current Pell grants, which are projected to create zero jobs, that somehow we are suggesting that that should be delayed until after the budget reconciliation.

Now, the question that a number of Senators have asked me is: Why is it fair to delay the Pell Grant Program—which I enthusiastically support, which has allowed a number of young men and women in this country to attend the college of their choice with grants, that indeed is a very worthwhile program—why are you suggesting in the Breaux-Boren amendment that we should somehow delay the Pell grant appropriations on an emergency basis?

Is this the intent of the Senator, to make it more difficult for young men and women to attend college?

Mr. BOREN. I would say to my colleague, Mr. President, that that certainly is not the intent of this Senator. I know it is not the intent of the Senator from Louisiana.

This bill appropriates $1,863,730,000 to pay back funds borrowed to covered Pell grants that have been issued in the past.

We have already appropriated over $7 billion this year for this program. And the Department of Education has the authority to keep borrowing to issue grants. So, in other words, they have the authority to borrow. That is exactly what has happened. They have been borrowing. There is a backlog, and the supplemental appropriation is to be used to pay off accumulated funding shortfalls.

But, in the meantime, we can continue as we have in the past. There will not be students cutoff. There will be borrowing against the future appropriations. And then, as we pass the budget reconciliation agreement, the deficit-reduction plan, and have a chance to obtain our goal of getting the total budget deficit down, we can then, under our amendment, trigger the spending of this other $8.4 billion. At that point in time, it is a bookkeeping transaction only. Those funds will be credited against the accumulated backlog.

So there will not be a disruption of a single student being able to obtain Pell grants and be able to go on to college. There is not an urgency in this matter.

Certainly, if we were about to deprive young people of the funding to go to college because we were disrupting the Pell Grant Program, this Senator would be the last person in the world to cosponsor such an amendment or make such a proposal and would be the first Senator to come out here and oppose it.

What we are talking about here is trying to do something for the next generation, and that is why we are so concerned about removing the enormous weight, the debt and accumulated deficit that we have placed on us, burdening down the next generation because of our own failure to get our own fiscal house in order.

So the Senator should be assured that the proposal which is here made is certainly not going to in any way imperil students who are receiving Pell grants or disrupt their ability to go on to college as planned and on schedule to complete the spring and go back next fall.

Mr. BREAUX. I thank the Senator for his response.

If the Senator would yield further for another question, I would like the Senator to explain to me how he proposes to treat the program that I understand would create the largest number of jobs, and that is the Youth Summer Jobs Program.

It is my understanding—and the Senator can correct he me if I am in error—that the youth summer jobs proposal is projected to create 111,600 jobs in 1993, and 91,900 jobs in 1994. These are administration's figures.

I am very impressed by that. That seems to be one program that will create the largest number of jobs in the shortest amount of time.

As I understand it, that program is designed to give jobs to young men and women who are not in school during the summer, to get them off the street, to get them working in a program so they will be gainfully employed and become tax-paying citizens.

Now my question to the Senator from Oklahoma is this: Does the proposal in the Breaux-Boren amendment, does it delay the funding for the Youth Summer Jobs Program? Is that program in any danger of being delayed to cause thousands and thousands of young men and women who need a job this summer from getting one?

Mr. BOREN. Mr. President, I say to my colleague, in no way does this amendment imperil those summer jobs.

We allow those jobs to be triggered immediately. As soon as this bill is passed and the President signs it into law, those jobs are put in place. And students, when they get out of high school in the summer and they are ready to go to work, or when they get out of college, they will be able to work this summer under those programs.

And that is part of the $7.9 billion that would be triggered immediately, and it is part of this 181,000 jobs.

In fact, as the Senator from Louisiana has indicated, for that money, 111,600 jobs are created during the summer months. The funds will be used to provide economically disadvantaged youth with work experience and training.

In addition, about one-third of the resources will be made available only for academic enrichment such as basic skills training, testing, counseling, closer coordination with schools. Together with already-appropriated funds, a total of almost $1.7 billion will be available for grants to States and local areas during the summer of 1993.

The additional $989.5 million will finance an estimated 675,000 summer jobs for a total of almost 1.4 million who could participate. This would generate the equivalent of 111,000 full-time jobs as I have indicated.

So in a way it is even better than the 111,000 jobs would indicate, because that is a full-time equivalency. We are talking about taking young people and having them work part of the time, having them learn part of the time, having them counseled and mentored part of the time. We will be able to involve 1.4 million youths when we couple this program with other programs, and how badly that is needed.

As my colleagues know, for some time I have been trying to bring back the CCC, [Civilian Conservation Corps], that we had during the Depression. One of the things I think we can do is take some of our military bases that are due to be closed, some of the people who are getting out of the military early who have excellent skills in terms of training young people, and bring people out of some of the inner cities where there are so many problems and give young people a chance to work in a wholesome environment as we did back with the CCC. They could work in camps, using our military bases, work on projects in parks, using teamwork, working together and seeing that things are really done to help the community, learning the kind of discipline that is necessary to succeed later in life.

So I am a strong supporter of these kinds of programs. I not only enthusiastically endorse what the President is here asking us to do, but I would like to see us expand it, and expand it into a year-round program for those who have either dropped out of high school or who have completed high school but yet have not found themselves in productive employment. I think it is so important that we find a way of encouraging these young people, getting them in the right kind of role and getting them into productive work.

So it is not only a matter of creating economic activity and 111,000 full-time equivalency jobs, which truly is a stimulus. It is also a matter of the tremendous impact I think this program will have on the lives of the young people who will be touched by it. I not only agree with the President, I strongly commend him for including this proposal. The amendment which the Senator from Louisiana and I hope will be adopted at some later time will allow that to go forward immediately upon passage and signature by the President.

Mr. BREAUX. Will the Senator yield for one additional question on a program that I had some concern about? That is, a number of our colleagues have come up to me and said, "Senator, I would like to support the Breaux-Boren amendment but I have concern about the Head Start Program and I do not want to do anything that would detract or delay the President's request, which is on page 30 of his "Vision of Change For America."

I note on page 30 that the President in this document submitted to the Congress says, "The administration is proposing a new Head Start Summer Program which eventually would enroll up to 350,000 disadvantaged children."

The question that my colleagues have asked me, in expressing their concern about the Breaux-Boren amendment, is that they have said they do not want to delay this new Head Start Program because they feel that this is right on target, that giving the young and disadvantaged a head start in a summer program is something that is extremely important. "Senator, I would like to be for your amendment, but if you delay the Head Start Program past the summer, you are going to kill the program."

My question to the Senator from Oklahoma is, can he explain to this body what his amendment, the Breaux-Boren amendment, will do to the Head Start Summer Program? Can the Senator elaborate on that?

Mr. BOREN. Mr. President, my colleague is certainly within his rights, when asked by others as to whether or not this would have any negative impact on the President's Head Start proposal, to tell them that it would not.

Again, the Head Start funds are among those that would be included in the $7.9 billion that would trigger immediately. And that is because we do feel there is no time to waste in terms of trying to help these young people. The initiative would employ up to 50,000 staff as well. That works out to the equivalency of 12,500 full-time-equivalent jobs.

Again, those 12,000 jobs, affecting 50,000 people are included—the 12,000 is included in this number of 181,000 jobs that will be created. So I think we can reassure our colleagues again on that point.

I go back to the point we have tried to make so many times. This proposal that we are making is offered not as a criticism of the President's program, but it is offered in full support of the President's program. It is offered to make it easier, not harder, for the President to achieve the enactment of his entire program, including the deficit reduction program. And we have not in any way wanted to blunt either the economic stimulus provided by the creation of jobs, or to blunt the actions that were necessary to help the people that the President is trying to help. I, for one, believe it is sound, it is solid, it is certainly not impractical to help young people and to provide work experiences for them to teach them how to work through exposure to role models and early childhood development programs. Whether we are talking about the physical protection of our children through immunization or we are talking about programs like Head Start that get young people in a frame of mind to be ready to go to school and to learn, these are the kinds of investments that ought to be made.

I think that we are talking about defining where people are in the political spectrum. In some ways we are in a very different kind of political period in our country. Words "conservative," and "moderate," and "liberal" are tossed around and people are labeled and categorized. This is one of those areas that I think illustrates what is meant by the President being a new kind of Democrat, as some commentators have said. We are fortunate to have a President who wants to gets the deficits down, who is willing to ask the American people to sacrifice to do it, but at the same time one who does not go to the extreme of saying there is no such thing as any good government program.

Of course there is such a thing as a good government program. Head Start is a good program provided for by our Government, as are education programs. How many so-called self-made people in this country can really make that statement? How many of them have benefited from public education, for example, of high quality? How many of them have had their lives changed and transformed by excellent teachers in the classroom who have drawn out of them certain talents that they did not even know they had themselves. And those teachers would not have been in the classroom if we had not had public education and the taxpayers had not paid their salaries. We could go on and on. That is true of Head Start. That is true of programs teaching young people how to work.

What I applaud the President for is he is trying to move the kind of spending by Government away from unnecessary spending, away from burdensome regulation, away from welfare programs that simply mail people a check instead of putting people to work. He said he wants to put on a 2-year limitation, that welfare ought to be considered only a temporary transition payment as opposed to a way of life.

He is trying to reach out and do some things in a very creative way, where Government has a legitimate role and where some of those who have achieved the most in life would never have been able to achieve the most in life would never have been able to achieve it if they had not been given those opportunities that were there because people cared enough to pay taxes to educate their children, for example, and to have their children immunized to avoid life-crippling diseases so they could have full lives.

So thank God we are in a period of time where we are not just into the politics of negativism. It is easy to talk about government in a totally negative way. But we are into redefining what a reasonable place on the political spectrum is all about. Again, I give the President very high marks in that regard because I think not only has he focused the American people on the dangers of the budget deficit very, very well, he has also, I think, taught us some very valuable lessons about the appropriate role of Government.

Yes, let us be honest about it, Government got out of hand. If you look back over the last 30 years or so, it is one of the things that have hurt the political party to which the Senator from Louisiana and I both belong. Government got out of hand. We came up with the idea all we have to do is throw money at everything and pass another regulation. It got out of hand. Now the pendulum swings too far back in the other direction. It was as if Government was so evil it could not do anything right at all. It even went so far as to say Government should not educate our children.

We are getting back to a common sense balance now, what Government can do, what it ought not do, and what Government should do, and doing it within the boundaries of a common sense approach to getting our deficits down and living within our means. I give the President a lot of credit for that and that is why I think those who are his friends, his real friends, will encourage him to stay on that path and not be encouraged to leave the path and fall back into the ways of spend now, cut the deficit later. Because I am afraid some of the people who are encouraging him to do that will not be around when it comes time, when he asks them to help him cut the deficit.

So that is what we are trying to do.

Mr. BREAUX. Will the Senator yield for a question?

Mr. BOREN. I will be happy to yield.

(Mrs. BOXER assumed the chair.)

Mr. BREAUX. Madam President, the Senator made a lot of good points about the effectiveness of the stimulus package. My concern is, No. 1, I think the President is on the right track. I think in offering a package which contains some economic stimulus to create jobs, that is an appropriate thing to do, but there ought to be a test. We should not just pass new revenues in a supplemental appropriations unless they are time sensitive and unless they really do create jobs.

I think the key to the success, I ask the Senator if he agrees with me, the key to the success or failure of this program is in its ability to create jobs and create those jobs quickly. I wonder if the Senator will discuss for a moment, under the Breaux-Boren amendment how many jobs are expected to be created up front and how many jobs are going to be delayed a short amount of time, a delay of maybe a couple of months, by the Breaux-Boren approach.

I want to make sure that the amendment we have joined in together does not somehow defeat the purpose of the stimulus package by limiting too severely the number of jobs that are expected to be created. Can we expect this Breaux-Boren amendment to, in fact, create the number of jobs up front, to create the growth that we need in this country to being about the economic stimulus that I support and I know the Senator from Oklahoma supports and that certainly President Clinton also has suggested that we act on?

Mr. BOREN. I thank my colleague. I think he has focused our attention on something that is extremely important. The Senator from Louisiana and I feel just as strongly as anyone else that we have to be about creating jobs. I heard the President say that even as the recession has slowed down, job creation in the country has lagged. We are not here to disagree with the President about that. We agree. We want those jobs to be created, and that is why we have worked so carefully talking with the administration, talking with the executive department agencies and using the figures of the President himself and the jobs created by each one of these programs. That is why we have done that.

We want to make sure that those programs that need to move immediately to create jobs do move immediately, and that is exactly what we have done. Under the Breaux-Boren amendment, the equivalency, the full-time equivalency of jobs that will be triggered immediately is 181,652; 82 percent of all the jobs in the President's own figures will be triggered immediately.

Some of the other jobs that we delay under the trigger would not have been created immediately as we already explained; community development block grants. Audits of past programs indicate to us there is a start-up time involved with those. I think you can almost say that 100 percent of the jobs being created when we look realistically at the timetable, we are going to create them as fast as they can be created. I want to go down and talk about the jobs that will be created under the terms of the Breaux-Boren amendment.

Mr. BYRD. Will the Senator yield for a question?

Mr. BOREN. I will be happy to yield for a question.

Mr. BYRD. Two Senators are making a fine argument for their amendment. I think the amendment should be debated, and I would like to say some things about the amendment, too. I recognize the Senator's right to the floor. He has the right to speak as long as he wants to speak, but we are only hearing one side of the argument, one side of the argument on this amendment.

Of course, the Senator may wish to proceed in that fashion at great length, and he can do that. It would be my suggestion, and I can make a motion with respect to it, to call up the amendment, call up his amendment to the committee substitute and let us just debate it, let us have at it and let the Senate, in due time, work its will on that amendment.

The Senate may not want that amendment. If it does not, that is the end of it. We may find the Senate overwhelmingly wants it. Who knows? But we will never know like this.

I am concerned that we only have one side of the argument being heard here and not the other. Let us have the package out here offered as an amendment to the committee substitute, and let us debate it. And then let the Senate vote on it. And the Senate will vote on it in due time. We will vote it up or down. If the votes are down, that is the end of it.

Who knows, this amendment may carry by 60 votes—or it may not get 40. If it should be adopted by a sizeable margin, Senators would be in a position to come and say, now, look, here is what the Senate has said. The Senate has said by a great majority we want this amendment and what are you going to do about it? They have something then; they have something to show.

But at the moment, at the present time, they do not have anything to show. They want to keep the talk going apparently, wanting the opportunity to get into my pending amendment somehow. They cannot do that. Just the mere fact that somebody has an amendment here does not mean that amendment is all that strong, has all that support. It may not get a shirttail full of votes.

Call up the amendment. Let us have at it. I have a few things I want to say about this amendment, and I will say them with great respect for the Senators, the authors of this amendment. They think they are doing the right thing. They want to be helpful to the President and they think this is the best way to be helpful. Some of us disagree. I disagree. The President disagrees.

I want a chance to debate the amendment. I want a chance to talk on it. I want a chance, but I have to see the amendment. It needs to be before the Senate. Let us have the amendment before the Senate, and I can say what I have to say or want to say about it. I can point out what I think are weaknesses. Others can point out strengths and weaknesses, and the Senate works its will. Then the Senators will be in a much better position, if the Senate works its will, and the Senators win by a sizeable majority. I don't believe they will carry their amendment. This is a major amendment, that is why the President came out against it. It is a major amendment.

I am a reasonable man, I think.

I will listen to their case.

I try to put myself in the position of the other man. If I had an amendment to call up to this bill and the leader or someone had shut me out by filling this tree, what right do I have to complain that he is keeping me out? If I cannot get 6 votes, or 10 votes, or 15 votes, or 20, if I cannot get a majority of votes for my amendment, I have no right to complain.

Here is an opportunity. Any Senator in this Chamber can, right now, offer any amendment he wants to offer to the committee substitute. Is it meaningful? Who knows. Let us see how many votes he gets.

I say again to the distinguished Republican leader, if he has an amendment with which he wants to reduce the amounts in this bill, call it up. If the Senate overwhelmingly adopts it, then we will talk.

But Senators are in no position to complain now. If I were in the situation of a make-believe Senator who has an amendment, wants to call it up—let us say I am the Senator with an amendment I want to call up. Let us say the Senate Republican leader has filled the tree. The Senate Republican leader says to me, let us see how much your amendment is worth. Let us see how many votes it will get. Call it up. I would call it up. If I were in your place, I would call up my amendment. Let the Senate show where it stands.

If the Senator's amendment carries the Senate, if it is 51–49 that may not be very persuasive. But if it is 55, or 60, or 65, that gets to be something. Senator BYRD says you have something to talk about. You have shown that the Senate is for your amendment. Now you have a case. Come into court and let us hear your case now. Right now, all we hear is your complaining. You will not call up your amendment.

So I say to the distinguished Senator from Oklahoma, and the distinguished Senator from Louisiana, I say most respectfully, call up your amendment.

Let us not have the people think that the Democrats are filibustering their own President's package. I do not think that is what Senator BOREN and Senator BREAUX are trying to do here. I think they want to make a case, and I am saying call it up. Let us have a freewheeling debate here. And that amendment is subject to a good debate.

Let us have a debate. We can debate it tonight. We can debate it tomorrow. Let us see what the Senate says about it. In other words, show me, show me how many votes your amendment has. Please do not feel that this Senator is a Senator who will bend by threats or complaints, "You are not giving us a chance; we cannot call up a meaningful amendment." Those words fall on deaf ears. I have been around here long enough to know something about this place and to know that if I have an amendment and have the votes for it, I ought to demonstrate it.

I make this by way of a plea to the Senator. I do not know how many votes will be cast for it, how many will be cast against the amendment which the two Senators intend to offer. But I want Senators to show me they have an amendment here that really has the support of the Senate. Then it is time to talk about whether or not it is meaningful. Do not tell me an amendment is meaningful when a Senator has not shown me what support there is for it.

But call up this amendment. I want to say a few things about it after the Senator has finished his statement. And I will stay as long as he wishes to speak on his amendment. He is courteous to me, and I am going to listen to him. But I would like to disagree with the Senator on a few things concerning the amendment. I would like to point out some things in which I may be right or in which I may be wrong. Let us debate the amendment.

This is kind of a one-sided debate right now. I see a lot of books on the Senator's desk. It appears to me that he is prepared to speak quite at great length. I admire him for that kind of stamina and standing up for what he believes. And that is what he is going to do.

But if the Senator would call up his amendment, it would relieve him of having to stand on his feet all these hours. Perhaps someone on this side will bring in some books and read them, over on the other side of the aisle.

I say in all seriousness, if the Senator would call up his amendment and let us have a vote on it, we can settle this matter. We will debate it a while. It will not be a filibuster as far as I am concerned. But we will debate it and then we will vote at some point, and we will see where justice stands. I am trying to protect the President's package, and as long as nobody can show me thay have something better, something that has the votes of the Senate behind it, then I am going to stand right here with the President's package.

I thank the Senator for his courtesy and for yielding. I hope he will, as he proceeds, consider this proposal that I am making. And if he offers the amendment, if his amendment carries, then we will see how the President feels. This is the President's package. But if the Senate works its will and this amendment shows great strength, then, I do not know, at least a case has been made for it. But at this point no case has been made for it.

I thank the Senator.

Mr. BOREN. Madam President, I thank my colleague. As the distinguished Senator from West Virginia well knows, any request that he makes of me, any suggestion that he ever makes to me is a suggestion that I seriously consider because I have enormous respect for him.

Earlier, the Senator from West Virginia indicated to our colleagues that he felt it was always fair to use the rules to express his own point of view and to do what he thought was right and conduct the peoples' business, especially where matters of principle are concerned and matters of national interest are concerned.

I would have to say, with all due respect to the Senator from West Virginia, I am attempting to do that because I do believe this is a matter of the national interest. We may have an honest difference of opinion about this matter, but I think it is also a matter of the President's long-term interest, in terms of the ability of this President to lead our country effectively and to continue to have the support that he, I think, deserves for the courageous start he has made as our new President. I truly believe the point of view of the Senator from Louisiana and I and others of our colleagues who have joined with us, or will join with us to offer this amendment and others who have indicated to us that they will support it have that interest at heart as well.

As I said earlier—I believe the Senator from West Virginia perhaps was not in the Chamber at the time I said it—sometimes I believe the best thing you can do as a friend is to try to keep another friend on the right course, sometimes tell the other friend what they most need to hear. The Senator from West Virginia has always done that with me, and I have always appreciated it. And I will have to say that 99 percent of the time the Senator from West Virginia ends up being right.

I have to say in all sincerity that I am trying to be a friend of the President of the United States in offering this amendment. I believe I tried to hold the President of the United States to the right path, and to make sure we do not veer off, that the pressures within the Congress do not cause us to veer off.

Time is also extremely important in terms of the consideration of any proposal. I owe lots to my colleague from West Virginia, and others, for whom I have great respect. I tried to learn lessons from them. One of the lessons I learned in watching is that the timing of the consideration of a matter, the timing of taking a vote, is very important.

I will just say with all candor, I want to make this clear to my colleague. This Senator did not begin to prolong discussion of this proposal because of the procedural situation set forth by the offering of the substitute amendments filling in the tree as it has been called by the distinguished President pro tempore. I understand the rules. I know the distinguished Senator from West Virginia has every right to do that. I do not quarrel with that.

I also have every reason to believe that if we can find some resolution to current issues at hand, not only the content of this amendment but any other matters that might come up so we can reach some sort of agreement to move the stimulus package forward, the supplemental appropriations bill forward, I do not ever feel the need to have anything in writing or to have any procedural matter worked out with the Senator from West Virginia because he is a person of goodwill. If we can find a way to reach some agreement, we will find some way to work that out.

So this Senator certainly did not come to the floor to quarrel with the actions taken by the Senator from West Virginia, actions taken totally within his rights. This Senator did not join in some of the discussions earlier with the Senator from West Virginia about that. This Senator came to the floor out of a strong feeling that we should try to reach some sort of accommodation that will bring the very strong majority of the Senate behind this supplemental appropriations bill.

I in all sincerity do not believe we are there yet. I think the discussion of this proposal that we have intended to offer will bring us closer to the point, and while we are taking a little time to do it, I think it will be time well-spent to bring us to the point where we can successfully complete passage of this pending measure.

In all candor, one of the reasons why we have not offered the amendment yet at this point is we are still in the spirit of wanting to listen to the administration, to our colleagues in the administration, to anything the President might say about it, to the distinguished chairman of the Appropriations Committee and others, if there are suggestions that can allow for us to craft the amendment in a way that it will find favor with colleagues who might have questions about it, we want to be in the position to make those modifications.

So I say in all candor to my colleague that I think we are still in that frame of mind and certainly this Senator is not here for the purpose of wanting to do anything but help the President, help the President's package. I know the Senator from West Virginia feels very, very strongly that he is doing the same, and it is a very rare situation in which this Senator finds himself to be of a different opinion from the Senator from West Virginia at this moment.

I can remember so many times in the past and that is one of the things which I hope strengthened my reasoning and might cause the distinguished chairman of the Appropriations Committee to leave more direction for this amendment to go overtime. Hope springs eternal. Maybe that will not happen.

But having had the Senator from West Virginia with me most of the time, a few times being on the other side, I would rather have the Senator from West Virginia with me any day. I know the President is very fortunate to have him with him at this moment; that we feel we are with the President as well.

Mr. BYRD. Will the Senator yield?

Mr. BOREN. It is all sincerity that we are following the path that we are following now. I want to make it clear to my colleague that it has nothing to do with the procedural situation as we now face it, and with the facts that he has presented the committee substitutes as he has. This Senator has absolutely no criticism and no quarrel with that procedure.

Mr. BYRD. I thank the Senator. Will the Senator yield, Madam President?

Mr. BOREN. I am happy to yield.

Mr. BYRD. I have a little difficulty in understanding what my friend is talking about when he indicates that he apparently is waiting on somebody else to change their position.

Does the Senator doubt the statement of administration policy that is on the desk of Senators dated today in which President Clinton stated that the administration opposes any efforts to delay passage of this critical legislation, and opposes amendments which would delay the availability of specific funding in the committee-reported bill? Such delays could jeopardize the efforts to spur economic growth during the coming months and the stimulus package.

That is a pretty strong statement of the President. The letter which I read into the RECORD, I believe earlier, was a letter addressed to me. I did not think the letter equivocated. I thought it was pretty clear. I thought it was eminently clear in the letter as to where the President stands.

Is the Senator from Oklahoma saying that he does not believe that the President really meant what he said in that letter?

Mr. BOREN. Madam President, I say to my colleague, of course I would never say that the President does not mean what he has said. I have the letter. I do not have the other statement. But it says here that extending the availability of the funding for portions of the stimulus package could unduly delay or jeopardize the funding for these programs. That also would cancel the intended benefit of the measure, and so on.

I have heard the President say that he is worried about job creation. I heard him also say this verbally, which goes along with what was said here. We are also concerned with the job creation. That is one of the reasons after seeing this letter, we were still working on our amendment at the time this letter came out. We are still working on it. It is one of the reasons why. Because of this concern, we took the President's own figures on jobs. We took it right out of his own publication, his own study. And we took those programs.

I have here the two sheets that indicate from the White House itself how many jobs will be created per program. That is the reason we crafted an amendment. We went back and we talked with the people in the administration. I certainly do not want to imply that they embraced our proposal. I do not want to imply that at all.

That is why we crafted it in a way that we had 82 percent of the jobs, 181,000 jobs created immediately because again the authors of this amendment, this proposal, in no way differ from the President's in terms of the importance of the job creation. And it was our hope—I quote also here from comments made by the President in his news conference. He said the problem with phasing it in is it would delay the impact of the investment, and would put off the effective date of the jobs created. He was again putting emphasis on the jobs as we do. That is the reason we recrafted it. We sat down, and we looked not only at the dollars that would be triggered later, but we tried to do it with great sensitivity on the jobs to take care of the President's concerns.

So earlier, the White House, Mr. Stephanopoulos, in a press conference report, referred to the proposals. He said he viewed them constructive as opposed to an opposition sort of proposal. Again calling something constructive does not mean he endorses it. I do not want to in any way misconstrue. I would say this. I think at least the White House understands the spirit in which we are offering this and the fact that we are trying to be helpful, that we sincerely do believe that we are being helpful, and that we are.

You see, I say to my good friend from West Virginia, that as I said earlier, there will be a lot of votes. We cast a record number of votes on the budget resolution in the past few days.

Some of those votes, like the changing of the taxation on Social Security benefits, and some others, some were quite close, and some of them were difficult. We are going to cast so many, many more. We have only touched the tip of the iceberg in terms of what is going to happen this year in terms of the President's program. I truly believe that were something like this amendment—or if it needs to be modified further in some way to take into account the concerns of the President, we are willing to do that. It will be helpful in the longrun.

Mr. BYRD. If the Senator will yield, if I understand what the Senator is saying, he does not have his amendment ready yet.

Mr. BOREN. That is not the case, Madam President. The amendment is drawn, and it could be sent to the desk. I say to my good friend, as timing is important on these matters, frankly, that the Senator from Oklahoma wants to send that amendment to the desk when he feels strongly that it is in the national interest, and when he will have the greatest opportunity to pass it. The Senator does not feel that, as of 7:32 tonight, it is the most propitious time to send the amendment to the desk.

Mr. BYRD. Madam President, if the Senator will yield for a question, would it be fair and reasonable then for the Senator from West Virginia to ask what time the distinguished Senator from Oklahoma believes will be the time for his amendment to be offered?

Mr. BOREN. Madam President, I say, partly in jest, but perhaps with hope, that were the Senator from West Virginia, the chairman of the Appropriations Committee, to indicate to this Senator, having heard the arguments made, he would become convicted for this amendment and would join the Senators from Oklahoma and Louisiana in helping to pass this amendment, the Senator from Oklahoma would think that might be a very good time to offer the amendment.

Mr. BYRD. If the Senator will yield for a question, I preface this question by stating that I am sure there are Senators around here who would like to know when they might pause for dinner, or whether they can pause for dinner, or whether or not they will be going home for the evening.

Can the Senator from Oklahoma enlighten the Senator from West Virginia on these points?

Mr. BOREN. Madam President, I do not know that I can. The Senator from Oklahoma would, of course, welcome a break in the proceedings as well. But, again, we are talking about such important matters; and I must say, speaking for this Senator individually, it would probably be in the health interest of this Senator to miss supper, and maybe a few other meals along the way. So I really do not feel I should alter my schedule here because of that.

But in seriousness, I do know the plans of the majority leader, for example, as to how long he plans for us to stay in session tonight. The Senator is not trying to be an obstructionist. I think the discussion we have had so far in terms of laying out our concerns and our feelings and putting it into a context have been beneficial. And it is my hope that, whether it is tonight or in the evening hours tomorrow, we will find a way.

Mr. BYRD. If the Senator will yield, I have not gotten answers to my questions. Would the Senator allow me to say that this Senator has been here—I am in my 35th year in this Senate, and I have been through some pretty rough filibusters. And if it is a matter of staying here tonight, it does not phase me, not one bit. If Senators want to stay in tonight, this Senator will stay. I will sit right here. If the Senator wants to go tomorrow, fine. If he wants to filibuster the President's amendment Saturday, good. If he wants to call off some of the break, we do not have to go home. Let us stay here and do the work on the President's package.

I say, with the utmost respect for Senators, that this Senator does not mind staying whatever length of time is required. I have been here before where we had some real filibusters. We have not had any real filibusters for a while, and I hate to see the President's package the subject of a real filibuster. We have had some gentlemen's filibusters, but as long as the Senator from Oklahoma wishes to stand on his feet, I respect him for tenacity and for his determination and for his conscientious purpose.

But I must say, until the Senate shows where it stands on the Senator's amendment, I do not believe the President is going to back away from the stand that he had taken. I hope, again, that the Senators would offer their amendment. I have some criticism of the amendment. I would be willing to debate this amendment. I think I see some things about this amendment that other Senators perhaps need to know. And after the Senate has been fully enlightened on both sides, then the Senate can vote. The Senate can vote. But I believe the Senator from Oklahoma is prepared to stay; I believe that.

If he is, I am prepared. I do not have any books here with me, but I am prepared to sit and listen. But I would much prefer to have a vote on the amendment. Let us vote on it. Let us debate it and vote on it. I, frankly, do not believe the Senate will approve it, but I may be wrong. Let us call it up and have a debate on it.

If Senators see that we are really debating this amendment, they will come and listen. Maybe we will want to continue the debate tomorrow, and we can go home and get some rest. The Senator can get some rest.

But does the Senator need a letter from the President to Senator BOREN stating the President's position before the Senator from Oklahoma will believe that the President means what he says?

Mr. BOREN. Madam President, no, the Senator from Oklahoma, I say, does not require a letter from the President.

Again, let me say that I have no doubt about the tenacity of my good friend from West Virginia. As I say, I have had the privilege and the good fortune of standing with him in most situations. The Senator from West Virginia and I went through together, under his leadership, the making of at least one footnote in the history books, and I think that is the record number of cloture votes on a measure pending before the Senate, when the Senator took the lead in trying to bring campaign finance reform.

Mr. BYRD. That was not the record. The record was, I believe, on the natural gas deregulation bill; 37 or 38 votes.

Mr. BOREN. Cloture votes.

Mr. BYRD. Yes, in one day. On the civil rights bill of 1964, there were 34 votes in one day, on June 16, 1964.

Mr. BOREN. Madam President, this indicates why the Senator hesitates to not be on the same side as the distinguished President pro tempore. Let me just say that I have been on the same side. Let me say that it is an impressive number. I remember how many cloture votes we had and attempts to bring about campaign finance reform. I know of his determination.

Mr. BYRD. I beg the Senator's pardon. I misunderstood the Senator. He was talking about the number of cloture votes. There were eight cloture votes when I was majority leader in 1987 and 1988. We had eight cloture votes in the course of 2 years on that campaign finance bill. I misunderstood the Senator. I thought he was talking about the number of votes in a single day.

Mr. BOREN. I thank my colleague. I was talking about the cloture votes. Again, it indicates the tenacity of the distinguished Senator from West Virginia.

This Senator, as I again say, has no desire to see us get into a confrontation or prolonged delay. This Senator is not using any term to describe the discussion we are now involved with. I say again we have not sent the amendment to the desk because we still hope there will be some way of making it acceptable to a vast majority of people, and we are having discussions on and off the floor in that process. That is not an unusual circumstance for us to attempt to do that. We are having quite a discussion about the issue at the same time.

I would say to my colleague that I hope we will be able to work this out. I go back to the point that I made before. This is going to be a long process. I am not talking about this debate. I am talking about the process of tackling this tremendous problem the country faces, the problem of getting the budget deficit under control and bringing strength to the country by doing so.

This Senator simply believes that the chance for our President, who has made such a good start, to succeed in the long run is greatly enhanced by adopting a proposal which sends a strong message to the American people that we are indeed going to continue to monitor our spending as we go along based on our progress on deficit reduction. This Senator believes that will not only increase public support for the President's position but it will increase congressional support as well.

Those centrist Members of both political parties in the Senate and the Congress will be more likely to support the President's program now and in the future and to stay with that program as we move along than would be the case by trying to narrow the base of support for the President's program.

There are such things as winning the war and losing the battle. This Senator sincerely believes by trying to push through a proposal for $16 billion of additional spending without some insurance policy put in place to assure we are going to stick with the discipline on the deficit, that it will narrow the base of political support for the President's program, that it will cause people to ask the question as to whether or not the President is indeed really charting a new political course.

I hope that he is. As a member of my political party, I hope he is, and I believe that he is. He is showing himself to be a centrist Democrat with his emphasis on the reduction of the budget deficit. I think it is very important. I think that is why the people elected him because he was sending that message.

He is not the kind of President, even though some on the other side of the aisle have tried to paint him as a tax and spend, traditional member of the Democratic Party. He is a different kind of Democrat. He is a different kind of President. And this Senator sincerely believes that in putting in place an insurance policy that will demonstrate to the American people that we are going to keep the spending discipline that we are helping the President send that message and that we are helping the President stay on that course and that there are those I heard voices raised in the Congress already criticizing the President for cutting too much spending in the House of Representatives. As the proposal was made, there were elements of the House of Representatives, Members of the Congress, who got up and said, "They have gone too far," criticized by Budget Committees for going too far and cutting too much spending and starting to trying to push the president in the other direction. I do not think that is helpful at all.

I think we need to stay the course, and I think by adopting an amendment like this, it is not engraved upon stone, it does not have to be word for word. We already, as I indicated, tried to do everything we could to be sensitive to the President's desires. When he talked in his press conference about not delaying job creation, we want to create jobs.

I was just getting ready a minute ago to go through the list of the Boren-Breaux amendment section by section, indicating so our colleagues will know where the programs are and those to be triggered immediately. We create 181,000 jobs, that is, full-time equivalency. As you heard me say a moment ago, there were 600,000 part-time jobs. We calculate that into full-time equivalences. In the youth programs alone, there are some 50,000 jobs in the Head Start program that translated into 12,000 full-time equivalence. We talked about 181,000 jobs created under the Breaux-Boren amendment. We are really underestimating greatly the number of people who will receive some work, which is really over a million people who will receive some work in terms of this amendment.

Madam President, I simply believe that our task here is not only to win the scrimmage, but our task is to win the war. Our mission is to get the deficit down. Our mission is to build a broad base of support, which I hope will ultimately reach across the other side of the aisle as well for the program of the President so that it can succeed.

I believe that we are at this point in time discussing something of major importance. It will be viewed by the public in some ways as defining the direction that we intend to go, the administration and the Congress together, in the future. I would far rather see us send the message that we are going to in some ways tie how much spending we can afford in the future to how much deficit we can get reduced. I would far rather send that message that we are going to keep on that budgetary discipline than send the message that we are going to fly off and spend $16 billion before we have signed the budget reconciliation bill into law which gets the real deficit reduction locked in.

Mr. DOLE. Madam President, will the Senator yield?

Mr. BOREN. That is the message I would like to see us send. I think it is in the President's interest.

I am happy to yield for a question, yes.

Mr. DOLE. The question is: When are we going to go home? We were here until midnight last night, some to 1 o'clock and 1 o'clock the night before.

I am trying to figure out what the logic of this discussion is. I do not believe the Senator from West Virginia is pressing for a vote on anything this evening, maybe so. But if not, is there any reason we do not go home and come back in the morning and start this discussion? Some of us might want to support this amendment, but they are going to be too tired to say yes or no.

So I would hope, unless there is some purpose—I have been trying to think why we are still here at 7:45 in the evening. I have not thought of any real good reason, but if there is one then I have overlooked it. If the Senator would explain to me why we are still here, why we do not go out and come back tomorrow morning, then I have missed something.

Mr. BOREN. Madam President, I would say to my good friend and colleague from Kansas that this Senator is perfectly willing to do that. I have been on the floor. I have not wanted to lose the floor to go and have a discussion with the majority leader as to what his plans are for the evening.

So I would assume that if the manager of the bill and if the majority leader and the Republican leader want us to follow that course, this Senator is perfectly willing to do that.

Mr. BYRD. Madam President, will the Senator yield?

Mr. BOREN. I am happy to yield and do so without losing the floor.

Mr. BYRD. Madam President, if the distinguished Republican leader will yield, I agree with the leader. Let us lay the amendment down and go home, come back tomorrow, and debate it.

Mr. DOLE. Or just go home and lay it down in the morning.

Mr. BYRD. Or lay it down, debate it an hour, or debate it as long as other Senators wish, or I will go home and let other Senators debate it. But let us get the amendment laid down and go out.

Mr. DOLE. They can lay it down in the morning, too. I guess that would help.

Mr. BYRD. We should have a unanimous consent that it would be laid down, because I do want something. I want something to shoot at. I want the amendment out. I want to know what I am talking about. I want to know what this amendment does. I want other Senators to know what this amendment does.

The only way they will know what the amendment does is when it is pending and we can read it. Call it up. It is not pending before the Senate. We cannot debate this amendment now.

So if the Republican leader in his wisdom will prevail in the situation, if he and the majority leader could agree that we lay the amendment down tonight or lay it down at 10 o'clock in the morning, or whatever, and then debate it, fine.

Mr. DOLE. It would have to be offered or just filed?

Mr. BYRD. It ought to be offered. Filing does not do any good. It has no stature as long as it is just filed. Let us see what it is.

Mr. DOLE. The Senator from Oklahoma still has the floor, but I think there are some on this side of the aisle who would like to, if there is any way of working out some arrangement with the Senators from Louisiana and Oklahoma. I am not certain we have had an opportunity to do that. There might be some things we can add to their amendment.

But we do not really believe it does that. It just postpones spending for a few months. It does not cut spending. It just delays it for a few months, as I see it, unless it has been modified.

There are some on this side who do not think we need the stimulus package at all. But there may be some area of agreement. If that is to be offered tonight, I am not certain what opportunity that we would have to do that, either.

Mr. BYRD. Well, Senators do not have any opportunity to offer an amendment to an amendment that is just lying up at the desk that has been printed. It has to be before the Senate.

This Senator is simply saying that if the Senators will offer their amendment so we know what we are talking about—I have seen several versions; I have seen portions of it stricken, lines stricken from it—if we could have it pending before the Senate—that is the way we usually operate around here.

We call up our amendment and we all know what is in the amendment. Then we can debate awhile or go home and come back in the morning and debate it, but it is an amendment that is pending before the Senate. And those of us who are opposed to the amendment can state our case against it and we will let the Senate work its will.

I thank the distinguished Senator for his courtesy.

Mr. BOREN. I thank my colleagues.

The Senator from Louisiana and I have just been conferring. We would be happy to file the amendment, not to offer the amendment, but to file the amendment, so that our colleagues can see exactly what is in it.

We have sent a "Dear Colleague" already to the Members of the Senate explaining what is in the amendment. The amendment reflects what we said in the "Dear Colleague."

I am sending the amendment down to be filed, not to be offered, so that it can be available.

As I indicated, I do not wish to offer the amendment at this time, because, as we have heard, there may be other suggestions made to it by our colleagues. There may be suggestions made by others. We want to remain open to any suggestions that might come from the administration, for example, in regard to this amendment.

And so, with all due respect—and I understand exactly why the Senator from West Virginia wishes for us to offer it at this time—but, with all due respect, Madam President, I do not think it is the appropriate time.

I have conferred with my colleague from Louisiana, who is the principal sponsor, the originator of this concept. He does not feel it would be the appropriate thing for us to actually offer the amendment in terms of presenting it for a vote at this time.

But we certainly will file the amendment—I think that is a good suggestion—so is that it can be, obviously, available to everyone.

As far as it this Senator is concerned, I will be guided by whatever the majority leader wishes to do and the managers of the bill in terms of whether to continue to discuss it further tonight.

Mr. BYRD. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. BYRD. Madam President, as to filing the amendment, I cannot debate a moving target. An amendment filed at the desk can be changed in a zillion ways. I cannot debate an amendment that is lying up there at the desk, and I am not prepared to debate an amendment that is lying at the desk.

If Senators really want to have some genuine consideration of their amendment, as far as this Senator is concerned, the amendment is going to have to be pending before the Senate.

I am not going to wheel and deal and say, "Well, I will do this or I will do that," with a moving target. I want to see the amendment—I have some things to say about that amendment, too—if we want to really get somewhere on this amendment.

Otherwise, we have the President's package pending. It is a legitimate amendment. It is pending before the Senate. We know what is in it and we can vote for or against it.

Senators can call up their amendments. But just having amendments filed—I do not know how many amendments are already filed up there at the desk, but they have no status. They have no parliamentary status while they are simply filed at the desk.

I am not going to argue about an amendment that is up there at the desk. That amendment can be changed. All they have to do is walk up and put a pencil to it and change it. I want it to be called up here, then let us debate it.

I thank the Senator. He is courteous. I am not going to vex him by continuing to ask him to yield, until such time as we have an opportunity to debate this amendment.

Mr. BREAUX. Will the Senator yield?

Mr. BOREN. I am happy to yield for a question.

Mr. BREAUX. Madam President, it is my understanding there are other members of this body who, in fact, are also in the process of perfecting amendments that they would like to offer.

I know that the distinguished Senator from Wisconsin [Mr. KOHL] has an amendment that he has indicated he is going to be offering, and apparently is still working on. I know that the distinguished Senator from the State of California [Mrs. FEINSTEIN] is in the process of working on an amendment that deals with children and allocation formulas. She apparently will offer it at the appropriate time.

So I want to ask the Senator from Oklahoma, is it not his understanding that there are other Senators that are in the process of working on amendments that are in the process to be offered to the pending business before the Senate?

Mr. BOREN. Madam President, I think there are, indeed, other amendments that are to be offered.

For example, an amendment by the senior Senator from Wisconsin and also an amendment by the Senator from California, and others that I know about.

This Senator certainly has no desire to tie up the proceedings and not permit those amendments from being offered. I would think that there would be a way that we would be able to do that, as soon as we learn from the majority leader how he wishes to proceed in terms of scheduling.

I am sure my colleague from Louisiana also has no desire to try to block the orderly flow of business. We are simply not prepared, at this time, to offer the amendment. I filed the amendment. We would welcome the suggestions of our colleagues for the improvement of it. I think very often we have seen the situation on the floor when the filing of an amendment, waiting to actually offer the amendment and trying to perfect it, saves time ultimately in terms of allowing orderly action on the amendment.

So I would say to my colleague that that is what we would hope to do.

Madam President, I ask unanimous consent that I might relinquish the floor and be allowed to resume speaking again, without it counting as an additional speech on the same legislative day.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. When would the Senator want to resume his otherwise second speech?

Mr. BOREN. Madam President, it would be hard for me to know exactly when.

What the Senator from Louisiana was just indicating to me a moment ago is that the Senator from Wisconsin [Mr. KOHL] and the Senator from California [Mrs. FEINSTEIN] have indicated a desire to offer some other amendments. Therefore, this Senator has no desire to roadblock the consideration of other amendments while we continue this discussion. And this Senator would simply, however, not want to be prevented, after other amendments are acted upon, if indeed we were to stay in session in a way that we were still in the same legislative day, from being able to resume a discussion of this matter at some future time.

Mr. BYRD. Madam President, under those circumstances, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I thank my colleague.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved today?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask I may use my leader time and my remarks not interfere with debate on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUSTICE

Mr. DOLE. Mr. President, nearly 20 years ago, when Watergate Special Prosecutor Archibald Cox and Attorney General Eliot Richardson were fired from their posts, the press railed about the so-called Saturday-night massacre.

Yesterday, we witnessed the "March massacre," as Attorney General Janet Reno—in an unprecedented House-cleaning—gave all 93 U.S. attorneys their walking papers.

Mr. President, justice is not a factory good that can be mass produced with the turn of a switch.

Rendering justice requires people, and the considered judgments of those with experience and some expertise.

With yesterday's announcement, one wonders whether there is anyone at Justice who fits this bill.

No Deputy Attorney General has been nominated.

There are no Assistant Attorneys General heading the Criminal, Civil, Tax, Antitrust, and Civil Rights Divisions.

We do not have a Solicitor General.

And now all 93 U.S. attorneys have been given their pink slips.

President Clinton certainly has the right to select his own U.S. attorneys, as do all Presidents. But that is not the point.

The point is that firing all 93 U.S. attorneys, at a time when the Justice Department is woefully lacking in leadership, is bad timing—pure and simple.

No matter how you look at it, the firing of each and every U.S. attorney will disrupt ongoing investigations and prosecutions.

It will lower morale. And with the top posts in Washington unfilled and a Supreme Court nomination on the horizon, its anybody's guess when new U.S. attorneys will be confirmed and on the job.

Obviously, politics had a big role to play here.

But the bottom line is this: The President's political—and yes, impatient—desire to select his own U.S. attorneys will force much of the Department's important work to come to a screeching halt.

Justice will suffer.

And, Mr. President, who's calling the shots on Constitution Avenue anyway? Is it Janet Reno, who says that dismissing the U.S. attorneys was a joint decision with the White House? Is it the White House counsel Bernard Nussbaum? Or is it a gentleman named Webster Hubbell, an old friend of the President, who roams the halls of Justice as the official White House liaison officer?

Mr. President, earlier this month, when I voted to confirm Ms. Reno, I commended her for her law enforcement background and for her poise, but I also said that I would be watching her performance closely.

I am watching, and so far, I am not impressed.

For those of us interested in a Justice Department where political considerations take a back seat—an interest the Attorney General herself claims to share—the March massacre is a big disappointment.

Mr. President, I ask unanimous consent that an editorial appearing in today's New York Times be printed in the RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1993]

JANET RENO STARTS BADLY

Janet Reno, who is pledged to restore confidence in the Department of Justice and place it above politics, has taken an odd first step in the wrong direction. One of her first moves as Attorney General was to demand the prompt resignations of all incumbent United States Attorneys.

Nobody questions her right to dismiss every Bush Administration holdover. But her emphasis on sweeping out the incumbents puts a premium on political control before she has established her own independence of White House politics, or even fielded her own top management.

This clumsy beginning suggests that Ms. Reno does not understand her main task: to restore the integrity and fairness of the Justice Department and assure the electorate that the new Administration will keep it free of political taint.

Ms. Reno's wholesale dismissals raise legitimate concerns. Is there danger that Jay Stephens, the U.S. Attorney for the District of Columbia, will be hustled out before he completes his investigation of irregularities by Democrats in the House of Representatives? Those include allegations against Dan Rostenkowski, chairman of the Ways and Means Committee and a Congressional capo for vital Clinton Administration programs.

Mr. Stephens, who naturally expects to leave office in due course, is far from indispensable. But he has just enough partisan energy to guard against a whitewash or casual dropping of investigative efforts. His completion of the investigation could help reassure the public that there will be no coverup.

Ms. Reno said she would not immediately oust any officeholder whose presence is required to complete an investigation. Mr. Stephens would seem to qualify for that amount of tenure.

As a management priority, Ms. Reno needs to assert control quickly over her sprawling, leaderless department. President Clinton, who was two months late installing her, has yet to nominate a deputy attorney general, a solicitor general or any of the assistant attorneys general to head divisions like criminal, civil, civil rights and antitrust. Even so, the President has a pipeline to Justice: his old friend Webster Hubbell, a liaison officer who has been neither nominated nor confirmed nor subject to Congressional scrutiny.

When Ms. Reno says that dismissing all the U.S. Attorneys was a "joint decision" with the White House, she hardly reassures voters that she will be free of White House political manipulation. She needs to make it clear that she, not Mr. Hubbell, is running the department.

Another pressing matter is leadership of the Federal Bureau of Investigation, whose Director, William Sessions, is embattled by ethics charges. For the effectiveness of the F.B.I., Ms. Reno should move expeditiously to replace him.

If the mass dismissals are meant to show Janet Reno as a decisive, take-charge Attorney General, they fail. All they display is the Administration's power to get rid of people it doesn't want while it has yet to staff Justice with people it does want. This is a late, false start when the electorate wants some evidence of what Janet Reno meant when she said proudly at her confirmation hearing, "I keep politics out of what I do, Senator."

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL ECONOMY

Mr. GRASSLEY. Mr. President, President Clinton spoke at American University on February 26, 1983, on the issue of the international economy. I was pleased to read his remarks in which he stated:

> We are woven inextricably into the fabric of a global economy. Imports and exports, which accounted for about one in 10 dollars when I was growing up, now represent 1 dollar in every 5. Nearly three-quarters of the things that we make in America are subject to competition at home or abroad from foreign producers and foreign providers of services. Whether we see it or not, our daily lives are touched everywhere by the flows of commerce that cross national borders as inexorably as the weather.

Mr. President, it is clear that the United States came out of World War II as the undisputed economic leader, with our productive infrastructure intact. Today, we come out of the cold war competing economically with our closest allies. George Fisher, Chairman of the Council on Competitiveness was quoted in a National Center for Manufacturing Sciences article as stating:

> U.S. performance in critical areas, such as investment in plant and equipment and civilian R&D is dismal compared to many of our best industrial competitors. Improving our performance in these areas will lead to a higher standard of living.

Industrial rivalries have shifted from military to economic concerns, Fisher and the Council point out. While other nations have recognized policies designed to expand their market share, the United States has done little to adopt a comprehensive cooperative agenda.

A Council poll indicated Americans want leaders "who are willing to confront issues and forge new partnerships among Government, industry, labor, and education". History has shown people are willing to make sacrifices if they have a vision of what we can achieve. So America must adopt a strategy which recognizes that economic growth is the key to future gains in our country's ability to compete in the global marketplace, as well as, to future increases in our citizens' standard of living and quality of life.

Sometimes immediate self-interest become self-defeating and long-term effects of a policy that could be beneficial are ignored. Such is the case to a certain extent among the detractors of a North American Free-Trade Agreement and the General Agreement on Trade and Tariffs. In agriculture in particular, farm exports to Mexico, even before NAFTA, have been growing by 20 percent lately, and Mexico has become the third largest foreign market for U.S. farmers. In contrast, GATT has had a huge impact on expanding trade in industrial goods since 1947, but not much on agricultural commerce. Clearly we must do all we can to make sure that agriculture in the current round remains a linchpin to any GATT agreement.

I have been very clear in saying that that is the way it was supposed to be under the last administration. I think I have had enough conversations with foreign trade officials of this administration and Commerce to think that this administration considers agriculture very important in the GATT agreement. When those start up again, I hope that this administration keeps that same posture.

Mr. President, the economic situation facing the United States is increasingly serious. As both private and public efforts to restore the economic vitality of our economy have failed, it has become apparent that we need some new approaches on restoring our economic health.

Mr. President, I believe it is vital as the Clinton administration enters into discussions on the NAFTA and the GATT that they look at the long term benefit to the U.S. economy and the living standard of the American people.

Mr. President, an International Trade Commission report executive summary has made the following statement:

> Since the mid-1980's, Mexico has been opening its economy to foreign competition by liberalizing its trade and investment policies, privatizing many state-owned or controlled economic sectors, and reducing subsidies. NAFTA will remove many remaining barriers to trade and investment and will help to ensure that Mexico's recent economic reforms remain in place, thus paving the way for greater economic integration among the three countries.''
>
> Under NAFTA, the United States and Canada will gain greater access to the Mexican market, which currently is the fastest growing major export market for United States goods and services. Second, NAFTA will create investment opportunities that will facilitate trade among the member countries in many sectors and that may reduce impediments to future trade growth. Third, NAFTA will lead to a more predictable business environment, reducing risks associated with investment and other business decisions. Fourth, NAFTA will improve the competitive position of certain U.S. sectors in North American and global markets. Finally, NAFTA is an important step towards free trade throughout the hemisphere. However, NAFTA is also likely to affect certain United States sectors adversely.

Nevertheless, opening markets in Mexico and Canada mean more American jobs. More than 600,000 Americans are now employed making products and selling to Mexico. It also means an estimated $2 billion annual boost for U.S. farm exports. Generally, $1 billion in farm exports translates to 27,000 food-related jobs. This new pact will add an estimated 54,000 new jobs to the 81,000 jobs already attributable to agricultural and food industry trade with Mexico. Tariff reductions plus the elimination of Mexico's import license, which currently cover 25 percent of U.S. agricultural exports, will increase our exports to Mexico, which have nearly tripled since 1986.

Since 1988, Iowa's exports to Mexico have grown 64 percent. Canada and Mexico are now Iowa's first and seventh largest export markets and in fact, Iowa's sales to Mexico and Canada accounted for 33 percent of the State's total exports. Iowa's manufactured exports accounted for 95 percent of the $851 million in exports to Canada and Mexico in 1991, and supported 26,000 jobs. Iowa's exports to Mexico in 1991 were led by food products, $36.6 million, and industrial machinery and computers, $23.1 million. Together these industries accounted for 55 percent of the State's 1991 export to Mexico. And lastly, Mr. President, it is important for us to recognize that export-related jobs generally pay 17 percent more per hour than the average U.S. wage. This wage advantage accrues to service workers as well as to workers in the manufacturing sector. It is estimated that for every $1 billion in exports, 20,000 U.S. jobs are created.

NAFTA is not without its problems, and in fact I am very concerned about the disparity in tariff treatment in the appliance manufacturing industry. The way the NAFTA is drafted today, it would reward companies that have moved manufacturing operations to Mexico while penalizing those that have invested in United States production facilities. Senator HARKIN and I have brought this fact to the attention of the U.S. Trade Representative in a recent letter and I have spoken to Ambassador Kantor about it in the Finance Committee. The jobs of tens of thousands of workers located primarily in small and medium sized communities throughout the Midwest and South may be adversely affected. Both Senator HARKIN and I sincerely hope that the administration will look into the possibility of resolving this problem in the side agreement discussions taking place between the United States and Mexico.

Having said all of this I would just like to conclude by saying that the NAFTA will help ensure a positive long term development. It will add stability and predictability to the United States-Mexico economic relationship. Many of the recent trade liberalization in Mexico have taken place by administrative decree, rather than a change in Mexican law, and therefore could be reversible without the North American Free-Trade Agreement. This Congress and the Clinton administration, I believe, have a rare opportunity to establish a historical agreement. I would caution both bodies however that the window of opportunity is small and may close unless we move upon it shortly. I would therefore encourage the depoliticization of this issue if we are to be taken serious in our quest to revitalize the U.S. economy and embark upon an era of technical and industrial competitiveness.

Thank you, Mr. President.

I thank you, Mr. President. I yield the floor.

I also suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BREAUX. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE TO RUSSIA

Mrs. KASSEBAUM. Mr. President, the current constitutional crisis in Russia has dramatically focused our attention on what type of new aid, if any, we should be providing to Russia to assist them in reform efforts.

In assessing what it is we should do to help Russia democratize and institute market reforms it is important that we look very carefully at what we have done. Even though our aid program to the new democratic Russia is less than 2 years old, having been initiated in late 1991 after the coup, myths have already evolved which can potentially skew any analysis of what it is we need to do in the upcoming months.

First and foremost is the notion heard both here and in Russia that it was excessively tight standards for economic reform, which have kept multilateral aid from flowing into the former Soviet Union. It is my fear that this charge may lessen our emphasis and the emphasis on other donors on the need for economic reform in Russia. This would be a great mistake.

In fact, last July, at the urging of the United States, the IMF released the first $1 billion in aid when the Russian Government announced its economic reform program. Unfortunately, shortly after that aid flow, the economic reform program collapsed due to the lack of consensus in the Russian Government for reform. There is another $3 billion in IMF funds which have been promised to be released when the country takes significant steps in adopting reform measures.

It has been the lack of consensus for reform, not the inability of the IMF to show flexibility toward Russia, that has stopped the flow of IMF moneys into that country. Under pressure from the United States and other donors, the IMF did precisely that, only to have the reform program collapse. This fact only underscores the importance of the current crisis in Russia and the need for President Yeltsin to rally public support for economic reforms and the costs that will be incurred in the short term. As the Polish finance minister pointed out during his recent visit here, the benefits of an IMF stabilization program goes far beyond the money it provides. It also lends a very needed seal of approval and credibility which encourages private investment—the true engine of economic development.

Without economic reform, any aid would be at best a Band-Aid on the vast Russian economy and at worst, a total waste of our money. The severe Russian hyperinflation, which has been caused by the policy of the Central Bank to continue to print money in order to keep the large state enterprises afloat have led to intense capital flight and an economy which hurts the most disadvantaged in society and encourages corruption.

The Central Bank's policies severely undermine any significant program of financial support. It makes any effort to provide social safety net program assistance to Russia totally infeasible. If the Central Bank continues to prop up the state enterprises, any effort to provide aid to assist with the transition would be pointless.

Our emphasis at this time must be to continue to send this message loud and clear to those leaders at the forefront of the effort to convince the Russian people of why it is in their interest to support reform measures. Instead of scapegoating the IMF or circumventing that institution, we should be working very closely with that institution, other donors, and the Russians to make sure the reform benchmarks are realistically achievable.

Another myth about Russian aid which threatens to distort the debate on further assistance is that, since the coup in 1991, the United States has not done very much, mainly because the country was distracted by an election. In fact, during a very difficult election year for any foreign program, the Bush administration and the Congress provided significant sums of aid for Russia and the newly independent states.

The programs included, approving the $12 billion IMF quota increase, which resulted in the IMF setting aside $4 billion for Russia. It also included $417 million in humanitarian and technical assistance, which brought the total available in that account to over $600 million. Another $400 million was added for the so-called Nunn-Lugar moneys for dismantling and destruction of nuclear weapons, bringing the total funds available in that account to $800 million. And, $2.7 billion in credits and guarantees, including agriculture and Exim credits were also provided. These funds do not include the millions also spent by DOD and other agencies on emergency and food assistance.

Mr. President, of the over $600 million for humanitarian and technical assistance, we have only obligated $238 million to date leaving that account with $400 million that have not been programmed. Nevertheless, President Clinton has already indicated that he is going to ask for an additional $700 million in his budget for this account. Of the $800 million available in Nunn-Lugar funds, we have only obligated $20 million.

In short, my fear is that we may, in fact, end up throwing money at a problem and stuffing up big pipelines of funding, instead of providing tangible help. We have seen this approach all too often in the past, most notably in El Salvador and the Philippines. The situation is Russia is too important to our interests and the future of Russia to follow this path.

I would also caution that we are taking a scattershot approach to the programs we have already funded. Part of this is our fault for recommending a wide variety of initiatives. This again tends to be the nemesis of many of our aid programs where we see no tangible results because our assistance is spread too thin, too wide, and does not set priorities.

I would urge the Clinton administration to carefully set priorities as they utilize the $400 million available from last year's money. I believe this is essential before they present their fiscal year 1994 request.

Such priorities could include enterprise funds for medium and small businesses; longer term, instead of short in and out technical assistance in areas such as banking reform which we sorely overlooked at the outset of our Eastern Europe programs; nuclear waste cleanup; and agriculture and energy restructuring—two areas which clearly need help and where we can clearly make a difference.

We also need greater coordination with other donors. Here, again, the international institutions, especially the IMF and World Bank are critical. We cannot afford to allow our bilateral programs to run at cross purposes with either each other or with the international financial institutions.

On the issue of credits, Mr. President, the Russian arrearages in our agriculture credits has emphasized the need to take action in resolving the larger issue of Russian, as well as former Soviet Union debt. I believe this must be a top priority.

In closing, I would like to underscore, that in the end, no amount of aid and no amount of international support can do for Russia what the Russian people need to do for themselves.

The challenge before us is to make sure that any aid programs we fund are truly effective in promoting economic reform and democracy. President Clinton's foreign policy team has made reform of our foreign policy bureaucracy an important priority. This aid program to Russia is a critical test case of whether we can break some bad habits and craft a program that not only sends a statement, but also makes a difference.

AMENDMENT NO. 264

Mr. BIDEN. Mr. President, I was necessarily absent for the vote on Senator BRADLEY's amendment this morning; however, I would have voted for that resolution had I been here.

I was pleased to note that the Senate voted overwhelmingly for the amendment offered by the distinguished Senator from New Jersey. His resolution expressed the sense of the Senate that the President be granted line-item veto authority over Federal spending and tax breaks.

Senator BRADLEY's amendment would restore balance to relations between Congress and the Executive on the crucial issue of our national budget. I have sponsored and supported such legislation for a decade.

The overwhelming support of the Senate for this amendment is a tribute to both the esteem its sponsor enjoys in the Chamber and to the soundness of his proposal.

I congratulate him on the success of his amendment today and look forward to working with him on legislation that will make Presidential line-item veto authority a reality.

PASSAGE OF THE BUDGET RESOLUTION

Mr. NUNN. Mr. President, I rise today to announce that I will vote for the President's economic package as outlined in this budget resolution. I give President Clinton high marks for his honesty in explaining the fiscal problems we face in the country. He has given us honest budget numbers. I must say that honesty in this area has been sorely lacking in Washington for some time. I also give the President high marks in realizing that there is only one combination which will get our country's cart out of the economic ditch—spending cuts, tax increases, and policies which promote the investment necessary to produce real, sustainable economic growth.

There are aspects of the package on which I have reservations. First, I am concerned about the size of the defense cuts. I am concerned that the defense cuts in this resolution are based on overly optimistic assumptions about inflation, military pay, and management savings. Second, I am concerned that there will be significant pressure later in the year to further reduce the defense number in the appropriations process below the levels contained in this resolution.

I will be watching the conference report carefully to ensure that the President's defense funding level is not further reduced. I will also be watching my amendments which were adopted in the Senate to ensure that they are retained in the conference report. The first amendment expressed the sense of the Senate that defense spending be held harmless should projected savings from inflation and Federal pay raises assumed in the President's budget and this budget resolution not be realized. My second amendment expressed the sense of the Senate that any additional spending cuts the Congress may make to the President's defense budget be applied to the deficit and not to other areas of Federal spending.

I urge the conferees to reject the additional defense outlay cuts contained in the House budget resolution. The Clinton administration has assured me defense did not cause the $3.5 billion problem with respect to the 1994 outlay cap, and that they do not believe that defense outlays should be reduced to correct this problem.

The President and the chairman of the Budget Committee have shown strong leadership in crafting this budget plan, but simple arithmetic tells us we still have a long way to go. Even with the tax increases and defense spending cuts in this resolution, we only reduce the deficit to $213 billion by 1998. CBO projects the deficit will start to rise after that. Unless we get major savings from health care reform, there is no hope of controlling the deficit.

During the next 5 years, we will be spending $1.4 trillion more on entitlements than we did in the last 5 years. Senators DOMENICI, ROBB, myself, and others offered an amendment which would have limited future growth of entitlement spending. I am disappointed that it was not adopted. It would have allowed a 2-year window, without any restrictions on entitlement spending, to enact comprehensive health care reform. Everyone, including the President, agrees that the key to reducing the deficit is health care reform. I do not believe the Nunn-Domenici-Robb proposal conflicts with the President's health care reform agenda. I think it reinforces it. If comprehensive health care reform is to begin to control cost growth, then I believe we ought to be prepared to set some fiscal standard that forces us to live up to that goal. I am hopeful the comprehensive health care reform plan the President is designing will begin to bring health care costs under control.

In my view, only the unemployment compensation benefits and other time sensitive portions of the stimulus package should be enacted prior to the spending cuts called for in the budget resolution are enacted. The stimulus our economy is already receiving from lower interest rates that far exceeds the impact of the President's stimulus package. Keeping the interest rates down is the most important stimulus we can give our economy and serious deficit reduction is the key. I would strongly prefer to adopt the spending cuts, which will help keep interest rates down, before we adopt the tax increases and spending increases.

I also have serious reservations about raising taxes at this time, as our economy is struggling to recover from a prolonged recession. I believe the correct sequence is to lock in the spending cuts before asking the American people to pay additional taxes. I would prefer to put the tax increases on the books now, but make them effective only upon enactment of the spending cuts and after our economy has gotten further along in recovery from the recession. This was the approach the Center for Strategic and International Studies [CSIS] Strengthening of America Commission chaired by Senator DOMENICI and myself recommended.

I also believe we must take steps this year to promote savings and investment in our country. Our tax policies have a major impact on savings and investment. How we raise revenue is just as important to economic growth as how much revenue we raise. I hope that the tax bill that emerges later this year will address these issues.

Mr. President, we must begin to deal with the problems that will face our country in the next century, when the $5 trillion we will have borrowed from the Social Security trust fund must be repaid. But the President's plan is a good first step. I believe it provides some of the necessary ingredients to address our country's long-term fiscal problems.

As its many elements are considered in the coming months, I will continue to work on trying to strengthen them and the overall package. I will be carefully reviewing the contents of the final conference report, and I reserve judgment on my final decision until I review that conference report.

In conclusion, I believe the economic package, as reflected in the Senate budget resolution, is far superior to the proposals that have been sent to the Congress the past 12 years by Presidents Reagan and Bush. President Clinton is to be commended for his honesty in explaining the fiscal predicament facing our country and presenting his package on realistic budget assumptions. He has put his cards on the table. In spite of my reservations about the defense spending levels, the lack of entitlement restraints, and the absence of strong savings and investment incentives in this package, I believe he has put into play a package that is a significant move in the right direction.

GREEK INDEPENDENCE DAY

Mr. PELL. Mr. President, I would like to join in commemorating today as Greek Independence Day, a day which we mark each year to celebrate the strong connections between Greek and American democracy. Today marks the 172d anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. Throughout the country, Greek-Americans are observing today's anniversary with ceremonies, meetings, and services.

The United States and Greece are important NATO allies, and our people have fought side by side in every major conflict in this century. We share a commitment to democracy and freedom. Those ties connecting the United States and Greece today have historic roots. Just as our Founding Fathers looked to Greece for inspiration in developing our democratic form of government, the Greeks looked to our own revolution when they fought for their independence in the 1820's, and adopted our Declaration of Independence as their own. Our country continues to be enriched by our ties with Greece, by the Greeks who emigrated to the United States, and by their children and grandchildren.

I was pleased to be a cosponsor of the resolution designating this day as Greek Independence Day, and I am equally as pleased to have the opportunity to honor our Greek and Greek-American friends today.

VETERANS HEALTH CARE TECHNICAL CORRECTIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 662, a bill to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992, introduced earlier today by Senator ROCKEFELLER; that the bill be deemed read three times and passed; that statements of Senators ROCKEFELLER and MOYNIHAN with respect to the consideration of this bill appear at an appropriate place in the RECORD; that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTIONS OF PROVISIONS ENACTED IN PUBLIC LAW 102–585 RELATING TO PHARMACEUTICAL PRICES AND REBATES

Mr. ROCKEFELLER. Mr. President, today the Senate will approve a bill that will make technical corrections to provisions enacted in the Veterans' Health Care Act of 1992, Public Law 102–585, which relate to prices charged for pharmaceuticals purchased by the Department of Veterans Affairs [VA], other Federal agencies, and certain Federal grantees, and to the Medicaid prescription drug rebate program.

As my colleagues will recall, last year I worked closely with my predecessor as chairman of the Committee on Veterans' Affairs, Senator Alan Cranston, and Senators ALAN SIMPSON and FRANK MURKOWSKI to forge a bipartisan consensus on legislation to restore VA's ability to purchase pharmaceuticals at reasonable prices. Senators KENNEDY, PRYOR, and MIKULSKI greatly assisted us in that effort. Title VI of Public Law 102-585—the final outcome of our work—is a compromise between our bill and similar legislation passed by the House of Representatives.

That statute exempts VA prices from Medicaid rebate calculations and requires manufacturers to provide discounts to VA and other Federal agencies for covered drugs purchased through the Federal supply schedule [FSS] and Federal depots. It also establishes a discount program for certain health-care facilities that receive Public Health Service [PHS] grants or serve disproportionate percentages of Medicare and Medicaid beneficiaries.

By all accounts, this law has already started to achieve its goals. The legislation should result in savings in expenditures for pharmaceuticals during fiscal year 1993 at least as great as the Congressional Budget Office's estimate of $60 million. I know that it is a big help to the four VA medical centers in my State of West Virginia. It also helps black lung clinics and certain other West Virginia facilities that rely on public health funds.

However, Public Law 102-585 contains several technical errors that need to be corrected to ensure that VA, the Health Care Financing Administration [HCFA], and other agencies can implement the law in accordance with congressional intent. We were unable to reach a compromise agreement on the legislation until the last days of the 102d Congress. The legislative counsels and staff of concerned Members had to race against the clock to produce the final text. Faced with enormous time pressures, it is not surprising that a few minor, human errors were made.

The legislation I submit today would correct five purely technical errors in the VA pricing provisions and one drafting error in provisions providing a budget neutrality adjustment for the Medicaid rebate program. All of these errors constitute honest mistakes that occurred in the actual drafting of this legislation. One error, if not corrected, will result in losses of millions of dollars for those manufacturers that historically provided the deepest discounts to VA. We have a responsibility to correct these mistakes.

Section 1(a) contains modifications to the VA pricing provisions, which are contained in section 8126 of title 38, that would:

First, clarify the Secretary's authority, in calculating the non-Federal average manufacturer price—non-FAMP—for a covered drug, to vary the period on which pricing data is based for particular drugs by striking parallel language in sections 8126(a)(2) and 8126(c).

Second, strike language in section 8126(c), which sets forth the formula for calculating the additional discount for a covered drug, to clarify that the additional discount is calculated and recalculated on an annual, rather than a quarterly, basis.

Third, modify section 8126(c)(1) to correct language regarding the formula used to adjust a covered drug's old non-FAMP to reflect an increase in the Consumer Price Index-All Urban Consumers [CPI-U].

Fourth, make a minor grammatical correction to section 8126(d)(1), which concerns adjustments in prices during 8126(d)(1), which concerns adjustments in pricing during subsequent years of multiyear contracts.

Fifth, add a new subsection 8126(i) which would ease administrative burdens the law imposes on VA and manufacturers by authorizing the Secretary to apply section 8126(d) to covered drugs added to a manufacturer's multiyear FSS or depot contract after it goes into effect as though those drugs were covered by the contract on the effective date.

I note that section 1927(a)(6)(B) of the Social Security Act [SSA] prohibits the Secretary of Health and Human Services from taking into account any amendments to section 8126 of title 38 that are enacted subsequent to the enactment Public Law 102-585 in determining whether a master agreement between a manufacturer and the Secretary of VA meets the requirements of that section. Section 1(b) of this bill provides that the amendments contained in section 1(a) shall take effect as if enacted as part of Public Law 102-585. Thus, we expect the Secretary of HHS to take these amendments into account in determining whether a master agreement meets the requirements of section 8126 of title 38.

Section 2 would modify provisions relating to the Medicaid rebate program to restore the 50-percent cap on Medicaid best-price rebates for the fourth quarter of calendar year 1992. Under the Omnibus Budget Reconciliation Act of 1990, manufacturers are required to provide quarterly rebates to Medicaid for brand name drugs equal to the greater of: First, a fixed percentage of the average manufacturer's price [AMP] of a drug, or, second, the difference between the AMP and the best price charged to any other purchaser in the United States. Best-price rebates were subject to a cap of 25 percent of the AMP for calendar year 1991 and a cap of 50 percent of the AMP for calendar year 1992. Due to an inadvertent drafting error, Public Law 102-585 lifted the 50-percent cap 3 months too early. That action was not in keeping with congressional intent that the modifications to the Medicaid rebate program be budget neutral. Section 2 contains a provision that corrects this grievous error.

I note that the Congressional Budget Office has advised me that, in order to avoid incurring direct spending costs, the Medicaid provision must be enacted before Congress adopts the fiscal year 1994 budget resolution. My colleagues on the House Committees on Energy and Commerce and Veterans' Affairs also are aware of the urgency of this situation. It is my understanding that they will seek swift House action on this legislation without modification.

In closing, I thank Senator FRANK MURKOWSKI, the Committee on Veterans' Affairs' ranking Republican member, and Senator ALAN SIMPSON for their leadership on this matter. I think it's fair to say that once again we have displayed the spirit of bipartisanship for which our committee is so well known. Special thanks also to the new chairman of the Committee on Finance, Senator DANIEL PATRICK MOYNIHAN, and that committee's ranking Republican member, Senator BOB PACKWOOD, for working with us on this matter. Lawrence O'Donnell and Jane Horvath of the chairman's staff and Roy Ranthum from Senator PACKWOOD's office have been very helpful. The House Committee on Veterans' Affairs' chairman, G.V. "SONNY" MONTGOMERY, and ranking Republican, BOB STUMP member, also deserve thanks for their assistance, as do House Committee on Energy and Commerce chairman, JOHN DINGELL, ranking Republican member CARLOS MOOREHEAD, and the Health and the Environment Subcommittee chairman, HENRY WAXMAN, and its ranking Republican member, THOMAS J. BLILEY, JR.

In addition, I thank the members of my staff who developed this legislation—Janet Coffman, Ellen Doneski, and Barbara Pryor—as well as staff for other Members cooperating in this effort, especially William Tuerk of Senator MURKOWSKI's staff and David Balland of Senator SIMPSON's staff. The committee's former staff director, Edward P. Scott, also deserves considerable credit for this achievement. I also thank Charlie Armstrong of the Senate Legislative Counsel's Office and Noah Wofsy of the House Legislative Counsel's Office for the painstaking care they devoted to the drafting of this legislation. Finally, thanks to VA Assistant General Counsel William E. Thomas, Jr., Melbourne A. Noel, Jr., of VA's Office of General Counsel, and Louise Rodriguez, VA's Chief of Clinical Pharmacy/Quality Management, for providing technical assistance to my staff.

Mr. MOYNIHAN. The legislation the Senate will consider today under unanimous consent makes timely and necessary technical corrections to the Medicaid-related provisions of the Veterans' Health Care Act of 1992, Public Law 102-585. Enactment of a correction to the technical error contained in those Medicaid provisions is necessary prior to adoption of the fiscal year 1994 Budget Resolution in order that the CBO baseline accurately reflect the intent of the Congress and the implementation of the law. All parties involved in last year's effort to enact the pharmaceutical pricing provisions of Public Law 102-585 in both the House and Senate concur that the provision affecting the best-price Medicaid cap was a drafting error. Support for this amendment and this process is not intended to limit future debate in the Finance Committee on other technical corrections to the Medicaid prescription drug rebate program, as enacted in the Omnibus Reconciliation Act of 1990.

The bill (S. 662) was deemed read three times and passed as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS OF PROVISIONS RELATING TO THE PRICE OF DRUGS PURCHASED BY THE DEPARTMENT OF VETERANS AFFAIRS AND OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Section 8126 of title 38, United States Code, as amended by section 603 of the Veterans Health Care Act of 1992, is amended—

(1) in subsection (a)(2), by striking "preceding such date";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "for calendar quarters", and

(B) in paragraph (1)—

(i) by striking "preceding the month during which the contract goes into effect"; and

(ii) by striking "increased by" and inserting "multiplied by";

(3) by amending subsection (d)(1) to read as follows:

"(1) during any one-year period that follows the first year for which the contract is in effect, the contract price charged for the drug may not exceed the contract price charged during the preceding one-year period, increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) during the 12-month period ending with the last month of such preceding one-year period for which Consumer Price Index data is available; and"; and

(4) by adding at the end the following new subsection:

"(i)(1) If the Secretary modifies a multi-year contract described in subsection (d) to include a covered drug of the manufacturer that was not available for inclusion under the contract at the time the contract went into effect, the price of the drug shall be determined as follows:

"(A) For the portion of the first contract year during which the drug is so included, the price of the drug shall be determined in accordance with subsection (a)(2), except that the reference in such subsection to 'the one-year period beginning on the date the agreement takes effect' shall be considered a reference to such portion of the first contract year.

"(B) For any subsequent contract year, the price of the drug shall be determined in accordance with subsection (d), except that each reference in such subsection to 'the first year for which the contract is in effect' shall be considered a reference to the portion of the first contract year during which the drug is included under the contract.

"(2) In this subsection, the term 'contract year' means any one-year period for which a multi-year contract described in subsection (d) is in effect.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992.

SEC. 2. TECHNICAL CORRECTION OF BUDGET NEUTRALITY ADJUSTMENT FOR MEDICAID PRESCRIPTION DRUG REBATES.

(a) IN GENERAL.—Section 1927(c)(1)(B)(ii)(II) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(ii)(II)), as amended by section 601(c) of the Veterans Health Care Act of 1992, is amended by striking "drug;" and inserting the following: "drug, except that for the calendar quarter beginning after September 30, 1992, and before January 1, 1993, the amount of the rebate may not exceed 50 percent of such average manufacturer price;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 601(c) of the Veterans Health Care Act of 1992.

APPOINTMENT OF CONFEREES—H.R. 2

The PRESIDING OFFICER. The Chair proceeds to the order of March 17 and appoints the following conferees on H.R. 2:

The PRESIDING OFFICER (Mr. MATHEWS) appointed the following conferees: Mr. FORD, Mr. PELL, Mr. INOUYE, Mr. MCCONNELL, and Mr. WARNER.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions; each with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 27. A joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 28. A joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. A joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolution; with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 13. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust.

At 4:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the amendment of the Senate to the bill (H.R. 904) to amend the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Surface Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong and Competitive Airline Industry.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997 and 1998; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SABO, Mr. GEPHARDT, Mr. KILDEE, Mr. BEILENSON, Mr. BERMAN, Mr. WISE, Mr. BRYANT, Mr. STENHOLM, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. KASICH, Mr. MCMILLAN, Mr. KOLBE, Mr. SHAYS, Ms. SNOWE, and Mr. HERGER as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–677. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a request for supplemental appropriations for fiscal year 1993; to the Committee on Appropriations.

EC–678. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a revision of the Unified Command Plan; to the Committee on Armed Services.

EC–679. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation as part of certified material supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

EC–680. A communication from the Chairman of the Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to its operations for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-681. A communication from the Director of the Export-Import Bank of the United States transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Italy; to the Committee on Banking, Housing and Urban Affairs.

EC-682. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Supportive Housing Demonstration Program; to the Committee on Banking, Housing and Urban Affairs.

EC-683. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to the status of the procurement of defense articles or services; to the Committee on Foreign Relations.

EC-684. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-14 adopted by the Council on March 19, 1993; to the Committee on Governmental Affairs.

EC-685. A communication from the Director of Selective Service, transmitting, pursuant to law, a report relative to requests made of the Agency in calendar year 1992; to the Committee on the Judiciary.

EC-686. A communication from the Principal Deputy Assistant Secretary (Public Affairs) of the Department of Defense, transmitting, pursuant to law, the Freedom of Information Act Report of the Department of Defense for 1992; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 11. A joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week".

S.J. Res. 30. A joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week".

S.J. Res. 42. A joint resolution to designate the month of April 1993 as "Civil War History Month".

S.J. Res. 43. A joint resolution designating the week beginning June 6, 1993, and June 5, 1994, as "Lyme Disease Awareness Week".

S.J. Res. 49. A joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week".

S.J. Res. 54. A joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Joan E. Spero, of New York, to be Under Secretary of State for Economic and Agricultural Affairs.

Strobe Talbott, of Ohio, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States.

Nominee: Strobe Talbott.

Post: Ambassador at Large and Special Adviser to the Secretary of State of New Independent States.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self. None.

2. Spouse: Brooke L. Shearer, $1,000, summer 1992, Clinton for President.

3. Children: Adrian, $250, summer 1992, Clinton for President; Devin, $250, summer 1992, Clinton for President.

4. Parents: Nelson S., $500, spring 1992, Clinton for President; Joseph L., $500, spring 1992, Clinton for President.

5. Grandparents: Deceased.

6. Brothers/spouses: None.

7. Sisters/spouses: Marjo Talbott/Mark Vershbow, $225, spring 1992, Clinton for President.

Harriet C. Babbitt, of Arizona, to be the Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Nominee: Harriet Babbitt.

Post: OAS Ambassador. Nominated: 1/19/93.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $100, March 14, 1988, Anna Eshoo for Congress; $100, March 14, 1988, Lana Pollach for U.S. Congress; $1,000, July 14, 1988, Al Gore for President; $100, October 31, 1988, Robert Kerry for Senate; $200, 1989, Paul Simon for Senate; $250, April 9, 1990, Democratic Legislative Victory; $100, July 24, 1990, Emily's List; $100, August 29, 1990, Josie Heath for Senate; $100, March 6, 1991, Emily's List; $100, April 8, 1991, AZ Democratic Party; $250, June 13, 1991, Geraldine Ferraro for Senate; $100, July 21, 1991, Virginia Vrun for Congress; $500, October 30, 1991, Friends of Jane Harman (Congress); $150, March 12, 1992, Clare Sargeant for Senate; $500, April 30, 1992, Clinton for President; $100, May 19, 1992, Barbara Boxer for Senate; $200, June 23, 1992, Sam Coppersmith Committee (Congress).

2. Spouse: Bruce, $1,000, June 20, 1988, Udall for Congress, $1,000, June 30, 1988, Democratic Victory Fund; $1,000, June 30, 1988, Democratic Victory Fund; $176, October 6, 1988, Arizona Democratic Party (tickets for Kirk Dinner); $50, January 4, 1989, League of Conservation Voters; $100, August 1, 1989, Taber for Congress; $1,500, October 19, 1989, 1989 Democratic Gala; $50, June 26, 1989, Citizens to Elect Brian Golden; $250, August 28, 1991, Pastor for Congress; $100, December 2, 1991, Clinton for President; $50, January 6, 1992, English Campaign; $250, April 29, 1992, English for Congress; $100, May 28, 1992, Arizona Democratic Party.

3. Children and spouses names; none.

4. Parents names: Harriet Coons (Hattie's Mother), $1,000, 1987, Bruce Babbitt for President, $35, 1991, Tim Wirth for Senate.

5. Grandparents names: NA.

6. Brothers and spouses names: Richard and Martha Coons (Hattie's brother and sister-in-law), $1,500, 1988, Bruce Babbitt for President; $200, 1988, George Bush; $100, 1990, Phil Graham. Brad Coons (Hattie's Brother), $1,000, 1989, Bruce Babbitt for President.

7. Sisters and spouses names: NA.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 651. A bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by Black Americans in federally funded research and development activities; to the Committee on Governmental Affairs.

By Mr. KRUEGER:

S. 652. A bill to eliminate the price support and production adjustment programs for tobacco, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. METZENBAUM (for himself, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Ms. MIKULSKI, Mrs. MURRAY, Mr. WELLSTONE, and Mr. LAUTENBERG):

S. 653. A bill to prohibit the transfer, or possession of semiautomatic assault weapons, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, and Mr. SIMON):

S. 654. A bill to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations; to the Committee on Indian Affairs.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. DODD, Mr. MURKOWSKI, Mr. INOUYE, Mr. KERRY, Mr. PELL, Mr. COHEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 655. A bill to provide for the transfer of funds from the Harbor Maintenance Trust Fund to support nautical charting and marine navigational safety programs, and other activities of the National Oceanic and Atmospheric Administration related to commercial navigation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 656. A bill to provide for indoor air pollution abatement, including indoor radon abatement, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LIEBERMAN, Mr. WOFFORD, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. PELL):

S. 657. A bill to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 658. A bill to impose a limitation on the use of appropriated funds to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadron to Ingleside, Texas; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. MITCHELL, Mr. PELL, Mr. HELMS, Mr. ROBB, Mr. DODD, Mr. SIMON, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. INOUYE, Mr. GORTON, Mr. KENNEDY, Mr. KERREY, Mr. MCCAIN, Mr. KRUEGER, Mr. D'AMATO, Ms. MIKULSKI, Mrs. BOXER, and Ms. MOSELEY-BRAUN):

S. 659. A bill to authorize the Board for International Broadcasting to support a "Radio Free Asia"; to the Committee on Foreign Relations.

By Mr. RIEGLE:

S. 660. A bill to require the preparation of community economic adjustments plans before the closure or realignment of military installations under base closure laws; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. DOLE, Mr. BOND, Mr. COVERDELL, Mr. BROWN, Mr. NICKLES, Mr. SIMPSON, Mr. COATS, Mr. WALLOP, and Mr. MURKOWSKI):

S. 661. A bill to provide for the establishment of an Independent General Accounting Office Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 662. A bill to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992; considered and passed.

By Mr. SIMON (for himself, Mr. DECONCINI, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, and Ms. MOSELEY-BRAUN):

S.J. Res. 70. A joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola; to the Committee on Foreign Relations.

By Mr. BROWN:

S.J. Res. 71. A joint resolution to designate June 5, 1993, as "National Trails Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 651. A bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically black colleges and universities and nonprofit organizations owned and controlled by black Americans in federally funded research and development activities; to the Committee on Governmental Affairs.

HISTORICALLY BLACK COLLEGES AND FEDERALLY FUNDED RESEARCH ACT OF 1993

• Ms. MIKULSKI. Mr. President, today I am reintroducing legislation that I believe is very important to this country's research and development activities.

This legislation is designed to include the participation of historically black colleges and universities and nonprofit organizations in Federal research and development activities. These colleges have not benefited from such federally connected activity.

This bill requires that not less than five historically black colleges and universities [HBCU's] be designated as federally funded research and development centers [FFRDC's]. This legislation will cost the Federal Government nothing to enact. It simply affords the HBCU's the opportunity to contribute to America's research and development projects.

FFRDC's provide specialized research to the Government on a continuous basis in such areas as health, science, and defense. Most agree that HBCU's have not participated in the Federal procurement policy system the way they should. Yet, HBCU's have a great deal to contribute to our national goal of increasing America's knowledge and competitiveness in these areas.

In my own State of Maryland, the historically black colleges and universities are doing great things. As part of the space grant program, Morgan State University, in Baltimore, is able to use its own expertise to provide space research to NASA as part of the NASA grant consortia. Morgan State has done an outstanding job through its involvement in the space grant. It has increased research opportunities for faculty and enhanced curriculum and course development in the areas of science and space technology. Because this program has been so successful, NASA will funnel its future needs for space research and information through Morgan State.

That's not all, Mr. President. At the University of Maryland Eastern Shore, they are working on a variety of research and development projects from coal combustion level studies for the U.S. Department of Energy to computer virus research for the National Security Agency to a toxicology study on one type of diesel fuel for the National Institutes of Environmental Health Sciences, to studies done for the USDA on the effects of insecticides polluting Chesapeake Bay and the molting of the blue crab. These are just examples of the great contributions historically black colleges and universities can make to our society.

To establish HBCU's as FFRDC's would allow these institutions to continue to make important contributions to society, and also to share equitably in the Federal resources available for scientific and technical research.

This legislation is not only important to this country's overall development, but it also provides an invaluable opportunity for students to work as research assistants for faculty members on Federal research projects. Students will have the opportunity to gain work experience inside and outside of the classroom because they will have the opportunity to monitor experiments out in the field and for data collection. And finally, this exposure will fuel student interest in research and development and stimulate academic growth.

This bill not only ensures the participation of these important institutions, but it also provides for the development of future scholars as the students who attend these colleges and universities receive an advanced level of learning.

I hope you will join me in cosponsoring this legislation to ensure that HBCU's are included as part of our national effort to achieve excellence in research and development.•

By Mr. KRUEGER:

S. 652. A bill to eliminate the price support and production adjustment programs for tobacco, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TOBACCO PRICE SUPPORT ELIMINATION ACT OF 1993

• Mr. KRUEGER. Mr. President, today I introduce legislation to terminate all taxpayer-supported subsidies for the tobacco industry. Specifically, this bill seeks to repeal existing sections of public law that directly and indirectly subsidize, support, and sustain the growth, research, marketing, and management of any and all tobacco products. This is a bill to divorce the Federal Government from the tobacco interests and disinherit the tobacco industry from the American taxpayer.

Mr. President, this year Government programs will subsidize the tobacco industry by $70 to $100 million—70 to 100 million taxpayer dollars devoted to the success of an addictive and lethal product. That product costs the American economy $52 billion a year in health care and lost productivity. That product kills half-a-million of our fellow Americans every year. And the American Government spends $70 to $100 million to perpetuate it.

Mr. President, that is folly.

At a time of hard decisions and seemingly endless complexities, some decisions are obvious and some situations are simple. This is such a case. The Federal Government spends taxpayers dollars to promote this Nation's leading cause of preventable death. There is no honest, honorable, or defensible reason for doing so.

Mr. President, if we cannot pass this bill—knowing the menace of tobacco—how will we possible make difficult and discriminating decisions that lie ahead? How will we cut budgets of deserving programs if we cannot end $20 million in price supports and $17 million to administer price supports on a product that slaughters the American people? And I call the death of half-a-million Americans a disaster. How will we make complex decisions to cut foreign aid if we can't cut $3 million for export credit guarantees and market subsidies to the tobacco industry?

The American people are demanding far-reaching changes in what Government supports and what is rejects. The time has come to stop heaping taxpayer dollars on the tobacco industry. Intelligence and integrity argue for passage of this bill.

I ask unanimous consent, that following my remarks. The full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Price Support Elimination Act of 1993".

SEC. 2. ELIMINATION OF TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) Price Support Program.—

(1) Parity price support.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) is amended—

(A) in the first sentence of subsection (a), by striking "tobacco (except as otherwise provided herein), corn," and inserting "corn";

(B) by striking subsections (c), (g), (h), and (i);

(C) in subsection (d)(3)—

(i) by striking ", except tobacco,"; and

(ii) by striking "and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;"; and

(D) by redesignating subsection (d) as subsection (c).

(2) No net cost provisions.—Sections 106, 106A, and 106B of such Act (7 U.S.C. 1445, 1445-1, and 1445-2) are repealed.

(3) Definition of basic agricultural commodity.—Section 408(c) of such Act (7 U.S.C. 1428(c)) is amended by striking "tobacco,".

(4) Review of burley tobacco imports.—Section 3 of Public Law 98-59 (7 U.S.C. 625) is repealed.

(5) Powers of commodity credit corporation.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after "agricultural commodities" the following: "(other than tobacco)".

(b) Acreage Allotments and Marketing Quotas.—

(1) Declaration of policy.—Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking "tobacco,".

(2) Definitions.—Section 301(b) of such Act (7 U.S.C. 1301(b)) is amended—

(A) in paragraph (3)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraph (D) as subparagraph (C);

(B) in paragraph (6)(A), by striking "tobacco,";

(C) in paragraph (7), by striking the following:

"Tobacco (flue-cured), July 1–June 30;

"Tobacco (other than flue-cured), October 1–September 30;";

(D) in paragraph (10)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B);

(E) in paragraph (11)(B), by striking "and tobacco";

(F) in paragraph (12), by striking "tobacco,";

(G) in paragraph (14)—

(i) by striking "(A)"; and

(ii) by striking subparagraphs (B), (C), and (D);

(H) by striking paragraph (15);

(I) in paragraph (16)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(J) by redesignating paragraphs (16) and (17) as paragraphs (15) and (16), respectively.

(3) Parity payments.—Section 303 of such Act (7 U.S.C. 1303) is amended by striking "rice, or tobacco," and inserting "or rice,".

(4) Marketing quotas.—Part I of subtitle B of title III of such Act (7 U.S.C. 1311 et seq.) is repealed.

(5) Administrative provisions.—Section 361 of such Act (7 U.S.C. 1361) is amended by striking "tobacco,".

(6) Adjustment of quotas.—Section 371 of such Act (7 U.S.C. 1371) is amended—

(A) in subsection (a), by striking "peanuts, or tobacco" and inserting "or peanuts"; and

(B) in subsection (b), by striking "peanuts or tobacco" and inserting "or peanuts".

(7) Reports and records.—Section 373 of such Act (7 U.S.C. 1373) is amended—

(A) by striking "peanuts, or tobacco" each place it appears in subsections (a) and (b) and inserting "or peanuts"; and

(B) in subsection (a)—

(i) in the first sentence, by striking "all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,"; and

(ii) in the last sentence, by striking "$500;" and all that follows through the period at the end of the sentence and inserting "$500.".

(8) Regulations.—Section 375(a) of such Act (7 U.S.C. 1375(a)) is amended by striking "peanuts, or tobacco" and inserting "or peanuts".

(9) Eminent domain.—Section 378 of such Act (7 U.S.C. 1378) is amended—

(A) in the first sentence of subsection (c), by striking "cotton, tobacco, and peanuts" and inserting "cotton and peanuts"; and

(B) by striking subsections (d), (e), and (f).

(10) Burley tobacco farm reconstitution.—Section 379 of such Act (7 U.S.C. 1379) is amended—

(A) in subsection (a)—

(i) by striking "(a)"; and

(ii) in paragraph (6), by striking ", but this clause (6) shall not be applicable in the case of burley tobacco"; and

(B) by striking subsections (b) and (c).

(11) Acreage-poundage quotas.—Section 4 of the Act entitled "An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes", approved April 16, 1965 (7 U.S.C. 1314c note), is repealed.

(12) Burley tobacco acreage allotments.—The Act entitled "An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended", approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(13) Transfer of allotments.—Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

(14) Advance recourse loans.—Section 13(a)(2)(B) of the Food Security Improvements Act of 1986 (7 U.S.C. 1433c-1(a)(2)(B)) is amended by striking "tobacco and".

(15) Tobacco field measurement.—Section 1112 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203) is amended by striking subsection (c).

(c) Transition Provisions.—

(1) Liability.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of the amendments in accordance with section 5(a).

(2) Tobacco stocks and loans.—The Secretary of Agriculture shall issue regulations that require—

(A) the orderly disposition of tobacco stocks; and

(B) the repayment of all tobacco price support loans outstanding on the date of enactment of this Act by not later than 1 year after the effective date of this Act.

SEC. 3. ELIMINATION OF FEDERAL CROP INSURANCE FOR TOBACCO.

(a) In General.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by striking "tobacco,".

(b) Conforming Amendment.—The third sentence of section 508(a) of such Act (7 U.S.C. 1508(a)) is amended by striking "Except in the case of tobacco, insurance" and inserting "Insurance".

SEC. 4. PROHIBITION ON RESEARCH, EXTENSION, OR ANALYSIS OF TOBACCO PRODUCTION OR MARKETING.

Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended—

(1) by striking "RESPONSIBILITIES" and all that follows through "Sec. 1405. The" and inserting the following:

"SEC. 1405. RESPONSIBILITIES OF THE SECRETARY AND DEPARTMENT OF AGRICULTURE.

"(a) In General.—The"; and

(2) by adding at the end the following new subsection:

"(b) Prohibition on Tobacco Research, Extension, and Analysis.—Notwithstanding any other provision of law, no funds made available to the Department of Agriculture or an administrative unit of the Department may be used to conduct research, extension, or analysis related to the production or marketing of tobacco.".

SEC. 5. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall apply beginning with the marketing year that begins after the date of enactment of this Act.

(b) Tobacco Research, Extension, and Analysis.—The amendments made by section 4 shall become effective on the date of enactment of this Act.•

By Mr. METZENBAUM (for himself, Mrs. Feinstein, Mrs. Boxer, Ms. Moseley-Braun, Mr. Kennedy, Ms. Mikulski, Mrs. Murray, Mr. Wellstone, and Mr. Lautenberg):

S. 653. A bill to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes; to the Committee on the Judiciary.

SEMIAUTOMATIC ASSAULT WEAPON VIOLENCE PREVENTION ACT OF 1993

• Mr. METZENBAUM. Mr. President, I rise today to introduce—along with Senators Feinstein, Boxer, Moseley-Braun, Kennedy, Mikulski, Murray, Wellstone, and Lautenberg—comprehensive legislation that bans the sale of semiautomatic assault weapons.

The time is ripe for this legislation. Time and again, the American people have been barraged with news stories in which assault weapons have been used to perpetrate violence and death in communities across the country.

A few weeks ago, a man walked into a gun store in Virginia and purchased an AK-47, which he used to shoot five people and terrorize countless others outside the CIA. And right now, in Waco TX, the FBI is still in a terrible and tragic standoff with a cult leader armed to the teeth with military-style assault weapons.

These are only the latest—and most visible—incidents of senseless violence involving assault weapons. Law enforcement officials report that they are being outgunned by criminals and drug dealers armed with military-style assault weapons.

Innocent people—including children—are getting shot and killed in drive-by shootings by criminals using assault weapons. These innocent people are dying because assault weapons have a deadly ability to spray a city block with a hail of bullets. Some of these people might not have been killed if a ban on these weapons had been in place.

The vast majority of the American people simply do not understand why military-style assault weapons are so readily available in this country. That's why two-thirds of all Americans favor a ban on these weapons.

Even gun owners want to see assault weapons outlawed last week, USA Today reported that its poll showed that 60 percent of gun owners favored a total ban on assault weapons.

But it is not really surprising that gun owners want to see these weapons off the street. Assault weapons are designed only for killing people. They have no legitimate hunting or sporting purposes. No true sportsman needs an UZI, a street sweeper, or any of the other assault weapons listed in this bill.

This legislation takes a comprehensive approach to getting assault weapons off our streets. In 1986, Congress banned the sale of fully automatic assault weapons—machine guns. This bill specifically bans 20 types of semiautomatic assault weapons. Three years ago, a majority of the Senate approved a ban on nine types of weapons included in this bill. The 11 additional models listed in the bill are domestically made semiautomatic assault weapons which are regularly used by criminals and have no sporting purposes whatsoever.

But it is not enough just to list the assault weapons which ought to be banned. There needs to be some mechanism to restrict new or additional assault weapons. Otherwise, firearms manufacturers—in order to get around the ban—will simply make new assault weapons which are only slightly different from those listed in the bill.

This legislation gives the bureau of alcohol, tobacco, and firearms the authority to designate additional semiautomatic firearms as assault weapons. The bill specifies that the BATF cannot designate a semiautomatic firearm as an assault if it has a legitimate sporting purpose.

This is not new, untested authority for the BATF. Since 1968, the BATF has had the authority to ban the importation of firearms that are not "particularly suitable for or readily adaptable to sporting purposes." This is the same language used in my legislation. Moreover, in 1989, George Bush specifically ordered the BATF to use this authority to ban the importation of semiautomatic assault rifles which were not suitable for sporting purposes. As a result, 43 types of semiautomatic assault weapons were permanently banned from importation.

My legislation contains additional safeguards for the protection of sporting weapons. It forbids the BATF from banning additional weapons which are not on the list unless they have at least two of the common characteristics of an assault weapon—such as a pistol grip, a folding stock, or a flash suppressor.

Finally, this legislation also bans the use of large capacity magazines which hold more than 10 rounds. These magazines enable criminals to fire off 20 or 30 rounds in a matter of seconds. No legitimate sportsmen needs a magazine greater than 10 rounds, and even George Bush supported a ban on 15-round magazines.

I have no doubt that the National Rifle Association will oppose this bill and distort its impact. The NRA has fought nearly every reasonable, commonsense piece of firearms legislation that has ever been proposed. But the NRA is out of touch with the American people, with gun owners, and—increasingly—with elected officials.

In the last few weeks, we have seen State legislators in both Virginia and New Jersey stand up to the NRA and support reasonable firearms legislation. Now it is our turn to follow their example. We cannot allow ourselves to be bullied or intimidated by the National Rifle Association.

The American people want us to do something about assault weapons. The police officers of this country have told us that they are being outgunned and that a ban on these weapons will save lives. Congress has waited too long. The time to act is now.

I ask unanimous consent that the text of the bill and a summary of the legislation be printed in the RECORD, along with statements in support of the legislation from the International Association of Chiefs of Police, Handgun Control, and the NAACP.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Semiautomatic Assault Weapon Violence Prevention Act of 1993".

SEC. 2. PROHIBITION OF SEMIAUTOMATIC ASSAULT WEAPONS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (28) by striking "'semiautomatic rifle' means any repeating rifle" and inserting "'semiautomatic firearm' means a repeating firearm"; and

(2) by adding at the end the following new paragraph:

"(29) The term 'semiautomatic assault weapon'—

"(A) means—

"(i) any of the semiautomatic firearms known as—

"(I) A.A. Arms AP-9;

"(II) Auto-Ordnance Thompson;

"(III) Barrett Light-Fifty;

"(IV) Beretta AR-70;

"(V) Bushmaster Auto Rifle;

"(VI) Calico M-900 and M-950;

"(VII) Cobray, Ingram and RPB MAC-10 and MAC-11;

"(VIII) Colt AR-15 and Sporter;

"(IX) Encom MP-9 and MP-45;

"(X) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

"(XI) Feather AT-9;

"(XII) Federal XP900 and XP450;

"(XIII) Franchi SPAS-12;

"(XIV) Intratec TEC-9 and TEC-22;

"(XV) Israeli Military Industries UZI and Galil;

"(XVI) Iver Johnson Enforcer 3000;

"(XVII) Norinco, Mitchell and Poly Technologies Avtomat Kalashnikovs;

"(XVIII) Steyr AUG; or

"(XIX) USAS-12;

"(ii) a revolving-cylinder shotgun such as or similar to the Street Sweeper or Striker 12; and

"(iii) a semiautomatic firearm designated by the Secretary as a semiautomatic assault weapon under section 931; and

"(B) does not include (among other firearms)—

"(i) any of the firearms known as—

"(I) Remington Model 1100 shotgun;

"(II) Remington Model 7400 rifle;

"(III) Mossberg Model 5500 shotgun;

"(IV) HK Model 300 rifle;

"(V) Marlin Model 9 camp carbine;

"(VI) Browning High-Power rifle; or

"(VII) Remington Nylon 66 auto loading rifle;

"(ii) a firearm that is a manually operated bolt action firearm;

"(iii) a lever action firearm;

"(iv) a slide action firearm; or

"(v) a firearm that has been rendered permanently inoperable.".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a semiautomatic assault weapon.

"(2) This subsection does not apply with respect to—

"(A) a transfer to or by, or possession by or under the authority of the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

"(B) a lawful transfer or lawful possession of a semiautomatic assault weapon that was lawfully possessed before the effective date of this subsection or, in the case of a semiautomatic firearm that the Secretary designates as a semiautomatic assault weapon pursuant to section 931, before the date on which the designation is made; or

"(C) the transfer or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(c) DESIGNATION OF SEMIAUTOMATIC ASSAULT WEAPONS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 931. Designation of semiautomatic assault weapons

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and annually thereafter, the Secretary, in consultation with the Attorney General, shall determine whether any other semiautomatic firearm (other than a firearm described in section 921(a)(29)(B)) should be designated as a semiautomatic assault weapon in addition to those previously designated by section 921(a)(29)(A) or by the Secretary under this section.

"(b) CRITERIA.—(1) The Secretary shall by regulation designate as a semiautomatic assault weapon a rifle, pistol, or shotgun that is a semiautomatic firearm and that is described in paragraph (2), (3), (4), or (5).

"(2) A replica or duplicate in any caliber of a semiautomatic firearm described in section 921(a)(29)(A)(i) is a semiautomatic assault weapon.

"(3) A rifle that is a semiautomatic firearm is a semiautomatic assault weapon if it—

"(A) is not generally recognized as being particularly suitable for or readily adaptable to sporting purposes;

"(B) has an ability to accept a detachable magazine; and

"(C) has at least 2 of the following characteristics:

"(i) A folding or telescoping stock.

"(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon.

"(iii) A bayonet mount.

"(iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

"(v) A grenade launcher.

"(4) A pistol that is a semiautomatic firearm is a semiautomatic assault weapon if it—

"(A) is not generally recognized as being particularly suitable for or adaptable to sporting purposes; and

"(B) has an ability to accept a detachable magazine; and

"(C) has at least 2 of the following characteristics:

"(i) An ammunition magazine that attaches to the pistol outside of the pistol grip.

"(ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer.

"(iii) A shroud that is attached to or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the second hand without being burned.

"(iv) A manufactured weight of 50 ounces or more when the pistol is unloaded.

"(v) A semiautomatic version of an automatic firearm.

"(5) A shotgun that is a semiautomatic firearm is a semiautomatic assault weapon if it—

"(A) is not generally recognized as being particularly suitable for or adaptable to sporting purposes; and

"(B) has at least 2 of the following characteristics:

"(i) A folding or telescoping stock.

"(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon.

"(iii) A fixed magazine capacity in excess of 6 rounds.

"(iv) An ability to accept a detachable magazine.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"931. Designation of semiautomatic assault weapons.".

(d) PENALTIES.—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or 922(q)" and inserting "922 (q), (r), or (s)".

(e) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following a new sentence: "The serial number of a semiautomatic assault weapon shall clearly show if the weapon was manufactured or imported after the effective date of this sentence.".

SEC. 3. PROHIBITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 2, is amended by adding at the end the following new subsection:

"(t)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) This subsection does not apply with respect to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency of the United States or a State, or a department, agency, or political subdivision of a State;

"(B) a lawful transfer or lawful possession of a large capacity ammunition feeding device that was lawfully possessed before the effective date of this subsection other than a transfer by a licensed dealer; or

"(C) the transfer or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(b) LARGE CAPACITY AMMUNITION FEEDING DEVICE DEFINED.—Section 921(a) of title 18, United States Code, as amended by section 2, is amended by adding at the end the following new paragraph:

"(30) The term 'large capacity ammunition feeding device'—

"(A) means—

"(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(ii) any combination of parts from which a device described in clause (i) can be assembled, but

"(B) does not include an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.".

(c) LARGE CAPACITY AMMUNITION FEEDING DEVICES DEFINED AND TREATED AS FIREARMS.—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence—

(1) by striking "or"; and

(2) by striking "device." and inserting ", or (E) any large capacity ammunition feeding device.".

(d) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 2(d), is amended by striking "or (s)" and inserting "(s), or (t)".

(e) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following new sentence: "A large capacity ammunition feeding device shall be identified by a serial number that clearly shows the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulations prescribe.".●

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, and Mr. SIMON):

S. 654. A bill to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations; to the Committee on Indian Affairs.

INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT

● Mr. MCCAIN. Mr. President, today I am introducing legislation to extend the authorization for the Indian Environmental General Assistance Program Act (P.L. 102–497, 106 Stat. 3258, 42 U.S.C. 4368b). I want to extend my appreciation to Senators INOUYE, CAMPBELL, and SIMON for joining with me as cosponsors of this legislation.

As enacted in late 1992, the act provided authorization for appropriations to the Environmental Protection Agency of $15 million per year for the 1993 and 1994 fiscal years. At the time of enactment, we had already completed action on fiscal year 1993 appropriations for EPA. In effect, this means that the act authorizes appropriations for only the 1994 fiscal year. The bill I am introducing today would correct this situation by authorizing appropriations of $15 million per year through fiscal year 2003.

Mr. President, the Indian Environmental General Assistance Program Act is intended to correct a serious deficiency in our efforts to ensure environmental quality on Indian lands. Over the past 20 years the Federal Government has provided billions of dollars to the States to enable the States to establish laws and programs to protect the environment. It has only been in recent years that we have begun to provide a role for tribal governments in our Federal environmental regulatory framework. Unfortunately, we continue to fail to provide tribes with any meaningful financial assistance to establish environmental regulatory programs.

The act provides EPA with the authority to award grants to Indian tribal governments to build their capacity to develop and establish their environmental protection programs. Under the act, EPA and the tribal governments have the flexibility to tailor grants to the specific needs of each tribal government. These grants will enable tribal governments to develop the technical, legal, and administrative infrastructure necessary for effective environmental regulation. Grant awards made under the act are in addition to and do not supplant awards which may otherwise be made to a tribe for program specific purposes. One of the primary objectives of the act is to promote the development of multimedia environmental programs by tribal governments. For many tribal governments, multimedia programs make good sense for fiscal and administrative reasons.

Mr. President, as is the case all too often, we have not done our best to assist tribal governments in the area of environmental protection. The Indian Environmental General Assistance Program can be an important tool for use by EPA and the tribal governments. The act clearly needs more than 1 year to meet its objectives. The bill I am introducing today will provide the time necessary for EPA and the tribal governments to work together. It also provides the way by which the Congress can provide the means to begin to redress our failure to provide tribes with the kind of assistance we have extended to States in the past.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION.

Section 502(h) of the Indian Environmental General Assistance Program act of 1992 is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003".●

SUMMARY OF THE SEMIAUTOMATIC ASSAULT WEAPONS VIOLENCE PREVENTION ACT OF 1993

The Semiautomatic Assault Weapons Violence Prevention Act of 1993 is a comprehensive solution to the problems caused by assault weapons. The bill bans semiautomatic assault weapons without affecting legitimate sporting rifles. The bill also bans large-capacity ammunition magazines which have a capacity greater than 10 rounds.

IMMEDIATE BAN ON TWENTY TYPES OF SEMIAUTOMATIC ASSAULT WEAPONS

The bill lists 20 types of semiautomatic assault weapons which would be banned. A majority of the Senate already has approved a ban on nine types of weapons listed in the bill. The eleven additional models included in the legislation are domestically-made semiautomatic assault weapons which are regularly used by criminals and have no sporting purposes.

BATF GRANTED AUTHORITY TO BAN ADDITIONAL ASSAULT WEAPONS

The bill authorizes the Bureau of Alcohol, Tobacco, and Firearms (BATF) to designate additional semiautomatic firearms as assault weapons, which would then be subject to the ban. Duplicate versions of assault weapons listed in the bill can be banned by BATF. Additional assault weapons also could be banned, but only if they meet specified criteria which the BATF has already identified as characteristics which distinguish assault weapons from conventional weapons. These provisions prevent manufacturer from evading the law by renaming or redesignating their assault weapons. The bill specifies that the BATF cannot designate a semiautomatic firearm as an assault weapon if it has a legitimate sporting purpose.

SCOPE OF THE PROHIBITION

The prohibition in this bill would work in a manner similar to the federal ban on machine guns which was enacted in 1986. Once an assault weapon is banned—either because it is listed in the legislation or designated as an assault weapon by the BATF—it can no longer be manufactured, imported, transferred or possessed, except for military and law enforcement purposes.

The bill does not allow the government to confiscate any assault weapons which were either lawfully purchased before enactment of this Act, or lawfully purchased before a prohibition on their ownership is imposed by BATF, whichever is applicable.

PROHIBITION ON LARGE-CAPACITY AMMUNITION MAGAZINES

The bill bans ammunition magazines which hold more than 10 rounds. Laws and regulations which routinely are applied to all firearms would also be applied to large-capacity magazines.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, March 24, 1993.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: On behalf of the International Association of Chiefs of Police (IACP), and its more than 13,000 members, I am very pleased to offer the Association's strong support for your bill, the "Semiautomatic Assault Weapon Violence Prevention Act of 1993".

By resolution of the IACP membership, as recently as 1992, the Association is to "go on record as supporting legislative initiatives which would continue to provide a strong and comprehensive statutory approach to banning the sale of foreign and domestically-produced assault weapons". As our 1992 resolution states, "the increase of criminal mayhem perpetrated by individuals having access to semi-automatic weapons continues to increase and escalate daily, as evidenced by the national and worldwide criminally-initiated tragedies that have befallen innocent victims."

It is in this sense that the Association was pleased to also offer its support this week to Senator DENNIS DECONCINI of Arizona for his legislation limiting access to assault weapons. Your legislation in particular protects the legitimate rights of gun owners in America, while providing necessary steps to curb the access to assault weapons. We are specifically pleased with the provisions in your bill regarding "replicas" or "duplicates", the definitional language for a semiautomatic firearm, and the prohibition of "large capacity ammunition feeding devices". These three components are important, if not essential strengths, to a bill which would effectively address the firearm proliferation problem and the crime problem as a whole.

Sincerely,

STEVEN R. HARRIS,
President.

STATEMENT OF SARAH BRADY, CHAIRMAN OF HANDGUN CONTROL, INC.

The legislation introduced today by Sen. Metzenbaum is the most comprehensive approach yet to the growing menace of assault weapons. Using a generic definition that carefully distinguishes semiautomatic assault weapons from legitimate sporting weapons, the Semiautomatic Assault Weapons Violence Prevention Act of 1993 would effectively prohibit the manufacture and importation of virtually all assault weapons and the large-capacity magazines that have made these weapons so lethal.

Gun violence has escalated dramatically during the past decade. Assault weapons are being used with increasing frequency by drug dealers, street gangs, organized crime, and various extremist groups. Weapons and weapon features that were originally designed for battlefield use are now being used by criminals on the streets of America.

The results are visible in our hospital emergency rooms, where doctors are reporting a sharp increase in the number and severity of gunshot wounds. The impact can also be seen in the growing number of law enforcement officers slain in the line of duty. During the past six weeks alone, 13 law enforcement officers have been killed, many by assault weapons. As tragically demonstrated by the recent shootout in Waco, Texas, where 4 BATF officers were shot and 16 others wounded, law enforcement officials in this country are more and more frequently outgunned.

Adoption of the Semiautomatic Assault Weapons Violence Prevention Act of 1993 would put a swift and effective end to the proliferation of assault weapons and, in so doing, help curb the growing violence in America. The weapons affected by this legislation are the most lethal of weaponry now being used by gangs and organized crime. There is no sporting or recreational need for these guns. Similarly, there is no legitimate need for the large-capacity magazines (ten rounds or more) whose manufacture and importation would be stopped by this legislation.

As confirmed by the USA-Today/Gallup released last week, even gun owners strongly support a ban on assault weapons. All Americans are concerned about the escalation of violence in America. An assault weapons ban should be one of the highest priorities for the 103rd Congress. Sen. Metzenbaum is to be congratulated for his strong and effective leadership on this issue.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, March 25, 1993.

NAACP ANNOUNCES SUPPORT FOR LEGISLATION TO BAN CERTAIN SEMIAUTOMATIC WEAPONS

The NAACP joins Senator Howard Metzenbaum (D-OH) in condemning the unnecessary proliferation of semi-automatic assault weapons in the streets of our nation and announces the Association's strong support for the important legislation Senator Metzenbaum will introduce to ban the manufacture and sale of 20 types of semi-automatic assault weapons that are not designed for sporting use.

The NAACP is especially troubled by the gun related violence on our youth. Firearm deaths of young black males has reached crisis proportions. African Americans have an important stake in ending gun related violence, which is a barrier to a full enjoyment of civil rights.

We will mobilize our 2,200 units in support of this timely and important legislation.●

● Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleague, Senator METZENBAUM, in proposing strong, forceful legislation that will impose a national ban on the sale and possession of semiautomatic assault weapons.

Weapons of war, I believe, do not belong on the streets of our communities. Assault weapons terrorize families and outgun law enforcement agencies throughout our Nation.

These guns—which fire up to 30 rounds of ammunition within seconds, without warning—are the weapons of choice in organized crime and drive-by shootings.

Californians know all too well the tragedy assault weapons can bring. In our State, an estimated 300,000 to 600,000 assault weapons flow through our streets and communities, bringing fear, intimidation, and death.

In 1984, James Huberty walked into a McDonald's in San Ysidro, CA, with an Uzi. Nineteen people were wounded. Twenty-one were killed.

In 1989, a mentally unstable drifter by the name of Patrick Purdy walked onto a Stockton schoolyard in northern California with an assault weapon modeled after an AK-47 and opened fire. Twenty-nine children were injured. Five children died.

That same year, 2-year-old Phillip Fisher played in front of his home in Compton. With its lights turned off, a Buick drove down Phillip's street. An AK-47 aimed from the window of the car killed both Phillip and his teenage next door neighbor in this deadly drive-by shooting.

Such calamities led many California cities to institute bans on assault weapons. In fact, California is one of only two States—New Jersey is the second—where assault weapons are banned.

Yet, with no national ban, local and State initiatives are not enough. In fact, of 1,800 guns confiscated in San Francisco, 250 are assault weapons. The free trading of assault weapons across State lines—and the nationwide proliferation of weapons—reinforces the need for strong, clear Federal laws regarding assault weapons.

Our cities can no longer be held hostage by the increasing fear that results as our streets are turned into warlike battlefields.

Our communities and our law enforcement officers need our assistance.

I am proud to cosponsor this bill that will: Ban the sale and possession of 20 specific types of assault weapons—identified by names such as the Street Sweeper, Uzi, and the AK-47; identify significant characteristics of assault weapons so any copycat models may also be banned in the future; ban magazines with more than 10 rounds of ammunition.

These are reasonable steps to protect our communities. Our children playing in schoolyards and in front yards throughout this Nation should know that we have taken firm steps to outlaw these vicious assault weapons.●

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. DODD, Mr. MURKOWSKI, Mr. INOUYE, Mr. KERRY, Mr. PELL, Mr. COHEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 655. A bill to provide for the transfer of funds from the Harbor Maintenance Trust Fund to support nautical charting and marine navigational safety programs, and other activities of the National Oceanic and Atmospheric Administration related to commercial navigation, and for other purposes; to the Committee on Environment and Public Works.

MARINE NAVIGATION SAFETY IMPROVEMENT ACT OF 1993

● Mr. LIEBERMAN. Mr. President, I introduce the Marine Navigation Safety Improvement Act of 1993.

On August 7 of last year, the luxury cruise ship *Queen Elizabeth II* ran aground off the coast of Martha's Vineyard, raising serious questions about the reliability of existing NOAA nautical charts. The grounding of the QE2 brings to light the very real threats to safety and the marine environment posed by what may be badly outdated and incomplete nautical charts. The ledge allegedly struck by the QE2 was in an area which NOAA charts indicate had a depth of 39 feet at the site. The last soundings of this area, as well as much of those of the New England coastline were done before 1939 with sonar equipment completely outdated by today's standards. In short, while the chart might have passed muster using 1939 standards, it could be grossly inadequate when considering the major advances in side-scan sonar and charting capabilities that have occurred since that time.

But advances in technology are not the only changes that have occurred in the last 50 years. The sea floor is not a static environment, but a rather dynamic one. Currents along our coastline are constantly changing the physical characteristics. Mariners have real concerns as to whether or not shoals, wrecks, and other obstructions are still in the same location as last reported or last surveyed.

I have heard from representatives of the various maritime pilot organizations, especially in the Long Island Sound area, who have expressed concern about uncharted changes in shoals. Strong currents and often heavy weather conditions cause shifting and make using passages such as that between Montauk and Block Island, NY potentially dangerous. Vessels are encountering previously unknown boulder outcroppings, and in places where a 55-foot depth is expected, it is not unusual to find that only 35 feet of water exists. Additionally, a great deal of cargo, especially petroleum products, is moved along the New England coast by tug and barges. The operators of these tugs are becoming more concerned about uncharted rocks or wrecks cutting their tow lines whenever the lines become slack. If the tow line is cut by a submerged wreck or rocks, the barge full of oil can drift upon a rocky coastline, causing an oil or chemical spill.

Long Island Sound is an ecosystem that is vital not only to Connecticut, but to the entire Nation. It is very important to me that we not only make the Sound safe for commerce, but we must also protect it environmentally. Twenty-two million tons of products enter Long Island Sound each year; 60 percent of that is oil products—133 million barrels a year. The U.S. Coast Guard has indicated that an oil spill in Long Island Sound would be disastrous to that ecosystem. The only way to prevent permanent and serious damage is to limit the chances of a spill or grounding from happening in the first place. It seems clear to me that an important initial step would be to have NOAA resurvey dangerous passages not only around New England, but in vital areas such as Hampton Roads, the Gulf of Mexico, San Francisco, Puget Sound, and the coast of Alaska.

In the United States, the vast majority of all foreign trade by weight, including petroleum and hazardous materials, is carried by marine transportation. Annually, 3 million cargo vessel transits are made in U.S. waters. Increasingly, more and more captains of tankers and other freight vessels are under constant pressure to reduce the time they are under way. Some are tempted to stray out of well-charted shipping lanes into poorly charted areas in search of shortcuts.

The International Hydrographic Bureau [IHB] in Monaco indicates that the grounding of the QE2 is indicative of the problem of depending on historic surveys. According to the IHB, in order for the United States to resolve its charting problems, the United States must take advantage of new technologies for surveying, complete the development of digital production methods, and insure that these tasks are properly supported.

All of the nautical charting for U.S. territory—200-mile limit—is done by NOAA's Coast and Geodetic Survey. The Coast and Geodetic Survey exists as the modern day version of the Coast Survey, established by President Thomas Jefferson in 1807, to chart the coast of the United States for maritime commerce. That charting mission has not changed, and at present, all seagoing traffic inside the 200-mile limit use charting data provided by NOAA.

Mr. President, the adequacy of this charting data is the focus of my concern. NOAA estimates that the 90,000 miles of U.S. shoreline it is responsible for, at least half of that number is charted on information that is at least 50 years old.

NOAA issues new editions of charts on a frequency that varies from 6 months to 12 years, depending on the number and nature of corrections that have accumulated against the present edition. However, depth information on new editions is based on soundings from the latest available hydrographic surveys supporting nautical charts varies between areas; approximately 60 percent of inshore hydrography was acquired by lead line sounding technology.

Mr. President, a lead line is simply a line marked at 1-foot intervals attached to a weight and dropped over the side of a ship. There is nothing high-tech about this type of surveying, and in fact, only covers about one-half percent of the area surveyed. Technologically speaking, we can do better than this, and I think our environment and our maritime industry deserve the best we can offer.

Information portrayed on nautical charts is considered accurate but does not represent an adequate picture of the seafloor because previous hydrographic survey technology allowed only discrete bottom sampling. Information from lead line surveys provides only single-point, discrete soundings. Echo sounder surveys, which began in the 1930's, represent line samplings which give more information along the sounding line than did point sampling methods, but this method offers little more than inference for the areas lying between sounding lines. Full-coverage technology, which only recently has been developed, will make lead line and conventional echo sounder survey technology obsolete, particularly in areas of complex ocean terrain. Full-coverage technology includes side-scan sonar and shallow water multibeam survey systems.

NOAA indicates that major New England traffic lanes that cover rocky areas and are not maintained by the Corps of Engineers require full-coverage surveys to ensure that all significant rocks are charted. A limited amount of full-coverage work has been completed in the areas of wrecks and obstructions.

However, there are other high traffic regions that require new hydrographic surveys to provide mariners with adequate nautical charts include: (1) many areas currently supported by obsolete lead line surveys; (2) areas containing reported wrecks and obstructions; (3) most approaches to major ports and harbors; and (4) major Alaskan coastal areas traversed by commercial navigation.

At present time, NOAA indicates that it has 72 project areas, involving approximately 2,000 individual investigation sites, that require survey response. Resolution of these requests would require many decades at the present surveying rate. Currently, NOAA has five ships and two shore parties to survey the 3.5 million square miles of U.S. coastal waters. Although new technology is now entering the market and is available to allow effective and full coverage of surveys, NOAA contends that it has not been able to identify the necessary resources to acquire this technology.

Mr. President, the Marine Navigation Safety Improvement Act would do just that: identify the necessary resources so that NOAA—either directly or by contract—can improve its nautical charting and marine navigational safety programs and activities. It is solely these programs and activities for which the money is to be spent: hydrography; bathymetry; tide and water level measurements; current and circulation studies in coastal waters including ports and estuaries; electronic chart development, including the development of real- or near real-time aids to navigation; marine weather services applicable to commercial navigation safety in U.S. waters; and the digitizing of all NOAA charting data.

Mr. President, a very good question for us to consider today is: What if the QE2 had been a tanker full of oil or other chemical products rather than a luxury liner? We have to consider ourselves extremely lucky with the QE2 in that no one was seriously injured or that no environmental damage was done similar to what happened in Prince William Sound, Alaska, or to what happened recently off the Shetland Islands in the North Sea. Additionally, Mr. President, I'm concerned that NOAA is unable to meet its responsibility to respond to Department of Defense charting requirements as was the case when a nuclear submarine ran aground off the coast of New England last fall. Allegedly, this submarine struck the bottom in 330 feet of water, where the NOAA chart indicated approximately 540 feet—a significant difference of 200 feet.

By introducing this legislation today, I believe we will be taking an important first step towards renewing our confidence in NOAA's nautical charts—a confidence that reassures us that potential dangers and navigational hazards have been accurately portrayed on these charts. Both NOAA and the Coast Guard have testified about the need for such legislation.

In brief, Mr. President, this legislation contains:

Section 1 states the short title of the bill, the "Marine Navigation Safety Improvement Act of 1993."

Section 2 establishes within the Harbor Maintenance Trust Fund [HMTF] a separate account to be known as the Marine Navigation Safety Account [MNSA], and authorizes transfers of funds from the MNTF to the MNSA and crediting to the MNSA of interest accrued on amounts in the HMTF before those amounts are transferred.

Section 2(2)(A) provides that not later than 30 days after enactment of the bill there shall be transferred from the HMTF to the MNSA an amount equal to the sum of 0.08 percent of the amount of revenues paid into the HMTF during calendar years 1991 and 1992, plus interest on that amount credited for calendar years 1991 and 1992. (Note that 0.08 percent of revenues paid into the HMTF is equal to 0.01 percent of the value of the cargoes that are taxed to generate revenues for the HMTF. The overall tax rate on those cargoes is 0.125 percent, which, when multiplied by 0.08 equals 0.01 percent.)

Section 2(2)(B) provides that for calendar year 1993 and each subsequent calendar year, there shall be transferred from the HMTF to the MNSA amounts equal to the sum of 0.08 percent of the amount of revenues paid into the HMTF during that calendar year plus interest on that amount credited for that calendar year.

Section 2(3) provides that amounts in the MNSA shall be available, as provided in appropriations acts, to carry out the programs and activities of the National Oceanic and Atmospheric Administration [NOAA] of the Department of Commerce described in section 210(c) of the Water Resources Development Act of 1986 [WRDA 1986].

Section 3 amends WRDA 1986 to authorize appropriations from the MNSA to carry out the purposes of section 210(c) of WRDA 1986, and further amends section 210 by adding a new subsection (c) to provide that funds transferred into the MNSA shall be available to the Secretary of Commerce to support, either directly or by contract, the nautical charting and marine navigational safety programs and other related activities of NOAA, subject to the conditions that—funds transferred into the MNSA pursuant to section 2(2)(A) shall be used only for the purposes of modernizing, enhancing or expanding NOAA's capability to conduct its programs and activities related to marine navigational safety; and funds transferred into the MNSA pursuant to section 2(2)(B) shall be used for the purposes of conducting the operational aspects of NOAA's programs and activities related to marine navigational safety, or for modernizing, enhancing or expanding NOAA's capability to conduct those programs and activities.

Mr. President, I request that the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Navigation Safety Improvement Act of 1993".

SEC. 2. ESTABLISHMENT OF MARINE NAVIGATION SAFETY ACCOUNT.

Section 9505 of the Internal Revenue Code of 1986 (relating to the Harbor Maintenance Trust Fund) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting "except as provided in paragraph (4)", before "to carry out";

(B) in paragraph (3), by striking the period at the end and inserting a comma; and

(C) by adding at the end the following new paragraph:

"(4) to carry out subsections (a)(3) and (c) of section 210 of the Water Resources Development Act of 1986."; and

(2) by adding at the end the following new subsection:

"(e) MARINE NAVIGATION SAFETY ACCOUNT.—

"(1) IN GENERAL.—There is hereby established in the Harbor Maintenance Trust Fund a separate account to be known as the 'Marine Navigation Safety Account', consisting of such amounts as may be transferred or credited to the account pursuant to this subsection or section 9602(b).

"(2) TRANSFERS TO ACCOUNT.—

"(A) 1991 AND 1992.—Not later than 30 days after the date of the enactment of the Marine Navigation Safety Improvement Act of 1993, the Secretary shall transfer to the Marine Navigation Safety Account an amount not to exceed the sum of—

"(i) 8 percent of the amount of taxes received in the Treasury under section 4461 for the calendar years 1991 and 1992; and

"(ii) interest on the amount referred to in clause (i) for the calendar years 1991 and 1992, credited pursuant to section 9602(b)(3).

"(B) 1993 AND EACH SUBSEQUENT YEAR.—For calendar year 1993, and for each calendar year thereafter, the Secretary shall transfer to the Marine Navigation Safety Account an amount equal to the sum of—

"(i) 8 percent of the amount of taxes received in the Treasury pursuant to section 4461; and

"(ii) interest on the amount referred to in clause (i) for the calendar year, credited pursuant to section 9602(b)(3).

"(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Marine Navigation Safety Account shall be available, as provided in appropriations Acts, to carry out the programs and activities of the National Oceanic and Atmospheric Administration of the Department of Commerce related to commercial marine navigation described in section 210(c) of the Water Resources Development Act of 1986.".

SEC. 3. AMENDMENT TO THE WATER RESOURCES DEVELOPMENT ACT OF 1986.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) from the Marine Navigation Safety Account established under section 9505(e) of the Internal Revenue Code of 1986, to carry out the programs and activities of the National Oceanic and Atmospheric Administration of the Department of Commerce related to commercial marine navigation described in subsection (c)."; and

(2) by adding at the end the following new subsection:

"(c) COMMERCIAL MARINE NAVIGATION.—The amounts authorized to be appropriated under subsection (a)(3) shall remain available until expended, and shall—

"(1) be made available to the Secretary of Commerce to support, either directly or by contract, the nautical charting and marine navigational safety programs and such other activities of the National Oceanic and Atmospheric Administration related to commercial marine navigation as the Secretary determines to be appropriate, including—

"(A) the nautical charting program;

"(B) marine tides and circulation programs;

"(C) charting survey ship support; and

"(D) marine weather services applicable to commercial navigation safety in the waters of the United States; and

"(2) be used by the Secretary of Commerce, subject to the following conditions:

"(A)(i) Funds transferred to the Marine Navigation Safety Account pursuant to section 9505(e)(2)(A) of the Internal Revenue Code of 1986 shall be used only for the purposes of enabling, modernizing, enhancing, or expanding the capabilities of the National Oceanic and Atmospheric Administration to conduct the programs and activities referred to in paragraph (1).

"(ii) No portion of the funds referred to in clause (i) may be used to offset funds made available for the purposes referred to in clause (i) through appropriations to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration.

"(B)(i) Funds transferred to the Marine Navigation Safety Account pursuant to section 9505(e)(2)(B) of the Internal Revenue Code of 1986 may be used for the following purposes:

"(I) Conducting the operational aspects of the programs and activities referred to in paragraph (1).

"(II) Enabling, modernizing, enhancing, or expanding the capabilities of the National Oceanic and Atmospheric Administration to conduct the programs and activities referred to in paragraph (1).

"(ii) Not more than 50 percent of the funds referred to in clause (i) may be used to offset funds previously made available for the purposes referred to in clause (i) through appropriations to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration.".●

● Mr. CHAFEE. Mr. President, today I join my colleague from Connecticut, Senator LIEBERMAN, in introducing the Marine Navigation Safety Improvement Act of 1993. Passage of this legislation will help to ensure secure navigation for our Nation's commercial and recreational shippers.

The fact that 95 percent of U.S. international trade travels by sea, including a significant amount of petroleum products and hazardous materials, highlights the need for this legislation. We in New England are especially attuned to the importance of marine traffic, both foreign and domestic. Our economic history has revolved around seaport towns such as Providence and Boston.

In order to preserve the economic viability and safety of our shipping lanes, we must provide marine cargo and passenger operators the most up-to-date nautical information. My primary concern is the adequacy of our nautical charts, the roadmaps of this Nation's shipping lanes.

The nautical charting effort for the United States falls under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA]. In this capacity, NOAA is responsible for charting over 3.5 million square miles of water and 90,000 miles of coastline. All seagoing traffic within the U.S. 200-mile limit utilizes data provided by NOAA.

Yet, according to NOAA, charts for 60 percent of the entire U.S. coastline and 30 percent of the east coast are based upon information that is 50 years old. New England shipping lanes that traverse rocky areas and are not maintained by the Army Corps of Engineers are in dire need of complete surveys to ensure that all significant rock formations and obstructions are charted. The August 1992 grounding of the cruise liner *Queen Elizabeth II* off Martha's Vineyard has raised serious questions with regard to the reliability of NOAA's nautical charts. To be sure, however, there are other high traffic sea lanes throughout the country that require new surveys. Let us not wait until a catastrophe at sea occurs before taking action.

At present, NOAA does not possess the capability to carry out its mission. This legislation would provide the resources to meet NOAA's nautical charting mandate.

The legislation itself is straightforward and is tied to the operation of the harbor maintenance trust fund and fee. At this point, let me provide some background information for the RECORD. The Water Resources Development Act of 1986 authorized the Department of the Treasury to collect a harbor maintenance fee of 0.04 percent on the value of cargo loaded or unloaded at U.S. ports which had received Federal expenditures for construction, operation, or maintenance since 1977. The fee, paid to the U.S. Customs Service by importers, exporters, and domestic shippers, is transferred into the harbor maintenance trust fund for the purpose of recovering 40 percent of the Army Corps of Engineers' operation and maintenance expenditures for commercial navigation.

In 1990, President Bush proposed to increase the fee from the original level of 0.04 to 0.125 percent in order to cover 100 percent of the corps' operation and maintenance budget. As part of the proposal, 0.01 percent of the increase was to have been allocated to support NOAA programs and activities related to navigation safety. The increase was enacted in the Omnibus Budget Reconciliation Act of 1990 [OBRA], but authorizing language to effect the transfer of the 0.01 percent to NOAA was not included in that legislation.

The Army Corps of Engineers has in fact received funds at the increased level since January 1, 1991, while the 0.01 percent allocation proposed for programs and activities related to NOAA's navigation safety program has been accumulating in the trust fund since that time.

The legislation we are introducing today will correct this problem. First, the bill establishes, in the harbor maintenance trust fund, a separate account to be known as the marine navigation safety account. Second, the legislation mandates that not later than 30 days after enactment, an amount equal to the accumulated 0.01 percent allocation and interest shall be transferred to the marine navigation safety account to support NOAA's commercial marine navigation program. Third, and finally, the bill provides for annual transfers to NOAA of amounts accumulated during the preceding year to support the NOAA marine navigation program.

Mr. President, the Marine Navigation Safety Improvement Act of 1993 will provide the resources that are needed to usher our Nation's navigation system into the 21st century. Let us not wait until a catastrophic accident at sea forces us to take action. I urge my colleagues to join us in this effort.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 656. A bill to provide for indoor air pollution abatement, including indoor radon abatement, and for other purposes; to the Committee on Environment and Public Works.

INDOOR AIR QUALITY ACT

Mr. MITCHELL. Mr. President, today I am reintroducing legislation to address the significant threats to human health posed by exposure to contaminants in the air indoors.

This legislation, titled the Indoor Air Quality Act of 1993, was passed by the Senate in the last two Congresses.

I am very pleased that Senator CHAFEE, the ranking Republican member of the Environment and Public Works Committee, and Senators LIEBERMAN and LAUTENBERG, the chairman and former chairman of the subcommittee with jurisdiction over this legislation, have joined me in supporting this bill. With their help and the help of the many other Senators who have worked on and supported this legislation, I am confident that we will be able to enact indoor air legislation in this Congress.

I will also be sponsoring legislation, to be introduced by Senator LAUTENBERG today, to extend and reauthorize the Indoor Radon Abatement Act. This legislation was passed by the Senate last year and includes important provisions to reduce the health threats posed by exposure to radon gas in homes and schools.

Most Americans spend up to 90 percent of the day indoors. There is growing evidence that exposure to contaminants in the air indoors is a deadly serious problem.

In 1987, I chaired hearings that addressed the health effects of indoor air contaminants. Additional hearings were held in 1989 and 1991.

Witnesses at these hearings and related hearings in the House of Representatives over the past several years confirmed basic information about indoor air pollution.

We know that exposure to air pollutants occurs indoors—in residences, workplaces, schools, public buildings, and transportation vehicles—as well as outdoors.

We know that indoor air pollutants include radon, asbestos, volatile organic compounds for example, formaldehyde, benezene—tobacco smoke, combustion by-products for example, carbon monoxide, carbon dioxide—metals and gases—for example, lead, chlorine, ozone—and respirable particles.

We now that pollutants in indoor air pose a threat of lung cancer. The Environmental Protection Agency [EPA] estimates that radon causes as estimated 14,000 lung cancer deaths each year. In addition, EPA estimates that tobacco smoke causes 3,000 lung cancer deaths in nonsmokers each year and a selected group of volatile organic chemicals in indoor air cause several thousand additional cancers each year.

We know that sources of these pollutants include commercial products, building materials, combustion appliances, indoor application of pesticides, and outdoor sources.

The medical community reports other health effects of indoor air contaminants include skin and eye irritation, respiratory function impairment, allergic and infectious diseases, neurotoxicity, immune effects, liver and kidney effects, and developmental effects.

We have clear evidence that the health effects of indoor air pollutants result in substantial costs to society in the form of reduced productivity, sick time, health care costs, and disability costs estimated to be in the tens of billions of dollars.

Much of our information about the indoor air pollution problem is relatively recent. The foundation for our understanding of indoor air pollution problems is a series of EPA research projects that offer compelling documentation of the serious health threats posed by indoor air contaminants.

In September 1989, in response to section 403(e) of the Superfund Amendments and Reauthorization Act of 1986, EPA published a major assessment of indoor air quality.

The report indicates the seriousness of indoor air pollution, stating:

> * * * indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

The report further states:

> * * * the information available suggests that exposure to indoor air pollutants poses a significant health threat to the domestic population.

The report also documents the wide range of indoor air contaminant health effects and states:

> Health effects from indoor air pollution cover the range of acute and chronic effects and include eye, nose, and throat irritation, respiratory effects, neurotoxicity, kidney and liver effects, heart functions, allergic and infectious disease, developmental effects, mutagenicity, and carcinogenicity.

Illnesses caused by indoor air contaminants take a toll in death, suffering, and discomfort. These illnesses, however, also have a cost to society in the form of increased medical expenses, increased sick leave, and declines in worker productivity.

The EPA report includes new assessments of the costs of indoor air contamination. The annual national costs of medical care resulting from indoor air pollution are estimated at over $1 billion. The report also cites the costs associated with employee sick days and reduced productivity due to indoor air illness. Using the same conservative assumptions used to calculated direct medical costs, the report estimates costs of reduced productivity at between $4.4 and $5.4 billion annually.

In summarizing the overall costs of indoor air pollution, the EPA report concludes:

> Many costs of indoor air pollution have not been calculated. Nevertheless, because of the large number of people and buildings potentially affected, as well as the wide range of effects for which there is a cost component, it is reasonable to conclude that the aggregate costs of indoor air pollution amount to tens of billion of dollars per year.

Other studies corroborate these findings.

In December 1989, EPA published the results of studies of environmental priority setting in three regions of the country where indoor air pollution was recognized as a serious problem. The Agency concluded:

> * * * risk associated with most environmental problems does not differ much across the (geographic) areas studied. For example, indoor air pollution consistently causes greater health risks than hazardous waste sites whether one is concerned with New England, the Middle Atlantic region, or the Pacific Northwest. Such consistent findings should play an important role in setting national environmental priorities.

In September 1988, EPA issued a major report on indoor air quality in public buildings. The summary of the report states:

> VOCs (volatile organic chemicals) are ubiquitous indoors * * *. About 500 different chemicals were identified in just four buildings * * *. Almost every pollutant was at higher levels indoors than out * * *. New buildings had levels of some chemicals that were 100 times higher than outdoor levels.

In 1987, EPA published a comprehensive study of total exposure to air pollutants, both indoor and outdoors. The report states:

> The major finding of this study is the observation that personal and indoor exposures to these toxic and carcinogenic chemicals

> are nearly always greater—often much greater—than outdoor concentrations. We are led to the conclusion that indoor air in the home and at work far outweighs outdoor air as a route of exposure to these chemicals.

Despite all the evidence of the health effects and economic costs of indoor air pollution, the Federal Government still lacks a coordinated and comprehensive response to this problem.

Congress has made progress in addressing indoor air quality problems in the past several years.

The 99th Congress enacted bills to establish a program of research on radon and indoor air pollutants at the EPA and to establish a national program to control asbestos in schools.

The 100th Congress enacted legislation addressing indoor radon and considered legislation to address indoor air generally.

In the 101st and 102d Congress, the Senate passed indoor air quality legislation which is virtually identical to the bill we are considering today.

In drafting this legislation, we had five basic principles in mind.

First, we placed a strong emphasis on expanding and strengthening indoor air research.

Second, we sought to improve understanding of specific indoor air pollutants through development of health advisories on indoor air contaminants.

Third, we wanted to foster more effective use of existing authority for controlling indoor air contaminants rather than creating new regulatory authority. The bill provides that existing Federal authorities are to be focused and directed in a national response plan.

Fourth, we sought to demonstrate the role States can play in addressing indoor air pollution.

Finally, we sought to create an institutional base for indoor air programs at the Environmental Protection Agency and assure coordination of related efforts throughout the Federal Government.

I will provide some additional explanation of the major elements of this legislation.

The bill expands research of indoor air pollution by providing the EPA and other agencies with authority to conduct general research on indoor air contamination and research on specific problem areas.

New authority is provided to demonstrate various technologies which may contribute to the reduction of indoor air contamination. The bill also calls for the issuance of technical and management practice bulletins providing assessments of technologies for controlling and measuring indoor air contaminants

An important provision of the bill provides for a report to Congress on the subject of chemical sensitivity disorders, including multiple chemical sensitivities. The study is to address the underlying causes of chemical sensitivity disorders, identify the prevalence of these disorders, and make recommendations for actions to prevent and respond to such illnesses.

The bill also provides for the Director of the National Institute for Occupational Health and Safety, in consultation with the Administrator, to develop an indoor air quality training course for managers of Federal and other buildings. Training courses are to address building management methods for reducing indoor air contamination.

The Administrator is to conduct a program to analyze the adequacy of existing ventilation standards and guidelines to protect public health and report on it to the Congress within 36 months.

The bill provides that the EPA will develop a list of indoor air contaminants and health advisory documents for the contaminants. Health advisory documents are to include descriptions of the characteristics of each contaminant and the health threats posed at various concentrations. The EPA is to issue six advisories within 18 months of the date of enactment and an additional six advisories within the next 18 months.

A key section of the bill directs the EPA to develop a national response plan identifying actions to be taken to reduce contaminants in indoor air. The plan is to identify and schedule needed actions by EPA and other Federal agencies under the authority in existing statutes. The plan also will outline Federal agency activities related to indoor air information, education, and technical assistance.

The Federal Government must play a leadership role in developing effective responses to indoor air pollution problems. The bill provides for a Federal building response plan to address air quality in Federal buildings.

The plan is to identify general management practices for improving indoor air. Buildings with identified indoor air quality problems are to be considered for assessment under the "sick building" section of the act. The plan is to be submitted to Congress 24 months after enactment of the act and biennially thereafter.

Another key objective of the bill is to demonstrate very basic indoor air quality management strategies and assessments at the State level. States have proven to be essential partners in implementing many of our environmental programs, and I hope that this provision of the bill will foster an improved understanding of the role of State governments in responding to indoor air quality problems.

The bill provides grants to States for demonstrating indoor air quality management and assessment strategies. Each State is to identify a lead agency for protecting indoor air quality, describe existing programs at the State and sub-State levels, and assure coordination with programs addressing ambient air quality. State assessment programs are to identify contaminants of concern by geographic areas experiencing problems and provide for periodic assessments of indoor air conditions and trends. States or other air pollution control agencies also may develop response programs to address a particular indoor air contaminant, class of buildings, or buildings in a specific geographic area.

Several provisions of the bill expand the institutional base for attention to indoor air pollution. An Office of Indoor Air Quality is established within the EPA to manage indoor air activities and to work with other Federal agencies.

The bill also addresses the problem of coordination of indoor air quality activities among Federal agencies. The nature of indoor air pollution problems requires that a wide range of Federal agencies participate in assessment and control efforts. The bill establishes a Council on Indoor Air Quality to oversee the indoor air activities of various Federal agencies. Agencies represented on the Council include EPA, the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, the Consumer Product Safety Commission, and the General Services Administration.

The bill also addresses the problem of "sick buildings." The Director of the National Institute of Occupational Safety and Health [NIOSH] is to carry out a program to demonstrate methods of assessment and mitigation of indoor air contamination in "sick buildings." This expanded effort will help develop the most effective measures to identify the causes of "sick building syndrome" and the most effective measures to mitigate these problems.

The bill authorizes total funding of $48.5 million for each fiscal year from 1992 to 1996 including: $20 million for research and health advisories; $10 million for EPA operations; $12 million for State management and response grants; $1.5 million for the National Indoor Air Quality Council; and $5 million for the Building Assessment Program.

Mr. President, each year the evidence of the health threats and economic costs of indoor air pollution grows and grows. Much of the research documenting this problem has been developed by the EPA. Unfortunately, the EPA has not stepped forward to address this important problem in a comprehensive and coordinated way. Our legislation is intended to recognize the importance of indoor air pollution and get the Federal Government and the States actively involved in solving the problem.

I urge all my colleagues to join me in supporting this important legislation. With your support, we can assure that Americans have clean, safe air to breathe indoors as well as outdoors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indoor Air Quality Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Indoor air quality research.
Sec. 6. Management practices and ventilation standards.
Sec. 7. Indoor air contaminant health advisories.
Sec. 8. National indoor air quality response plan.
Sec. 9. Federal building response plan and demonstration program.
Sec. 10. State and local indoor air quality programs.
Sec. 11. Office of Indoor Air Quality.
Sec. 12. Council on Indoor Air Quality.
Sec. 13. Indoor air quality information clearinghouse.
Sec. 14. Building assessment demonstration.
Sec. 15. State and Federal authority.
Sec. 16. Authorization of appropriations.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Americans spend up to 90 per centum of a day indoors and, as a result, have a significant potential for exposure to contaminants in the air indoors;

(2) exposure to indoor air contamination occurs in workplaces, school, public buildings, residences, and transportation vehicles;

(3) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (including, formaldehyde and benzene), combustion byproducts (including, carbon monoxide and nitrogen oxides), metals and gases (including, lead, chlorine, and ozone), respirable particles, biological contaminants, microorganisms, and other contaminants;

(4) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(5) indoor air pollutants pose serious threats to public health (including cancer, respiratory illness, multiple chemical sensitivities, skin and eye irritation, and related effects);

(6) up to 15 per centum of the United States population may have heightened sensitivity to chemicals and related substances found in the air indoors;

(7) radon is among the most harmful indoor air pollutants and is estimated to cause between five thousand and twenty thousand lung cancer deaths each year;

(8) other selected indoor air pollutants are estimated to cause between three thousands five hundred and six thousand five hundred additional cancer cases per year;

(9) indoor air contamination is estimated to cause significant increases in medical costs and declines in work productivity;

(10) as many as 20 per centum of office workers may be exposed to environmental conditions manifested as "sick building syndrome";

(11) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products combustion appliances, indoor application of pesticides and other sources;

(12) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies, education programs, and other methods of reducing human exposure to such contamination;

(13) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies;

(14) there is not an adequate effort by Federal agencies to develop methods, techniques, and protocols for assessment of indoor air contamination in non-residential, non-industrial buildings and to provide guidance on measures to respond to contamination; and

(15) State governments can make significant contributions to the effective reduction of human exposure to indoor air contaminants and the Federal Government should assist States in development of programs to reduce exposures to these contaminants.

SEC. 3. PURPOSE.

The purposes of this title are to—

(1) develop and coordinate through the Environmental Protection Agency and at other departments and agencies of the United States a comprehensive program of research and development concerning the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposure to such contaminants;

(2) establishment a process whereby the existing authorities of Federal statutes will be directed and focused to assure the full and effective application of these authorities to reduce human exposure to indoor air contaminants where appropriate;

(3) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(4) to authorize activities to assure the general coordination of indoor air quality-related activity, to provide for reports on indoor air quality to Congress, to provide for assessments of indoor air contamination in specific buildings by the National Institute for Occupational Safety and Health, to assure that data and information on indoor air quality issues is available to interested parties, to provide training, education, information, and technical assistance to the public and private sector, and for other purposes.

SEC. 4. DEFINITIONS.

For the purposes of this title, the term—

(1) "Agency" means the United States Environmental Protection Agency;

(2) "indoor" refers to the enclosed portions of buildings including non-industrial workplaces, public buildings, Federal buildings, schools, commercial buildings, residences, and the occupied portions of vehicles;

(3) "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances in indoor air which may reasonably be anticipated to have an adverse effect on human health;

(4) "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government or government corporation;

(5) "Federal building" means any building which is used primarily as an office building, school, hospital, or residence that is owned, leased, or operated by any Federal agency and is over ten thousand square feet in area, any building occupied by the Library of Congress, the White House and the Vice Presidential residence, and any building that is included in the definition of Capitol Buildings under section 193m(1) of title 40, United States Code;

(6) "Administrator" means to the Administrator of the Environmental Protection Agency;

(7) "Administration" means the Occupational Safety and Health Administration;

(8) "Director" means the Director of the National Institute of Occupational Safety and Health;

(9) "local education agency" means any educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

(10) "local air pollution control agency" means any city, county, or other local government authority charged with the responsibility for implementing programs or enforcing ordinances or laws relating to the prevention and control of air pollution including indoor air pollution.

SEC. 5. INDOOR AIR QUALITY RESEARCH.

(a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, establish a national research, development, and demonstration program to assure the quality of air indoors and as part of such program shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) In carrying out the provisions of this section, the Administrator is authorized, subject to the availability of appropriations, to—

(A) collect and make available to the public through publications and other appropriate means, the results of research, development and demonstration activities conducted pursuant to this section;

(B) conduct research, development and demonstration activities and cooperate with other Federal agencies, with State and local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations and other persons in the preparation and conduct of such research, development and demonstration activities;

(C) make grants to the States or to local government entities, to other public agencies and authorities, to nonprofit institutions and organizations, and to other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effects of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects of indoor air contaminants or potential contaminants;

(F) develop and disseminate informational documents on indoor air contaminants describing the nature and characteristics of such contaminants in various concentrations;

(G) develop effective and practical processes, protocols, methods, and techniques for the prevention, detection, and correction of indoor air contamination and work with the private sector, other governmental entities, and schools and universities to encourage the development of innovative techniques to improve indoor air quality;

(H) construct such facilities and staff and equip them as may be necessary to carry out the provisions of this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at such conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers;

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities and other property rights, by purchase, license, lease, or donation. If the Administrator expects or intends that research pursuant to this subsection will primarily affect worker safety and health, he shall consult with the Assistant Secretary for Occupational Safety and Health and the Director; and

(L) conduct research, development and demonstration activities with nonprofit institutions on the use of indoor foliage as a method to reduce indoor air pollution.

(b) PROGRAM REQUIREMENTS.—The Administrator, in coordination with other appropriate Federal agencies, shall conduct, assist, or facilitate research, investigations, studies, surveys, or demonstrations with respect to, but not limited to, the following—

(1) the effects on human health of contaminants or combinations of contaminants at various levels whether natural or anthropogenic including additive, cumulative, and synergistic effects on populations both with and without heightened sensitivity that are found or are likely to be found in indoor air;

(2) the exposure of persons to contaminants that are found in indoor air (including exposure to such substances from sources other than indoor air contamination including drinking water, diet, or other exposures);

(3) the identification of populations at increased risk of illness from exposure to indoor air contaminants and assessment of the extent and characteristics of such exposure;

(4) the exposure of persons to contaminants in different building classes or types, and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles;

(5) identification of building classes or types and design features or characteristics which increase the likelihood of exposure to indoor air contaminants;

(6) identification of the sources of indoor air contaminants including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors;

(7) assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air;

(8) development of methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air;

(9) assessment of the fate, including degradation and transformation, of particular contaminants in indoor air;

(10) development of methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors;

(11) assessment of indoor air quality in facilities of local education agencies and buildings housing child care facilities and development of measures and techniques for control of indoor air contamination in such buildings;

(12) development of protocols, methods, techniques and instruments for sampling indoor air to determine the presence and level of contaminants including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis;

(13) development of air quality sampling methods and instruments which are inexpensive and easy to use and may be used by the general public;

(14) development of control technologies, building design criteria, and management practices to prevent the entrance of contaminants into buildings or vehicles (for example, air intake protection, sealing, and related measures) and to reduce the concentrations of contaminants indoors (for example, control of emissions from internal sources of contamination, improved air exchange and ventilation, filtration, and related measures);

(15) development of materials and products which may be used as alternatives to materials or products which are now in use and which contribute to indoor air contamination;

(16) development of equipment and processes for removal of contaminants from the indoor air;

(17) research, to be carried out principally by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, for the purpose of assessing—

(A) the exposure of workers to indoor air contaminants including assessment of resulting health effects; and

(B) the costs of declines in productivity, sick time use, increased use of employer-paid health insurance, and worker compensation claims;

(18) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, and the Secretary of the Department of Energy for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, permeability of soil, and radon content of soil; and

(B) design measures to avoid indoor air pollution, and

(19) research, to be carried out in conjunction with the Secretary of Transportation, for the purposes of—

(A) assessing the potential for indoor air contamination in public and private transportation; and

(B) designing measures to avoid such indoor air contamination.

(20) research, to be carried out in consultation with the Administrator for the National Aeronautics and Space Administration, for the purpose of assessing the use of indoor foliage as a means to reduce indoor air contamination, including demonstration projects to determine the level of pollutants reduced by indoor plants in buildings.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—(1) The Administrator may enter into cooperative agreements or contracts, or provide financial assistance in the form of grants, to public agencies and authorities, nonprofit institutions and organizations, employee advocate organizations, local educational institutions, or other persons, to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of indoor air contamination, preventing the occurrence of indoor air contamination, and reducing exposures to indoor air contamination.

(2) The Administrator may assist demonstration activities under paragraph (1) of this subsection only if—

(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local, or commercial efforts to demonstrate such practice, method, technology, or process;

(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, evaluation and publication of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective.

(4) Within one hundred and eighty days after the date of enactment of this title, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this subsection. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants which present risks to human health;

(B) the consistency of the proposal with the recommendations provided pursuant to paragraph (8) of section 8(d);

(C) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

(D) the likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including considerations of cost, effectiveness, and technological feasibility;

(E) the extent of financial support from other persons to accomplish the demonstration as described in the application; and

(F) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

(7) The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

(8) Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(9) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(10) Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(11) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines that research under this section is of a basic nature which would not otherwise be undertaken, or the applicant is a local educational agency, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(12) The Administrator shall, from time to time, publish general reports describing the findings of demonstration projects conducted pursuant to this section. Such reports shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act.

(d) ASSESSMENT OF SCHOOLS AND CHILD CARE FACILITIES.—(1) The Administrator shall conduct a national assessment of the seriousness and extent of indoor air contamination in buildings owned by local educational agencies and child care facilities.

(2) The Administrator shall establish an advisory group made up of representatives of school administrators, teachers, child care organizations, parents and service employees and other interested parties, including scientific and technical experts familiar with indoor air pollution exposures, effects, and controls, to provide guidance and direction in the development of the national assessment.

(3) The Administrator shall provide a report to Congress of the results of the national assessment not later than two years after the date of enactment of this Act. The report required by this paragraph shall provide such recommendations for activities or programs to reduce and avoid indoor air contamination in buildings owned by local educational agencies and in child care facilities as the Administrator determines to be appropriate.

(e) REPORTS TO CONGRESS.—(1) The Administrator shall, within twenty-four months of the date of enactment of this Act, prepare and submit to the Congress a report reviewing and assessing issues related to chemical sensitivity disorders, including multiple chemical sensitivities. The Advisory Committee established pursuant to section 7(c) of this title shall review and comment on the report prior to submittal to the Congress.

(2) The Administrator, in consultation with the Administrator for the National Aeronautics and Space Administration, shall submit to the Congress a report on the research program authorized under paragraph (20) of subsection (b) within 2 years of enactment of this Act.

(f) CLARIFICATION OF AUTHORITY.—Title IV of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is repealed.

SEC. 6. MANAGEMENT PRACTICES AND VENTILATION STANDARDS.

SEC. 6. (a) TECHNOLOGY AND MANAGEMENT PRACTICE ASSESSMENT BULLETINS.—(1) The Administrator shall publish bulletins providing an assessment of technologies and management practices for the control and measurement of contaminants in the air indoors.

(2) Bulletins published pursuant to this subsection shall, at a minimum—

(A) describe the control or measurement technology or practice;

(B) describe the effectiveness of the technology or practice in control or measurement of indoor air contaminants and, to the extent feasible, the resulting reduction in risk to human health;

(C) assess the feasibility of application of the technology or practice in buildings of different types, sizes, ages, and designs;

(D) assess the cost of application of the technology or practice in buildings of different types, sizes, ages, and designs, including capital and operational costs; and

(E) assess any risks to human health that such technology or practice may create.

(3) The Administrator shall establish and utilize a standard format for presentation of the technology and management practice assessment bulletins. The format shall be designed to facilitate assessment of technologies or practices by interested parties, including homeowners and building owners and managers.

(4) The Administrator shall provide that bulletins published pursuant to this subsection shall be published on a schedule consistent with the publication of health advisories pursuant to section 7(b) of this Act to the extent practicable.

(5) In development of bulletins pursuant to this subsection, the Administrator shall provide for public review and shall consider public comment prior to publication of bulletins. Where the technology or management practice is expected to have significant implications for worker safety or health, the Administrator shall consult with the Director prior to seeking review and comment.

(6) Bulletins published pursuant to this subsection shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, shall be made available to architecture, design, and engineering firms and building owners and managers and to organizations representing such parties.

(b) MODEL BUILDING MANAGEMENT PRACTICES TRAINING.—(1) Within twelve months of the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration and the Administrator, shall develop an indoor air training course providing training in—

(A) principles, methods, and techniques related to ventilation system operation and maintenance including applicable ventilation guidelines and standards;

(B) maintenance of records concerning indoor air quality, including maintenance of ventilation systems, complaints of indoor air quality, and actions taken to address indoor air quality problems;

(C) health threats posed by indoor air pollutants, including a knowledge of health advisories published pursuant to this title and other information concerning contaminant levels;

(D) identification of potential indoor air pollutant sources and options for reducing exposures to contaminants;

(E) special measures which may be necessary to reduce indoor air contaminant exposures in new buildings and in portions of buildings which have been renovated or substantially refurbished within the past six months; and

(F) special measures which may be necessary to reduce exposures to contaminants associated with pesticide applications, installation of products, furnishings, or equipment, and cleaning operations.

(2) Within twenty-four months of the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall provide, or contract for the provision of, training courses pursuant to paragraph (1) of this subsection sufficient, at a minimum, to assure training on a schedule consistent with the requirements of section 9(f)(2).

(3) The Director of the National Institute of Occupational Safety and Health, or firms or organizations operating under contract with such Administrator, are authorized to establish a fee for training pursuant to this subsection. Fees shall be in an amount not to exceed the amount necessary to defray the costs of the training program.

(4) The Director of the National Institute of Occupational Safety and Health, in con-

sultation with the Administrator of the General Services Administration, and the Administrator, shall prepare a report to Congress within forty-eight months of the date of enactment of this subsection assessing the training program pursuant to this subsection and making recommendations concerning the application of training requirements to classes and types of buildings not covered by this subsection.

(c) VENTILATION PROGRAM.—(1) The Administrator, in coordination with other Federal agencies, shall conduct a program to analyze the adequacy of existing ventilation standards and guidelines to protect the public and workers from indoor air contaminants.

(2) The Administrator shall—

(A) identify and describe ventilation standards adopted by State and local governments and professional organizations, including the American Society of Heating, Refrigerating and Air Conditioning Engineers;

(B) determine the adequacy of the standards for protecting public health and promoting worker productivity;

(C) assess the costs of compliance with such standards;

(D) determine the degree to which such standards are being adopted and enforced;

(E) identify the extent to which buildings are being operated in a manner which achieves the standard; and

(F) assess the potential for such standards to complement controls over specific sources of contaminants in reducing indoor air contamination.

(3) The Administrator shall submit to the Congress, within thirty-six months of the enactment of this Act a report which shall—

(A) describe the ventilation program carried out under this Act; and

(B) make recommendations concerning—

(i) the establishment of ventilation standards which protect public and worker health and take comfort and energy conservation goals into account; and

(ii) ensuring that adequate ventilation standards are being adopted and that buildings are being operated in a manner which achieves the standard.

SEC. 7. INDOOR AIR CONTAMINANT HEALTH ADVISORIES.

(a) LIST OF CONTAMINANTS.—(1) Within two hundred and forty days after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of the contaminants (hereinafter referred to as listed contaminants) that may occur or are known to occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health. The list may include combinations or mixtures of contaminants and may refer to such combinations or mixtures by a common name.

(2) The Administrator shall from time to time and as necessary to carry out the provisions of this Act, but not less often than biennially, review and revise such list adding other contaminants pursuant to the requirements of this Act.

(3) The list provided for in paragraph (1) of this subsection shall include, at a minimum: benzene, biological contaminants, carbon monoxide, formaldehyde, lead, methylene chloride, nitrogen oxide, particulate matter, asbestos, polycyclic aromatic hydrocarbons (PAHs), and radon.

(4) In development of the list provided for in paragraph (1) of this subsection or in revision of such list pursuant to paragraph (2), the Administrator shall consult with the advisory panel provided for in subsection (c) of this section and provide for public review and shall consider public comment prior to issuance of a final list.

(5) The listing of contaminants under this subsection is not an agency rulemaking. In considering objections raised in any judicial or related action, the Administrator's decision to list a particular contaminant shall be upheld unless the objecting party can demonstrate that the decision was arbitrary or capricious or otherwise not in accordance with the law. The list of contaminants prepared in accordance with this subsection shall not be construed to indicate that those contaminants not listed are safe for human exposure or without adverse health effect.

(6) Upon application of the Governor of a State showing that a contaminant or potential contaminant in the indoor air which is not listed pursuant to paragraph (1) of this subsection may reasonably be anticipated to have an adverse effect on human health as a result of its presence in the indoor air, the Administrator shall, within ninety days, revise the list established by paragraph (1) of this subsection to include such contaminant or publish in the Federal Register the reasons for not making such a revision.

(b) CONTAMINANT HEALTH ADVISORIES.—(1) The Administrator shall, in consultation with the advisory panel, provided for in subsection (c) of this section, and after providing for public review and comment pursuant to paragraph (6), publish advisory materials addressing the adverse human health effects of listed contaminants.

(2) Such advisory materials shall, at a minimum, describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the adverse human health effects of the contaminant in various indoor environments and in various concentrations;

(C) an analysis of the risk posed by the contaminant to human health at the full range of concentration levels, including risk to subpopulations which may be especially sensitive to exposure to the contaminant;

(D) the extent to which the contaminant, or a mixture of contaminants, is associated with a particular substance or material and emissions rates which are expected to result in varying levels of contaminant concentration in indoor air;

(E) any Technology and Management Practice Assessment Bulletin which is applicable to the contaminant and any actions which are identified for the contaminant in the National Indoor Air Quality Response Plan prepared pursuant to this Act; and

(F) any indoor air contaminant standards or related action levels which are in effect under any authority of a Federal statute or regulation, the authority of State statutes or regulations, the authority of any local government, or the authority of another country, including standards or action levels suggested by appropriate international organizations.

(2) Health advisories published pursuant to this section shall in no way limit or restrict the application of requirements or standards established under any other Federal statute.

(3) The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the range of risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant which is understandable to public health professionals and to those who lack training in toxicology.

(4) The Administrator shall publish health advisories for listed contaminants as expeditiously as possible. At a minimum, the Administrator shall publish not less than six advisories within eighteen months of the date of enactment of this Act and shall publish an additional six advisories within thirty-six months of the date of enactment of this Act.

(5) Health advisories shall be based on the most current available scientific and related findings or information and shall be reviewed, revised, and republished to reflect new scientific and related findings or information on a periodic basis but not less frequently than every five years.

(6) In development and revision of health advisories pursuant to this subsection, the Administrator shall provide for public review and comment, including provision of notice in the Federal Register of the intent to publish a health advisory not less than ninety days prior to publication, and shall consider public comment prior to issuance of an advisory.

(c) ADVISORY PANEL.—The Indoor Air Quality and Total Human Exposure Committee of the Environmental Protection Agency Science Advisory Board shall advise the Administrator with respect to the implementation of this section including, but not limited to, the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of such documents. The Administrator shall provide that a representative of the Agency for Toxic Substances and Disease Registry, the Department of Energy Office of Health and Environmental Research, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences shall participate in the work of the Advisory Panel as ex officio members.

SEC. 8. NATIONAL INDOOR AIR QUALITY RESPONSE PLAN.

(a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, develop and publish a national indoor air quality response plan.

(2) The response plan shall provide for implementation of a range of response actions identified in subsections (b) and (c) which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act and attainment, to the fullest extent practicable, of indoor air contaminant levels which are protective of human health.

(b) EXISTING AUTHORITY.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific response actions to be implemented based on existing statutory authorities provided in—

(1) The Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 201 et seq.);

(3) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(4) the Safe Drinking Water Act (42 U.S.C. 300 et seq.);

(5) the authorities of the Consumer Product Safety Commission;

(6) the authorities of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health; and

(7) other regulatory and related authorities provided under any other Federal statute.

In implementation of response actions pursuant to paragraph (6) of this subsection the

Assistant Secretary for Occupational Safety and Health shall consult with representatives of State and local governments and their employees with respect to States where the Occupational Safety and Health Administration lacks jurisdiction over State and local employees.

(c) SUPPORTING ACTIONS.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific supporting actions including, but not limited to—

(1) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(2) development of guidance documents addressing individual contaminants, groups of contaminants, sources of contaminants, or types of buildings or structures and providing information on measures to reduce exposure to contaminants including—

(A) the estimated cost of such measures;

(B) the technologic feasibility of such measures; and

(c) the effectiveness and efficiency of such measures.

(3) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(4) technical assistance including design and implementation of training seminars for State and local officials, private and professional firms, and labor organizations dealing with indoor air pollution and addressing topics such as monitoring, analysis, mitigation, building management practices, ventilation, health effects, public information and program design;

(5) development of model building codes, including ventilation rates, for various types of buildings designed to reduce levels of indoor air contaminants;

(6) identification of contaminants, or circumstances of contamination for which immediate action to protect public and worker health is necessary and appropriate and a description of the actions needed;

(7) identification of contaminants, or circumstances of contamination, where regulatory or statutory authority is not adequate to address an identified contaminant or circumstance of contamination and recommendation of legislation to provide needed authority;

(8) identification of contaminants, or circumstances of contamination, where continued reduction of contamination requires development of technology or technological mechanisms; and

(9) identification of remedies to "sick building syndrome", including proper design and maintenance of ventilation systems, building construction and remodeling practices, and safe practices for the application of pesticides, herbicides, and disinfectants, and a standardized protocol for investigating and solving indoor air quality problems in sick buildings.

(d) CONTENTS OF PLAN.—In describing specific actions to be taken under subsections (b) and (c) of this section, the Administrator, in coordination with other appropriate Federal agencies, shall—

(1) identify the health effects, and any contaminant or contaminants thought to cause health effects to be addressed by a particular action and to the fullest extent feasible, the relative contribution to indoor air contamination from all sources of contamination;

(2) identify the statutory basis for the action;

(3) identify the schedule and process for implementation of the action;

(4) identify the Federal agency with jurisdiction for the specific action which will implement the action; and

(5) identify the financial resources needed to implement the specific action and the source of these resources.

(e) SCHEDULE.—Response plans provided for in subsection (a) shall be submitted to Congress within twenty-four months of enactment of this title and biennially thereafter.

(f) REVIEW.—(1) The Administrator shall provide for public review and comment on the repose plan provided for in this section, including provision of notice in the Federal Register for public review and comment not less than three months prior to submission to the Congress. The Administrator shall include in the response plan a summary of public comments.

(2) The Administrator shall provide for the review and comment on the response plan by the Council on Indoor Air Quality provided for under section 12 of this Act.

(g) ASSESSMENT OF MONITORING AND MITIGATION SERVICES.—The Administrator shall include in the first plan published pursuant to this section an assessment of indoor air monitoring and mitigation services provided by private firms and other organizations, including the range of such services, the reliability and accuracy of such services, and the relative cost of such services. The assessment required by this subsection shall include a review and analysis of options for oversight of indoor air monitoring and mitigation firms and organizations, including registration, licensing, and certification of such firms and organizations and options for imposing a user fee on such firms and organizations.

SEC. 9. FEDERAL BUILDING RESPONSE PLAN AND DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Administrator and the Administrator of the General Services Administration shall develop and implement a program to respond to and reduce indoor air contamination in Federal buildings and to demonstrate methods of reducing indoor air contamination in new Federal buildings.

(b) FEDERAL BUILDING RESPONSE PLAN.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, the Director, and affected Federal departments or agencies shall prepare response plans addressing indoor air quality in Federal buildings. The plans shall, to the fullest extent practicable, be developed in conjunction with response plans pursuant to section 8 of this Act.

(2) The response plan shall provide for implementation of a range of response actions which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act, and attainment, to the fullest extent practicable, of indoor air contaminant concentration levels which are protective of public and worker health.

(3) Federal building response plans provided for in paragraph (1) of this subsection shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions including general building management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in those buildings listed in subparagraph (A);

(C) a list of individual Federal buildings listed in subparagraph (A) for which there is sufficient evidence of indoor air contamination or related employee health effects to warrant assessment of the building pursuant to section 14 of this Act and a schedule for development and submittal of building assessment proposals pursuant to section 14(d) of this Act;

(D) a description and schedule of specific response actions to be implemented in each specific building identified in subparagraph (C) and assessed pursuant to section 14 of this Act:

(E) an identification of the Federal agency responsible for funding and implementation of each response action identified in subparagraphs (B) and (D); and

(F) an identification of the estimated costs of each response action identified in subparagraphs (B) and (D) and the source of these resources.

(4) The response provided for in this subsection shall address each Federal building identified in paragraph (3)(A), except that specific buildings may be exempted from coverage under this subsection. Such buildings may be exempted on the grounds of—

(A) national security;

(B) anticipated demolition or termination of Federal ownership within three years; and

(C) specialized use of a building which precludes necessary actions to reduce indoor air contamination.

(5) The plan provided for in subsection (b) shall be submitted to Congress within twenty-four months of enactment of this title and biennially thereafter.

(6) The Administrator of the General Services Administration shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register not less than three months prior to submission to the Congress.

(7) The response plan shall include a summary of public comments. The Council on Indoor Air Quality, provided for under section 12 of this Act, shall review and comment on the plan.

(c) INDOOR AIR QUALITY RESERVE.—(1) The Administrator of the General Services Administration shall reserve 0.5 per centum of any funds used for construction of new Federal buildings for design and construction of measures to reduce indoor air contaminant concentrations within such buildings.

(2) Measures which may be funded with the reserve provided for in this subsection may include, but are not limited to—

(A) development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) design and construction of improved ventilation techniques or equipment;

(C) development and implementation of product purchasing guidelines;

(D) design and construction of contaminant detection and response systems;

(E) development of building management guidelines and practices; and

(F) training in building and systems operations for building management and maintenance personnel.

(3) Upon completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, with the Clearinghouse established under section 13 of this Act, and with the Council established under section 12 of

this Act, a report describing the uses made of the reserve provided for in this subsection. Such report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of such measures for application in other buildings.

(4) The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this subsection if he finds that such exemption is required on the grounds of national security or that the intended use of the building is not compatible with the authority of this section.

(d) New EPA Building.—Any new building constructed for use by the Environmental Protection Agency as headquarters shall be designed, constructed, maintained, and operated as a model to demonstrate principles and practices for protection of indoor air quality.

(e) Building Comments.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, and the Director, shall provide, by regulation, a method and format for filing and responding to comments and complaints concerning indoor air quality in Federal buildings by workers in such buildings and by the public. The procedure for filing and responding to worker complaints shall supplement and not diminish or supplant existing practices or procedures established under the Occupational Safety and Health Act and executive orders pertaining to health and safety for Federal employees.

(2) A listing of each such filing and an analysis of such filings shall be included in each response plan prepared pursuant to this section. Such listing shall preserve the confidentiality of individuals making filings under this section. Such listing shall preserve the confidentiality of the individuals making filings under this section.

(3) Regulations implementing this subsection shall be promulgated at the earliest possible date, but not later than twenty-four months from the date of enactment of this title.

(f) Building Ventilation and Management Training.—(1) Within six months of the date of enactment of this title the Administrator of the General Services Administration shall designate, or require that a lessee designate, an Indoor Air Quality Coordinator for each Federal building which is owned or leased by the General Services Administration. An Indoor Air Quality Coordinator shall not serve more than one building.

(2) Within forty-eight months of the date of enactment of this title, each Indoor Air Quality Coordinator shall complete the indoor air training course operated pursuant to section 6(b) of this Act. After thirty-six months from the date of enactment of this title, each newly designated Indoor Air Quality Coordinator shall complete the indoor air training course within twelve months of designation.

(3) In any case where the Administrator of the General Services Administration finds that a lessee has failed to designate and train an Indoor Air Quality Coordinator pursuant to the requirements of this Act, the Administrator of the General Services Administration shall not reestablish a lease for such building.

SEC. 10. STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS.

(a) Management and Assessment Strategy Demonstration.—(1) The Governor of a State may apply to the Administrator for a grant to support demonstration of the development and implementation of a management strategy and assessment with respect to indoor air quality within such State.

(2) State indoor air quality management strategies shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls or related activities concerning indoor air quality within State agencies including regulations, educational programs, assessment programs, or other activities;

(C) identify and describe existing programs, controls, or related activities concerning indoor air quality of local and other sub-State agencies and assure coordination among local, State, and Federal agencies involved in indoor air quality activities in the State; and

(D) assure coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) State indoor air quality assessment programs shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 7(a) of this Act;

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) identify methods and procedures for indoor air contaminant assessment and monitoring;

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends; and

(F) establish methods to provide information concerning indoor air contamination to the public and to educate the public and interested groups, including building owners and design and engineering professionals, about indoor air contamination.

(4) As part of a management strategy and assessment pursuant to this subsection, the applicant may develop contaminant action levels, guidance, or standards and may draw on health advisories developed pursuant to section 7 of this Act.

(5) States which are selected to demonstrate the development of management and assessment strategies shall provide a management strategy and assessment pursuant to paragraphs (2) and (3) to the Administrator within thirty-six months of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(6) States shall provide for public review and comment on the management strategy and assessment prior to submission of such strategy and assessment to the Administrator.

(b) Response Programs.—(1) A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce human exposure to an indoor air contaminant or contaminants in the State, or in a specific class or type of building in that State, or in a specific geographic area of that State.

(2) A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 7(a) of this Act;

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant or contaminants including the adoption and enforcement of any ventilation standards;

(D) identify the State or local agency or public organization which will implement the response actions;

(E) identify the Federal, State, and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(3) As part of a response program pursuant to this subsection, an applicant may develop contaminant action levels, guidance, or standards based on health advisories developed pursuant to section 7 of this Act.

(4) As part of a response program pursuant to this subsection, an applicant may develop a standard establishing a ventilation rate or rates for a class or classes of buildings including development assessment and compliance programs needed to implement the standard.

(5) As part of the response program pursuant to this subsection, an applicant may develop a response plan addressing indoor air quality in State and local government buildings. Such plans shall, to the fullest extent practicable, be consistent with response plans developed pursuant to section 9 of this Act.

(c) Grant Management.—(1) Grants under subsection (a)(1) of this subsection shall not be less than $75,000 for each fiscal year.

(2) In selecting States for demonstration and implementation of management strategies and assessments under subsection (a)(1) the Administrator shall consider—

(A) the previous experience of the State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures which may be of use to other States.

(3) In selecting States for demonstration of management strategies and assessments under subsection (a)(1), the Administrator shall focus resources to assure that sufficient funds are available to selected States to provide for the development of comprehensive and thorough management strategies and assessments in each selected State and to adequately demonstrate implementation of such strategies and assessments.

(4) Grants under subsection (b)(1) of this section shall not exceed $250,000 per fiscal year and shall be available to the State for a period of not to exceed three years.

(5) In selecting response programs developed under subsection (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contaminant levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 207 of this title;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur;

(D) the potential for development of innovative response measures or methods which may be of use to other States or local air pollution control agencies; and

(E) the State indoor air quality management strategy and assessment, giving priority to States with complete indoor air management strategies and assessments.

(6) The Federal share of grants under subsections (a) and (b) of this section shall not exceed 75 per centum of the costs incurred in demonstration and implementation of such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(7) Funds granted pursuant to subsections (a) and (b) of this section in a fiscal year shall remain available for obligation for the next fiscal year in which obligated and for the next following fiscal year.

(8) No grant shall be made under this section in any fiscal year to a State or local air pollution control agency which in the preceding year received a grant under this section unless the Administrator determines that such agency satisfactorily implemented such grant activities in such preceding fiscal year.

(9) States and air pollution control agencies shall provide such information in applications for grant assistance and pertaining to grant funded activities as the Administrator requires.

SEC. 11. OFFICE OF INDOOR AIR QUALITY.

(a) ESTABLISHMENT.—The Administrator shall establish an Office of Indoor Air Quality within the Office of Air and Radiation at the Environmental Protection Agency.

(b) RESPONSIBILITIES.—The Office of Indoor Air Quality shall—

(1) list indoor air contaminants and develop health advisories pursuant to section 7 of this Act;

(2) develop national indoor air quality response plans as provided for in section 8 of this Act;

(3) manage Federal grant assistance provided to air pollution control agencies under section 10 of this Act.

(4) assure the coordination of Federal statutes and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies among these programs;

(5) work with other Federal agencies, including the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, to assure the effective coordination of programs related to indoor air quality; and

(6) work with public interest groups, labor organizations, and the private sector in development of information related to indoor air quality including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control such contaminants, and the development of programs to reduce contaminant concentrations.

SEC. 12. COUNCIL ON INDOOR AIR QUALITY.

(a) AUTHORITY.—There is established a Council on Indoor Air Quality.

(b) RESPONSIBILITIES.—The Council on Indoor Air Quality shall—

(1) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(2) provide a forum for resolution of conflicts or inconsistencies in policies or programs related to indoor air quality;

(3) review and comment on the national indoor air response program developed pursuant to section 8 of this title and the Federal Building Response Plan developed pursuant to section 9(b); and

(4) prepare a report to Congress pursuant to subsection (d) of this subsection.

(c) ORGANIZATION.—(1) The Council on Indoor Air Quality shall include senior representatives of Federal agencies involved in indoor air quality programs including—

(A) the Environmental Protection Agency;

(B) the Occupational Safety and Health Administration;

(C) the National Institute of Occupational Safety and Health;

(D) the Department of Health and Human Services;

(E) the Department of Housing and Urban Development;

(F) the Department of Energy;

(G) the Department of Transportation;

(H) the Consumer Product Safety Commission; and

(I) the General Services Administration.

(2) The representative of the Environmental Protection Agency shall chair the Council in the two years following enactment of this Act. In each subsequent year, members of the Council shall select the chair for that year.

(3) The Council shall be served by a staff to include an Executive Director and not less than three full-time equivalent employees.

(d) REPORT TO CONGRESS.—(1) The Council shall submit to the Congress, within eighteen months of enactment of this title, and biennially thereafter, a report which shall—

(A) describe and assess the seriousness, extent, and characteristics of indoor air contamination throughout the country;

(B) summarize the major research issues concerning the protection of indoor air quality, describe the research accomplishments of Federal agencies over the previous two years, and provide an agenda of indoor air quality research for individual Federal agencies over a three-year period;

(C) summarize actions taken pursuant to this title over the previous year, including publication of health advisories, implementation of national and Federal building response plans, and assistance to States;

(D) provide a general description of the activities to be conducted by Federal agencies to address indoor air quality problems over the following three-year period; and

(E) make recommendations for any actions needed to assure the quality of indoor air, including recommendations relating to institutional structures, funding, and legislation.

(2) The Council shall provide for public review and comment on the report required by this subsection.

SEC. 13. INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE.

(1) The Administrator is authorized and directed to establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State, and local governments, and private organizations and individuals.

(2) The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to the requirements of this Act.

(3) The clearinghouse shall operate a toll-free "hot-line" on indoor air quality which shall be available to provide to the public general information about indoor air quality and general guidance concerning response to indoor air quality contamination problems.

(4) The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement with a nonprofit organization.

SEC. 14. BUILDING ASSESSMENT DEMONSTRATION.

(a) AUTHORITY.—(1) The Director of the National Institute for Occupational Safety and Health shall, in consultation with the Administrator, implement a Building Assessment Demonstration Program to support development of methods, techniques, and protocols for assessment of indoor air contamination in nonresidential, nonindustrial buildings and to provide assistance and guidance to building owners and occupants on measures to reduce indoor air contamination.

(2) In implementation of this section, the Director shall have the authority to conduct on-site assessments of individual buildings, including Federal, State, and municipal buildings.

(3) Nothing in this section shall in any way limit or constrain existing authorities pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

(b) ASSESSMENT ELEMENTS.—Assessments of individual buildings conducted pursuant to this section shall, at a minimum, provide—

(1) an identification of suspected contaminants in the air in the building and the level of such contaminants;

(2) an assessment of the probable sources of contaminants in the air in the building;

(3) a review of the nature and extent of health concerns and symptoms identified by building occupants;

(4) an assessment of the probable association of indoor air contaminants with the health and related concerns of building occupants including assessment of occupational and environmental factors which may relate to the health concerns;

(5) identification of appropriate measures to control contaminants in the air in the building, to reduce the concentration levels of contaminants, and to reduce exposure to contaminants; and

(6) evaluation of the effectiveness of response measures in control and reduction of contaminants and contaminant levels, the change in occupant health concerns and symptoms, the approximate costs of such measures, and any additional response measures which may reduce occupant's health concerns.

(c) ASSESSMENT REPORTS.—(1) The Director shall prepare—

(A) a preliminary report of each building assessment which shall document findings concerning assessment elements in paragraphs (1) through (5) of subsection (b); and

(B) a final report which shall provide an overall summary of the building assessment including information on the effectiveness and cost of response measures, and the potential for application of response measures to other buildings.

(2) Preliminary assessment reports shall be prepared not later than one hundred and eighty days after the selection of a building for assessment. Final assessment reports shall be prepared not later than one hundred and eighty days after completion of the preliminary report.

(3) Preliminary and final reports shall be made available to building owners, occupants, and the authorized representatives of occupants.

(d) BUILDING ASSESSMENT PROPOSAL.—(1) The Director shall consider individual buildings for assessment under this section in response to a proposal identifying the building and the building owner and providing preliminary, background information about the nature of the indoor air contamination, previous responses to air contamination problems, and the characteristics, occupancy, and uses of the building.

(2) Building assessment proposals may be submitted by a building owner or occupants or the authorized representatives of building occupants, including the authorized representatives of employees working in a building.

(e) BUILDING ASSESSMENT SELECTION.—(1) In selection of buildings to be assessed under this section, the Director shall consider—

(A) the seriousness and extent of apparent indoor air contamination and human health effects of such contamination;

(B) the proposal for a building assessment submitted pursuant to subsection (d) of this section;

(C) the views and comments of the building owners;

(D) the potential for the building assessment to expand knowledge of building assessment methods including identification of contaminants, assessment of sources, and development of response measures; and

(E) the listing of a building pursuant to subparagraph (C) of section 9(b)(3).

(2) The Director shall provide a preliminary response and review of building assessment proposals to applicants and the applicable building owner within sixty days of receipt of a proposal and, to the extent practicable, shall provide a final decision concerning selection of a proposal within one hundred and twenty days of submittal.

(f) BUILDING ASSESSMENT SUPPORT.—(1) The Director may enter into agreements with private individuals, firms, State and local governments, or academic institutions for services and related assistance in conduct of assessments under the authority of this section.

(2) The Director may enter into agreements with other Federal agencies for the assignment of Federal employees to a specific building assessment project for periods of up to one hundred and eighty days.

(g) SUMMARY REPORT.—(1) The Director shall provide, on an annual basis, a report on the implementation of this section to the Administrator of the Environmental Protection Agency and to the Council on Indoor Air Quality established pursuant to section 12 of this Act.

(2) The Director shall, from time to time and in consultation with the Administrator, publish general reports containing materials, information, and general conclusions concerning assessments conducted pursuant to this section. Such reports may address concerns related to remediation of indoor air contamination problems, assessment of health related concerns, and prevention of such problems through improved design, materials and product specifications, and management practices.

(3) Reports prepared pursuant to this subsection and subsection (c) of this section shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, such reports shall be made available to architectural, design and engineering firms and to organizations representing such firms.

SEC. 15. STATE AND FEDERAL AUTHORITY.

(a) GENERAL AUTHORITY.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common or any local ordinance.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this title, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be deemed to be exercising statutory authority to prescribe or enforce standards or regulation affecting occupational safety and health.

SEC. 16. AUTHORIZATIONS.

(a) For the purpose of carrying out sections 5, 6, and 7 of this Act there is authorized to be appropriated $20,000,000 for each of the fiscal years ending September 30, 1994, 1995, 1996, 1997, and 1998. Of such sums appropriated, one quarter shall be reserved for implementation of section 7 of this Act and one quarter shall be reserved for implementation of section 5(c) of this Act and $1,000,000 shall be reserved for implementation of section 6(b) of this Act.

(b) For the purpose of carrying out sections 8, 9, 11 and 13 of this Act there is authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1994, 1995, 1996, 1997, and 1998. Of such sums appropriated, one-fifth shall be reserved for implementation of section 13 and one-fifth shall be reserved for implementation of section 9.

(c) For the purpose of carrying out section 10 of this Act, there is authorized to be appropriated $12,000,000 for each of the fiscal years ending September 30, 1994, 1995, 1996, 1997, and 1998. Of such sums appropriated, one-third shall be reserved for the purpose of carrying out section 10(b) of this Act.

(d) For the purpose of carrying out section 12 of this Act there is authorized to be appropriated $1,500,000 for each fiscal year ending September 30, 1994, 1995, 1996, 1997, and 1998.

(e) For the purpose of carrying out section 14 of this Act there is authorized to be appropriated $5,000,000 for each of the fiscal years ending September 30, 1994, 1995, 1996, 1997, and 1998.

Mr. CHAFEE. Mr. President, I am pleased that we are today introducing two bills which taken together will significantly improve the quality of the air we breath indoors. Before I describe these bills and their importance in protecting human health, I want to note that both bills were approved by the Senate during the 102d Congress by significant margins: The Indoor Air Quality Act of 1991, S. 455, was approved by the Senate on November 6, 1991, by a vote of 88 to 7. The Indoor Radon Abatement Reauthorization Act, S. 792, was passed by a vote of 82 to 6, on March 10, 1992. Neither was considered in a House/Senate conference.

The first bill we are introducing today, the Indoor Air Quality Act for 1993, is virtually identical to the bill approved in 1991. This bill will provide for a substantial research and development initiative to uncover harmful pollutants in our indoor environment, and will focus the efforts of the Federal Government to address this problem.

By focusing our efforts on providing clean indoor air, we will make strides toward preventing health problems before they occur. Our Nation spends billions of dollars each year on health care. Many of the illnesses we experience are preventable. In terms of public health, this bill will provide us with a much-needed ounce of prevention, and help us to avoid the costly pound of cure in treating respiratory illnesses.

Over the last decade we have made considerable progress in abating some of the most harmful pollutants of our outdoor environment. Emissions from cars are no longer as injurious to the air quality, and, under the Clean Air Act, auto emissions will be reduced even more. Leaded gasoline, known to cause health effects in children, is being phased out. Once unsightly rivers are now returning to a state where they are fishable and swimmable.

Yet for all this progress, we have not turned our attention in a significant way to the environment where Americans spend an average of 90 percent of their time: indoors. Much is known about the effects of some indoor contaminants, such as radon, asbestos, and tobacco smoke. However, there are several other contaminants prevalent in the indoor environment about which very little is known. These include formaldehyde, volatile organic chemicals, combustion byproducts, and respirable particles.

The threat from these chemicals may be heightened by the fact that many of us live and work in virtually airtight buildings. Soaring energy costs over the past two decades spurred conservation efforts which led to the construction of office buildings in which you cannot open the windows. These well-insulated, energy efficient buildings often seal in potentially hazardous substances while reducing the amount of fresh air.

To date, relatively little attention has been given to the quality and potential health effects of the air inside our homes and offices. But there is mounting evidence that the air we breathe indoors may be at least as polluted with cigarette smoke, radioactive radon gas and formaldehyde as the smog outside.

In a significant development, EPA now concludes that the risk to human health from indoor air contaminants may be at least as great as those from the outdoor environment. In a report on indoor air contamination, EPA notes that:

> Sufficient evidence exists to conclude that indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

This statement represents a major step forward in the Agency's thinking about what needs to be done to address indoor air pollution.

At a hearing on the health effects of indoor air pollution before the Committee on Environment and Public

Works, it became painfully clear that there is not an adequate effort by Federal agencies or States to conduct research on indoor air contaminants. This bill will direct the various agencies responsible for indoor air quality to coordinate their response plans to address these contaminants. The bill will place the Environmental Protection Agency squarely in the lead in developing the Federal response to indoor air contamination.

Let me describe the key elements of this legislation.

First, the bill establishes a research program for indoor air. This is an appropriate Federal role, to identify the risk posed by our indoor environment. Information developed by this research must be shared with the States and the private sector.

Second, the legislation will require EPA to establish health advisories. These advisories must be written in plain English, and must make it clear to the average citizen how he can best minimize exposure and adverse health effects from indoor contaminants.

Third, the measure also provides for limited grant assistance to States for development of management strategies and response programs.

Fourth, the bill will authorize the National Institute of Occupational Safety and Health [NIOSH] to conduct assessments of sick buildings. Estimates of lost worker productivity due to symptoms attributable to sick buildings is in the billions of dollars.

Also, I have added a provision to the legislation requiring EPA to conduct an assessment of the seriousness and extent of indoor air contamination in schools. As with radon, children may be at greater risk from harmful chemicals due to a higher respiratory rate, and the fact that their internal organs are still developing.

I would like to make it clear that this legislation does not place the Federal Government in the living rooms of Americans. The bill does not provide authority to regulate indoor air contaminants, but rather takes an informational approach. The health advisories, for example, will indicate the health risks at various concentration levels, and inform homeowners of ways to reduce and minimize the risk from various contaminants.

The best defense we have against an unhealthy indoor environment is an informed consumer. For example, homeowners need to be made aware of the health risks associated with using certain pesticides in the home. If this information can be communicated effectively, the marketplace will send a strong signal to pesticide manufacturers: Consumers demand safe pesticides for home use. The same can be true for cleaning solvents, furniture stripper, and a host of other chemicals which we bring into our home.

Americans need to know how to ensure that the quality of the air inside their home and office is healthy. We must begin to address the health threat posed by contaminants of the air indoors. This legislation, which was approved by a wide margin by the Senate last year, is a major step in this direction.

The second bill we are introducing today is the Indoor Radon Abatement Reauthorization Act of 1993. This bill will ensure that the Environmental Protection Agency will continue to address the serious health threats posed by inhalation of radon gas. This legislation authorizes $15 million a year through 1996 in grants to States. This funding will enable States to continue programs to detect and abate radon in thousands of homes throughout the Nation. In addition this bill will require testing in hundreds of schools and Federal buildings, and require EPA to further educate the public about the dangers of radon.

Mr. President, we hear a lot of talk from EPA regarding the need to spend our limited resources on the areas which pose the most risk. According to EPA and the National Academy of Sciences, radon and indoor air contaminants consistently rank high on the list of pollutants which pose a threat to human health.

I would like to briefly discuss two provisions in this bill which originally appeared in a bill which I, along with Senators MITCHELL and LAUTENBERG, introduced in the last Congress. These provisions require that:

Potential home buyers be provided with information about the health risks associated with radon gas; and firms marketing radon testing devices or offering radon measurement or mitigation services be required to participate in the Environmental Protection Agency's radon measurement proficiency program.

EPA has identified radon gas as the second leading cause of lung cancer after smoking. Last year the National Academy of Sciences issued a report in which it estimated the annual number of lung cancer deaths attributable to radon at 16,000.

The legislation before us requires that information be provided to prospective home buyers at the time of purchase, when they are most likely to take action to test for radon. Less than a year ago, EPA estimated that only 5 percent of homes nationwide had been tested for radon, and a substantial number of these homes were tested at the time of purchase. This legislation will ensure that homeowners have the facts—that they know about the health risk associated with radon, how to test and, if necessary, where to find a reputable contractor to assist in mitigation.

The home sale transaction provides an excellent opportunity to educate and inform prospective home buyers about radon. A major obstacle to testing among the general public is apathy. Radon is colorless and odorless, and its harmful effects are not felt, on average, for 20 years. Yet, data from the Environmental Law Institute suggest that this apathy toward testing is most likely to be overcome during the purchase of a home. Presented in the home sales context, both the home seller and home buyer's apathy can be transformed into self-protective action. Just as the home buyer tests for the presence of termites or structural flaws, she will also want to ensure the house is free from elevated levels of radon. Likewise the home seller will want to make his home desirable to prospective purchasers, and protect himself from future litigation.

This bill will require that the seller of a house provide the prospective home buyers with concise, easy to understand information on radon. This information will be developed by EPA in consultation with real estate groups, real estate financial institutions, the Department of Housing and Urban Development, and citizen groups. Armed with this information, I believe home buyers will take the necessary steps to rid their homes of radon, and provide a safe indoor environment for their families. I would like to point out, Mr. President, that this is not the heavy hand of Government. This is arming people with information, and allowing them to make decisions about what steps to take.

A related problem, Mr. President, is that homeowners currently do not have a great deal of confidence that radon measurement devices are providing accurate results. The General Accounting Office completed a report in August 1990 which highlighted some of the problems with companies which produce and analyze radon measurement devices, such as the charcoal canisters used to test homes. In summary, GAO concluded that many of these companies do not have an adequate quality assurance program, and that the radon measurements they report back to homeowners could have a high degree of error. Further, since most States do not have regulations covering radon mitigation, as they do for asbestos removal, the cleanups attempted by many radon companies are ineffectual, and there are few followup procedures to assure the radon contamination has been remedied.

Although EPA runs a voluntary proficiency testing program, GAO reported that even after companies fail EPA's test, they continue to market their products.

GAO recommended that measurement companies:

Be required to pass the EPA proficiency testing program before marketing their devices; and demonstrate the existence of adequate quality assurance programs as a condition of participating in the EPA proficiency testing program.

The legislation we are considering today acts on both of these recommendations, and will ensure that important, health-based decisions are made on the basis of reliable test results.

Senator MITCHELL and Senator LAUTENBERG have been very active in their support of radon legislation through the years. I commend their efforts. I hope my colleagues will join with us in supporting this worthwhile legislation.

Mr. LAUTENBERG. Mr. President, I'm pleased to join Senator MITCHELL in introducing the Indoor Air Quality Act of 1993. This legislation would require EPA to comprehensively address the threat to human health posed by indoor air contamination.

According to EPA's Report To Congress On Indoor Air Quality:

Indoor air pollution represents a major portion of the public's exposure to air pollution and may present serious health risks.

The total costs of indoor air pollution, including medical costs and lost productivity, are in the tens of billions of dollars a year.

We need to expand efforts to mitigate exposure to indoor air pollutants; and, we need to invest in an expanded research program.

Indoor air pollutants such as radon, asbestos, volatile organic compounds, environmental tobacco smoke, carbon monoxide, biological contaminants, and pesticides, pose a serious threat to the health of our citizens. As early as 1987, EPA identified indoor radon and other air pollutants as areas of relatively high risk but low EPA efforts.

In a more recent EPA study of indoor air quality in 10 large buildings focusing on a class of pollutants known as volatile organic compounds [VOC's], EPA concluded that VOC's are ubiquitous indoors, almost every compound is found at higher levels indoors than out, and in some new buildings, some VOC's were measured at levels 100 times higher than outdoor levels. Similarly, the World Health Organization has determined that up to 30 percent of new or remodeled commercial buildings may have high rates of health or comfort complaints related to indoor air pollutants.

This is of particular concern because people spend approximately 90 percent of their time indoors, making the risk to health from indoor air pollutants potentially greater than air pollution outdoors. And the people most exposed to indoor air pollution, the young, the elderly and the chronically ill, are often the most susceptible to its adverse effects.

The effects of indoor air pollutants are serious. Radon is estimated to cause up to 14,000 cancer deaths a year. Other indoor air pollutants, including environmental tobacco smoke, may be responsible for another 11,000 deaths annually.

Environmental tobacco smoke is a significant public health threat. The Surgeon General has determined that environmental tobacco smoke is a cause of disease, including lung cancer, in non-smokers. And earlier this year, EPA issued a scientifically peer reviewed report concluding that environmental tobacco smoke is a carcinogen. According to the report, 3,000 lung cancer deaths per year among nonsmokers result from exposure to tobacco smoke. Environmental tobacco smoke also causes more than 200,000 lower respiratory tract infections in young children annually, resulting in 7,500 to 15,000 hospitalizations.

Other long-term effects to exposure of harmful levels of other indoor air pollutants include respiratory illnesses, central nervous system disorders, and reproductive problems.

Acute reactions to certain pollutants include headaches, throat, skin, and eye irritation, fatigue, shortness of breath, and nausea.

The Consumer Federation of America estimates that the health costs from indoor air pollution approach $100 billion a year.

In addition, an estimated 15 percent of the U.S. population have an increased allergic sensitivity to common chemicals. Many of these people have a predisposition to become allergic to certain chemicals after a sensitizing exposure.

Hypersensitivity can occur upon reexposure. Among the more common symptoms are those involving the nervous and respiratory systems.

EPA has been slow to react to the threat posed by indoor air pollutants. That's why the majority leader and I introduced the legislation, which was enacted as title IV of the Superfund Amendments and Reauthorization Act of 1986, requiring EPA to establish a radon and indoor air pollution research program.

The Indoor Air Quality Act builds on our prior legislation. It would require EPA to:

Expand and strengthen indoor air research, and establish a technology demonstration program.

Conduct an assessment of indoor air quality in schools.

Develop health advisories on indoor air contaminants which may occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health.

Prepare a response plan using existing regulatory authorities and other specified nonregulatory authorities to reduce exposure to indoor air contaminants.

Make grants to States to develop and implement indoor air pollution strategies.

The bill also expands the authority of the National Institute of Occupational Safety and Health to conduct assessments of sick buildings.

As chairman of the Senate Subcommittee on Superfund, Ocean and Water Protection, I held hearings on this bill in May 1989 and the subcommittee approved the bill later that year with a number of changes. These changes include requiring EPA to:

Prepare a report on multiple chemical sensitivities, and expand its research program to address the effects of indoor air pollutants on those who suffer from multiple chemical sensitivities.

Conduct an assessment of indoor air problems in buildings housing child care facilities.

Conduct research with the Department of Transportation on indoor air pollution in public and private transportation.

Establish a program to address the role of ventilation in protecting the public from indoor air contaminants.

Provide an assessment of indoor air monitoring and mitigation services provided by private firms.

This legislation passed the Senate in 1990 and again in 1991. Unfortunately, the Congress ended before the House had a chance to act.

Mr. President, Americans want clean air. And that concern doesn't end when they step into their home, place of employment, school, or their house of worship. The Indoor Air Quality Act establishes a comprehensive, balanced program to address the public health threat posed by indoor air contamination.

I urge my colleagues to support this bill.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LIEBERMAN, Mr. WOFFORD, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. PELL):

S. 657. A bill to reauthorize the Indoor Randon Abatement Act of 1988, and for other purposes; to the Committee on Environment and Public Works.

INDOOR RADON ABATEMENT REAUTHORIZATION ACT

• Mr. LAUTENBERG. Mr. President, I rise to reintroduce the Indoor Radon Reauthorization Act. This bill will reauthorize and strengthen the radon testing, mitigation, and education programs we enacted in 1988. I'm pleased that Senators CHAFEE, MITCHELL, LIEBERMAN, WOFFORD, MOYNIHAN, BRADLEY, and PELL, are original cosponsors. I look forward to working with Senator LIEBERMAN, the chairman of the Subcommittee on Clean Air and Nuclear Regulation, on this legislation.

Mr. President, radon is a known killer. It attacks us in our homes, our schools, and our work places. Radon is one of the most serious environmental health risks facing the country today.

The evidence is overwhelming. A 1990 report by the EPA Science Advisory Board, an expert panel of scientists which provides technical advice to the

EPA Administrator, identified radon and other indoor air pollutants as posing relatively high risks to human health compared to other environmental threats.

At a Superfund Subcommittee hearing in 1989, Assistant Surgeon General Vernon Houk said that the evidence of the health threat posed by radon is the strongest of any environmental contaminant.

The evidence Assistant Surgeon General Houk referred to involves lung cancer deaths to miners caused by radon. A 1990 National Academy of Sciences report on radon concluded that this mine data can be used to estimate the risks in our homes and schools from radon exposure.

Based on this report, EPA has reestimated the risk posed by radon to 7,000–30,000 lung cancer deaths a year with a mean estimate of 14,000 cancer deaths. That makes radon the second leading cause of lung cancer behind smoking.

In 1988, EPA and the Surgeon General's Office issued a national health advisory urging people to test their homes after survey results showed that one in four homes in 17 States surveyed had elevated radon levels. And in a recently completed national school radon survey, EPA found that one in five schools had elevated radon levels. EPA found schools with radon problems throughout the country.

In New Jersey, the Department of Environmental Protection and Energy has estimated the 320 New Jerseyans will die of lung cancer each year from radon, making it by far the most serious environmental cause of cancer to State residents.

It's no wonder that the Department of Health and Human Services, in Healthy People 2000, the Nation's health strategy, identified increased radon testing as one of just three environmental health goals for the Nation.

Fortunately, it is relatively inexpensive to test for elevated levels of radon. Home tests cost as little as $10 and mitigation efforts for elevated levels of radon, while not cheap, are in the reach of most homeowners. EPA estimates that the average cost to test a school is roughly $1,000 and that the average mitigation cost is only a few thousand dollars per school.

The Congress has consistently expressed its concern about radon and has taken steps to define the scope of the health threat and to develop strategies to address that threat.

Legislation I wrote, which was included in the 1986 Superfund Amendments and Reauthorization Act, required EPA to conduct a nationwide radon survey and develop radon mitigation measures. Radon research legislation, which Senator MITCHELL and I wrote, also was included in that bill.

In 1988, the Congress passed the Indoor Radon Abatement Act to require EPA to establish a comprehensive radon abatement program. Under that bill, EPA was required to provide grants to States to initiate radon programs and provide technical assistance to those programs, establish a voluntary radon testing proficiency program, update the radon citizens guide, conduct a national survey of radon in schools, establish model radon construction standards, and initiate a program to study radon in Federal buildings.

That same year, the Congress also included provisions I authored to require HUD to develop a radon testing and mitigation policy in its multistory buildings in the Stewart B. McKinney Homeless Assistance Amendments Act of 1988. This bill was developed as a result of a GAO report, "Indoor Radon: Limited Federal Response To Reduce Contamination In Housing," prepared at my request. The report showed that the Federal housing agencies were doing little to address radon.

Mr. President, EPA has developed a good program of developing information about the threat posed by radon, and testing and mitigation methods. But too few people are investing in a simple radon test. And this is posing a serious health threat.

The Indoor Radon Abatement Reauthorization Act extends the authorization for the Indoor Radon Abatement Act and expands efforts to encourage testing and mitigation.

It includes provisions from bills introduced in the last Congress by Senator MITCHELL, Senator CHAFEE, and the Radon Testing for Safe Schools Act which I introduced.

The Indoor Radon Abatement Reauthorization Act will increase radon information dissemination efforts. Radon information will be provided to home purchasers prior to a real estate transfer. HUD will disseminate radon information to public and Indian housing authorities. EPA will develop a model State program to provide radon information to tenant organizations. And EPA will establish a medical community radon outreach program.

The bill will make mandatory the existing voluntary radon proficiency program. This will mean that no one will be able to offer radon measurement devices or radon measurement or mitigation services without successfully completing an EPA or State radon proficiency program. This will protect consumers who want to test their homes for radon or who want to undertake radon mitigation efforts.

The bill requires testing of schools in radon prone areas. Funding for such testing is available from existing funds under the State radon grant program. The bill authorizes additional Federal assistance to reduce radon levels. And it authorizes a nationwide survey of radon in workplaces.

The Indoor Radon Abatement Act requires development of a Federal building radon mitigation plan.

The bill also prohibits Federal loans assistance for new homes in radon prone areas unless the home is built to meet radon construction standards. And it requires Federal buildings and schools financed by the Federal Government to meet the model standards.

Mr. President, this bill is virtually identical to S. 792 which was approved by the Senate on March 10, 1991 by a vote of 82–6. The House passed a different version of the bill but Congress adjourned before differences between the bills could be resolved.

The only significant change from that bill is an expansion of the provisions developed by Senator CHAFEE relating to the dissemination of radon information at the time of a real estate transfer. The bill modifies from S. 792 to adopt provisions similar to the provisions relating to the dissemination of lead information at the time of a real estate transaction included in title X of the Housing and Community Development Act of 1992 which was enacted last year. These provisions would require the seller of housing to provide the purchaser with a radon information pamphlet, disclose to the purchaser the presence of any known levels of radon and permit the purchaser a 10-day period to conduct a test to determine the level of radon in the housing.

Mr. President, the Indoor Radon Abatement Reauthorization Act is supported by the National Association of Home Builders, the American Lung Association, the National Congress of Parent Teachers Associations, the National Education Association, the Consumer Federation of America, and the American Association of Radon Scientists and Technologists.

I urge my colleagues to join in supporting the effort to rid our Nation of the danger posed by radon. And I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indoor Radon Abatement Reauthorization Act of 1993".

SEC. 2. NATIONAL GOALS.

Section 301 of the Toxic Substances Control Act (15 U.S.C. 2661) is amended—

(1) in the heading, by striking "NATIONAL GOAL" and inserting "NATIONAL GOALS";

(2) by inserting "(a) RADON LEVELS.—" before the first sentence of the section; and

(3) by adding at the end the following new subsections:

"(b) TESTING.—It is the goal of the United States that all homes, schools, and Federal buildings be tested for radon.

"(c) TARGET ACTION POINT.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Administrator shall establish a target action point indicating a level of indoor radon that the Administrator determines to be as close to the national ambient outdoor radon level as can be achieved consistently in single-family homes in existence at the time of the determination through the application of readily available and generally affordable radon mitigation practices and technologies.

"(2) REVIEW.—The Administrator shall review the target action point periodically, but not less often than every 5 years, and revise the target action point as necessary.".

SEC. 3. DEFINITIONS.

Section 302 of the Toxic Substances Control Act (15 U.S.C. 2662) is amended by adding at the end the following new paragraphs:

"(5) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(6) The term 'contract for the purchase and sale of residential real property' means any contract or agreement whereby 1 party agrees to purchase from another party any interest in real property on which there is situated 1 or more residential dwelling units used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of 1 or more persons.

"(7) The term 'direct Federal financial assistance' means assistance in financing a residential dwelling provided by the Federal Housing Administration, Farmers Home Administration, and the Department of Veterans Affairs.

"(8) The term 'Federal building' means any building that is used primarily as an office building, school, hospital, or residence that is—

"(A) owned, leased, or operated by a Federal agency,

"(B) occupied by the Library of Congress, is part of the White House, or is the residence of the Vice President, or

"(C) included in the definition of 'Capitol Buildings' under section 16(a) of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193m(1)).

"(9) The term 'federally owned housing' means any residential dwelling or multiunit residential structures owned or managed by a Federal agency or for which a Federal agency is a trustee or conservator. For the purpose of this paragraph, the term 'Federal agency' includes the Resolution Trust Corporation and the Federal Deposit Insurance Corporation.

"(10) The term 'multiunit residential structure' means a building containing more than 4 separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of 1 or more persons.

"(11) The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or an interstate body.

"(12) The term 'residential dwelling' means—

"(A) a single-family dwelling or a one-family dwelling unit in a structure containing not more than four separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons; or

"(B) a single-family or one-family dwelling unit on the subground, ground, or first-floor-above-ground level of a multiunit residential structure.

SEC. 4. PRIORITY RADON AREAS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended—

(1) by redesignating sections 303 through 311 (15 U.S.C. 2663 through 2671) as sections 304 through 312, respectively; and

(2) by inserting after section 302 the following new section:

"SEC. 303. PRIORITY RADON AREAS.

"(a) DESIGNATION OF AREAS.—The Administrator shall, as expeditiously as possible, but not later than October 1, 1993, designate areas as priority radon areas, and revise the designations, as appropriate thereafter.

"(b) STANDARD FOR DESIGNATION.—The Administrator shall designate an area as a priority radon area in any case in which the Administrator determines that there is a reasonable likelihood that the average indoor radon level in the area is likely to exceed the national average indoor radon level by more than a de minimis amount.

"(c) FACTORS.—In designating priority radon areas, the Administrator shall consider the most current available information at the time of the designation, including—

"(1) the national assessment of radon conducted pursuant to section 118(k) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note);

"(2) surveys of school buildings conducted pursuant to section 308;

"(3) surveys of Federal buildings conducted pursuant to section 310;

"(4) surveys of work places conducted pursuant to section 318; and

"(5) any other information, including other radon measurements and geological data, that the Administrator determines to be appropriate.".

SEC. 5. CITIZEN'S GUIDE.

(a) SCHEDULE.—Section 304(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "June 1, 1989," and inserting "January 1, 1995,"; and

(2) by inserting ", in consultation with the Director of the Centers for Disease Control of the Department of Health and Human Services," after "Administrator" in the last sentence of the subsection.

(b) ACTION LEVELS.—Section 304(b)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by inserting "(A)" after "ACTION LEVELS.—"; and

(2) by adding at the end the following new subparagraphs:

"(B) The citizen's guide shall state the national goals established in this title, and shall estimate the average national ambient outdoor radon level. The guide shall also indicate the health benefits of reducing indoor radon levels to ambient outdoor levels.

"(C) The citizen's guide shall state and explain the target action point established pursuant to section 301(c).".

(c) INFORMATION.—Section 304(b)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subparagraph:

"(F) The location of priority radon areas and the likelihood of radon levels above the target action point within and outside of priority radon areas.".

SEC. 6. MODEL CONSTRUCTION STANDARDS.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) by inserting "(a) STANDARDS.—" before the first sentence;

(B) by inserting "and periodically update" after "develop";

(C) by striking the second and fifth sentences of the section;

(D) by inserting the following new subsection after the first sentence:

"(b) CONSULTATION.—In developing and updating standards and techniques pursuant to subsection (a), the Administrator shall consult with—

"(1) the Secretary of Housing and Urban Development;

"(2) organizations that are involved in establishing national building construction standards and techniques; and

"(3) national organizations that represent homebuilders and State and local housing agencies (including public housing agencies).";

(E) by striking "The model standards" and inserting the following:

"(c) GEOGRAPHIC DIFFERENCES.—

"(1) IN GENERAL.—The model standards"; and

(F) by striking "The Administrator shall work to ensure" and inserting the following:

"(d) IMPLEMENTATION.—The Administrator shall work to ensure".

(2) SCHEDULE.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by paragraph (1)) is further amended by adding at the end the following new subsection:

"(e) SCHEDULE.—The Administrator shall publish final radon control standards and techniques for—

"(1) residential dwellings and make the techniques available to the public and the building industry by not later than 60 days after the date of enactment of this subsection; and

"(2) multiunit residential structures and schools by not later than January 1, 1995.".

(b) OBJECTIVES.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (a) of this section) is further amended by adding at the end of subsection (c) (as designated by subsection (a)(1)(E) of this section) the following new paragraph:

"(2) MODEL STANDARDS AND TECHNIQUES.—(A) The model standards and techniques shall—

"(i) indicate a range of effective radon control measures, practices, and techniques, that apply to original construction of a wide variety of building types, locations, conditions, and circumstances; and

"(ii) indicate the general range of radon control achievable by the measures, individually, and in combination with, other measures.

"(B)(i) At a minimum, the Administrator shall establish minimum radon reduction measures, practices, and techniques for new construction for the purpose of determining compliance with this section.

"(ii) The radon standards shall be designed—

"(I) to require the use of reasonably available and economically achievable techniques; and

"(II) where possible, to achieve indoor radon levels in homes that are less than the target action point established pursuant to section 304(b)(1)(C) by using the techniques referred to in subclause (I).".

(c) FEDERALLY ASSISTED HOUSING.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (b) of this section) is further amended by adding at the end the following new subsection:

"(f) FEDERALLY ASSISTED HOUSING.—The appropriate Federal official shall require that any residential dwelling or multiunit residential structure constructed—

"(1) later than 2 years after the date of the establishment of new construction standards pursuant to this section or the date of enactment of this section, whichever is later, in an area designated by the Administrator as a priority radon area; or

"(2) later than 2 years after the designation of an area as a priority radon area, whichever is later,

shall be constructed in accordance with the radon control standards established pursuant to subsection (c)(2)(B), before providing any direct Federal financial assistance.".

(d) DESIGN AWARDS AND CERTIFICATION.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (c) of this section) is further amended by adding at the end the following new subsection:

"(g) DESIGN AWARDS.—

"(1) IN GENERAL.—The Administrator shall establish a radon design awards program.

"(2) DESIGN AWARDS.—The radon design awards program shall provide for an award for the best residential design incorporating radon control or mitigation standards for each category of residential design that the Administrator shall determine.".

(e) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (d) of this section) is further amended by adding at the end the following new subsections:

"(h) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—The standards published pursuant to this section shall not preempt the use of any State or local building standard if the State or local standard is equally effective in reducing radon levels as the standards published pursuant to this section.

"(i) CODE PROMOTION.—The Administrator shall develop a program to provide assistance to local governments, builders, national code organizations, national associations, States and other persons and entities that the Administrator determines to be appropriate to implement the adoption and use of radon-resistant building standards. The assistance may include educational and outreach materials and technical assistance.".

SEC. 7. TECHNICAL ASSISTANCE.

(a) ACTIVITIES.—Section 306(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

"(9) Development of a model State program to disseminate radon information to State and local tenant organizations.

"(10) Assistance to State agencies and other organizations concerning the assessment and mitigation of radon in public water supplies.

"(11) Assistance to State agencies and other organizations to facilitate prompt adoption and effective enforcement of new construction standards for reducing radon levels developed pursuant to section 305.

"(12) Development of—

"(A) testing guidelines for multiunit residential structures and multistory buildings not later than 6 months after the date of enactment of this paragraph; and

"(B) mitigation guidelines not later than 3 years after the date of enactment of this paragraph.

"(13) Issuance of guidance to States on appropriate elements of State radon measurement and mitigation proficiency programs.".

(b) PROFICIENCY TESTING.—(1) Section 306(a)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "voluntary".

(2) Section 306(e) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) in paragraph (2), by inserting "(A)" before "To cover the operating cost";

(B) by striking "No such charge may be imposed on any State or local government."; and

(C) by adding after paragraph (2)(A), as so redesignated, the following new subparagraphs:

"(B)(i) Except as otherwise provided in clause (ii), for the purposes of this paragraph, the term 'small business' means a corporation, partnership, or unincorporated business that—

"(I) has 150 or fewer employees; and

"(II) for the 3-year period preceding the date of the assessment, has an average annual gross revenue from radon measurement and mitigation activities in an amount that does not exceed $40,000,000.

"(ii) If, after consultation with the Small Business Administration, the Administrator determines that a modification of the definition of the term 'small business' under clause (i) is appropriate to characterize small businesses associated with radon measurement and mitigation, the Administrator shall, by regulation, modify the definition in such manner as the Administrator determines to be appropriate.

"(C) The Administrator shall consider reductions of such charges for small businesses pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

"(D) No such change may be imposed on any State or local government. In the case of a State that administers a radon proficiency program pursuant to section 314(c), the State may impose charges consistent with any charges that would otherwise have been imposed by the Administrator. Any amounts collected by a State as charges under this paragraph may be used as part of the non-Federal share of any grant awarded pursuant to section 307.".

SEC. 8. GRANT ASSISTANCE.

(a) APPLICATION.—Section 307(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(6) A description of the efforts of the State to develop a mandatory radon proficiency program that is consistent with sections 306(a)(2) and 314.".

(b) ELIGIBLE ACTIVITIES.—Section 307(c) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

"(11) Technical assistance to public water supply systems concerning the mitigation of radon in public water supplies, and public education and information activities to assist homeowners in the assessment and mitigation of radon in private drinking water supplies.

"(12) Activities to—

"(A) adopt model new construction standards for reducing radon levels developed pursuant to section 305 with respect to the State; and

"(B) ensure the implementation of the standards in the State.

"(13) Technical and financial assistance to non-profit public interest groups to encourage radon testing and mitigation at local levels.

"(14) Targeting outreach and technical assistance activities to licensed child care facilities in priority radon areas.

"(15) Notwithstanding the limitation in subsection (i)(4), payment, in the form of grants or loans, of the cost of implementing remediation measures necessary to prevent, in school buildings, levels of radon above the target action point identified pursuant to section 304(b)(1)(C) if the payments are made in consideration of the financial need of the applicant.

"(16) Payment of the costs of conducting radon tests required pursuant to section 308(d) if the payments are made in consideration of the financial need of the applicant.

"(17) Educational programs, for members of the housing industry, concerning the model construction standards and techniques published pursuant to section 305.

"(18) Financial assistance to conduct surveys to improve the precision of priority radon areas.".

(c) PREFERENCE TO CERTAIN STATES.—Section 307(d) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "1991" and inserting "1994"; and

(2) by inserting before the period ", or have adopted equally effective standards".

(d) FEDERAL SHARE.—Section 307(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "in the third year" and inserting "in each succeeding year".

(e) ASSISTANCE TO LOCAL GOVERNMENTS.—Section 307(g) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "and (6)" and inserting "(6), (11), (12), (14), (15), and (16),"; and

(2) by inserting "(1)" after "GOVERNMENTS.—"; and

(3) by adding at the end the following new paragraph:

"(2) Any remediation plan for reducing radon in school buildings implemented pursuant to this section shall be reviewed for consistency with Environmental Protection Agency guidance by the school official responsible for authorizing the types of structural changes referred to in the plan.".

(f) INFORMATION.—Section 307(h) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(4) Any State that receives funds under this section shall investigate consumer complaints concerning radon services that violate the radon proficiency program of the Environmental Protection Agency or the State. An appropriate official of the State shall advise the Administrator concerning any person who violates the requirements of section 314.".

(g) AUTHORIZATION.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking paragraph (5).

SEC. 9. RADON IN SCHOOLS.

Section 308 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsections:

"(c) GUIDELINES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

"(2) REQUIREMENTS AFTER PUBLICATION OF GUIDELINES.—After the publication of the guidelines pursuant to this subsection, any testing or remediation carried out pursuant to this section shall be conducted in a manner consistent with the guidelines.

"(3) INTERIM GUIDELINES.—Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted in a manner consistent with any interim guidance published by the Administrator or by a State (in any case where the Administrator determines that the guidelines of the interim guidance are substantially consistent with the guidelines published under this subsection).

"(d) Requirement for Radon Testing.—

"(1) In general.—Not later than 2 years after the designation by the Administrator of an area as a priority radon area, each local educational agency located in whole or in part in the designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

"(2) Extension.—The Administrator may extend the schedule for testing for radon pursuant to this subsection to the date that is 2 years after the date of publication of testing guidelines pursuant to subsection (c).

"(3) Test results.—

"(A) In general.—The results of any tests conducted pursuant to this section by a local educational agency shall be available for public review in the administrative offices of the local educational agency during normal business hours.

"(B) Notification.—The local educational agency shall—

"(i) notify parent, teacher, and employee organizations of the results; and

"(ii) send the results to the Administrator and the agency of the State that implements radon programs.

"(4) Supervision of radon testing.—Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to a program of the Environmental Protection Agency or an equivalent State-approved program, as determined by the Administrator, and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to sections 306(a)(2) and 314.".

SEC. 10. REGIONAL RADON TRAINING CENTERS.

Section 309(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new sentence: "The regional radon training centers are authorized to provide training to State and local building code officials, contractors, and other persons or entities of the building community, on the model construction standards and techniques published pursuant to section 305.".

SEC. 11. FEDERAL BUILDINGS.

Section 310 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsection:

"(g) Radon Assessment and Mitigation Plan.—(1) Not later than January 1, 1994, the Administrator shall submit to Congress a plan describing activities to be undertaken by appropriate Federal agencies to assess and mitigate radon in Federal buildings.

"(2) The Administrator shall consult with the heads of affected Federal agencies in the development of the plan required under this subsection.

"(3) The plan required under this subsection shall, at a minimum—

"(A) include a list of each Federal building and an indication of the results of any radon tests for the buildings conducted by the date of issuance of the plan;

"(B) specify the Federal buildings for which assessment and mitigation will be undertaken on an expedited basis on the basis of a consideration of—

"(i) the radon levels in the buildings;

"(ii) the number of people exposed to high radon levels; and

"(iii) the susceptibility of the building to mitigation;

"(C) specify the schedule for mitigation for each Federal building in which radon levels exceed the target action level specified in section 303(b)(1)(C); and

"(D) specify the Federal agency responsible for the building, the estimated cost of mitigation, and the source of funds for assessment and mitigation actions.

"(4) At a minimum, the head of each Federal agency that is responsible for Federal buildings shall ensure that—

"(A) all schools and residences that are Federal buildings are assessed to determine radon levels by not later than January 1, 1996;

"(B) all other Federal buildings are assessed to determine radon levels by not later than January 1, 1998; and

"(C) in the case of a Federal building with a radon level above the target action point established by the Administrator pursuant to section 304(b)(1)(C), measures designed to achieve radon levels at or below the target action point shall be implemented by not later than 2 years after the applicable deadline for assessment specified in this paragraph.

"(5) In implementing radon assessment and mitigation activities, the head of a Federal agency shall employ as a contractor a private firm certified by the Administrator as proficient pursuant to section 306(a)(2).

"(6) Not later than 2 years after the submittal of the plan required under this subsection, the Administrator shall submit to Congress a report on actions taken to implement the plan.".

SEC. 12. RADON INFORMATION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 4 of this Act) is further amended by adding at the end the following new section:

"SEC. 313. DISCLOSURE OF INFORMATION CONCERNING RADON UPON TRANSFER OF RESIDENTIAL PROPERTY.

"(a) Radon Disclosure in Purchase and Sale or Lease of Housing.—

"(1) Radon hazards.—Not later than 2 years after the date of enactment of this section, the Administrator and the Secretary of Housing and Urban Development shall promulgate regulations for the disclosure of radon hazards in housing that is offered for sale or lease. The regulations shall require that, before a purchaser or lessee is obligated under any contract to purchase or lease the housing, the seller or lessor shall—

"(A) provide the purchaser or lessee with a radon information pamphlet that meets the requirements of paragraph (2);

"(B) disclose to the purchaser or lessee the presence or level of any known radon in the housing and provide to the purchaser or lessee any radon evaluation report available to the seller or lessor; and

"(C) permit a purchaser to have a 10-day period before becoming obligated (unless the parties mutually agree upon a different period of time) to conduct a test to determine the level of radon in the housing.

"(2) Radon information pamphlet.—

"(A) In general.—Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Housing and Urban Development, representatives of national organizations that represent State and local housing agencies (including public housing agencies), real estate groups, citizen groups and other groups that the Administrator determines to be appropriate, shall develop a written document containing radon-related information.

"(B) Contents of document.—The document shall include, at a minimum—

(i) information indicating the health risk associated with different levels of radon exposure consistent with the health information in the citizen's guide under section 304;

"(ii) information regarding the advisability of undertaking measures to mitigate dangerous levels of radon;

"(iii) information regarding appropriate Federal agencies and departments and agencies of States and that can provide further information on the health risk from radon, and a list of firms or other entities approved by the Administrator for the purposes of radon detection and mitigation; and

"(iv) recommended Environmental Protection Agency radon testing procedures that will provide quality and reliable measurements in conjunction with a real estate transaction.

"(3) Contract for purchase and sale.—The regulations promulgated under this section shall provide that each contract for the purchase and sale of any interest in housing shall contain a Radon Warning Statement and a statement signed by the purchaser that the purchaser has—

"(A) read the Radon Warning Statement and understands the contents of the statement;

"(B) received a radon hazard information pamphlet; and

"(C) had an opportunity to conduct a test to determine the level of radon in the housing within the period specified in paragraph (1)(C) or a period agreed on pursuant to paragraph (1)(C).

"(4) Contents of radon warning statement.—The Radon Warning Statement shall contain the following text printed in large type on a separate sheet of paper attached to the contract:

"'Every purchaser of any interest in residential real property is notified that the property may present exposure to levels of radon gas that may cause lung cancer. The seller of any interest in residential real property is required to provide the buyer with any information on the levels of radon in the housing in the possession of the seller. A radon test is recommended prior to purchase.'

"(5) Compliance assurance.—In any case in which a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of housing, the regulations promulgated under this section shall require the agent, on behalf of the seller or lessor, to ensure compliance with the requirements of this section.

"(6) Promulgation.—A suit may be brought against the Administrator or the Secretary of Housing and Urban Development under section 321 to compel the promulgation of the regulations required under this section. The Federal district court shall have jurisdiction to order the promulgation of the regulations.

"(b) Civil Liability.—

"(1) In general.—Any person who knowingly violates any provision of this section shall be jointly and severally liable to a mortgage applicant, purchaser, or lessee in an amount equal to 3 times the amount of damages incurred by the individual.

"(2) Court costs and attorney fees.—In any civil action brought for damages under this subsection, the appropriate court may award court costs to the party that commences the action, together with reasonable attorney fees and any expert witness fees, in any case in which the party prevails.

"(c) Validity of Contracts and Liens.—Nothing in this section shall—

"(1) affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan; or

"(2) create a defect in title.

"(d) Effective Date.—The regulations under this section shall take effect on the date that is 3 years after the date of the enactment of this section.".

SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 12 of this Act) is further amended by adding at the end the following new section:

"SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.

"(a) Mandatory Participation.—Beginning on the date that is 2 years after the date of the enactment of this section, no person shall offer radon measurement devices or radon measurement or mitigation services to the public unless such person has successfully completed the radon proficiency program of the Environmental Protection Agency, or appropriate portions of the program.

"(b) Statutory Construction.—Nothing in this section shall be construed to apply to governmental units or nonprofit organizations that provide a radon service for their own use and do not provide that service for commercial purposes.

"(c) Delegation to States.—

"(1) In general.—The Administrator shall administer the mandatory proficiency program under this section in a manner consistent with the Guidance to States on Radon Certification of the Environmental Protection Agency.

"(2) Agreement.—The Administrator is authorized to enter into any agreement or other arrangement with any State for the purpose of delegating the radon proficiency program of the Environmental Protection Agency, including enforcement provisions, or any other part of the program, to the State, if the State program is consistent with the Federal program.

"(d) Prohibited Acts.—It shall be unlawful for any person to—

"(1) fail or refuse to comply with this section (including any rule or regulation promulgated under this section or order issued pursuant to this section); or

"(2) fail or refuse to—

"(A) establish or maintain records as required by the Administrator or by a State with respect to which the Administrator has entered into an agreement or other arrangement under subsection (c);

"(B) submit any report, notice, or other information, required to be submitted by the Administrator or by the appropriate official of a State the Administrator has entered into an agreement or other arrangement under subsection (c);

"(C) permit entry or inspection by the Administrator, or by the appropriate official of a State with respect to which the Administrator has entered into an agreement or other arrangement under subsection (c); or

"(D) permit access to, or copying of, records by the appropriate official of a State with respect to which the Administrator has entered into an agreement or other arrangement under subsection (c).".

SEC. 14. MEDICAL COMMUNITY OUTREACH.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 13 of this Act) is further amended by adding at the end the following new section:

"SEC. 315. MEDICAL COMMUNITY OUTREACH.

"(a) In General.—The Administrator, in cooperation with the Secretary of Health and Human Services, shall develop and implement an outreach program to provide information concerning radon to the medical community.

"(b) Information.—

"(1) In general.—The Administrator, in consultation with the Secretary of Health and Human Services, the Surgeon General, and the Director of the Centers for Disease Control, shall develop informational material concerning radon tailored to physicians in general practice and in specialties related to lung cancer. The information shall, at a minimum—

"(A) explain the health threats posed by exposure to radon and include a summary of scientific evidence that demonstrates the human health effects of exposure to radon;

"(B) explain the association of radon with smoking and other causes of lung cancer;

"(C) identify appropriate steps to take to determine exposure to radon in the home; and

"(D) identify sources of additional information.

"(2) Transmittal of information.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit the information developed pursuant to this section to—

"(A) physicians in general practice;

"(B) physicians in specialties related to lung cancer;

"(C) all physicians employed by the Federal Government;

"(D) all hospital administrators; and

"(E) other physicians and officials determined by the Administrator to be appropriate.

"(c) Report.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Health and Human Services, shall report to Congress concerning—

"(1) the implementation of this section; and

"(2) recommendations for measures to improve radon information dissemination to the medical community.".

SEC. 15. FEDERAL HOUSING.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 14 of this Act) is further amended by adding at the end the following new section:

"SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES, SCHOOLS, AND BUILDINGS.

"(a) Federally Funded Construction.—Not later than 6 months after the publication of priority radon areas required by section 303, or the publication of model construction standards required by section 305, whichever is later, the head of each Federal agency shall adopt such procedures as may be necessary to ensure that any new Federal building, or any school constructed with Federal financial assistance, in a priority radon area shall conform to the model construction standards required by section 305.

"(b) Federally Assisted Housing.—The Secretary of Housing and Urban Development, in cooperation with the Administrator, shall, not later than 1 year after the date of enactment of this section, disseminate in priority radon areas information concerning the health threats posed by radon, proper methods of testing for radon, and techniques for mitigating elevated radon levels to public housing agencies and Indian housing authorities, as defined in paragraphs (6) and (11), respectively, of section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)), and to owners and managers of other housing assisted under other provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) and the National Housing Act (12 U.S.C. 1701 et seq.).

"(c) Research.—The Secretary of Housing and Urban Development shall undertake a program of radon research, consisting of research concerning—

"(1) radon distribution and mitigation within multiunit residential structures in conjunction with the Administrator;

"(2) landlord liability;

"(3) predicting radon hazards in new multiunit residential structures on particular lands; and

"(4) such other research as both the Secretary of Housing and Urban Development and the Administrator consider appropriate.

"(d) Testing Requirement.—

"(1) In general.—Beginning on the date that is 6 months after the date of publication of Radon Priority Areas required by this title, any federally owned housing in a Radon Priority Area shall be tested for radon before a sales contract to sell the home is signed.

"(2) Requirements for radon testing.—Any radon testing conducted pursuant to this section shall—

"(A) be supervised by a person who has received instruction pursuant to a program of the Environmental Protection Agency or equivalent State approved program, as determined by the Administrator; and

"(B) use radon measurement devices and methods approved by the radon proficiency program established pursuant to section 306(a)(2).

"(3) Satisfaction of requirements by certain departments and agencies.—Radon testing conducted within a 5-year period prior to acquisition by a Federal department or agency, or any Government corporation or Government-controlled corporation, shall be considered to satisfy the requirements of this section if the test otherwise meets the requirements of paragraph (2).

"(4) Availability of results.—The results of a radon test required pursuant to this section shall be made available to potential buyers of any homes described in paragraph (1) before a sales contract to sell the home is signed.

"(5) Treatment as modifications.—To the extent that this subsection increases the costs of the Federal Government of outstanding direct loan obligations or loan guaranty commitments, the activities shall be treated as modifications under section 504(e) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(e)) and shall be subject to the availability of appropriations. To the extent that this subsection imposes additional costs to the Resolution Trust Corporation and the Federal Deposit Insurance Corporation, the requirements of this subsection shall be carried out only if appropriations are provided in advance in an appropriations Act. In the absence of appropriations sufficient to cover the costs of this subsection, the requirements shall not apply to any agency affected by the requirements.".

SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 15 of this Act) is further amended by adding at the end the following new section:

"SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.

"The Administrator shall establish a national education campaign to increase public awareness concerning radon health risks and motivate public action to reduce radon levels. The national education campaign shall include the use of funds for the purchase and production of public educational materials. The Administrator is authorized to enter into cooperative agreements to carry out this section.".

SEC. 17. RADON IN WORK PLACES.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 16 of this Act) is further amended by adding at the end the following new section:

"SEC. 318. RADON IN WORK PLACES.

"(a) STUDY OF RADON IN WORK PLACES.—

"(1) AUTHORITY.—The Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall conduct a study for the purpose of determining the extent of radon contamination in the work places of the United States.

"(2) SURVEY.—In conducting the study, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services and the Administrator shall be jointly responsible for designing a survey that, on completion, shall allow Congress to characterize the extent of radon contamination in work places. The survey shall include testing from a representative sample of work places in each priority radon area and shall include additional testing, to the extent resources are available for the testing.

"(3) REPORT.—Not later than 2 years after the date of enactment of this section, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall submit to Congress a report that describes the results of the study conducted pursuant to this section.

"(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, but not to exceed $2,000,000.".

SEC. 18. PREEMPTION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 17 of this Act) is further amended by adding at the end the following new section:

"SEC. 319. PREEMPTION.

"(a) CONSTRUCTION OF PROVISIONS AS NOT PREEMPTING OTHER LAWS.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other Federal or State law, whether statutory or common.

"(b) AWARD OF COSTS AND DAMAGE AWARDS.—Nothing in this title shall be construed or interpreted to preclude any court from awarding costs and damages associated with the testing or mitigation of radon contamination, or a portion of such costs, at any time.

"(c) CONSTRUCTION OF PROVISIONS AS NOT PROHIBITING MORE STRINGENT STATE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State, with respect to radon within the State, from establishing any liability or more stringent requirement that is equal to or, more stringent than, a requirement under this title.

"(d) CREATION OF CAUSE OF ACTION.—Nothing in this title shall create a cause of action, or in any other way increase or diminish the liability of any person under any other law.

"(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR DAMAGES.—

"(1) IN GENERAL.—It is not the intent of Congress that this section, or any rule, regulation, or orders issued pursuant to this section, shall be interpreted as influencing, in either the favor of a plaintiff or defendant, the disposition of any civil action for damages relating to radon.

"(2) STATUTORY CONSTRUCTION.—This shall not affect the authority of any court to make a determination in any adjudicatory proceeding under applicable State law with respect to the admission into evidence or any other application of this title or rules, regulations, or orders issued pursuant to this title.".

SEC. 19. ENFORCEMENT.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 18 of this Act) is further amended by adding at the end the following new section:

"SEC. 320. ENFORCEMENT.

"(a) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any person who violates section 313 or 314, or who provides false information concerning compliance with section 305(f) to an appropriate Federal official, shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A civil penalty under this section shall be assessed by the Administrator by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the Administrator shall give written notice to the person to be assessed a civil penalty under the order and provide such person an opportunity to request a hearing on the order not later than 15 days after the date the notice is received by the person.

"(B) DETERMINATION OF AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty, the Administrator may take into account—

"(i) the nature, circumstances, extent, and gravity of each violation; and

"(ii) with respect to the violator, the ability to pay, the effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"(C) NOTIFICATION OF CIVIL PENALTIES.—The Administrator may compromise, modify, remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the firm charged.

"(3) JUDICIAL REVIEW.—Any person who—

"(A) has requested a hearing under this section concerning the assessment of a civil penalty; and

"(B) is aggrieved by an order assessing a civil penalty,

may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. The petition may only be filed within the 30-day period beginning on the date the order making the assessment is issued.

"(4) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become a final order (if such person does not file a petition for judicial review of the order in accordance with paragraph (3)); or

"(B) after a court, in an action brought under paragraph (3), has entered a final judgment in favor of the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of the final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(b) COMPLIANCE ORDERS.—

"(1) IN GENERAL.—If the Administrator finds on the basis of information made available, that a person, firm, or organization is in violation of this title, the Administrator shall proceed under the authority under paragraph (2), or notify the person, firm, or organization in which the violation occurred. If, after a 30-day period beginning on the date of notification by the Administrator, the State has not commenced appropriate enforcement action, the Administrator may issue an order requiring compliance or such other relief as the Administrator may find appropriate, or bring a civil action in accordance with paragraph (4).

"(2) ENFORCEMENT.—If the Administrator finds, on the basis of information made available, that a person, firm, or organization is in violation of a requirement of this title, the Administrator may issue an order requiring such person, firm, or organization to comply with the requirement or such other relief as the Administrator may find appropriate, or shall bring a civil action in accordance with paragraph (4).

"(3) ORDERS.—

"(A) IN GENERAL.—Any orders issued under this section shall—

"(i) be by personal service;

"(ii) state with reasonable specificity the nature of the violation; and

"(iii) specify a period for compliance of not to exceed 30 days.

"(B) ORDERS.—In issuing each order the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(4) CIVIL ACTION.—

"(A) IN GENERAL.—The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, of any violation for which the Administrator is authorized to issue a compliance order under paragraph (1).

"(B) VENUE.—Any action taken under this subsection may be brought in the district court of the United States in the district in which the defendant is located or resides or is doing business. The court shall have jurisdiction to restrain the violation and require compliance. Notice of the commencement of the action shall be given immediately on commencement to the appropriate State.".

SEC. 20. CITIZEN SUITS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 19 of this Act) is further amended by adding at the end the following new section:

"SEC. 321. CITIZEN SUITS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

"(A) against the United States in any case in which the United States is alleged to be in violation of section 305(f), 310, or 316, or any rule promulgated thereunder, to restrain the violation;

"(B) against any person who is alleged to be in violation of section 308, 313, or 314, or any rule promulgated thereunder, to restrain the violation; or

"(C) against the Administrator to compel the Administrator to perform any act or duty under this title that is not discretionary.

"(2) Actions.—

"(A) In general.—Each civil action under paragraph (1)(A) shall be brought in the United States district court for the district in which the alleged violation occurred, in which the defendant resides, or in which the principal place of business of the defendant is located. Any action brought under paragraph (1)(B) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled.

"(B) Jurisdiction.—The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of any party.

"(C) Service of process.—In any civil action under this subsection, process may be served on a defendant in any judicial district in which the defendant resides or may be found. Subpoenas for witnesses may be served in any judicial district.

"(b) Limitation.—

"(1) In general.—No civil action may be commenced—

"(A) under subsection (a)(1)(A) to restrain a violation of this title, or rule or order under this title—

"(i) before the expiration of the 60-day period beginning on the date that the plaintiff gives notice of the violation—

"(I) to the Administrator; and

"(II) to the person who is alleged to have committed the violation; or

"(ii) if—

"(I)(aa) the Administrator has commenced, and is diligently prosecuting, a proceeding to require compliance with this title or with a rule or order issued under this title; or

"(bb) the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this title or with a rule or order issued under this title; and

"(II) the proceeding or civil action is commenced after the giving of notice; or

"(B) under subsection (a)(1)(B) before the expiration of the 60-day period beginning on the date that the plaintiff gives notice to the Administrator of the alleged failure of the Administrator to perform an act or duty that is the basis for such action.

"(2) Notice.—Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule. Any person who pursuant to paragraph (1)(A) may intervene as a matter of right in the proceeding or action.

"(c) In General.—

"(1) Intervention by administrator.—In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(2) Court costs.—The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that the award is appropriate. In issuing a decision in an action brought to review such an order, the court may award costs of suit and reasonable fees for attorneys if the court determines that the award is appropriate.

"(3) Statutory construction.—Nothing in this section shall restrict any right that any person (or class of persons) may have under any statute or common law to seek enforcement of this Act, or any rule or order under this Act, or to seek any other relief.

"(d) Consolidation.—

"(1) In general.—If 2 or more civil actions brought under subsection (a) involve the same defendant and the same issues or violations are pending in 2 or more judicial districts, the pending actions, upon an application of the defendants to the actions is made to a court in which any of the actions is brought, may, if the court in the discretion of the court so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of the court and tried in—

"(A) a district that is selected by the defendant and in which 1 of the actions is pending;

"(B) a district that is agreed upon by stipulation between all the parties to the actions and in which 1 of the actions is pending; or

"(C) a district that is selected by the court and in which 1 of the actions is pending.

"(2) Notification.—In issuing an order referred to in paragraph (1), the Court shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.".

SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.

(a) Technical Assistance.—Section 306(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "and 1991." and inserting "1991, 1992, 1993, 1994, 1995, and 1996.".

(b) Grant Assistance.—Section 307(j)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and $15,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996.".

(c) School Remediation.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking paragraph (5); and

(2) by adding at the end the following new paragraphs:

"(5) Of funds appropriated pursuant to this subsection for fiscal years 1994 through 1996, not more than one-third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (15) and (16) of subsection (c).

"(6) Of funds appropriated pursuant to this subsection for fiscal years 1994 through 1996, the Administrator may reserve an amount up to 2 percent or $200,000, whichever is the greater, for the purposes of making grants to local educational agencies for the implementation of measures to reduce radon levels—

"(A) local educational agency is prohibited by State law from receiving grant assistance from the State; and

"(B) the local educational agency provides not less than 50 percent of the cost of implementing such measures from non-Federal sources.".

(d) Regional Training Centers.—Section 309(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and $1,500,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996.".

SEC. 22. TECHNICAL AMENDMENTS.

(a) Table of Contents.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. 2601 note) is amended—

(1) by redesignating the items relating to sections 303 through 311 as 304 through 312, respectively;

(2) by inserting after the item relating to section 302 the following new item:

"Sec. 303. Priority radon areas.";

and

(3) by adding at the end the following new items:

"Sec. 313. Radon-related information.
"Sec. 314. Mandatory radon proficiency program.
"Sec. 315. Medical community outreach.
"Sec. 316. Federally owned and assisted homes, schools, and buildings.
"Sec. 317. National radon educational campaign.
"Sec. 318. Radon in work places.
"Sec. 319. Preemption.
"Sec. 320. Enforcement.
"Sec. 321. Citizens suits.
"Sec. 322. Periodic reassessment of health risks.".

(b) Radon Mitigation Demonstration Program.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "develop and" before "test methods"; and

(B) by adding at the end of the subparagraph the following new sentence: "The demonstration program shall include the development and evaluation of innovative low-cost techniques to reduce radon concentrations in existing structure (in existence at the time of the program), including structures with low to moderate radon levels, and in new structures, and the development and demonstration of radon mitigation technology for multistory buildings.".

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON TESTING.

(a) Evaluation.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall evaluate existing (in existence at the time of the evaluation) efforts to promote radon testing in the homes of the United States and methods to increase radon testing.

(b) Report.—

(1) In general.—The Administrator shall report to Congress by October 1, 1994, on the effectiveness of alternative strategies to promote radon testing. The strategies shall include—

(A) grants to support the development of radon testing strategies by States;

(B) financial incentives to homeowners;

(C) testing and disclosure of radon levels during real estate marketing;

(D) public education programs;

(E) distributing radon information during real estate marketing; and

(F) distributing radon information with utility bills.

(2) Consultation.—In preparing the report, the Administrator shall consult with concerned parties, including public interest groups, health officials, radon testing industries, realtors, home builders, utilities and the States.

SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.

The Administrator, in consultation with the heads of the National Academy of Sciences and the Centers for Disease Control, shall conduct a program to reassess, on a periodic basis, the human health risks associated with radon exposure.".•

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 658. A bill to impose a limitation on the use of appropriated funds to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadron to Ingleside, TX; to the Committee on Armed Services.

MINE WARFARE COMMAND ACT OF 1993

Mr. THURMOND. Mr. President, I rise today to introduce legislation with Senator HOLLINGS which would impose a limitation on the use of appropriated funds to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadrons to Ingleside, TX. This prohibition would remain in effect until such time as the Congress votes to accept or reject the recommendations of the Defense Base Closure Commission.

Mr. President for the last 2 years I have questioned the Navy's decision to consolidate its mine warfare activities at Ingleside, TX. I sponsored legislation included in the Fiscal Year 1993 National Defense Authorization Act which required the Secretary of the Navy to provide a detailed evaluation and analysis of the Navy's plan to locate the forces at Ingleside. The legislation required the General Accounting Office to evaluate the Navy's report.

Mr. President, the Secretary of the Navy asked the Center of Naval Analyses to prepare a study of "Homeport Options for Mine Countermeasure Force Consolidation." In its report, the Center concluded that consolidation at Ingleside was not the most economical location. The General Accounting Office in its report, "Mine Warfare, Consolidation at Ingleside Has Not Been Justified," concludes: "The Secretary of the Navy's report does not justify locating the forces at Ingleside."

Mr. President, despite these findings the Navy is preparing to relocate its mine warfare force to Ingleside, TX. My legislation would delay such a move until the Base Closure Commission has had the opportunity to evaluate Navy's base structure and make its recommendations. Mr. President, it does not make sense to move these forces in view of the cost associated with the move and the possibility that the future base for these forces could be closed. Furthermore, the cost estimates provided by the Navy should be completely reexamined in light of the recently announced base closure list.

Mr. President, I ask unanimous consent that a summary of the General Accounting Office report and a summary of the Center for Naval Analyses report be included at the close of this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSOLIDATION AT INGLESIDE HAS NOT BEEN JUSTIFIED

RESULTS IN BRIEF

The Secretary of the Navy's report does not justify locating the forces at Ingleside. The CNA study estimates that moving to Ingleside is one of the costliest alternatives. The Secretary's report neither adequately challenges that estimation, nor addresses the fundamental need for mine warfare forces to train with the fleets they are to protect—a difficult task if Ingelside is selected. A draft National Academy of Sciences study directed by the Senate Committee on Armed Services noted that mine warfare forces need to be located with the fleets on both coasts. The draft stated that this is one of the numerous disadvantages of locating these forces at Ingleside. The Secretary's report stated that differences in cost are secondary in importance and cited a "highly desirable combination of considerations" to justify choosing Ingleside; however, most of these appear insignificant, unverifiable, or achievable at alternative sites. In fact, the Navy's failure to support its decision with compelling evidence that can override the cost factor and the fleet training issue suggests that Ingleside is not the best alternative.

HOMEPORT OPTIONS FOR MINE COUNTERMEASURES FORCE CONSOLIDATION

CONCLUSIONS

We estimate that the lowest cost alternatives under different circumstances would be as follows:

Lowest Cost Alternatives

	Base	Base + HM 14/15/12
Single site	Charleston $3.8M	Little Creek $31.0M.
Dual site	Charleston/San Diego $12.6M.	Little Creek/San Diego $51.2M.

The Navy would pay a premium of $10 million to $20 million for a dual-site consolidation strategy, the difference depending on whether aircraft are included. A benefit bought for that premium would be improved response time to regional contingencies.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. MITCHELL, Mr. PELL, Mr. HELMS, Mr. ROBB, Mr. DODD, Mr. SIMON, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. INOUYE, Mr. GORTON, Mr. KENNEDY, Mr. KERREY, Mr. MCCAIN, Mr. KRUEGER, Mr. D'AMATO, Ms. MIKULSKI, Mrs. BOXER, and Ms. MOSELEY-BRAUN):

S. 659. A bill to authorize the Board for International Broadcasting to support a Radio Free Asia; to the Committee on Foreign Relations.

RADIO FREE ASIA ACT OF 1993

Mr. BIDEN. Mr. President, today I am introducing, along with Senator HATCH, Senator MITCHELL, and 17 other Senators, the Radio Free Asia Act of 1993. This bill is virtually identical to legislation approved unanimously last October by the Foreign Relations Committee. It establishes a new radio broadcasting service to the People's Republic of China and the other Communist countries of Asia, based on the model of Radio Free Europe and Radio Liberty.

This proposal rests on a concept that has been central to U.S. foreign policy for 40 years: The dissemination of accurate news and information to people suffering under totalitarian rule. For four decades, Radio Free Europe and Radio Liberty have broadcast to the nations that once constituted the Soviet Empire. The Radios, as they are known, heartened dissidents from Berlin to Bucharest, from Vilnius to Vladivostok, inspiring hope and courage among those living under Communist tyranny.

As the current leaders of Eastern Europe have attested, these freedom radios played a historic role as instruments of information and inspiration. They helped to fan the flame of freedom in the hearts and minds of citizens throughout the Soviet Empire—a flame that suddenly in 1989 became a torch and then a wildfire. Radio Free Europe and Radio Liberty remain central actors in the drama still unfolding in Central and Eastern Europe—both as a model of how independent media should function in a free society, and in keeping honest those who yearn to silence the press.

A similar broadcasting service would play an important role in providing accurate news and information to the people of China and the other Communist nations of Asia, overcoming the strict controls on the media imposed by the gerontocracy in Beijing and the other regional despots.

It is beyond dispute that China severely represses press freedom. The State Department's annual report on human rights describes the situation clearly:

> Television and radio broadcasting remain under strict party and Government control and [are] used to propagate the currently acceptable ideological line.

The extent to which the Chinese people are thus kept ignorant about events in their own country was placed in perspective by Liu Binyan, a prominent Chinese dissident now in exile in the United States, in testimony before the Foreign Relations Committee in 1991:

> According to an internal report of the Chinese Communist Party, in the 2 years after the Tiananmen massacre, there were more than 1,500 workers' strikes nationwide. In at least five provinces, underground workers; organizations emerged. There are 43 underground students' organizations in the universities in Beijing alone. But the vast majority of the Chinese people know nothing about all that I have just mentioned.

The situation in the other Communist countries in Asia—Cambodia, Laos, North Korea, and Vietnam—is similarly repressive, press freedom is virtually nonexistent, and the media are used largely as instruments of state policy.

A Radio Free Asia will provide a critical complement to existing broadcasts by the Voice of America [VOA] to the region. Unlike VOA, which concentrates largely on United States and international news, Radio Free Asia will focus on news about internal developments in the target countries. In effect, it will act as a local, or surrogate, broadcasting service in the absence of independent media.

Mr. President, China is now history's last great nondemocratic state, where one-fifth of humanity remains condemned to living under the yoke of communism. Despite impressive economic liberalization in China—a trend that I recognize and applaud—the fact remains that China's dictators continue to brutally suppress the democratic instinct and violate fundamental human rights.

Just as economic liberalization in China, spurred by Western investment, has reduced Beijing's role in the economy, broadcasting the truth about internal events in China will undermine the Communist axiom that the state must control not only the lives of the people, but their every thought as well.

A Radio Free Asia will not, by itself, bring about democracy in China and the other Communist nations in Asia. But it will place the United States on the right side of history. And, as Radio Free Europe and Radio Liberty did for some four decades, a Radio Free Asia will encourage the democratic instinct to flourish and grow.

Mr. President, the concept of a surrogate broadcasting service for Asia has been closely examined by two Government commissions in recent years. In 1991, a task force appointed by President Bush to review all U.S. Government international broadcasting operations recommended the establishment of a new surrogate service in the region which it called Free Radio for Asia. Last year, a Commission established pursuant to legislation I introduced unanimously recommended that the United States increase its surrogate broadcasting to China and the other Communist nations of Asia. Although the panel divided on the best means of achieving that goal, the message was clear—we need to expand our broadcasting in Asia.

The bill I introduce establishes the new service under the auspices of the Board for International Broadcasting [BIB], which currently oversees Radio Free Europe and Radio Liberty. The legislation authorizes the BIB to broadcast to Burma, Cambodia, China, Laos, North Korea, Tibet, and Vietnam. Although not normally considered a Communist regime, the current Government in Burma is, without a doubt, one of the world's most repressive authoritarian states.

I am pleased to note that President Clinton's budget supports the creation of a Radio Free Asia, and earmarks funds to pay for the startup costs. Although the full details of the President's proposal are as yet not known, it appears that the administration plans to assign this task to the U.S. Information Agency.

My legislation—and the administration's proposals—will be considered amid a growing debate about the future of all U.S. Government international broadcasting. This is an issue of profound importance for U.S. foreign policy, and I look forward to working with my colleagues on the Foreign Relations Committee as we consider the best course for structuring our foreign broadcasting.

Mr. President, I also note that the bill I introduce today has already garnered the cosponsorship of 19 of my colleagues, including the majority leader, and the chairman and ranking member of the Foreign Relations Committee. I invite other Senators to join in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 659

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Free Asia Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is the policy of the United States to promote the right of all people, enshrined in the Universal Declaration of Human Rights, to "seek, receive and impart information and ideas through any media and regardless of frontiers";

(2) pursuant to this policy, the United States has for decades actively supported the dissemination of accurate information and the promotion of democratic ideals among the peoples of nations throughout the world;

(3) prominent in the implementation of this policy has been United States support for Radio Free Europe, Radio Liberty, and Radio Marti, which have broadcast accurate and timely information to the oppressed people of Eastern Europe, the former Soviet Union, and Cuba, respectively, about events in those countries;

(4) the introduction of similar radio broadcasting to the People's Republic of China, a country where all media remain under strict government control, would sharply increase the dissemination among China's citizens of accurate information and ideas relating to developments within China itself;

(5) the establishment of similar broadcasting to the other totalitarian states of Asia would also increase the dissemination of news and information to the people of those countries; and

(6) such broadcasting to the totalitarian nations of Asia, conducted in accordance with the highest professional standards, would serve the goals of United States foreign policy by promoting freedom in those nations and would bring closer the day when all the world's major powers are cooperating democracies.

SEC. 3 SUPPORT FOR RADIO BROADCASTING TO ASIA.

The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871 et seq.) is amended by adding at the end thereof the following new section:

"RADIO BROADCASTING TO ASIA

"Sec. 15. (a) The Board for International Broadcasting is authorized to designate one organization constituted on the model of RFE/RL, Incorporated, as eligible to receive funds under this Act for purposes of carrying out radio broadcasting to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam. Such broadcasts shall be designated 'Radio Free Asia'.

"(b) In implementing subsection (a), the Board for International Broadcasting shall consider the recommendations of the Commission on Broadcasting to the People's Republic of China established by section 243 of the Foreign Relations Authorization Act, Fiscal years 1992 and 1993 (Public Law 102–138; 105 Stat. 705).

"(c)(1) The authorities, responsibilities, requirements, and limitations provided in this Act for the Board, the Comptroller General of the United States, the Secretary of State, and the Board of Directors, of the RFE/RL, Incorporated, with respect to RFE/RL, Incorporated, in Eastern Europe and the former Soviet Union, shall apply with respect to an organization designated under subsection (a) and the broadcasts by that organization in Asia.

"(2) Paragraph (1) does not apply to the requirements of section 10 and the authority provided in section 12.".

SEC. 4. BOARD FOR INTERNATIONAL BROADCASTING.

(a) Increased Membership.—Section 3(b) of such Act (22 U.S.C. 2872(b)) is amended in paragraph (1)—

(1) by striking out "ten members, one of whom shall be an ex officio member" and inserting in lieu thereof "fourteen, two of whom shall be ex officio members";

(2) by striking out "nine" in the second sentence and inserting in lieu thereof "twelve";

(3) by striking out "five" in the third sentence and inserting in lieu thereof "seven"; and

(4) by striking out the fourth sentence and inserting in lieu thereof the following: "The chief operating executive of RFE/RL, Incorporated, and the chief operating executive of a similar organization designated under section 15 shall each be ex officio members of the Board and may participate in the activities of the Board, but may not vote in the determinations of the Board.".

(b) Terms of Presidential Appointees.—Paragraph (3) of such section 3(b) is amended to read as follows:

"(3)(A) Except as provided in subparagraphs (B) and (C), the term of office of each member of the Board appointed by the President shall be three years.

"(B) The terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board of International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year.

"(C) Of the members initially appointed as the three additional voting members of the

Board provided for by the amendments made by section 4(a) of the Radio Free Asia Act of 1993, one member shall be appointed for an initial term of one year, one member shall be appointed for an initial term of two years, and one member shall be appointed for an initial term of three years.

"(D) The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term.

"(E) Any member whose term has expired may serve until his or her successor has been appointed and qualified.".

(c) TERMS OF EX OFFICIO MEMBERS.—Paragraph (4) of such section 3(b) is amended—

(1) by striking out "The ex officio member" and inserting in lieu thereof "Each ex officio member"; and

(2) by inserting before the period at the end the following: ", or as chief operative executive of a similar organization designated under section 15, as the case may be".

SEC. 5. CONFORMING AMENDMENTS.

Section 2 of such Act (22 U.S.C. 2871) is amended—

(1) in paragraph (4), by striking out "as an independent broadcast media" and inserting in lieu thereof "and the establishment of an organization similar to RFE/RL, Incorporated, for conducting radio broadcasting to the totalitarian nations of Asia, as independent broadcast media"; and

(2) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) that it is desirable to establish a Board for International Broadcasting in order—

"(A) to provide an effective instrumentality for the continuation of assistance to RFE/RL, Incorporated, and for the furnishing of assistance to an organization similar to RFE/RL, Incorporated, that conducts radio broadcasting to the totalitarian nations of Asia; and

"(B) to encourage a constructive dialog with the peoples of the former Union of Soviet Socialist Republics, Eastern Europe, Afghanistan (until the government in Kabul is replaced by a government achieved through a free act of self-determination), the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.".

Mr. HATCH. Mr. President, I am pleased to join Senator BIDEN as an original cosponsor of the attached bill that mandates the creation of Radio Free Asia [RFA]. This is an important piece of legislation because it will provide radio broadcasting and programs to over 1.5 billion people in Asia that currently live under Communist or authoritarian regimes.

RFA symbolizes America's opposition to countries that fail to respect human rights and that seek to close their borders to the outside world. These regimes are xenophobic, repressive, and often pose a serious threat to other states in the region. It is precisely this destabilizing paranoia and introverted behavior that creates the need for RFA. Dictatorships, and not democratic states, pose an external threat to their neighbors. These broadcasts will open these countries to new ideas and provide the United States with a mechanism to effect political liberalization and reform in China, Burma, North Korea, Vietnam, Cambodia, Tibet, and Laos.

Mr. President, this proposal to establish RFA is essential for several reasons. First, surrogate broadcasting competes directly with state-run media. RFA will place enormous pressure on state censorship because it offers listeners in target countries a chance to hear credible news programs and accurate information on a daily basis. Unless the government lifts restrictions on the media, the regime in power will continue to lose credibility and legitimacy in the eyes of the general public.

Second, RFA sends a message about a principle of American foreign policy: Information and truth are the best weapons to fight against political repression. Radio Free Europe and Radio Liberty [RFE/RL] employed these tactics successfully during the cold war and their success serves as an excellent model upon which to structure RFA. A number of Baltic and East European leaders have praised RFE/RL for helping to consolidate and strengthen the democratic reform movements in their countries, including former President Landsbergis and President Walesa. We need to build upon our success with RFE/RL and duplicate it in the Asia-Pacific region.

Third, broadcasting overseas is a relatively inexpensive method to reach a large number of listeners, and it could yield a high geostrategic payoff. If one country is forced to loosen restrictions on its control of the media, then RFA will have helped play an important role in the democratic process. We cannot afford to be without RFA.

Fourth, RFA needs to be an independent agency. It can never be placed under the Voice of America [VOA] as some critics of RFA have proposed. VOA is an arm of the U.S. State Department and VOA programs temper reports with diplomatic considerations in mind. In 1990, for example, an editorial that expressed hope that Iraqis would someday live in freedom were put on the back burner after complaints from Saddam Hussein to the State Department. RFA would operate under the direction of the Board for International Broadcasting and retain the flexibility and degree of independence necessary to broadcast controversial programs.

Mr. President, I would also like to enclose a copy of a letter that I received from a constituent of mine, Mr. John Hughes, of Provo, UT. John Hughes served as the chairman of the 11-member bipartisan Commission on Broadcasting to the People's Republic of China and was asked to examine the feasibility of creating Radio Free Asia. Currently, he serves as the director of the International Media Studies program at Brigham Young University, and he has written and lectured extensively on these issues. He recently sent me a letter on Radio Free Asia, and I would like to submit his timely and informative observations for the RECORD.

THE COMMISSION ON BROADCASTING
TO THE PEOPLE'S REPUBLIC OF CHINA,
Arlington, VA, March 20, 1993.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: As Chairman of the bipartisan commission appointed by Congress to consider the establishment of Radio Free Asia, I am delighted that legislation is going forward to make the Radio a reality, and establish it under the aegis of the Board for International Broadcasting.

During the Commission's extensive hearings here and in Asia, we heard many moving stories about the hardships of millions of people who still live under repressive rule in such communist countries as China, North Korea, Vietnam, Laos, and in Cambodia and Burma. We listened to moving pleas for a flow of truthful information to those countries, modeled after the kinds of radio services provided to Eastern Europe and the former Soviet Union by Radio Free Europe and Radio Liberty.

My Commission believes it is in the national interest of the United States to undertake such broadcasting to these countries in Asia. We also believe it is morally right.

I am glad you support Radio Free Asia.

Sincerely,

JOHN HUGHES,
Professor of Communications.

By Mr. RIEGLE:

S. 660. A bill to require the preparation of community economic adjustment plans before the closure or realignment of military installations under base closure laws; to the Committee on Armed Services.

BASE-CLOSING COMMUNITY ECONOMIC ADJUSTMENT PLAN ACT OF 1993

• Mr. RIEGLE. Mr. President, just a few weeks ago, the Department of Defense released the latest list of closings and realignments of military facilities. I am sad to say that the K.I. Sawyer Air Force Base in Michigan's upper peninsula was listed for closing. If this facility is closed, it would do great damage to the economy of the region. K.I. Sawyer has earned top performance ratings and should remain open as part of a smaller defense force. I believe that the inclusion of K.I. Sawyer on the base closure list was a mistake and intend to fight vigorously to keep that base open.

However, it is clear that a number of bases across the Nation will be closed or realigned as our defense operations are downsized due to the end of the cold war. Base closures and realignments are major blows to the economies of the communities and regions where they are located. To alleviate some of the hardship and rebuild the economy after a base is closed, early planning is essential. It is too late to begin to plan for economic recovery after the base has shut down. That work must begin as soon as possible so that a viable strategy is already in place and being acted upon before the facility is actually closed.

For that reason, I rise today to introduce the Base-Closing Community Economic Adjustment Plan Act of 1993. The legislation I am introducing today requires that the Secretary of Defense ensure that a community economic adjustment plan be in place before a military base is closed or realigned. To meet this requirement, the Secretary could approve an adjustment plan submitted by the appropriate State and local governments or regional organizations. However, the Defense Department would bear the burden of developing a plan in the absence of any action by these government entities or authorities.

To help communities develop such plans, current law already authorizes the Secretary to provide assistance, including grants, to State and local governments. This legislation reiterates that authority and expands it to include regional economic organizations not covered under existing law.

Each plan would consist of two parts. The first part would be a strategy for the successful conversion and reuse of the facility. This strategy must include at least a description of the proposed reuse of the facilities, a proposal for notifying the public and marketing that proposed reuse, an analysis of the environmental considerations, an analysis of the proposed reuse's job creation and absorption potential, and projections of the effect of the reuse strategy on public sector revenues and expenditures. If it is determined that reuse of the facility is not feasible or economically viable, a detailed explanation of the analysis would be required.

The second part of the plan would be a regional economic recovery strategy. This strategy must go beyond any facility reuse plan to include the broader issues of regional economic stability, job creation, income growth, and public sector revenues and expenditures.

The legislation provides that the Secretary carry out these requirements through the Office of Economic Adjustment [OEA] within the Department of Defense. These additional functions of the OEA would be covered out of existing funds and should not present a vastly increased administrative burden. Currently OEA has over 40 projects ongoing. Congress has already greatly increased funding for OEA in anticipation of this latest round of base closing to $30 million in fiscal year 1993—up from $7 million in fiscal year 1992.

The bill also requires that the Secretary notify Congress within 30 days of whenever an adjustment plan is completed. If the plan is prepared by the Defense Department, then the Secretary must also submit the plan to the appropriate State and local governments and regional economic organizations.

Mr. President, earlier this month President Clinton announced his plans for defense conversion and economic adjustment. I applaud his proposals, many of which came out of the 1992 Senate Democratic task force on defense/economic transition which was so ably chaired by Senator PRYOR and the 1990 task force on defense conversion, which I had the privilege of chairing. I believe that the legislation I am introducing today is a useful addition to our existing process for defense conversion. I urge my colleagues to support it and ask unanimous consent that the text of the legislation be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY ECONOMIC ADJUSTMENT PLAN FOR CLOSED OR REALIGNED MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense may not close or realign a military installation under a base closure law until a community economic adjustment plan with respect to the installation is prepared in accordance with this section.

(b) PLAN PREPARATION.—(1) The Secretary shall—

(A) ensure that the community economic adjustment plan, if any, prepared by a State or local government, or a regional economic organization or other organization, with respect to a military installation to be closed or realigned under a base closure law meets the requirements for such a plan under this section; or

(B) in the event that no government or organization prepares such a plan, prepare a plan meeting such requirements.

(2)(A) The Secretary may provide such assistance (including making grants and entering into cooperative agreements) as the Secretary determines appropriate to State or local governments, or regional economic organizations or other organizations, in the preparation of a community economic adjustment plan under paragraph (1)(A).

(B) Any grants made by the Secretary under this paragraph shall meet the requirements of section 2391(b) of title 10, United States Code.

(3) The Secretary shall carry out the requirements of this subsection through the Office of Economic Adjustment of the Department of Defense.

(c) PLAN REQUIREMENTS.—Each community economic adjustment plan prepared under this section with respect to a military installation to be closed or realigned shall contain the following:

(1) If the utilization of any portion of the installation for non-defense purposes is determined to be economically practicable, a proposal for the utilization of such portion for such purposes, including—

(A) a specific description of such utilization;

(B) a proposal for notifying the public the availability of such portion for such purposes;

(C) an assessment of the environmental hazards, if any, that exist at the installation, and a plan for the remediation of such hazards;

(D) an assessment of (i) the number of civilian employees who will gain or lose employment as a result of the closure or realignment of the installation, and (ii) the number of such employees, if any, who will find alternative employment in the vicinity of the installation after such closure or realignment as a result of such utilization; and

(E) an assessment of the affect on the tax base and expenditures of the State and local governments affected by the closure or realignment of (i) the closure or realignment, and (ii) such utilization.

(2) If the utilization of any portion of the installation for non-defense purposes is determined not to be economically practicable, a detailed explanation of the analysis supporting that determination.

(3) A proposal for the minimization of the economic impact of the closure or realignment on the region in which the installation is located, including means of—

(A) ensuring the economic stability of the region;

(B) providing for job creation in the region;

(C) providing for growth in rates of personal income throughout the region; and

(D) stabilizing the tax base and projected expenditures of State and local governments in the region.

(d) NOTIFICATION.—Not later than 30 days after the Secretary determines that a community economic adjustment plan with respect to a military installation meets the requirements of subsection (c), the Secretary shall—

(1) submit to the appropriate committees of the Senate and House of Representatives a written notification of the completion of the plan; and

(2) in the event that the Secretary prepares the plan under subsection (a)(1)(B), submit the plan to the governments of the State and localities in which the military installation is located and to such regional economic organizations or other organizations as the Secretary determines appropriate.

(e) REGULATIONS.—The Secretary shall prescribe regulations for the purposes of carrying out this section.

(f) DEFINITION.—In this section, the term "base closure law" means the following:

(1) Section 2687 of title 10, United States Code.

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(4) Any other similar law enacted after the date of the enactment of this Act.

(g) EFFECTIVE DATE.—The provisions of this Act shall take effect on the date of the enactment of this Act and apply to military installations closed or realigned after such date.●

By Mr. DOMENICI (for himself, Mr. DOLE, Mr. BOND, Mr. BOREN, Mr. COVERDELL, Mr. BROWN, Mr. NICKLES, Mr. SIMPSON, Mr. COATS, Mr. WALLOP, and Mr. MURKOWSKI):

S. 661. A bill to provide for the establishment of an Independent General Accounting Office Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

GAO REFORM LEGISLATION

● Mr. DOMENICI. Mr. President, in the previous session of Congress, I introduced S. 1400, the General Accounting

Office Reform Act, that would put in place a major review and reform of the General Accounting Office [GAO]. A cornerstone of the legislation was the creation of a special committee with broad authorities to audit and review the GAO, including the drawing of samples of GAO studies and subjecting them to review—a peer review—by outside organizations for their accuracy, authenticity, and professionalism.

The Senate agreed to include an important component of this bill, the creation of an Independent GAO Peer Review Committee, in the 1993 legislative branch appropriations bill. Unfortunately, this language was dropped by the conference committee.

At the same time, I am pleased that as a result of escalating criticism about GAO's objectivity and professionalism, the Senate Committee on Governmental Affairs intends to proceed with a comprehensive examination of GAO's roles, mission and operations. The time has come for such an undertaking.

Therefore, I am introducing this bill because it offers elements that should be reviewed in conjunction with this effort. I am pleased that the following colleagues are joining me as original cosponsors of this measure: Senators DOLE, BOND, BOREN, COVERDELL, BROWN, NICKLES, SIMPSON, COATS, WALLOP, and MURKOWSKI.

Over the past months, I have surveyed numerous Federal departments and agencies with respect to the quality and quantity of GAO audits, reports or studies requested during the 1991–92 timeframe.

The sheer volume of GAO requests is staggering. When taken in tandem with the resources expended by the departments and agencies responding to audits by their respective inspectors general, it is quite likely we have a massive duplication of effort and a misuse of scarce tax dollars.

For example, the Department of Energy reported it received 227 requests for information or audits initiated by the GAO, which roughly translates into a new inquiry initiated every 3 days. The Department of Justice reported it was tracking 110 ongoing reviews, with 136 reports completed since 1991. The Department of Agriculture provided a list of 174 audits or inquiries in a 2-year timeframe.

Many departments expressed grave concern that audit activities are often dropped without explanation after the initial startup; that many times the GAO provides an oral report or testimony to Congress without benefit of a printed report or comment period from the department; and that when given the opportunity to respond, there is often insufficient time to prepare a meaningful and substantive reply.

Some expressed concerns that there is a lack of subject matter expertise by the auditors, and that departmental employees are intimidated or placed in compromising positions without benefit of legal counsel during some investigations.

Another criticism beyond the sheer volume of studies and audits by both the GAO and Offices of the Inspector General is the duplicative nature of these activities. The Department of the Interior was incredulous that the National Park Service's Concession Management Program was audited a total of 12 times during fiscal years 1991 and 1992. As the Interior said, "While the stated scope of the two audit organizations may be different, performing even similar audits in the same entity within 1 year can cause a workload and resource management burden." I agree the management burden is severe, but I also suggest that there must be a better way of doing business than auditing 1 program 12 times.

I have been assured innumerable times that coordination among our support agencies is of paramount importance; that every effort is made to avoid duplication. In 1976, to promote better coordination, Congress established a reporting system among the four primary support agencies and this was further expanded in 1993. As a result, we now receive a monthly compilation of information from the four agencies. This effort is both important and laudatory. However, I would like to interject that what we now know is that there are approximately 2,000 ongoing reports and audits. I repeat, 2,000. For a group of legislators who are being hounded by the public to cut unnecessary spending, to reduce the size of Government, to reduce the size of staffs, and to get serious about the costs incurred by Congress, I have to ask my fellow colleagues, who is reading and analyzing these findings? I believe we will all agree that it is highly doubtful congressional Members have time to read them themselves. It stretches the imagination to think how many congressional staff members and Federal employees are sitting up nights reading, refuting, or agreeing with the reports' contents.

There are many other reasons why I believe it is time Congress receive the best information it can to help accomplish its objectives. One of the most important is that there is a sense among experts and those outside the Government familiar with the GAO studies that the quality of the work product varies dramatically. Some are excellent, some are moderate, and some are absolutely of poor quality. Yet, all are given the same kind of credibility because they are GAO products.

For example, a few weeks ago we saw headlines in both the Washington Post and the New York Times citing a GAO report about the Federal peanut program. The GAO report concluded that this program enriched big farmers while generally wasting taxpayers' dollars. In this case, the Department of Agriculture appended its response to the GAO report. To summarize, it stated that because GAO's methodology was flawed and "lacked objectivity," the report made erroneous assumptions and "conclusions were drawn that are not supported by the evidence." Most important, the Department's response stated: "We believe a more objective report will not only point to the need for change in the peanut program but will be of greater value for considering various options and developing specific changes."

I recognize we cannot all agree with a report's conclusions; there are numerous options on any issue. However, this is a case in point. We have the Department of Agriculture stating the report was not objective and that it would be of little value in providing important options that need to be examined. I have to ask my friends in this Chamber a straightforward question: How are we supposed to determine the facts—the truth—so we can develop reasonable policy changes when we have such conflicting analyses? This problem is compounded when one of the experts has articulated such serious shortcomings. What do we do? Just throw a coin into the air? All of us know what happens in cases like this. We'll have our constituents writing us, the national organizations calling us, and we'll have to find a compromise. Or, better yet, we will just ask for another report and see if we can get another answer.

Mr. President, many Members of Congress feel that the level of resources required to produce these products of varying quality is excessive and has grown disproportionately when compared with other support agencies on the Hill. GAO's resources are immense. GAO is the largest support agency here on the Hill. It has approximately 4,900 employees. Its $435 million budget is about 20 percent of the total legislative branch appropriations. Moreover, if we combine GAO's functions of reducing fraud, waste, and abuse with those of the 27 Offices of Inspectors General, their 9,000 employees and three-quarters of a billion dollar budget, we have quite an impressive level of resources. Finally, we must take into account the reports and analyses from the Congressional Research Service, the Congressional Budget Office, and the Office of Technology Assessment, none of which compare in size of budget or staff to GAO and the OIG's. In combination, it can be legitimately argued that Congress has a plethora of resources at its disposal. Is it any wonder that program managers in this town are drowning in reviews?

There is a need for financial audits and reviews, but my perception and that of a number of others I talk with is that things are getting out of hand.

The system is choking on analysis, and I am not totally convinced that the legislation—for which these reviews are conducted—is necessarily any better.

Let me say that this legislation is not meant to punish or embarrass the GAO for, in truth, since their creation with the Budget and Accounting Act of 1921, GAO has done generally what we, the Congress, have authorized it to do. We, the Congress, as the creators of this organization designed specifically to serve us, must from time to time have appropriate oversight of this entity.

We look at the GAO as a professional organization. We expect superior products. We expect the highest level of integrity and objectivity. Frankly, we expect the very best. We are dependent upon the GAO as an important resource and as a repository of expertise. I believe we have raised legitimate concerns about its efficiency and effectiveness. Given the perception that Congress has a responsibility to manage itself more prudently, this legislation is a good step in the right direction. It is my hope that the Committee on Governmental Affairs will give this measure its most careful consideration as it proceeds to examine the GAO's role and operations.

Mr. President, I ask unanimous consent that the text of the bill be printed following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "General Accounting Office Reform Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) an objective General Accounting Office, primarily limited to auditing and accounting functions that are carried out in a professionally responsible manner, provides an essential service to the Congress and the United States;

(2) the General Accounting Office maintains substantial staff with expertise in a wide variety of fields to provide comprehensive technical evaluations to the Congress;

(3) the General Accounting Office is required to coordinate its audits with offices of inspector generals to provide Congress with factual analysis of waste, fraud and abuse;

(4) the General Accounting Office may have exceeded its accounting and auditing mission and increasingly makes policy-making reports on subjects not directly related to accounting and auditing;

(5) there have been serious allegations questioning the General Accounting Office's nonpartisanship, objectivity, integrity and qualifications in carrying out its functions and responsibilities under the law;

(6) a review of the General Accounting Office's services conducted by a newly established Independent Peer Review Committee, including an examination of its organizational structure, management policies and operations, should be initiated to ensure that financial and accounting functions remain the focus of the agency; and

(7) immediate reforms should be enacted to address deficiencies pending the completion of this outside review and report.

TITLE I—INDEPENDENT GENERAL ACCOUNTING OFFICE PEER REVIEW COMMITTEE

SEC. 101. INDEPENDENT GENERAL ACCOUNTING OFFICE PEER REVIEW COMMITTEE.

(a) ESTABLISHMENT.—There is established the Independent General Accounting Office Peer Review Committee (hereafter in this section referred to as the "Committee"). The Committee shall consist of 11 members as follows—

(1) the Comptroller General of the United States; and

(2) 10 members who—

(A) are not officers or regular employees of the General Accounting Office;

(B) have expertise in government program analysis, public policy analysis, financial and auditing review; and

(C) are appointed by the Majority and Minority Leaders of the House of Representatives and of the Senate in consultation with the chairman and ranking members of the Senate Committee on Governmental Affairs, the House of Representatives Committee on Government Operations, and the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives.

One of the members appointed pursuant to paragraph (2) shall be appointed chair of the Committee.

(b) FUNCTIONS.—The Committee shall conduct a review of the organization, administration, management, and operations of the General Accounting Office, including the way the General Accounting Office conducts its reports, studies, and reviews. To conduct the review, the Committee shall engage the services of accountants or accounting firms and persons or entities with expertise in the fields of auditing, and public program and policy analysis pursuant to the appropriation under the heading "CONTRACT STUDY OF GAO". In planning the review the Committee shall take into account generally accepted standards for an external quality review of an auditing organization. In conducting the review the Committee shall—

(1) select a sample of General Accounting Office reports, studies, and reviews conducted over the past 24-month period preceding the date of the enactment of this section, which shall encompass a variety of topics, sectors, and subjects that adequately reflect the endeavors of the General Accounting Office;

(2) submit the sample reports, studies, and reviews to independent analysis by organizations, selected by the Committee, with recognized expertise in the relevant field of the selected reports, studies, and reviews to assess the accuracy, fairness, and professionalism of the reports, studies, and reviews; and

(3) ensure that the Committee or the organization responsible for conducting the analysis includes in each report of the independent analysis—

(A) a thorough examination to determine the objectivity, integrity, validity, and timeliness of each General Accounting Office product;

(B) the requesting and clearance procedures to maintain objectivity in analysis;

(C) the number of and reasons for the use of outside consultants and contract services required to complete the final General Accounting Office report;

(D) the contents and findings of any other support agencies' reports for duplication of scopes of work, and related efforts designed to solicit different findings and recommendations;

(E) the costs associated with preparing the final reports by the General Accounting Office, and the costs incurred by other support agencies in preparing similar or identical scopes of work; and

(F) a review of the final submission process to determine how the information was released to the appropriate congressional Members or committees, to the public, and to any relevant Federal departments or agencies.

(c) CONSULTATION.—In conducting the review and analysis under subsection (b), the Committee shall ensure that Federal departments and agencies, Members of Congress, appropriate congressional staff, and any other relevant organizations or individuals are consulted concerning their input, participation in, and responses to General Accounting Office studies, reports, and reviews with the intention of determining the objectivity and integrity of the final analysis.

(d) REPORTS.—No later than 12 months after the date of the enactment of this Act, the Committee shall consolidate all analyses and submit a report of the review conducted under this section to the Comptroller General of the United States, the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives, and to the chairman and ranking minority member of the Senate Committee on Governmental Affairs, and the chairman and ranking minority member of the House of Representatives Committee on Government Operations. Such report shall include an overall summary with recommendations for ways in which the General Accounting Office can accomplish its mandates in the most efficient and professional manner, at the most reasonable cost, with minimal duplication of other support agencies and Office of Inspector General undertakings, and with maximum objectivity and integrity.

(e) ADMINISTRATIVE PROVISION.—The provisions of the Federal Advisory Committee Act shall not apply to the Committee, except the Committee shall consult the guidelines established under section 7(d) of such Act.

(f) TERMINATION.—The Committee shall terminate 30 days after the date of submitting the report under subsection (d).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE II—GENERAL ACCOUNTING OFFICE REFORM

SEC. 201. LIMITATION ON FUNDS FOR CONSULTING SERVICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the General Accounting Office during fiscal year 1993 may not obligate and expend funds for consulting services involving management and professional services, special studies and analyses, technical assistance, and management review program funded organizations, in excess of an amount equal to 75 percent of the amount obligated and expended by the General Accounting Office during fiscal year 1992 for such purposes.

(b) DEFINITION.—For purposes of this section, the term "consulting services" shall be defined consistent with the provision of the Office of Management and Budget Circular A-120 dated January 4, 1988.

SEC. 202. EXAMINATION OF INTERNAL CONTROLS.

The Comptroller General shall submit annually a report to Congress containing—

(1) a description and statement of the Comptroller General's responsibility for establishing and maintaining an adequate internal control structure; and

(2) an assessment, as of the most recent fiscal year, of whether such internal control structure reasonably assures compliance with the laws and regulations governing, and the objectives of, the General Accounting Office.

SEC. 203. PROHIBITION OF INVESTIGATIONS ON THE INITIATIVE OF THE COMPTROLLER GENERAL.

(a) INVESTIGATIONS AND EVALUATIONS.—Chapter 7 of title 31, United States Code, is amended—

(1) in section 712 by striking out paragraphs (1) and (3) and redesignating paragraphs (2), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(2) in section 717(b) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) PROHIBITION ON USE OF FUNDS.—The General Accounting Office may not expend any funds to conduct any study, investigation, or audit, or produce or disseminate any material which has not been requested by the Congress or a Federal agency or is not required by statute.

SEC. 204. ASSIGNMENTS AND DETAILS TO THE CONGRESS.

Section 734 of title 31, United States Code, is amended to read as follows:

"§ 734. Assignment and details to Congress

"(a) The Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

"(b) A committee or office of the Congress (including a Member's office) shall reimburse the Comptroller General for the pay of each officer or employee or the Office for the time the officer or employee is assigned or detailed to the committee or office of the Congress.".

SEC. 205. REIMBURSEMENT FOR ASSIGNMENTS AND DETAILS.

A Federal agency shall reimburse the Comptroller General for the pay of each officer or employee of the General Accounting Office for the time the officer or employee is assigned or detailed to the agency.

SEC. 206. CONGRESSIONAL COMMENT AND CERTAIN AGENCY REVIEW OF DRAFT REPORTS.

Section 718 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any draft report on a study or audit requested by any committee or office of the Congress (including a Member's office) shall be submitted to the committees of the Congress with jurisdiction of the subject matter of the report, and if appropriate, to the Congressional Budget Office, the Office of Technology Assessment, and the Congressional Research Service. Within 30 days of receiving the report, the majority and minority members of such committees, and the offices to which such draft report is submitted may review and submit comments to the General Accounting Office. Such comments shall be included in the final report.".

SEC. 207. PROHIBITION OF GENERAL ACCOUNTING OFFICE PERSONNEL IN A COMBAT ZONE.

No officer or employee of the General Accounting Office may perform any function or duty of such Office in any military zone of combat operations as designated by the Secretary of Defense.

SEC. 208. STUDIES AND AUDITS NOT REVIEWED BY SUBJECT AGENCY.

Section 720 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) If the General Accounting Office submits a report to the Congress or the President, and the agency which is the subject of the study or audit of the report did not review or comment on such report, the lack of such review or comment shall be noted on the front of such report.".●

By Mr. SIMON (for himself, Mr. DECONCINI, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, and Ms. MOSELEY-BRAUN):

S.J. Res. 70. A joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola; to the Committee on Foreign Relations.

ANGOLA SENSE-OF-THE-CONGRESS JOINT RESOLUTION

Mr. SIMON. Mr. President, Angola is now involved in civil war after having gone through the process of an election, and a genuine election. It was one that U.N.-U.S. authorities all recognized as being a fair election, as fair as they can be for a country that has not had elections before.

The incumbent President, Mr. dos Santos had 49 percent, the number two candidate got 38 percent. Those are not the kind of figures you get from an election that is not a fair election.

There has been division within the Senate as to where we ought to be throwing our support. For example, Senator DECONCINI has believed that we should support Mr. Savimbi and his forces. I happen to think that was a mistake. But we are both among the cosponsors. Both sides have come together.

The joint resolution says we ought to be recognizing the government that is there. We recognize governments that have not had elections. Here is a government that has had a free election and we are not recognizing the government.

Second, we urge both parties to come together. We urge Dr. Savimbi to come together with the government and work out what practical compromises can be worked out.

I offer a joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola.

On September 29 and 30, 1992, we had hoped that an end to an era of civil conflict in Angola had arrived. We were hopeful that the democratic process initiated by the Bicesse Accords of May 31, 1991, would lead to a successful transition process which would become the framework for building national reconciliation in Angola. It is my understanding that more than 4.5 million Angolans went to the polls for the first time.

The elections, certified by the United Nations and the United States, were viewed as generally free and fair and without significant irregularities or systematic fraud. The MPLA candidate President E. Dos Santos received 49.7 percent and the UNITA candidate Jonas Savimbi received 40.1 percent of the vote. We expected that a run-off election would have completed the beginning phases of the transition to peace. Unfortunately, Mr. Savimbi called the elections into question, withdrew his forces from the unified army, and essentially plunged Angola back into war.

Mr. President, there are reports that tens of thousands of lives have been lost and disrupted in the aftermath of renewed fighting. Given the great potential of a peaceful Angola to meet the needs of its people, I would hope that we can move swiftly to promote negotiations that will bring about a peaceful resolution to this conflict.

Mr. President, I am concerned that U.S. credibility is at stake if we are unwilling to condemn parties who refuse to accept the results of free and fair elections.

It is critical that democratic forces all over the world, particularly in Mozambique and South Africa, should be assured that the United States will offer unwavering support to the transition process—from the beginning to the end.

In the interest of promoting lasting peace in Angola, I have offered the following joint resolution. The joint resolution calls for the President to recognize the Government of Angola, to appoint a special United States envoy to work with the United Nations, to consider imposing sanctions on any party that obstructs the peace process, and to consider dispatching a team to assess the humanitarian situation.

Mr. President, the leaders of the region are closely monitoring our response to this latest crisis in Angola. It is my hope that we will not disappoint them and the people of Angola. I and my colleagues who have joined me on this resolution hope that this legislation will encourage parties to return to the table to negotiate an end to this crisis which has already lasted too long.

I ask unanimous consent that the Washington Post editorial of March 23, 1993, entitled "Confused on Angola" be submitted to the RECORD following my statement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1993]

CONFUSED ON ANGOLA

The new American administration is caught in some of the same hesitation on Angola that marked the old. In elections given full marks by international observers, the ruling MPLA won the parliament; Jose Eduardo dos Santos fell just short of the 50 percent required to be seated as president. Challenger Jonas Savimbi responded by boycotting a presidential second round and renewing the war. Mr. dos Santos turned to Washington for recognition. After all, he had sacked the Cubans, cut off the Kremlin, abandoned Marxism, turned West, set up a multiparty system and conducted respectable elections. But the Bush administration declined to recognize him, and the Clinton administration still has the question "under review."

The trouble is not conspiracy but confusion. Angola, which spent a decade and a half being ground up in the Cold War, is again a battlefield. The right-thinking idea of arranging a package settlement including recognition of the MPLA regime tugs at diplomats in Washington. Holding off on recognition, it is suggested, keeps a useful line open to Mr. Savimbi.

Meanwhile, unfortunately, Mr. Savimbi happens to be doing well in the war. The government, playing on his past ties to South Africa and the CIA, has tried to paint his progress as the product of foreign connections. In fact, Western intelligence indicates that most of his weapons were stockpiled or are captured. It is the government with its oil money that buys arms abroad. Three white South Africans who were located in a hospital in Namibia turned out to be the hired gunmen not of Mr. Savimbi but of an oil company.

What's most important, however, is that Mr. dos Santos in the latest phase played fair. An American administration that professes to support new democracies looks awfully odd (and lonely) withholding recognition. No one charges that the United States, or South Africa, is still secretly channeling aid to Jonas Savimbi. But Washington is slow to get the message it sends by standing off. It tempts Mr. Savimbi to think he can get away with challenging democratic process. It encourages ethnic strains: Losers in Third World elections invariably play the ethnic or tribal card. Worse, it could put the idea of ignoring a fair but disappointing electoral result in the heads of others headed for the polls in the new southern Africa—Mozambique for one, South Africa for another. Policy should be to recognize Mr. dos Santos, and get Mr. Savimbi back to the table.

Mr. DECONCINI. Mr. President, today I join with my friend and colleague from Illinois, Senator SIMON, in cosponsoring his joint resolution on Angola. I applaud the leadership and statesmanship he is demonstrating by introducing this legislation. However, I only wish that the situation were different and that this resolution were unnecessary.

May 31, 1991, was to have been the first day of the beginning of a peaceful future for the people of Angola. That was the day the Bicesse accords, signifying a cease fire in Angola's 16-year civil war, were signed in Portugal. It was a rocky road which led to the first multiparty elections 16 months later, but there was hope throughout the country that the generations which had known only war could begin a new chapter in their lost history.

Unfortunately, that hope appears to have been dashed once again.

By most accounts of international observers, the Angolan elections appeared to be mostly free and fair. While not present in the country for the elections, I have studied the reports of the observers and accept the conclusions.

For the legislature, the government party candidates won a majority of the seats, with UNITA, the primary opposition party, winning the next largest number of seats. For President, MPLA leader President dos Santos earned just under the required 50 percent of the vote. Under the rules agreed to for the elections, a runoff election is to be held if no candidate for President wins more than 50 percent. To date, however, the atmosphere for these runoff elections has been poisoned.

Dr. Jonas Savimbi, the leader of UNITA, protested the results of the election and urged them to be rejected by the Angolan people. He withdrew from the capital of Luanda and threatened to return to civil war. The government then started arming civilians and urged them to hunt down and kill those people suspected of being UNITA members of sympathizers.

Civil war has returned to Angola with tragic results. Both UNITA and the MPLA are to blame for the ensuing bloodbath. By most accounts, the fighting in the past few months has been more ferocious than during the height of the preceding 16 years of war. Yesterday's Washington Post paints a pathetic picture of a country sliding into chaos and famine—a direct result of the inability or unwillingness of the two contenders to achieve a lasting political settlement to Angola's killing fields.

It is my fervent hope that this resolution will serve to bring both Dr. Savimbi and President dos Santos back to the negotiating table. How much blood must be spilled before they finally acknowledge that their only hope for Angola is a negotiated peace? Neither side can win on the battlefield and the only losers are the Angolan civilians who are caught in the very real crossfire.

I strongly urge Dr. Savimbi and UNITA to accept the results of the elections and negotiate a peaceful settlement. I strongly urge President dos Santos and the MPLA to foster a climate of peace and reconciliation and negotiate a peaceful settlement. I strongly urge both sides to negotiate in good faith and understand that while one might lose an election, in a democracy, one works for the betterment of the country and lives to fight at the ballot box another day.

After many years of civil war, the time has come for the parties to the conflict to realize that a negotiated peace is the only option. The United States cannot walk away from Angola, for we have invested too much in this rich, but ruined country. At the same time, we cannot want peace more than the people of Angola. Now it is in the hands of the leadership of UNITA and MPLA. Now is the time for peace. I sincerely hope that this legislation will encourage both sides to find common ground for a lasting Angolan peace.

Mrs. KASSEBAUM. Mr. President, I rise today to join with Senators SIMON, JEFFORDS, and DECONCINI to introduce a resolution on Angola. We have all watched with horror at the deteriorating civil war in that country. As many as 30,000 Angolans have been killed. What little infrastructure remaining in the country has been completely destroyed. Up to 3 million people now face starvation.

It is clear that both the MPLA government and the UNITA rebels bear responsibility for the fighting. Nevertheless, I strongly believe that most of the blame for this current fighting rests with Dr. Savimbi and the UNITA rebels.

In the Presidential elections in September of last year, Dr. Savimbi finished second to President dos Santos. The United Nations and other observers found these elections to be generally free and fair. Yet, UNITA rejected the election results, withdrew from the unified Angola Army, and resumed hostilities.

Now, Dr. Savimbi refuses to take part in U.N.-sponsored talks. I am deeply dismayed by his refusal to negotiate. Dr. Savimbi appears to be pursuing a military solution to the Angolan civil conflict.

Mr. President, most analysts agree that a military victory by either side is impossible. I believe a negotiated agreement—based on the principles of the Bicesse accords—is the only way to reach a lasting peace in Angola. But unless the parties are willing to talk, peace will be impossible.

The resolution we are introducing today calls on President Clinton to recognize the Angolan Government. I believe this action will send a clear signal to Dr. Savimbi that we are losing patience with his continuing intransigence. It is my hope that extending diplomatic recognition to Angola will underline American concern and encourage Dr. Savimbi to return to the negotiating table.

Recognizing the Angolan Government also sends a message to parties in other emerging democracies: Losing an election is not grounds to resume hostilities. From Mozambique to Cambodia, American credibility is at stake.

Mr. President, I urge the administration to make Angola a high priority in the coming months. This resolution calls on President Clinton to appoint a special envoy for Angola in order to give the issue special attention. This envoy would actively support the ongoing U.N. peace talks.

Reaching a political settlement will not be easy. There is a high degree of mistrust between the MPLA and UNITA. Both sides are attempting to use military operations to gain leverage at the negotiating table.

In addition, any such agreement may require a more active U.N. role, particularly in regard to demobilizing the two armies. With the proliferation of demands on the U.N. system, this is a responsibility the United Nations and donor countries may be reluctant to take up at this time.

Nevertheless, Mr. President, I believe that we have a special responsibility to Angola. After years of sending arms to the country to further cold war aims, we must seize every opportunity to end the war. The U.S. administration—together with the United Nations—must energetically explore all options.

The people of Angola have suffered too much for the international community to do any less.

Mr. KENNEDY. Mr. President, last year, after 16 long years of war, it appeared at long last that the people of Angola would finally live in peace and begin the process of democracy building in that beleaguered country.

But that was not to be.

Despite the fact that internationally monitored elections showed that UNITA did not enjoy the support of the majority of Angolans, Jonas Savimbi refused to accept the verdict of the electorate, and is once again trying to gain through force what he could not achieve through free and fair elections.

No people know better than the people of Angola the high cost in human lives of UNITA's decision to resume the civil war. The impact of 16 years of war has devastated Angola. It has destroyed their homes, made minefields of their farmland, uprooted and separated their families, and caused the death of huge numbers of its men, women, and children.

No sector of the society, no area of the country, has been immune to the deadly effects of the Angolan civil war.

Over 350,000 people have died during the long years of conflict. Already, at least 20,000 have been killed in the renewed fighting which has erupted since the elections last September.

The war has created over 2 million refugees—20 percent of the entire Angolan population. The indiscriminate use of landmines in the war resulted in 40,000 to 50,000 amputees among innocent civilians, including children.

Clearly, all sides must redouble their efforts to end the fighting. The cost in human lives is far too great to allow the war to continue. Negotiations must resume and all parties to the negotiations must lay down their arms and proceed with the democratization and peaceful development of Angola.

Mr. President, the resolution before us is a blueprint for a resolution of this hideous conflict. It calls for the parties to the war to abide by agreements they have already reached—the Bicesse peace accords—in which UNITA and the MPLA agreed to end the conflict and accept the results of the elections.

As the resolution points out, the verdict of the voters is in, and it has been fully monitored and verified by the United Nations and other international observers. The MPLA is now the majority party in the government, and it is time for the United States to move ahead and recognize that government.

The resolution also urges that urgent attention be given to the acute humanitarian needs of the Angolan people. After long years of war, the country simply cannot care for its own people, and further efforts are required immediately to address the needs for food, shelter, and medical aid.

This resolution represents an important statement by the Senate on a situation of compelling humanitarian need, and I commend Senator SIMON, Senator JEFFORDS, and my other colleagues for their leadership in bringing it before us.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 183

At the request of Mr. REID, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Texas [Mr. KRUEGER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Mr. SIMON], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. PRYOR], the Senator from Arizona [Mr. DECONCINI], the Senator from Nevada [Mr. BRYAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. CONRAD], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Colorado [Mr. CAMPBELL], the Senator from New York [Mr. D'AMATO], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 349

At the request of Mr. LEVIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 540

At the request of Mr. HEFLIN, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. REID], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 629

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 629, a bill to create "Healthy American Schools", where children will learn the lifelong health and fitness skills vital to developing a smart body and smart mind and to empower every school with the ability to become a healthy school, built on a firm foundation of "healthy mind and healthy body" curricula.

SENATE JOINT RESOLUTION 54

At the request of Mr. MURKOWSKI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 54, a joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day".

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. RIEGLE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week".

SENATE JOINT RESOLUTION 59

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes.

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. RIEGLE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week".

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE RESOLUTION 13

At the request of Mr. DODD, his name was withdrawn as a cosponsor of Senate Resolution 13, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

AMENDMENT NO. 197

At the request of Mr. CRAIG the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Amendment No. 197 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 200

At the request of Mr. CAMPBELL his name was added as a cosponsor of Amendment No. 200 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 208

At the request of Mr. BROWN the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Amendment No. 208 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 246

At the request of Mr. GRAMM the names of the Senator from Washington [Mr. GORTON], the Senator from Missouri [Mr. BOND], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of amendment No. 246 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 250

At the request of Mrs. FEINSTEIN her name was added as a cosponsor of Amendment No. 250 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENT NO. 253

At the request of Mr. BOND the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of amendment No. 253 proposed to Senate Concurrent Resolution 18, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

HATFIELD (AND BYRD) AMENDMENT NO. 269

Mr. HATFIELD (for himself and Mr. BYRD) proposed an amendment to the bill (H.R. 1335) making emergency supplemental appropriations for fiscal year ending September 30, 1993, and for other purposes; as follows:

On page 58 strike out line 26, and insert in lieu thereof the following: "of 1985, as amended.

"SEC. 203. (a) None of the funds under the head 'Community Development Grants' in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: *Provided*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

"(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VII computer."

BYRD AMENDMENT NO. 270

Mr. BYRD proposed an amendment to amendment No. 269 proposed by Mr. HATFIELD (and Mr. BYRD) to the bill H.R. 1335, supra, as follows:

In lieu of the matter insert the following: "of 1985, as amended.

"SEC. 203. (a) None of the funds under the head 'Community Development Grants' in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: *Provided*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

"(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VII computer.".

BYRD AMENDMENT NO. 271

Mr. BYRD proposed an amendment to the bill H.R. 1335, supra, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: Provided, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: Provided further, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: Provided, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: Provided, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102–486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: Provided, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: Provided, That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

Funds provided in Public Law 102–394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: Provided, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: Provided, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: Provided further, That no State shall receive less than $250,000 of such funds: Provided further, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: Provided further, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: Provided further, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: Provided further, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: Provided further, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III *of Public Law 102–394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: Provided, That such allocations to States shall be ratably reduced if necessary: Provided further, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.*

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)–2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: Provided, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": Provided, That these additional funds shall be apportioned under section 9·of the Federal Transit Act, as amended: Provided further, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: Provided, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $43,700,000, to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: Provided, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: Provided further, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: Provided further, That the total amount approved for any one applicant may not exceed $10,000,000: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: Provided further, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: Provided, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: Provided further, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution

Control Act, as amended, $845,300,000: Provided, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: Provided further, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: Provided, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 203. (a) None of the funds under head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: Provided, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.

BYRD AMENDMENT NO. 272

Mr. BYRD proposed an amendment to amendment No. 271 proposed by him to the bill H.R. 1335, supra, as follows:

In lieu of the matter proposed to be inserted, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: Provided, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: Provided further, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: Provided, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: Provided, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102–486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: Provided, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: Provided, That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

Funds provided in Public Law 102–394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: Provided, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Se-

curity trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: Provided, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: Provided further, That no State shall receive less than $250,000 of such funds: Provided further, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: Provided further, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: Provided further, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: Provided further, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: Provided further, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102–394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: Provided, That such allocations to States shall be ratably reduced if necessary: Provided further, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)–2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: Provided, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": Provided, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: Provided further, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: Provided, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $43,600,000, to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: Provided, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: Provided further, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: Provided further, That the total amount approved for any one applicant may not exceed $10,000,000: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: Provided further, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: Provided, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: Provided further, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: Provided, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: Provided further, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: Provided, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: Provided, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.

BREAUX (AND OTHERS) AMENDMENT NO. 273

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. BOREN, and Mr. BRYAN) submitted an amendment intended to be proposed by them to the bill H.R. 1335, supra, as follows:

On page 58, line 22 [Sec. 201.] strike "herein." and insert "herein: *Provided*, That no appropriation contained in this Act may be made available for obligation until the date on which a reconciliation bill consistent with the requirements of the concurrent resolution on the budget for fiscal year 1994 is enacted into law except that (1) $3,600,000,000 of the additional amounts under the heading "ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS" under the Department of Labor, (2) $1,268,000,000 of the additional amounts under the heading "COMMUNITY DEVELOPMENT BLOCK GRANTS" under the heading "COMMUNITY PLANNING AND DEVELOPMENT" under the Department of Housing and Urban Development, (3) all of the additional amounts under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" under the Department of Labor, (4) all of the additional amounts under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the Department of Health and Human Services, (5) all of the additional amounts under the heading "CHILD NUTRITION PROGRAMS" under the heading "FOOD AND NUTRITION SERVICE" of the Department of Agriculture, (6) $500,000,000 of the additional amounts for concentration grants under section 1006 under the heading "COMPENSATORY EDUCATION FOR THE DISADVANTAGED" under the Department of Education, (7) all of the additional amounts under the headings "MANAGEMENT OF LANDS AND RESOURCES" and "OREGON AND CALIFORNIA GRANTS LANDS" under the heading "BUREAU OF LAND MANAGEMENT", $53,081,000 of amounts under the heading "UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT" for Habitat Conservation and Refuges and Wildlife, and all of the amounts under the heading "OPERATION OF THE NATIONAL PARK SYSTEM" and "CONSTRUCTION" under the heading "NATIONAL PARK SERVICE", all under the Department of the Interior, (8) all of the additional amounts under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS" under the Department of Labor, (9) all of the additional amounts under the heading "GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)" under the heading "FEDERAL AVIATION ADMINISTRATION" under the Department of Transportation and Related Agencies, (10) all of the additional amounts under the heading "FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL HIGHWAY ADMINISTRATION" under the Department of Transportation and Related Agencies, (11) all of the additional amounts under the heading "FORMULA GRANTS" and "TRUST FUND SHARE OF TRANSIT PROGRAMS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL TRANSIT ADMINISTRATION" under the Department of Transportation and Related Agencies, (12) $70,000,000 of the additional amounts under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under Related Agencies, and (13) $150,000,000 of the additional amounts under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH" under the heading "ASSISTANT SECRETARY FOR HEALTH" under the Department of Health and Human Services, shall be available immediately.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on "Will Jobs Be America's Biggest Export Under NAFTA?", on Thursday, April 1, 1993, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, March 25, 1993, at 2 p.m. to mark up a committee print providing funding for the Resolution Trust Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, March 25, at 9:30 a.m., for a hearing on the subject: The breakdown of IRS tax enforcement regarding multinational corporations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 25, 1993, at 11 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, March 25, 1993, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet in a full committee hearing on March 25, 1993, at 12:30 p.m. to hear a panel of economists on the President's economic plan and need to address the budget deficit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, at 10 a.m. and 2 p.m. to hold nomination hearings on Tim Wirth to be counselor of the Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, at approximately 10:30 a.m. to hold a brief business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 25, 1993, at 9:30 a.m., in open/closed session, to receive a briefing on Somalia from the Office of the Secretary of Defense and the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GREEK INDEPENDENCE DAY

• Mr. DODD. Mr. President, on March 25, 1821, the State of Greece declared its separation from the Ottoman Empire. On this day, 172 years later, we pause to observe the occasion of Greek Independence Day.

Mr. President, this is more than a day for members of the Greek community to commemorate, although they certainly have ample cause to celebrate their culture and history. This is more than a day for Greek-Americans to observe, although they have every reason to call attention to their proud heritage. Mr. President, this is indeed a day for every citizen of the world to rejoice.

It would be very difficult to overstate Greece's contribution to world history and culture. In his famous address more than 2,000 years ago, the Greek statesman Pericles proclaimed:

> Mighty indeed are the marks and monuments of our empire which we have left. Future ages will wonder at us, as the present age wonders at us now.

Pericles was remarkably prescient, Mr. President, but the marks and monuments left by the ancient Greeks are not those we might at first glance associate with them.

As much as we admire the enduring monuments of Greek architecture—the Coliseum, the Parthenon, the Akropolis at Athens—we remember, honor, and cherish the ancient Greeks for their love of an idea. That idea is democracy. This simple yet elegant principle—the revolutionary notion that people should govern themselves—has more than almost any other single concept shaped the world in which we live today.

The democratic idea as conceived by the Greeks inspired the Founders of our own Nation. Thomas Jefferson once said, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." And the American Revolution in turn became a model for Greece as it fought for its own independence in the 1820's.

Since that proud time, Mr. President, Greece and the United States have stood arm in arm defending freedom and democracy throughout the world. It is not widely known that more than 400,000 Greek soldiers and civilians were killed during World War II, a figure representing nearly 6 percent of the Nation's entire population.

At a time when democracy is on the march as never before in the history of our world, it is especially fitting this year that we pause and reflect upon the source of this powerful philosophy. I take this opportunity to recognize Greece for its remarkable contribution to human history. All Greek-Americans—indeed all citizens of democratic countries—have reason to be proud.•

POW/MIA's—THE ISSUE REMAINS

• Mr. DURENBERGER. Mr. President, I rise to comment briefly on the issue of the U.S. POW's and MIA's. This is a matter of considerable ongoing concern for me and many of my constituents back home.

I am very proud of the servicemen and women who have served our country in past conflicts. They deserve our praise and enduring gratitude for their courage and sacrifice. Those personnel who remain missing, as well as their families and friends, are not forgotten, and hold a special place in our thoughts and prayers. I reiterate my frequent call that every effort be made to determine the truth about the fate of the U.S. service personnel who remain unaccounted for.

Under the leadership of Senators KERRY and SMITH, the Senate Select Committee on POW's/MIA's undertook the tremendous task of investigating and reporting on the myriad aspects of the POW/MIA issue. The committee's findings are extensive, substantive, and very important. I continue to read and study the full report with great interest.

Notwithstanding the issuance of the committee's report, Mr. President, this matter is by no means closed. Rather, the report must be seen as a continuation of the process to determine the truth as fully as possible about the fate of American personnel still unaccounted for, and to effectively respond to related issues. The establishment of the committee was not intended to bring complete resolution to the myriad issues associated with POW/MIA's and the completion of the committee's investigation does not mean that this matter should be put to rest.

I have heard from many Minnesotans about their enduring concerns related to the POW/MIA issue. Lifting the trade embargo against Vietnam, establishing diplomatic relations, and investigating possible information from Russia about United States personnel having been taken there, continue to be of great interest. Further questions

remain about what type of followup activity to the Senate committee's work the country should pursue.

Mr. President, I ask to insert in the Record a letter I recently sent to President Clinton regarding the need to pursue the committee's recommendations, in particular regarding the issue of pilot distress signals and the validity of certain photographic images.

The letter follows:

U.S. Senate,
Washington, DC, February 26, 1993.

Hon. William Clinton,
The White House,
Washington, DC.

Dear Mr. President: During last year's campaign, you stressed the importance of the concerns of families of POW/MIAs regarding the fate of American service personnel still unaccounted for. I am very proud of the servicemen and women who served our country in Indochina. I know you share my conviction that every effort should be made to determine the truth about the fate of these individuals.

The Senate Select Committee on POW/MIA Affairs recently issued its final report, detailing the findings of its extensive investigations. A constituent in Minnesota recently brought to my attention a specific passage of the Committee's report, which in turn I would like to bring to your attention.

Within its discussion of pilot distress signals, the Committee considered the validity of images on a certain photograph taken in June, 1992, which matched the primary and back-up distress symbols and authenticator number of a pilot lost in Laos in 1969. For your reference, I enclose a copy of the page from the report, with relevant passages highlighted.

Unlike similar cases in which it was determined that such images were the product of natural phenomena, the Committee believes that this case deserves further attention and thus in the report urges appropriate officials from the Executive branch to request information about the fate of the serviceman in question from the Government of Vietnam. I would like to underscore the Committee's recommendation and urge that you make every effort to ensure that this particular case is pursued.

Thank you for your attention to this matter. I look forward to working with you in the future on this and other issues of mutual concern.

Sincerely,

Dave Durenberger,
U.S. Senator.•

FIREARM DEATHS AMONG THE YOUNG

• Mr. KOHL. Mr. President, yesterday the National Center for Health Statistics released a shocking report on firearms deaths among our Nation's young people. The report revealed that firearms are responsible for 1 in every 4 deaths among persons age 15 to 24. Almost 10,000 young people were killed by guns in 1990. Even more appalling is the rate at which these deaths are rising. For those age 15 to 19, the rate of firearms deaths rose 77 percent from 1985 to 1990. The rate among black teenage males tripled—tripled—during that same period. If this trend continues, firearms will soon surpass automobile accidents to become the leading cause of death among America's teenagers.

America's young people are being sent into war zones, not overseas, but on our streets and in our schools. I believe Congress must do something to try to stop this senseless carnage. We should work to help pass the Brady bill, a modest and reasonable attempt to help keep guns out of the hands of criminals. In addition, as chairman of the Juvenile Justice Subcommittee, I will be holding hearings on the problem of children and gun violence, and we should be looking for other measures the Federal Government can take to protect young people from firearms. Every Member of this body who is as disturbed by these statistics as I am should join in this effort.

Mr. President, I ask that the Washington Post article on the National Center for Health Statistics report be printed in the Record at this time.

The article follows:

[From the Washington Post, Mar. 24, 1993]

Rate of Gun Deaths Rises Sharply Among 15–24 Age Group

(By Barbara Vobejda)

The rate at which young Americans are killed by guns has risen dramatically in recent years, and firearms are now involved in one of every four deaths among persons age 15 to 24, the federal government reported yesterday.

The National Center for Health Statistics (NCHS), which has been tracking firearm death rates since the late 1960s, reported that the rate among people age 15 to 19 has climbed to the highest ever recorded in this country. In that age group, and among those age 20 to 24, firearms are the cause of more deaths than all natural causes combined. Only motor vehicle accidents cause more deaths in those age groups.

The rates of gun-related deaths among 15- to 19-year-olds rose gradually through the late 1960s, 1970s and early 1980s, according to Lois A. Fingerhut, an epidemiologist at NCHS and author of the study. But then the figures jumped—from 13.3 deaths per 100,000 population in 1985 to 23.5 deaths per 100,000 in 1990, the last year for which complete data are available. Fingerhut called the difference "startling."

The study did not examine why the figures have risen so rapidly, and Fingerhut said there is not a single explanation. "There are multiple variables in this," she said. "For some unknown reason, they've all come together. You can't open a newspaper without reading about someone else being killed."

At a recent congressional hearing examining the increasing violence in children's lives, experts and children's advocates cited a host of causes, including the easy accessibility of guns, increasing drug traffic, glorification of violence in the media and the breakdown of the family.

"It is frightening and intolerable to see this waste of young lives," Health and Human Services Secretary Donna E. Shalala said in a statement released with the report. "Our young people need to see opportunity ahead of them and rewards for hard work, not the emptiness and unpredictability of violent injury."

In 1990, guns involved in homicides, suicides or accidents caused the deaths of nearly 4,200 teenagers, the report said, compared to about 2,500 in 1985.

The rate rose 77 percent among all those age 15 to 19 from 1985 to 1990. Even among the very young, guns were involved in a rising number of deaths: For black males age 10 to 14, the rate more than doubled over that period. And for all black teenage males, the firearm homicide rate nearly tripled over that period, reaching 105.3 deaths per 100,000.

Rates among white teenage boys rose rapidly—an annual average increase of 24 percent from 1988 to 1990—largely in the Hispanic community, Fingerhut said. But the figures were much higher among blacks. Sixty percent of deaths among black teenage males were caused by guns, compared to 23 percent among white teenage males.

Among persons age 15 to 24, the number of firearm deaths in 1990 was 9,542. Deaths by natural cause, totaled 7,959, and motor vehicle accidents claimed 12,607.

Fingerhut said a previous study showed that the rates were highest in big cities such as Washington, Los Angeles and Detroit, but that rates were increasing in small cities too.

Focusing only on death rates may understate the larger problem, she said, because it does not reflect the extent of serious injury caused by guns. There are seven times as many nonfatal firearm injuries as there are deaths caused by guns, she said, adding: "The cost to society is unbelievable."•

THE FUTURE OF THE DRUG WAR

• Mr. D'AMATO. Mr. President, I rise today to address again the future of the war against drugs. It appears that we may now be in the process of declaring victory and going home. At least that is what an article in this morning's New York Times appears to forecast.

It states that there is "* * * an extensive classified review [underway] of Government programs aimed at stopping drug shipments before they enter the United States." It indicates that additional reductions in those programs are under consideration and that "[t]he expected additional cutbacks would represent a substantial step away from the Bush strategy, introduced in 1989, which focused on halting cocaine trafficking at its source."

The reasoning behind these reductions is explained as follows:

> Officials involved in the review of the $3 billion international drug-fighting budget said it was the first step in [sic] of a Clinton Administration plan to shift anti-drug resources from foreign intervention to domestic programs—education, treatment, and local and state law enforcement—intended to reduce the demand for drugs in the United States.

Mr. President, I want to reiterate the point that I made in previous remarks, that cutting supply-side resources to increase demand-side resources is a serious mistake. I do not quarrel with the need to enhance our demand-side efforts—I agree, in fact, that the drug war will finally be decided not on the supply-side, but on the demand-side.

However, critics like Peter Reuter to the contrary notwithstanding, our supply-side efforts have had a positive impact on the drug war here at home. It is hard to measure what our efforts prevented from happening, but let me make a modest attempt to describe what could have been the present state of affairs, but for our foreign efforts.

The first and most significant impact of not proceeding with the Andean Initiative would have been that the power of the drug lords in those countries would have grown and the ability—and the political will—of the local governments to resist the drug lords would have diminished. The Government of Colombia, in particular, would not have taken the political—and, indeed, the very real personal—risks involved in fighting the cartels. While one can argue about the level of real commitment to the battle against cocaine that existed in the Peruvian and Bolivian Governments, without our aid and support what there has been would not have existed.

While Dr. Reuter and his allies argue that all of this effort and expenditure have not reduced the purity or availability of cocaine, or increased its price on our streets, the question they do not deal with is what would have happened had the hundreds of tons of cocaine interdicted by host nation forces and by U.S. efforts overseas reached our shores instead.

This is not a point that can be dismissed without a serious response by those who want to cut our assistance to the Andean Ridge countries—the cocaine source countries—and the other Latin American and Caribbean countries that are cocaine transit countries. The problem they do not face is that cocaine is not like other products, in that it creates its own demand.

One standard drug dealer's offer to the school child is a month's free crack cocaine if the kid will just try it. By the second use of crack, studies show that neuro-chemical changes are detectable in most people. While we do not have a full understanding of the relationship between those changes and the craving for cocaine that makes the use of this drug an addiction, the child who enjoys a month's free crack will be paying for it for the rest of his or her life.

A flood of low-cost, high-purity cocaine entering this country would have dramatically increased the level of profits to be made from the trade, because more people would have been able to afford the drug, and more of the drug would have been available for free promotional distribution by dealers seeking to expand their clientele. This would have fueled even more vicious and violent turf wars between drug gangs than we actually experienced in our major cities.

Our public health costs would have gone up even further as more crack babies were born, as more people with drug-induced illnesses and psychoses sought help, and as the wounded from the gang wars required care. Our education and economic costs would have soared as well, as more families were torn apart by the loss of wage earners or care givers or by the effects of drug-addicted adults or children requiring care, or losing their jobs, or being suspended from school. Our overcrowded jails and prisons, and our choked criminal justice system would have been literally overwhelmed by the products of such a process, and the peace and tranquility of our society as a whole would have been jeopardized as we looked desperately for measures that would at least contain this explosion of criminality, illness, violence, disability, and social and economic disruption.

We avoided these consequences by spending the money we did to fight the drug war on the enemies' territory. This $3 billion per year of counterdrug funds expended overseas did not go to waste. Some of it went to governments who had last experienced American concern and support decades ago. Providing them with these funds had real results. It helped solidify the growing movement toward democracy and prevented the total dominance of some of these countries by drug traffickers.

My colleagues may not remember this, but Pablo Escobar was once elected to the Colombian legislature. But for our efforts, we could have had a Colombian Government that slowly but surely became a wholly owned front for the cocaine cartels.

Governments further to the south were more fragile and their nations were not as rich as Colombia. They would have been even easier prey for the traffickers if we had not stood by them.

Mr. President, we have not consolidated these gains by any means. While the article states that "* * * some officials insisted that budget figures being prepared by the administration for next year appeared to leave intact some international drug-fighting programs, including overseas operations of the Drug Enforcement Administration," this clearly falls short of what is necessary to secure these gains.

The problem is a simple one—the DEA's efforts are successful in the context of broader U.S. aid to each host nation. The problem that will arise, as certainly as I am saying this, is that the host nations' governments will take the reduction in aid as a sign that U.S. political will to engage the drug traffickers directly is waning. While this may not be true in fact, it will be the message that these cuts will send.

At that point, foreign leaders who have taken very serious personal risks to fight the traffickers will have to look to the future. I am concerned that they will conclude that, if the traffickers' traditional offer of silver or lead is still on the table, they would be smart to take the silver of bribes, rather than continue to live under the stringent security measures necessary to avoid the lead of narco-assassins' bullets.

The product of what these foreign leaders will see as necessary political compromises is that, while DEA efforts may remain fully funded, their successes will dwindle in importance and frequency as the police and military forces with whom they work increasingly get the message that it's not smart to cooperate too closely with the gringos. Certainly, they will continue to have some successes, but it is probable that they will be steered by host nation forces that have been influenced—or corrupted—by major traffickers to target rivals, settling disputes that the cartels can't or won't deal with internally.

What people like Dr. Reuter and his allies do not understand is that once the host nations decide we are not serious any longer, and they make their compromise with the traffickers, all of the money we shift to local and State law enforcement will be simply overwhelmed by the arrival here of the cocaine that wasn't interdicted further south. Unless we should somehow find a magic bullet for medical treatment of cocaine addiction—something that does not appear likely—education, treatment, and other domestic drug abuse prevention efforts will not be adequate to meet the results of the availability of more, cheaper, purer drugs on the street.

There is another threat that has not been addressed, either. That is what would happen to the rest of the world if the United States pulled back from its leading role in fighting the cocaine cartels in Latin America. We are not the only country with addicts. In fact, Western Europe has increasingly been a target for the cocaine cartels. The price of the drug there is higher and the ability of the governments to cope with the traffickers is less.

If the cartels are unleashed by cutbacks in our efforts, it is a certainty that our allies will not be able to fill the gap, suffering as they are from economic recessions. Not only do they not have the financial resources, they do not have the hard-won expertise that we have spent years acquiring.

This will mean that the amount of cocaine available for export to the rest of the world will increase. All of our efforts to help Russia, the other former Soviet states, and the Eastern European states can be threatened by increases in drug abuse in those countries.

Evidence of alliances on a global basis between heroin traffickers and cocaine traffickers has emerged in the press. Operation Green Ice, which attacked one of those links in cooperation with our Italian allies, among others, proved that these links are already more advanced than many would have liked to believe.

All that reducing pressure on the cartels will do is release the trafficking genie from the bottle to attack both developed allies and developing countries we are trying to aid. Whatever we would save by making this policy choice, we may more than give up by having to spend much more to help allies cope with an exploding drug problem that our efforts had been keeping in check.

The answer, Mr. President, is to at least sustain the level of spending that was requested in the last Bush budget for our foreign counternarcotics efforts, while increasing the resources available for the demand-side efforts. That is the correct course of action.

To the extent that this article accurately forecasts the course of Clinton administration policy, I believe that we are about to suffer the consequences of a very serious failure of our counterdrug efforts. I hope the article is wrong, and the new administration will come to its senses on this issue.

If it does not, and aid to the Andean Ridge and cocaine transit countries is reduced substantially, by the time the new policy has clearly and unquestionably failed, we will not be able to go back to what we are doing now. The reason we will not be able to put back together a serious effort against the traffickers in South America is that there will have been political changes in those countries that will prevent it.

They will likely resort to the old formulations highlighting their national sovereignty and resisting North American imperialism that have been the tired stock in trade of Latin political rhetoric for many decades. While they might say that in public, the reality will be that their leaders will have made peace with the cartels and will probably be held by them in an unbreakable embrace of obligation, corruption, and fear.

At that point, by adopting this seriously mistaken course of action, we will have the worst of both worlds—we will be unable to influence developments in nations that are important to us; we will be faced with trafficking organizations secure in their home bases and wealthy beyond measure; we will be in the position of trying to seal our borders against a flood of cheap, pure cocaine, a task no expenditure conceivable under our present economic situation could accomplish; and our domestic society will be again awash in gang violence and the personal tragedies that crack addiction will inflict, largely among our poorest and most disadvantaged citizens.

We cannot win the drug war on the cheap. We cannot simply shift resources from the supply-side to the demand-side, and think that this restoration of balance to the program will have no effect. The plain fact is that the cuts on the supply-side will have an immediate and severe negative effect, while the positive impact of additional resources on the demand-side is likely to be slow and gradual, and conditioned upon well-administered and intelligently designed domestic programs.

The difference in time between the very real negative effect of the cuts under consideration for our foreign counternarcotics programs and the positive effect of increases in domestic demand-side spending is likely to mean that the demand-side will face even more serious challenges than it would otherwise. In fact, granting that all of the positive assumptions asserted in support of greater demand-side spending are true, it is possible that this gap in the effect of these changes will be sufficient in and of itself to allow the traffickers to gain so much ground as to defeat the new policy.

In closing, Mr. President, I hope the people who are engaged in the administration's reported review of our counterdrug policies read these remarks. I hope they are guided by them and avoid making a potentially catastrophic mistake.

Mr. President, I ask that an article entitled "U.S. Is Cutting Aid to Latin Drug War," by Douglas Jehl, that appeared on page A8 in the March 25, 1993, edition of the New York Times be printed in the RECORD at the end of my remarks.

The article follows:

[From the New York Times, Mar. 25, 1993]

U.S. IS CUTTING AID TO LATIN DRUG WAR

(By Douglas Jehl)

WASHINGTON, March 22.—Congress and the Clinton Administration are quietly reversing a Bush Administration anti-drug initiative that sent hundreds of millions of dollars to South American governments.

In January, Democrats in Congress slashed military and economic assistance for Peru, Colombia and Bolivia after concluding that the program was failing to produce the desired effect: encouraging the South American nations to reduce production of drugs, principally coca leaf and its refined product, cocaine.

Now the White House is preparing to go further as part of an extensive classified review of Government programs aimed at stopping drug shipments before they enter the United States. The expected additional cutbacks would represent a substantial step away from the Bush strategy, introduced in 1989, which focused on halting cocaine trafficking at its source.

SHIFT TO DOMESTIC PROGRAMS

Officials involved in the review of the $3 billion international drug-fighting budget said it was the first step in a Clinton Administration plan to shift anti-drug resources from foreign intervention to domestic programs—education, treatment, and local and state law enforcement—intended to reduce the demand for drugs in the United States.

One sign of a new approach to drug fighting came shortly after Mr. Clinton's inauguration, when he ordered a severe cut in the size of the drug policy office. Although he promised to elevate its new director to Cabinet rank, he has not yet nominated anyone to fill the job, and officials said the White House and its National Security Council staff had begun to take charge of the spending debate.

No final decisions have been reached in the review of international drug policy, and some officials insisted that budget figures being prepared by the Administration for next year appeared to leave intact some international drug-fighting programs, including overseas operations of the Drug Enforcement Administration.

But representatives of the Departments of State and Defense, the Drug Enforcement Administration and other agencies were said to be struggling in anticipation of the expected realignment to protect their own programs at others' expense.

WORRY OVER DEEPER CUTS

Officials described an atmosphere of unease they said had been created by the aid cutbacks and the expectation that the White House review will lead to wider drug-budget reductions.

"Everyone thought that narcotics was sort of a sacred cow and that there might just be some tinkering here and there," said one top official involved in drug-control efforts. "Frankly, all this has caught everyone just a little bit flat-footed."

The study is one of more than two dozen being conducted by the new Administration on different aspects of national security policy. But officials said the drug policy review was one of the more highly charged of the studies because it follows a near-doubling in anti-drug spending under the Bush Administration, with the sharpest increases in international drug-fighting programs.

Officials said the efforts by Congress and the White House to cut the antidrug assistance to Peru, Bolivia and Colombia reflected a recognition that coca crops and cocaine production remained virtually undiminished despite the extensive transfer of weapons, military training and economic aid to those countries since 1989.

SOME GAINS IN COLOMBIA

Colombia in particular has made some progress in tracking down drug traffickers. But the officials said all the programs were vulnerable to an increasing public aversion to foreign aid programs, even when used to help fund a drug war that once seemed sacrosanct.

Under final allotments made by Congressional appropriations committees without objection from Clinton aides, the United States this year will dispatch no more than $174 million in counter-narcotics aid to the three Andean countries, a 35 percent cut from last year's total. The package represents 45 percent of what the Bush Administration had requested.

The cuts have set off quiet protests from each of three nations, which regard United States aid as essential to their efforts to reduce coca farming and the production and export of cocaine.

The Government's overall anti-drug budget—more than $12 billion this year—doubled in size under Mr. Bush, with the international programs the fastest growing part. The Pentagon alone received a quadrupling in spending on military efforts to detect drug trafficking abroad, and the direct aid given to the three Andean countries soared from almost nothing in 1989 to the Bush Administration's record request for $387 million for this fiscal year. It was this request that the Congressional Democrats cut back in January.

But the assistance programs have also run into controversy, with South American governments accused of diverting some of the military aid to fight guerrillas instead of drug traffickers. Peru and Bolivia, which together account for more than 90 percent of the world's coca supply, have also repeatedly failed to meet the eradication targets set by the United States as a condition for economic aid.•

THE DISCOVERY OF THE HUNTINGTON'S DISEASE GENE

• Mr. BINGAMAN. Mr. President, I rise today to recognize a signal achievement in science and health: the announcement Tuesday of the discovery of the gene which causes Huntington's disease. This is a critical step toward finding a cure for this deadly neurological disorder that today afflicts about 30,000 Americans, with another 150,000 facing a 50-percent chance of developing the disease.

Those of us who know people with Huntington's disease have closely followed the efforts of the scientific community to pinpoint the gene over the last decade. In 1983, Dr. James Gusella, then at Harvard Medical School, found a marker for the Huntington's gene on the 4th of the 23 human chromosomes. He spoke at the time of how serendipitous the discovery had been. The expectation then was that the gene would quickly be identified and its fundamental building blocks sequenced.

Unfortunately, the initial good luck was not sustained. Pinpointing the gene near the tip of the fourth chromosome proved an enormously difficult task—a task that has now been achieved as the result of an unprecedented degree of cooperation among a dedicated group of scientists here and in the United Kingdom. These scientists deserve great credit for the way they have selflessly shared their research results to maximize progress.

I want to commend the Huntington's Disease Collaborative Research Group for taking this approach. The group includes Dr. Gusella and his colleagues at Massachusetts General Hospital, Dr. Francis Collins and his colleagues at the Howard Hughes Medical Institute at the University of Michigan, Dr. David Housman and his colleagues at Massachusetts Institute of Technology, Dr. John Wasmuth and his colleagues at the University of California at Irvine, Dr. Hans Lelrach and his colleagues of the Imperial Research Cancer Fund in London, and Dr. Peter Harper and his colleagues at the University of Wales.

I also want to recognize the sustained support which Dr. Murray Goldstein, Director of the National Institute for Neurological Disorders and Stroke, has given to the search for the gene. That support in turn has only been possible because of the strong support which the NINDS budget has received here in the Congress.

Mr. President, we have spent the last week debating the Federal budget for the next 5 years. There are parts of that budget which raise concerns for each of us. But no one has raised concerns about our investment in the National Institutes of Health. Many of us would like to increase that investment to take advantage of the revolution now taking place in molecular biology and genetic engineering, revolution that brings with it the promise of understanding diseases at a molecular level and curing them.

At the initiative of our late House colleague, Congressman Silvio Conte of Massachusetts, the 1990's were declared the "Decade of the Brain" and an implementation plan was drawn up by Dr. Goldstein and his colleagues at NINDS which envisioned the progress announced Tuesday. The plan makes the following statement with regard to Huntington's disease and other inherited brain disorders: "Finding the responsible genes and correcting the neurochemical disorders of inherited brain diseases will be attained during the Decade of the Brain."

Mr. President, I don't want to raise expectations with regard to a cure for Huntington's disease being around the corner. In making Tuesday's announcement, the researchers involved all pointed out that there was still much to be done to understand the gene's function and how its malfunction kills brain cells. Correcting the malfunction could consume much more time. Based on their experience over the last decade, families affected by Huntington's disease know only too well not to raise their expectations too high. But for the sake of those families, I personally hope and pray that the scientific good luck which blessed Dr. Gusella in 1983 will now return to the quest for a cure and that it will be years, not decades, before effective treatment is available.

Mr. President, let me conclude by recognizing the Senator from Kansas [Mrs. KASSEBAUM] for her sustained efforts over many years to keep the plight of families afflicted by Huntington's disease and the search for a cure in the national consciousness. In doing this she has worked closely with the Huntington's Disease Society of America, the main support group for Huntington's families. I am sure that as the sponsor of numerous resolutions to recognize the dedicated efforts of the scientific community to attack this deadly disease, she shares my joy in Tuesday's announcement. I look forward to working with her in the years ahead to sustain the research effort until a cure is found.•

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

• Mr. HARKIN. Mr. President, I am pleased to have joined with Senator KENNEDY and a number of other Senators as an original cosponsor of the Freedom of Access to Clinic Entrances Act. Unfortunately, the increasing tide of violence directed against women, clinics, doctors, and health care workers demands a Federal response.

Last week, 16 of my colleagues joined me in sending a letter to William Sessions, director of the Federal Bureau of Investigation [FBI], to ask for a Federal investigation of clinic violence. However, as a result of the Supreme Court's Bray decision, the Justice Department has determined that current Federal law prevents the FBI from starting such an investigation. If correct, this determination is the strongest possible argument for why the clinic entrances bill must be passed as quickly as possible. Passage of this legislation will provide for Federal criminal penalties and a civil cause of action for those who injure, intimidate, or interfere with people seeking or providing abortion services.

The tragic slaying of Dr. David Gunn in Florida, allegedly by an anti-abortion activist, is only the most recent and publicized incident in an increasingly violent campaign against clinics and clinic workers. Bombings, invasions, and vandalism have been perpetrated against clinics, including a recent wave of clinic attacks with a foul-smelling liquid which render the facilities unusable. A critical aspect of this problem is the psychological torture of women who are entering clinics for abortion services, many of whom have struggled with one of the most difficult, personal, private decisions of their lives. Women entering clinics during blockades often run a gauntlet of screaming, pawing protesters who recognize no limit to their protest activities. At least as disturbing are personal harassment and intimidation directed against health care workers, including stalkings, harassing phone calls, kidnapping, and death threats. It is time that this nationwide assault on clinics, women, and clinic workers is halted.

It is time for this harassment and abuse of women seeking abortion services, this harassment and abuse of health care workers and physicians, and these attacks on clinics to end. I urge my colleagues to support this legislation.•

GREEK INDEPENDENCE DAY—MARCH 25, 1993

• Mr. SARBANES. Mr. President, it is indeed a privilege to rise today in observance of Greece's 172d National Day of Independence. During four centuries of brutal Ottoman rule, the Greek people mounted a momentous struggle to regain individual freedoms which today continue to represent the centerpiece of Greek democratic tradition and culture. On this day, March 25, 1821, Greeks initiated a nearly decade-long march toward total independence against difficult odds and with tremendous skepticism on the part of European monarchical governments. This successful struggle effectively laid the foundation for the establishment of modern-day Greece.

As President Monroe observed just 170 years ago, the early 19th century world took a keen interest in the unique struggle of the Greek community. Americans actively participated in the experience of Greece's valiant efforts to return to its roots as the birthplace of democracy. To this day, America and Greece continue to share a broad and deep commitment to democratic principles and values.

In 1823, the celebrated orator Congressman Daniel Webster captured the sentiments of Americans, whose own experience some decades earlier provided considerable reason for sympathy for the heroism and courage of Greeks, when he declared on the floor of the House of Representatives:

> A people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. They look to us as the great Republic of the Earth, and they ask us by our common faith, whether we can forget that they are now struggling for what we can now so ably enjoy?"

As our forefathers drew inspiration from ancient Greece's democratic example, Greek patriots looked upon the American Revolution for strength in the face of adversity.

And throughout this century, America and Greece together have joined on a number of occasions to confront some of the greatest challenges and darkest episodes of our combined histories. Both nations, as steadfast allies during two major conflagrations, the Great War and World War II, made key contributions to the defeat of ruthless aggression. Greece's victory over Mussolini's legions during the Second World War, forcing Hitler to devote more of his resources to help secure the occupation of Greece, represented the first step in the eventual fall of the Axis Powers. Through determination, tenacity, and bravery, resistance to the occupation demonstrated unalterably the pride and dignity of the Greek people so reminiscent of the early struggle for independence.

During the post-war period, important efforts were made to rejuvenate Greece's democratic institutions and rebuild, with the critical support of the United States, a country ravaged by conflict and human tragedy. Greece's reentry into the community of democratic nations almost two decades ago also symbolized a strong and significant reaffirmation of its devotion to the democratic process. Regrettably, the Greek community has had to witness and experience in recent history the deplorable disunity of Cyprus prompted by the universally condemned intervention and continuing presence of foreign forces.

Mr. President, a close and warm relationship between the United States and Greece, based on mutual respect, has served both countries well into the 1990's. As such, we share many fundamental values: a commitment to democracy, a strong belief in freedom, an emphasis on education, and, of course, the personal ties of family that have been helpful to building common values and interests. Thus, it is my sincere hope and expectation that on this important occasion, we will continue to develop and maintain what is clearly an enduring legacy of mutal dedication to democratic ideals.●

ORDER OF BUSINESS

Mr. BREAUX. Mr. President, I make a point of order at this time that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, March 26; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 1335, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. FRIDAY

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:52 p.m., recessed until Friday, March 26, 1993, at 9:30 a.m.±

NOMINATIONS

Executive nominations received by the Senate March 25, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FERNANDO M. TORRES-GIL, OF CALIFORNIA, TO BE COMMISSIONER ON AGING, VICE JOYCE T. BERRY.

DEPARTMENT OF DEFENSE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE DONALD JAY YOCKEY, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. JAMES WAYNE EASTWOOD [redacted]/1115, U.S. NAVAL RESERVE.

CAPT. TIMOTHY O'NEIL FANNING, JR [redacted]/1115, U.S. NAVAL RESERVE.

CAPT. JOHN EDWIN KERR [redacted]/1315, U.S. NAVAL RESERVE.

CAPT. JOHN BENJAMIN TOTUSHEK [redacted]/1315, U.S. NAVAL RESERVE.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

CAPT. ROBERT HULBURT WEIDMAN, JR [redacted]2/1615, U.S. NAVAL RESERVE.

MEDICAL CORPS OFFICER

CAPT. MACEA EUGENE FUSSELL [redacted]/2105, U.S. NAVAL RESERVE.

SUPPLY CORPS OFFICER

CAPT. BRIAN NELSON MCCARTHY [redacted]/3105, U.S. NAVAL RESERVE.

CHAPLAIN CORPS OFFICER

CAPT. WILLIAM ASHLEY WILL, JR., [redacted]105, U.S. NAVAL RESERVE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

JUDGE ADVOCATE

To be major

*CARL P. DENNIS [redacted]
ROGER W. OVERLAND [redacted]

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

ROBERT E. BRIDGES [redacted]
EDNA J. K. MITRO [redacted]
ALICE A. TARPLEY [redacted]

To be major

DANNY A. BOWYER [redacted]
JOHN M. MCATEE [redacted]
*LEONARD W. PENKOSKI [redacted]
*JOAN E. SCHNEIDER [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JUSTIN KEITH, JR [redacted]

To be major

*CHRISTOPHER M. KELLEHER [redacted]

NURSE CORPS

To be colonel

DIANE E. JACOBSON [redacted]

To be major

LORRAINE J. BUTLER [redacted]
VIVIANNE M. CLARK [redacted]
HELENE M. GENSHEIMER-COTTON [redacted]
TERRY L. HAMMOND [redacted]
GLENN A. HARDESTY [redacted]
DAWN M. OERICHBAUER [redacted]
THOMAS R. PALMER [redacted]
SALLY J. PETTY [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MICHAEL S. HOUSER [redacted]

CHAPLAIN

To be lieutenant colonel

WAYLAND M. HARTSFIELD [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

JOHN A. ARRIGO [redacted]

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED

STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be colonel

FRANK S. PETTYJOHN [redacted]

MEDICAL CORPS

To be lieutenant colonel

HOWARD F. DETWILER [redacted]
JORGE E. FOIANIN [redacted]
WILLIAM R. JOHNSON [redacted]
HORACE A. LEYVA [redacted]
STANLEY L. MINKEN [redacted]
ROBERT E. RIBBE [redacted]
ROBERT S. SALAMON [redacted]
CHRISTOPHER F. SIRRIDGE [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

RICHARD W. AVERITT [redacted]
WILLIE L. BASLER, JR [redacted]
CLARENCE E. BAYLESS, JR [redacted]
ROBERT F. GUNTER, JR [redacted]
DARYL K. MCCALL [redacted]
BRADLEY K. OLSON [redacted]
FRANKLIN D. PHELPS [redacted]
LUIS R. TORRES-OLMEDA, [redacted]

MEDICAL CORPS

To be colonel

ROBERT B. PETTYJOHN [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

CHARLES C. APPLEBY [redacted]
TERRY F. BARKER [redacted]
MICHAEL W. BEAMAN [redacted]
THOMAS J. BOURGEOIS [redacted]
ROBERT T. BRAY [redacted]
WILLIAM B. COMBS [redacted]
WILLIAM R. COOK [redacted]
BILLY J. COSSON [redacted]
JAMES M. DAVIS [redacted]
MYLES L. DEERING [redacted]
DARRELL C. DYER [redacted]
RODNEY F. DYER [redacted]
DONALD T. EVERETT [redacted]
JAMES C. FOSTER [redacted]
KENNETH A. GONZALES [redacted]
THOMAS D. HADDAN [redacted]
THOMAS W. HUNT [redacted]
JERRY L. KALLOD [redacted]
RUSSELL L. KEETON [redacted]
GEORGE D. KINNEY [redacted]
TIMOTHY M. LAMBERT [redacted]
GERALD E. LANG [redacted]
DALE L. PAINTER [redacted]
RANDALL A. RAKNESS [redacted]
CHARLES S. RODEHEAVER, JR [redacted]
DAVID H. RUSSELL [redacted]
JAMES D. SIMPSON [redacted]
KENNETH J. SIMURDIAK [redacted]
JOSEPH S. STOGSDILL [redacted]
THOMAS E. VANDERPOOL [redacted]
JERRY A. VAUGHN [redacted]
NORMAN L. WIDMAN [redacted]
JAMES A. WRIGHT [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

BURTON K. BRASHER [redacted]
DWIGHT S. WILLIAMS [redacted]

MEDICAL CORPS

To be lieutenant colonel

DENNIS A. CHU, [redacted]
CARL A GREEN [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

SANDRA J BARY [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

JAMES J DOUGHERTY [redacted]
GERALD W ETHERRIDGE [redacted]
LARRY W GUDERJOHN [redacted]
BERNARD P KOZOSKY [redacted]
JAMES R RAGLAND, JR [redacted]
WILLIAM C RICHAR [redacted]
PAUL H WIECK, III [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

STEPHEN C DABADIE [redacted]
JOHN DWYER [redacted]
GEORGE M FLATTLEY [redacted]
FRANCIS P GONZALES [redacted]
STEPHEN L HERMANN [redacted]
ROLAND M LAPOINTE [redacted]
JONATHAN D MORROW [redacted]
LAWRENCE H MURPHEY [redacted]
JAMES R PARKER [redacted]
JAMES M SLADEK [redacted]
CHARLES J STALLINGS [redacted]
NATHAN THOMAS, JR [redacted]
CLARENCE J TRIPLETT [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

TIMON W DAVISON [redacted]
LEROY J DYER [redacted]
DAVID W FEEDER [redacted]

MEDICAL CORPS

To be lieutenant colonel

SAM GAINES [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

WILLIAM L CLEAVER [redacted]
CHARLOTTE G DUFFORD [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3370:

CHAPLAIN CORPS

To be colonel

LONNIE B BYRD [redacted]
RODNEY O CALLAHAN [redacted]
WALTER R CASE [redacted]
KENNETH W COOK [redacted]
JAMES R DILL [redacted]
HORACE O DUKE [redacted]
DANIEL W GERRES [redacted]
FERRELL J HILL [redacted]
WILBERN C HOFFMAN [redacted]
JOHN W HOFFMANN [redacted]
VICTOR C LANGFORD [redacted]
CRAIG O LUEDEMAN [redacted]
PETER P MADUS [redacted]
WILLIAM R MARK [redacted]
LYLE R METZLER [redacted]
DANIEL Y MOON [redacted]
JAY R PRUIM [redacted]
RICHARD N RALLS [redacted]
HOMER W. RENNER [redacted]
DANIEL M ROTHWELL [redacted]
JAMES F SHUMAKE [redacted]
JAMES E SINGLETON [redacted]
ROBERT E SMITH [redacted]
HENRY M WHITE [redacted]
DAVID ZALIS [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

CHAPLAIN CORPS

To be lieutenant colonel

JAMES M BROWN [redacted]
CURTIS M BRYANT [redacted]
WILLIAM B CARR [redacted]
STEVEN E CUMMINGS [redacted]
TERRENCE P DAUTEL [redacted]
CHARLES W EDWARDS [redacted]
CHARLES J FLESHER [redacted]
LISTON A GARFIELD [redacted]
PAUL L GRANT [redacted]
WESLEY C HODGINS [redacted]
MAYNARD P HOFER [redacted]
RICHARD E HUMSTON [redacted]
DANIEL JANKOWSKI [redacted]
ALAN J JOHNSON [redacted]
RONALD W JONES [redacted]
RONALD R KENYON, [redacted]
ROBERT O KRIEGER [redacted]
DOUGLAS E LEE [redacted]
KENNETH G LUNDEEN [redacted]
THOMAS J. LUSK [redacted]
HAMPTON MABRY [redacted]
KEITH L MILLIGAN [redacted]
LESLIE J MITKOS [redacted]
WILLIAM O NISBET [redacted]
WILLIAM J PROUD [redacted]
WILLIAM E SANDERS [redacted]
FREDER SCHOENFELD [redacted]
MELVIN SCHROEDER [redacted]
KENNETH C SINGLEY [redacted]
LAWRENCE H SMITH [redacted]
MARK M SYRE [redacted]
STEPHEN TOLANDER [redacted]
HENRY E TRIPLETT [redacted]
CARL J VINCENT [redacted]
NICHOLAS E WAGNER [redacted]
TIMOTHY E WENGER [redacted]
WAYNE R WHITELOCK [redacted]

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, line, USN, permanent

ASCH JOHN GORDON
BAKER CHARLES EDWARD III
BENAVIDEZ LOUIS ANTHONY
BERENS MICHAEL GILBERT
BETHKE STEVEN GLENN
BISHOP DAVID TURNER JR
BLACKWELL DAVID TODD
BONE TODD WARNER
BOSSONG STEPHEN CHRISTOPHER
BOWEN KENNETH JACKSON II
BOWEN ROBERT MALCOLM JR
BOYER ROBERT DEAN
BRADFIELD PAUL JOSEPH
BRANDON DWIGHT ANDREW II
BRANSON TARA SHANNON
BROWN WESLEY ALAN
BROWN WILLIAM DUNCAN III
BUCHHEISTER CHRISTOPHER F
BURDICK KENDALL ARTHUR
BUSH RONALD EDWARD
CARTER STUART ALLEN
CAUSEY JESSE ALLEN III
CHAFFIN CARL RAY
CHERRY CARL ROGERS
CHRISTOPHERSON MICHAEL RAY
COLLINGS JAMES WILLIAM
COOGAN ARTHUR TRACY III
CORDER JEFFREY CLAY
CORUM DOUGLAS EDWARD
CRAMER MARTIN JOHN
CRAMER WILLIAM EKENGREN
CRAWFORD ANDRE WHING
DEEHAN TIMOTHY JAMES
DELANCEY TERRI LEE
DESTITO DAVID JOHN
DEWALT RICHARD PAUL
DONNELLY STEPHEN JAMES
DONOHUE MICHAEL EDWARD
DONOVAN JAMES M
DREIER ARMIN FRANCISCO
EVANS JOSEPH HENRY
EVANS MICHAEL ROBERT
FANNING JOSEPH JOHN
FANNSWORTH EDWARD ALLAN
FAUSCETTE LARRY MICHAEL
FISH WESLEY TODD
FITZGERALD THOMAS JAMES IV
FLANAGAN CARLOS ELVIS
FURR MITCHELL LEORY
GATES JOSEPH HENRY
GATES RUSSELL JOHN
GAUTIER TODD WINSTON
GAUTREAUZ MARK MICHAEL
GRACIO JAMES J
HALLEY THOMAS VAUGHN JR
HAMILTON MARK ELWOOD
HEPLER FREDERIC WILLIAM
HILDEBRAND JAMES ALAN
HODGES JOHN NICHOLSON
HONKEN DANIEL CRISTIAN
HOPPA ROBERT VALENTINE
HORADAN SCOTT DOUGLAS
HUGHLETT FRANK EDWARD
HULKE DAVID WILLIAM
HUTCHESON GEORGE ALAN
INGLES EDWARD NEIL
JIMENEZ GLENN LOUIS
JOHNS MICHAEL CARL
JORDAN JEFFRY JOHN
JORDAN PHILIP ALAIN
KAEHLER THEODORE JAMES
KAUFMAN ROBERT EDWARD
KECSKEMETHY THOMAS ANDREW
KENT CHRISTOPHER SCOTT T
KERR JAMES ALOYSIUS
KIBBY GEOFFREY ALAN
KRUMHOLZ WALTER ANDREW
KURTZ KEVIN ROBERT
KURTZ TIMOTHY CHARLES
LANKFORD BRUCE OLNEY
LARSON CAROL LYNN
LESKO DAVID ALBERT
LIDE WILLIAM MINNICH SR
LITTLE TIMOTHY JOHN
MAQUERA DAVID DAYTON
MARGESON BRADLEY WALTER
MARTIN ELYSHEVA SHERRY
MARTINS ERIC JOHN
MAY WILLIAM BARRY
MCGEE JAMES HAMILTON JR
MCKEE JOSEPH RICHARD
MCKINLEY TODD RICHARD
MCKINNEY BRADLEY RUSSELL
MCWHORTER CHARLES DANIEL
MEADOWS TODD JEROME
MERCER BUCKLEY HUBBARD
METZGER FERDINARD JOSEPH JR
MICHAEL FRANK JOSEPH III
MICKLEWRIGHT ALAN JOHN
MONASTERIO EUGENE MICHAEL
MORETTI KEVIN FRANCIS
MOSES RAYMOND EUGENE JR
MUDGE RUTH ELAINE
MUENZENBERGER JANET KAY
MUNSON CRAIG STEVEN
MURPHY THOMAS ALOYSIUS
NEVIUS PAUL
NGUYEN RICHARD THAI
NOLL WILLIAM CAMPBELL
OKUNPAIT LISA ALISON
OLIVER CHRISTOPHER JOHN
OLIVER SHAWN PRESTON
OPPICI MARIA ANN
OWENS JOHN MAX JR
PALMER EDWARD EATON III
PARKER VERA
PASCOE SCOTT WILLIAM
PETTITT ROBERT WALKER JR
PRICE CLARK TERRELL JR
QUINLEY CHARLES FRANKLIN
REED CORNELIUS ROBINSON
REED GREGORY L
REISCHL ALAN RALPH
REMIAS LEONARD VINCE
RHIE ANN YUNMEE
RODDY SHARON LESLIE
ROMANI MARCO FABIO
RUCE KEVIN WALLACE
SCOTT LEWIS JOHN
SCURRY BRYAN MURPHY
SHULTS DEAN MARCUS
SIMPSON JAMES WILLIAM
SINGLETON DAMON IVAN
STUART DAVID PATRICK
STURGES MARK ALAN
SULLIVAN JOSEPH KEVIN
TAFT HERBERT MARSHALL JR
TALBOT PERRY PENNINGTON
TAWNEY LYNN HAROLD
TEICHER DARIO ESLAIT
TERRELL KARLTON GATRELL
THOMAS LARRY
THORNGREN FRANK RAGNAR JR
TIBBETS ERIC JUDSON
TILSON SCOTT ANDREW
TRENCH MICHAEL SHAWN
TURNER MICHAEL DAVID
VANORDEN DANIEL
VANREESEMA BRYAN PAUL S
WALKER ROBERT J
WASHKO CHARLES JEFFREY
WATERHOUSE BRIAN KEITH
WEDDING THOMAS ELLIS
WHEAT STEVEN PAUL
WILLIAMS BRUCE ALAN
WILLIS JEFFREY JON
WRIGHT LEWIN CHRISTOPHER
ZIMMERMAN MICHAEL THOMAS
ZUBKA GERARD R

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), line, USN, permanent

ACHORS GREGORY ALLEN
ALJANICH MATTHEW BRIAN
ARNWINE PATRICK ONEAL
BARBIERI MARK A
BARKER ANDREW WILLIAM
BARNOVITZ MICHAEL STEWART
BLADES AARON L
BRYANT BOBBY NMN
BURNS JOSEPH DENNIS
BUSH RONALD SAMUEL
CHRISTIAN STEVEN JAMES
COHOES CHRISTOPHER JOSEPH
CONSOLETTI MICHAEL DEAN
CRAWFORD LAURENCE ALLEN
CUELLAR ALVARO FERNANDO
CULLER DAVID ALLEN JR
DIZON DON EMBALSADO
DOYNE BARBARA JEAN
ELDER MARY MARGARET
ELSBERG MICHAEL ANTHONY
EMMEL WILLIAM MICHAEL
FISHER ANDRE TODD
FITZGERALD CHRISTOPHER F
FRANKLIN DEREK LAMAR
GAGHAN FREDERICK EUGNE JR
GARROW JAMES ALBERT
GARRY JOSEPH T
GELARDI JOSEPH EDWARD
GODBER ERIK MARTIN
GUITY ROBERTINO
GUTIERREZ WAYNE MANUEL
GUZMAN CARLOS SAMUEL
HANCOCK CLINTON ROSS
HANSON RONALD JAY
HARBER JOHN DAVID
HARRIS LA TONYA RACHELLE
HARTSEL STEVEN WAYNE
HEATON LEE ANN
HEITHER THOMAS ANDREW
HENRY KEVIN JOSEPH
HICKMON BYERS LEON
HORNER DOUGLAS PARRY
HOUGEN TERJE MEYERS
HUGAR WAYNE ROBERT
HUNTOON WILLIAM ALBERT
ISHAM MATHEW DUSTIN
JAQUAY JEFFREY MICHAEL
JENKINS KENNETH WAYNE
JOHNSON RANDY LEE L
KASEL MARK DANIEL
KELLEY JOHN PATRICK
KING THOMAS LESTER
KIRBY CHRISTOPHER THOMAS
KLINE CHRISTOPHER F
KOHN BRYAN SCOFIELD
MAGRUDER SCOTT WILLIAM
MANSFIELD JEFFREY MCLEOD
MARTIN ROBERT SCOTT
MARTINEZ VINCENT RAYMOND
MATYSIK CYNTHIA JOYCE
MCCRILLIS WILLIAM GERARD
MCGOVERN JAMES EDWARD
MCLAIN JOHN MYDDLETON
MCREYNOLDS JAMES LESLIE
MEEK ROGER LEE
MONTERROSA OSCAR ERNESTO
MOSLE EDWARD BRACKENRIDGE
MULVANIA SCOTT EUGENE
MYNSTER JOHN S
NETTLETON JOHN ROBERT
OAKELEY ROBERT BRYAN
PALMER MARIAN DENISE
PERRY CHRISTINE ALETHEA
PHILLIPS ROBERT LOUIE JR
REYNARD KENNETH JOHN
ROBEY STEPHAN PAUL
RUTHENBERG THOMAS MICHAEL
SANCHEZ DANIEL JOSEPH
SARLES DALE FLOYD
SCHEIBER MICHAEL ANTHONY
SCHWARTZ MELANIE GAY
SMITH JOSCELYN EMANUEL III
SMITH MARY ELLEN
SMITH MICHAEL JOE
SORENSEN PETER HAROLD
SPARKS MICHAEL C
TAYLOR RICK THOMAS
THEBY LANCE ROBERT
TUCKER DAVID A
UNDERSANDER ROY CLIFFORD
VANDENAKKER JAMES IRWIN
WAGNER CHARLES L
WALLACE KARLA CHEYENNE
WATSON MICHAEL PAUL
WILLIAMS HAROLD EUGENE
WILLIAMS THOMAS GEORGE
WILLIAMS VIVIAN MARIE
WYSOCKI BRIAN FRANCIS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Ensign, line, USN, permanent

ABRAHAM MICHAEL E
AMADEN CHRISTOPHER D
BARCOMB FRANCOIS J
BARTLETT GREGORY M
BAUMGARTEN MATTHEW J
BERMAN LORNE D
BERTAGNOLLI MARK A
BISARD TERRY D
BOCKIUS BRUCE C
BRYSON STEPHEN R
CANNON REUBEN E
CARTY JAMES E
CHUNG JAY H
CLIFTON GREGORY M
COLBY DENNIS M
CONKLE DAVID W
CRAIG LATHROP B
DAVIS ROBERT L
DIERKSHEIDE BRIAN F
DOWNS CHARLES K
DROLET ROBERT L
DURKEE PATRICK A
ECK JOHN S II
ELLIS WILLIAM J
ESKINS DOUGLAS C
EVANS SCOTT C
FLORES ROBERT D
FOELLER JEFFRY R
FORSTER ERIC E
FOTHERINGHAM DUANE W
FRATICELLI MICHAEL J
FYE CHRISTOPHER M
GALLUCCIO EDMOND F JR
GASS GREGORY W
GAUGEL KARL R
GEERTSEN ROBERT J
GERLACH KURT F
GILLETT MICHAEL F
GOLOVCSENKO MARK I
GOULD CHRISTOPHER E
GRADOIA MICHAEL O
GREENWOOD MICHAEL D
GRODEN EDWARD G
HALDIMAN BARRY W
HALL TIMOTHY V
HANNON PATRICK M
HARALSON DAVID C
HARRISON STEVEN M
HARVEY WILLIAM S
HAYCRAFT DAVID D
HELBERG SCOTT A
HENNEN DOUGLAS J
HINSPATER DAVID D
HONG SUN
HOUCK KEVIN L
HOWELL LELAND A
HUNT DAVID S
JACOBS JOHN R JR
JOLIET JEROME L
JUDD NATHAN E
KATAHARA MICHAEL I
KEREKES ROBERT B
KING MICHAEL J
KOLARCIK ANDREW G
LANE MATTHEW R
LATSKO JAMES M
LECHTENBERG GREGORY C
LEE CHAD H
LEWIN ANTHONY TODD
LITTREL GEOFFREY M
LITTRELL GREGORY J
LOCKWOOD JOSEPH W
LONBERG ERIC L
MARTIN STEVEN T
MATOUSEK PETER A
MAXWELL HEATH O
MCCLUE GORDON M
MCCORMACK DOUGLAS S
MCNIGHT ALLEN F
MICHAEL MATTHEW P
MIRANDA GERALD N
NEWCOMB SCOTT A
NYE DANILE A
OGLESBY DOUGLAS B
OLIVER RYAN C
OSULLIVAN TIMOTHY P
PAMPREEN FRANK X
PARISIEN JAMES P
PETT BOYD G
PHILLIPS ROBERT D
PISKLAK STEPHEN G
PITTMAN MICHAEL C
PORTER MARK C
RETZNER RODNEY S
REYNOLDS KEVIN H
RHODES LEROY D
RICE JOHN W
RIDGEWAY ROBERT P
RIENER TERRY E
RUETTGERS JOSEPH S
RYBARCZYK GREGORY W
SANBORN RICKY L
SCHWARZKOPF ALBERT B
SEGALES LYNDON D
SLAKES DAVID H
SNEED TIMOTHY A
SPIVEY JON C
STEC DANIEL G
STRYLEWICZ GREGORY B
SWAIN LAURENCE E
TRAMMEL KEVIN I
ULM MICHAEL J
URRUTTA DANIEL J
VANHOOK ROBERT T
VARLEY SEAN E
VOKOUN EDWARD S
WAGENHAUSER KENNETH E
WALSH GREGORY J
WATSON ARNE D
WATSON LEO M
WILLIAMS CRAIG A
WURGLER STEVEN C
YUN JOON S
ZIELENSKI ALEXANDER G

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Captain, Medical Corps, USN, permanent

OLAISEN ARLENE
REYNOLDS RICHARD J

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Commander, Medical Corps, USN, permanent

HENRIE EDWIN JOHN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant commander, Medical Corps, USN, permanent

CANADY MICHAEL R
CHRISTOPHER ARNOLD RAY
COCALIS MARK WILLIAMS
HANSEN DAVID ALLEN
HICKEY THOMAS D
HOCTER WILLIAM J
HUNTER KENNETH S
KAIME ELAINE MELISSA
LIMPERT SCOTT FORREST
MAHER JOHN M
MARTY AILEEN M
MONROE JOHN FRANCIS
RUSSELL HOWARD LINWARD
STEDWELL RAY E
TENARO LESLIE JEAN
TRUE PETER KEENE
WALLS JANICE LEA
WHITE JERRY WADE
WILIAMS JOHN P

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Medical Corps, USN, permanent

GRIFFAY ANTHONY M

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Supply Corps, USN, permanent

BLANCO VICTOR DEGOLLADO
COHEN SCOTT ALLEN
DOUGHERTY PAUL XAVIER
EVERS RONALD DUANE
HANSEN CRAIG STEVEN
KWIATKOWSKI MARK THOMAS
PHILLIPS INGRID ARDELL
RAY JOHN REVEDY
SCHWEITZER TODD ALLEN
SERMARINI JOSEPH THOMAS JR
SHAFFER DERRICK JAMES
WASHINGTON TODD EVERETT
WILLIAMS AVERY KEVIN

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

Lieutenant (junior grade), Supply Corps, USN, permanent

HAGMANN MERKE K
SCHIAVONE VINCENT P
WARUNEK DAVID CHARLES

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), Supply Corps, USN, permanent

ANDERSON MARK SHERWOOD
BIXENMAN BECKY JO

ANDERSON MARK SHERWOOD
BIXENMAN BECKY JO
BROWNE FORREST REGINALD III
BROWNLEE DANEL JO
BUTLER LISA M
CARRIER KEVIN JOHN
COYNE MICHELLE LOUISE
GROESCHEL JOHN CHARLES
HANSEN MICHAEL SCOTT
HILTON MARY CELESTE
HINSON KEVIN WAYNE
HOFFMAN SCOTT JAMES
HULL WALTER BRENT
MAHAN JOSEPH FRANCIS
MCCORMICK WILLIAM RAY
MEEHAN JAMES ROCKLAND
MORROW EMIL WILLIAM
NASH WILLIAM CASPER
PANKO RICHARD MARTIN
SARRA FRANKLIN ROBERT JR
SAVANNAH MICHAEL ANTHONY JR
SHARE ROBERT WILLIAM
SHEALY DAVID ANDREW
SMITH STEVEN LEE
TUNNECLIFFE TIMOTHY JON
WASBERG DAVID LEE

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

Ensign, Supply Corps, USN, permanent

BELL JAMES D JR
LABARON JONATHAN W
TUCKER CURTIS C

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Chaplain Corps, USN, permanent

MARRERO EMILIO JR

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

Lieutenant, Civil Engineer Corps, USN, permanent

BURGESS FREDERICK FRANCIS I
MCCORMACK PATRICK LELAND
WILLIAMS ANTHONY BRUCE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Civil Engineer Corps, USN, permanent

CONROY JAMES MICHAEL
DOLAN MICHAEL JOHN
DRAPER JEFFREY DEAN
FLENNER ALAN WHITNEY
HERRIOTT DAVID WAYNE
HUNT CYNTHIA LOUISE
MCGONAGILL JAMES WAYNE
MELTON DARYL MCKINLEY
PIERRE HAROLD JEANBAPTISTE
SWEET BRIAN ROBERT

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

Lieutenant (junior grade), Civil Engineer Corps, USN, permanent

KURTH DOUGLAS MARTIN
WHIPPLE RICHARD
LAWRENCE II

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), Civil Engineer Corps, USN, permanent

COWAN TIMOTHY PATRICK
MCGREY STEVEN JOHN
SEWESTER EDWARD GERARD
STEELE LESLIE SMITH
WEGER JOHN THOMAS
WICK GARY LEE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Judge Advocate General's Corps, USN, permanent

BLAZEWICK ROBERT BRAIN
BOYLE DENNIS EDWARD
FISCHERANDERSON KAREN
FOSTER KIRK ALAN
HORWITZ JEFFREY SCOTT
JOHNSON RONALD NESTOR
MAHER STEPHEN JAMES
POLEN CHARLES ALLEN
SHAFFER RUSSELL LEE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant commander, Dental Corps, USN, permanent

ALLAIN MICHAEL E
GERHARDT RICHARD EUGEN
HOOTON PHILIP L
KOSAKOSKI EDWARD DWIGH
LAUTEN JOHN JACOB JR

MCCRAVY LAURIER L
MIDDLETON SAUNDRA NMN
TRAFICANTE FRANK ROBER
TRAUGH RICHARD LYNN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Dental Corps, USN, permanent

ALLEN HENRY TODD
BELMONTE STEPHEN A
BETTIOS IOANA
BOWMAN MICHAEL JEROME
BREILING KURT JOHN
BROWN TERRY LANE
CASTLE JENNIFER JEANNE
CATTAFESTA MICHAEL GRE
DANDO WILLIAM EDWARD
DANNA STEVEN SAMUEL
DIANDRETH MATTHEW D
DIETZ JAMES GARDNER JR
ELLERT DANIEL OTIS
ENEA STEVEN ARNOLD
GEORGE ARTHUR THEODORE
HAGAN CHARLES ERIC
HALUSKA SCOTT EDWARD
HENNY PAUL ANDREW
HOPKINS AUBREY RUSSELL
HUPP WENDY STAVRIDES
KOPP THOMAS ARTHUR
KORSNES JEFFREY NILS
KORSNES MARIA ISABEL
KUKLOK KIERIAN BRIAN
LLEWELLYN GARY L
LOTT JOHN B
LYNCH CORNELIOUS THOMA
MATTIOLI ROBERT LOUIS
NESBIT LINDA KAE
RINAUDO PHILIP J
RUPPRECHT ROBERT DAVIS
SHIELDS BRYAN WESLEY
STEVENS RICHARD WAYNE
TAITO LEE ANTHONY
TALLIO KELLY
TROTTER BRADLEY SCOTT
VANDERVORT GENE ALLEN
WARTHAN KATHLEEN ANN
WINDOM ROBERT WILSON I
YANG JOSEPH CHANG KOOK

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant commander, Medical Service Corps, USN, permanent

NETZER ROBERT LAURENCE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Medical Service Corps, USN, permanent

ALLEN STEVEN EUGENE
BOSWELL LANNY LEE JR
BRADLEY JIMMY ALLEN
BRISKI THEODORE PHILLI
CATUBAY RODANTE
CHIA SOMPONG
COPE STANTON E JR
CROWELL MARK CONAN
DESIMONE PAUL MICHAEL
EARLES MARVIN RAY
FASANO ROBERT WILLIAM
FREDRICKSON PATRICIA A
FULLER ROBERT EDGAR
GAITER SCHLEURIOUS LAV
HAGEN DONALD DELANO
JELKS DANIEL FRED
JOSSELL STANLEY JAMES
KARPACHINSKI NICK
KLETTE KEVIN LOUIS
LACROIX MARY ROTHENBUR
MARIS TIMOTHY NICHOLAS
MARTINDALE JAMES GREGO
MOWELL THOMAS ALLISON
NANCESEVIER MIRANDA
NATHAN TAMMY MOURY
NESSMITH SUSAN PATRICI
RADOIU CHRISTINE MARIE
ROSMAJZL PATRICK JOSEP
SCHRATZ PAUL RICHARD J
SEMAAN PHILLIP ANTHONY
SHEIL MONICA MAUREEN
SIMMONS GLENN EDWARD
SIMPSON TRACY LYNN
SOLBERG MARK KENDALL
STRONGHEART CAROLYN JO
TUPPONCE ALAN KEITH
WANIEWSKI SCOTT STANLE
WARD ARTHUR WELLS
WICKER CHRISTOPHER EGU

THE FOLLOWING NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), Medical Service Corps, USN, permanent

NELSON JOHN WILLIAM

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), Medical Service Corps, USN, permanent

BENEVIDES LUIS ALBERTO
CARDWELL FRED LEE
CONIGLIO LINDA ANN
HENDERSON ROY LEE
JURAS RONALD ANTHONY
KELLY HAROLD S
KRAUSZ THOMAS CLYDE
MAJAR MARIA KATE
MCCUE MARTIN DOUGLAS
MILLER PHILIP EDWARD
PICON FORTUNATO

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant, Nurse Corps, USN, permanent

BELIN KARENA MARI
BOOTH ELIZABETH JO
BREZA ELIZABETH ANN
BURNS PAMELA ANN
CHRISTMANN THERESA KAY
COX JUDITH ANN
DAMSTROM JUDITH ANN
DAVIS JOY MADONNA
FILLION BRONWYN ROBERT
FRANTZ CRYSTAL ENA
GALLOWAY SUSAN JENKINS
HARVISON KIRSTEN LYNN
HOWLEY JOAN ELIZABETH
JARNIGAN TRACI
JONES KAREN M
KESSOCK CHRISTY LYNN D
LEAVER GEORGIA GAIL
LUKE JAIME ANN
MILLER PAMELA MICHELLE
MOCK CARRIE ANNE
MOLER ROBERT ANTHONY
MOORE SHERYL DENISE
MURRAY JOSEPH FRANCIS
NIEMANTS VERDRIETMCDONA
OKERSTROM MARITA RENEE
PENNEBECKER SUSAN M
PIENTA CYNTHIA JEANETT
SCHOLTZ DIANA LYNN
SEIDEL SHELLY A
THOMASON PATRICIA WETH
TUFTE LORELIE
WHITEHEAD ELEANOR KARE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

Lieutenant (junior grade), Nurse Corps, USN, permanent

ASHBY MARSHALL EDWARD
BEARD LUNDY
ESKENDER CHERYL LYNN
GIFFORD THOMAS JAY
JEMISON ELESIA MARIEA
KEPLER JILL ELAINE
KEY TINA LUISE
PLEWINSKI RUSSELL MAL
SANCHEZ EDWARD PEREZ
SMITH GORDON ROYCE
SMITH JANE RENEE
STARKS LAVENCION VICTO
SWEANEY SHEILA ANN

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED AS A PERMANENT LIMITED DUTY OFFICER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

Lieutenant (junior grade), limited duty officer, line, USN, permanent

PARENLL KENNETH W

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be lieutenant colonel

JOHN M. BABCOCK [redacted]
JOHN P. BARBEE [redacted]
JOHN H. BARNES [redacted]
GEORGE W. BEARDEN [redacted]
JOSE C. BENGCO [redacted]
JAMES B. BISHO [redacted]
DONALD J. BREAKER [redacted]
LLOYD A. BROWN [redacted]
NICHOLAS A. BROWN [redacted]
TERRY D. BURLINGAME [redacted]
JAMES P. CREWS [redacted]
TERRY A. DEMPSEY [redacted]
STEVEN B. DOAN [redacted]
SAUL J. ESPINO [redacted]
GENE S. FOWLER [redacted]
HARRY W. GILMAN [redacted]
RICHARD H. GRICE [redacted]
MICHAEL R. HARPER [redacted]
GREG W. HILL [redacted]
JOHN D. HUMPHREY [redacted]
ALBERT C. ISLER [redacted]
RONALD N. JOHNSON [redacted]
MICHEL B. KIRKELIE [redacted]
JAMES L. LANGFORD [redacted]
ROBERT G. LEROE [redacted]
PATRICK H. MANDOCK [redacted]
ROBERT N. MANZY [redacted]
HERBERT MCCHRYSTAL [redacted]
JEFFREY S. *. MERCE [redacted]
NEVALON J. MITCHELL [redacted]
WESLEY G. MONROE [redacted]
RICHARD D. MURDOCH [redacted]
DELTON NICHOLS [redacted]
JOHNNY C. OWENS [redacted]
GARY A. PENDRAK [redacted]
JIM M. PHELPS [redacted]
EARL J. ROMANS [redacted]
ROBERT M. SANTRY [redacted]
JAME SCHNORRENBERG [redacted]
CHARLES E. SMITH [redacted]
KERRY M. STEEDLEY [redacted]
GUSTAF STEINHILBER [redacted]
RONALD STRONG [redacted]
JAMES C. TAYLOR [redacted]
PHILIP R. TOUW [redacted]
GRANVILLE E. TYSON [redacted]
PAUL L. VICALVI [redacted]
H. R. WHITE [redacted]
ROBERT A. WILDEMAN [redacted]
JAMES W. WINN [redacted]

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

MICHAEL L. ABELS [redacted]
JERRY D. ABLES [redacted]
CARLO J. ACCARDI [redacted]
GERALD M. ACHATZ [redacted]
CARL L. ADAMS [redacted]
MICHAEL L. ADAMS [redacted]
WILLIAMS G. ADAMS [redacted]
JOHNS ALBANESE [redacted]
MORRIS E. ALBERS [redacted]
RONALD K. ALBERT [redacted]
DAVID W. ALDERFER [redacted]
WILLIAM N. ALEX [redacted]
MICHAEL ALEXANDER [redacted]
RONALD B. ALEXANDER [redacted]
REID C. ALIFF [redacted]
JAMES F. ALLARD [redacted]
VINCENT AMORESANO [redacted]
GREGORY E. AMUNDSON [redacted]
CRAIG H. ANDERSON [redacted]
JAMES A. ANDERSON [redacted]
JAMES H. ANDERSON [redacted]
JOHNNY O. ANDERSON [redacted]
LARRY L. ANDERSON [redacted]
LAWRENCE ANDERSON [redacted]
ROGER N. ANDERSON [redacted]
TERENCE M. ANDERSON [redacted]
TERRY L. ANDERSON [redacted]
WILLIAM L. ANDERSON [redacted]
RICHARD M. ANDRAE [redacted]
NELL N. ANDRE [redacted]
DONALD J. ANDREOTTA [redacted]
JAMES ANDREOU [redacted]
CARL W. ARFLACK [redacted]
PAUL E. ARIENTI [redacted]
MICHAEL ARMSTRONG [redacted]
NEIL C. ARNOLD [redacted]
STUART T. ASHTON [redacted]
ROBERT W. ASKEY [redacted]
AUSTIN L. ATKINSON [redacted]
THOMAS L. AUDETTE [redacted]
CHARLES E. AUGUSTUS [redacted]
RICHARD F. AUKERMAN [redacted]
ROBERT L. AYERS [redacted]
STANLEY N. AYERS [redacted]
DONALD V. AYRES [redacted]
WILLIAM G. AZBILL [redacted]
URSON S. BACLE [redacted]
RICHARD A. BADDOUR [redacted]
DAVID W. BAER [redacted]
DAVID V. BAILEY [redacted]
DONALD L. BAILEY [redacted]
RORY S. BAILEY [redacted]
RILEY J. BAIRD [redacted]
FRED H. BAKER [redacted]
RICHARD W. BAKSA [redacted]
DENICE E. BALL [redacted]
ROBERT F. BALL [redacted]
FLOYD E. BALTIMORE [redacted]
JANET S. BANKS [redacted]
PAUL S. BANNON [redacted]
RICHARD B. BARAJAZ [redacted]
LONNIE L. BARHAM [redacted]
TERRY F. BARKER [redacted]
MICHAEL D. BARR [redacted]
DAVID L. BARRON [redacted]
JOHN F. BARRY [redacted]
DAVID E. BASSERT [redacted]
BRUCE K. BATEMAN [redacted]
RICHARD E. BATTS [redacted]
DALE P. BAUER [redacted]
THOMPSON F. BECHTEL [redacted]
CHARLES T. BECKER [redacted]
DALE F. BECKER [redacted]
EDMUND T. BECKETTE [redacted]
ARTHUR A. BECKMAN [redacted]
DONALD L. BELANGER [redacted]
MILTON E. BELCHER [redacted]
DAVID D. BELINA [redacted]
JAMES E. BELKNAP [redacted]
JOSEPH A. BELL [redacted]
ROBERT L. BELL [redacted]
RONALD L. BELL [redacted]
JAMES D. BELLAH [redacted]
TERRENCE W. BELTZ [redacted]
GARY A. BENFORD [redacted]
SHELLEY L. BENNETT [redacted]
MORGAN BENSON [redacted]
PAT L. BENTLEY [redacted]
RANDALL D. BENZEL [redacted]
ROBERT A. BEREITER [redacted]
JOHN R. BEREUTER [redacted]
WILLIAM S. BERLIN [redacted]
JOHN D. BERRY [redacted]
ROBERT T. BERRY [redacted]
DOROTHY A. BERTLER [redacted]
WILLIAM M. BERTON [redacted]
WILLIAM J. BERTSCH [redacted]
CHARLES D. BETONEY [redacted]
STANLEY D. BEVILLE [redacted]
EDWARD L. BICKFORD [redacted]
RICHARD J. BIGLIN [redacted]
HENRY P. BILLS [redacted]
ERNEST BIO [redacted]
GEORGE W. BIRCH [redacted]
LESLIE I. BISE, [redacted]
ALAN C. BITTING [redacted]
DONALD R. BITTNER [redacted]
FREDDIE J. BLACK [redacted]
MICHAEL E. BLACK [redacted]

DOUGLAS BLACKBURN [redacted]
DENZIL K. BLACKMAN [redacted]
CHARLES H. BLAIR [redacted]
ROBERT C. BLAIR [redacted]
ALAN C. BLANK [redacted]
JOHN E. BLASEN [redacted]
DAVID E. BLOWER [redacted]
JAMES B. BLUNK [redacted]
PATRICK W. BOATMAN [redacted]
RANDY G. BOCK [redacted]
GAYLE BOGDANOWITZ [redacted]
BERNDT H. BOHM [redacted]
BYRON K. BONAR [redacted]
RICHARD J. BONITZ [redacted]
RONALD T. BORO [redacted]
ROBERT R. BOTTIN [redacted]
LAWRENCE BOUSLOG [redacted]
MARGARET A. BOWE [redacted]
PATRICK F. BOWE [redacted]
KENNETH E. BOWMAN [redacted]
WENDELL H. BOYCE [redacted]
GREGORY J. BOYD [redacted]
ROBERT A. BRADFORD [redacted]
JAMES C. BRADLEY [redacted]
HARRY J. BRADY, J [redacted]
JOHN J. BRAHAM [redacted]
WAYNE R. BRANDON [redacted]
DAVID L. BRANNON [redacted]
RONALD D. BRATCHER [redacted]
KENNETH L. BRAY [redacted]
MARTIN T. BREAKER [redacted]
DANA BRECKINRIDGE [redacted]
DONALD J. BREECE [redacted]
MICHAEL BREEDLOVE [redacted]
DONALD C. BREWER [redacted]
JAMES G. BRIGHT [redacted]
HARRIETT L. BRINN [redacted]
MILTON S. BRISLIN [redacted]
RICHARD C. BRISTOW [redacted]
KENT E. BRITTIN [redacted]
RICHARD R. BRODEUR [redacted]
GARY L. BROOK [redacted]
LUCIUS C. BROOKER [redacted]
RODNEY R. BROOKER [redacted]
ROBERT J. BROSSIA [redacted]
DAVID S. BROUSSARD [redacted]
WINFRED M. BROWDER [redacted]
CLARENCE D. BROWN [redacted]
ERIK M. BROWN [redacted]
FRANK E. BROWN [redacted]
JOHN W. BROWN [redacted]
OTIS J. BROWN [redacted]
STEWART J. BROWN [redacted]
WALTER A. BROWN [redacted]
FRANKIE C. BROWNING [redacted]
ELTON C. BRUCE [redacted]
DAVID H. BRUNJES [redacted]
CHARLES H. BRYCE [redacted]
JOHN A. BUCY [redacted]
ROBERT J. BUEHLER [redacted]
LESLIE A. BUMB, J [redacted]
STEPHEN J. BURCH [redacted]
ROBERT M. BURDETTE [redacted]
WILLIAM A. BURDUMY [redacted]
PHILLIP R. BURGESS [redacted]
MICHAEL L. BURKERT [redacted]
BILL L. BURKETT [redacted]
WILLIAM J. BURKHARD [redacted]
DONALD L. BURNETT [redacted]
HARRISON R. BURRIS [redacted]
DAVID V. BUSH [redacted]
MICHAEL R. BUSH [redacted]
GEORGE L. BUTCHER [redacted]
DONALD D. BUTLER [redacted]
JAY A. BUYZE [redacted]
KAREN S. BYERS [redacted]
LARRY D. BYERS [redacted]
JOHN F. BYRNE [redacted]
LARRY R. BYSTROM [redacted]
PHILIP C. CACCESE [redacted]
JEROME F. CADY [redacted]
ROYCE G. CALDER [redacted]
EDWIN G. CALDWELL [redacted]
TERRY B. CALLAHAN [redacted]
THOMAS J. CALLAHAN [redacted]
CRAIG S. CAMERON [redacted]
PETER F. CAMERON [redacted]
TERRENCE CAMPBELL [redacted]
DEBRA A. CANAVERA [redacted]
JIMMY D. CANTRELL [redacted]
MICHAEL E. CANTY [redacted]
WILLIAM J. CANTY [redacted]
FRANCIS X. CARMODY [redacted]
LARRY J. CARNES [redacted]
PATRICK M. CARNEY [redacted]
ROBERT CARROTHERS [redacted]
THOMAS H. CARSON [redacted]
WILLIAM J. CASE [redacted]
PETER E. CASEY [redacted]
CASPER CATAUDELLA [redacted]
LOUIS B. CE [redacted]
CHRISTOPH CHAMNESS [redacted]
DENNIS S. CHAPMAN [redacted]
SCOTT CHAPMAN [redacted]
PATRICK D. CHEATHAM [redacted]
JOHNNY P. CHERRY [redacted]
ROBERT L. CHILCOAT [redacted]
CLARK CHRISTENSEN [redacted]
GEORGE CHRISTENSEN [redacted]
JACK R. CHRISTENSEN [redacted]
BOBBY CHRISTOPHER [redacted]
ALAN P. CHROSTOWSKI [redacted]
THOMAS CICCARIELLA [redacted]
DANIEL C. CIEPLIK [redacted]
FRANCIS P. CINIGLIA [redacted]
JOHN J. CLANCY [redacted]
CHARLES N. CLARK [redacted]
DAVID N. CLARK [redacted]
MERRILL W. CLARK [redacted]
JIMMIE L. CLAUNCH [redacted]
CLIFFORD O. CLAUSEN [redacted]
GEORGE A. CLAUSEN [redacted]
JOSEPH D. CLEMENT [redacted]
RAY D. CLEVEN [redacted]
EMORY R. CLIFTON [redacted]
JOHN L. COATH [redacted]
RICHARD W. COCHRAN [redacted]
JAMES S. COLBURN [redacted]
JAMES C. COLEMAN [redacted]
DAVID C. COLLINS [redacted]
MICHAEL J. COLLINS [redacted]
ROBERT L. COLLINS [redacted]
EUGENE P. COLUMBUS [redacted]
JAMES E. COMBEST [redacted]
WILLIAM B. COMBS [redacted]
DAVID G. CONKLIN [redacted]
MICHAEL R. CONNERS [redacted]
REX J. CONNERS [redacted]
STERLING G. CONRAD [redacted]
PAUL J. CONSTANTINO [redacted]
ALFONSO P. CONTI [redacted]
EDWARD H. CONWAY [redacted]
CHARLES M. COODE [redacted]
JAMES N. COOK [redacted]
KATHY A. COOK [redacted]
THOMAS S. COOK [redacted]
WILLIAM C. COOK [redacted]
WILLIAM R. COOK [redacted]
JOHN K. COOLEY [redacted]
CHRISTOPHE COOPER [redacted]
PAUL J. COOPER [redacted]
ROBERT L. CORLEW [redacted]
DAVID J. CORMIER [redacted]
JAMES L. CORREIA [redacted]
BILLY J. COSSON [redacted]
WILLIAM F. COTTY [redacted]
KEVIN J. COUGHLIN [redacted]
TERRY R. COUNCIL [redacted]
DONALD E. COUNSELL [redacted]
DANIEL COUVILLION [redacted]
LEONARD E. COWLING [redacted]
JAMES A. COX [redacted]
JAMES E. COX, JR [redacted]
JAMES M. COYNE [redacted]
JAMES A. COZINE [redacted]
CLEO J. CRAIG [redacted]
ALLEN D. CRANFORD [redacted]
HARRY H. CRAWFORD [redacted]
JAMES E. CREWS [redacted]
MICHAEL S. CROCKER [redacted]
LACY D. CROFT [redacted]
LLOYD G. CROSS [redacted]
JOHN M. CROSSFIELD [redacted]
RONALD E. CROUCH [redacted]
GARY D. CROWDER [redacted]
BILLY H. CUNNINGHAM [redacted]
RALPH S. CURFMAN [redacted]
LAWRENCE J. CURLES [redacted]
THOMAS W. CURRENT [redacted]
GREGORY P. CZERNIAK [redacted]
DONNA L. DACIER [redacted]
HARRY L. DADDS [redacted]
DAVID G. DALBY [redacted]
JOSEPH D. DAMBROSIO [redacted]
FREDERICK J. DAMSKI [redacted]
JOSEPH B. DANCE [redacted]
ROBERT A. DANIEL [redacted]
THOMAS C. DANIEL [redacted]
FRANCIS A. DANIELS [redacted]
JAMES R. DANNER [redacted]
CHARLES H. DAVIDSON [redacted]
BILLY D. DAVIS [redacted]
CYRUS W. DAVIS [redacted]
JAY B. DAVIS [redacted]
JEREMIAH DAVIS [redacted]
SAMUEL W. DAVIS [redacted]
STEVEN J. DAVIS [redacted]
RICHARD C. DAYTON [redacted]
JOSEPH M. DEALEY [redacted]
MICHAEL E. DEBOLD [redacted]
ROBERT J. DEFUSCO [redacted]
PAUL J. DEGATEGNO [redacted]
TERRY J. DEHAAN [redacted]
EDWIN O. DEJESUS [redacted]
LAQ DELACONCEPCION [redacted]
MICHAEL J. DELANEY [redacted]
JOSEPH DELIZ [redacted]
ROBERT E. DELOACHE [redacted]
CURTIS A. DELOATCH [redacted]
CHARLES R. DELOBE [redacted]
WILLIS P. DENNY [redacted]
DONALD D. DETTMANN [redacted]
GEORGE K. DEVINE [redacted]
GREGORY H. DEVOE [redacted]
STEPHEN M. DEWAN [redacted]
RONALD E. DEWITT [redacted]
SHARON J. DICK [redacted]
GENE A. DICKEY [redacted]
JOHN S. DIDIO [redacted]
FRANK DIDOMENICO [redacted]
DARYL J. DIETRICH [redacted]
JEFFREY T. DIETZ [redacted]
LAWRENCE D. DIETZ [redacted]
GUY L. DIFFENBAUGH [redacted]
RICHARD W. DILLON [redacted]
ANDREW P. DIPALMA [redacted]
JOHN L. DITORO [redacted]
ELDON W. DIXON [redacted]
DAVID W. DODD [redacted]
RENE DOLDER [redacted]
GIB A. DOLEZAL [redacted]
MICHAEL F. DOSSETT [redacted]
STAYTON L. DOW [redacted]
ROBERT J. DOWE [redacted]
RICHARD L. DOWNEY [redacted]
BENJAMIN H. DOWNING [redacted]
DAVIS A. DOWNING [redacted]
BERNARD B. DOWNS [redacted]
MICHAEL J. DOYLE [redacted]
CHARLES A. DREWEL [redacted]
ALAN F. DRISKO [redacted]
ROGER B. DUFF [redacted]
PETER J. DUFFY [redacted]
ROY B. DUGGAN [redacted]
JOHN F. DUGGER [redacted]
DANIEL L. DUNCAN [redacted]
CARL R. DUNN [redacted]
CHARLES J. DUNN [redacted]
ARTHUR A. DURANTE [redacted]
CHARLYN R. DUVIC [redacted]
CHARLES C. DYER [redacted]
JOSEPH K. DZIKAS [redacted]
ROBERT R. EAGLE [redacted]
JOHN W. EASTERLY [redacted]
WILLIAM R. EDDLEMAN [redacted]
ALLEN C. EDENFIELD [redacted]
JAMES R. EDENS [redacted]
KENNETH W. EDWARDS [redacted]
JOSEPH C. EFFINGER [redacted]
RICHARD A. EKMAN [redacted]
ADRIAN S. ELEY [redacted]
CHARLES W. ELIASON [redacted]
DAVID T. ELLIOTT [redacted]
GREGORY M. ELLIS [redacted]
JOHN R. ELLIS [redacted]
MARK A. ELLIS [redacted]
JOHN T. ELLISON [redacted]
FRANCIS B. ELMORE [redacted]
WILLIAM J. EMERY [redacted]
KARL B. ENGELMAN [redacted]
STEPHEN B. ENGLE [redacted]
JOHN M. ENGLUM [redacted]
BILLIE J. ERWIN [redacted]
WILLIAM M. ERWIN [redacted]
PHILIP J. ESPOSITO [redacted]
RONALD M. ESTROFF [redacted]
JOSEPH T. EUBANKS [redacted]
PHILIP E. EUBANKS [redacted]
KURT A. EUGSTER [redacted]
BURL L. EURE, JR [redacted]
JOE D. EVANS [redacted]
JOHN E. EVANS [redacted]
ROGER D. EVANS [redacted]
SAMUEL P. EVANS [redacted]
CHARLES EVERHARDT [redacted]
GARY D. EZELL [redacted]
RANDALL L. FAIN [redacted]
PETER F. FALCO [redacted]
PERRY K. FALK [redacted]
DAVID O. FALLERT [redacted]
RONALD E. FANNIN [redacted]
JOHN W. FARREN [redacted]
RONALD L. FECHT [redacted]
JOHN T. FEE [redacted]
RONALD A. FEIA [redacted]
HARVEY FELDMEIER [redacted]
SIDNEY F. FELLER [redacted]
PETER C. FELSTED [redacted]
STEPHEN L. FELT [redacted]
JANET L. FENN [redacted]
EUGENE D. FENNER [redacted]
STEPHEN K. FERGUSON [redacted]
THOMAS D. FERRAN [redacted]
WILLIAM R. FERRONE [redacted]
RICHARD D. FINDLAY [redacted]
GERARD F. FINNEGAN [redacted]
GLENN L. FISCHER [redacted]
KENNETH D. FISHER [redacted]
LYNN E. FITE [redacted]
RICHAR FITZSIMMONS [redacted]
THOMAS P. FLAHERTY [redacted]
HAROLD E. FLAIGLE [redacted]
JOHN B. FLANAGAN [redacted]
JOHN R. FLANINGAM [redacted]
JOHN FLEISCHMANN [redacted]
TOMMY J. FLEMING [redacted]
VERNON C. FLEMING [redacted]
JOHN N. FLEUR [redacted]
ERNEST H. FLINT [redacted]
JOHN M. FLOOD [redacted]
CHARLES E. FLOYD [redacted]
JACKIE R. FOGLE [redacted]
SMITH S. FOLEY [redacted]
MARTIN J. FONCELLO [redacted]
LARRY R. FORREST [redacted]
ROCCO A. FORTINO [redacted]
WILLIAM P. FOSTER [redacted]
ARTHUR B. FOWLER [redacted]
GILBERT L. FOWLER [redacted]
JIMMY E. FOWLER [redacted]
LEO H. FRENCH [redacted]
RAY D. FREW [redacted]
SIDNEY G. FRIEND [redacted]
CLINTON M. FROHM [redacted]
CHARLES E. FROST [redacted]
WILLIAM J. FULFORD [redacted]

ERNEST FUNDERBURK [redacted]
VANLAYTON FUTRELL [redacted]
BRIAN J. GALLAGHER [redacted]
WILLIAM GALLAGHER [redacted]
JOHN H. GALLEMORE [redacted]
ROBERT A. GALVANIN [redacted]
DANIEL M. GANCI [redacted]
JAMES P. GARDNER [redacted]
MICHAEL B. GARMAN [redacted]
PAUL T. GARNER [redacted]
RONALD R. GARNER [redacted]
THOMAS H. GARNETT [redacted]
STEPHEN F. GARRISON [redacted]
ALBERT J. GASPERIN [redacted]
LEROY GAUB [redacted]
WILLIAM F. GAUDETTE [redacted]
RICHARD M. GAUDIO [redacted]
RICHARD A. GAYDO [redacted]
RONALD T. GEBLER [redacted]
JAMES C. GEDDIE [redacted]
RICHARD B. GENTER [redacted]
JOHN A. GENTRY [redacted]
WILLIAM L. GEORGIA [redacted]
MICHAEL E. GERIG [redacted]
CARLO J. GHEZZ [redacted]
CATHY O. GIBBONS [redacted]
JOSEPH J. GIGLIOTT [redacted]
RICHARD K. GILBERT [redacted]
JERRY M. GILBREATH [redacted]
GLENN D. GILLETT [redacted]
DONALD W. GILLIAM [redacted]
MARK J. GIUSTO [redacted]
LARRY C. GLAZIER [redacted]
DAVID C. GLEASON [redacted]
GARY W. GLEASON [redacted]
ROBERT C. GLENN [redacted]
THOMAS B. GOERGEN [redacted]
DAVID E. GOINS [redacted]
STUART P. GOLDMAN [redacted]
ROGER D. GOLDSMITH [redacted]
JIMMY R. GOMEZ [redacted]
FREDERICK J. GONET [redacted]
JAMES J. GONSIEWSKI [redacted]
THEODORE GOODMAN [redacted]
DAVID S. GORDON [redacted]
GARY A. GORDON [redacted]
DONALD F. GOURLEY [redacted]
DONALD M. GRAF [redacted]
DONALD L. GRAHAM [redacted]
DOUGLAS W. GRAHAM [redacted]
DAVI GRAMELSPACHER [redacted]
ROBERT D. GRAMS [redacted]
THOMAS GRANDSTAFF [redacted]
HUBERT J. GRANT [redacted]
RONALD N. GRAVES [redacted]
MARK S. GRAZIER [redacted]
JOHN G. GREEMORE [redacted]
JAMES L. GREEN [redacted]
LANNY B. GREEN [redacted]
RICHARD J. GREEN [redacted]
HOGE M. GREENE [redacted]
JOHNNY P. GREENE [redacted]
JOHN H. GREER [redacted]
ALAN R. GRIESSE [redacted]
JOHN M. GRIEST [redacted]
GUY E. GRIFFIN [redacted]
HOWARD S. GRIFFIN [redacted]
JAMES L. GRIFFIN [redacted]
JOHN R. GRIMES [redacted]
MICHAEL P. GRISHAM [redacted]
ALAN D. GROSS [redacted]
DONALD W. GROSZ [redacted]
FELIX F. GRZANKA [redacted]
FRED O. GURLEY [redacted]
PETER L. GUTH [redacted]
KATHLEEN J. HACK [redacted]
MICHAEL E. HAIRE [redacted]
GEORGE W. HALL [redacted]
BUDD J. HALLBERG [redacted]
JUNKO S. HALVERSON [redacted]
TERRY A. HAMBLIN [redacted]
ALAN B. HAMILTON [redacted]
JOHN W. HAMMEL [redacted]
RICHARD L. HAMPTON [redacted]
ROBERT L. HAMPTON [redacted]
JERRY E. HANSEN [redacted]
STEPHEN E. HANSEN [redacted]
MICHAEL D. HANSON [redacted]
PAUL A. HARDIN [redacted]
LESLIE B. HARDING [redacted]
STEVE M. HARDING [redacted]
ANTHONY J. HARE [redacted]
LEE S. HARFORD [redacted]
DANNY R. HARKINS [redacted]
TERRY W. HARMON [redacted]
ROBERT B. HARRELL [redacted]
DAVID K. HARTIN [redacted]
STEVEN J. HASHEM, [redacted]
BRIDGET A. HASTY [redacted]
THOMAS C. HATHAWAY, [redacted]
BARRY J. HAUPT [redacted]
GLENN A. HAWKINS [redacted]
JOHN R. HAWKINS [redacted]
DANIEL G. HAWTHORNE [redacted]
MARCUS R. HAYES [redacted]
MARION A. HAYES [redacted]
ARTHUR E. HAYS [redacted]
PATRICIA C. HAYS [redacted]
RALPH E. HAYS [redacted]
THOMAS R. HAYS [redacted]
MICHAEL G. HEADLY [redacted]
JOHN B. HEATH [redacted]
HENRY S. HEATHCOCK [redacted]
EDWARD T. HEFFERNAN [redacted]
MARK S. HEFFNER [redacted]
JAMES H. HENDERSON [redacted]
MICHAEL HENDERSON [redacted]
WILLIAM K. HENRY [redacted]
ADELE C. HERMAN [redacted]
GARY M. HERMSEN [redacted]
VICTOR O. HERNANDEZ [redacted]
CARY L. HERRING [redacted]
CHARLES B. HESS [redacted]
CHARLES B. HILL [redacted]
CHARLES E. HILL [redacted]
GLENN R. HILL [redacted]
JAMES B. HILL [redacted]
LAWRENCE H. HILL [redacted]
RONALD L. HILLIARD [redacted]
RICHARD W. HINZE [redacted]
THOMAS R. HLAVAC [redacted]
JAMES A. HOAGLAND [redacted]
ERNEST D. HODGE [redacted]
LOUIS E. HOFFMAN [redacted]
JOHN J. HOGAN [redacted]
WILLIAM H. HOLLIDAY [redacted]
DONALD B. HOLLOWAY [redacted]
JAMES E. HOLLOWAY [redacted]
DANIEL R. HOLMES [redacted]
ROBERT L. HOLZBACH [redacted]
NORMAN M. HOOVER [redacted]
ROBERT C. HORTON [redacted]
FRANK J. HORVATH [redacted]
JOHN L. HOSEY [redacted]
RICHARD J. HOSLER [redacted]
ROBERT T. HOST [redacted]
GLEN A. HOTCHKISS [redacted]
DAVID R. HOUSTON [redacted]
WILLIE J. HOWARD [redacted]
DONALD K. HOWE [redacted]
LEE M. HOWE [redacted]
DENNIS R. HROMIKA [redacted]
PAUL HRYNKIEWICH [redacted]
BILLIE H. HUBBS [redacted]
CLARENCE A. HUDSON [redacted]
JAMES HUFFSTETLER [redacted]
CHARLES T. HUGHES [redacted]
BERNIE R. HUNSTAD [redacted]
SAMUEL B. HUNT [redacted]
TERRY W. HUNTER [redacted]
PHILLIP D. HUOT [redacted]
JAMES F. HURD [redacted]
RICHARD HUTCHISON [redacted]
JOHN A. ILLARMO [redacted]
ROBERTA S. IMMERS [redacted]
PETER V. INGALSBE [redacted]
CHARLES L. INGRAM [redacted]
CHRISTOPHER INGRAM [redacted]
ROBERT G. INGRUM [redacted]
WILLIAM T. INMAN [redacted]
EDWARD W. IRISH, JR [redacted]
RICHWELL ISON [redacted]
ARTHUR D. IVES [redacted]
ROBERT J. JABARA [redacted]
ROBERT C. JACKLE [redacted]
JAMES R. JACKSON [redacted]
JOHN C. JACKSON [redacted]
MARK H. JACKSON [redacted]
WILLIAM A. JACOBS [redacted]
RICHARD L. JACOBSEN [redacted]
MICHAEL R. JACOBSON [redacted]
DAVID W. JAMES [redacted]
DAVID F. JAMROZ [redacted]
ALBERT J. JANEK [redacted]
WALTER JANKOWSKI [redacted]
HENRY JARAMILLO [redacted]
CHARLES M. JARMAN [redacted]
JAMES M. JEAN [redacted]
LEE R. JENKINS [redacted]
WILLIAM P. JENNINGS [redacted]
ROBERT E. JESINGER [redacted]
RICHARD L. JOHNS [redacted]
DANNY M. JOHNSON [redacted]
EUGENE E. JOHNSON [redacted]
JASON S. JOHNSON [redacted]
KENNETH C. JOHNSON [redacted]
LAWRENCE D. JOHNSON [redacted]
RICHARD A. JOHNSON [redacted]
SHELDON L. JOHNSON [redacted]
TIMOTHY C. JOHNSON [redacted]
TOMMY R. JOHNSON [redacted]
EILEEN R. JOHNSTON [redacted]
DALE W. JONES [redacted]
DAVID C. JONES [redacted]
DAVID L. JONES [redacted]
DONALD G. JONES [redacted]
FREDRICK D. JONES [redacted]
JOHN P. JONES [redacted]
LEM C. JONES, JR [redacted]
PAUL L. JONES [redacted]
PERCY C. JONES [redacted]
RANDY L. JONES [redacted]
ROBERT J. JONES [redacted]
ROBERT W. JONES [redacted]
THOMAS F. JONES [redacted]
DAVID F. JORDAN [redacted]
VICKY L. JORDAN [redacted]
ERIC B. JORGENSEN [redacted]
JOHN A. JOSEPH [redacted]
RODNEY W. JOYE, [redacted]
THOMAS A. JUDICE [redacted]
CHARLES R. JUFFER [redacted]
DONALD B. KAAG, [redacted]
GARY W. KABALEN [redacted]
TERRENCE KABANUCK [redacted]
JOSEPH L. KAELIN [redacted]
BRUCE D. KAHL [redacted]
EDWARD W. KAI [redacted]
JERRY L. KALLOD [redacted]
HOWARD K. KAM, JR [redacted]
BERND E. KAMPE [redacted]
FRANCIS W. KANE [redacted]
RICHARD KANESHIRO [redacted]
JACK E. KARNS [redacted]
ROBERT F. KEANE [redacted]
ROGER A. KEATS [redacted]
LARRY S. KEITH [redacted]
THOMAS S. KEITH [redacted]
BARBARA A. KELLY [redacted]
DAVID L. KELLY [redacted]
DAVID H. KELSO [redacted]
JOHN J. KEMPF [redacted]
WILLIAM A. KEMPTON [redacted]
JAMES V. KENNEDY [redacted]
TERRENCE F. KENNEDY [redacted]
FRANK B. KERTON [redacted]
GEORGE H. KESSLER [redacted]
DARROLD W. KEY [redacted]
GERALD D. KEY [redacted]
BRIAN A. KILGARIFF [redacted]
ANDREW H. KIM [redacted]
CRAIG S. KING [redacted]
SAMUEL C. KING [redacted]
EARL J. KINTZ [redacted]
GLENN E. KIRK [redacted]
JAMES P. KIRK [redacted]
DANIEL L. KIRTLAND [redacted]
STEPHEN KLASINSKI [redacted]
STEVEN L. KLINE [redacted]
JOSEPH F. KLOEPPEL [redacted]
MELVYN KLOOR [redacted]
LARRY E. KNAIN [redacted]
CHARLES E. KNOWLTON [redacted]
DANNY W. KOLANDER [redacted]
WILLIAM A. KOLBE [redacted]
JAMES A. KOONTZ [redacted]
MARK S. KOPSKY [redacted]
FRANK J. KORENCHAN [redacted]
STEVEN A. KOWALK [redacted]
RICHARD J. KOZELL [redacted]
JOHN G. KRAMB [redacted]
JEFFREY J. KRAMER [redacted]
JOANNE G. KRANC [redacted]
LARRY M. KROPF [redacted]
RONALD L. KRUM [redacted]
JAMES R. KRUSE [redacted]
DONALD M. KUHN, [redacted]
ELMER J. KUHN [redacted]
RODNEY G. KUTZ [redacted]
THOMAS J. KUTZ [redacted]
MICHAEL KUYKENDALL [redacted]
PAUL E. LABONTE [redacted]
CHRISTIAN LABORDE [redacted]
ALAN G. LACKEY [redacted]
PAUL H. LAES [redacted]
MICHAEL J. LAIRD [redacted]
JOE B. LAMB, JR [redacted]
RONALD LAMOLY [redacted]
FRED B. LANDON [redacted]
DENNIE L. LANDRETH [redacted]
GERALD E. LANG [redacted]
KIM G. LANGLEY [redacted]
KENNETH E. LANKEY [redacted]
WILLIAM M. LARDIE [redacted]
JAMES E. LARGENT [redacted]
RONALD L. LAROSE [redacted]
ISAAC D. LARRY [redacted]
KEVAN C. LARSEN [redacted]
LARRY J. LARSON [redacted]
LON LARSON [redacted]
HUMES T. LASHER [redacted]
PETER L. LAUB [redacted]
LEWIS M. LAWRENCE [redacted]
PATRICIA A. LAWSON [redacted]
BENJAMIN T. LAYTON [redacted]
JOSEPH R. LAYTON [redacted]
STEVEN C. LEACH [redacted]
VIVIAN M. LEASOR [redacted]
GERARD J. LEAVIS [redacted]
ANDRES LEBRON [redacted]
JACK E. LEE [redacted]
SING W. LEE [redacted]
WILLIAM T. LEE [redacted]
THOMAS F. LEEDS [redacted]
HOYT G. LEGGETT [redacted]
CLAY C. LEGRANDE [redacted]
HOWARD C. LEM [redacted]
NEAL C. LENNSTROM [redacted]
LIONEL LESPERANCE [redacted]
GEORGE H. LESTER [redacted]
PHILLIP A. LESTER [redacted]
CHARLES W. LEUTE [redacted]
CESAR LEVY [redacted]
EDWARD LEWANDOWSKI, [redacted]
RONALD LEWANDOWSKI [redacted]
DONALD H. LEWIS [redacted]
HARVEY S. LEWIS [redacted]
DONALD L. LEWY [redacted]
MARK A. LEYDEN [redacted]
RANDALL R. LINCOLN [redacted]
STEPHEN D. LINDNER [redacted]
GEORGE R. LINDSEY [redacted]
MICHAEL L. LINDSEY [redacted]
PAUL R. LINDSTADT, [redacted]
MYRON R. LINN, [redacted]
JOHN E. LITTELL [redacted]

BETSY A. LITTLE [redacted]
WILTON A. LITTLE [redacted]
THOMAS C. LOCKE [redacted]
DONALD R. LONG [redacted]
CASIMIR G. LORENC [redacted]
LLOYD T. LOVELACE [redacted]
JUDITH J. LOZO [redacted]
MICHAEL P. LUNN [redacted]
RICHARD L. LUSK [redacted]
STEVEN K. LUTTER [redacted]
JOHN B. LYDA [redacted]
JOSEPH A. LYNCH [redacted]
PETER T. LYNCH [redacted]
DONALD C. LYNDE [redacted]
PHYLLIS J. LYNES [redacted]
MICHAEL A. LYONS [redacted]
MICHAEL J. LYONS [redacted]
EDWARD D. MACK [redacted]
KENNETH L. MACK [redacted]
PATRICIA M. MACK [redacted]
ROBERT M. MACMECCAN [redacted]
GLENN W. MACTAGGART [redacted]
CHARLES S. MADDOX [redacted]
SUZANNE E. MADDOX [redacted]
DENNIS E. MADIGAN [redacted]
FRANK MADONIA, [redacted]
DONALD A. MAHER [redacted]
THOMAS W. MAHONEY [redacted]
ALFRED D. MAILLOUX [redacted]
WILLIAM D. MAJEWSKI [redacted]
TOMMY O. MAJOR, [redacted]
RICHARD M. MAKANANI [redacted]
JOHN MAKRIYIANIS [redacted]
JAMES R. MALCOLM [redacted]
GREGG H. MALICKI [redacted]
RONALD A. MALLARE [redacted]
TIMOTHY M. MALONE [redacted]
BRUCE R. MANDEL [redacted]
JAMES R. MANGAN [redacted]
RAMON O. MANGUAL [redacted]
JOHN T. MANIBUSAN [redacted]
JOHN A. MANLEY [redacted]
LYNDA MANN [redacted]
STEVEN L. MANNHARD [redacted]
PAUL W. MANSKE [redacted]
JOSEPH J. MARCONI [redacted]
DAVID L. MARLEY [redacted]
PASCUAL MARRERO [redacted]
PEDRO MARRERO [redacted]
JOHN E. MARSH [redacted]
JAMES T. MARSHALL [redacted]
PAUL D. MARTIN [redacted]
SHIRLEY M. MARTIN [redacted]
DAVID J. MARTINELLI [redacted]
JOAQUIN A. MARTINEZ [redacted]
PETER S. MARTINEZ [redacted]
JACQUELINE MASON, [redacted]
JOSEPH G. MATERIA [redacted]
REID J. MATHERNE [redacted]
JOHN R. MATHEWS [redacted]
MATTHEW C. MATIA, [redacted]
MARC F. MATIER [redacted]
RICHARD MATSUMOTO, [redacted]
ROBERT G. MATTE [redacted]
BILLY G. MAUCK [redacted]
GEORGE P. MAUGHAN [redacted]
JOSEPH M. MAUN [redacted]
SHARON J. MAUST [redacted]
RICHARD T. MAZZONE, [redacted]
FRANK D. MCALLISTER [redacted]
JAMES L. MCBRIDE [redacted]
ROBIN D. MCCALL, [redacted]
HARVEY L. MCCONE, [redacted]
HENRY W. MCCONNELL [redacted]
WILLIAM M. MCCORKLE, [redacted]
MICHAEL MCCULLOUGH, [redacted]
WILLIAM J. MCCUSKER [redacted]
MICHAEL R. MCDANIEL [redacted]
DAVID J. MCDONALD [redacted]
WILLIAM S. MCELVEEN [redacted]
GARY R. MCFADDEN [redacted]
ERIC W. MCGARRAH, [redacted]
GREGORY R. MCGINN, [redacted]
WILLIAM F. MCGOVERN [redacted]
KENNETH W. MCGOWAN [redacted]
JOHNNY MCGRADY [redacted]
MICHAEL R. MCGUINN, [redacted]
JOHN P. MCKENNA [redacted]
CHRISTOPHER MCKEON, [redacted]
WILLIAM D. MCKEOWN, [redacted]
CALVIN C. MCKNIGHT [redacted]
TIMOTHY MCLAUGHLIN [redacted]
DONALD E. MCLEAN, [redacted]
JOHN L. MCLEMORE [redacted]
RICHARD A. MCMAHON, [redacted]
JAMES E. MCMANUS [redacted]
EDWARD C. MCNAMARA, [redacted]
PATRICK J. MCSHANE [redacted]
WILLIAM MCSWEENEY [redacted]
ROBERT B. MEAD [redacted]
ROBERT J. MEHRING [redacted]
GARY A. MEIER [redacted]
GREGORY J. MELITA [redacted]
DAVID F. MERRILL [redacted]
THOMAS E. MERTENS [redacted]
GORDON W. MESSER, [redacted]
TOMMY L. MESSER [redacted]
DAVID D. MICHEL [redacted]
MICHAEL L. MICHEL [redacted]
ALLEN E. MICHLER, [redacted]
THOMAS J. MIKLIK, [redacted]
CHARLES A. MILLER, [redacted]

DAVID B. MILLER [redacted]
JAMES O. MILLER, [redacted]
JAMES V. MILLER [redacted]
JOE H. MILLER [redacted]
MICHAEL J. MILLER [redacted]
ROBERT E. MILLER [redacted]
ROBERT W. MILLER, [redacted]
RONALD W. MILLER [redacted]
RUDY W. MILLER, [redacted]
STEPHEN F. MILLER [redacted]
GREGORY L. MILLS [redacted]
ROBERT A. MILNER, [redacted]
WILLIAM E. MISCHE [redacted]
DAVID H. MITCHELL, [redacted]
JERRY L. MITCHELL [redacted]
ROBERT N. MITCHELL, [redacted]
RUFUS C. MITCHELL [redacted]
JAMES D. MITCHUSSON, [redacted]
JAMES A. MOERKERKE, [redacted]
PETER F. MOHAN [redacted]
NANCY A. MOLESKI, [redacted]
JOSEPH V. MONAGHAN, [redacted]
ROBERT J. MONAGHAN [redacted]
CARL T. MONTGOMERY, [redacted]
CHARLES MONTGOMERY, [redacted]
ROBERT R. MONTRIE, [redacted]
BENTON J. MOORE, [redacted]
LAWRENCE E. MOORE, [redacted]
LEWIS W. MOORE, [redacted]
ROBERT P. MOORE, [redacted]
TERRENCE M. MOORE, [redacted]
WILLIAM B. MOORE, [redacted]
DOMINIC A. MORELLI, [redacted]
JANE P. MOREY [redacted]
FLOYD H. MORGAN, [redacted]
MICHAEL A. MORGAN, [redacted]
JEROME T. MORIARTY [redacted]
ANTHONY MORRISON, [redacted]
DONALD F. MORRISON [redacted]
RONALD D. MORSS, [redacted]
MICHAEL D. MOSELY [redacted]
ERNEST P. MOSEMANN [redacted]
CLARENCE W. MOSHIER, [redacted]
JEROME MOSSBARGER, [redacted]
DOUGLAS F. MOW, [redacted]
ANTHONY B. MUNROE, [redacted]
THOMAS V. MURPHEY [redacted]
WILLIAM C. MURPHREE [redacted]
DONALD MURPHY, [redacted]
JEROME A. MURPHY [redacted]
WILLIAM R. MURPHY, [redacted]
JOSEPH M. MURRAY [redacted]
THOMAS J. MUSKUS [redacted]
JOHN R. MUSSON [redacted]
KENNETH W. MYERS [redacted]
BRIAN NACCI, [redacted]
STEPHEN T. NAKANO [redacted]
DENNIS H. NAKASHIMA [redacted]
ROBERT S. NATION, [redacted]
WILLIAM G. NEESE [redacted]
JOHN K. NEGRON, [redacted]
NILDA NEGRONRIVERA [redacted]
PHILIP A. NEIL [redacted]
DALE G. NELSON [redacted]
MICHAEL E. NELSON [redacted]
LONNIE E. NESRSTA [redacted]
MARY A. NESS [redacted]
JOHN R. NEW, [redacted]
SUZANNE M. NEWTON [redacted]
GARY L. NICHELSON [redacted]
EDWARD A. NICHOLAS, [redacted]
CARROLL D. NICHOLS, [redacted]
KENNETH N. NICHOLS, [redacted]
DENNIS T. NISHIDA [redacted]
THOMAS L. NISSEN [redacted]
MARK M. NOESGES, [redacted]
JOHN H. NOLAND, [redacted]
CHARLES D. NORMAN [redacted]
GEORGE P. NORMANDIN, [redacted]
CHARLES L. NORRIS [redacted]
ROGER M. NORRIS, [redacted]
JEROME L. NOVOTNY, [redacted]
MARTIN N. NOWAK, [redacted]
ARTHUR W. NUTTALL [redacted]
THOMAS E. OBLENDER, [redacted]
DENNIS M. OBRIEN [redacted]
JAMES K. OBRIEN [redacted]
JOHN P. OBRIEN, [redacted]
JOSEPH OCONNELL, [redacted]
PAUL F. OCONNELL [redacted]
WILLIAM J. OCONNOR, [redacted]
EDWARD L. ODELL, [redacted]
DONNA K. OFFICER, [redacted]
ARNOLD T. OFTEDAL [redacted]
EDWARD O. OGILVIE, [redacted]
JAMES R. OGLE [redacted]
HENRY L. OGRODNIK, [redacted]
FRANK H. OLANDER [redacted]
MICHAEL J. OLEARY [redacted]
THOMAS J. OLEARY [redacted]
LEE D. OLSON, [redacted]
JOHN C. ORFE, [redacted]
JAMES ORNDORFF [redacted]
THOMAS L. OSBORNE, [redacted]
DANIEL R. OSHIRO [redacted]
HARRISON G. OTIS, [redacted]
DAVID F. OTOOLE, [redacted]
BENNIE C. OULDS, [redacted]
DENNIS B. OVERCASH [redacted]
DANIEL C. OVERTON, [redacted]
JAMES W. OXFORD [redacted]
ALVIN H. OZAKI, [redacted]

MICHAEL F. PACEY, [redacted]
VI PACHECOGOLDEROS, [redacted]
PHILIP J. PALENKAS [redacted]
THOMAS J. PALGUTA, [redacted]
THEODORE H. PANKNIN, [redacted]
LOUIS A. PAPPAS [redacted]
JOHN J. PARCIASEPE [redacted]
JAMES L. PARKER [redacted]
WILEY P. PARKER [redacted]
GERALD V. PARKHURST, [redacted]
JOHN H. PARO [redacted]
DIANNE L. PARRISH [redacted]
MICHAEL J. PASICK, [redacted]
JOSEPH H. PATENAUDE, [redacted]
DOUGLAS PATTERSON [redacted]
DENNIS J. PATTHOFF [redacted]
STEPHEN R. PAULICK, [redacted]
HARRY B. PEARL [redacted]
LEONARD W. PECK, JR. [redacted]
GARY L. PEDERSON [redacted]
WILLIAM D. PEECK, [redacted]
GEORGE A. PEIRCE, [redacted]
JOSEPH PELLEGRINO, [redacted]
JOSEPH A. PELTO, [redacted]
JOSEPH PENDERGRASS [redacted]
TECUMSEH S. PENNEY [redacted]
DENNIS E. PERRY [redacted]
THOMAS J. PERUSSE, [redacted]
CALVIN D. PETERS [redacted]
MURRAY T. PETERSEN [redacted]
CARL N. PETERSON [redacted]
JAMES W. PETERSON, [redacted]
STEVEN K. PETERSON [redacted]
JOHN I. PETRI, [redacted]
PETER A. PETROWSKY [redacted]
RAY L. PETTIBON, [redacted]
LOUIS I. PETTIGREW, [redacted]
THOMAS B. PETTIT [redacted]
EMIL H. PHILIBOSIAN, [redacted]
DANIEL M. PHILLIPS, [redacted]
JOHN J. PHILLIPS [redacted]
JOHN R. PHILLIPS [redacted]
WADE T. PHILLIPS [redacted]
FREDRICK L. PICCO [redacted]
CHARLES E. PICKENS, [redacted]
ROBERT J. PICKEREL [redacted]
DARRELL E. PICKETT [redacted]
BILLY L. PIERCE [redacted]
DAVID S. PIKE, [redacted]
ROBERT K. PINKERTON, [redacted]
JEFFR PITSENBARGER [redacted]
NORMAN L. PIWONKA, [redacted]
KIM E. PLANK, [redacted]
ANTON W. PLONNER, [redacted]
DANIEL D. PODSIADLY, [redacted]
MICHAEL M. POINSKI, [redacted]
JAMES P. POPE [redacted]
HUGH D. PORTER, [redacted]
MICHAE PORTERFIELD, [redacted]
PATRICK G. POTTER, [redacted]
DANNY M. POWELL, [redacted]
FRIEDRICH T. POWELL, [redacted]
RICK L. POWELL, [redacted]
ALLYN R. PRATT [redacted]
MICHAEL L. PRICE, [redacted]
ROGER A. PRICE, [redacted]
PHILLIP D. PRIDE [redacted]
HUBERT J. PRIES [redacted]
GARY M. PROFIT, [redacted]
EDWIN M. PUCKETT, [redacted]
JOSEPH W. PUGH, [redacted]
WILLIAM R. PUPKE, [redacted]
DAVID E. PURTEE [redacted]
JAMES I. PUSWASKIS [redacted]
MICHAEL E. PUZIO, [redacted]
ANDREW H. QUIGLEY, [redacted]
ROY D. QUINN, [redacted]
RAYMOND T. RALETZ [redacted]
ALBERT W. RAMER, [redacted]
THOMAS G. RAMSEY, [redacted]
ROBERT W. RAMSLAND, [redacted]
MICHAEL L. RANEY, [redacted]
WILLIAM RAPPOPORT, [redacted]
PHILIP C. RASMUSSEN [redacted]
RICHARD A. READ, [redacted]
JOSEPH S. REDDING [redacted]
STEVEN L. REED [redacted]
TIMOTHY P. REGAN, [redacted]
THOMAS P. REIDY, [redacted]
RICHARD L. REINHART, [redacted]
WILLIAM F. REINHOLD, [redacted]
DON W. REYNA, [redacted]
GARY E. REYNOLDS [redacted]
JEFFREY C. REYNOLDS [redacted]
JOHN F. REYNOLDS [redacted]
ROBERT B. RICE, [redacted]
FREDERICK J. RICH [redacted]
GARY G. RICKMAN, [redacted]
ROBERT J. RIDILLA, [redacted]
JAMES F. RILEY [redacted]
RANDY M. RILEY, [redacted]
WILLIAM J. RILEY, JR [redacted]
CHARLES D. RIMEL [redacted]
NELSON S. RINGGOLD, [redacted]
STANLE RITTENHOUSE, [redacted]
JAIME O. RIVERA [redacted]
GARY B. ROBERTS, [redacted]
HAROLD E. ROBERTS [redacted]
KENNETH M. ROBERTS [redacted]
RYAN T. ROBERTS, [redacted]
THOMAS P. ROBERTS, [redacted]
VOLNER S. ROBERTSON, [redacted]

WILLARD M. ROBINS [redacted]
RICKEY C. ROCCIA [redacted]
STEVEN M. ROCHLIS [redacted]
CHARLES C. RODER [redacted]
TERRY L. RODERY [redacted]
DAVID A. RODGERS [redacted]
DANIEL M. RODRIGUEZ [redacted]
JOSE M. RODRIGUEZ [redacted]
ISRA RODRIGUEZSOTO [redacted]
CLIFTON H. ROGERS [redacted]
THOMAS M. ROMITO [redacted]
PIERRE G. RONDEAU [redacted]
DAVID H. ROOD [redacted]
JOSE M. ROSADO [redacted]
RAY G. ROTH [redacted]
JOSEPH P. ROUSSEAU [redacted]
ALBERT J. ROY [redacted]
DARMO M. RUBIJONO [redacted]
STEVEN A. RUEGNITZ [redacted]
TERRY S. RUHLEN [redacted]
JAMES P. RUPPER [redacted]
JAMES L. RUSSELL [redacted]
DAVID J. RUSSO [redacted]
MARK J. RUTHENBERG [redacted]
MARK H. RUTTER [redacted]
KENNETH T. RYE [redacted]
WILLIAM M. SAAD [redacted]
ALLAN A. SAARI [redacted]
JOHN C. SABAT [redacted]
DONALD H. SABATHIER [redacted]
DAVID V. SAITTA [redacted]
NICHOLAS SALAMONE [redacted]
MARY M. SALERNO [redacted]
LINO SALZANO [redacted]
WILFRED J. SANCHEZ [redacted]
KEVIN L. SANFORD [redacted]
ANNETTE M. SANSONE [redacted]
ELI SANTANANAZARIO [redacted]
MARK A. SATTERWHITE [redacted]
FREDRICK L. SAVING [redacted]
JOHN E. SAYERS [redacted]
BETTE R. SAYRE [redacted]
JOHN J. SCANLAN [redacted]
JOHN A. SCHAEFER [redacted]
STEPHEN D. SCHAER [redacted]
MICHA SCHANZENBACH [redacted]
ROBERT C. SCHARLING [redacted]
DOUGLAS F. SCHARP [redacted]
ROBERT H. SCHELLMAN [redacted]
MICHAEL W. SCHENK [redacted]
ROBERT W. SCHERER [redacted]
LARRY D. SCHIED [redacted]
JOHN W. SCHIFFELER [redacted]
STEVEN J. SCHMIT [redacted]
KARL F. SCHNEIDER [redacted]
ELIZABETH M. SCHOCK [redacted]
RANDY R. SCHOENFISH [redacted]
WILLIAM J. SCHORER [redacted]
GEORGE W. SCHREINER [redacted]
GLEN L. SCHUMANN [redacted]
FRA SCHWARTZENBURG [redacted]
JAMES V. SCOTT [redacted]
RICHARD L. SCOTT [redacted]
BERNARD SEIDL [redacted]
JERRY R. SEIM [redacted]
JACKIE L. SELF [redacted]
JAMES O. SELF [redacted]
GEORGE J. SEMLER, JR [redacted]
GLENN A. SEPTER [redacted]
ADRIAN J. SERAFIN [redacted]
DAVID E. SERVINSKY [redacted]
RONALD J. SEVIGNY [redacted]
JOHN B. SEWARD [redacted]
LARRY SHACKLEFORD [redacted]
RICHARD SHADDEN [redacted]
JERRY L. SHADDOCK [redacted]
WILLIAM E. SHANAHAN [redacted]
THOMAS L. SHELDON [redacted]
VICTOR L. SHELDON [redacted]
FREDERICK SHERMAN [redacted]
THOMAS B. SHERMAN [redacted]
JAMES H. SHIREY [redacted]
MICHAEL D. SHORT [redacted]
ROBERT R. SHUMAKER [redacted]
JACQUELYN K. SIEB, [redacted]
JAMES H. SIEVE [redacted]
JOHN W. SIMMONS [redacted]
PHILLIP J. SIMONSEN [redacted]
JAMES L. SIMPSON [redacted]
KENNETH SIMURDIAK [redacted]
ROBERT J. SINGLEY, [redacted]
SHERRILL R. SINK [redacted]
TIMOTHY J. SINNOTT [redacted]
PHILLIP L. SISK [redacted]
DAVID K. SITLER [redacted]
WILLIAM SKUDLAREK [redacted]
JAMES D. SKVARLA [redacted]
JAMES A. SLAGEN [redacted]
STEVEN A. SLEKIS [redacted]
BURTON L. SLY [redacted]
MARC J. SMALL [redacted]
CHARLES S. SMART [redacted]
CRAIG F. SMITH [redacted]
DONALD R. SMITH [redacted]
GREGORY G. SMITH [redacted]
GREGORY R. SMITH [redacted]
JOE SMITH [redacted]
KAREN D. SMITH [redacted]
MARK A. SMITH [redacted]
PERRY G. SMITH [redacted]
RICHARD L. SMITH [redacted]
ROBERT V. SMITH [redacted]

ROY C. SMITH, JR. [redacted]
THOMAS E. SMITH [redacted]
WILLIAM T. SMITH [redacted]
JAMES L. SNYDER [redacted]
RICHARD R. SOBCZAK [redacted]
ALAN D. SODERGREN [redacted]
JAMES S. SOURS [redacted]
EDWARD J. SPENCER [redacted]
RICHARD J. SPRAGUE [redacted]
WILLIAM SPRAITZAR [redacted]
MARK R. SPURGIN [redacted]
LARRY R. STALEY [redacted]
GEORGE B. STALLINGS [redacted]
SILAS J. STANDFORD [redacted]
JOHN L. STANLEY [redacted]
BRUCE A. STARKEY [redacted]
WILLIAM J. STARR [redacted]
ROBERT J. STARRETT [redacted]
ANDREW J. STATHIS [redacted]
DALE E. STATON [redacted]
GREGORY E. STAUFFER [redacted]
HENRY L. STAUFFER [redacted]
LAWRENCE W. STAYTON [redacted]
KENNETH J. STEEL [redacted]
LEE A. STEELE [redacted]
JACK A. STEIN [redacted]
JOHN H. STEPHENS [redacted]
DEBORAH STEPHENSON [redacted]
MICHAELROY STERN [redacted]
SVEN L. STERNER [redacted]
HAROLD K. STETSON [redacted]
OLIVER F. STEVENS [redacted]
DAVID H. STEWART [redacted]
GARY M. STEWART [redacted]
RANDY W. STEWART [redacted]
THOMAS G. STEWART [redacted]
DEAN F. STOLINE [redacted]
KRISTI STOLTENBERG [redacted]
FREDERICK J. STONE [redacted]
BARRY F. STOUT [redacted]
DAN H. STOUT [redacted]
JOHN T. STRAWBRIDGE [redacted]
DAVID E. STRECKER [redacted]
TRACY L. STRICKLAND [redacted]
PETER R. STROHM [redacted]
ROBERT L. STRONG [redacted]
THOMAS N. STROSSNER [redacted]
RALPH H. STUTZMAN [redacted]
RANDOLPH T. SUGAI [redacted]
TIMOTHY F. SUGRUE [redacted]
JEREMIAH SULLIVAN [redacted]
MICHAEL B. SULLIVAN [redacted]
RALPH M. SULLIVAN [redacted]
ROBERT W. SULLIVAN [redacted]
THOMAS E. SULLIVAN [redacted]
ROBERT W. SUMNER [redacted]
RONALD D. SURRENCY [redacted]
GLENN W. SUTPHIN [redacted]
ROBERT SWACKHAMER [redacted]
DORIS M. SWAIN [redacted]
DAVID N. SWANGO [redacted]
ROBERT L. SWARTWOOD [redacted]
BASIL O. SWEATT [redacted]
NELSON K. TANAKA [redacted]
KEITH H. TANOUYE [redacted]
DONALD A. TARDIE [redacted]
GREGORY S. TAYLOR [redacted]
DAVID P. TEBO [redacted]
THOMAS K. TERRY [redacted]
WILBURN L. TERRY, [redacted]
LAVOY M. THIESSEN [redacted]
GEORGE R. THOMAS [redacted]
JAMES E. THOMAS [redacted]
LARONE N. THOMAS [redacted]
VINCENT THOMAS [redacted]
BENJAMIN THOMPSON [redacted]
CHARLES E. THOMPSON [redacted]
EARL W. THOMPSON [redacted]
GEORGE C. THOMPSON [redacted]
KARL C. THOMPSON [redacted]
KENNETH P. THOMPSON [redacted]
FLETCHER THORNTON [redacted]
GARRETT W. THORNTON [redacted]
JOHN M. THORNTON [redacted]
GEORGE B. THORPE [redacted]
ROBERT H. THORSEN [redacted]
DAVID W. TIEKEN [redacted]
ROBIN C. TIMMONS [redacted]
RICHARD R. TINSKY [redacted]
CHARLES K. TOBIN [redacted]
MICHAEL TODOROVICH [redacted]
ALAN A. TOMSON [redacted]
DAVID E. TOOKER [redacted]
BRUCE I. TOPLETZ [redacted]
MICHAEL H. TORRENCE [redacted]
NELSON E. TORRES [redacted]
JOE J. TOWNES [redacted]
HOWARD E. TOWNSEND [redacted]
WAYNE C. TRADER [redacted]
JAMES R. TRIMBLE [redacted]
VICTOR M. TRINIDAD [redacted]
WILLIAM TROUMBLEY [redacted]
CARLO A. TROVATO [redacted]
DONALD R. TRYCE [redacted]
THOMAS G. TUCKER [redacted]
SUSAN TULL [redacted]
DAVID W. TURNER [redacted]
GEORGE D. TURNER [redacted]
HUGHES S. TURNER [redacted]
KAREN L. UBBENS [redacted]
DAVID M. UBER [redacted]
MARK S. URBAN [redacted]

RONALD W. URBAN [redacted]
JAMES L. USRY [redacted]
RICHARD R. UTTER [redacted]
JOSE M. VALLEJO [redacted]
TIMOTHY A. VALLEY [redacted]
BRUCE VANBEUSEKOM [redacted]
BARRY R. VANBUREN [redacted]
JAMES L. VANDAM [redacted]
THOMAS VANDENBOOM [redacted]
THOMAS VANDERPOOL [redacted]
PETER VANDERWERFF [redacted]
ERNEST L. VANHORN [redacted]
RUSSELL VANHOUTEN [redacted]
DARRELL K. VANNESS [redacted]
THOMAS R. VANTRE [redacted]
WILLARD G. VARIAN [redacted]
KATHLEEN L. VASBOE [redacted]
GUSTAVO A. VELEZ [redacted]
ANT VICENSGODZALEZ [redacted]
WINST VIDALGAMBARO [redacted]
JOHNNY M. VIRGIN [redacted]
JAMES F. VIVENZIO [redacted]
CLIFFORD C. VOLZ [redacted]
DANIEL VONDRACHEK [redacted]
JAMES M. WADDELL [redacted]
DENNIS A. WAGNER [redacted]
JERRY L. WALKER [redacted]
RANDALL L. WALL [redacted]
WILLIAM E. WALSH [redacted]
JEFFREY WALTEMYER [redacted]
RICHARD A. WALTER [redacted]
LARRY E. WALTHER [redacted]
MICHAEL P. WAMSLEY [redacted]
EDWARD E. WARD [redacted]
THOMAS J. WARD [redacted]
WILLIAM J. WARDROP [redacted]
DOUGLAS C. WARNECKE [redacted]
JAMES F. WARNER [redacted]
REGINAL WASHINGTON [redacted]
RICHARD P. WASKO, [redacted]
THOMAS W. WATERS [redacted]
DAVID L. WATSON [redacted]
THOMAS W. WATSON [redacted]
TIMOTHY P. WAYT [redacted]
HAROLD R. WEBB [redacted]
RONNIE WEDGEWORTH [redacted]
ROY L. WEEKS [redacted]
SUSAN A. WEIAND [redacted]
IRA K. WEIL, JR [redacted]
JOSEPH R. WEINSTEIN [redacted]
FREDERICK H. WELCH [redacted]
MERLIN E. WELCH [redacted]
JOHN C. WELLS [redacted]
JOHN F. WELLS [redacted]
ROGER G. WELLS [redacted]
JACK A. WERTHEIM [redacted]
GEORGE B. WEST [redacted]
WILLIAM J. WHALEN [redacted]
DAVID J. WHEEL [redacted]
GARY E. WHEELDON [redacted]
DAVID J. WHELAN [redacted]
WILLIAM J. WHITAKER [redacted]
JOHN T. WHITE [redacted]
NORMAN J. WHITE [redacted]
DONNELLY WHITEHEAD [redacted]
MARK E. WIDMER [redacted]
JAIME R. WILCZYNSKI [redacted]
ALAN R. WILDE [redacted]
ROBERT W. WILKINSON [redacted]
CARL A. WILLECKE [redacted]
JAMES WILLIAMS [redacted]
JOAN S. WILLIAMS [redacted]
JOHN D. WILLIAMS [redacted]
MARTIN C. WILLIAMS [redacted]
MCKINLEY WILLIAMS [redacted]
ROBERT B. WILLIAMS [redacted]
ROBERT J. WILLIAMS [redacted]
THEODORE WILLIAMS [redacted]
CECIL M. WILLIS [redacted]
JOHN F. WILLIS [redacted]
LARRY J. WILLIS [redacted]
GEORGE W. WILSON [redacted]
GINGER K. WILSON [redacted]
JACK M. WILSON [redacted]
JAMES C. WILSON [redacted]
LOUIS J. WILSON [redacted]
MICHAEL E. WILSON [redacted]
RONALD R. WILSON [redacted]
STEPHEN G. WILSON [redacted]
DANIEL L. WINEGRAD [redacted]
ROBERT C. WINES [redacted]
THOMAS D. WINFREY [redacted]
THOMAS J. WING [redacted]
THOMAS P. WINGATE [redacted]
MILTON H. WINGERT [redacted]
JOHN WINTERMANTEL [redacted]
DARRELL WINTERTON [redacted]
JOHN R. WISE [redacted]
TOMMY L. WISLEY [redacted]
RICHARD A. WOJEWODA [redacted]
WILLIAM A. WOLFF [redacted]
WALTER P. WOLFRAM [redacted]
SUN F. WONG [redacted]
BRUCE M. WOOD [redacted]
CONNIE L. WOOD [redacted]
JOHN H. WOOD [redacted]
WILLIAM S. WOOD [redacted]
JOHN P. WOODLEY [redacted]
MICH WOODSHUMPHERY [redacted]
TIMOTHY D. WOODWARD [redacted]
JUDY L. WORKMAN [redacted]
JOHN R. WORRALL [redacted]

LEON D. WRIGHT [redacted]
ARTHER YARZUMBECK [redacted]
JAMES L. YATES [redacted]
GARY R. YOSHIZUMI [redacted]
ROBERT E. YOUNG [redacted]
TIMOTHY W. YOUNG [redacted]
HENRY F. ZALAK, JR [redacted]
JOSEPH A. ZALATAN [redacted]
MICHAEL H. ZANG [redacted]
FREDRIC R. ZELCH [redacted]
KENNETH W. ZIESKA [redacted]
JOSEPH P. ZOCCHI [redacted]
BRUCE E. ZUKAUSKAS [redacted] +

EXTENSIONS OF REMARKS

A CALL FOR NEW POLITICAL TALKS ON NORTHERN IRELAND AND THE CONDEMNATION OF VIOLENT TERRORIST ATTACKS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. FOLEY. Mr. Speaker, today I call on the political parties in Northern Ireland which condemn the use of violence to respond positively to the joint plea of the Irish Deputy Prime Minister and the British Secretary of State for Northern Ireland to resume anew political talks on the future of Northern Ireland.

It is imperative to renew efforts to seek a lasting and peaceful settlement for the North that addresses the needs and lays to rest the apprehensions of both traditions in Northern Ireland. The urgency of talks has been emphatically brought home to all parties and to both governments by the vicious murder and terrible maiming last week of children and other innocent bystanders by an IRA bomb placed in a crowded shopping center in Warrington, England.

Such senseless savagery resolves nothing. It and similar attacks by loyalist paramilitary groups—such as the bombings this week of the homes of Sinn Fein councillors in Northern Ireland by the Ulster Freedom Fighters—produce no victories, only victims. The outrage of the Warrington bombing, and of those atrocities of either camp which preceded it, must produce the broadest possible condemnation amongst all who claim the mantle of civilization. These villainous attacks are a grim and signal lesson to anyone who, through financial or other assistance, supports groups and organizations supplying the wherewithal to perpetrate the terrorist's cowardly, despicable attacks against humanity.

The goal of peace and reconciliation in Ireland will not be won through killings by small groups of violent men bent on the eradication and eviction of those with whom they disagree. It can only be achieved by bridging mistrust and by respect for differences. The demonstration organized in Dublin yesterday rejected the tactics of terror. That cry of revulsion, that demand for peace, is the true voice of majority opinion in Ireland, north and south. That is the voice which must be heeded in a strong recommitment to dialog and an end to the coercion of violence which, in the end, always fails.

THE UNITED STATES STAKE IN A DEMOCRATIC RUSSIA—STATEMENT OF DR. JAMES H. BILLINGTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LANTOS. Mr. Speaker, yesterday the Subcommittee on Europe and the Middle East, which is chaired by our distinguished colleague from Indiana who also chairs the full Foreign Affairs Committee, Congressman LEE HAMILTON, and the Subcommittee on International Security, International Organizations, and Human Rights, which I have the honor to chair, held joint hearings on the United States Stake in a Democratic Russia.

Our hearing was particularly timely in view of the dramatic developments that have unfolded in Russia in the past few days. We had an excellent discussion of the American interest in democratic political development and market-oriented economic reform in Russia, as well as a discussion of the policies our Government should pursue to encourage democratization there. These critical questions involve decisions we in the Congress will be asked to make in the near future—decisions involving American financial assistance and other kinds of aid. It is important that we have a clear understanding of what are United States interests in Russia, as well as what kinds of policies we should pursue in helping the development of democracy in that country.

Mr. Speaker, in view of the timeliness of the presentations that were made by our witnesses at yesterday's hearing, and also in view of the fact that the full printed transcript of that hearing will not be available to Members of the Congress for a number of weeks, I insert the statement to our subcommittees by Dr. James H. Billington in the CONGRESSIONAL RECORD.

Dr. Billington, as my colleagues know, is currently the Librarian of Congress, but he is also one of the finest American historians of Russia and the Soviet Union. His insight into developments taking place in Russia is extremely informative and knowledgeable. Mr. Speaker, I urge my colleagues to give thoughtful and careful attention to his written testimony which was presented to our subcommittees.

STATEMENT OF JAMES H. BILLINGTON

Only very occasionally in history does a great nation take an entirely peaceful action that liberates and ennobles not only its own people but all peoples. The Russian people undertook such a step in 1991 when they overthrew their totalitarian system and embarked on a program of democratization and market reforms internally while permitting the secession from Russian control of all the non-Russian republics of the former Soviet Union.

Just as Soviet totalitarianism was an altogether unprecedented phenomenon in history (not just another form of authoritarian rule), so the transformation process that Russia is now going through is a totally new process in history. It should not be discussed in terms of comparisons with Western democratic analogies and will never be understood by the forms of analysis we repeatedly use in the West: political Kremlinology focused on personalities; macro-economic analysis focused on programs; or historical analogies focused on past revolutions.

The fact is that Russia is being both driven ahead and driven apart by the kind of deep psychological and cultural forces that come to the fore at genuine break points in human history, when there is a breakdown in the basic legitimacy on which all structures and authority depend.

Whatever the setbacks to reform in 1992 and 1993, August 1991 began the revival of the Russian people and was a turning point from which there is no turning back. The convulsion of Eastern Europe in 1989 and the Westernized republics of the USSR in 1990 reached its politically decisive climax in Russia in 1991. But the failed coup not only brought an unexpected, simultaneous end to the largest empire (the Soviet Union), the most influential secular religion (Communism), and the most powerful political machine (the Soviet Communist Party) of the 20th Century; it also marked the resurgence of the hitherto quiescent Russian people who had both created and been victimized by all three of these forces. The collapse of Communism and the Soviet Union intensified the Russian search for a positive new identity.

The crucial question for determining the fate of Russia is not this or that personality or economic program but which of two basic identities will give post-Communist Russia the geographic, psychological, and administrative coherence and unity it now lacks: authorization nationalism or open democracy?

There is a colossal struggle going on essentially between two forms of legitimacy: either one based on Russia's long centralized authoritarian heritage that glorifies ethnic Russia in opposition to other groups and attempts to cleanse Russia by creating internal purges and external enemies; or a new mark-oriented democracy based on participation, accountability, and building new institutions from the bottom up—with its "cleansing" of the Soviet past based on the rebirth of conscience and the transcending of social violence. The events of August 1991 moved Russia rapidly from a crude attempt at the former to an amazingly swift victory of the latter. The democratic forces gained legitimacy; but without an effective program for reconstruction, they have been steadily losing ground. Authoritarian nationalism has been winning by gradual, pseudo-constitutional steps what it was unable to win by military force.

Three political forces have recently been contending to preside over the Russian transformation: democratic reformers, authoritarian nationalists, and the so-called "middle way" of authoritarian reformers. None, however, has yet combined legitimacy with effectiveness internally, and each is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pushing Russia (consciously or unconsciously) toward an external model.

The nationalists have an increasingly popular form of legitimacy without any prospect of effectiveness. They would have Russia play a role inside the former USSR like that of Serbia in the former Yugoslavia.

The authoritarian reformers (typified by the so-called "Civic Union") offer the minimal managerial effectiveness of old-line party bosses but have no legitimacy whatsoever. The secret model for many (and the likely result for Russia) is accelerated movement toward the Chinese combination of openness to the international economy with renewed internal repression.

The democratic reformers have legitimacy (Yeltsin is the only legitimate political leader) without, however, much effectiveness. Their aim is to recover Russia's lost spiritual and cultural traditions while moving Russia closer to western political and economic institutions. Particular interest in the American model is based not only on the classical Russian cultural tendency to borrow inwardly from the major power in the West that they outwardly oppose. It is also based on the rational belief of a new generation that the continent-wide, multi-ethnic, power-dispersing experience of the United States provides a more applicable Western model for solving Russian problems than the economically centralized and ethnically homogeneous experience of most other major nations.

Since legitimacy provides the most indispensable foundation for rebuilding a society (even economically), the democrats have an inherent strategic advantage over the authoritarian nationalists. But the tactical ineffectiveness of the democratic reformers has dissipated much of their appeal. By not pressing rapidly for a new constitution and free elections after their victory in August 1991 the democrats failed to create the legal and law-making framework for translating popular legitimacy into institutionally effective rule. They are paying for this failure now.

We do not realize the extent to which the over-all Western posture has demoralized the Russian democrats and helped legitimize the nationalists. After heroically repudiating their recent past and peacefully giving up a great deal of their territory, Russians felt humiliated to see their leaders treated almost as beggars at international gatherings and their people patronizingly dismissed in Western commentary as genetically incapable of democracy. Russians feel—correctly—that they overthrew Communism and in so doing performed a heroic deed (*podvig*), but that everyone in the West now seems to be taking the credit and responding only with "petty actions" (*malye dela*). "You spend billions on the sheiks of Kuwait," one Russian democratic leader put it to me in Moscow in December, "but give our democracy small change as if we were street people whom you want to go away."

Russia, however, is too big to go away, and its democratic reformers have been devastatingly deflated by two messages that the West has unintentionally sent the Russians during their first year of attempted democratic rule.

First is the impression that the West does not much care if Russia does become either another Serbia (since we are not doing anything to check the Serbs) or another China (since we are pouring investment into China despite its continued repression rather than into Russia's chaotic freedom).

The second message is that we simply cannot be bothered, that they made the mess and must unmake it themselves, and that, anyway, we have problems of our own. The assumption behind this view is that international dangers have ended with the Cold War and that we will not have to worry about Russia for the 10 years or so it will take them to get their economic act together.

This view mistakes an awakened Russia for a third world country and overlooks a host of increasing dangers from spreading ethnic conflicts, dispersed strategic weapons, unstable nuclear power stations, etc. Most seriously of all, this dismissive attitude assumes that Russia as presently set up can somehow muddle through.

The sad fact is that democratic Russia cannot muddle through. Countries with strong institutions and a social consensus muddle through, but Russia has neither. Nor does Russia yet have real political parties—or even unifying, nation-wide structures capable of supporting democratic development such as Poland had in the Catholic Church and the Solidarity trade union movement.

The Russians as a people will, of course, survive. They slogged on to ultimate victory despite frequently poor leadership during the far more dreadful times of World War II. And, in the long run, the transformed, reform-minded younger generation is actuarially bound to prevail.

But Russia has not yet built effective national institutions for an accountable, participatory political system with an open economy. And, since the all-out internal political war on the Yeltsin government began late last autumn, Russia has been on a steady path towards authoritarian nationalist rule. This basic, chilling fact has not been widely recognized because we have simply not understood either the power and appeal of the extreme nationalistic movement or the extent to which the so-called parliament has become captive to this movement.

The last two sessions of the Congress of People's Deputies (in December and March) were almost entirely devoted to nationalistic demagoguery and the evisceration of Yeltsin's authority. But this is nothing new for this reactionary vestige of Communist rule—a body composed of 86% former Communist *nomenklatura* insiders who, even before the August 1991 coup attempt, tried to thwart the development of the popularly-elected presidency which gives Yeltsin his legitimacy. In the first hours of the August 1991 coup attempt, leaders of the Russian parliament (a far more reactionary body than the all-union parliament) initially tried to block even Yeltsin's decision to resist the coup.

Reactionaries in Russia openly talk about the "Pinochet variant" and the "Chinese model" for reinstating order in society. The brilliant writer and Yeltsin advisor, Yury Kariakin, warned at a conference here in Washington on January 15 that the danger in Russia would be not fascism on the Italian or Spanish model but full-blown Nazism, complete with ethnic cleansing. For nearly a year now, the Russian parliament has become a kind of demagogic theater in which ambitious, young political leaders, some of whom were formerly reformists, are playing with extreme nationalist slogans—one of them even bragging recently in the corridors that they would turn Yeltsin "into our Hindenburg."

Yeltsin's move provides the best, probably the only basis for securing a real compromise with the parliamentary politicians to preserve the reform process. Because none of them individually nor all of them collectively has Yeltsin's popularity, they are frightened by any popular referenda; and they lack either the unity or the raw courage to mount a military coup. Thus, in a chaotic situation that cried out for a strong interim leader, Yeltsin has preempted that role in the name of continued reform—a role that might otherwise have been claimed by a dangerous nationalist demagogue with an unreconstructed totalitarian mentality. Yeltsin has, indeed, created the conditions at last for a compromise that is not simply a further installment payment in his own surrender. We must hope that he will keep this option open—while continuing the pressure he must bring on that vacillating body by appealing over their heads to the electorate.

There are, of course, risks involved in the course Yeltsin has taken. It would have been better had he indicated a clear timetable for elections for both a new chief executive and a new legislature. And there is even a risk that his own rule could eventually replicate many features of the nationalistic dictatorship he is currently trying to forestall. But Yeltsin has kept the peace both internally and internationally and he has irreversibly crossed the Rubicon of reform in ways that others have not. The most important security guarantee for America and the world against the continuing nuclear danger lies in sustaining the progress toward democracy that Yeltsin and his reformers have begun. In the long and depressing history of how wars actually start in the modern age, there is one encouraging fact: democracies do not fight each other. Free people want to develop their own economies freely and celebrate their own beliefs and cultures fully. Russia in its brief post-Communist reform period has come up with a formula for the future that is entirely affirmative. Russians are seeking both to share in the democratic and market development of the post-war world that totalitarianism so long denied them and at the same time to recover the inspiring power of their own older religious traditions and cultural heritage which Marxist ideology so long suppressed and distorted.

This great people is, of course, experiencing difficulties in making its transition from an overcentralized, war-oriented economy. We know that Russians have suffered many specially difficult transitions in their long and heroic history. But this is a different legitimacy crisis from the original Time of Troubles that ushered in 304 years of Tsarist rule under the Romanovs at the beginning of the 17th Century or from the period of revolutionary crisis at the beginning of our century which ushered in 74 years of totalitarian rule under the Communists. The situation today is profoundly different now from those times and indeed from that other special ordeal that Russia endured during its heroic resistance to Nazism in World War II.

In contrast to all those earlier crisis periods, Russia is no longer threatened by external enemies or foreign intervention in its internal affairs. It is free at last to concentrate on its own internal development. The civilized world unanimously supports the democratic transformation of Russia. The process of democratic transformation has produced remarkable good feeling between Russia and its neighbors on the once warring Eurasian heartland where so many global conflicts have occurred. The only threat to a new era of peace in this area comes from the violent, negative nationalist extremisms that represent a throwback to the ethnic and religious violence of a past era. The world community no less than the peoples of the Commonwealth of Independent

States have a great stake in making sure that the kind of ethnic violence based on force against neighbors and the "ethnic cleansing" of minority groups that we have so tragically seen in Yugoslavia do not occur. There has been ethnic conflict in some parts of the former Soviet Union, but to the great credit of the new democratic process in the Russian federation, there has been no serious violence between Russians and non-Russians.

There are two compelling reasons why America and the other G-7 nations must undertake now a substantial, rapid and coordinated program of assistance in the development of Russia and the other states of the Commonwealth of Independent States.

(a) because there is a danger—what Holmes once called a clear and present danger that in the midst of all their present difficulties the democratic process in Russia may be destroyed by nationalist extremists who are trying to reinstitute an authoritarian government that would dangerously increase the risk of ethnic warfare on the territory of the former Soviet Union. The consequences could be disastrous—not merely nuclear weapons back in hostile hands, but almost certain conflict between Russians and non-Russians as well as the rise of a new authoritarianism in the new Islamic states of the former Soviet Union (and a tipping of the entire Middle East more towards a negative nationalism and fundamentalism that they have so far avoided—the Iranian rather than the Turkish model). If the democratic experiment fails in Russia, the United States and the West generally could be forced to go back to even higher military budgets than we faced during the Cold War. We would be faced not just with a return to the kind of gradually declining Communist government that we had learned how to deal with, we could well be faced with a new kind of fascist-military government fueled by racist feelings and hatred of foreigners—a kind of violent nationalism we have not had to deal with since Hitler.

(b) but we should become involved also because there is a great opportunity for constructive involvement in what could be the greatest new economic market and successful new federal democracy of the late twentieth century. Helping Russia economically will produce jobs for Americans, because the things Russia needs to develop are what America has: skill in producing food, housing, and consumer goods; in extracting energy resources; and in developing local entrepreneurship and self-reliance. In the long run, Russia will produce a new dynamic market democracy of their own—because that is what the younger generation wants and is already building from the bottom up. But they will do it more quickly and less disruptively for the world if they are able to avoid the period of chaos leading to dictatorship into which they are at increasing risk of falling into. A small amount of money and—more importantly—human contact and on-the-spot technical help now is a very good investment not only in preventing the massive military expenditures that we might otherwise need to combat a nationalist dictatorship; it is also a solid economic investment for the future. Russia is not a backward country but simply one that has suffered from cruel and inefficient misrule. It is a country with some of the greatest natural resources and one of the most educated populations in the world. They have come alive as a people and become aware of all that modern life can offer. They will not go back to Communism, but they would move on to an extremist nationalist dictatorship for a time if the democratic experiment does not produce more positive results in the lives of everyday people than it yet has.

Much more needs to be done to show international solidarity with the reform process in Russia. It is particularly important now in my view to establish a Marshall Plan-type mechanism (not necessarily Marshall Plan level resources) perhaps under Basket Two of the Helsinki Final Act to involve Russians and other CIS members together with Americans and other G-7 members in a high-level policy committee to coordinate a cooperative effort at economic and political development of the former Soviet Union. We urgently need an international body that is more politically powerful and less economically controlling than the IMF that will focus on the continuous development of Democratic Russia with Russians themselves playing a central role as Europeans did in the Marshall Plan.

We need targeted programs in a couple of areas that could have rapid impact on the economy: the food chain and the energy chain, for instance.

Technical aid during the coming planting season to key private farmers, supplying storage and delivery equipment, etc., would have immediate impact in putting more food on the urban table and validating an alternative model that works to undermine the leaden political and economic hold of the collective farms. American retired farmers and other experienced people could work with some key sector of the changing agricultural sector on the spot from the forthcoming planting season through the coming harvest.

Pushing to closure a deal or deals in Russia like the Chevron-Kazakhstan energy deal would give Russia an example of how private enterprise serves not just to extract natural wealth but also to build a human infrastructure of hospitals, environmental stations, etc.—and an increased capability to export oil and gas would provide the quickest and most substantial new infusion of hard currently.

We need greatly increased exchanges—and a national spotlight on the various kinds of exchange and private aid programs already flourishing: sister parish programs with churches, sister city programs that could expand in scope, student exchanges under the Freedom Support Act, and above all, immediately needed crash programs to bring over Russian manager-entrepreneurs for short, intensive work visits. The Texas-based and privately funded Freedom Exchange will bring 10,000 Russians over this year and requires just a word of support from Washington. All of these programs help develop the forces of reform growing from the bottom up and will have a long-range positive impact on whatever happens at the high political level.

The new generation of Russians needs to be rapidly exposed to the full range of private and local institutions that make for an effective pluralistic democracy. Russians have been less exposed to America in the last 80 years than the people of any other great nation, and direct human contact with America is one investment that is this sure to bring positive results whatever path Russia is to follow in the short run.

Greater American and G-7 involvement in Russia is indispensable, particularly during the present crisis period. While a greater Western role cannot ultimately determine the future form that a resurgent Russia (and the other national republics) will take, the democratic West stands to be discredited for years to come if democracy fails in Russia.

In addition to rolling over debts and other economic measures, a treaty of friendship and long-range cooperation based on an endorsement of the reform program might also help the beleaguered Russian democrats. Far from competing with domestic needs, increased immediate investment in Russia would mostly involve training and linkages that could also benefit Americans—and would save us the massive additions we would have to make to our defense budget if Russia took an authoritarian turn.

Much of the democratic movement comes from Siberia; and in some dark Siberian versions of Russian folklore, the savage bear was originally just an ordinary man. But when he was denied the bread and salt of simple human hospitality by his neighbor, he retreated in humiliation into the forest and returned unexpectedly in a transformed state to take his revenge.

MIMI BARASH COPPERSMITH FREDMAN: A WOMAN AHEAD OF HER TIME

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mrs. LOWEY. Mr. Speaker, I rise to salute the accomplishments of Mimi Barash Coppersmith Fredman, who will be honored on March 31 at a testimonial dinner in State College, PA. The dinner will recognize Mimi's life-long work on behalf of the Hillel Foundation of Pennsylvania State University. All of those gathered there should know that they are honoring a woman ahead of her time. Indeed, Mimi has been in the vanguard of many important endeavors. In each instance, she has shown a passion and vigor that has made a real difference in the lives of others.

Mimi's work with Hillel is typical of all the charitable work she has performed throughout her life. In addition to her tireless activity on behalf of Hillel and the students of Penn State, Mimi has served on numerous boards for civic, professional, and charitable groups. She served for 8 years on the Pennsylvania Commission for Women and for 3 years on the board of directors of the Ben Franklin partnership. Since 1976 she has served as a trustee of the Pennsylvania State University and, in 1991, was elected president of the board of trustees.

I simply cannot enumerate all of Mimi's charitable activities. Suffice it to say that there is virtually no worthwhile cause in the State College, PA, area that has not benefited from her hard work and dedication.

In addition to her charitable work, Mimi is a successful businesswoman. Mimi has served as chief executive officer of Barah Advertising and Morgan Signs. In her professional life she is not only a success but a role model for others. She has been so successful that in 1981 the Small Business Administration named her as Pennsylvania's small businessperson of the year.

Since her marriage to one of my closest friends, Justice Samuel G. Fredman of the New York Supreme Court, Mimi has become an integral part of the New York community. Working with Sam, Mimi is doing tremendous good in numerous ways in Westchester County, which is now her second home.

I am pleased to join my colleagues and Penn State Hillel in honoring Mimi Barash Coppersmith Fredman. She is a true woman of valor and I'm proud to call her my friend.

IN RECOGNITION OF MIMI BARASH COPPERSMITH FREDMAN

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. CLINGER. Mr. Speaker, I rise to join my colleagues in recognizing Mimi Ungar Barash Coppersmith Fredman for her outstanding record of service to her community and our Nation.

Our recognition of Mimi is very timely, as she has just recently completed a term as president of the board of trustees of the Pennsylvania State University. I understand a gala has been planned for Wednesday, March 31st, in State College, PA in her honor. I hope this recognition of her extraordinary life will be shared with Mimi, her family, and friends at the gala.

A native of Kingston, PA, Mimi married Sy Barash, a fellow Penn Stater in 1954. Together, they opened their own advertising agency and billboard company in the basement of their home in 1959. Today their companies employ over 60 people, and include Barash Advertising, Morgan Signs, Barash Specialties, Town & Gown magazine, and "Where & When", Pennsylvania's travel guide. Headquartered in State College in the Towers, a seven-story office and residential condominium Mimi built in 1988, the Barash Group also has offices in Philadelphia, Johnstown, and Altoona.

One of the biggest setbacks of Mimi's life came in 1975, when Sy died after battling cancer for more than 2 years. Together, Mimi and Sy had volunteered countless hours to the local chapters of the United Way, the Chamber of Commerce, the American Heart Association, and the Cancer Society. After his death, Sy's fraternity, Beta Sigma Beta, helped Mimi establish the Sy Barash Regatta benefitting the Cancer Society.

In 1978, happiness returned to Mimi's personal life when she married Johnstown attorney and Pennsylvania State Senator W. Louis Coppersmith. They shared a love of politics, community service, and each other for 11 years until he passed away in 1989.

Today, Mimi and her husband, Judge Samuel G. Fredman of the New York Supreme Court, continue to build upon the legacy of public service that Mimi began many years ago.

Mimi continues to serve on the board of trustees at Penn State, and serves on the boards of directors of the Pennsylvania Chamber of Business and Industry, Pennsylvania Centre Stage, and Allegheny Highlands Theatre. She also serves on the board of directors of the Renaissance Scholarship Fund.

Mimi's dedication to her community, and her ability to succeed in spite of difficult obstacles has won her many awards. She has been named Distinguished Pennsylvanian, Pennsylvania Small Business Person of the Year, Distinguished Daughter of Pennsylvania, and has received Penn State's Lion's Paw Medal.

Mr. Speaker, thank you for the opportunity to join my colleagues in Congress in recognizing Mimi's record of public service. It has been a pleasure and an honor to know Mimi and to share with you the outstanding accomplishments of this remarkable woman.

TRIBUTE TO MIMI BARASH COPPERSMITH FREDMAN

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. COPPERSMITH. Mr. Speaker, I join my distinguished colleagues from the State of New York and the Commonwealth of Pennsylvania, Mrs. LOWEY and Mr. CLINGER, in saluting the accomplishments of my stepmother, Ms. Mimi Ungar Barash Coppersmith Fredman, the honoree at a testimonial dinner on March 31 in State College, PA. That dinner will salute Mimi's customary tireless and effective work on behalf of the Hillel Foundation at Pennsylvania State University. In addition to her work for Hillel at Penn State, I also want to salute Mimi's accomplishments for her business, her university, and her community.

Mimi and her first husband, Sy Barash, founded Barash Advertising, a small State College agency, and operated an outdoor advertising firm, Morgan Signs, since 1960. Since Sy's death in 1975, Mimi has served as chief executive officer of both firms. In 1981, the Small Business Administration recognized her success and skills by naming her as Pennsylvania's Small Businessperson of the Year.

Since 1976, Mimi has served as an elected alumni trustee for the Pennsylvania State University, and is currently serving her sixth consecutive 3-year term on the board of trustees. From 1988 through 1990, she served as vice-president of the board, and in 1991, began 2 years of service as president of the board of trustees at Penn State. The university has benefited greatly from her leadership and foresight. Moreover, many students have benefited directly from Mimi's efforts to organize and fund the Renaissance Scholarship Program at Penn State.

Finally, Mimi has served her community through service on numerous boards for civic, professional, and charitable groups. To note only two, Mimi served for 3 years on the board of directors of Pennsylvania's highly acclaimed Ben Franklin Partnership, and for 8 years on the Pennsylvania Commission for Women. Many other organizations have gained greatly from her enthusiasm, knowledge, and support.

I know Mimi best from her marriage to my late father, W. Louis Coppersmith. She brought much happiness to his life and spiffed up his wardrobe considerably, not necessarily in that order. In 1990, Mimi married Samuel G. Fredman, now a justice of the Supreme Court of the State of New York. Her life, in addition to her great accomplishments, stands as living proof of the dictum that if you must be a Republican, at least marry Democratic.

I am proud to join my colleagues and the Penn State Hillel Foundation in saluting Mimi Fredman for her achievements, charitable efforts, and peerless record of service to town, gown, State, and Nation.

A TRIBUTE TO THE RETIREMENT OF FRANK CAMPBELL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MICHEL. Mr. Speaker, on March 12, 1993, there was a tribute dinner for Frank Campbell at Bradley University Ballroom in Peoria, IL.

The dinner was to honor Frank for his lifelong dedication to improving the social and economic conditions of blacks and other similarly disadvantaged people around out tri-county Peoria area.

I would like to insert the introduction of the tribute dinner program so that my colleagues and others around the country can read of the fine work and outstanding loyalty of my constituent Mr. Frank Campbell.

TRIBUTE TO FRANK CAMPBELL

Frank Campbell, former President of the Tri-County (Peoria) Urban League, Inc., came to Peoria in 1965 to administer the Urban League's programs for improving the social and economic conditions of blacks and other similarly disadvantaged people.

Mr. Campbell is a graduate of Dillard University of New Orleans, Louisiana, where he received his B.A. Degree in Sociology in 1952. In 1954, he received the M.A. Degree in Labor and Industrial Relations from the University of Illinois, Champaign-Urbana, Illinois. He has done advanced study at Washington University in St. Louis, Missouri, and Bradley University in Peoria, Illinois. He is a graduate of the National Urban Leagues' Management Training and Development Center, the IBM Community Executive Program, and the Senior Executive Workshop of the Leadership Development Center of Peoria. Mr. Campbell is also a member of the President's Council of the Leadership Development Council.

Prior to coming to Peoria, Mr. Campbell held the position of Executive Secretary of the St. Louis Council on Human Relations. His responsibility in this post was to administer St. Louis's Fair Employment, Public Accommodations and Fair Housing Laws. Before joining the St. Louis Council on Human Relations, he was Industrial Secretary of the Urban League of St. Louis for eight years.

Mr. Campbell is a consultant to industry and government. He has served as a consultant to the Community Relations Service of the U.S. Conference of Mayors and many corporations throughout the Midwest. In 1962, at the request of Vice President Johnson, Mr. Campbell served as a consultant to the U.S. Department of Labor on manpower utilization. His lectures have been delivered at such institutions as Bradley University, the University of Illinois, the University of Iowa, Southern Illinois University, Washington University, Sangamon State University, St. Louis University, and Dillard University.

While attending Dillard University in New Orleans, Louisiana, Mr. Campbell met and married the former Gloria Jean Carruthers.

They have three adult children: Frank, Michael, and Angela, and two grandsons, Kyle McElroy, Jr., and Franklin Campbell.

In addition, Mr. Cambell's affiliations include the Peoria Economic Development Council, Peoria Area Chamber of Commerce, Private Industry Council, College of Business Administration, National Council of Advisors of Bradley University, Creve Coeur Board of Governors, and he is an active member of Ward Chapel AME Church, where he serves as a trustee.

BISHOP J.P. MORGAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a moment to recognize a great humanitarian, Bishop J.P. Morgan of the Church of God in Christ, Second Jurisdiction of Massachusetts. Bishop Morgan came to Springfield in 1960, from New Haven, CT, to pastor the church in a house on Quincy Street. After a few years in that humble mission, Bishop Morgan purchased a new building at 57 Bay Street and expanded his ministry.

Since Bishop Morgan came to the city of Springfield, he has been deeply involved with the community, and follows the heartbeat of the community. He is the president of CRACK—Community Resources Against Community Killers—and also heads the board of directors of the Springfield Action Commission.

Bishop Morgan's humanitarian efforts do not stop there however. He is also an advocate for the financially disabled, an active member of the Springfield Health Council, as well as the fight back crime prevention program, and has helped organize his church to donate food baskets to the needy during the holidays.

Pastor Morgan has been a bishop since November, but the installation ceremony will be March 26 at 2 p.m. at the Holy Trinity Church. Bishop Morgan will continue to pastor the church, a ministry which he helped build from a small mission church with nine members when he arrived in 1960 to about 500 members today.

Mr. Speaker, I salute Bishop Morgan for his important dedication to the community and for beginning to organize and deal with problems in society such as drugs, teenage pregnancy, and poverty. He is well loved by his family, friends, and his brethren in the gospel. Well known, for his fairness to all, he continues to emphasize that he is but a humble servant enroute to the kingdom of heaven.

HENRIETTA, NY, CELEBRATES ITS 175TH ANNIVERSARY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Ms. SLAUGHTER. Mr. Speaker, as the Congresswoman for the 28th Congressional District of New York State, I am proud to share with my colleagues in the House of Representatives some news about an important part of my community—the town of Henrietta.

This year, the town of Henrietta, NY, is celebrating its 175th anniversary. What started as a single farm on New York's western frontier has grown into one of the most progressive communities in the country. Under the guidance of its elected leaders, currently led by Supervisor James R. Breese, and including council members Marilyn J. McGill, David T. Pillittere, William J. Mulligan, Jr., and John J. Howland, the town of Henrietta has become a pleasing blend of residential, agricultural, commercial, and rural sections. Within its borders, Henrietta residents find all the amenities necessary for them to raise and nourish their families.

Henrietta was originally called the Woods of West Town, a part of Pittsford. However, residents were not granted full representation in Pittsford and so broke away and founded their own town in 1818. The name Henrietta was chosen in honor of Henrietta Laura Pulteney, Countess of Bath, England. Her father was one of the London associates who purchased a large section of the original Phelps and Gorham Purchase, which opened up western New York State for development. Henrietta is located in Township XII, Range VII, of that purchase.

Permanent settling began on both east and west sides of Henrietta in 1806. Farming was the major occupation. In 1812, there were six asheries and three sawmills. About 1820, the first brickyard was built one-half mile west of East Henrietta Road at Lehigh Station Road. In the east Henrietta hamlet, many buildings were constructed of brick from this yard, such as the general store, the Monroe Academy, and headmaster's house. Small businesses began to flourish in both the east and west hamlets.

The first school was opened in 1809 on the Wadsworth Road near Stephens Corners. A public library was organized in 1919. Lending libraries were also established in district schools which continued for many years. The Monroe Academy was built in 1826, and was the first incorporated academy west of Canandaigua. It served Henrietta for 126 years until the first Rush-Henrietta Central School, the Charles H. Roth High School, opened in 1952. The academy burned down in 1974. The James Sperry Sr. High School was built in 1966, with several other junior and elementary schools being erected in this time period also.

The first religious group to organize in Henrietta was a Baptist society in 1912. Members met in each others' homes to worship. People of other faiths did this as well until they were able to erect buildings for their services. Today, many faiths have houses of worship in Henrietta.

During the 1950's, Henrietta experienced a burst of population growth as many new tracts of homes were built. Henrietta became known as an excellent place for young families to settle. Residential development continued to flourish over the years, and even today many upscale subdivisions are being constructed and occupied by eager new residents.

At the same time, many businesses recognized Henrietta as a desirable place to operate from, and more and more of them moved to the town. In the early 1980's, the opening of the Marketplace Mall made the area around Jefferson Road and West Henrietta Road one of the centers of commerce in Monroe County. This growth mushroomed with the opening of the Route 390 expressway which intersects the New York State Thruway in Henrietta, giving easy access to Henrietta from all directions. This led to Henrietta becoming known as the Crossroads of Monroe County.

Controlled but steady development of commercial districts, limited to appropriate areas, has provided the town with an expanding tax base. This has, in turn, provided the town's residents with the lowest taxes in Monroe County, another reason why many families settle in Henrietta.

Of course, an important consideration for those raising children is that a quality education is available to them. The Rush-Henrietta Central School District provides that to nearly 6,000 children. It is rated as one of the finest in New York State. In addition, Guardian Angels School and Good Shepherd School provide a parochial education to many children. When it comes to higher education, the town of Henrietta is proud to be home to the Rochester Institute of Technology. RIT offers specialized degree programs in a wide range of professional and technical fields at both undergraduate and graduate levels, including the only Ph.D. program in imaging science in the world. RIT's program of cooperative education, providing students with professional work opportunities as a part of their academic curriculum, is the fourth oldest and fifth largest in the Nation. Students from all over the United States and around the world come to Henrietta to study at RIT. There are more than 13,000 full- and part-time students enrolled at RIT from all 50 States and 77 foreign countries. RIT is also home to the National Technical Institute for the Deaf [NTID], a federally sponsored institution and the only institution in the world which provides postsecondary level technical and professional education for the deaf.

Today more than 36,000 people are proud to live in Henrietta. As they commemorate their 175th anniversary, they look back on a rich history and decades of progress. To celebrate, the 175th anniversary committee will plan events throughout the year, with a special event to mark the anniversary of the actual date of incorporation of the town—March 27, 1818. The committee members are Chairman Michael Yudelson, Town Councilwoman Marilyn McGill, Rev. Delbert Tiemann, Deborah Stendardi, Cheryl Albertson, Town Historian Helen Elam, Matt Hart, Robert Derrick, Marlene Wilson, Susan Halpin, Kathie Lawson, and Carl Busack.

I am very proud to represent the people of Henrietta, and invite my colleagues to join me in congratulating the town of Henrietta on the occasion of its 175th anniversary of incorporation and in wishing the residents and leadership of the town continued success and progress for their community.

CONGRATULATIONS TO OUR PROFESSIONAL LIFE UNDERWRITERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, during the week of March 15 to 21, Life Insurance Week was celebrated across the country. The life insurance observance provided consumers with a better understanding of life and health insurance and the role played by life underwriters. Life underwriters identify risks and offer solutions which protect and enhance the financial lives of individuals and businesses using life and health insurance and other closely related financial products. More families own life insurance than any other form of personal protection.

Life Insurance Week was sponsored by the National Association of Life Underwriters. The organization sponsors programs of professional and consumer education, community service and public information and is committed to enhancing the professional standards of those in life underwriting and protecting consumer interests.

On March 18, in my district, the members of the Newark Association of Life Underwriters honored one of its stalwart leaders. The 800-member association, organized in 1925, paid tribute to its membership and honored its executive secretary, Russell Welch, on his 85th birthday. Mr. Welch has given 25 years of service to the NALU.

Mr. Speaker, let me extend my hearty good wishes to the members of the Newark Association of Life Underwriters. I would especially like to recognize the officers, Lynne S. Crow, CLU, CHFC, president; Joseph R. Lagriola, first vice president; Leo J. Feeney, Jr., second vice president; Howard A. Udoff, RHU, third vice president; Jesse M. Branson, secretary; Michael J. Wells, treasurer; Ralph J. Lagriola, LUTCF, national committeeman; Benjamin J. Bishkoff, LUTCF, Brian Bushwell, John J. Doolan, MBA, Regina E. Dwyer, Louis G. Mattei, Robert Silberman, Craig L. Simmons, LUTCF, and Brian Vitale, directors. Mr. Speaker, I would like to pay special tribute to Lawrence E. Barnes, the NALU's immediate past president. Mr. Barnes is an outstanding young man who has served his community in an exemplary fashion.

MEL SWIG REMEMBERED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LANTOS. Mr. Speaker, on Monday, March 15, the flags above San Francisco flew at half-mast in honor of Mel Swig, a great friend of the city who died the previous day. He was 75. A famous hotelier, developer, civic leader, and philanthropist, Mel was a rock of the community. Mel was a personal friend, whom I have known since I arrived in San Francisco over 50 years ago. He will be sorely missed.

Born in Boston in 1917, Mel graduated in 1939 from Brown University. He served his country as an enlisted man in the Army during World War II. After the war, Mel made a name for himself developing property throughout the country.

While Mel was an extremely successful businessman, he was chairman of the board of Swig Weller and Dinner Development Co., he will probably be best remembered for generosity. He donated millions of his wealth, not to mention his energy, wisdom, and time, to various educational, religious, civic, and political organizations.

Mel was a trustee of Brandeis University, the Columbia Park Boys Club, and Brown University. He was also director of the American Association of Ben-Gurion University, the Koret Foundation and the National Jewish Democratic Council.

In addition, he was a past trustee or director of the American Friends of Haifa University, the American Jewish Committee, the Bay Area Council, the Boy Scouts of America, the Commonwealth Club, the Easter Seal Campaign, the Jewish Family Service Agency, the National Conference of Christians and Jews, the United Negro College Fund and a number of other civic organizations.

San Francisco lost a great and trusted friend when Mel passed away. He was, Mr. Speaker, an indomitable and irreplaceable force who greatly enriched the city of San Francisco and all of those who were fortunate enough to know him.

Mr. Speaker, Herb Caen, the San Francisco Chronicle columnist who knew Mel well, wrote a moving piece on his passing. I insert it in today's RECORD:

HERB CAEN—THE MOVING FINGER

A farewell salute to Mel Swig, one of the best friends this city ever had. He didn't talk about doing things, he simply did them. That was his style—direct, devoid of double-talk, sometimes blunt. Mel was tough, a guy who worked and played with fervor and despised losing and losers. "If you can't be number one," he'd say, "what's the point?" If anybody could beat cancer, I figured it had to be Mel. He didn't complain, he didn't explain, he just went about the grim business of trying to beat the rap in every way possible, "even though it may be 11–7 against." Seven and 11 were his favorite numbers. His business phone was 291–1107. He married Charlotte Mailliard at 11:07 a.m. on 11/7/88. Her license plate is 7 CMS 11. It was only at the end of his life that his numbers failed him. Melvin Morse Swig, age 75, died of cancer at California Pacific Med Center on Sunday night—at 11:07.

SSA DISABILITY DETERMINATION CRISIS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. STARK. Mr. Speaker, today I am introducing legislation that inaugurates the Supplemental Security Income's [SSI's] presumptive disability system into the Social Security Disability Insurance [SSDI] Program.

As you know, one of the biggest problems faced by the Social Security Administration [SSA] is the backlog of people waiting for a disability determination. President Clinton is asking for a fiscal year 1993 supplemental appropriation of $192 million to be used for overtime and additional staff to process disability applications, an increase of $120 million for fiscal year 1994 and an increase of $200 million in fiscal years 1995–98 for the processing of increased disability benefit claims. I support this move but we need to do more and to act more quickly.

It is cruel and unusual punishment to make people who have just suffered a disability that will destroy their careers and financial security wait months and months for a determination of whether they are at least eligible for Social Security disability payments. In many cases, the fact of disability is all to obvious—a long wait to make a determination is just a cruel tease.

The SSI program makes an initial determination that presumes a person to be disabled if they fit certain severe disability criteria. These people begin to receive SSI benefits immediately and the SSA has a 6-month period to make the final determination of eligibility using the SSA's definition of disability.

Being able to receive SSI benefits on the basis of a presumptive disability determination puts needed money into the disabled person's hands quickly. However, for a worker who has paid into Social Security and becomes disabled, there is no comparable process to quickly identify the people most likely to be eligible for DI benefits. My legislation would remedy this by providing for determinations of presumptive disability under title II of the Social Security Act in the same manner and to the same extent as is currently applicable under title XVI of such act.

This means that if a person is found to be presumptively disabled under title II and meets the requirements for entitlement to benefits, the individual will begin to receive benefits, after the initial 5-month waiting period required before DI benefits can be paid, for up to 6 months while the final determination is being made. And, if a person is presumed eligible to receive DI benefits, then their dependents shall also begin to receive benefits.

Also, if the final determination finds an individual's impairment does not meet the Social Security Administration's definition of disability, they and their dependents shall not be responsible to return the money they received during the presumptive eligibility determination period.

In some instances a person may be presumed eligible for SSI benefits before being found to be presumptively disabled under title II. In this case, the individual still will be entitled to only 6 months of presumptive disability benefits. In most States, while receiving SSI benefits, a person is eligible for Medicaid. Under this proposal, individuals who would have been eligible for SSI benefits, were it not for their receipt of DI presumptive disability benefits, would be deemed eligible for SSI, making them eligible for Medicaid in those States where SSI eligibility triggers Medicaid eligibility. When the final determination for DI benefits is made, the individual loses the Medicaid eligibility. Medicare will be provided to disabled workers and their dependents after they have been receiving disability benefits for

24 months, including the time they were receiving presumptive disability payments.

KILDEE HONORS RAPHY GOODSTEIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a young man in my district who is having his bar mitzvah, on Saturday, March 27, 1993, at Congregation Beth Israel, in Flint, MI.

Mr. Speaker, I have known Raphy Goodstein and his family for a number of years, and he is truly a remarkable young man. On Friday, March 25, 1993, Raphy Goodstein will become 13 years old, and 1 day later, he will celebrate his bar mitzvah. As he approaches this important milestone in his young life, a day of great reflection for Raphy and his family, I want to congratulate him for his commitment to completing the hours of study to complete this goal.

Raphy comes from a family that has been very active in our community, and at this young age, Raphy shows great potential to carry on the family tradition. The bar mitzvah ceremony symbolizes the transformation of the boy into the man in the Jewish religion. It takes many years of study, commitment, and belief in ones faith to reach this stage in a young man's life. Raphy exemplifies the positive of our youth today. He is an excellent student in school, he cares about his family and friends, and he gets along well with people of all ages.

Mr. Speaker, I would urge my colleagues in the U.S. House of Representatives to join me in honoring Raphy Goodstein for his first reading of the Torah. I look forward to watching him grow and the contributions that he will make to our community.

TRIBUTE TO THE VIRGINIA BANKERS ASSOCIATION

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. SISISKY. Mr. Speaker, I rise to pay a brief tribute to the Virginia Bankers Association. This year, the Virginia Bankers Association is marking their 100th year of service to the banks and citizens of Virginia.

I am very proud, especially as a Virginian, of the long commitment to the community, and the Commonwealth, that the Virginia Bankers Association has provided throughout its century of duty. It has played a vital role in educating and training future leadership in the industry.

The longevity of this association proves that they embrace tradition as well as innovation in dealing with the changes that have taken place in the business of banking. Over this period, the Virginia Bankers Association has continued to enhance the growth and prosperity of Virginia's economy. I know that this will continue for the next 100 years as well.

RESOLUTION HONORING VBA'S 100TH ANNIVERSARY PASSED

Whereas, a sound banking system is essential to the economic growth and prosperity of the Commonwealth; and

Whereas, through the initiative and persistence of private citizens, Virginia's first bank, in Alexandria, was established by Act of the General Assembly on November 23, 1792; and

Whereas, over the past 201 years, Virginia's bankers have played a vital and continuing role in the establishment, growth, and success of the Commonwealth's farms, businesses, and communities; and

Whereas, almost a century ago, on October 11, 1893, Virginia's bankers met to organize the Virginia Bankers Association, which in 1993 celebrates its centennial anniversary; and

Whereas, over its 100 years of service to the citizens of the Commonwealth, the Virginia Bankers Association has furthered and enhanced the integral contribution of Virginia's bankers to the overall growth and prosperity of Virginia's economy; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, that the Virginia Bankers Association be hereby commended on the occasion of its centennial anniversary; and, be it

Resolved further, that the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Bankers Association in recognition of its century of invaluable service to the Commonwealth and its citizens.

BRETT GALLEY OF LARGO, FL AWARDED EAGLE SCOUT HONORS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. YOUNG of Florida. Mr. Speaker, one of the greatest pleasures I have as a Member of Congress is to visit with our Nation's youth because they inspire me with their spirit and enthusiasm and their eagerness to be our Nation's next generation of leaders.

Every once in a while, though, I am struck by an especially outstanding student who has taken the calling of community service to new heights. Brett Galley of Largo, FL and a student at St. Petersburg Catholic High School, is a remarkable young man who has excelled in his studies, athletics, and in his service to our community. The latest honor accorded him was the presentation of his rank of Eagle Scout last week during the ceremonies of Boy Scout Troop 468 in Largo.

The community service project Brett took on as required by the Boy Scouts, was the designing and landscaping of the grounds at St. Petersburg Catholic. After 6 months of work, and 256 hours of volunteer service, he completed the project on his way to earning his Eagle Scout honors.

This was just one of many ways in which Brett has made an important contribution to our community. At age 12 he began his volunteer service at the Largo Medical Center, and since then has devoted more than 800 hours to assisting the patients and staff there in so many different ways. In addition, Brett works with patients at nearby Sabal Palms Nursing Home.

He also is an outstanding student and through the completion of a number of honors classes has earned a 4.15 grade point average on a scale of 4.0. He is as active in his school as he is in his community, serving as a class officer, treasurer of the Mu Alpha Theta math honor society, a member of the Interact and St. Vincent de Paul service clubs, a cheerleader, and as a top rated middle linebacker on the football team.

Although Brett says that community service is its own best award, he recently was honored with the receipt of the Ricky Bell Community Service Award Scholarship. This is an annual recognition given in memory of the former Tampa Bay Buccaneer running back who died of a rare blood disorder in 1984 after a short but great National Football League career. Ricky Bell touched so many people in the Tampa Bay area that this annual award is given in memory of that spirit of community service.

Mr. Speaker, following my remarks I will include for the benefit of my colleagues a story about Brett Galley by Bob Chick of the Tampa Tribune. It offers great hope to our Nation as Brett's generation prepares to assume a leadership role at our local, State, and Federal levels.

My best wishes and congratulations go out to Brett Galley, his parents, and their eight children all of whom share the same conviction that through community service they seek to make important contributions to their neighbors in need. For Brett, the next stop after high school is a college education at Princeton, Harvard, or Notre Dame where he hopes to play football. There is no doubt in my mind that Brett will excel in his studies and that we have not heard the last of this newly honored Eagle Scout.

LARGO TEEN FOLLOWS PATH OF CARING, SERVICE

(By Bob Chick)

LARGO.—The Brett Galley story is something that should be clipped and saved and probably brought out occasionally and read again.

It might give you a lift after you've digested the daily news. It is the cure for what you see on the talk shows. It has nothing to do with the way this whole thing is written, but it does have everything to do with its message of hope that shows in someone so young.

Brett Galley, you see, has followed one of those least-traveled roads.

At age 12, urged on by a sister, Amy, and a brother, Scott, he spent his first hours as a volunteer at Largo Medical Center Hospital. He transported patients, worked on the nursing floor and with the computer in the laboratory.

Community service was its own reward.

Pretty soon the volunteer hours began to build and his tight schedule squeezed even more.

Now his resume can't be digested in a quick gulp, though the selection committee for the Ricky Bell Community Service Award Scholarship seemed to be able to do it all right when they selected him over three worthy Tampa Bay finalists a short time ago. This, they decided, was, "the high school football player who best exemplifies the spirit of Ricky Bell by giving of himself for the benefit of the community."

Not me, Galley thought.

As he sat and filled out college applications, much like the award given in memory of the late-Tampa Bay Buccaneer running back, Galley, a high school senior, wasn't happy with his conclusions.

"I feel like I should be doing more," said Galley, St. Petersburg Catholic High School middle linebacker and team captain. "I don't feel I am doing that much."

Galley, dark-haired and muscular, was sincere. His voice was soft and compelling. And to talk about himself was all the worse.

Maybe it was easier to write he put in 800 plus volunteer hours at Largo Medical Center the past four years. Or to mention in passing he tutors twice a week after school with others in the National Honor Society.

That all fits in there somewhere, right next to the Eagle Scout award he received 10 days ago, a climax to six years of preparation.

For his major service project, required by the Scouts, he designed and landscaped the front grounds at St. Petersburg Catholic. That meant he had to get 300 plants donated, plus sod and a sod cutter and two truckloads of mulch. He rounded up 20 helpers, and poof, six months later it was finished. All told the project took 256 hours.

See how easy that was, he might be told. Write about something and it still remains distant. Talk about it and get close to it and you can almost get dirt under your fingernails.

Not to mention the times he has reached out and held someone's hand at the nursing home. He works part time at Sabal Palms and does those simple things with the patients that bring peace.

He said he liked it, or it was neat, or something like that, and now he often brings his sister and a little brother along with him as volunteers.

All this might have remained on paper if not for the Ricky Bell Scholarship and Les Roth, a former business associate and close friend of Bell. He took over the award a year ago for the simple reason: Bell should not be forgotten, not necessarily because of some fine seasons on the field, but for what he gave to the community.

Maybe it is forgotten by now that Bell used to visit hospitals, halfway houses and children's facilities two or three times a week.

"Ricky was an unusual guy," said Roth, who is in the shopping center business. "He knew he was lucky to be where he was, and he used his notoriety to help the community. His popularity was only a tool for what he could do for others."

Not all the Bell stories will surface, probably not the one about the letter he received from an elderly gentleman in Georgia who was terminally ill. He wanted an autograph, that's all. Please mail it back, if you can, he wrote.

Ricky Bell didn't just mail it back. During the weekly day off, he jumped in his car, drove the seven hours to the Georgia hospital, met with the man, sat and talked and later that day drove back to Tampa. Roth found out about it. Sometimes you never find out about these things.

Maybe, too, the names of Ron Bradley of Northside Christian School in St. Petersburg, Gavin Depew of Tampa Jesuit and Max Ayer of Bloomingdale High School in Valrico wouldn't have surfaced, either. They were the other finalists for the Bell award from an impressive field of 20.

The Galleys, and this family of eight children, probably would slip through the fabric as well. Amy Galley, 19, has 400 hours of service at Largo Medical, Scott, 16, has 850 and Tommy, 14, has 300 hours.

Susan Galley, mother of the clan, isn't sure where all this volunteer spirit came from, but thinks it has something to do with their roots back in Buffalo when neighbors helped neighbors.

There has to be a lot of team-building at home, too. Susan Galley drives anywhere from 75 to 100 miles a week transporting the kids from their Largo home to school in St. Petersburg at St. Jude and St. Petersburg Catholic. At age 42, she returned to school and graduated from St. Petersburg Junior College in May with a 4.0 average. Her husband, John, an accountant, is working part time on his master's.

Transportation becomes a problem. Brett Galley doesn't have a car. He rides a bike. Soon he'll run track again. He's treasurer of the Mu Alpha Theta, a math honor society. He's a cheerleader, won writing contests, has taken organ and keyboard lessons for nine years, served on the Art Club for a year and has been a member of the Interact and St. Vincent de Paul service clubs. He's been a class officer and attended leadership seminars.

At least his studies aren't a concern, or you might have guessed that. He has a 4.15 grade-point average on a 4.0 scale (the higher grades are for honor courses) and he could wind up at Princeton, Harvard or Notre Dame.

As a child he talked about being a doctor, said his mother. Recently he has talked about being a pediatric surgeon, but he's in no hurry because he wants to play college football and says he needs to gain another 20 pounds to reach 200 so he has a chance.

That probably rules out Notre Dame. He'd have to walk on at Princeton or Harvard. With college and football, time will be at a premium, yet not at such a premium he won't volunteer somewhere in the community. Projects need to be done everywhere.

Service has become a way of life, a life that makes a lot of other people feel better as well.

THE ENDANGERED SPECIES ACT PROCEDURAL REFORM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. FIELDS. Mr. Speaker, along with my distinguished colleague, BILLY TAUZIN, I am pleased to introduce today the Endangered Species Act Procedural Reform Amendments of 1993. This bill is of vital importance to millions of Americans.

In 1973, Congress approved one of the most far-reaching and powerful environmental laws in U.S. history—the Endangered Species Act. The fundamental intent of the act is to protect certain plants and animals from extinction. While protecting threatened and endangered plants and animals is a worthwhile goal, I suspect most Americans would find it difficult to support spending their tax dollars for the protection of the puritan tiger beetle, the Stephen's kangaroo rat, and the Tuna Cave cockroach—especially when, in our zeal to protect endangered plants and animals, we have endangered the rights of ordinary citizens.

Even worse, in order to protect these species, the act is having a devastating effect on millions of Americans. Specifically, the act mandates that it is unlawful for any private citizen to interfere in any way with an endangered species or its habitat and imposes criminal and civil penalties for individuals who do so. Furthermore, the act provides almost no deference to, or concern for, its impact upon the human species, especially private property owners.

The endangered species act was originally conceived as a species preservation law. But today, it is being used as a weapon to retard development in Texas and across the Nation. Under the act, the procedure used to determine whether or not a species is threatened, or endangered unfairly considers biological data to the exclusion of individual rights, property rights, and economic considerations. The economic impact that a threatened or endangered species may have on a community is considered only at the very end of the recovery process.

Real life examples of how the endangered species act has affected citizens of the State of Texas demonstrate the need to reform the act.

In Houston, a badly needed highway project was delayed because of the existence of an abandoned eagle's nest in a tree along the planned route. Because of the nest, which had not been used for at least 3 years, the sponsors of the project not only incurred huge legal costs in complying with the act, but in the end, were forced to set aside private property as a sanctuary for the long-departed eagle.

In Travis County, property values have dropped $359 million since the Fish and Wildlife Service listed the golden-checked warbler and the black-capped vireo as endangered species. As a result, local property tax assessments declined for those affected lands, meaning that the State of Texas will lose some $2 million in property taxes each year, and the residents of affected homes will find it difficult to sell their property in the future.

Finally, a Federal judge has ruled that under the Endangered Species Act, the fountain darter—a 1-inch fish which lives in the Comal and San Marcos springs—must be assured ample water flow during even the most severe drought. Although a plan to ensure spring flow has not been finalized, hydrologists believe that the decision will force the citizens of San Antonio and other water users to reduce their water usage by 68 percent in the event of a severe drought. The Fish and Wildlife Service is under court order to limit depletion of the aquifer—an action that upsets decades of Texas water law, affecting surrounding cities and area landowners. Many people will lose the use of their private property and their water rights.

Clearly, the time has come for Congress to add some balance to the Endangered Species Act. That is why I've again introduced the Endangered Species Act procedural reform amendments—comprehensive legislation to improve the original Endangered Species Act. Under my bill:

The public would be given an expanded opportunity to comment on all recovery plans. In fact, my bill would require public participation and would mandate that public hearings be held in each affected county during the development of recovery plans. This would be particularly helpful and important to San Antonians who are faced with disaster unless they are able to have input in the development of the Comal Springs recovery plan.

All recovery plans would be required to be designed in such a way as to minimize conflict between species preservation and economic development.

An economic assessment of each recovery plan would be required so that the U.S. Fish and Wildlife Service would know the plan's cost to the public, the plan's impact on employment, and its effects on the use and value of private property. In San Antonio, for example, the plan to reduce water supplies for ranchers and farmers would have serious adverse economic impacts in the billions of dollars. My bill would require the Secretary to adopt recovery measures with the least socioeconomic impacts. Since the Secretary would be required to weigh these considerations, San Antonio would be spared these dire consequences.

The Secretary of the Interior would be required to respond, within 90 days, to citizens' inquiries about whether or not particular activities on their land would cause injury to a threatened or endangered species on their property. Under this section, Texas water users would be assured some certainty about whether their actions are allowed, and equally important, they could find out quickly.

The Secretary of the Interior would be empowered to issue grants to fund captive propagation programs for endangered or threatened species. There is no reason that thousands of fountain darters could not be raised, and then released into the wild, through programs like Texas' turtle head start program.

Citizens would be required to be compensated for the loss of the economically viable use of their property. This provision recognizes that compensation for the Federal taking of land has always been, and remains, an integral component of the Constitution. For example, if the fountain darter prevailed, and Texas ranchers and farmers were deprived of the use of their land or water rights, they would have the right to ask the Government to pay them for their losses or to buy their property from them.

Congress not only has an obligation to protect endangered or threatened species, it has an obligation to protect the property rights of farmers, ranchers, and other citizens who depend on their land for their economic well-being. We can have a strong Endangered Species Act without forcing hard-working Americans to wonder whether or not they will have access to enough water, or whether or not they will be permitted to utilize their own property. Our legislation would ensure that private property owners have at least as much right to use their own property and water as does the fountain darter, the Stephen's kangaroo rat, or the Tuna Cave cockroach. This bill would ensure that private property owners do not become the endangered species.

While these changes in the Endangered Species Act may not be perfect, they are certainly a step in the right direction. I would urge my colleagues to carefully consider this important legislation and to join with Congressman TAUZIN and me in this important effort.

THE UNITED STATES STAKE IN A DEMOCRATIC RUSSIA—STATEMENT OF DR. PETER REDDAWAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LANTOS. Mr. Speaker, yesterday the Subcommittee on Europe and the Middle East, which is chaired by our distinguished colleague from Indiana who also chairs the full Foreign Affairs Committee, Congressman LEE HAMILTON, and the Subcommittee on International Security, International Organizations, and Human Rights, which I have the honor to chair, held joint hearings on "The United States Stake in a Democratic Russia."

Our hearing was particularly timely in view of the dramatic developments that have unfolded in Russia in the past few days. We had an excellent discussion of the American interest in democratic political development and market-oriented economic reform in Russia, as well as a discussion of the policies our Government should pursue to encourage democratization there. These critical questions involve decisions we in the Congress will be asked to make in the near future—decisions involving American financial assistance and other kinds of aid. It is important that we have a clear understanding of what are United States interests in Russia, as well as what kinds of policies we should pursue in helping the development of democracy in that country.

Mr. Speaker, in view of the timeliness of the presentations that were made by our witnesses at yesterday's hearing, and also in view of the fact that the full printed transcript of that hearing will not be available to Members of the Congress for a number of weeks, I ask that the statement to our subcommittees by Dr. Peter Reddaway be placed in the CONGRESSIONAL RECORD.

Dr. Reddaway is professor of political science and international affairs at the Elliott School of International Affairs at the George Washington University in Washington, DC. Dr. Reddaway is a leading scholar on Russia and the former Soviet Union. His academic insight and research into developments taking place in Russia is extremely informative and knowledgeable. Mr. Speaker, I urge my colleagues to give thoughtful and careful attention to his written testimony which was presented to our subcommittees.

TESTIMONY OF PETER REDDAWAY

It is difficult to interpret current developments in Russia objectively, because, in my opinion, inexorable forces have recently been moving most, though not all things in directions opposite to what we would like to see. In the process, these forces are undermining many of the bold and innovative initiatives that creative Russians have taken in the last few years.

To put it another way, a new "time of troubles", or *smuta*, has begun for the hard-pressed Russian people, and it is increasingly doubtful whether, in these circumstances, moral and material support from the West can do more than mitigate certain problems, and then mostly at the margins. We cannot "fix Russia" or "save democracy" there, desirable as those goals are. That is megalomaniac thinking. Russia is the largest country in the world, and one of great complexity and far more diversity than the United States. The forces at work in it are much too deep and powerful for us to have a major impact. If we reject grandiose thinking, and look reality in the face, we can and should help in constructive ways.

Over the last six to nine months the discourse of Russian politics across the spectrum—in political forums and the media—has been permeated by fears about "the collapse of the country", "the paralysis of power", "the danger of civil war", "the abyss of hyperinflation and mass unemployment", and so on. I believe that fears of this sort are, unfortunately, well founded.

In my opinion, central government as such—the Presidency, the Parliament, the Cabinet of Ministers—has now lost most of its authority over the country. It has become totally gridlocked and there is no near-term prospect of this disastrous situation changing. Consequently, power and authority have shifted to the leaders in the provinces. These leaders are increasingly going their own ways, passing laws without any reference to federal laws, and trying to consolidate the political and economic power of the local oligarchies that they head. As a report by one of the leading Moscow research centers said earlier this month, power remains "in the hands of the structures which held power before August 1991". Most of the local leaders are "representatives of the former system, with no objective interest in carrying out reforms". They are engaged "in a whole series of actions aimed more or less clearly at torpedoing them." Two of the ethnic republics, I should add, have, with impunity, declared their independence from Russia.

Meanwhile, the Russian people are having to contend with inflation of over 2,000% a year, and with rampant, unchecked corruption at all levels of government. As a leading Russian expert on the Mafia groups which control much of economic life recently said, "In the past the Mafia worked hard to insert its people into key places in government. But now that's quite unnecessary. Virtually all officials can now be bought, and the Mafia buys them every day."

Thus, what happens nowadays in Moscow politics is not likely to have much impact on the country as a whole. Burdened by the crippling legacy of communism and the profound divisions among the people, President Yeltsin's government has failed to control the economy or govern the country. In foreign policy it has moved from a strongly anti-imperial position to an incipiently imperial one, as manifested in its recent policies towards, for example, Moldova, Georgia, and Ukraine. In short, then, if Yeltsin departs or becomes a mere figurehead, it is unlikely that there will be a series of sharp changes in governmental policies. The rhetoric will probably be less to our liking, but the substance may not change very much, and in any case most domestic policies will be weakly, if at all implemented on the ground.

Let me conclude with a few more specific points:

1. Whatever government may be ruling in Moscow, the U.S. government should not scale back its cuts in defense spending. Rather the reverse. The back of the Russian military has been broken for at least a decade. Its personnel level has fallen dramatically—through mass desertions, resignations, and draft evasion—to 1.7 million, and may well, according to a senior Russian official, fall to 1.2 million by the end of this year.

2. Western aid should be given not only to Russia, but also, and demonstratively, to most of the other successor states of the USSR, and especially to Ukraine. To do otherwise is to encourage imperial tendencies in Russia, with all the dangers attached to that of a new authoritarianism in Russia and of wars with its neighbors. The West should think innovatively about how it can best help in the many peace-keeping operations demanded by present and future wars around the Russian periphery.

3. The U.S. should quietly encourage key figures in Russia to consider forming a coalition government, or a round table process, and to aim to hold elections in the near term. The outcome of such elections is almost sure to be disturbing to us, but they might help to stabilize the polarized political situation somewhat.

4. The U.S. should channel most aid to the localities, avoiding the corrupt central and local governments as much as is humanly possible.

UNITED STATES MUST KEEP UP PRESSURE ON NORTH KOREA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. STARK. Mr. Speaker, disturbing news continues to come out about North Korea's nuclear weapons program. This week, there are reports that Pyongyang is cooperating with Iran on developing nuclear weapons and ballistic missiles. U.S. News & World Report cites reports from Western intelligence sources that Iran is contributing $500 million to North Korea to develop ballistic missiles. In exchange, the DPRK will sell nuclear weapons and designs for a plutonium reprocessing facility to Tehran.

Whether or not the reports are true, there is frightening logic to such an arrangement.

After acceding to the Non-Proliferation Treaty [NPT] in 1985, North Korea stalled for 7 years before accepting International Atomic Energy Agency [IAEA] inspections in 1992. We know from these inspections that North Korea has partially constructed a plutonium reprocessing facility and has successfully produced some plutonium—a key material in building the bomb. We also know that there are indications North Korea has produced more plutonium than it has officially declared. The DPRK has refused to let the IAEA examine facilities which may harbor waste from additional plutonium produced. Instead, North Korea has become the only country ever to announce its intention to withdraw from the NPT, effective after the required 3 months notice. North Korea is an extremely poor country, desperately short of fuel or hard currency.

While Iran doesn't have much hard currency to spare, it has substantially increased its oil production over the past 5 years to support its military buildup. Over the last several years Tehran has been on a vigorous shopping spree to acquire sensitive dual-use technology with nuclear weapons applications. Despite having the world's second-largest proven reserve of natural gas—enough for a 200-year supply of energy—Iran is purchasing nuclear power reactors from China and Russia. Once these reactors are operating, Iran would need only a plutonium reprocessing plant—which North Korea knows how to build—to produce bomb-grade material. While the nuclear plants from Russia and China would be under IAEA safeguards, nothing would prevent Iran from withdrawing from the NPT after producing a stockpile of spent nuclear fuel and then reprocessing it into plutonium in a North Korean-designed facility. In this scenario, Tehran would still be a few years away from a nuclear weapons capability. The time would be drastically shortened, though, if Pyongyang supplied Iran with bomb-grade material directly.

The possibility of such an oil/nukes barter arrangement further highlights the dangers of nuclear proliferation. Both of these countries are on the State Department's list of countries sponsoring terrorism. Both are located in regions of high tension in close proximity to important U.S. allies.

The United States must take decisive action to halt North Korea's program and to ensure that Iran's program doesn't get any farther off the ground. In the short term, this means strong U.N. pressure on North Korea to reconsider its withdrawal decision and to provide full access to IAEA inspectors. We must get a full accounting of all the plutonium North Korea has produced.

Following my remarks, I am inserting for the RECORD a column by David Kay which appeared in the Wall Street Journal last week. Mr. Kay calls for "strong international action to face down North Korea. Vigorous U.S. leadership must be forthcoming in the international effort to create the policies and multinational structures that can support tough inspections and, where they fail, to provide the capabilities to respond to nuclear crises." Mr. Kay should know something about vigorous leadership and responding to crises, since he faced down Iraqi troops while leading the U.N. inspection effort which uncovered much of what we know about the Iraqi bomb program. We should heed his words.

In the longer term, the United States must ensure that strong multilateral export controls are in place to prevent additional countries from acquiring the means to build the bomb. The United States must also pursue a global ban on the production or use of bomb-grade material. This would prevent countries from acquiring a stockpile of bomb-grade material, and then withdrawing from the treaty, as North Korea has done and Iran could do in the future.

Finally, the United States should continue to strengthen the IAEA. The agency, to its credit, was much more aggressive in North Korea than it was in Iraq, where it failed to detect Saddam's secret bomb program. The United States must ensure that the IAEA is just as aggressive in future confrontations with suspect nuclear states.

In general, nonproliferation must become a higher priority in U.S. foreign policy. Bosnia and Somalia shouldn't be ignored, but we should devote at least as much attention to North Korea and Iran's nuclear weapons programs. The spread of nuclear weapons is the leading long-term threat to our national security. Our Government policies and personnel must reflect this fact.

[From the Wall Street Journal, Mar. 18, 1993]

DON'T WAIT FOR A CHANGE OF HEART IN NORTH KOREA

(By David Kay)

North Korea's announcement on Friday that it was withdrawing from the Nuclear Nonproliferation Treaty, which it signed in 1985, is but its latest and most overt effort to avoid complying with the demands of the International Atomic Energy Agency for inspections of suspect nuclear sites. Iraq was also a signatory of the treaty and a member of the IAEA at the outbreak of the Gulf War. As members in good standing of the IAEA, both Iraq and North Korea received technical assistance, including equipment and training, from the IAEA while developing their clandestine nuclear programs. These developments raise serious doubts as to whether real confidence can be placed in the world's nonproliferation system.

But it is not just the IAEA that appears to be unprepared to face the realities of nuclear weapons in the hands of the North Koreans. March 10, former Secretary of State Lawrence Eagleburger testified before Congress that in his personal view North Korea had nuclear weapons. The next day, the State Department official in charge of U.S. policy in the IAEA reportedly told a briefing session of congressional staffers that the Clinton administration did not consider a North Korean withdrawal from the treaty a serious possibility, since it would not be in North Korea's interest to do so. Less than 24 hours later, North Korea withdrew.

More than 40 years of concentrating on the Soviet nuclear threat has left Western nonproliferation effort dominated by the assumption that other nations would acquire, plan for and deploy nuclear weapons the way the U.S. and Soviet Union did. This tunnel vision contributed greatly to the nonproliferation establishment's overlooking the Iraqi nuclear program and failing to anticipate or counter the North Korean threat.

For the U.S. and the Soviets it became clear by the mid-1960s that the purpose of continuing to build nuclear weapons was to ensure that they were never used. There are strong reasons, however, to doubt that the system of deterrence by which the U.S. and the former Soviet Union held one another's societies hostage will be effective against a nuclear nation or terrorist driven by extreme ideology, ethnic hatred or self-destructive behavior in the pursuit of power.

Saddam Hussein, far from seeking deterrence, followed a path that begged attack; North Korea appears to be on the same path. Intelligence efforts and nonproliferation control activities must urgently address the problem that states may be seeking to acquire and use nuclear weapons in ways that we have up until now dismissed as irrational and not credible.

But what is to be done now about North Korea? The international community cannot sit back and, as President Clinton said on Monday, hope that North Korea will have a "change of heart." This is the failed logic that held off the IAEA inspections of North Korea for eight years after it signed the Nuclear Nonproliferation Treaty and now has seen Kim Il Sung dump even the fiction of honoring the legal obligations of the treaty. And it is his failed logic that has left the world on the brink of nuclear blackmail.

The decision of how to respond should be moved immediately from the IAEA to the United Nations Security Council, which has shown in Iraq that it is capable of marshalling the full power of its members to demand compliance and impose sanctions in the face of unacceptable behavior by outlaw states. In January 1992, the Security Council unanimously adopted a declaration that the spread of weapons of mass destruction would constitute a "threat to international peace and security." North Korea's actions have directly challenged this declaration.

The Security Council should condemn North Korea's repeated actions in frustrating international inspections and demand that the long-delayed IAEA inspections be allowed to take place without hindrance. Moreover, it should tell North Korea that withdrawing from the Nuclear Nonproliferation Treaty does not mean it will be able to cloak its pursuit of nuclear terrorism.

The Security Council should also make clear that if the IAEA inspections under the treaty do not take place, it will implement—under Chapter VII of the U.N. Charter, which it used to institute effective inspections in Iraq—an inspection regime with far greater powers than the normal IAEA safeguard visits. The North Koreans should have no difficulty understanding that such inspections are far tougher than the treaty inspections they are trying to escape. Economic sanctions should also be readied to show the North Koreans that defiance is not cost free.

In addition, the Security Council should provide unequivocal security guarantees to South Korea and Japan that any aggression by North Korea will be met by overwhelming force. These guarantees should be given reality by augmenting the U.S. troops already in South Korea with a more than symbolic additional contingent of troops from the Security Council's permanent members. Unless such support is quickly extended, one can count in months the time remaining before an Asian nuclear arms race begins.

Finally, China should be challenged to live up to its frequent statements that it is a responsible member of the family of nations. Friday, China blocked an immediate Security Council condemnation of Pyongyang's actions. The Chinese must be made to understand that even implicit support for North Korea's threats will harm Beijing's own interests. China is the only state with any significant influence on North Korea and has become the economic lifeline that supports its destitute, derelict regime. Every effort should be made to see that this "China card" is played in the interest of regional peace.

Unless there is quick and effective international action to stand up to North Korea, we will witness the collapse of the nonproliferation regime and the opening of a period of unpredictable nuclear threats from rogue states, terrorists or regional ethnic conflicts. A rush to nuclear arms, particularly in Asia, by those who see themselves as threatened by such developments will be very hard to block.

If there is to be any hope of turning the tide, it must begin with strong international action to face down North Korea. Vigorous U.S. leadership must be forthcoming in the international effort to create the policies and multinational structures that can support tough inspections and, where they fail, to provide the capabilities to respond to nuclear crises.

KILDEE HONORS REV. GRANVILLE SMITH, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a remarkable religious leader—the Reverend Granville Smith, Jr.—who is retiring after 27 outstanding years of service in my hometown of Flint, MI.

In recognition of Reverend Smith's enormous contributions to our community, a banquet honoring him and his wonderful wife, Hazel Brock, is being held March 27 at the Mt. Cavalry Missionary Baptist Church in Flint where Reverend Smith is pastor. To that tribute, I would like to offer my own here in the U.S. Congress.

Mr. Speaker, as a leader of the vibrant religious community of Flint, Reverend Smith has served those around him in countless ways, including his work on numerous boards and organizations such as the United Way, the United Negro College Fund, the Great Lakes District Baptist Congress of Religious Education, the Flint Christian Businessmen Association, the Flint Police Community Relations, and the United Bible Institute of United Theological Seminary, to name only a few.

Reverend Smith is also a pastoral counselor and a teacher of great talent—an instructor of missionary education, of Greek, of Homiletics, the Gospel of John, and New Testament Theology.

Under his leadership and guidance, his beloved church has become a generous and active leader in helping others. It placed fourth in foreign mission contributions to the National Baptist Foreign Mission Board in 1975, and has been in the top 20 percent of contributors ever since. It helped construct a church in Johannesburg, South Africa, where Reverend Smith went for a month in 1987 to participate in the church's dedication and as a member of the Foreign Mission Preaching Mission.

Reverend Smith also has spread the Good Word through modern communications in our region, as coowner of WALT, a Christian Evangelical Broadcasting radio station.

Mr. Speaker, Reverend Smith and his gracious wife have meant a great deal to our community because of their tireless and selfless dedication and contributions. I know that I am a better person for having known him, and I know that the Flint area is certainly a better community because of his work.

WELL DONE, VINCENT A. PALUMBO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of Vincent A. Palumbo. Mr. Palumbo retired on March 20 from 36 years of service to the city of Newark. Mr. Palumbo has spent his entire career with the city in the division of traffic and signals. Working his way up the ladder, Mr. Palumbo was first employed as a traffic signal repairman. He later became a traffic signal mechanic, assistant traffic signal superintendent, and traffic and signal superintendent. On April 10, 1973, Mr. Palumbo was promoted to manager of the Division of Traffic and Signals for the city of Newark.

Mr. Palumbo's dedication to his community is a tribute unto itself. His commitment to the betterment of that community is commendable. Today, we see so many young people who are looking for the fast and easy answers. For them, there's a lesson in the life of Vincent A. Palumbo, Vincent A. Palumbo did not look for the easy way out. Mr. Palumbo recognized that in order to make our community a better community you had to put something back into that community, that you didn't always have to start at the top to be successful and that you didn't have to step on others to get ahead.

Although Mr. Palumbo is not a native Newarker, you'd never know it. He is active in his community. He is a delegate to the International Municipal Signalmen's Association; a member of the New Jersey State Safety Council; the Essex County Civic Association, where he was part president; and a member of the United Community Corporation. Mr. Palumbo and his wife, Jean, have one son, Vincent Francis.

Mr. Speaker, the family, friends and associates of Mr. Palumbo gathered on Saturday, March 20, 1993, to recognize and applaud the service of Vincent Palumbo to the city of Newark. I am sure my colleagues would have wanted to join this distinguished collection of individuals and offer their congratulations and best wishes.

INTRODUCTION OF MFN FOR ROMANIA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would provide for the extension of most-favored-nation status to Romania.

Romania, one of the new democracies in Eastern Europe, still has not been granted most-favored-nation status with the United States. It is high time that this situation change.

According to current State Department reports, Romania has made significant progress toward constituting a democracy from its former Communist past. It has demonstrated its commitment to free market reforms and democratic institutions as evidenced by the growing free press and the ability of religious and political organizations to meet without fear of harassment. The people of Romania now have the freedom to leave and to return to the country. These were not freedoms that existed in the recent past.

Last September and October, presidential and parliamentary elections were held in Romania. International and American observers deemed these elections to be free and fair.

The development of democracy in Romania has not gone unnoticed in Europe. Several highly respected European organizations have indicated their belief in Romania's new democracy: the European Community granted associate status to Romania in January, and the Council of Europe has stated that Romania will soon be admitted to this bloc of parliamentary democracies.

Today, Romania is playing a significant role in diplomatic attempts to assure the political stability of Eastern Europe. We all know that uncertainty in the Balkan region remains as fighting continues in the former Yugoslavia. The United States is joined by Romania in the hope of preventing the war from spilling into neighboring nations to create a wider regional conflict.

Currently, Romania faces severe domestic economic challenges: rising unemployment, climbing inflation, and falling industrial productivity. The extension of MFN status signals economic promise.

It is important to encourage the further development of democracy in Romania by encouraging growth in the country's private economy. As we all know, a flourishing free market can be a mighty force for political reform.

Mr. Speaker, our Nation and others must continue to focus on peace and democracy. The restoration of MFN status to Romania offers economic and political promise to a country in one of the world's most troubled regions.

EAST LONGMEADOW LIONS CLUB: 50 YEARS OF SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to commemorate the 50th anniversary of the East Longmeadow Lions Club, a service organization which raises money used for community projects and as donations to various charities.

I would like to share with you a brief history of the club which has had a unifying influence on the community of East Longmeadow. The East Longmeadow Lions Club was founded on February 23, 1943. Under the leadership of charter President Sanford P. Nooney and other officers and directors, the club immediately began work for community betterment.

Over the past 50 years the East Longmeadow Lions have raised in excess of $300,000 by sponsoring a host of fund-raising projects. Projects which have included selling lightbulbs, brooms, toilet paper, candy and fruit cakes. Other successful promotions have been carnivals, pancake breakfasts, meatball and spaghetti suppers, flea markets, radio auctions, bingo, night at the races, Fourth of July activities, and dinner dances. Funds the club has so tirelessly worked to raise have been distributed throughout the community of East Longmeadow. Donations include: $18,700 to the East Longmeadow Scholarship Fund, a wading pool at Center Playground, trash cans for the town, refreshment stand and scoreboard for the high school, furniture and picnic tables for housing projects for the elderly, as well as equipment for Downeyside and the fire and police departments.

The hallmark, however, of the Lions Club is their tireless dedication to those individuals who suffer from hearing or sight loss. The East Longmeadow Lions have given over $70,000 to Massachusetts Lions eye research, $3,000 to the Emergency Sight and Hearing Fund, $4,100 to the Clark School for the Deaf, $3,100 to buy eyeglasses for needy individuals, as well as donating visual eye testing machines for the schools.

Mr. Speaker, the East Longmeadow Lions Club has dedicated itself for 50 years to the goal of community betterment. It is with great pride that, on behalf of the Congress, I commend the Lions Club for their selfless contributions to the town of East Longmeadow.

THE UNITED STATES STAKE IN A DEMOCRATIC RUSSIA—STATEMENT OF DR. PAULA J. DOBRIANSKY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LANTOS. Mr. Speaker, yesterday the Subcommittee on Europe and the Middle East, which is chaired by our distinguished colleague from Indiana, who also chairs the full Foreign Affairs Committee, Congressman LEE HAMILTON, and the Subcommittee on International Security, International Organizations, and Human Rights, which I have the honor to chair, held joint hearings on "The U.S. Stake in a Democratic Russia."

Our hearings were particularly timely in view of the dramatic developments that have unfolded in Russia in the past few days. We had an excellent discussion of the American interest in democratic political development and market-oriented economic reform in Russia, as well as a discussion of the policies our Government should pursue to encourage democratization there. These critical questions involve decisions we in the Congress will be asked to make in the near future—decisions involving American financial assistance and other kinds of aid. It is important that we have a clear understanding of what are United States interests in Russia, as well as what kinds of policies we should pursue in helping the development of democracy in that country.

Mr. Speaker, in view of the timeliness of the presentations that were made by our witnesses at yesterday's hearing, and also in view of the fact that the full printed transcript of that hearing will not be available to Members of the Congress for a number of weeks, I ask that the statement to our subcommittees by Dr. Paula J. Dobriansky be placed in the CONGRESSIONAL RECORD.

Dr. Dobriansky is currently adjunct fellow at the Hudson Institute and board member of the National Endowment for Democracy. She also served in key positions on the staff of the National Security Council and the Department of State during the Reagan and Bush administrations. Mr. Speaker, I urge my colleagues to give thoughtful and careful attention to her written testimony which was presented to our subcommittees.

TESTIMONY BY DR. PAULA J. DOBRIANSKY

Chairman Lantos, distinguished members, the proposition that the United States has a major stake in the fate of Russian democracy does not require much proof. While the full resurrection of the Soviet Union is a most improbable scenario, even a temporary halt in Russia's democratic reform is certain to affect adversely American interests. One can readily conceive how even a relatively militarily-weak and semi-isolationist Russia, that abandoned the democratic path, if nothing else, could engage in destabilizing and aggressive actions vis-a-vis its neighbors, designed to "protect" Russian communities spread throughout the former Soviet Union and secure Russia's access to key military facilities and natural resources. This conduct alone would do much to reverse the positive trends in international relations that have been evident in the post-Cold War world.

Accordingly, the real question for U.S. foreign policy is not whether we have a stake in Russian democracy, but rather, how we can best help the forces of democracy in Russia. Several propositions must first be established. We should recognize that democracy-building in Russia, or anywhere else in the world, while it deserves the utmost U.S. support, is not an enterprise certain to succeed. To be sure, democratic trends have been evident during much of the last decade. Likewise, Francis Fukuyama's thesis, stripped of its more extravagant trappings, is essentially correct—there are no more viable ideological challenges left to the Western democratic tradition. Still, democracy in many parts of the world remains fragile. Yet, the promotion of democracy, albeit tempered with a sense of realism and an appropriate dose of humility, should be viewed as one of the major organizing principles of U.S. foreign policy. That is, the promotion of democracy abroad should be an integral component of U.S. foreign policy.

Another general proposition that should be understood by U.S. decision-makers is that democracy-building in Russia has both economic and security dimensions. Russia's Foreign Minister Andrei Kozyrev aptly noted in Foreign Affairs, "The fate of democracy in Russia will be determined to a greater extent on the economic front. Russia's democratic government is based on mass popular support. However, many of those who voted for the present leaders regarded them as individuals capable of rapidly ensuring "social justice" and of transforming into everyday life old myths about the possibility of egalitarian, universal well-being." Additionally, a Russia that is mired in imperialistic and aggressive foreign policy ventures is a Russia that is unlikely to retain fidelity to democratic reforms. This kind of behavior is certain to alienate Russia from the world community and help bolster militaristic and ultra-nationalistic forces within the country.

An important proposition for U.S. decision-makers is also that democracy-building in Russia should be viewed and developed not in isolation, but as part of a broader effort to promote democracy among all countries of the former Soviet Union, including Ukraine, Belarus, Kazakhstan, Kyrgyzstan, among others. The failure of democracy in one country, however large or small, has repercussions, for the others. Such an approach can be in the long-term cost effective and mutually reenforcing.

An essential prerequisite of a sound strategy is a sense of realism about the current conditions in Russia and what can be accomplished there. Democratic change will not occur overnight. We should acknowledge that vestiges of communism continue to dot Russia's landscape. Indeed, in thousands of Russian towns and villages, for all practical purposes, the former communist party apparatchiks still dominate political, economic and social aspects of life. Dislodging the entrenched elites throughout Russia and empowering people so as to conduct genuine democratic elections at all levels—mayors, city councils, national parliament, etc.—is the single most essential component of democracy-building in Russia.

The legacy of communism is also present throughout Russian society. Regionalism, a lack of civic traditions, absence of respect for law and order, corruption, cynicism greatly complicate Russia's democratic transition. Significantly, even people with a genuine commitment to democracy frequently exhibit a lack of initiative and a near total absence of administrative skills. Helping Russia overcome the communist legacy and build a civil society and effective government is another crucial component of democracy building.

Finally, another significant proposition is that our assistance should be mainly directed at building democratic institutions and values, but, at least for the time being, we should also concern ourselves with helping those Russian leaders who, in our judgment can best promote democracy. Given the recent grave events in Russia, we should support President Yeltsin, so long as he remains committed to democratic reforms in general and holding promptly a meaningful national referendum to revise the current Russian constitution. All of Yeltsin's challengers, whatever their rhetoric might be, appear to be hostile to democratic and free-market reforms. Meanwhile, it is clear that the Congress of People's Deputies, despite its constitutionalist rhetoric, is a legacy of the Brezhnev-era constitution, and, to put it mildly, suffers from a serious legitimacy gap.

Specifically then, what types of democracy programs can and should be devised and how can our programs be made more effective?

(1) First, we should offer our blueprints and concrete assistance to help Russia lay the institutional foundation of modern democracy and formulate a short-, mid- and long-term strategy for U.S. assistance. In our strategy, six key areas should be addressed: (a) the structure of government and governance—meaning the break-up of communist enclaves, empowering the Russian people, the establishment of limited government and a system of checks and balances, the holding of free, periodic elections at all levels; (b) rule of law—developing an independent, functioning judicial system; (c) education, the promotion of a democratic civic culture and strong citizen associations—this is an indispensable ingredient of democracy; (d) free, independent media—pluralism is a cornerstone of democracy; democratic societies, almost by definition, speak with many voices; (e) free market reform—a democratic political system, with its underpinnings of free enterprise, over the long haul, offers the best prospects for economic development; (f) facilitating competent law enforcement and appropriate civil-military relations—in both of these cases a decisive break with the communist past is important.

(2) Our democratic assistance programs should be targeted, timely in nature, and developed on two tracks—governmental/non-governmental. Such institutions as the USIA have a role to play in fostering democracy in Russia; however, it is better to utilize more fully NGOs and international organizations and funnel most assistance through them—as they have often targeted effectively grassroots democratic forces and in the long run, will have an impact on the development of a democratic civil culture. Additionally, they are best equipped to render direct assistance. The work of the National Endowment for Democracy (NED) is most noteworthy in this regard.

(3) Given the limited absorption capability of Russia, it is the quality and not quantity of both democratic and economic aid that counts. U.S. decision-makers should first assess Russia's absorptive capacity, then determine USG goals, and evaluate how much assistance should be given to Russia. Simply giving the Russian government handouts of money is not the answer—most of such economic aid would be wasted as subsidies to inefficient state enterprises. However, already committed Western economic aid should be used to help individual private enterprises through the establishment of a "safety net" or the creation of a fund for private entrepreneurs and management training.

(4) Democratic and economic assistance should not just go to Moscow. Local cities and villages should also be recipients—but not solely at governmental levels, given their usually "conservative" orientation. Rather, assistance should be directed to those local non-governmental institutions and entities in Russia.

(5) U.S. decision-makers also need to decide the scope of their assistance to the Russian Federation and not leave this issue hanging. That is, should assistance be funneled through Moscow, Russia or directly to the individual republics within the Russian Federation?

Our commitment to democracy building in Russia should be more than inspiring rhetoric and the channeling of economic assistance. Indeed, it should permeate all aspects of our foreign policy—carried out by all agencies, as well as private organizations and individuals. Our assistance efforts should focus on the six broad areas of democracy-building which I have outlined. However, we cannot and should not, seek to prescribe precise democracy recipes. Democracy cannot be just transplanted from one soil to another. We must take into account cultural, geographic and historical differences.

In sum, I think that building a democratic, prosperous, stable and peaceful Russia is something that can be only accomplished jointly and is an endeavor in which the U.S. and indeed, the world has an enormous stake. The real issue for American statecraft is how best to help Russia accomplish this feat. Ultimately, it is the Russian people and the leaders they choose that will determine the success and failure of Russia's current democratic reforms. However, it is equally clear that the U.S. and other members of the international community of nations, aided by international organizations and NGOs can greatly help Russia's democratic forces.

CHILDREN'S ELECTROMAGNETIC FIELD RISK REDUCTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing the Children's Electromagnetic Field Risk Reduction Act of 1993. This legislation takes prudent steps to protect our children's health until such time as the Federal Government and scientists determine that electromagnetic fields [EMF's] created by transmission lines are not a threat to our children's health.

In fact, many expert researchers fear a dangerous correlation between exposure to EMF's and childhood cancer does exist. The Karolinska Institute in Stockholm, conducted a study by M. Feychting and A. Ahlbom that confirms findings made earlier by other scientists, including Dr. David Savitz who testified on the health effects of transmission lines before my Subcommittee on Water and Power Resources in 1987. In addition, studies controlled by S.J. London et al., 1991; A. Myers et al., 1990; M.P. Coleman, 1989; L. Tomenius, 1986; J.P Fulton et al., 1980; and Wertheimer and Leeper, 1979, among others, have reported statistically significant associations between EMF exposure and the risk of some cancers.

In response to the studies, local communities, and States have begun to make policy changes affecting the proximity of transmission lines to schools. In California, the Department of Education plans to soon announce regulations restricting the location of transmission line easements adjacent to property for new schools. Approximately 600 schools under construction in California today will be built in compliance with the regulations. The new regulations are expected to require that new schools be located 100 feet from the edge of the easement to the school property line for 50–133 KV lines; 150 feet from the edge of the easement to the school property line for 220–230 KV lines; and 350 feet from the edge of the easement to the school property line for 500–550 KV lines.

The Congressional Research Service estimates that transmission lines built in compliance with the California regulation would generate EMF levels ranging approximately from a low of .1 milligauss to a high of 2.5 milligauss. However, there is no correlation between kilovolts used in California's regulation, and milligauss—the standard cited in this legislation. Volts measure electric potential, and gauss measure magnetic field strength. Because the Karolinska Institute study and other studies address the biological effects of EMF milligauss levels on children, this legislation uses milligauss as the standard as well.

The Children's Electromagnetic Field Risk Reduction Act establishes a national policy to prohibit the construction and operation of new schools, and child care facilities, on property where the EMF exceeds an average two milligauss per day. The bill responds to a growing body of scientific studies showing a possible dose-response relationship between human exposure to electromagnetic fields from electric transmission lines and development of cancer, particularly childhood cancer. Most recently, the Karolinska Institute in Stockholm found that children exposed to 1 milligauss over long periods have twice the normal risk of developing leukemia, those exposed to 2 milligauss had 3 times the normal risk, and those exposed to 3 milligauss had 4 times the normal risk.

At the local level, two California communities—Irvine and Fremont—have implemented regulations concerning electromagnetic fields. In Irvine, residential construction may not occur on properties where the EMF exceeds four milligauss. In Fremont, property owners are required to disclose to potential buyers the proximity of transmission lines to the real estate.

In New York, officials also have expressed concern about the proximity of transmission lines to schools. Attorney General Robert Abrams recently asked utilities to undertake a comprehensive survey of the location and strength of power lines near schools.

Mr. Speaker, the Federal Government has not kept pace with efforts undertaken by States and local communities. The Federal investment in research on the biological effects of electromagnetic fields has been minimal—approximately $11 million in fiscal year 1992. Last year, the Congress approved a provision in the Energy Policy Act authorizing a 5-year $65 million EMF research program jointly financed by the Federal Government and private sector. Given budget restrictions, prospects for appropriating this money are not good.

Mr. Speaker, given the rising body of evidence suggesting a link between EMF exposure above 2 milligauss and cancer in children, why take the risk of building new schools and childcare facilities in areas where children risk dangerous exposure? This legislation will prevent communities and governments from wasting scarce resources to construct facilities that might have to be closed or destroyed if studies continue to support the link between EMF exposure and cancer. This legislation also could effectively reduce legal fees for lawsuits involving claims of EMF-induced health damage from power lines near schools and childcare facilities. Legal costs, along with the reduction in property values adjacent to transmission lines, and efforts presently undertaken by utilities to retrofit lines to reduce EMF exposure roughly exceed $1 billion a year, according to an article in Science by J. Keith Florig of Resources for the Future. More importantly, Mr. Speaker, this legislation could help save children's lives if the link proves to be true.

Until the evidence proves that electromagnetic fields pose no threat to human health, we should begin to take prudent steps to reduce EMF exposure to children. The Children's Electromagnetic Field Risk Reduction Act takes a first step. I encourage my colleagues to support this legislation.

CONGRESSMAN KILDEE SALUTES PASTOR EDDIE MCDONALD, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the lifetime achievements of Pastor Eddie A. McDonald Sr. and his wife Mary, as they celebrate their 25th anniversary as the first family of Friendship Missionary Baptist Church in Pontiac, MI. On Saturday, March 27, 1993, at the Main Event Restaurant in the Pontiac Silverdome, community and church members will honor the great works the McDonald's have performed in the name of the Lord over the years.

It is difficult to imagine what the Pontiac community would be like had Pastor McDonald chosen not to move here from his home in Fayetteville, NC in 1953. We have been truly blessed to have a man with his sense of dedication and selflessness among us. Only 3 years after becoming the pastor of Friendship Missionary Baptist Church in 1968, he helped to organize the Opportunities Industrialization Center of Oakland County [OIC]. In fact, Pastor McDonald served as OIC's first board chairman.

He is a cornerstone in the foundation of the Pontiac ecumenical ministry. Pastor McDonald has proven indispensable in his support of the Pontiac Citizen's Coalition, the Pontiac Lighthouse and the Pontiac youth assistance program. Pastor McDonald is the past president of the Oakland County Ministerial Fellowship. Not limiting his good works to the State of Michigan, Pastor McDonald has organized food and clothing drives in Mississippi and Alabama.

Pastor McDonald's walk with the Lord, in Michigan, began in 1958 when he joined Messiah Missionary Baptist Church. There he sang in the choir and worked with the Sunday school program. He was ordained as a deacon at Messiah in January 1959. On March 17, 1961, he confessed his calling to preach and was ordained on March 18, 1962. With the blessing of his pastor, the late Rev. Roy C. Cummings, Reverend McDonald began working with the late Rev. Alvin Hawkins. The Lord also blessed his wife Mary to become the head of the music department.

Reverend McDonald began a street ministry in 1966 along with Rev. J.J. Blackshere and Rev. M.M. Scott. In 1967 Rev. Eddie McDonald organized the Bibleway Missionary Baptist Church in Pontiac, serving as its pastor through its first year. On March 28, 1968, following always the guidance of the Holy Spirit, Reverend McDonald became the pastor of Friendship Missionary Baptist Church. His wife Mary has been an active member and is involved in many of the activities of the church.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of the 103d Congress to join me in saluting Pastor and Mrs. Eddie A. McDonald. Self evident is their lifelong commitment to enhancing the dignity and nurturing the spirits of all people. I am grateful to have the opportunity to serve as their congressman and will continue to look upon them as examples of what all Americans should strive to be.

PRIVACY FOR PRESCRIPTION RECORDS MUST BE PROTECTED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. STARK. Mr. Speaker, today I am reintroducing the Prescription Drug Records Privacy Protection Act of 1993 to ensure that the right of privacy is protected for every American consumer of prescription medications. The bill would protect the sanctity of patient prescription records by making illegal the release of personally identifiable information contained in a prescription drug record. No longer will pharmacies, doctors, or insurance companies be allowed to buy, sell, or transfer such records without the consent of the patient.

This legislation is modeled after an existing statute in the criminal code dealing with the privacy of individual's video rental information. Judge Robert Bork's personal video history became public knowledge in a July 1989 story in the City Paper, a Washington, DC, weekly. Following the incident, Congress included a prohibition on the sharing of video rental information in the next crime bill.

The question remains: If we can ban the disclosure of video rental information, why wait any longer to ban the disclosure of personal prescription drug records?

As the Clinton administration and Congress formulate a new approach to advancing the health of our citizens, the protection of consumers' privacy ought to be included.

Prescription drug records are fast becoming universally computerized, containing information that is highly sensitive to the consumer. These records can be manipulated in many ways with potentially disturbing results.

The Wall Street Journal published an article on February 27, 1992, which describes recent abuses of patient's prescription drug records. "Certain data-collectors," the article points out, "that pledge total confidentiality sell drug companies the age, sex—and an ID number—for individual patients." American consumers should not be held hostage to the pledges of certain data collectors. Private medical records should remain just that—private—not sold to the highest bidder.

Prescription records can easily be matched with listings of drivers' licenses and voter registrants to determine one's address. This can lead to direct solicitation by pharmaceutical manufacturers, through direct mail or telemarketing campaigns, to influence prescription purchases.

These same records can be, and have been, sold to employers. In one case, an employer, learning that an employee was taking antidepressant medication, fired the employee. In another act of intrusion, an insurance company sold lists of HIV-positive individuals to employers. Those persons who applied for employment and were on the list, as might be imagined, were not hired.

Mr. Speaker, while this legislation is a small component of health care reform, it is an important one. This legislation would ensure the privacy that Americans expect. Consumers will not have to worry that some drug salesman will harass them, that their employer will fire them, or that their chances of securing employment are reduced by some enterprising data collector prying into what they believed to be personal and private information.

H.R. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription Drug Records Privacy Protection Act of 1993".

SEC. 2. WRONGFUL DISCLOSURE OF INFORMATION CONTAINED IN PRESCRIPTION DRUG RECORDS.

(a) IN GENERAL.—Chapter 121 of title 18, United States Code, is amended—

(1) by redesignating section 2711 as section 2712; and

(2) by inserting after section 2710 the following new section:

"§2711. Wrongful disclosure of information contained in prescription drug records

"(a) IN GENERAL.—Subject to subsection (b), a retailer, physician, or administrator of a health benefit plan who knowingly discloses, to any person, personally identifiable information contained in a prescription drug record of an individual shall be liable to such individual for the relief provided in subsection (c).

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—A retailer, physician, or administrator of a health benefit plan may disclose personally identifiable information contained in a prescription drug record of an individual—

"(A) to the individual;

"(B) to any person, with the informed, written consent of the individual given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grant jury subpoena, or a court order;

"(D) to a law enforcement agency or a health care agency for the purpose of addressing illegal drug diversion or improving prescribing practices;

"(E) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the individual is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the individual is afforded the opportunity to appear and contest the claim of the person seeking the disclosure; or

"(F) to any person involved in the administration and review of health care services provided to the individual.

"(2) ADDITIONAL SAFEGUARDS.—

"(A) ORDER ISSUED UNDER PARAGRAPH (1)(C) OR (1)(E).—If an order is granted pursuant to paragraph (1)(C) or (1)(E), the court shall impose appropriate safeguards against unauthorized disclosure.

"(B) COURT ORDER ISSUED UNDER PARAGRAPH (1)(C).—Court orders authorizing disclosure under paragraph (1)(C) shall issue only with prior notice to the individual and only if the law enforcement agency shows that there is probable cause to believe that the records or other information sought are relevant to a legitimate law enforcement inquiry. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this section, on a motion made promptly by a retailer, physician, or administrator of a health benefit plan, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on such retailer, physician, or administrator of a health benefit plan.

"(c) CIVIL ACTION.—

"(1) IN GENERAL.—Any individual aggrieved by any act of an individual in violation of subsection (a) may bring a civil action in a district court of the United States.

"(2) DAMAGES—The court may award—

"(A) actual damages;

"(B) punitive damages;

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred; and

"(D) such other preliminary and equitable relief as the court determines to be appropriate.

"(3) LIMITATION.—No action may be brought under paragraph (1) unless such action is begun within 2 years from the date of the act complained of or the date of discovery of such act.

"(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) HEALTH BENEFIT PLAN.—The term 'health benefit plan' means an employee welfare benefit plan providing medical care to participants or beneficiaries directly or through insurance, reimbursement, or any other hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract.

"(2) PERSONNALY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' means information relating to the diagnosis or treatment of any illness, disability, injury, or condition of an individual which discloses the identity of such individual.

"(3) RETAILER.—The term 'retailer' means an individual licensed by a State as a pharmacist to compound, dispense, or sell any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, and or one who is engaged in the business, in or affecting interstate or foreign commerce, of providing pharmaceutical products or services. Such term includes an individual providing such services at a hospital.

"(4) PHYSICIAN.—The term 'physician' means an individual licensed by a State as a doctor of medicine, osteopathy, podiatry, dental surgery, or medical dentistry to practice medicine and surgery or dentistry, and who is engaged in the business, in or affecting interstate of foreign commerce, of providing health care services.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act) (21 U.S.C. 321(g)(1)) which is subject to regulation under section 503(b) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 121 of title 18, United States Code, is amended—

(1) in the item relating to section 2711, by striking "2711" and inserting "2712"; and

(2) by inserting after the item relating to 2710 the following new item:

"2711. Wrongful disclosure of information contained in prescription drug records.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the 180th day following the date of the enactment of this Act.

BOB HUTTER OF THE FIGHTING 69TH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. KING. Mr. Speaker, the largest annual parade in the free world is the New York St. Patrick's Day Parade. On average some 120,000 marchers take between 5 and 6 hours to pass the reviewing stand. The parade is 14 years older than the Independence of the United States, beginning in 1762. It is an Irish parade; it is an American institution; it celebrates the fact that the immigrant and the native both have the freedom of the city and religious liberty on the streets of America. For over a century the parade has been run by the New York County Board of the Ancient Order of Hibernians, an Irish Catholic fraternal organization active in New York since 1836. Since 1852 the traditional military escort of the New York St. Patrick's Day Parade has been the 69th Regiment of New York, dubbed by no less a person that Gen. Robert E. Lee as the fighting 69th.

In 1985 it was my honor to be elected grand marshal of the New York St. Patrick's Day Parade; this year I attended Mass in St. Patrick's Cathedral and then marched as a guest of the regiment. As great as those honors are I stand before this House today to tell you that the greatest honor in St. Patrick's Day Parade is to march as a member of the fighting 69th, an honor which was mine some two decades before being elected grand marshal. It is an honor which is magnified by the fact that it is shared by my many comrades in arms, among those men of the fighting 69th with whom it is my honor to have shared this brotherhood of arms is Robert J. Hutter.

Bob Hutter enlisted in the 69th Regiment of New York, then designated the 165th U.S. Infantry, New York National Guard, on March 14, 1961. He rose through the ranks from private in D Company, like Westchester County Executive Andrew P. O'Rourke, I was in A Company, to the rank of major serving as battalion operations officer, S–3; in May of 1979 he was transferred to the 42d Division staff, where he served as assistant intelligence officer, G–2. The 69th Regiment is part of the 42d rainbow division, the elite National Guard Division led by Gen. Douglas MacArthur during the First World War.

In addition to his military career in the New York Army National Guard, where he earned three meritorious service medals and two Army commendation medals among many other awards, Bob Hutter also serves his native New York as a member of the New York Police Department. Det. Robert J. Hutter is currently the crime prevention specialist at the 104th police precinct. A graduate of Sacred Heart School in Glendale, Bob Hutter graduated from the Police Academy in 1961 and was assigned to the 90th precinct in Brooklyn. Assigned to the 104th precinct in 1964, he was selected as crime prevention officer and promoted to detective in 1974.

On December 1, 1989 Lt. Col. Robert J. Hutter achieved the honor most dreamed of by Irish-American citizen soldiers when he succeeded to the command of the First Battalion of the 69th Regiment of New York. I can testify that, throughout his command tenure, he more than lived up to the example of former commanders from Michael Corcoran through wild Bill Donovan, the World War I commander who as a major general later led the OSS in World War II, indeed through all those who led the fighting 69th winning new fewer than 62 battle rings.

Lt. Col. Robert J. Hutter, preceded only by his piper, led the New York St. Patrick's Day Parade in 1990, 1991, and 1992. As part of the one Army of the United States, he had prepared his command for war, never shirking from the clash of arms. During this period the New York National Guard, including the 69th, was also prepared for its other role in our Federal republic, that is as part of the Militia of the State, prepared to respond to domestic emergencies, including natural and technological hazards as well as threats to security. In our apparent haste to reduce the Defense budget, we must never lose sight of the vital domestic role of men like Bob Hutter and the fighting 69th of the National Guard in the security of each of our sovereign States.

On September 30, 1992, after over 30 years of honorable military service to the United States and to the State of New York, Lt. Col. Robert J. Hutter relinquished command of his beloved 69th to accept assignment as deputy commander, 107th Brigade, 42d Rainbow Division, which includes the 69th, New York National Guard. As a mark of their respect, his comrades are honoring Colonel Hutter at a retirement dinner in the 7th Regiment Armory in New York City on Friday night, March 26, 1993. This dinner is just a few short days after Bob Hutter and I again marched together in yet another New York St. Patrick's Day Parade; it will not be our last. Colonel Hutter will continue to participate in the New York Guard, another arm of the State militia, still ready in time of peril to vindicate the honor and defend the rights of our native State. As members of the veteran corps of the 69th Regiment we will proudly march together behind our commander, my old first sergeant, Barney Kelly and Makin Island veteran, Chief Warrant Officer Frank McCrorken.

The Irish Brigade Association, the Irish-American military/naval history society based at Fort Schuyler in New York is dedicated to the study and propagation of the Irish dimension of the American military tradition. My friend Liam Murphy, president of the Irish Brigade Association, speaks highly of the strong historical consciousness of his fellow Irish Brigade Association member Bob Hutter, who has been particularly helpful in the honoring of past members of the 69th, last Memorial Day presiding over ceremonies in New York's Calvary Cemetery, where lie so many soldiers and chiefs of the Irish Brigade.

The motto of the fighting 69th, the description of our Irish wolfhound mascot, is gentle when stroked, fierce when provoked, our green flag bears the inscription, in Irish, "Riamh nar druid o sbairn lann"—they did not shirk from the clash of arms; two of our companies trace their lineage to the American Revolution with Montgomery at Quebec, and to the War of 1812. Ours is a proud military tradition. It is an Irish military tradition; it is an inseparable part of American military tradition. Lt. Col. Robert J. Hutter is an exemplar of this honorable tradition. I ask that this House pause in its deliberations to record this tribute—Semper et ubique Fidelis—I give you Lt. Col. Robert J. Hutter of the fighting 69th.

LEGISLATION TO REMOVE UNEMPLOYMENT COMPENSATION BENEFITS FROM FEDERAL INCOME TAXATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mrs. KENNELLY. Mr. Speaker, today I am reintroducing legislation that would eliminate the Federal taxation of unemployment compensation benefits.

The Tax Reform Act of 1986 made all unemployment compensation taxable effective December 31, 1986. Prior to the 1986 act, only a portion of unemployment compensation benefits was taxable.

Although the national economy is beginning to recover, thousands of Americans have been hit with a triple whammy—they have lost their jobs, they have seen their incomes drop because unemployment compensation only partially makes up for work and they now find that they have to pay taxes on unemployment compensation. As we approach April 15, many of these individuals find themselves in an even more precarious situation as they discover that because there has been no withholding they must somehow find a way to pay the tax.

Therefore, the legislation I am reintroducing today would eliminate the tax on unemployment compensation benefits received after December 31, 1991. I would urge my colleagues support.

ROUTE 66 BECOMES NATIONAL BACK COUNTRY BYWAY

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. STUMP. Mr. Speaker, I would like to bring to the attention of this body and the American people dedication of historic Route 66 as an official national back country byway. The Department of Interior's Bureau of Land Management will dedicate our "Mainstreet of America" on April 24, 1993, in Kingman, AZ. State Director of BLM Arizona, Les Rosenkrance, is to be commended for his efforts in achieving this national recognition for historic Route 66. Following is information about this interesting part of life in America.

From 1926 to 1984, U.S. Route 66 was one of America's primary east-west arteries. Route 66 linked hundreds of cities and towns between Chicago and Los Angeles. Indeed, the highway formed the main street of towns along its route from the Midwest to California.

The Black Mountains section of historic Route 66 reflected the dramatic change in travelers during the heyday from 1937 to 1953: From the grim, but ever hopeful families fleeing the Dust Bowl, through the surge of glamour and adventure following World War II, to the nucleus of family vacations in the arid, but scenic Southwest in the 1950's.

A half-million people migrated from the Dust Bowl States to the fertile California fields during the Depression era of the 1930's. Carrying all their worldly possessions in the Model A or Model T Fords, these hearty migrants feared the steep, winding grades of Route 66 over the Black Mountains. Many even hired local residents to drive or tow their car over the dreaded Sitgreaves Pass in the cool of the evening before crossing the Colorado River into the Mojave Desert.

As prosperity followed World War II, military convoys were replaced by convertibles and the glitz of Hollywood. Movie stars joined other travelers on Route 66 seeking the adventure of the open road, and the roadside camps of the 1930's grew into businesses to serve the new fun seekers. Their view of the Black Mountains changed from an obstacle of nature to an adventurous challenge. Here, too, crossings were not only east to west, but also went west to east and back again.

The 1950's brought a surge in that new American phenomenon, the family vacation. Route 66 enticed travelers to and through the heartland of the scenic Southwest. Although improvements in the family station wagon made mountain driving easier, drivers also wanted faster roadways through flatter landscapes.

While the popular television program "Route 66" ran its course, the view of the Black Mountains shifted from a winding barrier to one of scenic beauty and valuable resources. The Black Mountains still hold visions of America's past, such as remnants of the mining communities and the nostalgic flavor of the historic town of Oatman. The mountains also house 150,000 acres of wilderness and the largest herds of wild burros and desert bighorn sheep in Arizona. Clearly, the Black Mountains have remained a constant in a changing world.

Whatever brings you to the area, scenic, beauty, history, or nostalgia, follow the mainstreet of America through the Black Mountains. Witness the striking beauty of the mountains at sunrise, hear the bray of a distant burro, spot a bighorn sheep on a rocky crag. Whatever you want, you will likely find it on historic Route 66.

THE ADVANCE FEE LOAN SCAM PREVENTION ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. SCHUMER. Mr. Speaker, today I reintroduced legislation, The Advance Fee Loan Scam Prevention Act, to combat a problem for hard-pressed consumers and small businesses that is costing them millions of dollars. I would like to explain the problem this bill addresses and how my legislation would work. I would also note that a companion bill has been introduced by Senator LIEBERMAN.

There just never seems to be a shortage of crooks, con artists, and swindlers to prey upon desperate and vulnerable people. One of the more recent versions is the so-called loan broker, who charges a stiff up-front fee to a consumer for a promised loan that he will never deliver.

The scam works as follows: First, the loan broker sets up a company that advertises guaranteed credit or guaranteed loans. The ads promise loans and credit to persons regardless of their credit history or credit rating and urges consumers to call "800" or "900" numbers to apply for the loans. Operators on the other end of the line take all the necessary information from consumers and inform them, usually within an hour or two, that they have been approved for a loan and that they only need to send in a processing fee to receive their loan check. These processing fees range from $30 to thousands of dollars.

Unfortunately, the loans never materialize. Consumers' inquiries about their loans are rebuffed and consumers continue to be stalled until the loan broker can close up shop and move on to another location to start the cycle again. Consumers never see their advance fees again, much less the promised loan money. The Council on Better Business Bureaus last estimated that consumers and small businesses were losing up to a million dollars a month through these scams.

The bill I have introduced would put an end to this type of scam by prohibiting unregulated loan brokers from charging advance fees to consumers. This bill is aimed at unscrupulous loan brokers who are robbing consumers and small businesses. Any legitimate loan brokers that are regulated by the Federal Government or the State in which the consumer lives won't be subject to the provisions of this bill.

For example, the bill exempts credit providers and loan brokers licensed and regulated by the consumer's State or by the Federal Government, including banks, savings and loans, credit unions, mortgage banks and servicers approved by Fannie May or Freddie Mac, consumer finance companies, real estate agents, and attorneys. Auto dealers and sellers of consumers goods also are exempted.

In addition, loan brokers can still charge legitimate processing fees—they just can't force consumers to pay the fees before receiving the loan. Brokers can only collect their fees at or after closing loans.

Persons who violate the law would be punished with fines and possible prison terms and could also be prosecuted for mail fraud.

We have modeled our bill on an effective Florida statute that has managed to drive down the number of these scam artists operating in that State by 85 percent. But many, if not most, of the operations in Florida moved out of the State after this law took effect. And, worse yet, most of these crooks operate on an out-of-State basis anyway, so State laws aren't as effective as we would like. For example, New York has some of the toughest laws on the books to prevent these loan scams. However, New York State laws won't stop an unscrupulous loan broker working out of another State from hoodwinking New Yorkers. We need legislation at the Federal level to fully combat this problem.

Swindlers who perpetuate these scams are taking advantage of some of the most vulnerable people in our society. They hit people when they are down and take what little money hard-pressed consumers and small businesses have in exchange for a worthless promise. People that prey on the desperation of others are among the lowest forms of criminals.

I urge my colleagues to support this legislation.

HEALTH CARE COSTS: ARE WE VICTIMS OF TECHNOLOGY?

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MAZZOLI. Mr. Speaker, a multiplicity of reasons can be cited for causing increased health care costs—an aging population; malpractice insurance; waste, fraud, and abuse; administrative overhead; inflated physician and provider wages; prescription drug prices, among others.

But, the costs of technological advances in medicine play a part in this equation, too. We need to be sure that in the quest to contain costs we do not also stifle medical advances or diminish the quality of care for which millions of Americans have benefited for so many years.

I commend to the attention of all my colleagues the following article from the March 15, 1993, issue of Business Week magazine entitled, "A Crisis of Medical Success," for its thoughtful commentary on this question.

A CRISIS OF MEDICAL SUCCESS

(By Karen Pennar)

Greedy doctors, Litigious patients. Risk-average insurers. Piles of paperwork. Unnecessary tests. Excessive care for the aged and the terminally ill.

Take your pick. Just about everybody has their pet explanation for why the nation's headed beyond $900 billion this year. It's true that the price of medical services is rising faster than the general inflation rate, in part because nurses' and physicians' wages are growing faster than other wages. It's also the case that waste, fraud, and abuse are inflating health-care costs. And demographic forces, such as an aging population with a longer life expectancy than ever before, are also boosting expenditures.

But the biggest force driving costs ever higher is at once more benign and harder to control—technological advances in the practice of medicine. After allowing for all the other factors, there's still anywhere from 30% to 40% of the real, or afterinflation, growth in spending left unexplained, observes Judith R. Lave, professor of health economics at the University of Pittsburgh. And experts such as Lave believe technology is the missing factor. A panoply of new procedures and products, from magnetic resonance imaging (MRI) to hip replacement, didn't exist or wasn't widely diffused a couple of decades ago. Meanwhile, a host of new ones are on the horizon. Says William B. Schwartz, professor of medicine at the University of Southern California: "The health-care crisis is a crisis of medical success."

NO BLESSING

It's no mystery how this happened. While only 10% of the population was insured after World War II, today 85% is insured. Insurance has aided and abetted the development of the most sophisticated medical technologies in the world. At the same time, having someone else to pay the bills buoyed both the demand for and the supply of medical care. And economics teaches that demand for medical services rises as incomes rise, so one would expect the world's most advanced nation to spend a great deal on health care (page 80).

That doesn't mean the U.S. is spending the money in the best way possible or that it might not be better to rein in the rapid growth in spending. For one thing, technology is not always an unalloyed blessing. The appropriate use of a single procedure can be hotly debated by a roomful of physicians. Further, the supply of new technologies is constantly being replenished. So the "intensity" of use of medical services—most of them technologically advanced in nature—has grown (chart), pushing the health-care bill up 5% to 6% in real terms each year.

Today, most health economists agree that it is the high-tech, low-benefit component of health care—the 2,000 MRI tests, for example, that yield but one finding of an aneurysm or a tumor, for a total cost of $2 million—that is most costly for the nation. Whatever Hillary Rodham Clinton and her husband propose in the way of managed competition will presumably address that issue. But health experts stress that it's not just the cost of medicine, it's efficacy that must come under tougher scrutiny. Robert H. Brook, a physician at Rand Corp. in Santa Monica, Calif., calls for "clinical reform"—the evaluation of the appropriateness of various procedures on medical, rather than financial, grounds.

EASY TARGETS

Health-care providers and insurers have been able to cut costs, but not for long. After a while, the gains have been swamped by new cost increases. In 1983, the government introduced a system for pricing hospital services paid for by Medicare, which did cut costs. But it also shifted costs onto the private sector. The drive by many companies to push employees and their families into preferred provider organizations (PPOs) and health maintenance organizations (HMOs), while generally successful in cutting costs in the early years, may not hold down the long-run growth rate in costs, experts say. That's because it's easy to achieve big gains initially by cutting back on the number of hospital days. Eventually, however, HMO costs tend to grow in line with economywide increases in medical costs as HMOs come under pressure to provide advanced care and top medical talent.

With cost containment so difficult, the easier targets are tempting and popular. Waste and fraud rank high on the list, as does price-gouging. The trouble is, the savings aren't easy to accomplish. And while they may lower the absolute level of health-care spending, the cuts will do little to affect the long-run growth rates associated with the diffusion of new technologies. Take drug prices, for which President Clinton recently lambasted the pharmaceutical industry. It's true that the industry has been raking in profits on both new drugs and copycat drugs (BW—Mar. 8).

But drugs account for a small portion of overall health costs—about 7%—and often, even at high prices, they substitute for more expensive medical care. Victor Fuchs, health economist at Stanford University, argues that if drug-company profits were slashed in half, health-care expenditures would fall by less than 1%, or $9 billion a year.

Wages may become another target for cost control. The median net income of physicians rose from $75,000 in 1981 to $130,000 in 1990, according to the American Medical Assn., for an annual gain of 6.3%. Median weekly earnings of full-time registered nurses also grew steadily in the 1980s, climbing from $396 in 1983 to $662 a week in 1992, according to the BLS. But nurses' wages climbed in direct response to shortages, so it would hardly be wise, observes USC's Schwartz, "to cut wages and degrade skills."

And Stanford's Fuchs observes that a 20% cut in the net incomes of physicians would reduce the total health-care bill by only 2%, or $18 billion. "The potential savings from elimination of excess returns to suppliers of care are small," he concludes.

DOUBLE-COUNTING

Similarly, the contention that malpractice concerns are driving up costs appears to be overdone. Henry J. Aaron, director of economic policy at the Brookings Institution, argues that "direct liability costs are a drop in the ocean" and that the indirect costs of "defensive medicine"—overuse of tests and spending more time with patients to protect against malpractice suits—while difficult to measure, are unlikely to be large. "My guess is that excess services, including featherbedding, amount to $25 billion at most," says Aaron.

Administrative costs are also a prime target for cuts. A recent study by Steffie Woolhandler and David U. Himmelstein of the Harvard Medical School estimated that if the U.S. used a single-payer system, such as Canada's, it could save more than $70 billion a year. And eliminating fraud and abuse by medical practitioners might save another $70 billion, the General Accounting Office suggested in a 1992 report.

The push to find such savings is necessary, and the cuts proposed above appear to yield savings of $200 billion. But there is a large amount of doublecounting in these estimates, and there is no way all those cuts could be made. Brookings' Aaron contends that "at most we could squeeze one year or 18 months' worth of growth in health-care spending out" of the system. After such cuts, the growth in spending would resume, thanks largely to the march in technology.

So some experts are focusing on the demographic factors driving cost as a more fertile area for savings. Baby boomers are aging, and there is already a tendency for more medical care to be dispensed to the aged. Approximately 21% of medicare's 1993 budget of $145 billion, or $30 billion, will go toward medical care for persons in the last six months of their lives, according to estimates by the Health Care Financing Administration. That share could climb as the population ages. Currently, abut 12% of the population is over 65 years of age and by 2010 it will rise to 15%, according to David J. Weinschrott of the Hudson Institute.

There is already a sharp concentration of spending on medical care by a small group of people. In 1987, the latest year for which such figures are available, the top 1% of health-care spenders in the country accounted for 30% of total health spending (excluding nursing-home expenditures). That's up from 27% a decade earlier and 17% in 1963, according to Alan C. Monheit, an economist at the Agency for Health Care Policy & Research, an agency of the Health & Human Services Dept. Just under half of the big spenders were elderly.

Economists are increasingly questioning such spending, especially when it appears to be going toward patients who will shortly die. "There's an enormous use of resources for people who are large users," observes Allan Meltzer, economist at Carnegie Mellon University. "It may be humane, but it's not productive. We need to think about how we allocate society's resources."

Health experts caution against the suggestion that costs can and should be controlled by withholding care to those who are deemed likely to die. First of all, it's impossible to know for sure who will die and who will live. Furthermore, argues Joseph P. Newhouse, professor of health policy and management at Harvard, "the data offer little support for the notion that society is wasting an ever-larger share of resources in a fruitless attempt to save those who are about to die." While spending on terminally ill patients consumes a large share of medicare's budget, preliminary estimates based on the National Medical Expenditure Survey for 1987, by the Agency for Health Care Policy & Research, found that only about 6.6% of total medical expenditures in that year went toward care for non-institutionalized people who died in that year. That's equivalent to about 0.5% of gross domestic product.

All Americans, even to some degree the uninsured, have benefited from a generous and highly advanced medical system. Yet in that vast market of medical services that will shortly cost the nation $1 trillion a year lies an enormous gray area of high-cost care with uncertain benefits. Having applied great ingenuity and innovation to developing new medical technologies, Americans now need to develop exacting standards for dispensing those technologies where they will do the most good. No other cost-cutting strategies will be nearly as effective.

HEALTH-CARE COSTS: DON'T BE TOO QUICK WITH THE SCALPEL

(By Christopher Farrell)

The numbers are staggering. The nation's medical tab will be $900 billion this year, up from $250 billion in 1980. The 14.4% of gross domestic product the U.S. spends on health care is significantly higher than any other industrialized nation. And the worst is yet to come, we are told. Current projections show U.S. health expenditures rising to more than 18% of GDP by 2000 and 22% by 2010—if nothing is done.

The President has promised swift reform, and Hillary Rodham Clinton is heading the attack. There's no question the system needs fixing. U.S. health-care spending is about 25% higher than in other major industrial countries, after adjusting for GDP and population differences. Billions could be saved by eliminating administrative waste, cutting down on low-benefit medical procedures, and introducing more competition into the medical business. To curb rising technology costs, some high-tech services must be rationalized around the country. Most important, the patchwork quilt of private and public systems is in need of repair, especially with 37 million Americans going without coverage.

Yet lost in all the recent rhetoric about cost containment, global health budgets, and greedy drug companies is the fact that rising health-care spending is not quite the devil it's made out to be. The increased spending has improved the quality of life—especially for older people—and generated a lot of economic growth to boot. And as medical advances open up new cures and the population ages, Americans may well want to spend more of their GDP on health care—not less.

HIP HOORAY

Despite legitimate complaints, Americans have gotten a healthy return on money spent for health care. For instance, in 10 years, from 1980 to 1990, life expectancy at birth for women rose from 77.4 to 78.8 years, and for men the improvement was larger—70 to 71.8 years. And for women who reach age 65 in 1990, the average life expectancy had increased to 84, vs. 80 in 1950. Perhaps more important, advances in medical technologies, from coronary angioplasty to hip replacements, have relieved pain and made it easier for people to live normal lives.

New medical technologies cost big bucks, but these innovations are almost always developed by America's most globally competitive businesses, such as pharmaceuticals, which spur U.S. economic growth. Ditto for the biotech industry, which didn't even exist two decades ago. Biotechnology sales are expected to rise from $6 billion last year to $50 billion by the turn of the century. And since about half the world's medical research is conducted in the U.S., medical breakthroughs and new treatments are sure to keep the U.S. in the forefront of new health-care businesses.

Health care is also a big employer, with almost 9 million workers. The industry has been generating lots of jobs recently—512,000 jobs alone in the first 22 months of the current economic recovery. Without these hires, payroll employment would be down by 14,000. Health care is a big source of minority employment in many parts of the country, too. Nationally, from 1987 to 1992, health care accounted for 53% of job gains by blacks and 44% by women.

How much a country spends on health care also depends on its GDP per capita—and America's is by far the world's highest. Simply put, when living standards rise, people spend a bigger slice of their incomes on health. Indeed, the claim that we can no longer afford to spend so much of our GDP on health care largely reflects the fact that productivity growth, and therefore real incomes, has been slow for over a decade. Since 1973, productivity has expanded at about a 1% annual rate, far below the 2.5% annual rate of the previous quarter century. Had productivity kept up with its earlier pace, today's GDP would be a lot higher and health-care costs far more affordable.

It's still critical to wring out waste and achieve efficiencies where possible. But it will be a lot easier to deal with the health-care problem if productivity averages annual gains of 2% to 3% in the 1990s, as many economists expect. The Clinton Administration is already trying to spur productivity growth. Now, as it embarks on a concerted effort to reform the nation's health-care system, it should avoid overzealous cost-containment measures that could cut into the system's muscle.

A TRIBUTE TO LINDY LAURO

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to a man whose dedication to the education and sports communities of New Castle, PA have spanned an extraordinary six decades.

Lindoro Lauro, the man more commonly known to all in western Pennsylvania as Coach "Lindy" Lauro, first gained widespread recognition in 1937 as a football hero at New Castle High School.

Then, after serving the United States as an Air Force lieutenant in World War II, Lindy enrolled at the University of Pittsburgh and was a 4 year, two-way starter as a fullback and safety on Pitt's football team. All the while he was earning double masters degrees in education and counseling. That alone, my friends and colleagues, is an accomplishment worth cheering. But the tribute to a legend has just begun.

Following graduation in 1950, Lindy joined the Chicago Cardinals. He was the oldest rookie to ever perform in the National Football League [NFL]. After his departure from professional football, Lindy assisted with coaching at Carlisle, Pennsylvania's Dickerson College, the University of Dayton, and Sarnia in the Canadian Football League before returning to his high school alma mater in 1960.

Since becoming head coach of New Castle High in 1961, Lindy has been named "Coach of the Year" several times, by several organizations and tallied an outstanding record of over 200 victories. In fact, in September 1991, the New Castle Red Hurricanes football team became the first in Pennsylvania and the fourth in the entire Nation to reach 600 wins.

I feel the best example of Coach Lauro's versatility as an educator and an athletic director is that in 1990 when Lindy's peers throughout the State of Pennsylvania set a precedent by unanimously choosing him as the only active coach ever to be inducted into the State's Scholastic Football Coaches Hall of Fame. Also, his players credit Lindy Lauro for teaching them the priceless values of self-discipline and pride.

Lindy retired from New Castle High School in 1992, and I stand before the full House to proclaim, "Give me a L"! Hooray for Lindy Lauro, and thank you for exemplifying the truest spirit in scholastics and athletics!

A TRIBUTE TO JEROLD SIPERSTEIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Jerold Siperstein. Jerry, who has served the field of education with pride and distinction since 1959, is retiring in June and will be recognized at a dinner in his honor.

Jerry Siperstein came to San Bernardino upon the recommendation of Dr. Donald Wheeler who first interviewed Jerry in Minneapolis, MN. Dr. Wheeler thought Jerry a rare bird for his degrees in chemistry and mathematics, and a minor in physics. The San Bernardino School Board hired Jerry to teach chemistry, algebra, and physics at the new Eisenhower High School in Rialto in 1959.

Jerry's impact was felt almost immediately. In 1960 and 1961, he received two National Science Foundation grants to do research to study the chemical bond approach to teaching chemistry. Several years later, he received a Ford Foundation grant for teaching special science classes to gifted students. In addition, Jerry began a series of special classes for elementary school-age students to introduce them to the many wonders of science. A year after the Rialto School District unified in 1965, Jerry began teaching at San Gorgonio High School. Since 1980, he has taught all the honors and advance placement chemistry classes, as well as college prep classes, at San Gorgonio.

Jerry's work has not gone unrecognized. In 1983, he was selected by his peers and administrators as a mentor teacher for demonstrating excellence within the teaching profession, and has served in this capacity since that time. He also received a certificate of recognition from the California Superintendent of Education in 1984. Upon his nomination for the 1990–91 Tandy Technology Award as an outstanding teacher in the field of math and science, an award which he received, Jerry was described as, "expert enough to earn the respect of teachers, creative enough to catch and hold the interest of students, innovative enough to lead our school into the use of computers and humane enough to gain the trust of students and colleagues."

Mr. Speaker, such praise is common when it comes to describing Jerry Siperstein. I ask that you join me, our colleagues and friends in recognizing him today for his many years of commitment and selfless service to education. He has touched the lives of many and is certainly worthy of recognition by the House of Representatives.

A TRIBUTE TO THE AMARILLO HIGH SCHOOL LADY SANDIES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. COMBEST. Mr. Speaker, I am proud to rise today to salute the Amarillo High School women's basketball team, the Lady Sandies, of Amarillo, TX.

On Saturday, March 6, 1993, the Lady Sandies reached their goal; they were crowned class 5A girls high school State basketball champions. Under the leadership of coach Dale Blaut, they defeated Corpus Christi King 68 to 65. I am pleased to honor these young ladies today.

During the 1991–92 season, the Lady Sandies made it to the regional semifinals and ended the season with a 25 and 7 record. However, they persevered in pursuit of their goal—the Texas State championship. This group of athletes and coaches has demonstrated what teamwork is all about, as they won the championship and finished the 1992–93 season with a record of 35 and 1. With persistence and dedication, the Lady Sandies have set school records, city records, and State tournament records along the way. However, credit should also be given to the Amarillo High School student body, their parents, and the community of fans for their faithful support of the Lady Sandies throughout the basketball season.

Mr. Speaker, I take pride in recognizing the Lady Sandies and extend my congratulations to the students and coaches of Amarillo High School for their exceptional accomplishment.

THE POSTREPRODUCTIVE HEALTH CARE ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mrs. LLOYD. Mr. Speaker, I am pleased today to reintroduce the Postreproductive Health Care Act. I introduced the same bill last Congress as H.R. 3990. This legislation will direct the Secretary of Health and Human Services [HHS] to provide grants to health clinics serving women to develop programs to better serve midlife and older women. Currently, health care provided at these clinics is mainly directed to younger women during their reproduction years, offering important services such as family planning and prenatal health care. These clinics often serve as some women's only contact with the health care system and can act as important referral sources for treatment for other conditions.

Unfortunately, as women approach menopause and their need for reproductive-related services ends, it is often the case that their contact with the health care system also ceases. Yet, women's health needs do not end at menopause; they can actually increase. My legislation would enable clinics to offer services and train health professionals on midlife health issues such as menopause, hormone replacement therapy, second opinion on hysterectomy, cancer screening, and preventive health strategies applicable to midlife and older women. These issues are also critical to younger women who experience premature menopause due to surgery.

One unique and valuable aspect of these clinics is that health counseling plays a fundamental role in their health care delivery model. This legislation is needed because counseling is especially worthwhile to women at menopause. Information and education are urgently needed because women over age 50 are at increased risk of heart disease, breast cancer, and osteoporosis. This makes regular cancer screening and improving poor health habits essential, especially for women living in poverty. While breast cancer risk increases with age, in 1987, only 22 percent of low-income women over age 40 had ever had a clinical breast exam and mammogram. Older, low-income women are also more likely to be diagnosed with late stage cervical cancer, but have the poorest record for receiving pap smears. Education and outreach are needed to reach these women.

Information on the menopause experience itself is vital for women. Although every woman, if she lives long enough, will experience menopause, it continues to remain a taboo subject of conversation. Unfortunately, jokes and colorful lore about women at menopause have managed to make their way into mainstream America, fueling not only harmful stereotypes and prejudice about middle-aged women, but also a great deal of misinformation. My legislation would offer women access to accurate information and health services specifically related to menopause.

Additionally, education and training of health professionals on midlife health issues would be provided. Outreach measures to this currently underserved population of women would also be a priority.

The Postreproductive Health Care Act is not intended to be a panacea for women's health care. Rather, it will enable clinics currently serving low-income women to provide continuity of services through menopause. I urge my colleagues to lend their support and cosponsor this urgently needed, commonsense approach to preventive health care for women.

TRIBUTE TO CARDINAL BRENNAN HIGH SCHOOL

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. HOLDEN. Mr. Speaker, this month marks the 25th anniversary of the creation of the present-day Cardinal Brennan High School, located in beautiful Fountain Springs, PA.

In March 1968, the Most Reverend Joseph McShea, the first bishop of Allentown, PA, announced the merger of the Shenandoah Catholic High School and the Immaculate Heart High School, schools with a tradition of top-quality Catholic education. A few months later, in September 1968, the reorganized school, named Cardinal Brennan High School, officially opened.

Since that time, Cardinal Brennan High School has continued to provide outstanding instruction to its students, emphasizing high educational and moral ideals. Today, 215 students are enrolled, with the promise of higher enrollment in the future. Indicative of the school's achievement is the high success rate of students beyond graduation: Of the graduating class of 1992, 92 percent were accepted into institutions of higher learning.

Mr. Speaker, I am honored to pay tribute to such an institution. I would like to congratulate the Cardinal Brennan High School on its 25th anniversary, and extend my warmest wishes that it may enjoy the same success for many years to come.

TRIBUTE TO FRANKIE LAINE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to a true American original, Frankie Laine, of San Diego, CA, who celebrates his 80th birthday Tuesday, March 30, 1993.

With a song in his heart and a bold, strong voice, Frankie Laine revives the old spirit of the American frontier. He reminds us of a time when the work was hard and the pleasures and conveniences of life were few, but simple; a time of "Rawhide" and "Mule Trains"; a time we sometimes forget, but for the timeless music of Frankie Laine, we warmly remember again.

One would think that following a career gilded with 21 gold records, Frankie Laine would ease into retirement. Not so. In his adopted hometown of San Diego, Frankie has provided shoes to the homeless, friendship to the friendless, and countless hours of selfless service to the community and to the Salvation Army. The man called the Squire of Point Loma has been a prince of a good neighbor.

On his 80th birthday, Tuesday, March 30, 1993, let it be recorded in the permanent RECORD of the Congress of the United States that Frankie Laine is a national treasure, an American original, and a great and generous friend to the people of this Nation.

EXCELLENCE IN EDUCATION

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MYERS of Indiana. Mr. Speaker, on Friday morning, I will be representing the U.S. Congress at the dedication of the new Wendell W. Wright Education Building on the campus of Indiana University in Bloomington, IN. This building is a result of a decade-long effort by Indiana University officials to create a national center to demonstrate applications of technology in education.

The Wright Education Building houses the School of Education, the Education Library, and the Center for Excellence in Education. The center is responsible not only for demonstrating educational technology to visitors from all over the world, it is also developing new products and practices designed for use in schools, colleges, and corporate training centers.

The new, state-of-the-art building is a result of a partnership formed among Indiana University, the Federal Government, State government, and private sector, most notably AT&T. Congress appropriated $9.6 million in matching funds for this $30 million project. The remaining funds were equally matched by the university with help from State government and by AT&T, Thomson Consumer Electronics, and other corporations.

It is obvious to most that information-age technology will have a major impact on the way education is provided in the future. I congratulate Indiana University on having the foresight to create this unique facility and for forging the partnership to make it possible.

TRIBUTE TO JOHNNY HYZNY, 40 YEARS OF RADIO BROADCASTING

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary individual from the Third District of Illinois. Johnny Hyzny will be celebrating 40 years in radio broadcasting this weekend on March 28 and 29, 1993.

Johnny started on radio in 1953 doing live radio shows as a polka musician and then as a disc jockey. Throughout the years, he has been on stations WOPA, WTAQ, WSBC, WJOB, and currently on WCEV. He has done numerous remote broadcasts at festivals and carnivals for local churches and other organizations.

In 1983, Johnny was elected into the Polka Music Hall of Fame. He received the No. 1 Polka Disc Jockey of the Year Award from the United Polka Association in 1984. He was also the recipient of the 1987 Man of the Year Award presented by Li'l Richard Productions.

Johnny has been an active participant in civic and community affairs for many years. He is the recipient of numerous awards and commendations for his efforts on behalf of charitable and other worthy causes. Among these are the Des Plaines Valley Man of the Year, the 3rd District V.F.W. Man of the Year, the Lithuanian Alliance of American Man of the Year, and the Polish American Police Association Award. Also, in 1984, I presented Johnny with Chicago's 23d ward Patriot of the Year Award.

Presently, Johnny is founder and president of the United Polka Association International which has a membership of over 3,000 in six chapters.

John has been married to his wife, Lorraine, for 42 years and they have two daughters—Roseann and Dianne, and three sons—John Jr., Wayne, and Gary, and six grandchildren.

I am pleased to commend Johnny for the tremendous contributions he has made to our community in the past 40 years. I applaud him for this commitment to both his work and his family. I hope my colleagues will join me today in saluting him and wishing him the very best in the years to come.

REPUBLICANS SHOULD END DELAYING TACTICS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. CLAY. Mr. Speaker, I urge the Republicans to end the tactics which have frustrated the flow of the legislative process.

Mr. Speaker, at 11:12 a.m. today, we were required to vote on a motion to adjourn. The American people received no redeeming benefit from this purely procedural legislative vote. Conversely, it served merely to frustrate those of us working to effectuate qualitative change. Mr. Speaker, like most of my colleagues, because of this ludicrous dilatory tactic, I was forced to abruptly end a committee hearing. Such irresponsible tactics have been exercised almost daily over the past few weeks.

Committees' legislative and oversight hearings provide the best forum for Members of Congress to receive meaningful feedback on those issues that impact our society. The legislative process provides, with few exceptions, that legislative matters are introduced and exhausted at committee levels prior to their final dissolution on the House floor. I urge my Republican colleagues to stop the nonsense. Earn your respective floor salutations, gentleman or gentlewoman.

THE 172D ANNIVERSARY OF GREECE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. FORD of Michigan. Mr. Speaker, today I rise on the 172d anniversary of Greek independence to celebrate this day and to celebrate the two nations' long-standing relationship.

The United States and Greece have benefited from their relationship since even before the beginning of this Nation. Our Nation's theoretical roots found their soil in the agorae of ancient Greece. Jefferson and the other Founding Fathers used the Greeks' discussions on democracy to break free of their loyalty to a monarchical government and to dream of a democratic republic. Throughout the early history of our Nation, Americans looked to Greece for guidance. Arguments for the ratification of the Constitution, most notably the Federalist Papers, held up the ancient Greek republic as an example our Nation should follow.

The United States has had the chance to reciprocate. The Greek-inspired ideal of democracy which found a home here became an inspiration to modern Greeks. In the early 19th century, Greeks looked to the example of our own recently acquired independence to achieve their independence, declared in 1821. Since then Greece has been an ally in peace and in war.

Mr. Speaker, one need only walk around this Capitol to see the benefits of our Nation's relationship with Greece. The architecture of this building owes a debt to the architectural ideas first created in Greece just as the democracy in this Nation owes a debt to the democratic ideals first debated in Greece.

WHY AMERICA NEEDS A SINGLE-PAYOR HEALTH PLAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. ACKERMAN. Mr. Speaker, the American health care crisis is a double-edged sword that cuts into the quality of life for almost every American. As a nation, we spend too much money on health care, while at the same time leaving millions of men, women, and children without any access to a quality medical system.

Some say we should focus on controlling costs; others say we should concentrate on guaranteeing every American coverage. I believe that we must blunt both sides of this blade if we are ever to stop our health care system's current hemorrhaging. It is not, as some might say, incompatible to both cut costs and increase coverage. In fact, a bill has just been introduced in the House that would accomplish both of these goals in a fair, comprehensive, and straightforward way.

I am, of course, referring to the American Health Security Act, H.R. 1200, introduced by Congressman JIM MCDERMOTT. As an original cosponsor of this legislation, I am proud to tell you that this measure would provide every American with comprehensive health benefits, including long-term care and prescription drugs. At the same time, it would reduce systemwide costs by eliminating billions of dollars in administrative waste—from hundreds of insurance companies each with their own compliance standards and paperwork—and by creating global budgets for all hospitals. It is also worth mentioning that this legislation would protect a person's right to choose his or her own doctor.

I believe a single-payor health plan, like H.R. 1200, offers the best opportunity to put the brakes on constantly rising medical costs, while also guaranteeing every American comprehensive health care coverage. Let's end gridlock and pass a plan that can truly cure America's health care system.

TRIBUTE TO ALLEN J. FRIEDENTHAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MOORHEAD. Mr. Speaker, on March 31, 1993, the fourth estate will be losing one of its good guys. After 43 years of ink and newsprint, bylines, and cutlines, Allen J. Friedenthal is saying "sine die."

After more than four decades of datelines and page makeup, headlines, and deadlines, Al is writing his last "thirty."

And the print media will be the lesser for it because in the many, many years I have known Al, he was always faithful to the higher tenets of his craft.

Al Friedenthal was born in Cleveland, OH, in 1930. He graduated from Ohio University in 1953 with a degree in journalism. He then served in the Army where he graduated, just as I did, from the Officers' Infantry School in Forth Benning, GA. Later he was an assistant provost marshal at Fort Ritchie, MD.

In 1958, he began his career in journalism as the sports editor of the Burbank Daily Review. One year later, he became managing editor of the Daily Review.

In 1968, he transferred to the Glendale News Press as news editor. In a short time, he was executive news editor, then managing editor.

He has received many honors from the Valley Press Club and Copley Newspapers for meritorious work.

Mr. Speaker, I will always count Al among my friends. I will miss his decency, his objectivity, his dependability. He was a hard worker, a leader, and a loving and successful father. As he retires, I wish him the very best.

TRIBUTE TO THE UNIVERSITY OF EVANSVILLE MENS BASKETBALL TEAM

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. McCLOSKEY. Mr. Speaker, I rise today to praise the efforts of the University of Evansville men's basketball team. Last Friday, Coach Jim Crews and the Purple Aces ended another outstanding season with a record of 23 wins and 7 losses, in a hard-fought 82 to 70 loss to Florida State in the NCAA tournament. Their appearance in the NCAA tournament capped another fine season in which the Purple Aces won the Midwestern Collegiate Conference tournament by defeating Xavier University.

The Evansville community is extremely proud of the Evansville team's performance this year, and I am proud to call myself a Purple Aces fan.

This year's Purple Aces team exemplified the kind of work ethic, teamwork, and hustle that combine to create a successful basketball team. The seniors on the club—Scott Shreffler, Sascha Hupmann, and Chaka Chandler—deserve our particular praise for helping to lay the foundation of a program that will no doubt be successful on and off the court well into the future. Coach Crews has steered the University of Evansville to the NCAA tournament in 3 of the last 5 years, and the seniors on the team have been a vital part of that success.

As you may know, the State of Indiana takes its basketball very seriously. While we Hoosiers are proud of all the Indiana teams that made the NCAA tournament this year, as the Representative of the city of Evansville, I congratulate the Purple Aces on another fine season.

RESOLUTION REGARDING THE PEACE PROCESS IN ANGOLA

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. JOHNSTON of Florida. Mr. Speaker, this afternoon, I am here to introduce a resolution that I feel will encourage the peace process in Angola. The resolution expresses the sense of Congress in support of the immediate diplomatic recognition of the Government of Angola. It is high time that we unequivocally tell Mr. Savimbi that enough is enough. We cannot stand by and do nothing while UNITA attempts to use military force to override the results of the democratic process.

The Angola people have done more than their share of suffering. There have been over 350,000 casualties from the 16 years of civil war, with the latest renewal of violence killing an estimated 20,000 people since October. Altogether, more than 1,000,000 persons have displaced and 3,000,000 Angolans face the threat of hunger and disease. Millions more fear for their lives because of the widespread and indiscriminate use of antipersonnel land mines that are buried throughout that nation. There is little wonder why Angola has one of the highest amputee rates in the world.

We need to aggressively support a peaceful settlement in Angola. The signing of the Bicesse peace accords in May 1991 prompted great optimism. The MPLA and UNITA both agreed to full demobilization, to the formation of a unified army and to abide by the results of a multiparty democratic election. Nearly 5 million Angolans voted in the September 1992 elections in which President Jose Eduardo dos Santos won a narrow victory. It is unfortunate that Jonas Savimbi contested the results of the elections, immediately withdrew his forces from the unified army, and launched a military offensive before the official runoff of the Presidential elections could be held.

Since that time, both sides have become engaged in violent conflict characterized by serious human rights abuses. This civil strife has disrupted the peace process, paralyzed relief efforts, and destroyed all semblance of normality for the citizens of Angola.

The United States, in light of our previous extensive support for UNITA during the war and our role as a mediator in the negotiations that led to the Bicesse accords, should remain involved. We must send a strong signal to all Angolans and also set an important precedent for future U.S. policy toward newly emerging democracies elsewhere in Africa.

We must acknowledge the Government of Angola's steadfast commitment to participation in the negotiations. We must also recognize that at various times in the past we have asked that the Angolan Government meet certain conditions before recognition. As a results, they have arranged for the complete withdrawal of Cuban troops, broken with Marxist-Leninist ideology, signed the Bicesse accords and lastly—participated in free and fair elections. Since the renewed conflict, the MPLA has been a willing participant in the negotiations, while UNITA has demonstrated only its recalcitrance earning condemnation from the United Nations for its persistent violations of the accords. We cannot move the goal posts yet again.

I believe that according diplomatic recognition to the Government of Angola will send an important signal to both sides: that the United States supports a peaceful democratic solution. But recognition is only the first step. The U.S. Congress should also urge the international community to help expedite a ceasefire, negotiate a settlement, provide support for demobilization, and implement other aspects of the Bicesse accords. Most importantly, we must let all Angolans know that peace is paramount and that a military solution is unacceptable.

AURORA, HOLLAND, AND WALES CELEBRATE TRI-QUAS-QUICENTENNIAL

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. QUINN. Mr. Speaker, I rise today on the floor of this House to join with the people of the towns of Aurora, Holland, and Wales in Erie County, NY in honor of the 175th anniversary of their Charter Day.

On Sunday, March 28 in the South Wales Community Hall, I will join town supervisors William Green of Aurora, Gordon Hessell of Holland, and Robert Koveleski of Wales at their tri-quas-quicentennial celebration.

This grand event commemorates the day in 1818 when the former town of Willink, located in what was then known as Niagara County, was divided into three new towns: Aurora, Holland, and Wales.

It was April 15, 1818, in the Holland land office when Aurora and Wales were chartered as towns of 36 square miles each, and Holland was chartered as a town of 72 square miles.

An interesting historical footnote: In 1820, when the first census was conducted after their incorporation, these three towns had a greater population than Buffalo, which burned during the War of 1812.

Today, the towns are home to lovely villages, family farms, and businesses small and large on some of the most beautiful pastoral land in Erie County.

I am pleased to offer my congratulations on your 175th anniversary of Charter Day, and am privileged to represent the residents of the 30th district in Congress.

HONORING THE MIDWESTERN STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in congratulating the Midwestern State University Indians on their victories at the NAIA Division I Basketball Tournament. Mr. Speaker, it is important to note that this team began the tournament unranked and unseeded, but still managed to reach the semifinals of the national tournament.

Under the direction of Head Coach Gerald Stockton, the Midwestern State Indians finished the season with a 25–12 record, giving Coach Stockton a 470–316 overall record in 23 years as Midwestern's head coach. Also, a special announcement was made at the NAIA Tournament as Coach Stockton was named the NAIA Division I Men's Basketball Coach of the Year. MSU Basketball has enjoyed a tradition of success as this is the seventh time that Coach Stockton has taken the Indians to the NAIA Tournament and this is the university's second visit to the semifinals.

Midwestern State University has proven the adage, "Practice, practice, practice," as they were an unseeded long shot for the NAIA tournament. MSU failed reaching the championship game by a single point in a difficult contest with Hawaii Pacific. These young men played hard on the court and studied hard in the classroom. The Midwestern State student-athlete has a higher cumulative grade point average than the general student body. This is a true compliment to the Midwestern State student-athlete and those who work in the athletic department.

I have heard it said that a kite rises against the wind and not with it. But to rise, the kite must be anchored to a firm foundation and for MSU it was the seniors on the team: Arthur Hurst, Corey Shead, Richard Farina, and James Stegall. These four young men had a senior season that they will always treasure and formed the core of a team that Midwestern State will always be proud of.

The MSU season was very exciting in 1993 and there is no question that the Indians will provide much more excitement in Coach Stockton's last season of 1994. Again, I ask my colleagues to join me in congratulating the MSU Indians on a very successful season.

TRIBUTE TO REV. JAMES PARIS WILSON ON THE OCCASION OF HIS RETIREMENT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. BARCIA. Mr. Speaker, I rise today to salute the Rev. James Paris Wilson on the occasion of his retirement dinner at the Saginaw Civic Center, April 10, 1993, in Saginaw, MI. I wish him Godspeed as he and his wife, Lee Ann Wilson, embark on their new life.

This celebration, which will be attended by religious, civic and political leaders from across our great State, recognizes the reverend's decades of public service and leadership as a national, State and local African-American religious leader. Reverend Wilson has demonstrated by his example the kind of citizen that our Nation needs to reclaim its mantle as the world's beacon of justice and opportunity for all persons, regardless of race or creed.

Mr. Speaker, James Paris Wilson's parents, Zack and Luvenia, had spent their young lives as witnesses to the crumbling of the institution of slavery. But, we all know that hurdles would remain for a black child born on November 7, 1907. Young Paris Wilson lost his father when he was 5 years old, and he and his 11 brothers and sisters were orphaned when their mother passed away 6 years later. He left the care of his older half-sister and two of his sisters at the age of 15 to make his mark on the world.

It is obvious that the reverend has spent his life in recognition of the value of education to a young mind. He completed high school when he was 30 years old, an age at which most people consider their formal education to have passed them by. He did not stop there, however, continuing his education for many years hence.

Reverend Wilson went on the postsecondary education at Ohio Wesleyan, Payne Theological Seminary and Capitol University in Ohio, and the University of Michigan. He earned a bachelor of arts, bachelor of divinity and a masters of sacred theology, as well as several honorary degrees.

Mr. Speaker, the reverend's list of professional accomplishments and civic contributions is a most impressive one. He has pastored 7 churches during the past 60 years in Ohio, Pennsylvania, and our State of Michigan. He has given 34 years of service to the local community as pastor of the Mount Olive Institutional Baptist Church, 1114 North Sixth Street, Saginaw, MI, and moderator of the Saginaw Valley Baptist District Association which claims 22 Saginaw area Baptist churches as its members.

A State and national religious leader as well, Reverend Wilson served as the vice president and president of the Wolverine State Baptist Convention and as a member of the board of directors of the National Baptist Convention, U.S.A., Inc., for 24 and 28 years respectively. The reverend was elected as the first African-American member of the Saginaw County Board of Commissioners from 1968–1972, and the Saginaw City Council from 1975 to 1977, and has served on several other boards and committees throughout Saginaw County.

Reverend Wilson was married in 1952 to Marthel Turner. He has been blessed with two daughters, Patricia, who lives in Cleveland, OH, and Sharon (Lucius) Floyd, who has joined her father in public service as an educator with the Saginaw public school system. His grandson, Melvin Paris Barkely is a junior at the Buena Vista High School. After the loss of his first wife in 1991, Reverend Wilson has been fortunate to have the companionship of his present wife, the former Lee Ann Hickens.

Mr. Speaker, my words can not possibly do justice to the decades of service of the Rev. James Paris Wilson. I can only hope that the tribute that his friends, family and colleagues offer him on the occasion of his retirement dinner will serve as a small reminder that we appreciate his works. Perhaps most importantly, it is my hope that, in celebrating the contribution of this great man, we will inspire others to follow his example. We will all miss, but never forget, his faith, leadership, conviction and his commitment to the sick, poor and elderly.

May God bless him and keep him.

TRIBUTE TO CREIGHTON SANDERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute Creighton Sanders, who is retiring from a successful sportscasting career after more than 35 years of outstanding service to sports fans and his community. On April 1, 1993, many of Mr. Sanders' associates, friends, and family will gather to honor this outstanding public figure.

Mr. Sanders began his professional life in sports playing baseball with the Reno Silver Sox. Later, he entered into journalism with a radio sportscasting stint in Oregon. In 1960, Mr. Sanders embarked on what would become an illustrious career in television sportscasting. In the more than 30 years that have passed since his entry into television, Mr. Sanders has earned a reputation not only as a leading professional in the area of sportscasting, but also as a champion of sports, working creatively to make sports events not only entertain, but benefit the community.

Apart from his efforts to foster interest and development in high school athletes, he dedicated himself to community service through athletics. Programs he has championed include the Porky Oliver Cancer Research Fund Golf Tournament; the first Forty-Niner Booster Club in Sacramento; Sacramento's celebrity tennis tournament to benefit underprivileged children; and the Paul Hofer Dinner to benefit Sacramento's Special Olympics.

In 1982, Mr. Sanders received a special award from Eunice Kennedy Shriver and the Special Olympics Program for his support of Special Olympics in Sacramento.

Mr. Speaker, it is with great pleasure that I rise to recognize Creighton Sanders for his commitment to the Sacramento community. He is an example that all public figures would do well to emulate. I ask my colleagues to join me in congratulating him and wishing him success and happiness in the future.

SENATE—*Friday, March 26, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

God of all wisdom, the men and women in this place are mandated by the people to make difficult decisions. They receive lots of advice from constituents, lobbyists, the press, plus various and sundry specialists who know all the answers but have no responsibility for decision. How easy it is, Lord, to advise when one does not have to decide. Grant grace to the Senators to be patient with Monday morning quarterbacks who are busy calling signals but are never in the game.

And grant grace, dear Lord, to the Senators to realize that there is One whose counsel is available and infinitely wise. One in whom they can trust who will establish their thoughts as they commit their work unto Him. Help the Senators to see, Lord, how practical prayer really is.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 1335, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd amendment No. 271, to reduce funds for the information systems of the Internal Revenue Service, to delete funding for the General Services Administration Building Fund, and to clarify that none of the funds may be used for low priority programs, projects or activities.

(2) Byrd amendment No. 272 (to amendment No. 271), in the nature of a substitute.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE SENATE CHAPLAIN

Mr. BYRD. Mr. President, I thank our Chaplain on behalf of all Senators.

Our Chaplain emulates that great Confederate general, Robert E. Lee, who said that "Duty"—duty—"is the sublimest word in the English language."

We have watched our Chaplain day after day come to the Senate and lead the prayers of the Senate, as we make our petitions and supplications to the God who created the universe, who flung the stars from his fingers, who hung the world on nothing, who guides the planets in their courses, and who created life and life eternal.

I respect this man. Not many of us would continue on, but this man, the Reverend Richard C. Halverson, is a true servant of the King of all Kings and the Lord of all Lords.

I am grateful for the inspiration that he has been to me personally. When I lost my grandson almost 11 years ago, this Chaplain spoke at the memorial service. And I have always remembered his words, as he led the service in reciting the 23d Psalm, which was my grandson's favorite Scriptural passage.

We do not thank people enough, and we do not thank the true servants of God enough.

This man ministers to all of us in our sicknesses. When my wife was in the hospital last summer with shingles—sounds like an exotic carpenter's disease, but it is very painful—the Chaplain came to her hospital room and gave a comforting and strengthening prayer.

I again thank the Senate Chaplain for his supreme dedication to the Senate and to his Lord.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the President's package is contained in the pending amendment before the Senate. This amendment does not prevent other Senators from calling up their amendments.

Amendments may be called up to the committee substitute, amendments may be called up to the bill, and the Senate may act on those amendments.

It would seem to me, if Senators have amendments that they believe the Senate might adopt, they should call those amendments up; not hide behind the facade that the pending amendment shuts them out. It does not.

At the end of the way, when the Senate works its will on other amendments, that pending committee amendment is to be voted on. And it is true that it would wipe out any amendments that the Senate had theretofore adopted. But if Senators believe in their amendments, let them call them up. And if the Senate feels strongly about a major amendment, such as the amendment by Mr. BOREN and Mr. BREAUX, let the Senate manifest its will on that amendment. Let us not hold back.

Emerson said that "God will not manifest himself to cowards."

Let us call up our amendments. I called up an amendment on one occasion, not an amendment that affected my pride, but an amendment that affected my coal miners. I fought for that amendment and worked hard for that amendment. I lost. I believe it was by one vote. I had the majority leader against the amendment, the minority leader against the amendment, and President Bush against the amendment.

Mr. HATFIELD. I was with you.

Mr. BYRD. And my friend from Oregon, Senator HATFIELD, stood with me.

But I fought hard. I lost. My coal miners lost.

But I got up off the canvas, dusted myself off, smiled, and went on to the next battle.

I think, with respect to all Senators—and I do respect all Senators—certainly the Senators who are wanting to call up amendments have a right to call them up. I respect that right. But, Mr. President, it seems to me that it is utterly ridiculous to complain about not being able to call up an amendment when the way is open, ridiculous to talk about an amendment and how badly it is needed and yet not be willing to lay the amendment before the Senate. Let the Senate speak.

The President has reached his decision based, I am sure, on many months of viewing the problems of the country, talking with thousands of people, appearing in townhall meetings all over this country, appearing on TV, on the radio. He took time to discuss his stimulus package with many of us before he submitted this proposal. His people talked with me. I am sure they talked with others—I know they did—about what should be contained in this stimulus package. And based on all of that, all of that work, all of that time-consuming labor and effort, the President came to the conclusion that this was what the country needed.

Standing by itself it can be criticized. But as a part of the overall package—and that is what it is, it is a part of his comprehensive package.

I am for helping this country. We have been in a long recession, over 23 months. And we have already experienced two dips in the so-called recovery. It is a very anemic recovery. It could go into a third dip. If it does, then it may be too late.

The President considers this package as an insurance policy against a triple dip. And he is entitled to a chance. He says: Give me a chance.

I am startled—I am amazed and chagrined—that members of my own party who have said for years we want leadership in the White House, give us a leader, and now that we have a leader, a man who is demonstrating leadership, he is putting his neck on the line, why cannot we, as Democrats, support the President? We all want to see the country come out of this anemic recovery. We want to see people go to work.

This bill is a jobs bill. It also contains $4 billion in unemployment benefits: $4 billion. Four billion dollars. For whom? People who are out of work and people who have been out of work and who will no longer receive benefits come April 5. The first week in April, unemployment benefits for 1.8 million people will run out—1.8 million people. Unemployment benefits will run out.

Where are my fellow Senators who have been saying, "Give us a leader?" We must avoid a triple-dip recession. Here we are, leaving the image that we are fighting among ourselves. Over what? Over that leader's—down at the other end of the avenue—over his package. Is our party going to fail him now?

The unemployment benefits will stop cold. Think about those families who are dependent on that money. Think about them. They must be biting their fingernails right now. "I wonder what is going to happen after April 5? Are those Senators going to quit arguing, dragging their feet?" Those benefits will run out, come April 5.

They have a right to worry. If we do not pass this package, they will be out of luck. Let us get on with debating the merits of this stimulus package. Let it have a chance. Let us debate it. Let us not continue to hold up this legislation, waiting for this President to make some kind of a deal with somebody. I think the American people are sick and tired of deals. This President does not have to deal. The bill was just laid before the Senate yesterday, around 1:30 or 2 o'clock. And by 7 last evening I heard talk about deals. The rumors were, we have to have a compromise.

This President has indicated that he believes this package is vital for the health of the economy and the good of the American people. He is our President. The American people expect him to lead. Are we going to put chains on him? Are we going to weight him down with our little feelings of—perhaps pride? I do not know. But the mere thought that this President has to deal with a Senator or two on this package is off the wall. If this package is going to be filibustered, let it be filibustered by our friends on the other side of the aisle.

(Mrs. BOXER assumed the chair.)

Mr. BYRD. Madam President, I can imagine how those whose payments will expire on April 5 will continue to wonder about gridlock when this great party of ours is demonstrating an unwillingness to follow the President on this jobs package. Let Senators who are against the package vote against it. Let Senators who are against the amendment vote against it. Let Senators who are for the amendment vote for it. We see amendments called up all the time here, voted up and voted down. I suggest that our Republican friends call up some amendments. The way is open. A Republican Senator said yesterday, and he is still on the floor today, "Oh, to call up amendments would not be meaningful." Why, I stood here yesterday morning and the night before yesterday and watched Senators on the Republican side call up amendment after amendment after amendment after amendment and each amendment was voted down. Was it meaningful? Did Republican Senators think they had the chance of a snowball in Hades when they called up their amendments? Why, no, they knew they were going to have their amendments beaten. The momentum was there, and they knew it.

Why did they not call up their amendments yesterday on this bill? "Oh, well, it wouldn't be meaningful. The Senator from West Virginia has filled the tree. When it gets to the point when we think we can get meaningful votes, we will call up our amendments."

Well, they did not stand back yesterday morning. How many amendments did we vote on yesterday morning? Seven or eight? How many did we vote on Wednesday evening after the time had run out? Eight or nine? Those were not very meaningful votes, but our friends on the Republican side put us to the test. They called up their amendments, with no debate. Many of us voted blindly on those amendments, because we could not debate them.

I asked for 1 minute to debate one of those amendments yesterday having to do with the rescissions, line-item veto. I was fair. I asked for the other side to have 1 minute also, and a Republican Senator objected. In my 35 years, going on 35 years in this Senate, I have not once objected to a Senator's request to speak for 1 minute, 5 minutes, 10 minutes, 30 minutes. I have never objected. This is the forum of debate, free debate, and when this Senator asked for one little pitiful 60 seconds, they said no.

The Republicans called up their amendments, though, and they had them defeated. Why can they not call up their amendments now? The way is open. If they can demonstrate great support for an amendment, then we might find a way to include that amendment. It is not necessarily a lost cause for those Senators who are worried about this tree.

This package needs to move. The American people selected this President—this President—to lead. Do Democrats want to be seen as blocking the path of this President? The package needs to move quickly if it is to have the effect intended.

Now, we do not have to go home today at 3 o'clock. Last night about 7:30, I was told that too many Senators had gone home. Last night was Thursday night. We have been told that on Thursday nights, "Stay around, we might have votes," yet, Senators had apparently gone home. I suppose they could have been called back, if a vote occurred.

Now, today is Friday, and it is a workday. Why not stay around today and vote? I wonder if we will have enough Senators after 11 o'clock or 12 o'clock or 1 o'clock to wad a shotgun around here? What about Monday? Are we going to have votes on Monday?

We have this bill, an important part of the President's economic package, and if there is one thing that we can be sure that the President will be judged upon, is what happens to this economy? What happens to the jobless? What happens to the unemployment rate?

Here we are in the 65th day of his Presidency and we are fighting his program on our side. I do not question the sincerity of any Senator. I do not say that any Senator has to see eye to eye with me, but this is a part of the President's overall package. It has his name on it. The rope is around his neck if he does not bring this economy out and the rope is also around our necks.

On March 3, Senators voted to extend unemployment benefits by a wide margin. The vote was 66 to 33, 2 to 1, to take that step. The $4 billion needed to fund that extension is in this package—this package. Hear me out there, those who may be watching the Senate. The $4 billion is in this package. There are those whose benefits will expire on April 5, and who are probably thinking, where is the next loaf of bread coming from, what are our children going to do? I do not believe that Senators are willing to prevent those 1.8 million people and their families from getting that money. Senators do not have to go home for a break. We can cut some of that 2 weeks. Robert E. Lee said, "Duty is the sublimest word in the English language."

What is our duty? Our duty is to stay here and get this work done. We ought to be in here tonight. We ought to be in here tomorrow, Saturday, voting. We ought to be in here Monday, voting. We have the debt limit backed up behind this package and the conference report on the budget resolution. We have work to do. Senators ought to make plans to stay and get this work done.

Part of that work is, getting $4 billion out to 1.8 million people by April 5. Do we want to go home without approving these benefits? Is that what we want to do?

This Senator is not willing to do so. Families of the unemployed are going to feel the crunch, if we stalemate in an argument about exactly when certain moneys should go forward. The President made that decision.

If any Senator wants to call up an amendment, call it up. Let us see what the Senate thinks about it. Let us not stand by and say, well, give me something first.

Senators did not go out across the country like this President did. I do not go anywhere except to West Virginia and my house in northern Virginia. That man went out. He faced the multitude. He answered their questions. He went into the shipyards, into the factories, into the coal mines, out to the farms, into the schoolhouses. He talked to people, went to their churches. This is his package, and it is very important to the country.

Now, if he fails, let it not be said that we Democrats caused him to fail. Let the American people not say that we caused this leader to break his wing.

It is not an argument about whether or not the money should be spent. That is not the argument on this side, whether or not it should be spent. It is an argument about exactly when it should be spent. In the President's judgment, this money needs to go out now. He was elected to lead. Let us move aside and let him lead on the most important matter before this country today—getting people to work and strengthening the economic base of the Nation.

I encourage Senators again to call up their amendments. There are Democrats who have amendments. There are Republicans who have amendments. I will be here to listen to the debates. My colleague, Senator HATFIELD, will be here.

Senator HATFIELD and I may not agree. I may support an amendment; he may vote against the amendment, or to the contrary, just the reverse. But we are here. Senator HATFIELD is here. I am here.

Someone said Senators are tired. Gnaeus Marcius Coriolanus said, "Conquerors should not be tired." I say Senators should not be tired. I have been here the last 3 evenings past midnight. Other Senators went home last night. I stayed here until after midnight. I took a look at my transcript. I like to go over it, and see how I am quoted.

I have been telling Senators that they ought to abide by the rules; they ought to address other Senators in the third person.

Well, I noted in my transcript last night, that I had addressed several Senators in the second person. In the heat of the debate, I forgot.

Now, for the RECORD, I changed that because I want the readers of the RECORD 50 years from now to see what is right, not what is wrong with what I say.

I am not the first to edit my transcript. Daniel Webster did that as well. He would take the transcript to his boardinghouse and keep it sometimes for a week or two, and he would carefully edit his speeches. He did not think about publication so much as he thought about those who would read his speeches in the future. How many former schoolboys in this Chamber have memorized Webster's speeches? But he rewrote much of the transcript.

I will say one other thing about speaking in a bit of anger or passion. Caius Gracchus, the brother of Tiberius Gracchus, was a Roman Tribune in 123 B.C., and it was Caius Gracchus who first moved about on the rostra. Plutarch tells us that he was the first Roman to move from one end of the rostra to the other as he spoke, and to throw his gown off his shoulders. He was a speaker who moved the audiences. But at times he would speak in a strained voice and at times with a violent passion.

Caius Gracchus, therefore, asked his servant Licinius to stand behind him with a pitchpipe and when Caius was speaking, if his voice carried too high a pitch, or broke out with anger, Licinius was to blow the pitchpipe, and give him a softer key. Caius would then tone down his passion and speak with greater propriety.

We all at times may get our voices a little too high. I will try to lower mine now with a plea that Senators come to the floor and call up their amendments.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD].

THE SENATE CHAPLAIN

Mr. HATFIELD. Mr. President, the chairman of the Appropriations Committee, the Senator from West Virginia [Mr. BYRD] and I have been associated in many common enterprises particularly in the last 15 years or so.

I would like to go back to his original or his first opening remarks to certainly commend the Chaplain for his fine service to the Senate and giving recognition to his many duties that he performs with such professionalism and such warmth and obvious compassion, to associate myself again with the chairman in commenting briefly on my appreciation for the Chaplain.

Mr. President, I have known the Chaplain for close to 40 years, since he was then associate pastor of a Presbyterian church in Hollywood, CA, and through many associations have come to appreciate him as a most articulate proclaimer of the Gospel for which he had his ordination to proclaim with clarity, succinctness, and with great applicability to daily living. And then when some 26 years ago my family and I moved to Washington, we found our way into the Fourth Presbyterian Church in Bethesda where he was then the senior minister. My children had the opportunity to hear the Sunday school program that had a special focus on youth—probably one of the largest congregations of young people of any church in the whole district area; again, that wonderful association that led to his being identified as the Chaplain here in the U.S. Senate.

The status of the chairman of the Appropriations Committee then shifted to the minority leader for a period of time—with all due respect and affection, not long enough perhaps but certainly at least for 6 years—and then the majority leader again. But as had been over the tradition of the history of the Senate, the Chaplain was not a political appointee and has remained free of political identity because he serves all the Senators—the D's, the R's, the I's or what other designation our party labels may be given to us.

So he has continued on as Chaplain now since 1981.

We know the Chaplain as one who is a pastor, as shepherd of the flock. As the chairman has indicated, it is not just to the 100 Senators, but to the pages, to the staff, to the clerks, to the police, to all those who make up the great infrastructure and make it possible for the U.S. Senate to function.

Of late, the Chaplain has certainly performed his duty under difficulties. We all pray for his continuing recovery and strengthening day by day. But I join in saying that too frequently we take many of these folks for granted—the waitresses, the chefs that prepare the food, those who come and gather our refuse and garbage, those who patrol the safety of our premises, all of those who contribute so much, those who sit day by day and listen to all of the pontificating and the speechmaking, sometimes a little hot air, and do so with grace, with politeness, and charity.

And so many of these we take for granted. I am so happy that the Senator from West Virginia this morning took a few moments to pay special words of commendation and appreciation of love for our Chaplain, Richard C. Halverson.

Mr. LIEBERMAN assumed the Chair.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I am again in the situation where I want to be supportive of the President, and I do not think there is a person on this side of the aisle who does not have the time ambition, the same dream, the same hope, the same commitment to a strengthening of our economy as anyone on the other side of the aisle.

This is not a partisan matter. If our country hurts, everyone hurts. But I also feel that there is in a pluralistic society always differences of viewpoint, differences of opinion. And as a consequence, I do not think there is any one approach that is sacrosanct to solve a problem. I think the greatest way to solve problems is when we can move together in a bipartisan manner to join and demonstrate to not only the President but to the American public that their elected representatives are committed to resolving an issue, not for the benefit of one party or the other, or for an incumbency, but for the benefit of the American people.

Let us recognize too that there is diversity and pluralism on both sides of the aisle. The distinctions of pluralism and diversity do not make the aisle.

I stood on this floor when I was the only Republican who was supportive from the very beginning of the motor voter, overwhelmingly supported by the Democrats, overwhelmingly opposed by the Republicans. Even yesterday there were two Democrats on that side of the aisle that joined the Republicans in saying no, this is not the best budget resolution that we can craft.

We have liberals, moderates, conservatives on both sides of the aisle. Pluralism and diversity is one of the strengths of this country—political pluralism, religious pluralism, economic pluralism, social pluralism. I am not one of these who think that we all have to conform whether it is correct political speaking or correct political thinking. That has too much the tone to me of conformity and attack upon diversity. I think in all social relationships, there is a degree of decency, politeness, good manners that should dictate our language rather than saying, oh, this is the only nomenclature you can use, that we have to sensitive to people of course. But when correct political thinking and correct political speech says this is the dogma, this is the nomenclature and no other will fit, privately or publicly or otherwise, I tend to resist this.

I was reared under free speech. I defended free speech at a time when free speech was being circumscribed of all places at my graduate alma mater, Stanford University; that in 1948 they would not allow a political candidate on the campus to make a speech. Can you imagine?

Well, those of us on the Republican side were just as determined for free speech as the small band of progressives who were supporting the candidates of Henry Wallace for President and Glenn Taylor of Idaho for Vice President—a handful of students.

As you recall, the American Communist Party had endorsed Henry Wallace at that time for this progressive party bid for the Presidency.

Well, when the university said, "We will not have him on the campus; we will not allow him to speak," we joined, we who were Dewey supporters. Not many people remember him. Governor Dewey of New York. We got a flatbed truck with some public address system and a guitar for Glenn Taylor, known for his guitar music. He was far less a guitarist than our chairman is a fiddler in talent, but nevertheless it was his trademark. We backed that truck up to the edge of the campus, at the gates of the campus, and we the students stood on the campus property, and Glenn Taylor was officially off campus, and we gave him a great cheer and applause, not because we were going to vote for him, but to demonstrate our determination to exercise free speech.

I say all of this only to background this, that there is nothing that is so sacrosanct, locked into concrete, that it cannot be changed or modified. And I believe that is the essence of legislation. We have already changed this package. I joined with the chairman to change this package. The chairman said we should change this package. We changed it in the committee by the substitution of a formula on the distribution of a summer jobs program. First change. We already proved that it was not sacrosanct as presented by the President.

Second, on the floor of the Senate yesterday, the first amendment that was cosponsored by the chairman and myself was to set a criteria, so that some of these items that the House of Representatives had used in their debate in opposition to the package would be eliminated by criteria. And, hopefully, more of that will be eliminated by that amendment yesterday, setting forth the requirement for publishing of criteria.

You ask why there are other things that should be eliminated. Let me list a few we did not eliminate yesterday but, hopefully, through the criteria, will be sifted out:

There was $1 million to construct a casino in Connecticut; $2 million to renovate a theater in Kentucky; $1.4 million to build a grocery store in Minnesota; in Illinois, $120,000 to repaint a water tank; $2.4 million in Massachusetts to restore a tower and cottage; in Minnesota $1.4 million to build another grocery store, and the list goes on.

Remember, the purpose of this particular supplemental appropriation—No. 1, it is an emergency. Why? Well, one reason is so that it will not be scored in our 1993-94 appropriations cycle, and also to avoid sequestering; it will still add $19 billion to the deficit. No offset in that sense.

Can we say that all parts of this bill, and all those accounts that will be expended out to certain projects like I have read that are not in the bill, as such, but are in the programs that we are appropriating moneys to their accounts, are these truly emergencies?

You know, they always say in the business we are in that to try and explain to the public, process is the most difficult problem we have. Process. I suppose we are in a process now, like we are in the budget resolution process, that is most difficult to really explain. I will tell you what the people will understand, whether it is complicated or not, and that is that they are going to have an increase in the deficit on this particular bill, without the offsets required under the 5-year budget resolution.

Mr. President, another factor that this bill is supposed to do is to provide jobs immediately. And it will do that, in part. But, certainly, it will not do it in all cases. That is why I think there are some very legitimate amendments pending here on the floor to test it out, as in the case of the Senator from Louisiana [Mr. BREAUX] and the Senator from Oklahoma [Mr. BOREN]. These two gentlemen have spoken at length yesterday on the matter of trying to phase this package in, to give it a test run, in a sense—this is one of the reasons—to give it a test the first year. So there is reticence already demonstrated on the diversity of both sides of the aisle. This is not a Republican versus Democrat matter.

Well, you know this is not the first time that we have had proposals for a jobs stimulus, although this subject has not been debated at length in the history of our Republic.

Let us go back for a moment to 1980, to a report on job stimulus that was issued then by the Joint Economic Committee, chaired by Senator Lloyd Bentsen, Democrat from Texas, who is now our Secretary of the Treasury. Few men have been held in such high esteem on both sides of the aisle as Senator Bentsen. I am privileged to count him and his wife, B.A., as very dear friends, as well as associates.

Mr. President, the current Secretary of the Treasury, Mr. Bentsen, characterized the Government stimulus program in the following way in June 1980. Remember, June 1980 was a time of the misery index, double-digit inflation and double-digit unemployment, probably the most severe economic times in recent years, as far as suffering of the people. And the misery index was created by the Democrats to identify the misery of people. Very frankly, I thought it was a very effective mode of communication.

This is what Senator Bentsen said:

> Such programs are not timely enough to even take effect before the end of a recession.

By the way, Mr. President, are we in a recession? Senator Bentsen, at that time, was talking about something that was very evident out there in terms of the economy.

Let us not forget, as my good friend from Mississippi, Mr. COCHRAN, said yesterday, we have grown; and it is not his opinion, not his statistic, it is a basic statistic—we grew at 4.8 percent in the last quarter alone. Hardly a time of recession.

Let us not forget, too, that in the last year of President George Herbert Bush, if you please, we had 1.5 million new jobs in that last year of the Bush administration. The statistic did not get out soon enough to help him in November. But as we heard the trashing of our economy by our political opponents all during that campaign period, that was a year that we had 1.5 million new jobs created, which made 118.5 million Americans at work—a historic high. It was pretty silent in the media.

Let me continue with Senator Bentsen's comments about stimulus programs:

> The duration of employment for public works jobs is too short to provide meaningful relief for the hard-core unemployed. Federal public works programs often displace State and local programs meaning that Federal jobs may simply substitute for State and local jobs. As a consequence, net job creation is quite low, leading to a very high cost per job ranging—

Now remember this figure—

> ranging from $70,000 to $198,000.

That is per job.

Mr. President, I might point out that Senator Bentsen was talking then about 1980 dollars.

Is this just one Democrat speaking as an isolated case as he looks and reviews the question of what importance and what impact a jobs stimulus package may be, or proposed program?

Again, as has been quoted before, let me take the current OMB Director, Mr. Leon Panetta. I want to say, too, that Leon Panetta is a former Member of the House of Representatives, and having known him over a period of time I hold him in the highest regard. I think he was considered then, as a Member of the House, by both sides of the aisle as a man who knew his figures, a man who knew how to debate the issues because he had done his homework. And I wish him well in his new job as much as any appropriator can wish an OMB person success. We have somewhat of a love-hate relationship with that department. Nevertheless, I certainly wish Leon Panetta great success.

This is the OMB Director speaking about the current moment. We all know that 1980 was different than 1993. I am not suggesting that anything is static or that anything is always in an exact parallel, but, remember, Senator Bentsen was talking about a generic proposal, a jobs stimulus package.

So, when Mr. Panetta says he estimates the bill will provide only 219,000 jobs in 1993, this package with $19 billion added to the deficit will produce 219,000 jobs in 1993, the rest of this year, this amounts to $89,041 per job. Remember, Senator Bentsen said those jobs could range between $70,000 and $198,000. Maybe we are lucky now with only $89,000 in that range quoted by Senator Bentsen.

Let us get a point of reference, a point of comparison here for just a moment. We are talking about 219,000 jobs for the remaining period of this year, 1993, by a $19 billion jobs stimulus package.

Last month the private sector increased employment by 365,000 jobs in 1 month. This is a $19 billion package to create 219,000 jobs for the rest of this year of some 9 months. I would not say that had much cost-benefit ratio. If we were judging a water project in the far West on an engineer's basis of cost-benefit, it would not reach parity.

Now, Mr. President, again I want to refer to the fact that if you are out of a job, if you are unemployed today, that is a major crisis. I think we can quote statistics oftentimes to the point where we lose the human face, where we lose the individual.

If we have 219,000 jobs to be created and if you are unemployed today, that is an important package, and I am not denying that at all. But what I am saying is that I think we have to compare this and contrast it and evaluate it on the basis of cost to the taxpayer in the long run because those who are unemployed now who might be employed from this package will be also shouldering an additional part of that burden of the deficit over many years to come as well as our children, their children, and their grandchildren.

So, Mr. President, I just want to indicate that I have reservations about this package. I have serious reservations, as do some colleagues on both sides of the aisle, about this package as constituted, and I think we have to really look at the picture from both the short term and the long term. I have a very strong feeling that we have some amendments that we would like to have considered and that will perhaps be offered.

I want to say to the chairman I agree that the chairman has played by the rules. There is no one who has ever, I think, found him not playing by the rules. He plays by the rules in a tough, hard manner, but always a courteous and considerate one.

Mr. President, I want to also say: Let us realize that the playing field at this particular moment in our parliamentary procedure, all created by the rules, has certainly advantaged the manager of the bill in the sense that whatever amendment is offered by either side, and if adopted, can be wiped out when we come to the pending question and the disposal of the pending question that now is before this Senate.

So, you might say, yes, we can go through the exercise, but there is no way that we can have any sense that if our amendment or anybody's amendment—not just this Senator's amendment—anybody's amendment is adopted after debate, and 99 to 1 it might turn out in support for that amendment, that amendment is wiped out if the Senate proceeds on through with the pending question and votes the pending question. That amendment is wiped out. I believe I have stated the parliamentary situation correctly.

Now, Mr. President, I do not want to hold up people from offering amendments because I am here to do business. As the chairman already indicated, we both are comanagers of this bill. I would like to make a few more comments before I yield.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. HATFIELD. Yes, I yield to the Senator without losing my right to the floor.

Mr. BYRD. And for a question only.

Mr. HATFIELD. Pardon me?

Mr. BYRD. And for a question only.

Mr. HATFIELD. Oh, I am not planning to yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I understood the Senator from Oregon to say he yields the floor.

Mr. HATFIELD. For a question, I meant to say.

Mr. BYRD. I beg your pardon.

Mr. HATFIELD. I yield the floor to the Senator for a question only.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] has the floor but yields for a question by the Senator from Mississippi.

Mr. HATFIELD. I yield to the Senator from Mississippi for a question.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for yielding. May I ask under a parliamentary inquiry, is it in order for me to submit a parliamentary inquiry to the Chair?

Mr. HATFIELD. I would yield for that purpose.

The PRESIDING OFFICER. Without objection, the Senator from Mississippi may do so.

Is there objection?

Mr. BYRD. If this Senator yields for that purpose, he has a right to yield for that purpose.

Mr. COCHRAN. My inquiry is——

Mr. HATFIELD. Mr. President, I do not yield the floor at this time.

The PRESIDING OFFICER. The Senator from Oregon retains the floor.

Mr. HATFIELD. I do not yield to any Senator at this time.

Mr. President, again I would like to go back to this matter of the package that is before us in matters relating to what it will achieve and what it will not achieve. I think it is well to keep in mind that in this package there are those portions which I do not know anyone would disagree with, seriously at least, because we are looking at moneys for the highway trust fund that will increase highway construction and airport construction. This adds to the infrastructure. This has hopefully some immediate job impact.

And, by the way, even though the results of this may be good, we still have an emergency declaration that creates a nonscoring for the current fiscal committees in 1993, but certainly does add to the deficit.

I think any of us know that this highway trust fund that has been enhanced through the reforms made in the 1991 Transportation Act, is very significant to us as far as strengthening the infrastructure, both as to the operation and maintenance upkeep, but also in new construction.

I am particularly happy we took out the constrictions on that in order to include light rail and alternative systems. We had a decision to be made in our State for a new freeway or light rail and, as a consequence, we have been able to embark upon a far more energy-efficient system and far greater support to our environmental requirements than to add more auto traffic in a major congested area.

I think this demonstrates again the necessity of addressing not only the infrastructure for jobs, but for the needs of moving people in a more efficient and energy-efficient manner.

Mr. President, I ask for the yeas and nays on the current question.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I feel that we are looking, again, at a common desire that we both have on both sides of the aisle, and that is to help the economy and to help the President, because in helping the President and uniting our efforts to support a strengthening of our economy, it certainly is mutually beneficial.

I think, frankly, the politics of it are such that there is enough credit to go around.

So I appeal, again, to the Senate to let us consider these matters that they may have as far as differing or subtracting or adding to or modifying the current bill before us and to get on with the business.

Very frankly, I join the chairman in saying I would like to be out of here for the weekend. But I am ready to be here today, tonight, tomorrow, whatever it is that is necessary to complete the business of the Senate. I do feel that it is awfully important, though, to recognize that we have at this moment a parliamentary situation that does not invite these amendments, really.

I heard the Senator from Louisiana and the Senator from Oklahoma exercise a great deal of energy, good statistics, good data, good persuasive arguments. But they knew, we know on this side of the aisle, and those on that side of the aisle know, that we are in a very correct—legally, technically, ethically, morally correct—parliamentary position, but the playing field is not really that even for any changes in this bill that have come to the floor.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I have viewed with considerable alarm the certain surge of attendance on the Republican side. I counted 10 or 12 Senators who came into the Chamber all at once.

And I looked about me: Where were my troops? There is only one—one—the distinguished Senator from Louisiana [Mr. BREAUX]. He has about won half of his case with me already, just by being here with me.

Here is one man, one fellow Democrat, who stands here with a smile on his face. And here are all of these menacing people on the other side.

I am glad that we have that kind of attendance on the other side. Of course, I figured they were going to try to get the yeas and nays on the pending amendment. I suggested to the Republican leader yesterday that we keep open this pending amendment so that in the event a Senator offers an amendment, if a Senator has the courage of his convictions and will submit his amendment to this Senate for a decision, and if the Senate adopts the amendment, and if it is a major amendment such as the Breaux-Boren amendment, then I would think that the Senate has spoken its will, and we might find a way to include it.

Without the yeas and nays on my pending amendment, I can modify my amendment to include whatever amendment it is that gets a sufficiently large majority to be persuasive to the President and to other Senators.

I have a feeling that the Republican leader was of the opinion that the Republicans did not want this amendment to be left open to modification by the author. That is the impression I got.

Now the Republicans have closed it off—they say they do not have a level playing field—they took it upon themselves to close off an opportunity to get the pending amendment modified without unanimous consent, to include any amendment on which the Senate indicates strong support. Now that is closed off.

The only way to be included now in the pending amendment would be by unanimous consent. They want this whole matter to rise to a head on the pending amendment without modification. That is all right with me.

There are other ways. There are ways, believe me. The Republicans think they have shut off—let me say to the press before they all leave—our Republican friends think now they have shut off any possibility of an amendment that is carried on this floor, any possibility of its becoming law.

They have not closed off all the avenues. I am not going to tell them how, but there is a very good avenue wide open.

If Senators will call up their amendments, and if the Senate adopts their amendments, then there is still a way to get such amendments included in this bill.

You Republicans brought 11 or 12 Senators in here, and this poor little old Senator from West Virginia, standing up here with his finger in the dike—Phoebe Cary, you will remember, wrote about a boy who kept his finger in the dike. He stood there and, with the strength of his single arm, held back the sea and saved the village.

And here is this Senator who came from the red clay of Mercer County, WV, went to a two-room schoolhouse, worked 10 years here in Washington to try to get himself up to the equal of some of these peerless Senators; never intended to be an attorney. A country boy between two lawyers is like a fish between two cats. I never intended to be a lawyer. But I wanted to improve myself.

Here is this little old boy from the country. Rustic boob, they could say, I suppose. Rustic boob from West Virginia, that poverty-stricken, down-at-the-mouth State where those hillbillies live in shacks and walk without shoes, some people like to think. And here, this army, virtual army of Republican Senators walked in these doors. I wondered, what in the world is about to happen now, to me? Why, there are enough Republican Senators here to lynch me. They can ride me out of town on a rail. I was looking around for my support on this side and I only see my brave staff aide. He is still here with me. He is still with me. He is here as Strato was with Brutus.

But the servant was there, carrying Brutus' sword, in case Brutus decided to commit suicide. He had his dedicated servant with him for that purpose. And Cassius did the same thing, by the way. He committed suicide and used the same dagger that he had plunged into the veins of Caesar. He had his servant help him execute himself.

My faithful—my faithful staff director of the Appropriations Committee was here, the best—best—best there is anywhere, with him on my side, and God on my side with his troops of angels standing in the shadows. If a man be right, though he eat but a crust of bread; if a man he in the right, though the right be on the scaffold and the wrong be in the lofty seats of power in Washington, if he is in the right, God stands in the dim shadows and watches over his own.

I am here, now, almost alone. I see most of my Republican friends have wandered off into the—hills.

I only know of, actually, three amendments on the Democratic side. One is the Breaux-Boren amendment. Senator FEINSTEIN had an amendment, and Senator KOHL had one. That is all we have on this side.

My Republican friends, if they have amendments, let them call up their amendments and I will yield the floor. Let us have some votes on amendments. If we are not going to have votes, let us talk. Let us have some people on this side of the aisle. I need to take a rest. I need to sit down. I need to get off my feet. I need to call my wife and ask how our little dog Billy is doing this morning. He was not very well this morning. I came in late last night and he was there to greet me. And this morning he had not had enough sleep. I got home after midnight and my poor little dog Billy—and the love and affection that little dog has for Robert C. Byrd—you ought to see that display, that little dog is tired, and this morning he was still wanting to sleep. I would like to get on the phone and ask Billy—ask my wife: Put Billy on the phone.

I am tired. Nobody here but me? Would Senator BREAUX be willing to call up an amendment and let us have a vote? Call it up.

I will tell you what the Senator could do—or even I could do it. I could call up his amendment. I could call up the amendment by Mr. BOREN and Mr. BREAUX, and we could debate that amendment. I do not want to do that. But I have the right to do that. Do Senators know that? I have the right—and so does any other Senator—to call up anybody's amendment that is at the desk. Any Senator who has an amendment at the desk, I can call it up as though it were my own.

Now I could call it up and leave it there. The Senate could work its will on it. I hope Senators will not force me to do that. I could call it up and as long as no action is taken on the amendment I could, having called it up, withdraw it. I can do that.

I would like to debate a target; not a moving target. I would like to see the amendment in its final form pending before the Senate. I plead with my friend from Louisiana to talk with his distinguished compatriot and his comrade-in-arms, Senator BOREN, and call up their amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I begin by complimenting our distinguished President pro tempore for his enlightening remarks. When the distinguished Senator from West Virginia takes the floor, there is some uncertainty as to the scope of the history lesson or the references to his home life or the activities and sleepiness of his dog Billy. But it is always enlightening.

When he made a comment about 11 Republicans on the floor, alluding to 11 to 1—discounting Senator BREAUX for just a moment—I was reminded of a story my father told me. My father served in World War I. And Cpl. Alvin York was a great hero of my father's. He was later promoted to sergeant, where the title of the movie comes from. But there was one sequence, historically accurate, where there were 40 German soldiers and just Corporal York to defend.

Corporal York was a sharpshooter and he moved with stealth around the entire German contingent so that the Germans thought that there was a mighty force that they were facing. And as he moved around he picked them off one by one. And the conclusion of the story was that there were 40 German soldiers and Corporal York, 40 to 1, and Corporal York outnumbered them.

I am reminded of that story when I hear Senator BYRD speak today. If it is only 11 to 1, Senator BYRD still outnumbers the 11. And when he said he went to law school, I am sure his professors got a good legal education by having Senator BYRD in class with them.

It seems extraordinary to this Senator, after having been to law school and after having practiced law and after having debated Senator BYRD with some frequency—we do not do it anymore—we have to come back and reargue whether there has to be an objection or no objection for yielding the floor for a question, which we did for many hours a few years ago, but it would be hard for me to imagine that Senator BYRD would not teach more law in law school than he would learn.

I was in my office this morning when I heard Senator BYRD speak and watched him on television say that he was prepared to vote today and prepared to vote tomorrow, Saturday, prepared to vote on Monday, prepared to cancel the recess. I thought back to November of 1991 when I made a similar speech. I am sure my speech was not the first because Senator BYRD has been here since 1959, and in the House since 1953. I have studied his career with some diligence. I have not read both of his volumes yet, but I am working on them.

It may be that Senator BYRD made the speech before and many Senators made the speech about skipping a recess, attending to the business of the Senate and voting on a Friday afternoon, voting on Saturday, and voting on Monday. I agree with Senator BYRD on that proposition because I believe that there is much Senate business which is unfinished.

I came over this morning, Mr. President, to file an amendment to the pending legislation, which I did. It is nominated amendment No. 274. it is health care reform legislation which this Senator introduced at an earlier point on Tuesday of this week, Senate bill 631. And it follows legislation which this Senator introduced on January 21, Senate bill 18. I did that on the first legislative day. It follows a series of bills which I have introduced in prior Congresses, trying my best to address the problem of health care.

When I heard Senator BYRD talk about voting on Saturdays, and on Mondays, taking care of the business at hand—and I had been giving serious consideration to offering this amendment and bringing it to a vote—I thought this might be a good time to bring an amendment to a vote since it will not count.

May the RECORD show that is the first time that Senator BYRD laughed audibly during the course of my comments, notwithstanding the clarity of the prior comments.

Mr. BYRD. The Senator cannot prove that by the RECORD.

Mr. SPECTER. No, but I can by your interjection, and I can always file an affidavit or two.

But I have addressed this problem of health care repeatedly, Mr. President, and I did so last July 29 when I offered an amendment on health care to legislation which was pending on the energy bill.

As the RECORD will show, the distinguished majority leader came to the floor and said that amendment does not belong on this bill. I said I agree and I am prepared to take it off if the distinguished majority leader would give a date certain to take up health care reform. The distinguished majority leader said he could not do that, the schedule was too complicated.

So I reminded him that he had done that on product liability and set a specific date, September 8. Notwithstanding that, no commitment was forthcoming, and we voted. It was a party-line vote, and it was defeated.

About that same time, another Senator had made a speech, which I saw on C-SPAN that night which concerned me greatly about the inactivity, the ineptitude of the Republicans refusing to do anything when Chief of Staff Sununu would order them to the contrary. I came to the floor and sharply disagreed with that.

That Senator had said that Washington was a one-man town, one-person town, the President controlled it. I strongly disagreed with that. Perhaps there is no Senator who disagrees more with that one-man, one-person town than Senator BYRD who has spoken repeatedly about the powers and the importance of the U.S. Senate, the U.S. Congress.

I remind those who may be listening, perhaps inform some, that the Congress is article I in the Constitution; that is, the first article, written before the article on the executive, article II. Both were written before article III on the judicial system. But the judiciary has superseded both the Congress and the executive, as we have seen the Constitution interpreted. We have not interpreted it. The Supreme Court has.

But I believe that Congress can act, Mr. President, and I believe that we are long overdue on acting on health care legislation. I am very concerned that health care legislation may not be acted on in 1993.

I saw a quotation from the distinguished chairman of the House Ways and Means Committee, Congressman ROSTENKOWSKI, saying that he thought health care would not be legislated this year. I saw the distinguished majority leader on "Face the Nation" a few weeks ago saying that he thought we could have a bill by summer. But there appears to me to be—well, I will say on my own that I have some question about that. The distinguished majority leader made a comment, as I recollected, that he worked on health care for 6 to 8 years and we were ready to legislate.

I believe, Mr. President, that the Congress is ready to legislate, and I believe that Washington is not a one-man town, not a one-person town, not a one-man or a one-woman town, but is a town with coordinate branches, with authority to come from the Congress and the United States, as well as from the President. What I think we need is a bill on the floor which is a critical mass to begin to work.

One of the greatest learning experiences I have had in this body was the Clean Air Act of 1990 when a very tough piece of legislation came to the floor and the Senate divided into task forces and went to work and crafted a bill, not a perfect bill. We do not craft perfect bills. We are just men and women, but we got a bill done which I think was an improvement. I think, in fact I would say I know, that it is high time that we went to work on health care legislation.

I introduced Senate bill 18 on January 21 and said in my floor statement at that time—while complimenting President Clinton on an outstanding inaugural speech—that I had hoped he would do more to address the economic recovery of the country and health care legislation.

Yesterday we agreed to a budget resolution. I was sorry to see that budget resolution adopted, Mr. President, largely along party lines. I have said both publicly and privately, and I have said on the floor of the Senate, that I want to cooperate with the new President. I want to help him solve the problems of the country. I know that the people of America are looking for answers and they do not care whether they are answers from Republicans or answers from Democrats, they want answers.

I know that yesterday two Members of the other side of the aisle—the distinguished Senator from Alabama [Mr. SHELBY] and the distinguished Senator from Texas [Mr. KRUEGER]—voted against the budget resolution. It may be that in Senator KRUEGER's vote, a person who is up for election, now having filled the seat of the distinguished former Senator from Texas, Senator Bentsen, it makes a suggestion as to what a Senator thinks when the Senate is answerable to his constituency in rather short order because that election is coming up within the next several weeks.

But I say again that I want to work with the President, and I hope we can find a way to address the appropriations process and economic recovery without the Social Security tax.

I believe, Mr. President, it is unconscionable to tax middle Americans the way middle Americans will be taxed under the budget resolution. To increase Social Security taxation on an individual earning $25,000 a year just is not right, or on a married couple earning $32,000 a year.

Structuring a tax package to have an energy tax, Btu's, which taxes everyone, just is not right. To say there is going to be an offset by a tax credit, I know a lot of Philadelphia lawyers, Mr. President, and I do not know any who can figure out these offsets on tax credits, or many people earning less than $30,000 a year who will be able to do so.

I am figuring out my taxes right now, which I do every year. I figure out my own tax return so that I can keep track of my finances and see how complicated it is for people to fill out the Federal return, and is it complicated. You have to go to more subparts, more tables, more charts, and figure out more ways—even the deduction does not stand anymore. You cannot multiply two dependents, my wife and I, by a number. You have to go figure out a complicated formula on adjusted gross income. Itemized deductions with interest payments, you cannot deduct that anymore. You have to go to another formula and figure that out.

So that if you have a relatively simple return—strike that. There is no such thing as a relatively simple return. And the Pennsylvania State income tax is up now. I remember the tremendous fight in 1970 to impose a State income tax at 1 percent, and now it is 2.95, almost 3 percent, and local taxes. The Philadelphia tax forms are a blizzard of complexity.

I do not think the American people ought to be asked for more taxes until we cut excessive Federal spending. I think it is high time in the Congress of the United States and in the Senate of the United States—the Senate is part of the Congress—that when we appropriate money for a bill, we ask a very direct question: Is this bill sufficiently important so that we ought to pay for it with an increase in taxes? Is this bill sufficiently important so that we ought to pay for it with an increase in taxes?

If the answer to that is not yes, we ought not to appropriate the money and borrow the money. And when President Clinton has talked about decreasing the deficit by $500 billion over 5 years, that gives the listener the impression that the deficit is going to be decreased by $500 billion over 5 years. What else would someone think when they heard that the deficit was going to be decreased by $500 billion over 5 years? But it is not true.

What is true is that the rate of increase is going to be slowed so that at the end of 5 years, the deficit will not be $300 billion a year; it will be $200 billion a year. So that after 5 years, the deficit is not going to be decreased by $500 billion, but the deficit is going to be increased by five times $200 billion, or $1 trillion.

In my time in the Senate, Mr. President, as I have argued for the balanced budget amendment and the line-item veto, it has been an embarrassment to see the deficit move from $1 trillion to $4 trillion. We really ought to deal with the deficit.

When I traveled Pennsylvania in 1990 as we took up budget reform, I found quite a good bit of sympathy for paying additional taxes—yes, paying additional taxes—but only if the taxes went to deficit reduction and not to new programs.

So I am yet hopeful we will be able to do something better than the budget resolution which we passed yesterday.

I am hopeful also, Mr. President, that we will be able to take up the issue of health care reform. The bill which I introduced on January 21, S. 18, provides a critical mass to do just that.

I am not going to take the time now, Mr. President. I see that my distinguished colleague from Iowa, Senator GRASSLEY, is on the floor. I am not quite finished, I say to the Senator from Iowa, but I am getting close. In anticipation, the Senator has picked up his microphone. I had intended to talk longer if the floor was not sought by others.

I ask unanimous consent, Mr. President, that a summary of S. 18 be printed in the CONGRESSIONAL RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I have awaited an opportunity to offer S. 18 on the pending legislation. There has not been an appropriate bill because it takes up tax issues. I have worked for the past several years with the Republican task force on health care, chaired by the distinguished Senator from Rhode Island [Mr. CHAFEE], and it was my hope that we would produce legislation which could be offered in March. And I do not think, as of this sitting, that is going to be possible.

In order to expedite the matter, Mr. President, I took a look at legislation which was pending on the Republican side of the aisle and found provisions in legislation proposed by a number of Republican Senators—Senator KASSEBAUM, Senator COHEN, Senator MCCAIN, and Senator BOND—and incorporated a good many of those provisions, along with the legislation I had in S. 18, and filed this bill, S. 631, on March 23, and filed this as an amendment today.

Before seeking the floor, I had a private conversation with the distinguished Senator from West Virginia, and I said I would file an amendment but I did not intend to offer the amendment today, but I did want to talk about it. I have done that. I have filed the amendment so that it is present in the CONGRESSIONAL RECORD.

This bill provides for managed competition for universal coverage and provides for an individual mandate. We have debated within the Republican ranks mandates on business versus individual mandates and came to a tentative conclusion on the individual mandates so as not to put a burden on business, and especially on small business. I am not sure how that will come out.

In offering this legislation, Mr. President, I do not represent it is the final product or that it is a wish list.

My colleague from Iowa just left the floor, asking me to talk for an additional 10 minutes, which I am glad to do since there is no one seeking recognition and since I would like to talk about this health legislation for a moment or two. But I will not do so if somebody else wants the floor; I can put a summary in the RECORD.

The issue of managed competition, Mr. President, I think is long past due. I believe there is a substantial savings possible from managed health care. I think the estimates of savings up to 20 percent are realistic, with competition within the managed care system.

We speak about that somewhat tentatively because we are not precisely sure how it is all going to work out, and when we legislate in the field I believe we will have to move by a process of trail and error.

The earlier legislation which I introduced, Senate bill 18, provided for preventive care for low-birthweight babies. Almost a decade ago I noticed that in Pittsburgh the African-American infants had the highest mortality rate of any in the country, and I was shocked about that and introduced legislation in 1984—approximately 1984—and then worked with Secretary of Education Sullivan on a program called Healthy Start.

We need a great deal more work on that, Mr. President. When you have a 1-pound baby, a baby about as big as my hand, it is a human tragedy because that child carries those scars for life and sometimes the life is not too long, frequently the life is not too pleasant. And it is a financial catastrophe costing as much as $150,000 or more for each child.

Mr. SARBANES. Will the Senator yield on that very point because I know the Senator has had a long interest in what I think is a critical problem. If I could just make one point, I would appreciate it.

Mr. SPECTER. I am glad to yield, even if not for a question, with unanimous consent obtained that I do not lose my right to the floor.

Mr. SARBANES. I am not trying to foreclose the Senator.

Mr. SPECTER. I know the Senator is not. I want the unanimous consent propounded. Senator BYRD is on the floor.

The PRESIDING OFFICER. Without objection, the rights of the Senator from Pennsylvania are protected.

Mr. SARBANES. On the issue of the infant mortality rate, which the Senator from Pennsylvania was just addressing, this chart shows the ranking of the number of deaths per 1,000 live births in developed countries in 1990. The lowest is Japan, and then Sweden, Finland, Hong Kong, Netherlands, Canada, Germany, France, United Kingdom, Italy, and the United States.

So I say to the Senator from Pennsylvania, this is a graphic illustration of the point that he was just making with respect to the issue of infant mortality. The fact of the matter is that the United States is not doing anywhere near as well as the other developed countries in the world. I agree with the Senator that it is a very important issue to address. It is obviously clearly an important issue in human terms. It is obviously, as the Senator just pointed out, a very important issue in economic terms as well. Often the complications involved in these instances cost enormous amounts of money, as the Senator has noted. I thank the Senator for yielding.

Mr. SPECTER. I thank my distinguished colleague from Maryland for those cogent and thoughtful remarks. It is characteristic of his work in the Senate. I noticed on the chart that France has a better ranking than does the United States, not quite as good as Japan. I might comment that in Senate bill 18, which I introduced, there is a provision which would pay a premium, or pay an amount of $500, to teenaged girls or any young, pregnant women who went for four prenatal visits and one postnatal visit, which I included at the suggestion of Dr. C. Everett Koop, the former Surgeon General.

I commented in my floor statement that I did so with some reservations. Why should you have to pay a pregnant woman to go for prenatal care? But, if that is what it takes, I was prepared to advocate that and talk about it to help the young, pregnant woman, to help the child-to-be, and let us discuss it.

The interruption by Senator SARBANES, I think, is always a good idea. You wonder sometimes on the Senate floor when we talk, and we feel like we are in a sound chamber because nobody is here to talk back, you wonder if anybody is listening. Sometimes the Presiding Officer is deep in reading material. This Presiding Officer is very attentive. I thank the Chair.

But I ask my colleague if we may, without objection, have just a brief discussion about the view of the distinguished Senator from Maryland on the need to move ahead. The question is, Is it really necessary for the Senate to await a bill to come from the administration before taking up the issue of health care reform?

Mr. SARBANES. It is a good question. I know the Senator has been addressing that issue. It is very important in trying to move any complex legislation through the Congress to know where the administration is and in particular to know what their proposal may be since the department and the President have a lot of backing.

As I understand it, it is the President's intention to submit something to the Congress in the month of May. We, of course, will not be here for a good part of the month of April. And it is a course that I certainly find acceptable. We should see the administration's proposal, and evaluate it in the light of other proposals which have also been made. The Senator is not the only one who has offered proposals, of course; this is an issue we have been wrestling with for some time, and out of these proposals we will be able to create a plan.

I expect this issue is going to take a fair amount of time to work it out. It is very complex. There are many pieces to the health care puzzle, and people have very differing views about them. But in any event, it seems to me that it is fairly clear that we are moving in a sensible manner on health care. Now we are currently considering the stimulus package, which, I regret to say, apparently will go over into next week. I strongly support this stimulus package. Shortly, I hope to have an opportunity to speak to that point.

But I think we are moving in a sensible way on the health care issue. I think it is very important to get the recommendations or the proposals of the new administration. Those proposals obviously have some impact and we ought to be able to take a look at them and then look at them in the broader context of other proposals, including the proposals which the able Senator from Pennsylvania has advanced on occasion.

Mr. SPECTER. I thank my colleague from Maryland for those comments. I know they are thoughtful comments. I say with all respect that I disagree with those comments. The reason I disagree with that conclusion is that I believe the Senate or the House, either is competent to initiate health care reform.

I quite agree with the distinguished Senator from Maryland when he comments that my legislation is not the only legislation in the field. There is tremendous legislation in the field. I have studied the legislation before introducing Senate bill 18. Then I went over the legislation on this side of the aisle and I went over the legislation on that side of the aisle to try to keep it within the Republican ranks. That may well be a mistake because I do not think that the issue of health care reform is partisan in any way, but we seem to have divided up with this large aisle as a separation point.

Then I put in S. 631, which is a composite of five Senators' activities and the views of this Senator. I am not saying that I have the final word. In fact, I am saying I do not have the final word. It is going to require some analysis. But I am concerned when we talk about the May 1 date for Mrs. Clinton to produce legislation, then a referral to hearings, then to be caught up in the complexities of the appropriations legislation, which will come up in the summer and in September, as to whether this legislation is going to be finished.

That is why I pressed it last July 29, 1992, and that is why I pressed it on January 21, 1993. That is why I am looking for an opportunity to press it now.

I do not have any intention of bringing this bill to the floor during the supplemental appropriations. I think the supplemental appropriations is a very important bill. I think when you talk about financing unemployment compensation, it has to be done for those where it has been cut off. I think it is unconscionable not to do that. I disagree with the provision of the authorizing legislation not to pay for it. I said so on the Senate floor. I voted for the bill because I think it is important enough to vote for even though we are not paying for it, which, again I say, is not my privilege. There may again be an amendment to offer to strike out the emergency provision. I think we ought to pay for this bill. I do not think we ought to treat it as an emergency. I think we ought to pay for it. But there are many provisions of this legislation which I think are very, very important.

And I have no doubt that if I were to offer this health bill, that it would fall, this legislation on the appropriations bill, including tax provisions, will fall along party lines. I do not need to give extra reasons to defeat this legislation. But when I saw there was time on the Senate floor this morning, I decided to come over and talk about this bill.

I said to Senator BYRD in advance that I was not going to offer it, that I was going to talk about it. He said, "Well, if you are just going to talk about it, I do not suppose I will say anything." I said, "Well, maybe I will offer it." He said, "If you offer it, I will have quite a lot to say." It is tempting, but I am not going to offer it, at least today. I do not think I will offer it next week when the matter comes up. But I am giving serious consideration to offering it on the debt extension. I said that on the floor 2 days ago when the majority leader was here. That is a tax bill where this kind of legislation can be considered, and considered appropriately.

Mr. President, I know Senator SARBANES is on the floor and ready to speak, and I have spoken for more than the additional 10 minutes requested by my colleague from Iowa.

So rather than take any more time at this point, I ask unanimous consent that a summary of S. 631 be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, I will conclude by again "pressing," in the words of Senator BYRD, that we ought to stay here and vote on Fridays and Saturdays and Mondays, and that I would yield to preference on the stimulus package—although I hope we can pay for it. But right behind the stimulus package, after we finish the budget resolution, it would be my preference to take up health care reform. We have a critical mass to address, and we have the collective wisdom in the House and Senate. Washington is not a one-man, one-woman, one-person town. We have 535 of the rest of us in the legislative branch who can act. This Senator intends to continue to press the issue.

I thank the Chair and yield the floor.

EXHIBIT 1

COMPREHENSIVE HEALTH CARE ACT OF 1993 (S. 18) SENATOR SPECTER

KEY POINTS OF THE BILL

(1) Provides incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birthweight babies with the attendant billion dollar cost;

(2) Establishes federal guidelines for terminally ill patients who exercise their option not to have unwanted medical care;

(3) Encourages the utilization of nurses and other non-physician providers to deliver primary care services, including home care, improve access, increases efficiency, and provide cost savings;

(4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers, elementary, and secondary students to teach children, at every stage of their development, a range of health related subjects;

(5) Institutes incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services;

(6) Expands funding for outcomes research for the development of medical practice guidelines and increasing consumer's access to information in order to reduce the delivery of unnecessary care.

BILL SUMMARY

Title I: Implements a series of small business insurance market reforms and extend 100 percent deductibility for health the cost of health insurance to self-employed individuals and their families ($1.7 billion in fiscal year 1994, $8.6 billion over 5 years). The market reforms are consistent with those included in the Republican Health Care Task Force bill of the last Congress and include:

(1) Establishing a basic health benefits plans for small employers and setting minimum standards for insurers offering insurance to small businesses;

(2) Authorizing federal grants for the support of small business health insurance purchasing groups (such sums); and

(3) Fostering the development of efficient managed care plans by exempting plans which meet federal standards from state mandates.

Titles II-VII focus on expanding primary and preventive health services and providers and enhancing the management of health care costs. These titles would implement the following reforms:

Title II: Expand primary and preventive health services by authorizing two new grant programs. The first would increase the availability of comprehensive prenatal care services to women at risk for low birthweight births (fiscal year 1994, $100 million). The second would assist local education agencies and pre-school programs in providing comprehensive health education (fiscal year 1994, $90 million). Title II also increases the authorization of several existing preventive health programs, such as Breast and Cervical Prevention, Childhood Immunizations, and Community Health Centers ($1.4 billion over existing authorizations;

Title III: Enhance consumer decision-making by requiring that health care institutions and providers make certain information available to patients;

Title IV: Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination;

Title V: Improves efficiency on health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants;

Title VI: Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans; and

Title VII: Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments.

Title VIII: Increases access to long-term care by: (1) creating tax credits for the purchase of long term care insurance and tax deductions for amounts paid towards long-term care services of family members; (2) excluding life insurance and IRA savings used to pay for long-term care from income tax; (3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and (4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

EXHIBIT 2

COMPREHENSIVE ACCESS AND AFFORDABILITY HEALTH CARE ACT OF 1993 (S. 631)

This summary is organized by topic and does not necessarily coincide with the Title number in the bill text.

I. MANAGED COMPETITION/UNIVERSAL COVERAGE

Establish a Federal Health Board to develop a uniform set of effective benefits, with an emphasis on primary and preventive care.

To contain costs, the Board would determine annual limits on the allowable percentage rate of increase in premiums for Accountable Health Plans (AHPs) and develop uniform deductible and cost-sharing requirements. The Board would also develop standardized claims forms and billing procedures, as well as a plan to accelerate electronic billing and computerization of medical records.

The Board will register and develop reporting standards for Accountable Health Plans on data such as cost, utilization, health outcomes, and patient satisfaction. This information would be collected and published annually by the Board and made available to participating health plans and consumers.

All persons will be required to carry a uniform set of effective benefits either through a group or individually. Low-income persons will receive direct public assistance for the cost of such coverage (see Section III below).

All insurers in the health insurance market will be required to offer a uniform set of effective benefits and to accept its conditions as identified by the Federal Health Board.

States would establish one or more Health Plan Purchasing Cooperatives (HPPCs) to serve as collective purchasing agents for small businesses and individuals. These HPPCs would contract with a range of competing health plans and would present the full range of plans to their customers. The HPPC would provide consumers with information about the plans prior to enrollment periods, including a "report card" measuring performance based on cost, quality and patient satisfaction information collected by the Board. The HPPCs would also manage the enrollment process. Individual consumers would choose a plan for one year and could subsequently change plans during an annual "open season." States could opt to purchase coverage for Medicaid beneficiaries through the purchasing cooperatives. Federal grant funding would be provided to cover States' costs in establishing and administering the HPPCs.

Insurers would enter into arrangements with providers to form Accountable Health Plans (AHPs) which would each offer the uniform set of effective benefits established by the Board and would compete on the basis of price and quality of care. Plans could offer "supplemental" coverage for additional services. Plans would have to take all applicants and could not exclude participants on the basis of preexisting conditions. All plans would be guaranteed renewable. Premiums could vary according to the plan, but would be the same for all members of the purchasing cooperative, regardless of age, sex or health experience. State mandated benefit and anti-managed care laws would be preempted.

II. PREVENTIVE CARE

Expand primary and preventive health services by authorizing increased availability of comprehensive prenatal care services of women at risk for low birthweight births and assistance to local education agencies and pre-school programs in providing comprehensive health education. Increase authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Health Centers ($1.4 billion over existing authorizations).

Improve efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants.

Clarify that expenditures for health promotion and prevention programs are considered amounts paid for medical care for tax purposes.

Establish a new grant program for states to provide assistance to small businesses to establish and operate worksite wellness programs for their employees.

III. ACCESS TO HEALTH CARE

Refundable tax credit to low and middle-income individuals without employer-provided insurance. The amount of the refundable tax credit would be linked to the amount of the lowest-cost Accountable Health Plan in the region.

Self-employed persons and individuals without employer provided insurance who are ineligible for the tax credit could deduct the full 100 percent of the costs of the lowest-priced Accountable Health Plan available.

Employers could only deduct benefit costs up to the level of the lowest-cost Accountable Health Plan in the region. Employer-provided benefits in excess of that capped amount named be taxed as income.

Children's Health Care. To make health insurance available to children under 18 through their elementary and secondary schools. Directs the Secretary of Education to establish this new program for children not eligible for Medicaid and would be basic coverage through their school system. The Secretary of HHS would design a minimum package that each plan would have to cover.

Establishes a refundable tax credit for the purchase of health insurance for children to be worth up to $1,000 per qualifying child for families with incomes below 100 percent of poverty, and phased for families with incomes between 100 to 200 percent of poverty.

Requires the creation of a uniform application form and process for the Special Supplemental Food Program, the Maternal and Child Health Program, and Medicaid.

Improved Access to Health Care for Rural and Undeserved Areas. This title would increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas. It would also provide a special tax credit and other incentives for physicians and other primary care providers serving in rural areas.

IV. CONSUMER DECISION MAKING

Enhance consumer decision-making by requiring that providers participating in the Medicare and Medicaid programs make information available to patients of the cost, quality, and options of available health care.

V. COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Provides a waiver from anti-trust laws for hospitals wishing to enter into voluntary cooperative agreements for the sharing of medical technology and services to contain costs by eliminating the unnecessary duplication of services and equipment.

VI. PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination.

VII. INSURANCE SIMPLIFICATION AND PORTABILITY

Establish a Health Insurance Standards Commission to develop a long-term plan for the implementation of uniform standards for electronic data interchange for qualified health insurance. The Commission would determine the effectiveness and efficiency of the current health insurance claims billing system and would develop a uniform computerized billing process.

VIII. MALPRACTICE REFORM

Encourage states to establish alternative dispute resolution mechanisms like prelitigation screening panels, which have had great success in a number of states in reducing medical malpractice costs.

IX. MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans.

X. TREATMENT AND OUTCOME RESEARCH

Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments and treats such guidelines as a legal standard.

XI. LONG-TERM CARE

Increase access to and affordability of appropriate long-term care by: (1) creating tax credits for the purchase of long-term insurance and tax deductions for amounts paid towards long-term care services of family members; (2) excluding life insurance and

IRA savings used to pay for long-term care for income tax; (3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and (4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

XII. FINANCING

Lift the current $130,200 cap on wages subject to the Medicare health insurance tax.

Employers could only deduct benefit costs up to the level of the lowest cost Accountable Health Plan available through the regional purchasing cooperative. (Identified in Section III)

Employer-provided benefits in excess of that capped amount would be taxed as income. (Identified in Section III)

Ms. MIKULSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland [Ms. MIKULSKI] is recognized.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic, unabashed, and passionate supporter of the President's economic stimulus package.

It is beyond this Senator's logical analysis as to why we are not moving on this in an expeditious way. First, here is a message to the Government of the United States by the people of the United States: Get it moving. We want jobs today, and we want jobs tomorrow. We want to reform our health care system and make sure health care is available to the American people. And when you are spending American taxpayers' dollars, let us give help to those who practice self-help.

That is what is in the President's economic stimulus package. And they say do it, do it now, and do not delay or engage in gridlock. That is the message.

I am somewhat surprised at what my own colleagues of my own party are doing. We have a Democratic President of the United States, who was elected with a mandate for change. This Senator was blessed by a vote from the people of Maryland that gave me a 70-percent vote, and that gave me the mandate to support him for a change, and I will do it.

Why there are those who feel they want to act like a trade association, where they are only interested in what the groups say and what does this mean for the election, I do not know. We have to get ready for the next century. The stimulus package is a tool, and the tool is to generate those jobs today and jobs tomorrow. It does those things.

The other thing is, for those who talk about deficit reduction, growth is one of the most important tools for deficit reduction. Every 1 percent of the unemployment in this country costs us $28 billion in Federal expenditures and the loss in Federal income. One percent of unemployment is $28 billion. The more we grow, the more that helps deal with the Federal deficit. These are wise, targeted, specific uses of the Federal dollars.

Let me talk about this as an appropriator. I have the great honor to chair a subcommittee that funds the American veterans' programs, the housing programs for the United States of America, NASA, our space program, the Environmental Protection Agency, and the National Science Foundation. And in here is a significant effort for the President's stimulus package, but it meets a higher purpose.

Let me tell you what happens. First of all, for the Department of Veterans Affairs alone, the President's request is for $236 million. Guess what that will do? It will mean that 171 VA hospitals and 6 VA cemeteries will have a significant backlog of projects and infrastructure maintenance and repair that will be done. We are going to repair equipment. We are going to remove asbestos and lead. We are going to fix leaky roofs. We are going to repair leaky boilers. We are going to make sure the air conditioning works in a VA hospital.

What does that mean? It means that promises made to America's veterans will be promises kept, because they will have VA facilities, medical facilities, fit for duty, and at the same time it will provide over 4,000 jobs.

Then we take a look at the issue in EPA. Everybody wants to clean up the environment, but what this will do is we are focusing on sewer and water projects.

You know, it is not glamorous to talk about sewer and water. It will not get me an interview with Barbara Walters on TV. Diane Sawyer is not going to come in from "Prime Time Live" and say: Senator MIKULSKI, you are the dean of the women in the Senate; let us talk about the sewer projects and what they mean for America.

But I love talking about sewer projects. Why? First of all, it accomplishes an important public health objective. Any expert in public health will tell you that clean water, adequate sewer systems, are absolutely crucial to the containment of disease in our society and important to our health.

When you drink clean water and you have that necessary infrastructure, you are not going to end up in emergency rooms with infectious diseases. It generates jobs in actually building sewer and water projects. And in the process of building those sewer and water projects, we also lay the foundation for homes, communities, and others to be sustained. So, for me, water and sewer projects are part of accomplishing that "jobs today." They have an impact on public health.

The other part that is crucial here is that we are talking about funding the American space program. This will be absolutely crucial here, because this will help, again, not only generating jobs today but jobs tomorrow.

Then, over there in HUD, Housing and Urban Development, we, again, are going to do things to help our homeless. We are going to target deinstitutionalized individuals and, no, we are not going to do shelters. I appreciate every man and women that has volunteered to do work in shelters. But shelters are Band-Aids. What we have here is the answer to stop the problem. We are going to provide supportive permanent housing and services to the homeless. We are going to target the deinstitutionalized, and particularly focus on those with emotional problems, and families with children; and we estimate that this is going to generate 11,000 jobs.

Then let me go to those who say we are Government spending. Well, this is giving help to those who practice self-help, who pull up their socks, get up there and go to work. We are also going to help with the President's national service idea, and the fact that if you put sweat equity into your own community, you get some type of reward for it.

We are going to come up with $15 million for a summer program that will have our boys and girls involved in community service, actually learning about their community, learning the habits of the heart, and learning those specific skills of showing up on time, respect for your elders, doing a job that you have been told to do, and learning those work ethic skills that are so crucial to our society. For $15 million, we are going to provide $1,000 summer jobs, but they are not going to be just out there kids raking leaves. They are going to learn about themselves. They are going to learn about their community. They are going to help their community, and they are going to help themselves. I think they are going to be a lot better when they go back to school because of the habits and disciplines they learned.

So this is an appropriator who does have an interest in the stimulus package. I just wanted to outline why this was important. We have a mandate for change. We have a mandate to do it now, and what we will accomplish by spending the money in the stimulus package is helping with deficit reduction, but most of all, by acting in a prompt, timely way, we need to restore the confidence in the American people that gridlock is not back.

I say to the Members of my own party, for those of us who campaigned against gridlock, deadlock, stagnation, how can they then engage in those practices to do it? If they have amendments let us offer them. If they want to debate them, let us debate them. But let us not do parliamentary shenanigans to slow this down.

Mr. President, I note that my very distinguished senior Senator, the chairman of the Joint Economics Committee, a member of the Budget Committee, who chaired the Subcommittee on Housing authorization is on the floor. I think I have made my points around what I think this means. I hope my colleagues on both sides of the wall—maybe that is what it has become—both sides of the aisle will now support the President and move this stimulus package. America wants it. I see no reason why the U.S. Senate does not.

IMMUNIZATION FACTS

Ms. MIKULSKI. Mr. President, I support the President's stimulus especially on the immunization package.

We know immunizations work.

For every $1 invested in immunizations, $10 are saved in later medical costs.

If administered to children on schedule, vaccines are effective in preventing nine major childhood diseases: diphtheria, measles, mumps, pertussis, polio, rubella and congenital rubella syndrome, tetanus, hepatitis B, and hemophilus influenza type B.

The occurrence of the first seven of these diseases has been reduced 90 percent or more from their peak levels in this century. We know immunizations work.

Before the Salk vaccine, polio afflicted thousands of children, 21,000 in 1954. By 1664, the disease was virtually wiped out.

At the time the measles vaccine was licensed in 1963, an average of 500,000 to 1 million cases were reported annually.

Diphtheria dropped from a peak of 207,000 cases in 1922 to 4 cases in 1990.

Pertussis dropped from 265,269 cases in 1934 to 4,570 in 1990.

Rubella cases fell from 57,690 in 1969 to 1,125 in 1990.

SERIOUS PROBLEMS EXIST IN OUR SYSTEM

The Centers for Disease Control and Prevention estimate that only 40 to 50 percent of 2-year-olds are appropriately immunized. Rates run as low as 12 percent in some areas.

Recently, this country has seen an outbreak of whooping cough with double the number of cases this year than in all of 1992.

Cases of measles increased from 1,500 in 1983 to 27,700 in 1990. Cases of rubella and pertussis also increased.

Measles cases jumped from an all-time low of 1,500 cases in 1983 to 18,000 cases and 41 deaths in 1989 and 27,700 cases and 89 deaths in 1990—the highest in 19 years.

Among Western Hemisphere countries, only Haiti and Bolivia have worse immunization rates than the United States for children 2 years old or younger.

THE COSTS OF NOT TAKING ACTION ARE HIGH

Immunizations could help conserve precious health dollars that could be spent on other health care needs.

Hospital charges for children admitted to 46 children's hospitals in 1988 averaged $3,761 per child.

Total charges for children with whooping cough in 1988 topped $2.5 million.

IT'S TIME TO TAKE ACTION NOW

The President has joined efforts with Healthy People 2000, a nationwide effort spearheaded by the U.S. Public Health Service, to reach a goal of a 90-percent immunization rate for all 2-year-olds by the year 2000.

Mr. BYRD. Mr. President, will the Senator yield before she yields the floor?

Ms. MIKULSKI. I am happy to yield to the chairman.

Mr. BYRD. I thank Senator MIKULSKI for her moving speech. She talks about the work ethic. We should all think a little about applying the work ethic to ourselves. How many Senators are around here? Do not guarantee Senators that there will not be a vote. Do not guarantee Senators there will not be a vote here today. It is the Chair's duty to put the question. If no Senator rises, it is the Chair's duty to put the question. The question is on the pending amendment.

This Senator is not part of the syndrome of leaving early on Friday, not being in on Saturday, being out Monday and having the first votes on Tuesday afternoon.

Let us have a vote. If no Senator wants to call up an amendment, let us have a vote on the pending amendment, and vote it up or down.

I thank the distinguished Senator from Maryland. She is my Joan of Arc.

Mr. GRASSLEY. Mr. President, a point of order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has been waiting for a period of time.

Mr. BYRD. It doesn't matter how long a Senator is waiting. It is the first Senator who seeks recognition.

Mr. GRASSLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRASSLEY. I think that the Senator from West Virginia has answered the point of parliamentary, but it would be to you I thought that I said "Mr. President" first and I thought you were looking in this direction first.

The PRESIDING OFFICER. If that is the case, then the Senator is recognized.

Mr. GRASSLEY. I cannot dictate to the Chair. I appreciate the Chair recognizing me.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. I yield for a question. Does the Senator want to ask me a question?

Mr. SARBANES. Exactly.

Mr. GRASSLEY. I will yield for a question, yes.

Mr. SARBANES. Will the Senator indicate how long he intends to be because I was waiting for quite some time to speak? I understand the Senator has now gained recognition, but I would like to be able to address this matter for a while.

Mr. GRASSLEY. I would like to speak for approximately 30 minutes.

Mr. SARBANES. I thank the Senator.

Mr. GRASSLEY. Mr. President, I think before I refer specifically to the bill before us and the issue before us, I want to make a commentary on where the junior Senator from Maryland left off.

She asked us to support the President. I think that that is a worthy request because I think a President should be supported as a general proposition. He is the only nationally elected officer in our Constitution. He speaks for a national constituency where we speak for the constituencies within our own State.

Also coming up against the proposition that we have a national leader is the proposition that we do have separation of powers and we do have the checks and balances. I want to say that, and maybe I took too much pride in this when we had Republican Presidents of making a point that I am not the President's man, and I know the Senator from West Virginia has also made that point about his own relationship with the White House when we have had a Democrat President.

So I do not think I am saying anything new here, except I think I would like to remind my colleagues on the other side of the aisle that I saw my job as a U.S. Senator as a Republican from the State of Iowa during 12 years of a Republican Presidency to not be a rubber stamp for a Republican President, and I think if you carry that into the other point, when we have a Democrat President, I have a responsibility then not to be a stumbling block for a Democrat President.

But that gets you back to the point of where we are under the Constitution for 210 years as Members of this body, elected by our own constituencies with the constitutional powers and constitutional responsibilities to do our job under the Constitution and our responsibility to the Constitution. When that calls for our doing things the way we feel they ought to be done, we should be working with the President and then doing it. When we feel the President is wrong, then we should not just be against the President, whether you are Republican or Democrat. You should not be just against a President.

Now on this side of the aisle, after 12 years of having a Republican President to work with, I hope we are not seen and I hope we are not as just opponents of the President.

I do not think this is an American term, but I like to think of myself in the sense of the opposition in parliament, members of the loyal opposition. When we can work with the President, we work with him. When we disagree with him, we offer alternative responsibilities or alternative programs as we did in the budget process we just went through.

If those are adopted, then obviously it is more to our point of view and we are more inclined to vote for it. If we are opposed to it or if we lose out with our responsible alternatives, maybe we have good justification for voting against it, or it might be just because we offered an alternative we did not get our way. There still might be very good reasons we would support the President of the United States.

But we have to function under the Constitution and to not just carry water as Republicans for a Republican President and not just carry water for a Democrat when we have a Democrat President if we happen to be Members of the Democratic Party in this body.

We have the power of the purse under the Constitution. But most importantly, as this process of Government works, I think if I were in the Democrats' position I think it is perfectly legitimate that you talk about the mandates of the last election, that the people voted for change, but I think the farther you get away from that election the less you are going to be able to use that as a legitimate statement of process in this body.

But even if that happens to be the case, that you feel that there is a mandate, somewhere along the line you have a responsibility as well to reflect other than thoughts on the subject, your own approach to solving problems and just cannot go merrily along the way because you have a President that you are proud of and you want to make him look good.

I can tell you that maybe too many Republicans in 1981 felt that same way toward President Reagan who was elected, and maybe when you look back you will look back and maybe we Republicans would have to say: Maybe there were some mistakes that were made because there was too much blind loyalty to his mandate. That was a stronger mandate percentagewise than even this President got.

I remember even in the period of time that we Republicans controlled the Senate, it did not keep my friend from Oregon and myself from offering an amendment in 1985 that stopped the Reagan defense buildup, and it was adopted just by a 1-vote margin, 50 to 49.

It was not adopted by a majority of Republicans votes. There were 38 Democrat votes and there were 12 Republican votes. And we would have never got that adopted if there had not been bipartisan cooperation.

Whereas, maybe during that period of time there were people on the other side of the aisle that saw this as an opportunity to get at a Republican President, make him look bad. I hope that was not the case, but it may have been the case.

Maybe you are in the majority today, you have a Democratic President, you look at us as if we are not going along enough, as the junior Senator from Maryland asked us to support the President. But I was thinking in terms of what has happened since this mandate in November.

There is another part of the process of Government that I think we forget about, and that is the constant communication that we are having with out constituents. And things can sometimes change.

We cannot make policy based on polls, but we do sometimes look at polls and you do find support in those polls for the President's program, generally. But you go down in those polls—and you know there are always followup questions and subsidiary issues and questions that come up—and there is still a strong feeling in those polls by the very same people who give strong support to the President that he has a program and it ought to be honored, that we ought to be careful how we spend money, and that there ought to be more cuts before there are more taxes.

It does not bring up specifically the issue that is before us today, but I think you have to say that this can fall into that category.

But, there is a process going on all the time. Since the President has been elected, since we have been deliberating for 60-some days in this body about the various issues, people are always communicating to us by letter, by phone, and in person. They are operating under something that we do not often talk about that is in our Constitution, the first amendment rights. We too often think three of the four: freedom of speech, freedom of religion, and freedom of the press.

We do not very much think about the right to petition your Government for redress of grievances, and that is a process where our constituents are coming to us by different methods to communicate their views.

They have a constitutional right to express those views to us. We have a constitutional responsibility to consider their views. We do not have a constitutional responsibility to do what they ask, just to consider those points of view.

And you want to remember in this process of making representative government work—and that is the essence of representative government—that people are going to be communicating to us their points of view. Somehow that is going to moderate—the further on time goes, the more it is going to moderate—those decisions that we assume soon after an election that are a mandate from the people.

So I hope that we on this side of the aisle are not seen as impeding because we want to make sure that there is a thorough discussion of these issues.

Mr. President, Buckminster Fuller once said:

> When I am working on a problem, I never think about beauty. I think only of how to solve the problem. But when I am finished, if the solution is not beautiful, I know it is wrong.

Mr. President, the budget resolution that we passed yesterday, most of us on this side of the aisle—maybe all of us—felt it was not beautiful. We felt it was ugly. Therefore, according to Buckminster Fuller's evaluation, the budget is wrong.

I think to some extent as an extension of the budget process, this $16 billion appropriation bill now before us is a continuation of bad budget policy and a wrong direction for this country.

In my view, the substitute offered by the distinguished Republican leader in the budget deliberations 2 days ago was a beautiful budget; that is, it addressed directly the problems that we face, because it cut spending first, just as America is demanding more all the time. And it would have lowered the deficit beyond 1997, unlike the Clinton budget.

And it would have lowered therefore the long-term debt. The Republican substitute which by the way—I was going to say, which by the way got some Democrat votes, but I am not sure of that, so I better not say that.

The Republican substitute showed that there are alternatives to the deficit reduction without having to raise taxes. The choices are, therefore, clear and distinct.

This stimulus package, this appropriation bill, like the budget that preceded it, is at total variance with what America has asked us to do because it raises the debt. Americans want that debt down. It is not paid for. They think we ought to pay more as we go along.

(Mrs. MURRAY assumed the chair.)

Mr. GRASSLEY. All throughout the budget debate, I heard my friends on the other side talk about how we need to pay our bills. That was their justification for the largest tax increase in the history of our country. Now that is out of the way. And out of the other side of our mouths, we are now increasing spending without offsetting it.

This is very definitely a defining moment, Madam President. The budget of the United States is the most important statement of an administration's policy. The budget we just passed, together with this stimulus bill, speaks loudly and clearly as to where this country is headed under this new administration.

Today, Madam President, is March 26, 1993. Would that someone had just awakened after a 17-year sleep, he or she might pick up the morning paper, read about a $16 billion stimulus package, and think we are still in the

Carter administration. This could easily be March 26, 1977. It is deja vu.

In that respect, this approach to budgeting—that is, deficit spending—is anachronistic. It is obsolete. It is devoid of new direction. The rhetoric is new: It is called investment instead of spending. But only the packaging is new. The direction is not.

This is, as in 1977, a new administration's tax-and-spend way of conducting the fiscal affairs of our country. Pure and simple. That is why I call it deja voodoo. We just passed simultaneously the largest tax increase ever, the largest spending increase ever, and the highest debt amount ever. Taxes will go up by $300 billion, new spending will go up by $124 billion, and the debt will go up by $1.8 trillion over a 5-year period of time.

And now we are going to add another $16 billion to the debt because we are not paying the bill.

If ever there was a way of doing business that is worthy of the moniker business as usual, surely this is it.

Let me suggest, Madam President, why this approach will fail. The fact of the matter is, we simply do not have the money to increase spending. The debt is rising so rapidly that it is about to explode.

It was important that the budget we just passed fulfills the President's pledge to reinvent government. Reinventing government is needed because we need to find ways to get better performance with fewer dollars.

Members of this body, I say to the new Senator from Washington, have heard me say that for about 8 or 9 years in regard to defense. There has to be changes in the way the defense dollars are spent even if they are less, you have to change the way the Defense Department does business if you are going to get more for the taxpayers' dollars. And there are a lot of studies that show in procurement one-third of the procurement dollar in defense is wasted. Now we are spending less on defense.

I do not know whether we made enough changes there so that defense department is going to be more figuratively changed. I think that is a lifetime job, to make sure those changes go on.

But here we are spending more money on the same programs on the domestic side of the ledger and we have not reinvented Government before we spend a massive more amount of money on those programs.

Reinventing government is something I believe in, but it is also something that the President has made a centerpiece of his program. It was the centerpiece of his election. And he ought to take those steps of reinventing government before we pour more money into these programs. I say that in the same vein—I would have made those very same statements to a President Reagan or a President Bush during the last several years. The status quo is not working and it is costing us a fortune.

How does passing this bill help us do that? The answer is that it does not. Not only does it inhibit our ability to reinvent government; the more we spend, the more debt we accrue and the less incentive we have to reinvent government.

The changes were not made in the Defense Department in 1981. We just poured so much money at that Pentagon that one Assistant Secretary a couple of years later described it this way, and I will paraphrase from something that was in the newspapers. He said: "We just brought the money bags to the steps of the Pentagon and opened them and said to the military-industrial complex, 'Come and get it.'" And we saw that happened.

I do not want to say on the domestic side of the ledger it is exactly the same way or as bad. I cannot say that. But the President himself has acknowledged a necessity for changing programs, modernizing them, maybe doing away with some, maybe even adopting some new ones. But he says we should reinvent. We are not doing it.

This is a dangerous road we are heading down. I congratulate my colleagues on this side of the aisle for their energy and efforts to educate the American people these past weeks, about the perils of the budget we just passed, and of deficit spending, as we are doing on this bill.

We stripped away the false advertising that portrayed this plan as representing change, because there is no change. We exposed this plan as a platform for raising taxes. That is what the budget is that we just passed. We exposed the fact that this Congress, both with the budget and now this bill, failed to make the President live up to his campaign promises on cutting spending, cutting the deficit and cutting taxes for the middle class. He broke each of these pledges.

Madam President, America's eyes are now open to the reality—the truth—of this plan. They are getting bigger government, not reinvented government. In the months ahead, the choices will continue to be bigger government versus reinvented government.

I think in our oversight capacity we have every right to measure the President by his statements that he wanted to reinvent government, the extent to which government is being reinvented.

But we continue toward tax-and-spend budgets versus budget freezes, with proposals for a more effective government; between bills that increase the deficit versus bills offset with spending cuts.

These are two diverse visions for the American people. Many of us, even on this side of the aisle, stood ready to help a new President who promised change and innovation in government, who promised to lower the deficit. Instead, the President and this Congress have chosen the status quo. The lines have become clearly drawn.

We hear the phrase "guardians of gridlock" again and again from the other side. Let me suggest that what we are opposing here on this side of the aisle is the "deja voodoo" we are getting from the other side. We are opposed to deja voodoo. This is Jimmy Carter all over again. Only in Bill Clinton clothing. This is old Democrat policy in new Democrat rhetoric. And this is not what America wants.

We are not the guardians of gridlock. We are the guardians of good government. We are the protectors of the people. We are helping the President keep the promises he made to the American people. Because the President did not keep his own promises, and the majority party in the Congress did not hold his feet to the fire.

The way I think—whether we have a Republican or Democrat President—we have a responsibility through the checks and balances of the Constitution to hold to the fire the feet of any President of any party.

Performance in office should be commensurate with the rhetoric of the campaign and the mandate that comes through that campaign.

The American people did not give Candidate Clinton 43 percent of their vote to get higher deficits, higher spending, and higher taxes. It was the opposite. They voted for lower deficits, lower spending, and lower taxes. That is what they were promised. But it is not being delivered. This side of the aisle is trying to deliver on those promises.

Mr. President, I returned to the Senate this year for a new term. And I returned with a mandate. Seventy-two percent of the voters in Iowa reelected me to lower the deficit and continue my role as the guardian of good government. During my campaign, the issue of deficit spending came up repeatedly. My opponent constantly attacked me for opposing spending on various programs, similar to what we are doing on this bill. And constantly I responded that the most important thing we can do for our children—for our children born, our children unborn, and our grandchildren unborn—is to put our fiscal house in order first. That is the program for children.

The program that is against children is when we load more debt on their backs so we can live high on the hog during our generation. We have a responsibility, each generation, except for time of war when the very existence of our Government and our society is at stake, to pay our own fair share.

If we do not have the money, we do not have the money. If we spend money in one place, we need to cut spending in another. This is the way business does it, the way our families do it, and the way we should do it. That is what my Republican colleagues are saying. In other words, they are saying we want change—real change. We want good government.

Madam President, the Democrats have control of the Government. Therefore, they have the opportunity, a rare opportunity, to deliver for the American people. And they have the moral authority to deliver because they promised to deliver. But they did not promise to raise the debt. They did not promise to increase spending. They did not promise to raise taxes. They promised restraint on all counts. And so the moral authority, Mr. President, has fallen to this party. This side of the aisle. We are trying to deliver what the American people were promised last year. That is why we albeit in the minority, are the guardians of good government not the guardians of gridlock. The other party has dropped the ball.

Madam President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. SARBANES. I thank the Chair. Madam President, I rise in very strong support of the legislation which the distinguished chairman of the Appropriations Committee and our former majority leader has brought to the floor of the Senate. This legislation, the so-called stimulus program, is very important for the economy of our country, and I very strongly stand behind it. The President strongly stands behind it. In fact, the President, as I understand it, sent a letter to the chairman indicating his very strong support for this measure which has been reported out from the Appropriations Committee.

Mr. BYRD. Madam President, the Senator is correct, and that letter is in the RECORD of yesterday.

Mr. SARBANES. I appreciate that. The House of Representatives has acted on the stimulus package. It is the one remaining major piece of the economic proposals submitted to us by the President that needs to be enacted in the Senate. I very strongly urge its passage.

Now, Madam President, we have to break the gridlock. We cannot have the guardians of gridlock reemerging now and, in effect, seeking to tie the country up again. The President put together a balanced program. He has an investment strategy, he has a deficit reduction strategy, and he has a stimulus strategy.

The President said the other night, when Dan Rather interviewed him at the White House, that he was trying to accomplish not one goal but a number of goals, which is of course what you have to do when you are dealing with economic matters. He is trying to get the economy moving, to get some momentum to the economy to restore jobs and to get economic growth, and the stimulus proposal that is here before us is an essential element in achieving that goal.

Looking further out into the future, he is trying to get significant deficit reduction to bring down the deficit which has been rising over this last decade, to restrain it, to start its downward movement and its eventual elimination and also to make some investments in the future strength of our economy.

The stimulus in the short run represents some of that investment strategy here and now. The budget resolution reflects an investment strategy in the next fiscal year and beyond. So we are trying to get the deficit down, and we want to get the economy growing. Getting the economy growing is essential to reducing the deficit because in a weak, anemic, stagnant economy, the deficit, in fact, will go up, not down. Every 1 percent on the unemployment rate is $50 billion on the deficit.

The President wants to do an investment strategy in research and development, in the education and training of our people, in improving the health of our people, in infrastructure, the Nation's transportation network, in encouraging investment in new plant and equipment. The economic stimulus package embraces this supplemental and it also embraces in the reconciliation bill certain tax measures to encourage investment in the private sector.

All of this, is designed to lead to lasting economic growth and rising standards of living for all Americans. To accomplish this, the President is seeking to reduce the deficit, which drains our economic strength. President Carter wrestled with a $40 billion, $50 billion deficit. I can still remember it. Now the deficit is in excess of $300 billion. That is what the Bush administration left on Mr. Clinton's doorstep. Mr. Clinton did not create it. It was left to him by the Bush administration when he came into office.

At the same time the President is seeking to reduce the deficit, he wants to invest in the public and private capital—education, training, nutrition, preventive health care, research, infrastructure and new factories, and equipment which we need in order for the economy to grow.

To accomplish this, the President is trying to put together an integrated program that has three parts: A short-term stimulus; medium- and long-term investment; and deficit reduction.

Let me just address the stimulus because that is the issue that is before us with this appropriations bill.

Why do we need it? Some come out here and say, "We do not need the stimulus; we do not want to have this stimulus program." First of all, let me just point out, this is not a strong economy and we ought not to run the risk of the economy taking a nose dive and bringing a triple-dip recession.

We have not come out of this recession in any way like we did in previous recessions. This chart shows the growth of real gross domestic product following postwar recessions. The growth in this recovery period is well below what we experienced in previous recovery periods coming out of a recession. This is not a strong, vibrant recovery. In fact, the unemployment rate today is higher than it was at the bottom of the recession which occurred 22 months ago. We have had significantly less growth in this recovery compared with the average growth in previous recoveries.

In addition the unemployment rate today is higher than it was at the trough of the recession. We have never experienced that in any previous postwar recession. In none of the previous postwar recessions was the unemployment rate, 22 months after the bottom of the recession, still higher than it had been in the trough. Usually the unemployment rate improves in the 6- to 9-month period after the bottom and as we start the recovery, things start looking better, people go back to work and the economy starts moving again.

The corollary of this failure to have strong economic growth is reflected in this chart which shows the lack of jobs recovered in this recession recovery cycle, compared with the average of postwar recession recoveries. As you can see, in other postwar recessions, we recovered all the jobs that had been lost and then many more. We have not done that during this recession, according to the official figures given us by the Bureau of Labor Statistics.

So this is not a strong recovery. The growth number that people talked about, 4.7 percent in the last quarter, is only about half the pace of the typical recovery. A known forecaster is not predicting the growth in this quarter will be equal to what it was in the last quarter of last year. They expect it to be lower.

The last quarter of last year was fueled in part by a good export performance. But Germany, Japan, and the European countries are experiencing economic difficulties. We do not expect to have the same demand from foreign countries for American exports. Consumer spending in the last quarter of 1992 outran consumer income and people were taking out of savings or borrowing in order to make their consumer expenditures. They obviously cannot go on doing that indefinitely.

So we really have a problem that this economy may stall out again. The stimulus program is designed to prevent that from happening and is particularly designed to address certain very pressing problems.

Madam President, this chart shows the percent of the long-term unemployed as a percent of the total people unemployed. What this shows is that in previous recoveries, the number of long-term unemployed individuals goes up and then as the economy recovers you start to recover the jobs lost during the recession. People go back to work, and the unemployment rate drops down. That has not happened in this recovery.

A significant part of the money in this economic stimulus package is designed to extend the unemployment insurance system benefits in order that the long-term unemployed are not going to simply find themselves completely cut off and literally falling off the edge of the world, without this extension people may—loss their homes, their cars, and their well being.

The President is trying to give the economy a boost. It is almost like a plane taking off. It starts to gain some lift and some momentum. What lies ahead of it is a major deficit reduction program. When that attaches itself to the economy, it is going to be, contractionary in the short run. It is going to put pressure on the economy in a contractionary direction. We need to be sure that the economy has enough lift to it that as the deficit reduction attaches to it, it will not precipitate it into an economic nose dive.

That is what the President's stimulus program is designed to do. It is designed to carry the economy on up so it can handle the deficit reduction and handle the investment strategy. If we go into a triple-dip recession, we are going to have a jobs problem, an economic growth problem, an investment deficit problem, and a budget deficit. So actually this stimulus package, which will increase economic growth and create jobs, will make its contribution to deficit reduction, through a stronger economy.

Mr. SASSER. Will the Senator yield on that point?

Mr. SARBANES. I am happy to yield to my friend from Tennessee.

Mr. SASSER. The distinguished Senator from Maryland is learned in economics, has compiled a brilliant record really as chairman of the Joint Economic Committee here in the Congress. He is very familiar with these terms that economists use such as "stimulus," "recession," et cetera. But I will ask my friend from Maryland, when he is talking about an economic stimulus, is that not roughly equivalent to what we used to call a jobs bill here in the Congress? In this particular stimulus package that the President is advancing, the principal thrust is to create jobs, is it not, I will ask my friend from Maryland?

Mr. SARBANES. The Senator is absolutely correct, although I think the President, who is a very perceptive and smart leader, has added an extra dimension in this instance with respect to this stimulus package. What he has done is put together both job restoration and creation, and integrated this into his investment strategy for the future of the country.

So what he is talking about is doing things like highway investment. This is not leaf raking. We are going to have highway investment. We are going to create jobs, and we are going to be left with an improved highway network. He is doing the same thing for mass transit and airport improvements. He invests in youth summer jobs, which can do any host of important tasks across the country. He is providing some money for the community development block grant to mayors and Governors to get important infrastructure projects moving. They are enthusiastic for this program.

Mr. SASSER. If the Senator will just yield on that point, in other words, it appears to me that this short-term stimulus—and I will use the term that the economists use, stimulus—is really creating jobs but jobs which will link into the long-term investment strategy.

Mr. SARBANES. That is exactly correct. And it is a very important point that the Senator is making because it shows that the President has a long-term vision. He has the ability, which I admire and respect, to integrate what he seeks to do in the short term with what he is trying to accomplish in the long term. So he is thinking about the future strength of the economy in the long term and at the same time he is trying to address the short-term weaknesses which these weak growth and job restoration figures demonstrate.

Mr. SASSER. If the Senator will yield on that point, I could not agree with the Senator more. I am extraordinarily pleased that this President is exhibiting that kind of long-term vision and coupling it with a short-term strategy to move us ahead over the long term.

Now, one of the criticisms that has been made of our political leadership, and indeed our business leadership in the private sector, over the past 12 to 15 years has been that everybody is looking no further than the next election, as far as the political leadership is concerned. As far as the business leadership is concerned, they are looking no further than the next quarterly dividend.

What we have been confronted with is political leadership and business leadership in other nations where they are looking to the long term, the long-term growth of their economy, the long-term competitiveness of their economy, and the long-term enhancement of the quality of life of their people.

Let us take the Japanese. The Japanese have been the envy of the modern world in recent times, as my friend from Maryland knows better than I. They have done that by taking a long-term investment strategy. That is precisely what this President is doing with this investment package that was folded into the budget resolution that was passed yesterday and with the short-term stimulus package we have before us today, which is creating jobs for our people in the short term but will build the infrastructure, both in the major urban areas and across the country, to allow the economy to improve itself in the long term.

I must say to my friend from Maryland, it is high time we had some leadership at the top level of the executive branch in this Government once again that has a vision which goes beyond just the next election. When you look at the long haul of American history and you see those Presidents who are honored by historians as being great leaders, they shared one thing in common. That was a vision for the country and the ability to look past the next 6 months, to look past the next year, to look past the next election to what is in the long-term best interests of all of our people.

Interestingly enough, many of these leaders came to be known for greatness because they were willing to take extraordinary risks, political risks, for what they deemed to be in the long-term interest of the country.

Well, I am going afield here, but I just wanted to reinforce——

Mr. SARBANES. If the Senator will yield, I do not think the Senator is going afield at all. I think the point he is making is actually the overarching perception to this entire discussion. What has to be understood is that President Clinton, had the vision to put together a program that makes sense. But each part of the program is essential to achieving the objectives.

We passed in the budget resolution major deficit reduction and major investment programs. I think most of the American people agree with the strategy. Most Americans want the deficit to come down, and most Americans I think recognize that we need to make some investments for the future economic strength of our country.

If you ask Americans should we educate our children, should we train our work force, should we be doing a better job on research and development in order to compete internationally, should we upgrade our infrastructure—people can see the infrastructure literally crumbling right in front of their eyes all across the country—the answer would be yes. The owner of a small trucking company said to me: If my truck sits in a traffic jam for 3 or 4 hours that is right out of the efficiency of my company. That is right out of my productivity.

So I think Americans want to do the investment strategy. The President says he has this final piece. He said, we need stimulus to get the economy moving so that the deficit reduction does not precipitate an economic downturn.

Bob Solow, a distinguished Nobel Laureate economist said in February of this month testifying before the Joint Economic Committee about a stimulus "There is enough slack in the economy to warrant a more aggressive approach. The payoff would be higher output, more jobs, with little danger that inflationary pressure would return."

Actually, on the inflation front we have a very good performance. We have a slack economy, we have idle workers, and idle plant and equipment. There is every reason to believe that we can have some additional stimulus without affecting the inflation problem, and in fact we had testimony from people from the Federal Reserve to that very effect, that there was enough slack in margin in the economy now in order to do that.

Mr. SASSER. If the Senator will yield for one moment, I was just reflecting on some of the things that have been said here on the floor of the Senate today, in opposition I might say to this stimulus package. We have on the floor of the Senate probably the preeminent historian of the Senate in the world, in the distinguished Senator from West Virginia. But I daresay that if you went back to the early 1930's, if you went back to 1933, and 1934, and 1935, you would have heard the same argument emanating from the other side of the aisle with regard to the stimulus program that the late President Franklin Delano Roosevelt was famous for. And they would say with regard to my section of the country: Oh, all that money he is spending to build those dams for this thing called the Tennessee Valley Authority, he is increasing the deficit to do that, it is nothing but raw political spending.

As one who comes from that area of the country, that stimulus package to build those great hydroelectric dams down there created jobs in the short term so that people could feed their families, so that people could look after the needs of their families, so that people could get adequate medical care once again because at least they had some financial resources to pay for it, they did all that in the short term. But probably the great benefit was in the long term because those hydroelectric dams are still producing electricity to this day. They brought to the Tennessee Valley area an aluminum industry because there was cheap hydroelectric power. That same aluminum industry built the great bombers and fighters, aircraft that won World War II. We heard the same arguments I daresay against that stimulus proposal back in the early thirties.

Why, if you listen to some of these arguments over here, they listened to them in 1932, 1933, 1934, 1935, we would still be driving on gravel roads in this country, I say to my friend from Maryland. That is where we would be. We would still be down in my area reading by kerosene lamps at night, if you listened to some of these arguments over here. At long last, once again, there is a leader in this country who says: Yes, we have to do something here in the short term to put our people back to work so that in the long term we can all live a better life. And, oh, yes, when we are all working and paying taxes, and this economy is growing, then we bring down the deficit.

My friend from Maryland—I am impinging on his time. He is more knowledgeable about these economic matters than I am, I must say.

But let us just look at what has occurred with regard to this economy we are in now. We have been in the longest recession for the past few years.

Admittedly it has not been the deepest recession. It was not as deep as the Reagan recession in 1982. But it has been the longest recession.

The economists say we are coming out of this recession. But there is a difference between this economic recovery and the economic recovery since World War II.

And the difference is that this economic recovery, I say to my colleagues, is not creating jobs.

I call the attention of my colleague from Maryland to this chart here. You will note that in the average recession we go back to the trough of the recession in 1991. In a normal recovery we would have created 4 million jobs by this time in the recovery phase. In this particular recovery, recovering from this recession of 1991, and 1992, we have created only 1 million jobs. Only 25 percent of the jobs that would be created in all other recoveries is being created in this one.

That is why, I say to my friend from Maryland, we have to do something about creating jobs. That is what this short-term stimulus is all about.

I am familiar with our budget problems. I am as familiar with our deficit problems as any Member in this body. I studied those numbers. I say to my friends, you cannot lower the deficit appreciably until you get to the jobs. The thing that knocks the bottom out of these budgets is high unemployment numbers, and the thing that explodes these deficits is poor economic performance.

My friend from Maryland knows as well as I, that for every 1 percent the unemployment rate goes up, that is about 1.1 million workers, roughly in that area. It cost the Federal Government about $50 billion.

Mr. SARBANES. That is right, $50 billion on the deficit.

Mr. SASSER. It raises the deficit $50 billion.

Mr. SARBANES. That is right.

Mr. SASSER. That is caused by the fact that these 1.1 percent who are not working are not paying taxes in the Federal Treasury. That is the lion's share of that $50 billion deficit increase. Yes, part of it is increased unemployment compensation for the unemployed, part of it is increased Medicare costs because when they lose their jobs, they become poor and they cannot afford to pay the bills. They lose their medical insurance, if they have any.

So the key to doing something about this deficit is getting this economy going again, getting a robust economy, and trying to move our people into good jobs at good wages. That is what this President promised the American people he was going to do.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SASSER. I am pleased to yield to my friend from West Virginia.

Mr. BYRD. Are not 10 percent of the American people on food stamps today?

Mr. SASSER. No question about it, for the first time in the history of this Nation, 1 out of 10 Americans are on food stamps.

And I say to my friend from West Virginia, we are seeing a different type of person on food stamps now. In other words, those who run these food stamp offices are telling us they are seeing people show up there and apply for them who were formerly at middle-management level positions with great corporations in this country. Because of the layoffs, people who never thought in their lives they would apply for food stamps or public assistance are forced to do it.

Mr. SARBANES. If the Senator will yield, the Senator from West Virginia is absolutely right. Here is a story on March 2, in the New York Times: "Food Stamp Users Up Sharply in Sign of Weak Recovery." It says,

> Figures Top Those of Recession in 1982–1983 and Underscore Hardship of the Poorest.

It goes on to say:

> The discouraging numbers on food stamp recipients was the latest in a string of so-so economic reports. And the burst of post-election optimism about the economy, reflected by rising stock prices and a sharp upturn in consumer confidence, has given way to fresh anxiety and new questions about the staying power of the economic expansion.

You have articles saying "key indicators showing economy losing momentum," and "economy behaving like it needs help." These stories are all within the month. Several sets of data suggest slower growth. The President was handed a very tough economic playing field when he came into office. Have no doubts about that. It was a very tough economic playing field. You had an anemic recovery, the weakest in any postwar recovery by far. You had a rising budget deficit, and you had a growing investment deficit in terms of the future economic strength of the country.

And President Clinton, to his credit, has been willing to try to deal with all of those problems in a comprehensive, coordinated way. Now yesterday we passed the budget resolution which set out the path on reducing the budget deficit, and reducing the investment deficit. Now we need to put this piece into place, the stimulus package, to get the economy moving, to restore the jobs and the economic growth that the distinguished Senator from Tennessee has just spoken about so eloquently.

I commend the chairman of the committee for the provisions he put in requiring that these investments be examined very carefully. A lot of political hay was made out of the fact that the President is going to provide some money in community development block grants to help Governors and mayors get things moving at their level, because they have been experiencing a really tight budget situation. A lot of essential needs have gone unmet.

Under the community development block grant, Governors and mayors have a lot of discretion. People have gone around and found instances where that discretion was used for projects that do not really appear very meritorious. If you give discretion out, you are going to have some abuse. Nobody went around and brought in all of the projects that the community development block grants were used for that were obviously meritorious.

The chairman addressed that issue very specifically. The mayors and Governors have assured us that the things they are going to do with this money is essential to the future.

But what we are talking about are programs that invest in our people, programs that invest in our infrastructure, in both rural and urban areas, programs that invest in technology, in the building of the technological base of the country, in the energy field, environment field, in the computer field.

Mr. BYRD. If the Senator will yield, Madam President, the Senator from Maryland and the Senator from Tennessee are making excellent points here. If I may ask a question, we talked about the number of people on food stamps, which is the highest ever. What about the individuals who are on the AFDC Program, Aid to Families With Dependent Children? Today there are 14 million, more than ever before, is that not correct?

Mr. SARBANES. That is correct. To this President's credit, he has indicated that one of his major initiatives that he intends to get to is welfare reform.

Mr. BYRD. What about Medicaid? Today there are over 32 million recipients, the highest ever. What does that do to the deficit? Does that help the deficit? Why are these statistics that we are quoting here the highest ever—food stamps, Medicaid, AFDC—why are they the highest ever?

Mr. SARBANES. It is because we are not recovering from the recession.

Mr. BYRD. Right. People are not working.

Mr. SARBANES. The President is trying to give an impetus to this economy to get us out of this recession.

Mr. BYRD. Right. People are unemployed. We need to do something about unemployment and get people to work. These rolls are costing the American people—welfare rolls, food stamps, Medicaid.

I have one final question of the Senator from Tennessee. May I ask the Senator from Tennessee, was not this jobs program—we will call it the stimulus program for the moment—was it not costed into the overall budget resolution package that the Senate voted on yesterday, which was so masterfully explained and managed on the floor by the distinguished Senator from Tennessee? Was not this so-called stimulus package costed into that and, yet, did not that package say that in 5 years we are going to have a reduction in the budget deficit of $502 billion?

Mr. SASSER. The Senator from West Virginia is entirely correct. Yesterday, when we passed this budget resolution, which contained the largest deficit reduction package in the history of the country, it also included the cost of this stimulus package.

I heard my distinguished friend from West Virginia yesterday talking about the fact that he "already had his spinach." The statement has been made that we ought to "eat our spinach before we have our dessert." The distinguished chairman of the Appropriations Committee said he already had his spinach. Indeed, he did. He got his spinach in this budget resolution that passed yesterday.

As a matter of fact, I would say to my friend from West Virginia, I think what he really got was not spinach, but bread and water, or maybe even a bowl of thin, watery gruel.

Mr. BYRD. The Senator got poke salad.

Mr. SASSER. The Senator got poke salad to get him through the next few years.

But if it was spinach, and there was some bitter medicine for the Appropriations Committee in the budget resolution that passed yesterday. I say to my friend, that spinach, if you remember, is what made Popeye the Sailor Man so strong. When we eat that spinach, as we ate yesterday, and as we are going to eat it for the next few years, that spinach is going to make us strong, because it is going to create jobs, and it is going to build the infrastructure of this country in the outyears, and that is what is important. That is why this stimulus package is so important.

Mr. BYRD. If the Senator will yield, when the Senators voted for the package on yesterday, the budget resolution, they did say to the Appropriations Committee: You do not wait until the reconciliation bill passes, you take your spinach now. It is included in that resolution.

Mr. SASSER. Precisely. That is correct. In other words, when that conference report—which I believe will be virtually unchanged—comes back here and is adopted by the Senate, it will conform largely to that budget resolution we passed yesterday.

And that puts the cap on the Appropriations Committee. That tells this Appropriations Committee how much they can spend by way of discretionary spending, and so that was your spinach. It may look like poke salad and may taste like poke salad but it is going to be spinach. I believe that spinach is going to make us stronger.

Mr. BYRD. One further question I ask the Senator: Can every Senator who voted for this resolution go home and tell his constituents that he has voted to cut discretionary spending and that the cut is in place as soon as the budget resolution was passed?

Mr. SARBANES. He certainly can. Any Senator, he or she, can go home and state categorically that we have voted to cut discretionary spending in this last budget resolution to the tune of in excess of $160 billion. That is a fact.

Mr. RIEGLE. Madam President, will the Senator yield for one additional comment?

Mr. SARBANES. I yield to the Senator.

Mr. RIEGLE. This is just a voice from Michigan that says we have to have this stimulus package enacted.

Mr. SARBANES. And now.

Mr. RIEGLE. We have to have it right now because we are not getting the job growth in this country that we have to have. We now have some 17 million people in America who are either unemployed, who have dropped out of sight because they are now in the discouraged-worker category and not looking for work, or people working part time because they cannot find full-time work. And in that area, if a person today works as little as 1 hour a week, the Department of Labor statistics say that person is employed.

Mr. SARBANES. That is right.

Mr. RIEGLE. They are employed even if they are only working an hour a week. The problem for people working 5 hours a week or 7 hours a week or even 20 or 25 hours a week, is that is not enough earnings to support themselves or their families. In virtually every case we have a very, very serious economic problem.

Mr. SARBANES. And virtually in every one of those cases when they are working part time, they do not have health care coverage.

Mr. RIEGLE. Absolutely.

Mr. SARBANES. Not only do they not have a full-time job, so they are under pressure scrambling to get enough to pay for the groceries. They come under the additional pressure that they no longer have health care coverage.

Mr. RIEGLE. Exactly.

Mr. SARBANES. In this recession, unlike previous recessions, about half the people who lost their jobs were on temporary layoffs and could be expected to be called back.

Mr. RIEGLE. That is right.

Mr. SARBANES. In this recession, only 15 percent are on temporary layoffs; 85 percent have been permanently terminated.

Mr. RIEGLE. That is right. In many cases, the jobs have left the country. Jobs have gone to Mexico, Communist China, Taiwan, and Japan. Those people are not going to be called back to those jobs. So they are out there in the pool of unemployed people.

I saw two veterans of Desert Storm the other day. These were people wearing the uniform of our country not all that many months ago, going over and performing heroically in that foreign policy crisis situation. They are now back here in the United States, out of the armed services. They are unemployed. They are homeless, living in cardboard boxes here in the District of Columbia.

We cannot have a condition like that where we are turning our back on our own people. In fact, the largest single group of homeless in this country right now are veterans. People who have served this country obviously need to be employed in some fashion, need to be in a different circumstance.

But we have to drive this economy up. The chart that you have there shows the fact that we are not getting the normal job recovery that we got after other recessions and that we are way down here. We have a gap of about 4 million jobs that have not come back. Many have left the country.

We have to get the President's stimulus package adopted. If anything, it ought to be bigger. We need every penny of that stimulus to drive the job-creation engine in this country. Most of these jobs are in the private sector. These are private-sector jobs. But we have to get the job growth coming back here because people need the work. They need the income. They cannot feed their families, in many instances. Even though we extended the unemployment compensation benefits again, that is not a real answer. The only answer is to get someone into a job situation.

I received a letter the other day from a man down in Texas who has a graduate degree who has been through three different job retraining programs, and he has come through them successfully. He still cannot find a job. So even job retraining does not mean anything if there are not jobs out there at the end of it where someone can apply the retraining and actually get on a payroll and start working, supporting themselves as they want to do, and make a contribution to the country.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. SARBANES. I yield.

Mr. KENNEDY. Madam President, I just want to assure the Senator from Maryland and the Senator from West Virginia that the stimulus proposal is absolutely essential for the men and women of New England and Massachusetts. We have 6 percent of the Nation's population, but we have lost 30 percent of the jobs.

My State of Massachusetts is second only to California in our lagging rate of recovery. Massachusetts, tragically, is the No. 1 State in the country on mortgage foreclosures on homes, and about second in the country in terms of small business bankruptcies. Every time I have travelled there, people ask, where is the investment in our future?

As the Senator from West Virginia and the Senator from Maryland have pointed out, what has been lacking in our economy over the period of the last 12 years is investment rather than consumption. That point has been made time after time.

I am mindful, as this debate begins, of the extraordinarily important work that was done by former Secretary of Labor Ray Marshall and former Republican Senator and former chairman of the Republican National Committee, Bill Brock. They traveled around the world and looked at our major competitors to determine the basis for their success. And the overwhelming conclusion of that report, "America's Choice," was that investing in a country's people, along the lines that have been recommended in this proposal; is absolutely essential if you are going to have high-paying jobs and be internationally competitive.

That is what this program is about; that is what this program is about. I agree with the points made by my friend from Michigan. If there is any concern that many of us have, it is that this stimulus package is not enough.

We have a record and we know what investment policy is all about. Not only do we in this country, but so do our economic competitors. And, Madam President, I say to the Senators from Maryland and West Virginia that this investment program is absolutely essential.

Finally, I would just like to ask if I am correct, and I ask the Senator from Maryland. Of the last five budget reconciliation bills, in 1990 the reconciliation came at the end of October; 1989, the end of November; 1987, the end of December; 1986 came in March of 1987; and 1985 was the end of December. So if we wait until we pass the budget reconciliation bill to release the majority of the funds in the stimulus package we may be waiting not a few months but up to 1 year.

We are all talking about trying to do something, to invest in the children in this country. But they want to delay some of the chapter 1 funds. They say all you have to really do is get a letter to the teachers and tell them the funds will be there in September. That is a lot of hogwash. If you look over this program of delays, you are talking about investments in education, investments in training, and basic and fundamental support for infrastructure programs that result in new jobs.

So, Madam President, I ask our friend: Does the Senator, who is the chairman of the Joint Economic Committee, believe that the timing is correct; given the range of the different workloads of Congress, that we would even be able to—is he willing to accept that all we are really talking about is maybe a month or two in terms of the deferred investment? Or does he believe, as I do, that if we have that kind of a fencing program, we are in a very real way threatening the very modest investment program that can result in job creation?

(Mr. DORGAN assumed the chair.)

Mr. SARBANES. I say to the Senator, I think we are going to do better on the timing on the reconciliation bills than in past years, and I think it is very important we do that.

But I want to make this point. As the Senator suggests, this stimulus package is needed now. We are not talking about 3 months from now. We have to get moving now. There are people waiting to go.

The mayors and Governors need to know about the summer jobs program. They are putting out highway contracts today. They are getting the best bids they have ever gotten in their lives. They are getting tremendous value on the dollar right now because the private contractors want the work. You can talk to any procurement office that puts out highway contracts, mass transit contracts, and they will tell you they are getting terrific bids. They have an idle work force and idle equipment, and they want to put it to work.

What the President is talking about are programs here that can start building this momentum. They are needed now. We have unemployed people with skills who cannot find jobs. They have skills in their hands and in their heads that could be put to work for America. There is equipment sitting idle not being used.

You can put that equipment to work next week—and that is what we are trying to do—but the product it could have produced this week is lost forever. We are losing every day an incredible amount of product that could be produced for the betterment of the country. And every day that you have an idle person who does not work or idle equipment that is not utilized the product is lost forever. You never get that back. You may put it to work tomorrow and get what it can produce, but what it could have produced today or yesterday, if it had been working, is gone forever. Why are we wasting that?

We have to get this country moving. That is what President Clinton is talking about. He has a vision for the country. He is going to get it moving now, going to restore the jobs, get the economic growth, get an economy strong enough to help bring down the deficit and do these investments.

The Senator from Massachusetts is absolutely correct on this investment strategy.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SARBANES. Let me just show the Senator one chart, because it is right on his investment point.

This is fixed investment as a share of GDP in the 10 largest economies around the world.

Mr. KENNEDY. Will the Senator yield on this point here in terms of the investment?

Mr. SARBANES. This chart shows fixed investment as a share of GDP. Here is the United States. Japan, Germany, France all invest here at higher rates than the United States. This is the very point the Senator was making.

Mr. KENNEDY. The fact is, in those countries, Mr. President, every one of the political parties support that kind of investment. They have effectively taken that off the table in those countries' political dialog and debate.

If you are talking about stimulating the economy to get the private sector investing in business or if you are talking about investments in education, in health, and training, those issues are off the table. All political parties support it. They may differ on issues involving refugees, differ on issues of defense policy, but in Western Europe and Japan, every one of the political parties have embraced the concept embodied in the stimulus package before us here.

We finally have the opportunity to make a small downpayment and we are being asked to defer it, delay it, or cut it back.

Mr. SARBANES. The German apprenticeship program represents a tremendous investment in Germany on their part in training their workers, their young people.

Actually, 30 percent of American students go to college; 70 percent do not go to college. And yet we do not have an apprenticeship or training program that even begins to proximate what they are doing in Germany. It costs money. You talk to the Germans about it. The businessmen are for it, the union people are for it, they are all for it, because they realize that the strength of their economy depends upon it.

We have to do the same thing here if we are going to compete with them.

Mr. RIEGLE. Will the Senator yield on that point?

I know we have some of our friends on the other side of the aisle who are objecting to the stimulus plan. They do not want to invest, as President Clinton is saying, in our own people.

But just last year, the past administration came in here with a stimulus program for Communist China, under the heading of the most-favored-nation trading status, that allowed Communist China to have a $19 billion trade surplus with the United States last year.

What that boils down to, you talk about a stimulus, that is not chickenfeed. The last year of the Bush administration put 19 billion dollars' worth of trade stimulus into Communist China.

Mr. SARBANES. In 1986, we had an even trade balance with Communist China.

Mr. RIEGLE. That is exactly right.

Mr. SARBANES. Today, in 6 short years, our trade deficit with the People's Republic of China has reached almost $20 billion.

The Bush Treasury itself reported that the People's Republic of China was manipulating their currency. They had instituted a set of administrative controls. They were, in effect, flagrantly violating all of the rules of open trade, fair trade, in order to gain an advantage, and they are gaining an advantage.

Mr. RIEGLE. That is exactly right.

So if you take that, that, in effect, was an economic program by our Government for Communist China. We put 19 billion dollars' worth of trade stimulus into Communist China last year. We took $19 billion out of our economy, we took 19 billion dollars' worth of jobs out of the United States, and under that policy sent that to Communist China.

The public said, "Enough of that." They elected a new President. He has now come in with a plan for America, and he says it is time for a little bit of stimulus and investment in our people here in this country. That is what people want.

But you see the opposition coming from the other side. You know, if Bush had won and was in here asking for a stimulus program again for Communist China, you would not hear all this objection coming from the other side—or if it was a stimulus program for Thailand or some other country—because we were helping all those countries, but we had no plan for our country.

Now we elect a President who comes along, who has an economic growth plan for America to invest in our people, to give them a chance to come forward, and who is it that stands up and objects to it?

I mean, we are running into the opposition from the very people who, up until now, have been willing to support every conceivable kind of stimulus program for other countries. Now we are asking for that for our own country so we can catch up—you take that infrastructure investment chart that you just had here. Why should we be down at the bottom? Why should Japan be up at the top?

Japan in the last decade, since 1980, has had a trade surplus with the United States of over $500 billion. They have taken over one-half trillion dollars out of our economy. All that money that Japan is now investing in their people and their economy, that is money that used to be our money. That used to be our money.

And so now, because of this huge trade deficit, they have taken all of this capital out of the United States, so they have plenty of money to invest in their economy. And it is money that used to be ours.

The only way we are going to close that gap is get our job base up to where it was. We cannot continue to be last on the list. I mean, that is the policy of the last 12 years. That is what people voted against in the last election. They said: "Get rid of that." Let us move the United States up this ladder and let us get back out in the lead. Let us invest in our people for a change.

I support the program. We need every penny in this stimulus package.

I just want to say, before yielding to the Senator from West Virginia, I appreciate his leadership in going right to the issue of the stimulus package and fighting for it and getting it here so that we can enact it.

We have more people on food stamps in the United States of America today than we have had at any time in our history. That is after the 12 years of Reaganomics and Bushanomics and trickle down and all the rest of it. We have more people on food stamps today in the United States than ever in our history.

The eighth largest major city in our country is in my home State, the city of Detroit. It has the highest poverty rate of any city in this country. I am talking about poverty among children—among children. Are they going to wait longer because we cannot do anything, even though the Japanese are doing something, the Germans are doing something, every other nation is doing something? Then we try to do something. We get a new President, he has the initiative to pay attention and offer an economic plan for America. And we are going to say no, we cannot do it? Of course we can do it. We cannot afford not to do it. It is time to invest in our own people.

Mr. HARKIN. Will the Senator yield?

Mr. SARBANES. I yield to the distinguished Senator. The Senator from Iowa actually has spoken very eloquently on this investment issue. I ask the Senator, what does he think about this?

Mr. HARKIN. I think the Senator for yielding. I was listening to the comments of my friend from Michigan. As I listened to him speak I began thinking that for the last 12 years, we have had a series of stimulus packages. We had one for the rich. We had one for the junk bond dealers. We had one for the S&L manipulators. We had a stimulus package for all of them. We had a stimulus package for China, as the Senator pointed out. But now when we want a stimulus package for the little guy in America, for American workers, for the people who have been put out of work by the supply-side nonsense of the last 12 years, they say no, we cannot do it. We cannot afford it, they say. Now, when we want a little bit of stimulus for the little guy in America, they say we cannot afford it.

The Senator from Michigan is right on target on this. We have people out of work. Of the 300,000 jobs created in the last 18 months, 82 percent of them are part-time jobs; 82 percent part-time jobs. Is that the future of America? People working part time, who cannot even make enough money to feed and clothe their kids and pay the rent? Or are we going to have an economy that is going to grow and provide meaningful jobs for people? That is what this stimulus package is about.

There are those who say, well, maybe we can put it off for a while. Put it off for a while? They say unemployment is only 9 percent. Unemployment is only 9 percent. That may be true. But if you are the one who is unemployed, the unemployment rate is 100 percent. Think about that. If you are unemployed, the unemployment rate is 100 percent.

We have money in the stimulus package for extended unemployment benefits. We have to provide this assistance. That is not what people want; they want jobs instead. But to get them through the rough time, pass this stimulus package, and start creating jobs and put people back to work. That is what this stimulus is all about. Yet there are those who say no, we cannot afford it. We have to hold it up. We have to delay it.

When you are out of work, you do not know where your next dollar is coming from. You have your kids who want a decent education. You have to pay health bills. We are going to have a health care plan, which we are going to produce this year.

Mr. President, as chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, which will fund many of the programs in the stimulus I just want to say we—indeed America—cannot wait. We cannot put passage of this stimulus off any longer.

The chairman of the Appropriations Committee has spoken forcefully and eloquently about this. I just want to publicly pay my respects to him for his courageous leadership on this issue. He has forthrightly put the issue out here for all of us and for the American people. As he said so many times yesterday, if people have amendments, let them come out here and offer the amendments. But they will not do it. Here it is, Friday afternoon, now 1:15 in the afternoon. Yet we cannot get anyone to offer an amendment. Indeed, the Senate is almost empty; there are three Senators right now on the Senate floor.

Where are these people who say they want to modify this package. Well, why do they not come over and offer their amendments? Where are they? Maybe they have gone someplace and they have a few people holding up everything here.

Every day we delay in approving this stimulus package means more people on welfare rolls, more kids turning to drugs, more families without hope, more families in desperation.

Again, Mr. President, this stimulus package strikes at the very heart of what the American people voted for last November. When voters were asked what their main concern was, they said the economy. We all have read the little stickers that were put up in front of everyone's desk in the Clinton campaign saying, "It's the economy, stupid." That is what it was, the economy. It was not the war in the Mideast. It was not foreign affairs. It was not some of the great social issues that have beguiled us in the past.

It was the economy. The American people, after 12 long years of the failed supply-side policies, finally said: Enough. We went with you President Reagan; we went with the supply-siders, and now our Nation is broke. We are in debt up to our eyeballs. We are the biggest debtor nation in the world. Our jobs are being lost, and the only jobs available are part time. It is time for a new game plan for America. That is what the American people voted for. They voted for a new President who had the guts and the courage to come forward with a plan, a plan to get this economy going, to reduce the deficit, and to invest in the future of America.

Sure, it is a tough plan. Darned right it is tough. You have heard a lot of talk the last few days about holding up some of this stimulus package so we could first get to the cuts. Do the cuts first and then have the stimulus later.

I guess I heard this refrain. One of the proponents of this position has said: It's like eating your spinach first and then you have dessert.

I have a couple of observations on that one. I guess the first observation is that we have already had the spinach. We just voted yesterday on a deficit reduction package for the next 5 years that is the biggest deficit reduction package this body has ever voted for, $502 billion in 5 years. This is real deficit reduction. These are not the phony kind of numbers games we saw out of the Reagan and Bush administrations, which hid the real numbers behind a lot of smoke and mirrors. There are no smoke and mirrors in the budget passed yesterday. There is real, tough, hard deficit reduction over 5 years—$502 billion. So we have had the spinach.

But I do not see this stimulus package as dessert. Dessert? There are 9 million people unemployed, and just 300,000 jobs have been created in the last 18 months and 80 percent of them part time, most of them minimum wage. And, now we have a package, a program that will help rebuild the infrastructure of this country and create good, meaningful jobs. This is hard work. No one is giving anybody dessert. These are jobs that are going to require you to go to work, put in a full day's work, whether it is building highways or sewer and water, or whether it is a teacher teaching a disadvantaged young person in a Head Start Program.

Dessert? What kind of nonsense is this, that somehow this stimulus package is dessert. There is not one penny of welfare in this, not one handout, not one giveaway. But this package creates jobs. And someone has the gall to say this is dessert? Tell that to the 9 million Americans out of work. Somehow they are going to get dessert because we are going to get them going back to work on a job—that somehow is dessert. I guess what it is more like, Mr. President, it is a high-protein meal. It is going to give some muscle to this economy, trim the fat, and put some muscle back into the workplace of this economy.

When I heard about how you have to eat the spinach first and then you have dessert, that somehow the stimulus package is dessert, boy, what a convoluted, twisted view this is of what is happening to the American people.

We have a recovery going on. It has been going on for 19 to 21 months, I have been told. Interest rates are down. But, Mr. President, while we may have an economic recovery, we still have a jobs recession; a jobs recession. I think we have to start looking at the economy in that way: You can have an economic recovery but you still have a lot of people out of work. So it is a jobs recession.

After 21 months, we have 9 million Americans still out of work, with another 6.5 million working part time. With 82 percent of the 300,000 jobs created just part-time jobs.

We have a 7-percent unemployment rate which is higher than both the 5.3-percent rate we had when the recession began and higher than the 6.8 percent when it ended officially.

I remind my colleagues, again, you can talk about unemployment at 7 percent, 6.8 percent, 8 percent, whatever it might be and, it may not sound too bad to those of us who have jobs. Six percent, seven percent, eight percent. But when you are the one who is out of work, it is 100 percent. That is what we have to do. We have to put ourselves in the shoes and the places of the people who are out of work. Getting this economy moving again is exactly what the stimulus package would do. It would get our fiscal house in order.

Opponents of this package have said that deficit reduction has to be our first priority. Well, we have addressed that. As I said, we have addressed that with the budget we adopted yesterday; $502 billion over 5 years. But I also want to point out something else. The last two Presidents of the United States adhered to the failed policies of supply-side economics. I prefer to call it, trickle-down economics, because that is just what it was, trickle down. You put a lot at the top and hope it trickles down. That is what supply-side was. They took an old failed policy that failed under Harding, Coolidge, and Hoover and dressed it up with fancy words and called it supply-side. Nonetheless, it was still trickle down, as it was called back in the 1920's.

The last two Presidents rang up $4 trillion on the credit card, and they have left us with a $4 trillion Visa bill. I guess I will use my Visa card since I mentioned it. It was a little over 10 years ago, it was in fact 12 years ago when I was a Member of the House of Representatives. Then Speaker O'Neill asked me to respond once to one of then-President Reagan's messages on his supply-side economics.

I pulled out my credit card and I held it up and said, "The American people have now been put on a credit card." That is what Reagan did, he put America on a credit card.

I will tell you, it is going to feel wonderful to the few who used that credit card because they went out and lived high on the hog. But sometime in the not-too-distant future, someone is going to have to pay the bills on that credit card and, it most likely will not be the people who had that high time during the eighties on the credit card. No, it will be the working people of America.

I said that in 1982 on national television. Little did I know how right I would be. Reagan and later President Bush put this country on a credit card and everybody seemed to feel good about it at the time. But now the bill is due and it is up to us to pay the bill. It will not be easy. It will not be as easy as using the credit card. We all know after having a night on the town, it is sure easy to ring up the credit on that Visa card. But it is tough when the bill comes due the next month.

Now, the bills are here, and we have to pay them. We cannot put it off any longer. That is what we did with the budget yesterday which will make those deficit reductions. But now the people in America who did not enjoy the party in the 1980's, who struggled, who worked, raised their families, 9 million of them are out of work now. It is time to put them back to work.

Why do we need to put them back to work? Aside from the basic premise that it is better for people to work than just to draw unemployment compensation, aside from the fact that everybody ought to be working and contributing to our society, aside from all that, we have to put these people back to work so we can pay the credit card bill that Reagan and Bush and those trickle-down economists rang up for us in the 1980's. We have to put this country back to work to pay that bill. Otherwise, those people who had the party in the eighties are going to put the rest of us in debtor's prison. It is like debtor's prison, just paying on the deficit year after year after year.

We do not have to do that and this stimulus package will start that recovery.

In the last 20 months, Mr. President, we have regained only 1 out of 20 manufacturing jobs lost—1 out of 20—lost during the recession. If this were a normal recovery, normal in terms of what we have had in the past, we would have about 3 million more jobs than we have today.

Again, do not take my word for it, Mr. President. I have a job and so does everyone else here. So, I ask those who argue we do not need a stimulus to think about putting themselves in the shoes of those who do not have jobs.

I suggest to those who think we can put off this stimulus package to ask the thousands of people laid off by Northwest Airlines last month how they feel about being unemployed. Ask the 8,700 people cut from the payroll of McDonnell Douglas. Ask the 10,000 put out of work at United Technologies, the 50,000 from Sears Roebuck, the 20,000 from Boeing, or those dropped from the payrolls of General Motors, IBM, and Kodak in the past 3 months.

Let me point out there are two parts to the stimulus. There are unemployment benefits which will run out next month, in April. We need to make sure we get these people through the short period of unemployment, but we also need to start the economy going again more generally. The stimulus package will help achieve this.

Ask these people who have been laid off if we are in a recovery. Opponents of the stimulus package say the economy is fine, we do not have to do anything. They say, jobs are right around the corner, Mr. President, just right around the corner. Well, that corner keeps receding further and further away. Jobs are not right around the corner, and the only jobs that are there are part-time, minimum wage jobs. So we cannot afford to wait. This package will create 500,000 jobs, which is at least equal to and perhaps greater than all of the jobs created during the 21 months of this so-called recovery.

Mr. President, the President's plan is the first honest attempt that we have had in 12 years to reduce the deficit, create jobs, and invest in the future. I say it that way because it really is a three-legged stool: Creating the jobs, reducing the deficit, investing in the future. If you take away one of those legs, the stool falls over. Maybe that is what some of the opponents of this package are thinking: If they can just yank one leg away, the stool will fall over and make the President look bad and maybe they will have an advantage going into the next election.

We had our politics last year. We had our debates and our campaigns. Anyone who knows this Senator knows I love to campaign as well as anyone else, and I like to fight as hard as anyone on a partisan issue. But there must be a period of time when we set that aside, and we debate here, as we should, our differences as to which direction we go. But it ought to be done within the context of moving the legislation or, if someone is opposed to it, voting against it and stopping it. That is the proper procedure for the Senate, not dragging it out and filibustering it or to maneuver for some political advantage.

That is why I keep saying, Mr. President, if someone has an amendment to this with which they want to change it, or move it in a different direction, come on out here and offer the amendment. But no one will do it. What they want to do is take away that one leg of the three-legged stool; maybe it will fall over.

I find it interesting that the opponents say the Government has no business being involved with a stimulus.

I will repeat again, Mr. President, we have had a stimulus package for the last 12 years. We had a stimulus package for the wealthy. We had a stimulus package for junk bond dealers. We had a stimulus package for the S&L manipulators. As the distinguished Senator from Michigan pointed out, we had a stimulus package for China. We have had a stimulus package for other countries. And now when we ask for a little stimulus package for the hard-hit American family and American workers who need some jobs and need some hope, they say no, we cannot do it.

Well, it was all right for the big, powerful Federal Government to provide a stimulus for the wealthy in supply-side economics and use the trickle-down for the rest of us.

But I come from farm country, and you do not fertilize a tree from the top down. It does not quite work that way. You have to fertilize at the roots and when you do the tree grows strong. That is why supply-side, trickle-down economics does not work. You cannot fertilize it from the top down. That is why it never worked. But, boy, the top of the tree looked nice. But the trunk and the roots were withering.

That is what happened with trickle-down, supply-side economics. The rich got richer. Junk bond dealers made off with a lot. So did the S&L manipulators. And now we are bailing them out with $200 billion.

So if the Government can provide that kind of stimulus to the few at the top, surely the Government can turn around and provide an economic recovery program to put people back to work in America. We spent $200 billion to bail out the S&L's, and we are haggling over $4 billion to extend unemployment benefits to people out of work—$200 billion to bail the S&L's and we are haggling over the total stimulus package of $16 billion to put people back to work? Where are our priorities around here?

Let me list some items that we seem to be able to afford. We can afford to spend between $8.5 to $11 billion on the superconducting super collider but we cannot afford $500 million for a Head Start summer program that will create about 50,000 jobs.

Mr. President, we will be talking later, about this superconducting super collider. It started out as about a $4 billion program. Then it went to $6 billion. Then it went to $8 billion. Now I have heard it is up to $11 billion.

I am not a physicist, and I do not understand all of the ramifications of this. But I do understand that one of the reasons they want to build this superconducting super collider is they want to find out what happened in the first few milliseconds after the big bang. Well, watching the superconducting super collider grow from $4 billion to $6 billion to $8 billion to $11 billion, I finally figured it out. It is the big bang. It just keeps growing exponentially every year, sucking up more money all the time. But we cannot afford $500 million for a Head Start summer program to start educating and serving kids, and also create 50,000 jobs.

We can afford to spend $30 billion on the star wars program but we cannot afford $1 billion for a summer jobs program for some of our youth who are out on the streets.

The failed policies and tax breaks of the past 12 years are what helped create this recession. It is what put those kids on the streets, put people out of work. That old trickle-down economics. That is what this stimulus package will help reverse.

People who say we cannot afford this are just wrong. Those people who had the party say no, now we have to be in debtor's prison. But I think the American people deserve better. They voted for a new direction. They voted for job creation. This stimulus package will create over 500,000 jobs and give small businesses the break they deserve. This stimulus package also values our Nation's most vibrant asset—its people. After 12 long years of ignoring the working people of America, I say it is about time.

In my State of Iowa alone the stimulus will bring $115 million for job creation, infrastructure investments, development, and education programs that will have an immediate impact. It will also provide $4 billion for extended unemployment benefits that we need for people who are out of work.

The Department of Labor advises that without this appropriation, they will run out of money for these benefits in April. It is vitally important we pass this bill to ensure that the 1.8 million that may go off the rolls receive their benefits. The stimulus also creates $1 billion for summer youth employment, training, and education enrichment. This will serve an estimated 680,000 economically disadvantaged youth between the ages of 14 and 21.

It is springtime here in Washington. Maybe it is hard to envision what it is going to be like during those hot summer months on the streets of Washington or Los Angeles, New York, and Chicago when young people out there want summer jobs. Do we want them to listen to the drug dealers who come by and ask, "Do you want to get rich quick? Here is the way to do it. Push dope."

How many more will fall into that pit because we did not have the guts to pass this bill expeditiously and provide for a summer youth employment program? Kids who are on the streets need this work. And it is good work, not make work but good work. They get training, they get experience, and they get educational enrichment.

Educational enrichment is another part of the stimulus. Not too many people recognize it. In this jobs program, there is an educational component that if they are working on a summer job, they also have to be getting some educational enrichment in the English language, in writing skills, in speaking skills, and in the basics.

And there is $500 million for a Head Start summer program. With these funds 350,000 children will be able to participate in the summer Head Start Program, about 50,000 jobs will be created.

Again, Mr. President, I think a lot of people look upon the stimulus package as building highways and sewer and water systems and bridges and that type of thing, and those are important. I have talked a lot about the need to do that in this country. But there are other jobs like teaching Head Start kids, chapter I kids. Those jobs are valuable, too—every bit as valuable as working on a highway, because it has to do with what our next generation is going to be like and whether they will get the health care and love and educational enrichment that they need.

I mentioned chapter I, Mr. President. The administration proposed at one time a $500 million summer program which would reach prekindergarten through high school children and create 83,000 jobs for 33,000 teachers and 50,000 other staff.

Again, you might say that is "make" work. I say no, it is reaching down to disadvantaged kids, giving them some educational enrichment, some hope, a little bit of self-esteem, so that they are not out on the streets listening to the dope peddlers about the way they can get rich quick.

Those jobs are every bit as important as laying concrete on the highways.

This bill includes $300 million for an expanded immunization program, to increase vaccination levels of all children under age 2. You say we do not need that? Well, ask the kids who got measles a couple of years ago during the measles epidemic. Some of them will carry the effects of that the rest of their lives. Some of them suffer disability, some died.

You might ask some of them whether or not they think the immunization program is important.

There is $200 million for AIDS care. I see the distinguished Senator from California here, who was mayor of the great city of San Francisco for a long time. You might go out to San Francisco and ask the people who are running the hospitals taking care of people who are sick and dying of AIDS, ask them if they think we can just put this stimulus off.

Ask the people who are suffering from AIDS. Do they think we can put it off a little bit, that we do not need this stimulus package?

Those jobs are important, too, Mr. President, for the health care workers taking care of our sick and dying.

The programs I have been talking about are really the programs that come under my jurisdiction on the appropriations Subcommittee on Labor, Health and Human Services, and Education.

And the $1.8 billion to eliminate the Pell grant shortfall, what is that all about? What does the Pell grant shortfall mean? Every year we have a Pell Grant Program that gives grants to young men and women to go to college. Obviously, there is an income threshold. You have to be very low income to qualify for Pell grants, named after our distinguished Senator from Rhode Island, CLAIBORNE PELL. If you come from a lower income family and you want to go to college, you can get a Pell grant.

The Pell Grant Program obviously has borrowing and spending authority, because you never know how many kids are going to apply for it, and how many qualify.

What has happened over the last few years in the recession? We have had more people fall into poverty because they lost their jobs and they lost their income, and as a result more young people qualified for Pell grants. And we provided the Pell grant money so they could go to college.

But now that we try to balance the books, we find we have a shortfall. If we never had the recession, we would not have had a Pell grant shortfall. But because of the recession—because more people fell below the poverty line and more kids qualified—we have to deal with this education grant shortfall. It is about $1.8 billion—that is pretty close to $2 billion right now.

Is it important to pay that bill? I suppose we could try to put it off, like the Reagan and Bush administrations did, but we have to pay it now so that we can have Pell grants next year. We could postpone paying our debt, but what would happen is that we would squeeze out the other Pell grantees.

In the law right now the maximum level for a Pell grant is $3,700; that you could qualify for if you are low income.

But last year we had to cut the maximum amount from $2,400 to $2,300 because we did not have enough money. If we do not fund the Pell grant shortfall this year, I am told that the maximum grant will go from $2,300 down to about $1,800 next year. That means more young people coming from low-income families will not be able to afford to go to college.

So for those that say we can put this off, I am saying that, you're telling a lot of young people who cannot afford to go to college to forget it. You are telling them that the doors are closed.

So this is the right bill at the right time, Mr. President. In fact, I would argue perhaps we should have done it a long time ago. But did not have the opportunity and now we do. We have waited over 20 months for the economy to create jobs on its own. But while the economy has recovered and is improving, we still are in a jobs recession.

Last November, the American people voted for change. They did not vote to keep the same economic policies of the Bush administration. They wanted something different. They want to have an honest budget. They want to pay the bills. They want to rebuild the economy of America for their kids.

That is what this package is. It gives us the action that we need, not in a phony smoke and mirrors way but in a real way.

So for the life of me, I cannot understand why some of the opponents of this bill want to delay it, or fence it off.

Mr. President, let me speak simply: Stimulus denied is jobs denied. Stimulus denied is opportunity denied. Stimulus denied is hope denied. That is what this package is all about, for 9 million Americans who cannot afford to wait another 20 months for more part-time work. What we should be doing is getting this package passed.

But, I look around, I still see only three Senators on the floor. I cannot understand why those who say we have to change this package are not here. Where are they? Friday afternoon, almost 2 o'clock in the afternoon, where are they?

I would like to know why they cannot come over here and offer their amendments.

Mr. President, the employment picture in America is not getting any better. We are falling behind everyone else. We have seen these charts. The one thing I have talked a lot about in the past is the need for us to invest in our infrastructure.

The International Bank of Settlements in Geneva, Switzerland, did a study a couple of years ago. I read a little bit about it in the paper. I got a copy of it because it caught my eye.

I looked over their analysis of the world economic situation. I commend it. I recommend it to anyone, because what they pointed out in that economic analysis was that in those countries where there is a high level of investment in infrastructure—in both physical and human infrastructure—in those countries, there was a higher rate of economic growth in the private sector. They went on to point out that if you are in private business and you are shipping something by a truck, that should only take 3 or 4 hours, but because of traffic delays and bad highways or bad bridges, it may take 8 hours or 2 days, that is lost productivity.

When you are trying to manufacture an item that takes some skill and high technology and you have a worker that can barely speak the English language and does not understand basic math principles, that is lost productivity in the private sector.

So the International Bank of Settlements pointed this out, and this is not a U.S. institution. This is the International Bank of Settlements, hardheaded bankers, pointing out that where there is a high level of public investment, the private sector does better.

The report states that, as a percent of gross domestic product, the Japanese were spending about 17 times what we were in infrastructure. As a percent of gross domestic product, the Germans were spending about nine times what we were on infrastructure. Their economies are growing; they put people back to work.

Right now, in America, public investment as a percent of gross domestic product has fallen to about 2.6 percent. In the 1960's, it was 4.5 percent.

In other words, we dropped 50 percent since the 1960's in terms of investment in the infrastructure of this country. It is no small wonder. When I drive back and forth to work, some of those roads out there nearly knock off my car doors. It is no small wonder that we had the water break in Chicago that shut down the Board of Exchange.

It is no small wonder that we are losing a lot of our high-technology jobs, because we do not have the young people that have the basic math skills and the training and the work experience to take over these high-technology jobs.

Mr. BYRD. If the Senator will yield for a question, Mr. President, I have been listening to the able Senator. I think he is making some excellent points. Is he saying that public investment in infrastructure, human and physical, encourages private investment as well? When he talked about the constituent who was speaking of adding to his van fleet or his truck fleet, suppose a constituent who has a business feels that he ought to buy a new fleet of trucks, but down the road just a little way is a bridge with a big sign on it and a chain across it, and the sign says "closed." And this means that the businessman who wants to invest in a brand new fleet of trucks—all red trucks, or white, whatever—if he has to have his trucks drive 50 miles, or 20 miles, or whatever, on a detour in order to get to the other side of the river, is he going to be encouraged to invest in that kind of a purchase of trucks?

But if we build our infrastructure, build the bridges, repair the bridges, repair the roads, then private investors will be encouraged to invest and expand their plant and equipment. And as they invest, productivity will increase.

If I understood the distinguished Senator, he was saying that Japan, Canada, the then Federal Republic of Germany, Japan, Italy, United Kingdom, all of these countries over the recent years have been investing in infrastructure. They have been making public investments, by an increasing percentage of their gross domestic product—far above the plowing back that the United States has been doing. And as these other countries have increased public investment, I believe I understood him to be saying that their productivity increased concomitantly, and there is that correlation then between public investment and productivity. If there is an increase in investment and an increase in productivity, what happens to jobs? Is there an increase in jobs? Are there more people working?

Mr. HARKIN. The chairman put his finger right on it. I will answer him with one of my favorite stories. Henry Ford had two good ideas in his lifetime—he may have had more, but there are two that I know of—one was that Henry Ford, when he started building the automobile, wanted to pay his workers enough money so they could afford to buy what they made. He was sort of an anathema to the business community at that time for saying those things. But he was right on the mark.

Another idea he had was about mass production. I have often thought about Henry Ford and his cars. He was a genius. But I often ask people how far would Henry Ford's old Model A have gone if we did not build the roads and the bridges?

The public-private sector working in that kind of a union to build the great highways and transportation network of this country allowed the automobile companies to manufacture and build bigger, better, faster, higher speed automobiles. They put a lot of people to work and made us number one in the world in automobiles.

But, people say, well, the private sector can do it. There are a lot of good things they can do, but it takes that public infrastructure to allow it to be productive and efficient in our present world.

Mr. BYRD. Before the Senator tells the story, Mr. President, would the Senator not agree that the package that is before the Senate, the President's job package, is calculated to invest in highways? Does it not provide the funding up to the full level of ISTEA? Is it not contemplated that the various State highway commissions throughout the country have the plans on the shelves, which can be used immediately? They already have their environmental impact assessments, their rights-of-way and their designs and plans; they are all ready to go, but they do not have the money.

The President is not pulling any wool over anybody's eyes. He told everybody that he was for more investment, for more investment in infrastructure. Did he not say that? Yes, he did.

So now he is delivering on his promise. Is there not in this package before the Senate today moneys that will go to the States and that can be immediately applied to road construction and road repairs? That means thousands of people put to work.

I have no further questions along that line. The question answers itself.

I notice our friend from Idaho on the other side of the aisle wishes to speak. I will not detain my friend from Iowa longer. The Senator from Iowa is making a good speech.

But what about the $4 billion in this package in unemployment benefits? There are 1.8 million people whose unemployment benefits are going to expire, are they not, as of April 5? Then what happens? What about them? Are we going to continue to drag our feet and not pass this package and give those unemployed workers and their families some relief?

(Mr. AKAKA assumed the Chair.)

Mr. HARKIN. Mr. President, as the chairman knows, these people are not the slackers in our society. These are unemployment benefits for people who have been working, who went out and worked, but because of the economic downturn, now find themselves out of work. These are not the people who are trying to get welfare all the time. They have been trying to succeed, trying to work.

Of course they deserve these benefits. They deserve to get these unemployment benefits to get them through the current tough times. But they also deserve this economic stimulus to create the jobs so they have a job to go back to. The chairman has put his finger on it.

One of the benefits of campaigning around the country, as I did a couple years ago, is I learned a lot about America. I remember I was in a small town in one of our smaller States, and I began talking about the need for investment in infrastructure. It turned out this very small community, which I do not think had more than—5,000 people.

I went out to a work site one day. A water main to a fire hydrant had broken, and the people there had to dig up the dirt with this big backhoe. They dug it out, and they had to get down where the main had broken to put a new piece on there with a collar on it.

I was up on one of the work days that I do, and I was working with the people of this town. As we dug out that old pipe—it was an old rusted iron pipe—I asked the question, the pipe was put there? It was installed there almost 100 years ago when that town was very small, when not more than 400 or 500 people who lived there at the time.

Those people in that small community almost 100 years ago, spent their hard-earned money to dig up the ground and put in iron water pipes to replace probably some of the old wood ones. They put in iron water pipes so they would have fire protection and clean water. As a result of the effort, and others, the town grew and prospered. Businesses came there. They had water. They had fire protection. They had clean water. Businesses located there and the whole community began to grow.

That is true over all of America. Whether we build the railroads, the highways, the canals that handle the barges, or the Rural Electrification Administration that electrified rural America, the great sewer and water projects that allowed our cities to grow, the land grant universities that taught our kids, all of these great things we built allowed our economy, and the private sector to grow and prosper.

As we dug up that old iron water pipe, I realized a lot of other pipes need to be replaced all over America. You saw what happened in Chicago several years ago. That is just the tip of the iceberg.

But now some people are saying we cannot afford to do it; it costs too much money.

I think about what would have happened in that little community if 100 years ago the community leaders, when they were talking about whether or not they would lay iron water pipe around the town, had said we cannot afford it. And I bet it cost a lot. I bet if you went back and looked at how much that cost by hand to dig those trenches below the frost line 6 or 7 feet deep, lay all that iron water pipe for that community, I bet it cost a pretty penny compared to how much money people were making at the time.

But they looked ahead to the future. They had a vision of the future, and their vision was one of a community growing and prospering, where private businesses would come in and grow and provide work for their kids and grandkids. That is what America has been about—investing in the future. And that is what this stimulus package is about. It invests in our future.

Those who do not think we need to repair our infrastructure, our roads and bridges do not have to go very far. Go south of here to the Wilson bridge. On any given morning, the trucks are backed up for 10- or 15-minute miles. One accident on that bridge backed it up 5 or 6 hours for 20 miles. That bridge was build in the 1960's. I think the Wilson bridge was dedicated about 1962. It served us well for 30 years. Now it is time to invest again in the future.

What would have happened to America if, when they started to lay the railroad track, we said no, we cannot afford to do it; when we started to build the highways, we said, no, we cannot afford to do that either; when we started to build the interstate highway system, we said, no, we cannot afford to do that either; when we started to build the great waterways of America that carried commerce to the Midwest and other parts of this country, we said, no, we cannot do that either? Sorry, it costs too much money. We would not have the America we know today.

We will not have the America we want for our kids and grandkids in the future if we take the attitude that we cannot invest in the infrastructure of this country just as our foreparents did.

That is why this stimulus package is the right thing at the right time. We cannot afford to wait any longer. We cannot afford to put it off another year, put it off another 5 years, just keep putting it off, because the longer we put it off the further downhill our economy goes.

As the distinguished chairman said, this stimulus package is not something that the President has just pulled out of a hat. He campaigned on this. He talked about a stimulus before the election. It was part of his economic program. One of the reasons I felt so strongly about supporting the President in his campaign is because he talked about investing in America.

So it was all out there. He said this was what we were going to do, no smoke and mirrors. The American people elected him President of the United States because they wanted that change.

So what we are talking about here is not something different from what he talked about in the campaign. It is exactly what he talked about. It is what the American people voted for and supported.

If nothing else this bill is keeping faith with the American people. They voted for a change. They voted for this package. And now they said we want to put behind us those last 12 years of supply side; they want to try this new economic program that invests in America.

If nothing else, we have to keep faith with them. We cannot afford to break faith with the American people.

So I hope we could get my colleagues over here to offer those amendments.

I do not understand it. Where are they? We should pass this bill today, on Friday afternoon, before the weekend.

I do not know if the distinguished chairman of the Appropriations Committee can enlighten me any more than he has. He has spoken about it for a long time. He has challenged people to come over here to get on with it.

Mr. President, I see my friend from Idaho. He has waited very patiently. There are a lot of things I wanted to say. I know I repeated myself a couple of times, but sometimes around here you have to repeat yourself—not for the benefit of the Senator from Idaho; he has been here diligently. He has been paying attention and I appreciate that.

But sometimes you have to say things more than once because you want to drive it home around here. And that is why I have taken this time on the floor.

Believe me, Mr. President, I would not have taken 1 minute of time. I would not have taken 1 single minute of time if we could have moved on the bill yesterday and today to vote on the amendments. And if people would have come over and offered their amendment, I would not have spoken; I would not have taken about an hour's time.

I am sort of venting my frustration that we cannot go ahead with this bill and move this stimulus package; that there are those who want to delay it, hold it up, fence it off, keep putting it off, doing whatever little games that are being played on this package. People who are out of work cannot afford to have any more games played.

Have to keep faith with the American people. This is what this bill is about.

Mr. President I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Thank you, Mr. President.

I rise in opposition to H.R. 1335, the emergency supplemental or the economic stimulus package that our President has put forth.

But before I do that and discuss some of the points of that program this afternoon, let me start by complimenting President Clinton, first of all, for focusing on a significant area of the economy that needs to be addressed and in an immediate way, Mr. President, and that is the phenomenal credit crunch that our small businesses across America are finding themselves in, in their inability to go to the local bank and gain their necessary financing to conduct the normal course of business, to develop their credit lines, to be able to supply inventories to their shelves, to do what small businesses do, and most effectively, across America, grow and expand the economy.

For well over 2 years now we have heard a loud, and growing louder, drumbeat that America's small businesses cannot gain financing, as America's banks strengthen their profit margins.

I had a small businessman in north Idaho call me recently—a man who is a second-generation business person who is operating a business that his father founded—to tell me that, although his credit rating was excellent, the local bank would not loan him money because of the provisions that the FDIC had established that were really hamstringing this individual from gaining the necessary line of credit.

He told me the bank had over $33 million worth of deposits—we are talking about a small town branch office bank. They had less than $11 million of that loaned out, and the rest of it their central bank was investing in Treasury notes because they could not meet the standards or they could not develop the qualifying patrons to identify with those loans. Although that family business was in an economic condition no different than it had been in over the years that it had done business with that bank for many years, it could no longer qualify.

So our President has moved quickly on that front. I hope it materializes. And, if it does, whether it is a $16 billion stimulus package or a $50 billion stimulus package, that one action alone will do more to generate and create real jobs in small town America than any amount of money that might be produced by the taxpayers for that purpose.

Let me also add, the reason I point this important feature out that our President is moving on, I think that is only one-fifth of an equation that really has to be dealt with that we are not being responsible about.

Yesterday, this Senate passed a budget resolution that did a variety of things. My party and I took great issue with it because, although some on the other side would argue that it was a great package that reduced the deficit, my guess is about 4 years from now they will be wanting to take back a fair share of their statements because there will be little to no deficit reduction.

There has been a tremendous tax package proposed by that budget resolution. It is that tax package that will go a long way toward driving this economy down and, in fact, probably destroying some of the job base that we have built over the years.

The reason I mention that in the context of a stimulus package is because it all goes hand and glove together. Small businesses across America is the true engine of our economy, the engine that has created more jobs in the last 5 years than any other economy in the world and more jobs in the last 5 years in this country than ever before in our history.

It was small business America that said we need to see an easing in bank regulations, but that was only one-fifth of the equation.

Last November, when they were polled, they said the first and foremost was to cut taxes, to create more investment capital so they could expand their businesses and put more people to work.

Yesterday, we did just the opposite. Although small business America said last November to this President and to this Senate, "Cut taxes," yesterday we said to small business America, "If you file as an individual, you are going to pay at least 5 percent more in your taxes, and we are also going to increase a variety of other taxes that will cost you a great deal more in doing business," in conducting the business that generates the jobs that fills the supermarkets' shelves, that generates the jobs again.

It is really a catch-22 that we find ourselves in from yesterday, and the rhetoric of yesterday, to the debate of the day. Yesterday, we said to small business America, "Dig deep into your pockets, because we are going to ask you to pay more. We are going to ask you to take the capital you otherwise would have used to expand the warehouse to extend the business and send it to the Congress so the Congress can send it forth in stimulus packages. We are going to cause you more difficulty in doing business."

One other thing, last November, small business said was, "Cut regulations. Please cut taxes and cut regulations. Untie us so that we can expand and grow and hire more from Main Street, America."

What am I hearing from this administration? A great deal more rhetoric about Government becoming a partner, a participant, a helping hand.

Mr. President, when Government becomes a partner, a participant, and a helping hand, I know what follows—the regulation book and the regulator.

Because wise Senators and Congressmen will want to rest assured that every dime they put forth in a helping hand must be spent in a prudent way. And the way you determine how prudent the expenditure is is to send along a regulator to make sure of the prudence of the individual who is the recipient.

Aha, regulations. The very thing that small town America and small business America said we cannot have more of, the Clinton administration is proposing a good deal more of.

So that 2 of 5 things that small town, job-generating, small business America said "Don't do to us," we are now doing once again and, my guess is, Mr. President, with a great deal of energy.

They said, "Please do not impose health care costs upon us any greater than you are currently doing." And yet every day we hear, uttering forth from this administration, of Mrs. Clinton's effort to accumulate around her advisers to design a health care program for this country that employers must play an ever-increasing role in providing health care coverage for American citizens.

And, of course, the last thing that small business, small town America said in November—in a poll, now, not by anybody's guesstimation but in a national survey by the National Small Business United: Cut the Federal deficit. Please cut taxes. Please reduce the regulatory burden. Please do not impose any more health care costs on us. Fix the credit crunch, which our President is working on at this moment. But cut the Federal deficit. Do not drive us to the credit market where everyone else is, and where our Federal Government is the biggest borrower, and expect us to be able to compete.

We are not doing that. I know the rhetoric says it, but the rhetoric said it 4 years ago, and the rhetoric said it 6 years ago, and yet the deficits climbed, because this Congress in its judgment failed to recreate the environment in which we do business for the American people and the taxpayers. We failed in bringing about a balanced budget amendment, and we failed in bringing about a line-item veto, and therefore reconstructing a discipline of fiscal responsibility, a discipline that would have caused us to move as responsibly as the American people have asked us to move, toward a Federal balanced budget. I am very fearful yesterday's actions will say once again, as history has taught us, we have failed to meet the test of the true economic engine that drives this economy.

Today, Mr. President, we are here on the floor talking about all the good things we are going to do for America. Hallelujah, here comes the stimulus package and out of it will grow hundreds of thousands of jobs for working America. We heard my colleague from Iowa talking about the jobs that would occur in that State in the coming months. Let me read from the Des Moines Register of today, reflecting on that 115 million dollars' worth of taxpaying money that will go into the State of Iowa. Here is a reflection of one of the jobs, one of the jobs that will be created: $475,000 in emergency repairs to the historic Bruce More Manson in Cedar Rapids.

This mansion was built by an industrialist a good many years ago. I have not seen it but I have heard about it. It was given, through the National Historic Trust, to the citizens of Cedar Rapids some years ago for the purposes of cultural events, concerts, educational seminars and all of that.

Idaho taxpayers' dollars are now being transferred to the city of Cedar Rapids for the purpose of refurbishing a mansion that is the responsibility of the citizens of that city and not of the State of Idaho. Why should the citizens of the State of Idaho provide, for the city and the citizens of Cedar Rapids, the refurbishing of a beautiful old mansion on 26 acres? And we call that economic stimulus? I call that a transfer of wealth. But that is what is in this bill.

There is another project. It is an incinerator out there in Iowa to burn animal parts. That may be valuable, I do not know. I am not going to judge that for what it may or may not be worth. But that is what is in the package. I will allow the American citizens, in due time, to judge whether this economic stimulus package, at a time when our economy is really beginning to move, is right. I doubt that it is and I doubt very much if it is necessary.

Let me talk for a few moments, then, about what is going on in my State of Idaho, because I am very concerned at this moment that an economic stimulus package that will take money from my State and transfer it to another State is in fact not going to be very good for my taxpayers and the citizens of my State. Let me combine that rhetoric with an observation of what we did yesterday, because you cannot talk about tomorrow if you do not talk about today, and you cannot talk about today if you do not reflect on what happened yesterday.

From a budget resolution that sets forth for the coming year how much we will generate in revenues and where we will expend it, to a stimulus package today that says here is a kick-start to an economy that is beginning to move at a pretty rapid rate, let us try to put those in context for the State of Idaho. One thing is very clear in most instances. If you are a rural State, if you are a sparsely populated State, you end up being a giver, a provider, and not a recipient. That is generally the case, not in total, because there are some transportation dollars in here and there are some infrastructure dollars in here. But the bulk goes to urbanized America, to the "metroplexes" of our country.

For Idaho in the coming year, based on the economic stimulus package and the economic recovery that was spoken to yesterday in the budget resolution, let me attempt in a brief moment to analyze its impact. Idaho is a rural State of 1,039,000 people. Agriculture is our biggest industry, although we have a rapidly growing high tech industry, a rapidly growing forestry industry, we have a beautiful State with a growing recreational industry. All that combines to give a vibrant and growing economy. Idaho has a very low jobless rate at this moment. Idaho is a place where people want to come and start their small businesses. Not only is it a nice place but it is a low-cost State. We do not tax people at high rates. We do not fit in Federal regulations, or State regulations, in a way that it encumbers businesses. As a result, people are wanting to come.

Here is what is going to happen when they get to Idaho in the coming year. They are going to be asked to pay a higher power rate because of a Btu tax that we incorporated into a budget resolution yesterday. It is at least a 5-percent increase in their utility rates. If they farm or if they ranch, they are going to be asked to pay increased fuel costs because of the Btu tax; and if they farm, $40 per acre more in phosphate fertilizers because of an increase in energy.

We have also found in the Pacific Northwest, because of a Btu tax, if you receive power from the Bonneville Power Administration, your power rates are going to go up. And we have 35,000 or 40,000 jobs that are clearly in question at this point because of Congress and a President who have said there is a better way to tax and that is to tax energy in this country.

I will tell my colleagues that Idaho, although they are not now the recipient of this stimulus package, may have to be asking for it in the coming years as this President and the budget resolution of a day ago begin to put them out of business. Hundreds of thousands of dollars, millions of dollars are flowing to the city of New York. At one point in the early economic stimulus package, there was as much flowing to New York as there were taxes flowing from Idaho: Over one-half billion dollars in stimulus to New York City. I know that has been cut down some but I thought it was an interesting comparison, Mr. President, because there was over one-half billion dollars in new taxes being proposed upon the citizens of the State of Idaho.

Is it not interesting? Again, a redistribution regionally in the wealth of this country. We are going to take it from Idahoans and give it to New York City. For what purpose?

Well, possibly for the patronage-style jobs that our President promised the big city mayors that helped him get elected. I know Idaho was not much of a help. We saw things differently in our State. And as a result, Idaho now, apparently, is being asked to pay a great deal through the new tax-and-spend program of the Clinton administration.

I thought it was interesting about an hour ago when the Senator from Massachusetts came and spoke of the economy of the State of Massachusetts, second only in difficulty, or in severity, to the State of California. Yet 4 years ago we heard the sounding and resounding sounds of a Massachusetts miracle, a government that was doing more for its people and generating more jobs—and a person coming from that government who wanted to do that for America—than any other State government, if not in this country, on the eastern seaboard.

And yet today, by the Senator's own remarks, the State of Massachusetts is in worse economic condition than it ever has been, and nearly a third of the unemployment in this country, or 30,000 of those, emanate from the State of Massachusetts. Oh, what a difference 4 years make if the Government policies that drive the economic program that create the jobs is the wrong policy.

I mention the growth in Idaho at this minute. Part of that growth comes from the State of California, frankly enough. The Senator from California is on the floor, and California is in rough economic shape at this moment. Many of the people who come to Idaho with their small businesses are coming from California, and when they get to Idaho, many of them tell me that the reason they come is because their cost of doing business by coming across the border into my State is dropped by 27 to 30 percent because the government burden, the regulations, and the taxes that they are walking away from in the State of California are significantly that much less in the State of Idaho.

Is it not ironic that economic growth begins to grow and blossom in areas where there is diminished regulation and diminished taxation? Yet yesterday, this Senate adopted a bill that is the largest tax package ever in the history of this country directed in so many ways at small-town and small-business America, directed at families, directed at the people who have been the economic engine that have driven this economy and built jobs and recreated jobs at a higher level than ever in the history of our country over the last decade.

We are at a very interesting time in our country's history: a crossroad, a path, a new path, a President who is saying invest in America. That investment, we find out, is higher taxes, higher Government regulations, and very possibly a much larger deficit in the years to come.

I wish I could support a stimulus package that generated true jobs, but by Director Panetta's own estimation, this package will generate about 219,000 or 220,000 jobs over the course of the summer. Last month the private sector, at no cost to the taxpayer, generated over 365,000 new jobs.

Well, those jobs that will be generated by this stimulus package are now up to an average cost per job of nearly $90,000. Let me suggest to you, Mr. President, and to the Senate, that that is by far the most unwise transfer of wealth. Why do we not create an economic environment that brings about the investment that we would all like to see that generates the kind of stimulus to our economy that allows the small business person to hire the extra person, expand the inventory to generate the economy that this country has been so well known for. That is not going to happen.

So let me suggest that one of the reasons you find little desire to come to the floor to amend or change this stimulus package is because there are a good many on my side who suggest that this is not the right kind of stimulus package. It does not bear tax cuts, it does not bear a reduction in regulation, it does not bear the kind of stimulus that will be long-term in its nature instead of short-term in its creation. That is reality.

So while the other side marches to the tune of a new President, wanting to provide for him the kind of leadership that he has spoken to, the kind of investment in America by taxing more and spending more, you will find very few on this side who are willing to participate because we recognize that the two single greatest problems in our country today are a Government that regulates too much and a Government that spends more than it has. The only way we truly will create long-term, high-paying jobs is to get Government out of the way of that economic engine out there known as the private sector.

Whether it is $16 billion to a $6 trillion economy, or whether it is no money at all, there is only one true way to generate job building in our country and, Mr. President, it is not embodied in H.R. 1335, the Emergency Supplemental Appropriations Act of 1993.

My guess is that we will be able to point to this document 4 years from now and we will be able to find it on the bottom line. It will say this added just exactly that amount of money to the deficit. It will not have generated the kind of tax revenue in return of the type that we have heard talked to today by many of the speakers on the other side.

This will not reduce the deficit. The budget resolution yesterday was not the greatest deficit reduction document in the history of this country, as the Senator from Tennessee spoke to. It is, without question, the greatest tax increase that our Nation has seen. Time will only tell whether we here have truly answered the responsibility and the charge that the electorate gave us in November of this past year.

I read the charge as deficit reduction. I read the charge as changing this system here away from business as usual to a leaner Government that stepped out of the way of the private sector and allowed it to generate the kind of wealth that it could to bring down the deficit and to ensure a future for our young people.

I challenge the other party today to truly address that issue because, in my opinion, and I think in the opinion of the American people, they have failed in that challenge because their budget resolution and their stimulus package really do take us back to the old philosophy that they have held true to for many decades, and that is to tax as much as they can and spend as much as they can and, in the end, produce the largest debt and the largest deficit in the history of this country.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to make some remarks about the President's stimulus package. I was very pleased to hear the remarks of the Senator from Idaho, who has a great and a glorious State. I know because I have had occasion to visit it.

But I would like to most respectfully say to the Senator, I bring the perspective of a Californian and a former big-city mayor. One of the things that I have learned in that time is that if we do not provide for our future, there is no future. If we neglect our cities and we neglect our people, we end up continually extending unemployment compensation.

And so, Mr. President, I come before this body today to indicate my strong support for the President's stimulus package. I believe that it is both an investment in the present as well as an investment in the future of this country. True, some of it will provide jobs and some of it will remedy a failing transportation and highway system. I wonder how many of us know that 40 percent of all of the bridges in this Nation are in a state of disrepair. I think it really takes a time when something like an earthquake brings down a freeway and kills 40 people for us to really begin to understand the impact of deferred maintenance, the impact of not being able to produce the kind of infrastructure that 250 million people in this Nation need.

Some of funding in this package will help to educate our children and, yes, put them to work during the summer. Some will keep them healthy through immunization programs. Some of it will provide necessary food to pregnant mothers.

This is a one-time infusion of funds utilizing this year the $16 billion of revenues authorized but not appropriated. In doing this, it creates a kind of stimulus which I believe, in conjunction with the lowered interest rates, can be very helpful in providing a level of confidence that is so necessary to get this economy pumping again.

Mr. President, I speak from the perspective of the largest State in this Union, where today 1.5 million people are unemployed—1.5 million people unemployed—a State which has not come out of the recession, and a State which would welcome the kind of economic stimulus which enables us not only to address our present but also to address our future.

So I am proud to support this program, Mr. President, because when it passes, we are going to be able to say we as a nation are investing in the future of this country once again. Mr. President, that is long overdue, and I only hope it is not too late.

There is one part, however, of this stimulus package that troubles me, Mr. President. I had intended to offer an amendment today which would have provided chapter 1 funds to assist in the education of children in States which have experienced growth in the number of poor children living there.

Let me explain. The economic stimulus package includes a $234.8 million allocation for chapter 1. These are moneys that go to help educate the poorest children among us. I had hoped that these moneys could be used to substantially mitigate the one-time effect of the 1980 census data which is used today, this year, to fund these programs.

So I would have offered an amendment which would have provided chapter 1 funds to assist in the education of children in States that have experienced growth. I would like to have seen a fair and equitable distribution of these funds, but because of the delay in using the 1990 census data, California, for example, will not receive approximately $150 million to help educate its children. Twenty-six other growth States are also affected.

I would like to quickly go over those States. They are Arizona, Colorado, Florida, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

Mr. President, these 27 States, because of the way hold-harmless moneys are distributed, do not get adequate funds to compensate them for the increased numbers of poor children. California, for example, already spends 40 percent of its State budget on education. We have a $10 billion State deficit, yet every day youngsters must try to learn in overcrowded classrooms. California has the largest classroom size in the Nation. These children do not have books. They are without materials. They are without means necessary to obtain a solid education.

So California, and at least 26 other State, desperately need these funds.

Between 1980 and 1990, California became home to an additional quarter of a million poor children. Since 1980, 60 percent of the growth of the Nation's poor children took place in California. The present 3-year delay in using updated census data has made the situation even more serious.

I intended to introduce an amendment today, but because of the way the amendment three is structured, that is impossible. Therefore, my staff and the staff of Senator KENNEDY, the chairman of the authorizing committee, have engaged in discussions as to how this might be remedied. I know that the Senator from Massachusetts understands how important this is to children of my State as well as the 26 other States that have had large increases in the numbers of poor children.

I have consulted extensively with Senator KENNEDY, the chairman of the Senate Labor and Human Resources Committee, and he has agreed to use his leadership to work with California and the other high-growth States on a number of strategies that will tend to alleviate this situation.

DISADVANTAGED STUDENTS IN CALIFORNIA

Mr. KENNEDY. I understand completely the tremendous growth of the number of disadvantaged students in California, and I commend the Senator's leadership in bringing the issue to the Senate's attention. It is very clear that the Congress cannot continue the present practice of updating the Chapter 1 allocations once every 10 years. The practice is disruptive for schools and unfair to districts in California and many other States. They have to wait too long before they have the resources to serve new students.

We have to remember that chapter 1 is not a fully funded programs. On average, it serves only about 60 percent of eligible students, and in hundreds of districts it serves as few as 40 percent. In Boston, more than half of the eligible students are not served.

As a result, when the number of poor children rises nationwide, as it has in the last 10 years, and when that growth is concentrated in certain States, such as California, we end up taking money away from poor children in some States in order to give it to poor children in other States.

We cannot plan sound educational programs that way. Students should not have to wait years to get help. But neither should they have the rug pulled out from under them just when they may be benefiting from the current formula.

We have to solve both of these problems. We need to obtain information that is up to date, so we can target the program to serve disadvantaged children wherever they live, and deal with shifting patterns of concentration among the 50 States.

I understand that the Census Bureau has a proposal that it would like us to consider, and I look forward to working with the Senator from California during the next reauthorization to solve this problem. It is important for Massachusetts, for California, and for every other State. And it is important for disadvantaged children too.

Mrs. FEINSTEIN. There is one provision in the chapter 1 formula that has softened the blow for California. We have such a large number of children with AFDC support that we have received about $17 million in additional funds. Is it the intent of the Senator from Massachusetts to continue that provision during the next reauthorization?

Mr. KENNEDY. It will be important to retain provisions that help States with rapid growth of poor children, and I will support keeping that provision in the formula. I will also support adding provisions to the formula that will help States with large numbers of children from families whose first language is not English. We need to find a way to give those students greater weight when we calculate the allocations.

Mrs. FEINSTEIN. California has nearly 1 million children eligible for Chapter 1 services, and many of them have been in our system for several years without any help. Last year, the Education Department did not act quickly enough on the 1990 census data to use new numbers. We will have to wait nearly another whole year for help. What can be done about this?

Mr. KENNEDY. My goal would be to repeat what the Congress did the last time with new census data. In 1982, we began to shift funds to high-growth States, but we did it 2 years after the census, not 3, and losing States were held fully harmless. But that is more difficult to do now, since an extra year has passed.

Nevertheless, many of us asked the administration to hold all States fully harmless this year, in order to give school districts time to carefully plan how they will reduce services. Instead, the administration has proposed only a 92 percent hold-harmless solution. I support the President's economic stimulus package, because I agree that it is needed for the economy. But I hope that the administration will help us to solve both the 8-percent problem and the extra year problem.

Mrs. FEINSTEIN. Are there other efforts that can be undertaken together to address some of the needs of the disadvantaged youth in our country that might give immediate help to them?

Mr. KENNEDY. I share that concern, and I know that President Clinton does as well. In the Labor and Human Resources Committee, we have been examining the summer youth program to find ways to respond to the President's desire to target America's cities. We may be able to recommend a form of targeting, as we did last summer, to ensure that an adequate percentage of the funds goes to cities. I know that such targeting would have a beneficial effect on California.

Mrs. FEINSTEIN. I look forward to working with the chairman of the Labor and Human Resources Committee during the reauthorization of the Elementary and Secondary School Act to develop a new formula which will get these funds to children in need and provide the assistance necessary for a solid education.

Mr. President, I think we all know if any one of us were President of the United States today and faced with a similar situation, we might put forward a stimulus program that might differ in certain respects, but I think we also know deep in our hearts that the program President Clinton has put forward is a program that is forged by a man who has campaigned in every single State in this Union, who is familiar with the economy in every single State in this Union, and, by taking the tools available to him, which are limited, has attempted to fashion a program which deals with education, with jobs, and with economic stimulus in a way that can bring about the kind of confidence necessary to move this Nation onward.

I know it is not easy to do that, and I know there are many critics in this room, but I would say to those critics, if you have a better solution, put that program forward. We have not heard it. In the absence of that, let this program go ahead. Let it be tried. Let us begin to educate our youngsters and really create an investment in early childhood education. Let us fund a summer job program that this summer, in just a few months from now, can put more youngsters to work. Let us move ahead with transportation and highway funds to put people to work and to build the systems we need.

Let us say we are not going to again countenance death from measles, death from childhood diseases. In my own State, more than 30 children died in 1 year in the Central Valley from measles—measles. A disease that was wiped out when I was a child is now back as well as other diseases. So, immunization is key.

Let us provide needy women with food so that they can deliver healthy babies and so those babies will not be a weight on the health care system in the future.

So we need to support WIC, immunization, Head Start, and community development block grant moneys, Mr. President, which I administered for 10 years as mayor and made function to be able to create a stronger economy in my city. We funded redevelopment agencies with those moneys that built homes and commercial enterprises, which employed people, which provided people with ongoing jobs so that these programs could go forward.

So I hear those, the doubting Thomases, who would say, aha, if you give them community development block grant money they will use it on a golf course.

I say not so. We did not use community development block grant moneys on a golf course. We did not use economic development moneys for that kind of thing. But I will tell you the kind of thing we used them for. We took a blighted vacant area in San Francisco called the Fillmore Commercial Center, tried to attract a tenant into it, could not were able to use some of these Federal moneys to attract Safeway to come in as a linchpin tenant, and Safeway built a high-volume store there.

Shortly thereafter, apartments were built, a commercial office building was built, smaller stores, delicatessens, cleaners opened up around it, and the area is now a vibrant area.

Mr. President, I remember a lot of talk following the riot in Los Angeles. There was going to be urban aid; there was never any urban aid forthcoming. There were going to be new enterprise zones; there has been no enterprise zone legislation that would really help an area like South Central Los Angeles today.

I hope to submit it. We are working to rebuild Los Angeles, to be able to develop some new thoughts with respect to special economic zones that can really provide an opportunity for business and economic development in those areas.

But nothing has come forward in this Congress to help the cities of America, except this economic stimulus program proposed by the President of the United States.

So, Mr. President, I think it is time to get on with it. I think it is time for those of us that want to vote for that program to be able to do so. And when that vote comes, Mr. President, it will have my strong support.

Thank you, very much.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, while the Senator from California is still in the Chamber, I would like to point out to her and to others that there will be differing opinions on her suggestion on the distribution of the funds relative to chapter 1, the educational system, and that I certainly will work with Senator KENNEDY and others. But I would point out that whereas she is desirous of increasing funds in California, that increase will come at the expense of some 26 other States who are very hard pressed by the fact that due to the census situation, even though we have had ourselves an increase in the number of poor children, we will be getting a substantial decrease of up to 20 percent in our funds.

So any time we get involved in these kinds of formula situations, we have to remember that perhaps for everyone that gains, there will be others that will lose. But I certainly look forward to working with her to see that we can take care of each of the individual States and the inequitable situations that may be arising, and hopefully work something out when we get to the chapter 1 funds.

Let me ask a specific question. It is my understanding that the Senator does not intend to offer an amendment to the supplemental appropriations bill to deal with this issue. Is that correct?

Mrs. FEINSTEIN. Yes. I am not going to introduce an amendment for the very real reason that it is not possible to do so and have it come to any real fruition. Instead, we have gone to the authorizing committee, to the chairman of that committee, and worked out a strategy to begin to deal with this in the future.

Mr. President, if I might just address the distinguished Senator's comments, it is not my intention to penalize the low-growth States. It is simply to say that we have a 3-year lag in the use of census data so that in this fiscal year we are using data that goes back 13 years. There is a 3-year lag time. That has created real jeopardy for many of the high-growth States. It needs to be addressed, I think, by a periodic rapid updating of the data, hopefully every year, so that the most accurate data—you would not want money to go where there are no students. The money should follow the needy students. That is what we hope to accomplish.

Mr. JEFFORDS. I thank the Senator for her comments.

Mr. President, I am most willing to work, as ranking member on the Senate Subcommittee on Education, with the Senator from California.

Mr. President, as my colleagues know, I had offered an amendment to the budget resolution regarding research earmarks. Like many of my colleagues, I did not get an opportunity to debate or to have a vote on the amendment without the debate. I chose not to get a vote. I am not going to offer the amendment to this bill, but I would like to discuss it as it is relevant to appropriations and to our use of taxpayers' funds.

I am very concerned about a trend that threatens our country's scientific leadership. That trend is the increase in earmarking of research and development funds. As budgets get tighter, more and more institutions are seeking earmarks. The result is that a few benefit, but many suffer for not even having the ability to compete for these funds.

The administration has promised to renew emphasis on research, to have a renewed emphasis on research and development, but if we continue this trend of increasing earmarks, the emphasis on science will take a back seat to politics.

Then, Mr. President, what will we say to the aspiring research chemist, biologist, engineer, or mathematician? Do we tell them that if they sacrifice for a few years to get their bachelor's and graduate degrees, that we will provide opportunities for them for the future of our Nation, or do we tell them not to bother unless they plan to work through a politically connected institution? That is a question that concerns me.

If we are to maintain our standard of living, we must make new advances, new breakthroughs. We must foster new research and new ideas. At the same time, however, we must continue to cut spending. The funds available to support the research of our future, like all programs, are becoming more scarce as we strive to reduce the deficit.

The President has called for shared sacrifice. Everyone must help our country balance the budget. The question is what is the best way to rationally allocate these increasingly scarce resources? Many members think their own pet projects are the best way to do that. I understand that. However, I seriously question that method being utilized to the extent it is. I also believe that that approach is out of whack, has just gotten wild.

Last year, according to the President's Office of Science and Technology, Congress earmarked $1.7 billion in research funds. That is nearly equal to the entire budget of our legislative branch of Government. The $1.7 billion is over half a billion dollars more than the combined budgets of the House and Senate. Mr. President, I believe that such earmarking threatens our scientific leadership.

Before proceeding, let me plainly state for my colleagues that I am not opposed to all earmarking. There are times when it is appropriate. We have all, myself included, encountered those times. Thus, the amendment I had filed with the budget resolution was not a ban on earmarking. All it asked, and all I am asking, is that we reverse the trend and cap it. Earmarking of science has increased in a dramatic way. According to the President's Office of Science and Technology, it has doubled in 2 years. According to the Chronicle of Higher Education, earmarks of academic institutions have more than doubled, nearly tripled, in 2 years.

The total value of the academic earmarks for 1991 and 1992 nearly equals the value of all such earmarks for the entire decade of the eighties and in 1990, combined. In the 2 years preceding the current fiscal year, Congress earmarked more research than the cumulative total of the 11 preceding years. Clearly, research earmarking has gotten out of control. Let me illustrate, Mr. President, with a few charts.

Here is why I am so concerned about the earmarking issue and why I intend to continue to pursue this issue. The first chart shows the increase in noncompetitive research and development funding in the last 3 years. It has more than doubled from $800 million to over $1.7 billion.

Common sense tells us that this trend should not and cannot continue. The President's Office of Science and Technology Policy estimates that we have already squeezed over $600 million of competitive R&D programs to make room for these earmarks. And the problem is getting worse. We have squeezed another $1.6 billion out of other programs to make room for the remaining R&D earmarks; $1.1 billion is roughly the entire budget of the House and Senate.

Let us look at the next chart. The trend is the same in academia. Earmarking has nearly tripled since 1990. In fiscal year 1992, the Chronicle of Higher Education estimates that earmarks total $684 billion. Tens of thousands of students could be given full scholarships for this amount of money. But, instead, a few are benefiting at the expense of many.

Mr. President, last year, the Congressional Research Service [CRS] did two reports detailing all of this earmarking. I would urge all my colleagues to get copies of the CRS reports but, unfortunately—and this is hard to believe—you cannot get these reports. Some of my colleagues, it seems, have intervened and prevented CRS from releasing the reports which show how bad this problem is. Here we are spending hour after hour debating cutting spending, and the response from Congress is to forbid the CRS to release reports we requested on just how many cuts in what people would call pork could be made.

Is this what the people expect from us? Unfortunately, I fear they may expect too much. This trend of earmarking has to stop, as it is becoming a vicious cycle. Let me explain with an example.

Last year, and again last month, a researcher from another State stopped into my office to say how deserving his program was of a special earmark. His center was so good he should not have to compete for funding. His program had all of the answers and would lead the way to a brighter future for the Nation, and probably the world. His program had all of the answers, and he should not have to compete for money. His program was too good for that. No, instead, each year Vermonters and the residents of other States should pay millions of their hard-earned tax dollars to support this center, where Vermont students would have to pay much more to attend than a student from his State would.

Imagine my office's reaction. Here was somebody from another State in my office telling us how the funds should be taken out of programs for which the University of Vermont could compete and be given to a school in another State.

Was this individual's own State willing to invest in the center? No. Is this individual willing to compete with other schools for the money? No. But does this individual want your constituents' tax money to pay for a program he knows is not good enough to win a competition and which even his own State will not invest in? You bet he is. Mr. President, this is absurd.

The more we earmark funds, the more we are telling other academics to take the same approach. The emphasis then shifts from fostering new ideas to fostering new political connections.

We have to put the emphasis back on rewarding new ideas and hard work and give our researchers equal shots for the money. I understand there are, from time to time, critical issues that require a prompt response. As several of my colleagues know, what I am most concerned about is the proliferation of so-called research centers and the earmarks for mortar and bricks. These centers are not short-lived studies designed to address the critical issue. They are often just a euphemistic name for an academic entitlement program. Every year, they come back for more money.

The question I had is, given that spending must be curtailed, does it really make sense to create a new entity each year that must be given its cash infusion to continue its operation? I do not think so, and I hope the majority of my colleagues will agree when I offer this amendment some time later this year.

Academics have long complained of the publish or perish aspect of the job. We are making it worse by changing publish or perish to pork barrel or perish. This is a big picture, Mr. President. Let me narrow the focus a little and talk about EPA's budget.

Look at this chart, and it will emphasize what we are talking about. There has been much talk about the issue of unfunded mandates. I, myself, raised this issue in the last Congress with respect to the environmental mandates. Our small towns are being devastated by an ever-increasing number of mandates for which they have little hope of ever-finding revenues to pay for these mandates.

Unlike some, however, I argued for flexibility, not across-the-board rollbacks of regulations. We should not punish those who cannot afford compliance, but neither should we expose others to unnecessary risks.

The issue of unfunded mandates is very important. Allow me to highlight why some important protections remain unfunded. Out of EPA's budget alone, nearly $154 million was earmarked for various research and development projects. And $122 million of this was allocated by our colleagues in the House primarily for mortar and bricks; $154 million, or even $122 million, would buy a lot of environmental protection with a considerable amount of money left over for competitive research, if it was distributed to areas that need the funds for prevention of environmental problems.

This is why I offered an amendment to the appropriations bill for the EPA last year to prohibit this noncompetitive funding in the future. The Senate passed this amendment with the support of our colleagues on the Appropriations Committee, which I am very thankful for. Unfortunately, the House did not concur and resisted efforts by Congressman BROWN to force a vote on this issue.

Let me graphically show my colleagues what the trend on earmarks for mortar and bricks has been out of EPA's budget. Last year, there was a huge jump in such earmarks—an $85 million jump.

Before we start trying to roll back environmental protection as a means to address the unfunded mandate problem, I suggest we look at what we are funding. How can we tell our local officials we have no money to help them when we have taken over $120 million out of EPA's budget to pay for various earmarks instead of building new drinking water or wastewater treatment plants?

All I had asked with my amendment is that we reserve this trend. As budgets get tighter, we must protect funds available for competitive research and for protection programs. We cannot sacrifice the benefits that come from rewarding the best ideas, the best record of accomplishment, for political gain.

We need the new technology to spur our growth, create new jobs, and help pay off the debt.

Yes, there will be times when it is appropriate to earmark funds. But no one can tell me that the number of situations has doubled or tripled in the last 3 years. It has not. My suggestion was that, for starters, we ask each of the appropriations subcommittees to drop back to the lesser of the 1991, 1992, or 1993 levels. That would reduce the number of earmarks by $1 billion. This is $1 billion that could be used for competitive bids, to ease cuts in other areas, and contribute to deficit reduction. We might not need so much stimulus right now with respect to the bill itself.

I also ask that those who have intervened to prevent CRS from their important work on this subject to withdraw their objections. All Members should have a right to know what is happening in this area.

I thank my colleague for their patience and, hopefully, you will give serious consideration to supporting me when I offer my amendment.

I yield the floor, Madam President, and I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Madam President, I want to record my strong support for the President's stimulus and investment program, and to urge swift passage of H.R. 1335, the supplemental appropriations bill.

Although my own State receives only a very modest share of the total—only about three-tenths of 1 percent, which is not far from the ratio that Rhode Island's population bears to the national total—the $50 million which we would receive will mean a great deal to our corner of the Nation.

My State, and indeed all of New England, is still very much in the grip of acute economic distress. We in Rhode Island are just emerging from a crisis brought on by the failure of our banking system. The impact of defense cutbacks already has resulted in layoffs by the defense contractors who have been our largest employers. Credit is short, consumer confidence is low and jobs are in short supply.

The infusion of some $50 million from the President's stimulus package will do much to help jump-start our local economy so that we will be poised to take advantage of a new era of national economic growth. Rapid funding for highway construction, community development, summer jobs, water and sewer projects and other worthy public programs will surely do much to raise the level of overall economic activity.

In addition to the very real favorable impact which this bill can have for New England and other parts of the country, there is another reason which argues powerfully for passage of H.R. 1335 as reported as promptly as possible, and that is the importance of this stimulus package as an economic bridge to the new era of fiscal reality upon which we are about to embark.

The fact is that the deficit reduction plan that we just approved in the budget resolution for 1994 needs to have a resilient economic base in order to be effective. Reduced Government spending and necessary increased taxation could tend to slow down the economy unless there is a momentum in place to take up the slack.

The stimulus and investment supplemental bill can provide that momentum. In effect, it will inoculate the economy for the shock which lies ahead when we start trying to live within our means. It deserves to be passed intact and passed promptly.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I congratulate the distinguished senior Senator from Rhode Island for his excellent statement, and I thank him.

Madam President, I just received a press release put out by the Department of Agriculture today—

> Secretary of Agriculture Mike Espy said today an all-time high number of Americans received food stamps in January, proving the need to take steps to stimulate the economy.
>
> According to figures released today by the U.S. Department of Agriculture, 26.83 million Americans received food stamps in January, a 213,000 increase from December 1992. These figures represent the highest-ever level of participation since the program originated in 1964.

Now I quote from the release.

> "The need for food assistance has risen so rapidly that one in ten Americans received food stamps this January. Unfortunately, that's a new record that even beat the previous high set in December," Espy said.
>
> "These new numbers demonstrate this recovery is toothless because it has carried with it no major increase in jobs or family income. Despite a few hopeful signs, food-stamp participation continues to grow. To create jobs, Congress must pass President Clinton's economic stimulus package.
>
> "American families can't wait for some mythical economic cycle to improve—they need immediate action from their government. They need change right now," Espy said.
>
> The recession of 1990–91 and a weak economy since then have brought millions of people onto the food stamp program. Over eight million people have been added to the program since January 1989, with over 4.8 million added since January 1991. Nearly 1.8 million more people received food stamps this January than the previous January.

Mr. President, I have read the release by the U.S. Department of Agriculture into the RECORD exactly as it is written.

ECONOMIC STIMULUS BILL

Ms. MOSELEY-BRAUN. Madam President, we have just completed action on the budget resolution, the legislation that acts as our basic outline for the bills implementing the President's economic proposals that will come later. The economic stimulus bill now before us is the first major step toward turning that outline into law. I want to talk about the stimulus package, how important it is to our country, and how it fits into the overall economic strategy we are pursuing. Before doing that, however, I first want to go back to the budget resolution on which we just completed action. I want to talk about it not just in terms of the numbers, but in terms of what those numbers mean to real people, and what they mean to the future of our country.

In 1980, Ronald Reagan rolled to election victory by asking people whether they were better off that year than they were 4 years earlier. There have now been three full Presidential terms since Reagan asked his famous question, and it is time it was asked again: "Are you better off now than you were 12 years ago?" I think the American people decisively answered that question in the 1992 elections; the budget resolution is part of the process of putting their answer into effect.

We spent 7 days and cast 46 rollcall votes on the budget resolution, including over 18 rollcall votes on amendments that no one had seen and which had never been debated.

I am sure there are many people who think we must have lost our minds to conduct business in that way; I have already been asked by constituents: "How can Senators possibly vote responsibly on amendments they have never even seen."

I think there are two answers to that question, Madam President. Looking at the issue narrowly, the answer is, of course, that it is bizarre to conduct the peoples' business this way. But there is another answer to give, and it is this: "The Senate appeared chaotic because there was and is a lot at stake in the budget resolution, and because the process of change is not automatic—it is very, very difficult."

The Senate has had a contentious week; at times, tempers were short. In my view, however, no one should let the turmoil involved in the legislative process blind them to the fact that something very significant has been accomplished—we have made a start on the process of change, and we are getting our domestic house in order.

The budget resolution we just passed is designed to around a number of important principles. I would like to take a moment to comment on just two of them.

First, this budget really does put people first. It changes our budget priorities in order to address real problems that are important to my constituents and to Americans across the country. And, equally importantly, it is based on the truth about where we are as a national family, and where we want to go.

I have a lot of Illinoisans who ask me why we cannot balance the budget tomorrow. After all, this is over $1½ trillion dollar government. I often hear from people who are sure that we ought to be able to fund enough savings to balance the budget without increasing taxes.

One of the reasons the budget resolution debate was so difficult is that myths die hard. We all want to reduce the budget deficit. We all know we have to reduce it. The battle is a battle of myth versus reality.

The mythology is that we should be able to balance the budget by freezing or reducing domestic discretionary spending, or perhaps domestic discretionary spending and defense spending together.

The reality is far different. First, domestic discretionary spending was only $195 billion in 1991, which means it could be eliminated entirely and not balance the budget. Further, domestic discretionary spending has actually fallen as a percentage of our gross domestic product, from 4.9 percent of GDP in 1979 to 3.7 percent of GDP in 1991; that represents a cut of close to 25 percent. And that means that we are now much less able to address compelling domestic needs, like education, than we were in 1979. I ask the question, are we better off now than we were in 1979?

While discretionary spending was falling, however, overall spending was rising. Total Federal Government spending rose from 20.7 percent of GDP in 1979 to 23.5 percent of GDP in 1993. That growth can be attributed to two main factors, interest expense, and entitlements—principally Social Security, Medicare, and Medicaid. Interest expense almost double during the 1979 to 1991 period, rising from 1.8 percent of GDP to 3.4 percent of GDP. Entitlement spending rose from 11.2 to 13.3 percent of GDP over the same period.

While that was happening, however, total Government income as a percentage of GDP actually fell, ending up at 18.7 percent of GDP in 1991. And what that means is that every single dollar of growth of government in the last decade was financed by borrowing. Americans are paying the price for that strategy now with lower economic growth, less job creation, longer periods of unemployment, stagnant or even declining wages, and a general loss of international competitiveness for the U.S. economy.

In short, Madam President, we borrowed our way into a deep, deep hole, and we must have change to come out of it.

Now, it is true that the growth of Social Security and Medicare has been fully financed. The Social Security trust fund, in fact, is running surpluses of $80 billion and more every year.

The taxes that produce that surplus, however, have created pressure to lower Federal income taxes, and as a result, the individual income tax revenue dropped to 8.3 percent of GDP in 1991. And every other major tax category—corporate income taxes, excise taxes, estate taxes—also dropped as a percentage of GDP. Only social insurance taxes increased by that measure.

To put it in more human terms, 75 percent of all Americans pay more in Social Security and Medicare taxes than they pay in income taxes. And what that means is that, while the Social Security fund is experiencing larger and larger surpluses—which are needed to handle retirements in the next century—most of the general part of government, excluding interest expense, is shrinking. And even as it shrinks, it faces larger and larger deficits.

The budget resolution recognized these hard realities. It calls for modest changes in domestic discretionary spending patterns—cutting some programs and increasing others—to meet the backlog of problems that have for too long been unresolved. It increases revenues to support general government, because we simply cannot continue to spend large amounts more than we take in.

The decisions it requires are tough ones, but they are built around the principles of fairness, and attention to the needs of ordinary Americans.

What is more, it is a budget designed with an eye on the future. Its priority is to put Americans to work, to help them to work smarter, and to make the United States more competitive in world markets.

The merit of this plan can be seen in one compelling statistic—the fall of the long-term interest rates by over 1 percent since last November's election. This plan produces lower interest rates, and lower interest rates save homeowners literally hundreds of dollars per month. This budget resolution makes it cheaper for businesses to make new investments—and new investments means new jobs.

What is more, Madam President, this budget resolution will help ensure continued low inflation. Inflation hurts every American, as we all know, and hurts Americans of modest means most of all.

And that is the second point I want to make about the resolution, Madam President; it puts people first. It sets priorities that are ordinary people's priorities. Their concerns, and their needs, are what drive this budget plan.

Recently, I was at a hearing where Laura Tyson, the President's Chief Economic Adviser, appeared. She made the point that:

> A high-tech America requires a work force that has the skills and training that are needed to use the new technologies. The U.S. educational system from kindergarten through college must be modified to meet these new requirements if American workers are to be able to compete in the world economy with rising rather than falling wages.

I could not agree more. Education must be among our top priorities, and education has a direct relationship to the success of our economy in general and to the prosperity of American workers in particular. That is why I am so pleased that the budget resolution allows the Federal Government to do more for education from preschool years, by allowing for full funding of Head Start, right through adulthood, with life long learning initiatives.

The budget resolution also provides for increased Federal funding to rebuild deteriorating roads, bridges, sewer systems, and mass transit lines. It provides money to help our cities, our neighborhoods, and our rural areas that have not seen any sign of economic recovery. It expands access to capital for those that are now shut out of our financial system, and moves our economy out of the cold war toward greater global competitiveness.

It foreshadows the health care reform debate that is to come. We all know we cannot allow health care costs to continue escalating at current rates. The last 2 years, Medicare expenses grew over 14 percent per year, and Medicaid grew at over 30 percent per year. We now spend over 14 percent of our gross domestic product on health care, and that will increase to over 18 percent of gross domestic product by the turn of the century unless we act.

These are cold, abstract numbers. But what they mean is continued increasing health care costs for Americans, more and more Americans without any health care, and more and more Americans terrified of the possibility that they will have to change jobs and, in the process, lose the ability to get health coverage for existing medical conditions.

The health care reform debate will take another major step forward when the President makes his recommendations in early May. However, the budget resolution recognizes that there is no real long-term deficit reduction strategy that can work without fundamental health care reform, and by making that fact clear, it will help us to achieve further deficit reduction in future years through the right kind of health care reform.

The budget resolution will help improve the lives of working Americans, but, as I stated earlier, it took a long time to create the hole we are in, so it is going to take a while to climb out of that hole.

That is why the economic stimulus package now before us is so important. It provides a first boost up the ladder, if you will, to get us started on that climb.

The need for stimulus is compelling, Madam President. While it is true that the recession has officially ended, its effects are still being felt by millions of Americans. If this recovery were like prior recoveries, we would be creating something like 300,000 jobs per month. This time, however, we are only creating jobs at one-tenth of that level—and that is compelling evidence that the economy still needs a push.

Now, there has been a lot of criticism of this stimulus package, but I think that criticism is misplaced.

Some argue that we should not have a stimulus package—that it increases the deficit and therefore we shouldn't do it—but one-fourth of the spending in this bill is for extending long-term unemployment benefits. Is there anyone who really believes that this is the time to wreck the unemployment insurance safety net? I do not think any American believes that would be a good idea.

Some argue that the stimulus package is too large, but even when it is enacted, spending for this year will be below the level agreed to by President Bush in the 1990 budget agreement. I hardly think that makes this package a reckless exercise.

This stimulus bill is about creating jobs—now—and about beginning the process of changing our domestic priorities—now.

Frankly, I do not understand why a modest package like this one is so criticized, but tax cuts that increase the deficits are seen as good things.

The tax cuts in the 1980's helped wealthy Americans the most. And spending cuts in that decade hurt ordinary Americans the most. They hurt children; they hurt the sick; they hurt those that need job opportunity; they hurt average working Americans that really don't ask for much.

Wealthy Americans supported the tax cuts and supported the spending cuts—largely, I think, because spending programs benefit only ordinary Americans, and low-income Americans, and disadvantaged minority Americans. But that self-interest of those who have the most cannot and should not be allowed to control our economic policy decisions.

We have a lot of problems facing this country, Madam President. We have deteriorating roads and bridges, and sewers systems. We have an education system that disadvantages Americans in increasingly tough international competition. We have housing problems; we have urban problems; and we even have problems in something as basic as getting our children immunized against common diseases.

The stimulus package contains provisions that get us started on addressing these problems, and does so in a way that maximizes job creation, and maximizes the boost the spending gives to our economy.

It seems to me that the case for the path we are embarked on is a compelling one, Madam President. The budget resolution and this stimulus package are aimed at making things better for ordinary Americans. Ordinary Americans did not do very well in the eighties. They saw their incomes erode, even as more and more families had to become two-income families to make ends meet. They saw their children have more difficulty in getting good jobs. They saw their own job security erode. More and more saw the dream or home ownership eroding.

Unlike wealthy Americans, their taxes did not go down in the last decade. Unlike wealthy Americans, their incomes did not go up. The average American spent the last decade working harder and harder to bring home less and less—and that is fundamentally what we are trying to change.

We are trying to create good jobs, jobs a person can raise a family on, and jobs that will be there tomorrow. We are trying to create a climate where ordinary Americans will see their incomes start to grow again. We are not saying that Government will provide for everyone, but we are trying to ensure that Government gives people the chance to help themselves—because if people have half a chance to build a better life, there is no doubt that they will take it.

I want to take a moment to tell a little story that I think really illustrates that point.

I went home a couple of weeks ago and attended a function in Chicago. A woman came up to me. She was well dressed and professional in every way and she said to me "You know, I would like very much to thank you for what you did many years ago."

I did not know this person. So I did not know what she was talking about.

She said, "You passed a bill while you were in the State legislature that allowed people who are on public aid, people who are on welfare, to get credit for attending school, so that their college hours could be credited against the work requirement in the State welfare program."

She said "I was on public aid at the time, Ms. Braun, but I went to school because of that bill and now I am working on my master's degree, my family is together, we are buying a home, and I thought I would never get a chance to meet you to tell you thank you for that."

I have to tell you, I was choked up at that point, Madam President, Quite frankly, it made me feel that being involved in this legislative process really did have meaning. But as much to the point, seeing that woman who had taken the opportunity to provide for herself made me know once again that if you give people a chance, if you give people an opportunity, if you give people the option of working, you give them some hope, that people will go out and take that hope and go forward and will take care of themselves. And that will make our country better and more productive in the long run.

Madam President, the last decade was an experiment in trying to budget mythology into a reality. It was a failure. It had to fail because the myths were just not proven true. This plan, this stimulus plan, is based on the world as it is, rather than the world that those few Americans who benefited the most in the last decade might wish it was. This plan can work, but it can only work if we enact it into law, and that is what I believe we must do. We should pass this stimulus bill now, Madam President, and get about the business of acting on the rest of the President's package.

For us to wait any longer is to deny our opportunity, our chance, to change the direction to make our country great again, to give our country the solid footing that we will need to go into the 21st century.

I thank you, Madam President.

Mr. MITCHELL. Madam President, we have reached a situation which is unusual in some respects, not in others. We have been on this bill now for approximately 1 full day, spanning 2 calendar days, and no amendments have been offered, although many Senators have suggested that they intend to offer amendments. Despite our best efforts, we have been unable to persuade anyone to actually offer amendments.

Under those circumstances—since I have previously notified Members of the Senate in writing that under our schedule there would be no votes after 3 p.m. on Friday, and that hour having been reached—I now announce that there will be no votes today.

In my letter to Senators setting forth the schedule for this legislative period—and that letter was sent out several weeks ago—I advised that there would be no rollcall votes on any of the previous Mondays but that a possibility of votes did exist for this coming Monday, and I repeated that several times orally here on the Senate floor.

So it is my intention now that the Senate will return to session at noon on Monday to resume consideration of this measure, and it is my hope that there will be votes on Monday, that we will be able to have Senators who say they want to offer amendments to actually offer them so we can begin the substantive voting on this measure.

I have also said many times publicly—and I want to repeat it here now because it is becoming increasingly relevant—that the Senate is scheduled to conclude this legislative period and begin the Easter recess at the close of business next Friday, April 2, and that remains my intention and my goal. But I have stated on many occasions—and now repeat—that we will leave if we have completed the schedule of business which has been before the Senate for some time. That includes the budget resolution, the pending measure, the economic stimulus package, and the extension of the debt limit.

At one time I hoped that we might actually do all of those things prior to April 2 and that we would be able to, therefore, conclude this legislative period in advance of the scheduled time. That appears to be increasingly unlikely and another example more of my continuing naivete than anything else, but I have not given that up completely if events turn in a way that cannot now be foreseen.

So I want to remind Senators and repeat so there can be no question about it, I repeat what I have said on many, many occasions, we will not leave for the Easter recess until we complete the business that the American people expect us to complete during this legislative period—those are the measures to which I have referred.

Finally, I restate that, with respect to Monday, the Senate will come into session at noon. I am unable to predict with certainty at this time when a vote will occur or how many will occur because I do not know if or when anyone will offer an amendment. But Senators have been on notice in writing for several weeks and orally for that period as well that votes are possible on Monday, and that remains the case.

Madam President, there being no other Senator seeking recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business during which Senators be permitted to speak herein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I hope I do not speak longer than 5 minutes. In fact, I would ask the Chair to advise me when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will be happy to do so.

SPENDING REDUCTIONS

Mr. DOMENICI. Madam President, I rise because yesterday, at the end of the budget resolution, Senator DOLE had made some remarks about the deficit and fiscal policy and the distinguished majority leader got up and made some remarks.

As I recall, one of the statements that the majority leader used was a summary of what he said were spending reductions.

He said the Senate-passed budget resolution had spending reductions of $332 billion.

I could not believe that because I had not seen anything like that from our calculations, so I went back and said, "What is this? Explain it. Let me see if I can do that."

In that $332 billion in gross spending reductions, $105 billion is from defense, $172 billion from domestic, and interest savings of $55 billion, for a total of $332. However, Madam President, the majority leader used a CBO uncapped spending baseline and excluded the domestic spending increases. If I diagnose the gross $172 billion claimed spending cuts correctly, it translates into only $7 billion in real, net spending cuts as follows:

A domestic spending baseline difference of $7 billion. Savings we have already achieved from the 1990 budget agreement.

Calling $18 billion in fees domestic cuts. I do not think anybody out there in America thinks when you impose a fee on a rancher or on a mining interest or on somebody using SEC, that is a spending cut.

Then this budget says we are paying interest on our national debt but we propose to have a new policy so we will pay less interest. It suggests we are going to change the mix of long- and short-term bonds, and that is plugged in to save $16 billion in interest costs.

Then what is forgotten in that $332 billion gross spending cut is that the resolution asks for spending increases of $124 billion. The way we calculate that is very, very simple. The total spending reductions—that is, reductions that we are doing something about—amount to the defense savings of $75 billion and the net savings on all of domestic of $7 billion, and all of the rest comes from user fees, reclassification of interest, and, yes, adding $124 billion in new expenditures.

I am going to put the table in the RECORD. I do not really think it can be refuted.

I am going to try to recap it my way. This table seems to put down everything the majority side is contending and puts it down perhaps in a different column. But essentially we are right back where we started.

From our standpoint, these cuts amount to $7 billion in all of domestic for 5 years. On the domestic side that is all the cuts there are, net. All the rest of the so-called reductions are either defense, fees, or interest, which we reduce because we claim we are getting the deficit down so much with new taxes that we save on interest. So when we are all finished with this and we really come down to what is coming home to roost, it might be surprising to everyone that we have not cut domestic spending at all—$7 billion—while the majority leader talks about reducing spending $332 billion.

I really believe if you want to add up the columns, you will find that these numbers are right. That is what we have been talking about all these days, that you should not put this big tax of $295 billion on without having dramatically reduced domestic spending. That is what that vote was about, the Nunn-Domenici vote. We had 48 votes. That was an effort on the part of that group of Senators to say there are no real, permanent, domestic cuts. So why do we not take on the mandatory entitlement programs and do something for the taxpayers of the country so we are not just taxing them and not getting any domestic reductions?

With that, I conclude one more time that it seems to this Senator that one can wish all they want about a better day and a new plan, but when you have our kind of economy, if the new plan imposes onerous burdens on business, makes them less competitive, then you are not going to get from that plan what you wish, which is a vibrant, growing, job-producing economy.

If I thought this was going to work, I would be here arguing as much as I have in favor of it. But I do not believe a plan with that much new taxes, that little permanent reduction in domestic spending, is really going to work.

I ask unanimous consent the table I spoke of be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DIFFERENCES IN CLASSIFICATION OF SPENDING REDUCTIONS

[5-year total, in billions of dollars]

	Defense	Domestic	Fees	Interest	Total
Majority numbers	−105	−172	....	−55	−332
Baseline differences	30	7	....	7	44
Reclassification of fees	....	18	−18	....	....
Reclassification of interest	....	16	....	−16	....
Add spending increases (stimulus and investment)	....	124	....	....	124
Minority numbers	−75	−7	−18	−64	−164

The PRESIDING OFFICER. The Senator from California suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCELLENT WORK BY THE REPUBLICAN STAFF

Mr. DOMENICI. Madam President, yesterday the Senate adopted a budget resolution for the upcoming fiscal year. More work lies ahead on the conference report and the ensuing reconciliation bill. Clearly Republicans did not support the resolution adopted yesterday and will not support the conference agreement likely to be presented to the Senate next week. In support or opposition, however, staff work is required on both sides to see to it that the schedule is met and the message is communicated in words, charts, amendments, and substitutes.

First, I want to thank the Republican leader's staff: Howard and Elizabeth Green and their excellent floor staff for their help this last week keeping us on the budget resolution. Also, the Republican Policy Committee staff, under the leadership of Kelly Johnson, kept Senators and their offices informed throughout the week-long debate.

My congratulations also go out to Mr. Larry Stein and his majority staff in their strong support to the chairman and the majority leader throughout last week's debate.

Obviously, he was of great support for the other side. He is a professional and does a great job.

Finally, I am very indebted to the Budget Committee staff on the minority side, headed by Bill Hoagland. He is a master. Everyone around here trusts him, and he is everybody's friend and supplies assistance to everyone on our side. I even think sometimes the other side asks Bill Hoagland for information, if not advice.

There is a large group of staff that helped and put a lot of hours in on our side:

GOP BUDGET COMMITTEE STAFF

Bill Hoagland, Staff Director;
Carole McGuire, Appropriations;
Austin Smythe, Energy and Budget Process;
Cheri Reidy, Economist and Revenues;
Peter Taylor, Economist;
Anne Miller, Budget Review;
Bob Stevenson, Communications;
Charlie Flickner, International;
Denise Ramonas, Counsel;
Jim Capretta, Health and Social Security;
Lynne Daghlian, Income Security and Unemployment;
Roy Phillips, Defense;
Lisa Morin, Education;
Ricardo Rel, Agriculture;
Melissa Longoria, Veterans and Tracking;
Kevin Mitchell, Justice and Support Staff;
Andre Gatta, Support Staff;
Betsy Paul, Support Staff; and
Mieko Nakabayashi, Support Staff.

I thank them all and now I say to them—get back to work.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLINTON TRADE

Mr. BAUCUS. Madam President, I rise today in defense of President Clinton's trade policy.

In recent days, the newspapers have been full of stories saying that President Clinton does not have a trade policy. For example, an article in the March 25 Wall Street Journal says, "U.S. trade policy lurches between confusion and contradiction." Last weekend's Washington Post carried a similar opinion piece.

Frankly, Madam President, I am astonished by these articles. Perhaps these journalists missed the speech President Clinton gave at American University several weeks ago. To me, the President's message is clear. He wants freer and fairer trade for America. And he wants to coordinate our domestic and trade policies to keep our Nation competitive.

As the saying goes, there is more than one way to skin a cat. And there is more than one way to achieve freer and fairer trade.

The right approach to exporting more semiconductor chips to Japan, for instance, may not be the best way to handle an import problem over Japanese-made sports vehicles. Or to encourage European governments to buy more U.S. goods.

To suggest that the same approach should always be taken is remarkably naive. Perhaps that works in economics textbooks, but it does not work in real life. Disputes that potentially cost U.S. exporters millions of dollars in lost trade deserve more than a cookie-cutter approach.

I guess what really bothers these journalists—or should I say, the unnamed former Bush administration officials quoted in their articles—is that President Clinton has not raised an ideological banner, something I would like to talk about.

Madam President, I have watched the Republican administrations of the past 12 years preach the message of free trade and the magic of the marketplace. But their record reflects something quite different. President Reagan gave us import quotas on autos and steel—hardly free-trade policies. President Bush renewed import quotas on machine tools and a market share semiconductor agreement with Japan.

I am not criticizing all these actions—I happen to support the semiconductor agreement, for example—but they were not free trade by any stretch. They were pragmatic actions taken behind an ideological smokescreen.

Madam President, let us applaud our new President for not hiding behind a smokescreen. Let us applaud him for considering all the options. Let us rally behind him as he works to resolve the complexities of trade policy in a world where 19 percent of all United States exports are made here by Japanese-owned companies, and where General Motors Corp. is the largest investor—in Mexico.

And let us applaud our President for being clever. The Wall Street Journal would criticize him for taking unpredictable zigzags in trade negotiations. But do we really want to be predictable as we sit down to negotiate with our trading partners? Do we want them to know exactly what we will do—and when? Or do we want to keep them guessing and get the best deal for our exporters? You decide.

Madam President, I think President Clinton and his trade team are doing a good job. Ambassador Kantor, in particular, is to be commended for his tenacity and his quick mastery of trade issues. I look forward to working with them to open the world's markets to more U.S. exports, in coordination with a stronger domestic economic policy.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATIENT MUST COME FIRST

Mr. GORTON. Madam President, the primary goal of health care reform is to assure affordable quality health care for all American families. Our country can no longer afford the staggering human and economic costs of our current health care financing system.

I listened intently for the past 2 years to the people of the State of Washington. Their message is clear. We do not want just any kind of health care reform, we want the right kind. I am convinced that we can achieve the right kind of reform only if we are willing to listen. For the past 2 years I have been doing just that. While many demanded a solution or insisted on immediate comprehensive and dramatic change, I insisted on hearing what people in the real world outside the beltway thought of our health care problems and their ideas of reform.

After countless town hall meetings across the State, and fruitful discussions with the people of Washington State, I should like to take this opportunity to explain fully my approach to health care reform which I believe to be in the best possible interests of the Nation and to the people of my own State.

We are all too familiar with the distressing statistics of figures that appear in the headlines every day. Sadly, they provide us with a clear illustration of the defects of our current system.

The number of people who lose their health care insurance climbed by 100,000 every month. Currently, almost 37 million Americans—and 700,000 Washingtonians—are uninsured. Out of every $1 Americans spent in 1990, 14 cents was for medical care. Every year our Nation spends more than $880 billion on health care, and that figure is expected to reach an appalling $1.1 trillion by 1995. While medical inflation slowed in 1991, it was still more than double the overall inflation rate.

Public health care programs will soon eclipse all other Government spending and will be the leading contributor to our increasing national debt. If we can limit the growth of Medicare and Medicaid to that of Social Security, incredibly we could balance the budget without any new tax increase or spending cuts within the next 5 years.

While the national economic cost of health care is mind-boggling, in my own State, the human and economic costs of the current health care system are felt every day from Bellingham to Clarkston, and Aberdeen to Spokane. It is here where the national health care crisis hits most at home and you can hear the concerns and fears that echo throughout these communities.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. GORTON. If we inside the beltway limit our debate to terms such as "health expenditures as a percentage of the gross national product" or "global budgeting schemes," but fail to listen to the people who confront it in real-life terms every day, we cannot expect to understand the true nature of our Nation's health care problem. Like the doctor whose success is built on his ability to listen to patients who accept his diagnoses and prescriptions, we must also use our best bedside manner and listen to the people whom we will ask to accept our prescription.

Listen to the Boeing worker in Everett who just received a layoff notice. The fears about his future employment prospects are heightened by his concern over the health insurance costs for himself and his family while he is out of work. He prays that no serious illness will befall his family while he is looking for work. For the first time, he is faced with the realization that there may not be a safety net to rely upon.

Listen to the working mother in Seattle who cannot find health insurance because her pregnancy is considered a preexisting condition.

Listen to the retiring primary care physician in Okanogan County who has seen his income drop while his caseload has increased. Like any business, the practice that he loved could only survive by providing only a limited percentage of uncompensated care. Outside of jeopardizing his own financial well-being, his departure leaves an enormous void in the rural community.

Their health care was costly before he left, but now many face the possibility of illness as a financial crisis that is compounded by the additional costs of getting to a major city to get help.

Listen to the midlevel manager in downtown Bellevue who desperately wants a career change. Because she is under treatment for a nonlethal disease, she fears that she will not be able to find another health insurance plan that covers her needs. Instead, she stays in a deadend job solely because of the difficulty of finding health insurance. The resulting joblock is a direct consequence of the nonportable nature of her health insurance.

Listen to the obstetrician in Pasco who is considering another career, despite her invaluable contribution to her community. The malpractice insurance premiums and the additional tests and procedures she must order to avoid liability have taken their toll. She and other physicians work in a constant state of concern that their livelihood and passion could fall victim to an aggressive trial lawyer.

Listen to senior citizens in Olympia who struggle with enormous paperwork for the treatment of chronic illnesses. The time and effort for patients and providers alike cause unnecessary delay and confusion.

Listen to the nurse in Tacoma who delicately cares for the fragile and tiny baby born prematurely and addicted to crack cocaine. The extraordinary medical costs to preserve the life of an innocent are passed on to a society that bitterly complains of rising premiums and outrageous medical costs.

Listen to the hardware store owner in Spokane who wants to attract employees by offering health insurance. Unfortunately, as a small employer, he does not have the purchasing power to purchase an affordable plan. Even if he were able to insure his employees, coverage for all would be jeopardized if just one employee suffered from a catastrophic illness.

Listen to the trauma doctor at Harborview Medical Center who can tell the time of day on a Friday afternoon by the growing line of uninsured and homeless patients with basic and preventable health care needs. She will tell you about the 100-percent increase in emergency room visits over the past decade due to violence, drugs, and the absence of affordable primary care.

Listen, Madam President.

Listen not to the special interests, but to the unorganized people of Washington State who must deal with the harsh inadequacies of the present health care system day in and day out. They know how to improve the system—but first, we must listen.

Once we have listened, we can begin to act.

We can start, Madam President, by being honest and forthcoming with the American people about health care reform. Raucous campaignlike bus tours and glitzy Donohuelike electronic townhall meetings must not obscure the realities of comprehensive health care reform.

Let us start by admitting that it will cost money. That is correct; if health care is sold as a right, then people must be prepared to pay for that right.

Let us start by giving the American people some credit—they want less rhetoric and more straight talk. For instance, let us talk about the responsibility of health care. Without being too simplistic, let us remind ourselves that we can help control health care costs by improving our diets, educating ourselves about healthy lifestyles, and dedicating ourselves to behavior that is consistent with good health.

Let us start by confessing that this will be tough. Even minor adjustments to a $900 billion industry that employs millions of Americans will have enormous consequences, most of which are unforeseen. While "Health Care Reform Now" is a compelling slogan, I, and the people of Washington State, would prefer health care reform that will truly be an improvement.

We cannot afford health care reform at any cost, but we can afford, and must pursue, health care reform that is cost effective.

This, of course, is all common sense—and that is precisely my point. We cannot forget the value of common sense during this important debate.

Let us start by putting our partisan differences aside, and commit to ourselves and the American people that we will work together. Let us avoid the disaster that would result if we lumped massive health care reform with the President's economic plan for the sake of political expediency. A reckless attempt to steamroller Congress without serious deliberation would be a violation of the basic principles of representative democracy. Much worse, it would be a severe betrayal of the trust of the American people.

I was impressed with the First Lady when I met with her and other Senators 2 weeks ago to discuss health care reform. She has a clear grasp of the complexity of health care reform and is willing to listen to different opinions. I hope and intend to continue that dialog which can only serve to improve the final product the American people desire.

As we become immersed in debates over global budgets and managed competition, let us not forget that it is our families, friends, and neighbors who will gain or lose from our decisions. We must not lose sight of the fact that health care is intensely personal and private.

The patient must come first, and like any good doctor, we must listen carefully to what the patient has to say.

The debate over health care reform has evolved dramatically over the last 2 years. At first a Canadian-style system, under which the Federal Government finances a State-administered system with global budgets, seemed an attractive option to control costs and provide quality health insurance to all. However, it soon became obvious to most observers that Canada is having a difficult time with health care inflation, and many Canadians still go south to my State of Washington for the health care they desire and need more quickly and of higher quality than the Canadian system can provide.

Many Washingtonians have let me know in no uncertain terms that while the Canadian system may be fine for Canadians, it is unacceptable to have the Federal and State Government decide what health care they can have and when they can have it.

The next serious option was the so-called play-or-pay proposal advocated by the majority leader, Senator MITCHELL. This approach gave employers the apparent option of providing health insurance for their employees or paying an enormous payroll tax into a public fund which would finance health insurance for the uninsured.

Proponents called this a simple way to provide universal health insurance to all without major changes in the health care system. Critics called it pay-or-pay and Medicaid for the middle class because it simply would lead to a costly expansion of publicly financed health insurance, just a steppingstone to the single-payor approach. One study concluded that the proposal would shift nearly 52 million Americans covered under an employer-sponsored plan into a public health program. Again, Washingtonians, both employers and employees, let me know in clear terms what this proposal, despite all of its good intentions, would mean to them—lost jobs.

That proposal, which would increase small business health insurance expenses by an astounding 71 percent, would only lead to a dramatic reduction in payrolls. At a time when Boeing is announcing massive layoffs and the jobless rate is at an alltime high in my State, the last thing our economy needs is a job-killer health insurance plan.

Considering the fact that the leadership has not reintroduced this proposal, I assume it is rightfully shortlived and forgotten.

Next came incremental, market-based reform that was advocated by the Bush administration and the Senate Republican health care task force on which I have served for the last 2 years. While incremental in comparison to a single-payor approach, the proposals would have caused massive changes and improvements in the health care system—including tax credits for the poor to purchase insurance, prohibitions on exclusions based on preexisting conditions, assistance for small businesses, malpractice reform, and expansion of community health centers.

Despite the benefits of this approach and its emphasis on quality affordable health care, it lacked a meaningful method of restraining the spiraling costs of health care. Clearly, more comprehensive change was needed.

Last year, Congressman COOPER, a Democrat from Tennessee, introduced the Managed Competition Act and changed the health care reform debate entirely. The concept of managed competition was developed by Paul Ellwood and Alain Enthoven of the Jackson Hole Group. The purpose is to reform the health care financing system in order to harness the only proven method to hold down costs in the long run: the free market.

In its pure form as advocated by Congressman COOPER, providers and insurers would band together as accountable health plans [AHP's] which would compete against one another based on their ability to provide cost-effective, quality health care.

Individuals and most businesses would purchase coverage of an AHP through a health insurance purchasing cooperative, or HIPC, that negotiates with accountable health plan for cost-effective, quality care coverage. A Federal board would determine a minimum benefits package that all AHP's would have to offer. In order to introduce cost consciousness into the purchasing of health insurance by employers, only the costs for the lowest AHP coverage in the HIPC region would be fully tax deductible for businesses.

The concept of managed competition has been adopted by both the Clinton administration and the Senate Republican health care task force. However, serious differences exist in the proposals being developed by each group. The Senate Republican health care task force is pursuing a pure form of managed competition free from coercive Government controls.

The Clinton administration seems, however, to be pursuing a form of managed competition combined with a single-payor, Canadian-style approach that includes global budgets. I am deeply concerned that the First Lady is considering the abandonment of the fundamental premise of managed competition—the ability of the free market to control costs and the savings which would benefit individuals who need health care.

Indeed, it is antithetical to managed competition for the Government to set an arbitrary limit on spending by providers of health care covered by the AHP's. Price fixing and global budgets would restrain the effectiveness of the market just as handcuffs would hinder prizefighters. Again, we must remember to value common sense.

I am also concerned about the ability of managed competition, whatever the definition, to function in rural areas. Managed competition assumes that multiple providers already exist—but in many rural areas, this is not the case.

In fact, it is cooperation among providers, rather than competition, that often provides the best health care for rural communities. Conversations with rural health providers from Colville to Omak and Forks to Sprague raise some legitimate concerns that must be addressed in the coming weeks. As a member of the rural health caucus, I will make certain that rural health care concerns are met if our Nation is to have lasting and beneficial reform.

In addition, I am concerned that under any health care reform plan, States are free to implement their own form of health care reform. My own State is close to passing comprehensive health care reform and must be given the support of the Federal Government in the form of waivers and exemptions.

As I told Health and Human Services Secretary Donna Shalala when she testified before the Senate Budget Committee several weeks ago, States that seize the initiative and enact meaningful reform that fits their State's unique needs should be rewarded, not punished, by national health care reform.

Employers who are subject to payroll taxes to finance State health care reform should not be burdened by additional taxes to finance national health care reform. Again, let us remember common sense.

Although neither has been completed, there is reason to believe that the Senate Republican task force proposal that the White House plan will have more in common than not. That is a great relief to me and to the American public which wants an end to gridlock and wants meaningful health care reform. I look forward to working with the First Lady and other members of the Senate Republican health care task force as we finalize our respective plans.

Madam President, having laid out some basic concerns I have heard from the people of Washington, I would like to make one final point. The best doctors I have known have an extraordinary ability to listen intently to their patients. We in Congress could use that talent, especially when it comes to health care reform.

Let us listen carefully both to what they are saying, and what they are not saying. Comprehensive health care reform will affect each and every American and may bring the most revolutionary change in American domestic policy since Social Security. Too much is at stake to let politics or special interests dominate this debate.

By listening, we assure that we will not only have health care reform, but the right kind of reform. So let's use our best bedside manner, and listen to the people.

After all, the patient must come first.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 50TH WEDDING ANNIVERSARY OF BEA AND DAVID BRODY

Mr. SIMPSON. Madam President, it is unprecedented for the Senate, in a unanimously passed official resolution, to characterize an individual as the 101st Senator. But that is exactly what the Senate once did upon David Brody's so-called retirement from the Anti-Defamation League of the B'nia B'rith back in 1989. It was a clear expression of the affection that many of us in the Senate, past and present, had and continue to have for this wonderful man.

I reread that resolution prior to making these remarks. I noted that its drafters must have been particularly knowledgeable on the character of David Brody. Not once is the word retirement mentioned. Anyone that knows David knows that there is nothing retiring about David Brody. True to his character, he is still as full of energy, spirit, and good will as he has been at any time during my observations of his very distinguished career. True to the resolution, we continue to treasure his wise counsel and advice on a wide range of issues.

But these remarks aren't delivered simply to pay tribute to David. I want to honor and speak of a remarkable partnership between two delightful friends that Ann and I have come to know in Washington. On March 11, 1993, Bea and David Brody celebrated their 50th wedding anniversary. Their long partnership continues to be a monument to their love for each other and to improving the lives of those around them. They are both deeply devoted to a wide variety of civic and charitable activities. Bea has been a tremendous helpmate and partner to Dave throughout the course of this very unique marriage.

David and I have at least two things in common. We both severely overmarried. Second, each passing year of marriage seems to get ever better.

Although these words of congratulations come belatedly, they come lovingly. I do hope and pray that Bea and David had a most wonderful 50th anniversary celebration. I wish them many more years to savor in their loving, caring, and remarkable partnership.

TRIBUTE TO BILL CROSS

Mr. SIMPSON. Madam President, I rise to pay tribute to my friend, Bill Cross. It was with a great deal of sadness that I learned that Bill, who was a constant presence in the Chamber for so many years, had died in a car accident on October 22, a few weeks after the Senate adjourned last year. It had been my intention to take a few moments of the Senate's time early in this session to say a few words about this remarkable man. It is still timely now.

Bill was born right here in Washington in 1932. He served our country with distinction in the Army during the Korean war. After his service, he joined the District's Metropolitan Police Department. After 22 years of outstanding service to the police force, he retired with the rank of detective sergeant. Upon his retirement, he became the Assistant Director of Security for the U.S. House of Representatives Select Committee on Assassinations. When that committee completed its work—he joined the Senate Sergeant at Arms Office. He worked here until his most untimely and tragic death.

Bill was a devoted husband and father. During this difficult time, the thoughts and prayers of this Senate family go winging out to June, his wife of 40 years; his five daughters, Patricia, Judy, Christine, Rhonda, and Nancy; his sons-in-law, Dennis, Martin, Ed, William, and George; his brothers, Robert and Jack; his cousin, Anne; his 11 grandchildren, and all the other people whose lives Bill touched and who do miss him so deeply.

And as a native Washingtonian, Bill's love for the Redskins could never be surpassed. He was always up on the latest news from training camp; the injury report; who was going to start, and all the other inside scoop on his team. Even the spread, if you pardon the expression. No one loved going to the Redskins games, here or away, more than Bill did.

What I enjoyed most about Bill was his wonderful sense of humor. He always had a good story or tale to share, but I never recall his humor ever being at the expense of others, or sharp.

He had a remarkable zest for life. He was taken from us entirely too early. He was very active in police and veterans associations such as the Fraternal Order of Police, the D.C. Association of Retired Policemen, and the American Legion. He was very public spirited and he served as president of the Laurel Acres Civic Association, and President of the Bryans Road Little League Association. He was also an active member of the Lions Club.

He loved this institution and those who worked here. He was a well-rounded, wonderful man. He was devoted to his family. He served his country with distinction. He served with honor as a policeman. He unselfishly gave his time to civic activities to improve his community. And he did all that and more with his tremendously positive outlook on life, combined with his great sense of humor. We shall all very much miss our friend, Bill Cross.

God rest his soul.

MIKE MANSFIELD

Mr. SIMPSON. Madam President, finally, a belated tribute to our friend, Mike Mansfield, whose 90th birthday we celebrated just several days ago. He and my father served here in the U.S. Senate together. He was from the neighboring State of Montana, and my father, of course, was from the State of Wyoming. It was due to my observations of Mike Mansfield in his duties in the U.S. Senate that made me know that this was where a person could go and work hard for their State and their country, and do it with extraordinary grace, with a rich type of human kindness, that was the essence of Mike Mansfield.

He served here and did a superb job as majority leader. The same job so capably being performed now by our friend from Maine, GEORGE MITCHELL. Senator Mansfield did it his way, with his own style, working along with Everett Dirksen who did the minority leader job in his own way, and with his own style. Those were times of great progress in the country. Much was accomplished in a bipartisan fashion, both in domestic and foreign policy.

I, then, watched him serve as our Ambassador to Japan and saw the reverence and respect that the Japanese people rendered to him. It was truly remarkable.

So it was a great pleasure to help honor him on his 90th birthday. To Mike and to Maureen, a truly remarkable woman at his side, this is a tribute to them. Thanks go to them from a grateful Government and an especially grateful Senate. There are those in the Chamber today like Senator BYRD, who remember him so well. He served with Senator Mansfield with great distinction, as did my father.

I commend him and congratulate him on this great milestone. May he have many more to savor.

I thank the Chair.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt—run up by the U.S. Congress—stood at $4,222,102,651,276.54 as of the close of business on Wednesday, March 24.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstop of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, women, and child in America owes $16,437.43—thanks to the big-spenders in Congress for the past half century. The interest payments on this massive debt average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

CUTS IN HEALTH CARE FRAUD INSPECTION SERVICES

Mr. COHEN. Madam President, I rise today to express my deep concern about current and proposed cuts in the Department of Health and Human Service's Office of Inspector General. At a time when health care costs are skyrocketing, pursuing fraudulent activities should be one of our highest priorities.

America's health care costs climbed to $840 billion last year and could top the $1 trillion mark as early as next year. This explosion in health care spending has created a wealth of opportunities for a growing and increasingly sophisticated army of scam artists.

Instead of marshalling our best troops to combat fraud and abuse, the Inspector General's Office has been cut dramatically over the last few years. As fraudulent activities have soared, at a cost of about $80 billion a year, the Inspector General's Office has decreased staff from 460 positions in 1990 to 390 positions in 1993.

A 1991 hiring freeze only exacerbated the current problem. Due to cutbacks, the I.G. is forced to eliminate new investigative activities in 14 States, including my State of Maine, and significantly reduce caseloads in many more States.

A Washington Post article states that the I.G. has been told by administration officials to plan on a fiscal year 1994 budget that is 3 percent lower than 1993 levels. That would mean a further reduction of 40 positions this year.

As ranking member of the Special Committee on Aging, I am currently working with the I.G.'s Office in a number of areas that raise disturbing problems in the health care industry. What we are finding are widespread kickbacks to doctors for referring patients for services and other outrageous moneymaking schemes.

By eliminating positions in the I.G.'s Office, we are calling off the watchdog and inviting the burglar to come right on in. We are telling fraudulent health care providers that they can get away with their current behavior. This is a very dangerous message to send.

In 1991, the minority staff of the Aging Committee worked with the Inspector General's Office on an investigation of durable medical equipment telemarketers who were taking advantage of the weaknesses in the system to bleed millions of dollars from the Medicare Program.

The investigation revealed shocking practices of fly-by-night telemarketing operations that made call after call to unsuspecting seniors to induce them to accept what was described as "free medical equipment"—equipment that was rarely needed, generally of inferior quality, and of little or no therapeutic value.

This investigation led to savings of millions of dollars for the Medicare Program. In a time of fiscal constraint, we should be aggressively pursuing those avenues that lead to savings and decreased costs to overall system. Madam President, the effect of these reductions is to cut off our nose to spite our face.

I am also sending a letter to Health and Human Services Secretary Donna Shalala to cite my deep concerns and to learn more about the status of this proposal. I share the administration's desire to curb spending as much as possible to reduce the deficit.

However, cutting our enforcement effort against health care fraud is penny wise and pound foolish. Every dollar we spend to guard against fraud and abuse can yield significant returns to Medicare and our overall health care system.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, I rise today to put a face on the health care crisis confronting America. Like many of my colleagues, I have heard from constituents from all areas in Michigan about the problems they are encountering with our health care system. One group of people who have found themselves without health insurance are those who, for one reason or another, retire before they are eligible for Medicare benefits.

Willidean Lopshire from Battle Creek, MI, is one person who has found herself in this situation. In 1987, the company she worked for, Interbake Foods, decided to relocate. Willidean was forced into early retirement after 19½ years with the company. She was just 8 years away from being eligible for Medicare benefits.

Willidean, now 62, was left with a small retirement benefit of $309 per month from Interbake Foods, which amounted to just over $3,700 a year. The only health care coverage she has is hospitalization through an AARP policy, for which she pays $27 a month. Her policy only covers $240 a day for hospitalization. It does not cover outpatient charges, physician fees, or prescriptions.

Willidean wanted to take action to improve her personal situation. She decided to take this opportunity to earn her high school diploma and obtain a certificate in word processing, hoping this would enable her to get a better paying job. Unfortunately, this was not the case. The only job she was able to get was a part-time position as a barmaid earning $4.50 an hour.

Just last year, in 1992, Willidean began collecting $459 a month in Social Security retirement benefits which added to her $309 a month in pension from Interbake Foods. This income allowed her to get back on her feet again, but then tragedy struck.

Willidean needed a cataract and lens implant operation. Since this is considered an outpatient service her AARP benefits would not cover the procedure. Willidean had already paid $62 for her initial visit and knew that she was going to have to come up with an additional $2,000 for doctor fees and $4,000 for the hospital fees. Her doctor tried to delay surgery in the hopes that she could find a way to obtain insurance. In January, Willidean went to the Department of Social Services to ask for assistance with this surgery but was denied because her income was too high.

She considered waiting to have the surgery until she reached 65 and became eligible to receive Medicare. Her doctors felt strongly that this wasn't an option for her because her cataracts were in extremely poor condition and if she waited any longer she would face serious complications including possible blindness. On February 17, Willidean went ahead with the surgery knowing that she would owe $6,000. She had no choice, she needed the surgery immediately whether she had the money or not. Fortunately, she was able to set up an agreement with the hospital and her doctor. She pays $85 a month toward her hospital bill and $65 a month toward her doctor bills.

These monthly payments on her limited income make it difficult to meet her daily expenses. She is forced to forego needed preventative care, such as regular checkups, which everyone should be entitled to. She saves every penny in order to pay for her eye drops which cost her $54 a month. When she discovered she needed the surgery, she began saving money for the glasses she would need after the operation which improved her vision. Her medical bills have eaten up these savings and she told my staff that, "If the Lions Club doesn't help with my glasses, I don't know where I'll get the money from."

"I feel cheated," Willidean explains in a letter she wrote to me earlier this year. "I've worked hard all my life. I see young people every day that are healthy and much more able to work than I am and they are getting help from the government. All I want is assistance to help me see again, is that too much to ask?"

Willidean Lopshire, and every family in America, deserves affordable coverage that provides basic health care services. Like Willidean, too many families are finding that health care coverage is out of their financial reach. Health care should not be a luxury available to some and not others. I will continue to do all that I can to bring down the skyrocketing costs of health insurance by supporting comprehensive reform of the current health care system.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 43, Maj. Gen. Albert J. Edmonds, to be lieutenant general;

Calendar 44, Maj. Gen. Eugene E. Habiger, to be lieutenant general;

Calendar 45, Maj. Gen. Carl G. O'Berry, to be lieutenant general;

Calendar 46, Col. Charles R. Holland, to be brigadier general;

Calendar 47, Lt. Gen. J.H. Binford Peay III, to be general and Vice Chief of Staff, U.S. Army;

Calendar 48, Gen. Dennis J. Reimer, to be general;

Calendar 49, Maj. Gen. John H. Tilelli, Jr., to be lieutenant general;

Calendar 50, Rear Adm. David B. Robinson, to be vice admiral; and

Calendar 51, the officers named to be major general in the Marine Corps.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Albert J. Edmond[redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Eugene E. Habige[redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Carl G. O'Berry[redacted], U.S. Air Force.

The following-named officer for appointment to the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Charles R. Holland[redacted], Regular Air Force.

IN THE ARMY

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under the provisions of title 10, United States Code, section 601 and section 3034:

To be general

To be Vice Chief of Staff, U.S. Army

Lt. Gen. J.H. Binford Peay, II[redacted], U.S. Army.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Gen. Dennis J. Reime[redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John H. Tilelli, Jr[redacted], U.S. Army.

IN THE NAVY

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. David B. Robinson, U.S. Navy, [redacted]

IN THE MARINE CORPS

The following-named officers for appointment in the U.S. Marine Corps under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Jeffrey W. Oste[redacted].
Brig. Gen. Paul K. Van Ripe[redacted].
Brig. Gen. James R. Davis[redacted].
Brig. Gen. Paul A. Fratarangelo[redacted].
Brig. Gen. Marvin T. Hopgood, Jr.[redacted].
Brig. Gen. Richard I. Nea[redacted].
Brig. Gen. David A. Richwine[redacted].
Brig. Gen. Anthony C. Zinn[redacted].
Brig. Gen. Joseph D. Stewar[redacted].
Brig. Gen. Bertie D. Lynch[redacted].
Brig. Gen. John H. Admire[redacted].

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MEASURE HELD AT THE DESK—S. 664

Mr. MITCHELL. Madam President, I ask unanimous consent that S. 664, introduced earlier today by Senators METZENBAUM and THURMOND, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Madam President, earlier today, along with Senator METZENBAUM, I introduced a technical amendment to section 8 of the Clayton Act. This technical amendment is identical to S. 3330 which was passed by the Senate last year. This legislation changes the date by which the Federal Trade Commission, each year, must publish revised jurisdictional threshold numbers for the Clayton Act's prohibition of interlocking directorates. This change is necessary because the Commission must base its threshold numbers on data from the Department of Commerce that is not available until after the date by which the law requires the Commission to act. I urge my colleagues to adopt this technical amendment.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Dendy, one of its clerks, announced that the House has passed the following measures, in which it requests the concurrence of the Senate:

H.R. 670. An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A."

MEASURES REFERRED

The following measure, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 670. An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Labor and Human Resources.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

S. 664. A bill making a technical amendment of the Clayton Act.

ENROLLED BILLS SIGNED

The messages also announced that the Speaker had signed the following enrolled bill:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Special Report entitled "Report on the Activities of the Committee on the Judiciary of the United States Senate During the 102d Congress Pursuant to Rule XXVI of the Standing Rules of the United States Senate" (Rept. No. 103-30).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 663. A bill to amend the Internal Revenue Code of 1986 to provide for refundable child credit and to increase the earned income tax credit for larger families, to provide for a demonstration program for payments in lieu of child support payments owed by absent spouses, to encourage creation of jobs for low-income unemployed, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Mr. THURMOND):

S. 664. A bill making a technical amendment of the Clayton Act; ordered held at the desk.

By Mr. MACK:

S. 665. A bill to provide for special immigrant status for certain aliens working as journalists in Hong Kong; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself and Mr. BAUCUS):

S. 666. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE:

S.J. Res. 72. A joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. DANFORTH, Mr. COHEN, Mr. HATCH, and Mr. COCHRAN):

S.J. Res. 73. A joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. SIMON, and Mr. SPECTER):

S.J. Res. 74. A joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 663. A bill to amend the Internal Revenue Code of 1986 to provide for refundable child credit and to increase the earned income tax credit for larger families, to provide for a demonstration program for payments in lieu of child support payments owed by absent spouses, to encourage creation of jobs for low-income unemployed, and for other purposes; to the Committee on Finance.

FAMILY INCOME SECURITY ACT

Mr. ROCKEFELLER. Mr. President, in June 1991, I was proud to release the unanimous, bipartisan recommendations of the National Commission on Children in a bold report, "Beyond Rhetoric: A New American Agenda for Children and Families."

Our report outlined an aggressive blueprint to change policy and programs on all levels, and to promote the well-being of children and strengthen families. Since then, I have traveled across the country to promulgate the Commission's recommendations, and I have been truly heartened by the public's warm response to our call for action.

As Chairman of the National Commission on Children, I am deeply committed to following through on our report and intend to persist in transforming our bipartisan recommendations into law and reality.

The cornerstone of the Commission's report was its proposal to enhance income security for families with children. Americans understand that children need basic financial support, but our taxpayers want a responsible approach toward Federal assistance which emphasizes parental responsibility and promotes a transition from welfare to work.

The Family Income Security Act is comprehensive legislation to enact the goals of the Children's Commission. The fundamental principle of our income security package is that every child and every family in America deserves support. The time has come to shift our emphasis from punishing some families, of whom some do not approve, to rewarding each family who embraces the values that we hold dear: Hard work, personal responsibility, and family stability.

The legislation includes four major provisions.

The first provision is a $1,000 refundable tax credit for each child, to replace the existing personal exemption which has lost value over time. A refundable tax credit is the same for each child, but its impact will help lower income families much more than the present exemption. These families truly need and deserve such support.

The legislation also calls for expansion and simplification of the earned income tax credit [EITC], an incentive that encourages self-sufficiency by assisting parents who play by the rules and work, but still have problems making ends meet and providing for their children.

Third, the package calls for tougher child support enforcement and a demonstration in several States of a child support insurance program; a government-insured minimum benefit for a parent who has a child support award but does not receive the support payments from the absent parent. Commissioners supported a demonstration of child support insurance with the strong hope that its results would lay the groundwork for a nationwide program.

Finally, the legislation would establish a community work demonstration using waivers to redirect Federal training funds to parents who are willing and able to work but cannot find a job in an economically depressed region.

As a comprehensive package, the Family Income Security Act will help all families with children. Middle-class families would keep more of what they earn. Lower income working families would be lifted out of poverty, the proper reward for work and responsibility. The tax credit would be provided to each child equally. Every child will benefit.

The commissioners visited Charleston, WV, during the course of our deliberations and each of us spent time visiting a family in their own home. These families volunteered to candidly talk with commissioners about their struggles to make ends meet on limited incomes. Sitting down with parents and children in their homes, we heard first hand how families juggle jobs and child care; how they decide which bills to pay and which ones must wait until the next payday; and what kind of personal toll this has on children and the family as a whole.

Based on our visit to West Virginia, hearings with testimony by experts, and indepth research, we developed this comprehensive package which envisions bold systemic reform. But I want to emphasize the point that we also can implement these provisions in incremental steps.

President Clinton has called for expansion of the EITC as part of his economic package, and I hope Congress will do its part to achieve this important goal. The President has also indicated his commitment to strengthen child support enforcement and reform welfare to provide opportunities and training for parents to move from welfare to work. Each initiative is an important step toward enacting the goals of the Children's Commission to strengthen income security for children and families.

I strongly endorse these efforts by President Clinton, and I believe expanding the EITC and strengthening child support enforcement are basic building blocks for a new foundation of income security for American children and families.

While it will take time to fulfill the complete vision of the Children's Commission's bold plan, I am encouraged. There is real potential to move forward on several fronts this year.

As chairman, I am committed to continue my efforts until we have achieved our goal of a strong income security plan for children and families.

Poverty among elderly Americans was substantially reduced in just two decades because our Nation made the economic well-being of seniors a high priority and followed through with the establishment and implementation of policies aimed at ensuring a basic income and protection from extraordinary medical expenses. The reduction in poverty of our seniors has been a historic achievement.

But our children are now the poorest group in our society with one out of every five children in our country growing up in poverty. This is tragic for children, and threatening for our country's future. A major challenge for the coming decade will be to mobilize the necessary political will to come to the aid of poor children and to ensure that all families raising children have the minimum financial resources required and the chance to reach their full potential.

We on the Commission honestly discussed and addressed the costs of our comprehensive income security proposals. But after intensive debate, we concluded that unless our Nation adopts a strategy to prevent poverty and ensure the economic security of all families with children, the long-term human and financial costs of our neglect will be far greater. Failure to support the development of the next generation and of the families that nurture them will compromise our Nation's future in the 21st century.

I offer this legislation to remind my colleagues and the American people of the direction that the National Commission on Children has recommended in the interest of all children and families. Our society has sadly neglected too many children and families, and must reorder its priorities and its values in order to build a future of productive citizens. It is my fervent hope that we will have the courage and the fortitude to shift course, and take steps like these crucial recommendations of the Children's Commission to build a fundamentally better future.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Income Security Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—REFUNDABLE CREDIT FOR CHILDREN

Sec. 101. Refundable credit for children.

TITLE II—EARNED INCOME TAX CREDIT INCREASED FOR LARGER FAMILIES.

Sec. 201. Earned income tax credit increased for larger families.

TITLE III—CHILD SUPPORT INSURANCE DEMONSTRATION PROJECTS

Sec. 301. Establishment of child support insurance demonstration projects.

TITLE IV—COMMUNITY EMPLOYMENT OPPORTUNITY DEMONSTRATION PROJECTS

Sec. 401. Establishment.
Sec. 402. Eligible economically depressed communities.
Sec. 403. Waivers.
Sec. 404. Use of amounts.
Sec. 405. Regulations.
Sec. 406. Plan of implementation and effect of title.
Sec. 407. Evaluation and report.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) it is in the best interest of all Americans to ensure that children in the United States grow up in families that are financially able to meet the basic material needs of such children;

(2) poverty, hunger, and ill-health jeopardize the national productivity and security of the United States;

(3) the United States is the only advanced industrial democracy that lacks a universal system of income support for families raising children;

(4) children are the poorest Americans and are, therefore, among the most vulnerable citizens;

(5) families raising children have been disproportionately harmed by economic instability over the past decade;

(6) families raising children pay more than their fair share of the Federal tax burden;

(7) parents, regardless if such parents live together, have a responsibility to support their children financially, although many absent parents fail to meet this obligation;

(8) single-parent families are most vulnerable to poverty and financial hardship, especially if the absent parent does not contribute child support;

(9) the majority of poor families have at least one employed adult, and many families are unable to support their children adequately unless such families have more than one earner; and

(10) an adequate income can help foster family stability.

(b) PURPOSE.—To strengthen American families, encourage parental responsibility, meet the basic material needs of all children, and secure the Nation's future, it is the purpose of this Act to provide tax relief for families raising children, initiate demonstration programs to strengthen child support enforcement and guarantee a minimum level of support to all children of absent parents, and initiate demonstration programs to enable communities to create employment opportunities for low-income parents who are willing and able to work but experience difficulty entering the job market without aid.

TITLE I—REFUNDABLE CREDIT FOR CHILDREN

SEC. 101. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. CHILDREN UNDER AGE 19.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to $1,000 multiplied by the number of qualifying children of the taxpayer for such taxable year.

"(b) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1994, the dollar amount contained in subsection (a) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1993' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10 (or if such increase is a multiple of $5, such increase shall be rounded to the next highest multiple of $10).

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given to such term by section 32(c)(1) (determined without regard to subparagraphs (B) and (D) thereof).

"(2) QUALIFYING CHILD.—The term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraphs (C)(ii), (C)(iii), and (E) thereof).

"(3) CERTAIN OTHER RULES APPLY.—Subsections (d) and (e) of section 32 shall apply.

"(d) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 3507A or 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

"(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

"(2) the laws referred to in paragraphs (1) through (5) of section 32(j).

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment in excess of the amount of the credit allowable under this section is made to the individual by an employer under section 3507A or to the individual under 7524 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of such Code is amended by inserting after section 7523 the following new section:

"SEC. 7524. ADVANCE PAYMENT OF CREDIT FOR CHILDREN UNDER AGE 19.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of section 35.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if the taxpayer furnishes, at such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(1) determine whether the taxpayer will be entitled to a refund by reason of section 35 for the taxable year,

"(2) verify the taxpayer's intention not to receive payments under section 3507A for the taxable year, and

"(3) estimate the amount of such refund.

"(c) QUARTERLY PAYMENTS.—The Secretary shall make the payments under this section on a quarterly basis in approximately equal amounts."

(2) REDUCTIONS IN WAGE WITHHOLDINGS.—

(A) IN GENERAL.—Chapter 25 of such Code is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF CREDIT FOR CHILDREN UNDER AGE 19.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages to an employee with respect to whom a child tax credit eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment to such employee equal to such employee's child tax credit advance amount.

"(b) CHILD TAX CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this title, a child tax credit eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 35 for the taxable year and declares the employee's intention not to receive payments under section 7524 for the taxable year,

"(2) certifies that the employee does not have a child tax credit eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer, and

"(3) states whether or not the employee's spouse has a child tax credit eligibility certificate in effect.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnished the statement in question.

"(c) CHILD TAX CREDIT ADVANCE AMOUNT.—For purposes of this title, the term 'child tax credit advance amount' means, with respect to any payroll period, the amount determined—

"(1) on the basis of the number of the employee's qualifying children (as defined in section 35(c)(2), and

"(2) if a child tax credit eligibility certificate is in effect with respect to the spouse of the employee, as if the credit provided by section 35 were a credit of not more than ½ of the amount otherwise determined under such section.

"(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (d) and (e) of section 3507 shall apply for purposes of this section. Proper adjustments shall be made in the application of such rules under this section to take into account payments under section 3507."

(B) INFORMATION SHOWN ON W-2.—Subsection (a) of section 6051 of such Code (relating to receipts to employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and" and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount paid to the employee under section 3507A (relating to advance payment of child tax credit)."

(C) REQUIREMENT OF RETURN.—Subsection (a) of section 6012 of such Code (relating to persons required to make returns of income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual who receives payments during the calendar year in which the taxable year begins under section 3507A (relating to advance payment of child tax credit)."

(D) CROSS REFERENCE.—Subsection (e) of section 6302 of such Code (relating to mode or time of collection) is amended by adding at the end thereof the following new paragraph:

"(3) For treatment of child tax credit advance amount as payment of withholding and FICA taxes, see section 3507A(d)."

(c) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—The exemption amount for any qualifying child (as defined in section 35(c)(2)) shall be zero."

(d) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(e) CLERICAL AMENDMENTS.—

(1) The table sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Children under age 19.
"Sec. 36. Overpayments of tax."

(2) The table sections for chapter 77 of such Code is amended by inserting after the item relating to section 7523 the following new item:

"Sec. 7524. Advance payment of credit for children under age 19."

(3) The table sections for chapter 25 of such Code is amended by inserting after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of credit for children under age 19."

(f) PROGRAM TO INCREASE PUBLIC AWARENESS.—Not later than the first calendar year following the date of the enactment of this Act, the Secretary of the Treasury and the Commissioner of the Internal Revenue Service, in consultation with the Secretary of Health and Human Services, the Commissioner of Social Security, and the heads of other appropriate Federal agencies, shall establish a taxpayer awareness program to inform the public of the availability of the credit for children allowed under section 35 of the Internal Revenue Code of 1986, as added by this section. Such program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. Such program shall also be coordinated with the program to increase public awareness of the availability of the earned income credit allowed under section 32 of such Code. The Secretary shall use appropriate means of communication to aggressively disseminate the necessary information to carry out the provisions of this subsection.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE II—EARNED INCOME TAX CREDIT INCREASED FOR LARGER FAMILIES

SEC. 201. EARNED INCOME TAX CREDIT INCREASED FOR LARGER FAMILIES.

(a) IN GENERAL.—Subparagraph (C) of section 32(b)(1) of the Internal Revenue Code of 1986 (relating to basic earned income credit) is amended to read as follows:

"(C) PERCENTAGES.—For purposes of this paragraph—

"(i) IN GENERAL.—Except as provided in clause (ii), the percentages shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	23	16.43
2 qualifying children	25	17.86
3 or more qualifying children	29	20.71

"(ii) TRANSITION PERCENTAGES.—

"(I) For taxable years beginning in 1994, the percentages are:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	17.6	12.57
2 qualifying children	18.4	13.14
3 or more qualifying children	21.0	15.00

"(II) For taxable years beginning in 1995:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	18.5	13.21
2 qualifying children	19.5	13.93
3 or more qualifying children	23.0	16.43."

(b) REPEAL OF INTERACTION WITH MEDICAL EXPENSE DEDUCTION.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by striking subsection (f).

(c) REPEAL OF INTERACTION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED.—Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(d) REPEAL OF INTERACTION WITH DEPENDENT CARE CREDIT.—Subparagraph (D) of section 32(b)(1) of such Code is amended by striking the last sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE III—CHILD SUPPORT INSURANCE DEMONSTRATION PROJECTS

SEC. 301. ESTABLISHMENT OF CHILD SUPPORT INSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to guarantee a minimum level of child support for every eligible child not receiving such support from a noncustodial parent, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not less than 4 States but not more than 6 States to conduct demonstration projects for purposes of establishing or improving a system of insured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application submitted by the Governor of a State shall—

(1) contain a description of the proposed child support insurance project to be established, implemented, or improved using amounts provided under this section, including the specific activities to be undertaken and the agencies to be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for insured minimum child support payments under the project, and the amounts to which they will be entitled, on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of 3 consecutive years beginning with fiscal year 1994;

(6) contain assurances that the State is currently at or above the national median in—

(A) the percentage of cases in which paternity is established when required;

(B) the percentage of cases in which child support orders are obtained; and

(C) the percentage of cases with child support orders in which collections are made;

(7) contain assurances that, to the maximum extent possible under current law, the State will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(8) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the child support insurance project; and

(9) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support insurance project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—A child support insurance demonstration project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been obtained or any child (as so defined) whose custodial parent meets "good cause" criteria (as determined by the Secretary under section 402(a)(26)(B) of the Social Security Act) for not seeking or enforcing a support order is eligible for the insured child support benefit;

(B) the insured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) $1,500 per year minimum for the first child, $1,000 per year minimum for the second child, and $500 per year minimum for each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the child support insured benefit for the child or children of that particular noncustodial parent;

(C) except in a State described in section 402(a)(28) of the Social Security Act, the monthly amount of Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act otherwise determined under such part shall be reduced by the applicable percentage (as determined in paragraph (3)) of the amount received as a child support insurance benefit for such month;

(D) for purposes of determining the need of a child or relative and the level of assistance under title IV of the Social Security Act or for purposes of determining the eligibility of such a child or relative under title XIX of such Act any amount received as a child support insurance benefit shall be disregarded from income of such child or relative;

(E) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of the Social Security Act due wholly or partly to consideration of child support insurance benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the child support insured benefit; and

(F) in order to participate in the child support insurance project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) CHILD DEFINED.—For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) DETERMINATION OF APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage shall be determined by the Secretary, except that in demonstration projects in at least 3 States, the applicable

percentage shall be 0, 50, and 100, respectively.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall—

(A) consider the geographic dispersion and variation in population of the applicants;

(B) give priority to States the applications of which demonstrate that efforts will be made to link child support systems with other service delivery systems; and

(C) ensure that, if feasible, the States selected use a variety of administrative arrangements for implementing child support guidelines and a system of insured child support payments.

(2) SPECIFIC CONSIDERATIONS.—Of the States selected to participate in the demonstration projects conducted under this section, the Secretary shall endeavor to ensure that—

(A) at least 2 States provide intensive integrated social services for low-income participants in the child support insurance project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status;

(B) at least 2 States plan to cooperate and to integrate interstate establishment and enforcement of child support awards;

(C) at least 2 States containing large urban areas conduct such projects, in whole or in part, in such areas; and

(D) at least 1 State containing large rural areas conduct such a project, in whole or in part, in such areas.

(f) EVALUATION AND REPORTS.—

(1) IN GENERAL.—Each State that conducts a demonstration project under this section shall, as a part of such demonstration project, conduct an interim and a final evaluation of the effectiveness of the demonstration project and shall submit an interim and final report to the Secretary concerning the results of the evaluation and any improvements in child support enforcement. The interim report shall be submitted within 15 months of the commencement of the project.

(2) CONTENTS.—The evaluation and report submitted by a State to the Secretary shall analyze and describe (in such a manner as prescribed by the Secretary)—

(A) the impact of the child support insurance project on the economic and noneconomic well-being of children and adults in both custodial and noncustodial households;

(B) the work force participation rates of both custodial and noncustodial parents as a result of participation in the child support insurance project;

(C) the impact of the child support insurance project on Aid to Families With Dependent Children participation rates, grants, and funding levels;

(D) a comparison of enforcement effectiveness in intrastate and interstate cases;

(E) the impact on custodial and noncustodial families of access to intensive integrated services for custodial families and to job training services for noncustodial parents;

(F) the impact of child support guidelines on the effectiveness of the child support insurance project and the economic well-being of children and adults in both custodial and noncustodial families;

(G) administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the collection of adequate child support payments from noncustodial parents;

(H) the measures that the State has taken or intends to take to eliminate or reduce impediments described in subparagraph (G) that are attributable to administrative policies and laws of the State or a political subdivision of the State;

(I) the impact of the child support insurance projects on the number of child support awards and custody arrangements;

(J) the net costs and benefits of providing child support insurance benefits to the Federal and State governments and to recipient families; and

(K) any other relevant items as the Secretary may require.

(g) DURATION.—A demonstration project conducted under this section shall be commenced not later than fiscal year 1994 and shall be conducted for a period of 3 consecutive years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support insurance demonstration project conducted under this Act. Any such savings realized as a result of the implementation of a child support insurance demonstration project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State, and Federal expenditures for such project within the State shall be reduced in proportion to any such savings.

(i) EVALUATION AND REPORT TO CONGRESS.—The Secretary shall conduct an interim and a final evaluation of each State child support insurance demonstration project and submit an interim and final report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives concerning the effectiveness of the child support insurance demonstration projects funded under this section. The interim report shall be submitted within 18 months of the commencement of the first State child support insurance demonstration project. The interim and final reports shall analyze the reports received by the Secretary under subsection (f) from each participating State and shall compare the effects of different types of child support guidelines.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section; and

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section.

(2) EXCEPTION.—A State participating in a demonstration project under this section may provide not less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in such State if the State continues to meet the standard specified in subsection (b)(6).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937;

(2) title V of the Housing Act of 1949;

(3) section 101 of the Housing and Urban Development Act of 1965;

(4) sections 221(d)(3), 235, and 236 of the National Housing Act;

(5) the Food Stamp Act of 1977;

(6) titles XVI and XIX of the Social Security Act; and

(7) child care assistance provided through part D of title IV of the Social Security Act, the Child Care and Development Block Grant, or title XX of the Social Security Act,

any payment made to an individual for child support up to the amount which a child support insurance benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT AS CHILD SUPPORT BENEFIT.—Any insured child support benefit received by an individual under this title shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary in each of the fiscal years 1994, 1995, and 1996 to carry out the purposes of this section.

TITLE IV—COMMUNITY EMPLOYMENT OPPORTUNITY DEMONSTRATION PROJECTS

SEC. 401. ESTABLISHMENT.

The Secretary of Health and Human Services and the Secretary of Labor (hereafter referred to in this title as the "Secretaries"), in consultation with the Secretary of Agriculture, shall establish a program to implement community employment demonstration projects under which waivers may be granted under section 403 to eligible economically depressed communities to enable such communities to use amounts received under certain Federal programs to carry out certain community employment activities to provide opportunities for parents receiving welfare assistance to obtain employment.

SEC. 402. ELIGIBLE ECONOMICALLY DEPRESSED COMMUNITIES.

(a) IN GENERAL.—The Secretaries shall determine whether a community is an eligible economically depressed community solely on the basis of the eligibility criteria described in this section.

(b) ELIGIBILITY CRITERIA.—To be classified as an economically depressed community and be eligible for a waiver under this title, a community shall meet the following criteria:

(1) APPLICATION.—The community shall prepare and submit to the Secretaries an application at such time, in such manner and containing such information as such Secretaries may require, including a plan for use of the amounts to which a waiver applies under this title.

(2) DISTRESS.—The community must be one of pervasive poverty, unemployment, and general distress.

(3) LOCATION.—The community must be located entirely within one State.

(4) UNEMPLOYMENT RATE.—The unemployment rate (as determined by the appropriate available data) of the community must not be less than 1.5 times the national unemployment rate.

(5) POVERTY RATE.—The poverty rate (as determined by the most recent census data available) for not less than 90 percent of the population census tracts (or where not tracted, the equivalent county divisions as defined by the Bureau of the Census for the purposes of defining poverty areas) within the community must not be less than 20 percent.

SEC. 403. WAIVERS.

(a) AUTHORITY.—The Secretaries may grant a waiver to an eligible economically depressed community under this title that shall provide that, instead of any payments made under the programs specified in subsection (b) with respect to such community for the uses required under such program, such payments shall be made to such community to be used as provided under section 404. Such payments shall be made on such a periodic basis as approximates the periodic payments made under such programs.

(b) PROGRAMS INCORPORATED.—The programs described in subsection (a) are as follows:

(1) Programs designed solely for adult participation under the Job Training Partnership Act.

(2) Employment and training programs under section 6(d) of the Food Stamp Act of 1977.

(3) Programs under part F of title IV of the Social Security Act.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretaries, in consultation with the Secretary of Agriculture, shall promulgate regulations for determining the amount of payments to which a waiver granted under this section applies.

(2) DEDUCTION FROM PAYMENTS MADE TO STATES.—Regulations promulgated under paragraph (1) shall prescribe procedures under which, with respect to the programs described in subsection (b), the respective Secretaries that administer such programs shall—

(A) determine the amount of payments under such programs that are generally made available by a State to an eligible economically depressed community; and

(B) ensure that such amounts are provided by the State to such community for use as provided for in section 404.

(d) NUMBER.—The Secretaries shall grant not less than 15 nor more than 25 waivers under this section.

SEC. 404. USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (b), an economically depressed community that receives a waiver under this title shall use the amounts to which such waiver applies to carry out activities to provide public employment and community work opportunities to assist parents residing in such community to make the transition from receiving assistance under part A of title IV of the Social Security Act or the Food Stamp Act of 1977 to being a member of the workforce.

(b) LIMITATIONS.—

(1) USEFUL PUBLIC PURPOSE.—Employment and work opportunities provided under subsection (a) shall be limited to those that serve a useful public purpose, as determined by the Secretaries, with respect to the areas of health, social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care.

(2) DISPLACEMENT OF WORKERS.—No amounts to which a waiver under this title applies shall be used in a manner that results in—

(A) the displacement of any currently employed worker or position (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits) or result in the impairment of existing contracts for services or collective bargaining agreements;

(B) the employment or assignment of any individual or the filling of a position when—

(i) any other individual is on layoff from the same or any equivalent position; or

(ii) the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with an individual subsidized with amounts to which the waiver applies;

(C) any infringement of the promotional opportunities of any currently employed individual; or

(D) the promotion or deterrence of labor union organization.

(3) LOCAL WAGE RATES.—Wages shall be provided to individuals engaged in activities funded with amounts to which a waiver provided under this title applies in amounts that are comparable to wages provided to other individuals in the community who are engaged in similar employment activities. No individual shall be required to engage in activities funded with amounts to which a waiver provided under this title applies if wages for such activities are less than the level of assistance under part A of title IV of the Social Security Act to which such individual is eligible.

(4) FAMILY SUPPORT SERVICES.—Each community that is granted a waiver under this title shall guarantee that appropriate child or other care is provided for each family with a dependent child or adult requiring such care, to the extent such care is necessary for an adult in the family to accept employment or remain employed with respect to the activities funded with amounts to which such waiver applies. Such child care shall be provided in a manner that is consistent with the provisions of the Child Care and Development Block Grant Act of 1990, and shall include coverage for transportation and other work-related expenses relating to such care in a manner consistent with section 402(g) of the Social Security Act.

SEC. 405. REGULATIONS.

The Secretaries, in consultation with the Secretary of Agriculture, shall promulgate regulations that such Secretaries determine necessary to carry out this title. Such regulations shall ensure that individuals in an economically depressed community that receives a waiver under this title will continue to receive a level of benefits that, at a minimum, is comparable to the level of benefits that otherwise would be received under the programs described under section 403(b) if such waiver were not granted. Such regulations shall also permit waivers of certain requirements under the programs referred to in section 403(b) with respect to States and communities participating in projects under this title, including requirements concerning the provision of matching funds and concerning mandatory participation rates.

SEC. 406. PLAN OF IMPLEMENTATION AND EFFECT OF TITLE.

(a) PLAN.—Not later than 6 months after the date of enactment of this title, the Secretaries shall prepare and submit to the appropriate committees of Congress a plan for the implementation of the demonstration projects established by the Secretaries under this title. Such plan shall contain—

(1) a description of the manner in which such Secretaries intend to implement such project;

(2) a copy of the regulations that such Secretaries intend to promulgate to carry out such project; and

(3) an estimation of the number of applications that such Secretaries expect to receive from communities for waivers under this title and a description of the activities that will be carried out with amounts to which any such waivers will apply.

(b) EFFECTIVENESS.—If, within 3 months after the date on which the plan of the Secretaries is submitted under subsection (a), the Congress has failed to consider and adopt a joint resolution for refusal of implementation or to modify such plan, such plan shall take effect.

SEC. 407. EVALUATION AND REPORT.

(a) EVALUATION.—The Secretaries, in consultation with the Secretary of Agriculture shall maintain an ongoing evaluation of the projects funded under this title.

(b) REPORT.—Not later than 3 years after the date of enactment of this title, the Secretaries, in consultation with the Secretary of Agriculture shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report concerning the effects of the waivers granted to communities under this title, that shall include the results of the evaluation conducted under subsection (a).

By Mr. MACK:

S. 665. A bill to provide for special immigrant status for certain aliens working as journalists in Hong Kong; to the Committee on the Judiciary.

HONG KONG FREEDOM ACT OF 1993

• Mr. MACK. Mr. President, the British Governor of Hong Kong, Chris Patten has been valiantly struggling to solidify democracy in Hong Kong. He has made modest proposals to make Hong Kong's legislature more democratic. The Chinese Government has reacted to Patten's proposals, and its reaction does not bode well for Hong Kong's future under Chinese sovereignty after 1997.

China has threatened, in response to Governor Patten's proposals, to set up a shadow Chinese Government for Hong Kong. I think this is outrageous, and that the United States Congress must respond to the Chinese Government naked threats against Hong Kong democracy.

There is something that we in Congress can do to, in a small but significant way, help Hong Kong remain free despite the bullies in Beijing. Mr. President, on March 9 a distinguished colleague of ours on the House side, Congressman JOHN PORTER of Illinois, introduced a bill to help guarantee freedom of the press in Hong Kong. Today I rise to introduce the same bill in the Senate.

In 1997 the British colony of Hong Kong will become a "Special Administrative Region" of China. Though the transfer of sovereignty is over four years away, the communist government of China is already giving the free people of Hong Kong a taste of things to come.

Today's Hong Kong has one of the freest, most vibrant and sophisticated press corps in the world. This small territory of only 6 million people has 70 daily newspapers, 600 periodicals, 2 private television companies, 1 government radio and television station, and 2 private radio stations. The Hong Kong media have been part of Hong Kong's commercial success and are critical to maintaining its success and basic freedoms in the future.

Recently, the Chinese Government has been monitoring the Hong Kong press and getting the word out in subtle and non-so-subtle ways that it does not appreciate criticism of the dictators in Beijing, or even expressions of support for greater democracy in Hong Kong. Chinese Government officials have proposed legal actions against Hong Kong publications for publishing unfavorable comments about Beijing officials. A 1990 survey by a Hong Kong university of 522 Hong Kong reporters found that 7 out of 10 reporters surveyed believed that press freedom would be curtailed after 1997. Some reporters, understandably, are beginning to exercise self-censorship out of fear for their own and their families fate after 1997.

The purpose of the bill I am introducing today is to help alleviate the intimidation that the Chinese authorities are now exercising against the Hong Kong press. The bill will extend up to 1,500 visas to Hong Kong reporters and their families. The visas could be used at any time between January 1, 1997 and January 1, 2002. The visas could be issued to any resident of Hong Kong, whether they are a Hong Kong or Chinese national, who have been journalists for a least 3 years and whose vocation is likely to subject them to harassment or worse.

I understand that 1,500 visas could provide a safe haven for 300 to 500 key journalists and their families. Our hope in introducing this bill, however, is that the visas provided for will be a safety net that allows journalists to stay in Hong Kong and write, speak, and broadcast the unvarnished truth about China and Hong Kong. The purpose of this bill is not to encourage Hong Kong journalists to emigrate to the United States. The purpose is to increase the freedom of the press in Hong Kong, which is critical to maintaining the freedom of all Hong Kong people.

Mr. President, the Chinese threats, stonewalling, and posturing in response to Governor Patten's support for democracy in Hong Kong should outrage freedom-loving people everywhere. I hope that this bill will make a concrete contribution to promoting freedom in Hong Kong. I thank you for your attention, encourage our colleagues to cosponsor this bill to promote press freedom in Hong Kong, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS WORKING AS JOURNALISTS IN HONG KONG.

(a) IN GENERAL.—Subject to subsection (c), an alien described in subsection (b) shall be treated as a special immigrant described in section 101(a)(27) of the Immigration and Nationality Act.

(b) ALIENS COVERED.—An alien is described in this subsection if the alien is—

(1) a journalist residing in Hong Kong—

(A) who is a national of Hong Kong or China;

(B) whose principal employment or source of income has been the news media (including print, radio, and television) in Hong Kong for at least 3 years prior to an application for special immigrant status under this section; and

(C) whose welfare or safety is likely to be subject to threats or harassment due directly to the journalist's work in the news media in Hong Kong; or

(2) the spouse or child (as defined in subsection (e)) of an alien described in paragraph (1), if accompanying or following to join the alien in coming to the United States.

(c) PERIOD OF VALIDITY.—

(1) The period of validity of a special immigrant visa issued under this section shall be on and after January 1, 1997, and before January 1, 2002.

(2) Before the date an alien seeks to be admitted to the United States as a special immigrant under this section, the alien shall notify the appropriate consular officer of the alien's intention to seek such admission and provide such officer with such information as the officer determines to be necessary to verify that the alien remains eligible for admission to the United States as an immigrant.

(d) NUMERICAL LIMITATIONS.—Not more than 1,500 visas shall be made available to aliens as special immigrants under this section. Aliens admitted under this section shall not be counted against any numerical limitation established under section 201 or 202 of the Immigration and Nationality Act.

(e) TREATMENT OF CHILDREN.—In this section, the term "child" has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act and also includes (for purposes of this section and the Immigration and Nationality Act as it applies to this section) an alien who was the child (as so defined) of the alien as of the date of the issuance of an immigrant visa to the alien described in subsection (b)(1).•

By Mr. DANFORTH (for himself and Mr. BAUCUS):

S. 666. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes; to the Committee on Finance.

RESEARCH AND DEVELOPMENT ENHANCEMENT ACT OF 1993

• Mr. DANFORTH. Mr. President, America's leadership in science and technology is critical to the future of the economy.

To the extent that researchers in American laboratories are able to pioneer the new technologies, processes, and products that will drive global markets, we will be able to offer skilled and highly paid jobs to the next generation of our people.

Many of America's core industries are built, literally, on the foundation of research and development. The electronics industry in all its aspects, the aerospace industry, chemicals, scientific and technical instruments, health technology, the burgeoning field of telecommunications—each of these key economic sectors owes its existence to the work of scientists, engineers, and technicians in the private and public sectors.

To the extent that we rob research and development of the resources needed to meet the challenges of the international marketplace, we will drain vitality from the most imaginative and dynamic sectors of the economy.

American success in the contest for leadership in science and technology, is by no means assured. As a percentage of sales, U.S. firms spend only about one-third as much as their German counterparts on research and development, and only about two-thirds as much as Japanese firms.

This disparity in R&D is even more worrisome when one considers that foreign competitors enjoy access to lower cost capital than U.S. firms, and that other governments have made growth in high technology industries a national priority.

A permanent tax credit for research and development, designed to meet the rapidly changing circumstances of global competition, must be a cornerstone of any long-term program for the health and competitiveness of the economy. I am delighted to join with Senator BAUCUS and others to introduce legislation to make the R&D credit permanent and improve the credit in several respects. Representatives PICKLE and ARCHER are introducing companion legislation in the House.

As sponsors of this legislation, we recognize clearly the importance of high technology industries to national defense; the potential for creating high quality new jobs for our people; and the key role of R&D in creating economic growth. Advances in research and development account for about one-third of the gains in manufacturing productivity registered in the post World War II period. Continued gains in productivity are indispensable to the success of technology-based industries and to the strength of the economy. Therefore, our goal is encourage American research and development with a permanent, well-designed and responsive tax credit for new R&D.

I welcome the President's strong support for a permanent R&D credit. I believe that our proposal is fully consistent with the administration's goals, and I look forward to working with Secretary Bentsen and others in the course of the legislative process.

To summarize, these are the principal provisions of the legislation:

The R&D credit, which was among the provisions that expired last June 30, will be made permanent.

Taxpayers will be permitted to update their base period so that future use of the credit will not be limited or denied due to unusual economic or business circumstances in the 1980's. Ten years from today, and beyond, it will make even less sense to use the arbitrary current base period of 1984–88 for calculating the credit. A provision for updating the base period is one of the most important changes we can make in the credit. In addition, updating the base period will occur when taxpayers continue to increase R&D spending, but no longer benefit from the credit for other business reasons.

Many taxpayers are denied use of the R&D credit because they pay the alternative minimum tax, sometimes because of poor earnings and/or major capital investments. The R&D conducted by these taxpayers is at least as valuable as that of taxpayers who pay regular tax. Moreover, many of them are in greater need of incentives to foster new investments in R&D. Under our bill, such taxpayers will be able to offset a portion of their AMT liability with the R&D credit.

For certain small businesses, the bill provides a flat-rate credit for research and development. This will simplify calculation of the credit for small businesses and encourage them to take the risk of investing in new technology.

The U.S. Government will be shifting funds from defense-related technologies to research with potential commercial applications. Accordingly, companies with a strong history of defense-related R&D, including aerospace firms, will be transferring resources to commercial R&D. To enable them to make use of the R&D credit, our legislation permits such taxpayers to calculate the credit without reference to their previous defense-related expenditures.

Finally, this legislation encourages companies to work together collaboratively on R&D programs, pooling resources, talent, know-how, and experience.

I appreciate the work of Senator BAUCUS, Representatives PICKLE and ARCHER, their staffs, and many others in fashioning what I believe is a forward-looking and effective program to help maintain American preeminence in the development of new knowledge and new products.

I ask unanimous consent that the text of the Research and Development Enhancement Act of 1993 appear in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Research and Development Enhancement Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PERMANENT EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Section 28(b)(1) (relating to qualified clinical testing expenses) is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1992.

(b) CREDIT MAY OFFSET 50 PERCENT OF MINIMUM TAX.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) RESEARCH CREDIT MAY OFFSET 50 PERCENT OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the research credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) 50 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

"(II) the net income tax and net regular tax liability shall be reduced by the credit under subsection (a) (other than the research credit), determined after the application of paragraph (1).

"(B) RESEARCH CREDIT.—For purposes of this paragraph, the term 'research credit' means the portion of the credit under subsection (a) which is attributable to the research credit determined under section 41(a).

"(C) LIMITATION.—In no event shall this paragraph permit the allowance of a credit which would result in a net chapter 1 tax less than an amount equal to 10 percent of the amount determined under section 55(b)(1)(A) without regard to the alternative tax net operating loss deduction. For purposes of the preceding sentence, the term 'net chapter 1 tax' means the sum of the regular tax liability for the taxable year and the tax imposed by section 55 for the taxable year, reduced by the sum of the credits allowable under this part for the taxable year (other than under section 34)."

(c) FIXED-BASE PERCENTAGE LIBERALIZED.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(3) (relating to fixed-base percentage) is amended to read as follows:

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the fixed-base percentage is the lowest percentage which the aggregate qualified research expenses of the taxpayer for any 4 consecutive taxable years beginning after December 31, 1983, and before January 1, 1993, is of the aggregate gross receipts of the taxpayer for such taxable years."

(2) START-UP AND FRESH-START COMPANIES.—

(A) IN GENERAL.—Clauses (i) and (ii) of section 41(c)(3)(B) (relating to start-up companies) are amended to read as follows:

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The fixed-base percentage shall be determined under this subparagraph if either—

"(I) the first taxable year in which the taxpayer had both gross receipts and qualified research expenses occurred in a taxable year beginning after December 31, 1983, or

"(II) there are 3 consecutive taxable years beginning after December 31, 1992, during which the taxpayer's qualified research expenses for each such year do not exceed the taxpayer's base amount for such year, but do exceed the average amount of such expenses during the 3-taxable year period immediately preceding such year.

"(ii) FIXED-BASE PERCENTAGE.—In a case to which this subparagraph applies, the fixed-base percentage is—

"(I) 3 percent for each of the taxpayer's 1st 5 taxable years for which the taxpayer has qualified research expenses in the phase-in period,

"(II) in the case of the taxpayer's 6th such taxable year in the phase-in period, ⅙ of the percentage which the aggregate qualified research expenses of the taxpayer for the 4th and 5th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(III) in the case of the taxpayer's 7th such taxable year in the phase-in period, ⅓ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th and 6th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(IV) in the case of the taxpayer's 8th such taxable year in the phase-in period, ½ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, and 7th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(V) in the case of the taxpayer's 9th such taxable year in the phase-in period, ⅔ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, and 8th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(VI) in the case of the taxpayer's 10th such taxable year in the phase-in period, ⅚ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, 8th, and 9th such taxable years is of the aggregate gross receipts of the taxpayer for such years, and

"(VII) for such taxable years thereafter, the percentage which the aggregate qualified research expenses for 4 consecutive taxable years selected by the taxpayer from the 5th through 10th such taxable years is of the aggregate gross receipts of the taxpayer for such years.

"(iii) PHASE-IN PERIOD.—For purposes of this subparagraph, the term 'phase-in period' means the period of taxable years beginning with—

"(I) in the case of a taxpayer described in clause (i)(I), the taxable year described in such clause, and

"(II) in the case of a taxpayer described in clause (i)(II), the first taxable year following the 3-consecutive taxable year period described in such clause."

(B) CONFORMING AMENDMENT.—The heading for subparagraph (B) of section 41(c) is amended by inserting "AND FRESH-START" after "START-UP".

(d) FLAT CREDIT FOR SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 41(a) is amended to read as follows:

"(1) either—

"(A) in the case of a taxpayer not described in subparagraph (B), 20 percent of the excess (if any) of—

"(i) the qualified research expenses for the taxable year, over

"(ii) the base amount, or

"(B) in the case of an eligible small business, 10 percent of the qualified research expenses for the taxable year, and".

(2) ELIGIBLE SMALL BUSINESS.—Section 41(f) (relating to special rules) is amended by adding at the end the following new paragraph:

"(6) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means, with respect to any taxable year, a taxpayer with gross receipts (within the meaning of the first sentence of subsection (c)(5)) for the preceding taxable year not greater than $100,000,000."

(e) SPECIAL RULES FOR DEFENSE AND AEROSPACE INDUSTRIES.—Section 41(f) (relating to special rules), as amended by subsection (d)(2), is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) DEFENSE AND AEROSPACE INDUSTRIES.—

"(A) IN GENERAL.—At the election of the taxpayer, this section may be applied separately with respect to the taxpayer's qualified research expenses and gross receipts attributable to the defense-related activities of such taxpayer. If the taxpayer makes the election under this subparagraph, the base amount for—

"(i) the taxpayer's defense-related activities shall be determined as if the taxpayer's other activities had been disposed of by the taxpayer, and

"(ii) the taxpayer's other activities shall be determined as if the taxpayer's defense-related activities had been disposed of by the taxpayer.

"(B) DEFENSE-RELATED ACTIVITIES.—For purposes of this paragraph, the term 'defense-related activities' means any activity in connection with the development and production pursuant to a contract (or subcontract thereof) of—

"(i) an arm, ammunition, or implement of war designated in the munitions list published pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), but only to the extent such property is specifically designed, modified, or equipped for military purposes, or

"(ii) equipment for the National Aeronautics and Space Administration."

(f) MINIMUM BASIC RESEARCH AMOUNT DETERMINATION SIMPLIFIED.—Subparagraph (A) of section 41(e)(4) (defining minimum basic research amount) is amended to read as follows:

"(A) IN GENERAL.—The term 'minimum basic research amount' means an amount equal to the amounts treated as contract research expenses during the base period by reason of this subsection (as in effect during the base period)."

(g) COOPERATIVE RESEARCH ACTIVITIES.—

(1) IN GENERAL.—Subsection (a) of section 41 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 20 percent of the qualified cooperative research expenditures (as defined in subsection (h)) for the taxable year.

(2) QUALIFIED COOPERATIVE RESEARCH EXPENDITURES DEFINED.—Section 41 is amended by redesignating subsection (h) as subsection (i) and by adding after subsection (g) the following new subsection:

"(h) QUALIFIED COOPERATIVE RESEARCH EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified cooperative research expenditures' means the aggregate amount of qualified contributions to qualified cooperative research consortia for qualified research.

"(2) QUALIFIED CONTRIBUTIONS.—For purposes of this subsection—

"(A) IN GENERAL.—Subject to the limitations of subparagraphs (B), (C), and (D), the term 'qualified contributions' means all contributions to qualified cooperative research consortia for qualified research with respect to which the taxpayer elects to have this subsection apply.

"(B) PRIVATE SOURCE FUNDING LIMITATION.—

"(i) IN GENERAL.—Qualified contributions of a taxpayer shall not exceed the amount which bears the same ratio to such qualified contributions (determined without regard to this subparagraph) as the private source funding ratio.

"(ii) PRIVATE SOURCE FUNDING RATIO.—For purposes of clause (i), the private source funding ratio is the sum of—

"(I) 50 percent of the ratio which the gross receipts of the organization (not including the amount of any governmental support) for the preceding taxable year bears to the total gross receipts of the organization for such taxable year, plus

"(II) 30 percent of such ratio for the second preceding taxable year, plus

"(III) 20 percent of such ratio for the third preceding taxable year.

"(C) LIMITATIONS.—For purposes of this subsection, the following shall not be taken into account in determining qualified contributions:

"(i) The excess of noncash contributions over cash contributions.

"(ii) Contributions representing overhead allocated to services performed by a taxpayer's employees to the extent such overhead exceeds 25 percent of the salary and benefit amounts allocated to such services.

"(iii) Contributions by a taxpayer to a qualified cooperative research consortium to the extent they exceed one-third of the consortium's total nongovernmental support for the consortium's taxable year with or within which the taxpayer's taxable year ends.

"(D) CONSORTIUM WITH FEWER THAN 5 PARTICIPANTS.—If a qualified cooperative research consortium has less than 5 persons making nongovernmental contributions, the qualified contributions of each such person (determined without regard to this subparagraph or subparagraph (B)) shall be reduced—

"(i) by 20 percent if there are 4 such persons, or

"(ii) by 40 percent if there are 3 such persons.

"(3) QUALIFIED COOPERATIVE RESEARCH CONSORTIUM.—The term 'qualified cooperative research consortium' means any organization—

"(A) which is registered under the National Cooperative Research Act of 1984, but only if such registration has been published (and is in effect) on the last day of the organization's taxable year with or within which the taxpayer's taxable year ends, and

"(B) which during such taxable year—

"(i) had at least 5 contributors, but only if—

"(I) no 3 members contributed more than 80 percent of total nongovernmental contributions, and

"(II) no single member contributed more than 50 percent of total nongovernmental contributions, or

"(ii) had either 3 or 4 contributors, but only if—

"(I) no single member contributed more than 50 percent (and no 2 members contributed more than 85 percent) of the total nongovernmental contributions, and

"(II) the contributors are engaged in the same trade or business.

"(4) SPECIAL RULES.—For purposes of this subsection—

"(A) NONCASH CONTRIBUTIONS.—Qualified contributions other than cash (including services provided by a taxpayer's employees) shall be taken into account at their cost (or such other basis determined under regulations).

"(B) OVERHEAD.—The cost of services provided by a taxpayer's employees shall include overhead properly allocable to such services.

"(5) NO DOUBLE BENEFIT.—Amounts taken into account under this subsection in computing qualified cooperative research expenditures shall not be taken into account under paragraph (1) or (2) of subsection (a).

"(6) PREPAID AMOUNTS.—If any contributions paid or incurred during the taxable year to qualified cooperative research consortia are attributable to qualified research to be conducted after the close of the taxable year, such amount shall be treated as paid or incurred during the period which the qualified research is conducted.

"(7) REPORTS.—Each qualified cooperative research consortium shall provide to the Secretary a report containing—

"(A) its certification as such an organization,

"(B) its private source funding ratio for the taxable year,

"(C) its qualified research expenditures for such taxable year, and

"(D) such other information as the Secretary may require.

Each consortium shall provide a copy of the report to each contributor."

(h) UNIVERSITY AFFILIATED HOSPITALS ELIGIBLE FOR BASIC RESEARCH CREDIT.—Section 41(e)(6) (defining qualified organization) is amended by adding at the end the following new subparagraph:

"(E) UNIVERSITY AFFILIATED HOSPITALS.—Any organization not otherwise described in this paragraph which is an organization described in section 170(b)(1)(A)(iii) and affiliated with an organization described in subparagraph (A)."

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.•

• Mr. BAUCUS. Mr. President, it is with pleasure that I join with my colleague from Missouri, Senator DANFORTH, to introduce a bill critical to the future of American industry. The Research and Development Enhancement Act of 1993 will bolster the competitiveness of American business in the global marketplace. In addition, this bill will encourage firms to undertake the research necessary to develop the technological innovations required to increase the supply of good jobs in this country.

The United States has been a leader in the development of new technology in the past and it still maintains an edge in several areas likely to be important to the economy of the future. At the same time, however, there are areas of commercially relevant technology development in which the United States is now at something of a competitive disadvantage.

Supporting industry in its efforts to pursue success in the development of precompetitive generic technologies, and helping the Nation attain key public goals that depend on technological change, should be the focal points of Federal technology policy in the near future. However, it is still true that private R&D efforts have to be the engine leading economic progress.

For a number of years, the Federal Government has encouraged private sector investment in R&D through the granting of an incremental tax credit. This credit is premised on increases in R&D spending over a base amount, and is designed to provide an incentive, at the margin, for firms to increase their R&D investments.

For the past several years, essentially because of budget pressures, the Congress acted to renew the temporary legislation providing this credit on an annual basis. Corporate planners have not been able to count on it as a certainty in financing the multiyear projects that generally have the most payoff. We share the President's commitment to the enactment of a permanent research and development tax credit.

In anticipation of a permanent R&D credit, we received the input of a variety of business leaders and industry representatives concerning ways to facilitate additional investment in research and development. Included in this process were discussions with representatives of small and large businesses, new companies, and mature industries. As a result, we believe this bill will contribute to the fulfillment of President Clinton's objectives of fostering U.S. leadership in new technology, promoting the emergence of new businesses, aiding the conversion of the defense industry, and promoting an environment where U.S. companies can successfully compete with their foreign counterparts.

The legislation we introduce today, and the companion legislation Representatives PICKLE and ARCHER are introducing in the House, will make the R&D credit permanent for amounts paid or incurred after June 30, 1992.

As summarized in detail by Senator DANFORTH in his statement, the other features of the legislation are as follows:

Permit taxpayers to update their base period so that future use of the credit will not be denied to taxpayers who had uncharacteristic economic results in the 1980's;

Allow periodic updates of base periods where taxpayers continue to increase their R&D spending but get no benefit from the credit;

Allow alternative minimum tax [AMT] taxpayers to offset a portion of their AMT liability with the credit;

Provide a flat rate credit for small businesses;

Allow defense firms to calculate their R&D credit for commercial expenditures without reference to their previous defense-related R&D expenditures; and

Provide new incentives designed to encourage companies to work together in collaborative research efforts.

I thank Senator DANFORTH, Representative PICKLE, Representative ARCHER, and their staffs for the effort put forth in formulating this bill, and for continued support for the growth of research and development in this country.

I look forward to working with other Members of Congress and the administration on the implementation of this bill which will contribute to economic growth and prosperity into the 21st century and beyond.•

By Mr. RIEGLE:

S.J. Res. 72. A joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week"; to the Committee on the Judiciary.

NATIONAL SENIOR SOFTBALL WEEK

• Mr. RIEGLE. Mr. President, last year I introduced a joint resolution to designate a week in September as National Senior Softball Week. I am reintroducing this joint resolution today. Each September, senior citizen athletes from around the country participate in the Seniors Softball World Series. Last year this fall classic was held in Wayne County, MI. Houston, TX, will be the host for this year's world series.

The idea for the Seniors Softball World Series began in 1985 with Mr. Ken Maas and Ms. Jacqui Jolly. They established the National Association of Senior Citizen Softball [NASCS], and I am proud to say that they founded it in Michigan. The NASCS is the only national organization promoting senior softball; teams from around the United States and Canada know the work of the NASCS. The first NASCS tournament, held in Clinton Township, MI, attracted 12 teams. The following year 21 teams participated and the year after that, 30 teams.

The success of the NASCS tournament caught on and in 1988, Mr. Maas, working with the Sporting Goods Manufacturers Association, established Seniors Softball World Series, Inc. The first Seniors Softball World Series was held in Greensboro, NC, in 1989 with 68 teams. Since then, the world series has been played in Scottsdale, AZ, and Palm Beach County, FL. The event continues to grow—in 1992, over 100 teams participated in the Seniors Softball World Series.

Mr. President, the growth and success of the NASCS and the Seniors Softball World Series provides further evidence of the energy and joy that seniors bring to this country. Every day we hear about or see examples of seniors throwing out the myth that getting older means you have to give up staying active. Seniors softball also promotes an atmosphere of friendly competition and physical fitness among older Americans. The NASCS also promotes international harmony; twice, teams from the NASCS have made trips to the United Kingdom to share with them this uniquely American game. I urge my colleagues to acknowledge the spirit of our seniors by joining me in supporting this resolution.•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. DANFORTH, Mr. COHEN, Mr. HATCH, and Mr. COCHRAN):

S.J. Res. 73. A joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques"; to the Committee on the Judiciary.

NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

• Mr. RIEGLE. Mr. President, I rise today to introduce with Senator CHAFEE and others a Senate joint resolution to designate July 5 through July 12, 1993, as "National Awareness Week for Life-Saving Techniques." This resolution is designed to inform and to encourage Americans to take advantage of the educational opportunities provided to them to learn basic life-saving techniques. I want to tell my distinguished colleagues about a story that illustrates the importance of life-saving techniques.

On July 3, 1990, Joe McGuire from Dearborn, MI, was celebrating his fourth birthday while vacationing in Grayling, MI, with his family. Playing alongside the beach at Kneff Lake, Joe wandered into the water. At the same time, Buddy Latesky, a 16-year-old young man from Grayling, MI, was swimming with friends nearby. Buddy and his friends noticed something white floating in the water and Buddy went to investigate. When he came upon what he thought had merely been a white discarded t-shirt, he found 4-year-old Joe McGuire floating face down in the water. Buddy reacted immediately. Pulling Joe out of the water, Buddy performed mouth-to-mouth resuscitation, which he had learned in a health class at Swartz Creek Middle School. After a few tense moments, Joe coughed up the water in his lungs and began breathing on his own. Shortly, he was able to rejoin his parents, who took him to an area hospital where he was treated and then released.

Not only did young Buddy Latesky show courage and heroism in this situation, but he also demonstrated the importance of the basic life-saving skills that all Americans have the opportunity to learn. Had it not been for the training Buddy Latesky received in his middle school health class, Joe McGuire probably would not be celebrating his seventh birthday this summer. Buddy is a hero and sets an example for us all.

In 1991, according to the National Safety Council, about 800,000 Americans died from accidents or heart attacks. Accidents alone took over 88,000 U.S. lives in 1991, ranking as the No. 1 killer of young Americans between 1 to 37. For children under the age of 5, drowning and choking are the leading cause of accidental death. These statistics are alarming. What is even more disturbing is that many of these lives may have been saved if someone had known basic rescue breathing, cardiopulmonary resuscitation [CPR], and other life-saving skills.

Buddy Latesky shows us not only the importance of these life-saving techniques, but also, that even as a 16-year-old young man, he was able to be trained to perform these techniques. In 1991 alone, the Red Cross and the American Heart Association certified over 9 million people in the thousands of life-saving classes offered nationwide. Although this is a significant number, millions more need to learn these basic life-saving skills.

Every summer, accidental deaths increase by approximately 1,000 compared to the rest of the year. Therefore, I feel that the week after Fourth of July is the appropriate time for "National Awareness Week for Life-Saving Techniques."

Mr. President, I urge my colleagues to cosponsor this important resolution. I also want to commend organizations such as the Red Cross, and their chapters across the country and especially Michigan, for the work they do in promoting life-saving techniques. I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 73

Whereas the National Safety Council reported that over 800,000 Americans died in 1991 as a result of accidents and diseases of the heart;

Whereas accidents are the leading cause of death for children and youth ages 1 to 24 years;

Whereas drowning and choking are a leading cause of accidental death in children under the age of 5 years;

Whereas rescue breathing and cardiopulmonary resuscitation, commonly referred to as CPR, are life-saving techniques that significantly reduce the incidence of sudden death due to accidents and diseases of the heart;

Whereas it is critical that more Americans learn such basic life-saving techniques in order to reduce the number of deaths related to accidents and diseases of the heart;

Whereas the opportunity to learn basic life-saving techniques is available to all Americans through the American Red Cross, the American Heart Association, the YMCA, and other national organizations; and

Whereas the death rate due to accidents and diseases of the heart would be greatly reduced if more Americans received training in basic life-saving techniques: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 5, 1993, through July 12, 1993, is designated as "National Awareness Week for Life-Saving Techniques". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities designed to encourage training in life-saving techniques for Americans.●

● Mr. CHAFEE. Mr. President, I am pleased to join Senator RIEGLE in introducing a resolution to designate the week of July 5 through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

According to the National Safety Council, almost 850,000 Americans die annually from accidents and heart disease. Many of these deaths could have been prevented if life-saving techniques, such as the Heimlich maneuver and cardiopulmonary resuscitation [CPR], were administered to victims in a timely manner.

It does not take long to learn CPR and other life-saving techniques. The Senate Health Promotion Office offers a CPR course that requires only a 6-hour time commitment. The YMCA, the Red Cross, and the American Heart Association also regularly hold classes. The resolution we are introducing today will help to improve awareness about opportunities to learn CPR and other life-saving techniques.

Mr. President, I am hopeful our colleagues will join us in cosponsoring this important resolution.●

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. SIMON, and Mr. SPECTER):

S.J. Res. 74. A joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi; to the Committee on Foreign Relations.

MALAWI JOINT RESOLUTION

Mr. KENNEDY. Mr. President, today, I join my colleagues Senator KASSEBAUM, Senator SIMON, and Senator SPECTER in introducing a joint resolution to promote democratic change in Malawi.

In the past year in Malawi, the people's discontent with dictatorship has gained voice through peaceful strikes and peaceful demonstrations. Clerics have denounced the regime from their pulpits. But sadly, the Nation has also endured some of its harshest repression. Hundreds of people have been arrested in recent months in a new government crack-down on opposition.

Under international pressure, the Government of Malawi, headed by a dictator who has declared himself "President for life", has agreed to permit a referendum in June on whether to proceed to multiparty government. However, the Government has undermined this effort at every turn by denying freedom of speech, assembly, and press for the opposition parties. Those who actively campaign for democratic change frequently are arrested, then released under international pressure, only to be rearrested once international pressure subsidies.

In response to these harsh measures, the United States and other governments suspended aid to Malawi in May 1992, and the suspension has continued through the present.

Among those treated most harshly is Malawi's leading opposition figure, Mr. Chakufwa Chihana. Mr. Chihana's leadership has been outstanding in the face of tyranny and oppression and he has been a source of hope to millions in his own country. But his courage has exacted a heavy price. He has spent most of his adult life either in exile or in prison in Malawi.

Recently, he renewed the democracy movement in Malawi, only to be rearrested last April for promoting peaceful change in the Government. He has been sentenced to a term of 2½ years of hard labor for actions which in free countries would be considered acts of patriotism.

Our resolution today will assist in the process of reform that is necessary and inevitable in Malawi. It calls for the release of all political prisoners and urges the Government to respect basic and universal freedoms. It further calls upon the Government to establish a truly independent judiciary and other reforms consistent with a free society. The resolution conditions the resumption of aid to the Government of Malawi on the accomplishment of these basic reforms.

Chakufwa Chihana symbolizes a future Malawi, with a Government truly representative of the people. They may lock away Chihana, but they will never lock up the hopes and aspirations of the people of Malawi for freedom and a better tomorrow.

We in Congress have an opportunity through this resolution to support peaceful democratic change in Malawi, and I urge the Senate to support it.

ADDITIONAL COSPONSORS

S. 235

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 418

At the request of Mr. DANFORTH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 418, a bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], the Senator from Idaho [Mr. CRAIG], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 496

At the request of Mr. SIMON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 496, a bill to amend chapter 44 of title 18, United States Code, to strengthen federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

S. 526

At the request of Mr. BRADLEY, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 587

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 587, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 649

At the request of Mr. RIEGLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 661

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. BOREN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 661, a bill to provide for the establishment of an Independent General Accounting Office Peer Review Committee, and for other purposes.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month.".

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from Delaware [Mr. ROTH], the Senator from Arkansas [Mr. PRYOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. LEAHY], the Senator from Alaska [Mr. STEVENS], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. DORGAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SPECTER AMENDMENT NO. 274

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (H.R. 1335) making emergency supplemental appropriations for fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(A) SHORT TITLE.—This Act may be cited as the "Comprehensive Access and Affordability Health Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

Sec. 100. Block grant program.

Subtitle A—Health Plan Purchasing Cooperatives

Sec. 101. Establishment and organization; HPPC area.
Sec. 102. Agreements with accountable health plans (AMPs).
Sec. 103. Agreements with employers.
Sec. 104. Enrolling individuals in accountable health plans through a HPPC.
Sec. 105. Receipt of premiums.
Sec. 106. Coordination among HPPCs.

Subtitle B—Accountable Health Plans (AHPs)

PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS

Sec. 111. Registration process; qualifications.
Sec. 112. Specified uniform set of effective benefits.
Sec. 113. Collection and provision of standardized information.
Sec. 114. Prohibition of discrimination based on health status for certain conditions; limitation on pre-existing condition exclusions.
Sec. 115. Use of standard premiums.
Sec. 116. Financial solvency requirements.
Sec. 117. Grievance mechanisms; enrollee protections; written policies and procedures respecting advance directives; agent commissions.
Sec. 118. Additional requirements of open AHPs.
Sec. 119. Additional requirement of certain AHPs.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

Sec. 120. Preemption from State benefit mandates.
Sec. 121. Preemption of State law restrictions on network plans.
Sec. 122. Preemption of State laws restricting utilization review programs.

Subtitle C—Federal Health Board

Sec. 131. Establishment of Federal Health Board.
Sec. 132. Specification of uniform set for effective benefits.
Sec. 133. Health benefits and data standards board.

Sec. 134. Health plan standards board.
Sec. 135. Registration of accountable health plans.
Sec. 136. Specification of risk-adjustment factors.
Sec. 137. National health data system.
Sec. 138. Measures of quality of care of specialized centers of care.
Sec. 139. Report on impact of adverse selection; recommendations on mandated purchase of coverage.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

Sec. 201. Maternal and infant care coordination.
Sec. 202. Reauthorization of certain programs providing primary and preventive care.
Sec. 203. Comprehensive school health education program.
Sec. 204. Comprehensive early childhood health education program.
Sec. 205. Disease prevention and health promotion programs treated as medical care.
Sec. 206. Worksite wellness grant program.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

Sec. 301. Credit for accountable health plan costs.
Sec. 302. No deduction for employer health plan expenses in excess of accountable health plan costs.
Sec. 303. Increase in deduction for health plan premium expenses of self-employed individuals.
Sec. 304. Deduction for health plan premium expenses of individuals.
Sec. 305. Exclusion from gross income for employer contributions to accountable health plans.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

Sec. 401. Regulations requiring disclosure of certain information to beneficiaries under the medicare and medicaid programs.
Sec. 402. Outreach activities.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Sec. 501. Purpose.
Sec. 502. Hospital technology and services sharing program.

TITLE VI—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Sec. 601. Right to decline medical treatment.
Sec. 602. Federal right enforceable in Federal courts.
Sec. 603. Suicide and homicide.
Sec. 604. Rights granted by States.
Sec. 605. Effect on other laws.
Sec. 606. Information provided to certain individuals.
Sec. 607. Recommendations to the Congress on issues relating to a patient's right of self-determination.
Sec. 608. Effective date.

TITLE VII—INSURANCE ADMINISTRATION SIMPLIFICATION

Sec. 701. Uniform computerized billing system and standards for electronic data interchange.

TITLE VIII—CHILD HEALTH CARE

Sec. 801. School based health insurance.
Sec. 802. Refundable tax credit for children's health insurance expenses.
Sec. 803. WIC program, maternal and child health services block grant program, and medicaid.

TITLE IX—IMPROVING ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue incentives for Practice in Rural Areas

Sec. 901. Revenue incentives for practice in rural areas.

Subtitle B—Public Health Service Act Provisions

Sec. 911. National health service corps.
Sec. 912. Establishment of grant program.
Sec. 913. Establishment of new program to provide funds to allow federally qualified health centers and other entities or organizations to provide expanded services to medically undeserved individuals.
Sec. 914. Rural mental health outreach grants.
Sec. 915. Health professions training.
Sec. 916. Rural health extension networks.
Sec. 917. Rural managed care cooperatives.

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

Sec. 1001. Increasing payments to certain nonphysician providers under the medicare program.
Sec. 1002. Requiring coverage of certain nonphysician providers under the medicaid program.
Sec. 1003. Medical student tutorial program grants.
Sec. 1004. General medical practice grants.
Sec. 1005. Payments for direct and indirect graduate medical education costs.

TITLE XI—MALPRACTICE REFORM

Sec. 1101. Prelitigation screening panel grants.

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Sec. 1201. Establishment of medicare primary and specialty preferred provider organization demonstration projects.

TITLE XIII—TREATMENT AND OUTCOMES RESEARCH

Sec. 1301. New drug clinical trials program.
Sec. 1302. Medical treatment effectiveness.
Sec. 1303. Treatment practice guideline as a legal standard.

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

Sec. 1401. Amendment of 1986 Code.
Sec. 1402. Definitions of qualified long-term care insurance and premiums.
Sec. 1403. Treatment of qualified long-term care insurance as accident and health insurance for purposes of taxation of insurance companies.
Sec. 1404. Treatment of accelerated death benefits under life insurance contracts.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

Sec. 1411. Credit for qualified long-term care premiums.
Sec. 1412. Deduction for expenses relating to qualified long-term care.
Sec. 1413. Exclusion from gross income of benefits received under qualified long-term care insurance.
Sec. 1414. Employer deduction for contributions made for long-term care insurance.
Sec. 1415. Inclusion of qualified long-term care insurance in cafeteria plans.
Sec. 1416. Exclusion from gross income for amounts withdrawn from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.
Sec. 1417. Exclusion from gross income for amounts received on cancellation of life insurance policies and used for qualified long-term health care insurance.
Sec. 1418. Use of gain from sale of principal residence for purchase of qualified long-term health care insurance.

Subtitle C—Medicaid Amendments

Sec. 1421. Expansion of medicaid eligibility for long-term care benefits.
Sec. 1422. Effective date.

TITLE XV—FINANCING

Sec. 1501. Repeal of dollar limitation on amount of wages subject to hospital insurance tax.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

Sec. 1601. Employer responsibilities under uniform set of effective benefits.
Sec. 1602. Individual responsibilities under uniform set of effective benefits.
Sec. 1603. Self-insured plan requirements.
Sec. 1604. Provider responsibilities under uniform set of effective benefits.

TITLE XVII—ENFORCEMENT PROVISIONS

Sec. 1701. Enforcement provisions for carriers, providers, and employers.
Sec. 1702. Enforcement provisions for individuals.

SEC. 2. DEFINITIONS.

(a) ELIGIBILITY.—As used in this Act:

(1) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to a HPPC area, an individual who—

(A) is an eligible employee;

(B) is an eligible resident; or

(C) an eligible family member of an eligible employee or eligible resident.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means, with respect to a HPPC area, an individual residing in the area who is the employee of a small employer.

(3) ELIGIBLE FAMILY MEMBER.—The term "eligible family member" means, with respect to an eligible employee or other principal enrollee, an individual who—

(A)(i) is the spouse of the employee or principal enrollee; or

(ii) is an unmarried dependent child under 22 years of age; including—

(I) an adopted child or recognized natural child; and

(II) a stepchild or foster child but only if the child lives with the employee or principal enrollee in a regular parent-child relationship;

or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

(B) is a citizen or national of the United States, an alien lawfully admitted to the United States for permanent residence, or an alien otherwise lawfully residing permanently in the United States under color of law; and

(C) with respect to an eligible resident, is not a medicare-eligible individual.

(4) ELIGIBLE RESIDENT.—

(A) IN GENERAL.—The term "eligible resident" means, with respect to a HPPC area, an individual who is not an eligible employee, is residing in the area, and is a citizen or national of the United States, an alien lawfully admitted for permanent residence, and an alien otherwise permanently residing in the United States under color of law.

(B) EXCLUSION OF CERTAIN INDIVIDUALS OFFERED COVERAGE THROUGH A LARGE EMPLOYER.—The term "eligible resident" does not include an individual who—

(i) is covered under an AHP pursuant to an offer made under section 105(b)(1)(A); or

(ii) could be covered under an AHP as the principal enrollee pursuant to such an offer if such offer had been accepted.

(C) TREATMENT OF MEDICARE BENEFICIARIES.—The term "eligible resident" does not include a medicare-eligible beneficiary.

(5) ENROLLEE UNIT.—The term "enrollee unit" means one unit in the case of coverage on an individual basis or in the case of coverage on a family basis.

(6) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, including an individual who is entitled to such benefits pursuant to an enrollment under section 1818 or 1818A of such Act.

(7) MEDICARE-ELIGIBLE INDIVIDUAL.—The term "medicare-eligible individual" means an individual who—

(A) is a medicare beneficiary; or

(B) is not a medicare beneficiary but is eligible to enroll under part A or part B of title XVIII of the Social Security Act.

(b) ABBREVIATIONS.—As used in this Act:

(1) AHP; ACCOUNTABLE HEALTH PLAN.—The terms "accountable health plan" and "AHP" mean a health plan registered with the Board under section 111(a).

(2) BOARD.—The term "Board" means the Federal Health Board established under subtitle C of title I.

(3) HPPC; HEALTH PLAN PURCHASING COOPERATIVE.—The terms "health plan purchasing cooperative" and "HPPC" mean a health plan purchasing cooperative established under subtitle A of title I.

(4) CLOSED AND OPEN PLANS.—

(A) CLOSED.—A plan is 'closed' if the plan is limited by structure or law to a particular employer or industry or is organized on behalf of a particular group. A plan maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and one or more employers shall be considered to be a closed plan.

(B) OPEN.—A plan is "open" if the plan is not closed (within the meaning of subparagraph (A)).

(c) OTHER TERMS.—As used in this Act:

(1) HEALTH PLAN.—The term "health plan" means a plan that provides health benefits, whether directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).

(2) SMALL EMPLOYER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "small employer" means an employer that normally employed fewer than 100 employees during a typical business day in the previous year.

(B) SPECIAL RULE FOR LARGE EMPLOYERS.—Subject to subparagraph (C), the Board shall provide a procedure by which, in the case of an employer that is not a small employer but normally employs fewer than 100 employees in a HPPC area (or other locality identified by the Board) during a typical business day, the employer, upon application, would be considered to be a small employer with respect to such employees in the HPPC area (or other locality). Such procedure shall be designed so as to prevent the adverse selection of employees with respect to which the previous sentence is applied.

(C) STATE ELECTION.—Subject to section 101(a)(3), a State may by law, with respect to employers in the State, substitute for "100" in subparagraphs (A) and (B) any greater number (not to exceed 10,001), so long as such number is applied uniformly to all employers in a HPPC area.

(3) HPPC STANDARD PREMIUM AMOUNT.—The term "HPPC standard premium amount" means, with respect to an AHP offered by a HPPC, the sum of—

(A) the standard premium amount established by the AHP under section 115, and

(B) the HPPC overhead amount established under section 104(a)(3).

(4) PREMIUM CLASS.—The term "premium class" means a class established under section 115(a)(2).

(5) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(6) TYPE OF ENROLLMENT.—There are 4 "types of enrollment":

(A) Coverage only of an individual (referred to in this Act as enrollment "on an individual basis").

(B) Coverage of an individual and the individual's spouse.

(C) Coverage of an individual and one child.

(D) Coverage of an individual and more than one eligible family member.

The types of coverage described in subparagraphs (B) through (D) are collectively referred to in this Act as enrollment "on a family basis".

(7) UNIFORM SET OF EFFECTIVE BENEFITS.—The term "uniform set of effective benefits" means, for a year, such set of benefits as specified by the Board under section 132(a).

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

SEC. 100. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall award grants to States to enable such State to defray the costs associated with the implementation and administration of the requirements of this title in such States.

(b) AMOUNT OF GRANTS.—The amount of a grant awarded to a State under this section shall be determined by the Secretary according to a formula developed by the Secretary to take into consideration the population, health care availability, and geographic make-up of the State as compared to other States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to award grants under subsection (a), such sums as may be necessary for each fiscal year.

Subtitle A—Health Plan Purchasing Cooperatives

SEC. 101. ESTABLISHMENT AND ORGANIZATION; HPPC AREAS.

(a) HPPC AREAS.—

(1) IN GENERAL.—For purposes of carrying out this title, subject to paragraphs (2) and (3), each State shall be considered a HPPC area.

(2) ALTERNATIVE, INTRASTATE AREAS.—Each State may provide for the division of the State into HPPC areas so long as—

(A) all portions of each metropolitan statistical area in a State are within the same HPPC area; and

(B) the number of individuals residing within a HPPC area is not less than 100,000.

(3) ALTERNATIVE, INTERSTATE AREAS.—In accordance with rules established by the Board, one or more contiguous States may provide for the establishment of a HPPC area that includes adjoining portions of the States so long as such area, if it includes any part of a metropolitan statistical area, includes all of such area. In the case of a HPPC serving a multi-state area, section 2(c)(2)(C) shall only apply to the area if all the States encompassed in the area agree to the number to be substituted.

(b) ESTABLISHMENT OF HPPCS.—

(1) IN GENERAL.—Each State shall provide, by legislation or otherwise, for the establishment by not later than July 1, 1994, as a not-for-profit corporation, with respect to each HPPC area (specified under subsection (a)) of a health plan purchasing cooperative (each in this subtitle referred to as a "HPPC").

(2) SINGLE ORGANIZATION SERVING MULTIPLE HPPC AREAS.—Nothing in this subsection shall be construed as preventing—

(A) a single corporation from being the HPPC for more than one HPPC area; or

(B) a State from coordinating, through a single entity, the activities of one or more HPPCs in the State.

(3) INTERSTATE HPPC AREAS.—HPPCs with respect to interstate areas specified under subsection (a)(3) shall be established in accordance with rules of the Board.

(c) BOARD OF DIRECTORS.—Each HPPC shall be governed by a Board of Directors appointed by the Governor or other chief executive officer of the State (or as otherwise provided under State law or by the Board in the case of a HPPC described in subsection (b)(3)).

(d) DUTIES OF HPPCS.—Each HPPC shall—

(1) enter into agreements with accountable health plans under section 102;

(2) enter into agreements with small employers under section 103;

(3) enroll individuals under accountable health plans, in accordance with section 104;

(4) receive and forward adjusted premiums, in accordance with section 105, including the reconciliation of low-income assistance among accountable health plans;

(5) provide for coordination with other HPPCs, in accordance with section 106; and

(6) carry out other functions provided for under this title.

SEC. 102. AGREEMENTS WITH ACCOUNTABLE HEALTH PLANS (AHPS).

(a) AGREEMENTS.—

(1) OPEN AHPS.—Each HPPC for a HPPC area shall enter into an agreement under this section with each open accountable health plan registered with the Board under subtitle B, that serves residents of the area. Each such agreement under this section, between an open AHP and a HPPC shall include (as specified by the Board) provisions consistent with the requirements of the succeeding subsections of this section. Except as provided in paragraph (3)(A), a HPPC may not refuse to enter into such an agreement with an open AHP which is registered with the Board under subtitle B.

(2) CLOSED AHPS.—Each HPPC for a HPPC area shall enter into a special agreement under this paragraph with each closed AHP that serves residents of the area, in order to carry out subsection (e). Except as otherwise

specifically provided, any reference in this Act to an agreement under this section shall not be considered to be a reference to an agreement under this paragraph.

(3) TERMINATION OF AGREEMENT.—In accordance with regulations of the Board—

(A) the HPPC may terminate an agreement under paragraph (1) if the AHP's registration under subtitle B is terminated or for other good cause shown; and

(B) the AHP may terminate either such agreement only upon sufficient notice in order to provide for the orderly enrollment of enrollees under other AHPs.

The Board shall establish a process for the termination of agreements under this paragraph.

(b) OFFER OF ENROLLMENT OF INDIVIDUALS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, the HPPC shall offer, on behalf of the AHP, enrollment in the AHP to eligible individuals (as defined in section 2(a)(1)) at the applicable monthly premium rates (specified under section 105(a)).

(2) TIMING OF OFFER.—The offer of enrollment shall be available—

(A) to eligible individuals who are employees of small employers, during the 30-day period beginning on the date of commencement of employment; and

(B) to other eligible individuals, at such time (including an annual open enrollment period specified by the Board) as the HPPC shall specify, consistent with section 104(b).

(c) RECEIPT OF GROSS PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between a HPPC and an AHP, payment of premiums shall be made, by individuals or employers on their behalf, directly to the HPPC for the benefit of the AHP.

(2) TIMING OF PAYMENT OF PREMIUMS.—Premiums shall be payable on a monthly basis (or, at the option of an eligible individual described in section 2(a)(2)(B), on a quarterly basis). The HPPC may provide for penalties and grace periods for late payment.

(3) AHPs RETAIN RISK OF NONPAYMENT.—Nothing in this subsection shall be construed as placing upon a HPPC any risk associated with failure to make prompt payment of premiums (other than the portion of the premium representing the HPPC overhead amount). Each eligible individual who enrolls with an AHP through the HPPC is liable to the AHP for premiums.

(d) FORWARDING OF ADJUSTED PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, subject to section 115(b), the HPPC shall forward to each AHP in which an eligible individual has been enrolled an amount equal to the sum of—

(A) the standard premium rate (established under section 115) received for type of enrollment, and

(B) the product of—

(i) the lowest standard premium rate offered by an open AHP for the type of enrollment; and

(ii) a risk-adjustment factor (determined and adjusted in accordance with section 136(b)).

(2) PAYMENTS.—Payments shall be made by the HPPC under this subsection within a period (specified by the Board and not to exceed 7 days) after receipt of the premium from the employer of the eligible individual or the eligible individual, as the case may be.

(3) ADJUSTMENTS FOR DIFFERENCES IN NONPAYMENT RATES.—In accordance with rules established by the Board, each agreement between an AHP and a HPPC under this section shall provide that, if a HPPC determines that the rates of nonpayment of premiums during grace periods established under subsection (c)(2) vary appreciably among AHPs, the HPPC shall provide for such adjustments in the payments made under this subsection as will place each AHP in the same position as if the rates of nonpayment were the same.

SEC. 103. AGREEMENTS WITH EMPLOYERS.

(a) IN GENERAL.—Each HPPC for a HPPC area shall offer each small employer that employs individuals in the area the opportunity to enter into an agreement under this section. Each agreement under this section, between an employer and a HPPC shall include (as specified by the Board) provisions consistent with the requirements specified in the succeeding subsections of this section.

(b) FORWARDING INFORMATION ON ELIGIBLE EMPLOYEES.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, the employer must forward to the appropriate HPPC the name and address (and other identifying information required by the HPPC) of each employee (including part-time and seasonal employees).

(2) APPROPRIATE HPPC.—In this subsection, the term "appropriate HPPC" means the HPPC for the principal place of business of the employer or (at the option of an employee) the HPPC serving the place of residence of the employee.

(c) PAYROLL DEDUCTION.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, if the HPPC indicates to the employer that an eligible employee is enrolled in an AHP through the HPPC, the employer shall provide for the deduction, from the employee's wages or other compensation, of the amount of the premium due (less any employer contribution). In the case of an employee who is paid wages or other compensation on a monthly or more frequent basis, an employer shall not be required to provide for payment of amounts to a HPPC other than at the same time at which the amounts are deducted from wages or other compensation. In the case of an employee who is paid wages or other compensation less frequently than monthly, an employer may be required to provide for payment of amounts to a HPPC on a monthly basis.

(2) ADDITIONAL PREMIUMS.—If the amount withheld under paragraph (1) is not sufficient to cover the entire cost of the premiums, the employee shall be responsible for paying directly to the HPPC the difference between the amount of such premiums and the amount withheld.

(d) LIMITED EMPLOYER OBLIGATIONS.—Nothing in this section shall be construed as—

(1) requiring an employer to provide directly for enrollment of eligible employees under an accountable health plan or other health plan;

(2) requiring the employer to make, or preventing the employer from making, information about such plans available to such employees; or

(3) requiring the employer to make, or preventing the employer from making, an employer contribution for coverage of such individuals under such a plan.

SEC. 104. ENROLLING INDIVIDUALS IN ACCOUNTABLE HEALTH PLANS THROUGH A HPPC.

(a) IN GENERAL.—Each HPPC shall offer in accordance with this section eligible individuals the opportunity to enroll in an AHP for the HPPC area in which the individual resides.

(b) ENROLLMENT PROCESS.—

(1) IN GENERAL.—Each HPPC shall establish an enrollment process in accordance with rules established by the Board consistent with this subsection.

(2) INITIAL ENROLLMENT PERIOD.—Each eligible individual, at the time the individual first becomes an eligible individual in a HPPC area of a HPPC, have an initial enrollment period (of not less than 30 days) in which to enroll in an AHP.

(3) GENERAL ENROLLMENT PERIOD.—Each HPPC shall establish an annual period, of not less than 30 days, during which eligible individuals may enroll in an AHP or change in the AHP in which the individual is enrolled.

(4) SPECIAL ENROLLMENT PERIODS.—In the case of individuals who—

(A) through marriage, divorce, birth or adoption of a child, or similar circumstances, experience a change in family composition; or

(B) experience a change in employment status (including a significant change in the terms and conditions of employment);

each HPPC shall provide for a special enrollment period in which the individual is permitted to change the individual or family basis of coverage or the AHP in which the individual is enrolled. The circumstances under which such special enrollment periods are required and the duration of such periods shall be specified by the Board.

(5) TRANSITIONAL ENROLLMENT PERIOD.—Each HPPC shall provide for a special transitional enrollment period (during a period beginning in the months of October through December of 1994 as specified by the Board) during which eligible individuals may first enroll.

(c) DISTRIBUTION OF COMPARATIVE INFORMATION.—Each HPPC shall distribute, to eligible individuals and employers, information, in comparative form, on the prices, outcomes, enrollee satisfaction, and other information pertaining to the quality of the different AHPs for which it is offering enrollment. Each HPPC also shall make such information available to other interested persons.

(d) PERIOD OF COVERAGE.—

(1) INITIAL ENROLLMENT PERIOD.—In the case of an eligible individual who enrolls with an AHP through a HPPC during an initial enrollment period, coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify.

(2) GENERAL ENROLLMENT PERIODS.—In the case of an eligible individual who enrolls with an AHP through a HPPC during a general enrollment period, coverage under the plan shall begin on the 1st day of the 1st month beginning at least 15 days after the end of such period.

(3) SPECIAL ENROLLMENT PERIODS.—

(A) IN GENERAL.—In the case of an eligible individual who enrolls with an AHP during a special enrollment period described in subsection (b)(4), coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify, except that coverage of family members shall begin as soon as possible on or after the date of the event that gives rise to the special enrollment period.

(B) TRANSITIONAL SPECIAL ENROLLMENT PERIOD.—In the case of an eligible individual who enrolls with an AHP during the transitional special enrollment period described in subsection (b)(5), coverage under the plan shall begin on January 1, 1995.

(4) MINIMUM PERIOD OF ENROLLMENT.—In order to avoid adverse selection, each HPPC may require, consistent with rules of the National Board, that enrollments with AHPs be for not less than a specified minimum enrollment period (with exceptions permitted for such exceptional circumstances as the Board may recognize).

SEC. 105. RECEIPT OF PREMIUMS.

(a) ENROLLMENT CHARGE.—The amount charged by a HPPC for coverage under an AHP in a HPPC area is equal to the sum of—

(1) the standard premium rate established by the AHP under section 115 for such coverage; and

(2) the HPPC overhead amount established under subsection (b)(3) for enrollment of individuals in the HPPC area.

(b) HPPC OVERHEAD AMOUNT.—

(1) HPPC BUDGET.—Each HPPC shall establish a budget for each year for each HPPC area in accordance with regulations established by the Board.

(2) HPPC OVERHEAD PERCENTAGE.—The HPPC shall compute for each HPPC area an overhead percentage which, when applied to the standard premium amount for individual coverage for each enrollee unit, will provide for revenues equal to the budget for the HPPC area for the year. Such percentage may in no case exceed 5 percentage points.

(3) HPPC OVERHEAD AMOUNT.—The HPPC overhead amount for enrollment, whether on an individual or family basis, in an AHP for a HPPC area for a month is equal to the applicable HPPC overhead percentage (computed under paragraph (2)) multiplied by the standard premium amount for individual coverage under the AHP for the month.

SEC. 106. COORDINATION AMONG HPPCS.

(a) IN GENERAL.—The Board shall establish rules consistent with this section for coordination among HPPCs in cases where small employers are located in one HPPC area and their employees reside in a different HPPC area (and are eligible for enrollment with AHPs located in the other area).

(b) COORDINATION RULES.—Under the rules established under subsection (a)(1)—

(1) HPPC FOR EMPLOYER.—The HPPC for the principal place of business of a small employer shall be responsible—

(A) for providing information to the employer's employees on AHPs for areas in which employees reside;

(B)(i) for enrolling employees under the AHP selected (even if the AHP selected is not in the same HPPC area as the HPPC) and (ii) if the AHP chosen is not in the same HPPC area as the HPPC, for forwarding the enrollment information to the HPPC for the area in which the AHP selected is located; and

(C) in the case of premiums to be paid through payroll deduction, to receive such premiums and forward them to the HPPC for the area in which the AHP selected is located.

(2) HPPC FOR EMPLOYEE RESIDENCE.—The HPPC for the HPPC area in which an employee resides shall be responsible for providing other HPPCs with information concerning AHPs being offered in other HPPC areas within the State.

Subtitle B—Accountable Health Plans (AHPs)

PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS

SEC. 111. REGISTRATION PROCESS; QUALIFICATIONS.

(a) IN GENERAL.—The Board shall provide a process whereby a health plan (as defined in section 2(c)(1)) may be registered with the Board by its sponsor as an accountable health plan.

(b) QUALIFICATIONS.—In order to be eligible to be registered, a plan must—

(1) provide, in accordance with section 112, for coverage of the uniform set of effective benefits specified by the Board;

(2) provide, in accordance with section 113, for the collection and reporting to the Board of certain information regarding its enrollees and provision of services;

(3) not discriminate in enrollment or benefits, as required under section 114;

(4) establish standard premiums for the uniform set of effective benefits, in accordance with section 115;

(5) meet financial solvency requirements, in accordance with section 116;

(6) provide for effective grievance procedures and restrict certain physician incentive plans, in accordance with section 117; and

(7) in the case of an open plan (as defined in section 2(b)(4)(B)), meet certain additional requirements under section 118 (relating to acceptance of enrollees and participation as a plan under the medicare program under the Social Security Act and under the Federal employees health benefits program).

(c) MINIMUM SIZE FOR CLOSED PLANS.—No plan may be registered as a closed AHP under this section unless the plan covers at least a number of employees greater than the applicable number of employees specified in section 2(c)(2).

(d) MEDICARE REQUIREMENT.—No plan may be registered as an AHP under this section unless the plan—

(1) meets the requirement of section 118(c); or

(2) provides for payment of the medicare adjustment amount under section 119.

SEC. 112. SPECIFIED UNIFORM SET OF EFFECTIVE BENEFITS.

(a) BENEFITS.—The Board shall not accept the registration of a health plan as an accountable health plan unless, subject to subsection (b), the plan—

(1) offers only the uniform set of effective benefits, specified by Board under section 132(a);

(2) has entered into arrangements with a sufficient number and variety of providers to provide for its enrollees the uniform set of effective benefits without imposing cost-sharing in excess of the cost-sharing described in paragraph (3);

(3)(A) provides, subject to subsection (c), for imposition of uniform cost-sharing (such as deductibles and copayments), specified under such subsection as part of such set of benefits; and

(B) does not permit providers participating in the plan under paragraph (2) to charge for covered services amounts in excess of such cost-sharing; and

(4) provides, in the case of individuals covered under more than one accountable health plan, for coordination of coverage under such plans in an equitable manner.

(b) TREATMENT OF ADDITIONAL BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not be construed as preventing an AHP from offering benefits in addition to the uniform set of effective benefits or for reducing the cost-sharing below the uniform cost-sharing, if such additional benefits or reductions in cost-sharing are offered, and priced, separately from the benefits described in subsection (a).

(2) NO DUPLICATIVE BENEFITS.—An AHP may not offer under paragraph (1) any additional benefits that have the effect of duplicating the benefits required under subsection (a).

SEC. 113. COLLECTION AND PROVISION OF STANDARDIZED INFORMATION.

(a) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Each AHP must provide the Board (at a time, not less frequently than annually, and in an electronic, standardized form and manner specified by the Board) such information as the Board determines to be necessary, consistent with this subsection and section 137, to evaluate the performance of the AHP in providing the uniform set of effective benefits to enrollees.

(2) INFORMATION TO BE INCLUDED.—Subject to paragraph (3), information to be reported under this subsection shall include at least the following:

(A) Information on the characteristics of enrollees that may affect their need for or use of health services.

(B) Information on the types of treatments and outcomes of treatments with respect to the clinical health, functional status, and well-being of enrollees.

(C) Information on enrollee satisfaction, based on standard surveys prescribed by the Board.

(D) Information on health care expenditures, volume and prices of procedures, and use of specialized centers of care (for which information is submitted under section 138).

(E) Information on the flexibility permitted by plans to enrollees in their selection of providers.

(3) SPECIAL TREATMENT.—The Board may waive the provision of such information under paragraph (2), or require such other information, as the Board finds appropriate in the case of newly established AHP for which such information is not available.

(b) CONDITIONING CERTAIN PROVIDER PAYMENTS.—

(1) IN GENERAL.—In order to assure the collection of all information required from the direct providers of services for which benefits are available through an AHP, each AHP may not provide payment for services (other than emergency services) furnished by a provider to meet the uniform set of effective benefits unless the provider has given the AHP (or has given directly to the National Board) standard information (specified by the Board) respecting the services.

(2) FORWARDING INFORMATION.—If information under paragraph (1) is given to the AHP, the AHP is responsible for forwarding the information to the Board.

SEC. 114. PROHIBITION OF DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN CONDITIONS; LIMITATION ON PRE-EXISTING CONDITION EXCLUSIONS.

(a) IN GENERAL.—Except as provided under subsection (b), an AHP may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR SERVICES.—

(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an AHP may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months beginning on the date of coverage under the plan. The exclusion of coverage shall not apply to services furnished to newborns and to pregnant women.

(2) CREDITING OF PREVIOUS COVERAGE.—

(A) IN GENERAL.—An AHP shall provide that if an enrollee is in a period of continuous coverage (as defined in subparagraph (B)(i)) as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

(B) DEFINITIONS.—As used in this paragraph:

(i) PERIOD OF CONTINUOUS COVERAGE.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under an AHP (or, before July 1, 1994, under any health plan that provides benefits with respect to such services) and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under an AHP, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

(3) LIMITATION.—This subsection shall not apply to treatment which is not within the uniform set of effective benefits.

SEC. 115. USE OF STANDARD PREMIUMS.

(a) STANDARD PREMIUMS FOR OPEN AHPS.—

(1) IN GENERAL.—Subject to subsection (b), each open AHP shall establish a standard premium for the uniform set of effective benefits within each HPPC area in which the plan is offered. The amount of premium applicable for all individuals within a premium class (established under paragraph (2)) is the standard premium amount multiplied by the premium class factor specified by the Board for that class under paragraph (2)(B). Within a HPPC area for individuals within a premium class, the standard premium for all individuals in the class shall be the same.

(2) PREMIUM CLASSES.—

(A) IN GENERAL.—The Board shall establish premium classes—

(i) based on types of enrollment (described in section 2(c)(6)); and

(ii) within each type of enrollment, based on age of principal enrollee.

In carrying out clause (ii), the Board shall establish reasonable age bands within which premium amounts will not vary for a type of enrollment.

(B) PREMIUM CLASS FACTORS.—

(i) IN GENERAL.—For each premium class established under subparagraph (A), the Board shall establish a premium class factor that reflects, subject to clause (ii), the relative actuarial value of benefits for that class compared to the actuarial value of benefits for an average class.

(ii) LIMIT ON VARIATION IN PREMIUM CLASS FACTORS.—The highest premium class factor may not exceed twice the lowest premium class factor and the weighted average of the premium class factors shall be 1.

(3) METHODOLOGY.—Standard premiums are subject to adjustment in accordance with section 102(d)(1).

(b) LIMITATION ON PREMIUM INCREASES.—

(1) BOARD ACTION.—The Board shall establish annual limits on the permissible percentage rate of increase for premiums with respect to AHP's providing the uniform set of effective benefits.

(2) INCREASES.—Annual increases in premiums for an AHP may not exceed the percentage limit established by the Board under paragraph (1).

SEC. 116. FINANCIAL SOLVENCY REQUIREMENTS.

(a) SOLVENCY PROTECTION.—

(1) FOR INSURED PLANS.—In the case of an AHP that is an insured plan (as defined by the Board) and is issued in a State, in order for the plan to be registered under this subtitle the Board must find that the State has established satisfactory protection of enrollees with respect to potential insolvency.

(2) FOR OTHER PLANS.—In the case of an AHP that is not an insured plan, the Board may require the plan to provide for such bond or provide other satisfactory assurances that enrollees under the plan are protected with respect to potential insolvency of the plan.

(b) PROTECTION AGAINST PROVIDER CLAIMS.—In the case of a failure of an AHP to make payments with respect to the uniform set of basic benefits, under standards established by the Board, an individual who is enrolled under the plan is not liable to any health care provider or practitioner with respect to the provision of health services within such uniform set for payments in excess of the amount for which the enrollee would have been liable if the plan were to have made payments in a timely manner.

SEC. 117. GRIEVANCE MECHANISMS; ENROLLEE PROTECTIONS; WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES; AGENT COMMISSIONS.

(a) EFFECTIVE GRIEVANCE PROCEDURES.—Each AHP shall provide for effective procedures for hearing and resolving grievances between the plan and individuals enrolled under the plan, which procedures meet standards specified by the Board.

(b) RESTRICTION ON CERTAIN PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A health plan may not be registered as an AHP if it operates a physician incentive plan (as defined in paragraph (2)) unless the requirements specified in clauses (i) through (iii) of section 1876(i)(8)(A) of the Social Security Act are met (in the same manner as they apply to eligible organizations under section 1876 of such Act).

(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this subsection, the term "physician incentive plan" means any compensation or other financial arrangement between the AHP and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled under the plan.

(c) WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES.—A health plan may not be registered as an AHP unless the plan meets the requirements of section 1866(f) of the Social Security Act (relating to maintaining written policies and procedures respecting advance directives), insofar as such requirements would apply to the plan if the plan were an eligible organization.

(d) PAYMENT OF AGENT COMMISSIONS.—An AHP—

(1) may pay a commission or other remuneration to an agent or broker in marketing the plan to individuals or groups; but

(2) may not vary such remuneration based, directly or indirectly, on the anticipated or actual claims experience associated with the group or individuals to which the plan was sold.

SEC. 118. ADDITIONAL REQUIREMENTS OF OPEN AHPS.

(a) REQUIREMENT OF AGREEMENT WITH HPPC.—In the case of a health plan which is an open plan (as defined in section 2(b)(4)(B)), in order to be registered as an AHP the plan must have in effect an agreement (described in section 102) with each HPPC for each HPPC area in which it is offered.

(b) REQUIREMENT OF OPEN ENROLLMENT.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must, subject to paragraph (3), not reject the enrollment of any eligible individual whom a HPPC is authorized to enroll under an agreement referred to in subsection (a) if the individual applies for enrollment during an enrollment period.

(2) LIMITATION ON TERMINATION.—Subject to paragraph (3), coverage of eligible individuals under an open AHP may not be refused nor terminated except for—

(A) nonpayment of premiums;

(B) fraud or misrepresentation; or

(C) termination of the plan at the end of a year (after notice and in accordance with standards established by the Board).

(3) TREATMENT OF NETWORK PLANS.—

(A) GEOGRAPHIC LIMITATIONS.—

(i) IN GENERAL.—An AHP which is a network plan (as defined in subparagraph (D)) may deny coverage under the plan to an eligible individual who is located outside a service area of the plan, but only if such denial is applied uniformly, without regard to health status or insurability of individuals.

(ii) SERVICE AREAS.—The Board shall establish standards for the designation by network plans of service areas in order to prevent discrimination based on health status of individuals or their need for health services.

(B) SIZE LIMITS.—Subject to subparagraph (C), an AHP which is a network plan may apply to the Board to cease enrolling eligible individuals under the AHP (or in a service area of the plan) if—

(i) it ceases to enroll any new eligible individuals; and

(ii) it can demonstrate that its financial or administrative capacity to serve previously covered groups or individuals (and additional individuals who will be expected to enroll because of affiliation with such previously covered groups or individuals) will be impaired if it is required to enroll other eligible individuals.

(C) FIRST-COME-FIRST-SERVED.—A network plan is only eligible to exercise the limitations provided for in subparagraphs (A) and (B) if it provides for enrollment of eligible individuals on a first-come-first-served basis.

(D) NETWORK PLAN.—In this paragraph, the term "network plan" means an eligible organization (as defined in section 1876(b) of the Social Security Act) and includes a similar organization, specified in regulations of the Board, as requiring a limitation on enrollment of employer groups or individuals due to the manner in which the organization provides health care services.

(c) REQUIREMENT OF PARTICIPATION IN MEDICARE RISK-BASED CONTRACTING.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan and which is an eligible organization (as defined in section 1876(b) of the Social Security Act), in order to be registered as an AHP the plan must enter into a risk-sharing contract under section 1876 of the Social Security Act for the offering of benefits to medicare beneficiaries in accordance with such section.

(2) EXPANSION OF MEDICARE SELECT PROGRAM.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388-137) is amended by striking "only apply in 15 States" and all that follows through the end and inserting "on and after January 1, 1992.".

(d) PARTICIPATION IN FEHBP.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must have entered into an agreement with the Office of Personnel Management to offer a health plan to Federal employees and annuitants, and family members, under the Fed-

eral Employees Health Benefits Program under chapter 89 of title 5, United States Code, under the same terms and conditions offered by the AHP for enrollment of individuals and small employers through HPPCs.

(2) CHANGE IN CONTRIBUTION AND OTHER FEHBP RULES.—Notwithstanding any other provision of law, effective January 1, 1994—

(A) enrollment shall not be permitted under a health benefits plan under chapter 89 of title 5, United States Code, unless the plan is an AHP, and

(B) the amount of the Federal Government contribution under such chapter—

(i) for any premium class shall be the same for all AHPs in a HPPC area,

(ii) for any premium class shall not exceed the base individual premium (as defined in section 229(c)(3)), and

(iii) in the aggregate for any fiscal year shall be equal to the aggregate amount of Government contributions that would have been made but for this section.

SEC. 119. ADDITIONAL REQUIREMENT OF CERTAIN AHPS.

(a) MEDICARE ADJUSTMENT PAYMENT REQUIRED.—Each AHP which does not meet the requirement of section 148(c) shall provide for payment to the Board of such amounts as may be required as to put the plan in the same financial position as the AHP would be in if it met such requirement.

(b) REDISTRIBUTION OF PAYMENTS TO PLANS.—The Board shall provide for the distribution among AHPs meeting the requirement of section 148(c) of amounts paid under subsection (a) in such manner as reflects the relative financial impact of such requirement among such plans.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

SEC. 120. PREEMPTION FROM STATE BENEFIT MANDATES.

Effective as of January 1, 1994, no State shall establish or enforce any law or regulation that—

(1) requires the offering, as part of an AHP, of any services, category of care, or services of any class or type of provider that is different from the uniform set of effective benefits;

(2) specifies the individuals to be covered under an AHP or the duration of such coverage; or

(3) requires a right of conversion from a group health plan that is an AHP to an individual health plan.

SEC. 121. PREEMPTION OF STATE LAW RESTRICTIONS ON NETWORK PLANS.

(a) LIMITATION ON RESTRICTIONS ON NETWORK PLANS.—Effective as of January 1, 1994—

(1) A State may not by law or regulation prohibit or unreasonably limit a network plan from including incentives for enrollees to use the services of participating providers.

(2) A State may not prohibit or unreasonably limit a network plan from limiting coverage of services to those provided by a participating provider.

(3)(A) Subject to subparagraph (B), a State may not prohibit or unreasonably limit the negotiation of rates and forms of payments for providers under a network plan.

(B) Subparagraph (A) shall not apply where the amount of payments with respect to a category of services or providers is established under a Statewide system applicable to all non-Federal payors with respect to such services or providers.

(4) A State may not prohibit or unreasonably limit a network plan from limiting the number of participating providers.

(5) A State may not prohibit or unreasonably limit a network plan from requiring that services be provided (or authorized) by a practitioner selected by the enrollee from a list of available participating providers.

(b) DEFINITIONS.—As used in this section:

(1) NETWORK PLAN.—The term "network plan" means an AHP—

(A) which—

(i) limits coverage of the uniform set of basic benefits to those provided by participating providers; or

(ii) provides, with respect to such services provided by persons who are not participating providers, for deductibles or other cost-sharing which are in excess of those permitted under the uniform set of basic benefits for participating providers;

(B) which has a sufficient number and distribution of participating providers to assure that the uniform set of basic benefits is—

(i) available and accessible to each enrollee, within the area served by the plan, with reasonable promptness and in a manner which assures continuity; and

(ii) when medically necessary, available and accessible 24 hours a day and seven days a week; and

(C) which provides benefits for the uniform set of basic benefits not furnished by participating providers if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition.

(2) PARTICIPATING PROVIDER.—The term "participating provider" means an entity or individual which provides, sells, or leases health care services under a contract with a network plan, which contract does not permit—

(A) cost-sharing in excess of the cost-sharing permitted under the uniform set of basic benefits with respect to basic benefits; and

(B) any enrollee charges (for such services covered under such set) in excess of such cost-sharing.

SEC. 122. PREEMPTION OF STATE LAWS RESTRICTING UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—Effective January 1, 1994, no State law or regulation shall prohibit or regulate activities under a utilization review program (as defined in subsection (b)).

(b) UTILIZATION REVIEW PROGRAM DEFINED.—In this section, the term "utilization review program" means a system of reviewing the medical necessity and appropriateness of patient services (which may include inpatient and outpatient services) using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

Subtitle C—Federal Health Board

SEC. 131. ESTABLISHMENT OF FEDERAL HEALTH BOARD.

(a) IN GENERAL.—There is hereby established a Federal Health Board.

(b) COMPOSITION AND TERMS.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate. In appointing members to the Board, the President shall provide that all members shall demonstrate experience with and knowledge of the health care system.

(2) CHAIRPERSON.—The President shall designate one of the members to be Chairperson of the Board.

(3) TERMS.—Each member of the Board shall be appointed for a term of 7 years, except that, of the members first appointed, 1 shall each be appointed for terms of 3, 4, 5, 6, and 7 years, as designated by the President at the time of appointment. Members appointed to fill vacancies shall serve for the remainder of the terms of the vacating members.

(4) PARTY AFFILIATION.—Not more than 3 members of the Board shall be of the same political party.

(5) OTHER EMPLOYMENT PROHIBITED.—A member of the Board may not, during the term as a member, engage in any other business, vocation, profession, or employment.

(6) QUORUM.—Three members of the Board shall constitute a quorum, except that 2 members may hold hearings.

(7) MEETINGS.—The Board shall meet at the call of the Chairman or 3 members of the Board.

(8) COMPENSATION.—Each member of the Board shall be entitled to compensation at the rate provided for level II of the Executive Schedule, subject to such amounts as are provided in advance in appropriation Acts.

(c) PERSONNEL.—

(1) IN GENERAL.—The Board shall appoint an Executive Director and such additional officers and employees as it considers necessary to carry out its functions under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) MISCELLANEOUS PROVISIONS.—

(1) GIFTS, BEQUESTS, AND DEVISES.—The Board may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating its work.

(2) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 132. SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.

(a) SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.—

(1) IN GENERAL.—The Board shall specify, by not later than October 1 of each year (beginning with 1993), the uniform set of effective benefits to apply under this title for the following year.

(2) SPECIFICATION OF HEALTH CARE CONDITIONS.—

(A) IN GENERAL.—Such benefits shall include the full range of legally authorized treatment for any health condition for which the Board determines a treatment has been shown to reasonably improve or significantly ameliorate the condition. The Board may exclude health conditions the treatment of which do not impact on clinical health or functional status of individuals.

(B) COVERAGE OF CLINICAL PREVENTIVE SERVICES.—Such benefits shall include the full range of effective clinical preventive services (including appropriate screening, counseling, and immunization and chemoprophylaxis), specified by the Board, appropriate to age and other risk factors.

(C) COVERAGE FOR PERSONS WITH SEVERE MENTAL ILLNESS.—The Board shall establish guidelines concerning nondiscrimination towards individuals with severe mental illnesses and coverage for the treatment of severe mental illnesses. Such guidelines shall ensure that coverage of such individuals is equitable and commensurate with the coverage provided to other individuals.

(D) EXCLUSION FOR INEFFECTIVE TREATMENTS.—The Board may exclude from the benefits such treatments as the Board determines, based on clinical information, have not been reasonably shown to improve a health condition or significantly ameliorate a health condition. Except as specifically excluded, the actual specific treatments, procedures, and care (such as the use of particular providers or services) which may be used under a plan or be used with respect to health conditions shall be left up to the plan.

(E) NONDISCRIMINATION.—In determining the uniform set of effective benefits, the Board shall not discriminate against individuals with serious mental illnesses.

(3) DEDUCTIBLES AND COST-SHARING.—

(A) IN GENERAL.—Subject to subparagraph (B), such set shall include uniform deductibles and cost-sharing associated with such benefits.

(B) TREATMENT OF NETWORK PLANS.—In the case of a network plan (as defined in section 121(b)), the plan may provide for charging deductibles and cost-sharing in excess of the uniform deductibles and cost-sharing under subparagraph (A) in the case of services provided by providers that are not participating providers (as defined in such section).

(b) BASIS FOR BENEFITS.—In establishing such set, the Board shall judge medical treatments, procedures, and related health services based on—

(1) their effectiveness in improving the health status of individuals; and

(2) their long-term impact on maintaining and improving health and productivity and on reducing the consumption of health care services.

(c) BASIS FOR COST-SHARING.—In establishing cost-sharing that is part of the uniform set of effective benefits, the Board shall—

(1) include only such cost-sharing as will restrain consumers from seeking unnecessary services;

(2) not impose cost-sharing for covered clinical preventive services;

(3) balance the effect of the cost-sharing in reducing premiums and in affecting utilization of appropriate services; and

(4) limit the total cost-sharing that may be incurred by an individual (or enrollee unit) in a year.

SEC. 133. HEALTH BENEFITS AND DATA STANDARDS BOARD.

(a) ESTABLISHMENT.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Benefits and Data Standards Board (in this section referred to as the "Benefits and Data Board"), under the direction of a board of directors consisting of 5 directors.

(b) APPOINTMENT OF DIRECTORS.—

(1) SOLICITATION.—The Board shall solicit nominations for the initial board of directors of the Benefits and Data Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) CONTINUATION.—The by-laws of the Benefits and Data Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) TERMS OF DIRECTORS.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 14 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Benefits and Data Board shall make recommendations to the Board concerning each of the following:

(A) The uniform set of effective benefits.

(B) The standards for information collection from AHPs.

(C) Auditing standards to ensure the accuracy of such information.

Before making recommendations concerning the standards described in subparagraph (B), the Benefits and Data Board shall consult with the Agency for Health Care Policy and Research regarding the Agency's need for information in performing its activities.

(2) ASSESSMENTS.—The Benefits and Data Board shall provide the Board with its assessment of—

(A) medical technology;

(B) practice variations;

(C) the effectiveness of medical practices and drug therapies based on research performed by the Agency for Health Care Policy and Research;

(D) information from clinical and epidemiologic studies; and

(E) information provided by AHPs, including AHP-specific information on clinical health, functional status, well-being, and plan satisfaction of enrolled individuals.

(3) NATIONAL HEALTH DATA SYSTEM.—The Benefits and Data Board shall provide the Board with its assistance in the development of the standards for the national data reporting system under section 137.

(d) FUNDING.—

(1) IN GENERAL.—In order to provide funding for the Benefits and Data Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than the amount specified in paragraph (2) for the operation of the Benefits and Data Board.

(2) AMOUNT OF FUNDS.—The amount specified in this paragraph for each of fiscal years 1994 and 1995, is $50,000,000, and, for each succeeding fiscal year, is $25,000,000.

SEC. 134. HEALTH PLAN STANDARDS BOARD.

(a) ESTABLISHMENT.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Plan Standards Board (in this section referred to as the "Plan Standards Board"), under the direction of a board of directors consisting of 5 directors.

(b) APPOINTMENT OF DIRECTORS.—

(1) SOLICITATION.—The Board shall solicit nominations for the initial board of directors of the Plan Standards Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) CONTINUATION.—The by-laws of the Plan Standards Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) TERMS OF DIRECTORS.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 12 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Plan Standards Board shall make recommendations to the Board concerning the standards for AHPs (other than standards relating to the uniform set of effective benefits and the national health data system) and for HPPCs.

(2) ASSESSMENT OF RISK-ADJUSTMENT FACTORS.—The Plan Standards Board shall provide the Board with its assessment of the risk-adjustment factors under section 136.

(d) FUNDING.—In order to provide funding for the Plan Standards Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than 60 percent of the amount specified in section 133(d)(2) for the operation of the Plan Standards Board.

SEC. 135. REGISTRATION OF ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—The Board shall register those health plans that meet the standards under subtitle B.

(b) TREATMENT OF STATE CERTIFICATION.—If the Board determines that a State superintendent of insurance, State insurance commissioner, or other State official provides for the imposition of standards that the Board finds are equivalent to the standards established under subtitle B for registration of a health benefit plan as an AHP, the Board may provide for registration as AHPs of health plans that such official certifies as meeting the standards for registration. Nothing in this subsection shall require a health plan to be certified by such an official in order to be registered by the Board.

(c) MEDICAID WAIVER.—The Board shall develop criteria and procedures under which the Secretary may grant a waiver to a State to permit that State to enroll individuals, otherwise eligible for enrollment under title XIX of the Social Security Act, under ACP's through a HPPC. The waiver shall permit the State to use funds made available under such title XIX for the enrollment of medicaid eligible individuals through a HPPC. The State shall ensure that individuals enrolled in a AHP under such a waiver are guaranteed at least those minimum benefits that such individual would have been entitled to under such title XIX.

SEC. 136. SPECIFICATION OF RISK-ADJUSTMENT FACTORS.

(a) IN GENERAL.—The Board shall establish rules for the process of risk-adjustment of premiums among AHPs by HPPCs under section 102(d).

(b) PROCESS.—

(1) IDENTIFICATION OF RELATIVE RISK.—The Board shall determine risk-adjustment factors that are correlated with increased or diminished risk for consumption of the type of health services included in the uniform set of effective benefits. To the maximum extent practicable, such factors shall be determined without regard to the methodology used by individual AHPs in the provision of such benefits. In determining such factors, with respect to an individual who is identified as having—

(A) a lower-than-average risk for consumption of the services, the factor shall be a number, less than zero, reflecting the degree of such lower risk;

(B) an average risk for consumption of the services, the factor shall be zero; or

(C) a higher-than-average risk for consumption of the services, the factor shall be a number, greater than zero, reflecting the degree of such higher risk.

(2) ADJUSTMENT OF FACTORS.—In applying under section 102(d)(1)(B) the risk-adjustment factors determined under paragraph (1), each HPPC shall adjust such factors, in

accordance with a methodology established by the Board, so that the sum of such factors is zero for all enrollee units in each HPPC area for which a premium payment is forwarded under section 102(d) for each premium payment period.

SEC. 137. NATIONAL HEALTH DATA SYSTEM.

(a) STANDARDIZATION OF INFORMATION.—

(1) IN GENERAL.—The Board shall establish standards for the periodic reporting by AHPs of information under section 113(a).

(2) PATIENT CONFIDENTIALITY.—The standards shall be established in a manner that protects the confidentiality of individual enrollees, but may provide for the disclosure of information which discloses particular providers within an AHP.

(b) ANALYSIS OF INFORMATION.—The Board shall analyze the information reported in order to distribute it in a form, consistent with subsection (a)(2), that—

(1) reports, on a national, State, and community basis, the levels and trends of health care expenditures, the rates and trends in the provision of individual procedures, and the price levels and rates of price change for such procedures; and

(2) permits the direct comparison of different AHPs on the basis of the ability of the AHPs to maintain and improve clinical health, functional status, and well-being and to satisfy enrolled individuals.

The reports under paragraph (1) shall include both aggregate and per capita measures for areas and shall include comparative data of different areas. The comparison under paragraph (2) may also be made to show changes in the performance of AHPs over time.

(c) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Board shall provide, through the HPPCs and directly to AHPs, for the distribution of its analysis on individual AHPs. Such distribution shall occur at least annually before each general enrollment period.

(2) ANNUAL REPORT ON EXPENDITURES.—The Board shall publish annually (beginning with 1996) a report on expenditures on, and volumes and prices of, procedures. Such report shall be distributed to each AHP, each HPPC, each Governor, and each State legislature.

(3) ANNUAL REPORTS.—The Board shall also publish an annual report, based on analyses under this section, that identifies—

(A) procedures for which, as reflected in variations in use or rates of increase, there appear to be the greatest need to develop valid clinical protocols for clinical decision-making and review;

(B) procedures for which, as reflected in price variations and price inflation, there appear to be the greatest need for strengthening competitive purchasing; and

(C) States and localities for which, as reflected in expenditure levels and rates of increase, there appear to be the greatest need for additional cost control measures.

(4) SPECIAL DISTRIBUTIONS.—The Board may, whenever it deems appropriate, provide for the distribution—

(A) to an AHP of such information relating to the plan as may be appropriate in order to encourage the plan to improve its delivery of care; and

(B) to business, consumer, and other groups and individuals of such information as may improve their ability to effect improvements in the outcomes, quality, and efficiency of health services.

(5) ACCESS BY AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—The Board shall make available to the Agency for Health Care Policy and Research information obtained under section 113(a) in a manner consistent with subsection (a)(2).

(d) STANDARDIZED FORMS.—Not later than October 1, 1994, the Board, in consultation with representatives of local governments, insurers, health care providers, and consumers shall develop a plan to accelerate electronic billing and computerization of medical records and shall develop standardized claim forms and billing procedures for use by all AHP's under this title.

SEC. 138. MEASURES OF QUALITY OF CARE OF SPECIALIZED CENTERS OF CARE.

(a) COLLECTION OF INFORMATION.—The Board shall provide a process whereby a specialized center of care (as defined in subsection (c)) may submit to the Board such clinical and other information bearing on the quality of care provided with respect to the uniform set of effective benefits at the center as the Board may specify. Such information shall include sufficient information to take into account outcomes and the risk factors associated with individuals receiving care through the center. Such information shall be provided at such frequency (not less often than annually) as the Board specifies.

(b) MEASURES OF QUALITY.—Using information submitted under subsection (a) and information reported under section 137, the Board shall—

(1) analyze the performance of such centers with respect to the quality of care provided;

(2) rate the performance of such a center with respect to a class of services relative to the performance of other specialized centers of care and relative to the performance of AHPs generally; and

(3) publish such ratings.

(c) USE OF SERVICE MARK FOR SPECIALIZED CENTERS OF CARE.—The Board may establish a service mark for specialized centers of care the performance of which has been rated under subsection (b). Such service mark shall be registrable under the Trademark Act of 1946, and the Board shall apply for the registration of such service mark under such Act. For purposes of such Act, such service mark shall be deemed to be used in commerce. For purposes of this subsection, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(d) SPECIALIZED CENTER OF CARE DEFINED.—In this section, the term "specialized center of care" means an institution or other organized system for the provision of specific services, which need not be multi-disciplinary, and does not include (except as the Board may provide) individual practitioners.

SEC. 139. REPORT ON IMPACT OF ADVERSE SELECTION; RECOMMENDATIONS ON MANDATED PURCHASE OF COVERAGE.

(a) STUDY.—The Board shall study—

(1) the extent to which those eligible individuals (as defined in subsection (c)) who enroll with AHPs have significantly greater needs for health care services than the population of eligible individuals as a whole; and

(2) methods for reducing adverse impacts that may result from such adverse selection.

(b) REPORT.—By not later than January 1, 1996, the Board shall submit to Congress a report on the study under subsection (a) and on appropriate methods for reducing adverse impacts that may result from adverse selection in enrollment. The report shall specifically include—

(1) an examination of the impact of establishing a requirement that all eligible individuals obtain health coverage through enrollment with an AHP; and

(2) a recommendation as to whether (and, if so, how) to impose such a requirement.

(c) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual"—

(1) includes individuals who would be eligible individuals but for section 2(a)(4)(B), but

(2) does not include individuals eligible to enroll for benefits under part B of title XVIII of the Social Security Act.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

SEC. 201. MATERNAL AND INFANT CARE COORDINATION.

(a) PURPOSE.—It is the purpose of this section to assist States in the development and implementation of coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education programs, designed to improve maternal and child health.

(b) GRANTS FOR IMPLEMENTATION OF PROGRAMS.—

(1) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") is authorized to award grants to States to enable such States to plan and implement coordinated, multidisciplinary, and comprehensive primary health care and social service programs targeted to pregnant women and infants.

(2) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) provide assurances that under the program established with amounts received under a grant, individuals will have access (without any barriers) to comprehensive family planning counseling, pregnancy testing, prenatal care, delivery, intrapartum and postpartum care, pediatric care for infants, and social services as appropriate, including outreach activities, home visits, child care, transportation, risk assessment, nutrition counseling, dental care, mental health services, substance abuse services, services relating to HIV infection, and prevention counseling;

(C) provide assurances that under the program individuals will have access, without any barriers, to the full range of pediatric services provided by pediatric nurse practitioners and clinical nurse specialists, including in-home services for low birth weight babies;

(D) as part of the State application, submit a plan for providing incentive payments of up to $500 to pregnant women who—

(i) have not attained age 20;

(ii) are at risk of having low birth weight babies;

(iii) agree to attend not less than 5 prenatal visits and 1 postnatal visit; and

(iv) agree to attend a requisite number of prenatal care and parenting classes, as determined by the State;

(E) as part of the State application, submit a plan for the coordination and maximization of existing and proposed Federal and State resources, including amounts provided under the medicaid program under title XIX of the Social Security Act, the special supplemental food program under section 17 of the Child Nutrition Act of 1966, family planning programs, substance abuse programs, State maternal and child health programs funded under title V of the Social Security Act, community and migrant health center programs under the Public Health Service

Act, and other publicly, or where practicable, privately supported programs;

(F) demonstrate that the major service providers to be involved, including private nonprofit entities committed to improving maternal and infant health, are committed to and involved in the program to be funded with amounts received under the grant;

(G) with respect to States with high infant mortality rates among minority populations, demonstrate the involvement of major health, multiservice, professional, or civic group representatives of such minority groups in the planning and implementation of the State program; and

(H) demonstrate that health promotion and outreach activities under the State program are targeted to women of childbearing age, particularly those at risk for having low birth weight babies.

(3) Term of grant.—A grant awarded under this subsection shall be for a period of 5 years.

(4) Use of amounts.—Amounts received by a State under a grant awarded under this subsection shall be used to establish a State program to provide coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education program services, that are designed to improve maternal and child health.

(5) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, and $500,000,000 for each of the fiscal years 1996 through 1998.

(c) Model Health and Nutrition Education Curricula.—

(1) Authority.—The Secretary, in conjunction with the Secretary of Education and the Secretary of Agriculture, is authorized to award grants, on a competitive basis, to public or nonprofit private entities to enable such entities to develop model health and nutrition education curricula for children in grades kindergarten through twelfth.

(2) Application.—To be eligible to receive a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) Curricula.—Curricula developed under paragraph (1) should be consistent with the goals of "Healthy People 2000: National Health Promotion and Disease Prevention Objectives", published by the Department of Health and Human Services in September 1990, and shall address the cultural and lifestyle realities of racial and ethnic minority populations.

(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 1994.

SEC. 202. REAUTHORIZATION OF CERTAIN PROGRAMS PROVIDING PRIMARY AND PREVENTIVE CARE.

(a) Immunization Programs.—Section 317(j)(1)(A) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(A)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $380,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(b) Tuberculosis Prevention Grants.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(c) Sexually Transmitted Diseases.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the first period the following: "$125,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(d) Migrant Health Centers.—Section 329(h)(1)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $80,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(e) Community Health Centers.—Section 330(g)(1)(A) of the Public Health Service Act (42 U.S.C. 254c(g)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $700,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(f) Health Care Services for the Homeless.—Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and such sums" and all that follows through the period and inserting "$90,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(g) Family Planning Project Grants.—Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended—

(1) by striking "and $158,400,000" and inserting "$158,400,000"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(h) Breast and Cervical Cancer Prevention.—Section 1509(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "for each of the fiscal years 1992 and 1993" and inserting "for each of the fiscal years 1992 and 1993, $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(i) Preventive Health and Health Services Block Grant.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "$205,000,000" and inserting "$235,000,000".

(j) HIV Early Intervention.—Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of fiscal years 1992 and 1993, $310,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(k) Maternal and Child Health Services Block Grant.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by striking "$686,000,000 for fiscal year 1990 and each fiscal year thereafter" and inserting "$800,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998".

SEC. 203. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.

Section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155) is amended to read as follows:

"SEC. 4605. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) Purpose.—It is the purpose of this section to establish a comprehensive school health education and prevention program for elementary and secondary school students.

"(b) Program Authorized.—The Secretary, through the Office of Comprehensive School Health Education established in subsection (e), shall award grants to States from allotments under subsection (c) to enable such States to—

"(1) award grants to local or intermediate educational agencies, and consortia thereof, to enable such agencies or consortia to establish, operate and improve local programs of comprehensive health education and prevention, early health intervention, and health education, in elementary and secondary schools (including preschool, kindergarten, intermediate, and junior high schools); and

"(2) develop training, technical assistance and coordination activities for the programs assisted pursuant to paragraph (1).

"(c) Reservations and State Allotments.—

"(1) Reservations.—From the sums appropriated pursuant to the authority of subsection (f) for any fiscal year, the Secretary shall reserve—

"(A) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and the Republic of Palau, to be allotted in accordance with their respective needs; and

"(B) 1 percent for payments to the Bureau of Indian Affairs.

"(2) State allotments.—From the remainder of the sums not reserved under paragraph (1), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

"(3) Reallotment.—The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (2).

"(d) Use of Funds.—Grant funds provided to local or intermediate educational agencies, or consortia thereof, under this section may be used to improve elementary and secondary education in the areas of—

"(1) personal health and fitness;

"(2) prevention of chronic diseases;

"(3) prevention and control of communicable diseases;

"(4) nutrition;

"(5) substance use and abuse;

"(6) accident prevention and safety;

"(7) community and environmental health;

"(8) mental and emotional health;

"(9) parenting and the challenges of raising children; and

"(10) the effective use of the health services delivery system.

"(e) Office of Comprehensive School Health Education.—The Secretary shall establish within the Office of the Secretary an Office of Comprehensive School Health Education which shall have the following responsibilities:

"(1) To recommend mechanisms for the coordination of school health education programs conducted by the various departments and agencies of the Federal Government.

"(2) To advise the Secretary on formulation of school health education policy within the Department of Education.

"(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

"(f) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated $50,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

"(2) Availability.—Funds appropriated pursuant to the authority of paragraph (1) in any fiscal year shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.".

SEC. 204. COMPREHENSIVE EARLY CHILDHOOD HEALTH EDUCATION PROGRAM.

(a) Purpose.—It is the purpose of this section to establish a comprehensive early childhood health education program.

(b) Program.—The Secretary of Health and Human Services shall conduct a program of awarding grants to agencies conducting Head Start training to enable such agencies to provide training and technical assistance to Head Start teachers and other child care providers. Such program shall—

(1) establish a training system through the Head Start agencies and organizations conducting Head Start training for the purpose of enhancing teacher skills and providing comprehensive early childhood health education curriculum;

(2) enable such agencies and organizations to provide training to day care providers in order to strengthen the skills of the early childhood workforce in providing health education;

(3) provide technical support for health education programs and curricula; and

(4) provide cooperation with other early childhood providers to ensure coordination of such programs and the transition of students into the public school environment.

(c) Use of Funds.—Grant funds under this section may be used to provide training and technical assistance in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) dental health;

(5) nutrition;

(6) substance use and abuse;

(7) accident prevention and safety;

(8) community and environmental health;

(9) mental and emotional health; and

(10) strengthening the role of parent involvement.

(d) Reservation for Innovative Programs.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to the authority of subsection (e) in each fiscal year for the development of innovative model health education programs or curricula.

(e) Authorization of Appropriations.—There are authorized to be appropriated $40,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

SEC. 205. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) In General.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), qualified expenditures (as defined by the Secretary of Health and Human Services) for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) Effective Date.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1992.

SEC. 206. WORKSITE WELLNESS GRANT PROGRAM.

(a) Grants.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall award grants to States (through State health departments or other State agencies working in consultation with the State health agency) to enable such States to provide assistance to businesses with not to exceed 100 employees for the establishment and operation of worksite wellness programs for their employees.

(b) Application.—To be eligible for a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the manner in which the State intends to use amounts received under the grant; and

(2) assurances that the State will only use amounts provided under such grant to provide assistance to businesses that can demonstrate that they are in compliance with minimum program characteristics (relative to scope and regularity of services offered) that are developed by the Secretary in consultation with experts in public health and representatives of small business.

Grants shall be distributed to States based on the population of individuals employed by small businesses.

(c) Program Characteristics.—In developing minimum program characteristics under subsection (b)(2), the Secretary shall ensure that all activities established or enhanced under a grant under this section have clearly defined goals and objectives and demonstrate how receipt of such assistance will help to achieve established State or local health objectives based on the National Health Promotion and Disease Prevention Objectives.

(d) Use of Funds.—Amounts received under a grant awarded under subsection (a) shall be used by a State to provide grants to businesses (as described in subsection (a)), nonprofit organizations, or public authorities, or to operate State-run worksite wellness programs.

(e) Special Emphasis.—In funding business worksite wellness projects under this section, a State shall give special emphasis to—

(1) the development of joint wellness programs between employers;

(2) the development of employee assistance programs dealing with substance abuse;

(3) maximizing the use and coordination with existing community resources such as nonprofit health organizations; and

(4) encourage participation of dependents of employees and retirees in wellness programs.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of the fiscal years 1994 through 1998.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

SEC. 301. CREDIT FOR ACCOUNTABLE HEALTH PLAN COSTS.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. ACCOUNTABLE HEALTH PLAN COSTS.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the accountable health plan costs paid by such individual during the taxable year.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) Applicable dollar amount.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) Accountable Health Plan Costs.—For purposes of this section—

"(1) In general.—The term 'accountable health plan costs' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(g)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) Dollar limit on accountable health plan costs.—The amount of the accountable health care costs paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed the reference premium amount for the taxable year.

"(3) Election not to take credit.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as accountable health plan costs.

"(4) Definition.—As used in paragraph (2), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3)) of this Act applied for the taxable year period involved.

"(c) Eligible Individual.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) Special Rules.—For purposes of this section—

"(1) Coordination with advance payment and minimum tax.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) Medicare-eligible individuals.—No expense shall be treated as an accountable health plan cost if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) SUBSIDIZED EXPENSES.—No expense shall be treated as an accountable health plan cost to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF ACCOUNTABLE HEALTH PLAN COSTS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom an accountable health plan costs eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's accountable health plan costs advance amount.

"(b) ACCOUNTABLE HEALTH PLAN COSTS ELIGIBILITY CERTIFICATE.—For purposes of this title, an accountable health plan costs eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have an accountable health plan costs eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has an accountable health plan costs eligibility certificate in effect, and

"(4) estimates the amount of accountable health plan costs (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) ACCOUNTABLE HEALTH PLAN COSTS ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'accountable health plan costs advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated accountable health plan costs included in the accountable health plan costs eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of accountable health plan costs credit.".

(c) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 303, is further amended by adding after paragraph (5) the following new paragraph:

"(6) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) TERMINATION OF HEALTH INSURANCE CREDIT.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF HEALTH INSURANCE CREDIT.—In the case of taxable years beginning after December 31, 1991, the health insurance credit percentage shall be equal to 0 percent."

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Accountable health plan costs.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 302. NO DEDUCTION FOR EMPLOYER HEALTH PLAN EXPENSES IN EXCESS OF ACCOUNTABLE HEALTH PLAN COSTS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) GENERAL RULE.—

"(1) LIMITATION ON DEDUCTION.—No deduction shall be allowed under this section for the excess health plan expenses of any employer.

"(2) EXCESS HEALTH PLAN EXPENSES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess health plan expenses' means health plan expenses paid or incurred by the employer for any month with respect to any covered individual to the extent such expenses do not meet the requirements of subparagraphs (B), (C), and (D).

"(B) LIMIT TO ACCOUNTABLE HEALTH PLANS.—Health plan expenses meet the requirements of this subparagraph only if the expenses are attributable to—

"(i) coverage of the covered individual under an accountable health plan, or

"(ii) in the case of a small employer, payment to a health plan purchasing cooperative for coverage under an accountable health plan.

"(C) LIMIT ON PER EMPLOYEE CONTRIBUTION.—

"(i) IN GENERAL.—Health plan expenses with respect to any employee meet the requirements of this subparagraph for any month only to the extent that the amount of such expenses does not exceed the reference premium rate amount for the month.

"(ii) TREATMENT OF HEALTH PLANS OUTSIDE THE UNITED STATES.—For purposes of clause (i), in the case of an employee residing outside the United States, there shall be substituted for the reference premium rate such reasonable amounts as the Federal Health Board determines to be comparable to the limit imposed under clause (i).

"(iii) DEFINITION.—As used in clause (i), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of this Act.

"(D) REQUIREMENT OF LEVEL CONTRIBUTION.—Health plan expenses meet the requirements of this subparagraph for any month only if the amount of the employer contribution (for a premium class) does not vary based on the accountable health plan selected.

"(3) EXCEPTION FOR MEDICARE-ELIGIBLE RETIREES.—Paragraphs (1) and (2) shall not apply to health plan expenses with respect to an individual who is eligible for benefits under part A of title XVIII of the Social Security Act if such expenses are for a health plan that is not a primary payor under section 1862(b) of such Act.

"(4) SPECIAL RULES.—

"(A) TREATMENT OF SELF-INSURED PLANS.—In the case of a self-insured health plan, the amount of contributions per employee shall be determined for purposes of paragraph (2)(C) in accordance with rules established by the Federal Health Board which are based on the principles of section 4980B(f)(4)(B) (as in effect before the date of the enactment of this subsection).

"(B) CONTRIBUTIONS TO CAFETERIA PLANS.—Contributions under a cafeteria plan on behalf of an employee that may be used for a group health plan coverage shall be treated for purposes of this section as health plan expenses paid or incurred by the employer.

"(5) EMPLOYEES HELD HARMLESS.—Nothing in this section shall be construed as affecting the exclusion from gross income of an employee under section 106.

"(6) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) COVERED INDIVIDUAL.—The term 'covered individual' means any beneficiary of a group health plan.

"(B) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).

"(C) HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—The term 'health plan expenses' means employer expenses for any group health plan, including expenses for premiums as well as payment of deductibles and coinsurance that would otherwise be applicable.

"(ii) EXCLUSION OF CERTAIN DIRECT EXPENSES.—Such term does not include expenses for direct services which are determined by the Federal Health Board to be primarily aimed at workplace health care and health promotion or related population-based preventive health activities.

"(D) ACCOUNTABLE HEALTH PLAN.—The term 'accountable health plan' has the meaning given such term by section 2(b)(1) of this Act.

"(E) SMALL EMPLOYER.—The term 'small employer' means, for a taxable year, an employer that is a small employer (within the meaning of section 2(c)(2) of this Act for the most recent calendar year ending before the end of the taxable year.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenses incurred for the provision of health services for periods after December 31, 1993.

(2) TRANSITION FOR COLLECTIVE BARGAINING AGREEMENTS.—The amendments made by this section shall not apply to employers with respect to their employees, insofar as such employees are covered under a collective bargaining agreement ratified before the date of the enactment of this Act, earlier than the date of termination of such agreement (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or January 1, 1996, whichever is earlier.

SEC. 303. INCREASE IN DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF SELF-EMPLOYED INDIVIDUALS.

(a) INCREASING DEDUCTION TO 100 PERCENT.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent of".

(b) MAKING PROVISION PERMANENT.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) LIMITATION TO ACCOUNTABLE HEALTH PLANS.—Paragraph (2) of section 162(l) of such Code is amended by adding at the end thereof the following new subparagraph:

"(C) DEDUCTION LIMITED TO ACCOUNTABLE HEALTH PLAN COSTS.—No deduction shall be allowed under this section for any amount which would be excess health plan expenses (as defined in subsection (m)(2), determined without regard to subparagraph (D) thereof) if the taxpayer were an employer.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) EXCEPTION.—The amendment made by subsection (c) shall apply to expenses for periods of coverage beginning on or after January 1, 1994.

SEC. 304. DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF INDIVIDUALS.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) amended by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR HEALTH PLAN PREMIUM EXPENSES.—

"(1) IN GENERAL.—The deduction under subsection (a) shall be determined without regard to the limitation based on adjusted gross income with respect to amounts paid for premiums for coverage under an accountable health plan.

"(2) LIMIT.—The amount allowed as a deduction under paragraph (1) with respect to the cost of providing coverage for any individual shall not exceed the applicable limit specified in section 162(m)(2)(C) reduced by the aggregate amount paid by all other entities (including any employer or any level of government) for coverage of such individual under any health plan.

"(3) DEDUCTION ALLOWED AGAINST GROSS INCOME.—The deduction under this subsection shall be taken into account in determining adjusted gross income under section 62(a).

"(4) TREATMENT OF MEDICARE PROGRAM.—Coverage under part A or part B of title XVIII of the Social Security Act shall not be considered for purposes of this subsection to be coverage under an accountable health plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 305. EXCLUSION FROM GROSS INCOME FOR EMPLOYER CONTRIBUTIONS TO ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employers to accident and health plans) is amended to read as follows:

"Gross income of an employee does not include employer-provided basic coverage under an accountable health plan (as defined in section 162(m)(2)(B)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

SEC. 401. REGULATIONS REQUIRING DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

"SEC. 1144. (a) ANNUAL REPORTS.—

"(1) INSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each institutional health care provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The annual report referred to in subparagraph (A) shall include—

"(i) mortality rates relating to services provided to individuals, including incidence and outcomes of surgical and other invasive procedures;

"(ii) nosocomial infection rates;

"(iii) a list of routine preoperative tests and other frequently performed medical tests, including blood tests, chest x-rays, magnetic resonance imaging, computerized axial tomography, urinalysis, and heart catherizations, and the cost of such tests;

"(iv) the number and types of malpractice claims against the provider decided or settled for the year; and

"(v) such other information as the Secretary shall require.

"(2) NONINSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each noninstitutional provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The report referred to in subparagraph (A) shall include—

"(i) information regarding the provider's education, experience, qualifications, board certification, and license to provide health care services, including a list of the States in which such provider is licensed and any limitations on such provider's license;

"(ii) any disciplinary actions taken against the provider by any health care facility, State medical agency, or medical organization which result in a finding of improper conduct;

"(iii) any malpractice action against the provider decided or settled;

"(iv) a disclosure of any ownership interest the provider may have in any health care facility, laboratory, or health care supply company; and

"(v) such other information as the Secretary shall require.

"(b) DISCLOSURE OF INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—

"(1) INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—The Secretary shall issue regulations requiring that each institutional and noninstitutional health care provider receiving payment for services under title XVIII or XIX shall make available any forms required in connection with the receipt of services under such title which consist of any diagnostic, surgical, or other invasive procedure, prior to the performance of such procedure.

"(2) INFORMATION PROVIDED BEFORE PERFORMANCE OF PROCEDURE.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to disclose to any individual receiving any surgical, palliative, or other health care procedure or any drug therapy or other treatment, the following information prior to the performance of such procedure or treatment:

"(A) The nature of the procedure or treatment.

"(B) A description of the procedure or treatment.

"(C) The risk and benefits associated with the procedure or treatment.

"(D) The success rate for the procedure or treatment generally, and for the provider.

"(E) The provider's cost range for the procedure or treatment.

"(F) Any alternative treatment which may be available to such individual.

"(G) Any known side effects of any medications required in connection with the procedure or treatment.

"(H) The interactive effect of the complete regimen of medications associated with the procedure.

"(I) The availability of the information under this subsection and under subsections (a) and (c).

"(J) Such other information as the Secretary shall require.

"(3) EMERGENCIES.—The Secretary shall issue regulations with respect to the waiver of any requirement established under paragraphs (1) and (2) in a case where emergency health care is needed.

"(c) PATIENT'S RIGHT TO REFUSE INFORMATION AND TREATMENT.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to inform any individual receiving services under such title of such individual's right—

"(1) to refuse any information which is available to such individual under the regulations described in subsections (a) and (b);

"(2) to refuse any procedure or treatment;

"(3) to refuse attendance by any such provider; or

"(4) to leave the premises of any such provider.

"(d) DEFINITIONS.—As used in this section—

"(1) INSTITUTIONAL HEALTH CARE PROVIDER.—The term 'institutional health care provider' means any hospital, clinic, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, or other facility receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(2) NONINSTITUTIONAL HEALTH CARE PROVIDER.—The term 'noninstitutional health care provider' means any physician, physician assistant, nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or other individual receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(e) COMPLIANCE.—

"(1) PENALTIES FOR FAILURE TO COMPLY.—The Secretary shall issue regulations establishing appropriate penalties for any failure to comply with the regulations issued under this section.

"(2) WAIVER OF COMPLIANCE.—The Secretary may waive any of the requirements under the regulations issued under this section if a health care provider demonstrates that such requirements will result in an undue burden on such provider.".

SEC. 402. OUTREACH ACTIVITIES.

(a) MEDICARE PROGRAM.—

(1) GRANTS TO NONPROFIT PRIVATE ENTITIES FOR OUTREACH ACTIVITIES.—

(A) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this paragraph as the "Secretary"), is authorized to award grants, on a competitive basis, to nonprofit private entities to enable such entities to develop outreach activities to inform beneficiaries under title XVIII of the Social Security Act of the information available to such beneficiaries pursuant to regulations issued by the Secretary under section 1144 of the Social Security Act as added by section 301 of this Act.

(B) APPLICATION.—To be eligible to receive a grant under subparagraph (A), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $5,000,000 for fiscal year 1996.

(2) OUTREACH THROUGH NOTICE OF MEDICARE BENEFITS.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(A) in paragraph (2), by striking ", and" and inserting a comma,

(B) in paragraph (3), by striking the period and inserting ", and", and

(C) by inserting after paragraph (3), the following new paragraph:

"(4) a description of the information available to beneficiaries under this title pursuant to regulations issued by the Secretary under section 1144.".

(b) MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), is amended—

(A) by striking "and" at the end of paragraph (54),

(B) by striking the period at the end of paragraph (58) (as added by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) and inserting a semicolon,

(C) by redesignating the second paragraph (58) (as added by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) as paragraph (59) and by striking the period at the end and inserting "; and", and

(D) by adding at the end the following new paragraph:

"(60) provide for an outreach program informing individuals who receive medical assistance under this title of the information available to such individuals pursuant to regulations issued by the Secretary under section 1144.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (1) shall apply to calendar quarters beginning on or after January 1, 1994.

(B) GENERAL RULE.—In the case of a State which the Secretary determines requires State legislation (other than legislation authorizing or appropriating funds) in order to comply with paragraph (1), the State shall not be regarded as failing to comply with such paragraph solely on the basis of its failure to meet the requirements of such paragraph before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

SEC. 501. PURPOSE.

It is the purpose of this title to encourage cooperation between hospitals in order to contain costs and achieve a more efficient health care delivery system through the elimination of unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

SEC. 502. HOSPITAL TECHNOLOGY AND SERVICES SHARING PROGRAM.

Part D of title VI of the Public Health Service Act (42 U.S.C. 291k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 647. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.

"(a) WAIVER.—The Attorney General, acting through the Secretary, may grant a waiver of the anti-trust laws, to permit two or more hospitals to enter into a voluntary cooperative agreement under which such hospitals provide for the sharing of medical technology and services.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—To be eligible to receive a waiver under subsection (a), an entity shall be a hospital and shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a statement that such hospital desires to negotiate and enter into a voluntary cooperative agreement with at least one other hospital operating in the State or region of the applicant hospital for the sharing of medical technology or services;

"(B) a description of the nature and scope of the activities contemplated under the cooperative agreement and any consideration that may pass under such agreement to any other hospital that may elect to become a party to the agreement; and

"(C) any other information determined appropriate by the Secretary.

"(2) DEVELOPMENT OF EVALUATION GUIDELINES.—Not later than 90 days after the date of enactment of this section, the Administrator of the Agency for Health Care Policy and Research shall develop evaluation guidelines with respect to applications submitted under paragraph (1).

"(3) EVALUATIONS OF APPLICATIONS.—The Secretary, in consultation with the Administrator of the Agency for Health Care Policy and Research, shall evaluate applications submitted under paragraph (1). In determining which applications to approve for purposes of granting waivers under subsection (a), the Secretary shall consider whether the cooperative agreement described in each such application is likely to result in—

"(A) a reduction of costs and an increase in access to care;

"(B) the enhancement of the quality of hospital or hospital-related care;

"(C) the preservation of hospital facilities in geographical proximity to the communities traditionally served by such facilities;

"(D) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

"(E) improvements in the efficient utilization of hospital resources and capital equipment; or

"(F) the avoidance of duplication of hospital resources.

"(c) MEDICAL TECHNOLOGY AND SERVICES.—

"(1) IN GENERAL.—Cooperative agreements facilitated under this section shall provide for the sharing of medical or high technology equipment or services among the hospitals which are parties to such agreements.

"(2) MEDICAL TECHNOLOGY.—For purposes of this section, the term 'medical technology' shall include the drugs, devices, and medical and surgical procedures utilized in medical care, and the organizational and support systems within which such care is provided.

"(3) ELIGIBLE SERVICES.—With respect to services that may be shared under an agreement entered into under this section, such services shall—

"(A) either have high capital costs or extremely high annual operating costs; and

"(B) be services with respect to which there is a reasonable expectation that shared ownership will avoid a significant degree of the potential excess capacity of such services in the community or region to be served under such agreement.

Such services may include mobile clinic services.

"(d) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the potential for cooperative agreements of the type entered into under this section to—

"(1) contain health care costs;

"(2) increase the access of individuals to medical services; and

"(3) improve the quality of health care.

Such report shall also contain the recommendations of the Secretary with respect to future programs to facilitate cooperative agreements.

"(e) DEFINITION.—For purposes of this section, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, commonly known as the 'Sherman Act' (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

"(2) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

"(3) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, commonly known as the 'Clayton Act' (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

"(4) any State antitrust laws that would prohibit the activities described in subsection (a).".

TITLE IV—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

SEC. 401. RIGHT TO DECLINE MEDICAL TREATMENT.

(a) RIGHTS OF COMPETENT ADULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may not restrict the right of a competent adult to consent to, or to decline, medical treatment.

(2) LIMITATIONS.—

(A) AFFECT ON THIRD PARTIES.—A State may impose limitations on the right of a competent adult to decline treatment if such limitations protect third parties (including minor children) from harm.

(B) TREATMENT WHICH IS NOT MEDICALLY INDICATED.—Nothing in this section shall be construed to require that any individual be offered, or that any individual may demand, medical treatment which the health care provider does not have available, or which is futile, or which is otherwise not medically indicated.

(b) RIGHTS OF INCAPACITATED ADULTS.—

(1) IN GENERAL.—Notwithstanding incapacity, each adult has a right to consent to, or to decline, medical treatment. Except as provided in subsection (a)(2)(A), States may not restrict the right to consent to, or to decline, medical treatment as exercised by an adult through the documents specified in this subsection, or through similar documents or other written methods of directive which clearly and convincingly evidence the adult's treatment choices.

(2) ADVANCE DIRECTIVES AND POWERS OF ATTORNEY.—

(A) IN GENERAL.—In order to facilitate the communication, despite incapacity, of an adult's treatment choices, the Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary"), in consultation with the Attorney General, shall develop a national advance directive form that—

(i) shall not limit or otherwise restrict, except as provided in subsection (a)(2)(A), an adult's right to consent to, or to decline, medical treatment; and

(ii) shall, at minimum—

(I) provide the means for an adult to declare such adult's own treatment choices in the event of a terminal condition;

(II) provide the means for an adult to declare, at such adult's option, treatment choices in the event of other conditions (such as persistent vegetative state) which are chronic and debilitating, which are medically incurable, and from which such adult likely will not recover; and

(III) provide the means by which an adult may, at such adult's option, declare such adult's wishes with respect to all forms of medical treatment, including forms of medical treatment such as the provision of nutrition and hydration by artificial means which may be, in some circumstances, relatively nonburdensome.

(B) NATIONAL DURABLE POWER OF ATTORNEY FORM.—The Secretary, in consultation with the Attorney General, shall develop a national durable power of attorney form for health care decisionmaking. The form shall provide a means for any adult to designate another adult or adults to exercise the same decisionmaking powers which would, under State law, otherwise be exercised by next of kin.

(C) HONORED BY ALL HEALTH CARE PROVIDERS.—The national advance directive and durable power of attorney forms developed by the Secretary shall be honored by all health care providers.

(D) LIMITATIONS.—No individual shall be required to execute an advance directive. This title makes no presumption concerning the intention of an individual who has not executed an advance directive. An advance directive shall be sufficient, but not necessary, proof of an adult's treatment choices with respect to the circumstances addressed in the advance directive.

(3) DEFINITION.—For purposes of this subsection, the term "incapacity" means the inability to understand the nature and consequences of health care decisions (including the intended benefits and foreseeable risks of, and alternatives to, proposed treatment options), and to reach informed decisions concerning health care. Individuals who are incapacitated include adjudicated incompetents and individuals who have not been adjudicated incompetent but who, nonetheless, lack the capacity to formulate or communicate decisions concerning health care.

(c) HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—No health care provider may provide treatment to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices. A health provider who acts in good faith pursuant to the preceding sentence shall be immune from criminal or civil liability or discipline for professional misconduct.

(2) HEALTH CARE PROVIDERS UNDER THE MEDICARE AND MEDICAID PROGRAMS.—Any health care provider who knowingly provides services to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices, shall be denied payment for such services under titles XVIII and XIX of the Social Security Act.

(3) TRANSFERS.—Health care providers who object to the provision of medical care in accordance with an adult's wishes shall transfer the adult to the care of another health care provider.

(d) DEFINITION.—For purposes of this section, the term "adult" means an individual who is 18 years of age or older.

SEC. 602. FEDERAL RIGHT ENFORCEABLE IN FEDERAL COURTS.

The rights recognized in this title may be enforced by filing a civil action in an appropriate district court of the United States.

SEC. 603. SUICIDE AND HOMICIDE.

Nothing in this title shall be construed to permit, condone, authorize, or approve suicide or mercy killing, or any affirmative act to end a human life.

SEC. 604. RIGHTS GRANTED BY STATES.

Nothing in this title shall impair or supersede rights granted by State law which exceed the rights recognized by this title.

SEC. 605. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specified in subsection (b), written policies and written information adopted by health care providers pursuant to sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), shall be modified within 6 months of enactment of this title to conform to the provisions of this title.

(b) DELAY PERIOD FOR UNIFORM FORMS.—Health care providers shall modify any written forms distributed as written information under sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) not later than 6 months after promulgation of the forms referred to in subparagraphs (A) and (B) of section 601(b)(2) by the Secretary.

SEC. 606. INFORMATION PROVIDED TO CERTAIN INDIVIDUALS.

The Secretary shall provide on a periodic basis written information regarding an individual's right to consent to, or to decline, medical treatment as provided in this title to individual's who are beneficiaries under titles II, XVI, XVIII, and XIX of the Social Security Act.

SEC. 607. RECOMMENDATIONS TO THE CONGRESS ON ISSUES RELATING TO A PATIENT'S RIGHT OF SELF-DETERMINATION.

Not later than 180 days after the date of the enactment of this Act the Secretary shall provide recommendations to the Congress concerning the medical, legal, ethical, social, and educational issues related to this title. In developing recommendations under this section the Secretary shall address the following issues:

(1) the contents of the forms referred to in subparagraphs (A) and (B) of section 601(b)(2);

(2) issues pertaining to the education and training of health care professionals concerning patients' self-determination rights;

(3) issues pertaining to health care professionals' duties with respect to patients' rights, and health care professionals' roles in identifying, assessing, and presenting for patient consideration medically indicated treatment options; and

(4) such other issues as the Secretary may identify.

SEC. 608. EFFECTIVE DATE.

This title shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 701. QUALIFIED HEALTH INSURANCE PLANS.

(a) REQUIREMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—HEALTH INSURANCE

"PART A—GENERAL PROVISIONS

"SEC. 2101. DEFINITIONS.

"As used in this title:

"(1) APPLICABLE REGULATORY AUTHORITY.—The term 'applicable regulatory authority' means—

"(A) in the case of a health insurance plan offered in a State with a program meeting the requirements of this title, the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance; or

"(B) in the case of a health insurance plan certified by the Secretary under section 2121(a)(2), the Secretary.

"(2) COMMISSION.—The term 'Commission' means the Health Insurance Standards Commission established under section 2111.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract or health maintenance organization group contract, multiple employer welfare arrangement, or any other health insurance arrangement, including an employment-related reinsurance plan. Such term does not include any of the following that is offered by an insurer—

"(i) accident only, dental only, or disability income only insurance;

"(ii) coverage issued as a supplement to liability insurance;

"(iii) worker's compensation or similar insurance; or

"(iv) automobile medical-payment insurance.

"(5) HEALTH MAINTENANCE ORGANIZATION.—The term 'health maintenance organization' has the meaning given the term 'eligible organization' in section 1876(b) of this Act.

"(6) INSURER.—The term 'insurer' means any person that offers a health insurance plan.

"(7) QUALIFIED HEALTH INSURANCE PLAN.—The term 'qualified health insurance plan' means a health insurance benefit plan that—

"(A) meets the Federal standards and guidelines described in part C; and

"(B) is accredited by the appropriate State insurance commission for the State involved according to standards promulgated by the Secretary under part B.

"PART B—HEALTH INSURANCE STANDARDS COMMISSION

"SEC. 2111. ESTABLISHMENT OF HEALTH INSURANCE STANDARDS COMMISSION.

"(a) IN GENERAL.—The Secretary shall establish a commission, to be known as the 'Health Insurance Standards Commission', to carry out the activities described in section 2112.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of 15 members to be appointed by the Secretary not later than June 1, 1992, in accordance with this subsection. The members of the Commission shall annually elect a member to serve as the chairperson of the Commission.

"(2) MEMBERS.—Individuals appointed by the Secretary under paragraph (1) shall be appropriately qualified independent experts with respect to the provision and financing of health care, and shall include physicians, registered nurses, registered pharmacists, consumers of health care, employers, third party payors, a representative from the American Standards Committee (ASCX 12) of the American National Standards Institute, individuals skilled in the conduct and interpretation of health economics research, and individuals having expertise in the research and development of technological and scientific advances in health care.

"(3) NOMINATIONS.—In determining those individuals to appoint to the Commission under paragraph (1), the Secretary shall seek nominations from a wide range of groups including—

"(A) national organizations representing physicians, including medical specialty organizations and registered professional nurses, registered pharmacists and other skilled health professionals;

"(B) national organizations representing hospitals, including teaching hospitals;

"(C) national organizations representing the manufacture of health care products;

"(D) national organizations representing the business community, health benefit programs, labor and the elderly;

"(E) national organizations for standards development; and

"(F) consumer organizations.

"(4) TERMS.—Individuals shall be appointed to the Commission for a term of three years, except that the Secretary shall, with respect to the initial members of the Commission, provide for the appointment of such initial members for shorter terms in a manner to insure that, on a continuing basis, the terms of not more than seven members expire in any one year.

"(5) COMPENSATION.—While serving on the business of the Commission (including travel time) a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from the home or regular place of business of the member, a member may be allowed travel expenses, as authorized by the Chairperson of the Commission.

"(c) ADMINISTRATIVE POWERS.—Subject to such review as the Secretary determines necessary to assure the efficient administration of the Commission, the Commission may—

"(1) employ and fix the compensation of such personnel (not to exceed 25 individuals) as may be necessary to enable the Commission to carry out its duties;

"(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies and from experts from the private sector;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

"(4) make advance, progress, and other payments which relate to the work of the Commission;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as the Commission determines necessary with respect to the internal organization and operation of the Commission.

"SEC. 2112. DUTIES AND ACTIVITIES OF COMMISSION.

"(a) RECOMMENDATION FOR IMPLEMENTATION OF TITLE.—

"(1) IN GENERAL.—Not later than September 30, 1992, the Commission shall prepare and submit to the Secretary a report containing the recommendations of the Commission concerning regulations for the implementation of the requirements of this title, including the long-term plan and uniform standards described in subsection (b)(1).

"(2) PUBLICATION OF REVISIONS.—The Secretary shall, not later than 60 days before the promulgation of final regulations under this title, cause to have published for public comment in the Federal Register the recommendations of the Commission under paragraph (1).

"(b) UNIFORM COMPUTERIZED BILLING SYSTEM AND STANDARDS FOR ELECTRONIC DATA INTERCHANGE.—

"(1) IN GENERAL.—The Commission shall develop a long-term plan for the implementation of computerized billing, eligibility, and any other activity that the Commission determines to be appropriate and uniform standards for electronic data interchange, to be applied as provided for in paragraph (6). Such long-term plan and standards shall include—

"(A) online communications standards;

"(B) specific designs for a standardized electronic uniform claim form;

"(C) the standards and plan for electronic data interchange and other measure derived from the Secretary's Work Group on Electronic Data Interchange;

"(D) any other standards or requirements determined appropriate by the Secretary; and

"(E) a plan to incorporate all insurance plans into the computerized system and standards including self-insured plans.

"(2) ELECTRONIC DATA INTERCHANGE.—The Commission shall acquire from the American National Standards Institute reports concerning the progress of such Institute in developing electronic data interchange. Based on such reports, the Commission shall, on an annual basis, adopt additional electronic data interchange standards, if necessary, and incorporate such additional standards into the implementation plan referred to in paragraph (1).

"(3) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Commission shall make recommendations to the Secretary concerning components of the long-term implementation plan and uniform standards for electronic data interchange developed under paragraph (1), based on the feasibility of health insurance plans to be able to comply as a qualified health insurance plan under part C.

"(4) REVIEW.—Taking into consideration the recommendations of the Commission, the Secretary shall review the proposed requirements of the Commission under paragraph (3) and determine the appropriate requirements necessary for the implementation of efficient, cost effective computerization under paragraph (1) and for requiring that a health insurance plan meet such requirements in order to be a qualified health insurance plan under this part.

"(5) PUBLICATION OF REQUIREMENTS.—The Secretary shall cause to be published for public comment in the Federal Register, not later than—

"(A) three months after receiving recommendations from the Commission under paragraph (2), the proposed requirements of the Secretary with respect to the computerization and standards for electronic data interchange and the proposed requirements of a qualified health insurance plan; and

"(B) six months after receiving recommendations from the Commission under paragraph (2), and after such consideration of public comment on the proposals under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to the requirements for computerization and standards for electronic data interchange and the requirements of a qualified health insurance plan.

"(6) REQUIREMENTS.—A system established under this section should—

"(A) use online communication for health providers to access in determining a patient's eligibility for benefits under the patient's health insurance plan;

"(B) provide each member covered under a qualified health insurance plan with a plastic card or other similar form of identification that shall serve as the mechanism to supply health insurance identification numbers and other information as the Secretary may determine appropriate to the health provider; and

"(C) not be a mandatory requirement with respect to a health provider whose place of business is located in a whole-county nonmetropolitan Health Professional Shortage Area as defined in section 332 as a condition of such provider's participation in a qualified health insurance plan.

"(7) MEDICARE AND MEDICAID.—A system established under this section shall apply with respect to particpants under titles XVIII and XIX.

"(c) RECOMMENDATION FOR REVISIONS IN STANDARDS.—

"(1) IN GENERAL.—The Commission shall annually recommend to the Secretary revisions that should be made in the standards and requirements that a health insurance plan must meet, in addition to those described in part C, to be accredited as a qualified health insurance plan under this part, revisions that should be made in the long-term plan for implementation and uniform standards for electronic data interchange, and changes in the requirements for qualified health insurance plans with respect to additional components of the long-term plan for implementation and uniform standards for electronic data interchange that should be required of such plans based on the feasibility of such plans to comply. In making such recommendations, the Commission shall take into consideration the need to maintain broad coverage of quality medical services, the need to implement effective long-term management practices with respect to health care costs including the ability to manage the price, utilization and quality of health care services, the need to reduce administrative costs to insurers and health providers, and the need to reduce billing fraud. Such recommendations shall include any measures necessary to further reduce the administrative costs of health care, where feasible, by requiring—

"(A) additional efforts to reduce the costs of claims processing and billing through the standardization and automation, including the use of smart cards or other technology; and

"(B) simplified utilization review by processes that may include the implementation of the use of a uniform clinical data set.

"(2) ANNUAL REVIEW BY SECRETARY.—Taking into consideration the recommendations of the Commission under paragraph (1), the Secretary shall annually review the requirements with respect to qualified health insurance plans and determine appropriate revisions in such requirements necessary to maintain the efficient and effective delivery of medically appropriate and necessary care that is of high quality and the reductions in administrative costs. Such standards may not include the setting of minimum benefits.

"(3) PUBLICATION OF REVISIONS.—The Secretary shall cause to have published for public comment in the Federal Register, not later than—

"(A) May 15 of each fiscal year referred to in paragraph (1), the proposed revisions of the Secretary in the standards or requirements with respect to qualified health insurance plans for such fiscal year, including, the report of the Commission under paragraph (1); and

"(B) July 15 of each fiscal year referred to in paragraph (1), and after the consideration of the public comment under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to such revisions.

"(d) COLLECTION AND REVIEW OF INFORMATION.—

"(1) APPROPRIATE USES OF HEALTH RESOURCES.—In order to identify patterns of medically appropriate uses of health resources, the Commission shall collect and review information concerning medical and surgical procedures and services, including regional variations, giving special attention to treatment patterns for conditions that appear to involve excessively costly or inappropriate services not adding to the quality of care provided.

"(2) EFFECTIVENESS OF COMPUTERIZED BILLING.—The Commission shall collect and review data concerning the effectiveness and efficiency of the current health insurance claims billing system and the proposed computerized billing under subsection (b).

"(3) COST-CONTAINMENT METHODS.—The Commission shall collect and review data concerning methods of health care cost-containment that maintain high quality care and the right of the patient to choose their doctor or hospital.

"(4) ADMINISTRATIVE REQUIREMENTS.—In collecting and assessing information under this subsection, the Commission shall—

"(A) utilize existing information, both published and unpublished, where possible, collected and reviewed either by its staff or under other arrangements made in accordance with this paragraph;

"(B) carry out, or award grants or contracts for, original research and experimentation and demonstration projects, including clinical research, where existing information is inadequate for the development and use and valid guidelines for the Commission; and

"(C) adopt procedures permitting any interested party to submit information with respect to unnecessary administrative burdens on business, hospitals, physicians or consumers arising from health care administration, medical and surgical procedures and services (including new practices, such as the use of new technologies and treatment modalities) and information on proposed methods of health care cost-containment that maintain high quality care and the right of the patient to choose their own doctor or hospital, which information the Commission shall consider in making reports and recommendations to the Secretary and Congress.

"(5) ACCESS TO INFORMATION.—The Commission shall have access to such relevant information and data as may be available from appropriate Federal agencies.

"(j) ADMINISTRATION.—

"(1) ANNUAL REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress, a report concerning the functioning and progress of the Commission and the status of the Commission's work.

"(2) ACCESS.—The Secretary shall have unrestricted access to all deliberations, records, and data of the Commission, immediately upon its request.

"(3) EXPENSES.—In order to carry out its duties under this part, the Commission is authorized to expend reasonable and necessary funds as mutually agreed upon by the Secretary and the Commission. The Secretary shall be reimbursed for such funds by the Commission from the appropriations made with respect to the Commission.

"(4) AUDIT.—The Commission shall be subject to periodic audit by the General Accounting Office.

TITLE VIII—CHILDREN'S HEALTH CARE

SEC. 801. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall establish a program under which local educational agencies (as such term is defined in section 1471(12) of the Elementary and Secondary Education Act of 1965) shall offer basic health insurance coverage to eligible students in such schools.

(b) REQUIREMENTS.—

(1) APPLICABILITY.—The provisions of this section shall apply to each local education agency that receives Federal educational assistance.

(2) STATE EDUCATION DEPARTMENTS.—

(A) POLICIES.—The department of education for a State shall determine the types of health insurance policies that should be offered under this section by local education agencies of such State. In making such determination, the department shall ensure that coverage under a fee-for-service plan and a managed care plan is available to the local educational agencies in the State.

(B) ANNUAL REPORTS.—The department of education for a State shall annually prepare and submit to the Secretary of Education a report that describes the health insurance policies offered under this section in the public schools in such State.

(3) HEALTH INSURANCE COVERAGE.—The Secretary of Health and Human Services, shall determine the minimum requirements that any health insurance plan offered under this section must meet, including—

(A) the primary, preventative, medical, emergency and surgical care services and benefits to be covered under such plan; and

(B) any other matter determined appropriate by such Secretary.

(4) LOCAL ADMINISTRATION.—The department of education for a State shall administer the requirements of this section through the local educational agencies.

(c) ELIGIBLE STUDENTS.—To be eligible to be covered under a health insurance plan offered by a local educational agency, an individual shall—

(1) not be more than 18 years of age and reside in the school district;

(2) be uninsured for a period of not less than 6 months prior to the date on which coverage under the plan offered by such school would commence;

(3) not be covered or enrolled under title XIX of the Social Security Act or under any other public health insurance program; and

(4) meet any other requirements determined appropriate by the State department of education or the Secretary of Education.

(d) ENFORCEMENT.—If the Secretary determines that a local educational agency is not in compliance with the requirements of this section, the Secretary may withhold, or request a remittance, of not to exceed 10 percent of the total amount of Federal educational assistance to be made available, or previously made available, to such local educational agency for the fiscal year during which such noncompliance is occurring.

(f) CONSTRUCTION.—This section shall not be construed as requiring the purchase of policies under this section.

(g) ADMINISTRATIVE SUPPORT.—The Secretary may provide assistance to local educational agencies to assist such agencies in off-setting the additional administrative costs to such agencies in complying with this section.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations necessary to carry out this section.

SEC. 802. REFUNDABLE TAX CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified health insurance expenses paid by such individual during the taxable year.

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for medical care (within the meaning of section 213(d)(1)(C)) with respect to insurance policies issued pursuant to any program approved under section 101 of the Children's Health Care Improvement Act. For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a) shall not exceed $1,000 per qualifying child adjusted under regulations promulgated by the Secretary to reflect any increase in the consumer price index.

"(3) PHASEOUT.—In the case of any taxpayer whose adjusted gross income exceeds 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, the dollar amount under paragraph (2) shall be reduced (but not below zero) by the percentage by which such income exceeds such poverty line.

"(4) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 32.

"(6) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense if—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof under title XIX of the Social Security Act, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(c) QUALIFYING CHILD.—For purposes of this section, the term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraph (A)(iii)).

"(d) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment in excess of the amount of the credit allowable under this section is made to the individual under 7524 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7523 the following new section:

"SEC. 7524. ADVANCE PAYMENT OF CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of section 34A.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if the taxpayer furnishes, at such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(1) determine if the individual will be eligible to receive the credit provided by section 34A for the taxable year, and

"(2) estimate the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

"(c) PAYMENTS.—The Secretary shall make payment of the amount determined under subsection (b)(2) upon receipt of the information described in subsection (b).

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) CONFORMING AMENDMENT.—Section 213 of the Internal Revenue Code of 1986 (relating to deduction for medical, dental, etc., expenses) is amended by adding the following new subsection:

"(g) COORDINATION WITH HEALTH INSURANCE EXPENSES CREDIT UNDER SECTION 34A.—The amount otherwise taken into account under subsection (a) as expenses paid for medical care shall be reduced by the amount (if any) of the children's health insurance expenses credit allowable to the taxpayer for the taxable year under section 34A."

(d) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 34A of such Code".

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Children's health insurance expenses."

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7523 the following new item:

"Sec. 7524. Advance payment of credit for children's health insurance expenses."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 803.—WIC PROGRAM, MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM, AND MEDICAID

(a) UNIFORM MODEL APPLICATION FORM AND PROCESS.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary"), working in consultation with the Secretary of Agriculture, shall develop a single model uniform application form and process to be utilized in applying for and obtaining benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et. seq.). The Secretary of Health and Human Services shall provide any waivers necessary to carry out this section.

(b) AVAILABILITY OF FORM AND PROCESS.—The single model uniform application form and process shall be made available to States electing to adopt such form and process for use in applying for and obtaining benefits under such programs.

(c) OUTREACH PROGRAM.—The Secretary, working in consultation with the Secretary of Agriculture, shall provide an outreach program for States electing to adopt the single model uniform application form and process. The outreach program shall be designed to inform recipients and potential recipients of benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the option to apply for benefits under those programs using the single model uniform application form and process.

(a) IN GENERAL.—The Secretary shall make grants to not more than five States to enable such States to conduct demonstration projects for the purpose of encouraging women to obtain prenatal and well-baby care under the Special Supplemental Food Program under section 17 the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATION.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(2) REVIEW AND APPROVAL OF APPLICATION.—The Secretary shall review and approve each application submitted pursuant to paragraph (1) in accordance with such criteria as the Secretary finds appropriate.

(c) AMOUNT OF GRANT.—The amount of a grant to a State under this section shall be an amount that the Secretary finds reasonable and necessary for the development and implementation of the State's demonstration program.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IX—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

SEC. 901. REVENUE INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified health services provider who is a physician assistant or a nurse practitioner).

"(b) Qualified Primary Health Services Provider.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) Mandatory Service Period.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Bureau.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) Physician.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) Physician assistant; nurse practitioner.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) Primary health services provider.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) Rural health professional shortage area.—The term 'rural health professional shortage area' means—

"(A) a class 1 or class 2 health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(e) Recapture of Credit.—

"(1) In general.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) Applicable recapture percentage.—

"(A) In general.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) Timing.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) Recapture event defined.—

"(A) In general.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) Cessation of designation.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) Secretarial waiver.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) Clerical amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) National Health Service Corps Loan Repayments Excluded From Gross Income.—

(1) In general.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) General Rule.—Gross income shall not include any qualified loan repayment.

"(b) Qualified Loan Repayment.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) Conforming amendment.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) Clerical amendment.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) Effective date.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) Expensing of Medical Equipment.—

(1) In general.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) Dollar limitation.—

"(A) General rule.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) Rural health care property.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) Rural health care property.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(2) Effective date.—The amendments made by this subsection shall apply to property placed in service after December 31, 1993, in taxable years ending after such date.

(d) Deduction for Student Loan Payments by Medical Professionals Practicing in Rural Areas.—

(1) Interest on student loans not treated as personal interest.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k)).".

(2) Qualified medical education interest defined.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) Qualified Medical Education Interest of Medical Professionals Practicing in Rural Areas.—

"(1) In general.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) Dollar limitation.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) Qualified rural medical practice agreement.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of a registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act.".

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

Subtitle B—Public Health Service Act Provisions

SEC. 911. NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$118,900,000 for each of the fiscal years 1993 through 1996."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) IN GENERAL.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B.".

SEC. 912. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. COMMUNITY BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community based primary health care entities that provide services to pregnant women and children up to age three.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amounts available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by the amount available for allotment for such fiscal year.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II)) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in non-urbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States.

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330 and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a State, such amount shall not exceed twice the general population percentage of the State under clause (vi) or be less than one half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as a percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (ii), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3 year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3 year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(II)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under it's allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to pregnant women and children up to age three.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner and containing such information as such administering entity may require, including a plan for the provision of services;

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of pregnant women and children within the State who—

"(A) lack the health care coverage, or ability to pay, for primary or supplemental health care services; or

"(B) reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the State, within the State.

"(4) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of pregnant women and children who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

SEC. 913. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 912) is further amended by adding at the end thereof the following new section:

"SEC. 330B. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to in this section as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1992, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act; or

"(B) have submitted applications to the Secretary to qualify as FQHC's under such section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2) NON FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and "(ii) from patients not entitled to benefits under any such programs.

"(d) Limitations on Use of Funds.—

"(1) In general.—From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met;

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under section 1905(l)(2)(B) of the Social Security Act.

"(2) Recruiting, training and compensation of staff.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expanded existing sites.

"(3) Facilities and equipment.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) Services.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of such Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) Priorities in the Awarding of Grants.—

"(1) Certified FQHC's.—The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1992, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) Qualified FQHC's.—The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) Expanded services and projects.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) Return of Funds to Secretary for Costs Reimbursed From Other Sources.—To the extent that an entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) Termination of Grants.—

"(1) Failure to meet FQHC requirements.—

"(A) In general.—With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) Notice.—Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) Requirements.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $400,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $1,200,000,000 for fiscal year 1995, $1,600,000,000 for fiscal year 1996, and $1,600,000,000 for fiscal year 1997.".

(b) Effective Date.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1993.

(c) Study and Report on Services Provided by Community Health Centers and Hospitals.—

(1) In general.—The Secretary of Health and Human Services (hereinafter referred to in this subsection as the "Secretary") shall provide for a study to examine the relationship and interaction between community health centers and hospitals in providing services to individuals residing in medically underserved areas. The Secretary shall ensure that the National Rural Research Centers participate in such study.

(2) Report.—The Secretary shall provide to the appropriate committees of Congress a report summarizing the findings of the study within 90 days of the end of each project year and shall include in such report recommendations on methods to improve the coordination of and provision of services in medically underserved areas by community health centers and hospitals.

(3) Authorization.—There are authorized to be appropriated to carry out the study provided for in this subsection $150,000 for each of fiscal years 1993 and 1994.

SEC. 914. RURAL MENTAL HEALTH OUTREACH GRANTS.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end thereof the following new section:

"SEC. 544. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) In General.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and implement a plan for mental health outreach programs in rural areas.

"(b) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) Matching Requirement.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions toward the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1993 through 1997.".

SEC. 915. HEALTH PROFESSIONS TRAINING.

(a) Medically Underserved Area Training Incentives.—Subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended to read as follows:

"(a) Priorities in Awarding of Grants.—

"(1) Allocation of competitive grant funds.—In awarding competitive grants under this title or title VIII, the Secretary shall, among applicants that meet the eligibility requirements under such titles, give priority to entities submitting applications that—

"(A) can demonstrate that such entities—

"(i) have a high permanent rate for placing graduates in practice settings which serve residents of medically underserved communities; and

"(ii) have a curriculum that includes—

"(I) the rotation of medical students and residents to clinical settings the focus of which is to serve medically underserved communities;

"(II) the appointment of health professionals whose practices serve medically underserved communities to act as preceptors to supervise training in such settings;

"(III) classroom instruction on practice opportunities involving medically underserved communities;

"(IV) service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(V) the recruitment of students who are most likely to elect to practice in or provide service to medically underserved communities;

"(VI) other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities; or

"(B) contain an organized plan for the expeditious development of the placement rate and curriculum described in subparagraph (A).

"(2) SERVICE IN MEDICALLY UNDERSERVED COMMUNITIES.—Not less than 50 percent of the amounts appropriated for fiscal year 1996, and for each subsequent fiscal year, for competitive grants under this title or title VIII, shall be used to award grants to institutions that are otherwise eligible for grants under such titles, and that can demonstrate that—

"(A) not less than 15 percent of the graduates of such institutions during the preceding 2-year period are engaged in full-time practice serving the needs of medically underserved communities; or

"(B) the number of the graduates of such institutions that are practicing in a medically underserved community has increased by not less than 50 percent over that proportion of such graduates for the previous 2-year period.

"(3) WAIVERS.—A health professions school may petition the Secretary for a temporary waiver of the priorities of this subsection. Such waiver shall be approved if the health professions school demonstrates that the State in which such school is located is not suffering from a shortage of primary care providers, as determined by the Secretary. Such waiver shall not be for a period in excess of 2 years.

"(4) DEFINITIONS.—As used in this subsection:

"(A) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(B) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(i) an area designated under section 332 as a health professional shortage area;

"(ii) an area designated as a medically underserved area under this Act;

"(iii) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(iv) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(v) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.".

(b) MEDICALLY UNDERSERVED AREA TRAINING GRANTS.—Part E of title VII of such Act is amended by adding at the end thereof the following new section:

"SEC. 779. MEDICALLY UNDERSERVED AREA TRAINING GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to health professions institutions to expand training programs that are targeted at those individuals desiring to practice in or serve the needs of medically underserved communities.

"(b) PLAN.—As part of an application submitted for a grant under this section, the applicant shall prepare and submit a plan that describes the proposed use of funds that may be provided to the applicant under the grant.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate the greatest likelihood of expanding the proportion of graduates who choose to practice in or serve the needs of medically underserved areas.

"(d) USE OF FUNDS.—An institution that receives a grant under this section shall use amounts received under such grant to establish or enhance procedures or efforts to—

"(1) rotate health professions students from such institution to clinical settings the focus of which is to serve the residents of medically underserved communities;

"(2) appoint health professionals whose practices serve medically underserved areas to serve as preceptors to supervise training in such settings;

"(3) provide classroom instruction on practice opportunities involving medically underserved communities;

"(4) provide service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(5) recruit students who are most likely to elect to practice in or provide service to medically underserved communities; or

"(6) provide other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities.

"(e) ADMINISTRATION.—

"(1) REQUIRED CONTRIBUTION.—An institution that receives a grant under this section shall contribute, from non-Federal sources, either in cash or in-kind, an amount equal to the amount of the grant to the activities to be undertaken with the grant funds.

"(2) LIMITATION.—An institution that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (d) in the fiscal year preceding the year for which the grant is received.

"(f) DEFINITIONS.—As used in this section:

"(1) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(2) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(A) an area designated under section 332 as a health professional shortage area;

"(B) an area designated as a medically underserved area under this Act;

"(C) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(D) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(E) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(c) HEALTH PROFESSIONS TRAINING GRANTS.—Part E of title VII of such Act (as amended by subsection (b)) is further amended by adding at the end thereof the following new section:

"SEC. 780. HEALTH PROFESSIONS INTEGRATION GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to eligible regional consortia to enhance and expand coordination among various health professions programs, particularly in medically underserved rural areas.

"(b) ELIGIBLE REGIONAL CONSORTIUM.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity must—

"(A) be a regional consortium consisting of at least one medical school and at least one other health professions school that is not a medical school; and

"(B) prepare and submit an application containing a plan of the type described in paragraph (2).

"(2) PLAN.—As part of the application submitted by a consortium under paragraph (1)(B), the consortium shall prepare and submit a plan that describes the proposed use of funds that may be provided to the consortium under the grant.

"(c) USE OF FUNDS.—A consortium that receives a grant under this section shall use amounts received under such grant to establish or enhance—

"(1) strategies for better clinical cooperation among different types of health professionals;

"(2) classroom instruction on integrated practice opportunities, particularly targeted toward rural areas;

"(3) integrated clinical clerkship programs that make use of students in differing health professions schools; or

"(4) other training methodologies that demonstrate a significant commitment to the expansion of clinical cooperation among different types of health professionals, particularly in underserved rural areas.

"(d) LIMITATION.—A consortium that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (c) in the fiscal year preceding the year for which the grant is received.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $7,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 916. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1709. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of networks among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 746, to provide educational services to health care providers in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1993 through 1997.

"(g) DEFINITION.—As used in this section and section 1710, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 917. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 916 is further amended by adding at the end thereof the following new section:

"SEC. 1710. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such directors shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) NEGOTIATIONS.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payers concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payers may be liable.

"(B) AGREEMENTS.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) EMPLOYERS.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payer, health insurance coverage for employees of such entities. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) MALPRACTICE INSURANCE.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of providers members.

"(5) MANAGED CARE AND PRACTICE STANDARDS.—A cooperative established under paragraph (1) shall establish joint case management and patient care practice standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) CONFIDENTIALITY.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) LINKAGES.—A cooperative shall create linkages among member health care providers, employers, and payers for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 through 1997.".

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

SEC. 1001. INCREASING PAYMENTS TO CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) Increase in Payments to Nurse Practitioners, Clinical Nurse Specialists, Certified Nurse Midwives, and Physician Assistants.—

(1) In general.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician";

(B) by redesignating subparagraph (M) the second place it appears and subparagraph (N), as subparagraphs (N) and (O), respectively; and

(C) by amending subparagraph (N), as redesignated, to read as follows: "(N) with respect to services described in section 1861(s)(2)(K) (relating to services provided by a nurse practitioner, clinical nurse specialist, or physician assistant) the amounts paid shall be 97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician,".

(2) Nurse practitioners and physician assistants.—Section 1842(b)(12) of such Act (42 U.S.C. 1395u(b)(12)) is amended to read as follows:

"(12) With respect to services described in clauses (i), (ii), or (iv) of section 1861(s)(2)(K) (relating to physician assistants and nurse practitioners)—

"(A) payment under this part may only be made on an assignment-related basis; and

"(B) the prevailing charges determined under paragraph (3) shall not exceed—

"(i) in the case of services performed as an assistant at surgery, 97 percent of the amount that would otherwise be recognized if performed by a physician who is serving as an assistant at surgery, or

"(ii) in other cases, 97 percent of the fee schedule amount specified in section 1848 for such services performed by physicians who are not specialists.".

(3) Direct payment for all nurse practitioners or clinical nurse specialists.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))".

(4) Removal of restrictions on settings.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(A) in clause (i), by striking "(I) in a hospital" and all that follows through "professional shortage area,";

(B) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(C) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

(b) Bonus Payment for Services Provided in Health Professional Shortage Areas.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist, physician assistant, certified nurse midwife, or certified registered nurse anesthetist furnished to an individual described in paragraph (1) in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in subparagraph (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for such services under this part.".

SEC. 1002. REQUIRING COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (21), by striking "; and" and inserting a semicolon;

(2) in paragraph (24), by striking the period at the end and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively;

(4) by inserting after paragraph (23) the following new paragraph:

"(24) services furnished by a physician assistant, nurse practitioner, clinical nurse specialist (as defined in section 1861(aa)(5)), and certified registered nurse anesthetist (as defined in section 1861(bb)(2)); and";

(5) by striking the semicolon at the end of paragraph (25), as redesignated, and inserting a period; and

(6) by transferring and inserting paragraph (25), as redesignated, after paragraph (24).

SEC. 1003. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

Part C of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 753. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

"(a) Establishment.—The Secretary shall establish a program to award grants to eligible schools of medicine or osteopathic medicine to enable such schools to provide medical students for tutorial programs or as participants in clinics designed to interest high school or college students in careers in general medical practice.

"(b) Application.—To be eligible to receive a grant under this section, a school of medicine or osteopathic medicine shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the school will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—

"(1) In general.—Amounts received under a grant awarded under this section shall be used to—

"(A) fund programs under which students of the grantee are provided as tutors for high school and college students in the areas of math, science, health promotion and prevention, first aide, nutrition and prenatal care;

"(B) fund programs under which students of the grantee are provided as participants in clinics and seminars in the areas described in paragraph (1); and

"(C) conduct summer institutes for high school and college students to promote careers in medicine.

"(2) Design of programs.—The programs, institutes and other activities conducted by grantees under paragraph (1) shall be designed to—

"(A) give medical students desiring to practice general medicine access to the local community;

"(B) provide information to high school and college students concerning medical school and the general practice of medicine; and

"(C) promote careers in general medicine.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995.".

SEC. 1004. GENERAL MEDICAL PRACTICE GRANTS.

Part C of title VII of the Public Health Service Act (as amended by section 503) is further amended by adding at the end thereof the following new section:

"SEC. 754. GENERAL MEDICAL PRACTICE GRANTS.

"(a) Establishment.—The Secretary shall establish a program to award grants to eligible public or private nonprofit schools of medicine or osteopathic medicine, hospitals, residency programs in family medicine or pediatrics, or to a consortium of such entities, to enable such entities to develop effective strategies for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(b) Application.—To be eligible to receive a grant under this section, an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—Amounts received under a grant awarded under this section shall be used to fund programs under which effective strategies are developed and implemented for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1994 through 1998, and such sums as may be necessary for fiscal years thereafter.".

SEC. 1005. PAYMENTS FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION COSTS.

(a) Direct Medical Education Costs.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (1)—

(A) by striking "hospitals for direct medical education costs" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs for direct medical education costs"; and

(B) by striking "hospitals associated" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs associated";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking "each hospital" and inserting "each hospital or public or private nonprofit entity";

(B) in subparagraph (A)—

(i) in the heading, by striking "HOSPITAL'S";

(ii) by striking "the hospital's" and inserting "the hospital's or entity's"; and

(iii) by striking "the hospital" and inserting "the hospital or entity";

(C) in clause (ii) of subparagraph (B), by striking "a hospital if the hospital's" and inserting "a hospital or entity if the hospital's or entity's";

(D) in subparagraph (C), by striking "the hospital" each place it appears and inserting "the hospital or the entity";

(E) in subparagraph (D), by striking "the hospital" and inserting "the hospital or the entity"; and

(F) in subparagraph (E), by striking "a hospital" and inserting "a hospital or entity";

(3) in paragraph (3)—

(A) in the heading, by striking "HOSPITAL";

(B) in subparagraph (A),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clause (ii), by striking "the hospital's" and inserting "the hospital's or entity's";

(C) in subparagraph (B),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clauses (i) and (ii), by striking "hospital's" each place it appears and inserting "hospital's or entity's"; and

(D) in subparagraph (C), by striking "hospital's cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(4) in paragraph (4)—

(A) in subparagraph (B), by striking "hospital" each place it appears and inserting "hospital or public or private nonprofit entity"; and

(B) in subparagraph (E), by striking "hospital" and inserting "hospital or public or private nonprofit entity".

(b) INDIRECT MEDICAL EDUCATION COSTS.—

(1) IN GENERAL.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

"(j) PAYMENTS FOR INDIRECT GRADUATE MEDICAL EDUCATION COSTS.—

"(1) IN GENERAL.—The Secretary shall provide for an additional payment for indirect costs of medical education in an amount equal to the product of—

"(A) the amount determined under subsection (a)(1) for qualified physician's services (as defined in paragraph (2)), and

"(B) the indirect teaching adjustment factor determined in accordance with section 1886(d)(5)(B)(ii) with 'r' equal to .2.

"(2) QUALIFIED PHYSICIAN'S SERVICES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified physician's services' means physician's services (as defined in subsection (k)(3)) that are—

"(i) provided during the course of clinical training by medical residents in the initial 3 years of postgraduate medical training in approved medical residency training programs in the fields of family medicine (as defined by the Secretary), general internal medicine (as defined by the Secretary), and general pediatrics (as defined by the Secretary), and

"(ii) provided at clinical training sites affiliated with approved medical residency training programs in family medicine, general internal medicine, and general pediatrics.

"(B) CERTAIN SERVICES EXCLUDED.—For purposes of paragraph (1), the term 'qualified physician's services' shall not include services provided during an inpatient hospital stay for which payment is made under part A of this title.".

(2) CONFORMING AMENDMENTS.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) in subsection (a)(1), by striking "subsection (j)(3)" and inserting "subsection (k)(3)";

(B) in subsection (b)(1), by striking "subsection (j)(2)" and inserting "(k)(2)"; and

(C) in subparagraphs (C) and (D) of subsection (d)(2), by striking "subsection (j)(1)" and inserting "subsection (k)(1)".

(c) SUBSECTION (d) HOSPITALS.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(v) In determining such adjustment the Secretary shall count only those interns and residents who are in the initial 3 years of postgraduate medical training.".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective for cost reporting periods beginning on or after October 1, 1993.

TITLE XI—MALPRACTICE REFORM

SEC. 1101. PRELITIGATION SCREENING PANEL GRANTS.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following new section:

"SEC. 915. PRELITIGATION SCREENING PANEL GRANTS.

"(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Administrator, shall establish a program of grants to assist States in establishing prelitigation panels.

"(b) USE OF FUNDS.—A State may use a grant awarded under subsection (a) to establish prelitigation panels that—

"(1) identify claims of professional negligence that merit compensation;

"(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

"(3) encourage early withdrawal or dismissal of nonmeritorious claims.

"(c) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1994 through 1997 fiscal years.".

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

SEC. 1201. ESTABLISHMENT OF MEDICARE PRIMARY AND SPECIALTY PREFERRED PROVIDER ORGANIZATION DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall provide for up to 10 demonstration projects to test the effectiveness of providing payment under the medicare program under title XVIII of the Social Security Act for primary and specialty procedures and services (as determined appropriate by the Secretary) furnished by preferred provider organizations. The demonstration projects provided for under this section by the Secretary shall—

(1) test the cost-effectiveness of preferred provider organizations furnishing primary and specialty services in controlling the volume of such services performed or ordered by physicians, and nonphysician providers such as nurse practitioners, clinical nurse specialists, certified nurse midwives, certified registered nurse anesthetists, and physician assistants, for which payment is made under title XVIII of the Social Security Act;

(2) gather information on factors which may encourage medicare beneficiaries to participate in a preferred provider organizational network;

(3) examine the efficacy of permanently establishing managed care networks of primary and specialty service providers; and

(4) examine the factors necessary to increase the quality and efficiency of primary and specialty services furnished by preferred provider networks in order to realize increased savings under the medicare program and to increase medicare beneficiary participation in such networks.

(b) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary may waive such requirements of title XVIII of the Social Security Act as the Secretary determines necessary in conducting demonstration programs under this section, including—

(1) coinsurance requirements;

(2) provider payment arrangements;

(3) beneficiary deductibles; and

(4) reimbursement for nonphysician providers.

(c) DURATION OF PROJECTS.—The demonstration projects provided for under this section shall be conducted for a period not to exceed 3 years from the date of the enactment of this Act.

(d) REPORT.—Not later than 180 days after the date of expiration of the demonstration projects conducted under this section the Secretary shall report to the Congress on the results of the demonstration projects including recommendations for modifications in the medicare program to increase the utilization of preferred provider organizations in providing primary and specialty services under such program.

TITLE XIII—TREATMENT AND OUTCOMES RESEARCH

SEC. 1301. NEW DRUG CLINICAL TRIALS PROGRAM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 409A. NEW DRUG CLINICAL TRIALS PROGRAM.

"(a) IN GENERAL.—The Director of the National Institutes of Health (hereafter referred to in this section as the 'Director') is authorized to establish and implement a program for the conduct of clinical trials with respect to new drugs and disease treatments determined to be promising by the Director. In determining the drugs and disease treatments that are to be the subject of such clinical trials, the Director shall give priority to those drugs and disease treatments targeted toward the diseases determined—

"(1) to be the most costly to treat;

"(2) to have the highest mortality; or

"(3) to affect the greatest number of individuals.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $120,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998.".

SEC. 1302. MEDICAL TREATMENT EFFECTIVENESS.

(a) RESEARCH ON COST-EFFECTIVE METHODS OF HEALTH CARE.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5) is amended—

(1) in subsection (a), by striking "and $115,000,000 for fiscal year 1993" and inserting "$115,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997"; and

(2) by adding at the end the following new subsection:

"(f) USE OF ADDITIONAL APPROPRIATIONS.—Within amounts appropriated under subsection (a) for each of the fiscal years 1993 through 1996 that are in excess of the amounts appropriated under such subsection for fiscal year 1992, the Secretary shall give priority to expanding research conducted to determine the most cost-effective methods of health care and for developing and disseminating new practice guidelines related to such methods. In utilizing such amounts, the Secretary shall give priority to diseases and disorders that the Secretary determines are the most costly to the United States and evidence a wide variation in current medical practice.".

(b) RESEARCH ON MEDICAL TREATMENT OUTCOMES.—

(1) IMPOSITION OF TAX ON HEALTH INSURANCE POLICIES.—

(A) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Tax on Health Insurance Policies

"Sec. 4501. Imposition of tax.

"Sec. 4502. Liability for tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax equal to .001 cent on each dollar, or fractional part thereof, of the premium paid on a policy of health insurance.

"(b) DEFINITION.—For purposes of subsection (a), the term 'policy of health insurance' means any policy or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed with respect to the health of an individual or group of individuals.

"SEC. 4502. LIABILITY FOR TAX.

"The tax imposed by this subchapter shall be paid, on the basis of a return, by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax, or for whose use or benefit the same are made, signed, issued or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax.".

(B) CONFORMING AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"SUBCHAPTER G. Tax on health insurance policies.".

(2) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND FOR MEDICAL TREATMENT OUTCOMES RESEARCH.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for Medical Treatment Outcomes Research' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the taxes received in the Treasury under section 4501 (relating to tax on health insurance policies).

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—On an annual basis the Secretary shall distribute the amounts in the Trust Fund to the Secretary of Health and Human Services. Such amounts shall be available to the Secretary of Health and Human Services to pay for research activities related to medical treatment outcomes.".

(B) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund for Medical Treatment Outcomes Research.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to policies issued after December 31, 1993.

SEC. 1303. TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.

Section 912 of the Public Health Service Act (42 U.S.C. 299b–1) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, guidelines established under this section may not be introduced in evidence or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

"(2) PROVISION OF HEALTH CARE UNDER GUIDELINES.—Notwithstanding any other provision of law, in any action brought in a Federal or State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under this section, the guidelines—

"(A) may be introduced by a provider who is a party to the action; and

"(B) if introduced, shall establish a rebuttable presumption that the service prescribed by the guidelines is the appropriate standard of medical care.".

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

SEC. 1401. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1402. DEFINITIONS OF QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

(a) IN GENERAL.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

"(a) QUALIFIED LONG-TERM CARE INSURANCE.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care insurance' means insurance under a policy or rider, issued by a qualified issuer, which—

"(A) provides coverage for not less than 12 consecutive months for each covered person,

"(B) provides benefits on an expense incurred, indemnity, disability, prepaid, capitation, or other basis,

"(C) provides benefits for—

"(i) medically necessary diagnostic, preventive, therapeutic, rehabilitation, or maintenance services,

"(ii) personal care services necessitated by physical disability, or

"(iii) preventive, therapeutic, rehabilitation, maintenance, or personal care services necessitated by cognitive impairment or the loss of functional capacity,

when provided in a nursing home, a respite care facility, the home of the covered individual, or any other setting which is not an acute care unit of a hospital or a medical clinic, and

"(D) provides coverage for care described in subparagraph (C) (other than nursing home care) equal to not less than 47.5 percent of the national median cost of nursing care coverage, as determined by the Secretary.

"(2) QUALIFIED ISSUER.—For purposes of paragraph (1), the term 'qualified issuer' means any of the following, if subject to the jurisdiction and regulation of at least 1 State insurance department:

"(A) Private insurance company.

"(B) Fraternal benefit society.

"(C) Nonprofit health corporation.

"(D) Nonprofit hospital corporation.

"(E) Nonprofit medical service corporation.

"(F) Prepaid health plan.

"(b) QUALIFIED LONG-TERM CARE PREMIUMS.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care premiums' means the amount paid during a taxable year for qualified long-term care insurance covering an individual, to the extent such amount does not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	**The limitation is:**
40 or less	$200
More than 40 but not more than 50	375
More than 50 but not more than 60	750
More than 60 but not more than 70	1,600
More than 70	2,000.

"(2) INDEXING.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 1993, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) MEDICAL CARE COST ADJUSTMENT.—For purposes of subparagraph (A), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1992.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Qualified long-term care insurance and premiums.".

SEC. 1403. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF TAXATION OF INSURANCE COMPANIES.

(a) IN GENERAL.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) Qualified Long-Term Care Insurance Treated as Accident or Health Insurance.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1404. TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) Exclusion of Amounts Received.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) Treatment of Certain Accelerated Death Benefits.—

"(1) In general.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who has a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) Terminally ill individual.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) Dread disease.—For purposes of this subsection, the term 'dread disease' means a medical condition which has required or requires extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) Permanently confined to a nursing home.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in the individual remaining in a nursing home for the rest of the individual's life.".

(b) Treatment of Qualified Accelerated Death Benefit Riders as Life Insurance.—

(1) In general.—Section 818 (relating to other definitions and special rules), as amended by section 803, is amended by adding at the end the following new subsection:

"(h) Qualified Accelerated Death Benefit Riders Treated as Life Insurance.—For purposes of this part—

"(1) In general.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) Qualified accelerated death benefit rider.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual on the life of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)), incurring a dread disease (as defined in section 101(g)(3)), or being permanently confined to a nursing home (as defined in section 101(g)(4)).".

(2) Definitions of life insurance and modified endowment contracts.—

(A) Rider treated as qualified additional benefit.—Subparagraph (A) of section 7702(f)(5) (relating to definition of life insurance contract) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(h)(2)), or any qualified long-term care insurance which reduces the death benefit, or".

(B) Transitional rule.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance shall not be treated as a modification or material change of such contract.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

SEC. 1411. CREDIT FOR QUALIFIED LONG-TERM CARE PREMIUMS.

(a) General Rule.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified long-term care premiums (as defined in section 7705(b)) paid during such taxable year for such individual or the spouse of such individual.

"(b) Applicable Percentage.—

"(1) In general.—For purposes of this section, the term 'applicable percentage' means 28 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) Base amount.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his or her spouse at all times during the taxable year.

"(c) Coordination With Medical Expense Deduction.—Any amount allowed as a credit under this section shall not be taken into account under section 213.".

(b) Clerical Amendment.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1412. DEDUCTION FOR EXPENSES RELATING TO QUALIFIED LONG-TERM CARE.

(a) Deduction for Qualified Long-Term Care Premiums.—Subparagraph (C) of section 213(d)(1) (relating to the definition of medical care) is amended by striking "aged)" and inserting the following: "aged, and amounts paid as qualified long-term care premiums (as defined in section 7705(b))".

(b) Deduction for Long-Term Care Expenses for Parent or Grandparent.—Section 213 (relating to deduction for medical expenses) is amended by adding at the end the following new subsection:

"(g) Special Rule for Certain Long-Term Care Expenses.—For purposes of subsection (a), the term 'dependent' shall include any parent or grandparent of the taxpayer for whom the taxpayer has long-term care expenses described in section 7705(a)(1)(C), but only to the extent of such expenses.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1413. EXCLUSION FROM GROSS INCOME OF BENEFITS RECEIVED UNDER QUALIFIED LONG-TERM CARE INSURANCE.

(a) In General.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) Special Rules Relating to Qualified Long-Term Care Insurance.—For purposes of section 104, this section, and section 106—

"(1) Benefits treated as payable for sickness, etc.—Any benefit received through qualified long-term care insurance shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) Expenses for which reimbursement provided under qualified long-term care insurance treated as incurred for medical care or functional loss.—

"(A) Expenses.—Expenses incurred by the taxpayer or spouse, or by the dependent, parent, or grandparent of either, to the extent of benefits paid under qualified long-term care insurance shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(B) Benefits.—Benefits received under qualified long-term care insurance shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer or spouse, or the dependent, parent, or grandparent of either.

"(3) References to accident and health plans.—

"(A) In general.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance.

"(B) Limitation.—Subparagraph (A) shall apply for purposes of section 106 only to the extent of qualified long-term care premiums (as defined in section 7705(b)).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1414. EMPLOYER DEDUCTION FOR CONTRIBUTIONS MADE FOR LONG-TERM CARE INSURANCE.

(a) In General.—Subparagraph (B) of section 404(b)(2) (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) Exceptions.—Subparagraph (A) shall not apply to—

"(i) any benefit provided through a welfare benefit fund (as defined in section 419(e)), or

"(ii) any benefit provided under qualified long-term care insurance through the payment (in whole or in part) of qualified long-term care premiums (as defined in section 7705(b)) by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1415. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE IN CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to the exclusion of deferred compensation) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR LONG-TERM CARE INSURANCE CONTRACTS.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 125 (relating to qualified benefits) is amended by striking "and such term includes" and inserting the following: ", qualified long-term care insurance, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1416. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

"(a) GENERAL RULE.—In the case of an individual, gross income shall not include any qualified distribution.

"(b) QUALIFIED DISTRIBUTION.—For purposes of this section, the term 'qualified distribution' means any amount distributed from an individual retirement plan or a section 401(k) plan during the taxable year if such amount is used during such year—

"(1) to pay qualified long-term care premiums (as defined in section 7705(b)) for the benefit of the payee or distributee or the spouse of the payee or distributee, if such policy may not be surrendered for cash, or

"(2) to pay long-term care expenses (as described in section 7705(a)(1)(C)) of such an individual.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED DISTRIBUTIONS FROM IRA DEEMED MADE FIRST FROM DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—For purposes of section 72, qualified distributions from an individual retirement plan shall be treated as made from designated nondeductible contributions to the extent thereof and then from other amounts.

"(2) SPECIAL RULES FOR SECTION 401(k) PLANS.—

"(A) QUALIFIED DISTRIBUTIONS FROM SECTION 401(k) PLAN MAY NOT EXCEED ELECTIVE DEFERRALS.—This section shall not apply to any distribution from a section 401(k) plan to the extent the aggregate amount of such distributions for the use described in subsection (a) exceeds the aggregate employer contributions made pursuant to the employee's election under section 401(k)(2) (and the income thereon).

"(B) WITHDRAWALS NOT TO CAUSE DISQUALIFICATION.—A plan shall not be treated as failing to satisfy the requirements of section 401, and an arrangement shall not be treated as failing to be a qualified cash or deferred arrangement (as defined in section 401(k)(2)), merely because under the plan or arrangement distributions are permitted which are excludable from gross income by reason of this section.

"(d) SECTION 401(k) PLAN.—For purposes of this section, the term 'section 401(k) plan' means any employer plan which meets the requirements of section 401(a) and which includes a qualified cash or deferred arrangement (as defined in section 401(k)).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (k) of section 401 is amended by adding at the end the following new paragraph:

"(11) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(2) Subsection (d) of section 408 is amended by adding at the end the following new paragraph:

"(8) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(3) The table of sections for such part III is amended by striking the item relating to section 136 and inserting the following new items:

"Sec. 136. Distributions from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.

"Sec. 137. Cross references to other Acts.".

(c) INCREASE IN AMOUNT OF DEDUCTIBLE CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 219(b)(1) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "$4,000".

(2) SPOUSAL IRA.—Paragraph (2) of section 219(c) (relating to special rules for certain married individuals) is amended by striking "$2,250" and "$2,000" and inserting "$4,500" and "$4,000", respectively.

(3) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(C) Section 408(j) is amended by striking "$2,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1417. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED ON CANCELLATION OF LIFE INSURANCE POLICIES AND USED FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—

(1) EXCLUSION FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), as amended by section 216, is further amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. AMOUNTS RECEIVED ON CANCELLATION, ETC. OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount (which but for this section would be includible in the gross income of an individual) shall be included in gross income on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year if—

"(1) such individual has attained age 59½ on or before the date of the transaction, and

"(2) the amount otherwise includible in gross income is used during such year to pay for any policy of qualified long-term care insurance which—

"(A) is for the benefit of such individual or the spouse of such individual if such spouse has attained age 59½ on or before the date of the transaction, and

"(B) may not be surrendered for cash.".

(B) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 137. Amounts received on cancellation, etc. of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 138. Cross references to other Acts.".

(2) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end the following new paragraph:

"(4) in the case of an individual who has attained age 59½, a contract of life insurance or an endowment or annuity contract for a policy of qualified long-term care insurance, if such policy may not be surrendered for cash.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1418. USE OF GAIN FROM SALE OF PRINCIPAL RESIDENCE FOR PURCHASE OF QUALIFIED LONG-TERM HEALTH CARE INSURANCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end the following new paragraph:

"(10) ELIGIBILITY OF HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION FOR EXCLUSION.—

"(A) IN GENERAL.—For purposes of this section, the term 'sale or exchange' includes a home equity conversion sale-leaseback transaction.

"(B) HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION.—For purposes of subparagraph (A), the term 'home equity conversion sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of the transaction,

"(II) sells property which during the 5-year period ending on the date of the transaction has been owned and used as a principal residence by such seller-lessee for periods aggregating 3 years or more,

"(III) uses a portion of the proceeds from such sale to purchase a policy of qualified long-term care insurance, which policy may not be surrendered for cash,

"(IV) obtains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(V) receives no option to repurchase the property at a price less than the fair market price of the property unencumbered by any leaseback at the time such option is exercised, and

"(ii) the purchaser-lessor—

"(I) is a person,

"(II) is contractually responsible for the risks and burdens of ownership and receives the benefits of ownership (other than the seller-lessee's occupancy rights) after the date of such transaction, and

"(III) pays a purchase price for the property that is not less than the fair market price of such property encumbered by a leaseback, and taking into account the terms of the lease.

"(C) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (B)—

"(i) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy the property for any period of time, including a period of time measured by the life of the seller-lessee on the date of the sale-leaseback transaction (or the life of the surviving seller-lessee, in the case of jointly held occupancy rights), or a periodic term subject to a continuing right of renewal by the seller-lessee (or by the surviving seller-lessee, in the case of jointly held occupancy rights).

"(ii) FAIR RENTAL.—The term 'fair rental' means a rental for any subsequent year which equals or exceeds the rental for the first year of a sale-leaseback transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 1992, in taxable years beginning after such date.

Subtitle C—Medicaid Amendments

SEC. 1421. EXPANSION OF MEDICAID ELIGIBILITY FOR LONG-TERM CARE BENEFITS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ELIGIBILITY FOR LONG-TERM CARE BENEFITS

"SEC. 1931. (a) ELIGIBILITY FOR NURSING FACILITY SERVICES.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1),

"(3) who is not otherwise eligible for medical assistance for nursing facility services under this title, and

"(4) who has been provided 30 months of nursing facility services (during a period in which the individual required the level of care provided in a nursing facility) during the previous 48 months (or, with respect to the application of subsection (e), 72 months),

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for nursing facility services so long as the individual continues to meet the requirements of this subsection (other than paragraph (4)) and is confined to a nursing facility or otherwise requires the same level of care as is provided in a nursing facility.

"(b) ELIGIBILITY FOR HOME AND COMMUNITY-BASED CARE.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1), and

"(3) who is not otherwise eligible for medical assistance for home and community-based long-term care under this title,

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for home and community-based long-term care so long as the individual continues to meet the requirements of this subsection and requires the same level of care as is provided in a nursing facility.

"(c) RESOURCE LIMITATION.—

"(1) IN GENERAL.—For purposes of this section, the resource limitation specified in this subsection is $500,000, increased, for each year after 1993, by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; U.S. city average) from July 1992 to July of the previous year, rounded (if not a multiple of $1,000) to the nearest $1,000.

"(2) CERTAIN PERSONAL PROPERTY NOT INCLUDED.—Personal property items with a fair market value less than $5,000 in the aggregate shall not be included in any calculation of resources under subsections (a) and (b) which are subject to the resource limitation specified in paragraph (1).

"(d) TREATMENT OF LEVEL OF CARE.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b), an individual is considered to require the level of care provided in a nursing facility if the individual cannot perform (without substantial human assistance) at least 3 activities of daily living or needs substantial human assistance because of cognitive or other mental impairment (including Alzheimer's disease).

"(2) ACTIVITIES OF DAILY LIVING DEFINED.—The 'activities of daily living' referred to in paragraph (1) are the following: eating, bathing, dressing, toileting, and transferring in and out of a bed or in and out of a chair.

"(e) SUBSTITUTION OF EXPENSES INCURRED FOR QUALIFIED HOME CARE FOR MONTHS IN NURSING FACILITY.—

"(1) IN GENERAL.—In determining whether an individual has been provided 30 months of nursing facility services under subsection (a)(4), expenses incurred (whether paid for by insurance, themselves, or relatives but not including expenses for which payment is made under this title, by the Department of Veterans Affairs, the Department of Defense, or other Federal programs) for qualified home care (as defined in paragraph (3)) shall be taken into account in the manner specified in paragraph (2).

"(2) CONVERTING EXPENSES TO MONTHS.—Expenses described in paragraph (1) shall be converted to months of nursing facility services by dividing such expenses by the national median monthly cost (as determined by the Secretary, and using a weighted average for both public and private nursing facilities) for nursing facility services in the month in which the expenses are incurred.

"(3) QUALIFIED HOME CARE DEFINED.—In this subsection, the term 'qualified home care' means home and community-based services described in section 1915(d).".

(b) CONFORMING AMENDMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by section 302, is further amended—

(1) in paragraph (10)—

(A) in clause (i) of subparagraph (A), by striking "or" at the end of subclause (VI), by striking the semicolon at the end of subclause (VII) and inserting ", or", and by adding at the end the following:

"(VIII) who are described in subsections (a) and (b) of section 1931;"; and

(B) in the matter following subparagraph (F)—

(i) by striking "; and (XI)"; and inserting ", (XI);

(ii) by striking ", and (XI)" and inserting ", (XII); and

(iii) by inserting before the semicolon at the end the following: ", and (XIII) the making available of medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931 shall not, by reason of this paragraph, require such assistance to be made available to other individuals";

(2) in paragraph (59), by striking "; and" and inserting a semicolon,

(3) in paragraph (60), by striking the period at the end and inserting "; and", and

(4) by adding at the end the following new paragraph:

"(61) provides for medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931.".

SEC. 1422. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle apply (except as provided under subsection (b)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after 1 year after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) TRANSITION.—In applying the amendments made by this subtitle, only months beginning after the date of the enactment of this Act may be counted toward meeting the 30-month deductible described in section 1931(a)(4) of the Social Security Act, as added by this subtitle.

TITLE XV—FINANCING

SEC. 1501. REPEAL OF DOLLAR LIMITATION ON AMOUNT OF WAGES SUBJECT TO HOSPITAL INSURANCE TAX.

(a) HOSPITAL INSURANCE TAX.—

(1) Paragraph (1) of section 3121(a) of the Internal Revenue Code of 1986 (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 of such Code is amended by striking subsection (x).

(b) SELF-EMPLOYMENT TAX.—

(1) Subsection (b) of section 1402 of such Code is amended—

(A) by striking "(1) that part of net" and inserting "(1) in the case of the tax imposed by section 1401(a), that part of net",

(B) by striking "applicable contribution base (as determined under subsection (k))" and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 of such Code is amended by striking subsection (k).

(c) RAILROAD RETIREMENT TAX.—

(1) Subparagraph (A) of section 3231(e)(2) of such Code is amended by adding at the end thereof the following new clause:

"(iii) HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1402(b)."

(2) Clause (i) of section 3231(e)(2)(B) of such Code is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) INCREASED REVENUES NOT DEPOSITED IN HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "For purposes of this subsection, the amount of taxes imposed by sections 1401(b), 3101(b), 3111(b) of the Internal Revenue Code of 1986 shall be determined without regard to the amendments made by section 221 of the Managed Competition Act of 1992.".

(e) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6413(c) of the Internal Revenue Code of 1986 is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) of such Code are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 of such Code is amended by striking paragraph (3).

(4) Sections 3122 and 3125 of such Code are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to 1994 and later calendar years.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

SEC. 1601. EMPLOYER RESPONSIBILITIES.

The Board shall require the following:

(1) NO DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN SERVICES.—An employment-related health plan may not deny, limit, or condition coverage based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(2) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS.—An employment-related health plan may not exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) TREATMENT OF WAITING PERIODS.—An employment-related health plan may not impose waiting periods of any length.

(4) NO DISCRIMINATION BASED ON INCOME LEVEL.—An employment-related health plan shall apply equally to employees of all income levels.

(5) EQUAL CONTRIBUTION LEVELS.—The total amount of an employer's contribution to the cost of coverage under an employment-related health plan for employees with incomes less than 200 percent of the income official poverty line shall equal or exceed such total amount for employees with incomes greater than 200 percent of such income official poverty line.

SEC. 1602. INDIVIDUAL RESPONSIBILITIES.

The Board shall require that to be eligible for benefits under a Federal program, an individual seeking benefits under such program shall certify to the administrator of such program that such individual and the dependents of such individual possess health insurance coverage that meets the applicable minimum standards under this title.

This section shall not apply to persons eligible for enrollment in—

(1) the medicare program under title XVIII of the Social Security Act,

(2) the veterans health care program under chapter 17 of title 38, United States Code,

(3) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code,

(4) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and

(5) the Federal employees program under chapter 89 of title 5, United States Code.

SEC. 1603. SELF-INSURED PLAN REQUIREMENTS.

(a) IN GENERAL.—The Board shall require that in order to obtain certification as a health plan, a self-insured health benefit plan must demonstrate to the satisfaction of the Board that—

(1) the benefits and conditions of such plan (including copayments and deductibles) are substantially equivalent to those of a uniform set of effective benefits as provided under this Act;

(2) the self-insuring entity is adhering to non-discrimination standards substantially equivalent to those provided for carriers described in subsection (b);

(3) the average per capita cost of providing equivalent benefits to enrollees in the self-insured plan differs no more than 10 percent (either above or below) from the average per capita cost of providing uniform set of effective benefits to non-self-insured beneficiaries in the community (or communities) in which the self-insured group is located (without taking into account any reductions in costs due to health promotion activities of the employer); and

(4) the self-insuring entity possesses adequate financial reserves, as determined by the Board, to assure the immediate and long-term solvency of the entity and the benefits of individuals receiving coverage through such entity.

(b) STANDARDS DESCRIBED.—Standards described in this subsection shall include (but are not limited to) the following:

(1) NO DISCRIMINATION BASED ON HEALTH STATUS.—No self-insured health plan may deny, limit, or condition the coverage under (or benefits of) the plan with respect to health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual or group.

(2) TREATMENT OF PREEXISTING CONDITIONS.—No self-insured health plan may exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) WAITING PERIODS.—No self-insured health plan may impose waiting periods of any length.

SEC. 1604. PROVIDER RESPONSIBILITIES.

The Commission shall require as a condition of participation in the health plan by any health care provider the acceptance by such provider of any payment as specified by the Board as full payment for the service performed.

TITLE XVII—ENFORCEMENT PROVISIONS

SEC. 1701. ENFORCEMENT PROVISIONS FOR CARRIERS, PROVIDERS, AND EMPLOYERS.

(a) IN GENERAL.—Chapter 47 of the Internal Revenue Code of 1986 (relating to excise taxes on qualified pensions, etc. plans) is amended by striking section 5000 and section 5000A (as added by section 106) and inserting the following new sections:

"SEC. 5000. FAILURE OF CARRIERS WITH RESPECT TO THE UNIFORM SET OF EFFECTIVE BENEFITS.

"(a) GENERAL RULE.—In the case of any carrier offering any health plan, there is hereby imposed a tax on such carrier if such plan fails to qualify as a uniform set of effective benefits.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross premiums received during such taxable year with respect to all health plans issued by the carrier on whom such tax imposed.

"(2) GROSS PREMIUMS.—For purposes of paragraph (1), gross premiums shall include any consideration received with respect to any health contract.

"(3) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTOLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 carrier. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL—Under regulations prescribed by the Secretary, all trades or businesses (whether or not incorporated) which are under common control shall be treated as 1 carrier. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the carrier on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the carriers on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine whether any health plan qualifies as a uniform set of effective benefits.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all health plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000A. FAILURE OF PROVIDERS WITH RESPECT TO UNIFORM BENEFITS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person who provides any service under a uniform set of effective benefits to comply with the requirements of section 1604 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross income received during such taxable year with respect to all services provided by the person on whom such tax is imposed.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine compliance with the requirements of section 1604 of this Act.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all providers of services under health benefit plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000B. FAILURE OF EMPLOYERS WITH RESPECT TO UNIFORM BENEFITS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person to comply with the requirements of sections 1601 and 1603 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to a full-time employee shall be $50 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

"(A) beginning on the date such failure first occurs, and

"(B) ending on the date such failure is corrected.

"(3) CORRECTION.—A failure of a person to comply with the requirements of sections 1601 and 1603 of this Act with respect to any full-time employee of the person shall be treated as corrected if—

"(A) such failure is retroactively undone to the extent possible, and

"(B) the employee is placed in a financial position which is as good as such employee would have been in had such failure not occurred.

For purposes of applying subparagraph (B), the employee shall be treated as if the employee had elected the most favorable coverage in light of the expenses incurred since the failure first occurred.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the first date any of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) LIABILITY FOR TAX.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the following shall be liable for the tax imposed by subsection (a) on a failure:

"(A) In the case of a uniform set of effective benefits other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(C) Each person who is responsible (other than in a capacity as an employee) for administering or providing benefits under the uniform set of effective benefits and whose act or failure to act caused (in whole or in part) the failure.

"(2) SPECIAL RULES FOR PERSONS DESCRIBED IN PARAGRAPH (1)(C).—A person described in subparagraph (C) (and not in subparagraphs (A) and (B)) of paragraph (1) shall be liable for the tax imposed by subsection (a) on any failure only if such person assumed (under a legally enforceable written agreement) responsibility for the performance of the act to which the failure relates.

"(e) DEFINITIONS.—For purposes of this section, the terms 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under section 112, 114, 115(b), and 116. The term 'full time employee' shall mean an employee who performs on a monthly basis at least 30 hours of service per week."

(b) CLERICAL AMENDMENTS.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new items:

"Sec. 5000. Failure of carriers with respect to uniform benefits insurance.
"Sec. 5000A. Failure of providers with respect to uniform benefits insurance.
"Sec. 5000B. Failure of employers with respect to uniform benefits insurance.".

SEC. 1702. ENFORCEMENT PROVISION FOR INDIVIDUALS.

"(a) IN GENERAL.—Subsection (d) of section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new paragraph:

"(5) EXEMPTION AMOUNT DISALLOWED FOR UNINSURED INDIVIDUALS.—The exemption amount for any individual for such individual's taxable year shall be zero, unless the policy number of the health plan for such individual is included in the return claiming such exemption amount for such individual.".

BREAUX (AND OTHERS) AMENDMENTS NOS. 275–276

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. BOREN, and Mr. BRYAN) submitted two amendments intended to be proposed by them to the bill H.R. 1335, supra, as follows:

AMENDMENT NO. 275

On page 58, line 22, **[**SEC. 201.**]** strike "herein." and insert "herein: *Provided*, That no appropriation contained in this Act may be made available for obligation until August 1, 1993, except that (1) $3,600,000,000 of the additional amounts under the heading "ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHERS FUNDS" under the Department of Labor, (2) $1,268,000,000 of the additional amounts under the heading "COMMUNITY DEVELOPMENT BLOCK GRANTS" under the heading "COMMUNITY PLANNING AND DEVELOPMENT" under the Department of Housing and Urban Development, (3) all of the additional amounts under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" under the Department of Labor, (4) all of the additional amounts under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the Department of Health and Human Services, (5) all of the additional amounts under the heading "CHILD NUTRITION PROGRAMS" under the heading "FOOD AND NUTRITION SERVICE" of the Department of Agriculture, (6) $500,000,000 of the additional amounts for concentration grants under section 1006 under the heading "COMPENSATORY EDUCATION FOR THE DISADVANTAGED" under the Department of Education, (7) all of the additional amounts under the headings "MANAGEMENT OF LANDS AND RESOURCES" and "OREGON AND CALIFORNIA GRANT LANDS" under the heading "BUREAU OF LAND MANAGEMENT", $53,081,000 of amounts under the heading "UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT" for Habitat Conservation and Refuges and Wildlife, and all of the amounts under the heading "OPERATION OF THE NATIONAL PARK SYSTEM" and "CONSTRUCTION" under the heading "NATIONAL PARK SERVICE", all under the Department of the Interior, (8) all of the additional amounts under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS" under the Department of Labor, (9) all of the additional amounts under the heading "GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)" under the heading "FEDERAL AVIATION ADMINISTRATION" under the Department of Transportation and Related Agencies, (10) all of the additional amounts under the heading "FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL HIGHWAY ADMINISTRATION" under the Department of Transportation and Related Agencies, (11) all of the additional amounts under the headings "FORMULA GRANTS" and "TRUST FUND SHARE OF TRANSIT PROGRAMS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL TRANSIT ADMINISTRATION" under the Department of Transportation and Related Agencies, (12) $70,000,000 of the additional amounts under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under Related Agencies, and (13) $150,000,000 of the additional amounts under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH" under the heading "ASSISTANT SECRETARY FOR HEALTH" under the Department of Health and Human Services, shall be available immediately.".

AMENDMENT NO. 276

On page 53 the committee of reported substitute strike lines 8 through 17 and insert the following:

$43,600,000 to fund procurement of computer and telecommunications equipment and services: *Provided:* That no appropriation contained in this Act may be made available for obligation until the date on which a reconciliation bill consistent with the requirements of the concurrent resolution on the budget for fiscal year 1994 is enacted into law except that (1) $3,600,000,000 of the additional amounts under the heading "ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS" under the Department of Labor, (2) $1,268,000,000 of the additional amounts under the heading "COMMUNITY DEVELOPMENT BLOCK GRANTS" under the heading "COMMUNITY PLANNING AND DEVELOPMENT" under the Department of Housing and Urban Development, (3) all of the additional amounts under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" under the Department of Labor, (4) all of the additional amounts under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the Department of Health and Human Services, (5) all of the additional amounts under the heading "CHILD NUTRITION PROGRAMS" under the heading "FOOD AND NUTRITION SERVICE" of the Department of Agriculture, (6) $500,000,000 of the additional amounts for concentration grants under section 1006 under the heading "COMPENSATORY EDUCATION FOR THE DISADVANTAGED" under the Department of Education, (7) all of the additional amounts under the headings "MANAGEMENT OF LANDS AND RESOURCES" and "OREGON AND CALIFORNIA GRANT LANDS" under the heading "BUREAU OF LAND MANAGEMENT", $53,081,000 of amounts under the heading "UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT" for Habitat Conservation and Refuges and Wildlife, and all of the amounts under the heading "OPERATION OF THE NATIONAL PARK SYSTEM" and "CONSTRUCTION" under the heading "NATIONAL PARK SERVICE", all under the Department of the Interior, (8) all of the additional amounts under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS" under the Department of Labor, (9) all of the additional amounts under the heading "GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)" under the heading "FEDERAL AVIATION ADMINISTRATION" under the Department of Transportation and Related Agencies, (10) all of the additional amounts under the heading "FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL HIGHWAY ADMINISTRATION" under the Department of Transportation and Related Agencies, (11) all of the additional amounts under the heading "FORMULA GRANTS" and "TRUST FUND SHARE OF TRANSIT PROGRAMS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)" under the heading "FEDERAL TRANSIT ADMINISTRATION" under the Department of Transportation and Related Agencies, (12) $70,000,000 of the additional under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under Related Agencies, and (13) $150,000,000 of the additional amounts under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH under the heading "ASSISTANT SECRETARY FOR HEALTH" under the Department of Health and Human Services, shall be available immediately.

COHEN (AND DECONCINI) AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. COHEN (for himself and Mr. DECONCINI), submitted an amendment intended to be proposed by them to the bill (H.R. 1335), supra, as follows:

At the end of the bill add the following new section:

SEC. . (a) The Senate finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) the Office of Management and Budget scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but the Office of Management and Budget scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent,

repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b) It is the sense of the Senate that—

(1) the President should direct the Office of Management and Budget to review Federal property management policies to ensure better coordination, maximize efficiency, and achieve cost savings;

(2) the Director of the Office of Management and Budget should encourage the General Services Administration, the Department of Defense, the Postal Service, and all other Federal agencies and the Judiciary, when appropriate and based on the cost-effectiveness, to modify building requirements in such a way as to allow for the purchase, lease, or lease/purchase of existing buildings at market rates, or to purchase Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than seek new construction of buildings;

(3) the Director of the Office of Management and Budget should review scorekeeping rules for Federal property leasing, lease/purchase, construction and acquisition to permit flexibility and improve long-term cost-effectiveness; and

(4) the Director of the Office of Management and Budget should review the General Services Administration's management of the Federal Buildings Fund to determine why the Fund is not self-sustaining and has not met its objectives, and, if necessary, recommend policy changes to enable the Fund to become self-sustaining.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Friday, March 26, 1993, at 10 a.m. to conduct hearings on the nominations of Terrence Duvernay to be Deputy Secretary of HUD; Jean Nolan to be an Assistant Secretary of HUD; and Lawrence Summers, to be Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, March 26 at 10 a.m. to hold nomination hearings on Thomas Donilon, to be Assistant Secretary of State for Public Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service of the Governmental Affairs Committee be authorized to meet on Friday, March 26, at 10 a.m., for a hearing on the subject: Review of firearms import licensing and policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DURENBERGER AMENDMENT ON ETHANOL BTU EXEMPTION

• Mr. DASCHLE. Mr. President, although I am known as one of the Senate's many ethanol supporters, I was one of the majority of Senators who could not support the amendment offered Wednesday night by the senior Senator from Minnesota exempting ethanol from the Btu tax.

As the sponsors of this amendment know, I, and many stalwart supporters of ethanol who voted for Senator WELLSTONE's amendment yesterday, were forced to oppose this second approach. We believe that the budget resolution simply cannot dictate to the Finance Committee what revenues to raise to meet a particular target, as this amendment did. We are concerned that mandating unspecified domestic discretionary spending cuts, as this amendment did, is an irresponsible shot in the dark that could hurt people who desperately need help.

And so I simply want to state for the record, on behalf of the dozens of ethanol supporters who could not support this amendment, that we opposed it for reasons unrelated to ethanol.

Finally, and perhaps most importantly, I wish to make clear that the reports of the bipartisan ethanol coalition's demise have been way off the mark.

Between the two ethanol amendments considered this week, which addressed the same substantive end through varying means, the bottom line is that 79 Senators went on record as having supported exempting ethanol from the Btu tax.

Seventy-nine Senators, Mr. President.

Despite the confusing political and procedural jockeying of the last few days, our bipartisan coalition remains very much in tact, and the support for ethanol remains stronger than ever.•

MONTANA STATE UNIVERSITY COLLEGE OF AGRICULTURE—A CENTENNIAL

• Mr. BURNS. Mr. President, today I rise to pay tribute to an institution that has done great things for agriculture in both Montana and the entire Nation. This week the College of Agriculture at Montana State University will celebrate its centennial. Having come from an agriculture background, I realize the importance of agriculture research. The type of research done at MSU is broad. Farming and ranching activities in our country are changing rapidly, and this is the direct result of the people and facilities in our university systems.

At MSU, the College of Agriculture has worked on projects ranging from safflowers to weed management techniques at the bioscience center. The college has done well in the past, and the entire MSU community—and the whole State of Montana—should be proud.

In addition, the college has taken an active role in helping nations around the world learn more effective farming techniques. I have heard from MSU faculty members visiting places like the former Soviet Union where they are sharing with, and learning from, people—this interaction is important for all parties involved.

Also, the college has done tremendous research on the economic side of agriculture. Often, policymakers in Washington do not understand the complex issues which make up agriculture economics. Studies at MSU have helped to shed light on many issues before Congress.

Montanans have their work cut out in trying to give the Ag school every advantage possible for the future. Currently, the college is in the capable hands of Barry Jacobsen. As dean, he has set the agenda for the future, and I look forward to continuing to support this institution.

There are events planned this week to mark the 100th birthday of the College of Agriculture at MSU. People in Bozeman have much to celebrate about the college, and I wish them the best in years ahead.•

HONORING THE VICTIMS OF THE MARCH 25, 1949, BALTIC DEPORTATIONS

• Mr. RIEGLE. Mr. President, yesterday marked the 44th anniversary of a tragic period in the history of the Baltic peoples. On the night of March 24 through the morning of the 25th, 1949, tens of thousands of men, women, and children were taken from their homes and deported to Siberia under the barbaric rule of Stalinist Russia. Over 600,000 people lost their lives in this horrendous act of cruelty.

This attempt to break the spirit of the Baltic people and bring about their subservience to the Soviet occupation did not succeed. The spirit of the Baltic people would not die. Their desire for freedom was not quenched until their independence was finally restored after the August coup in the former Soviet Union. Latvians, Lithuanians, and Estonians will not soon forget this great tragedy in their lives, despite their recently declared independence. The deportations serve as a symbol to the Baltic people that they can not take their freedom for granted and that independence and human rights are to be cherished and ardently protected.

While the Baltic States have finally freed themselves from the grip of Soviet rule, they still have a hard road to travel. The current economic challenges which they face are formidable and intricate. As I have in the past, I once again call upon the United States to support the economic reforms and advances pursued by these new States. Through technological and other aid, we must make sure that Lithuania, Estonia, and Latvia each have the chance to enjoy the sovereignty and democratic freedom for which they fought for so long.

At this time, I also call for the removal of the remaining Russian military forces from the Baltic countries. These forces represent a continuing violation of Baltic sovereignty and represent a constant reminder of the indignities of foreign control. Not until these forces are removed can the Baltic States truly free themselves from the bonds of the past. I urge President Clinton to raise this issue with Boris Yeltsin during the upcoming summit.

Once again on this anniversary of the Baltic deportations, let us not forget the harsh struggle which Lithuania, Latvia, and Estonia had to endure. We must honor the Balts' bravery and courage. And in commemorating them, let us provide the support to enable them to take a prominent position among the growing list of democratic, independent nations.•

WARSAW GHETTO REMEMBRANCE DAY IN NEW YORK STATE

• Mr. D'AMATO. Mr. President, I rise today to commemorate the upcoming 50th anniversary of the Warsaw ghetto uprising, the observance of which will occur on April 18, 1993. We must all recognize that as this marks the figurative half-century mark since the greatest crimes in the history of man, that the remaining survivors are aging—many have passed on. It is our sacred duty to pass on the lessons of the Holocaust to the future generations. As our sages remind us, "Forgetfulness is exile, remembrance is the key to redemption."

The Warsaw ghetto uprising was the first organized civilian resistance in Nazi Europe, in which a handful of Jewish men and women, boys and girls, gave new meaning to self-sacrifice by rising up against a powerful German army. In the end, nothing remained of the ghetto but smoke and rubble. Yet the courage and spirit of those Jews who fought a desperate struggle for freedom half a century ago still echo down the years. They demand that those who lived through the horrors of the Holocaust—and all generations to come—remember, record, and teach its lessons.

Particularly today, anti-Semitism and other hatred continues unabated here in our own New York and the world over, as documented by the Anti-Defamation League. Whether we speak of the Crown Heights, Brooklyn Pogrom of 2 years ago or the ethnic cleansing in Bosnia and Herzegovina or world terrorism or any other measure of man's inhumanity to man, the lessons of the Holocaust provide a rare opportunity for man's salvation.

As thousands will gather in New York City's Madison Square Garden on Sunday, April 18, 1993, in solemn commemoration of the 50th anniversary of the Warsaw ghetto uprising and in remembrance of the 6 million Jews who lost their lives in the sanctification of the Lord's name, I urge all New Yorkers to observe that day as Warsaw Ghetto Remembrance Day.•

GREEK INDEPENDENCE DAY

• Mr. RIEGLE. Mr. President, I rise to commemorate Greek Independence day. One hundred seventy-two years ago, the Greek people began a revolution which eventually freed them from the grip of the Ottoman Empire. This revolution ended over 400 years of Ottoman rule which deprived Greeks of their basic human rights and independence. During the 1820's, with the moral support of the United States Government and the active participation of several United States citizens, the Greek people eventually succeeded in throwing off their foreign yoke and reestablished their sovereign country. Because of this victory and the profound democratic tradition it represents, we today celebrate the anniversary of the establishment of the modern Greek state.

America and Greece share a common heritage. We both base our governmental systems upon the ancient Greek concept of democracy. Indeed, our Founding Fathers drew heavily from Greek tradition to form the cornerstone of our new country and representative democracy. Madison, Hamilton, and Jefferson all stressed the Greek contribution to their efforts and viewed the ancient Greeks as their guiding light in developing our new government during the constitutional Congress. It is perhaps ironic, but also highly appropriate, that the Greeks used the American Revolution as a model for their own struggle and the United States Declaration of Independence as the basis for their own declaration. In a sense, our traditions have been intertwined since James Madison and the other Founding Fathers built the Constitution around ancient Greek notions of justice and democratic government.

Greece has continually manifested a commitment to uphold its long tradition of democracy. In addition to fighting bravely on the side of the allies during World War I and World War II, Greece endured one of the more brutal occupations during the latter war. Following World War II, the Greek people, with the help of the American Marshall plan, fought off a Communist insurgency, earning the admiration of Presidents Harry S. Truman and Dwight D. Eisenhower. As stated by Eisenhower at the time:

> Greece asked no favor except the opportunity to stand for those rights [for] which it believed, and it gave to the world an example of battle . . . a battle that thrilled the hearts of all free men and free women everywhere.

Today, Greece's position in NATO has won the respect of its allies and has proven an ongoing commitment to its ancient ideals.

Because America has such an historic and close relationship with Greece, it is imperative that we carefully analyze the situation in the former Yugoslav republic of Macedonia and its dispute with Greece. It is my belief that the United States should not hastily recognize this new republic without fully considering the concerns of Greece and its people.

As we celebrate the 172nd anniversary of Greek Independence, let us recognize the contribution of Greek tradition to the American cultural mosaic. Much of what we learn in philosophy, math and science is based upon the theories and findings of the ancient Greeks. In addition, much of our art and sculpture also has its basis in Greek tradition. In my home State of Michigan, we have Greektown, where one can sample some of the best tasting Greek food anywhere while surrounded by one of the strongest Greek communities in the country. It is this rich Greek tradition which so permeates the American experience and culture. And so, on this anniversary of Greek independence, let us honor and support the democracies which have been newly established across the globe. As one of the first constitutional democracies, it is our duty to help those others who are trying to establish democracies in their countries. So, on this day of celebration of democracy, let us recall the Greek experience as we seek to assist other nations now travelling the difficult road to freedom.•

AGRICULTURE HALL OF FAME

• Mr. BUMPERS. Mr. President, today five individuals who have provided outstanding leadership in the growth and development of Arkansas' agriculture industry will be inducted into the Arkansas Agriculture Hall of Fame.

The Agriculture Hall of Fame is a statewide recognition program sponsored by the Greater Little Rock Chamber of Commerce and honors individual contributions to Arkansas agriculture and community economic development.

The five 1992 inductees are James T. "Red" Hudson, Dr. Harry Rosen (posthumously), L.F. "Fred" Seidenstricker, John H. Stephens, and I.I. "Ish" Stivers.

Red Hudson of Rogers, AR, has devoted his entire adult life to a number of agribusiness operations. From modest beginnings as a clerk in a major feed store, Red has founded a near billion dollar food company. Hudson Company operates 15 processing plants and provides employment for over 8,500 people.

Dr. Harry Rosen of Fayetteville was a pioneer in agricultural research. From 1918 until his death in 1962, his research efforts resulted in the development of a number of disease-resistant varieties of oats, wheat and roses. Dr. Rosen's labors added undetermined increased yields in small grain crops.

Fred Seidenstricker of Hazen has spent his life on the Grand Prairie, but his influence has been felt around the world. He has been an innovator in production and marketing practices of all the crops produced in the area of our State where his family settled in 1900. He was instrumental in forming the Arkansas Grain Corporation and the Soybean Division of Riceland Foods. The Seidenstrickers are consummate hosts to farm groups, from both this country and abroad. Their ability to roll out the red carpet to foreign visitors has resulted in numerous orders for Arkansas-produced grains when their guests have returned home.

John Stephens of Marion has been devoted to helping farmers utilize proven innovative techniques in agriculture. As a cooperative extension agent, he conducted the first anhydrous ammonia and cotton picker demonstrations in Arkansas. He helped organize a cotton compress and a grain marketing co-op. As an employee of the American Soybean Association, he helped organize soybean associations in Arkansas and in 15 other states.

Ish Stivers of Hot Springs spent 20 years teaching vocational agriculture and almost 200 of his students have attended college in some field of agriculture. His was one of the top 10 Future Farmers of America chapters in the country for 10 years. As a vice-president and loan officer for a local bank, he has helped many young farmers establish or expand their family farming operations. He has served as a board member of Southern Nazarene University, Garland County Community College and Quapaw Vo-Tech School.

Mr. President, I am proud of the accomplishments of these Arkansans who have dedicated themselves to the promotion of Arkansas agriculture. I join their many friends, colleagues and relatives in saluting them as they are tapped for membership into the Arkansas Agriculture Hall of Fame.•

GREEK INDEPENDENCE DAY

• Mr. SIMON. Mr. President, I am pleased to join with my colleagues in commemorating Greek Independence Day. I am also pleased to note that Senate Joint Resolution 22 marking this day became law earlier this month.

Yesterday marks the 172d anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. We welcome and salute this anniversary and look forward to the next 172 years of Greek democracy and prosperity.

Our Nation has welcomed and benefited from the rich tradition and ideas brought forth by countless Greek immigrants through the years. Greek-Americans have adapted and succeeded in the United States. Their contributions are numerous and have greatly enriched the American experience. And not just American life; all of western civilization derives much of its genius from the ancient Greeks. The British romantic poet, Percy Bysshe Shelley, said, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

Let us join Greek-Americans and Greeks around the world in celebrating Greek Independence Day.•

TRIBUTE TO RANDALL L. TOBIAS

• Mr. BRADLEY. Mr. President, I rise today to pay tribute to a distinguished citizen of New Jersey, Randall L. Tobias, chairman of AT&T.

Mr. Tobias is being honored tonight at the University of Indiana on the eve of the dedication of the new Wendell W. Wright Education Building. This state-of-the-art facility will be a national center to develop, demonstrate and disseminate products and practices relating to educational technology for instruction. Mr. Tobias, as chairman of AT&T, is being recognized as a major force in making this important teaching resource a reality.

The new building and the programs it will make available are a powerful testimonial to what can be accomplished when an academic institution, the government and the private sector work together. The beneficiaries will be our educational system, our children and our future. I salute Randall Tobias for his vision and for his successful leadership in this impressive project.•

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 46, 47, 48, 49, 50 and 51, that the joint resolutions and bill, be deemed read three times, passed; and the motion to reconsider the passage of these measures be laid upon the table, en bloc; that the preambles be agreed to, en bloc; further that the consideration of these items appear individually in the RECORD; and any statements appear at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK

The joint resolution (S.J. Res. 11) to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 11

Whereas public employees at every level of government faithfully serve their fellow Americans—9 million employees in local government, 4 million employees in State government, and over 3 million civilian workers and 2 million military employees in the Federal Government.

Whereas Americans are aware of the many contributions public employees have made to the quality of their lives, in occupations that run the gamut from astronauts to zoologists, including scientists, police officers, teachers, doctors, forest rangers, engineers, food inspectors, researchers, and foreign service agents, among others;

Whereas the Nation should value a professional civil service whose highest principle is one of patriotism, whose foremost commitment is to excellence, and whose experience and expertise are a national resource to be used and respected;

Whereas the millions of workers who serve our country are men and women of knowledge, ability, and integrity who deserve to be recognized for their dedicated service; and

Whereas designating a week to honor these employees will provide a dual opportunity to pay tribute to our public employees and to inform the American people about the scope and importance of public service, including the range of employment opportunities available to our young people; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 3 through May 9, 1993, is designated as "Public Service Recognition Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

JEWISH HERITAGE WEEK

The joint resolution (S.J. Res. 30) to designate the weeks of April 25 through

May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 30

Whereas April 26, 1993, and April 14, 1994, mark the forty-fifth and forty-sixty anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, in 1993, the fiftieth anniversary of the Warsaw Ghetto Uprising and the opening of the Holocaust Memorial Museum in Washington, DC, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in the Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be advanced further through and appreciation of the culture, history, and traditions of the Jewish community and the contributions of the Jewish people of this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 25 through May 2, 1993, and April 10 through April 17, 1994, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such a week with appropriate ceremonies, activities, and programs.

CIVIL WAR HISTORY MONTH

The joint resolution (S.J. Res. 42) to designate the month of April 1993 as "Civil War History Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 42

Whereas the period of American history known as the "Civil War" is universally recognized as one of the most significant landmark eras in our Nation's heritage;

Whereas the continuous growth of the public's awareness of and interest in the Civil War period remains an integral part of America's cultural heritage;

Whereas the study, preservation, and interpretation of literature and sites associated with this period are imbedded in the educational and cultural heritage of our country;

Whereas the beginning of the Civil War occurred in April of 1861 with the firing on Fort Sumter in Charleston, South Carolina, and the effective ending of the Civil War occurred in April of 1865 with the surrender of the Army of Northern Virginia at Appomattox, Virginia, making April the most important month of the year in Civil War history; and

Whereas the heritage of the Civil War deserves the attention and respect of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April of 1993 is designated as "Civil War History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

LYME DISEASE AWARENESS WEEK

The joint resolution (S.J. Res. 43) designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 43

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria Borrelia burgdorferi;

Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas forty-nine states reported more than forty thousand cases of Lyme disease from 1982 through 1991;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 6, 1993, and June 5, 1994, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

DISTANCE LEARNING WEEK

The joint resolution (S.J. Res. 49) to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 49

Whereas the delivery of education and training through electronically mediated instruction has opened new opportunities for kindergarten through twelfth grade education, higher education, and the retraining of America's workforce;

Whereas the United States Distance Learning Association has played a leadership role in legislative and policy initiatives to expand the awareness and use of distance learning;

Whereas the United States Distance Learning Association has chosen the week of March 28, 1993, through April 3, 1993, as a week of special recognition for the achievements of distance learning professionals; and

Whereas April 1, 2, and 3, 1993, will be the dates of the Third Annual International Distance Learning Conference, which will convene in the Washington, D.C. area: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 28, 1993, through April 3, 1993, is designated as "Distance Learning Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

The joint resolution (S.J. Res. 54) designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 54

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment; and

Whereas the great sacrifices of such prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1993, and April 9, 1994, is designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

EDUCATION AND SHARING DAY, U.S.A.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 150, a joint resolution designating April 2, as Education and Sharing Day; that the resolution be read three times, passed, that the preamble be agreed to; that the motion to reconsider be laid upon the table and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 150) was deemed read the third time and passed.

The preamble was agreed to.

ORDERS FOR MONDAY

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon, Monday, March 29; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; with Senator GRAMM recognized for up to 10 minutes and Senator COHEN for up to 15 minutes; that at 12:30 p.m., the Senate resume consideration of H.R. 1335, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 29, 1993

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, and no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 4:50 p.m., recessed until Monday, March 29, 1993, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 26, 1993:

DEPARTMENT OF THE TREASURY

EUGENE ALLAN LUDWIG, OF PENNSYLVANIA, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF 5 YEARS, VICE ROBERT LOGAN CLARKE.

DEPARTMENT OF DEFENSE

JAMIE S. GORELICK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE DAVID SPEARS ADDINGTON, RESIGNED.

CONFIRMATIONS

Executive nomination confirmed by the Senate March 26, 1993:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ALBERT J. EDMONDS, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EUGENE E. HABIGER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CARL G. O'BERRY [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. CHARLES R. HOLLAND [redacted] REGULAR AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 3034:

To be general

To be Vice Chief of Staff, U.S. Army

LT. GEN. J.H. BINFORD PEAY II [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. DENNIS J. REIMER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN H. TILELLI, JR [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DAVID B. ROBINSON, U.S. NAVY [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JEFFREY W. OSTER [redacted].
BRIG. GEN. PAUL K. VAN RIPER [redacted].
BRIG. GEN. JAMES R. DAVIS [redacted].
BRIG. GEN. PAUL A. FRATARANGELO [redacted].
BRIG. GEN. MARVIN T. HOPGOOD, JR. [redacted]
BRIG. GEN. RICHARD I. NEAL [redacted]
BRIG. GEN. DAVID A. RICHWINE [redacted].
BRIG. GEN. ANTHONY C. ZINNI [redacted].
BRIG. GEN. JOSEPH D. STEWART [redacted]
BRIG. GEN. BERTIE D. LYNCH [redacted].
BRIG. GEN. JOHN H. ADMIRE [redacted].

HOUSE OF REPRESENTATIVES—*Monday, March 29, 1993*

The House met at 3 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 29, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, that just as the rain appears to disrupt the patterns of daily life, still it nourishes the soil and causes the flowers to bloom, the seed to grow and bear its fruit. So, Almighty God, we know that the hurdles of daily living cause agitation and disorder, yet, too, we believe that the rain of Your good spirit, which offers us growth and confidence and hope and peace, is with us always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to rule I, further proceedings on this vote will be postponed until later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania [Mr. GREENWOOD] please come forward and lead the House in the Pledge of Allegiance.

Mr. GREENWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A.".

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2. An act to establish national voter registration procedures for Federal elections, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992;

S.J. Res. 11. Joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week";

S.J. Res. 30. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week";

S.J. Res. 42. Joint resolution to designate the month of April 1993 as "Civil War History Month";

S.J. Res. 43. Joint resolution designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week";

S.J. Res. 49. Joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week"; and

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2) "An Act to establish national voter registration procedures for Federal elections, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD, Mr. PELL, Mr. INOUYE, Mr. MCCONNELL, and Mr. WARNER, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, March 25, 1993:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission To Ensure a Strong Competitive Airline Industry.

APPOINTMENT OF MEMBERS TO U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84—36 U.S.C. 1402(a)—the Chair appoints the following Members of the House to the U.S. Holocaust Memorial Council:

Mr. YATES of Illinois;
Mr. LANTOS of California;
Mr. NADLER of New York;
Mr. FROST of Texas; and
Mr. GILMAN of New York.

There was no objection.

APPOINTMENT OF MEMBER OF NATIONAL ADVISORY COUNCIL ON THE PUBLIC SERVICE

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 5(a)(2) of Public Law 101–363, the Chair appoints the following Member of the House to the National Advisory Council on the Public Service: Mr. MCCLOSKEY of Indiana.

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Without objection pursuant to the provisions of section 1505 of Public Law 99–498, 20 U.S.C. 4412, the Chair appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members of the House: Mr. KILDEE of Michigan; and Mr. YOUNG of Alaska.

There was no objection.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

APPOINTMENT OF MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 2 of the Migratory Bird Conservation Act, 16 U.S.C. 715a, the Chair appoints the following Members of the House to the Migratory Bird Conservation Commission: Mr. DINGELL of Michigan; and Mr. WELDON of Pennsylvania.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, pursuant to section 2(a) of the National Cultural Center Act, 20 U.S.C. 76h(a), the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members of the House: Mr. YATES of Illinois; Mr. WILSON of Texas; and Mr. MCDADE of Pennsylvania.

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve the right to object to point out to the Chair and to the House that we are going through a long procedure here of things that are being done in this House by unanimous consent, which means that the minority is essentially acquiescing to a lot of these things happening.

The fact is that over the last several weeks we have seen more and more of the rights of the minority taken away from us, and if we are to proceed with this kind of comity in the House, where we allow these things to take place by unanimous consent, I would suggest that we need to get some degree of understanding of what the minority's rights are.

I refer specifically to the fact that in the last 2 days of last week, the minority was cut off from its special orders by actions of the majority. And if this pattern is going to continue, then my guess is that it is going to become increasingly difficult to do things by unanimous consent in the House of Representatives.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the Members are appointed.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Without objection, pursuant to section 103, Public Law 99–371, 20 U.S.C. 4303, the Chair appoints as members of the Board of Trustees of Gallaudet University the following Members of the House: Mr. BONIOR of Michigan; and Mr. GUNDERSON of Wisconsin.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Without objection pursuant to the provisions of section 1295b(h) of title 46, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members of the House: Mr. MANTON of New York; and Mr. KING of New York.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 194(a) of title 14, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members of the House: Mr. GEJDENSON of Connecticut and Mrs. JOHNSON of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS OF THE CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 4 of the Congressional Award Act, 2 U.S.C. 803, the Chair appoints the following individuals to the Congressional Award Board on the part of the House:

From the U.S. House of Representatives: Mr. PAYNE of New Jersey, and from private life: Mr. Michael A. Reza of Hacienda Heights, CA, Ms. Mary L. Howell of Arlington, VA, and Ms. LaBrenda Garrett Stodghill of Washington, DC.

There was no objection.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 2501 of title 44, United States Code, the Chair appoints the following Members of the House to the National Historical Publications and Records Commission: Mr. SHARP of Indiana.

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON INDEPENDENT HIGHER EDUCATION

The SPEAKER pro tempore. Without objection, pursuant to the provisions of section 1424(b)(1) of Public Law 102–325, the Chair appoints the following members to the National Commission on Independent Higher Education on the part of the House: Sister Maureen A. Fay of Detroit, MI and Mr. Philip M. Phibbs of Tacoma, Washington.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the Chair how many of these there are today.

The SPEAKER pro tempore. The Chair will advise the gentleman this is the last one.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the members are appointed.

There was no objection.

APPOINTMENT AS MEMBERS OF FAIR EMPLOYMENT PRACTICES REVIEW PANEL

The SPEAKER pro tempore laid before the House the following communication from the Honorable BILL THOMAS, ranking minority member of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, March 26, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule LI, clause 7(a)(4), I hereby appoint the following Members of the Committee on House Administration to the Fair Employment Practices Review Panel: Bob Livingston (LA), and Jennifer Dunn (WA).

I respectfully request that you inform the House of this action.

Best regards,

BILL THOMAS,
Ranking Minority Member.

□ 1510

A NECESSARY CHANGE IN THE TAX CODE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his objection.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, I also want to take this occasion to point out that it is by the sufferance of all the Members of the House that 1 minute speeches are given each day, and that this time set aside for the Members to say that which is on their minds does require unanimous consent of the House.

If in fact the majority party is going to use their majority numbers in order to undermine debate on the floor and squeeze down the ability of the minority to participate in this body, then we at some point will have no option but also to use our rights to impact on those things that the majority wishes to do.

I have no intention of doing that at the present time, but it is becoming a very difficult situation where special orders are taken away, where 1 minute are limited, and where a number of things are done which have adverse impact on the ability of the minority to participate effectively in the House.

Mr. Speaker, with that I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Speaker, Carnival Cruise Lines, made famous by the Love Boat TV program, made $500 million in profits between 1985 and 1988, half a billion dollars in profits. What grabs me is the old Love Boat program did not pay one red cent in taxes. They would have paid over $200 million in taxes, but guess what, the Love Boat crews said, Carnival said, "We are a Panamanian company. We are incorporated in Panama." Even though 80 percent of every dollar they earned was from Americans, they did not pay one red cent in taxes. If that is not enough to float your boat. The middle income people in America are paying all the taxes and these creeps are finding loopholes in our Tax Code to drive the deficit through.

I say it is time we stopped taxing the American worker and start putting the tax program to these creeps by changing the Tax Code that is for sale, manipulated, and ripped off at every turn of the road.

THERE MUST BE RESPECT FOR THE MILITARY IN THE WHITE HOUSE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, how many of my colleagues have visited Arlington National Cemetery and seen those thousands and thousands of crosses which identify members of the armed services who have died for their country? I do not now know how many of my colleagues have gone to veterans' hospitals and seen people without arms or legs or who are blind, or who have been burned beyond recognition by defending the country that they love so much.

When I see people show disdain for our military it really concerns me. Those people laid their lives on the line for us day in and day out, year in and year out. Millions of them have lost their lives and their families have suffered dearly.

When I read in the paper this week that a young lady at the White House said to Army Lt. Gen. Barry McCaffrey that she did not talk to people who were in uniform, obviously because she has no use for them, it made my blood boil. Mr. Speaker, if any of my colleagues happen to be talking to the President of the United States I would like them to tell him, tell President Clinton, fire this lady. Get her out of there. If she does not respect the military she should not be in the White House.

TRIBUTE TO COL. JERRY SAGE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, during this period of our country's history when we are debating deep cuts into our defense and perhaps the security of this great Nation, I would like for us to pause and recognize the passing last week of a true American hero—retired Col. Jerry Sage, a former World War II prisoner of war who made his home in my small town of Enterprise, AL.

Jerry, who retired from the Army March 1, 1972, after 30 years of devoted and outstanding service to his country, earned the name of the "Cooler King" because he was in solitary confinement 15 times while a prisoner in camp Stalag Luft III in Sagan, Germany.

He worked for over 15 months on the huge, three-tunnel project known as "The Great Escape" and the actor Steve McQueen portrayed Jerry in the movie about the efforts of those courageous men.

After numerous attempts, the former Office of Strategic Service [OSS] member made his final escape across Poland after being a prisoner of war for over 3 years.

Jerry served in William "Wild Bill" Donovan's OSS, which was the forerunner of the CIA. Missions of the OSS, he said in his book "Sage" on which the movie "The Great Escape" was based, were to collect and analyze strategic information, plan and operate special services including sabotage, psychological warfare, and similar clandestine operations that did not fall within regular Armed Forces' jurisdiction.

A British colonel in Algiers gave Jerry the code name "Dagger". When captured in Germany he claimed his aircraft had been shot down and it was never discovered he was an OSS officer.

Despite the hardships he endured as a prisoner of war his devotion and dedication to his country and fellowman never weakened. In the last paragraph of the epilog in his book, Jerry wrote:

> I'm a very happy man and a very grateful one. I plan to spend the rest of my days thanking God for His care and help and my country for the rich opportunities I've been given. Helping my fellowman in this great country seems to be best possible way of showing my gratitude.

Mr. Speaker, Col. Jerry Sage did just that. He proudly and faithfully served his God, his fellowman and his country until he died last week.

RETAIN KENTUCKY'S U.S. ATTORNEYS DURING ONGOING INVESTIGATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, accepting full well the opportunity and the authority that the President has to replace all U.S. attorneys at this change of administration, and accepting the fact that the Attorney General, Ms. Reno, has the opportunity of carrying out that order, as she has, I would hope that the resignations which now will be proffered by all U.S. attorneys, including the U.S. attorney for the Western District of Kentucky, Mr. Joseph Whittle, and the U.S. attorney for the Eastern District of Kentucky, Ms. Karen Caldwell, I hope those proffered resignations will not be accepted by the Attorney General and by the President until such time as the ongoing investigation called BOP TROT, an investigation of members of the Kentucky General Assembly and former members with respect to white-collar crime, fraud, and other activities of that nature, is concluded. It is important that these kinds of investigations proceed to a definitive conclusion. They are painful, they are difficult, they are upsetting to all of us in public service, but they must go forward.

I would once again encourage the administration not to accept those resignations until such time as these investigations have had a full chance to mature.

JOBS—AT WHAT COST?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in 1992 we heard much from then candidate Clinton about jobs and growing the economy. Hence the so-called stimulus bill that sailed through the Democrat-controlled Congress. Putting aside for a moment that a good chunk of the billions in deficit spending in that bill is high cholesterol pork, let us look closely at the jobs created. By the administration's own estimates, the Clinton taxing-and-spending program will create about 200,000 full-time-equivalent jobs. That is fewer jobs than the economy is creating all by itself right now. How much will these jobs cost the American taxpayers? A few stats from the Appropriations Committee in the other body: The average new mass transit job will cost $83,000 each. Small business loans will create jobs at an average cost of $214,000 each. At the National Science Foundation it'll be $86,000 for each job. Create jobs? Maybe, but at what cost? Hardly a bargain for taxpayers, whose share of the soaring Federal debt will soon exceed $17,000 for every man, woman, and child. Who's in charge here?

□ 1520

OTIS PITTS, JR., NAMED DISASTER RELIEF COORDINATOR FOR SOUTH DADE COUNTY

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I have stood here many times pleading with the Congress to please help south Florida in their disaster relief. We have had over 86,000 jobs lost because of this natural disaster.

I come before Members today to thank Secretary Cisneros and President Clinton for appointing someone to coordinate all of the efforts in south Dade.

Mr. Speaker, I would like to inform our colleagues of the recent announcement by the President naming Mr. Otis Pitts, Jr., as his coordinator of disaster relief activities in south Dade County, FL. I am pleased that President Clinton has taken this important step to better organize Federal efforts to bring some relief to the people of south Florida who experienced so much devastation as a result of Hurricane Andrew.

Otis is the right person for this job. He has been involved in housing needs for a long time, he is highly respected in the community, he is fully acquainted with the available resources and knows his way around the bureaucracy. I would like to commend the President for making this fine selection which holds promise for south Dade.

Many promises have been made to the people of south Dade, more promises than deliveries. While we are still working to ensure the release of funds made available in the wake of the hurricane, we are now realizing that important needs are unmet by last year's legislation. One of the most urgent needs is crisis intervention in the area of mental health. While people have been living for the past 7 months in tents, without jobs or income, and with other pressures brought about by the disaster, there is a sharp rise in cases of spouse and child abuse. The Miami Herald has reported the alarming signs of stress on elementary school students. Over two dozen children have tried to kill themselves, the kind of situation which does not usually follow natural disasters.

I hope that my colleagues will do what they can to support the kind of assistance to south Dade County that will help these fellow Americans to get on their feet again so that they can again lead productive lives.

DEBT CEILING/BALANCED BUDGET AMENDMENT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, as we speak March Madness is taking place.

To many, this refers to the annual rite of the NCAA basketball tournament. Like many sports fans across the Nation, I am also enjoying the games being played between talented student athletes.

Today, however, I rise to speak of another kind of March madness—a madness within this Chamber. This madness is the impending vote to raise the debt ceiling—for the 33d time in 10 years.

This time, the debt ceiling will be temporarily raised by a quarter of a trillion dollars. And we've been told this will only last 6 months.

What we must insist on—before this vote—is the passage of a real line-item veto and a balanced budget amendment. I urge my colleagues to restore fiscal responsibility in Congress.

LEWIS F. POWELL, JR., COURTHOUSE

(Mr. SCOTT asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I wish to speak today about Justice Lewis F. Powell, Jr., a fine Virginia gentleman and a great American jurist. In 1987, Justice Powell resigned his seat on the U.S. Supreme Court after 15 years as an Associate Justice. Today the Virginia delegation wishes to honor him by sponsoring a bill to name the Federal Court Building in Richmond, VA, the Lewis F. Powell, Jr., Courthouse.

Educated at Washington and Lee University and Harvard Law School, Justice Powell was active in national legal affairs, serving as president of the American Bar Association and president of the American College of Trial Lawyers. While president of the ABA, Mr. Powell labored continuously to improve access to legal services by developing the program, Legal Services for the Poor.

In 1972, Lewis Powell became the first Virginian appointed to the Supreme Court since the Civil War. Justice Powell brought to the Court a careful, thoughtful, and pragmatic approach to the law. He strove not for grandiose principles or abstract legal concepts, but for the justice and fairness that each party sought and deserved.

Mr. Speaker, we are therefore proud to propose the name of Lewis F. Powell, Jr., as the name of the Federal Courthouse Building in Richmond, VA.

AN ADMINISTRATION BUILT ON DECEPTION WILL NOT SURVIVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, an administration built on deception simply will not survive, and deception is exactly what we have so far from the Clinton administration. Let us look at some of them.

Deception No. 1, we are told that the 1980's were a terrible economic time. The truth is that it was the longest period of peacetime economic expansion in history. Our economy grew by one-third, an economy equal to the whole economy of West Germany.

Deception No. 2 told us that tax cuts for the rich led to huge deficits. The truth is that tax cuts for everyone produced more tax revenues, not less. We got more money out of the rich, and by the end of the decade the rich were contributing a greater percentage of tax revenues.

Deception No. 3, we are told that Bush and Reagan created the deficit. The truth is that Presidents do not create deficits; Congress creates deficits.

Deception No. 4, the economy is in terrible shape and we must have a stimulus package. The truth is that the economy is growing at a rate of 5 percent.

Deception No. 5, the plan to increase taxes and boost domestic spending is something new, the change that the people voted for last year. The truth is that this is the same old plan that has been pushed by the Democrats in this body for many, many years.

Abraham Lincoln had something to say about fooling the people, and the bottom line of it was that it will catch up with you eventually.

FUNDING FEDERAL MANDATES

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I hosted a breakfast recently with county commissioners from all around the State of Ohio. Whether they were Democrats or Republicans, urban or rural, they all voiced a similar message: Do not pass unfunded Federal mandates.

In the 102d Congress, 15 new Federal mandates became law. Already this year, we passed motor-voter legislation, a bill in which Washington takes credit for doing good, but will not shell out a penny to pay for it.

What do Federal mandates do to State governments. Medicaid costs in Ohio went up 18 percent last year. At the same time, Federal Medicaid mandates of the past 2 years have cost all the States at least $38 billion, according to the National Conference of State Legislatures. Ohio, which has a constitutional obligation to balance its budget, had to cut education 3 percent last year to make ends meet. This means the Federal Government has indirectly mandated cuts in school funding and other programs, while the Federal budget goes up. This is absolutely wrong and it must change.

Congress should fund all the new responsibilities that it hands down to State and local governments. Now we have the hypocrisy of laws that try to make Congress look good, at the expense of more competent governments that balance their budgets year after year.

HEARINGS ON RESIGNATIONS OF U.S. ATTORNEYS

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I want to advise the House that today I have written to the appropriate subcommittees of the Government Operations Committee and the Judiciary Committee, both of which I am a member of, asking them to hold hearings on the decisions of Attorney General Reno to request the resignations at one time of all of the U.S. attorneys. I have raised this question on hearings for two reasons.

First of all, it has been suggested publicly that this policy really had the purpose of stopping one investigation of a senior Member of this House of Representatives. In my opinion, we cannot leave such a suggestion unresolved, and the purpose of the hearing would be to invite those who claim they have some evidence that that was the purpose of this policy to come forward and testify, and of course to allow the Attorney General of the United States to respond.

Second, aside from any political allegations, I think the House of Representatives should look at the administrative effect of this kind of a policy decision. How will replacing all of the U.S. attorneys before their successors have even been nominated, much less confirmed, affect ongoing investigations.

Mr. Speaker, I say what is the rush?

RAISING DEBT CEILING IS IRRESPONSIBLE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, this week we are scheduled to vote on an increase in the national debt. Some will argue that there is no choice, that we have already done what has been done and have to raise it. Others, say it is irresponsible and to vote "no."

Either way, the real measure of irresponsibility is the national debt. We can talk about the budget, and there is smoke and mirrors in it. We can talk about outlays and authorizations and investments, and sacrifice and real cuts, and no cuts, but the bottom line is the debt, and it continues to go up for you, and for me, and for every family in this country.

You can cover it however you wish. The debt really is the bottom line. And this debt, and this vote this week to increase the limit on the national debt demonstrates the need for changes procedurally.

Mr. Speaker, we need a balanced budget amendment so that we have some discipline, some responsibility in this House about spending. We need a line-item veto so that we can talk about pork, and take some things out of the packaged programs that no one has even had a chance to see. We need to reform this House.

THE EXCELLENT CALIFORNIA STATE UNIVERSITY BAKERSFIELD ROADRUNNERS

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, I rise to acknowledge excellence. It is my pleasure to inform you that last Saturday, California State University Bakersfield, accomplished something that no other school in the history of the National Collegiate Athletic Association has ever achieved.

The Roadrunners, under the leadership of Athletic Director Rudy Carvajal and Coach Pat Douglass, played 33 basketball games; they took the floor at home and on the road 33 times and won all 33.

The historic 33d victory came at the birthplace of basketball—Springfield, MA, and was the championship game of the NCAA divisions II men's basketball tournament, played before a national network television audience.

Mr. Speaker, Bakersfield is rightfully proud of the Roadrunner players, Athletic Director Carvajal, Coach Douglass, and their record-setting 33-0 championship season.

□ 1530

WHY WE NEED TO PASS THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, Ross Perot told the Small Business Committee last week that we absolutely must address the fundamental problems driving U.S. businesses overseas, especially excessive regulations and high tax rates.

Mr. Perot also acknowledged that low wages alone do not drive businesses to other countries.

In fact, one of the primary reasons companies are moving their operations overseas is high export barriers. Currently, the tariffs NAFTA would remove force businesses to establish operations in places like Tijuana—just to allow them to sell their goods in the Mexican market.

NAFTA would allow businesses to remain in the United States while taking advantage of growing markets in Canada and Mexico.

Exports accounted for 70 percent of GNP growth over the last 3 years. NAFTA will generate an added surge in exports—creating a net gain in American jobs, according to the overwhelming majority of economic studies.

Mr. Speaker, let us say "yes" to jobs for American workers, yes to open markets for U.S. goods, yes to a higher standard of living for Mexican workers. Let us say "yes" to NAFTA.

TIMBER: A RENEWABLE RESOURCE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, affordable housing is fast becoming an endangered species, and a part of the reason is that the price of lumber has gone skyrocketing.

This little piece of lumber which I hold in my hand, in October 1992, cost 6 cents. Now, in March 1993, this same piece of wood costs 13 cents. Can you imagine? It does not take a great mathematician to determine how much a new house would now cost as compared to what it would have cost in October 1992.

We hope that when President Clinton and Vice President GORE attend the timber summit soon to be held in Oregon that they take into consideration that artificial restraints on the full use of our natural resources like timber are foolhardy for us and for our future. Remember that timber, lumber, is a renewable resource, not one that we would drive out of existence. It is a renewable resource, and we need to use it.

RAISING THE DEBT CEILING AND THE BALANCED BUDGET AMENDMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, Ross Perot told the American people the other night that the American people were conned by the 1990 tax-and-spend increase bill passed by Congress and that the elected officials did not keep their promises to us that spending would be reduced. He said if the Democrats' tax-and-spend bill works exactly as planned, it would add another $1 trillion to the national debt in the next 4 years. And yet, the Democrats want to increase the debt ceiling this week.

The voters will no longer tolerate massive tax increases for the purpose of sustaining wasteful spending. Congress has a responsibility to exercise self-restraint by initiating a balanced budget amendment that will create spending caps and strong tax limitations. If Congress does not take the initiative to reduce the deficit by cutting spending, the American people will quickly shorten our tenure.

A large consensus of the Perot volunteers say, the condition the Federal Government must meet in order to get any more tax money from us is to reform itself; not raising the debt ceiling.

I do not doubt that the other 80 percent of American voters are echoing the same call to responsibility. After all, doesn't the Democrats' plan depend heavily on tax increases? How can the voters be sure that Members of Congress are not using increased revenues to sponsor more spending programs as they have in the past? How will voters know that the new plan is not a gimmick, leaving no net deficit reduction at all?

Mr. Speaker, the only way to assure that revenues are used to pay down the debt is to pass a balanced budget amendment.

ENVIRONMENTAL POLICY HAS GONE AWRY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, a few days ago the New York Times reported on its front page the following:

> Many scientists, economists and government officials have reached the dismaying conclusion that much of America's environmental program has gone seriously awry. These experts say that in the last 15 years environmental policy has too often evolved largely in reaction to popular opinions, not in response to sound scientific analysis.
>
> As a result, many scientists and public health specialists say billions of dollars are wasted each year in battling problems that are no longer considered dangerous.

Even the EPA, which loves these types of regulations and would understate their cost, says that environmental regulations now cost us $140 billion a year. Most of these are laws to which the New York Times said that Congress did not even give rudimentary cost-benefit analysis.

Most environmental activists are wealthy or at least upper income and thus are insulated from the economic harm their policies cause. But now, as the New York Times points out, environmental overkill has cost this Nation hundreds of billions. It has cost us millions of jobs. It has made everything much more expensive.

Environmental extremists have really hurt the poor and the working people of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

AUTHORIZING FBI TO OBTAIN CERTAIN TELEPHONE SUBSCRIBER INFORMATION

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 175) to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

The Clerk read as follows:

H.R. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED CERTIFICATION.

Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

SEC. 2. REPORT TO JUDICIARY COMMITTEES.

Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 175 amends the Electronic Communications Privacy Act to permit the FBI to have access—without a court order—to name, address, and length of service information for certain phone subscribers. More specifically, it modestly expands the FBI's so-called national security letter access to phone company information regarding subscribers who are in contact with either first, terrorists or foreign intelligence officers, or second, any agent of a foreign power if the conversation concerns terrorism or illegal intelligence activities. The FBI must report its use of this authority to the House and Senate Judiciary Committees.

The language of this bill has been arrived at through discussions with the FBI over the past several years. The provisions of H.R. 175 are identical to a section included in the crime conference report in the 102d Congress.

I offer my special congratulations to Mr. EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights, for successfully taking the lead in negotiating this necessary, but carefully circumscribed provision. I also wish to recognize Mr. HYDE, ranking member of the subcommittee, for his good efforts on this bill.

Mr. Speaker, I ask the House to support H.R. 175.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will allow the Federal Bureau of Investigation to obtain telephone subscriber information relevant to an authorized foreign counterintelligence investigation in certain limited circumstances.

Under the Electronic Communication Privacy Act, the FBI has the authority to obtain the telephone toll records of a suspected agent of a foreign power or a suspected international terrorist. Often when the FBI receives the toll records, however, some of the numbers are unlisted and the phone company cannot reveal the name and address of the unlisted subscriber. This legislation will modestly expand the authority of the FBI by allowing them to obtain the names and addresses for the unlisted phone numbers only where there is reason to believe that the telephone conversation was with an individual engaged in international terrorism or clandestine intelligence activities.

I urge the adoption of this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to indicate my support for this bill, but I do want to bring to the attention of the Members, and specifically to direct my comments to the chairman of the committee, that the request that was made by the Justice Department to consider this very legislation was well timed and very much necessary.

□ 1540

A similar request has been undertaken the last several years to do a similar thing with some parts of our domestic communications arena. The same Justice Department, albeit under different chieftains, has felt that where the communications industry has refused by their interpretation of the Communications Act to accord access to certain public information at a time of emergency without a court order, we have sought in legislation that we have introduced to at least allow the quick response by written request or by oral request for an emergency situation that arises from this type of situation.

The Justice Department has asked us to produce that. We have done so in the last several years.

Now, in the committee hearing that we had several days ago, the chairman of the subcommittee, the gentleman from California [Mr. EDWARDS], very kindly acknowledged that a request that we would make for a separate proceeding to determine the merits of my legislation would be given consideration, and for that I am grateful.

I just simply want to point out that we have a tandem here. The Justice Department requests the legislation that is in front of us; the Justice Department has requested the legislation that I seek; the Justice Department feels there is a tremendous loophole that is being used by foreign entities in this case. The same kind of loophole exists as to domestic entities in ours. The tandem allows us to request the consideration that has already been accorded to us by the gentleman from California.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, this bill modestly expands the FBI's authority to obtain without a court order information identifying subscribers of unlisted telephone numbers. The language was carefully worked out among the FBI, the two Judiciary Committees and the two Intelligence Committees in the last Congress. I especially want to thank the House Intelligence Committee and its chairman, Mr. GLICKMAN, for their support and assistance on this important matter.

This bill is identical to legislation that was reported favorably by the subcommittee and full committee last Congress. The language passed the House twice, once as part of the crime bill and once freestanding. It also passed the Senate, but in a different vehicle, and never made it to the President's desk.

This bill is very relevant to the ongoing investigation of the World Trade Center bombing. It allows the FBI to identify persons in telephone contact with suspected foreign spies or terrorists. Normally, telephone toll records and information identifying subscribers with unlisted phone numbers are private and the phone company will not disclose the identity of the subscriber without a subpoena. This bill allows the FBI to obtain the identity of subscribers where there is a suspected link with espionage or terrorism.

It is a modest change, but one that is very important to the FBI. We have struck a careful balance between the needs of the FBI and the privacy of Americans.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], a member of the Permanent Select Committee on Intelligence.

Mr. COLEMAN. Mr. Speaker, I rise in support of H.R. 175, which concerns a matter within the jurisdiction of both the Committee on the Judiciary and the Permanent Select Committee on Intelligence.

H.R. 175 represents a very narrow and carefully drawn expansion of the Federal Bureau of Investigation's authority to utilize the national security letter under the Electronic Communications Privacy Act [ECPA].

ECPA was enacted in 1986 to provide privacy protection to telephone subscriber information and toll billing records. In general, Government entities may only have access to this information, without the subscriber's consent, pursuant to a subpoena, court order or search warrant, and only if the information is relevant to a legitimate law enforcement inquiry. ECPA provides an exception for counterintelligence cases, however, and thus allows the FBI to obtain subscriber information and toll billing records where the FBI certifies in writing to the telephone company that the information sought is relevant to an authorized foreign counterintelligence investigation and the subscriber is believed to be a foreign power or agent of a foreign power.

A national security letter is an extraordinary device which allows the FBI to compel the production of information without the judicial review and the association with a criminal investigation normally required by law. Expansion of the reach of the national security letter is not to be undertaken lightly.

Nevertheless, in the last two Congresses, the FBI made a persuasive case to the Judiciary Committee on Civil and Constitutional Law and to the Intelligence Subcommittee on Legislation which I now chair, that the national security letter should be available in cases in which individuals contact suspected foreign intelligence officers or suspected terrorists, or where the substance of the conversation concerns international terrorism or clandestine intelligence activities that may involve spying or an offer of sensitive information protected by law. These conversations in which individuals volunteer to commit espionage are not now covered by the national security letter exception. In fact, the FBI argues it might have been able to prevent the compromise of highly sensitive information given to the U.S.S.R. by Ronald Pelton, a former employee of the National Security Agency, if it had had this expanded authority.

The Subcommittee on Legislation held hearings on this issue in 1990 and 1991. The FBI originally proposed that phone companies be required to identify all persons who had been in touch with foreign powers or suspected agents of foreign powers. This language would have been too broad and not narrowly focused on the FBI's demonstrable needs.

The Intelligence Committee worked closely with the Subcommittee on Civil and Constitutional Law to fashion an amendment to ECPA that would address the legitimate concerns of the FBI in a way that is sensitive to the dangers inherent in the national security letter exception. The legislation was originally included in the Omnibus Crime Control Act of 1991, which was not enacted last year. Chairman EDWARDS and his staff are to be congratulated on their leadership on this issue and their persistence in moving the negotiations and the legislation forward over several years.

H.R. 175 amends ECPA to allow the FBI to request the name, address, and length of service of a telephone subscriber where the FBI certifies in writing to the telephone company that the telephone service has been used to contact a suspected foreign intelligence officer or suspected terrorist, or the circumstances surrounding the conversation indicated that the conversation involved international terrorism or an offer to spy.

H.R. 175 is a delicate balance between our desire to give the FBI the means to fight terrorism and espionage and our responsibility to protect individuals from unreasonable intrusion by the Government. I assure my colleagues that the Intelligence Committee will continue vigorous oversight of the FBI's use of national security letters and urge their support for the legislation.

□ 1550

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GLICKMAN. Mr. Speaker, I thank my chairman, the gentleman from Texas [Mr. BROOKS] for yielding this time to me. I have had the privilege of serving on that committee as well and I compliment the gentleman from California [Mr. EDWARDS] who has been a leader in this effort to draw the balance between giving the FBI the necessary law enforcement tools to deal with terrorism and espionage, at the same time protecting civil liberties. I think this bill reflects that compromise.

Mr. Speaker, monitoring the foreign counterintelligence and counterterrorism activities of the Federal Bureau of Investigation [FBI] is a responsibility shared by the Permanent Select Committee on Intelligence and the Judiciary Committee.

The legislation now under consideration, H.R. 175, represents a resolution to a problem first brought to the committees' attention several years ago. Under existing law, the FBI has the ability, through use of a device known as a national security letter, to compel the production of telephone subscriber information and telephone billing records when the subscriber is believed to be a foreign power or agent of a foreign power, and the information is relevant to an authorized foreign counterintelligence investigation. The national security letter is not, however, currently available to assist in the identification of the users of telephone service when the service has been employed to contact a suspected foreign intelligence officer or suspected terrorist, or to conduct conversations involving terrorism or an offer to commit espionage.

In 1990 and 1991, the Intelligence Subcommittee on Legislation conducted hearings on an FBI request to expand the permissible use of the national security letter to cover all contacts with foreign powers or agents of foreign powers. Concerned that the Bureau's request was too broad to justify the utilization of an extrajudicial procedure like the national security letter, the subcommittee refused to endorse it. In the fall of 1991, however, hard work on the part of Chairman EDWARDS and his staff, and FBI representatives, resulted in a narrowing of the reach of the requested expansion, and a provision identical to H.R. 175 was made a part of the Omnibus Crime Control Act of 1991. That provision had the support of the Intelligence Committee, and H.R. 175 does as well.

Mr. Speaker, Congress must be vigilant in ensuring that the warrant requirements which normally apply to the nonconsensual production of information are not casually waived. In my judgment, the limited expansion of the national security letter exception provided by H.R. 175 does not constitute an unreasonable intrusion into constitutionally protected individual rights and liberties. It is a measured addition to the tools available to the FBI to deter terrorism and espionage, and it deserves the support of the House.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 175.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

DNA IDENTIFICATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 829) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records; to authorize the establishment of a DNA identification index; and for other purposes, as amended.

The Clerk read as follows:

H.R. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Identification Act of 1993".

SEC. 2. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1993;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1993.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 through 1998 $10,000,000 for grants to the States for DNA analysis.".

SEC. 3. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise,

recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 4. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION

(a) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) CONTENT OF INDEX.—Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1993;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1993; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) EXCHANGE SUBJECT TO CONCELLATION.—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 5. FEDERAL BUREAU OF INVESTIGATION

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3(a). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1994 through 1998 to carry out sections 3, 4, and 5 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H.R. 829, the DNA Identification Act of 1993, is a timely piece of legislation that draws upon the crime-solving breakthrough technology of DNA. While encouraging the use of such technology, the legislation also ensures that DNA testing will be subject to rigorous quality standards and strict confidentiality requirements.

DNA analysis allows law enforcement officials to use blood or hair samples from a crime site to determine the genetic code of the perpetrator. This code is then matched against the code of a suspect. Since each person has a unique code, a match is an extremely reliable indicator of identification.

H.R. 829 authorizes $10 million per year for grants to States for establishing laboratories to perform high quality DNA analysis. Receipt of funds is contingent on compliance with an FBI quality assurance program, proficiency testing and privacy restrictions which limit access to DNA samples to law enforcement purposes. The FBI is authorized to establish a DNA database with privacy restrictions and can receive $4.5 million per year to implement the DNA program.

Mr. EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights, deserves great credit for bringing forward this innovative and promising and practical legislation that will materially aid in crime solving. Mr. HYDE, ranking member of the subcommittee, also deserves credit for his work in full support of this bill.

Mr. Speaker, I urge all members to support H.R. 829.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when properly performed, DNA analysis has proven an extremely effective investigative tool in the criminal justice process. As DNA technology is increasingly employed in the courtroom, however, there has been growing concern over issues of quality assurance and standards for conducting DNA testing. H.R. 829 will guarantee that needed quality assurance standards are developed and implemented.

This legislation directs the FBI to appoint an advisory board to develop and recommend standards for quality assurance and for testing the proficiency of forensic laboratories. It authorizes funds for State and local governments to develop and improve their ability to perform DNA analysis for forensic purposes. Laboratories receiving such funds will be required to undergo external proficiency testing twice a year and comply with the standards to be issued by the FBI's advisory board.

In addition, the legislation authorizes the FBI to establish an index of DNA identification records of persons convicted of crimes and of DNA samples recovered from crime scenes and unidentified human remains. This index, containing previously analyzed samples, will allow DNA recovered from the scene of a crime to be searched against stored DNA profiles of known offenders. DNA profiles contained in the index will be required to meet quality control and privacy standards.

In conclusion, H.R. 829 will guarantee that DNA analysis will be an accurate and reliable tool for courtroom use. I urge its adoption.

Mr. BROOKS. Mr. Speaker, I yield such time as he may require to the gentleman from California [Mr. EDWARDS], the distinguished chairman of the subcommittee.

Mr. EDWARDS of California. Mr. Speaker, I thank my chairman for yielding me this time, and I thank the gentleman from Illinois [Mr. HYDE] for his excellent summation of the bill.

Mr. Speaker, this bill is intended to promote law enforcement use of DNA to identify violent offenders, while ensuring that this technology is used with sound quality control and privacy safeguards. This is a very important new tool for law enforcement and deserves our support.

H.R. 829 is essentially identical to legislation that was reported favorably by the full committee last Congress. The language passed the House twice, once as part of the crime bill and once free-standing. It also passed the Senate, but never made it to the President.

The bill is supported by the FBI and by the association of State crime laboratory directors. The bill authorizes Federal funding for State and local governments to establish or improve DNA labs; requires the FBI to obtain outside advice from a range of experts; and authorizes the FBI is establish a national index of DNA profiles of convicted offenders, subject to minimum quality control and privacy standards. The bill requires that forensic DNA laboratories receiving Federal funds or participating in the Federal database subscribe to a regular proficiency testing program.

Mr. Speaker, I urge approval of the bill.

I thank the members of the subcommittee and the members of the staff, both Republicans and Democrats, for their aid in putting the bill together. I believe that it will have no problem in the Senate. I think that we are all going to be ahead in the important areas of criminal matters when this becomes law.

Mr. ROTH. Mr. Speaker—we hear about it every day on the news—another mugging, another brutal rape, another vicious murder. We live in the city with the highest murder rate in the Nation. Violent crime is on the increase everywhere. Yet, too often these crimes go unpunished. Well, this has got to stop. The passage of the DNA Identification Act is vital if we are to give our law enforcement officials the tools necessary to catch and convict criminals.

DNA fingerprinting, when done properly, is an amazing tool. By mapping an individual's genetic code, a criminal can be identified as certainly as with a fingerprint. What is especially impressive is the ability to take this genetic information from the smallest fragment of hair, skin, or body fluid. Just think of the enhanced ability of law enforcement to identify, catch, and convict violent offenders if this technology were in wide use.

Because it is such a new device for law enforcement, the only concern about this tool is the reliability of laboratories providing DNA analysis. By passing the DNA Identification Act, we will go far in making the use of this tool as acceptable and common in the courts as the use of fingerprints is today.

The bill requires the FBI, the leading expert on DNA identification, to assist States in improving their DNA analysis and recordkeeping. The bill also helps States acquire reliable DNA-testing equipment. At the same time, this bill protects against abuses in the use of DNA samples.

Mr. Speaker, our Nation is in peril from the rampant and violent crime in our streets. Congress has the duty to take action now to provide our brave law enforcement officials with the tools they need to make our streets safe. DNA fingerprinting technology is one of those tools. I urge adoption of this bill.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I am pleased to yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 829, as amended.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just considered.

The SPEAKER pro tempore (Mr. VENTO). Is there objection to the request of the gentleman from Texas?

There was no objection.

TECHNICAL CORRECTIONS RELATING TO THE VETERANS HEALTH CARE ACT OF 1992

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 662) to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

The Clerk read as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS OF PROVISIONS RELATING TO THE PRICE OF DRUGS PURCHASED BY THE DEPARTMENT OF VETERANS AFFAIRS AND OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Section 8126 of title 38, United States Code, as amended by section 603 of the Veterans Health Care Act of 1992, is amended—

(1) in subsection (a)(2), by striking "preceding such date";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "for calendar quarters", and

(B) in paragraph (1)—

(i) by striking "preceding the month during which the contract goes into effect"; and

(ii) by striking "increased by" and inserting "multiplied by";

(3) by amending subsection (d)(1) to read as follows:

"(1) during any one-year period that follows the first year for which the contract is in effect, the contract price charged for the drug may not exceed the contract price charged during the preceding one-year period, increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) during the 12-month period ending with the last month of such preceding one-year period for which Consumer Price Index data is available; and"; and

(4) by adding at the end the following new subsection;

"(i)(1) If the Secretary modifies a multi-year contract described in subsection (d) to include a covered drug of the manufacturer that was not available for inclusion under the contract at the time the contract went into effect, the price of the drug shall be determined as follows:

"(A) For the portion of the first contract year during which the drug is so included, the price of the drug shall be determined in accordance with subsection (a)(2), except that the reference in such subsection to 'the one-year period beginning on the date the agreement takes effect' shall be considered a reference to such portion of the first contract year.

"(B) For any subsequent contract year, the price of the drug shall be determined in accordance with subsection (d), except that each reference in such subsection to 'the first year for which the contract is in effect' shall be considered a reference to the portion of the first contract year during which the drug is included under the contract.

"(2) In this subsection, the term 'contract year' means any one-year period for which a multi-year contract described in subsection (d) is in effect.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992.

SEC. 2. TECHNICAL CORRECTION OF BUDGET NEUTRALITY ADJUSTMENT FOR MEDICAID PRESCRIPTION DRUG REBATES.

(a) IN GENERAL.—Section 1927(c)(1)(B)(ii)(II) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(B)(ii)(II)), as amended by section 601(c) of the Veterans Health Care Act of 1992, is amended by striking "drug;" and inserting the following: "drug, except that for the calendar quarter beginning after September 30, 1992, and before January 1, 1993, the amount of the rebate may not exceed 50 percent of such average manufacturer price;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 601(c) of the Veterans Health Care Act of 1992.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, last year the Congress enacted important legislation to control skyrocketing drug costs charged to the Department of Veterans Affairs and other Federal purchasers. This legislation was the result of a very productive relationship between our committee, the Committee on Energy and Commerce and the Committee on Veterans' Affairs in the Senate. Chairman JAY ROCKEFELLER played a major role in getting the bill enacted into law, as well as the gentleman from California [Mr. WAXMAN] of our Committee on Energy and Commerce.

Despite its simple purpose, the law required some very complex drafting, and we have found two technical matters that need to be clarified or corrected. This bill would correct those mistakes. It would clarify the language limiting how much drug prices paid by VA could increase each year, and would more clearly address the pricing of drugs that are added to a multiyear contract.

The bill would also give the Secretary of Veterans Affairs greater flexibility in calculating the price of new drugs by allowing consideration of prices paid after the drug is first available.

Section 2 of the bill is an amendment which the committees with jurisdiction over the Medicaid Program wanted to include in this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN], a member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Speaker, I rise in support of S. 622, which was adopted by the Senate last Thursday under a unanimous consent request.

This legislation would make technical corrections to title VI of the Veterans' Health Care Act of 1992, Public Law 102-585.

With respect to Medicaid, the Veterans' Health Care Act inadvertently eliminated a ceiling on amount of the best-price rebate which participating drug manufacturers were required to pay during the last quarter of calendar year 1992.

In order to receive Federal Medicaid matching funds for their drugs, manufacturers must agree to give rebates to the States and the Federal Government. These rebates are determined on the basis of the best price available for the drug to any domestic purchaser. During 1992, the law provides for a ceiling on the amount of the rebate that a manufacturer is required to pay on any given drug, set at 50 percent of the average manufacturer price of the drug.

Under the 1990 legislation which established the rebate program, this ceiling was to be in place through December 31, 1992. However, in the course of raising the minimum rebate percentage effective October 1, 1992, the Veterans Health Care Act inadvertently eliminated the 50-percent ceiling on that same date, leaving manufacturers with steeply discounted products without protection for the last quarter of that calendar year. Section 2 of the legislation before us today corrects this error and restores the 50-percent limit for the period October 1, 1992, through December 31, 1992.

I want to emphasize that the amendments made by this legislation are to be treated as if they were enacted at the time of, and not subsequent to, the enactment of Public Law 102-585. Thus, section 1927(a)(6)(B) of the Social Security Act, which prohibits the Secretary of HHS from taking into account any amendments enacted subsequent to the enactment of Public Law 102-585, simply does not apply to the amendments before us today. I and the other sponsors expect that the Secretary of HHS will take today's amendments into account in determining whether a master agreement between the Secretary of Veterans Affairs and a manufacturer meets the requirements of section 8126 of title 38.

This legislation has been reviewed by the Congressional Budget Office and will have no effect on Federal Medicaid outlays because CBO did not assume any savings from this error when Public Law 102-585 was scored. However, according to CBO, if we do not enact this legislation before the approval of the conference report on the fiscal year 1994 budget resolution, then the CBO baseline will change to reflect the conference report baseline, and restoring the 50-percent ceiling will be scored as a cost.

I want to thank Chairman MONTGOMERY, Chairman DINGELL, Mr. ROWLAND, Mr. BLILEY, Mr. STUMP, and their staffs for their cooperation in expediting the passage of this legislation.

I know of no opposition to this bill. It has the support of the Department of Health and Human Services. I urge my colleagues to approve Chairman MONTGOMERY's motion to suspend the rules and pass S. 662.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California [Mr. WAXMAN]. It has been a pleasure working with him on this legislation. He certainly helped the veterans and helped us on our pharmaceutical prices.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 662, which contains proposed technical corrections to the VA drug pricing legislation enacted last year in Public Law 102-585.

Mr. Speaker, the Committee on Veterans' Affairs working with the Energy and Commerce Committee enacted Public Law 102-585 in order to reverse a trend of rising pharmaceutical prices being experienced by the Department of Veterans Affairs. Thus far, the legislation is working quite well. I am told that as a whole, the pharmaceutical industry has been very cooperative and VA is experiencing reasonable drug prices.

The bill we have before us today simply adds corrective technical language in order to avert potential problems that may arise in the future. The language is included at the request of the Department of Veterans Affairs and will not have a significantly negative effect on the pharmaceutical industry. For this reason, I know of no objection to passage of this legislation.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to thank my good friend, the gentleman from Arizona [Mr. STUMP], who is the ranking minority member on this subcommittee, for his support and for working this legislation through. Also, Mr. Speaker, I want to note that the amendments affecting the Secretary of Veterans Affairs' authority would take effect as if included in Public Law 102-585. The reason I mention this is because that law gave the Secretary of Health and Human Services limited authority to disregard subsequent amendments to Public Law 102-585 in determining whether a manufacturer was in compliance with the drug price limitations found in title XIX of the Social Security Act. It is Congress' desire to require the Secretary to take the changes made by this law into account when determining whether a manufacturer is in compliance with the law, so we have made the changes effective as if they had been a part of the original law. I am not aware of any opposition to the changes we are proposing on either side of the aisle. I am also informed that the drug manufacturers are in favor of the bill.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on S. 662, the bill under consideration.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the Senate bill, S. 662.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that proceedings will resume on this question, and on any others that may subsequently be postponed today, on tomorrow, Tuesday, March 30, 1993.

IDAHO LAND EXCHANGE ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 252) to provide for certain land exchanges in the State of Idaho, and for other purposes.

The Clerk read as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1993".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) Map and Legal Descriptions.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Regions of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the 12 years prior to the date of enactment of this Act—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) DEFINITIONS.—As used in this section:

(1) PARCEL A.—The term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) PARCEL B.—The term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(c) LAND EXCHANGES.—

(1) CONVEYANCE BY THE SECRETARY.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(2) CONVEYANCE BY THE STATE OF IDAHO.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in subsection (b) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(d) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (c), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(e) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 252, the Idaho Land Exchange Act, passed the Senate on March 17, 1993. The legislation authorizes two land exchanges involving national forest lands in Idaho. The bill is similar to a measure, H.R. 235, introduced by Representative LAROCCO, which was favorably reported from the Committee on Natural Resources.

The first exchange dealt with by the legislation involves the Targhee National Forest in southeastern Idaho. The Forest Service has negotiated an equal value land exchange with the State of Idaho whereby the Forest Service would give up approximately 1,900 acres in an isolated tract in exchange for approximately 1,600 acres of State lands which include inholdings, wetlands, wildlife habitat, and recreational lands adjacent to the Island Park Reservoir. The exchange would enable the State to consolidate its holdings within Harriman State Park.

S. 252 does not specifically authorize this exchange, but simply expands the boundary of the Targhee National Forest so that the Forest Service can accomplish this and other potential exchanges administratively.

The second exchange involves the Kaniksu National Forest, which is part of the Idaho Panhandle National Forest in northern Idaho. The Kaniksu includes the Clark Fork Ranger Station near Clark Fork, ID. In 1973, the Forest Service stopped using the station as an administrative site and the building fell into disrepair. In 1978, the University of Idaho received a permit from the Forest Service to use the buildings as a field campus, which continues to be the use of the site. Since 1978, the university has invested $527,000 of its own funds in capital improvements, maintenance, and caretaker/operation expenses.

The Forest Service has negotiated a land exchange with the University of Idaho whereby the Forest Service would transfer the 35 acres comprising the Clark Fork Ranger Station to the University of Idaho in exchange for 40 acres of forest land owned by the university. By discounting the $500,000 the university has invested in the building, the exchange is approximately of equal value. Because the Forest Service does not have the authority to do this type of discounting and because the lands it would be acquiring are outside the national forest boundary, legislation is needed to complete the exchange.

These provisions are noncontroversial and the administration has testified in favor of the legislation. Mr.

Speaker, I should also note that the bill is similar to a measure passed by the House in the 102d Congress on which action was not completed prior to adjournment. Favorable consideration by the House today will complete action on the measure. I know of no controversy with legislation and urge its passage by the House.

□ 1610

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 252 which was introduced by Senator LARRY CRAIG and is identical to legislation sponsored by Mr. LAROCCO. This legislation, which has been fully explained by Chairman VENTO, is identical to legislation that was not enacted last year only because of the rush to adjournment in early October.

S. 252 is necessary to allow the Forest Service to complete two land exchanges in Idaho. This legislation is supported by the entire Idaho congressional delegation. In fact, S. 252 already passed the other body earlier this month.

I would like to thank Chairman VENTO for his expeditious consideration of this bill which is noncontroversial and was worked out last year. I am optimistic that we can bring other bills that fit in the same category to the floor in the next several months.

I urge my colleagues to support S. 252.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure involves two parcels in Idaho that are going out of two separate forests. They are measures important to the gentleman from Idaho [Mr. LAROCCO]. I know of concern to some was that we would have an unequal exchange in one case, but I think I have adequately explained that. This is not unusual where a State or others have invested considerable dollars on a public facility that happens to be on National Forest Service land. So that is the only part that I believe would raise any questions.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I rise today in strong support of S. 252, which would authorize an equal-value exchange of land and property between the U.S. Forest Service and the University of Idaho in my district. This bill would also provide for a boundary adjustment on the Targhee National Forest.

I thank the chairman of the Subcommittee, Mr. VENTO, for the prompt attention given to H.R. 235, the companion bill which I introduced on January 5. Much work was completed during the last Congress to perfect this legislation, which will benefit both the University of Idaho and the Forest Service.

The former Clark Fork Ranger Station, which the Forest Service stopped using in 1973, has been leased by the University of Idaho since 1978 and used as a field campus for teaching, research, and outreach service for north Idaho communities.

The university has spent more than $500,000 for maintenance and capital improvements, and has constructed several buildings, and upgraded the water system, roadways, and sewer and power systems.

Although the Targhee National Forest is not in my district, this boundary adjustment is noncontroversial and simply joined with the Clark Fork measure when it was introduced. Both the Clark Fork exchange and the Targhee National Forest boundary adjustment passed the House and Senate in the last days of the 102d Congress, but time ran out before final passage.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. THOMAS of Wyoming. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Idaho [Mr. LAROCCO] for his work on this measure. The gentleman has done a good job and the Idaho delegation has unified on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 252.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CUSTER NATIONAL FOREST

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 164) to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

The clerk read as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORTION INTO CUSTER NATIONAL FOREST.—Upon acceptance of the title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of Custer National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 164, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 164, which passed the Senate on March 17, 1993, is identical to a bill (H.R. 720) which was introduced by the gentleman from South Dakota [Mr. JOHNSON] and favorably reported from the Committee on Natural Resources.

S. 164 would give the South Dakota portion of the Sioux Ranger District of the Custer National Forest the same 5-mile boundary extension authority that has been given to the rest of the national forest lands in South Dakota. This authority would allow the Forest Service to acquire lands through land exchanges within 5 miles of the exterior boundaries of the national forest and then add the lands to the national forest. Several other national forests in the West have similar authority.

The immediate result of this legislation would be to allow an exchange negotiated by the Forest Service with the Cave Hills Cattle Co., Inc., to proceed, which would add to the national forest 440 acres of riparian wildlife habitat in exchange for 800 acres of Forest Service lands with little or no water. The parcels have been appraised and this would be an equal value exchange. This legislation would also facilitate future land exchanges as well.

Mr. Speaker, identical legislation passed the House in the 102d Congress but action on the measure was not completed prior to adjournment.

The bill before the House today is noncontroversial and is supported by the administration. I urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 164 which is identical to H.R. 720 that was introduced by our colleague from South Dakota [Mr. JOHNSON] and was reported out of the House Committee on Natural Resources.

S. 164 would give the Sioux Ranger District of the Custer National Forest in South Dakota permanent authority to extend its boundaries 5 miles to allow for land exchanges. This is the same boundary authority that all other national forest lands currently have in South Dakota.

This legislation is identical to legislation that passed the House last year and was not enacted because of our rush to adjournment. It is supported by the entire South Dakota congressional delegation.

I urge my colleagues to support S. 164.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 164.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

STOCK RAISING HOMESTEAD ACT AMENDMENTS

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 239) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

The Clerk read as follows:

H.R. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) Mineral Entry Under the Stock Raising Homestead Act.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 29), is amended by adding the following at the end thereof:

"(b) Exploration; Location of Mining Claims; Notices.—

"(1) In general.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a minimal disturbance of surface resources and do not involve the use of mechanized earthmoving equipment, explosives, the construction of roads, drill pads, or the use of toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 90-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2).

"(2) Notice of intention to locate a mining claim.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) shall file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on the land status records of the Secretary. Whenever any person has filed a notice under this paragraph with respect to any lands, during the 90-day period following the date of such filing, or any extension thereof pursuant to this paragraph, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) file an application to acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

If, within such 90-day period, the person who filed a notice under this paragraph files a plan of operations with the Secretary pursuant to subsection (f), such 90-day period shall be extended until the approval or disapproval of the plan by the Secretary pursuant to subsection (f).

"(3) Notice to surface owner.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing, by registered or certified mail with return receipt, to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) Acreage limitations.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 1,280 acres of such lands for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) Consent.—Notwithstanding subsection (a) and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a mining claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) Authorized Mineral Activities.—The Secretary shall authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f).

"(e) Bond.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation pursuant to this Act. Such bond or other financial guarantee shall ensure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) Plan or Operations.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject to this Act, the Secretary shall require such person to submit a plan of operations. Such plan shall include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee for the use of surface during mineral activities equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposed plan of operations to the surface owner at least 45 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 45-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3)(A) The Secretary shall, within 60 days of receipt of the plan, approve the plan of operations if it complies with the requirements of this Act, including each of the following:

"(i) The proposed plan of operations is complete and accurate.

"(ii) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(B) The Secretary shall notify the person submitting a plan of operations of any modifications to such plan required to bring it into compliance with the requirements of this Act. If the person submitting the plan agrees to modify such plan in a manner acceptable to the Secretary, the Secretary shall approve the plan as modified. In the event no agreement can be reached on the modifications to the plan which, in the opinion of the Secretary, will bring such plan into compliance with the requirements of this Act, then the Secretary shall disapprove the plan and notify both the surface owner and the person submitting the plan of the decision.

"(C) The 60-day period referred to in subparagraph (A) may be extended by the Secretary where additional time is required to comply with other applicable requirements of law.

"(D) The Secretary shall suspend or revoke a plan of operation whenever the Secretary determines, on the Secretary's own motion or on a motion made by the surface owner, that the person conducting mineral activities is in substantial noncompliance with the terms and conditions of an approved plan of operations and has failed to remedy a violation after notice from the Secretary within the time required by the Secretary.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(1) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses during mineral activities (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities), except that such fee shall not exceed the fair market value for the surface of the land.

"(h) RECLAMATION.—Lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed, to the maximum extent practicable, to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extent that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the interest of such person in water resources affected by mineral activities.

"(j) INSPECTIONS.—Should any surface owner of land subject to this Act have reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection of such lands. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owner alleges and provides reason to believe that an imminent danger exists, the 10-day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, if such damages or loss result from—

"(A) any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) the failure of the person conducting mineral activities to remedy to the satisfaction of the Secretary any substantial noncompliance with the terms and conditions of a plan under subsection (f);

the surface owner may bring an action in the appropriate United States district court for, and the court may award, double damages plus costs for willful misconduct or gross negligence.

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for double damages plus costs for willful misconduct or gross negligence against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Any double damages plus costs awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(l) PAYMENT OF FINANCIAL GUARANTEE.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(m) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(n) CONVEYANCE TO SURFACE OWNER.—The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(o) DEFINITIONS.—For the purposes of subsections (b) through (n)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) the term 'exploration' means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

"(B) the term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) the term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from the other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (p) of this section.

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

"(p) MINERALS COVERED.—Subsections (b) through (o) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment.

(d) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (c).

SEC. 2. REPORT TO CONGRESS ON FOREIGN MINERAL INTEREST.

(a) REPORT.—The Secretary of the Interior is directed to submit a report to the Congress within 2 years after the date of enactment of this Act on the acquisition of mineral interests made after the date of enactment of this Act by foreign firms on lands subject to the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299).

(b) DEFINITION.—For purposes of this section, the term "foreign firm" means a business entity that conducts business operations in the United States and is 51 percent or more owned and controlled by a foreign person or entity.

□ 1620

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEHMAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the Stock Raising Homestead Act of 1916 was one of the last in a series of laws designed to encourage settlement of the West. This 77-year-old law enabled individuals to gain title to the surface of the land under certain conditions while the United States retained the potentially more valuable mineral estate in the public domain.

Throughout the Western States there are approximately 68 million acres of land on which title to the surface is held by private individuals as a result of the Stock Raising Homestead Act. The mineral estate to these lands continues to be owned by the United States and is therefore subject to the various mining laws.

Unfortunately, this split-estate arrangement has left surface owners vulnerable to other individuals who wish to use the same lands for mineral activities.

In other words, the rights of these surface owners are subordinate to the rights of individuals seeking to develop the so-called locatable minerals—such as gold, silver, or copper—of the reserved Federal mineral estate.

This right to mine can preempt the rights of the surface owner, resulting in a variety of injustices including the disruption if not outright destruction of ongoing ranching and farming operations.

I introduced the first Stock Raising Homestead Act Amendments several years ago in the 101st Congress in response to a California rancher whose land had been seriously damaged and water source polluted by a mining operation on this land. We dubbed the legislation the ranchers' rights bill because, if enacted, it would place ranchers who own stock raising homestead lands on an even playing field with those who wish to prospect for and develop hardrock minerals from those lands.

H.R. 239 seeks a balance between the rights of the surface owner, and those interested in the underlying locatable minerals, by providing a straightforward and equitable procedure for gaining access to, and undertaking mineral activities on, stock raising homestead lands.

This would be accomplished by requiring that miners give notice to the surface owner before entering the land in order to prospect or locate mining claims. If the claim holder then wants to develop and mine the claim, it would be preferable that it be done with the consent of the surface owner.

However, in the event consent is not forthcoming, this legislation would require that the claim holder have a plan of operation approved by the Secretary of the Interior, fully reclaim damaged areas, and provide compensation to the surface owner for any loss of income or damage that results.

I would note that this bill is supported by the California Cattlemen's Association, National Wildlife Federation, American Mining Congress, and the National Taxpayers Union.

I urge a "yes" vote on H.R. 239.

Mr. Speaker, I have been pleased to work closely in the development of this legislation with the gentlewoman from Nevada [Mrs. VUCANOVICH], and certainly appreciate all the help she and her staff have given to get the legislation this far.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 239, the so-called rancher's rights bill. This is a bill to amend the manner in which mining claims are developed on mineral estates reserved by the Federal Government beneath privately owned lands in the Western United States.

This bill has been several years in the making, Mr. Speaker. In the 101st Congress, I supported H.R. 737 as amended, as did the minority members of the committee and the full House adopted the bill routinely. Unfortunately, the other body stopped its progress into law.

Last Congress, the rancher's rights bill, H.R. 450, was acceptable as introduced, but unfortunately a radical substitute was adopted in committee. We defeated that substitute on the suspension calendar in July 1992, but the bill passed this body under a rule last September. In consultation with the chairman and ranking member of the Energy and Natural Resources Committee of the Senate, we reached agreement on a substitute agreeable to all parties in the waning moments of the 102d Congress, but were unable to break the legislative logjam to get both Houses of Congress to pass the same language.

Mr. Speaker, H.R. 239 is the unadulterated product of the fruitful negotiations of last year. Neither the surface owners nor mining interest groups get everything they seek. Surface owners on these split-estate type lands would, of course, prefer to have an absolute veto power over the ability of a miner to locate and develop mineral deposits underlying their lands.

Miners, in most instances, would prefer to negotiate with a private surface owner rather than the Federal Government for the permits necessary to explore and mine. This they can still do under H.R. 239, although the bill would shift the balance of these competing interests toward surface owners rights. However, the bill would not foreclose development of the reserved mineral interest of the United States, in theory or in practice.

Mr. Speaker, I say to my colleagues that is the key element that makes the compromises involved acceptable.

Mr. Speaker, I support H.R. 239 and urge its passage by the House.

Mrs. VUCANOVICH. Mr. Speaker, I yield back the balance of my time.

Mr. LEHMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 239.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONDEMNING RELEASE BY GOVERNMENT OF MALTA OF CONVICTED TERRORIST MOHAMMED ALI REZAQ

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 118) to condemn the release by the Government of Malta of convicted terrorist Mohammed Ali Rezaq, as amended.

The Clerk read as follows:

H. RES. 118

Whereas on November 23, 1985, terrorists hijacked Egypt Air flight 648 and diverted it to Malta;

Whereas during the hijacking, 60 people were killed, including citizens of 12 countries;

Whereas one of those killed by the terrorists was Scarlett Rogenkamp of Oceanside, California, who was one of 5 women passengers, including 3 United States citizens, who were shot in the head;

Whereas after investigations, Mohammed Ali Rezaq, a suspected member of the Abu Nidal Organization, was tried and convicted in Malta on a variety of charges related to the hijacking, including the willful homicide of Scarlett Rogenkamp and others, and he was sentenced to a prison term of 25 years;

Whereas the Government of Malta assured the United States Government in September 1992 that Rezaq would remain in prison until 1996;

Whereas the United States Government immediately began exploring grounds for further prosecution of Rezaq upon his release in 1996;

Whereas the United States Government learned in February 1993 that the Government of Malta had, without notice to the United States and other interested parties, reduced Rezaq's sentence and planned to release him that month;

Whereas the United States Government and the governments of other countries whose citizens were killed in the hijacking of Egypt Air flight 648 repeatedly urged the Government of Malta to retain Rezaq in custody or make arrangements for him to be tried elsewhere;

Whereas on February 12, 1993, because of concern that Rezaq could be released, the United States District Court for the District of Columbia issued an arrest warrant for Rezaq, and this warrant was provided to the Government of Malta in the hope that the Government of Malta would continue to detain him;

Whereas the Government of Malta brushed aside the requests that had been made by the governments of the United States and other countries and allowed Rezaq to fly to another country on short notice; and

Whereas these actions by the Government of Malta undermine the efforts to deter international terrorists by letting them go free without serving their sentences commensurate with their crimes: Now, therefore, be it

Resolved," That the House of Representatives—

(1) strongly condemns the release by the Government of Malta of convicted terrorist Mohammed Ali Rezaq;

(2) believes such action seriously undermines the efforts to foster good relations between Malta and the United States and undermines the international and United States efforts to discourage and deter international terrorism;

(3) urges all governments to cooperate in transferring Rezaq either to the United States or to another concerned country in order that he may face additional criminal charges for his involvement in the Egypt Air hijacking and the murder of innocent civilians;

(4) urges all governments to abide by the rule of law and not provide safe haven to terrorists in order that terrorism will be met with the full force of justice and that terrorists will not escape being held accountable; and

(5) urges that President to review the United States relationship with Malta, including foreign assistance and economic relations.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with a request that the Secretary transmit a copy of this resolution to the Government of Malta.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LANTOS] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring this resolution before the House with great regret and great reluctance.

I have the highest regard for the people of Malta, and I have the highest regard for United States citizens of Maltese origin. But I am profoundly outraged by the recent action of the Government of Malta in releasing from prison a convicted terrorist, Mohammed Ali Rezaq and the Government's permitting him to leave the country, despite the fact that he was found guilty of a variety of charges in connection with the hijacking of Egypt Air Flight No. 648 in which 60 people were killed including the willful homicide of Scarlett Rogenkamp, a woman, a United States citizen, a fellow Californian, an individual whose innocence is not in question.

This convicted terrorist was sentenced to a prison term of 25 years, but the Government of Malta unexpectedly released him in February of this year, after the Government of Malta assured our Department of State that he would remain in prison at least until 1996.

As a matter of fact, Mr. Speaker, given the fact that this convicted terrorist got a sentence of 25 years for the blatant assassination of innocent air passengers, he should have been in prison until the year 2011. He served only 7 years, and then he was set free.

□ 1630

Our Government attempted to have Rezaq extradited so he could also stand trial here or elsewhere. U.S. officials issued an arrest warrant for him, and provided it to the Government of Malta. There was a delegation, including members of our Justice Department, our State Department, the FBI, that went to Malta and pleaded with the Government of Malta that this convicted terrorist not be let go. Our Ambassador made repeated representations to the Prime Minister and to the Foreign Minister. None of this was of any avail

Our resolution recites the background facts in this case, and then condemns the release of this terrorist by Malta, states that this action undermines our efforts to foster good relations between Malta and the United States.

Our resolution urges all governments to cooperate in sending Rezaq to the United States, or to any other country, to stand trial for his actions, urges all governments to cooperate in holding terrorists accountable, and urges the President of the United States to review our relations with Malta, including foreign assistance and economic relations.

The Department of State and the administration made some suggestions to improve the legislation before it was considered by the Committee on Foreign Affairs, and those changes were made part of the resolution, as it stands amended. Letters have been sent by the Acting Assistant Secretary of State for Legislative Affairs to the chairman and ranking Republican member of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN], supporting that legislation.

That letter states, in part:

> We appreciate the expression of congressional concern and condemnation of the release of the terrorist who was convicted for the hijacking of Egyptian Air flight number 648, in which an American was murdered.

I should add, Mr. Speaker, that Mohammed Ali Rezaq, this convicted murderer who shot in the head this innocent California woman, among others, is a member of the Abu Nidal organization, the most dangerous and vicious terrorist organization operating on the face of this planet.

At a time when we are still dealing with the aftermath of the terrorist bombing at the World Trade Center, it is simply unacceptable that a government that wishes to have good relations with the United States should release a convicted terrorist who was sentenced to prison, for 25 years, for the deliberate murder of innocent air passengers; that such a government should release this convicted terrorist, despite the strong pleas by this Government.

Mr. Speaker, we hope that the Government of Malta recognizes the horrendous mistake it has made. It brought upon itself the condemnation of the American people, and by approving this resolution, the Congress of the United States. I strongly urge my colleagues to approve this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 118 addresses a particularly disturbing lapse in the international effort to combat terrorism. There is no disagreement about the facts of this case. The terrorist in question, Mohammed Ali Rezaq, was personally responsible for the deaths of innocent passengers of Egyptian Air flight 548. In frustration, during the botched hijack attempt, Rezaq randomly shot and killed a number of passengers, including an American citizen. In all, some 60 innocent passengers were killed during this scentless attack.

While the United States was unhappy with the relatively lenient sentence of the Maltese court, we had assurances that Rezaq would be held at least until 1996. For the Government of Malta now to act in such a capricious manner, releasing him with almost no notice, is extraordinarily disturbing. This is not a trivial matter, and the United States needs to convey to the Government of Malta our most profound displeasure.

House Resolution 118 does just that. It makes it clear that the irresponsible activity of the Maltese Government seriously undermines our bilateral relations.

Mr. Speaker, a recent communication sent to this Member from the Government of Malta strongly suggests that they really do not understand the depth of United States outrage. Their response to the introduction of House Resolution 118 has been to hide behind legalisms in their effort to explain away their early release of a convicted terrorist. To say, as has the Government of Malta, that Rezaq received only the same general amnesties that were given to other prisoners completely obscures the utter barbarity of the Rezaq's crime. If the Government of Malta wishes to provide amnesty for shoplifters and pickpockets, obviously that is their business. But common sense would demand that there be some distinction between a common shoplifter and an international terrorist responsible for 60 deaths.

It is simply wrong to say, as the Maltese Government does, that international concern was not voiced that Rezaq be kept in prison. It was not simply the United States that was repeatedly urging that Rezaq be kept in jail. Canada as well as several European and Middle Eastern nations—nations whose citizens Rezaq had murdered—urged the Government of Malta not to release this killer. It seems Malta does not believe that demarches and ambassadorial visits do not count as official expressions of concern.

The bottom line is that the Government of Malta knew it was releasing a terrorist, and it knew that many other nations would have grave concerns over Rezaq's release. To pretend otherwise is nonsense.

Mr. Speaker, there are places for diplomatic language and there is a place to speak plainly when the representatives of the people wish to speak forthrightly against this action of the Maltese Government.

The Maltese Government expects to be viewed in a positive light and treated as a member of the Western European family of democratic nations. This Member would suggest that Malta will be judged by its actions, and at the present time we must judge Malta very harshly. Was this a case of callous disregard for Western concerns? Their members cannot believe the Maltese Government or the Maltese people have so little regard for human life that it let this mass murderer go free with a slap on the wrist. Was this a case of intimidation from terrorist organizations? Is the Maltese Government cowering in an international corner? Have we witnessed the "Maltese Flinch"?

Mr. Speaker, this Member would congratulate the chairman of the International Security Subcommittee, the distinguished gentleman from California [Mr. LANTOS], for crafting an excellent resolution. This resolution makes it clear that all Americans are united in the international effort to combat terrorism, and that we expect our friends and allies to do likewise.

As original cosponsor of House Resolution 118, this Member would urge, in the strongest terms, the adoption of this resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 118. I want to compliment both the chairman and the ranking Republican on the International Security, International Organizations, and Human Rights Subcommittee, the gentleman from California [Mr. LANTOS] and the gentleman from Nebraska, our distinguished committee chairman, the gentleman from Indiana [Mr. BEREUTER], as well as our Chairman Mr. HAMILTON for moving forward at this time with this resolution strongly condemning the Malta Government for its premature release from jail of a convicted terrorist.

This terrorist's actions, along with two others in hijacking an Egyptian Air flight in 1985, resulted in the loss of life of 60 passengers including 1 American. Several other Americans were shot in the head and fortunately survived.

United States Government's protests to the Government of Malta prior to the release went unheeded and our efforts to thwart this terrorist's premature release were all to no avail.

Now more than ever with the world facing increased levels of terrorism and violence, including here in the United States, the message needs to go forward that the United States vigorously opposes such violence and terrorism, and those who engage in such deplorable conduct deserve swift, just, and full punishment.

I recently introduced legislation, H.R. 1438, to address the problems of terrorism, both here and abroad. One specific provision of that bill terminates for fiscal years 1993 and 1994 all United States international military education and training aid to Malta as a result of their conduct in this case.

Terrorism in any form, either in this country or abroad, is not acceptable to our Government. For those governments, such as Malta, who do not live up to their responsibilities and obligations to help fight and punish international terrorism, and those who engage in such deplorable conduct, the United States Government should protest loudly and vigorously. House Resolution 118 does just that. Accordingly, I urge its adoption by our colleagues.

□ 1640

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from New York for his strong statement in support of House Resolution 118.

Mr. Speaker, having no further requests for time, I would end by urging strong unanimous support on the part of my colleagues for House Resolution 118.

Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I would like to express my deep appreciation to my two distinguished Republican colleagues, the ranking Republican member of the full committee and the ranking Republican member on the subcommittee on International Security, International Organizations and Human Rights, the gentleman from New York. [Mr. GILMAN], and the gentleman from Nebraska. [Mr. BEREUTER], for their most effective efforts on behalf of this legislation, and indeed all legislation relating to our common fight against terrorism. Our fight against terrorism in not a Democratic issue or a Republican issue. It is an American issue.

I also want to express my appreciation to the distinguished chairman of the Foreign Affairs Committee, the gentleman from Indiana [Mr. HAMILTON].

Let me just conclude, Mr. Speaker, by saying that earlier today I called our chargé in Malta, we do not currently have an ambassador there, and he confirmed to me all of the facts relevant to this issue. He also indicated to me that there is at this time no sign on the part of the Maltese Government of remorse or regret.

I urge the Government of Malta to apologize publicly for this outrage because the American people and this Congress will long remember that American citizens can be killed, apparently with the murderers being released to freedom by this Government in Malta.

The Government of Malta claims, Mr. Speaker, that the extradition treaty which exists does not cover the crime of hijacking. It does not because it originated in 1922 when there were no hijackings. But that extradition treaty does cover the crime of murder, and this terrorist is guilty of murder. He should be in prison until the year 2011. And we will leave no stone unturned to find him and see to it that he pays the price for his heinous crimes.

I urge my colleagues to vote for this legislation to express the united outrage of the American people against terrorists.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and agree to the resolution, House Resolution 118, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 118, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on agreeing to the approval of the Journal and on each of the first two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which each arose.

Votes, therefore, will be taken in the following order:

On agreeing to the Journal, de novo: H.R. 175, by the yeas and nays; and H.R. 829, as amended, by the yeas and nays.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Chair's approval of the Journal.

The question was taken.

Mr. WALKER. Mr. Speaker, I demand a division.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will announce that this will be a 15-minute vote, and subsequent votes on the two motions to suspend the rules upon which proceedings were postponed will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 231, nays 137, not voting 62, as follows:

[Roll No. 110]

YEAS—231

Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Archer
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Carr
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hyde
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schumer
Scott
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Traficant
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Wilson
Wise
Wyden
Wynn
Yates
Livingston
Machtley
Manzullo
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Solomon
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NAYS—137

Allard
Bachus (AL)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Jacobs
Johnson (CT)
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder

NOT VOTING—62

Abercrombie
Andrews (NJ)
Armey
Bacchus (FL)
Baker (CA)
Baker (LA)
Barton
Brown (OH)
Byrne
Clement
Conyers
Cooper
Cox
DeFazio
DeLauro
Dicks
Dornan
Fields (LA)
Fields (TX)
Ford (TN)
Fowler
Hansen
Hastings
Henry
Hunter
Hutto
Inglis
Inhofe
Istook
Jefferson
Johnson, Sam
Kreidler
Lancaster
Lightfoot
McCollum
McDade
McKinney
Miller (FL)
Mink
Olver
Owens
Pickle
Quillen
Rangel
Ridge
Sanders
Schenk
Serrano
Sharp
Skaggs
Smith (OR)
Smith (TX)
Sundquist
Torres
Torricelli
Towns
Tucker
Unsoeld
Whitten
Williams
Woolsey
Zeliff

☐ 1707

Mr. MCHUGH changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

AUTHORIZING FBI TO OBTAIN CERTAIN TELEPHONE SUBSCRIBER INFORMATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 175.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 175, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 6, answered "present" 1, not voting 56, as follows:

[Roll No. 111]

YEAS—367

Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Bachus (AL)
Baesler
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hyde
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Tucker
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—6

Bishop
Hamburg
Hilliard
Johnson, E. B.
Washington
Waters

ANSWERED "PRESENT"—1

Becerra

NOT VOTING—56

Abercrombie
Andrews (NJ)
Armey
Bacchus (FL)
Baker (CA)
Baker (LA)
Barlow
Barton
Brown (OH)
Byrne
Clement
Cooper
Cox
DeFazio
DeLauro
Dicks
Dornan
Fields (TX)
Ford (TN)
Fowler
Hansen
Hastings
Henry
Hunter
Hutto
Inglis
Inhofe
Istook
Jefferson
Johnson, Sam
Kreidler
Lancaster
Lightfoot
Maloney
McCollum
McDade
McKinney
Miller (FL)
Mink
Olver
Owens
Pickle
Quillen
Rangel
Ridge
Sanders
Skaggs
Smith (OR)
Smith (TX)
Torres
Torricelli
Towns
Unsoeld
Whitten
Williams
Zeliff

☐ 1715

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DNA IDENTIFICATION ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 829, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 829, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 4, not voting 52, as follows:

[Roll No. 112]

YEAS—374

Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Bachus (AL)
Baesler
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hyde
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed

Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Tucker
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—4

Bishop
Hamburg
Hilliard
Watt

NOT VOTING—52

Abercrombie
Andrews (NJ)
Armey
Bacchus (FL)
Baker (CA)
Baker (LA)
Barton
Brown (OH)
Byrne
Cooper
Cox
DeFazio
DeLauro
Dicks
Dornan
Fields (TX)
Ford (TN)
Fowler
Hansen
Hastings
Henry
Hunter
Hutto
Inglis
Inhofe
Istook
Jefferson
Johnson, Sam
Kreidler
Lancaster
Lightfoot
McCollum
McDade
McKinney
Miller (FL)
Mink
Olver
Owens
Pickle
Quillen
Ridge
Sanders
Skaggs
Smith (OR)
Smith (TX)
Torres
Torricelli
Towns
Unsoeld
Whitten
Williams
Zeliff

□ 1727

Mr. BISHOP changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion to adjourn offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 221, not voting 54, as follows:

[Roll No. 113]

AYES—155

Ackerman
Andrews (TX)
Applegate
Archer
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Bevill
Bilbray
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Bryant
Cantwell
Carr
Chapman
Clay
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Dingell
Dooley
Durbin
Edwards (TX)
Engel
English (OK)
Evans
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Geren
Gibbons
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Harman
Hayes
Hefner
Hinchey
Hochbrueckner
Holden
Hughes
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kleczka
Klink
Kopetski
LaFalce
Lambert
Laughlin
Lehman
Lipinski
Lloyd
Long
Mann
Manton
Markey
Martinez
Mazzoli
McCurdy
McDermott
McNulty
Miller (CA)
Minge
Moakley
Mollohan
Montgomery
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Obey
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reed
Rose
Rostenkowski
Rowland
Rush
Sangmeister
Schenk
Schroeder
Schumer
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thornton
Thurman
Tucker
Valentine
Visclosky
Volkmer
Watt
Wheat
Wilson
Wise
Woolsey
Wynn

NOES—221

Allard
Andrews (ME)
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clayton
Clinger
Clyburn
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Edwards (CA)
Emerson
English (AZ)
Eshoo
Everett
Ewing
Fawell
Fazio
Fish
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hamilton
Hancock
Hastert
Hefley
Herger
Hilliard
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hutchinson
Hyde
Inslee
Johnson (CT)
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Livingston
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Matsui
McCandless
McCloskey
McCrery
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Molinari
Moorhead
Moran
Morella
Myers
Nadler
Nussle
Oberstar
Ortiz
Oxley
Packard
Paxon
Petri
Pickle
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stearns
Stump
Sundquist
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Velázquez
Vento
Vucanovich
Walker
Walsh
Washington
Waters
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zimmer

NOT VOTING—54

Abercrombie
Andrews (NJ)
Armey
Bacchus (FL)
Baker (LA)
Barton
Brown (OH)
Byrne
Cardin
Cooper
DeLauro
Dicks
Dornan
Fields (TX)
Ford (TN)
Fowler
Hansen
Hastings
Henry
Hunter
Hutto
Inglis
Inhofe
Istook
Jefferson
Johnson, Sam
Kreidler
Lancaster
Lightfoot
McCollum
McDade
McKinney
Miller (FL)
Mink
Olver
Owens
Pelosi
Quillen
Ridge
Sanders
Skaggs
Smith (OR)
Smith (TX)
Stark
Stokes
Torres
Torricelli
Towns
Unsoeld
Waxman
Whitten
Williams
Yates
Zeliff

□ 1745

Mr. SPRATT, Ms. KAPTUR, and Mrs. MALONEY changed their vote from "aye" to "no."

Mr. DINGELL changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REQUEST FOR SPECIAL ORDERS

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. MACHTLEY, today for 5 minutes.

Mr. SOLOMON, today, March 30, 31, and April 1, 2, 14, 15, 16, 19, 21, 22, 23, 26, 27, 28, 29, and 30 for 60 minutes each.

Mr. KIM, March 31 and April 1 for 5 minutes each.

Mr. TALENT, March 31 for 60 minutes.

Mr. MCCOLLUM, today for 5 minutes.

Mr. HUNTER, today for 5 minutes.

Mr. BURTON of Indiana, June 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, July 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 ,17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, for 60 minutes each.

Mr. MACHTLEY, March 30, 31 for 15 minutes each.

Mr. DELAY, today and on April 14 and 15 for 60 minutes each.

Mrs. BENTLEY, May 18, 19, 20, 25, 26, and 27 for 60 minutes each.

Mr. HORN, today for 5 minutes.

Mr. BILIRAKIS, today for 5 minutes.

Mr. BARTLETT, today and March 30 and 31 and April 1 and 2 for 5 minutes each.

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from Indiana?

Mr. TAYLOR of Mississippi. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR SPECIAL ORDERS

Ms. LAMBERT. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Miss COLLINS of Michigan today for 5 minutes.

Mr. RICHARDSON on April 1 for 5 minutes.

Mrs. COLLINS of Illinois on April 1, 2, 4, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30 for 5 minutes each day.

Mr. UNDERWOOD on April 30 for 30 minutes.

Mr. FAZIO for 60 minutes.

Mr. SYNAR on March 29 and 30 for 60 minutes each day.

Mr. LAUGHLIN on March 30 for 60 minutes.

Mrs. LOWEY on March 30 for 60 minutes.

Mr. RANGEL on July 1 for 60 minutes.

Mr. MFUME on July 1 for 60 minutes.

Mr. MCCLOSKEY on March 30 and 31 for 60 minutes each day.

Mr. OLVER on March 30 and 31 for 60 minutes each day.

Mr. GONZALEZ on April 1, 14, 15, 19, and 26 for 60 minutes each day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arkansas?

Mr. TAYLOR of Mississippi. Mr. Speaker, I object.

The SPEAKER pro termpore. Objection is heard.

REQUEST FOR EXTENSIONS OF REMARKS

Ms. LAMBERT. Mr. Speaker, I ask unanimous consent that the following Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks":

Mr. OLVER.

Mr. HOCHBRUECKNER in two instances.

Mr. SARPALIUS in two instances.

Ms. HARMAN.

Mr. MCNULTY.

Mr. ACKERMAN.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. JOHNSON of South Dakota.

Mr. GLICKMAN.

Mr. POMEROY.

Mr. CONDIT.

Ms. PELOSI.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arkansas?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry under my objection.

That is, under the Extensions of Remarks, does it require unanimous consent for those to be entered into the RECORD?

The SPEAKER pro tempore. Yes, it does.

Mr. BURTON of Indiana. I see.

□ 1750

Mr. WALKER. Mr. Speaker, will the gentleman yield on his reservation?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would ask the Chair, does that mean if an objection is heard to the extension of remarks, that the extension of remarks asked for would not appear in the RECORD? I would ask the Chair, is that correct?

The SPEAKER pro tempore (Mr. VOLKMER). That is my understanding, correct. However, no objection was heard.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

TIME TO REFORM CONGRESS SO IT CAN ACT TO AID AMERICA'S YOUTH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, this week the House Select Committee on Children, Youth, and Families is going out of business.

Normally, temporary committees shut down when their job is done.

But according to the "Kids Count Data Book," which was released today by the Center for the Study of Social Policy and the Anne E. Casey Foundation, Congress' job on improving the lives of American kids and teens is far from done.

Kids Count documents in numbers what we in the select committee have tried to address in policy: That the deteriorating status of our Nation's teenagers has led to the increasing number of new families at risk.

High school graduation rates are down.

The number of births to single teens are up.

The number of teens who are surrounded by violence, in their homes, their communities, and schools are up.

It's time to reform Congress so that we can act for our kids. The way we are now organized, 13 of the 22 standing committees handle key issues that primarily affect our children. It's time to consolidate these issues, so that fewer committees have more power to act on behalf of our kids.

We cannot let another historic reform go by and forget families and children—again.

ALMOST HALF OF NEW FAMILIES VULNERABLE

ADOLESCENTS FACE GREATER ADVERSITY

WASHINGTON, DC.—The fourth annual "Kids Count Data Book: State Profiles of Child Well-Being," a state-by-state report card on the condition of America's children, found that a staggering number of new families are at risk right from the start—a consequence of the deteriorating status of the nation's teenagers. The "Data Book" was released today by the Center for the Study of Social Policy and the Annie E. Casey Foundation.

The Kids Count New Family Risk Index measures the proportion of families who begin with the odds stacked against them because they face one or more of the following risks: the mother is under age 20 when she has her first baby; the mother has not completed high school when her first child is born; the parents of this first baby are not married. Of the almost 1.7 million new families started with the birth of a first baby in 1990, 45 percent were at risk for at least one of these reasons. Over half of all new families were vulnerable for one or more reasons in seven states: Arizona, Arkansas, California, Louisiana, Mississippi, New Mexico and South Carolina.

"Forty-five percent of our new families begin with one of more strikes against them; almost one-fourth, with two or more strikes; and more than one in ten begin with all three strikes," said Judith Weitz, Kids Count Coordinator at the Center for Study of Social Policy. "Each of these risks increases the chances that families will break up, be poor, or be dependent on public assistance and that their children will be neglected and fall behind in school."

The "Kids Count Data Book" devaluates the condition of children nationwide and state-by-state using ten measures of child well-being. Based on each state's national composite ranking, the following are this year's best and worst states:

Best: 1st, New Hampshire; 2nd, Minnesota; 3rd, Vermont; 4th, North Dakota; and 5th, Iowa.

Worst: 46th, New Mexico; 47th, Georgia; 48th, Alabama; 49th, Louisiana; and 50th, Mississippi.

"The alarming number of vulnerable new families is the tragic, but predictable, consequence of the deteriorating status of American teens," said Douglas W. Nelson, Executive Director of the Annie E. Casey Foundation. "Worsening high school graduation rates, increasing births to single teenagers, and widening exposure to community violence and crime guarantee that a large number of our young adults will enter parenthood unprepared to raise their own children."

Among the report's findings:

Only 69 percent of all teenagers and 42 percent of Hispanic teens complete high school in four years. The on-time high school completion rate decreased in 37 states and the District of Columbia between 1985 and 1990. It decreased by 17 percent nationwide for Hispanic teens.

Five percent of American teens have no productive role in society—they aren't in school and don't have jobs, either in or outside of the home. Teen idleness has profound implications for delinquency, neighborhood stability, family well-being, and national productivity.

Almost 9 percent of all babies born in 1990—360,645 babies—were born to single teenagers. The rate of births to single teens increased in 44 states and the District of Columbia, between 1985 and 1990, representing a 16 percent increase nationwide.

Between 1986 and 1991, the juvenile violent crime arrest rate increased nationwide by 48 percent. Forty-four states and the District of Columbia also experienced significant increases. The arrest rate for male juveniles increased by 46 percent; for females, it increased by 57 percent.

Over 12,000 teenagers ages 15 to 19 died as a result of accident, suicide, or homicide in 1990. The teen violent death rate increased by 13 percent nationally between 1985 and 1990; increases were found in 36 states and the District of Columbia. The African-American teen violent death rate increased by 78 percent. Overall, most teens die in accidents. However, in 1990, twice as many African-American teens were murdered as were killed in an accident.

"The teens of today who are poorly educated and trained and who grow up surrounded by violence are likely to start their families before they are financially or emotionally prepared," said Weitz. "Unless we invest in children early on, we will continue to produce a lost generation of adolescents who, in turn, become parents of the next generation of children at risk."

According to Nelson, "The grim trends in this year's Data Book reflect the unmistakable failure of our human service and education systems to provide adequate supports for today's adolescents, particularly in low-income communities.

"Turning these numbers around will require a national commitment to provide more innovative, cost-effective responses to the needs of vulnerable children and youth. We need to reward and expand services that are effective and redeploy resources away from those that are not—we need to spend smarter," said Nelson. "Until policy makers and citizens take the steps and risks necessary to change the ways children and family services are oriented, delivered, evaluated, and financed, the number of new American families destined to fail will continue to increase."

The 1993 *Kids Count Data Book* was prepared by the Center for the Study of Social Policy and funded by the Annie E. Casey Foundation as part of a joint effort to build a national commitment to improve the lives of vulnerable children and their families. KIDS COUNT projects in 37 states also produce annual state and local profiles of the status of children and families.

The Annie E. Casey Foundation was established in 1948 by Jim Casey, one of the founders of United Parcel Service, and his siblings, who named the Foundation in honor of their mother. The nation's largest philanthropy dedicated exclusively to disadvantaged children, the Foundation awards grants to projects aimed at fostering public policies and human services reforms that meet the changing needs of today's children and families.

The Center for the Study of Social Policy is a non-profit research and policy analysis organization based in Washington, DC.

BEST STATE, WORST STATE

Measure	Best	Worst
Percent low birth weight babies.	Alaska	Mississippi.
Infant mortality rate	Maine	Georgia.
Child death rate	Massachusetts	Mississippi.
Percent of all births that are to single teens.	Utah	Mississippi.
Juvenile violent crime arrest rate.	Vermont	New York.
Percent graduating from high school.	Minnesota	Florida.
Percent teens not in school and not in the labor force.	North Dakota	Louisiana.
Teen violent death rate	Rhode Island	New Mexico.
Percent children in poverty	New Hampshire	Louisiana.
Percent children in single parent families.	North Dakota	Mississippi.

HOUSE RESOLUTION 107, COMMITTEE FUNDING RESOLUTION FOR 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in reluctant support of House Resolution 107, the House committee funding resolution for 1993. While I wholeheartedly embrace the important need for effective operational streamlining within this body, I also fully subscribe to the proposition that Congress must be well-prepared to comprehensively tackle one of the toughest challenges facing our Nation now and in the near future—the spread of drug abuse and violence on the streets of America's major metropolitan areas. Unfortunately, House Resolution 107 falls somewhat short in providing the resources necessary to coherently address this pressing concern. I speak specifically of the obvious and disappointing exemption of the House Select Committee on Narcotics Abuse and Control from this resolution.

Mr. Speaker, although at the end of business today, the Select Committee on Narcotics Abuse and Control will cease to exist, the horrendous drug epidemic and the violence which accompanies it will certainly continue to flourish unabated throughout America.

As many of the Members of this Chamber are claiming credit for an important victory in the quest for congressional reform, many residents and their children in the heart of my district, on the West Side of Chicago, will remain fearful of the narcotics trafficking taking place on their street corners and school playgrounds. But do not misunderstand me. This fear is not just in the urban low-income communities, it is in rural communities, suburban communities, and throughout our land. As the coming months go by with Congress lacking a panel which holds broad oversight of the narcotics problems in our country, more and more young lives in the United States will be cut short or ruined because of the scourge of drugs and the allure of fast money. By allowing the select committee to sunset, the House is removing the most valuable congressional channel through which many more communities could have successfully voiced their ideas as to how to best combat this distressing problem severely threatening our future generations.

So while I commend my colleagues for their recognition of the American people's desire for change, I also urge Members on both sides of the aisle to not forget that, in positive and fundamental change, there is no room for absolute and total neglect. We must remain committed to providing a comprehensive forum within this body for addressing the terrible substance abuse crisis in our country as the 103d Congress progresses.

THE DANGER OF A HIGHER DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the problems that I and my colleagues on the Republican side of the aisle have is that we are facing the largest tax increase in the history of the United States that has been proposed by President Clinton. In fact, it is not just the largest tax increase in the history of the United States, it is more than double, more than double the largest tax increase in the history of the United States. In fact, the tax increase that President Clinton has proposed totals over $400 billion.

When we take that kind of money out of the collective pockets of the people of this country we hurt the economy dramatically. If we do not buy $400 billion worth of products, they do not produce $400 billion worth of products.

If the people of this country do not spend the $400 billion that they are going to pay in taxes to the Government, they do not buy $400 billion worth of products: cars, refrigerators, clothes, and other products.

If those products are not purchased, they are not going to be manufactured, because the manufacturers of cars and refrigerators and clothes and other products will not manufacture products that are not going to be sold.

When we stop producing products and we start cutting back on employment, because the assembly lines are not going to be going full tilt if they are not selling those products, that is what has always happened whenever we have had massive tax increases. Two years ago, 3 years ago, when we had the budget summit agreement of 1990, it had one of the largest tax increases in U.S. history, $184 billion.

What did that lead us to? It led us to an economic recession. We saw unemployment go up, we saw production go down. We saw us lose in the trade war with our friends across the world, and that is the same thing that is going to happen again, only it will be worse.

In addition to just having a tax increase, the kinds of tax increases President Clinton is talking about are very onerous ones. The Btu tax, the energy tax he is talking about, we call it the big time unemployment tax, the Btu tax is going to add about 15 cents a gallon to jet fuel.

The airline industries tell us that will put many of them out of business. They are on the borderline right now. U.S. Air recently merged with British Airways, or had a contractual deal with them.

In addition to the airlines that may go out of business because of this huge increase in jet fuels, I have had many people come to me who are farmers who tell me that the cost of agriculture is going to be huge and it is going to put a lot of them out of business.

We have had foundries come to us and tell us it is going to put the foundry industry in a very difficult situation. They are already experiencing very difficult trade problems right now from competitors overseas. Many of them will go out of business.

The trucking industry is going to pay another 10 to 15 cents a gallon for fuel, and that will be added to the cost of refrigerators and cars and clothes that are transported around this country. That means that we are going to have an inflationary pressure on those products we buy.

That is not the problem that I want to talk about tonight. The problem that we want to talk about here tonight is that with all these huge tax increases, we are going to continue to see the national debt go up and up and up and up.

President Clinton has told us he is going to cut spending, but when we look at the proposals he sent to the Congress of the United States, we find that domestic spending is going to increase by about $94 billion over the next 5 years; not go down, it is going to go up $94 billion. He is raising taxes over $400 billion and domestic spending is going to go up.

The only area he is going to be cutting is defense, and he is going to be cutting defense to the tune of about $127 billion. That will cut into the muscle and bone of our defense capability at a time when there is a lot of uncertainty in the world: in former Yugoslavia, in Russia, in the former Soviet Union.

Mr. Speaker, the place we should be very careful about cutting, we can make cuts in defense, but we must not cut into the muscle and bone. That is the only place that President Clinton is making major cuts; huge tax increases, huge increases in domestic spending, and the only place he is going to cut is in the area of defense.

What are we going to be faced with? The projections are that the deficit, instead of going down, is going to go up over the next 4 to 5 years; maybe not as rapidly as it would have otherwise, but it is still going to go up.

In the next week we are going to be asked in this body to increase the debt ceiling by a quarter of a trillion dollars, and that is not for a very long period of time. In fact, we are going to increase the debt ceiling for 6 months by increasing the debt by $250 billion. That is intolerable.

What we need to do if we are going to be talking about any change in our debt structure is to put a cap on Government spending and to get a balanced budget amendment that will control the spending in this body and the other body, and to get a line-item veto, so that the President will be able to line out those items which are wasteful.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I really thank the gentleman from Indiana for more or less sneaking in this special order by the hair on his head, because it is obvious that some groups in the Congress do not want Members of Congress to come within these Chambers and speak their minds.

In fact, there have been comments that some Members feel that having Members come to the floor of the House and speaking embarrasses them. I guess the truth embarrasses them. That is why the gentleman has come today to talk about the debt ceiling and to try to inform the American people what is going on this week, and try to lay out the program. I appreciate him bringing a special order on the debt ceiling, because I am not sure the American people really understand what we are going to be asked to do this week.

Let me try to put it in perspective, if the gentleman will give me some time to do that. As of April 7, we have been informed that the Government of the United States can no longer borrow money in order to carry on its spending programs unless we raise the debt ceiling. We are going to be a little over $4.1 trillion in debt by April 7, in just a week, and so we are being asked to do a temporary debt ceiling increase, as the gentleman has said, to raise the debt ceiling so the Government can continue borrowing up until at least September 30, or something else may happen, something that I think is very sinister.

We have now what is called the Gephardt rule in our budget process. Basically what that means is the debt ceiling is sort of hidden into the budget. We passed the budget last week, and most people think that that is the budget for the United States. It is really a document of generalities and really is not the real spending and taxing that will go on in this House. That comes later.

Hidden into that budget, if we pass the budget, is that the debt ceiling will automatically go up permanently.

Mr. BURTON of Indiana. By $250 billion.

Mr. DELAY. I would say to the gentleman, no, by over $1 trillion, because they know if we implement the Democrat plan, the Democrat tax and spend plan, that they may say the deficit is going down, but the debt, indeed, is going up by a minimum of $1 trillion over the next 4 years, under the Democrats' plan, under the Democrats' plan.

There is no deficit reduction, any meaningful deficit reduction, in their plan, and even if we pass everything that President Clinton wants us to pass the debt will still increase by $1 trillion.

We have two choices this week. One is a freestanding bill to do a temporary debt ceiling increase that will carry us through September 30, which is about actually $255 billion in more debt between now and September 30. However, if the budget is passed, and we will not know exactly how long the debt ceiling will be for, but I suspect it will be for 3 to 4 years, and there will be an additional $1 trillion of debt authorized for the spending of the United States.

□ 1800

That is unconscionable. There is no balanced budget amendment. There is no line-item veto. We have not even had spending-cut votes yet, and already they are talking about covering themselves to make sure that they can continue to borrow money and put our children and our grandchildren in debt.

Let me give a little background, if I may.

The Federal Government began with a public debt of about $78 million in 1789. Since then the Congress has attempted to control the size of the public debt by imposing ceilings on the amount of Government securities that might be outstanding at any time.

These ceilings that we are talking about are specified in the Second Liberty Bond Act of 1917. Until 1941, there were separate ceilings on various types of debt. There is now one overall ceiling. The debt ceilings were most recently increased to $4.145 trillion on November 5, 1990.

According to the latest estimates from the Treasury Department, the current debt ceiling will be reached by April 7, 1993. The Treasury Department is expected to have an April 1 auction of regular 52-week Treasury bills. Settlement from the auction would be made on April 8.

Secretary Bentsen has urged the Congress to act by March 26, to temporarily increase the debt ceiling to $4.37 trillion, an amount which is estimated to cover Government borrowing through September 30, of this year. A higher, permanent extension is expected to be passed sometime before

September 30, perhaps as part of the budget reconciliation bill.

The House-passed budget resolution, House Concurrent Resolution 64, contains the following schedule for increasing the public debt: Fiscal year 1994, $4,715,300,000,000; fiscal year 1995, $5,076,800,000,000; fiscal year 1996, $5,428,400,000,000; fiscal year 1997, $5,776,300,000,000; and fiscal year 1998, $6,141,400,000,000.

Thus, under the policies as outlined in the Democrat budget, the public debt will increase by over $1.9 trillion, from $6.141 trillion to $4.145 trillion.

Between now and the next Presidential election—through the end of fiscal year 1996—the public debt will increase by almost $1.3 trillion.

During President Reagan's first term, the debt ceiling was increased from $935 billion to $1,824 billion. That's an increase of $889 billion.

Thus, President Clinton will increase the public debt 40 percent more than President Reagan did during his first term.

In 1978, Congress passed a law requiring a balanced budget by 1981. In 1985, Congress passed a law requiring a balanced budget by 1991. In 1987, Congress passed a law to require a balanced budget by 1993. In 1990, Congress passed a law to balance the budget by 1995. None of these laws have produced the intended results, because every time we get to the real crunch of the matter, and that is spending by our Government, we write a new law.

Since 1930, the Federal budget has been balanced only eight times. The last time the budget was balanced was 1969, 24 years ago. During the years in which the budget was balanced, Federal outlays averaged 16.2 percent of gross domestic product [GDP] and receipts averaged 17.5 percent of GDP.

According to the latest estimate by the Congressional Budget Office, outlays will be 23.5 percent of GDP this year and receipts will be 18.5 percent. This means Federal outlays are 46 percent higher today than they were on average during the 8 years in which the budget was in balance.

It should also be noted that defense spending is 38 percent lower today than it was on average during the 8 years in which the budget was in balance. During those 8 years, defense spending averaged 7.6 percent of GDP. This year defense is expected to be 4.8 percent of GDP.

Nondefense spending is 120 percent higher today than it was on average during the 8 years in which the budget was in balance. During those 8 years, nondefense spending averaged 8.6 percent of GDP. This year nondefense spending is expected to be 18.8 percent of GDP.

Mr. BURTON of Indiana. If I might interrupt for just a moment, one of the things that these numbers do, I am sure, for people who are paying attention to this debate is kind of boggle the mind. But it took us over 200 years to get $1 trillion in debt, over 200 years, and in the last 10 years we have gone to over $4 trillion in debt. And according to the figures the gentleman just cited, by the year 1998 we will be at $6.1 trillion.

What does that mean to the average family? I think that is what the American people are concerned about.

I think it will be higher than that. I think it will be around $8 trillion. By the turn of the century many experts predict that it will be at $18 trillion, but let us take it at $6 or $8 trillion. Right now one of the largest expenditures in the Federal budget is interest that we pay, which takes up about 20 or 22 percent of the total budget. If we get to $6 or $8 trillion in debt, we are going to end up with probably 40 percent of all spending being spent just on interest alone. That means that we will not be able to take care of not only the military, but Social Security, welfare, the infrastructure of the country, and a lot of other things.

What happens when that occurs? First of all, the people will be clamoring for these Government services. Now the Federal Reserve Board has the right by law, without any act of Congress, to print money to pay off the debt so they do not have to pay interest. They could print $3 or $4 trillion and put it out into circulation.

What would that do to people on fixed income, people who are senior citizens on Social Security, welfare recipients or a lot of other people, those who are retired and get pensions? What it will do is that the cost of your bread will go to maybe $30 or $40 a loaf, the cost of your milk would go to $20 or $30 a quart, the cost of gasoline would be $4, $5, $6.

If you think that would not happen, look at Latin America today, look at Zaire today, look at Brazil today, look at Germany right after World War I. A lot of countries have had hyperinflation because the Government started printing money to pay off the public debt, and that is what will happen in our country, just like it has in every single country in history.

Before I yield back to my colleague, I want to tell Members that the President has proposed this year a dire emergency supplemental bill costing $16 to $19 billion to stimulate the economy and to create jobs. We call it a big-time, pork-barrel bill. They said there is no pork in it.

I just want to read to my friends who may be paying attention and my colleagues that this is just some of the things the President has in his stimulus package that are supposed to stimulate the economy. We think it just pays off a lot of big-city politicians that helped him to get elected.

Construct a new gymnasium, Auburn, AL, $460,000; miscellaneous pool repairs in Birmingham, AL, $450,000; 70,000-square-foot community center with two gyms, indoor pool and outside ball fields, $837,000 for land acquisition, $5.25 million for construction in Huntsville, AL; indoor/outdoor fields, $1,081,000 in Optimist Park in Huntsville, AL.

Historic preservation of the Orpheum Theater, $3.5 million in Phoenix; a youth park for baseball, soccer, tennis, gym, roads, utilities, lighting, $5.3 million in Jonesboro, AR.

Construct and improve civic center parking facility, $4 million, Burbank; sports park, phase I, $10 million in Fairfield, CA; Tyrrell Neighborhood Center, for construction $3 million in Hayward, CA; 27,000-square-foot community recreation center with indoor pool, $7 million in Los Angeles, CA; Hebbron Community Park, phase III, landscaping, irrigation, play equipment, picnic areas for $2.305 million in Salinas, CA; seismic upgrade and architectural design for interior of historic art museum, $6 million in San Jose, CA.

□ 1810

Community center construction, $3 million, in New London, CT; civic center auditorium, 2,000 seating for sports and cultural performances, $7 million in Boynton Beach, FL; a golf course in Daytona Beach, $500,000; a beach parking garage, $5 million, Fort Lauderdale; city administration building, a city administration building that ought to be paid for by the local taxpayers, $20 million, in Miami, FL; repair historic wall around cemetery, $2.5 million in Atlanta; gym replacement, $4.5 million, in Atlanta; develop basketball facilities, $150,000, in Saginaw, MI; fiber-optics communication system, $1.1 million, Camden, NJ; performing arts center, $15 million, Newark, NJ; a gymnasium, $700,000, Perth Amboy, NJ; basketball and tennis construction, $260,000, Teaneck, NJ; construction of one or two parking garages, $23 million, Durham, NC; and it can go on and on and on and on, billions of dollars in pork-barrel projects for special Congressmen and big-city politicians as a payoff for the election.

They are calling that a dire emergency supplemental, and they are asking America to accept a $230 some billion increase in the national debt to pay for this stuff.

Mr. DELAY. I think that is the point the gentleman makes and did make earlier, and what he finished with, I think, is very, very important here. All of those projects, all of that so-called stimulus package, is deficit spending. None of that spending, none of it, is paid for. All of it borrows money to pay for it. That is part of why we are raising the debt ceiling.

Another thing, if I could just take 2 minutes to finish my point, let me just say that, you know, it is amazing to me how the Democrats revise history. They have bashed Reagan and Bush and bashed the last 12 years of economic history, and they try to turn everything around: the entire debt is Reagan's debt or Bush's debt, not owning up that they had a partnership in that, because the Democrats have controlled all of those 12 years, except for the Senate for a couple of years, this Congress, and they have to accept some responsibility for that.

But let us just go through it very quickly and compare what the Clinton plan proposes and what Reagan and Bush actually did. Under the policies adopted by President Bush, Federal revenues would increase by a cumulative $690 billion above the inflation-adjusted 1989 level. Clinton's proposal would increase revenues by an additional $277 billion over that.

Under the policies adopted by Bush in the 1990 budget agreement, Federal nondefense outlays would increase by a cumulative $2.4 trillion above the inflation-adjusted 1989 level. Clinton's proposals would reduce nondefense outlays by only $71 billion.

Under the policies adopted by President Bush, Federal defense outlays would decrease by a cumulative $526 billion below the inflation-adjusted 1989 level. Clinton's proposal would reduce defense outlays by an additional $112 billion, putting our security at risk.

President Clinton has said that his vision of change includes an additional $186 billion in high-priority investment. However, what he fails to mention is the fact that President Bush increased real spending on these very same investments by over $100 billion since 1989, a 43-percent increase after adjusting for inflation.

So from 1989 to 1993 in constant 1990 dollars, children's programs were up 67 percent, education and training is up 16 percent, Federal aid to States and cities is up 60 percent, infrastructure is up 32 percent, nutrition programs are up 72 percent, research and development is up 20 percent. These so-called investment programs grew at a real annual rate of more than 10 percent during the Bush administration; yet, the economy grew an average of 1 percent a year.

If Bush's $100 billion increase in investment spending failed to solve our economic malaise, what reason do we have to believe Clinton's investments will be any more effective?

The Democrats often insist that balancing the budget cannot be accomplished without making Draconian cuts in programs like Social Security. However, such claims reflect a lack of careful budget scrutiny. For example, the Heritage Foundation has put together a list of program cuts which totals over $600 billion over 5 years.

The gentleman from Ohio [Mr. KASICH] has another list of spending cuts which totals over $430 billion over 5 years. The gentleman in the well, the gentleman from Indiana, has proposed freezing spending that would save hundreds of billions of dollars over 5 years.

Mr. BURTON of Indiana. $837 billion.

Mr. DELAY. $837 billion, a very worthwhile effort. Even accounting for any duplication, together these two total over $1 trillion.

The Democrat leadership insists that a constitutional amendment to require a balanced budget is a copout. They claim that Congress already has the power it needs to balance the budget, and it has been said many, many times on the floor of this House that we do not need a balanced-budget amendment in order to gain control and have a little discipline in this House. That may be true. But it sure would be abundantly clear by now that in the absence of a constitutional amendment, Congress will never make those tough choices.

Congress has not only failed to balance the budget in 24 years, it has systematically passed and then ignored four separate laws requiring it to balance the budget. Since Congress has proven itself incapable of balancing the budget on its own, opposition to a constitutional amendment can only be based on a desire to avoid balancing the budget.

Here we are being asked this week to raise the debt ceiling so that this Government can go on borrowing money to take care of its spending habits, and I think that is outrageous. I hope Members of this House will vote against raising the debt ceiling, and I hope the American people will contact the Members of this House, Mr. Speaker, and urge them to vote against raising the debt ceiling unless, and at least, we get a vote on a balanced budget amendment and a real line-item veto, not some sham that they are going to bring down here on the floor of the House called enhanced rescission.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. I want to thank my colleague from Texas, because he has taken the lead in pointing out some of the problems we have had with the huge tax increases and spending proposals by the Clinton administration. He has been a real leader in the fight to control Government spending and waste. I really appreciate his contribution.

Mr. Speaker, I yield to my colleague, the gentleman from the great State of Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I appreciate the gentleman yielding.

I am a freshman, and this will be my first debt-ceiling vote.

I have quickly found out there are many, many things up here I do not know, and there are many, many things that I am learning daily.

But one thing I am very certain of, and that is that I was not sent up here by the voters of the Third District of Arkansas to conduct business as usual, and it seems to me that there are few things more characteristic of business as usual than another routine increase in the debt ceiling.

My understanding is we have increased it 32 times in the last 10 years. I think that epitomizes this kind of business-as-usual attitude; we rubber stamp the ceiling increases, and we treat billions and billions of dollars like it was monopoly money.

And so I have a question to those who would say that we are irresponsible in this, and that is: How can we in good conscience raise the debt limit when we have just, just as the gentleman from Indiana has accurately pointed out, just added $16 billion in so-called emergency spending straight into the deficit without any consideration where that money is going to come from?

Now, I have read in the various newspapers that there are those who say it is irresponsible to hold the debt-ceiling vote hostage in exchange for a balanced budget amendment and a line-item veto vote. My question would be: Is it responsible to mortgage our children's future and pile billions and billions dollars more of debt, public debt, upon their shoulders in the future? That does not seem responsible to me. Is it responsible to refuse, as we have continually done, to submit to the various States an amendment to the Constitution that would mandate a balanced budget and allow people to have their input on that through their various State legislatures? Is it responsible to vote down alternative budget proposals like that of the gentleman from Indiana [Mr. BURTON], that would have frozen Federal spending and allowed us to deal with this deficit? That does not seem responsible to me. Is it responsible to ignore the wishes of what we acknowledge are the vast majority of the American people who want a real line-item veto and want to have the President with that kind of authority? Is is responsible to raise the debt ceiling by a quarter of a trillion dollars without even grappling with these difficult questions?

I suggest that it is not, and between now and the next Presidential election, through the end of fiscal year 1996, the public debt will increase by almost $1.3 trillion. I do not think that is deficit reduction. I do not think that is responsible.

I thank the gentleman for yielding.

□ 1820

Mr. BURTON of Indiana. I think that the figures that have been cited are very conservative. If you look back 10 years ago when we were at $1 trillion in debt, and now it is $4 trillion, nobody would have believed and nobody stated we would quadruple the national debt in the next decade.

And I predict we will not be at $6 trillion in 1998, we will be at $8 trillion or $10 trillion at the rate that we are going.

Mr. Speaker, I yield to the gentleman from California.

Mr. BAKER of California. I thank the gentleman from Indiana.

As the gentleman from Texas [Mr. DELAY] said, we continue to spend and spend and spend. Each program continues to grow.

What we are asking for this week is to raise the debt ceiling, reach into our kids' and our grandchildren's pockets and say, "We are going to have some Government today and we are going to enjoy and you are going to pay for it."

We just increased unemployment insurance, we allowed another 26 weeks, and everyone cheered in the Nation. Did they know that their grandchildren were going to pay for it? There was not one cent appropriated to pay for that. There were no cuts in the budget to pay for that. It was just another increase right onto the bottom line, the bottom line of debt, and then they have the nerve to come up here and say that we are going to increase the debt limit.

Now, I am only a freshman from California, but the people in California are smart enough to know that the recession is caused by too large a Government taking too big a bite out of the private sector. We need to put money back into the private sector to create real jobs, put those people to work, and then we will be flooded with revenue to the Federal Government.

The opposite does not work: Government does not create wealth, debt does not create wealth; it creates an obligation that must be paid by our children.

I want to thank the gentleman from Texas for enumerating all the programs of this Government that continue to grow.

And I would like to thank the gentleman from Indiana [Mr. BURTON] for proposing a freeze because the only way we can force this House to prioritize its spending is to put a lid on it.

Mr. BURTON of Indiana. That is right.

Mr. BAKER of California. To say that we will go no further than $1.5 trillion in this year's budget.

Now it is up to this body to sit down and prioritize spending and live within its means.

I thank the gentleman for the time.

Mr. BURTON of Indiana. I thank the gentleman from California.

Let me just say, before I yield to my colleague from California, that it never ceases to amaze me that my colleagues on the Democrat side of the aisle and their President, President Clinton, continue to talk about increasing taxes to reduce the deficit instead of getting to the business of cutting spending. Before we should even talk about tax increases, especially after the humongous tax increase we had just 2½ years ago, we should take a meat cleaver to the Government spending and the bureaucracy in Washington. But we never talk about that; we just talk about loading more taxes on the back of the American people, more than double the largest tax increase in American history. And we continue to mortgage the future of our kids and spend right on into the future.

With that I yield to my colleague from California.

Mr. DOOLITTLE. I thank my friend from Indiana and appreciate this opportunity to join with all the Members here in expressing concern about raising the debt limit. This is the first time since I came to Washington where we had a clear and clean vote on it. Typically, it is done in a convoluted fashion. You do not really have an opportunity to speak directly to this issue.

The debate limit is raised sort of in the budget process, and I oppose the budget. But, happily, this time we get to talk directly to the issue.

You know, I have discovered, Mr. Speaker, that people here in Washington talk a lot about the deficit, but they really are not that concerned about it. They make political capital out of the debt, but they are not doing anything to reduce it. I think it is just a travesty that year after year after year we have these budget summits and increase people's taxes, and all that happens is that the debt, the annual deficit and accumulated debt, get worse. I just finished reading a book called "Bankruptcy 1995." I would commend it to all of you and to the people who would take an interest in the fiscal affairs of this country because this book starkly portrays the negative trends that are in effect in this country and have been in effect for a number of years.

I would like to just illustrate what has been happening with all of this budget summit talk. I am very disappointed in the Democrats who have constantly pushed this approach, but I am also disappointed in some Republicans who have gone along with it.

Frankly, both parties have their fingerprints, to one degree or another, on this terrible problem of the annual deficit and the cumulative national debt.

I remember how disappointed I was in 1982 when much of the good done by the 1981 tax cut was undone in 1982 by something called TEFRA, the Tax Equity and Fiscal Responsibility Act. We were promised that there would be, in return for the sacrifice of the American people, we would get budget cuts. Indeed, we were told that for a $98 billion tax increase we would have spending cuts of $31 billion.

Now, I should say, Mr. Speaker, to the Members here and for those who may be listening, that only in Washington can a cut be an increase; kind of like "Alice in Wonderland." When we talk about budget cuts, it is something less than what the projected increase was to have been.

So it is a little disappointing because in real terms it is always an increase. I do not think there has ever been since World War II an actual baseline reduction.

Mr. BURTON of Indiana. If the gentleman will yield briefly, when TEFRA was brought to the floor of the U.S. House, I was just coming into the Congress, and they promised $3 of spending cuts for every $1 in tax increases, and it never materialized. In fact, we spent about $1.50 to $1.58 for every $1 in new taxes. That has been the trend since even before that.

Mr. DOOLITTLE. It has been the trend, and I find it fascinating that they always order an immediate tax increase to take effect now and the spending cuts are never immediate, they are always promised, always down the road, except when we get close to where we think that road is going to lead.

Then we get a turn in the road, a new plan, and we defer the spending cuts.

Mr. EWING. If the gentleman would yield, I sometimes wonder about these new administrations and quick tax increases. Does the gentleman suppose that there is any possibility that they think the American people will forget this before the next election?

Mr. DOOLITTLE. Well, it makes you wonder: How dumb do they think the American people are? We have been hearing tax increases advanced in the name of reducing the budget deficit for over a decade now, and it has never resulted in any improvement in the deficit. Indeed, the deficit has always gotten worse after the tax increase.

Let me just illustrate this now: In 1982, here is the blue on this chart, the projected deficit, and the red is the actual deficit. It is nearly 2 to 1 in 1982. Then we come to 1984. We did a little better this time. 1984, look again, here is the blue, the projected deficit, and here in red is the actual deficit. Now, we wouldn't you think that in one of these we might see these reversed? No, the actual always outstrips the projected, it is always worse than what was planned.

Here is 1987, when Jim Miller was the budget director, he did a pretty good job in that year; not too much red. But the fact of the matter is the red again exceeds the blue. The actual budget deficit, even after the tax increases—by the way, in 1984 we had $49 billion of tax increases, and we got all $49 billion; we had $110 billion in promised spending cuts, and we did not get a dime.

Then in 1987 we had $28 billion, relatively modest tax increase, all things considered. We had $49 billion promised in spending cuts; we got every dime of the tax increases and not one dime of spending cuts.

And then in 1989, well, this looks sort of like the 1982 projection; we got $14.2 billion in tax increases, and we got nothing in the spending cuts, $13.8 billion.

Now we will go to the big one, at least until the latest proposal, the big one in 1990. It did not take a genius to figure out that in 1990 a massive tax increase, I believe the largest single-year tax increase in U.S. history, that that would only fuel the desire for more spending. And that is exactly what it has done.

□ 1830

You can say that we have had 175 billion dollars' worth of tax increases, or will have had by the time this fiscal year is completed. That is far in excess of what the projected deficits were. In fact, the actual deficit, as you can see in 1993, is almost three times what the projected deficit was in the blue here.

For that reason, I react with dismay when once again, you know, how many of these have we gone through, this is the fifth one since 1981, beginning in 1982; so we had five of these little summits, some of them very big summits.

In every case, we violated our promise to the taxpayer to reduce spending, and in every case we kept our promise about the tax increases. So they have been very good about keeping half the promised, it is always against the taxpayer, but when we really talk about reducing spending, well, you know, that is down the road. We will get to that another day.

Now, look, once again, we are in 1993. President Clinton has come up with a plan. Here it is. Taxes, 359 billion dollars' worth of taxes, and look at the spending, $140 billion.

Here is the thing I find most insulting of all. After we go through all this, after it has been proven, really, that tax increases only fuel the amount of spending that can occur they do not reduce the deficit, they expand the deficit, after we go through all this enormous hardship for Americans, this includes an energy tax on everybody, we all know what happened.

No economist believes that in this weak recovery, and by the way, in California which I represent, it is in a severe recession, the greatest recession since the 1930's, and no one believes that you can have this kind of a massive tax increase and not damage the economy.

We are going to have after 5 years of this tax increase, we are going to have an annual budget deficit of $228½ billion, and these are using the President's figures.

Mr. BURTON of Indiana. Those are conservative, too.

Mr. DOOLITTLE. Yes, the President is a conservative in this. That is like, well, here some of the folks in Russia referred to, that I would disagree with, as conservatives.

I certainly do not feel we have anything in common with them.

The fact of the matter is, this is disgraceful. We are going to hike people's taxes $359 billion to end up in 5 years with an annual budget deficit of $228 billion.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. If the gentleman from Texas would like to comment on this, I yield to the gentleman.

Mr. DELAY. It is just amazing to me, Mr. Speaker, the gentleman is presenting just a wonderful picture of what we are about to see.

Now, if we are just conservative, and we have all seen that the rule of thumb is for every dollar of taxes that you raise, $1.58 as the gentleman from Indiana has said, we get $1.58 of spending increases. If you just take the number there, and the gentleman has already portrayed that every time we project what the deficit is going to be, it is always bigger when we do these 5-year plans. If you just take that dollar and a half, for every dollar of taxes half again as much is going to be in deficit spending, then that would be $180 billion on top of that $228 billion is what you can probably look forward to in 1998 as the real deficit, which would be almost $400 billion in deficits in 1998.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will let me interrupt, let me just say something.

Since the 1990 budget summit agreement was passed, the increase in spending as compared to taxes has escalated above the $1.58. It is at $2.70. Since 1990 when we had the budget summit agreement, for every $1 in new taxes, we have spent close to $2.70. So it has really gone up like a rocket.

I would just like to say that if that trend continues, this $6 trillion projection of debt by 1998 is way short. I think it is going to be much more like $8 or $9 trillion, maybe even higher than that.

The other thing is, as my colleague, the gentleman from California has pointed out, is that time and again the spending cuts are always in the outyears.

Now, President Clinton is no exception. He has all these tax increases, and when you put the hidden fees in there, the Social Security tax and everything else, you are closer to $400 billion in new taxes and fees; but he has all the taxes up front, and the spending cuts are in the fourth and fifth years.

Now, I would like to remind my colleagues, there are going to be two elections between now and when his spending cuts take place. You cannot bind the next duly elected Congress to the spending cuts we are talking about. So even if his plan were a viable one, which I seriously doubt, you are going to have two successive Congresses elected, and I promise you there will be major changes in not only the economic outlook, but in those projections on spending and taxes.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Are we not in the third year of the 5-year plan of the 1990 budget agreement and we are already changing it? Every time we do one of these 5-year plans, we never go past the third year.

Mr. BURTON of Indiana. That is right.

Mr. DELAY. So what the gentleman is saying, we are going to raise all these taxes and get the promised spending cuts in the fourth and fifth years, and it will never happen.

Mr. BURTON of Indiana. It will never happen, except in one area, and that is probably in the area of defense.

Mr. DICKEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Speaker, I did not think a freshman Arkansas Congressman was going to get to talk with you all going like this.

What I would like to say is that we need to talk about this in simple terms. When the people in America reach the limit on their credit cards and the bank says you cannot borrow any more money, they have to do something. They can go if they want to and try to get another credit card, but it does not get them ahead. All they do is spend to the limit of that particular credit card.

What we have got to do as a Nation is we have got to say, okay, we are at the limit and we do not want to borrow any more, for two reasons. One is that it is wrong, and, two, we are going to miss the chance of discipline and to learn the lessons of the past administrations, spending too much, the past Congresses spending too much.

I believe that the people of America want us to set the example. I have filed a bill today asking for a 25-percent decrease in the budgets of our congressional offices and our legislative budgets. If we do that, that will be a savings of $2 billion.

The important thing is we will be saying to the rest of the Nation that our credit card limit has been reached and we have got to turn and cut spending. There have got to be cuts in spending. Just like the people of America do, I want this Congress to do the same. It is only fair. It is real leadership and it is not playing the game that has been played for so long to our Nation's detriment.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for his comments. I am going to finish up here and turn the time back over to the gentleman from Indiana.

As the previous speakers have observed, this is the Clinton administration's estimate of the annual budget deficit after 5 years of new taxes. It is $228 billion per year.

Now, keep in mind, we looked at these charts, and the gentleman from Indiana and the gentleman from Texas were making these points.

The blue was the projected deficit in 1992. The red, twice the projected, was the actual.

The same story here in 1989, where the red is greater, almost more than twice what the blue is, where the actual deficit was actually outstripping it, and then, of course, should we be so unfortunate as to follow the pattern in this fiscal year, here our actual deficit is three times what the projected deficit was.

So as the gentleman from Texas I believe has observed, this $228 billion could be more in the neighborhood of almost $700 billion if we follow the 1993 pattern.

Mr. Speaker, let me just observe, we have major problems in Russia right now where inflation has raised up to about 100 percent a month. There is much speculation that the old hardline Communists are going to return to govern that country. That is still the only country in the world that has the capability of annihilating this one.

We have major instabilities in what used to be Yugoslavia. If we get involved in any one of those things in a military fashion, assuming we are still capable of responding militarily at that point, you can imagine what that is going to do to the deficit. This country is ill-prepared for the times ahead. We are in a very unstable world. We do not even have the financial wherewithal to be sending troops around the world, and yet there is the high likelihood that such action may be indeed required, and it will make tremendously worse this problem.

□ 1840

Let me just observe, Mr. Speaker, that I am introducing tomorrow, with the cosponsorship of many, an amendment to balance the budget. I think it is vitally important. If we are going to have all of these tax increases and have to raise the ceiling on the debt, which I personally oppose, then I think this is the year to finally get people to come forward, and sign on and vote out a balanced budget amendment to the Constitution which has failed now in the House of Representatives by just a handful of votes, and this, of course, will require a three-fifths vote in order to pass any excess of outlays over receipts. It will require the use of actual receipts, not just estimates which can be played around with like they have been in the past. You cannot use receipts for borrowing to be applied to balance the budget, and there is one exception: In a declared war. Last one of these we had was World War II, and we did not have to balance the budget; so, we are going to try and put a real strict set of guidelines on here, but one that is flexible enough to meet the changing exigencies that may be upon this country.

Lastly, Mr. Speaker, I want to end with a quote from Thomas Jefferson, a man whose philosophy should have been followed in this country and we would not be in the mess that we are in. He asked in his inaugural address a rhetorical question: What more is necessary to make us a happy and a prosperous people? Here is the answer he gave:

> A wise and frugal government which shall restrain people from injuring one another, which shall leave them otherwise free to regulate their own industry and pursuits of government, and which shall not take from the mouth of labor the bread which it has earned.

When we hike the taxes by $359 billion, we are taking from the mouth of labor, namely the people who work for a living, the bread which they have earned, and families are crumbling under this weight of Government imposed tax burden. We need to begin today to defeat the resolution to raise the debt ceiling, and pass the balanced budget amendment and get serious about cutting our spending, and with that I thank the gentleman from Indiana [Mr. BURTON] for this opportunity

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE], my colleague, for all of the work that he has obviously done to bring this to the attention of his colleagues and to the Nation, and with that I will yield to my colleague, the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON]. I would just like to speak a moment to the gentleman from California [Mr. DOOLITTLE], my colleague, who has done an excellent job with these charts. It is certainly not strange to see them for Ross Perot has made these charts so popular, but the gentleman comes forward with great information, and I hope that the American people, or a great number of them, are listening tonight to see these charts, and to see visually the problem laid out before the people, and I congratulate him for that, and I congratulate you for the bill that you will introduce tomorrow, which I want to cosponsor because of the importance of having a sound fiscal policy, and I just want to congratulate you, and would the gentleman yield further for just a moment?

Mr. BURTON of Indiana. Sure.

Mr. EWING. I have just a few observations about what we are doing here tonight that I think are so important because I think the budget deficit is by far the greatest problem this country faces. Everything else that we try to address comes back to the fact that we have already spent the money and the resources that we should be putting into the problems that this country faces.

I think that the leadership of this country, including our President, the leadership of this Congress, including the Speaker, should go out into the hinterland and talk to the people because they are now aware of this problem also, and I am afraid that the leadership of the Congress and this new administration, with their policies, are totally out of step.

I am not for new taxes, but I think the American people would support taxes if every dollar of it went to reduce the deficit. They are concerned that their country might not even be able to exist and everything that they have worked for, everything that they have gained, small farmers, small businessmen, widows who have a retirement, will be wiped away by the infrugal activity of this Government. And they ought to be mad about it, and, if we go out and talk to people in our districts, as I know my colleagues have, we will find that they are very agitated about it.

Our constituent said to me the other day, "Do we have to go down with our pitchforks and our knives to get Congress to listen?" I certainly hope not, but it certainly is a sobering fact that anybody would even suggest that they would have to do that to get the attention of this Congress.

I often think that the American people, the great bulk of them, must kind of feel like a parent who observes an adult child living the fast life, spending way beyond their means, and now they want to mortgage their home, or their business, or their farm for some other frivolous expenditure, and they know that in the end it is going to mean disaster for their family, for their children, for their way of life.

Mr. Speaker, I congratulate my colleagues in their efforts here tonight. We must continue to bring this to the attention of the American people.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Illinois [Mr. EWING] for his comments, and let me real quickly say that last year we brought a constitutional amendment to the floor to balance the budget, and I think seven of the sponsors of that got pressure from the leadership of this House, and they changed their vote even though they were sponsors. We would have passed the balance budget amendment last year except seven of the Democrat sponsors, because the pressure they received from the leader, the Speaker, changed their votes and did not even vote for a bill they were sponsoring, and the American people need to know that and put pressure on, on both sides of the aisle to get this balance budget amendment passed.

I yield to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I think it is very plain to the people back home that the Republicans are not going to pass the balance budget amendment. We need our colleagues on the Democrat side. Many of them support this and the reasonableness of it. We just need a good fair vote on it.

Let me just end by saying that I really appreciate my colleagues for participating in this special order tonight. We have not had an opportunity on the floor to talk about this increase in the debt ceiling. It has been kind of camouflaged, and since it has such a tremendous impact on the people of this country, it really needs to be discussed, and I appreciate all of the hard work of my colleagues in illuminating the issue. We have got to do what the American people want, and I think what the American people want, first of all, is to get at the business of cutting Government spending and Government waste. Then once that is accomplished, if we need to do other things to balance the budget, let us do it, but, first and foremost, we have got to shoot straight with the American people, and hiding things like this debt ceiling increases is not the way to do that.

ORDER OF BUSINESS

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to insert my statement on Greek Independence Day immediately after the special order of the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IN CELEBRATION OF GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

(Mr. BILIRAKIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BILIRAKIS. Mr. Speaker, it is my great privilege to rise today in this Chamber to honor those ancient and modern Greeks who offered the precious gift of democracy to the world.

This past week, people of Greek heritage and the Greek orthodox faith, along with freedom lovers the world over, celebrated the 172d anniversary of Greek Independence Day.

On March 25, 1821, the Greek people rose in rebellion, igniting a 7-year struggle for independence from more than 400 years of foreign domination by the Ottoman Turks. The series of uprisings touched off on that historic day soon led to a widespread revolution that quickly attracted international support and respect.

Mr. Speaker, the Greek people sought only the right to govern themselves, to determine their own future, to firmly grasp their destinies. There are few more precious rights than this, and it is one treasured no less highly around the world than it is here today in the United States.

We owe a great debt of gratitude to the ancient Greeks, who forged the very notion of democracy. Of course, our Founding Fathers drew heavily on this concept—on the political and philosophical experience of ancient Greece—in forming our Government and in drafting our Constitution and Declaration of Independence. These documents now will carry that message abroad again.

In many instances, that message will be delivered to individuals still struggling for freedom, still placing their lives on the line in their quest for democracy. It is my hope that these individuals will take inspiration not only from the ancient Greeks, but from the Greeks who rose in revolt in 1821 and persevered for 7 arduous years.

Theirs is a perfect example of the ability of mankind to overcome all obstacles—obstacles that often appear insurmountable—if the desire to succeed is strong enough. Theirs is an example that oppressed people throughout the world may look to and gain strength from in their struggle to overcome their oppressors.

The Greek war for independence was filled with remarkable events by many peoples in a common cause. The roles played by the philhellenes—friends of the Greeks—were instrumental to Europe's recognition of the importance of the struggle.

The legacy of Lord Byron remains indelibly inscribed in the history of the philhellenes. Byron's name—carved boldly into a column of the temple of Poseidon at Cape Sounion—is testimony to his brave words that awakened not only his home country of England to the plight of the Greeks, but France, Russia, and other nations, as well.

The pages of history speak as boldly of other philhellenes, too. The klephts swept down upon the invaders from their mountain strongholds. The sea captains of Hydra broke the Ottoman naval blockade of the Greek coast, and today, generations of Greek merchant seamen learn their trade appropriately at the Academy on Hydra.

It was all these people—and the Greeks themselves—this coalition if you will of like-minded individuals who saw clearly what was right and who followed the flag of freedom raised by a Greek orthodox priest that very special March day in 1821.

Mr. Speaker, in the American colonial period, during the formative years of what would be our Great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the Framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th-century England, and in the early State Constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in "the politics," that "the more perfect the admixture of the political elements, the more lasting will be the state."

Polybius, a leading authority on Greek city-states, also was of special interest to the framers of the Constitution. In his histories, Polybius wrote that the best governments consist of one of three forms: kingly government, aristocracy, or democracy. Our own national experiment has shown us that, in fact, the best government is one that comprises all three.

The delegates in Philadelphia, of course, noted that the Executive represented the kingly power, the Senate the aristocratic, and the House the popular power.

Through the recognition of these processes, the idea of a separation of powers, a system of checks and balances, was instituted in American Government. Thus, as Polybius foresaw and wrote:

> When one part, having Grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute * * *.

It is the example of the ancient Greeks that we celebrate each March 25, that and the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense of the principles for which so many of the free world's citizens have given their lives.

We in America feel a special closeness to the democratic ideal born in ancient Athens and fought for and secured by the Greeks and their allies centuries later. Only here in this Nation is this ideal defended so ardently.

Indeed, Mr. Speaker, the United States has come to Greece's Defense in the past. However, the Greek-speaking island of Cyprus is still torn in two after 19 years of an illegal Turkish occupation. More than 1,600 people are still missing in Cyprus since 1974 and 5 Americans are among them. Nineteen years, Mr. Speaker, is a long time to wait for the word of the whereabouts of a loved one.

Thousands of Greek-Cypriots have been displaced because of this illegal Turkish occupation. It is hard to believe that such a small and beautiful island could harbor so much hardship for its inhabitants.

I believe the United States Government can play a meaningful role in achieving a just and lasting solution to the problems on Cyprus. Therefore, today, I would like to formally ask the new administration to keep a settlement on Cyprus as a front-burner issue.

Also, Mr. Speaker, Greece itself confronts a crisis of its own today. A long-simmering crisis inflamed by the recent break up of Yugoslavia. The southern most region of Yugoslavia has decided to use the Greek name "Macedonia" to identify themselves. Mr. Speaker, the use of this Greek name to identify this region is unacceptable. Some may not appreciate the very real dangers in this, so I would like to explain them.

Over the past few months my office has been presented with material from various organizations explaining why the name Macedonia should not be used to identify this region. The American Hellenic Institute has put out a list of 25 reasons why it is not in the interests of the United States to recognize the Skopje Regime under the name of Macedonia. I would like to mention just a few of them.

The first is the usage of Macedonia as a nationality. This was an invention of Marshal Tito in 1944. Tito, the Communist dictator of Yugoslavia, created a false Macedonian ethnic consciousness among his South Slavic citizens for a number of reasons, including his campaign against Greece to gain control of

Greece's province of Macedonia and the major port city of Salonika.

Second, the Balkan region seems always to have been a troubled one. During Greece's civil war, one should not forget that Tito's and Stalin's action in this region resulted in the deaths of more than 50,000 Greeks. Some 685,000 Greeks were left homeless, not to mention the 25,000 children that were kidnapped. The Skopje regime, which is still in power today, and its communist leadership were in the forefront of Tito's efforts against Greece.

The United States opposed the use of the name Macedonia by Tito in 1944, this policy should remain in effect today as well. In a circular airgram dated December 26, 1944, then Secretary of State Edward R. Stettinius, Jr., stated:

> This Government considers talk of Macedonian "Nation," Macedonian "Fatherland," or Macedonian "National consciousness" to be unjustified demagoguery representing no ethnic nor political reality, and sees in its present revival a possible cloak for aggressive intentions against Greece.
>
> The approved policy of this government is to oppose any revival of the Macedonian issue as related to Greece.

Mr. Speaker, since 1945, Skopje has mounted a propaganda campaign against Greece claiming all of Macedonia for the so-called Macedonian people. However, there is no such ethnic group. The people who live in this region speak a Slav dialect. Serbs say that these people are Serbs, Bulgarians say they are Bulgarians. The ancient Macedonians, Mr. Speaker, were Greek, and they spoke Greek. All historical and archaeological evidence proves this point.

The United States must not be swayed by conciliatory statements of the current president of the Skopje government, Kiro Gilgorov, former Communist Party apparatchik and Tito protege.

It should be noted that while President Gilgorov was in the United States last spring with reassurances that his government had no expansionist aims, Skopje's propaganda campaign against Greece continued.

This included commemorative bank notes depicting the famous White Tower, a Greek monument located in Salonika. Also, maps of Macedonia were published there, maps encompassing one-fourth of mainland Greece.

While the current conflict in the Balkans has brought this situation to national attention, Skopje's propaganda long precedes the breakup of Yugoslavia. In August 1992, its parliament voted to appropriate the Vergina star—a uniquely Greek symbol—as its emblem.

Mr. Speaker, this issue runs even deeper than just the historical importance of a name, though. Names can have a powerful significance—they can be used for territorial claims and interference in the internal affairs of one's neighbors. This is the fear of Greece and other nations in the Balkans.

Mr. Speaker, on April 27, 1992, I brought this issue to the White House in a letter. I also signed a second, joint letter to then-President Bush. This letter was signed by more than 140 Members of this body and the Senate asking the President to maintain his policy of withholding recognition of the area until the concerns of Greece and the other nations involved are resolved.

I now urge President Clinton to maintain President Bush's policy. Recognition of the Skopje regime under the name Macedonia will prove destabilizing for the region and harmful to United States interests.

I ask my colleagues today to stand behind Greece on this very important issue. Our assistance could prove to be a peacekeeping force in this area wherein so much hardship exists.

Democracy is a goal worth the effort in ensuring its peaceful attainment. Indeed, in these very special times when democracy and freedom continue to blossom and grow around the world, we should reflect on the democratic principles offered by ancient Greece.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

Mrs. BENTLEY. Mr. Speaker, it is with great pleasure that I rise today to join my colleagues once again in commemorating Greek Independence Day. March 25 is the anniversary of the day when the Greek people rose up and launched the revolution that would end 400 years of oppressive Turkish occupation.

March 25 was not chosen accidentally as the day on which to launch the revolution. It was chosen because on this day at an Orthodox monastery in the rugged hills of Patras, Greece, an elderly bishop emerged carrying a sacred icon, an embroidered image of the Virgin Mother of God, which with that holy man's blessing became the banner of the Greek revolution. Therefore, this indeed is a double holiday, being the Feast of the Annunciation of the Greek Orthodox Church.

With the Greek revolution, democracy and freedom once again returned to the land that gave these ideas birth over 2000 years ago. This contribution is just one of the gifts that is the Greek legacy to our Western civilization.

I join my colleagues in extending warm greetings to the Greek people as well as Americans of Greek descent who celebrate this date. Although this day is sacred to all Greeks, it is especially important to the Greek-American community in Baltimore, where the Greek Orthodox Cathedral is named in honor of this day.

That cathedral is where my husband and I were married, and I take special pleasure in extending greetings to the members of Baltimore's Annunciation Cathedral and to its pastor, the Very Reverend Constantine Monios, and its assistant pastor, the Reverend Louis Noplos.

The Greek people have a long tradition of friendship with the United States. Although today we recall a joyous occasion, I would also take this opportunity when the world's eyes are once again on Greece to urge the administration and this Congress to pay added attention to the thorny issues with which the Greek people need and deserve our help.

First, we must renew efforts to end the tragic and illegal Turkish occupation of Cyprus. And second, the United States must make it clear to the leaders of Skopje in former Yugoslavia that the name Macedonia is Greek, and no other nation-state dare find itself masquerading under that name.

Again, congratulations to the people of Greece and Greek-Americans on the occasion of their revolution and of the rebirth of democracy in their native land.

Ms. PELOSI. Mr. Speaker, I rise today in commemoration of Greek Independence Day.

Thursday, March 25, 1993, marked the 172d anniversary of Greece's declared independence from nearly 400 years of oppression by the Ottoman Turks. In 1821, the Greeks began an 11-year struggle to regain their autonomy after centuries of foreign rule and persecution, which included loss of religious freedom and educational rights. Ultimately, Greece's liberty prevailed.

The relationship between Greece and the United States is based upon both countries' commitment to democracy. As the pioneers of "rule by the people" government, the ancient Greeks provided the foundation upon which our own Founders based our declaration of freedom. The relationship proved reciprocal when the Greeks looked to the United States as the model for rebuilding their democratic government in 1821.

The connection between Greece and the United States extends beyond history and into the present. Over 3 million Greek-Americans live in the United States, contributing positively to our society. Through the years, Greek cultural and religious contributions have enriched America's own diversity. Greek-American accomplishments include accolades in the sciences, the arts, medicine, and government. The Greek community plays a particularly vital role in the city of San Francisco's diverse population. In the past 35 years, for example, San Francisco has enjoyed the leadership of two Greek-American mayors.

As we in Congress celebrate national independence and democracy with our Greek brothers and sisters, it is appropriate to reiterate our support of an unoccupied, unified Cyprus and to commend Creek-Cypriots for their dedication to a peaceful settlement of the island's armed conflict, in spite of the continued refusal of Turkish-Cypriots to reach a resolution. It is also fitting today to emphasize our commitment to the people of Greece to continue their lives in the security of peace and freedom.

We must continue to stand by Greece as she has stood by us. Greece is one of only four countries that has united with the United States in every international world conflict since World War I. An untiring ally, the nation of Greece offers us a strategically critical naval base on the island of Crete and a trusted friendship in NATO. The United States and Greece constitute a strong partnership built and fostered upon the principles of democracy.

With much pride, we should all celebrate the enduring relationship between our two countries.

Mr. HUGHES. Mr. Speaker, today we celebrate Greek Independence Day and reflect upon the true significance of this important occasion. The United States and Greece have a richly intermingled heritage which is truly what we celebrate.

Our tradition is derived from the original Greek traditions. It is the ancient Greek's magnificent principals of democracy upon which the United States was founded and has flourished for over two centuries. Today the democracy of the United States is a beacon to the world. In 1821, when the indomitable Greek spirit overcame the rule of the Ottoman Empire, and Greece secured its long sought independence, Greece looked to America as a model on which to reestablish the democracy and freedom it cherished. Through the years the United States and Greece have enjoyed an abiding and loyal friendship.

Democracy is the most noble ideal of government in the history of civilization. It is a bright light to millions who aspire to its promises of equality and freedom. On this day we celebrate the independence of Greece and the enduring achievements of democracy. We also recognize that the United States has been enriched by Greek-Americans who have contributed enormously to all facets of our modern society.

On this the 172d anniversary of the beginning of the revolution which restored democracy to Greece, I salute our friend and ally Greece. Zeto e Hellas.

Mr. BATEMAN. Mr. Speaker, this year marks the 172d anniversary of the revolution which freed the Greek people from the oppressive rule of the Ottoman Empire.

Today, I am pleased to join my colleagues to recognize March 25 as Greek Independence Day and to pay tribute to the strength and courage exhibited by the people of Greece in their countries of struggle toward that independence. Theirs was a battle that did not end with freedom from the Ottoman Empire in 1829. The Greeks would be forced to make courageous stands against both the Nazi legions in World War II and again in the late 1940's when the tide of communism was first rolled back.

The people of Greece, with their love of freedom and their undying devotion to democracy, have given all those struggling to overcome domination a great source of inspiration. Few nations have had to struggle harder or more often to preserve their liberty, and few have contributed more to modern Western civilization than Greece. I want to emphasize the fact that those of us in this Chamber now stand as Members of a body of Government founded on the very democratic ideals and principles conceived by the great Hellenic philosophers and statesmen.

In recognition of the patriotism of those who have battled to achieve and preserve Greek independence, we salute our friends in Greece and our many fine Greek-American citizens.

Mr. GILMAN. Mr. Speaker, I would like to thank my good friend the gentleman from Florida [Mr. BILIRAKIS] for taking this special order today to enable us to recognize Greek Independence Day. Since 1987, March 25 has been officially designated as Greek Independence Day. On this day, the people of the American democracy pause to honor those who gave the very concept of democracy to the world.

March 25, 1993, marks the 172d anniversary of Greece's declaration of independence from the Ottoman Empire in 1821. It was on this day that the revolution began which eventually led to Greece's freedom in 1829 after nearly 400 years of rule from Constantinople.

The connection between the United States and Greece extends into antiquity to the ancient Greeks, of whom Thomas Jefferson said, "We are all indebted for the light which led ourselves out of Gothic darkness." And it was to the American Revolution that Greek Intellectuals turned centuries later, translating our Declaration of Independence into Greek and using it as their own.

In the succeeding years, the relationship between our two peoples has grown only closer. In the early 1900's, Greek immigrants came to the young United States seeking political freedom and economic opportunity.

In the 20th Century, Greece has been one of only seven countries that has fought on the side of the United States in every major conflict. It was to assist Greece in its efforts to repel the Communist onslaught after World War II that President Truman inaugurated the concept of U.S. assistance which grew into the Marshall plan. Today, Greece is a vital part of NATO and a key member of the Western alliance.

Mr. Speaker, I am proud to join my colleagues today in this special order honoring Americans of Greek descent and the nation to which they trace their roots.

Mr. FAZIO. Mr. Speaker, I am pleased to support today's special order in recognition of Greek Independence Day, March 25, 1993.

This day is a celebration of the 172d anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. On this day we are reminded of our own indebtedness to Greece, for it was with the Greeks that the idea of democracy was born. As Thomas Jefferson once wrote, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

Democracy eluded Greece and its people for nearly 400 years—from the fall of Constantinople in 1453, until Greece declared its independence in 1821, and finally gained its freedom from the Ottoman Empire nearly 10 years later.

This day is a celebration of when Greece launched its struggle for emancipation in 1821. It is a tribute to the courage, determination, and perseverance of the Greek people, and to their love of and commitment to freedom and democracy. Greek Independence Day is a symbol of the mutual respect and shared values between our two countries.

I am honored to participate in this special order. I commend the distinguished gentleman from Florida [Mr. BILIRAKIS], for calling the order, and I thank my colleagues for their involvement.

Mr. GEKAS. Mr. Speaker, in 1839, 154 years ago, the government of the young Greek state declared March 25 as a national holiday, celebrating independence. Tomorrow, those of the Greek Orthodox Church and of Greek heritage celebrate both religious enlightenment and independence with great love and respect.

The religious celebration is the Day of Evangelismou, or the day on which the message of Christendom was spread throughout the world. The call for Greek independence also rose on this most auspicious day. In 1821, a priest, Father Germanos, raised the flag of independence that led Greece out of 500 years of oppression by the Ottoman Empire. Nine years after this valiant action Greece became free at last from the clutches of Ottoman rule. As a Greek-American and a staunch believer in democratic principles, I recognize with great pride the 172d anniversary of this triumph for democracy.

During the arduous struggle for independence one nation—America—was steadfast in its commitment to an autonomous Greek state. The flow of democratic principles between these two nations has a long and remarkable history. Thomas Jefferson, when writing the Declaration of Independence, drew heavily upon the principles of democracy forged in ancient Greece. When Greece made its bid for independence, it turned to the United States Declaration of Independence, which was translated into Greek and adopted as the Greek Declaration of Independence. Democracy was turning home.

For many Greek-Americans it is the Greek Fourth of July, and is reflected upon with the same enthusiasm and commitment to democracy as is experienced here at home. March 25th is a day of pride for all who embrace democracy, as a means of government of the people, by the people, for the people. As a Greek-American I wish to continue the tradition of celebrating this day as an expression of my admiration for those who long ago had the courage to believe in democracy.

Mr. RANGEL. Mr. Speaker, I rise in honor of Greek-Americans everywhere who celebrate the 172d anniversary of Greek independence on March 25, 1993.

As you know, Greece is the birthplace of democracy—the fundamental political principle that gave birth to both our nations. Our Founding Fathers were influenced by the Greeks' philosophical ideas.

Just as the ancient Greek philosophers inspired the Founders of the United States, it was our Declaration of Independence that modern day Greeks used as the model for theirs. In the 1820's when the Greeks fought the Ottoman Empire for their independence, they were inspired by the American revolutionaries who threw off British rule in the previous century. Indeed, many volunteers from various localities in the United States sailed to Greece to participate in the revolution. After winning its independence, Greece became an ally of the United States and continued to be our partner throughout the 20th century, fighting on the side of the United States in every international conflict.

I would like to pay special tribute to the Greek-Americans in my congressional district. Many Greeks who immigrated to the United States in the early 1900's settled in my congressional district in New York City where the Greek community, in Washington Heights, was incorporated in 1931. Tsolainos Goulandris Greek Orthodox School of Saint Spyridon was established in Washington Heights in 1933. It is the center for the Greek community and runs the Greek Independence Parade, which will take place on Sunday, March 28.

Greek-Americans have been very successful not only in my congressional district, but throughout the United States. Among those who have distinguished themselves in the political arena are: U.S. Senator PAUL SARBANES of Maryland, Congresswoman OLYMPIA SNOWE of Maine, Congressman GEORGE GEKAS of Pennsylvania, Congressman MICHAEL BILIRAKIS of Florida, former Members of Congress John Brademas of Indiana, Nick Galifianakis of North Carolina, Peter Kryus of Maine, Gus Yatron of Pennsylvania, Nick Mavroules of Massachusetts, and former U.S. Senator and Presidential candidate Paul Tsongas of Massachusetts.

As we join the Greek-American community in celebrating this momentous occasion, we are honoring not just a day, but the Democratic ideals that have made both our countries great.

Mr. MEEHAN. Mr. Speaker, March 25, 1993, marks the 172d anniversary of the revolution that freed the Greek people from almost 400 years of rule by the Ottoman Empire, which dominated Greece from the fall of Constantinople in 1453 until the declaration of independence in 1821.

I am pleased to support a resolution commemorating and celebrating the event sponsored by Congressmen MICHAEL BILIRAKIS, STEPHEN NEAL, JOHN PORTER, JACK REED, and ROBERT TORRICELLI, and I commend them for offering it.

The United States has long enjoyed a warm and close relationship with Greece and its citizens. Our system of government owes a heavy debt to ancient Greek philosophers, and in turn, the United States system was a model for the Greek declaration of independence in the 19th century.

I have a particularly strong appreciation for the contribution Greeks have made to the United States and to the world from the time of their independence. Perhaps the best known Greek politician in the country, Paul Tsongas, who represented my hometown of Lowell for two terms until running for the Senate in 1978, is a model for public servants at all levels of government. I join my colleagues in congratulating the Greek people on the anniversary of their independence.

Mr. EDWARDS of California. Mr. Speaker, it is with great honor that I join my colleague, Mr. BILIRAKIS, in observing the 172d anniversary of the beginning of Greece's struggle for independence. Today, we observe Greek Independence Day, a celebration commemorating both Greek and American democracy.

Two thousand years ago, the Greek philosopher Pericles proclaimed, "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people.* * * What counts is not membership of a particular class, but the actual ability which the man possesses."

These principles of justice and equality had an undeniable influence on the formation of our American democratic system. Jefferson and Mason, students of the ancient Athenian democracy of Pericles, championed one of the first human rights documents in history, the Bill of Rights. Madison and Hamilton, also students of Pericles, were instrumental in developing the Federal structure of our government.

Inspired by the United States' Declaration of Independence from Great Britain 45 years earlier, the Greeks in turn began their 11-year struggle for independence from the Ottoman Empire in 1821. Led by then-President James Monroe, many Americans supported and even participated in the Greek revolutionary war.

During World War II, American and Hellenic forces again joined together as part of the Allied effort to preserve democracy. Over 600,000 Greeks died in that war, 9 percent of the total population of Greece.

Greek freedom faced yet another threat during the struggle against dictatorial rule in the late 1960's and early 1970's. As then-chairman of the United States Committee for democracy in Greece, I was delighted when Democratic government returned to that country. However, seeing the birthplace of democracy ruled by dictators reinforced my own conviction that democracy is not an accomplishment, but an ongoing process which must be guarded constantly by the people.

America's longstanding relationship with Greece is not only reflected in our historical ties, but also in the contributions Greek-Americans have made to our society. Many skilled and prominent Greek-American civic leaders, doctors, scientists, church leaders, entertainers, and athletes have helped to shape American life.

As we join together today to celebrate the independence of the Greek people, I urge my fellow Americans to continue to work together to preserve and uphold the democratic ideals of the Greek philosophers. Let us never cease from our struggle for freedom and democracy here and abroad.

Mr. BONIOR. Mr. Speaker, I am pleased to join my colleagues and the Greek community to celebrate the 172d anniversary of Greek Independence Day.

Throughout the years, the history of the United States and the history of Greece have been intertwined. It is in ancient Greece that our democratic principles were forged. The notion that the ultimate power to govern belongs in the hands of the people is the bedrock of American political society. Thomas Jefferson himself stated, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

In addition, our system of checks and balances can be traced to ancient Greece. The safeguards keeping one branch of government from dominating the others have helped prevent the emergence of tyranny and preserved our democracy.

In turn, it is the United States that inspired the Greeks as they valiantly struggled to free themselves from the Ottoman Empire. Since then, the two nations have fought side by side to preserve and protect these cherished freedoms. During World War II, the Greeks paid dearly to help defeat Hitler and roll back fascism.

The ideals of ancient Greece are once again demonstrating their transforming power. In my office I have a globe that is only a few years old; however, it is terribly outdated. It is outdated because people around the world have stood up and demanded freedom and democracy. Oppression is on the run in many places where it has held sway for many decades. All of these wonderful changes can be traced to the democratic principles of ancient Greece.

I am confident that the United States and Greece will continue to lead the international community as we begin this new era of freedom and prosperity. During this period of transition, it is especially important that the current borders and territorial integrity of Greece be respected. I also look forward to working with the Greek community in Michigan which has added so much to the character of the Great Lakes State.

Ms. SNOWE. Mr. Speaker, as an original cosponsor of this year's House resolution commemorating Greek Independence Day, I am very pleased to join my colleagues in honoring this day, and I thank the gentleman from Florida [Mr. BILIRAKIS] for his efforts in sponsoring the resolution.

March 25 is a special day for Greeks and for all the friends of Greece around the world. On this day in 1821, the people of Greece began their successful struggle to expel the repressive Turkish regime which had occupied the Greek nation for over 400 years. Eventual Greek reunification only came after a long, hard-fought struggle, but the people of Greece made countless sacrifices because of their commitment to freedom and their love for their culture and religion which had been stifled by the Ottoman Empire for centuries.

Since that time 172 years ago, the independence of Greece has been repeatedly challenged, both by external and internal forces. But today, Greece stands proudly as a completely free and independent nation guided by the same democratic principles that were born in that land thousands of years ago.

The United States and Greece are old friends and allies. Our nations and people are bound by values, interests, and a common political heritage. The democracy we so cherish began in Greece a millennia ago. Ancient Greek ideals of freedom fueled our own struggle for independence. The success of our revolution and our young democracy helped inspire Greece's effort to forge a modern nation in 1821.

Today, millions of people around the world are also inspired by the eternal values and aspirations that we commemorate by honoring Greek independence. But from the Greek historical experience, as well as from our own, we know that it will not be an easy nor a quick transition to freedom and democracy. The Greek struggle lasted 8 long, hard years. It could take that long in many of the struggling democracies throughout the world.

Mr. Speaker, it is clear that the United States and Greece have a special bond of friendship in the values and the history that our nations share. That bond is now a shining example to the world's fledgling democracies. I join with my colleagues once again in honoring the independence of a country, and a people, that have inspired us all.

Mr. LIPINSKI. Mr. Speaker, I rise to recognize a special day to the city of Chicago's Greek community and to all those of Greek heritage across this Nation—the commemoration of Greek Independence Day.

Once again, we celebrate the anniversary of the start of Greece's struggle for independence. After many years of domination, Greece was finally able to separate itself from its Turkish oppressors.

The Greek community is rich in tradition and has added in numerous ways to American heritage, most of all by giving us the political and philosophical foundation for our democratic government. Today, I join with my colleagues in saluting the Greek community for its courage and its many contributions that have enlightened American culture.

Mr. COBLE. Mr. Speaker, I am pleased to cosponsor the resolution, House Joint Resolution 10, which designates March 25, 1993, as Greek Independence Day: A national day of celebration of Greek and American democracy.

Greek Independence Day is not just a celebration for the people of Greece or Greek-Americans. It is a celebration for all Americans because it symbolizes the beginning of a relationship between the world's first democracy, Greece, and the world's greatest democracy, the United States of America.

As we all know, March 25, 1993, marks the 172d anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. History records the oppression and struggles of human liberty to which the Greeks were subjected during the period prior to the revolution. Over the course of modern history, Americans and Greeks fought and died together in three wars.

Throughout the United States and especially in the Sixth District of North Carolina, Greek-Americans have made large contributions to our culture and society. I have personally experienced many of the wonderful festivals and celebrations which Greek-Americans in my district celebrate annually.

As we celebrate Greek Independence Day, we affirm the bonds between our two nations. I am proud to be a cosponsor of House Joint Resolution 10 and urge all Americans to join in activities to salute the Greek people and their contributions to world history.

Mr. PORTER. Mr. Speaker, I join with my colleagues in celebrating the 172d anniversary of the independence of Greece from the Ottoman Empire. This day has been billed as a "National Day of Celebration of Greek and American Democracy" and it truly is a celebration of the bond between the two nations.

As Harvard historian Bernard Baylin makes clear in his award winning book "The Ideological Origins of the American Revolution", Thomas Jefferson, James Madison, George Washington, and the other Founding Fathers of the United States studied the Greek classics and were very familiar with the tenets of ancient Athenian democracy and Greek history. The Founders read from and quoted Demosthenes, Aristotle, and Polybius, and writers of political tracts before, during, and after the American Revolution often took the pseudonyms of ancient Greeks.

While American patriots of the middle and late 18th century learned classical Greek so they could acquaint themselves with the principles of democracy which had been invented and refined in Athens more than 2,000 years before, the fire of freedom and democracy which was their heritage and birthright never stopped glowing within the Greeks. In almost every generation since the fall of Constantinople on May 29, 1453, Greeks had revolted against their Turkish rulers. While these revolts were brutally repressed, the hope and vision remained.

On March 25, 1821, a band of Greeks began another revolt that was to end very differently than the struggles of their forefathers. From the beginning the War for Greek Independence was a war of the people. As the Greek-American newspaper puts it

> When sectional, political or social rivalries, incompetent leadership, personal ambitions, treachery and betrayals almost ended the national struggle, the masses of people saved their Revolution from collapsing. For eight years, the *laos*, the ordinary people of Greece, exhibited extraordinary courage, strength and endurance. They never surrendered to the Turks or to fear and despair.

During the Greek War for Independence—begun a mere 45 years after the American colonists declared independence in Philadelphia—the Greek freedom fighters took inspiration from an understandable source, the United States Declaration of Independence, which is reported to have been circulating freely among the Greek troops. In many ways, the drafting of the Declaration of Independence and the emergence of democracy in North America in 1776 is a continuation of the process begun in the Athenian agora at the foot of the acropolis over 2,000 years ago.

The occasion of the 172d anniversary of Greek independence is also an appropriate time to reflect on the trend toward democracy in the modern world. The past 3 years have seen the greatest expansion of freedom in history. Over one-third of the nations on earth, encompassing nearly 30 percent of the world's population, have consciously decided to alter their political systems in favor of more open and democratic forms of government. Freedom House, a New York based human rights monitoring group, now counts an all time high number of nations it designates as free. The ideals of democracy developed in Greece 2,000 years ago and the example of United States democracy based on the Greek model are directly responsible for this transformation of so many nations to freedom.

Mr. Speaker, I thank the gentleman from Florida, Mr. BILIRAKIS, for calling this special order and I am pleased to extend my congratulations to the people of Greece and the Greek diaspora. I urge all Members to take this opportunity to reflect on the history of democracy and to also reflect on the future of democracy and America's obligation to promote government by the people the world over.

Mr. TORRICELLI. Mr. Speaker, I rise today to commemorate an important event to Greeks and Americans alike, Greek Independence Day. I am proud to be an original cosponsor of House Joint Resolution 10, legislation commemorating this important event.

On this day, 172 years ago, the State of Greece declared its independence from the Ottoman Empire. This date is significant to Greeks and Greek-Americans for it commemorates the anniversary of Greece's long struggle to gain freedom after 400 years of foreign Turkish domination.

But this date also has tremendous significance to the United States—for this date reminds us of the common political and cultural ties that bind our two nations. Over 2,000 years ago, the great philosophers of ancient Greece extolled the virtues of democracy and the value of the common man. Plato wrote, "Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike."

After nearly two millenniums, these Greek political ideals inspired our American forefathers to revolt against the British crown and proclaim independence in 1776. According to Thomas Jefferson, the author of the Declaration of Independence, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." The Founders of our Constitution, James Madison and Alexander Hamilton, wrote in the Federalist Papers that "among the confederacies of antiquity the most considerable was that of the Grecian republics * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

The history of Greek and American political development highlights the ties that bind our two nations in a common political heritage. And the strength of these ties endure today. In fact, Greece is one of only seven countries that has consistently fought with the United States in international conflicts.

Today there are over 1 million Greek-Americans in the United States. Many of these citizens have become prominent members of society and have made notable contributions to their professions. I would like to wish all Greek-Americans and our Greek allies a happy Independence Day. The United States certainly shares in your celebration.

Mr. CARDIN. Mr. Speaker, I rise in support of designating March 25, 1993 "Greek Independence Day—A National Day of Celebration of Greek and American Democracy."

For the more than 3 million Greek-Americans living in the United States, the events that occurred in the land of their ancestors 172 years ago is a source of great pride. After nearly 400 years under the domination of the Ottoman Empire, the Greek people saw the beginnings of a return to national independence amid defiant cries of "eleftheria i thanatos"—"liberty or death."

America owes a great debt to the Greek people. The ancient Greeks enriched our culture in the fields of art, philosophy, science, and law. The modern theory of democracy, which we have seen triumph over communism and tyranny, has its roots in ancient Greece. In fact, the term "demokratia" was coined in the middle of the fifth century B.C. by the Greek historian Herodotus.

Today, Greek-Americans continue to play an important role in building this country. To cite but one example, Maryland Senator PAUL SARBANES, son of Greek immigrants, is one of the most respected and thoughtful Members of the U.S. Senate.

Mr. Speaker, as the Representative for the Third Congressional District of Maryland—an area that proudly boasts a large Greek-American community—I join in celebrating Greek Independence Day. Let us all salute the Greek people for the contributions they have made to freedom and democracy the world over.

Mr. WELDON. Mr. Speaker, I rise today to celebrate Greek Independence Day. March 25 commemorated the anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. I join my colleagues in this celebration and note the significant achievements of Greece and Greek-Americans and the effect they have had upon our country and the world.

The legacy of Greek democracy has contributed greatly to our Nation's freedom. The ties that bind our two peoples are strong and lasting. The English word "democracy," of course, comes from the Greek word "demos." Yet our debt to the Greek culture goes much deeper than that, for it is the ancient Greeks that first demonstrated much of what constitutes modern-day American democracy. Americans will never forget the great impact the Greek culture has made upon our judicial system and democracy.

As a long-time supporter of Greece, I know that Greece has been a close friend and reliable ally of the United States. The United States must work to strengthen this relationship. For instance, the United States must support Greece on the contentious issue of independence for the Yugoslav Republic of Macedonia. The issue at hand is a Balkan Republic of 1.9 million, which is petitioning for independence and insists upon calling itself Macedonia. This Republic lies on the northern border of Greece, and its own province of Macedonia. The Greek Government is willing to recognize the new Republic, whose capital is Skopje, but only if Macedonia appears nowhere in its name. We must support the Greek people on this issue. The Greek people remember all too well the civil war of 1946–49, when the Greek and Yugoslav Communists banded together in an attempt to unite the Macedonians together in Marxist Yugoslavia. Rooted in bitter history, this Macedonian issue has united Greeks and Greek-Americans like few issues in recent years.

There are sound geopolitical reasons to support Greece in this matter. For one, Greek Prime Minister Constantine Mitsotakis is a courageous and energetic leader who has gone out of his way to help America work for a more peaceful world.

This reform-minded leader has taken steps to work with Turkey on a just solution to the vexing Cyprus issue. He took a great political risk when he allowed America to use a key Greek naval base. When the United States State Department complained that Greece was not promptly spending American foreign aid dollars, the Prime Minister made arrangements to spend the money in a timely fashion. Under Mitsotakis, Greece has recognized Israel, and even assisted America and her allies during Operation Desert Storm. Mitsotakis has taken great risks for America, and now he needs our help. America must support Greece on the Macedonia question.

It gives me great pride to rise today to honor Greek Independence Day. I am honored to represent a very large and active Hellenic community in the Philadelphia area. I am honored to join them in recognizing the outstanding accomplishments and celebrating the anniversary of their fight for freedom. In addition, I wish to ask my fellow colleagues to join me in reaffirming strong support for Greece and protection of its national interests.

Mr. GALLO. Mr. Speaker, as an original cosponsor of House Joint Resolution 10, I am happy to join my colleagues today in honoring Greek Independence Day. This truly is a national day of celebration for the Greek people and for the people everywhere who embrace democracy.

For thousands of years, the Greek people have played a key role in changing the global attribute toward self-government. Their philosophy continues today in leading the world toward freedom and democracy.

Our mutual admiration and respect for democracy dates back to the late 18th century when our Founding Fathers looked to ancient Greece as a model in creating the United States Declaration of Independence.

On March 25, 1821, Alexander Ypsilanti proclaimed Greece's independence, initiating an 8-year battle for freedom. His people in turn imported and translated our Declaration of Independence and studied the American experience of our own revolution to guide their nation through its pursuit of democracy. Their courage and dedication to an ancient idea of freedom, justice, and liberty for all inspired three notable Americans to join the Greek insurgents in the fight against occupation. In support of Greece, President James Monroe declared "a strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the world."

The Greek people continued their struggle against the threat of totalitarian regimes well into the 20th century. At the height of World War II, when Nazi forces appeared ready to soon overrun Europe, the Greek people fought courageously on behalf of freedom at a cost of a half a million lives. Prime Minister Winston Churchill declared: "In ancient days it was said that Greeks fight like heroes; now we must say that heroes fight like Greeks."

Greece continued to withstand many conflicts. President Harry Truman recognized Greece's commitment to democracy when it fought Yugoslavia's Communist regime under Marshall Tito inciting the 1946–49 Greek civil war. In 1952, Greece joined the North Atlantic Treaty Organization which offered the country protection from future political strife. Eight years later, Greece's commitment to freedom and democracy was again tested when Russia threatened to pulverize the Acropolis unless Greece abandoned the NATO alliance. Greece stood firm.

Finally, Mr. Speaker, when Kuwait endured a hostile takeover of its peaceful nation, and the United States sought assistance from our allies to oust Saddam Hussein from Kuwait, Greece firmly enforced the United Nations embargo against Iraq and sent troops to assist the coalition.

Mr. Speaker, today is the seventh year we reaffirm our alliance with Greece by this resolution, and it is a day to honor our common democratic principles. More importantly, however, it is a day to salute Greek-Americans for the invaluable contributions they make to our Nation and to the world.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate Greek Independence Day, a day we congratulate Greece on 172 years of independence and recognize Greek-Americans for the contributions they have made to this country.

Americans have always felt close to Greece. Thomas Jefferson himself wrote that we are indebted to the ancient Greeks "for the light which led ourselves out of * * * darkness." James Madison and Alexander Hamilton wrote in The Federalist Papers that the ancient Greek republic was the model for "the present confederation of the United States."

As much as our founders looked to ancient Greece for inspiration, so the founders of modern Greece looked to the United States as inspiration for their struggle. Greeks translated the Declaration of Independence and used it as their own declaration of independence from the Ottoman Empire.

Our ties to Greece only intensified after Greek independence in 1821. The tie was strengthened by the immigration to the United States of hundreds of thousands of Greeks in the early years of this century. In fact, 1 in every 4 Greek males between 15 and 45 left Greece for America. Ties were also strengthened by Greece's alliance with the United States in every major conflict this century.

Greek-Americans have contributed to this country in every area of endeavor. Dr. George Papanicolaou invented the Pap test for cancer and is responsible for saving the lives of tens of thousands of women. Dr. George Kotzias developed L-dopa to combat Parkinson's disease. This past year Paul Tsongas ran an intelligent and effective campaign for the Presidency. Michael Dukakis was the Democratic nominee in 1988 and was a fine Governor of Massachusetts. And now we actually have a Greek-American in the White House. George Stephanopoulos is President Clinton's Communications Director and one of his top advisers. I could, of course, go on and on about Greece and Greek-Americans and the contributions to our country and to the world.

But I'll conclude by making clear my belief that the United States-Greek alliance is a fundamental and permanent aspect of United States foreign policy. That is why I oppose United States recognition of the "Republic of Macedonia" and insist that Greek sensitivities on this issue not be ignored. I intend to continue doing everything I can to ensure that Greece remains strong and free.

Mrs. MORELLA. Mr. Speaker, I rise to join our Nation in celebrating Greek Independence Day: a national day of celebration of Greek and American democracy. The United States derives its strength from the fact that it is a democracy. Greece is one of the United States' closest allies, having fought on our side in every major international conflict this century. In the 1820's, when Greece fought for its own independence, the American Revolution and our democracy embodied the ideals for which the Greeks fought. This day should be recognized and remembered.

The relationship between Greece and the United States has been positive since the founding of the United States when Greek philosophy inspired the American Declaration of Independence. Plato said, "Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike." Hence, Thomas Jefferson said, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves [American colonists] out of Gothic darkness." The United States has had a successful system of government because it was founded on a philosophy inspired by the Greeks. In addition, Greece has been inspired by the American Revolution. Greek intellectuals translated the United States Declaration of Independence and used it as their own in 1821.

We should also appreciate modern Greek and American relations. During the 1900's many immigrants to the United States were from Greece. The cultural compatibility of Greece and America has enabled those in America of Greek descent to become extremely successful. Among those today are George Stephanopoulos, President Clinton's communications director; Congresswoman OLYMPIA SNOWE; Congressman MICHAEL BILIRAKIS; Senator PAUL SARBANES; presidential candidates Paul Tsongas and Michael Dukakis; actors Olympia Dukakis, Telly Savalas, and Alex Karras; and Dr. George Papanicolaou, who developed the Pap test for cervical cancer, to name a few.

Greece and the United States share a common bond; they have both worked hard to become democracies. America is an example of a dream of freedom to which the Greeks aspired when they fought their revolution, and Greece was a symbol to the founders of the United States. Mr. Speaker, this is a celebration of democracy, of freedom, and of the struggle of humankind to attain freedom. We cannot overlook this important day.

Mr. LEWIS of California. Mr. Speaker, I rise today, here in the hall of American democracy, to honor the spirit of freedom that lies at the heart of our political system. It is the idea of democratic government, brought forth by the ancient Greeks and which today sweeps the modern world.

It is, indeed, fitting that we celebrate this magnificent concept today because this is the date that people of Greek heritage and the Greek Orthodox faith, as well as freedom-loving individuals everywhere, celebrate the symbolic rebirth of democracy: Greek Independence Day.

March 25, 1992, is the 171st anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings that soon turned into a revolution attracting wide international support.

The Greeks' long and arduous struggle against the Ottoman empire is a perfect example of the ability of mankind to overcome all obstacles if the will to persevere is strong enough and the goal—in this case the dream of freedom—is bright enough.

America, the United States of America, is surely the truest expression of this dream today. It remains an imperfect dream, yes, but still the shining example that oppressed people throughout the world have looked to for generations; have gained strength from in their struggle to overcome their oppressors.

This dream of democracy—born so long ago in Greece—and its greatest tangible expression in our great democratic republic, Mr. Speaker, forms the common bond between our two nations. Furthermore, it is a bond that has stretched throughout history, from ancient times to the present day.

In ancient mythology, fire was brought down from Mount Olympus and offered to the Greeks as a gift—a gift that transformed their lives. Similarly, the gift of democracy was offered to the world by the ancient Greeks and it, too, was a transforming gift: In fact, it continues to transform the world with stories of heroes and remarkable events.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

"Democracy," in the words of the American clergyman Harry Emerson Fosdick, "is based upon the conviction that there are extraordinary possibilities in ordinary people." It calls upon each and every one of us to rise above ourselves, to understand that freedom requires sacrifices both large and small and to recognize that the common man is capable of magnificently uncommon actions.

Mr. BERMAN. Mr. Speaker, it gives me pleasure on this day to recognize and celebrate Greek Independence Day with my colleagues. It is fitting for us, as democratically elected officials of this great country, to recognize the significance of the contributions of the Greek people in both ancient and modern times. In particular, by designating March 25, 1993, as a national day of celebration of Greek and American democracy, we continue to build on the special bond that has always existed between the United States of America and Greece.

The ancient Greeks gave birth to democracy over 2,500 years ago. Their endless pursuit of equality and freedom cultivated the world's first democracy. Their ideas infuse our own constitution and our Founding Fathers relied heavily on the experience of the ancient Greeks in forming our Republic.

The relationship between Greece and the United States was further solidified when the struggle for Greek independence began 172 years ago. The American revolution, and the ideals for which it stood, was a primary model for the Greeks to follow. Both countries have learned the profound importance of the famous Greek motto "Eleftheria I Thanatos"—Liberty or Death.

Today, in our own country, Greek-Americans, imbued with this spirit, continue to play an extraordinary role at every level of public life and private enterprise.

Thus, Mr. Speaker, I am proud to celebrate with Greece today on her national day. Our two nations share a unique bond—forged in the distinctive legacy of democracy.

Mrs. MALONEY. Mr. Speaker, I rise to express my strong support for Greek Independence Day, which commemorates the 172nd anniversary of Greek independence.

This Sunday, through the efforts of the Federation of Hellenic Societies of Greater New York, thousands of Hellenic Americans will participate in New York City's 100th Greek Independence Day parade. The march will begin at 1 p.m. at Manhattan's 5th Avenue and 59th Street and proceed uptown to 3d Avenue and 79th Street.

His eminence Archbishop Iakovos, Primate of the Greek-Orthodox Archdiocese of North and South America, will be present as will many Hellenic Americans who reside in the wonderful Queens neighborhood of Astoria, which is in my congressional district. This march will serve as a powerful reminder of the courage and determination of the Greek revolutionaries who risked their lives for freedom 172 years ago.

It was on March 25, 1821—after nearly 400 years of domination by the Ottoman empire—that Archbishop Germonos and a small band of Greek patriots lifted their banner in rebellion and began a struggle for freedom that took almost 10 years to complete. Today, we pay tribute to these brave freedom fighters, who summed up their cause this way: "(We) would rather live free for 1 hour, than suffer slavery and imprisonment for 40 years."

As we commemorate the struggle for Greek independence, we also must recognize the tremendous contributions of the Greek people to western culture. Ancient Greece served as the birthplace of democracy and the cradle of Western thought. As the poet, Shelly, put it: "Our laws, our literature, our religion, our arts have their roots in Greece."

In the United States Greek-Americans have followed the rich tradition of their ancestors excelling in medicine, science, law, politics, education, and business. In the House of Representatives our Nation has been well served by a number of distinguished sons and daughters of Greece including the gentleman from Florida [Mr. BILIRAKIS], who organized this special order this evening.

Those of us from New York are especially proud of a young man who used to work in this Chamber for the Majority Leader and who is now the director of communications at the White House—George Stephanopoulos.

Mr. Speaker, I am honored to pay tribute this evening to the hard-fought independence of Greece, and I look forward Sunday to participating with my constituents in commemorating this important day and honoring the many achievements of Greek-Americans. Thank you.

Mr. ACKERMAN. Mr. Speaker, I too rise in strong support of this special order, and commend the distinguished gentleman from Florida [Mr. BILIRAKIS] for his outstanding work in bringing this commemoration to the floor. March 25, 1993, marked Greek Independence Day, commemorating over 2,500 years of democratic tradition in Greece. Many Americans simply do not realize how heavily our Founding Fathers drew upon the Greek political and philosophical experience.

March 25, 1993, also marked the 172d anniversary of the revolution that freed the Greek people from the Ottoman empire. March 25th is a day to pay tribute to our Greek friends, and to pay homage to Greek and American democracy.

As we celebrate the glory of democracy today, we must take time out to think about those nations and those peoples who do not enjoy the spirit of democracy and freedom which have endured in Greece for thousands of years.

On this day we must think of the people of Cyprus and the oppression they have felt since 1972, when Turkey illegally occupied the northern third of that island nation. We can all hope and pray that Ankara will finally remove its troops from Cyprus, and that all Cypriots can live in peace and harmony, just as their brethren in Greece and the United States do.

I join my colleagues in saluting those Greek-Americans who have played such an important role in fostering relations between our two nations. Such prominent Greek-Americans as Andrew Manatos, Philip Christopher, and

Gene Rossides have done so much to build bridges between the United States and Greece, despite several different bilateral problems over the years. They should be applauded, as well. In conclusion, this special order celebrates both the United States and Greece—two nations which share a beautiful tradition of bold and vibrant democracy.

Mr. SCHUMER. I rise today to join my colleagues in commemorating Greek Independence Day. This national day, celebrating Greek and American democracy, marks the 172d anniversary of the revolution which freed the people of Greece from over 400 years of foreign rule. To commemorate this significantly historical event, His Eminence Archbishop Iakovos is meeting today with House Speaker TOM FOLEY and President Clinton.

As Americans, we owe gratitude to Greece and the Greek people, whose influence on our country's birth and evolution cannot be overstated. In fact, the principles of democracy and equal justice for all, upon which this Nation was founded, have their origins in ancient Greek philosophy. Moreover, this bond of shared convictions, mutual respect, and admiration, is not only rooted in history, but continues to grow and be cultivated today.

Greece is one out of only seven nations in the world that remained allied with, and fought on the side of the United States in every major international conflict this century. In fact, over 600,000 Greek citizens, approximately 9 percent of the country's population, died fighting on the side of the Allied forces during the Second World War.

Of the very many American citizens of Greek descent with national and international prominence, I would like to call attention to a number whom I feel that we as Americans owe particular gratitude to. They include: His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America; Dr. George Papanicolaou, inventor of the Pap test for cervical cancer; former presidential candidate, Paul Tsongas; former Presidential nominee, Michael Dukakis; the Brooklyn-born soprano, Maria Callas; and my colleagues in the House of Representatives, OLYMPIA SNOWE of Maine, GEORGE GEKAS of Pennsylvania, MICHAEL BILIRAKIS of Florida as well as Senator PAUL SARBANES of Maryland.

I am confident that my colleagues will join me in expressing our sincerest gratitude to the ancient Greek society as well as all Greek-Americans. I could not agree more with the sentiment expressed by our Forefather, Thomas Jefferson, when he claimed, "to the ancient Greeks we are all indebted for the light which led ourselves out of the Gothic darkness."

Thank you.

TRIBUTE TO B.T. COLLINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

Mr. FAZIO. Mr. Speaker, it may be possible that this evening can be shortened somewhat, regrettably because a number of Members who had intended to be here tonight and participate in this special order have been informed that it would not take place, but for many of us who were good friends and colleagues of the late B.T. Collins of Sacramento, CA, we decided to proceed knowing full well that since a memorial service has already been held for him in California it was appropriate and timely that we move forward now.

Byrant Thomas Collins, B.T. Collins, was an assemblyman from the fifth district of Sacramento. He was a good personal friend of many of us on both sides of the aisle. I think he would probably be most appropriately referred to as a maverick Republican who served as an executive secretary and chief of staff to former Gov. Edmund G. Brown, Jr.; at the same time served as a member of the State assembly, as a personal contribution, I think it would be said, to the Governor of California, Gov. Pete Wilson, who requested him to serve, having urged him to first file in a special election to win that seat.

□ 1850

B.T. was a unique individual, one who had many friends on both sides of the aisle, a person who dedicated his life to public service, an individual who could inspire, could amuse, and at the same time contributed a great deal to the substance of public policy. He was a graduate of Santa Clara University in Santa Clara County, CA, getting his B.S. degree in history in 1970. He later graduated with his juris doctorate degree from that same university's School of Law and became a member of the California Bar in 1974.

He really began his career in public service in 1976, when he served as deputy legislative secretary to Gov. Edmund G. Brown, Jr. He then proceeded to become director of a very unique program, one that continues in California with a great deal of success, the California Conservation Corps, a work ethic program employing some 2,000 women and men ages 18 to 23 in State public service conservation projects.

This program, formulated somewhat in the image of the New Deal CCC Program, became his real hallmark and was indicative of his in loco parentis role, his fatherly contribution to young people from all over the State, of all races, backgrounds, and income levels. B.T. consistently looked out for the needs of children and young people, and this was one of the first and most obvious ways he made that contribution.

From his success there he moved to be executive secretary and chief of staff to Gov. Edmund G. Brown, Jr., from 1981 through the beginning of 1983. He then left and went into the investment banking world and served as a public finance vice president at Kidder Peabody & Co., only to return as chief deputy State treasurer of the State of California in 1989, serving for almost 2 years in that capacity. He was then appointed by Governor Wilson to serve as director of the California Youth Authority, which he did until July 1991, when he sought election to the state assembly.

To cite his accomplishments, to list the things he did in public service, is really not to fully capture B.T. Collins. Most people knew him as an individual who stood by people in the military and stood up for the defense of his country. He had enlisted prior to attending Officer Candidate School at Fort Sill, OK, back in the mid-1960s. He eventually was commissioned as a second lieutenant in the artillery and stationed with the 82d Airborne Division at Santa Domingo during the 1964–65 period, during the Johnson administration.

B.T. eventually served with the 1st Air Cavalry Division, the 2d Corps, in South Vietnam, and was eventually tactical commander of a mobile guerrilla force under the 5th Special Forces Group in the 4th Group in South Vietnam in the Green Berets. He was wounded, and in effect became a double amputee.

B.T. retired as captain, serving at the Valley Forge General Hospital recovering from the wounds which he incurred during his service in Vietnam.

Many Members of this institution, many people in our State, know that he was the truly central force in bringing about a Vietnam Memorial on the grounds of the State capitol, at which time he led many others in honoring those men and women who fought and many died in Vietnam for their country. It was his personal desire to bring together the forces, the funds, from all over the State and Nation, to make that memorial a reality.

B.T. was appointed to a commission to do that by Governor Deukmejian. He carried out his duties in a most effective way and was most successful. In fact, the memorial service for B.T. was held at the site of the Vietnam Veterans Memorial.

B.T. was someone who was loved by people who knew him, whether they agreed with him or not. He was not someone who sought recognition at all times. He was rather a sensitive and humble person in many ways. But at the same time he had a flair for the dramatic. He loved to be the center of good times, and he spent a lot of his time working to try to bridge the gap between the two parties in Sacramento. He did that serving a Democratic Governor as well as serving a Republican Governor as a member of the assembly.

B.T. was clearly someone who saw the big picture, who cared about his State and Nation, was someone who was willing to tell it like it is, and did not mind the criticism that sometimes rained down upon him as a result. He understood that public service was a calling, and every time he attempted to deviate from it, he was drawn back to it.

His commitment to the process of governing was deep, and yet his inability to stand the cant and the phoniness that sometimes accompanies public service was also just as abiding. He could not stand pretense. He was a man who was funny, sometimes profane, always honest, and always committed.

We think of him as the soldier that he was. We think of him as the friend that he was. So many people whom he barely knew initially became fast friends, people who over many years learned to look forward to the note from B.T. prior to their birthday, to the fact that he knew their children by name, the fact that he cared about them as human beings and not political chessmen on a board.

He was that kind of individual, that kind of friend to many, and that is why there are a number of Members of Congress here tonight who wish to honor him.

Mr. Speaker, I first would like to yield to my colleague who joined me in calling for this special order, a good friend from Sacramento, Congressman BOB MATSUI.

Mr. MATSUI. Mr. Speaker, I would like first of all to thank the gentleman for suggesting this special order for B.T. Collins. We appreciate it very much. All of us in the State of California appreciate it very much.

I am going to be very brief, because I think the gentleman has covered the essence of B.T. and also B.T.'s career. But I find it kind of ironic, and I think the gentleman was talking about this, my friend, the gentleman from Mississippi [Mr. TAYLOR], moved to adjourn tonight. The gentleman was successful last week when he made his motion to adjourn. But I think tonight might have been the first night when all 52 members of our delegation probably voted one way, voted not to adjourn. That just shows that B.T. Collins, even in heaven, could bring all of us in the delegation together, probably for the first time, and maybe for the last time as well.

But I think the best way to describe B.T. from my perspective is what Mike Ackley, a columnist for the Sacramento Union, said 2 days after B.T. passed away. He said if all politicians were like B.T. Collins, we would have no need for Democrats. I would have to add to that, if all politicians were like B.T. Collins, we would probably not have a need for political parties, because B.T. represented the best of human beings, but also the best of government.

The only time I recall B.T. ever changing his position on an issue was during that very heated campaign he had the first time he ran for the assembly, at the request of Governor Wilson, who wanted B.T. in the legislature.

B.T. was accused of being an atheist, someone who did not believe in God. B.T. later mentioned to me that well, that was not true, and he said it publicly; that he did not know whether there was a God, so he really was an agnostic, and he thought that that might make him more acceptable to his constituency. Certainly he is somebody that all of us will miss, and certainly the State of California will miss.

Mr. Speaker, in conclusion I would just like to add that I think what B.T. meant to most of us is that he had a deep and fundamental understanding about the irony of life, and was able to call to the attention of all of us our strengths and weaknesses, but did it in such a way that furthered each of us as human beings and made us really understand what and how important it was to be on this Earth.

□ 1900

And so all of us are going to miss B.T. Collins for all of his achievements. But more importantly, for being the kind of human being that he was to all of us.

Mr. FAZIO. Mr. Speaker, I thank the gentleman from California, Congressman MATSUI, for participating at this time. I know how much his loss means to the gentleman and his many friends.

I want to yield now to a gentleman whose service in the California State Senate overlapped with Mr. Collins' service in the state assembly, a gentleman who knew him well through their Republican Party affiliation and who at one time overlapped with him in terms of representational districts, the gentleman from California, Congressman JOHN DOOLITTLE, of Placer County, California.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California and appreciate the opportunity to participate in this special order.

B.T. Collins was truly an unusual individual. He would be classified as an example of a living legend. He would not have appreciated hearing that, probably, but I have never met anybody like him. And I think most people felt that way.

B.T., actually, I first met when he was, as has been mentioned, was Governor Brown's chief of staff. And he was a Republican, even then. Actually, B.T. opposed me, as I recall, my first three elections. But he did not know me all that well, and he eventually came around and supported me very staunchly, particularly beginning with the 1990 election, when there was a very controversial, tough issue that came up. And he jumped right to my defense.

I am not here tonight because he either opposed or supported me, simply to observe that B.T. Collins was a straight-talking man. If he told you something, you could count on it. And he was one of the few individuals I have ever known that actually, whatever he said he would do, he always did that and then some. I think that was respected very much about him.

I had the privilege of attending just a wonderful service that was quite a lengthy one, but, actually, every speaker there had something valuable to say. It went on for abut 2 hours. It was the memorial service right near the Vietnam Veterans memorial that he actually brought into being through his perseverance, an outstanding memorial that would be, if we had nothing here in Washington, I think, would make it seem to pale by comparison. I am always proud of it when I see it, and I realize it was through his efforts. Obviously, these things are a team effort, but B.T. took the lead and went to many people, and I say this personally, and solicited contributions and really made it happen.

It was so unusual to me. It is one thing to lend your name to an effort, but B.T. went well beyond that. He actually personally took charge and went down the list and called people and buttonholed them and collected those contributions.

Many times I would see him around the district, not just the Sacramento area, there, too, but he never represented, for example, Nevada County. And yet I would see him, when they had the annual Republican barbecue. B.T. Collins had driven up to the fairgrounds in Grass Valley to give a talk and share his thoughts with the people.

They loved him. And as I would watch him climb into his car, I thought how difficult, well, that is difficult, frequently going beyond your area to speak, taking time away from other priorities. But I thought, here was B.T. Collins, severely injured in the war and, frankly, I think never without pain, not that he ever showed any sign of that, but I am given to understand through the remarks that were made that he was almost in constant pain. And yet he never revealed, never complained about it, always giving.

And realizing that, I think about him climbing into his car and tired at the end of a Sunday afternoon, where he had given a speech in Nevada County, quite distant from where his focus of activities would have been.

When I think of B.T. Collins, I think of the following terms:

Heart. B.T. Collins was a man with heart. He understood people. He loved people. And he did everything he could to try and improve people's circumstances.

Loyalty. Fiercely loyal to whomever his superior officer was. I mean, I saw that loyalty clearly, first for Governor Brown and then to Tom Hayes, the State treasurer, and then to Governor Wilson. B.T. Collins sat in my office. It was Wednesday, I guess, and told me he had no interest in running for the State assembly.

And the following Tuesday, he declared. He declared because the man to whom he was loyal, whom he served, the Governor of California, asked him to run. And for B.T. Collins, anybody knows running a political campaign is a major undertaking.

He gave up a job that paid him pretty well and instead went into the political fray once again. And he did it out of a sense of loyalty, made a lot of sacrifice.

Service. B.T. Collins believed in public service. He was, I think, the premier exemplar of that. The gentleman from California [Mr. FAZIO] referenced his accomplishments in taking the CCC and really giving it form and definition and inspiring young people to want to serve in that body. He really personified the California Conservation Corps, always felt proud, I think, of that association.

I have mentioned before, B.T. Collins was a man of action. He was a good talker. Never forget his talk. But he was a man of action. And as the gentleman listed in his accomplishments, he was out there, always doing things.

In lieu of flowers, we have been invited to send contributions to the WEVE Center, Woman Escaping a Violent Environment. So even there in death, he was out there active, raising funds for the causes that he believed in.

I just want to mention briefly, I saw him various times at the Eagle Scout Courts of Honor, and it was always interesting to listen to him speak. I do not think I ever saw him speak with notes. He always just spoke straight to the audience, came right from the heart. And it was always interesting and frequently memorable, the things that he had to say.

Reference has been made to the notes and he also called people on their birthdays. In fact, I was surprised, I got a telephone call. It is just so unusual that people are able to make the time to do that kind of thing. And as irony would have it, I had gone through a file, which I was overdue in looking at, of correspondence sent to me. And I pulled out two notes from B.T. Collins to me, and I took them home to show Julie. But as fate would have it, he passed away before I had that opportunity to do that. And so when I came back from the funeral last week, I pulled those notes out and showed her, along with the program of his memorial service.

And B.T. Collins, attending the memorial service, by the way, it was really kind of the outpouring of support you would find almost for a deceased President.

I commented upon that. I have never seen, during my time at the scene there in the State Capital, an outpouring of support like we had for B.T. Collins. It was truly remarkable.

He was an outstanding individual. I think he always will have left an impression upon my mind of someone who truly, through his actions, performed the acts of Christian service.

I am very, very pleased to be here this evening to join in this special order commending B.T. Collins. I think his relatives and friends can be very proud of him and the life that he led.

And I, for one, shall have longstanding, fond memories of this fine, dedicated public servant.

Mr. FAZIO. Mr. Speaker, I thank my colleague from the foothill counties for being here tonight and for offering those thoughts on B.T. Collins,

B.T. had a tremendous image in the State of California. Some people remember him drinking malethion, trying to dramatize the need to do something about the Medfly.

B.T. had a way of encapsulating an argument and putting it to rest. He made a tremendous amount of friends up and down the State, and many of them are here tonight.

☐ 1910

Mr. Speaker, I would like to yield now to my good friend, the gentlewoman from San Francisco, CA [Ms. PELOSI], for any comments she might make.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me, and thank him and Mr. MATSUI for calling this special order tonight. This gives us an opportunity to share some of our stories about B.T., and it also gives us time to mourn his passing.

Last Friday, as many of us were arriving home, we heard on the radio, because it was news all over California, that B.T. Collins had been taken to the hospital with a heart attack. He had gone to lunch in Sacramento to hear Gen. Colin Powell speak. There he was, B.T. Collins, the superpatriot to the end. He loved America. He was very patriotic, and he was going to hear Colin Powell, suffered shortness of breath, a heart attack, was taken to the hospital, and it was not long before the day was out that B.T. Collins was gone.

Our colleagues have very clearly described him, but if I might just add a few words from a California, a San Francisco perspective, a San Francisco Democratic perspective, B.T. descended upon us as the chief of staff to Governor Brown, Governor Jerry Brown, as has been mentioned.

When we first heard that Governor Brown was going to name a Republican as his chief of staff, we were totally up in arms and were going in to make sure that this did now happen. Two seconds in the presence of B.T. Collins and we forgot why we were going there. We were just charmed, as everyone was, by him, and we knew that he would do a great job for the State, and he would call it the way he saw it, regardless of politics.

He then went on, and he worked so hard, as others have mentioned, in his work for the California Conservation Corps. I do not mean to pass over Governor Brown so quickly. The combination in itself of B.T. Collins and Governor Brown is a story all its own and would require several special orders to fully appreciate.

His work with the California Conservation Corps, I think, was particularly important to B.T. because he loved those young people, and it was at that time that he drank, what is it, VIC?

Mr. FAZIO. Malathion.

Ms. PELOSI. When we were fighting the Med fly crisis in California, and the message was clear to not only the people who were afraid of the spray, but to his young people who might be working there, that it would not harm them. What better way for him to get the message across than to drink it himself, and appear in the paper in some ghastly expression.

B.T. came to San Francisco a number of times as part of our The Party Is Not Over group. The Party Is Not Over was a group of Democrats, Republicans, members of the press and academicians, and it was what you might call a San Francisco poor person's version of the Gridiron dinner, where we would all come together and be friends for the night and then square off for the rest of the year's activities.

Any time we wanted to have somebody really funny, very smart, very clever as a speaker, we would say, "Is B.T. available to speak that night," because any time he spoke the event was an uproarious success, and obviously one that we had many, many laughs at.

Others have talked about his service in the State Assembly. I remember when he called and said he was going to be running for State assembly. I said, "B.T., you won't have any problem." He said, "My only problem will be if they ever figure out that I gave a contribution to a left-wing San Francisco pinko Democrat like you." So that gives some flavor of how B.T. expressed himself: very candidly.

He did care very much about WEAVE, and even in life had us contributing to it. Previous speakers have mentioned his work for the Vietnam Veterans Memorial in Sacramento, and he is also a strong advocate for Vietnam veterans; the women's memorial, a tribute to women who were in service from Vietnam.

We all thought it was terribly sad that B.T. was involved in an accident with a hand grenade that went off prematurely, and he lost an arm and a leg literally on behalf of his country, but it never seemed to be a problem to him. In fact, it seemed to be a source of strength to him, and indeed, it made him a source of inspiration to all of us.

It is really hard to imagine that he is gone. I know he would love to think that there was a special order for him tonight, and that so many Democrats showed up, as well as Republicans, in his honor. He has many friends in San Francisco, and I know I share this experience with many of the people who have spoken about B.T. tonight.

There is not a birthday or an anniversary that could go by that a person might want to forget, or remember, as the case may be, that one did not get a reminder from B.T. He was a faithful caller, and we knew no matter what was going on or how busy everyone was, that at least we would get a chance to talk to B.T. on our birthdays, because he never, never forgot anyone's birthday. It was a joy. This was my first birthday this week, this past week, without a call from B.T., so I appreciate the opportunity to talk about him here tonight.

I said he had many friends from San Francisco. He will be sorely missed by them for this courage, for his humor, for his brilliance, for his energy, for descending upon us the way no one else ever had. It is hard to imagine anyone else ever would.

On behalf of his many fans who are my constituents, I, too, want to extend my sympathy for myself, for my family and my constituents to B.T.'s family, and to join my colleagues in saluting this very, very special person in this special order tonight.

Mr. FAZIO. I thank the gentlewoman for being here and participating in this evening.

B.T. was, as we all know, identified with the State capital in Sacramento. In fact, he had been working very closely with Congressman MATSUI and I to keep McClellan Air Force Base open, but as Nancy said, he had so many friends up and down the State.

One of the people who served very closely with him as chairman of the Democratic caucus in the State assembly while he worked for Governor Brown, just downstairs, is our good friend, the gentleman from Los Angeles, JULIAN DIXON. I would like to yield to him.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding to me, and I thank both him and Mr. MATSUI for taking out this special order this evening.

We all have, certainly, fond memories of B.T. Collins, for he was an outstanding member of the State legislature and an outstanding elected official.

B.T. began his political career in 1976 when he was hired to be a legislative aide in California Gov. Edward Brown's administration. He was appointed chief of staff in October of 1981, and B.T. stayed in that position until Governor Brown left office, whereupon he pursued a career in the private sector with Kidder, Peabody & Co.

For the next 6 years, B.T. pursued a career in the private sector, but remained an active crusader for a better society.

He spearheaded the move to build the State's memorial to Vietnam war veterans and traveled the State endlessly giving speeches about the importance of education and helping young people.

In 1991 Gov. Pete Wilson named B.T. to head the California Youth Authority. Soon after, he left that post and ran in a special election for the assembly after Governor Wilson made a personal appeal to him to do so.

As an assemblyman from Carmichael, B.T. was very, very active in legislative affairs.

Brien Thomas Collins was his full name, but he was best known, as we have indicated this evening, by his initials, B.T. He was heavily involved and immersed in civic causes, and gave much of his salary each year to various philanthropic organizations. B.T. believed that living well was doing well to others. He helped raise money for Women Escaping a Violent Environment Program, and was a member of the Board of Regents of Santa Clara University.

B.T.'s military experience, that has been alluded to here this evening, began as an enlisted man in the Army. After a stint at Officer Candidate School at Fort Sill, OK, he was commissioned as a second lieutenant. He joined the 82d Airborne Division, and in 1965 volunteered to go to Vietnam.

It was unfortunate, but as a Green Beret on June 20 of 1967, B.T. and his men were caught in an ambush. Collins began to toss grenades at the enemy, but picked up one whose pin had already been pulled, and the grenade exploded and blew off Collins' right arm and leg.

□ 1920

He survived, Mr. Speaker, 19 surgeries in 7 military hospitals, retiring as a captain in 1968 and vowing not to let this impediment slow him down.

We are all proud of B.T. Collins because he was a man of courage, a man of conviction, and yes, in his way, a man of charm. He had the courage to stand up not only to be a hero in an unpopular war, but the courage of his convictions to stand up to the Governor of California when he felt he was wrong, and of course, we have seen this evening much testimony to his charm. He always had a smile, always had a telephone call at your birthday, and always a man with human touch. He could roar like a lion, but he had the touch of a kitten.

Mr. FAZIO. I thank my colleagues from Los Angeles for his very sensitive and genuine remarks. I know we appreciate B.T. even more in his death when we realize how he struggled to live in the aftermath of his injuries. It made him so sensitive to veterans that he spent his entire life, I think, dedicated to others who had gone through Vietnam, who did not get the respect that he earned in other ways.

One good friend of his, a gentleman who is certainly well known for his work here in Congress, is the chairman of the Committee on Public Works and Transportation, but also the former mayor of San Jose, a man who knew B.T. well, NORM MINETA.

Mr. MINETA. Mr. Speaker, I want to thank our colleagues, Mr. FAZIO and Mr. MATSUI, for taking these special orders out to honor a very unique public servant, our old friend, B.T. Collins, of the California State Assembly.

As has already been recounted, B.T. Collins died on Friday, March 19 on the job. Known for his grueling schedule, B.T. was enroute to hear a speech by Gen. Colin Powell that evening in a Sacramento hotel. His heart gave out before he got there. General Powell may be chairman of the Joint Chiefs of Staff, but B.T. Collins had another chief to answer to that day. At least that is the way B.T. would have explained it to me.

I will always remember my friend, B.T. Collins, for being the kind of guy who tells it like it is. The guy who does not pull punches. I will always know him as the guy who will tell you the truth. Maybe that is why reporters always described him as being gruff and colorful. In this business, the truth is hard to take, harder yet to deliver, but always memorable when received. B.T. Collins was nothing if not memorable.

I remember one time when he called, as was already recounted about how he would call on your birthday, and he called on my birthday to wish me well and I said, "B.T., you got the wrong day. My birthday is November 12, and today is the 11th of November." And he said, "Mineta, you dummy, I'm here in Hong Kong. It's the 12th of November, and I'm celebrating your birthday."

One of his outrageous acts came in 1981. The big news in my district was the Medfly and the eradication efforts through the aerial spraying of malathion. People were getting hysterical about the safety of malathion.

So B.T. Collins did the kind of thing that B.T. Collins did. He drank a glass of the stuff. Before the TV cameras. It may not have proved that malathion was safe, but B.T. Collins was living proof that its dangers could be put in perspective.

Do not get the wrong impression. We are not talking about some publicity hungry politician. And I am not about to offer a toast of malathion. But we must remember that above all else, B.T. Collins was an effective public servant. Though a Republican, Collins served as Chief of Staff to Governor Jerry Brown. Before that, Collins headed the California Conservation Corps, a program that gave youth discipline and job skills. When Collins turned that program around, he attracted nationwide attention, and the CCC became a model youth program for the rest of the country. It was only in 1991 that B.T. Collins was elected to the California State Assembly. It was a long time coming for a man who devoted so much of his life to politics and public service.

In his short time in the assembly, B.T. worked tirelessly for the people of Sacramento he represented. And once again, it was B.T. Collins' ability to put things in perspective that made him effective. He knew how to work with other legislators in order to get the job done. And when the day's final gavel fell, B.T. Collins knew where partisanship ended, and friendship began. I had the privilege of serving with B.T. on the Board of Regents for Santa Clara University.

It is the one thing we can all learn from B.T. Collins as we go about the business of representing the people. B.T. Collins knew that being a public servant was a life to be taken seriously. But he also knew when not to take life too seriously. It has become a cliché to say someone is the salt of the earth. B.T. was the salt and all the spices. He lived a life with both a sense of mission, and a sense of joy.

So, it gives me a great deal of honor to join all my colleagues in this tribute to B.T. and extend my sympathies to his family.

Mr. FAZIO. Thank you, NORM, for those very eloquent remarks.

I now yield to a gentleman who is a leader of his party in California and here in the Congress as a member of the Rules Committee, and yes, who knew B.T. Collins well in that context, from Claremont, CA, DAVID DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend from Sacramento for yielding.

Mr. Speaker, I came to the floor tonight believing that I was the only person whose birthday was remembered by B.T. Collins. And I have to say that I am pleasantly surprised that Members on both sides of the aisle, and I am sure people throughout California and from around the country regularly received birthday notes and telephone calls from B.T. Collins.

It has all been said, and I am not going to go through a long description of the life of B.T. Collins other than to take a couple of moments to talk about my personal relationship with B.T. Collins. Knowing that he was a war hero, there are more than a couple of people who have sacrificed who look down on those of us who never served in the military. And I told him when I first met him that I turned 18 just as the Vietnam War was coming to an end, and I appreciated the fact that he had fought in behalf of our freedom, but I never served in the military. And he glared at me for a moment. I then informed him that my father had been a Marine Corps drill instructor, and he got a great big smile and was pleased that I had at least some affiliation with those who had fought in behalf of our country.

It has already been discussed that he drank malathion, and that was a very courageous thing that he did at that point, but he knew that it was going to cause no problem for him whatsoever. He was very committed to dealing with problem of the Mediterranean fruit fly.

My friend from Sacramento, Mr. MATSUI, talked about the fact that there was a column written in the Sacramento newspaper, and the Los Angeles Times also had a column written by George Skelton in which he closed by referring to the fact that there will not be, there probably will not be another B.T. Collins. The fact of the matter is he was a person who reached out to both sides of the aisle, Democrats and Republicans, and worked very closely with us on a wide range of issues.

No one, to my knowledge, has discussed the fact that he served as the chief of staff also for Mr. Hayes, who was the State treasurer of California. And I got to know him during that campaign period and worked closely with B.T. during that campaign period, and he was very loyal and dedicated, and that was something that impressed me at that time.

A number of Members have talked about the fact that he was able to take the California Conservation Corps and bring it to a great level, and I think that he will be remembered for that and for many other things.

He was a great friend and he will be thoroughly missed. And I thank my friends, Mr. MATSUI and Mr. FAZIO, for taking out this special order.

Mr. FAZIO. Thank you, DAVID, very much for participating in it. Everybody knew that B.T. had a great sense of humor. That last line in his authorized biography said, "He's the only person in the world to jump out of a perfectly good airplane with neither an arm nor a leg."

B.T. liked to make light of himself, and one of the people who knew him very well, and has served very closely with him when he, B.T., was serving the governor of our State, is the former majority leader of the California State Assembly, now a Member of Congress, HOWARD BERMAN.

□ 1930

Mr. BERMAN. Mr. Speaker, I thank the gentleman very much for yielding me this time and for taking out this special order.

Mr. Speaker, it is quite remarkable that an individual who never served in this body has this many Members from both sides of the aisle this late in the evening caring enough about him and remembering him enough to seek time.

As the gentleman mentioned, I had the pleasure of serving in the State Assembly and being floor leader when B.T. first came to work for the new governor, Jerry Brown, as his legislative liaison. We had a slight problem then; we had a governor who spoke one language and a legislature that spoke a different language, and B.T. was the only person who could translate into both languages and cut through some of the difficulty of dialog.

So much has been mentioned of his aspects of his personality. He loved to pop the bubble of liberalism, especially when dealing with liberals, to make jokes about the bleeding hearts, but in reality when you looked at what B.T. cared about and what he did and his interest, for instance, in the Civilian Conservation Corps and his putting that program on the map, you know that his heart was bleeding for a lot of the same things that attract most of us to public service.

Congresswoman PELOSI talked about his charm. But there was another side of him that was not probably that charming. I do not know, 8 or 10 months before the 1982 Senate election, if as chief of staff at that time B.T. Collins charmed his employer, the governor, that much by talking about his greasy black hair and his inability to deal in a real world of people with families and children and all of those kinds of things.

I remember one time I went rafting on the Stanislaus River with B.T. Collins. At that time there were huge fights over some of the rivers in California. My friend, the gentleman from California [Mr. LEHMAN], had views on that subject. He has other views on the same subject now. I remember those arguments about how we deal with the conflict between agriculture and the desire to protect these wild and scenic rivers, and the Stanislaus was about to be flooded under. But we took one of the last rafting trips before that happened.

As sometimes happens on those rafting trips, there are points where the river is not that rough and you can essentially jump out of the raft and be swept along with the river. Different people did it, and B.T. said, "That is something I want to do." And he proceeded to take off his prosthetic device for his arm and his prosthetic device for his leg and sort of bobbed along the river in sort of typical outrageous fashion, throwing the rest of us into a level of hysteria over what would happen to him. But he, I am sure, certainly enjoyed it.

B.T. was quite a fellow. He made quite an impact on a process where so many of us come and go and have little to be noticed by, but the outpouring of people at his service in Sacramento, the special order that you, Mr. FAZIO and Mr. MATSUI, have taken out, the other testaments to what he meant to so many of us in the political sphere, speak for themselves, and I am happy to be considered a friend and to join with the rest of you in knowing that we will miss very dearly his wit and his charm and his perceptivity.

Mr. FAZIO. I thank the gentleman very much.

I think as we go along here, all of us are enjoying reminiscences of B.T. You know, it cannot be a sad occasion when you think about the man and all the good times people had together with him.

I now yield to a new Member of this institution who served with him in the California State Assembly, XAVIER BECERRA.

Mr. BECERRA. Mr. Speaker, I thank both of my colleagues, Mr. FAZIO and Mr. MATSUI, for making this time available to us to remember a man who was a friend to many of us.

Mr. Speaker, I come here today with deep sadness to address this House in honor and remembrance of California Assemblyman B.T. Collins. We have all suffered a loss, not only in California, but I believe those who did not even know him will suffer the loss of a true and longstanding servant of the people.

But knowing B.T., he would insist that the remainder of my remarks, rather than express sadness, be more personal and uplifting. After all, B.T. Collins was a man who left instructions, not only left instructions, but also money, in his will for a party to be thrown in his honor upon his passing.

Last year I had the great pleasure of serving with B.T. Collins in the California State Legislature. After winning his election, it was a special election in 1991, many of us in the assembly expected B.T.'s arrival on the floor of the State assembly to be loud and boisterous. He was outspoken, and his reputation preceded him as a one-time chief of staff to Gov. Jerry Brown, but to our surprise, B.T.'s microphone on the floor of the assembly remained silent throughout his term.

B.T. described this self-avowed silence as his personal contribution to lowering air pollution. Although silent, B.T.'s presence on the floor was certainly strongly felt. He would often sit at his desk in the back of the chamber diligently reading the analyses of bills or perhaps looking over constituent mail and also listening to the debate around him.

I believe his silence and watchful ways spoke loudly and clearly about the need to focus on critical actions and, instead, not focus on self-serving discourse.

B.T., I think, was a man of action. Prior to his tenure in the State assembly, he served California in a variety of capacities, many of which have been mentioned already.

I know that he was a director of the California Conservation Corps, a program which many of us love and cherish. He was chief deputy State treasurer, and, of course, he was the chief of the California Youth Authority, a position which he held with honor, and also trying to do the most he could for children and youth that, in some ways, had run astray.

However, these impressive titles and job responsibilities convey only part of B.T. Collins' true dedication to serving his community.

The Vietnam Veterans' Memorial in Sacramento's Capitol Park and the soon-to-be-built Children's Center at a local women's shelter in Sacramento will be the lasting institutions that speak to B.T.'s commitment to helping others.

B.T. always remembered the importance of the individual. He was known, as many of us who have testified today can speak, for personally phoning a wide range of people on their birthdays. But let me mention that his consideration reached beyond just his colleagues or those of influence. One of my staff people for the last 2 years in a row was astounded when Assemblyman Collins called her with birthday greetings. This is a woman who had never met B.T. Collins and, to his passing, never met him.

The last time I spoke to B.T. was also on my birthday. The fact that he took time daily to recognize birthdays is evidence, I believe, of B.T.'s unique and caring ways.

Any thought of B.T. Collins is naturally accompanied by warmth and smiles. Fellow lawmakers would do well to pick up where Assemblyman Collins left off. California will truly miss you, B.T. Collins.

Mr. FAZIO. Thank you, XAVIER, for your contribution.

I got a number of notes from B.T. over the years. I always maintained that they were unreadable because he could not write very well with his other hand. So I always called him and would say, "B.T., I got a note from you. Will you tell me what it said?"

I now yield to a good friend, who was a close personal friend of B.T.'s, a gentleman who served in Sacramento coterminous with his service, RICK LEHMAN.

Mr. LEHMAN. I thank the gentleman very much.

I want to thank my colleagues for having this special order tonight.

I do not think anyone is ever prepared to speak on the occasion of a friend's death, but I think the most important statements really come from the heart. I feel a lot in my heart today and have ever since the news came on the radio when I was in my car that B.T. had been stricken.

I first met B.T. 16 years ago when I was elected to the State assembly at the age of 28. We became good friends, because I did not always get along that well with the Governor of California, even though we were in the same party. We were from different places, I guess.

B.T., one of his first jobs was to bridge the gap between the Governor and me, or at least try to get my vote on key initiatives that the Governor had. He would come into my office, sit down, throw his hook on my desk and make a wisecrack about what the Governor needed, and I would make a statement about the Governor and what he needed, and then in the bottom line, you always felt that all other things being equal, you would do it for B.T., because he made you feel good about it, and he had a way with people, I think, that served the Governor very well.

I do not think Jerry Brown would have been successful in any of his endeavors as Governor had it not been for B.T. working with the legislature, as HOWARD BERMAN indicated earlier. He spoke our language, and he spoke our language all day, and he spoke our language all night.

I will never forget the many times after hours with B.T. when we would sometimes run into the Governor, as well, at various places in Sacramento in the old days, and his humor was absolutely unparalleled.

But he was always well focused, and he had a deep sense of who he was, what life was about, that unquestionably came from his own experience. He never asked for pity. He never asked for any favors. He never asked for any sympathy. He did not think he deserved any. He wanted to be treated as a regular human being, and he certainly was.

Sometimes he would make his fellow Vietnam vets very angry when they would want programs or special considerations.

☐ 1940

He would tell me we are not entitled to anything more than any other American was, that they had the privilege to serve their country.

That did not always sit well with him, but it put some levity into some of the arguments, and all of them enormously respected him.

Our friendship grew even to the point where B.T. was bipartisan as someone mentioned earlier. I will never forget he flew to Fresno one time to a fundraiser for me. That was when I first ran for Congress. I know he did so for many other Democrats and Republicans as well. People were his friends; they were not political relationships. And there was nothing that he sought to gain from that relationship but to be a friend and to share experiences. And that is obviously why he had so many friends.

Many people were surprised when he took the job at the Conservation Corps. We knew B.T. could work for somebody and we knew that he could be superb in that role, but a lot of us had our doubts about whether or not he could run an organization and be an administrator.

He quickly changed that. He was a very excellent administrator, very effective and beloved director of the Conservation Corps in California. People remember him as the guy who drank malathion; but I think when history is written he will be remembered as a person who made all of those kids feel like they were somebody and gave them an opportunity to change their lives, gave them dignity. He cared deeply about each individual and what he was doing there. In a lot of ways I think that work was probably the most rewarding work of his life where he really made a difference for people. He had a chance to use all of the skills he developed in all the various roles that he had.

And I think it is only fitting that later on in his all-too-short life he got to be a legislator, to be his own man, not to work for anybody, not to necessarily have to do anything for anyone in particular but to have the chance to carry out his own dreams, get out there in the arena and not just represent people but to use all of the experience he had to try to make our State a better place.

There probably will not be a day that goes by for a long time that I shall not think about B.T. Again, on a personal note, I will never forget when my father died, not just the call that I got then but the letters and the calls that I got after that to make sure that everything was all right. Even though we had not seen each other for over a year, he cared so much about people that he had come to know and he felt for people when they were in pain, and he could feel my pain at that time from across the years and across the continent.

I will always love him for that as well as for the care that he gave me at that time and in ways I never got to express to him personally as well.

But, B.T., I will miss you, and I will see you down the road. Thank you.

Mr. FAZIO. I yield to my good friend, the gentleman from California [Mr. MATSUI].

Mr. MATSUI. I would like to reiterate what the gentleman from California [Mr. LEHMAN] has said, just two points. One, the Governor would not have been successful were it not for B.T. Collins. I have to describe that in 1982 the Committee on Ways and Means was taking a tour across the country to talk about the Reagan economic program. Ben Bowler, who was the staff director of the Human Resources Subcommittee at the time, called up and got a hold of B.T., who was the chief of staff, because he wanted the Governor to be at a dinner for the Committee on Ways and Means members the night of the hearing.

Ken described the conversation to me. He said, first of all, he asked, "Who was this guy, B.T. Collins?" He said, "You guys really got a strange group of people over there, because we could not get the Governor." We told him, "We have this date that we would like the Governor." And he said, "Don't worry, the Governor will be there. And Ken said, 'Well, would you check the calendar,' and B.T. said, 'Don't worry, if I say the Governor is going to be there, the Governor will be there.'" That is when Ken said, "Bob, no wonder your State is all screwed up." It was hilarious.

The Governor was there that night, believe it or not.

What Rick said about B.T. making phone calls, I would not want you to think that this was something where B.T. had a Rolodex and made telephone calls to us on our birthdays. But what happened to Rick happened to me when my father passed away. B.T. called as soon as he found out, he wanted to make sure I was OK. He was at the funeral.

He wrote a note afterward and at the same time he made a phone call afterwards. I will tell you, I do not know where the guy got all his energy, the time, and compassion. It certainly was there. I think many of us were touched by B.T. in his life, in many ways, and we will be touched even in his absence at this time.

I yield back to my friend from California.

Mr. FAZIO. I would like to pick up on the gentleman's comments. I know the poignant remarks the gentleman made, the personal remarks that RICK LEHMAN made, and I think they are echoed by Congressman MATSUI and others.

When my daughter had an extended illness, B.T. would be on the phone periodically checking on her condition. He truly cared about all those people that he got to know.

He never married, but he had many, many, many women who would have given their eye teeth to spend time with him over any part of their lives because he was such a compassionate and decent and loving individual. That is why I guess there are so many members of the delegation who felt constrained to come to the floor tonight and join in this special order. I know GARY CONDIT and RICHARD POMBO and BILL BAKER had intended to speak but were confused by the on-again, off-again nature of our decision to go forward tonight, given the conflict we had earlier over whether or not we would stay in session. I want all members of the delegation to be able to submit material.

Mr. Speaker, I would simply like to conclude by thanking my colleague and good friend, the gentleman from California [Mr. MATSUI] and all of our colleagues who have joined me and who have spoken on this very extraordinary individual. We will not have anyone like him again, not just from our area but perhaps from our State and perhaps our Nation. All of us have been enriched by our time on this Earth with him.

Mr. CONDIT. Mr. Speaker, it is with great sadness that we mark the passing of B.T. Collins of California.

B.T. represented the best qualities of our people. He was courageous and committed, charming and witty. And, he had a unique ability to verbally crystalize an issue, and to inspire, or provoke, those who listened.

B.T. brought to his public life humor, boldness, and dignity. In difficult times he always followed his heart.

Too often, elected officials take stands based on polls and the popular view of the moment, as defined by the media. B.T. took positions because he believed in them.

B.T. Collins will always be remembered for exposing the myth of the dangers of malathion spraying during California's med-fly crisis. But the best example he set was the sacrifice and commitment to duty and country he demonstrated in Vietnam.

We will all miss B.T. His loss is one we can ill afford.

Mr. HERGER. Mr. Speaker, I want to join my colleagues today in honoring the memory of my good friend, assemblyman B.T. Collins, who passed away a week ago Saturday.

B.T. was one of the most memorable men I have met in public life. He was truly a legend in his own time.

I first met B.T. when he headed the California Conservation Corps. He always said that job offered low pay, long hours, and miserable working conditions. He took on the challenge because he believed deeply in helping youngsters to become successful and productive members of society.

I once toured a CCC facility in Paradise. I was very impressed with the program, and with the leadership B.T. provided to the entire effort.

Later B.T. served as former Gov. Jerry Brown's chief of staff. Although B.T. was a loyal Republican, his commitment to service brought him into the Brown administration. He had a positive impact in that job.

B.T. had a tremendous ability to inspire others, and he was one of the best after dinner speakers I have ever heard. A disabled Vietnam veteran, B.T. drew strength from his own difficult experiences and spoke about them without bitterness. He was grateful to have been able to step up to the plate and participate in the great events of his time. I've never forgotten a speech he gave in Chico on that theme. It was yet another example of his strong patriotism.

B.T.'s generosity was well known. He would travel anywhere, anytime on behalf of his friends. He served as master of ceremonies at countless fundraising dinners, including mine, and I sincerely appreciated his friendship. There was no better example of being a friend than B.T. Collins.

We will all miss B.T., and we want to thank him for his friendship, and his remarkable achievements in an all-too-brief life. He lived life to the fullest, and we will miss him greatly.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANCASTER (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HASTINGS (at the request of Mr. GEPHARDT) for today, on account of medical tests.

Ms. DELAURO (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. QUILLEN (at the request of Mr. MICHEL) for today and the balance of the week, on account of medical reasons.

Mr. SAM JOHNSON of Texas (at the request of Mr. MICHEL) for today, on account of personal reasons.

Ms. FOWLER (at the request of Mr. MICHEL) for today, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. HEFLEY.
Mr. CASTLE.
Mr. DICKEY.
Mr. LIVINGSTON.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 11. Joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 30. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 42. Joint resolution to designate the month of April 1993 as "Civil War History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 43. Joint resolution designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 49. Joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

ADJOURNMENT

Mr. MATSUI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 30, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

964. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

965. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closures and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

966. A letter from the Acting Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting notification that the fiscal year 1992 research activities report will be forthcoming in June, pursuant to Public Law 101-189, section 3141(c) (1), (2) (103 Stat. 1680); to the Committee on Armed Services.

967. A letter from the Principal Deputy for the Assistant Secretary for Production and Logistics, Department of Defense, transmitting a report on the operations of the National Defense Stockpile for the period October 1991 through September 1992, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 10-15, "District of Columbia Water and Sewer Operations Temporary Amendment Act of 1993," pursuant to D.C. Code, sec. 1-233(c)(1); to the Committee on the District of Columbia.

969. A letter from the Acting Chairman, State Energy Advisory Board, Department of Energy, transmitting a report on the activities of the Board, pursuant to Public Law 101-440, section 5 (104 Stat. 1010); to the Committee on Energy and Commerce.

970. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 01-92, concerning a proposed agreement with the Swedish Defense Materiel Administration, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

971. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Turkey (Transmittal No. DTC-12-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

972. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Israel (Transmittal No. DTC-15-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

973. A letter from the Acting Administrator, General Services Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

974. A letter from the International Boundary and Water Commission—United States and Mexico, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

975. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

976. A letter from the Washington Representative, Girl Scouts of the U.S.A., transmitting the Girl Scouts of the United States of America 1992 Annual Report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

977. A letter the Special Counsel, U.S. Office of Special Counsel, transmitting a copy of their report to Congress; to the Committee on Post Office and Civil Service.

978. A letter from the Secretary of Transportation, transmitting a report titled, "Suspended Light Rail System Technology Pilot Project," pursuant to Public Law 102-240, section 3030; to the Committee on Public Works and Transportation.

979. Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal equal opportunity recruitment program for fiscal year 1992, pursuant to 22 U.S.C. 3905(d)(2); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

980. Comptroller General of the United States, transmitting results of the study and evaluation of the Department of Education's system of internal accounting controls over the Federal Family Education Loan Program as September 30, 1992; jointly, to the Committees on Government Operations and Education and Labor.

1981. Chairman, Railroad Retirement Account to pay benefits in each of the next succeeding 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1430. A bill to provide for a temporary increase in the public debt limit (Rept. 103-43). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 239. A bill to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, with an amendment (Rept. 103-44). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 829. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of

1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records; to authorize the establishment of a DNA identification index; and for other purposes, with an amendment (Rept. 103–45). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 175. A bill to amend title 18, United States Code, to authorize the Federal Bureau of investigation to obtain certain telephone subscriber information (Rept. 103–46). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

[Submitted March 26, 1993]

The Committee on Agriculture discharged from further consideration of H.R. 235; H.R. 235 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of March 25, 1993]

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 235. A bill to provide for certain land exchanges in the State of Idaho; referred to the Committee on Agriculture for a period ending not later than March 26, 1993, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause (1)(a), rule X (Rept. 103–42, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. Kopetski, and Mr. Herger):

H.R. 1502. A bill to direct the Secretaries of Agriculture and the Interior to conduct a yield and cost study of timber management investment opportunities on Federal timberlands in California, Oregon, and Washington, and for other purposes; jointly, to the Committees on Agriculture and Natural Resources.

By Mr. BOUCHER:

H.R. 1503. A bill to amend the Federal Mine Safety and Health Act of 1977 respecting the participation in or attendance of operators at interviews conducted in connection with an investigation of an accident; to the Committee on Education and Labor.

By Mr. BOUCHER: (for himself, Mr. Oxley, Mr. Barton of Texas, Mr. McCloskey, Mr. Mazzoli, Mr. Neal of North Carolina, Mr. Henry, Mr. Gordon, Mr. Wise, Mr. Martinez, Mr. Shays, Mr. Paxon, Mr. Sundquist, and Mr. Boehlert):

H.R. 1504. A bill to encourage the modernization of the Nation's telecommunications infrastructure, to promote competition in the cable television industry and to permit telephone companies to provide video programming; to the Committee on Energy and Commerce.

By Mr. DICKEY:

H.R. 1505. A bill to require a 25-percent reduction in appropriations for the legislative branch of the Government; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 1506. A bill to amend title 28, United States Code, to modify the residency requirement for U.S. attorneys and assistant U.S. attorneys; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 1507. A bill to amend the Agricultural Trade Act of 1978 to provide for the reduction of the agricultural program debt of, and for donations of grain to, the independent states of the former Soviet Union in exchange for certain actions on their part, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. HEFLEY (for himself, Mr. Gallegly, Mr. Young of Alaska, and Mr. Duncan):

H.R. 1508. A bill to provide for the reformation of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. HOCHBRUECKNER (for himself, Mr. Moran, Mr. Oberstar, Ms. Pelosi, Mr. Smith of New Jersey, Mrs. Unsoeld, Mr. Mineta, Mr. Miller of California, Mr. Frank of Massachusetts, Mr. Sanders, Mr. Bonior, Mr. Peterson of Minnesota, Mr. Gejdenson, Mr. McCloskey, Mr. Engel, Mr. de Lugo, Mr. Wyden, and Mr. Nadler):

H.R. 1509. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MARTINEZ:

H.R. 1510. A bill to amend the Family Support Act of 1988 to ensure that priority is given to certain community development corporations in approving applications to conduct demonstration projects to expand the number of job opportunities available to certain low-income individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS (for himself, Mr. Smith of Oregon, Mr. Allard, Mr. Emerson, Mr. Barrett of Nebraska, and Mr. Bereuter):

H.R. 1511. A bill to amend the Agriculture Trade Act of 1978 to promote and expand the export of agricultural commodities and products to foreign countries, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. SARPALIUS:

H.R. 1512. A bill to amend title 23, United States Code, to repeal provisions establishing a national maximum speed limit; to the Committee on Public Works and Transportation.

By Mr. SCOTT (for himself, Mr. Bliley, Mr. Bateman, Mr. Pickett, Mr. Sisisky, Mr. Payne of Virginia, Mr. Goodlatte, Mr. Boucher, Mr. Wolf, Mrs. Byrne, and Mr. Moran):

H.R. 1513. A bill to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. SLATTERY:

H.R. 1514. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed congressionally approved amendments to the Internal Revenue Code of 1986; jointly, to the Committees on Ways and Means and Rules.

By Mrs. VUCANOVICH (for herself and Mr. Bilbray):

H.R. 1515. A bill to authorize the exchange of certain public lands in Nevada; to the Committee on Natural Resources.

By Mr. CASTLE (for himself and Mrs. Vucanovich):

H.J. Res. 165. Joint resolution designating the week beginning January 2, 1994, as "National Law Enforcement Training Week"; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Mr. Ackerman, Mr. Bacchus of Florida, Mr. Beilenson, Mr. Blackwell, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Dellums, Mr. Edwards of California, Mr. Evans, Mr. Foglietta, Mr. Flake, Mr. Frost, Mr. Gilchrest, Mr. Gilman, Mr. Hochbrueckner, Mr. Hughes, Mr. Jefferson, Mr. Lantos, Mr. Lehman, Mr. McDermott, Mr. Machtley, Mr. Markey, Mr. Mazzoli, Mr. Miller of California, Mr. Moran, Mrs. Morella, Ms. Norton, Mr. Owens, Mr. Porter, Mr. Sanders, Mrs. Schroeder, Mr. Schumer, Mr. Studds, Mr. Towns, and Mrs. Unsoeld):

H.J. Res. 166. Joint resolution providing for the United States to assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in the high-level United Nations Commission on Sustainable Development; to the Committee on Foreign Affairs.

By Mr. LEVY (for himself, Mr. Gilman, Mr. Solomon, Ms. Molinari, and Mr. King):

H. Con. Res. 76. Concurrent resolution regarding broadcasting by Radio Free Europe to the former Yugoslavia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

67. By the SPEAKER: Memorial of the Legislature of the State of North Dakota, relative to Federal mandated programs and their costs; to the Committee on Government Operations.

68. Also, memorial of the Legislature of the State of Nevada, relative to legislation related to mining; to the Committee on Natural Resources.

69. Also, memorial of the Legislature of the State of West Virginia, relative to the Federal Magnetic Elevated Train System Pilot Project; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. PICKETT introduced a bill (H.R. 1516) for the relief of Earl B. Chappell, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. LONG, Mr. ABERCROMBIE, and Mr. MARKEY.

H.R. 18: Mr. SWETT, Ms. ROYBAL-ALLARD, Mr. BLUTE, Mrs. MEYERS of Kansas, Mr. MINETA, Mr. KILDEE, Mr. NATCHER, Mr. DIXON, Mr. ROGERS, Mr. CALLAHAN, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. SABO, Mr. COBLE, Mr. PAYNE of Virginia, Mr. MOLLOHAN, Mr. MOAKLEY, and Mr. MCDADE.

H.R. 34: Mrs. VUCANOVICH, Mr. DE LA GARZA, Mr. FISH, Mr. NEAL of North Carolina, Mr. PETERSON of Florida, Mr. RICHARDSON, and Mr. WALSH.

H.R. 35: Mr. WYNN, Mr. SPENCE, Mr. TOWNS, and Mr. TORRES.

H.R. 70: Mr. ROYCE.

H.R. 88: Mr. ROHRABACHER.

H.R. 127: Ms. PELOSI, Mr. KLUG, Mr. NADLER, Ms. SHEPHERD, Mr. HYDE, Mr. OLVER, Mr. WYDEN, Mr. GLICKMAN, Mr. MORAN, Mr. JACOBS, Mr. BONIOR, Mr. MARTINEZ, Mr. SENSENBRENNER, Mr. SYNAR, Mr. KOPETSKI, Mr. BORSKI, Mr. NEAL of North Carolina, Mr. MANTON, Mr. HANCOCK, Mr. SUNDQUIST, Mr. GINGRICH, Mr. HEFLEY, Mr. HUTTO, Mr. KOLBE, Mr. KYL, Mrs. MORELLA, Mrs. MEYERS of Kansas, Mr. OXLEY, Mr. ROHRABACHER, Mr. SAXTON, Mr. SCHIFF, Mr. BALLENGER, Mr. HASTERT, Mr. KNOLLENBERG, Mr. QUINN, Mr. SHAW, Mr. SOLOMON, and Mr. WELDON.

H.R. 133: Mr. WYNN, Mrs. CLAYTON, Mr. GORDON, Miss COLLINS of Michigan, Mr. RANGEL, Mr. FILNER, Mr. NEAL of North Carolina, Ms. BYRNE, Mr. MARTINEZ, Mr. ZIMMER, Mr. CRAPO, Mr. MCHUGH, Mr. ROYCE and Mr. BAKER of California.

H.R. 142: Mr. BLACKWELL.

H.R. 146: Mr. POMBO, Mr. BOEHNER, and Mr. ROYCE.

H.R. 147: Mr. ROHRABACHER.

H.R. 159: Mr. DICKEY.

H.R. 163: Mr. HEFLEY, Mr. TORKILDSEN, Mr. LEWIS of Florida, and Mr. THOMAS of Wyoming.

H.R. 166: Mr. SANTORUM and Mr. THOMAS of Wyoming.

H.R. 199: Mrs. JOHNSON OF CONNECTICUT.

H.R. 297: Mr. GUNDERSON.

H.R. 304: Mrs. VUCANOVICH and Mr. GOSS.

H.R. 324: Mr. GLICKMAN and Mr. HANCOCK.

H.R. 349: Mr. ISTOOK, Mr. WYDEN, Mr. DORNAN, Mr. SHUSTER, and Mr. CRAMER.

H.R. 359: Mr. HINCHEY and Mr. OWENS.

H.R. 373: Mr. BLUTE.

H.R. 388: Mr. SMITH of New Jersey.

H.R. 410: Mr. HANCOCK and Mr. HOKE.

H.R. 429: Mr. ARMEY, Mr. BONILLA, and Mr. LIVINGSTON.

H.R. 522: Mr. FALEOMAVAEGA, Mrs. UNSOELD, Ms. WATERS, Ms. MEEK, Mr. MFUME, Mr. PAXON, Mrs. KENNELLY, Mr. SMITH of New Jersey, Mr. NADLER, and Mr. STUDDS.

H.R. 569: Mr. RANGEL.

H.R. 662: Mr. POMBO.

H.R. 692: Mr. MARKEY, Mr. WASHINGTON, Mr. ABERCROMBIE, Mr. FLAKE, and Ms. NORTON.

H.R. 710: Mr. STRICKLAND, Mrs. MORELLA, Mr. MORAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. SLATTERY, Mr. MEEHAN, Mr. STUDDS, and Ms. MCKINNEY.

H.R. 739: Mr. CALLAHAN, Mr. GINGRICH, Mr. BLILEY, Mr. INGLIS, Mr. ROYCE, Mr. LINDER, and Mr. HANCOCK.

H.R. 786: Mr. DIAZ-BALART.

H.R. 790: Mr. BLACKWELL, Mr. OWENS, Mr. ZIMMER, and Mr. NADLER.

H.R. 818: Mr. GUTIERREZ, Mr. WHEAT, Mr. DE LUGO, Mr. BLACKWELL, Mr. OLVER, Mr. HINCHEY, and Mr. NEAL of Massachusetts.

H.R. 823: Mr. SENSENBRENNER, Mr. LEVIN, and Mr. SMITH of New Jersey.

H.R. 887: Mr. HERGER.

H.R. 895: Mr. ZIMMER, and Mr. DORNAN.

H.R. 896: Mr. ZIMMER, Mr. DORNAN, and Mr. BAKER of California.

H.R. 899: Mr. ISTOOK.

H.R. 911: Mr. SANTORUM, Mr. POSHARD, Mr. BAKER of Louisiana, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. HASTERT, and Mr. HANCOCK.

H.R. 921: Mr. BLACKWELL, Mr. INSLEE, and Mr. FILNER.

H.R. 928: Mr. FRANK of Massachusetts, Mr. BEILENSON, Mr. OLVER, Ms. BYRNE, Mr. LEVY, Mr. HUGHES, Mr. KLINK, Ms. SLAUGHTER, Mr. BERMAN, Mr. HOCHBRUECKNER, Mr. UPTON, Mr. HINCHEY, Ms. SHEPHERD, Mr. BAKER of California, and Mr. BLACKWELL.

H.R. 947: Mr. ZELIFF and Mr. HASTINGS.

H.R. 961: Mr. CASTLE, Mr. SCHUMER, Mr. GUNDERSON, Mr. ROYCE, Mr. TORKILDSEN, Mr. WYNN, Mr. ZELIFF, Mr. HOLDEN, Ms. SCHENK, Mrs. UNSOELD, Mrs. MALONEY, and Mr. HERGER.

H.R. 975: Mr. SHAYS.

H.R. 996: Mr. RICHARDSON.

H.R. 999: Mrs. UNSOELD, Mr. ZELIFF, and Mr. WASHINGTON.

H.R. 1032: Mr. TEJEDA.

H.R. 1120: Mr. SOLOMON, Mr. BARCIA, Mr. PETERSON of Minnesota, Mr. KLUG, Mrs. CLAYTON, Mr. DORNAN, Mr. PETE GEREN, Mr. GUTIERREZ, Mr. HANCOCK, and Mr. SMITH of New Jersey.

H.R. 1121: Mr. LIGHTFOOT.

H.R. 1122: Mr. POMBO, Mr. DORNAN, Mr. GOSS, Mr. ARCHER, Mr. ROYCE, Mr. ZELIFF, and Mr. FRANKS of New Jersey.

H.R. 1123: Mr. POMBO, Mr. BOEHNER, Mr. PETRI, Mr. CRAPO, Mr. ALLARD, Mr. MCHUGH, Mr. ARCHER, Mr. ZELIFF, and Mr. ROYCE.

H.R. 1124: Mr. POMBO, Mr. BOEHNER, Mr. CRAPO, Mr. DORNAN, Mr. ROYCE, and Mr. ZELIFF.

H.R. 1125: Mr. POMBO, Mr. BOEHNER, Mr. CRAPO, Mr. ARCHER, Mr. ROYCE, and Mr. ZELIFF.

H.R. 1126: Mr. POMBO, Mr. BOEHNER, Mr. CRAPO, Mr. RAMSTAD, Mr. ALLARD, Mr. DORNAN, Mr. GOSS, Mr. MANZULLO, Mr. MCHUGH, Mr. ARCHER, Mr. ROYCE, Mr. ZELIFF, Mr. TORKILDSEN, and Mr. BLUTE.

H.R. 1127: Mr. POMBO, Mr. BOEHNER, Mr. PETRI, Mr. CRAPO, Mr. ALLARD, Mr. ARCHER, Mr. ROYCE, and Mr. ZELIFF.

H.R. 1128: Mr. POMBO, Mr. BOEHNER, Mr. ALLARD, Mr. ARCHER, Mr. ROYCE, Mr. ZELIFF, and Mr. TORKILDSEN.

H.R. 1129: Mr. POMBO, Mr. BOEHNER, Mr. CRAPO, Mr. ALLARD, Mr. DORNAN, Mr. GOSS, Mr. ROYCE, Mr. ZELIFF, and Mr. TORKILDSEN.

H.R. 1130: Mr. POMBO, Mr. CRAPO, Mr. MCHUGH, Mr. ROYCE, and Mr. ZELIFF.

H.R. 1156: Mr. BUNNING, Mr. DOOLITTLE, Mr. HANCOCK, and Mr. SUNDQUIST.

H.R. 1158: Mr. SMITH of New Jersey.

H.R. 1171: Mr. HASTINGS and Mr. BLACKWELL.

H.R. 1188: Mr. OWENS, Mr. DELLUMS, Mr. GENE GREEN, Mr. FRANKS of Connecticut, Mrs. CLAYTON, Mr. CLAY, Mr. JEFFERSON, and Miss COLLINS of Michigan.

H.R. 1237: Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. YATES, Mr. BARCIA, Mr. BERMAN, and Mr. TOWNS.

H.R. 1238: Mr. GALLEGLY, Mr. GINGRICH, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. BARCIA, Mr. BAKER of California, Mr. MCHUGH, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. LIPINSKI, Mr. WELDON, Ms. MOLINARI, Mr. WALSH, and Mr. FROST.

H.R. 1245: Mr. TOWNS, Mr. RANGEL, Mr. CLYBURN, and Mrs. CLAYTON.

H.R. 1275: Mr. STUMP, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr. ARMEY, Mr. TORKILDSEN, Mr. KLUG, Mr. EMERSON, Mr. DORNAN, Mr. SANTORUM, Mr. BURTON of Indiana, Ms. DUNN, Mr. GEKAS, Mr. GALLEGLY, Mr. WALSH, Mr. LEWIS of Florida, Mrs. MEYERS of Kansas, Mr. MCMILLAN, Mr. BAKER of California, Mr. LEVY, and Mr. KOLBE.

H.R. 1292: Mr. SCOTT, Mr. RANGEL, and Mr. TOWNS.

H.R. 1389: Mr. HASTINGS.

H.R. 1392: Mr. GOSS and Mr. HUFFINGTON.

H.R. 1407: Mr. KOPETSKI, Mr. GLICKMAN, Mr. SHAYS, Ms. SLAUGHTER, Mr. BEILENSON, and Mr. FINGERHUT.

H.R. 1421: Mrs. MINK, Mr. HASTINGS, Mr. MATSUI, Mr. MARKEY, Mr. MORAN, Mr. COYNE, and Mr. GIBBONS.

H.R. 1428: Mr. BALLENGER, Mr. KLUG, and Mr. FRANKS of New Jersey.

H.R. 1490: Mr. HERGER, Mr. EMERSON, Mr. CRAPO, and Mr. POMBO.

H.J. Res. 22: Mr. ISTOOK.

H.J. Res. 124: Mr. LIPINSKI, Mr. SANDERS, Mr. WOLF, Mr. KASICH, Mr. MCDERMOTT, Mr. SMITH of Iowa, Mr. MURTHA, Mrs. CLAYTON, Mrs. MORELLA, Mr. SKELTON, Mr. TOWNS, Mr. FROST, Mr. LAFALCE, Mr. GENE GREEN, Mr. WALSH, Mr. BLACKWELL, Mr. CLYBURN, Mr. RAVENEL, Mr. SMITH of New Jersey, Mr. ANDREWS of Maine, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, and Mrs. MINK.

H.J. Res. 134: Mr. EWING, Mrs. THURMAN, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. FALEOMAVAEGA, Mr. PETE GEREN, Mrs. MINK, Mr. HOCHBRUECKNER, Mr. FAZIO, Mr. ACKERMAN, Mr. ROYCE, Mr. MINETA, Mr. KLECZKA, Mr. TOWNS, Mr. PICKETT, Mr. SARPALIUS, Mr. VENTO, Ms. DANNER, and Mr. KILDEE.

H.J. Res. 143: Mr. SISISKY.

H.J. Res. 152: Mrs. MEYERS of Kansas, Mr. ROYCE, Mr. MANZULLO, Mr. PETRI, Mr. LEVY, Ms. MOLINARI, Mr. KLUG, Mr. LEWIS of Florida, Mr. KOLBE, and Mr. RANGEL.

H. Con. Res. 2: Mr. SOLOMON.

H. Con. Res. 16: Mr. CRAMER.

H. Con. Res. 17: Mr. SOLOMON and Mrs. JOHNSON of Connecticut.

H. Con. Res. 20: Mr. MFUME.

H. Con. Res. 36: Mr. PAYNE of New Jersey.

H. Con. Res. 46: Mr. BRYANT.

H. Con. Res. 54: Mr. ROHRABACHER, Mr. GREENWOOD, Mr. CAMP, Mr. COBLE, Mr. BARTON of Texas, Mr. LIGHTFOOT, Mr. LEVY, Mr. ZELIFF, Mr. ARMEY, Mr. TORKILDSEN, and Mr. LIVINGSTON.

H. Con. Res. 61: Mr. DORNAN, Mr. MORAN, Mr. MARKEY, Mr. WALSH, Mr. COSTELLO, Mr. CLAY, Mr. LEVY, Ms. BYRNE, and Mr. HASTINGS.

H. Con. Res. 70: Mr. DARDEN, Ms. EDDIE BERNICE JOHNSON, Mr. ANDREWS of Texas, Mr. LAUGHLIN, Mr. DEFAZIO, Mr. EDWARDS of Texas, MR. COLLINS of Georgia, Mr. MONTGOMERY, Mr. LINDER, Mr. BRYANT, Mr. GENE GREEN, and Mr. COMBEST.

H. Res. 54: Mr. KLUG, Mr. WOLF, and Mr. EWING.

H. Res. 117: Mr. ZELIFF, Mr. SARPALIUS, Mrs. JOHNSON of Connecticut, Mr. FRANK of Massachusetts, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. BAESLER, Mr. GOSS, Mr. MCHUGH, Mr. MCCURDY, Mr. GLICKMAN, Mr. MAZZOLI, Mr. TAYLOR of Mississippi, Mrs. LLOYD, Mr. PICKLE, and Mr. SLATTERY.

H. Res. 127: Mr. BILIRAKIS, Mr. SPENCE, Mrs. CLAYTON, Mr. RANGEL, and Mr. FALEOMAVAEGA.

H. Res. 134: Mr. GOSS, Mr. CRAPO, Mr. ISTOOK, and Mr. HUFFINGTON.

H. Res. 139: Mrs. VUCANOVICH, Mr. SMITH of New Jersey, and Mr. BALLENGER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

24. The SPEAKER presented a petition of the County Council, Kauai, HI, relative to supporting H.R. 935; which was referred jointly, to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

SENATE—*Monday, March 29, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain.—Psalm 127:1.

Almighty God our Heavenly Father, the psalmist brings us face to face with the tragic limitations of the best that legislation can do—the futility of the finest human effort. All the statistics concerning crime, dysfunctional families, divorce, violence, drugs, teenage pregnancy, and suicide are growing. At the same time, leadership is doing everything in its power to stop regression.

Help us to see, Father, that this is the price a secular society pays when it rules God out of its life. Without God—without an infinite and eternal reference point—the animalism in humanity grows, and the world becomes a jungle. Without God, all the symptoms of paganism are manifest—cheapness of human life, violence, child sacrifice, hedonism, greed, lust, moral and ethical anarchy.

Gracious, patient God, our Founding Fathers were no better, no wiser than this generation, but they took God seriously. They prayed to Him, depended on Him, sought His will. Restore in us their faith.

We pray in the name of the holy Son of God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB GRAHAM, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will now be a period for morning business during which Senators will be permitted to speak until 12:30 p.m., at which time the Senate will return to consideration of the pending bill, the supplemental appropriations bill, which includes the President's economic investment and stimulus program.

I have been advised that our Republican colleagues will be holding a caucus from 1 to 1:45 p.m. and have requested that the Senate stand in recess during that period of time. Of course, we will be pleased, as always, to accommodate that request. So the Senate will stand in recess from 1 until 1:45 and then at 1:45 will return to consideration of the supplemental appropriations bill.

Mr. President, I wish now to repeat what I have said on many, many occasions over the past 2 weeks. The Senate is scheduled to begin the Easter recess at the close of business on this Friday, April 2. Prior to that time, we must complete action on the pending measure, on the conference report on the budget resolution, and on the debt limit extension. We will be required to remain in session until those measures are completed. If, through diligence and good fortune, we are able to complete action on those measures prior to Friday, why, of course, we will discontinue our session at that time.

So I look forward to working with my colleagues to try to complete action on those important measures as soon as possible. Votes may occur at any time from 12:30 p.m. today on throughout the week until we complete action on these measures. There are no restrictions with respect to when votes may occur once we resume action on the supplemental appropriations bill at 12:30 p.m.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

ECONOMIC AND POLITICAL REFORMS IN RUSSIA

Mr. COCHRAN. Mr. President, this morning we have all watched very closely and read about the events unfolding in Moscow. We have observed with a great deal of concern the struggle for control over policies and direction of economic and political reform in Russia and in other states of the old Soviet Union.

It seems to me that this is a time when we in the Congress should work together on a bipartisan basis with the President to define policies and programs to help encourage the reformers in the Soviet Union and also to help ensure the success of economic and democratic reform in Russia.

Obviously, this is a problem that is too big for the United States to solve by itself, even with massive direct financial assistance, credits and other programs that we have discussed in recent months. In the final analysis, it is really up to the people of Russia and the Russian leadership to decide what their future will be. But our future is directly tied to the events that are occurring in Russia today. So I do not think we should sit back and passively observe the events without trying to be a constructive and positive force for multinational assistance to support the reformers in Russia.

We need to speak with one voice at this time, and I encourage all in the Senate to try to set aside partisan considerations at a time when we are trying to develop a program for active assistance to the reformers in Russia.

I am optimistic that there are some things that we can do that will be very helpful. Encouraging the International Monetary Fund, for example, to be more aggressive and to be more generous in designing an assistance package for Russia would be a very meaningful first step. The $84 billion debt that now hangs over the Russian economy needs to be refinanced. They are going to have to find some way to buy the goods to address their emergency and long-term investment needs.

As a part of this assistance package, there should be a fund for loans to entrepreneurs, both for those in the Russian Republic and for those seeking to do business in the Russian Republic. The goal would be to encourage entre-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

preneurial activity and to help private businesses create jobs for workers that provide stable sources of income. Rather than subsidizing the state-owned industries and businesses which the opponents of reform want to do in Russia, we should try to use our influence to encourage private entrepreneurial and business activity that will assure economic growth. That is what is needed.

That will send a very clear signal to both the reformers and the people of Russia that they are not in this by themselves and that they are not being abandoned to the forces of opposition within Russia at this very perilous time in their transition.

There are training programs, Mr. President, that I think we could expand in order to teach Russian managers the precepts, the practices, and the benefits of private enterprise. We have some exchange programs that are already underway and are designed to deal with some sectors of the economy. We had a delegation from Russia visit my State of Mississippi recently to learn how private enterprise farming and agribusiness enterprises work. They saw how to modify their system to take advantage of proven practices in our system that have led to such a high standard of living for so many of our citizens.

I think we can use our experience and know-how, in a way that will help teach—not in a dominating way but in a helpful way—those in the old Soviet Union, in Russia, and in the other states who want to succeed in the modernization of their economy and their political system. We have to be involved. We should not just look the other way.

Their future is certainly at stake, but ours is, too. We would hate to see a reversal of the democratic reforms that have taken place and the return to a hostile militarism in the former Soviet Union. That is certainly not a happy thought.

So I hope in the days ahead, Mr. President, that we will work in a cooperative way here—Republicans and Democrats—with the President to define and promote programs that will help encourage reform, help give reform a better chance of succeeding than it would have without our assistance.

I think that is very important right now. I think our influence will be felt not only within Russia and the other States of the former Soviet Union, but in Eastern Europe, where they are struggling with democratic and free-market reforms, and it will also help encourage and bolster the resolve of other influential democracies around the world to be more generous and to become more involved in helping to assure effective multinational cooperative assistance for Russia and the democratic reformers there.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NUCLEAR WEAPONS PROLIFERATION

Mr. PRESSLER. Mr. President, our world faces change at a rapid pace. Although the cold war no longer threatens our very existence, the chilling after-effects still linger. In the last half-century, new technologies and other scientific discoveries have exceeded our expectations. One of the greatest scientific achievements of this century is the amazing discovery and progressive development of nuclear science. Nuclear science can yield enormous benefits for humanity. Unfortunately, the uncertainty of a post-cold-war world and the endless advance of technology have combined to increase the threat of nuclear proliferation.

I rise today to address the implications of nuclear proliferation and to commend Zachery Davis and his colleagues at the Congressional Research Service for their extensive research on nuclear disarmament and nonproliferation of nuclear material.

A few years ago, I asked the Congressional Research Service, known as CRS, to conduct comprehensive research on the problematic consequences of nuclear disarmament in accordance with international reduction treaties. I also asked CRS to publish the research findings in an issue brief. Since then, CRS has published many informative issue briefs on nuclear disarmament that my staff and I find very useful.

On the subject of disarmament, Churchill's fable said it best:

> Once upon a time all the animals in the zoo decided that they would disarm, and they arranged to have a conference to arrange the matter. So the Rhinoceros said when he opened the proceedings that the use of teeth was barbarous and horrible and ought to be strictly prohibited by general consent. Horns, which were mainly defensive weapons, would, of course, have to be allowed. The Buffalo, the Stag, the Porcupine, and even the little Hedgehog all said they would vote with the Rhino, but the Lion and the Tiger took a different view. They defended teeth and even claws, which they described as honourable weapons of immemorial antiquity.
>
> The Panther, the Leopard, the Puma, and the whole tribe of small cats all supported the Lion and the Tiger. Then the Bear spoke. He proposed that both teeth and horns should be banned and never used again for fighting by any animal. It would be quite enough if animals were allowed to give each other a good hug when they quarreled. No one could object to that. It was so fraternal, and that would be a great step toward peace. However, all the other animals were very offended, with the Deer and the Turkey falling into a perfect panic.
>
> The discussion got so hot and angry, and all those animals began thinking so much about horns and teeth and hugging when they argued about peaceful intentions that had brought them together that they began to look at one another in a very nasty way. Luckily the keepers were able to calm them down and persuade them to go back quietly to their cages, and they began to feel quite friendly with one another again.

Like the peaceful existence of the animals in Churchill's fable, the cold war has subsided. Bipolarism no longer exists. The process of full-scale disarmament is underway. The greatest scientific minds are no longer being directed toward the annihilation of the human race.

Recently, the United States experienced a possible terrorist attack—the bombing of the World Trade Center in New York City. The facts of the explosion still are being unearthed among the twisted steel and concrete ruble. The explosion was of conventional non-nuclear compounds. However, imagine for a moment that the terrorists had access to nuclear material. If the terrorists had obtained or constructed a device, need I elaborate on the catastrophic outcome?

The optimist would argue that terrorists would never be able to obtain or operate nuclear material. A recent CRS report, "Swords Into Energy: Nuclear Weapons Materials After the Cold War," concluded otherwise. According to the CRS, small quantities of nuclear materials have disappeared from arsenals within the former Soviet Union. It is believed these and other nuclear materials have reached the black market. Since the Soviet Union's collapse, several arrests have been made in Europe in connection with nuclear technology. So far, the material confiscated has not been suitable for nuclear-grade explosives.

A CRS Issue Brief, "Nuclear Weapons: Dismantlement and Disposal of Retired U.S. and CIS Inventories," suggests several methods of disposal of nuclear material in accordance with the Strategic Arms Reduction Talks [START] Treaty. Some of the recommendations are highly controversial and may be improbable solutions. But the fact of the matter is that there is an urgent need for a plausible and responsible solution to this frightening nuclear dilemma. Time is of the essence.

It is somewhat reassuring to know that U.S. nuclear material can be traced. There are viable safeguards to prevent our nuclear material from falling into the wrong hands. Such a vital system does not exist in the former Soviet Union.

To assure the same degree of accountability in nuclear disarmament in the former Soviet Union, the United

States should continue its assistance in Russia's nuclear dismantlement. Without strong international cooperation to maintain a safeguarded nuclear arsenal, the risk of retired nuclear materials being used as a viable terrorist threat is much greater.

On September 29, 1992, I gave a speech regarding possible options for disposal of current nuclear stockpiles. Included in my speech was the CRS report entitled "Nuclear Material From Dismantled Warheads: What To Do With It and How To Verify Its Disposal." Since that time, CRS has continued its extensive research on this vital subject. I commend Zachery Davis and his colleagues at CRS for their exemplary work.

Hopefully, the international community will continue to coordinate successful efforts to prevent nuclear material from proliferating to hostile governments or terrorists. Time is short, and further inattention to the issue will only increase potential risks. Nuclear nonproliferation should be of the highest priority on the international agenda.

Mr. President, I speak as ranking member of the Terrorism, Narcotics, and International Organization Subcommittee of the Foreign Relations Committee. We all have to think very seriously about what would happen if a small amount of nuclear material were in the hands of the type of terrorists who bombed the World Trade Center in New York.

We also have to follow the events in Russia very closely. Last year, I made a trip to several of the CIS States, including Kazakhstan, Uzbekistan, and others, and many of those still possess some nuclear materials. I know there are plans for destroying our missile silos, at least in western South Dakota.

The Russians supposedly are destroying their nuclear silos. But there is still a great deal of nuclear material in this world now controlled by smaller countries with unstable governments. Those governments desperately need hard currency. They desperately need money. And we are unsure exactly who is in control of that nuclear material in many of those countries.

I know that this is not an easy problem, but some of the steps that the Clinton administration and the Congress are taking in regard to Russia are related to controlling this nuclear material. Several of our colleagues in the Senate have done a good job. But it is a very sobering thought—had these materials been carried in a suitcase—as to what would have happened at the World Trade Center had those terrorists had nuclear materials.

TRIBUTE TO BOB KASTEN

Mr. PRESSLER. Mr. President, I rise today to pay tribute to our colleague, the distinguished former senior Senator from Wisconsin, Bob Kasten. I am honored to be able to follow Senator Kasten as the ranking member of the Senate Small Business Committee, a committee on which he served during his entire tenure in the Senate.

Bob Kasten was known throughout Wisconsin as "Mr. Small Business." His reputation as a tireless worker and advocate for small business in the Senate earned him that well-deserved title. Senator Kasten was a small businessman. He helped run his family's shoe business in Theinsville and Campbellsport, WI. The family business gave him the firsthand, real life experience of meeting a payroll, keeping the balance sheets in the black, and dealing with Federal taxes, regulations, and paperwork. The insights Senator Kasten gained in his family business would later shape his entire legislative agenda in the U.S. Senate. He was a staunch advocate for small business, economic growth, and job creation.

Mr. President, a great example of Senator Kasten's commitment to protect small business from Government overregulation came with the successful repeal of the outrageous tax regulation known as section 89. As my colleagues may remember, section 89 of the Internal Revenue Code was a backdoor scheme to tax fringe benefits. It required small businesses to prove—at their expense—that their employee health benefit plans did not favor one group of workers over another. Businesses that failed to comply would be taxed. Compliance with section 89 would have been so complicated and so expensive for small businesses that many would have been forced to lay off employees—or drop their health insurance plans altogether.

Senator Kasten diligently offered a total of eight amendments throughout the spring and summer of 1989 to repeal section 89. Finally, in August, he succeeded with an appropriations amendment to prohibit the IRS from using funds to issue regulations and enforce section 89. Senator Kasten was not finished. On November 7, 1989, legislation to repeal section 89 passed the Senate and was signed into law by President Bush the next day. While many legislators wanted to compromise or back down, Senator Kasten held firm to his pledge to repeal the entire law. In a letter to Senator Kasten, John Motley, vice president of government relations for the National Federation of Independent Business, wrote:

> You were the one who pushed the fight (on section 89) forward, who kept the issue before the Senate and the one who worked the hardest to make repeal a reality. You and your terrific staff did what so many said was impossible.

Senator Kasten demonstrated his commitment to small business in other ways, as well. Senator Kasten was the principal Republican sponsor of a proposal to cut payroll taxes. He believed that high levels of payroll taxes are a barrier to job creation because they raise labor costs for small business. Senator Kasten was a proponent of simplifying the payroll tax deposit system; extending the minimum wage exemption for small business; and stopping efforts to undo regulatory exemptions that have protected the smallest employers and farmers from programmed OSHA safety inspections.

Bob Kasten also supported efforts to assist small businesses in complying with the 1990 Clean Air Act amendments. He also worked tirelessly to strengthen the hand of the President to stop burdensome bureaucratic rules and intrusive redtape in order to achieve a goal of 5 percent annual reduction in the Federal paperwork burden.

In order to expand economic opportunities for minorities and the disadvantaged, Senator Kasten led the fight for Federal urban and rural enterprise zones. In conjunction with the chairman of the Small Business Committee, Senator BUMPERS, Senator Kasten also worked to create and expand the Federal Microloans Program. His efforts were instrumental in delivering four Microloans Programs for Wisconsin to provide much-needed capital for new and existing small businesses.

With the American economy supporting 70 percent of the world's lawyers and many small businesses diverting their resources from the creation and production of goods to costly, needless self-defense measures, Senator Kasten believes, as do I and many of my colleagues, that our product liability laws need reform.

Senator Kasten was a tireless advocate for improving our current product liability laws and the U.S. legal system in general. I was proud to work closely with him in that effort. From his first day in the Senate, Senator Kasten worked tirelessly to convince Congress to fix this out-of-control system through his Product Liability Fairness Act. Year after year, Senator Kasten was successful in getting his legislation passed out of the Commerce Committee, but the trial lawyers and their advocates in the Senate were able to thwart his efforts on the Senate floor.

Finally, Mr. President, Senator Kasten was recognized as a leader in the fight to revitalize our economy through progrowth tax reforms. As one of the principal authors of the so-called Kemp-Kasten tax reform bill, he was instrumental in the Tax Code revolution of the mid-1980's. In the late 1980's, he led the effort to restore the capital gains deferential to spark entrepreneurship.

Senator Kasten's efforts on behalf of small business were recognized by entrepreneurs in Wisconsin and across the country. He is one of only a handful of Senators to receive the National

Federation of Independent Business' Guardian of Small Business Award and the U.S. Chamber of Commerce's Spirit of Enterprise Award for his pro-small-business voting record in every year he served in the Senate. And in 1992, NFIB gave Senator Kasten a special Small Business Legislator of the Decade Award in recognition of his overall leadership on behalf of the small business community.

Again, Mr. President, on behalf of America's small business community, let me reiterate our deep appreciation for Bob Kasten's 12 years of faithful service to small business in this distinguished body. It is a great pleasure and privilege for me to stand here today and publicly thank Senator Bob Kasten for his efforts. I am sure all of my colleagues will agree when I say it is our hope that Senator Kasten left this body with a deep feeling of satisfaction for a job well done. We miss him.

EFFECTS OF TAX PROPOSALS ON SMALL BUSINESS

Mr. PRESSLER. Mr. President, I would like to report to the Senate that I held the first of a series of meetings and hearings on small business in Sioux Falls, SD, last Saturday morning. I reported to the small businessmen and women what effects the Clinton tax proposal might have on small business. As the ranking member of the Small Business Committee, I listened to their concerns and answered their questions. We had a panel discussion on small business, on the tax increases included in Clinton's package, the investment tax credit and the energy tax increases. I am very concerned that small business is being asked to pay for President Clinton's spending increases. Small business tax rates will go up to 42.5 percent while the rates for large corporations will be 36 percent. Small business cannot pass on the additional costs energy tax. It is true that it appears there will be some benefit from the investment tax credit. I think the tax policy of this body regarding small business should be carefully scrutinized because small business creates most of the new jobs and the new technology in our society, and under Clinton's plan, small business has been hit hardest, at least in my State.

Mr. President, I ask unanimous consent to have printed in the RECORD summaries of statements and excerpts of statements from small businessmen who were responding to the current economic conditions on small business as it affects South Dakota and our Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF SENATOR LARRY PRESSLER

CONSTITUENT CALL

Call from: Bill Ferguson, Rt. 2, Box 71, Witten, SD 57584.

Mr. Ferguson called to say he saw Senator Pressler on C-SPAN this morning and has a few comments.

During the debate on Senator Pressler's Small Business Tax Fairness Amendment to the Budget Resolution, Senator Sasser, who was arguing against Senator Pressler and small business, made an incorrect statement.

Senator Sasser said that all business costs are deductible before taxes, and that is wrong. The costs of day to day operations are deductible, but the principal payments on loans are not. Principal payments, especially on land, can be large and are a necessary expense of owning a small business or farm. Mr. Ferguson would like Larry to correct Senator Sasser's remarks.

Mr. Ferguson also wanted Larry to know that the Administration's plan would have a devastating impact on farming and small businesses operations such as his. Mr. Ferguson was appreciative of Senator Pressler's efforts on behalf of small businesses and family farms.

Rapid City, SD.

DEAR SENATOR PRESSLER: Thank you for the invitation to the Small Business Seminar in Sioux Falls on the 27th.

I am glad you continue to try to reduce the amount of Federally mandated regulations and paperwork. I waste a lot of time on it.

Sincerely,

ALAN SEWELL,
President, The Little Print Shop.

CHAMBERLAIN, SD,
March 12, 1993.

SENATOR PRESSLER: Stop Spending First.

Thanks.

ROBERT G. KEINER.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,222,072,198,199.65 as of the close of business on Thursday, March 25.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,437.31—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

A TRIBUTE J. CALEB BOGGS

Mr. ROTH. Mr. President, I rise and report to the Senate with great sadness the death of former Delaware Governor, Representative and Senator J. Caleb Boggs, who passed away Friday night in Christiana Hospital, near Wilmington.

Cale, as he was known, was a public servant, a lawyer, a family man—and Delaware's friend. He was my friend. When I first came to Washington in the 1960's as Delaware's Member of the House of Representatives, and when I joined the Senate in 1971, Senator Boggs was generous with his time and with his advice. He was there to answer my questions, to listen, and to lend a helping hand to the new kid on the block.

Cale Boggs was Delaware's consummate politician. He did it all. Governor Boggs served for 8 years, from 1953 until 1961. He was the First State's Representative from 1947 until 1953; and he was Senator for two terms, from 1961 until 1973.

Cale Boggs was a true Delawarean, born in Cheswold, whose family's Delaware roots date back to pre-Civil War days. He graduated from the University of Delaware and then received a law degree from Georgetown University. Cale later served with distinction in World War II and in the Delaware National Guard. After his career as Governor and in Washington, Cale returned to his law practice in Wilmington, and remained there until he retired.

Delaware has lost a great man. We have lost a man who loved his State with a passion; who knew most people by their first names, regardless of their age, race, or color; and, who considered every Delawarean his friend. He will be missed by me—and more than 600,000 other Delawareans.

I ask that obituaries pertaining to his death appear in the RECORD.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

[From the Wilmington (DE) News Journal, Mar. 28, 1993]

MR. DELAWARE: DIAMOND STATE'S GLOW IS DIMMER TODAY WITH CALE BOGGS' DEATH

J. Caleb Boggs, Mr. Delaware, died Friday night after a lengthy, often painful, illness.

He was a man who loved his native state and its people. He was a generous man who gave constantly and expected nothing in return. He was an unassuming man who never seemed to allow high office to rob him of the ordinary pleasures of life.

Will Rogers used to say he "never met a man he didn't like." Well, we've never met a person who didn't like Cale Boggs. From the Green Acres suburb in north Wilmington where he lived to Selbyville on the Maryland border, everyone loved Cale. And why not? He never put on the airs of a big-time politician—though he was as big and important as they come. Whether as governor or just Cale Boggs, attorney, his hand was out in greeting accompanied by a warm "Hi, good to see you." It wasn't false. It was warm and true, like the man.

Over the years, Cale Boggs held just about every important office a person could hold in Delaware: governor, U.S. senator, U.S. representative, judge. He was a Republican through and through, but counted oh, so many Democrats, among his close friends.

J. Caleb Boggs was as comfortable and confident on a soybean filed as he was in a law office conference room. He slowed his pace only recently when his body gave him no choice.

Cale Boggs was born in rural Cheswold in Kent County—the very heart of Delaware. In so many ways, Cale Boggs represented the heart of our state: quiet, strong, life-enriching.

[From the Wilmington (DE) News Journal, Mar. 28, 1993]

J. CALEB BOGGS: 1909–1993—FORMER DELAWARE GOVERNOR, U.S. SENATOR DIES

(By Nan Clements)

CHRISTIANA.—J. Caleb Boggs, who returned all the love Delawareans gave him, died Friday night in Christiana Hospital, almost a year to the day after the April 1 death of his beloved wife, Bess.

The former governor and U.S. senator, who had suffered from cancer, diabetes and other serious ailments for several years, was 83.

"Cale was such a wonderful person that it's hard to understand why he had to suffer such a terrible death," said former Gov. Sherman W. Tribbitt, a longtime close personal friend.

"He suffered too much, for too long," said his daughter, Marilu Boggs.

The Cheswold-born Republican, whose family's Delaware roots pre-dated the Civil War, was one of the First State's biggest boosters.

"I think it's a great little state * * * [with] high-class, first-class people," he said in a 1991 interview.

He was qualified to make the judgment—he probably knew more Delawareans than anyone in the state's history. Because he knew so many, his governorship and his political campaigns were intensely personal.

"He went to every event regular people cared about," said U.S. Sen. Joseph R. Biden Jr., D-Del. "And he still went to those events after his political career ended, until his health got too bad."

Fellow politicians spoke of his remarkable memory, which served him well to the end.

"He seemed to know everyone," said U.S. Rep. Michael N. Castle, R-Del. "It might take him a minute or two to place you, but once he did, you were locked into place."

Mr. Boggs thought nothing of marching across the street, stopping traffic if necessary, to greet a friend—and he considered nearly everyone his friend. Virtually no one called him "Mr. Boggs"—the man with a bright twinkle in his eye was "Cale" or "Governor" or "Senator."

He and his chauffeur, the late Walter Nedwick—who became a close hunting and fishing companion—logged more than 500,000 miles on Delaware roads while Mr. Boggs was governor.

His personal contacts stood him in good stead in 1954, during his first term as governor, when the U.S. Supreme Court, as part of the landmark Brown vs. Board of Education decision, ordered the desegregation of Delaware schools.

"I had to take a position on that * * * and I had to go up and down the state because I knew people felt differently than I did, and I wanted them to understand all the aspects [of integration] as I saw it," he said of his support for the decision. "I felt close to the people, I needed the benefit of their counsel and advice. * * *"

Fellow politicians thought he'd killed any chance at re-election, but he fooled the naysayers and won a second term. Then he moved on to the U.S. Senate.

Former Democratic Gov. Elbert N. Carvel, whose two terms bracketed Mr. Boggs' stint in the state's highest office, considered him something of a state treasure.

"Caleb served Delaware on all levels," Carvel said two years ago. "Caleb is much beloved in Delaware, and he deserved every attention the state can give him."

Mr. Boggs considered the naming of the J. Caleb Boggs Federal Building in Wilmington the highlight of his life—and his joy showed vividly on his face in a picture taken that day.

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He graduated in 1931, the same year he married Elizabeth "Bess" Muir of Carbondale, Pa.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the 6th Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

After being deactivated as a colonel, he was appointed a brigadier general with the Delaware National Guard. He retired from military service in 1963.

After the war, Mr. Boggs intended returning to his law practice, but Delaware Republicans "came looking for someone to run for Congress" and launched his public service career.

Before that career ended, he had served eight years as governor, from 1953 to 1961, and represented Delaware in both the U.S. House of Representatives (1947–53) and Senate (1961–73).

Even in high office, Mr. Boggs never set himself above others. Delaware then had no governor's mansion and the Bogges lived in an apartment complex north of Wilmington. Later, when he was elected to the Senate, the family moved to the house they occupied for about 30 years, his last address, at 1203 Grinnell Road in Green Acres, a suburb north of Wilmington.

He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about 10 years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governors Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965–66), the White House Conference on International Cooperation (1965) and the U.S. National Commission for UNESCO (1964–66).

[From the Wilmington (DE) News-Journal, Mar. 28, 1993]

J. CALEB BOGGS: 1909–1993—FORMER DELAWARE GOVERNOR, U.S. SENATOR DIES AT AGE 83

He also served as Senate member of the National Commission on Fire Prevention and Control (1971–72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

One of his primary interests was Kappa Alpha, the social fraternity he joined while a student at the University of Delaware. He held every high national office in the fraternity, which honored him several years ago with a significant contribution in his name to the national Kappa Alpha Scholarship Fund.

Mr. Boggs was a trustee of Goldey-Beacom College for more than 25 years. The business school made him an honorary life trustee and awarded him an honorary doctorate. He also received honorary doctorates from Delaware State College, Bethany (W.Va.) College and the University of Delaware.

His directorships included RLC Corp., Rollins Environmental Services Inc., Beneficial National Bank, Artisana Savings Bank, Delaware Safety Council, Blood Bank of Delaware, Greater Wilmington Development Council, Delaware Automobile Club, the Delaware Chapter of the Arthritis Foundation and the Salvation Army Regional Advisory Board.

Mr. Boggs was a member of the American and Delaware Bar Associations, the Sons of the American Revolution, the American Legion, Veterans of Foreign Wars, Kiwanis Club, Ducks Unlimited, the Delaware Grange, the National Lawyers Club in Washington, the U.S. Capitol Hill Club and Former Members of Congress.

Surviving, besides his daughter, Marilu of Green Acres, is a son, J. Caleb Boggs Jr. of Wilmington; a brother, Calvin Boggs of Cheswold; and two grandchildren.

Services will be at 2 p.m. Friday in Cheswold Methodist Church, where friends may call an hour earlier. He will be buried beside his wife in Old Presbyterian Church Cemetery, Dover.

Friends who wish to attend the funeral by bus would call the president's office at Goldey-Beacom College, 998–8814, before noon Wednesday.

The family suggests donations to Cheswold Methodist Church, the Delaware Chapter of the Arthritis Foundation, or the Wilmington Endowment Fund of the Salvation Army.

[From the Wilmington (DE) News Journal, Mar. 28, 1993]

J. CALEB BOGGS: 1909–1993—"DELAWARE HAS LOST A GIANT"

"I long to end my public career with the reputation he had * * * No one ever questioned Cale Boggs' integrity, honesty and decency."—Joseph R. Biden Jr., Democratic senator.

"Cale was the greatest patriarch the Delaware Republican Party has ever had. I admired his feel for people. * * * He was an incredible human being in relating to others."—Michael N. Castle, Republican representative.

"Cale was a great, conscientious fellow who never lost his composure. I don't have enough words to describe what a wonderful man he was."—Sherman W. Tribbitt, former Democratic governor.

"I've never seen a man so unselfish. * * * He gave himself to serving the state and the people."—John W. Rollins, Boggs' lieutenant governor.

"With the death of J. Caleb Boggs, Delaware has lost a giant. When I sought his counsel, he always told me I was doing just fine."—Gov. Carper.

"I remember a letter from Roy Wilkins (president of the national NAACP), urging us to support Cale Boggs for re-election. Cale was our friend, and one of my favorite persons."—Littleton P. Mitchell, former NAACP leader.

"He was one of the most beautiful people I ever met * * * He made me feel really good about myself, that I had something special to offer."—Richard A. Strunk, fellow Kiwanian and Legionnaire.

"We were longtime friends and political opponents. I'm going to miss Cale—there aren't many Cale Boggses around this state, or anywhere else."—Elbert N. Carvel, former Democratic governor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

The time for morning business has expired.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask that the Senate resume consideration of the pending measure under the order.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. That is the regular order.

The Senate will resume consideration of H.R. 1335.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd amendment No. 271, to reduce funds for the information systems of the Internal Revenue Service, to delete funding for the General Services Administration Building Fund, and to clarify that none of the funds may be used for low priority programs, projects or activities.

(2) Byrd amendment No. 272 (to amendment No. 271), in the nature of a substitute.

Mr. BYRD. Mr. President, I understand that the distinguished Senator from Pennsylvania wishes to speak as in morning business. How long, may I ask my friend, does he think he would like to speak?

Mr. SPECTER. I thank the distinguished President pro tempore. I expect to speak not in excess of 5 minutes.

Mr. BYRD. The Senator may use more if he needs it.

Mr. SPECTER. Then I expect to speak not more than 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania may address the Senate as in morning business for not to exceed 10 minutes, after which I again be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, I understand that the Senate, under the previous order, will recess from 1 o'clock to 1:45 to allow the Republican conference to meet.

The ACTING PRESIDENT pro tempore. There was a request for a recess from 1 o'clock to 1:45. However, the order has not been entered.

Mr. BYRD. It has not been entered.

I am informed that the majority leader still wants that order entered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I therefore ask unanimous consent that the Senate stand in recess from the hour of 1 p.m. today to the hour of 1:45 p.m. this day to allow for the Republican conference and that, upon reaching the hour of 1:45 p.m. today, the Senate resume consideration of the now-pending measure; provided further that my remarks which will continue in the afternoon not show an interruption in the CONGRESSIONAL RECORD; and ordered further that upon the Senate's resumption of the pending measure at 1:45 p.m. today, I again be recognized and that my speech not be counted as a second speech.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess.

Thereupon, the Senate, at 1:01 p.m., recessed until 1:45 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the Senate is now into its third day of consideration of H.R. 1335, the economic stimulus appropriations bill. The pending Byrd amendment is a substitute for the substitute for the committee-reported substitute. It contains the President's proposal with the following exceptions:

First, the formulas for the $1 billion distribution to the States of the summer jobs program in the pending substitute is in accordance with the existing formula contained in the Joint Training Partnership Act. The President requested, and the House bill contained a legislative change in that formula. The Senate Labor Committee, chaired by the very able Senator from Massachusetts [Mr. KENNEDY] requested that the Senate Appropriations Committee amend the House bill so that these summer job funds would be distributed to the States according to the current formulas contained in the JTPA.

Second, during earlier Senate action on the committee-reported substitute, the Senate adopted the Byrd-Hatfield amendment. This amendment is also contained in the pending Byrd substitute. It is intended to provide the administration with sufficient authority to ensure that some of the funds in the act cannot be used for low-priority, wasteful programs or projects. The President and OMB Director Panetta have assured us that no such projects or programs were intended to be funded, and I am certain that is the case. However, Senator HATFIELD and I included in our amendment the authority for the Secretary of HUD to publish criteria in the Federal Register to ensure that only worthwhile requests will qualify for CDBG funds.

Senator HOLLINGS, at the meeting of the full committee, when the full committee reported the bill and the committee substitute therefor, expressed a great concern about this subject matter.

He provided language to be included in the statement, and this bill further assures that that language will be followed. Without this authority, the administration may not have been able to refuse funding for questionable programs or projects.

Third, the pending Byrd substitute reduces funding for the IRS from $148,397,000 to $43,600,000; and deletes funding of $4,696,000 for the GSA Federal Building Fund. These changes were made at the request of the distinguished chairman of the Treasury-Postal Appropriations Subcommittee, Senator DECONCINI.

Other than these changes, Mr. President, the pending substitute contains the President's proposals as passed by the House.

Mr. President, this measure contains the funding requested by the President for the first priority of his economic plan. Along with long-term investment and deficit reduction, President Clinton identified immediate job creation as a critical component of economic recovery.

During his campaign across America, he saw, firsthand, the devastating effects of the recession on millions of unemployed and underemployed men and women. He campaigned on a promise of change and he recognized that before we embark on the long and painful road toward budget balance, we must first put people back to work. Before undertaking the major surgery that will be required under the House and Senate-passed budget resolution to reduce the deficit some $500 billion over the coming 5 years, the President has asked us to enact the job-creating stimulus contained in the pending measure. The American people, as I stated in my remarks last Thursday, agree with the President, by large majorities in several recent surveys, namely that creating jobs should be our first priority.

On last Thursday, I also explained the details of the package—$4 billion to continue unemployment benefits for 1.8 million unemployed workers who will otherwise lose their benefits by the first week in April; $3 billion to fully fund the Federal-aid housing program and put thousands of people to work this summer on authorized highway projects that are ready to go; $2.5 billion for community development projects that will get underway immediately upon enactment of this bill; $1 billion for summer jobs for an additional 683,000 disadvantaged youth; about $1.2 billion for mass transit, airport, and rail projects that will increase capacity, improve safety, and decrease congestion in our public transportation systems; SBA loan authority for an additional $2.6 billion to enable the Small Business Administration to continue making loans to small businesses—without these funds we are told that SBA will cease making loans in May; $236 million to make repairs and to better maintain our Veterans' hospitals and cemeteries; $1.9 billion for Pell grants for low-income students; $500 million for Head Start; $300 million to immunize more of our children against disease; $845 million for State and local communities to construct wastewater treatment facilities—we are told that the backlog, nationwide, for such sewage treatment facilities is in excess of $100 billion; additional EDA grants of $74 million—of which $15 million is to be targeted to assist victims of Hurricanes Andrew and Iniki and $15 million is to go to assist communities impacted by military base closures and defense cutbacks; and $735 million for a one-time $500 million expansion of summer school programs for educationally disadvantaged children and a one-time $235 million adjustment for local school districts whose funds are being drastically cut back due to the 1990 census.

These are the President's recommendations to put Americans to work now, as well as to meet the health and educational needs of the disadvantaged and to continue unemployment benefits for 1.8 million unemployed workers whose benefits will expire next week unless we enact the President's economic stimulus plan.

Mr. President, there has been criticism of this package by a number of Senators. Those criticisms generally fall into four categories: First, this package will generate a small number of jobs; second, the cost of the package should be offset so that we won't increase the deficit; third, we should defer certain portions of the package until after we have enacted the reconciliation bill so that we can be certain that the deficit will be reduced by approximately $500 billion over the next 5 years; and finally, a General Accounting Office report has been cited which states that a similar 1983 stimulus package was not very successful.

Now I will respond, as best I can, to each of these general criticisms:

First, as to the criticism that this package will provide but few jobs, that there will be little job creation as a result of the President's economic stimulus package, which I prefer to call a jobs bill—several Senators have stated that this package, according to the President's own figures, will generate only 219,000 jobs. I have not been able to confirm that figure, but let us assume that it is correct. However, I say to my colleagues, there is an important distinction between the jobs estimated by the Clinton administration for this package compared to job estimates used by previous administrations. This President chose not to count the number of jobs that will be created indirectly throughout the economy as a result of this bill. In the past, for example, we have been told by the Department of Transportation that approximately 42,000 total jobs—both direct jobs and ripple-effect jobs—are created by $1 billion of highway spending. This President chose to count only approximately 20,000 jobs per $1 billion of highway spending. That is less than one-half the number of jobs that the previous administration would have counted. Therefore, if we accepted or assumed the figure of 219,000 jobs that Senators who have criticized the package have said will be created, we could easily justify at least double that number of jobs by using the criteria of the previous administration.

But, Mr. President, we should not accept the figure of 219,000 jobs in the first place. According to data provided by OMB, the President's package will create 683,000 jobs this summer for disadvantaged youth. From that one program, we will put 683,000 14- to 21-year-olds to work this summer in communities across the Nation who otherwise would have no jobs. We all recognize that these are temporary jobs for the summer only, but they are vitally important for disadvantaged youth. Furthermore, if Senators wish to know how many jobs are estimated by the administration to be created, they can find that information on page 3 of House Document 103-50, entitled "Emergency Supplemental Appropriations Request * * * Communication from the President of the United States." Page 3 contains a letter from OMB Director Panetta. The fourth paragraph of that letter reads, in part, as follows: "The supplemental requests, together with the tax stimulus proposals, will create an estimated 500,000 new jobs by the end of 1994." So, even using the conservative methodology of the President in estimating the number of jobs that will be created by this bill and the tax stimulus, we will get 500,000 jobs. If we count the ripple effects on the economy—much like tossing a pebble in the water and watching the ripples go on and on and on and on until they reach the banks of the pool—if we count the ripple effects on the economy, that number would be over 1 million jobs.

Furthermore, if we use the logic of those who have downplayed this number of jobs, perhaps we should appropriate a much larger number of dollars. The needs are certainly there to justify a stimulus package—as was stated during the campaign and after the campaign—the needs are there to justify a stimulus package of $50 to $60 billion. That is the level that was talked about by a number of respected economists as being a prudent stimulus package.

During the debate on the fiscal year 1993 budget, the Appropriations Committee conducted hearings, hearings in the full committee, and economists appearing before my committee stated very clearly the need for that kind of stimulus and some said even higher.

But, the President recognized, and the Appropriations Committee has agreed, that the $16.3 billion contained in this stimulus supplemental, this emergency stimulus supplemental, is a good effort when one considers the need to cut the deficit in the coming years.

Alternatively, would those who have downplayed the number of jobs that will be created by the President's stimulus package recommend that we do nothing? Well, Mr. President, we had an election last November and the President made his intentions very clear. The people voted to elect this President and his economic program—a first priority of which is to enact this jobs stimulus package. The American people still, by large margins, support enactment of a job-creating stimulus package.

Mr. President, I see my friend, the senior Senator from Mississippi, on the floor. Does he wish to address the Senate?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, if the Senator will yield, I do not. I was here to listen to the remarks of the Senator. I appreciate very much his inquiry.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, the stimulus bill should be offset. This is the number two criticism. There were four general criticisms that we gleaned from the debate last week, and I have enumerated those four. Just now I am attempting to take a swat at the second one, the second one being that the stimulus bill should be offset.

The second area, as I have indicated, of criticism about this package is that its cost should be offset in order to avoid an increase in the deficit. The President has directly responded that such offsets would cancel out the benefits. It does not take a mathematical genius to figure that out. If one intends to spend $16.3 billion from one pocket to create jobs, and yet he takes away $16.3 billion in spending from his other pocket, he has no net increase—he robs Peter's pocket to pay Paul's pocket—no stimulus at all. The one pocket wipes out the other, the effect of the other.

In addition, as I have explained in previously delivered remarks, and as the chairman of the Budget Committee, the distinguished senior Senator from Tennessee, Mr. SASSER, has confirmed, the Senate-passed budget resolution included the 1994 through 1998 cost of this stimulus package in it and will still reduce the deficit by $502 billion over the next 5 years. That is nearly $30 billion greater deficit reduction than requested by the President. To pay for the cost of this bill, on top of the $502 billion in deficit reduction, would not only cancel the job-creating benefits of this package, it would also bring the Nation perilously close to a triple-dip recession. We would bear full responsibility for such a third relapse and for the increase in the deficit that would surely result. We would have even higher unemployment, higher record numbers of people with no choice but to go on food stamps, AFDC, and Medicaid. Is that what the American people want?

The third general criticism that has been expressed toward the pending jobs package: defer portions of this package until after enactment of reconciliation.

Mr. President, if we defer the obligation of these funds until after enactment of reconciliation, we may never see these funds at all. The reconciliation conferees, as was so well explained by the Senator from Oklahoma during his very well delivered and lengthy remarks last Thursday, often do not meet the deficit reduction targets called for in their reconciliation instructions. The Budget Committees cannot insist that the Finance Committee, on which both Senators BOREN and BREAUX serve, meet the deficit reduction target that is called for in the Senate-passed budget resolution. That would be most unfortunate, and I certainly urge both Senators BOREN and BREAUX to do their level best to achieve the deficit reduction target assigned to the Finance Committee; nevertheless, we cannot be sure, as Senator BOREN has said, that the target will be reached.

As proof of this possible result, I have firsthand experience. For fiscal year 1990, the Finance and Ways and Means Committees could not come up with the necessary revenues and mandatory spending cuts to meet their reconciliation target. So what happened? The Appropriations Committee was asked to contribute. Even though the appropriations bills for fiscal year 1990 stayed within their caps—and, I might add, have always kept their part of deficit reduction targets every year, and must do so or suffer across-the-board cuts called sequesters—even though we had stayed within the fiscal year 1990 caps, we appropriators were called upon to take a further cut in order to make up for the shortfall by the Finance and Ways and Means Committees in meeting their deficit reduction target. So, we did that—I suggest there is a job to be done and we will do this—so we did it. We took an across-the-board cut of $3.7 billion in budget authority and $2.5 billion in outlays in fiscal year 1990 to make up for the reconciliation shortfall. That cut not only affected discretionary spending for fiscal year 1990, it also cut the baseline for each year thereafter. So, the cuts in fiscal year 1990 carried over and will result in lower baselines totaling almost $25 billion in budget authority and $23.4 billion in outlays over the 6-year period, fiscal years 1990–95.

So when I suggest the appropriators will take an across-the-board cut of $3.7 billion in budget authority and $2.5 billion in outlays in fiscal year 1990, that was not the end of it, Mr. President.

As it extended through the subsequent years, the fiscal year 1990 cuts carried over and, as I say, instead of $3.7 billion in budget authority and $2.5 billion in outlays, what the Appropriations Committees have given up as result of lower baselines is almost $25 billion in budget authority and $23.4 billion in outlays over that 6-year period. This meant that, on top of the drastic cuts below inflation suffered by discretionary programs during the decade of the 1980's, we locked in place these further cuts below baseline because the reconciliation conferees could not meet their deficit reduction targets.

This is a real danger in the upcoming reconciliation conference. That is another reason why I oppose any delay or fencing of any of the funds in this stimulus package. History has shown, and the distinguished Senator from Oklahoma [Mr. BOREN] has warned us that the reconciliation conference may not achieve the level of deficit reduction that the conference will be called upon to make.

The Appropriations Committee will meet its deficit reduction target. It always has met its deficit reduction target, and it will meet its deficit reduction target, not because there are not going to be pressures to exceed the caps placed on discretionary spending, and not because the Appropriations Committee is more virtuous than other committees, but because we will have across-the-board cuts if we do not meet our targets. So, I urge Senators not to jeopardize portions of this stimulus package until after enactment of reconciliation. Do not do it. To do so will jeopardize the delayed funds. It will create a tempting source for the reconciliation conferees to tax in meeting their own targets. We should, instead, insist that the reconciliation bill meet its target from sources within the jurisdiction of those committees and not, once again, look to discretionary spending to bail them out, because we are not going to bail them out.

The fourth general criticism went to the GAO report stating that the GAO report says that the 1983 stimulus did not work well. Finally, the criticism has been raised by Senators BOREN, BREAUX, and HATFIELD that, according to GAO, the 1983 jobs bill was not very successful, the funds were not obligated long after they were appropriated and, therefore, we should not enact this stimulus bill at all.

In response, Mr. President, with all due respect, this is not the Reagan administration. President Clinton believes in a responsive and efficient Federal role in solving the Nation's economic woes.

He has studied the Federal bureaucracy and decided it should tighten its belt; that we should reorganize the Federal Government to avoid duplication; we should eliminate programs that do not work; we should wean ourselves from programs that consume our resources and, instead, put our resources into public investments that can help increase economic growth and secure a future for the coming generations. As part of that program, the President has studied which programs will do the most good in this limited stimulus package and he and his Cabinet have assured us that the funds in this bill can be spent quickly and efficiently on worthwhile investments. I should like to read the relevant portions of the testimony given by members of President Clinton's Cabinet before the House Appropriations Committee in support of this economic stimulus package:

First, Housing and Urban Development Secretary Cisneros stated, in part:

> I have met with the mayors, I have met with the county officials, I have met with

> the governors and told them just how critical it is that they pick projects that are not going to be waiting a long time for engineering or design permits. * * * I would predict that the vast majority of these funds, and indeed I have made this commitment to the President, would result in dirt flying and people at work by this summer.

Second, Secretary Espy of the Department of Agriculture made these comments with regard to rural water and sewer grants:

> I will do everything within my power to obligate the funds as quickly as possible. The fact that the funding will go to projects that have been planned for some time should expedite the spent-out once the projects are approved. As you know, the word is already spreading that additional funds will be available for this fiscal year, so communities will be ready to move as soon as funds are available.

Third, Labor Secretary Reich, when talking about the summer jobs program, stated:

> * * * the primary reason that money was not spent in previous summers is that the program got off to such a late start. I believe that last year it wasn't until late June that mayors even knew that they would have funds for this particular program. * * * We have talked with the mayors, we have talked with the cities, administrators and we have received assurance that with enough time, they can do an extraordinary good job providing the jobs for kids, but also providing academic enrichment, the kind of tutoring programs we have also been urging. * * * April 1st would allow six weeks of planning, which is adequate.

Fourth, energy Secretary O'Leary, in reviewing proposals for R&D funds and lab funds, said:

> We are capable, available and stand ready to obligate them all, and that was really—that is the point of the decision to recommend both the supplemental and the reprogramming.

Fifth, Mr. Dickey, the Acting Assistant Secretary of the Army on Corps of Engineers Infrastructure Projects stated:

> In putting together this program, we of course limit ourselves to authorized work and work that can be gotten under way quite quickly. The projects all meet our normal budgetary criteria, which means they are engineeringly sound, they are economically sound, they are environmentally sound; and they address high-priority outputs, including navigation, flood control, hydroelectric power and environmental protection.

Mr. President, I am prepared to speak quite at length this afternoon, but I see some other Senators wishing to address the Senate. If they will indulge me for just a few minutes, then I will seek to yield the floor to them while retaining my rights to the floor.

Mr. President, the pending amendment is a complete substitute to a complete substitute to a complete committee substitute for the House bill. The House bill is open to further amendment. The committee substitute is open to amendment.

But, in the final analysis, the adoption of the pending substitute for the substitute for the substitute would have the effect of wiping out any amendments that had been adopted theretofore, either to the bill or to the committee substitute.

Now, why did I do this? Why did I set up this so-called tree? There are some other trees that can be planted and nurtured and brought to full strength.

I have sought to protect the President's package. I believe in it. He believes in it. He had previously indicated to me by letter that that package—that stimulus package, that emergency stimulus package, that emergency jobs package—was needed and he was not willing to encourage the amendment of it by fencing off a portion of it or by requiring offsets.

So, therefore, the President, having informed me as to where he wanted to stand—he did this by request last Tuesday, I believe it was—I took him at his word; he wrote me a letter—and that is precisely what I have attempted to do; namely, protect the package as he wants it and, hopefully, get it passed in that form.

Now, there has been a little bit of crying in the beer about my having taken this approach.

But I have encouraged Senators, or tried to encourage Senators, to offer amendments—offer amendments to the bill, offer amendments to the committee substitute.

A Senator on the Republican side of the aisle indicated that it would not be meaningful to offer amendments in this kind of parliamentary situation.

I have indicated that one should not be faint of heart; that he should be courageous, like Caesar. When he was crossing the water on a boat during a storm and the pilot felt that the boat should turn back, Caesar arose and made himself known. He said, "Fear not. Brave the tempest. You carry with you Caesar and Caesar's fortunes."

Well, I sought to encourage Senators, by referring to Caesar, to go ahead and offer their amendments. Because if the Senate will not adopt the amendments, then they have nothing to complain about. Though the tree is closed up, they have nothing to complain about, because the Senate would not have adopted their amendments anyhow. That makes sense, it seems to me.

But, as I say, one of my good friends on the Republican side said it would not be very meaningful to offer amendments at this point, because we could not get them adopted; we could not get them added to the bill.

Now, I should say, as I said a little earlier, there are other trees. As I indicated on Friday, I believe it was, there is another way or other ways—where there is a will, there is a way—to still get amendments adopted.

One of the ways in which this could be done would be by way of a motion to recommit with instructions to report back. And there is an even better way, which I will not tell anyone about right now. There is a better way, a better way than that.

But I will reveal that much. I will reveal that much, Mr. President. With a motion to recommit with instructions to report back forthwith the following, we can work just about anything that needs to be worked into this package.

So, there is a way wide open, if Senators would simply offer their amendments and let us see how many votes there are for their amendments. Then it might be time to ask whether or not the amendment could be included—may be included in this package. If the Senate votes up an amendment, if the Senate adopts an amendment, then that indicates that there is some justification for including the amendment. Perhaps the justification will not be strong enough, but it may very well be strong enough.

So, I say again to Senators on the other side of the aisle: Take heart. The rule book on procedure, the book on "Senate Procedure," provides ways around even this tree that has presently been erected here.

And, as I say, there are even better ways. At least I can think of one or two better ways. But I will not go into that now.

But it is sufficient to say at this point that Senators should not lose heart. If they have amendments, call them up. Let us get a vote on them.

Mr. President, I will yield to the Senator from Vermont momentarily, but I had promised, first, to yield to the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. I hoped to get 10 minutes.

Mr. BYRD. He was on the floor and on his feet. May I, before yielding to the Senator from Texas, inquire of the distinguished Senator from Vermont what his wishes are?

Mr. LEAHY. Mr. President, my wishes were to be recognized not to amend the package. I kind of like it the way it is. But as the Senator from West Virginia had already told the Senator from Texas he would yield to him, obviously I do not want to interfere with that.

I know that he will ask unanimous consent to yield to the Senator from Texas without losing his own right to regain the floor. I wonder if he might be willing to, in propounding that request, include that he might be able to yield under the same circumstances to me, subsequent to the Senator from Texas.

Mr. BYRD. How much time does the Senator wish?

Mr. LEAHY. Ten minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may now yield to the distinguished Senator from Texas [Mr. GRAMM] for the purpose only of his making a statement. And I understand in talking with him that that is the only purpose he seeks. I ask further unanimous consent that following the remarks by the distinguished Senator from Texas [Mr. GRAMM] that I be permitted to yield to the distinguished Senator from Vermont [Mr. LEAHY] for not to exceed 10 minutes for the purpose only of treating my friends on this side the same as I defer to my friends on the other side—I note he has already stated that his purpose is the purpose only of making a statement—after which I be recognized again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And that my speech not be counted as a second speech. I do not mean to leave the impression that I am filibustering, but I simply want to have my guard up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from West Virginia for yielding. I don't know if the oarsmen were comforted when they were reminded that it was the life of the great Caesar that hung on their efforts. But I think it was a good reminder to give them, and I would just remind my colleagues that it is the life of America that hangs on our efforts and that is why this debate is so very important.

One of the things I will have an opportunity someday, I hope, to share with my grandchildren, is a discussion of Senator ROBERT C. BYRD and his great command of the rules of the Senate. I know he believes very strongly in this bill and I know he is very sincere in that belief. But I am strongly opposed to this bill and I believe that I am equally sincere in that opposition. I would like to begin today to explain to my colleagues and to the American people why I oppose this bill.

First of all, I think we have to remember that just last week we claimed to have adopted a dramatic budget. We claimed to have made dramatic changes in our Government. We claimed to have taken dramatic action to reduce the deficit. Time will tell if any of these things are true, but at least we claimed to have done something about the fiscal problems of the Nation. And all over the country, over the weekend, our Members who are Democrats—both in the Senate and the House—and our President talked about action on the deficit.

What a dramatic paradox it is, that we stand on the floor of the Senate today, debating a measure that raises the deficit by $16 billion. What is even more interesting is there is a clause in this bill that designates all the spending as an emergency, so that despite the fact that we spend $16 billion it does not count as deficit spending. Despite the fact that the deficit goes up by $16 billion, by this little trick of legislative language this bill does not count as additional deficit.

We have a spending limit that is part of the law of the land, adopted in 1990, and without this parliamentary gimmick this bill would be subject to a 60-vote point of order because it violates that law of the land. But following a weekend where many of our colleagues touted the fact that we had done something about the deficit, we find ourselves here today not to lower the deficit, but to raise it. We are here to increase spending by another $16 billion before any spending cut is made, before any change in permanent policy is made.

I was on a television program on Thursday and I was asked by some Wall Street people: Well, what difference does $16 billion make? We are looking at a huge Federal debt, we are looking at a huge Federal deficit, why are you complaining so much about another $16 billion?

Let me try to put it in an analogy. On Thursday we went on the wagon. On Thursday we passed a budget that said we were going to give up the devil's brew. It is true that we already drank an ocean; it is true that this is simply a small glass. But here it is—today is Monday, we have been on the wagon since Thursday when we adopted this much-touted budget, and yet as our thirst has grown, our first action is to take this glass of whiskey and—gulp.

I say to my colleague, how serious were we on Thursday in talking about deficit reduction when we are talking about raising the deficit by $16 billion today and we are not counting it as spending and we are not counting it as deficit, because to do those things is a violation of the law of the land.

I think that we expose to the world that we were not very serious on Thursday and that we are not very serious on Monday about deficit reduction. We have, from the administration, a letter, from OMB Director Panetta, that tells us that the administration does not support funding for any of the types of projects that opponents of the legislation speculated would be funded.

Let me, first of all, thank our distinguished chairman and ranking member for an amendment that they introduced on Thursday which protects us against some of these projects. I think people might be somewhat surprised—maybe amused, maybe amazed—that we found it necessary to adopt an amendment that prohibited funds provided in this emergency economic growth bill that is supposed to rebuild the American economy from being spent on such projects. The amendment says: None of the funds in this act may be used to assist a golf course or a cemetery project; none of the funds may be used for white water canoeing facilities on the Ocoee River. I do not know whether you can support white water canoeing facilities on some other river, but you cannot do it on the Ocoee River.

We said in this amendment that none of these funds can be used for fisheries atlases, nor can they be used to study the sicklefin chub. Now, whether we can study the humpback chub, I do not know. But our chairman and our ranking member have protected us from these things.

But let me go over a list of what we are not protected from. In a list of ready-to-go projects where the Secretary of Transportation and the Secretary of HUD said to our cities: Put together your projects that are ready to go under the community development block grants because we are about to give you $2.5 billion to spend. And when that list was put together, let me just read to you from "States," going A through C. Listen to these projects. These are the projects that are supposedly going to rebuild America; that we are told are going to make us a great and powerful and rich country; that are going to make us competitive again and that will fuel the engines of industry and agriculture:

A new gym; pathways in various parks; building phase I of a sports park; graffiti abatement; build a parking garage; build a bike path; build a senior citizens center; build a youth sports complex; build an amphitheater and softball field; build three bike paths; expand and restore senior citizens center; build bike paths; staffing for projects; graffiti removal; outreach programs; mall renovation; construct a bike path; a boathouse restoration; build a soccer field; build a community park; fund an art ark; recreation buildings; youth shelters. And the list goes on and on and on.

Madam President, it seems to me that our problem here is that we are not talking about a jobs bill, we are not talking about an economic stimulus package; we are talking about a political stimulus package. We are talking about all the old projects that all the cities have that they have decided not to fund with their own money because they were not high enough in their level of priority and now we are going to come in and borrow $16 billion and we are going to fund those projects.

We have an estimate by the OMB Director that this bill will create 219,000 jobs. That is not taking into account the negative impact of borrowing all this money. But I just ask my colleagues to note, even if it did not affect the economy to take this $16 billion that we are going to borrow away from the uses it would have gone to—to build new homes, new farms, new factories, to generate real jobs—according to the OMB figures, we are paying $89,041 for every job we are creating.

I ask my colleagues, is it worth $89,041 a job to create jobs that pay a quarter or a third that amount? I answer my question by saying I do not think so. In fact, I think what this shows, once again, is that Government is not an instrument for economic growth. Government is not an effective engine for promoting prosperity.

Now, what is the debate about? People are going to be confused, I guess, for the rest of the day—and I hope not the next couple days, but I am fearful they are—about why people keep on talking here and what is going on. The distinguished Senator from West Virginia has offered a series of amendments that guarantee that if any other Member offers an amendment to the underlying bill, that whether that amendment is adopted or is not adopted, that when the vote comes on the amendments of the distinguished Senator from West Virginia, that if they are adopted that none of those other amendments will stand; they will all fall.

My own opinion is that if we are going to vote, we ought to vote for real. I had hoped that we would have an opportunity to have genuine bipartisan input. I think we ought to vote, for example, on the emergency designation in this bill. I do not know that I could win on the amendment. I would like to see it voted on, but I would like to see it voted on for real so if it is adopted, it is going to become part of the bill. If we are going to take out golf courses and cemeteries and white water canoeing, maybe we ought to take out swimming pools and parking garages and bike paths and jogging paths. Maybe we ought to set very high standards for spending this money. I would like to have an opportunity to vote on those things.

Basically, what people are saying on my side of the aisle is this: Let us have votes that are meaningful. I learned my rules not from reading these big, thick green and red books, but by watching and listening to Senator BYRD. And I know that we could offer a motion to recommit, but I also know that Senator BYRD has already figured that out and that he could, with second-degree amendments, take over that tree as well. In fact, I discovered long ago that I am not smart enough and I cannot get recognition quick enough—I just notice that people in the chair always see our distinguished chairman of the Appropriations Committee before they see me—I am not smart enough nor am I quick enough to figure out how to get around Senator BYRD in terms of parliamentary procedure.

But I have also learned one little lesson from no other source than Senator BYRD which is: When you take all the rules of the Senate and you take all these amendment trees—and this is on one piece of paper as to where we are; people cannot see it but it is a bunch of fancy boxes and circles—that the one thing I know about the Senate rules is that when the Senate rules were established, they were meant to impose order in a system, but they also were meant to protect the rights of the minority. And if the minority is determined, if the minority is unwilling to relent, then ultimately the rules work for them.

I believe, in this case, that the minority is determined; that the minority is not willing to relent. I am hopeful that we can sit down and negotiate out a procedure to have real votes on these amendments. I think that there are a certain number of amendments that people feel strongly about, and I think our objective will be served better if we come up with a procedure whereby people on this side of the aisle can offer amendments, and amendments that will be part of the bill if they are adopted, rather than simply going through an exercise where we go through a long debate and we get excited and the amendment is adopted, but then when the final vote is taken, those amendments fall away.

So I thank our dear chairman from West Virginia for allowing me to intervene during his speech and to make these points. I thank him very much for yielding the floor.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Madam President, I will note we will hear a lot of talk about the stimulus package; how we would like to change this little piece, we would like to change that little piece, and so on. Invariably, the people who are standing up here, Madam President, are the people who do not want the stimulus package at all, they do not want the President to succeed in stimulating our economy. And they are the people who voted for a number of things that got us into the problem we are in right now.

What I am concerned about when I look at any stimulus package is the question of how it is going to affect rural States. I represent one of the most rural States in this country.

I know there is no future in rural America if there are no jobs. And if we want jobs for our children and our children's children, then we are going to have to invest in rural America. That is why, as chairman of the Committee on Agriculture, Nutrition and Forestry—the committee responsible for rural development—I rise in support of the President's economic stimulus package.

I have heard media reports that Members of Congress from rural areas are not interested in this bill, that some feel it is just an urban bill. Madam President, that is simply not the case. In fact, over $2.6 billion of these funds will go to build water systems and rural housing and investment in rural communities. These investments will assist rural communities in attracting and retaining industries and jobs.

Madam President, too often when we talk about improving the economy in this country, we speak only of urban America. Too often when we talk about creating jobs, we talk only of urban America. We want the qualities of rural life: the low crime, the neighborliness, the helpfulness of each other, the honesty, integrity, the work ethics that we so often see in rural America, but our focus is on urban America. It should not be an either/or. The fact is that rural America exists. It does not have the votes of urban America, but it certainly has so many of the problems, especially joblessness and poverty.

I am glad we have a President who understands rural America and who has sent us legislation which shows he believes in rural America. In fact, the President's bill funds some of the same programs that were funded in the Rural Jobs and Investment Act of 1993. That was a bill I wrote, and it was cosponsored by 15 of my colleagues in this body. The bill was based on the premise that we have to provide the capital that new and expanding businesses need to create jobs and revitalize rural America. We have to invest in our infrastructure to attract businesses and investment. We have to make rural America more competitive in the future.

Rural America has suffered from a decade of neglect. I see it in my own State where the gains of the 1970's in combating rural unemployment and population loss were turned around in the 1980's, and as a result, because of the neglect of rural America, in 1992, 1 in 10 rural Americans was unemployed; 1 out of 4 rural children lived in poverty. Rural children in the 1980's were neglected in education, hungry, without adequate medical care, and lived with a very, very dim future ahead of them.

While economic reports show improvement in our economy, large layoffs continue. In fact, the adjusted unemployment rate number remains at over 10 percent.

Now, many of those Americans are back to work but in part-time jobs. That is nothing new for rural communities. Persistent unemployment is a serious problem for our rural areas.

In my own State of Vermont, we see that in February unemployment numbers again increased. In 10 out of our 12 labor markets, unemployment was higher than in February 1992 when the recession was just ending. While some economists concluded this latest increase represents new found optimism that there are jobs to be found, we are really not out of the woods until these people find work. The bill the distinguished chairman from West Virginia has before the Senate is designed to create jobs and do it quickly.

Declining population is an alarming problem for rural America as well.

Nearly half of all rural counties lost population during the mid-1980's—nearly half. That is one of the saddest statistics we have heard about rural America since the dust bowl days. Too often the best and brightest of our young people leave rural America, not because they want to but because they have to. There is no future in rural America if our children are forced to move away in search of economic opportunity.

Our children are our future. What future do we have if we drive them out of rural America?

During the 1980's, while we spent billions of taxpayers' dollars in defense and savings and loan bailouts and foreign aid, the needs of rural America were too often ignored.

President Clinton recognizes the importance of investing in our future. This bill is a clear massage that rural America will be a partner in our Nation's economic future, as it should be. Let us not forget rural America. When we have Presidential campaigns as well as senatorial campaigns, we all love the photographs and the campaign stops in rural America. We see hardworking people and the beautiful scenery. It evokes some kind of Norman Rockwell sense of well-being, but, Madam President, there is not well-being in rural America because it has been ignored. It has been ignored. But it is not ignored in this stimulus package. It has not been ignored by President Clinton. So many of the root values of this Nation are embodied in rural America.

Speaking as a Senator from rural America, I would hate to think that because of mistakes made by our Federal Government, the great promise of those values is diminished or lost.

Some have questioned the need for the stimulus package in light of the slight improvements reported in our economy. We need only look at the rural conditions. I just presented to see the need. We need to turn this around. I believe we can.

Some say passage of this bill constitutes having dessert before our vegetables. I say this bill simply means jobs for rural Americans. If you have jobs, you have promise. If you have promise, these young people who now leave rural America will stay, holding to the values that their parents and their parents' parents have instilled in them and instilled in rural America. The future of rural America should bring promises of knowing each other, the promises of a low crime rate, the promises of an honest day's pay for an honest day's work, promises of helping each other when you are in need.

I think of my own home in Vermont. I drive down a couple miles of dirt road to get to it. The thing I look forward to the most every week is the idea of getting back to my home, where I know everybody, where I am apt to come home and find a window repaired that had been broken in a storm, probably some cookies left on the table by the neighbor who repaired it. They know they can just walk in there and they know I would do the same for them, the way I was brought up, the way all of us in rural America were brought up.

But it also concerns me when I see the son or daughter of those same neighbors wondering if they will have to move from rural America to an urban center for the promise of their own future. They wonder if perhaps they will have to move to a place where they will not have the quality of life and where they will not feel as secure in their homes or have the same sense of responsibility to their neighbors. That it is a choice made not because they want to, but a choice forced on them.

So I hope that we will keep rural America also in mind when we vote on this package. The distinguished chairman comes from one of the most beautiful rural States in this country. I know that he has that in mind. I know from my own discussions with President Clinton when I talked to him, coming from a small rural State—I say thank God he does—for those of us who also live in small rural States, we have somebody who does care. There is talk about whether we are funding canoe launchings or something. Baloney. This package provides funds that, in my home State are desperately needed. The bill means $1,255,000 for Vermont's rural housing program, $1,603,000 for Vermont's rural water and waste disposal loan program, $4 million for Vermont's EPA construction grants and State revolving loan fund. These are good things.

Madam President, I thank the distinguished chairman for yielding his time to me. I am proud to stand with him on the floor on this package as we have stood on the floor before on similar things. I wish him well. I am ready to vote on the package. I do not have any amendments, I tell my distinguished chairman. I am back here from Vermont.

I am ready to vote. I am ready to move this forward. I am ready to start creating jobs in rural America.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished senior Senator from Vermont for his fine statement. I am sure that he is ready to vote on the package. I am equally sure, even if he had not assured me, that he has no amendments thereto. But if he had, he would be entitled to call them up, and have a vote on them.

I again thank him for his service to his State and for his statement today.

May I ask my very able colleague on the other side of the aisle, Senator HATFIELD, if he wishes to make any statement at this point?

Madam President, I understand that consultations are going on with respect to the Boren-Breaux amendment, and have been going on over the weekend. I shall await the outcome of those consultations.

Madam President, we continue to hear the refrain with respect to meaningful amendments, beginning to hear that under the present parliamentary situation meaningful amendments cannot be called up, meaningful votes cannot be had.

Let me remind Senators about the situation that obtained here last Wednesday evening and last Thursday morning. When the time, the 50 hours, ran out on the budget resolution, Senators had the right to call up amendments but without any debate on these amendments to go to a vote.

I remind my good friends on the other side of the aisle that time after time they called up amendments without debate, had votes on those amendments, and knowing full well that with the kind of momentum that was behind that bill and while they could indeed get votes the likelihood of the amendments being adopted was not very great. But they did not hesitate nevertheless to call up their amendments. They called up amendment after amendment, it got a vote, and it went down in almost all cases. And we proceeded to the next amendment.

So we were here until around midnight, give or take a little bit, on Wednesday night. And we came back, voting on amendments, sight unseen, like a pig in the poke, not knowing what is in the amendment. As long as that situation obtained, Senators on the other side of the aisle were quite willing to call up those amendments even though it was in almost all cases a futile exercise.

They probably succeeded in calling up some amendments that put Democrats on record. And that was all. That was about all it did. The amendments died. The amendments were rejected.

So I do not understand what was meaningful about all of that unless it was meaningful just to get Democrats on record, and voting on amendments on which there was no debate, on which no debate occurred, just getting the Democrats on record.

So I searched the RECORD and found the following amendments. Let me just cite the amendments that were called up on that occasion and voted on. In almost all instances they were voted down.

I believe the first amendment that was called up following the expiration of time on the budget resolution was amendment No. 190 called up at 9:26 p.m. on March 24. That was an amendment that was offered by Mr. BURNS reducing the revenues of the Finance

Committee report of $2.2 billion over 5 years. And so on and so on. Mr. SASSER moved to table that amendment. The amendment was tabled by a vote of 54 to 44.

The next amendment was amendment No. 197 by Mr. CRAIG and it was called up at 9:48 p.m. The amendment by Mr. CRAIG was tabled by motion offered by Mr. SASSER by a vote of 69 to 29. I do not know how meaningful that was. But that was not a very impressive vote for the amendment, 69 to 29. By 69 to 29 it was tabled.

Then there was an amendment called up by Mr. DURENBERGER, amendment No. 222. And Mr. SASSER moved to table the Durenberger amendment. The amendment was tabled by a vote of 55 to 43. There was a majority of 12 votes with two Senators not voting. That vote occurred at 10:05 p.m.

Then at 10:22 p.m., a vote occurred on amendment No. 234. This was an amendment referred to as the Stevens-Kassebaum-Lugar amendment, and Senator SASSER moved to table that amendment. That amendment was tabled by a vote of 54 to 44.

At 10:40 p.m., on last Wednesday, a vote started on a motion to table by Mr. SASSER on an amendment offered by Mr. MURKOWSKI and others. That amendment was rejected by a vote of 52 to 46.

At 10:57 p.m., a vote began on an amendment offered by Mr. WARNER, Senator SASSER having moved to table the amendment. The vote was 50 to 48 to table.

At 11:17 p.m., a vote occurred on an amendment numbered 233, an amendment by Mr. MCCAIN and others, Senator SASSER having moved to table the amendment. The vote was 54–44 to table the amendment. At 11:34 p.m., a vote occurred on a Sasser motion to table the Thurmond amendment. The vote to table was agreed to 55–42. At 11:59 p.m., 1 minute before midnight, Senator SASSER moved to table an amendment by Senator KASSEBAUM, and the motion was agreed to 51–47.

Therefore, Madam President, on last Wednesday, after all time had expired on the budget resolution, nine amendments were called up by my friends on the other side of the aisle, and all of the nine amendments were tabled. Were they meaningful amendments? They were all rejected. They might have been meaningful amendments had they been agreed to, but they were all rejected. And Senators pretty well knew, I think, what was going to happen and know what the outcomes would be. Certainly, after one or two of these amendments had been rejected and it kept on and on and on, it was obvious that it was not going to be a very good evening for those offering amendments, even though no debate was to be had on the amendments.

The distinguished majority leader pointed out the fact that all time had expired on the resolution itself, and the only thing to do under those circumstances, since we were all flying blind in the fog, not knowing what was in the amendments, flying into the darkness, was just to vote to table the amendments. Everybody understood that.

But, nevertheless, the amendments continued to come. Then on the following morning, it being Thursday, at 9:31 a.m., Senator BRADLEY and Senator HOLLINGS had an amendment which expressed the sense of the Senate that the President should be granted line-item veto authority over items of appropriation and tax expenditures that, first, provided that each item of appropriations for tax expenditures is enrolled separately for presentation to the President; and, second, expired at the conclusion of the 103d Congress.

I voted for the Bradley-Hollings amendment. It was agreed to 73–24. But, Madam President, while there was a vote on the amendment, in a real sense it was not meaningful. In the first place, it was a sense-of-the-Senate amendment, which meant that it had no legal binding authority. It was simply a sense-of-the-Senate taken on a given amendment at a given hour on a given day, without debate. And I saw in Roll Call this morning, the fine little paper that is printed here at the Capitol, buzzing about my having voted for line-item veto.

Well, let not those enthusiasts for line-item veto or enhanced rescissions gain heart. I have not changed my viewpoint one bit. But I voted for the amendment because, in the first place, it was a sense-of-the-Senate amendment. But more importantly, it sent a shot across the bow of committees other than the Appropriations Committee. It was the sense of the Senate, according to the amendment by Mr. BRADLEY and Mr. HOLLINGS, that if there is going to be line-item veto authority, it should extend also to tax expenditures.

In other words, in view of the fact—and it is a fact—that the Appropriations Committee continues to be the target of those who talk about the budget deficits, while the Appropriations Committee is not contributing to the deficit, the Appropriations Committee continues to work within the caps and hews to the mark that was laid at the budget summit in 1990. The Appropriations Committee is not the culprit; but all these line-item veto amendments, enhanced rescission amendments, and expedited rescission amendments, continue to be directed at the appropriations.

Well, Mr. BRADLEY and Mr. HOLLINGS expanded the concept between the two tax-writing committees so the tax expenditures would be included if there is going to be line-item veto or enhanced rescissions. So I thought it might be a good idea to send a little shot across the bow that if the Congress ever takes on this business of adopting a line-item veto or enhanced rescissions, it might just go beyond the Appropriations Committee, to Finance, Ways and Means, and other authorizing committees that are responsible for programs that result in back door spending.

As to providing that each item of appropriations or tax expenditure be enrolled separately for presentation to the President, I think that would be unconstitutional and have so said in the past, and I have not changed my viewpoint on that.

But then at 9:55 a.m., Mr. SASSER moved to table the Brown amendment, and the Senate tabled the amendment by a vote of 53 to 46. At 10:13 a.m., Mr. SASSER moved to table the Kempthorne amendment, and that was tabled by a vote of 56 to 43. At 10:31 a.m., a motion by Mr. SASSER to table the Cohen-Campbell amendment was defeated by a vote of 65 to 34. Again, that was a sense-of-the-Senate amendment dealing with line-item veto authority over items of appropriations and tax expenditures. The Senate rejected the tabling motion, and that amendment was subsequently agreed to by voice vote.

I voted to table that amendment. That was one amendment that was not tabled. As I say, it was a sense-of-the-Senate amendment and has no binding effect.

At 10:51 a.m., Mr. SASSER moved to table an amendment by Mr. GRAMM, and the tabling motion prevailed by a vote of 54 to 45.

At 11:09 a.m., Mr. SASSER moved to table the Bond amendment No. 253. The tabling motion was agreed to by a vote of 57 to 42.

An amendment, No. 250, by the Senator from Pennsylvania [Mr. SPECTER] and the Senator from California [Mrs. FEINSTEIN] was agreed to. That amendment was agreed to by voice.

At 11:29 a.m., Senator SASSER moved to table the Murkowski amendment, and the Senate tabled the amendment by a vote of 61 to 38.

At 11:48 a.m., the Senate voted to table an amendment by Mr. CRAIG, the tabling motion having been offered by Mr. SASSER. The amendment was tabled by a vote of 57 to 41.

Madam President, we see that amendments were offered in a situation there by our friends on the other side of the aisle when about all that was meaningful about the exercise was that the Republicans were able to put the Democrats on record on eight amendments on Thursday morning and nine amendments, I think it was, on Wednesday night.

Therefore, I say to my friends again who have amendments, offer them. Amendments can be offered now to the bill and can be offered to the committee substitute.

Walter Malone wrote a bit of verse that I would offer here because I think it is pertinent to what I have been suggesting, namely, that Senators take heart, offer their amendments.

They do me wrong who say I come no more
When once I knock and fail to find you in,
For every day I stand outside your door,
And bid you wake, and rise to fight and win.

Wail not for precious chances passed away,
Weep not for golden ages on the wane!
Each night I burn the records of the day;
At sunrise every soul is born again.

So the opportunity is here and Senators should not hide behind the excuse that there is no opportunity to offer an amendment. Offer the amendment. Let us see whether or not the votes are here to support those amendments.

And if the amendments are adopted, then it will be time to discuss whether or not they should go in the bill.

As I have said just a little earlier today, rule XXII provides for a motion to recommit. If Senators will turn to rule XXII, they will find several preferential motions there and the very bottom preferential motion is a motion to amend the amendment. That is the amendment stage. Then just above that is the committal stage or the recommittal stage. So the motion to recommit has preference. It has precedence over a motion to amend.

So while there are amendments before the Senate today, a certain hierarchy of amendments, the motion to recommit has preference over amendments. There is that opportunity. If Senators really have amendments that their dedication and purpose lead them to want to have in this bill, let them prove by a vote on the Senate floor that the amendment or amendments have the support of the Senate. Otherwise, they are just crying over their beer, weeping over spilt milk. That is rule XXII. All Senators are familiar with the rule.

Incidentally, talking about rules of the Senate, during a heated argument back in the 1920's, one Senator said to a colleague "Go to hell," and the astonished Senator questioned the Chair as to whether or not that remark could be said with propriety. Vice President Coolidge, who was presiding and who had been leafing through a book, looked up and said, "I have just been looking at the rules manual, and you do not have to go."

I would suggest, therefore, that Senators study the rules manual a little more, and I will continue to try to keep up on it as well.

(Mr. MATHEWS assumed the chair.)

Mr. BYRD. Mr. President, the distinguished Republican leader has said some few days ago that upon the adoption of the budget resolution we were going to see some real bullets, that we had just been fighting with paper bullets up to that point, and from now on it was going to be a fight with real bullets.

My amendment is a real bullet. It is the only real bullet that I have noted zinging down this aisle and up to the desk. No other real bullets. But these amendments that have been offered are real bullets. I have been wearing my flak jacket every day expecting the real bullets to start flying. But there have not been any that I know of. There have been some very light artillery echoes over on this side of the Chamber and some sniper fire, very light sniper fire, over on the right. No hand grenades. Numidian cavalry. No Balearic slingers.

Last Friday, I say to my friend from Montana, last Friday, there was artillery, a heavy artillery regiment, that suddenly came onto the field, set up positions over here on my right. And from the menacing and fierce visages of the group, I came to the conclusion that I might be in some dire peril all of the sudden.

But, they just came to get the yeas and nays on my amendment. So when that little popgun went off—it was just a paper bullet—they disappeared in the bushes just as rapidly as they had earlier emerged out of nowhere.

Mr. President, I welcome those live bullets whenever they start flying. I have urged Senators to start using those heavy artillery pieces. Let us have some live bullets. Let us have some amendments. Perhaps the Senator from Arizona would like to shoot a live bullet. The way is open to call up an amendment.

Otherwise, let me proceed now with these charts.

While I am speaking to the package, I know that there are those who are continuing to try to work out the Boren-Breaux amendment, and I would be delighted to hear from them as to what has happened.

Let me briefly go through this package once again.

H.R. 1335, the economic stimulus supplemental, the major provisions thereof are as follows:

Extended unemployment benefits, $4 billion.

Mr. President, the Department of Labor says it will exhaust its ability to pay benefits to 1.8 million jobless people in early April, absent this appropriation.

Now, do Senators want to stay here and not offer their amendments and not get a final resolution of this matter in time for those workers to know that they are going to be able to continue to receive unemployment benefits?

I have heard some say that they would be willing to stay all week next week. They are so determined that they will oppose this package, they will stay around here all week next week.

I wonder if the Senator from Montana has heard such a rumor; that there are Senators who are determined to oppose this package to the extent they would stay here all next week. I have heard that.

Mr. President, I have never been concerned about such proposals or suggestions. I am going to be here, anyhow. I certainly do not want to see other Senators discommoded, but, more importantly, I do not want to see those 1.8 million workers out there—1.8 million jobless people—do without their benefits.

So if Senators want to hold up this bill for the rest of this week and next week, well, let those Senators who are holding up the bill take the blame for the jobless benefits not being appropriated.

May I inquire of the Senator from Montana if he wishes to speak?

Mr. BURNS. I thank the chairman, but I am not desiring to speak.

I have a colleague that wants some time on the floor.

Might I inquire of my colleague from Arizona how much time he would need?

Mr. McCAIN. Mr. President, I would be glad to wait until the distinguished chairman of the Appropriations Committee is finished with his remarks, and be glad to be patient.

Mr. BYRD. Mr. President, I would be very happy to yield the floor to the Senator from Arizona if he wishes to speak. It is not my desire to hold the floor all afternoon. I simply thought, inasmuch as we have no Senators who, apparently, want to call up their amendments to this bill, that I would continue to try to educate the viewers, who are out there watching through that electronic eye, and try to inform them as to what is in this bill, so that if there are Senators who are determined not to let this bill pass, then the people out there will know whom to blame for the gridlock.

Now, the next item in this bill is Federal-aid highways, $2,976,250,000. This provides full funding of ISTEA, funds concentrated on ready-to-go projects, creating 58,000 direct jobs in 1993 and 1994. ISTEA is the Intermodal Surface Transportation Efficiency Act.

The next item is mass transit capital grants, $736,490,000; airport grants, $250 million; Amtrak capital grants $187,844,000. These funds will be spent on fast-spending transportation projects, to improve safety—what is more important than safety?—and would create 13,875 direct and indirect jobs in 1993 and 1994.

The community development block grants, $2.536 billion, would provide communities the grants for improving neighborhood facilities and services, creating 60,000 direct jobs.

The SBA loan guarantees, $2,575,558,000.

Due to the credit crunch, SBA loans have increased dramatically. Current SBA credit will run out in May, shutting down the SBA loan program. This will create 12,000 direct jobs in 1993 and 1994.

The Pell grant unfunded shortfall is funded in this bill. The dollar amount is $2,023,730,000. It would eliminate a shortfall in funding for 4.4 million students for 1993–94 and prior academic years.

There is a billion dollars in this package for summer youth employment. This would create an additional 683,000 summer jobs for the disadvantaged youth in the Nation, raising the total to 1.4 million jobs for the summer of 1993.

There is $892,261,000 in the bill for sewage treatment construction. This would enable States to capitalize their loan funds for sewage treatment construction. Nationwide needs are estimated at more than $100 billion. This would create 50,000 direct jobs. That is EPA sewage treatment construction.

Head Start, $500 million. This summer Head Start program will enroll 350,000 children and create 50,000 direct jobs.

There are $470 million in the bill for waste and waste disposal loans and grants. These funds are for rural communities with populations under 10,000 to improve the safety, to provide basic services, and promote economic development.

For the Department of Veterans Affairs, this package contains $235,557,000. It will double the VA's funding for maintenance and construction projects at VA hospitals and cemeteries, creating 4,700 direct jobs.

For the National Science Foundation, $270,662,000. These funds would be for research and facilities to create 2,400 direct jobs at the National Science Foundation.

Economic Development grants, $93,900,000. This money would fund ready-to-go infrastructure projects by States and local governments as well as assist victims of Hurricanes Iniki and Andrew. So, here is money in this package to assist the victims of those two hurricanes.

Mr. President, I am not going to hold the floor to speak longer because I do not want to discommode other Senators who have something they wish to say. But it is my suggestion that amendments be offered and let us have votes on them and see if they are meaningful votes. My colleagues on the right here seem to be rather downcast and morose.

Mr. BURNS. It is Monday.

Mr. BYRD. Oh, it is Monday. It is Monday. That is true. If Senators will momentarily allow me?

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arizona, and I will be happy to yield as long as he wishes—10 minutes, 20 minutes, 30 minutes, 45 or whatever?

Mr. President, I am informed that Senator McCAIN does not wish to address the Senate at the moment.

Mr. President, I ask unanimous consent that I may yield the floor and that no motions to table the amendment—the amendments, any of the amendments—no motion to commit be made until after I am again recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor with the understanding that now there be no motions to table the amendments in the tree and that no motion to recommit would be made until I am again recognized. I hope to hear something during the afternoon about the progress on the amendment by Mr. BREAUX and by Mr. BOREN. I also would expect to hear if the Republicans have any amendments that they want to call up, and they are serious amendments. I would suggest that they indicate the number of amendments they have and what the titles of the amendments are, what the amendments would do, and perhaps we can work out something where the Republicans will be able to call up a few amendments.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, reserving the right to object and I shall not object to the unanimous consent that was just put forward by the chairman of the Appropriations Committee——

Mr. BYRD. Mr. President, that request has already been agreed to.

Mr. BURNS. I thought the Senator had a second one?

Mr. BYRD. I did not have a second one.

The PRESIDING OFFICER. The Senator was just restating it.

Mr. BYRD. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I think it might be well to explain, if we could, the parliamentary situation as we face it. It is my understanding that there is a parliamentary situation such that, if amendments were proposed and voted in the affirmative by this body, that following that, when there is a vote on the substitute of the distinguished chairman of the Appropriations Committee, then those previous amendments that are voted on would no longer be operative.

Is that a correct depiction of the parliamentary situation?

The PRESIDING OFFICER. The adoption of a substitute amendment would wipe out anything that happens previously.

Mr. McCAIN. I thank the Chair, because I am sure there are people around America who may be wondering what the U.S. Senate has been doing for the last several days. It had the privilege of listening to the distinguished chairman of the Appropriations Committee, whose eloquent historical fashion it is to provide us with a lot of information, but the fact is that his urging the Republicans to bring forward amendments is a bit disingenuous in light of the parliamentary situation.

It is well acknowledged that the distinguished chairman of the Appropriations Committee, the President pro tempore of the Senate, is the most knowledgeable Parliamentarian in this body. I say that with the utmost respect. The reality is that he has placed this side of the aisle in a parliamentary situation that basically renders meaningless any amendments that we may propose and may be voted on in the affirmative, given the reality that his substitute will most likely, in fact almost certainly, be adopted by this body, which would then render any amendments that were brought forward for the approval of the Senate, any of those that were passed, basically irrelevant—certainly inoperative.

So I believe the situation that we in the minority here are faced with is that, if we propose amendments and they are voted on, they will be meaningless. I believe now the situation renders the minority to be in a position where we are faced, frankly, with one option and that option is to extend debate until such time as we are given our rights to have meaningful amendments brought up for a vote.

It still requires—Mr. President, I would appreciate it if the Parliamentarian would correct me if I am wrong—it still requires 60 votes to cut off debate to bring up final passage.

Most of us here are not as knowledgeable as to parliamentary procedures as is the distinguished chairman of the Appropriations Committee. But I can assure him that—I cannot speak for all 43 on this side; only the Republican leader speaks for all 43 of us—but speaking for this Member, it is my sincere and devout hope that we will exercise our right to keep at least 41 Members from cutting off debate until such time as we are allowed the right to bring forward amendments, meaningful amendments that will be voted on either up or down, depending on the will of this body, and they would not be rendered meaningless by a vote on a substitute.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. McCAIN. May I ask for what purpose?

Mr. BYRD. For a question.

Mr. McCAIN. Mr. President, the distinguished chairman——

Mr. BYRD. For a question.

Mr. McCAIN. I will be glad to yield for a question.

Mr. BYRD. Mr. President, I preface the question by saying, as I said the other day and last Thursday I believe it was or Friday, I said that I like to think this Senator is a reasonable man and if the Republicans have amendments that they want to call up, I suggested that they call them up.

Now, would the Senator be in a position to ask his leader to let the Senator from West Virginia know what Senators, what amendments he has that Senators would like to call up? Perhaps we can reach an agreement on calling up a limited number of amendments. I do not want to agree to calling up amendments ad infinitum, as was the situation we were in last Wednesday night and Thursday morning. But if the Republicans have some amendments—6, 8, 10, whatever it is—that they wish to call up and get votes on, I will be agreeable to making it possible for those amendments to be meaningful, if the Senate will agree to them, if the Senate adopts those amendments.

I indicated earlier today that the way is open for a motion to recommit with instructions, and Senators can get amendments agreed to in that way, if the Senate will adopt the amendments. But I stand here today not knowing what amendments are going to be offered or whether any amendments are going to be offered. I want to see this package voted on. If the votes are here to amend it, then that is another matter.

Would the Senator be able to indicate or have the Republican leader come to the floor and indicate what amendments he has in mind? What Senators want to offer amendments? I have been in the Senate a long, long time. I try to be a reasonable Senator. And I am probably as strong as anyone here in wanting to protect the rights of the minority.

But I do not know what amendments we are talking about. I do not know how many amendments we are talking about. I do not want to get into a situation in which I give up my rights—I have exercised my rights according to the rules—and I do not want to give up my rights and say, "Well, we'll just vote on any old amendment sight unseen."

Would the Senator try to accommodate this Senator and the Senate by bringing that matter to a head in the fashion that I have suggested? Nobody has come to me—the Republican leader has not been here—to say he has some amendments, 6 or 8 or 10 he would like to have votes on.

I have a motion to recommit available to offer at some point or any point, and as the manager of the bill I certainly would exercise that right to move to recommit. But I want to know, I want to have some understanding how many amendments the other side wants to call up. Nobody has approached me on that point.

I have heard some vague—I am not talking about the Senator from Arizona—but I have heard some vague rumors and whisperings and warnings Senators might be prepared to stay all week, all next week. Well, that does not bother me one bit. If Senators want to filibuster $4 billion for retirement benefits in this package all next week, that is up to them. It does not bother me.

But I want to be cognizant of the desires of Senators to call up meaningful amendments. Let me see; let me see what the amendments are. Let me see. If there are half a dozen or 10 or 12, let me see what they are so that I know how many there are and maybe perhaps we can get an agreement on a time agreement on a number of amendments.

I do not want to vex the Senator. I will not impose on him further.

Mr. President, I have been in this position right here at this desk for many years, and I have always tried to work out reasonable solutions to problems when they arise. I have had a great deal of experience in that and have always tried to be conscious of the rights of the other Senators and am still conscious of the rights. But I have also wanted to protect this President's package from mutilation, and I have taken him at his word as to what he wants in the package, and I have sought to protect that.

I exercise my rights. Nobody can accuse me of having done something that I do not have a right to do and that the rule book does not allow. So I am very experienced standing right here at this desk, and any threats to filibuster do not bother me at all. They do not bother me a bit. We ought to stay here next week. We ought to stay here the following week if it requires us to get the work done. This is our post of duty. This is our place of duty. Let us stay.

Now, if the Republican leader or anybody else wants to come out here and indicate what they have in mind, I will sit down and talk with them, but there is nobody here to talk with me now. I have yielded the floor, and I have indicated that I am ready to hear what my friends on the other side have.

So if they think that I can understand these long-range wireless messages, under the present circumstances I cannot. Let them come and tell me what they have. The Republican leader and I are good friends. I will be glad to listen to what he wants by way of amendments. Perhaps, as I say, we can work out something. I can offer a motion to recommit, report back forthwith and we have an agreement beforehand how many amendments would be called up. I do not know of any on this side, if Mr. BOREN, Mr. BREAUX, and Mr. KOHL do not call up theirs. But I would like to find out what happens on their amendment first before I agree to anything. I would like to know what is going to happen on their amendment.

Mr. President, I thank the Senator for yielding. My question is: Will he continue to carry his very warm friendship for me in the future, as he has in the past, under the circumstances, and forgive me if I have committed any trespasses and love me as a friend and fellow American, as he always has? Mr. President, that is my question. I would like to get an answer.

[Laughter.]

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank very much my friend from West Virginia. Before I answer that question, can I say, the Senator from California is waiting to speak. I will be about 10 minutes and then I will be through. I know she has been waiting to speak. I will not take too much time.

Obviously, I would like to say, Mr. President, that our friend and colleague, the distinguished chairman and President pro tempore who has been so active for so many years, would never lose the friendship and the respect and affection in which we hold him. I will say that from time to time there is a certain degree of frustration, but that, of course, is due to the normal give and take of the parliamentary process. And as the distinguished chairman of the Appropriations Committee has said many times, those of us who are not happy with the parliamentary procedures, that we should learn those procedures ourselves. I have learned a great deal from the distinguished Senator from West Virginia who has, over the last 7 years now, taught me a great deal. And we have had very spirited debate on issues such as the line-item veto and others. He will always have my love and respect, no matter what the circumstances are, even in the heat of battle.

I say again, Mr. President, the Senator from West Virginia described very well the parliamentary situation and his control over the parliamentary situation and his assertion of his parliamentary rights, and I understand those rights and I understand the present situation.

My response is that I know the Republican leader is very interested in moving forward, as all of us are, and I am sure, although I cannot speak specifically for Senator DOLE, he wants to move forward with this process, and I know he would like to sit down with the Senator from West Virginia under any circumstances, especially these, so that we can work out a compromise and move forward.

In the meantime, Mr. President, I believe we have only one recourse, those in the minority, and that is to exercise our rights, and our rights are that if we can maintain 41 votes, then we will be able to prevent the passage of this legislation. And the reason why I believe—and I cannot speak, as I say, for the Republican leader—we will maintain at least 41 votes is that we are not being given the opportunity—even though the Senator from West Virginia is exercising his rights, his exercising of those rights is preventing the Republican side from being able to propose meaningful amendments to a $16 billion package.

Although $16 billion is not a great deal of money to some, it is to others—$16.26 billion in new spending. So I believe this impasse should be broken and, as happens quite frequently in this body, we will move forward. I would like to point out that there are many of us who feel as if this kind of spending is certainly not necessary at this time, at least the majority of it.

I should like to make a few comments about the line-item veto, which the Senator from West Virginia discussed a few minutes ago.

Mr. President, there was a sense-of-the-Senate resolution which was passed, and was passed overwhelmingly, that stated support for a line-item veto plus a line item, if that is what one would want to call it, for lack of better words, that would close tax loopholes, would give the President of the United States authority to close tax loopholes.

The distinguished Senator from West Virginia was quoted in the press and again on the floor as saying the vote was meaningless because it was a sense-of-the-Senate resolution.

I have a different view of sense-of-the-Senate resolutions. I believe sense-of-the-Senate-resolutions are exactly what the words say, and that is what the Senate intends to do. I intend at the earliest opportunity to see if that was, indeed, the sense-of-the-Senate as 70-some Members of this body voted, or was it, frankly, in all candor, a bit of hypocrisy. I do not see how you can vote for a sense-of-the-Senate resolution, meaning that is what the Senate intends to do, and then when it comes around to the real vote, vote against it.

So I know that I and others will intend to try to get a non-sense-of-the-Senate resolution passed that, indeed, puts that sense-of-the-Senate resolution into law. I am pleased to note that as far as I know the President of the United States still supports a line-item veto, and I hope we could hear from the White House at a fairly early time.

Mr. President, again, in response to the question of my friend from West Virginia, yes, we continue to love and respect him, but we also do believe that it is time to move forward. We do believe that we should be able to assert our rights, which means prevention of the passage of this bill in return for the ability by us to have our amendments considered and voted up or down, amendments that are meaningful and amendments that will not be literally wiped out by the passage of the substitute amendment which is the matter pending before the Senate.

Mr. President, I should also like to express my appreciation to the Senator from Oregon, who has shown enormous patience over the last few days and has attempted, along with the Senator from West Virginia, to move forward so that we can get this done. I do not need to remind my colleagues that we also have a debt limit extension of some kind that is facing this body, and I understand the sentiment of the Senator from West Virginia that we could stay next week and the week after, and that probably is our primary duty.

But I have also noticed that when recesses are scheduled in this body, there is a certain reluctance to remain here during those recesses. In fact, as I say, I am only going on my seventh year but perhaps my friend from West Virginia and my friend from Oregon can remember a time when a recess was scheduled and we did not go into that recess. I am sure it may have happened in the 34 years' experience of the Senator from West Virginia, but not in my recent experience. I hope we can move forward, and relay this message, as I know has already been done, to Senator DOLE in hopes we can propose some amendments with the assurance of the Senator from West Virginia they would have meaningful consideration.

I thank my friend from West Virginia and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER.]

Mrs. BOXER. I thank the Chair for recognizing me, and I thank the Senator from Arizona for his kind assistance in helping to make sure I did receive recognition in due course.

I want to say to the Senator from West Virginia how much I admire him for what he has been doing these last several days, on his feet hour after hour, trying to move the President's economic package forward, using the rules that are there to be used so that we can move the President's economic package forward. I hope in perhaps the next 10 or 15 minutes I can speak as clearly as I can on behalf of that goal, as forcefully as I can on behalf of that goal, and as convincingly as I can on behalf of that goal—of moving this President's stimulus package forward.

Mr. President, we must feel a sense of urgency. As the Senator from West Virginia has repeated throughout the last several legislative days, unemployment benefits are running out. We are still in a jobs recession. We have seen the President act very quickly to put his plan together and this stimulus package is part of that plan.

We have seen the House of Representatives, a body in which I served very proudly for 10 years, act on that package. Yes, there was acrimony and debate. Yes, there was. But in the end they moved the package forward, so all eyes are on the Senate.

We were sent here to do a job, and what could be more important than getting this economy moving?

So I want to see the stimulus package pass not just because I want to give this President a chance, which I do—not just because the stimulus package is an integral part of a larger economic program, which it is—not just because the stimulus package together with the budget resolution will give us the momentum for change, which it will, but because this stimulus package and everything in it is needed by America, is needed by the people of America.

There are those on the other side of the aisle who say we do not need this package. It is unnecessary. They do not like this package. They will use the rules to stop us from voting on this package.

So I ask the question and will endeavor to answer the question: Why is this stimulus package needed by America and by the American people?

I think there are three reasons, Mr. President. One, we need jobs in America—jobs; two, we need investments in America—investments; and three, we need deficit reduction in America. We need jobs, we need investment, and we need deficit reduction.

So you might wonder, Mr. President, how does a stimulus program bring about deficit reduction? I think that is a very fine question, but it has a ready answer; that is, when our people are working, our deficit goes down. According to OMB, Leon Panetta, a man that I served with in the Congress who was the chairman of the Budget Committee, believes this stimulus package will create 500,000 new jobs. I know there are other numbers around, but I am going to use Mr. Panetta's numbers because he has always been, in my opinion, conservative in his numbers.

So there you have it—500,000 people taken off the unemployment lines. And that is good. And they will be working. They will be paying taxes. They will not be drawing down on Federal benefits. So the deficit will go down. Specifically, we know every 1 percent increase in unemployment adds between $30 to $50 billion to the deficit. So when you create jobs, you lower the deficit.

I want to talk about my home State, California. We expect 50,000 new jobs created from this stimulus package. And we are suffering with 1.57 million people unemployed in California. We have been battered. We have been bruised—1.57 million people unemployed in California. This recession hit us hard. And it hit us late. And we are having trouble rebounding. Construction is down. State spending is down. Our State government is very strapped. Aerospace is down. And now we have a chairman, Mr. President, of the Base Closure Commission who wants to hit us even harder, he wants to add more bases that will be closed in California.

And we will fight—the senior Senator from California, DIANNE FEINSTEIN and I, will fight that with fairness. We are ready to take a fair hit but not an unfair hit. But with or without the base closures, we are hurting in California. And this stimulus package will help.

But the cynics and the critics, many of whom are on the other side of the aisle, will come up to me and they will say, "Senator, what good are 50,000 jobs to a State as large as California with 30 million people? What is the point? Why not forget about it and just see what happens?" I call those people, what some of my colleagues have dubbed the "guardians of gridlock," the "trickle-down guys," it will all "get well." We tried that for 12 years and we are paying the price.

But let me talk about 50,000 workers getting jobs, getting important jobs—building highways, teaching summer school, building houses, starting small businesses, helping local government, paving roads, community policing.

So now you have these 50,000 people who are unemployed working and they get paid. And that helps others. It helps thousands of children and family members and community.

So it is not just 50,000 people who are helped, Mr. President. It is probably more like 100,000 people helped. And it is not just 500,000 people helped in America when you figure out all the people that rely on these workers. It is more like a million people helped.

So jobs lead to deficit reduction, they lead to families who can be at peace because they know that they have a paycheck coming in.

So the 500,000 new jobs that Mr. Panetta says will be created should be enough reason to support this package.

It is important to note, Mr. President, that right now the unemployment rate is higher in America than what it was when the recession started.

My colleague from Maryland, Senator SARBANES, calls this a jobs recession, and indeed that is what it is. This stimulus program is going to help us get past this jobs recession.

My concluding argument for this stimulus program, Mr. President, is the issue of investment. That is the third leg of this package—deficit reduction, jobs, and investment. We must begin to invest in the civilian side of our economy or we will never be able to compete in a global economy. Our competitors are spending far more than we are now on infrastructure.

For example, in 1989, the gross public investment as a percentage of GDP for Japan was 5 percent. That is the percentage that they invested in public investment. For Italy, it was 3.4 percent; for France, it was 3.2 percent; but in America, we only spent 1.6 percent of GDP for those same investments. No wonder we are falling behind.

How can we compete if our highways and our bridges are falling down and are in disrepair? How can we compete when our children are not getting the healthy start they need, and the Head Start that they need? How can we compete when our young people cannot go to college? How can we compete when our world-class cities are going broke from the AIDS crisis?

I have letters from all over this country, almost every State in the Union, from local governments and State governments saying they are hurting by this AIDS crisis. They need our help. That help is in this stimulus package.

How can we compete when we waste energy? How can we compete when too many of our people spend as much as one-half of their income each month to pay the rent?

This stimulus package in a start of a long-term investment strategy which is going to lift us up and make us strong.

Sure, we can find things wrong with it. I can find things wrong with it. Mr. President, you can, my colleagues all can. We would each write it differently, spend a little more here, a little less there. But we have one President and he ran on this agenda. He said he was going to give this Nation a short-term stimulus and long-term deficit reduction. We owe it to him and the country and the voters of this country to move this package along.

My friends, we are very late in this package. We are not just 5 days late as my friend, the Senator from West Virginia, has been discussing. We are 12 years late, Mr. President, with this package—12 years late because it was 12 years ago the Republican administrations began leading us away from these investments and we fell behind.

For the life of me, I do not understand why there are those today who want to take this package and delay it. The whole country is looking on the U.S. Senate, the best debating body in the land. We have to mount a common body of action. The President acted. The House of Representatives acted. And we must act.

We voted for the budget resolution. There were those who said it would never be done. We did it. Now let us vote for the follow on piece, the stimulus piece. It is essential that we do it. We will start investments, we will create jobs, we will lift up our people, and soon be able to say that this U.S. Senate with all the various personalities in it, all the various ideologies in it, were able to put that aside, and for a couple of shining, bright moments, because this is going to be a very long administration, came together and we gave this President a chance.

Thank you very much, Mr. President.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that I may address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KIDS COUNT REPORT

Mr. DODD. Madam President, today the Annie Casey Foundation in my home State of Connecticut, and the Center for the Study of Social Policy, which is a nationally recognized study group, released their annual profile of American children, Kids Count.

It will not come as a great surprise to many people that the report paints a disturbing portrait of the conditions of American children, as we enter 1993.

As we now know from a variety of sources, all over America children and their families are in crisis. Whether they be rich or poor, black or white, inner-city or in our rural areas, the children of our Nation are living lives of desperation, and it is not quiet desperation.

The particulars of the study are very alarming. Between 1986 and 1991, the juvenile violent crime arrest rate rose by 48 percent in the United States of America. Although young males are seven times more likely than their female counterparts to be arrested for these types of crime, the female youth arrest rate has increased by an astounding 56 percent in that same period of time.

The teen violent death rate has also increased in those 4 or 5 years by 13 percent. Here in the District of Columbia, the rate went up 363 percent from 1985 to 1990.

Other areas examined in this study, which has great credibility, are equally disturbing. From 1985 to 1990, there was a 16 percent increase in births to single mothers and a 9 percent increase in the number of children living in single-parent homes.

The percentage of high school graduates declined by 4 percent. Five percent of the American teenagers between the ages of 16 and 19 are not in school, not in the labor force, not in the military, and are not homemakers.

Who are these missing American youth and what is their potential for a productive life?

My home State of Connecticut ranks sixth best, Madam President, overall, among the 50 States and the District of Columbia. But there is little solace in that news, for in the State of Connecticut, this means that there are still over 25,000 children who are not living with a parent; 6.8 percent of Connecticut's youth have no health insurance; and Connecticut ranked 38th overall in its juvenile violent crime arrest rate.

But, Madam President, we all know that statistics give us only a vague sense of the crisis at hand. The real story is that of the individual children behind those numbers—children who live lives of despair, children who now sit in the classrooms of America hungry and ill-clothed, and children who did not even go to school today, but whose absence was never questioned or even noticed.

Madam President, let me just point out—I have said this before on other days here—by 3 o'clock, east coast time, every single day, some 2,000 children in this country drop out of school and never, ever go back. So by 3 o'clock this afternoon, our educational system, roughly, loses 2,000 more kids in this country, somewhere between 1,400 and 2,000.

I might point out, for those who say, "Well, that does not seem like a very big number," if you start thinking of that 5 days a week, 4 weeks a month, and for an entire year, it really mounts up.

But it also puts us substantially behind what is occurring in our major competitive nations, where the dropout rates are less than 1 percent of the equivalent age population.

And you start talking about this country's position economically in the 21st century, with dropout rates of that level, here we are now, knowing what we have to do, knowing we have to keep kids in school, knowing they have to be the best educated generation this Nation has ever produced, and yet between 1985 and 1990, we have watched a 4 percent decline in the number of students actually completing high school. That is exactly the wrong direction of the trend lines in terms of where we need to be by the 21st century.

At any rate, this Kids Count report, as it is called, notes that the most recent poverty rate among children, 19.8 percent, is an improvement over the 1985 rate, which was 20.5 percent. Imagine in America today one out of five children living in poverty. Not much of an improvement at all, I might add, from 1985.

We are losing ground, Madam President, in our Nation. There is no other way to describe what these statistics tell us. And every single day gets worse; it gets worse.

We are losing our youth; we are losing these kids. We cannot continue to turn our backs on the issues that affect their lives most directly. The problems of our children are the problems of our families, and the problems of our families are central to the future of our Nation. For too long we have wasted precious energy arguing about who is responsible for our children's problems and who is to blame. We are all responsible, every single one of us. And we must all join together if we are to solve this terrible crisis.

I will continue with my efforts to make America a better place for children. Recently I introduced the Child and Family Services and Law Enforcement Partnership Act. This measure creates partnerships between police departments and child mental health professionals to provide immediate assistance to children exposed to violence. This is only one aspect of what must be done. To address the problems of poverty, educational deprivation, and violence, we must work both quickly and creatively. I urge my colleagues to join me in this legislation and other efforts to ensure that next year's Kids Count report will show far greater improvement than the one that is before us today.

Let me point out we are dealing here today with the stimulus package. While I am speaking in morning business, not directly a part of the stimulus package which the Senator from West Virginia is managing on the floor, it is worthwhile pointing out that a good part of that stimulus package is directed at our youth: The Head Start Program and summer jobs programs, even the issues involving jobs.

I am not going to take a lot of time here this afternoon, but people ask what can be done, how do you begin to make a difference? Again, I am maybe saying things I know my colleagues have heard me say repeatedly in the past, but there is no better social program anywhere than a job. That is the best social program I know of. Nothing does more for an individual or a family or a community than work—a decent job with a decent salary or wages.

So the stimulus package is directly targeted to trying to get this country moving again, to putting people back to work. We absolutely know today there is an increase in rates of spousal abuse, child abuse, and substance abuse in areas of high unemployment. I am not suggesting that a job necessarily cures all of those problems, but we clearly know without any question whatsoever that people who have jobs, in families that have decent incomes, and in neighbors and communities that are working, you see a significant decline in these problems that affect these children and affect these families. Certainly, you see a far higher rate of children staying in school, in their performance level, in their health care and related issues.

While the Kids Count report was not designed to be released at the time when we would be considering the stimulus package, I think there is linkage here. I think exactly what Senator BYRD is talking about—trying to do something in the area of early childhood education, improved health care opportunities for children, seeing to it that we have summer jobs for these kids when June and July and August arrive, to give them some opportunity and some hope—I think relates directly to the report that came out today from Kids Count, showing an alarming crisis in this country affecting our children.

I hope for those who are arguing about whether or not this is necessary, whether or not this makes any sense, they might just take a look at the wire service stories about the data and statistics accumulated by this very reputable organization that has tracked the condition of America's children for years. One out of every four Americans is under the age of 18; one-quarter of our population. We are the only industrialized nation in the world that has, as the poorest sector of its population, its children. No other industrialized nation has that unique distinction. America's poorest are its kids. The next time you hear someone get up and give a speech about America being No. 1—not supporting, of course, the basic elements to strengthen America's children—then you have every right to question the sincerity of the remarks, to try and keep this Nation strong and vibrant for the 21st century.

I hope we will pass the stimulus package, and I hope when people do so they will take into account the Kids Count report that came out today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Madam President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 667 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMPSON. Madam President, just let me say a few words about the situation we are in regarding the supplemental appropriations bill. We hear a great deal in this Chamber about gridlock and about obstructionism. I would like to offer some of my own perspectives regarding these highly charged terms.

I suggest, Madam President, that obstruction is, like beauty—"In the eye of the beholder." Right now there is before the Senate an appropriations bill which many thoughtful Republicans and Democrats alike have indicated an intent to amend. I do not think that any attempt to amend the contents of a bill should be termed "obstructionism."

The distinguished and respected President pro tempore has pointed out that Senators in this Chamber are at liberty to offer amendments to this legislation and he has called for them to come forward, and they certainly are at liberty to do that. However, we are also fully aware that any substantive amending of this bill can ultimately be wiped out by the contents of the Senator's amendment, which is the final amendment, which could then be adopted as a substitute. It would displace the underlying language, however amended by us in the Senate.

I would not venture to call any player in this process an obstructionist.

The President pro tempore has achieved some extraordinary acknowledgment from members of the fourth estate who have called this an adroit parliamentary maneuver. He, of all of us here, knows the rules of the Senate to a greater and extraordinary degree. He has a deep love for the Senate and constantly demonstrates his extraordinary fealty and respect for this institution.

So with what has been described as an adroit parliamentary maneuver, the Senator has used the rules of the Senate to preserve the whole of the President's supplemental appropriations program and to protect it from amendment. I do find it interesting, whimsically so, that when Republicans avail ourselves of the Senate rules, we are often not treated so kindly in terms of media characterization. That apparently goes with the territory.

It certainly perplexes me, though, to see why it would be obstruction to try to amend legislation, but it is not obstruction to set up a parliamentary procedure by which the efficacy of any such amending can be thwarted. This maneuver has led us to a state of affairs now where Senators who otherwise would like to amend this bill—and have their amendments voted on up or down and see what happens to them—are not coming to the floor. They know full well that their amendments will not ultimately affect the contents of the legislation in any way.

So the distinguished chair of the Appropriations Committee is correct in saying that "the rules are the rules" and that no one should be condemned for using them to advance the policies that they favor.

The President pro tempore will do that, and he will do it with all of the adroitness for which he is highly regarded and famed, and I say that with great respect. He has taught me much and assisted me in my course of service in this body.

But we, on the Republican side, have the right and responsibility to do that, too. So I hope we can hear perhaps just a little bit less discussion about Republican obstructionism whenever we attempt to use our magic number of 41 votes to influence policy. For the general public, that is simply a number of votes we must have in order to avoid being cut off and to stop us from debating an issue. To curtail debate, the opposing party, the majority party, must produce 60 votes. So it is not just that the Republicans will do well here by delivering 41 votes. The fact is that the majority party really has to deliver 60 votes. It is a nuance of language, surely, but it is nevertheless worthy of distinction.

So this current situation did not come about because of anything Republicans did. We were ready to press forward to amend this bill, as Senators BREAUX and BOREN and other Democratic Senators, such as Senators FEINSTEIN and KOHL, were anxious to do. So when it becomes necessary for Republicans to make full use of the rules to try to influence legislation coming from this Chamber, I hope we will all agree with the President pro tempore when he said, in essence, that there should surely be no reason to carp or complain just because someone has used the rules to press one's agenda.

We will do that. Indeed, we will. The majority is certainly doing it on this bill. That is the way that that is going to be. If it is obstruction from the one side, it is most assuredly obstruction from the other.

And so, Madam President, I hope we can work through this impasse. And please recall that we have not done this before on our side of the aisle. When a similar tactic was used before, it was done by the leadership, the majority leader or the minority leader. It is my experience—and my memory could certainly be refreshed—that I have not seen it done by a committee chairman in the past. I believe it has generally been a leadership prerogative, and certainly in any case it now stalls us. Hopefully, with good faith, the majority leader and the President pro tempore and our fine and remarkable ranking member, Senator HATFIELD, and of course our respected leader, Senator DOLE, the leader of the Republican minority, will be able to resolve this. If not, there will be a great solidarity from our side to use the rules to protect ourselves.

I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, beginning on last Thursday and continuing through today I have had a number of discussions with Senators BOREN, BREAUX, BRYAN, BYRD, and others, and they have had numerous discussions among themselves outside of my presence, in an effort to reach agreement on how best to proceed with respect to the pending supplemental appropriations bill.

I commend all of my colleagues who have been involved in these discussions for their constructive and positive attitudes and suggestions. We share a common agreement in the Senate—Democrats and Republicans alike—in our desire to achieve economic growth and job creation, and we recognize that to achieve that goal there must be a combination of economic stimulus and deficit reduction.

The disagreements we have had have not been over ends, but rather over the means best suited to achieve those ends.

As a result of these discussions, which continue throughout the day today, I am pleased to announce that Senators BREAUX, BOREN, and BRYAN, have received a letter from the President, which I believe satisfies their intentions in this matter. I will, shortly, yield to permit them to address the matter in more detail. But I thank them very much for their positive and constructive contribution.

I also take note of the special effort made on behalf of this legislation and in these discussions by the distinguished chairman of the Senate Appropriations Committee and the manager of the bill, Senator BYRD, who has, as always, assisted in our achieving a satisfactory and, I believe, a desirable resolution of this matter.

I am heartened by this result. I believe it significantly enhances the prospects for early enactment of this important element of the President's economic recovery program, and all of those who have contributed to that end deserve to be commended, and I do so commend them.

Mr. President, I note the presence of the distinguished Republican leader here on the Senate floor. I wish to state also that I have had a number of discussions with the distinguished Republican leader throughout the last few days in an effort to determine or devise a way to permit us to proceed on the pending bill, and those discussions are still ongoing. We are making some good progress, and I hope we will be able to make an announcement in that regard in the near future. I will be pleased to yield to the distinguished Republican leader at this time.

Mr. DOLE. Mr. President, as has been indicated, I have had discussions with the majority leader, and we are in the process of determining how many amendments might be offered on this side. I must say that some of our people are frustrated because we are sort of locked out of the process. It is sort of a one-Senator lockout.

We are trying to see what we might work out, but it is very difficult when the floor is controlled by the distinguished President pro tempore, and the farming out of the floor. So some of our Members are not particularly excited about that prospect. But we are trying to put together a list of amendments, and we hope to be able to get back to the majority leader soon.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments and look forward to further discussions with him in the near future.

Mr. President, I want to repeat just briefly what I said earlier. This legislation is a very important part of the President's overall economic program. It is essential that we act, and that we act soon. The American people have made clear their support for the President's program and their desire that the Congress act expeditiously on that program.

I believe what has just occurred with respect to the matter raised by Senators BOREN, BREAUX, and BRYAN, will enable us to reach that objective significantly sooner than might otherwise have been the case.

So I thank my colleagues. I am prepared to yield to my colleagues for such comments as they may wish to make.

Mr. BREAUX. Mr. President, I want to, first of all, start by acknowledging the good work of the majority leader and the patience of the majority leader, as well as the patience of all of our colleagues, as the past few days have gone before use. The work that was being done on this effort, much of which was being done off the floor of the Senate, and the patience of our colleagues while action on the floor was delayed, is something that I apologize for.

Let me say at this point that, initially, when I raised the possibility of a Breaux-Boren amendment, my concern in doing so was that I wanted to make absolutely certain that we were embarked on a process that would lead us to a goal and a goal that I feel very strongly about. I think many of our colleagues share that goal completely, which is that we in this body were not going to start off this year by appropriating new funds, many for new programs, without an absolute and complete commitment to be very serious about the budget reduction process, the budget reconciliation process, which is going to bring about some real reductions in Federal spending.

As I indicated on the floor, people in my State of Louisiana have told me: Senator, we think you and the President indeed are on the right track but, quite frankly, we just do not trust you to make the real cuts in Federal spending that is necessary as part of the overall package. My effort was to try and put a greater degree of assurance that we in this body would actually take the tough medicine with the medicine that was not so difficult to swallow.

What we have today is an agreement from this administration—which I happen to support very strongly—that I think clearly spells out their commitment to the entire package. By that, I mean, yes, the stimulus package, but also the long-term investment, as well as their commitment to real, significant, and honest budget reductions in Federal spending, which we will achieve through the budget reconciliation process.

I, along with Senator BOREN and Senator BRYAN, who have been very active in this effort, have received a letter, which we will make part of the RECORD at the appropriate time, which does some very significant things with regard to what this President is committing to do.

The President clearly points out in the letter, speaking of the congressional budget resolution for fiscal year 1994, that "If that legislation falls short of the deficit reduction goal, I will send a proposal to the Congress to make up the budgetary shortfalls from the committees that fail to meet their targets."

Mr. President, that is very significant, and that is putting the President on record as being committed to this. It is that, instead of sitting back and perhaps letting Congress pass by a 60-vote margin a budget act that does not meet the targets and programs, that do not meet that target, this President is saying,

> I will submit specific legislation to this Congress that makes the cuts in those programs and with those committees that have failed in their effort to meet that target.

I think that is significant, and I think that is appropriate. I think that is a major provision of this letter which makes me feel a lot better about what we are talking about doing.

The President also says that in part because of the criteria that we have requested that he consider criteria of creating additional jobs that are needed on an emergency basis. He says.

> In part because of the criteria * * * a substantial amount of the outlays from these obligations will not occur until after the expected enactment of budget reconciliation. Therefore, I will be in a position to insist that the deficit reduction goals are met.

Mr. President, I think that is real progress. I think that is a very clear statement on behalf of this administration of their dedication to the concerns that I was voicing during the debate on the floor last week.

So I think the letter goes a very long way to giving me the confidence and I hope the American people the confidence that they need, that this is not business as usual, that this is a different administration which is truly committed to stimulating the economy, while at the same time reaching real budget deficit reductions through the budget reconciliation process.

With this assurance and with assurance of the President and our colleagues, I do not plan to offer an amendment. I think that what we have is a commitment and I trust, Mr. President, it will be followed through completely and unequivocally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I associate myself with the remarks just made by my colleague from Louisiana.

I join him in thanking the majority leader for his participation in the discussions which have led to this agreement, also the distinguished chairman of the Appropriations Committee who has worked with us and who has exchanged ideas with us during this process.

I also thank the President of the United States, who has been open to our suggestions, who has heard us with respect, who has engaged in a real interchange with us.

Several days ago, about 15 of us had the opportunity to sit down and personally visit with the President. We visited with him at length about our concerns. He listened to us. I am convinced he heard us. I think this letter reflects the fact that he understands our concerns very thoroughly and he has responded to them.

I am very pleased by the outcome and by what is represented in this letter.

When we began, we began with a point that I think the American people understand very well. In fact, it is exactly what Senator BREAUX was saying and what they were saying to us.

My constituents have been saying to me, and I heard it from those in other States as well: We are ready to sacrifice. We are concerned about the future. We are concerned about our children and our grandchildren. We do not want them burdened by continued increases in the national debt. We want them to have the kind of opportunity that we have had. It if means we have to pay a little more in taxes or if we have to have some benefit cut which we received, we are ready for that kind of sacrifice to be made.

But our constituents have been saying to us: Make sure that you really get the deficit reduced, and those of you in Congress just do not go out and spend the money after we have been asked to make this sacrifice.

So the people have been watching us. They want to make certain that we do not fall back to the old ways of the past of spend now and put off indefinitely, but make those budget cuts that are necessary to bring down the budget deficit.

That is why Senator BREAUX, Senator BRYAN, and I, with support of others in this Chamber and considerable number of others, particularly on our side of the aisle, crafted this amendment.

What we were saying in this amendment is that some of the spending under the $16 billion supplemental stimulus package would simply not take effect until the budget reconciliation agreement was passed. The idea was that that would keep the pressure on, that would be a statement by Congress to the administration that we want to make sure that before we can complete all the spending or before we consider other spending we meet those targets for real deficit reduction.

Mr. President, the letter which we have received says exactly that. As Senator BREAUX has quoted the part where the President says: "In part because of the criteria stated above,"—

that is the kind of spending that should occur now versus the kind of spending that can occur later—"a substantial amount of the outlays from these obligations will not occur until after the expected enactment of budget reconciliation."

He goes on to say, "Therefore, I will be in a position to insist that deficit reduction goals are met."

That accomplishes, as far as I am concerned, exactly what we hoped to accomplish in our original amendment. The letter in many ways goes even further because the President then explicitly says:

> * * * I will insist that the reconciliation bill meet the 5-year deficit reduction targets contained in the congressional budget resolution for fiscal year 1994. If that legislation falls short of the deficit reduction goal, I will send a proposal to Congress to make up the budgetary shortfalls from the committees that failed to meet their targets.

This is real accountability, and it means that the President is going to force those committees of Congress one by one to meet their individual responsibilities, and whether the Finance Committee, the Appropriations Committee, the Agriculture Committee, or any other committee of Congress, whatever committee that is, he is going to hold us accountable, and he will send proposals forward for those committees to meet those targets if any committee falls short.

To me that is a very, very important commitment of leadership by the President. I think it is the kind of signal that we wanted sent to the American people, a signal that we are simply not going back to our old ways. We are only going to spend if we can afford to spend by continuing to meet our deficit reduction goals.

So I commend the President for this letter. I appreciate it. As far as I am concerned, it accomplishes the goals that we had when we began with the crafting of our amendment. In fact, I think it does it even more effectively.

Some have said to me: Is not the matter that you are arguing about really a symbolic matter? Is it not more symbolic than real? While it is true that $16 billion out of many hundreds of billions of dollars in a budget is a relatively small amount, it is still a large amount in the eyes of the American people who do not want to see us waste a single dollar. That is one point.

But, second, I think that the message is important and the precedent, the expression from the President and the expression from the Congress is important because what we are really saying here is there are a lot of things we would like to do and if indeed we can get the budget deficit really reduced we also do need to have a stimulus package that goes along with it to make sure that the economy remains strong while we are reducing the deficit. But the President is also saying,

> Above all else, I am not going to let these deficit reduction targets slip and slide. I am going to keep the pressure on and I am going to make sure that those targets are accomplished.

I think that is extremely important. It does say what we were trying to say. Let us make sure we do not eat the dessert without eating the spinach, as we have done all too often in the past. And I think it does say, as Senator BREAUX has said, that this is a President who takes deficit reduction seriously and is not simply giving lipservice to it.

I feel very good about the result that has been reached here in light of this commitment from the President, and I take the President completely at his word. I certainly am prepared to join with Senator BREAUX in withdrawing our amendment and in supporting the package with full confidence that it will in no way diminish our commitment to deficit reduction.

No sooner had the House, for example, acted on the budget resolution there were some voices raised that said, we are not sure we can cut as much as we said in the budget resolution.

What this really does is reaffirm our commitment, and we all feel it was very important that we have that kind of reaffirmation, that while we go ahead to take care of the short-term emergency needs for the unemployed and create jobs for students this summer, and for others, that we in no way are going to let up on the commitment to deficit reduction. We will make it sure it happens.

Again, I thank my colleagues for their understanding and their understanding of the importance of the point that we have been trying to make. Most of all I thank the President for this forthright statement which he has sent to us. In light of this statement, I plan to vote for the supplemental appropriations bill, this stimulus bill, and I do so with great confidence that the entire package, including the deficit reduction, will ultimately be enacted into law.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I endorse the statements made by my distinguished colleagues from Louisiana and Oklahoma. I wanted to make it clear that in joining with them in this amendment, it was never our intention to be obstructive in terms of getting the stimulus package approved. I supported the package then, and I support it now.

But the stimulus package is only one piece of the President's economic program. Another very important piece of that is the deficit reduction piece. Like my distinguished colleague from Oklahoma, in talking with my fellow Nevadans most Nevadans are supportive of the President. They want him to have success with this package as do I for the benefit of the entire country.

I must say that there is a nagging skepticism, based perhaps on the ways of the past, that we will be all too forthcoming in approving supplemental appropriations, the stimulus, the additional money but when the time comes to make the tough judgments as to the deficit reduction piece somehow that part of the overall message or package will be lost.

It was in that spirit that I joined with my colleagues in offering this amendment to make sure that that occurs.

Let me say that I, too, have had occasion to read the President's message to us. I compliment the President on his leadership, because he has made it clear in reaffirming his support for the deficit reduction goals and has gone an extra step by indicating that if legislation falls short of the deficit reduction goal, he expresses himself by saying: "I will send a proposal to Congress to make up the budgetary shortfalls in the committees that failed to meet their targets."

That, Mr. President, in my judgment, is real leadership. I commend and praise the President of the United States for that leadership and for the good work that our distinguished majority leader has performed in working us through this process.

I am satisfied by this letter. I express my support for the package and join with my colleagues in withdrawing the Breaux-Boren-Bryan amendment.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. the Republican leader.

Mr. DOLE. Mr. President, I think we ought to first understand the Breaux-Boren-Bryan amendment does not cut any spending. If you listen to the speeches, you would think, "Boy, they really had a tough amendment out there."

It did not cut spending at all—not one dime. It delayed the spending for awhile until we got reconciliation, but there was not any reductions in spending in that package.

I have not read the letter in full, but what I heard quoted on the floor is not very reassuring to this Senator. Again, it does not say how we are going to meet the deficit targets. And I assume they mean, by meeting it, more taxes. That is not going to be widely accepted by the American people.

So I think precisely what the letter does—and it is not unusual around here—it says, in effect, "Well, we will do our best. If the President does not get what he wants in reconciliation, he will send another request to the Congress."

That does not mean Congress is going to do anything. So we should not be under any illusion that by writing a letter we are, in effect, going to reduce spending or not raise taxes. And I do not know what the mix is, either.

There is such a thing as the Anti-Impoundment Act which was passed in the 1970's. I do not think the President talks about withholding funds.

So I just suggest that there never was much to start with in the Breaux-Boren-Bryan amendment, as far as it did not cut one dime in spending. So the fact we have a letter saying, "Well, we are not going to cut any spending, either," is not very reassuring, should not be very reassuring to the American taxpayers.

So I am certain, from the standpoint of moving the legislation along, it is good to have a letter from the President of the United States saying that he, in effect, agrees with those who did not want to cut spending in the first place. That may move it along. But it does not change the fact that we are not cutting spending. That is the problem that we have on this side of the aisle.

We do not need this stimulus package. I think the Senator from Wisconsin [Mr. KOHL] if he offers his amendment, at least it would not let us spend the second phase of money until it went back into the budget and went through the regular process. That certainly has more merit than the so-called Breaux-Boren-Bryan amendment.

But, above and beyond that, this package is not necessary. We ought to have a right to debate it fully and freely on the Senate floor, which we do not have at this point. We, in effect, have a House Rules Committee or traffic cop who tells us what we can do and when we can do it.

I must say, in fairness to my friend from West Virginia, this is very frustrating on this side of the aisle. There is no similarity, or very little similarity, to this effort and what happened in 1985 when I happened to be the majority leader. We did allow perfecting amendments. Many were adopted.

It seems to me we are, in effect, shut out, locked out, of the process on this side of the aisle. Maybe it is a precedent for what we may have the next time we have an appropriations bill or some other bill from some other committee.

It is hard for our Republicans to accept. We had a conference today and I must say they were very, very frustrated, I guess, would not be an exaggeration.

We do not see any reason we should be offering amendments if they can be wiped out by a later vote on the substitute of the distinguished Senator from West Virginia.

We do not know what will finally happen. But I must say, the amendment that is being withdrawn never did anything in the first place, so it probably does not make much difference.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I would like at this time to send up a copy of the letter from the President, addressed to Senator BREAUX, Senator BRYAN, and myself, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JOHN B. BREAUX,
U.S. Senate, Washington, DC.

DEAR SENATORS BREAUX, BOREN, AND BRYAN: As you know, I share your concerns that the deficit reduction goals which I called for, as well as those that are contained in the fiscal year 1994 budget resolutions of the House and Senate, are a key to economic recovery. I appreciate the support that you have given to our deficit reduction efforts. Immediate enactment of my short-term economic stimulus package, together with long-term investments, is also an integral and essential element of our total plan.

I assure you that I will insist that the reconciliation bill meet the five-year deficit reduction targets contained in the congressional budget resolution for fiscal year 1994. If that legislation falls short of the deficit reduction goal, I will send a proposal to Congress to make up the budgetary shortfalls from the committees that failed to meet their targets.

I will also ensure prudent expenditure of the funds in the supplemental appropriations bill now before Congress. I believe that these expenditures should be primarily targeted at programs that create a substantial number of jobs per dollar expended, programs that are needed immediately, and programs that meet significant human needs, especially with regard to health, education, and housing.

As I told Senator Byrd, I must oppose undue delay in obligating funds for essential programs. In part because of the criteria stated above, a substantial amount of the outlays from these obligations will not occur until after the expected enactment of budget reconciliation. Therefore, I will be in a position to insist that the deficit reduction goals are met.

With these assurances I hope that I can count on your assistance in achieving expeditious completion of congressional action on the economic stimulus appropriations bill as well as on the budget resolution and the reconciliation bill.

Sincerely,

BILL CLINTON.

Mr. BOREN. Mr. President, let me simply say that I, of course, do not fully subscribe to the interpretation just made by my good friend, the distinguished minority leader. We are dealing with cuts in spending and cuts in the deficit.

The President's plan cuts the deficit by $502 billion. We are dealing with real figures. Probably half of that, almost half of that, comes from spending cuts.

That is why this Senator feels so strongly about it. For the first time in many, many years, we have honestly faced up to what the deficit will do to destroy this country if we do not do something to change it, if we do not do something to reduce that deficit, so that we will not be spending more and more of the total budget each year to pay interest on the national debt.

So I do think that what is going forward is important. I do think the President's commitment to stay the course is a very important commitment. I do think that the timing of the spending and the fact that the President has shown sensitivity in his letter to us, as we tried to show in our original amendment, that it is very important that we understand that we send a signal to the American people that we are not sliding back into our old ways of spend now and reduce the deficit later, but that we are moving forward with a comprehensive package.

So I do hope that, when the distinguished minority leader reads the letter, he will understand why we feel it is a very important and significant statement.

I do feel, with all due respect, that our original proposal was an important one. Sensitivity to timing, in terms of spending and deficit reduction, is an important issue that we have tried to address.

I see the distinguished chairman of the Appropriations Committee seeking recognition, so I will yield the floor.

But I simply wanted to make that point. Again, I commend the President for what I think is a real program with real numbers to get the deficit reduced. That is what the American people want. They understand the need for it. I believe that, because of his leadership, we have created in this country the greatest opportunity to really reduce the budget deficit than we have had in at least two decades. I commend him for it.

It is my hope that Congress will continue to work with him to really get the deficit reduced.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore.

Mr. BYRD. Mr. President, I think that the Senators have performed a constructive job. I think they have done something that is very pleasing to this Senator and to the appropriators.

The appropriators have stayed within the caps. The appropriators have not been the budget busters. We have kept within the caps. We have kept within our allocations. Every subcommittee on my committee—13 subcommittees—has kept within its allocations every year that I have been chairman.

But the appropriators are the targets, always, of those who want to have the line-item veto and enhanced rescissions. It is always the appropriators.

The three Senators have done, in a nonlegislative way, what they were seeking to do through an amendment. They have encountered a lot of the pressures that the President has on the other side, philosophically, ideologically, and otherwise. And the President has indicated that he will insist on the reconciliation bill meeting its targets, meeting its deficit reduction targets.

I am very pleased that the President has done that because those committees ought to meet their targets. We meet our targets on appropriations. We meet our targets. And I say let the other committees, the Finance Committee, other committees that devise programs that result in back-door spending over which the Appropriations Committee has no control—let them meet their targets as well. That is what the President is saying he is going to do and that is what the three Senators, and others with them, sought to accomplish. So I congratulate them. I congratulate the President as well.

Now, the distinguished Republican leader has made several comments here about being locked out, farming out the floor, traffic cop, frustrations, shutouts, and so on.

Mr. President, I am the manager of this bill. I am doing my job. What am I supposed to do? Turn this job over to somebody else? The President, in no uncertain terms, in his letter indicated where he stood on this package. And as he says in this letter, "As I told Senator BYRD, I must oppose undue delay in obligating funds for essential programs."

Now, I believe in this President's programs. It is only the 68th day of his Presidency and I want to see him succeed, because if the President succeeds, the country is better off. If he succeeds we all succeed, because he is trying to do the right thing. He is trying to make investments in infrastructure, he is trying to reduce the budget deficit, and he is trying to put people to work, immediately and in the long run.

I believe in this package. It fell to my lot to protect his package because I am the chairman of the Appropriations Committee. If Senator BREAUX had been the chairman of the Appropriations Committee, that would have been his job. If Senator DOLE, my good friend Senator DOLE, the Republican leader, had been the chairman of the Appropriations Committee, that would have been his job—his job. But this was my job and I did my job. And I am rather proud of the way I protected the President's package.

Now we have this—very dangerous amendment, in my judgment—have it resolved, and resolved in a nonlegislative way. Now we are ready to do business on the rest of the amendments.

I have not sought to lock anybody out without good reason. This Senator is no dummy. He may have a plumbiferous cranium, but he knows what he is doing. I have been around here a long time. I have been frustrated many times and there are times when I will be frustrated again, so I might as well just get used to it from time to time. I felt my good friend, the Republican leader, had gotten used to frustrations around here. He can dish them out pretty well. I have been on the receiving end of them. I have laughed about it. I did not like it but I knew that he was doing his job, doing what he felt he ought to do for his President. Now I am doing my job.

Now, why did I act as traffic cop? Very simply this, may I say to the Republican leader. Had I walked off this floor, the Republican leader might have walked in and moved to table my amendment.

Mr. DOLE. I had that in mind.

Mr. BYRD. We have Senators absent today. And until this matter was resolved, I did not know whether we would be able to weather a tabling motion or not. I did not want to take a chance. That is exactly why I did that. So I hope that he will explain to his frustrated colleagues why I did this. I did my job. And I am ready, now, to work with the minority if they have their amendments and can identify them and can give us those, the identification of amendments, and we will get a time agreement on them so we do not have any open-ended situation because we, if we are going to do it in an open-ended way, we may be here next week. But let us have a reasonable number of amendments. I have always felt that I—at least I considered myself to be a reasonable man, whether other people did or not. And I want to be reasonable.

So, if the Republican leader has his amendments ready, and my colleague on the other side, Mr. HATFIELD, if he is prepared to agree to a certain number of amendments and to time limitations on them, and to a final time for a vote tomorrow—this Senator is prepared. I have accomplished what I set out to do, and I am sorry if it jangled the Republican leader's nerves or anyone else's.

Mr. DOLE. My nerves are pretty steady.

Mr. BYRD. I am not a bit sorry for what I did. I did what I thought was the right thing. I did what I told the President I was going to do. I did what I told the majority leader I was going to do.

Mr. DOLE. Will the Senator yield?

Mr. BYRD. Yes, I will be glad to yield.

Mr. DOLE. Would these be amendments that would not be wiped out later with a vote on the Senator's substitute?

Mr. BYRD. Mr. President, I said as long ago as last Friday—and we only put this bill down about 2 o'clock on Thursday—I said as long ago as last Friday that I knew a way to provide for the offering of amendments. I did not say what it was on that day. But today I indicated I could move to recommit with instructions to report back. Someone approached me and asked if I would take the tree down and I said, "No, never." But I want to give the Senators a chance to offer their amendments. My plan is—and I have the amendment here on my desk—rather, the motion to instruct. I will move to recommit and instruct the committee to report back forthwith the House bill and the committee substitute that was included in the committee, together with the amendments that have been attached since that time, the amendment by Mr. HATFIELD and myself, the amendment that I offered reducing the IRS by something like $105 million. And that will be the base. And that will be open to amendment. And Senators can offer amendments and they can offer them in two degrees.

It will still be an amendment that I could erect a tree on if I wanted to, but I want to give the Senators a chance, now, to offer their amendments. And this amendment that Mr. BREAUX and Mr. BOREN and Mr. BRYAN had waiting in the wings, now that it has been resolved, it clears the way, I should hope. They ought to have a pretty solid Democratic side over here, Democratic vote.

But I am prepared, now, to take on the Republican amendments, and they could be offered to the substitute or to the bill—the committee substitute I am talking about. That committee substitute is a freebie. It is a complete substitute so it is open to amendments in two degrees. And just as soon as the distinguished Republican leader supplies me with the number of amendments that he wants to call up, we will try to work out an agreement on it as to time and to final passage.

So, there it is. The only thing I ask, that I offer the motion to recommit with instructions and nobody try to amend those instructions. Because I am coming back with a package that is wide open for amendments in two degrees. There is no tree. But I think it is reasonable to ask that I know how many amendments we are going to get. I do not want it to be open-ended, as I say; whatever the amendments the Republican leader and his colleagues and my colleague here, who is the ranking manager, agree on—I hope there will be a reasonable number of amendments. I hope there will not be too many—6 or 8 or 10 or 12. We hope to get this bill passed by sometime tomorrow.

Mr. DOLE. Mr. President, if the Senator will yield further?

We are in the process now of trying to determine which amendments. I guess the thing I need to resolve is whether or not there is going to be any flexibility or whether everything is going to be under the total control of the distinguished chairman of the committee. Is there going to be free and open debate on the amendments, or you are going to determine which amendments can be offered? We cannot accept that on this side.

Mr. BYRD. Mr. President, I am not sure the Republican leader had been listening.

Mr. DOLE. I have been listening very carefully.

Mr. BYRD. I am not sure he listened. I have not said anything about closing down debate. I have not said anything about controlling amendments.

Mr. DOLE. You said to give you a list and time agreement.

Mr. BYRD. I am entitled to see a list of amendments, surely, because I am opening up the way now. I do not have to do what I am doing, you understand.

Mr. DOLE. You do if you want the bill passed.

Mr. BYRD. Well, I do not know about that.

Mr. DOLE. In any event, we are trying to put together a list of amendments. I guess, after discussion with the majority leader, we will see how many there are. We are trying to condense some where there are three or four different Members who have almost identical amendments. There is no use having four amendments. So we are working on that process now.

Mr. BYRD. I just hope, may I say to the Republican leader, that we can narrow the amendments down to a reasonable number so that they can be disposed of today and tomorrow. I did not say anything about shutting off debate. I thought I indicated it was my hope that we could reach a time agreement on amendments, which means that there be an equal amount of time on each side. Does that sound like anything that is unusual around here? I have worked out many time agreements on this floor and worked a lot of them out with the distinguished Republican leader. And in a time agreement, each side has a certain amount of time. That is what I am hoping we can arrange. The traffic cop job is over. I have accomplished my purpose. I have protected the President's program now until we could get our own side with its act together. Now we are ready to play ball with the other side.

Mr. DOLE. I do not think that amendment had many votes on this side anyway, the amendment you just helped with.

Mr. BYRD. But it has some on this side.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I hope we can reach an agreement, and it is my expectation that we will. Both sides are working in good faith on that.

There has been a great deal of discussion about the current parliamentary situation, a lot of words to describe it. I would like to make one point that I think may have been lost in all of this discussion.

Under the rules, any Senator can come in at any time in the proceedings and offer a complete substitute which has the effect of wiping out previous amendments, if that is what the substitute proposes. Everybody here understands that. Any suggestion or implication that once an amendment is adopted by the Senate it is somehow engraved in stone and, therefore, must be a part of the final action is, of course, completely false and erroneous.

The only difference between the current status is that the amendment proposed by the chairman is the pending amendment. He could just as easily, I could just as easily, the Senator from Oregon could just as easily, the Senator from Missouri, the Senator from New Mexico, or anyone else wait until 5, 10, 15, 20 other amendments were considered and, if they were adopted, propose then a substitute amendment which, if so drafted, would have the effect of wiping out all the previous amendments. That is ordinary and accepted and a regular part of the Senate's rules.

So I hope we can resolve this now in a manner that everyone agrees is acceptable. But I do not want there to be left any erroneous impression as to the effect of what was occurring. There is no process by which a Senator can assure that once an amendment is adopted, that amendment can withstand a later amendment to the contrary if the Senate so chooses. The opportunity to offer a complete substitute amendment which wipes out all previously adopted amendments exists right there in the rule for every Senator on every bill we take up, including this one.

My hope is that we can now reach agreement that we can proceed to vote on and dispose of amendments. But everyone should understand that reaching an agreement, unless the amendments are specified, does not preclude that possibility in anything. So I hope we can get this going, have some debate, some votes this evening and tomorrow, and that we can pass this bill at the earliest possible time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I would like to be advised when I have used 5 minutes.

Madam President, I rise not to engage myself in the discussion that is going on with reference to amendments or the status of the bill and the underlying amendments and the substitute amendments; I am sure that is being dealt with by others.

I rise to talk tonight a little bit about the budget game that is taking place. I am not sure that this evening I will even address the issue of specifics in the package because I think before we are finished, the American people are going to understand that a very large package of new spending is being called a stimulus when, as a matter of fact, the overwhelming proportion of it is not stimulus at all, unless you call Government spending a stimulus. It is not as if this package is laden with activities that are going to generate jobs, other than the highway and transit jobs, summer jobs, etc., which are interesting in and of themselves. I notice the occupant of the Chair is from a State where that portion of it is not even going to work, because California has more unemployed than anyone else. But as to even the highway and mass transit part, California, by a quirk of the formulas, ends up getting one of the lowest ratios of money from those programs of any State in the Union.

So it is rather a patchwork of things, under the heading of stimulus. Before we are finished, I am sure that the people of the country are going to be tired of hearing what kind of stimulus this is, because this funding is for the kind of things they would not believe should come on the heels of a much heralded deficit reduction package, which essentially is all new taxes and defense cuts and a little, tiny $7 billion net reduction in all of the domestic programs of the Nation.

It is, however, a heralded deficit reduction package that requires sacrifice of everyone, and obviously I am, in a sense, trying to say I do not believe it is much of that. It is not sacrificing because everybody has to remember that the President of the United States says he is cutting a lot in that package, but he is asking for almost an equal amount of new spending. I give you those two numbers: $131 billion in so-called domestic cuts; $124 billion in new programs, add-ons, new dollars. That is a real domestic cut of only $7 billion net. I mean, we could almost do that without going through any of this. We could probably have done that just asking the Appropriations Committee chairman to make those savings in committee and probably get that done.

Now, what they are doing is playing a giant budget game so we can spend more money in the appropriations process of the country. Frankly, I am not here arguing against appropriating money for American needs, be it educational, the National Institutes of Health, or whatever. I am here arguing that to try to tell the American people that we have just gone through this onerous deficit reduction exercise, and then come right around when the ink is hardly dry and put $16 billion into an appropriations bill to spend, and call it stimulus, is disingenuous when it has things like—maybe I will just read a few items. I think everybody knows that before we finish, an effort will be made to talk about what will be funded under this bill. Here are just a couple:

$28 million for new alternative fueled Government vehicles, at a time when the administration is trying to cut down on cars and drivers in the Federal fleet; restoring $197 million for the National Science Foundation for research grants, overturning Congress' decision last fall not to provide in full, a $352 million increase requested by the Bush administration because of tight budgetary times.

I am not against the National Science Foundation and their new grant program. But believe me, I cannot understand how we can try to tell the American people that this ongoing program, which has been increasing rather dramatically, ought to be funded with an additional $197 million under the guise of being a stimulative package.

There are many more that are even far more egregious than that. How about $148 million for IRS tax system modernization? The Department of the Treasury responded that 16 percent of this work will be subcontracted to Japanese firms. The House leadership refused to allow "Buy American" amendments. I do not know if they should have or not, but that is just a fact. I am pleased to see that the distinguished chairman has reduced the funding for this item in his substitute amendment.

There are scores more. There are millions of dollars put into the Interior Department because, even though we have been increasing the funding, we have a backlog of facilities needs and maintenance of some of our parks units. Frankly, those are wonderful things. But do the American people really believe that we have gone through an exercise in deficit reduction that is so tough and so onerous that we ought to come right back within 48 hours and fill that vacuum with $16 billion in new spending?

I do not want to repeat numbers, but I tried my best to look at previous stimulus packages of this country. We had almost gotten out of the habit of passing stimulus bills. We almost got out of the habit because they work so poorly. We have history books full of analyses of so-called stimulus packages that did not work, because do you know what generally happens? You do not spend the money in the year you think you will. You spend it 2 years later, and whatever you were trying to cure has already been fixed. Our history of experience with stimulus packages is that when we try to spend the money in a recessionary period, even on highways, it turns out you do not get the money into the system until 2 years later, when there is no longer a recession.

Some might ask, get to the point. Is that what is occurring here? Leave it to others than myself. What I find is that in the first year, the rest of this year, when stimulus is being sought, and jobs are supposed to be created by this Federal Government money, other than the unemployment checks, only $2.9 billion of it, Madam President, will be literally spent in the remainder of this year—a big, big stimulus for America, $2.9 billion. The rest will be spent in other years. Why would we even do that? Why would we today spend money in 1994, 1995, and 1996 under the guise of it being stimulus? It is absolutely without any rationale.

One reason I think it is being done—and it was not the original intention and I certainly hope it is not going to work out this way, is because it is a budget game. Let me repeat—this is a budget game because the Congress of the United States has adopted a law of the land that said: Here is a cap for domestic spending in the year of 1993, and you cannot breach that cap. And lo and behold, we did a very good thing. We said: If you do not spend what is allocated for defense or other discretionary spending what is left over in 1993 goes to reduce the deficit—not so bad.

What have we been running around trying to do? We have been trying to get the deficit down.

So we decided that if we did not spend all that money on defense, the law said you cannot spend it anywhere else. So it goes to deficit reduction. If you did not spend all the money on foreign aid, it goes to deficit reduction. Guess what is going to happen in this budget game. There is a little provision in this 1990 budget agreement which is very simply, very profound. It says these these caps are no longer operative if you have an emergency, and the emergency designation for the recession has never, never been adopted by the Congress or President heretofore. You would think if Congress wanted to do this, it would have adopted the emergency 2 years ago. No. On this one, the President and the Congress say we have an emergency when the recession is essentially behind us.

Madam President, I say to my fellow Senators that what that means is that those legal binding spending caps are no longer in existence for all of the money provided here. This spending is outside the caps, and you do not have to worry about deficit reduction. Spend the money.

I have to admit that when we put that together, that budget agreement with the caps, we had no better way to define emergency than that it must be declared by the President and the Congress. But under almost any commonsense definition, we are not in an emergency. But this Senator admits that under the 1990 budget agreement, if the President and the Congress say there is an emergency, there is. In this case, the reason for the emergency is to allow us to spend money we could not otherwise spend. And guess what that is going to do? That money is all going to get spent without any accounting under the caps. And, Madam President, we still have a little money left over under the caps because we underspent in the 1993 appropriations bills.

Guess what? In about 1 month or 6 weeks, there will be another appropriations bill coming through. It will be the second urgent supplemental, or some such thing. And because this did not count, this $16 billion did not count, we can probably fit some new spending in under those caps. In a sense, the American taxpayer is going to get it on both sides. We are going to pay taxes, supposedly 295 billion dollars' worth, to reduce the deficit. We have in place a congressionally adopted law that would apply a substantial number of billions of dollars against the deficit because we have underspent the caps. We will come along now, however, and say this new $16 billion is not subject to any of that. It is an emergency and thus we will leave open room under the discretionary caps—although it may be a strain because most of that saving is in defense.

Surely some can come to the floor and say, "Let us use the extra defense money within that cap to spend on this next urgent supplemental," which will come running through here and which will probably have to do with the disaster relief for farmers and others.

So, point No. 1, there is no emergency. This should not have been declared an emergency. It is a budget game to permit Congress and the President to spend more money; money they would not spend under the existing law of the land because they would need 60 votes here and a majority of the votes in the House for it to be in order. But it is going to get spent anyway.

And that Budget Act point of order that keeps us from just throwing money away is wiped out, so that we can come along and spend even some more money, while the taxpayers of the United States are out there being Mr. and Mrs. Sucker. They kind of think we have a grand plan, but they are beginning to wonder: What grand plan? Looks like a grand plan to tax us. And we are not so sure that Btu tax—that energy tax—we are not so sure that is so very good. Some are saying Btu means big time unemployment, which it very well could be.

So, from this point on, I am hopeful that, under our leader here on the Republican side, we can eventually have a number of votes to make our case.

My friend, the Senator from Oklahoma, has an excellent amendment regarding this emergency designation clause, which will take this right to the American people. They will understand, hopefully with this statement tonight and the debate on that amendment, what a budget charade this is.

There will be others to point out programs here that are just good Federal programs that everybody loves. We are going to love them so much that we are going to say, even if it requires that we declare an emergency and use a phony name "stimulus," we are going to put more money into those good programs.

Well, how does that stack up against this hue and cry from the American people that we ought to be reducing the deficit?

So, from my standpoint, sooner or later it will be determined that this is not a stimulus package. It is close to porkbarrel. If it is stimulus, it is going to be the most expensive production of jobs by the Federal Government that we have ever seen. One estimate is $89,000 a job. That is incredible.

What it really means is that this is not a jobs bill. It is a bill to put out more money in Federal programs, some of which are very popular. If we do it this way, we have more to spend next year because the caps that are in existence are going to give us more room this year to spend on supplementals. Then next year, this ongoing spending will be outside of the cap again, the overall cap on discretionary spending, and we will be able to spend more money on top of this for other programs because we will have already taken care of some of these programs with the new funding in this bill.

With that I thank the Chair, I thank the Senate, and I yield the floor.

Mr. KERREY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President and Members of the Senate, earlier I stated that discussions were underway among the managers, interested Senators, the distinguished Republican leader, and myself, in an effort to reach an agreement on how best to proceed with consideration of the pending bill. It now appears that no agreement is possible at this time. However, I have been advised by the Republican leader that Republican Senators are prepared to offer Amendments in the current procedural framework and accordingly it is my judgment, absent any agreement at this time, that we should proceed in that regard.

Senators should be aware now that amendments will shortly be offered, that there may well be—indeed I expect that there will be—a vote or votes this evening, depending upon how lengthy the debate on the first and subsequent amendments. I do not know what the amendments will be so we will obviously have to review them and consider them after their being offered.

Madam President, I yield the floor and invite any comment the distinguished Republican leader wishes to make.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I think the Senate majority leader has accurately stated the present circumstances. I think it is fair to say there are some on this side who are prepared to offer amendments, even though they know in this case they would be eliminated if later on we adopted the substitute by the distinguished Senator from West Virginia. Frankly I must say on this side of the aisle there is almost a unanimous feeling that we should not pass this stimulus package and that we have the votes to prevent that from happening. So I do not know how the leadership will proceed, but while we are trying to determine which avenue to pursue, at least we would be offering an amendment.

Senator BROWN from Colorado is prepared to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, let me just reiterate that in accordance with the earlier understanding that I think was had here among the distinguished Republican leader, the distinguished majority leader, and myself and others, I was prepared and am prepared to offer a motion to recommit with instruction to report back the House bill together with the Appropriations Committee substitute, including the amendments that have been adopted. And that would be open to amendments.

That is the simplest chart in the rule book. That would be open to amendments, open in two degrees: No three. So that would give Senators an opportunity to offer their amendments and in accordance with the understanding that I thought we were trying to work out—and I fully understand the Republican leader's inability at this point to achieve that objective for reasons over which he has no control—that would have enabled us, if we could have gotten time agreements on the amendments, to have completed work on the bill at a reasonable hour.

Another of the objectives that I have sought from the beginning on this bill is to act on a package that the House will accept and that will avoid having to go to a conference. And I have a good reason to believe, after some discussions I have had through my staff with some people on the other side, that the House would probably agree, and without any problem at all, to the amendment the committee agreed to having to do with retaining the current law in connection with the formulas in respect to summer jobs, and would agree to the amendment that Senator HATFIELD and I had joined in offering that would eliminate some of the what I refer to as kooky items, and would also agree to the reduction by $105 million in the IRS and the GSA accounts.

So I do not think we have any problem in the House with those amendments. We probably would not even have to go to conference. That was one of the objectives that I sought, as I tried to protect this jobs package from attack. Having accomplished what I think was a major step when the President, and the Senator from Louisiana, and the Senator from Oklahoma, and the Senator from Arizona, agreed upon a nonlegislative approach to the problems that those Senators had raised—having achieved that step I felt that we were well on our way toward acting on this bill and, hopefully, of protecting it against further attack.

I was willing to go to the extent that I suggested, that of offering a motion to recommit which would give all Senators—all Senators—an opportunity to offer their amendments. They would not have to worry about any tree wiping them out, at least early on. And if I could get an agreement on the amendments I would only want to protect myself fully against any line-item veto and enhanced rescission amendment.

But it appears that approach cannot be taken at this time. So Senators will call up their amendments, there will not be any time agreements with respect to amendments, no points of order are waived so they can call up their amendments to the bill and to the committee substitute and, in the final analysis, if this is the road we are going to proceed on, there will come a time when the Senate will vote up or down on the committee substitute.

I say to my friends on the other side, the way is still open. If they really want the opportunity that they have been talking about on the floor, the opportunity that I have been hearing about, that they want to offer amendments and feel that they are offering amendments that will be adopted to the underlying, basic measure, I am willing to proceed in that fashion if we can agree on the number of amendments, so we will have some identification on them and can work out some time agreements.

I close by saying to the distinguished Republican leader, if he is still able to achieve this, he and the majority leader go down the road and work out a time agreement, fine; I will be happy to work with them. I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Nebraska.

Mr. KERREY. Mr. President, may I inquire what the order is? I ask the distinguished President pro tempore to answer the question. I had earlier discussed speaking, and at the time we were considering a unanimous-consent request. Seeing there is not going to be one at the moment, I assume now is an appropriate time to speak.

Mr. BYRD. The Senator would be well within his rights to proceed. I had hoped if we were able to work out a time agreement to include in the time agreement some time for the distinguished Senator from Nebraska to speak. But no time agreement has been achieved at this point. The Senator has the floor and he may proceed.

Mr. KERREY. I thank the President pro tempore.

Mr. President, I rise this evening in opposition to H.R. 1335, the emergency supplemental appropriations bill for fiscal year 1993, also known as the President's stimulus package.

I do so with great regret because of my respect for what President Clinton is trying to do: avoid a triple-dip recession. And I do so, with considerable regret, as a consequence of my respect for the chairman of the Appropriations Committee, the President pro tempore of the Senate.

I do so knowing that the stimulus package would provide some money for the State of Nebraska; that we are not going to receive some Federal money if this stimulus package is not approved that otherwise we would receive. The department and agencies of the Federal Government have been very quick to supply me with a list of $66 million that Nebraska would receive under this spending bill.

There is no question that Nebraska could quickly obligate additional funding for highways, mass transit, community development, rural housing, water, sewer projects, the so-called traditional stimulus areas. There is also no question that we have human needs that beg to be addressed. Head Start, Chapter 1, immunization programs, Pell grants are high priorities, as are the proposals to renovate and modernize our veterans hospitals. Finally, it is difficult for me to oppose funding for programs designed to advance technology and particularly the application of technology and networking in the classroom.

Mr. President, I choose to vote against this stimulus package because I believe it has been given a stature that it does not deserve. Its economic significance is at best marginal in that it generates a net 200,000 temporary jobs. At worst, it puts us and interest groups that call upon us in a mood to spend more money.

Thus, I choose to vote against this new spending because I have concluded that the risk is not worth the gain. The risk is that by voting for this new spending, we lose the edge that we need as representatives to say no, and as a result, fail to reduce our fiscal deficit.

Proponents of the stimulus package point out that investing in these areas would give us a jump on the process of altering our spending to place a higher priority on human needs and begin to invest in the technologies which promise to make our Nation more competitive and prosperous in the years ahead.

Mr. President, this stimulus package is not the best vehicle to begin this effort. Instead, I believe we took the most important step in restructuring those priorities last week, with the adoption of the budget resolution, and we did so in a way that reduces the deficit by $502 billion over the next 5 years.

This was much more than a budget resolution, Mr. President. It is the beginning of a fundamental change in the way our Federal Government spends money and the way the Federal Government operates. The central and powerful idea behind the message of President Bill Clinton is this: The economic status quo is unacceptable.

It is unacceptable because too often the Federal Government has been an opponent rather than a partner to the urgent need to create new jobs in an extremely competitive workplace. While American businesses and workers have been struggling mightily to increase their productivity, while delivering quality and value to their customers, Federal policies have been only occasionally supportive, and more often than not have stood in the way.

Mr. President, we all know where we need to change. The deficit is piling debt upon debt. Health care costs are driving workers on to welfare, jobs out the window, and businesses done the drain. Lobbyists have their hands at our throats while we have our hands in their pockets. Our public institutions, especially schools and social service agencies, are being crushed by paperwork and regulation.

In the midst of this chaos, we have been distracted and have not seen what is going on in the American workplace. The facts are we have around 100 million private sector jobs in America. These taxpaying workers support a lot of Government effort. Their taxes pay the wages of 18.5 million Government workers. Their taxes support the incomes of 46 million retirees.

Mr. President, our No. 1 concern as we debate the economic stimulus package is the lack of job creation in America. Our No. 1 goal is more American jobs. We share this objective because we all know the value of a job. A job is much more than just a paycheck. A job is a source of income, of pride, and of self-reliance.

To see how difficult job creation is today, we must look at the world from the vantage of the American workplace. From this vantage we see two dramatic and interrelated phenomenon.

The first is a very sharp and impressive improvement in the growth of productivity in manufacturing and services. In 1992, U.S. productivity grew 2.8 percent, our best performance since 1971. If we are able to sustain this rate, Americans will double their standard of living in a generation, and grow at a rate that we have not matched since the early 1970's.

There is no short cut to achieving gains in productivity. Skills, personal preparedness, attention to the detail that becomes total quality, the desire to improve and satisfy the needs of customers, organizational efficiency, and a finished product or service that can be sold for a profit, all of these and more are needed.

Economic success occurs only when we are individually and collectively becoming more productive. This is not the rhetoric of applause lines, but applause lines will not put food on the table or jobs in our country.

For human beings to excel—and make no mistake we rise and fall as a Nation according to our capacity to achieve excellence—there must be a willingness to toil long and hard for a purpose. All the special programs designed to make it possible for people to learn and achieve greatness is no substitute for individual initiative. Without courage, a good plan is just words.

And there is a lot of courage out there in the American workplace right now, Mr. President. The United States still produces more output per worker than any Nation on Earth. Because we do, our collective standard of living is still the highest. One follows the other as surely as night follows day. But there is no short cut.

The hard truth of politicians trying to satisfy the demand of audiences who want us to do something is that very often the best course of action is for us to do nothing. The less we yield to the temptation of protecting individuals or industries from the rigorous requirements of competition, the more our economy will prosper. Subsidies and protection must be the exception and not the rule.

So the first phenomenon, Mr. President, tells us we are winning the most important battle of all. While I believe there is much to be done, let us not make the mistake of striving to use Government to improve things only to find out once again that we have made things worse.

This does not mean we should stand around the job site idly leaning on our shovels. There is much work to do. It does not mean we should be blind or insensitive to the painful consequences of a competitive marketplace. Nor does it mean I am proposing to trust the invisible hand of the market to perform all good and wonderful things. It only means that if our goal is good jobs and good wages, then we must create an environment that allows America's entrepreneurs—those individuals who create the jobs that support the economy and our Government—to innovate, grow, and prosper.

The second phenomena which is evident in the American workplace is an unusually high level of anxiety about the permanence of employment. American workers fear their job could be gone tomorrow. Only 15 percent of today's laid off workers believe they will get their job back.

The culprits generating this fear are four trends which we have alternately ignored or made worse with foolish tax, trade, and regulatory policies. The four are large corporate downsizing; global competition in services and manufacturing; automation, again in services as well as manufacturing; and the tendency of cost-conscious managers to use temporary, contract, and part-time help. Dubbed the four horsemen of the workplace, they have generated apocalyptic change challenging our concepts of job security and stability.

For this second phenomena, Mr. President, help is unquestionably needed, and just as unquestionably we are fortunate to have a President who is prepared to do just that.

The old ways of helping will no longer work. We have erected a complicated and porous safety net that has institutionalized poverty. We have built-in disincentives to work. We penalize people when their incomes rise. We punish students who try to enter the workplace prior to graduating from high school.

I believe the best way to help Americans compete and succeed in today's workplace is through radical reform of our education and our health care institutions.

Every year, Mr. President, we spend hundreds of billions of dollars for education and health care. In this budget resolution, we will increase health care spending at the Federal level from $284 to $318 billion.

I have heard many of my colleagues, particularly on the other side of the aisle, come to the floor and say Democrats are proposing a Government takeover of health care. Then I have heard them stand and oppose reasonable efforts to constrain the growth of Federal spending. Mr. President, Federal spending or health care of $318 billion next year is an awful lot of money, especially when considered together with $145 billion in spending at the State and local level.

In fact, Federal, State, and local governments already account for nearly two-thirds of all of the non-out-of-pocket expenditures for health care.

What is needed is more competition in both areas. Health care and education are two of our least competitive environments. We need more accountability for outcome so we as purchasers of the services compare results. But we also, Mr. President—and this is much more difficult—need personal responsibility so that we as consumers of the services have incentives to excel academically and to stay healthy as well. President Clinton, fortunately for us, recognizes that health care costs threaten to undo constructive work in every other area.

Mr. President, I believe we should extend the right of health care access to all Americans. I do not want a single American to have to prove they are poor enough, or to prove they are old enough, or to get blown up in a war before they are deemed worthy of health care. I do not want a single American to discover that after paying for a policy for 25 years they are not eligible when they finally need care.

In short, Mr. President, I believe we will fail in our effort to get health care costs under control in a manner which will encourage job growth unless we eliminate all doubt about access to health care. But as we extend this right, let us make it clear to Americans that responsibilities accompany that right, responsibilities to make a contribution, both in money and in health in controlling costs.

We need to recognize we can no longer afford to give out free lunches anymore. Whether the generosity is extended to a hospital that underbids and overexamines, or a doctor who extracts more from the system than even his colleagues believe is justified, or a lawyer who attempts to do the same, or an insurance company crying out for more tax subsidies while ignoring the cries of their beneficiaries, or a wealthy American who can pay his own way, or a poor American who can pay a little, or finally a politician on election day who wants to spend just a little more in some favorite area of the health care system: we must face reality; the hour of truth has finally arrived.

Fortunately, we have a President who has faced that reality and told us and the American people that it is time to change.

But change is frightening to some. They want the old days back again. They prefer the quiet days of the status quo. Milton, seeing democracy spread through Europe, observed the change. He said:

> "In dim eclipse disastrous twilight sheds
> On half the nations, and with fear of change
> Perplexes monarchs."

Well, let the monarchs shake their head in fits of nostalgia for the old order, Mr. President. I am ready to shake out the dust and make way for the new.

But, Mr. President, it is the budget resolution we passed last week, and not this stimulus package, which represents the beginning of this change. Not only does it reduce the deficit by $502 billion over the next 5 years, it also calls for focusing our attention on the human skills and talents needed for a high-wage economy. With this budget, we start to invest in our people, an investment that is long overdue.

But at the same time, Mr. President, we must with certainty slay this deficit which, like Freddy Krueger, of the dreadful series "Nightmare on Elm Street," keeps coming back to haunt us. This stimulus package sends a message that we prefer the easy course of more spending rather than the difficult course of real change.

As attractive as it would be to issue a series of press releases taking credit for this borrowed money, I cannot do it. This is $16.2 billion plus interest of money we do not have to spend. We will borrow in order to finance the spending. In doing so, we weaken our resolve to resist all those friends who are opposing the spending cuts in the budget resolution just passed.

Mr. President, the simple and difficult truth for us and America is that our most difficult problems will not be solved with increased Federal spending. Press releases announcing more money cannot paper over deep problems in the American workplace, frightening deterioration of the American family, and difficult structural problems with America's Federal Government.

Mr. President, if we want to create jobs with our action, then we must do some things that do not involve new spending.

First, we must acknowledge up front and without apology that for working American families of all incomes the price of Government has gotten too high. The very people we want to help with new spending are the ones who are paying the bulk of the bills.

Second, we should affirm that if new jobs are our goal, then our policies should embrace the spirit of entrepreneurial capitalism. Those who need the least amount of help will do the most good. Not only should we pay particular attention to taxes and regulation which can choke the breadth of U.S. entrepreneurs, but we should take care that we do not kill with words the goose that lays the golden eggs of jobs.

Third, we should declare that wage and price controls are poor policy no matter what the objective. These are not the best ways to get health care costs under control. These actions would simply and unnecessarily damage one of America's leading institutions. A better solution, which I intend to talk about at greater length at another time, would be to establish a Federal health care trust fund and agree that the Federal Government must use this fund and not borrowed money to pay all its health care bills. This would create the fiscal discipline that we need to control costs and would produce immediate deficit reduction.

Fourth, we should do more to face the bitter truth that growth in mandatory spending programs is unacceptably high. I was a cosponsor of the Nunn-Domenici amendment to cap entitlements because I fear for our country when I look at the 20-year trend lines of these programs. Mandatory spending represents over 60 percent of total Federal spending. The top five entitlement programs—Social Security, Medicare, Medicaid, other retirement programs, and unemployment compensation—totaled $587 billion this fiscal year.

And next year, do not let any one think that we are not being generous.

Next year, those programs will increase by $44 billion. These facts are why the President is right when he says all deficit reduction is overwhelmed by the increases that we see in health care alone.

While I believe strongly that Social Security recipients, particularly low-income Social Security recipients, should never have to fear cuts in their benefits, we must take care that we do not stand down here and simply pander to the audience of older Americans. I tell you that American seniors know better than most of us what America can accomplish if we are willing to sacrifice. Mr. President, to simply fund a $225 increase per recipient in annual retirement payments this year will cost American taxpayers $50 billion over the next 5 years. It is a double whammy for Americans paid by the hour to have to shoulder such a large share of the burden for deficit reduction as a result of higher than necessary payroll taxes as well as the greatest number of jobs lost due to budget cuts.

Fifth, we have to overcome our fear of being criticized by our friends in education and say the truth out loud: American schools are a mess. Most perform below the rigorous requirements of today's workplace. I am prepared to spend more money—particularly in poor districts—but I need to see comparable reductions in administrative expenses, and I need to see a lot more competition as well.

Those who think I am standing here school bashing, I recommend you look at what Thomas Sobol, the commissioner of education for the State of New York, did this past Wednesday. He asked the regents to endorse a broad policy change to include work in the school day and as a prerequisite for a diploma. According to the New York Times, he said:

> The proposal would in the most basic sense, change the way schools teach, refocusing education to include work experience and lessons about work skills in all curriculums.

Dr. Sobol's critique of our schools is on target:

> We have reached a point in history when social and economic trends create a crisis for many young people in the transition from education to workplace. Research, our constituents, and the public tell us our students are not prepared for this new workplace as well as they should be.

Mr. President, in another 5 or 6 weeks, about 2 million young Americans will be given high school diplomas. They will wear their caps and gowns in graduation ceremonies. In my State of Nebraska some 20,000 to 22,000 will graduate. I venture to say that of the 70 percent or so that are going into the workplace, half of those young people are not prepared. They do not have the skills they need today, let alone the capacity over the course of their lives, to adjust to the demands of the workplace.

Mr. President, I want to present one fact which tells me that not all education problems can be solved with new Federal money. Indeed, I must tell you, this one fact is as chilling a fact as I ever heard. In 1972, 116,630 American students scored over 600 on the Scholastic Aptitude Test on the verbal side. But in 1992, with more students taking the test, the number of students that scored over 600 on the SAT verbal fell to 75,243.

Mr. President, that is a 50 percent decline in the performance of our best students on the verbal side.

I am prepared to argue that this decline has little to do with what is going on in schools and a lot more to do with what is not going on in our homes. We simply, as adult parents, are not making the effort needed to learn.

To those who believe we are, I want to share the conclusion of another educator, Daniel Singal, noting the 50 to 60 point drop in the verbal SAT scores of students going to selective colleges, he concludes:

> These kids are less able to understand what they read than students a generation ago, so they need shorter and easier assignments. They are less able to write or think or carry on a coherent argument. And, because they have read less and understand less, they also know less.

Mr. President, I must tell you that despite President Clinton's effort to turn this country around, despite whatever else we do at the Federal level, unless we address that deterioration of our children's reading and writing skills, their capacity to persuade will deteriorate, their capacity to earn a living in the marketplace will deteriorate, their ability to participate in democracy as informed citizens will deteriorate, their ability to be parents will deteriorate. Everything rests, in my judgment, upon the quality of education we provide our young people.

At this hour I believe we are very fortunate to be led by President Clinton, who has demonstrated that he has the courage to tell the American people the truth. He has begun the process of change, which Americans in large numbers desire.

However, Mr. President, the changes we are fighting for this year must not be change for change's sake. In an essay called, "Defining Deviancy Down" in the winter, 1993 issue of American Scholar, Senator DANIEL PATRICK MOYNIHAN accurately describes the dangers of morally blind political correctness.

We do not only have economic troubles in America. All of us who have observed the statistics of teenage pregnancy, who have looked at rising violence by teenagers in the United States who have examined the numbers surrounding our families, know that we have been making some terrible mistakes. No health care or education programs done at the Federal level will make our children healthier or better educated unless America's most powerful institution, the American family, is strengthened. No crime bill will turn back the tide of violence in America unless adults set the example and provide the role models young boys and girls need in a difficult world.

In short, Mr. President, some things should not change. They should be our foundation, our rock. They should guide us through the dark and stormy waters of our lives. The hymn, "Abide with Me" carries the message well:

> Change and decay in all around I see;
> O Thou, who changest not, abide with me!

I believe in the need for a secular Government, Mr. President, but its reach must and will always be limited. It cannot change the hearts of men and women who have not acquired the ability to tell right from wrong. The quiet battles by Americans to teach themselves and their children, their battles to set an example with their personal behavior. These will determine the shape of tomorrow.

Out of respect for the poetic preferences of the senior Senator from West Virginia I close with an early Emily Dickinson poem, which describes the internal battles so crucial for our country.

> To fight aloud, is very brave—
> But gallanter, I know
> Who charge within the bosom
> The Cavalry of Woe—
>
> Who win, and nations do not see—
> Who fall—and none observe—
> Whose dying eyes, no County
> Regards with patriotic love—
>
> We trust, in plumed procession
> For such the Angels go—
> Rank after Rank, with even feet—
> And Uniforms of Snow.

Mr. President, again, with great respect and great regret, I urge my colleagues not to support this stimulus package, and instead to focus their support on the efforts to change our spending priorities contained in the budget resolution and to do the difficult work of making sure not only that we create new jobs in America, but that we create a higher moral standard, as well.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to commend the distinguished Senator from Nebraska for that very, very fine statement. I think he was right on in deploring this stimulus package, which I think is overweighted items that certainly are not of an emergency nature; overweighted with items that are clearly not of an economic stimulus nature.

What we have here in this stimulus package, Mr. President, is the old story, just as the Senator from Nebraska said. We can all have press releases out in our home States talking about the wonderful things that are in the stimulus package, but there is never one mention that we do not pay for it. It is the old story. We once again increase the deficit of the United States of America by, in this case, $16 billion and send the bill to our children and our grandchildren.

Mr. President, that is wrong. There was a great Governor in California named Earl Warren. I will never forget when he said to the people in California, he said: The people of California can have anything they want, anything they want, as long as they are willing to pay for it.

What this stimulus package is saying: The people of the United States can have 16 billion dollars' worth of goodies, but of course you do not have to pay for it. Your children, or somebody else—your great grandchildren, your grandchildren—will pay for it.

Mr. President, the most important single thing we can do for this country of ours is not to pass some ersatz stimulus package; it is to reduce these deficits.

That is not me speaking. That is the Chairman of the Federal Reserve.

And let me quote from Dr. Alan Greenspan's testimony before the Finance Committee on March 24, 5 days ago. This is what he said, Mr. President:

> The deficit is a corrosive force that already has begun to eat away at the foundations of our economic strength.

Later, he goes on to say, as he winds up this message—and 11 pages were totally devoted to the dangers of the deficit to the United States of America—"Let me conclude by reiterating my central message: The deficit is a malignant force in our economy."

That is pretty strong language, Mr. President—"* * * a malignant force in our economy. How the deficit is reduced is very important. That it be done is crucial."

In other words, he discusses taxes and reduced spending. But he comes to the conclusion that how you do it is important. Indeed, he thinks that increased taxes is not the way to go. But "the crucial thing," he said, "is that the deficit be reduced, and allowing it to fester"—these are the words he uses: malignant, fester, corrosive—"would court a dangerous erosion of our economic strength and a potentially significant deterioration in our real standard of living."

That is not a Republican Senator speaking, Mr. President. That is not John Chafee speaking. That is the Chairman of the Federal Reserve, Dr. Alan Greenspan.

Mr. President, of course, whoever designed this stimulus package had a wild imagination that these things were going to be of an emergency nature, that they are going to do something to foster the very name of the package—stimulus, to the economy. It has such things as $37 million for agricultural research buildings. Come on, is that going to stimulate the economy, $37 million for agricultural research buildings?

How about this one: $64 million for something that has the longest name in the United States of America; it sounds like a British lord's name: National Telecommunications and Information Administration Public Telecommunication Facilities Planning and Construction Program to Promote the Development and Use of Broad Band Interactive Telecommunication Networks.

How is that for a mouthful? And this is emergency money, borrowed, meant to stimulate the economy. We cannot pay for it, oh, no. We have to rush and get it, to promote the development and use of broad band interactive telecommunication networks. If the proponents of this legislation could tell me how that will stimulate the economy, I would be delighted to hear it.

Here are some other ones: $48 million for the Department of Energy supply, research, and development activities; $28 million to purchase 10,000 alternative fuel vehicles.

I yield to no one with my support for efforts to prevent deterioration of our environment. But to say that to purchase 10,000 alternative fuel vehicles is an economic stimulus, or is an emergency, or is going to do something about unemployment in the Nation, I think we will all agree that just is not accurate.

Here is $197 millon for strategic research initiatives at the National Science Foundation. Mr. President, of course, there are some good things in this package we are all for. There are lots of good things. There are summer jobs. There are opportunities for increased immunization of our young people. There are improvements in the Head Start Program. These are good programs. But why do the proponents not suggest that we pay for them? Why do they not suggest a tax? This came out as a spending program only. That is the way it went through the House. That was part of the budget resolution that we had here. Now it is coming forward in the Senate in this way. I think it is wrong what we are doing to our children and grandchildren by foisting upon them $16 billion of additional money that they have to pay for so that we can do some wonderful things that we would like to do.

So, Mr. President, am I opposed to raising taxes? No. I have supported tax increases on this floor many a time. But what I want to see the money go for, Mr. President, is a reduction of this deficit that is a corrosive, malignant, that is festering, and it is destroying the economic fabric of our Nation. I thank the Chair.

AMENDMENT NO. 279

(Purpose: To prevent funds from being used to assist certain projects through Community Development Grants)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 279.
>
> On page 56, line 7, strike "$2,536,000,000" and insert "$2,432,486,654".
>
> On page 56, line 24, strike the period, and insert a colon and the following: "Provided further, That none of the foregoing amount may be used to assist the following projects:
>
> "(1) Foster Park tennis and basketball court resurfacing and color coating in Evanston, Illinois.
>
> "(2) Anthony Oats Park and pool renovation in Evansville, Indiana.
>
> "(3) Expansion of shopping center at 165th Street, in Hammond, Indiana.
>
> "(4) Miscellaneous pool repairs in Birmingham, Alabama.
>
> "(5) Tennis court resurfacing in Florence, Alabama.
>
> "(6) Orpheum Theatre renovation in Phoenix, Arizona.
>
> "(7) Alan Witt Park aquatics facility and ball fields in Fairfield, California.
>
> "(8) MLK Park, construction of 27,000 square foot community recreation center with indoor pool, in Los Angeles, California.
>
> "(9) Fairmount Park boathouse restoration in Riverside, California.
>
> "(10) Villegas Park soccer field in Riverside, California.
>
> "(11) Ocean Beach commercial revitalization project in San Diego, California.
>
> "(12) Art Ark, 29-unit new construction live and work unit, in San Francisco, California.
>
> "(13) Swimming Pool refurbishment in Thornton, Colorado.
>
> "(14) Poli/Majestic Theatres in Bridgeport, Connecticut.
>
> "(15) Northwood Cemetery drainage system and roadway in cemetery in Hartford, Connecticut.
>
> "(16) Facade improvement, renovation of 47 commercial building facades in Hartford, Connecticut.
>
> "(17) Construct ice skating warming hut at Union Pond Park in Manchester, Connecticut.
>
> "(18) Greens Harbor Beach in New London, Connecticut.
>
> "(19) Capitol Theater in New London, Connecticut;
>
> "(20) Golf course, parks, recreation, in Daytona Beach, Florida.
>
> "(21) Key West Bight Marina development in Key West, Florida.
>
> "(22) Whispering Pines Park, recreation center, in Port St. Lucie, Florida.
>
> "(23) New Jersey Performing Arts Center in Newark, New Jersey.
>
> "(24) West Las Vegas Arts Center in Las Vegas, Nevada.
>
> "(25) Basketball court at Fox Hill Park in St. Charles, Missouri.
>
> "(26) Inkster Community Shopping Center, 50,000–60,000 commerce shopping center project in Inkster, Michigan.
>
> "(27) Northwest Family Center, with two gymnasiums, indoor pool and outside ball fields, in Huntsville, Alabama.
>
> "(28) Optimist Park athletic facility (indoor and outdoor) baseball field, gymnasium and soccer field in Huntsville, Alabama.

"(29) Desert West Park in Phoenix, Arizona.

"(30) Construction of youth park project to include baseball, soccer, tennis, gymnasium, roads, utilities, and lighting in Jonesboro, Arkansas.

"(31) Soccer field improvements in Bell Gardens, California.

"(32) Agua Mansa Cemetery, historical site restoration work, in Colton, California.

"(33) Fairfield Sports Park, in Fairfield, California.

"(34) Construct youth sports complex, including baseball, soccer, softball, and other athletic fields in Merced, California.

"(35) Tuolumne River Regional Park, amphitheater and softball complex in Modesto, California.

"(36) Improvements to Barnes Park (tennis court relocation, infrastructure) in Monterey Park, California.

"(37) Improvements to Elder Park (tennis courts, bathrooms, picnic areas, ADA compliance) in Monterey Park, California.

"(38) Reconstruct swimming pool in CDBG area in South Gate, Georgia.

"(39) Playground renovations, 35th Street Ballfield, Loveland Playground, Hil-Dar/Housing Authority in Wheeling, West Virginia.

"(40) Storefront Rehabilitation, rehabilitation of storefronts in central business district in Grand Forks, North Dakota.

"(41) Renovation of historic mill for sports shop complex in Central Falls, Rhode Island.

"(42) Construction of an alpine slide and restaurant at Parque del Turabo recreational facility in Gaguas, Puerto Rico.

"(43) Marketplace and art craft center in Adjuntas, Puerto Rico.

"(44) Brewery District Theater, construction of a new movie theater, in Columbus, Ohio.

"(45) Falcon Park Baseball Stadium Redevelopment Project in Auburn, New York.

"(46) Proctors Theater, roofing, completion of roof repair on historic downtown theater in Troy, New York.

"(47) Constitution Soccer Field, grade field and construct 6 adult and 4 youth soccer fields, construct parking lots, restroom structure and concession stand in Salinas, California.

"(48) Civic center expansion in San Leandro, California.

"(49) Downing Neighborhood Shopping Center, a 25,000 square foot retail strip located in an inner-city neighborhood in Denver, Colorado.

"(50) HCO/Hi-Ho site work in Bridgeport, Connecticut.

"(51) Boykin Community Center, construction of a new gymnasium and reroofing the building in Auburn, Alabama.

"(52) Gymnasium lighting, North Birmingham Recreation Center, Howze-Sanford Recreation Center, and Ft. Heights Recreation Center in Birmingham, Alabama.

"(53) Miscellaneous park improvements, shelter repairs (picnic) in Birmingham, Alabama.

"(54) Buffalo Ridge Park in Phoenix, Arizona.".

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I took the liberty of not going ahead with our customary waiving of the reading so that Members who may be listening would have a chance to know the specific projects to which this amendment relates.

It is a pretty straightforward amendment. It simply outlines projects that will not be funded or should not be funded under this measure and deletes the amount of money that had been earmarked for those projects.

Mr. President, this debate over this bill embodies an honest and a sincere difference of philosophy. One side has a sincere interest in increasing jobs in this country and of improving our economy just as the other side does. The difference is how you get there—how you do it.

One side sincerely believes that to improve the efficiency in Government, reduce the deficit, and eliminate waste, is the way to improve our economy, to provide more meaningful good jobs, to stimulate the private sector by having lower interest rates, reducing the government deficit, and providing more capital for investment in new jobs and opportunities.

The other side sincerely believes the way to increase job opportunity in America and prosperity is to increase Federal spending and to increase the Federal deficit, and thus by that higher deficit stimulate economic activity in the private sector, and perhaps the public sector, and to provide a better way of life for Americans.

This is not about one side being good and the other side being bad. It is about a difference of philosophy, of how you get to a commonly shared objective and goal, that is a stronger, more viable, better economy for America and more meaningful, good paying jobs for the men and women of this country. It is a sincere difference of philosophy.

I come here tonight as one who believes that the best way to get America on track, to make us productive and creative and efficient, is to make Government more efficient, and most of all eliminate waste on the Federal level. That is what I have attempted to do in the amendment that is before this body.

The amendment lays out specifically so that Members can make their own judgment about the value of projects that this bill proposes to do. Let me hasten to add that the bill does not name those projects. The nature of the amendment is to specifically indicate projects which should not be funded and to take out an appropriate amount of money.

I think a reasonable and a fair question that can be offered by those who see the answer in higher Federal spending and higher deficits is what sort of indication do you have that indeed these projects are ones that are contemplated by the community development block grants?

Mr. President, for those who ask that question, let me emphasize that I think it is a reasonable question. Let me refer them to the statement of Secretary Cisneros when he spoke before the VA-HUD subcommittee of the Appropriations Committee in the House of Representatives. The statement was on February 23 of this year. It addresses this specific bill and this specific subject.

Let me read from his remarks, from the verbatim transcript, from page 983. The Secretary is speaking, saying:

> I have in front of me a listing, from the U.S. Conference of Mayors, of projects ready to go under the community development block grant program.

Mr. President, that is the listing from which I have come up with this amendment.

The Secretary continues:

> Normally, communities have 5 or 6 times as many documented needs for CDBG's as they can fund with annual appropriations. The annual appropriation has been about $4 billion in the last 4 years, so $2.5 billion in additional funding obligated at one lump sum is a very significant amount. It comes to about 60 percent of what any community would receive. They will get it in a lump sum obligation.
>
> As you will be able to see by perusing this information city by city, State by State, these are projects that can go forward immediately; streets, drainage, sidewalks, school improvements, municipal facilities, recreational facilities, things that are needed, things that will create jobs.

Mr. President, again this is the list that he spoke from. The project sheets included that the Secretary referred to are verbatim or at least summarizations of what he had offered to that committee. The sheets look exactly like this. They are simply a listing of the project and the amount of money.

So the source of the amendment is projects which the Secretary himself had identified as available for funding under this bill in which he had an interest in funding, and the amount of money that has been deducted from the bill is the amount of money related to the projects that the clerk just read.

The Secretary continues:

> The distributional channels are well set. The communities know how to use the money. These projects, the Mayors tell me, and I have had them come in now repeatedly, including 30 Mayors of larger cities of America, to visit with the President, and they tell me projects are designed, engineered, environmentally cleared, permitted, and ready to go. So from a perspective of stimulus purposes, there is not a better program than the CDBG program.

Mr. President, that is the statement of Secretary Cisneros in indicating that the administration was ready to move on it and spend the money on the projects which were outlined by him, including the ones that are included in the amendment.

Now, it should be clear that this amendment does not include all of the projects that the Secretary laid out. It only includes some of the projects that at least this Member feels, upon reading the list, are the least deserving of Federal money and least match the purpose of this legislation. It does reduce the appropriations amount in this bill by a little over $103 million, which is no small savings for any taxpayer. The amount is $103,513,346.

Mr. President, I thought it appropriate to offer an amendment that dealt specifically with projects that Members could evaluate and their own judgment as to whether that is worth breaking the budget agreement for, whether it is worth overspending the budget, and whether truly these kinds of projects fit in with the definition of "emergency." I think by having the specifics we give people the opportunity in this Chamber to make their own judgments.

I think a fair question at this point, Mr. President, would indeed be, what is an emergency for the purposes of Congress?

Some Americans who listen in and read our deliberations will wonder why it is that this has become an issue. In this Senator's view, this has become an issue because what is proposed to us is not only just additional spending, but it is quite importantly spending that breaks the budget agreements of past years.

In other words, Congress, by its own action in a budget resolution, set a cap on spending for each consecutive year. This measure comes to us not within that cap, the agreed upon amendment that we would spend or the limit on the amendment we would spend, but under an emergency declaration that implies that this matter is so important, of such great emergency value, that you have to throw aside the caps and the limits on deficit spending.

I might say, my view on this is also influenced by the fact that Congress has not stayed within the total spending for that appropriated year. Let me be specific. We are talking about the overall spending limits. I think some Members may point out that, indeed, much of the problem with regard to our overall spending limits are in the entitlement areas. Let me say, I think that is a fair observation and an accurate one.

But the reality is, this stimulus package, this overspending of the budget, comes in a year when we have already had a deficit soar far higher than anyone contemplated.

Last year, the deficit reached $290 billion. It will be higher in this fiscal year. And so this proposal for additional spending comes to us not as something to increase spending in a year in which we have had a surplus, because we have not; it does not come to us as a way of increasing spending that get us up to the limit of the deficit which we planned for, because we have already exceeded it; it comes to us as a waiver of the spending limits that Congress has already set through the declaration of an emergency.

Now what is an emergency? If this spending is a problem because it does not truly fit the definition of an emergency, surely it is fair to ask whether it is an emergency that we are talking about.

Well, there does not appear to be a specific definition in the statute. The dictionary, though, defines emergency this way:

> A sudden and unexpected turn of events calling for immediate action.

Well, is breaking the budget agreement unexpected? Hardly. This Congress has seemed to have done it on a rather consistent basis.

Is this an immediate action? No, this has been under contemplation for some period of time.

The closest that I have been able to find for a true definition of what an emergency is comes in a report on the cost of domestic and international emergencies that was put out by the Executive Office of the President, Office of Management and Budget. This report dates from June 1991, but it is the closest thing we could find to an attempt by the executive branch to define emergency.

Here is what is says:

"For the purposes of defining spending provisions that qualify for an exemption, the President uses the definition of an emergency requirement that includes the following elements: the requirement is a necessary expenditure"—golf courses, necessary—"that is sudden"—ice skating rinks?—"urgent"—tennis courts?—"and unforeseen."

It is not permanent. These elements defined as follows; what follows is the definition included in this document.

"Necessary expenditures. An essential or vital expenditure, not one that is merely useful or beneficial."

Are the things included in this measure essential and vital? Are the golf courses essential for America's future? Are the swimming pools vital? My guess is this has far more to do with domestic politics and the rewarding of partisans than it has to do with anything that is essential or anything vital.

The definition continues:

"No. 2, it should be sudden. Sudden is defined as quickly coming into being, not building up over time."

Sudden ice skating rinks? Well, perhaps the water freezes overnight. But, beyond that, the warming of the ice skating rink hardly seems sudden.

"Urgent," the definition continues, "pressing, compelling, requiring immediate action."

When was the last time you saw a compelling tennis court?

Mr. President, this measure, this so-called emergency measure that is before this body, says a great deal more about this Congress' sense of humor than it does with regard to emergencies.

"Unforeseen," the definition continues, "not predictable or seen beforehand as a coming need. An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance would not be unforeseen."

Mr. President, how could anyone claim that the items that are listed in this amendment fit into that definition?

"Not permanent. The need is temporary in nature."

Mr. President, it is hard to imagine that these items come under the normal definitions.

Mr. President, I have further observations that I hope will refine the issue, but at this moment, I would like to yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. I want to thank the Senator from Colorado for bringing forward this amendment, because it highlights the problems which this bill has.

We are a nation which is running——

Ms. MIKULSKI. Point of order, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. I always thought, under the rules of the Senate, when a Senator yielded to another Senator, it was for a question and not for an additional speech.

Would the Chair clarify that?

If I am out of order, then I would withdraw my objection. If not, I wonder if the Senator from New Hampshire would state his question.

The PRESIDING OFFICER. The Chair recognized the Senator in his own right. My understanding was, he was to take the floor in his own right and not yielded to for a question.

Ms. MIKULSKI. If I may continue my question of the Chair, has the Senator from Colorado yielded to the Senator or yielded the floor? And when one yields to a Senator, is it not normally for a question?

The PRESIDING OFFICER. My understanding was that the Senator from Colorado had yielded the floor and that the Senator from New Hampshire had sought recognition.

Ms. MIKULSKI. Well, this Senator—continuing my parliamentary inquiry—this Senator has been standing for some time.

Had the Senator said "I yield the floor," this Senator would have claimed, along with the Senator from New Hampshire, the right for the Chair's attention, but I do not believe it happened quite that way.

Mr. BROWN. Mr. President, certainly my intention was that Senators here would have an opportunity to speak. I will certainly complete my remarks at another time.

I would be happy to yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. GREGG. Mr. President, regular order. I believe the Chair had already recognized me in my own right, if I interpret the Chair's statement correctly.

Now, I do not really know that we need to have an extended parliamentary discussion here.

Ms. MILKULSKI. I would like the Reporter to read back what the Senator from Colorado said. He said, "I yield to the Senator from New Hampshire" before yielding the floor.

Mr. GREGG. Mr. President, I believe——

The PRESIDING OFFICER. The Senate will be in order, please.

The Chair's understanding was that the Senator from Colorado yielded the floor, and I did recognize the Senator from New Hampshire.

The Senator from Maryland now asks to be recognized, and I am recognizing the Senator from Maryland——

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. In the event the Senator is asking a point of order or some other consideration.

The Senator from Maryland.

Mr. GREGG. Mr. President, regular order. Parliamentary inquiry. I believe I was recognized and have the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Thank you Mr. President.

Again, I wish to rise in support of the amendment offered by the Senator from Colorado, who has, I think, done this body a service by bringing forward an amendment which clearly highlights the problem with this supplemental appropriation, which has been called an economic stimulus package. We are, as a nation, running approximately a $300 billion deficit, something which the people of this country are extremely concerned about.

Those of us who stood for election in the last electoral cycle heard a great deal about the deficit and talked a great deal about the deficit. Yet, as one of the first major items for legislation before this body, we find that we are confronted with a $16 billion-plus supplemental which will aggravate the deficit by that amount of dollars. It is able to avoid the traditional rules relative to the budget process by being cited as an emergency event. And what the amendment of the Senator from Colorado does so clearly is point out that there is nothing about this supplemental, or at least about the items that are affected by this amendment, which have in their nature anything to do with an emergency.

There are 24 projects for bike paths in this supplemental, representing $40 million—24 bike path projects. As the Senator from Colorado so aptly pointed out, that is not an emergency.

Within those bike path proposals which will be funded, according to the mayors' list of what the projects are, as was outlined by the Senator from Colorado, they are not only building bike paths but there is $800,000 for research on bike paths. There are $450,000 for widening existing bike paths. And there is $165,000 for something called the Ice-age trail. One does not know whether you can go on the Ice-age trail on a bicycle or not. But let us assume that you can and therefore we will put it under the bike path list—24 projects which are represented as maybe funded by this proposal dealing with bike paths. There are 13 projects which are represented that may be funded which involve parking lots. That is 17 million dollars' worth of parking lots. I am sure this Nation is in great need of parking lots. But we do not happen to have the money right now to declare an emergency to go out and build a lot of parking lots. There are 15 projects which are represented that may be funded involving baseball fields and tennis courts—21 million dollars worth of baseball fields and tennis courts.

What is the emergency that we need baseball fields and tennis courts? None of them will get built by this spring anyway when the baseball season starts, so it is not for this baseball season, if that were the emergency, and I doubt if that falls under the term "emergency," even the most elastic application of that word.

The problem here is that what we have is a classic piece of legislation, it is going to spend a lot of money on a lot of projects which a lot of community leaders may want but which are not necessarily needed and which we clearly cannot afford and which are obviously not an emergency. And it is totally appropriate that these funding mechanisms which would fund these items, as they have been proposed or requested by the mayors and leaders of these various communities, should be deleted from the bill.

Thus, the Senator from Colorado has done us a considerable service by bringing forward this amendment to strike from the bill what I believe is somewhere in the vicinity of $100 million of funding, with specific reference to these titles and these projects so that we will not have this sort of spending occurring at this time.

Now, it may be that these projects make sense. But they do not qualify as an emergency. And if they do make sense, they need to be paid for. That is the problem we have here with this whole piece of legislation. These are just examples, egregious ones I believe, but they are examples of the fundamental flaw that this legislation represents, which is that it is spending that is not paid for. It is spending which will aggravate the deficit, and it is spending, as a result of which, it will not generate economic growth but will generate economic contraction.

Because the American people are smart enough to understand that, you are not going to expand this economy by continuing to expand this deficit. In fact, their message was very clear on that point, I believe, last November. They want the deficit brought under control. They want cuts in spending to occur. They do not want us to undertake new spending without paying for it. What they would really like us to do is reduce the deficit, not aggravate the deficit as this proposal does.

That is what they have asked for. Yet in this piece of legislation we get just the opposite. This section of this bill could best be called, not an economic stimulus bill, but a bill to promote baseball and bicycling in America. We can call it the bike path bill. Or we could call it the parking lot bill. Or we could call it the baseball field bill. But let us not call it the economic stimulus bill, because it is not. It is a bill to take care of community interests which may be in order at some point to address but at this time are not. It is a bill which has in it a lot of items which simply are not an emergency. That is regrettable.

Therefore, I strongly endorse the efforts of the Senator from Colorado, first, to highlight this failure of this bill and point out that there is nothing in the nature of an emergency about it, especially as it applies to these items; and, second, to point out that these items are not going to energize economic activity. In fact, a number of them ironically create no jobs at all.

There is the building of three bike paths in Modesto, CA, which are identified as creating no jobs. There are a group of projects in San Luis Obispo, CA, which cost $1 million which create no jobs. There are a group of projects representing $8 million in Fort Pierce, FL, which create no jobs. There are a series of projects in Atlanta, GA, totaling almost $10 million, which create no jobs. They involve replacing a gym and restoring a historic cemetery, but they are represented as creating no jobs.

There is a project in Maui, CA, for $1.3 million, which creates no jobs. There are four projects in Gary, IN, representing $1.1 million, which create no jobs. There is a playground in Cedar Rapids, IA, which creates no jobs. And on and on the list goes.

It is not a jobs promotion effort. It is not an emergency effort. It is your classic "let us go out there and spend some dollars from the taxpayers' wallets" effort. It is a baseball bill, and a parking lot bill, and a bike path bill. And it should be called that. Let us apply none of these euphemisms to it. And it is inappropriate because the American people have to pay for it. And the next generation has to pay for it because the dollars are not here to pay for it. This is a deficit bill and, as such, it aggravates and puts weight upon the future opportunity for prosperity of our children. And it is a mistake.

Therefore, I again congratulate the Senator from Colorado for having brought forward this amendment which so targets and points out the fundamental flaw of the theory behind this bill with some very specific points—24 bike path projects, $40 million; 1 parking lot, $17 million; 5 bus stops, $3 million; 15 baseball fields or tennis courts, $21 million. How do we explain that to the folks back home?

Mr. BYRD. Will the Senator yield for a question?

Mr. GREGG. Is the question put to the Chair?

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. GREGG. Yes, I will yield to the Senator for a question. I yield to the Senator from West Virginia.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from West Virginia.

Mr. BYRD. Can the Senator point to these items in this bill? Can he find a single one of these items that he has been talking about in this bill?

Mr. GREGG. As the Senator from West Virginia knows, those items are not specifically listed in the bill. The dollars that fund those items are in the bill. As I would point out to you, Secretary Peña has said those items will be spent——

Mr. BROWN. Will the Senator yield?

Mr. GREGG. I yield to the Senator from Colorado to read a statement which reflects the answer to the question.

Mr. BYRD. Mr. President, the Senator——

The PRESIDING OFFICER. There is a question about yielding the floor. The Senator has no right to yield the floor to another Senator for a statement. The Senator has a right to respond to a question if he so chooses, but that is the extent of the Senator's right to yield the floor.

Mr. GREGG. I thank the President for that point. I believe the Senator from Colorado has a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire respond to the question of the Senator from West Virginia?

Mr. GREGG. I believe I did. I will be happy to respond further, Mr. President, by stating the dollar figure for this spending is in this bill. The specific projects are not listed in the bill, but the process by which the administration intends to fund projects has been clearly outlined by the administration leadership and the Cabinet Secretaries, who are responsible for the community development block grant, and we have the list from the mayors.

In fact, the President said he wants projects that are ready to go, and he has asked for that list of the specific proposals we talked about.

Mr. BYRD. Will the Senator yield for a question?

Mr. BROWN. Will the Senator yield for a question?

Mr. GREGG. I yield to the Senator from Colorado for a question, and I yield to the Senator from West Virginia.

Mr. BROWN. Does the Senator believe that the statement of Secretary Cisneros of February 23, 1993, to the Veterans, HUD Subcommittee of the Committee of Appropriations in the House in which he says, "I have in front of me a list from the United States Conference of Mayors of projects ready to go under the Community Development Block Grant Program," does the Senator believe that that statement is an affirmation that that is how the administration intends to spend the money?

Mr. GREGG. I thank the Senator from Colorado for his question. And I will say that, yes, I do, and in fact believe the President has also made that clear when stating that he wanted these projects to be ready to go and he asked the mayors and the Governors to come forward with a list of projects. The projects which we have been citing in this discussion have been projects which were excerpted from the mayors' list of ready-to-go projects. And the amendment which the Senator from Colorado has offered specifically addresses those projects so that there can be no doubt but that those projects will not be funded.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. GREGG. I believe I said I would yield to the Senator from West Virginia first for a question, and then I will yield to the Senator from Texas for a question. But the Senator from Maryland wishes to get the floor, so it is not a question of——

Ms. MIKULSKI. The Senator from Maryland is very patient, and I will be happy to yield to the Senator from West Virginia for any questions he might have for the next hour and a half.

Mr. BYRD. Mr. President, does the Senator from New Hampshire realize that Mr. Panetta has written a letter, which I have placed in the RECORD, a letter that was addressed to me, in which he says, "Let me assure you that the administration does not support funding for any of the types of projects that the opponents of the legislation speculated would be funded"? Is the Senator aware of that letter?

Mr. GREGG. Yes, I have seen this letter you are referring to, and I presume—well, I yield further to the Senator from West Virginia.

Mr. BYRD. Is the Senator aware of the statement that the President stated to the effect that those who talk about these fictitious projects could look for years and they would never find them in this bill? Can the Senator point to these items in this bill?

Mr. GREGG. Reclaiming my time, I appreciate the question of the Senator from West Virginia. I believe I addressed that.

The point is that in this bill, there are not specific projects listed. However, the funding for the community development block grant is as a gross figure in the bill.

What the Senator from Colorado is offering his amendment for is to make sure that the specific list, which has been referred to as the list we believe will be the funded list—and I think it has been in the public domain for quite a while; certainly, Secretary Cisneros was aware of it when he made his statement, as a mayors' list, and the President specifically asked for such a list from Governors and mayors of projects that are ready to go—that that is the list that I think is logically going to be the list that is funded off of, because that is the ready-to-go-list, and the President already said he wants to get things going now.

Of course, on that list are these items, and that is what we are talking about deleting.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. GREGG. For a question.

Mr. GRAMM. Yes.

Is the distinguished Senator aware that on the first amendment adopted to this bill the distinguished Senator from West Virginia, the chairman of the Appropriations Committee, listed by name projects from the same list that you speak of when he specifically forbade funds being used from this act to pay for white water canoeing facilities on the Ocoee River? Is the Senator aware of that?

Mr. GREGG. I thank the Senator from Texas for pointing that out. I believe that to be an accurate statement.

Mr. BYRD. Will the Senator yield for a question from the Senator from West Virginia?

Mr. GREGG. I will follow up with the Senator from Texas for a question, and then I will be happy to yield for a question.

Mr. GRAMM. Is the Senator aware, in an amendment previously offered, that none of the funds in the bill would be allowed to be spent on golf courses and cemeteries?

Mr. GREGG. Yes, I believe the Senator from West Virginia made that his first amendment to the bill.

Mr. GRAMM. Is the Senator aware that fisheries atlases and studies of the sicklefin chub were also specifically excluded?

Mr. GREGG. Yes, I believe the Senator from West Virginia made that as part of his first amendment.

Mr. GRAMM. Is the Senator aware that there was a major difference, however, between the amendment offered by the distinguished chairman of the committee and the ranking member and the amendment offered by Senator BROWN?

Mr. GREGG. Yes, there is a significant difference because, as the Senator from Texas knows, Senator BROWN's amendment specifically defunds those projects or makes it inappropriate to fund those projects which are listed on the mayor's list, which include baseball parks, the swimming holes, and the bike paths, and the art ark, which is a project in San Francisco. I am not sure what it is. It sort of sounds interesting, actually, but probably is not necessary at this time, whatever an art ark is. And some of the other items which have been listed by the Senator from Colorado and myself.

Mr. GRAMM. I want to thank the Senator for yielding because it seems to me it is very important to understand that this is an amendment which has already been adopted, and it seeks to do exactly the same thing except with one fundamental difference; and that is, Senator BROWN's amendment deletes the money, whereas the earlier amendment simply requires that it be shifted to another project.

I thank the distinguished Senator for yielding.

Mr. GREGG. I thank the Senator from Texas. And I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to oppose the Brown amendment, and I do it on the basis that this is the heavy hand of the Federal Government at its absolute worst. It will turn the U.S. Senate into a Federal city council making microdecisions about what community development block grant projects would be funded and what would not be funded. It violates the basic principle of the statute as established under the administration of President Gerald Ford and his very able Secretary of HUD, Carla Hills.

President Ford and Carla Hills knew that it was time to break through the way the Federal Government handled housing projects and wanted to follow the principles of self-determination, the belief that people who are the most affected should have the most to say, and to empower local communities on how to fight back and raise the level of employment and help our communities revitalize. That is when they came in with the Community Development Block Grant Program that did not go into categorical funding, did not go on to a long list of mandates, but gave block grants to local government so that government, the city council, and the mayor closest to the people could decide what they needed to do in order to create affordable housing, to eliminate poverty, and to bring about neighborhood revitalization.

Now we come in with this very specific, microamendment eliminating these 54 projects that do not even exist in terms of the law, but recommending that funding be eliminated. That is not what the community development block grant was created to do. I chair the subcommittee. I know the purpose of the law. But it is not what Senator MIKULSKI thinks. It goes back to what Gerald Ford and Carla Hills thought, and what they said was this: That we needed to give maximum flexibility to our communities, and their job to give maximum flexibility was Federal funds to provide decent housing, suitable living environment by expanding economic opportunities for low- to moderate-income persons.

And that we would give money on the basis of a formula, and the formula would be the extent of the poverty in a community, its population, its overcrowding, how old the housing was, and its population growth lag in relationship to the other metropolitan statistical areas; and the whole purpose of the idea was that communities develop their own programs, their own funding priorities but limited to those that would be eligible, that would benefit low- to moderate-income families, eliminate or prevent slums, and meet other development needs.

Now, I know a lot about these programs, having been in the Baltimore City Council, and therefore I know the difference between being a councilwoman and being a Senator. But often these minimum or small items will leverage a tremendous amount of private sector money. What might seem to be a small item, or even a frivolous item here, in a local community can mean the life or death of a community, could mean the leverage of private sector funds, or could be that funding that anchors and acts as a magnet for other funding to come in from other sources.

What I believe we should be doing is not speculating about these 54 items but passing President Bill Clinton's package so that whether you are a Democratic mayor or whether you are a Republican mayor, you are, first of all, the mayor of your city and you decide with your city council and the mandated consultation with your community groups about what you need and not have Senators tell you what you should have and what you should not have.

We go through legislation after legislation and we hear about how we need flexibility, how the Federal Government should not be coming up with mandates, how we should not micromanage the Federal budget, and yet this is exactly what this does. The Senator from Colorado, who offered this amendment, I recall in last year's debate on my appropriation led the charge about too many Federal mandates and too many resources over the safe drinking water laws in my EPA account. The Senator made excellent points, because we do know that we have too many mandates with too few resources.

But now they would turn this principle on its head by restricting Federal money for projects that will go through a mayor, a city council or a county council, and a local hearing process. This amendment defies the very principle of self-determination. That was the purpose of the bill. We are the United States of America. We travel around the world. We are for freedom. We are for democracy. We are for self-determination of nations and local communities. Why should we not be for self-determination of the community development block grant? We are for freedom of choice. We want to give freedom of choice for vouchers in our public schools. If we want freedom of choice for vouchers in our public schools, should we not give freedom of choice to mayors and local governments who know how to spend for their own priorities?

I stand here to defend the principle of the community development block grant. I stand here with the legacy of Gerald Ford, Jimmy Carter, Ronald Reagan, and George Bush that says the local people have the most to say, and therefore I urge the Senate to reject this heavy-handed intrusion of the Federal Government into local decision-making.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment would delete a specific amount of money for a fictitious list of projects that never would have been funded in the first place, and the amendment which Senator HATFIELD and I added earlier provides that "the Secretary" of HUD "shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading."

Mr. President, this is much ado about nothing, and I am going to move to table shortly, but I understand that the distinguished Senator from Texas wishes me to yield to him first. How much time does the Senator wish?

Mr. GRAMM. Mr. President, what I had hoped to do was to get recognized to speak for about 10 minutes.

Mr. BYRD. Mr. President, I would yield to the distinguished Senator from Texas [Mr. GRAMM] for not to exceed 10 minutes. I ask unanimous consent that I retain my rights to the floor, after which I expect to move to table the amendment.

Mr. BROWN. Reserving the right to object.

Mr. HATFIELD. Reserving the right to——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Reserving the right to object, and I shall not object, I had yielded the floor as a courtesy to other Senators who did not want to wait until the end of my statement introducing the amendment, and I would simply prevail on the distinguished Senator from West Virginia my hope that he might allow me 5 minutes to finish my statement before he might move to table this amendment. I withdraw my objection.

The PRESIDING OFFICER. Is there further objection?

Mr. BYRD. Mr. President, I understand that there is no objection.

Mr. HATFIELD. Mr. President, I reserve the right to object.

Mr. President, at this moment I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, then I could move to table now, but I hesitate to do that because we have Senators out on both sides. I did not want to move to table at this point. I was going to yield to the distinguished Senator for 10 minutes and would like to accommodate the Senator. That would give some time for Senators to be notified that there is a motion to table about to be made.

Does the distinguished Senator from Oregon wish to have some time also?

Mr. HATFIELD. Mr. President, I objected because 10 minutes to go directly to a vote is not sufficient time to gather back the Members who are now off the Hill. That was the only reason I objected. The Senator indicated he would have 10 minutes extended here to the Senator from Texas, at the end of which he would make the motion to table. I am only saying that 10 minutes is not sufficient.

Mr. BYRD. Very well. Mr. President, I make the request that I may yield 10 minutes to the distinguished Senator from Texas [Mr. GRAMM], and that I be protected in my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for allowing me to speak for 10 minutes before he moves to table the amendment.

I would like to try very briefly to define where we are, what the underlying bill is about, what the amendment is about, and then raise a couple of questions that hopefully the distinguished author of the amendment can answer. And I have one question that I would pose to others.

But let me begin by saying that we have before us a $16 billion spending bill. It is being considered under a special provision whereby this bill is being deemed an emergency, which creates a loophole through which $16 billion can be spent and not one penny of it will count as spending, not one penny of it will count as deficit, and yet it is real money being spent on real things, that we are going to have to go out and borrow and that we are going to have to pay interest on and that we are going to have to pay back.

The reason this extraordinary provision is in the bill is that without it, under the current law of the land, it would be illegal to consider President Clinton's economic stimulus package because it violates the law. The law sets out a level of spending above which we cannot go in this fiscal year and next fiscal year. This was part of an agreement whereby the American taxpayer paid $152 billion of new taxes in 1990 to get this constraint imposed on spending; but, by calling this bill an emergency, we are going to sweep all of that aside and spend $16 billion the week after we passed a budget that we claimed would reduce the deficit.

I suggest, Mr. President, that to pass this bill, to spend $16 billion and say it is not spending, to borrow $16 billion and say it is not deficit, and not to count any of it on the official books of the Federal Government and comply with existing law, places in doubt our credibility about our commitment to deal with the deficit.

I bet I have had 100 people come up to me in the last 2 weeks and say, "Are they going to cut spending before they raise taxes, before they fund these new programs?" I am sure many of my colleagues on the floor have had many questions similar to that posed to them.

We have our answer tonight. Our first action tonight is to increase spending by $16 billion.

Let me try to define what it is we are talking about, in case someone is watching this debate, Mr. President, and is confused. We have $16 billion of new spending in this bill; $2.5 billion of it comes from the community development block grants; another large chunk of money comes from the Transportation Department; and what those two departments have done is they have gone to mayors all over the country and said, put together a ready list of projects that you would like to spend money on, because we are going to make some money available and we can fund these projects. What the distinguished Senator from Colorado has done is, he has taken the ready list that lists the spending that would be undertaken by the cities with these grant funds.

We have heard tonight from our colleagues on the Democratic side of the aisle that these lists are not real. That is a strange statement, given that the first amendment that was adopted on this bill was an amendment that specifically said none of the funds would be spent on golf courses, and cemeteries, that none of the funds would support white water canoeing facilities on the Ocoee River, that we would have no fisheries atlases printed with this money, and that there would be no studies of the sicklefin chub with this money.

Where did these names come from? These names came out of the list, the ready list, that our distinguished colleague from Colorado is trying to strip provisions from.

Why is it that it is OK not to fund the sicklefin chub, but it is OK to fund all of these other projects that the distinguished Senator from Colorado has identified and wishes to strike? Did the earlier amendment adopted by the Senate contain the entire list of potential pork that could be funded with this borrowed $16 billion?

Well, the distinguished Senator from Colorado does not think so. He has other provisions. But I will tell you something. One of the things he does is he takes out the money as well as the projects. Quite frankly, I think if the American people could vote on it, probably 99 percent of them would do the same thing.

I would like to ask some questions of the distinguished Senator from Colorado.

Mr. BYRD. Mr. President, the Senator cannot ask a question. He can yield the floor. The Senator has the floor.

Mr. BROWN. Would the Senator from Texas yield for a question?

Mr. GRAMM. The distinguished chairman is saying that I cannot ask him a question.

Mr. BYRD. That is according to the rules. Another Senator can ask the Senator from Texas a question.

Mr. GRAMM. Mr. President, let me—I can make my points without going through the asking of the question.

Our distinguished colleague has listed a lot of pork, bacon, sausage, pigs knuckles, but there is a lot left in here that he has not yet scratched. Throughout this bill we have graffiti abatement, we have bike paths that are not touched by this amendment, we have an ice skating warming hut in Manchester, CT. We construct a casino building in West Haven, CT.

I was wondering—I cannot pose a question under the rules and under the 10 minutes I have by unanimous consent—I notice that the chairman and the ranking member prohibit expenditures on cemeteries, but I notice a provision in Atlanta, GA, $2.5 million to repair a historic wall around a cemetery. I was wondering—maybe I should make a parliamentary inquiry, which I can do on my time.

Mr. President, with the amendment adopted earlier which prohibited funds under the community development block grant in this act to be used for a golf course or a cemetery project, in the opinion of the Parliamentarian, would that prohibition include the repair of a historic wall around a cemetery?

The PRESIDING OFFICER. The Chair cannot speculate as to the legal effect of that.

Mr. GRAMM. Mr. President, if I could pose a question to my colleague from Colorado, in Niles, IL, we have a water tank that is going to be painted. And I wonder, Mr. President, if anybody really believes that we will promote jobs, growth, and opportunity in America, that we will promote competitiveness, that we will put our people back to work by painting water tanks in Niles, IL. I am sure that they want to paint that water tank. But I am also sure if they have been wanting to paint that water tank for a long time, when these two new Cabinet secretaries said we want to spend money, send us ways to spend money, somebody in Niles, IL, said you know, we have been wanting to paint this water tank for a long time, and we never thought it was worth it. But there is somebody in Washington, DC, that honest to goodness believes that it might be worth it and we are going to put in on this list if they provide the money.

Sure enough, we are going to get it out and we are going to send in this proposal. We are going to paint that water tank.

Mr. President, we do not have $16 billion. We are going to have to borrow every single penny of it. If Niles, IL, is not willing to paint their own water tank, if they think it is such a low priority that they do not want to do it, why in the world would we want to do it?

If they are not willing to put up money to build casinos in Connecticut, why in the world would we want to do it?

If they will not build trolleys in Pensacola, FL, with their own money, why should we do it?

That is the question.

The PRESIDING OFFICER. The Senator's 10 minutes is up.

Several Senators addressed the Chair

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this is a fictitious list that we are hearing read tonight.

This so-called list comes from a 1,700-page report which was a bipartisan survey, overseen by a Republican mayor. It is over $7.2 billion in community development and transportation projects that are capable of immediate startup. Not one of these items is in this bill. The distinguished Senator from Texas, the items that he mentioned, water tank, is it in the bill? No.

Mr. GRAMM. Would the distinguished Senator yield?

Mr. BYRD. The casinos? No? None. He says "throughout this bill," and he went on to name a long list of items that he says would be funded with the moneys in this bill. "Throughout this bill," those are his exact words. "Throughout this bill." Those items are not throughout this bill. They are not included in the bill at all.

Mr. GRAMM. Will the Senator yield?

Mr. BYRD. Well, in a moment.

The Appropriations Committee, when it marked up the bill, included a statement that Senator HOLLINGS suggested, and it is as follows:

"During House of Representatives debate on H.R. 1335, numerous assertions were made * * *" Several Senators have asked, "Where did Senator HATFIELD and Senator BYRD get the items that they included in their amendment?" Well, this answers that question, the statement itself, which accompanies the emergency supplemental appropriations bill. It says,

> During House of Representatives debate on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for lower priority profits. Included were such items as, one, community development grants for golf courses and cemeteries; two, fisheries, atlases, and studies of the Sicklefin chub; three, construction of white water canoeing facilities; four, payments for a National Oceanic and Atmospheric Administration class 6 computer.

On March 22, 1993, the Director of the Office of Management and Budget wrote to assure the committee that these types of low priority projects were not proposed in the legislation submitted by the President and would not be funded. The Director committed to work with Cabinet members and the Appropriations Committees to ensure that economic stimulus funding is used only for programs of merit and not for the types of projects discussed during House debate.

These items, then, were discussed during the House debate. Senator HOLLINGS proposed that we include in our statement language that clearly points out that these types of items are not to be funded, and indicates in the statement that the Director of OMB had written to the committee to assure that these items were not proposed in the legislation, not submitted by the President, and would not be funded.

Furthermore, Mr. President, Senator HATFIELD and I offered an amendment—and it was agreed to—and it is in the substitute before the Senate, which reads as follows, and I will read an excerpt: "* * * provided that the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading."

So Senator HATFIELD and I are requiring—and the Senate adopted this amendment—that the Secretary of HUD publish in the Federal Register such requirement necessary to carry out the provisions of the appropriation under this heading.

That is protection for all Senators, and for the people, against the use of funds for such items. Mr. Panetta, the Director of the Office of Management and Budget stated in a letter addressed to me on March 22, 1993, as follows:

> Let me assure you that the administration does not support funding for any of the types of projects that the opponents of the legislation speculated would be funded.

So there you have it, Mr. President. You have the President of the United States saying that you can search in this bill for years and you will not find these items. He is exactly right. You have the Director of OMB stating succinctly that the administration does not support funding for any of the types of projects that the opponents of the legislation speculated—speculated—would be funded. You have a statement by the committee itself, which I have already read.

So, Mr. President, this is a list, as I say, a 1,700-page report, and it identifies over $7.2 billion of community development and transportation projects that are capable of immediate startup. So we could go into that list and we can pick hundreds; anyone can select hundreds of additional items, I am sure, from the list and say, look, these are the items that are going to be funded; and they could say, it has been said here that, throughout this bill, "throughout this bill" can be found these items.

They are not in the bill—not in the bill. And so from the standpoint of what is actually being voted on here, it is a fictitious list. It is a fictitious list that would not ever be funded under the conditions that are in the statement in the amendment offered by Mr. HATFIELD and myself, and in accordance with the assurances of the President and the OMB Director.

Mr. President, I think that Mr. HATFIELD and I have provided a guarantee that such items would not be funded with our provision that the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

Mr. GRAMM. Will the Senator yield?

Mr. BROWN. Will the distinguished Senator yield?

Mr. BYRD. Mr. President, I promised to yield to the distinguished Senator from New Mexico. I understand that another 8 minutes are needed for Senators to be put on notice and given a time in which to arrive.

So I ask unanimous consent that I may yield 3 minutes to the distinguished Senator from New Mexico [Mr. DOMENICI] without losing my right to the floor.

Mr. DOMENICI. May I make an observation?

Mr. BROWN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BROWN. Reserving the right to object. I say to the distinguished Senator from West Virginia that I would also like to request 3 minutes in a similar fashion.

Mr. BYRD. Yes. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New Mexico 3 minutes and the distinguished Senator from Colorado [Mr. BROWN], the author of the amendment, 3 minutes, and that I may be protected in my rights to the floor.

The PRESIDING OFFICER. Are there any objections?

Without objection, it is so ordered.

The Senator from New Mexico is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, first, I want to thank the distinguished Senator from Colorado for this amendment, because I think it truly points up what this stimulus package is all about. There can be all kinds of discussions here on the floor as to what list of projects is governing, but I think it is obvious to anybody that attended the National League of Cities convention here in this town that what is really intended is to help mayors by giving them projects that they want in their communities. That is what this list is.

To say that we do not know which part of that list is going to be funded, and therefore, your amendment, somehow or another misses the mark, is to ignore the reality that a substantial portion of that list is for these various projects that the American people would, under no condition, believe to be an emergency, much less a stimulus. It just happens that some of them are going to be funded, unless amendments like this, or even subsequent amendments, take more and more out of that wish list, that pork barrel list promised to the mayors of America, if they would help the President of the United States. I happened to go to that convention, so I know of what I am speaking.

Having said that, I want to tell the Senate what we are going to do when we finally adopt the stimulus package. We have gone through 10 days of debate about a deficit reduction package. Listen to me carefully, fellow Senators. The sum total of domestic cuts in the President's package in the next 5 years is a net of $7 billion.

We are tomorrow sometime going to pass a spending package that, if my appropriations staff is correct, totals more than $16 billion. Actually, it is $16 billion in spending authority for ordinary programs and $3.2 billion additional money out of the highway trust fund.

So we are going to spend $19.3 billion and wipe out all the savings we got in the President's deficit reduction package because it only has a net $7 billion in domestic savings.

Believe you me, the American people ought to understand that, on the one hand, we cut a net $7 billion over 5 years, and 2 days later we come to the floor wringing our hands about the deficit and about jobs and we spend over $19 billion. This bill more than wipes out the entire domestic savings that are in that big multi-year deficit reduction package that we are waiting to be reconciled to control the deficit. I do not believe we really ought to do any of this package, but the Senator from Colorado is on the right track pointing out what is in it.

I thank the distinguished chairman for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to add Senator COVERDELL as cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. And I ask unanimous consent to add Senator GRAMM from Texas as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, let me also thank the distinguished Senator from West Virginia. He certainly has a right to offer a motion to table at any time, and I appreciate his willingness to give me 3 minutes to wind up my additional arguments on this amendment.

Mr. President, part of the discussion has been how in the world we got this list of projects. I did not come up with this list of projects. This list of projects I got from a Member of the House of Representatives who sat in on the session where Secretary Cisneros told the committee what they were going to spend the money on. I have read into the RECORD the verbatim statement from the transcript of the committee hearing where he said that. This is not invented. This is the verbatim transcript out of his testimony.

This is a copy of the document he put his hands on when he says, "I have in front of me a list from the U.S. Conference of Mayors." That is this list. This is the list that he handed out.

Now, some of my friends have said that this is just speculation. This is not speculation. This is what the Secretary said, and this is what the Secretary put his hand on in terms of a list.

Some have said, "Well, we do not mean to fund those." If they feel that way, I hope they will vote for this amendment because this is what this amendment accomplishes. This amendment makes sure they do not fund them because it names them specifically and it takes the money out of the bill. If you do not want swimming pools funded under the guise of an emergency, vote "yes."

The question we have is: Are golf courses urgent? Are swimming pools vital? Are tennis courts emergencies? Are skating rinks essential? If you really think they are essential and vital emergencies, then by all means vote "no."

The fundamental difference that is here in this bill is this. Some people honestly and sincerely believe the way to build a strong economy is with a high deficit and more Federal spending and make-work projects such as laid out here that do not contribute to the productiveness of this Nation.

If you think a $290 billion deficit is not enough, or $300 billion is not enough to provide a stimulus, the crying need of America is more deficit spending, then vote against the amendment. If you think making America competitive again depends on efficiency, productivity, and investment, if you think eliminating silly, nonsensical, wasteful Government spending is wrong, then vote for this amendment. This gives you a chance. This amendment has teeth in it. This amendment shoots real bullets. It shoots $103½ million of bullets because that is what it cuts out of the bill.

The PRESIDING OFFICER. The Senator's 3 minutes are up.

Pursuant to the unanimous-consent request, the Senator from West Virginia is now recognized.

Mr. BYRD. Mr. President, I yield to the majority leader such time as he may require without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. MITCHELL. Mr. President, this amendment could be called Broadway Comes to the Senate. One of the most popular Broadway shows of recent years was the "Phantom of the Opera." This is a phantom amendment which takes items that are not in the bill and says we should eliminate them from the bill. Not one of these specific projects is in the nature that we are debating, not one.

We could make up an amendment that took 23 pages out of the encyclopedia and say those should be stricken from the bill. We could make up an amendment that took three pages out of the phone book and say those should be stricken from the bill.

These measures are not in the bill. So no one should think when we vote to eliminate these projects that we are voting to eliminate them from the bill because they are not there.

One related point: Throughout the past decade, over and over again in this Senate the debate raged over what level of government should be responsible for what measures. And we were told over and over again that the proper level of government for making decisions ought to be the Senate and the local governments.

I recall very clearly when the debate involved revenue sharing in this Chamber. That debate said that it is not up to us at the Federal level to make these decisions. We should be leaving them to the Governors and the mayors because they know their areas best.

This, of course, reverses that argument. This simply says that we are to preclude any judgment, any decisionmaking, any input by Governors and mayors in this process. So let us be clear about what is involved here.

This amendment does not involve these projects. They are not in the bill. This amendment is part of a continuing assault on President Clinton and President Clinton's economic program. We had dozens of such amendments on the budget resolution. They did not succeed and now the effort resumes again.

Stop the President's program. That is what this amendment is about. Do not let President Clinton have a chance to get started. Do whatever is necessary to undermine the President's program—anything that President Clinton proposes. And everything that President Clinton proposes our colleagues want to prevent. That is what this is about.

This is an effort to continue the policies of the past 4 years as opposed to having a change in policy—as opposed to having a new economic policy. The American people said in November they wanted change in policies, and they changed Presidents to accomplish that change in policies.

So the question here is not on some list of projects that is not in the bill. The question here, as it has been for the past few weeks, is whether they are going to support or oppose the President, whether we want to undermine the President's program before it gets started, or whether we want to give President Clinton a chance. That is the issue here.

Mr. SASSER. Mr. President, I would like to join with my colleague from Tennessee and take this opportunity to set the record straight with regard to a project that is of importance to our State.

There has been much controversy in recent days regarding certain projects that some have speculated would be funded by this bill. The bill and report do not include the projects. Nevertheless, critics have complained that the money to be appropriated could be used for purposes that are not directly related to economic stimulus and job creation. The committee's report and the amendment passed last Thursday by voice vote, make clear that the money provided in this bill, cannot be used for programs or projects that are not directly related to economic stimulus, or are of low priority.

One project cited by critics and in the report and amendment is Forest Service funding for whitewater canoeing. This cryptic reference fails to describe adequately the project at issue, and I believe it is necessary to provide additional background to ensure that this funding is properly evaluated in the future.

The Atlanta Committee for the Olympic Games has chosen the Ocoee River in Polk County, TN, as the site for the 1996 Olympic games whitewater slalom events. Since 1977, the Ocoee has been the site for extensive recreational and commercial whitewater rafting activities. The river's challenging rapids and its proximity to Atlanta make it an ideal site for the whitewater events. The State of Tennessee has worked closely with the Atlanta Olympic Organizing Committee and pledged its support for holding the events in Polk County.

As the Senator is aware, the Ocoee River and surrounding lands are owned and managed by the Federal Government. Facilities to improve access to the site, and to support increased visitation to the area, are crucial if the events are to be staged successfully and without a negative impact on these Federal lands. Those facilities will be permanent improvements under the jurisdiction and control of the Forest Service. In fact, language in the Senate report accompanying the fiscal year 1993 Interior appropriations bill (S. Rpt. 102–345, p. 82) specifies that any funds provided for this purpose be used only for public-use improvements that will extend to the post-Olympic years.

The Forest Service has provided initial funding for design and concept work on the project, with assistance from the Tennessee Valley Authority and the Economic Development Administration. In addition, the State of Tennessee has provided $200,000 for the project and is prepared to contribute several million dollars in addition. The project will also depend on substantial private funding, and a structure for private fundraising efforts is being put in place.

There is ample precedent for the Federal Government providing financial assistance to international athletic events, even in cases where the event is not being held on Federal lands. More than $110 million was given in support of the 1980 Winter Olympics in Lake Placid. In 1987, the Pan-American games received more than $34 million in Federal funds and in-kind assistance. There are numerous other examples of such Federal help, including assistance provided to the 1990 Goodwill games and the 1993 World University games. I believe that the 1996 Olympic whitewater events—which will be held entirely on Federal lands—deserve the same kind of support.

Mr. President, my colleague from Tennessee and I have not sought and do not seek to designate any of the emergency funding provided in this bill for the Ocoee project. We agree that while funding for the project is time sensitive, it does not warrant funding in the President's economic stimulus package. Our concern is that this project may be deemed wasteful or without merit simply because of its mention among the types of projects that are singled out for exclusion. Many of those projects may indeed be wasteful, but others, like the Ocoee project, should be excluded only because they do not qualify as an emergency under the terms of this bill. I am hopeful that the Senator from West Virginia will work with us during the normal budget and appropriations process to see that this project is adequately funded.

Mr. MATHEWS. Mr. President, my colleague from Tennessee, Senator SASSER, raises a very important point with the chairman of the Appropriations Committee. Discussions in the House of Representatives and here in the Senate have stipulated that funding support for the Olympic whitewater events on the Ocoee River does not constitute emergency spending. While Senator SASSER and I agree that such funding should not be categorized as emergency spending, and thus should not be included in the stimulus package, we disagree with those that categorize such funds as wasteful.

The area surrounding the Ocoee River is almost entirely owned by the Federal Government and depends greatly upon the activities managed by the U.S. Forest Service and the Tennessee Valley Authority. Having come recently from the Governor's office in Tennessee, I realize how much the area has come to depend upon recreation activities as a source for local income. For this reason, I hope that we will not jump to the conclusion that future funds for the whitewater events of the Olympic games of 1996 are wasteful spending.

Future funds appropriated through the Forest Service will be supplemental to those provided by the Atlanta Committee for the Olympic Games, the State of Tennessee, the Tennessee Valley Authority, and private sponsors. These moneys will be used for developments along the river corridor that will support the Olympic events, but also will provide economic benefits to the community long after the Olympics events are over. I view these moneys as an economic investment in a rural community which is as much in need of Federal assistance as any part of the country.

Mr. President, 54 percent of the land in Polk County, through which the Ocoee River runs, belongs to the Federal Government. The local government derives over 25 percent of its annual income from recreation associated with these Federal lands. This is a community which is struggling to survive, and the opportunity which the Olympics will provide will assist Polk County and the entire region in becoming more self sufficient. Future appropriations will be investments in these communities, not wasteful spending.

I join Senator SASSER in this effort to clear up any misunderstandings that funds were being appropriated for whitewater canoeing under emergency appropriations. However, I feel that future funds should be available to the

Forest Service so that they might support completion of the whitewater venue for the 1996 Olympics. This is a time-sensitive matter that I plan to pursue with Senator BYRD and other members of the Appropriations Committee.

Mr. LEVIN. Mr. President, the amendment offered by the Senator from Colorado would be attractive if the amendment only said that none of the community development block grant funds in this bill could be spent on the projects he enumerated. I, too, question whether those projects are emergencies which justify new spending without offsetting spending cuts.

However, the Brown amendment goes beyond just limiting projects for which funds cannot be spent. It also actually cuts from the bill $100 million, which is the amount equivalent to the cost of those projects. The flaw in this amendment is that there may well be other projects which would still qualify for community development block grant funding even after the Brown amendment is adopted which could utilize the full $2.5 billion that the President has proposed in his stimulus package. However, because the Brown amendment would have stricken $100 million from the bill, those other legitimate projects would not be fully funded. So, although the Brown amendment is headed in the right direction, it overshoots the mark.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe that all Senators have had sufficient notice now. There is going to be a motion to table.

Mr. LEAHY. Let us vote.

Mr. BYRD. We will vote in just a minute.

I announced that such a motion would be made about 25 minutes ago.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to table the amendment of the Senator from Colorado [Mr. BROWN].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. GORTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 48, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—44

Akaka
Baucus
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—8

Biden
Campbell
DeConcini
Gorton
Heflin
Inouye
Johnston
Kennedy

So, the motion to lay on the table the amendment (No. 279) was rejected.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I qualify to move to reconsider. I make such a motion and am prepared to go out and have the vote tomorrow morning. I ask unanimous consent that I may yield to the leader for the purposes of his moving to go out.

Mr. GRAMM. Reserving the right to object.

Mr. BYRD. Madam President, I can move if the leader will tell me what time he wants to go out.

Mr. GRAMM. Parliamentary inquiry, Madam President.

Mr. BYRD. I have the floor. I yield for that purpose.

Mr. GRAMM. Is it in order on a motion to reconsider to debate that motion or to yield the floor?

The PRESIDING OFFICER. Would you restate the question?

Mr. GRAMM. Is it in order on a motion to reconsider to debate that motion or to yield the floor to someone else?

The PRESIDING OFFICER. The Senator from West Virginia made a motion to reconsider the vote, having voted on the prevailing side. The motion to reconsider is——

Mr. GRAMM. Madam President, I guess I should state it more precisely. Is the motion to reconsider debatable?

The PRESIDING OFFICER. Because the underlying question is nondebatable, the motion to reconsider in this case is similarly nondebatable.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Madam President, the Senator from West Virginia has made a motion to reconsider. That is not a debatable motion. At the request of a very large number of Senators on both sides of the aisle, I agreed that this would be the last vote today. Therefore, I believe it would be most unfortunate were we now to proceed to a vote on the motion to reconsider.

I therefore suggest that the best course of action under the circumstances, with a large number of Senators having left, is to proceed to a vote on the motion to reconsider tomorrow.

Mr. GRAMM. Will the Senator yield.

Mr. MITCHELL. Yes, I yield to the Senator from Texas.

Mr. GRAMM. Would it be the objective of the Senator, since this is not debatable, that we would set a time in the morning when we could vote on it again?

Mr. MITCHELL. Yes, that is my intention. I always discuss that with the distinguished Republican leader and members of the staff.

Mr. GRAMM. I thank the distinguished leader, and on that basis I am happy with the decision.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

FOOD STAMP ACT OF 1977 AMENDMENTS

Mr. MITCHELL. Madam President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of S. 284 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 284) to amend the Food Stamp Act of 1977.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 280

(Purpose: To provide a complete substitute.)

Mr. HATFIELD. Madam President, I send a substitute amendment to the desk on behalf of Senator PRESSLER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. PRESSLER, proposes an amendment numbered 280.

Mr. HATFIELD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "April 1, 1993" both places it appears and inserting "January 31, 1994."

Mr. PRESSLER. Madam President, I rise today to offer a substitute amendment to S. 284. I am pleased to report that this substitute represents an agreement worked out between all parties involved in this legislation. As a result, I am hopeful that this legislation will be passed by Congress and signed by the President very soon.

The substitute to S. 284 addresses two provisions in the law that address State administration of the Food Stamp Program. Specifically, this substitute delays implementation of a provision enacted as part of the 1900 farm bill requiring States to stagger food stamp issuance for families living on reservations. This provision has never been implemented. It is set to take effect on April 1, 1993. Therefore, the legislation we are passing today would delay until January 31, 1994, this provision and enable current practices to be maintained.

In addition, this substitute would delay implementation until January 31, 1994, of another 1990 farm bill provision. This provision exempts reservation households from the Food Stamp Program's State option of monthly income reporting. Again, this provision also is scheduled to take effect on April 1 within the estimated 13 State programs serving native Americans who live on reservations. My legislation would delay the effective date until January 31, 1994.

During the time before January 31, 1994, a joint congressional hearing—involving the Committees on Agriculture and Indian Affairs—would be held. This joint hearing would, among other things, look closely at the American Indian and Alaskan Native participation in the Food Stamp Program. This is an important program for them. It is essential all eligible individuals, in each State, participate in the most effective manner possible.

In short, Mr. President, the purpose of this legislation is to ensure that the individual States have the flexibility to administer the Food Stamp Program in a manner that best meets the unique needs of their citizens who receive food stamps. This flexibility is crucial in States like South Dakota that have a significant number of American Indian food stamp recipients. This legislation is an important step toward preserving State flexibility in Food Stamp Program administration.

Madam President, it was imperative that a bipartisan agreement be reached and enacted into law before April 1, 1993. Fortunately, with the passage of S. 284 as amended, it will be possible to reach that goal. I am pleased that the interested parties were able to come together to achieve the agreement reflected in the substitute offered here today. I wish to extend my thanks for the cooperation and leadership of the distinguished chairman and ranking member of the Agriculture Committee, Senator LEAHY and Senator LUGAR; the chairman and ranking member of the Indian Affairs Committee, Senator INOUYE and Senator MCCAIN; and the staffs of both committees.

Finally, Madam President, I would like to extend a special thank you to Julie Osnes, administrator of the Family Independence Program and the Food Stamp Program of the Department of Social Services in my home State of South Dakota. Julie's knowledge, gained from 14 years of administering South Dakota's exemplary Food Stamp Program, has been invaluable to all parties involved in this process. In addition, her leadership, as president of the American Association of Food Stamp Directors, an affiliate of the American Public Welfare Association, has been instrumental in reaching this compromise.

Madam President, I am pleased to be able to offer this substitute to S. 284. I understand it has been cleared on both sides of the aisle and therefore urge its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 280) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "April 1, 1993" both places it appears and inserting "January 31, 1994".

The title was amended so as to read: "To extend the suspended implementation of certain requirements of the Food Stamp Program on Indian reservations, and for other purposes.".

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE HOUSE

Mr. MITCHELL. Madam President, I ask unanimous consent that it be in order for the Senate to consider en bloc messages from the House on Senate Joint Resolution 27, Senate Joint Resolution 28, Senate Joint Resolution 29, and Senate Concurrent Resolution 13; that the messages be deemed to have been laid before the Senate; and that the Senate concur en bloc to the amendments of the House; further that the motions to reconsider be tabled en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANNA HOLBORN GRAY APPOINTMENT TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 27) entitled "Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution," do pass with the following amendments:

Strike out all after the resolving clause and insert:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than members of Congress, occurring by reason of the expiration of the term of William G. Gowen of New Jersey on March 12, 1992, is filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Amend the title so as to read: "Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution."

BARBER B. CONABLE, JR. APPOINTMENT TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 28) entitled "Joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian institution," do pass with the following amendments:

Strike out all after the resolving clause and insert:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than members of Congress, occurring by reason of the expiration of the term of Barnabas McHenry of New York on July 21, 1991, is filled by the appointment of Barber B. Conable, Jr. of New York. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Amend the title so as to read: "Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.".

WESLEY SAMUEL WILLIAMS, JR. APPOINTMENT TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 29) entitled "Joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution," do pass with the following amendments:

Strike out all after the resolving clause and insert:

That, in accordance with the section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David C. Acheson of the District of Columbia on December 21, 1992, is filled by the appointment of Wesley S. Williams, Jr. of the District of Columbia. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Amend the title so as to read: "Joint resolution providing for the appointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.".

PERMITTING USE OF THE CAPITOL ROTUNDA FOR A CEREMONY TO COMMEMORATE THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 13) entitled "Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust," do pass with the following amendments:

Strike out all after the resolving clause and insert:

That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridiem until 3 o'clock post meridiem on April 20, 1993, and from 8 o'clock anti meridiem until 3 o'clock post meridiem on April 6, 1994, for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremonies shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Amend the preamble so as to read: "Whereas the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust": Now, therefore, be it".

Amend the title so as to read: "Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust.".

AUTHORIZATION FOR THE USE OF THE HART BUILDING ATRIUM

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 83 submitted earlier today by Senator BAUCUS, a resolution to authorize the use of the atrium of the Hart Building by the Congressional Chorus; that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. I am submitting a resolution today which will bring culture to our own Hart atrium. The resolution grants the Congressional Chorus authority to perform a spring and a winter concert for each session of the 103d Congress. The chorus would perform from 12 noon to 1 p.m. on a day in coordination with the Rules Committee.

The Congressional Chorus, founded, in 1987, is composed of over 50 volunteer members from the legislative branch, including the Senate, the House of Representatives, the Library of Congress, and the Congressional Budget Office. Under the musical direction of Dr. Michael Patterson, the chorus serves as a showcase for American music. Its repertoire includes classical compositions, traditional folksongs and spirituals, jazz, classics, and Broadway show tunes. The members meet to rehearse during their lunch hours one day a week.

The chorus presented its first concert in the atrium of the Hart Senate Office Building in December 1987, and went on to sing at the inauguration of President Bush in January 1989. They have performed for a wide variety of occasions on and around Capitol Hill, including the lighting of the Capitol Christmas tree, the gala benefit for the U.S. Capitol Building, and most notably at the inauguration of President Clinton.

Madam President, I commend the Congressional Chorus members for providing us with this fine music and look forward to their concerts.

The resolution (S. Res. 83) was agreed to, as follows:

Resolved, That the atrium of the Senate Hart Office Building may be used from 12:00 noon until 1:00 p.m. on one day during the spring and one day during the winter of each session of the One Hundred Third Congress, for a concert of American music to be presented by the Congressional Chorus.

NATIONAL CRIME VICTIMS RIGHTS WEEK

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

WOMEN'S HISTORY MONTH

Mr. MITCHELL. I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from consideration of the following joint resolutions: Senate Joint Resolution 53, designating "Women's History Month;" Senate Joint Resolution 56, designating "National Public Safety Telecommunicators Week;" Senate Joint Resolution 62, designating "National Crime Victims Rights Week;" that the Senate then proceed en bloc to their immediate consideration; that the joint resolutions be deemed read three times, passed, and the motion to reconsider be laid upon the table, en bloc; that the preambles be agreed to, en bloc; further that any statements relative to the passage of these joint resolutions be placed in the RECORD at the appropriate place, and the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions were deemed read three times and passed.

The preambles were agreed to.

The joint resolutions (S.J. Res. 53, S.J. Res. 56, and S.J. Res. 62) with their preambles, are as follows:

S.J. RES. 53

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1993 and March 1994 are designated both as "Women's History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

S.J. RES. 56

Whereas over one-half million dedicated men and women are engaged in the operation of emergency response systems for Federal, State, and local governmental entities throughout the United States;

Whereas these individuals are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching such assistance to help save the lives and property of our citizens;

Whereas such calls include not only police, fire and emergency medical service calls but those governmental communications related to forestry and conservation operations, highway safety and maintenance activities, and all of the other operations which modern governmental agencies must conduct; and

Whereas America's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 12, 1993, is hereby designated as "National Public Safety Telecommunicators Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

S.J. RES. 62

Whereas there were over thirty-five million crimes committed last year in America, with one violent crime occurring every seventeen seconds;

Whereas victims of crime across America deserve respect and assistance not only from the criminal justice system, but from society as well;

Whereas there is a crucial need to provide crime victims with quality programs and services to help them recover from the devastating psychological, physical, emotional, and financial hardships resulting from their victimization;

Whereas there are ten thousand public and private agencies and organizations in the United States that are dedicated to improving the plight of crime victims;

Whereas the Nation's victims' rights movement and allied professions deserve recognition for their tireless efforts on behalf of victims of crime and to reduce senseless violence in America; and

Whereas it is essential for all Americans to join together and commit their individual and collective resources to victim assistance and violence reduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 25, 1993, is hereby designated as "National Crime Victims' Rights Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5 p.m., a message from the House of Representatives delivered by Mr. Hays, one of it's reading clerks, announced that pursuant to the provisions of section 4 of the Congressional Award Act, the Speaker appoints Mr. PAYNE of New Jersey to the Congressional Award Board on the part of the House; and from private life Mr. Michael A. Reza, Hacienda Heights, CA; Ms. Mary L. Howell, Arlington, VA; and Ms. LaBrenda Garrett Stodghill, Washington, DC.

The message also announced that pursuant to the provisions of section 2501 of title 44, United States Code, the Speaker appoints Mr. SHARP of Indiana to the National Historical Publications and Records Commission on the part of the House.

The message further announced that pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Speaker appoints the following Members to the U.S. Holocaust Memorial Council on the part of the House: Mr. YATES, Mr. LANTOS, Mr. NADLER, Mr. FROST, and Mr. GILMAN.

The message also announced that pursuant to the provisions of section 5(a)(2) of Public Law 101–363, the Speaker appoints Mr. MCCLOSKEY to the National Advisory Council on the Public Service on the part of the House.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints Mr. GEJDENSON and Mrs. JOHNSON of Connecticut as members of the Board of Visitors to the U.S. Coast Guard Academy on the part of the House.

The message also announced that pursuant to the provisions of section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a), the Speaker appoints Mr. DINGELL and Mr. WELDON to the Migratory Bird Conservation Commission on the part of the House.

The message further announced that pursuant to the provisions of section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Speaker appoints Mr. KILDEE and Mr. YOUNG of Alaska to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development on the part of the House.

The message also announced that pursuant to section 103, Public Law 99–371 (20 U.S.C. 4303), the Speaker appoints Mr. BONIOR and Mr. GUNDERSON as members of the Board of Trustees of Gallaudet University on the part of the House.

The message further announced that pursuant to the provisions of section 1295B(h) of title 46, United States Code, the Speaker appoints Mr. MANTON and Mr. KING as members of the Board of Visitors to the U.S. Merchant Marine Academy on the part of the House.

The message also announced that pursuant to the provisions of section 1424(b)(1) of Public Law 102–325, the Speaker appoints Sister Maureen A. Fay of Detroit, MI, and Mr. Philip M. Phibbs of Tacoma, WA, both from private life, as members of the National Commission on Independent Higher Education on the part of the House.

The message further announced that pursuant to the provisions of section 2(a) of the National Cultural Center Act (20 U.S.C. 76H(a)), the Speaker appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. YATES, Mr. WILSON, and Mr. MCDADE.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–687. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the assignment of special operations forces; to the Committee on Armed Services.

EC-688. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the administration of the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC-689. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Navy; to the Committee on Armed Services.

EC-690. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Air Force; to the Committee on Armed Services.

EC-691. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to naval stations; to the Committee on Armed Services.

EC-692. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to "Standards for Review of Base Closure Recommendations"; to the Committee on Armed Services.

EC-693. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Department of the Navy's Base Structure Data; to the Committee on Armed Services.

EC-694. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled "Panama Canal Commission Authorization Act, fiscal years 1994 and 1995"; to the Committee on Armed Services.

EC-695. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of international agreements; to the Committee on Foreign Relations.

EC-696. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-15 adopted by the Council on March 2, 1993; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-51. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to examining federal banking laws and regulations; to the Committee on Banking, Housing and Urban Affairs.

"HOUSE CONCURRENT RESOLUTION 10

"Resolved, by the House of Representatives, the Senate concurring:

"That the Congress is encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which are unfairly restrictive and burdensome; and

"That President Clinton is urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

"That copies of this resolution shall be transmitted by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the New Hampshire Congressional delegation."

POM-52. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to cable television operators; to the Committee on Commerce, Science and Transportation.

"HOUSE CONCURRENT RESOLUTION 13

"Whereas, the Federal Communications Commission is currently working on regulations to preclude cable television operators from charging for more than one cable connection per residence; and

"Whereas, the Commission should establish rates for the installation and monthly use of cable connections based upon the actual cost; and

"Whereas, cable operators should be required to use the same cost methodology which they use for the installation of other cable equipment to calculate the rates for installation of connections for additional receivers; and

"Whereas, if additional connections are installed at the same time that a subscriber's initial service is installed, cable operators should recover only the incremental cost of the additional installation; and

"Whereas, the costs of cabling used for additional connections should be recovered through one-time charges or charges that will end when the operator has recovered those costs; and

"Whereas, the New Hampshire house of representatives currently has legislation pending to preclude cable operators from charging for more than one cable connection per residence; now, therefore, be it

"Resolved by the House of Representatives;

"That the New Hampshire house of representatives hereby urges the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence unless the cable operators can justify additional incremental costs directly associated with providing additional connections; and

"That the general court of New Hampshire should refrain from enacting legislation on the costs of cable connections until such time as the federal regulations are in place, so that the general court can enact legislation that reflects the changes in the federal law; and

"That copies of this resolution, signed by the speaker of the house be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairperson of the Federal Communications Commission and to each member of the New Hampshire Congressional delegation."

POM-53. A resolution adopted by the Committee on Public Lands of the Legislature of the State of Nevada relative to the Spring Mountain National Recreation Area; to the Committee on Energy and Natural Resources.

"RESOLUTION OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS SUPPORTING THE ESTABLISHMENT OF THE SPRING MOUNTAIN NATIONAL RECREATION AREA

"Whereas, The Spring Mountain area in Southern Nevada is one of the State's most scenic locations; and

"Whereas, The area includes popular recreational spots at Mt. Charleston; Carpenter, Kyle and Lee Canyons; and Yellow Plug; and

"Whereas, Nevada Representative James H. Bilbray has introduced a bill to designate 316,000 acres in the Spring Mountains as the First National Recreation Area in Nevada; and

"Whereas, Nevada Senator Richard H. Bryan has introduced a companion bill in the United States Senate; and

"Whereas, Designation as a National Recreation Area would qualify the Spring Mountains for more Federal management funding and as a higher priority item in the budget of the United States Forest Service; and

"Resolved by the Nevada Legislature's Committee on Public Lands, That the committee gives its unqualified support for the designation of the Spring Mountains as a National Recreation Area and for the Congressional legislation, H.R. 63 and S. 172, creating the National Recreation Area; and be it further

"Resolved, That this resolution replaces the committee's resolution approved on October 23, 1992; and be it further

"Resolved, That a copy of this resolution be transmitted to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, Citizens for a Spring Mountain National Recreation Area and the Nevada Mining Association."

POM-54. A resolution adopted by the Municipal Utilities Board of Albertville, Alabama relative to the Tennessee Valley Authority Board; to the Committee on the Environment and Public Works.

POM-55. A resolution adopted by the City Council of the City of Niagara Falls, New York relative to Social Security benefits; to the Committee on Finance.

RESOLUTION 1993-37

"Whereas, the City of Niagara Falls is composed of many senior citizens whose primary income is the monthly Social Security check they receive; and

"Whereas, for most seniors, this is a check that they or their spouses earned over many years; and

"Whereas, this Council is mindful of the sacrifices that our senior citizens have made for many years by paying in earnest into the Social Security system, so that in their golden years they would have this small pension to rely on; and

"Whereas, President Clinton has stated that his administration is considering cutting the cost of living adjustments for 41 million social security recipients; and

"Whereas, twenty-five percent (25%) of those over 65 years of age rely solely on Social Security for their income; and

"Whereas, the President's budget director Leon Panetta has been orchestrating this proposal which will inflict a tremendous burden on many senior citizens who live in Niagara Falls.

"Now, therefore, be it resolved by the city Council of Niagara Falls, New York that this Council calls upon President William Clinton and Senators Patrick Moynihan and Alfonse D'Amato to reject any proposal to cut living adjustments in Social Security benefits for seniors, and be it further

"Resolved, that the City Clerk is directed to forward certified copies of this resolution to President Clinton, Vice President Gore, Senator Moynihan and Senator D'Amato."

POM-56. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to Social Security benefits; to the Committee on Finance.

"RESOLUTION OF THE SENATE OF PENNSYLVANIA

"Whereas, Recent newspaper accounts have stated that the President's administration has proposed a limitation on the cost-of-living increase calculation for Social Security recipients; and

"Whereas, Many senior citizens of the United States and of this Commonwealth are having trouble making ends meet while trying to live on a fixed income; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to oppose limiting Social Security cost-of-living increases; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON (for himself, Mr. BYRD, Mr. D'AMATO, Mr. SHELBY, Mrs. KASSEBAUM, Mr. NICKLES, Mr. REID, Mr. LOTT, Mr. HOLLINGS, Mr. ROTH, Mr. WARNER, Mr. GRAMM, and Mr. THURMOND):

S. 667. A bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. SIMON, Mr. DECONCINI, Mr. HATCH, and Mr. BROWN):

S. 668. A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON (for himself, Mr. BYRD, Mr. D'AMATO, Mr. SHELBY, Mrs. KASSEBAUM, Mr. NICKLES, Mr. REID, Mr. LOTT, Mr. HOLLINGS, Mr. ROTH, Mr. WARNER, Mr. GRAMM, and Mr. THURMOND):

S. 667. A bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud; to the Committee on the Judiciary.

PORT OF ENTRY INSPECTIONS ACT OF 1993

Mr. SIMPSON. Mr. President, I rise today to introduce legislation to address a very serious immigration problem at our Nation's international ports of entry. Because of the loopholes that exist in current immigration law, large numbers of illegal aliens are entering the United States at our major points of entry, claiming asylum and then disappearing into the interior of our country.

The problem is particularly acute in international airports. During fiscal year 1991, the latest year for which we have figures, approximately 37,000 aliens sought illegal entry, either with fraudulent documents or no documents. These aliens have discovered a certainty. Given our Government's limited detention space, they will likely be paroled into the community at large with a work permit—which, of course, is the most valuable of documents—if they can simply indicate a desire to apply for asylum in the United States. Although these aliens are directed by the Immigration Service to return on a particular date to pursue an asylum application, the majority simply fail to do so.

At New York's John F. Kennedy Airport for the last 6 months of 1991, 1,855 out of 3,100 aliens who were paroled—that means allowed to enter the country temporarily—failed to appear for any hearing on their claim of asylum status. The problem is a growing one. The Immigration Service has advised us that asylum cases at JFK this year are 300 percent above the number in 1991.

The amendment we offer today would address this problem while at the same time preserving and protecting the rights of those aliens who present legitimate, good-faith applications for asylum. This amendment provides that any alien who uses a fraudulent document to enter the United States or who uses a document to board an airplane overseas but fails to present that document upon arrival in the United States would be subject to an immediate order of exclusion by an immigration officer.

What is happening is that persons will board the aircraft with documents, arrive at the port of entry and say, "I have no documents." Some have actually ingested their documents. Some have flushed them, literally. And then they step off the aircraft and say, "I am an asylee." Because we have limited detention facilities at JFK for example, then they are simply released into the community with a document that says: Be sure and come back for your hearing in 14 or 18 months. And they say: "Yes, of course, I will."

I will say that the Los Angeles International Airport acquired more detention space, and once they did that, it relieved that problem immeasurably because the aliens knew they would have to wait, and they would not be able to simply go out into the community. I think that is something that must also be addressed here.

By enabling the Immigration Service to immediately remove these illegal aliens, we will deter those abroad who seek a free pass into the United States from inundating our airports, and we will spare U.S. communities the burden and potential risks of persons on whom we have no background information whatsoever, no health records, no criminal checks, no nothing—a truly weird way to run the country's immigration system.

The bill would still protect those aliens who have legitimate claims to refugee status but who attempt to enter the country without proper documents—we do understand due process in this magnificent country; the problem is so many know how to misuse our due process. The legislation would prevent the Immigration Service from immediately removing any alien who has a credible fear of persecution in the country to which he or she would be returned. This determination of a credible fear of persecution would be made by a specially trained asylum officer at the port of entry. If an alien had such a fear, he or she would be paroled in the United States, and a hearing on the merits of the asylum on his or her asylum claim would be held.

Similar legislation was passed by the Senate in 1982 and 1984 and passed by the House in 1984 as part of the Immigration Reform and Control Act. As the occupant of the chair knows, there has been a lot of thoughtful work by many Republicans and Democrats for many years on these issues. I consider some of my finest allies in this cause to be some of the Democratic Party in the U.S. House of Representatives.

Unfortunately, the summary exclusion provision was not included in the final version of that legislation which was enacted in 1986. Nonetheless, previous support for this important enforcement tool is noteworthy. This is not some extreme, harsh or radical proposal, but rather one with broad public and bipartisan support. I share with my colleagues the names of the cosponsors of the bill: myself, of course, as sponsor; Senators BYRD, D'AMATO, SHELBY, KASSEBAUM, NICKLES, REID, LOTT, HOLLINGS, ROTH, WARNER, GRAMM, and THURMOND.

While the legislation I introduce today is more specific than the 1984 version, the intent and the effect is quite similar. It is quite simply put thusly: Legitimate seekers of political asylum should not be turned away at international ports of entry, but those who seek to abuse our very generous immigration and refugee laws to enter this country illegally should swiftly, surely and certainly be removed.

This legislation is urgently needed. It addresses a problem that has become more critical over these past years, the past 2 years especially. It is important to close this all too convenient loophole for illegal aliens to enter our country under the guise of a frivolous claim of persecution—a serious misuse of the cherished grant of asylum, and it must stop. We believe that this is a very valid method to attempt to do just that.

Madam President, I expect that some of the cosponsors of the measure may come to the floor and speak on behalf of this bill today or tomorrow, and I will certainly welcome their comments. I felt it appropriate to proceed at this time.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port of Entry Inspections Improvement Act of 1993".

SEC. 2. ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting in lieu thereof the following: "(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS";

(2) by adding at the end the following new clause:

"(iii) FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document which relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable.".

(b) PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier pursuant to direct departure to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(2) Notwithstanding subsection (a), an alien who, in boarding a common carrier pursuant to direct departure to the United States, presents any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration official upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(3)(A) Whenever an immigration officer determines that an alien seeks entry to the United States as described in paragraph (1) or (2) and that the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from—

"(i) a country in which the alien has a credible fear of persecution; or

"(ii) which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) If the immigration officer determines that the alien does not have a credible fear of persecution in the country from which the alien was last present before attempting entry into the United States, and that there is no significant danger that the alien would be returned from such country to a country in which the alien would have a credible fear of persecution, the alien may be specially excluded and deported in accordance with section 235(e). The alien may not appeal such determination.

"(4) As used in this subsection, the term 'credible fear of persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period "or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)".

(3) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien, who has not been admitted to the United States and who is excludable under section 212(a)(6)(C)(iii), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply for withholding of deportation or for any other relief under this Act, except as provided in section 208(e) with respect to asylum.

"(2) An alien under paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(A) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(B) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.".

(4) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(d)(2), if".

SEC. 3. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 2(b)(3) of this Act) is amended by adding after subsection (d) the following new subsection:

"(e)(1) Subject to paragraph (2), any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

"(2)(A) An alien who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(i) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(ii) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) Such special exclusion order is not subject to administrative appeal and shall have the same effect as if the alien has been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall not be available under section 106 or, except by habeas corpus as herein provided, under any other provision of law.

"(C) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 4. RESTRICTIONS ON JUDICIAL REVIEW.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 3 of this Act) is amended by adding after subsection (e) the following new subsections:

"(f) ALIENS EXCLUDABLE FOR ADMISSIONS FRAUD.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable for admissions fraud pursuant to section 212(a)(6)(C)(iii). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered specially excluded from the United States pursuant to sections 212(a)(6)(C)(iii) and 235(e).

"(g) INTERVIEWS AND SPECIAL EXCLUSION.—(1) Notwithstanding any other provision of law, no court shall have jurisdiction—

"(A) to review the procedures established by the Attorney General for the determination of admissions fraud pursuant to section 212(a)(6)(C)(iii); or

"(B) to enter declaratory or injunctive relief with respect to the implementation of subsection (d) or (e).

"(2) Notwithstanding the nature of the suit or claim, no court shall have jurisdiction (except by habeas corpus petition as provided in subsection (f)) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

"(h) COLLATERAL ENFORCEMENT PROCEEDINGS.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.".

SEC. 5. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "five years" and inserting "ten years"; and

(2) by inserting before the period at the end of paragraph (1) ", except that in any case in which a person causes serious bodily injury to, or places in jeopardy the life of, any alien involved in the offense, such person shall be fined in accordance with the provisions of title 18, United States Code, or imprisoned not more than 20 years for each alien with respect to whom any violation of this paragraph occurs, or both.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act, and such amendments shall apply to aliens who arrive in or seek admission to the United States on or after the date of enactment of this Act.

Mr. ROTH. Today, Mr. President, I rise to cosponsor the Port of Entry Inspections Improvement Act of 1993, which Senator SIMPSON is introducing today. This legislation will help remedy serious deficiencies in America's immigration system. These deficiencies have been linked to recent acts of terrorism within our borders, including the bombing of the World Trade Center and the shootings outside the CIA.

For example, Mir Aimal Kansi, who is suspected of shooting five people outside CIA headquarters last month, demonstrated the ease by which illegal aliens can enter our country, stay for extended periods of time and even legally work. Did Kansi sneak into our country in the dead of night? No, he simply flew into New York, presented what is believed to be a phony business visa, overstayed his visa and a year later, applied for political asylum. Upon applying for asylum, Kansi was issued a work permit and used this permit to get a Social Security number and a Virginia driver's license, which allowed him to purchase the AK-47 he used to kill two innocent people and wound three others. Although almost a year had passed between the time Kansi's asylum petition was filed and the date of the shootings, no immigration hearing had taken place. Kansi has since fled the country, and is the subject of a worldwide manhunt.

The American people are calling on the Congress to take a serious look at the impact of our immigration procedures. The legislation I join in introducing today is directed at the tens of thousands of illegal aliens who arrive at United States ports of entry every year with fraudulent documents or no documents whatsoever, but are nevertheless allowed into the United States by making phony asylum claims.

Under current law, while undocumented or fraudulently documented illegal aliens are subject to exclusion, few are actually excluded. Such aliens simply take advantage of our overburdened asylum system. Any illegal alien arriving at a U.S. airport today who asks for political asylum, whatever the merit of the claim, will be released into the general population within a minimum of a few hours and a maximum of a few days. Due to a severe shortage of detention space, and a serious backlog of asylum cases, those who come to the United States asserting an asylum claim generally cannot be detained until their asylum hearing. In the interim period, the Immigration and Naturalization Service has no means of tracking the asylum applicants, and as a result, thousands of aliens never appear for their asylum hearings.

Since passage of the Refugee Act of 1980, over 100,000 asylum cases have been administratively closed by INS, primarily due to the applicant's failure to appear for the asylum interview. It is clear that the system is being exploited, and that the word is out around the globe that anyone can gain immediate access into the United States, at virtually no risk.

Under the legislation introduced today, those who arrive in the United States lacking legitimate documentation, and claim asylum, will immediately go before a special immigration officer, who will seek to determine if such an alien possesses a credible fear of persecution in the country from which the alien departed. Those who have such a credible fear will be granted access to the full asylum application process. Those who clearly lack a legitimate claim will immediately be excluded from the United States.

Further, Mr. President, this legislation takes aim at the spread of international alien smuggling networks, which are taking advantage of our immigration system to earn enormous profits. The business of alien smuggling was the subject of an investigation I initiated in June of 1991 into Asian organized crime. The 15-month investigation conducted by the Permanent Subcommittee on Investigations found that Chinese alien smuggling groups, many of which are run by Chinese organized crime figures, have successfully smuggled thousands of illegal Chinese aliens into the United States over the past several years.

These smuggling organizations charge up to $30,000 per person for travel and entry into the United States. The smugglees are generally poor residents of China who cannot afford to pay the entire smuggling fee up front. As a result, when these aliens arrive in the United States, they often must choose between paying the smuggling fee by working in low-wage jobs in so-called sweat shops or by committing crimes on behalf of organized street gangs with ties to the smuggling organizations. Those who refuse these options face the possibility of kidnapping or even torture.

While the total size of the Chinese alien smuggling industry is not easily quantified, one recent study includes information on a total of 108,975 aliens smuggled from China to the United States between 1983 and 1992, and concludes that smuggling entities are currently collecting more than $250 million per month.

Current penalties available for use against organized alien smuggling enterprises are grossly inadequate. The average sentence is currently less than 6 months in prison. Given the lucrative profits currently being earned by alien smugglers, such penalties do not provide an adequate deterrent. The legislation introduced today would double the maximum penalty for alien smuggling from 5 to 10 years, and would allow for sentences of up to 20 years in cases in which the defendant causes serious bodily injury or puts the life of an alien in jeopardy in the course of the offense.

I urge my colleagues to support the legislation introduced today, which offers a common sense approach to the currently widespread abuse of our immigration system.

Mrs. KASSEBAUM. Mr. President, the public was shocked by reports that the shooting at the CIA headquarters and the bombing of the World Trade Center were carried out by people who were in this country by claiming political asylum. In many cases, the public saw on primetime television how easy it is to enter the United States through our international airports and other points of entry by claiming asylum.

Not only is it easy to enter the country, but also to remain for years, working legally while asylum claims are adjudicated.

There is no question that our asylum process is severely strained and undermined by this abuse. Originally, when the law was passed in 1980, fewer than 5,000 persons per year, who were current residents of the United States, were expected to seek asylum. The claims were to be handled on an individual basis.

Today, that number has increased to about 8,000 claims a month, and the system is swamped. The backlog of cases is now over 200,000, assuring years of waiting for asylum seekers. Even then, most people do not even show up for their asylum hearings, having disappeared into the general population.

Swelling the ranks of asylum seekers are throngs of people whose passage is arranged by smugglers. The people who are smuggled into the United States often find themselves indentured servants, having to work off the cost of the passage by prostitution, pornography, drug dealing, sweat shop labor, and other illegal activities.

Until decisive steps are taken to stop it, this abuse of our generous asylum laws will only worsen. This has been a growing problem for years. The shooting at the CIA headquarters and the bombing of the World Trade Center were wake up calls. Now is the time for corrective action.

I urge prompt consideration of a proposal that has been thought through very carefully, the Port of Entry Inspection and Improvement Act of 1993. This legislation would correct the current abuses and at the same time protect those aliens who present legitimate asylum claims.

By Mr. SPECTER (for himself, Mr. SIMON, Mr. DECONCINI, Mr. HATCH, and Mr. BROWN):

S. 668: A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the act, and for other purposes; to the Committee on the Judiciary.

FAIR HOUSING RIGHTS AMENDMENTS ACT OF 1993

Mr. SPECTER. Mr. President, I came over a little earlier, Mr. President, because I wanted to introduce legislation known as the Fair Housing Rights Amendments of 1993 and did not have a change to secure the floor until the distinguished Senator from South Dakota finished. I had a brief conversation with the Senator from West Virginia. So I appreciate this time.

Mr. President, I am again introducing a bill I have introduced in both the 101st Congress as S. 2966 and the 102d Congress as S. 1697, the Fair Housing Rights Amendments Act. The legislation, drafted at the behest of the Civil Rights Division of the Department of Justice, has enjoyed the support of a bipartisan group of cosponsors, and I hope that the new administration will support it. The bill is designed to close a gap in the provisions of the Fair Housing Act, title IX of the Civil Rights Act of 1968, prohibiting criminal intimidation or interference with the exercise of fair housing rights.

In the 101st Congress, the bill was unanimously polled out of the Subcommittee on the Constitution of the Judiciary Committee, but there was not sufficient time for its consideration by the full Committee. In the last Congress, S. 1697 was passed by the Senate by unanimous consent near the close of the second session, but the House failed to act on the bill. Therefore, I am introducing the legislation once more. This year, I hope the bill receives prompt consideration and approval by both bodies.

Current law proscribes the use of intimidation, force, or threat of force to willfully injure, intimidate, or interfere with a person's exercise of rights secured by Federal fair housing laws. Unless acting as part of a conspiracy, a person who violates this provision may not be prosecuted for a felony under Federal law unless death or injury results. Thus, the Civil Rights Division of the Department of Justice has been presented with cases in which homes were firebombed and destroyed for the purpose of intimidating the residents, but because, thankfully, no deaths or injuries resulted, these crimes could not be prosecuted as felonies under the fair housing laws. Of course, these acts do violate current Federal law, but only as misdemeanors.

Clearly, there is a loophole of injustice that must be closed. It is beyond discussion that firebombings or the commission of some similar intimidating crimes should be punished as felonies—whether or not someone is killed or injured. It is equally irrelevant that the perpetrator is acting alone.

Closing this gap in felony coverage under the current Fair Housing Act is all that this legislation is designed to accomplish. The bill would make it a felony for an individual acting alone to use force, or the threat of force to intimidate or interfere with the exercise of rights guaranteed by the Fair Housing Act if the defendant's action results in property damage exceeding $100 or if the defendant uses or carries a firearm in the commission of the offense. If these conditions are not satisfied, then the violation would remain a misdemeanor. The bill creates no new Federal crime; it merely makes an act that is currently a misdemeanor and subjects it to the more stringent penalties for commission of a felony.

In addition, the legislation would conform the penalties available for criminal intimidation under the fair housing laws to those mandated by section 3571(b) of title 18 of the United States Code. Thus, the bill works no change in currently applicable fines and jail sentences, except to the extent that the bill establishes a sentence of up to 5 years for the new substantive violation established in the legislation.

Mr. President, this legislation is not controversial. It is needed to close a gap in the criminal provisions of the fair housing laws. The Senate passed identical legislation last year, and I hope we can act quickly to do so this year.

I ask for unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Rights Amendments Act of 1993".

SEC. 2 PENALTIES FOR ACTS OF VIOLENCE OR INTIMIDATION.

Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (known as the 'Civil Rights Act of 1968'; Public Law 90-284; 42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

"(a) UNLAWFUL ACTS.—It shall be unlawful to use force or threat of force, whether or not acting under color of law, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with—

"(1) any person because of the race, color, religion, sex, handicap, familial status, or national origin of the person and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(2) any person because the person is, or has been, or in order to intimidate the person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1) of this section; or

"(B) affording another person or class of persons opportunity or protection so to participate; or

"(3) any citizen because the citizen is, or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate.

"(b) PENALTIES.—Whoever commits an act described in subsection (a)—

"(1) shall be fined not more than $100,000, or imprisoned not more than 1 year, or both;

"(2) that results in bodily injury shall be fined not more than $250,000, or imprisoned not more than 10 years, or both;

"(3) that results in death shall be subject to imprisonment for any term of years or for life; and

"(4) that results in property damage exceeding the sum of $100, or uses or attempts to use fire in committing the act, or uses or carries a firearm while committing the act, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—As used in this section:

"(1) FAMILIAL STATUS.—The term 'familial status' has the meaning given the term in section 802.

"(2) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a)(3) of title 18, United States Code.

"(3) HANDICAP.—The term 'handicap' has the meaning given the term in section 802.

"(4) BODILY INJURY.—The term 'bodily injury' has the meaning given the term in section 1515(a)(5) of title 18, United States Code.".

ADDITIONAL COSPONSORS

S. 183

At the request of Mr. REID, the names of the Senator from Utah [Mr. HATCH], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. CRAIG], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 208

At the request of Mr. BUMPERS, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 317

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 317, a bill to reform Customs Service operations, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 487

At the request of Mr. DANFORTH, the names of the Senator from Montana [Mr. BAUCUS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 585

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 585, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 636

At the request of Mr. KENNEDY, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 657

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 657, a bill to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes.

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Florida [Mr. MACK], the Senator from New Hampshire [Mr. GREGG], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month".

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from New York [Mr. D'AMATO], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week".

SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

SENATE RESOLUTION 83—RELATIVE AUTHORIZING USE OF THE HART BUILDING ATRIUM FOR A CONCERT BY THE CONGRESSIONAL CHORUS

Mr. BAUCUS submitted the following resolution; which was considered and agreed to.

S. RES. 83

Resolved, That the atrium of the Senate Hart Office Building May be used from 12:00 noon until 1:00 p.m. On one day during the spring and one day during the winter of each session of the One Hundred Third Congress, for a concert of American music to be presented by the Congressional Chorus.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

COHEN AMENDMENT NO. 278

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill (H.R. 1335) making emergency supplemental appropriations for fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place, insert the following new section:

SEC. . REFORM OF THE DAVIS-BACON ACT.

(a) AMENDMENT.—Section 1(a) of the Act of March 3, 1991, as amended (46 Stat. 1494; 40 U.S.C. 276a(a), commonly known as the Davis-Bacon Act) is amended by striking "$2,000" and inserting "$1,000,000".

(b) PROHIBITION ON DIVISION OF CONTRACTS.—Section 1 of the Act of March 3, 1931, as amended (46 Stat. 1494; 40 U.S.C. 276a), commonly known as the Davis-Bacon Act) is amended by adding at the end thereof the following new subsections.

"(c) Any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide the contract into contracts of $1,000,000 or less if the contract would not have been so divided but for the purpose of avoiding the application of this Act.

"(d) If the Secretary of Labor determines that a division of a contract has occurred for the purpose described in subsection (c), the Secretary may—

"(1) require that the contract (or grant, or other instrument providing Federal financing or assistance related to the contract) be amended so as to incorporate retroactively all the provisions and stipulations that would have been required under this Act, or under other provisions of law governing the applicable prevailing wage, if the contract had not been so divided; and

"(2) require the contracting or assisting agency (or the recipient of Federal financing or assistance related to the contract) or any other entity that awarded the contract (or the instrument providing Federal financing or assistance related to the contract) in violation of this section, to compensate the contractor (grantee, or other recipient of Federal assistance, as appropriate) for payment to each affected laborer or mechanic, of—

"(A) the amount equal to the difference between—

"(i) the rate received by the laborer or mechanic; and

"(ii) the applicable prevailing wage rate; and

"(B) the interest on such amount, calculated at the rate payable under section 6621(c)(1) of the Internal Revenue Code of 1986 for an underpayment referred to in such section, from the date the work was performed by such laborer or mechanic.

"(e) The Secretary shall make no determination that a division of a contract for a project has occurred for the purpose described in subsection (c) unless the Secretary has notified the agency or entity in question not later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this section.".

(c) APPLICATION TO RELATED LAWS.—The Act of March 3, 1991, as amended (46 Stat. 1494; 40 U.S.C. 276a(a), commonly known as the Davis-Bacon Act) is amended by adding at the end thereof the following new section:

"SEC. 7. APPLICATION TO RELATED LAWS.

"No provision of law requiring the payment of prevailing wage rates determined by the Secretary in accordance with this Act shall apply—

"(1) to contracts for construction, alteration, or repair involving not more that $1,000,000; or

"(2) in the case of rent supplements or other assistance for which the method of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of not more than $1,000,000.".

(d) CONFORMING AMENDMENT TO THE COPELAND ACT.—The Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c, commonly known as the Copeland Act) shall not be applicable to contracts that are not subject to coverage under the Act of March 3, 1931, as amended (46 Stat. 1494; 40 U.S.C. 276a(a), commonly known as the Davis-Bacon Act), as amended by subsections (a) and (b).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

(2) APPLICATION TO CERTAIN CONTRACTS.—The amendments made by this section shall not apply with respect to any contract—

(A) in existence on the date of enactment of this Act; or

(B) made pursuant to an invitation for bids outstanding on such date.

BROWN (AND OTHERS) AMENDMENT NO. 279

Mr. BROWN (for himself, Mr. THURMOND, Mr. COVERDELL, Mr. GRAMM, Mr. NICKLES, and Mr. GRASSLEY) proposed an amendment to the bill (H.R. 1335), supra, as follows:

On page 56, line 7, strike "$2,536,000,000" and insert "$2,432,486,654".

On page 56, line 24, strike the period, and insert a colon and the following: "Provided further, That none of the foregoing amount may be used to assist the following projects:

"(1) Foster Park tennis and basketball court resurfacing and color coating in Evanston, Illinois.

"(2) Anthony Oats Park and pool renovation in Evansville, Indiana.

"(3) Expansion of shopping center at 165th Street, in Hammond, Indiana.

"(4) Miscellaneous pool repairs in Birmingham, Alabama.

"(5) Tennis court resurfacing in Florence, Alabama.

"(6) Orpheum Theatre renovation in Phoenix, Arizona.

"(7) Alan Witt Park aquatics facility and ball fields in Fairfield, California.

"(8) MLK Park, construction of 27,000 square foot community recreation center with indoor pool, in Los Angeles, California.

"(9) Fairmount Park boathouse restoration in Riverside, California.

"(10) Villegas Park soccer field in Riverside, California.

"(11) Ocean Beach commercial revitalization project in San Diego, California.

"(12) Art Ark, 29-unit new construction live and work unit, in San Francisco, California.

"(13) Swimming Pool refurbishment in Thornton, Colorado.

"(14) Poli/Majestic Theatres in Bridgeport, Connecticut.

"(15) Northwood Cemetery drainage system and roadway in cemetery in Hartford, Connecticut.

"(16) Facade improvement, renovation of 47 commercial building facades in Hartford, Connecticut.

"(17) Construct ice skating warming hut at Union Pond Park in Manchester, Connecticut.

"(18) Greens Harbor Beach in New London, Connecticut.

"(19) Capitol Theater in New London, Connecticut;

"(20) Golf course, parks, recreation, in Daytona Beach, Florida.

"(21) Key West Bight Marina development in Key West, Florida.

"(22) Whispering Pines Park, recreation center, in Port St. Lucie, Florida.

"(23) New Jersey Performing Arts Center in Newark, New Jersey.

"(24) West Las Vegas Arts Center in Las Vegas, Nevada.

"(25) Basketball court at Fox Hill Park in St. Charles, Missouri.

"(2) Inkster Community Shopping Center, 50,000-60,000 commerce shopping center project in Inkster, Michigan.

"(27) Northwest Family Center, with two gymnasiums, indoor pool and outside ball fields, in Huntsville, Alabama.

"(28) Optimist Park athletic facility (indoor and outdoor) baseball field, gymnasium and soccer field in Huntsville, Alabama.

"(29) Desert West Park in Phoenix, Arizona.

"(30) Construction of youth park project to include baseball, soccer, tennis, gymnasium, roads, utilities, and lighting in Jonesboro, Arkansas.

"(31) Soccer field improvements in Bell Gardens, California.

"(32) Agua Mansa Cemetery, historical site restoration work, in Colton, California.

"(33) Fairfield Sports Park, in Fairfield, California.

"(34) Construct youth sports complex, including baseball, soccer, softball, and other athletic fields in Merced, California.

"(35) Tuolumne River Regional Park, amphitheater and softball complex in Modesto, California.

"(36) Improvements to Barnes Park (tennis court relocation, infrastructure) in Monterey Park, California.

"(37) Improvements to Elder Park (tennis courts, bathrooms, picnic areas, ADA compliance) in Monterey Park, California.

"(38) Reconstruct swimming pool in CDBG area in South Gate, Georgia.

"(39) Playground renovations, 35th Street Ballfield, Loveland Playground, Hil-Dar/Housing Authority in Wheeling, West Virginia.

"(40) Storefront Rehabilitation, rehabilitation of storefronts in central business district in Grand Forks, North Dakota.

"(41) Renovation of historic mill for sports shop complex in Central Falls, Rhode Island.

"(42) Construction of an alpine slide and restaurant at Parque del Turabo recreational facility in Gaguas, Puerto Rico.

"(43) Marketplace and art craft center in Adjuntas, Puerto Rico.

"(44) Brewery District Theater, construction of a new movie theater, in Columbus, Ohio.

"(45) Falcon Park Baseball Stadium Redevelopment Project in Auburn, New York.

"(46) Proctors Theater, roofing, completion of roof repair on historic downtown theater in Troy, New York.

"(47) Constitution Soccer Field, grade field and construct 6 adult and 4 youth soccer fields, construct parking lots, restroom structure and concession stand in Salinas, California.

"(48) Civic center expansion in San Leandro, California.

"(49) Downing Neighborhood Shopping Center, a 25,000 square foot retail strip located in an inner-city neighborhood in Denver, Colorado.

"(50) HCO/Hi-Ho site work in Bridgeport, Connecticut.

"(51) Boykin Community Center, construction of a new gymnasium and reroofing the building in Auburn, Alabama.

"(52) Gymnasium lighting, North Birmingham Recreation Center, Howze-Sanford Recreation Center, and Ft. Heights Recreation Center in Birmingham, Alabama.

"(53) Miscellaneous park improvements, shelter repairs (picnic) in Birmingham, Alabama.

"(54) Buffalo Ridge Park in Phoenix, Arizona."

FOOD STAMP ACT OF 1977 AMENDMENT ACT OF 1993

PRESSLER AMENDMENT NO. 280

Mr. HATFIELD (for Mr. PRESSLER) proposed an amendment to the bill (S. 284) to amend the Food Stamp Act of 1977 to permit a State agency to require households residing on reservations to file periodic reports of income and household circumstances, and to remove the requirement that a State agency establish a procedure for staggered issuance of coupons for eligible households residing on reservations, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "April 1, 1993" both places it appears and inserting "January 31, 1994".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, March 29, 1993, at 9:30 a.m., in open session, to receive testimony on the military policy concerning the service of gay men and lesbians in the Armed Forces: The historical and legal background.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 29, at 3:30 p.m. to hold nomination hearings on George E. Moose, to be Assistant Secretary of State for African Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO DONALD EPLEY AND CHARLIE WILKINSON FOR THEIR 115 YEARS OF SERVICE TO THE HARTLAND TOWNSHIP COMMUNITY

• Mr. LEVIN. Mr. President, I want to honor Don Epley and Charlie Wilkinson today, two men who between them have dedicated more than 100 years of service to the Hartland Township community.

Hartland Township, located 45 miles northwest of my hometown of Detroit, MI, is a close-knit community of 7,000 people. Don and Charlie, at 87 and 84 years young respectively, have dedicated themselves to serving their neighbors over the years.

Active in Scouting, health, and welfare issues and taking leadership roles in activities helping seniors and the young people in Hartland, Don and Charlie have exemplified the best kind of community involvement. Most notably, however, since retiring they have given 100 percent of their time to volunteer firefighting activities, and both remain active today.

Don Epley, with 65 years of very active duty, holds the title of the longest, active duty firefighter in Michigan. In fact, it is quite possible Don holds that title for the entire United States. With 50 years of volunteer service, Charlie Wilkinson is Michigan's second longest active duty firefighter.

It is clear to see, Mr. President, why Don and Charlie's friends, families, and neighbors view them as part of the heart of Hartland Township. Hartland is truly fortunate to have two such unselfish and giving individuals. Every community should be so blessed.•

TRIBUTE TO LARRY WOODARD

• Mr. BINGAMAN. Mr. President, I rise today to pay tribute to an outstanding citizen of my home State of New Mexico. I am very proud to honor Mr. Larry Woodard, who has devoted 35 years of his life to public service in the Bureau of Land Management of the Department of the Interior.

Mr. Woodard began his distinguished career with the Bureau of Land Management in 1957 after completing his education at Oregon State University. Larry's first assignment with BLM was in Roseburg, OR. Shortly after that he was assigned to the Bureau office in Portland, OR, where he served until 1964. Larry then transferred to Washington, DC until 1969. Following additional appointments in the field he assumed the State director's position in New Mexico in 1987.

Larry has skillfully met the difficult challenges that come with managing the checkerboard and multiple-use lands of the West. He has earned the respect of ranchers, conservationists, wildlife enthusiasts and other groups who do not always agree on the appropriate use and management of public lands. Larry deserves our profound respect for the way he has managed the BLM in New Mexico. He has implemented many changes in his agency that will benefit all New Mexicans for decades to come.

Larry is a recipient of the Department of Interior's Distinguished Service Award, and has over the years represented the Department on many task forces and commissions. He is a trustee of the New Mexico Nature Conservancy and has been selected for inclusion in "Who's Who in the West."

Larry will retire from the Bureau in April of this year. He and his wife Bette have three children and five grandchildren and plan to make their home in Idaho. New Mexicans will miss him and his distinguished record of achievement.•

HONORING THE HEBREW FREE LOAN SOCIETY

• Mr. D'AMATO. Mr. President, I rise today to honor the Hebrew Free Loan Society of New York for its contribution to the financial security of the city of New York and its surrounding counties for the past 100 years. I wish to commend the work that this society is doing to restore dignity to their less fortunate neighbors.

The Hebrew Free Loan Society, during its century of service, has extended more than $1 million in loans to immigrants of all races and creeds. The society has based its organization on the central principle that we must help others to help themselves. In this way, one is ensuring not only the financial stability of the other, but also preserving one's self-respect and self-dependency.

In a rapidly changing society, increasing numbers of people are emigrating to the United States every year. Each seeks the American dream. Organizations like the Hebrew Free Loan Society help immigrants in America, the land of opportunity. The United States was founded by men and women seeking the same opportunities as immigrants do today. They work hard to fulfill their dreams but they need a helping hand from those that have already accomplished their goals. These struggling individuals deserve the same opportunities that our ancestors had over the decades and the Hebrew Free Loan Society has understood this. As the grandson of immigrants, I know the value of having friends to lend a hand when someone is in need.

I have always been a firm believer in the principle of helping others to help themselves, so I am particularly appreciative and supportive of the work that the Hebrew Free Loan Society is doing. It is important for new immigrants in the United States to know that they are not alone. The receipt of interest-free loans from this unique organization enables people to start new lives with dignity. This country was built through the hard work of immigrants and we must not forget that.

It is important to recognize the Hebrew Free Loan Society as an organization that seeks to provide assistance in a spirit of dignity through loans and service. Thus, I am honored to have this opportunity to commemorate the 100th anniversary of the Hebrew Free Loan Society and to recognize the important work that they are doing for the people of New York.•

TRIBUTE TO DUPONT MANUAL HIGH SCHOOL AND OTHER PARTICIPANTS IN THE KENTUCKY SPEECH FESTIVAL

• Mr. McCONNELL. Mr. President, it is with a great sense of pride that I rise today in order to inform my colleagues of the winners of the Kentucky Speech Festival.

The winner of the overall team title was Dupont Manual High School. Mr. President, I take particular pride in announcing this honor because I was a graduate of Manual High School.

There were many other participants and winners in the competition, among them Andy Spears of South Oldham High School, who won the Gifford Blyton Book Award for outstanding contributions to his school and community. In addition, B.J. Tinsley of Crittenden County High and Lynda Jeffries of Pleasure Ridge Park High were recipients of $1,000 scholarships.

Mr. President, I ask my colleagues to join me in the pleasant task of saluting my alma mater as well as the other winners. I ask that an article from the Courier Journal be inserted in the RECORD.

The article follows:

MANUAL WINS SWEEPSTAKES AT SPEECH FESTIVAL

DuPont Manual High School captured first place in the team-debate sweepstakes of the

Kentucky Speech Festival held at Western Kentucky University over the weekend.

Manual had 52 points, South Oldham High School took second place with 39 points, and Covington Latin was third with 38 points.

The Gifford Blyton Book Award, named after the retired director of speech and debate at the University of Kentucky, went to Andy Spears of South Oldham for outstanding contributions to his school and community.

Blyton also established two $1000 scholarships for the winners of an essay contest on the value of speech and debate.

This year's recipients were Lynda Jeffries of Pleasure Ridge Park High an B.J. Tinsley of Crittenden County High.

Ellen Lord and Dalton Lyon of Lexington's Henry Clay High were the top varsity debate team. Second place went to Elishia Cohen and Amanda Walker of Manual, and Pleasure Ridge Park's Jeffries and Leslie Smith took third.

Individual varsity debate awards went to Leslie Smith of Pleasure Ridge Park, Aaron Whaley of Jeffersontown High, Jennifer Smith of Manual and Ellen Lord of Henry Clay.

In the novice debate-team category, Holly King and Sarah Reece of Eastern High took first place, and Joey LaMere and Fiona Mack of Manual finished second.

Chris Miller and Sarah Leong of Covington Latin placed third, and Becca Byrd and Tom Hearn of Ballard were fourth.

Covington Latin High captured the top three places in novice policy speech.

The Kentucky High School Speech League and Western's departments of communications and broadcasting sponsored the event. Eight of the 12 debate teams were from Jefferson County.•

VERMONT DECLARED A WORLD WISE SCHOOLS STATE

• Mr. LEAHY. Mr. President, as chairman of the Foreign Operations Subcommittee, I have the pleasure and responsibility of working quite closely with the Peace Corps. It is a matter of great personal pride that Vermont has provided more Peace Corps volunteers per capita than any other State in the Nation.

Vermont's special relationship with the Peace Corps took on an added dimension today with the proclamation of Vermont as a World Wise Schools State. I'd like to congratulate and commend the Peace Corps, Governor Dean, Commissioner of Education Richard Mills, and most importantly, the Green Mountain Returned Peace Corps Volunteers for their hard work and dedication to add Vermont to the States benefiting from this program.

Our returned volunteers have been effectively sharing their Peace Corps experience with Vermonters for many years. Now they are enhancing their efforts by bringing the World Wise Schools Program to Vermont youths. They have brought to this project the same zeal and energy that made them terrific Peace Corps volunteers, and I would like to salute them on this important achievement.

The World Wise Schools Program, established by the Peace Corps in 1989, is a global education program serving American students in grades 3 through 12. The goals of the program are threefold: To encourage the study of geography, promote cultural understanding, and to help our Nation's youth recognize the importance of volunteer service. To achieve these goals the program provides correspondence matches between American classes and Peace Corps volunteers serving overseas, resource packets consisting of videos and study guides with information on the countries where Peace Corps volunteers serve, and classroom visits by returned volunteers to share their Peace Corps experiences.

The World Wise Schools Program has been endorsed by the National Geographic Society. In its short 3-year history, the program has reached some 140,000 American students. In my State, 32 schools are participating to the benefit of 800 young Vermonters.

Anyone who has looked at education studies in the last two decades knows that many American students have a very poor grasp of geography. In today's world, that puts our Nation at a serious competitive disadvantage. The Peace Corps World Wise Schools Program provides an innovative way to enhance cultural and geography awareness while reinforcing good citizenship. In our changing world, one that is more interdependent and interactive than ever, it is very important that our students learn all they can about the people and countries outside our borders.

I am delighted that Vermont has become the 17th State to officially proclaim itself a World Wise Schools State. I again congratulate the Green Mountain Returned Peace Corps Volunteers for their excellent work on this project. I highly recommend the World Wise Schools Program to all my colleagues.•

TRIBUTE TO DR. JOHN LOGAN

• Mr. McCONNELL. Mr. President, I would like to take a moment from today's debate to recognize the accomplishments of Dr. John Logan, the medical director at Community Methodist Hospital in Henderson, KY.

Dr. Logan has long been an active member in his community. A medical school graduate of Vanderbilt University, he returned to Kentucky following his postgraduate training at Toledo Hospital in Ohio. Over the years, Dr. Logan has provided more than medical care to his fellow Kentuckians; his chairmanship of various fund raising efforts successfully led to State funding of a new civic auditorium and technical building at Henderson Community College.

Recently, Dr. Logan was honored by the Henderson Chamber of Commerce by being selected as its distinguished citizen of the year. In noting his work with a wide variety of organizations and associations, he was recognized as a model volunteer, and ideal patron, an enthusiastic, cheerful supporter of this area and its inhabitants.

Dr. Logan revealed his deep appreciation for his community and fellow citizens when he remarked that, "[t]his is a great place. It's not a great place because we have buildings. It's not a great place because we have technology. It's a great place because we have great people."

Mr. President, I know my colleagues join me in honoring this great Kentuckian and in extending our heartfelt congratulations on his many achievements. So that my colleagues may learn more of Henderson's distinguished citizen of the year, I ask that a copy of an article that appeared in the Gleaner be included in the RECORD following my remarks.

The article follows:

[From the Henderson (KY) Gleaner, Mar. 17, 1993]

CHAMBER NAMES LOGAN CITIZEN OF YEAR

(By Frank Boyett)

Longtime resident Dr. John Logan got what he called his "citizenship papers" Tuesday night when the Henderson Chamber of Commerce honored him as its distinguished citizen of the year.

A litany of his public service was recited by Marianne Walker, who nominated him for the honor.

"He is a model volunteer, an ideal patron, an enthusiastic, cheerful supporter of this area and its inhabitants," she said.

Logan has helped a wide variety of organizations and causes, but she said she first became acquainted with him in 1979 when he volunteered to help organize a hospice program, which eventually evolved into St. Anthony's Hospice 10 years ago.

More recently, she said, Logan served as chairman of two important fund-raising projects: One that led to state funding of the new civic auditorium and technical building at Henderson Community College and the other provided computer laboratories in every school in Henderson County.

A native of Brownsville, in Edmondson County, Logan attended high school and college in Bowling Green, and medical school at Vanderbilt University. He came here shortly after completing his post-graduate training at Toledo Hospital in Toledo, Ohio.

Logan, 55, resigned from his family practice in 1986 to become medical director at Community Methodist Hospital, a post he still holds.

An old professor told him "to be a good doctor you've got to be a good citizen," Logan said. He apparently took that advice to heart.

"I'm thankful tonight that after 30 years here I've finally gotten my citizenship papers," he said. "I hope over the next 30 years we can leave this community a better place.* * *"

"This is a great place. It's not a great place because we have buildings. It's not a great place because we have technology. It's a great place because we have good people."

During the many fund-raising campaigns he has been involved in, he said, "I've leaned hard on a lot of people * * * for the benefit of the community. The list is long."

But he said he always got a good response to his "leaning" and always reminded those who gave: "It's not for me—you're honoring your community."•

THE ANNIVERSARY OF THE IMPRISONMENT OF WEI JINGSHENG

• Mr. BRADLEY. Mr. President, I rise on this the 14th anniversary of the imprisonment of Wei Jingsheng, China's longest serving political prisoner, to celebrate a great honor bestowed upon him today by the Gleitsman Foundation. As a recipient of the Gleitsman Foundation's International Activist Award, Wei Jingsheng is being recognized for his leadership in the fight for democracy in China.

I also rise, Mr. President, to report that Wei Jingsheng's jailer, the People's Republic of China, continues to violate basic principles of human rights with reckless abandon, especially in regard to its political prisoners.

Wei Jingsheng has been confined in a Chinese prison for the last 14 years because he dared to speak his mind. Despite his imprisonment, he has inspired a whole generation of democracy advocates to challenge the repressive status quo in China.

Wei Jingsheng came to the attention of the human rights community in China, and around the world, as the founder of a magazine dedicated to the exploration of a variety of political views. In his journal, Explorations, he called attention to the plight of China's political prisoners and published several articles on democracy which were critical of the Chinese Government. His writings and his prescient words that Deng Xiaoping was becoming a new autocrat got him arrested and sentenced to a 15-year prison term in 1979. Throughout his prison term, he has been monitored by a team of special security personnel and has been repeatedly subjected to solitary confinement. Wei Jingsheng is now reportedly imprisoned on a salt farm, where he is confined to a tiny cell and permitted to speak only to his guards.

During the period of his imprisonment, Wei Jingsheng's health has deteriorated. He is reported to suffer mental disorders and has lost almost all his teeth, due to the lack of access to medical attention. This mistreatment is not due to any lack of attention by higher authorities. Indeed, Mr. President, Deng Xiaoping has reportedly taken a personal interest in his imprisonment and has his office regularly kept informed of his condition.

Chinese authorities have gone so far as to pressure his parents to shun Wei Jingsheng. Still, he remains unrepentant in his view and has not renounced his commitment to freedom of expression. He remains a popular figure among democracy activists and free thinkers in China. In fact, a petition for Wei Jingsheng's release signed by dozens of China's intellectuals marked the beginning of the peaceful, prodemocracy movement in the spring of 1989 which was so brutally crushed in June.

Mr. President, one of the basic principles of international law is respect for the national sovereignty, territorial integrity, and political independence of other nations. Consistent with this principle, the nations of the world have been encouraged to refrain from interfering in the domestic affairs of their fellow nations. The principle of noninterference was a cornerstone of international relations when the United Nations first came into existence almost 50 years ago. But another principle that has gained stature over the years is the obligation of states to respect the human rights of their own citizens. The principles of national sovereignty and respect for human rights sometimes conflict. One stark example of this conflict is China's inhumane treatment of political prisoners.

The leaders of China urge noninterference in their internal affairs, but they should no longer be allowed to hide behind the shield of national sovereignty and assault the human rights of their own people. It is our duty to speak out for civility, decency, and respect for free thought and liberty. We cannot continue to let the principle of respect for national sovereignty keep us from forcefully challenging China's human rights practices.

China has imprisoned people simply for organizing prodemocracy groups. Once imprisoned, they have been brutally beaten and tortured, treatment far worse than that afforded the common criminal. Though the Chinese penal system expressly seeks to help all its prisoners to become useful members of society, it only serves retributive, deterrent, and vindictive ends when dealing with political prisoners.

What is clear, Mr. President, is the contrast between official descriptions of how prisoners are reformed and the autobiographical accounts of that process by individual prisoners. The official version claims that prisoners improve their situation through technical schools and recreational activities. Prisoners' accounts include chilling tales of beatings by policemen and common criminals, foul living conditions, torture, and daily deprivation.

In response to growing international criticism and pressure, the People's Republic of China has issued a white paper on "Human Rights in China." It has also improved the treatment of a few well-known dissidents held in Beijing. However, the treatment of many dissidents held in other places has not improved, and in some cases, it has even worsened.

In the preamble of the white paper, the People's Republic of China claims that no person will be subjected to criminal punishment merely because he holds divergent political opinions. It even asserts that there are no political prisoners in China. Mr. President, this is obviously not the case. Organizing a peaceful prodemocracy movement is not an act of treason, but people in China have been jailed for doing so.

The white paper also suggests that as long as people do not incite an armed rebellion or engage in espionage activities they will not be punished. In practice, however, the Chinese Government is extremely intolerant of dissenting political views and there have been countless instances where the Chinese Government has violated its own standards.

One former political prisoner, Liu Qing, was convicted on charges that were fabricated by the Government. The prosecution dismembered his writings and created a text to convict him on. He was imprisoned merely because the Government saw him as a threat to the political status quo. The white paper states that courts employ a system of public trials. However, at Liu Qing's trial, only Government officials were present; no ordinary citizens, family, or friends were allowed to attend.

The treatment political prisoners receive in Chinese prisons is reprehensible. In the United States penal system a person convicted of treason would not be treated differently from a common criminal. However, in China the treatment of political prisoners is often worse. The white paper says torture is forbidden. Yet political prisoners are subject to frequent beatings and torture from the minute they arrive at the prison.

Political prisoners are often not permitted to exercise or work; that is, forced to sit completely still for 12 hours a day or forced to work more than 12 hours a day. Performance quotas for political prisoners are often set higher than those set for other prisoners. If these quotas are not met, then political prisoners are often forced to work on Sundays. In contrast, nonpolitical criminals who work more than 8 hours a day receive overtime privileges which are not available to political prisoners.

The Chinese Government claims that it allows all prisoners to read newspapers and magazines, watch television, listen to the radio, and take part in recreational activities. This is just not the case for political prisoners. They are often placed in solitary confinement where they have no access to these amenities. The Government also claims that political prisoners have the right to contact and remain in correspondence with family members. However, family members are not allowed to visit or correspond with prisoners when the authorities do not want the outside world to know how they are being treated. Like the pressure it exerted on the family of Wei Jingsheng, the Chinese Government often attempts to intimidate a political prisoner's family into shunning or denouncing him.

Mr. President, the Chinese penal system supposedly guarantees medical treatment to its prisoners. Not so for political prisoners. Ren Wanding, a leading dissident, is in danger of losing his eyesight, yet nothing is being done to help him. Others have heart conditions and other ailments that remain untreated. The Chinese claim to have an ideal criminal justice system, but that claim in no way reflect reality.

The United States must not turn a blind eye to these human rights abuses. Nor should it tactly condone them. It must instead call them as it sees them, and press for their cessation.

Economic sanctions are among the possible means to induce compliance with international standards of human rights. Diplomacy, both public and quiet, is another. The pressure of public opinion is a third. The United States should press for guaranteed access by humanitarian organizations to China's prisons and labor reform enterprises. When abuses are found, the Chinese Government should have to acknowledge and explain them, and either change its ways or continue to come under international pressure. The United States should also seek verifiable commitments by China to abide by international standards of respect for human rights.

Mr. President, five dissidents, Wang Dan, Guo Haifeng, Wang Xizhe, Li Guiren, and Zhu Hongsheng, were recently released early from prison, indicating that China might respond to further international pressure and change its policies. But there are still many hundreds, maybe even thousands of political prisoners in China. Though the releases appear encouraging, 40 or more arrests have also been made just since June 1992. So, it is premature, at best, to conclude that any fundamental change in Chinese policy has occurred.

Mr. President, as we approach the 21st century, the United States will be looked to, more and more, as a defender of human rights. Operating as a standard-bearer of human rights is a daunting task, but it is not one from which we as a Nation should shrink, especially when the need is so compelling. I urge my colleagues to mark this anniversary of Wei Jingsheng's imprisonment with a renewed commitment of vigilance toward human rights abuses in China. The amazing courage demonstrated by Wei Jingsheng and others shows that our vigilance provides sustenance for those who continue to struggle against repression in China. Let us not forget them as we seek ways to deal with, and influence, the People's Republic of China.●

TRIBUTE TO THE 100TH ANNIVERSARY OF THE CHILDREN'S DAY NURSERY IN PASSAIC, NJ

● Mr. BRADLEY. Mr. President, the Children's Day Nursery, in Passaic, NJ, is among an elite group of day care centers in America that can claim a century of service to over four generations of disadvantaged families within its community. I would ask my colleagues to join me in congratulating the Children's Day Nursery as it commemorates its centennial anniversary today.

Quality day care is a priority in our modern world. So many, many families must seek dependable child care arrangements, and we all know there just are not enough qualified resources. Yet the Children's Day Nursery has been a safe, nurturing haven for hundreds of thousands of inner-city children from diverse ethnic origins for a remarkable 100 continuous years. The center is an invaluable support for the city of Passaic, a well-known source of pride in the State of New Jersey, and an outstanding model for the rest of the country.

I applaud the impressive history and important future of the Children's Day Nursery. On behalf of our Nation, I send best wishes for continued growth, service, and leadership.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on Tuesday, March 30; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each, with Senator GRAMM of Texas recognized for up to 10 minutes; that at 11 a.m., the Senate resume consideration of H.R. 1335, the emergency supplemental appropriations bill; and that on Tuesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Madam President, so that Senators may be aware, a vote will occur at 11 a.m. when the Senate resumes consideration of the pending bill. The Senate will vote on a motion to reconsider the vote by which the Senate failed to table the pending Brown amendment. That vote will occur at 11 a.m. Senators should be present and ready to vote at that time.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:42 p.m. recessed until Tuesday, March 30, 1993, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1993:

DEPARTMENT OF STATE

THOMAS R. PICKERING, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

DEPARTMENT OF THE TREASURY

RONALD K. NOBLE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PETER K. NUNEZ, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT D. CHELBERG [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOSEPH S. LAPOSATA [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MARVIN L. COVAULT [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RICHARD F. KELLER [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ROGER F. BACON [redacted] U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

To be lieutenant colonel

ROOSEVELT GREEN [redacted]
SANFORD D. ZELNICK [redacted]

MEDICAL CORPS

To be major

YVONNE D. CAGLE [redacted]
RICHARD J. MONTMINY [redacted]

DENTAL CORPS

To be lieutenant colonel

GARDNER G. BASSETT [redacted]

THE FOLLOWING CADETS, U.S. MILITARY ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 541 AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LORI L. BROWN [redacted]
CHARLES A. COOK [redacted]
JOHN W. DABERKOW [redacted]
STEPHEN M. GEORGIAN [redacted]
SCOTT E. HAYFORD [redacted]
KRAIG M. HILL [redacted]
ALEX B. MCKINDRA, JR. [redacted]
JEREMY M. SLAGLEY [redacted]
AMIT Y. YORAN [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be colonel

*GARY D. DAVIS [redacted]

MEDICAL CORPS

To be lieutenant colonel

*JOHN A. RICHMOND [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

RONALD C. HARRISON [redacted]

MEDICAL CORPS

To be major

*BRIAN J. O'HEA [redacted]
*MICHAEL SZKRYBALO [redacted]

ARMY NURSE CORPS

To be major

*DONALD W. GILMORE [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be colonel

RUFUS Y. BANDY [redacted]
E. J. BELFIGLIO [redacted]
RONALD W. BICE [redacted]
CONRAD F. BODAI [redacted]
PAUL A. CANNAVA [redacted]
MICHAEL J. CARINO [redacted]
DAVID L. CARR [redacted]
GERALD D. COX [redacted]
JOHN W. DAVIS [redacted]
ELADIO DELEON, JR [redacted]
NORMAN B. FARRAR [redacted]
LINCOLN D. FRETWELL [redacted]
STEVEN C. GUY [redacted]
BENJAMIN S. *. HANSON [redacted]
BRADFORD W. HARPER [redacted]
JOHN C. HARRELL [redacted]
KARL K. HARRIS [redacted]
GENOUS S. HODGES [redacted]
TIMOTHY K. JONES [redacted]
MARK G. KOCH [redacted]
RONALD J. LAMBERT [redacted]
MICHAEL J. LECLAIR [redacted]
ROBERT J. LOUSHINE [redacted]
JACK B. MEYER [redacted]
SCOTT G. MINNICH [redacted]
JOHN R. ONEAL [redacted]
CHARLES W. PALIAN [redacted]
MERLE H. PARKER [redacted]
RICHARD L. PARSONS [redacted]
JAMES M. PODNAR [redacted]
PHILIP K. RADTKE [redacted]
THOMAS RICHARDSON [redacted]
CHARLES L. RINGGOLD [redacted]
ROY A. ROCKMAN [redacted]
JOHN J. ROSS [redacted]
DENNIS A. RUNYAN [redacted]
GRETCHEN A. SCHACH [redacted]
DENNIS L. SLOPEY [redacted]
DAVID W. SMITH [redacted]
JAMES W. *. STRIDER [redacted]
BRUCE H. THOMPSON [redacted]
EDWIN A. TRIPP [redacted]
ROBERT H. *. VANDRE [redacted]
JOHN E. VOLZ [redacted]
ANDREW A. VORONO [redacted]
RICHARD WARRINGTON [redacted]
DAVID A. WITWER [redacted]

MEDICAL CORPS

To be colonel

RICHARD L. *. ALLEN [redacted]
THOMAS R. BABONIS [redacted]
VICTOR C. BELL [redacted]
JOHN M. BLOUGH [redacted]
JAMES H. BRIEN [redacted]
ALFRED B. *. BROOKS [redacted]
RICHARD L. BROYLES [redacted]
JOHN F. *. BRUNDAGE [redacted]
ARTHUR B. *. BUCKNER [redacted]
TONY CARTER [redacted]
BRUCE A. COOK [redacted]
GERALD M. CROSS [redacted]
VIRGIL T. *. DEAL [redacted]
DAVID P. DEETER [redacted]
CALVIN B. *. DELAPLAIN [redacted]
ALBERT C. *. DIDDAMS [redacted]
BENEDICT M. *. DINIEGA [redacted]
WILLIAM E. *. DUNCAN [redacted]
JOSEPH E. DYER [redacted]
JOSEPH E. *. DZIADOS [redacted]
EUGENE T. *. ETZKORN [redacted]
HENRY G. FEIN [redacted]
JOSEPH FITZHARRIS [redacted]
JAMES L. FLEMING [redacted]
GARY L. FRANCIS [redacted]
EDWARD B. FREYFOGLE [redacted]
JOHN W. *. GARDNER [redacted]
JOHNNIE B. *. HALL [redacted]
MYRON *. HARASYM [redacted]
JAMES T. *. HARDY [redacted]
RICHARD T. *. HARPER [redacted]
CHARLES E. *. HENLEY [redacted]
DEBORAH L. HICKEY [redacted]
CHARLES B. *. HICKS [redacted]
CHI K. HO [redacted]
JOHN C. HOLLAND [redacted]
DAVID L. *. HOOVER [redacted]
JERRY W. *. HOPE [redacted]
BRUCE L. INNIS [redacted]
DARRELL C. JEWETT [redacted]
GAIL M. *. JOHNSON [redacted]
ROBERT V. *. JONES [redacted]
RONALD J. JONES [redacted]
DONALD J. KASPERIK [redacted]
PATRICK C. *. KELLY [redacted]
HOWARD M. *. KIMES [redacted]
CHA O. *. KOO [redacted]
KURT K. KROENKE [redacted]
JOHN P. *. KUGLER [redacted]
WILLIAM N. LANE [redacted]
DAVID H. LEEPER [redacted]
PHILIP G. *. LISAGOR [redacted]
THOMAS V. MAROLDO [redacted]
ARTHUR S. *. MASLOW [redacted]
ALLAN R. *. MAYER [redacted]
MICHAEL H. MAYER [redacted]
MICHAEL *. MCCAFFERY [redacted]
MICHAEL *. MCDERMOTT [redacted]
THEODORE R. *. MCNITT [redacted]
HERNANDO MENA [redacted]
FRANK M. *. MOSES [redacted]
EVERETT W. *. NEWCOMB [redacted]
JOHN C. *. NORBECK [redacted]
STEPHEN G. *. OSWALD [redacted]
ALLAN L. PARKER [redacted]
RICHARD H. *. PEARL [redacted]
STEVE E. PHURROUGH [redacted]
JAMES L. *. PITTMANN [redacted]
CAROLYN D. RANDLE [redacted]
ROBERT R. *. REDFIELD [redacted]
MATTHEW M. *. RICE [redacted]
ROBERT *. SOLENBERGER [redacted]
KWEON I. *. STAMBAUGH [redacted]
DONALD L. *. STEINWEG [redacted]
ANDREW M. *. THOMPSON [redacted]
OYEWOLE M. TONEY [redacted]
KENNETH *. TORRINGTON [redacted]
FRANK T. WARD [redacted]
JOHN M. *. WESLEY [redacted]
THOMAS E. WISWELL [redacted]
JEREL M. *. ZOLTICK [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

ALAN M. AKERS [redacted]
JAMES D. ALLMAN [redacted]
LARRY D. ANDERSON [redacted]
BARRY J. BAIORUNOS [redacted]
MARVIN D. BELL, [redacted]
THOMAS E. BOYTIM [redacted]
WILLIAM P. CALDON [redacted]
DAVID F. CLAPP [redacted]
TERRELL COHEN [redacted]
JOHN M. CORLEY [redacted]
WILLIAM E. CROOKS [redacted]
RICHARD H. DAY [redacted]
DENNIS C. DIXON [redacted]
GEORGE B. DOUGLAS [redacted]
JOHN R. EAST, III [redacted]
RICHARD S. FINLAYSON [redacted]
STEVEN A. FORSYTHE [redacted]
JAMES H. FOSTER [redacted]
GARY J. GOLDEN [redacted]
GARBETH S. GRAHAM [redacted]
FREDERICK G. GUERRA, JR [redacted]
MARK S. HAGGE [redacted]
BRUCE K. HALL [redacted]
RAYMOND G. KOEPPEN [redacted]
NICHOLAS J. LEVERING [redacted]
MICHAEL W. MCDUFFIE [redacted]
THOMAS R. MENG, JR [redacted]
MARION L. MESSERSMITH [redacted]
SHANNON E. MILLS [redacted]
TIMOTHY B. NEWLAND [redacted]
KENNETH C. PINKERTON [redacted]
LAWRENCE D. SCHMELTZER [redacted]
TYLER H. SLOCUMB, JR [redacted]
DONALD M. SPRAGUE [redacted]
CLIFFORD B. STARR [redacted]
ALEXANDER J. WARSCHAW [redacted]
WILLIAM W. WILSON, JR [redacted]
EDWARD F. WRIGHT [redacted]

MEDICAL CORPS

To be colonel

JAY S. ADAMS [redacted]
RUDOLPH P. ARNOLD [redacted]
MELVIN A. BAYNE [redacted]
DAVID M. BEAR [redacted]
ROBERT L. BECKER, JR [redacted]
JAMES M. BENGE, [redacted]
WINSTON H. BLAKE [redacted]
JAMES W. BOST [redacted]
DAVID M. BROWN [redacted]
JOSE B. BUENO [redacted]
MILDRED CALERO [redacted]
JULIETA M. CALZADO [redacted]
HORACE R. CARSON [redacted]
GLENN A. CARTER [redacted]
CHUN C. CHOY, [redacted]
PAUL B. CHRISTIANSON [redacted]
TOMMIE G. CHURCH [redacted]
TIMOTHY G. CLOONAN [redacted]
JEAN C. COMEAU [redacted]
FRANK J. CRIDDLE [redacted]
WADE A. CROWDER [redacted]
MARTIN E. EVANS [redacted]
MARC A. FRITZ [redacted]
CHARLES B. GREEN [redacted]
LILIANA Q. HALIM [redacted]
CHARLES R. HARRISON [redacted]
ROBERT A. HAWKINS [redacted]
BERNARD F. HEARON [redacted]
KENNETH D. HIRSCH [redacted]
BRENT M. HJERMSTAD [redacted]
RONALD K. HOYT [redacted]
JAY P. JACOBI [redacted]
GREGORY J. JAFFERS [redacted]
SUDHIR A. JAITUNI [redacted]
RENE G. JASO [redacted]
KIRBY E. KNOX [redacted]
DANIEL F. KOSLOFF [redacted]
MICHAEL R. KUSKIE [redacted]
CHRISTINE I. KWIK [redacted]
DON A. LAWRENCE, [redacted]
PAUL H. LILLY, JR [redacted]
WILLIAM I. LUNDBERG [redacted]
ROGER L. MEHL [redacted]
WILLIAM L. MICHELS [redacted]
THOMAS H. NELSON [redacted]
BRUCE A. OKSOL [redacted]
RELFORD E. PATTERSON [redacted]
HUBERT O. PLATT [redacted]
GARY C. PRECHTER [redacted]
KENNETH D. RASHID [redacted]
JAMES A. RUFFER [redacted]
MONIQUE A. RYSER [redacted]
DAVID G. SCHALL [redacted]
DAVID A. SCHENK [redacted]
KRIS M. SHEKITKA [redacted]
CHARLES L. SIMPSON [redacted]
KURT A. STONE [redacted]
FRANCIS A. STRATFORD, JR [redacted]
GEORGE P. TAYLOR, JR [redacted]
ROBERT J. THORPE [redacted]
EARL E. WALKER [redacted]
JAI C. WHANG [redacted]
RICHARD A. WILLIAMS [redacted]
HENRY S. K. WILLIS, III [redacted]
LAWRENCE W. WILSON [redacted]
NELSON T. YAP, [redacted]
GLADYS E. YOUNG [redacted]

DENTAL CORPS

To be lieutenant colonel

STEVEN W. ABBOTT [redacted]
JOHN L. ALONGE [redacted]
PETER C. ANTINOPOULOS, [redacted]
JEFFERY F. BAKER [redacted]
SCOTT G. BERGH [redacted]
JOHN R. BETTINESCHI, JR [redacted]
KEVIN F. BLAIR [redacted]

ROBERT F. BLODGETT, JR [redacted]
IRENE G. BOBERMOKEN [redacted]
GARY A. BRAUN [redacted]
GREGORY C. BROWNING [redacted]
ORSON P. CARDON [redacted]
THOMAS B. CARTER [redacted]
DAVID G. CHARLTON [redacted]
CEDRIC C. CHENET [redacted]
JAMES L. COCKLIN [redacted]
MICHAEL J. CONLAN [redacted]
KEVIN A. CONNOR [redacted]
DAVID E. CORMAN [redacted]
CHRISTOPHER R. CULLITON [redacted]
CARY J. CUNNINGHAM [redacted]
CHARLES F. DEFREEST [redacted]
SCOTT S. DICKSON [redacted]
EDWARD O. ERKES [redacted]
MARK ESSICK [redacted]
STEPHEN J. EXTERKAMP [redacted]
STEVEN C. FENZL [redacted]
WILLIAM L. FOLEY [redacted]
MELVIN L. FORD [redacted]
ROBERT Q. FRAZER [redacted]
DENNIS C. FUREY [redacted]
MARTHA L. GARITO [redacted]
JAMES R. GILL [redacted]
ROBERT J. GILLEN, II [redacted]
BRENT L. GILLILAND [redacted]
THOMAS A. GILLMAN [redacted]
DAVID R. GORE [redacted]
SCOTT E. GRAY [redacted]
MARK R. GUILDER [redacted]
JUDITH G. HILL [redacted]
GEORGE C. HLUDZIK, [redacted]
SPENCER N. HOPKINS, JR [redacted]
WILLIAM G. HUGHES [redacted]
MICHAEL L. HUTCHINGS [redacted]
BRUCE A. JOHNSON [redacted]
RAYMOND W. KAERCHER [redacted]
ANTHONY A. KAMP, [redacted]
TERENCE J. KINYON [redacted]
ANDREW R. KIOUS [redacted]
JOHN KUSSMAUL, JR [redacted]
MAUREEN E. LANG [redacted]
JOSEPH A. MARCHESE, JR [redacted]
HOWARD T. MCDONNELL [redacted]
ANDREW J. MESAROS, JR [redacted]
CRAIG E. MILLER [redacted]
MARK D. MILLER [redacted]
NICHOLAS J. MINIOTIS [redacted]
RICHARD W. MORGAN [redacted]
ELLIS J. NARCISSE, JR [redacted]
RONALD G. NELSON [redacted]
ALAN E. PALMER [redacted]
ROBERT C. PARKER [redacted]
DIANE S. PAXTON [redacted]
JON E. PICHE [redacted]
WILLIAM F. PIERPONT [redacted]
RONALD C. PRATT [redacted]
RHETT M. QUIST [redacted]
LISA D. RACKLEY [redacted]
JASON M. RAMPTON [redacted]
ODES B. ROBERTSON, JR [redacted]
RIDLEY O. ROSS [redacted]
ROBERT SABATINI [redacted]
SCOTT A. SCHWARTZ [redacted]
ROSS E. SETHMAN [redacted]
RANDY A. SHAFFER, [redacted]
ALAN T. SMITH [redacted]
JAY C. SMITH [redacted]
KARL A. SMITH [redacted]
OTHA L. SOLOMON, JR [redacted]
EMIL W. TETZNER [redacted]
DALE C. THAMES, JR [redacted]
STEVEN J. THOMSON [redacted]
ERIK M. TJELMELAND [redacted]
LENDON K. TROIANI [redacted]
THOMAS N. WANAT, JR [redacted]
STEVEN J. WHITNEY [redacted]
GREGORY P. WILLIAMS [redacted]

MEDICAL CORPS

To be lieutenant colonel

LAURENCE J. ADAMS, JR [redacted]
RICARDO E. ALVILLAR [redacted]
JOHN D. ANGSTADT [redacted]
RAMON A. ARROYOPADRO [redacted]
DAVID P. ASCHER [redacted]
THOMAS F. BABSON [redacted]
MARK R. BARNETT [redacted]
CHARLES W. BEADLING [redacted]
CARL T. BERGREN [redacted]
DANIEL K. BERRY [redacted]
ROBERT N. BERTOLDO [redacted]
ALAN F. BITNER [redacted]
JAMES C. BLOOM [redacted]
WILLIAM H. BOBBITT, III [redacted]
BRYAN C. BOMBERG [redacted]
STEPHEN A. BRIETZKE [redacted]
ROBERT M. BUCHSBAUM, II [redacted]
JAMES E. BURTON, III [redacted]
ROBERT H. CAMPBELL [redacted]
CAREY M. CAPELL [redacted]
FRANCISCO CARRIONTORRES [redacted]
RONALD D. CATES [redacted]
WALTER R. CAYCE [redacted]
STEVEN L. CHAMBERS [redacted]
GEORGE W. CHRISTOPHER [redacted]
HAROLD E. COOK, III [redacted]
CLARENCE E. COTTON, JR [redacted]
FRANK S. DAVIS [redacted]
BRADLEY J. DAWKINS [redacted]
DEAN DEBENEDICTIS [redacted]
KAREN C. H. DEERING [redacted]
JAMES A. DERBY [redacted]
GLENN E. DICKEY [redacted]
ROBERT M. DIXON [redacted]
WILLIAM E. DREW [redacted]
JAY S. ELLIS, JR [redacted]
FREDERICK K. EMGE [redacted]
MARC I. EPSTEIN [redacted]
DAVID B. ETHIER [redacted]
HAROLD H. FAIN, JR [redacted]
TIMOTHY E. FARLEY [redacted]
JOSEPH C. FARMER [redacted]
DOUGLAS K. FERNANDEZ [redacted]
BRIAN J. FINLEY [redacted]
MARK D. FORTE, [redacted]
CLIFFORD D. FRIESEN [redacted]
DOUGLAS C. FULLER [redacted]
MARY E. GABRIEL [redacted]
CONLEY B. GAINER [redacted]
ROBERT A. GARDNER [redacted]
THOMAS E. GARRISON [redacted]
GEORGE J. GIBEILY [redacted]
PAUL R. GLOWIENKA [redacted]
CHARLES D. GOLDMAN [redacted]
JAMES S. GREEN [redacted]
SPENCER D. GREENDYKE [redacted]
MARY L. GREENE [redacted]
ROLAND A. GRIEB [redacted]
LINDA J. GRIFFITH [redacted]
GARY S. GRONSETH [redacted]
RANDAL L. HAMRIC [redacted]
J. ALISON HANSON [redacted]
CHARLES K. HARDIN [redacted]
DONALD G. HILL [redacted]
ALFRED J. HOCKLEY, II [redacted]
BARBARA A. HOLCK [redacted]
ARNOLD B. HONICK [redacted]
MARK D. HOPKINS [redacted]
GARY M. HOROWITZ [redacted]
ROGERS G. HOWELL, II [redacted]
EDWARD H. ILLIONS [redacted]
MARK G. JANCZEWSKI [redacted]
DANIEL J. JANIK [redacted]
GEORGE P. JOHNSON [redacted]
JOE S. JONES [redacted]
DIANE L. JORDANWAGNER [redacted]
RICHARD E. KARULF [redacted]
KENNETH L. KAYLOR [redacted]
MICHAEL P. KELLER [redacted]
KENNETH S. KIM [redacted]
STEPHEN M. KINNE [redacted]
DAVID P. KISSINGER [redacted]
PHILIP T. KLAZYNSKI [redacted]
VICTOR R. KNAPP [redacted]
TRISTAN E. KOHUT [redacted]
THOMAS M. KOROSCIL [redacted]
KIT D. KUSS [redacted]
PHILIP A. LAKIER [redacted]
DAVID A. LAURENTZ [redacted]
JANICE L. LEE [redacted]
JULIAN C. LEVIN [redacted]
ERNEST B. LINDELL [redacted]
JUDITH A. LOMBEIDA [redacted]
CHARLES W. MACKETT [redacted]
STEPHEN F. MANCHESTER [redacted]
MARY L. MAROHN [redacted]
ALFRED W. MAZUR [redacted]
JUDITH E. MCGHEE [redacted]
JEFFREY J. MEFFERT [redacted]
FRANK W. MEISSNER [redacted]
MICHAEL C. MERWIN [redacted]
CATHERINE T. MILBOURN [redacted]
GERHARD MOELLER [redacted]
RAMON G. MONTESGARCES [redacted]
RANDALL J. MOORE [redacted]
ROBERT A. MUNSON [redacted]
KIM D. MURPHY [redacted]
PATRICIA L. MURRAYZARZOUR [redacted]
JOHN C. MYERS [redacted]
MARK T. NADEAU [redacted]
MICHAEL J. NASH [redacted]
WILLIAM D. NEAL [redacted]
RICHARD L. NEEL [redacted]
GUY M. NEWLAND [redacted]
PETER J. NIGRO [redacted]
DAVID S. NOLL [redacted]
KEITH D. NORD [redacted]
MARY A. ORZECH [redacted]
ROBERT OSTERICHER [redacted]
LAWRENCE V. PAGE [redacted]
WILLIAM A. PARKER, JR [redacted]
SUBHASH R. PATEL [redacted]
DOUGLAS E. PAULL [redacted]
JON R. PEARSE [redacted]
ROBERTO A. PENNECASANOVA [redacted]
VAN E. PERRY [redacted]
ALTON W. POWELL, III [redacted]
MIGUEL A. RAMIREZCOLON [redacted]
BRIAN H. REED [redacted]
GREGORY T. REHE [redacted]
MICHAEL W. RESTEY [redacted]
LAWRENCE M. RIDDLES [redacted]
DANNY R. ROBINETTE [redacted]
LUIS R. RODRIGUEZCOLON [redacted]
ROBERT J. ROSSIC [redacted]
FRANK J. ROWAN, III [redacted]
JANICE M. RUSNAK [redacted]
DAVID K. SCALES [redacted]
KIM M. SCHOEFFEL [redacted]
JORGINA S. SCHREIER [redacted]
LEIGH A. SCHWIETZ [redacted]
JAY T. SEGARRA [redacted]
CHARLES W. SHAPARD [redacted]
GARY H. SHARP [redacted]
NAOMI N. SHIELDS [redacted]
DANIEL F. SHREEVE [redacted]
SCOTT D. SHUMAKER [redacted]
ANTONIA SILVAHALE [redacted]
BRUCE D. SMITH [redacted]
SANDRA E. SMITHPOLING [redacted]
TERESA J. SOMMESE [redacted]
WOO K. SONG, [redacted]
MARVIN L. STANCIL [redacted]
STANLEY H. STANCIL [redacted]
PAUL S. STONER, JR [redacted]
DIANE C. STROLLO [redacted]
JOHN F. SWARTZ, III [redacted]
WILLIAM S. SYKORA [redacted]
EDWIN C. TELFER [redacted]
BRUCE L. TJADEN [redacted]
THOMAS W. TRAVIS [redacted]
HOWARD R. UNGER, JR [redacted]
ANTHONY J. VANGOOR [redacted]
DONALD R. VARNER, JR [redacted]
JOHN H. WAGONER [redacted]
GARY M. WALKER [redacted]
JANET M. WALKER [redacted]
JAMES M. WATSON [redacted]
KAREN K. WIES [redacted]
JOHN E. WILLIAMS [redacted]
DEBORAH A. WINGET [redacted]
MARSHALL L. WONG [redacted]
MICHAEL J. YASZEMSKI [redacted]
RAUL YORDANJOVET [redacted]
NANCY ZEFO [redacted]
PAUL R. ZIAYA [redacted]

DENTAL CORPS

To be major

JOEL J. AIMONE [redacted]
KIRBY D. AMONSON [redacted]
STEVEN R. ARMSTRONG [redacted]
BRET A. AVRA [redacted]
STEVEN L. BARTEL [redacted]
RICHARD M. BEDINGHAUS [redacted]
TAMARA E. BLOCH [redacted]
TIMOTHY L. BRAY [redacted]
GARY L. BROOKS [redacted]
STEPHEN K. CALENDINE [redacted]
DENNIS CARRERAS [redacted]
KENNETH A. CONNER [redacted]
JOHN J. CONROY [redacted]
RICKY D. COOK [redacted]
WILLIAM E. DINSE [redacted]
JON M. DOSSETT [redacted]
BRYAN D. DYE [redacted]
ROBERT C. GERLACH [redacted]
JAMES J. GIFT [redacted]
SCOTT L. GOLDSTEIN [redacted]
LORA D. GRAVES [redacted]
VANDANA GUPTA [redacted]
MARIANNE C. HARTUP [redacted]
TERRANCE L. HAUCK [redacted]
BRIAN R. HOLT [redacted]
STEVEN T. HOWARD [redacted]
CONSTANCE A. HUFF [redacted]
JEFFREY P. JESSUP [redacted]
RAY S. JETER [redacted]
JEFFREY S. KLEINHEINZ [redacted]
MICHAEL J. KNOTT [redacted]
RUSSELL M. LARSEN [redacted]
GERALD C. LEAKE, JR [redacted]
JOHN M. LEIB [redacted]
WAYNE S. H. LEONG [redacted]
MIKE A. LUTZ [redacted]
SCOTT A. MACKEY [redacted]
CURTIS M. MARSH [redacted]
JANET Y. MARTIN [redacted]
BRENT S. MCCLENNY, [redacted]
JOHN P. MCPHILLIPS [redacted]
KARL L. MEYER, [redacted]
MARK E. MUTH [redacted]
MICHAEL P. NAJERA [redacted]
KYLE C. NUNLEY [redacted]
JOHN M. NUSSTEIN [redacted]
MICHAEL D. PETERSEN [redacted]
MICHAEL H. QUINN, [redacted]
RONALD K. RISINGER [redacted]
DOUGLAS L. RISK [redacted]
KEVIN J. ROURK [redacted]
KENT A. SABEY [redacted]
JEAN M. SCHULTZ [redacted]
MARK A. SLABBEKOORN [redacted]
JEFFREY R. SLAVKOVSKY [redacted]
JEFFREY A. STAPLES [redacted]
ROSALIND K. VIOHL [redacted]
MATTHEW T. WELLEJUS [redacted]
DAVID L. WELLS [redacted]
JOHN L. WHITTLE [redacted]
BRIAN D. WIGHT [redacted]

MEDICAL CORPS

To be major

JAMES G. ADAMS [redacted]
TURGUT ALAGOZ [redacted]
HARRY ALBERTI [redacted]
NANCY J. ALBRIGHT [redacted]
RAYMOND B. ALLEN, JR [redacted]
STEVEN R. ALLEN [redacted]
NORMA L. ALLGOOD [redacted]

ORLANDO M. ALVAREZ [redacted]
MARC O. ANDERSON [redacted]
JOHN G. ANEMA [redacted]
ALLISON A. ANGOTT [redacted]
DAVID E. ANISMAN [redacted]
FRANK J. ARCHER [redacted]
GARY I. ARISHITA [redacted]
MARY LOUISE AUCHUS [redacted]
RICHARD J. AUCHUS [redacted]
MICHAEL B. AUSTIN [redacted]
ELEANOR E. AVERY [redacted]
JOHN MARK BAAR [redacted]
LEISA H. BAILEY [redacted]
KORNFELD JOHN M. BALBUS [redacted]
JOHN M. BALDAUF [redacted]
CONSTANTIN A. BALOURIS [redacted]
CHARLES L. BANE [redacted]
CHRISTINE BANKA [redacted]
CRAIG E. BARNES [redacted]
STEVEN L. BARNES [redacted]
THOMAS P. BARNETT [redacted]
DEBBIE LYNN BATTEIGER [redacted]
BRANTLY W. BAYNES [redacted]
ANDREW J. BEHNKE [redacted]
PAUL S. BEIGHLEY [redacted]
GEORGE A. BELECANECH [redacted]
WILLIAM B. BELL [redacted]
WILLIAM BENINATI [redacted]
ERIC H. BENINK [redacted]
STEPHEN J. BERCS [redacted]
SVEN T. BERG [redacted]
GUY R. BIBEAU [redacted]
DAVID K. BILLMAN [redacted]
ROBERT W. BJORAKER, JR [redacted]
ROBERT V. BLAKEBURN [redacted]
MICHAEL L. BLEDSOE [redacted]
HOWARD P. BLOUNT, III [redacted]
LUIS A. BOLANOS [redacted]
KEITH J. BOLYARD [redacted]
MARTIN D. BOMALASKI [redacted]
EUGENE V. BONVENTRE [redacted]
PAUL E. BOOR [redacted]
TOMASZ W. BOROWIECKI [redacted]
EDGAR M. BOYD, JR [redacted]
BRIAN R. BRADSHAW [redacted]
WAYNE A. BREARLEY [redacted]
DANIEL S. BREM [redacted]
ROBERT W. BRENNER [redacted]
SIDNEY B. BREVARD [redacted]
DEAN A. BRICKER [redacted]
JACK L. BRIDGES [redacted]
IRVIN P. BROCK, III [redacted]
DOUGLAS R. BROWN [redacted]
JAMES P. BROWN [redacted]
LAURENCE B. BROWN [redacted]
STEVEN R. BROWN [redacted]
SUSAN A. BROWN [redacted]
TIMOTHY R. BROWN [redacted]
JOEL E. BRUCE [redacted]
LESLIE R. BRYANT [redacted]
BARBARA R. BUCKNAM [redacted]
CHRISTOPHER BUDNY [redacted]
RITA A. BURR [redacted]
MARTIN G. BUTLER [redacted]
GERALD T. BYERS [redacted]
ROBIN W. CALDWELL [redacted]
ROBERT A. CAMBRIDGE [redacted]
MARK S. CAMPBELL [redacted]
SCOTT A. CARLSON [redacted]
MATTHEW T. CARPENTER [redacted]
TIMOTHY J. CARR [redacted]
ANTHONY T. CARTER [redacted]
TIMOTHY D. CASSIDY [redacted]
ANN C. CHILDRESS [redacted]
JOHN R. CHU [redacted]
DAVID A. CIAROLLA [redacted]
MICHAEL S. CITAK [redacted]
CAROLYN CLARKTILLEY [redacted]
MICHAEL J. CLAY [redacted]
DAVID A. COGGINS [redacted]
ADAM J. COHEN [redacted]
DAVID B. COHEN [redacted]
HARRY C. COLE, III [redacted]
JACK E. COLKER [redacted]
JOHN T. COLUMBUS [redacted]
JAMES E. CONLEY [redacted]
DAVID A. COOK [redacted]
DON C. COONCE [redacted]
JANE E. CORNETT [redacted]
PAULA A. CORRIGAN [redacted]
STANLEY L. CRAWFORD, JR [redacted]
MANUEL O. CRESPO [redacted]
ROBERT J. CROWTHER [redacted]
KEVIN CULBERT [redacted]
MOIRA CURLEY [redacted]
STEVEN A. CURRIEO [redacted]
RICHARD T. DAHLEN [redacted]
CLIVE G. DANIELS [redacted]
DAVID G. DAVENPORT [redacted]
JAMES A. DAY [redacted]
BART J. DEBROCK [redacted]
MICHAEL J. DECKER [redacted]
DANIEL J. DECOOK [redacted]
STEVEN C. DECOUD [redacted]
PATRICIA A. DEGROOT [redacted]
MARC M. DEHART [redacted]
CHRISTOPHER A. DEMAIORIBUS [redacted]
ROBERT C. DESKO [redacted]
DAVID E. DEVOID [redacted]
JAMES B. DICKEY [redacted]
LORRAINE A. DICKEY [redacted]
MARCEL V. DIONNE [redacted]
SUDHAKAR DIXIT, [redacted]
STEPHEN DOLAN [redacted]
MARY P. DOURGARIAN [redacted]
GAIL J. DUDLEY [redacted]
RUSSELL D. DUMIRE [redacted]
PATRICIA J. DURY [redacted]
JOHN P. DZIK [redacted]
DAVID A. EARL [redacted]
JAMES D. EASON [redacted]
MICHAEL C. EDWARDS [redacted]
LAURIE P. ELWELL [redacted]
JOHN M. ERBICELLA [redacted]
THOMAS A. ERCHINGER [redacted]
JAMES M. ERTEL [redacted]
JAMES E. EVERSOLE [redacted]
SANDRA KAY FALKENHAIM [redacted]
ROBERT G. FANTE [redacted]
DAVID R. FARRIS [redacted]
DAVID L. FAY [redacted]
JOHN F. FELLER [redacted]
CARMEN A. FERNANDEZ [redacted]
JEANNE M. FERRANTE [redacted]
KELSON M. FIGARO [redacted]
JAMES A. FIKE [redacted]
PETER T. FILIPOV [redacted]
JOHN R. FISCHER [redacted]
CHARLES R. FISHER, JR [redacted]
MARCUS S. FISHER [redacted]
LES R. FOLIO [redacted]
LADONNA D. FORD [redacted]
CHARLES D. FOWLER, JR [redacted]
PETER E. FRASCO [redacted]
CLIFFORD B. FRELING [redacted]
PAMELA M. FRIED [redacted]
SPENCER J. FRINK [redacted]
ANN S. FULCHER [redacted]
MITCHELL A. GARBER [redacted]
BARRY L. GARDNER [redacted]
DAVID GARRETT, JR [redacted]
LARRY DON GEE [redacted]
DIANE C. GEORGE [redacted]
ELENA M. GEOVANES [redacted]
GORDON M. GERSON, JR [redacted]
HOWARD E. GILL, III [redacted]
ARLA A. GILLILAND [redacted]
ROBERT T. GILSON [redacted]
DANIEL C. GINSBERG [redacted]
GUY G. GLATZ [redacted]
LEIGHANNE GLAZENER [redacted]
CARL D. GLIDDEN [redacted]
ROSE L. GLYNNE [redacted]
JOHN S. GOLDEN [redacted]
MICHAEL S. GOLDSTOFF [redacted]
GEOFFREY H. GOLEMBIEWSKI [redacted]
GUILLERMO GONZALES [redacted]
HUBERT L. GOOCH, JR [redacted]
AUDREY L. GRAHAM [redacted]
MARK A. GRAHAM [redacted]
KENDALL E. GRAVEN [redacted]
KEVIN R. GREEN [redacted]
DAVID N. GREENBERG [redacted]
NED J. GROSS [redacted]
JOHN C. GUEVARA [redacted]
MAUREEN M. HACKETT [redacted]
DANIEL L. HAFFNER [redacted]
ANTHONY S. HAGADORNFREATHY [redacted]
SCOTT A. HAGEN [redacted]
EUGENIE T. HAIGHT [redacted]
KEVIN A. HALL [redacted]
LEATON H. HALL [redacted]
ROBERT B. HALL [redacted]
JACQUELYN HALLDAVIS [redacted]
GLENN D. HAMILTON [redacted]
GEORGE ROBERT HANSEN [redacted]
PAUL A. HANSLIK [redacted]
VAUGHN W. HANSON [redacted]
STUART A. HARLIN [redacted]
JEFFERSON H. HARMAN, JR [redacted]
SEAN P. HARNEY [redacted]
PAUL A. HEMMER [redacted]
BARRY A. HENCH [redacted]
DANIEL R. HENLEY [redacted]
LINWOOD J. HENRY [redacted]
WAYNE R. C. HENTSCHEL [redacted]
NEIL E. HERENDEEN [redacted]
SANDRA J. HERRINGTON [redacted]
DARRELL E. HESTER [redacted]
STEVEN M. HETRICK [redacted]
JOHN E. HEUSNER [redacted]
ROBERT W. HICKEY [redacted]
GREGORY A. HILL [redacted]
JAMES B. HOER [redacted]
MICHAEL D. HOFFSTETTER [redacted]
LEWIS A. HOFMANN [redacted]
DAVID E. HOLCK [redacted]
JAMES S. HOLLAND [redacted]
DAG HOLMSEN [redacted]
TERRY M. HOMMEL [redacted]
PATRICK A. HONAKER [redacted]
DANIEL C. HOOD [redacted]
CRAIG HORNBARGER [redacted]
LAURA A. HOTCHKISS [redacted]
LESTER A. HUFF [redacted]
JON W. HUGHES [redacted]
STEVEN W. HUMBURG [redacted]
DARRYL C. HUNTER [redacted]
ROBERT M. HUNTER [redacted]
BART O. IDDINS [redacted]
JANE Y. IKEDA [redacted]
VINCENT L. IMBRIANI [redacted]
FREDERICK S. ISAAK [redacted]
JACQUELYN I. ISLAND [redacted]
VENKATARAO IYYALASOMAYAZULA [redacted]
PHILLIP F. JACKSON [redacted]
ARTHUR M. JAMES [redacted]
LILLIAN S. JARDINE [redacted]
ANTHONY J. JASLOWSKI [redacted]
DAVID M. JENKINS [redacted]
DONALD H. JENKINS [redacted]
STEVEN P. JENSEN [redacted]
TIMOTHY T. JEX [redacted]
DONNA A. JOHNSON [redacted]
KEVIN R. JOHNSON [redacted]
THOMAS R. JOHNSON [redacted]
MICHAEL J. JOHNSTON [redacted]
MICHAEL L. JONES [redacted]
NEIL L. JORGENSEN [redacted]
KAREN E. JOYCE [redacted]
JEFFREY J. JUCHAU [redacted]
EUGENE S. JUSTUS [redacted]
TERESA KANDAH [redacted]
JERROLD J. KARTZINEL [redacted]
ELIZABETH M. KEENE [redacted]
JUDITH E. KERPELMAN [redacted]
KEITH A. KERR [redacted]
MANSUR A. KHAN [redacted]
PHILIP G. KIELY, JR [redacted]
SIK K. KIM [redacted]
AZIZ A. KLAVON [redacted]
MARK R. KLINKER [redacted]
CAROL J. KOEBLE [redacted]
SHARI L. KOGAN, [redacted]
EDWARD W. KOLAR, III [redacted]
CHRISTOPHER KONTOGIANIS [redacted]
ELIZABETH P. KORNEGAY [redacted]
SUSAN L. KORT [redacted]
SALLY A. KRONER [redacted]
DEBORAH A. KULLERD [redacted]
ROSEANNE C. LABARRE [redacted]
MOLLY F. LAIRD [redacted]
CHAD C. LAMB [redacted]
JOSEPH R. LAMB [redacted]
JOHN E. LANCASTER, JR [redacted]
LAURIE B. LANDEEN [redacted]
ROBERT L. LANDGRAF [redacted]
BRIAN W. LANE [redacted]
KEVIN A. LANG [redacted]
ANTHONY J. LANGENFELD, JR [redacted]
MARIO A. LANZA [redacted]
MARY R. LANZA [redacted]
MARK R. LAROSE [redacted]
JAMES C. LARRISON, JR [redacted]
PHILLIP L. LATHAM [redacted]
SAMUEL S. LAU [redacted]
PHILIP J. LAVALLEE [redacted]
MAUREEN P. LAVIN [redacted]
LINDA L. LAWRENCE [redacted]
THEODORE S. LAWSON [redacted]
MYUNG MOO LEE [redacted]
KENNETH S. LEFFLER [redacted]
DOUGLAS S. LEHRER [redacted]
DOUG R. LEIGH [redacted]
PETER E. LETHIN [redacted]
LORI A. LEVI [redacted]
LOREN L. LEWIS [redacted]
STACY K. LEWIS [redacted]
JOHN R. LEYENDECKER [redacted]
JOHN E. LINDNER [redacted]
CHRISTOPHER J. LISANTI [redacted]
KIM E. LOPEZ, [redacted]
KARL F. LOVE [redacted]
MICHAEL J. LOVELY [redacted]
DAVID A. LOWRY [redacted]
WILLIAM L. LUBKE [redacted]
PHILLIP D. LUEBBERT [redacted]
WILLIAM E. LYLES [redacted]
THOMAS E. LYNN [redacted]
WILLIAM D. MACDONALD [redacted]
KATHLEEN C. MADDEN [redacted]
THOMAS J. MAGNER [redacted]
ROBERT J. MAHA, JR [redacted]
ROBERT M. MAKEEVER [redacted]
IVAN A. MALAVE [redacted]
HARRY D. MALCOLM [redacted]
CARLOS E. MALDONADO, JR [redacted]
SUZANNE M. MALIS [redacted]
ROBERT E. MANAKER [redacted]
CURTIS A. MANNING [redacted]
MICHAEL J. MARCHESSEAULT [redacted]
JACOB C. MARSHALL, JR [redacted]
GEORGE A. MARTIN [redacted]
THOMAS V. MARTIN [redacted]
DAVID G. MARTINEZ [redacted]
MERIA G. MARTIROSSIAN [redacted]
MARSHA MASSELINK [redacted]
BRIAN J. MASTERSON [redacted]
JOHN H. MATSUURA [redacted]
FRANK R. MATTIA [redacted]
MARK E. MAVITY [redacted]
KIMBERLY P. MAY [redacted]
NATALIE S. MAYER [redacted]
WILLIAM D. MAYER [redacted]
DAVID M. MCAFEE [redacted]
KURT D. MCCARTNEY [redacted]
RANDY A. MCCOOL [redacted]
LYNN S. MCCURDY [redacted]
BRUCE E. MCGEHEE [redacted]
SUZANNE E. MCGLOHN [redacted]
MICHAEL A. MCGRIFF [redacted]
MICHAEL P. MCGUNIGAL [redacted]
KENNETH M. MCINTRYE, [redacted]
DANIEL P. MCKELLAR [redacted]
JANET I. MCMAHON [redacted]
SUSAN E. MCMANIS [redacted]

ALAN G. MCNABB, [redacted]
MICHAEL G. MCNAMARA [redacted]
MICHAEL P. MCNAMARA [redacted]
SUSAN E. MCNEIL [redacted]
PAUL D. MCWHIRTER [redacted]
THOMAS D. MEACHAM, [redacted]
PATRICIA A. MEIER [redacted]
SCOTT W. MELANSON [redacted]
DALE A. MENARD, JR [redacted]
MICHAEL MERCANDETTI [redacted]
GWENDOLYN MORE MERCER [redacted]
JOHN T. MEREDITH [redacted]
RAPPORT BARBARA J. MESSINGER [redacted]
ANTHONY G. MICCIO, [redacted]
MICHAEL G. MILLER, [redacted]
NORMAN MINDREBO, [redacted]
JOHN MIRABELLO, [redacted]
NANCY A. MIRANDA [redacted]
JOSEPH P. MIRANTE [redacted]
KENNNETH J. MISHARK [redacted]
JONAS O. MOEN [redacted]
MELISSA M. MOILAN [redacted]
JON D. MOLIN, [redacted]
JEFFREY S. MOORE [redacted]
WILLIAM A. MOORE, [redacted]
PETER C. MORAN, [redacted]
STEPHAN G. MORAN [redacted]
PETER J. MORELLI [redacted]
CHRISTOPHER W. MORGAN [redacted]
RICHARD D. MORGAN, [redacted]
KENNETH A. MORHAIN [redacted]
RICHARD P. MORSE [redacted]
STEVEN W. MORTENSON [redacted]
ROBERT W. NAEF, III [redacted]
DIANE C. NAPOLI [redacted]
PATRIC Y. NASSAUX [redacted]
GREGORY S. NEAL [redacted]
JOSEPH A. NEWELL [redacted]
JENNIFER L. NEY [redacted]
MARGARET K. NICHOLS [redacted]
STEPHEN J. NILES, [redacted]
JOHN C. NOTARO, [redacted]
DAIN NOVAK, [redacted]
RUTH U. OAKS [redacted]
DAVID M. OBRIEN [redacted]
LORETTA M. OBRIEN [redacted]
DANIEL M. OCKNER, [redacted]
AMY ELIZABETH OKSA [redacted]
WILLIAM J. OLIGMUELLER [redacted]
KENNETH N. OLIVIER [redacted]
MELANIE D. OLSON [redacted]
MARGRETTA A. OREILLY [redacted]
CARL L. OVERMILLER [redacted]
GREGORY R. OWENS, [redacted]
JOSEPH V. PACE [redacted]
KAREN L. PADDOCK, [redacted]
TAMMY E. PANNELL [redacted]
LARRY W. PARSONS [redacted]
AUGUST C. PASQUALE, III [redacted]
CRAIG P. PATTERSON [redacted]
ALBERT W. PEARSALL, IV [redacted]
JOHN R. PEARSALL [redacted]
TIMOTHY LEE PENDERGRASS [redacted]
KATHERINE A. PETERS [redacted]
DAVID W. PETERSON [redacted]
KRISTIN K. PETERSON [redacted]
BRIAN D. PEYTON [redacted]
ROGER N. C. PHAM [redacted]
CHRISTOPHER J. PHILLIPS [redacted]
ANDRE F. PICHON, [redacted]
EDWIG K. PLOTNICK, [redacted]
LEONARD A. PLUNKETT [redacted]
JON E. POPOVICH [redacted]
KIM A. PORTERFIELD [redacted]
ELISHA T. POWELL, IV [redacted]
JOSEPH L. PRATT [redacted]
JAMES R. PRINCE [redacted]
JOSE M. PUJOL [redacted]
JURIS PURINS [redacted]
JEFFREY P. QUAM [redacted]
DAYLE QUIGLEYMALCOLM [redacted]
JAMES M. QUINN [redacted]
ARNALDO R. QUINONES [redacted]
WILLIAM S. RAMBO [redacted]
PETER A. RAMIREZ [redacted]
LINDA E. RANGE [redacted]
THOMAS W. RATLIFF [redacted]
BRIAN V. REAMY [redacted]
LAWRENCE RECCOPPA, [redacted]
CHRISTIANNE M. RECKLEY [redacted]
SCOTT A. RESWEBER [redacted]
AUDRY G. RHODES [redacted]
RANDALL E. RHODES [redacted]
MARK W. RICHARDSON [redacted]
WILLLIAM R. RICHARDSON [redacted]
JESSICA B. RICHMOND [redacted]
MATTHEW R. RICKS, [redacted]
ROBERT C. RIGBY, [redacted]
STEPHEN C. RIGGS [redacted]
DIANE C. RITTER, [redacted]
GERANT RIVERA, [redacted]
EDGARDO J. RIVERARIVERA, [redacted]
BARBARA LYNN ROACH [redacted]
JOSEPH F. ROBERTS [redacted]
LYNETTE C. ROBERTS, [redacted]
MARC S. ROBINS, [redacted]
PAULA R. ROBINSON [redacted]
JEFFREY L. ROCHEN [redacted]
REBECCA D. RODIE [redacted]
GLISETTE RODRIGUEZ, [redacted]
HILTON J. RODRIGUEZ, [redacted]
JAMES K. RONE, [redacted]
BRET A. ROSANE, [redacted]
VALERIE H. ROSS [redacted]
JOSEPH L. RUEGEMER [redacted]
BRIAN W. RUSS, [redacted]
GARY D. RUSSELL [redacted]
SCOTT A. RUSSI [redacted]
MARC S. RUSSO [redacted]
ANDREW H. RUZICH, [redacted]
CHRISTOPHER W. RYAN [redacted]
MICHAEL S. SAENGER [redacted]
LINDA M. SAKAI [redacted]
JOSEPH S. SAVAGE [redacted]
PATRICIA H. SAWYER [redacted]
BRIAN P. SCHAFER [redacted]
CHRISTINE MICHELLE SCHAFER, [redacted]
JONATHON C. SCHNITKER, [redacted]
CATHY J. SCHOORENS, [redacted]
HEATHER M. SCHULTE [redacted]
JOHN G. SCHULTE, [redacted]
GLENN J. SCHULTES, [redacted]
DON A. SCHULTZ, [redacted]
SCOTT H. SCHULTZ, [redacted]
STEPHEN M. SCHUTZ [redacted]
MICHAEL R. SCHWARTZ, [redacted]
STEPHEN L. SCHWARTZ [redacted]
STEPHEN D. SCOTTI [redacted]
GREGORY S. SEAL [redacted]
THOMAS M. SEAY, [redacted]
CURTIS M. SEITZ, [redacted]
JEFFREY M. SEIZYS [redacted]
GUSTAVO SERRANO, [redacted]
CHARLES A. SHAPIRO [redacted]
MICHAEL L. SHAPIRO [redacted]
RICHARD K. SHARP, [redacted]
KEVIN P. SHEAHAN [redacted]
HEATHER ANN SHELTON [redacted]
PAUL E. SHINGLEDECKER [redacted]
ROBERT D. SHUTT [redacted]
PATRICIA A. SILVIA [redacted]
BARBARA T. SITTON [redacted]
MARK E. SLAVEN, [redacted]
NADIA C. SLYSH, [redacted]
DAVID L. SMITH [redacted]
MICHAEL A. SMITH, [redacted]
MICHAEL A. SMITH [redacted]
STANLEY G. SMITH, [redacted]
TED R. SMITH, [redacted]
MICHAEL R. SNEDECOR, [redacted]
LISA R. SNOW, [redacted]
JAMIE L. SNYDER, [redacted]
ALBERT L. SOLOMITO [redacted]
LISA D. SOMERSON, [redacted]
DAVID G. SORGE, [redacted]
ALAN J. SORKEY, [redacted]
THERESA B. SPARKMAN [redacted]
GREGORY A. SPENCER [redacted]
NEIL O. SPENCER, [redacted]
BRUCE D. SPINZIG [redacted]
MARISS L. SRADERS [redacted]
CRAIG H. STAGG, [redacted]
KENNETH E. STAGGS [redacted]
MICHAEL D. STAMATAKOS, [redacted]
NICHOLAS W. STANEK, [redacted]
RICHARD A. STANGLER, [redacted]
JOHN L. STANLEY [redacted]
RUSSELL B. STAPLETON, III [redacted]
TIMOTHY R. STAPLETON [redacted]
PHILIP J. STARCESKI [redacted]
ANDREW J. STASKO [redacted]
RAYMOND M. STEFKO [redacted]
STEVEN R. STEINHUBL [redacted]
JAMES A. STEVENS, JR [redacted]
MATTHEW B. STEVENS, [redacted]
TIMOTHY P. STEVENS [redacted]
KEVIN A. STIERER [redacted]
TROY F. STOREY [redacted]
ROBERT C. STREETER [redacted]
JOHNNIE W. STRICKLAND, JR [redacted]
ROBINSON H. STUBLEY, III [redacted]
DAVID E. SULLIVAN [redacted]
WAYNE K. SUMPTER, [redacted]
JOHN A. SUNDELL, [redacted]
JEFFREY J. SUTTON [redacted]
DOUGLAS J. SWANK, [redacted]
JOHN C. TABB, [redacted]
COLLEEN C. TALLEN, [redacted]
WILLIAM S. TANKERSLEY [redacted]
MAUREEN C. TERRAZANO, [redacted]
GREGORY J. THESING, [redacted]
DAN E. THOMAS, [redacted]
ROBERT A. THOMAS [redacted]
ROBERT S. THOMPSON, [redacted]
KAREN S. THROWER, [redacted]
PHILIP T. THWING, [redacted]
PAUL W. TOWNER, [redacted]
PATRICK W. TOWNSEND, [redacted]
JAMES W. TRAUTH [redacted]
PHILIP TRIFFLETTI [redacted]
ROBERT T. TROIANI, JR [redacted]
WILLIAM BRADLEY TROUTMAN, [redacted]
ERIC C. TROYER, [redacted]
JAMES E. TUREK, [redacted]
MICHAEL JOHN UHRIK, [redacted]
HOEK TODD LEE VANDEN, [redacted]
ELIZABETH A. VANDERBURGH [redacted]
MARK P. VANDERBURGH, [redacted]
LORI L. VANHORN, [redacted]
RICHARD D. VATT [redacted]
WALTER D. VAZQUEZ, [redacted]
JAY L. VIERNES [redacted]
STEPHEN M. VOLTAREL [redacted]
MARY J. WAGNER, [redacted]
JOHN A. WAITES, [redacted]
LANE L. WALL, [redacted]
GEORGE S. WALMSLEY, [redacted]
JOHN F. WALSH, [redacted]
LAURENCE E. WALSH, [redacted]
DIANE E. WALTER, [redacted]
JAMES W. WALTER, [redacted]
LINDA M. WANG, [redacted]
KATHRYN C. WAREHALL, [redacted]
BRYAN D. WARNER, [redacted]
DENNA E. WASHINGTON [redacted]
DENNIS D. WEAVER [redacted]
PAMELA S. WEBBER [redacted]
BEVERLY F. WEDDA, [redacted]
SCOTT A. WEGNER, [redacted]
ERIC S. WEINSTEIN, [redacted]
JAMES H. WELCH, [redacted]
MATTHEW P. WICKLUND [redacted]
LORI ANN R. WILCOX, [redacted]
GUSTAV C. WILDE, [redacted]
SUSAN S. WILDER [redacted]
SHARI D. WILLIAMS [redacted]
TRACY G. WILLIAMS [redacted]
KRISTINE M. WILLS [redacted]
DOUGLAS R. WILSON, [redacted]
JUERGEN G. WINKLER, [redacted]
BRIAN E. WINN, [redacted]
JOE B. WISEMAN, [redacted]
RICKY D. WOLFE, [redacted]
EDWARD A. WOLFF, III [redacted]
WILLIAM A. WOMACK, [redacted]
ALLEN WONG, [redacted]
ANDREW KI WONG, [redacted]
KEVAN L. WONG, [redacted]
KONDI WONG, [redacted]
MICHAEL T. WONG, [redacted]
JOHN B. WOOD, III, [redacted]
WILLIAM A. WRAY, [redacted]
GARY D. WRIGHT, [redacted]
ROBERT E. WRIGHT, [redacted]
SUSAN K. WYNNE [redacted]
WAY YIN, [redacted]
GAVIN S. YOUNG, [redacted]
PAUL A. YOUNG, [redacted]
DANIEL J. YOUSIF [redacted]
VINCENT CHAIWAN YU, [redacted]
RICHARD D. ZENN, [redacted]
MARY L. ZOZULIN, [redacted]

EXTENSIONS OF REMARKS

NATIONAL LAW ENFORCEMENT TRAINING WEEK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. CASTLE. Mr. Speaker, on behalf of Representative VUCANOVICH and myself, I am pleased to introduce legislation designating January 2, 1994 through January 8, 1994 as "National Law Enforcement Training Week."

Mr. Speaker, this legislation will help call attention to, and promote, the vital role law enforcement training plays in ensuring that our police officers are able to perform their duties at the highest level possible. Our society has grown increasingly complex, and unfortunately more violent. These changes have placed a tremendous burden on our law enforcement officers. Police officers are now called upon to deal with encounters ranging from domestic disputes to gang warfare and hostage situations. These situations too often involve confronting heavily armed criminals.

Because of the dangerous nature of today's law enforcement duty, it is critical they have the finest training available. This training is provided by experienced professionals who educate their colleagues on the most effective and up-to-date techniques available for combating crime and protecting the public's safety.

To honor these training professionals and to call attention to their efforts, it is my hope Congress will designate the week of January 2, 1994 as "National Law Enforcement Training Week." In the past, Congress and the President have seen fit to honor these fine professionals and I strongly recommend that my colleagues do so again for 1994.

RIVERSIDE COUNTY, CA CELEBRATES CENTENNIAL

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. McCANDLESS. Mr. Speaker, as part of historic Riverside County, CA, Centennial Celebration, the centennial board foundation has arranged a river-to-river ride, which will take place from April 3 to 17. A pony express style relay will originate on the banks of the Colorado River in Blythe, in the 44th Congressional District that I have the honor to represent. It will traverse one of the most interesting and beautiful counties in this Nation—Riverside—and culminate at the county parks headquarters on the Santa Ana River.

On the way, volunteer citizen riders will follow the historic Bradshaw Trail, through the San Gorgonio Pass, through Banning and the Gilman Ranch, and on through Moreno Valley to Riverside.

Not only will the riders see some interesting sights, but surely they will also hear the echoes of all those Riverside Countians who settled in 100 years before. Were our ancestral neighbors able to ride along, they would be stunned by the growth and progress of our area. But they would be comforted by the fact that our present-day riders are much like they were: Looking for opportunity, a good place to raise a family and to put down roots in a changing world.

While the rumor that I was at the founding celebration of Riverside County in 1893 is not true, I will certainly be at its centennial. The ride's half-way point will be in Indio, in the heart of the 44th Congressional District, where one and all will celebrate with a wild west show, exhibition and BBQ—Riverside County style. I ask my colleagues to join me in congratulating Riverside County on its first 100 years.

THE NATIONAL PARK SYSTEM REFORMATION ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. HEFLEY. Mr. Speaker, today I rise to introduce the National Park System Reformation Act, which I hope will provide some direction to this body's tendency to create new parks it cannot afford. My bill is companion to a similar measure, S.471, introduced by Senator MALCOLM WALLOP of Wyoming a few weeks ago.

For the past 2 years, I have been a member of the House Committee on Natural Resources. A recurring theme during those 2 years has been the Park Service's backlog on construction, maintenance, and acquisition. This backlog is usually estimated by the Park Service to run around $6 billion. Although the Parks Subcommittee chairman, the gentleman from Minnesota, Mr. VENTO, questions that figure, no one can argue that the Park Service has fallen far behind in its repair work. The roof on Independence Hall was leaking, many other park facilities had health or safety shortfalls, and operational funds were so limited that the Park Service proposed to close the Skyline Drive for 6 months out of the year.

A few weeks ago, the Parks Subcommittee held a hearing on the subject of the $6 billion backlog. I can't say it was ever fully resolved whether the backlog was lower or even higher, but one statement was made—our desire for new parks is sapping our ability to care for existing ones and, in many cases, has outstripped our ability to fund these new ones. The acting director of the Park Service admitted that parks have been created which do not meet the criteria of national significance. Some of the new ones somehow run for years with no operating budgets to speak of.

Secretary Babbitt has stated that new parks are the purest expression of popular desires but, as was stated many times in the past presidential campaign, we can no longer satisfy everyone's desires. We aren't Santa Claus. It's time for us to develop basic requirements for national parks, to ask the Park Service what holes need to be filled in the park system, repair what we have and, finally, to cut loose those properties that do not belong there in the first place.

My bill would establish a 2-year, 13-member National Park System Strategic Planning Commission to develop such a comprehensive plan. The commission, which would include experts in science, history, architecture, law, and land use, among others, would study and hold hearings on Park Service needs, then issue a report of its findings.

The report would likely include recommendations for the termination of Park Service management at nonessential areas. These recommendations would be made after consultations with various State and local authorities and with private entities that have shown an interest, in operating these facilities. In this way, my bill follows the example of the military and the base-closing commission. The Pentagon has recognized the need to prioritize in a time of changed circumstances; my bill suggests the Park Service should do the same.

The bill establishes a criterion for the establishment of new parks. If, as one historian stated, our national parks "are the Nation's history book," then we should aim toward a full text. The Park Service should be directed to develop a plan of what is needed to present as comprehensive a view of the Nation's natural and cultural history as is reasonably and fiscally possible, then issue specific recommendations for carrying out that mission.

Finally, the bill establishes the American Heritage System, a new partnership between the National Park Service and those resources which do not necessarily belong in the National Park System. Under this, matching grants and technical assistance would be provided to those areas which show a willingness to preserve sites on their own, but need some financial and technical help.

Before closing, I would like to recognize the efforts of our former colleague, Robert Lagomarsino, who first developed this bill in the last Congress. As many of you know, Bob served for years as ranking member on the National Park Subcommittee, was responsible for creation of the Channel Islands National Park and cared as much about our Parks System as any man. But he knew, from personal experience, that we have to set priorities. He spent much of last year trying to get money to prevent the degradation of the Channel Islands.

Mr. Speaker, I doubt there's anyone who doesn't like the Park System. They are fascinating places, our crown jewels, as it were;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

great places to take our families to learn and to recreate. But they won't be able to maintain that standard unless we set some limits. I hope this bill will do that and I hope my colleagues will join me in this effort by cosponsoring this bill

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Reformation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Park Service was created in 1916 and is charged by Congress to provide for protection and management of nationally significant natural, cultural, and recreational resources throughout the country;

(2) the National Park System has now expanded to incorporate over 360 diverse units and is continuing to expand;

(3) in the 75 years since the National Park System was established, certain units have been added to the System which have resulted in permanent financial commitments on behalf of the Federal Government for areas which lack national significance, suitability, or feasibility and diverting funds from deserving units of the National Park System;

(4) while the National Park Service has completed a number of broad natural and cultural theme studies as well as numerous site-specific studies, it has no systematic plan or program to ensure that the most important areas are considered for addition to the National Park System; and

(5) in addition to refinement of the National Park System, there exists a serious need to strengthen National Park Service programs with respect to providing assistance in the management of natural, cultural, and recreational resources which do not belong in the National Park System.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the National Park System Strategic Planning Commission established by section 101.

(2) The term "Secretary" means the Secretary of the Interior.

TITLE I—DEVELOPMENT OF A COMPREHENSIVE PLAN FOR THE FUTURE OF THE NATIONAL PARK SYSTEM

SEC. 101. NATIONAL PARK SYSTEM STRATEGIC PLANNING COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the National Park System Strategic Planning Commission whose purpose shall be to develop a long-term plan to outline a direction for the National Park System.

(b) MEMBERS.—The Commission shall consist of 13 members appointed by the Secretary based on consultation with constituencies representing each of the areas of expertise referred to in paragraphs (1) through (12). Each of the Commission members shall have substantial experience in the member's area of expertise and understanding of the National Park System and shall be free of economic conflict of interest in terms of employment or other economic benefit which the member would expect to receive solely by virtue of the member's service on the Commission. Of the members of the Commission—

(1) one shall be a recognized expert in botany;

(2) one shall be a recognized expert in wildlife ecology;

(3) one shall be a recognized expert in the field of natural systems;

(4) one shall be a recognized expert in geomorphology;

(5) one shall be a recognized expert in American history;

(6) one shall be a recognized expert in archaeology;

(7) one shall be a recognized expert in historical architecture;

(8) one shall be a recognized expert in anthropology;

(9) one shall be a recognized expert in social science with expertise in outdoor recreation;

(10) one shall be a recognized expert in protection of private property rights;

(11) one shall be a representative of a national conservation group;

(12) one shall be a representative of park recreational users; and

(13) one shall be the Director of the National Park Service, ex officio.

(c) CHAIR.—The Commission shall elect a chair from among its members.

(d) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) TERMINATION.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in section 104.

SEC. 102. STAFF OF THE COMMISSION.

(a) LIMITATION ON NATIONAL PARK SERVICE STAFF.—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(b) STAFF OF OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

SEC. 103. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(c) DELEGATION.—When so authorized by the Commission any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) MAILS.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 104. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—The Commission shall prepare a plan to outline the direction of the National Park System. The plan shall be designed to guide the National Park System for the next 10 to 20 years. This plan shall include the following:

(1) A statement of goals and objectives for use in defining the role of the National Park System in preserving our national heritage, relative to other efforts at the Federal, State, local, and private levels.

(2) Detailed criteria to be used in determining which natural and cultural resources are appropriate for inclusion within the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type and which aspects of the American heritage are adequately represented in the existing National Park System or in other protected areas.

(4) Identification of appropriate aspects of American heritage not currently represented in the National Park System.

(5) Priorities of sites which should be added to the National Park System in order to provide more complete representation of our Nation's heritage, including an outline for completion of the National Park System with respect to natural areas.

(6) The role of the National Park System with respect to such topics as preservation of industrial America, preservation of nonphysical cultural resources, and provision of outdoor recreation opportunities.

(7) Identification of those areas which are more appropriately managed outside the National Park System based on such factors as duplication within the National Park System, better representation of a particular resource type under management of another entity, lack of significance, lack of management feasibility, cost, and lack of visitor accessibility.

(b) CONSULTATION.—During the preparation of the plan under subsection (a), the Commission shall consult with the Secretary of the Interior, the Governors of affected States, the National Park System Advisory Board, affected units of local government, State and local resource management and recreation organizations, scholarly organizations, park inholders, and such other interested parties as the Commission deems advisable. These consulations shall also include appropriate opportunities for public testimony and comment.

(c) TRANSMITTAL TO THE SECRETARY AND CONGRESS.—Not later than 2 years after the date that funds are made available to carry out subsection (a), the Commission shall transmit the plan developed under this section simultaneously to the Secretary and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated not to exceed $500,000 to carry out the purposes of this section.

SEC. 105. TERMINATION OF NATIONAL PARK SERVICE MANAGEMENT AT NON-ESSENTIAL NATIONAL PARK SYSTEM AREAS.

(a) TERMINATION OF NATIONAL PARK SERVICE MANAGEMENT.—The Secretary shall—

(1) terminate National Park Service Management at all park areas as recommended by the Commission in the report transmitted to the Secretary pursuant to section 104;

(2) initiate all such actions not later than 2 years after completion of the report and shall complete termination of National Park Service management at all areas no later than 5 years after completion of the report;

(3) before taking any action with respect to disposal of any surplus real property or facility located at any park, consult with the Governor of the State and the heads of the local governments and any interested nongovernmental entities for the purpose of considering any plan for the use of such property by State or local governments or nongovernmental entities; and

(4) carry out this title without regard to any provision of law restricting the use of funds for purposes as outlined in section 105 as may be included in any authorization or appropriation Act.

(b) EXCEPTION.—The Secretary may not carry out any action under section 105 if, within the 60-day period beginning on the date on which the Commission submits its report to Congress, a joint resolution rejecting all recommendations of the Commission for termination of National Park Service management of park areas is enacted. The days on which either House of Congress is not in session because of an adjournment of more than 3 days shall be excluded in the computation of such 60-day period.

(c) APPLICABILITY OF OTHER LAW.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

(A) the actions of the Commission, including selecting the parks which the Commission recommends for termination of National Park Service management under this title and making its report to the Secretary and the committees under section 104; and

(B) the actions of the Secretary in establishing the Commission and in transmitting the report to the committees under this section.

(2) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary during the process of terminating National Park Service management of a park after such park has been selected by the Commission. In applying the provisions of such Act, the Secretary shall not have to consider—

(A) the need for terminating National Park Service management at a park which has been selected by the Commission; or

(B) alternative parks other than those selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable to this title, may not be brought later than the 60th day after the date of such action or failure to act.

(d) DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary, with respect to excess and surplus real property and facilities located at a park identified in section 105—

(A) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(B) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (A), the Secretary shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this title governing utilization of excess property and disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this title governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(e) REPORTS.—As part of each annual budget request for the Department of the Interior, the Secretary shall transmit to the appropriate committees of Congress a schedule of actions to be carried out under this title in the fiscal year in which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions.

SEC. 106. TRANSFER OF FUNDS FROM PARK AREAS WHERE NATIONAL PARK SERVICE MANAGEMENT IS TO BE TERMINATED.

All funds appropriated or otherwise made available for operation of park areas identified in section 105 shall remain available for allocation to other units of the National Park System.

SEC. 107. LIMITATION ON ESTABLISHMENT OF NEW AREAS OF THE NATIONAL PARK SYSTEM.

Until the Commission transmits its report to Congress in accordance with section 104 of this title, the Secretary may not implement any legislation establishing new units of the National Park System, except for areas studied by the National Park Service pursuant to a specific congressional authorization enacted prior to the date of enactment of this Act.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. NEW AREA STUDIES FOR UNITS OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary shall undertake and submit to the appropriate committees of Congress reports of such new area studies as are herein or may hereafter be authorized by Congress for the purpose of determining the feasibility and suitability of designating areas for addition to the National Park System and any feasible alternatives to such action. The Secretary shall undertake both site specific and thematic studies. All such studies shall be made in consultation with affected agencies at the Federal, State, and local levels, public and private organizations and concerned landowners and users. Each study shall be completed in compliance with the National Environmental Policy Act of 1969 and with an appropriate level of public involvement, including public meetings in the vicinity of the study area.

(b) FACTORS.—All new area studies referred to in this section shall consider each of the following—

(1) whether the resource is nationally significant in that it represents one of the most important examples of a particular resource type in the country,

(2) whether similar resources are already protected in the National Park System or in other Federal, State, or private ownership,

(3) whether the unit is of appropriate configuration to ensure long-term resource protection and visitor use,

(4) whether any other management entity would be more appropriate,

(5) public use potential,

(6) resource integrity,

(7) cost-effectiveness of such designation associated with both acquisition and annual operation, and

(8) socioeconomic impacts of any designation.

(c) CONGRESSIONAL TESTIMONY.—When submitting testimony or other recommendations to Congress regarding any potential addition to the National Park System, the Secretary shall specifically address all factors required to be considered under subsection (b).

(d) REPORTS TO CONGRESS.—Within 18 months after the date that funds are made available for the study of an area designated pursuant to subsection (d), the President shall transmit to the Congress a report of such study. Each such report shall indicate the suitability and feasibility of authorizing the area as a unit of the National Park System and any feasible alternative to such action. The report shall identify a preferred alternative and also discuss any contentious issues related to each alternative considered.

SEC. 202. PRIORITY LIST OF POTENTIAL PARK SYSTEM ADDITIONS.

(a) LIST.—The National Park Service shall develop and maintain a single list of units in order of their numerical priority for potential addition to the National Park System. This list shall be initially comprised of areas for which the agency has completed adequate new area studies which are consistent with the plan developed under section 104. The list shall be updated and republished periodically.

(b) ESTABLISHING PRIORITIES.—In addition to the factors referred to in section 201(b), the Secretary shall consider each of the following in establishing priorities for inclusion of new areas in the National Park System—

(1) imminence of any threats to the resource or nature of ongoing degradation,

(2) extent to which similar resources are protected by the National Park Service or by another entity,

(3) cost escalation factors,

(4) level of local and general public support, and

(5) any other factors deemed appropriate by the Secretary.

(c) TRANSMISSION OF PRIORITY LIST TO CONGRESS.—At the beginning of each Congress, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, a copy of the most recent numerical priority list prepared under this section. In addition, the Secretary is encouraged to periodically transmit any recommendations for new area studies which he deems appropriate. Such recommendations should be based on an objective preliminary review of such proposals.

(d) CONGRESSIONAL TESTIMONY.—When submitting testimony or other recommendations to Congress concerning any new additions to the National Park System, the Secretary shall include the priority ranking of the area on the nationwide priority list.

SEC. 203. REPEAL OF EXISTING STATUTE.

Section 8 of the Act entitled "An Act to improve the Administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-5), is amended by striking out the first through the seventh sentences of subsection (a).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each fiscal year to carry out this title. Half of these funds shall be allocated for planning purposes and the other half shall be allocated for expansion of the congressional support services. These funds shall be in addition to any funds authorized by Congress for specific studies directed by Congress.

TITLE III—ENHANCED NATIONAL PARK SERVICE TECHNICAL ASSISTANCE PROGRAM FOR PROTECTION AND MANAGEMENT OF NATURAL, CULTURAL, AND RECREATION SITES

SEC. 301. ESTABLISHMENT OF THE AMERICAN HERITAGE SITE SYSTEM.

(a) IN GENERAL.—In order to better protect natural, cultural, and recreational resources of national or State significance which do not belong in the National Park System, there is hereby established the American Heritage System. This program is intended to provide recognition for a diversity of special places of American Heritage. These American Heritage Sites will range in complexity from relatively small sites comprised of a single historic structure to geographic regions and landscapes. In these larger landscapes, the pursuit of economic opportunity and enhancement of the quality of life of residents will often be at least as important as stewardship of natural and cultural resources.

(b) ADMINISTRATION.—These sites would be administered by State and local governments as well as private entities in partnership with private landowners and community organizations, with technical assistance from the Federal Government. Federal funds will be available on a matching basis only, but shall not be used for either land acquisition or for day-to-day operations and management. The Secretary shall establish broad criteria and guidelines governing the selection and management of American Heritage sites.

(c) ESTABLISHMENT PROCESS.—The National Park Service shall establish a grant program to conduct studies of sites for potential designation as American Heritage sites as follows:

(1) When the National Park Service receives a request for funding by a project proponent, the agency shall conduct a preliminary investigation of the site, in conjunction with other State and local entities, to determine if any further Federal involvement is appropriate.

(2) If the site is found to merit further consideration for potential designation, the Secretary shall provide a grant to the project proponent to carry out the study. The National Park Service may provide technical assistance during the study process upon the request of the State or local government.

(3) Based on a review of the study, the Secretary shall periodically submit proposals for designation of American Heritage sites to Congress.

(d) PLAN OF OPERATIONS.—After designation, the primary managing body (identified in the legislation designating the site) shall prepare a plan of operations which shall be transmitted to the Secretary.

(e) ASSISTANCE.—As part of the plan implementation, special Federal technical and financial assistance would be granted during a specified period (not to exceed 10 years), after which time the project would be expected to rely on other funding sources, including other existing Federal assistance programs. In addition, the Secretary shall periodically conduct on-site evaluations of the site to ensure its continued operation in conformance with guidelines of the Secretary.

(f) DIRECTOR OF PROGRAM.—The American Heritage Program shall be under the direction of a Deputy Director for Non-Federal Conservation and Recreation.

SEC. 302. DEFINITION OF NATIONAL PARK SYSTEM.

Section 2(a) of the Act entitled "An Act to facilitate the management of the National Park System and miscellaneous areas administered in connection with that System, and for other purposes", approved August 8, 1953 (16 U.S.C. 1c), is amended to read as follows:

"SEC. 2. (a)(1) The 'National Park System' shall include both designated areas and affiliated areas which are administered by the Secretary of the Interior through the National Park Service in accordance with a specific Act of Congress.

"(2) Designated areas of the National Park System are those areas with Federal land ownership and where the National Park Service has primary responsibility for the management and protection of the site.

"(3) Affiliated areas are those areas which are administered on a partnership basis with Federal and non-Federal funds. Federal involvement typically includes technical assistance and may also include Federal support for daily operation of the area and Federal land acquisition authority for a specified period of time.".

IMPACT OF ADMINISTRATION POLICIES ON DOMESTIC OIL INDUSTRY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. LIVINGSTON. Mr. Speaker, as we continue debate on administration policies and legislation impacting our Nation's domestic oil industry, I commend to my colleagues the following article by Mr. C. Grady Drago in the February issue of the Lincoln Heritage Institute's "The Address":

KEEP YOUR EYES ON YOUR FRIENDS

(By C. Grady Drago)

In the past fifteen years, the domestic oil industry has lost from 600,000 to 700,000 jobs, depending on the study you choose to believe. In either case, it is the largest loss of domestic jobs suffered by any sector of our economy.

During this period, the domestic oil industry has been negatively impacted, not only from a combination of pricing and production policies by OPEC nations, but to a greater degree by overzealous and oppressive federal regulations and non-productive tax policies. Instead of supporting an industry that is vital to our nation's defense, industry, and economy, the federal government has once more taken the opposite tack and forced U.S. oil companies to invest their capital in foreign lands.

Shortly after the oil crisis in the seventies and early eighties, our importation of foreign oil dropped from approximately 42 percent to about 30 percent. However, because of OPEC's dominance of the world market and because of restrictive federal regulatory and land leasing policies, we are now close to importing 50 percent of our oil. In the process, we are becoming more dependent for our oil on the most volatile area in the world: Iraq, Iran, and Saudi Arabia control over 50 percent of the worlds produceable oil. The result is an inadequate and unstable source of domestic oil and gas, as well as a shortfall of identified and produceable oil and gas resources. The losers, as usual, are the American citizen, industry, and economy.

Industries vital to domestic oil and gas development (such as the all but defunct steel fabricating plants that produce exploration and production platforms) are disappearing. The infrastructure that is needed to explore and produce oil and gas in the U.S. is now beginning to wane.

Exploration and development of oil and gas are very expensive. Several millions of dollars are spent simply to prepare to bid for mineral rights; several millions more are spent to prepare for exploratory drilling. Only one in sixteen wells drilled in frontier areas contain enough resources to be produced, and it can cost up to $50,000,000 to drill one frontier exploratory well. Add this to existing and ever-changing federal and state regulatory policies and you have an industry that is stifled and in doubt that it will be allowed to produce the resources it discovers.

Is it any wonder that domestic oil companies (particularly the majors) have been decreasing their investment in the U.S. and are instead investing heavily in foreign nations just for the opportunity to explore for oil? Today it is not unusual for 70 percent of a U.S. oil company's exploration and development budget to be invested in foreign countries. Even non-majors are investing in countries such as Peru, where governments are unstable but where there exists a predictable investment atmosphere.

The ability of the U.S. oil industry to respond to national emergencies is beginning to fade. It takes five to fifteen years to go from exploration to production of oil and gas in a new field. If trends are not reversed, we may face a national crisis equaled only by the great depression and WW2.

This need not be, particularly when you consider that the major restraints on industry and its ability to produce oil and gas are the result of conscious and deliberate acts on the part of the federal government and its regulators.

Hundreds of safety and environmental laws and regulations are in place to provide for the safe and orderly exploration and production of billions of barrels of oil and trillions of cubic feet of gas. As is the case with the passage and enforcement of regulations, the refusal to lease mineral rights on public lands also is a conscious and deliberate decision on the part of the federal government. It is astounding that approximately 60 percent of this nation's estimated oil and gas resources are located on lands under the control of the federal government and are being deliberately withheld from lease.

What would the consequences be if our government curtailed their restrictive policies? First, we would be less dependent on foreign oil. Second, we would develop a secure and stable source of oil and gas for the nation. Third, we would create hundreds of thousands of jobs. Fourth, we would generate billions in tax revenues. Finally, the oil industry would have to pay the U.S. Treasury billions in oil and gas royalties. The issue of environmental and safety regulations and their impact on industry and jobs in this nation is the subject of an investigation and study the Lincoln Heritage Institute will shortly undertake.

Keep your eyes on your friends; you know where your enemies are coming from.

THE COMMUNICATIONS COMPETITIVENESS AND INFRASTRUCTURE MODERNIZATION ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. BOUCHER. Mr. Speaker, today I am pleased to join with the gentleman from Ohio, Mr. OXLEY, in introducing the Communications Competitiveness and Infrastructure Modernization Act of 1993.

Our bill provides telephone companies with the economic incentives to modernize the telecommunications infrastructure and opens the way for competition in the cable television market by lifting the restriction contained in the 1984 Cable Act which prevents telephone companies from offering cable TV service in their telephone service areas.

There has been a great deal of talk lately about building an information superhighway—an interactive communications network capable of delivering voice, video, and data simultaneously and serving every home and business in America. Just about everyone agrees that the building of this network should be a national goal. The question is how do we get there? The Federal Government should not build this network. Government's role is only to fund research and development of advanced networking technologies and to set standards and protocols.

The telephone industry should build the network. Our legislation will create the financial incentives necessary to encourage the telephone companies to build a fully interactive state-of-the-art network consisting of fiber optics and other broadband technology. The passage of our bill will result in the rapid deployment of such a broadband network into homes and businesses nationwide.

Japan expects to have a nationwide fiber optic network serving every home and business by 2015. Businesses in the United States need the same high speed data transmission capabilities which that deployment will give to their Japanese counterparts. Our telephone industry will deploy a broadband network nationwide during the next 20 years if it has the financial incentive which the right to offer cable television service will provide. Our legislation will, therefore, ensure broadband deployment in the United States within approximately the same timeframe as is contemplated by the Japanese.

A second benefit of our legislation is that it will allow telephone companies to provide head-to-head competition to cable TV operators. Today, only one company provides cable TV service in virtually all American localities. By virtue of their monopoly status, cable operators were able to raise their rates three times as fast as inflation from 1986 to 1991.

While the recently enacted cable law will allow governmental regulation of the price of basic cable service, defined as over-the-air stations and public access channels, it does not permit regulation of the price for premium channels. Moreover, immediately after the passage of the new law, cable companies across the Nation announced significant increases in the price of basic service and began to move program offerings out of the basic tier and into a higher priced tier.

Only truly effective competition will bring cable rates down. Our legislation will lead to consumer savings, a more rapid response to repair requests, the provision of cable service in currently unserved rural areas, and improvements in both the quantity and quality of the programs that are offered to subscribers.

It is time for us to lift the cable-telco crossownership restriction. The Federal Communications Commission [FCC] concurs. In its video dialtone order, the FCC recommended that Congress amend the Cable Act to permit the local telephone companies to provide video programming directly to subscribers in their telephone service areas, subject to appropriate safeguards.

In addition, it is clear that cable companies are getting into the telephone business. They are investing in competitive access providers [CAP's], planning full service networks, preparing to offer personal communications services [PCS], and buying cellular systems. As cable companies offer telephone service, it is indefensible to keep telephone companies out of cable service.

In addition to lifting the restriction contained in the 1984 Cable Act which prevents telephone companies from offering cable TV service in their telephone service areas, our bill establishes a series of consumer safeguards.

It is essential that telephone companies be prohibited from cross-subsidizing the provision of cable television service. To allow such a cross-subsidy would be unfair both to telephone ratepayers and to the telephone companies' cable competitors. Accordingly, our legislation contains a statutory prohibition against cross-subsidization.

In order to ensure that there is no cross-subsidization, we require a common carrier that wants to provide video programming directly to subscribers in its telephone service area to establish a video programming affiliate that is separate from the carrier, and that will maintain separate books, records, and accounts.

In addition, a common carrier providing video programming through an affiliate will be required to establish a basic video dialtone platform, so that competitors will have access to the telephone company's network on the same terms that the telephone company uses the network for video programming delivery. The FCC and the States will establish regulations to ensure that unaffiliated program providers gain access to the basic video dialtone platform on a nondiscriminatory basis with regard to rates, terms, and conditions for access. A telephone company's video programming affiliate which offers its programming will be required to make available to unaffiliated program providers up to 75 percent of the equipped capacity of its basic video dialtone platform.

The bill prohibits telephone companies from purchasing existing cable systems within their telephone service areas, but would allow them to obtain a noncontrolling interest in an incumbent cable system. In order to expedite the provision of video programming by telephone companies to residential customers, the bill permits a telephone company to use for a limited period that part of the transmission facilities of an incumbent cable system extending from the last multiuser terminal to the premises of the end user—in other words, from the curb into the home.

The bill also prohibits telephone companies and their video programming affiliates from jointly marketing telephone and video programming services. While I believe that this prohibition makes sense in the current environment, as cable operators begin providing both telephone and video programming services and jointly marketing those services this prohibition will unfairly disadvantage the telephone companies. Although we provide the FCC with the authority to waive this requirement if doing so is in the public interest, a more specific provision is needed to assure equality of joint marketing opportunities for telephone companies as cable companies achieve greater entry into the telephone market. We are in the process of drafting that language.

The bill contains no language addressing the issue of franchise requirements for telephone companies offering cable service. There are ongoing discussions between the telephone industry and local government representatives on the best means of protecting the interests of municipalities and their residents, placing comparable requirements upon telephone companies offering video programming as are placed on incumbent cable operators, and not unduly limiting the ability of telephone companies to compete with incumbent cable operators or the ability of consumers to select the provider of their choice. I plan to facilitate these discussions to ensure a timely and equitable resolution.

While I have not included any language in the bill so as not to prejudice these discussions, it is my intent that local government maintain its current role in protecting consumers' rights, regardless of the identity of the cable service provider. At a minimum, we anticipate adding language requiring telephone companies offering cable service to pay a fee comparable to the franchise fees paid by cable companies and to require comparable financial support for public, educational, and governmental channels.

The bill we have introduced today represents one part of a three-part strategy designed to build a national telecommunications infrastructure policy. In addition to passing this measure, we should enact legislation (H.R. 1312) to ensure the broad availability of an advanced telephone network by permitting joint network planning and infrastructure sharing among telephone companies. In addition, we should pass legislation to provide Federal support for applications of computing and networking technologies in areas with broad public benefits, such as medical imaging and the creation of digital libraries. Taken together, these measures will ensure that the United States has the world's foremost telecommunications network.

I hope my colleagues will join me in supporting these measures.

ENVIRONMENTAL PROTECTION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Ms. PELOSI. Mr. Speaker, the Earth Summit provided the world with an unparalleled opportunity to build a global consensus around critical environmental issues. Implementation of the Earth Summit agreements is the key to the summit's ultimate success.

Last year, the House passed the Earth Summit Environmental Leadership Act, which I introduced, along with all of the House delegates to the Earth Summit, upon my return from Rio. Today, I will introduce similar legislation, with 33 original cosponsors, to implement Agenda 21 and Senator PELL, chairman of the Senate Foreign Relations Committee, will join me in introducing identical legislation in the Senate.

The Earth Summit Environmental Leadership Act outlines a comprehensive national strategy for sustainable development, in accordance with the principles of Agenda 21, to be coordinated under the leadership of a specific office and the direction of a high-level government official. It also urges the United States to identify and initiate further agreements to protect the global environment, and for the President to report to Congress on progress toward achieving a national strategy to implement Agenda 21.

It is critical that the United States set an example of sustainable consumption and production patterns. My legislation outlines a number of steps to attain this goal, including the elimination or reduction of subsidies for the exploitation of natural resources, and to design a policy framework for sustainble consumption patterns.

Environmental protection is not only a national issue; it is a challenge for every individual to make a difference. The principles embodied in Agenda 21 present a framework for environmental action that should be pursued at all levels of society—in our schools, local communities, governments, and in our lifestyles. The concept of sustainable development should be realized in all the major decisions affecting the future of our environment and the preservation of its species. The Hopi Indians practiced a land-use policy based on the 7th generation—that their relationship with the land would not have adverse effects on future generations of Hopis. We should attempt to do no less.

Senator PELL has demonstrated a forceful leadership on global environmental issues and I look forward to working in partnership with him on this important initiative to achieve sustainable development in the United States.

I urge my colleagues to join me in cosponsoring the Earth Summit Environmental Leadership Act to continue the progress of the Earth Summit.

IN MEMORY OF THE LATE DR. W.J. MANGOLD ON THE OCCASION OF THE RENAMING OF LOCKNEY GENERAL HOSPITAL

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in honoring the late Dr. W.J. Mangold on the occasion of the renaming of Lockney General Hospital. On April 3, 1993, Lockney General Hospital will officially change its name to the W.J. Mangold Memorial Hospital in recognition of the outstanding service Dr. Mangold provided west Texas during his lifetime.

Dr. W.J. "Bill" Mangold was born May 25, 1919 in Rio Vista, TX. Bill's father died before he was born leaving his mother to raise two children on her own. Living in a home where the importance of education was stressed, Bill graduated from high school in Meridian, TX and graduated from the University of Texas in Austin in 1941. In 1942, Dr. Mangold married Martha, his lifetime sweetheart and friend.

Always proud to be an American and ever dedicated to his country, Bill joined the Navy in 1942 and became a test pilot. He resigned from his commission 4 years later at the rank of lieutenant senior grade.

Along with his wife, and two small children, Bill went to the University of Texas Southwestern Medical School in Dallas where he mastered his trade. In 1950, Bill Mangold received his M.D. degree. He had achieved one of his goals in life—that of becoming a doctor.

In today's terms a doctor diagnoses, prescribes and charges, but Dr. Mangold demonstrated something far more important—he cared. He cared for people whether they were his patients, his community, or his church. It did not matter what time of the night it was, Bill responded to each emergency call with the speed and attention as if a life was in danger in every instance. He also gave undivided attention to each of the 6,000 children he delivered into this world.

Remembered mostly for his kindness and devotion to his work, it is only fitting to see an institution such as Lockney General Hospital being renamed in his honor. A hospital stands for life, caring and love. All of these traits Dr. Bill Mangold lived daily in his 73 years with us. Mr. Speaker, I ask that my colleagues join me in honoring this outstanding American as Lockney, TX renames its hospital to the W.J. Mangold Memorial Hospital.

PREVAILING WAGE RATE ADJUSTMENT REFORM ACT OF 1993

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, in the 102d Congress I introduced a bill, the Prevailing Wage Rate Adjustment Reform Act, to address a serious problem for the Federal blue-collar work force. An appropriations pay cap on the annual salary increase allowed in the Federal wage system [FWS] has denied Federal blue-collar employees across the Nation wage parity with their occupational counterparts in the private sector. Today I am reintroducing legislation that will correct this injustice.

This legislation, the Prevailing Wage Rate Adjustment Reform Act of 1993, will lift the unfair wage cap and base future pay adjustments on the annual local wage surveys of private industry. The intent of the Congress in establishing the Federal wage system was to pay Federal blue-collar workers according to the private sector wages in each of the 135 geographic wage grade survey areas across the country. However, since 1979 the appropriations pay cap has limited the annual adjustments in the FWS pay to the percentage increase received by General Schedule [GS] employees in that same year. Because of this restriction, pay for FWS workers no longer reflects the local prevailing rate paid in the private sector.

Nationally, FWS worker salaries lag from between 10 and 28 percent behind those paid in private industry. Not only does the pay lag create hardship for the FWS employee, but it continues to produce recruitment and retention problems for Federal Government agencies.

I urge my colleagues to join me in support for pay parity for our Federal blue collar work force.

TRIBUTE TO CAMPBELL MEMORIAL HIGH SCHOOL BASKETBALL CHAMPIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Campbell Memorial High School Red Devils, the 1993, division III, Ohio State basketball champions.

Mr. Speaker, the Red Devils became only the third State champion from Mahoning County, in Ohio history, and they did it against a team with a towering height advantage. Undaunted by 6′2″, 6′5″, and 6′2″ line of defense, senior forward Kevin Dill spurred the Red Devils, who proceeded to take control of the tempo and the game. Dill was named the tournament's most valuable player.

Mr. Speaker, my district has been through some unusually tough times. Yet, in the face of all this, the citizens of these communities continue to triumph. Campbell's State championship is testament to this courage and drive.

Thank you, Campbell Memorial, I am grateful you are in my district.

HONORING MIND BUILDERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. ENGEL. Mr. Speaker, it is with great pride that I rise today to honor an organization from my district, the Mind Builders Creative Arts Center, which is celebrating 15 years of service to the community this week.

Mind Builders began in 1978 as a dance class for 40 neighborhood youngsters in the basement of a local church in the northeast Bronx. Today, it is a multiservice agency that benefits more than 1,000 children, teenagers, and adults.

Although its main focus is professional instruction in the arts, Mind Builders also offers an array of educational and cultural programs for individuals and families. The programs developed by Mind Builders are both creative and effective. For example, the Positive Youth Troupe is a traveling theater ensemble that performs plays dealing with adolescent themes such as teenage pregnancy, drug abuse, and family relationships. The World Leaders 2001 program is a collaboration with the New York Youth-at-Risk group which inspires and enhances leadership among young people.

It is programs like these that enable our urban youth to realize their potential and develop their creative abilities. I have helped Mind Builders identify funding sources for their programs, and I can attest to the fact that this is money well spent. We need more programs of this nature, and Mind Builders stands as a role model for groups that wish to become vital neighborhood institutions.

I commend all the people who have dedicated themselves to making Mind Builders a success, and I pledge my support to help the center continue its efforts to meet the diverse needs of the community.

ST. LOUIS MOURNS THE LOSS OF A GIANT, NATHAN B. YOUNG, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. CLAY. Mr. Speaker, I, as hundreds of other St. Louisans, mourn the loss of Judge Nathan B. Young, Jr., who died on March 24, 1993 at the age of 98. Judge Young has been a solid pillar in the St. Louis community, having had a long and prestigious legal career beginning with his arrival in St. Louis in 1923.

He reached the zenith of his career in 1965 when he was appointed to serve as a judge of the municipal court of St. Louis. He was the first black person to serve in that capacity. Prior to his appointment, he had spent 7 years as prosecutor in the city courts.

Judge Young, however, did not confine himself to the world of law libraries and court rooms. He founded the St. Louis American newspaper in 1928 as a weekly publication. He also always maintained a serious interest in history, especially black history and the history of black music. He was known locally as an authority on these subjects.

While attending Yale Law School, where he graduated in 1918, he became involved in the famous Harlem Renaissance Movement, contributing stories and a novella. In 1937 he published "Your St. Louis and Mine," a story of black St. Louis that is still regarded as a primary source book in the local public libraries.

After retiring from the bench in 1973, the judge, a self-taught artist, concentrated on painting and produced more than 200 paintings depicting various aspects and periods of black history. Some of his paintings have been exhibited at the old courthouse and at St. Louis University. He leaves this legacy to the generations who follow him.

Judge Young served as devoted friend and adviser to me and I will always cherish our association. His many contributions to the life and culture of St. Louis should never be forgotten.

TRIBUTE TO DICK GREEN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. CARR. Mr. Speaker, it is with great pride that I rise today to honor a giant in the labor movement and my longtime friend, Mr. Richard C. Green. I urge my colleagues to join me in saluting this remarkable citizen and in congratulating him on his upcoming retirement from the General Motors Corp. on March 31, 1993. I also want to extend my personal best wishes to his wife, Connie, and their six children, Cynthia, Michael, Patrick, Greg, Denise, and Brad.

Richard Green has dedicated his life to improving the standard of living for all Americans, and symbolizes fairness in the workplace and our society. His long record of distinguished service and his contributions to the Michigan labor movement are truly deserving of our recognition and praise.

Richard's list of union and political involvements are numerous. He has served as a coordinator for the UAW employee assistance program for Lansing Local 652 since 1971. He has served on the UAW community action program executive board for almost a decade and as the chairman for the past 7 years. He has served as a delegate to various conventions including two UAW constitutional conventions, the 1976 Democratic National Convention and as a delegate to the Democratic State Central Committee for the past 32 years.

His service in the area of substance abuse spans over more than two decades. He is a board member of the House of Commons and the Holden House. He is the past chairman of the Association of Labor Management Administrators and Consultants on Alcoholism. He serves on the board of directors for the Lansing Regional Area National Council of Alcoholism, the Michigan Alcohol and Addiction Association, the Ingham County Mental Health Advisory Board, and the Meridian Psychological Consultants Advisory Board.

However, more significant than all Richard Green's official achievements is the spirit of community service he represents. His legendary willingness to help individual community members and the area as a whole is what makes him truly deserving of our recognition and praise. The spirit of service he actively portrays is something we see far too little of in this society, and we all would do well to follow the shining example that Richard has given us.

I know that Richard Green will continue to play an important role in our community for decades to come, and I look forward to his continued guidance and advice. I urge my colleagues to join me in saluting this outstanding man and in applauding him for all he has done and for all he has meant to those of us whose lives he has touched.

TRIBUTE TO NICK G. PARRAS MIDDLE SCHOOL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Ms. HARMAN. Mr. Speaker, I rise today to commend the teachers and staff of Nick G. Parras Middle School in Redondo Beach, CA. Parras Middle School is being reviewed for nomination to the National Blue Ribbon Schools Program. There are many reasons for it being singled out for this recognition; but the key element, according to the principal, Kathy Tellez, is that Parras has been proactive. A unique partnership between the school and the community has been built, and every possible resource is being called upon.

Parras, like most public schools in California today, is facing serious challenges. According to Ms. Tellez, over the last 3 years the limited-English-proficient student population has increased 63 percent. The community has also undergone significant demographic changes. Many students now live in single-parent households and are experiencing financial difficulties. Many parents are employed by local aerospace industries and face job insecurity or loss. In the last year, there has been a 47-percent increase in the number of students participating in the free lunch program.

Parras is meeting these challenges head on. Its mission statement mandates that students develop the skills, the knowledge, and the understanding necessary to become successful contributing members in a complex global society. The teachers and staff of Parras are committed to meeting the needs of all students, including the gifted and talented and those at risk. they are determined to expand, not contract, the scope of extra curricular programs and to increase communication between school and home.

To do this, Parras is engaged in a full partnership with the local business community. This partnership enables Parras to offer the following programs to its students: Career education activities, for example, career days, visits to local industries; local professionals, for example, engineers and physicists working collaboratively with teachers; Drug Abuse Resistance Education [DARE]; Adolescent Coping Educational Series [ACES]; crisis intervention; health and fitness days sponsored by community agency; project excellence, after-school mentor/tutoring; Shakespeare festival for students; student artists creating centennial mural for city; and numerous competitions to highlight student talents.

As a product myself of public secondary schooling, with two of my children currently in the public schools, I am very proud to represent the staff, parents, and students of

Parras Middle School. They are a shining example of what we must do as a nation to put our children first.

RETIREMENT OF C. EMERSON MURRY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. POMEROY. Mr. Speaker, upon the occasion of his retirement, I wish to take this opportunity to recognize the outstanding service of C. Emerson Murry to the people of North Dakota. Mr. Murry is the former project manager of the Garrison Diversion Conservancy District.

Mr. Murry has a distinguished and lengthy record of service to his country and his home State. A native son, who returned from World War II a decorated veteran, he began his career in law after his discharge, and through his work with the legislative council in Bismarck, witnessed the very beginnings of the Garrison project. Later, after service as adjutant general of the North Dakota National Guard, he brought his years of experience and insight to the conservancy district, where for the past 7 years, the project has greatly benefited from his wise counsel.

Mr. Murry has been a tireless supporter of Garrison diversion. He has been a staunch advocate of an environmentally sound and economically feasible water delivery system which will benefit all North Dakotans, and he has faced difficulties and numerous challenges along the way. But like a good soldier, he has kept the faith and fought a good fight.

Now, as he takes his well-earned retirement, we publicly salute his dedication to improving the quality of life for all of our citizens and we wish him well in all his endeavors.

A TRIBUTE TO PATRICK PARRY

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. GLICKMAN. Mr. Speaker, I would like to offer a special tribute today in memory of Patrick Parry of El Dorado, KS. Patrick was killed in a hunting accident on January 22, 1993, and his untimely death has been a tragic loss to his family and friends.

Patrick was an excellent student, and was just beginning his second semester at Butler County Community College. It was typical of Patrick that he was enjoying a winter afternoon hunting with his friends when the accident occurred. Patrick was extremely popular and had stayed in close contact with his friends at El Dorado High School. He was well known as someone who loved to hunt in the Flint Hills around El Dorado and was a sportsman who loved and respected the wildlife and environment of the tallgrass prairie.

Patrick has just voted for the first time in November. His grandmother, Sarah Butcher, tells me that he volunteered to work on local political campaigns and loved the chance to work for something he believed in very strongly. Patrick was a determined and disciplined young man with a bright future before him.

I would like to take this opportunity to extend my condolences to the family of Patrick Parry. I know their loss cannot be replaced, but I hope they will find comfort in the thoughts and prayers of his many friends.

TRIBUTE TO DR. KUSCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Ms. E.B. JOHNSON of Texas. Mr. Speaker, once every generation or two, an individual comes along who helps to revolutionize a particular field. Dr. Polykarp Kusch, a Nobel Prize winning physicist, was one of those revolutionary individuals. Dr. Kusch, at age 82, passed away March 20, in his north Dallas home; he is survived by his wife, Betty. Not content with the traditional approaches and theories that prevailed during the 1940's, Dr. Kusch discovered the magnetic movement of the electron, an innovative discovery that served as an impetus to the now-dominant theory of quantum electrodynamics. As an instructor and researcher at the University of Texas at Dallas, Dr. Kusch was on the cutting edge of the physics field, as he continued to bring groundbreaking research and nonconventional approaches to the curriculum.

Dr. Kusch's administrative abilities were also well-acknowledged. When Dr. Kusch arrived at UTD, in 1972, the university only offered graduate degrees; with the assistance of Dr. Kusch, the university developed into a full-fledged institution. His colleagues and students described him as a pioneer, a frontiersman, and a person who never refused a challenge nor resisted a change.

TRIBUTE TO EUGENE O'BRIEN

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. OLVER. Mr. Speaker, I rise today to honor Mr. Eugene O'Brien, an outstanding asset to my district, who is retiring after 31 years of faithful service to the Pittsfield public school system. I would like to take this opportunity to recognize and commend him.

Mr. O'Brien served as a teacher and administrator in the Pittsfield public schools from 1962–72. He was then appointed as an elementary school principal, serving with distinction at Highland, Pomeroy, and Crosby elementary schools. In 1988, he was again appointed as principal of Highland school where he served until his retirement in February 1993.

In addition to his service as a facilitator and educator, Eugene O'Brien served as president of the Pittsfield Teachers Association and the Pittsfield Educational Administrators Association. He was a lifetime member of the National Education Association and Massachusetts Teachers Association. In addition, Mr. O'Brien was politically active on behalf of education at the State and national level. He was very instrumental in enacting the first collective bargaining law in Massachusetts which passed in 1965.

Mr. Speaker, I hope that you and the Members of the U.S. House of Representatives will join me in saluting Mr. Eugene O'Brien for his 31 years of dedicated service to his community and to the public schools in Pittsfield, MA.

THE 75TH ANNIVERSARY OF LITHUANIA'S INDEPENDENCE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. McNULTY. Mr. Speaker, Lithuanians all over the world are celebrating the 75th anniversary of Lithuania's independence.

This event also marks the second anniversary of Russia's recognition of Lithuania as a sovereign state.

I salute the Lithuanian people on having achieved these historic milestones.

For 50 years, the Soviet Union occupied this great nation. But the spirit of freedom, inherent in the heart and soul of this gallant nation, triumphed over communism. And Lithuania, now a democracy, is striving to create a new society for her people—a free market society, rooted in freedom and dedicated to the principles of human rights.

But there are still many obstacles for Lithuania to overcome—not the least of which is the presence of Russian troops on Lithuanian soil.

Last September, a tentative agreement was reached by Russia and Lithuania for the withdrawal of Russian troops. By the end of 1992, there were reports of Russian troop withdrawals from Vilnius, but an estimated 10,000 to 15,000 Russian troops still remain outside the Lithuanian capital.

This vestige of military occupation must be removed, so that the Lithuanian people will indeed be free to pursue their democratic destiny without let or hindrance.

MSHA INVESTIGATION PROCEDURES ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. BOUCHER. Mr. Speaker, on December 7, 1992, my district suffered a great tragedy when eight miners were killed by an explosion in a coal mine near Norton, VA. I represent the only coal producing counties in the Commonwealth of Virginia, and while the explosion in December was the worst mine disaster in the State in 34 years, mine explosions have, unfortunately, not been uncommon. The Mine Safety and Health Administration [MSHA] conducts investigations into the cause of mine accidents with the purpose of preventing recurrences, and, indeed, the Nation has seen a reduction in the number of fatal mine accidents partially as a result of MSHA proceedings.

The legislation I am introducing today will fine tune the procedures employed by MSHA during its accident investigations. While it is not my intention to be critical of MSHA, I believe changes are necessary to ensure that the greatest amount of information possible can be obtained from important sources that will help prevent future accidents.

Under current law, the Federal Mine Safety and Health Act requires that MSHA conduct an investigation to determine the cause of mine accidents. The act does not require MSHA to follow any particular procedure, and MSHA's own rules provide its investigators with broad discretion in arranging witness interviews. While the investigators have complete discretion over who will be interviewed and who may participate in the interviews, the MSHA manual on accident investigations states that "in most cases, witness interviews conducted with the participation of the mine operator, the representative of the miners, and the state inspection agency result in the most complete investigation."

The participation of the mine operator during the inspection of the accident site and the overall investigation can provide crucial information. However, I believe that allowing the mine operator to be present during interviews of miners they employ can result in a chilling effect on those miners questioned. Indeed, in many recent accident investigations, MSHA has refused to allow company officials to sit in on interviews, and an MSHA spokesperson defended these decisions by saying that they wanted "to get the greatest amount of information possible from these people in the least-threatening environment * * *. When you're sitting across the room from your boss, you may not be as forthcoming on a voluntary basis."

Given such statements by MSHA officials in the past, it was certainly a surprise to learn that during its investigation of the December 7 mine explosion in my district, MSHA allowed company officials to sit in on interviews with miners. That practice was strongly opposed by the families of the deceased miners. The legislation I am introducing today will change the accident investigation procedures employed by MSHA by prohibiting the operator of a mine involved in an accident or his representative from being present during the post-accident interviews of any miner employed by that operator.

I believe this change is necessary to ensure that MSHA's post-accident investigations provide the most information possible to help prevent such accidents in the future, and to eliminate even the appearance of an intimidating atmosphere during witness interviews.

TRIBUTE TO FORMER CONGRESSMAN JEROME A. AMBRO

HON. GARY L. ACKERMAN

OF NEW YORK

HON. GEORGE J. HOCKBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. ACKERMAN. Mr. Speaker, we rise to reflect on the passing of a distinguished former Member of the Congress, Jerome A. Ambro. We pay tribute to a truly intelligent, dynamic, and respected gentleman from Long Island, NY.

Congressman Jerome Ambro was a tenacious fighter who served in the Army military police during the Korean war. He unquestionably loved both America, and the political arena which he entered as a young man. He spent 6 years of his life serving as the Huntington Town Supervisor and led the Democratic Party to its first sweep of town elections in 35 years. Under Mr. Ambro's vigorous leadership, the town of Huntington was the first city to ban the use of the pesticide, DDT. Mr. Ambro's intense and caring efforts to help senior citizens resulted in the construction of the Paumanack Village housing project. After presiding as his town's supervisor, Jerome Ambro was elected to three consecutive terms in the U.S. House of Representatives.

While serving his first term, Jerome A. Ambro was elected president of his 82-member freshman class. While holding this prestigious title, Mr. Ambro played a major role in changing congressional seniority rules and campaign financing. During his praiseworthy congressional career, Mr. Ambro served on the Public Works and Transportation Committee. In addition, Congressman Ambro was elected chairman of the House Science and Technology Committee Subcommittee on Natural Resources and the Environment. In this capacity, Mr. Ambro played a major role in winning the preservation of wetlands in Massapequa, and having Brookhaven National Laboratory designated as the site of a high-energy reactor.

Mr. Speaker, Mr. Ambro was a fine gentleman. Striving for excellence, Mr. Ambro served his district, and our country, with our citizen's best interests at heart. I cannot express how fortunate we were to know Mr. Ambro, and we want to thank him for the positive and lasting impact he had on both of us, and on those blessed with the opportunity of meeting him. We would like to take this time to ask our colleagues to pause for a moment of silence in respect for the memory of the Honorable Jerome A. Ambro, a former Member of Congress from New York.

CONGRATULATING JAMES J. KENNEY, NATIONAL COMMANDER OF AMVETS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in order to congratulate fellow Long Islander James J. Kenney on becoming National Commander of American Veterans of World War II, Korea, and Vietnam, better known as AMVETS.

Since receiving its congressional charter in 1947, AMVETS has provided superior leadership to a great number of veterans in our Nation. Among AMVETS' goals are to protect the rights of those in uniform and assist their orderly transition to civilian life, to work with all duly recognized veterans organizations to further veterans' aims, to act as a liaison between veterans and the government, and to keep alive the memory of the sacrifices made by American veterans. In addition, for the past 7 years AMVETS, along with Disabled American Veterans [DAV], Paralyzed Veterans of America [PVA], and the Veterans of Foreign Wars [VFW], has formulated and presented to Congress a detailed and very useful budget proposal designed to meet veterans' needs through programs administered by the Department of Veterans Affairs.

Mr. James Kenney of Long Island, NY became national commander of AMVETS on August 29, 1992. A U.S. Air Force veteran, Mr. Kenney has been a member of AMVETS Post 18, located in East Islip, NY, since 1967. Throughout his membership, Mr. Kenney has shown his dedication and devotion to veterans and AMVETS by holding a variety of leadership positions on all levels of the organization. His long list of accomplishments for AMVETS include commander of Post 18 and Department of New York commander. He has served on the board of trustees of Post 18 since 1970 and as its finance officer since 1975. In addition, Mr. Kenney has served as district commander, national executive committeeman, second vice commander for programs, and first vice commander for membership.

Judging by his many accomplishments, it is clear to see that Mr. James Kenney is well deserving of this honor. I commend him on a job well done, and I look forward to working closely with him and this outstanding organization during the 103d Congress and in the future.

TRIBUTE TO CARROLL MELBIN OF NAPA

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. HAMBURG. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding community activist from the First District of California, Mr. Carroll Melbin.

Carroll Melbin moved to Napa in 1959. For the last 33 years he has immersed himself in local politics and community services. He was the first chair of the Senior County Advisory Committee, and has been involved in a plethora of aging groups, from Seniors in Retirement to a 20-year involvement with the County Commission on Aging. He has been an active member of the Sierra Club for 50 years.

Carroll Melbin represents the very best of the volunteer spirit that has made our Nation great. As a man in his nineties, Carroll finds the time and energy to help improve the lives of citizens in our community. He has not just seen the changes Napa has gone through, he has been an active participant in them. We are all better for his actions.

As Representative, I would like to extend my profound gratitude to Carroll Melbin for all he has done and continues to do for our community. He is truly an outstanding citizen.

HONORING THE AMARILLO HIGH SCHOOL LADY SANDIES BASKETBALL TEAM

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in congratulating the Amarillo High School Lady Sandies for their victory in the 1993 Texas Class 5A State Championship game. Their outstanding record of 34 wins to only 1 loss, along with the championship title is something of which all of the city of Amarillo, and the panhandle of Texas should be proud.

This championship is the first for any girls' basketball team in the history of Amarillo High School. They have had an impressive season, and there is no question the Lady Sandies are blessed with talented young women. Most of them returned from last year's close but disappointing loss to Mansfield in the semifinals. This loss burned inside them for months, and seemingly contributed to the bolt of energy and fight they put forth in this season.

Under the direction of Coach Dale Blaut, the Lady Sandies drew on the strength and friendships of their teammates each step of the way to the top. Those glorious and golden Lady Sandies are: Jan Ruzowski, Michelle Maxwell, Pam Amerson, Kristen Paris, Natalie Waugh, Kim Linder, Stefanie Andrus, Stephanie Jones, Brandi Williams, Tracie Swayden, Farrah Stuart, Christy Kirkland and Amy Adams.

The Lady Sandies beat out Tascosa High School, also of Amarillo, in the final four. They went on to hammer Deer Park 50–33 in the State semifinals, setting a record for the fewest points allowed in a 5A State tournament game. In the 36th game of their season, they battled it out with Corpus Christi King for the gold. The final in the championship game was Amarillo 68—Corpus Christi 65.

Mr. Speaker, I ask my colleagues to join me in congratulating the Lady Sandies for a very successful season.

TRIBUTE TO GIRARD HIGH SCHOOL BASKETBALL CHAMPIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Girard High School, the 1993 Ohio State Division II basketball champions.

Mr. Speaker, the Girard Indians were the Cinderella team in Ohio this past season, with conventional wisdom predicting a thwarted trek to the State tourney. Furthermore, the odds were against them. Girard had never won a title and, for that matter, neither had any school from the entire county.

But, Mr. Speaker, the Indians would not be denied, winning by 21, 9 and 7 points down the stretch. Standout Philip Huyler propelled the team, burning heralded defenses for 22 and 34 points in the final two games. Senior Kris Kelly complemented Huyler's play with staunch defense and a string of long-range bombs.

Mr. Speaker, I commend Principal Joseph Cochran, Athletic Director Ed Matkovich, Head Coach Bob Krizancic and the entire Girard Indian basketball squad for their efforts this season. Their 22–6 record and the State crown are evidence of their diligence and tireless work to make not only their dreams, but the dreams of an entire county, come true. Thank you for the terrific season.

TRIBUTE TO BILL WHATLEY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay a special tribute to the distinguished service of Bill Whatley on the occasion of his retirement as vice president and general manager of Huntsville Aviation.

Mr. Whatley began his career with Montgomery Aviation in 1954 as secretary to the firm's chairman of the board. When Montgomery Aviation opened a second general aviation facility in Huntsville in 1965, Whatley was chosen to run it. He built an enviable reputation for integrity and courage. His sharp skills, business savvy, and personal high standards took the company from an idea to an over $2 million operation.

Avoiding all temptation to shave safety margins, Mr. Whatley led Huntsville Aviation to establish one of the most impressive safety records in the industry. In 27 years of operation the facility was associated with only one fatal crash. In 1990, he was recognized by a national aviation magazine as one of the top 25 operators in the country. By keeping abreast of technological advances, he was responsible for a number of aviation innovations. He was appointed by Gov. Guy Hunt to be chairman of the State Department of Aeronautics, the agency responsible for the maintenance and safety of every airport in the State.

Few people can match Bill Whatley's civic involvement. A devoted 20-year member of the chamber of commerce, he has served as chairman of the board of the Better Business Bureau, president of the Sales and Marketing Club, and twice chairman of the Huntsville Rehabilitation Center. He has served National Industries for the Severely Handicapped and had a 20-year involvement with the Explorer Scouts. His most recent award is the coveted Rotary International Vocational Award, given "in recognition of high ethical standards and exemplification of service in the workplace and community."

At 62, Bill Whatley is believed to be the oldest active person with spina bifida in the State of Alabama. The disease frequently leaves its victims bedridden, paralyzed from the waist down. For years, Mr. Whatley managed with the aid of only a cane. Only recently has he resorted to a motorized cart. He has endured the pain and discomfort of 21 major surgeries and requires 1½ hours of physical therapy daily. "You just play with the deck the good Lord gave you," Mr. Whatley says simply of his disability.

Mr. Speaker, I am proud to have Bill Whatley as one of my constituents and I salute him for his outstanding achievements.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 30, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act (P.L. 102-240).

SD-138

Armed Services

To resume hearings to examine the military policy concerning the service of gay men and lesbians in the armed forces, focusing on the role of unit cohesion in developing combat effectiveness.

SH-216

Environment and Public Works

To hold hearings to examine Federal and State relations in implementing United States environmental laws.

SD-406

Governmental Affairs

To hold hearings on the nomination of James Lee Witt, of Arkansas, to be Director of the Federal Emergency Management Agency.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, the Non-Commissioned Officers Asso-

ciation, and the National Association of Uniformed Services.
345 Cannon Building

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Winston Lord, of New York, to be Assistant Secretary of State for East Asian and Pacific Affairs.
SD-419

1:30 p.m.
Veterans' Affairs
To hold oversight hearings on the cost and other factors affecting the health care choices of veterans.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.
SD-192

2:15 p.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 540, to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system.
SD-226

4:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 1

9:00 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to examine the impact of the North American Free Trade Agreement on the American workforce.
SD-342

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense plan.
SH-216

Judiciary
To hold hearings to examine issues relating to health care fraud.
SD-226

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Science Foundation.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Commerce.
SR-253

Environment and Public Works
To hold hearings to examine proposals to abolish the Council on Environmental Quality.
SD-406

Finance
To hold hearings to examine health care budget reductions in the Administration's proposed economic stimulus proposal.
SD-215

10:45 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S-5, Capitol

2:00 p.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine corruption in the professional boxing industry.
SD-342

APRIL 2

9:30 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings to examine how the Medicare program can improve its information system so that payments are made correctly.
SD-342

Joint Economic
To hold hearings on the employment-unemployment situation for March.
Room to be announced

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the American Battle Monuments Commission, Cemeterial Expenses (Army), National Credit Union Administration, Selective Service System, Federal Deposit Insurance Corporation, and Resolution Trust Corporation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Postal Service, and the Bureau of Alcohol, Tobacco, and Firearms.
SD-116

APRIL 20

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

Commerce, Science, and Transportation
To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR-253

APRIL 22

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 13

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD–138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD–138

POSTPONEMENTS

MARCH 30

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

SD–366

HOUSE OF REPRESENTATIVES—*Tuesday, March 30, 1993*

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, we join our voices with the vast chorus of men and women who on this day will offer their praise and thanksgiving for blessings beyond measure, gifts without number, and joy that knows no limits.

But, may we also join the chorus of humanity whose destiny is uncertain, whose daily bread is not available, whose home is their tent, and whose hope for tomorrow is placed squarely on those of us with blessings, gifts and joy abundant.

O God, teach us that our hearts are filled as our pockets are emptied, show us that our lives are nothing if our gifts are not shared, and convince us that joy comes in the morning for all who wait on You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 150, not voting 32, as follows:

[Roll No. 114]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
Deal
DeFazio
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—150

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—32

Barton
Bateman
Brewster
Clayton
Conyers
Cramer
Crane
DeLauro
Dellums
Dicks
Edwards (TX)
Fields (TX)
Ford (TN)
Geren
Henry
Houghton
Johnson, Sam
King
Klink
Livingston
McDade
Mink
Olver
Parker
Quillen
Rahall
Smith (OR)
Spence
Tucker
Unsoeld
Whitten
Wilson

☐ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentlewoman from California [Ms. WOOLSEY] kindly come forward and lead the House in the Pledge of Allegiance to our flag.

Ms. WOOLSEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 284. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes;

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month"; and

S.J. Res. 56. Joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week";

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 27) "Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 28) "Joint resolution providing for the appointment of Barbara B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 29) "Joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S. Con. Res. 13) "Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the holocaust."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce to Members that he will entertain 15 1-minute statements on each side of the aisle.

GAYS IN THE MILITARY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to address an issue that is of fundamental importance to what this great Nation stands for—freedom. Freedom from persecution—the reason this country was established; and freedom to serve one's country—every citizens's right.

I stand here in full support of lifting the ban on gays and lesbians in our armed services. I have been appalled at the actions of many enlisted men and women and those who are responsible for providing direct leadership for them. I would like to point out that the enlisted men and women are not running this country. The Joint Chiefs of Staff are not running this country. The brass is not running this country.

Our leader is President Clinton, who serves as Commander in Chief of the Armed Forces. And I am proud to stand behind him all the way as he leads this Nation out of the dark ages in terms of civil rights for gays and lesbians.

Now is the time for this Nation to remember its roots, lift the ban on gays and lesbians in our armed services, and end this intolerable policy of discrimination once and for all.

THE DUNN MOTION OFFERS REAL REFORM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, today the House will have a choice between reform and the status quo. Reform will be the vote on the Dunn motion to recommit the committee funding resolution.

I have been around here long enough to remember the arguments for a bloated staff for our House committees. First it was the reforms of 1975, when the huge freshman class insisted that subcommittee chairs have staff in addition to the committee chairs.

Then, because we Republicans were so successful in three successive Presidential elections for the past 12 years, the majority argued they needed extra staff because Republicans controlled the executive branch.

That argument does not hold today, because the Democratic Party now controls not only the executive branch but both Houses of the Congress. Now they claim to have cut committee funding, but do not be fooled. The Democratic majority's idea of cutting is to take the money from the expired select committees, reallocate it to the standing committees, and then call it a cut.

This definition of reform is disingenuous. Reform, true reform, is the Dunn motion to recommit to cut staff by 25 percent, to provide the minority with one-third staffing. That is real reform.

SUPPORT URGED FOR THE PRESIDENT'S ECONOMIC PACKAGE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the bad news is new home sales are still flat and the economy is sluggish.

In fact, personal income grew only two-tenths of 1 percent last month forcing many Americans to dip into their savings just to pay February's utility bills.

Like the weather in the Nation's Capital, the recovery has been slow to warm up. We are in the grips of a jobless recovery.

If this were an average recovery, there would be 3 million more Americans working today.

Unfortunately, the mark of this recovery has been that small business job creation has been swamped by big business job losses.

The good news is President Clinton and the Congress have developed an economic plan that cuts the deficit by more than $500 billion while seeding the economy with many jobs.

The House and Senate have already come a long way since President Clinton outlined his blueprint for America's renewal 2 months ago.

Mr. Speaker, the success of President Clinton's economic package will be measured by what the House and the Senate do later this week.

If we move the package forward, then the Nation moves forward too. Creating jobs will ignite the economy and deficit reduction is assured.

Let us finish the job we started. Support the economic package.

WHY CAN'T THE HOUSE CUT SPENDING?

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, the problem is that this body will not cut spending; 110 new Congressmen have not made a difference. What is the problem? This is the question we need to ask.

If we do not have money in our bank accounts back home, we stop spending. We do not write checks that are not any good. That does not happen up here.

□ 1230

An example. Tomorrow there are four select committees that will be terminated. That would be a savings of $4 million to the taxpayers of the United States. But no, we are not going to have that happen as they are going to be transferred to standing committees.

So I filed a resolution asking for a 25-percent reduction in congressional budgets and in office accounts. What we as average citizens need to do is to see whether this resolution ever even gets out of the committee, or if it does, whether it will pass.

In the meantime, I am standing guard, along with my colleagues and along with others trying to find whatever opening there might be to stop spending.

CITIZENS SUPPORT CLINTON'S STIMULUS PACKAGE

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, last night I was in New York for a town hall meeting. One thing is very clear. The American public is in full support of President Clinton's jobs programs.

They say that the best way to deal with social programming issues is a good job. The best way to deal with the deficit and the budget is a good job. The best way to deal with homelessness is a good job. The best way to deal with the problem of hunger is a good job. The best way to deal with putting parents in a position to afford the best possible education for their children is a good job. The best way to deal with making cuts in the burgeoning welfare system and being able to relieve ourselves of the load that it brings to us is a good job.

And so, Mr. Speaker, I think all of us should embrace the President's program for creation of 8 million jobs, because the creation of 8 million jobs means that we can solve many of the social problems of America.

TRIPLE PLAY FOR TAXPAYERS' RELIEF

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COBLE. Mr. Speaker, 1 year ago, I took the well to protest Members' perks. In particular, I cited the congressional pension plan and the Federal employees thrift saving plan as "overly generous at best, outrageously extravagant at worst." No action has been taken to date to reduce either benefit.

So, today, I am introducing what I like to call my "triple play for taxpayers' relief." This is a package of three separate bills to relieve beleaguered taxpayers from certain congressional benefits and executive branch benefits.

The first bill eliminates the congressional pension for Members who are not yet vested. I do not believe retirement benefits are necessary to entice qualified Americans to run for Congress. They are costly and excessive.

A second bill scales back the benefits for former Speakers of the House, terminating what has become an endless and, in many cases, unaccountable system of office-related expenses. The expected savings of $600,000 a year would begin in the second year following enactment. Their pensions will not be touched.

The third bill updates former Presidents' benefits. In response to my constituents, I am proposing to end Secret Service protection for future former Presidents after 1 year; their spouses and minor children will no longer be entitled to Secret Service protection after inauguration day. Coverage for all former Presidents and currently eligible former First Ladies, except Bush, will end 6 months after enactment. We estimate this will save $15 million per year once it is implemented.

The funding for former Presidents' offices and related office expenses will be terminated as well.

The bill changes the law prospectively to prevent Presidents from double- or triple-dipping from the Federal Government. Specifically, it requires a former President to waive the right to each other annuity or pension to which he, or she, is entitled under any other act of Congress; that is, any other Federal pension which he earned, in order to receive the Presidential pension. The value of the Presidential pension is equal to the annual rate of basic pay for Cabinet-level officials. As of January 1, 1993, that figure is $148,300.

Finally, the bill will deny a Presidential pension until a former President reaches the prevailing retirement age under Social Security.

Here is an example of the costs the taxpayers face following President Clinton's service. President Clinton will be just 50 years old after one term as President. Since his Presidential pension kicks in immediately upon his leaving office on inauguration day, he could draw over $2¼ million in pension benefits before he reaches retirement age.

Please don't misunderstand me. I wish President Clinton a long life, and I understand the Presidency is sometimes a thankless job. However, the vast majority of Americans struggle to make ends meet, and often are unable to save for their own retirement. Nevertheless, they are forced to contribute to the retirement packages of former Presidents—a growing list, I might add—Speakers and Members of Congress.

My constituents have shared with me their outrage over the level and costs of these benefits. I believe elected officials need to make real sacrifices if we hope to gain the support of the American public for shared sacrifice.

I believe these bills represent bold and dramatic proposals. But in these dire fiscal times, we must take bold and dramatic action. That is why I hope my colleagues will join me in pushing this legislation to passage.

CONGRESS SHOULD PASS THE BRADY BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today is the 12th anniversary of the shooting outside of the Washington Hilton Hotel of President Reagan, of his then press secretary Jim Brady, of D.C. police officer Tom Delahanty, and Secret Service agent Tim McCarthy.

Much has happened in these ensuing 12 years, Mr. Speaker. We now have a President who has said in this very Chamber that he will sign a handgun waiting period bill into law.

One thing we have not done to this point in the 103d Congress is send the President exactly that kind of a bill, the Brady bill. So around the country, Mr. Speaker, citizens are asking us to pass the Brady bill.

At this very hour in Louisville, KY, my hometown, the Casey family, who in 1990 lost their son, husband, and brother, Dr. John Patrick Casey, to a handgun assault, is calling upon Congress to take action.

I can think of no better way to memorialize the great sacrifices and suffering of the Brady family and the Casey family than to pass into law the Brady bill to save other Americans from that same fate.

DEBT LIMIT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, on April 7, the Treasury runs out of money—again. If you or I run out of money, we cut back our spending, we redefine our priorities, we make ends meet. Not so for Congress. Instead of cutting waste and reforming the budget process, Congress' answer will be to write another blank check and raise the debt ceiling yet again.

Whether the limit is raised publicly by recorded vote or quietly by procedural sleight-of-hand remains to be seen. But either way, while Americans are sleeping next week, Democrat one-party big government will be doing what it seems to do best: Digging each and every American further into debt.

From the present debt limit of $4.145 trillion, the new administration requests a $225 billion increase to $4.37 trillion. To put these numbers in perspective when the limit is extended, between now and September 30 we will be boosting our debt by $1.2 billion a day, every day. Mr. Speaker, Americans are fast approaching another limit—the limit of their patience with a government that spends too much.

GAYS AND LESBIANS IN THE MILITARY

(Ms. HARMAN asked and was given permission to address the House for 1 minute.)

Ms. HARMAN. Mr. Speaker, I rise today to address a critically important and enormously emotional subject, ending the ban on gays in the military.

As a new member of the House Armed Services Committee and its Personnel Subcommittee, I am aware that the committee and subcommittee will hold hearings at a later date, and that many conscientious colleagues will await the outcome of those hearings before forming or expressing a view. Mindful of the considerable opinion on the other side of this issue, I step forward now in strong support of the President's bold move to end this summer the ban on gays in the military.

Revising our policy is grounded in the constitutional guarantee of equal protection for all. It also recognizes the fact that gays and lesbians serve now with distinction in all parts of the military and are patriots who have died for their country.

There must be and there is time for the military to adjust to this change in policy. New regulations are needed, but they can be devised.

Just this morning Secretary Aspin and General Powell testified about the excellence and professionalism of our forces. Surely that excellence and professionalism can accommodate a fair and just course correction.

GAYS AND LESBIANS IN THE MILITARY

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I rise this afternoon to join with the gentlewoman from California who just preceded me at the well to endorse the concept of eliminating discrimination in our military service.

I am struck by the fact that we just completed the Pledge of Allegiance, "with liberty and justice for all." I call upon Members in the House of Representatives to try to make sure we find a policy which truly provides justice for all on this issue of gays and lesbians in the military.

I was disappointed with the Senate hearings yesterday because I think some Senators said, regardless of what comes in the testimony, their mind is made up. It is a difficult issue. It desperately needs compromise.

Let us see if we in the House of Representatives can be more reasonable than our Senate colleagues and try to find a reasonable way to deal with an issue so that even in the military of the United States, prejudice without a basis does not continue.

CHILDREN RATE NO. 1 IN NEW HAMPSHIRE

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, the annual report, Kids Count, which rates the health, economic, educational, and social well-being of children, was released yesterday and rated New Hampshire No. 1—the best of the country. When the report averaged all of the factors which reflect the quality of children's lives, New Hampshire led the Nation. I commend the many Granite Staters whose hard work resulted in this honor to our State, especially my wife Katrina for six of those children are ours.

But this first place rating does not mean that everything is perfect. In New Hampshire, as elsewhere, serious problems still exist in providing the best for our children. We must remember that behind statistics are real children, real lives.

This commendation must not be a reason to rest on our laurels—rather it should be an incentive for all of us in New Hampshire and elsewhere to continue to strive for the best for our children. They are the key to tomorrow. Our efforts for them are an investment in our future as well as their future. We must all work together to help them so America will succeed.

□ 1240

HARD ROCK CAFE SHOWS VISION

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Mr. Speaker, the Hard Rock Cafe, the well-known chain of restaurants, just announced that it will not open restaurants in Cuba until after the fall of the Communist dictatorship. The restaurant chain has recognized that it will be much better to be welcomed in a free Cuba than to risk the privatization of its investment by the future duly elected government of the Republic, due to the fact that investment in Cuba today constitutes collaboration with the dictatorship.

The international financial community, Mr. Speaker, must know that those who invest today in joint ventures with the Cuban dictatorship will face the privatization of their investments by the elected government of the future.

Hard Rock Cafe has shown vision, Mr. Speaker. Other potential investors in Communist Cuba should learn from the example of the well-known international restaurant chain.

LET DEMJANJUK GO FREE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I thought I heard it all. The Justice Department finally admits, after tons of evidence, that Ivan Marchenko really is Ivan the Terrible, but now they say there are two Ivans: Marchenko, who worked the day shift, and Demjanjuk, who worked the night shift.

Give me strength, folks. This is absurd. The Justice Department is lying through their teeth, and the only workers on night shift that are burning the midnight oil are in the Justice Department covering up their crimes for withholding evidence illegally that could set Demjanjuk free and nail Marchenko.

Shame on the Justice Department, and shame on Congress for turning its back on the Constitution and a citizen, Demjanjuk.

Let Demjanjuk go free. The real Ivan Marchenko is vacationing in Eastern Europe.

UNFORGIVEN

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the big winner last night at the Academy Awards was "Unforgiven."

Many Democrats who run this place will find themselves unforgiven by their constituents if they refuse to reform the way this House operates.

We will all be given a chance to reform when we vote on the Dunn amendment later today.

The Dunn amendment will cut committee staffs by 25 percent, while giving House Republicans a more equitable staff ratio.

Although Republicans make up more than 40 percent of the House, on many committee staffs, they are given less than 15 percent of the resources.

Mr. Speaker, the current system must stop. We must have both fairness and real reform in the House of Representatives.

If the House Democrats refuse to change, they deserve to be unforgiven during the next election.

RECOGNITION OF HOMOSEXUALS IN THE MILITARY

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, everyone recognizes that homosexuals are in the military; they have served and are serving our country. At the same time, we must enforce rigorous standards of conduct for all military personnel.

I want to share a letter I received last week from a constituent who is the father of a lesbian and a veteran of World War II who commanded a battalion in combat. He writes:

> I fully and enthusiastically support President Clinton's plan to permit all qualified individuals, regardless of sexual orientation, to serve within our armed forces. I applaud President Clinton's pledge to ensure that all military personnel be judged by their performance and not by their sexual orientation or perceived sexual orientation.

Mr. Speaker, let us get on with developing an effective approach consistent with the high standards our armed services seek to maintain.

CUT COMMITTEE FUNDING BY 25 PERCENT

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, when historians look back upon the 1993 battle to cut committee funding, the Select Committees of Narcotics, Aging, Hunger, and Children, will go down as having died in vain. Instead of their deaths being remembered as the vanguards of fiscal responsibility, their deaths will be remembered as the old guards of fiscal chicanery.

Because you see, 98 percent of this week's $52.3 million committee funding resolution's so-called great savings, come from the death of the selects. What is worse, 9 out of 20 committees funded actually received increases totaling just under $597,000, not decreases. In addition, claims of cutting the Standards Committee by 75 percent vanish if a major ethics case arises, because additional funds can be authorized by a simple floor vote.

Mr. Speaker, we must fight to reverse this frightening history and cut committee funding by 25 percent.

PASS BRADY NOW

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, 12 years ago today—on March 30, 1981—Jim Brady was wounded in the attempted assassination of President Reagan

And today, 12 years later, another deranged assassin, another criminal, could walk into the same store where John Hinckley bought his handgun and walk out 20 minutes later with a deadly weapon. No waiting period. No check for criminal history or a mental problem. That is a crime waiting to happen and that is why guns are now the leading cause of death for American teenagers and young adults.

Twelve years—that is gridlock at its worst. Handguns have killed more than 200,000 Americans during those 12 years—while the Congress has done nothing. It is time for Congress to act—to pass the handgun purchase waiting period bill named for Jim Brady.

The waiting period can wait no longer. Now is the time, because the gun lobby's choke hold on the political process is finally being broken. Elected officeholders are finally catching up with the people 95 percent of whom support the Brady bill including an astonishing 88 percent of gun owners, according to a CNN/USA Today Gallup a few weeks ago.

Just look at what has happened in Virginia and New Jersey. Six years ago, when the Brady bill was first introduced, who would have imagined that Virginia would enact a purchase limit of one gun a month—a crucial step toward ending gun running. Or that the NRA would fail miserably in its attempt to make assault weapons legal again in New Jersey? Combined with the victory of the Brady bill in the last Congress and a President who is supportive and the conclusion is inescapable: The gun violence lobby is on the run.

We must take advantage of this opportunity to stop the carnage in our streets, in our schools, and in our neighborhoods. We must adopt rational policies toward firearms. We must pass the Brady bill. And we must do it now.

CONTAIN GROWTH IN FEDERAL SPENDING

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I have heard time and time again that Bill Clinton's election was a mandate for change.

But the 43 percent who elected Bill Clinton were expecting a middle-class tax cut, fewer burdens on the elderly, and an effort to get spending under control.

Had Bill Clinton campaigned on an energy tax, soaking the middle class, and taxing Social Security benefits, then he never would have been elected President.

But now we no longer hear about tax relief for the middle class and elderly, but tax increases for everybody. No real spending cuts, but new spending—now called investment.

If you want to vote for the type of change voters thought they were getting when they elected Bill Clinton in November, then vote for a freeze in Federal Government spending. A freeze would require the Members of the House and the Senate to set priorities instead of just voting totally to increase each budget item knowing that the total budget would never be balanced.

A freeze in Federal Government spending would allow our private economy to recover by reducing the need for more tax burdens. Let us contain the growth in Federal spending.

THE BAN ON GAYS AND LESBIANS IN THE MILITARY

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, 135 years ago today, a man who would go on to be our Nation's greatest President accepted his party's—the Republican Party, I might add—nomination for the Presidency in my home State of Illinois.

And when Abraham Lincoln accepted the nomination, he paraphrased the New Testament by saying simply "a house divided against itself cannot stand."

Well, my friends, today we debate another heated, intense, divisive topic. And we would do well to heed the wise words of this great statesman.

Today, the U.S. military is a house divided.

And it is divided because we are allowing rhetoric to overcome reason.

The rhetoric of division, excuses, and blame to override our reason.

Our natural American reason and desire for justice, for fairness, for lack of discrimination.

What does not stand today, is the argument that America is made a safer place by excluding gays and lesbians from our armed services.

On this day, Mr. Speaker, I ask that we heed the words of Abraham Lincoln and end the division within our military, and lift the ban on gays and lesbians.

STOP WASTEFUL SPENDING AND BORROWING

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, this week the Democrat leadership and the Democrat majority will again increase our national debt limit. It is going to be $4.3 trillion. This is an increase of $225 billion, another $225 billion of debt.

Already every man, woman, and child in America owes $17,000 because of the national debt, and now the Democrats are adding to our stifling debt again.

With one in every three tax dollars paid to our Federal Government going to pay the interest on our national debt, I say it is time to stop wasteful spending, stop borrowing, and cut, cut, cut.

□ 1250

I speak for those people in America, who say cut spending first. It is time to stop proposing new taxes, more spending, and instead let us vote for a balanced budget amendment. Let us vote for a line-item veto. We must make some serious decisions right now, not next month, not after the next recess, not after the next session. Now is the time to say "no, no to more debt."

We on our side of the aisle will vote to give the President the line item veto, and a real line item veto. The Democrats run everything here in Washington, DC, the Democrats run the White House, the House of Representatives, with 255 Members; the Republicans have only 175. They also run the Senate, all the bureaucracy, all the agencies. The total Government is run by the Democrats. The result is our Government and our country is being run into the ground.

Our country needs the clarion call. It is time for a change.

END THE BAN ON GAYS IN THE MILITARY

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise to express my dismay over the irrational fear, loathing, and anxiety that has attended the announcement by President Clinton of his intention to end the discredited policy of barring gay men and lesbians from military service.

No one appears to doubt that many lesbians and gay men have given exemplary military service to our country. It has been many years since the American Psychiatric Association ceased to categorize homosexuality as a mental illness. And even President Bush's Defense Secretary, Dick Cheney, dismissed the fear that gay and lesbian members of the military were especially subject to blackmail, and thus security risks, as "an old chestnut."

Yesterday's opening session of hearings on this question in the other body was a great disappointment. It appeared deliberately structured to emphasize the sorry legal precedents that could be used in a court challenge to sustain the policy of discrimination. It was as if hearings on ending racial discrimination in the military had begun by reviewing Dred Scott, Plessy verses Ferguson, and Korematsu. One member of the other body actually fretted over whether a change in this shameful policy might not constitute a breach of contract by the United States with respect to soldiers and sailors already enlisted, as if invidious discrimination against one's peers is a contractual right attaching to military service.

Let us hope that this House will acquit itself more admirably when and if we take up this issue.

THE ABORTION PRESIDENT TO PROPOSE HYDE REPEAL

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, Bill Clinton, the abortion President, is about to strike again. Now Mr. Clinton wants to force every taxpayer in America to pay for abortion on demand, often in the 4th, 5th, 6th months of pregnancy, right up until birth, as part of the Medicaid Program.

Mr. Clinton is simply going too far and is completely out of the mainstream. Next week Mr. Clinton will propose repealing the Hyde amendment and, if he gets away with it, will force millions of taxpayers to violate their conscience and deeply held convictions and become part of the grisly business of dismembering bodies of baby boys and girls and chemically poisoning these children, simply because these kids are inconvenient, a nuisance, or unplanned.

Mr. Speaker, Mr. Clinton's proposal is antichild, it is an affront to the poor and poor families and treats the babies of poor women as chattel, as property, as throwaways.

Next week Mr. Clinton, the abortion President, will propose putting millions of poor kids at grave risk of death.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair wishes to announce that by virtue of agreement on both sides of the aisle, the Chair will entertain up to 17 1-minutes on each side of the aisle.

LET US HAVE THE SUMMER YOUTH JOBS

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, speaking about children, President Clinton's economic stimulus package contains jobs, summer youth jobs. You know, in my district in Chicago we have thousands of kids who really want to work. Each summer they have found themselves loitering around on the streets, loitering around on the playgrounds, and in the parks and what have you. I talked to one of the park directors today, this morning, in Chicago, and he said he is very interested in the kind of jobs that are coming up for the summer youth because summer youth jobs mean a lot to these kids. Many of these kids will earn money that will enable them to buy their clothing for the next school semester. The paycheck that many of these kids will take home may be the first paycheck instead of a welfare check that they have ever seen. These kids need to know self-esteem, they need to learn responsibility, they need to hold their heads high. The Clinton economic stimulus package will present them with the opportunity to do that.

NO MANDATE FOR FEDERAL FUNDING FOR ABORTION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, once again, President Bill Clinton has demonstrated his profound disregard for the American people by proposing to lift the 16-year-old prohibition on providing Medicaid funds for abortion.

President Clinton told the American people that the economy would be his top priority and he would focus like a laser beam on this issue. Apparently, President Clinton believes that taxing all Americans to pay for elective abortions is one of our Nation's top priorities.

The issue of abortion is one that causes profound disagreements among people in this House and throughout America. The Hyde amendment, passed and signed into law under President Jimmy Carter, kept the Federal Government out of the business of funding abortions. This is where we should stay.

This House should not force Americans who are fundamentally opposed to abortion to pay tax dollars to pay for it. That can only inflame this argument throughout this country.

HANDGUN CONTROL

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, since we began debate on the Brady bill in 1987, more than 138,000 Americans have died by handguns. That is more Americans than were killed in World War I, Vietnam, and Korea combined.

Mr. Speaker, it was 12 years ago on this date, March 30, that President Reagan and Jim Brady were shot by a handgun, and yet today we know that about 65 Americans are going to die by handguns; 14 of them are children.

There are about 11,000 murders by handguns in this country every year, and yet in England there are less than 10 in a year. There were seven in Canada. But the hunters in Canada are not constricted; there are probably as many hunters in Canada as any other nation. It has nothing to do with hunting.

What the Brady bill has to do is to fight, despite the NRA lies, the high-pressure political tactics to protect the handgun and assault-weapon manufacturers of this country, and it has got to stop.

PROMISES, PROMISES

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, well, it has happened again; another campaign promise has bitten the dust.

During the Presidential campaign Governor Clinton expressed his support for the *Seawolf* submarine, which is produced in Connecticut. The election is over now, and President Clinton has decided that the construction of the *Seawolf* is no longer a good idea.

Sorry, Connecticut.

But why are we not surprised? This broken promise goes in line with the $60 billion tax cuts for the middle class; the promise to only tax the rich when, with the family economic income formula, if you have a job and you own a home, yes, you are rich.

Yes, this goes in line with the energy consumption tax and the Haitian immigration policies reversals, not to mention the changed position concerning the increased taxing of our senior citizens.

A promise that our President seems intent on keeping is to lift the ban on gays in the military, thus appeasing special-interest groups.

Why are we not surprised?

THE GUAM COMMONWEALTH BILL, H.R. 1521

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, today, on behalf of the people of Guam and 45 original cosponsors, I introduced H.R. 1521, the Guam Commonwealth bill.

This legislation improves the relationship between Guam and the Federal Government and establishes a new partnership which brings dignity to the people of Guam.

Although this bill has been introduced in earlier Congresses by other numbers and on different dates, I chose a date close to March 28 and the number 1521 for historically significant reasons.

The date March 28, 1963, is significant because on that day, Guam's first Delegate to Congress was sworn in, Antonio Won Pat. It is a fitting tribute to this great man and symbolic that a bill of such significance would be introduced near this date.

The year 1521 Magellan, the famed Spanish explorer, allegedly discovered Guam, even though Guam had long been discovered by the indigenous Chamorros 4,000 years earlier. It was during this visit that Magellan burned 40 to 50 houses, and killed 7 men, hardly an event to commemorate.

In 1993, some 427 years later, the people of Guam are entering their own world of self-discovery. And discovery by others is not nearly as important as discovery of one's self.

Guam, in full partnership with the United States and with a strong desire to remain a part of the United States, is now undergoing a process of self-discovery, self-definition, and self-determination.

The Guam Commonwealth Act is the first step in the process.

For those concerned about the Delegate vote in this body, this legislation does not alter the status of Guam's Delegate to this body nor any other Delegate.

□ 1300

CONGRESS AND ITS EXEMPTION FROM SACRIFICE

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, President Clinton has asked the American people to sacrifice by paying higher taxes to bring down the Federal deficit. In his campaign book, "Putting People First," President Clinton promised that he would challenge Congress to cut its costs by 25 percent. Since then, we have heard a great deal about shared sacrifice, but we have not heard much about congressional reform. According to the Democrats, "Putting People First" means that the American people must sacrifice first and that Congress will not be asked to face the challenges of reduced spending.

The Republicans have taken the lead on this issue and proposed to reduce overall funding for the standing committees of the House by 25 percent. This is not a new policy for us. House Republicans took the lead on ending the four select committees. Republicans know that we cannot ask the American people to sacrifice where we will not.

The American people made it clear in the last election that it was time to cut spending and to get the deficit under control. The cuts must begin with Congress, and the time to do it is now. There is nowhere to hide on this issue.

Mr. Speaker, I urge my colleagues to meet the demands of the American people and support a 25-percent cut in standing committee funding.

THE DEMANDS OF THE AMERICAN PEOPLE

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, our people are out in front and we will do their bidding. Our people demand maintenance of our highways, locks, dams, and public works that have made the United States the most productive nation in history. Our people demand training and programs to give all people a share of our prosperity. And our people demand that we do this with more responsibility than in the past. We shall.

REAL REFORM?

(Mr. McKEON asked and was given permission to address the House for 1 minute.)

Mr. McKEON. Mr. Speaker, President Bill Clinton, in his State of the Union Address, promised the American people he would cut his White House staff by 25 percent, and he encouraged the Congress to do the same.

We all know that the President used smoke and mirrors to get to his 25-percent cut, but at least he used the rhetoric of reform.

I wonder how the Democratic majority in the House will respond to real reform. House Republicans will support the effort of JENNIFER DUNN to cut committee staffs by 25 percent, while promoting more fairness in committee ratios.

We all agree that our committee staffs have become overbloated and need to be cut. We all agree that there should to be more fairness in the democratic process, which includes fairness in resource distribution.

So, the question remains: How will the Democrat majority respond to real reform?

My guess is they will resist it to the end. And that is too bad.

AMERICAN IS BEHIND IN ECONOMIC GROWTH

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, over the last 3 years the minority party in this Chamber has languished in a state of economic denial, denying that we were in a deep economic recession causing pain in every State and every community in this country.

Now ironically enough that we are seeing some shallow indicators of a recovery, they are in a state of economic make believe. "Don't worry," they say. "The recession is over. Be happy."

In fact, we know that this economic recovery is going much slower than other recoveries. We know that we are 3 million jobs behind where we ought to be in a normal recovery cycle, and that economic growth is improving at fully 3 percent annually behind a normal pace. This is unacceptable.

Nine million Americans are out of work and need to be employed.

The President and Congress have approved an economic stimulus package which is destined to put these people to work. To the individual who will get a job, who will have a paycheck instead of an unemployment check, the President's stimulus package is more than an insurance policy. It is employment.

TIME TO GIVE THE GOVERNMENT BACK TO THE PEOPLE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, many Republicans are still running against poor Jimmy Carter. They say he gave us high interest rates and high inflation.

Well, that is totally wrong, but if you want to give him the responsibility in that, then let us give him credit for getting us jobs, high-paying quality jobs in the 1970's; but then he lost.

Twelve years later, we have low inflation. We have low interest rates. We have no jobs. We have minimum wage jobs or part-time jobs, and we have a $4 trillion debt.

In the seventies, the family had a breadwinner. It does not have one of those today. Today you cannot even buy a home.

We do not want to go back, but we do not want stagnation, either.

Americans deserve action by our Government and they are not getting it. They want action and they do not want just talk.

What we need, we can start off with a new trade policy, and I am talking about a trade policy that is going to allow America to be able to sell equally on their own American market, and we do not need the North American Free-Trade Agreement.

Mr. Speaker, I think it is time that the American Government be moved to give the Government back to the people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to clause 5, rule I, the Chair will now put the question to each motion to suspend the rules on which further proceedings were postponed on Monday, March 29, 1993, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 662, by the yeas and nays;

S. 252, by the yeas and nays;

S. 164, by the yeas and nays;

H.R. 239, by the yeas and nays; and

House Resolution 118, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

TECHNICAL CORRECTIONS RELATING TO THE VETERANS HEALTH CARE ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 662.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the Senate bill, S. 662, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 14, as follows:

[Roll No. 115]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—14

Barton
Bateman
Conyers
Dellums
Fields (TX)
Ford (TN)
Henry
King
McCurdy
McDade
Quillen
Skelton
Unsoeld
Wilson

□ 1327

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). Without objection, a motion to reconsider is laid on the table.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. VOLKMER. Mr. Speaker, I move to reconsider the vote by which the Senate bill, S. 662, was just passed.

Mr. FROST. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Texas [Mr. FROST].

The motion to table was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

IDAHO LAND EXCHANGE ACT OF 1993

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 252.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 252, on which the yeas and nays are ordered.

The Chair would advise this is a 5-minute vote and may be followed by three more 5-minute votes.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 13, as follows:

[Roll No. 116]

YEAS—417

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—13

Barton
Bateman
Conyers
Dellums
Fields (TX)
Ford (TN)
Henry
King
McCurdy
McDade
Quillen
Unsoeld
Wilson

☐ 1336

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, a motion to reconsider is laid on the table.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. VENTO. Mr. Speaker, I move to reconsider the vote just taken by which the Senate bill was passed.

Mr. FROST. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Texas [Mr. FROST].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 220, noes 150.

☐ 1340

So the motion to table was agreed to.

CUSTER NATIONAL FOREST

The SPEAKER pro tempore (Mr. MCNULTY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 164.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 164, on which the yeas and nays are ordered.

The Chair will state that this is a 5-minute vote, and will be followed by two more 5-minute votes.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 10, as follows:

[Roll No. 117]

YEAS—417

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner

Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Hancock
Sensenbrenner
Stump

NOT VOTING—10

Ackerman
Barton
Bateman
Conyers
Fields (TX)
Ford (TN)
Henry
McDade
Quillen
Unsoeld

□ 1349

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

□ 1350

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would like to call attention to the membership that 175 Republicans representing 40 percent of this body could have been calling for additional votes. We are trying to send a signal to the Democrat majority that we could be calling for votes following each one of these objections. We have not been doing so. We are trying to cooperate and hope that we can get some fairness for the Republican minority on the rules that are being put out of this House. We hope that the Democrat leadership is listening, and we would like to enter into a colloquy, off the floor, at some time before we adjourn for this Easter recess to see if we cannot get a little comity back on this floor and be proud of this House.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, I yield briefly to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to say to my colleagues on the Democrat side of the aisle that there is an attempt by the minority to reinstill some comity into the House. However, I hope that what is happening right now is not interpreted as a sign of weakness, because if there is not a change in attitude as far as the rules coming out of the Rules Committee, there will continually be votes being called on the House floor on all kinds of motions, on all kinds of procedures until there is some kind of modicum of fairness.

So today, as the gentleman from New York has just said, we are not calling votes on all of these technical motions. But if there is not a decided change in the attitude of the Rules Committee, into the indefinite future there will be vote after vote after vote called on these kinds of motions.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McNULTY). Without objection, a motion to reconsider is laid on the table.

There was no objection.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, I missed rollcall votes 115, 116, and 117. Had I been present, I would have voted "yea" on all three of these rollcall votes.

I missed these votes because it was necessary for me to be in a House Armed Services Committee hearing to receive testimony from, and ask questions of, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff regarding the President's fiscal year 1994 defense budget.

STOCK RAISING HOMESTEAD ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 239.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 239, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 8, as follows:

[Roll No. 118]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte

Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Sensenbrenner

NOT VOTING—8

Barton
Conyers
Fields (TX)
Ford (TN)
Henry
McDade
Quillen
Unsoeld

□ 1359

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING RELEASE BY GOVERNMENT OF MALTA OF CONVICTED TERRORIST MOHAMMED ALI REZAQ

The SPEAKER pro tempore (Mr. MCNULTY). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 118, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and agree to the resolution, House Resolution 118, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 9, as follows:

[Roll No. 119]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett (MD)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston (FL)
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf

Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Barton
Conyers
Fields (TX)
Ford (TN)
Henry
McDade
Quillen
Sanders
Unsoeld

□ 1409

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1410

PROVIDING AMOUNTS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY CERTAIN COMMITTEES IN THE FIRST SESSION OF THE 103D CONGRESS.

Mr. FROST. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 107) providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the first session of the One Hundred Third Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 107

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Committee on Agriculture, $2,257,937; Committee on Armed Services, $2,650,233; Committee on Banking, Finance and Urban Affairs, $4,431,461; Committee on the District of Columbia, $342,035; Committee on Education and Labor, $4,036,251; Committee on Energy and Commerce, $6,561,340; Committee on Foreign Affairs, $4,201,658; Committee on Government Operations, $3,577,960; Committee on House Administration, $2,000,351; Permanent Select Committee on Intelligence, $110,000; Committee on the Judiciary, $2,764,007; Committee on Merchant Marine and Fisheries, $2,500,441; Committee on Natural Resources, $2,268,318; Committee on Post Office and Civil Service, $1,997,572; Committee on Public Works and Transportation, $3,103,247; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $3,090,776; Committee on Small Business, $1,090,000; Committee on Standards of Official Conduct, $135,000; Committee on Veterans' Affairs, $911,759; and Committee on Ways and Means, $4,992,000.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,000; Committee on Armed Services, $40,000; Committee on the District of Columbia, $8,000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $10,000; Committee on House Administration, $225,000; Committee on Natural Resources, $2,500; Committee on Post Office and Civil Service, $175,000; Committee on Public Works and Transportation, $50,000; Committee on Standards of Official Conduct, $200,000; Committee on Veterans' Affairs, $55,000; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $1,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $5,000; Committee on the Judiciary, $5,000; Committee on Natural Resources, $4,378; Committee on Public Works and Transportation, $30,000; Committee on Rules, $4,500; Committee on Science, Space, and Technology, $7,600; Committee on Standards of Official Conduct, $5,000; and Committee on Veterans' Affairs, $1,500.

SEC. 5. (a) In addition to the amounts made available for other committees under this resolution, there shall be paid out of the contingent fund of the House not more than $495,000 for one-half of the expenses of investigations and studies by the Joint Committee on the Organization of the Congress (hereinafter in this section referred to as the "Committee"), including expenses for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) Not more than $50,000 of the amount specified in subsection (a) may be used for consultant services referred to in such subsection.

(c) Notwithstanding sections 7 and 8—

(1) payments under this section shall be made on vouchers signed by the House of Representatives co-chairman of the Committee and approved by the Committee on House Administration; and

(2) amounts shall be available under this section for investigations and studies carried out during the period beginning at noon on January 3, 1993, and ending on December 31, 1993.

SEC. 6. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 7. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 8. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1993, and ending immediately before noon on January 3, 1994.

SEC. 9. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert the following:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Committee on Agriculture, $2,257,937; Committee on Armed Services, $2,525,684; Committee on Banking, Finance and Urban Affairs, $4,076,066; Committee on the District of Columbia, $342,035; Committee on Education and Labor, $4,036,251; Committee on Energy and Commerce, $6,413,209; Committee on Foreign Affairs, $3,917,642; Committee on Government Operations, $3,282,875; Committee on House Administration, $1,941,450; Permanent Select Committee on Intelligence, $110,000; Committee on the Judiciary, $2,490,768; Committee on Merchant Marine and Fisheries, $2,322,057; Committee on Natural Resources, $2,192,434; Committee on Post Office and Civil Service, $1,948,999; Committee on Public Works and Transportation, $2,951,842; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $2,959,438; Committee on Small Business, $1,055,000; Committee on Standards of Official Conduct, $100,000; Committee on Veterans' Affairs, $761,635; and Committee on Ways and Means, $4,875,600.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,000; Committee on Armed Services, $40,000; Committee on the District of Columbia, $8,000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $10,000; Committee on House Administration, $225,000; Committee on Natural Resources, $2,500; Committee on Post Office and Civil Service, $175,000; Committee on Public Works and Transportation, $50,000; Committee on Standards of Official Conduct, $100,000; Committee on Veterans' Affairs, $55,000; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $1,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $5,000; Committee on the Judiciary, $5,000; Committee on Natural Resources, $4,378; Committee on Public Works and Transportation, $30,000; Committee on Rules, $4,500; Committee on Science, Space, and Technology, $7,600; Committee on Standards of Official Conduct, $5,000; and Committee on Veterans' Affairs, $1,500.

SEC. 5. (a) In addition to the amounts made available for other committees under this resolution, there shall be paid out of the contingent fund of the House not more than $495,000 for one-half of the expenses of investigations and studies by the Joint Committee on the Organization of the Congress (hereinafter in this section referred to as the "Committee"), including expenses for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) Not more than $50,000 of the amount specified in subsection (a) may be used for consultant services referred to in such subsection.

(c) Notwithstanding sections 7 and 8—

(1) payments under this section shall be made on vouchers signed by the House of Representatives co-chairman of the Committee and approved by the Committee on House Administration; and

(2) amounts shall be available under this section for investigations and studies carried out during the period beginning at noon on January 3, 1993, and ending on December 31, 1993.

SEC. 6. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 7. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 8. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1993, and ending immediately before noon on January 3, 1994.

SEC. 9. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 10. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under sections 2 and 5, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such sections 2 and 5.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Kansas [Mr. ROBERTS], the ranking minority member of the Subcommittee on Accounts, for purposes of debate only, pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation, for debate purposes only.

Before explaining this amendment, I wish to thank all of the members of the Subcommittee on Accounts for their hard work in considering each budget request from the respective committees. Attendance at each of the sessions was excellent. I also thank Chairman ROSE for his assistance and consultations during this process.

Furthermore, I wish to thank all of the chairmen and ranking minority members from the respective committees and their staffs. Their cooperation with the Accounts Subcommittee enabled us to evaluate all budgetary requests in a thorough and timely manner.

The committee amendment in the nature of a substitute is the product of the deliberations of the Subcommittee on Accounts over each committee's budgetary request. The amendment incorporates all of the subcommittee's determinations on each original primary expense resolution from 20 standing committees, the Permanent Select Committee on Intelligence, and the Joint Committee on the Organization of the Congress for the 1st session of the 103d Congress. It does not include the Committees on Appropriations and Budget. The proposed amendment was adopted by the subcommittee at its markup on march 16 by a rollcall vote of 8 to 5, after completion of hearings on each individual resolution. The amendment was subsequently adopted without change by the full committee on March 17, by a vote of 12 to 7.

For this year, the subcommittee had a very difficult task due to pressures to restrain the cost of Government. When we commenced the hearings, I stated that the subcommittee had two major responsibilities. First, we had to ensure that the committees of the House had adequate funds to discharge their legislative and oversight responsibilities. Second, we had to make certain that the authorization of committee funds was fiscally responsible. In my judgment, we have successfully discharged both of these responsibilities.

Regarding the subcommittee's work product, the amendment provides a total authorization of $51,778,401 for 20 standing committees, the Permanent Select Committee on Intelligence, and the Joint Committee on the Organization of the Congress for the 1st session of the 103d Congress.

The authorization for 1992 as established by House Resolution 379, the omnibus primary expense resolution for the 2d session of the 102d Congress, was $55,031,756. That authorization provided funds for the usual 20 standing committees, and Permanent Select Committee on Intelligence, and 4 select committees—Select Committee on Aging, Select Committee on Children, Youth, and Families, Select Committee on Hunger, and the Select Committee on Narcotics Abuse and Control.

For the purpose of comparing the 1992 funding level with the level for 1993, we have utilized the previously mentioned 1992 authorization as the baseline. This baseline does not include the authorized funding for the October Surprise task force, a temporary entity. As a result, we have not included the funding for the Joint Committee on the Organization of the Congress, another temporary entity, in our comparative level for 1993.

Accordingly, excluding funds for the temporary committee—Joint Committee on the Organization of the Congress—the amount recommended by the committee amendment for 1993 and the amount of interim funds authorized for four select committees pursuant to House rule XI, clause 5(f) constitutes a total amount of $52,279,866 and this amount is $2,751,890 below the authorization of $55,031,756 for 1992 as established by House Resolution 379. This amount represents a 5-percent reduction from the 1992 authorized level for committees that have been customarily funded through omnibus primary expense resolutions.

In essence, this amendment can be characterized as a flexible freeze. The subcommittee did not distribute any of the $2,694,144 that is available in the 1992 baseline resulting from the nonreestablishment of the four select committees. In fact, the amendment achieves an additional savings of $57,746 from the baseline. As a result, the amendment succeeds in preserving the detailed budget review process. If an across-the-board approach had been utilized, then this whole procedure for constructing and reviewing committee budgets would have become a futile exercise.

Most importantly, I would emphasize to my colleagues that the 1993 fiscal year appropriation for the investigative committee account is $57,900,000. The effect of the pending committee amendment and the 3-month interim funding for the four select committees under House rules is the establishment of a total 1993 authorization of $52,774,866 which represents an 8.85-percent cut in the appropriation. This reduction is not a gimmick but rather, it constitutes a real savings of $5,125,134.

In conclusion, you are being asked to support a 5-percent cut from the previous year's authorization and an 8.85-percent reduction in the current appropriation account. Accordingly, I urge all my colleagues to vote in favor of the committee amendment in the nature of a substitute and the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the committee funding resolution put forward by the gentleman from Texas [Mr. FROST].

My colleagues, after long, exhaustive hearings by the Subcommittee on Accounts in regard to our committee funding for 1993, we have now reached the floor. Our challenge this year was very unique. Not only do we have the usual responsibility of providing the necessary funds so that our committee system may function and handle the issues of the day, we also stand at a very unique crossroads.

After many years of effort to reduce the number of committees and subcommittees, to set the fiscal example and practice self-restraint, and to work in a bipartisan manner in terms of minority rights, Republicans' rights, regarding funds and staff, this year is the year we can make a significant difference, this year we can, in fact, accomplish these goals.

Our constituents voted for change, last fall, today this House has the opportunity, each individual Member has the opportunity to vote for true reform.

There is some good news regarding the committee's work, and I credit the chairman.

There is an aggregate freeze in committee spending.

The elimination of four select committees does result in a 5-percent reduction in authorization compared to last year.

There is also some bad news:

While 12 committees will practice fiscal restraint and set the example with a freeze or cut, 9 committees will spend more—$596,826 over last year.

And with all due respect to the Democrat majority, these increases come at the expense of those committee chairmen and ranking Republicans who have practiced restraint and set the example. Most important, these increases are funded in large part by taking $300,000 from the Committee on Standards, Ethics, and cuts from three other committees. We all hope that the 103d Congress will not see the need for funds for the Committee on Standards, but should that be the case, we will simply fund the committee with a dire emergency supplemental of some sort. We did not save anything. The majority simply reduced the Standards Committee by 75 percent and hoped for the best.

□ 1420

Mr. Speaker, at a time when new Members of this Congress—on both sides of the aisle—give us a unique opportunity for change, reform, and spending restraint, this funding resolution falls short of those goals.

I urge my colleagues to support our constituents and oppose this package and vote for the motion to recommit to be offered by the gentlewoman from Washington.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE], the chairman of the House Administration Committee.

Mr. ROSE. Mr. Speaker, as ex-officio member of the Accounts Subcommittee, I would like to congratulate its new chairman, MARTIN FROST, for the excellent job which he did in producing the 1993 committee funding resolution. At a time when the House has been asked to share the sacrifice with the rest of the Nation, the work product of the subcommittee achieves real reductions, without resort to a meat ax across-the-board approach, which is urged by some Members.

House Resolution 107, as amended, proposes a 5-percent reduction, as compared to the amount authorized in 1992. Furthermore, no money was redirected from the nonreestablishment of the select committees, to the standing committees. If you take the selects out of the 1992 baseline, the amount proposed in 1993 for standing committees is still below a freeze level. I would remind my colleagues, that committee investigative funding was also frozen in 1992. Therefore, we have functioned with either no increase, or a cut for 2 years in a row.

The subcommittee, however, tried to insure that our committees still had the minimum necessary resources to conduct oversight of the Federal agencies, most of whom measure their budgets in billions, rather than millions of dollars. Therefore, a flexible approach was taken. Some committees were funded at a slight increase, based on demonstrated legislative and oversight work loads. The majority of committees were cut or frozen. I might add that the Committee on House Administration was in the category of committees receiving no increase pursuant to House Resolution 107.

I urge all of you to support the hard work and difficult choices made by Chairman FROST and the Accounts Subcommittee.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BARRETT], a member of the full committee and a former member of the Subcommittee on Accounts of the Committee on House Administration.

Mr. BARRETT of Nebraska. Mr. Speaker, I appreciate the gentleman's yielding me this time. Mr. Speaker, I rise today in opposition to the 1993 committee funding resolution. The Committee on House Administration has failed to bring a truly fiscal, responsible resolution to the floor.

I say this despite my service on the House Administration Committee, and despite the respect I have for the members who serve on the Accounts Subcommittee, and who suffered through the long and intensive process to get the funding resolution before the House.

Particularly, I want to acknowledge the time and effort of the subcommittee's new ranking member, the gentleman from Kansas [Mr. ROBERTS]. He is doing, and has done in past years, more than his share to put this House back in order.

One thing I have learned in serving with Mr. ROBERTS on this Committee, is that there is money to be saved in committee operations—big money.

But the funding levels before us today, do not reflect the savings that could and should be made. The funding levels we are asked to vote for today, don't even truly reflect the fact that we are eliminating the four select committees.

A dramatic change could have been achieved with the elimination of the selects and by cutting costs in our other committees.

But what do we do instead? In reality, many committees are receiving an increase. At the very, very least, they should be holding the line at last year's levels.

This funding resolution is hailed as achieving a 5-percent decrease. So what? That does not compare to the sacrifice that taxpayers are being asked to contribute under the new administration.

If we had a funding resolution before us with a 10- or 15-percent cut then maybe we'd be having a responsible debate.

In fact, why not 25 percent? There is momentum that encompasses both sides of the aisle, freshmen and veteran members alike, for cutting this funding resolution 25 percent. Let's put it to a vote for the folks back home, to see just how serious we are about this vision of change for America.

So Mr. Speaker, I ask my colleagues to support the Dunn motion to recommit. Should that fail, I urge my colleagues to vote no on House Resolution 107.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT], a member of the subcommittee.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding.

I would also like to tell the gentleman that I think he has done an absolutely magnificent job in taking this very difficult bill to the floor.

It used to be that this committee could bring to the floor things that gained people more. The gentleman has brought to the floor something that takes from Members, and certainly takes from everyone what they might under normal circumstances have expected to receive. This bill is a cut.

Woodrow Wilson, long before he was President when he was a political science professor, wrote that the House in session was the House on display. The House in committee was the House at work.

I sometimes tell C-SPAN fans that if they see particular Members too frequently on C-SPAN, they are probably not doing their committee work, or they would not have time to be here that often.

The real work of this institution is done in the institution's committees. What you see here on the floor is the tip of the iceberg. It is the end of the process. It is the most obvious. It is the easiest to see, but it is not where the real nuts and bolts work of this institution takes place. That takes place in the committees.

Over the years the job of those committees has become more complex. There are more and different agencies downtown than there used to be, and we need to be able to deal with those. The issues that come before these committees are more technical and more complex than they were in years past. The result is that what we do here today really determines whether or not this institution is going to be able to effectively do its job.

I believe that with the cuts that the committee has brought to the floor, we will still be able to do the job. But it is possible to make cuts so deep that the institution simply cannot function.

Let me make one last point. I think there is a manifestation that has developed here that I find puzzling. Some say that these cuts are not enough. They want deeper cuts, but at the same time they say the minority should get a larger share. In short, the majority should have less money, the minority should have more money.

Aside from not being consistent, this attitude certainly does not demonstrate to me shared sacrifice.

Mr. Speaker, I would urge my colleagues to support this resolution.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage the ranking Republican member of the full committee in a colloquy.

Mr. Speaker, I have noticed that the largest committee in this House, the one that—by itself—spends about one-fifth of our total spending on committees, is not even listed in this resolution. I am, of course, referring to the Appropriations Committee. Could my distinguished colleague from California explain this.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. THOMAS of California. The reason for that is that both the Appropriations Committee and the Budget Committee have permanent authorization for both statutory and investigative funds, and therefore alone among the committees of the House, they do not need to come before the House Administration Committee with their funding requests.

Mr. ROHRABACHER. So, how then, is the Appropriations Committee funded?

Mr. THOMAS of California. Their investigative funds are provided by a separate line item in the legislative branch appropriations bill, while their statutory funds are included in one figure in that bill that provides the statutory funds for all House committees. I would also note that although there are no statutory funds for any committees in the resolution before us—only investigative funds—almost all committees are limited to 30 staff members that can be paid with statutory funds, and they must come before the House Administration Committee for anything additional. The Appropriations and Budget Committees, however, have no limit on their statutory staff, and thus there is no built-in limit on their share of the statutory committee funding line item.

Mr. ROHRABACHER. So how do these statutory funds get divided up?

Mr. THOMAS of California. There is not a yearly procedure for authorizing committees of the House specific amounts from the legislative branch appropriation for statutory committee employees. The amount allocated to each committee is not publicly reviewed.

Mr. ROHRABACHER. So what the distinguished ranking member is saying is that the Appropriations Committee sets its own level for investigative funds, and then receives a share of the statutory funds through this nonpublic process you referred to, and that no matter what amendments we adopt today, the House can do nothing about it?

Mr. THOMAS of California. The gentleman is correct.

Mr. ROHRABACHER. I thank the gentleman for explaining just how we got into this situation where the Appropriations Committee is exempt from normal oversight, and provides its own funds in a blatant conflict of interest. I would hope when the legislative appropriations bill comes before the House in a few months, that we would apply any action taken today to limit spending on House committees to the Appropriations Committee, as well.

□ 1430

Mr. ROBERTS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, I want to thank the distinguished gentleman from Kansas [Mr. ROBERTS] for yielding this time to me.

Mr. Speaker, I rise in opposition to House Resolution 107, the committee funding resolution.

Today, we had an opportunity to show the millions of Americans who voted for changing the way things are done in Washington that Congress is listening to them. We had a chance to restore public trust in this institution by cutting the congressional budget before asking the American people to cut theirs.

But the majority on the House Administration Committee has given us a bill that won't do that. In committee, they rejected efforts to cut committee funding by 25 and 10 percent. What is worse is that now they are using the soon-to-be-defunct select committees to claim $2.8 million in savings, when in fact there are only $57,000 in cuts.

It is time to stop the practice of claiming cuts where there are no real cuts and taking credit for things we have not done. If Congress really wants to show the American people that we are serious about deficit reduction and congressional reform, let us take up a bill that I introduced to rescind the leftover appropriations for the select committees and put it toward deficit reduction. Then maybe we can make the case to the American voter that their vote in November was not cast in vain.

I urge my colleagues to stand with the American people for change by voting down House Resolution 107.

Ms. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. GRAMS. I yield to the gentlewoman from Maine.

Ms. SNOWE. Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. GRAMS] for yielding to me and congratulate him for his statement, and I know that we share the same concern because I certainly was surprised, as one who objected to the way in which the select committees were treated here, but that became reality, so I was somewhat surprised to find out that the standing committees still would be enjoying overall increased funding for 1994.

Mr. Speaker, that is not participating in shared sacrifices. It seems to me that the standing committees also should realize cuts beyond the $57,000 out of a $55 million total budget. That represents, the $57,000 represents, frankly, the equivalent of one salary of a staff person on a committee, so that is not a substantial cut.

Now the truth is that, when the select committees were abolished here in the House by default in the way in which it was handled, the fact is that was a start toward deficit reduction, but I gather that the majority on the Committee on House Administration has decided that it was not a start, but rather an end, to deficit reduction, and I think that everyone would be surprised that the truth is that nine committees will actually see a real increase in committee funding, and that the truth is that only $57,000 was reduced out of a $55 million total committee funding budget, and the truth is that the excess funding from the elimination of select committees should not exempt the 21 standing committees from real reductions.

Mr. Speaker, that is the issue here. It should not exempt the standing committees from reductions.

Mr. BARTLETT of Maryland. Mr. Speaker, will the gentleman yield?

Mr. GRAMS. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, something happened in this Chamber several weeks ago that was really, really encouraging. We were able to have a reasonable debate. We made a point, and one of the select committees was voted down. The decision was then made not to bring them off the table, so apparently they are going to die a natural death. We had anticipated the possibility that, although the committees would disappear, that the staff would not disappear, and the funding would not disappear. As a matter of fact, we saw this written up in a periodical. We now submitted legislation that says that this funding will be removed, that these staffers will not go to another committee, and we invite everyone to join in this bill to make sure this funding goes back to the Treasury, back to the debt and that this funding and these people are not moved to other committees.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of House Resolution 107, the House committee funding resolution.

This is the second consecutive year that House committees are being funded at or near 1991 levels. You may recall that Members' own clerk-hire allowances were increased twice during this same period—by a total of 7.8 percent. All other Federal employees also received COLA increases twice during this period. I just wanted to bring this to the attention of those who may feel that the Congress should lead the way in deficit reduction through funding cuts on the committees. We have already led the way—perhaps foolishly so—if we make decisions that result in losing our best staffers.

Proper funding of House committees, based on workload and performance, is necessary to ensure the efficient functioning of this institution. Ultimately, the institution itself will pay the price of multiyear freezes or cuts in funding. At the Committee on Ways and Means, we try very hard to serve the needs of all Members—on both sides of the aisle. If the House continues to curtail our funding, a reduction in the services we provide to Members will be the inevitable result. It may seem like an easy vote to support efforts to cut committee funding; after all, it does not cut into your own office allowances. But Members should give some thought to exactly what types of services you would like to see us eliminate before supporting an effort to reduce committee funding.

As chairman of the Committee on Ways and Means, I requested a slightly larger funding increase for my committee than is provided in this resolution. Most major areas on the President's agenda fall within the jurisdiction of the Committee on Ways and Means. On a percentage basis, it is clear that the Committee on Ways and Means will be bearing a larger share of the workload this year. Thus, a modest increase is not difficult to justify, particularly when you consider that our funding level was frozen last year—and that in prior years our requests were never inflated.

Nonetheless, I recognize the political impossibility of providing a higher level of funding at this time and urge my colleagues to support the package as reported by the Committee on House Administration.

I would like to express my appreciation to both committee Chairman ROSE and subcommittee Chairman FROST for their efforts to protect the interests of the Committee on Ways and Means in this funding process.

I urge all Members to support this important resolution.

□ 1440

Mr. POMBO. Mr. Speaker, I rise today to oppose House Resolution 107 because once again Congress is trying to pull the wool over the eyes of the American taxpayer. The other side of the aisle will argue that this bill authorizes a 5-percent decrease in funding from last year's level. What they won't tell you is that 98 percent of this savings actually comes from the elimination of the select committees, and that the actual savings for the other 21 standing committees is minimal.

This bill increases funding for nine House committees while only reducing budgets for four. Is this what they mean by sacrifice? Every time Republican members on the House Administration Committee proposed an amendment to cut spending, it was voted down. The American taxpayer is being asked to sacrifice while the Democrat-controlled Congress increases funding for most committees and cooks the books to make it look like there is more savings then there actually is.

In my congressional office, I have received hundreds of letters urging Congress to cut spending. It is time for us to get our House in order. In November the American people rejected the status quo, and I too rejected it by running for Congress to help fix an institution that the American people believe is broken. As a member of the freshman class I call on my Democrat freshman colleagues to have the courage of their convictions, and to vote against this bill. If Members support this legislation they are stating that they have accepted the system. The status quo system. I call upon the freshman Democrats, and all Members, to vote for change; reject the past; and support real spending cuts. Oppose House Resolution 107.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, very briefly I would like to explain to my colleagues why we support an increase in staff funding for the Committee on Armed Services, and, therefore, support this resolution.

First, we need to pay our staffs fairly. Mr. Speaker, as you know, I was elected a few short months ago to chair the Committee on Armed Services. Once I became chair of the Committee on Armed Services, I learned that every single one of the staffers of the Committee on Armed Services had not received a cost of living raise in 2 years, and some of them 3 years.

Mr. Speaker, I found that unconscionable. I said in open session in a public forum that I would make sure that people on that committee staff who had had their salaries frozen for 2, and some, 3 years, that even if it had to come out of our hide, we would make sure that those people would have a cost of living pay raise. That situation needs to be corrected.

Second, at the time when we were expanding the military budget, life was very easy for a lot of our colleagues around here. Give the Army this, give the Navy that, give the Air Force the other.

Now we have to downsize the military budget and very difficult questions must be asked. We must now begin to answer questions that many of my colleagues did not even want to ask 2 years ago, such as how to downsize the military budget, what is our new definition of national security, what is the real threat out there, what force level do we maintain, how do we really engage in economic conversion, and how do we maintain an industrial base. These are significant questions that have not been asked in a post-cold-war, post-Soviet Union, post-Berlin Wall environment.

Mr. Speaker, at the end of the cold war we have the opportunity, the imperative, to rethink America's national security needs. The Committee on Armed Services gives careful scrutiny, I would say to my colleagues, to more than half of the discretionary spending of this country.

This year we will be called upon to act on a military budget of between $263 and $264 billion, an extraordinary amount of money. I would ask my colleagues not to be penny wise and pound foolish, because if you give the Committee on Armed Services the necessary staff to investigate the way we should investigate on the basis of waste, fraud, and abuse, for these few measly thousand dollars we can bring you millions, tens, if not hundreds of millions of dollars, in addressing the fiduciary responsibility of taxpayer dollars.

Mr. Speaker, finally, let me put this debate in proper context. The annual budget for the country this year is $1.5 trillion, and we are hassling over $52 million. Fifty-two million dollars to deal with the $1.5 trillion budget is a drop in the bucket. We not only have the responsibility to make laws and authorize money, we have a constitutional responsibility to oversee the taxpayers' dollars, and I urge my colleagues to support this resolution.

Mr. ROBERTS. Mr. Speaker, might I inquire how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ROBERTS] has 17½ minutes remaining, and the gentleman from Texas [Mr. FROST] has 14 minutes remaining.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. MICA], a new Member from the Seventh District.

Mr. MICA. Speaker, as a new Member of Congress I am pleased to be here as we preside over the death of the select committees. I am not pleased with the shell game that is going on here where we transfer the money from account to account. But that is not why I came to speak here today.

Mr. Speaker, I came here to speak as a member of the Committee on Government Operations of this House of Representatives. I want to talk about an inequity and injustice that is taking place. This is 46 to 6. This is not the score of a badly matched athletic game. This is the score of the representation of investigative staff between the majority and the minority that is being proposed here today.

The Committee on Government Operations is responsible for the investigation and oversight of all of the Federal agencies. The Democrats control the White House, they control the Senate, and they control the House of Representatives, and today they are proposing to us this ratio, which is unfair.

Mr. Speaker, I submit that the people of the United States deserve better and that the House of Representatives deserve better.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG], a new Member from the 11th District.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to express my strong opposition to the committee funding resolution. The committee funding resolution does not measure up to the clear desire of the American people to see Congress tighten its belt.

I support the freshman Republican proposal to cut committee budgets by 25 percent. The House Administration Committee approved increases for nine committees, a freeze for eight committees, and provided for small cuts in only four committees. In fact, virtually all of the savings in this proposal comes from elimination of the four select committees—action the House took weeks ago.

Numerous proposals to cut committee funding were offered at the committee level. All of these were rejected on party line votes with Republicans supporting cuts and Democrats supporting the status quo.

It is no surprise that the Democrats support the status quo since they are given an incredible 76 percent of committee staff—Republican members get only 24 percent of total committee staff despite constituting 41 percent of the House. This unfairness must end.

Mr. ROBERTS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California [Mr. KIM], a new Member representing the 41st District.

Mr. KIM. Mr. Speaker, I rise in strong opposition to this resolution.

This resolution is an insult to the American taxpayer.

First, while I am encouraged that we have eliminated the wasteful select committees, I am outraged that these committees, knowing that they were to be eliminated, went on a spending spree.

And spent almost $1 million of the taxpayers money in 3 months.

Second, I have compared the 1992 and 1993 committee funding levels, and after the elimination of the select committees, the saving is only one-tenth of 1 percent.

That is it, one-tenth of 1 percent. Not 5 percent, unless you include the already eliminated select committees.

Here we are appealing to American patriotism by asking the public to tighten its belt.

And pay more taxes it cannot afford. Our one-tenth of 1 percent cut is not leadership, it is hypocrisy. It is a slap in the face to the American taxpayer.

Congress must take the lead and seriously cut our own spending, not play games with numbers. This resolution is nothing more than tax and spend, business as usual. It is time to be honest. No more hidden costs and deception. It is time to cut the deficit by cutting Congress.

I came to Congress to support change. I support Republican efforts to cut all committee funding by at least 25 percent. That is real change. That is putting our money where our mouth is. A 25-percent cut is real fiscal leadership; this resolution is not.

I urge my colleagues, especially all freshmen, to oppose this costly resolution.

□ 1450

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the freshman Members of the majority party have come to this body demanding change, change in the handling of our Nation's economy, change in terms of getting serious with the deficit of this country, change in our health care system and, last but not least, change in the operations of this institution itself.

Today we cast one of the first votes on the vital issue of congressional reform. Members of the freshman class played an important role in shaping this package. It represents an actual 5-percent reduction in the cost appropriated to this function last year.

This is a first step in the reductions we will ultimately achieve in spending for the House of Representatives. The American people have a right to expect a leaner, more efficient Congress, and to expect the process of an orderly reform within this body. They would be poorly served by a reduction bidding war, with each party trying to outdo the other as to the depth of immediate cuts, regardless of the impact to essential support services vital to the functions of the House.

We freshman Members of the majority party have too much respect for this institution and for the people we serve to engage in that cynical game. Make no mistake about it. We will seek additional, meaningful cuts in the funding of this House. Many of us favor an ultimate reduction of 25 percent achieved over the next 5 years.

Today I strongly urge freshmen and all Members to support the spending resolution. With a real reduction in spending of 5 percent this year, it represents an important first step in improving the cost efficiency of this great institution.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER], who is a member of the Subcommittee on Accounts and a member of the full Committee on House Administration.

Mr. BOEHNER. Mr. Speaker, let us get all this straight. This resolution does not cut spending. It does not cut spending.

The only reductions in this bill are as a result of the four select committees that were allowed to expire. Beyond that, it increases committee funding for eight or nine different committees.

President Clinton has proposed a 25-percent cut in the White House staff. Now, we all know that is a sham. No one has lost their job. We are not going to save any money. But the fact is, we are going to offer a cut here this afternoon that is a real 25-percent cut. And let us see if the Members of this body have the courage to support it.

In committee I offered what I called the fairness amendment.

The fairness amendment very simply says this: That Republicans ought to have 25 percent of the investigative staff instead of the 18 percent that we have today. And secondly, that the Republican ranking member on each committee ought to be able to use those funds as he or she sees fit.

Today there are 730 majority investigative staff and there are 167 Republican staff, 18 percent. We represent 40 percent of this body yet only have 18 percent of the investigative staff.

On the Committee on Government Operations, we have 7 percent of the staff, 54 majority investigative staffers and 4 for the minority. I think that is unfair.

The second point I would make in the fairness amendment is that Republicans ought to be label to control how their money is used so our ranking members do not have to get on their knees to the chairman and beg for funds. Each of us in this body, Democrat and Republican alike, have been elected to represent approximately the same number of people.

We have been a minority for 38 consecutive years. All we are asking with this amendment is fairness. But, of course, the amendment was ruled out of order, was defeated on a party line vote.

The fact is, what we want is fairness; allow us the rights that we have as the minority in this body.

I believe the resolution we have before us ought to be defeated and we ought to, in fact, include the 25-percent cut.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the subcommittee.

Mrs. KENNELLY. Mr. Speaker, I rise here today as a new member of the Subcommittee on Accounts, a member that has joined this committee knowing that things are going to be very different, very difficult, and the days of spending are over and the fact that we have to face what we have in front of us: Deficit reduction.

My colleagues may say what they may, and there are those that think we should have cut more. There are those that think we should have cut less, and there are those that say we should not have done anything at all.

The hard fact is, we did continue what began last year. Last year there was a 6.5-percent cut for committees. In this proposal that we have before us today, it is a 5-percent cut, $57,000.

Having said that, we know that probably there will be in the future decisions that are more difficult and the cuts will go deeper, but why I stand here today with pride is the way the chairman of this subcommittee handled himself, the gentleman from Texas [Mr. FROST].

He was open. He was fair, and he did his job in a businesslike fashion.

The previous speakers spoke about how much the select committees spent in those first few months of this year. As a matter of fact, they did spend that money, and the reason they spent it was to get their pay. What we have to realize is that we are talking about the elimination of committees, the Select Committee on Hunger, the Select Committee on Narcotics Abuse and Control, the Select Committee on Aging, the Select Committee on Children, Youth, and Families, the select committees that worked proudly and did good work are gone.

And what the gentleman from Texas [Mr. FROST] did and what he continued to insist on in meeting after meeting is that we approach this question in a fair way. Yes, the select committees are gone. But may each and every one that talks about it today not doing enough, remember, layoffs is what we did. We let people go.

The work they did was fine. There was never any question about that work. But because times have changed, they had to be laid off.

And as we go forward and as we cut back and as we see that we cannot spend more, let us at least remember the human element that we have involved here. People are losing their jobs.

I thank the gentleman from Texas [Mr. FROST] for the way he handled himself to represent those people who lost their jobs.

Mr. ROBERTS. Mr. Speaker, might I inquire again as to the time remaining on both the majority and minority side?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Kansas [Mr. ROBERTS] has 12 minutes remaining and the gentleman from Texas [Mr. FROST] has 10 minutes remaining.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN], a member of the Subcommittee on Accounts and who, with great competence, will offer a motion to recommit. And I would urge Members to pay particular attention to her comments at this time.

Ms. DUNN. Mr. Speaker, the American people have spoken in a clear voice. They want reform. And the American people have been clear about something else, as well, Mr. Speaker. They want fairness, bipartisanship, and responsibility in spending from their Congress.

Today the House could have taken one big symbolic step in that direction with the committee funding resolution. Unfortunately, the resolution represents a continuation of the status quo, a continuation of stunningly partisan behavior.

My purpose is not to dwell here today at this time on the way in which committee chairmen abuse the minority and committee staffing, yet that certainly is happening. Nor is it to dwell on the fact that the funding resolution basically grants the committees the status quo in their budgets. Instead, I want to use my time, Mr. Speaker, to talk about how even at this 11th hour, the House could move toward fairness and reform the taxpayers so earnestly desire.

☐ 1500

We could turn back the proposal that is pending and vote for a motion to recommit, which I intend to offer on behalf of the Republican freshmen and the Republican conference, to require that the total amount spent on our committees be reduced by 25 percent, and that we achieve that goal by limiting the majority to a 2 to 1 staff advantage.

Mr. Speaker, I should think that most Members would be proud to go home and talk to their constituents after having voted to start the cutting right here in Congress with a real 25-percent cut, nothing less, and that a vote for simple fairness and staffing proportions would only be welcome to our constituents back home.

The American people understand fairness, Mr. Speaker. They understand cutting the budget, and they understand that what we are doing in this funding resolution is neither, and that what I and my freshman colleagues on the Republican side will present later in our motion to recommit, will try to do. That is taking responsibility for cutting this budget in Congress before we ask the American people to cut their spending and raise their taxes.

Let us vote for reform, Mr. Speaker. Let us vote for fairness. Let us turn this proposal down. Let us be fair and let us save the taxpayers some money.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN], a member of the subcommittee.

Mr. CARDIN. Mr. Speaker, I want to thank the chairman of the subcommittee for yielding this time to me.

Mr. Speaker, I rise in support of House Resolution 107, as reported from the Committee on House Administration.

Mr. Speaker, as a new member of House Administration, and a member of the Accounts Subcommittee, I believe this resolution—and I commend Subcommittee Chairman FROST and Chairman ROSE for their leadership on this issue—continues the course of institutional reform we have begun in this Congress.

Before the 103d Congress was even sworn in, the House Democratic caucus approved rules changes that reduced by 16 the number of subcommittees in this body. Tomorrow, the authorization for the four select committees will expire, with additional savings for the taxpayers. The committee funding resolution has taken into consideration savings as a result of the elimination of these committees.

Later this year, the Joint Committee on the Organization of Congress will, I hope, make further strong recommendations for streamlining the committee structure. We must recognize that congressional reform will not succeed through destructive, headline-grabbing, 25 percent across-the-board cuts, but by the serious critical review of proposals to make this House do the people's work more efficiently.

The resolution before the House today holds the line on spending. Last year, the House of Representatives authorized total spending for its standing committees at the level of $51.3 million. The resolution before us provides, for the same committees, total funding of slightly under $51.3 million, a real, hard freeze on committee spending.

I want again to reiterate the point made by Chairman FROST and others. The savings in this bill do not come from the select committees. We have not transferred a dime of select committee money to any standing committee of the House.

Critics of this resolution have dismissed the savings we achieve through the termination of the select committees. Their argument is ridiculous. The House made its decision to terminate the four select committees as part of the move to streamline its operations and respond to the call by President Clinton to reduce our own spending.

The fact is that last year, the budget for the committees of the House was over $55 million. This year, the budget authorized by this resolution is $52.3 million. That's a 5-percent cut, in real dollars. Not nominal dollars from an inflated baseline, but $2.7 million of real cuts.

I am especially pleased that the resolution accomplishes these real budget cuts without using a meat axe, mindless, across-the-board approach. We are here to make decisions. We should cut spending where it makes sense to cut spending. Not to make headlines, but to make the House work better.

The Committee on House Administration has done that. We have made cuts in some committees, we have frozen some committees, and we have granted modest increases to some committees.

In making these decisions, we have taken notice of the relative legislative burdens of committees. We have taken notice of reductions in the number of subcommittees that were accomplished by the House rules changes at the start of this Congress.

For example, the Armed Services Committee must manage the tremendously complex and difficult task of downsizing our military forces. They must do so in a context of a dangerous and unstable world. The decisions they will make require far more careful analysis than the planning they did a decade ago when the military buildup was in progress. The 2.5-percent nominal increase they receive under this resolution recognizes this important responsibility.

The resolution also recommends cuts in spending. Not across-the-board cuts, but specific cuts. The Committee on Banking is authorized to receive $260,000 less than last year, a 6-percent cut. The resolution cuts the authorization for the Committee on Education and Labor by $74,000 below last year's level. In both cases, the reason is that each committee lost two subcommittees, and should be able to meet its responsibilities with fewer resources.

Mr. Speaker, the Constitution of the United States establishes the Congress as an equal branch of government. We have a solemn constitutional responsibility to write the laws and to oversee the executive branch's administration of those laws.

I urge the House to reject the arguments of those members who wish to bring this institution to a grinding halt. The resolution before us makes a prudent, 5-percent reduction, in a responsible way, in the committee funding levels.

These cuts come on top of a record of restraint over the past decade. In fact, I submit for the RECORD a chart, prepared by the House Finance Office, which indicates that committee staff size has grown by a total of only 6-percent in the past 10 years, for six-tenths of a percent per year.

I urge my colleagues to support House Resolution 107.

EMPLOYMENT STATISTICS

[House Committee Staff]

	1982	1992	Increase/ decrease
Investigative:			
Committees	1,110	1,113	3
Appropriations	10	20	10
Budget	0	0	0
Subtotal	1,120	1,133	13
Standing:			
Committees	576	605	29
Appropriations	127	192	65
Budget	93	102	9
Subtotal	796	899	103
Total	1,916	2,032	116

Note.—116/1916=6 percent 10 year increase=6 percent per year.

Mr. ROBERTS. Mr. Speaker, the gentleman from Washington [Mr. SWIFT] pointed out what he thinks is a paradox. While Republicans are asking for less spending but more money for the minority, let me point out that the Republicans have 18 percent of the investigative staff, 24 percent overall, and yet we have 42 percent of the membership.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from California [Mr. THOMAS], who is our ranking member on the Committee on House Administration, and for four times, four times, has served as the chairman of the Subcommittee on Accounts in efforts to achieve less spending and to make this House operate in a bipartisan manner.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. THOMAS], who has been working for bipartisanship with passion, with perseverance, and with diligence, and one heck of a lot more patience than I have.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I especially want to thank the gentleman from Kansas for saying that I fought with passion. I do not hear that very often, and I appreciate it.

Last night, "Unforgiven" won an Oscar. I have to tell the Members on the other side that they are unforgiven, and they are not going to win an Oscar, despite the protestations of person after person talking about the cuts that we have in front of us. Industrial Light and Magic would love to be able to have the special effects that the majority have produced in what appears to be a cut in the budget, when in fact it is not.

It is especially embarrassing, Mr. Speaker, to stand before the Members and tell them that even the other body, yes, even the other body actually cut committee spending 6.5 percent across the board, and they did not do it with a phony counting of committees that were never intended to be permanent, ending.

I can understand the plea for folks who actually lost a permanent job. Let me tell the Members, people out there in the real economy are losing jobs. However, let us remember not one person who thought they had a permanent job is losing a job under this resolution, only those temporary committees that thought they were going to be permanent.

My friend and colleague, the gentleman from California, the new chairman of the Committee on Armed Services, talked about how it is ridiculous to argue over the few thousand dollars, in committee funding when there can be hundreds of millions of dollars saved out there. If in fact it is ludicrous or ridiculous to argue about the few thousand dollars for cutting in terms of committees because of the money that can be saved, is it not doubly ludicrous, the time and effort Democrats expended to try not to give a couple of bucks to the Republicans so we can go after waste, fraud, and abuse together?

Finally, Mr. Speaker, the gentleman from Washington was perplexed that the Republicans are asking the majority to cut more than the minority. One example will suffice, but I can give the Members 22.

The Committee on Energy and Commerce investigative committee staff total 113. Ninety-five of those belong to the majority, 18 belong to the minority. If we cut 5 percent across the board, it is one from the minority and it is five from the majority, so we are down to 17 to 90. How in the world can we make any progress under that kind of straight math?

Perhaps, to put it another way, we could cut the minority 100 percent, 18. We would only be cutting the majority 25 percent. Because of the egregious imbalance that has been allowed to have been developed over time, the only way that is fair is through attrition or cutting funding on a disappropriational basis.

Mr. Speaker, the majority has never offered attrition and, therefore, the only offer is cutting funding. The sad thing is, this resolution does not do that, either.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE], a member of the subcommittee.

Mr. KILDEE. Mr. Speaker, as one who has not been uncritical of some of the actions on the Committee on House Administration, I rise in strong support of H.R. 107. The chairman, the gentleman from North Carolina [Mr. ROSE] and the chairman of the Subcommittee on Accounts [Mr. FROST] have done an excellent job of bringing to us a very prudent resolution.

This resolution cuts the committee funding by 5 percent to reflect the actions of the House to terminate the select committees and to reduce the number of subcommittees.

The Committee on Education and Labor cut the number of its subcommittees from eight to six, and the gentleman from Michigan [Mr. FORD] came to our committee, requested and received a 1.8-percent reduction for his committee.

This resolution also acknowledges that some committees have need for some increases. The Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Armed Services fit into that category.

The investigations carried out of the Committee on Energy and Commerce have saved, and we know this on both sides of the aisle, have saved taxpayers hundreds of millions of dollars by rooting out fraud, waste, and abuse in programs under its jurisdiction.

Mr. Speaker, there is no question that we can and we must eliminate unnecessary spending in the operations of Congress. In my own personal office, I have never used my full expenses for any of the years I have been in the Congress of the United States.

All of us, and the freshman Members here, I commend them to follow my example on that. But do not cut the heart of the Congress, the committee system. To blindly cut each committee by an arbitrary amount would not be in the public interest.

The committees of the House conduct the work for which the American people sent us here: to debate the issues, to draft legislation, to conduct oversight. We must economize, and to my freshman friends, I would say, economize in their own offices. They can do that. They should watch themselves. That is where it can be done.

□ 1510

I spent $125,000 less than was assigned to me last year.

Freshmen, do that. Do not cut the heart of the Congress, which is the committees.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from Kansas for yielding time to me.

I also commend the gentleman from Michigan. I have accepted that challenge. I have one of the largest districts in the United States. In fact, I have four district offices, and each one of those district offices has a geographical area larger than the average congressional district in this country, and I am running with 12 full-time people. So, I accept the challenge from the gentleman from Michigan and I commend him for the example he has set.

But what I think we have to do is to look at the larger picture. How can we justify in this Congress 84 people who are being paid higher money than Colin Powell, the chief of our Joint Chiefs of Staff? How can we talk about, as the gentleman from the Armed Services Committee does, of $52 million as if it is pennies, and some kind of a criticism directed toward this side as if we are nickel and diming?

COLA increases? I would like to know how many ranchers in your communities, how many small business people in your communities get automatic COLA increases? They do not in my community. In fact, out in my communities and out in our part of the area, which is a rural area, we have to work very, very hard just to try and keep our jobs.

I do not think it is a disgrace and I do not think it is too much to ask for Congress to sacrifice. I do not think it is too much for Congress to stand up and ask more, with less.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California, Mr. MINETA, chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I rise in support of the resolution, in support of the motion on the previous question when it is offered, and in opposition to the motion to recommit when it is offered.

Many have called for Congress to reduce its expenditures. This resolution does that, but does it responsibly. The resolution basically implements part of the fiscal year 1993 legislative appropriation bill by allocating funds to most of the committees. That appropriations bill already cut legislative spending by 6.5 percent. The purpose of this resolution is to allocate those reduced funds to most of the committees. The resolution does that, but also further reduces committee funding by another 8.85 percent from the appropriated level.

Put another way, the result is committee funding for 1993 is 5 percent below what it was for 1992. And in 1992 the committee funding level was frozen at the 1991 level. With this resolution we can clearly show that we have been far more frugal in the past few years with committee funding than we have in the rest of Government.

Furthermore, when we talk about the idea that we should be making even greater cuts in congressional spending, let us be honest about it. This committee funding resolution covers only about 3 percent of all legislative branch appropriations. We could pass, as some are urging, an amendment cutting committee funding by 25 percent, and we would have reduced legislative branch spending by less than 1 percent. There is nothing you can do to 3 percent of Capitol Hill's budget that will have a significant impact on total spending.

If you want to reduce spending around here, the place to do it is the fiscal year 1994 legislative appropriations bill, when the entire legislative appropriation is up for consideration. Trying to make a big deal out of cutting this resolution is like trying to lighten the load of an airliner by emptying the ashtrays.

Nevertheless, a 25-percent cut in this resolution, while saving the taxpayer less than 1 percent of the cost of operating this legislative branch, will do real damage to the ability of the committees funded by this resolution. To these committees, a real cut of 25 percent in their investigative accounts would devastate their ability to do their job.

You will hear about bloated committee staffs. Let me tell you about the staff of the Committee on Public Works and Transportation, which I chair. In 1976 our committee had 72 employees on its investigative payroll. Today we have 58. That's a 20-percent reduction, most of it achieved in the past few years.

We have already cut back. We are at the point where further cuts would impair our ability to assure that the public gets its money's worth from the tens of billions of dollars in Federal programs under our jurisdiction, most of which enjoy broad, bipartisan support. Cuts of that type would truly be false economy.

I urge my colleagues to support the previous question, oppose the motion to recommit, and support the resolution.

Mr. FROST. Mr. Speaker, may I inquire of the gentleman from Kansas how many speakers he has remaining and the time remaining on both sides, if I may?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Kansas [Mr. ROBERTS] has 4½ minutes remaining, and the gentleman from Texas [Mr. FROST] has 4 minutes remaining.

Mr. ROBERTS. If I could inform the chairman of the subcommittee, we only have one remaining speaker to utilize our 4½ minutes.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Michigan [Mr. FORD], chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of House Resolution 107, although I represent one of the 12 committees that this resolution cuts below last year. Actually it cuts below where we were in 1991, because we have frozen since 1991.

I would like Members to recognize what is at work here. I sat down with the ranking Republican on my committee and worked out a budget for this year that I was able to cut below last year's expenditures by 1.8 percent. And to do that I reduced the number of professional employees on the majority side of the committee by seven or eight positions. We will operate without them. We will operate without them in spite of the fact that anyone who is paying attention should know that the Education and Labor Committee is charged with the heavy responsibility of going forward with what might be said to be the majority of the President's domestic program.

They expect us to be there and to help them. There has not been a weekend in the last 2 months that my professional staff has not been working on Saturdays and Sundays with representatives of the administration trying to prepare their package. They do not get time and one-half for that. They do not get overtime for it. They do not get any glory for it. They get the privilege by being majority employees of keeping the trains running on time and getting that legislation out here to the floor.

And when these people go home to boast about what they have done for education, and old people, and preschool children and so on, I hope they will remember the hard-working people that we are now debating, that have to do the work to prepare that for us.

Mr. Speaker, there is a second consideration in this. If we now are going to play the headline grabbing game of across-the-board cuts, what do you say to me? "Chairman FORD, don't be a sucker. Don't try to be responsible and cut your budget, because we are going to come along with a meat ax and cut you just as deep as the chairman who asks for more money."

Do not punish me for trying to be fiscally responsible. I reject these across-the-board cuts.

I want to impress upon my colleagues who are so anxious to have the Congress bear its fair share of reducing Government spending that the House has already begun this process. Last year committees were held to level funding. The actual effect was a reduction in funding because of having to absorb inflationary increases in the cost of doing business. That meant that with an annual inflation rate in excess of 4 percent, committees had to cut back on some vital functions such as field hearings and program oversight. In our desire to do our share to reduce the Federal deficit and keep Government spending under control, we must not sacrifice the operational efficiency of the panels that do the lion's share of work in this body.

The Committee on House Administration has done an outstanding job in keeping committee spending to a minimum. Each committee's allocation is the least it needs to discharge its responsibilities effectively. To allot any less would force committees to curtail their activities and risk the possibility of shortchanging some of the people who benefit from its actions. We should support the committee and abide by its recommendation. It represents a careful analysis of committee needs as well as an appreciation that this House must also be fiscally responsible. There is no budgetary fat in the amounts recommended for committee operations. These are lean allocations for these lean times. They represent the continuing commitment of this House to be fiscally responsible.

Mr. Speaker, I cannot conclude my remarks without acknowledging the good work done by the select committees which are about to expire. While those committees brought public attention to the issues, the authorizing committees, with legislative responsibilities, developed the programs and monitored their operations. Thus, the demise of the select committees will not lessen congressional concern for children and the elderly, the hungry, the homeless, or congressional resolve to prevent drug abuse and family violence.

Many issues addressed by the select committees will continue to receive the concentrated attention that has always been devoted to them in the Committee on Education and Labor. I can give my personal assurance because I advocated, authored, and shepherded much of the legislation which created and enhanced these programs—programs such as child care, Head Start, the Older Americans Act, WIC, child nutrition, and drug free schools.

In these times of lean budgets we will have to do more with less. That is why the nonlegislative select committees had to be disbanded. However, because many of the issues those committees addressed are within the jurisdiction of the Committee on Education and Labor, we have the expertise and concern to assure that they will continue to receive the attention and dedication they deserve. We should not forget that while the select committees made the headlines with their investigative reports, the committees of jurisdiction, such as the Committee on Education and Labor, consistently worked on refining and improving the remedial programs it had developed and nurtured long before the select committees were established.

I want to acknowledge the fine work of the chairman of the House Administration Committee, the gentleman from North Carolina [Mr. ROSE], and of the chairman of the Subcommittee on Accounts, the gentleman from Texas [Mr. FROST]. They had a difficult and sensitive task and conducted themselves responsibly. They have fashioned a committee spending plan which we should all be able to support.

The Committee on House Administration is responsible for overseeing the internal operations of the House. It is in the best position to judge the needs of the House and its committees. It has done an outstanding job in developing the committee budgets for this session of the 103d Congress. Let's give the House Administration Committee a vote of confidence by saying well done and passing this resolution.

Mr. ROBERTS. Mr. Speaker, I yield myself as much time as I may consume.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for up to 4½ minutes.

Mr. ROBERTS. Mr. Speaker, I want to take this opportunity to commend the chairman of the Accounts Subcommittee, the distinguished gentleman from Texas [Mr. FROST]. He has acted in good faith. He has taken some small steps in regards to some progress when I think the times call for a leap of good faith, but maybe if we can get together we can leap together. But I thank you for your comity, sir, and for the way you have conducted the lengthy hearings on the Accounts Subcommittee.

Mr. Speaker, in closing debate, I feel compelled to offer some unasked for and probably unappreciated advice for some of my senior colleagues on the other side of the aisle.

In the subcommittee and in the full committee of the House Administration Committee, all Republican efforts to cut funding and to provide reasonable funding for the Republican staff, and the gentleman from Michigan [Mr. FORD], is exactly right, we need not perjure staff around here, these efforts have been defeated on straight party line votes. So today here on the House floor the result will likely be the same.

So be it. You are in the majority. You run the House.

But I must tell you that with what has been going on in the Rules Committee, and with all due respect to my colleagues on both sides of the aisle, some of the more hardheaded and outright goofy procedural votes that have been called on the floor of the House, the precious fabric of comity upon which we have to depend to do the business of the House is now but a thin veneer.

On this vote, Republican Members have been told by some senior Democrats, some, some, that if they do not support your position their funds will be taken away. I realize that politics is not beanbag, but this is hardball. It is regrettable, and it is reprehensible.

I am not going to get into specifics. But my colleagues across the aisle, on this issue, if the good Lord was to come to me and say, "Bring to me those who were not doing the business of the House and the Lord's work in a bipartisan manner, who are in the business of arm-twisting and whispering not-so-sweet nothings, complete with threats," I would be forced to lay my hands upon your shoulders and say to you, "My good Democrat friends, the Lord wants to see thee."

□ 1520

Now we have a choice. You can vote for final passage, or you can vote for a recommittal to be offered by the gentlewoman from Washington who has persevered.

It is not an across-the-board cut. It reduces the total funding resolution by 25 percent. It protects 33 percent, when we have 42 percent of the Members here in this House, of the funding for the ranking Republicans. It cuts most deeply those committees which have not practiced bipartisanship.

It is an initiative of the entire Republican freshman class who listened to the folks back home and wanted change.

The recommittal vote is for reform. It is for change. It is to run the House in better fashion.

I urge my colleagues to support the motion by the gentlewoman from Washington.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute, for purposes of debate only, to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of this resolution and urge my colleagues to vote for the previous question for the resolution.

Although the resolution will not be sufficient to pay the projected expenses for the Committee on Veterans' Affairs for the remainder of the year, we will find some way to live within the amount established by the Committee on House Administration. There will be no merit increases for the veteran staff this year. Travel will be reduced by 40 percent. There will be no upgrade in office equipment and some reductions in staff will be required.

The Republican members of our committee are treated very well. I have tried every way possible to provide the minority with its fair share of funds for staff, equipment, and travel. Mr. STUMP will verify this.

If subcommittee chairmen and ranking minority members expect to continue to have staff as provided by the rules of the House, they should support our efforts to provide the necessary funds for those staff. They can't have it both ways.

I commend my colleagues, especially MARTIN FROST, for his leadership and I want to express my appreciation to all members of the Committee on House Administration for the work they have done on this resolution. It is a difficult task and what they have done is fair.

Mr. Speaker, this resolution represents a 5-percent cut in committee spending from last year, and I urge my colleagues to support it.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue is very clear. In 1992 the funding for the 21 standing committees and the 4 select committees was $55,031,000. This year the funding is $52,279,000. Any way you figure that, that is a saving of $2,751,000, or 5 percent.

We made a painful, tough decision to eliminate the four select committees. That decision was not uniformly popular on both sides of the aisle. It was necessary, and it was taken, and we deserve to be able to take credit for the 5-percent cut as a result of eliminating the four select committees.

We have acted in a responsible, diligent manner.

I want to thank my colleagues on the other side for their participation.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

MOTION TO RECOMMIT OFFERED BY MS. DUNN

Ms. DUNN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the resolution?

Ms. DUNN. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. DUNN moves to recommit the bill H. Res. 107 to the Committee on House Administration with instructions to promptly report another resolution of the same text except for the following: Strike Section 2, and insert in lieu thereof the following: "SEC. 2. The committees and amounts referred to in the first section are: Committee on Agriculture, $2,157,937, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Armed Services, $2,414,082, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Banking, Finance and Urban Affairs, $3,836,240, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on the District of Columbia, $342,035, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Education and Labor, $2,910,649, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Energy and Commerce, $4,017,459, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Foreign Affairs, $2,740,825, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Government Operations, $1,182,875, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on House Administration, $1,591,450, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Permanent Select Committee on Intelligence, $110,000, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on the Judiciary, $1,249,768, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Merchant Marine and Fisheries, $1,971,910, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Natural Resources, $1,217,434, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Post Office and Civil Service, $1,360,783, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Public Works and Transportation, $2,833,963, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Rules, $572,479, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Science, Space, and Technology, $2,751,410, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Small Business, $985,000, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Standards of Official Conduct, $350,000, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; Committee on Veterans' Affairs, $689,451, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member; and Committee on Ways and Means, $3,220,000, 33 percent of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member."

Ms. DUNN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, under my reservation, I would like the gentlewoman to explain her motion.

Mr. BONIOR. Mr. Speaker, I object.

Mr. FROST. Mr. Speaker, regular order.

The motion is not debatable.

PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Speaker, I have a parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, I object; I object.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ROBERTS. Mr. Speaker, is the gentlewoman's motion to recommit the same bill that she has described and I have described as really cutting 25 percent?

Mr. BONIOR. Regular order.

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Objection is heard.

The Clerk will continue to read the motion to recommit.

The Clerk concluded the reading of the motion to recommit.

□ 1530

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. DUNN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 246, not voting 13, as follows:

[Roll No. 120]

YEAS—171

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk

Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—13

Barton
Conyers
Fields (TX)
Ford (TN)
Henry
LaFalce
Maloney
McDade
Nussle
Quillen
Sharp
Stokes
Unsoeld

□ 1551

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Conyers against.

Mrs. COLLINS of Illinois, Mr. WASHINGTON, and Mr. ANDREWS of Texas changed their vote from "yea" to "nay."

Messrs. RAVENEL, HASTERT, and PACKARD changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NUSSLE. Madam Speaker, during House rollcall vote No. 120, on the motion to recommit House Resolution 107 with instructions, I was unavoidably detained in a meeting in my office with my Iowa constituents and missed that rollcall vote. Had I been present, I would have voted in favor of the motion to recommit with instructions. I ask unanimous consent that I be allowed to insert the remainder of this statement in the RECORD immediately following that rollcall vote.

I rise today in support of the motion to recommit House Resolution 107 with instructions to cut authorization levels contained in this resolution by 25 percent. I believe that if we are going to ask the American people to tighten their belts to help balance the Federal budget deficit, then the Congress should tighten their belt too. Moreover, this motion to recommit provides a detailed plan about where specifically to cut House Resolution 107 to achieve the 25 percent savings rather than cutting across the board. This is a serious and responsible plan to cut spending, and I urge its adoption.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution, as amended.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROBERTS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 196, not voting 11, as follows:

[Roll No. 121]

AYES—224

Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hutto
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—196

Abercrombie
Allard
Andrews (ME)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Eshoo
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Maloney
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Barton
Conyers
Fields (TX)
Ford (TN)
Henry
LaFalce
Lewis (CA)
McDade
Quillen
Sharp
Unsoeld

□ 1609

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Barton against.

Mrs. Unsoeld for, with Mr. Quillen against.

Mr. ENGLISH of Oklahoma and Mr. HALL of Texas changed their vote from "yea" to "nay."

Ms. ROYBAL-ALLARD and Ms. ENGLISH of Arizona changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1610

REQUEST FOR GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I am reserving the right to object to explain to my colleagues that under the privileged motion that this issue was brought to the floor, we were not allowed any time for any motion to recommit.

I will be happy for regular order, which is an oxymoron around this place for about the last month, if I could finish.

Under my reservation, I want to tell colleagues why I am reserving the right to object.

The gentlewoman from Washington asked for unanimous consent to consider her motion as read. I reserved the right to object, just as I am doing now, for her to explain in 30 seconds what the recommittal motion was about.

But, oh, no; oh, no, the majority whip, in a fit of regular order, objected, with regular order like I am hearing now on the floor, the practical consequence of which was we had 10 minutes of reading the motion to recommit as opposed to 30 seconds.

That is silly. It is petty. It is partisan. We do not need this in this House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DELAY. Mr. Speaker, the Republican leadership objects.

The SPEAKER pro tempore. Objection is heard.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, on rollcalls that occurred during my leave of absence on account of illness in the family, I would have voted "no" on rollcall 120 and "yes" on rollcalls 121 and 122.

REPORT ON RESOLUTION WAIVING A REQUIREMENT WITH RESPECT TO CONSIDERATION OF A CERTAIN RESOLUTION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–47) on the resolution (H. Res. 142) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WOMEN'S HISTORY MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 53) designating March 1993 and March 1994 both as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not object, but I would like to inform the House that the minority has no objection to the legislation.

Ms. SNOWE. Mr. Speaker, I am proud to be a sponsor of House Joint Resolution 143, a resolution to make March 1993 and 1994 National Women's History Month. Establishing National Women's History Month ensures that the accomplishments of women are celebrated rather than relegated to dusty footnotes in the annals of history.

Since 1987, National Women's History Month has been a means for government, schools, and other organizations to highlight and pay tribute to the historic accomplishments of women in the past. Furthermore, National Women's History Month provides us with an opportunity to recognize today's women, who are making history with their extraordinary contributions in fields as diverse as politics, art, business, theology, and education. But perhaps most importantly, commemorating women's history inspires our Nation's youth to dream about the things that they themselves might someday achieve.

All across America, schools, libraries, museums, and other organizations such as the Girl Scouts and the National Federation of Business and Professional Women have been busy paying tribute to the achievements of women, both past and present. Here in our Nation's Capital, for example, the National Portrait Gallery has shown films honoring the celebrated author Toni Morrison and the poet Marianne Moore. In the Hirshhorn Museum, visitors can admire the works of artist Susan Rottenburg, and in the African Art Museum they can ponder "Pottery as Women's Art in Central Africa." In fact, the Smithsonian Institution sponsored so many activities and programs commemorating National Women's History Month that they established a special 24-hour phone line to give details.

In Maine, too, communities have been busy sponsoring concerts, lectures, and plays to celebrate the role of women in history. For example, the women in the curriculum program at the University of Maine in Orono is honoring women in history with a special program featuring, among other activities, fascinating lectures titled "To the Rescue of the Crops: The Women's Land Army in World War II," "Women in the Tradition of Gospel Music," and "Reconstructing Babylon: Women in Engineering." And the University of Maine used National Women's History Month as an opportunity to sponsor the a cappella group, "Sweet Honey in the Rock," thereby raising $2,400 for Spruce Run, an organization which assists battered and abused women.

Learning about the contributions women have made to our society encourages young girls and women to think about the things that they, too, might accomplish when they are older. Understanding that many women have had to break down barriers to achieve their goals will inspire youth not to be discouraged by barriers, but to be challenged by them and to persevere.

Mr. PETRI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 53

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1993 and March 1994 are designated both as "Women's History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 29, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, DC,
March 29, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to rule L (50) of the Rules of the House that an employee on my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

MOTION TO ADJOURN

The SPEAKER pro tempore. For what purpose does the gentleman from Mississippi [Mr. TAYLOR] seek recognition?

Mr. TAYLOR of Mississippi. Mr. Speaker, for an inquiry of the Chair. Is there any more legislative business before the House today?

The SPEAKER pro tempore. The Chair hears no requests.

Mr. TAYLOR of Mississippi. Mr. Speaker, last night's special order, in order to pay for it three average Americans will work for an entire year.

In order to prevent this expense from happening again, I move that the House do now adjourn.

Mr. WALKER. Mr. Speaker, under what provisions is the gentleman speaking? It is not debatable. The motion to adjourn is not debatable.

The SPEAKER pro tempore. The gentleman has not made a motion.

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. TAYLOR] moves that the House do now adjourn.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DELAY. Mr. Speaker, is the gentleman's motion in writing at the desk?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it is necessary, and he does not have it in writing at the desk.

The SPEAKER pro tempore. The gentleman's request should be in writing at the desk.

Mr. WALKER. Regular order, Mr. Speaker, regular order.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. VOLKMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 140, nays 269, not voting 22, as follows:

[Roll No. 122]

YEAS—140

Ackerman
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Bevill
Bilbray
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
Deal
DeFazio
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
English (OK)
Eshoo
Evans
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hayes
Hefner
Hilliard
Hochbrueckner
Holden
Hughes
Hutto
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston (FL)
Kanjorski
Klink
Kopetski
Kreidler
Lambert
LaRocco
Lipinski
Lloyd
Mann
Markey
Matsui
McCurdy
McKinney
Meek
Miller (CA)
Mineta
Minge
Mink
Montgomery
Murtha
Natcher
Neal (MA)
Neal (NC)
Obey
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Price (NC)
Rahall
Rangel
Reed
Reynolds
Rose
Rostenkowski
Sangmeister
Sawyer
Schenk
Schroeder
Shepherd
Sisisky
Slaughter
Smith (IA)
Stenholm
Stokes
Strickland
Stupak
Swett
Tanner
Tauzin
Taylor (MS)
Thurman
Towns
Tucker
Valentine
Volkmer
Waters
Watt
Wise
Woolsey
Wynn
Yates

NAYS—269

Abercrombie
Allard
Andrews (ME)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett (MD)
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Brown (CA)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fish
Flake
Foley
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Myers
Nadler
Nussle
Oberstar
Olver
Ortiz
Owens
Packard
Paxon
Pelosi
Petri
Pickle
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Ramstad
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)

Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Studds
Stump
Sundquist
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Waxman
Weldon
Wheat
Williams
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Barton
Berman
Clyburn
Conyers
Dellums
Fields (TX)
Ford (TN)
Gallegly
Gibbons
Henry
Kleczka
LaFalce
Lancaster
Lewis (CA)
McDade
Murphy
Oxley
Quillen
Ravenel
Sharp
Unsoeld
Whitten

□ 1638

Mr. BLACKWELL changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. SABO. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore (Mr. McNulty). Is there objection to the request of the gentleman from Minnesota?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I reserve the right to object to inquire of the House if a Member intends to block other Members' rights to have special orders and speak? I simply want to know, if we are going to go through that charade, why we should be accommodating on this request?

In the absence of that, and in the interest of comity, and in the interest of trying to get us through this week, I would like to not object, but I am prepared, if necessary, to object.

□ 1640

Mr. SABO. I am sorry, Mr. Speaker, I missed the gentleman's question.

Mr. GINGRICH. The question I was asking was, and I say to my friend from Minnesota, I would like to be able to, in an act of comity, allow the gentleman to have midnight filing, and I understand that the gentleman from Ohio [Mr. Kasich] agreed to that, and it would make sense. My question is, while we are engaged in acts of comity to proceed on that, then I am told we will probably have objections to our right to speak on the floor, which is something the minority strongly feels it should have a right to do.

Mr. SABO. Mr. Speaker, if the gentleman will yield, I cannot respond to the gentleman. I have been busy working on what I am supposed to be doing.

Mr. GINGRICH. I appreciate that. I simply am trying to make the point to the majority ——

Mr. SABO. I am not aware of the gentleman's hypothetical.

Mr. GINGRICH. That what we just went through is, in part, a charade, and that the right to speak is central to representative government. I will not object on this, but I do that to remind the majority that there are many, many things that require unanimous consent, and that if the minority's right to speak is to be strangled, other kinds of rights can then systematically be slowed down.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, for the last 3 or 4 nights, I believe it is the gentleman from Kansas, I am not sure, who objected to the reading into the Record the special orders and extension of remarks.—Mississippi, pardon me, I stand corrected. And we have a large number of Members who, for one reason or another, want to speak on special orders over the course of the next couple of months, and following up on what the minority whip said, I do not understand why there should be any give on the Republican side whatsoever until there seems to be a little bit of comity on the side of the Democrats.

The Committee on Rules that I have been talking about for the past week continues to have an attitude of doing whatever they want without respect to the minority rights.

If the gentleman might respond, I would sure like to hear what he has to say about that. Why should we not object to almost everything that goes on over there?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Further reserving the right to object, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, in the act of comity here, the one way to get around this would be for the gentleman to withdraw his unanimous-consent request until after the unanimous-consent request is made for the special orders, and immediately after that, the gentleman could reoffer his amendment, and I am sure there would be no objection to it.

Mr. SABO. Let me inquire: Is that something that is going to happen shortly?

Mr. SOLOMON. It will happen immediately.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

Mr. SABO. Mr. President, I will withdraw my request.

Frankly, I had been waiting to negotiate for a couple of hours. We may be beyond the time where we can file tonight anyway. But I will withdraw my request temporarily.

The SPEAKER pro tempore (Mr. McNulty). The gentleman from Minnesota [Mr. Sabo] withdraws his request.

EXTENSIONS OF REMARKS

Mr. HORN. Mr. Speaker, I ask unanimous consent that the following Members be permitted to extend their remarks and to include extraneous material in that section of the Record entitled "Extension of Remarks":

Mrs. Morella.

Mr. Solomon in two instances.

Mr. Lightfoot.

Mr. Roth.

Mr. Lewis of California in two instances.

Mrs. Roukema.

Mr. Goodling.

Mr. Michel.

Mr. Young of Alaska.

Mr. Collins of Georgia.

Mr. Coble.

Mr. Solomon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. VOLKMER. Mr. Speaker, reserving the right to object, the reason I reserve the right to object is the gentleman from Mississippi, who is normally here, who objected last night, is not able to be here at the present time.

I would just like to point out to the Members on the other side that this matter in regard to the special orders and the vote on the motion to adjourn and so forth did not happen until after some other things that occurred, and in regard to procedural votes, what I call nuisance votes, et cetera, that emanated from your side of the aisle.

Now, if we are going to have comity, I believe that we should continue with comity, that it is a two-way street, not a one-way street.

There are ways, and continuing to reserve the right to object, there are ways in which this can be worked out, I think, between your leadership and the leadership on this side, that we should all, if we are going to, say, withdraw forces, let us all withdraw forces at this time. Let us all back down. Let us start all over again, and let us see if we cannot work something out.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, the genesis of the problem was that the Committee on Rules has continually brought to this floor over the minority's protests closed rules, and they are gagging us so that we cannot express the wishes of our constituencies.

We each represent 550,000 people, and we cannot even bring an amendment to this floor because of the closed rules. That is the genesis of the problem.

If the Committee on Rules would start allowing some open rules so we can have our day in court, our say, you can vote us down, this problem would go away, but until the Committee on Rules reevaluates its position day after day, you are going to continue to have this problem.

Mr. VOLKMER. Further reserving the right to object, the gentleman is then trying to use the rest of the House as an incentive for the leadership to do what you think is a proper order of business for this House.

I do not necessarily agree; I do not necessarily agree with everything the gentleman is proposing. The gentleman says that we should have nothing but open rules.

Well, I have seen the time when I have been in this House when we had open rules, and we had over 150 amendments coming from the other side, some of which, even though they may be germane, were, again, I will say irresponsible amendments purely for the purposes of dilatory tactics.

Therefore, I think the leadership on this side is not at fault in what they have been able to do so far and are required to do in order to prevent what has happened in the past.

Your side, I am sure, can work again with the leadership of both sides, work on this. And why do we not just back off? Why do we not just back off and let them work it out? Why do we have to continue to do this type of thing day after day?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my good friend from the Show-Me State for yielding.

But I am really very stunned that my friend would want to stand here and defend the fact that 100 percent of the rules under which we have considered legislation this year in the 103d Congress have been restricted, meaning maybe there has been a time when 150 amendments were offered. But, frankly, it seems to me that the process of representative government means that a person who represents 600,000 people here should have the right to stand up and put forth an amendment and then have it voted down if it is irresponsible.

Now, my friend may consider an amendment to be irresponsible, and I may consider it to be very responsible, and the process that we have here under the standard rules of this House, I mean, we are not asking to violate any rules. We are simply asking that we comply with the standard operating rules of this House.

It has been our concern here, which has led the gentleman from Indiana [Mr. BURTON] and others to call for these votes.

Mr. Speaker, I thank my friend for yielding.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman that I do not know if he was on the floor earlier today when the Members from this side had an opportunity to call for five additional votes almost in a row and tie the House up.

Mr. VOLKMER. Mr. Speaker, further reserving the right to object, yes, and I visited with the gentleman if he remembers, and I asked you if you were going to have the votes, and you said you were not going to have the votes on tabling the reconsideration motion.

Mr. SOLOMON. If the gentleman will yield further, yes, right, so what I was trying to do is send a signal that, you know, we do want to cooperate. We stand to sit down, and we want to negotiate fairness, and the gentleman from Missouri [Mr. GEPHARDT] was good enough at that point to come over to this side of the aisle and say he would be good enough to meet with the gentleman from Illinois [Mr. MICHEL] and myself and perhaps others within the next 24 to 48 hours, and I think that that showed cooperation on both parts. I think that is what the gentleman is asking for. That is all we are asking for. We would like to end this and get down to the people's business, and perhaps we can do it with this kind of a meeting coming up. I certainly hope so.

Mr. Speaker, I appreciate the gentleman's yielding.

Mr. PENNY. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Speaker, I guess my main concern in this whole process is just how many special orders we are going to be allowing. I am really sensitive to the need to get the budget resolution finalized. I am sensitive to the minority's desire to have some time during special orders to express their views. But I am reluctant to give approval to hours and hours of special orders stretching on through the month of June.

It really seems to me that maybe the easiest way to get an accommodation tonight is to limit those requests for special orders for this evening and then we can talk before tomorrow about what kind of authority we are going to agree to for special orders on into the future.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I think that what the gentleman suggests, the gentleman from Minnesota [Mr. PENNY], is in direct violation of the Constitution and our constitutional right to express ourselves in this body. And if that is the case and if there is any kind of objection, I will object to the budget motion.

Mr. VOLKMER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS GRANTED

Mr. HORN. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. MACHTLEY, for 5 minutes, today.

Mr. MACHTLEY, for 15 minutes, March 31.

Mr. SOLOMON, for 60 minutes each day, today and on March 31.

Mr. SOLOMON, for 60 minutes each day on April 1, 2, 14, 15, 16, 19, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. KIM, for 5 minutes each day, today, and on March 31 and April 1.

Mr. TALENT, for 60 minutes each day, on March 31.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day on July 1, 2, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. DELAY, for 60 minutes each day, today, and on April 14 and 15.

Mrs. BENTLEY, for 60 minutes each day, on May 18, 19, 20, 25, 26, and 27.

Mr. HORN, for 5 minutes, today.

Mr. BARTLETT, for 5 minutes each day, today, and on March 31 and April 1 and 2.

Mr. GOSS, for 5 minutes each day, today and on March 31.

Mr. WOLF, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes today and on March 31.

Mr. TALENT, for 60 minutes, on March 31.

Mr. MCINNIS, for 5 minutes, on March 31.

Mr. DREIER, for 5 minutes, today.

□ 1650

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California [Mr. HORN]?

Mr. KANJORSKI. Mr. Speaker, reserving the right to object. I guess I first want to identify myself with the other side: I sympathize with the attempt to get some comity here in the

House. And I understand from the leader there is some movement toward that. We all want to get the official business done, but I think as I am standing here and I think Mr. PENNY stood here earlier and GENE TAYLOR earlier than that, there is an element on our side of the aisle, too, that regardless of what our leadership asks us to do, at some point we are not going to follow them either.

We are going to either get some understanding here to have reasonableness in the House, or we are going to fight out to show that both sides can be as unreasonable as possible and show the American people that their institution cannot work.

I hope we do not have to do that.

Now, there was a suggestion made that if the other side could restrict their requests for future times until we can get something worked out so we are not at a disadvantage on our side of the aisle on future special orders, we may be able to accommodate them. Certainly we appreciate what it is like to be in the minority and have the right to speak, and we want to accommodate the minority to have that opportunity.

But what we do not want to have is the abusiveness that has been carried on for the last week or two, regardless of who is at fault, on our side or your side, that this can carry on.

Now, we have an opportunity, if we can come to some kind of compromise, that if the minority side can assure me that we can waive some of these request—I understand Mr. WOLF made a request for 5 minutes today, and that is perfectly understandable. Any requests made for today we should take up and they should have the opportunity to speak. But there is no reason to go on ad infinitum into the future and reserve time that may take up all the time for special orders that may exist for any Member of this House to make because you previously reserved them.

I think we should have an opportunity, we may have to come up with a rule saying there is only 10 hours of debate for special orders, if there is some way of parceling that out to both sides who may want to speak on certain issues.

So may I suggest that we have some accommodation here and that a motion be made to withdraw any future requests until some future day, that we accommodate you for tonight and we get on with the orderly workings of the House so we do not have to improperly object.

But I can tell you, I am one of the Members, like Mr. PENNY, that I am not going to sit here and come over from committee meetings and run back and forth all day because the minority can play games all day and then want to have their rights preserved in the evening.

I am for preserving those rights in the evening if we get comity during the day and the work of the House of Representatives gets on.

Now, that is my tender offer from my position. I know we have the gentleman from Missouri here, who may have an interest.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. VOLKMER. Mr. Speaker, reserving the right to object. The only thing that I would ask, and if it is not possible, it is not possible, the gentleman from Minnesota made a suggestion and the gentleman from Pennsylvania carried that suggestion further, that perhaps special orders for tonight, maybe even tomorrow night, be accommodated.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I am willing to go the rest of the week.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Yes, I would be glad to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, if the majority feels that we ought to revisit the issue of special orders of the House apportioned out, I think that is something the leadership on both sides should sit down and work out in the future. I do not think that should be done tonight. We have pending before us a unanimous consent request for special orders. That should be voted upon tonight. Then if you want to have a change in the rules regarding special orders, Mr. MICHEL, Mr. GINGRICH, the Speaker, and the majority floor leader ought to sit down and work that out. I do not think we ought to be doing that tonight.

Mr. VOLKMER. Reserving the right to object, what is the furthest date that you have requested?

Mr. HORN. The furthest date is in July; July 30.

Mr. VOLKMER. All the way up to July? It is mandatory that we do that tonight. I hate to object because I would like to see us continue; like I say, even if you just go the rest of the week, I would have no problem. You can do this again tomorrow night as far as the rest are concerned.

Mr. HORN. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I am glad to yield to the gentleman from California.

Mr. HORN. I have some information that in our calendar today it does note that a number of Members on your side, such as the majority whip, have reserved through June for some items.

Mr. VOLKMER. Already through June?

Mr. HORN. Yes.

Mr. VOLKMER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. HORN]?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry: You will have to forgive me, but I was speaking with the majority floor leader. Where are we?

The SPEAKER pro tempore. The Chair asked if there was objection. None was heard. No Member was on his feet at the time.

The request was granted.

□ 1700

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. SABO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, March 30, 1993, to file a conference report on the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, and I will not object because we have worked out the special order issue for this evening, I just would like to say to my colleagues in the Chamber and anybody else who may be paying attention that the genesis of the problem is that there have been no open rules, that the minority has been gagged from representing our constituencies with amendments on the floor of the House and that the spirit of comity has been breached because of that.

I would like to say to my good friends on the Democrat side of the aisle that this problem will end and end entirely when the Rules Committee gets the message that there ought to be a modicum of fairness.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

JOB TRAINING AND INCOME ASSISTANCE FUNDS NEEDED FOR NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, this week negotiators from the United States, Mexico, and Canada are meeting on side agreements to the North American Free-Trade Agreement [NAFTA] covering the environment, the ability to respond to import surges and worker rights and safety.

The U.S. Trade Representative was recently quoted as saying:

> The test, in my view, must be whether on balance we'll be better off with NAFTA and meaningful supplemental agreements than we would be without it. In other words, will this economy be stronger, will workers be better off and will the environment be better protected with or without it?

I agree. But, from the many hearings the Subcommittee on Commerce, Consumer Protection and Competitiveness has held on NAFTA over the last 2 years, I think it is pretty clear many thousands of American workers will lose jobs, as a result of the North American Free-Trade Agreement.

The International Trade Commission's study showed that with NAFTA the real income of our country's level-entry, unskilled workers will definitely decline. As used in this study, unskilled workers, I understand, includes 70 percent of the entire American work force.

Estimates of job losses from NAFTA range between 50,000 and 150,000 annually. Others estimate that this trade agreement could cause 550,000 high-wage workers to lose their jobs over a 10-year period and reduce the gross domestic product of the United States by $36 billion.

We need only to look at the movement of United States jobs and firms to Mexico over the last 10 years to know with all certainty that NAFTA will greatly accelerate worker dislocations. A recent study released by the Center for Urban Economic Development of the University of Illinois at Chicago, found that, since 1980, over 67,000 jobs were lost in the State of Illinois to firms with operation in Mexico. The Chicago metropolitan area alone accounted for more than 47,000 of these lost jobs. Let me identify just a few firms from the Chicago area that have moved to Mexico:

Quaker Oats Co. moved its Fisher-Price division to Matamoros and Tijuana, Mexico.

Zenith has moved to Chihuahua, Reynosa, and Matamoros.

American Hospital Supply moved to Juarez.

North America Phillips moved to Juarez.

Lamkin Leather & Rubber Co. moved to Juarez.

Gould Electric Products moved to Juarez.

R.R. Donnelly & Sons moved to Reynosa.

Cooper Lighting moved to Juarez.

Brunswick Corp. moved to Juarez.

Eureka Manufacturing moved to Juarez.

Outboard Marine Corp. moved to Juarez.

Clearly, if NAFTA is approved, there must be a substantial increase in funding for income support and job retraining to ensure that dislocated workers find new meaningful employment.

I am pleased to see that the Clinton administration, unlike its predecessor, has put forward a major new worker training initiative. The President has proposed consolidating several worker training programs.

The President has also proposed spending between fiscal years 1994 and 1997 an additional $4.6 billion in funding for dislocated worker assistance resulting from NAFTA, conversion of defense industries, energy conversion and trade adjustment and spend more than twice as much in fiscal year 1997 on dislocated worker assistance as was appropriated for fiscal year 1993.

These are certainly important steps that must be taken to help counter the effects of what Ross Perot called the big sucking sound for United States jobs moving to Mexico under NAFTA. But, there are some important changes to these programs that will be needed if they are to be effective in dealing with job dislocations.

The new worker training initiatives must include assistance for workers who lose their jobs when their employers move to Mexico, not only from import competition, as is now the case.

In addition, American workers face not only the threat of NAFTA, but also major job losses stemming from the simultaneous conversion of defense industries to production for civilian purposes. As a result, there will be tremendous competition for worker training assistance, if the worker training initiative is consolidated into one program. Clearly, pooling all worker training funds will not ensure that dislocations resulting from NAFTA are adequately addressed.

Adequate retraining of workers and income support funds need to be set aside and clearly earmarked to deal with the effects of NAFTA and other trade agreements.

Mr. Speaker, I repeat: If NAFTA should be approved by the Congress, it is imperative that it include adequate income and training assistance, so that work adjustments can be accomplished quickly and with the least possible disruption to workers and their families.

THE COMPREHENSIVE HIV PREVENTION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Madam Speaker, today I am introducing the Comprehensive HIV Prevention Act of 1993. This legislation is in response to serious concerns that our Nation's HIV prevention efforts must be strengthened and restructured. The Center for Disease Control estimates that at least 40,000 new HIV infections will occur this year. I say at least. It could be as high as 80,000.

These infections are preventable. The costs, and the suffering resulting from these infections, are predictable and are preventable.

This bill would restructure Federal, State, and local programs for planning, resource allocation, evaluation, and technical assistance of HIV prevention programs. Programs throughout the Public Health Service will be coordinated through a strategic plan for expenditure of appropriations. The bill authorizes $715 million for programs at the CDC. HIV prevention activities at CDC are currently funded at $500 million and are conducted under CDC's general authority, without specific authorization.

Programs at the CDC will be strengthened, including efforts to collect data on where new HIV infections are occurring, and clinic-based programs for counseling and testing. Public education and adolescent and school-based programs would also be expanded as would programs for targeting specific populations.

Although the scope of the HIV epidemic is national, prevention planning is best addressed by recognizing many local epidemics, which vary greatly based on the geographical area. A plan designed for San Francisco would not be the same nor be as effective as a plan designed for and in Newark, NJ, or a mid-sized city in the Midwest.

That is why I was so pleased, Madam Speaker, today to be joined by so many of my colleagues as we publicly announce the introduction of the bill. Representative WAXMAN, who is a leader in Congress on the AIDS issue, and chairman of the subcommittee of authorization, Congressman MCDERMOTT, who as we know is a physician and a psychiatrist, and a leader on the AIDS issue, especially in the international arena, and many others from New York, from the Deep South, the Northwest, from Florida, of course, to California, recognizing that we need to have targeted prevention, whether it comes to targeting a geographic region or targeting a particular minority group. That is why these community-based programs designed to provide information, education, and outreach services, should be designed to change individual behavior and community norms in relation to HIV risk.

□ 1710

This legislation has been developed in consultation with literally hundreds of public health experts, behavioral scientists, as well as national and community-based groups. I want to particularly thank the Greater Bay Area HIV Prevention Working Group, a group of more than 70 prevention providers and public health officials, who have met extensively to help shape this legislation. I also wish to thank the Coalition for AIDS Prevention and Education as well as the AIDS Action Foundation for their assistance in developing the themes in the legislation. My assistant, Dr. Steve Morin, was a primary mover in shaping this legislation and meeting with the legislative groups, and I want to recognize his valuable contribution as well.

Madam Speaker, today, when we announced the introduction of this legislation, we were joined by Miss America, Miss Leanza Cornett, and she has made AIDS, the prevention of AIDS and speaking out on it, the priority of her, as the expression goes, reign as Miss America. She spoke about it very beautifully on the night she was crowned Miss America, and we were very pleased she was with us today because she will help us reach one very important part of our audience, the young people of our country.

President Clinton said in his "Putting People First" book that we should have targeted an honest AIDS prevention. It has also been said by this administration that we should not spend any more money on AIDS prevention unless we restructure AIDS prevention programs.

Madam Speaker, that is what this bill strives to do, and I am particularly pleased that we have the support, as I mentioned, of so many groups, and organizations, and medical professionals, and cities across the country; also of the public health officials, the Association of Public Health Officials of the States and territories. Heretofore, they have wished to maintain the discretion over all this spending, but we do have a strong element of community-based discretion on forming the policies and spending of the appropriations, and I am proud to say that the public health officials have joined in supporting this legislation.

So, with that, Madam Speaker, I invite my colleagues, in the Congress, to join on as cosponsors of this legislation which will save lives, and also save money by saving us the funds that would otherwise have to be spent on care of people, if we can prevent the spread of AIDS.

SECRETARY ASPIN REAFFIRMS SUPPORT FOR THE C–17 PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Madam Speaker, on Saturday, Secretary of Defense Les Aspin announced that the Defense Department will request approximately $2.6 billion for six C–17 air transport planes for fiscal year 1994. The C–17 is built by McDonnell Douglas in Long Beach, CA.

I am, of course, disappointed that the number of planes to be purchased next year has been reduced from eight to six. I am, though, pleased that Secretary Aspin has reaffirmed the need for the C–17 and the world-class airlift capability it will provide for our military forces well into the 21st century. Of course, I wish the number of C–17 aircraft remained at eight, since McDonnell Douglas has said the reduction could mean additional layoffs. This is clearly the bad news, but given the cuts in the defense budget and the Nation's economic climate, the good news is that Secretary Aspin is willing to fight for six.

On February 18, I, along with seven other members of the California delegation sent a letter to Secretary Aspin reaffirming my support for the C–17. I have been working with local officials and employees of McDonnell Douglas, as well as Department of Defense officials, to emphasize the importance of the C–17 to the U.S. military and to the California economy.

Joint Chiefs of Staff Chairman Colin Powell, other JCS members, and all of the field commanders have maintained their strong support for the capability provided by the C–17. Every study done by the Department of Defense has reaffirmed the need for this capability. Five C–17's are now operational. One of them has set 14 world records in lifting payloads to altitude, and another has flown more than 160,000 pounds of equipment more than 2,400 nautical miles without air refueling—a successful demonstration of the C–17's operational utility. The C–17 will provide an unprecedented ability to land, take off, and maneuver on shorter, less developed air strips—an increasingly important capability in today's uncertain world.

The fleet of the future, with the C–17 as its cornerstone, would have delivered 36 percent more cargo during the first 45 days of Operation Desert Shield than was actually delivered by our current fleet. In the Bosnia resupply operation one C–17 would provide a 250-percent increase in air-drop capability over the C–130. The simple message is that we need to modernize our airlift capability and the C–17 is the plane we need.

I truly believe the C–17 is the linchpin of our military's airlift capability of the future. As we reduce the presence of American forces overseas, the capability to project force from the United States becomes all the more essential.

THE SITUATION IN SOUTHERN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, I want to talk a little bit to my colleagues, and to anyone in the White House who might be listening, about southern Sudan. There is more persecution, and death, and starvation, and famine in Sudan and southern Sudan than anywhere in the world, and yet the Clinton administration is doing absolutely nothing about it.

I visited Sudan last month, took some of these pictures in a feeding camp, and I can tell my colleagues, after seeing first-hand, and having been there in 1988 and 1989, and then again last month, and having been in and lived in a refugee camp in Ethiopia in the famine that was supposed to be the worst famine in 1984, what is taking place in Sudan is worse than what took place in Ethiopia.

Madam Speaker, I want to read to my colleagues a letter than I received, fax that I received today from the Sudanese Council of Churches, and part of it is very, very grim. It says:

> During the week of February 21–28 we, as NSCC field workers, were holding a workshop with community leaders in the town of Mundri. Our sessions with these approximately 30 people were held in the sanctuary of the Episcopal Church of Sudan [ECS]. At 9:59 a.m. someone came to the door of the church and told us that an Antinov (a Russian-made high altitude bomber) was coming. All of us quick made our way out of the church building, with many of us going to the nearest bomb shelter, (a 12–14" open trench), belonging to a nearby church leader and workshop participant. There were about 20 of us packed in like sardines braced for the inevitable bombs. People all around us were scurrying for the best protection they could find. They knew the terror * * *.

I must say we were in a village just like this that had been bombed a few days before we got there.

They knew the terror "and destruction that was to come since they had been bombed previously, in fact, only 20 days before February 3, 1993, when five civilians were killed including children."

The fax that I got today said, "Things were looking especially grim as the plane headed directly for us. We heard the loud roar of the released bombs, then the even louder explosions as bomb after bomb," and these were civilians. These are civilians, women and children malnourished, and no food, nothing to drink, no medicine, nothing. It is like having the flu with a 104 temperature and not having any clothing, no place to rest, and then worrying about high-altitude bombing coming on top of your head.

Two bombs hit.

"The closest crater to us was approximately 100 yards away. A couple of us went to see if we could be of assistance. We found one woman who was killed instantly and was lying next to her hut. Her left leg was blown off and lying up near her head; the top half of her head was blown off and virtually all of her internal organs were ripped out of her body," and then it goes on to say things that are just even worse than I can say on the floor of the House.

"Closer to the crater, about 1½ yards from the edge of it, lay another woman who appeared to have had a large piece of shrapnel go from the middle of her back all the way through her abdomen into her arm. As she lay dying, bleeding profusely from her mouth, all that could be done was to hold her hand and talk to her, praying for her, though it's certain she couldn't hear because of the deafening blast so close to her. Just then we heard" another bomber turn, and then it goes on, and more people were killed, and they say, "We shall never forget the experience, the utter vulnerability and the powerlessness one feels lying on the ground directly beneath a bomber bent on terrorizing and destroying a civilian population."

□ 1720

We are disturbed that the Khartoum government leaders are denying the bombing of civilians in the south, and it goes on, and they are not.

Madam Speaker, let me tell you something: The Clinton administration had better focus on this issue, or the death of these people will rest on their shoulders. They have been in power now since January. I talked to the people in the Clinton administration and we get nice words, but no action.

What should the Clinton administration do? Let me just say to anybody who gets Time magazine, to my colleagues back in their office, look at page 16 of this week's Time magazine. There is a young boy in southern Sudan who is dying, and about 25 feet away a vulture is waiting to come and attack and eat him.

This is as bad as it has ever been from the beginning of mankind.

What should the Clinton administration do? They should, first, appoint a public envoy, somebody of some credibility, perhaps General Schwarzkopf or General Vesey, somebody who cares and will dedicate 90 days to go to Khartoum and go to southern Sudan and leave the message that we demand—not ask—we demand, in the interest of mankind and dignity to men, that you have a no fly zone, similar to what we did for the Kurds.

Madam Speaker, the people that I talk to there, said they were being persecuted for two reasons: First, because they were black, and I believe that they are being persecuted because they are black; and, second, because the are Christians.

Where is the Christian community in the United States? I ask my colleagues, where is the Christian community who maintains interests? They flooded my office concerning Nicaragua and all, but now, when people are dying in southern Sudan, I hear silence from the mainline Christian community in this country.

Where is the media? Where is "20/20"? Where is "60 Minutes"? Where is "Night Line" and "Day Line", and channel 4, and all those people? Where are they? Because it is so difficult to get to, no one is covering it.

Second, they should send word to the Khartoum government that if by a certain point they do not do this, serious repercussions will take place.

I feel such a burden here. It is hard to believe that at the very time more people are starving in the world, perhaps than at any other time, that this Congress is abolishing the Hunger Committee, and the leadership will not even let us have a vote on the Hunger Committee.

I do not understand it. But first, the Clinton administration has to appoint a high level official. Second, that official should go out there and we should have a ceasefire. Third, we should demand that the Khartoum government allow World Vision, the International Red Cross, Save the Children, Medicine and Doctors Without Borders, the Irish Concern, a wonderful group that has done so many good things, to have a safe area whereby these nongovernment groups can come in.

Madam Speaker, I hear the gavel calling, but let me say that gavel is not only calling for me to end, that gavel is a message to the Clinton administration and to this Congress. Every day we do not act, hundreds and thousands more die in Sudan.

Madam Speaker, as I left, the people in the camp said, "Congressman, please tell the Clinton administration to come and help. You have helped in Somalia, and that has been going on for a year or two. The conditions here are worse, yet it has been going on for 10 years and no one will help."

So I call on the Clinton administration. I have called on them privately, I have talked to them privately, and nothing has been done. Nothing has been done. So now reluctantly, with a heavy heart, I call on them publicly and say, President Clinton, face this issue. Thousands have died in southern Sudan. Thousands more will die unless you act immediately.

COMMONWEALTH BILL

The SPEAKER pro tempore (Ms. LONG). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, if one only read the newspapers or watched C–SPAN, it would be reasonable to conclude that the only concern of a territorial delegate, particularly one from Guam, would be that of the right of the Delegate to vote in the Committee of the Whole. Yes, I am speaking of the small indicia of participation in this political system and the subsequent law suit and possible challenges.

Madam Speaker, I must inform you and everyone else that the Delegate vote issue is not the issue foremost in the minds of the people of Guam. For we have a concern with an issue more fundamental and that issue is the relationship of Guam with the Federal Government.

Madam Speaker, today I introduced H.R. 1521, the Guam Commonwealth Act. This legislation seeks to improve the relationship between Guam and the United States. The legislation maintains the relationship between Guam and the United States, yet allows Guam to have more control over its domestic affairs.

Some of you might ask, what is wrong with the current relationship between Guam and the Federal Government?

Nothing, unless you believe that the ending of the cold war and the development of the new world order signal a re-evaluation of the relationship between Guam and the Federal Government; nothing, unless you believe that the relationship should be a partnership between Guam and the United States; nothing, unless you believe that the citizens of Guam should have the right to determine how they should be governed.

Guam is currently an unincorporated territory. An unincorporated territory means that first, laws can be imposed upon the people of Guam without consultation, second, any local law can be abrogated by the U.S. Congress, third, U.S. citizenship can be taken away from the people of Guam, fourth, Guam can be bought, sold or traded by the Federal Government, and fifth, Guam as a territory is in the truest sense a possession. H.R. 1521 proposes restructuring the fundamental political relationship between Guam and the Federal Government to a partnership which recognizes the mutual interests of both parties.

This new partnership will not affect Guam's role as a strategic outpost of the military in the Western Pacific. The Federal Government should and will maintain defense authority in Guam. If commonwealth status is successful, the only difference is that under commonwealth, there will be an enhanced sensitivity to Guam's land needs and planning. H.R. 1521 recognizes Guam's strategic role and continued reliance upon the United States for its defense, and the act acknowledges that defense and foreign affairs are unique Federal responsibilities.

Some of you might ask why are the people of Guam seeking commonwealth status—why not remain a territory? As a territory Guam has all of these tax benefits. Guam desires stability and some control over its status. This reminds me of a man who asks his girlfriend, why be married when you are getting all of the benefits without the responsibilities of marriage just be happy with the benefits you are getting. The people of Guam desire stability and control over its status.

Some of you might ask, why commonwealth status? Why not statehood? Why not independence? Why not free association?

The voters of Guam have made that determination. In January 1982, two plebiscites were conducted to give the voters of Guam the chance to choose the future political direction of Guam. The options included: Status quo, statehood, incorporation, commonwealth, independence, and free association.

In the first plebiscite, 49 percent of those voting chose the commonwealth option, 26 percent chose statehood, 10 percent chose keeping the status quo. Only 5 percent of the voters selected incorporated status while 4 percent opted for independence and 4 percent opted for free association independence. Later that year, a runoff plebiscite was held between Statehood and commonwealth choices. This vote attracted over 81 percent of the voters. An overwhelming 73 percent of these voters supported commonwealth status. The voters chose commonwealth status, it is believed, because it was considered to be the most pragmatic and attainable of the options.

Thus, the philosophy of the Commonwealth Act is to structure a better relationship with the United States, a relationship tailored to meet the unique circumstances that exist on Guam, a relationship tailored to meet the growing aspirations of the people of Guam for greater self-sufficiency, a relationship tailored to provide a more balanced partnership between Guam and the United States.

Besides establishing a partnership between Guam and the Federal Government, this legislation seeks to correct a historical injustice. It permits the Federal Government to fulfill a promise made to the indigenous people of Guam, the Chamorros, the promise of self-determination. This legislation attempts to correct this injustice.

What is being proposed in the Commonwealth Act is an orderly process to resolve a historical grievance and to honor a promise.

Chamorro self-determination is a special one time privilege for Chamorros to determine how they should be governed and this privilege, this correction of this injustice, this fulfillment of a promise was approved by the voters of Guam. It provides for full and equal participation of all of Guam's residents in monitoring and implementing this process.

H.R. 1521 not only seeks to establish a partnership between Guam and the Federal Government, but also seeks to correct an historical injustice and to reserve and enhance Guam's economic viability by establishing an exclusive economic zone [EEZ]. Currently, maritime laws applied to Guam has a negative economic impact on Guam in the form of higher transportation costs. This negative economic impact is not felt on the CNMI. This proposed exclusive economic zone [EEZ] seeks to neutralize the negative economic impact on Guam and seeks to equalize the treatment of Guam in transportation and maritime matters.

The legislation consists of 12 titles.

TITLE I—POLITICAL RELATIONSHIP

Establishes Guam's right to have a constitution which recognizes and is consistent with U.S. sovereignty.

Recognizes right of self-determination of the indigenous people—Chamorros.

Establishes a partnership between Guam and the Federal Government whereby changes in the relationship are agreed to by both sides.

TITLE II—APPLICABILITY OF FEDERAL LAW

Extends constitutional predictions of U.S. citizenship to citizens of Guam.

Establishes a process to review the applicability of Federal laws.

TITLE III—FOREIGN AFFAIRS AND DEFENSE

Recognizes Federal authority in defense and foreign affairs but requires consultation on future military plans.

Facilitates Guam's participation in regional organizations.

TITLE IV—COURTS

Creates a judicial system functioning under a Guam constitution and resembling a "state-like" relationship between the courts of Guam and the Federal Government.

TITLE V—TRADE

Permits Guam to continue to be outside the customs zone but allows the export of products into the U.S. duty free.

TITLE VI—TAXATION

Allows Guam to devise its own tax system and to adjust it according to local needs.

TITLE VII—IMMIGRATION

Tailors immigration policies to meet the conditions in Guam.

Reduces use of Guam as a port of entry for acquisition of U.S. citizenship.

TITLE VIII—LABOR

Adjusts employment regulations to address local needs.

Ensures local residents access to Federal service jobs.

TITLE IX—TRANSPORTATION AND TELECOMMUNICATIONS

Equalizes treatment of Guam in transportation to that of the CNMI.

Treats Guam as any other pacific insular area in maritime matters.

Expands opportunities for airline services to the island from nearby countries.

TITLE X—LAND, NATURAL RESOURCES AND UTILITIES

Gives private landowners access to their privately owned land which is landlocked by the military.

Gives Guam greater local control and management over Guam's sea and land resources.

TITLE XI—U.S. FINANCIAL ASSISTANCE

Provides for the continued remission of Federal taxes collected on Guam to the Government of Guam.

Provides citizens of Guam equal access to Federal benefits as those provided to other U.S. citizens.

Title XII provides for technical amendments and guidelines for interpreting the act.

Madam Speaker, I know that this bill has a long journey before it. But the journey pales to that begun by the Chamorro people 472 years ago upon contact with the outside world. This bill has been introduced consistently during the last two sessions of Congress. The time has come, after years of inaction by the prior administration, for serious consideration of this bill. The Governor of Guam, Joseph Ada, and I have had many meetings with the administration and we believe that the administration will review this bill within a reasonable time frame and submit its recommendations to Congress in a timely fashion so that hearings can be held by early 1994.

This legislation is of enormous significance to the people of Guam. It is an issue that is important to every single citizen of Guam. Me and my ancestors have lived through the injustices. I have formulated alternatives, and now, it would fulfill a dream for me, my family, and the people of Guam to see them enacted into law.

CRISIS IN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, I do not know how anyone who heard the previous testimony of my colleague from Virginia [Mr. WOLF] could be anything but touched by what we saw. The gentleman has asked me to cosponsor legislation, a resolution, to mandate that our Government take some immediate positive action to deal with the crisis in the Sudan. Babies, children, and women are dying by the thousands as we speak. The gentleman was there 3 weeks ago.

Madam Speaker, I would like to promise my colleagues who may be paying attention to this special order that this resolution will be drafted tomorrow and I will be soliciting cosponsors to try to get this thing passed as quickly as possible so we can send it down to the White House, thus urging the Clinton administration to take immediate action.

Madam Speaker, a no-fly zone is in order. Some kind of economic-military embargo against the Khartoum government in Sudan is in order, and we should let them know we are not going to stand idly by and let these horrible human atrocities continue. We are our brother's keeper. Supposedly the United States is a bastion of human rights and dignity, and we should take that leadership responsibility seriously.

□ 1730

The gentleman from Colorado [Mr. MCINNIS] has asked to have some time in this special order.

I yield to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Madam Speaker, I thank the gentleman from Indiana for yielding to me.

I think it is important that we take a look at an issue that has emerged over the weekend or an article that has emerged, at least, in the Colorado papers and, I saw, was followed up today in the Washington Post paper. That is dealing with the RTC.

As many of my colleagues know, the RTC will be up for additional funding requests in the next short period of time, next few days. I think that we ought to take a look at one of the issues that has surfaced. That is, that the RTC has recently forgiven a $20 million debt owed by the son of Lloyd Bentsen, the Secretary of the Treasury.

What is interesting about this debt, of course, is that about 1½ or 2 years ago, in the State of Colorado, there was a very strong headline in regard to Neil Bush. I know that nationwide a big issue has been made about the then-President's son and the debt problems that he was having with the S&L crisis and the RTC.

And lo and behold, at the same point in time, we find that Mr. Bentsen's son in Texas is in the same kind of deep trouble.

In fact, what has happened is, and I quote from the article, this is for informational purposes, that, "$20 million is owed by the young Bentsen," that he has been forgiven the debt. And I guess what is the most appalling of all of this, what is especially appalling about this is the fact that Mr. Bentsen is still being utilized by the Resolution Trust Company to manage their properties, despite the fact that he has cost them over $20 million, despite the fact that there is a Federal law that says that if the Resolution Trust Company loses $50,000 to a client or the client defaults on a major loan, that that client is no longer allowed to manage properties or work for the Resolution Trust Company.

But that apparently does not apply to the younger Bentsen. I am asking that the Department of Treasury, under younger Bentsen's father, take a very careful review of this, that the Resolution Trust Company watch very carefully the same kind of ethics that they applied to the President, the former President, Mr. Bush, and that those same kind of regulations be applied to the younger Bentsen.

It is especially questionable that the Government, who is now trying to pass a budget, this Congress, which is trying to pass a budget, asking for more taxpayer dollars from the taxpayers out there, is allowing this type of thing to go on.

What else is interesting, this morning, the Washington Post article, the Denver newspaper, the Denver Post, I believe, headlines, "RTC Forgave Debt of $20 Million Owed by Son of Bentsen." The Washington Post says the United States is to gain $28 million from this transaction.

It is not a $28 million gain. The debt was $58 million. The Federal Government lost many tens of millions of dollars, but were able to recover $28 million, so they call it a gain. It is not a gain. It is a loss of $20 million to the taxpayers of this country. And regardless of who the individual is, whether it was Neil Bush or whether it is the son of the Secretary of the Treasury, they ought to be held accountable, because of the fact that every man, woman and child in this country is having to put up, take out of their pocket a sizable amount of change to contribute to this S&L crisis. And the people that have led up to that should be punished accordingly.

Next week I hope to have an opportunity to discuss with you about the Department of Agriculture and some of their loan policies. I think it is time that the people of this country demand of this Congress and demand of the executive agencies that they manage their loan portfolios just like the bank and lending institutions that all of us have to go to when we borrow money for our car or borrow money for our mortgage.

So in conclusion, Madam Speaker, I would hope that this Bentsen affair is not brushed under the rug, that a very serious look, a microscopic look is taken at the ethics and the incident that has occurred.

Mr. BURTON of Indiana. Madam Speaker, I would just like to say to my colleague from Colorado, I appreciate his bringing this to the attention of the body. He brought this to my attention earlier today, and there does appear to be a dual standard, one that is applied to Republicans and one to Democrats.

When Neil Bush was taken to task, as the gentleman alluded to in his comments a few moments ago, it was a national scandal. And it was on the front pages of papers across this country for many, many weeks. In fact, I think it was even into the months, and we had special hearings.

The Democrat majority held hearings, the Committee on Banking, Finance and Urban Affairs, and it was a full-blown investigation.

I would suggest that we should not have a dual standard. Whether it is a Democrat or Republican, if they are guilty of any kind of mismanagement of Government funds or Government properties or whatever it happens to be, they ought to be taken to task, regardless of whether they are Republican or Democrat.

So I would suggest to my colleagues on the other side of the aisle, if they felt it was important to completely investigate the Neil Bush incident, that they ought to look very carefully at the Bentsen incident as well.

Mr. McINNIS. Madam Speaker, I absolutely agree with the gentleman.

I am not up here at this microphone tying to enter into a partisan issue. The reason I am at this microphone, as I think the gentleman correctly stated, is that this Government has got to begin to manage its affairs like a business has to manage its, regardless of the people that have defaulted on their debts, regardless of whether they are Republicans or Democrats or unaffiliated or not even citizens of this country, if they default on their debt, they should be treated with the same standard. They should not be ignored.

We know that we have a 25-percent default rate on student loans in this country. If we had a bank, whether it was run by a Republican or Democrat, that had a 25-percent default rate, they would be taken over overnight.

We could go on and on. I appreciate the comments from the gentleman.

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for his comments.

THE END OF THE COLD WAR AND THE MILITARY BUDGET OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Madam Speaker, I just sat the better part of the day in the Committee on Armed Services room listening to two fine Americans, Secretary of Defense Les Aspin and Chairman of the Joint Chiefs of Staff Colin Powell, discuss what the world's remaining superpower is going to do with its men and women in uniform, its military forces, and with the defense budget of this Nation in general, which includes thousands and thousands of families across this country, the men and women who have been part of this victory of the cold war.

For a whole series of reasons that I still have not been able to accept or even comprehend, the last administration, the Bush administration, either did not try or was blocked by an unconscious or a conscious media bias not to celebrate in a decent way the victory of freedom over the world's greatest tyranny ever.

I am speaking of the, yes, evil empire of Communism.

It was Mr. Gorbachev himself, when he was President, not elected, but President of the Soviet Union and General Secretary of the Communist Party and following, Mr. Yeltsin, the first elected person of the Russian people ever in all of history, from czars through serfdom, through a short Duma or Congress under Alexander Kerensky, where the Bolsheviks stole their march toward European style freedom, and then the three-quarters of a century of Communist hell under Lenin, a short 3-year period of a troika and then the greatest killer in all of mankind's history, Joseph Stalin, designated as such a killer by Mr. Gorbachev and then Mr. Yeltsin. After all, why would that not be the fact?

□ 1740

One of the most evil men that ever lived, Adolf Hitler, his thousand year reich was chopped down to 12 years in size by the United Nations and the allied effort, but led by the United States of America, giving willingly of our treasure and also of the greatest treasure of all, the blood of our young people. In every single ocean, on almost every continent of this world, the United States brought World War II to a conclusion, stopped fascism in Italy, a type of fascism with Tojo and the war lords of Japan, the Japanese empire, and then finally drove Hitler to suicide in his own bunker on April 30, 1943.

With the tragedy of that ugly war, out of it came a renewed and strengthened communism, unfortunately, under Stalin, and the killing continued under Stalin for 29 years. After that, the killing continued, at a much lesser pace, right up until an American, Arthur D. Nicholson, was shot to death, legally doing his job as one of the occupation forces in Berlin, his sergeant spread-eagled against a vehicle where he had to look over his shoulder at Major Nicholson dying right in front of him.

The killing continued up until very recently, when, and I am sorry I cannot remember their last names, but when Ivan, and Ilych, and Dmitri died in front of what they called the white house, the Russian Government building in Moscow itself.

The killing, as far as we can point to named individuals, stopped on that night, when, the next morning, Mr. Yeltsin, with raw, raw, incredible and admirable courage climbed up on top of a tank, guarded by civilians and some very brave Russian military people in uniform, and entered this new tumultuous period that goes on as we speak in one of the 15 republics, the major one called Russia.

The people there are still suffering, reaching out for freedom. All of last week, the bloody flag of communism, the red blood flag with the yellow hammer and sickle on it still being flown by some pathetic jerks in the streets of Moscow itself. We see the agony still going on to try and throw off the cloak of this evil empire that lasted almost three-quarters of a century.

What are we going to do in this country to keep ourselves really a superpower? I just heard one of the most eloquent pleas for human decency on the floor of this Chamber, and I have heard some beautiful speeches from the majority side and the minority side, human rights speeches appealing for this country to do something with its surplus foods to stop starving and dying in Africa and other parts of the world, to send our American Air Force and other service people in to give relief when there are earthquakes and floods and other natural disasters, volcanic eruptions, all over this world.

No country in the history of recorded time has ever responded as willingly, as effortlessly, or as effectively as the United States of America.

I just heard the gentleman from Virginia [Mr. WOLF] beg, and there was no partisan tone to it, because we begged the Bush administration to do something in these areas of mass starvation, but Mr. WOLF, as an eyewitness in Somalia, says that Somalia is worse than Ethiopia in 1985.

I followed Mr. WOLF to Ethiopia, partly because of a floor speech he made, by I think only 3 weeks to the camps at Ibnet and Insulkia in Ethiopia, and I saw 10,000 human beings with my own eyes in a camp from the hillside, there were actually 100,000 people, and within 3 weeks of my departure a tenth of that camp had been driven out on the road by the Communist government in Ethiopia and 10 percent of them died.

I did not look into the eyes of all 10,000 people, but I looked at a camp with the tents, I physically saw about 17 dead people, and I was looking at a camp from a distance where 10,000 people were to be dead within 3 weeks.

We have only had one battle that approached that carnage in our Civil War, Antietam, up in the northwest corner of Maryland.

We have a dangerous world now. It we are going to continue in operation in Somalia, and Mr. WOLF was speaking of the nation of Sudan, southern Sudan, where the Christians are blacks and the Moslem forces from the north, with money from Iran, I just found out today, heavy money from Iran, are slaughtering them with used equipment from the old Soviet evil empire, then how are we ever going to respond to crises such as this if we do not keep ourselves worthy of the name superpower? That is what this defense budget debate is all about.

Tomorrow we go to the Navy, Admiral Kelso, the Chief of Naval Operations. Then we go, I think, in the afternoon to four-star General Sullivan, the Army Chief of Staff, to follow up on the day-long discussion we had with the chairman, General Powell, and with the Secretary of Defense.

Here are the figures. Using the Clinton administration people and the Congressional Budget Office, here are the figures of cuts in our defense budget way beyond candidate Clinton's $60 billion that he was lumping on top of President George Bush's $50 billion cut projected out over 5 years.

This year, fiscal year 1994, which starts October 1, a $11.6 billion cut. We will be voting tomorrow on the conference report of the House and the Senate, which, because of majority unity, has overwhelmingly passed, so this almost $12 billion cut is a done deal.

In fiscal year 1995 it jumps up to $16.1 billion. In fiscal year 1996 it jumps to almost $25 billion. All of this is based on a rather conservative projection of inflation staying about where it is.

If the Clinton budget plan, and with the stimulus plan hurting initially, takes us into stagflation, inflation can drive all of these figures so high that the American military will be, to quote Colin Powell, smashed on the anvil of budgetary figures: In 1996, almost $25 billion; in 1997, $36.8 billion; and for 1998, $39.8 billion.

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Oklahoma, but first of all, before I yield to my good friend, the gentleman from Oklahoma, I was doing a long prolog here so my colleague, the gentleman from Rhode Island [Mr. MACHTLEY], an Annapolis graduate, could get over here with the charts that our colleague, who is the Republican vice chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], these are the charts that he held up and countered some of the charts that the gentleman from California [Mr. DELLUMS], Secretary Dellums, was showing us.

If RON would not mind letting me yield, I did not know our distinguished aviator colleague, the gentleman from Oklahoma, was going to be with us, so I gladly yield to him.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for yielding to me.

Mr. Speaker, if I am looking at the gentleman's chart right, a different interpretation of this could be that, if the gentleman will recall historically, and he always recalls things in historic reference, I would say to my friend from California, that back in 1980 our defense budget was one that we considered to be dangerously low. That was when we were not able to have the right parts for our aircraft or sophisticated equipment. Yet at that time it was $250 billion.

The projections for 1996 under the Clinton program would be down to $221 billion. If we take that and we take the inflation rate that has existed between 1980 and 1993, that means in 1980 dollars that would be $125 billion, which is one-half, one-half of the amount of money in 1980 dollars, where we were in 1980. I think this will come out in the gentleman's presentation. That is a different way of looking at it.

Mr. MACHTLEY. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. Let me yield to my distinguished colleague, the gentleman from Rhode Island [Mr. MACHTLEY], who sits just to my side on the Committee on Armed Services.

Let me ask the gentleman, before he starts, was there anything I missed by coming over here to claim this time, because he was one of the anchor men that wrapped up this day-long session with Secretary Les Aspin and Gen. Colin Powell.

Mr. MACHTLEY. Mr. Speaker, if the gentleman will yield, I am happy to say that the hearing is still continuing, and I give credit to the Secretary and the Chairman of the Joint Chiefs for their willingness to sit there and try to explain what is going to happen to our military.

I think all who were in attendance have to come away concluding, as the gentleman has, that the unknown is about to happen. That is why I think it is important for us in Congress to stand up and to try and explain to the American people just exactly what we think is going to happen, not in 1994, maybe not even in 1995, but 1996, and 1997.

There are those who are watching, and no doubt many Americans, if asked tonight how much of our defense budget is really spent, how much of our total budget of the country is really spent on defense, who might suggest, as many of my constituents do, it must be 30 or 40 or 50 percent.

The reality is that we are spending, this year, just slightly under 17 percent of our total budget on defense. By 1997, under the current proposal, we will be down below 13 percent.

People say, "What does that mean in terms of our total economy, in terms of our total gross domestic product?" We will be down below 3 percent, which this chart which was shown today demonstrates is probably the lowest that we have been in terms of percent of our gross domestic product in at least 30 years, and probably 80 years, so we will be down in terms of percent where we were in the 1920's and the 1930's.

□ 1750

Mr. DORNAN. Give that bottom line figure in 1998 again. It is 3 percent?

Mr. MACHTLEY. In 1998 we will be at 3 percent of our total gross domestic product.

Mr. DORNAN. Let's explain that a second. The gentleman and I were talking today about it. Here is a great nation, trillions of dollars in gross domestic product each year, unknown in the history of the world. And unlike the Kennedy years where it was in the high 20's, unlike the highwater mark there of 11.9. What was that, 1953?

Mr. MACHTLEY. Yes, 1953.

Mr. DORNAN. And Eisenhower was in his first year as President, so we have to give credit to Harry Truman for doing that, and coming through the Korean war, and the buildup, and we are now down to a pittance when you think of any civilization of the gates, and the guardians of the gates, and we are a benign society. We want to reach out to Somalia, to Bosnia, to Ethiopia, to earthquakes in Equador, and Iran, and Turkey, and we are not a great nation if we only give 3 percent of what we make and reserve in this country to defense. And that is what we are headed toward.

Mr. MACHTLEY. That is exactly right.

I think the point that is important to make here, Republicans, and many people, Democrats as well who are talking about this budget are not suggesting that we should not reduce our defense budget. That is not what we are here today to discuss. Members can see from the chart that from 1986 through the present budget we have been reducing our defense budget in real terms. In fact you can see here in 1991 with the advent of the fall of Berlin we reduced our budget fairly significantly.

We had a budget agreement in 1990 which we felt was going to meet the world's threats based on a bipartisan attempt of Democrats and Republicans to develop a budget based on the world. When we had the collapse of the Soviet Union in 1992 we said we ought to readjust our defense budget. We recognized that the world was no longer the same, that the 45-year threat of the Soviet Union was no longer as apparent as it had been. And so we made a conscious effort to reduce our defense budget.

Right here we got what was affectionately referred to by our former Secretary, Dick Cheney, as the pitchfork. Our base force was to look like this dotted line approach here. Our Secretary, then chairman of the Armed Services Committee, in 1993 said we should analyze our force structure, we should look at it and see what do we need, remembering that this is after the fall of communism. The Soviet Union has collapsed, and it is a given that they are no longer a threat.

Mr. DORNAN. The gentleman said 1993, but he means late 1992.

Mr. MACHTLEY. That is correct, late 1992, and I thank the gentleman for correcting me on that point, because I think that is very important, because that was 1992 which was after the fall of communism, and his option C was based on a baseline in 1997 of $270 billion.

We see here what the Clinton budget is suggesting, well below what Chairman Les Aspin, the Chairman Les Aspin, said we needed in 1992 for the defense of our country.

What did then candidate Clinton suggest in December 1991? "We need to be ready to adjust our defense projections to meet threats that could be either heightened or reduced down the road." And what have we seen? We are going to, under the current Clinton budget, reduce our defense expenditures for the period 1993 through 1997, a total of $122 billion to $127 billion.

There are some who say it is not $127 billion. It ought to be something less than that. But clearly, if you read the testimony of March 5 from the other body, Senator NUNN has I think very clearly explained what we are talking about, a reduction over 5 years of $122 billion as a minimum, that is the ceiling, not the floor.

And what have we done to our defense commitments? We have heard that we are going to have regional contingencies, we are going to have humanitarian relief programs, we are going to have peacekeeping, we are going to have evacuations that we ask our military to do, we are going to have crisis response, we are going to have counter narcotics, we are going to have deterrence, and we are even going to have our military now involved in defense conversion, and finally we are going to have a peacekeeping mission for our defense.

This graphically shows I think where we were with the base force which was agreed upon by Republicans and Democrats, and what was necessary to meet our strategic threats around the world in 1992, again, after the fall of the Soviet Union. This shows option No. 3 which was the option that then Chairman Les Aspin chose as the base force necessary to implement a new strategy based on a new world environment and a new threat.

Here we can see where the Clinton budget is taking us, far below then Les Aspin's option C. Again, candidate Clinton said in December 1991, "We must set the level of our defense spending based on what we need to do to protect our interests. First, let's provide for a strong defense. Then we can talk about defense savings."

Mr. DORNAN. Just one second. Let me put that in context. He declared on October 3, 1991, so this is 2 months into his campaign when he says what is a very solid, not just a moderate, but that is a conservative statement that what we need to do is to protect our interests, and that is what we have to decide, and then we can talk about defense savings. And by February 2 you have that other quote coming up. Excuse me, that was April 1. We are not even at the 1-year anniversary. We have 2 days to go to April 1 where we have this other quote. So what we are doing is quoting candidate Clinton back to the Clinton administration.

Mr. MACHTLEY. And this is not meant to be partisan. This is meant merely to show the rapid cuts in our defense.

Now one might suggest, and as my colleague has just stated this was on April 1, and maybe it was April Fools when he said, "I would reduce the 5-year budget by $50 billion, with further cuts possible if current favorable trends in the international climate continue." This was done on April Fools Day, 1992.

What has taken place since that? We have had Russia on a very, very tenuous rope trying to keep democracy alive. We have had North Korea who has said they are no longer going to be a part of the nuclear nonproliferation treaty. We have had enormous heartbreak and enormous problems in Bosnia, the Persian Gulf, Iran, Iraq, have been very, very serious in their consequences for the world. We have had weapons proliferation as the Russian military has downsized and has been selling its weapons around the world. We have not only had terrorism around the world, but for the first time in probably hundreds of years we have had terrorism on our own soil. And if that is not a wakeup call, I am not sure what ought to be the call.

What has President Clinton said on March 23, 1993, just shy of a year of the statement of the 5-year budget by $50 billion in cuts? He said, "We have prepared a responsible defense budget, $128 billion of cuts over 5 years."

Clearly there is a difference between the candidate Clinton's statement and President Clinton's statement.

One might suggest that we could in fact live with a $128 billion cut if it was going to be done in a way which was responsible and which maintained a strategic plan. But as we just heard in our Armed Services Committee, the 1994 budget was based on trying to keep things in a somewhat consistent fashion without having the opportunity to develop a strategic plan of force structure. The force structure program will come. But in the meantime, we are stuck with this budget, which my distinguished colleague has addressed in terms of the cuts.

In 1994, as we have just discussed, we will have about a $11 to $12 billion cut, and I think it is particularly important that we understand that the firewalls are down, and that the discretionary spending is available to anyone who wishes to attack it to pay for other programs. So again, these cuts are the ceiling and not the floor.

In 1995 we will probably have a $17 billion cut if we continue down on the same ramp. But here is where things are going to get tough. In 1996 it will be $24.3 billion, and in 1997 it will be $38.6 billion. So 62.3 percent of the total cuts that the President is recommending are going to occur in 1996 and 1997. Have we prepared for this? I suspect the answer is no.

We know that we are going to have about $60 billion in program cuts. We do not know what those program cuts are going to be.

This chart was taken from Senator NUNN's testimony on March 5, and I think it clearly shows that we will have cuts in the vicinity of $60 billion over the 5-year period for programs.

□ 1800

If we cannot make our target on the budget, the concern is if inflation is higher that these will be higher cuts than $60 billion.

Mr. INHOFE. If the gentleman will yield on that point just for clarification, there has always been a lot of confusion about this. When you talk about $60 billion additional cuts over this period of time, that is in addition to the $50 billion of cuts that were proposed during the Bush administration. As I recall, that was when Secretary Cheney was asked the question if we cut any more can we still adequately protect America, and he said no. In fact, Colin Powell was with him at that time and agreed with that statement. So this $60 billion is in addition to the $50 billion that the previous administration had already agreed to.

Is that correct?

Mr. MACHTLEY. The gentleman is absolutely correct. But I think I would like to present it in this fashion.

You can see that this is the $50 billion cut line right here. The Clinton budget is an additional $60 billion. At least some people suggest it may be as high as $80 billion based on inflation which will occur, so that $60 billion is part of this total $122 billion.

Mr. DORNAN. Explain again, because it is a very graphic little simple description that former Secretary Dick Cheney used, the pitchfork. The handle of the pitchfork comes down to right where we are now where we take this triple split. It is like an old-fashioned wood triple-pronged fork, three tines. One is the base force where we are now, which was the Bush drawdown of $50 billion in outlays. And then what Les Aspin, who was ahead of the curve on our distinguished Senator in the other body and everybody in coming up with a reasonable cut lower because of a year ago things were not looking as bad as they are now in the former evil empire and in other places around the world, and we had not had bombings—as the gentleman said, the World Trade Center in New York City—and then here is this Clinton figure that has been derived, the lowest prong of the three-pronged pitchfork, was derived without any strategic analysis that is going on with civilian and military experts all over the world as we speak.

And so we come to these conclusions from what rationale? As the gentleman from Ohio [Mr. KASICH] said when he very respectfully, as a close personal friend of Mr. Aspin's, said, this is driven by the budget, because when you looked at other programs to cut, there was no place to turn except what we had feared here since the middle of the Reagan years: People who know or care nothing about strategic defense or tactical military readiness of our forces, they went to the military as a cash cow to slash and tear on the wild hope that Plato no less was wrong when he said that only the dead have seen the end of war.

We cannot look at this dangerous world and come to these assumptions, and besides it is not saving money. We are not taking all of these defense dollars and cutting our deficit and saving the debt on my soon-to-be nine grandkids. What we are doing is an income transfer. All of this is going over to social programs, and the stimulus is a nice $16 billion beginning.

So I do not know how we are going to get the attention of the country, although some of the newsmagazines and some of the TV shows that have longer news segments—like CNN—are beginning to reach out to the other side. Tragically this whole issue of homosexuals in the military has kind of dominated or thrown out an old naval smokescreen like the destroyer circled the city and the television stations up in New York, and this smokescreen stopped a rational analysis of what is going to happen to the defense structure of this country. The meat-ax savage cuts are here, folks, and there they are on the charts.

We are using their figures. This is not partisan Republican rhetoric.

Mr. MACHTLEY. One of the other great problems, if my distinguished colleague would yield, is that as we reduce our size, the chairman of the Joint Chiefs and the Secretary have indicated we are not going to allow ourselves to have a hollow force. That means that we are going to have to reduce the size of the force in order to meet these budget, OMB-mandated cuts, probably well below not only the 1.6 million manpower force which was anticipated in 1992, but probably well below the additional 200,000 which is going to be necessary to meet the 1994 and 1995 budgets. And when we do that, I am afraid that what we are doing is encouraging our peers around the world, and what we would think of as nonpeers today, to look at us as potentially vulnerable.

They might suggest that if we are involved in Bosnia and Somalia that we would not have the opportunity and the ability to be involved in Korea and, therefore, we would encourage their type of military adventurism in places of the world because they would view us as military peers.

The other problem that I think we face is one which A.M. Rosenthal wrote about in the New York Times several weeks ago. As we reduce the size of our conventional force, because it is more expensive to keep a conventional force; as we draw down the number of ships, because they are no longer spread around the globe; as we reduce the number of strike-force divisions that can get to a place quickly, we end up with alternatives which are unthinkable today, and that is the nuclear alternative.

If we are asked to defend our troops in Korea and if we cannot get our fast support ships there and if we cannot have the conventional forces to get there, will there be pressure on our President, whoever that may be, to use our nuclear weapons as the defense to protect our lives in this country? It is a very scary thought. It is one which no one wishes to even think about or talk about, because no one would assume that the United States, the greatest military power that the world has ever seen, would ever revert to nuclear weapons.

But put several divisions of troops being overrun and enormous outcries of people with the media focusing and presenting this presentation, it worries me that there may be those who would suggest that nuclear weapons ought to be weapons of choice in a situation where conventional weapons are not available.

I would suggest that if the gentleman would just indulge me for 1 other second, one of the great problems I think we have is the practical problem which I addressed in the Armed Services hearing, and that is: What about our young enlisted, what about our young officers who are there as a volunteer, who came into this military because they wanted to participate in a way of patriotism; they wanted to participate in keeping this country great and strong? And so for years they have been deployed and sent to various places during the holidays. They have missed their children's birthdays, they have missed their anniversaries. We have said that this is necessary in order to protect this great country, to protect the world, to keep it safe, and now we are telling them we are going to cut vertically; we are not just going to take out those who are coming and those who are retiring, we are going to send home good, honest, hard-working sailors and airmen and Army personnel who have made this an attempted career, and we are going to tell them, "We do not need you anymore. This country is safe enough."

Yet they are smart enough to know that the world is, in fact, a much more dangerous place today, and so I think that it is absolutely essential that the Pentagon, the President, and all who are concerned about our military, have programs to take care of our military as we downsize so that we do not just cast them adrift as if they are not worthy of our assistance.

We talk about helping every other nation of the world. I think we ought to take care of our veterans and make sure that they have a job when they come home, make sure they are first in line when any government handout is being given. If we do that, then I think we keep at least part of our promise to them, and it is of great concern to me.

Mr. DORNAN. I just wanted to come back to what our former colleague who came here in 1970—so he spent 22 years here—Mr. Aspin, what he said with his Force C concept in February 1992, and he did have a wry smile on his face when we kept quoting back at him not only candidate Clinton but kept quoting back his own wisdom which we were not completely in accord with but now looks so conservative and tough in comparison to the cuts that he is now being forced to spend.

As a former naval officer I will bet you kept your subscriptions, RON, to Naval Proceedings and Navy League magazine and Seapower and all that as I did in the Air Force Association, with Air Force and stuff. But I also tried to take a look at Marine Gazette and Leatherneck and all the Army publications, because most retired NCO's, petty officers, and the officer corps that follows C-SPAN and watches these defense debates on the House floor, and it is not quite so lonely out here when we have three or four colleagues on the floor in a multiple discourse here, but there is about a million-and-a-half. Madam BENTLEY of Maryland, our distinguished colleague from Maryland, thinks the audience is 3 million. Nobody takes any polls to know.

If there is a million people watching, with the Speaker's permission, I would just like to say that if you are a marine, an airman, or a sailor, just listen, for example, to the Army: at the end of the 1991 force, that would be September 30, 1991, we had 16 active divisions, 10 reserve, and no hollow what they call cadre divisions.

We structured a base force to chop out four divisions, they are all gone now, and four Reserve total divisions with all the Guard units spread throughout the States. We are down to 12 active-duty, one-half of that Reserve, and 2 hollow Guard units, I mean, cadre units.

Now, Les Aspin set up as Force A massive savage cuts just a year ago, Force B, he set up another strawman of massive savage cuts. Then he came up with Force D where it was kind of giving the conservative Republicans a position that was not necessarily ours but looks pretty good now, and then he picked in the middle of A and B and D and the base force which we actually have now, he picked the Aspin Force C.

Here is what Force D, what he was saying, "You Republicans would certainly buy this." We were going to chop two more divisions, get rid of the two hollow cadre divisions, and leave the six Reserve divisions. Aspin came down one more active division to nine active and six Reserve, no cadre.

Now we are being told we have got to chop another several Army divisions and chop the Reserve forces maybe down to two divisions. We will be closing National Guard armories and Reserve units all over this country.

□ 1810

Now let us go to your service, the Navy. Boy, it seems like yesterday, only a year and a half ago, that we had 528 ships. We are already down to 450. Under the Force D level he wanted to give the Republicans, he figured we would be happy with 430, a chop of 20, but Aspin, under 4(c) a year ago, wanted to go down to 340. Now we are talking about chopping this 340 another 40, 50, 60, 80, fighting ships. This is incredible. And the carriers, there are some people in the Clinton administration who want to cut the 12 down to 6 carriers. We cannot project force anywhere when you have some of those carriers in SLEP, service life extension programs. Maybe we get rid of the older ones so we would not have to face that for a couple of years. But the submarines, get these chops, the ones with the big tubes in them, the ones that have those nuclear weapons that really, probably, kept the peace. And I say that as an Air Force pilot, admirer of the Strategic Air Command. Those boomers, they say, are what may have kept the peace.

From 1987 to 1990, Les Aspin wanted to chop that in half a year ago down to 40. Now we are talking about chopping the 40 down to 20, nuclear subs, from 1987. And my service—and I will close on this—we always talked about a 40-wing Air Force, 40 fighter wings. We were driving toward that in Reagan's second and third years. We did not even come close. We got up to something like 34½, 35½. Now, in 1991, September 30, end of fiscal 1991, we had 22 wings. We are now down to 15. Seven Air Force fighter and combat wings and bomber wings are gone. The Force D that Aspin wanted to attribute to us was 11. He wanted to go down to 10.

Now, you heard in the discussion today they both agreed that we are going to have to take some serious hits in the six programs that we have ongoing. The X is still a paper program, the new long-range Navy penetration fighter-bomber to replace the A-6 and replace the Air Force 111's; they are talking about having a skeletal Air Force structure. Then, when I left, at least I got Aspin to come up with an imaginative plan where we would be like the X-plane program at Edwards Air Force Base in the 1950's and 1960's where we would build prototype F-22's. We would never cancel them, we would at least have them flying and then go on to an F-24, F-25, try a few of those and at least stay on the edge of technology but without building or filling out any units. They will still be flying the older airplanes. So, the Reserve wings, we had 12 a year and a half ago, we are now down to 11, and the Aspin chop was to come down to 8; 10 active-duty and 8 Reserve. We are now talking about decimating those numbers. So we are talking about cutting into muscle, going into the bone marrow, sucking out some of the bone marrow of our defense, and it is all in the name of, not reducing the $4 trillion debt, not really chopping the budget, if you look at these things a little cynically; it is to transfer this money from the defense sector, men and women with families, well trained, jobs in both civilian and in the military, to try to keep this world a stable place, and we are going to transfer all that money to what our European friends call the dole.

Boy, we have got a fight on our hands here. I can understand the euphoria on the majority side, who have only held the White House 4 years out of the last 24, and scholars among them really thinking that that was a fluke because of the way Watergate was so ghastly, if not criminally, mishandled, that an Annapolis graduate like yourself came along, a good family man, a submarine officer, an engineer out of Annapolis, Jimmy Carter, if they do not count those 4 years, I guess this may be their last shot at holding the White House.

I will say that Mr. Clinton's roll of the dice on taxing and spending and gutting the military—let us see what happens in 1996, because that is when the $25 billion heavy smash in the face of the military takes place. I think it is incumbent upon us not to be cynical, but do what we saw happen in this place for 2 years, gridlock and a lot of smirking, and say, "Let them fall." I think we have to save the majority party from itself when it comes to national security.

The gentleman from Oklahoma [Mr. INHOFE] wanted to say one more thing.

Mr. MACHTLEY. If the gentleman would yield 1 more second. I think one of our roles here as members of the

Committee on Armed Services who deal with these numbers is to do this sort of special order to make sure the American people and the rest of our colleagues are aware of the magnitude of the cuts. This has nothing to do with politics. This has everything to do with the strategic position of our Nation in 1996 and in 1997.

But let us also look at the economics of it. If we reduce our manpower, active duty force, from 2.1 million, where we are approximately right now, down to 1.4 million and below, that is 700,000 people who are currently on active duty, in the next 3 years we are telling to go home. I know the current CO who is heading to his Trident command who was told, "We no longer need you. After 22 years, even though you are going to command one of our finest weapons systems, go home." I know a senior officer who was headed to his deep-draft command and was told, "I am sorry. Even though you have done everything right, go home."

Mr. DORNAN. The dream of a lifetime.

Mr. MACHTLEY. The dream of a lifetime, to go to a deep-draft command.

We are going to be probably close to where we were in 1920 and 1930. Now, in 1939, the United States ranked 19th in the world in terms of the size of our military.

Mr. DORNAN. And first in industry, already, by then.

Mr. MACHTLEY. We had let ourselves absolutely reduce our military so that in 1939 we were behind Turkey, Spain, and Romania. They were the military powers in 1939.

Historians can go back and see what happened in 1939, 1940 and 1941, and where we were. Fortunately, we had the ability to develop our military during those years. All of the witnesses who have come before our committee have said the next war, the next conflict, it is "come as you are." There is no time to build up, there is no time to develop an industrial base. If we remove the industrial base as we now know it, if we do away with the submarine industrial base, which takes 6 years to build a submarine, we are not going to have time to grab hold of our workforce and say, "Let's go to work." It just will not happen.

Our defense budget was so weak in 1939 that when George Marshall was appointed to Chief of Staff of the Army, he had to ask for special permission to go by train from the west coast back to Washington because then the preferred and cheapest route was to take the steamer through the Panama Canal.

I hope we do not get to the point in our military where we are saying to our troops, "We are just sorry, we are out of money. You can't live in a decent place, you can't send your kids to a decent school. You can't have good housing. You can't have adequate health care," as we are talking about health care.

I know of lots of people in the military who are going without health care because they cannot get to the base hospital, cannot find housing, close enough, they live on small incomes, very low incomes. We need to make sure that we are taking care of our people in the military. Our military is not as good as the weapons, it is only as good as the people.

One other point that I wanted to make, and I would be happy to yield to my distinguished colleague here to discuss other aspects of this. That is that there will be a lot of discussion of, "Well, you know, the reason the budget is $122 billion is because then the Republican administration underestimated the cost of savings for streamlining Government and base closure." They thought we could get about $70 billion. That was probably some overestimation. But if you look at Senator NUNN's testimony, he has already figured in, as has the administration, a $10 billion gap between estimated savings and reality. That might get higher. So we might find that our total defense budget is not $122 billion but it is higher, and it could be as high as $130 billion. They were not going to give us any credit for the $7.4 billion cut in 1993. We made that cut in Congress because we recognized the world was safe.

We also have an $18 billion cut because this budget anticipates freezing the salaries of these volunteers, these patriots who are willing to leave their families and serve in some of the harshest conditions in the world, who are willing to put their lives at risk. We are telling them, "We are going to solve our deficit problem on your back. We are going to ask you to go on 9-months' deployment. We are going to ask you to go to Somalia. We are going to ask you to tell your families that you can't be there at Christmastime and also going to tell you that you are not worthy of the pay increase."

Mr. DORNAN. Can I flush that out? When Mr. Clinton stood in this Chamber and put that proposal out, he was doing something that was even hurtful to all the Federal workers who live in this area. When a politician talks about freezing Federal pay, very few Americans, unless they have served in the military or have a relative serving, they do not get a picture of one of those handsome young African-American kids shedding tears over those little black babies in Somalia, starving.

□ 1820

They think of a bloated Federal bureaucracy. They do not think that every military person from a young helicopter pilot to a boot down in Quantico in the jungle going through boot camp, they do not think that they are Federal workers, but he freezes military pay. This is his $18 billion savings.

And with all due respect to Les Aspin, he kind of threw that out as a little snowball that confuses, and then as of next year it comes down to 1 percent below inflation—for how long?

Mr. MACHTLEY. Well, it would be for the 5-year period, 1 percent.

Mr. DORNAN. So they are going to take a cut, so their pay will be eroded by inflation at least 1 percent for the next 4 years after this total freeze, and with that we want to get people with this unsure career now to stay on board. It is a great time for the military, not with those with those circumstances.

Mr. MACHTLEY. The only final thing that I think is important to point out is that these numbers, again I cannot emphasize this enough for people who are listening, these are not the worst case scenarios. These are best-case assumptions of the future.

If inflation increases, if in fact we find ourselves in another conflict, even if it is a regional conflict, we are going to find this deficit even more difficult to make up with the existing defense dollars, so we are going to have to cut back on training. We are going to have to cut back—a lot of people do not understand that when we talk about cuts in the defense budget, for every dollar which we appropriate in any given year, we only spend 50 cents; so if we are going to make cuts, we have to cut back on people. Those are the fast payers, and we have got to reduce our defense force, much, much greater than has currently been contemplated.

I for one, if asked by my children, "What did you do of any significance when you were in Congress?" I want to be able to say, "I stood up and at least tried to warn America that we are ramping down our defense budget so radically that we will not be prepared to meet the regional threats which we know about today." That does not take into consideration any threat which we will find out about tomorrow.

Mr. DORNAN. I will say, serving on the Intelligence Committee, that both sides of the aisle understand clearly, I believe, even if they have not gotten this big picture in the White House yet, that you cannot bring down Intelligence at an equal percentile level as you bring down your forces, because it is even more important that you be aware of what might happen so there is no more blind siding, no more Pearl Harbors.

We heard Secretary Aspin with Colin Powell nodding in strong affirmation, we should not bring down R&D. We should have one of each of all the world's most exotic weapons so that we have time to start building them, but the gentleman has just said we are not going to have time and I agree with him.

I quoted to them from Giulio Douhet. He has taught at the service academies. "Victory smiles upon those who anticipate changes in the character of war, not upon those who wait to adapt themselves after the changes occur."

Even the Russians are saying, here are Russians being quoted in a Hudson Institute survey. This is where our former NATO Chief, Alexander Haig, has done some good scholarly work.

Russian experts argue that our U.S. gulf war is the prototype of the new technological war wherein the surprise use of brand new systems will be decisive, and the initial period of essentially the only period in warfare.

So it is as the gentleman has pointed out even more simply, come as you are, and that is what is going to happen.

If we have the world's greatest R&D, and if we have this small wonderful elite unit that can put on the greatest shows ever for traveling congressional delegations, showing us what they can do, but they are small units, and we are not there to function as a superpower, then we have failed this, the end of the bloodiest century in the history of the world ever.

Let me do one footnote on the most highly decorated man in the military and then I will yield to the gentleman.

I have before me the résumé of the service career of Barry Richard McCaffery. The reason I asked for this just this morning were there were two articles last week from the Wall Street Journal and the Washington Post. I will read a paragraph from each, because there are lots of rumors flying around in this city and now around the country and in the military community around the world that military people are not welcome at the White House. I believe that is grossly exaggerated, and a lot of it grew out of a tragic story of what happened to a lieutenant general. Those of you who may not know him by name, but you know his deeds because he was the commander of the 24th Infantry Division Mechanized, which was the point of the spear, the point of the Hail Mary that cut into Kuwait and up into Iraq and they could have kept going all the way to Baghdad if anybody had chosen, and then Maj. Gen. Barry McCaffery was the leader. When I went over there and met him, he reminded me that in this Chamber 4 years ago when he was a brigadier at Fort Campbell, I had read in total a letter he had gotten in the letters to the editor of the Army Times about flag burning and the debate we were having on this floor. So he pushed the edge of this little free speech as an Army brigadier general, but I just want to read these two paragraphs and then flesh it out for the million-plus people watching C-SPAN and tell them who Barry McCaffery is.

Here is the paragraph from the Wall Street Journal. Most of these stories are not true, it goes on to say about all the lack of receptivity of the White House to our uniformed heroes. It said:

> At one point, Pentagon officials say Lieutenant General Barry McCaffery, an Assistant to General Powell——

And General Powell confirmed to me today in private that this was true——

and a decorated Vietnam War veteran——

Does not even mention he was the point of the spear in Desert Storm——

> was waiting at the White House for a meeting and attempted to strike up a conversation with a young female aid. The aid cut off the conversation, explaining she did not talk to military people.

Now, a slightly different version was in the Washington Post:

> Recently a well-placed source said that General—

Meaning lieutenant general—

> General Barry McCaffery, Special Assistant to General Colin Powell, Chairman of the Joint Chiefs, was told by a female Presidential aid that the staff did not want people in uniform at the White House unless it was absolutely necessary.

Now, the White House does not deny the episode occurred, but they do not want to talk about it.

Well, I confirmed today it did happen.

General Powell said they have no desire to track down who this person is, that he actually spoke to the President about it, that the President said, "Gee, I wish I could find out who it was. I would like to talk to her."

You notice he did not say she would be out the door with Boots or Mittens, or whatever his cat is called, and put her out to wander around the compound.

But here is what makes this story so incredible. Barry McCaffery, West Point graduate, class of 1964, in addition to all the other professional training which the gentleman was describing of these fine professional military people, first tour in Vietnam July 1966 to July 1967; Mach V advisor with the Vietnamese Airborne Unit. Of course, he is Ranger Flasher Airborne qualified himself.

One year back here in the Canal Zone and back for a second 4-year tour in Vietnam, where he was terribly wounded, losing most of the muscle mass in his forearm, a major, a company commander in the 7th Calvary, First Cav Division, 2 full years in Vietnam and then Desert Storm.

Listen to his decorations. I believe he is the highest decorated man on active duty. Two distinguished service crosses—not medals, crosses is combat. Two, that is the equivalent of the Navy Cross or the Air Force Cross which only goes back to 1965.

Two silver stars. One silver star is enough for a lifetime. Two silver stars.

Four bronze stars, all with the "V" device for valor, four bronze stars.

Ask BOB DOLE or our leader over here, BOB MICHEL, why they proudly wear their bronze stars with "V" for valor. Barry McCaffery has four of them.

Three purple hearts, and these are not for grazes, severe burns, and wounds that came within just a microscopic degree of retiring him with a hundred percent disability.

Two Air Medals, and four Army Commendation Medals and, of course, the infantryman Badge, Parachute Badge and Ranger Badge.

I might say, an engaging Irish personality, hail fellow well met, and when I was with him in his tent in Desert Shield building up to the assault, I asked him how his family was doing.

He said, "Well, my daughter is down the road. She is a brand new second lieutenant provost marshal guarding the road from here to Kopshe, and her younger brother is a second lieutenant, or first lieutenant over here," with I think it was the 101st Airborne, or the 82d, or something.

This is a military family. I bet all those kids come out of service academies. Someone in the White House tells him, "We don't talk to military people over here," or the other version is, "Next time you come back, don't be wearing all that fruit salad."

Well, I hope wherever that young lady is that she escaped the wrath of the Commander in Chief and that those kinds of incidents will not happen again.

□ 1830

But I hope the Commander in Chief is aware that, as minority members, the loyal opposition, we have an absolute constitutional obligation, and, as men and women of principle, we must stand up and say, "These are the meat ax, savage cuts that all of us have dreaded since Reagan's third year when the turndown started."

Remember I will give President Carter the benefit for starting the upturn. In his last year and a half we started to rebuild. In Reagan's first 3 years we just flushed out those hollow forces and brought ourselves to the moral point where we could be proud again of a conflict that was fought quickly and with minimum loss of life, although 240-some dead Americans and 99 dead allies. There is a lot of families that were ripped, just as there is four or five families that are shattered, because of our effort to stop the starvation in Somalia. We fought back with just those few years, Reagan's last 5 years, all of Bush's 4 years, and now these savage cuts. The military has been in a solid downturn for an entire decade, a decade, since late 1983, and no one should forget that.

Madam Speaker, I happily yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Well, in that time that the gentleman is speaking about in 1980, right after the Carter administration, again let us repeat that the defense budget at that time was $250 billion, and by 1980 dollars, in 1996, he is talking about bringing it down to $125 billion, one-half of what it was in 1980 by 1980 dollars.

The gentleman from California [Mr. DORNAN], as is always the case, in a very elegant way has made several very profound statements, but there are two very profound references that I want to repeat so that it does not slip by anyone.

One is that in all these massive cutbacks that we are talking about in the military, none of that is going toward deficit reduction. They are going to fund the new Hillary and Bill social programs to increase the size of Government and increase future spending. In his budget, the CBO states, it is going to increase, not decrease, the deficit.

And the second thing is he made a reference to nine grandchildren. Now, before he gets up, I have got to finish this, and then I will yield back.

Mr. DORNAN. I just realized I am supposed to be on my feet.

Mr. INHOFE. Oh, yes. The gentleman is doing a good job there.

But I am a little bit envious of the gentleman from California [Mr. DORNAN] because of his nine grandchildren because at precisely this moment 24 hours ago my first grandchild was born. It happened last night, and it was a bigger deal than it was with most people because my wife and I have been married for 34 years, and we have been trying for 5 years now to get grandchildren. We have been offering bribes, and then offering rewards and everything else, and finally, last night, a beautiful little girl, Katherine Margaret Inhofe, and meanwhile, here in Washington, what are we doing?

Madam Speaker, in addition to stripping our Nation of its ability to defend itself, and I guess it depends on who you ask, but, if we ask Hillary and Bill, they tell us that we are investing in America, we are making our contributions to future generations. Those are new words for "spending" and "taxing."

Arguably, a case could be made for the genesis of tax-and-spend Government to be attributed to either the Roosevelt or Johnson administrations. It doesn't matter. What does matter is that the public caught on and started repudiating creeping socialism in the late seventies. As George McGovern said on the "Today Show" on the Wednesday morning after the November 1980 election, "I cannot believe the American people have so overwhelmingly repudiated classic liberalism." But they did and we began three Republican administrations in the White House.

Unfortunately, the Democrats remained in control of Congress and they were able to keep the deficits going. What is even more unfortunate is that most of the people in America blame the President for what Congress does and the liberal media encouraged this notion. So Reagan and Bush took a bum rap and even though 57 percent of the people voted against Bill and Hillary, the Democrats took over total control of Government—absolute control.

Being the master of deception, President Clinton immediately returned to that social policy that had been repudiated and is still repudiated by the vast majority of the American people, and is selling it. His strategy? Change the words. So we now have a whole new vocabulary. The words "tax and spend" are replaced by "investment and contribution." He taxes Btu instead of gasoline.

But regardless of the deceptive genious of our President, there is a reality that we must own up to. That is, President Clinton is proposing the largest spending increase and tax increase in our Nation's history. And since the new tax increases do not even take care of all of the spending increases, then that means the deficits go up, too.

So how does all this affect my new grandchild who was born last night? The Congressional Budget Office has projected that by the time Maggie is 5 years old the Government will spend $331 billion more than it does today. In 1998, the national debt will be $6.14 trillion, thus on Maggie's 5th birthday her share of the national debt will be $24,565. In other words my new grandchild that I have been waiting so many years for will have to pay for the taxes, spending—excuse me, the investment, contributions, and deficits that the Clinton administration is enacting today.

What kind of a heritage is this, $24,565 debt that such a precious young girl will inherit, these massive debts? That is why, Madam Speaker, I consider the Clinton so-called recovery plan a moral issue and not an economic issue. The tax and spend Democrats that control both the Houses of Congress and the White House are encumbering my new granddaughter, Maggie, and the future generations, with a bill to pay for their behavior, and I deeply resent it.

Madam Speaker, this is a moral issue, and Maggie and I are not going to tolerate it.

Mr. DORNAN. Madam Speaker, I remind the gentleman, when he now looks at the Constitution and talks about securing the blessings of liberty to ourselves and our posterity, we do ordain and establish this Constitution, he now has Maggie's face to think about when he says "posterity."

I say to the gentleman, "Welcome to the Grandparents Caucus which was only formed last week. You'll be our newest, but not our youngest, member."

TRIBUTE TO OUR FORMER COLLEAGUE, BILL GRADISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. REGULA] is recognized for 60 minutes.

Mr. REGULA. Madam Speaker, I have taken a special order today to pay tribute to our former colleague, Bill Gradison, and to recognize the dedicated service he gave to the Second District of Ohio and in a larger sense to the people of this Nation.

Bill Gradison had a remarkably productive 18 years in Congress, exerting a strong influence over many different issues, including health care, budget issues, governmental self-discipline, agriculture, tax, trade, and Social Security. Of these, no policy area absorbed him like that of health care.

Bill Gradison worked tirelessly to ensure that all Americans have access to health care that is both high in quality and reasonable in cost. He did so partly because of his position on the Health Subcommittee, but mostly because of his extraordinary knowledge and superb reputation in this very complicated field.

Over the past dozen or so years, Bill has also worked enthusiastically to promote hospice care, an innovative, compassionate approach to caring for the terminally ill and their families. In 1982, legislation he sponsored with then-Representative Leon Panetta allowed hospices to provide care under the Medicare Program. Over the years, Bill Gradison sponsored numerous hospice-related measures that were enacted after receiving strong bipartisan support. There are now well over 1,000 Medicare-certified hospices around the country.

Bill Gradison also put much thought and effort into medical outcomes and effectiveness research. A few years ago, he learned that, although we spend billions of dollars a year to assure the safety and efficacy of drugs, little effort has been put into examining the usefulness of medical treatments and procedures that are of questionable value.

In 1989, Bill Gradison introduced the Medical Care Quality Research and Improvement Act, which became law a year later. As a result of this legislation, the Agency for Health Care Policy and Research was created to study the effectiveness of various medical procedures and to develop medical practice guidelines. Although Bill never expected his outcomes and effectiveness initiative to be a panacea for resolving our country's health care problems, he always believed it to be an important step to ensuring that Americans receive care that is both necessary and effective.

While the health care issue has always been important to him, it is by no means the only issue Bill Gradison tackled in Congress. Throughout his 18 years in the House, Bill had consistently advocated self-discipline in Government. He had increased the attention of Congress to the various contingent taxpayer liabilities built up by Government-sponsored enterprises, or

GSE's. He also worked hard to improve appropriate financial disclosures by GSE's and to ensure proper regulatory oversight in order to lower taxpayer exposure.

Bill Gradison also sought to limit the Federal Government's power to hide behind technicalities in the law—the so-called discretionary function exemption—to avoid liability judgments in cases where the Federal Government violated its own health and safety standards in workplaces it either owns, operates, or controls.

One of Bill Gradison's most recent achievements was his cosponsorship and establishment of the newly formed Joint House Senate Committee on the Organization of Congress. Along with our colleague, LEE HAMILTON, this bipartisan effort resulted in the first panel empowered to address comprehensive congressional reform in nearly three decades.

As a member on the Ways and Means Committee, Bill Gradison dealt with numerous other issues, including tax, trade, and Social Security. One of his most significant and longstanding accomplishments was indexing for inflation the income tax brackets and standard deduction. These changes not only protect middle-income taxpayers from bracket creep, but they deprive the Government of windfall, inflation-induced revenues.

Tax reform is difficult and complex work. In recent years, Bill Gradison concentrated on finishing several incomplete areas of tax reform. These included removing the corporate Tax Code's bias for debt over equity financing, integrating the corporate and personal income tax systems, removing incentives to consume rather than save, and simplifying the foreign income tax system. Last year, he introduced a bill with Chairman DAN ROSTENKOWSKI destined to reform and simplify the foreign tax area.

Finally, Bill was a major participant in the 1983 Social Security amendments which restored the system to solvency and ensured its ability to pay retirement benefits to the baby boom generation. He consistently opposed attempts to reduce the trust fund balances and reduce retirement security for the elderly.

Perhaps even more importantly, his first priority has always been the people of his district who appreciated his compassion and leadership as evidenced by the overwhelming vote he received each time he stood for reelection.

One example I happen to know about concerns Bill's behind-the-scenes efforts on behalf of his constituents near the Fernald nuclear facility. Insiders tell me it was Bill Gradison, working quietly and behind the scenes, who helped secure a settlement in this complicated case, and that without Bill's intervention, the settlement would not have been realized.

Over the years, Bill's skilled and intelligent stewardship was recognized by astute observers of the Washington scene such as distinguished columnists David Broder and George Will.

Presidents Reagan and Bush looked to Bill for thoughtful counsel on health and tax issues.

Bill was respected by his colleagues for we all, early on, recognized that he was his own man. This made his counsel and judgment highly valued by all who served with him. We knew his positions were a product of thoughtful and independent judgments.

A quote from Ralph Waldo Emerson says it best:

> It is easy in the world to live after the world's opinion; it is easy in solitude to live after our own; but the great man is he who in the midst of the crowd keeps with perfect sweetness the independence of solitude.

This is Bill Gradison.

On a personal note Mary and I cherish the friendship of Bill and Heather and wish them both well as they venture into new challenges.

□ 1840

Madam Speaker, I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Madam Speaker, I thank the gentleman very much for yielding to me. First of all, I want to commend the gentleman on bringing this special order to mark the leaving of our good friend, Bill Gradison, from this body. I think it can be fairly said that the average intelligence quotient of the House of Representatives dropped a few points when Bill Gradison left here. He was clearly one of the brightest Members of Congress. But beyond that, he certainly was one of the most caring and sensitive Members of Congress as well.

Madam Speaker, if Sir Thomas More was the Man for all Seasons in the 16th century, the Man for all Seasons in the 20th century is Bill Gradison.

Madam Speaker, as the gentleman noted, Bill's expertise was in many areas, but certainly health care was an area in which he really did shine and to whom we all looked for guidance on what is a very, very complex issue. I have often thought that Mrs. Clinton might have been well advised to have a one-person task force on health care reform, because I think she would not have done very badly if she had met only with Bill Gradison.

Bill Gradison's work on hospice has been noted, and I think that was certainly one of his significant legacies, one of the things he has left in leaving Congress that he can be very proud of. Because that program, with his encouragement and with his active leadership, has grown to be certainly a vital part of care for the terminally ill.

I know Bill best through his work as my successor as chairman of the House Wednesday Group. I can tell you that he made me jealous because he did so many things with the group in his leadership over 7 years to make it what I am sure most of the Members who belong to the Wednesday Group consider one of the most valuable things that we affiliate with in our tenure here. Bill sponsored seminars and brought in outstanding speakers. We had occasion to sit down and talk off the record with leaders in business, environmental areas, and so forth. It was a very productive tenure.

I think Bill Gradison was one of the most thoughtful and productive, and certainly one of the most intelligent Members that I have ever had the honor to serve with here.

Madam Speaker, the gentleman from Ohio [Mr. REGULA] has mentioned some of Bill's legacies. Another factor, the legacy Bill leaves behind, which even now is hopefully beginning to pay some dividends, is his drive and aggressiveness in getting the Hamilton-Gradison effort off the ground, which is going to lead to what we hope will be productive reform of the House of Representatives. So he can be very proud of the fact that that has taken root and will see fruition down the road.

Madam Speaker, Bill Gradison was a Republican star, there is no question about that, and we miss him very much already. I know that I do. But more than that, I think he was a star, in the truest sense of the word, of the entire House of Representatives. We are just glad that he passed this way, sorry that he did not stay a little longer, but delighted to join in recognizing his great service in this body.

Mr. REGULA. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. CLINGER] for his contribution. I know the gentleman speaks for all the members of the Wednesday Club and all of the Members of this body in his comments.

Madam Speaker, I always noted that when there was an especially tough job to be done, the leadership would call on Bill Gradison to be chairman or cochairman, or if it were bipartisan, a vice chairman. Wherever there was a challenge, you could find Bill Gradison.

Mr. ARCHER. Madam Speaker, the Congress is full of exceptional individual Members. On both sides of the aisle there are men and women who have great talent, and who over their careers make a significant contribution to this body and the Nation. Whenever one of those special Members leaves, this institution feels the loss.

One former colleague from Ohio, Hon. Bill Gradison, was one of those special Members.

Bill Gradison in his 18 years in the Congress made a difference. He brought to this institution many unique abilities. He was a superior analyst who had a talent for finding the middle ground between opposing views. These talents are crucial for governing, and Bill Gradison was committed to governing. The number of Gradison amendments which became law testify to this.

As many Members, Bill Gradison specialized in certain areas. In health, budget, and economic policy, few could rival his expertise. His contributions to the House Ways and Means and Budget Committees reflected his deep understanding of these matters, and he will long be remembered on both committees.

Madam Speaker, I did not always agree with my colleague from Ohio. But, whenever he spoke, as with all my colleagues, I listened carefully. His reasoned arguments and cogent points invariably made one pause and reconsider a position.

Madam Speaker, all of us can be replaced. No one is indispensable. But, when some Members retire from this body, we feel a particular loss. I know my colleagues feel this loss as I do with the departure of Bill Gradison.

Mr. MICHEL. Madam Speaker, I'd like to thank our colleague, Mr. REGULA, for taking this time to pay tribute to Bill Gradison, former ranking member of the House Budget Committee, a prominent member of the Ways and Means Committee, and former ranking member of the Health Subcommittee, and an original cochairman of the Joint Committee on the Organization of Congress.

Bill, as you know, has resigned his seat in order to begin a new life in the private sector. I'm honored to join with our colleagues in paying tribute to someone who earned such great respect and admiration on both sides of the aisle.

The Almanac of American Politics, in speaking of Bill's hometown, Cincinnati, says that political leaders from that city who have achieved national prominence—ranging from House Speaker Nicholas Longworth to the late Senator Robert Taft—have been marked by "urbanity and learning."

Those words aptly describe the kind of leadership shown by Bill Gradison. Whatever the subject of debate, Bill made his presence felt in committee and on the floor by the power and quality of his arguments. He respected the facts and he respected those who might have a different interpretation of the facts.

Bill was, in short, a thoughtful, well-informed, and thoroughly responsible representative of the people of Ohio's Second District, and a welcome addition to our House ranks since he came here in 1975. We wish him well in his new position as president of the Health Insurance Association of America, but I must say that we will miss those qualities of civility, decency, and thoughtfulness which characterized his time with us. Such qualities are always in short supply in this town and many believe they are needed now more than ever. Good luck to Bill and Heather as they begin a new life.

Mr. OXLEY. Madam Speaker, I rise today to pay tribute to an outstanding Member of Congress, leader, and friend: Bill Gradison.

With Bill Gradison's departure, Congress and Ohio loses one of its most thoughtful legislators, one of its most powerful intellects, as well as one who has worked tirelessly to improve our Federal budget system.

As one of the Ways and Means' most influential Republican legislators in the area of tax policy, he always operated with an eye toward reforming and improving the tax system. His idea of gradually adjusting tax rates to inflation so that people are not placed in higher tax brackets won widespread support when it was included in the Republican substitute to the 1981 tax bill. Although the administration had initially wanted to leave the indexing measure out of the bill, it was Bill's influence that convinced them to include it. Bill defended this concept throughout his service on the Budget Committee and it has since become an entrenched provision.

Bill has been a committed servant for over three decades. He served on the Cincinnati City Council for 14 years before being elected mayor of Cincinnati in 1971. During his tenure in Congress he exerted a profound influence in the areas of tax policy, budgetary matters, and health issues. His service and dedication to the people of Ohio have made our State a better place in which to live.

I am thankful for his presence and his work here on Capitol Hill. It is a great shame to see him move on, although I am sure bright horizons await him.

As a fellow Congressman and Ohioan, I will miss his presence here. I will miss his friendship and leadership in the future.

Mr. GILLMOR. Madam Speaker, I rise today to join my colleagues in paying tribute to former Congressman Bill Gradison, a fellow Ohioan who served this House with great distinction.

Madam Speaker, this special order does not need solely to be a salute to Bill Gradison. Taking this time on the floor today can also be an important lesson to those of us who serve in the minority, particularly those in the freshman class. Republicans all know it can get pretty discouraging around here. Restrictive rules, decades of minority status, and a Federal Government controlled in toto by the other party—each of these factors make our goals more difficult to achieve. I imagine some of my Republican colleagues look at the terrain and worry whether we can really make a difference for our constitutents.

Well, we can. There are a number of ways to do it. I submit to my colleagues today that Bill Gradison, during his nearly two decades in the House, showed us one path to making a real difference in Congress. Through his hard work, a firm grasp of complex issues, and the conviction to fight for that which he believes, Bill Gradison has been an important player on nearly all of the major issues of the day. Whether you look at the budget, health care, or Social Security, Bill Gradison has been an influential voice at the center of the great debates that profoundly touch the lives of the American people.

Because of his enormous expertise in a variety of issues, Bill Gradison earned a unique level of bipartisan respect while serving in the House. On any given issue, those who shared his views knew they had a first class thinker and legislator in their ranks. And those who opposed Bill could not help but be impressed with his capacity for knowledge and his formidable skill as a debater.

As a result, Bill Gradison can look back on his years in the House with great pride, and I know that the people he represented look back on them with deep gratitude. Bill has left the House to move on to a new phase of his career. I have no doubt he will bring to it his unique talents and his deep desire to get things done.

Madam Speaker, I wish Bill and his family well, and I thank him for his service on behalf of the people of Ohio and the Nation.

Mr. HOBSON. Madam Speaker, I am honored to join my colleagues in paying tribute to a former member of the Ohio delegation who has left the Congress for a new challenge, yet leaves behind a great legacy spanning 18 years in Congress. The absence of my colleague, Bill Gradison, is most apparent, and his thoughtful, calm, and responsible legislative style is greatly missed.

Yet the outstanding record of accomplishment that Bill leaves with us will long stand as a testimonial of his immense concern for people, and for the constituents of the Second Ohio Congressional District who, since 1974, returned him to Congress.

I had the pleasure of serving only my first congressional term with Bill. While my experience in Congress with him was brief, we worked extensively together on the House Wednesday Group, which Bill chaired, and on the Republican leader's task force on health.

While serving together on the task force on health, I worked with Bill in formulating the Action Now Health Reform Act which continues to drive the discussion on health reform. It includes reforms that are commonsense, costsaving, and compassionate.

Over the years, Bill has contributed significantly to the discussion on health care and Medicare. He has had a tremendous influence on tax and budget policy. Bill served as the ranking Republican on the Budget Committee where he plied his expertise in economic issues, and he was one of ways and means' most influential Republicans.

While the Congress has relinquished a valid and distinguished colleague, we are not losing his experience and expert advice. Bill now serves as the president of the Health Insurance Association of America, which is a group committed to health reform. As he successfully led the discussion on health reform in the Congress, I believe that in his new position, Bill will effectively bridge the health reform discussion between the private sector and the Congress, thereby enriching the dialog and expediting the health reform process. In this capacity, I will continue to work with him.

On his new career, I wish former Congressman Bill Gradison the best. On his past accomplishments, I commend him and the outstanding model of public service he leaves for the future.

Mr. STARK. Madam Speaker, I want to thank our colleague from Ohio [Mr. REGULA] for taking this special order to commend our former colleague, Bill Gradison.

Bill is one of the best friends I had in the House. His brilliance, insights, modesty, hard work, and commitment to the public good make him a very special person.

The seniors of this Nation, indeed, all the people of this Nation, owe Bill special thanks for the innumerable contributions he made to the Nation's health care system and to Medicare. From the COBRA health continuation amendments of 1985, the hospital antidumping amendments, the Medicare antifraud and abuse laws, to the new and better way of paying physicians, Bill Gradison was a key player.

I saw him on C–SPAN yesterday, testifying on the national health reform package before

Mrs. Clinton's task force. He is still making an important mark in the Nation's effort to find a better health care system.

I wish he were here, in the Ways and Means Committee and on the floor of the House for the debates we are about to go through. I am glad, however that he continues to play an active role.

Bill and I helped develop one of the model bipartisan bills to pass in the Reagan era, the Medicare Catastrophic Coverage Act. People may laugh when I say that—some model. But I wish I had a dime for a every letter I've received since it was repealed from some senior who is facing bankruptcy and impoverishment because of catastrophic health costs and outrageous prescription drug charges. Our bill would have saved those families from financial disaster in their old age. We passed that bill in an exercise of democracy, and it was repealed for many reasons—but our goal was noble, and in the terrible political heat that destroyed that legislation, Bill Gradison was always true and steadfast and honorable. He never ran from the proposal or disavowed it or succumbed to the demagoguery of those who would promise a benefit and not pay for it.

He was one of the best legislators I ever met, and his leaving the House is a severe loss to the quality of this institution.

I will miss him in the House and look forward to working with him in the future.

Mr. CRANE. Mr. Speaker, we will all miss our colleague, Bill Gradison, who decided to retire from the House of Representatives.

We had the privilege of serving with Bill on the House Ways and Means Committee and saw at first hand his hard work and dedication. The citizens of Ohio—and the Nation—were well served in this Chamber by Bill Gradison. He diligently sought to reduce the most serious health care problem this country faces. His deep knowledge and understanding in this field were never questioned. Among other accomplishments, his efforts led to the signing into law of his legislation to allow hospices to provide care under Medicaid.

He also turned in outstanding performances in other areas under the jurisdiction of the Ways and Means Committee—in the fields of taxation, trade, and Social Security. Over a decade ago, he joined with us in supporting the indexing for inflation of tax brackets and standard deductions for the payment of Federal income taxes which put an end to what we used to term "bracket creep"—the inflation-driven device which continually drove up personal income taxes. And his record certainly must be credited with the contribution he made to the 1983 work of Congress to restore solvency to the Social Security system.

Besides almost two decades of outstanding service in the House of Representatives, Bill also saw duty as the mayor of Cincinnati and at the Treasury and the Health, Education and Welfare Departments.

We wish Bill well as he takes leave of this Chamber.

GENERAL LEAVE

Mr. REGULA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1850

THE UNITED STATES-FORMER SOVIET ENERGY CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAUGHLIN] is recognized for 60 minutes.

Mr. LAUGHLIN. Madam Speaker, I am very pleased to appear with my colleague and good friend, the gentleman from Pennsylvania [Mr. WELDON], cochairman of the United States-former Soviet energy caucus, who cochairs that caucus with me, to appear tonight to talk about our caucus and the activity that we have been involved in for the past year and a half in that very important region that far too often was known as our enemy, the former Soviet Union, and the Republics that made up the Soviet Union, as we knew it throughout our lifetime.

Last year, as part of a group of Members of Congress that traveled to that region, CURT and I had the opportunity to visit Lithuania, Latvia, Estonia, Armenia, Georgia, and Russia. And there we had the opportunity, 2 weeks after the failed August coup, to see these people in those various countries experiencing freedom from the Soviet threat, an opportunity to experience their joy, as we were a part of the Council for Security and Cooperation in Europe, a group that toured those countries.

Having experienced the people and their freedoms for the first time, CURT and I came back to our country and discussed what it was that we might do to help that area of the world.

Fortunately, CURT and I came upon the idea, with the help of American oil companies, who are attempting to do business in that region, and we formed the United States-former Soviet energy caucus, because we believe this presents a unique opportunity not only to our country but to the entire world to help the Russian people, to help the people of the Republics that made up the Soviet Union to move into a market economy and to hopefully achieve some degree on democracy, as we know it.

We never envisioned that they would adopt the Constitution of the United States as their Constitution, but certainly, when you look at that region of the world, today they only have two sources of hard currency to address their various economic problems. One of those is military weapons and the other is oil and gas.

I would submit to any American, military weapons being sold on the world economy by the Soviets, by the Russians, by any of the people that made up the Soviet Empire is not an acceptable option to us.

Madam Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Spasibo bolshoi.

Madam Speaker, I thank my good friend and colleague, the gentleman from Texas [Mr. LAUGHLIN], for yielding to me. I congratulate him for the leadership that he has displayed in this body and with the current administration on issues relating to the economic independence of the former Soviet Union and the Republics.

As GREG mentioned, about a year and a half ago, we traveled together on a trip as part of the American delegation meeting with the Council for Security and Cooperation in Europe and attending the first Human Rights Conference in Moscow. And part of our discussions during that trip related to the energy situation in the former Soviet Union and the inability of the Soviet Union to develop joint venture opportunities to allow them to take advantage of the energy resources that they have.

We met with individual American companies, the McDermott Corp., specifically, and also Marathon. And we heard them tell us very emphatically that in the existing deposits that the Soviets had identified at that point in time, they were at best 25 percent efficient, which meant that all across the 15 Republics of what was the former Soviet Union, they have the energy deposits. And they are currently attempting to capture their energy resources, but at best they are only 25 percent efficient, meaning there is a terrible waste, a terrible amount of damage to the environment and also an inability of the former Soviet Union and the Republics to capture the kind of financial support that would allow them to achieve economic independence.

GREG and I also, in meeting with the officials of the former Soviet Union, one of whom was General Shaposhnekov, who was at the time in charge of all military operations for the Soviet Union, GREG and I being members of the Committee on Armed Services, heard that, as GREG said, they were faced with various options to bring in this hard currency to stabilize their economy.

Two of those options of the three were not acceptable to us.

The one that GREG mentioned was selling off the military hardware. We know this has occurred. We know the Republics are looking at selling off tanks and ships and submarines and planes to other nations, as we saw last year in a sale, I believe it was a submarine to Iraq, to Iran, which greatly concerned our country and our military leaders.

That is not an option that we like in this country and one that we are very concerned about. That is the selling off of their armament.

The second option is for the former Republics to sell off their nuclear technology, because we know they have vast reserves of nuclear energy and nuclear weapons.

That, too, is not an option that we feel comfortable with.

The third option, the one that all of us agree is one that we should be exploring that does not involve taxpayers' money, does not involve a commitment of our resources, is that of working with them to develop their energy resources and working with them to improve their production capability.

In the meeting that GREG and I had with Senator NUNN, he shared our concerns and, in fact, in his recent trip, it was a focus of discussions he had with the leadership of the former Soviet Union, Boris Yeltsin. And that is, that we work aggressively with them to allow them to achieve these joint venture opportunities with American energy corporations who want to help them gain long-term independence economically and develop these energy resources.

This also helps America reduce its dependence on Middle Eastern crude because we now have a new source of that energy that we so desperately need here in our country.

So with those things in mind, GREG and I decided it was time the Congress focused on the assistance, from a legislative standpoint, to allow the Republics of the former Soviet Union to gain this independence economically and develop these energy resources.

This caucus that we formed has now grown to include almost 40 Members from both parties. We played an active and instrumental role in getting the Russian aid package to include a section on energy and ways that we could support the energy project that we have talked about. And we have testified before the Trade Commission, very specifically detailing changes that we should be pushing in our administration and changes that the Russian and other Republics have to push in their legislatures to allow enterprises in the former Soviet Republics and with American corporations to come together to help establish these joint ventures.

We are at a critical time period right now, because there have been three major projects proposed in terms of energy. Two of these projects, unfortunately, have not succeeded. The most recent one, the white knights project, which GREG and I have both attempted to work on, there is a major project right now that is under consideration at Sakhaline on the far eastern borders of Russia that we are aggressively trying to put forth, and I am going to ask my colleague in a moment to talk about a meeting he had just this past week with President Clinton where he was talking about the specifics of how we can help the Sakhaline project.

But we also realize that there are opportunities in Baku and Azerbaijan, and my colleague, the gentleman from Texas [Mr. LAUGHLIN], led a delegation to Azerbaijan just a few short weeks ago where he met with the legislature in that Republic, where he had a face-to-face meeting with energy officials, where he talked about our concerns in working with the Azeris and finding a way that we could work together in developing some other energy resources.

We have a lot of opportunity here. It is an area we can help the Russian Republics very quickly without massive amounts of hard dollars and tax dollars from the American public. It is in both of our interests to move quickly to establish legislative initiatives, both in the former Soviet Republics and in our country, in this country's Congress, to tear down the barriers that exist largely in the bureaucracy.

□ 1900

As a matter of fact, one of the initiatives of the caucus that GREG and I have worked on is establishing a legislative caucus inside of Russia and the other Republics that can work hand-in-hand with our caucus so that we can have an ongoing dialog with the legislature in both countries to work to break down some of these barriers that have existed in terms of not allowing our energy corporations to do these joint venture projects.

I am happy to be a part of this special order and this colloquy, and again, where it not for the leadership of my friend, who is from an energy-producing State, a lot of this would not have taken place. I was not privileged to attend the meeting at the White House, but perhaps he would like to give us an update of what occurred a that meeting.

Mr. LAUGHLIN. Madam Speaker, I am extremely pleased with the kind words that my friend, the gentleman from Pennsylvania uttered. However, I can tell from his opening words, which I cannot translate, because I do not speak Russian, and these first few words from CURT WELDON were spoken in Russian, that is why he is a valuable cochairman of our caucus. CURT was a Russian studies student in college.

He has traveled in Russia extensively, he speaks the language, and when he meets with the Russians he immediately has a warm reception, becuase to my knowledge, he is one of the very few Members of the United States Congress who speaks Russian, so his participation in meetings in Russia and Armenia, in Georgia and the Baltic Republics, as well as in Washington, DC, and indeed in his own district, where he has met with Ukranian leaders, Russian leaders, and people from the Republics that made up the Soviet Union, CURT has brought great knowledge and great familiarity to our caucus when he deals with these people because he speaks their language.

CURT also pointed out an ingredient that I think is so important in the effort we are making. That is, our caucus is really a partnership between Members of the Congress and American oil companies, American energy companies who are attempting to help develop an industry, an industry in that country. The project that he referred to in Sakhalin Island involves Marathon Oil, but it also involves McDermott, Shell Oil, and I am going to offend some American company who is participating, becuase there are several others. I know one Japanese company is involved.

The important thing is they have invested approximately $100 million in this project, none of that being tax dollars from American taxpayers. Some of that money has been spent in the Untied States that has caused jobs to continue, and some of that has been spent in Russia, where people have been given jobs in the energy industry.

That is an important thing for all of us to remember, is there is an opportunity to help the Russians develop their market economy without tax dollars coming from the American taxpayer. That is why this caucus and its efforts are so important.

Indeed, our President of the United States, the Honorable Bill Clinton, recognized that, because I must confess when I was at the White House last week in the meeting that he had with the Republican and Democrat leaders from the House, I was the most junior Member at the table by a number of years. In fact, I was only one, to my knowledge, who was not either a chairman of a full committee or a chairman of a subcommittee or the ranking Republican on a full committee or the ranking Republican on a subcommittee.

The reason I was there is because of this caucus and the effort. I had an opportunity, as everyone expressed their ideas to the President and he listened to Democrat and Republican leaders alike, and when I had my opportunity he was receptive. In fact, since then I have had telephone calls and visits in my office even today as they have tried to learn more about some of the projects, about some of the recommended solutions, and indeed I am happy to report that President Clinton is receptive.

I cannot tell what will happen at the summit, but the good news for us is that our President recognizes that the energy sector is a sector where we can help the Russians.

Mr. WELDON. Madam Speaker, will the gentleman yield on that point?

Mr. LAUGHLIN. Yes, I will yield to the gentleman from Pennsylvania.

Mr. WELDON. I just want to add to his comments, which I totally agree with, that the Sakhalin project that the gentleman has mentioned has involved a substantial amount of American investments from the private sector, no tax money, would in fact be the largest pending energy project in the former Soviet Union. If this project goes forward, it in fact will be a $10 billion project, a tremendous investment of not just Russian resources but also American technology, in a joint venture, and once again, no American tax dollars.

I know my colleague pressed this issue at the meeting with the President and I applaud him for that. I know he wants to talk more about some of the projects down in Azerbaijan, and I want to get on, as I know he does, to the trip that he took where he had some very interesting meetings with the Azeri Parliament, but I want to applaud him because I think the Sakhalin project would really be a watershed in terms of showing that we can work together and we do not have to have large amounts of American tax dollars. All we have to do is unleash the potential of the American corporate sector to work with the enterprises in the former Soviet republics.

Mr. LAUGHLIN. Madam Speaker, before I get to the specifics of the visit in Azerbaijan, I want to recognize the fact that the gentleman from Pennsylvania [Mr. WELDON] and I both share the pain of the war that is going on between Azerbaijan and Armenia, and the dispute involving the tragedy of people in Nagorno-Karabakh, the tragedy that is happening in both countries.

I know from my visit just in February that the pain is real because, as I visited with Azerbaijanis, the thing that struck me was their compassion for the loss of life and young people in both countries. As several of them said, it is the mothers that really suffer, because it is their children, it is their children who are dying.

I think it is important for us to remember that in this instance both sides feel that pain and live through the pain. CURT and I are not here today to say that one side feels more pain or experiences more pain than the other, because there are plenty of people in our country that could address that.

The great thing about our caucus is, CURT comes from a region of the country where there is a tremendous number of Armenian-Americans who reside in his district, and in fact, recognized CURT as the American Congressman of the year in tribute to his friendship with the American Armenians.

Those same people recognized that as a young soldier, our government sent me to Turkey, and because of that I have grown to know the Turkish people. It has given CURT and me, with our respective backgrounds, an entry into this region of the world where we know that it is important that we help bring about political reform and stability.

The only way we know, and we visualize seeing that, is to help them develop their economic markets. Just today I had an Armenian-American in my office that was talking about the potential having been discovered for the production of oil and gas in Armenia, something I had never heard before.

When the gentleman and I were in Armenia last year, one of the concerns the Armenians had was their starvation for energy, the lack of energy resources known in the country, and the fact that they had to depend upon a faulty Chernobyl-type nuclear reactor. There is a debate in that country as they experience the energy starvation that the country has today, that they my have to reactivate this faulty nuclear reactor, so that was good news.

As part of the caucus, the gentleman might be glad to know that I have made a commitment that he and I are going to work with our caucus to help introduce the information that this gentleman, an American-Armenian, will be bringing about some geology studies that demonstrate that potential.

Mr. WELDON. Madam Speaker, if the gentleman will yield on that point, I thank the gentleman for mentioning the concern that we have for a balanced approach here, that we do not appear to be taking sides, and that we think it is very important for America to support the energy independence of each of the republics.

In fact, when the gentleman and I went to Armenia, to Yerevan, we had a very, I think, enlightened meeting with President Ter-Petrosyan in Yerevan, had dinner with him, and I think we were both impressed with the quality of the equipment or of the Armenian leadership to work with us in helping to provide a stable environment in that part of the former Soviet Union.

I think that when the gentleman went to Azerbaijan he had those same concerns, that we make sure that we understand the concerns of each of the Republics and not get immersed in their particular battles, but rather try to help them achieve this energy independence, and help them achieve a lasting peace so they can peacefully coexist and not have these border skirmishes that have been occurring repeatedly in the areas involving some of the former Soviet republics, especially those in the southern part of the Soviet Union.

I once again appreciate that concern, and once again thank the gentleman for the balanced approach that he has taken in terms of this delicate, very delicate area of the former Soviet Union in terms of our relations.

Mr. LAUGHLIN. I thank the gentleman, and I will tell him that he is exactly correct. I do not know of any other Member of Congress, other than myself, who in the past year has visited with both the President of Armenia and President of Azerbaijan.

When I was in Azerbaijan in February on the trip sponsored by the United States former Soviet Union Energy Caucus and Energy Institute, I did have the opportunity to visit with President Elcibey of Azerbaijan.

□ 1910

I came away with the feeling that he too, like President Ter-Petrosyan, wants peace, and it is painful as we see these people who have been neighbors and who have fought each other over the centuries, as many have in that very complex region of the world where there are so many divisive ethnic pressures.

I was impressed with the Azerbaijan leadership wanting to do business with Armenia, but always coming back to the fact that they had this war that was taking place. And that is the reason I think it is important for not only our Energy caucus, but our country to remain balanced and push both America and Azerbaijan to participate in the CSCE talks that were sponsored in Rome recently.

And Madam Speaker, I will introduce a transcript of part of those proceedings in the RECORD of this special order.

Mr. WELDON. Will the gentleman yield?

Mr. LAUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. WELDON. I also understand the gentleman has prepared a summary of his trip and his findings on his trip to Azerbaijan which I believe he is also going to enter into the RECORD for the consideration of this body. Is that correct?

Mr. LAUGHLIN. That is correct, I will also enter that in the RECORD, Madam Speaker.

Mr. WELDON. If the gentleman will yield further, I also appreciate that the approach he has mentioned of the ongoing 11 member nations of the Committee on Security and Cooperation in Europe, in fact along with the Republics of Armenia and Azerbaijan, as I understand it, and the gentleman might want to clarify, have concluded a round of negotiations in Rome which has resulted in a draft agreement, in principle at least, on a cease-fire. Is that in fact the case?

Mr. LAUGHLIN. That is in fact my understanding. And in fact the next thing I want to say, if the gentleman will yield back, is that in the near future Armenia and Azerbaijan will be meeting in Minsk, Russia, to continue these talks, and we certainly want as a nation, and as a congressional body, and as a caucus to encourage the representatives and the leaders of both countries to pursue the talks in Minsk and to pursue the goal of peace, because the people of both countries have so much to gain if they can live as neighbors in peace.

I would point out further to the gentleman that Azerbaijan is among the richest countries in the world in oil production potential, certainly among the former Soviet Union Republics, with an estimated 7 billion barrels of oil in the Caspian Sea reserves alone. So, when developed, these reserves are capable of supplying not only the energy needs of the region, but over $100 billion in export-derived hard currency, which that Republic could use to develop and invest in its future, in a free market economy.

Personally, I find it very exciting to see firsthand the potential and the aspirations of the people in Azerbaijan. And as my friend, CURT WELDON, said, when I was in Azerbaijan I found that most of my time was occupied by the President, by the President of the Azerbaijan Parliament, by energy officials, by the Minister of Energy. They wanted to know how democracy worked in America. They had a lot of questions about how we did business, and how activities took place, and they were eager to know more about our country. And I found that very exciting.

What I found very sobering, though, was the fact that they are locked in this war which is consuming in excess of 25 percent of their annual budget. And I would imagine if you went to Armenia you would find the same or more, consuming in excess of 25 percent of its budget.

So we see people in Azerbaijan confused by American policy, and this is the reason I come back and appreciate the gentleman's comments, that we should appear to be balanced, because we had in the Freedom Support Act a provision that the Azerbaijan people and leadership took to be a favoritism on our part and to indicate that in fact we preferred one country to win over their country. And I would certainly hope that would not be the case, because there are wonderful people in both countries. And what I think we need to do is to continue to push both countries to the peace table, continue to help both countries develop their economic opportunities.

I find it exciting to learn just today that perhaps Armenia does have oil reserves and gas potential in reserves that would make it economically feasible to produce those so that that country could at least become self-reliant.

The other thing that we need to do, in my opinion, is to ensure that the Government of both countries understand that we Americans want to see them go to the peace table, and for us to push them toward the peace table. And in that connection, I would suggest that a prudent course of action would be for us to avoid the temptation to legislate solutions to a problem that could be interpreted by one country or the other as an exacerbation to prolong the bloodshed that has, indeed, taken too much time, too much life in the dispute at Nagorno Kharabakh.

I would submit that U.S. policy must be impartial in the promotion of the cease-fire and, indeed, should push both countries equally to pursue the goals and ambitions of the Council on Security and Cooperation in Europe in their efforts to get them to the peace table.

The final point I would like to bring to the attention of my colleagues is that the 11 member nations of the CSCE, including representatives of the Republic of Armenia and the Republic of Azerbaijan, recently concluded that round of talks in Rome and, indeed, are moving forward with the next round in Minsk.

I think we should do all we can as a people, as a body of legislators, to encourage them to pursue this peace course. And I trust that it will become clear that it is critical for the United States to avoid taking one side or the other in this conflict and, indeed, to maintain a firm but fair policy to support peace and to encourage both countries to support peace and to pursue peace as they meet.

I think it is time for us to help encourage our American colleagues not to be issuing inflammatory statements from the House and, indeed, from our press conferences as these delicate negotiations take place in the next 30 days, so that hopefully we can be a positive impact on the peace process between the Republic of Armenia and the Republic of Azerbaijan.

In conclusion, I want to say that in visiting with people on the street in both Armenia and in Azerbaijan in the past year, I am convinced without any doubt that the people of those two countries do want peace, and they want to enjoy prosperity. The intriguing thing to me was when I was in Armenia I heard some Armenian citizens say complimentary things about Azerbaijani people they knew and, indeed, in February when I was in Azerbaijan I heard the Azeri citizens I met in Azerbaijan say complimentary things about Armenian people they knew and their talents particularly in trading and crafts.

And I find it, indeed, quite sad that here we have two nations warring together when there is the individual respect of the people and, indeed, an understanding that the bloodshed is ripping the two nations of talented youth and, indeed, the youth who will be the future of their nations.

So I thank the gentleman from Pennsylvania for his leadership and support in this area. I know it has great importance to him because of the vast numbers of Armenian-Americans that live in his district in Pennsylvania. I know that the efforts we are making in this peace process can mean a great deal to the people not only to your district and my district if we can help the energy sector develop opportunities and business opportunities in these two countries, but it will help the people of Azerbaijan and Armenia and, indeed, the vast countries of Russia if the energy process that we are involved in can help.

□ 1920

The last thing I would say, before yielding back to the gentleman from Pennsylvania is, indeed, a great honor was extended to me in Azerbaijan in that the President of the Parliament, which is the equivalent of the Speaker of our Congress, extended me the privilege of addressing the Azerbaijan Government for a few minutes because of the friendship he developed in our visit about the energy opportunities that we had. And it was, indeed, an honor, and I thanked him profusely.

The honor even grew larger as I left, because I found that only one other foreigner in the history, short history, of their republic had ever been extended that honor, and that was the President of Turkey, and I in no way stood in the stature of the President of any country, and was there as a friend trying to help develop their free-market economy. I think the courtesy and honor extended to me by the President of the Azerbaijan Parliament was a tribute to the effort we Americans in the American energy companies and we Americans in the U.S. Congress are working together to try to help bring peace to that region of the world.

Mr. WELDON. If the gentleman will yield further, I thank the gentleman for his comments, and I wish I had been with him on that trip. But, unfortunately, I could not make that one trip. But I look forward to going over with him again to return to Azerbaijan and to Armenia and the other republics.

I think it is important to say that we are in a historic moment in time right now. We know that leaders like Boris Yeltsin and President Ter-Petrosyan and other leaders of all the other republics are in very tenuous positions because they have to achieve economic independence. They are trying to move toward free-market systems.

We are tempted to provide massive amounts of American foreign aid. That is not very popular right now, and to be honest with you, I do not think it is the right answer.

The opportunity we have is to tear down the barriers that are there that prohibit free trade and trade agreements between enterprises of the former Soviet republics and our corporations, be they energy corporations, manufacturing corporations, or whatever the case might be. But energy offers the quickest opportunity for everyone, the quickest opportunity for the former Soviet Republics and the quickest opportunity for American entrepreneurs.

Madam Speaker, I am inserting into the RECORD testimony that we presented to the United States Trade Commission, International Trade Commission, in regard to the specific problems that currently exist both in our Government and in the former Soviet Union Republics relative to these trade agreements being finalized. Along with that I would ask that we list in the RECORD the specific things that we need to do in our legislature and within the halls of our executive branch to loosen up the requirements to allow American companies to go into these joint ventures. Some of them are very simple things like granting expedited visas and helping in some of the protocol measures that have to take place with the State Department and Commerce. But GREG and I are also committed to making sure that we have the same legislative effort taking place within each of the former republics of the Soviet Union so that he and I can meet face to face as we have with members of the Congress of People's Deputies, the Supreme Soviet in Russia, the parliamentary officials in Azerbaijan, Armenia, Kazakhstan, and Turkmenistan and all those other republics where there are economic opportunities for us so we just do not rely on President-to-Prime Minister relations between Clinton and Boris Yeltsin and the other leaders, but that we take it one step further and engage in ongoing dialog with the legislators from those republics.

That builds confidence. I think it gives us long-term relations so that they can see that we are not out to exploit them, we are not out to steal their resources, all we want to do is allow them to share in the kinds of technologies that our companies have here in America.

It is a tremendous opportunity, and if we lose this window of opportunity, then we may find ourselves either: First, dealing with a government that is very reactionary that we are not comfortable with; or, second, we are finding ourselves with a situation where the people of the former Soviet republics are finding a very unstable condition because they have not achieved economic independence. So we have an opportunity here.

I would think that this caucus and this effort is a beginning of reaching out to these former Republics. I urge all of our colleagues to join with us. We have somewhere between 30 and 40 Members now who have joined the caucus. We welcome any Member of either party to join our effort. There are no fees involved in this effort. We work closely with all the major energy corporations, and we are about real action. This is not hypothetical or theoretical. This is about tearing down the barriers that exist.

So once again, in closing, I thank my colleague for taking out this special order. I thank him for his leadership, and I look forward to working with him as we continue to open up the relations between the former Soviet Union and America.

Mr. LAUGHLIN. Madam Speaker, my colleague did point out a couple of things that I think bear further explanation from me.

He is exactly correct when he talks about these countries and their struggle with democracy.

We need to remember that for over 70 years these people lived under the yoke of communism of the Soviet rule and a conspiracy and a coercion that these people had to deal with on a day-to-day basis.

We Americans are often impatient because we make quick decisions and we are ready to do things with a quick decision. Many of these people have never been in a position throughout their lives to ever make any decision without getting clearance and instructions from Moscow.

Some of the leadership in Azerbaijan made mention of this to me, that they are struggling with how to make decisions on such important things as to which energy company is involved in the production or exploration or delivery of energy from their country.

Indeed, the other thing that CURT mentioned that I think is important for us to bear in mind is the fact that in Azerbaijan some of the government people that I visited with are interested in forming the same type of caucus with their energy companies and government officials as we have here, and later when I was in Moscow on that same trip, I met with some Russian Government officials who thought it was a great idea to institute a similar type of caucus involving parliamentarians from their parliament along with Russian people who are trying to institute an energy business in that country.

In that connection, to conclude, I would point out that next week in Moscow I will be meeting with a number of parliamentarians from the Russian Parliament to talk about the very things that CURT and I have been working on.

So I am pleased that our President is meeting with President Yeltsin, and all of us wish President Bill Clinton and President Boris Yeltsin a successful and productive summit, and hopefully our caucus will have a successful and productive meeting with Russian parliamentarians in Moscow next week.

Madam Speaker, I thank Congressman WELDON, my good friend from Philadelphia, for participating in this important special order.

Documents included in the RECORD by Mr. WELDON are as follows:

PREHEARING BRIEF OF CONGRESSMAN CURT WELDON FOR THE U.S. INTERNATIONAL TRADE COMMISSION

I. INTRODUCTION

Thank you for the opportunity to submit testimony to the United States International Trade Commission regarding its study on "Trade and Investment Patterns in Crude Petroleum and Natural Gas Sectors of the Energy-Producing States of the Former Soviet Union." As a result of my sincere concerns about the economic and political transformation of the Newly Independent States (NIS) of the former Soviet Union (FSU), I joined with Congressman Greg Laughlin to establish the Congressional United States-Former Soviet Union Energy Caucus.

Although the international effort to coordinate humanitarian aid to the FSU is critical, Congressman Laughlin and I believe that it is also imperative not to overlook the energy sector's indispensable role in ensuring the successful transition from a command control to a free market economy. Many of the basic problems of Russia, Azerbaijan, and Kazakhstan, the three energy-producing republics, are economic. If they are to be viable democracies, these States need infusions of capital, technology, and equipment to revitalize their economies. The energy sector is one of the keys to this entire process.

As Co-Chairman of the Caucus and a Member of the House Committee on Armed Services, I applaud the ITC for holding a hearing on energy in the FSU. One of our nation's top public policy priorities should be to encourage private sector energy investment in the energy-producing republics. By not working to remove obstacles to American private sector investment, our government is failing the FSU, hurting our economy, and potentially jeopardizing our national security. The U.S. has a great deal at stake. I am confident that the ITC's report on the FSU's energy sector will make many policymakers cognizant of the potential opportunities and possible risks at play.

My presentation is divided into three parts. First, it discusses some of the FSU's many impediments to private sector investment. This section includes a short case-study and a brief outline of the problems deterring American energy companies from investing in the FSU. Second, it offers possible solutions to some of these problems. And third, the brief explores the role that the U.S. government can play to help facilitate trade between the U.S. and the energy-producing States of the FSU.

II. IMPEDIMENTS TO INVESTMENT IN THE FSU

Former Secretary of State Lawrence Eagleburger, in remarks before the annual meeting of the Trade and Economic Council at the Palaces of Congresses in Moscow on May 27, 1992, outlined what he believed to be the most oft-cited impediments by American companies to investment in the FSU: inconsistencies and transparency of laws and regulations, changes and prohibitive increases in taxation, uncertain ownership and property rights, and unclear divisions of authority between levels of government.

Russia, Azerbaijan, and Kazakhstan are, of course, very interested in attracting foreign investment, but their governments have created so many obstacles that American energy companies have grown increasingly wary. Even though some oil and natural gas projects involving American companies are in various stages of development, I am concerned that this type of investment is moving too slowly. Unfortunately, the impediments mentioned by Mr. Eagleburger have created a very unstable investment climate.

By definition, a stable investment climate is one in which costs, applicable laws, contractual terms, and anticipated profits are comparatively certain and predictable. According to those who have done business in the NIS, these conditions are neither certain nor predictable in the energy-producing States.

It might be instructive to describe the experiences of one American oil and gas company that has invested millions of dollars in Russia. When the Phibro joint venture was initiated in 1990, payments to the government by contractual agreement were limited to a 10–20% royalty on exports, a 6% personal income tax, a profit tax of 32%, and a profit repatriation tax of 15%. Within the past two years, the government has unilaterally amended the contract by increasing the personal income tax rate from 6% to 40% and by creating a 28% Value Added Tax, export taxes, mineral use taxes, mineral rehabilitation taxes, excise taxes, and port charges.

Most of these payments to the government were assessed on gross revenue rather than on profit. These changes to the contractual agreement almost prevented Phibro from conducting business in Russia. At the very least, the additional taxes have made their investment far less attractive.

The governments of the FSU are disappointed by the timid response to investment opportunities in their oil and natural gas industries. Many companies, however, are fearful of risking any extensive amount of capital in such an unstable investment climate. It is timely, therefore, to provide a comprehensive list of exactly what has deterred American energy companies from responding more aggressively.

1. Various taxes, including the oil export tax, which together eliminate the possibility of achieving an adequate and acceptable return on investment.

2. Continuing uncertainties as to where decision-making authority to conclude oil and natural gas projects rests, particularly the divisions of authority between local, regional, and national governments. These uncertainties often result in bureaucratic delays in implementing agreements.

3. Unresolved struggles between and among central, regional and local authorities and oil and gas production associations as to ownership rights of reserves and the authority to enter into binding negotiations and contracts.

4. The absence of a clear and comprehensive legal framework which would provide investor confidence. This includes a lack of an adequate judicial system to enforce contracts, the provision of remedies, or the implementation of arbitration awards.

5. Excessive taxation of expatriate salary and benefits.

6. Arbitrary contract renegotiations, such as that faced by the American firm, Phibro Energy, and its joint venture known as White Nights.

7. Discriminatory treatment favoring domestic firms in contract terms, taxes, and other critical factors.

8. The arbitrary seizure by Vneshekonombank of hard currency revenues generated by the sale and export of joint venture oil.

9. A continuing unwillingness by negotiators to relate return on investment to risks on investments. FSU energy officials have little knowledge or understanding of western business practices and/or marketplace conditions that drive free market economies.

10. General economic and political instability, leading to possible confiscation and nationalization of invested capital assets, trade embargoes, and/or ethnic violence and civil disorders. The experience of many companies in Azerbaijan is instructive in this regard.

11. Danger of unlimited liability for environmental damage done prior to entry of American businesses into oil and gas ventures.

12. Lack of a readily convertible currency, a near total lack of privatization and private property as related to assets and investments, and prohibitions or restrictions on oil and gas exports from the FSU.

Investors will be more easily attracted to the FSU if solutions to these impediments can be found. If the United States, Russia, Azerbaijan, and Kazakhstan are to secure the benefits of their newly developing relationships, there is no better place to begin than with the creation of an environment which will encourage investment by American companies.

III. SOLUTIONS TO IMPEDIMENTS

The problems identified in Section II may be categorized into three areas: governmental operations, the system of taxation, and investor protection. These serious problems need to be resolved in order to create a stable investment climate.

First, in regard to governmental operations, many steps can be taken to remove the impediments to private sector investment in the FSU's energy sector. For example, the energy-producing republics should remove the controls on oil and natural gas prices, encourage increased exports, and open new oil and gas fields to facilitate exploration and development by American energy companies.

Additionally, the rights and powers of the various levels of government need to be better defined to prevent confusion. Once this ambiguity over authority is clarified, American energy companies can enter into business agreements with much more confidence. However, it is important that these agreements are comprehensive, include all levels of government, and are not subject to change. A judicial system to enforce contracts and provide remedies for violations is also needed if the FSU is to create a stable investment climate.

Second, regarding the current system of taxation, the creation of an alternative financial regime would be most helpful. An improved fiscal regime should abandon a revenue-based system of taxation which curbs profits and removes capital from reinvestment. The revised tax system, based on profits, not revenues, should create incentives to maximize the recovery of oil and natural gas. Export taxes and other burdensome payments to the government should be abolished. If American energy companies receive profits commensurate with the risk involved in investing in the FSU, more capital would flow into Russia, Azerbaijan, and Kazakhstan.

And third, regarding investor protection, the FSU can implement new policies to enhance the security and lessen the risk associated with foreign investment. For instance, ensured access to foreign exchange for the purchase of imported equipment, supplies, and loan repayment would lower the economic and political risk of investing in their energy sector. It is also crucial to ensure currency convertibility at full commercial rates, the right to export at world market prices, and access to foreign goods and services on a duty-free basis if domestic equivalents are not available or competitive.

IV. U.S. GOVERNMENT RESPONSE

The benefits for the U.S. of increased oil and natural gas production in the FSU are obvious. Joint ventures and other arrangements between American companies and FSU entities will allow the U.S. to meet its energy needs by giving us access to another proven source of oil, will reduce pressure for increased foreign assistance to the FSU, and will enhance national security by helping stabilize the FSU's economy and policy.

As we try to reduce our dependence on Middle Eastern oil, the Congress has been reluctant to allow oil exploration in environmentally-sensitive areas like the Arctic National Wildlife Refuge and the outer continental shelf. Energy cooperation with the States of the FSU should enable us to lessen our dependence on OPEC while environmental issues are resolved.

This type of enlightened overseas investment must be encouraged. If the U.S. misses its chance, the Japanese and the Europeans will certainly fill the void. There are several steps that the new Administration should take to help stabilize the FSU investment climate. First and foremost, it is imperative that the Clinton Administration put resolution of the FSU's energy problems on its list of priorities. Actions that should be taken include:

Completion and implementation of bilateral trade agreements with Russia, Azerbaijan, and Kazakhstan governing trade, investment, and taxation. Teams of officials from the Department of State, Treasury, Energy, Commerce, and the Office of the Trade Representative and EXIM and OPIC should also work with their FSU counterparts to find solutions to the problems outlined above.

Expedition of "fast track" consideration of visas for officials from energy-producing republics that hope to negotiate with American energy companies.

Enlarge existing government and private sector business exchange programs, such as the Sabit business intern program.

Expansion of U.S. Embassy assistance for energy companies seeking to negotiate with the energy-producing republics.

Completion of work by the Trade Promotion Coordinating Committee on developing a strategy to penetrate the FSU's energy market.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAFALCE (at the request of Mr. GEPHARDT), after 2:15 p.m. today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material.)

Mr. MACHTLEY, for 5 minutes, today.

Mr. MACHTLEY, for 15 minutes, on March 31.

Mr. SOLOMON, for 60 minutes each day, today, on March 31, and on April 1, 2, 14, 15, 16, 19, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. KIM, for 5 minutes each day, today, and on March 31, and April 1.

Mr. TALENT, for 60 minutes, on March 31.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on July 1, 2, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. DELAY, for 60 minutes each day, today, and on April 14 and 15.

Mrs. BENTLEY, for 60 minutes each day, on May 18, 19, 20, 25, 26, and 27.

Mr. HORN, for 5 minutes, today.

Mr. BARTLETT, for 5 minutes each day, today, and on March 31 and April 1 and 2.

Mr. GOSS, for 5 minutes each day, today and on March 31.

Mr. WOLF, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today, and on March 31.

Mr. MCINNIS, for 5 minutes, on March 31.

Mr. DREIER, for 5 minutes, today.

(The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, on April 1.

Mrs. COLLINS of Illinois, for 5 minutes, on April 1, 2, 4, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. UNDERWOOD, for 30 minutes, on April 30.

Mr. GEPHARDT, for 60 minutes, on April 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. SYNAR, for 60 minutes, today.

Mr. LAUGHLIN, for 60 minutes, today.

Mrs. LOWEY, for 60 minutes, today.

Mr. RANGEL, for 60 minutes, on July 1.

Mr. MFUME, for 60 minutes, on July 1.

Mr. MCCLOSKEY, for 60 minutes, on March 31 and April 1.

Mr. OLVER, for 60 minutes, on March 31 and April 1.

Mr. GONZALEZ, for 60 minutes on April 1, 14, 15, 19, and 20.

Mr. RAHALL, for 60 minutes, on March 31 and April 1.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mrs. MORELLA.

Mr. SOLOMON in two instances.

Mr. LIGHTFOOT.

Mr. ROTH.

Mr. LEWIS of California in two instances.

Mrs. ROUKEMA.

Mr. GOODLING.

Mr. MICHEL.

Mr. YOUNG of Alaska.

Mr. COLLINS of Georgia.

Mr. COBLE.

(The following Members (at the request of Mr. OLVER) and to include extraneous matter:)

Mr. OLVER.

Mr. HOCHBRUECKNER in three instances.

Mr. SARPALIUS in two instances.

Ms. HARMAN.

Mr. MCNULTY.

Mr. ACKERMAN.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. JOHNSON of South Dakota.

Mr. GLICKMAN.

Mr. POMEROY.

Mr. CONDIT.

Ms. PELOSI.

Mr. CARR.

Mr. STARK in two instances.

Mr. MEEHAN.

Mr. CONYERS.

Mr. ROSE.

Mr. TORRES.

Mr. MENENDEZ in two instances.

Mr. CLAY.

Mr. RICHARDSON.

Mr. BOUCHER in two instances.

Mr. ENGEL.

Mr. TRAFICANT.

Mr. MFUME.

Mr. HAMBURG.

Mr. CRAMER.

Mr. DURBIN.

Mr. BROWN of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A."

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 56. Joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. LAUGHLIN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 31, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

982. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closure and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

983. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting recommendations for base closure and realignments, pursuant to Public Law 101-510, section 2903(c) (104 Stat. 1811); to the Committee on Armed Services.

984. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Contracts Let by the Department of Public Works' Facilities Operations and Maintenance Administration for the Water and Sewer Utility Administration," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

985. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

986. A letter from the Director, Federal Judicial Center, transmitting the 1992 annual report of the Federal Judicial Center, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

987. A letter from the Secretary, Department of Transportation, transmitting recommendations for implementing vessel traffic service systems, pursuant to Public Law 101-380, section 4107(b)(2) (104 Stat. 514); to the Committee on Merchant Marine and Fisheries.

988. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, "Panama Canal Commission Authorization Act, Fiscal Years 1994 and 1995"; to the Committee on Merchant Marine and Fisheries.

989. A letter from the Secretary of Health and Human Services, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101-508, section 4002(g)(1)(B) (104 Stat. 1388-36); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 142. A resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103-47); to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY (for himself, Mr. FORD of Michigan, Mr. MURPHY, Mr. WILLIAMS, Mrs. BENTLEY, Mr. BONIOR, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. HOLDEN, Mr. KOPETSKI, Mr. TOWNS, and Mr. WILSON):

H.R. 1517. A bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes; to the Committee on Education and Labor.

By Mr. BOEHNER:

H.R. 1518. A bill to repeal the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. BURTON of Indiana (for himself, Mr. Faleomavaega, Mr. Rohrabacher, Mr. Wilson, Mr. Hunter, Mr. Flake, Mr. Cox, Mr. Moran, Mr. Herger, Mr. Miller of California, Mr. Solomon, Mr. Traficant, Mr. Crane, Mr. Condit, Mr. Cunningham, Mr. Pete Geren, Mr. Paxon, Mr. Lehman, Mr. Fields of Texas, Mr. Zeliff, Mr. Doolittle, Mr. Packard, Mr. Hoke, Mr. Pombo, Mr. Baker of California, Mr. King, Mr. Levy, and Mr. Dreier):

H.R. 1519. A bill to reduce United States development assistance to India unless the Government of India repeals certain special or preventive detention laws; to the Committee on Foreign Affairs.

By Mr. WYDEN (for himself, Mr. Dingell, Mr. Sharp, Mr. Swift, Mr. Studds, Mr. Lehman, Mr. Pallone, Mr. Kreidler, Mr. Manton, Mr. Kasich, Mr. Rowland, Mr. Markey, Mr. Ackerman, Mrs. Collins of Illinois, Mr. Fields of Texas, Mr. Gillmor, and Mr. Oxley):

H.R. 1520. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. UNDERWOOD (for himself, Mr. Montgomery, Mr. Gonzalez, Mr. LaFalce, Mr. Bilbray, Mr. Darden, Mr. Frank of Massachusetts, Mr. Romero-Barcelo, Mr. Young of Alaska, Mr. Barcia, Mr. Clay, Mr. Gingrich, Mr. Livingston, Mr. Gene Green, Mr. Holden, Mr. McHale, Ms. Meek, Mr. Pastor, Mr. de Lugo, Mr. Rush, Mr. Rahall, Mrs. Unsoeld, Mr. Becerra, Mr. Ackerman, Mr. Faleomavaega, Ms. Roybal-Allard, Mr. Serrano, Mr. Torres, Mrs. Vucanovich, Mr. Burton of Indiana, Mr. Deutsch, Mr. Bonior, Mr. Hinchey, Ms. Norton, Mr. Paxon, Mr. Inhofe, Mr. de la Garza, Mr. Kreidler, Mr. Hastings, Mr. Wheat, Mr. Abercrombie, Mr. Tucker, Mr. Gallegly, Mr. Martinez, Mr. Kennedy, Mr. Gutierrez, Mr. Rangel, Mr. Mineta, Mr. Henry, and Mr. Lehman):

H.R. 1521. A bill to establish the Commonwealth of Guam, and for other purposes; jointly, to the Committees on Natural Resources and Ways and Means.

By Mr. TAUZIN (for himself, Mr. Studds, Mr. Fields of Texas, and Mr. Coble):

H.R. 1522. A bill to authorize expenditures for fiscal year 1994 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COBLE:

H.R. 1523. A bill to limit the duration of payments of expenses of former Speakers of the House of Representatives; to the Committee on House Administration.

H.R. 1524. A bill to make Members of Congress ineligible to participate in the Federal Employees' Retirement System; to the Committee on Post Office and Civil Service.

H.R. 1525. A bill to limit the duration of certain benefits afforded to former Presidents, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. DURBIN (for himself, Mr. Reynolds, Mr. Smith of New Jersey, Mrs. Byrne, Mr. Hastings, and Mr. Pastor):

H.R. 1526. A bill to limit discrimination in health insurance coverage based on health status or past claims experience and to reform the provision of health coverage to small employer groups; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GOODLING (for himself and Mr. Gunderson):

H.R. 1527. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a grant program to provide coordinated and comprehensive services to elementary and secondary students and families; to the Committee on Education and Labor.

By Mr. GOODLING (for himself, Ms. Molinari, Mr. McKeon, Mr. Cunningham, Mr. Petri, Mr. Gunderson, and Mr. Hoekstra):

H.R. 1528. A bill to amend the Head Start Act to make quality improvements in Head Start Programs, and for other purposes; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. Goodling, Mr. Porter, Mr. Livingston, Mr. Barrett of Nebraska, Mr. Hoekstra, Mr. Boehner, Mr. Fawell, Mr. Crane, Mr. Zeliff, and Mr. Bateman):

H.R. 1529. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Education and Labor.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. Bentley):

H.R. 1530. A bill to amend title XIX of the Social Security Act to provide for improved delivery of and access to home care and to increase the utilization of such care as an alternative to institutionalization; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 1531. A bill to authorize the rehabilitation and expansion of the African American Panoramic Experience Center within the Martin Luther King, Jr., Historic Site and Preservation District; to the Committee on Natural Resources.

By Mr. LIGHTFOOT (for himself, Mr. Stump, Mr. Wise, Mr. Porter, Mr. Ackerman, Mr. Thomas of Wyoming, Mr. Minge, Mr. Jacobs, Mrs. Vucanovich, Mr. Leach, Mr. Gallegly, Mr. Kingston, Mr. Hefley, Mr. Hancock, Mr. Clement, and Mrs. Bentley):

H.R. 1532. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Public Works and Transportation.

By Mr. LIGHTFOOT (for himself, Mrs. Unsoeld, Mr. de Lugo, Mr. Vento, Mr. Jacobs, Mr. Shays, Mr. Ackerman, Mr. Clinger, Mr. Frost, Ms. Norton, Mr. Wynn, Mr. Lantos, Mr. McDermott, Mr. Filner, Mr. Leach, Ms. Meek, Mr. Fish, Ms. Maloney, Mr. Towns, Mr. Romero-Barcelo, Mr. Lazio, Ms. Roybal-Allard, Ms. Kaptur, and Mr. Hancock):

H.R. 1533. A bill to amend the Federal Aviation Act of 1958 to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft; to the Committee on Public Works and Transportation.

By Mr. MARTINEZ (for himself and Mr. Owens):

H.R. 1534. A bill to require States to ensure the quality of private security services, and the competence of private security officer personnel, as a condition of eligibility to receive funds under title II of the Juvenile Justice and Delinquency Prevention Act of 1974; to the Committee on Education and Labor.

By Mrs. MORELLA:

H.R. 1535. A bill to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NEAL of Massachusetts:

H.R. 1536. A bill to suspend until January 1, 1997, the duty on 2,2-Bis-(4-(4-aminophenoxy)phenyl)-propane; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia:

H.R. 1537. A bill to extend until January 1, 1996, the existing suspension of duty on machines designed for heat-set, stretch texturing of continuous man-made fibers; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. Waxman, Mr. McDermott, Ms. Byrne, Mr. Deutsch, Mr. de Lugo, Ms. Eshoo, Mr. Evans, Mr. Foglietta, Mr. Frank of Massachusetts, Mr. Hamburg, Mr. Hoyer, Mr. Lewis of Georgia, Ms. Maloney, Mr. Nadler, Ms. Norton, Ms. Schenk, Mr. Studds, Mrs. Unsoeld, Ms. Velazquez, Mr. Yates, Mr. Washington, Mr. Coleman, Mr. Engel, Mr. Barrett of Wisconsin, Ms. Woolsey, Mr. Lantos, and Mr. Hobson):

H.R. 1538. A bill to amend the Public Health Service Act to promote activities for the prevention of additional cases of infection with the virus commonly known as HIV; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. Hayes of Louisiana, Mr. Pete Geren, Mr. Wise, Mr. Chapman, and Mr. Brown of Ohio):

H.R. 1539. A bill to amend the Department of Energy Organization Act to establish the position of Assistant Secretary for Natural Gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS:

H.R. 1540. A bill to amend title 38, United States Code, to repeal the $2 charge for outpatient prescription drugs required to be charged by the Department of Veterans Affairs in certain cases; to the Committee on Veterans' Affairs.

By Mr. SOLOMON:

H.R. 1541. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. DeFazio, and Mrs. Unsoeld):

H.R. 1542. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of certain export subsidies in the case of exports of certain unprocessed timber; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER (for himself, Mr. Sundquist, Mr. Clyburn, Mr. Smith of New Jersey, Mr. Blackwell, and Mr. Nadler):

H.R. 1543. A bill to amend title 28, United States Code to permit payment, from the Department of Justice Assets Forfeiture Fund, of State and local taxes on certain seized property; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. WILLIAMS, Mr. SOLOMON, Mr. PETERSON of Minnesota, Mr. PAYNE of Virginia, Mr. SCHIFF, Mr. MURPHY, Mr. MCHUGH, Mr. BARCIA, Ms. DANNER, Mr. OLVER, Mr. FIELDS of Louisiana, Mr. TRAFICANT, Mr. CLYBURN, Mr. SANDERS, Mr. MCCLOSKEY, Mr. EVANS, and Mr. TOWNS):

H.R. 1544. A bill to amend the Federal Water Pollution Control Act to reauthorize the State water pollution control revolving loan program, to provide assistance to economically distressed rural communities in the construction of wastewater treatment works and public water systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DOOLITTLE (for himself, Mr. CONDIT, Mr. COBLE, Mr. YOUNG of Alaska, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. ROYCE, Mr. SENSENBRENNER, Mr. ARMEY, Mr. ROHRABACHER, Mr. PAXON, Mr. KLUG, Mr. ZELIFF, Mr. SANTORUM, Mr. POMBO, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. KIM, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. GILCHREST, Mr. INGLIS, Mr. HOBSON, Mr. GOSS, Mr. MCINNIS, Mr. BUYER, Mr. LIVINGSTON, Mr. CRANE, Mr. PACKARD, Mr. DELAY, Mr. DICKEY, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. BOEHNER, Mr. EWING, Mr. FAWELL, Ms. ROS-LEHTINEN, Mr. STUMP, Ms. PRYCE of Ohio, Mr. STEARNS, Mr. SUNDQUIST, Mr. TORKILDSEN, Mr. UPTON, Mr. ZIMMER, Mr. LEWIS of Florida, Mr. FRANKS of Connecticut, Mr. FRANKS of New Jersey, Ms. FOWLER, Mr. GALLO, Mr. GEKAS, Mr. GILLMOR, Mr. GINGRICH, Mr. GOODLATTE, Mr. GRAMS, Mr. GREENWOOD, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INHOFE, Mr. ISTOOK, Mr. SAM JOHNSON, Mrs. JOHNSON of Connecticut, and Mr. KASICH):

H.J. Res. 167. Joint resolution proposing an amendment to the Constitution of the United States to provide for balanced budgets for the U.S. Government; to the Committee on the Judiciary.

By Mr. MANN (for himself and Mr. FISH):

H.J. Res. 168. Joint resolution designating October 6, 1993, and October 6, 1994, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. ORTON:

H.J. Res. 169. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. SUNDQUIST (for himself and Mr. TANNER):

H. Con. Res. 77. Concurrent resolution to prohibit any political demonstrations on hallowed ground of National cemeteries; to the Committee on Veterans' Affairs.

By Mr. BACCHUS of Florida:

H. Res. 143. Resolution amending the Rules of the House of Representatives to allow open meetings and hearings to be closed for reasons of national security, and for other purposes; to the Committee on Rules.

By Mr. BURTON of Indiana:

H. Res. 144. Resolution calling for freedom and democracy for the people of Kashmir; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

70. The SPEAKER presented a memorial of the Senate of the State of Rhode Island, relative to traffic and motor vehicle safety; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. FOGLIETTA.

H.R. 85: Mr. HANCOCK.

H.R. 86: Mr. HANCOCK.

H.R. 87: Mr. HANCOCK.

H.R. 93: Mr. HANCOCK, Mr. BACHUS of Alabama, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BUNNING, Mr. CALLAHAN, Mr. COBLE, Mr. GRAMS, Mr. GRANDY, Mr. GUNDERSON, Mr. MOORHEAD, Ms. ROS-LEHTINEN, Mr. PARKER, and Mr. SANTORUM.

H.R. 97: Mr. HYDE, Mr. LAFALCE, and Mr. GUTIERREZ.

H.R. 115: Mrs. MORELLA, Mr. KLINK, Mr. FILNER, Mr. HASTINGS, and Mr. HINCHEY.

H.R. 116: Mr. HANCOCK.

H.R. 146: Mr. HERGER.

H.R. 163: Mr. ARMEY and Mr. KYL.

H.R. 214: Mr. MCCRERY, Mr. PENNY, Mr. BAKER of California, Mr. HEFLEY, Mr. TORKILDSEN, Mr. ROYCE, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, and Ms. PRYCE of Ohio.

H.R. 224: Mr. MCDERMOTT, Mr. VENTO, Mr. MARTINEZ, Mr. MARKEY, Mr. BARRETT of Wisconsin, and Mr. TOWNS.

H.R. 290: Mr. FRANK of Massachusetts and Mr. TOWNS.

H.R. 321: Mr. JOHNSON of South Dakota.

H.R. 348: Mr. FRANKS of New Jersey.

H.R. 369: Mr. EWING and Mr. HOKE.

H.R. 417: Mr. MCNULTY and Mr. NEAL of North Carolina.

H.R. 425: Mr. BECERRA, Ms. DUNN, Mr. FISH, Ms. MEEK, Mr. RANGEL, Mr. SERRANO, and Mr. STRICKLAND.

H.R. 427: Mr. BECERRA, Ms. DUNN, Mr. FISH, Mr. NADLER, Mr. RANGEL, Mr. SERRANO, Mr. SOLOMON, and Mr. STRICKLAND.

H.R. 439: Mr. MCHUGH and Mr. EMERSON.

H.R. 441: Mr. PORTER, Mr. INGLIS, Mr. RAMSTAD, Mr. ALLARD, Mr. OLVER, and Mr. FRANKS of New Jersey.

H.R. 464: Mr. SANTORUM.

H.R. 493: Mr. ROYCE.

H.R. 507: Mr. GUTIERREZ, Mrs. JOHNSON of Connecticut, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. SOLOMON, Mr. SAXTON, Mr. BARTLETT, Miss COLLINS of Michigan, and Mr. FISH.

H.R. 535: Mr. BEILENSON, Mr. LAROCCO, Mr. MARKEY, Mr. LEVY, Mr. FORD of Michigan, Mr. FLAKE, and Ms. BYRNE.

H.R. 551: Mr. COBLE, Mr. LIVINGSTON, Mr. DOOLITTLE, Mr. GINGRICH, Mr. BAKER of California, and Mr. COX.

H.R. 649: Mr. LANTOS and Ms. LOWEY.

H.R. 651: Mr. SCOTT.

H.R. 653: Mr. CLYBURN.

H.R. 662: Mr. ROYCE.

H.R. 667: Mr. ROTH, Mr. POMBO, Mr. MICHEL, Mr. STENHOLM, Mr. SCHIFF, Mr. BILIRAKIS, and Mr. PARKER.

H.R. 749: Mr. FISH, Mr. FIELDS of Texas, Mr. BONILLA, and Ms. PRYCE of Ohio.

H.R. 767: Mr. SARPALIUS, Ms. LONG, and Mr. PARKER.

H.R. 773: Mr. GINGRICH.

H.R. 823: Mr. WALSH.

H.R. 825: Ms. MCKINNEY, Mr. CLAY, Mr. DE LUGO, Mr. BARRETT of Wisconsin, Ms. MEEK, Mr. SCOTT, Mr. RUSH, and Mr. BLACKWELL.

H.R. 870: Mr. WAXMAN.

H.R. 882: Mr. HUGHES.

H.R. 892: Mr. DORNAN, Mrs. MEYERS of Kansas, Mr. PETRI, and Mr. BLUTE.

H.R. 895: Mr. BOEHNER, Mr. ROYCE, Mr. ROHRABACHER, Mr. KYL, Mr. ARMEY, and Mr. PENNY.

H.R. 896: Mr. KYL, Mr. ROYCE, Mr. CRAPO, and Mr. ARMEY.

H.R. 930: Mr. DOOLITTLE, Mr. ACKERMAN, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. BARRETT of Wisconsin, Mr. BOEHNER, Mr. BLUTE, and Mr. PARKER.

H.R. 940: Mr. MARTINEZ, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. TOWNS, MR. BOUCHER, Mr. PARKER, and Mr. BONIOR.

H.R. 985: Mr. FROST, Mr. ZELIFF, Mr. SMITH of Oregon, Mr. LEVY, Mrs. FOWLER, Mr. BATEMAN, and Mr. HASTERT.

H.R. 986: Mr. FOGLIETTA.

H.R. 997: Mr. HUNTER, Mr. SPRATT, Mr. NEAL of North Carolina, and Mr. EMERSON.

H.R. 1009: Mr. MINGE, Mr. OLVER, Mr. MANZULLO, Mr. RAMSTAD, Mr. ROYCE, Mrs. MALONEY, Mr. ZELIFF, and Mr. ALLARD.

H.R. 1026: Mr. ROYCE, Mr. KYL, and Mrs. ROUKEMA.

H.R. 1029: Mr. DOOLEY.

H.R. 1030: Mr. HUNTER, Mr. DOOLEY, and Mr. HANCOCK.

H.R. 1031: Mr. DOOLEY and Mr. HANCOCK.

H.R. 1032: Mr. EMERSON.

H.R. 1044: Mr. MCDERMOTT, Mr. BARRETT of Wisconsin, Mr. SMITH of New Jersey, Mr. CLYBURN, and Mr. MCCANDLESS.

H.R. 1047: Mr. GUTIERREZ, Mr. CLAY, and Mr. EVANS.

H.R. 1067: Mr. ZELIFF.

H.R. 1086: Mr. MANZULLO, Mr. RAVENEL, Mr. MCHUGH, and Mr. ROGERS.

H.R. 1091: Mr. SUNDQUIST.

H.R. 1122: Mr. ROHRABACHER.

H.R. 1126: Mr. ZIMMER.

H.R. 1128: Mr. ZIMMER.

H.R. 1141: Mr. BOEHNER, Mr. SISISKY, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. BALLENGER, and Mrs. UNSOELD.

H.R. 1150: Mr. TOWNS, Mr. DORNAN, and Ms. MALONEY.

H.R. 1164: Mr. SMITH of Texas, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. MCCLOSKEY, Mr. JACOBS, and Mr. RANGEL.

H.R. 1200: Mr. ROYBAL-ALLARD.

H.R. 1230: Mr. MARKEY.

H.R. 1243: Mr. HASTINGS.

H.R. 1262: Mr. WAXMAN, Mr. SERRANO, Ms. BYRNE, Mr. BARRETT of Wisconsin, Mr. MAZZOLI, Mr. RANGEL, Mr. FILNER, Mr. HINCHEY, and Mr. NADLER.

H.R. 1277: Mr. MCMILLAN, MR. HUNTER, Ms. MOLINARI, Mr. FROST, Mr. BARTON of Texas, and Mr. DOOLITTLE.

H.R. 1293: Mr. PETRI, Mr. DORNAN, Mr. WOLF, Mrs. VUCANOVICH, Mr. BLILEY, and Mr. GOODLING.

H.R. 1322: Mr. OBERSTAR, Mr. POMBO, Mr. GUNDERSON, Mr. FORD of Michigan, Mr. RAHALL, and Mr. ZIMMER.

H.R. 1353: Mrs. MEYERS of Kansas, Mr. ARMEY, and Mr. HANCOCK.

H.R. 1355: Mr. HYDE, Mr. WILSON, Mr. GOSS, Mr. ROGERS, Mr. KASICH, Mr. OXLEY, Mr. REGULA, Mr. SMITH of New Jersey, Mr. EWING, Mr. SMITH of Oregon, Mr. WOLF, Mr. FAWELL, Mr. MCCANDLESS, Mr. SHAW, Mrs.

Roukema, Mr. Greenwood, Mr. Gingrich, Mr. Moorhead, Mr. Sarpalius, Mr. Rohrabacher, Mr. Lipinski, Mr. Sensenbrenner, Mr. Clement, Mr. Lewis of Florida, and Mr. Hancock.

H.R. 1496: Mr. Pete Geren, Mr. Frost, Mr. Parker, Mr. Walsh, and Mr. Lipinski.

H.R. 1514: Mr. Stenholm and Mr. Spratt.

H.J. Res. 6: Mr. Towns, Mr. Inhofe, Mr. Mollohan, Ms. Lowey, Mr. Smith of New Jersey, Mr. Lancaster, Mr. Baker of Louisiana, Mr. McCrery, Mr. Traficant, Mr. Gallegly, Mr. Doolittle, Mr. Price of North Carolina, Mr. Franks of Connecticut, Ms. Norton, Mr. Edwards of Texas, Mr. Regula, Mr. Sawyer, Mr. Rohrabacher, Mr. Hall of Texas, Mr. Quillen, Mr. Dixon, Mr. Packard, Mr. Tanner, Mr. Duncan, Mr. Torricelli, Mr. Deutsch, Mr. Peterson of Minnesota, Ms. Slaughter, Mr. Walsh, Mr. LaFalce, Mr. Cooper, Mrs. Clayton, Ms. Maloney, Mr. McCollum, Mr. DeFazio, Mr. Wolf, Mr. Schumer, Mr. Serrano, Mr. McNulty, Mr. Whitten, Mr. de Lugo, Mr. Jacobs, Mr. Darden, Mr. Gonzalez, Mr. Stokes, Mr. Washington, Mr. Hinchey, Mr. Neal of North Carolina, and Ms. Dunn.

H.J. Res. 22: Mrs. Vucanovich.

H.J. Res. 38: Mr. Swett.

H.J. Res. 68: Ms. DeLauro, Mr. Manton, Mr. Gekas, Mr. Fish, Mr. Thomas of California, Mr. Brown of Ohio, Mr. Buyer, Mr. Towns, Mr. Murphy, Mr. Scott, Ms. Slaughter, Mr. Rahall, Mr. Bateman, Mr. Filner, Mr. Bonior, and Mr. Gutierrez.

H.J. Res. 79: Mr. Burton of Indiana, Mr. Clyburn, Mr. Filner, Ms. Furse, and Mr. LaFalce.

H.J. Res. 80: Mr. Bereuter, Mr. Browder, Mr. Brown of California, Mr. Burton of Indiana, Mr. Callahan, Mr. Clement, Mr. Clinger, Mr. Clyburn, and Mr. Petri.

H.J. Res. 86: Mr. Rogers, Mr. Fawell, Mrs. Kennelly, Mr. Hilliard, Mr. Vento, Mr. Serrano, Mr. Rangel, Mr. Bateman, Mr. LaFalce, and Mr. Parker.

H.J. Res. 91: Mr. Blute, Mr. Doolittle, Mr. Crapo, Mr. Solomon, Mr. Wilson, and Mr. Bartlett.

H.J. Res. 94: Mr. Greenwood, Mr. Whitten, Mr. Wilson, Ms. Slaughter, Mr. Kingston, Mr. Wolf, Mr. Klein, Mr. Jefferson, Mr. Hastert, Mr. Kildee, Mr. Levin, Mr. Hutto, Mr. Houghton, Mrs. Lloyd, Mr. Mineta, Mr. Rogers, Mr. Yates, Mr. Rowland, Mr. Smith of Iowa, Ms. Snowe, Mr. Reynolds, Mr. Taylor of Mississippi, Mr. Visclosky, Mr. Wheat, Mr. Lantos, Mr. Natcher, Mr. Matsui, Mr. Owens, Mr. Hoyer, Mr. Foglietta, Mr. Gingrich, Mr. Miller of California, Mr. Oxley, and Mr. de la Garza.

H.J. Res. 111: Mrs. Lloyd, Mrs. Unsoeld, Mr. Frank of Massachusetts, Mr. Kasich, Mr. McCrery, and Mr. Ford of Michigan.

H.J. Res. 117: Mr. Dooley and Mr. Hancock.

H.J. Res. 122: Mr. Matsui, Mr. McDermott, Mr. Towns, Mr. Scott, Mr. Greenwood, Mr. Kasich, and Mr. Walsh.

H.J. Res. 131: Mr. Poshard, Mr. Durbin, Mr. Costello, Mr. Pallone, Mr. Mollohan, Mr. Frank of Massachusetts, Mr. Barrett of Wisconsin, Mr. Fish, Mr. Olver, Mr. Quillen, Mr. Jacobs, Mr. Quinn, and Mr. Filner.

H.J. Res. 139: Mr. Fazio, Mr. de la Garza, Mr. Kasich, Mr. Scott, Mr. Clinger, Mr. Walsh, Mr. Shaw, Mr. Rangel, Mr. Serrano, Ms. Pelosi, Mrs. Mink, Mr. Bateman, Ms. Furse, and Mr. LaFalce.

H.J. Res. 142: Mr. Gingrich and Mr. Klein.

H.J. Res. 147: Mr. Parker.

H.J. Res. 152: Mr. Livingston, Mr. Ballenger, Mr. Goss, Mr. Dreier, Mr. Hastert, Mr. Calvert, Mr. Ewing, Mr. McKeon, Mr. Houghton, Mr. Saxton, Mr. Archer, Mr. McCrery, Mr. Linder, Mr. Diaz-Balart, Mr. Franks of Connecticut, Mr. Knollenberg, Mr. Coble, Mr. Ramstad, Mr. Walker, Mrs. Bentley, Mr. Hobson, Mr. Mica, and Mr. Paxon.

H.J. Res. 153: Mr. Kreidler, Ms. Eddie Bernice Johnson, Mr. Kasich, Mr. McDermott, and Ms. Norton.

H.J. Res. 160: Mr. Cox, Mr. Smith of Michigan, Mr. Hutchinson, Mr. Dickey, Mr. Ravenel, and Mr. Kim.

H. Con. Res. 5: Mr. Nadler.

H. Con. Res. 33: Mr. Blackwell.

H. Con. Res. 45: Ms. Meek, Ms. Fowler, Mr. Upton, and Mr. Nadler.

H. Con. Res. 47: Mr. Dooley and Mr. Hancock.

H. Res. 32: Mr. Synar and Mr. Ford of Michigan.

H. Res. 47: Mr. Istook, Mr. Zeliff, Mr. Santorum, Mr. Roberts, Mr. Manzullo, Ms. Fowler, Mr. DeLay, Mr. Shaw, Mr. Smith of New Jersey, Mr. Bonilla, and Mr. Quinn.

H. Res. 83: Mrs. Vucanovich.

H. Res. 134: Mr. Linder, Mr. Baker of Louisiana, Mr. Inglis, Ms. Pryce of Ohio, and Mr. Torkildsen.

H. Res. 135: Mr. Holden and Mr. Sanders.

SENATE—*Tuesday, March 30, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember George McLain who is in the hospital with heart trouble.

"Bless the Lord, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities: who healeth all thy diseases." (Psalm 103:2, 3)

Gracious God our Father, in a family as large as ours there may be many who are ill or who have loved ones who are ill. This morning we lift up to Thee for Thy gracious care and healing all who are sick. We pray for those who are hurting in any way—family troubles, money matters, job displeasure, broken relationships with peers—and pray for the gracious touch of God's love upon every situation.

We pray for the First Lady's father and ask Your comfort upon her and the family. And if there be any who have lost a loved one, may Thy comfort and consolation fill their hearts.

Thank You, Father, for Your love, Your care, Your healing. We pray in the name of The Great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business today from this time until 11 a.m. At 11 a.m., the Senate will return to consideration of the pending bill, the supplemental appropriations bill, and at that time, there will be, without any intervening action or debate, a vote on the motion by the chairman of the Appropriations Committee, Senator BYRD, to reconsider the vote on the motion to table the Brown amendment, which occurred last evening.

So a vote will occur at 11 a.m., and it may be followed by votes throughout the day.

Senators should be aware that we expect other amendments to be offered during the day and into the evening.

Mr. President, I repeat what I have said publicly on many, many occasions over the past several weeks—that the Senate, prior to leaving for the Easter recess, must complete action on the three remaining measures; the conference report on the budget resolution, the economic investment and stimulus program, and the debt limit extension.

It is my hope that we can complete action on those measures by the close of business on Friday, as scheduled, or earlier. But in the event we are unable to do so, then we will remain in session for as long as it takes to do so and, if necessary, reducing the length of time of the forthcoming Easter recess.

I hope that is not necessary, and I hope that does not occur, but every Senator has now been placed on ample notice in statements by me over a period of many weeks to that effect. It is important that we act on these critical measures, and we will stay here for as long as it takes to do that.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The leadership time has been reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

CUTTING THE PORK OUT OF THE PRESIDENT'S ECONOMIC PACKAGE

Mr. GRAMM. Mr. President, last night, in the final act of the Senate, we voted against a motion to table an amendment authored by Senator BROWN, cosponsored by several others and myself, that aimed at cutting pork barrel spending out of the President's economic growth package. I would like to talk about that this morning in my 10 minutes.

We are going to vote again in relation to that amendment at 11 o'clock. I think it is going to be one of the defining votes of this Congress, and I hope the American people will pay very close attention to that vote, because we are going to find out on that vote, who is for real and who is not for real in terms of deficit reduction and in terms of cutting Government waste.

I would like to remind my colleagues, and I would like to remind those who are following this debate, that we are now considering a bill proposed by the President that will spend $16.3 billion of new money designated as emergency spending, because without that designation, this bill is illegal. The expenditure of this money would violate the law of the land adopted in 1990, when the American taxpayer paid $152 billion of new taxes in return for spending restraint, and we now have a cap on the total level of discretionary spending. This bill violates that cap by raising discretionary spending by $16.3 billion.

But we are using a parliamentary gimmick to make it possible for this bill to be considered, despite the fact that it is illegal. By designating all of this spending as an emergency a week after we adopted a budget, claiming we were reducing the deficit, we are now going to add $16.3 billion to the deficit but we are not going to count one penny of the spending as spending. We are not going to count one penny of the spending as deficit; yet, we are going to have to go out and borrow the money.

I think the American people are going to see through this sham like it was branch water and recognize that in the first postbudget test of our credibility on spending control and deficit reduction, we proved that we were not living up to all the flowery rhetoric that has come from both the White House and the Congress on this issue.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We have before us a bill that spends $16.3 billion, and the great bulk of that bill is nothing other than good, old-fashioned pork barrel. This bill is not an economic stimulus package; it is a political stimulus package, and there is no better example of that than the Community Development Grant Program.

Let me explain how all this happened. The Secretary of Housing and Urban Development and the Secretary of Transportation went to the mayors and said: We are about to provide you with $2.5 billion, and we want you to make up a list of ready-to-go projects, projects that you are ready to fund. That list has now been made up and has been turned in, and that list reads like something out of a comic book.

I doubt if the American people know the projects that are available for funding, where their money is going to be spent, in a year we are proposing raising taxes on Social Security recipients who earn $18,000 a year or more in the name of dealing with the deficits. I doubt that the American people would support funding new gyms, pathways in various parks, sports parks, graffiti abatement, building parking garages, bike paths, to build a huge sporting complex, an amphitheater and softball field, or an art ark in San Francisco, which is going to be a working art environment where people will live in the same area that they are working on art.

And the list goes on and on and on.

I want to begin by giving credit where it is due. Senator BYRD and Senator HATFIELD, alarmed about this pork, offered an amendment which has been adopted that said that none of the money could be used for golf courses or cemeteries, and then they got more specific. They said none of the funds under this act may be used for white water canoeing facilities on the Ocoee River, fisheries atlases, or studies of the sicklefin chub. They did not talk about the humpback chub, or any other kind of chub, but the sicklefin club studies will be denied funding.

The problem is that it is simply the tip of the iceberg. That is where Senator BROWN and I, and others, came in by offering an amendment that provided for the elimination of 54 of the most grevious pork-barrel proposals that have ever found their way into potential funding, I believe, in the history of this country. That is a strong statement, and maybe it is not true, but just listen to them: Tennis courts and basketball courts to be resurfaced and color coded in Evanston, IL; pool renovations; pool repair; tennis courts; Fairmount Park boat house restoration; the art ark; swimming pool refurbishment; construct an ice skating warming hut on Union Pond Park in Manchester, CT.

I ask my colleagues, how are we going to rebuild the American economy by constructing an ice skating warming hut at Union Pond Park, in Manchester, CT? Is this an economic growth package? Golf courses, parks, recreation, basketball courts—and the list goes on and on—painting water towers.

Mr. President, this is not economic growth; this is pork barrel. And I wonder sometimes, have we lost our ability to be outraged? I cannot understand why people are not so outraged at the possibility of funding these programs that we do not have 100 Members of the Senate voting for the Brown amendment. But we do not. In fact, we are going to vote at 11 o'clock on whether or not to overturn the Senate's action last night, an action that properly would drop these 54 items of pork barrel.

Mr. President, I hope we have not lost our ability to be outraged. I hope we will adopt this amendment. I hope we will save $105 million. I hope we will begin by taking these little sausages and this little bacon out, and then we will start in earnest and take all the ham out of this bill, and finally get down to a bill that people can vote for and not be ashamed of voting for.

If you have not lost your ability to be outraged at Government waste, if you mean anything you say about deficit reduction, if you are serious about the deficit, you have to vote for the Brown amendment. If you do not vote for the Brown amendment, you can say many things; but never, ever again, it seems to me, can you say that you are serious about cutting out pork or reducing the deficit or balancing the budget. That is the question I think that all 100 Members of the Senate are going to have to answer.

I would simply like to say in conclusion, Mr. President, that we are coming down now to the moment of truth. Are we for real, or are we not for real in terms of deficit reduction? If we want to do something about pork barrel, if we want to reduce the deficit, if we want to balance the budget, how can we, the week after we adopt a deficit reduction budget, in our first act, vote for a spending bill for $16.3 billion that violates current law and where we use a special gimmick where it is not spending, it is not deficit—even though it is spending, it is deficit—and we have to borrow the money?

We will have another vote later today to delete the emergency designation. I hope we will be successful in that. At that point, we would have to pay for this bill, and I can assure you, if we have to pay for it by taking money away from other projects, all of these tennis courts and swimming pools and art arks will be dropped. The reason they are in this bill is we do not have to pay for it. They are there simply to pay back political debts. I think it is wrong.

I think if the American people understood what we were doing, they would march on the Capitol and possibly tear this building from its ancient foundations. But the American people do not know. But we know, and we are the stewards of their interests.

I am prayerfully hopeful, Mr. President, that when we vote again on the Brown amendment, that that amendment will be adopted.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Texas yields back the remainder of his time.

The Chair recognizes the Senator from Montana for 5 minutes.

Mr. BURNS. Mr. President, I thank the Chair. I will not take the 5 minutes. I am being recognized in opposition to H.R. 1335, the economic stimulus package, this morning.

It will not take me long to make my point, because the Senator from Colorado is on the floor and wants to make the point for his amendment, which I supported last night, and I would hate to see that overturned on this floor today.

We are saying we are trying to create jobs, and the proponents of this package have claimed it will create 219,000 jobs. What they are not telling you is it will cost 90,000 bucks to create each of those jobs—90,000 bucks.

The private sector managed to create 365,000 jobs last month alone without any help from the Government. I will tell you, when you make that comparison, you would have to say, how is this for an efficient government? But let us take those figures—and those figures are not just pulled out of the sky; there is real meat to them. But the point I want to make is, why do you think we oppose this stimulus package from our side of the aisle? I can sum it up in one little second.

I got 10,000 cards from Butte, MT. The registration of the Democrats to Republicans in Butte, MT, is 2 to 1. I got 34 percent of the vote in Butte, MT, in 1988. This is not a Republican bastion; 10,000 cards—they are all right here. I do not want to put them all in the RECORD. These are all real names on them, real addresses, and real ZIP Codes; 10,000 of them. You know what this says? Cut spending first, and then we will talk about taxes.

But here is a city that thrives on mining and resources, and they understand what it is to work for a living. It is a great city in Montana. But keep in mind, it is not the Republican bastion. And 10,000 of these come to my doorstep. You wonder why we are not talking about just fiddling around with sense of the Senate, or not shooting with real bullets.

There is no doubt in my mind that people are hurting out there. Increased spending to build roads and bridges, create temporary jobs for young people, and fund other projects sounds like an attractive idea. The package was designed to be that way—it is one last spending binge before the American people get hit with increased taxes.

I am all for creating jobs. There are people out there who are unemployed and underemployed who need them. However, Government is not the best entity to create jobs. The proponents of this package have claimed that it will create 219,000 new jobs this year. What they are not telling you is that the taxpayers are footing the bill—to the tune of nearly $90,000 for each job. How is that for efficient Government?

The private sector managed to create 365,000 jobs last month alone, without any help from the Government. That is over 100,000 more jobs than this package will create this year.

Instead of turning the bureaucrats loose to create jobs, why not give small businesses a tax credit for doing the same thing? The business of America is business—that is the America I know.

Americans are looking to Congress and to the President to reduce the deficit. This is not the time to add to the national debt. Increasing the debt could have a serious dampening effect on the economy. In fact, passing this stimulus package adds about $65 to the deficit for each man, woman, and child in this country.

Mr. President, we are not stimulating our economy with this stimulus package. We are stimulating our national debt.

If there is one concern I have been hearing from the folks at home, it is: "reduce the deficit". I have brought over an example of some of the mail I have been getting. Here are some of the over 10,000 postcards sent to me by residents of Butte, MT.

I agree with these Montanans that we must cut Federal spending before considering new taxes, and that any new taxes should go directly toward reducing our huge Federal deficit.

The funds in this package do not reduce the deficit. They are being added to the deficit. I urge my colleagues to oppose the economic stimulus package.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Montana yields his time.

The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Thank you, Mr. President. I rise in opposition to the stimulus package that is before the Senate.

Mr. President, I wanted to take advantage of these few moments before the Senate assembles and votes on the motion to reconsider that was laid over from last night.

Mr. President, several items were mentioned in the debate that I think are of serious concern and merit an answer. One of the opponents to the Brown amendment that would strike $103 million out of this package indicated that the list of projects was imaginary; that it did not exist, I assume was the point he was making.

Mr. President, I appreciate the chance to answer that. The list of projects that is specifically delineated in the amendment is not imaginary and it did not come from this Member. The list of projects specifically came from a list delivered by Secretary Cisneros to the House Appropriations Subcommittee in which the Secretary said in the verbatim transcript:

> "I have in front of me a listing, from the United States Conference of Mayors, of projects ready to go under the Community Development Block Grant Program.

Mr. President, the list that supplied the source of this amendment is not imaginary. It is not of a Republican creation. It is a list delivered by the Secretary himself in reference to how the money would be spent. These are copies of that list. What is in the amendment is verbatim from this or summaries of the verbatim. It is not imaginary. It is a list delivered and prepared and assembled by the Secretary himself.

It was also mentioned in debate that these projects that are delineated in the amendment are not in the bill. Of course, CDGA grants are not listed in the bill. They are granted by the Secretary, the Secretary that delivered the list of things we are prohibiting.

What is in the bill and what is affected by the amendment is the money. The money that is in the bill is specifically for that program that the Secretary indicates will be spent on projects like this.

So the two charges that were made last night: First, that the list is imaginary is clearly not correct; second, that it is not in the bill is not correct. The fact is the money is what counts and the money is in the bill. The money is what is affected by the amendment.

Mr. President, I simply add this. This Nation faces serious problems. We all understand and appreciate the need to deal with the deficit. If we cannot deal with silly pork, silly pork that is included in these projects, if we cannot say "no" to golf courses and tennis courts, if we cannot say "no" to decorating cemeteries, how in the world are we going to deal with the tough issues that lie before us?

This amendment is important, not just because it saves the taxpayers $103 million, it is important because it says this body means what it says when it comes to setting limits on spending.

If you defeat a reasonable amendment that eliminates wasteful projects, it sends a message, also. It says that this body is not willing to make even easy decisions that will help bring this country back in line.

I yield back my time, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Colorado yields the floor.

The Chair recognizes the minority leader, Senator DOLE, from Kansas.

Mr. DOLE. Mr. President, I thank my colleague from Colorado for his effort last evening, and I hope we can sustain that effort by not voting to reconsider the vote.

The vote was fairly clear. It was about a four-vote margin. I know there has been a lot of pressure applied since last evening, but if we cannot reduce this kind of spending, we ought to just lock up Congress and take the rest of the year off instead of 2 weeks off.

If we cannot cut a golf course in Daytona Beach, FL—if that is an emergency, then I do not know how you can explain it.

What else is here? Here are some examples: Theater renovation, a sports park, cemetery drainage system, a performing arts center in my part of the country. Those are not emergencies.

As the Senator from Montana has pointed out, most people in America say, "Cut spending first."

There has been a lot of talk in this Chamber about gridlock. What we have right now is not gridlock it is "porklock." Pork—p-o-r-k—lock; porklock.

My colleagues on that side like pork. We do not think it is necessary. We do not think it creates any jobs. It adds to the deficit. So this is not gridlock, this is porklock.

As soon as we understand what America's priorities ought to be and start knocking out some of this in the package, maybe the package can pass. But until that happens, I can tell my colleagues on the other side, you better file cloture, because I do not think this bill is going anywhere unless we can make substantial changes in it. We are serious about reducing spending, not adding spending.

We just passed the budget resolution that raises taxes $300 billion over the next 5 years—$300 billion. Now we are back here adding $16.4 billion to the deficit.

So I urge my colleagues to take a look at this Brown amendment. If we cannot pass the Brown amendment by a unanimous voice vote, then I think we are failing the American people, who cannot understand why we continue to vote for more and more and more spending and more and more and more taxes.

We get one little chance to save $103 million and we cannot even do that. The American people are going to be listening and watching. They are going to find out what is in this package.

I suggest the Senator from Colorado has performed a great service, and we ought to sustain his effort by not voting to reconsider the vote that was taken last night.

POSITION ON VOTE NO. 84

Mr. GORTON. Mr. President, I ask unanimous consent that the permanent RECORD reflect that had I been present and voting on the motion to table the Brown amendment No. 279, I would have voted in the negative.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,224,085,667,571.94 as of the close of business on Friday, March 26.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,445.16—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for every family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

TRIBUTE TO DR. HOWARD D. MEHLINGER

Mr. DURENBERGER. Mr. President, as a member of the Education Subcommittee of the Labor and Human Resources Committee who has long promoted programs to improve and expand educational opportunity, including introduction of legislation on public school choice, charter schools, service learning and the Simon-Durenberger bill to expand access to Federal student loans, I was pleased to recently note the achievements of a great educator who has contributed significantly to the kinds of advancements in education I have long promoted.

Dr. Howard D. Mehlinger, director of the center for excellence in education at Indiana University had helped build a critical bridge between the technology of the 21st century and the needs of teachers and students in today's classrooms, using technology to link people and ideas not only within a classroom but around the country.

The center for excellence in education officially opens its doors today. The project is a testament to Dr. Howard Mehlinger, the leadership at Indiana University and those in the private sector who provided the vision and support that helped make the case to Congress.

It is with great pride that I salute the center and Dr. Mehlinger's determination to make this project a reality. We look forward to a close partnership as this national center fulfills its ambition as a center of intellectual enterprise, technological experimentation and education and a place the public can visit and see firsthand how these discoveries can enhance education in America.

THE RETIREMENT OF DON HOVEY

Mr. LEAHY. Mr. President, after 27 years as managing editor of the Caledonian-Record, Don Hovey is leaving the newspaper for a well-deserved retirement.

The Caledonian-Record, which serves the northeast kingdom of Vermont and parts of adjoining New Hampshire, almost endorsed my candidacy for the U.S. Senate in 1986. Almost is as close as the newspaper ever came.

The newspaper's flirtation with such heresy was short lived.

Before and since, Don has penned most of the editorials making the case against me, while ascribing virtues and wisdom beyond their years to each of the 4 opponents I have run against during the last 18 years.

Now you have to be a Vermonter to understand that this in no way affects the longstanding relationship and friendship that Don and I have enjoyed for all the years he has been managing editor of this fine newspaper.

I have known Don since the days when a crewcut was his trademark and his reporting of sporting events had few peers among the State press corps.

He made the transition to news and won the respect of the community as a very successful managing editor who has guided the Caledonian-Record through an unprecedented period of growth in one of the most beautiful areas of our State.

I have respected his journalistic integrity throughout his long career—and my admiration for his work at the newspaper goes beyond any political differences between two Vermonters.

Mr. President, I ask that this article by David Gram of the Association Press in Montpelier be reprinted in the CONGRESSIONAL RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALEDONIAN-RECORD EDITOR DON HOVEY RETIRES

(By David Gram)

ST. JOHNSBURY, VT.—When the tip came at 10 p.m. that state police would launch a dawn raid on an Island Pond religious sect suspected of abusing children, Don Hovey went to Island Pond and spent the night in his car.

When a big fire hit a downtown Hardwick business block, the managing editor of the Caledonian-Record went out in minus-20-degree weather after his paper had already gone to press on a Friday night and wouldn't publish again until Monday.

When Hovey needed someone to stake out a pay phone where a key witness in the fatal shooting of a police officer was expected, he went back to Hardwick himself. While waiting there he chatted with passersby on the sidewalk, soaking up bits of information about community goings-on.

"You've got to go to the scene. I really believe that," Hovey said over lunch one day last week as he reflected on a career that ended with his retirement Friday.

For 27 years as managing editor at the daily paper serving northeastern Vermont and northern New Hampshire, Hovey hasn't hidden behind his desk or his title.

In a day when many larger papers resort to reader surveys and special community forums to try to find out what the public is thinking, Hovey, who just turned 65, still takes to the sidewalk or the doughnut shop.

After the paper's midday deadline, publisher Mark Smith said, "Hovey normally heads down to the Dunkin' Donuts and talks to all the reprobates who hang out on the streetcorners."

Hovey said the doughnut shop actually had lost something as a place to chat up sources when it recently took out the counter seating and replaced it with tables. "You can't get close to anybody anymore."

But he's close enough to his community that on a visit for lunch at the Lincoln Inn in St. Johnsbury last week, nearly everyone said hello.

"The Caledonian won't be the same without you around there," one woman said, congratulating Hovey on his retirement.

The Lyndon native broke into journalism as a part-time freelancer covering sports events both for the "Caledonian," as the locals call the 10,000-circulation daily, and for The Burlington Free Press.

He'd worked a regular job as a pricing clerk at Fairbanks Scales Inc. for 15 years when the then sports editor at the St. Johnsbury paper died of a heart attack.

Several people suggested he apply for the job, but Hovey wasn't sure. "I was happy at Fairbanks. I had 15 years' seniority. I could have stayed there forever."

Finally he decided to apply, and was given the job. There was a lot to learn about sizing pictures and headlines. "After the first day I damn near quit," Hovey recalled. "I was so mixed up."

But he hung in there, and soon he was handling news reporting and photo assignments as well as the sports.

"Around here, everyone pitches in and does whatever job needs to be done," said publisher Smith, who occasionally plows out the paper's parking lot.

On a weekend trip to visit friends in St. Albans, Hovey was asked to run down to Burlington to take a picture of the visiting vice president, Lyndon Johnson.

The sports editor as vice presidential photographer sums up Hovey's jack-of-all-trades approach to journalism. Named managing editor in 1966, he's continued to travel to high school basketball games around the region when there are more games than writers handy on a Friday night.

And he always carries a camera.

Hovey had his camera handy the night in June 1984 when he and reporter Jan Newpher drove to Island Pond. He was ready when dozens of state police cruisers from all over Vermont converged on the hamlet to round up children of the Northeast Kingdom Community Church who were suspected victims of child abuse.

A judge later in the day ruled the raid unconstitutional, and the allegations of abuse never were proven, but the raid itself was labeled by many the story of the decade in Vermont. Hovey provided one of his pictures to The Associated Press and it landed on the front page of the next day's New York Times.

With the reserved style and clipped drawl of a Northeast Kingdom native, Hovey has plenty of stories once you get him going.

There was the time the FBI demanded a copy of his picture of a Vietnam War protester burning his draft card on the Lyndonville bandstand. "They must've blown the picture up 100 times. It was amazing."

He recalls vividly the day as a rookie sports editor he was the one to run downstairs and yell, "Stop the presses!" President Kennedy had been shot, and the news came over the wire just as the paper was being printed at 1:30 p.m.

Hovey said the front page was made over with a two column story in the middle bearing the page-wide headline, "Kennedy Shot."

"We must have been one of the first papers in the world to have that on the street, because it happened right on our deadline," Hovey said.

Though Hovey's last official day was Friday, he says he'll still be around helping out. The paper's resources will be stretched thin as always on Tuesday when it's the annual Town Meeting Day in Vermont, and again a week later when towns do their annual business in New Hampshire.

Hovey says he'll go wherever his longtime assistant and now new managing editor Ellie Dixon wants to send him.

And he says he'll be sure to bring his camera.

SECURITY OF ISRAEL

Mr. COCHRAN. Mr. President, the article written by Lally Weymouth in yesterday's Washington Post about the security of Israel, our most valuable ally in the Middle East, gives a compelling account of the threats that Israel faces—chemical, biological, and nuclear weapons—and how these threats affect our own security interests.

One aspect of the article that struck me most was Israel's vulnerability to attack—from any number of hostile neighbors. Two years ago that threat came from Iraq. We should not forget the sight of Iraqi Scud missiles raining down on Israel and American forces during the Persian Gulf war.

Today another threat looms from Iran which is bankrolling international terrorism, helping Saddam Hussein break the U.N. oil embargo and—worst of all—building the most modern weapons and missile delivery program in the Middle East.

The message of Ms. Weymouth's article is that we must have a credible missile defense system. A dependable boost-phase defense—that uses small rockets to intercept attacking missiles in their boost phase is essential to defend against missile attacks. It's the only true defense that protects Israel from her neighbors. And it's the only true defense that protects American forces that are deployed today around the world.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 29, 1993]

RABIN'S WARNING: "BOOST-PHASE" DEFENSE

(By Lally Weymouth)

Although Israeli Prime Minister Yitzhak Rabin and President Bill Clinton struck-up a comfortable relationship during Rabin's recent visit to Washington, the top-level talks that attended the Rabin-Clinton meeting left several important issues unresolved.

From Israel's standpoint, in fact, the talks—at one level—were a disappointment. Washington rejected Jerusalem's request for several key technologies important to Israel's security. Among other things, the Israelis asked for "real-time" (instant) intelligence on the Arab world and for software for F-15 and F-16 fighters—both to no avail.

Rabin also asked the U.S. president for cooperation in the space defense realm. Israel's concerns here cannot be overstated. Despite modest progress in the Arab-Israeli peace process, Israel cannot afford to be sanguine about its vulnerability to attack by chemical and nuclear weapons.

The Israeli prime minister stressed to U.S. policy-makers that Iran—not Iraq or Syria—poses the most profound threat to Israel. The Iranian threat, as Rabin analyzes it, turns on Iran's growing ability to make and deliver weapons of mass destruction—including nuclear weapons. Rabin also pointed up Iran's extensive international terrorism apparatus.

One of the most deadly weapons that outlaw countries like Iran may one day launch against Israel is a missile carrying a warhead that separates right after the initial "boost phase" into 50 to 100 separate bomblets, each carrying a deadly toxin. The aim of these bomblets, called "cluster munitions," is to deliver death over a wide area.

Such weapons, to be sure, threaten, not just Israel and other U.S. allies in the Middle East and in Europe but also U.S. forces deployed overseas. Indeed, American strategists argue that U.S. security interests require Washington to pursue the development of a so-called "boost-phase defense"—high speed small rockets ("interceptors") that reach and destroy attacking missiles in their so-called "boost phase" before they release their package of deadly bomblets. Such rockets can be launched from planes, drones, ships or the ground.

In his talk with Clinton, Rabin stressed the importance to Israel of boost-phase defense. Rabin is aware that nearly all the vital programs needed for such a defense in the early or near term have been sharply curtailed by Clinton's Pentagon.

Boost-phase defense has been affected by the $2.5 billion of budget cuts in the SDI ("Star Wars") program. Petty interservice rivalries have also conspired to undermine this crucial defense system. In its battle for control over the smaller monies likely to be available, the Army is determined to focus its fiscal energies on Army-controlled, ground-based programs. The boost-phase defense favored by the Air Force seems destined to lose out.

This is true despite the fact that a top secret Defense Department study recently concluded that "cluster munitions" pose a dangerous near-term threat to U.S. and allied security interests.

It's hard to imagine that the Clinton administration would succeed in its effort to phase out such a program if the American people grasped the fact that it might well one day save the lives of thousands of innocent civilians and American troops stationed abroad.

COMMENDING SALLY DECHERT

Mr. WALLOP. Mr. President, I would like to bring to the attention of my colleagues the accomplishment of Sally Dechert, a senior at Shoshoni High School in Shoshoni, WY. Sally has been named the first place national winner of the 1993 Voice of Democracy Program and recipient of the $20,000 T.C. Selman Memorial Scholarship Award provided by the Veterans of Foreign Wars and its ladies auxiliary. Sally is the daughter of Mr. and Mrs. Charles Dechert and was sponsored by VFW Post 6529 and its ladies auxiliary in Shoshoni.

The VFW of the United States and its ladies auxiliary sponsor the Voice of Democracy Broadcast Scriptwriting Program. The program is now in its 46th year and requires high school entrants to write and record a 3- to 5-minute script on an announced patriotic theme. "My Voice in America's Future" is this year's theme. Over 136,000 students participated in the program nationwide.

I am proud of Sally's accomplishment and of the fine script for which she has been honored. I ask unanimous consent that her work be printed in the RECORD so that others may be inspired by her words.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

MY VOICE IN AMERICA'S FUTURE

Most of us are familiar with the fairy tale written by Hans Christian Anderson called The Emperor's New Clothes. In the story, a wealthy emperor is deceived by a pair of swindlers posing as cloth weavers. The two men convince the monarch to allow them to make him a suit out of their special cloth, which is invisible to those who are foolish or incompetent. In reality, there is no fabric at all. No one is willing to admit that he or she cannot see the "magic clothing, until finally, during a royal procession, a little girl points at the emperor and calls out that he is naked. And suddenly, the public, too, realizes that yes, he is indeed naked. It took only one voice, the voice of a little child, to open the eyes of the people to the truth, and to make them realize how foolish and how gullible they had been.

Many times in our own society, it takes only one voice to point out the obvious, to arouse the public, to make a difference, and that voice may well belong to me.

What is my voice?

My voice is the means by which I convey my thoughts, my opinions, my beliefs, my wishes, even if I never say a word. Because it represents and expresses who and what I am, my voice is important.

My voice belongs to me and to me alone. It is mine to use as I choose, and it cannot, without my consent, be employed or controlled by anyone else. I have a responsibility to think and to speak for myself, and to ensure that the power of my voice is not surrendered to others.

My voice is my contribution to society, whether I am a blue or white collar worker, a farmer, a plumber, a teacher, a scientist, a student, or a hospital volunteer.

My voice represents the ideas of a new generation and the traditions of a passing one. High living standards, improved international relations, modern medicine, the fantastic notions of space exploration, satellite communication, and fiber optics are all contained in those ideas, as is the information explosion that has resulted from the curiosity and discoveries of innumerable men and women, both past and present. These ideas, however, are not without the influence of the traditional expectancies of responsibility, patriotism, and loyalty.

My voice is the conscience of this country. It promotes the responsibilities of citizens who must pay a price for their freedom. America's conscience is the driving force behind the judicial system, law enforcement, scrutiny of political candidates, social reform, and the heated debates concerning morality. Regardless of religion, America was based on the principle that God exists, and we are all, therefore, given a duty to do what we know is right, a concept that still permeates almost every aspect of American society.

My voice is the decision and the vote which control my government, from the smallest school board member to the President of the United States. My voice tells those who represent me what I expect of them.

The effectiveness of my voice comes not from sound, but from action. It is easy to stand on the sidelines and to cheer or to heckle, but then the importance of my voice is lost. In giving me a voice, the American government has also provided me with an opportunity to get involved in the political process that controls America. That involvement has many different forms: voting, taking responsibility for my freedom, making a contribution career-wise to society, holding government officials accountable for their actions, standing strong for what I feel is right, and being willing to run for a political office.

As we enter a new age, socially and technologically, America can function only through the action of its citizens. Like the little girl in The Emperor's New Clothes, my voice can make a difference if I am willing to stand up and to speak out, even in the face of criticism and ridicule.

What is the importance of my voice in America's future? Quite simply, my voice is America's future.

ARMENIA: THE TRAGEDY CONTINUES

Mr. PRESSLER. Mr. President, Armenians are facing some of the most critical days in their history. The Republic of Armenia faces unprecedented challenges. With the Nagorno/Karabakh conflict, the flight of more than 500,000 refugees from Azerbaijan, and the homeless victims of the 1988 earthquake, peace in the region remains distant.

Disagreements between Armenians and Azeris have frustrated mediation attempts and caused violence, bloodshed, and mutual expulsion of rival nationals. Since the December 1991 demise of the Soviet Union, the conflict has intensified. The casualties include more than 3,000 dead and are mounting daily. Recent escalation in tensions has created a dangerous potential for the conflict to spread, drawing in other neighboring countries.

As a result of Azerbaijan's blockade of Armenia, food and fuel are in desperately short supply. Such shortages are creating for the Armenians severe hunger, suffering, violence, and death. I support United States initiatives—accompanied by U.N. support—to resolve the political and diplomatic crises that darken Armenia's future. Those crises continue to risk prolonged military tensions throughout the Transcaucasus region.

Recently, along with several of my colleagues, I sent letters of concern to U.N. Secretary-General Boutros Boutros-Ghali, Secretary of State Warren Christopher, and Turkish Ambassador Nuzhet Kandemir. These letters are part of a growing congressional effort to help bring an end to the extraordinary human suffering now occurring in Armenia. In the days ahead, I will continue to pursue humanitarian efforts to thwart the tragedies in Armenia and the rest of the Transcaucasus region.

CONSUMERS DESERVE THE RIGHT TO KNOW

Mr. PRESSLER. Mr. President, on March 3, 1993, I introduced the Automobile Damage Consumer Protection Act. The bill would require car owners to report body damage over $1,000 at the time of automobile title transfer. Such a disclosure would offer consumers an opportunity, protected by law, to know whether the vehicle she or he is about to purchase has been damaged. It sends a message to the customer—beware.

Why should damage be disclosed on automobile titles? The answer is simple. It is an economic and safety protection that every consumer deserves. If, for example, an automobile has been wrecked and rebuilt, there is a possibility that the vehicle has not been rebuilt to the proper safety specifications. If that were the case, it is possible also that the same vehicle might not be safe in a second accident.

Mr. President, would you not like to know whether a used vehicle you were about to purchase had been damaged? Should your safety and the safety of consumers all across America be compromised because some States currently do not offer some form of vehicle damage disclosure? The answers again are obvious, at least to me.

I urge my colleagues to study my bill, S. 485, which is based on an outstanding South Dakota State law. The law has worked in South Dakota. It would work even better on a uniform national scale. Mr. President, I ask unanimous consent that an editorial about the Automobile Damage Consumer Protection Act from the Lake Preston Times be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TITLE FRAUD BILL SHOULD BE ADOPTED

I think our national government needs to adopt a law which is already in place in South Dakota. The law concerns automobile title fraud.

Senator Larry Pressler has introduced a bill on the national level to protect consumers from automobile title fraud. In 1988, South Dakota passed a comprehensive automobile damage disclosure law. The law requires that individuals selling automobiles must present a disclosure statement on the title of the vehicle stating that it has sustained damage of $1,000 or more. The law applies to all cars newly built within the last nine years.

CBS's 60 minutes presented a segment a couple of weeks ago concerning car dealers who have sold automobiles which had been repaired cheaply and/or shabbily. Many people have bought these vehicles without any knowledge that the car had been wrecked and rebuilt. People are being seriously injured and even killed, when these cars malfunction.

"Every day, many Americans unknowingly buy new or used cars that are rebuilt junk or salvage vehicles. If repaired improperly, buyers could face the risk of accidental death or serious injury, as well as increased medical and automobile repair costs," said Pressler.

He said this happens by automobile titles being "cleaned-up" or "washed" to avoid showing accurate damage history. This title washing costs consumers nearly $3 billion each year, not to mention the emotional and psychological costs.

After banging up my own car this weekend, I found out that my car had already been painted one time when I had an estimate done. The body repairmen said I could have a hard time matching the paint since it had already been painted once. At this time, I don't know if my car has been wrecked before or if someone simply wanted a new paint job. But it is definitely something I would like to know and would have liked to know before I bought the car.

I think Pressler's bill is an excellent idea. I also believe that the disclosure statement stating the damage history should remain with car title throughout the lifetime of the car. I don't think one person should have to sell the car with a disclosure statement, then the person who buys the car be allowed to sell it without a disclosure statement.

The state of South Dakota should be commended for its current law concerning automobile title fraud. Pressler said the law works in South Dakota. It would work even better on a national scale.

POLITICAL CLIMATE IN CYPRUS

Mr. PRESSLER. Mr. President, I would like to draw my colleagues' attention to the situation in Cyprus. As ethnic tensions continue to worsen in Europe, Cyprus has not been immune. The current situation in Cyprus is becoming more and more unstable, and the warning signs of greater ethnic conflict are now apparent. If these tensions are not eased soon, they may erupt with devastating impact.

Mr. President, Cyprus, which gained independence in 1960, has been partitioned since Turkey invaded in 1974. The 700,000 Cypriots, 76 percent of whom are of Greek ethnic origin and 19 percent of whom are of Turkish ethnic origin, have been forced to live in a divided country. The United Nations has been maintaining a buffer zone between the two sides of the island. Today, some 25,000 to 30,000 Turkish troops prop up the illegal Denktash regime, known as the Turkish Republic of Northern Cyprus. This republic is recognized only by Turkey and comprises roughly 38 percent of Cyprus.

The latest round of talks between the two Cypriot regimes was held from October 28 until November 11, 1992. No real changes were agreed upon, and the minor agreements which were made have not been followed by constructive action.

In February of 1993, Glafcos Clerides succeeded George Vassiliou as President of Cyprus. President Clerides and Rauf Denktash have agreed to meet on March 30, 1993, to discuss the resumption of talks sometime after April 18, Greek Orthodox Easter. I support the continuation of United Nations sponsored talks between the two regimes. It is my hope that Denktash will return to the bargaining table in order to reach a positive settlement over issues of territory and resettlement of refugees in Cyprus. The hard line approach of Turkish-supported forces should be discouraged.

Turkish people themselves have been plagued by unprosecuted police and military torture and brutality. If the Turkish forces commit such actions against citizens of their own nationality, one must shudder at what atrocities might be committed against Greek Cypriots if ethnic tension continues on Cyprus. The time for a constructive solution to political unrest and ethnic rivalry is long overdue. We have seen what such tension has done in Yugoslavia. It must not be repeated in Cyprus.

Mr. President, I ask unanimous consent that an article from the Washington Post about Turkish police torture and brutality be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 5, 1993]

THE CRIES THAT HAUNT TURKEY

(By Jack Healey and Maryam Elahi)

One year ago, Suleyman Demirel promised during his election campaign for prime minister that "the walls of all police stations in Turkey will be made of glass." Demirel acknowledged that torture existed in Turkey, but vowed to end it.

Today, Prime Minister Demirel's promise is shattered like a thousand shards of glass. Torture remains wide-spread and systematic in Turkey, especially during the first few days of detention in police stations. With interrogations carried out in complete secrecy by police who are rarely if ever prosecuted, it is no surprise that deaths in custody continued in 1992.

One such case is that of a 16-year-old Kurdish girl, Biseng Anik. She was among 100 people, mostly students, detained by Turkish police in Sirnak Province in southeastern Turkey in March 1992. She died in police custody. When her mother went to collect the body, she found that half her daughter's head had been shot away, her hands were torn between the fingers, some fingers were broken, and her flesh was covered with cigarette burns, cuts and bruises.

According to the official version of events, Biseng had not been tortured and had killed herself with a rifle she found in her cell. Despite public outcries, no independent inquiry was ever initiated on this case. The autopsy report was never released, and the family's request for a second autopsy was refused.

In another case, in April 1992, during a military operation in the Mardin Province, a group of soldiers, beat and dragged a 16-year-old boy out of his home between 4 and 5 am. The soldiers built a fire, and when it had burnt down, they laid the boy on the embers and forcibly held him down. The soldiers repeated this procedure five or six times, before they finally left him for dead. The boy managed to crawl to a road and was found by shepherds. Miraculously, he survived.

On April 27, 1992, Nazli Top, a 23-year-old nurse, was detained in Istanbul as she was leaving the hospital where she worked. The police suspected her of having been involved in a terrorist attack. She was taken to the police station where she was tortured, even though she told them she was pregnant. According to Nazli Top, "They punched me all over with fists, but especially in my stomach, breasts * * * cheon, and they tried to rape me with a bottle. In particular, they groped my stomach and said, 'Are you pregnant?' and then punched me there."

Who is held accountable for these brutalities? Are there public condemnations, prosecutions of torturers and compensations to torture victims? Unfortunately, Prime Minister Demirel has forgotten his campaign promise. His government has not taken the minimal steps required under international law to safeguard all detainees and punish the violating officers. These are haunting images of Turkey a decade ago, when Demirel was also in power and gross violations of human rights were taking place.

The Turkish government justifies many of its human rights violations as necessary evils to combat attacks by the Kurdish Workers Party (PKK) in southeast Turkey. Amnesty International does not deny the government of Turkey its right to respond to violent assaults by the PKK or other violent organizations. But who protects citizens from the violence of the government?

Instead of working to comply with international law to honor basic human rights, Turkey has focused on improving its image abroad. For example, Turkey spends more than $2 million a year on lobbyists in Washington, instead of conducting extensive trainings in human rights law for law enforcement officers and the judiciary. The government has taken additional cosmetic steps such as publishing a slick brochure entitled "Human Rights in Turkey: A Record of Improvement," establishing a commission and ministry of human rights.

None of these steps has resulted in reducing abuses and promoting human rights. In fact, the latest PR scandal is a judicial package that was passed by the parliament in November '92 and is being presented to the international community as a "reform," even though it provides no protection for political detainees who face the greatest risk of torture.

One year after Demirel's inauguration, the cries of torture still echo from behind closed doors at Turkish police stations. Those cries will stop haunting Turkey and the rest of the world only if Prime Minister Demirel finally honors his pledge to break down those doors and build walls of glass instead.

After a decade of dialogue, the United States needs to reexamine its policy toward Turkey and to genuinely prove to the people of Turkey that adherence to basic principles of human rights continues to be a fundamental pillar of U.S. foreign policy. Bill Clinton, the campaigner, declared that a principled, coherent and consistent foreign policy would guide a Clinton administration. "Such a foreign policy would not only reflect our national ideals but serve our national interest," he declared.

Let us hope for the sake of the people of Turkey that President Clinton's promises are less breakable than Demirel's.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. MURRAY). Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1335, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration the bill.

Pending:

(1) Byrd amendment No. 271, to reduce funds for the information systems of the Internal Revenue Service, to delete funding for the General Services Administration Building Fund, and to clarify that none of the funds may be used for low priority programs, projects or activities.

(2) Byrd amendment No. 272 (to amendment No. 271), in the nature of a substitute.

(3) Brown amendment No. 279, to prevent funds from being used to assist certain projects through community development grants.

(4) A motion to reconsider the vote by which the Senate failed to table Brown amendment No. 279, with a vote on the motion to reconsider to occur at 11 a.m., on Tuesday, March 30, 1993.

Mr. BYRD. Madam President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 279

The PRESIDING OFFICER. The question occurs on the motion to reconsider the motion to table amendment No. 279, offered by the Senator from Colorado. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the motion to reconsider the motion to lay on the table the amendment of the Senator from Colorado was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 279. The yeas and nays were previously ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the motion to table the amendment (No. 279) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Madam President, it had been my intent at this time to offer a motion to recommit that would strike out everything except unemployment compensation and the summer jobs provision and a pay for the summer jobs provision.

I notified the majority leader, as I always do, and he indicated he would exercise his right of prior recognition. Therefore, I will not proceed with the motion to recommit at this time. I understand the majority leader then would yield to Senator BYRD for him to proceed with his amendments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Madam President, as all Senators know, under the rules of the Senate, the majority leader has priority recognition, and Senator BYRD notified Senator DOLE earlier this morning of his intention and desire to offer amendments relating to the subject matter that has just been discussed. And I indicated to Senator DOLE, as I always have when I notify him of these matters in advance, that, if necessary, I would use my right of priority recognition to offer the two amendments in behalf of Senator BYRD.

Senator DOLE, as he has indicated, has graciously agreed that it will not be necessary to exercise that right which does exist under the rules and which I do have the right to exercise. Therefore, Senator BYRD will offer the amendments as we have indicated.

Mr. BYRD. Madam President, I thank both leaders.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 281

Mr. BYRD. Madam President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 281.

Page 58, after line 26, insert the following:

SEC. (a) Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

(b) Subsection (a) shall become effective two days after enactment of this Act.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 282 TO AMENDMENT NO. 281

Mr. BYRD. Madam President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 282 to amendment number 281.

In lieu of the matter proposed to be inserted, insert the following:

SEC. Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. MCCAIN. Madam President, a parliamentary inquiry. I have a parliamentary inquiry. Does not the——

Mr. BYRD. I was recognized.

Mr. MCCAIN. The author of the amendment lost the right to the floor following the reading of the amendment?

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Madam President, does the Senator wish to make a parliamentary inquiry?

Mr. MCCAIN. Madam President, what this Senator really wants to do is assert his right, and that is to be recognized after the amendment was read. That is what the Senator wants to do. If not allowed to do so, then this Senator has a parliamentary inquiry as to what the proper procedure is.

Mr. BYRD. Madam President, I yield not for a speech but I yield to the distinguished Senator for a parliamentary inquiry only.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona for a parliamentary inquiry.

Mr. MCCAIN. Madam President, is it not true after the amendment is read that then the sponsor of the amendment gives up his right to the floor and then this Senator has the right to be recognized?

The PRESIDING OFFICER. The Senator from Arizona is correct.

Mr. MCCAIN. I sought recognition, Madam President, and I would like to be recognized.

The PRESIDING OFFICER. In the opinion of the Chair the Senator from West Virginia was seeking recognition. I gave him that recognition, and he has the floor.

Mr. BYRD. Madam President, I thank the Chair and I thank the distinguished Senator from Arizona.

Madam President, as I stated during the debate last evening on the amendment by Mr. BROWN, the President has indicated that he has no intention of funding wasteful projects.

The Office of Management and Budget Director, in a letter to me, dated March 22, stated that the administration would work with the Appropriations Committees to ensure that no wasteful spending occurs from this act.

Additionally, the explanatory statement accompanying the committee substitute, as reported, contains language which expresses the Appropriations Committee's intention that no such wasteful spending occur.

The Senate itself, during consideration of this measure, has already adopted the Byrd-Hatfield amendment which gives the Secretary of HUD the authority to publish in the Federal Register such requirements as may be necessary to ensure that no wasteful spending occur in the Community Development Grants Program.

Under this amendment, that is now pending before the Senate, the Director of the Office of Management and Budget shall—shall—publish such requirements as may be necessary to ensure that no wasteful, unnecessary or nonmeritorious programs, projects, or activities are approved. This amendment will ensure that no projects, programs, or activities such as that fictitious list of projects contained in the amendment by Mr. BROWN can be funded under this act. This amendment applies no just to the Community Development Grant Program but also to all funding contained in the entire act.

Under this amendment, the Office of Management and Budget Director shall administer the obligation of all funds in this act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs or projects or activities are approved.

This amendment, as I have said, will ensure that none of the funds contained in the act may be obligated for any wasteful, unnecessary, or nonmeritorious programs.

So, Madam President, last evening, up to the developments at that point, the Secretary of HUD would have had the authority to publish in the Federal Register such requirements as may be necessary to ensure that no wasteful spending occur for the Community Development Block Grant Program. But, under this amendment, the director of OMB shall publish such requirements as may be necessary to "ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved" with regard to any of the funds in this act.

So this amendment broadens the authority and gives us additional and sufficient insurance that the funds in this act are not going to be spent for wasteful, unnecessary, and nonmeritorious projects. It puts in the hand of the OMB director the requirement that he shall administer the obligations of all the funds in the act—not just those under HUD, not just CDBG grants, but all funds in the act—in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious projects or activities are approved.

I hope that puts to bed, Madam President, the concerns of those—the legitimate concerns of those—who are fearful that funds will be spent for lists of programs which would never have been funded in any event, anyhow, under the CDBG programs.

This covers the whole act. It puts the authority in the Office of Management and Budget. It does not say that the OMB director may or that he shall be authorized. It says he shall—he shall publish and he shall administer.

So, Madam President, I urge the Senate to agree to the amendment and in so doing, hopefully, as I say, put to rest this effort to point to lists of wasteful spending—none of which, I repeat, are in the bill, have not been in the bill—and will allow us to proceed without further amendments of this kind.

Madam President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Madam President, I understand the chairman of the Appropriations Committee is offering this amendment in an attempt to be responsive to the 48 votes that we have cast here today twice in protest to those projects that were raised in the Brown amendment.

Madam President, one of the conundrums of politics, I suppose, is never try to explain a complicated process. But I do feel it is important to get the process clearly in mind of where we are and how we got here.

This amendment does not change one iota the circumstance that we are in. It is intended to clarify, to make sure that nonmeritorious projects are not funded, as those projects were identified in the original Byrd-Hatfield amendment to the substitute.

We referred to those projects that had been raised in the House discussion and debates. We took action in an effort to try to make sure at that time that those projects would not be funded.

What were we referring to? We were referring to a document that was established by the President, in joint work with the mayors, where the President asked the mayors to provide him a list of projects that you could go to contract or you could go immediately to implement, if funded, to create jobs.

That list was developed by the mayors of this country—Republican mayors and Democratic mayors, alike. I do not believe there is a mayor in any city in my State—and I would venture to say in probably any State—that would deliberately offer a nonmeritorious project in response to the request of the President of the United States, to offer such projects to create jobs.

What we are saying here is a meritorious project is in the eye of the beholder. It is not going to change the OMB merely giving them an item here to administer. It would not change the office of any part of the executive branch of Government.

This is, hopefully, being understood, at least in part, that all of those projects may not be meritorious. Senator BYRD and I felt that those that we identified in our amendment were not meritorious. The majority of the Senate supported that overwhelmingly.

But, by the same token, 52 Members of this Senate have indicated twice today that they think that all of those projects listed in the Brown amendment are meritorious by that vote, because it is a parallel vote to the Byrd-Hatfield amendment offered immediately after the introduction of this bill.

I come back to the proposition: This is a subjective analysis, an evaluation. The eye of the beholder determines the meritorious character of these projects.

So we really have not moved one iota away from the situation we were in, processwise, before this amendment has been offered, notwithstanding the good intention, the good faith in which the chairman of the Appropriations Committee has offered this amendment to allay the fears of some of the 48 people who said we do not think those projects are meritorious.

It is another level of action in the executive, but it does not change one bit the proposition that any one of these projects in the Brown amendment is other than meritorious. Fifty-two Members of this Senate said they were.

I have heard on our side of the aisle that maybe this is just an effort of the 52 to atone for their vote on the Brown amendment, by having this amendment. I am not going to make any judgment on that, but that certainly, I am sure, by those who observe the political process, could be called that kind of an amendment.

Knowing the chairman as I do, and working closely with the chairman, I know he is always attempting to make a substantive effort to correct or clarify a question or an issue.

But I must say, the bottom line is, we are still in the same position in this process of making a determination on the list as referenced to the projects asked by the President and responded to by the mayors of this country.

It is somewhat analogous when we say of a western water project that Presidents, Democrat or Republican, are always asking for line-item vetoes to cut out the pork. But 99 percent of the time those projects do not appear in the bill. They appear in the reports of the committee to the bill. A line-item veto does not get to that in an appropriation measure. We are, in a sense, saying, "Well, that list referenced by the mayors has no bearing because they are not in the bill."

No, they are not in the bill, any more than the water projects in the West are in an appropriation measure. But they are in a report document, as these are in a mayors' Presidential document, and they are a reference point, whether it is the OMB or the Secretary of HUD or anybody else.

So, having attempted to explain the process; I just want to say that this amendment does not change the situation for me, as one of the 48 people that wanted to strike these pork projects out of this as nonmeritorious.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Madam President, before I speak on the amendment I would like to express my disappointment over my failure to be recognized by the Chair. I will be glad to review the tapes, which I am sure that I have in my office that—I asked for recognition before the distinguished manager of the bill and I regret this kind of violation of the rules of the Senate, of which the manager of the bill is a most zealous guarantor. I believe that I was—I believe that the tapes will show that I sought recognition in accordance with the rules of the Senate and spoke first.

So, if the distinguished manager of the bill, the distinguished chairman of the Appropriations Committee, would like to comment on that I would be glad to yield to him for purposes of answering the question.

Mr. BYRD. Will the Senator yield without losing his right to the floor? Madam President, does the distinguished Senator yield without losing his right to the floor?

Mr. McCAIN. Yes, sir.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I rise only to defend the Chair. The Chair has no right to speak, except to state the outcome of votes, to maintain order in the Senate and in the galleries, and make certain announcements. And so the Chair is defenseless, as the occupant sits in that chair.

May I say, in the Chair's defense, and in response to the statement of the distinguished Senator, that when several Senators seek recognition it is the Chair's decision that is not to be appealed and that holds.

I sought recognition also. I am always very careful when I seek recognition not only to be heard but to be seen. And, as the manager of the bill, I have the right, following the minority leader and the majority leader, to be recognized. And I was not tardy in my seeking recognition. And I am standing right in front of the chair. I not only spoke but I also indicated my desire to be recognized.

The two leaders had already, as I understood it, indicated that because of the rights of recognition I would be permitted to call up the two amendments. I had indicated earlier to Mr. DOLE that I had two amendments that I wanted to call up, and the majority leader made it clear he was supportive of my offer of those two amendments. Mr. DOLE understood I was offering two amendments, and Mr. DOLE indicated that because the majority leader has the first right of recognition, it would be pointless to seek to contest the majority leader. And so both leaders agreed that I would offer the two amendments.

I am sorry that the distinguished Senator from Arizona feels that his rights have not been upheld. But the Chair, when several voices are resounding in the Chamber and all of the other noise, the Chair does its best to recognize the Senator who first seeks recognition and the Chair did that in this instance. And the Chair's decision, in any event, can never be appealed. The Chair exercises its discretion as to which Senator sought recognition first.

I merely say these things in defense of the Chair. I think that the Chair is doing an excellent job. As the Senator from Arizona knows, the new Senators have to take their turns first in the chair when they come to the Senate, as the Senator from Arizona did when he first came to the Senate. I believe he came when the Republicans were in the control of the Senate.

In any event, this is the way that rules and precedents have always guided us. I thank the distinguished Senator for yielding and I will not seek to speak further.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Arizona.

Mr. McCAIN. I do not want to drag it out, Mr. President. But I think—I was not saying that the Chair was being unfair. As I said, I think that the record—televised record of these proceedings will show that I did seek recognition first and was not granted it. I certainly do not fault the Chair for that, but I think facts are facts and will speak for themselves.

On the issue of this amendment by the distinguished chairman of the Appropriations Committee that is before the Senate at this time, frankly it is rather an astonishing one to me. Because as I read this, this amendment, I find the language something that I have been seeking for a long time. Only not for the Director of the Office of Management and Budget, but for the President of the United States.

It says that:

> The Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects, or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

My friend from Colorado talked about pork being in the eye of the beholder. Obviously, the beholder, now, will be the Office of Management and Budget, not the President of the United States. This amendment, if adopted, will give enormous power to the Office of Management and Budget and, frankly, I have some concern about that because I think this kind of authority to determine which projects are wasteful and unnecessary, nonmeritorious—that responsibility, in my view, should rest with the President of the United States, not anyone lower down, because the Directors of the Office of Management and Budget as we all know are not elected officials. They are not chosen by the American people to make these decisions.

So I have to say, this is an astounding amendment to me, the way I read it. I am sorry I did not know this amendment was going to be proposed. I would have had some scholars look into the impact and meaning of this amendment. But the way I read it, having just had a chance to examine it, it has far-reaching and profound consequences. What this amendment says, as I read it, is that the Office of Management and Budget, as it says, will be administering—"will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects, or activities are approved."

So now we will have the Office of Management and Budget decide which is meritorious, which is unnecessary, which is necessary, and which is wasteful—a very astounding, in my view, concession of power to a nonelected person and persons in the Federal Government.

So I will have to examine this amendment further before it is voted on, since I hope there would be other comments on this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today in strong support of the President's economic stimulus package and the amendment put forth by the Senator from West Virginia.

When I was in high school, I never dreamed I would become an elected official, much less a U.S. Senator. I always thought Senators had to be tall and rich and male. It is funny how many people in this country still believe that. But my parents always told me that the little guy was just as important as the big guy. And I believe that.

I understand how easy it is to sit in this Chamber and forget that America is made up of little guys. It is easy to forget—in the numbing glare of these television lights—that our actions affect millions of citizens across this country. We read the newspapers and study the politics. But do we all hear the call from across the country to stop business as usual and end the gridlock?

The previous administration said: "Trust us. The recovery is just around the corner. Jobs are growing." That might be true for part-time, low-wage, low-skill jobs. But it was not true, and is still not true, for highly skilled, good-paying jobs. Try convincing those workers about to be laid off by Boeing, IBM, or Sears that the economy is in good shape, and that it will be easy to find a comparable job.

Try convincing States and counties that the recession has ended. County governments which are responsible for providing everything from roads to health clinics to police protection are hurting.

In my State of Washington, unemployment is rising. In the county of Gray's Harbor, nearly one of every five workers is unemployed. In Skamania, another timber-dependent county, unemployment is over 30 percent. The residents of these counties are counting on the economic program before us.

In many of our cities, the feelings are the same. Not long ago, I visited Lincoln High School in Tacoma, WA. It is a tough school. When kids there go home at night, they do not debate whether earning $200,000 a year makes you rich. They do not make points of parliamentary inquiry. And they do not talk about economic theory. They worry about tomorrow.

When I visited the school, I said: "What can I do in Washington, DC, to help solve the problems of gangs and violence and drugs?" Heather Jones, and students like her, told me to create jobs. They said even if they had the money to go on to college, they did not believe they would get a job when they were done. They said to me: "Why not be in a gang, at least there someone cares about me."

Hope has gone out of our children's lives. The economic plan that we are debating today gives Heather and her friends a reason not to join a gang. It gives them opportunities and hope for the future and a stake in our society instead of a future that is darkened by poverty and violence.

For the first time in a decade, there is an administration that understands the problems Heather is facing. This plan will give 680,000 kids summer jobs. These kids cannot wait for this plan to be put into action, and I cannot either. I cannot wait to go back to Lincoln High School after this passes and tell those kids, "Yes, you will have a chance for a summer job." And I cannot wait to tell their parents, "Yes, your children will be vaccinated." And I cannot wait to say to those kids, "Yes, you should go to college because if you put in the time and the energy, there will be jobs waiting for you." And I will say, "Yes, you are paying taxes, but look what you are getting in return: improved highways, safe streets, and a healthy country."

For years, Americans have been paying and getting little in return: waste, abuse, and the rich getting richer. People in this country are desperate. Look at the state of the American family, and then tell a poor mother that WIC is not an emergency. Tell a person living with AIDS that Ryan White funding is not an emergency. Tell a child trying to learn that Head Start funding is not an emergency. Tell a child whose parents cannot afford it that immunizations are not an emergency. And tell that child's classmates that the child who has not been immunized is not an emergency. Tell our Nation's 1.8 million jobless that unemployment benefits are not an emergency.

It is easy to forget about the little guy, Mr. President, but I cannot. You see, the highest paying job I had before I came to Washington, DC, paid $23,000 a year. I know what it is like to fear losing my job. I know what it is like to fear losing health care benefits. I know what it is like to tell my kids, "You can't have what you want." I know what it is like not to be able to go to my bank account and take out a hundred extra dollars for an emergency. I know what it is like to hope that the bills come late because the money is not there to pay them. And I also know firsthand the value of the programs in this bill.

During the Reagan years, I was teaching preschool. I hear all the time from some of my colleagues that they are captains of industry and experts in creating jobs because they have owned businesses. I am grateful for their advice and economic wisdom on fiscal policy. But, Mr. President, I am an expert in the programs that we are debating today, and I hope they consider my counsel when voting for this measure.

I know that children of low-income families need full year Head Start because they suffer a great loss of school-related skills over the summer. Full-day, full-year Head Start services are essential to many families who cannot use Head Start because their parents work full-time. Head Start cannot serve the educational needs of children if it does not fit the job schedules of the working poor. We must fund fully Head Start to provide full-year, full-day sessions, and we must do it now.

I understand that we have to balance our checkbook, and I understand that if we do not have the money, we should not spend it. But it perplexes me that the opponents of this bill laugh when we say that funding for WIC or Head Start are investments. It perplexes me because the opponents of this package seem to contradict themselves. Last week in the Banking Committee, I heard my colleagues argue that the taxpayers of the United States should give the RTC another $45 billion. If we do not do it now, it will cost us later, one of my distinguished Republican colleagues argued. But these same Senators reject the very same arguments for Head Start and WIC and immunizations. It does not make sense to me that they can argue that putting $150 billion into cleaning up the banking industry is an investment, but spending $75 million for WIC is not.

There are children in this country who go to bed every night scared, hungry, and sick. They live in hopeless neighborhoods riddled with violence. They grow up with no dignity and no sense of self-worth, and the opponents of this plan would have us believe there is nothing we can do about it? How can we reject funds for jobs and education to ease the pain? How can we be so cruel?

Mr. President, I have not been here long, but I am learning what we can do. If this body will unflinchingly vote for RTC funding, certainly we can pass a stimulus package to get this country moving again, or I guess we can continue to debate and filibuster. It is easy to forget the pain felt by little guys. But change is inevitable. The American people have mandated it. We can pass this package and change history for our country or we can sit here and be swept away by it.

Like all Americans, I know I have to pay my taxes. It is the cost of living in a civilized country, but I want to know I am getting something in return. That is the benefit of living in a civilized country.

Mr. President, this program is the triumph of the American spirit. A young new President arrived in Washington, DC, this year as an agent of change. He does not believe in business as usual, and neither do I. It has not worked.

I urge my distinguished colleagues who sat in this Chamber for so many years to hear the call of help from the American people and to understand that we cannot any longer ignore the call of help from the little guys. Thank you.

(Disturbance in the Visitors' Galleries.)

Mr. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. Order in the galleries. There will be no outbursts in the galleries. The Senator from West Virginia.

Mr. BYRD. Mr. President, in Plutarch's Life of Alexander, Aristotle said of Callisthenes, "His eloquence, indeed, is great, but he wants common sense." I have listened to the speech by the distinguished junior Senator from Washington. She has made a speech that is succinct, cogent, and persuasive, and it contains common sense. She spoke with poise, with confidence, and with high dedication to purpose. She is having an impact on the work of this Senate and I, again, congratulate her.

Mr. FORD. Mr. President, I ask unanimous consent I might have a couple of minutes without the distinguished President pro tempore losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair and I thank my distinguished friend.

Let me just say to my colleague from Washington, I was watching her on television and had to come to the floor to really see and get a better feel. She talked about little people, but she made a tall speech. I think if people were unable to watch the Senator today, and could go to the RECORD now and read the Senator's remarks, the Senator has talked about America and what it is all about. The Senator has talked about family. The Senator talked about struggle. I am a little older, and I talk about my children and my grandchildren and their struggle. How important it is for both of us that we arrive at the same results.

I think the distinguished junior Senator from Washington has said what you ought to listen to. I think the frivolous things we have been watching and listening to in the last few days are an insult to the American people. We stand here on this floor and we offer amendments that are "the phantom of the opera" it was called last night. Oh, they can get smart and snide. But when they listen to remarks that contain common sense, from someone who has been there, who understands, I would hope we could move on.

We hear these big speeches about how great the President is, how great he is at opening the doors and we are going to move forward, but I am not for him. I am going to vote against him.

Somewhere along the way, we are going to have to say this is it. This is where we are going.

The frivolous amendments, the statements that are made, let us just refer them to the speech of the junior Senator from Washington. I hope not a moment will pass that we can have the opportunity to put into place the thoughts, the desires, the hopes, and dreams that we all have which were so eloquently stated by the junior Senator from Washington.

I thank the Senator.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the letter from Leon Panetta, the Director of OMB, to which I referred earlier today, be printed in the RECORD at the conclusion of my remarks; that following that letter the statement which was included when the Senate Appropriations Committee reported the pending bill, included at the request of Mr. HOLLINGS, be printed in the RECORD; and that the verbiage of the Byrd-Hatfield amendment, to which we have already referred a number of times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 22, 1993.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During debate in the House of Representatives on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for what were characterized as wasteful, low-priority projects. First, let me respond by saying that none of the specific projects referenced are actually in the legislation proposed by the President. It was the opponents of the stimulus legislation who developed the list of possible recipients of assistance.

In designing the economic stimulus program, the Administration emphasized programs of real merit that would produce jobs. The Administration is committed to careful oversight of the stimulus program.

Let me assure you that the Administration does not support funding for any of the types of projects that the opponents of the legislation speculated would be funded. The Administration will work with the appropriate members of the cabinet and the Appropriations Committees to insure that stimulus funding is used only for programs of merit and that low priority projects of the type discussed in the House will not be funded.

Sincerely,

LEON E. PANETTA,
Director.

LOW-PRIORITY PROJECTS

During House of Representatives debate on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for lower priority projects. Included were such items as: (1) community development grants for golf courses and cemeteries; (2) fisheries atlases and studies of the sicklefin chub; (3) construction of whitewater canoeing facilities; and (4) payments for a National Oceanic and Atmospheric Administration class VI computer.

On March 22, 1993, the Director of the Office of Management and Budget wrote to assure the Committee that these type of low-priority projects were not proposed in the legislation submitted by the President and would not be funded. The Director committed to work with Cabinet members and the Appropriations Committees to ensure that economic stimulus funding is used only for programs of merit and not for the type of projects discussed during House debate.

SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: *Provided*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I understand the distinguished Senator from Missouri [Mr. DANFORTH] wishes to speak on the amendment. I ask unanimous consent that upon completion of the speech by Senator DANFORTH, the Senate stand in recess under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Missouri.

Mr. DANFORTH. Mr. President, the issue that is before the Senate is a fundamental issue. This is not a frivolous issue. The issue goes not to minor details. It goes to the whole point of the President's economic program and the whole theory that tax and spend is the way to fix an economy.

Just to review the situation very briefly, the Senator from Colorado [Mr. BROWN] offered an amendment last night to delete from the appropriations bills funds sufficient to pay for a variety of programs that had been designated by the Secretary of Housing and Urban Development as proper programs to be paid for by this appropriations bill.

Senator BROWN said that we should delete about $100 million, a little more than $100 million of real spending. He said that we should not spend the taxpayers' money for the programs that he enumerated, and they include a tennis court resurfacing project, various swimming pool renovations, an aquatic facility, a boat house, a soccer field.

Senator BROWN said very simply, whatever the merits—a boathouse, a soccer field—these are not emergencies. These do not justify breaking the budget. Construction of an ice skating warming hut, according to Senator BROWN, is not an emergency. It does not justify this kind of spending program. A golf course should not be the heart of an economic stimulus package. It is not an emergency. A marina development, a basketball court in St. Charles, MO, my State. I am all for basketball and I am all for St. Charles, MO, but it is hardly an economic emergency or a meaningful part of a stimulus package.

Well, during the debate, we were told in essence please do not pay any attention to anything that the Secretary of Housing and Urban Development said, because these are mere details and they are not actually in the bill.

That argument, as I understood it, Mr. President, was let us not worry about for what we are spending money. We are going to spend money for something. Just do not take the money out of the bill, and we will figure out something useful on which to spend it.

The main object of a tax-and-spend view of economics is do not be precise about what you are spending for, just spend it, get rid of the stuff, get rid of the money, dish it out, drop it from airplanes, if you want to, whatever. Just accelerate the process of taking the money out of the pockets of taxpayers and spending it on anything at all.

Senator BROWN prevailed, and today it was opened up again. And we finally tabled, by a vote of 52 to 48, the Brown amendment deleting the swimming pools and the bike paths and the golf courses, and all the other things that were called part of an emergency package.

Now we have an amendment that has been offered by the distinguished chairman of the Appropriations Committee, and this amendment says, well, we do not really know on what we are going to spend money. We are not sure. We know that we want to spend money on something, and therefore we will rely on the executive branch; we will rely on the administration, on the Office of Management and Budget, simply to tell us that whatever it is we decide to spend it on is going to be meritorious.

That is the present state of affairs. That is the assurance that is now being offered to the American people: Trust us.

There used to be a radio character on KMOX radio in St. Louis named Miss Blue, and Miss Blue's famous trademark statement was, "All is well." This is an "all is well" amendment. This is the administration assuring us that if we give a blank check to spend money, it will be spent for some useful purpose—hardly the stuff of an emergency program, Mr. President, hardly the stuff of a significant economic program either.

This is tax and spend. This is the largest tax increase in the history of the country, which we agreed to in the budget last year, followed up in short order by spending on who knows what, but please rest assured that whatever it is, it will be a good cause, so certified by none other than the administration itself.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BAXTER INTERNATIONAL

Mr. GRASSLEY. Mr. President, last week was a triumph for the dedicated lawyers in Chicago's U.S. attorney's office. They worked tenaciously for more than 2 years investigating how Baxter International, the world's largest supplier of medical equipment, managed to get itself off the Arab boycott list. Prosecutors concluded that Baxter violated the U.S. antiboycott law, and last week Baxter pleaded guilty, agreeing to settle for more than $6 million. Baxter will also pay a criminal penalty, making this the very first time criminal boycott activity was found by prosecutors.

The case was first brought to the attention of Federal authorities by Dr. Richard Fuisz, a former executive with Baxter. He revealed that in 1988 Baxter closed down a facility in Israel and then in 1989 was delisted from the Arab boycott and thus certified to do business in Syria.

The Commerce Department, the agency which is authorized to investigate violations of the antiboycott law, failed to pursue the Baxter investigation aggressively. As a result, some courageous Commerce investigators brought the case to the attention of the Justice Department for criminal investigation. Here is one more example of loyal public servants who toil within the bureaucracy fully understanding the public trust that they hold.

Baxter officials and senior Government officials may have preferred a coverup, but the hard work of the Commerce investigators and the U.S. attorney's office prevented that coverage from happening.

In spite of the November 1990 internal investigative report in which Baxter proclaimed its own innocence, Baxter will now pay $500,000 in criminal fines and some $6 million in civil penalties for its wrongdoing.

In addition, one senior Baxter official will pay $100,000 in fines for his handling of negotiations with the Syrian Government to get off the Arab boycott list. I would have preferred tougher penalties and those responsible put in jail.

Nonetheless, this sets a precedent and a deterrent and, of course, shareholders and the board of directors of the company may go further.

Mr. President, we are the only Western nation that outlaws compliance with the Arab boycott. To its credit, Germany has enacted a similar law that will take effect next month. But the rest of our trading partners should do the same.

Treasury Secretary Bentsen said during his confirmation hearings he will press this issue whenever he meets with the Finance Ministers of the G-7 countries. I urge President Clinton to do the same with the leaders of our allies and trading partners as well.

The Arab boycott is a trade barrier. It distorts the marketplace. Last year, U.S. Trade Representative Carla Hills included some very basic information about the Arab boycott in the 1992 National Trade Estimate Report to Congress.

That was a good beginning, but more information should be included about the economic costs of this corrupting activity by the Arab League. That is why later this week, I am joining Senator LAUTENBERG in introducing a bill that will seek more detailed information about the boycott in the Trade Representative's annual NTE Report to Congress.

We can and should do more to work toward an end to the Arab boycott.

Again, Mr. President, I commend the efforts of the Justice Department and the Commerce Department investigators in their success on this case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

Mr. GRAMM. Mr. President, reserving the right to object, for how long does the Senator plan to speak?

Mr. BAUCUS. I ask consent to address the Senate as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE "SPECIAL 301" TRADE LAW

Mr. BAUCUS. Mr. President, on April 30, U.S. Trade Representative Mickey Kantor is scheduled under our Special 301 trade remedy law to release the USTR's annual list of priority foreign countries. With the deadline just a month away, I rise today to discuss the importance of intellectual property to the American economy, and our efforts to fight overseas piracy of that property with Special 301.

BACKGROUND

Intellectual property products are creative works. Some of them require no more than a pen and ink to create; others demand mastery of the most advanced technologies and sciences of electronics, optics, advanced materials, and more.

These products are broadly divided into three types: copyrighted works like books, films, sound recordings, and computer software; patented products like pharmaceuticals and mechanical inventions; and trademarked goods like designer clothes, shoes or other products differentiated by a brand name or symbol.

These works differ greatly from one another in kind, sophistication, price and in other ways. But they have one thing in common. They are hard to invent and easy to copy.

It is very hard to create a work of intellectual property. Computer software, for example, demands extraordinary technological sophistication, knowledge of specialized computer languages, and many other qualities. It takes years and millions of dollars in R&D to develop. But a 3-year old can copy their work. It takes seconds and costs nothing.

Likewise, writing a novel demands hard work and creativity. To copy the same novel, you need only a printing press and a weak sense of ethics. The same applies to films, sound recordings and other copyrighted products, and to trademarked goods as well.

Creation of patented products is equally demanding. Pharmaceuticals, agricultural chemicals, and innovative processes or machines demand technical competence and heavy financial investment to invent, perfect, and bring to market. It is much easier and cheaper to copy them than to do the hard work necessary to create your own patent.

THE PROBLEM OF PIRACY

The United States leads the world in these fields. Intellectual property, along with agriculture and aerospace, ranks as one of America's three most successful export industries. American film and television programs generate a $3.5 billion trade surplus each year. American pharmaceuticals generate a $1 billion surplus. American computer software leads the world in technological sophistication, and dominates world markets.

Few industries anywhere in the world are this successful. Unfortunately, the piracy industry is one of them.

Piracy is the unauthorized copying and sale of copyright or patented products, or unauthorized use of a trademark. Pirates all over the world—in every continent but Antarctica—copy, mass produce, and sell U.S. intellectual property works including films, videos, sound recordings, books, medicines, agrichemicals, Mickey Mouse T-shirts, Reebok shoes, CD's, and computer software.

It may seem odd to use the term "piracy" for this. The word conjures up images of eye patches, pistols, wooden legs, and the Jolly Roger. But it is hardly an exaggeration. The economic damage these pirates do to our country is far worse than anything Bluebeard or Captain Kidd ever dreamed of. Several years ago, the International Trade Commission estimated that they cost America somewhere between $43 and $61 billion in exports every year. Using a rough rule of 20,000 jobs per every billion dollars of exports, that means as much as a million jobs.

Modern pirates can also be just as violent as the pirates of the 17th century. The American recording industry gives us some examples. They tell us that audiocassette pirates in Paraguay—who until very recently controlled 98 percent of the national sound recording market and sold at least 2 million cassettes a month to neighboring countries, costing U.S. recording artists and companies $200 million in 1992—have threatened their opponents with death. Representatives of the U.S. recording industry in Bangkok closed their offices after receiving bullets with their names on them in the mail.

NEED FOR FIRM U.S. ACTION AGAINST PIRATES

Piracy is already a devastating problem for U.S. firms and workers. And unless we fight it, it will get worse every year. Many copyright and patent products—software is an example, pharmaceuticals are another—are more advanced every year. They demand more technical skill, and they require more R&D. But they do not get any harder to copy. Thus, pirates can make more money by stealing them.

In 1988, we created the Special 301 section of our trade law to fight piracy and ensure protection of intellectual property rights abroad. This law requires the U.S. Trade Representative to compile an annual list of countries which allow the most egregious piracy of U.S. intellectual property, the most inadequate legal protections for intellectual property rights, and whose markets are least open to intellectual property products, and to designate these as priority foreign countries.

Once this list is published, Special 301 directs the USTR to negotiate agreements to address the problems within 6 to 9 months. If pirate countries refuse to reform, it authorizes retaliation against the exports of the offending country.

USTR also uses Special 301 to place countries which allow lesser degrees of piracy on a priority watch list and a watch list. This warns them that we are aware of their dereliction, and that consequences will follow if they do not act.

THE RECORD OF SPECIAL 301

Over the past 4 years, Special 301 has proven a tough and effective law. Some examples:

The American film industry once sold no films in Indonesia. Every single U.S.-made film sold or shown there was a pirate edition. The situation today, 2 years after USTR placed Indonesia on the watch list, is not perfect. But it is better; Indonesia has reformed its laws, and is opening the film and video markets.

Recent reports indicate that the threat of action under Special 301 has forced action against the audio cassette pirates in Paraguay. It led the Governments of Canada and New Zealand to upgrade their pharmaceutical patent laws, and induced the Argentina Government to consider a similar step. It forced the Government of Korea to improve its patent law and prosecute software pirates.

Special 301 also proved effective in China. After naming China a priority foreign country in 1991, negotiators from USTR, the State Department and Office of Patent and Copyright won strong copyrights protections for computer software and sound recordings in China, as well as patent protection for agrichemicals and pharmaceuticals.

Our experience with Special 301 carries several important lessons. First, negotiations work best when the United States sets priorities and deadlines. Special 301 requires USTR to target the worst violators of U.S. rights and puts time limits on the negotiations. The deadlines force decisions, and the threat of retaliation makes sure they are made.

Second, the United States must be willing to stand up for its rights. The Chinese talks are a good example. Faced with retaliation against their exports, the Chinese agreed to shape up. They passed a new and credible copyright law, and have begun to enforce it. We must, of course, watch the enforcement carefully, but we have made a great deal of progress.

NEW SPECIAL 301 DECISIONS

Pirates do not go away by themselves. And if we do not keep the pressure on, they will return to its old havens. Thus, with the 1993 list due out on April 30, the USTR's task this year is no easier than before.

Copyright, trademark and patent industries all cite Thailand—listed as a priority country in both 1991 and 1992—

as one of the most egregious offenders. They have been pushing for action against Thai pirates for 8 full years, but report that they have seen no measurable progress.

No major pirates have yet been convicted, although some have pled guilty and received minimal fines ranging up to $1,700. And reports indicate that Bangkok pirates are clambering up the technological boarding ladders to raid new markets and plunder higher value products like CD's. Trade associations representing the American copyright and trademark industries thus believe the time has come to retaliate against Thai exports unless there are immediate and drastic improvements.

Taiwan is another long-time offender, which the USTR cited as a priority country last year. Copyright industries report widespread piracy of computer software, CD's pirate broadcasts and other products. Losses to these industries due to Taiwanese pirates totaled $669 million in 1992—the largest loss in any country in the world. Both the copyright and trademark associations have called for retaliation against Taiwan this year.

Italy is a center for video, sound recording, and software piracy, and also for unauthorized use of American trademarks—a remarkable irony given the value of name recognition to Italian companies. United States industries estimate that Italy's pirates, in fact, rank second only to Taiwan in the losses they cause the United States: $500 million last year.

India is cited for piracy and inadequate legal protection by copyright, patent and trademark industries. Parenthetically, India, which was cited as a priority foreign country in both 1991 and 1992, also has played the most obstructionist role of any country in the world at the Uruguay round negotiations on intellectual property. Poland and Turkey are cited for piracy by almost every sector of the intellectual property industry. The new Government of Brazil suggests weakening its already inadequate patent protection for pharmaceuticals.

New and serious problems are developing in Russia and other former Soviet Republics, which have poorly developed patent and copyright laws, and weak law enforcement in any case. Saudi Arabia, Bahrain, and the United Arab Emirates—the wealthy oil-producing countries of the Persian Gulf—are notorious for failure to protect American copyrighted goods. Illegal copying of American computer software continues in Germany and Korea.

CONCLUSION

Mickey Kantor, our new USTR, has a difficult task. But I know he will take a tough, aggressive and ultimately successful stance on intellectual property as in other trade issues. American intellectual property industries, and the jobs of the people they employ, are vulnerable. They depend on strong American action to defend them against piracy, and Special 301 gives it to them.

The PRESIDING OFFICER. The Senator's time has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does the distinguished Senator from Texas wish to speak in morning business?

Mr. GRAMM. If the distinguished Senator would yield, I would simply like to debate the Byrd amendment. If I could, I would like to be recognized in my own right. But I have no intention of moving to table it and it cannot be amended, since the distinguished Senator filled up the amendment tree.

Mr. BYRD. Mr. President, I yield the floor.

I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition to the Byrd amendment.

I would like to begin by defining how we came to this spot in the legislative process. I would like to talk about what the pending bill before us does and the decisions that we have made to this point. I would then like to talk about the Byrd amendment and why I oppose it.

I thank the Chair for his recognition.

Mr. President, we are, through an extraordinary set of circumstances, debating a bill that, if adopted this week, will spend more money than we will save—with the adoption of the budget that we approved last week—through 1997.

Let me say that again. If we adopt this bill, and if it subsequently becomes the law of the land, we will in one vote approve more new spending than the total of all nondefense savings achieved through the end of 1997 that were contained in the President's budget that we adopted last week.

It is, perhaps, an incredible paradox of the legislative process that, throughout last weekend, some Members of the Congress and the President pounded their chests and talked about a hard choice we had made on the budget, talked about the progress we had made, when, in fact, here we are on Tuesday voting on a spending bill that will spend more than the accumulation of all those savings contained in that budget through 1997.

But there is something that is even more incredible, Mr. President, and that is, technically, this bill violates the law. We have currently in place a spending limit on discretionary spending that was adopted in 1990. The American taxpayer paid roughly $150 billion of new taxes. In return, what the taxpayer got was a guarantee from the Congress that we would put a cap on spending, and that cap would be in force through 1994.

In fact, the law says that if we violate that spending cap, the amount that we spend over it will be cut across the board from other discretionary spending programs. That was the enforcement mechanism, Mr. President, that we put into place when the American taxpayer paid another $150 billion in taxes. That is the law of the land.

What we are doing today is, we have a spending bill before us that through a loophole in the process is being designated as an emergency so that—even though we are spending $16.2 billion directly and we are releasing another $3.2 billion of spending; a total of almost $19.5 billion in new spending that would not occur in the absence of this bill—because of this procedure that we are using to designate this as an emergency, not one penny of this spending will count as spending, not one penny of it will count as deficit. But we will, in fact, spend; we will, in fact, send up the deficit; and we will, in fact, borrow the money.

We have simply agreed, through Government accounting, to say it is spending, but it does not count as spending; it is deficit, but it does not count as deficit; we are going to borrow it, but we are not going to say we are going to borrow it, because we do not want to comply with existing law, which is what the 1990 budget agreement is about.

I wonder, Mr. President, if maybe we should give the American taxpayer the $150 billion back or let them not comply with the law the way we are not complying with it. We took their money, we said we would limit spending, and here we are considering a bill that goes back on that agreement.

But, you know, if the taxpayer went back on that agreement, the Senator from North Carolina and the Senator from Oregon and our other colleagues know what would happen. They would go roust the taxpayer out of his bed at night and carry him off to prison.

But we, through our creative accounting, can say, "This is an emergency," and then we do not have to live up to the law of the land and to the commitment that we gave to the American people.

Mr. President, we have before us a massive spending bill. One of the elements in the spending bill has to do with community development block grants that total $2.5 billion. This is new spending on new projects that will be funded. And in the intermodal transportation section—which means mass transit and highways—we have another $2.9 billion of additional spending.

In order to get ready for this spending and, quite frankly, to build a political base for spending this money, the administration went out to the mayors and said, "Put together a wish list of all the things you would like to spend money on if we give you new money."

Now, I remind my colleagues, this is an emergency bill. The way we are getting around the law, the way we are not living up to our commitment to the American people, is to say: "This is an emergency. This is the President's economic stimulus package."

So the administration asked all these mayors to come up with their ready-to-go list, the list of projects they are ready to fund. And here it is in two great big volumes.

When we started the debate, it was pretty clear, as Members started going through these books, that there were a lot of things that were eligible for funding, and many of them would be funded under this bill, that we did not want to say we were for.

In fact, this did not start with the Senator from Texas. It started with the distinguished chairman of the Appropriations Committee and with the ranking member. They sent to the desk, and we adopted by voice vote, an amendment that did the following things: It said, in all of these ready-to-go projects that we are going to fund with some $5 billion, we do not want to fund everything. In fact, it said that we could not use this money to build golf courses or cemeteries. And then it got more specific. It said:

> None of the funds provided in this act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases, and studies of the sicklefin chub.

I applaud this amendment. I do not know, quite frankly, if I was on the floor when we adopted it by voice vote, but it certainly would have had my vote.

Then, however, people started to get serious. We had an amendment offered by our dear colleague from Colorado, which, in addition to dropping 54 of these projects from the list, also reduced spending—because this is what these projects would cost—by $104 million.

This amendment became very, very contentious. I remind my colleagues, and those who might be following this debate, that we had a long debate last night. We had a very heated exchange on the issue, because it is a very important issue. It is a defining issue as to what American Government is about, in my opinion.

In fact, no vote that we have taken this year in Congress has so clearly defined the real choices facing America as the vote we cast on the amendment of the distinguished Senator from Colorado.

Last night, we voted not to table it. We then had a procedure where there was a motion made to reconsider that vote and then the Senate adjourned for the night. Then we came back this morning at 11 o'clock and reversed the vote that we cast last night and rejected the Brown amendment.

Now, I want to remind my colleagues that we all rejoiced when Senator BYRD and Senator HATFIELD took out golf courses and cemeteries and whitewater canoeing and fisheries atlases and studies of the sicklefin chub. But when the Senator from Colorado tried to strike other provisions and the money that would pay for them, that amendment was first kept alive but then defeated. Let me remind my colleagues, because it is relevant to this amendment, what was contained in the Brown amendment, because my guess is that people in days and months and years hence will look back at this amendment and others similar to it to decide what American Government was all about.

Senator BROWN's amendment struck 104 million dollars' worth of ready-to-go projects from those that could be considered for funding and reduced the amount of money in this funding bill by $104 million. I want to just read a few of these to begin to define the flavor of what this debate is about.

> Foster Park tennis and basketball court resurfacing and color coating; Anthony Oats Park and pool renovation; miscellaneous pool repairs in Birmingham, Alabama; tennis court resurfacing; theater renovation; aquatics facility and ball fields; park construction; indoor pool, in Los Angeles, California; Fairmount Park boathouse restoration; soccer fields in Riverside, California; beach commercial revitalization; an Art Ark with 29 units of new construction live and work units in San Francisco, California; swimming pool, theaters, cemetery drainage.

Might I point out to my colleagues that last night after the Hatfield-Byrd amendment was adopted, I posed a question to the Chair as to whether or not, because the Hatfield-Byrd amendment prohibited the funding the cemeteries, whether or not that would prevent a cemetery fence in Atlanta, GA, from being funded.

The answer of the Chair was that based on the amendment, the Chair could not give an answer.

My question was: Given that the Byrd amendment precludes funding for cemeteries, could a project in Atlanta, GA, to repair a historic wall around a cemetery, be undertaken? $2.5 million?

The Chair responded that the Chair was unable to give us an answer to that question.

The Brown amendment would have stricken funds for an ice skating warming hut in Union Pond Park, in Manchester, CT; theaters, golf courses, parks, recreation, marinas, recreation center, art center, basketball court, shopping centers, two new gymnasiums, indoor pool, outdoor ball fields, and the list goes on and on and on and on.

Mr. President, what the distinguished Senator from Colorado wanted to do is to strike these projects and drop the money and guarantee to the American people that these projects would not be funded.

I would like to remind those following this debate that this is supposed to be an economic stimulus package. And it is supposed to be an emergency package. I do not think anybody can justify any of the provisions that the distinguished Senator from Colorado would have dropped as being either an economic stimulus package or being an emergency proposal. I do not know what is an emergency about tennis courts and basketball courts, about aquatic facilities, indoor swimming pools, and an art ark.

I do not believe that anything here is an emergency. Frankly, as I have said earlier in debate, it seems to me that this is not an economic stimulus package, this is a political stimulus package. Anybody who makes an argument that by funding projects like this through a $5 billion investment where we are borrowing every single penny we are spending, that we are going to somehow make America stronger, that we are somehow going to create more jobs, more growth, more opportunity—I think that is an argument that the American people are going to find hard to understand.

Mr. BREAUX. Will the Senator from Texas yield for a question?

Mr. GRAMM. I would be happy to yield for a question without losing my right to the floor.

Mr. BREAUX. I will ask the question. I have heard this list time and time again. I would agree with the Senator that some of the projects on the list that he has been reading are projects we should not be funding on an emergency basis—or probably at all. But it is my understanding—I would like to ask the question—is this not a list that represents sort of a wish list from local government officials and from Governors around the various States? They would love to have the money if someone was foolish enough to give it to them, but it is only a wish list that they would like to have. It does not represent any approval by this Senate, or by the House, or by anybody else, of funding for it. It is just a wish list?

Mr. GRAMM. If I might reclaim my time, first of all it is obvious that the distinguished chairman of the Appropriations Committee and the ranking member took this wish list seriously enough that they went through and specifically prohibited four projects. And then prohibited two general categories from being funded.

Mr. BYRD. Mr. President, will the Senator yield on that point?

Mr. GRAMM. I would be happy to.

Mr. BYRD. I have heard it said many times that the distinguished Senator from Oregon [Mr. HATFIELD] and I had offered this amendment and had used this list.

Senator HATFIELD and I did not use "this list." We only included in our amendment, those items that had been talked about on the House side before the bill came over here. As far as I am personally concerned, I did not even know that "this list" even existed at that time.

That is the reason why we specified the items that we specified. They had been kicked around over in the House, had been talked about, and were in the newspapers. Senator HATFIELD and I thought we ought to do something about them. But I did not know anything about this list.

And this list, if the Senator will allow me—Mr. President—to further say——

Mr. GRAMM. I will be happy to yield further.

Mr. BYRD. This list is a 1,700-page list as I understand it that adds up to over $7 billion. It is a list of items that mayors and county officials could at some point in time have, if they had the money—they could apply for them and get a CDBG grant to build them. These were just lists, "Well, what would you like, Mayor, if you had the opportunity? What would you like, Mayor of Kansas City?"

Well, he would send in his list as would other mayors. This list grew up as a result, as I understand it, of the mayors' requests, and was compiled under the leadership of a Republican mayor, and has nothing whatsoever to do with this bill. There is not one item in this bill that is on that list. Senator HATFIELD took the occasion to try to guard against those items that were talked about on the other side when the bill passed over there and they were printed in the newspaper.

I did not have any knowledge of this list, may I say to the distinguished Senator. And I thank him for his kindness in yielding.

Mr. GRAMM. Mr. President, I would like to make a further point. I congratulate the distinguished chairman for specifically precluding whitewater canoeing facilities on the Ocoee River, and fisheries atlases, and studies of the sicklefin chub. But the problem is that Secretary Cisneros, in testimony before a committee of the Congress—when asked about what projects were funded—basically said that this would be the list from which the projects would come. And the purpose of the Brown amendment was simply to prevent what most Americans would be outraged at, from happening. Just last week we voted to mandate that the committees of Congress raise taxes on Social Security recipients who have saved all of their lives to build up a little nest egg. And now if they earn over $25,000 a year in their retirement, we are going to tax their Social Security benefits.

Senator BROWN's amendment was simply trying to be sure that having taxed Social Security benefits, having taxed every working family in America on the Btu or energy tax, that we did not then fund tennis courts and basketball courts and pool renovation and ice skating warming houses.

If we are not for these things, I do not understand why we reversed ourselves this morning on the Brown amendment. If we are not for these projects, there is one way to guarantee that they will not be funded, and that is to vote for amendments that specifically take them out of the ready book and remove the funding so that we know they cannot be funded.

In fact, because of the Byrd amendment, we know that the white water canoeing facilities on the Ocoee River will not be funded. We know that. The point I am making is there are 396 other similar projects that have been identified by people on this side of the aisle that we believe should not be funded. All we are doing is asking our colleagues to vote to deny funding to these projects and to save the money that they would have cost had they been funded, reminding my colleagues that every penny we spend here is being borrowed. Every penny that we spend this week is a penny that will be borrowed and that would have been otherwise used to build new homes, new farms, new factories to generate new economic growth.

This money now is going to be preempted by the Government. The Government is going to go out and borrow it. It is going to pay whatever it has to pay to get it. And all Senator BROWN's amendment was trying to do, an amendment that I was proud to cosponsor with others, was trying to see that none of those 54 projects ended up being funded. Would they have all been funded? Probably not. Would some of them be funded? Almost certainly they would be funded and will be funded if we do not do something to prevent them from being funded.

Mr. GREGG. Will the Senator from Texas yield?

Mr. BYRD. Will the distinguished Senator yield?

Mr. GRAMM. I will yield first to the distinguished chairman, but let me just complete this thought, if I may.

Why not be cautious? We may have lost our ability to be outraged, but the American people have not lost their ability to be outraged. Why not be cautious? If funds may be spent on projects like this, why not preclude them? And why not drop out the funding that would have been used to pay for them? How can we stimulate America's economy with those make-work jobs on projects like ice skating warming huts when we are having to borrow the money and take it away from real projects and real investment? That is ultimately the question that we need to answer.

Without losing my right to the floor, I will be very happy to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. It is my understanding that with respect to the superconducting super collider, we have already appropriated $1.8 billion. And the total cost of this monstrosity is somewhere between $8 billion and $10 billion. That is a lot of money.

The distinguished Senator from Arkansas [Mr. BUMPERS] has led the fight here to try to put some reins on that kind of an expenditure, and he has not been quite successful yet. But why not, may I ask the distinguished Senator, why do we not include in this bill restrictions on further spending for the superconducting super collider? Now, if we really want to save some money, we do not have to fool around with this chicken feed, like we have been offered here about phantom list of projects that are not in the bill and nobody is contemplating that they will ever be in the bill or money is going to be spent for them. Here is a real, honest to goodness piece of money that we could put on and apply to the deficit.

Would the Senator object, and I will support him in an amendment if he will offer it, and I would be happy to offer it or other Senators—Senator BUMPERS should be the one to offer it. He is the one who has pioneered this area. Would the Senator agree that if we want to really capture some money to apply on the deficit that we ought to stop this monstrosity and return that money to the taxpayers and assure them that the rest of this $8 billion to $10 billion will not be spent? If we judge this project by the other projects that we have seen from time to time, the estimate today will balloon by a year from today, instead of $8 billion to $10 billion, it will be $15 billion. I say let us put a stop to it now. I hope that at some point the distinguished Senator from Arkansas will further enlighten the Senate on this matter as he has so often done before.

Now would the Senator from Texas agree that we should not have any spending in Texas, no spending, just cut out all funds in this whole package for Texas and not only that, stop the superconducting super collider?

Mr. GRAMM. Mr. President, reclaiming my time to respond, first of all, without a spending reduction elsewhere I would vote against every project on this list that is for Texas. in fact, I must congratulate our dear chairman, in our markup at least for the first time in my awareness when we reported this bill for $16-plus-billion, for the first time I ever remember, we had it broken out by State. So you can bet that my trusty staff, always alert to that magic name, that republic which has since made itself part of the Union, when the name Texas appears, we lock in on it.

As I saw these glorious numbers, some $600 million, I think it was, I thought, $600 million for Texas. Perhaps that is God's work, but then I realized we have to borrow every penny of it; that the week after we said we were going on the spending wagon, that we are now going to pick up a glass full of this devil's brew, 16 billion dollars' worth and gulp it down. So I said to myself: I am opposing $600 million plus spending for Texas, but I am saving America $16.5 billion and what is the good bargain for Texas? I concluded, Mr. President, that the good bargain for Texas was: Do not spend money we do not have on projects that we can live without.

In terms of the superconducting super collider, I would join the distinguished chairman in striking every penny of funding in this bill even if that included some money for the space station, or the National Science Foundation, or the SSC—if such spending was not offset with reductions elsewhere in the Federal budget.

I want to assure my colleagues, never, ever will I ask for funding for science and technology in the future when that funding breaks the budget or when we have to use this ruse of saying it is an emergency so that we do not violate the law of the land in funding it.

I would argue to my colleagues that in the last 25 years when spending has shot through the ceiling, that in that 25 years, our expenditure on science and technology has fallen from 5.2 percent of the budget down to 1.9 percent of the budget.

So I personally believe that relative to the other money we spend that we under invest in science and technology in the future. And quite frankly, I do not understand the proposal the President made in his budget to pare back funding for science and ask for $16.5 billion of make-work projects.

How many golf courses and cemeteries and white water canoeing facilities and fisheries atlases and studies of the sicklefin chub equal the space station?

How do these amendments expend our technological capacity to compete on the world market? That I think is the relevant question.

Now, let me turn to the pending amendment of the Senator from West Virginia. What the pending amendment says is the following:

> Notwithstanding any other provision of law for this act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious program, project or activity are approved.

Who is going to determine what is wasteful? Who is going to determine what is necessary? Who is going to determine what is nonmeritorious? It is obvious that we disagree on this floor. I have colleagues who are here who believe investment in science and technology is not meritorious. I clearly do not believe that investing in white water canoeing facilities and fisheries atlases when the Nation is on the verge of bankruptcy is meritorious. Whose view is going to prevail?

Well, the plain truth is under this amendment the Office of Management and Budget can do whatever it wants to do because the Office of Management and Budget will determine what is watesful, what is unnecessary, and what is nonmeritorious.

Mr. GREGG. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield for a question in a moment.

So this amendment may have many objectives, but its practical effect is nothing. Its practical effect is that OMB is going to decide what it funds and what it does not fund, when the Senator from Colorado simply wanted to say do not fund 54 projects in tennis courts, basketball courts, pools, and ice skating warming facilities.

Now, will the Office of Management and Budget decide that an art ark is wasteful, unnecessary, nonmeritorious? I do not know.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. GRAMM. But do we want the Office of Management and Budget to decide? I say let us decide. We were empowered by the Constitution to appropriate funding. Only the Congress can do that. Why should we give this power to somebody else?

Mrs. FEINSTEIN. Will the Senator yield?

Mr. GRAMM. The distinguished Senator from New Hampshire asked me to yield for a question. I will be happy to yield.

Mr. GREGG. Mr. President, if I could ask the Senator from Texas a question.

As I read this amendment—the Senator has stated it—it would mean that the power to make decisions on these projects, many of which were not included in the Brown amendment, projects such as counseling for self-defeating behavior, which was one of the things that would be funded under the mayor's project in Pontiac, MI, projects such as that which were not included on the Brown list would theoretically under this amendment be subject to some sort of oversight by OMB. But if I understand the parliamentary situation and the position of this Senate, it has spoken as of this morning that the 54 programs including the 24 bicycle paths amounting to $40 million, the 13 parking lots amounting to $17 million, the 5 bus stops amounting to $3 million, and the 15 baseball fields amounting to $21 million, those projects the Senate this morning deemed sacrosanct. By a vote of this Senate, those projects were basically confirmed as being off the table for OMB to look at because, if I were at OMB and I had seen the Senate had rejected the amendment of the Senator from Colorado which tried to delete those projects, I would say I as a functionary in the office of OMB have no right to second-guess the legislative decision of the body of the Senate, and therefore those projects have basically been given the stamp of approval by this Senate.

I do not think this amendment of the Senator from West Virginia can affect those projects because legislative language is basically going to take those projects, and the vote of this body is going to take those projects off the table.

Mr. GRAMM. Reclaiming my time, it seems to me that, first of all, this amendment does nothing. In fact, I always thought it was the job of Congress to decide what was wasteful, unnecessary, and nonmeritorious. Perhaps we are offering the amendment because we know that such a poor job has been done in the past in making those decisions.

But the bottom line is even though this amendment is meaningless, the Brown amendment was not meaningless because the majority voting first said they liked the Brown amendment, they wanted to strip out those projects, and they wanted to drop the funding level. And then this morning the Senate reversed its action and said it would not strip them out.

So our message to OMB, but more importantly our message to the working men and women of America, was the majority of the Members of the Senate did not want to exclude those projects, did not want to say that we did not want them funded and did not want to drop the money.

So we can offer all kinds of excuses, we can have all kinds of cosmetics, but they cannot cover up the ugly fact that when we got right down to the bottom line, we were not willing to say do not fund some of the most clear-cut pork barrel projects that I have witnessed in the 14 years I have been in Congress.

The bottom line is we are shooting with real bullets here. The bottom line is we are spending $16.3 billion of new money that we do not have. We are going to have to borrow every single penny of it. We are going to spend more money this week than this much praised budget will save in nondefense spending cumulatively between now and 1997. We are going to spend all of those savings away and more this week.

I ask my colleagues, how can we say to the American people we are serious about deficit reduction and we are serious about spending control when last Thursday we adopted a budget that raised taxes by $295 billion, and that cut nondefense spending by $7 billion? If that did not throw our credibility into some question, it should have. But now we are coming back 1 week later and we are spending $19.5 billion we do not have, more than twice the amount of nondefense savings in the whole 5-year period of the President's budget. So I think we are down to a question of credibility.

My point is that the Byrd amendment simply says let OMB decide what they want to do, but it gives us absolutely no guarantee that we are not going to end up taxing Social Security recipients, taxing every family in America on the energy tax, and then spending that money on projects such as—and I will just click off a few of them because I think it is important that people know about it.

Let me talk about the ones that are not in the Brown amendment. Graffiti abatement, bicycle paths, construction of a casino building in West Haven, CT; the Brown amendment has the ice skating warming hut, but I do not believe that, unless I missed it, it has the casino building.

It does not have the repair of the historic wall around the cemetery, it does not have landscaping around bus shelters in Gary, IN, in it. That still is on the list, is not precluded.

The list goes on and on and on—sprinkler systems, parking garages, the building of a grocery store in Minneapolis, MN. Since when did we get into the business of building grocery stores in Minneapolis, MN? Well, we are about to get into the business when we get into the business of providing $5 billion in highway and grant money that is supposed to stimulate the economy. What kind of stimulation is this? I say that this is wasting the taxpayers' money, and the plain truth is everybody knows it.

The problem is we have lost our ability to be outraged. That is the bad news. The goods news is the American people have not lost their ability to be outraged. And when they discover that we are allowing their money raised by taxing Social Security benefits and taxing working families to be used to fund these kinds of projects, they are going to be very unhappy.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mrs. FEINSTEIN. Thank you very much. Mr. President, I would like to put on my hat for a moment. It might be of help to the Senator from Texas. The hat I would like to put on for a moment is that of a former mayor and a person who has administered a Community Development Block Grant Program—nine of them for 9 solid years.

I would like to explain how that is done. The Community Development Block Grant Program is just that. It is community development. Every recreation project is funded with public moneys in the cities of America, virtually every single one, unless a benefactor provides those funds.

I would like to point out to the distinguished Senator from Texas that there are homeless projects on this list, there are AIDS projects. One of the projects on the Senator from Colorado's list is the 27,000-square-foot community center in Martin Luther King Park in South Central Los Angeles, CA. If there was ever a need for an injection of public moneys into a local jurisdiction, is in South Central Los Angeles. As a matter of fact, Mr. President, 13 of those projects on the Senator from Colorado's list were in the State of California. Every one of them is a public recreation project of some kind or another.

What a mayor does and what I did was to forge a program. I would hold public hearings. I would put together a program for the use of community development block grants moneys. I would send that program to the board of supervisors. The board of supervisors could accept it, could amend it, could reject it, but there was a regular process in which these moneys were evaluated, heard, and approved on the local level.

With all due respect, if you look through these 1,700 projects, you will see many that are extraordinarily important if we want to rebuild our domestic infrastructure. There is one thing that most of these projects have in common. They do improve the community's development, and they do produce jobs.

It is easy to go through and pull out projects. Maybe from the perspective of the Senator from Texas it is not significant what happens in South Central Los Angeles. I can assure the Senator that if you are in South Central Los Angeles, it is very significant. This Congress passed an urban aid bill to help South Central Los Angeles. It was vetoed, and nothing came.

I see on this list some funds to go for Martin Luther King Park, the construction of a 27,000-square-foot community recreation center with an indoor pool. I guess that is true, as an approved project that Los Angeles has submitted.

Suddenly, there is some kind of indication that all Community Development Block Grant moneys are bad. They are not. San Francisco funds its redevelopment agency with Community Development Block Grant funds and has from the very beginning of Community Development Block Grant moneys. They have built housing. The art ark project is a low-income housing project in San Francisco.

Sure, it is easy to poke fun at these things. But I would hazard a guess that most of the people want community centers that run, they want libraries that have books, they want transportation systems that can move their people. And this is one way the Federal Government has come to help local jurisdictions.

So, Mr. President, I must say I get my ire going somewhat because I remember the many hours when as a mayor I screened these projects. I say to my colleague that I did my utmost to see that there was no waste of public money. And I must say for every mayor out there that I take real exception to the fact that certain projects are singled out and found not worthy. I think this community center in Martin Luther King Square in South Central Los Angeles, in an emergency stimulus package, is important to the future of this Nation because right now in South Central Los Angeles there is a possibility of another monumental situation developing.

For 12 years, virtually nothing has gone to the cities of America, from the Federal Government outside of this very program. The Economic Development Administration was slashed; UDAG was ended; affordable housing programs were cut; virtually every single program that benefited the future and fabric of our society by this very Congress was cut.

I must say I am absolutely incensed that a Member of this body could say that we are being lobbied by special interests for these moneys. No tobacco company has called me. No big oil company has called me. No computer firms are for this program. A lot of children that might have Head Start are for it, possibly, if they are old enough to know about it; maybe some babies that want to be immunized; people out of work who like to be able to have their unemployment compensation extended.

So I thank my colleague for this time, but I must say to make the Community Development Block Grant program the shibboleth is not correct, because there are many worthwhile projects. They employ people. They build our community infrastructure. They house, they move, they do just the very thing that many of us believe that Government should do. I thank him very much.

Mr. GRAMM. Mr. President, I am happy to have been able to yield. Let me make my point, because I certainly respect the feelings of the Senator from California.

I am not hostile to a new park in Los Angeles, CA. But I have to answer the following question: When we are broke, when the deficit is over $300 billion this year, when we are getting ready to tax Social Security beneficiaries who make $25,000 a year, when we are imposing energy taxes of $500 per year on families making $20,000 and $30,000 and $40,000 a year, all in the name of deficit reduction, I am mystified as to why we at the Federal level should be taking money we are taking away from Social Security recipients and sending it to Los Angeles, CA, to build parks and calling that an emergency, or calling it a jobs program or a stimulus program.

It seems to me Mr. President, that we have a fundamental difference philosophically here.

I think Los Angeles ought to have parks, but I think people in Los Angeles ought to pay for those parks.

There are 600 million dollars' worth of projects in this bill for Texas. I would like to have that money. Many of those projects I am sure are going to be beneficial.

Mrs. FEINSTEIN. Mr. President, if the Senator from Texas will yield, California is a donor State. We pay $14 billion more in Federal taxes than we get back.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, Texas is also a donor State. I am not going to stand here and argue we do not get a benefit from being part of the greatest country in the history of the world.

The point I am making is this and I think it is a very simple point. We have two choices here and both of them are legitimate. I say with a deficit of $300 billion, when we have passed a budget that calls for taxes on modest income people and on their Social Security benefits, when we are raising energy taxes on every working family, why would we want to fund projects like these?

I am not hostile to parks in Los Angeles, CA, but I do not believe you can argue that: First, they are an emergency or; second, they are really going to provide the foundation for long-term economic growth. And when we are $300 billion short this year of paying our bills, why we would want to fund these kind of projects, I do not know.

Finally, when you realize that we are going to borrow this $16½ billion, when you realize we are using an accounting scheme whereby we are not going to count it as spending because it would then violate the law and trigger an across-the-board cut in other spending if we did this without the emergency designation, I just do not think you can make an argument for it.

It is not a question of the need for the Martin Luther King Park or any of these other parks, or any gyms or any bicycle paths, ice skating warming huts, or any other projects. It is not a question of merit or lack of merit in these projects. The question is basically what is America trying to do and how can we argue that we ought to raise taxes on the working men and women of America and then turn right around and fund these projects.

I cannot make that argument. Maybe there are others who can. I cannot argue that we ought to be taxing someone's Social Security benefit who is making $25,000 a year who has worked a lifetime to earn that money. I cannot in good conscience argue that we ought to take their money to pay for these projects. I am in no way trying to say if I were mayor of a big city that I would not think that these projects have merit.

I am not saying they do not have merit. What I am saying is they have costs. And how can we have any credibility whatsoever if we are going to spend more money this week than the budget we adopted last week would save in nondefense spending cumulatively through 1997?

I do not think that you can have credibility doing that. And it may be that some people think the American people are never going to awaken. The American people are never ever going to know what we are doing. They are asleep. They are not paying attention. They do not understand it. They are too busy. The NCAA championships are on. It may be true it may be they will never awaken. If they ever awaken, if they ever awaken to the fact that we are allowing money to be spent on projects like this when we are raising taxes on Social Security on every working family in America, they are going to be an awakened giant and they are going to be very, very unhappy about it.

Finally, let me conclude so other people can speak because I do not want to try to dominate the floor. My purpose in speaking today is basically to make the following point.

The amendment by the distinguished Senator from West Virginia does not alter the fact that if OMB decides to allow these projects to be funded they can be funded. They can justify defining waste or unnecessary or nonmeritorious however they want to. We have already heard some of our colleagues today say that investment in technology and science in the future is waste. I do not think it is.

I think these projects are a waste. I think ice skating warming huts are wastes, but there are those here who do not.

The point is the terms do not end up meaning anything. The only way we can keep this money from being spent is to take these provisions out and specifically to deny the ability of our Government under these extreme financial circumstances from funding tennis courts, basketball courts, parks, and all of these other things that would be wonderful to have in your neighborhood but which we do not now have the money to spend.

The Senator from Colorado gave us that choice. We at first took it last night. We took it. Today we reversed it. That is the bottom line.

Finally, let me respond to the argument that implies that if someone does not want to violate the spending restraint, maybe if someone does not want to designate these kind of pork barrel projects as an emergency, maybe if someone wants to try to shear off this add-on spending that they must then vote to eliminate every program they support in the Federal Government, that somehow unless you are for violating the budget, unless you are for raising the deficit, unless you are for emergency designation, then you should be against everything government does.

Let me tell you this: I will never support such a project in my State if funding that project means that we have to violate a budget which we have adopted. I will never do that. I will never support such a project in my State if we had to designate funding for it as an emergency in order to get around the law of the land in order to fund it. I will never vote to waive the Budget Act in terms of a spending cap to fund such a project in my State.

Mr. BYRD. Mr. President, will the Senator yield on that point?

Mr. GRAMM. With some trepidation, I will yield.

Mr. BYRD. Is the Senator telling the Senate that if there is an earthquake tomorrow in Texas, a tidal wave, or severe flooding, he would never vote to call that an emergency? We have done this time and time again in California, South Carolina.

Mr. FORD. Florida.

Mr. BYRD. Is the Senator telling the people of Texas that if there were an earthquake tomorrow, if there were a tidal wave there, if there were severe flooding there, disastrous situations created by an act of God, and is he telling the American people, is he telling this Senate, is he telling his own people that regardless of the suffering, regardless of the devastation, regardless of the lives that might have been paid, he would never, he would never, he would never vote for a bill for disaster relief if it used the word "emergency," if it made that on the basis of an emergency? That is the way we generally have to do these things.

Mr. GRAMM. Mr. President, reclaiming the time, I will respond.

Mr. BYRD. Would the Senator do that?

Mr. GRAMM. I am happy to respond, reclaiming my time.

Let me thank my dear colleague for the point he makes. The distinguished Senator made a point about a science investment that is in my State.

We are all aware of it. We hear about it every day. We had competition. Thirty-five States competed. States put up money to pay for part of the project, and Texas won the competition.

The point was made that if we are trying not to fund these programs, if we are not going to fund bike paths, not going to fund jogging trails, not going to fund ice skating warming huts, maybe we ought to cut science projects.

The point I am trying to make is that I am not going to vote to waive the Budget Act or to increase the deficit above a level we set out in the budget or try to circumvent existing spending limits to fund such projects in Texas or anywhere else.

To my knowledge, I would say to the chairman, that since the Lord has spared Texas these natural disasters, in my 8 years in the Senate I have never had to do that. I have, however, voted for waivers for disaster assistance to other States.

In his wisdom, our dear chairman has added a classification for legitimate disasters that should have been added, but that was not the point I was trying to make.

The point I was trying to make is this: This list has $600 million for my State, but it is not worth it. It is not worth borrowing $16.5 billion to give Texas $600 million. Texas is going to lose more than it is going to gain from this bill, and so is America.

But my point is this: Even if there are add-on spending provisions in this bill for my State, I would vote against it. There are, and I will.

That is the point I wanted to make. If we had a giant hurricane that hit Texas instead of Florida, no doubt I would seek the same treatment as any other State in the Union to help cope with the natural disaster.

Mr. BYRD. Even though it added to the deficit?

Mr. GRAMM. But on discretionary spending as opposed to a natural disaster, the point that I made—and it is a relevant point, because of the point that the chairman made and a point I am sure our dear colleague from Arkansas will make—is I am not going to raise the deficit, violate the budget, violate the spending cap to fund those discretionary programs that I am for. I do not think we benefit America by doing it. And every penny we are spending in this bill is technically illegal, because it violates the spending constraints that are set out in law.

I thank my dear colleague. And I am sure, as I have appreciated his wisdom on many occasions, if, God forbid, this hurricane or tidal wave comes, I will look back and I will say, "ROBERT C. BYRD saved me from making a fool of myself." Again, Mr. Chairman, I thank you for giving me the opportunity to make that clarification for legitimate emergencies arising from real disasters.

But I will repeat, for those who say you cannot be against this bill and be for any other spending: I am not for other spending if we are violating the spending cap or we are busting budgets we write.

But if we are going to write a budget and if we are going to say we are going to spend money—just to give you an analogy, let us say we decided this afternoon—which, given these projects, would not be so farfetched—that we were going to build a cheese factory on the Moon. I would vote against it. I can tell my colleagues right now I will vote no, and I would try to deny cloture.

But if we decided to do it, I would want Texas companies to do the engineering, I would want a Texas construction company to build it, I would want to use Texas milk, and I would want the celestial distribution center in Texas. But, am I for building a cheese factory on the Moon? No. Will I fight it? Yes.

I think that is the relevant point. I think to take any other perspective is to really distort what the whole debate is about.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first, I can only conclude that the Senator from Texas is shadowboxing with things that do not exist. He talks about all these programs that are going to be funded and they do not exist.

He never did answer the chairman's question about whether he was going to vote to eliminate the super collider, but we all know the answer to that, and that is the reason he did not answer it.

So I assume that he is against spending on projects that do not exist and he is for spending on projects that do exist, enormously expensive projects.

Mr. President, I can tell you than an emergency is like beauty. It is in the eye of the beholder. While personally I have a rewarding job that provides for me and my family, many people have not been as fortunate.

When President Clinton was elected, simply because I am the Senator from Arkansas, my desk was mounded over with people who are not as fortunate, people who need jobs. It is certainly an emergency for them.

I have a good friend who grew up with me in Arkansas that has been unemployed for 2 years. He has a Ph.D. He came into my office recently and wept. He said:

> I have done everything I know to get a job. I am getting ready to lose my home. My wife is employed, but the company she works for is getting ready to declare bankruptcy.

I spent an hour with him just listening, because often the most therapeutic thing you can do for a friend and constituent is to be a good listener.

During the campaign last fall, I went to a small town in southern Arkansas. There were a couple of hundred people there. I listened to farmers who at one time had been affluent and thought they had it made forever. A young farmer sitting across the table from me said, "Senator, I am going to make 3,500 bales of cotton on 1,600 acres of land"—that is well over 2 bales per acre, and that is a lot—"and I am going to lose a quarter of a million dollars."

So then I went and visited with some of the elderly in the audience. Fifty percent of that community is African-American, many of them elderly, because the young had left trying to find opportunities elsewhere.

I asked this elderly man:

> "What is your income?"
> "$436 a month."
> "Social Security?"
> "Yes, sir."
> "Is that your total income?"
> "No, sir."
> "What is?"
> "Well, my wife gets $186 or $200."

I forget exactly what it was. The total between the two of them was less than $600 a month.

> "What is your electric bill?"
> "Well, it's not much, Senator. We don't ever turn anything on at our house."
> "In the summertime, do you have an air conditioner?"
> "Oh, no, sir. We have a couple of fans. We turn those on on the hottest nights so we can sleep."

And on and on it went, people telling me that they had every month to make a choice between food and medicine.

No, there is no emergency among the most affluent among us, but I can tell you there were plenty of emergencies in that group.

I asked the same man:

> "Do you get food stamps?"
> "No, sir."
> "Why not?"
> "They tell me I'm not eligible. They will not let me have them."
> "And so you and your wife are living on $600 a month?"
> "Yes, sir."
> "Do you own your home."
> "Yes, sir. If I didn't own my home, I would sure be in tougher shape."

Mr. President, I do not like voting for a $16 billion stimulus package, either. But I can tell you this: It is a roll of the dice.

I think the President probably has some of the same doubts and reservations that thoughtful people in this body have. He must have.

But I will tell you what we are doing here and what the President foresaw, and that is we are going to cut a lot of spending and we are going to raise a lot of taxes, both of those things may threaten some jobs.

The State of California may suffer some of the adverse consequences.

So, if you do not put money in the 7–A Loan Program of the Small Business Administration, if you do not take some of the highway trust fund moneys that cannot be spent for anything else and build highways and create jobs, if you do not build water-and waste-treatment facilities, and if you do not repair homes and do all the things that are in this stimulus package, that unemployment rate could start skyrocketing in 1994 and send this economy right into a tailspin.

I am going to take a chance on a new, young, President who has leveled with the American people about the problems facing this Nation. And it was not easy. For 12 years I have heard speeches like the one I just listened to, that brought us from $920 billion to $4 trillion. We are going to have blood all over the floor before the end of this week, trying to get the debt ceiling raised. Everybody is willing to spend—on defense on that side and on domestic spending on this side—but when it comes to raising the debt ceiling, nobody wants to face reality.

I have heard all those speeches from the other side of the aisle about how there are only $7 billion in cuts. That is nonsense.

When they say there is only $7 billion in cuts, let me tell you how deceptive that is. I did not fully understand that until this morning. I kept wondering where this $7 billion figure came from. I will tell you. It is based on the premise that defense spending cuts do not count. That is not real money. It is only real money if you are cutting student loans, childhood immunizations, Head Start—that is the only cuts those people believe in.

So if you take all the add-backs of the additions, such as this $16 billion stimulus package, you take that over a 5-year period and you subtract it only from domestic spending cuts, you probably come to $7 billion. But it does not include the interest we are going to save by cutting the deficit. And it does not include any of the defense expenditures. If you took all of the add-backs and charged them against defense, you can say, why, they are cutting $150 billion on domestic spending. So it just depends on who is doing the calculating.

Mr. President, the Senator from Texas says he is not going to vote for this money for Texas. That is his prerogative. I intend to vote for it for Arkansas.

There is $200 million in this bill for Texas for highways which are funded out of the highway trust fund. When the people of Texas drive up to the pump and pay 9 cents a gallon in Federal taxes for gasoline, they expect to get it back. But the Senator from Texas says, "No, I am not going to vote for this $200 million they are trying to cram down my throat."

I am going to vote for it.

And he says he is not going to vote to help small businesses get loans from the Small Business Administration because it would bust the budget we just adopted.

I am chairman of the Small Business Committee, and I watch those programs very closely. Do you know why the demand for so-called 7-A Government-guaranteed loans for small businesses is skyrocketing? Because the banks will not provide loans to them. The banks are buying Government securities. And I do not blame them; they can make a $1 million loan and the cost of administering that loan is no greater than loaning some poor small businessman $25,000. That is a no brainier for banks.

So what do small business people do who are constantly desperate to start businesses and expand the businesses they have? What do they do? They have to go to the Small Business Administration. The demand for those loans is so intense and so great, on May 3, if the Senator from Texas' view prevails on the floor of the Senate this week, on May 3 the State of Texas will be out of business so far as making loans to small business is concerned. The program will be shut down; out of money. If he would like to send some of that money from Texas to Arkansas, we will take it. We have a long line of small business people wanting money.

Do you know the nice thing about those loans? There is $2.6 billion in this bill for small business loans. Do you know how that is scored? It costs $141 million. Where can you find a better bargain than that; $141 million will allow the Small Business Administration to make $2.6 billion in loans.

When it comes to these famous projects that you have heard listed, cemeteries and golf courses and swimming pools—they do not exist. The Senator from Louisiana was absolutely right when he challenged the Senator from Texas. He said that list comes from a potential list that the Secretary of HUD addressed before a House committee. He said these are projects that are ready to go. He did not say they are going to go, or that they are going to be funded, or anything of the kind.

It has been pointed out time and time again, there is absolutely not one word in this bill about a single one of those projects. Their purpose is to distract your attention and try to make the American people think this young President, who is really trying to do something about the deficit, is really going to squander your money on golf courses and cemeteries and you name it. It is palpable nonsense.

Do you know something else? For 12 long years, Dick Darman, Jim Miller, all those at OMB who were appointed by Ronald Reagan and George Bush—they made thousands of grants for just such things as we have heard about today and I never heard a peep on this floor about it.

Yet when Leon Panetta, Bill Clinton's nominee and Director of the Office of Management and Budget sends a letter over here and says, of course we are not going to fund these projects or anything else like it, they persist and say, "You are just kidding. The minute our back is turned, I know what you are going to do."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BYRD. Mr. President, would the Senator not agree that it was not called pork back then?

Mr. BUMPERS. I am sorry, I did not understand the question.

Mr. BYRD. It was not pork unless the Congress did it, would the Senator not agree?

Mr. BUMPERS. Absolutely.

Mr. BYRD. It was only pork when the Congress did it.

Mr. BUMPERS. Yes.

Mr. BYRD. But not when the administration did it, not when the Executive did it.

Mr. BUMPERS. That is a very interesting point the chairman has made, Mr. President. It is another way of saying whose ox is being gored. If they do it, it is OK. If somebody over here or the President does it—if the President does it, it is wrong.

The chairman of the Appropriations Committee, the manager of this bill, has made a very cogent point. If the people who are resisting this can embarrass the President before next Sunday when President Clinton is to meet with Boris Yeltsin, and if they can mortally wound the President between now and next Sunday, what does the President say to Boris Yeltsin? "I'm for you, but I don't have much influence, you know."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BYRD. Several Senators have indicated strong support for economic aid for Russia. I wonder how the American people would feel about legislation moving through this Senate providing economic aid for Russia if the Senate were to reject a bill providing economic aid for American taxpayers, American citizens, the American people.

How is the President of the United States going to be able to convince Mr. Yeltsin that he, the President of the United States, can move legislation through the Senate and the House providing for investments in Russia if the President has been delivered a serious defeat by the Senate on the very stimulus package, the jobs package, the package that provides for investments in America, highways, water and sewer facilities, infrastructure? If the Senate delivers a defeat to our American President, this new President on the 69th day of his Presidency, if the Senate delivers a defeat to our own President, how is our own President going to convince the Russian President, that he, Mr. Clinton, can get legislation through this body giving aid to Russia? I think the Senator has made an excellent point.

Mr. BUMPERS. I thank the Senator for his comment. It is right on target. How do you say to the American people, how does the President say it, for that matter: I want to help Russia succeed because if they do not succeed they still have those warheads? And you are going to hear that argument in spades for the next 6 months on the floor of the U.S. Senate as a justification for not cutting defense spending.

Mr. BYRD. Yes.

Mr. BUMPERS. But my point is, President Clinton is going to go to the American people and say, in the mode of Harry Truman, "I am going to tell you something you would rather not hear." Harry Truman said we are going to spend $17 billion rebuilding Germany and Italy and Britain and France, and

Senator Vandenberg, who was chairman of the Foreign Relations Committee, said, "you need a saliva test. You are talking about $17 billion in good American dollars to rebuild Germany that has been killing hundreds of thousands of our young men." And Harry Truman said, "That is exactly what I mean because if we don't, they are going to go Communist."

It was easily the defining moment in the Truman administration.

Harry Truman said to Senator Vandenberg:

> I need bipartisan help on this. I need to help sell the American people on trying to save Western Europe from communism.

Finally Senator Vandenberg, in a bipartisan spirit that, frankly, does not exist very often around here anymore, said, "Mr. President, you can count on me."

At some point the President is going to come to the American people and say, "This is not pleasing to hear, but if Germany and Japan and France and Britain and all the rest of the G-7 nations do not give a hand to President Yeltsin and his reforms and try to help them democratize and establish a market economy, you know who is going to get control: The same people who have been driving Boris Yeltsin crazy for the last 2 weeks."

But how can he do that when for 12 long years the one item in the budget that stayed static is what we call domestic discretionary spending that we spent on ourselves.

Mr. President, I have a speech that I make to the Chamber of Commerce occasionally, and I say: "If in the past 12 years, as we quadrupled the deficit, the national debt, if we had solved the problem of crime, if we had solved the problem of education, if we had solved the problem of health care, you could make some kind of a justification for the kind of profligate runaway spending, we have incurred but can you believe this?"

Two things happened: We primed the pump with $200 to $300 billion a year we did not have and we thought that is all you ever needed to do to stimulate the economy. Last year we stimulated it by $370 billion, and we are in a recession.

The other thing, Mr. President, is we increased spending on entitlements, we increased spending on defense, and we certainly increased spending servicing the national debt. We did not increase spending for domestic discretionary spending, and that is why we did not solve the problem of education. We are dead last among other nations in education. We are dead last.

And crime? No nation on Earth even comes close to us in the crime rate.

When it comes to health care, I do not have to tell a single person in America: that Americans are terrified?

A member of my family has multiple sclerosis, my beautiful 30-year-old niece. I adore her. My brother, her father, is a relatively wealthy man, a lot richer than me. But you know something, diseases like that under our present health care system—I do not care how wealthy you are unless you are really in the mega millions—can wipe you out. That is the reason everybody wants Bill Clinton to succeed in health care.

When I ran for Governor 22 years ago, we took a poll and without suggesting anything, we said, what upset you most? What do you wake up in the middle of the night thinking about? Do you know what led everything else without being prompted? The fear of being wiped out by an illness. Twenty-two years later, we are finally beginning to come to grips with it.

Mr. President, I guess I have said about all I want to say.

Mr. BYRD. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. I will be happy to yield.

Mr. BYRD. It was said on the other side of the aisle today something to the effect that the American people are slow to outrage. And the Senator wondered why the American people have not risen in outrage about, as I recall, spending for such items as were on this list, when time and time again we said the list is not involved in this bill and the funds will not be spent for such items.

Would the Senator not say that the people have a right to be outraged concerning the accelerated increase in costs of Medicaid? There are more recipients of Medicaid today in the country than ever before. Would the Senator not say it is time for the American people to be outraged about the fact that 1 out of 10 Americans today in this great country gets food stamps, the highest number of people on food stamps, 26 million? Is it not time, would the Senator say, for the American people to become outraged that the number of individuals on the AFDC rolls is the highest today than ever?

Are these things not worthy of the American people's outrage, and, if so, will not their outrage grow if the deficits continue to grow and if unemployment is not gotten under control and if the recession takes another dip, all of these things will contribute to a growth in that deficit? Would the Senator say that these matters are worthy of the American people's outrage?

(Mr. WELLSTONE assumed the chair.)

Mr. BUMPERS. Mr. President, the Senator takes me back to where I was a moment ago, and that is they ought to be outraged. They are outraged about the deficit. But they do not seem to connect between the size of the deficit and the fact that the pressing domestic problems of the country grew worse as we accumulated that deficit.

Do you know what the SAT scores are? Do you know what the crime rate is? Among 15- to 19-year-old children, the murder rate tripled from 1985 to 1990. That among youth 18 to 25 years of age the biggest single cause of death is gunshot? I could go on and on with all these things.

When Jimmy Carter was President, I believe we had 15 or 16 percent of the children in this country living in poverty. Three trillion dollars later it is between 22 and 25 percent. That is the reason Medicaid is growing. More and more people have fallen into poverty. And our priorities have been skewed.

Now, here we have a President who said, yes, I want to fund the WIC Program. Some Senators say: I do not like poor pregnant women having children out of wedlock. Why should I provide her with a nutritious meal? Some say, why, she just got pregnant so she could draw more AFDC payment.

I have never much bought that argument, but my point is this: You can say you have sinned and therefore we are going to cut you off of everything, and then you deprive that unborn baby of a nutritious protein diet and you are really shooting yourself in the foot because the chances of that child being defective and even retarded go up exponentially.

I recently got the Children's Hospital in Little Rock, AR, a grant to study the IQ levels of babies who were born and where there was early intervention to see that the mother got a decent diet and that the child got neonatal care, its immunization shots, and so on for the first 3 years of its life.

Do you know what that little grant to the Children's Hospital of Little Rock has already revealed? That if there is no intervention with that poor pregnant woman, and the first time she sees a doctor is when she delivers, and there is no neonatal care for that child once it is born and for the first 3 years, you get an IQ level 15 points below what it would be if there had been early intervention.

I do not like welfare either. Welfare takes a lot of forms. You look through the Finance Committee bill at some of the tax expenditures we make around here. I will show you some real welfare.

Mr. President, I am not having a particularly good time even with my good friend in the White House. I do not enjoy telling Social Security recipients back home we are going to make you pay tax on 85 percent of your income even if that only affects about 18 to 20 percent of the recipients. And the Senator from Texas a moment ago mentioned a $25,000 limit for single persons and $32,000 for married couples, and we have raised that, as you know, to $32,000 for single people and $40,000 for married couples. But even so, it is no pleasure for me to go home and tell the folks we are going to tax their Social Security a little bit more. It is no pleasure to me to see a Btu tax that is going to devastate farmers because of the amount of energy it takes to make fertilizer, herbicides, pesticides. They use energy running their irrigation pumps. They use energy on their tractors and in their trucks.

In addition to that, this bill that came out of the Budget Committee cuts agriculture over $4 billion over the next 5 years. As a Senator from an agricultural State, do you think it makes the cockles of my heart warm to go home and tell them that, that we are going to close a thousand Farmers Home Administration offices across America? It does not warm the cockles of my heart and it certainly does not theirs.

The Senator from Texas never did answer the chairman's question about the super collider, and I do not blame him; I would not either if I were him. But the chairman knows well that for 3 long years—this will be the 4th year—I have tried to torpedo a lot of those programs. So when the Senator from Texas says we are not cutting enough, I am going to give him a golden opportunity this fall in the appropriations process to cut a lot more spending.

The Senator from West Virginia alluded to the cost of the super collider. I am the ranking member on the Energy Committee, and I never will forget when Admiral Watkins, Secretary of Energy, came in and said this thing is going to cost $4 billion. And I thought at the time, well, maybe there is enough meritorious science there; physicists say if you just give us $4 billion, we can find the origin of matter. The Senator from West Virginia says you can find all that in First Genesis and you do not even have to spend a penny. Then later on he comes back and says the cost is now up to $5.9 billion, and if it costs a penny more than that, count me out.

Within 18 months, Mr. President, it was up to $8 billion. Do you know what it is up to now? Twelve billion dollars to construct it. Cost overruns everywhere. Do you know what the lifetime cost for 25 years is? Twenty billion dollars. Do you know something else? There is a French-German-Italian-Swiss consortia being built in Geneva that will be completed long before ours is to do the very same thing. We could not join that; that is only a 25-mile racetrack. Ours is 55 miles, and it is in Texas. It has to be twice as big as anything else.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. BYRD. Does it not strain the Senator's credulity to listen to the great orations about these fictitious lists from Senators who are unwilling to look at real waste that we have already started appropriating moneys for and which, as the distinguished Senator from Arkansas has said, will cost billions more in the future, and the estimates will probably fall short of the ultimate cost?

Mr. BUMPERS. Let me make this observation. The Brown amendment—I know the Senator from Texas thinks I am picking on him by now, and I am. But he talks about the Brown amendment. The Brown amendment said it would cut this bill by $100 million and none of these projects can be funded. That is fine with me. I am not going to vote for it because they are not even in the bill. This is silly. We all know this is made for 30-second spots.

Betty Bumpers is a good friend of the wife of the Senator from Oregon. They were out in front in the peace movement long before anybody else in the country. Everybody here knows that. I told my wife when she got involved with that peace movement that she was going to get me beat.

It turned out that people respected her for having an independent mind. She gives you humility lessons at my house in the evening. It is nice to have somebody around. This Senator needs that.

She told me during the campaign, she said, "Do you know what is wrong with you politicians? You think every time the American people see a 30-second spot they take leave of their senses as though they do not have enough sense to look through it, see it for what it is." We all know it, 30-second spots—deadly. We all know that the Brown amendment is designed to do only one thing, that is, make a 30-second spot over things that do not exist.

Let me make one other observation. The Brown amendment alluded to $100 million. The super collider would cost 200 times that much.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BYRD. Mr. President, I compliment the Senator on the fine statement he is making. He referred repeatedly to the amendment that was offered by the distinguished Senator from Colorado [Mr. BROWN]. The community development block grants in the past under Republican Presidents have been used for the kinds of items referred to in the Brown amendment.

For example, Secretary Pierce—I wonder whatever happened to Secretary Pierce. I do not hear much about what happened to that case. But in any event, for example, Secretary Pierce used CDBG grants, discretionary funds, to build a swimming pool in Long Island. I am not arguing whether or not that was good use or bad use of the funds. I am simply suggesting that Republican administrations have seen fit time and time again to permit Federal funds for these kinds of projects.

Mr. President, would not the Senator from Arkansas agree that these newfound opponents to public parks and public recreation facilities, would the Senator not agree that this newfound opposition seems to be an 11th-hour conversion?

The Senator can talk about the Bible. I do not happen to believe that everything and any point of view can be proven by the Bible. I will save that for another day.

Does not the Senator believe that this newfound opposition to public parks and recreation facilities seems to be an 11th hour conversion simply for partisan purposes to defeat the President's economic package?

The Senator is nodding his head in the affirmative. Does he agree?

Mr. BUMPERS. Absolutely. The Senator is right on target.

Mr. BYRD. Mr. President, if the Senator will yield further, Senators on both sides have been very interested I am sure to hear the Senators on the other side who have taken great license in attacking the President's stimulus package as laden with questionable projects. Repeatedly we have pointed out that those projects are not in the bill.

A number of the items cited as pork barrel projects are actually items—I called the attention of my colleagues—that were initiated with great pride by the Bush administration.

I will cite two examples. First, some Members have suggested that a portion of the $197 million for NSF research grants will fund a study of religions in Sicily. This $60,000 research grant actually was funded by the Bush administration at NSF. Funding for the study ended in January.

Second, some have argued against the $23 million requested for the so-called green program at EPA. The goal of these programs is to encourage large corporations to convert to the use of more energy-efficient equipment. This program was begun with great fanfare by the former Bush EPA Administrator Bill Reilly to cut energy consumption at large companies by installing things like more efficient heating and lighting systems.

But does the Senator from Arkansas, who is an observer of current events—the Senator thinks for himself, a Senator who when he speaks, speaks with common sense—does the Senator think it ironic that measures begun and funded by the Bush administration and supported by our Republican colleagues at that time became the subject now of such a partisan attack?

Mr. BUMPERS. I think one could reasonably say that there may be a little partisanship involved in this, Senator.

If I may just say, for example, I hear these arguments only on the other side of the aisle.

For all these years we have gone through Gramm-Rudman-Hollings, we voted on constitutional amendments. And now here is an honest to goodness $502 billion reduction in the deficit over the next 4 years and not one single soul can find it in their heart to say that I think it is high time—not one.

Mr. President, of course some spending is going to go up. Social Security COLA's are going to continue, some things are going to be cut. But what you never hear is, it is not that the deficit in 1998 would have been upward of $400 billion if we did nothing. It is always just think if we adopt this whole program, we are still going to have a $200 billion deficit in 1998. You never hear that if we do nothing, the deficit is going to be $400 billion. Why, there is going to be some increase in spending for some of these programs. And those are the kind of distractions that they would have the American people focus on and not on the main event.

The main event is, Mr. President, that by the year 2003, 10 years hence, if we do nothing—which is what we have been doing the last 12 years—the national debt will be $7.3 trillion. And what little chance my children or grandchildren will have in controlling that.

I just want to say that surely to God some day there will be an outbreak of sanity on this floor, and we will be able to tell the American people things really have changed, and we are serious; we are going to change the way we finance our elections; and we are going to change health care. I must say, if we change our ethics around here much more, I am going to have to hire three new aides just to go through it.

The other day when Ross Perot was lecturing everybody about ethics, I wanted to say: Mr. Perot, our ethics book is about that thick. How about your company? Do you have an ethics book that thick? You flew up here on a jet this morning. We could not do that without violating the rules. You have a limousine pick you up at the airport. We could not do that. Then you come over and lecture us about ethics.

I have nothing against him. He grew up in Texarkana. I used to talk to him on the phone occasionally. I have nothing against him. All I am saying is, Congress has never been in much favor with the American people and perhaps never will be. But I must say some of us who do our very best to toe the line around here often get a little chagrined at those who are—what shall I say—holier than thou. I yield the floor.

Mr. DORGAN. Will the Senator yield?

Mr. BUMPERS. I yield the floor.

Mr. DORGAN. I appreciate the Senator yielding. I want to underscore a point he made that I think is important in this debate. I have listened with attentiveness to the discussion that has been before us now for some hours regarding the amendment of Senator BROWN. The implication is to propose an amendment to delete spending that is not in the legislation that is before us. And the discussion of that suggests that somehow this building is full of profligate spenders who try to find the most egregious abuses of public spending and forward them to see if we cannot demonstrate that we simply have no ability to discipline ourselves.

In fact, that is not the case. The measure before us cuts Federal spending and cuts it in a significant way.

It is not true that the legislation we are dealing with that involves a stimulus to this country's economy contains the provisions that were articulated on this floor, 40-some provisions. That is not included in the legislation. To take them out of a bill they are not included in is a charade, in my judgment.

The reason I came to the floor when the Senator was speaking is that I want to underscore the mouse at the door and the gorilla in the room here. I say that $103 million is not insignificant. If there is $103 million in waste, I am going to vote to get rid of it. There is too much waste in the Federal Government. This is a behemoth, this Government, that spends too much money, often on the wrong things. But while we play around sometimes on these little vanishing games, and projects in this case that do not even exist in this bill, the Senator from Arkansas, for years—and I have watched this as a Member of the House of Representatives for years—has been on this floor taking on the big issues, the areas where we really spend money.

I say to those that want to cut spending in a significant way, I will tell you how you can cut spending by 700 times your proposal right now, this year: Get rid of the space station. It is a boondoggle. It should not be built.

The Senator from Arkansas has fought that battle, and I assume he will fight it again this year. Get rid of the super collider. It is a waste of money. It should not be built. Stop star wars. It is nuts. It is over.

The cold war is gone and done, and we ought not continue to spend money we do not have on a weapons system we do not need. Get rid of the space station; stop the super collider, and stop this nonsense called star wars. Save $7 billion this year—not over 5 years, but this year—save 700 times as much money as these folks are talking about.

Of course, they are talking about something that is myth, not real. These projects are not in the bill. If you really want to save money, I say to my friends in this Chamber, join us. I assume the Senator from Arkansas is going to be on this floor again on all three of these issues.

Mr. BUMPERS. And many more.

Mr. DORGAN. I am going to join the Senator and fight very hard to see if we cannot really cut Federal spending, big spending, and cut some of the big projects we do not need. These projects develop a life of their own and it does not matter how well they are managed. It no longer matters whether they are needed. They become a project that has its own life, and you cannot kill them. The heck we cannot; we ought to if they are not needed. They are wasting billions of dollars in the taxpayers' money—not a few million dollars, but billions of dollars.

I underscore the point of the Senator from Arkansas, that there is money to be had in spending cuts. But it is in the big projects, it is in the projects that a lot of folks here, who yell the loudest about public spending—it is in the projects they will not tackle. They will not tackle it because it is tough business to shut those projects down. That might really hurt somebody in their districts. But it is something we must tackle if we are going to control Federal spending.

I admire the work that the Senator from Arkansas has done in all three of these areas, and I look forward to joining him this year.

Mr. BUMPERS. Mr. President, I have yielded the floor and will yield the floor again momentarily.

There is the space station, and that makes the super collider look like peanuts. A House study shows that the space station, over the life of it—before all of these cost overruns GAO told us about—will cost $200 billion. Bear in mind, that is 2,000 times more just for the space station than the Brown amendment of last night.

The super collider was supposed to cost $4 billion—everything starts out here at $4 billion. And the lifetime cost is up to $20 billion.

Star wars. We tried our very best to get it cut last year and, finally, we got a $500 million cut. Incidentally, that is five times as much as the Brown amendment.

The solid rocket motor. We can save $3 billion there. We do not need it.

The Trident II missile, the D–5 navy missile. We have more warheads than the START Treaty allows us, and we are going to continue to build a missile that we can save anywhere from $10 million to $15 million on by torpedoing it right now.

The intelligence budget. I do not know what it is. The New York Times says it is $29 billion, $30 billion. All I know is that it ought to be about half what it used to be.

I can go on with all of those things, such as aircraft carriers, you name it. Do you know what my high-water mark on those are? Senator SASSER and I stood here pleading with people to cut this. Our high-water mark on the other side was eight votes. We are going to do better than that this year. A lot of people are coming to the conclusion, because of cost overruns and because—it is like the B–2 bomber and the B–1 bomber. They changed the mission. Every time you have a failure, it looks like the thing is not going to fly, they change the mission. Star wars has discarded about seven of the eight technologies they have tried.

So you are going to see the space station downgraded. It is not as big as it was. What is it going to do? It is going to do the same thing as always: Nothing. Do you know what a job on the space station and super collider costs, Senator? It costs $100,000 per job. Do you know what highway jobs cost? About $16,000.

We are trying to get people to work because, as I said earlier, there is an emergency in this country. If you do not have a job, if you have a child sick and do not have any health insurance, or if you have a child wanting to go to college and you cannot send him to the local community college, those are emergencies.

I can tell you that when you do not do that, you see the deterioration of the status of this Nation.

Let me digress one more moment, and I will yield the floor.

You talk about the crime rate today. The other day the Senator from Arizona—a very courageous Senator, Senator DECONCINI—offered an amendment to stop the sale of so-called military assault weapons, with no questions asked. When I was in the Marine Corps, we had a BAR; every squad had a BAR. That is an acronym for Browning automatic rifle. The guy in the squad who had the BAR was considered about the top guy in the squad, but he did not feel that way because he had to carry that sucker and it is heavy.

The other day Senator DECONCINI had a press conference, and there was a big table in front of where we were standing with all these covers over what were obviously these weapons. Everybody walked up and made a little speech—a little dog and pony show. Then they pulled the cover back off those weapons. It took my breath away. Even I, an old marine, was not prepared to see that kind of weaponry which you can walk into almost any gun shop in America and buy with no questions asked.

Why, no wonder the murder rate tripled among kids between 1985 and 1990. No wonder the drug dealers have the law enforcement officers outgunned. No wonder the Waco whacko did have more firepower. They had 200 AK-15's in there converted to machineguns, which on most of them you can do for a song and a dance.

I can tell you one thing. I believe the American people are really beginning to think carefully about a whole host of issues. We have been distracted, deceived, and misled. Now you have a President who has a bully pulpit, and he is beginning to talk sense. People are listening, and they are hopeful.

I am not just hopeful. I am going to help him. I am going to vote. I will not vote with him all the time. I will cast a vote I would rather not in order to be supportive of him, but I am not going to take leave of my senses or violate my conscience.

I am saying he is not this Nation's last best hope. He is the Nation's only hope.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am told that Mr. DOLE will be in the Chamber shortly.

Mr. President, on last Friday, again on yesterday, and again today, I indicated that I was prepared to lay down a motion to recommit to the Appropriations Committee with instructions to report back forthwith the House bill and the Appropriations Committee substitute, as amended subsequently by the Hatfield-Byrd amendment. I am prepared to do that.

I would add this: It would be my feeling that it would be advantageous to all Senators if that motion to recommit with instructions to report back were agreed to immediately without amendments to the instruction.

Then, if that were done, may I say to my good friend from Oregon and my good friend from Arkansas, what would be before the Senate would be a committee amendment and a substitute, as I have described it. I would also include the now pending perfecting amendments which simply offer stronger guarantees that such frivolous items as we have heard discussed would not be funded.

Then Senators could go at the newly reported-back bill and the committee substitute with their amendments. They could line up amendments, add as many as six if they wished to, or they could call up one amendment, have it voted on, call up one amendment and offer an amendment to the amendment and have it voted on, and let the Senate work its will. That is what I have been interested in all along, getting the Senate to work its will.

I have offered to do this, and this has been discussed with the majority leader and the minority leader. The minority leader indicated earlier that he was prepared to offer a motion to recommit. His motion to recommit would not be as broad as the motion to recommit with instructions that I have in mind because mine then would afford greater opportunities to offer amendments. It would be much broader. And I am prepared to do that.

But I guess what I am asking is, before the Republican leader gets here, if someone would inquire of him if he is agreeable to my offering the motion to recommit with instructions and having no amendments to the instructions. Amendments to the instructions do not afford much opportunity for Senators to get Senate decisions on the issues. If the Senate would agree to that, immediately within the bat of an eyelash we will have back before the Senate a new battlefield bill, a committee substitute, and then Senators, including Mr. DOLE, could offer his amendment which could contain the same substance that he had in mind with reference to a motion to commit with instructions to report back.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I yield gladly.

Mr. HATFIELD. Mr. President, I thank the Senator for yielding.

The Republican leader has been notified and is just in the finishing moments of a group meeting that is from off the Hill and, therefore, will be here shortly.

Let me, if I could, clarify for my own understanding so that I may discuss this matter with the Republican leader.

As I recall in the committee, when we were considering the markup of this supplemental appropriation we received from the House, the chairman of the committee offered a substitute for that House-passed bill. That substitute basically dealt with a formula relating to the Summer Jobs Program as far as the major change from the House version.

At that time the committee heard discussions within the committee about other matters, but basically that bill has the substitute that came to the floor.

The Senator from West Virginia then at that time, as chairman of the committee, offered an amendment, which I cosponsored, to identify those references made in the House debate, the few items within the CDBG that could be funded out of the CDBG.

In order to respond to those, we made language for two things. One, that moneys could not be expended to construct those projects or those studies, and second, we urged the Secretary of HUD to publish criteria which would govern in future other CDBG programs.

Then, as I recall, the chairman of the committee offered, in what precise order I do not recall now, two other amendments to change the money figure in the IRS and one other account. One was about $5 million and the other was about $123 million, something of that order.

So that became then the vehicle upon which a second-degree amendment was offered, in effect shutting out any other amendments to that vehicle as then constituted.

Am I correct thus far?

Mr. BYRD. The Senator is correct thus far.

Mr. HATFIELD. We have proceeded since that time to have discussion and debate on various subjects, both procedural and on substance and now the so-called Brown amendment, which was to further reference back to the so-called Byrd-Hatfield amendment identifying by reference some of the projects that had been recommended by the mayors in our discussions even though they are not part of the actual bill itself. We have had a vote on that, and that was 52 to 48.

The chairman has now an amendment pending before the Senate on the same vehicle, further clarifying future instructions this time to the Director of OMB about funding such potential CDBG grants.

If this is adopted, and if, in the case of the Brown amendment, it was adopted, addressing and finalizing the current pending question, both the chairman's amendment and the Brown amendment, if it had passed, would have been cleared off, wiped out, so to speak, under the current parliamentary situation from the pending question.

Now I understand the chairman has indicated that on a motion to recommit this vehicle, this bill, with instructions, that immediate action on that, with the incorporation of the current amendment in the new vehicle embodied in it, with that one exception, the bill then would be back here before us open for amendment by any Senator without the current encumbrance that we now have in the current vehicle; is that correct up to this point?

Mr. BYRD. That is correct.

Mr. HATFIELD. So that a Senator on either side of the aisle, any Senator, including the chairman and myself, could offer an amendment to that particular vehicle, which could, in effect, be amended in the second degree and have those amendments voted on up or down. And if they were voted in approval by the body, they would be a part of that package, unless further parliamentary action. And we understand that can happen in the future, a substitute or something like that.

But, on the general procedural basis, we would have that open situation where we could offer amendments, have them disposed of, have them adopted or have them rejected in the usual, normal pattern that we follow when appropriations bills are brought to the floor.

Mr. BYRD. I followed the Senator and he is absolutely correct.

I would only suggest, where he made reference to the amendments that would be voted up or down, a tabling motion could be made.

Mr. HATFIELD. Or a tabling motion. The normal procedure subject to any amendment.

Mr. BYRD. The Senator is exactly correct.

Mr. HATFIELD. Mr. President, I would say further that I will certainly lend my voice to the chairman's proposal here. Because I feel, frankly, that it puts us in precisely a position, from a parliamentary point of view, that many of us on this side of the aisle have been talking about for some period of time now, off and on. We have not done all the talking. We have done our fair amount.

But I do feel that the Senator has very specifically addressed one of our problems in dealing with this measure before us. The feeling that we have had, right or wrong, and certainly always in the context of the rules of the Senate—and I in no way imply other than the rules have been very strictly followed—but, nevertheless, we felt that the playing field was very uneven from the standpoint of not just the Republican Members but any other Members of the Senate. Because this action was not geared against the Republicans, but really, in effect, it was an action that froze out, from our perspective, 99 Senators out of 100 from having amendments offered and possibly adopted as part of the vehicle.

So I would just say to the Senator, I would be happy to support the Senator's motion. I am speaking now as a comanager, not as the Republican leader. But I shall confer with the Republican leader and hope to have his affirmative response very quickly.

Mr. BYRD. Yes.

Mr. HATFIELD. I want to make one reservation.

As the Senator remembers, we were in informal discussions, the Democratic leader and the Republican leader and the comanagers of the bill, in which the Republican leader indicated the possibility of wanting to utilize the opportunity of amending the chairman's motion to recommit with a second degree; in a sense, recommitting on an instruction of paring down the scope of this bill.

Now, again, whether he wants to do that immediately as a second degree to the chairman's motion or whether he would prefer to withhold and let that be taken up as one of the amendments to the motion that is being proposed by the chairman, I do not know. But I want to leave one point a little flexible.

Mr. BYRD. May I observe that, in that situation, if the Senator from Kansas offered an amendment to my motion to recommit with instructions to report back, his amendment would not be in the second degree. His amendment would be in the first degree and it would be subject to an amendment in the second degree.

Mr. HATFIELD. Or a tabling motion.

Mr. BYRD. But, even then, it would not accomplish a great deal.

If we fight and fuss around about a motion to recommit with instructions and attempt to amend those instructions, they can be amended in two degrees, and that is about it. So that does not leave much room for throwing the ball, kicking the ball, carrying the ball, and fumbling the ball.

But if we agree to my motion to report back forthwith this bill, the House bill, the committee substitute, then the committee substitute is open to amendments in two degrees, as substitutes if need be. It is open to amendments in two degrees, perfecting amendments, and the bill is open to amendments in two degrees.

So we have at least six opportunities to offer amendments and have them all pending at once, if that is the will of the Senate. I doubt that is going to occur.

But if we attempt to amend the instructions, we only get two amendments; perhaps Mr. DOLE will get his amendment in and then there could be a covering amendment.

So it would be my hope that we could just simply agree to let my motion be agreed to, then we immediately have a new playing field.

May I add, once again, as the predicate here—let me go back a little bit, as the distinguished Senator from Oregon has reviewed the recent past—the President asked me to protect his package. I could not shift this responsibility off to another Senator. I am chairman of the Appropriations Committee. And the chairman of the Appropriations Committee handles supplementals, just as the chairman of the Appropriations Committee in the House handles supplementals. Various subcommittees handle the departmental bills. The chairman of the full Appropriations Committee here has a subcommittee also.

But supplemental bills—bills making appropriations for disasters, emergencies, and so on—these measures were handled by the chairman and the ranking member of the full committee.

So that explains why I have attempted to do what I could to protect the President's package. I said, "Where is your line in the sand?" We have gone all over that. And we knew that he drew that line in the sand. So I tried to do that.

I also felt that if the package could be protected against amendments, the House then would probably agree to the amendment that we adopted in the committee, probably agree to the amendment that Mr. HATFIELD and I offered together, would probably agree to the amendment that I offered on behalf of Mr. DECONCINI to cut, I believe it was, $105 million out of IRS and GSA, and we would not have to even have a conference and the bill could then go on to the White House.

The House sent this bill over here intact. It sent the President's package over here pretty much intact. So it was my feeling and the President's feeling and the majority leader's feeling, if we could pass it over here intact, then the ball game is over. So I sought, within my rights, to establish that kind of parliamentary structure that would protect the bill.

Now, I was very concerned that we should not remove those barricades, if I might use a different term, as long as the amendment by Mr. BOREN, Mr. BREAUX, and Mr. BRYAN was lying at the desk. It was not pending but we all knew that those Senators had made a good case for their amendment and there was every likelihood they were going to call it up and there was every likelihood that they would get a goodly number of votes, at least. And I felt that it was vital to protect this bill from attacks as long as we had not resolved this big question over here, which was dividing the majority. Therefore, last Friday, I did allude to the possibility of moving this bill in another way. And yesterday when it looked as though the weekend's efforts to resolve the matter as to fencing were going to pay off—I was down at the White House last Friday, again talked with the President, and was on the phone with people during the weekend, I was being kept abreast with the developments in that regard—and then yesterday I again talked with Mr. BREAUX. I talked with Mr. BOREN. I am not sure I talked with Mr. BREAUX. I think Mr. BREAUX was away from his office and on his way to the majority leader's office.

In any event, these discussions went on through the weekend and when I came to the Senate yesterday morning, there was every good reason to believe that the Breaux-Boren-Bryan issue was going to be resolved to the satisfaction of those parties and to the satisfaction of the White House. Therefore, I again indicated that I was prepared to send up such a motion.

That matter concerning the fencing has been resolved. I am prepared now to lay down a different playing field. I know that Senators will understand why I am here doing the talking today. It is because it is my bill. I will call it my bill—Mr. HATFIELD's as well as mine.

I am prepared to do that. I do not want to see this President go to Vancouver on Sunday to meet with the Russian President with this bill mired in a filibuster. I want to get this bill passed before Sunday. That should be the wish of every Senator, that this President not go to Vancouver to meet with the Russian President without getting this matter settled beforehand. How can our President, our newly elected President, who has been in office 69 days today—how can he convince Mr. Yeltsin that he, Mr. Clinton, can get a package through this Senate providing for investment or economic aid or whatever it might be—how he can get that package through this Senate when this Senate will not pass a package that this President of ours wants which would provide aid to the American people?

I know there are Senators who have taken this floor from time to time and said we should help Mr. Yeltsin. We should help Russia. How can they do that, how can they take that position, unless they are also willing to help the American people? How can they believe that the American people will be receptive to the idea of extending aid to Russia when we deny aid to our own economy in the form of funds for highways, summer jobs, unemployment benefits—extended unemployment benefits, funding for infrastructure, water and sewer facilities, funds for Head Start, immunization of children, veterans hospitals? How can any Senator stand here and advocate extending aid in terms of American dollars to Russia if that Senator is not willing to think of the American people first and vote for helping our country, helping our country to avoid a triple dip in the recession? Helping our people to get off the food stamp rolls? Helping our people to reduce the AFDC roll?

So, I want to see our President go to meet with Mr. Yeltsin not with a broken wing, not with two broken wings and two shattered kneecaps, but with this work done. Then he will be in a position to perhaps convince Mr. Yeltsin that he, Mr. Clinton, can—he is getting things done here.

I do not want to see this Senate mired in a filibuster come Saturday or Sunday. So with the desire to get on with this thing and get it out of the filibuster mode, I think the time has come to move in that direction. I am willing to take that action and it has been discussed, may I say again, with both leaders. Mr. DOLE recognizes Mr. MITCHELL's right of first recognition and we recognize Mr. DOLE's right to offer an amendment. So I am prepared, when Mr. DOLE arrives, if he is agreeable to that, I am prepared to proceed.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. First, may I yield to the ranking member and then I will.

Mr. HELMS. Of course.

Mr. HATFIELD. I again want to affirm my belief that the chairman has made a move to help resolve at least the procedural problems that we have been facing here since this bill first was introduced on the floor. I would like to also respond briefly to the point that the Senator made in reference to a filibuster. I want to assure the chairman that I am wholly persuaded that there is nothing that has happened up until this point that would indicate that we, on this side, have filibustered or delayed the process of this bill unduly. I think if one would go back and measure the inches—maybe it is feet—in the CONGRESSIONAL RECORD, I think one would find that the time of discourse has been pretty evenly divided.

If anything, maybe we are a little on the shy side because the first day and a half was pretty much taken up with the Breaux-Boren discussion. So I do not think there is any indication that this has been a weapon or a legislative procedure that we have engaged.

I do not say that at some point that option is not always open to either side, everybody. So I only want to say that has not been our intent.

I want to also say, as a comanager, we have had a number of meetings of our Members in caucus and in leadership meetings and other formats in which we have discussed the process here. And the single most important issue raised in all of those discussions has been the question of the playing field. Now the chairman has taken action, or at least is proposing action, to eliminate that.

I think the chairman would believe, as I, that the amendment that was raised by this side of the aisle was a substantive amendment in terms of the Brown amendment. You may agree or disagree with it. The point is, it was not a dilatory amendment. We were getting to the crux of a very important issue, and that further demonstrated our desire to participate in the process, to raise legitimate questions that any Member on this floor would expect could be raised.

Let me indicate that as the vote indicated and as the discussions have prevailed thus far, there have been Members of the Democratic side of the aisle who have expressed concern about certain points of this package. So it is not a matter of being challenged by the loyal opposition, the Republicans, but there have been a few Democrats at least who have publicly and otherwise expressed their concern.

So, again, I would like to remove any possible interpretation that this has been a partisan endeavor or has been an attempt to obstruct the President or to block the President. I cannot read peoples' minds, but I am only saying that none of the procedures engaged in by this side of the aisle should give any evidence whatsoever to a dilatory or a "block the President at any cost."

I might say to the Senator, in my view, if we had an up-or-down vote on this whole package, there would probably be very few votes on this side in support of the package. That is our belief. It is not based on trying to block the President, but it is our belief, as has been very eloquently stated by Members on my side, that this is not going to produce the jobs nor is it going to be a stimulus to the overall economy or ill-timed, or whatever other reason.

But I just want to reassure the chairman, filibuster, blocking, obstructing the President, tying the President's hands before Vancouver is not on our agenda—is not on our agenda.

I would also say that if you want to go back to a demonstration of a President's capability up here on the Hill, we went through the budget resolution and, as the chairman of the Appropriations Committee knows, I think there were dozens of amendments that were raised and voted, and the administration position won on every one of them. It was a clean sweep. I want to say that I voted for the tabling of some of those amendments. I did not vote any straight party line. But I do think it certainly should illustrate to Mr. Yeltsin that President Clinton does have muscle that has been demonstrated up here on the Hill.

I do not think that this bill alone should be a measurement of the President's ability to get his legislation through. I would imagine, too, that the last two votes this morning, as well, notwithstanding the one last night, indicates that when push comes to shove, there are 52 votes, at least as expressed by these 2, that the majority party has and has demonstrated.

So I do not think there is at this point any evidence or I would like to disabuse anyone of thinking we have any reason to block the President for the sake of blocking the President or tying his hands or filibustering this particular measure at this time or any point up to this time.

I shall again assure that chairman that I am hopeful that we can reach an agreement quickly on his proposed motion and get on with the process to ultimately complete this bill one way or the other, amended or not amended. And I am willing to take the risk with the process because, like the chairman, I believe in the institution. I think the rules and procedures of this institution are there to guide us and to give protection to minority as well as majority status. As the chairman knows, I have been in both situations. I and the chairman himself have been in both situations. I might say, it is much more pleasant to be in the majority status. By the same token, having been in both positions, I think we both can understand our relative positions at this moment.

I shall urge the Republican leader to make known his decision as quickly as possible.

(Ms. MIKULSKI assumed the chair.)

Mr. BYRD. Madam President, I certainly never thought that the distinguished Senator from Oregon was participating in any filibuster. I think we have passed on from that stage.

I wonder, since the distinguished Senator from Oregon has said that the filibuster is not on our agenda, and I believe him when he says that, I wonder if the minority could provide the majority with a list of amendments that our Republican friends intend to call up. I discussed this yesterday, it had been discussed yesterday among Mr. DOLE, Mr. MITCHELL, myself, and Mr. HATFIELD, and we thought we were on the way to getting a list of such amendments. Suddenly that effort fell apart.

I am glad to hear that a filibuster is not on the agenda. I was somewhat gun shy when I read that we were going to start dealing with real bullets now. Up to the time that the budget resolution was adopted, as I understood what is being said, that we have only been dealing with paper bullets and from now on there will be real bullets. And so I thought having gotten that warning and not wanting to go through what I consider to be quite a charade last Wednesday night and last Thursday morning of calling up amendment after amendment after amendment when there was no chance, hardly any chance, of an amendment being adopted under those circumstances when they were being defeated repeatedly, I felt that the better part of valor was to be prepared and try to avoid those real bullets, such as were being fired that evening and the following morning. I am glad to hear that there will not be any filibuster, and I believe Mr. HATFIELD.

Mr. HATFIELD. Will the Senator yield at that point?

Mr. BYRD. Yes.

Mr. HATFIELD. Let me restate my comment about the filibuster. I said there has not been a filibuster on our agenda up to this point. I cannot commit other Senators. I do not know any Senator who may decide all of a sudden that it has not gone according to his or her wishes and would like to engage in extended debate. I cannot control that.

I am saying that as the comanager of the bill, the filibuster has not been on my agenda.

I have kept very close to the Republican leader throughout this, because I feel that in my role I am supposed to represent as many as possible of the Members on this side of the aisle, not just my personal view. But, nevertheless, I want to say that has not been—we have been in a situation where from a parliamentary procedure a filibuster could have been the first action out of the bag in order to level this playing field as we see it from our perspective.

Now, with this proposed motion, that removes one of our major points of contention, relating to the process of procedure and the playing field. So I would think with this motion that is being proposed, we even make less likely the need for a filibuster if we can get our amendments up and considered and disposed of, and that is the point I want to make. From my standpoint as the comanager of the bill, it is not on my agenda, again, at this time. I have to emphasize that point.

Mr. BYRD. Mr. President, I fully understand—

Mr. HATFIELD. We have only offered one amendment. I would like to add that one point.

Mr. BYRD. Yes.

Mr. HATFIELD. So nothing dilatory or delaying has occurred.

Mr. BYRD. Yes.

Mr. HATFIELD. Talk has taken up most of our time and that talk, as I say, has been on both sides of the aisle. And I do feel, having offered only one amendment should allay any fear that we are using dilatory tactics to put this bill off for approval at some other time.

Mr. BYRD. Only one amendment has been offered. I have tried to encourage Senators on both sides to proceed with amendments. They have not taken me up on that. But I fully agree with the distinguished Senator that his intentions are, have been, and I am sure will be in the future to try to move the legislative agenda forward in a positive way. And he has certainly carefully and admirably fulfilled the role that he has to play for the other side of this bill and on other bills as far back as I can remember. So there is no question about my admiration for the Senator in that regard.

But I think it should be said, if I might pick up a ricochet off what the distinguished Senator stated awhile ago, a filibuster at the beginning would not have removed these barriers. I can assure the distinguished Senator from Oregon of that. That would not have removed the barricades.

Mr. HELMS. Madam President, will the Senator yield?

Mr. BYRD. It was suggested to me at one point that I take down the tree. I said I will not take down the tree. So a filibuster would not have accomplished that. But events have moved on past that stage. Now we are at a new juncture. The amendment that involved Mr. BOREN and Mr. BREAUX and Mr. BRYAN has been resolved. We are ready now to lay down the motion to commit with instructions so that Senators can move on. I do not want the Senate to get mired down.

The President is going to have an important meeting. I think we ought to show him the kind of support that he needs in meeting with the Russian President, and the kind of support I am talking about is the action on this bill, relatively speedy action, certainly not to go beyond Friday or Saturday, and I want to do all I can to move it forward and to protect it against amendments.

I would still like to see this bill unamended beyond what it has already been amended, so that perhaps the House could agree to these amendments and we would not have to have a conference. But that having been said, the distinguished Senator from North Carolina [Mr. HELMS] wanted me to yield to him.

I have no interest in keeping the floor, may I say. I simply wanted to get word to the minority leader that I was prepared to offer this motion. But I had hoped we would not have amendments to the motion to recommit with instructions.

Madam President, again I state for the benefit of those who may not have already heard, the motion to recommit would be with instructions to report back forthwith the House bill and the single change that was made to the House bill in the Senate Appropriations Committee and contained in the complete substitute, the amendment that was agreed to on behalf of Mr. DECONCINI providing IRS information systems with $43,600,000 instead of $148,397,000, the reduction of the GSA building fund to zero instead of $4,696,000, the Byrd-Hatfield amendment on low priority programs, the OMB requirement on preventing funds for low priority programs as contained in the perfecting amendments which are now pending before the Senate.

My attention has been called to the fact that the Senate has not yet voted on the IRS information systems amendment, the amendment that would make the reduction. That amendment is in the pending committee—the pending substitute to the substitute to the committee substitute. But these would all be included in the bill and substitute reported back to the Senate if my motion to recommit should carry.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator and I thank him for his patience.

Mr. HELMS. Bonjour.

Mr. BYRD. I apologize for having him wait.

Mr. HELMS. We did not have a filibuster going, but we certainly did have extended discussion. There must be a difference between the two. Anyway, I always enjoy my friend from West Virginia and admire him, and I wonder if he would be willing to tell me his plans with respect to the motion to recommit. Does the Senator want to preserve the pending amendment relative to OMB?

Mr. BYRD. To OMB?

Mr. HELMS. Yes.

Mr. BYRD. The pending perfecting amendments.

Mr. HELMS. Yes.

Mr. BYRD. Yes, I would want to include those in the pending instructions. I think that is an additional guarantee for those who may have doubts that the items such as have been discussed here ad infinitum almost would not be funded.

Mr. HELMS. If the Senator will forgive me, I have a problem with that amendment. I want to vote for the motion. I want to vote for the amendment. But as I read the amendment as it now stands, I fear—and I have been supported by a couple of constitutional scholars—that it is not constitutional to designate the OMB or the Director of the OMB. I was wondering if the distinguished Senator would be willing to consider modifying his amendment to satisfy my concern. I will furnish him a copy of what I have in mind if he would like.

Mr. BYRD. I do not think there is anything unconstitutional about the amendment. It would be the designation of an executive officer. But I will be very happy to look at the amendment and to take it under——

Mr. HELMS. That is all I can ask, I say to the Senator. Let me read what I have in mind into the RECORD so that it will be understood.

It says:

> Notwithstanding any other provision of law or this act, the Office of Management and Budget shall, after certifying that all actions proposed to be taken pursuant to this section are at the specific direction of and following consultation with the President, administered—

And then pick up the rest of the Senator's amendment.

Madam President, would the Senator modify it with language to take care of my concern that the President is being left out of the loop regarding this authority that is being bestowed upon the Office of Management and Budget? I will feel more comfortable about it and I will have no hesitancy about voting for his amendment or the motion to recommit with that amendment included in it.

I am not asking the Senator to make up his mind at this moment. But if he will let me know whether he is willing to consider something of that sort, I would be most grateful.

Mr. BYRD. Madam President, I would be very happy to consider the amendment, and it is being looked at presently. I will be happy to get back to the Senator as he has suggested.

Mr. HELMS. I thank the Senator.

Mr. BYRD. Madam President, I do not want to continue to hold the floor. I simply wanted to outline the reasons why I feel that it is time now that we move on and that I am prepared to do that in the way that I suggested.

I am happy to yield the floor. It is understood by the Republican leader and the majority leader that I will offer this motion. And as soon as I can hear back from the distinguished Republican leader that he is agreeable to having the motion to recommit agreed to without attempts to amend the instructions, then we can quickly move on.

I would only ask that at that time we might have the opportunity again to get recognition and to move forward.

Mr. NICKLES. Will the Senator yield for a question briefly?

Mr. BYRD. Yes.

Mr. NICKLES. I apologize. I did not hear all of the Senator's statements on the motion to recommit. But the net result would be that once you recommitted and brought it back out, all Senators, Democrat and Republican, would have a chance to amend the underlying bill, as such, on appropriations as we have done in years past.

Mr. BYRD. Yes. The Senator is correct. I call the attention of the Senator to the advantage of moving in that direction rather than attempting to amend the instructions. If the Senator will compare the charts on page 74—and I do not see a page number on this, I believe it is 89—74 and 89, the Senator will see that this would be the better approach for all Senators. They will have a greater opportunity to offer amendments.

Mr. NICKLES. If the Senator will yield again, Madam President, then we will have the opportunity to offer amendments to either add funding or delete funding from the bill as reported back from the Appropriations Committee?

Mr. BYRD. The Senators will have that opportunity.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. DOMENICI. Madam President, I wonder if I might ask consent to speak for 2 minutes on a matter unrelated but very important to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 671 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, I do not need the floor if it is important that the leadership have the floor. At any time they need it, I will be pleased to relinquish it.

I would like to talk for a few moments on the fiscal policy situation as I see it.

First, let me suggest for the Senate and for those who listen to the U.S. Senate that a very interesting thing apparently happened last night in the White House. Let me recall a little history and indicate how pleased I am and how, in a sense, startled I am.

First, we debated the budget of the President for some 7 or 8 full days on the floor of the U.S. Senate, well over 30 amendments, and one of those amendments had to do with Western America and the fees that were going to be required in this budget resolution for royalties from miners and mining interests on public domain—and the assumption was a 12.5-percent royalty—and the increased fees to be charged to those who have grazing permits on the public domain.

On the floor of this Senate we debated that issue. Some suggested we ought not do anything because it would unravel the President's budget. Some suggested that we ought to let the committee take care of it. And some even suggested that if the committee took care of it, but if they did not do all that was requested, it would be all right, too.

Senator WALLOP, the Senator from New Mexico, and others offered a very clear amendment that said take out the user fees that are attributable to these two categories of user fees, and do not put them in a reconciliation bill because they ought not be considered under the gun with the limitations of the reconciliation bill. We were told then that if we did that, if we passed the Wallop-Domenici amendment, we would unravel the budget.

Something happened in the White House between the floor and this morning. According to information I have obtained from Senators from the other side of the aisle and from a letter written by the chairman of the Energy Committee, Senator JOHNSTON, the White House has now agreed to just take all of those fees out, just like we recommended in the Wallop-Domenici amendment, which was going to unravel the President's budget. Unraveled it would have been if the amendment had passed, but I imagine it is intact and only unraveled when the White House decided that the politics of the situation are such that they ought to agree to take these fees out.

I am pleased, as I said, that those in Western America will be, in my State and other States with public lands, relieved of the onerous burden of waiting around for the next couple of months to watch a committee under the mandated orders to raise more user fees from these two categories—one of which has had no user fees, no royalties—just see how the action would fall without an opportunity for debate, without much opportunity for hearings. So I am pleased to be able to tell all of those people, thousands in my State and other public domain States, States wherein the Federal Government owns much of the land, that we have prevailed. Somehow or another the daylight has come to those who wanted to put on a royalty in a mandated order to a committee, and those who wanted to dramatically raise grazing fees. They have seen the light.

The proposed fees are all going to come out of this budget. However it got accomplished, I end up saying I appreciate it. I believe hard working people in the Western United States will appreciate it. I do not think westerners could have survived, keeping their businesses afloat and staying in rural communities if the Congress had enacted these fees on top of the Btu tax.

Having said that, I want to change subjects for a minute to the particular measure before us, the stimulus package, and share a few thoughts with my friend from Oklahoma.

First, I do not address the process or the procedure. That is taking its course with others working on it. I just want to share my observation with the people of this country about what is going on. So let me see if I can tell you the way the Senator from New Mexico sees it.

If you take the President's budget that the Congress of the United States has passed, that the U.S. Senate passed, and you take away all of the gimmicks and all of this baseline business and just get down to facts, Congressional Budget Office facts, two-thirds of the United States' budget is domestic spending. Appropriations and entitlements and mandatory expenditures for domestic purposes are two-thirds of the budget, and they are growing dramatically, Madam President. Of that two-thirds of the American budget, after all the hues and cries about cuts and sacrifices, we are going to cut—I should not say we—the President is recommending and the Democratic leadership and Democratic Senate is saying: We are going to cut $7 billion out of that entire program in 5 years.

So after all of the talk about ratcheting down Government, what is not told to the American people is that for the $131 billion where the President has provided some indication of cuts on the domestic side of this budget, there is $124 billion in new programs and new expenditures.

Just do the arithmetic. That is a net $7 billion. We are going to cut a net of only $7 billion more over the next 5 years then we are going to spend in new programs and new additions to old programs.

Is it not interesting that with $7 billion in cuts in all of the domestic programs over the next 5 years, we are here on the floor of the Senate debating what? We are debating adding $16.3 billion in new spending. Let us do the arithmetic, and let us make it $16 billion. It is $16.3 billion, but we will make it $16 billion for a simple point. Let us subtract $7, billion, which we have cut from the $16 billion that we are going to spend anew. If the arithmetic is right, we are going to spend $9 billion more, once we have passed this bill, and there will be no cuts in the domestic budget of the United States. Is that not an interesting thought?

The American people have been told: let us tax you; let us raise the marginal tax rates and put a Btu tax on, because we really have to get the deficit under control. In order to do that, we really have to cut spending, right? Cut domestic spending, sacrifice these Federal programs.

Let me repeat that if this stimulus package is passed, we will have just decided that we are going to spend $9 billion more over the next 5 years on domestic programs than when we started this very, very serious process of cutting and deficit reduction.

Mr. DANFORTH. Will the Senator yield?

Mr. DOMENICI. In 2 seconds.

In exchange for that, the American people get the high privilege and honor of paying $295 billion in new taxes. I would be pleased to yield to the Senator.

Mr. DANFORTH. Madam President, I was on the floor half an hour ago. The question was raised whether this is not some effort by Republican Senators to somehow hurt the President on his way to a meeting with President Yeltsin.

My own reaction on hearing that question was that it is nothing of the kind.

What we are talking about, and have been talking about ever since the President's State of the Union speech a couple of months ago, is what direction this country should take with respect to fundamental economic policy. If there is ever a subject that should be debated on the floor of the U.S. Senate, it is the question of the basic economic policy direction for this country. The issue, as I understand it—and my question is going to be whether the Senator from New Mexico agrees or disagrees with me—is not whether a tree has been filled up, or whether there is some procedural issue before the country, or whether Republican Senators have hurt feelings about somehow being shut out or whether we want to embarrass the President.

We are all Americans, and it is my understanding that, as Americans, we are weighing in on a question of basic economic policy. If the basic policy is to increase taxes by $295 billion, and then instead of cutting spending, domestic spending, actually increasing spending, it would seem to this Senator that increased taxes and increased domestic spending are what they have usually been called, namely, tax and spend.

I believe that tax and spend economics have not worked in the past and that they are not inclined to work in the future; and that this is precisely the issue that should be debated before the country and certainly on the floor of the U.S. Senate.

When Senator BROWN offered an amendment that said let us at least cut the spending for golf courses, let us at least cut the spending for tennis courts, and there is no emergency on providing a warming hut for an ice skating rink, that, to me, is not a trivial matter. It is not a delaying tactic. It is a matter of fundamental economic policy.

Would the Senator from New Mexico not agree with this Senator that what we are interested in is raising the question and, hopefully, winning the vote on whether what the country needs at this particular time is yet more deficit spending on top of a huge tax increase and calling that an economic program?

Mr. DOMENICI. I agree absolutely and unequivocally, and I thank my friend from Missouri for asking me the question and so eloquently phrasing precisely the situation before the American people.

It can be put under any kind of guise or color or prose that one wants, but it boils down to very simple facts. Does anyone believe, and do the American people understand, that they are being asked to pay $295 billion in new taxes, so that we can come to the floor of the Senate today and pass a spending bill of $16.3 billion, spending which exceeds all of the new cuts in domestic spending in the President's budget over 5 years? Frankly, I do not even think it is an issue. I do not think anybody believes that is what we ought to be doing.

Mr. DANFORTH. So what the Senator is saying is that when you combine last week's vote on the budget with this legislation, if it becomes law, the economic program that is being presented to the country is a big tax increase, plus a domestic spending increase; is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. NICKLES. If the Senator from New Mexico will yield, I know he said $16 billion. Correct me if I am wrong, but is not the total package before us—many of us have said $16 billion, but correct me if I am wrong—actually $19.5 billion?

Mr. DOMENICI. Madam President, let me say I have used $16 billion because I want to continue to be consistent, and I have not included in that number over $3 billion that is going to be authorized to be spent out of the fund for improving airports and building highways in the country. That is over $3 billion. When you add them it is really $19 billion in so-called stimulus, which is new spending that is not currently provided for under the law. We are enacting this spending package after passing a budget resolution that has in it new cuts in domestic programs.

There are other cuts, but they are prescribed by law. They are not prescribed by this budget or this President. The new cuts in overall domestic spending are a net of $7 billion. When you do this arithmetic, the Senator and I have come to the conclusion that it is about $9 billion on the positive side of new spending, precisely as my friend from Missouri said.

I repeat. That may not be what was intended. It may very well be that the President of the United States has commitments to the mayors of America. If one went to the National League of Cities Convention as I did—I am usually a guest of the mayors, I was a mayor and they usually like to hear what I have to say, it would have been enlightening. I think only about a third of the mayors liked what I said this year, because I said I did not think we ought to have deficit spending, to have a program to give them money.

Frankly, they voted overwhelmingly to take more money from Government. Obviously, the President told them that was what this budget was going to be about, whether it is spending on infrastructure for roads or on the block grant for community development, which is supposed to be more directed at the poor people, at poor areas, as I understand it.

My friend, the other Missouri Senator, has been asking why we are not doing that in the budget? Why are we sending the money to nonpoor programs when it is supposed to be to inner cities?

I understand when I sit down, if he gets the floor—and I will sit down now and yield the floor—he is going to say that the administration changed its mind on that one also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the comments made by my friend and colleague, the Senator from New Mexico, and I compliment him for his work, particularly on the budget resolution.

I just say to my colleague, Senator BYRD, I am delighted to hear his statement. I hope that the motion to recommit happens as described so that we, as Senators, both Democrats and Republicans, have a chance to amend this appropriation bill.

I have been in the Senate for 13 years, and I cannot think of any time that we have been precluded from offering amendments either to add to or subtract from an appropriation bill. As was originally described, or the parliamentary procedure as originally built by our good friend and colleague, the chairman of the Appropriations Committee, basically prohibited Senators from offering amendments.

I feel very strongly that Senators should have the right to offer amendments. I have several amendments myself, several amendments that I think are good amendments, germane amendments, and we will have a chance to debate those—amendments like striking the emergency clause because certainly this legislation is not an emergency; amendments striking the entire community development block grant proposal; that is one way to make sure that these ready-to-go jobs will not be financed.

We have had some that said, well, let us not spend money for trails, let us not spend money for swimming pools and tennis courts, and there are thousands of projects that the Mayors have said are ready to go.

They want Federal tax dollars. They are not willing to tax their constituents. They think if it comes from Uncle Sam that is a good deal, it does not cost anything if it comes from the Federal Government.

I, personally, do not agree with that, so I will have an amendment to change it I imagine we may not succeed, but we should succeed. My amendment to strike the emergency clause should succeed. This is not an emergency. And hopefully now we will have a chance to debate it. We will be talking about a real amendment on the bill, and that is important.

I will also be cosponsoring an amendment to eliminate $28 million for the District of Columbia, and $1.4 million to pay for the bill to make drawings of historic buildings. Maybe that is a worthy cause, but certainly it is not an emergency.

So we need to look at these amendments. We need to consider these amendments. These are real, germane, appropriate amendments.

I am hopeful that the procedure, as outlined—I hope that I understand it correctly, that we will have a chance to offer amendments to the underlying bill. If we win, we win; if we lose, we lose. I am willing to enter into whatever arrangement is necessary to make that happen, but we need to have the right and opportunity to offer amendments. We were foreclosed from that for the last several days. Now it looks as if that may happen, and I hope that it will.

Finally, Madam President, I want to make sure that everybody understands the magnitude of this bill. Many of us referred to $16.2 billion. It does have $16.2 billion of new budget authority. It also has $3.2 billion of increased obligation limitation for the highway program. The total new spending authority in this bill is $19.5 billion. All of which is added to the deficit.

So many people have called this an emergency stimulus package. I think it is an emergency increase-the-deficit package. That is what we are doing; we are rushing to increase the deficit.

We are violating the Budget Act, we are violating the caps that were agreed to in the 1990 Budget Act. That act put caps on domestic discretionary spending. We are basically waiving those caps. We are declaring this an emergency. This is an emergency and, therefore, it should not count toward the budget, so let us just increase the deficit by $19.5 billion.

That is the impact of this legislation that we have before us.

I, for one, am delighted that the Senator from West Virginia has stated his intention to allow us to offer our amendments.

I hope to win. I, for one, believe that the package that we are working on tonight is a direct contradiction to the deficit package that passed last week. Most people said the package last week would reduce the deficit. This bill will only increase the deficit. It will only increase the deficit. There is no question. It is not paid for, it is not offset, there are no reductions, there is no exception to reduce the impact. It will only increase the deficit.

Many of us do not feel like we should be increasing the deficit by $19.5 billion. I, for one, think that is a serious mistake. I do not think we can afford a package that will cost—somebody said we need it for jobs. The cost per job is $89,000, and, Madam President, I will include a table in the RECORD at this point to show the cost per job.

Mr. GREGG. Madam President, will the Senator from Oklahoma yield for a question?

Mr. NICKLES. First, I ask unanimous consent to have that table printed into the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Emergency Supplemental Appropriations Act of 1993

New budget authority	$16,257,454,000
Increased obligation limitation[1]	3,242,100,000
Total new spending authority	19,499,554,000
Total new outlays	17,560,174,000

[1] Airport and Highway Spending are governed by Obligation Limits, not Budget Authority.

Outlays by year	Amount	Percent of total
Fiscal year:		
1993	$6,887,822,000	39
1994	6,214,484,000	35
1995	3,016,616,000	17
1996	853,370,000	5
1997	587,882,000	3

SPENDING LEVELS, JOBS CREATED, AND FEDERAL SPENDING PER JOB IN H.R. 1335—BASED ON OMB DIRECTOR PANETTA'S MAR. 9, 1993, LETTER[1]

[In millions of dollars]

Committee Request	BA	Obligation limitations	Loan	Number of jobs	Dollars per job
INFRASTRUCTURE					
Corps of Engineers	94			1,409	66,714
Highways/ISTEA		2,976		13,100	227,176
Airports		250		200	1,250,000
Amtrak	188			700	268,571
Mass Transit	736	16		3,800	193,684
VA maintenance	235			3,115	75,441
Subtotal	1,253	3,242		22,324	200,636
SUMMER OF OPPORTUNITY					
Unemployment comp	4,000			0	NA
Pell grant shortfall	1,864			0	NA
Summer youth	1,000			111,600	8,865
Chaptr. 1 census/summer progs	735			20,000	36,750
Head Start summer program	500			12,500	40,000
Immunizations	300			250	1,200,000
AIDS: Ryan White CARE Act	200			0	NA
SBA business loan subsidies	141		2,575	3,021	46,673
WIC	75			300	250,000
Childcare Feeding	56			0	NA
BIA Schols	49			100	490,000
Title V older Americans emp	32			5,600	5,714
Emergency food assistance	23			0	NA
National Services program	15			250	89,820
Working profiling	14			0	NA
EEOC	9			156	57,692
Subtotal	9,013		2,575	153,777	58,611
TECHNOLOGY INVESTMENTS					
NSF R&D and computing	207			1,160	178,448
SSI	150			0	NA
IRS tax modernization	148			404	366,337
NIST, adv. tech. & computing	117			470	248,936
NOAA equipment	81			125	648,000
NTIA Info. highways (Commercial)	64			122	524,590
SSI trust fund	10			0	NA
NIH computing	9			66	136,364
NASA computing	5			38	131,579
SSI disability processing	(302)			0	NA
Subtotal	791			2,385	331,656
URBAN DEVELOPMENT AND HOUSING					
CDBG	2,536			15,894	159,557
Supportive Housing	423			3,430	123,324
Economic development admin	94			352	267,045
D.C. deficit assistance	28			0	NA
Minority business development	2			0	NA
Accelerate public housing mod	0			1,090	NA
Subtotal	3,083			20,766	148,464
RURAL DEVELOPMENT					
Rural Dev. Auth. grants	282			(2)	(2)
Natural resource protection—FS	188			2,500	75,200
Rural Dev. Auth. Loans	67		470	84	797,619
Soil conservation watershed	47			305	154,098
Ag. research facility main	38			282	134,752
BIA road maintenance forest dev.[3]	28			6,580	4,255
BIA Constr[3][4]	11			2,445	4,449
FMHA very low income housing repair grants	6			90	66,667
Food safety & inspection service	4			80	50,000
FMHA housing guaranty loans	4		235	810	4,938
FMHA very low income housing repair loans	1		3	90	11,111
Subtotal	676		708	13,266	50,957
ENVIRONMENT/ENERGY					
EPA wastewater state revolving fund	845			862	980,278
NPS Natural resource protection	231			0	
Fish & Wildlife	87			0	
National laboratories	47			216	217,593
Weatherization	47			282	166,667
EPA watershed restoration	47			704	66,761
Vehicle energy conservation	28			235	119,149
NPS historic preservation	23			425	54,118
EPA green programs	23			169	136,095
Building & Industrial cons	19			94	202,128
BLM	17			0	
Fed. building energy efficiency	17			85	200,000
BIA Constr[3]	15			3,525	4,255
Subtotal	1,446			6,597	219,191
Totals:					
Budget authority	16,262			219,115	[5]89,013
Obligation limitations		3,242			
Loan levels[6]			3,283		

[1] All numbers are for FY 93 jobs and are taken from OMB Director Panetta's letter dated March 9, 1993.

[2] Included with loans.

[3] BIA jobs created estimated by proportionately dividing total BIA jobs provided (11,280).

[4] Reflects House action, transferring $5.6 million from BIA guaranteed loan program to construction.

[5] Total jobs created calculated by dividing total BA and Obligation limitations by total 1993 jobs in Panetta letter.

[6] $212 million in loan subsidies included in the $16.4 billion total will generate $3.3 billion in loans.

Mr. NICKLES. I am happy to yield to a question from my friend from New Hampshire.

Mr. GREGG. If I understand the way that you are reciting the facts of this proposal, this supplemental, is it your understanding that there are absolutely no cuts in spending that are part of this proposal, but this is just increased spending?

Mr. NICKLES. The Senator is exactly correct. There are no offsets, there are no rescissions. Many times when we have considered supplementals in the past we have rescinded money that had previously been appropriated. We do not have any rescissions in this bill, this is a 100-percent spending increase, and I believe almost 100-percent pork barrel as well.

Mr. GREGG. If I may ask a further question, Madam President, of the Senator from Oklahoma. It is my understanding there are no revenue items in this package to offset the new spending?

Mr. NICKLES. The Senator is exactly right.

Mr. GREGG. So, Madam President, if I may ask the further question of the Senator from Oklahoma It is my understanding there are no revenue items in this package to offset the new spending?

Mr. NICKLES. The Senator is exactly right.

Mr. GREGG. So, Madam President, if I may ask a further question of the Senator from Oklahoma, it is my understanding then last week when we passed the President's budget, or the Senate passed the President's budget, that of the 5-year period that that budget ran there was only $7 billion of spending reduction, using the President's own figures, modified the President's plan, but that today in the discussion of this amendment we are going to be passing a bill which increases the deficit by $19 billion, so that just by the passage of this one bill we will have wiped out the 5 years of alleged deficit reduction that we talked about last week and will end up with a $12 billion further aggravation of the deficit?

Mr. NICKLES. The Senator from New Hampshire is exactly right. I hope that our colleagues and the American people will understand that. The Senator is correct in the fact that the budget resolution passed last week called for net domestic spending cuts over a 5-year period of $7 billion. I will further tell my friend from New Hampshire, who is a valued Member on the Budget Committee, that those spending cuts were stacked on the fourth and the fifth year. If you look at the table of those spending cuts they come in the fourth and the fifth year. And if you add the 5 years together, it totals $7 billion in spending cuts.

I will tell my colleagues, we do not count interest savings as a spending cut. We never have.

But what we are doing today or tonight, or when we finally pass this package, is adding $19.5 billion to the deficit. I think people need to comprehend that.

I want to make one further clarification. Many of our colleagues have said, "The taxes in the budget resolution that passed last week totaled $295 billion." That is not correct. The budget resolution actually called for increasing taxes and fees $378 billion. It did call for tax reductions in some areas of $64 billion, and that is how you get to the net of $295 billion, plus $18 billion of additional fees on certain industries and so on.

And some of us have questioned, I might add, those $64 billion in tax cuts. We think they are rather marginal.

I happen to think those taxes are going to cost jobs. I think the Btu tax is going to cost jobs. I think the Social Security tax is going to penalize a lot of senior citizens that were counting on that income. Those that have had some income are going to find themselves punished with additional high taxes. And they are going to be particularly aggravated when they find out their taxes on Social Security went up by over $1,000 a year, and then realize that community development block grants are going to spend that money on pure pork. They are going to be quite upset when they find out they are going pay a dime more on a gallon of gasoline and fuel oil to fund spending for big city mayors.

Maybe they are willing to sacrifice for deficit reduction, but when they find out they are being sacrificed to pay for mayors' pork projects, I think they are going to be more than irate. And when they realize that their taxes are going up by almost $4 for every $1 of spending cuts, I think they are going to be incensed.

Many of us will have amendments, to change this and now it looks like, hopefully, we will have a chance to offer those amendments to the underlying bill. We will offer amendments to cut spending and hopefully not increase the deficit.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have listened for quite a while to the conversation back and forth among my good friends, the Republicans in this Senate. I have to say there is a lot of confusion that they are circulating around the Senate floor, and I would like to set the record straight.

One Senator asked the other: "Is it true that there is no deficit reduction in this package?"

Well, Madam President, this is the stimulus part of President Clinton's package. We knew this was coming. The first part was the budget resolution.

And we hear numbers bandied about, oh, there is only $7 billion of cuts. Let us set the record straight. There is $332 billion in decreased spending over 5 years in the budget resolution that was passed.

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. I will yield when I am finished.

There is $114 billion in increased investments that must be made. So you subtract that from the decreased spending, Madam President, you get $208 billion in a net reduction.

And, yes, there are taxes on the wealthiest Americans, Madam President. That adds up to $295 billion. So, all told, you get $503 billion of deficit reduction over 5 years.

Madam President, that is the largest deficit reduction in history ever offered by a President of these United States of America.

It really is an amazing thing to me that the party that brought us the biggest deficits in history are demonstrating today. Where were they when the military budget went up over 100 percent and all the waste, fraud, and abuse that followed? I did not hear them.

Where were they when the deficits went through the roof? When the Republicans took over, Madam President, we had a trillion dollar national debt. Now it is $4 trillion.

Oh, they are here today. They keep saying, tax and spend. They are the part of borrow and spend.

Now what is better, I ask the American people? To be honest about it, as this President has been, or not to be honest about it, and not to pay for the programs that you put forward?

Now, I want to talk about this stimulus package. Of course, it does not have any deficit reduction. If you were awake during the Presidential election, you knew that this President was going to offer a long-term deficit reduction, short-term stimulus package. He talked about it. He talked about the deficits we face in investment.

He is afraid and fearful that we may have a triple-dip recession. Maybe my colleagues are not worried about it. They seem, you know, quite delighted with the kind of recovery we had.

Well, this recovery is so far behind any other that it is a bit frightening. An avid recovery at this point in time would have created 4 million new jobs, Madam President. We have seen less than a million created.

The fact is, we need this stimulus program.

I want to say something about my colleagues' comments about mayors. I do not know what they have against mayors. Mayors are bipartisan. They are Democrats, they are Republicans, they are Independents.

The Republican mayors, Madam President, have sent us a letter urging us to move forward with the President's program, and we will do it if we can stop the posturing.

Give this President a chance and move this package forward.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my good friend and my chairman on the HUD Appropriations Subcommittee.

First, I want to associate myself with, I think, the very good points made by the Senators from New Mexico, Oklahoma, and Missouri, because I have been visiting with and talking with a lot of people in my home State. They are much concerned about the so-called stimulus plan. They have gotten the message. They understand it. They did not like it and they do not want it. What they know is that this so-called emergency stimulus is really going to run up the deficit.

I believe it can be called, correctly, an emergency deficit increase package.

They are seeing it as Congress spending money it does not have. We are beginning to see some progress in that realization coming back inside the beltway, and I think it is about time. I think it is time that we took a look at how we are going to spend money.

Now, I had filed an amendment that was designed to make sure that the money in the community development block grant funds would not be going to a wide range of pork projects. If the administration had waived the low-income targeting requirement, it would have been a green light for golf courses, sports complexes, theaters, tennis courts, and many other projects that most people would consider pork. That was not what the American people thought they were going to get with higher taxes and a supposed deficit reduction program.

I do not think that it is an emergency for us to add this $2.5 billion to the deficit in the first place. However, if it is to be spent, I would say we ought to prevent the pork projects and help low-income people.

And I am supported in that by the Secretary of Housing and Urban Development, Secretary Henry Cisneros. When we discussed the Community Development Block Grant Program in the Banking Committee, as I am the ranking member on the Housing Subcommittee, I asked him about the stimulus package. I asked him about whether it ought to waive the low-income targeting requirements. He said:

> Some communities will say they need low and moderate targeting waivers so that they can spend this money more quickly. My initial inclination is to say, I'm not interested as Secretary in waiving low and moderate targeting because that changes the very essence of the CDBG program and its character.

I believe Secretary Cisneros is exactly right. The essence of the CDBG Program is that it helps cities address infrastructure and other needs in lower income neighborhoods where local resources are not sufficient. CDBG is not some untargeted transfer of largess from the Federal Government to State and local governments.

Why in the world should Congress put Secretary Cisneros in the position of having the authority to waive one of the most important program requirements for CDBG? The legislation before us forbids the Secretary from waiving environmental requirements, fair housing laws, and Davis-Bacon as they apply to the CDBG Program. My amendment would have added the low-income targeting to that list.

The PRESIDING OFFICER. Will the Senator from Missouri withhold. The Senate is not in order. The Senator is making excellent points. It is difficult to hear the Senator.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator may proceed.

Mr. BOND. Let me get to the good news. My purpose in raising the issue in the amendment was not to attack the CDBG Program, which has been useful in my State and others, but to follow through on our rhetoric that there should be no pork in the stimulus package.

We have already approved language, trying to state that the money should not be wasted on golf courses and cemeteries, and we cannot, nor should we in Congress, try to micromanage how the money is spent. I am very pleased to tell you, Mr. President, that I have received a letter from Secretary Cisneros agreeing to this proposition, restating his previous position and agreeing with basically what I had sought.

In his letter to me, Secretary Cisneros says:

> This is to advise you that I have had the opportunity to examine your proposed amendment, regarding waivers of the low- and moderate-income benefit rules under the Community Development Block Grant Program to H.R. 1335.* * *
>
> I find that I share your concern in this area and I have determined that I will not waive for any project under the Community Development Block Grant Program the statutory requirement that projects primarily benefit persons of low and moderate income.

I congratulate the Secretary. He has followed through on his commitment made to the Banking Committee. I believe it is entirely proper. I thank him for his reaffirmation to this body that there will be no waiver of the low-income targeting provisions in the Community Development Block Grant Program if this money is made available. Therefore, Mr. President, I will advise the leaders and the managers of this bill that I will not offer the amendment I had previously filed because the Secretary has agreed with us. The administration has recognized it would be entirely inappropriate to waive the low-income waiver, and I particularly express my appreciation to the Secretary of HUD.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 283

Mr. BYRD. Mr. President, I move to recommit H.R. 1335 to the Committee on Appropriations with instructions that the committee report back forthwith, with an amendment as follows:

> Strike out after the enacting clause of the House bill and insert the following.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD] proposed an amendment numbered 283.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. I move to reconsider the vote by which the motion was adopted.

Mr. HATFIELD. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pending before the Senate is amendment 283.

Mr. BYRD. Does the clerk need to report the reported bill now?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

Mr. BYRD. Mr. President, I ask unanimous consent that on an amendment to be offered by the distinguished Senator from Oklahoma [Mr. NICKLES] there be a 60-minute time agreement to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I would add, I ask unanimous consent that no second-degree amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. If the Senator wants to get the yeas and nays on the amendment?

Mr. NICKLES. I will at a later time.

Mr. BYRD. The yeas and nays do not preclude a motion to table.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, shortly I will be sending to the desk an amendment that will strike $2.5 billion from this so-called stimulus package. First, while the chairman of the Appropriations Committee is here and the majority leader is here, I would like to say I appreciate the change in the bill's status to where now the bill is amendable, because previously, Senators were denied the opportunity to amend the actual appropriations bill. I feel very strongly that we needed to have that right. I have been in the Senate for 13 years. I have been in the Appropriations Committee now for several years. We have always had the right to offer amendments to strike funds, to delete funds, to add funds or to switch funds, particularly when you get into a supplemental bill, which covers a variety of appropriations. So I think it is important that we have that right and I am pleased that the chairman of the Appropriations Committee has now made that possible. I think that is a very good—good sign.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. NICKLES. I will be happy to yield.

Mr. MITCHELL. Mr. President, has the 1 hour, 60 minutes equally divided, of time, begun yet?

The PRESIDING OFFICER. It does not begin until the amendment is offered.

Mr. MITCHELL. Does the Senator intend to?

Mr. NICKLES. I plan on offering it and I ask unanimous consent the time start at the beginning of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I would just like to say to the Senator, we have debated the meaning of the prior status of the bill. I do not wish to prolong that debate. However, I do not wish to have silence be deemed as acquiescence in the description provided by the Senator from Arkansas. I believe that description to be totally inaccurate. Now we are in a new phase and we will proceed.

Mr. NICKLES. Just to respond to the majority leader on two points: One, I am the Senator from Oklahoma, and two, we were precluded from offering amendments. It would have been to the underlying bill, and the substitute would have basically wiped out any amendments that were agreed to. That was not acceptable to this Senator. Many of us have several amendments that we were wanting to offer but we were hesitant to offer under the previous amendment tree, and I feel very strongly that we needed to have that right. So I am pleased that we now have that right.

Mr. President, this amendment that I am offering will eliminate the question of whether or not these so-called ready-to-go jobs will be included in this emergency package. As I also mentioned, at a later time I will have an amendment that will strike the emergency section. But I want to make sure that we are not going to be funding a lot of what I would say are pork barrel projects that are now possible to be funded under this legislation. The number of projects that are listed in the ready-to-go jobs that were listed by the U.S. Conference of Mayors is in the thousands. I have highlighted about 400.

Mr. President, this ready-to-go project list, actually there are two volumes, includes 4,396 projects in 473 cities in 49 States and Puerto Rico and the District of Columbia. I really do not think that we should be funding these projects. I certainly do not think we should be funding these projects by adding to the deficit.

If we do not adopt this amendment, I am afraid that is what is going to happen. I have heard many of my colleagues over the last day or so say, well, they are supporters of the community development block grant approach; they like giving money to the mayors and, no question, the mayors can come up with lots of ways to spend Federal money.

I have made the statement in the past that the Federal Government has no money itself. It can take money from taxpayers and give it to somebody. That is redistribution of wealth. But the Government itself does not create that money. It has to take it from the people. It either takes it from the people in the form of taxes today or it takes it in the form of borrowing.

Our Government does that quite well. We now have a debt that exceeds $4.2 trillion. That exceeds $16,000 for every man, woman and child in the United States. I say enough is enough. Why should we add another $19.5 billion to the debt?

So this amendment that we have before us tonight, the amendment that we will be voting on will eliminate $2.5 billion of this package. This $2.5 billion is not an emergency. This is $2.5 billion of additional spending, to the mayors and others, to the Governors who are writing us letters saying give us more money, that is not needed.

It does nothing but increase the deficit. It does nothing but compound the problem that the Federal Government can spend money better than anybody else.

Keep in mind that we passed a deficit reduction package last week. I heard my colleague from California say that it was the largest deficit reduction package in history. That is not correct. The Congressional Budget Office has recalculated the numbers and it is not $502 billion in deficit reduction. They recalculated it at $458 billion. Then I also heard her say, well, it cuts spending by $332 billion and that, likewise, Mr. President, is not correct. It does not do anything of the nature.

The budget package adopted last week does have a massive tax increase, new taxes and fees, $378 billion, net taxes $295 billion and new fees at $18 billion.

But when you get into the spending cuts side, you will find out the spending cuts are not there. There is nothing of the sort of $322 billion; $44 billion is lost to a baseline game. CBO said those savings are not there. About $60-some billion of that $322 billion are interest savings, and we do not count interest savings because they are a result of other actions. And then, we cannot forget to count the $124 billion of new spending.

Senator BROWN had an excellent amendment last night. He was going to strike out $105 million of this package. His amendment was agreed to last night. Unfortunately, the majority was able to corral enough Members to defeat it this morning. And so the taxpayers, unfortunately, lost another $105 million this morning. We are going to give the taxpayers a chance to save $2.5 billion, maybe I should say the future generations because the amendment I have before the Senate now to eliminate $2.5 billion of money for community development block grants will keep us from having to borrow an additional $2.5 billion.

So I urge my colleagues to look at this amendment and to ask themselves a couple of questions: Do we really need to spend this money? Did we not appropriate enough money last year? Last year we approved total Federal spending of $1.5 trillion. That is equal to $6,000 for every man, woman, and child in the United States. Are we not spending enough? Are we not spending enough already, and if we are going to fund this program, do we not have offsets? Should we not find some other place to cut Federal spending?

If we are spending $1.5 trillion, if we are spending $6,000 for every man, woman, and child in the United States today, should we not find some kind of offset. Before we start financing a bunch of programs like painting the water tower; or maybe resurfacing the tennis courts; or maybe putting in a swimming pool; or maybe doing some other project that the cities would like to have funded; maybe landscaping for the city hall; maybe painting the city hall; maybe putting in new windows in the townhall—no telling. They may have good projects, maybe projects that should be funded but more than likely they should be funded by the city and not the Federal Government. At least this Senator's opinion is we should not be going into debt to finance municipal projects.

So I just urge my colleagues to take a look at this amendment. I hope they will adopt it. It is the second chance we have had in this bill to exercise fiscal responsibility. It is a chance to save $2.5 billion from being added to our national debt. It is a chance to say when you go back to your homes and you say, yes, we want to be fiscally responsible, this is a chance to be fiscally responsible.

Now we are dealing with real dollars, now you have a chance to say we do not want to increase our debt by $19.5 billion. This amendment does not eliminate the entire bill. This amendment eliminates the spending on community development block grants; $2.5 billion in real money.

My guess is this bill will ultimately pass and, yes, we are going to be shoveling money out to the cities and we are going to be telling the mayors: Go out and spend the money quick; we want to see some results. Make sure you spend it real quick. We want your projects ready to go. So the mayors said they are ready to respond.

Now we give a little direction to OMB and we say we do not want you to fund bad projects or projects that would embarrass Congressmen and Senators. But the net result on the taxpayers is the same: We are going to have to borrow $2.5 billion.

Do you know what? The impact is not just $2.5 billion, it is the fact we are going to be paying interest on that $2.5 billion, maybe for as long as we can think about. We have not seen the total Federal debt go down and therefore we are going to be paying interest on this for some time; $2.5 billion.

If the Federal Government is borrowing money at 5 percent—at 10 percent on $2.5 billion that is $250 million in interest per year. So at 5 percent, that would be $125 million per year. So not only are we going to be spending $2.5 billion if this amendment is not successful, but we are also going to be adding $125 million of interest expense for the next many, many years, unlimited number of years.

So this is an important amendment. It is an amendment that I hope my colleagues will adopt.

I see the majority leader is here. I know that he would like to try to reduce the time by a few minutes. That is fine with this Senator.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I merely would——

Mr. BYRD. Mr. President, may I yield time to the majority leader, whatever time he desires, and then I would like to yield the remaining time to the Senator from Maryland, BARBARA MIKULSKI.

Mr. MITCHELL. Mr. President, I merely wanted to first pose a question to the Senator from Oklahoma and ask how he voted on funding of the superconducting super collider? Does the Senator recall how he voted on that?

Mr. NICKLES. Are you on your time or my time?

Mr. MITCHELL. My time.

Mr. NICKLES. I will tell the Senator——

Mr. MITCHELL. It only takes a yes or no answer.

Mr. NICKLES. I have supported it in the past. I will tell the Senator today, this Senator has serious reservations about it. This has never been a vote I have been overwhelmingly excited about.

Mr. MITCHELL. Mr. President, I think that answer really tells us all we need to know. Everybody in public life who has their words recorded sooner or later encounters an inconsistency. We meet our words coming around the corner. Rarely does it occur so clearly and so soon in time.

We have heard all these speeches today about wanting to cut spending, particularly the so-called phantom list of projects that is in the bill, but when anyone suggests actually cutting spending on a project that the estimates just keep going up on and are now $12 billion, why, of course, our colleagues are not for that. They are for cutting spending on projects that do not exist so that they can keep spending on projects that do exist.

In that way they believe they can delude the American people. Why, if they get up and read from this long list of projects that is not in the bill, they can somehow divert the attention of the American people away from the fact that they vote for the multibillion-dollar projects and refuse to cut actual spending.

I have thought about it a lot and the most charitable word that comes to my mind is inconsistent. There are a lot of other words that are much less charitable that I will not use out of deference to the decorum of the Senate. But what we have heard here today is at the very least inconsistent. Time and time again they vote to spend billions and will not cut actual spending. It is not pork if it is theirs. But here they come with this fictitious list, as I said, the phantom of the Senate, that now suddenly is the Holy Grail of the efforts to cut spending by those who otherwise will not vote to cut spending.

Well, I do not think the American people are that easily fooled. The Senator has voted consistently to fund a multibillion-dollar project. We just heard a long mathematical oration about what would happen if this $2.5 billion in community development is spent. Well, multiply that by 4 or 5 times and you have the results of the super collider. And the Senator has always voted for that.

Let us hope that the doubts he has expressed will blossom finally into a vote to actually cut spending on that project when the time comes.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. I believe the Senator——

Mr. BYRD. Mr. President, I have yielded to the distinguished Senator from Maryland, the chairman of the HUD Appropriations Subcommittee, the remaining time on this side.

Ms. MIKULSKI. Mr. President, how much time is remaining on our side on this debate?

The PRESIDING OFFICER. You have 25½ minutes.

Ms. MIKULSKI. We have a lot of time.

Mr. President, I rise in defense of the Community Development Block Grant Program, and I rise in defense of the President's stimulus package to use existing Government programs to spend money wisely to generate jobs and economic vitality. I also rise to challenge the myth that somehow or another public investment adds to the deficit.

Mr. President, I believe that public investment reduces the deficit. Now, why do I say that? Is that kind of the voodoo economics which was made famous in another administration? Oh, no, Mr. President. This is a CBO number that says for every 1 percent of unemployment in our country, it costs the Federal Treasury $28 billion. That means for every 1 percent of unemployment in the United States of America, we lose $28 billion in the Treasury to either lost revenues or to the funding of programs to help the unemployed. That does not even calculate broken homes, broken marriages, broken dreams.

What it does calculate, however, is that when we make public investments it is a tool for reducing the deficit because we are generating jobs, and we are making public investments to generate private sector jobs. We are not creating the national Federal corporation of leaf rakers or make-work or pick up a tin can today and save America, although that might not be a bad idea. These are real jobs in real communities for real projects identified by real mayors who have been elected by the people. That is the heart and soul of the Community Development Block Grant Program.

So we support this $2.5 billion because we believe in spending that money we will generate economic vitality and lower unemployment where it is the highest in our communities.

The other reason why I object to the amendment is that somehow or another community development block grant moneys are getting this reputation for pork. However, as the chairman of the Appropriations Subcommittee that funds CDBG for 4 solid years, there are those who now call this pork who are always coming to me about their projects. Not only have they voted on big ticket items but about their projects, or how to get things unstuck at HUD so that community development block grant money could come forward.

So you see we happen to believe that community development block grant approaches are important and so do the other people on this side of the aisle except when it is convenient to take a few isolated projects—54 of them in a country of 250 million people, 50 States in the Union, countless numbers of cities and counties. Combing through the projects, they found 54 items that might be debatable or on first blush seems silly.

Well, I think it is darned good for only 54 projects to be questioned. I think that is pretty good. I think we are getting our money's worth. And then it is up to that mayor and city council to defend the project to those voters.

But I will tell you this. I bet if you went out and looked in the community development projects the way I have in my home town in my State, you will see that CDBG is a dual purpose funding program. It generates jobs and infrastructure and it meets compelling social needs.

What are the examples of its uses? First of all, it will fix up public housing so that the working poor, who are out there now, who have been denied a raise in the minimum wage for more than a decade, at least have a chance to live in subsidized housing so they can accumulate some money to have this not as a way of life but a way of a better life. In some communities it will get lead out of public housing. This is not some gucci green idea. We know that for every young child who goes into Johns Hopkins for lead poisoning treatment, it costs Medicaid $8,000, and if you have five kids in your family, we are going to spend $40,000 on Medicaid to get lead out of children's blood, and maybe we need to get the lead out of what is happening in this country and pass the President's stimulus package.

CDBG money is going to go to Indian tribes. You and I have seen on TV these Indian tribes that are now turning to gambling as a source of revenue, often a possible front for organized crime activities. I do not know if it is true, but it sure does not look good and it sure does not sound good. I surely would rather have CDBG coming into those tribes where the chieftans and elders decide what needs to be done and not have to be funding their activities by lotteries and by gambling.

This includes rehab houses for single family owners, it will build multifamily housing for several million families, and it will do public works, for example, new senior centers, actually even fixing up shelters.

A few minutes ago the senior Senator from New Mexico came to the floor in a gallant way and spoke about the needs of the mentally ill and whatever we do in the health reform package, he said, do not forget the mentally ill. Time and time again in a gallant way he has come to the floor to plead for the mentally ill, and now for those who are homeless. Where to you think they are going to go? If they have any shot at all, it is going to be halfway houses, it is going to be shelters. And by funding CDBG you are going to put those big, beefy, blue-collar guys in Baltimore to work fixing up the shelters, building those shelters, working with nonprofit organizations and then they are going to take off their hard hat and tip it to those senior citizen women, many of them who have been gripped by mental illness or depression, and say, "Ladies, after you."

Let me tell you, that is what the American people want our dollars spent for. That is why I am an unabashed supporter for community development block grant money. That is why I think it is an important tool under the President's stimulus package, because I believe that it will generate jobs in infrastructure for those blue-collar workers, a multiplier effect in the community, and then at the same time meet these other compelling needs that have been so long neglected that it is time now for us to combine our resources to meet those needs.

Mrs. BOXER. Will the Senator yield for a question?

Ms. MIKULSKI. I will be happy to yield to the Senator from California.

Mrs. BOXER. I would like to say to my friend and colleague that her comments are very well taken.

Before I came to the Senate, I had a House seat and I had the honor of serving with my friend in the House of Representatives. I was a member of a local government board of supervisors in Marin County, CA, where we had the opportunity to look at these funds and use that decisionmaking to really go after the needs of the community, because—as the Senator from Maryland knows because she served in local government—that is the closest to the people.

I would like to ask my friend this question: Does she not find it ironic that the very people in this institution who always talk about local control and local decisionmaking would be attacking the mayors, the local boards of supervisors, and attacking a program that across the board has more support in a bipartisan way than any other program, I think, that we can find here?

I ask my colleague to comment.

Ms. MIKULSKI. Mr. President, I will be happy to respond, and also note we are both former city council women. That is why maybe we have such a passion for funding local government.

But to answer her question: Yes, community development block grant money was invented by a Republican President, President Gerald Ford, on the principle of Jeffersonian democracy, that the people closest to the government govern best, and that it not be trickled down through layers of bureaucracy, but go directly to a mayor and a council or an executive branch so that then they would be most accountable to the local people to meet the needs.

Mrs. BOXER. I thank the Senator.

Ms. MIKULSKI. I yield the floor.

Mr. SARBANES. Does the Senator have the time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Republican side has 17 minutes and 30 second remaining; the Democratic side has 15 minutes and 57 seconds remaining.

Mr. NICKLES. Mr. President, I might tell my colleagues that I had at least one or two Senators say they would like to vote before 7 o'clock. I am happy to try to accommodate that schedule, if I can.

Mr. President, I would like to make a couple of comments. One, the majority leader asked if this Senator would support the super collider. And I think over the super collider's history that we have already invested maybe a little over $1.5 billion. That is over the last several years.

I just noticed in the budget proposal submitted by President Clinton that he too wants to fund the super collider.

I think that is kind of interesting. I am not sure I am going to support it this year. I have always had a problem with spending that much money.

But my point is, the bill that we have before us spends $19.5 billion. This Senator is against spending that $19.5 billion. This Senator would like to not increase the deficit.

Whether or not we have funding in R&D projects and whether or not the super collider should be one of those projects, or the space station, those are good questions. They are questions that need to be debated. I will be happy to participate in those debates.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. JOHNSTON. Mr. President, I was happy to agree with the Senator last year on the vote on the superconducting super collider. I hope the Senators on the floor will not take this easy target called science, which is hard for people to understand sometimes, such as leptons, or the basic forces of the universe, and say that because we do not understand it, let us revel in our ignorance and try to cut that at a time when we are trying to get a country that is competitive in a world market.

Mr. President, I hope the Senator will stick to his guns on the importance of science in this country, the importance of basic science, and not join in this feast of saying it is time to cut science because we do not understand it and cannot explain it.

I hope the Senator will stick to his guns, and other Senators will do the same.

Mr. NICKLES. I appreciate the Senator's comments.

Mr. President, the interesting comparison with the super collider, it is probably a 15- or 20-year project, and the cost is estimated to be about $8 billion. That is an expensive project. I have no doubt that the Senator from Arkansas will have an amendment every year to cut funding for the super collider.

Every year, we will have that vote, because he wants to have a vote for fiscal responsibility. My point is, we are going to end up passing a bill, probably tomorrow sometime, that will spend twice as much as the super collider and we are going to spend it in one day.

We are going to be spending to fund social programs, not science. Somebody else said it is a jobs program. I appreciate my good friend and colleague, the Senator from Maryland, talking about job programs. There is no question the Community Development Block Grant Program will create a few jobs. It is going to cost $2.5 billion. Actually, $2.536 billion.

How many jobs will it create? According to the Director of the Office of Management and Budget, Mr. Panetta, he says it will create 15,894 jobs in fiscal year 1993. I do not know where he got the figure. But if you divide the total amount of money spent and the number of jobs created, the cost per job is $159,557.

This Senator, for one, thinks that is a bad deal. That is a bad deal for taxpayers. I, for one, do not think that we can afford it.

How much time does the Senator from Iowa need?

I yield to the Senator from Iowa 8 minutes.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, we all know the Government sector does not create jobs; only the private sector creates jobs. Government consumes wealth. People working in productive jobs in the private sector that pay taxes are the ones that create wealth.

So I think the best thing that Congress could do besides adopting the amendment by the Senator from Oklahoma is likewise forget about this emergency jobs bill.

The best thing that Congress could do to create jobs then would be to lower taxes, to lower spending, to cut regulation, and to cut the deficit.

The Clinton budget package, and particularly this stimulus package that is before us, does none of these. In fact, the President's budget will add—hear this—$1.8 trillion to the debt. This jobs bill is going to help do that by another $16 billion on top because we are not paying for this bill. We are not raising taxes for it. We are not taking money away from any other program.

It is taking us all down the same road that we have traveled before. I want to refer to some history. I think we ought to learn from history, and that wrong-road approach. And a recent example of it is the Jobs Creation Act, or the Emergency Jobs Appropriations Act, I guess it was called, of 1983. I think it is very beneficial to examine that precedent to see if it lived up to its billing, and to see if we can learn some lessons that might be applicable in today's consideration of this so-called jobs bill.

In 1981 and 1982, we were experiencing one of the worst economic recessions of this century. Unemployment was at 10.7; almost 12 million people were out of work. At that time, Congress passed a bill making available $9 billion to stimulate jobs. This was the Emergency Jobs Appropriations Act of 1983.

The goals of the legislation were to provide worthwhile jobs to the unemployed, to construct essential Federal projects, and to provide assistance to the needy unemployed, the very same goals that are sought in this legislation.

The funds were expended as quickly as possible in order to stimulate the economy. This is the same type of approach that is being advocated in this legislation today. So looking back there, did the Emergency Act of 1983 work? Were jobs created? Were they good jobs? Were they permanent jobs? That ought to be the goal of anything that we do here in the Congress, is to create as many permanent jobs as we can.

The nonpartisan General Accounting Office did a very detailed analysis of this legislation and found out that it was in fact a failure; that this legislation of 1983 did not live up to its claims; that we ought to think of that when we are considering this legislation before us today at $16 billion.

The implementation of the Emergency Jobs Appropriations Act was flawed by a failure both to spend the funds quickly and to direct job creation efforts to the unemployed, problems inherent in this type of approach to jobs creation.

Despite being enacted relatively quickly following the beginning of the 1981–82 recession, as compared to previous jobs bills which were enacted well past the onset of the downturn in the economy, the Emergency Jobs Appropriations Act was not effective and timely in relieving the high unemployment cased by the recession.

Funds were spent slowly and few jobs were created when they were needed most. Unemployed persons received a small proportion of the jobs provided.

As the chart here illustrates, the peak employment effect was about 35,000 jobs, right at this point, in the second quarter of 1984.

This was well into the economic recovery. Only 34 percent—only 34 percent—equaling $3.1 billion of the funds under this legislation has been spent by this period of time.

I will refer to another chart here that illustrates that these 35,000 jobs were a very small part of the percentage of jobs that were created during this period of time. Just six-tenths of 1 percent of all the jobs were attributable to the Emergency Jobs Act of 1983, compared to the 99.4 percent of all other jobs, new jobs, that were created during that period of time; 5.8 million jobs compared to 35,000 jobs during that period of time of March 1981 and June 1984, according to the GAO.

While there were 8 million people unemployed at that time, the employment increase credited to the funds spent under this act only touched 35,000 jobs or six-tenths of 1 percent.

After June 1984, additional employment attributable to the legislation declined to an estimated 8,000 jobs by June 1985. By that time, about half of the available funds had been spent.

The General Accounting Office also found that a small percentage of the employment created under the 1983 act actually was provided to unemployed persons. Just a very small percentage. By September 1984, no more than 35 percent of the people employed in projects had been previously unemployed.

Stated quite another way, but just as true and just as illustrative of how shortcoming this approach could be in creating jobs, two-thirds of the people employed through money spent on the Emergency Jobs Appropriations Act of 1983 already had other jobs.

So, Mr. President, infrastructure projects like time to plan. Hearings must be held, bids sought, and contracts issued. The process is further extended because of onerous government regulations on these construction projects.

Even if jobs are created, the cost can be many times that of jobs created in the private sector. Each new job created with mass transit funds in the Emergency Jobs Act of 1983, for instance, cost over $300,000 during the first year of expenditure.

As I stated earlier, the government sector does not create jobs. The private sector creates jobs. Federal spending on jobs programs is not a good way to put people to work quickly, efficiently, or cost effectively.

I have a confession to make about that 1983 act, Mr. President. Despite some reservations, and despite my usual doubts about taking this type of approach, I voted for that legislation in that year in hopes that it might help put people back to work.

Mr. President, I was wrong. The legislation did not live up to its job creation premise that it was going to create a lot of jobs. It did not create the jobs that it said it was about to create. I admit that I made a mistake in 1983. I do not intend to make that same mistake this year. I only hope that the rest of my colleagues who voted for that failed legislation will also learn from the mistakes. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 284

(Purpose: To eliminate supplemental appropriations for Community Development Block Grants)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 284.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, strike lines 4 through 24.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Ms. MIKULSKI. Mr. President, I yield to the senior Senator from Maryland 5 minutes.

The PRESIDING OFFICER. The chair recognizes the senior Senator from Maryland for 5 minutes.

Mr. SARBANES. I thank the Senator. Mr. President, we have just heard this assertion that government does not create wealth; only the private sector creates wealth. I want to address that head on, because there is money in the stimulus package that does create wealth. If we build a highway transportation network, the interstate highway system—and it is the marvel of the world—is that not wealth? If we develop an efficient mass transit system, is that not wealth?

The Europeans are talking about putting $30 billion into a major upgrade of the inter-country rail system in Europe. They understand that that is wealth. We help to create wealth through a relationship between the public and the private sector, and it has always been that way in this country. When we build these great transportation networks, we are creating wealth in this country. Some of the money in here is for SBA loan guarantee. This will enable the Small Business Administration to continue its program—and not to close the doors—to provide credit for the engine of our economy—the small business sector. That helps to create wealth when we undertake to do that.

When we do Head Start in order to educate our children, and get them off to a faster start, and move them ahead in terms of maximizing the use of their abilities, that is helping to create wealth.

Mr. President, let me address this amendment specifically, Community development block grants. The mayors tell us—and I want to quote them—"The U.S. Conference of Mayors, through a February survey of 460 cities across the Nation, verified that there are hundreds of CDBG eligible projects ready to go on very short notice, hundreds of projects that can be completed by the end of this calendar year, generating more than 100,000 jobs in 1993 alone." More than 100,000 jobs in 1993 alone.

Earlier, I heard a colleague on the other side talk about the Community Development Block Grant Program creating only 15,000 jobs. I think it is important to put in this statement from the Mayors with respect to the community development block grants to counter the Senator's contention.

CDBG is a program that has to be focused on low- and moderate-income people. HUD, in its survey, has found that over 90 percent of the money is used exactly that way. So it, in fact, does make a big difference. CDBG offers an opportunity, since there is a lot of matching or leveraging money that takes place with community development block grants, to increase the impact of CDBG. Not only the Federal money is being made available to States and localities in order to move forward on many needed projects, but the State and local governments money which also provide their own money which is utilized in order to move these programs forward.

Finally, Mr. President, I want to address the question of the overall need for the stimulus. Members have to come to grips with this chart. This chart shows the recovery of jobs coming out of recessions in the post-World War II period.

This blue line is the average of job recovery in seven previous recession-recovery cycles. This is the trough of the recession. This is when you hit bottom and then you try to come up out of the recession in your recovery.

Look what has happened. We are not getting recovery in this cycle. We have not yet recovered back the jobs that were lost. We are 23 months after the bottom of the recession. Look at this comparison between this recession-recovery cycle and the average of the seven previous recession-recovery cycles in this post-war period.

This is why we need a stimulus program. We need a stimulus program because this economy is not yet up out of the recession. We have not gotten the jobs back. We need this stimulus program in order to restore jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Ms. MIKULSKI. Mr. President, I yield to the Senator from the State of Washington 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for 5 minutes.

Mrs. MURRAY. Thank you, Mr. President. I thank the Senator from Maryland for yielding me my time.

Mr. President, I rise to strongly oppose the amendment that has been put forth to us today that will virtually wipe out the community development block grants that are in the President's economic stimulus program.

Mr. President, I have not been here very long on the floor of the U.S. Senate, but I have learned a few things as a Member of the Budget Committee, listening to the budget debate hours on end, and coming here on the floor and listening to many midnight sessions where we debated numbers, and this week talking about the economic stimulus package.

I have heard numbers used in many different ways to mean many different things, and it clearly says to me, in my mind, that numbers on this floor have become meaningless because however we put them out they mean something to somebody differently. What truly amazed me is that words become meaningless as well.

I have listened to my colleagues reiterate over and over again over the last several days, projects that are in these community development block grants, swimming pools, golf courses, and bike paths.

Mr. President, this is just astonishing to me. It reminds me of someone going, oh, my gosh, she is wearing a red dress. You say that is horrible, until you step back and say what is wrong with her wearing a red dress?

Mr. President, what is wrong with bike paths and swimming pools? We are not talking about private golf courses and private swimming pools. Those will be there next summer for those who can afford to use them. We are talking about municipal swimming pools and bike paths for kids who cannot afford any other type of activity. This will provide something for them to do so they are not breaking into your car and your house in the next several years.

These are good programs. And not only are they good programs, but they are put together by the communities who know their people and their constituents that they fought hard for, and they provide funding and we provide funding.

This is exactly what the people of America want. They want hope for their kids again. That is what community development block grants are about.

In my State of Washington, I recently visited a community center in Spokane, WA, where the community got together and said, what can we do for the people of our community that will make sense? And through a block grant they built a community center that now houses Head Start preschool, it houses a senior citizen program. And when I visited, there were senior citizens painting pictures. Senior citizens who had nothing more to do than watch C-SPAN had the opportunity to do something productive with their lives and paint next to a room where children were coloring and drawing, and the interaction was fabulous. This community has done an excellent job.

Mr. President, I urge my colleagues, for the people of America, to defeat this measure so that we can send hope back to our children once again.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. How much time do I have remaining?

The PRESIDING OFFICER. Four minutes and 49 seconds.

Mr. NICKLES. I yield the Senator from Rhode Island 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island for 2 minutes.

Mr. CHAFEE. Mr. President, I have heard some very powerful speeches on the floor this evening. The distinguished senior Senator from Maryland always spoke so well, the new Senator from Washington, about these extremely worthwhile programs, the need to take care of the seniors in the community under the community development block grants, the virtues of Head Start, how wonderful it is to build roads. It all sounds good to me. And I just have one question of the senior Senator from Maryland who, perhaps, we could rightfully call the king of the charts—if I could get his attention?

Mr. SARBANES. I am listening.

Mr. CHAFEE. He always has some fascinating charts here on the floor. Indeed I have seen him with charts showing the evilness of the deficit of the Nation and how it has gone up over years, and it always made a great impression on me.

I was wondering if the senior Senator from Maryland could tell me how he plans to pay for this program? I may be innocent, but it is my understanding that what he wishes is several billion dollars of wonderful programs, but not to be paid for. Oh, yes, they ought to be paid for, they are to be paid for by our children, by adding it to the deficit.

I know that the senior Senator from Maryland is an admirer of the chairman of the Federal Reserve, and as you know here is what he had to say about deficits. The deficits are a corrosive force eating away at the foundations of our economy. They are a malignant force in our economy, the dangerous erosion, significant deterioration.

Would the Senator from Maryland fill me in on how this is going to be paid for? Is this going to be borrowed?

Mr. SARBANES. The stimulus package needs to be looked at in the context of a deficit reduction package of $502 billion. Alan Greenspan, in testifying with respect to the President's total package investment deficit——

The PRESIDING OFFICER. I need to inform the Senator this is being charged to the Republican time.

Mr. CHAFEE. That is right.

Mr. SARBANES. He addressed the question to me. I am responding to his question.

The PRESIDING OFFICER. That is proper. I needed to inform you.

Mr. SARBANES. Alan Greenspan said in addressing that issue——

Mr. NICKLES. We have not yielded time.

Mr. CHAFEE. Could the Senator answer my question? The $16 billion he called for.

Mr. SARBANES. This is paid for in the deficit reduction of $502 billion, and this is an essential part of that entire package.

The PRESIDING OFFICER. The Senator recognizes the Senator from Rhode Island.

Mr. CHAFEE. I have gotten the answer. It is not being paid for. I appreciate it.

The PRESIDING OFFICER. No one yielded time beyond the 2 minutes.

Mr. NICKLES. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Vote.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will just make a couple very brief comments.

The bill before us, will increase the deficit by $19.5 billion, period. To answer the Senator from Rhode Island, this package is not paid for. This is nothing but a deficit-increasing package.

The amendment that we will be voting on will cut the spending package by $2.5 billion. We will eliminate funding in the stimulus package for community development block grants.

I might also tell my colleagues that Mr. Panetta, in a letter of March 9, said this spending would create 15,494 jobs in fiscal year 1993 at a cost of $159,000 per job.

If we want to make sure that we do not waste money on a lot of pork barrel projects that are described as ready to go, the way to do it is to pass this amendment. That way we will not be spending an additional $2.5 billion for community development block grant projects which, frankly, are not an emergency, which are not needed, and which will only increase the deficit. This package, this amendment will save taxpayers $2.5 billion.

The majority leader may want to come before the Senate and complain about my vote, or anybody's vote on the super collider, but we have not spent $2.5 billion on the super collider over the last 5 years. We have a chance to save $2.5 billion right now in the next few minutes if our colleagues will adopt this amendment. We can save the taxpayers and future generations $2.5 billion.

I think that is a good step, and I hope my colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, we yield back the time.

Mr. NICKLES. We yield back the time.

The PRESIDING OFFICER. All time is yielded.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I move to table the amendment and I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mrs. FEINSTEIN], and the Senator from Texas [Mr. KRUEGER] are necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Bradley
Feinstein
Krueger

So the motion to lay on the table the amendment (No. 284) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, I want to say to the Senator from Oklahoma with respect to our previous debate, I do not know about this letter he was citing that said that the Community Development Block Grant Program would create only 15,000 jobs, and then he costed it out to produce some extraordinary figure per job.

In the communication from the President of the United States, the formal submission to the Congress, the President stated, in making this submission with respect to the $2.5 billion for the Community Development Block Grant Program:

> An estimated total of 59,600 new jobs would be generated by this proposal.

This is in the official submission in the communication from the President. Of course, that just cuts your cost per job. I mean, the actual cost per job is 25 percent of the figure you asserted.

Mr. NICKLES. If the Senator will yield, if I took the Senator's figures to be correct, the cost per job would still be about $50,000 per job.

Mr. SARBANES. You may want to make a big point about that, and fine. At least do not stand on the floor and tell us it is only going to create 15,000 jobs at a cost of $160,000 per job when the submission says officially that it is going to create 59,600 jobs. This amount of jobs is four times the number of jobs you were asserting in the debate and, therefore, one-fourth the cost you asserted per job.

Mr. NICKLES. If the Senator will yield further, Mr. President.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Oklahoma for a question?

Mr. SARBANES. Yes; I yield for a question.

Mr. NICKLES. If the Senator will yield further, I put into the RECORD information that was given by the Director of the Office of Management and Budget, Mr. Panetta, in response to a letter to House Members that estimated the number of jobs to be about 16,000.

I will be happy to further substantiate that with the Senator. I appreciate his showing me the President's submission, but we were relying on information that was given to us by Mr. Panetta.

Mr. SARBANES. Mr. President, I ask unanimous consent to print in the RECORD—This is from House Document 103–50, communication from the President of the United States, transmitting his request for emergency fiscal year 1993 supplemental appropriations; and the page concerned with community development grants.

The PRESIDING OFFICER. Does the Senator wish the entire document to be printed?

Mr. SARBANES. No; just the one page.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants," $2,536,000,000, to remain available until December 31, 1994: *Provided*, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Community Development Act, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

This supplemental request would stimulate the economy throughout a broad sector of the Nation by funding needed improvements to housing, public facilities and public services that can be carried out within a short period of time. The allocation of these funds will be based on the same entitlement configuration and formulas as employed in allocating the $4 billion previously appropriated for the program for 1993. Tight deadlines will be established for applying for the grants, and for committing and expending the funds. Basic program rules will apply to the use of the funds, with some waivers or exceptions aimed at enabling communities to apply the funds to immediate needs with greater flexibility.

The $2.5 billion of additional obligations in fiscal year 1993 would increase 1993 outlays by $659 million. An estimated total of 59,600 new jobs would be generated by this proposal during fiscal years 1993–1995.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I just want to make a prediction, and I ask the American people to pay attention to this prediction. We just had a vote in an effort to eliminate from this bill the Community Development Block Grant Program, and there has been 2 days of discussion about the list of projects not in the bill that might be funded by it. Every one of our Republican colleagues voted to eliminate it from the bill.

But I predict that after this bill is passed and these grants are awarded, that they will be right out there with the press releases, right out front announcing these projects, cutting the tapes.

Mr. SARBANES. Oh, yeah, cutting the ribbons.

Mr. MITCHELL. Cutting the ribbons, making the speeches, taking the credit. I cannot wait to see that avalanche of press releases that we are going to get from our colleagues, every one of whom will have voted to kill the funding once the funding translates into projects in their States. By gosh, get those ribbons ready back home, folks. Get those golden scissors, get those gold-tipped spades. Our colleagues are going to be out there rushing out in front to tell the folks back home how we got this and we got that and we got the other.

That is my prediction, and I await the results.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just to make sure my colleague is aware, the letter I am referring to is a letter by Mr. Panetta dated March 9 of this year. It states it would only provide 15,984 jobs in fiscal year 1993. Maybe the President has a different figure. I do not know. But I am going by the Director of the Office of Management and Budget.

In relation to the majority leader's comments about groundbreaking, most of these are little projects around the city. Projects dealing with fire stations, police stations, city hall.

So for all my colleagues who are excited about having new projects, I hope they also go out and tell their people that, yes, they are doing it on the backs of their children; they are doing it by deficit financing. The net result will be to increase the deficit to pay for a lot of projects that mayors did not pay for in the past. Maybe they could not get the money; maybe they did not want to raise taxes to pay for these projects; maybe their constituency did not want to pay for these projects. And so they were on the list of ready-to-go, but not done.

Of course, they have projects they want the Federal Government to pay for. They have this idea if it comes from the Federal Government, it is free. Well, it is not. The Federal Government cannot give anybody—a mayor, a Governor, or anyone else—a dime that it first does not take from somebody else. It takes it from them in the form of taxes or borrowing. In this case, it is borrowing.

So we are going to spend an extra $2.5 billion. In addition to that, we are going to spend $100 million in interest every year, probably, for the foreseeable future to pay for this amendment that our colleagues were so successful in defeating.

But that amendment was just $2.5 billion. This total package is $19.5 billion. I will tell my colleagues, that means we are going to be paying interest expense of $1 billion a year, in addition to paying for this spending, the so-called stimulus package.

We are increasing interest expense about $1 billion for the next many, many years. I do not think that is responsible.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I will be very brief so that the Senator from Maryland can speak. I just want to say to the Senator from Oklahoma that I thought the majority leader made an excellent point a moment ago.

You are talking about cutting $2.5 billion. I will tell you, this fall, the rubber is going to hit the road in two areas, and the first one is going to be a series of amendments by Senator SASSER, perhaps Senator LEVIN, Senator WARNER, Senator COHEN, and Senator BUMPERS. It is going to be a good bipartisan approach.

We are going to offer to cut five, six times as much as you are talking about, and I invite you to join us. That is the super collider and the space station and the D–5 missile and the Star Wars Program and the intelligence budget. and I know that this year, for the first time, the people on that side are going to join us, and we are going to kill those suckers, the biggest slab of pork ever in the history of the world, and I know you are going to join us. I know the other Senators on that side are going to join us.

The other place the rubber is going to hit the road, and it is going to make it very difficult because I know you all are going to vote with us to cut not only $10 billion in 1994, but over a period of 30 years that $10 billion converts into, counting interest, $350 billion—no, wait a minute, $600 million, not counting interest; over the next 30 years, the items I just mentioned and a few others, $350 billion. we are talking about 120 times more than the Senator is trying to cut here.

And, you know, the thing that makes it difficult to do all that cutting and trying to get the deficit under control, my good friend, the distinguished chairman of the Appropriations Committee, announced last year, as subcommittee chairman of the Subcommittee on Interior and Appropriations, he got over 3,000 requests from Members of the Senate for special projects. I am sure the Senator from Oklahoma did not ask for anything, but everybody else in the Senate did.

The Senator said there is not any way we can be fiscally responsible and honor 3,000 requests. And you know something else? Those requests did not just come from this side. My guess is those were about equally balanced between that side of the aisle and this side of the aisle.

I will tell you something else, to pursue what the majority leader said a moment ago, my guess is there will not be any difference this year. There will be another 3,000 requests from all the budget cutters, all those who are against this profligate waste of money.

So we are going to have a real standup time this fall. We are going to find out who the boys are and who the men are, with due respect to the female Members of this body. That is an expression, and everybody here knows what I am talking about.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I am glad I walked over to the Senator from Oklahoma and asked for the document that he was relying on in order to get this number of jobs and cost per job. I want people to listen to this very carefully, because it says something about the nature of the debate and the assertions that are made on the floor.

This chart is supposedly based on Mr. Panetta's letter, and says in footnote 1, a little footnote which says: "All numbers are for fiscal year 1993 jobs."

Here is what happened, and I want this very closely understood. The President says the $2.5 billion for the Community Development Block Grants Program is going to produce 60,000 jobs. Of that amount of money, $659 will be outlayed in fiscal year 1993, one-fourth of the total. The 15,000 jobs footnoted in the Senator's document occur in fiscal year 1993 and relate only to this outlay figure, which is one-fourth of the total money provided.

What the Senator has done is that he put in all the money, the $2.5 billion, but has only attributed the 15,000 jobs created in 1993 to that total. He took all the money, all of it, not just the amount spent in fiscal 1993, but also the amount spent in the subsequent years, and set off that total against the jobs just to come in fiscal year 1993. In the President's formal submission they say 59,600 total jobs, not 15,000.

Well, Mr. President, if you play that kind of game with these figures, you can quadruple the cost per job, which is exactly what the Senator has done. He took the total figure and did not divide it by the total jobs. He took the total figure and divided it by the jobs that would flow out of the outlays in fiscal year 1993.

Well, if you play those kinds of games, you can construct all kinds of castles in the sky.

Now, the President has said 59,600 jobs, $2.5 billion. The Senator is saying 15,000 jobs, $2.5 billion. But the footnote makes it very clear what he has done, the footnote to the very table he is citing.

So the fact is, as the President has said, 59,600 jobs and that means the jobs cost out at one-fourth of what the Senator was costing them out to be. He played a statistical trick and quadrupled the cost of the jobs.

Now, the Senator can make the argument on the one-fourth—I know he will—but that is an entirely different proposition than what he has been asserting earlier in the debate. His own chart, if you go the footnote, will demonstrate that. He goes to a footnote and takes—he takes the total figure, he takes the partial jobs, and then he divides it out and gets this huge number. Then he orates about this huge number. The fact of the matter is that the jobs cost one-fourth of what the Senator asserts the jobs cost.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I put two charts in the RECORD, I will tell my colleague, and first I would say one of the charts I put in said that this entire so-called stimulus package will cost in 1993 outlays $6.887 billion. The figures given by Mr. Panetta say that in 1993 the jobs created total 219,000 jobs. It does not say over how many years. It says 219,000 jobs are going to be created this year through this so-called stimulus package.

Well, if you start looking at the cost per job, it is exorbitant. In some programs it is over $100,000 a job, some maybe $40,000 and some for summer youth much less.

The point which I have made repeatedly is that we cannot afford this package. This package is all on borrowed money. All we are doing is adding to the deficit.

And so when I hear my colleague from Arkansas come up and say, well, we are going to give you real chances to make real cuts, we have a chance to make real cuts right now. Why add $19.5 billion to the deficit. Why should we saddle future generations with not only almost $20 billion of additional spending that is only adding to the deficit but why in the world should future generations have to pay interest on that $20 billion of additional spending probably forever. And if it is at 5 percent interest, that is $1 billion in additional interest expense for the next several years. I find that to be irresponsible, grossly financially irresponsible, and I hope we would not do it.

Whether you are talking about a job cost of $40,000 per job or in some of these cases they are much less, some cases much more, this is not a good jobs program. This is a program that actually, when you are taking $20 billion away from the private sector, is going to cost jobs. That means that is $20 billion which will not be available to buy a new home, or to maybe buy a car, or for a business expansion, or for somebody to borrow money to start a new business. That is $20 billion that the Federal Government has preempted because we seem to have the philosophy Government can spend that money better than people can.

So not only last week were we calling on the Finance Committee to pass the largest tax increase in history, but now we are saying thank you very much for your tax contributions. Now we want to take some money—in addition to whatever you are talking about, we want to take some additional money—and spend it. We are not going to cut spending to pay for it. We are not even going to tax you to pay for it. We are going to increase the deficit so we can give money to mayors across the country for lots of projects so they can spend it.

So thank you very much, taxpayers. Last week we told you we were going to sock it to you for new taxes of $360 billion, net taxes of $295 billion. Now we are going to go out and tell the mayors come on, load up, send your proposals in. They have already sent in 4,000. Four thousand proposals the mayors have sent in. They could not pass them through the city councils, they could not get them done, or they were not high enough priority for them to fund those projects in the past but now with Uncle Sam it is free; it is not going to cost you anything, mayors. Come on in. This is going to be fun, $2.5 billion, but we want you to spend the money fast.

The Senator from Maryland said they are going to spend out slowly, and I do not have the spend out, I tell my friend from Maryland. I do not have the spend-out rates for 1993 and 1994 for the community development block grants. Looking at the books that I held up earlier, projects that are ready to go, I am assuming that these projects are ready to go. I am sure that not all the money will be spent in 1993, but my guess is most of these projects—I looked at hundreds of them—most of those projects are projects that will spend out very close to either 1993 or certainly be finished by 1994 because most of the projects are million dollar projects. Some of them are a few million dollars, but there are 4,000 projects.

So you can see that the size of the projects individually was not real large but collectively they are in the billions of dollars. And so most of those projects will be spent either this year or next year. The cost per job is astronomical and, frankly, again, it is all paid for on borrowed money, and I do not think that is responsible.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I do not want to prolong this needlessly, but I do want to make two points. First of all, the larger point is that the stimulus package was part of the President's overall economic proposal.

As because of the way we handle the legislation in the Congress, it had to be handled separately. If in fact it could have been included in the total package that we are talking about, then clearly it would have been in the very same bill. It would have been part of the $502 billion deficit reduction. Actually, what you would have had instead of $502 billion, the deficit reduction would have been somewhat less than that. But this legislation comes to us on a separate basis because of how we have to handle this matter. But it has to be understood in the context of a very large deficit reduction package.

The other point I want to make—to me this is an important point, others may not care about it very much—but I do not see how you can have a rational debate here in the Senate if you do not, in effect, use figures accurately.

What the Senator from Oklahoma has been doing is comparing the total cost of the CDBG Program only with respect to the jobs it would produce in 1993. He gets a highly inflated cost per job because he is taking all of the money, a good amount of which will produce the jobs subsequent to 1993, and costing it out using only the jobs it creates in 1993.

What the President says in his program is that $2.5 billion in CDBG will produce outlays of $659 million in 1993. If you set $659 million off against your 15,894 jobs, the Senate will cut the cost per job that he projected. It will be one quarter of what the Senator projected. You cannot——

Mr. NICKLES. I do not think the Senator is correct. Excuse me, Mr. President.

Mr. SARBANES. I would be happy to yield. I think this is worth exploring.

Mr. NICKLES. I do not believe the Senator is correct for a couple of reasons. First, the community development block grants, most of these are small projects and they would be totally fully funded by 1993, certainly by the conclusion of 1994 for the bulk of the money. I reference that because, I tell the Senator from Maryland——

Mr. SARBANES. If you want to bring in 1994, we will go get that figure.

The PRESIDING OFFICER. The Chair would remind Senators to direct their remarks through the Chair.

Mr. SARBANES. I apologize to the Chair.

Mr. President, here is what occurred. The Senator took the number of jobs that were going to be produced in fiscal year 1993, as I understand it, and divided that into the total cost of the program even though the program would produce a number of jobs subsequent to fiscal 1993. I do not know how many of those would be in fiscal 1994. We would have to get that figure.

But if you take what the President said in his submission to the Congress about the increased 1993 outlays—which is about a quarter of the $2.5 billion—and take 15,000 jobs which is about a quarter of the total jobs—which seems to make sense—you get a figure one quarter of what the Senator was projecting as the cost of these jobs.

If you want to add 1994, then we would have to find out how much more of that money would be spent in 1994, how many more jobs there would be, and make that division in order to find out the cost per job. But the one thing you cannot do is take the total cost of the program and divide it only by the jobs in 1993, when those jobs are going to be produced by only part of the total amount of money. You just cannot do that. You are giving us, in effect, phony figures in this instance, and, as a result, quadrupling the cost per job.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore [Mr. BYRD].

Mr. BYRD. Mr. President, is there an amendment pending at the desk?

The PRESIDING OFFICER. The committee reported substitute is the pending business.

Mr. BYRD. I had hoped that we could get an amendment laid down tonight and vote on it the first thing tomorrow. I also not only hoped, but expected that once the old parliamentary structure had been put aside, that all of these amendments we have been hearing about would be offered.

I have tried through my staff and through my own personal efforts to encourage the laying down of amendments. There are only a few on this side. I do not know how many amendments will be offered on the other side. But at least we would like to see an amendment laid down so that the Senate would have something early tomorrow morning to vote on.

Does the Senator from Oklahoma have any knowledge in that regard?

Mr. NICKLES. If the chairman of the Appropriations Committee will yield, I know Senators are planning on doing amendments. I happen to be cosponsoring an amendment with Senator BURNS that would eliminate $28 million that is now scheduled under this appropriations bill that would go to the District of Columbia.

It is my thinking that he was planning on introducing that amendment early in the morning. I could possibly lay it down, if that would help the chairman of the Appropriations Committee as far as scheduling is concerned. I may have a copy of it. I am happy to accommodate him in that regard.

Mr. BYRD. Will the distinguished Senator be able to inquire through the Cloakroom as to whether or not we could get a time agreement, say 30 minutes, to be equally divided, in the morning to begin at, say 10:30, and vote at 11?

Mr. NICKLES. I would have no objection. I am confident enough that if we had 30 minutes on this side—there are three sponsors of the amendment, so I think we can enter into that agreement for an hour equally divided.

Mr. BYRD. Would the Senator then lay that amendment down this evening?

Mr. NICKLES. I will be happy to.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment authored by Mr. NICKLES and other Senators be made the pending question in the morning at such time as the Senate completes morning business; that there then be 1 hour equally divided and controlled in the usual form thereon.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, Mr. President, the chairman of the Appropriations Committee would go on that amendment at what time?

Mr. BYRD. At the conclusion of morning business. I understand that will be at 10:30. I would like to see the vote occur, if we could have it occur, at 11 o'clock. So if we went on amendment at 10, if the majority leader has no problem with that—it is my understanding that the morning business will be concluded at 10:30 tomorrow morning.

Mr. NICKLES. Mr. President, I ask the Senator, additionally, so we would have 1 hour of morning business to be concluded at 10:30 and we would begin the amendment at 10:30, and we vote no later than 11:30?

Mr. BYRD. Yes; there will be 1 hour on the amendment, the hour to begin running at——

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished Senator again state for the RECORD what the amendment would do?

Mr. NICKLES. I will be happy to. This is an amendment offered by Senator BURNS and myself. This would eliminate funding that is now presently in the bill for the District of Columbia. I believe it is $28 million.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that no amendment in the second degree be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his cooperation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma, Mr. NICKLES.

Mr. BYRD. Will the Senator yield once more?

Mr. NICKLES. Yes.

Mr. BYRD. I beg his pardon.

Will this be a strike-out amendment?

Mr. NICKLES. The Senator is correct.

ORDER OF PROCEDURE

Mr. BYRD. Then I would ask unanimous consent that there be no second-degree amendment, no first or second-degree amendments to the language that may be stricken.

The PRESIDING OFFICER. Is there objection?

Without objection, the unanimous-consent agreement is so modified.

The Senator from Oklahoma [Mr. NICKLES] retains the floor.

Mr. FORD. If the Senator will yield, Mr. President, is the Senator going to make a statement? I would like to put us in morning business.

Mr. NICKLES. I am just going to send up my amendment.

AMENDMENT NO. 285

(Purpose: Elimination of supplemental appropriations for the District of Columbia)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. BURNS (for himself and Mr. NICKLES), proposes an amendment numbered 285.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 17: strike lines 17 through 24.

The PRESIDING OFFICER. Under the previous order, the amendment will be placed before the body at 10:30 a.m. tomorrow morning with time divided up to 1 hour, with the vote to occur immediately thereafter.

NORTHERN RHODE ISLAND PROJECT DESERVES FEDERAL FUNDING

Mr. PELL. Mr. President, today we voted on the motion to reconsider the vote by which the motion to table the Brown amendment failed. I supported the motion to reconsider the vote on the Brown amendment because I believe the Brown amendment unfairly singles out an important Rhode Island economic development project as a project that does not deserve Federal funding.

The Brown amendment lists 54 projects across the country that are supposedly not worthy of Federal community development block grant funds. I am not familiar with all of the projects on this list, but I am familiar with item 41 on the list, the restoration of the Central Braid Mill building in Central Falls, RI. The restoration of the vacant Central Braid Mill in Central Falls, RI is a project that certainly should not be among the 54 projects barred from Federal funding by the Brown amendment. Once restored—by local labor—the Central braid Mill project will function as a tourism center that will feed into the growing tourism industry that is taking shape in and around the Blackstone River Valley corridor.

Federal CDBG funds were designed by Congress as a means of helping local communities target economic development projects that benefit low and moderate income individuals, aid in the prevention of urban blight or meet an urgent community development need. The Central Braid Mill project meets all of these tests and is more than worthy of funding as a part of the President's economic stimulus package.

I have always been careful in advocating the use of Federal funds for local economic development projects. In this particular case, I believe it would be a very wise use of Federal dollars to restore the Central Braid Mill in the manner intended by the city of Central Falls, RI, and it was for this reason that I voted to defeat the Brown amendment.

MORNING BUSINESS

Mr. FORD. I ask unanimous consent that we now have a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING A TECHNICAL CORRECTION REGARDING THE ALBERT EINSTEIN CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. FORD. Mr. President, the following items that I will propound have had the clearance of the Republican leader.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 84, submitted earlier today by Senators HATFIELD and KENNEDY, a resolution to make a technical correction with respect to the Albert Einstein Congressional Fellowship Program; that the resolution be deemed agreed to and the motion to reconsider laid upon the table; that any statement relating to this resolution appear in the RECORD in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was deemed agreed to, as follows:

S. RES. 84

Resolved,

SECTION 1. TECHNICAL AMENDMENT.

Senate Resolution 239 of the One Hundred Second Congress (agreed to on November 27, 1991) is amended in section 4(e)(2) by striking "at not to" and all that follows through "6(a)".

SECTION 112 OF S. 171 REFERRED TO COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Committee on Governmental Affairs reports S. 171, a bill to elevate the Environmental Protection Agency to Cabinet status, that section 112 only of that measure then be sequentially referred to the Senate Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. On behalf of the majority leader, I ask unanimous consent that during the recess/adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Thursday, April 15, from 11 a.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93–29, as amended by Public Laws 98–459, and 102–375, reappoints the following individuals to the Federal Council on the Aging, for terms to begin effective April 1, 1993:

Ms. Cornelia Hadley, of Kansas, to a 3-year term; and Mr. Robert L. Goldman, of Oklahoma, to a 2-year term.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A."

At 5:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 829. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records; to authorize the establishment of a DNA identification index; and for other purposes.

The message also announced that has passed the following bills and joint resolution; each without amendment:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes.

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Thomas E. Donilon, of the District of Columbia, to be an Assistant Secretary of State.

George Edward Moose, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, with amendments and an amended preamble:

S. Res. 68. A resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Special Report entitled "Review of Legislative Activity During the 102nd Congress (1991–92)" (Rept. No. 103–31).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. GORTON):

S. 669. A bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM (for herself and Mr. DANFORTH):

S. 670. A bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself, Mr. SIMON, Mr. INOUYE, Mr. SARBANES, Mr. WARNER, Mr. DECONCINI, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. DANFORTH, and Mr. COHEN):

S. 671. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. CHAFEE, Mr. BRADLEY, and Mr. PELL):

S. 672. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the sale and distribution of tobacco products containing tar, nicotine, additives, carbon monoxide, and other potentially harmful constituents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. BRADLEY):

S. 673. A bill to limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors; to the Committee on Governmental Affairs.

By Mr. THURMOND (for himself and Mr. SIMON):

S. 674. A bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 675. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Finance.

By Mr. WOFFORD (for himself, Mr. DURENBERGER, Mr. KENNEDY, and Mr. WELLSTONE):

S. 676. A bill to amend certain education laws to provide for service-learning and to strengthen the skills of teachers and improve instruction in service-learning, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON:

S. 677. A bill to authorize the establishment on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Hospital, Hines, Illinois, of a facility to provide temporary accommodations for family members of severely ill children being treated at a nearby university medical center; to the Committee on Veterans Affairs.

By Mr. D'AMATO (for himself, Mr. PACKWOOD, Mr. RIEGLE, and Mr. LEVIN):

S. 678. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. RIEGLE:

S. 679. A bill to extend and enhance the operation of the "Super 301" provisions of the Trade Act of 1974, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S.J. Res. 75. A joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD (for himself and Mr. KENNEDY):

S. Res. 84. A resolution to make technical correction with respect to the Albert Einstein Congressional Fellowship Program; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. HATCH):

S. Con. Res. 21. A concurrent resolution expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. GORTON):

S. 669. A bill to permit labor-management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT OF 1993

Mrs. KASSEBAUM. Mr. President, today I rise to introduce, along with Senators HATCH, JEFFORDS, THURMOND, GREGG, and DANFORTH, the Teamwork for Employees and Management [TEAM] Act, a bill to assure that our Federal labor laws do not restrict the ability of our employers and employees to cooperate with each other in the workplace. I ask unanimous consent that the bill's text be printed in the RECORD at this time.

This type of cooperation is crucial if American companies are to compete effectively with Japanese and other foreign countries that use these cooperative efforts to improve their quality, efficiency, and productivity. Our labor laws currently work to the disadvantage of our companies because they prevent employees from working together with their employers to discuss issues of mutual concern, including issues such as quality and productivity.

Our Federal labor laws were written during the 1930's in a period of intense industrial unrest. As a result, our labor-management relations system was designed to provide a mechanism for the peaceful resolution of these often divisive labor disputes. The assumption underlying the system was that labor and management's interests were always adverse. It was an us versus them system, with management's interests opposing the workers' interests.

The National Labor Relation Act prevented an employer from dominating or assisting a labor organization in order to assure that workers had an independent voice in resolving labor disputes. Congress wrote this prohibition into the NLRA to prevent employers from creating company unions, sometimes called sham unions, that threatened to undermine independent collective bargaining.

Mr. President, workers and management may have had totally adverse interests in the 1930's, but that is not the case today. Our economic competition does not come from within the United States—it comes from overseas. American employers and employees can no longer afford to ignore the need to work together, just as foreign competitors are working together with their employees to improve the quality of life for their employees, to increase the quality of their products, and to enhance the efficiency of their operations.

The NLRA was designed to protect worker free choice and to promote industrial stability. Ironically, however, the National Labor Relations Board [NLRB] and the Federal courts have interpreted the act to prohibit employers and employees from cooperating with each other. The Board and the courts still assume that employers and employees have adversarial interests. Therefore, they have interpreted the term "employer-dominated labor organization" to include any situation where an employer, even in a nonunion setting, establishes a committee or other process in which employees participate that deals with management regarding terms and conditions of employment. Accordingly, any workplace-involvement committee where workers express their desire to management to modify their work environment violates Federal labor law.

For example, in December 1992, the NLRB found that a small, nonunion electronics manufacturer named Electromation, violated our Federal labor laws when, in response to financial problems, it established employer-employee committees that met for just 2 months to discuss Electromation's no smoking, attendance, and pay-progression policies. The NLRB found Electromation guilty of an unfair labor practice and enjoined it from further establishing or assisting management-employee committees.

There are currently over 30,000 companies in the United States that utilize employee-involvement processes. If we are to remain competitive, we cannot allow our Federal labor laws to obstruct employee empowerment. Workers want to help their employers compete with foreign employers. My bill allows them to do this without fear of engaging in illegal activity.

Let me provide one example. Suppose employees with a standard 40-hour workweek would rather work in four, 10-hour shifts rather than five, 8-hour sifts. Under current law, if a Kansas company formed an employee committee to discuss quality-of-life issues, and the employees and management discussed a change in work schedules, then the employer would have violated Federal law. Under the TEAM bill, this type of activity would be allowed.

Mr. President, I would like to note that Secretary of Labor Robert Reich has stated repeatedly that he supports labor-management cooperative efforts. In fact, at a recent meeting at AT&T in New Jersey, Secretary Reich mentioned that "[I]t is key to long-term profitability [of a company] for workers to be listened to. * * * No amount of government regulation or training or retraining programs will substitute for what happens in a company where there is a collaborative work force." Responding to a question about Electromation, Secretary Reich stated, "The last thing we want it to do is cast a chilling effect" on positive employee-management relations.

Mr. Secretary, the Electromation decision has had a chilling effect on workplace cooperative efforts. Many companies have contacted me in recent weeks since the Board issued its Electromation decision. They have told me that despite characterizations by some that the ruling is a narrow one, in actuality its reach is very broad, and it has raised in their minds serious questions regarding the viability of workplace cooperative programs. They believe that this legislation is necessary to remove the chill that the Board's decision is having on the continuation and expansion of employee involvement. Those companies include: Boeing, Abbott Laboratories, Duke Power Co., Eaton, FMC Corp., General Dynamics, International Paper, Johnson & Johnson, Kodak, Lockheed, Marriott, Motorola, Pepsi, TRW, Texas Instruments, Union Pacific, and US West.

Mr. President, today I am introducing the TEAM Act to allow management and workers to meet in committees or other employee-involvement structures to discuss matters of mutual interest, including terms and conditions of employment involving quality, productivity, and efficiency. The TEAM Act will allow employees to improve their quality of life and to improve their job security by increasing plant productivity.

Mr. President, I strongly encourage my colleagues to support this important piece of legislation. I urge its swift passage to ensure that our Nation remains competitive in this increasingly global marketplace.

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees And Management Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of American employers to make dramatic changes in workplace and employer-employee relationships;

(2) these changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "employee involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of America's largest employers and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of American businesses, employee involvement structures have had a positive impact on the lives of those employees, better enabling them to reach their potential in their working lives;

(5) recognizing that foreign competitors have successfully utilized employee involvement techniques, Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful employee involvement structures in the workplace through such incentives as the Malcolm Baldridge National Quality Award;

(6) employers who have instituted legitimate employee involvement structures have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930s when employers established deceptive sham "company unions" to avoid unionization; and

(7) employee involvement is currently threatened by interpretations of the prohibition against employer-dominated "company unions."

(b) PURPOSES.—It is the purpose of this Act to—

(1) protect legitimate employee involvement structures against governmental interference;

(2) preserve existing protections against deceptive, coercive employer practices; and

(3) permit legitimate employee involvement structures where workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 3. AMENDMENT TO SECTION 8(a)(2) OF THE NATIONAL LABOR RELATIONS ACT.

Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by adding at the end thereof the following: "*Provided further*, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind, in which employees participate to discuss matters of mutual interest (including issues of quality, productivity and efficiency) and which does not have, claim or seek authority to negotiate or enter into collective bargaining agreements under this Act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization;".

SEC. 4. CONSTRUCTION CLAUSE LIMITING EFFECT OF ACT.

Nothing in the amendment made by section 3 shall be construed as affecting employee rights and responsibilities under the National Labor Relations Act other than those contained in section 8(a)(2) of such Act.

By Mrs. KASSEBAUM (for herself and Mr. DANFORTH):

S. 670. A bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes; to the Committee on Labor and Human Resources.

HEAD START QUALITY IMPROVEMENT ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing the Head Start Quality Improvement Act of 1993 to put into place key legislative provisions aimed at building on the success of the Head Start Program—by connecting the rapid increase in future funding with measures designed to upgrade the quality of all Head Start grantees. The Head Start Quality Improvement Act uses a five-part approach to:

First, establish general performance measures for all Head Start grantees;

Second, strengthen program accountability mechanisms, training, and technical assistance support systems for Head Start;

Third, provide for more effective enforcement of Head Start policies and instill more competition into the program;

Fourth, expand the current Head Start transition project; and

Fifth, assist families entering or reentering the work force.

The Clinton administration has proposed to increase dramatically the budget of Head Start so that every eligible child will be served. Proposals have been put forth to expand the program in a variety of ways: by providing full-day, full-year care; by including children aged 3, 4, and 5 who are not in kindergarten as eligible children; and including services to infants and toddlers from birth to 3 years of age in some Head Start services.

The fiscal year 1993 appropriations for the Head Start Program total $2.8 billion. This represents a 207-percent increase in funding since the 1983 level of $912 million. In the past 5 years alone, funding for Head Start has increased 127 percent. According to "A Vision of Change for America," President Clinton is proposing to expand Head Start funding to a level of $8 billion in 1998, $5 billion over the current funding level.

The substantial increases in Head Start funding over the past 10 years, combined with dramatic increases that are being proposed for the future, raise serious questions about the ability of the Head Start Program to absorb the funds efficiently. Additionally, recent reports by the inspector general of the Department of Health and Human Services have raised questions about the quality of many individual local programs.

As the Head Start Program begins a period of unprecedented expansion in services and funding, there is a need to make some constructive amendments to ensure that this opportunity to provide quality services to low-income children and their families is not lost.

I have been a longstanding supporter of the Head Start Program. However, I believe program expansion and increased funding are of limited value, unless steps are taken to improve the quality of the services that are being provided—quantity with quality.

Mr. President, I ask unanimous consent that the article from today's Washington Post, a summary of the bill, and a copy of the bill be included in the RECORD after my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Quality Improvement Act".

SEC. 2. QUALITY IMPROVEMENT FUNDS.

Section 637(5)(B) of the Head Start Act (42 U.S.C. 9832(5)(B)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 639(c) of the Head Start Act (42 U.S.C. 9834(c)) is amended to read as follows:

"(c) The Secretary shall make available to carry out the Head Start Transition Project Act, from the amount appropriated under subsection (a), not less than $50,000,000 for each of fiscal years 1993 through 1996.".

SEC. 4. MONITORING AND INCENTIVE GRANTS.

Section 640(a)(2)(C) of the Head Start Act (42 U.S.C. 9835(a)(2)(C)) is amended to read as follows:

"(C) program improvement activities, in an amount for each fiscal year that is not less than 3 percent of the sum appropriated under section 639 for such fiscal year, of which amount—

"(i) 75 percent shall be made available for training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement activities as described in section 648;

"(ii) 12.5 percent shall be made available to provide funds for carrying out reviews and interim evaluations under section 641(c)(1), audits and examinations under section 647(b), and evaluations under section 651, which funds shall be used to supplement, and not supplant, any Federal funds that would otherwise have been available to carry out such reviews, audits, examinations, and evaluations; and

"(iii) 12.5 percent shall be made available to make grants to Head Start agencies that exceed the outcome measures described in section 651(b)(2), for carrying out the quality improvement activities described in paragraph (3)(A).".

SEC. 5. HEAD START AGENCIES.

(a) GRANTS.—Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2) The Secretary may make grants to designated Head Start agencies to carry out Head Start programs under this Act.

"(3) The first grant awarded to an agency serving a community after the date of enactment of this paragraph, and first designation of such agency as a Head Start agency after such date, shall be for a period of 7 years. Subsequent grants and designations shall be made for periods of not less than 7 years.

"(4) To be eligible to be designated as a Head Start agency and receive such a grant, an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.".

(b) REVIEWS AND INTERIM EVALUATIONS.—Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and shall" and inserting "and shall conduct an interim evaluation including a site visit at the site of such agency at least once each year, in order to"; and

(ii) by inserting ", including outcome measures described in section 651(b)(2)," after "requirements"; and

(B) in subparagraph (C)—

(i) by striking "The" and inserting "In addition to conducting the reviews and interim evaluations required under subparagraphs (A) and (B), the"; and

(ii) by striking "followup reviews" and inserting "followup reviews and interim evaluations";

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "review" and inserting "review or interim evaluation";

(B) in subparagraph (A), by striking "review" and inserting "review or interim evaluation"; and

(C) in subparagraph (B), by striking "such review at the site of such agency" and inserting "such a site visit, conducted as part of a review or interim evaluation";

(4) in paragraph (4)—

(A) by striking "(4)" and inserting "(4)(A)";

(B) in subparagraph (A) (as so designated by subparagraph (A) of this paragraph) by striking "review" and inserting "review or interim evaluation"; and

(C) add at the end the following:

"(B) If, in carrying out such a review or interim evaluation, the Secretary identifies program deficits in the programs provided by the agency, the Secretary—

"(i) may require the agency to take corrective action to correct the program deficits;

"(ii) shall provide technical assistance under section 648(a) for the 1-year period beginning on the date of the review or interim evaluation; and

"(iii) may conduct a full review of the program.

"(C)(i) In addition to any other authority of the Secretary to revoke the designation of an agency as a Head Start agency, if the Secretary determines that the agency described in subparagraph (B) has not corrected program deficits related to the outcome measures described in section 651(b)(2) within 1 year after the review or interim evaluation described in subparagraph (B), the Secretary may revoke such designation of the agency.

"(ii) The Secretary shall provide notice and an opportunity for comment to the agency prior to revoking the designation of the agency.

"(iii) After so revoking the designation of an agency that serves a community, the Secretary may designate, in accordance with subsection (d), an agency described in subsection (a) as a Head Start agency to serve the community and make grants under subsection (a) to such agency."; and

(5) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) CONSIDERATIONS.—Section 641(d) of the Head Start Act 942 U.S.C. 9836(d)) is amended—

(1) in the first sentence, by striking "If there is" and all that follows through "then the" and inserting "The";

(2) in the second sentence, by striking "criteria," and all that follows and inserting "including outcome measures described in section 651(b)(2), criteria, and standards, in effect on the date of designation.";

(3) at the end of paragraph (8), by striking "and";

(4) at the end of paragraph (9), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(10) the ability of the applicant to ensure continuity of Head Start services.".

(d) EXISTING HEAD START AGENCIES.—

(1) APPLICATION.—Each agency that is a designated Head Start agency under section 641 of the Head Start Act on the date of enactment of this Act shall submit an application to the Secretary of Health and Human Services as described in section 641(a)(4) of such Act (as added by subsection (a) of this section) and in accordance with the schedule described in paragraph (2), in order to be eligible to—

(A) be designated as a Head Start agency; and

(B) receive a grant,

for an additional period under section 641 of such Act.

(2) SCHEDULE.—The Secretary of Health and Human Services shall by regulation establish a schedule for the submission of applications as required in paragraph (1), which schedule shall ensure the submission of all such applications within 7 years after the date of enactment of this Act.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 651(g)(10) of the Head Start Act (42 U.S.C. 9846(g)(10)) is amended by striking "evaluations conducted under section 641(c)(2)" and inserting "reviews and interim evaluations conducted under section 641(c)(1)".

SEC. 6. ELIGIBILITY.

Section 645(a)(1) of the Head Start Act (42 U.S.C. 9840(a)(1)) is amended to read as follows:

"(1)(A) The Secretary shall by regulation prescribe eligibility criteria for the participation of persons in Head Start programs assisted under this subchapter.

"(B) Except as provided in paragraph (2), such criteria may provide—

"(i) that a child from a low-income family shall be eligible for participation in a program assisted under this subchapter if the child is from—

"(I) a family that has an income below the poverty line; or

"(II) a family that is eligible or, in the absence of child care, would potentially be eligible for public assistance;

"(ii) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs but whose families do not meet the low-income criteria prescribed pursuant to clause (i); and

"(iii) that a child shall be eligible for participation in such a program if the child is from a family described in subclause (I) or (II) of clause (i) on a date not more than 2 years before such participation, regardless of whether the child was of an appropriate age to participate in such a program on such date.".

SEC. 7. NOTICE, HEARINGS, AND APPEALS.

The Head Start Act is amended by repealing section 646 (42 U.S.C. 9841) and inserting the following:

"SEC. 646. NOTICE, HEARINGS, AND APPEALS.

"The Secretary shall establish and implement procedures for providing notice, an opportunity for a hearing, and an opportunity for an appeal to persons who are grant recipients or applicants for grants under this Act. Such procedures shall be consistent with other procedures of the Department of Health and Human Services for providing such notice and such opportunities with respect to similar financial assistance.".

SEC. 8. OUTCOME MEASURES.

Section 651(b) of the Head Start Act (42 U.S.C. 9846(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Secretary shall promulgate regulations establishing outcome measures for Head Start agencies carrying out Head Start programs under this subchapter, which regulations shall require that, effective January 1, 1995, each Head Start agency carrying out such a Head Start program shall—

"(A)(i) conduct initial assessments of developmental skills, including physical development, self-help skills, social development, academic development, and communication skills, for not less than 90 percent of the children who have been enrolled in the program for not less than 90 days;

"(ii) conduct exit assessments of such developmental skills for not less than 90 percent of the children who—

"(I) have been enrolled in the program for not less than 6 months; and

"(II) are leaving the program;

"(iii) provide remedial activities to not less than 90 percent of the children enrolled in the program who have identified developmental delays, to address the delays;

"(iv) prepare a medical, dental, and developmental history for not less than 90 percent of the children who have been enrolled in the program for not less than 90 days;

"(v) conduct medical, vision, hearing, and dental screenings for not less than 90 percent of the children who have been enrolled in the program for not less than 90 days;

"(vi) conduct medical and dental examinations for not less than 90 percent of the children who have been enrolled in the program for not less than 6 months;

"(vii) provide necessary treatment to not less than 90 percent of the children with identified medical and dental needs who are enrolled in the program; and

"(viii) fully immunize, in accordance with Head Start guidelines, all of the children who have been enrolled in the program for not less than 90 days;

"(B)(i) prepare a family needs assessment, which utilizes a formal assessment tool and meets such specifications as the Secretary may require, for not less than 80 percent of the families of children enrolled in the program;

"(ii) prepare a family assistance plan, which outlines the specific measures to be taken by the staff of the Head Start agency and members of the family to meet the needs of the family, for not less than 75 percent of such families;

"(iii) provide assistance to not less than 75 percent of such families who have identified needs, to assist such families in meeting the goals and objectives of the family assistance plan;

"(iv) provide an opportunity to participate in a parenting skills program, or other assistance designed to improve parenting skills, to not less than 90 percent of such families who have identified needs related to parenting skills;

"(v) provide education and job skills assistance, including participation in literacy, job search, and other activities, to facilitate participation in appropriate education and job skills programs, to not less than 90 percent of families described in clause (i) who have identified needs for such assistance; and

"(vi) provide an opportunity to participate in volunteer activities related to the operation of the program, to not less than 75 percent of the parents of children enrolled in the program; and

"(C)(i) submit to the Secretary a written management plan specifying, at a minimum, the administrative procedures, classroom operations, job descriptions, salary schedules, staffing plan, and records management, of the Head Start agency;

"(ii) submit to the Secretary a written plan specifying the goals and activities of the agency, and measurable outcomes concerning, at a minimum—

"(I) the staff to child ratios for classroom teachers, supervisory staff, support staff, social services staff, and other categories of center staff;

"(II) the outreach activities;

"(III) the facilities improvements;

"(IV) the enrollment;

"(V) the use of quality improvement funds;

"(VI) the inservice and preservice training for employees;

"(VII) the home visiting services;

"(VIII) the educational programming;

"(IX) the parent participation in activities; and

"(X) the program expansion,

of the agency;

"(iii) implement a uniform recordkeeping system that meets such requirements as the Secretary may require with respect to information, including, at a minimum, education, developmental, health, social service, assessment, and special needs information, about the children, and the families of the children, enrolled in the program;

"(iv) increase, by 25 percent each year, the percentage of teachers providing services through the Head Start agency who are certified according to such criteria as the Secretary may determine to be appropriate, until all such teachers are so certified;

"(v) develop—

"(I) a variety of volunteer opportunities for the parents of the children enrolled in the program, which shall include opportunities to participate in management of the Head Start agency, on advisory boards, or in providing classroom assistance, outreach, or support services; and

"(II) other mechanisms to encourage the participation of such parents;

"(vi) meet all applicable licensing standards for child care facilities in the State and community in which the Head Start agency is located; and

"(vii) transmit the exit assessments described in subparagraph (A)(ii) for not less than 75 percent of the children enrolled in the program—

"(I) to the next elementary school in which such a child is enrolled; or

"(II) in the case of a child who is enrolled in a program under the Head Start Transition Project Act, to such program.".

SUMMARY OF THE HEAD START QUALITY IMPROVEMENT ACT OF 1993, S. 670

The Head Start Quality Improvement Act of 1993 uses a five-part approach to enhance the quality of Head Start programs: (1) establishes general performance measures for all Head Start grantees; (2) strengthens program accountability mechanisms, training, and technical assistance support systems for Head Start; (3) provides for more effective enforcement of Head Start policies and instills more competition into the program; (4) expands the current Head Start Transition Project; and (5) assists families entering or reentering the work force.

1. PERFORMANCE MEASURES

Flexibility is one of the strengths of the Head Start program. This flexibility allows the local programs and the regional offices of the Department of Health and Human Services to negotiate the structure and substance of a program that fits the needs of the local community. However, there is a wide disparity among Head Start grantees in the quality and level of basic services provided to children and their families. Recent inspector general reports identify many areas where Head Start services fall far below the performance standards established by the Department of Health and Human Services. It is time to reinforce these performance standards legislatively by establishing minimum performance measures for all Head Start programs. To be effective, compliance with the performance measures must be quantifiable and enforceable.

The Head Start Quality Improvement Act identifies specific goals for meeting performance standards for children enrolled in a Head Start program, their families, and the program itself. An incentive fund is established to reward programs that exceed the minimum standards set in the legislation. Conversely, measures are included to help Head Start centers come into compliance with the standards, and failing those efforts, to authorize the Department of Health and Human Services to solicit competitive bids for the grant.

2. PROGRAM ACCOUNTABILITY, TRAINING, AND TECHNICAL ASSISTANCE

Performance standards have little meaning if Head Start grantees are not provided the support needed to improve the quality of services or the Department of Health and Human Services is unable to monitor and enforce those standards. The Head Start Quality Improvement Act achieves these goals in three ways: (1) developing uniform record keeping procedures; (2) devoting additional funds to quality improvement, program accountability, training, and technical assistance; and (3) increasing the frequency and scope of grantee evaluations.

The recent inspector general's report raises serious questions about the accuracy of the self-reporting system used by Head Start grantees. Uniform record keeping requirements can reduce the paperwork required to monitor grantees and track the activities of children and families participating in Head Start programs. It will provide better quality assurance and a mechanism for enforcing the minimum performance standards. Additionally, it will help Head Start teachers and staff identify gaps in services, areas which need special attention, and a child's progress in the program.

The Head Start Act currently states that not less than 2 percent of appropriated funds shall be used for training and technical assistance and that 25 percent of any increase in funds be used for quality improvement activities of grantees. This bill would increase the 2 percent set-aside for training and technical assistance to 3 percent; providing supplement funds for program monitoring and evaluation and the establishment of an incentive program for Head Start grantees. In addition, the set-aside for quality improvements would be increased to 30 percent.

For effective and accurate program monitoring and the early identification of problems, it is important that there be regular, personal contact between the program staff and the Head Start Quality Improvement Act would require annual, onsite interim evaluations.

3. COMPETITION FOR HEAD START GRANTS

Competition fosters greater efficiency, encourages service providers to respond to the needs of clients, rewards innovation, and can boost the pride and morale of employees. Currently, organizations which receive Head Start grants perpetually keep those grants without any periodic recompetition. The recompetition of grants forces the grantee to focus on its achievements and the quality of its program and compete with other bidders who claim they can do better.

The Head Start Quality Improvement Act will require the Department of Health and Human Services to implement a seven-year funding cycle for all Head Start grantees, after which competitive bids must be solicited for the grant funds. Additionally, if a grantee cannot meet minimum performance standards after one year of intensive training and technical assistance provided by the Department of health and Human Services, the amendment will require that competitive bids be solicited for the grant.

4. EXPANSION OF THE HEAD START TRANSITION PROJECT

The Head Start Transition Project is a demonstration program designed to provide "Head Start-like" services to children and families through the first few years of elementary school. Studies have shown that Head Start graduates often lose the benefits gained in Head Start by the second or third grade. Given this knowledge, it makes sense to use a portion of the increase in Head Start funds to expand the demonstration project designed to lengthen and strengthen the benefits of Head Start through the elementary school years.

The Head Start Transition Project receives $20 million a year from Head Start appropriations through fiscal year 1994. The Head Start Quality Improvement Act will increase the set-aside for the Transition Project to $50 million a year and extend the program's reauthorization for two additional years through fiscal year 1996.

5. ASSISTANCE TO FAMILIES ENTERING OR REENTERING THE WORK FORCE

Efforts are being made to help those dependent on welfare and other government assistance programs rejoin the work force. Welfare reform efforts have demonstrated the necessity to extend support services, such as Medicaid assistance, housing assistance, and food stamps, for a period of time after individuals reenter the work force. This increases the likelihood that these individuals will become self-sufficient and stay that way. Child care assistance has been vital to many efforts to help parents get and keep employment. Unfortunately, many parents enter the work force at low-paying jobs which are insufficient for meeting basic needs, yet high enough to disqualify them for support services which allow them to work and care for their families.

The Head Start Quality Improvement Act will permit low-income parents, who would have been eligible for Head Start services prior to entering or reentering the work force, to retain their income eligibility for two years after obtaining employment.

[From the Washington Post, Mar. 30, 1993]

WHAT'S AHEAD FOR HEAD START

Some 20 years ago, Head Start was in trouble. People were actually talking about terminating this War on Poverty experiment designed for preschoolers living below the poverty line. But Head Start managed to survive.

Today it's not just surviving; politically speaking, it's thriving. The Bush administration doubled spending. Now the ante's been upped. The talk is about serving all eligible children. There's even pressure to add Head Start to the coveted list of entitlements. The Clinton budget would steadily increase spending, adding $13.8 billion over five years—the largest single investment in health, education and welfare.

All this sudden faith in one program has flushed out the doubters. Should the country spend so much money to expand quickly a program whose success is demonstrable but limited? The arguments parallel those being made just now about other proposed education and worker training initiatives.

In the beginning, the goals of the program were modest: to give children in poverty a head start on first grade. In the mid-'60s, many fewer children attended nursery schools and kindergartens. Head Start was simply intended to help poor kids catch up to their better-off peers.

As the program grew, so did the expectations. All this is why the efficacy argument has become so muddled and why there's such a disconnect between what the politicians say and what many social scientists report. Several years ago, for example, a western governor called Head Start the "most significant—and most effective—anti-drug, anti-crime, pro-education strategy in America." He wasn't alone in his views then, and he's not now. But those who do the research are more circumspect. Head Start doesn't necessarily raise IQs or lower crime. If it's working right—and it often isn't—it provides a boost for youngsters, helping them adjust to early schooling, getting them their shots and engaging their parents. This is important—and worth spending money on.

The budgetary tension is between quantity and quality. Congress and the administration are anxious to see that a program now serving a third of eligible children reaches all eligible ones. But "eligibility" is ill-defined. So is "full funding." Should the program be open to all eligible 4-year-olds? All

3- to 5-year-olds. For one year or two? For seven months a year or all year? What about kids just above the poverty line?

Others who watch over the program are more anxious about the quality in the more than 3,000 Head Start sites. Some Head Start programs are good; others are awful. Money was set aside in 1990 for quality control—which in many cases means raising the abysmal staff salaries—but there's more to be done.

How much of any new spending should be spent on enrolling youngsters and how much on improving existing programs? Our own sense is that it will be tricky to expand so fast and improve simultaneously. More children won't be helped unless more providers get help. "Intervention," then, should take on a double meaning. Otherwise, at more than double the price, Head Start could be in danger once again.

By Mr. DOMENICI (for himself, Mr. SIMON, Mr. INOUYE, Mr. SARBANES, Mr. WARNER, Mr. DECONCINI, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. DANFORTH, and Mr. COHEN):

S. 671. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes; to the Committee on Labor and Human Resources.

EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESSES ACT OF 1993

Mr. DOMENICI. Madam President, today I am going to introduce a measure that is called Equitable Health Care for Severe Mental Illnesses. This is supported by a bipartisan group of Senators. What I am trying to do here is send a strong message through the Congress to the President and to the House that, if we are going to reform health care, it is time we reform the way we treat the severely mentally ill in this Nation.

We now have an indepth study and evaluation of the efficacy of treatment for the most severe of mental illnesses, and it points out that indeed the efficacy is very, very high, meaning that, if we will just get rid of all of the limitations on care and coverage, we will get rid of many, many millions of homeless people over time because our health care reform will cover them when they are young and teenagers, and parents and families will not go broke and put them out into the streets and byways of America.

It also means that families who have a teenage daughter or son with schizophrenia will be entitled to the exact same kind of care and treatment with no limitations, dollar limitations, on coverage that are any different than other severe illnesses such as cancer, heart condition, kidney disease, and the like.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with my statement and highlights of the NIMH report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equitable Health Care for Severe Mental Illnesses Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) American families should have health insurance protection for the costs of treating severe mental illnesses that is commensurate with the protection provided for other illnesses;

(2) currently, many private health insurance policies and public insurance programs discriminate against persons with severe mental illnesses by providing more restrictive coverage for treatments of those illnesses compared to coverage provided for treatments of other medical problems;

(3) many health insurance plans limit the number of days allowed for facility care or limit the number of outpatient visits allowed for the treatment of severe mental illnesses while providing no limit for the treatment of other physical illnesses;

(4) only 21 percent of all health insurance policies provide inpatient coverage for severe mental illnesses comparable to coverage for other illnesses, and only two percent have comparable outpatient coverage;

(5) only two percent of Americans with private health care coverage have policies that adequately and fairly cover severe mental illnesses;

(6) over 60 percent of health maintenance and preferred provider organizations specifically exclude treatment for those with severe mental illnesses;

(7) private health insurance provides some type of coverage for 64 percent of all individuals with severe mental illness, but provides only 46 percent of the annual expenditures required for the treatment of severe mental illnesses;

(8) health care reform plans designed to make health care more accessible and affordable often incorporate the policies that are discriminatory with respect to persons with severe mental illnesses which now exist in common private health insurance plans;

(9) unequal health insurance coverage contributes to the destructive and unfair stigmatization of persons with severe mental illnesses, illnesses that are beyond the control of the individuals, just like cancer, diabetes, and other serious physical health problems;

(10) schizophrenia strikes more than 2,500,000 Americans over the course of their lifetimes, and approximately 30 percent of all hospitalized psychiatric patients in the United States suffer from this most disabling group of mental disorders;

(11) left untreated, severe mental illnesses are some of the most disabling and destructive illnesses afflicting Americans;

(12) studies have found that up to 90 percent of all persons who commit suicide suffer from a treatable severe mental illness, such as schizophrenia, depression, or manic depressive illness;

(13) some 10 percent of all inmates, or 100,000 people, in prisons and jails in the United States suffer from schizophrenia or manic-depressive psychosis;

(14) severe mental illness places an individual at high risk for homelessness, as approximately one-third of the Nation's 600,000 homeless persons suffer from severe mental illnesses;

(15) many persons suffering from severe mental illnesses can be treated effectively but ignorance and stigma continue to prevent many mentally ill individuals from obtaining help;

(16) seventy to 80 percent of those suffering from depression respond quickly to treatment and 80 percent of the victims of schizophrenia can be relieved of acute symptoms with proper medication;

(17) about 95 percent of what is known about both normal and abnormal structure and function of the brain has been learned in the last 10 years, but millions of severely mentally ill people have yet to benefit from these startling research advances in clinical and basic neuroscience;

(18) ensuring adequate health insurance coverage for the treatment of severe mental illnesses can reduce health and societal costs by as much as $2,200,000,000 annually by preventing more costly interventions in the lives of persons with untreated severe mental illnesses and by helping those with severe mental illnesses, many of whom are young adults, remain productive members of society; and

(19) legislation to reform the health care system should not condone or perpetuate discrimination against persons with severe mental illnesses.

SEC. 3. STATEMENT OF POLICY.

(a) IN GENERAL.—It is the policy of the United States that—

(1) persons with severe mental illnesses must not be discriminated against in the health care system; and

(2) health care coverage, whether provided through public or private health insurance or any other means of financing, must provide for the treatment of severe mental illnesses in a manner that is equitable and commensurate with that provided for other major physical illnesses.

(b) CONSTRUCTION.—Subsection (a) shall not be construed to preclude the adoption of laws or policies requiring or providing for appropriate and equitable coverage for other mental health services.

SEC. 4. NONDISCRIMINATORY AND EQUITABLE HEALTH CARE COVERAGE.

With respect to persons with severe mental illnesses, to be considered nondiscriminatory and equitable under this Act, health care coverage shall cover services that are essential to the effective treatment of severe mental illnesses in a manner that—

(1) is not more restrictive than coverage provided for other major physical illnesses;

(2) provides adequate financial protection to the person requiring the medical treatment for a severe mental illness; and

(3) is consistent with effective and common methods of controlling health care costs for other major physical illnesses.

SEC. 5. COMMITMENT TO POLICY.

It is the purpose of this Act to commit the Congress and the Executive Branch to incorporating the policy set forth in section 3 through efforts, including the enactment of legislation, which are intended to improve access to or control the costs of health care.

SEC. 6. DEFINITION.

As used in this Act, the term "severe mental illness" means an illness that is defined through diagnosis, disability and duration, and includes disorders with psychotic symptoms such as schizophrenia, schizoaffective disorder, manic depressive disorder, autism, as well as severe forms of other disorders such as major depression, panic disorder, and obsessive compulsive disorder.

INTRODUCTION OF THE EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESSES ACT

Mr. President, last year, I introduced the Equitable Health Care for Severe Mental Illness Act with little fanfare.

It was to put the Senate on notice that health care reform must include treatment for severe mental illnesses that is commensurate with that for any other serious physical illness.

As the year progressed, the bill gained more and more support and at the end of the session it had twenty-one cosponsors, twelve Democrats and nine Republicans.

In addition, the National Alliance for the Mentally Ill circulated petitions that were signed by 525,000 persons from across the nation.

Including, President Clinton, and Vice President and Mrs. Gore.

Clearly these 525,000 signatures are a testimony that this is an issue that Americans feel strongly about.

It appears that this is one that the President's National Health Reform Task Force is considering including in their package.

However, to ensure that this issue remains an important aspect of the health care debate, I am reintroducing the Equitable Health Care for Severe Mental Illnesses Act with continued bipartisan support.

This issue is far greater than partisan politics.

The evidence of this can be seen in the nine Senate cosponsors. Five Democrats—Senators Simon, Wellstone, Inouye, Sarbanes, and DeConcini. Three Republicans—Senators Warner, Cohen, Danforth, and Murkowski.

And bipartisan cosponsorship in the House with Congresswomen Marge Roukema and Marcy Kaptur.

Last year, the Appropriations Committee authorized the National Advisory Mental Health Council through the National Institute of Mental Health to study the cost of providing equitable coverage for persons with severe mental illness and the efficacy of treatment for these illnesses.

It shows that severe mental illnesses are treatable and that the treatments are effective—more effective than many commonly reimbursed procedures.

Mr. President, I ask that a brief summary of the results of this report be included as a portion of my remarks.

We can no longer treat people who suffer from severe mental illness any differently and provide unequal coverage on the basis that it is cost containment.

It is not cost containment—it is discrimination.

The time is right for that discrimination to end.

HIGHLIGHTS OF THE NIMH REPORT

Number of people suffering from severe mental illness:

2.8 percent of the nation's adult population—approximately 5 million people.

Cost of equitable coverage for severe mental illness:

Will add only $6.5 billion in new mental health care costs.

Will offset the cost with reducing health costs and cost to society by $8.7 billion.

Will yield a net savings of $2.2 billion for the nation.

How effective are treatments for severe mental disorders?

Panic Disorder: 80 percent success rate.
Bipolar Disorder: 80 percent success rate.
Major Depression: 65 percent success rate.
Schizophrenia: 60 percent success rate.
Obsessive Compulsive: 60 percent success rate.

How effective are treatments for commonly reimbursed cardiovascular disorders?

Angioplasty: 41 percent success rate.
Atherectomy: 52 percent success rate.

Costs to Federal Government:

People with severe mental disorders account for 25 percent (or approximately $14 billion) of all federal disability payments (Social Security Insurance and Social Security Disability Insurance).

By Mr. BINGAMAN (for himself, Mr. CHAFEE, Mr. BRADLEY, and Mr. PELL):

S. 672. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the sale and distribution of tobacco products containing tar, nicotine, additives, carbon monoxide, and other potentially harmful constituents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. BRADLEY):

S. 673. A bill to limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors; to the Committee on Governmental Affairs.

THE TOBACCO AND NICOTINE HEALTH AND SAFETY ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce two bills, the Tobacco and Nicotine Health and Safety Act and the Act to Ban Cigarette Vending Machines on Federal Property. Joining me in sponsoring the Tobacco and Nicotine Health and Safety Act are my good friends and distinguished colleagues, Senators CHAFEE, BRADLEY, and PELL. I am pleased that Senator BRADLEY is also sponsoring the Act to Ban Cigarette Vending Machines on Federal Property. The goal of both bills, Mr. President, is to create a healthier, more productive, and smoke-free America.

I realize that achieving such a goal is a very difficult task and that powerful, wealthy opponents stand in our way. But I will no longer concede that the goal of a smoke-free America is unattainable. Together with legislation already introduced by my distinguished colleagues, Senator LAUTENBERG, Senator BRADLEY, and Senator HARKIN, to ban smoking in Federal buildings, raise the excise tax on cigarettes, and put an end to Federal subsidies for tobacco advertising, these measures lay the foundation for a healthier, more productive, and eventually, a smoke-free America.

I urge my colleagues to support the bills sponsored by the two Members from New Jersey and the Senator from Iowa. I also ask my colleagues to look carefully at the bills I am introducing today. First, the Tobacco and Nicotine Health and Safety Act will give the Department of Health and Human Services and the Food and Drug Administration the clear authority to regulate—on the basis of health—additives in cigarettes and chewing tobacco and will ban the distribution of free cigarettes, which often end up in our children's hands. The second bill I am introducing highlights the Federal Government's leadership role in the effort to create a healthier America. It states that in all Federal buildings and on Federal property, cigarette vending machines will no longer be allowed.

Mr. President, I urge my colleagues in the Senate to join our effort to enact this legislation. It will take each of us, working together, to overcome the addictive effects—and the daily deaths—directly attributable to tobacco and nicotine. Each day, 1,000 Americans die from smoking cigarettes or chewing tobacco. Today, 1,000 will die. Tomorrow, another thousand, maybe more, will die. A thousand or more will die the next day. And they will continue to die until each one of us makes a commitment to addressing the dangers of tobacco use.

According to the Surgeon General of the United States, tobacco use is the single most preventable cause of death and disability in our country. Every year, tobacco products kill more Americans—about 430,000—than do alcohol and drug abuse, accidents, and suicides combined.

But aside from the personal loss of life, the economic and social costs of tobacco use are enormous. Estimates are that tobacco use costs our country more than $65 billion in lost productivity and health care expenses. And every day, more than 3,000 Americans teenagers—or 60 percent of all new smokers—start smoking.

Yet the manufacture and sale of tobacco products remain virtually unregulated, and tobacco products are largely exempted from the laws we have established to protect the public from unsafe consumer products. All of this despite the fact that we now know without question that cigarettes and other tobacco products containing nicotine are highly addictive.

It is time for a change. It is time for the Federal Government to take an active role in regulating the manufacture and sale of tobacco products. It is time for the Federal Government to provide the American public with the facts they need to make informed decisions about the use of tobacco products.

As the former Secretary of Health and Human Service, Dr. Louis Sullivan, said:

> [I]f the adult smoking rate continues at present levels, at least five million of the American children who are alive today will die of smoking related diseases. That is a catastrophe which we must prevent.

I cannot imagine that the new Secretary of Health and Human Services, Dr. Donna Shalala, would be any less committed to that goal.

With a new administration and a new Secretary of Health and Human Services, I believe we also have a new opportunity. President Clinton and Secretary Shalala both have advocated the need for a greater focus on preventive health. They have pledged to increase the Federal Government's commitment to prevention and to work with us for a healthier, more productive America. But more important than a pledge, they have already begun to take action. New smoking restrictions are in place in the White House and the Executive Office Buildings, and other prevention programs are in the works.

I believe the Tobacco and Nicotine Health and Safety Act could lay the foundation for the type of change we need. Without question, it will lead to a healthier, more productive America.

The act:

Authorizes and directs the Secretary of Health and Human Services to regulate the levels of harmful additives in cigarettes and other tobacco products—under this authority, levels of harmful additives could be reduced or prohibited entirely;

Provides the Food and Drug Administration with the authority to regulate nontobacco products that contain nicotine, which shall be categorized as drugs;

Requires that tobacco manufacturers fully disclose all chemical additives in tobacco products; and

Prohibits the distribution of free samples and coupons for cigarettes.

This is important legislation, and again I urge my colleagues to support it.

As I mentioned earlier, the other bill I am introducing today would simply prohibit cigarette vending machines in all Federal buildings and on Federal property.

Vending machines, which are difficult to monitor, are one of the chief sources of cigarette purchases among children. For several years, the Department of Health and Human Services has used this fact to urge States and localities to ban cigarette vending machines. Over the past few years, other Federal officials, including former President Bush, joined the Department's vigorous appeal to States and localities, and the Department broadened its sights. For example, its Healthy People 2000 Report, issued by the Public Health Service 2 years ago, urges Indian tribal councils to "similarly enforce prohibitions of tobacco sales to Indian youth living on reservations" because Indian nations are sovereign and exempted from State laws. I agree with the Department's advice, but I urge those of us in the Federal Government to pause for a moment, look inward, and begin providing some much needed leadership.

While the Federal Government has been urging every other political body in the country to ban cigarette vending machines, pack after pack are loaded into—and purchased out of—vending machines every day in countless Federal buildings. Those buildings include the Senate and House Office Buildings and the Old Executive Office Building, next door to the White House.

Mr. President, it is time for the vending machines to go. It is time for the Federal Government to lead by example. I believe that if we expect States, localities, Indian tribal leaders, schools, and parents to take steps to protect our children from tobacco, then we in the Federal Government should also join the effort. We should *lead* the effort.

Each one of us bears a responsibility to our children, and we should be held accountable. It is as simple as that.•

• Mr. CHAFEE. Mr. President, I am pleased to join in cosponsoring two measures that will go far toward reducing tobacco use. The first bill, the Tobacco Consumption Reduction and Health Improvement Act, increases the current excise tax on cigarettes from 24 cents to $1. The second bill, the Tobacco and Nicotine Health and Safety Act, has among its provisions a requirement of straightforward labeling on tobacco products about the addictive nature of nicotine. These bills send a clear message that tobacco use is hazardous to one's health. This is a message that has been proven beyond a shadow of a doubt by study after study.

As we all know, one of the central issues before Congress is health care reform. A number of reports show that if left unchecked, health care costs will amount to 19 percent of the GNP by the end of the decade, and 31 percent by the year 2020. The status quo clearly is unacceptable.

In the last Congress, tremendous effort was devoted to formulating proposals to contain costs and to improve access to health care. Members of Congress quickly became familiar with concepts such as pay or play and managed competition. And although health care costs may be lowered by implementing such ideas, substantial and lasting savings will not be achieved unless we couple them with efforts to reduce preventable causes of disease and disability, such as smoking.

Mr. President, smoking is the No. 1 preventable cause of crippling and devastating circulatory and respiratory diseases. Each year, 430,000 Americans die from tobacco-related illnesses. In addition to this needless loss of life, conservative estimates suggest that tobacco use contributes $65 billion in lost productivity and health care costs annually—a cost that is borne by anyone who pays taxes or insurance premiums.

I realize that this sizable increase in the excise tax may be viewed as punitive—that we are singling out one group. But I believe it is fair to ask smokers to shoulder some of that cost. If one compares the ratio of tax to cigarette prices, the United States ranks far below other countries. The average combined Federal and State excise tax in the United States is 56 cents and accounts for about 30 percent of the cost of a pack of cigarettes. In Canada, a country which many people claim has an effective program to control health care costs, excise taxes account for 67 percent.

The second bill I have joined in introducing strengthens the Government's commitment to educate people about the health risks associated with tobacco use. Education is one of the most powerful tools in promoting healthy behaviors and lifestyles. By requiring straightforward labeling on tobacco products, this measure will help inform people about the addictive nature of nicotine.

Perhaps most importantly, this bill would prohibit the distribution of coupons and free samples for cigarettes. At a time when several State and local governments are stepping up efforts to curtail tobacco sales to minors, it disturbs me that many tobacco companies offer coupons through the mail for discounts or free samples. These coupons may not be intended for young people, but they often end up in their hands.

Mr. President, I know we may face a formidable task in gaining approval of these proposals—especially the excise tax. But we must persist. These measures set us on the road toward a firm Federal policy on tobacco use: We should discourage it. I commend Senator BRADLEY and Senator BINGAMAN for their fine work on this issue and urge my colleagues to cosponsor these measures.•

By Mr. THURMOND (for himself and Mr. SIMON):

S. 674. A bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SENSIBLE ADVERTISING AND FAMILY EDUCATION ACT

Mr. THURMOND. Mr. President, I rise today to introduce the Sensible Advertising and Family Education Act of 1993 with Senator SIMON, which would require that health warnings be included in alcoholic beverage advertisements. The bill addresses a very serious health problem facing our Nation today.

There are many reasons for requiring alcohol advertisement warnings. Today, society is marked by a heightened awareness of the effects of drugs on individuals and society. No one disputes that drugs are a leading cause of health problems, violence, and even death; yet very few people realize that the most widely used and abused drug in America is alcohol. In fact, it is a little known or acknowledged fact that the No. 1 drug problem facing this Nation is alcohol abuse.

The bill identifies a number of startling findings. The average age at which young people begin drinking is 13. Among high school seniors, only 43 percent believe there is a risk of harm associated with drinking, and nearly 90 percent of those high school seniors have experimented with alcohol. This is especially unsettling when you consider that it is illegal in all 50 States and the District of Columbia for these children to purchase or consume alcohol.

Health care costs and savings are a paramount concern for all Americans. Consider these findings on alcohol and health care costs: Fetal alcohol syndrome is one of the top three known causes of birth defects and the only known preventable cause among the top three. The treatment costs associated with fetal alcohol syndrome and other alcohol-related birth defects in this country are estimated at $750 million. That is a third of a billion dollars in health care expenditures that could be easily avoided. An estimated 4.5 million young people are dependent on alcohol and an estimated 18 million Americans age 18 or older have problems related to alcohol use. In fact, it is estimated that a quarter of all hospitalized persons have alcohol related problems.

Alcohol is prominent in fatal accidents and violent crimes: Almost half of the deaths resulting from automobile crashes are alcohol related. Further, almost half of the suicides and homicides involve alcohol; and the victims are intoxicated in nearly one-third of the homicide, drowning, and boating accident deaths.

Mr. President, I could continue with these shocking figures; however, at this point I want to draw your attention to one of the most important findings: Alcohol advertising, especially in the broadcast media, represents the single greatest source of alcohol awareness in the United States. This finding is significant because the messages required by this bill would become a part of the education that Americans receive about alcohol. Everyone in this room today must realize that it is imperative to educate Americans about alcohol's potentially harmful effects.

The alcoholic beverage industry is presently spending about $2 billion a year on advertising and promotions in the United States alone. The industry representatives complain that the costs imposed on them in requiring these warning labels is significant and unfair. However, the costs to the industry would in fact be very small when compared to the savings experienced by the entire country in reduced alcohol-related health problems, crimes, and deaths.

In 1988 I introduced a bill, which became law, that required health warning labels on alcoholic beverage containers. The bill which I am introducing today builds on the 1988 law by extending the warnings about alcohol use and abuse to the media and print advertising. The warnings would be rotated so that the American public is fully advised of the many serious health consequences of alcohol use and abuse.

There have been numerous studies conducted which indicate that a significant relationship exists between youth exposure to alcoholic beverage advertising and drinking as an adult. Other studies show that there is a relationship between alcohol advertising and behavior that leads to drinking problems. These simple health warnings will serve the much needed function of educating the American public about the consequence of alcohol use.

These health warnings are an important step in educating the consumer about the hazardous effects of alcohol consumption. I want to emphasize that like the warnings required in cigarette advertisements and on alcoholic beverage containers, these warnings do not create any legal restriction or penalty to those who do not heed the warnings.

Mr. President, I have highlighted just a few of the many reasons which justify, and in fact demand, that we require health warnings in alcohol advertisements. I have introduced similar legislation in the past which has received overwhelming support from various organizations throughout the country. The only opposition to this legislation comes from the alcoholic beverage industry whose concerns they say are focused on costs to them which would actually be de minimis.

This legislation is vital to our Nation and I urge its passage. By acting quickly and responsibly, we can make a difference in the general health and welfare of America.

In closing Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sensible Advertising and Family Education Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Alcohol is by far the drug most widely used and abused by young people in the United States today, even though it is illegal for youths under age 21 to purchase alcohol in all 50 of the States and the District of Columbia.

(2) According to the 1992 National Institute on Drug Abuse survey of high school students and young adults, 89.5 percent of high school seniors in the class of 1990 had used alcohol at least once and 30 percent had experienced a "binge" of 5 or more drinks in a row within the past 2 weeks. Among college students, 43 percent reported occasions of binge drinking, including 35 percent of the females and 52 percent of the males.

(3) The average age at which young people begin drinking is 13. By age 13, approximately 30 percent of boys and 22 percent of girls classify themselves as drinkers. According to the 1988 National High School Senior Survey, 17 percent of high school seniors reported having been drunk by eighth grade, 37 percent by ninth grade, 54 percent by tenth grade, and 71 percent by twelfth grade. Studies demonstrate that the use of alcohol by individuals before the age of 15 appears to be one of the predictors of later heavy alcohol and other drug use by the individuals.

(4) Young people are not well informed about the hazards of alcohol use. Only 43 percent of high school seniors believe there is great risk of harm from drinking activities such as binge drinking once or twice each weekend. More than one-quarter of high school seniors do not view heavy, regular daily binge drinking as entailing great risk. More than 40 percent of eighth graders, 45 percent of tenth graders, and 51 percent of twelfth graders do not perceive having 5 or more drinks once or twice a weekend as entailing a great risk.

(5) According to the Department of Health and Human Services, sponsorships and promotions on college campuses by alcohol producers and the use of celebrities and youth-oriented musical groups in advertising create a pro-drinking environment.

(6) Treatment costs for fetal alcohol syndrome (referred to in this section as "FAS") and other alcohol-related birth defects in the United States are estimated at nearly a third of a billion dollars. FAS is one of the top three known causes of birth defects with accompanying mental retardation, and the only known preventable cause among the top three. Among children born to women who drink heavily, the incidence of FAS may be as high as 25 infants with the syndrome per 1,000 live births. Among children born to other women, the FAS incidence is between 1 and 3 infants with the syndrome per 1,000 live births. The incidence of other alcohol-related birth defects is estimated to be 3 times greater than that of FAS.

(7) According to the National Institute of Alcohol Abuse and Alcoholism, an estimated 18,000,000 persons in the United States who are 18 or older currently experience problems as a result of alcohol use. An estimated 4,500,000 young people are dependant on alcohol or are problem drinkers.

(8) According to Healthy People 2000, the National Health Promotion and Disease Prevention Objectives—

(A) nearly one-half of all deaths from motor vehicle crashes are alcohol-related;

(B) alcohol is implicated in nearly one-half of all fatal intentional injuries such as suicides and homicides; and

(C) victims are intoxicated in approximately one-third of all homicides, drownings, and boating deaths.

(9) An estimated 25 percent of all hospitalized persons have alcohol-related problems.

(10) Alcohol advertising, especially in the broadcast media, represents the single greatest source of alcohol education for persons in the United States. According to a 1990 study of 10- to 13-year-olds, funded by the American Automobile Association Foundation for Traffic Safety, there is a relationship between exposure and attention by an individual to beer advertising, and expectations that the individual drink as an adult.

(11) A major 1981 federally funded study found a significant relationship between—

(A) exposure of individuals to alcoholic beverage advertising as youth; and

(B) drinking behaviors and attitudes of the individuals that can lead to certain forms of problem drinking.

(12) Over 80 percent of 2,000 adults surveyed in 1988 for the Bureau of Alcohol, Tobacco, and Firearms by the Opinion Research Corporation believe that alcohol advertising influences underage youth to drink alcoholic beverages. The survey also found that the general public feels that the young people of the United States constitute the group that is most at risk from drinking alcoholic beverages.

(13) The alcoholic beverage industry spends approximately $2,000,000,000 each year on advertising and promotions in the United States.

(14) The 1988 Surgeon General's Workshop on Drunk Driving has recommended—

(A) that the level of alcoholic beverage advertising be matched with an equal number of pro-health and pro-safety messages; and

(B) the inclusion of health warning messages in all alcohol advertising.

(15) The National Commission on Drug-Free Schools' September 1990 Final Report, "Toward a Drug-Free Generation: A Nation's Responsibility", recommends that Congress—

(A) require additional health and safety messages on all alcohol products and advertising for the products; and

(B) consider enacting a ban on advertising and promotion of alcohol if alcohol advertising still targets youth and glamorizes alcohol use.

(16) Over two-thirds of persons surveyed in a 1989 Wall Street Journal poll favor requiring warnings about the dangers of drinking both on alcoholic beverage containers and in alcohol advertisements. Nearly three-fourths of persons surveyed in a 1990 Gallup Poll favor requiring health warning messages in alcohol advertising.

(17) Alcohol in combination with other drugs is the leading cause of emergency room drug abuse episodes.

(18) According to the Inspector General of the Department of Health and Human Services, the average binge drinker is a 16-year-old male in the tenth grade who was 12 years old when he took his first drink.

(19) A third of all students do not understand the intoxicating effects of alcohol. More than 2,600,000 students do not know a person can die from an overdose of alcohol. A projected 259,000 students think that wine coolers or beer cannot get a person drunk, cannot make a person sick, or cannot do as much harm as other alcoholic beverages.

(20) In 1989, chronic liver disease, including cirrhosis, was the ninth leading cause of death in the United States. Of 41,000 deaths attributed to liver disease in the United States, 46 percent were diagnostically associated with alcohol. Heavy alcohol use is considered the most important risk factor for chronic liver disease. Even among liver disease deaths not coded as alcohol-related, approximately 50 percent are thought to be due to alcohol use.

(21) Between 5 and 24 percent of hypertension cases are associated with alcohol. Many cases diagnosed as essential hypertension (high blood pressure having no known causes) may actually have chronic alcohol ingestion as their cause.

(22) Alcohol abuse is strongly associated with increased risk of certain kinds of cancer, especially cancer of the liver, esophagus, nasopharynx, and larynx. Alcohol is also associated with dietary deficiency that may increase cancer risk.

SEC. 3. HEALTH WARNINGS.

(a) IN GENERAL.—On and after the expiration of the 6-month period following the date of enactment of this Act, it shall be an unfair or deceptive act or practice in commerce under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any person to—

(1) advertise, or cause to be advertised, through magazines, newspapers, brochures, and promotional displays within the United States any alcoholic beverage unless the advertising bears, in accordance with requirements of section 4(a), one of the following health warnings:

"**SURGEON GENERAL'S WARNING:** If you are pregnant, don't drink. Drinking alcohol during pregnancy may cause mental retardation and other birth defects. Avoid alcohol during pregnancy. If you are pregnant and can't stop drinking, call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** If you are under the age of 21, it's against the law to buy alcoholic beverages. For information about teenagers and young adults and drinking, call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** Alcohol is a drug and may be addictive. If you know someone who has an alcohol or other drug problem or has trouble controlling their drinking, call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** Drive sober. If you don't, you could lose your driver's license. Alcohol impairs your ability to drive a car or operate machinery. If you or people you love drink and drive, call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** Don't mix alcohol with over-the-counter, prescription, or illicit drugs. For more information call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** If you drink too much alcohol too fast, you can die. You can be poisoned by alcohol if you drink [insert number of drinks] in [insert time]. To find out more about alcohol poisoning call [insert appropriate toll free number].

"**SURGEON GENERAL'S WARNING:** Drinking increases your risks of high blood pressure, liver disease, and cancer. The more you drink, the more likely it is that you will have such health problems. To find out how to prevent getting such health problems call [insert appropriate toll free number]."; or

(2) advertise, or cause to be advertised, through radio or television broadcasting (including cable, pay-per-view, and subscription television broadcasting) any alcoholic beverage unless the advertising includes, in accordance with requirements of section 4(b), one of the following health warnings:

"**SURGEON GENERAL'S WARNING:** If you are pregnant, don't drink alcohol. Alcohol may cause mental retardation and other birth defects.

"**SURGEON GENERAL'S WARNING:** If you are under the age of 21, it's illegal to buy alcoholic beverages.

"**SURGEON GENERAL'S WARNING:** Alcohol is a drug and may be addictive.

"**SURGEON GENERAL'S WARNING:** Drive sober. If you don't, you could lose your driver's license.

"**SURGEON GENERAL'S WARNING:** Don't mix alcohol with over-the-counter, prescription, or illicit drugs.

"**SURGEON GENERAL'S WARNING:** If you drink too much alcohol too fast, you can die of alcohol poisoning.

"**SURGEON GENERAL'S WARNING:** Drinking increases your risk of high blood pressure, liver disease, and cancer.".

(b) TOLL FREE NUMBERS.—The Secretary of Health and Human Services, in consultation with the Federal Trade Commission, shall be responsible for establishing and maintaining the toll free numbers referred to in the health warnings required by subsection (a)(1). The Secretary shall annually submit a report to Congress containing information on the number of calls received from persons using the numbers and the types of referrals made as a result of the calls.

SEC. 4. REQUIREMENTS.

(a) IN GENERAL.—

(1) USE OF WARNINGS.—The health warnings required for alcoholic beverage advertisements by section 3(a)(1) shall—

(A) comply with requirements, determined by the Secretary of Health and Human Services in regulations to take effect no later than 6 months after the date of the enactment of this Act, that—

(i) one such health warning be located in a conspicuous and prominent place in each such advertisement;

(ii) all letters in such health warning appear in conspicuous and legible type that is not script or italic; and

(iii) such health warning be in contrast by typography, layout, and color with all other printed material in the advertisement, be surrounded by typographic lines that form a box, and, on an appropriate visual medium, appear on the front of an advertisement as indicated by labeling of the manufacturer or importer; and

(B) be rotated in an alternating sequence on each advertisement of a brand style in accordance with a plan submitted by such manufacturer or importer to the Secretary.

(2) PLAN.—The Secretary of Health and Human Services shall approve a plan submitted under paragraph (1)(B) by a manufacturer or importer that assures that an equal distribution of each of the health warnings is displayed on each sequence of the same or a substantially similar advertisement for a brand style at the same time. If the plan is approved by the Secretary, the rotation described in paragraph (1)(B) shall apply with respect to the applicant submitting the plan during the 1-year period beginning on the date of the approval.

(b) RADIO AND TELEVISION.—

(1) USE OF WARNINGS.—The health warnings required for alcoholic beverage advertisements by section 3(a)(2) shall—

(A) comply with requirements, determined by the Secretary of Health and Human Services in regulations to take effect not later than 6 months after the date of the enactment of this Act, that—

(i) one such health warning be included in a conspicuous and prominent manner in each such advertisement;

(ii) the health warning be read as part of the advertisement in an audible and deliberate manner and in a length of time that allows for a clear understanding of the health warning message by the intended audience; and

(iii) with respect to each advertisement for television—

(I) a graphic representation of such health warning be included after each such advertisement;

(II) all letters in such graphic representation appear in conspicuous and legible type that is not script or italic;

(III) such health warning be surrounded by typographic lines that form a box in the graphic representation; and

(IV) such graphic representation appear in the same length of time as is required for the reading of the message required by clause (ii); and

(B) be rotated in an alternating sequence on each advertisement of a brand style in accordance with a plan submitted by such manufacturer or importer to the Secretary.

(2) PLAN.—The Secretary of Health and Human Services shall approve a plan submitted under paragraph (1)(B) by a manufacturer or importer that assures that an equal distribution of each of the health warnings is displayed on each sequence of the same or a substantially similar advertisement for a brand style at the same time. If the plan is approved by the Secretary, the rotation described in paragraph (1)(B) shall apply with respect to the applicant submitting the plan during the 1-year period beginning on the date of the approval.

SEC. 5. DEFINITION.

For purposes of this Act:

(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" includes any beverage in liquid form that contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.

(2) PERSON.—The term "person" means—

(A) an individual;

(B) a partnership;

(C) a joint stock company;

(D) a business trust;

(E) an association;

(F) a corporation;

(G) any business or legal entity not described in subparagraphs (A) through (F), including a receiver, trustee, or liquidating agent; and

(H) a State, a State agency, or an officer or employee of a State or State agency.

(3) STATE.—The term "State" includes—

(A) any political subdivision of any State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the Commonwealth of the Northern Mariana Islands;

(E) Guam;

(F) the Virgin Islands;

(G) American Samoa;

(H) Wake Island;

(I) the Midway Islands;

(J) Kingman Reef; and

(K) Johnston Island.

(4) UNITED STATES.—The term "United States", when used in a geographical sense, includes all States.

SEC. 6. REPORT TO CONGRESS.

(a) INVESTIGATION.—Not earlier than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct an appropriate investigation and consult with the Surgeon General to determine whether available scientific information would justify a change in, an addition to, or deletion of, a health warning set forth in section 3.

(b) REPORT.—If the Secretary of Health and Human Services finds that available scientific information would justify the change, addition, or deletion described in subsection (a), the Secretary shall promptly submit a report to the appropriate committees of Congress containing—

(1) the information; and

(2) specific recommendations for such amendments to this Act as the Secretary determines to be appropriate and in the public interest.

By Mr. WOFFORD (for himself, Mr. DURENBERGER, Mr. KENNEDY, and Mr. WELLSTONE):

S. 676. A bill to amend certain education laws to provide for service-learning and to strengthen the skills of teachers and improve instruction in service-learning, and for other purposes; to the Committee on Labor and Human Resources.

SERVICE-LEARNING ACT OF 1993

• Mr. WOFFORD. Mr. President, President Clinton is leading the charge to infuse service into all aspects of our national life. Speaking before students at the University of Notre Dame, he sketched a bold vision for education in America. He said: "I think of schools where young people are called not only to academic achievement but to volunteer work in hospitals and nursing homes, tutoring programs, and homeless shelters, as a fundamental component of education." Our President is challenging all Americans to serve according to our means, talents, and stage of life.

Part of this spirit and system of service applies to students in elementary and secondary schools. Today I am pleased to join with Senators DURENBERGER, KENNEDY, and WELLSTONE to introduce legislation to make this vision a reality. This legislation will help schools link academic study and community service. The Service-Learning Act of 1993 is based on a simple yet powerful truth: Students learn best by doing, by being active and engaged in the process of learning.

In 1990, the President of the United States and all 50 Governors recognized this approach as an integral part of our Nation's educational goals. In their Charlottesville declaration, they proposed that all States and school systems act to ensure that by the year 2000 "all students will be involved in activities that promote and demonstrate good citizenship, community service and personal responsibility." Service-learning was seen as an important way to achieve goal three: That all students are "prepared for responsible citizenship, further learning, and productive employment in our modern economy."

Service-learning can be a critical element in education reform. Active learning through community service, especially if it is curriculum-based, improves student achievement by making classroom learning more meaningful. It can reengage students turned-off by traditional teaching methods. Service-learning promotes teamwork, leadership, and problem-solving. In successful programs of service-learning, students replace alienation with engagement, exchange boredom with excitement, and learn the exhilaration of making a difference. In this active form of education the community becomes the classroom and students become resources. Thus service-learning will help us achieve all of the national education goals set in Charlottesville—for better teaching and better learning.

Many schools across the country are integrating community service and academic subjects with great success. In Pennsylvania, the statewide PennSERVE program is working to bring a culture of service into the schools. In Fulsome, PA, students learned physics as they help families make their homes more energy efficient. In Philadelphia, students teach younger children about preventive health care—reenforcing the importance of preventive health care in their own lives. In Pennsylvania, we have demonstrated that service-learning improves academic achievement, especially for those students most at-risk.

This concept of learning by service has been supported by Pennsylvania's State Board of Education and major educational organizations in the Commonwealth. The State board has indicated that "programs of community service should be an integral part of education at all levels." Our Commonwealth is seeking to find the ways and means of making community service a common expectation and experience of all young Pennsylvanians as they prepare to be the work force of the future.

The Service-Learning Act introduced today, will make it easier for programs like ours in Pennsylvania to flourish. It amends existing Federal primary and secondary school programs, most of which will be reauthorized this year, to encourage and promote the inclusion or expansion of service-learning programs. Title I of this act makes better use of existing funds. For example, this legislation will encourage schools to use Eisenhower math and science funds to enable teachers to teach classes at the banks of a river—where students can measure and monitor pollution levels. Or teachers could use drug education funds to develop peer counseling programs.

The Service Learning Act also creates a teacher training program. Schools, universities, and community organizations will be encouraged to form partnerships and apply for competitive grants for training both new and veteran teachers. This training will expose teachers to innovative methods of instruction designed to employ the resources of the community while at the same time meeting its needs. We as a nation are finally recognizing the importance of better training of our work force. For teachers, too, we need to give them every opportunity to excel. Service-learning helps teachers teach better and promotes the notion of teachers as coaches in the process of education.

When integrated into a school's curriculum, community service can enhance student performance in a wide range of studies. A child who tutors others in algebra hones his own math skills. A child who plants trees in a public park learns about biology. And a child who helps a recent immigrant learn English will gain a greater understanding of the rules of grammar. Service-learning can benefit all types of students—from those who are bored with traditional course work to those particularly gifted students who need greater challenges to remain interested in school.

Too many children are leaving school without the knowledge and skills they need in order to function as skilled and engaged citizens. We need to use methods that foster the development of every child's skills and abilities to think critically, to work as part of a team, to make ethical judgments and act on them, and to apply what they learn beyond the classroom.

The strength of our democracy depends on educated, informed, and involved citizens. We must instill in children from an early age that they are part of a larger community—and that citizenship entails certain responsibilities.

But beyond that, children gain the confidence that comes from realizing that they are needed and valued, and that through their actions they can effect change—both in their own lives, and in the world. This confidence will help children to succeed in school. Often, children become disillusioned with education because they see its benefits as some vague and distant promise of future prosperity. Service-learning makes education relevant by making learning active instead of passive and empowering students with a sense of accomplishment from their community involvement.

Finally, this act is about the reinvention of Government, beginning with the reinvention of our schools. It is a bill designed to foster partnerships to reinvent how teachers teach and how students learn in order to better prepare us to compete in the 21st century.

I look forward to working with my colleagues to make service-learning an integral part of education in America.●

● Mr. DURENBERGER. Mr. President, I rise today to join with my distinguished colleague from Pennsylvania to introduce the Service Learning Act of 1993.

It is appropriate that two Senators from Pennsylvania and Minnesota would take the lead in introducing this bill, Mr. President, because our two States have a well-deserved reputation for leading the Nation in integrating community service and education.

And, I am especially pleased to join with Senator WOFFORD in launching this initiative—a Member of this body who has been a national leader in tapping the spirit and energies of America's younger citizens for more than three decades.

Mr. President, I've said many times before that I came to this issue several years ago with a much narrower vision of what we've traditionally called voluntarism.

My vision was limited to my own experience as a community volunteer, as president of the South St. Paul Jaycees, as president of the Burroughs Elementary School PTA, as an active participant in the citizens league, and a whole host of other community projects and community organizations.

My vision was also defined as voluntarism by my years as a director of VOLUNTEER, the National Center for Voluntary Action, and by my work in the 1970's on the National Study Commission on Volunteering in America.

I did my own volunteering out of a strong sense of civic duty. And, I still believe that promoting what President Bush called a thousand points of light is an important part of what promoting national and community service is all about.

But, from people like Jim Kielsmeier and a lot of teachers and students in Minnesota, I've also learned that integrating community service into the school curriculum—from kindergarten through college—can be an essential element in education reform.

And, I've learned that service corps and other forms of stipend service can be an effective education alternative for students who aren't well-suited for more traditional forms of schooling that are based only on textbooks used in the classroom.

This growing awareness of the links between community service and education is one reason I became the first Republican to cosponsor the National and Community Service Act when it was introduced in 1989.

I intend to be an active participant in reauthorizing that legislation later this year. And, I also look forward to playing a constructive role in Senate consideration of the President's national service proposal.

I'm especially pleased that—as part of that initiative—the President is recommending a total overhaul of our Nation's bureaucratic and inflexible student loan system along the lines that Senator SIMON and I first proposed in 1991.

Mr. President, the legislation that Senator WOFFORD and I are introducing today could play an important role in achieving the President's challenge to mobilize and motivate America's youth through national service.

Our proposal tackles that challenge—not from Washington—but from every school building and classroom in America.

It tackles that challenge within existing legislation and without spending a lot of new money.

And, it tackles that challenge in a way that draws on some of the best resources this Nation has—America's elementary and secondary school teachers and the colleges and universities and in-service programs that help train them.

I've already stated that my enthusiasm for this legislation is based in large measure on the leadership that my home State of Minnesota has given to what we now call "service learning."

One of my first experiences with that concept came a few years ago when I met with a small group of students at the Plymouth Youth Center's alternative high school in north Minneapolis.

One of those students was a young man named Scott.

Scott's life hadn't been easy, either at home or in school. I sensed he probably hadn't had a lot of attention from his family, and probably didn't have a very high opinion of himself, either.

But, Scott told me about how he became a reading mentor for a kindergarten student in the service learning program that's required of all students attending his school.

He became a better reader through that program.

And, I could tell from listening to him that—because of that experience—Scott felt a whole lot better about himself.

Mr. President, I saw an even more direct link between community service and an academic curriculum last summer when I invited National Park Service Director Jim Ridenour to view Minnesota's rich natural resources first hand.

When Jim and I were in Grand Rapids, we learned about a local effort to monitor and improve water quality in the Mississippi River, barely 65 miles from its source.

Part of that local effort is run by student volunteers as part of a program called River Watch.

Under the River Watch Program, professional scientists design a water quality monitoring plan and develop field procedures and reporting requirements. The goal of the program is to regularly check river water to make sure State and Federal water quality standards are being met.

The biologists and other scientists also have responsibility for training volunteers, including Grand Rapids area middle and high school students who participate in River Watch as part of their science curriculum. Teachers also play a big role in both advising the students and making sure the volunteer water testing is backed up by classroom work and reading.

On the day I was in Grand Rapids, three young people—Teyana Kayser, Shawn Bloom and Brice Pierce—gave me a thorough explanation of how the program works. They demonstrated how water samples are collected and how the dissolved oxygen content of the water is measured. They also explained why these and other tests are used as indicators of the water quality in the river.

Needless to say, Director Ridenour and I were impressed, not just with the commitment these young people have to the environment, but by their detailed knowledge of what a concept as common clean water really means.

Overall, the students' grasp of the science behind water quality monitoring convinced me that this is how a lot more teaching and learning ought to be happening in America's schools.

River Watch is only one of hundreds of service learning projects now in place in school districts all over Minnesota.

Since Minnesota's pioneering youth development legislation was first adopted in 1987, the number of school districts with a young development plan has grown from 158 to 325. More than 100,000 Minnesota elementary and secondary students are now engaged in some type of community service activity through their schools, a whopping increase of 40,000 students in just the last year. And, almost 40 percent of Minnesota's 399 school districts now offer academic credit for youth service and service learning.

One of the reasons for this phenomenal growth is Minnesota's commitment to put State and local resources behind links between youth service and education.

Since 1987, Minnesota school districts have been levying a small per capita property tax assessment for youth development and service activities. The money, which currently totals $3.5 million statewide, is channeled through each district's community education program.

Minnesota has also put State resources into post-secondary service learning projects on public and private college campuses. And, Minnesota has one of the Nation's best-run conservation corps, run by the State's Department of Natural Resources.

Overall coordination for Minnesota's youth service activity is provided by a Governor's advisory task force on mentoring and community service. The task force is currently chaired by Jim Kielsmeier, president of the National Youth Leadership Council, and one of the Nation's foremost youth service leaders.

Minnesota's vision and long-term commitment to youth service also played a key role in securing Federal funding this year from the Commission on National and Community Service.

Minnesota received grants of $236,000 under the ServeAmerica program to support its K-12 service learning programs, $150,000 for college-level programs, and $245,000 as one of eight leader States—funds that are being used for evaluation, self-evaluation, curriculum development and establishment of academic standards in Minnesota and a number of other States.

With its ServeAmerica grant, Minnesota has funded 23 K-12 programs run by small rural school districts, an Indian reservation in northeastern Minnesota, and both suburban and central city school districts in the Twin Cities.

One of the more innovative projects is run jointly by the St. Paul Schools' New Americans Program and the Ramsey County Public Health Department. It's developing a youth service corps that involves youth from families that are recent immigrants or refugees. After working with adults in the health and human services fields, participating youth are sharing their knowledge with other youth from their own cultural background.

Another innovative project is the Students Reaching Out Program at Anwatin Middle School in Minneapolis. Under this program youth with disabilities are being given the opportunity to tutor younger children at a neighboring early childhood center.

And, still another project is being run jointly by the Minnesota Pollution Control Agency River Watch Program, the Ojibwe School, and the Fon Du Lac Reservation near Duluth. Students trained in water quality monitoring through the project and also are working with younger students on a variety of environmental issues.

All of these service learning projects—and hundreds of others all over Minnesota—are just the kind of initiatives the Service Learning Act of 1993 is designed to encourage and support all over the nation.

The legislation Senator WOFFORD and I are introducing today pursues that ambitious goal in three ways:

First, this legislation elevates the visibility and importance of service learning methodology within existing K-12 education programs authorized by the Elementary and Secondary Education Act. Those programs include the Eisenhower Math and Science Program, local targeted assistance programs, and the Secretary's Fund for Innovation in Education.

Second, this proposal improves the ability of teachers and others to effectively use service learning as part of the K-12 curriculum—by authorizing a major new teacher training program to be run by school districts and higher education institutions all over America.

I am especially pleased, Mr. President, that this legislation makes it possible for nonprofit youth service workers—in organizations like the Scouts, YM/YWCA, 4-H, and others—to participate in teacher training programs run by school districts if they are involved in team service learning projects with teachers at the local level.

Finally, the legislation we're introducing today encourages more direct links between education programs and institutions and youth service programs run by others, including programs funded under the National and Community Service Act.

I am pleased, Mr. President, that the proposal strengthens and provides explicit funding for the regional clearinghouse provisions in the National and Community Service Act of 1990. I authored that section of the earlier act and believe that the amendments we're introducing today will ensure that regional clearinghouses will promote even stronger links between community service and education.

The legislation that Senator WOFFORD and I are introducing today was drafted following extensive consultation with the Alliance for Service Learning, a new national coalition of individuals who are leaders in integrating youth service and education, and with a number of other education and youth service organizations nationally.

Mr. President, this bill represents a major step forward in making service learning part of mainstream education. Too often, service learning is viewed as an extracurricular activity—something that's a nice add-on—an addition or supplement to what goes on in the classroom.

The purpose of this bill is to get educators to think of service learning every time they design a course or curriculum. And, it's also designed to offer every teacher the opportunity to become a trained service learning practitioner, either through midcareer inservice training or at the time they get formal teacher training in college.

I am personally optimistic, Mr. President, that those goals will be achieved. But, I am also reminded that the kind of fundamental changes we're seeking through this legislation very seldom originate in Washington.

One of my personal mentors on this subject has been Wayne Meisel, a young man who grew up with my kids in south Minneapolis and is now a member of the Commission on National and Community Service. Wayne summarized the reality of how change occurs when he recently wrote, and I quote:

"Movements are not born in Washington, DC. In fact, by the time they reach our Nation's Capital, they have already happened. The youth service movement is no different."

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

My hope is that the legislation Senator WOFFORD and I are introducing today will help make that movement an integral part of how we teach and learning in every school building and every classroom in America.

In fact, the ultimate purpose of this bill is to make every community in America a classroom and an environment in which the talents and energies of our youngest citizens can be fully engaged and fully appreciated.

Nobody has a greater stake in addressing all the challenges we face as a nation than our children and our youth. And, as a nation that thrives on tackling tough challenges, we can't afford to leave that tremendous natural resource untapped.

Mr. President, I would ask unanimous consent that my statement be followed by a brief summary of the legislation we're introducing today, along with a statement by Wayne Meisel and an article reflecting the views of Jim Kielsmeier.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE SERVICE LEARNING ACT OF 1993

GENERAL CONTEXT AND PURPOSE

The "Service Learning Act of 1993" is designed to accomplish three main objectives:

First, to elevate the visibility and importance of service learning as a teaching and learning methodology within existing K-12 education programs authorized by the Elementary and Secondary Education Act;

Second, to support programs that improve the ability of teachers and others to effectively use service learning as part of the K-12 curriculum;

And, third, to encourage more direct links between education programs and institutions and youth service programs run by others, including programs funded by under the National and Community Service Act.

The proposal was drafted following extensive consultation with the Alliance for Service Learning, a new national coalition of individuals who are leaders in integrating youth service and education, and with a number of other education and youth service organizations nationally.

Its chief authors are Senators Harris Wofford (D-PA) and Dave Durenberger (R-MN). Both Senators represent states that have been leaders nationally in linking youth service and education.

ELEVATING THE VISIBILITY AND IMPORTANCE OF SERVICE LEARNING IN EXISTING K-12 EDUCATION PROGRAMS

Title I of the Service Learning Act of 1993 takes an entirely new approach to using federal policy to encourage service learning as a teaching and learning methodology.

Rather than creating new programs or authorizing significant additional spending, this title is intended to integrate the concept of service learning into a number of existing federal education programs. The goal, in other words, is to get educators to think of service learning as a potential component of every program and every course—not as an "add-on" or extra-curricular pursuit.

It does that by explicitly adding service learning to "allowable uses" of funds under a number of different programs authorized by the Elementary and Secondary Education Act (ESEA). In some cases, support for service learning projects is also included among specific program funding priorities.

Program authorizations in the ESEA into which specific service learning language is added include:

Local Targeted Assistance programs,
Law Related Education programs,
Blue Ribbon Schools program, and
Eisenhower Math and Science Critical Skills.
Improvement Programs (both elementary and secondary and post-secondary programs)
Magnet Schools program,
Secretary's Fund for Innovation in Education, and
Drug Free Schools program.

In addition, Title I:

Directs the Secretary of Education to carry out a program of grants and contracts to encourage state and local education agencies and others to establish and conduct service-learning programs; an authorization of $20.0 million is included in this section.

Requires the National Diffusion Network within the Department of Education to coordinate with the Commission on National and Community Service in identifying and disseminating information regarding innovative service-learning programs.

Authorizes the Secretary of Education to develop materials, provide assistance and make grants to strengthen and expand service learning by infusing service learning into core academic curricula.

A MAJOR NEW NATIONAL COMMITMENT TO TEACHER TRAINING IN SERVICE LEARNING

Title II of the Service Learning Act creates a new service learning teacher training grant program. This program is intended to expand and improve the training and retraining in service learning of K-12 teachers, school leaders, other school personnel, and other community members who are engaged in "team" service learning projects with teachers.

Under this Title, the Secretary of Education is authorized to make competitive grants to states, with the size of grants determined by the number of children ages 5-17 in each state.

Each state's grant is to be divided as follows: 75 percent going on a competitive basis to elementary and secondary education programs; and 25 percent—also on a competitive basis—to post-secondary programs. In each case, no more than five percent may be reserved for administrative expenses at the state or local level, or by the grant recipient.

Proposed funding authority for the teacher training programs is as follows: For FY1994; $75 million; for FY1995: $100 million; for FY1996; $125 million; for FY1997-98: "such sums as may be necessary." Actual funding levels will be determined each year by appropriations.

The K-12 section of this Title authorizes grants to be made to local school districts on a competitive basis by the state department of education. Funds may be used for either teacher training programs or for grants to individual teachers to undertake projects to improve their teaching ability. At least five percent of the funds in each state are intended to be reserved for demonstration and exemplary programs and the dissemination of information within the state on those programs.

In awarding grants, special consideration is to be given to service learning projects for historically underrepresented and underserved populations of students, including females, minorities, individuals with disabilities, individuals with limited-English proficiency, and migrant students.

The higher education section of this Title also reserves up to five percent of the funding each state receives for state-level administrative expense and requires that at least 95 percent be used for competitive grants to both public and private higher education institutions.

Grant recipients are to use the funds to establish traineeship programs for new teachers, retraining, and inservice training for teachers to learn and improve teaching skills in service learning, and retraining of higher education faculty in service learning methodology and techniques.

These programs must be run under agreements with one or more local school districts to provide training for their teachers, including teachers at private schools in those districts.

A priority in awarding grants in given to higher education institutions conducting cooperative programs that involve a local school district and a non-profit organization.

Applications for grants to states are to cover three years. The proposal spells out a number of items that must be included in each state's application including an assurance that federal funds will not be used to supplant existing state and local service learning funds and that funds received under this program will be coordinated with other similar programs, especially those funded under the National and Community Service Act, and linked to other school reform plans.

Applications for grants to local school districts are also to cover a three-year period and may be initiated by consortia of school districts or school districts and one or more higher education institutions. The applications must include information on current levels of participation in service learning projects, the needs of current teachers in service learning, how funds will be used, how funds will be coordinated with other service learning programs, and how progress toward stated objectives will be monitored.

A special provision is included to ensure that there will be equitable participation of teachers and other school personnel in private schools.

At the national level, the Secretary of Education is required to provide technical assistance and develop procedures for state and local evaluation of the teacher training programs authorized and funded. The Secretary is also required to report every two years to the Congress on activities assisted under this program. And, in conjunction with state and local education agencies and the Commission on National and Community Service, the Secretary is required to develop model reporting standards to encourage comparability of data required in evaluating funded projects.

TIES BETWEEN EDUCATION AND SERVICE LEARNING ALSO ADDED TO OTHER FEDERAL LAWS/PROGRAMS

In addition to the links to service learning added to programs authorized by the Elementary and Secondary Education Act, title III makes similar links to programs authorized by two other laws.

First, the regional clearinghouses authorized by the National and Community Service Act are specifically authorized to provide and collect information regarding school-based service learning.

A specific funding authorization of $4.0 million per year for the regional clearinghouses receiving grants from the Commission is also included in this Title of the proposal.

And, second, the Office of Education Research and Improvement (OERI) within the Department of Education is given the additional assignment to conduct research on experiential based methods of instruction, such as service learning.

WHAT YOU CAN DO FOR YOUR COUNTRY

(By Wayne Meisel, Commission Board Member)

Ever since William James wrote the "Moral Equivalent of War" in 1910, our country has struggled to develop a comprehensive vision and program for national service. It is only recently, however, that we have begun to develop a comprehensive, clear, and attractive national service program that is capable of capturing the imagination of politicians and the American public.

Historically, national service has been defined as young people making a full-time commitment to serve. In that same spirit, this report to Congress defines national service as full-time service opportunities (or the part-time equivalent.) I believe this definition is limiting and represents an antiquated version of what national service is today.

National service is not limited to those who choose to serve full-time. All young people can serve. National service is not a program, it is a calling. National service is not for a select few, it is for everyone.

National service is: a vision that young people can make a difference; a challenge to all young people, whether they are in college, grammar school, or have dropped out or graduated; a statement to young people that they are valued; an acknowledgement that idealism is the nature of youth; a realization that youth can be as much at strength as they are at risk; a common thread that connects all young people to a single purpose; and an idea that challenges and dispels the myth that young people are apathetic or that America is not the dream it used to be.

The community service movement of the eighties has brought new life to the idea of national service. Yet, we must understand what lies behind this movement. This movement has been inspired, conceived and brought to life by elementary, junior high, high school, and college students, boy scouts and girl scouts and church youth groups, as well as participants in service corps and other full-time placements. To define national service as full-time service would be to ignore millions of people who have brought momentum to the community service movement.

Movements are not born in Washington, DC. In fact, by the time they reach our nation's capitol, they have already happened. The youth service movement is no different. This movement was created by the millions of young people who have had the courage to disregard the stereotypes that label them as apathetic.

The Commission on National and Community Service was established to explore and gain an understanding of what national service was and to learn what worked and what didn't. We have studied models, listened to the public, and invested in programs so that we would come to understand what national service is, all so that we could in turn make suggestions to Congress, the President and the American people.

The concept of national service is at a crossroads. As this country moves forward towards defining a vision for national service and implementing a policy, we must turn to Congress and the President to help launch and support a national service policy that includes all those who have rekindled the American spirit and have reclaimed a sense of hope for this country.

YOUTH SERVICE—MINNESOTA MAY LAND A NATIONAL PROJECT, ADVISER TO CLINTON SAYS

(By Jean Hopfensperger)

Minnesota may land one of the youth service projects, proposed by President Clinton Monday, that would allow students to do community service in exchange for college or vocational training.

That's the prediction of Jim Kielsmeier, who has been flying to Washington regularly to advise the Clinton administration on developing a national youth service plan.

Kielsmeier says he thinks Minnesota has a lot to teach the nation. The state has more than 120,000 young people in community service projects ranging from serving as mentors for poor children to planting trees. Twenty-five colleges offer volunteer programs for students. Minnesota is the only state that funds youth service through local taxes.

"What I'm doing is trying to make a case for a national version of what we do in Minnesota," said Kielsmeier, who leads the National Youth Leadership Council, based in Roseville. He also heads the Governor's Task Force on Community Service.

The council's otherwise low-key low-budget office in the Fairview Community Center is enjoying a brush with fame these days, with faxes rolling in from the White House and calls coming in from the New York Times.

Kielsmeier met with Clinton people last week to analyze the president's new "summer of service" pilot project, which would send about 1,000 young Americans to grade schools, nursing homes, state parks and other sites to do community work in exchange for financial help to pay for their education. The plan calls for enlisting 100,000 young people by 1997.

The Minnesotan's advice: Work with community youth groups, not a federal bureaucracy, to launch the projects. Make sure there's a strong learning component for the volunteers. And don't make the program sound like a handout to kids who want a free college education. Stress what young people can offer communities.

"The gripe I have about the Clinton initiative is that it sound like an entitlement program for college kids," Kielsmeier said. "We have to change that around. We need young people working in our communities today.

"For example, some of the most effective drug treatment programs are those operated by young people for their peers. Similarly, young people are very effective as caregivers for older people and have a strong environmental conscience."

Kielsmeier says Clinton's staff apparently wants the training for these programs to take place in outdoor "adventure" settings, something like the Outward Bound program. Staff members expressed interest in a summer program called Walkabout, which operates in Minneapolis and St. Paul, he said. It trains high school and college students in a wilderness setting and then sends them off to be teachers' aides in summer schools.

About five students are matched with a grade school teacher, who might normally have to teach 25 students alone. With the older students' help, the teacher can take the children on field trips and other programs in the community that can make summer school a richer experience for them.

Kielsmeier said he's been trying to sell the Clinton staff on the idea that youth service projects are closely linked to education—the education of the youths involved. In other words, it's more than just a chance to get a free college education or some job training. "Talk to anyone who worked for the Peace Corps and they'll tell you it was one of the most educational experiences of their lives," he said.

He said Minnesota is the only state in the nation where school districts fund community service work. About 324 of the state's 400 school districts levy taxes so their students can do community service work, he said.

Likewise, Minnesota is unusual because the governor's office—first under Rudy Perpich and now under Arne Carlson—is promoting youth service. The state's congressmen, Twin Cities mayors and state legislators have actively promoted the idea as well, he said. There is a bill in the Legislature this session to expand full-time community service opportunities as well as those for students.

"There is a state-level presence saying this should be part of the growing-up experience of every young person in Minnesota," said Kielsmeier.

"My dream is that community service should be as common as athletics," he said. "When you go to school, you should be able to be involved in service as much as athletics. Just as you can go on to varsity sports, you should be able to go on to new levels of service.

"And as you go on to your next stage in life, you won't just look at "What am I going to do in sports?" this year, but "What am I going to do to help the state?"

To help make that dream a reality, Kielsmeier hopes to get Minnesota students involved in Clinton's plan. Members of the governor's task force on community services will look at how the state should respond to the plan next week, he said.

Kielsmeier has asked St. Paul Mayor Jim Scheibel and Minneapolis Mayor Don Fraser to consider submitting a joint proposal to participate. "Once I hear from the mayors, I hope to get a metro-area group together to create a response to the Clinton opportunity this summer, maybe looking to a program like Walkabout," he said.

By Mr. SIMON:

S. 677. A bill to authorize the establishment on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Hospital, Hines, IL, of a facility to provide temporary accommodations for family members of severely ill children being treated at a nearby University Medical Center; to the Committee on Veterans Affairs.

CONSTRUCTION OF A RONALD MC DONALD HOUSE

• Mr. SIMON. Mr. President, Loyola University Medical Center in Chicago is a regional Illinois center for delivery of high-risk infants, has a neonatal intensive care unit, offers comprehensive high-risk obstetrical care, and pediatric trauma service. In addition, it has a nationally reputed burn center and special programs for treatment of children with cancer, spina bifida, blood disorders, heart disease, and head and spinal injuries.

Loyola is adjacent to Edward Hines, Jr. Veterans Administration Hospital. Together with over 500 volunteers, Loyola and Hines have worked with the McDonald's corporation to plan a Ronald McDonald House called The Caring Place at Loyola, Inc. to be located at the Loyola/Veterans Administration medical complex. This not-for-profit organization would construct and operate the facility for the community.

The parties have selected a site for the facility on unused Veterans Administration land. The site is ideal in that it is near a day-care center and a multigenerational park. Hines' hospital officials and the Veterans Administration have agreed to make this site available. Further expansion of the Hines facility would take place at the other—north—end of Veterans Administration property. Permitting construction of "The Caring Place" on VA land would, in a sense, continue a tradition dating to the founding of the Loyola University Medical Center: It was constructed in its present location at the invitation of the Veterans Administration, on land provided to Loyola by the Veterans Administration.

Mr. President, it is with pride that I introduce the following legislation to secure the site for "The Caring Place at Loyola, Inc." The Caring Place will provide a much-needed service for the Loyola-Hines medical community. It is always a source of pride when we see public, private, and not-for-profit entities join efforts in ventures such as this.●

By Mr. D'AMATO (for himself, Mr. PACKWOOD, Mr. RIEGLE, and Mr. LEVIN):

S. 678. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans; to the Committee on Finance.

LEGISLATION FOR GROUP LEGAL SERVICES

● Mr. D'AMATO. Mr. President, today I am introducing legislation to make permanent the employee exclusion for amounts received under qualified group legal services plans. My colleagues, Senators PACKWOOD, RIEGLE, and LEVIN, join me in introducing this measure, which will foster the availability of legal services for everyday Americans.

This bill amends section 120 of the Internal Revenue Code and is retroactive to taxable years ending after June 30, 1992. It provides that an employee does not have to pay income and employment taxes for a qualified group legal services plan provided by an employer. The annual premium is limited to $70 per person. In order to qualify, a plan must fulfill certain requirements, including one that benefits may not discriminate in favor of highly compensated employees.

Tax exclusion of group legal services is not a new provision. Employees have been allowed to exclude such benefits from their gross income since 1976. Making this exemption permanent will be a positive and substantial step forward. Group legal services have provided valuable and necessary assistance to millions of Americans. With the growing complexity of today's world, the need of ordinary citizens for legal counsel has become greater. Be it a real estate transaction, preparation of a will, or a simple divorce, Americans are frequently confronted with problems of a legal nature, which makes access to a lawyer indispensable. Group legal services are a low-cost, effective source for legal counseling.

Mr. President, there is no reason why we should not make this tax exclusion a permanent part of the Tax Code. By making it permanent we remove the burden hanging over the legal service industry and clear up the uncertainty about legal service tax treatment that now troubles plan participants. Indeed, certainty in this context is crucial. It is unfair to require providers and participants to guess whether Congress will extend the exclusion or not each time the provision is due to expire. Such unpredictability retards the growth of group legal services and hampers financial planning.

The Senate has repeatedly affirmed its commitment to assuring the availability of legal services. I urge my colleagues to join in our effort to clarify once and for all the tax treatment of employer-provided group legal services.●

By Mr. RIEGLE:

S. 679. A bill to extend and enhance the operation of the Super 301 provisions of the Trade Act of 1974, and for other purposes; to the Committee on Finance.

FAIR TRADE ASSURANCES ACT OF 1993

● Mr. RIEGLE. Mr. President, on February 4, I introduced the Manufacturing Revitalization Incentives Act of 1993 to encourage long-term investment and economic growth in the manufacturing sector. Today, I rise to introduce the Fair Trade Assurances Act of 1993 to complement this earlier bill.

I introduce the Fair Trade Assurances Act with a great sense of opportunity and hope. We now have a President who shares the beliefs of many of us in this Chamber—specifically, that vigorous use of our trade remedy laws and elimination of unfair trade practices by our competitors will help preserve and strengthen the U.S. industrial base. These shared beliefs lead me to the conclusion that we can break the deadlock and decline of the last 12 years. By taking the steps necessary to strengthen the critical sectors of our economy, we can prevent job losses due to unfair trade practices.

Trade is not an abstract issue, interesting only to academics, economists, and statisticians. Trade has a direct relationship to how many Americans have jobs, whether those jobs pay middle income wages, provide pensions and health care benefits, and whether the United States will regain its manufacturing strength.

The cumulative U.S. trade deficit since 1980 is more than $1.1 trillion. The cumulative United States trade deficit with Japan alone is $511 billion—that's more than half a trillion dollars. These deficits are not getting better. In 1992, the United States trade deficit with Japan was $49 billion, up 14 percent from 1991. Moreover, the United States is developing massive trade deficits with countries with which we used to have either trade surpluses or balanced trade. For instance, in 1992, the United States trade deficit with China was $18 billion, up 44 percent from 1991. Our cumulative trade deficit with China since 1986—just a 7-year period—is $56 billion.

Whether calculated on an annual or cumulative basis, the trade deficit translates into lost jobs. Over the last year there have been massive cutbacks in many large companies—GM, IBM, AT&T, and United Technologies, to name a few. The losses are often of well-paying jobs that provide health insurance and pension benefits—the kinds of jobs where workers earn enough to save money to buy a house and plan for their children's college education. Every day we are losing these jobs, not because we are uncompetitive, but because we are faced with unfair trade practices. And the previous administration did little to stop this.

We must act immediately to preserve our industrial base, which has been systematically eroded by the unfair trading practices of others. We cannot afford another decade like the 1980's, during which U.S. trade agreements and trade laws were not enforced, and unfair trade practices by our competitors were simply ignored. Ensuring fair trading practices was not a priority of the previous two administrations. Their neglect is in part responsible for the weaknesses in the economy we see today. As our new President says, it is time for a change. We must aggressively use the trade remedies available in current law, and toughen our trade posture to eliminate unfair trading practices.

The Fair Trade Assurances Act of 1993 will provide the trade tools needed to eliminate unfair trade practices. The bill permanently extends Super 301, which expired in June 1990. This provision of U.S. trade law, which I authored in 1988 along with Senator DANFORTH, requires the U.S. Trade Representative [USTR] to investigate and negotiate an end to foreign trade barriers. The Fair Trade Assurances Act strengthens Super 301 by requiring action against those countries which have a substantial trade surplus with the United States.

The Fair Trade Assurances Act focuses on unfair trade practices by a foreign country that contribute to our bilateral or sectoral trade deficit with that country. Under this bill, the U.S. Trade Representative would be required to deal with the sectors which make up the largest portion of our trade and current account deficits, and which continue to be severely devastated by persistent unfair trade practices and policies. The U.S. Trade Representative would be required to establish specific goals for achieving actual, substantial reductions in our overall, bilateral, or sectoral trade deficits with our trading partners.

Super 301 is also expanded by requiring the USTR to take action against unfair practices which threaten U.S. commerce. We must have the ability to address unfair trade practices before they become thoroughly entrenched and before they devastate U.S. industries. Too often our trade laws require that we wait until an industry has been injured before we even consider taking action against our trading partners. The only real solution is to ensure that our industries are competing on a level playing field—not wait until the ball game is over before addressing what went wrong.

Finally, we must turn our attention to our long-term trade strategy. We can no longer afford the on-again/off-again enforcement of our trade remedy laws. We must assure our industries and our trading partners that the United States is serious about fair trade. The Fair Trade Assurances Act requires that we examine the trading environment on a regular basis. This bill requires the USTR to identify annually the foreign countries and practices that contribute to our trade and current account deficits.

Targets are needed to measure progress clearly. Where talk and negotiation have failed, this bill will achieve results. A vital step toward strengthening our manufacturing base is changing the rules of international trade to ensure our trade remedy laws are used aggressively to combat unfair trade practices.

I ask unanimous consent that the text of the Fair Trade Assurances Act be included in full following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Fair Trade Assurances Act of 1993".

(b) REFERENCE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section, subsection, or other provision, the reference shall be considered to be made to a section, subsection, or other provision of the Trade Act of 1974.

SEC. 2. SPECIFICATION OF SECTORAL PRIORITY PRACTICES.

Section 181(a) (19 U.S.C. 2241) is amended—

(1) by striking out "and" at the end of paragraph (1)(B);

(2) by striking out the period at the end of paragraph (1)(C) and inserting ";"; and

(3) by inserting after paragraph (1)(C) the following:

"(D) identify, if for such calendar year the United States merchandise trade balance (excluding crude petroleum imports) was in deficit, each foreign country that—

"(i) accounted for not less than 15 percent of such deficit, and

"(ii) had a global current account surplus for such year in an amount not less than such deficit; and

"(E) specify each act, policy, or practice identified under subparagraph (A) that was implemented by a foreign country identified under subparagraph (D) with respect to any goods sector or service sector that accounted for not less than 10 percent of the merchandise trade and current account deficits between the United States and such foreign country during such calendar year.";

(4) by striking out "paragraph (1)," in paragraph (2) and inserting "paragraph (1) (A), (B), or (C),"; and

(5) by striking out "analysis and estimate" in paragraph (3) and inserting "analyses, estimates, identifications, and specifications".

SEC. 3. PERMANENT STATUS OF "SUPER 301" PROGRAM; APPLICATION OF PROGRAM TO SECTORAL PRIORITY PRACTICES.

(a) IN GENERAL.—Section 310(a) (19 U.S.C. 2420(a)) is amended—

(1) by striking out "calendar year 1989, and also the date in calendar year 1990," in paragraph (1) and inserting "any calendar year";

(2) by amending subparagraphs (A) and (B) of paragraph (1) to read as follows:

"(A) priority practices;

"(B) priority foreign countries;"; and

(3) by amending paragraphs (2) and (3) to read as follows:

"(2)(A) For purposes of this section, the term 'priority foreign country' means—

"(i) any foreign country identified under section 181(a)(1)(D); and

"(ii) any other foreign country that, on the basis of the report required under section 181, satisfies the criteria in subparagraph (B).

"(B) In identifying priority foreign countries under subparagraph (A)(ii), the Trade Representative shall take into account—

"(i) the number and pervasiveness of the acts, policies, and practices described in section 181(a)(1)(A), and

"(ii) the level of United States exports of goods and services that would be reasonably expected from full implementation of existing trade agreements to which that foreign country is a party, based on the international competitive position and export potential of such products and services.

"(3)(A) For purposes of this section, the term 'priority practices' means—

"(i) acts, policies, and practices specified under section 181(a)(1)(E); and

"(ii) other major barriers and trade distorting practices, the elimination of which are likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent.

"(B) In identifying priority practices under subparagraph (A)(ii) the Trade Representative shall take into account—

"(i) the international competitive position and export potential of United States products and services;

"(ii) circumstances in which the sale of a small quantity of a product or service may be more significant than its value,

"(iii) circumstances in which the practice has the effect of imposing a total or near total barrier to the importation of foreign goods or services, and

"(iv) the measurable medium-term and long-term implications of government procurement commitments to United States exporters.".

(b) CONFORMING AMENDMENTS.—Section 310(d) is amended—

(1) by striking "in calendar year 1990, and on the anniversary of such date in the succeeding calendar years" in paragraph (1); and

(2) by striking "(a)(1)(A)" the first place it appears in paragraph (2) and inserting "(a)(1)(B)".

SEC. 4. ACTION TO ELIMINATE PRIORITY PRACTICES.

(a) MANDATORY ACTION.—

(1) IN GENERAL.—Section 301(a) (19 U.S.C. 2411(a)) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following new paragraph:

"(1)(A) If the United States Trade Representative determines under section 304(a)(1) that an act, policy, or practice identified under section 181(a)(1)(E)—

"(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under any trade agreement; or

"(ii) is unjustifiable and burdens or restricts (or threatens to burden or restrict) United States commerce;

the response of the United States to such act, policy, or practice shall be undertaken in accordance with subparagraph (B).

"(B) If the Trade Representative makes a determination referred to in subparagraph (A), the President, within 30 days after the date of the determination—

"(i) shall direct the Trade Representative to implement the action recommended by the Trade Representative under section 304(a)(1)(B) to obtain the elimination of the act, policy, or practice; or

"(ii) shall, if the President considers that there is an alternative (hereafter referred to as the 'alternative plan') for obtaining the elimination of such act, policy, or practice and that the alternative plan is preferable to the action recommended by the Trade Representative, transmit to the Congress a document that meets the requirements in subparagraph (D).

"(C) An alternative plan submitted under subparagraph (B)(ii) shall provide, in the case of unsatisfactory progress by the priority foreign country in eliminating the priority practice, for the implementation, for such time as may be appropriate, by the President of a restriction, limitation, or other action that is reciprocal in scope and effect to such priority practice.

"(D) A document referred to in subparagraph (B)(ii) shall—

"(i) describe the action recommended by the Trade Representative under section 304(a)(1)(B) to eliminate the act, policy, or practice;

"(ii) describe the alternative plan in detail, including—

"(I) any reciprocal limitation, restriction, or action of the kind referred to in subparagraph (C) provided for under the plan; and

"(II) the period of time that will be required to implement fully the plan and the specific interim results that should be achieved under the plan from time-to-time during that period;

"(iii) describe the number of jobs to be created and the estimated increase in exports resulting from implementation of the plan;

"(iv) cite the legal authorities for taking the measures contemplated by the alternative plan;

"(v) contain, if the President considers that statutory authority is necessary for the implementation of any part of the alternative plan (including the implementation of any reciprocal limitation, restriction, or action described under clause (ii)), appropriate suggested legislative proposals; and

"(vi) state the reasons why the alternative plan is preferable to the taking of the action recommended by the Trade Representative.

"(E) If the President transmits an alternative plan to the Congress under subparagraph (B) and a joint resolution described in section 152(a)(1)(C) is not enacted within the 60-day period beginning on the date on which the alternative plan was transmitted, the alternative plan shall take effect and the President shall commence implementation of the plan.

"(F) If the President transmits an alternative plan to Congress under subparagraph

(B) and a joint resolution described in section 152(a)(1)(C) is enacted within the 60-day period beginning on the date on which the alternative plan was transmitted, the alternative plan shall not take effect and the President shall direct the Trade Representative to implement the action recommended by the Trade Representative under section 304(a)(1)(B) to obtain the elimination of the priority foreign practice.".

(2) Conforming Amendments.—Subparagraph (B) of section 301(a)(2) (as redesignated by paragraph (1)(A)) is amended—

(A) by striking out "foreign country—" and inserting "foreign country (other than a foreign country to which section 181(a)(1)(E) applies)—"; and

(B) by inserting "(or threatens to burden or restrict)" after "restricts" in clause (ii).

(b) Discretionary Action.—Section 301(b)(1) is amended by inserting "(or threatens to burden or restrict)" after "restricts".

(c) Definitions.—Section 301(d) is amended by adding at the end the following new paragraph:

"(10) An act, policy, or practice threatens to burden or restrict United States commerce if the act, policy, or practice does not currently burden or restrict United States commerce, but, if not corrected, is reasonably expected to burden or restrict United States commerce.".

SEC. 5. INITIATION OF INVESTIGATIONS UPON RESOLUTION OF CONGRESSIONAL COMMITTEES.

Section 302(b) is amended by adding at the end the following new paragraph:

"(3) Upon the adoption by either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate of a resolution that—

"(A) describes an act, policy, or practice of the foreign country; and

"(B) states that it is the opinion of the Committee that such act, policy, or practice is an act, policy, or practice that is described in section 301(a)(1)(A) or (2)(B);

the Trade Representative shall initiate an investigation under this chapter to determine whether the matter is actionable under section 301.".

SEC. 6. CONFORMING AMENDMENTS.

(a) Actions by United States Trade Representative.—Section 301, as amended by section 104, is amended—

(1) by striking out that part of subsection (a)(3) (as redesignated by section 104(a)(1)(A)) that precedes subparagraph (A) and inserting "The President is not required to take action under paragraph (1)(B) (i) or (ii) and the Trade Representative is not required to take action under paragraph (2) in any case in which)";

(2) by striking out "paragraph (1)" in subsection (a)(4) (as redesignated by section 104(a)(1)(A)) and inserting "paragraph (1)(B)(i) or (F) or paragraph (2)"; and

(3) by striking out "subsection (a) or (b)" each place it appears in paragraphs (1), (2)(A), (3) and (5) of subsection (c) and inserting "paragraph (1)(B)(i), (1)(F), or (2) of subsection (a) or subsection (b)".

(b) Determinations by United States Trade Representative.—Section 304(a)(1) (19 U.S.C. 2414(a)(1)) is amended—

(1) by striking out "(a)(1)(B) or" in subparagraph (A)(ii) and inserting "(a)(1)(A) or (2)(B) or subsection"; and

(2) by striking out subparagraph (B) and inserting the following:

"(B) if the determination under subparagraph (A) is affirmative with respect to a practice described in section 301(a)(1)(A), determine, and submit to the President, a recommendation for action by the Trade Representative under section 301(c) to obtain the elimination of such practice; or

"(C) if the determination under subparagraph (A) (other than with respect to an action described in section 301(a)(1)(A)) is affirmative, determine what action, if any, the Trade Representative should take under subsection (a)(2) or (b) of section 301.".

(c) Implementation of Actions.—Section 305 (19 U.S.C. 2414) is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1) Except as provided in paragraph (2), the Trade Representative shall—

"(A) implement the action directed by the President under subparagraph (B)(i) or (F) of section 301(a)(1) by no later than the date that is 30 days after the date such direction is received; and

"(B) implement the action the Trade Representative determines under section 304(a)(1)(C) to take under section 301, subject to the specific direction, if any, of the President regarding any such action, by no later than the date which is 30 days after the date on which such determination is made.";

(2) by striking out "section 301" in subsection (a)(2)(A) and inserting "paragraph (1)(B), (1)(F), or (2) of section 301(a) or section 301(b)";

(3) by inserting "or (3)" after "301(b)(1)" in subsection (a)(2)(A)(i)(II); and

(4) by striking out "section 301(b)".

(d) Monitoring of Foreign Compliance.—Section 306(a) (19 U.S.C. 2416(a)) is amended—

(1) by striking out "section 301(a)(2)(B)" and inserting "section 301(a)(3)(B)"; and

(2) by striking out "subsection (a)(1)(B)" and inserting "subsection (a)(1)(A) or (2)(B)".

(e) Modification and Termination of Actions.—Section 307(a)(1)(A) (19 U.S.C. 2417(a)(1)(A)) is amended by striking out "301(a)(2)" and inserting "301(a)(3)".

(f) Resolutions Disapproving Certain Actions.—Section 152(a)(1) (19 U.S.C. 2192(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the alternative plan transmitted under section 301(a)(1)(B)(ii) of the Trade Act of 1974 to the Congress on .", the blank space being filed with the appropriate date.".

(g) Special Rules Relating to Congressional Procedures.—Section 154 is amended—

(1) by inserting "301(a)(1)(B)(ii)," after "204(b)," in subsection (a); and

(2) by inserting ", and for purposes of section 301(a)(1) (E) and (F), the 60-day period referred to in such section," after "such sections" in subsection (b).●

By Mr. ROTH:

S.J. Res. 75. A joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week"; to the Committee on the Judiciary.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

● Mr. ROTH. Mr. President, I am pleased to introduce today, along with my colleague from Delaware, Senator Biden, a joint resolution to designate January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

The law enforcement personnel of the Nation, at all levels, deserve and must have the best available training for their increasingly difficult jobs. We all know that the mission of those dedicated to training our law enforcement personnel is becoming increasingly important. Not only is crime on the rise, but the criminal of today is more violent and more sophisticated then ever before.

Law enforcement training is necessary to protect the lives of the people who are on the front lines of our country's fight against crime. At the same time, effective law enforcement training gives law enforcement personnel the skills necessary to better protect our citizens. Our communities deserve the best trained law enforcement personnel that we can put into the field.

National Law Enforcement Training Week recognize the efforts and contributions of those persons dedicated to assuring that the law enforcement personnel of this country are trained to win the fight against crime and to protect our citizens.

I urge my colleagues to show their support by cosponsoring National Law Enforcement Training Week.

I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution ordered to be printed in the Record, as follows:

S.J. Res. 75

Whereas law enforcement training and the sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and the sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training in the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 2, 1994, through January 8, 1994, is designated as "National Law Enforcement Training Week".●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BOREN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 3, a bill entitled the "Congressional Spending Limit and Election Reform Act of 1993."

S. 15

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 15, a bill to establish a Commission on Government Reform.

S. 20

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 253

At the request of Mr. CRAIG, the names of the Senator from Utah [Mr. HATCH] and the Senator from Louisiana [Mr. BREAUX], were added as cosponsors of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

S. 265

At the request of Mr. MACK, the names of the Senator from Mississippi [Mr. LOTT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Utah [Mr. BENNETT], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 266

At the request of Mr. SIMON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

S. 321

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 321, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees, and for other purposes.

S. 342

At the request of Mr. BOREN, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 430

At the request of Mr. MACK, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 430, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 446

At the request of Mr. ROTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 499

At the request of Mr. LOTT, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 499, a bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 542

At the request of Mr. PRYOR, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 598

At the request of Mr. DURENBERGER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 598, a bill to amend the National Labor Relations Act to provide for expedited adjudication of unfair labor practice charges, and for other purposes.

S. 655

At the request of Mr. LIEBERMAN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 655, a bill to provide for the transfer of funds from the Harbor Maintenance Trust Fund to support nautical charting and marine navigational safety programs, and other activities of the National Oceanic and Atmospheric Administration related to commercial navigation, and for other purposes.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alaska [Mr. STEVENS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Washington [Mrs. MURRAY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. D'AMATO], the Senator from Indiana [Mr. COATS], the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. GLENN], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

AMENDMENT NO. 279

At the request of Mr. FAIRCLOTH his name was added as a cosponsor of amendment No. 279 proposed to H.R. 1335, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

SENATE CONCURRENT RESOLUTION 21—RELATIVE TO DOMESTIC VIOLENCE AND BATTERED WOMEN

Ms. MOSELEY-BRAUN (for herself and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 21

Whereas State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

Whereas the average juror often has little understanding of the nature and effect of domestic violence on the behavior, beliefs, or perceptions of such a defendant, and the lack of understanding can result in the juror blaming the woman for the victimization of the woman;

Whereas the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after the victims terminate or attempt to terminate domestic relationships with their abusers;

Whereas myths, misconceptions, and victim-blaming attitudes are often held out only by the average layperson but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

Whereas specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance that is required for the admissibility of expert testimony;

Whereas although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

Whereas a woman is more likely to be assaulted and injured, raped, or killed by the current or former male partner of the woman than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) a witness should be qualified to testify as an expert witness, with respect to a case in which abuse has occurred, based upon the knowledge, skill, experience, training, or education of the witness, and should be permitted to testify in the form of an opinion or otherwise; and

(3) domestic relationships about which such expert testimony should be admissible include relationships between spouses, former spouses, cohabitants, former cohabitants, partners, or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

Ms. MOSELEY-BRAUN. Mr. President, I am here today to talk about an issue which until very recently was ignored by the press, the medical community, and the criminal justice system. I am speaking about the battered woman's syndrome and its sometimes fatal consequences. Women who are regularly beaten by their husbands or boyfriends often exhibit behavior that does not fit the general definition of "normal". When women are involved in an abusive relationship over a period of time, physical and psychological deterioration can result. Many women come to believe that they are deserving of their mate's treatment. They end up believing the apologies of their abuser and the endless assertions that the abuse will end. Their lives are an emotional rollercoaster—abuse may happen at any moment.

The National Clearinghouse of the Defense of Battered Women estimates that there is a domestic violence-related assault reported every 15 seconds. The clearinghouse also reports that every year 860 women kill men who have abused them—between 75 and 90 percent kill in self defense. Some believe that domestic violence only affects the poor and uneducated. In reality domestic violence knows no boundaries. Its victims, as its perpetrators, include all races, ages, and socioeconomic levels.

Most women who kill their abuser have tried desperately to leave, but in many instances their abusers won't let them go. There have been countless stories of women being locked in, deprived of cash, telephones, car keys, or their lives being threatened, and of being physically forced to return to an abusive situation.

To illustrate what can happen to a person who has been repeatedly physically and psychologically abused, I offer a story, which is unfortunately not at all atypical.

A woman, let's call her Sara, is taken into custody. Her husband to the morgue. Earlier that evening they had had a big fight. The police were called by a neighbor, and although Sara had been beaten badly she declined to press charges. Several nights later while he is sleeping, however, she calmly loaded her husband's 357 magnum and shot him dead. In the ensuing trial Sara is sentenced to 15 years for killing her husband even though she had been a victim of abuse for several years.

The jury was not permitted to hear testimony on the history of abuse, however, because Sara lives in one of 41 States that do not, by statute, allow the jury to hear evidence of a history of abuse. It is time that we ensure that juries hear the whole story, and make their decisions based on all of the facts.

For these reasons, I am introducing a resolution that encourages States to allow battered women on trial in criminal cases to not only present evidence of past abuse, but also have expert witnesses testify about the battered woman's syndrome.

After hearing chilling tales of abuse over prolonged periods many ask "Why didn't she just walk away?". I think the Nation is just beginning to understand the dimensions of domestic violence and its terrible implications. This has been evidenced by actions by the Governors of Ohio, Maryland, Massachusetts, and Missouri who have granted clemency to several battered women imprisoned for killing their abusers.

In addition, nine States now by statute allow juries to hear a battered woman's history. Several other State legislatures are considering similar laws. This is a good start, but it is insufficient given the scope and extent of the problem. Too many States have not acted, thus leaving it up to the individual judge to decide on a case-by-case basis whether information on a history of battering will be admissible. We must exert leadership on the national level, and we must do it now.

This resolution does not seek to circumvent the jury process nor does it substitute Federal for State law. It does encourage States to allow battered women to introduce evidence of their abuse and its psychological effects as part of their claims of self-defense.

Sara could be your daughter or a friend. Domestic violence causes untold suffering. The stories that we hear so often are simply horrifying. Rather than reacting with shock and horror to each isolated case we must be proactive and seek solutions to the broader problem. This resolution will help to assure that our legal system ensures that all battered women receive a fair trial.

I urge my Senate colleagues to consider this resolution carefully and support it wholeheartedly.

SENATE RESOLUTION 84—RELATIVE TO THE ALBERT EINSTEIN CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. FORD (for Mr. HATFIELD, for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to

S. RES. 84

Resolved,

SECTION 1. TECHNICAL AMENDMENT.

Senate Resolution 239 of the One Hundred Second Congress (agreed to on November 27, 1991) is amended in section 4(e)(2) by striking "at not to" and all that follows through "6(a)".

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BYRD AMENDMENT NO. 281

Mr. BYRD proposed an amendment to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, as follows:

Page 58, after line 26, insert the following:

SEC. . (a) Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

(b) Subsection (a) shall become effective two days after enactment of this Act.

BYRD AMENDMENT NO. 282

Mr. BYRD proposed an amendment to amendment No. 281 proposed by Mr. BYRD to the bill H.R. 1335; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or non-meritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

BYRD AMENDMENT NO. 283

Mr. BYRD, on behalf of the Committee on Appropriations, proposed an amendment to the bill, H.R. 1335, supra, as follows:

Strike all after the enacting clause and insert in lieu:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: Provided, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: Provided further, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: Provided, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: Provided, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102-486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: Provided, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: Provided, That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

Funds provided in Public Law 102-394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: Provided, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: Provided, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: Provided further, That no State shall receive less than $250,000 of such funds: Provided further, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: Provided further, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: Provided further, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: Provided further, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: Provided further, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102–394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: Provided, That such allocations to States shall be ratably reduced if necessary: Provided further, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)–2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: Provided, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": Provided, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: Provided further, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: Provided, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $43,600,000, to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: Provided, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: Provided further, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: Provided further, That the total amount approved for any one applicant may not exceed $10,000,000: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: Provided further, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: Provided, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: Provided further, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: Provided, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: Provided further, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: Provided, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: Provided, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.

SEC. 204. Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

NICKLES AMENDMENT NO. 284

Mr. NICKLES proposed an amendment to the reported amendment in the nature of a substitute (being designated as amendment No. 283), to the bill H.R. 1335 supra, as follows:

On page 26, strike lines 4 through 24.

BURNS (AND NICKLES) AMENDMENT NO. 285

Mr. NICKLES (for Mr. BURNS, for himself and Mr. NICKLES) proposed an amendment to the reported amendment in the nature of a substitute (being designated as amendment No. 283), to the bill H.R. 1335 supra, as follows:

On page 6, line 17: strike lines 17 through 24.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Report of the Kaho'olawe Island Conveyance Commission.

The hearing will take place on April 21, 1993, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Allen Stayman of the committee staff at 202/224–7865.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Armed Services Committee be authorized to meet on Tuesday, March 30, 1993, at 2:30 p.m. in open session in SR–222, to consider John M. Deutch to be Under Secretary of Defense for Acquisition.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 30 at 10 a.m. to hold a brief business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, March 30, at 9:30 a.m. for a hearing on the nomination of James B. King, to be Director of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 30, 1993, to receive testimony on the science of global climate change.

The PRESIDING OFFICER. Without objection, it is so ordered

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 30, 1993 at 5 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, March 30, 1993, at 10 a.m. to conduct a hearing on transit needs and benefits.

The PRESIDING OFFICER. Without objection, it is so ordered

SUBCOMMITTEE ON LABOR

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Labor be authorized to meet for a hearing on fairness in the workplace: restoring the right to strike during the session of the Senate on Tuesday, March 30, 1993, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTRODUCTION OF DUTY SUSPENSIONS

• Mr. BRADLEY. Mr. President, I rise in support of S. 642, a bill to extend the duty on ethyl and methyl parathion, and dimethoate. I joined my friend and colleague, Senator LAUTENBERG, in introducing this bill last week, but due to an oversight, the bill and our statements were not included in the RECORD. We introduced similar legislation last Congress.

This legislation will favorably affect Cheminova, Inc., a company with offices in Wayne, NJ. Cheminova imports a diverse line of chemicals that are primarily tailored for crop protection. Dimethoate, ethyl and methyl parathion are frequently utilized as part of a mixture containing other pesticides, increasing or expanding the use of other pesticide ingredients. Importing these chemicals creates numerous American jobs for small pesticide manufacturers, formulators, and distributors.

According to the International Trade Commission, no domestic producer has registered objections to the proposed suspension. The legislation enables Cheminova to import the chemicals at reasonable prices making its products more affordable for consumers in the domestic market.

Mr. President, I ask that this bill be printed in the RECORD.

The bill (S. 642) follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

(a) IN GENERAL.—Heading 9902.29.89 of the Harmonized Tariff Schedule of the United States (relating to methyl and ethyl parathion and dimethoate) is amended by striking "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

F/A–18E/F

• Mr. D'AMATO. Mr. President, less than a year into engineering and manufacturing development [EMD], the F/A–18E/F appears to have a weight problem. I was very disturbed by a piece that appeared in Aviation Week & Space Technology on March 8, 1993, entitled, "F/A–18E/F Reconfigured To Improve Maneuverability." The particulars of the article are as follows:

F/A–18E/F empty weight

	Pounds
Design weight goal	29,514
Current weight	29,639
Not-to-exceed [NTE] weight	30,564
Margin remaining	925
Leading edge extension [LEX] fix	246
Margin remaining	679

My concern centers on the weight margin remaining: 679 pounds. This is only 79 pounds shy of the weight growth allotment for EMD, according to the independent assessment team convened last year by the Secretary of Defense to address F/A–18E/F performance concerns. The remaining 600 pounds was designated for test and evaluation [T&E]. That means that the F/A–18E/F, having not even reached preliminary design review, will soon be eating into the weight reserve intended for a phase of the aircraft's development that is years away.

This is particularly worrisome because recent McDonnell Douglas aircraft development programs, specifically the A–12, T–45, and C–17, have all experienced significant weight growth that affected performance.

More alarming still, the McDonnell Douglas program manager was quoted as saying, "As the [F/A–18E/F] comes together, we have the opportunity to optimize stress levels and minimize weight * * *." This is ominous because the C–17 recently experienced an almost unheard of compression failure of the upper wing surface during an ultimate load test. Whether weight problems with the C–17 led to design compromises that contributed to the structural failure of the underdesigned wing will never be known.

What is known is that the F/A–18E/F is already exhibiting the characteristics of an aircraft with weight problems. We will have to be vigilant, if we are to prevent the kind of difficulties that overwhelmed the A–12 and continue to dog the T–45 and C–17.•

COMMEMORATION OF 250TH ANNIVERSARY OF BIRTH OF THOMAS JEFFERSON

• Mr. ROBB. Mr. President, I rise today to urge my colleagues' support of S. 50, which authorizes the minting of coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson. Although Jefferson resided in Virginia, he left a profound mark on every State in our Nation.

Last January 20, we witnessed the most vivid example of Jefferson's legacy as President Clinton began his travel to Washington, DC: the peaceful transfer of power that represents the core of our democratic system of government. As we move forward, nations around the world continue to emerge from beneath the darkness of tyranny and into the light of freedom and self-determination, guided and encouraged by the principles that Jefferson helped define and nurture two centuries ago.

Thomas Jefferson was a man of great vision. Over 200 years ago, he joined with our Founding Fathers to create a government based on principles that we exercise today. As a result of Jefferson's profound accomplishment, our Nation has withstood countless obstacles including internal division in the 1860's. When we emerged from the rubble and reunited the country, Jefferson's democratic foundation was securely intact.

Thomas Jefferson also devoted himself to education and higher learning. He designed and built Monticello, Poplar Forest, and in 1819, established the University of Virginia which continues to offer distinguished educational opportunities. Like Jefferson's democratic ideals, these structures are admired around the world.

Enactment of the commemorative coin legislation would allow citizens to honor the Virginia statesman and his accomplishments. The proceeds from the sale of the coin would be dedicated to Jefferson's favorite endeavors: architecture and education. A portion of the proceeds will go toward the restoration and preservation of his homes at Monticello and Poplar Forest. The less famous home, Poplar Forest, became endangered in 1984, but a small group of private citizens raised funds to purchase the landmark. The sales from this commemorative coin would help the nonprofit group restore Poplar Forest to its original splendor.

Proceeds also will be directed to the International Center for Jefferson Studies. The center provides for a variety of scholarships and teaching in areas that touched Jefferson during his life, such as architecture, archaeology, horticulture, law and political philosophy. The center, in combination with the restoration of Poplar Forest and the preservation of Monticello, will serve as a constant reminder to the world of Thomas Jefferson and all of his accomplishments.

As a Virginian and American, I can think of no other man who is more deserving of the honor embodied in this legislation. I respectfully urge my colleagues to cosponsor S. 50 and ask for its enactment before Mr. Jefferson's 250th birthday, April 13, 1993.•

KILLING OUR CHILDREN

• Mr. SIMON. Mr. President, our children are dying—not from disease or malnutrition, but from guns. Firearms are involved in one in every four deaths among young persons aged 15 to 24; in fact, firearms are the cause of more deaths in that age group than all natural causes combined, and the rate of gun-related deaths is rapidly increasing.

In 1985 there were 13.3 deaths per 100,000. That figure jumped to 23.5 deaths per 100,000 in 1990, and among black males, the figures are even higher. Sixty percent of deaths among black teenage males are caused by guns, compared to 23 percent among white teenage males. These figures do not even reflect the extent of serious injury caused by guns—there are seven times as many nonfatal firearm injuries as there are deaths caused by guns.

Experts admit that the dramatic increase of violence among our children is a result of a variety of factors, including, the easy accessibility of guns, increasing drug traffic, the glorification of violence in the media, and the breakdown of the family. But whatever the cause, these days, not a day goes by that we don't turn on the TV or open the newspaper and learn of a murdered child. Mr. President, I request that the following article, which appeared in the Chicago Tribune on March 20, 1993, be placed into the RECORD. The article is one in a series of articles written by George Papajohn and William Recktenwald. The article follows:

KILLING OUR CHILDREN: 11 DEAD IN 1993

TEEN LIVED WITH DEATH, DESPAIR AND AT 14 YEARS OF AGE, HE BECAME ANOTHER SAD STATISTIC

(By George Papajohn and William Recktenwald)

Before he was old enough to shave, Charles Robert Coleman had experienced traumas unknown to most adults. He learned about death, he knew despair.

Two years ago, his older brother hanged himself in his bedroom closet. About four months later, the state took custody of Charles, who was not being fed properly and sometimes had no place to stay. The boy's sister later took over his care.

At times, Charles talked about wanting to join his brother. But he also displayed a remarkable resiliency.

In school, though diagnosed as severely learning-disabled, he worked hard to improve, and he hadn't missed a day all year.

At the Elliott Donnelley Center, where Charles, 14, would go to play computer games or basketball after school, he was a prankster nicknamed "Bump."

"He was just a real happy kid," said Leslie Clark, who works at Donnelley. "Every time I saw him, he had a smile on his face."

But horseplay becomes something different when a gun is involved, and resiliency of spirit means little to a bullet.

Charles was killed, police said, because a boy didn't like getting slapped in the back of the head. That boy, age 13, was one of Charles' close friends.

The playful roughhousing began at a party Wednesday in a 9th-floor apartment in the Chicago Housing Authority high-rise at 4120 S. Prairie Ave., where Charles lived.

Charles' friend, apparently, didn't want to be hassled. Priscilla Hardy, who was throwing a birthday party for her 9-year-old daughter in their apartment, recalled the boy's warning to Charles and the others:

"If anybody smacks me, I'm going to shoot him."

About 6 p.m., the party over, Hardy shooed the children out.

The older boys, she said, may have planned to continue the fun at an empty apartment, 906, sometimes used by youths who fire random shots from the dwelling. The windows are boarded up but the door is unlocked.

A hole in the board covering the rear window is large enough to shoot out of inside that apartment, according to police accounts.

Somebody smacked the boy who was carrying the gun.

It wasn't Charles. But the boy, in a rage, fired two shots from his .45-caliber semiautomatic, police said. One bullet hit 16-year-old Raymond Sims in his leg.

The other struck Charles in the chest. He died on a concrete floor, wearing a T-shirt with the words, "Floyd R.I.P," a tribute to his brother. He was the 11th child age 14 or younger killed in the Chicago area this year.

One story making the rounds among building residents is that Charles was trying to stop his friend from shooting another boy when he was struck by the bullet.

Afterward, the boy told Hardy it had been an accident.

"He asked if (Charles) was dead," Hardy said. "He said, 'I swear I would never kill a friend.'"

Police, however, are not treating the death as an accident.

The boy, who is not being named because he is a juvenile, has been charged with murder and attempted murder in a juvenile delinquency petition. A hearing will determine if he can be tried as an adult.

The case illustrates how easily children can get guns and how ill-equipped they are to handle such a deadly weapon.

"Most of the kids I know can buy a gun within 15 to 20 minutes," Daniel Swope, who has worked with youths for many years, told a panel on gang violence this week.

An 11-year-old boy attending the party at Hardy's apartment tried to buy the gun from Charles' friend, Hardy said.

And her own son, growing up in an environment where violence and guns are commonplace, knows enough about firearms to comment about the boy's .45. "It was like a 9," the 13-year-old said, meaning a 9 mm semiautomatic.

Charles' friend probably was not unfamiliar with guns either. He was charged with unlawful use of a weapon and unlawful possession of a firearm in September, charges that later were stricken.

"He acted in anger—that is how these things happen," said Lt. John Regan of the Wentworth Area. "If they have guns, they have no qualms to use them. Kids get caught up in what they're doing. Later everybody says, 'I didn't mean to do it.' But that is later."

In another era, a similar confrontation might have resulted in a fistfight, Regan said. The next day everybody would be friends again.

"With guns," he said, "there is no next day."

Nobody can say for sure what went through the boy's mind during the shooting, or afterward. But before Charles was killed, the boy tried to let the other kids know how tough he was and bragged about an uncle whom he described as a ranking gang member, police said.

"Anytime he came to school he was talking about killing people," said a classmate from Fuller Elementary School. "He said his uncle was an elite."

All that posturing seemed to evaporate when he saw the blood pouring from his friend's chest. Inside Hardy's apartment, where police were holding him, the boy banged his head against her sink again and again, she said, all his rage now turned inward.

Earlier that day at Fuller, he and Charles had signed up for high school together. Both were on schedule to graduate from 8th grade. Both planned to attend King this fall.

The boy's grandmother had hoped to keep him away from gangs and trouble by arranging his transfer from Bradwell Elementary, 7736 S. Burnham Ave., to Fuller, 4214 S. St. Lawrence Ave., a couple of months ago.

"I believed he was having trouble with gangs around here," said the grandmother, who lives near Bradwell. "I know he did not want to get involved with the gangs."

Like Charles, the boy was known as a well-mannered student. His teacher, Wilson Sullivan, noted that the boy had even at one point requested extra work.

Sullivan was surprised to hear that the boy was hanging around in the CHA high-rise, notorious in the neighborhood for its ties to the Vice Lords gang. "If I would have known he was hanging around there, it would have worried me," Sullivan said.

The metal detectors installed by the CHA after one of its security sweeps provide little deterrent, residents said. A visitor can easily avoid the metal detector by sneaking up a stairwell out of sight of security guards.

"They do not search anyone," said Frederica Coleman, 31, Charles, sister and guardian. "They let a 13-year-old into the building with a gun."

A CHA spokesman responded by saying, "If residents see problems, they should report them to management."

The Coleman family has had its share of troubles over the years, both in the building and outside.

Charles underwent counseling after his brother's suicide, but that was just one of many family crises he endured. One of his brothers, described by prosecutors as a gang member, is on Death Row in the Pontiac Correctional Center for a double murder. Another brother has served time for home invasion, records show.

His sister, Frederica, took custody of Charles in 1991. Not long afterward, she was shot in the chest during what she told authorities was an accident.

Charles' mother is confined to a nursing home after a stroke paralyzed the right side of her body, according to Frederica.

By almost any standard, Charles had emerged from these potentially devastating circumstances with a sense of purpose and little anger.

"He was a good child," Frederica said. "He was not selling no drugs. He did not hang out that much."

Charles and Michael Twyman, 13, would sometimes go to church after school for Bible lessons or to the Connelley Center.

Much of the time, they simply stayed inside—the only alternative to the dangers lurking in the graffiti-splattered corridors of Charles' buildings or the violent streets outside. Charles liked to listen to rap music in his 12th-floor apartment.

Friends and classmates expressed a deep sense of loss over Charles' death, as demonstrated in the cards composed by Fuller students.

A boy named Dion wrote, "This is to say that Charles was my best buddy ever."

"Charles was a nice young boy, he was kind he was sweet he was hamesome," a classmate named DaShonda wrote. Her punctuation and spelling were shaky, but her sentiments were heartfelt: "I will miss Charles."

Assistant Principal Judith Riggins, in a staff memo, reminded teachers to let students mourn. She ended her note: "So very sad about the problems and violence that our youth of today face."

DaShonda's message, encircled by a heart, expressed the same regret.

"You was too young to die.•"

DEPARTMENT OF ENERGY ACTIONS ON NONNUCLEAR CONSOLIDATION

• Mr. DANFORTH. Mr. President, last Friday, the Secretary of Energy was to have made an announcement to advance a very misguided policy. She was to have announced the names of three consultants to evaluate a document known as the Nonnuclear Consolidation Cost Effectiveness Report. She was also to have announced the scope of their assessment. However, the Secretary missed her self-imposed deadline and has not yet made her announcement.

I would like to take a few minutes to outline my disagreement with Secretary O'Leary's handling of political pressure to review a Department of Energy decision to consolidate production of nonnuclear components for nuclear weapons at the Department of Energy's Kansas City facility.

Since June 1990 the Department has been planning for consolidating production facilities of nonnuclear components for nuclear weapons. This is part of the Department's massive effort to downsize the country's nuclear weapons production capability in light of the end of the cold war. The effort represents a monumental task involving billions of dollars and vital questions of national security, safety, and environmental protection. In 1991, DOE established an Office of Weapons Complex Reconfiguration to focus on the downsizing. Currently, approximately 30 specialists in that Office, including top engineers and environmental and safety specialists, are considering the very difficult questions involved in determining what capabilities must remain and how to consolidate existing facilities.

In April 1991 the Department of Energy began work on the nonnuclear consolidation plan, or NCP. The purpose of this plan was to determine how to consolidate activities currently being performed at four major plants at one single site. In the NCP, the Department evaluated and rated consolidation at the different plants based on the following factors: environment, safety, health, technical risks, cost, and time. The NCP, released in March 1992, recommended consolidation at the Kansas City facility. It showed that consolidating at Kansas City would be approximately $600 million more cost effective than any other option, and would take approximately 3 years less than any other option. In addition, an assessment of technical risks supported that recommendation.

Since release of that document, the Department has engaged in four additional studies of nonnuclear consolidation. Each of the studies supports the decision to consolidate nonnuclear activities at the Kansas City plant. In fact, based on the last study performed, DOE estimates that the additional cost of consolidating at a site other than Kansas City is probably even greater than the $600 million estimated in the NCP. On January 15, 1993, former Secretary of Energy James Watkins certified that the Department's plan to consolidate nonnuclear activities in Kansas City is cost effective, and would not increase technological, environmental, safety, or health risks relating to the operation of the facilities of the Department. I ask to include this certification from the Cost Effectiveness Report in the RECORD.

The letter follows:

THE SECRETARY OF ENERGY,
Washington, DC, January 15, 1993.

The Energy and Water Development Appropriations Act, 1993 and the National Defense Authorization Act for Fiscal Year 1993 require that before identified fiscal year 1993 funds may be obligated to implement the nonnuclear reconfiguration, I submit a report to the Congressional Committees on Appropriations and the Congressional Defense Committees, which contains an analysis of the projected costs and benefits of the proposed nonnuclear reconfiguration actions and each alternative considered in the Nonnuclear Consolidated Environmental Assessment [EA]. This report provides that analysis.

These Acts also require that I certify that certain actions would be cost effective. I hereby certify that the discounted cash flow analysis demonstrates that the proposed activity transfers, and associated plant closures, would be cost effective. In addition, I certify that the reconfiguration of nonnuclear activities would not increase technological, environmental, safety, or health risks relating to the operation of the facilities of the Department.

Consolidation of the nonnuclear weapons manufacturing activities is needed to maintain key technologies associated with the design and manufacture of components. These technologies are required to support the enduring stockpile. As budgets contract, the collocation of these technologies provides the mechanism to exercise and retain the special skill base necessary to produce and test replacement components.

In addition, significant long-term cost savings can be achieved. The current nonnuclear production complex, sized for Cold War production levels, requires $470 million [FY 92 constant dollars] per year in infrastructure costs alone. Consolidation, with an up-front investment of $440 million, will permit the infrastructure costs to be reduced by $250 million per year. This-up front investment does not include decontamination or environmental restoration costs. The costs to decontaminate the sites where production activities are withdrawn are not considered to be associated with reconfiguration since these costs must be incurred independent of any decision to reconfigure.

Based upon analysis summarized in the preapproval copy of the EA, the environment, safety and health risks associated with the proposed consolidation of nonnuclear manufacturing activities would involve no increase in risk over that associated with the complex in its current configuration.

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

On February 18, 1993, after Hazel O' Leary was confirmed as Secretary, I received a letter from Everet H. Beckner, Acting Assistant Secretary for Defense Programs, which responded to a letter I had written Secretary Watkins on January 12. In the letter, Beckner wrote that:

> It is essential that the work load be consolidated and that consolidation proceed as rapidly as possible. The proposed reconfiguration, consolidating most nonnuclear manufacturing activities at the Kansas City plant, is cost effective on both a constant dollar basis and a discounted cash flow basis. Consolidating as quickly as possible and preserving some technologies at the design and development laboratories will present the least technological risk.

I ask that this letter be included in the RECORD.

The letter follows:

DEPARTMENT OF ENERGY,
Washington, DC, February 18, 1993.

Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: Thank you for your letter of January 12, 1993, to then Secretary Watkins, in which you requested the Department's timetable for nonnuclear consolidation and its justification for designating the Kansas City plant the preferred consolidation site. Your letter has been forwarded to me for response as I am the senior Department of Energy [DOE] official responsible to the Secretary of Energy for planning the nuclear weapons complex of the future.

If the National Environmental Policy Act [NEPA] process for the proposed nonnuclear consolidation is completed in May 1993 and results in a Finding of No Significant Impact [FONSI], implementation could begin in June 1993, with Secretary O'Leary's approval. It is anticipated that activities would be scheduled to be removed from their existing locations by early FY 1996 and reinstalled and ready for use at their new location by the end of FY 1997.

The work load remaining in the nuclear weapons complex is insufficient to exercise all key technologies necessary to retain technical competence. The low work load is also resulting in activities that were privatized in the past being brought back into the DOE complex because production quantities are too small to make them attractive to private industry. The proposed reconfiguration would concentrate the core capabilities at a single site and thus minimize the number of activities which will need to be undertaken solely to maintain the viability of key technologies.

In order to retain technical competence, it is essential that the work load be consolidated and that consolidation proceed as rapidly as possible. The proposed reconfiguration, consolidating most nonnuclear manufacturing activities at the Kansas City Plant, is cost effective on both a constant dollar basis and a discounted cash flow basis. Consolidating as quickly as possible and preserving some technologies at the design and development laboratories will present the least technological risk. The environmental analysis thus far indicates that the environmental, safety, and health risks would not be increased as a result of the proposed reconfiguration.

Enclosed are answers to your specific questions. With the reduced nuclear weapons work load and the reality of budget constraints, some difficult decisions must be made regarding the future size and makeup of our nuclear weapons complex. I appreciate this opportunity to address your questions with regard to the proposed nonnuclear consolidation.

Sincerely,

EVERET H. BECKNER,
Acting Assistant Secretary for Defense Programs.

RESPONSE TO SENATOR DANFORTH'S QUESTIONS OF JANUARY 12, 1993

1. When did the Department determine that Kansas City was the preferred option for consolidation?

A. Based on the analysis in the Nonnuclear Consolidation Plan (NCP), completed in September 1991, the Secretary of Energy announced on December 16, 1991, that the Kansas City Plant was the preferred alternative for nonnuclear consolidation. He further announced that an Environmental Assessment (EA) would be prepared to determine whether there were significant environmental impacts associated with the proposal to consolidate at Kansas City.

2. Has the Department engaged in an additional study since its initial determination?

A. Yes, the NCP was officially issued in March 1992 with an addendum that reflected the impact of the disarmament initiatives announced by the President in September 1991 and January 1992. In April 1992, the Supplemental Cost Study For Nonnuclear Consolidation was prepared to (1) provide greater detail on the cost savings, (2) estimate the cost of keeping open all sites and not consolidating and (3) document the need for timely consolidation. The Two-Site Nonnuclear Consolidation Study, which analyzed options for retaining two of the three dedicated nonnuclear sites, was released in December 1992. Its release had been delayed to incorporate the impact of the Bush/Yeltsin Agreement. In December 1992, the Department also released the Tritium Consolidation Comparison Study which compared the costs and radiological risks of consolidating the tritium processing presently performed at the Mound Plant and the Savannah River Site at either location. At the same time, the Nonnuclear Consolidation Environmental Assessment was issued for preapproval review and comment by the affected states and Indian Tribes. In January 1993, the Nonnuclear Reconfiguration Cost Effectiveness Report (CER) was issued.

3. Has the Department's assessment that Kansas City is the site of choice changed since its initial determination?

A. No. All the studies mentioned above support the proposed reconfiguration of consolidating most of the nonnuclear manufacturing activity at the Kansas City Plant. As a result of the significant reductions in work load which have occurred since the initial consolidation study, some activities initially planned for consolidation at Kansas City must now be located at the National laboratories to preserve the technology involved.

4. On what factors are the Department's assessment based?

A. The plants were evaluated and rated in the NCP on environment, safety, health, and technical risks; cost; and time.

5. How much less expensive is consolidating in Kansas City rather than pursuing other options?

A. According to the NCP, approximately $600 million. The total capital and operating costs for consolidating at the four alternative sites was estimated as follows in the NCP:

	[In millions]
Kansas City	$277.4
Mound	881.1
Pinellas	886.6
Rocky Flats	890.1

No other comparative costs study has been done to date. However, the costs for consolidating at Kansas City was examined in the CER using data from conceptual design reports made subsequent to the NCP. These indicate that the operating cost of consolidating at Kansas City, particularly the cost of activity transfers, are significantly greater than anticipated in the NCP. The CER estimates the total costs of consolidation at Kansas City to be $440 million. If detailed estimates of the activity transfer costs for the other alternatives were to be made, it is reasonable to assume that they would also be greater than reported in the NCP, but those analyses have not been done since it would appear to be an unnecessary expenditure of funds. In fact, we would expect that such analyses would show that the additional cost of consolidating at a site other than Kansas City is probably even greater than the $600 million estimated in the NCP.

6. How much less time would consolidating in Kansas City take than pursuing other options?

A. Approximately three years. This estimate in the NCP was based on the fact that to prepare environmental documentation, design, and build the greater number of new facilities needed at alternative sites to Kansas City would require approximately three additional years.

7. What is the relative risk involved with the various options?

A. Technological, environmental, safety, and health risks have been evaluated for each of the options. Keeping all the sites open would involve the greatest technical risk of maintaining competence in critical weapons technologies. This has become an increasing concern with the recent work load and projected budget reductions. Technical risks also include the risks associated with relocating and requalifying critical weapons production technologies. In this regard, the Kansas City Plant appears advantageous as its retention would result in significantly fewer relocations and requalifications.

Consolidating the nonnuclear activities at a given site will incrementally increase the environmental, safety, and health (ES&H) risks at that site. The increase in these risks would be greatest at the Pinellas Plant because of the introduction of hazardous chemicals and regulated waste streams new to that environment. The ES&H risks associated with any major new construction would be avoided if consolidation occurs at the Kansas City Plant, the only option not requiring major new construction. Consolidation at the Mound Plant would require retaining the tritium activities at the site and would continue the current risks associated with tritium activities being carried out in a heavily populated area.

8. What will the status of the consolidation be on January 20, 1993?

A. The nonnuclear consolidation activities continued to be in a planning stage as of January 20, 1993: (1) The EA is under review by the affected states and Indian Tribes with comments due by January 29, 1993. Following the receipt of these comments, the Department will address the issues raised and determine whether the EA supports a proposed Finding of No Significant Impact (FONSI). (2) The CER, transmitted to the Congress on January 19, 1993, started a 90 day waiting period before implementation may begin. (3) Planning for the activity transfers associated with the proposed reconfiguration will continue.

9. When should a final Finding of No Significant Impact for nonnuclear consolidation be issued?

A. If no significant impacts are identified as a result of the state/Indian tribe review process, the Department will finalize the EA and publish, for public comment, a proposed FONSI. Assuming that no significant impacts are identified during the public comment period, a final FONSI and consolidation decision could be issued in May 1993.

10. When will the transfer of work, and the closing down of plants, actually begin?

A. Implementation of the proposed nonnuclear consolidation cannot begin until 90 days after Nonnuclear Reconfiguration Cost Effectiveness Report was delivered to the Congress, which occurred on January 19, 1993. In addition, the National Environmental Policy Act process must be completed. For planning purposes it is estimated that implementation will begin about June 1, 1993. It is not anticipated that the weapons mission will be withdrawn from any plant before the beginning of Fiscal Year 1995. It should be noted that withdrawal of the weapon production activity at these plants will not lead to plant closures anytime soon due to the large amount of work required for environmental restoration and remediation.

During the 102d Congress, opposition to the Department's plan for reconfiguration by elected officials representing areas that would lose jobs was intense. Members from Ohio, who represent the Mound plant at Miamisburg, OH, were especially active. Because I knew that opponents would ask the new Secretary to reconsider the reconfiguration plan, I asked, in January, for a meeting with Secretary O'Leary to discuss the issue. I followed that up with another request. However, the Secretary's Office refused, saying that the Secretary was not meeting on any issues other than the President's economic program.

On March 9, 1993, Secretary O'Leary met with Senator GLENN and Representative TONY HALL, both Democrats from Ohio. According to a press release issued by Senator GLENN, during the meeting, O'Leary "agreed to reconsider a consolidation plan which would have closed the Mound plant at Miamisburg and moved its operations to Kansas City and other locations." The press release says that the Secretary committed to Senator GLENN and Congressman HALL that "a three-person board selected in consultation with Senator GLENN, Congressman HALL, and Congressmen from affected States would be established to study and reconsider the Bush administration's plan and recommend a course of action." That same day, DOE released a statement saying that the Secretary intends to review the Department's 11th-hour decision to certify the Nonnuclear Reconfiguration Cost Effectiveness Study. The statement confirmed that the Secretary wanted elected officials to take part in the choosing of consultants to conduct the review and in determining the criteria for the assessment.

In a March 15 meeting with staff members of elected officials, Bob DeGrasse, special assistant to the Secretary, said that if an elected official taking part in the process had an objection to a nominee for consultant, it is likely that that person would not be able to serve. In a March 22 memorandum from the Department, DOE asked interested elected officials and their staffs to review a list of proposed names for consultants and to "let the Department know if there are any individuals on the list that you believe are not properly qualified to be independent consultants." In addition, DOE proposed a scope of work in the March 22 memorandum which went far beyond the Secretary's initial announcement that it would be limited to a review of the Cost Effectiveness Study. The Secretary now wants a review of whether conditions have changed since January "to the extent that the findings and analysis are no longer valid."

Mr. President, we do not need more studies. The consolidation plan has been studied over and over by top professionals at the Department of Energy for the past 3 years. Each of the five studies conducted by DOE shows that consolidating in Kansas City is the only choice that makes sense. The studies show that that option will save the taxpayer at least $600 million over consolidating at another site. It would take 3 years less to consolidate at Kansas City than at one of the other sites. Assessment of risks also points to consolidating at Kansas City. Consolidating at two sites, or downsizing all existing facilities in place, are considerably more expensive options than consolidating at Kansas City.

To be blunt, Mr. President, the process set up by the Secretary of Energy reeks of pork barrel politics. How else can you explain why Secretary O'Leary, following a meeting with two Ohio Democrats, would question and delay the Department's consolidation plan, when less than 3 weeks before, a career Acting Assistant Secretary wrote that "it is essential that * * * consolidation proceed as rapidly as possible."

The Secretary appears to have given elected officials with a major parochial interest at stake veto power over the selection of consultants. That is an unacceptable policy. Permitting elected officials from States standing to lose thousands of jobs based on the outcome of studies, to play a role in choosing who does the studies, and what the scope of the studies are, is improper.

Finally, this additional review will delay the benefits of the consolidation to the taxpayer. The Cost Effectiveness Report estimates that $11.9 billion in life-cycle savings will accrue as a result of the consolidation, a savings of $250 million a year, or early on, more than $10 million a month. Before the announcement of this additional review, the Department would have been able to publish a proposed finding of no significant impact for public comment in March, a final finding in May, and begin implementing the consolidation plan around June 1. However, under the Secretary's new plan, the National Environmental Policy Act, or NEPA, process has been put on hold. That means that if the review is complete by June 1, a final FONSI will likely not be issued until at least August. Thus, for no reason, a savings of more than $20 million will be delayed. And given the Department's willingness to ignore the deadline it set for itself, there is no reason to expect that there will be only a 2-month delay.

Mr. President, because of the myriad of flaws in the Secretary's handing of this process, I, along with Senators BOND, DOLE, KASSEBAUM, and THURMOND, have asked for a Department of Energy inspector general investigation into it. I ask that the letter asking for the investigation be placed in the RECORD. I await the inspector general's reply.

The letter follows:

U.S. SENATE,
Washington, DC, March 16, 1993.

Hon. JOHN C. LAYTON,
Inspector General, Department of Energy, Washington, DC.

DEAR MR. LAYTON: Pursuant to section 4(a)(5) of the Inspector General Act of 1978, this letter is to request an investigation into a March 9, 1993 pronouncement by the Department of Energy that Secretary of Energy Hazel O'Leary intends to review the Department's "11th hour decision" to certify the Nonnuclear Reconfiguration Cost Effectiveness Study. The statement says that the Secretary "intends to appoint three consultants to evaluate the findings and analysis supporting the earlier certification" and that "the three consultants and the criteria for the assessment will be chosen in consultation with elected officials of the affected areas" (Exhibit A).

Because in our view the Secretary's announcement fails to promote economy, efficiency, and effectiveness in the Department, we request that pursuant to Section 4(a)(1) of the Act, you conduct an investigation relating to this matter and, pursuant to section 4(a)(5) of the Act, you inform us as soon as practicable of any finding of deficient administration. In addition, we request that you offer to us any recommendation of corrective action that the Department or Congress should take concerning this program.

Downsizing the nation's nuclear weapons production complex is a monumental task involving billions of dollars and vital questions of national security and safety. The Department of Energy has taken that task very seriously. In 1991, the Department established the Office of Weapons Complex Reconfiguration to focus on the downsizing. At this time, approximately 30 specialists in that Office, including top engineers and environmental and safety specialists, are considering the very difficult questions involved in determining what capabilities must remain and how to consolidate existing facilities.

Since June, 1990, the Department has been planning for consolidating production facilities of nonnuclear components for nuclear weapons. Major sites which produce such components are the Kansas City Plant in Missouri, the Mound Plant in Ohio, the Pinellas Plant in Florida, and the Rocky Flats Plant in Colorado. In April, 1991, responding to a Notice of Intent issued by the Secretary of Energy to prepare a Programmatic Environmental Impact Statement for the Reconfiguration of the Nuclear Weapons Complex, the Department began work on the Nonnuclear Consolidation Plan (NCP). The purpose of this plan was to analyze alternatives and determine how to consolidate at a single site.

The Department's Kansas City Plant, located in Kansas City, Missouri, and within five miles of the Kansas state line, employs approximately 4,500. The four senators from Missouri and Kansas who represent these employees are all Republicans. The Mound Plant, located in Miamisburg, Ohio, employs under 2,000. Both senators from Ohio are Democrats.

In the NCP, the Department evaluated and rated consolidation at the different plants based on the following factors: environment, safety, health, technical risks, cost, and time. The NCP, released in March, 1992, recommended consolidation at the Kansas City facility. It showed that consolidating at Kansas City would be approximately $600 million more cost effective than any other option, and would take approximately three years less than any other option. In addition, an assessment of technical risks—risks associated with losing competence in critical weapons technologies and with relocating and requalifying critical weapons production technologies—points to consolidating at Kansas City.

Since release of that document, the Department has engaged in numerous additional studies of nonnuclear consolidation. In April, 1992, the Department released a Supplemental Cost Study for Nonnuclear Consolidation, which assessed cost savings in greater detail and analyzed the costs of retaining and downsizing all current sites. In December of 1992, it issued a Two-Site Nonnuclear Consolidation Study, which analyzed options for retaining two sites, rather than consolidating at one. Also in December, the Nonnuclear Consolidation Environmental Assessment was released. In January of 1993, the Department issued the statutorily-required Nonnuclear Reconfiguration Cost Effectiveness Report (CER). Each of these documents supports the decision to consolidate nonnuclear activities at Kansas City.

As part of the consolidation, the Department recommended moving work associated with tritium processing from the Mound Plant to the Savannah River Site in South Carolina. In December of 1992, the Department issued the Tritium Consolidation Comparison Study which compared the costs and risk of consolidating tritium work currently performed at Mound and Savannah River at one location or the other. The study showed that it was approximately $2 billion more cost effective to consolidate work at Savannah River.

Currently, the Department is assessing whether the Environmental Assessment supports a Finding of No Significant Impact [FONSI]. If the Department determines that it does, it will finalize the Environmental Assessment and publish a proposed FONSI for public comment. According to the Department, a final FONSI and consolidation decision could be issued in May, 1993.

On more than one occasion since January, 1993, Senator Danforth requested a meeting with Secretary O'Leary to discuss nonnuclear consolidation. The Secretary's office refused, saying that the Secretary was not meeting on any issues other than the President's economic program. Senator Thurmond also requested a meeting and was refused.

On March 9, 1993, Secretary O'Leary met with Senator John Glenn and Representative Tony P. Hall. According to a press release by Senator Glenn, during the meeting, O'Leary "agreed to reconsider a consolidation plan which would have closed the Mound plant at Miamisburg and moved its operations to Kansas City and other locations" (Exhibit B). The press release says that the Secretary committed to Glenn and Hall that: "The Non-Nuclear Consolidation Plan which Glenn and Hall have attacked as flawed would be set aside for the time being"; that "a three person board selected in consultation with Glenn, Hall, and Congressmen from affected states would be established to study and reconsider the Bush Administration's plan and recommend a course of action"; and that "a 90 day 'clock' which would have allowed Mound to begin shut-down operations April 19 will be stopped."

That same day, the Department of Energy released a statement outlining the Secretary's decision. In a March 11 memorandum from Bob DeGrasse, Special Assistant to the Secretary, to interested elected officials and their staffs, DeGrasse laid out a detailed process for officials' involvement in the selection of consultants and assessment criteria (Exhibit C). According to the document, each office would have until the close of business on March 16 to provide the Department with suggestions for consultants and assessment criteria. After the Department assembles the suggestions and distributes them back to the offices, each office would have until March 22 to provide comments on the suggested consultants and assessment criteria. The Secretary would make a final decision by March 26.

In a March 15 meeting with staff members of elected officials, DeGrasse said that if an elected official taking part in the process has an objection to a nominee for consultant, it is likely that that person would not be able to serve. In addition, he said that in order to avoid the requirements of the Federal Advisory Committee Act, each consultant would make a separate report. He also extended the timetable outlined in his memo.

This study will delay the Department's final decision on consolidation by at least two months. If information contained in the Environmental Assessment warranted it, the Department was to have issued a proposed Finding of No Significant Impact (FONSI) this month. However, now a FONSI cannot be issued until the new study is complete. According to the CER, each month consolidation is delayed will cost the taxpayer more than $10 million. This expense is in addition to the costs of hiring consultants to conduct the review.

We believe your investigation should focus on the following:

(1) The efficiency and economy of adding burdensome new requirements to a pending administrative determination about which six exhaustive studies have been undertaken;

(2) The fairness of expending additional revenues on this project when requested to do so by the Chairman of the Senate Governmental Affairs Committee;

(3) The propriety of requesting elected officials with a strong constituent interest to play a role in the selection of independent consultants to review the Department's work in this very important and sensitive area, and to play a role in determining the assessment criteria for the consultants' work; and

(4) The arbitrary and sudden manner in which a political appointee has called into question the information gathered and recommendations made by Department professionals after years of study.

Because the Secretary of Energy expects to make a final decision on the three consultants and the assessment criteria by March 26, your immediate attention is requested.

Sincerely,

Christopher S. Bond, Nancy Landon Kassebaum, Strom Thurmond, John C. Danforth, Robert Dole.

MARCH 9, 1993.

The Secretary intends to review the 11th hour decision of the last Administration to certify the Nonnuclear Reconfiguration Cost Effectiveness Study. She intends to appoint three consultants to evaluate the findings and analysis supporting the earlier certification. The Secreatary believes this is the fairest way for the new administration to proceed.

The three consultants and the criteria for the assessment will be chosen in consultation with elected officals of the affected areas.

The assessment will take between 60 and 90 days and should be completed no later than June 1, 1993.

The Secretary does not intend to make a final decision regarding the environmental impact of nonnuclear reconfiguration until this assessment has been completed.

DEPARTMENT OF ENERGY AGREES TO RE-THINK MOUND CLOSING

In a meeting with Senator John Glenn (D-Ohio) and Rep. Tony P. Hall (D-Ohio), Secretary of Energy Hazel O'Leary today agreed to reconsider a consolidation plan which would have closed the the Mound Plant and moved its operations to Kansas City and other locations.

"For over a year, we have battled a flawed decision made haphazardly by DOE. Today, the Clinton Administration has agreed to go back to the drawing board. This is an affirmation of fairness for the workers at Mound and for the entire Dayton area," said Glenn.

"Secretary O'Leary made it clear that she does not have to follow the plan to close Mound and that there will be a new process to determine Mound's costs and capabilities. Now, we have a real chance to demonstrate Mound has a role in our future defense needs," said Hall.

Glenn, and Hall said they had received a commitment from O'Leary that the following steps would be taken:

The Nuclear Consolidation Plan which Glenn and Hall have attacked as flawed would be set aside for the time being.

A three person, board selected in consultation with Glenn, Hall and Congressmen from affected States would be established to study and reconsider the Bush Administration's plan and recommend a course of action. O'Leary said she would like them to report back by June 1.

A 90 day "clock" which would have allowed Mound to begin shut-down operations April 19 will be stopped.

The Department of Energy will look into the status of contracts at Mound with a view toward permitting outside businesses contracting or partnerships in addition to Mound's Department of Energy work. Those partnerships would probably be similar to research contracts at the federal government's Los Alamos facility in New Mexico.

Hall and Glenn have maintained for over a year that there were fundamental flaws in the Department of Energy's plan for streamlining the nation's nuclear weapons complex. The General Accounting Office (GAO) and other independent groups have also charged that the Department of Energy's plan was put together with insufficient data, and without considering all available information.

EXHIBIT C

MARCH 11, 1993.

To: Interested Elected Officials and Their Staffs.

From: Bob DeGrasse, Special Assistant to the Secretary, U.S. Department of Energy.

Subject: Meeting to Discuss Nonnuclear Consolidation of the Nuclear Weapons Complex.

On March 9, 1993, the Secretary of Energy, Hazel O'Leary, announced that she intends to review the decision of the previous Administration to certify the cost effectiveness of the proposed consolidation of the nonnuclear activities of the nuclear weapons complex. She intends to appoint three independent consultants to evaluate the findings and analysis that supported the cost effectiveness certification. The Secretary believes that this is the fairest way for the new Administration to proceed in this important area.

A major part of this review effort will be the selection of the three consultants and the criteria for the cost effectiveness assessment. The Secretary has asked that the Governors, Senators and Representatives from the affected states be involved in this selection process. To this end, we would like to invite you and/or your staffs to attend a meeting on Monday, March 15, 1993, at 2:00 PM in Room 236 of the Russell Senate Office Building in Washington, D.C.

At this meeting we will discuss the specific process and schedule for the selection of the consultants and the assessment criteria. The schedule will be tight, as the Secretary wants to proceed as quickly as prudence and fairness will allow. Your offices will have until the close of business on March 16 to provide the Department with your suggestions for consultants and assessment criteria. The Department will then assemble all of the suggestions and distribute them to your offices on March 19. You will then have until the close of business on March 22 to provide your comments on the suggested consultants and assessment criteria. The Secretary expects to make a final decision on the three consultants and the assessment criteria by March 26. The consultants would then be expected to complete their assessment no later than June 1, 1993.

Because of the compressed schedule, we would ask that you fax your comments to John Rabb in the Department's Governmental Relations Office at (202) 586–5497 or (202) 586–7314. If you need to talk to me, my phone number is (202) 586–1400 or (202) 586–7393. Mr. Rabb's phone number is (202) 586–4656.

We appreciate your willingness to participate in this important effort; and we look forward to seeing you on March 15.●

S. 667, THE PORT OF ENTRY INSPECTIONS IMPROVEMENT ACT OF 1993

● Mr. D'AMATO. Mr. President, I am pleased along with Senator SIMPSON to join with 10 other Senators in introducing the Port of Entry Inspections Improvement Act of 1993.

Our seaports and airports have become open gates to those like Sheik Omar Abdel Rahman, who can board a boat or plane and travel here. The formal process, the requests for admission, visas, and other applications, in fact the entire system of immigration control has entirely broken down.

Now, by simply setting foot on American soil and requesting political asylum, an alien enjoys the rights and liberties guaranteed under the Constitution to American citizens. Once here, it is extremely difficult to deport an illegal alien. We need no more proof than the case of Sheik Rahman.

Sheik Omar Abdel Rahman, the spiritual leader of the violent nest of territories operating in the New York metropolitan region is a case in point. Those charged with the bombing of the World Trade Center in February 1993, are his followers. He, like all but one of those charged with the bombing, entered illegally and either overstayed their visas, or claimed political asylum.

The Sheik entered illegally in 1990, leaving and entering repeatedly at least three times under different combinations of names. He asked for political asylum.

The defendants in the bombing also were illegal aliens. In addition to the Sheik, one of the bombers also asked for political asylum. Bilall Alkaisi was an illegal immigrant from Jordan who came to the United States in 1987 and applied for political asylum. He later surrendered himself to authorities in connection with the World Trade Center bombing.

The other men charged in the bombing overstayed their visas:

Mohammed Salemeh was an illegal alien from the West Bank in Israel who came to the United States in 1985;

Mahmoud Abouhalima came to the United States illegally in 1986 on a German passport and posed as an agricultural employee to receive permanent residence;

Ibrahim Elgabrowny came illegally from Egypt.

These men took great advantage of the several loopholes in the system. What our bill attempts to do is to close one gap in the process. It will do the following:

Any alien who uses or attempts to use a fraudulent document for the purpose of coming to the United States would be subject to an order of exclusion issued by an immigration officer. Such an order would not be subject to direct judicial review, although limited review by writ of habeas corpus would continue to be available.

The amendment also provides for the exclusion of aliens who initially use documents to board an airplane, but then fail to provide a document to the inspector when they arrive at our ports of entry. This deals with an increasingly common practice of presenting fraudulent documents before boarding the plane and then destroying or discarding them prior to the immigration inspection after landing.

An INS officer will listen to a claim for political asylum. If he determines that the claim is not credible, then the alien is subject to exclusion. The alien may not appeal this exclusion.

An alien who arrives here with no documents or fake documents, is instead of being sent back to the place where he or she boarded the plane or boat is allowed into the country. In some cases, the alien destroys his documents on board the plane, and arrives undocumented.

On average, a person who enters the country illegally would have a preliminary hearing 4 months after they arrive. At that hearing they are often given work permits that allow them to hold a job in the United States. With this they can also apply for a work permit which gets them a Social Security card, which gets them a drivers license and now they can buy a gun, receive welfare, or even vote.

After a total of 18 months, the average alien would get a formal hearing on their immigration status. A decision, however, can take months or even years longer to be handed down. Of course, this is assuming that the alien would even bother to show up for their first or second court appearance. It is quite easy to just disappear into the country and they often do, like the bombing suspects in fact did.

Those persons seeking refuge, or a new life, or even just a better opportunity, will not be turned away. We will not keep out those who want to come here to the land of opportunity. We want to encourage the arrival of fresh ideas, sharp minds, strong hands, and new dreams.

I urge my colleagues to join us in cosponsoring this bill.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution in the budget for 1986.

This report shows the effects of congressional action on the budget through March 26, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated March 23, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through March 26, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 22, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION AS OF MARCH 26, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/– resolution
On-budget			
Budget authority	1,250.0	1,247.9	–2.1
Outlays	1,242.3	1,241.8	–0.5
Revenues:.			
1993	848.9	849.4	+0.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	–28.4
Debt Subject to Limit	4,461.2	4,130.8	–330.4
Off-budget			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1193–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MARCH 26, 1993

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
Enacted this session—Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level[1]	1,247,892	1,241,794	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding (in millions of dollars):

Public Law	BA	Outlays
102–229		712
102–266		33
102–302		380
102–368	926	5,850
102–381	218	13
103–6	3,322	3,322
Total	4,467	10,310

[2] Includes revision under Section 9 of the Concurrent Resolution on the Budget.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.•

RETIREMENT OF WALTER HENDERSON

• Mr. BRYAN. I rise today to commend a resident of my State who embodies the words "distinguished citizen." Although I speak on this day to honor his retirement, these words could have been said at any time during his remarkable career.

After 37 years, Walter Henderson, a native of Nevada, is retiring from the Laborers' International Union of North America Local Union No. 169. Walt was born in Fallon, a small community in Nevada. He spent his formative years in California where his family moved during World War II. When Walt was a student at Santa Cruz High School, he was an outstanding athlete earning the honor of All Coast County Athletic League "outstanding offensive and defensive guard."

During the Korean war, Walt enlisted in the U.S. Navy and served as boatswain's mate. He was awarded the Navy Good Conduct Medal and was honorably discharged. Upon returning to Santa Cruz, Walt married Gwen; his wife of 36 years and mother of their three children, Debbie, Dena, and Jerry.

Every Nevadan has Walt's Aunt Velma to thank for the prescient advice she gave Walt when she suggested that he join Laborers' Local Union 169 in Reno. Taking her advice, Walt moved to Reno and worked as a construction laborer for 16 years before being selected a field representative for the local. Over the past 21 years, Walt has served as vice president, business manager, and secretary-treasurer of the local.

Walt's abundant leadership capabilities have benefitted many groups in the State. He was elected to serve as vice president of the Building and Construction Trades Council of Northern Nevada, vice president of the California Public Employees District Council, business manager of the State of Nevada Laborers' District Council, director of the Northern Nevada Laborers'—A.G.C. Training Trust Fund, and chairman of the Laborers' Pension and Health Trust Fund.

To the great fortune of the community Walt donated his time and effort in many ways to many area groups. He was an assistant scoutmaster to Boy Scout Troop 76, coached Little League, was a member of Masonic Lodge 35 F. & A.M., chaired the Nevada Industrial Claims Board in Yerington, was a member of the C.E.T.A. Board, served as associate foreman of the Federal Grand Jury, served for 6 years on the Washoe County Regional Planning Commission, and was recently appointed by the Governor to serve on the State of Nevada Unemployment Review Board.

On April 3, 1993, I will join Walt's family, friends, union and community members in honoring Walt, thanking him for the many contributions he has made to the community and I am sure will continue to make and wishing him well in his retirement years.•

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 31; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senators FEINGOLD, GRAMM, and GRASSLEY for up to 10 minutes each, Senators DANFORTH and MURKOWSKI for up to 20 minutes each and Senator KRUEGER for up to 5 minutes; that at 10:30 a.m., the Senate resume consideration of H.R. 1335, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:57 p.m., recessed until Wednesday, March 31, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1993:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERTA ACHTENBERG, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE GORDON H. MANSFIELD, RESIGNED.

EXTENSIONS OF REMARKS

A TRIBUTE TO JERRY EAVES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Jerry Eaves. Jerry, who has played a leadership role in California's Inland Empire for years, will be the recipient of the Boy Scout's 1993 Distinguished Citizen of the Year Award at a dinner in his honor.

Jerry first moved to San Bernardino as a teenager, graduated from San Bernardino High School, and received an associate of arts degree from San Bernardino Valley College. After a 25-year career at Fontana's Kaiser Steel Mill and attending California State University, San Bernardino, Jerry was elected to the Rialto City Council. He was reelected to the city council in 1978 and subsequently elected mayor of Rialto in 1980. In 1984, Jerry was elected to the California State Assembly and served there for 8 years. In 1992, he was elected to the fifth district of the San Bernardino County Board of Supervisors.

Over the years, Jerry has been actively involved in our community. He currently serves as cochair of the Inland Valley Development Agency [IVDA] and chairman of the Aqua Mansa Industrial Growth Association. In addition, Jerry serves on the board of directors of the California State Association of Counties and is a delegate to the Southern California Association of Governments [SCAG] Executive Committee and the Southern California Regional Airport Authority. He is also a member of the San Bernardino Associated Governments and County Transportation Committee [SANBAG].

Jerry has also taken a keen interest in the young people of our community for many years. During this time, his involvement in Scouting has encompassed a number of capacities including Cubmaster, council board member, and service on various committees.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing the fine contributions and selfless service of Jerry Eaves. The Boy Scout's 1993 Distinguished Citizen of the Year Award is a fitting honor for Jerry and his longtime dedication to our youth and his commitment to our community. It is fitting that the House of Representatives pay tribute to him today.

HELP FAMILIES HELP CHILDREN LEARN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to assist schools in raising the academic achievement of their students through the coordination of health and social services for both students and their families.

No matter how high the quality of an educational program, a child's ability to learn can be greatly diminished by the quality of their life outside of the school setting. If a child is homeless or living in a home without heat or electricity, if he or she does not receive proper nutrition and medical care, and if a child is abused or lives with a parent or parents who use and abuse drugs and alcohol, it has an impact on the child and his or her ability to focus their attention on what is going on in the classroom.

My bill addresses this problem by authorizing $20 million in startup funds for the development of model programs by schools and school districts in high poverty areas which are interested in coordinating health and social services to meet the needs of students and families in the school community. It does not mandate any particular services nor does it create a new bureaucracy to oversee coordination efforts. Rather, it allows schools to reach out to the local community to coordinate existing services which they determine are necessary to meet the needs of the school community—or to develop new programs if services aren't otherwise available. Funds can be used to hire a coordinator, renovate space, purchase equipment, or to support other activities essential to the initiation of a coordination program.

Schools throughout the United States are already coordinating services for students and their families, but there are others which just don't have the funding necessary to develop and establish coordination programs. Unfortunately, without such programs, many young students will not be able to take advantage of the education they will need to succeed when they become adults.

The national education goals establish high expectations for all children. The legislation I am introducing today will not only assist schools in helping to meet the basic needs of the students and families they serve, it will assist them in their efforts to allow each child to reach their full potential in accordance with the national education goals. I urge my colleagues to support this legislation.

SOUTH GLENS FALLS, NY, MOURNS LOSS OF RESPECTED TEACHER, SHIRLEY M. NAPOLITANO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, 18 years ago, a rather remarkable lady from South Glens Falls, NY, was cited by the American Chemical Society. The citation in part read:

> She knows that a trained mind and critical judgment are essential to success. Teaching, to be effective, cannot be divorced from full professional competence in the subject matter taught.

The citation was to Shirley M. Napolitano, who I regret to say passed away on March 25, leaving a large void for her many friends as well as for her family.

That same citation, made when Mrs. Napolitano was selected by the American Chemical Society as the first woman recipient of the high school chemistry teachers award, also pointed to the excellent record of her students in the New York State Regents examinations. That praise was echoed by many college chemistry professionals who later taught her well-prepared students.

Mrs. Napolitano was born Shirley B. Betar in South Glens Falls. She was the valedictorian of her high school class, and graduated from Hobart and William Smith Colleges with honors. She received both a master of arts degree in education from SUNY-Albany and a master of science degree in chemistry from Simmons College.

During World War II, Mrs. Napolitano was a research chemist for General Electric in Schenectady, where she was part of a team that developed refinements in the cathode ray tube, among other projects.

With her late husband, S. George Napolitano, she raised a family and helped run the newsroom-grocery business in South Glens Falls. When her children entered school, she began teaching at South Glens Falls High School until she retired in 1984.

Her innovations in teaching materials have been adopted throughout the State. She was selected by the State education department to revise the chemistry regents examinations.

Among her awards is the New York State United Teachers Award for excellence in teaching. Twice, the students of South Glens Falls High School dedicated the yearbook to her.

Mr. Speaker, Shirley Napolitano was a woman of accomplishments who will be sorely missed by her son, George P. Napolitano; her daughter, Shirley Banker; her sister, Marion E. Betar; her brother, Harry J. Betar; and other surviving family members, indeed, by everyone who knew her.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I ask you and other Members of this body to rise in a moment of silence in memory of Shirley M. Napolitano, whose teaching excellence and dedication touched the lives of countless people.

HONORING THE RETIREMENT OF COL. GERALD POSANKA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor Col. Gerald Posanka, an outstanding individual who is retiring from the Air Force after 33 years of distinguished service to his country.

Colonel Posanka, of East Setauket, Long Island, is a native of Illinois who entered the Air Force in 1958 and was commissioned second lieutenant in 1959. Throughout his career he served as a navigator, with extensive service in reconnaissance aircraft. Colonel Posanka flew combat missions over Vietnam and received the Armed Forces Expeditionary Medal for his conduct during the dramatic Pueblo incident in Korea. Among his many other decorations are the National Defense Service Medal, Republic of Vietnam Gallantry Cross, and the Outstanding Unit Award for Valor while assigned to the 552 Early Warning Wing.

Upon his release from the Air Force in 1971, Colonel Posanka entered the New York Air National Guard. He continued to serve with distinction through his final assignments as resource manager of the 106th Air Rescue Group and commander of the 106th Resource Management Squadron. He has also maintained a position as navigator for the C-130 Hercules.

Colonel Posanka has been married to his wife Mary for the past 30 years and they have 5 children. Two of his children have followed their father's footsteps by pursuing careers in the Air Force. His daughter Elaine is a second lieutenant. I am proud to have recommended his son William to the Air Force Academy, where he is currently serving in his first year.

Colonel Posanka has distinguished himself in service to his country on the national level and he has brought that same dedication to service to his community. He is the troop leader of Boy Scout Troop No. 70, also of East Setauket.

The Air Force will surely miss one of its most loyal and talented airmen but I am confident that Colonel Posanka's family and community will continue to reap the rewards of his tireless sacrifice and devotion. It is my privilege to applaud his accomplishments and to join with my colleagues today in saluting him as a great American.

CONGRESSMAN YOUNG SALUTES KATHLIN ADREA RALSTON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I rise in recognition of my constituent, Kathlin Andrea Ralston of Fairbanks, AK, the State winner of the Veterans of Foreign Wars of the United States and its ladies auxiliary Voice of Democracy Broadcast Scriptwriting Program. This year 53 Alaskan students were among the 136,000 secondary school students who participated in the contest competing for the 29 national scholarships totaling $87,500. The contest theme this year was "My Voice in America's Future."

Kathlin, daughter of Robert and Ina Ralston, is a senior at Monroe Catholic High School and hopes to attend the University of Maine to study pre-law. Mr. Speaker, I include for the RECORD Kathlin's "My Voice in America's Future" to which I referred.

MY VOICE IN AMERICA'S FUTURE

The United States of America is still the greatest country in the world. However, we face serious challenges in the future to retaining that greatness and to making our country an even better place to live, prosper and raise a family.

We constantly read in the newspapers and hear on television that the United States is in danger of becoming a second-rate power. We are told: Our standard of living is no longer the highest in the world. Our infant mortality rate is higher than many smaller nations. The next generation should not expect to live as well as their parents' generation. Owning a home, we are told, will be more difficult in the future. We are told we must lower our expectations of life in the twenty-first century.

I, for one, am not ready to do that. I think we must identify the problems and find solutions. We must also, and this is very important, identify what is right about America, and not only retain these things, but strengthen them.

Over-population is probably the biggest problem facing the world today. Over-population breeds poverty, disease, starvation, and the potential for political instability and armed conflict. The United States must become a world advocate of limited population growth. We must be willing to provide education and training that enable countries to understand and mitigate the disaster of population explosion.

Our country's national debt must be retired over the next twenty to thirty years. A great part of our federal budget goes simply to pay the interest on this monstrous debt, with nothing going to reduce the principal. The net effect of this is less money to spend on worthwhile government projects and services, and less money available to citizen borrowers at higher interest rates.

The welfare system must be completely overhauled to eliminate the dependency it fosters in recipients. Third and fourth generation welfare families are the greatest indictment of current social programs. Whenever possible, able-bodied people should be provided with the opportunity to work in return for benefits. We must get away from a system that destroys initiative, and move toward a system that rewards work and personal ambition.

Adequate medical care should be available to all Americans. A national medical insurance plan is one idea that warrants attention. A corollary program, much like the one used by the military, would trade healthcare students an education in return for a period of national medical service. This would have the effect of increasing the number of medical professionals, while bringing down the cost of health care.

Our military forces must be kept the strongest in the world. Although the cold war is apparently over, harmony has not suddenly descended upon the planet earth. We must maintain vigilance. As in the past, the best deterrent to aggression is a strong military.

America is a great country because her people have made her great. Our freedom's have not come easily, but have been earned with the blood and sweat of those that built her and defended her. We must realize that, along with the opportunities of this great land, comes equally great responsibility. We must work to ensure that the America we make for our children is as great as the America our parents have given to us.

BUD GRIEVES DEVOTION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MICHEL. Mr. Speaker, the award for true entrepreneurial spirit and dedication to the betterment of Peoria, IL went to Lowell "Bud" Grieves this year.

Bud is an extremely successful stockbroker nationally and has contributed greatly in the renovating of downtown Peoria real estate. He has helped Peoria obtain the beauty and vibrance it now displays.

He has been actively involved in the living conditions of the disadvantaged and continuously displays a true humanitarian spirit. He gives an outstanding amount of his time to our community and is well deserving of this award. All my congratulations are extended to him.

At this time I would like to insert an article by Debbie Hanson of the Observer, "Bud Grieves Wins for Years of Devotion to Peoria, Downtown," honoring Bud for his outstanding accomplishments and great service to Peoria.

Lowell "Bud" Grieves was named the 1993 Observer Enterprise award winner for his entrepreneurial spirit and his dedication to the betterment of Peoria.

Judge Martin Mini, vice president of the Economic Development Council for the Peoria Area; Bonnie Russell, owner of Ja Bo Enterprises; and Bob Viets, CEO of Cilcorp, selected Grieves—taking into consideration his community development and community activities.

Grieves has gained success in two fields. As a stock broker he has ranked in the top 3 percent nationally for the last 12 years with Dean Witter Reynolds Inc., where he is a senior vice president.

Also, as an entrepreneur involved in real estate, Grieves has renovated a dilapidated downtown hotel into the Mark Twain Hotel. He also remodeled the former Packard car dealership building into an attractive banquet and meeting facility.

"Bud is a creative, visionary person who wants to see the Peoria area develop into a vibrant place to live, work and raise a family. His farsightedness has assisted the entire area to rebound significantly from the downturn of the 1980's" said LaVern Wilson, Mark Twain Hotel and Steamers restaurant sales director.

Another nominator, Rebekah Bourland, general manager of the Holiday Inn City Center, added that Grieves' "entrepreneurial spirit is evident in his development of the old Howard Johnson's into the Mark Twain Hotel, adding much-needed improved hotel rooms to the downtown area and cleaning up what had been a blighted corner.

"Using private capital and ingenuity, he has made a real difference to the corner of Adams and Fayette. In the same manner, he took hold of a building that had been in limbo for years, the old Packard Garage. Without any state, local or federal assistance, he took on his own urban renewal project," Bourland said.

For Grieves, making the old new again in Peoria began several years ago when he was one of the original investors in a partnership to renovate an old building in the 100 block of SW Adams Street. The new business, a restaurant called Eddie's, is now known as Sully's.

Grieves was also one of the original organizers of Jubilee Homes Inc., an organization that buys homes and then helps provide financing to buyers who are willing to contribute their own sweat equity to bringing the property up to standards.

"In my opinion and experience with Bud, his interest in the living conditions of our community's disadvantaged population have been active and long-term. He has been involved with Jubilee Homes long before any discussion of the Taft Homes site came forward. He has a true humanitarian spirit that goes along with his interest in private development and bets-use land plans," Bourland said.

As a director of the Peoria Area Chamber of Commerce, Grieves also serves on the Downtown Development Council and its trying to secure a new "Peoria to Chicago" rail connection.

Grieves' other community contributions include: president and board member of Youth Farm; Sun Foundation board member; Big Brothers/Big Sisters; Downtown Rotary Club; Bradley University parents board member and Peoria Convention and Visitors Bureau board member.

"Bud is looked on within the community as a leader, and as a leader, he has been willing to get out in front of the pack and take the arrows in his back.

"Even those who do not always agree with him respect his business acumen and his unquestioned interest in this community," Bourland said.

Grieves attributes his success in the hotel/restaurant business to his own managerial philosophy. "I have been very open with people about the degree of risk and of debt I've taken on with these projects."

Grieves has instituted an extensive profit-sharing plan, whereby he distributed $25,000 in profit sharing at the company's most recent employee Christmas party.

"I'm a firm believer in people having to buy into the concept. If the company does well, they benefit," Grieves said.

The staff is responsible for creating a feeling of intimacy and a personal touch, which hotel guests have appreciated, he added.

When he ventured into the hotel renovation project, Grieves said he felt the need to invest in the outside physical appearance of the building, in order to dispel any feelings of the neighborhood being a high crime district.

The parking lot was also improved, with better lighting and a nearby vacant building was demolished.

"We've had absolutely zero problems with theft. The whole image of that part of town has improved," not only because of the hotel and banquet facility, but also because of the new Hamilton Square building, he said.

"The best investments are made when you see something great that others don't," Grieves said. When he decided to renovate at the corner of Adams and Fayette, he took into consideration the river front development and the proximity to Caterpillar world headquarters.

"It just made sense to me."

REBUILD AMERICA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my strong support and to clear up any misconceptions Members of Congress may have in regard to the Historic American Buildings Survey and the Historic American Engineering Record [HABS/HAER]. I am sure that if my colleagues take the time to visit these offices and familiarize themselves with their projects, as I have, they would see that both HABS and HAER clearly deserve to be included in the Clinton economic stimulus package.

HABS/HAER was initiated in 1933 to employ unemployed architects. Since then, their mission has been expanded to develop a comprehensive graphic and written record of this Nation's architectural and engineering heritage. Over the last 60 years, HABS/HAER has documented 28,000 historic structures through the use of measured drawings, large format photographs, and histories. These documents are deposited in the Library of Congress Prints and Photographs Division where they are made accessible to the American public. It is the most widely used special collection in the Library of Congress.

In the debate over the economic stimulus supplemental appropriations, a news report stated that this initiative, called "Rebuild America," contained $1.4 million, to draw pictures of old buildings. The news report was referring to a $1.4 million request by the HABS/HAER, a small division of the National Park Service, U.S. Department of the Interior. The request for appropriations would fund 30 HABS/HAER projects across the Nation to draw "significant structures and engineering achievements." These projects cannot be funded through donations or reimbursable funding, the normal manner in which HABS/HAER gains funding.

Normally appropriations from Congress to HABS/HAER are used for the expenses of permanent HABS/HAER staff in Washington, DC, and not for projects. This has been true for over 15 years. HABS/HAER is one of the few Federal agencies which receives extensive private and other public funding for its work. HABS/HAER solicits donations and reimbursements for its projects. Two-thirds of its annual budget comes from these sources. The White House project, for example, was half paid for by the American Institute of Architects and half by the National Capital Region, NPS. Monticello, as another example, is entirely paid for by the Thomas Jefferson Memorial Foundation. The projects included in this appropriations request are those projects for which HABS/HAER sought donated or reimbursable funding but couldn't locate such funding. But inclusion of these structures in the HABS/HAER collections are considered critical. All projects work with local project cosponsors who provide additional funding and/or services to the HABS/HAER teams and who will utilize the products of these teams to forward preservation in their locale. The product of these teams are used to preserve these nationally significant structures. The documentation is produced to a 500-year service life and is included in the HABS/HAER collections in the Library of Congress.

I urge Members not to overlook or disregard the valuable work of HABS/HAER. America is rich because of her history. How better to learn her history than by documenting it.

THE ENDANGERED SPECIES ACT PROCEDURAL REFORM AMENDMENTS OF 1993

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. TAUZIN. Mr. Speaker, on March 25, I along with the distinguished gentleman from Texas, Mr. FIELDS, and a number of our colleagues from both political parties, introduced H.R. 1490, the Endangered Species Act Procedural Reform Amendments of 1993. This legislation reauthorizes and makes procedural improvements to the Endangered Species Act of 1973. I would like to thank and commend our colleagues from the States of California, Oklahoma, Mississippi, Texas, New York, Missouri, Washington, Georgia, Utah, Alaska, Nevada, and Louisiana for demonstrating strength, courage, and foresight by joining in our efforts.

In the last days of the 102d Congress, I introduced H.R. 6134, legislation resulting from debate and discussion among a bipartisan group of House and Senate Members. During the last 6 months, I discussed improvements to that legislation with private individuals; representatives of environmental organizations; industry; local governments; and U.S. Fish and Wildlife Service. H.R. 1490 is the product of those discussions.

Mr. Speaker, let me make clear that, as one who strongly supports the goals of the Endangered Species Act and has supported reauthorizing this law, I am not proposing legislation that will weaken this crucial act. The goal of my legislation is to strengthen species protection as the current emergency room application of the law can not achieve the goal of recovering endangered and threatened species. I believe that we must adopt a proactive approach to conservation that increases species populations before listing becomes necessary.

In the early years of the act's history, conflicts over its implementation were few. Mr. Speaker, this fact is no longer true. In recent years, conflicts over the impacts of the Endangered Species Act have increased substantially. The number of listed species has increased from a few hundred to almost 700 listed species—an increase of almost 400 percent in the 20 years. Approximately 4,000 candidate species from every State await listing. It defies human reason to argue that an act that managed several hundred species can successfully manage several thousand species without revision.

Mr. Speaker, it is time to make needed procedural changes to the Endangered Species Act to make it work better for species and people. I resist suggestions, as we all must, that the act is perfect and should not be changed in any way. Congress deliberately authorizes legislation for finite periods of time so a law can be modified and improved when necessary.

During this reauthorization period, we must ensure that the Endangered Species Act encourages our citizens to be good stewards of our country's species. As our Nation changes in order to effectively compete in the global economy, we must ensure that the act provides an efficient and sensible mechanism to manage our resources both for humans and for species. A series of train wrecks occurring in different regions of our Nation, will eventually undermine public support for this crucial law. Mr. Speaker, my legislation is designed to avoid these train wrecks by better managing species before listing becomes necessary and by requiring that the economic effects of species conservation be considered after a species is listed.

Mr. Speaker, H.R. 1490 maintains the essential elements and purposes of the current Endangered Species Act. Our goal is to achieve the following:

The act should be reauthorized for 5 years with substantially increased funding and with meaningful management changes that should be given an opportunity to work;

The listing process should continue to be based solely on biological factors;

All segments of our society including State and local governments, industry, private individuals, and landowners should be encouraged to become active partners in species conservation before listing becomes necessary. These efforts can be encouraged through the use of active management programs, innovative cooperative management agreements, private species enhancement programs, and efforts to protect habitats containing more than one species;

When strict Federal mandates are necessary to conserve the species, the act should require greater consideration of the economic impact of these mandates on State and local governments, local businesses, schools, jobs, communities, and landowners; and

The act should be amended to recognize that species conservation should be a shared responsibility rather than a burden that is imposed upon only a small segment of our society.

Mr. Speaker, a final word. These are very serious issues affecting the lives of all Americans and the diversity of our plant and animal life. It is time to confront these issues and not one another. If Congress backs away from this debate, we will not have served the act, our constituents, or the Nation.

Mr. Speaker, I look forward to the forthcoming debate. I am confident, that with thoughtful discussion and with a spirit of good will, we will reauthorize an Endangered Species Act that will earn the broad support of the American public—an Endangered Species Act that will enable us to both protect species and promote prosperity in our country.

THE $100 MILLION TAX SUBSIDY SPENT EVERY YEAR SENDING TIMBER JOBS OVERSEAS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. STARK. Mr. Speaker, I am introducing legislation today with Congressman DEFAZIO and Congresswoman UNSOELD which will end the taxpayer subsidy for the export of raw logs from the United States. This is an important element in helping to resolve the timber wars in the Pacific Northwest.

Current law is a good deal for profitable timber companies, but a losing deal for taxpayers, timberworkers, spotted owls, and ancient forest ecosystems.

Timber cut on private land can be exported as raw logs. Timber companies cut and export large volumes of raw logs. Timber on Federal land cannot be exported as raw logs and there are similar restrictions on timber cut on State land. These logs must be milled domestically.

By sending raw logs to the Pacific rim from their private land, timber companies leave the lumber mills without logs to process, forcing mill shutdowns and throwing workers out of jobs.

What is the effect of these exports on employment? Estimates from the Governor's Office of Washington State suggest that a diversion of 25 percent of raw log exports to U.S. mills would save roughly 3,000 mill jobs and 3,000 indirect jobs. Milling logs in the United States creates 6.56 more jobs than does their export as raw logs. 3

Raw log exports increase pressure to cut the few remaining ancient forests on Federal lands in order to keep the lumber mills open and workers employed. It forces a false battle between the interests of the spotted owl and millworkers.

The Joint Committee on Taxation has estimated that raw log exports are subsidized by the taxpayer to the tune of $100 million annually. This is primarily through the use of the foreign sales corporation tax provision and the title passage rules.

Mr. Speaker, workers and environmentalists have banded together to support this legislation. The United Brotherhood of Carpenters and Joiners of America endorse this legislation. The Wilderness Society, Sierra Club, the Sierra Club Legal Defense Club, and the Western Ancient Forest Campaign also support the bill.

Let's put $100 million per year back in the taxpayers' pocket. Let's put millworkers to work. Let's take the needless pressure off our ancient forests. Let's end the outrage of subsidizing profitable timber companies' raw log exports.

THE HEALTH INSURANCE FAIRNESS ACT WILL STOP DISCRIMINATION BASED ON HEALTH STATUS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. DURBIN. Mr. Speaker, all of us have heard from constituents who either cannot obtain health insurance because of preexisting conditions or have suffered large premium hikes because of their own health history or the health care claims of their coworkers.

There was a time when health insurance treated everyone equally. All insured persons paid the same premium, received the same coverage, and gained the same assurance that if they were the ones who ended up with major medical bills, the insurance would pay.

But in the past two decades, we have moved far away from the community rating approach that originally opened the door to health insurance for so many Americans. In the words of John Burry, Jr., chairman and CEO of Blue Cross and Blue Shield of Ohio:

> Commercial insurance companies learned they could undersell the community-rated market by insuring only healthy people to make healthier profits for their shareholders. This "cherry-picking" practice led to the demise of community rating. The result was we stopped taking care of each other and created a me-first system.

Currently, more than 81 million Americans under age 65 have a chronic health condition for which some insurers deny insurance, exclude coverage of the preexisting condition, or raise premiums by at least 50 percent.

While health care reform is expected to at least partially address this problem, it is not clear that the principles of community rating will apply throughout the health care system. I believe that everyone—regardless of the source of their insurance—should have the assurance that they will not face discriminatory premiums or unfair treatment because of their health status.

To highlight the importance of this issue, I am reintroducing legislation I proposed last year, known as the Health Insurance Fairness Act. This measure will stop the practices that have locked out the people who are most in need of health insurance.

The bill will prevent a health plan from excluding or charging higher premiums to an individual or to a single company just because of the health status of the individual or the company's employees. It will also end health-insurance-related job-lock and provide portability so that anyone who has health insurance coverage can obtain new coverage at a fair price if they are no longer covered by the old policy.

This measure will protect people regardless of whether their coverage is from a group policy or an individual policy, is provided by an insurance company or a self-funded employer, and is a renewal or a shift from one insurer to another. In all of these cases, my legislation will provide basic protection against discriminatory coverage.

Mr. Speaker, I would like to urge my colleagues to join me in cosponsoring this measure to give fair treatment to Americans who seek health insurance coverage. I ask that a summary of the legislation be printed in the RECORD following my statement.

THE HEALTH INSURANCE FAIRNESS ACT OF 1993

ALL GROUP HEALTH PLANS, INCLUDING LARGE AND SMALL GROUPS, SELF-INSURED, AND MEWAS

1. Group health plans shall not deny, limit, or condition coverage or benefits for an individual, nor charge higher premiums, based on health status or past claims experience, except that plans may impose a preexisting conditions exclusion of up to 6 months for conditions present during the previous 3 months if the person has not had health insurance within the previous 3 months. [Effective 1/1/94]

2. Insurers shall not offer group health plans that charge higher rates to employers based on employee health status or past claims experience. [1/1/95]

INDIVIDUAL INSURANCE

3. For individuals who were covered for at least 2 years by a group or individual health plan and applied for individual insurance within 3 months of the termination of such coverage, insurers shall not deny, limit, or condition coverage or benefits, nor charge higher premiums, based on health status or past claims experience. Premiums may continue to vary based on age, sex, and geographic area. [1/1/95]

4. For individuals who were not previously covered for at least 2 years, the same restrictions shall apply, except that insurers may impose a preexisting conditions exclusion of up to 2 years for conditions present during the previous 1 year. This 2-year waiting period shall be reduced by the number of months of continuous previous coverage, if any. An insurer may offer to waive the exclusion in exchange for a higher premium during the waiting period, but the individual may reject this offer and take the coverage at the normal premium with the exclusion. [1/1/95]

ADDITIONAL SMALL-GROUP INSURANCE REFORMS (2–50 EMPLOYEES)

5. Insurers shall not exclude any specific employees, or their dependents if dependent coverage is offered. (Guaranteed eligibility) [1/1/95]

6. If an insurer offers a plan to a small-group employer in an area, the insurer must offer the same plan to all small-group employers in that area, except that a state may implement an alternative approach for assuring the availability of private health insurance for all small employers if the alternative approach is certified by HHS as providing the same level of benefits and premiums. (Guaranteed issue) [1/1/95]

7. Insurers shall not terminate or refuse to renew a small-group plan unless the employer fails to pay premiums, commits fraud or misrepresentation, fails to maintain minimum participation of its employees in the plan, or leaves the geographic service area of the plan if it is a managed care plan. (Guaranteed renewability) [1/1/95]

8. Insurers shall not charge higher rates based on industry or occupation. Insurers may charge higher rates based on age, sex, and geographic area, but the highest rate shall be no more than twice the lowest rate. In addition, insurers may further adjust rates by up to 67% based on plan features that control costs through voluntary decisions of insured persons such as use of managed care and pursuit of healthy lifestyles. [1/1/96]

CONGRATULATING JAMES J. KENNEY, NATIONAL COMMANDER OF AMVETS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in order to congratulate fellow Long Islander, James J. Kenney on becoming national commander of American Veterans of World War II, Korea, and Vietnam, better known as AMVETS.

Since receiving its congressional charter in 1947, AMVETS has provided superior leadership to a great number of veterans in our Nation. Among AMVETS' goals are to protect the rights of those in uniform and assist their orderly transition to civilian life, to work with all duly recognized veterans organizations to further veterans' aims, to act as a liaison between veterans and the Government, and to keep alive the memory of the sacrifices made by American veterans. In addition, for the past 7 years AMVETS, along with Disabled American Veterans [DAV], Paralyzed Veterans of America [PVA], and the Veterans of Foreign Wars [VFW], has formulated and presented to Congress a detailed and very useful budget proposal designed to meet veterans' needs through programs administered by the Department of Veterans Affairs.

Mr. James Kenney of Long Island, NY, became national commander of AMVETS on August 29, 1992. A U.S. Air Force veteran, Mr. Kenney has been a member of AMVETS Post 18, located in East Islip, NY, since 1967. Throughout his membership, Mr. Kenney has shown his dedication and devotion to veterans and AMVETS by holding a variety of leadership positions on all levels of the organization. His long list of accomplishments for AMVETS include commander of post 18 and department of New York commander. He has served on the board of trustees of post 18 since 1970 and as its finance officer since 1975. In addition, Mr. Kenney has served as district commander, national executive committeeman, second vice commander for programs, and first vice commander for membership.

Judging by his many accomplishments, it is clear to see that Mr. James Kenney is well deserving of this honor. I commend him on a job well done, and I look forward to working closely with him and this outstanding organization during the 103d Congress and in the future.

ESSAY BY DAWSON SCHOLAR JOHN MULLOY EXPLAINS BASIS OF HOMOSEXUAL BAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, the present policy banning open homosexuals in the U.S. military is not an arbitrary policy that discriminates unfairly against an oppressed minority.

To the contrary, the ban is so rooted in our Judeo-Christian heritage that to lift the ban would suggest a rejection of those roots.

Perhaps the best explanation of those roots is the one mailed to me recently by John Mulloy of the President's home State of Arkansas. Mr. Mulloy is known as the premiere expert on cultural historian Christopher Dawson, and his depth of scholarship shows in the essay, which I place in today's RECORD.

I would advise all Members to read it.

HOMOSEXUALS IN THE MILITARY: A MORAL ISSUE

In arguments which are presented against the introduction of practicing homosexuals into the military, the emphasis is usually on sociological and psychological factors. It is pointed out how these will affect the strength and cohesiveness as an effective fighting unit of the Army, Navy, Air Force and Marine Corps. Now while these factors certainly deserve our careful consideration, there is a more fundamental factor which tends to be ignored. That is the issue of the moral character of the decision we are making, and of the moral principles which should govern our attitude toward homosexual behavior.

Morality, after all, is not something extraneous to the issue of homosexuality. It is at the core of what it means for a society to accept or to reject "the laws of Nature and of Nature's God" upon which the Declaration of Independence founded our Nation.

Moreover, the homosexuals themselves are involving moral principles, in order to justify their entrance into the American Armed Forces. They claim that it would be unjust to exclude them, and portray themselves as victims of irrational responses on the part of those who oppose their entrance. Since the moral issue has already been raised by the homosexuals, the whole scope of what is involved in homosexual behavior needs to be carefully examined.

It needs to be examined especially because the United States, in going to war, has always felt is to be important that it is fighting for a just cause. This in fact constitutes one of the chief elements in the morale of our armed forces. It leads to their willingness to make sacrifices, even to life itself, to obtain such moral objectives. If we now plan to renounce this, it is important for us to understand the sharp break with earlier tradition to which we are now committing our Nation.

In approaching this matter from a moral standpoint, the first thing to recognize is that the sources for our moral understanding of human conduct are to be found in the Old and the New Testament and in the Judaeo-Christian tradition of teaching derived from those sources. Now, in the Bible, what is the picture we find given there of the nature of homosexuality? It is regarded as a moral evil of the greatest enormity, certain to call down destruction upon the city of the Nation that practices it. The whole story of Sodom and Gomorrah, for example, as given in Genesis, the very first book of the Bible, brings that fact home with great force. After Abraham has failed to stay the hand of God from punishing these two cities for their evil-doing, two angels are sent to Lot in the city of Sodom in order to save him and his family before they execute the orders of the Lord. After they have arrived and have warned Lot and his family to leave the city lest they share in its destruction, Lot offers the Angels his hospitality for the night. The following incident then takes place:

"But before they (the angelic messengers) went to bed, the men of the city beset the house, both young and old, all the people together. And they called Lot, and said to him:

Where are the men that came in to thee at night? Bring them hither, that we may know them."

Know is the Biblical term for carnal intercourse.

Lot pleaded with them not to do this, and even offered them his two daughters, so as to avoid having the law of hospitality violated in this way. But the tumult continued, since it was not women the crowd was interested in, but the angels who came in the guise of men. The biblical narrative continues:

"But they said: Get thee back thither. And again: Thou camest in, said they, as a stranger, was it to be a judge? Therefore we will afflict thee more than them. And they pressed very violently upon Lot: and they were even at the point of breaking open the doors."

The angels blinded the men seeking homosexual intercourse and pulled Lot back into the house away from them. The story continues:

"And they (the angels) said to Lot: Hast thou here any of thine? Son-in-law, or sons, or daughters, all that are thine, bring them out of this city"

"For we will destroy this place, because their cry is grown loud before the Lord, who hath sent us to destroy them."

When the morning arrived, the angels led Lot and his wife and daughters out of the city, so that the punishment of the Lord might be visited only upon the two cities of the Plain. The account from Genesis goes on:

"The sun was risen upon the earth, and Lot entered into Segor (a nearby city of refuge to him).

"And the Lord rained upon Sodom and Gomorrha brimstone and fire from the Lord out of heaven. And he destroyed these cities, and all the country about: all the inhabitants of the cities, and all things that spring from the earth . . .

"And Abraham got up early in the morning: and in the place where he had stood before with the Lord."

This is a reference to Abraham's walking with God toward Sodom and Gomorrha and beseeching the Lord that, if there were only ten just men in these cities, God would not destroy them. God agreed to Abraham's request, but there were not in fact the ten just men in the cities of Sodom and Gomorrha—a fact of which Abraham was unaware at the time he made this last request. The account in Genesis continues:

"He (Abraham) looked toward Sodom and Gomorrha, and the whole land of that country: and he saw the ashes rise up from the earth as the smoke of a furnace." Genesis: 10:4-5; 9; 12-13; 23-25; 27-28. (King James trans. of the Bible.)

Comment is unnecessary as to what is the judgment of God upon the vice of homosexuality and how severely He punishes it. This account of judgment is from the first book of the Bible, as found in both the Jewish and the Christian canon of Scripture.

In the laws which are to govern the Jewish people, those laws concerning sexual morality are set forth in the 18th chapter of Leviticus. After listing various grave sexual transgressions which are to be rigorously avoided, the Law contains this prohibition, and what will follow from its violation and from the committing of the other sexual sins which are mentioned:

Thou shalt not lie with mankind as with womankind: because it is an abomination . . . "Defile not yourselves with any of these things with which all the nations have been defiled, which I will cast our before you, "And with which the land is defiled: the abominations of which I will visit, that it may vomit out its inhabitants. Keep ye my ordinances and my judgments: and do not any of these abominations . . . Every soul that shall commit any of these abominations, shall perish from the midst of his people." Leviticus 18:22; 24-26; 29. (King James trans.)

The basic principles of Christian sexual morality will be found in the words of Christ in the Sermon on the Mount. While homosexuality is not mentioned as such, indulgence in lust on the part of a man for a women is dealt with in most severe terms. If this is the case, it is obvious that even more severe would be the condemnation in which they engage. Here are the words of Christ:

"You have heard how it was said: You must not commit adultery. But I say this to you: if a man looks at a woman lustfully, he has already committed adultery with her in his heart.

If your right eye should cause you to sin, tear it out and throw it away; for it will do you less harm to lose one part of you than to have your whole body thrown into hell." Matt. 5:27-29 (New Jerusalem Bible tran.)

Homosexuality was more widespread in the Graeco-Roman world than in Judea, so it was St. Paul who spells out the Christian teaching with regard to this grave violation of God's moral law and the consequences it brings upon those who practice it. He does this in the first chapter of his Letter to the Romans:

"That is why God has abandoned them to degrading passions; why their women have turned from natural intercourse to unnatural practices and why their menfolk have given up natural intercourse to be consumed with passion for each other, men doing shameless things with men and getting an appropriate reward for their perversion."

So it is quite clear that in giving sanction to homosexuality and making it part of our American way of life, we are rejecting the moral teachings of the Judeo-Christian tradition. If that is our choice, we must face up to the reality of what we are doing by this rejection of God and His commandments. We must not try to bury it beneath lengthy discussions of sociological and psychological factors. No doubt certain adverse consequences will follow in society and in psychology for human life; but it is upon the moral decision which we make that everything else depends.

One of the psychological results of this indulgence in homosexual activity is that it will never allow the homosexual individual to find rest. Because his conscience oppresses him with a strong sense of guilt, God speaking to him in this manner, he will always be a source of social disturbance. He will be seeking to gain approval from society for what he is doing, to counteract what his conscience continues to tell him. As a result, there will never be a time when the homosexual will be satisfied with what society decides to grant them. They must always be asking for something more in order to still the gnawing sense of guilt which is ever eating away at them. This fact must be recognized, so that those inclined to appease the homosexual lobby can have a clear understanding that there is no real solution in such a course of action. Society cannot reassure the homosexual that everything is going to be all right, when in fact he is acting contrary to the basic law of his being. And that fact is brought home to him every time he engages in those homosexual actions which no one is to be allowed to describe, because they are truly unspeakable. But whether or not society tries to cast a veil over them and the reality of what they involve, the homosexual is faced with that reality, and the guilt it carries with it, by the very nature of the "lifestyle" to which he has committed himself. This the Nation which has departed from God in order to accept homosexual practices as normal, tries to do so, in pursuing a phantom that will never let it rest. And in the objective order of things, the Nation which has rejected God has assured itself of its own destruction.

TESTIMONY BY THE LIBRARIAN OF CONGRESS

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ROSE. Mr. Speaker, as chairman of the Joint Committee on the Library I am particularly interested in legislation that affects the Library of Congress.

On February 16, 1993, the Copyright Reform Act of 1993 was introduced in both Houses. This legislation contains a number of salutary features but also may have an unforeseen effect on the great and universal collections of the Library of Congress. This would, in turn, affect libraries throughout the Nation, which have come to depend upon the Library of Congress to collect, catalog, and make available the largest collection of materials in the world. The Nation's libraries rely upon the Library of Congress as the library of last resort for the safekeeping of our cultural and literary heritage, which would otherwise be lost to history. The Library has been able to accomplish this monumental task because of the opportunity to select from works deposited for copyright registration for the last 120 years.

James Billington, the Librarian of Congress, testified at a March 4, 1993, hearing before the House Subcommittee on Intellectual Property and Judicial Administration of the Judiciary Committee, and I hope my colleagues will take the time to read his remarks about this very important legislation.

STATEMENT OF JAMES H. BILLINGTON

Mr. Chairman and members of the Subcommittee, I wish to thank you and your staff for the opportunity to testify before this committee on an issue that gravely concerns me as Librarian of Congress and thus as custodian of America's creative and intellectual heritage. The Library contains almost 100 million items—not just books, but maps, manuscripts, pictures, prints, photographs, musical scores, and radio and television programs.

The copyright registration system, created by Congress, has brought free deposit copies of these materials to the Library for us to preserve and for future generations to study and learn from. Since 1870, the system has worked efficiently for the Library and for the nation. Without it, we could never have built up the world's most comprehensive collections in all formats, used by scholars every day and available to all comers.

Now this system, created by Congress, appears to be in jeopardy. On February 16, the Copyright Reform Act of 1993 (H.R. 897; S. 373) was introduced in the House and Senate. There was widespread surprise.

The proposed bill, whatever its intent, effectively eviscerates the copyright registration system and eliminates the statutory incentives that bring the Library free deposit copies. It severs the historically close ties between the Library and the Copyright Office.

These disruptions would gravely harm the unique ability that the Library of Congress has to collect and preserve unpublished works—television programs, musical scores, architectural drawings, photographs—for future generations. The bill's impact on the Library's future acquisition of books and other published materials, while less predictable, would probably involve considerably higher costs to the Library and the taxpayer.

The Library's role is indispensable to the purposes of Copyright legislation—that is, to promote the growth and exchange of ideas by making the nation's intellectual and creative output available for study.

This legislation endangers the ability of the Library to collect copyright materials as thoroughly, as quickly, or as comprehensively across all information formats as it does today. The result will be a less usable, less comprehensive, and more costly record of the nation's cultural and intellectual heritage. Even if adequate measures are taken to ensure that the Library's collections are not diminished by the proposed changes, the bill, in the long run, is likely to cost the nation much more than its sponsors say it will save.

In these times of already restricted budgets, I fear the bill will drastically deplete the Library's collections by forcing the Library to purchase (or forego) the broad range of materials that could not efficiently be demanded. Moreover, by removing the Librarian's authority over deposit regulations issued by the Copyright Office and over the staff of that Office, the bill seriously undermines the Library's ability to control the flow of works that constitute the nucleus of our specialized collections.

Although I take no position on moving the functions of the Copyright Royalty Tribunal to the Copyright Office, I note that the Congressional Research Service's legal experts advise that it is not a constitutional requirement that the Register of Copyright be a presidential appointee in order to perform the arbitration functions contemplated by the Copyright Reform Act.

Finally, I am convinced that no major change of the Copyright Law should be undertaken without a full study of its projected impact on the Library of Congress.

The answers to these important unresolved questions could only be gained from careful study. The consequences of this measure should be fully known, before implementation, by the Congress and by all interested parties.

These points are discussed more fully below:

INTRODUCTION: THE LIBRARY OF CONGRESS AND THE COPYRIGHT OFFICE

Copyright functions were placed in the Library of Congress by an act of Congress more than one hundred and twenty years ago. Since that time, the copyright deposit and registration system has not only enhanced the collections of the Library but has permitted greater access to timeless literary and artistic treasures.

The flow of copyrighted material to the Library of Congress encompasses both published and unpublished works. The sweeping range of materials that are copyrighted, has made the permanent collections of the Library of Congress unique in this nation, unrivalled by even the greatest scholarly and public libraries. Because of copyright registrations, the library has been able to assemble in one national collection materials that would otherwise escape preservation or study. To take just one example, the Library's collections of self-published local histories and genealogical works have made the Library a focal point for research in the history of American families, cities, and immigrant communities. The collections of the Library testify to the cultural diversity so important to this nation's strength.

The commitment of the Library to transform what would otherwise be a vast warehouse into an organized, accessible panorama of the nation's intellectual and cultural life, makes the Library not just a beneficiary, but a full partner and vigilant supporter of the creative community.

The mission of the Library of Congress underscores the significance of this partnership. The Library's duties are to assemble "universal collections, which document the history and further the creativity of the American people," and "to acquire, organize, provide access to, maintain, secure, and preserve these collections" in order to "sustain and contribute to the advancement of thought and knowledge throughout the United States and the world." Without the copyright deposits acquired as a result of the present statutory incentives to register, the quality and universality of the Library's collections would be severely compromised.

I. CONTRIBUTION OF COPYRIGHT REGISTRATIONS TO LIBRARY OF CONGRESS COLLECTIONS

According to current copyright law, the demand provisions function in collaboration with the registration system. The Library of Congress is entitled to demand for deposit two copies of all published U.S. works in which a copyright is claimed, but there is no legal basis for demanding the deposit of any unpublished materials. Rather, the Library relies on the copyright registration process to acquire unpublished materials. Unpublished works are those works which, by definition, are generally not available for purchase, by this or any other library.

For these reasons, if the Copyright Reform Act of 1993 were to be enacted, the Library would no longer be able to acquire unpublished copyrighted materials at all. Not only would the distinctive nature of the Library's collections be suddenly truncated, but the nation would lose, both for present and future generations, the right of access to the full range of the nation's cultural and intellectual history and its expression.

Since the collections that would be lost are of incalculable value, the impact of this provision of the Copyright Reform Act of 1993 can therefore be demonstrated only by offering examples of what might have been lost to the nation, if incentives for registration did not exist. The Library's collections would be diminished had the following types of materials not been registered: First, broadcast media, that is, all television and radio programming, which are considered unpublished (and would not be subject to mandatory deposit). Second, rare performances of artists such as Martha Graham captured on videotape. Third, important American photographs of such masters as Richard Avedon and Diane Arbus. Fourth, original music scores of major American artists such as Scott Joplin. And fifth, architectural drawings, which together form an unparalleled record of all aspects of American building design.

II. SUFFICIENCY OF MANDATORY DEPOSIT PROCESS

The proposed legislation would not change current requirements for mandatory deposit of published works. However, the vast majority of materials received now by the Library through Copyright are not obtained by mandatory deposit, but through voluntary registration stimulated by the statutory incentives of recovering statutory damages and attorney's fees. The success of this voluntary registration procedure shows up not only in the high rate of compliance, but in the very low rate of litigation over copyright infringements. In FY 1992, over 85 percent of books received via the Copyright Office were registered.

The impact on the quality of the Library's collections of the proposed radical shift in the source and processing of copyright receipts, is bound to be great. But we would have to determine (1) the extent of voluntary compliance which the Library could anticipate from publishers; (2) the timeliness of voluntary compliance; (3) the costs to the Library, including the cost of identifying and demanding publications, and the ability of the staff to identify smaller publishers and their publications; and (4) any increased resistance on the part of publishers to the Library's demands, along with the need for increased judicial enforcement of these demands.

For example, based on the latest available data, there presently exist 14,000 publishers of machine-readable works and 48,500 products. Because the Library has already experienced difficulty in claiming these materials, it would be possible to build a collection of machine-readable materials for the Library and the nation only at greatly increased expense, if all the terms of the proposed legislation were enacted.

Extent of compliance. The very existence of a staff at the Copyright Office now dedicated to placing demands with noncompliant publishers indicates that some noncompliance is, and will be, a factor. A scenario of 100% compliance is unrealistic. Increasing the workload of the current staff handling deposits and demands, to cover the full range of published materials that are now being registered, would increase costs significantly. Additional expenditures should also be anticipated to cover the cost of employing additional bibliographers, subject specialists, and others whose jobs it is to ensure the universality and high quality of the collections. The cost of enforcement would also increase.

Cost to the Library of new procedures. In addition to the actual costs of supporting an expanded operation to secure increased deposits and issue demands, there are other costs associated with unknowns such as extent of compliance and timeliness. To give just one example, the Library has recently instituted group registration for serials, which allows publishers to register many individual issues of a serial for a single $20 fee. In the Law Library, this has resulted in such timely registrations that the Library will be able to cancel its subscriptions to many expensive looseleaf services without compromising service to Congress. If deposits are not received as timely registrations, the costs of acquiring materials needed for immediate service to Congress can only escalate.

Another important area where new costs to the Library can be anticipated is the Library's extensive foreign acquisitions program. The Copyright Law contains provisions which specifically authorize the Library to exchange duplicate materials received via Copyright for other materials needed by the Library. In 1992, the Library sent out approximately 38,000 copies of publications received through Copyright and not needed for the Library's collections, to international exchange partners; in exchange, the Library received foreign publications determined to be needed by the Library, with an estimated value of between $1.3 and $1.9 million. If compliance with mandatory deposits is anything less than current voluntary compliance with registration, the Library's international exchange program would also suffer greatly. A few recent examples of how copyright duplicates have been exchanged for valuable materials for the Library's collections are: First, publications of political opposition parties such as Taiwan's once outlawed Democratic Progressive Party, not available through regular channels; second, documentation of new developments in foreign science and technology, including a complete set of publications of the European Space Agency (NASA receives only a fraction of these); third, opposition publications from the former Soviet bloc; new literary output of the former Soviet Republics and the new republics of Eastern Europe, including hundreds of works from the new republic of Croatia; and other foreign cultural treasures such as 74 videos from the State Theatrical Library in Moscow; and fourth, materials otherwise unavailable for purchase, such as works by the Japanese Imperial Household Agency, and a rare first edition of Dvorak's opera *Armida*.

Legal challenges and resistance to mandatory deposit. The proposed legislation places reliance for copyright acquisitions on mandatory deposit without having examined all possible legal outcomes of doing so. By relying exclusively on the mandatory deposit program, instead of balancing this program with the incentives that exist under the current voluntary registration program, the Library's legal experts anticipated at least some increased resistance to demand deposit, and increased need for judicial enforcement. Should a publisher successfully challenge the constitutionality and the legality of mandatory deposit as the principal means of copyright acquisition, the Library would be left without even the ability to acquire those materials now being registered. This outcome would do great damage not just to the Library, but to the creative community at large, since it is in the overall interest of that community that the Library collect, record, and preserve this national heritage.

III. OTHER PROBLEMS

A decreased ability of the Library to acquire published materials would also crimp programs where the Library redistributes published materials to the National Library of Medicine and the National Agricultural Library.

Copyright registration records are de facto the U.S. national bibliography, because they are the most complete, unedited entries of the products of American creativity, ingenuity, and artistic expression. Diminished voluntary compliance will severely devalue this catalog and hamper future scholarly research.

IV. IMPACT OF MAKING THE REGISTER OF COPYRIGHTS A PRESIDENTIAL APPOINTEE

The Library's ability to collect copyrighted materials is integrally related to the regulations and legal interpretations of the Copyright Office. Under the present Act, as under the 1909 Act, the Copyright Office is part of the Library of Congress, not an independent agency. As a consequence, the Register of Copyrights is an employee of the Library, appointed by the Librarian, and administers the Office under the Librarian's general direction and supervision. Thus, all regulations established by the Register to administer the Copyright Act are by law subject to the approval of the Librarian.

At this time, those regulations and interpretations are initiated, reviewed, and approved by the Librarian of Congress. For example, the Library, rather than the Copyright Office, presently determines the format in which various genres of published works must be deposited.

The Copyright Reform Act of 1993 would make the Register of Copyrights a Presidential appointee. The amendment would remove the authority of the Librarian to approve regulations established by the office. The Library would still have the authority to "consult" with the Register before he/she issues regulations with respect to the acquisition of transmission programs.

However, in most cases, the Librarian would have no authority over regulations in this most important area of the law which governs the deposit of copies for the Library. This legislation could compromise the commonality of interests between the Copyright Office, the Library, and their constituents, possible to the detriment of all. At a time when publishing and communication are experiencing technological breakthroughs, it is particularly critical that the interests of the Library, the Copyright Office, and their constituents, be treated as mutual and complementary. The Library must be able to work hand in hand with the Copyright Office to ensure the continued collection, preservation, and protection of published and unpublished material, including the new electronic information media that are making an increasingly important contribution to the nation's intellectual heritage.

The Library has made many reasonable accommodations in response to the needs of the creative community. A good example is the agreement arrived at by the Library in response to problems encountered by professional photographers in registering their photographs individually. Several months ago, the Library and the photographers confirmed that collections of photographs may be registered using a single registration application and fee, with copies provided to the Library in videotaped form.

It is important that the Library continue to participate in accommodations that are reasonable and workable from the perspective of copyright owners, but which would not compromise the Library's unique collections or its ability to fulfill its mission. To assure continuity, the Copyright Office should remain under the authority and supervision of the Librarian of the Congress. We see no constitutional necessity to alter the present statutory scheme of appointment in order to vest the proposed arbitral functions in the Register as proposed in the Copyright Reform Act of 1993. (I have attached a discussion of this particular issue in Appendix A to this statement.)

V. NEED FOR STUDY PRIOR TO MAJOR CHANGES IN COPYRIGHT LAW

The nation's copyright laws have undergone several major revisions in just the last twenty-five years. Each of these revisions has been preceded by thorough study and planning by many parties in anticipation of expected impacts.

The Copyright Reform Act of 1993 recommends a major revision of the Copyright Law, but its assessment of potential impact on the Library of Congress collections (as well as on the Copyright community generally) is largely speculative. Before this legislation is enacted, its possible impact should be examined fully and openly with all affected parties.

In our view, any study of the potential impact of the proposed legislation should examine the following subjects: anticipated loss of deposit of unpublished materials, anticipated loss of deposit of published materials, anticipated levels of compliance with mandatory deposit, anticipated costs of enforcing increased numbers of demands, comparative timeliness of compliance with mandatory deposit and voluntary registration, legal and constitutional soundness of mandatory deposit requirement as the principal means of copyright acquisitions, increased costs to the Library, including staffing, of purchasing additional materials for collections or for use in exchange and of increased staff, analysis of other national legal deposit systems, future of copyright, including electronic registration and/or deposit of published and unpublished materials, impact on the Library's collections of removing the Librarian's authority over the regulations and staff of the Copyright office, and other financial implications: could the Library expect to be reimbursed for the costs of Copyright Office overhead and space, once it lost copyright deposits?

In short, this legislation, from the Library's point of view, gravely threatens a system which over 120 years has admirably served the Library, the Congress, the creative community, and the public interest. At the very least, serious study of its potential impact is required so that the public and the Congress may be fully aware of the probable costs. We look forward to working with the committee in any problems in copyright registration that the bill attempts to address. Thank you.

APPENDIX A—NON-NECESSITY OF RE-ESTABLISHING THE OFFICE OF THE REGISTER OF COPYRIGHTS AS A PRESIDENTIAL APPOINTEE IN ORDER TO VEST IT WITH ARBITRAL FUNCTIONS

In remarks accompanying the introduction of H.R. 897, the Copyright Reform Act of 1993, 139 Cong. Rec. E337 (daily ed. Feb. 16, 1993), Rep. William J. Hughes indicated that in order constitutionally to accomplish one of the proposal's chief purposes, abolition of the Copyright Royalty Commission, and have its present functions be performed by *ad hoc* arbitration panels convened by the Register of Copyrights, it is necessary that the Register be appointed by the President with advice and consent of the Senate in order to avoid conflict with the principles established by the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1 (1976). At present, the Register is appointed by the Librarian of Congress who is in turn appointed by the president with Senate advice and consent.

We conclude that the proposed change in the current appointive scheme is not constitutionally required. *Buckley* simply requires that any person exercising substantial executive functions pursuant to the laws of the United States must be an "Officer of the United States." While direct appointment by the President would certainly qualify the Register to perform the contemplated arbitral duties, the Present appointment scheme is also legally sufficient. A brief summary of the legal basis for this conclusion follows.

The Copyright Act, 17 U.S.C. 1, *et seq.* (1976), contains various compulsory licensing provisions which permit the use of copyrighted works without copyright owners' permission upon the payment of a fee. The compulsory fees were originally set by statute in 1976, 17 U.S.C. 11, but subsequently have been adjusted by the Copyright Royalty Tribunal (CRT). 17 U.S.C. 115–116, 801(b). The CRT also determines the formula for distribution of royalty fees paid under the compulsory licenses. 17 U.S.C. 118.

The CRT is an independent agency in the legislative branch composed of three members appointed by the President with the advice and consent of the Senate for seven year terms. 17 U.S.C. 801(a), 802. The CRT is provided with certain support functions by the Library of Congress, 17 U.S.C. 806, and performs functions which dovetail with those of the Copyright Office, *see* e.g., 17 U.S.C. 111(d)(2) and (3), 119(b). The Library of Congress and the Copyright Office, which is a constituent part of the Library, 17 U.S.C. 701(a), are also in the legislative branch. The Librarian of Congress is appointed by the President with Senate concurrence, 2 U.S.C. 136, and the Librarian in turn appoints the Register of Copyrights, the head of the Copyright Office. 17 U.S.C. 701(a).

In 1988, Congress created a new compulsory license for secondary transmission of copyrighted works by satellite. 17 U.S.C. 119. The initial royalty fee is established by the statute. 17 U.S.C. 119(b)(1)(B). Thereafter, adjustments are to be made by voluntary negotiation or, on failure to agree, through binding arbitration by panels convened by the CRT. Panel decisions must be made "on the basis of a fully documented written record" and in conformity with factors set forth in the statute. 17 U.S.C. (c)(3)(C) and (D).

The panel's report may be adopted or rejected by the CRT. If rejected, the CRT sets the rate. The CRT's decision is subject to limited review by the Court of Appeals for the District of Columbia, *i.e.*, the appeals court may modify or vacate the decision of the panel or the CRT only if it finds that either acted in an "arbitrary manner." 17 U.S.C. 119(c)(4).

H.R. 897 would abolish the CRT and, adopting the arbitration mechanism of the 1988 amendment for resolution of all contested fee and distribution questions, place supervisory and review authority in the Register, who would be an advice and consent presidential appointee. The arbitral functions are executive duties that may be performed by an officer of the United States. *See, e.g.*, *Thomas* v. *Union Carbide Agricultural Products Co.*, 473 U.S. 568 (1985); *Sunshine Anthracite Coal Co.* v. *Adkins*, 310 U.S. 381 (1940); *Todd & Co.* v. *SEC*, 557 F.2d 1008 (3d Cir. 1977); *United States* v. *Frame*, 885 F.2d 1119 (3d Cir. 1989), *cert. denied*, 110 S. Ct. 1168 (1990); *Cospito* v. *Heckler*, 742 F.2d 72 (3d Cir. 1984), *cert. denied*, 471 U.S. 1131 (1985). The only question, then, is whether the Register of Copyrights can remain as he is now, an appointee of the Librarian of Congress, and be constitutionally capable of exercising the review and other executive functions that would be vested in that office by H.R. 897. It appears apparent that no alteration in the status quo is necessary to effect such a change in function.

In *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Supreme Court held that any person "exercising significant authority pursuant to the laws of the United States" must be appointed in accordance with article II, sec. 2, clause 2 of the Constitution, the Appointments Clause. 424 U.S. at 126. *See* also *Bowsher* v. *Synar*, 478 U.S. 714, 721–27 (1986). That is, Congress may vest the appointment of officers in the President, with the advice and consent of the Senate, or, alternatively, it may vest the appointment of inferior officers in the President alone, in the heads of departments, or in the courts of law. *See Freytag* v. *Commissioner*, 111 S.Ct. 2631 (1991).

Congress has provided that the Librarian of Congress must "be appointed by the President, by and with the advice and consent of the Senate." Act of February 19, 1897, ch. 265, sec. 1, 29 Stat. 544, 546, *codified* at 2 U.S.C. 136 (1988). The law makes no provision with respect to the tenure of the Librarian and as to whether and by whom he might be removed from office. The legislature's silence in this regard, however, raises no serious legal question as to where the power to remove the Librarian resides. The long established rule is that in the face of statutory silence, the power of removal is presumptively incident to the power of appointment. *Myers v. United States*, 272 U.S. 52, 161 (1926); *Shurtleff v. United States*, 189 U.S. 311, 318 (1903); *Regan v. United States*, 182 U.S. 419, 426–27 (1901); *In re Hennen*, 38 U.S. (13 Pet.) 230, 259 (1839). This presumption, coupled with the legislative history of the 1897 amendment, which indicates a congressional awareness of the executive nature of the Librarian's functions, establishes beyond peradventure that the present appointment process was enacted with the understanding that presidential appointment, and the concomitant power of at-will removal, was constitutionally compelled. *See, e.g.*, 29 *Cong. Rec.* 316 (1896) (statement of Rep. Quigg) ("Once appointed, he will remain, as now, until removed by the President"); *Id.* at 318–19 (statement of Rep. Dockery) ("This Library of Congress is a department of the Government. It is an executive department and should be under the control of the executive branch . . . It is a great national Library . . . and is an executive bureau, and as such should be presided over by some executive officer with authority to appoint and remove its employees"); *Id.* at 386 (statement of Rep. Cannon) ("This library is practically a great department, embracing not only the National Library, but covering the copyright business and the care of that great building . . . [A]s a general proposition, appointments must, under the Constitution, be made by the President, by the courts, or by the heads of Departments . . . I do not think that Congress has any right to devolve this duty upon the House and the Senate; and I think that when our fathers adopted such a provision as a part of the Constitution they acted wisely, because it is not best—it never has been found best in the history of governments—to invest in the legislative power the administrative function. Hence any such mingling of authority has been expressly prohibited by the Constitution"). As a consequence, anyone the Librarian appoints similarly has the constitutional capacity under *Buckley* to exercise executive duties.

While no case has directly dealt with the question of the removal power of the president with respect to the Librarian, the views of the framers of the 1897 legislation that the Library performs executive functions and thus must be headed by an "officer of the United States" appointed in conformity with requirements of the Appointments Clause, was forcefully supported and confirmed by the Fourth Circuit's 1978 decision in *Eltra Corporation v. Ringer*, 579 F.2d 294 (4th Cir. 1978). There the appeals court affirmed a lower ruling dismissing a mandamus action brought to compel the Register of Copyrights to register a proposed copyright as a "work of art." Among the contentions of the appellant was the claim that the Register of Copyrights is a legislative office and cannot perform executive functions since it is part of the Library of Congress which, through the Congressional Research Service (CRS), performs exclusively legislative functions as a support agency for the Congress. As a consequence of this activity, it was urged, the Library as a whole must be deemed legislative in character and its copyright functions cannot be lawfully exercised, citing the Supreme Court's then recent decision in *Buckley v. Valeo, supra*, as controlling authority. The appeals court unequivocally rejected the argument in an opinion in which it delineated the executive character of the Library despite the unique presence of CRS, the constitutional necessity of presidential appointment of the Librarian, and the appropriateness of the appointment of the Register by the Librarian.

The registration of copyrights cannot be likened to the gathering of information "relevant to the legislative process" nor does the Register perform a function "which Congress might delegate to one of its own committees." The operations of the Office of the Register are administrative and the Register must accordingly owe his appointment, as he does, to appointment by one who is in turn appointed by the President in accordance with the Appointments Clause. It is irrelevant that the Office of the Librarian of Congress is codified under the legislative branch or that it receives its appropriation as a part of the legislative appropriation. The Librarian performs certain functions which may be regarded as legislative (*i.e.*, Congressional Research Service) and other functions (such as the Copyright Office) which are executive or administrative. Because of its hybrid character, it could have been grouped codewise under either the legislative or executive department. But such code-grouping cannot determine whether a given function is executive or legislative. After all, the Federal Election Campaign Act of 1971, under which the Federal Election Commission reviewed in *Buckley* was appointed, is codified under the legislative heading and its appropriations were made under that heading . . . Neither the Supreme Court nor the parties in *Buckley* regarded that fact as determinative of the character of the Commission, whether legislative or executive. It is no more permissible to argue, as the appellant did in the article in the *George Washington Law Review* . . . that the mere codification of the Library of Congress and the Copyright Office under the legislative branch placed the Copyright Office "within the constitutional confines of a legislative agency" than it would be to contend that the Federal Election Commission, despite the 1974 amendment of the Act with reference to the appointment of its members, is a legislative agency unconstitutionally exercising executive administrative authority.

The Supreme Court has properly assumed over the decades since 1909 that the Copyright Office is an executive office, operating under the direction of an Officer of the United States and as such is operating in conformity with the Appointments Clause. The challenge of the appellant to the constitutionality of the 1909 Act and to the Register's power thereunder, would, if properly before us, be without merit.

579 F.2d at 301 (footnotes omitted).

In sum, then, there can be no legal doubt that in placing the appointment power of the Librarian in the President, Congress was legislating with knowledge and understanding that the method of appointment was constitutionally mandated and that it was because the Librarian was to exercise executive functions that the power of removal resided in the President. Further, there is no evidence in the legislative history or structure of the act establishing the presidential appointing authority that would supply the necessary clear and express rebutting indicia of a congressional intent to override the presumption of removability. Thus there can be little doubt that a reviewing court would find that the supervisory role contemplated for the Register in the proposed arbitral scheme would pass constitutional muster. As the *Ringer* court makes clear, "[t]he operations of the Office of Register are administrative and the Register must accordingly owe his appointment, as he does, to appointment by one who is turn appointed by the President in accordance with the Appointments Clause," 579 F.2d at 301. The Librarian clearly is a "head [] of department []" under the clause capable of appointing "inferior officers" such as the Register. See *Silver v. U.S. Postal Service*, 951 F.2d 1033, 1037–40 (9th Cir. 1991) (Postal Service is a "department" capable of receiving appointment authority, the nine governors of the Postal Service are the head of the department, and the Postmaster General and his deputy are "inferior officers" appointed by the Governors). As a consequence, the Register in turn may exercise the supervisory and review functions contemplated by the proposed arbitral mechanism. Thus there is no constitutional necessity to alter the present statutory scheme of appointment in order to validly vest the proposed arbitral functions in the Register.

INTRODUCTION OF AVIATION SAFETY LEGISLATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LIGHTFOOT. Mr. Speaker, today I am reintroducing two important pieces of aviation safety legislation.

The first piece of legislation will require the use of child safety restraint systems on commercial aircraft.

For years now we have recognized the need to require additional precautions for children traveling in automobiles yet we have failed to translate that valuable lesson to airline travel, even though adults have been required to wear safety belts for years on commercial aircraft. The lack of specific airline regulations can have tragic consequences. Many remember the Sioux City, IA, airline crash or the Avianca crash in New York City, where infants were killed.

Another incident occurred as recently as this past January. An American Airlines jet flying from Miami to San Francisco encountered turbulence so severe that 26 people were injured. Nine people were hospitalized as a result of the turbulence including one person who suffered a broken leg. Sadly, two infants seated on their parents' laps were among the injured. These children could have been spared injury with the use of a simple child safety restraint.

The National Transportation Safety Board, the Air Transport Association, the Aviation Consumer Action Project, and the Association of Flight Attendants, AFL–CIO, all support the legislation.

Sadly, the only group that does not support this legislation is the Federal Aviation Administration. But with my colleagues' support, I am sure we can convince the FAA to follow their mandate to maximize aviation safety.

The second bill I am reintroducing today will raise the mandatory commerical pilot retirement age from 60 to 65.

Age discrimination is something about which all of us feel strongly and we all believe should be halted. The Federal Government continues to practice age discrimination on our Nation's airline pilots with no medical evidence to support such action. We must put a stop to this practice.

In 1959, the Federal Aviation Administration [FAA] adopted a rule prohibiting persons over 60 years of age from serving as pilots on commercial air carriers. This age was chosen arbitrarily, with no scientific or medical studies to support the rule.

In fact, a recent report by the FAA's own Civil Aviation Medical Institute [CAMI] has concluded there is no medical evidence to support any age restrictions on commercial airline pilots.

Pacific rim countries now allow pilots to fly beyond age 60. The European Community will, by April, ratify a final rule raising the retirement age from 60 to 65. Soon, the United States will be the only major nation to practice this form of age discrimination.

As a certified flight instructor, I know pilot experience is an important factor in air safety and the traveling public should not be deprived of the skills of these very capable older pilots. If pilots can pass the rigorous airline certification test, they should be allowed to continue to pilot commercial aircraft.

Mr. Speaker, these are two needed pieces of aviation legislation and I urge all of my colleagues to join as cosponsors.

WORLD POPULATION CONTROL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MEEHAN. Mr. Speaker, during consideration of the fiscal year 1994 foreign aid bill this year, I encourage my colleagues to pay heed to the consequences of our burgeoning population, deteriorating environment, and rapidly depleting natural resources.

After spending $1 billion on humanitarian aid in Somalia, we have clear evidence of what dire circumstances can occur when we ignore or neglect the impact of unchecked population growth. As Ambassador Madeline K. Albright said in her testimony before the Foreign Operations Subcommittee, preventative diplomacy is the long range solution for success. A vital element of preventative diplomacy could be to encourage the poor countries of the world, which account for more than 90 percent of world population growth, to voluntarily reduce their fertility rates.

The Population Institute is the largest nonprofit grass roots organization dedicated solely to creating a more equitable balance between world population and the environment. I commend to my colleagues the following article that appeared in the March 25 issue of the Christian Science Monitor by Werner Fornos, the president of the Population Institute.

U.S. Urged To Help Population Control

(By Werner Fornos)

Two months before receiving his party's nomination for president, then-Gov. Bill Clinton declared his belief that the fate of the world will be determined by its upwardly spiraling population growth. "The protection of the environment—as well as the daunting challenges of development, human rights, refugees, and world health—are all related to the vital issue of global population," he stated. On an earlier occasion he said: "A Clinton administration will restore United States funding for the UN's population stabilization efforts and allow aid to Planned Parenthood."

Congress, in the fiscal 1994 budget, has an opportunity to help Mr. Clinton fulfill his promise to restore US leadership in this crucial field by providing sufficient funding of international population programs. The US now provides $350 million for population assistance in the form of bilateral programs and support to private organizations. However, the United Nations Fund for Population Activities (UNFPA) has requests for population assistance that exceed its budget by some $500 million.

In testimony before Congress recently, I recommended appropriation of $700 million for international population assistance, 16 percent of it going to UNFPA. The US cut off all funding to UNFPA in 1985.

The Population Institute's recommendation is consistent with the recommendations of the International Forum on Population in Amsterdam. The Forum was comprised of experts from 79 countries, including US government representatives. It concluded that a high priority must be given to leveling off of world population at the UN medium projection for population stabilization—11 billion people.

The objective will be reached if voluntary family planning users can be increased from the current 381 million to 567 million by the end of the century. The Amsterdam conference calculated the price tag for this at $9 billion, double the amount presently spent worldwide on family planning. If, in the remaining years of this century, family planning can be provided to the approximately 500 million couples who need and want such services, population can be stabilized at 8 billion rather than 11 billion. With the focus shifted away from the cold war and the arms race, the US can be instrumental in preparing the world so that future generations will not have to deal with such crises as dwindling resources and environmental hazards.

Because pharmaceutical companies have virtually ceased contraceptive research, Congress should designate a portion of the international family planning budget to improving current modern family planning methods and developing new ones. The US government should lead the effort to ensure that existing contraceptives are more efficient, effective, and safe, and to develop a greater variety of family planning methods. The more methods available, the greater the likelihood of acceptance.

Congress should also seriously consider transferring oversight and liaison responsibility for UNFPA from the Agency for International Development (AID) to the Department of State, which handles these responsibilities for all other international organizations.

Perhaps the most critical global population challenge is elevating the status of women. It should be noted that women do two-thirds of the world's work, yet earn only one-tenth of the world's income and own less than 1 percent of its property. Several studies from developing countries have shown that where no females are enrolled in secondary schools, the average woman has seven children.

However, in regions where 40 percent of all women have had a secondary education, women average only three children. Congress should send a strong message for international family planning agencies to include women in the design, planning, and implementation of programs directed at their improved health.

HOUSE RESOLUTION 107, FUNDING RESOLUTION FOR 1993

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HAMILTON. Mr. Speaker, I rise in support of House Resolution 107, as amended, which provides funding for the committees of the House of Representatives in the first session of the 103d Congress.

I commend and applaud the successful efforts of the chairman of the Subcommittee on Accounts, Mr. FROST, and the chairman of the Committee on House Administration, Mr. ROSE, in guiding a thoughtful and well-crafted resolution under difficult conditions to the House floor today. I also commend Congressman GILMAN, the ranking Republican on the Committee on Foreign Affairs, for his cooperation up to now in this process.

This resolution represents a significant reduction in committee funding, and it means for the Committee on Foreign Affairs that not all staff which leave can be replaced. I support the belt tightening that the resolution will require. I believe the committee can work within the amount allocated to us in the resolution, even though I am disappointed that the amount authorized in this resolution for the Committee on Foreign Affairs falls short of my original request. Our tough budgetary environment dictates that we all must find ways to streamline operations and reduce staff. I will continue to try to find ways to reduce expenses.

Mr. Speaker, this resolution strikes a reasonable balance between fiscal austerity and funding allocation priorities. Under the resolution, I expect to be able to update the committee's antiquated computer system starting this summer. I am also committed to staff a seventh subcommittee on the Foreign Affairs Committee—the Subcommittee on Africa—pursuant to instructions from the Democratic caucus.

I would view any attempts to seek greater cuts as shortsighted. For me, any further cuts will at this time mean that staff will be fired and committee operations will have to be reduced.

I see it as unwise at this time, given the global problems we confront, to reduce further the strength of committees, which are the backbone of the Congress and the legislative branch. House Resolution 107 is a responsible piece of legislation that enables us to get on with the important business we were sent here to do.

I urge a "yes" vote on the previous question, "yes" on the committee substitute, and "yes" on final passage.

NATIONAL STUDENT ATHLETE DAY CELEBRATIONS HOSTED BY THE NATIONAL ORGANIZATION OF ARTISTIC AND ATHLETIC DEVELOPMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CONYERS. Mr. Speaker, I am pleased to bring April 6 to the attention of my colleagues. This is a day when Americans as legislators, public officials. teachers, mothers, and fathers encourage our youth to put the student back into the athlete.

National Student-Athlete Day [NSAD] is a day to highlight the achievements of student athletes and recognize those who help student athletes find the balance between academics and athletics. Now in its sixth year, NSAD has become a tremendous success thanks to the Center for the Study of Sport in Society at Northeastern University, the NCAA Foundation, the hundreds of NSAD community outreach activities held all around the country involving tens of thousands of young people and the proclamations signed by Governors in all 50 States.

The National Organization for Artistic and Athletic Development [NOAAD], established 1985, was formed to provide comprehensive educational and character building programs which will ensure the inclusion of greater numbers of minorities, disadvantaged, and culturally deprived young people in sports where they are currently under-represented. NOAAD will lead Washington, DC, ceremonies by honoring six area elementary and junior high schools whose students have participated in NOAAD's DC Youth Soccer and Sports, Inc. [DCYSS] on Wednesday, March 31, at 12:30 p.m. in the House Government Operations Committee hearing room—2154.

Mr. Desmond Armstrong, member of the National Soccer Team, will join Mr. Kenneth Lee, professional tennis player, and the George Washington University student athletes in commending the hard work and discipline exhibited by these young soccer, volleyball, and martial arts students.

Two hundred students from Washington elementary and junior high schools of Leckie, Amidon, Jefferson, McGogney, Birney, and Terrell, MC will be honored not solely for their ability to run, dunk, or shoot, but for their ability to read, write, add, and subtract.

Wednesday will be a day when these student athletes stand together with their coaches and mentors to thank them for showing them that the meaning of success is to excel in their academic careers in conjunction with their athletics.

I urge my colleagues to join me in commending the following principals, athletic directors, and students, who are working together to tell the world that the day of the "dumb jock" is over, and are working to put the student back into the athlete.

Harold Comfort, President, NOAAD.

Dwight Mosley, President, Washington, DC chapter of NOAAD.

Mr. QT Jackson, DCYSS.

Coach August Wooter, DCYSS.

Dr. Pauline Hamlet, Principal, Amidon Elementary.

Dr. Vera White, Principal, Jefferson Junior High.

Dr. Reuben Pierce, Principal, Leckie Elementary.

Mr. William Pitts, Assistant Principal, Leckie Elementary.

Ms. Patricia Ashton, Physical Ed Instructor, Leckie Elementary.

Dr. Dennis C. Johnson, Principal, Terrell, MC.

Ms. Cecilia Ford, Physical Ed Instructor, Terrell, MC.

Dr. Yvonne Morse, Principal, Birney Elementary.

Ms. Dillie Ragsdale, Physical Ed Instructor, Birney Elementary.

Dr. Martina Matthews, Principal, McGogney Elementary.

Mr. Cedrick Lynch, Assistant Principal, McGogney Elementary.

Mr. Bob Mebane, Physical Ed Instructor, McGogney Elementary.

Vanessa Gonzales, Samantha Grant, Sadie Wheeler, Renarda Roberts, Nicole Prince, Cokeisha Cofield, Sharonda Sullivan, Sabrina Anderson, Quiovalee Jones, Jessica Gamble.

Brandi Tate, Kelly Wright, Latoya McElhaney, Jennifer Mack, Tiffany Williams, Heida Lolley, Nakia Brown, Jacqueline Towns, Natolya Thomas, John Royar.

Anthony Manning, Antonio Cruz, Joseph Eyler, Christopher Ray, Damien Gross, Ricardo Dixon, Robert Gleason, Paul Royar, Fank Burke, Corey King.

Alquin Chapman, Derrick Jones, Jhataris McKnigh, Steven Becker, Teddy Garvin, Calvin Malone, Maurice White, Lawrence Hawkins, Reggie Bradshaw, Fernando Shephard.

Deon Smith, Ikisha Walker, Brittany Burge, Lakita Hall, Johnnece Mayo, Shonda Holmes, Tiana Logan, Tearra Taylor, LeMetrious Phillips, Leslie Baptiste.

Mondane Brown, Maurice Kinard, Eric Ginyard, Ron Herdon, Patience Butler, Roger Souder, Dennis Thompson, David Mitchell, Cecila Thomas.

Brandon Thompson, Brooke Cole, Tanika Deal, Keith Williams, Harrison White, Steven Anderson, April Bravard, Yajschs Hall, Kianna Sims.

Stephanie Sims, Renceka Ross, Deshon Carter, Tiffany Morris, Vioncia Buckson, Shamcka Chavis, Gwendolyn McLean, Anndrian Walker, Lakesih Millard, Angel Waters.

Monique Anderson, Richard Graham, Dartanian Stephens, Charmika Carmichael, Nathan Adams, Robert Graham, Naim Alexander, Albert Dubose, David Mitchell Thompson.

Ramano Flowers, Kevin Mitchell Thompson, Mikail Abdushakar, Jonthan Mitchell, Lawrence Boston, Derek Williams, James Ladd, Andrew Roach.

Lolita Moore, India Peterson, Carrier Evans, Kellie Day, Emoni Carey, Deven Jackson, Johnnece Mayo, Ikisha Walker, Brittany Burge.

Tiana Logan, Lakita Hall, Shonda Holmes, Quiana Johnson, Quastarcella Johnson, Sheena Scott, Kenard Robinson, Nathaniel Bias, Tashika Murray.

Mubaral Albetuttateel, George Colter, Nickeela Holston, Anthony Koch, Terrance Cook, Tamara Wingo, Tandria Tarvers, Randall Germany, Brooke Matthews.

Chandra January, Ricky Robertson, Shamere' Waddy, Jeffrey Mosig, Kim Willimas, Randall Hughes, Crystal Bugtai, Jason Camero, Andrew Belton, Micheal Barnes.

THE PANAMA CANAL COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1994

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. TAUZIN. Mr. Speaker, today I am introducing the Panama Canal Commission Authorization Act for fiscal year 1994 on behalf of Merchant Marine and Fisheries Committee Chairman GERRY STUDDS, ranking member JACK FIELDS, Coast Guard and Navigation Subcommittee ranking member HOWARD COBLE, and myself. In my 12 years in Congress, this is the fifth Commission authorization bill that I have introduced as chairman of the subcommittee with canal jurisdiction. I have enjoyed being a part of his hard-working and dedicated effort to operate a 79-year-old, 24-hour-a-day, bicoastal waterway.

In less than 7 years, the United States will turn over the Panama Canal to the Government of Panama as required by the Panama Canal Treaty of 1977. The Panama Canal Act of 1979 established the Panama Canal Commission as the U.S. agency responsible for operating the canal until its transfer on December 31, 1999. A major responsibility of the Commission is the training of Panamanian nationals in the operation of the canal; currently 79 percent of the Commission's approximately 8,500-person workforce are Panamanians.

The Commission is, as required by the treaty, slowly turning over canal property, known as reverted areas, to the Government of Panama to culminate in the complete transfer of the canal at the end of this century. Recently, the Panama Legislative Assembly authorized the creation of its own canal governing body to be known as the Interoceanic Regional Authority. This authority will be responsible for planning the best use of reverted areas and consider the operation of the canal in the next century.

Currently, there are three studies required by law considering the future of the canal. One study requires the Panama Canal Commission to develop recommendations for establishing a dissolution office to handle United States responsibilities and liabilities relating to the canal that will exist at the time of transfer to the Government of Panama. A second study requires the President and the Cabinet to review Commission structure and operations to determine if the Commission, as the role model for the Panamanian Government to follow in its future operation of the canal, is the best such role model possible. The third report is being conducted by the General Accounting Office to specifically review Commission technical and accounting operations to also make recommendations for improving the Canal Commission to present the best possible role model for the Government of Panama to follow.

The bill which I am introducing today is a straightforward authorization bill. Public Law 101–203 converted the Panama Canal Commission from an appropriated-fund agency to revolving-fund agency. Canal tolls and revenues are deposited in the Panama Canal Revolving Fund at the U.S. Treasury. This bill authorizes withdrawals from the fund for the maintenance, operation, and improvement of the Panama Canal. No taxpayer funds go toward canal operation. The bill would authorize the purchase of up to 35 passenger motor vehicles but places limits on their purchase price. The bill would limit amounts which may be spent on official representation expenses.

Tomorrow, the Subcommittee on Coast Guard and Navigation will conduct its first Canal Commission oversight hearing for the 103d Congress. I welcome any of my colleagues who wish to learn more about the canal and become involved in working toward its improved operation over the next 7 years. This period, post-Noriega and pre-transfer, is a critical time that will determine whether the canal will continue to serve the international maritime community.

Mr. Speaker, I urge my colleagues to support this measure when it comes before the House of Representatives for consideration and I urge my colleagues to become more aware of and involved with the Panama Canal and the U.S. Panama Canal Commission.

RECOGNITION OF JANINE UTELL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy Broadcast Scriptwriting Program. The program is now in its 46th year and requires high school student participants to write and record a 3- to 5-minute script on an announced patriotic theme. This year's theme was "My Voice in America's Future." Over 136,000 students participated in the program nationwide.

Janine Utell, a senior at Patchogue-Medford High School on Long Island, has been named the 21st-place national winner. She will become the recipient of the $1,000 Department of Alabama Scholarship Award. Janine is the daughter of Mr. and Mrs. John Utell, and she plans a career as a teacher or an editor. Janine was sponsored by VFW Post 2937 and its Ladies Auxiliary in Medford, NY.

Mr. Speaker, it is my great pleasure to congratulate Janine Utell on her 21st-place finish in the 1993 Voice of Democracy Broadcast Scriptwriting Program.

A TRIBUTE TO JEROLD SIPERSTEIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Jerold Siperstein. Jerry, who has served the field of education with pride and distinction since 1959, is retiring in June and will be recognized at a dinner in his honor.

Jerry Siperstein came to San Bernardino upon the recommendation of Dr. Donald Wheeler who first interviewed Jerry in Minneapolis, MN. Dr. Wheeler thought Jerry a rare bird for his degrees in chemistry and mathematics, and a minor in physics. The San Bernardino school board hired Jerry to teach chemistry, algebra, and physics at the new Eisenhower High School in Rialto in 1959.

Jerry's impact was felt almost immediately. In 1960 and 1961, he received two National Science Foundation grants to do research to study the chemical bond approach to teaching chemistry. Several years later, he received a Ford Foundation grant for teaching special science classes to gifted students. In addition, Jerry began a series of special classes for elementary school-age students to introduce them to the many wonders of science. A year after the Rialto School District unified in 1965, Jerry began teaching at San Gorgonio High School. Since 1980, he has taught all the honors and advance placement chemistry classes, as well as college prep classes, at San Gorgonio.

Jerry's work has not gone unrecognized. In 1983, he was selected by his peers and administrators as a mentor teacher for demonstrating excellence within the teaching profession, and has served in this capacity since that time. He also received a certificate of recognition from the California superintendent of education in 1984. Upon his nomination for the 1990–91 Tandy Technology Award as an outstanding teacher in the field of math and science, an award which he received, Jerry was described as "expert enough to earn the respect of teachers, creative enough to catch and hold the interest of students, innovative enough to lead our school into the use of computers, and humane enough to gain the trust of students and colleagues."

Mr. Speaker, such praise is common when it comes to describing Jerry Siperstein. I ask that you join me, our colleagues and friends in recognizing him today for his many years of commitment and selfless service to education. He has touched the lives of many and is certainly worthy of recognition by the House of Representatives.

HONORING THE ACHIEVEMENTS OF THE STUDENT CHAPTER OF THE SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS AT THE NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate the student chapter of the Society of Hispanic Professional Engineers [SHPE] at the New Jersey Institute of Technology [NJIT] for coming in first place at the SHPE Regional Academic Olympiad in Washington, DC, and second place at the SHPE National Academic Olympiad in Chicago, IL.

Their honors are well deserved. The contest consisted of questions from engineering in training exams, historical information about SHPE and geographical and current events from several Hispanic countries. The four students from NJIT, Carlos Miranda, Luz Vega, Monica Castillo, and Mario K. Medina devoted long hours of study, practice, and teamwork to achieve their goal. After the competition, one of the students, Luz Vega, stated that even though they did not win the final competition, "I learned so much since the team started from scratch; I learned about myself and a lot about teamwork."

As Congress debates the future of public education, we should remember the experience of these students. We should remember that all students, whatever their ethnic background, can reach a level of excellence if excellence is the standard, and if they are given the tools to achieve that standard. We should also remember that learning should not be viewed as the grueling process of stuffing a person with knowledge, but rather a process, like these SHPE students experienced, of teamwork, adventure, and fun.

Again, I congratulate these four students on their achievements, and with no regional prejudice intended, next year the NJIT team is going to win.

CONSTITUENT LETTER

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I received the following letter from Ms. Nancy L. Gay, who is one of my constituents. I would like to share her comments to the President with my colleagues:

CONSTITUENT LETTER

DEAR MR. CLINTON: That's it. That's enough. I've had it. The gays are getting what they want (God help us, are the alcoholics and drug addicts and psychotics going to achieve the celebrated "minority status" too?); maybe if I start yelling, those like me will too and we will be heard. There must be more like me out there, those of us who have worked hard all our lives, have embraced the old work ethic, work hard and play fair and prosper. Can it really be all so much B.S.? I'm glad I remembered to register to vote after moving here. I had the satisfaction of helping to vote Wyche Fowler out of office. So when you came up with your "plan" the other night, I took great satisfaction in calling Coverdell and registering my opposition. I called Sam Nunn's office too. But I get the feeling my voice doesn't count much (read that AT ALL). I feel helpless and powerless and very frustrated. This sentiment is shared by many who feel their once benevolent government has become an out of control monster trying to gobble them up. I know you are thinking "sour grapes" but remember, you got less than half of the popular vote.

Let me tell you a little story. What I can remember of growing up is macaroni and tomatoes with some blackeye peas for dinner. My mother made my clothes. Bikes were second hand, especially for me, as the younger, most everything was "Hand me Downs". I can remember my mother saying she would pick oranges (we lived in Florida) before she would go on welfare. We shared our house with mice and giant cockroaches. We were to study hard, work hard, do our best and stand on our own two feet. Be responsible. Be self-sufficient. Does any of this sound familiar? I was raised Southern Baptist too. I got to go to college because my mother worked at the University and I got free tuition, and could qualify for loans for the rest. I did not attend the school I would have preferred, but even then I could realize when you can't have what you want (most of the time) take advantage of what you can get. And if you wait for someone to come up to you and hand you what you want, you better have your lunch packed and your jacket handy, because it will be a LONG and COLD wait. When I finished I went to work, not for a lot of money you understand, but I paid my own bills and paid off my school loans.

I was about 24 before I figured out what I wanted to do with myself and I enrolled myself in Med. College of Georgia's Physician Assistant Program. I had no money, so went into debt (again, no one is coming to me with a handout) but having worked hard and done my best previously, I had the grades and qualifications and could apply for loans and work study (notice that ugly word WORK again). I got married while there to a guy in medical school. (Medical School is hell to get through, but is wonderful preparation for the rest of your life.) Surprise, this guy isn't rich either—he went to undergraduate school on ROTC scholarships, for which he then owed 2 years of reserves and 4 years of active duty. Medical School—more loans. So we finish, thousands and thousands of dollars in debt, get a deferment of active duty, and go to a civilian residency. I can't get a PA job, and since he is making $17,000, I found work as a secretary so we can begin our family and still eat (and of course begin to pay for the school loans).

Now I know you have no experience of military life, so let me tell it is not particularly fun. You go where you are told, do what you are told, and if you have any other plans or ambitions, tough. No one cares about their jobs, they are living for their pay, or the day they can get out, so why should they care if they mess up your life in some way? But for all of that, there are wonderful, giving, caring, supportive conscientious people in the services and some of our best, and lifelong friendships, we formed in the Army. And some of the people I admire most among the leaders of this country are/were military, namely Colin Powell and Norman Schwarzkopf. Anyway, we did the best we could, and always gave our best to our job. I say "our" job, because an individual person is not in the military, the whole family is. We were at Ft. Bragg during Panama and Desert Storm/Shield. Ron did not go to Saudi, as department chief, someone had to stay home. But they would tell him he was going, then he wasn't, then he was . . . so his bags stayed packed and waiting for the call for the duration, not easy for 2 small kids to handle, but they were in it with most of the rest of their friends. In the meantime, every time a SCUD came toward Dhahran where our best friend Joe's EVAC hospital was, I was with Terry (his wife) on the phone just as she would have been in the reverse situation. Doesn't this sound like fun? If the war had lasted one more week, Ron would have been there, we found out. But hey, we had it very easy compared to others. And we are glad we could get out when we did. Morale is usually tenuous at best, and you just put a lot of stress on a lot of good people, not a good start for inspiring confidence in their new Commander-in-Chief. May they come through for you when you need them anyway. Knowing them, they will—for their country. Why in the world would you have ignored all of your top military advisors, particularly in an area where you have no expertise? Makes one wonder what in the world you could have owed, and to whom.

A year and a half ago, we got out. At this point Ron had 20 years of school and 4 additional years of special training, plus 4 years job experience (what would a plumber, or an electrician, or a mechanic charge if he had to have that kind of training? Don't worry, it's a rhetorical question). We wanted to go home (Chamblee, GA) and raise our kids in a small town atmosphere, found Griffin, and are happy. Ron was employed by a corporation, working toward eventual partnership. We begin to think maybe we can get out of debt, put aside money for our two boys education, possibly build that house we always wanted. Teach our kids to have strong characters, take care of themselves, contribute to their communities, and guard their minds and their bodies, for no one sees the destruction that people visit on themselves as do we in the medical profession. You know, raise them the way we were raised.

This is not a sad story, this is a happy story—so far. It is a story of people who believe in themselves, in their country, who are patriotic, love their fellow human beings, and take pride in doing their best. It is a story of sacrifice and hard work and achievement. It says if we can do it, anybody can. Unfortunately it deteriorates at this point. We idealistic fools now have to live under a government that believes in taking instead to giving. One should be punished for sacrificing all your life. Kill free enterprise. Take it away from them, take their hard work, their education, their time, their skills, their dedication, their love of country and fellow citizens, and make them a slave of the system. Tax the hell out of them. Take away 1/3 of everything and, what? They still have a nice house? Sacrilege! How dare they have all this while there are people sitting on their asses with nothing? Destroy their motivation. Encourage people to view them as monsters bilking them of every penny that can be squeezed out. Never mind how much they contribute to their community, never mind the contributions to the United Way and Salvation Army, the time and money given to the Boy Scouts, the support of the children's hospitals and programs such as Habitat for Humanity and their community churches. Of course, no one knows about these things, because they believe in giving quietly, and not flaunting what they have. And they are even polite to the rude people who suggest it must be nice for their children to have everything. Sorry, but my children do not even get an allowance, and if I find they are not taking care of what they do have, it goes. If they need money, I can always find jobs for them to do to earn it. Raise my taxes and I can't afford to hire people to help me with my house and yard (even when I really could—I always have—lived without the help) and I can't afford to buy clothes from the dress shop my neighbor owns and I can't hire another neighbor to build the house I've always wanted. We "rich" people actively support our neighbors businesses—until we have to give it all to the government. And they have to lay off their employees because there is not enough work for them. I am not unique. Americans are big hearted, we love to applaud and celebrate others success. I am an average person, everyone has access to the chances I have had. I took my chances, and I paid, and I had hard times when all I had to eat in a day was an egg in the morning and a can of soup in the evening. No exaggeration. This is in my adult life. I worked in a hypertension screening program and in V.D. clinics in rural Georgia Health Departments (there's a fun job), and what I saw there made me thankful to be able to go home to my one room efficiency and eat my egg and my soup. But I went on. Anyone can unless you kill the opportunities and stifle our desire to help others get ahead in favor of simple self-preservation.

What I want is for you to tell me why I should try to pass on my values to my children? What makes me think that they will look at their Dad, (who works 60-80 hours weeks, is on call a week at a time every other week, and gets 4 days off a month—every other weekend) and understand when I tell them that their Dad is doing the right thing. How can I look my children in the eye, when some days the only time they see their father is if we drop by the hospital, and tell them that this is a good way to live, afraid you will be human and miss something to another's harm. Would you like to have a job that prompts comments from lawyers, when you are closing on your house mortgage, reminding him that the odds are that he will be sued at some point? Would that make you feel comfortable and secure in your job? He gets snide remarks about being "rich", jokes about how he is trying to take away everyone's money, but he damn well better be there at any hour to put the pieces back together when you go drink too much and crack up your car, or OD on your drugs, or don't take care of yourself for 40 years and start falling apart. My children admire their father—he is an admirable man—and I will teach them values and morals and the old work ethic, because most of all I want them to grow up proud of themselves and know that they are valuable human beings. That the point in life is to give and the personal satisfaction that their father gets when a person's life improves and their pain abates and their disease goes away or is found and can be treated and they and those who care for them feel better and can live with less stress. Ron is not a doctor because he enjoys telling a mother on Christmas Eve night that her 5 year old has a brain tumor. He has a 5 year old too. I will teach my kids to love others and to give to those less fortunate, but I will also have to teach them that they cannot expect any great returns, maybe no returns at all. They can no longer expect to work hard and prosper. They can expect to work hard and support those who don't want to work. They can know that their Daddy gets up at the crack of dawn (as he did this morning) to do an arteriogram on a person who got shot in the neck while committing robbery. He probably will not be paid for it—but he has the satisfaction of knowing that guy has had excellent medical help. Maybe it will help us feel better when that guy gets well and tries to sell drugs to our kids, do you think? Every word I say here is God's truth. And I will tell you more. By doing that arteriogram, Ron will not have the time today to help our son finish his project so he can receive his Cub Scout Bear Badge tomorrow. He may not have the time to finish putting together the ceremony he is responsible for as Assistant Cub Master. But my kids will have self—respect—so that they can be happy. They may not have a pot to pee in though. Or perhaps they should join the crowd and go to work for the government, only not in the armed forces. Is getting a monetary return on you personal investment so bad in a system built on free enterprise and equality? We have the greatest country in the world, because we encourage people to be the best they can be and because they will be rewarded, personally and financially. If people risk their lives coming to this country for the opportunity they can have, when they are not even citizens, why cannot the people who are citizens look for and take advantage of the opportunities that they are born to? I managed, I am not so different, I am just another person, but I went looking, and I seized my opportunities. Now you are penalizing those of us who did or would do that. And you are destroying the opportunities in favor of short term jobs and more government and, long term, greater debt for our children. And you are destroying the respect that people in this country should have for each other, regardless. You are creating a class system and building resentment and it stems directly from your efforts to curb just such a thing from happening. Don't get me wrong, I and probably everyone else applaud your ideas. Something has to be done about putting people to work and God knows the roads need repairing. Kids have to get an education, obviously we are going to 100% behind that. Teachers need to be paid more. But I question a plan that took you 30 days to come up with. You didn't inspire confidence when you told us you were cutting the deficit by $500 bil, whoops, we forgot to subtract the $270 bil we plan on spending (and maybe now is not a good time to mention the new taxes we are plotting over in the West Wing).

So, you tell me, why should Ron go to work every day, no, why should he get up at 3 a.m. having just gotten to bed at 1? It's not just the money. Money is not the central issue. Justice, equity, opportunity is the issue. He doesn't have time to enjoy "being rich". On a practical level, we believe in living below our means. Whatever you do will not effect us drastically financially. Besides, I know from personal experience there are worse things than being poor. My point is not that I personally should have more, but that we should not be penalized for working hard. Government should not foster dependency. Government should foster independence. Wake up—its not working and you are discouraging those who are the ones making your experiments in socialism possible. My father was in the navy, and always said that a ship is a reflection of its captain. It's true. When you have selfish, self-serving, greedy, amoral leadership—what do you get? Hopeless, helpless, drug dependent, ill, dying, poverty stricken people. Leadership should set the example, therefore they should sacrifice first and most. I haven't seen one congressman willingly give up one red cent. It looks from here like some group is deliberately subverting this country. Or maybe all we have is a bunch of children up there (I'll show you my list if you show me yours first). I am so sick of partisan politics. Maybe that is why Ross Perot did so well so quickly. Maybe the people want to be involved in their government instead of being treated as children who don't know how to manage their lives or their money. My husband graduated Summa Cum Laude with a major in biology and minors in Chemistry, Physics and Computer Science. Tell him to his face how stupid he is.

But don't try to do it through the media. I wish someone would do something about them. Of course, they are protected by freedom of speech, as they should be, so the only way to control them is to ignore them and don't buy the newspapers, or watch the news programs. So I don't. I watch headline news because they don't have time to editorialize, and I get my local paper so I can find out what is going on in my community (enclosed is an example—notice both sides are represented). I am 37 years old. I have 2 degrees. I do not need anyone to tell me how or what to think, thank you very much. Just give me the FACTS. Look up "report". I am capable of forming my own opinion. Someone accused Rush Limbaugh the other day of brainwashing. Consider an alternative, maybe the "silent majority" has found a voice.

I bet if you follow the money trail we could find out where the problem is. What are you going to do when those of us who work hard get tired and refuse to go on? I wouldn't mind making less money if the money would stay in the pockets of the people. I personally pay $215 a month for my family's health insurance policy. That's with a $1500 per person deductible. My youngest is an allergic asthmatic, his medications are over $50/mo, his shots $100/mo and his medical bills are nearing the $900 mark for the last few months. I haven't gotten the bill yet for his testing for learning disabilities stemming from his difficult birth. Weren't we fortunate to have good doctors handy. Bet those women in Florida wish they could get good medical help when they need it. But malpractice is so high who can afford to practice there. It comes out of my pockets too. And don't try to tell me that paying taxes puts money in the pockets of the people, unless they work for the government. Of course, more people work for government now than work in industry in this country as of a few weeks ago. How sad.

Now, you said if anyone can come up with anything that would work any better to let you know. Paul Harvey aired a report that the people of MIT put together. Rush Limbaugh can remember the name of a report that came out some time ago (I dare you to ask him about it, what was it—the Grace Commission?). This country has scores of brilliant people in it. Surely you can find someone who has fair, logical, workable ideas. People come from all over the world to study in our Universities. (Or will they only be good ideas if they come from Democrats? When you go to the doctor, do you care if he is a Republican?) A lady called in to a talk show the other day and said, it's happening again. Congress will (1) spend money (2) raise taxes and (3) delay cutting spending forever. We all know of twice that has happened in the last 2 administrations. As I recall it was blamed on the President. When it doesn't work again, shall we blame you? Another called to say that they were going to have to cut back their business and lay off people because they could not afford to make more than $150,000. They paid $86,000 in taxes last year. You keep talking about "The Rich" paying their fair share. What a joke. They pay one-third to one-half (when you consider State and local taxes) of their income compared to maybe one-fourth or one-fifth of what others pay, proportionately. You are already soaking "the rich". And they don't give me that BS about it being the Republicans fault. The President does not spend the money (have you figured that out yet?) the Democratic Congress controls the money, and they have been doing a lousy job of it. How do they justify no cost of living raises for Social Security recipients, when Social Security is about the only program in the black, only it has no money because all of its revenues go to service the debt. And where is Congress getting the money (and the nerve) to continue with their personal yearly pay increases and their $5 mil budgets for their personal staff (and they call me rich?). Explain to me the specifics of our Congressional retirement program.

The only think I can come up with on a large scale that hasn't been mentioned (besides cutting personal budgets), is dump IRS. When you have a complicated system and complicating it further doesn't help, try simplifying it. Keep it simple (remember kiss?—keep it simple stupid?) Tax everyone (people, corporations, everything) 10% of all income or profits over $30,000. No exceptions, no exemptions, no deductions. Or start out with 1 percent at $21,000 and increase 1 percent/thousand until you get to 10 percent so the $30,000 mark doesn't hurt so bad. (How much did the Kroger Company pay in taxes last year, bottom line?) Let free enterprise have a chance. THAT is something that has worked. The government would have more income, fewer employees, less confusion and expense, people would have more of their hard earned dollars in their pockets to spend as they see fit and support their neighbors businesses, and you would get rid of a branch of the government that too many people cannot understand and even fear. Imagine, people in the United States actually afraid of their government. What happened to "Of the people, by the people and for the people" not perishing from the earth? The tax system is so messed up that the people who work there can't even figure it all out much less help us. Conduct a little experiment, call 2 different IRS offices in 2 different places and ask them the same questions. See if you get the same answers. (This has been done before.) Which one is right? Even if they give me wrong information, I will still be held responsible.

Limit congressional terms, use line item veto to get rid of some of this so called "pork". Tell us what is going on. Make us responsible. If we don't know what is going on up there, we can't call and write our congresspeople like I am doing (we'll see if it works). You are still responsible to the people, however you got there. And most of us did not vote for you. Think about it.

If you look hard enough, and be creative, I bet you could cut spending so much you would be able to cut taxes too? Put people who are trained in responsible fiscal management to work in the fiscal management jobs. Of course, my training is in Biology, not economics so asking my opinion is probably like asking Hillary to supervise health care reform, or does she have some training and experience that no one has yet heard of? Then again, maybe my ideas would work. If you are going to reform (and God knows, health care in this country does need help), if you truly care about the people of this country, get sound, logical, expert advise that will help, and simplify the system without just throwing money at it again. And when you get good advice, go with it, don't spit in their faces and do whatever you want.

By the way, when you talked to those kids in Ohio the other day and that young man asked you how you could justify killing an unborn child, you never answered his question. Does he not deserve an answer? You responded with a question and by God he looked you right in the eye when he answered you. I am proud of that child.

And next time you tell a kid to work hard, stay in school, get a good education since no one can take that away from you, don't forget to tell him the rest—so that he can be a success and pay his 40–50% fair share (excuse me, his contribution). I do not expect an answer to this letter. Frankly, depressingly, I realistically would be surprised if even one person this is sent to even READS it. I'm willing to take a chance just to get it in words. But if you cannot answer any better than I have seen to date, I would prefer not to have an answer. I will not be impressed with Presidential stationary. My taxes paid for the stationary. The way I figure it, as a voting, tax paying citizen, you work for me. I can assure you I am not alone. I don't know who your pollsters are talking to, unless it's your staff, but everyone I talk to is upset. My mother told me a man in Florida said he would not mind paying $10 more a month—as long as it did not go to pay for some damn limousine—a sentiment shared by many. I have friends in Pennsylvania whose families are staunch Democrats, but they are worried because they figured it out and the $14/mo you said is all they would pay seemed to snowball when they figures it out on their own and they will have to start living on their savings and cashing in their CDs just to get by, never mind an emergency. They are wondering if they did the right thing in voting for you. A lot of people WANT to have funds for emergencies—they seem to LIKE to pay their own way. A man on a fixed income living in the midwest calculated that his taxes for next year will go from around $500 to over $1100. How well have you guys thought this through? No, Americans don't mind sacrificing, we keep proving it over and over, but I don't see anything getting better. Be careful, look close and you may find you are beating a dying horse. (Sacrifice: "a loss incurred in selling something below its value". Or "to surrender or give up, or permit injury or disadvantage to, for the sake of something else" The American College Dictionary.)

I'm worried for my kids. I'm worried for the health of Chelsea, and your grandchildren. Where will you find a good doctor when you need one? They are having trouble filling medical school slots, the quality of the applicants is such that those applying now would never have made it 15 years ago. It used to be an honorable, worthwhile profession. But who needs the grief? I keep rereading this, trying to find a place to cut it down, but I just get more angry and add more, so I will stop here.

I don't envy you your job. Remember there are a lot of people praying for you, whether they agree with you or not. And I will certainly be one of them.

Sincerely

NANCY L. GAY.

THE HEAD START QUALITY IMPROVEMENT ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing the Head Start Quality Improvement Act of 1993, along with my colleagues Representatives MOLINARI, MCKEON, CUNNINGHAM, PETRI, GUNDERSON, and HOEKSTRA. This bill also is being introduced today in the other body by Senator KASSEBAUM, with whom I have worked closely in drafting this bill.

For years I have been one of the few voices in the wilderness on the issue of ensuring quality in Head Start. I always have held firm that we need to provide these children and their families with the highest quality program that is possible, instead of providing as many children as possible with a mediocre program—in other words quality over quantity.

With the huge expansions that Head Start has seen over the last several years, and the even more dramatic expansion that President Clinton is proposing, it is absolutely vital that we put into place some necessary mechanisms and safeguards to ensure that any increases in funding are not wasted and that provide for a broad-based quality program.

The Head Start Quality Improvement Act of 1993 will make these structural changes to the law to guarantee a higher quality program for our Nation's low-income families. This bill uses a five-part approach:

First, it establishes minimum performance measures for all grantees, such as providing literacy and parenting skills training for Head Start parents. These measures identify specific goals to be achieved by grantees, which are quantified so that compliance can be effectively monitored and enforced. There also are incentives provided for grantees that exceed the minimum requirements.

Second, it strengthens program accountability mechanisms, training, and technical assistance support systems for Head Start grantees.

Third, it provides for more effective enforcement of Head Start policies and instills more competition into the program.

Fourth, it expands the current Head Start Transition Project to more effectively address the "fade-out effect" and,

Fifth, it assists families entering or reentering the work force in receiving Head Start services.

Recently, the media has caught on to some of the problems with Head Start. There have been several articles in the Washington Post, the New York Times, and Time magazine, and segments on the "MacNeil/Lehrer Newshour", "ABC News", and National Public Radio that have reported on such things as: the widespread loss of gains in Head Start children by the time they reach second or third grade—commonly referred to as the "fade-out effect"; comments by one of the founders of Head Start who said that if we were to close 30 percent of the programs, there would be no great loss; and, two HHS Inspector General reports that raise serious quality and management questions about many of the programs.

I am glad to see that some constructive criticism is finally being given the light of day, for I think that it has set the stage to make the necessary quality changes to Head Start that I have been talking about for a long time. That is why I have worked with my colleagues, both in the House and Senator KASSEBAUM in the other body, to come up with these constructive changes that will make a positive difference in the program, and for hundreds of thousands of children and their families.

I am encouraged by the initial reaction that the draft of this bill has received. I hope and expect that the Head Start Quality Improvement Act of 1993 will become a bipartisan effort by Congress to make Head Start the shining star of Federal antipoverty programs that people once thought it was. I strongly urge the leadership of Congress to hold hearings on this bill and to pass it this year.

OUR BLOOD ALL FLOWS THE SAME

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BLACKWELL. Mr. Speaker, President Harry S. Truman was the first to issue an Executive order to allow African-Americans into the military.

Four star Gen. Douglas MacArthur led those who publicly disagreed with the President's decision.

Today, President Clinton faces similar opposition in his efforts to repeal the outdated ban on gays in the U.S. Armed Forces.

As a veteran of the Korean war, I can tell you that even after entering the Armed Forces, African-Americans faced bigotry. We fought in separate platoons. We slept in sparse living conditions. We faced the wrath of officers.

Women, too, have been forced to bear the burden of bigotry in the Armed Forces. They know how it feels to be limited in their ability to fully serve their country.

Yet, just as countless African-Americans and women have laid down their lives in defense of this great Nation, so too have gays. Our blood all flows the same.

The question we must soon resolve is clear. Do we believe in equal treatment under the law, or will we continue to sanction a policy of institutionalized discrimination?

Mr. Speaker, the answer is equally clear. A person's sexual orientation has nothing to do with his or her ability to serve this country with honor and distinction.

The time has come to end the contradiction of bigotry in the military, once and for all.

REGARDING THE APEX MUSEUM IN ATLANTA, GA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am introducing legislation today that will authorize $12.5 million for the rehabilitation and expansion of the African-American Panoramic Experience Center [APEX] and will include the APEX in the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA.

The APEX is at the gateway to the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA. The APEX has proposed to renovate and expand their present facility to establish a new national museum on African-American history and culture, the APEX II. This comprehensive museum will serve as an international center to showcase the historical, cultural, artistic, scientific, and athletic achievements of a diverse population of African-Americans, through galleries, multimedia presentations, and exhibitions that reflect African and American life.

In 1996, Atlanta will host the Centennial Summer Olympic games. Hundreds of thousands of people will visit Atlanta from all over the world. They will spend much of their time in the downtown Atlanta area, where the APEX is located. The expansion of a national museum on African history and culture will enable all Americans, and those who visit our country from abroad, to better understand and appreciate the significant contributions made by African-Americans to American and world history.

In addition, the Fulton County African-American Research Library, which is under construction adjacent to the APEX, has been designated by Fulton County to serve as the primary location in the Atlanta region for conducting research related to African-American studies.

The location of the APEX is unique. The King Historic Site is the third most visited historic site within the National Park Service and the most visited attraction in Atlanta. The National Park Service has expressed an interest in establishing a visitors center on the first floor of this new structure.

I believe that the APEX will be instrumental in ensuring that the story of all Americans is told.

INVESTIGATIVE FUNDS OF THE APPROPRIATIONS COMMITTEE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. FAZIO. Mr. Speaker, the Committee on Appropriations has an investigative staff—and a separate appropriation which provides funding for the operation of our investigative staff.

That is the comparable procedure to what is done in the committee funding resolution. That funding resolution creates funding authorization for standing committee studies and investigations—except for the Appropriations and the Budget Committees. This procedure complies with clause 5 of House Rule XI.

Investigative funds for the Appropriations and Budget Committees are included individually in the appropriations bill.

These funds go through the entire appropriations process. The budgets are presented in the Federal budget—they get reviewed by the Appropriations Subcommittee—reported to the full committee, and go to the floor. They are subject to the same public scrutiny and oversight as any other budget item.

As such, those funds are subject to an up-or-down vote at that time. Those investigative funds are not included within a larger total—they are not combined with other committees—they are presented to the House and can be voted on separately under the 5-minute rule when the appropriations bill comes to the floor.

Mr. Speaker, this procedure was established in the Legislative Reorganization Act of 1946. It was thought then—and it is still true—that the Appropriations Committee needed the ability to conduct examinations of the organization and operations of any executive agency.

We have a very small investigative staff which numbers about 20. They utilize experts—on a reimbursable basis—from GAO, the FBI, and other agencies—and some consultants. These staff are used only temporarily until the particular study is finished.

All of our studies are requested by the chairman and ranking member of the subcommittee and approved and signed off by the chairman and ranking minority member of the Committee on Appropriations. All reports are distributed to each member of the appropriate subcommittee at the same time. This is a bipartisan procedure—and there are no exceptions.

I know of no abuse of this process. It is a longstanding process—and is done as authorized in the underlying statutes, 60 Stat. 834–835 which is codified at section 72 a.(b) of title II, United States Code.

I would argue that there is no reason to change the process—just for the sake of change.

The only difference between the way the investigative funds of the Appropriations and Budget Committees are handled in the ultimate funding consideration in the House and the investigative funds of all the other standing committees is that the investigative funds of Appropriations and Budget are more vulnerable to the amendment process in the House.

They are reported separately in the appropriations bill—as opposed to an omnibus resolution or appropriation which rolls all committees into one overall amount.

And I want to make one more distinction here, Mr. Speaker. In providing investigative funds for the other standing committees, under the rules there are provisions for majority and minority staff funding. That is the way the other committees are organized—and it gives rise to some controversy from time to time—and we all know.

There is no such distinction in the Appropriations Committee investigative funding. That staff is a professional staff—there is no majority/minority split. These staff work for all members of the committee—and that is the way it works.

We would take a step backward from the bipartisan nature of our staff process if we turned this into a majority/minority staff process.

That is a fundamental reason why I believe the Legislative Reorganization Act of 1946—and the House rules—established this process. They wanted the Appropriations Committee staff to be nonpartisan professionals.

We have maintained that policy—and it has served our Members well over the years.

This is no time to create problems, particularly by introducing a politicizing policy in the appropriations process.

I think the current procedure works. It's not broken. Let's not try to fix something that's not broken.

WACO, TX, AND WHACKO, FL, MAKE THE NEWS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CLAY. Mr. Speaker, most everyone is aware of the recent event in Pensacola, FL, where a physician, Dr. Lamond Gunn, was murdered by a religious fanatic who obviously had no tolerance for his victim's right to practice lawful medical procedures.

In Waco, TX, we are currently witnessing a heavily armed defiance of the law by a leader of a religious cult who uses his own interpretation of the Bible to justify the group's actions.

Throughout the Nation, health facilities that provide abortions are being threatened by bombs, chemicals, hate mail, and violent protesters. Abortion providers, their friends and family members are being attacked physically by unruly mobs of religious zealots. Perpetrators of these hate activities have set their own rules as to what is permissible conduct. The rhetoric of these fanatics is a chilling indictment of intolerant behavior: "Killing Gunn will save the lives of hundreds of babies"; "Women who have abortions regardless of circumstances are murderers"; "We will not condemn the murder of Dr. Gunn."

To compare today's acts of violence with the civil disobedience practiced during the 1960's civil rights movement is an act of gross hypocrisy. As an activist during many of those protests, I assure you there is no similarity between the tactics of the two.

We believed in peaceful protest. We did not bear arms, even though many of our leaders and followers were murdered. We did not condemn anyone's religion. We only asked that their religious beliefs show tolerance for others.

In our country, too many senseless, violent acts have been condoned in the name of religious freedom. Silence of the moral leadership in the face of such atrocities as that in Waco and Pensacola gives tacit approval to these acts of anarchism. Failure of government officials and the judiciary to discern a difference between seeking rights through peaceful demonstrations and imposing one's religious tenets through coercion and violence is abdication of official responsibility.

The stockpiling of arms and the condoning of murder by these religious fanatics cannot continue to go unanswered. Congress must enact legislation that will restrict the purchase of arms that can be used to terrorize communities, individuals, and yes, even health clinics.

The most serious mistake Congress can make is to dismiss these two recent occurrences as self-proclaimed messiahs or saviors as the actions of a few misfits or kooks. Many described Hitler in a similar fashion when he first came to power in spite of untold warnings. Common sense and common decency dictate that America, as an armed camp, must be dismantled quickly.

HOUSE SHOULD LEAD BY EXAMPLE

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. KYL. Mr. Speaker, I rise in opposition to this committee-funding resolution, House Resolution 107.

Just a week and a half ago, this House passed a budget resolution that calls for the largest tax increase in the Nation's history. It calls for higher taxes on Social Security and a new energy tax that will hit the middle income, elderly, and poor the hardest of all.

President Clinton and the majority in this House believe that hard-working and needy Americans must bear a heavier tax burden because Government spending cannot be cut. They are asking people to give up part of their income, whether it's the extra money they might have had for a dinner out once a month, to fix up their homes, or the money they've been trying to put away for their children's education. For some people, it's the money for basic necessities: food and shelter.

And, what sacrifice is the Congress going to make? Virtually none. After eliminating 4 select committees—which were set up as temporary committees between 8 and 18 years ago—this resolution cuts a mere $57,746 from the remaining 21 standing committees of the House.

In fact, nine committees get funding increases under this resolution. Eight have their budgets frozen. And, only four committees are cut, some simply by the amount they did not spend last year. While the American people are being asked to make real and tough choices about how to live on less, there is no sacrifice on Congress' part whatsoever.

If the House were serious about cutting spending, it could find a way to reduce committee costs by 25 percent, or at least 10 percent, as the Republican side has proposed. Republicans were not even allowed to offer cost-cutting amendments; the best we will get is a motion to recommit to try to obtain the 25-percent cut.

I urge my colleagues to vote no, and keep this resolution from being railroaded through the House. Let's begin cutting our own budgets before the American people are asked to accept yet another tax increase.

TRIBUTE TO MELVIN CAESAR BELLI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Melvin Caesar Belli. Mr. Belli is a partner of the world-renowned trial law firm of his father, Melvin M. Belli.

Caesar Belli has a long history of legal activism which was encouraged by his family. He was exposed at an early age to his father's groundbreaking work and to other top legal minds in the country. At the age of 7, he accompanied his father to Dallas for the trial of Jack Ruby, whom the elder Belli defended for the murder of John F. Kennedy's assassin, Lee Harvey Oswald. In addition, he traveled with his father to a variety of exciting locales in both the United States and across the globe. These unique experiences gave Caesar a deep appreciation for different cultures, international law, and the environment—themes which remain critically important to him today.

For example, Caesar Belli represented fishermen, cannery workers, and oilspill cleanup workers who were affected by the 1989 *Valdez* oilspill in Alaska. In 1992, Belli filed a class action suit on behalf of residents in Richmond, CA, who were exposed to a toxic chemical cloud emitted by an oil company. He won a $1 million suit against a chemical company on behalf of farmers in Salinas Valley, CA, who lost their strawberry crops. As a strong supporter of consumer rights, Belli challenged the makers of defective pacemakers, breast implants, and other medical devices.

Belli is highly involved in the American Trial Lawyers Association [ATLA], and in particular, the environmental law section and the young lawyers section. He currently serves on the board of governors at ATLA, and the California Trial Lawyers Association. He is also a sustaining board member of the San Francisco Trial Lawyers Association and a board member of both the Marin County Trial Lawyers Association and the American Himalayan Foundation, a charitable organization operating in the Himalayas.

Caesar Belli earned his undergraduate degree at the University of California, Berkeley. As a law student at the University of San Francisco, he worked in the San Francisco Public Defender's Office. He currently lives in Sausalito, CA, with his wife, Gretchen, and their three children.

Throughout his life, Caesar Belli has worked to improve the situation of others who are less fortunate. On the occasion of his recent birthday, I am pleased to recognize Caesar Belli and his many contributions.

THE FORFEITURE EQUITY ACT OF 1993

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing the Forfeiture Equity Act, legislation requiring the payment of State and local taxes on property seized by the Federal Department of Justice through the asset forfeiture program. This act, if enacted, will protect local property owners who live in the taxing jurisdiction from having to pay those property taxes that are still due but not paid by the Federal Government under present law.

During the past several years, Department of Justice officials have increasingly relied upon the asset forfeiture program to punish and deter criminal activity by depriving criminals of property acquired through illegal activities. Additionally, revenues generated from the sale of forfeited properties netted Federal, State, and local law enforcement agencies close to $550 million in fiscal year 1992. These revenues help strengthen law enforcement efforts.

Unlike the Resolution Trust Corporation, which pays State and local property taxes after taking control of the assets of failed savings banks, the Justice Department has no program for the payment of taxes on properties over which it assumes control. As a result, the almost 33,000 properties currently under seizure by the Federal Government, valued at $1.85 billion, are no longer producing State and local property taxes which must be shared by the other taxpayers in the area. Moreover, any back taxes owed on property seized from criminals are not being paid.

I believe existing law is burdensome on State and local taxing authorities, provokes wasteful litigation between Federal and local governments, and complicates the marketing and profitability of forfeited property.

The Forfeiture Equity Act requires the Justice Department to pay current and delinquent local property taxes on seized assets. Enactment of the Forfeiture Equity Act is a reasonable and necessary step to make sure that seizures by the Federal Government do not inadvertently harm State and local governments, and local taxpayers. Furthermore, the Department of Justice has informed me that it supports the payment of State and local taxes on seized property, but cannot proceed with these efforts without statutory authority.

Mr. Speaker, I urge my colleagues to join with me in supporting the enactment of the Forfeiture Equity Act.

TRIBUTE TO MR. JOHN WELCH, BAYONNE ELKS CLUB MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Mr. John Welch on his selection as the Bayonne Elks Lodge's Man of the Year.

The Elks' selection is well founded. John's dedication as a community activist and leader serves as an example both to the Elks' membership and the community at large. John is a past exalted ruler of Bayonne Lodge No. 434, and continues to serve the youth of Bayonne through his lodge as chairman of the Elks' nationally recognized Youth Activities Committee. John's dedication to Bayonne's youth would be remarkable even if his service ended there, but it does not. John's involvement in the Scholarship Committee, Student of the Month, Hoop Shoot, Youth Day, and Youth Week programs are testament to his commitment to youth and to education.

John's service to his lodge is equally laudatory. As a member of the New Jersey State Elks Task Force and chairman of its tennis tournament, his contribution to the community has been, and I trust will continue to be, outstanding. In short, Mr. Welch's example truly demonstrates that service through the Elks Lodge is indeed a way to share.

TRIBUTE TO THE STUDENTS AND TEACHERS OF THE MARYVALE FRENCH IMMERSION PROGRAM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the impressive achievements of the students and teachers of the Maryvale French Immersion Program in Rockville, MD. The Maryvale French Immersion Program, a magnet program in the Montgomery County Public School System, was launched in 1974, and was the first program of its kind in the country. There are now 110 immersion programs nationwide, from California to Massachusetts, that instruct students in French, Spanish, Chinese, and Japanese.

On March 10, students from the Maryvale French Immersion Program, led by their teacher, Ms. Micheale-Anne Ebe, demonstrated their advanced language skills to the House-Senate International Education Study Group and the Joint National Committee for Languages. Fourteen exemplary students, including Rita Baghdadi, Julian Brunner, Sarah Colwell, Daniel Gambardella, Daisy Malouma, Rachel Menyuk, Ahmad Mines, Nathaniel Pancost, Nicholas Reifschneider, Caitlin Rummel, Karen Silver, Julia Treseder, Audrey Washington, and Melanie Weston, took part in the presentations in celebration of National Foreign Language Week, which honors students nationwide who are studying a second language.

Maryvale's 250 French Immersion students are exposed to the same curriculum as students in Montgomery County's 122 elementary schools, with the exception that all courses are taught completely in French. Immersion in the French language is complete as teachers speak to the students only in French from the very first day of kindergarten. By the middle of the first grade, students have acquired sufficient fluency in French so that it is the only language used by both teachers and students in the classroom. Immersion Program students achieve in academic areas at the same level as those who are learning them in English. This experience allows students to attain a high level of fluency in the French language in preparation for working with people of many cultures and customs.

As a former teacher, I recognize the urgent need to teach foreign languages to American students to prepare them to compete in a global economy and to allow them to participate more fully in an increasingly shared international culture. I am proud to honor the faculty and parents of the Maryvale Elementary School as they continue to forge ahead on the path of academic innovation, and I congratulate the students of the Maryvale French Immersion Program on their high level of academic accomplishment. I wish everyone involved with the Maryvale Elementary School success as they expand the boundaries of academic achievement.

TRIBUTE TO DAVID S. BRYANT

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. KLEIN. Mr. Speaker, I rise today to honor an outstanding citizen of New Jersey, David S. Bryant. Mr. Bryant will be leaving the Garden State for the Constitution State. The people of Connecticut are lucky to be getting him because his time, talent, and energy have made his community a better place to live.

Mr. Bryant was born in Brooklyn, NY. He attended Rutgers University, my alma mater, where he received his master of library science degree, as well as his B.A. and M.A. His first job was as principal librarian with the Passaic Public Library at which he served 9 years. In 1993 he moved his family to Belleville and become the director of the Belleville Library and Information Center.

Mr. Bryant once said, "I see the library as the gathering place of the accumulated wisdom of the ages. We encourage people to read, as the best way to learn." This quote eloquently illustrates his personal commitment to making the Belleville Library and Information Center a public gathering place, where all members of the community felt welcomed.

Under Mr. Bryant's directorship, 86,151 people visited the library facilities, 2,672 became members, 3,822 new books were added, and 15,760 telephoned information requests were answered during last year alone. Mr. Bryant has been with the Belleville Library and Information Center for a decade. Due to his leadership, an art gallery has evolved, there is a constant flow of the best reading available, and the facilities are fully computerized. Thanks to his devotion to his work, Belleville has a beautiful building that is the hub of culture and civic activity.

I wish Mr. Bryant the very best in his future endeavors. I hope that the people of New England enjoy him as much as the people of New Jersey have.

SECOND ANNUAL AIDS AWARENESS DAY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize a very important event in the First Congressional District of Connecticut. I speak of the Second Annual AIDS Awareness Day in Hartford, CT, on April 3, 1993, sponsored by Latinos/as Contra SIDA, Inc.—Latinos Against AIDS, Inc.

AIDS has reached epidemic proportions in Hartford's Latino community. The population of the city of Hartford is approximately 35 percent Latino. Hartford Latinos are one-third of the estimated 5,500 HIV infected persons in the city of Hartford. Over 40 percent of the Hartford area women diagnosed with AIDS are Latinos and an overwhelming majority of pediatric cases of AIDS are Latino children.

LCS was founded 5 years ago by concerned Latino volunteers who recognized a dire need for specialized services aimed at Latino individuals and families affected by AIDS.

Since there was no other agency at that time offering support group services, individual counseling, training and education services to the Latino community, LCS tried to fill the gap with volunteers. LCS was effective in dealing with the Latino community because of its culturally and socially oriented volunteers. The demand for services increased as a result of the volunteers' success. LCS became incorporated in 1988.

In 1992, LCS organized its first successful Annual AIDS Awareness Day. The purpose of the event was to advise the community of the AIDS problems in Hartford, CT, and to educate Latinos on how to protect themselves from AIDS and alleviate fears and misconceptions of HIV/AIDS.

LCS is comprised of many giving, caring volunteers whose special efforts make life better for HIV and AIDS infected Latinos. They have been very successful in providing services, organizing massive campaigns, and fundraisers like AIDS Awareness Day in the neighborhood, schools, and churches of Hartford.

The work of Latino/as Contra SIDA is a positive force in Hartford. I would like to applaud the excellent work of the three individuals who organized LCS, Clara Acosta, Ramonita Berrios, and Hector Seda, as well as the chairman and founder of LCS First Annual AIDS Awareness Day, Bobby Clark. I offer my sincerest gratitude and hope for LCS' continued success.

INTRODUCTION OF ASSISTANT SECRETARY FOR NATURAL GAS LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. RICHARDSON. Mr. Speaker, today I introduced legislation to create an Assistant Secretary for Natural Gas within the Department of Energy [DOE]. During the last Congress, we passed significant energy legislation that has now become law, the Comprehensive National Energy Policy Act. Although this bill represents a positive step forward, our task is not yet finished. now it is more important than ever for the DOE to give the attention and support necessary to integrate adequately natural gas planning into the country's energy and environmental goals.

Expanded use of natural gas can be at least part of the solution to our Nation's looming energy generation shortfall. Natural gas is clean, safe, affordable, and readily available for use in energy generation applications across the country. As the Clinton administration begins to enforce new regulations mandated by both the Clean Air Act and the Comprehensive National Energy Policy Act, increased natural gas use will become a more viable option.

Establishment of an Assistant Secretary for Natural Gas in the Department of Energy could serve the following functions: Coordinate all departmental activities concerning natural gas policy; review current R&D funding for gas technologies such as NGV's, cofiring, reburn, emission controls, and various end-use technologies, and make appropriate recommendations; evaluate the potential for expanding research into improved drilling techniques and production of unconventional gas reserves; and evaluate the health of the Nation's gas production infrastructure and policies that could be pursued to sustain that infrastructure.

I invite my colleagues in the House to join me in supporting this important legislation. The time has come for a unified Federal policy on natural gas as an integral part of our national energy strategy. This legislation is the first step in that process.

EXTENDING U.S. LABOR LAWS TO CERTAIN FOREIGN FLAGSHIPS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CLAY. Mr. Speaker, American flagships are in a competitive battle that they cannot win. Subject to American labor laws, they must provide fair wages and humane treatment to their employees. Their competitors, however, though primarily engaged in U.S. commerce and, in many cases, American owned, are not only able to escape the requirements of American law, but are able to evade the requirements of any labor standards legislation whatsoever by adopting foreign flags of convenience. As a result, an already meager U.S. merchant marine is increasingly being run off the seas by vessels that are not subject to enforceable labor standards and do not provide either a living wage or humane conditions to those who have the misfortune to crew them.

The truly barbarous conditions to which many crew members on these vessels are being subjected deserves more than passing notice. In the two preceeding Congresses, subcommittees of the Education and Labor Committee and the Merchant Marine Committee have heard testimony of workers being required to work 18 and 20 hours a day for less than a $1 an hour. We heard of living conditions so unsanitary that they threaten life. We heard of sailors being forced to provide kickbacks to labor contractors for the privilege of being so abused. We heard of sailors being abandoned in foreign ports and blackballed for seeking to improve conditions that all would agree are intolerable and inhuman.

When such workers, though engaged in U.S. commerce, are without any practical or meaningful legal recourse, this Nation not only has the right, but the moral duty, to ensure that such vestiges of 19th century servitude are eradicated. Where such labor practices render it impossible for American flagships to compete and threaten the destruction of a merchant marine essential to our national interests, our own self-interests demand that we take action.

H.R. 1126 is a very modest bill that addresses a very real problem. It extends the protection of the Fair Labor Standards Act [FLSA] and the National Labor Relations Act [NLRA] to foreign flagships that are regularly engaged in U.S. commerce. Extensions of the NLRA will provide the workers covered by this legislation the right to organize and bargain terms and conditions of employment, while extension of the FLSA will provide minimum wage coverage to these employees. Specifically, the NLRA and FLSA would be extended: First, to vessels "regularly engaged in transporting passengers to and from the United States"; second, to vessels "regularly engaged in transporting cargo in the foreign trade of the United States"; and third, to vessels producing or processing goods or services for sale or distribution in the United States, and to vessels transporting cargo between the United States and vessels in international waters. Foreign documented cruise ships and freighters that are otherwise regularly engaged in American commerce are exempted from NLRA and FLSA coverage if the 51 percent of the ship's crew are citizens of the ship's country of registry and if 51 percent of the ship's ownership is held by citizens of that country.

EARTH SUMMIT ENVIRONMENTAL LEADERSHIP ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. PELOSI. Mr. Speaker, the Earth Summit provided the world with an unparalleled opportunity to build a global consensus around critical environmental issues. Implementation of the Earth Summit agreements is the key to the summit's ultimate success.

Last year, the House passed the Earth Summit Environmental Leadership Act, which I introduced, along with all of the House delegates to the Earth Summit, upon my return from Rio. Yesterday, I introduced similar legislation, with 35 original cosponsors, to implement Agenda 21 and Senator PELL, chairman of the Senate Foreign Relations Committee, will join me in introducing identical legislation in the Senate.

The Earth Summit Environmental Leadership Act outlines a comprehensive national strategy for sustainable development, in accordance with the principles of Agenda 21, to be coordinated under the leadership of a specific office and the direction of a high-level Government official. It also urges the United States to identify and initiate further agreements to protect the global environment, and for the President to report to Congress on progress toward achieving a national strategy to implement Agenda 21.

It is critical that the United States set an example of sustainable consumption and production patterns. My legislation outlines a number of steps to achieve this goal, including the elimination or reduction of subsidies for the exploitation of natural resources, and to design a policy framework for sustainable consumption patterns.

Environmental protection is not only a national issue; it is a challenge for every individual to make a difference. The principles embodied in Agenda 21 present a framework for environmental action that should be pursued at all levels of society—in our schools, local communities, governments, and in our lifestyles. The concept of sustainable development should be realized in all the major decisions affecting the future of our environment and the preservation of its species. The Hopi Indians practiced a land-use policy based on the seventh generation—that their relationship with the land would not have adverse effects on future generations of Hopis. We should attempt to do no less.

Senator PELL has demonstrated a forceful leadership on global environmental issues and

I look forward to working in partnership with him on this important initiative to achieve sustainable development in the United States.

I urge my colleagues to join me in cosponsoring the Earth Summit Environmental Leadership Act to continue the progress of the Earth Summit.

VOTE TO PROTECT SOCIAL SECURITY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ROTH. Mr. Speaker, one of the most pressing issues facing this Congress is the Social Security tax increase contained in the budget resolution which the Democrats passed March 18.

I believe raising taxes on Social Security is wrong for our country and harmful to our senior citizens. I urge my colleagues to read two pieces of research, which I include in the RECORD, before they cast their next vote to raise taxes on Social Security benefits.

Last month the Republican leadership asked me to chair a task force on Social Security. On February 10 we held a forum to explore the adverse impact of Social Security cost-of-living adjustment freezes and increased taxes on benefits. A report summarizing the forum follows. Our task force will continue to oppose cutting or taxing Social Security benefits.

As further proof of the damage of the Social Security tax hike, I urge my colleagues to study a research paper which projects the additional tax burden of the Social Security tax hike in all 50 States. I am indebted to Lloyd Duxbury and the National Committee to Preserve Social Security and Medicare for producing this excellent research.

I urge my colleagues on both sides of the aisle to weigh carefully the consequences of a Social Security tax hike. Raising taxes on senior citizens will erode popular support for the Social Security Program and will not reduce the deficit one penny. Let us reject higher taxes—let us vote to protect Social Security.

Following are the report summarizing the February 10 forum on Social Security and the research paper from the National Committee to Preserve Social Security and Medicare.

SUMMARY OF CONGRESSIONAL FORUM ON CLINTON ADMINISTRATION PROPOSALS FOR SOCIAL SECURITY COST OF LIVING ADJUSTMENT LIMITS AND INCREASED TAXATION OF SOCIAL SECURITY BENEFITS

The House Republican Study Committee sponsored a Congressional forum on February 10, 1993, to examine the impact of two proposals under consideration by the Clinton Administration to change Social Security: freezing or limiting cost-of-living adjustments and increasing the tax on benefits.

At the request of Study Committee Chairman Rep. Dan Burton (IN), Rep. Toby Roth (WI) chaired the forum. He was joined by Rep. John T. Doolittle (CA), Rep. Helen Delich Bentley (MD), and Rep. Bob Livingston (LA).

Five witnesses testified on the impact that the Clinton Administration proposals would have on the federal budget and on individual beneficiaries. The Administration declined an invitation to send a witness. Witnesses included:

Robert Myers, National Academy of Social Insurance and former Chief Actuary of the Social Security Administration.

Paul Cullinan, Congressional Budget Office.

James Parmelee, The Seniors Coalition.

Lloyd Duxbury, National Committee to Preserve Social Security and Medicare.

Steven Allen, United Seniors Association.

REPUBLICAN STUDY COMMITTEE MEMBERS' OPENING STATEMENTS

Representative Toby Roth.—Noting that Social Security generated a $47 billion surplus last year, Rep. Roth said it was unfair to blame the budget deficit on Social Security recipients. Rep. Roth reviewed news reports and statements indicating that "[f]or the new Administration and its allies in Congress, reducing the deficit means cutting Social Security." He expressed his opposition to cutting Social Security.

Representative John Doolittle.—Freezing COLAs or increasing taxes on benefits would not decrease the deficit, Rep. Doolittle said. Moreover, these actions would simply encourage more government spending and deprive recipients of their earned benefits.

Representative Helen Delich Bentley.—The Clinton Administration should not target Social Security recipients who earned their benefits after a lifetime of contributing to the program, Rep. Bentley said. The Congress should try to eliminate cases of fraud first, she said.

Representative Livingston.—Joining the opposition to cutting Social Security benefits, Rep. Livingston advocated eliminating the earnings test on working seniors. Calling the earnings test a disincentive to work, Rep. Livingston said that repealing the limit would increase government revenues by stimulating the economy.

WITNESSES

Robert Myers.—The fiscal year 1994 COLA should not be eliminated because it is an appropriate and desirable feature of the program, and adequate current funds are available for its implementation, Mr. Myers said.

Freezing the 1993 COLA would not reduce the budget deficit. Reductions in COLAs increase the balance in the Social Security Trust Funds, and do not reduce the deficit, because federal borrowing is not reduced.

Eliminating the 1994 COLA would affect about 41 million beneficiaries and reduce benefits by about $9 billion per year. These reductions would accrue for several years and then gradually decrease, until becoming negligible about three or four decades from now, he said.

Mr. Myers supported increasing to 85 percent the portion of benefits subject to income taxation, but not for deficit reduction purposes. Whether increasing taxes would decrease the deficit depends on how the revenues are used, Mr. Myers said. If the current practice continues of crediting revenues to the Trust Funds, the deficit does not decrease because overall federal borrowing is not reduced. However, if the revenues were credited to the General fund of the Treasury, then deficit reduction would occur, he said.

Paul Cullinan.—Mr. Cullinan outlined deficit reduction options affecting Social Security, illustrating both the likely budgetary effects of such measures and their distributional impacts.

Eliminating the 1994 COLA would "save" about $6.9 billion in 1994 and about $49.4 billion over the 1994–1998 period, Mr. Cullinan said. Families receiving Social Security would see a $278 reduction in their after-tax income in 1994, or 0.9 percent of income. Families in the lowest income quintile would lose an estimated $158, about 2.0 percent of their after-tax income; the recipients in the highest quintile are estimated to lose $326 per family, about 0.4 percent of income. Families in the second highest quintile would feel the largest dollar increase—an estimated $335 loss.

In regard to the Clinton Administration's suggestion to increase taxes on Social Security benefits, Mr. Cullinan said the Administration could either increase the fraction of benefits included in a recipient's adjusted gross income, or eliminate or reduce the thresholds. Current law includes in adjusted gross income (AGI) the less of one-half of Social Security benefits or one-half of the excess of the taxpayer's combined income (AGI plus nontaxable interest income plus one-half of Social Security benefits) over a certain amount. The thresholds are $25,000 for single returns and $32,000 for joint returns.

If the taxable percentage were increased to 85 percent while maintaining the current thresholds, federal revenue would increase by an estimated $2.8 billion in 1994 and $31.5 billion over the 1994–1998 period, Mr. Cullinan said. If the thresholds were eliminated and the taxable percentage raised to 85 percent, he said, the comparable estimates would be $10.6 billion and $112.5 billion, respectively.

Increasing the proportion of Social Security benefits subject to the income tax from 50 percent to 85 percent, for those people already having some portion of the benefits taxed, would reduce after-tax income by about 0.5 percent in 1994 for all recipients, Mr. Cullinan said. But it would lower by about 1.1 percent the after-tax income of those actually paying the increased taxes, he said.

James Parmelee.—The Clinton Administration should not cut Social Security COLAs or increase taxes on Social Security taxes, Mr. Parmelee said. Doing so would violate the compact between the government and senior citizens who contributed to the Social Security system in return for expected benefits, he said.

COLA cuts would drop approximately 500,000 people below the poverty line, Mr. Parmelee said. Moreover, freezing COLAS would not reduce the budget deficit, because any savings would be credited to the Social Security Trust Funds, not to the General Treasury Fund, he said.

Mr. Parmelee supported returning Social Security to a pay-as-you-go basis by cutting payroll tax rates, a proposal contained in legislation introduced by Sen. Moynihan. By adopting the Moynihan plan, Mr. Parmelee said that the Congress' temptation to use surplus Trust Funds to "hide" the budget deficit would be removed.

Lloyd Duxbury.—Cutting COLAs or increasing the amount of Social Security taxes subject to income taxation would plunge many senior citizens into poverty and would erode popular support for the program, Mr. Duxbury said.

Freezing the 1994 COLA would cause 289,000 beneficiaries to drop below the poverty line, Mr. Duxbury said. The average beneficiary, he said, would lose $1,380 over five years and the average couple would lose $2,364.

Increasing the amount of Social Security benefits subject to tax from 50 percent to 85 percent for those with income over $25,000 if single and $32,000 if a couple would also cause a sharp benefit reduction, Mr. Duxbury said. Raising the tax would reduce benefits paid by as much as 24 percent, he said.

Freezing COLAs would not reduce the deficit because savings would be credited to the Trust Funds, not to the General Treasury Fund, Mr. Duxbury said.

Steven Allen.—The Clinton Administration's proposal to increase taxes on Social Security would transform the program into a "welfare program" and destroy middle class support for the program, Mr. Allen said.

Citing a USA Today/CNN/Gallup poll conducted January 29-31 which showed widespread opposition to the COLA freeze and the greater taxation of benefits, Mr. Allen said that Americans oppose both Clinton Administration proposals. According to the poll, respondents oppose the COLA freeze by a margin of 70 to 27 percent. By a margin of 74 to 22 percent, respondents oppose "paying income tax on a larger share of Social Security benefits."

Before asking Social Security beneficiaries to bear the brunt of deficit reduction, the government should eliminate wasteful spending programs, Mr. Allen said.

These figures are the increased taxes per State caused by increasing the percentage of SS benefits subject to the Federal income tax from 50 percent to 85 percent. The amounts do not include the amount of tax paid under the present 50 percent rule. These are the resulting tax increases in addition to the tax paid under the 50 percent rule.

REVENUE FROM INCREASING THE TAXATION OF BENEFITS UP TO 85 PERCENT BY STATE, 1994–98

[In millions]

State	1994	1995	1996	1997	1998	1994–98
Alabama	$29	$60	$67	$74	$83	$314
Alaska	5	11	12	13	15	55
Arizona	48	99	110	122	136	516
Arkansas	18	37	41	46	51	193
California	365	757	838	932	1,041	3,932
Colorado	27	57	63	70	78	295
Connecticut	50	104	115	128	143	541
Delaware	9	19	21	24	26	100
District of Columbia	6	12	14	15	17	64
Florida	249	516	571	635	709	2,680
Georgia	47	97	107	119	133	503
Hawaii	16	32	36	40	44	168
Idaho	7	14	16	18	20	74
Illinois	142	294	325	362	404	1,527
Indiana	49	101	112	124	139	524
Iowa	35	72	80	89	100	376
Kansas	28	58	64	71	79	300
Kentucky	22	45	50	55	62	234
Louisiana	24	50	56	62	69	261
Maine	12	25	28	31	34	130
Maryland	53	109	121	134	150	567
Massachusetts	71	148	163	182	203	767
Michigan	84	174	192	214	239	902
Minnesota	43	89	98	110	122	462
Mississippi	16	33	37	41	46	173
Missouri	51	105	116	130	145	547
Montana	8	17	18	20	23	86
Nebraska	19	40	44	49	55	206
Nevada	12	25	28	31	34	130
New Hampshire	13	26	29	32	36	136
New Jersey	119	246	273	304	339	1,281
New Mexico	13	27	30	33	37	141
New York	243	503	557	620	692	2,616
North Carolina	58	121	134	149	167	630
North Dakota	7	14	16	18	20	74
Ohio	93	194	214	239	266	1,006
Oklahoma	30	62	69	76	85	322
Oregon	29	60	66	74	82	310
Pennsylvania	123	254	282	313	350	1,322
Rhode Island	12	24	26	29	33	124
South Carolina	27	56	62	69	77	292
South Dakota	5	11	12	14	15	58
Tennessee	38	79	88	97	109	411
Texas	142	295	327	364	406	1,534
Utah	11	24	26	29	33	123
Vermont	6	12	14	15	17	64
Virginia	65	136	150	167	187	706
Washington	59	122	135	150	167	632
West Virginia	12	25	27	30	34	128
Wisconsin	44	92	102	113	126	478
Wyoming	5	10	11	12	13	49

Source.—National Committee to Preserve Social Security and Medicare. Based on Amount of Social Security Benefits included in AGI in 1988 by State as a percentage of total.

INTRODUCTION OF LEGISLATION REGARDING SOCIAL SECURITY BENEFITS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation to correct an unjust situation regarding Social Security benefits.

Did you know that when a Social Security recipient dies, the last month of Social Security benefits must be returned to the Social Security Administration? This is wrong because the recipient has already earned these benefits and places an undue hardship on the survivors in the case where a recipient dies near the end of the month.

My legislation seeks to prorate Social Security benefits across the month in which a recipient dies. The bill also allows survivors to receive Social Security benefits without penalizing or capping other benefits which a survivor might be entitled to receiving at that time.

This approach makes sense. For example, if an individual earned $100 working at a department store on Wednesday and then died on Thursday, his survivor or estate is legally entitled to that $100. There should not be a double standard for hard-earned Social Security benefits.

Mr. Speaker, I am urging all my colleagues to cosponsor my bill which is a fair approach to an intolerable situation.

TRIBUTE TO HON. CHALMERS P. WYLIE

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to pay tribute to our distinguished former colleague and Member from the State of Ohio, Hon. Chalmers P. Wylie.

First elected to the U.S. House of Representatives in 1966, Congressman Wylie had served the people of Ohio's 15th Congressional District for 26 consecutive years when he retired last year. During that time, he had risen to the position of ranking minority member on the House Banking, Finance and Urban Affairs Committee. In this leadership role, Mr. Wylie helped to craft numerous pieces of legislation affecting the competitiveness and well-being of the Nation's banking, finance, and housing industries, as well as their consumers.

In particular, Mr. Wylie was instrumental in writing the landmark savings and loan rescue bill, the Financial Institutions Reform Recovery and Enhancement Act of 1989. Title IX of that act, commonly known as the Enhanced Enforcement Powers Act of 1989, was the result of a bill he had introduced the previous year to strengthen the authority of savings and loan regulators to address the problems of failing thrifts. He also significantly influenced the passage of such essential bills as the Truth in Lending Act, the National Consumer Cooperative Bank Act, and the Competitive Equality Banking Act, to name just a few.

The fact that his constituents returned him to Congress on 12 consecutive occasions, each by a substantial margin, is a splendid testament to Congressman Wylie's dedication to and concern for the welfare of central Ohioans. Despite numerous achievements in several different areas, Mr. Wylie will long be remembered for his deep interest in affordable housing and his work to help Americans achieve their dreams of owning their first home.

In 1978, Congressman Wylie was one of the original sponsors of legislation creating the Neighborhood Reinvestment Program. A decade later, in 1988, he was one of the two lead sponsors of the Neighborhood Housing Services Expansion Act, which was later incorporated into the National Affordable Housing Act of 1990. Recognizing his commitment to housing issues, the National Association of Home Builders presented Mr. Wylie with the first-ever American Dream Award in 1988, symbolizing his ongoing efforts to make that home-ownership dream come true for more Americans.

However, Congressman Wylie's activities weren't confined to just the Banking Committee. He was also an integral player on the House Veterans' Affairs Committee, where he introduced and supported a variety of legislation designed to improve and expand the assistance provided to America's military veterans. His efforts on behalf of the Nation's veterans focused primarily on legislation to improve the delivery of disability and health care benefits, as well as on initiatives to enhance educational opportunities and to expand job training programs. Above all, Mr. Wylie wanted our Federal laws to reflect the gratitude of our Nation's citizens for the sacrifices made by veterans and their families.

Not surprisingly, Congressman Wylie's interest in the welfare of America's veterans was born out of his own service to his country. A decorated veteran of World War II, Mr. Wylie served with the 30th Infantry Division through five European campaigns. Along the way he was awarded the Silver Star, Legion of Merit, Bronze Star, Croix de Guerre, and the Purple Heart. Of special significance, Mr. Wylie took part in the first wave of brave of American soldiers to storm the beaches of Normandy on D-day, and thus to begin to liberate Europe from the terrible grip of Nazi occupation.

Closer to home, thanks to Congressman Wylie's efforts, $4.8 million in Federal funds were earmarked in last year's energy and water development appropriations bill for constructing the west Columbus floodwall. These funds will help assure that the floodwall will be completed by the Army Corps of Engineers during the next decade. Securing these funds was the culmination of several years' work by Mr. Wylie and others to bring flood protection to a portion of Columbus which has been inundated by waters from the nearby Scioto River three times this century causing millions of dollars of damage and claiming nearly 100 human lives. More than 4,000 homes, 370 businesses, and 26 industrial and institutional sites, including Mount Carmel Medical Center and the Central Ohio Transit Authority, owe a debt of gratitude to Mr. Wylie for his diligence on behalf of this project.

Mr. Speaker, this institution is so often judged, or misjudged as the case may be, by its actions as a whole or by the misdeeds of just a few. Seldom is this body judged by history or the American people on the record of service, the accomplishments, or the honor of its individual Members. When Chalmers Wylie retired at the close of the 102d Congress last year, the House bid farewell to a fine legislator, a solid leader among Republicans in the House, and a good friend. Without a doubt, Mr. Wylie left behind a legacy of which he and the citizens of Ohio's 15th District can be justly proud.

His quiet integrity and personal decency have left an indelible mark on the House of Representatives, and I am very pleased to be associated with him. I know many friends and colleagues here in the Nation's Capital and back home in Ohio join me in wishing Chalmers and Marjorie much happiness and success as they take up new, exciting challenges in the days ahead.

THE QUESTION OF LESBIANS, GAYS, AND BISEXUALS IN THE ARMED FORCES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BROWN of California. Mr. Speaker, distinguished colleagues, I rise to add my voice to those calling for an end to discrimination against lesbians, gay men, and bisexuals in the Armed Forces of our great country.

I have long opposed discrimination in our national life, and I have worked very hard to see the doors of opportunity opened for all our citizens, regardless of race, sex, group, or class. It is unacceptable to allow a class of individuals to be excluded or expelled from our military based on their status, here based on sexual orientation.

As chairman of the House Science Committee, I would like to bring attention to the fact that the latest scientific research dealing with homosexuality points to a genetic or other biological origin. Sexual orientation is intrinsic to the individual; it is not a matter of choice.

In the present debate, the crux of the matter to me is that many gay men, lesbians, and bisexuals have served and are now serving in the Armed Forces honorably, and often with distinction. The U.S. military is a strong and proud part of our Nation's heritage, and this is in part due to the fine service rendered by these citizens.

It is a waste of valuable human resources to exclude talented individuals from serving their country in the Armed Forces. Among our allies, we stand virtually alone in maintaining this kind of policy. The Canadians and the Australians have recently changed their policy in this regard, and by all accounts, there have been few if any repercussions.

Moreover, in these days of great budgetary limitations, we can ill afford to waste time, effort, and money to seek out and expel service members because of their sexual orientation. It is a remarkable and telling fact that expulsions on the basis of sexual orientation decline noticeably in time of armed conflict. Only in peacetime have the Armed Forces aggressively pursued the expulsion of homosexuals and bisexuals.

Whether we are at war or in peace, service in the Armed Forces of the United States must be based on ability and behavior, and both of these must be of the highest order. Sexual harassment of any kind or sexual activity while on duty is not acceptable for homosexuals, bisexuals, or heterosexuals. But whatever standards of conduct are used, they should apply equally to all individuals, no matter what their sexual orientation.

I support President Clinton in his decision to end discrimination on the basis of sexual orientation in the military, and I urge the Congress and our military leaders to cooperate with the administration to ensure a speedy and smooth transition in implementing the President's policy.

NATIONAL ASSOCIATION FOR GIRLS AND WOMEN IN SPORTS REVERSING TRENDS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, when it comes to equity for women and their daughters in the sports arena—as hearings held by the Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness have shown—we are not even near first base.

I am pleased to call to the attention of this body one organization that is dedicated to "reversing the trend in the declining number of women in coaching and leadership positions and to increasing the participation opportunities for female athletes." That organization, Mr. Speaker, is the National Association for Girls and Women in Sports [NAGWS].

One of NAGWS' most significant endeavors has been educating and informing coaches, athletic directors, equity officers, and school officials about title IX of the education amendments of 1972, which prohibits sex discrimination in education programs that receive Federal financial assistance. NAGWS has published and disseminated Title IX Toolbox; Title IX at Twenty: Mature Programs or Still Toddling; and Title IX.

To get more women in the lineup for sports-related leadership positions, NAGWS, as part of a 4-year leadership plan, hosted a national leadership conference to bring together outstanding women leaders to discuss improving the number of women in leadership positions in educational institutions and the Olympics. State and local leadership conferences were born out of this initiative. Also, NAGWS is currently developing a leadership manual designed to teach girls and young women important leadership skills.

NAGWS' womentoring program serves to help young women professionals develop leadership skills by matching them with seasoned veterans.

Through advocacy, leadership, and coaching, NAGWS continues to fight until the day when equity for women and their daughters in sport is a home run realization.

A TRIBUTE TO THE DR. MARTIN LUTHER KING, JR. COMMITTEE OF LAS VEGAS ON THE OCCASION OF THE GRAND OPENING OF THE NEIGHBORHOOD CENTER

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BILBRAY. Mr. Speaker, it is my pleasure to rise before my fellow Members today to pay tribute to an outstanding community organization in southern Nevada. The Dr. Martin Luther King, Jr. Committee of Las Vegas through dedication to enhance and promote the work of Dr. Martin Luther King, Jr., has contributed significantly to the people of my district. This commemoration of the grand opening of the neighborhood center comes at a very unique time for our city.

The Dr. Martin Luther King, Jr. Committee of Las Vegas was founded as a nonprofit organization November 3, 1981. With a growing membership of over 125 active members and 600 honorary members, the Dr. Martin Luther King, Jr. Committee of Las Vegas has displayed leadership through the initiation of many community-based programs including senior health services, youth scholarships, crisis assistance programs, a Thanksgiving basket program for the needy, and the annual King week festivities.

Most importantly the Dr. Martin Luther King, Jr. Committee of Las Vegas has a proven track record of educating the youth of our community. Some of the educational enhancement the committee has provided are youth job training and tutorial services that will be made available with opening of the neighborhood center.

I am indeed honored to pay tribute to the Dr. Martin Luther King, Jr. Committee of Las Vegas. I applaud the efforts of the organization's president assemblyman Wendell P. Williams, and the executive board members Deloris Sawyer, Eddie Taylor, Annie A. Walker, Joanna Wesley-Lee, and Robert Smith.

I ask my colleagues to stand with me today in honoring these outstanding Nevadans and the fine work they are doing as part of the King committee's ongoing agenda to "Live the Dream."

COMMITTEE FUNDING RESOLUTION FOR FISCAL YEAR 1993

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to express my deep regret that House Resolution 107 omits funding for the Select Committee on Aging. I believe it is truly unfortunate that the committee will expire tomorrow without even the benefit of a floor debate or vote on the merits of its work.

All reports show that older Americans constitute the greater portion of those who come in contact with Federal agencies. Appropriately, then, the Federal Government must play a leadership role in identifying the ongoing and new needs of this vital sector of our populace. And likewise, we have a responsibility to continue to explore and create the best, most efficient, and most cost effective means of delivering the services that meet the needs of our senior citizens.

The Aging Committee has, with great success, helped the Federal Government meet this challenge. The committee—by nature of its mandate to work on problems faced by aging Americans—has played a key role in advancing solutions for seniors who have had problems with social security, Medicare, housing, retirement income, crime, consumer fraud, employment discrimination, and a wide variety of health care related problems.

Mr. Speaker, because the committee specializes on how these problems effect seniors, we also specialize in how to create solutions for seniors and how to make those solutions work.

Mr. Speaker, no other committee in the House specializes on this prominent group. In fact, jurisdiction for the types of problems seniors face is spread clear across-the-board of congressional committees. The Aging Committee isolates the effects these issues have on seniors and ensures that each of the legislative committees is made fully aware of how best to address the problems of seniors.

For instance, Mr. Speaker, just this past session, the subcommittee of which I am the ranking member, the Subcommittee on Housing and Consumer Affairs, focused on shortcomings in medical research as it pertained to older women and heart disease. Similarly, our subcommittee has focused on other problems older women as health care consumers face in the areas of breast implants, mammograms, and health care options at mid-life.

The subcommittee also worked to coordinate services to senior citizens by investigating the role of the Department of Housing and Urban Development [HUD] in delivering important services to seniors living in HUD facilities. Looking at HUD's performance from the perspective of seniors living in HUD facilities helped to identify gaps in certain Federal programs. The subcommittee has been working to remedy some of these deficiencies.

Additionally, Mr. Speaker, it's important to note that the Aging Committee has also conducted numerous field hearings across the country. In my own district, I held a hearing on health care reform, giving senior citizens who often do not have the means to travel or who may even fear to travel, an opportunity to provide their firsthand testimony. It is a grave injustice to eliminate this opportunity from such an informed and affected group of Americans.

Mr. Speaker, the hearings, reports, and investigative research assembled by the Aging Committee have all produced useful, helpful, effective data that Congress has converted into solutions for senior citizens. I urge the standing committees to work with us in ensuring that the mission of the Aging Committee is continued.

CHILD ABUSE: A PROBLEM THAT CANNOT BE IGNORED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. THOMAS of California. Mr. Speaker, an estimated 4 million children in the United States are victims of child abuse every year and 5,000 of those children die as a result of this abuse. In California alone, child abuse has steadily increased every year since 1985. As a State, California ranked second highest in the number of child deaths as a result of abuse.

These tragic statistics demonstrate the pressing need for us to continue to support innovative programs to end the cycle of child abuse. It is a known fact abused children become abusers themselves, proving that we must take action to break this endless cycle.

For this reason, I have cosponsored legislation proclaiming the month of April as Child Abuse and Neglect Prevention Month. This designation provides us all an opportunity to demonstrate how important it is to prevent child abuse from occurring in our lives.

It is essential that the community, as a whole, recognize the need for a support system to help eradicate this problem. Fortunately, the Kern Child Abuse Prevention Council and the Kern County children's network are there to help in this effort.

These groups help coordinate efforts between public and private agencies, as well as other involved groups, such as minority and religious organizations. They help not only with crisis intervention and daily prevention, but also understand the need for a supportive system for families and their children.

The victims of child abuse are usually silent; it is the community that must reach out to the child and let them know that they are not alone. It is also the community that can reach out to the family and assist them in receiving counseling.

Child abuse can be stopped if people are taught to think before they act. If we all take the time to look for the signals, we can prevent deaths. Let's all remember that April is Child Abuse and Neglect Prevention Month. We can reflect about the importance of the family and think about the future of the children.

THE RURAL COMMUNITY ENVIRONMENTAL ASSISTANCE ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. RAHALL. Mr. Speaker, I rise today to introduce the Rural Community Environmental Assistance Act. This measure is an attempt to address the problems incurred by small, economically disadvantaged communities as they try to meet environmental mandates which have been imposed on them over the past 20 years. Given the documented national need for sewage treatment system construction and the increased focus on economic stimulus and job creation, this bill is very necessary and timely legislation.

Last year, in my State of West Virginia, there were over 40 municipalities which were out of compliance with Clean Water Act standards. These circumstances have an enormous impact on the quality of life, economic development, and environmental conditions of these towns. In fact, in West Virginia, lack of adequate infrastructure is often cited as the prime reason that an industry or company will not move into a particular area.

You may ask how has this state of affairs come to be? The answer is fairly simple. Small, rural communities cannot afford to build these facilities.

In 1987, the Congress began phasing out the Construction Grants Program under title II of the Clean Water Act. Under this program localities were originally able to receive grant money with a 20-percent non-federal match and later with a 45-percent non-Federal match. With the 1987 reauthorization, however, Congress initiated the State Revolving Fund Program. Under this plan, Federal capitalization grants are made to States—with a 20-percent State match—and low-interest loans are then made to local authorities.

Unfortunately, in West Virginia there are very few success stories related to the SRF. Loans are being made at a snail's pace because even with zero percent interest, many small communities cannot afford the cost. The move away from the Construction Grants Program has eliminated most small community projects in West Virginia.

To determine the extent of the funding problem, the West Virginia Division of Environmental Protection examined 20 communities which had received grant awards. During the review, zero percent SRF loans were substituted for the construction grants. Of the 20 communities studied, only 4 would have been able to afford their projects if they had to be financed using an SRF loan.

West Virginia is not alone in this problem. In the past, rural communities and small towns have had trouble getting a significant share of the funds available for wastewater treatment projects. Although localities with less than 10,000 residents make up 38 percent of the national population, they have received only 24 percent of the money loaned from the SRF's. Furthermore, it is estimated that more than $110 billion will be necessary to meet national wastewater treatment needs over the next 20 years.

Mr. Speaker, the bill I have introduced gives States the flexibility that is necessary to address the needs of small towns. It reauthorizes the SRF until the year 2000 at levels up to $4 billion. It also creates an account in which the States are required to set aside a portion of their Federal capitalization grant. The funds in the set-aside are to be used to make loans and grants to rural, economically distressed localities which have a drastic need for treatment facilities.

Additionally, this bill answers President Clinton's call for infrastructure investment and job creation. It is estimated that for every $1 billion invested in infrastructure approximately 60,000 jobs are created. Such investment will also generate other jobs through economic development.

Mr. Speaker, it is unfair to continue to impose mandate after mandate on small communities but provide no means of achieving these standards. I want to implore my colleagues to join me in support of this important legislation.

WE MUST GUARANTEE PRIVACY OF PRESCRIPTION DRUG RECORDS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. STARK. Mr. Speaker, prescription drug freebies are a booming business practice aimed at luring consumers, doctors, and pharmacists to brand-name drug products. Whether you call them gifts, incentives, memory-joggers, newsletters, or coupons, it's clear that these enticements can cost consumers something they never realized—the privacy of their medical history.

A recent U.S. News and World Report article highlights current marketing techniques being used by the major drug manufacturers in their attempt to corner segments of the drug market. As a result of their marketing efforts, the drug manufacturers are compiling private medical history information. And according to current law, they have the right to sell it to the highest bidder.

Today, consumers are being targeted by pharmaceutical manufacturers to maintain, or change, loyalty to their brand-name drugs. The U.S. News and World Report article states:

> In some of the latest promotions, patients are rewarded if they switch from one prescription to another.

The article continues:

> Confidentiality could become an issue, too. Virtually all drug companies require patients to mail in a gift registration form. Besides name and address, some forms ask for drug dosage, the prescribing doctor's name and the location of the pharmacy that fills the prescription. You may not object to a manufacturer's market research or care who knows that you're using, say, a nicotine patch to help you quit smoking. But what if your prescription is for urinary-tract infections, prostate problems, or a heart condition?

Mr. Speaker, these records are a gold mine of personal information. Recently, individuals have been fired or not hired because their drug history was sold to their boss or perspective employer. This invasion of privacy must not be tolerated or continued.

The drug manufacturers might insist that patient privacy is respected, but how can we impart our privacy to them when they allow marketing firms to manage these lists?

I have recently introduced H.R. 1497, the Prescription Drug Privacy Act of 1993, which will make it illegal to circulate, buy or sell prescription drug information without the consumer's consent. This bill is an improved version of a bill I introduced last year. After receiving information that these giveaway schemes open the door to additional ways to invade consumers' privacy, I modified last year's legislation. The bill now protects consumers who participate in these promotional schemes. The privacy of their prescription records will remain intact.

Following is the recent U.S. News and World Report article:

PRESCRIPTION PRIZES—DRUG MAKERS HOPE GIVEAWAYS AND DISCOUNTS WILL SNAG CUSTOMERS

(By Doug Podolsky and Richard J. Newman)

One August Sunday in 1991, ICI Pharma ran a two-page advertisement in *Parade* magazine touting free and discounted goods for anyone taking its prescription bloodpressure drug, Tenormin. Some of the incentives in ICI's "Wellspring Service," like low-fat recipes and decaffeinated coffee, made medical sense. Others, like Polaroid film and music CDs, were simply inducements, and the Food and Drug Administration didn't care for it. In the Jan. 22, 1992, issue of the *Journal of the American Medical Association*, FDA officials noted that ethics guidelines adopted in 1990 by both the American Medical Association and the Pharmaceutical Manufacturers Association stamped such gifts as off-limits for drug companies to offer and for doctors to accept. But as the FDA officials themselves noted, the guidelines did not explicitly prohibit gifts to *patients*.

Since ICI's ad ran, 8 of the top 10 U.S. prescription-drug manufacturers have started up patient giveaways. In some of the latest promotions, patients are rewarded if they switch from one prescription drug to another—and pharmacists get cash on the side for dispensing the gifts. The booty includes $70 electronic blood-pressure monitors, $10 electronic pedometers, price breaks on prescriptions and refills, coupons for $50 off over-the-counter pharmacy products, newsletters and magazines—even telephone reminders to take your medicine.

None of this cornucopia is truly "free," of course. The money spent on promotion adds to prices—which have soared 51 percent since 1988, far outpacing inflation. And 23 cents of every prescription dollar goes toward marketing and advertising by manufacturers, against 16 cents for research, estimates the Prime Institute, a think tank at the University of Minnesota College of Pharmacy—a ratio that has remained roughly steady over the last decade.

The burst of patient promotions has spurred both the FDA and the AMA to wonder whether specific guidelines might be in order. Like other companies that offer such inducements, ICI says its intent is altruistic: to encourage patients on long-term drug therapy to take their medications faithfully and to adopt healthier habits. To that end, ICI and others promote their offerings mostly in ads that run in the *New England Journal* of Medicine and other publications that go to doctors and pharmacists, who then dole out the forms and coupons for the premiums. Many doctors eagerly cooperate after long frustration over patients who don't follow orders. Fully half of patients with chronic high blood pressure quit their medication after the first year, for example; 40 percent of the other half don't take their pills as often as they should. This gives drug makers and pharmacists an obvious incentive: Together they lose an estimated $2.8 billion a year in revenues because patients forget to refill their prescriptions or just quit.

CHEAP LOYALTY?

Besides rescuing lost revenues, pharmaceutical manufacturers would like to boost them by creating brand-name loyalty. Surveys show that 4 out of 5 doctors will consider prescribing a drug if a patient requests it: drug companies hope that patient premiums will inspire patients to do just that. But patients might wonder whether their loyalty to a pricey drug isn't being bought cheap. Some premiums are novel and may be genuinely useful, as indicated by several of the examples below. Others are neither. And generic versions of the drug promoted may be just as helpful—and cheaper. While a month's supply of ICI's Tenormin sells for about $25, a number of generic versions—among them one made by ICI—go for about $10. What's more, for some people with high blood pressure, a low dose of a generic diuretic such as hydrochlorothiazide, at a cost of about $4 a month, controls blood pressure effectively.

Confidentiality could become an issue, too. Virtually all drug companies require patients to mail in a gift registration form. Besides name and address, some forms ask for drug dosage, the prescribing doctor's name and the location of the pharmacy that fills the prescription. You may not object to a manufacturer's market research or care who knows that you're using, say, a nicotine patch to help you quit smoking. But what if your prescription is for urinary-tract infections, prostate problems or a heart condition? Though drug makers insist patient privacy is guaranteed, it is unsettling that their lists are usually managed by marketing firms.

The value of some premiums may overcome any qualms. Lederle and Wyeth-Ayerst, for example, give an electronic home blood-pressure monitor worth about $70 to patients on Verelan, a hypertension drug that the two companies jointly market. One ad in Modern Medicine, a journal for primary-care doctors, suggest that monitors motivate patients to take their medicine and that home readings may be more accurate than readings taken in the stressful atmosphere of the doctor's office. Indeed, the government's latest hypertension guidelines endorse home monitoring because it helps patients chart their progress. With Wyeth-Ayerst's Tenex, another antihypertensive drug, patients get electronic pedometers to track the pace and distance of their exercise walks. But placing value on a blood-pressure monitor or a pedometer assumes both that patients will actually use the devices and that doing so will encourage them to be faithful to their medical regimen. For added motivation, Verelan patients get a quarterly newsletter, a blood-pressure diary and a video about healthy lifestyles; Tenex users get a subscription to Walking magazine and a free two-week supply of the drug. The savings of about $13 will pay for a pair of running shorts.

"HELLO, IT'S TIME."

Some drug makers will even nag patients to take their medicine. Hypertensive patients on Searle's Calan SR can sign up to a daily phone call the first week, five calls the second week, three the third week and one during the fourth week. Whether such short-term reminders translate to long-term compliance isn't clear.

Few drug companies, in fact, seem to have much interest in finding out whether their premiums help patients. ICI Pharma, an exception, has funded published research suggesting that premiums in its Wellspring Service do work. Patients who sign up get dose-counting medicine caps and other memory joggers, monthly refill reminders, newsletters and periodic packets with coupons for blood-pressure monitors health books and low-sodium cheese. A one-year, ICI-funded study of 985 members of health maintenance organizations in seven states founded that hypertensive patients who signed up for

Wellspring refilled their prescriptions 16 percent more often than those on the drug who were not given premiums. What's more, during the 12-month study, they range up to $127 less in doctor's office and hospital bills than did those who did not sign up, according to the study, published last spring in the journal Primary Cardiology.

The content of even decent programs, however, tends to be superficial. The Wellspring premiums Marie Dolan of Kansas City received after being given a prescription for Tenormin left the 86-year-old former schoolteacher unimpressed. She thought her pharmacist provided more useful information than the Wellspring newsletter, and she didn't want any of the products the coupons covered. The next time her Wellspring Service representative called to remind her to refill her medicine, she informed him that she had switched to a generic form of Tenormin. That, she says, got her an earful: The man, unaware that both drugs were made by the same company, told her that the generic wasn't as good as Tenormin. An ICI spokesperson says its phone representative was "overzealous." The company later called to apologize to Dolan, who at the time was spending about $300 a month out of pocket on prescriptions; ICI now sends out refill reminders by mail instead of phoning.

With drug costs soaring, the most attractive premiums go to the pocketbook, and some companies indeed are offering price breaks, rebates and money-back guarantees. Patients using Merck's Proscar, the new prostate-shrinking drug, receive a certificate for a 30-day supply—worth $52.50—six months after they start the drug and annually thereafter—an 8 percent discount, in effect, on the yearly cost. Searle and Wyeth-Ayerst, comarketers of the antibiotic Maxaquin, are so sure their drug will work against recurrent urinary-tract infections that if a patient develops another infection within six months, the next Maxaquin prescription is on the house.

A $110,000 PROMISE

Searle, in fact, will refund out-of-pocket expenses for the latest prescription for *any* of its medications that don't work—a promise that has cost the company more than $110,000 over the past five years. And patients who try Lederle's ProStep nicotine patches and don't stop smoking get rebates off future prescriptions. Another ProStep incentive—for pharmacists—has sparked an ongoing inquiry by four state attorney's general, however. Lederle pays pharmacists a bounty of up to $16 for each patient they "encourage" to quit smoking and instruct in using the patch. Investigators feel that the arrangement may violate statutes prohibiting deceptive trade practices if patients are not told of the deal. No charges have been filed as yet. Lederle denies any wrongdoing and asserts that patch users counseled by their druggist are most successful at quitting.

Financial incentives, whether to professionals or patients, have the best chance of catching the eye of federal and state authorities, so programs offering these perks tend to be the most restrictive. To guard against federal anti-kickback laws, many patient premiums exclude anyone on Medicaid; some bar Medicare recipients as well. Still, some perks have triggered FDA action.

Upjohn, for instance, drew an FDA warning letter last November after the company invited pharmacists to send diabetics promotional packets for Glynase, some containing coupons worth $2 for switching from other blood-sugar-lowering drugs. (The pharmacists would pocket an $8 bounty for each patient who switched.) The FDA charged that information sent to patients suggesting that Glynase was more effective than other drugs was baseless. What's more, said the FDA, switching to Glynase could involve "significant safety risks" that Upjohn had failed to communicate, such as temporary instability of blood-sugar levels until costly dosing tests were done. Upjohn halted the program and says it is working to comply with FDA regulations.

Aside from the details of the offer, the FDA stated that the pharmacists were expected to comb through information in their own pharmacy databases to come up with names of people and to send them promotional material. Sporadic reports hint at other privacy abuses, perhaps large-scale. Curt Barr, a former president of the Nebraska Pharmacists Association, says he received an anonymous call a year ago at the pharmacy he owns asking whether he would enroll his customers in a reminder program. After a year, the caller said, the customers would be solicited by a mail-order pharmacy—which presumably would have been given their names and addresses. "I refused," says Barr. William S. Katz, a Connecticut pharmacists and past president of the National Association of Retail Druggists, says a pharmaceutical company offered money to his assistant last year to cull his records for lists of patients who took the company's drugs.

Complying wouldn't have violated federal law. But Democratic Rep. Pete Stark of California will soon introduce legislation to make it illegal for pharmacists to circulate pharmaceutical records without customers' permission. His proposal, however, would not safeguard the privacy of people who sign up for drug companies' incentive programs.

Worries about the true worth of patient premiums and the potential for privacy abuse are easily resolved by avoiding giveaways in favor of a do-it-yourself approach. A good blood-pressure monitor, for example, costs as little as $40 to $60 (*Consumer Reports* rated the $62 Sunbeam 7621 notably reliable last May). Some pharmacy chains, like Eckerd, offer their own compliance programs, such as reminder calls when a prescription needs refilling. Many drugstores sell a variety of programmable pill containers and bottle caps that buzz, blink or otherwise nudge you to take your medicine. Studies at Temple University and elsewhere have shown that they help.

INFORMATION ALTERNATIVES

For people who need to cut prescription costs because they are on a fixed income or lack health insurance, the Pharmaceutical Manufacturers Association has a list of medicines that drug firms will furnish free or at low cost to patients in need. (For information, a patient's *physician* should write the PMA at 1100 15th Street, NW., Washington, DC 20005.) As for the free newsletters and magazines, most are light on news, offering only general health and lifestyle rhetoric. Consumer magazines like *Health* and *American Health* may be more informative; for people who prefer their health information straight and in small doses, the *University of California at Berkeley Wellness Newsletter* covers a wide variety of health issues. The *Harvard Medical School Health Letter* offers indepth articles for sophisticated readers. (Each monthly costs $24 a year; PO Box 420235, Palm Coast, FL 32142.) Of course, nonprofit associations and societies, such as the National Psoriasis Foundation, offer newsletters free or for small donations. (For information on over 700 self-help support groups, call the American Self-Help Clearinghouse at 201-625-7101.)

Given the high cost of drugs these days, getting a perk with a prescription is hard to pass up. Yet patients who accept drug-company gifts might not be getting the best deal. Findings an affordable drug that works is the true payoff and the right prescription.

HOUSE OF REPRESENTATIVES—*Wednesday, March 31, 1993*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the gifts of life and we offer this our thanksgiving:

For the gifts of knowledge and the blessings of wisdom,

For the gifts of friendship and tolerance and respect,

For the gifts of family and friends and colleagues and their nurture to us in so many ways,

For the gifts of freedom and the blessings of liberty,

For the gifts of leadership and responsibility,

For the gifts of unity and the blessings of common purpose,

For the gifts of healing and the blessings of reconciliation, and

For the gifts of faith and hope and love.

For all these gifts and the opportunities of this day, we offer this our prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 159, not voting 16, as follows:

[Roll No. 123]

YEAS—255

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—159

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Barton
Brown (CA)
Byrne
Carr
Clayton
Fingerhut
Ford (TN)
Henry
LaFalce
Maloney
Nadler
Parker
Quillen
Sanders
Shepherd
Whitten

☐ 1430

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, on today's Journal vote, rollcall No. 123, I was unavoidably detained and unable to reach the Chamber before the vote was closed.

I would have voted "yes."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Alabama [Mr. EVERETT] will lead the House in the Pledge of Allegiance.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

69-059 O—97 Vol. 139 (Pt. 5) 32

Mr. EVERETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today, Wednesday, March 31, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. WALKER. Mr. Speaker, reserving the right to object, can the gentleman from New Mexico tell us what items are on the Calendar Wednesday that could possibly be acted on if Calendar Wednesday were to proceed forward?

Mr. RICHARDSON. Mr. Speaker, I will be pleased to do that if the gentleman will yield.

Mr. WALKER. I am happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, on the House Calendar there are no eligible measures.

On the Union Calendar there are only three bills. H.R. 1430 was not laid over. H.R. 235 and H.R. 720 have seen their corresponding Senate measures passed in the House earlier this week.

Mr. WALKER. Could the gentleman tell us what the subject matters of those bills are?

Mr. RICHARDSON. I certainly will.

H.R. 235 is to provide for certain land exchanges in the State of Idaho, and for other purposes.

H.R. 320 is the bill of the gentleman from California [Mr. MILLER] to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest.

The third bill, H.R. 1430, as I mentioned, has not been laid over. That is the debt limit bill. And as the Speaker announced earlier, that is being worked on right now.

Mr. WALKER. So further reserving the right to object, two of the measures, as I understand it, are measures that were already acted on, Senate bills, and so we have already acted, so they have been rendered rather moot, so we would not take those up. But the only eligible bill for possible consideration under the Calendar Wednesday would be the debt limit bill, and as I understand it, because we are going to bring up the budget bill a little bit later that contains now the debt limit, that that would be the reason for not raising that under the Calendar Wednesday. Is that correct?

Mr. RICHARDSON. The gentleman is correct.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I thank the gentleman from New Mexico and I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday.

The Clerk will call the committees.

The Clerk called the committees.

EXTENDING SUSPENDED IMPLEMENTATION OF CERTAIN REQUIREMENTS OF FOOD STAMP PROGRAM ON INDIAN RESERVATIONS

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 284) to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, and yield to the distinguished gentleman from Texas [Mr. DE LA GARZA], chairman of the House Agriculture Committee, to explain the legislation.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

This is the Senate bill which delays until January 31, 1994, this coming January, the implementation of regulations that would implement the Food Stamp Act on Indian reservations.

Now they are not required to have staggered issuance of food stamps, and also they have monthly requirements of reporting of income, and there is some concern expressed in a GAO report that has been issued on that item. So all this bill does is to delay the implementation until January 31 in order to accommodate further study.

Mr. Speaker, I rise in strong support of S. 284, a bill to amend the Food Stamp Act of 1977 to delay until January 31, 1994, first, the implementation of an exemption from the requirement of households residing on Indian reservations to file periodic reports of income and household circumstances, and second, the requirement for staggered issuance of coupons on Indian reservations.

The Food, Agriculture, Conservation, and Trade Act Amendments of 1991—Public Law 102–237—requires that on April 1 of this year, State agencies issue food coupons on a staggered basis. On that same date, State agencies are also required to exempt households residing on Indian reservations from monthly reports.

The requirement of staggered issuance on Indian reservations in the current law was intended to discourage retail stores from increasing their food prices on the day that food stamps are issued. The monthly reporting exemption was intended to overcome the problems many Indian households have in completing the monthly reporting requirements.

However, comments from the General Accounting Office [GAO] as well as comments from State agencies and several Indian reservations indicate differing views on the merits of the current provisions of law.

Mr. Speaker, the delay in implementation of these provisions will allow the Committee on Agriculture additional time to obtain more in-depth information on the pros and cons of staggered issuance and monthly reporting requirements on Indian reservations. Meanwhile, the Committee on Agriculture, both majority and minority members, support prompt passage of S. 284.

The Congressional Budget Office advises us the legislation has no direct spending impact on the Federal budget.

Mr. ROBERTS. Mr. Speaker, I thank the chairman for his explanation on this legislation, which is concurred in full by the minority.

Mr. Speaker, I rise in support of S. 284, a bill that extends the suspension of the implementation of certain provisions concerning food stamp families living on Indian reservations.

Recently I received a letter from the secretary of the Kansas Department of Social and Rehabilitation Services regarding the Food Stamp Program and two provisions, originally included in the 1990 farm bill, affecting Indian reservations. These provisions exempt families living on Indian reservations from the program's periodic income-reporting requirements and require States to stagger issuance of food stamp benefits throughout the month for these families.

They were originally included in the 1990 Food, Agriculture, Conservation and Trade Act. However, Congress subsequently delayed implementation of the provisions until April 1, 1993, and required the General Accounting Office to report on the effect of these provisions.

The GAO report provided the comments of 13 State agencies, including Kansas, responsible for administration of the Food Stamp Program and 2 Indian organizations, all of which opposed implementation of the provisions. The reasons cited include increases in the complexity and the cost of the Food Stamp Program for both administrators and families receiving benefits.

The bill under consideration today further delays the requirement that States implement these two provisions on April 1, 1993. It suspends implementation until January 31, 1994.

I support S. 284 and urge my colleagues to support it as well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "April 1, 1993" both places it appears and inserting "January 31, 1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MANAGEMENT POLICY NEEDED FOR GULF OF MEXICO

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, today I am introducing legislation along with Senator BOB KRUEGER of Texas that will promote economic development and environmental protection in and around one of our Nation's most important natural resources—the Gulf of Mexico.

The Gulf of Mexico is a vital economic and environmental resource for our Nation. Yet the Federal Government has no coordinated policy with the coastal States to monitor the growing pollution and development pressures being experienced along the gulf.

Mr. Speaker, the residents and the environment along the gulf deserve better.

Our proposal will establish a framework by which Federal and State agencies can work together to better manage and coordinate both the economic development and the protection of natural resources of the gulf region. Our proposal is modeled after the Federal-State partnerships in place for the Chesapeake Bay and the Great Lakes.

Establishment of a Gulf of Mexico Commission will help all levels of government foster sustainable development. And it will provide a means of dealing with the gulf's pollution problems in a more coordinated and cost-effective manner.

In addition, this legislation will require the Secretary of Agriculture to compile an inventory of all Federal and State laws and regulations affecting the use of wetlands for agricultural production. This information will help the Secretary formulate recommendations for wetlands policy across the United States, with a particular emphasis on the economic and environmental interests of the Gulf of Mexico and the prudent use of agriculture lands in the coastal States.

Finally, creation of a Gulf of Mexico Commission will also complement and enhance the administration's efforts to negotiate a supplemental agreement on the environment with Mexico in conjunction with the proposed North American Free-Trade Agreement.

I have urged the administration to ensure that this side agreement includes a bilateral framework to deal with the problems of the Gulf of Mexico—in reality, our other border with Mexico—and I have been assured the administration is committed to that goal.

I encourage my colleagues here in the House to review the legislation Senator KRUEGER and I are introducing today and to join us in cosponsoring the Gulf of Mexico Act.

THE NEW CLINTON LEXICON

(Mr. BURTON asked and was given permission to address the House for 1 minute.)

Mr. BURTON. Mr. Speaker, want to congratulate President Clinton and my Democrat colleagues for being able to manipulate the media by using terminology that is kind of new to Americans. They came up with the term "gridlock," which was picked up, and on gridlock there is a difference of opinion between the Democrats and the Republicans on how we run this economy, and they have been very successful through the media in getting their point across.

PORK BARREL PROJECTS

Billions of dollars of pork is put in the so-called economic stimulus package. It is not called pork but it is called job creation and it is called economic stimulus.

Now today we heard on the news that President Clinton's package is going to reduce the deficit by $504 billion over the next 5 years. The fact of the matter is that it is going to have $244 billion in new spending in there, and it is going to add over $1 trillion to the debt. Never mind that, though. The media picks up what he wants them to pick up, and they have been selling his program.

Well I have a couple of terms that I would like to add to the lexicon today, and those two are Clintonomics, Clintonomics, and Clintastrophe that is going to occur when we pass his package.

□ 1440

WHAT A DIFFERENCE AN ELECTION MAKES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the House today is set to pass the largest deficit reduction package in our Nation's history. What a difference an election makes.

It may seem like an eternity, but less than 1 year ago, our deficit was growing like kudzu vine at a pace of $11,000 per second. Partisan gridlock and inertia shackled Congress from doing anything at all to keep spending under control.

We had a President blithely convinced that our economy was the envy of the free world, while Americans flocked to the unemployment office. Now, Congress is about to make a historic vote on a far more specific and gutsy deficit reduction package than anyone could have imagined 1 year ago.

It began with President Clinton's visionary proposal which, defying all expectations, was improved upon by the Congress. The plan cuts an unprecedented $500 billion from the deficit. Not a single penny of new taxes or mandatory savings is used for new spending. It adheres to the strict discretionary spending caps in the 1990 Budget Enforcement Act. And it finally reorders our spending priorities away from the cold war and to the productivity war.

Mr. Speaker, it is not that someone might not have done it better, but that it has been done at all. Fiscal responsibility begins, and gridlock ends, today with a "yes" vote on the budget.

CUT SPENDING, NOT RAISE DEBT CEILING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, here we go raising the debt limit again, without passage of either a balanced budget constitutional amendment or a line-item veto, that would be to surrender the fight against big government's big spending.

What we need is, of course, a balanced budget amendment, with a tax-limitation provision to ensure the budget gets balanced by reducing government, not by increasing taxes.

We also need a line-item veto that gives the President a tool to cut waste immediately.

It makes no sense to raise the debt limit again and again, without addressing the real reason Congress finds it necessary to raise the limit—more spending.

Mr. Speaker, what we have to do is to get the Government spending under control. Let us be honest with the American people: If we want to continue spending, perhaps we should remove the ceiling forever and admit that Congress has no plans, no plans at all, to control big government's appetite.

IT IS JOBS, STUPID

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the only humane measure of the economy is jobs. It is the number of people unemployed and the number of people employed that matters most. It is not the profits for the greedy. It is not the set of complicated statistics. It is jobs, stupid.

We need the full stimulus package to create jobs.

In New York State and in New York City, unemployment is above 10 percent and still climbing. In my district, unemployment is above 15 percent and climbing.

According to the New York Times, in a suburb 50 miles from New York, IBM yesterday began the layoff of 4,000 employees, and the same thing is happening across the Nation. Across the Nation there are many more thousands of layoffs to come.

Let us pass the stimulus package now. We need the jobs. We need the jobs in the summer program; this summer we need the jobs in the community development block grant. We need the jobs. That is the most important thing about the economy.

It is jobs, stupid.

ROCK CHALK, JAYHAWK, KU

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, not only is it my privilege to represent the National Collegiate Athletic Association, the NCAA, headquartered in Overland Park, KS, my hometown, I am honored to represent the University of Kansas, the Kansas Jayhawk basketball team, and Coach Roy Williams.

In an unabashed spirit of partisanship, I have made a somewhat friendly bet with our distinguished colleague, Mr. DAVID PRICE, the gentleman from North Carolina who represents the University of North Carolina at Chapel Hill.

Naturally, I fully expect to collect the North Carolina barbecue which Mr. PRICE has so generously wagered. As much as I would like to promote Kansas beef in North Carolina, it is my hope that Mr. PRICE will have to settle for the mouthwatering thought of eight Kansas steaks.

It is an interesting sidelight that Dean Smith, the TarHeels coach, was born in Emporia, KS, and was a member of the Jayhawks' 1952 NCAA championship team. And, Coach Williams was born in Asheville, NC, and served as an assistant to Dean Smith.

Mr. Speaker, I fail to see how Kansas can lose. Rock Chalk, Jayhawk, KU!

UNC TAR HEELS VERSUS KANSAS JAYHAWKS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, March madness is upon us. This weekend four of the Nation's premier college basketball teams will tip off in the final four round of the NCAA tournament in New Orleans. The gentlewoman from Kansas and I do share a special interest in this contest, not only do we proudly represent the districts which UNC Chapel Hill and the University of Kansas call home, but as she mentioned, our rivalries are intensified given the fact Tar Heel Coach Dean Smith, a native of the Sunflower State, will be facing his protege, Jayhawks Coach Roy Williams—a former Tar Heel assistant coach and a North Carolinian by birth.

I commend my colleague from across the aisle for her loyalty and her optimism. However, while the Jayhawks may have wings, they do not have a prayer in this game, for as we all know, the skies above New Orleans are and will always be Carolina blue. And I am looking forward to those fine Kansas steaks±.

HEALTH CARE REFORM DEPENDS ON CAMPAIGN REFORM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I had not come to the well to talk about basketball but about campaign reform. But I do not want to disappoint too bitterly my friend, the gentleman from North Carolina [Mr. PRICE], and my friend, the gentlewoman from Kansas [Mrs. MEYERS], and my friends from Michigan, but the University of Kentucky Wildcats from my home State of Kentucky are going to win it all down in the Big Easy this coming weekend.

Having said that, Mr. Speaker, this morning I heard from a pollster some very disquieting information. While the American people want health care reform and are generally in favor of paying for it, they do not believe that health care reform will be passed by the Congress, because they do not think Congress can extricate itself from the thralls of the special interests who have an interest in health care legislation.

It leads me to say, Mr. Speaker, once again, that underlying reform of health care or anything on our docket for the remainder of this Congress is changing the campaign finance laws to limit PAC's, political action committees, limit the amount of overall spending, limit bundling and soft money.

Mr. Speaker, again, before we can reform anything, we have to reform the campaign finance law.

CUT SPENDING FIRST

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, very soon we will be asked to vote to once again increase our national debt.

We are already over $4 trillion in the hole.

This country would be booming economically today if we were not so deeply in debt.

The overwhelming majority of the American people do not want us to go further into debt.

The people would vote against raising this debt limit any further, yet a majority in this House will probably go against their wishes and vote for this bill.

The American people are saying, loud and clear, cut spending first.

Yet, with the exception of the Defense Department, almost every agency is asking for large increases in spending.

I do not know of a single agency or department in the executive or judicial branches of our Government that is voluntarily reducing its budget at all.

If we could significantly cut Federal spending, and balance our budget, it would hurt some bureaucrats.

But it would help millions of regular people by strengthening our economy.

If we keep on increasing spending and going further into debt, we are going to face very severe economic problems in this Nation in the years ahead.

☐ 1450

IN SUPPORT OF AN EQUITABLE DISTRIBUTION OF STIMULUS FUNDS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, today, I wish to applaud my colleagues in Congress for the progressive action that this body has taken in regards to the President's budget proposal and stimulus package. We must begin to rebuild our economy by directing our attention to our Nation's infrastructure which is in dire need of investment.

I am particularly concerned about those areas which have not adequately rebounded from the resurgence of the economy. Often, these areas have not been appropriately considered on the Federal, State, and local levels. Consequently, I have introduced a resolution before Congress which calls for an equitable distribution of stimulus funds to encompass the needs of distressed rural and urban regions. This resolution, House Concurrent Resolution 72, addresses means by which ambiguous stimulus package funds are to be distributed. Furthermore, this measure places emphasis on those areas which are most desperate due to neglect or specific economic dislocation.

Mr. Speaker, I know that reductions in the USDA budget as well as other related rural programs will have a prominent impact on rural America. For the month of February, the national unemployment rate hovered around 7 percent. This translated into real terms means that almost 9 million people are still unemployed. Meanwhile, distressed regions scattered across the country face lethargic economies, and many have their problems compounded by military base closures.

My desire is that stimulus funds be properly directed to take into account specific levels of distress. I urge my colleagues to join me in this task.

BTU TAX SHOULD NOT BE APPROVED

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, on the campaign trail, candidate Clinton said that middle-class Americans had had enough in taxes, that it was time to give them some relief. I agreed with this sentiment at the time, and I still do. Unfortunately, President Clinton does not agree with candidate Clinton, and the result is that the President now proposes to increase rather than decrease taxes on the middle class by implementing a Btu tax.

The President says that his primary motivation for the Btu tax is deficit reduction and that we will raise $73 billion for this purpose over 5 years. But the President also recognized how aggressive this energy tax is and proposes to respend $37 billion to ease the impact. This will not ease the impact on my constituents, whose average income is $14,000. It certainly is a tax that will discriminate against areas like the State of Maine and the New England area because oil will be taxed twice as much.

So my constituents will bear a disproportionate burden of this tax. I would ask the Members of the House to support the resolution of the gentlewoman from Connecticut [Mrs. JOHNSON] and myself to oppose the energy tax.

NATIONAL PUBLIC RADIO'S REPORTING SHOULD BE BALANCED

(Mr. CANADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANADY. Mr. Speaker, I rise today to voice concern over the lack of balanced reporting on the Middle East by national public radio which receives a major portion of its funding from the American taxpayers.

I would direct my colleagues' attention to a report published in a recent issue of Commentary magazine.

Based on a study of NPR stories over 6 months in 1991, the media watchdog group CAMERA, identified a disturbing trend.

For instance, according to CAMERA's study, out of 278 stories on Israel and the Arab-Israeli conflict, not a single story reported on the balance of military power or the threat posed to Israel by weapons of mass destruction.

But numerous stories did assail Israel's policies without providing appropriate context.

The report cites many lapses in NPR's news judgment or objectivity.

As a recipient of taxpayer funding, NPR should be strictly objective and balanced.

It is a travesty for tax dollars to be used to support propaganda against the State of Israel.

I found CAMERA's report disturbing, and I am sure many of my colleagues on both sides of the aisle will share my concerns.

I would urge national public radio to carefully consider the findings of this report, and to rectify the imbalance in its coverage of the Middle East.

INVESTMENT TAX CREDITS SHOULD APPLY ONLY TO AMERICAN-MADE PRODUCTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, American workers, and IBM workers, too, had their taxes raised in 1981 to pay for tax credits given to American companies who bought computers made in Japan and Germany. Today, 4,000 IBM workers who build computers lost their jobs. Last year there were 45,000 of those IBM workers, and there are 25,000 more scheduled this year.

And, guess what: Congress is right now coming back with another investment tax credit program. I say it should be illegal for the Congress to give tax credits for the purchase of computers or any goods made overseas. The tax credit should only be given when an American product is made.

I guarantee you one thing: IBM workers should be furious over a Congress that targeted their jobs back as far as 1981.

I guarantee you another thing: Mr. Speaker, the Japanese and the Germans are not offering to pay unemployment benefits for those workers in New York: You can bet your sweet job on it.

INTRODUCTION OF THE EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESSES ACT OF 1993

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, this afternoon I join with my colleague, Congresswoman MARCY KAPTUR, in introducing the Equitable Health Care for Severe Mental Illnesses Act of 1993. A companion bill was introduced yesterday in the other body.

Our bill reasserts that mental illness is real, an illness in need of medical treatment.

For too long our health care system has tolerated unconscionable cutbacks, through insurance companies and employer sponsored plans denying coverage for serious mental illness.

Our bill will make certain that any health care reform plan undertaken by Congress includes equitable coverage for persons with severe mental illnesses. This means an end to health care discrimination and the rationing—I stress rationing—of mental health treatment.

Mr. Speaker, I would also like to stress that care for the mentally ill is preventive medicine, and can reduce the costs to society that are being paid in other ways, such as SSI payments, and the countless numbers of homeless people on our streets who are mentally ill and cannot afford treatment.

All of these costs are spread across the American taxpayer, and the American health care delivery system. So to those who would say we cannot afford to cover treatment for these severe mental illnesses, I say we cannot afford not to.

Our bill is good health policy, good family policy, and good fiscal policy, and I urge my colleagues' support of this critical legislation.

IBM LAYOFFS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, today's New York Times includes a story that details the disturbing layoff of over 5,000 IBM jobs in upstate New York.

Ironically, today's New York Times also carries a story that outlines the compensation package for the new CEO of IBM—a base salary of $2 million, a one-time compensation of $5 million for leaving his former job, and stock options that add up to millions more.

How can any business justify a $7 million salary to one executive while simultaneously shattering the lives of over 5,000 hard working employees?

Mr. Speaker, such corporate irresponsibility is an affront to every working-class American that has been sacrificing and struggling through a persistent economic recession.

Big business must do more to protect working-class citizens and less to add to the rolls of Livestyles of the Rich and Famous.

RAISING THE DEBT CEILING AND THE BALANCED BUDGET AMENDMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it does not surprise me that this administration has found another catch phrase to disguise its habit to spend. There is a flaw, however, to using the term temporary as a reference to increasing the debt ceiling: The term has been used before, and we know that in the end, the word can hardly be distinguished from the term permanent.

Yes; that is right. This week, this body will attempt, yet again, to increase the debt ceiling. Mr. Bentsen says we have to increase the national debt by $225 billion, but he also says it will only be on a temporary basis until September 30. The word temporary might appear to reduce the danger of such governmental spending, but what Bentsen really means is that a longer lasting extension of the Government's borrowing ceiling is expected to be included in a major deficit reduction legislation next year.

In one decade, from May 1980 through November 1990, this body voted to increase the debt ceiling 32 times. Eleven of the thirty-two times, Congress called its debt-ceiling increase only temporary; six additional times, this body voted to permanently increase that which had previously been termed temporary. All in all, more than half of the votes to increase the debt ceiling were in the name of a temporary, increase; it led to a debt ceiling increase from approximately $935 billion to approximately $3 trillion. Today it stands at over $4 trillion.

The only way to stop this irresponsibility is by voting for the balanced-budget amendment. Double speak should not fool us. The American people have asked us to genuinely cut spending, and this is what we have to do.

□ 1500

THE LINE-ITEM VETO

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, today we have an opportunity to begin making a small dent in the armor of the Federal budget deficit.

Today we have an opportunity to say no to pork barrel spending and yes to common sense in our budget process.

Today we have an opportunity to say yes to an important weapon that can help our President eliminate spending that helps only a few of us, so that the Congress can concentrate on solving the problems that affect all of us.

We can take this small step by saying yes to line-item veto legislation.

In the past 2 weeks we have considered the budget resolution, the stimulus package, the debt ceiling.

We have debated where we are going to find the funds to finance important, meaningful programs. We have debated our need to eliminate some programs that do not work or are not needed.

Well, these discussions are important.

But we need to do more than just talk.

We need to take action—and this is our opportunity.

I urge my colleagues to take a step that is action, not talk, and support strong line-item veto legislation.

WHERE ARE THE BIG SAVINGS?

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, today marks the last day for the House select committees.

For many Members, their support for shutting down the committees was a tough decision, but one they made in order to make Congress share in the sacrifice necessary for deficit reduction.

But, Mr. Speaker, without sounding like a commercial for long distance telephone service, I want to ask my colleagues: "Where are the big savings?"

Almost $2.7 million for the select committees have been appropriated for this year and remain unspent—and if we do not take action, it will simply be spent elsewhere and not 1 dime will go to deficit reduction.

Likewise, just yesterday, the House passed a committee funding resolution which claimed to cut committee budgets by 5 percent, but when you read the fine print, you will find that virtually none of the cuts came from the remaining committees.

Again, I ask: "Where are the big savings?"

Mr. Speaker, it is time for some truth in budgeting around here. And it is time to really save the taxpayer's money.

That is why I urge my colleagues to join me in sponsoring H.R. 1428 which would require that all leftover money from the select committees be used for deficit reduction.

The committees are gone. So now let us put our money where our mouth is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would point out that the gallery will not applaud.

COSPONSOR THE EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESSES ACT OF 1993

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, may I ask our colleagues to please join with the gentlewoman from New Jersey [Mrs. ROUKEMA], my very capable and distinguished colleague, and myself in sponsoring important health legislation that puts treatment of severe mental illness on a par with that of other major physical illnesses.

The Equitable Health Care for Severe Mental Illnesses Act of 1993 will put the Congress and the executive branch on record as seeking to end discrimination in the health care system against those with severe mental illnesses. The legislation directs that health care coverage, both public and private, provide commensurate coverage for severe mental illness as it does for other major physical illnesses.

The personal and societal costs of severe mental illness are tremendous. Millions of individuals and their families are in dire financial straits due to inequitable coverage. On top of this, they also suffer from a lack of access and affordability of treatment.

During this Decade of the Brain, it is time we respond to the marvelous breakthroughs of modern medicine.

Passage of this bill will also save our Nation over $2.2 billion annually by treating the illnesses, rather than providing for income support to affected individuals.

Please join us.

PRESIDENT CLINTON USING DEFENSE BUDGET AS HIS OWN LITTLE PIGGY BANK

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, President Clinton is fortunate to have our former colleague, Les Aspin, as Secretary of Defense. Secretary Aspin is a recognized expert on defense policy, a man who has spent years analyzing America's defense needs.

Secretary Aspin was before the Armed Services Committee yesterday to discuss the $120 billion of defense cuts that President Clinton has proposed.

I asked the Secretary, "Les, where did this figure come from? Did it come from your bottom-up review of U.S. defense?" No.

"Did it come from the Pentagon's civilian staff?"

No.

"Did it come from the Joint Chiefs of Staff?"

No.

Well, then perhaps it came from a threat assessment of the problem areas around the world. No again.

It came from that well-known defense study group, the White House Office of Management and Budget, pulled out of the air. That is the number they said to Les Aspin. "Now go and make the cuts, but don't get into any detail. That is bad politics."

The Clinton defense cuts are not being made in a rational way with a eye toward the needs of our military and our national security. President Clinton is simply using the defense budget as his own little piggy bank, a convenient place to find money to pay for his new big-government programs. Perhaps that tells us something very strongly about this administration's opinion of our men and women who wear the uniform of our great Nation.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. SABO submitted the following conference report and statement on the current resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

CONFERENCE REPORT (H. REPT. 103-48)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 64), setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, having met, after full and free conferences have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social security.
Sec. 6. Major functional categories.
Sec. 7. Reconciliation.
Sec. 8. Sale of Government assets.
Sec. 9. Deficit-neutral reserve fund in the Senate.
Sec. 10. Social security fire wall point of order in the Senate.
Sec. 11. Sense of the House regarding tax revenues and deficit reduction.
Sec. 12. Enforcement procedures.
Sec. 13. Sense of the Senate provisions.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $905,500,000,000.
Fiscal year 1995: $973,800,000,000.
Fiscal year 1996: $1,037,600,000,000.
Fiscal year 1997: $1,093,300,000,000.
Fiscal year 1998: $1,143,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $27,400,000,000.
Fiscal year 1995: $40,400,000,000.
Fiscal year 1996: $58,000,000,000.
Fiscal year 1997: $73,600,000,000.
Fiscal year 1998: $73,200,000,000.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $90,200,000,000.
Fiscal year 1995: $98,800,000,000.
Fiscal year 1996: $104,200,000,000.
Fiscal year 1997: $109,100,000,000.
Fiscal year 1998: $114,000,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $812,400,000,000.
Fiscal year 1995: $858,900,000,000.
Fiscal year 1996: $926,500,000,000.
Fiscal year 1997: $976,500,000,000.
Fiscal year 1998: $1,020,700,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $21,800,000,000.
Fiscal year 1995: $28,300,000,000.
Fiscal year 1996: $44,700,000,000.
Fiscal year 1997: $59,100,000,000.
Fiscal year 1998: $57,600,000,000.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,223,400,000,000.
Fiscal year 1995: $1,289,600,000,000.
Fiscal year 1996: $1,347,500,000,000.
Fiscal year 1997: $1,409,900,000,000.
Fiscal year 1998: $1,474,500,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,136,400,000,000.
Fiscal year 1995: $1,192,100,000,000.
Fiscal year 1996: $1,239,100,000,000.
Fiscal year 1997: $1,290,300,000,000.
Fiscal year 1998: $1,341,800,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,218,300,000,000.
Fiscal year 1995: $1,280,600,000,000.
Fiscal year 1996: $1,323,200,000,000.
Fiscal year 1997: $1,371,300,000,000.
Fiscal year 1998: $1,435,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,133,000,000,000.
Fiscal year 1995: $1,184,500,000,000.
Fiscal year 1996: $1,216,100,000,000.
Fiscal year 1997: $1,252,300,000,000.
Fiscal year 1998: $1,303,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $312,800,000,000.
Fiscal year 1995: $306,800,000,000.
Fiscal year 1996: $285,600,000,000.
Fiscal year 1997: $278,000,000,000.
Fiscal year 1998: $292,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $320,600,000,000.
Fiscal year 1995: $315,600,000,000.
Fiscal year 1996: $299,600,000,000.
Fiscal year 1997: $275,800,000,000.
Fiscal year 1998: $282,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,731,900,000,000.
Fiscal year 1995: $5,097,900,000,000.
Fiscal year 1996: $5,453,700,000,000.
Fiscal year 1997: $5,812,700,000,000.
Fiscal year 1998: $6,182,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,600,000,000.
Fiscal year 1995: $14,500,000,000.
Fiscal year 1996: $21,600,000,000.
Fiscal year 1997: $31,900,000,000.
Fiscal year 1998: $38,100,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,700,000,000.
Fiscal year 1995: $146,900,000,000.
Fiscal year 1996: $144,200,000,000.
Fiscal year 1997: $138,800,000,000.
Fiscal year 1998: $136,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $372,300,000,000.
Fiscal year 1995: $366,000,000,000.
Fiscal year 1996: $355,800,000,000.
Fiscal year 1997: $359,100,000,000.
Fiscal year 1998: $369,700,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1994: $1,056,500,000,000.
Fiscal year 1995: $1,171,600,000,000.
Fiscal year 1996: $1,294,700,000,000.
Fiscal year 1997: $1,420,200,000,000.
Fiscal year 1998: $1,544,600,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,289,000,000.
Fiscal year 1995: $356,423,000,000.
Fiscal year 1996: $375,708,000,000.
Fiscal year 1997: $393,038,000,000.
Fiscal year 1998: $410,528,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and

311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,813,000,000.

Fiscal year 1995: $286,457,000,000.

Fiscal year 1996: $297,401,000,000.

Fiscal year 1997: $308,456,000,000.

Fiscal year 1998: $319,408,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $263,400,000,000.

(B) Outlays, $277,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $262,400,000,000.

(B) Outlays, $272,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $253,600,000,000.

(B) Outlays, $264,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $248,100,000,000.

(B) Outlays, $248,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $253,900,000,000.

(B) Outlays, $252,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $18,900,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,300,000,000.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,800,000,000.

Fiscal year 1997:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1998:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,100,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $20,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $21,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,800,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $4,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $4,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $20,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $20,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,500,000,000.

(B) Outlays, $21,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,500,000,000.

(B) Outlays, $21,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $9,600,000,000.

(B) Outlays, -$10,500,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:

(A) New budget authority, $10,400,000,000.

(B) Outlays, −$7,100,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $40,600,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $41,000,000,000.

(B) Outlays, $37,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $42,200,000,000.

(B) Outlays, $39,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,700,000,000.

(B) Outlays, $40,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,900,000,000.

(B) Outlays, $42,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1995:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1996:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1997:

(A) New budget authority, $8,900,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,200,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $55,800,000,000.

(B) Outlays, $52,100,000,000.

(C) New direct loan obligations, $400,000,000.

(D) New primary loan guarantee commitments, $20,700,000,000.

Fiscal year 1995:

(A) New budget authority, $59,200,000,000.

(B) Outlays, $54,800,000,000.

(C) New direct loan obligations, $3,300,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

Fiscal year 1996:

(A) New budget authority, $62.800,000,000.

(B) Outlays, $54,900,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $13,700,000,000.

Fiscal year 1997:

(A) New budget authority, $65,100,000,000.

(B) Outlays, $62,100,000,000.

(C) New direct loan obligations, $20,100,000,000.

(D) New primary loan guarantee commitments, $5,000,000,000.

Fiscal year 1998:

(A) New budget authority, $67,400,000,000.

(B) Outlays, $64,800,000,000.

(C) New direct loan obligations, $26,200,000,000.

(D) New primary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $119,000,000,000.

(B) Outlays, $118,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $133,100,000,000.

(B) Outlays, $131,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $148,200,000,000.

(B) Outlays, $146,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $163,700,000,000.

(B) Outlays, $162,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $180,600,000,000.

(B) Outlays, $178,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,200,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,600,000,000.

(B) Outlays, $167,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $184,200,000,000.

(B) Outlays, $183,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,600,000,000.

(B) Outlays, $201,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $221,500,000,000.

(B) Outlays, $221,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1994:

(A) New budget authority, $51,200,000,000.

(B) Outlays, $51,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $61,300,000,000.

(B) Outlays, $58,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,700,000,000.

(B) Outlays, $63,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $71,200,000,000.

(B) Outlays, $71,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $80,000,000,000.

(B) Outlays, $80,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $211,100,000,000.

(B) Outlays, $210,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $222,800,000,000.

(B) Outlays, $223,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $237,800,000,000.

(B) Outlays, $232,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,200,000,000.

(B) Outlays, $243,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $253,400,000,000.

(B) Outlays, $252,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.

Fiscal year 1995:

(A) New budget authority, $35,400,000,000.

(B) Outlays, $35,500,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

Fiscal year 1996:

(A) New budget authority, $36,000,000,000.

(B) Outlays, $34,600,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

Fiscal year 1997:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $36,400,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,800,000,000.

Fiscal year 1998:

(A) New budget authority, $36,800,000,000.

(B) Outlays, $36,900,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,300,000,000.

(B) Outlays, $15,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $14,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $239,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $260,800,000,000.

(B) Outlays, $260,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $280,100,000,000.

(B) Outlays, $280,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $297,700,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $315,300,000,000.

(B) Outlays, $315,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $250,400,000,000.

(B) Outlays, $250,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $271,100,000,000.

(B) Outlays, $271,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $289,700,000,000.

(B) Outlays, $289,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $305,900,000,000.

(B) Outlays, $305,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $321,400,000,000.

(B) Outlays, $321,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1994: $307,443,000,000.

Fiscal year 1995: $327,744,000,000.

Fiscal year 1996: $347,046,,000,000.

Fiscal year 1997: $364,334,000,000.

Fiscal year 1998: $381,401,000,000.

(22) Allowances (920):

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$6,000,000,000.

(B) Outlays, −$4,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$2,700,000,000.

(B) Outlays, −$4,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$0,700,000,000.

(B) Outlays, −$0,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$9,900,000,000.

(B) Outlays, −$13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$32,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$31,500,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$31,700,000,000.

(B) Outlays, −$33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$32,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$32,100,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$28,200,000,000.

(B) Outlays, −$29,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$29,000,000,000.

(B) Outlays, −$30,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$29,200,000,000.

(B) Outlays, −$30,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$29,700,000,000.

(B) Outlays, −$30,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$29,400,000,000.

(B) Outlays, −$30,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 7. RECONCILIATION.

(a) COMMITTEES ON WAYS AND MEANS AND FINANCE.—Not later than April 2, 1993, the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses reconciliation legislation containing recommendations to change laws to increase the statutory limit on the public debt to not more than $4,370,000,000,000.

(b) SENATE COMMITTEES.—Not later than June 18, 1993, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction to reduce the deficit $118,000,000 in fiscal year 1994 and $3,170,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction to reduce the deficit $128,000,000 in fiscal year 1994 and $2,361,000,000 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction to reduce the deficit $401,000,000 in fiscal year 1994 and $3,131,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction to reduce the deficit $1,700,000,000 in fiscal year 1994 and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction to reduce the deficit $118,000,000 in fiscal year 1994 and $737,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction to reduce the deficit $13,000,000 in fiscal year 1994 and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $2,346,000,000 in fiscal year 1994 and $35,157,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Finance shall report changes in laws within its jurisdiction to increase revenues $27,293,000,000 in fiscal year 1994 and $272,105,000,000 for the period of fiscal years 1994 through 1998.

(C) The Senate Committee on Finance shall report changes in laws to increase the statutory limit on the public debt to not more than $4,900,000,000,000.

(8) The Senate Committee on Foreign Affairs shall report changes in laws within its jurisidction to reduce the deficit $5,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction to reduce the deficit $77,000,000 in fiscal year 1994 and $10,638,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction to reduce the deficit $345,000,000 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction to reduce the deficit $4,571,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction to reduce the deficit $266,000,000 in fiscal year 1994 and $2,580,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—Not later than May 14, 1993, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House of Representatives a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the deficit as follows: $98,000,000 in fiscal year 1994, $119,000,000 in fiscal year 1995, $515,000,000 in fiscal year 1996, $1,041,000,000 in fiscal year 1997, and $1,177,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in an increase of outlays as follows: $523,000,000 in fiscal year 1994, $1,524,000,000 in fiscal year 1995, $1,527,000,000 in fiscal year 1996, $1,533,000,000 in fiscal year 1997, and $1,551,000,000 in fiscal year 1998.

(2) COMMITTEE ON ARMED SERVICES.—The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $128,000,000 in fiscal year 1994, $292,000,000 in fiscal year 1995, $457,000,000 in fiscal year 1996, $643,000,000 in fiscal year 1997, and $841,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,012,000,000 in fiscal year 1994, $3,231,000,000 in fiscal year 1995, $4,117,000,000 in fiscal year 1996, $5,103,000,000 in fiscal year 1997, and $5,800,000,000 in fiscal year 1998.

(3) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending, sufficient to reduce outlays, as follows: $338,000,000 in fiscal year 1994, $346,000,000 in fiscal year 1995, $550,000,000 in fiscal year 1996, $769,000,000 in fiscal year 1997, and $789,000,000 in fiscal year 1998, program changes in laws within its jurisdiction, sufficient to result in an increase of outlays as follows: $5,000,000 in fiscal year 1994; and result in a reduction of outlays as follows: $18,000,000 in fiscal year 1995, $127,000,000 in fiscal year 1996, $227,000,000 in fiscal year 1997, and $260,000,000 in fiscal year 1998, and changes in laws within its jurisdiction to increase revenues, as follows: $63,000,000 in fiscal year 1994, $65,000,000 in fiscal year 1995, $68,000,000 in fiscal year 1996, $70,000,000 in fiscal year 1997, and $73,000,000 in fiscal year 1998.

(4) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by $118,000,000 in fiscal year 1994, and to reduce outlays as follows: $72,000,000 in fiscal year 1995, $792,000,000 in fiscal year 1996, $2,173,000,000 in fiscal year 1997, and $2,898,000,000 in fiscal year 1998.

(5) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $4,342,000,000 in fiscal year 1994, $7,491,000,000 in fiscal year 1995, $13,422,000,000 in fiscal year 1996, $17,518,000,000 in fiscal year 1997, and $21,744,000,000 in fiscal year 1998.

(6) COMMITTEE ON FOREIGN AFFAIRS.—The House Committee on Foreign Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $1,000,000 in fiscal year 1995, $1,000,000 in fiscal year 1996, $1,000,000 in fiscal year 1997, and $2,000,000 in fiscal year 1998.

(7) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $111,000,000 in fiscal year 1996, $115,000,000 in fiscal year 1997, and $119,000,000 in fiscal year 1998.

(8) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $67,000,000 in fiscal year 1996, $68,000,000 in fiscal year 1997, and $70,000,000 in fiscal year 1998.

(9) COMMITTEE ON NATURAL RESOURCES.—The House Committee on Natural Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $131,000,000 in fiscal year 1994, $157,000,000 in fiscal year 1995, $543,000,000 in fiscal year 1996, $569,000,000 in fiscal year 1997, and $591,000,000 in fiscal year 1998.

(10) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $77,000,000 in fiscal year 1994, $491,000,000 in fiscal year 1995, $2,669,000,000 in fiscal year 1996, $3,709,000,000 in fiscal year 1997, and $3,697,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,903,000,000 in fiscal year 1994, $4,660,000,000 in fiscal year 1995, $5,825,000,000 in fiscal year 1996, $7,169,000,000 in fiscal year 1997, and $8,164,000,000 in fiscal year 1998.

(11) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: $31,000,000 in fiscal year 1994, $49,000,000 in fiscal year 1995, $62,000,000 in fiscal year 1996, $76,000,000 in fiscal year 1997, and $78,000,000 in fiscal year 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $266,000,000 in fiscal year 1994, $364,000,000 in fiscal year 1995, $382,000,000 in fiscal year 1996, $405,000,000 in fiscal year 1997, and $1,163,000,000 in fiscal year 1998.

(13) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: by $29,441,000,000 in fiscal year 1994, by $41,415,000,000 in fiscal year 1995, by $61,912,000,000 in fiscal year 1996, by $81,794,000,000 in fiscal year 1997, and by $85,209,000,000 in fiscal year 1998, and changes in laws to increase the statutory limit on the public debt to not more than $4,900,000,000,000.

(14) DIRECT SPENDING.—For purposes of this subsection, the term "direct spending" means spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 and new budget authority as defined in section 3(2) of the Congressional Budget Act of 1974.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO SUPPORT AND PROTECT CHILDREN, AND TO IMPROVE THE WELL-BEING OF FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to support and protect children, and to improve the well-being and self-sufficiency of families and reduce dependency, including initiatives to expand childhood immunization and family preservation and support services, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation, a dislocated worker program, job training, or other related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry 'out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND COMPREHENSIVE HEALTH CARE REFORM.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, or to control health care costs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) INITIATIVES TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS AT THE EARLY CHILDHOOD, ELEMENTARY, SECONDARY, OR HIGHER EDUCATION LEVELS, OR TO INVEST IN THE HEALTH OR EDUCATION OF AMERICA'S CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in the health or education of America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO PRESERVE AND REBUILD THE UNITED STATES MARITIME INDUSTRY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to implement the North American Free Trade Agreement and any other trade-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 11. SENSE OF THE HOUSE REGARDING TAX REVENUES AND DEFICIT REDUCTION.

It is the sense of the House of Representatives that any legislation enacting tax increases called for in this budget resolution contain language providing that the net revenues generated by the legislation shall not be counted for the purpose of calculating the amount of any deficit increase called for in section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Omnibus Budget Reconciliation Act of 1990.

SEC. 12. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$519,142,000,000 in new budget authority and $547,263,000,000 in outlays;

(B) with respect to fiscal year 1997:

$528,079,000,000 in new budget authority and $547,346,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$530,639,000,000 in new budget authority and $547,870,000,000 in outlays;

as adjusted for changes in concepts and definitions, changes in inflation, and emergency appropriations.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 1998 or would increase the deficit for any other fiscal year through fiscal year 2003, as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(g) EXERCISE OF RULEMAKING POWERS.—The Senate adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 13. SENSE OF THE SENATE PROVISIONS.

The following subsections are set forth as the sense of the Senate:

(a) ASSUMPTIONS.—The levels and amounts set forth in this resolution are based on the following assumptions:

(1) REVENUES.—(A) There shall not be an increase in inland barge fuel taxes beyond those increases already scheduled in current law.

(B) The Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes (for purposes of the taxation of Social Security benefits) of less than $32,000 for individuals and $40,000 for married couples filing joint returns.

(C) Consistent with the position of the Administration, the BTU tax will be imposed at the same rate on all fuels purchased by households for home heating purposes, and therefore the supplemental tax on oil will not be imposed on such fuels.

(D) Any energy tax enacted during the One Hundred Third Congress should provide such relief to the agriculture industry as is necessary to ensure that the industry does not absorb a disproportionate impact of that tax.

(2) NATIONAL DEFENSE (FUNCTION 050).—(A) If the estimates for inflation for fiscal years 1994 through 1998 used in the President's fiscal year 1994 budget request and this concurrent resolution are too low, the amounts for budget authority and outlays for the National Defense (050) and other budget functions should be increased to offset the adverse effects of the higher inflation.

(B) If Congress does not enact legislation freezing Federal pay levels for fiscal year 1994 and reducing the rates of increase in Federal pay levels for fiscal years 1995 through 1997, as assumed for the President's fiscal year 1994 budget request and this concurrent resolution, there should be appropriate increases in the amounts of budget authority and outlays for the National Defense (050) and other budget functions in this concurrent resolution to allow the departments and agencies of the Federal Gov-

ernment to meet the resulting increases in costs for pay.

(C) Appropriations for fiscal year 1994 for the programs, projects, activities, and authorities under budget functional category 050 (National Defense) should be made at the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year.

(D) If the appropriations for fiscal year 1994 for such programs, projects, activities, and authorities are less than the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year, the savings resulting from the lesser levels of appropriations should be used only for reducing the deficit in the budget of the United States.

(E) The Congress should promptly reconsider the amounts determined and declared by the Congress in this resolution to be the appropriate levels of new budget authority, outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1994 through 1998 for the National Defense (050) functional category, in the event of material change in situations affecting the security interests of the United States.

(3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (FUNCTION 250).—The budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1994 through 1998 in excess of the amounts proposed by the President for such fiscal year.

(4) NATURAL RESOURCES AND ENVIRONMENT (FUNCTION 300).— (A) Fees charged for domestic livestock grazing on lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior in western States should be set at an amount that permits the ranching industry to remain viable and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

(B) Royalty fees charged for hardrock mining should be set at an amount that permits the mining industry to remain viable in the United States and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

(5) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (FUNCTION 500).—(A) The Head Start program will be funded at the level requested by the President for fiscal year 1998.

(B) The education reform and initiatives will be funded at the level requested by the President for fiscal year 1998.

(C) The defense conversion programs will be funded at the level requested by the President for fiscal year 1998.

(6) HEALTH (FUNCTION 550).—(A) The Committee on Labor and Human Resources will make every effort to embark upon a sustained investment strategy in health research and development over the next 5 years and support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

(B) The vast majority of rising mandatory program costs is due to increasing Federal health care costs, and these costs are assumed in the levels set forth in this resolution.

(C) Health care reform is essential to curb the escalating costs of health entitlement programs to reduce the deficit.

(D) The reduction in health costs in this budget resolution should be augmented by further savings in Federal health outlays as a part of comprehensive health care reform which will be reflected in future budget resolutions.

(E) Comprehensive health reform will result in long term savings both for the public and private sectors of the American economy, and reduce the deficit levels set forth in this resolution at an ever increasing pace.

(F) Health care reform legislation should receive priority attention by the United States Congress with a target date of enactment of such legislation being no later than September 30, 1993.

(7) INCOME SECURITY (FUNCTION 600).—The Women, Infants, and Children (WIC) program will be funded at the level requested by the President for fiscal year 1998.

(8) ADMINISTRATION OF JUSTICE (FUNCTION 750).—(A) The Community Policing ("Cops on the Beat") program will be funded at the level requested by the President for fiscal year 1998.

(B) Funds to reduce the availability and use of illegal drugs will be shifted over the next 5 years so that the allocation shall be equally distributed between the so-called "supply side" (interdiction, law enforcement, and international supply reduction efforts) and the so-called "demand side" (education, rehabilitation, treatment, and research programs).

(b) DEBT LIMIT IN RECONCILIATION.—(1) Any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt.

(2) Any change in the statutory limit on the public debt that is recommended pursuant to a reconciliation directive shall be included in the reconciliation legislation reported pursuant to section 310 of the Congressional Budget Act of 1974 for that fiscal year.

(3) Except as provided in paragraph (4), the Senate shall not consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for that fiscal year in the concurrent resolution on the budget for that fiscal year agreed to under section 301 of the Congressional Budget Act of 1974.

(4) The prohibition of paragraph (3) shall not apply to a reconciliation bill or reconciliation resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(A) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of that Act; and

(B) becomes effective on or after the first day of the following fiscal year.

(c) DEFICIT REDUCTION ACCOUNT.—It is assumed that the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives should report legislation to—

(1) establish a separate account in the Treasury into which all of the amounts by which the aggregate levels of Federal revenue should be increased would be deposited;

(2) ensure that any revenues deposited in such account would not be available for appropriation; and

(3) provide that any such revenues deposited in such account would be used to retire outstanding debt obligations of the United States Government.

(d) LINE-ITEM VETO AUTHORITY INCLUDING APPROPRIATIONS AND TAX EXPENDITURES.—The President should be granted line-item veto authority over items of appropriation and tax expenditures and that line-item veto authority should expire at the conclusion of the One Hundred Third Congress.

(e) USE OF SAVINGS FROM GOVERNMENT STREAMLINING.—Any amounts saved through the efforts of the National Performance Review Task Force headed by the Vice President and as a result of any other reorganization and streamlining of the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993, and any amounts saved in excess of those necessary to offset the cost of any such economic stimulus should be applied to reduce the Federal budget deficit and for no other purpose.

And the Senate agree to the same.

MARTIN O. SABO,
RICHARD GEPHARDT,
DALE E. KILDEE,
ANTHONY C. BEILENSON,
HOWARD L. BERMAN,
ROBERT E. WISE, JR.,
JOHN BRYANT,
CHARLES W. STENHOLM,
BARNEY FRANK,
LOUISE SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the resolution struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF CONFERENCE AGREEMENT

The following tables show the functional allocations and budget aggregates included in the conference agreement over 5 years. In addition, a table follows that breaks out credit amounts by function.

HOUSE-PASSED—TOTAL BUDGET

[In billions of dollars]

	1994	1995	1996	1997	1998
Budget authority	1,505.8	1,579.6	1,639.5	1,708.0	1,787.7
Outlays	1,495.0	1,563.2	1,610.2	1,662.6	1,744.5
Revenues	1,241.5	1,326.4	1,406.1	1,478.9	1,546.0
Deficit (−)/surplus (+)	−253.5	−236.8	−204.1	−183.7	−198.5
Debt subject to limit	4,715.3	5,076.8	5,428.4	5,776.3	6,141.4

HOUSE-PASSED—TOTAL BUDGET—Continued

[In billions of dollars]

	1994	1995	1996	1997	1998
050 National defense:					
Budget authority	263.2	262.0	253.1	247.6	253.4
Outlays	276.5	271.9	264.2	248.4	251.9
150 International affairs:					
Budget authority	19.7	18.9	17.9	17.7	17.5
Outlays	18.9	18.3	17.5	17.1	17.0
250 General science, space and technology:					
Budget authority	18.1	19.3	20.1	20.8	21.3
Outlays	17.6	18.6	19.6	20.4	21.1
270 Energy:					
Budget authority	4.8	5.9	5.5	5.6	5.8
Outlays	3.8	4.1	4.3	4.5	4.4
300 Natural resources and environment:					
Budget authority	20.6	22.6	22.2	22.4	22.3
Outlays	20.8	20.7	21.5	21.8	21.8
350 Agriculture:					
Budget authority	15.1	13.6	12.4	11.7	11.6
Outlays	14.4	12.2	10.5	10.0	10.0
370 Commerce and housing credit:					
Budget authority	21.6	17.7	14.2	10.9	12.8
Outlays	11.0	13.1	1.2	−11.2	−6.8
400 Transportation:					
Budget authority	40.3	40.9	41.7	43.0	44.2
Outlays	36.5	37.7	39.2	39.9	40.1
450 Community and regional development:					
Budget authority	8.9	8.6	8.8	9.0	9.2
Outlays	8.8	8.3	8.1	8.3	8.6
500 Education, training, employment and social services:					
Budget authority	56.0	60.4	62.1	63.8	66.9
Outlays	52.2	55.3	54.5	61.1	64.3
550 Health:					
Budget authority	119.2	133.7	148.1	163.3	180.5
Outlays	118.1	132.1	146.7	161.7	178.7
570 Medicare:					
Budget authority	151.2	171.6	184.2	201.6	221.5
Outlays	149.8	167.3	183.0	201.0	221.1
600 Income security:					
Budget authority	209.9	218.5	229.9	243.2	249.3
Outlays	210.6	219.1	224.3	234.0	243.2
650 Social Security:					
Budget authority	323.1	339.3	355.6	372.6	390.0
Outlays	321.7	338.0	354.2	371.0	388.3
700 Veterans benefits and services:					
Budget authority	34.7	35.4	36.0	36.2	36.8
Outlays	36.3	35.5	34.6	36.4	36.9
750 Administration of justice:					
Budget authority	15.1	15.6	15.9	16.1	16.6
Outlays	15.3	15.8	16.0	16.2	16.5
800 General government:					
Budget authority	13.0	12.8	13.2	13.3	13.5
Outlays	13.1	14.2	13.9	13.8	13.9
900 Net interest:					
Budget authority	208.7	226.0	241.2	253.8	266.0
Outlays	208.7	226.0	241.2	253.8	266.0
920 Allowances:					
Budget authority	0.0	−5.3	−4.0	−5.0	−10.8
Outlays	0.0	−5.3	−4.0	−5.0	−10.8
950 Undistributed offsetting receipts:					
Budget authority	−37.4	−37.9	−38.6	−39.6	−40.7
Outlays	−39.1	−39.7	−40.3	−40.6	−41.7

HOUSE-PASSED—ON BUDGET

[In billions of dollars]

	1994	1995	1996	1997	1998
Budget authority	1,222.1	1,288.2	1,337.4	1,393.9	1,461.2
Outlays	1,217.7	1,276.7	1,315.1	1,355.0	1,424..8
Revenues	905.3	970.2	1,030.6	1,086.0	1,135.6
Deficit (−)/surplus (+)	−312.4	−306.5	−284.5	−269.0	−289.2
Debt subject to limit	4,715.3	5,076.8	5,428.4	5,776.3	6,141.4
050 National Defense:					
Budget authority	263.2	262.0	253.1	247.6	253.4
Outlays	276.5	271.9	264.2	248.4	251.9
150 International affairs:					
Budget authority	19.7	18.9	17.9	17.7	17.5
Outlays	18.9	18.3	17.5	17.1	17.0
250 General science, space and technology:					
Budget authority	18.1	19.3	20.1	20.8	21.3
Outlays	17.6	18.6	19.6	20.4	21.1
270 Energy:					
Budget authority	4.8	5.9	5.5	5.6	5.8
Outlays	3.8	4.1	4.3	4.5	4.4
300 Natural resources and environment:					
Budget authority	20.6	22.6	22.2	22.4	22.3
Outlays	20.8	20.7	21.5	21.8	21.8
350 Agriculture:					
Budget authority	15.1	13.6	12.4	11.7	11.6
Outlays	14.4	12.2	10.5	10.0	10.0
370 Commerce and housing credit:					
Budget authority	16.9	17.0	13.9	9.9	10.4
Outlays	8.5	13.1	3.5	−10.4	−7.2
400 Transportation:					
Budget authority	40.3	40.9	41.7	43.0	44.2
Outlays	36.5	37.7	39.2	39.9	40.1
450 Community and regional development:					
Budget authority	8.9	8.6	8.8	9.0	9.2
Outlays	8.8	8.3	8.1	8.3	8.6
500 Education, training, employment and social services:					
Budget authority	56.0	60.4	62.1	63.8	66.9
Outlays	52.2	55.3	54.5	61.1	64.3
550 Health:					
Budget authority	119.2	133.7	148.1	163.2	180.5
Outlays	118.1	132.1	146.7	161.7	178.7

HOUSE-PASSED—ON BUDGET—Continued

[In billions of dollars]

	1994	1995	1996	1997	1998
570 Medicare:					
Budget authority	151.2	171.6	184.2	201.6	221.5
Outlays	149.8	167.3	183.0	201.0	221.1
600 Income security:					
Budget authority	209.9	218.5	229.9	243.2	249.3
Outlays	210.6	219.1	224.3	234.0	243.2
650 Social Security:					
Budget authority	6.1	6.7	7.3	7.9	8.6
Outlays	8.9	9.6	10.3	11.0	11.7
700 Veterans benefits and services:					
Budget authority	34.7	35.4	36.0	36.2	36.8
Outlays	36.3	35.5	34.6	36.4	36.9
750 Administration of justice:					
Budget authority	15.1	15.6	15.9	16.1	16.6
Outlays	15.3	15.8	16.0	16.2	16.5
800 General government:					
Budget authority	13.0	12.8	13.2	13.3	13.5
Outlays	13.1	14.2	13.9	13.8	13.9
900 Net interest:					
Budget authority	239.9	260.8	280.1	297.4	314.7
Outlays	239.9	260.8	280.1	297.4	314.7
920 Allowances:					
Budget authority	0.0	−5.3	−4.0	−5.0	−10.8
Outlays	0.0	−5.3	−4.0	−5.0	−10.8
950 Undistributed offsetting receipts:					
Budget authority	−30.6	−30.8	−31.0	−31.6	−32.1
Outlays	−32.3	−32.6	−32.7	−32.6	−33.1

HOUSE-PASSED—OFF-BUDGET

[In billions of dollars]

	1994	1995	1996	1997	1998
Budget authority	283.7	291.5	302.2	314.1	326.5
Outlays	277.3	286.5	295.1	307.6	319.7
Revenues	336.2	356.3	375.6	392.9	410.4
Deficit (−) / surplus (+)	58.9	69.8	80.5	85.3	90.7
Debt subject to limit	4,715.3	5,076.8	5,428.4	5,776.3	6,141.4
050 National defense:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
250 General science, space and technology:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
370 Commerce and housing credit:					
Budget authority	4.7	0.7	0.3	1.0	2.4
Outlays	2.5	0.0	−2.3	−0.9	0.4
400 Transportation:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
450 Community and regional development:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
500 Education, training, employment and social services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
550 Health:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
570 Medicare:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
650 Social security:					
Budget authority	317.0	332.7	348.4	364.7	381.4
Outlays	312.8	328.4	343.9	360.1	376.6
700 Veterans benefits and services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
750 Administration of justice:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
800 General government:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
900 Net interest:					
Budget authority	−31.2	−34.8	−38.9	−43.6	−48.7
Outlays	−31.2	−34.8	−38.9	−43.6	−48.7
920 Allowances:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−6.8	−7.1	−7.6	−8.0	−8.6
Outlays	−6.8	−7.1	−7.6	−8.0	−8.6

FUNCTION TOTALS IN CONFERENCE AGREEMENT

[In billions of dollars]

		1994	1995	1996	1997	1998
FUNCTION						
050: National Defense	BA	263.4	262.4	253.6	248.1	253.9
	OT	277.0	272.1	264.7	248.9	252.4
150: International Affairs	BA	19.7	18.9	17.9	17.7	17.5
	OT	18.9	18.3	17.5	17.1	17.0
250: Space, science and technology	BA	18.1	19.3	20.1	20.8	21.3
	OT	17.6	18.6	19.6	20.4	21.1
270: Energy	BA	4.8	5.9	5.1	5.2	5.4
	OT	3.8	4.1	4.0	4.2	4.1
300: Natural resources	BA	20.6	22.6	22.3	22.5	22.5
	OT	20.8	20.8	21.5	21.9	21.9
350: Agriculture	BA	5.2	13.8	12.9	12.6	12.6
	OT	14.4	12.4	10.9	10.7	10.9
370: Commerce and housing credit	BA	21.6	17.6	14.0	10.6	12.8
	OT	11.1	13.1	1.1	−11.4	−6.7
On-budget	BA	16.9	16.9	13.7	9.6	10.4
	OT	8.6	13.1	3.4	−10.5	−7.1
Off-budget	BA	4.7	0.7	0.3	1.0	2.4
	OT	2.5	0.0	−2.3	−0.9	0.4
400: Transportation	BA	40.6	41.0	42.2	43.7	44.9
	OT	36.5	37.5	39.2	40.7	42.0
450: Community and regional development	BA	9.0	8.6	8.8	8.9	9.2
	OT	8.8	8.3	8.1	8.3	8.6
500: Education, training, employment, and social services	BA	55.8	59.2	62.8	65.1	67.4
	OT	52.1	54.8	54.9	62.1	64.8
550: Health	BA	119.0	133.1	148.2	163.7	180.6
	OT	118.1	131.7	146.8	162.1	178.8
570: Medicare	BA	151.2	171.6	184.2	201.6	221.5
	OT	149.8	167.3	183.0	201.0	221.1
On-budget[1]	BA	151.2	171.6	184.2	201.6	221.5
	OT	149.8	167.3	183.0	201.0	221.1
Off-budget	BA	0.0	0.0	0.0	0.0	0.0
	OT	0.0	0.0	0.0	0.0	0.0
600: Income Security	BA	211.1	222.8	237.8	252.2	258.4
	OT	210.8	223.4	232.2	243.0	252.3
650: Social Security	BA	323.1	339.4	355.7	372.6	390.0
	OT	321.7	338.0	354.2	371.1	388.3
On-budget[1]	BA	6.1	6.7	7.3	7.9	8.6
	OT	8.9	9.6	10.3	11.0	11.7
Off-budget	BA	317.0	332.7	348.4	364.7	381.4
	OT	312.8	328.4	343.9	360.1	376.6
700: Veterans benefits	BA	34.7	35.4	36.0	36.2	36.8
	OT	36.3	35.5	34.6	36.4	36.9
750: Administration of justice	BA	15.0	15.3	15.7	16.1	16.7
	OT	15.3	15.6	15.9	16.1	16.5
800: General government	BA	13.0	12.8	13.2	13.3	13.5
	OT	13.1	14.2	13.9	13.8	13.9
900: Net interest	BA	208.7	226.0	241.2	254.1	266.6
	OT	208.7	226.0	241.2	254.1	266.6
On-budget	BA	239.9	260.8	280.1	297.7	315.3
	OT	239.9	260.8	280.1	297.7	315.3
Off-budget	BA	−31.2	−34.8	−38.9	−43.6	−48.7
	OT	−31.2	−34.8	−38.9	−43.6	−48.7
920: Allowances	BA	0.0	−6.0	−2.7	−0.7	−9.9
	OT	0.0	−4.2	−4.0	−0.3	−13.2
On-budget	BA	0.0	−6.0	−2.7	−0.7	−9.9
	OT	0.0	−4.2	−4.0	−0.3	−13.2
Off-budget	BA	0.0	0.0	0.0	0.0	0.0
	OT	0.0	0.0	0.0	0.0	0.0
950: Undistributed offsetting receipts	BA	−37.5	−38.6	−39.3	−40.3	−40.7
	OT	−39.2	−40.4	−41.0	41.5	−41.7
On-budget	BA	−30.7	−31.5	−31.7	−32.3	−32.1
	OT	−32.4	−33.3	−33.4	−33.3	−33.1
Off-budget	BA	−6.8	−7.1	−7.6	−8.0	−8.6
	OT	−6.8	−7.1	−7.6	−8.0	−8.6
TOTALS						
Unified total	BA	1,507.1	1,581.1	1,649.7	1,724.0	1,801.0
	OT	1,495.6	1,567.1	1,618.3	1,678.9	1,755.6
On-budget	BA	1,223.4	1,289.6	1,347.5	1,409.9	1,474.5
	OT	1,218.3	1,280.6	1,323.2	1,371.3	1,435.9
Off-budget	BA	283.7	291.5	302.2	314.1	326.5
	OT	277.3	286.5	295.1	307.6	319.7
Revenues	Rev	1,241.8	1,330.2	1,413.3	1,486.3	1,553.7
On-budget	Rev	905.5	973.8	1,037.6	1,093.3	1,143.2
Off-budget	Rev	336.3	356.4	375.7	393.0	410.5
Deficit	Def	253.8	236.9	205.0	192.6	201.9
On-budget deficit	Sur	312.8	306.8	285.6	278.0	292.7
Off-budget surplus	Def	−59.0	−69.9	−80.6	−85.4	−90.8
Memo: Stimulus	OT	8.6	3.0	0.9	0.6	0.0
Total deficit with stimulus	Def	262.4	239.9	205.9	193.2	201.9

[1] Discretionary administrative costs are on-budget for purposes of caps and budget distribution.

Note: Details may not add to totals due to rounding.

SENATE-PASSED—FUNCTION TOTALS

[In billions of dollars]

		1994	1995	1996	1997	1998
050: National defense	BA	263.5	262.6	253.8	248.4	254.1
	OT	277.3	272.3	264.9	249.1	252.6
150: International affairs	BA	19.1	19.1	18.4	18.3	18.5
	OT	19.0	18.4	17.9	17.8	17.9
250: Space, science and technology	BA	18.4	18.8	20.1	21.4	21.8
	OT	17.8	18.6	19.4	20.6	21.5
270: Energy	BA	4.7	5.5	4.9	5.1	5.1
	OT	3.8	4.0	3.8	4.0	3.8
300: Natural resources	BA	21.2	23.0	23.6	24.6	24.5
	OT	21.6	21.9	22.6	23.3	23.5
350: Agriculture	BA	15.3	14.0	13.1	12.9	12.8
	OT	14.5	12.5	11.1	11.0	11.1
370: Commerce and housing credit	BA	21.7	18.7	14.1	10.8	13.0

SENATE-PASSED—FUNCTION TOTALS—Continued

[In billions of dollars]

		1994	1995	1996	1997	1998
	OT	11.2	13.5	1.5	−10.9	−6.6
400: Transportation	BA	40.9	41.6	43.0	44.7	46.0
	OT	36.8	38.1	40.0	41.8	43.2
450: Community and regional development	BA	9.0	8.7	8.9	9.1	9.4
	OT	8.9	8.5	8.2	8.5	8.7
500: Education, training, employment, and social services	BA	54.9	56.4	60.1	62.9	68.0
	OT	51.8	53.5	51.2	59.2	64.1
550: Health	BA	118.7	131.7	146.7	163.4	181.6
	OT	117.9	130.9	145.1	161.0	179.1
570: Medicare	BA	151.3	171.7	184.3	201.7	221.6
	OT	149.9	167.4	183.1	201.1	221.2
600: Income Security	BA	211.8	220.2	236.2	252.6	260.0
	OT	213.3	221.8	231.2	243.9	253.7
650: Social Security	BA	323.1	339.3	355.6	372.6	390.0
	OT	321.8	338.1	354.4	371.4	388.7
700: Veterans benefits	BA	35.3	36.2	37.3	38.2	39.0
	OT	36.8	36.2	35.9	28.2	39.0
750: Administration of justice	BA	15.5	16.1	16.8	17.5	18.3
	OT	15.7	16.4	16.9	17.4	18.0
800: General government	BA	13.7	13.6	14.5	15.1	15.5
	OT	13.8	14.9	14.9	15.3	15.7
900: Net interest	BA	208.7	225.2	240.0	252.6	265.3
	OT	208.7	225.2	240.0	252.6	265.3
920: Allowances	BA	−3.9	−6.8	−8.3	−10.4	−10.6
	OT	−3.4	−6.5	−8.0	−10.0	−10.7
950: Undistributed offsetting receipts	BA	−37.4	−37.9	−38.6	−39.6	−40.7
	OT	−39.1	−39.7	−40.3	−40.6	−41.7
GRAND TOTALS						
Unified total	BA	1,505.3	1,577.7	1,644.6	1,722.0	1,813.3
	OT	1,498.0	1,566.0	1,613.8	1,674.7	1,768.1
Revenues	Rev	1,250.5	1,336.2	1,418.1	1,488.2	1,554.7
Deficit	Def	247.5	229.8	195.7	186.5	213.4
Off-budget surplus	Sur	−59.0	−69.7	−80.5	−85.3	−91.1
On-Budget Deficit	Def	306.5	299.5	276.2	271.8	304.5
Debt Subject to Limit		4,723.7	5,082.5	5,428.8	5,780.8	6,161.4

Note: Details may not add to total due to rounding.

CREDIT TOTALS IN 1994 BUDGET RESOLUTION—BY FUNCTION

[In billions of dollars]

	1994	1995	1996	1997	1998
Function 050:					
Direct loans	0	0	0	0	0
Guaranteed loans	.5	.5	.5	.5	.5
Function 150:					
Direct loans	2.7	2.8	2.8	2.8	2.9
Guaranteed loans	16.9	17.3	17.8	18.2	18.7
Function 270:					
Direct loans	1.8	1.8	1.8	1.8	1.8
Guaranteed loans	0	0	0	0	0
Function 300:					
Direct loans	.1	.1	.1	.1	.1
Guaranteed loans	0	0	0	0	0
Function 350:					
Direct loans	.6	.6	.6	.7	.7
Guaranteed loans	7.0	7.0	7.0	7.1	7.1
Function 370:					
Direct loans	2.7	2.7	2.8	2.9	2.9
Guaranteed loans	78.1	80.1	82.1	84.1	86.3
Function 400:					
Direct loans	.1	.1	.1	.1	.1
Guaranteed loans	0	0	0	0	0
Function 450:					
Direct loans	2.1	2.1	2.2	2.3	2.3
Guaranteed loans	2.4	2.5	2.5	2.6	2.6
Function 500:					
Direct loans	.4	3.3	10.1	20.1	26.2
Guaranteed loans	20.7	19.6	13.7	5.0	0
Function 550:					
Direct loans	0	0	0	0	0
Guaranteed loans	.4	.4	.5	.5	.5
Function 600:					
Direct loans	0	0	0	0	0
Guaranteed loans	0	0	0	0	0
Function 700:					
Direct loans	1.1	1.0	1.1	1.1	1.1
Guaranteed loans	23.7	19.5	20.1	20.8	20.4
Grand total:					
Direct loans	11.6	14.5	21.6	31.9	38.1
Guaranteed loans	149.7	146.9	144.2	138.8	136.1

CONFERENCE AGREEMENT: RECONCILIATION BY HOUSE COMMITTEE

[In millions of dollars]

	1994	1995	1996	1997	1998	1994–98 Total
AGRICULTURE						
Deficit reduction	−98	−119	−515	−1,041	−1,177	−2,950
Authorization:						
REA	−42	−86	−133	−172	−194	−627
Food stamps	565	1,610	1,660	1,705	1,745	7,285
Subtotal, authorization	523	1,524	1,527	1,533	1,551	6,658
ARMED SERVICES						
Direct spending	−128	−292	−457	−643	−841	−2,361

CONFERENCE AGREEMENT: RECONCILIATION BY HOUSE COMMITTEE—Continued

[In millions of dollars]

	1994	1995	1996	1997	1998	1994–98 Total
Authorization: Military pay	−2,012	−3,231	−4,117	−5,103	−5,800	−20,263
BANKING, FINANCE AND URBAN AFFAIRS						
Direct spending:						
Bank exam fee, FDIC	−192	−200	−208	−216	−224	−1,040
GMA REMICs	−146	−146	−146	−146	−146	−730
HUD/IRS income verification	0	0	−196	−407	−419	−1,022
Subtotal, direct spending	−338	−346	−550	−769	−789	−2,792
Revenue increase: Bank exam fees, Fed. Reserve	−63	−65	−68	−70	−73	−339
Authorization: HUD/IRS income verification	5	−18	−127	−227	−260	−627
EDUCATION AND LABOR						
Direct spending:						
Direct student loan program	118	102	485	−1669	−2331	−4,265
States share FFEL default costs	0	−24	−57	−106	−118	−305
Enhance identification of Medicare/caid 3d-party payers	0	−150	−250	−398	−449	−1,247
Subtotal, direct spending	118	−72	−792	−2,173	−2,898	−5,817
ENERGY AND COMMERCE						
Direct spending:						
Medicare	−2,462	−4,318	−9,604	−14,026	−17,940	−48,350
Medicaid & other health	−180	−1,373	−1,740	−2,103	−2,402	−7,799
Auction FCC spectrum licenses	−1,700	−1,800	−1,700	−1,000	−1,000	−7,200
Reauthorize NRC user fee	(1)	(1)	−378	−389	−402	−1,169
Subtotal, direct spending	−4,342	−7,491	−13,422	−17,518	−21,744	−64,518
FOREIGN AFFAIRS						
Direct spending: Foreign service retirement	0	−1	−1	−1	−2	−5
JUDICIARY						
Direct spending: Patent and trademark fees	0	0	−111	−115	−119	−345
MERCHANT MARINE AND FISHERIES						
Direct spending: Extend tonnage fees	0	0	−67	−68	−70	−205
NATURAL RESOURCES						
Direct spending:						
Recreation fees, DoI	−21	−34	−39	−45	−50	−189
Recreation fees, CoE	−13	−18	−18	−18	−18	−85
Recreation fees, DoA	−7	−11	−12	−13	−13	−56
Resulting payments to states	1	2	3	3	3	12
Extend 50 percent receipt sharing	−35	−39	−41	−42	−44	−201
Hardrock mining holding fees	−40	−40	−40	−40	−40	−200
Irrigation water surcharge	−10	−10	−10	−15	−15	−60
Reauthorize NRC user fee	(1)	(1)	−378	−389	−402	−1,169
No. Mariana Islands agreement	−6	−7	−8	−10	−12	−43
Subtotal, direct spending	−131	−157	−543	−569	−591	−1,991
POST OFFICE AND CIVIL SERVICE						
Direct spending:						
FEHB medicare limits	−11	−16	−19	−21	−24	−91
FEHB postal service liability	0	−116	−116	−116	0	−348
CSRS postal service liability	0	−231	−231	−231	0	−693
Survivors' annuities	−30	−61	−93	−127	−162	−473
Child-survivor benefits	−5	−10	−15	−20	−25	−75
End lump-sum payments	0	0	−2,119	−3,113	−3,382	−8,614
CSRS retirement COLAs	−31	−56	−75	−80	−102	−344
FSRS retirement COLAs	0	−1	−1	−1	−2	−5
Subtotal, direct spending	−77	−491	−2,669	−3,709	−3,697	−10,643
Authorization: Civilian employee pay	−2,903	−4,660	−5,825	−7,169	−8,164	−28,721
PUBLIC WORKS AND TRANSPORTATION						
Deficit reduction:						
Recreation fees, CoE	−13	−18	−18	−18	−18	−85
Aircraft registration fee	−18	−31	−44	−58	−60	−211
Subtotal, deficit reduction	−31	−49	−62	−76	−78	−296
VETERANS' AFFAIRS						
Direct spending	−266	−364	−382	−405	−1,163	−2,580
WAYS AND MEANS						
Deficit reduction	−29,441	−41,415	−61,912	−81,794	−85,209	−299,771
Offsets to multiple assignments: Direct spending	2,481	4,559	10,365	15,005	19,144	51,554
Grand total:						
Direct spending & revenues	−32,316	−46,303	−71,186	−93,946	−99,307	−343,059
Authorization	−4,387	−6,385	−8,542	−10,966	−12,673	−42,953

[1] Not applicable.

ALLOCATIONS AMONG COMMITTEES

Sections 302(a) and 602(a) of the Congressional Budget Act of 1974 (2 U.S.C. §§633(a) & 665(a) (Supp. III 1991)) require the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget to include an allocation, based upon that concurrent resolution as recommended in the conference report, of the appropriate levels of total outlays, total new budget authority, entitlement authority (for the House only), and Social Security outlays (for the Senate only) among each committee of the Senate and the House of Representatives that has jurisdiction over legislation providing those amounts. Section 602 further requires this allocation to include all years covered by the resolution, as well as the total for all those years. These allocations provide the basis for congressional enforcement of the resolution through points of order under the Congressional Budget Act. The Senate allocation follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1994

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	$773,585	$802,521		
Agriculture, Nutrition, and Forestry	11,649	9,769	$16,527	$6,973
Armed Services	39,990	39,901		
Banking, Housing, and Urban Affairs	15,872	4,688		
Commerce, Science, and Transportation	2,543	(1,536)	537	535
Energy and Natural Resources	1,434	1,243	37	37
Environment and Public Works	23,818	1,680		
Finance	529,934	527,947	139,738	139,422
Foreign Relations	13,716	14,161		
Governmental Affairs	50,498	49,116	100	100
Judiciary	2,899	2,639	180	179
Labor and Human Resources	5,160	5,095	5,175	4,705
Rules and Administration	50	16		
Veterans Affairs	1,315	1,198	17,516	18,839
Select Indian Affairs	587	574		
Small Business	187	(292)		
Not Allocated to Committees	(249,923)	(240,415)		
Total	1,223,314	1,218,305	179,810	170,790

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1994–98

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	47,705	33,366	83,570	38,960
Armed Services	210,630	210,173		
Banking, Housing, and Urban Affairs	66,517	(11,372)		
Commerce, Science, and Transportation	13,080	(6,855)	3,005	2,990
Energy and Natural Resources	8,148	7,665	188	188
Environment and Public Works	120,358	7,264		
Finance	3,064,919	3,053,795	849,886	848,862
Foreign Relations	61,506	65,188		
Governmental Affairs	276,829	267,231	100	100
Judiciary	11,781	11,050	996	991
Labor and Human Resources	14,679	10,503	26,557	24,393
Rules and Administration	235	205		
Veterans Affairs	4,948	5,009	91,118	90,900
Select Indian Affairs	2,732	2,675		
Small Business	294	(1,212)		

SENATE COMMITTEE REVENUE AND OUTLAY ALLOCATIONS FOR SOCIAL SECURITY PURSUANT TO SECTIONS 301(a) AND 302 OF THE CONGRESSIONAL BUDGET RESOLUTION FOR 1994–98

[In millions of dollars]

	1994	5-year 1994–98
Outlays:		
Finance Committee	318,847	1,758,240
Unassigned to committee	(44,034)	(271,705)
Subtotal, outlays	274,813	1,486,535
Revenues	336,289	1,871,986

REPORT LANGUAGE

The conferees intend that, to the extent that this conference report does not modify it, language in the reports of the House and Senate Committees on the Budget on the concurrent resolution on the budget (H.R. Rep. No. 31, 103d Cong., 1st Sess. (1993); S. Rep. No. 19, 103d Cong., 1st Sess. (1993)) remains as a source of legislative history on the drafers' intent on the concurrent resolution.

TRANSPORTATION

The conferees note that enactment of deficit-neutral legislation to preserve and rebuild the United States maritime industry could be accommodated within the totals set by the resolution, and express their support for the enactment of such legislation.

ALLOWANCES (FUNCTION 920)

The conferees believe that the pay restraint set in place in 1994 should be equitable and apply to both civilian and military employees. The conferees note that the Administration and the Congress agree to work together to find savings so that locality pay shall be implemented in fiscal year 1994.

ECONOMIC ASSUMPTIONS

The conference agreement is based on the following economic assumptions:

ECONOMIC ASSUMPTIONS

	Calendar year—					
	1993	1994	1995	1996	1997	1998
Real GDP	2.8	3.0	2.9	2.7	2.4	2.0
GDP deflator	2.4	2.4	2.3	2.3	2.2	2.2
Inflation (CPI)	3.0	2.7	2.7	2.7	2.7	2.7
Unemployment rate	7.1	6.6	6.2	6.0	5.8	5.7
3-mo Treasury bill	3.1	3.7	4.4	4.7	4.8	4.9
10–yr Treasury bond	6.7	6.6	6.6	6.5	6.5	6.4

LANGUAGE PROVISIONS

DISPLAY OF ALTERNATIVE MEASURES OF THE DEFICIT

Following the form of the resolution for fiscal year 1993, the Senate amendment sets forth a number of alternative deficit displays. Section 3 of the Senate amendment sets forth the increase in the debt. Section 4 of the Senate amendment shows retirement trust fund balances. Section 5 of the Senate amendment displays, for enforcement purposes in the Senate, the levels of Social Security revenues and outlays. Section 6(21) of the Senate amendment shows the levels of gross interest consistent with the levels of net interest shown in major functional category 900, which appear in section 6(19) and 6(20) of the Senate amendment. Finally, the Senate amendment follows the pattern of the budget resolution for fiscal year 1993 in terms of demonstrating its compliance with the maximum deficit amount and its display of the Medicare Hospital Insurance Trust Fund. The House resolution contains none of these additional displays. The conference agreement follows the form of the resolution for fiscal year 1993 for the reasons set forth in that conference report. *See* H.R. Conf. Rep. No. 529, 102d Cong., 2d Sess. 58–60 (1992).

RECONCILIATION INSTRUCTIONS

Section 4 of the House resolution sets forth reconciliation instructions for changes in direct spending, revenues, deficit reduction, and programs. Section 7 of the Senate amendment sets forth reconciliation instructions for changes in direct spending, revenues, deficit reduction, and the debt. The conference agreement contains reconciliation instructions for changes in direct spending, revenues, programs, deficit reduction, and the debt.

ASSET SALES

Section 5 of the House resolution and section 8 of the Senate amendment are provisions on asset sales that are very similar to those in every budget resolution since that for fiscal year 1988. The conference agreement contains such a provision.

DEFICIT-NEUTRAL RESERVE FUNDS

Section 9 of the Senate amendment provides for "reserve funds" allowing consideration of deficit-neutral legislation in the Senate addressed to seven specified priority areas: (1) to improve the health and nutrition of children and to provide for services to support and protect children, and to improve the well-being of the families; (2) economic recovery or growth initiatives, including unemployment compensation, a dislocated worker program, or other related programs; (3) to make continuing improvements in ongoing health care programs, to provide comprehensive health care reform, or to control health care costs; (4) to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in health or education of America's children; (5) to preserve and rebuild the United States maritime industry; (6) to reform the financing of the Federal elections; and (7) to implement the North American Free Trade Agreement and any other trade-related legislation. The House resolution has no such provision. The conference agreement contains reserve fund language for the Senate similar to that in the Senate amendment.

SOCIAL SECURITY "FIRE WALL" POINT OF ORDER

Section 10 of the Senate amendment repeats two provisions from last year's budget resolution that reinforce the Social Security "fire wall" point of order in the Senate to ensure that 60-vote hurdles impede legislation that would worsen the Social Security Trust Fund balances. The House resolution has no such provision. The conference agreement contains the Senate provisions.

ENFORCEMENT PROCEDURES

Section 11 of the Senate amendment contains new enforcement procedures to extend the system of discretionary spending limits as they apply to budget resolutions in the Senate for fiscal years 1996, 1997, and 1998, and prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill will create. This section also calls on Congress to enact, during this session of Congress, the enforcement procedures for these purposes that only a statute may constitutionally include. Section 6 of the House resolution states the sense of the Congress that net tax increases called for in this resolution should not be counted against the pay-as-you-go system, so that no pay-as-you-go surplus would be created. The conference agreement contains the enforcement procedures insofar as they apply to the Senate and restates the House language as sense of the House of Representatives.

SENSE OF THE SENATE PROVISIONS

The Senate amendment contains 22 sense of the Senate and similar provisions. The provisions cover: the debt limit in reconciliation, the barge tax, the Head Start program, the Community Policing program, grazing fees, hardrock mining royalty fees, the effects of inflation on national defense, appropriations for the national defense, the WIC program, defense conversion programs, education reform and initiatives, Social Security taxes, home heating fuel, the use of savings from Government streamlining, relief from energy tax for the agriculture industry, medical research, comprehensive health care reform, line item veto authority, enhanced rescission authority, the National Aeronautics and Space Administration, and drug supply reduction programs and drug demand reduction. The House resolution contains no such provisions.

Section 24 of the Senate amendment calls for the creation of a deficit reduction account (similar to section 6 of the budget resolution for fiscal year 1988) into which the proceeds of the revenue increases directed by the resolution would be placed. The House resolution contains no such provision; however, the report on the House resolution suggested that proposals to wall off and clearly identify program savings or new revenue, such as creation of a Deficit Reduction Account, should be examined in light of the deficit reduction included in the resolution.

The conference agreement contains one provision stating the sense of the Senate on these matters.

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XLIX of the Rules of the House of Representatives sets forth a procedure for changing the statutory limit on the level of the public debt.

This concurrent resolution sets forth the appropriate level of the public debt for the coming fiscal year, 1994. Under the rule, upon final passage by both bodies of a concurrent resolution on the budget, the public debt level for fiscal year 1994 set forth in the resolution would be incorporated into the text of a joint resolution.

Pursuant to the rule, the text of the joint resolution would be as follows:

"That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $4,731,900,000,000."

Under the rule, that joint resolution is then deemed passed by the House and sent to the Senate for its consideration. If the Senate approves the joint resolution without amendment, the joint resolution is sent to the President for his signature. (If the Senate were to amend the joint resolution, the measure would be returned to the House for further action.)

Legislative jurisdiction over the public debt remains in the Committee on Ways and Means. The rule does not preclude that committee from originating public debt bills whenever necessary.

MARTIN O. SABO,
RICHARD GEPHARDT,
DALE E. KILDEE,
ANTHONY C. BEILENSON,
HOWARD L. BERMAN,
ROBERT E. WISE, JR.,
JOHN BRYANT,
CHARLES W. STENHOLM,
BARNEY FRANK,
LOUISE SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

CHILD PORNOGRAPHY

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, many Americans do not know most child pornography originates outside of the United States and is smuggled in.

Therefore, in the late 1980's, the Customs Service established the child pornography and exploitation unit.

In 1991 it was integrated into the larger smuggling division.

Although Customs claims their efforts to eliminate this scourge have been maintained, their own numbers indicate it has been cut to barely one-fourth of previous levels.

This is particularly inexcusable given that in the past few years child pornographers have invented a devious system for smuggling, collecting, and sharing their disgusting materials—computer bulletin boards—which can be difficult to track.

Therefore, I recently introduced House Concurrent Resolution 29 which calls on Customs to reestablish this important unit.

I urge my colleagues to support this resolution and show they are serious about putting an end to child pornography.

I say to my colleagues, you could be saving your own child or grandchild. Cosponsor House Concurrent Resolution 29.

CREATING NEW JOBS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, let me just tell you about one aspect of President Clinton's economic stimulus plan. Let me just say this. He is going to take $850 million out of the 1994 appropriations and move it into 1993 to allow that we can proceed with transferring that money to the State revolving funds to allow them to be able to start work on the waste water treatment facilities, and within this they are going to waive the States' 20-percent matching funds. This will allow local communities to start work now and it will help to create 50,000 jobs.

Let me tell you this. With a district that has 14 percent unemployment, and most of Ohio is upward of 10 percent unemployment, this is going to come as a welcome passage of dollars to help us.

So I am saying, do not just arbitrarily say that you are going to vote against this. You had better think about the rest of the country.

EVEN THE VICE PRESIDENT SAID IT IS WRONG TO SPEND FEDERAL FUNDS FOR THE TAKING OF A HUMAN LIFE

Mr. SMITH of New Jersey. Mr. Speaker, Bill Clinton, the abortion President, is attempting to turn back the clock to the days when every taxpayer in America was forced to fund abortions on demand. Over the past 16 years we have incrementally moved away from encouraging the killing of unborn babies toward nurturing and caring for their kids and their moms. Now the abortion President wants to change all of that.

For 16 years, under Democrat President Jimmy Carter and Republican Presidents Reagan and Bush, Mr. Speaker, the Federal Government has chosen not to pay for abortions and not to pay the abortionists of unborn babies, not to pay them for ripping apart the fragile bodies of unborn babies or for chemically poisoning these helpless children.

In like manner, Mr. Speaker, 37 States, including Maine, Texas, Missouri, Ohio, and Arkansas, have enacted policies to stop Medicaid payments for abortion. All of those State laws would be superseded by Mr. Clinton's proposal to scrap the Hyde amendment.

Mr. Speaker, even AL GORE has recognized the repugnance of Americans to the grisly abortion procedure. A few years ago he wrote, and I quote:

> It is wrong to spend Federal funds for what is arguably the taking of a human life.

Mr. Speaker, AL GORE was right; it is wrong.

SPECIAL TREATMENT OF GAYS AND LESBIANS IN MILITARY—AN IRRATIONAL APPROACH

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I believe allowing citizens to serve their country regardless of their race, gender, or sexual orientation is a simple matter of fairness. I do not question the sincerity of those who oppose lifting the ban, but I do not think their arguments will stand the test of honest debate.

I had hoped that the Senate's hearings would be the first part of that debate. Unfortunately, the testimony and questioning alike have been disappointingly one-sided. On the first day of the hearings, for instance, we heard supposedly neutral experts on military law suggest that homosexuals would have to be given affirmative action preferences if they were allowed to serve openly.

Promotion boards do not currently give preferences to ethnic or racial minorities, so I have no idea why homosexuals would be entitled to special treatment simply because they were no longer officially persecuted. Gays and lesbians simply want the same rights—and responsibilities—as any other citizen. The idea that this controversy is about special treatment turns the real issue on its head. The real issue is equal treatment for everyone, equal treatment that is now denied to gays and lesbians for no rational reason.

CLINTON'S ECONOMIC PLAN WON'T WORK

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, several recent polls show that President Clinton's job approval rating is lower than any recent President.

The more the American people find out about the administration's economic plan, the more they don't like it.

They are right. It won't work. Even under the most optimistic estimates, the deficit is still going to be over $200 billion in 4 years. The defense cuts are going to cost one-half million jobs. And the heaviest tax hike in history is going to put a lid on the economy.

The administration's economic plan doesn't put people first, it punishes people first. Senior citizens, middle-income earners, everyone who turns on a lightbulb or drives a car, and successful businesses are specifically targeted to be hit by new taxes.

Last year, candidate Clinton promised $3 in spending cuts for every $1 in new taxes. Now it's reversed. There's more than $3 in new taxes for every $1 in spending cuts.

To reduce the deficit, we need to eliminate the $250 billion in new spending before we raise taxes one penny±.

THE TRAGIC DEATH OF NAVY LT. PATRICK J. ARDAIZ

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I rise today with pain and sorrow at the news of the tragic death of Navy Lt. Patrick J. Ardaiz, a native of Towson, MD, and one of my constituents.

Lieutenant Ardaiz, a jet navigator of only 28 years of age, was killed Thursday with four other young Americans when their E-2C Hawkeye radar plane crashed while returning to an aircraft carrier in the Ionian Sea after monitoring airdrops of humanitarian relief supplies into Bosnia.

A graduate of Calvert Hall High School and the University of Maryland, Lieutenant Ardaiz also was a veteran of the gulf war and received numerous awards and citations during his brief but heroic career.

Mr. Speaker, I know I speak for this entire body when I extend my deepest, heartfelt sympathy to Lieutenant Ardaiz's family, especially after Patrick's father, Dr. Jose Ardaiz, a man of notable praise himself, died just a month earlier. Lt. Patrick Ardaiz is survived by his mother, Sheila Ardaiz and two younger brothers.

As of yet, the Navy has not determined the cause of the crash. However, if as many suspect, the plane was shot down, the perpetrators of this heinous act must be searched out and punished to the fullest extent of the law.

U.S. ARMED FORCES HISTORY MONTH—MAY 1993

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, we are today introducing a joint resolution to designate the month of May 1993 as U.S. Armed Forces History Month.

Now this is not just a gesture of sentimentality. With what the men and women of the Armed Forces today are going through, and trying times they are, we owe it to them to set aside a period of our current year to review the history of their predecessors in armed conflict across the two centuries of our history for there is no portion of our American history that is not overlapped by military action in defense of our Nation.

So, Mr. Speaker, while we are wrestling with base closings, and shrinking dollars for the Pentagon and for retirements and benefits for our veterans and veterans hospitals, now is the time, in May 1993, to review the history of our Armed Forces and see whether or not, as I know my colleagues will find with me, that the history of our soldiers, and sailors and marines in the Armed Forces is the history of our country.

IDEAS DO HAVE CONSEQUENCES

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, I admire the President for trying to reduce our deficit. But I have some specific, serious concerns about the defense budget.

For the last 2 years we have had the Secretary of Defense and the CNO brief our Committee on Armed Services about the extent that we are going to see our military reduced as a result of this particular budget.

In fact, as Richard Weaver, a famous author, said, ideas do have consequences. Candidate Clinton said he wanted to reduce the defense budget $60 billion below the baseline. President Clinton is going to reduce, over the 5-year period, 1993 through 1997, the defense budget, $122 billion. In 1996 and 1997, in those 2 years alone we are going to take $62 billion out of our defense budget and ask the soldiers and sailors who have performed so well for this country to take cuts in pay because of their freeze, to be sent home with no particular job, and I think it is, frankly, wrong. They deserve better.

Mr. Speaker, I ask that the American people take note of this.

THREE MONTHS OF CLINTON AND COLLAPSING CONSUMER CONFIDENCE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the headlines today read, "Third Straight Month of Declining Consumer Confidence." Of course this is also coincidentally the third straight month of the Clinton Presidency, and the more the American people learn about President Clinton's largest tax increase plan in American history, the less they like it. It is understandable with the President reaching further into taxpayers' pockets to finance ever-new Government programs, proposed income tax hikes, new energy taxes and taxes on Social Security benefits to name just a few, and they all tell the American people. "Don't buy," and they tell the American businesses, "Don't hire new employees."

The prescription for maintaining the current 21-month economy expansion, which began back under the Bush administration, is to generate private investment in job creation, not pork barrel Government spending, and I say to the President, "Mr. President, avoiding taking more money out of the American taxpayers' pockets is the surest way to increase consumer confidence."

□ 1520

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind Members not to address any other party but the Chair.

GET RID OF CLOSED RULES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as a new Member of the House, people often ask me what is it that surprises me the most about the U.S. Congress. After having been here 3 months, I guess I could say one thing, and that is voice vote, or the closed rule. It is the practice of basically not allowing debate on the House floor.

I have come from a legislature where bills can be amended on the House floor. They can be changed and perfected, they can be sent back to committee, questions can be asked by any member of the legislature and any member can speak on a bill without having permission from the committee chairman or the ranking member. It is a free debate.

But not so on the floor of the U.S. Congress. There is no such quest for truth, because of the closed rule.

I am a Republican, but I know that the Republican Party does not have the franchise on all the right answers. It is a two-party system. We should combine the best ideas of the Democrat Party with the best ideas of the Republican Party, and we should work together as Americans for the good of the country, not by party rules.

Mr. Speaker, let us end voice law, let us get rid of closed rules, let us open up debate, and do what is best for the United States of America.

DEBT LIMIT: HOW MUCH HIGHER?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, how high is up? Are we trying to use the debt ceiling to find out? Treasury Secretary Bentsen wants us to add another almost $1¼ trillion to the $4-plus trillion national debt between now and the end of September. This is a real poke in the eye with a sharp stick to the millions of Americans asking us to reduce the national debt. It means adding $1.2 billion a day every day for the next 183 days. In his letter, the Treasury Secretary gave us a friendly reminder that if we do not increase the debt limit right away, then Social Security recipients will be unable to cash their monthly checks in April. Now that is some scare tactic. Instead of causing anxiety for our seniors, why not cut some pork spending? The 5-year deficit reduction of $500 billion being touted by the Clinton administration does not cut the national debt—it projects raising it to more than $6 trillion in 1998. I ask, when is Democratic leadership going to allow us to start lowering the debt ceiling?

REINTRODUCTION OF THE SAVE THE FLORIDA BAY ACT OF 1993

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I am reintroducing bipartisan legislation entitled "The Save the Florida Bay Act of 1993." For my colleagues who have never had the pleasure of visiting this magnificent body of water, Florida Bay is located off the southern tip of Florida, between the Everglades National Park and the Florida Keys. Florida Bay serves as the principal nursery for Florida's largest commercial fishery, and its warm, clear tropical waters have attracted visitors from all over the world.

Unfortunately, today Florida Bay is a dying body of water. Its clear waters are turning murky, and the sea life which was once abundant is now disappearing at an alarming rate. The coral reefs off the Florida Keys, the only living coral reefs in the Nation, are being threatened by the changes occurring in Florida Bay.

Poor decisions and poor planning by the Government years ago are the principal reasons for the decline of Florida Bay, and we must now take immediate action to reverse this trend before it is too late.

Mr. Speaker, we can save Florida Bay, but we must act now. I urge my colleagues to do in the Florida delegation in supporting this effort by becoming a cosponsor of the Save the Florida Bay Act.

AMERICA DISARMING IN TIME OF CRISIS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the Communist Chinese are building war bases in the South China Sea, North Korea is building nuclear weapons, the Yeltsin government is reeling in the Soviet Union, Bosnia is blowing up, and President Clinton is disarming America.

BASEBALL AND REFORM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, spring training is coming to an end and opening day for baseball is almost here.

As we consider the budget conference report today, I cannot help but think about baseball.

This conference report, which Republicans haven't even seen yet, will contain a multibillion-dollar debt limit increase.

President Clinton says he has hit a home run with his budget. But as the American people examine his package closely, that supposed home run looks more and more like a foul ball.

His economic stimulus plan is really more pork barrel Democrat spending. And he will pay for this new spending by raising the debt limit by billions of dollars.

Mr. Speaker, the President has not hit a home run with his economic plan. He has not hit a triple, a double, or even a simple base hit, either.

He has hit a long, foul ball. And after all the specifics come out, I believe the Clinton plan will eventually strike out with the American public.

KEEP AMERICA'S DEFENSE STRONG

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I would like to speak today about base closures. My district in San Diego will pick up an additional 6,000 to 13,000 jobs because of the base closures, and I should be happy. But in the State of California, with my Members on the other side, all of us realize that the State of California is decimated by over 100,000 jobs being lost. So when they start cutting our educational programs, our police forces, our border patrol, and even social services, let us take a look at why we are cutting defense.

It is not only jobs, but it is the defense of this country. Our two Senators from California stood up and said, "Don't close our bases in California. It is not economically sound." But yet those two Members last week in the Budget Committee voted to cut an additional $127 billion from defense.

How do those two Senators think it will affect the economy of San Diego in coming years? We brought our troops back from Desert Storm not in body bags because we had a strong defense. Let us keep it that way.

BENTSEN FAMILY SAVINGS AND LOAN RECEIPTS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, for the last couple of days I have listened in vain for some Democrat to come forward who was among those who criticized Neil Bush for his problems with the RTC to raise some criticism about Secretary Bentsen's son, whom we now find out had $20 million of forgiveness from the RTC as a failed savings and loan.

The Bentsen family got $20 million in benefits, and yet not one Democrat who excoriated Neil Bush for weeks on this floor, in fact called for criminal charges to be leveled against him, has come to the floor yet to suggest that something is wrong in the $20 million of benefits that the Bentsen family got. Strange.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1994, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–49) on the resolution (H. Res. 145) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT WITH RESPECT TO CONSIDERATION OF A CERTAIN RESOLUTION

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 142

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported on the legislative day of March 31, 1993, providing for consideration of a conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 142 waives clause 4(b) of rule XI of the House of Representatives only for today and only for a rule providing for consideration of a conference report on the budget resolution, House Concurrent Resolution 64.

Clause 4(b) of rule XI provides that, in the event a rule is considered on the same day it is reported to the floor from the Committee on Rules, a two-thirds majority vote is required for passage. This resolution that we are considering today would simply waive the two-thirds requirement.

Mr. Speaker, the conference committee has reached a settlement on the differences in the House and Senate versions of the budget plan, and we are all aware that we are making every effort to move the congressional budget resolution as expeditiously as possible.

□ 1530

Adoption of this rule would allow the orderly consideration by the House of the conference report today, and I urge my colleagues to adopt the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the standing rules of the House require a two-thirds vote to consider a rule on the same day that it is reported from the Rules Committee.

This rule waives the two-thirds vote requirement, so that we can consider the budget resolution conference report rule today instead of tomorrow or some other day.

I do not intend to ask for a recorded vote on this resolution, but I want the record to be perfectly clear that I am opposed to the provisions of this budget resolution conference report, as is every single Republican and a bunch of Democrats besides.

Mr. Speaker, during the budget process, a number of alternative proposals were offered which would have allowed for fewer taxes, less spending, more deficit reduction, and more taxpayer relief—the real keys to any kind of economic recovery. Unfortunately, these proposals were defeated because the Members of this House could not stand up for the people and vote against their own porkbarrel and own self-interest. And that is a shame.

Now we have another chance, the American people, through you, their representatives have another opportunity to voice their opinions on $336 billion in new taxes almost all of which fall on the backs of middle-class America, and on the $231 billion in new spending which all but wipes out any meaningful deficit reduction. Mr. Speaker, regardless of political ideology, Republican or Democrat, liberal or conservative, the American people must be listened to.

This budget resolution before us today does not reflect the American people's ever increasing opposition to more taxing and more spending.

And that is exactly what this budget does. It proposes a huge increase in the tax burden forced on the backs of the American people. The domestic spending increases are greater, listen to this, they are greater than the domestic spending cuts. The spending increases in this budget are greater than the spending cuts. The huge tax increases take effect long before any substantive spending cuts occur, if they ever do occur, and there are practically none even for the first 2 years. And that is not responsible.

The amount of deficit reduction claimed is unlikely ever to be realized. And even by the terms of this conference agreement, the projected deficit level starts to go up again in the final year covered by this budget resolution.

We raise taxes $336 billion on the American people, and the deficit is going to go up in the fifth year. This clearly is not fiscally responsible budgeting, my colleagues. What it is is an antigrowth, antibusiness, antijobs budget that will hurt rather than help the American economy. What are we doing here?

Mr. Speaker, this is not the kind of change that the American people voted for in the last election. We can and should do better. And my colleagues all know it.

Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania [Mr. WALKER], the deputy whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

It will probably come as no surprise to Members to find out that I am a little disturbed about what is happening here.

If I understand correctly, the rule that we now have before us is to basically waive the two-thirds requirement; is that correct?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, that is the reason for this rule. There will be another rule following in a few minutes.

Mr. WALKER. Mr. Speaker, the reason for the two-thirds requirement is to give Members an opportunity to understand the legislation on which they are voting. In other words, if we are going to run something out to the floor without 1 day's notice, so that Members have a chance to familiarize themselves with the legislation, we are supposed to have to pass it with a two-thirds vote to put a larger onus on actually passing the legislation; is that not correct?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, the gentleman is absolutely correct.

Mr. WALKER. What we are doing in this rule is doing a bypass of the ability of Members to understand what is in the legislation coming down the pike; is that not the purpose behind this rule?

Mr. SOLOMON. Mr. Speaker, it is. And even worse, I will say to the gentleman from Pennsylvania, the next rule that we will be debating in a few minutes, which will actually bring the budget onto the floor, waives a 3-day layover.

We were, when we went into session about an hour and a half ago, for the first time handed this report which we are going to be expected to vote on without having read it.

Mr. WALKER. And it is my understanding, and if the gentleman can tell me whether this is right or wrong, that this whole thing was basically agreed to in a late-night session with absolutely no Republicans in the room; is that not correct? That this is a deal that was cut amongst the Democrats and that the budget document that we will have before us, that none of us had a chance to see, our Members were not even invited in the room to negotiate on; is that not correct?

Mr. SOLOMON. Mr. Speaker, the gentleman is correct. And these pages are not numbered, so I cannot refer to the middle of the document. But there are handwritten notes, which no Republican has ever seen, which deal with bringing up two reconciliation bills, one today which deals with a debt of $4,359,600,000,000.

Mr. WALKER. Mr. Speaker, I noticed that, too. And the copy that I got actually has one figure crossed out and another figure put in, which I understand that the figure that was put in was not the figure that was in the committee last night when they passed the document out, that that was added during the course of the Committee on Rules meeting that brought this rather silly rule to the floor; is that correct?

Mr. SOLOMON. Mr. Speaker, that is right. Now the Committee on Rules is writing budgets.

Mr. WALKER. So, in fact, what we have is a situation where late last night, a handful of Democrats got together, came up with a budget, no Republican was allowed in the room to deal with the budget. They handwrote material into it. They are in the process of changing that, as we go through this process.

They have already, with one change, taken the public debt, understand this, with one little change this way, one little sweep of the pen, they took the debt from $4,359,000,000,000 to $4,370,000,000,000. With one sleight of the hand they added $11 billion to the debt.

Yet we are not supposed to be given a chance to look through this document further to find out what else they might have done by sleight of hand. For all we know, buried down in all of these figures, and there are literally dozens and dozens, I mean, as I flip through here, every one of these pages has figures on it, how do we know what is in some of these figures? We have absolutely no idea what is down in this document that a few Democrats concocted in a closed room late last night and then want to bring to the floor and waive the two-thirds rule in order to bring it out here.

My guess is that if there is ever one document that we ought to be taking a look at, it is this. This is hundreds of billions of dollars in spending and hundreds of billions of dollars in debt. And they are adding to the debt. And by one little sleight of hand, with one red pen, down in the middle of this, they just add $11 billion to the debt that no one knows where it came from. And we are going to waive the rules in order to have this go on.

I have got to tell my colleagues, this is another example of everything that the American people believe is wrong with the Congress.

When middle-class America is upset with the Congress, of adding to their debt, adding to the $17,000 per person in debt that we have already accumulated in their name, this is the kind of sleight of hand that they are particularly concerned about, because what they are concerned about that goes on in the Congress is, in dark rooms somewhere there are people adding up trillions of dollars in spending and then adding with red pens along the way billions of dollars more in debt. And no one knows what is going on.

My guess here is that the reason why they do not want us to look carefully at this document is, they have no idea what we might find written down in it.

□ 1540

We might find some other figures in here that do not match with the rhetoric.

Let me explain one other thing. The other day when we came before the House of Representatives with an instruction to the conferees about this bill, unanimously, unanimously the House of Representatives said that we ought to eliminate the tax on Social Security recipients. It was unanimous in this House. Everybody in the House of Representatives voted for it.

In the dead of night when this document was prepared, guess what, the Social Security tax stayed. The unanimous vote of the House of Representatives was absolutely ignored. Once again, we do not want people to have too much of a chance to look at this, because they may find out what is really in it.

Mr. SOLOMON. If the gentleman will yield, Mr. Speaker, the gentleman is absolutely right. Not only does this waive the 3-day layover, the following rule that will follow this, but it also waives the violation of scope for the conference reports. That will indicate that we have no idea what happened when they adjourned at 9 o'clock last night, and what they will change, as the gentleman has indicated, where they wrote in some additional figures. This allows them to go beyond the scope of either the House or the Senate bill.

Mr. WALKER. Just so middle-class America understands what that means, in other words, we might have decided that only $100 could be spent in the one area, and the Senate might have decided that only $120 could be spend in that area. Under that scope they could not go above $120 because that was the highest figure, but these guys behind closed doors in the dead of night with only Democrats in the room could decide to go to $150 of spending, despite the fact that no one in the House or the Senate had approved that level of spending.

I would ask the gentleman, is that not correct?

Mr. SOLOMON. It is, and I do not want to frighten the gentleman in the well, but it does something even worse. It also waives the requirements that 602(a) allocations be included in the joint explanatory statement of managers.

Normally when the budget is adopted each committee gets a 602(a) allocation. Those do not exist. They are not in the report. They are going to be put in at a later date.

Mr. WALKER. I would say to the gentlemen, wait a minute. Wait a minute. The only thing the budget resolution is supposed to do is assign the spending categories to these various committees so they have limits. The gentleman is saying that this is a budget document without limits?

Mr. SOLOMON. I do not mean to laugh, Mr. Speaker, because it is not funny, but the gentleman is right.

Mr. WALKER. In the dead of the night, with only Democrats in the room, the Democrats decided to prepare a budget that increases massively the national debt, and are even now writing as we speak new numbers for the new national debt, and they decided then to put absolutely no limits on this, that there are no appropriation limits on the bill?

Mr. SOLOMON. The gentleman is absolutely correct.

Mr. WALKER. Incredible. Incredible.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman if he still has no further speakers.

Mr. BEILENSON. Mr. Speaker, I would say to the gentleman that we have acquired a speaker. I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, but I will oppose the budget resolution. I oppose more taxes in America, period. If tax increases were the answer, the budget would already be balanced.

I am a Democrat. No one worked harder to elect President Clinton and the Vice President than I did. I am sure I will support him 99 percent of the time, but taxes are smothering America, and this new tax increase, the biggest in American history, will become known as the mother of all smothers. It is not going to do one thing but cause us to lose more jobs.

Congress must start to incentivize the tax code to create jobs. It is jobs, Congress; not taxes, jobs.

Let me say this. We should only be incentivizing the tax code for the purchase of American-made products. Just call the workers in New York at IBM and talk to them about the tax credits given for the purchase of Japanese computers. It is time we reward investment in America, purchasing in America, made by American workers with American hands.

I have a question today. The question is very simple: What happened to the third, fourth, and fifth year of the last 5-year deal in 1990? And what happened to the 5-year deal that the 1990 5-year deal replaced? And what about the 5-year deal that was modified by the revised 5-year deal that the first 5-year deal was supposed to accomplish?

The truth of the matter is we should be in the third year of the last fifth year 5-year deal.

The truth of the matter is all of the big savings are going to come in the fourth and fifth years. The truth of the matter is, under the Republicans, we have never seen it, and I am not going to be hypocritical, now the Democrats are not showing it to us, either.

I am saying to the Congress: My district is suffering. It is time we incentivize the tax code to create jobs. We are not doing that. We are smothering America, and we will continue to smother America with these taxes.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would tell the gentleman, as bad as they were, the one thing we can say about the Soviet commissars was, at least they stuck with their 5-year deals.

Mr. TRAFICANT. Reclaiming my time, Mr. Speaker, the gentleman is actually right. The Soviet Union is now some flea market, the Berlin Wall is a speed bump, and they had 5-year plan after 5-year plan after 5-year plan.

Here we are closing military bases, losing jobs hand over fist. Why do we not close the military bases overseas, cut some foreign aid, incentivize the tax code, create some jobs, and start to straighten our country out? I know that sounds too simplistic, but I have to agree with my Republican colleagues that the biggest tax increase in America's history will certainly not balance our budget. In fact, it may take America from chapter 11, which we are in now, to stone cold dead chapter 7 bankruptcy.

I am hoping, Mr. Speaker, that the President agrees to incentivize the tax code for the purchase of American-made products and for investment in American-made goods and services. If we do that we have a shot. If we do not, and I am sure this will fall on dead ears, then we will be on another 5-year plan, 5-year after 5-year after 5-year.

To close, I was sort of anxious to see what the third, fourth, and fifth year would do in the last 5-year deal. I am not too crazy about starting another one.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. SOLOMON. Mr. Speaker, I would say to my friend that Mike Ditka, my hero, would be very proud of his former quarterback, the gentleman from Ohio [Mr. TRAFICANT].

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to also congratulate my colleague, the gentleman from Ohio, because he has risen above partisan politics to point out one of the real problems that the Democrats have in their budget. It is not just the largest tax increase in American history, it is more than double the largest tax increase in American history.

This has not even been studied by most of the Members of Congress. They want to waive the 3-day rule so we do not know what is in this thing, and it is going to add to the deficit and it is not going to solve our economic problems.

One of the reasons I am going to object and vote against this rule is because they are asking us to waive this two-thirds majority rule to allow them to bring this to the floor right away, when they continually gag the Republican minority on issue after issue after issue and bill after bill. We cannot even bring amendments to this bill to the floor because they gag us. We had some alternative budgets that did not increase the taxes of the American people by $400 billion, when we include the fees that they are adding in, $400 billion when we add in the taxes and the fees and the other things they are calling spending cuts.

They would not allow us to bring a bill to the floor that would allow us to get a balanced budget in 5 years without any tax increase by limiting the growth in Government spending to no more than 2 percent per year for the next 5 years.

We could do that, America, but they do not allow it to the floor because they want to tax and spend, tax and spend, because that is their solution to everything.

I would just like to say to my colleagues, we are not going to stand still for this. We are going to call vote after vote on rule after rule, and keep people here late in the evening until we get some kind of fairness in this place. The American people do not want to see the economy go down the tubes. The last tax increase we had, which was one of the largest in history, in 1990, caused us to go into a recession.

This is well more than double that. It is going to take jobs out of America. It is going to close down American industries and it is going to hurt unemployment. We are going to have 1.4 million fewer jobs, according to most economists, if this plan passes.

□ 1550

And yet, this is their economic stimulant, recovery budget. And they are going to follow this, ladies and gentlemen, with a $16 billion jobs bill, they call it, and it contains billions and billions of dollars of pork barrel projects that we have been talking about on this floor.

These are things that we cannot in good conscience support, nor will we support. And we will be fighting this day. And I want to congratulate once again my colleague from Ohio, Mr. TRAFICANT, for having the guts to stand up and point out the deficiencies in the Democratic plan.

The American people want to cut Government spending first, take a meat ax to it before we even start talking about taxes, and yet time after time after time they come down here with more taxes. And this one is more than double the largest tax increase in American history.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, last fall we heard an awful lot of discussion during the campaign about budget deficits and the national debt. We all know the national debt is over $4 trillion.

President Clinton came here about 6 weeks ago and promised that there would be no more smoke and mirrors, that we were going to have real numbers, and we were going to do something significant about dealing with the budget deficit.

Well, when this budget resolution that we are going to consider today, left the House after a $365 billion proposed increase over the next 5 years, let me read to Members what the budget resolution from the House side indicated in terms of the deficits for the next 5 years. Fiscal year 1994, $312 billion; fiscal year 1995, $306 billion; fiscal year 1996, $284 billion; fiscal year 1997, $269 billion; and fiscal year 1998, $289 billion. This is on top of a $310 billion deficit this year.

Now we are going to have the budget resolution, the conference committee report. We have cut our deals in the back room, and here is what the deficits are going to be over the next 5 years: $312 billion in fiscal year 1994, $306 billion in fiscal year 1995, $285 billion in fiscal year 1996, $278 billion in fiscal year 1997, and $292 billion in fiscal year 1998. This conference committee report actually increases the budget deficit more than when it left here.

The fact is, Mr. Speaker, we want to do something about reducing the budget deficits in this country, and this budget resolution does nothing, absolutely nothing to reduce the huge budget deficits that we have had. We are going to do nothing more than increase the Federal debt by some $1.5 trillion over the next 5 years.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I noticed a few minutes ago that the distinguished chairman of the Budget Committee, the gentleman from Minnesota [Mr. SABO] came to the floor. And since I was raising questions earlier about the figure that was in the agreement last night about the public debt, I am wondering if I could get his attention about maybe answering a question about what the figure was that was passed out of the committee last night.

I would ask the gentleman from Minnesota [Mr. SABO], I was wondering if I could find out, since we have a copy here with some handwritten information in it from your negotiations last night about the public debt, and it appears as though there are at least three different figures here, two of which have been scratched out. Can the gentleman tell us what the figure was that was agreed to last night for the public debt? It is on page 57 of O-gin-gin-93.284SLC.

Mr. SABO. Mr. Speaker, if the gentleman will give me a second and then yield?

Mr. WALKER. That would be very helpful, and I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, which line is the gentleman talking about?

Mr. WALKER. There is a handwritten figure. We have some handwritten material here.

Mr. SABO. It is 43,700,000. That is for the short-term debt. That mirrors the bill that has passed out of the House.

Mr. WALKER. What I am puzzled by is that if that was agreed to last night, how come when this document came to the Rules Committee it had 43,596, and too many zeros to keep talking about, and then that was scratched out and we ended up with the 43,700 figure?

Mr. SABO. Frankly, it was a clerical mistake. It should have been the final number.

Mr. WALKER. I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], my former classmate of 15 years ago.

Mr. ROTH. Mr. Speaker, I thank my friend from New York for yielding the time.

Mr. Speaker, the people of America should understand that this is the Democrat budget. It can all be summed up in just nine words: Tax, tax, tax, spend, spend, spend, borrow, borrow, borrow.

This bill is an insult to the American taxpayer. It is an insult because the bill increases spending when the Federal Government is already $400 billion in the red; $1 out of the $3 spent by this Congress is borrowed money.

This bill is an insult because under this bill the $4.1 trillion Federal debt will get worse, much worse.

The Federal debt is so bad that $1 out of every $5 that the American taxpayer sends to Washington goes for nothing but interest payments on a national debt. And now the Democrats in this Congress are going to increase the national debt. Under this bill, things will only get worse.

It is an insult to the American people because the Democrats in this House are raiding the Social Security reserves and other trust funds to the tune of $100 billion a year. Let me repeat that. The trust funds in our country are being raided to the tune of $100 billion a year to cover the big spending that the Democrats are pushing through this Congress. And under this bill, Social Security will be raided even more. Yes, Social Security is being taxed under this bill.

And the worst insult of all is that the Democrats in this House want working families, middle-class taxpayers, and remember that tax cut they were promised, America's senior citizens are going to pay even more taxes.

The American people should understand that under this bill the Democrats will increase taxes on your Social Security benefits. The Democrats will tax Social Security and will tax Social Security benefits, because the Democrats in this House cannot control their big spending habits.

We Republicans are opposed to taxing Social Security. On February 10, the House Republican Study Committee and the House Republican Research Committee jointly held a congressional forum on the Social Security tax. We revealed the damage that this bill will do to millions of senior citizens. We detailed the unfairness of taxing benefits that average people earn through their lifetime of work, just because the Democrats in this House cannot say "no" to the special interest groups.

It is not only that they are spending money that upsets me. It is that it is a payoff to the special interest groups.

Yesterday, I inserted in the CONGRESSIONAL RECORD the State-by-State impact that this tax will have on senior citizens.

Mr. Speaker, the Democrats' budget bill is an insult to the American people, and it should be, it must be rejected.

But if this budget passes, the American people will know who is responsible for raising their taxes, because the big spenders, the Democrats who control everything, the House, the Senate, the White House, the bureaucracy, all of the agencies, are now marching on a new banner, or I should say the same old banner: Tax, tax, tax, spend, spend, spend, borrow, borrow, borrow, which is the battle cry of the Democrats in this House.

□ 1600

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SHAW], a member of the Committee on Ways and Means, a very good member.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, you know, we have often heard the old joke of Washington as being Disneyland on the Potomac. I can tell you right now this afternoon where we are, we are on Fantasy Island.

To begin with, I think it is most amazing that the rules of this House that would say that a bill that did not sit over requires a two-thirds majority, but that rule can be overruled by a simple majority. Now, to me, the sense of fairness and of fair play, full disclosure and everything else, this makes absolutely no sense to all.

But then, look at this budget carefully. Look at the tax, the extra tax on Social Security. The President and most Democrats, I would say, would say, "We will never raise taxes on the middle-class people." What are we talking about? We are talking about people who make $25,000 a year. We are raising their taxes on Social Security. If you are married and have $32,000 a year income, we are raising your taxes on Social Security.

The President answers that in typical Fantasy Island fashion by saying, "No. That is a cut."

Mr. President, are you cutting Social Security? My friends, you cannot have it both ways. Today with your vote, you are either going to reject that failed fantasy policy or you are going to do one of two things, either raise taxes on the middle class or cut Social Security. You cannot have it both ways. That is the choice that you have to make today.

So I say to my colleagues, think carefully about this vote. This rule is wrong, and it should be rejected. This budget is foul, and it should be rejected.

This is nothing less than the double cross of 1993.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for 6 or 7 years this body, the Democrats in it, have been trying to put in jail various members of the Republican administration for lying to Congress, Ollie North, John Poindexter, "Cap" Weinberger. They said a lie to Congress is against the law.

And yet Congress lies to a much higher authority every day we sit here. We are lying to the American people. We lied when we said it was an emergency spending bill, the stimulus package. We lied when we said it would not break the caps. Forty-five minutes later right after that promise was made, we found out it did. We lied when we defined deficit reduction. We all know now that it is going to increase the deficit, and we are lying to the American people when we say we would require a two-thirds vote to bring this to the floor, and now you are going to waive that with a simple majority vote.

Mr. Speaker, we are lying to the very people on whom we depend for moral support and moral authority, and it is time to stop our lying.

Mr. SOLOMON. Mr. Speaker, I yield the remainder of my time to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules, a very valuable member.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time.

I cannot say that I have not seen the document. I have seen it. It is over there. It is that big 100-plus-page document with annexes to it.

I can say that I am probably in a better position than some members, Republican members, of the Committee on the Budget, because I do not think they have had a chance to see it at all. Some of them have not. I think we got it first; I saw it first; I saw it about 2 hours ago.

The point of this is we are talking about a document that over the next 5 years is going to raise our national debt at least $2 trillion, and some think much more.

We now hear some saying this is great, let us have a little applause, because we are not going to sin quite as much every year. We are going to have some sinning going on here, no doubt about it; we are going to have big annual deficits, but they are not going to be quite as bad as they might have been. Now, that is a great way to exercise fiscal responsibility in our country.

I think it is a little early for the applause for this.

I think the gentleman from Ohio did a very excellent job of talking about the out years. The deficit savings, $42 billion the first year, $65 billion the second year, $96 billion the third, and then in the fourth and fifth years, way out there, 135 billion dollars, worth of savings, 159 billion dollars, worth of savings. It is sort of a trust-me program.

I remember October 1990, and I think a lot of other Americans do, the famous budget deficit reduction act. You will recall in that it was "Trust us, we are going to reduce the budget deficit." Well, we added a big tax bite, and the deficit has gone up every since, and we never fixed the process.

We have no restraints. Nothing binds us. We have no balanced budget amendment. We have no line-item veto. We have still got a system of budgeting and appropriating that does not bring us into anywhere near balance.

In 1998, when all is said and done with this program, if it gets that far, after 5 years of sacrifice and higher taxes, we are still going to have a deficit of $200 billion that year, and it is going to be climbing. We are going to have a national debt of $6.5 trillion or more. Every man, woman, and child in this country is going to owe more than $20,000 to Uncle Sam to start out their day.

This is not a good program.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 8, noes 17.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 171, not voting 11, as follows:

[Roll No. 124]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—171

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer

Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger

Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard

Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Barton
Conyers
Ford (TN)
Hall (OH)

Henry
Kasich
LaFalce
McCloskey

Nadler
Quillen
Shuster

☐ 1626

The Clerk announced the following pair:

On this vote:

Mr. Nadler for, with Mr. Quillen against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 145 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 145

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 2. The chairman of the Committee on the Budget may submit for printing in the Congressional Record not later than April 1, 1993, the allocations required by section 602(a) of the Congressional Budget Act of 1974. The allocations so submitted shall be considered to be the allocations otherwise required to be included in the joint explanatory statement of the managers on the conference report to accompany a concurrent resolution on the budget.

The SPEAKER pro tempore (Mr. FIELDS). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 145 is the rule providing for the consideration of the conference report accompanying House Concurrent Resolution 64, the concurrent resolution on the budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The rule provides 1 hour of debate on the conference report to be equally divided and controlled by the chairman and ranking minority member of the Budget Committee. All points of order against the conference report and against its consideration are waived. Finally, the rule authorizes the Budget Committee chairman to submit for printing in the CONGRESSIONAL RECORD, by April 1, 1993, the committee allocations required under section 602(a) of the Congressional Budget Act. The printed allocations will be considered to be the allocations submitted pursuant to section 602(a).

☐ 1630

House rule XLIX provides that upon adoption of the conference report, the Clerk is directed to engross a joint resolution which incorporates the debt limit number for the budget year fiscal year 1994 from the budget resolution. The effect of adopting the conference report today, therefore, will be to send to the Senate a joint resolution raising the debt limit from $4.15 to $4.7319 trillion.

In addition, the conference report includes reconciliation directives to the Ways and Means Committee and the Senate Finance Committee to report to their respective Houses by April 2 a bill that will raise the debt ceiling to $4.37 trillion, which is sufficient to get us through September 30 of this year, 1993. It is our understanding that the House will vote separately on this short-term debt limit bill, even though House Rule 49 is in effect.

Finally, the conference agreement also directs the Ways and Means Committee and the Senate Finance Committee to report a long-term debt limit increase as part of the larger budget reconciliation bill which is to be reported to the Budget Committee by May 14, and it will be considered by the full House shortly thereafter.

I wish to commend the chairman of the Budget Committee, the gentleman from Minnesota [Mr. SABO], for his efforts in working with the Senate to come to an agreement on a budget resolution that cuts an additional $50 billion from the President's budget plan over the 5-year period from fiscal year 1994 through fiscal year 1998. In all, implementation of the conference report will reduce the Federal deficit by $42 billion in fiscal year 1994 and by $496 billion over the next 5 years.

The conference report represents real, substantive spending cuts. As under the original House-passed budget resolution, discretionary spending will be frozen, with no increase for inflation, for the next 5 years. Thus, this plan calls for less spending, in actual dollars, on discretionary programs in every year from 1994 through 1998 than we spent in 1993, and it will exceed the savings required by the fiscal year 1994 and fiscal year 1995 discretionary spending caps contained in the Budget Enforcement Act of 1990.

The remainder of the $496 billion in deficit reduction is achieved through reconciliation. The conference report instructs 13 House committees to report legislation reducing spending or raising revenues which will be combined into a single, omnibus reconciliation bill for consideration by the House later this year. That legislation, making permanent changes in law, will enable us to put in place this year the budget savings that will be achieved over the next 5 years.

In all, the conference agreement assumes spending cuts of $1.21 for each dollar of tax increases. This calculation counts the increase in taxes on Social Security benefits for beneficiaries above certain thresholds as a tax increase rather than as a cut in benefits.

Despite the substantial deficit reduction called for by this agreement, it also assumes full funding of Head Start, of WIC, of child immunization, and of the Mickey Leland Hunger Program. All of these programs, I believe many Members would agree, are absolutely essential to ensuring the education, health, and well-being of our Nation's children, the very future of our Nation, whose needs have been neglected for too long.

Mr. Speaker, passage of the conference report on the fiscal year 1994 concurrent resolution on the budget will set us on a course toward substantially lowering the size of the deficits the Federal Government has been running in recent years and, along with that, slowing the rapid growth of the Nation's debt that has resulted from these deficits.

But the difficult work, I would remind the Members of the House, on the budget remains before us. The budget resolution, as Members are aware, is only the blueprint for Federal spending and revenues. Decisions on actual program cuts and on any specific tax increases will be made as other committees report the specific spending and revenue measures called for by the resolution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON], my friend, for yielding the time, and, Mr. Speaker, it is too bad there are not more Members on the floor, because those of my colleagues, who are back in their offices, should know their political career could be riding on the next vote that takes place on the floor of this House, because they may be voting to raise the national debt ceiling by $586 billion.

Mr. Speaker, I rise in opposition to this rule because the rule is wrong, because the budget resolution conference report that it makes in order increases taxes too much, it cuts spending too little, and it does nothing to bring about meaningful deficit reduction, meaningful deficit reduction.

This rule, Mr. Speaker, includes a waiver of the 3-day layover requirement that allows Members to have a chance to learn what it is that they are being asked to vote on, not exactly a wild and crazy idea when we look at this $1½ trillion budget. Not one Member of this Congress has any idea what is in this except for about five people that finished writing it about midnight last night. In this case the budget resolution conference report was not even filed until after the House convened at 2 o'clock this afternoon, and there are only two copies of this for 176 Republican Members on this side of the aisle, and people are coming over here, fighting over copy and that of the gentleman from Pennsylvania [Mr. WALKER].

Mr. Speaker, that means Members of Congress had no opportunity to go over this conference agreement, and, Mr. Speaker, this is not the right way to do business. This is not some small piece of legislation we are talking about. This budget resolution purports to set the priorities for this Nation for the next 5 years.

And, Mr. Speaker, waiving the 3-day layover requirement is never a good idea, never, but in this case it is really a terrible idea.

Let me tell my colleagues what else it does. This rule waives the scope of the conference rule which prohibits putting material into the conference report which was not in either the House or the Senate version, and that is why, when my colleagues look at all these handwritten notes on each page, many things have been added after the conferees adjourned last night and disbanded.

What is in this budget that my colleagues are going to be voting on? For example, this conference report includes a provision written into the margin which provides a separate reconciliation deadline for setting a debt limit. One more time we are bending the rules, Mr. Speaker, and, Mr. Speaker, I want my colleagues to be fully aware of what it is that they are being asked to vote on by adopting this rule.

Not only will my colleagues be adopting the conference report on the budget, but, by that same vote, they will be voting to raise the debt limit from $4.145 trillion up to $4.731 trillion. That is an increase, get this, an increase, of $586 billion.

How much money is that? When the gentleman from California [Mr. BEILENSON] came to this Congress with me 15 years ago, Mr. Speaker, that is how much the whole Federal budget was 15 years ago: $586 billion.

Mr. Speaker, I say to my colleagues, "Now, Members, you might think you're not really voting to increase the debt limit by voting for this budget resolution, but, under House rule XLIX, that is exactly what you're doing, and don't let any of your leadership try to tell you that you're not."

House rule XLIX is the so-called Gephardt rule that provides that, once we have adopted this conference report, the Clerk will take the debt limit level from the budget resolution and put it in the joint resolution which shall be deemed to have been passed by the House when we adopt this resolution. That means that my colleagues are voting to increase the debt limit by $586 billion with their vote on this budget.

Mr. Speaker, that is not legislating. It is a red-ink-producing machine on automatic pilot.

Where is the accountability? Where is the "representative" in the House of Representatives? Why should we be hiding behind these rules instead of stepping out front and voting on these major issues the way people sent us here to do, and that is what they expect of us.

Mr. Speaker, I attempted, up in the Committee on Rules, to amend this rule so that we could remove that automatic pilot and put the Members of the House back in control of the major decisions being made on behalf of the American taxpayers. My amendment to the rule would simply say, quote, that the provisions of the Gephardt rule shall not apply to this conference report. Instead the House will have to bravely stand up and vote to raise the debt limit.

□ 1640

I would urge my colleagues to defeat the previous question so that I might be able to offer that amendment to the rule now and give the House this chance to do its sworn duty of superintending the debt of this country. By so doing, my colleagues, you will in turn give us an opportunity on this floor to vote on a legislative line-item veto, and right now you are being prohibited from doing that, and vote on a balanced budget constitutional amendment, two matters which absolutely must be considered in connection with any further efforts to raise the national debt ceiling.

Mr. Speaker, I ask Members to vote down the previous question so that they may vote for a temporary public-debt-limit bill and for a line-item veto and balanced budget amendment.

Now, Mr. Speaker, as to the budget itself, this budget resolution is a disaster about to happen. Does this Congress realize what it is about to do? We as a body are going to levy $336 billion in new taxes on the backs of the American people. That is the largest tax increase in the 200-year history of this Nation.

We as a body are going to set the stage for spending $231 billion in new Government spending over the next 5 years, without any meaningful deficit reduction. As a matter of fact, the deficit will even rise in the 5th year of this budget.

Mr. Speaker, this is not right, this is not fair, and it certainly is not the right way to deal with the American economy.

Finally, Mr. Speaker, if Members vote this budget today, they will be voting to raise the debt limit, as I have said before, by $586 billion, because voting for this budget today will take away their only opportunity to vote for a temporary debt limit that only raises the debt limit $225 billion. That is what we would be faced with if we did not have this bill before us. Members will also be ducking out on their chance to vote for a true line-item veto.

Mr. Speaker, at the end of this rule I will try to defeat the previous question so we can knock out the Gephardt rule that automatically approves raising the debt ceiling by that $586 billion for an entire year. So Members should remember when they come over here, do not vote yes on the previous question. If they do, they are going to be voting for this debt ceiling increase. Vote no on that previous question.

Mr. BEILENSON. Mr. Speaker, I would tell my friend, the gentleman from New York [Mr. SOLOMON], that we apparently, at least at the moment, and perhaps forever, have no further requests for time. So if the gentleman wants to proceed, he should please do so.

Mr. SOLOMON. Mr. Speaker, the gentleman from California [Mr. BEILENSON] was fair on the last rule and did not try to take advantage of that, so at this point I yield 2 minutes to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Glen Falls, NY [Mr. SOLOMON], for yielding me this time, and I rise in strong opposition to this rule and the process around which we are even considering this budget.

Mr. Speaker, it seems to me that when we look at, once again, waiving the 3-day layover, when we look at the facts, as we have, as the gentleman from New York [Mr. SOLOMON] shows, that this is an inordinately complex measure that has come before us.

One is reminded of one of the Framers of our Constitution, James Madison, who in coauthoring with Messrs. Hamilton and Jay the Federalist Papers, in the 62d Federalist, James Madison had to have been thinking about what is before us today when he wrote the following:

> It will be of no avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read or so incoherent that they cannot be understood.

Mr. Speaker, it seems to me that we have a very simple choice here. I urge opposition to the previous question so that we can work to try desperately to improve this process and allow Members to have the chance to look at this budget. It is clearly a sham for us to think that we can reach far beyond what that Random House Dictionary, back there describes as a budget, to impose on the American people something that is anything but that.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM], a new and outstanding freshman Member of this House.

Mr. KIM. Mr. Speaker, here we go again.

We are asked to raise our national debt limit by $225 billion. Over the next 6 months, we are asked to accumulate debt at a rate of $1.2 billion per day.

Is this the President who was going to cut the deficit in half in 4 years?

Now we meet today to increase the debt by $225 billion to $4.37 trillion—yes, trillion. I cannot support this request. I find it outrageous.

Why more debt? I will tell you why—$16 billion for the so-called emergency supplemental appropriations measure that was passed last week that we are told will put America back to work—but we are also told in that bill that every American taxpayer should pay $28 million to bail out the D.C. budget shortfall. We are forced to pay for publication of two fish atlases and studies of the sicklefin chub. These are Presidential imperatives. These are emergencies? This is supposed to stimulate our economy? How?

The increase in the debt limit is irresponsible. It is not only irresponsible—it violates every wish and every hope of the Nation's taxpayers.

Our President promised Americans that he would immediately begin debt reduction and sound fiscal policies. He has not and we can only wonder if he ever will. As yet, we have not seen his tax legislation, and we have no way of determining the tax burden Mrs. Clinton's health plan will include. This is not a time to rise the debt limit. It is time to reduce spending. It is time to end the monumental waste in Government.

The people in my district do not want to pay millions for fish atlases. I do not think any of us have even seen a sicklefin chub and the cities in my district are very hard pressed for revenue but none of them expect a bailout from the Federal Government. And I am proud of them.

The American people voted for change, I do not see any change. I see waste, I see debt limit increases, I see no inclination to cut this outrageous spending. I do see broken promises and vacant rhetoric and I do not like it one bit.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], the deputy whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a document that we have before us which is the conference report on the budget that was prepared in the dead of night by Democrats only, and the more information we find out about, the worse it looks.

I am told, for example, that the conferees on this budget document met one time on Tuesday. They met for a photo op. Then when it got to the real business of negotiations, the Republican conferees were completely shut out of the room and were not permitted to negotiate. All the negotiations were carried on behind closed doors, and the Republicans were not permitted in.

Now, that is how this budget document was arrived at. And guess what? Even after they arrived at that document in the dead of night, the Republican conferees, the people who were members of the committee, were not even given a copy of it until it was filed in the House at 2 o'clock this afternoon.

That is fairness, folks? That is the way it operates in the House of Representatives.

Why do they not want Republicans and others to see this document? Why are there only two copies of this document provided to the Republican side of the aisle? Why are there no documents around the floor? Because the more you look at this document, the worse it gets.

For example, this document does not even include the cost of the President's $16 billion stimulus package. And because it excludes that cost, it means that it is a total phony in terms of spending.

Then when you get down and begin to add up the numbers, and we have had some people back doing number crunching now, when you add up the numbers, you find out that this conference report provides for less deficit reduction than the House-passed budget resolution over the 5-year period.

☐ 1650

And in fact, when we really look at it, we find out that under the conference agreement, spending will climb by almost $40 billion more than the House bill over a 5-year period.

The House went into the conference behind closed doors with Democrats only there, and the House got taken to the cleaners. And so we end up with a document on the floor that they cannot justify. And then we look at another little thing that happened. The House voted unanimously not to raise the taxes on Social Security recipients. And what happened behind closed doors? For $40 billion, did the House at least get our position taken on not taxing Social Security recipients? No. We gave that up, too.

The House just got royally taken to the cleaners by the U.S. Senate that wanted to spend more money. And now we are going to vote on this without knowing anything about it.

Let me tell my colleagues a couple of other things about this particular deal, this particular bill, the way it is structured does one thing and one thing only. For all of the thick pages here, for all of these pages, this bill does only one thing for real. It raises the public debt.

The main obligation under the budget resolution is to provide 602(a) allocations to the Committee on Appropriations. I realize middle-class America does not know what that means. What that means is that it sets a limit that the Committee on Appropriations can spend. This bill does not do it.

The rule that we have out here right now says that they do not have to file those until some time later. So this bill has no 602(a) allocations in it, which means it has no caps. So that the only thing this bill does, this bill does only one thing for real, it raises the debt by $586 billion. That is the only real thing that is in this bill.

Every Member who votes for this bill is voting to do only one real thing, and that is to raise the debt by $586 billion. Each Member who casts a vote for this particular document can only say that "What I did was I voted to raise the debt by $586 billion. I set no limits. I got nothing from the Senate. In fact, all I got was more spending. I did not get to keep the Social Security people off taxes. No. All I got was to raise the bill on the public debt by $586 billion. As a Member of the House, that is all I can do."

I would suggest to my colleagues, they might want to vote against that. The first place they can vote against it is to vote for the motion of the gentleman from New York [Mr. SOLOMON] on the previous question.

What he will do is strip out the debt question to make certain that when the bill comes to the floor, it will not have the debt in it. That means it will have nothing in it. If we passed the previous question, this will be a worthless document because the only thing it does is raises the debt by $586 billion. But it will be the only key note. It will be the only place where Members will have an opportunity to eliminate the debt section. And if they do not vote for the Solomon motion, what they are going to end up with is a budget presentation on the floor that allows them to do one thing and one thing only: Raise the debt by $586 billion.

I would suggest they might not want to do that. They may want to support the gentleman from New York [Mr. SOLOMON]. Then we can have a real debate about what is really in this document, which is pretty bad, a document that is a spending document and a taxing document.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

I hope that middle America is paying attention to this debate, because one of the most salient points that was just made was that President Clinton has proposed what is called an economic stimulus package that is costing $16.5 billion, and it is not even included in the budget that they are talking about.

All the deficit spending that is in that budget, which is into the billions and billions and billions of dollars, even though there is a $400 billion-plus tax increase in there, does not include this $16 billion so-called economic stimulus package that is filled with pork.

It has got swimming pools in there for various communities around the country. It has got gymnasiums in there for various communities around the country. It has got parking garages in there. It has got libraries in there.

These are things that local communities ought to pay for but taxpayers from around the country are taking care of their friends in Alabama and their friends in Florida and their friends in California with these pork-barrel projects. And the thing that is most irksome about this, if there is such a word, is that the President has not even put it in this budget.

It is $16 billion more that is going to be added to the debt in addition to what this does.

I just heard from my colleagues this is going to increase the national debt by $586 billion over the next year. I wonder how many other things we are going to have added to this debt over the next year. Certainly, this $16.5 billion so-called economic stimulus package, which I call pork package, is going to be added in addition to it.

We have to start coining new words, new definitions around here. Today I started one: Clintonomics.

Remember Reaganomics? Everybody criticized? Remember Clintonomics, because it is going to cost 1.4 million jobs in the next 4 to 5 years. That is how many jobs we are going to lose, at least according to most economists. Clintonomics. And it is going to lead to a Clintastrophy, an economic Clintastrophy. Find that in your lexicon. If it is not there now, it should be.

The first thing we ought to do is start addressing the problem of Government spending. Just 10 years ago we had our first $1 trillion national debt. Now we are almost to $4.5 trillion in debt. It took us 200 years to get to $1 trillion and less than 10 years to more than quadruple it. And what are we doing? Instead of cutting spending, we are raising your taxes more than double the largest tax increase in U.S. history. And that is supposed to solve our problems? Remember that when you get your paycheck next year. Remember that when you pay your utility bill and you are paying $400, $500 more for gas or electricity in your home next year, because that Btu tax, the big-time unemployment tax we call it, is going to be hitting each and every one of you.

The problem is, this really concerns me, is that the media has not really gone into the program and explained it to the American people. It is no wonder to me that the people of this country want President Clinton to succeed. I want him to succeed. But at the same time, while he is succeeding, I do not want to see him take the economy right down the tubes to a degree that is worse than what we have seen over the last 3 to 4 years.

We raised taxes in 1990 to the tune of $184 billion. And what did it cost? It cost us jobs, and it cost us an economic recession.

Now they are raising taxes more than double that. Sure, we want President Clinton to succeed, but we want the economy to succeed even more. And the way to make sure the economy succeeds and grows so that we create more jobs and do not lose them overseas is to cut Government spending first. That is the key. Government spending is out of control.

We brought in $500 billion in tax revenues 10 years ago. Now it is $1.2 trillion, almost triple what we brought in 10 years ago. Yet we are still running $300 to $400 billion in red each year. So raising taxes is not the answer.

Since we raised taxes $184 billion in 1990, for every $1 in new taxes, we have spent $2.70. So the problem is not that we are not getting enough revenue. The problem is spending is out of control. And they will not make the hard decisions on cutting spending.

We had a proposal called the 2-percent solution that would freeze all Government spending and no more than a growth rate of 2-percent per year over the previous year. They would not let us even bring it out of the Committee on Rules to the floor. That would have balanced the budget in 5 years without a tax increase. That is the problem.

They want to raise taxes and they want to spend us into oblivion. And they are going to do it unless America rises up and says, "No more, no more."

The problem is they face a dilemma that Benjamin Franklin said the second Continental Congress faced, and that is, they have to either hang together or hang separately. And they are swallowing very hard this huge tax increase of President Clinton.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

Many of us have just been trying to very rapidly go through this budget document. I hope every Member has the chance to observe the largest proposed tax increase in history, the $2 trillion increase in the debt limit and the unpresidented overspending before they cast their votes, I think many of the Members, and I think the American people do not realize the increased debt that this resolution advocated. If we look on page 8, we increase the debt limit of the U.S. Government from the current $4 trillion to $6.182 trillion, at the end of this 5-year cycle.

□ 1700

If the American people realized that we are continuing to increase the debt this amount that we are simply reducing the increase in spending and not reducing actual spending they would not approve. We are not dealing with the real problem. A government that is too big and out of control is taking the money out of the American taxpayer's pocket to satisfy special interest spending. I think Americans should say to their Congressman and Congresswoman, "Wait a minute, something is wrong, stop overspending."

If the Members will look at this budget resolution they will notice something else that seems to be a little tricky in this document. Instead of making Congress vote on increasing the debt ceiling, we simply say we are going to assume a bill is passed to raise the debt ceiling. So once we pass this document we have already precluded a separate vote on increasing the debt ceiling for 1994.

We not only increase the debt ceiling for fiscal year 1994 but also on page 70 we increase the debt ceiling for a full calendar year 1994, to get us through that election cycle. Individual Congressmen do not have to cast an embarrassing vote to again raise the debt ceiling when we are running for election in 1994.

I am concerned, No. 1, at the speed with which we are asked to accept this document. I am concerned, of course, as every Member of Congress and the American people should be, that we are increasing taxes by $240 billion and we are not doing anything to control overspending and the huge debt that we are passing on to future generations.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. SABO], the chairman of the Committee on the Budget.

Mr. SABO. Mr. Speaker, I thank my friend, the gentleman from California, for yielding to me.

Mr. Speaker, we will visit in a little more detail about the budget resolution later, but I hear so many just total distortions of what we are doing that I had to rise for a couple of minutes.

The facts are that we have a conference report today that will produce **$496** billion of real deficit reduction for this country, a combination of spending cuts and revenue increases; revenue increases, 72 percent coming from the top 5 percent of the income scale in our country, people with incomes over **$100,000.**

I listen to some of my friends who speak with such vehemence. They had their President for the last 4 years. Rarely could they find themselves to have the capacity to agree with him. That is part of the problem why we have had the gridlock we have had over recent years.

We have today a real program, a President who has advanced it. We have the potential to move that program forward. In my judgment that is the obligation we have to the American people. This is a program that will serve the American people well.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would ask the gentleman, were any Republicans included in the negotiations on the final product of the budget?

Mr. SABO. I would say to the gentleman, no, they were not heavily involved in final negotiations.

Mr. WALKER. If the gentleman will continue to yield, heavily involved? Were any of them involved at all?

Mr. SABO. They were involved in the conference committee meeting, but, I have to be frank, not in the actual negotiations.

Mr. WALKER. If the gentleman will yield further, in fact, those negotiations took place behind closed doors, with absolutely no Republicans in the room, is that not correct, I would ask the gentleman?

Mr. SABO. I think our Republican friends, who I give the highest marks to in the work and effort they have put into this process, obviously have some very fundamental policy disagreements with us. The potential for us finding any agreement that they would find acceptable was exceedingly remote.

Mr. WALKER. If the gentleman will yield further, isn't that the purpose of a conference committee, that the conferees get together? After all, it was a Republican motion that suggested that we ought to eliminate the Social Security tax. It was adopted unanimously on the floor, and then the Republicans were shut out of the conference, and guess what, we come back here and the tax on Social Security is still left in the bill, despite the fact that the House unanimously said we ought not to have it.

Mr. SABO. The gentleman from Pennsylvania at times confuses me. A little while ago he said there was nothing in this resolution.

Mr. WALKER. If the gentleman will yield further, I am simply saying to the gentleman that the only operative thing in the resolution is that we are raising the public debt. They have no 602(a) allocations in it. Those do not come until a couple of days from now.

Mr. SABO. Tomorrow.

Mr. WALKER. If the gentleman will yield again, they are not in the resolution as we are passing it. I am suggesting to the gentleman that Republicans might have wanted to be in the room to fight for the one thing that the House did approve unanimously of the Republicans' and that was to eliminate the Social Security tax. They were shut out of the room and not allowed to bring that into the debate.

Mr. SABO. I would just suggest to my friend, the gentleman from Pennsylvania, that the Republicans clearly disagree with this package. We understand that. They have a different view of where the country should go. We accept that. They have a different view of how the tax structure in this country should be structured. We accept that. They have a very fundamental different view of what the role of the Government is. We accept that.

They have made these points. I think their members of the Committee on the Budget have made that point. I disagree with those fundamental assumptions, but in our judgment this does things that are real, and it is a program developed by a new President with new vision for this country. We believe that it moves us forward in very positive ways.

Mr. WALKER. If the gentleman will yield further, we only took part in initial negotiations.

Mr. SABO. I would tell the gentleman, the opening statements were part of the ongoing process that resulted in an agreement.

Mr. GEJDENSON. Mr. Speaker, would the gentleman yield?

Mr. SABO. I yield to my friend, the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman for yielding to me.

I want to commend the gentleman, Mr. Speaker, for the work that he has done. I do not know that we need to do a civics 101 lesson here. It seems to me that while the art of legislative democracy to function is for there to be some negotiation, the frustration of the American people over the last 12 years has been that at some point we were not able to put together a legislative package that would be signed by a President. There were differences on our side and there were differences from the Republican President.

While I think the gentleman ought to be commended for trying to take into account the wide variety of opinion, not just in the Republicans and the Democrats but even within the Democratic caucus on these issues, the final analysis is he needed to come to closure. He needed to come to an agreement that he could bring to the floor and pass and that the President of the United States would sign.

I think that if we understand how a democracy works, at some point we have to count the votes in the conference committee and on the floor. There has to be a proposal made by one side that can carry the day, and the gentleman has done that in a very admirable fashion.

This weekend, as I was going around my district, on WCBS Radio out of New York they said they were about to do a little ditty, a little song about Congress. I almost covered by ears, because they have not been all that good lately. Suddenly I heard on WCBS Radio, "Congressmen in motion, passing legislation, getting it to the President to be signed," and I want to commend this gentleman for the work that he has done, the hours he has put in. I think he has been more than generous in listening to the opposition, in trying to accommodate the breadth of opinion that exists in the Democratic caucus and the Republican caucus. At some point, and we are at that point now, we need to move forward with a package, yes or no.

We are going to have that opportunity. People can vote for it or they can vote against it. The thing we cannot allow to occur is an endless debate, an endless set of negotiations that continues gridlock and continues to preclude Government from doing what it needs to do. That is to take action to try to get this economy going again.

I want to commend the gentleman for his work and patience.

Mr. SABO. Mr. Speaker, I thank the gentleman. I want to make only this observation. I have noticed over the years it is very easy for Members of

Congress to scream their personal passions for a certain position, which then gets 50 votes and does not accomplish much except to make the person who has given very vehement speeches feel good.

Our challenge is to work with the President, put a program and a proposal forward that has the potential of getting 218 votes, moving to the other body, and eventually passing and becoming law.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. The last gentleman I see, who just came out of the Cloakroom, my good friend, the gentleman from Connecticut [Mr. GEJDENSON], started out by saying that these people do not need a lesson in civics 101, and then he premised his whole argument over the fact that the President has to sign this document and we have to get it to him.

The President will sign the budget agreement. We all know that.

Mr. Speaker, I yield 2½ minutes to my good friend, the gentleman from Illinois [Mr. EWING].

□ 1710

Mr. EWING. Mr. Speaker, this is the first time I have had the opportunity to go through this type of debate here on the budget resolution. I find it very interesting. I also find it cause for concern because I believe that we are not really doing the American people's work here today. We are doing our own work. We are doing our own political work, our own political shenanigans.

If we were talking to the American people, we would know that the work we are doing her today is not what they want done. I would suggest that the President and the leadership of this Congress, the Speaker, should try and get a little more in touch with what the American people are interested in seeing this body do.

Now, the President does have his town meetings, but the questions I think are pretty canned. Everybody knows what they are going to be ahead of time. I doubt if the Speaker does town meetings. I would suggest it would be a good idea for him to do so, because what we are doing here today is not what the American people want, not the taxpaying American people. The leadership needs to get in tune. I will give Members an example of what the President has said and what he had done. During the campaign he said we are going to cut $3 for every $1 of new taxes. Then when we had the hearings in the Senate for the confirmation of Secretary Bentsen it was down to $2 of cuts for every $1 of new taxes. I believe when the President came here to this body that had been reduced to 1 in 1. Ladies and gentlemen, today we are at 4 in 1. We are now at $4 of taxes for every $1 of cut.

What we have here is big taxes, very little cuts and, gentlemen, we have a big increase in the debt.

I sometimes believe that the American people must feel like a parent or a grandparent who watches their spendthrift children mortgaging their future for more frivolous expenditures and knows that they are faced with utter disaster and sits by helplessly. No wonder the American people are fed up with the actions of this Congress.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time on our side, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

First of all, Mr. Speaker, I heard my good friend, MARTIN SABO, Who I have great respect for, and who has done as good a job as I think he could on this budget, say he heard some vehemence. And I just want to say that I do not want to talk vehemence right now. I just want to be frank, and I want to be sincere, I really do, because I am worried.

When this budget bill left this House, we all were concerned that all of the proposed cuts in the budget, which only totaled about $200 billion at that time, were all falling in the last 3 years of this 5-year budget. In the first year, 1994, there was only $6 billion in cuts in spending. In the second year there was only $10 billion in cuts in spending. And now that the bill has come back to us, and we have been trying to read through it, it looks like there are absolutely no cuts in spending during 1994 and 1995.

Now what is significant about that, ladies and gentlemen, is we have been operating under a 5-year budget going back to 1990 when George Bush broke his promise of no new taxes, and he agreed to those new taxes, and he agreed to spending caps which were written into the law. That law with the spending caps expires at the end of 1995. So here we have a budget coming back here with no spending cuts at all in the remaining 2 years of the budget cycle when we actually have spending controls.

That means in 1993, 1994, and 1995 when President Clinton is proposing heavy cuts, it means there is no spending cap controls whatsoever.

Do Members think that Congress is going to live up to what is in this budget when they never have under Republican or Democrat administrations in the past? The answer is no.

That is why I am gong to propose in a few minutes to defeat the previous question. All we are going to do, ladies and gentleman, especially my colleagues on this side of this aisle, all we are going to do is bring back a rule to this floor which is going to remove the debt ceiling bill out of this bill, we are going to strike it out. That means Members will not be voting for a $586 billion increase in the debt ceiling. And we will have a legitimate vote on that tomorrow, not today, at which time you and I will have an opportunity to offer a line-item veto.

Now there are about 85 Democrats on this side of the aisle who want that opportunity to vote for a line-item veto, and there are a lot more on our side. We want the opportunity to attach that line-item veto to that debt ceiling bill. If you come over to this Chamber and vote "no" on the previous question, you will be voting "no" to increase the debt by $586 billion, and you will be voting "yes" to give yourselves the opportunity to attach that line-item veto the debt ceiling, which means to the American people there is going to be some kind of spending controls, perhaps in the next 5 years.

That is all we are asking. Members better think about it because their political career could be riding on it. Two years from now we are going to be accountable for what we do on this floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time and yield myself such time as I may consume.

In closing, let me just make three very brief comments, if I may.

The first is that raising the debt limit is, in this gentleman's opinion at least, the responsible thing to do. Many of us on this side of the aisle voted to do just that on several occasions over the past 12 years at the request of Mr. Reagan and Mr. Bush. They were correct in asking us to do it. We were correct, those of us who joined in supporting their requests, in making that possible.

I think Members understand that that is something that comes with the territory, and that some of us who responsibly believe is the correct thing to do.

Second, I would say to my good friend from New York, and he is my good friend who raised some concern earlier on about the portion of the rule which waives scope in this particular rule, we do, I say to the gentleman from New York [Mr. SOLOMON], as I am sure he knows, but let me point out to other Members, we do so in order to instruct the Ways and Means Committee to report out a debt limit bill to the floor by Friday, a debt limit bill for fiscal year 1993 so that Members in fact can have a separate vote on it.

As the gentleman also probably now knows, although did not at the original time, our Rules Committee does in fact meet in 40 or 45 minutes to report, I assume and hope, a rule so that that particular bill in fact can be voted on.

Mr. SOLOMON. Mr. Speaker, will my good friend yield at that point?

Mr. BEILENSON. Of course, I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I do not mean to be contentious or vehement at all, but the problem is that we are going to be deprived from the opportunity of trying to attach a line-item veto to that debt ceiling bill. We all know it is coming out under a closed rule which the gentleman from Illinois [Mr. ROSTENKOWSKI] has requested. We are going to try to prevent that, but we know we will not succeed, and therein lies the argument. If you vote no on the previous question now, it will force us to have that opportunity to have that line-item veto attached, because you are going to need Republican votes to raise that debt ceiling. You cannot do it by yourself, unless you do it through this method here.

Mr. BEILENSON. I understand the gentleman's point. It is a perfectly legitimate point. I simply wanted Members to know, and wanted the public to know that our waiver of scope here was a reasonable thing to do and was required by the fact that we are directing the Ways and Means Committee on our side and the Finance Committee on the other side in the other house to report out by day after tomorrow, and in fact the Ways and Means Committee already, as the gentleman knows, has done it here today, a debt limit bill on which there will be a separate vote, presumably on tomorrow.

The third thing that I did want to mention is the responsible I hope, at least partially, and I know the gentleman will not accept it, and will not agree with my position, but the gentleman makes a perfectly valid point about the line-item veto, and I think it is fair to say that is a separate matter, it ought to be a separate matter, it deserves to be brought up separately, and so far as this gentleman is aware, and I think the Members of both sexes and on both sides of the aisle are aware, there is now every indication that some such bill will be before us in the relatively near future, probably when we come back from our work period over the Easter recess. But in any case, it will be in the relatively near future. So I think the gentleman and his friends on that side will have an opportunity within a very few weeks to have a vote of one sort or another on one sort or another of a line-item veto bill.

□ 1720

In any case, for the reasons that our good friend, the gentleman from Minnesota [Mr. SABO], the distinguished chairman of the Committee on the Budget, suggested and for the reasons that were stated, I thought so well, by me in my opening remarks almost an hour ago, I ask support for our rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to not less than 5 minutes the time for a recorded vote on the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 251, nays 173, not voting 6, as follows:

[Roll No. 125]

YEAS—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—173

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Barton
Clyburn
Ford (TN)
Henry
LaFalce
Quillen

□ 1739

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 172, not voting 8, as follows:

[Roll No. 126]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Barton
Brooks
Clyburn
Ford (TN)
Henry
Jefferson
LaFalce
Quillen

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1752

Mr. SABO. Mr. Speaker, pursuant to the provisions of House Resolution 145, I call up the conference report on the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to House Resolution 145, the conference report is considered as read.

(For conference report and statement, see prior proceedings of the House today, March 31, 1993.)

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes and the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I make comments about our budget resolution, I would be remiss if I did not first thank the staff of the Committee on the Budget for their incredibly hard work in putting this budget resolution in place. They are an incredibly good staff, and I deeply appreciate the efforts they have made.

Also, Mr. Speaker, I have to say to the gentleman from Ohio [Mr. KASICH], my good friend who, while we disagree on substance, I think he has done a remarkable job as the ranking member of the minority in presenting a Republican alternative and Republican vision of where they think this country should go.

Mr. Speaker, last November the American people elected a new President because they wanted some fundamental change in this country. They wanted real problems dealt with, and they wanted a Congress that would respond to that President and that Presidential leadership with action.

We come to that point today where we have the option of moving the President's new vision for this country forward. We produced this budget document which achieves that goal.

Mr. Speaker, this is not an end; it is really the beginning of a process, because later will come reconciliation bills, the appropriation bills, a variety of authorizing bills that implement the policies of this new President.

I think we have a good conference report for our colleagues. It does some very basic things:

It provides $496 billion of deficit reductions over the next 5 years. It meets the spending caps for discretionary spending that were contained in the 1990 Budget Act and limits discretionary spending for each of the next 5 years to levels that are below that which we expect to spend in 1993. It deals with some of the more fundamental problems that we face in moving the President's program forward in saying that we have to deal with the youngest kids in our society in terms of the WIC Program and Head Start Program to make sure they get a good start in life. It deals with the training of our work force in this country in that we invest in our infrastructure and that we deal with the problem of our new emerging high technology in this country and this world so that we have a competitive economy for the 21st century. It also deals with some of the basic needs of hard-working Americans who work full time and still are in poverty by increasing the earned income tax credit.

Let me just briefly summarize some of the things from the House bill to the conference report. The House bill reflected the revenue suggestions by the President which placed the emphasis on having the most affluent Americans pay the most of the new revenue increases. The Senate, we found, went beyond us and had $22 billion of new taxes beyond the House bill. They are not in the conference report. The Senate had $13½ billion less of discretionary spending cuts than the House. We split that difference. The Senate had $2.8 billion less in cuts in the ag area, and we receded to the Senate. The House, in a very important policy change, had made some recommendations for changing COLA's, some for people under age 62 and others for people over age 62. The conference report contains those recommendations as it relates to COLA adjustments for people who are under age 62 which has $2.7 billion savings over the next 5 years. The Senate had less in the earned income tax credit than the House, the conference reflects the House position, and there were some other technical changes in terms of the conference report.

However, Mr. Speaker, in summary what it produces is a document with $496 billion real deficit reduction over the next 5 years. It fundamentally moves the new President's program forward to make us competitive and ready for the 21st century.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Well, I guess I come to the floor today, I do not know, just I guess stunned, shocked. I guess I should not be though. I have been in the House long enough that I should not be that way.

Mr. Speaker, I want first of all to say that in many respects, the gentleman from Minnesota [Mr. SABO] was successful in the negotiations. In other words, he got the Senate to move partially our way.

Well, let me tell you what we have in this budget deal. We have higher taxes coming out of the conference than we had coming out of the House. It is hard to believe, is it not, that the House passed this bill that had 2½ times as many taxes as there were spending cuts, and we come back, and we have got more taxes.

Now let us talk about spending. We know we have $182 billion in new spending programs offered by the majority as investment programs. You decide whether more Government spending is investment or not. I think more Government spending is just that, more Government spending, more debt. But we come back from conference with more spending than we had when we left the House.

Now, if you wonder about why this chart is in such bad shape, it is because of the time we had to put this thing together. I would have liked it to have been a little more professional, but this reflects the amount of time we have had on this. But let me tell you what the bottom line is: The deficit under this plan goes up, as opposed to the plan that left the House. It goes up by $1,090,000,000,000.

So we hear talk about the fact that we have a great deficit reduction plan, and you know what the bottom line is? You know what the rubber is when it meets the road? You know what happens when you get under the hood and start to look at what is going on? You get over $1,090,000,000,000 more in deficit, and added on top of it a big fat tax increase and more Government spending. And we won in conference, in a manner of speaking. We pulled it our way, and we still went up in every single one of these categories.

So when Members go home, they have got to talk about taxing the American people in order to have more spending in order to have a $1,090,000,000,000 deficit increase.

Mr. Speaker, do you know what? I am going to tell Members now, that that ain't going to sell. You know, I do not know what kind of mail Members are getting, but I can state the kind of mail I am getting says, "Cut spending first. If you are going to have any taxes, use them to reduce the deficit, and get Government spending down."

What we have got here is a $1,090,000,000,000 increase in the Federal deficit, accompanied with those big fat taxes.

Mr. Speaker, let me tell you about the conference. I have been to a lot of conferences. I have been on the conference committee now about seven or eight times with the Committee on Armed Services. We get in there, we have a meeting, we get together and negotiate.

Mr. Speaker, let me tell you about the budget conference. You are going to hear a lot about this budget conference.

We show up to a photo session. We sit around a table and everybody makes their speeches about what they think ought to be done. Then the chairman of the conference adjourns the conference. Then the Democrats go behind closed doors, write the bill, and then we find out what it is. So there is no negotiating, there is no discussion, there is no back and forth.

Maybe in a sense this is good, because the Republicans have made every single effort in the House of Representatives, we have made every effort possible to try to improve the package, to try to reduce Government spending, to try to lower the taxes on the American people, and every single one of those proposals was rejected on party line vote. Every single one of those proposals that was taken up there to the Committee on Rules to try to reduce the taxes in specific ways was rejected by the Committee on Rules.

Mr. Speaker, it is not our package. We tried. We tried to reduce spending, we tried to reduce taxes, we tried to reduce the debt, and we were roadblocked every single step of the way. We, the Republicans over here, do you know what we were subjected to? Gridlock.

There is a picture in Sports Illustrated of a guy with a tennis shoe stamped on the side of his face, and that is what happened to us.

Mr. Speaker, we may be defeated in this package, but we are not beaten. Let me tell you, you are going to have to come in here over the next several months, and we are going to have pictures of your economic program. We are going to take a look at the revenues, and we are going to take a look at the cuts, and we are going to take a look at the deficit, and we are going to take a look at the performance of this economy.

Mr. Speaker, let me tell you, the difference could not be more stark, the analysis will not be more clear. The sad thing though is when this economy does not work like it should, when you cannot make the cuts in defense because they are not responsible, when your taxes go up, when your deficits go up, unfortunately, we are going to have to tell you that we told you so.

But do you know what the real tragedy is? There will be no solace whatsoever in having to tell you that, because it will be the country that will be hurt. And maybe this debate is good. Democrats feel, the majority party feels, that the central Government, the King Kong Government that is big, that is tall, that is powerful, that is a bully, is the way to solve America's problems.

We do not happen to believe that. We think that an absence of Government, that limited Government, is the answer.

Mr. Speaker, we are polarized. We are going to find out over the next couple of years whether King Kong Government works, whether a powerful central Government trying to run America is the answer to America's problems. I do not think we will find that it is.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise in support of the conference report on the fiscal year 1994 budget resolution. This resolution requires over $496 billion in deficit reduction over the next 5 years—over half of which will be from cuts in spending. The cuts in spending set in this budget are real, they are deep, and they are enforceable.

The 5-year spending caps will keep discretionary outlays lower in each of the next 5 fiscal years than they were in fiscal year 1993. Not compared to baseline spending, not adjusted for inflation—but in absolute terms, we will spend out less dollars in fiscal year 1998 than we do in fiscal year 1993.

At the same time, our budget resolution provides room in the discretionary budget for President Clinton's important domestic initiatives. Particularly in function 500, the education, training and social services function, which is the heart of the Clinton program.

Mr. Speaker, no one can deny that the more than $3 trillion in additional debt which 12 years of Reagonomics has placed on our children is a terrible legacy of the 1980's. We have been buying more Government than we have been willing to pay for—and passing the bill onto the next generation.

Addressing the Federal budget deficit is not only a fiscal and economic imperative—it is a moral imperative.

This budget resolution is a major step toward reducing the debt passed on to our children—while at the same time investing in their education, their jobs, and their future.

I strongly urge my colleagues to support this budget.

□ 1810

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Speaker, I thank the distinguished gentleman from Ohio and compliment him on the great work that he has done. Again, I want to compliment the gentleman from Minnesota [Mr. SABO], the chairman of the committee, for his leadership.

I would like to emphasize, however, one thing the gentleman from Ohio has said. Republicans may have showed up at the initial conference, and that was about it. I did not even get an invitation, and I am a conferee. I would have thought the chairman of the committee would have thought, "My gosh, how in the heck are we going to go forward without MCMILLAN?"

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. MCMILLAN. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, if the gentleman did not receive an invitation, my apologies. We did miss his eloquence.

Mr. MCMILLAN. Mr. Speaker, I think maybe the gentleman takes us a little bit for granted. That is my point. I do not mean him personally, the process does.

Basically, this is a Democratic budget. The public needs to understand that. And if my colleagues think having a Democrat in the White House is what made the difference, wrong again. Same thing was true last year.

We went through the same process. We went down there, and we had an initial meeting. And then the Democrats in the Senate and the House got together, and they came up with their budget proposal. And that has been going on for the 8 years that I have been up here in which we have had Republican Presidents.

So I want the public to understand what we are doing here. I want to talk a little bit again, specifically, about it.

The public needs to understand that what we are doing in this proposed budget is on a net basis, and this is CBO scoring, increasing net taxes by $267 billion over 5 years and attaining net spending reduction of $160 billion.

Now, that is $425 billion worth of deficit reduction spread over 5 years. But when we talk about deficit reduction, we are talking about against what is called the baseline budget.

That is an increased level of spending. So what happens, after all these taxes are raised, and we can see it right up there on that chart, the deficit, the debt of the United States over that 5-year period will be increased by over $1 trillion. That is over $1,000 billion. It will increase, despite the fact that we are raising those new taxes.

In the first year, that is $27 billion of net new taxes and $9 billion in net spending increases. That is even before counting the $16 billion in this so-called emergency supplemental request, which is not needed anyway, as a stimulus.

The Republican proposal, on the other hand, proposed in excess of $430 billion worth of spending cuts and no tax increases, absolutely no tax increases. And the public needs to understand that.

Mr. Speaker, we need to focus on spending first, especially in what is really round one of a two rounder. Because when health care reform comes up within the next 2 months, we are probably going to have another $80 billion a year worth of tax increases on top of the $80 billion a year of tax increases that are contained in this proposal.

I want the public to understand what we are doing here. We are not reducing the deficit, except against the baseline. We are increasing debt by $1,000 billion.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the chairman, who did an excellent job.

My Republican colleagues are complaining about their exclusion from a process which they had de facto boycotted; namely, it has been clear for all the time that I have been here that the Republicans did not plan to vote for a budget. Having planned not to vote for it, they should not be surprised when Members did not make a great effort to win their votes.

The budget that comes forward does put limits on spending. It says that the discretionary spending, domestic and military and foreign, will be the same at the end of the 5-year period as it was at the start. There are increases. The increases are in Social Security. The increases are also in the medical part of the budget.

Now, we do have a two step process, and the President will be bringing forward soon a plan to deal with the medical problem. The President has been very explicit. We have a two step process here.

First, let us get discretionary spending under control. Then we will deal with the medical care part, and the President will be bringing forward a program that will deal with that.

I also want to talk some about spending, because what strikes me about my Republican colleagues is that spending is a bad word. And it is an undifferentiated bad word.

We have not heard them say "Good spending is one thing and bad is another." All spending is bad.

If we want to increase funds for immunization, if we want to increase funds for Head Start, if we want to increase funds for trying to educate children whom we have not well educated, that is spending.

Now, I do not want to be unfair to my Republican colleagues. I do not mind it, but not in this context. It is not necessary.

The fact is that they are not against all spending. When the military wants to spend money, that is fine. The military, in fact, they have told us is getting too little out of this. So they think that we are spending too much on immunization, too much on Head Start, too much on trying to house the homeless and not enough on the military.

When we hear Members talk about spending in general as a bad thing, we have what we had for 12 years.

I believe in this society that a vibrant, vigorous private sector is essential, if we are to have prosperity. But my Republican friends think, as they thought during the 1980's, that a vigorous private sector is both a necessary and a sufficient condition for the quality of life we want. And they are wrong on this.

The private sector must do well. That is a necessary condition. But it is not sufficient. There are, in fact, important parts of our life, public health, public safety, even economic cooperation, as we see in other countries, where there is a valid and positive role for the public sector.

And this assumption that all virtue adheres to the private sector and the public sector has nothing positive to contribute is the root cause of the intellectual confusion that is rife on the Republican side of the aisle.

The SPEAKER pro tempore (Mr. MFUME). The Chair wishes to advise Members controlling the debate time that the gentleman from Ohio [Mr. KASICH] has 20½ minutes remaining, and the gentleman from Minnesota [Mr. SABO] has 19½ minutes remaining.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, the Clinton/Democrat budget is a fraud on the American people. Consideration of the budget resolution conference report is part of this continuing fraud agreed to by the ruling Democratic elite in private in the dark of the night, hurried to the floor just a short time ago. Republican Members and most Democrat Members have barely seen the report, let alone had time to study it. Hence, the handwritten kind of charts that we have got here. How can this body claim it is voting responsibly on the budget resolution when its contents are unknown? But it is easy to see why it is being rushed to the floor. If familiarity breeds contempt, familiarity with this budget may cause a revolution.

Like thieves in the night, this budget steals away this country's economic future while the public sleeps. It robs the country of our current economic recovery by imposing $327 billion of taxes on the American people, the largest tax increase in American history.

Dozens of new taxes. Let me just list a few of them for my colleagues: an income tax, a wage tax, a corporate income tax, an energy tax, a possessions tax, a service industry tax, a tax for tax identification number validation, a tax deduction restriction on business expenses, a pension tax, a security dealers tax, a tax by disallowing moving deductions, a gas tax, an estate tax, a club dues tax, a tax on FSLIC assistance payments, a tax on international corporations, an IRS tax, a commodity tax, a harbor maintenance tax, an inland waterway tax, an SEC tax and, of course, a tax on Social Security benefits.

These taxes hit not just the rich. Clinton's campaign promises notwithstanding, they hit everybody, beginning with those who make $20,000 per year. These are taxes that fly in the face of history and logic.

Taxes do not lead to economic growth. They slow growth. They penalize success. They reduce entrepreneurial activities and reduce growth.

In fact, the Clinton budget here, even by its own admission, is going to add, as is pointed out here, $1.1 trillion to the debt over the next 5 years.

□ 1820

Mr. Speaker, the result is today another tax and spend train that is leaving the station loaded up with special interest spending, dishonest budgeting, and massive tax increases. The only hope is this train will derail before it leads use to economic ruin.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a new Member of this body listening to this debate, I am more than a little surprised. First of all, I am somewhat astounded, Mr. Speaker, that Members of the minority, those who sat quietly by while budgets handed down by Republican administrations of the last 12 years drove the national debt of this country from $1 to $4 trillion, a 300-percent increase, today show such chagrin at the budget proposed by President Clinton, a budget which makes a greater effort at deficit reduction than ever proposed by a President in the history of this country.

The other thing that surprises me is the difference in arguments made earlier in the Committee on the Budget and arguments made here on the floor. In the Committee on the Budget we heard a great deal of argument that it was not fair treating the accounting for the earned income tax credit, treating those costs as a tax cut. After the conference committee treated half of those as a spending increase, just as they had earlier urged, howls of protest emanated from the minority regarding the increases in spending that merely result from a changed accounting treatment, one they had earlier urged.

The other thing that I am surprised about is how they argue this is non-responsive to the calls of the public for reduced public spending. This budget resolution proposes over the next 5 years lower discretionary spending levels than were expended or than are to be expended in 1993. That is a very substantial reduction, and one that has to be acknowledged in the treatment of this.

Mr. Speaker, in conclusion, I just want to say that the budget proposal before us is an extremely sound one. It attacks the deficit foursquare, and much of the rhetoric heard on the floor should not be taken into serious account.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, rarely has the phrase "pig in a poke" been more apt than with this resolution. The administration has managed to keep the pork spending in, the fat tax increases in, and even the true features of this pig-of-a-plan hidden in the poke. The only thing they seem to have left out of the bag is the deficit reduction. The Paul Bunyon of a deficit reduction plan that Bill Clinton announced on this floor just 2 months ago has returned to us as Tiny Tim today.

Who really knows what is in this budget resolution? We have no idea what programs go with numbers that were put together just last night. Why? Because the administration has never provided us with any specifics. We still have not seen their budget, which has been delayed yet again and will not appear before this document has been forced through. The only certainty is that there are far higher taxes and far less deficit reduction than Americans know or want.

When all is said and done on this budget plan, one simple truth remains: the Congress and the White House will not cut spending unless it is for the Nation's defense. They won't cut personnel unless they salute and wear a uniform. They won't cut programs unless they are painted olive green or battleship gray.

No force on Earth could decimate our Armed Forces as this plan will do. No foreign adversary could reduce our competitive advantage as will this plan.

Republicans have alternatives: We offered $430 billion of deficit reduction without $1 of tax increases.

My colleagues who are about to vote for this resolution may someday regret this vote, but not half as much as the American people will.

Mr. SABO. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I rise first of all to commend the distinguished chairman of the Committee on the Budget and his colleagues for having brought us a worthwhile and a workable document, a package which is responsible, which addresses the question of deficit, which provides the necessary revenues, which keeps intact essential programs.

I would like to remind my colleagues on this side of the aisle, this is the only game in town. This is a package which will work. This is the package which is going to pass.

I would remind them that we have been warning our Republican colleagues for years that the Republicans have consistently under 12 years of their administrations sent up here budgets that were outrageously out of balance. The Democrats in the leadership of Congress have cut each and every one of those budgets over the years, and we must say that we are delighted that our Republican colleagues are now joining us. This is a worthwhile change and we commend them for it. It is good.

Having said that, I want to say that I intend to support this conference report and urge my colleagues to do it, to do the same thing, because I think it is in the public interest.

I would like, however, to address one modest concern that I think the House should have. In this conference report there is a curious provision which requires the committees of the House by Friday, May 14, to report their reconciliation recommendations to this body. The Senate committees will have until Friday, June 18, to do the same thing, 1 month and 4 days later. I find this a curious thing. I suspect that it may perhaps reflect an inability or a reluctance on the part of the other body to do the work which they are supposed to do in a seemly and timely fashion.

I would urge my colleagues to note that this will not be the first time in which the other body has been incapable of meeting its constitutional and its statutory responsibilities. Perhaps my dear friend, the distinguished chairman of the Committee on the Budget, can explain to us why the other body needs this time of tender and extraordinary consideration, and why the House committees are facing a different time limit.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I must say that on the part of the House, we have great confidence that the gentleman and other committee Chairs who get the reconciliation instructions will be able to move very efficiently and effectively.

The choice on the part of the Senate in their thought was that they, frankly, needed more time.

Mr. DINGELL. We will meet our deadlines, I would say to the gentleman. We will make the cuts which are imposed. They are harsh. We hope our senatorial colleagues will meet the deadline. We think that would be wonderful. It would be a refreshing change, and I thank my friend, the gentleman from Minnesota.

Mr. SABO. If the gentleman will yield further, I hear so much rhetoric from my friends on the Republican side that there are no cuts in this budget. We know we have frozen the discretionary spending at below 1993 levels, but the gentleman chairs a committee and has to make some decisions. Have we given the gentleman some tasks in terms of reducing spending, I would ask?

Mr. DINGELL. The gentleman is eminently correct, Mr. Speaker. There are massive cuts in Medicare and Medicaid here. There are massive increases in expenditures, even in small agencies like the SEC, and I am talking about revenue increases, and cuts in expenditures by those agencies.

We will meet those deadlines, in cooperation with my good friend.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, this conference report is being sold as a plan for deficit reduction and stimulation of the economy. That is a tragedy, a tragedy, because the likely outcome will be exactly the opposite, a far larger deficit and reduced economic growth.

For example, this budget plan contains the largest tax increase in American history. As a matter of fact, it is nearly twice as large as the second largest tax increase, which was imposed in 1990. Yet this plan not only does not restrain Government spending, it actually adds another $1 trillion plus to our national debt.

Is this what the public voted for in the last election? Certainly not. The voters were told that President Clinton would cut taxes for the middle class. Instead, the average family of four will pay at least $500 more in added taxes next year under the Clinton plan. Even senior citizens on fixed incomes will pay more. For many, 85 percent of their Social Security benefits will now be taxed.

Is this fairness? What will this massive tax increase do to the economy?

□ 1830

According to Lawrence Kudlow, chief economist for a top Wall Street investment firm, we will actually lose 3.2 million jobs by 1996, and reduce economic output by $450 billion.

Here we go again. If we adopt this conference report, we are following the exact same path we took in 1990. Two and a half years ago in 1990 we raised taxes in our ill-fated attempt to reduce the deficit. It did not work then, and it will not work now. Let's resoundingly reject this budget plan before it sends our economy into a massive recession.

Mr. SABO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise this evening in favor of the House/Senate conference agreement. I think it is one that is well worthy of support.

We could go over the list and pick out any number of areas with which we agree strongly or disagree to some extent, but let me first make it clear that I would like to talk about section 050, national defense, where the budget authority is 263.4 and the outlays are 277. It is my understanding these are the Senate figures which came back.

I also wish to say that for the coming year of 1994 these will be adequate, and we can work within this budget on the Armed Services Committee.

However, I wish to send a warning, Mr. Speaker, that in the days and years ahead as we look at our national defense, we as a Congress and we as a Nation must make a decision as to whether we want to have the best national defense possible or not. I sincerely hope, Mr. Speaker, that we will be able to look in the future and not let this budget free-fall on national defense.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I think most of us are all after the same goals. What is agonizing is the fact that this Congress is trying to deal with reducing the deficit. I think we all want to do that.

However, this budget resolution increases our debt by $1 trillion. It increases the ceiling on spending, it increases the ceiling of what we are going to be allowed to spend by $2 trillion.

For those Americans who have observed what is happening in the U.S. Congress and have observed the fact that this Congress has increased the indebtedness of the American people by $3 trillion over the last decade, they should be every upset that this budget again increases the debt ceiling by another $2 trillion over the next 5 years. The spending debt limit is increased within the language of this resolution because Congress is embarrassed to vote on increasing the debt ceiling to these new heights by a separate vote. We simply say when we pass this we pass a new debt limit for 1994 and project a new obnoxious debt of $6.182 trillion within 5 years.

And we not only increase the debt ceiling, but we get through the next election by increasing the debt for a whole calendar year so that we are not going to be forced to vote on new debt ceilings during the 1994 election.

I think if the American people knew that we were increasing taxes and not reducing spending for the next fiscal year, that we are increasing the debt, they would say "no, cut spending first."

Mr. SABO. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise to urge the adoption of the conference report House Concurrent Resolution 64, the budget resolution for fiscal year 1994.

By adopting this resolution, the Members of this House will take a critical step along the path of long-term deficit reduction. This resolution contains measures that will reduce the Federal deficit by $496 billion by 1997. Discretionary spending will be frozen for 5 years at 1993 outlay levels.

The sacrifices called for in this resolution do not fall disproportionately on any one group.

The spending cuts are real and the fairness in our Tax Code, eroded during the past decade, is restored by asking those most able to pay to do so.

The resolution endorses new initiatives so that we can begin to invest in America again. Advancements in health care, support for our children, revitalization of our Nation's infrastructure and manufacturing base, and new investments in high technology will stimulate long-term economic growth.

We know that budget deficit reduction in the years beyond fiscal year 1998 will be stymied unless we can control the escalating cost of health care. Research and prevention are proven cost containment tools. And this resolution includes new investments for women's health research and childhood immunization that I have worked 3 years to achieve.

The resolution calls for additional defense spending cuts so that our military budget will begin to reflect post-cold war realities, such as the dissolution of the Warsaw Pact and the economic collapse of the former Soviet Union. While it is true that regions of this country will be challenged to make painful transitions from a military economy to a commercial one again, this resolution supports bold defense conversion strategies, ignored for years by previous administrations.

I am disappointed that the other body would not agree to reduce defense spending by the levels approved in the House resolution. But, our fight to eliminate wasteful weapon systems plagued with inefficiency and cost overruns, will continue in full force during the appropriations process. There are defense spending cuts that we can achieve over the next 5 years that will not hurt our economy here at home.

I would like to remind my colleagues that at the same time we were paying $170 billion for the defense of our allies, many of our defense contracts were awarded to these foreign countries to produce spare parts for our weapon systems, such as the Patriot missile we used in Desert Storm.

Finally, this resolution supports new investments to stimulate long-term economic growth through new investments in infrastructure, commercial research, and high technology. I am particularly pleased with the bold new investment in high-speed rail. This is a transportation innovation I have advocated for the past 4 years.

Not only is high-speed rail environmentally sound and energy efficient, it will provide a major boost to our economy.

House Concurrent Resolution 64 presents a strong challenge to this Congress. The spending cuts compel us to make certain that every Federal dollar must be invested wisely.

This resolution provides the discipline we need to get Federal spending under control and our country on a sound economic course again. I urge its adoption.

□ 1840

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOKE], from Cleveland, OH.

Mr. HOKE. Mr. Speaker, I am rising to oppose this budget resolution, because instead of providing the promising new direction it claims to do, this plan represents a continuation of the failed fiscal policies of the past.

What other conclusion can be drawn from this document that hardly anyone here in the House of Representatives has had a chance to read, let alone review and analyze?

Apparently, the House leadership has decided that the best course of action for them to take is to ram this charade of a budget plan through the House, before anyone can actually read the various proposals within it. In fact, the speed and haste with which the House Democratic leadership is acting makes me wonder what it is that they have to hide.

Is there something in this budget plan that they don't want the American people to see or know about?

I think I know why the majority leadership wants this bill passed as quickly as possible. If the American people actually realized that the Democrats in Congress are asking them to pay over $300 billion in new taxes, so that another trillion dollars—can be piled onto the public debt after 4 more years of deficit-spending, they might be angry.

And it is being promoted by President Clinton and the Democrats in Congress with a distortion and subversion of the English language in an attempt to camouflage exactly what it is they are doing.

In the few, short months since its inauguration, the Clinton administration has knowingly and calculatedly redefined words like contribution, savings, investment, sacrifice, patriotism, emergency, deficit reduction, stimulus, and family income for its own political profit.

This is not just public relations jargon and glibness—it is far more serious. It's a wholesale debasement of the English language.

The greatest thinkers of western civilization, from the Old Testament prophets to the most current post-modern philosophers, have all testified to the importance of the word, because in politics especially, words make clear our intentions and give voters the ability to choose and evaluate the people who seek to lead them.

That is why George Bush's statement "Read my lips—no new taxes" during the 1988 Presidential campaign was such a liability for him during the 1992 campaign. When George Bush made his statement, millions of voters felt that he was entering into a solemn covenant with them—that he absolutely, positively would not raise their taxes during his term in office.

Well, when he broke his vow by signing into law the huge tax increases included in the 1990 budget agreement, the voters felt betrayed, and they acted accordingly.

And I, for one, believe that George Bush got exactly what he bargained for, and deserved, from the American people last November.

Now, here we are not 6 months later, being asked to approve the biggest taxing and spending program in the history of the Republic, and it is being promoted by a slick promotional campaign in which taxes are called contributions, pork-barrel spending is called investment, economic recovery is called an emergency, and a $1,000 billion increase in the national debt is called deficit reduction.

It is no wonder to me that most people's ability to analyze and evaluate their leaders' policies has become impaired. When the established meanings of words are twisted and subverted, how can anyone expect the people to be able to make educated and thoughtful decisions?

Mr. Speaker, I hope that all of my fellow firstterm Members will join with me in opposition to this mockery of a budget. We were not sent to Washington, DC, on a campaign of change and reform so that we could be part of the failed status quo. We were sent to town to make bold, dramatic, and fundamental changes in Federal policy. This budget fails that test. It does not deserve our support, and it should be rejected.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman, the chairman of the Committee on the Budget, and I congratulate him for the work that he has done.

I rise in support of the product of the committee and the conference and would ask the gentleman to enter into a colloquy with me.

I want to commend you on your efforts in the conference to reduce the burden on Federal workers and retirees. Am I correct that changes made in the conference will provide a full cost-of-living adjustment to retirees above age 62?

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am happy to yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, the gentleman is correct.

Mr. HOYER. And finally, am I also correct that the conference report maintains the agreement that the Administration, Authorizing, Appropriating and Budget Committees will work to find acceptable alternative methods for achieving the budget savings so that locality pay shall be implemented in fiscal year 1994?

Mr. SABO. The gentleman is absolutely correct.

Mr. HOYER. And to clarify, when I say fiscal year, beginning January 1, 1994? Is that correct?

Mr. SABO. The gentleman is correct.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Give me a break, blame the other side? Blame that other body? Blame yourselves.

And, freshman Democrats, do not think you are making a difference here, because you are going along. It is the same old story that the debt is going to go up $1 trillion because of what you are doing.

I respect the Members of the other side. You are good people. But I do not respect what is happening here. I do not respect what you are doing.

The debt ceiling you are raising in this bill; $2 trillion. You are not reducing the deficits. They are going up. They are going to add $1 trillion.

Now, when Republicans met your challenge, and your challenge was to come in with specific cuts, we did. When the President spoke from this dais, he talked about 4 to 1 taxes to spending cuts. To your credit, you went to the President and said that is too high, and you got him down to 2 to 1. It is still too high; $2 of taxes for $1 of spending cuts, and then you cave in to the Senate and you blame the Senate, and you are back up to 3 to 1. Do not blame the Senate. Blame yourselves.

Vote against this package. Vote to cut spending. Vote to bring some sanity to this place and get this trillion-dollar deficit, that you are going to add in the next 5 years, down.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of this resolution but I do so with some reluctance.

I have been quite public about my desire to help President Clinton achieve his deficit reduction goals. He has been elected by the American people to accomplish change in this country and a part of that change involves reducing significantly our national debt. There is no bigger responsibility before us. When it comes to deficit reduction, I am on the team, and quite willing to play downfield blocker as the President quarterbacks us to reduced deficits.

It is the President's responsibility—and I believe desire—to lead. And I believe that he will. In that regard, my position has been clear: I am prepared to support, and help pass, the President's plan.

This budget resolution conference agreement requires an impressive $496 billion of deficit reduction over the next 5 years. It also lays a heavy responsibility on the shoulders of the members of the Committee on Ways and Means. In large measure, that is appropriate, given our jurisdictional responsibilities and the substance of the President's legislative agenda for deficit reduction. I am concerned, however, that this conference agreement, in several instances, goes beyond the President's proposals, making assumptions that it will be difficult for the Committee on Ways and Means to achieve.

Let me be specific. On the revenue side, we will be expected to raise $272 billion over 5 years. That is $4 billion more than the Joint Committee on Taxation [JCT] now estimates that the President's plan will achieve. I do not want anyone to be confused about my position on this: I have no intention of raising more revenues for deficit reduction than the President proposes. Period.

On the spending side, the conference agreement assumes all of the administration's Medicare cuts—a total of $48.3 billion—and nearly $26 billion in new outlays for an expanded earned income tax credit.

There is considerable discussion about placing other new spending initiatives in the reconciliation bill, including proposals for childhood immunization and family preservation services. I support the goals of both of these programs, so long as we pay for them. Toward that end, I expect that the President will propose ways to offset the costs of these initiatives. If he does not, I do not plan to suggest revenue sources of my own.

Here is the bottom line, I say to my colleagues. The job ahead of us is enormous, even with an effective ally like Bill Clinton. This package asks us to do roughly $6 billion more than the President's plan when it comes to items within the jurisdiction of the Committee on Ways and Means—$4 billion in revenues, $1.5 billion for family preservation, and $600 million from assuming the trade adjustment assistance entitlement is converted to discretionary spending. I cannot assure you that I will be able to make up the difference.

Mr. KASICH. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I wish to make a comment on the speech that the very distinguished chairman of the Committee on Ways and Means just made. It appears as though, before this document is even leaving the House, before we even pass the conference committee report, we are already losing the deficit reduction.

I think what I heard, is that we are going to lose several billion dollars from where the conference committee has agreed to produce revenues, so before we even get out the door, we have lost money. Of course, we lost a ton of money coming across the treadway. We got out there in the rotunda, and we got fouled up somewhere around there.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, let me first compliment the distinguished gentleman from Ohio for the fine, exemplary job he has done in handling the budget resolution initially when it came to the floor and how he has deported himself with this conference report.

I rise in opposition to the conference report today. The report sets forth the budget blueprint for the next 5 years, based in large part on the budget outline proposed by President Clinton.

The budget blueprint still contains the basic elements that caused me, and most of the Members on our side, to oppose the House budget resolution when it was voted on March 18.

It calls for the largest tax increase in U.S. history. Now, maybe that point has been made any number of times earlier today, but it bears repeating until it finally soaks in with the American people.

It calls for large spending increases in Federal spending over the next 5 years, and when the taxes, that were mislabeled as spending cuts, and all the fee increases are taken out of the list of spending cuts, that list becomes very short. The largest item on that list is the $112 billion cut in defense programs.

What will the final product actually look like when the legislation implementing this blueprint is enacted? In my view, it may be unrecognizable. We know that the Democrats in Congress have already started to tinker with the President's plan.

□ 1850

In this blueprint the conferees agreed to a higher revenue level than was in the House-passed resolution. They have scaled back some of the cuts in agriculture programs after coming under criticism, and they have increased discretionary spending. And after adding together the revenue number and the higher spending number, the result is a higher deficit.

Like the gentleman from Ohio [Mr. KASICH], who talked to me very briefly earlier on the floor of the House, today said "You know, this conference report has higher taxes, more spending, and a bigger deficit." I believe the situation has just gotten completely out of hand.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the minority leader for yielding.

You know, outside of the fact that it has higher taxes, higher spending, and a bigger deficit, it is a pretty good package outside of those three points.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Minnesota.

Mr. SABO. I thank the gentleman for yielding.

Mr. Speaker, just so we have the record straight, the resolution assumes the same revenue as the House budget resolution. It did not increase the revenue assumptions.

Mr. MICHEL. From the way I see it, when the record is finally complete, you can bet your bottom dollar, it means higher taxes, higher spending, and a bigger deficit. There is no way you are going to get around that.

Democratic Senators convinced the President that the mining and grazing fee increases proposed should be dropped from the budget, and the President warned us that special interests would try to change the budget plan. What he did not tell us was that he would cave in to special interests once he received pressure from his own Democratic Members.

Finally, I would like to make sure that Members are clear, when they vote for the budget resolution conference report, that they are also voting to increase the public debt limit from $4.1 trillion to $4.7 trillion. The House, under rule XLIX, the Gephardt rule, has a special procedure whereby the public debt figure reflected in the budget resolution is separately engrossed in a joint resolution. It is deemed to have passed the House by the same vote as that on the budget resolution conference report. This separate joint resolution is then sent directly over to the other body.

In addition, the House tomorrow is going to be asked to pass a short-term debt limit extension under a minireconciliation process. It will extend the debt limit through the end of this fiscal year until September 30. We hear that the administration wants the short-term debt limit extension in order to pressure our Democratic friends in the fall to pass the larger reconciliation bill, which will contain another provision to raise the debt limit when it is reached at that time.

For these many reasons, I must vote against the conference report today and urge my colleagues to do the same.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Well, Mr. Speaker, I rise in support of the resolution, and let me say to my colleagues that this is where the rubber meets the road. We have a serious problem in America. We have all known that.

On the other side, I have heard lots of complaints that they were not allowed four alternatives, only two; we are calling things something that we should not call them.

Someone got up and said, "gridlock"; the media and the Democrats have invented the word gridlock. The bottom line is this: The last time we were at such a crucial crossroads in America was 1981. There was a new President swept in on a mandate for change. He had a budget that he presented. I opposed it. But there were 55 of my Democratic colleagues—I have their names here—who voted for that budget because they knew that we have to move. They would have written something differently than what the Republicans proposed, but we would have had deadlock. I do not hear any of that from the other side.

I think the gentleman from Ohio does deserve credit, as I mentioned before, for presenting such a detailed budget. But it did not have the votes to pass.

What the other side should have done was come over and say, "Okay, for the good of the country we are willing to play ball. We would like a few changes here and there, and then we are going to join you in finally reducing the monster of the deficit that has brought this country down to its knees."

They did not; and they carp and complain.

The resolution that we have here, my colleagues, is not perfect, but it is going to set America right again. It is going to get a handle on the deficit, our No. 1 economic problem, and start putting Americans back to work as it frees up that money for the things we need.

There is no other alternative.

You are either saying "no" or moving America forward.

Mr. KASICH. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I hear a lot of discussion in this Chamber, and I am very concerned about it, as a freshman Member, to hear the discussion about a Republican budget and a Democratic budget. The fact is this is America's budget, and I am very concerned about it. It is also America's family budget.

Mr. Speaker, I cannot imagine a family budgeting the way that this vote is about to go. Can you imagine a family that is $4 trillion in debt deciding that what it shall do in the first year in a $1.5 trillion budget is cut just $6 billion in spending and raise taxes by $28 billion? This plan has most of the cuts in 1997 and 1998. In fact, of the $63 billion in unspecified cuts, $30 billion of them come in 1998. That I submit is an illusory cut.

There is no way that those cuts are going to happen in 1993; $30 billion way off in 1998. The fact is this is America's family budget, and we only budget 1 year at a time.

So, to claim credit for the 30 billion dollars' worth of unspecified cuts out as far as 1998 is a fraud on the American people.

The American people want a family budget for this year, not for 1998. We need to cut spending here and cut it now.

Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

First, I would like to commend the gentleman from Minnesota [Mr. SABO] for his hard work in fashioning a budget resolution, that he could find 218 votes for, in this very diverse body. We should never overlook how difficult it is to put together a package, a budget for this great country of ours, that 218 Members of this body will vote for. That is the ultimate test around here: Whether you can find the votes to get something done.

The gentleman from Minnesota and the members of this committee have done a good job in fashioning the package that they bring to us today.

Needless to say, we have a very serious budget problem. Over the last decade we have added nearly $3 trillion to our Nation's debt, $3 trillion in one decade. And I believe every American recognizes that that trend has to change. I would like to see it change more quickly than this particular resolution calls for. But I do not have 217 other people here on the floor of the House to vote the way I would like to vote.

The proposal before us today is a very important first step for the new administration in turning this Nation's fiscal policy around.

As far as I am concerned, it contains some very tough proposals. It is going to be very hard for the Congress to live with the discretionary caps on spending that this budget resolution prescribes. That is tough medicine.

The Congress has never in recent history lived with a 5-percent spending cap.

That is going to be a great challenge for this administration and this body, to live within that kind of limitation.

In addition to that, this plan also tackles some of the tough entitlement programs. Yes; we did change Social Security. We are talking about freezes on pay, freezes on COLA's; this is tough medicine.

□ 1900

And yes, we are talking about nearly $500 billion in deficit reduction over 5 years, and that is not going to be easy to achieve, either, but it is a real first step in the right direction of turning this Nation's fiscal policy around.

In the final analysis, Mr. Speaker, we have to find 218 votes, and I submit to my colleagues that today this is the best plan in spite of some of its flaws that we can come anywhere near finding 218 votes for.

I urge my colleagues to vote for it and then join me in voting for spending levels that will be below the spending levels prescribed in this budget resolution as we deal with many of the appropriation bills later on in the process.

Mr. KASICH. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, let me say that I have been hearing over and over again about the Republican Presidents bringing us this big deficit.

Do you know what? I cannot remember a time when a Republican President sent a budget proposal up here that the day that it arrived—no, before it got to Capitol Hill, when it was coming up in the car from the White House—the big spenders on the majority side declared it dead on arrival.

You folks declared the President's budget dead on arrival.

Do you know why? Because you wanted to spend more, that is why, and that is what drove the deficits sky high.

Now, let me tell you about your President. He comes up here one morning to make a talk to the Republicans, because he wants us to get involved.

I said, "Mr. President, why do you have $84 billion in taxes and $2 billion in spending cuts? You were the one who said you wanted change. Why don't you give us $84 billion in spending cuts and $2 billion in taxes?"

Do you know what the President said? "I would like to give you change, but I have to give you what the traffic can bear." That is just what the gentleman from Kansas said.

Well, this is the best that can pass. This is the only package that can get 218 votes; that is right. It is a lousy package, but you can get 218 votes for it. That is not the way you ought to pass legislation and put your blueprint for change and your blueprint for America forward. You ought to put something forward that you are proud of.

So I said to the President, "You are for change; we are for change. Let's pull the agenda our way so we can get more spending cuts."

And do you know what the President told me? "Give us your specifics."

Well, we go to committee. We laid down an 82-page document with more specifics than your President had in his package. And do you know what you did? Over 10½ hours on a party line vote, you rejected every single effort to reduce taxes and to cut spending, every single one.

We wanted to participate in this game. You would not let us participate in this budget process, because you wanted to have more taxes. You did not want to have more spending cuts.

Now, let me tell you, the American people are going to find out about this plan. And do you know who is going to find out about it? The senior citizens when they pay more taxes. They do not know they are being taxed under this program.

When Chairman ROSTENKOWSKI slaps a tax on them, you are going to hear from them.

People who drive cars—the only people affected under this plan, people who are millionaires and people who breathe, and the people who drive cars are going to be paying more gas taxes.

If you are from Ohio, you have the business community come around and talk about the loss of industrial jobs that are going to occur in our State because of the big Btu energy taxes that are going to occur. These folks are going to find out about it.

The middle-income taxpayers who were promised a tax cut and got a big fat tax increase, they are going to find out about this plan.

And let me tell you about defense. You cannot make the defense numbers. There have been some people on your side who talked about defense here today. Let me tell you, you try to cut $30 billion 4 years from now on and $39 billion 5 years from now, you cannot do it. You cannot make those cuts. You cannot throw all those people out of work with a mindless effort to try to cut defense for a political reason. Your side will not put up with that. You are going to have to come up with other spending cuts, which I do not think you can do, or you are going to have to raise people's taxes more.

Do you know what, folks, we have a choice. As Republicans who were shut out of this process all the way along, Republicans who made a good-faith effort to put our program forward to work with the majority, to try to cut spending first, we as Republicans made an effort. We were shut out.

Do you know what we ought to do because we were shut out? We do not like this package. It raises the national debt another 1 trillion 90 billion dollars. We have to come here and vote a hard "no" on this package. We have to vote a hard "no" to send this package back to the conference committee so that we can cut spending first and give the American people what they asked for in the November elections.

Mr. SABO. Mr. Speaker, I yield myself, the final minute.

Mr. Speaker, may I say to the gentleman from Ohio [Mr. KASICH] it is true Republican Presidential budgets used to be dead on arrival, and the people running the fastest away from them were the gentleman's colleagues on the Republican side of the aisle.

In the election in November, the American people said they wanted change. They elected a new President with a new vision for the future of this country, and they want a Congress that will move that program forward. Today is the time for us to deliver. Vote "yes."

The SPEAKER pro tempore (Mr. MFUME). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KASICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 184, not voting 6, as follows:

[Roll No. 127]

YEAS—240

Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—184

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)

Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Long
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Pallone
Paxon
Petri
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Abercrombie
Barton
Ford (TN)
Henry
LaFalce
Quillen

☐ 1927

So the conference report was agreed to.

The result of the vote was announced as above recorded.

(The following material is included herewith pursuant to section 2 of House Resolution 145, waiving points of order against the conference report on House Concurrent Resolution 64:)

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1994

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Current Level (Enacted Law)			
050 National defense	180	180	0
150 International affairs	169	169	0
300 Natural resources and environment	2,140	1,895	0
350 Agriculture	9,742	574	0
370 Commerce and housing credit	1,220	1,521	0
400 Transportation	589	592	0
500 Education, training, employment, and social services	12,168	11,486	0
550 Health	96,446	96,436	0
570 Medicare	49,369	49,369	0
600 Income security	74,177	73,926	0
650 Social Security	32	32	0
700 Veterans benefits and services	17,391	18,715	0
750 Administration of justice	336	330	0
800 General Government	7,397	7,396	0
900 Net interest	63	63	0
Subtotal	271,419	262,683	0
Discretionary Appropriations Action (Assumed Legislation)			
050 National defense	263,883	277,511	0
150 International affairs	21,714	21,627	0
250 General science, space, and technology	18,055	17,559	0
270 Energy	5,665	5,604	0
300 Natural resources and environment	20,320	20,883	0
350 Agriculture	4,117	4,204	0
370 Commerce and housing credit	3,347	3,244	0
400 Transportation	14,110	36,308	0
450 Community and regional development	8,260	8,375	0
500 Education, training, employment, and social services	41,073	38,296	0
550 Health	21,799	21,091	0
570 Medicare	2,944	2,941	0
600 Income security	32,567	34,656	0
650 Social Security	0	2,840	0
700 Veterans benefits and services	16,807	16,890	0
750 Administration of justice	14,489	14,701	0
800 General government	11,814	12,027	0
Subtotal	500,964	538,757	0
Discretionary Action by Other Committees (Assumed Entitlement Legislation)			
300 National resources and environment	38	38	0
500 Education, training, employment, and social services	247	138	0
550 Health	−191	−191	0
600 Income security	567	567	0
700 Veterans benefits and services	70	69	0
Subtotal	731	621	0
Committee total	773,113	802,061	0
AGRICULTURAL COMMITTEE			
Current Level (Enacted Law)			
150 International affairs	−523	−523	0
270 Energy	0	−715	0
300 Natural resources and environment	490	509	0
350 Agriculture	11,013	9,848	9,734
400 Transportation	50	50	0
450 Community and regional development	567	552	0
600 Income security	0	0	1,091
800 General government	333	332	333
900 Net interest	0	0	63
Subtotal	11,931	10,054	11,221
Discretionary Action (Assumed Legislation)			
300 Natural resources and environment	−7	−7	0
350 Agriculture	−60	−60	−60
800 General government	2	1	0
Subtotal	−65	−66	−60
Committee total	11,866	9,988	11,161
ARMED SERVICES COMMITTEE			
Current Level (Enacted Law)			
050 National defense	12,891	12,923	3
500 Education, training, employment, and social services	4	4	0
600 Income security	27,018	26,916	26,916
700 Veterans benefits and services	191	180	180
Subtotal	40,104	40,023	27,099
Discretionary Action (Assumed Legislation)			
600 Income security	−128	−128	0
Subtotal	−184	−184	0
Committee total	39,976	39,895	27,099
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE			
Current Level (Enacted law)			
150 International affairs	−717	−1,913	0
370 Commerce and housing credit	11,999	3,830	0
450 Community and regional development	0	−68	0
500 Education, training, employment, and social services	1	1	0
600 Income security	0	64	0
800 General government	5	5	0
900 Net interest	2,799	2,799	0
Subtotal	14,087	4,718	0
Discretionary Action (Assumed Legislation)			
370 Commerce and housing credit	0	−338	0
Subtotal	0	−338	0
Committee total	14,087	4,380	0
DISTRICT OF COLUMBIA COMMITTEE			
Current Level (Enacted Law)			
750 Administration of justice	40	40	40
Subtotal	40	40	40
Committee total	40	40	40
EDUCATION AND LABOR COMMITTEE			
Current Level (Enacted Law)			
500 Education, training, employment, and social services	1,536	1,640	4,964
600 Income security	115	117	9,075
Subtotal	1,651	1,757	14,039
Discretionary Action (Assumed Legislation)			
500 Education, training, employment, and social services	0	0	118
Subtotal	0	0	118
Committee total	1,651	1,757	14,157
ENERGY AND COMMERCE COMMITTEE			
Current Level (Enacted Law)			
270 Energy	0	63	0
300 Natural resources and environment	0	−3	0
400 Transportation	22	13	0
550 Health	453	460	92,173
600 Income security	14,663	14,405	11,175
800 General government	8	8	8
Subtotal	15,145	14,945	103,356
Discretionary Action (Assumed Legislation)			
550 Health	0	0	−180
950 Undistributed offsetting receipts	0	−1,700	0
Subtotal	0	−1,700	−180
Committee total	15,145	13,245	103,176
FOREIGN AFFAIRS COMMITTEE			
Current Level (Enacted Law)			
150 International affairs	13,263	13,720	0
600 Income security	453	444	434
800 General government	6	6	0
Subtotal	13,722	14,170	434
Committee total	13,722	14,170	434
GOVERNMENT OPERATIONS COMMITTEE			
Current Level (Enacted Law)			
800 General government	15	13	0
Subtotal	15	13	0
Committee total	15	13	0
HOUSE ADMINISTRATION COMMITTEE			
Current Level (Enacted Law)			
500 Education, training, employment, and social services	20	16	0
800 General government	29	0	92
Subtotal	49	16	92

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Committee total	49	16	92
JUDICIARY COMMITTEE			
Current Level (Enacted Law)			
370 Commerce and housing credit	317	317	0
500 Education, training, employment, and social services	812	564	0
600 Income security	46	14	14
750 Administration of justice	1,247	1,267	180
800 General government	477	477	100
Subtotal	2,899	2,639	294
Committee total	2,899	2,639	293
MERCHANT MARINE AND FISHERIES COMMITTEE			
Current Level (Enacted Law)			
300 Natural resources and environment	495	467	0
370 Commerce and housing credit	65	64	0
400 Transportation	8	30	537
600 Income security	12	6	0
800 General government	7	7	0
Subtotals	588	574	537
Committee total	588	574	537
NATURAL RESOURCES COMMITTEE			
Current Level (Enacted Law)			
270 Energy	15	−139	0
300 Natural resources and environment	128	83	19
450 Community and regional development	579	568	409
550 Health	6	4	0
800 General government	750	750	757
Subtotal	1,477	1,266	1,185
Discretionary Action (Assumed Legislation)			
300 Natural resources and environment	−71	−71	0
800 General government	−46	−41	0
Subtotal	−117	−112	0
Committee totals	1,360	1,154	1,185
POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current Level (Enacted Law)			
550 Health	0	−218	4,050
600 Income security	37,329	36,167	36,167
800 General government	13,191	13,190	0
Subtotal	50,520	49,139	40,217
Discretionary Action (Assumed Legislation)			
550 Health	0	0	−11
600 Income security	−66	−66	−66
Subtotal	−66	−66	−77
Committee total	50,454	49,073	40,140
PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current Level (Enacted Law)			
270 Energy	978	835	0
300 Natural resources and environment	219	193	0
400 Transportation	24,226	0	0
450 Community and regional development	5	156	0
800 General government	16	16	0
Subtotal	25,444	1,199	0
Discretionary Action (Assumed Legislation)			
300 Natural resources and environment	−13	−13	0
400 Transportation	2,105	0	0
Subtotal	2,092	−13	0
Committee total	27,536	1,186	0
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE			
Current Level (Enacted Law)			
250 General science, space, and technology	22	22	0
270 Energy	8	8	0
500 Education, training, employment, and social services	1	1	0
Subtotal	31	31	0
Committee total	31	31	0
SMALL BUSINESS COMMITTEE			
Current Level (Enacted Law)			
370 Commerce and housing credit	187	52	0
450 Community and regional development	0	−344	0
Subtotal	187	−292	0
Committee total	187	−292	0
VETERANS' AFFAIRS COMMITTEE			
Current Level (Enacted Law)			
700 Veterans benefits and services	1,581	1,772	18,577
Subtotal	1,581	1,772	18,577
Discretionary Action (Assumed Legislation)			
700 Veterans benefits and services	−11	−11	70
Subtotal	−11	−11	70
Committee totals	1,570	1,761	18,647
WAYS AND MEANS COMMITTEE			
Current Level (Enacted Law)			
500 Education, training, employment, and social services	0	0	6,927
550 Health	521	521	521
570 Medicare	168,798	166,720	166,711
600 Income security	35,898	35,250	74,891
650 Social Security	6,037	6,037	0
750 Administration of justice	486	471	270
800 General government	421	421	420
900 Net interest	309,669	309,669	309,669
Subtotal	521,830	519,089	559,409
Discretionary Action (Assumed Legislation)			
370 Commerce and housing credit	0	136	0
500 Education, training, employment, and social services	0	0	129
570 Medicare	−3,148	−2,462	−2,462
600 Income security	339	339	341
750 Administration of justice	−23	−23	0
900 Net interest	−44	−44	−44
Subtotal	−2,876	−2,054	−2,036
Committee total	518,954	517,035	557,373
UNASSIGNED TO COMMITTEES			
Current Level (Enacted Law)			
050 National defense	−13,577	−13,577	0
150 International affairs	−14,212	−14,212	0
270 Energy	−1,893	−1,893	0
300 Natural resources and environment	−3,152	−3,152	0
350 Agriculture	−9,621	−121	0
370 Commerce and housing credit	−256	−256	0
400 Transportation	−508	−508	0
450 Community and regional development	−454	−454	0
500 Education, training, employment, and social services	−57	−57	0
550 Health	−12	−12	0
570 Medicare	−66,757	−66,757	0
600 Income security	−11,868	−11,868	0
700 Veterans benefits and services	−1,283	−1,275	0
750 Administration of justice	−1,525	−1,525	0
800 General government	−21,463	−21,463	0
900 Net interest	−72,637	−72,637	−54,867
950 Undistributed offsetting receipts	−30,653	−30,653	0
Subtotal	−249,929	−240,421	−54,867
Committee total	−249,929	−240,421	−54,867
Total—Current level	722,796	683,420	721,632
Total—Discretionary action	500,517	534,885	−2,293
Grand total	1,223,314	1,218,305	719,339

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998	1994 to 1998
APPROPRIATIONS COMMITTEE						
Current level:						
Budget authority	271,419	294,190	293,805	326,120	356,768	1,542,302
Outlays	262,683	284,564	284,435	316,655	347,814	1,496,151
Discretionary action:						
Budget authority	500,964	506,287	519,142	528,079	530,639	2,585,111
Outlays	538,757	541,272	547,263	547,346	547,870	2,722,508
Discretionary action by other committees:						
Budget authority	731	893	24,651	24,069	24,315	74,659
Outlays	621	978	24,308	24,232	24,272	74,411
Committee total:						
Budget authority	773,113	801,371	837,597	878,268	911,722	4,202,071
Outlays	802,061	826,813	856,006	888,232	919,956	4,293,068
AGRICULTURE COMMITTEE						
Current level (enacted law):						
Budget authority	11,931	10,306	9,703	9,878	9,931	51,749
Outlays	10,054	7,754	6,503	6,569	6,529	37,409
Discretionary action:						
Budget authority	−65	−74	−468	−992	−1,126	−2,725
Outlays	−66	−75	−468	−992	−1,126	−2,727

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998	1994 to 1998
Committee total:						
Budget authority	11,866	10,232	9,235	8,886	8,805	49,024
Outlays	9,988	7,679	6,035	5,577	5,403	34,682
New entitlement authority	−60	−66	702	208	104	888
ARMED SERVICES COMMITTEE						
Current level (enacted law):						
Budget authority	40,104	41,272	42,523	43,856	45,165	212,920
Outlays	40,023	41,189	42,439	43,771	45,081	212,503
Discretionary action:						
Budget authority	−128	−292	−458	−644	−843	−2,365
Outlays	−128	−291	−456	−642	−840	−2,357
Committee total:						
Budget authority	39,976	40,980	42,065	43,212	44,322	210,555
Outlays	39,895	40,898	41,983	43,129	44,241	210,146
New entitlement authority	−128	−291	−456	−642	−840	−2,357
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	14,087	14,014	11,771	7,664	7,687	55,233
Outlays	4,718	9,395	597	−13,287	−10,779	−9,356
Discretionary action:						
Budget authority	0	0	0	0	0	0
Outlays	−338	−346	−550	−769	−789	−2,792
Committee total:						
Budget authority	14,087	14,014	11,771	7,664	7,687	55,223
Outlays	4,380	9,049	47	−14,056	−11,568	−12,148
DISTRICT OF COLUMBIA COMMITTEE						
Current level (enacted law):						
Budget authority	40	42	44	47	49	222
Outlays	40	42	44	47	49	222
EDUCATION AND LABOR COMMITTEE						
Current level (enacted law):						
Budget authority	1,651	840	281	165	143	3,080
Outlays	1,757	904	−4.015	−235	124	−1,465
New entitlement authority	118	313	−487	−1,776	−2,216	−4,048
ENERGY AND COMMERCE COMMITTEE						
Current level (enacted law):						
Budget authority	15,145	15,523	16,000	16,467	16,620	79,755
Outlays	14,945	15,353	15,785	16,087	16,400	78,570
Discretionary action:						
Budget authority	0	0	−378	−389	−402	−1,169
Outlays	−1,700	−1,800	−2,078	−1,389	−1,402	−8,369
Committee total:						
Budget authority	15,145	15,523	15,622	16,078	16,218	78,586
Outlays	13,245	13,553	13,707	14,698	14,998	70,201
New entitlement authority	−180	−1,373	−1,740	−2,103	−2,402	−7,798
FOREIGN AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	13,721	12,945	12,133	11,688	11,049	61,536
Outlays	14,170	13,557	12,923	12,553	12,021	65,224
Discretionary action:						
Budget authority	0	−1	−1	−1	−2	−5
Outlays	0	−1	−1	−1	−2	−5
Committee total:						
Budget authority	13,721	12,944	12,132	11,687	11,047	61,531
Outlays	14,170	13,556	12,922	12,552	12,019	65,219
New entitlement authority	0	−1	−1	−1	−2	−5
GOVERNMENT OPERATIONS COMMITTEE						
Current level (enacted law):						
Budget authority	15	103	109	110	110	447
Outlays	13	100	107	107	108	435
HOUSE ADMINISTRATION COMMITTEE						
Current level (enacted law):						
Budget authority	49	47	45	46	47	234
Outlays	16	41	110	20	17	204
JUDICIARY COMMITTEE						
Current level (enacted law):						
Budget authority	2,899	2,113	2,196	2,258	2,315	11,781
Outlays	2,639	2,253	2,165	2,206	2,260	11,523
Discretionary action:						
Budget authority	0	0	0	0	0	0
Outlays	0	−104	−137	−112	−119	−472
Committee total:						
Budget authority	2,899	2,113	2,196	2,258	2,315	11,781
Outlays	2,639	2,149	2,028	2,094	2,141	11,051
MERCHANT MARINE AND FISHERIES COMMITTEE						
Current level (enacted law):						
Budget authority	588	624	635	622	633	3,102
Outlays	574	531	567	574	515	2,761
Discretionary action:						
Budget authority	0	0	−67	−68	−70	−205

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998	1994 to 1998
Outlays	0	0	−67	−68	−70	−205
Committee total:						
Budget authority	588	624	568	554	563	2,897
Outlays	574	531	500	506	445	2,556
New entitlement authority	0	−1	−1	−1	−1	−4
NATURAL RESOURCES COMMITTEE						
Current level (enacted law):						
Budget authority	1,477	1,737	1,767	1,863	1,493	8,337
Outlays	1,266	1,490	1,672	1,746	1,609	7,783
Discretionary action:						
Budget authority	−117	−133	−140	−155	−164	−709
Outlays	−112	−130	−138	−152	−161	−693
Committee total:						
Budget authority	1,360	1,604	1,627	1,708	1,329	7,628
Outlays	1,154	1,360	1,534	1,594	1,448	7,090
POST OFFICE AND CIVIL SERVICE COMMITTEE						
Current level (enacted law):						
Budget authority	50,520	52,209	58,222	61,198	64,300	286,449
Outlays	49,139	50,473	56,424	59,271	61,904	277,211
Discretionary action:						
Budget authority	−65	−358	−2,533	−3,571	−3,671	−10.199
Outlays	−66	−474	−2,649	−3,687	−3,671	−10,547
Committee total:						
Budget authority	50,454	51,851	55,689	57,627	60,629	276,250
Outlays	49,073	49,999	53,775	55,584	58,233	266,664
New entitlement authority	−77	−143	−2,321	−3,361	−3,695	−9,597
PUBLIC WORKS AND TRANSPORTATION COMMITTEE						
Current level (enacted law):						
Budget authority	25,444	25,962	25,504	27,062	1,231	105,203
Outlays	1,199	1,390	1,332	1,129	1,009	6,059
Discretionary action:						
Budget authority	2,092	2,143	2,196	2,251	28,776	37,458
Outlays	−13	−18	−18	−18	−18	−85
Committee total:						
Budget authority	27,536	28,105	27,700	29,314	30,007	142,662
Outlays	1,186	1,372	1,314	1,111	991	5,974
SCIENCE, SPACE, AND TECHNOLOGY COMMITTEE						
Current level (enacted law):						
Budget authority	31	31	32	32	32	158
Outlays	31	31	32	32	32	158
SMALL BUSINESS COMMITTEE						
Current level (enacted law):						
Budget authority	187	74	11	11	11	294
Outlays	−292	−256	−247	−224	−193	−1,212
VETERANS' AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	1,581	1,577	1,651	1,541	1,467	7,817
Outlays	1,772	1,896	1,654	1,632	1,599	8,363
Discretionary action:						
Budget authority	−11	−130	−143	−154	−918	−1,356
Outlays	−11	−130	−143	−154	−914	−1,352
Committee total:						
Budget authority	1,570	1,447	1,508	1,387	549	6,461
Outlays	1,761	1,566	1,521	1,478	685	7,011
New entitlement authority	70	456	820	1,189	912	3,447
WAYS AND MEANS COMMITTEE						
Current level (enacted law):						
Budget authority	521,830	569,695	608,670	650,154	693,840	3,044,189
Outlays	519,089	564,035	605,977	647,817	691,464	3,028,382
Discretionary action:						
Budget authority	−2,876	−1,398	−4,198	−8,678	−12,519	−29,669
Outlays	−2,054	−684	−3,291	−7,404	−10,989	−24,422
Committee total:						
Budget authority	518,954	568,297	604,472	641,476	681,321	3,014,520
Outlays	517,035	563,351	602,686	640,413	680,476	3,003,961
New entitlement authority	−2,036	−791	−1,421	−3,463	−4,885	−12,596
UNASSIGNED TO COMMITTEE						
Current level (enacted law):						
Budget authority	−249,929	−260,780	−275,269	−290,551	−302,503	−1,379,032
Outlays	−240,421	−252,192	−266,880	−281,454	−293,798	−1,334,745
Total current level:						
Budget authority	722,790	782,526	809,834	870,232	910,388	4,095,770
Outlays	683,414	742,350	761,633	815,015	883,768	3,886,180
Total discretionary action:						
Budget authority	500,523	506,937	537,602	539,747	564,016	2,648,825
Outlays	534,891	538,197	561,576	556,190	552,041	2,742,895
Grand total:						
Budget authority	1,223,314	1,289,463	1,347,437	1,409,979	1,474,404	6,744,597
Outlays	1,218,305	1,280,546	1,323,209	1,371,205	1,435,809	6,629,074
Total new entitlement authority	−2,293	−1,897	−4,904	−9,950	−13,025	−32,069

REQUEST FOR GENERAL LEAVE

Mr. SABO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on the conference report to accompany House Concurrent Resolution 64.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. MFUME). Objection is heard.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, on rollcalls that occurred during my leave of absence on account of illness in the family, I would have voted "yes" on rollcalls 123 through 127.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1430, PUBLIC DEBT LIMIT EXTENSION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–50) on the resolution (H. Res. 147) providing for the consideration of the bill (H.R. 1430) to provide for a temporary increase in the public debt limit, which was referred to the House Calendar and ordered to be printed.

□ 1930

REQUEST FOR PERMISSION FOR MEMBER TO PROCEED OUT OF ORDER

Mr. HOYER. Mr. Speaker, I ask unanimous consent to proceed out of order for 1 minute.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Maryland?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would just like to inform the House that the Committee on Rules, in its infinite wisdom, just passed another closed rule. That means that the minority as well as many of the majority will not have an opportunity to present amendments and to debate issues that are relevant to the people and their constituencies. I think the message needs to be sent to the House.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

Mr. SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, my first inquiry is whether or not the legislative business of the House has been completed for the day.

The SPEAKER pro tempore. The Chair knows of no other legislative business to be called up today.

Mr. TAYLOR of Mississippi. Mr. Speaker, my second is, as to the status of the ongoing negotiations between the majority and the minority party, as to whether or not special orders will continue in its present form or be restricted with the idea of saving some money for the citizens.

The SPEAKER pro tempore. The Chair will advise the gentleman that that is not a parliamentary inquiry. The Chair advises the gentleman that that portion of his remarks is not a parliamentary inquiry.

SPECIAL ORDERS

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, I feel very strongly about this. I feel it is a needless expense to the House and an embarrassment to the House.

However, it is my understanding that there are negotiations between the majority and the minority party as to the future of special orders.

With the wishes of many of my colleagues who have voted with me to limit special orders, I will not call for a rollcall vote tonight or tomorrow night but would like to inform the Members of the House that my colleagues and I, should nothing happen by the end of the Easter district work period, that we will, once again, begin calling for votes on adjournment.

COMMUNICATION FROM THE DIRECTOR OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Director of the House of Representatives:

HOUSE OF REPRESENTATIVES, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, March 30, 1993.

Hon. THOMAS C. FOLEY,
Speaker, House of Representatives, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the Rules of the House that my office has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 667

Mr. KYL. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 667.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REQUEST FOR PERMISSION TO VACATE SPECIAL ORDER AND INSTITUTE NEW SPECIAL ORDER

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent to vacate the 60-minute special order of the gentleman from Michigan [Mr. BONIOR] and, in lieu thereof, I ask unanimous consent that he may address the House for 5 minutes today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

INCREASED FUNDING FOR THE WHITE HOUSE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I read this morning with interest that President Clinton has asked Congress to provide the White House more funding next year. Not just a slight increase, but $3.5 million more than last year.

Well, call me sentimental, but it seems only yesterday that President Clinton told us he would reduce administrative costs by 3 percent, yet he is asking for a 10 percent increase now. The $3.5 million increase would be even higher had the White House not eliminated the Office of Environmental Quality, which was, to say the least, an interesting choice. One might have thought that the Vice President would have objected, but Mr. GORE may have been distracted while asking for his 4-percent increase.

President Clinton says he needs a 10-percent increase for White House operations, but for what? To help American taxpayers make a larger sacrifice? Or invest in the patriotism of the American taxpayer?

The Americans out there who are going to sacrifice, whether they like it or not, can take heart in knowing that Mr. Clinton and his White House staffers will be hard at work taxing taxpayers and spending their money.

Mr. Speaker, I am including in the RECORD the Washington Times article, as follows:

WHITE HOUSE SEEKS SOME FUND BOOSTS, VOWS SAVINGS LATER

(By J. Jennings Moss)

The Clinton administration yesterday asked a House subcommittee to increase spending in some White House offices but promised lawmakers that its overall staffing budget levels would drop.

The biggest single increase would come with the Office of Policy Development, which administration officials want to boost by 36 percent in fiscal 1994. Another increase of nearly 10 percent would go for White House operations.

Patsy Thomasson, director of the office of administration in the Executive Office of the President, said the increased spending is needed because the White House is reorganizing responsibilities and there is a larger load of constituent letters.

But she said that when all of the budgets under the Executive Office of the President are analyzed, the Clinton White House would save $10 million and the White House staff would drop by 25 percent.

"Our approach to budgeting the White House is, I believe, a more direct and more honest approach," she told a House Appropriations subcommittee. She said it ends the "shell game" of using staff members on loan from other departments without applying their salaries to White House budget sheets.

"The savings are there, the staff cuts are there. The cuts are real," Ms. Thomasson said.

But some Republicans on the subcommittee on treasury, postal service and general government wanted to know specifically where the cuts are coming from. The panel's ranking GOP member—Rep. Jim Ross Lightfoot of Iowa—said other White House offices also are asking for more money this year.

"Somewhere along the line, we're going to have to eliminate something in the White House. . . . I'm not sure this isn't somewhat of a shell game as well," Mr. Lightfoot said.

Ms. Thomasson noted that among the cuts are the elimination of the Office of Environmental Quality, an office that had 40 jobs and a $2.7 million appropriation in 1993.

The White House's own budget is being scrutinized because of President Clinton's vow shortly after taking office that he would reduce the White House staff by 25 percent, cut administrative costs by 3 percent and freeze salaries. He directed federal departments to cut 100,000 jobs through attrition and slice 12 percent from their budgets over the next four years.

The total number of staffers at the Executive Office of the President now is 1,173, with 146 other employees detailed from other agencies, Ms. Thomasson said. By Oct. 1, the number will drop to 1,044. The numbers do not include the Office of Management and Budget or the Office of the Trade Representative, which Mr. Clinton excluded.

In the budgets presented yesterday, the White House asked for:

$5.1 million for the Office of Policy Development, a 36 percent increase over 1993. The office has been reorganized and includes the National Economic Council, the Domestic Policy Council and the Office on Environmental Policy. Because of the change in the office's focus, the increased funding would go to pay for more highly-training staffers and for more travel.

$38.9 million for White House operations, a nearly 10 percent increase. The increase is for additional postage and stationery because of a flood of correspondence to the president—as many as 10 million pieces this year. It also would pay for improvements to the phone system and for other communications tools.

$3.3 million for Vice President Al Gore to provide assistance to the president, a nearly 4 percent increase from 1993.

$324,000 for Mr. Gore's official residence, the same level as this year.

$24.8 million for the Office of Administration, a 1 percent increase.

IT'S TIME TO RAISE THE DIKES

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KANJORSKI. Mr. Speaker, as I speak, thousands of anxious-ridden Americans in my district of the Wyoming Valley are watching the Susquehanna River rise. Wyoming Valley 21 years ago, during Flood Agnes, suffered over 2 billion dollars' worth of damage and caused the relocation of thousands of families. Twenty-one years ago the President of the United States promised those families that he and the U.S. Government would raise the levees along the Susquehanna River at Wilkes-Barre. That promise is still not kept. Mr. Speaker, 21 years is long enough, and the anxiety of the American citizens for that period of time must now be answered.

This afternoon I am asking the Committee on Appropriations to make the final commitment of $1 million to finish the design for the Wyoming Valley levee system. It is time that we get on with the project that is 21 years too late.

[From the Wilkes-Barre (PA) Times Leader, Mar. 31, 1993]

IT'S TIME TO RAISE THE DIKES

6 feet . . . 7 feet . . . 8 feet . . .

"The Susquehanna River is rising, but Wyoming Valley residents shouldn't worry about its flooding—even in low-lying communities."

9 feet . . . 10 feet . . . 11 feet . . .

"The river, which measured at slightly above 6 feet Friday afternoon, is expected to rise to 10 feet by Saturday and 14 to 15 feet by Sunday.

"That's still well below the 22-foot flood level, which is the natural bank of the river."

12 feet . . . 13 feet . . . 14 feet . . .

"The rising Susquehanna River, swelled with melting snow, may flood some low-lying areas unprotected by dikes this week.

"It's going to be borderline if we see any flooding in the low-level areas."

15 feet . . . 16 feet . . . 17 feet . . .

"Since the start of the weekend, the Susquehanna River has swelled to 15 feet and is expected to peak at 17 to 19 feet by Tuesday.

"It doesn't get serious until about 20 feet. Then we'll see the low-lying areas take on some water."

THE RIVER

18 feet . . . 19 feet . . . 20 feet . . .

"Hanover Township, Kingston and Wilkes-Barre activated their pump stations Saturday, but the river's elevation is not expected to create any mainland problems."

21 feet . . . 22 feet . . . 23 feet . . .

"It would have to reach 25 feet before some communities like West Pittston would have to be concerned . . . This isn't anything serious."

24 feet . . . 25 feet . . . 26 feet . . .

"The Blizzard of '93's spring thaw was expected to push the Susquehanna River above 24 feet this morning, causing minor flooding in low-lying areas.

". . . predicted the quick-swelling Susquehanna River would crest early this morning at between 24 and 26 feet."

27 feet . . . 28 feet . . . 29 feet . . .

Um—folks?

Isn't it time we raised the dikes around here, the way we've been talking about doing for 21 years?

[From the Wilkes-Barre (PA) Citizen Voice, Mar. 31, 1993]

EMA ISSUES FLOOD ADVISORY

Luzerne County Emergency Management Agency officials last night issued a flood advisory for the river communities of the Wyoming Valley, urging those municipalities and residents to take "protective" action in the face of rising waters of the Susquehanna River which are expected to crest as high as 32 feet sometime this afternoon.

At approximately 10:30 p.m., EMA executive director Jim Siracuse issued the advisory which affects portions of Shickshinny, Plymouth, Plymouth Township, the Mark Plaza in Edwardsville, West Nanticoke, Duryea, West Pittston and the Hollenback Park section of Wilkes-Barre. Siracuse said the advisory was prompted by a revision from the River Forecast Center in State College, which, earlier in the evening, had been predicting the Susquehanna to crest in Wilkes-Barre at approximately 27 feet. Later, those figures were upgraded to a crest of 23 to 29 feet.

Siracuse discounted rumors that the rising waters were the result of flood gates being opened in upstate New York. He said he had been in contact with the Army Corps of Engineers on Tuesday afternoon who informed him, "There is no release taking place nor do they plan on a release."

The EMA head stressed the advisory was a "precautionary" measure. "We are not telling people to start loading their vehicles," he stressed but was quick to add, "We'd rather err on this side of safety." Siracuse again emphasized the advisory was not meant to scare people but rather to give municipalities and residents sufficient time to implement protective measures for those low lying areas which are affected when the river reaches the 28 to 29 feet stage.

The rising waters caused several roadways to be closed including Route 11 heading north, from Hunlock Creek to West Nanticoke. Siracuse noted that the flood control system in the Wyoming Valley provides protections to levels of 37 to 39 feet. At approximately 11 p.m. last night, he said the river was rising at a rate of .15 to .25 feet and hour.

By 1 p.m., Canal Street in Shickshinny had been closed to traffic as backwater coated with a scum of debris began covering the macadam. The scene was repeated throughout the heart of the Wyoming Valley Tuesday afternoon, residents gathering in yards, on levees, on bridges, watching the rising Susquehanna River with nervous eyes and hearts filled with the horrid memories of Hurricane Agnes in 1972 and her less vicious cousin Eloise in 1975. By 1 p.m., Canal Street in Shickshinny, Route 239 in Mocanaqua, SR 3036 in Wapwallopen/Nescopeck and Swetland Lane, Wyoming, had all been closed. At 4 p.m., the Susquehanna River in Wilkes-Barre measured 26.05 feet and was predicted to crest between 27 and 29 feet after midnight, below flood stage in the levee protected areas of the valley but above the natural bank of the river in all areas of the Valley not protected by dikes. As of 4 p.m., river watchers were still waiting for the Susquehanna River north at Towanda to crest.

Eight miles north of Shickshinny, in West Nanticoke, the same vigil was played out Tuesday afternoon along the riverbank, residents watching, waiting, wondering whether to begin moving valuables from basements to first and second floors, questioning the predictions of the professional river watchers and gambling on the wisdom of their neighbors and that sixth sense that becomes a part of life for those who live on the flood plain.

Joyce Munson, of 350 E. Canal St. in West Nanticoke stood watching the river that runs past her back yard since 3 a.m. Tuesday morning. Munson, a former Plymouth resident, has lived in the neat little home on Canal Street, West Nanticoke, for just two years, not long enough to experience first hand the devastation wrought in the neighborhood by Agnes 20 years before, or the basement flooding caused by Eloise in 1975. "I'm a little nervous," she admitted.

As their morning dawned, Munson watched as three of four tiers of landscaping in her back yard were gradually swallowed by the rising river. In the distance, as the sounds of a hammer rattled, her neighbor boarding up his basement, Munson relied on the experience of her more flood savvy neighbors for advice on whether to begin packing her basement. "If it hits that one bush, my neighbors tell me that we'll be getting water in our basement," she said, pointed to a shrub about 20 feet from her back porch.

"Last night, I could hear the rapid river. It was eerie. We started putting markers out to measure how fast the water was rising. We stuck one stick in and within 15 to 20 minutes, it had disappeared beneath the water," she said.

Munson's immediate neighbor Judy Novak, of 260 E. Canal St., and her family are veterans of the flood prone area, having lived through Anges in 1972 in a HUD trailer not far from the riverfront home, their house with eight feet of water on the first floor. In Eloise in 1975, their home had water to the top of their cellar steps.

Novak reassured Munson. "For us to have water on the first floor, it would have to spill over the dikes in Wilkes-Barre," she said. "After you have lived here for a while, you know from experience. We're taking it in stride. You kind of get used to it. Certainly, you pay attention to what is happening. But you don't dwell on it too much. If you did, you could drive yourself crazy."

If the water rose higher, residents there would begin emptying their basements, disconnecting motors from the heating units and moving them to upper levels, and hoping. With many older residents on the street, offering assistance if it was needed to helping their older neighbors move whatever had to be taken from basements to upper stories. "You learn when you live down here not to finish your basement," Novak quipped.

All homes there are considered to be part of the low lying and generally unpopulated areas of the Valley inundated when the river exceeds 22 feet and overflows its natural banks.

"I'm not worried, not really," Munson said. "As long as I feel safe. If the river picks up speed and starts sounding spooky, then I'm out of here. But you know, it really is beautiful down here. Many of the people who live here take their boats out after dinner during the summer and motor up and down the river. It really is a wonderful place to live."

Jim Siracuse, executive director of Luzerne County Emergency Management Agency, said Tuesday afternoon that the river had not crested as expected at Towanda by 4 p.m., although the rate that the river level was rising appeared to be slowing. The average rate of increase has been about ¼ foot per hour, he said. Generally, the river at Wilkes-Barre will crest 12 hours after the river at Towanda, Siracuse said.

The spring thaw following the blizzard of 1993 has made river conditions particularly difficult to predict for several reasons, Siracuse said. "It has been such a long time since we've seen these levels. There was 30 inches of snowpack followed by a week of having rain in upstate New York which super saturated the snow. Compounding these conditions were temperature variables which make this thaw very difficult to predict."

The last time the Susquehanna River crested in Wilkes-Barre at 28/29 feet was in March of 1986.

[From the Wilkes-Barre (PA) Times Leader, Mar. 31, 1993]

FLOOD WATCH

(By P. Douglas Filaroski)

WILKES-BARRE.—The continued rise of the Susquehanna River, and the uncertainty about how high it will get, had residents watching and worrying Tuesday while recalling the nightmares from the Agnes flood of 1972.

At 11 p.m. Tuesday, Luzerne County Emergency Management Agency officials were predicting the river would crest between 28 and 29 feet early this afternoon, while acknowledging that forecasting has been difficult.

Officials also issued an advisory—which is not as serious as a state of emergency—that riverfront communities should be prepared for levels of up to 32 feet. Areas affected by the advisory include Shickshinny, Plymouth Township, West Nanticoke, Duryea, West Pittston, Hollenback Park section of Wilkes-Barre and the Mark Plaza in Edwardsville.

"We did not feel comfortable with the cushion of 28 to 29 feet that the River Forecast Center has given us," county Emergency Management Agency executive director Jim Siracuse said late Tuesday. "We hope we do not reach the 30 to 32 foot level, but we feel better about erring on the part of safety."

Many area residents, especially those in Shickshinny, Mocanaqua and West Pittston, nervously eyed the 26.8-foot-high river Tuesday as it spilled over its 22-foot natural banks and creeped toward their homes.

"When you see the water come up like this, people get scared. They start thinking about '72," said Herby Derby, 42, who owns and resides at Herby Derby Florist off Canal Street in Shickshinny.

By Tuesday afternoon, the swollen river had engulfed a Canal Street park in Shickshinny, seeped onto River Street in Mocanaqua, and flooded backyard sheds on Canal Street in West Pittston.

It had closed Route 239 in Mocanaqua; state Route 3036 in Wapwallopen/Nescopek; Swetland Lane in Wyoming; and Canal Street in Shickshinny.

Most residents' homes and basements are safe as long as the river remains under 30 feet high, emergency officials say. But erratic predictions of the river crest had thousands of residents outside their homes keeping vigil.

"We wait, we sit and we watch. We wait, we sit and we watch," said Frank Slominiski, 49, of River Street in Mocanaqa, who was perched on his front porch about three feet above the encroaching river.

"The biggest thing has been the uncertain prediction. * * * The worst is the waiting at night," he said.

Slominsiki said he had not slept in 36 hours—worried about the rising river.

Siracuse explained why river crest predictions have gone from 19 feet Sunday to 23 feet Monday to 29 feet Tuesday. He said the uncertainty has been largely due to recent rainfall absorbed in previously light snow from the blizzard in upstate New York.

In West Pittston, the river bank resembled a public park Tuesday as curious onlookers came to see the Susquehanna waters firsthand. Children ran up to the water's edge as parents cautiously eyed the rising waters.

Darwin and Hilda Llewellyn, of Lacoe Street in West Pittston, lived through the 1972 flood and said the rising river makes them nervous. However, Hilda said the couple's home appeared safe.

"I don't think it's going to come to our house." Hilda said.

Others, like Ed Powers, who lives on Susquehanna Avenue, said he's not worried about the rising waters. "I saw it before," he said. "I'm going out tonight."

Wyoming Area students from Harding or Falls were dismissed early because of the potential flooding of Route 92 in Exeter Township. Greater Nanticoke also released students who live in low-lying areas.

Some residents came to the riverfront Tuesday to recall the 1972 flood. Louis Spezialetti said the trip made him feel good about his decision to move from Shickshinny to Berwick in 1973.

"The government gave me a chance to get out, and I took it. I'm glad I did," said Spezialetti.

It made others wish they had, too.

"We moved out for 18 years after the 1972 flood. But we moved back a couple of years ago," said Russell Noss of Canal Street in Shickshinny.

"Now, we're just waiting and seeing what's coming," he said.

Tuesday's 26.8-foot river level is the highest the Susquehanna has risen since when the river swelled to 28 feet in March 1986 when a spring thaw combined with heavy rains, said Siracuse.

In 1972's flood from Tropical Storm Agnes, the river topped at a record 40.6 feet. Since then, it has risen to levels of 35 feet in 1975 and 31 feet in 1979.

While the general mood of residents was one of concern, some people assumed a lighter attitude about the swelling river.

Patty Sidari, of West Pittston, said it was "just fascinating" watching the river. If the Susquehanna rises too fast and floods her home, she said she may be headed for an early vacation.

"I'm supposed to visit my parents in California in June for my sister's graduation," she said. "I may be going earlier and unexpected."

□ 1940

DOES AMERICA NEED AN INCREASE IN THE DEBT LIMIT?

The SPEAKER pro tempore (Ms. ROYBAL-ALLARD). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Madam Speaker, here we go again. Today, the House of Representatives increased the debt limit by $225 billion to $4.37 trillion, yes, trillion dollars. This is outrageous.

Weren't these Members of Congress on the same campaign trail that I was last November? Didn't they promise to come to Washington armed with a mandate from the people to change business-as-usual politics in this town?

What could be so important that this Congress would vote to raise the national debt rather than lower it as promised? Let me see if I can explain it to you.

This increase in debt is the result of the so-called emergency stimulus measure that Congress passed last week to the tune of $16 billion.

A measure that we are told will put America back to work. But let me tell you what's really in that measure: $28 million to bail out the District of Columbia. And won't somebody please explain how the publication of two fish atlases and conducting a study of the sicklefin chub stimulates the economy?

The President calls them emergencies. This is the same President who was going to put an end to the waste in Government and cut the deficit in half in 4 years.

But here he is asking us to accumulate a new debt at the rate of $1.2 billion a day over the next 6 months.

The increase in the debt limit is irresponsible. It is not only irresponsible, it violates every wish and every hope of the Nations; taxpayers.

Our President promised Americans that he would immediately begin debt reduction and sound fiscal policies. He hasn't, and we can only wonder if he ever will.

As yet, we haven't seen his tax legislation, and we have no way of determining the tax burden Mrs. Clinton health plan will include.

This is not a time to raise the debt limit. It's time to reduce spending. It's time to put an end to this monumental waste in Government.

The people of my district don't want to pay millions for fish atlases. I don't think many of us even know what a sicklefin chub looks like.

And the cities of my district are just as hard-pressed as the District of Columbia, but I don't see Congress running to their aid to bail my cities out.

The American people voted for change last November, but I don't see any changes. I see waste. I see increases in the national debt. I see increases in spending. And I see broken promises and vacant rhetoric.

Where's the balanced budget amendment? Where's the tax break for the middle class? Where's the line-item veto?

These are the bills that Congress should have voted on today. These are the overdue reforms the people of America are waiting to see from this Congress, not raising the debt limit.

INTRODUCING LEGISLATION TO ENSURE FAIR TREATMENT FOR SOCIAL SECURITY RECIPIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FLAKE] is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, I rise today to introduce a piece of legislation for fair treatment of Social Security recipients on the interest earned on their tax-exempt income.

I introduce this piece of legislation to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the portion of Social Security benefits subject to income taxation.

It is clear that in 1986 when this piece of legislation was passed, that it was not intended to penalize those persons who contribute so much to the infrastructure of this Nation by participation in buying municipal and other bonds. Presently those who are receiving Social Security benefits and earn tax-exempt income and interest are unduly penalized by a stipulation in the Internal Revenue Code of 1986 which causes their interest earnings to be treated differently.

I do not think, Madam Speaker, that this is appropriate for persons who have given so much of their lives, so much of their time, that they come to a point in their life when they are treated differently than other citizens who participate in the purchase of bonds that help us to support our infrastructure, and to support the work of our cities and our State in this Nation.

In order to calculate the level of taxation of Social Security benefits, the interest earned on tax-exempt income, such as municipal bonds, is included in the formula used to determine if Social Security will be taxed. Thus, Social Security recipients are not taxed as other tax payers in regard to interest from normally tax-exempt securities. This is tantamount to imposing additional taxes on a very select group; Social Security recipients.

This matter has been brought to my attention in several townhall meetings that I have held over the last week, and in each and every one of them there are senior citizens who are concerned about this problem because they feel that they are not treated justly and fairly, as other American citizens are.

Social Security is a mandatory program that was put in place to secure the long-term sustainability of our elderly. This legislation seeks to rescue that promise so that we can fulfill our obligation to those who have provided us with the foundation on which we stand. I urge my colleagues in the House to join me in cosponsoring this legislation to treat Social Security recipients fairly.

NO REAL REFORM FROM DEMOCRAT FRESHMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, I yield to my good friend and colleague, the gentleman from New York [Mr. PAXON].

Mr. PAXON. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, it was not too long ago, a matter of a couple of months, election time was held in this country and there were a lot of folks that campaigned to serve in the Congress of the United States. Across the aisle we had many of our colleagues who were candidates, Democrats, soon to be freshman class, who talked a lot about reform, talked a lot about changing this institution.

As chairman of the National Republican Congressional Committee I had a chance to look over many of the commercials that they used in their campaigns, and the literature that was sent out and the speeches they gave, passionately talking about changing this institution. They were going to come to Congress with a new broom to sweep clean, to bring about real reform in the House of Representatives.

Since they took office, those 63 of our colleagues across the aisle, those new freshman Democratic Members, their rhetoric has not changed, but lo and behold, their actions have changed.

Just this evening on television, on NBC, they did a little story about the freshman Democratic class coming to Washington and talking about reform of the institution. They noted the fact that this NBC report by Lisa Myers, that when it came time for the rubber to meet the road, for actions to speak louder than words, the freshman Democrats backed down. What really happened was they had a little meeting with the Speaker and then they backed down.

The report, I think, would make interesting viewing by anyone who happens to live in the districts of those new freshman Democrats, because it said much better than I can tonight that the ballyhooed series of reforms they were going to present for changing the House of Representatives really amounted to nothing more than window dressing, and that some of the senior Democrats had made certain that that freshman class backed down on those reforms.

Then just a few minutes ago in this Chamber those same freshman Democrats marched to the floor. They had a chance to cast another vote for real change and real reform. It was called raising the Nation's debt ceiling. During the campaign many of them very passionately talked about putting the lid on Government spending, controlling waste in Government, and making real change so that the American people did not have to pay more and more taxes for more and more wasteful Federal spending.

Lo and behold, just like the freshman class faced when it came down to the question of eliminating perks and changing the procedures of this House of Representatives, the freshman Democrats, 60 of the 61 that came to this House floor, voted to raise that debt ceiling. They did not vote for reform or change, they voted for business as usual. They fell in line, they got in line and they cast their votes. Sixty of the sixty freshman Democrats that voted, voted to raise the debt ceiling.

□ 1950

I hope that the constituents back home, when they have a chance, will note that fact that it was like giving someone in chapter 11 a credit card and raising the line of credit. The result, voting to raise the debt ceiling, means that spending is going to be raised right up to that limit, and I predict that in the next couple of years we will be right back here again casting votes to raise the debt ceiling, while they will march back to their district over the Easter recess and say oh, no, I am cutting spending, I am for real change, I am for real reform.

But when it came down to a chance today in this House of Representatives to vote for real reform, the freshman Democrats fell right in line with the old guard. The message was clear: Stay in line, keep in line. And that is the way business is done in the House of Representatives.

Mr. GOSS. I thank my colleague from New York for those illuminating remarks. And I hope that he is aware of the fact that the freshmen will have another chance tomorrow to prove their mettle, because in fact we are going to have a closed rule on the debt extension question. And we had very good testimony in the Rules Committee from Members of the Democratic freshman class and the Republican freshman class on enhanced rescission. Regrettably their amendments were not made in order.

But they have a chance to vote "no" on the previous question tomorrow on that rule, and that will be the next test to see whether we really are dealing with reform or whether we are dealing with rhetoric.

DEEP CUTS IN THE DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the big concerns of many in the House of Representatives is the draconian cuts in defense that President Clinton has proposed in his budget. He has proposed cutting, depending on who you talk to, up to $127 billion out of the defense budget over the next 5 years. And with the uncertainty that we face in the world in places like the former Yugoslavia, in Somalia, in Russia where Boris Yeltsin's head sits very uneasy on this shoulder, although he has been able to stave off his opponents for a short time, the situation to say the least is very uneasy, and I and many of my colleagues feel very strongly that the cuts that have been proposed by the Clinton administration are draconian, will cut into the muscle and bone of the defense of this Nation and put our defense capability in a very precarious situation.

Tonight I would like to yield to three very competent Members of the House of Representatives who have worked very hard on this subject to discuss in depth the problem with these massive defense cuts as proposed by the Clinton administration.

I am happy to yield to my colleague in the well, the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Madam Speaker, one of the things I think we face as a Nation is that we are not sure where we are going in this world of uncertainty. During the last 2 days we have had testimony in the Armed Services Committee from the former chairman of the Armed Services Committee, now Secretary of Defense Les Aspin, the chairman of the Joint Chiefs, Colin Powell, and today the CNO and the Commandant of the Marine Corps.

In all of these discussions I think it is important to understand that there has been no strategic planning on what size base force we will need by 1996 and 1997. What is driving this defense budget is OMB and those who think that the way to cut our deficit ought to be strictly reducing the defense spending.

Now I think that it is important to recognize that while Republicans are discussing this tonight, we are also supporting a reduction in the defense budget. In 1990, when they had the present budget agreement, there was a recognition that the world was changing, that we had to reduce our defense spending in order to take care of our domestic needs, and that is why we established an adjusted baseline. It was called the Bush adjusted baseline. It was a bipartisan agreement. It was, I thought, a very good reduction.

We had been reducing our defense since 1985 continually in real dollars each year, and we were on what they will call a down slope that I think would have given us a particularly good, balanced reduction process.

When candidate Clinton was running for office on April 1, he said that what he thought we ought to do is reduce our defense budget $50 billion to $60 billion below the amount which was in the Bush baseline. Less than 1 year later we had a proposal from the administration which would reduce our national defense, our budget from 1993 to 1997, 5 years, a total of $122 billion to $127 billion.

When Chairman Aspin was before us, he said, "I don't think it is really a $127 billion cut over those years." But I think if we look at the testimony that the distinguished chairman of the Senate Armed Services Committee provided in his speech on March 5, he clearly documented that there is at least $122 billion, and probably higher as inflation will set in.

Now what has caused this enormous cut, again, is no strategic plan, but merely people who are looking to reduce the deficit.

We will get through probably with no problem, very little problem the 1994 budget. It is only a reduction of about $12 billion, and I think that is reasonable. And we will probably get through the 1995 budget, because that is a reduction of about $17 billion. But where we are going to have some significant problem is when we get to 1996 and 1997. The reduction in 1996 will be $24.8 billion, and in 1997 it will be $38 billion.

That means 62 percent of the defense cuts in this budget proposal which was agreed on will occur in 2 years. There is not enough time to ramp down, there is not enough time to plan how are we going to take out of our military. We now have 2.1 million military people serving in uniform, and there will not be enough time to smoothly transition these people out.

Here tonight are two other members of the Armed Services Committee that I hope my colleague will yield to. One is a distinguished member of the Armed Services Committee who has just joined us. He understands the problems in the military because he has served in the military. As a new Member from Indiana, he is a major in the U.S. Army. This distinguished Member of the House was called upon active duty. He served in Desert Storm. He understands what the soldiers, and I understand as a member of the Navy what the sailors go through.

Also we have with us tonight our distinguished colleague, the gentleman from Pennsylvania, CURT WELDON. I hope the gentleman from Indiana will yield at this time so that my distinguished colleague can discuss some of the issues that are in this budget.

Mr. BURTON of Indiana. I yield to my colleague from Indiana, Mr. BUYER.

Mr. BUYER. Madam Speaker, I appreciate the remarks by my distinguished colleague in the well, the gentleman from Rhode Island, who is in fact an Annapolis graduate himself. Having served this country in the Navy, he thoroughly understands the implications of the drawdowns and the effects upon personnel.

To my colleague, he brought up an interesting fact of what it is that is driving the drawdown in this budget when candidate Clinton, as the gentleman pointed out, 11 months ago recommended a $60 billion cut. Now all of a sudden he has recommended a $128 billion cut over 5 years, while we have received testimony from the Joint Chiefs regarding the fact that the contingencies are only escalating, that the requirements around the world are only escalating. So there is no rationale for such deep cuts.

I have a notice that during Secretary Les Aspin's testimony before the committee he outlined what he called the President Clinton national security plan.

☐ 2000

And in that, he outlined four post-cold-war dangers. Three of them, I believe, are dangers. One of them is called political. He outlined the nuclear dangers around the world and Third World nuclear terrorism, and the proliferation of nuclear weapons. The others he cited as dangers to emerging democratic forms of government, and infant democracies around the world, with which I agree, and third is the regional dangers, times where we could respond to things that occurred like at Desert Storm, the regional instabilities throughout the world; that is, in fact, important.

But the fourth is what he called economic dangers here at home, and that, I believe, is an unnecessary element to include in your threat assessments when you decide what should be the force structure of the U.S. military.

I can only cite to the chairman, RON DELLUMS, who said yesterday that threat assessments should be based on objective threats and not political threats. To the chairman of the Committee on Armed Services, I agree with that statement, because when you include the economic effects of America as a threat assessment, that is a political motivation, and actually what they are doing is they are using that as an illusory justification to make deep cuts in the military.

Mr. MACHTLEY. The gentleman is absolutely right.

If I may discuss that, what I just put up here on the chart, I think it is particularly illustrative of the point that I was making earlier.

On the prebudget summit baseline, this was the last cold war budget, the total of 1993 through 1997 was $1.810 trillion. After the cold war ended, after the Berlin Wall came down, there was another budget summit agreement where we reduced that baseline by $325 billion to 1.485.

The Bush proposal, which was submitted during the last Congress, reduced that again to 1.425, a reduction of about $60 billion.

Now, the Clinton candidacy suggested that from this number right here, 1.425, we should reduce another $60 billion. That was stated on April 1.

When he was elected, what he did was submit a budget which is 1.301 which is a $509 billion cut. If you subtract the difference between the Bush baseline and the Clinton baseline, lo and behold, it is not $60 billion. It is $122 billion.

Just so people do not think these numbers were cooked and that somehow this is a partisan presentation of numbers, these are the specific numbers that Senator NUNN presented in the other body on his testimony on March 5. These are not numbers which we made up.

Now, I think it is important to recognize this big jump, and as I indicated, this will occur primarily in 1996 and 1997, but as we are ramping down, it would be too late to move on.

Mr. BURTON of Indiana. Madam Speaker, I yield to my distinguished colleague, the gentleman from Pennsylvania [Mr. WELDON], who has served so well on the Committee on Armed Services.

Mr. WELDON. Madam Speaker, I thank the gentleman for yielding and thank him for this special order tonight to discuss a very important issue, that of our defense budget and our defense budget posture.

As I said before in our committee yesterday, when we had Secretary Aspin and Chairman Colin Powell in, I have some grave concerns about where we are going, and to follow up what my colleague from Rhode Island has stated about this being a bipartisan concern, not only has Senator SAM NUNN echoed his concerns in terms of the budget numbers and the process we are going through, but our own chairman of our Defense Appropriations Committee has, as recently as this past week, been quoted in the Washington papers as saying, "I am beginning to see a hollow force developing again." He is beginning to express his concerns, and has said that in the out years it is going to be extremely difficult, if not impossible, to provide the budget cuts that the President is proposing, and yet still keep up the missions that are being asked of our Marines and other armed services around the world.

My first major concern deals with that. This dollar amount was pulled out of the air. In a direct question to Secretary Aspin yesterday, I said, "Mr. Secretary, where did you get this number from? Was it based upon a threat assessment?" He said, "No." "Was it based upon some staff work there in the Pentagon?" He said, "No." I said, "Where did you get it from?" He said that it was based upon a number given to him by the Office of Management and Budget, and they got that by pulling it out of the air. So we are, in fact, determining what the defense posture of this country will be not based upon reality and what, in fact, is out there in the real world and the hot spots that we know are there, but we are basing it upon a budget number pulled out of the air that has now been told to us we have to fit the military into this configuration.

That is an extremely troubling situation to me.

My second concern deals with personnel cutbacks. We are increasing the missions. We are sending our troops to Florida for Hurricane Andrew, to the L.A. riots, we have them over in Somalia, we are talking about sending them to Bosnia. Yet we are cutting back the support that in fact will allow these troops to be put around the world as advocated by Members of this body, many of whom do not support the military in terms of their funding requirements. I spoke yesterday in committee and mentioned that while I was in Somalia 2 months ago, we talked to some troops who told us that they had been deployed for three of the last four Christmas holiday seasons. They had been in Desert Storm, they were on troop exercises in Okinawa, and they now found themselves in Somalia. They did not even have the time to resupply their ships to provide the basic support materials necessary to complete the Somalian operation.

We are stretching our troops to the limit. In fact, General Mundy this morning in our hearing said the same thing. We cannot keep asking our marines to do more with less money. That is, in fact, where we are.

My third concern is morale. You cannot ask the military to do all of these new assignments, to be an all-volunteer force, to transfer from base to base as we realign bases, and then tell them, on top of that, that we are going to freeze their pay, and that, in fact, we are going to reduce the amount of opportunities that they have to achieve higher levels of rank in the military. This certainly is not putting people first.

My fourth concern is a very real one, and that is economic impact. The President has stressed repeatedly his need to create a stimulus package to create new jobs. He has told us that this stimulus package that we, in fact, have passed in this body, without my support, would create 500,000 jobs.

The American people are smarter than that. They understand that over 5 years we, in fact, will be causing one out of every two American defense-related workers to lose their jobs. Now, this is not my assessment. In fact, I would like to quote for the record two studies that I provided to my colleagues on the Committee on Armed Services.

First of all, the Office of Technology Assessment came out with a report that said, in fact, that if we continue the cuts that we are currently planning for the next 5 years that we could see the amount of layoffs in defense-related jobs lost total to 2.5 million men and women. As a matter of fact, in addition to that, the Congressional Budget Office has said in a document that they just recently released that up to 1.8 million men and women could lose their jobs. This figure of 1.8 to 2.5 million is out of a total work force of 5.5

million American men and women who work in defense-related jobs.

Now, here we are talking about eliminating perhaps an average of 2 million jobs, while the President is talking about stimulating 500,000 new jobs.

I would say to my colleagues that we had better look carefully at this, because these American men and women who are being outplaced not just in the Pentagon but from McDonnell Douglas, from Boeing, from Grumman have no place to go. There are no jobs of equal pay with equal status that they can move into.

So this notion of retraining is a farce right now, because our economy cannot sustain these kinds of massive cuts.

That gets into my fifth concern, and that concern relates to what I think is, on the part of the administration, an oversimplification of defense conversion. Defense conversion is not going to happen by some stroke of lightning from this body or from the White House in terms of creating new jobs. It is not going to happen by putting money into retraining if there are no jobs to retrain these people for. It is not going to happen by trying to force companies like Grumman and McDonnell Douglas into new industries. We tried that back in the 1970's, and many of those workers for those companies remember what happened. They were not successful in that process.

Conversion can work, but it has got to be a slow and deliberate process, and it certainly is not going to be dictated by anything we do legislatively here in this body.

But with all of these concerns that I have, my No. 1 concern out of the six concerns I have listed, and the overriding concern that I think my colleagues here have is what is being talked about quietly in the Halls of the Congress, what is being talked about by my colleagues on the Democratic side as well as my colleagues on the Republican side, but it is a low level of discussion, and that concern is the concern that what is being said about this President is that he just does not care about the men and women serving in our military.

I am not going to use my quotes. I am going to use some quotes from a retired Army colonel, Don Snyder, who now is a defense analyst for the Center for Strategic International Studies. In a recent article in the Baltimore Sun that ran nationwide, he said:

> More than 60 days into his administration, he has not appointed the third person at the Pentagon. The military has some rude things to learn, namely, that this guy does not care about them.

What a tragic thing to have to deal with, that the American men and women serving in our military, in fact, are seeing a growing concern in America that this President does not care about them, and it is nothing that he can solve by giving words or by stopping at a ship. To show concern and show caring, he has got to involve himself in the problems and the concerns that these young people have.

So with all of the other things that are happening in terms of our defense budget, the thing that troubles me the most is that fact, and I think it is something that the President is going to have to deal with.

There have been numerous articles in the Washington press and the national press about this President really having a problem in relating to the military. He is the Commander in Chief, and he deserves the respect of our Armed Forces, but I would also say that our Armed Forces deserve the respect of the President and his entire administration.

□ 2010

That, I think, is my biggest concern, and I know it is a concern which is shared by the gentleman in the well. I thank the gentleman for yielding for this very important special order.

Mr. MACHTLEY. I thank the gentleman very much for pointing that out.

If I could pick up on a few points the gentleman raised. Today, when the Commandant, General Mundy, spoke to us, he pointed out that last year there were approximately 24 conflicts occurring in the world. Today there are still approximately 24 conflicts where marines are currently pre-positioned or deployed. In fact, last year, during those 24 conflicts, he said, we had approximately 22,000 young marines who were deployed outside the continental United States. Today we have 30,000 marines in the same force, which now has been reduced over the last year by 9,000 troops. These are the best, probably, enlisted men and officers that our Nation has ever had. And I know that my distinguished colleague from Indiana, who recently served with them, shares that thought.

Mr. WELDON. The gentleman may want to follow up on what else General Mundy said in regard to his ability to carry out those missions if in fact the 5-year defense cuts were made. Was the gentleman there when the Commandant referred to that?

Mr. MACHTLEY. I was. It seemed clear to me that he could not continue if the tempo of operations is going to continue; if the money is reduced, he cannot continue to field three divisions in the Marine Corps. It will have to be something significantly less.

Now, that raises the point: If we are going to have these regional conflicts—and as you look at what is taking place in Bosnia, Iran, and Iraq, which is arming up at an alarming rate, and if you look at the issue of North Korea and the fragileness of Russia, if you look around the world at India and Pakistan—you begin to realize this is not going to be a peaceful world on a regional basis. And if we are going to ask our marines to be able to get there either on a fast transport or somehow be predeployed, we are going to have to take our troops, constantly, away from their families.

Admiral Kelso today mentioned that today we had 200 ships deployed for 6 months. We had 106,000 of our young Americans on these ships who sailed to parts unknown, not asking for any heroic farewells or special recognition, just because it was their duty. The world is a very dangerous place.

Mr. BUYER. I thank the gentleman.

The purpose of the military is to meet the national security needs of the Nation. When we have all these commitments and requirements throughout the world what concerns many of us here in this body is that these cuts lack any reason. You cannot justify these cuts.

Now, we recognize that defense cuts need to be made. I think people recognize that. The cold war is in fact over; we have won it. But nobody wants to step forward and say that the U.S. military should be the world's policeman. Nobody is willing to say that. I do not believe that we in fact should.

We should have—we should turn to our European allies and ask them to have greater responsibilities.

But there is very dire concern and General Mundy, Commandant of the Marine Corps, highlighted that today, in fact.

Mr. WELDON. On that one point, I think it is very important that we stress to our colleagues and the American public that we as Republicans and those Members who support a strong defense in fact have supported deep cuts in defense spending. President Bush, before he left office, proposed a 33-percent reduction over 5 years, which we were in the midst of. In addition, the budget we passed on the floor of the House cut an additional $60 billion, which is what candidate Clinton proposed beyond what President Bush proposed. So we have proposed dramatic cuts in defense spending.

So we are not talking about a totally hawkish position in terms of restoring all these defense dollars. We are in fact talking about making defense cuts, but based upon doing them logically, and based upon threats, not just pulling numbers out of the air for political advantage or political purposes.

Mr. BUYER. Based on political assessments.

Mr. WELDON. Political assessments, exactly.

Mr. BUYER. That is what these cuts are based on, political assessments.

You know, I will tell you, being a freshman coming into this body and listening to the new language on Capitol Hill about spending and taxes, investment and contributions, I now learn that if you want to make deep cuts in the military for domestic spending, you call it conversion. That is another new language they like to throw around.

But I am extremely concerned that deep cuts—this $120 billion is already on top of the $60 billion of Bush's cuts that were based upon threats, real national security threats. Those threats which that assessment was based upon are the same threats that we face today and we have increased requirements.

Mr. WELDON. Further on that point, in the 6 or 7 years that I have been here now—and I think my colleague in the well who has been around would share this view—each of the years we have in fact talked about where our defense budget should be for that year, we have had a net threat assessment given to us, a very detailed explanation provided by the CIA and other intelligence organizations in the military, defense intelligence, about what the potential threats are in the world. Based upon these threats, we come up with a budget.

We have not had any such threat assessment this year, and neither has the President. If these numbers were not based on that, they were pulled out of the air.

Mr. BUYER. That is because the President has not shared his national and diplomatic and political strategy for America on the defense posture.

Mr. MACHTLEY. If I was not so cheap, I would have had large charts made. But I want to point out by this small chart—because I think we should conserve taxpayer dollars—that this is the graph which shows what you gentlemen were discussing. The reduction which was planned by the previous budgets, you can see it was a 41-percent real-term real reduction. But when we got here after the collapse of the Soviet Union and after the fall of the Berlin Wall, instead of this line, which would have represented the $60 billion cut that candidate Clinton suggested was appropriate, this is the course that we are on.

Now, when I talk to my constituents back home and I say, "How much of the total expenditure of the United States do you think is defense," many of them say, "Well, it must be 30, 40, 50 percent," I have had them say "60 percent." But of the $1.5 trillion which we spend as a Nation, less than 17 percent is defense. We are going to spend more in interest payments.

What does that relate to in terms of our total gross domestic product? It is going to be something less than 3 percent of the $5 trillion, or $6 trillion economy which we will have in 1997. We will spend less than 3 percent.

Mr. BURTON of Indiana. If I may interrupt and say if you go back to 1960, when John F. Kennedy was President, we were spending almost 50 percent, 48.6 or 48.7 percent of all Government spending was in the area of defense. Now it is down to 17 percent, as the gentleman said. That is a dramatic drop, and the American people I do not think are aware of that.

Mr. MACHTLEY. It will go down from 17 to 13 percent by 1997, a drop of 4 percentage points, for total spending.

So we are talking about substantial, very, very real cuts. This is not a gradual transition.

I see we have another distinguished colleague from California, who is serving with great honor in Congress and on the Committee on Armed Services.

Mr. HUNTER. I thank the gentleman.

With that introduction, I want to come back again and again. I congratulate my colleagues for filling in a much-needed void because the Clinton administration is whipping this budget through both bodies and the American people do not realize that 85 percent of the cuts do come out of national security.

The other point that is being made by everyone here is that the threat has not changed, it has not gotten any less since the Bush administration sat down with the people who won the war in Desert Storm, and tried to figure out how they could eke another $50 billion out of the 5-year budget. And then Mr. Clinton comes along and cuts $127 billion below the Bush cuts.

I want to tell my colleagues that not only has the threat not reduced since that time when the Bush administration sat down, it has actually increased.

If you read the Washington Post today, you will see that Communist China is moving into the South China Sea with a vengence.

They are claiming every island in the South China Sea, in the Spratly Islands, where Woody Island in particular is, they are now establishing a warship base and a warplane landing strip. They have moved into Burma, where they built a naval base for the Burmese, and they are now accessing that base. They are building a military intelligence base just to the south of there. They are claiming everything.

According to the Washington Post, they have picked up 72 SU-27 long-range strike fighters from the Soviet Union, they are picking up MiG-31 long-range interceptors, they are picking up 404 main battle tanks and some A-50 airborne warning and control aircraft. They are continuing with their nuclear buildup.

Korea has now withdrawn from the nonproliferation treaty. They are building a nuclear system.

□ 2020

They have not shown any of the benign intent that the now-dissolved Soviet Union shows, and if you move to the old Soviet Union instead of one government that has nuclear weapons to worry about, we now have nuclear weapons residing with four governments. While those four States presently show a benign intent with respect to the United States, they obviously right now are not intent on striking us with nuclear systems, the reformist leaders of those governments have beneath them a hard line Communist group who are only one heartbeat away from recontrol of those former Soviet systems. So that stability, while Mr. Yeltsin is reeling, he still seems to be holding on by the skin of his teeth, which has been his history over the last several years, and we are hoping he is able to hold on, the hardliner Communists who built those strategic systems and aimed them at cities in the United States are just a step away from control of the Soviet Union.

If you add all those things up—along with the bombing of the World Trade Center just a few weeks ago and realize that the people who bombed the World Trade Center would at some time perhaps like to use nuclear systems, a nuclear device instead of that conventional device—then you can see that the world is not only a very dangerous place, but in some ways it is more dangerous than when the only confrontation of import was a confrontation between us and the Soviet Union.

All my colleagues in the House Armed Services Committee and the gentlewoman from Maryland [Mrs. BENTLEY] who I see over here who is on the Appropriations Committee and is very concerned about defense, and the gentleman from Indiana [Mr. BURTON] who has done a great job of trying to slash pork on this floor, understand the importance of national security.

We all understand that the most important social service that President Clinton owes the people of the United States is to protect them. He is not protecting them. He is disarming America, and that is something we should all be very worried about.

Mr. Speaker, would the gentleman from Indiana yield to the gentlewoman from Maryland, who has been a very strong voice in this House for reason, and for fiscal responsibility.

Mr. BURTON on Indiana. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding to me.

I hope for the strong defense of this country. I want to say that every remark that each of you has made here tonight is very, very important and I hope the American public understands what is being said and what is happening to this country.

I want to just call to your attention and maybe somebody did and I did not hear it, but the slashing of the defense budget began right here in this House. It began in this Congress. The pressure began 2, 3, 4, or 5 years ago, if you recall. Everybody was saying get rid of defense, get rid of defense. You ought to cut the defense budget. As soon as the Berlin Wall came down, everybody said, oh, the cold war is over. We do not have to do anything anymore.

As has already been said here tonight, it is a very dangerous place out there.

Many of my constituents have said to me, if we have no use for the military overseas, let us bring them home and let us let them help with the war here in our country. Let us let them help in the drug war. Let us let them help in policing the streets and make our streets safer, but let us not just dismiss our military personnel arbitrarily and put them out on the street at a time when there are no jobs as well.

They emphasize that the conversion is slow. You have to have places for these people to go or we are going to be in even worse shape than we are today. I think all of this needs to be looked at very carefully.

Mr. BUYER. Mr. Speaker, if the gentlewoman will yield on that point, we went through about 7 hours of testimony, not only dealing with the use of force by the military, but new uses of the military, which can be alarming at times because not all our forces are trained for different new uses of the military.

Examples of that deal with Hurricane Andrew, deal with the Somalia operations; but let us talk about how it affects the soldier, the troops right there on the desert floor of Somalia.

Our military are trained as combatants. They are not trained as police officers, so now we are using them in so-called peacemaking functions that are transferred to peacekeeping functions, but we are going to give them robust rules of engagement.

Now, we have policemen all across America who are trained as police officers. When they meet a greater threat, they call in the SWAT teams as combatants. Our military is like the SWAT. They are combatants. They are not trained as police officers, so when we take our military and we put them under U.N. auspices and guise and we are going to use them as peacekeepers in the world, as policemen, but nobody wants to call them policemen, they are not trained for that function.

In Somalia where 2 weeks ago a gunnery sergeant in the Marine Corps came under court martial proceedings, an article 32 hearing questioning whether or not he pulled the trigger too early in Somalia. He is not trained as a police officer. He is trained as a combatant, and then to judge him otherwise is flat out wrong.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I understand that the gentleman from Indiana [Mr. BUYER] has experience in the Persian Gulf. Could the gentleman describe what he did in the Persian Gulf?

Mr. BUYER. Well, I served as a military lawyer, a JAG officer at the Western Enemy Prisoner-of-War Camp. I conducted war crimes interrogations. I lived in a tent in the desert for about 4 months. Life was very basic.

When you live in an environment in the desert and you share a tent, when we talk about how basic life gets, you have to kick the restroom, the outdoor john to get the flies off before you ever sit down to go to the restroom, life gets very, very basic.

So when you talk about sending troops out into the field of environment where life is so very basic, away from their families and with further sacrifices, and then when they come home, after having served in a theater of war in Somalia or Yugoslavia or Panama and they are being underpaid 12 percent under civilian pay, and then you want to throw gays in the military on top of them, and when they come back to America you do not know whether or not they are going to have a job. They do not know whether or not they are going to be able to reenlist in the military.

Some of these who are Silver Star recipients and Bronze Star recipients, the military turns to them and says, "Thank you very much for the service to your country," and they pat them on the back and they send them out into the world and say, "Go get a job." That is very alarming.

Then we questioned the Joint Chiefs here lately, "Gee, are these cuts going to affect the morale?"

And they come in and they salute and they say that morale in the U.S. military is the best we have ever seen.

Well, I agree with the general. He wants to say that, but when you get out there and talk with these troops, they are very, very concerned, not only how these cuts are going to affect them, but they are also concerned about who is their commander in chief.

Mr. MACHTLEY. I think it is important to point out, as the gentleman has so vividly characterized our military as not only good solid soldiers and sailors, but people willing to sacrifice and go to these places, that these are not the types of people that we ought to turn our backs on.

I think it is absolutely wrong that this administration has singled out the military and Federal employees for pay freezes. At a time when we are encouraging our very best people to get into the military because we want educated people, because we want good leaders, because although we are drawing down the numbers—and we are going to draw them down again from 2.1 million people in uniform down to less than 1.4—it is going to be, I think, a remarkable drawdown and now we are also telling these people who are sitting over in Somalia, who gave up their Christmas vacations with their families, who have not seen their young children play Little League and go to their recitals, we are telling them we are going to freeze your pay.

Why? Because they do not have the political ability, as many other segments of our population do, to come to Washington and say this is wrong. We are serving in a capacity where we ought not to have to bear the full brunt of the freeze in Government, and it is a freeze this year and then it is reduced by 1 percent below the cost of living for the next 4 years. It is wrong. It is the wrong message to send to our military.

As a time, when as the gentleman indicates, when regardless how you may feel about the issues of gays in the military, how you may feel about the issues of women in the military, how you may feel about base closures, these crosscurrents are going to be affecting the morale of all our people. We must be absolutely prepared to do something to help the good people stay, or we will be left with a military that is very hollow.

General Mundy this morning in his testimony said that of every dollar which we appropriate to the Marine Corps, 77 cents goes into the pocket of the soldier, the leatherneck, the marine who is there on the line day and night, 77 cents out of every dollar. Seventeen cents goes into his training, teaching him to be the very best, teaching him to be a cohesive unit, and only 6 cents in the Marine Corps is going to go into overhead.

I do not think frankly that we want to reduce our training. The reason I am speaking out and having these special orders, both last night and tonight, is because I want the American people to understand 2 and 3 years from now that there is a reason why our military became very hollow. It is because of decisions that were made today in 1993.

□ 2030

Mr. HUNTER. Mr. Speaker, could the gentleman give his background in the military briefly?

Mr. BURTON of Indiana. I would like to just interject one thing here.

I have been in Congress for some time now, and I came shortly after Jimmy Carter left the White House, and I do not recall anybody having mentioned this tonight, but we are going through much of the same things in the way of tax increases, and more spending and military cuts that we saw during the Carter administration, and at the end of the Carter administration, if you talk to anyone who was in the military, they will tell you they did not have bullets for their guns for training, they did not have shells for their cannon, they were not capable of doing the things that they should have been doing, and our military was in a very, very difficult situation. The Communists had taken over 11 countries in the world because of our weakness or perceived weakness, and, as a result, when Ronald Reagan came in, we had to spend massive amounts of money to regain our military capability so we could compete in the world, and, had it not been for Ronald Reagan coming in after the same kinds of things we are going through today, you would not have seen the Berlin Wall fall, you would not have seen the disintegration of the Soviet Union because we would have let them have the field all to themselves, and we are running that same risk again today, and I commend all three of you, and everybody on the Armed Services Committee, the four of you, for bringing this to the attention of the American people because we are about to make the same mistakes that we made in the late 1970's again, and it need not happen, and so I applaud you for your efforts, and I hope you will keep it up.

I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I think the gentleman has hit upon an important point here. What is occurring is a fundamental shift in what the role of the Federal Government is, and people have to understand that.

When the people went to the polls on election day in November, Mr. Speaker, they said they wanted a couple of things to happen. They wanted the Government to be more responsive to them, they wanted us to make Government work for them, and they also wanted to see us control the size of the growth of the Federal Government.

In fact what is happening now, and this was pointed out to me, not by one of my Republican colleagues, but by one of my Democratic colleagues who pointed out to me that at the end of this 5-year budget agreement, if we were to follow through with the entire Clinton budget proposal over 5 years, that right now defense spending is our third largest item of spending in the Federal budget. If, in fact, the Clinton plan stays intact, which I do not think it will be because my colleagues on the other side, I think, will oppose the kind of deep defense cuts we are talking about, but, if we were to follow it through, general welfare and all of those programs in that category would, in fact, become the third largest item of Federal spending.

Now that is not a Republican saying that. That was a Democrat colleague of mine saying that is, in fact, what will occur at the end of the fifth year. That is not what the American people voted for in November. The American people voted for us to get Government under control. That is not what the Clinton proposal is all about.

The Clinton proposal is about dismantling our military to a level lower than at any time since before World War II and taking all of that money that would have gone for national security and putting it into new social problems, and I am not against social problems. I am a teacher by profession. I spent my life in the public schools of Pennsylvania, ran a Chapter 1 Program for 3 years. I have devoted my lifetime to helping people, but you cannot live in a world where you deny the threats exist:

Khomeini's, Mu'ammar Qadhafi's, Castro's Hitler's, Mussolini's; it is going to happen again.

My colleagues will remember in the committee yesterday; I think it was the gentleman from Missouri [Mr. SKELTON], a Democrat, who was a strong supporter of our military who said, "Remember the lessons of history." The argument that IKE recalled to us in the committee was: Remember what was said back in 1938. America was at a time of peace. We would never again have to worry about conflict.

We do not live in that kind of world, Mr. Speaker, and that was the gentleman from Missouri [Mr. SKELTON] pointing out to us that we cannot completely dismantle what has, in fact, given us the strongest and the freest country on the face of the Earth, and that is what we are doing. It is a major, fundamental shift, and the American people have to understand that.

Mr. BUYER. Mr. Speaker, if the gentleman would yield, when the gentleman from Pennsylvania said "history"—I am really getting very tired of the word "new" that is being used here on Capitol Hill, and I see what Secretary Aspin used, called it the new plan for defense for President Clinton. As my colleagues know, if the President does not read history, then everything is new, and that is exactly the gentleman's point.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I want to ask the gentleman from Rhode Island [Mr. MACHTLEY], because he is a great member with superb intellect on the Committee on Armed Services, could you give us a little bit of your background with respect to the military?

Mr. MACHTLEY. Mr. Speaker, I had the honor of being appointed by my Congressman, then John P. Sailor, to go to the U.S. Naval Academy. I studied there for 4 years, graduated, served 5½ years on active duty, and that was, most of that period was, during the Vietnam war era. Then I got out of the military and active duty, stayed in the Reserves and continued to stay in the Reserves because I think that each of us has an obligation to try and contribute back and also that the Reserves are as vital a part of our military, and, although we are talking primarily of Active Forces, I think the Reserves are a very, very important link between the civilian world and the military. To keep that nexus is extremely important so that we know what is going on.

And so I have kept both a professional and an interest in the military, both in the Navy and as a member of the Committee on Armed Services since I came here in 1988. I have had an opportunity to go on many factfinding missions and talk to officers. A lot of my classmates, a lot of my colleagues, a lot of young marines, a lot of young sergeants, and I have been so impressed.

The military is so much different, frankly, than when I was on active duty. They are better. They are smarter. When I was on active duty, it was very difficult to find good intellectually intelligent, motivated kids who wanted to go into the military. Today, unless you have a high school degree, you are not going to get into the military unless you are really motivated. You are not going to get into the officer programs.

We have the best military, and I say that not because I have served in the military, but I am sure my distinguished colleague, the gentleman from Indiana [Mr. BURTON], would probably concur, and anyone who has studied the historical nature of our military would have to agree, that we have the very finest military, the very finest volunteers, and this is an important aspect of the military today. It is an All Volunteer Force. We have no draft mandating the people into the military, and, if we treat our soldiers and sailors with disrespect in terms of cutting this budget, in terms of not training them properly, in terms of not giving them a career path, we are going to create not just a hollow military, but a military made up of people who are not particularly interested in being a good officer.

Now I wanted to point out, because I think it is also important because we are talking about the strategic planning: When then-Chairman Les Aspin of the Committee on Armed Services during the last Congress sat down, he came up with what I thought were four very thoughtful alternatives for force structure, and they were based on threats around the world, they were based on economic factors, and they were based on, I think, some good commonsense approach, and I think that in fairness to the chairman of the Committee on Armed Services it is most worthwhile pointing out that, if any of us was asked to take over that job, it would be very difficult, if not impossible, to prepare a budget for 5 years in a relatively short time.

Now, as he readily admitted, this budget this year is really just sort of a treading-water budget. He recognizes the problems that we are going to face in the outyears of this 5-year period, but what he did during this period of time is create a 4(C) option, and in that 4(C) he defined and delineated what would be the structure of a military and what could we afford.

Now let me share with you some of those numbers because I think this points out, as my distinguished colleague, the gentleman from Indiana [Mr. BURTON], was saying, how we have reduced our military. At the end of 1991, we had 16 active divisions in the military. Option C was to have nine. That would be the goal that we would have. We had 10 Reserve divisions in the military. Option C would have us with six. We had three divisions in the Marine Corps. Option C would have us with two. We had 22 Air Force active air wings. Option C would give us 10. We had 12 Reserve wings. Option C would give us eight. We had a goal of 600 ships. We were at about 528 at the end of 1991. Option C would reduce the number of ships to 340. We had 15 carriers. These are the ships which get our troops and air wings to far-off places where our Air Force is unable to go. We had 15 carriers at the end of 1991. Option C would reduce that to 12. We had 87 attack submarines which were patrolling at the end of 1991. Option C would reduce that to 40. We had 65 assault ships. Option C would reduce that to 50.

The cuts which we are discussing tonight are 2½ times the defense budget cuts which Chairman Aspin anticipated on Option C. He based his cuts for Option C on a budget of $275 billion at the end of 1997. This chart shows that we will be, based on the Clinton proposal at the end of 1997, at $248 billion.

□ 2040

The total cuts are 2½ times. So what does that lead one to assume? Because there is an interrelationship between dollars and the number of ships and the number of divisions, it means that we must go below Option C. It means that instead of having nine divisions in the Army, we will probably have eight, which is just one-half of the number of divisions that we had at the end of 1991.

Mr. BUYER. Did not General Sullivan testify today he used eight divisions in the Desert Storm operation?

Mr. MACHTLEY. That is correct. We are talking about in the last year we have taken out of our military 500,000 troops, which is the equivalent of what we will have.

Mr. BURTON of Indiana. That is very, very important. I hope that is stressed again and again. They are going to cut back our military preparedness as far as the Army is concerned to the equivalent of all the troops that were used in Desert Storm?

Mr. BUYER. From the Army, eight divisions.

Mr. BURTON of Indiana. If we have the need to go into two or three different areas, like right now we have troops in Somalia, they are talking about Yugoslavia, they are talking about something in Eastern Europe that may come up, we will not have the manpower to deal with it.

Mr. BUYER. That is absolutely correct.

Mr. HUNTER. Since we are on this point, I think it is important to remember that when we won the war in Desert Storm, Colin Powell, our Chairman of the Joint Chiefs, pointed out the reason we took so many body bags, thousands of body bags, was because we anticipated the worst in Desert Storm. But the reason we were able to bring back the great majority of those body bags empty, that there were not dead Americans to put in them, is because we won that war with what he called overwhelming force.

So the first question is, how many engagements do you want to be involved in, do you plan on being involved in, if you have to. The second question is, how do you want to win? Do you want to win with a minimum of American casualties, or do you want to have an almost level playing field because you have cut your forces down so much that you win, but you win a very bloody and protracted conflict that sends back tens of thousands of young men in body bags?

So we are looking today at a scenario, if these Clinton budget cuts go through, in which we cannot handle at the same time a Desert Storm operation and perhaps the defense of the Korean Peninsula without enormous casualties and enormous deaths.

Mr. MACHTLEY. If I may just continue on, I think one of the most important weapon systems we have is our aircraft carriers. That has distinguished our Navy, because it permits us to project power where we do not have a base, where we cannot have our Air Force.

If these cuts are put in place, if one draws a logical conclusion they are 2½ times what was anticipated by Chairman Aspin, that would mean that instead of having the 15 carriers which we had, which were located all over the world, we might end up with less than 12 aircraft carriers. Although they are saying today we will not go below 12, the dollars are not going to permit 12. Under Option B which Chairman Aspin had, that would have had eight aircraft carriers.

What are we going to ask our people to do? Be gone all the time? Not just 6 months, but 9 months, or 12 months? There is a limit on which we can ask the people in this Nation to serve in the military, and it is of great concern and why I think we need to speak out so the American people understand what course we are embarking on and where we will be at the end of 1997.

Mr. WELDON. To follow up on my colleague from California [Mr. HUNTER], his point is Colin Powell said repeatedly we just do not want to be prepared to fight a battle on an even playing field. We want to be prepared to go in with adequate strength to win decisively.

Beyond that, the real purpose of our military is to deter aggression and send a signal to all of these would-be tyrants that America is not going to sit back and take any kind of aggression any place in the world.

Remember back in the 1970's what occurred when we had the hostages in Iran and when we had the situation in Beirut? Where we had America being tested all over the world because these tyrants felt that we in fact were somewhat vulnerable?

That is what we get by weakening our military to such a level where these people can assemble other nations together and bring together military forces to try to test the will of the American people and to test the will of freedom-loving people around the world.

What is absolutely so mindboggling to me is that our strong military helped deter aggression, bring down communism, and change the face of the nations of this world. Now we are going back to a point in time that we were in in the mid-1970's when our military was unable to meet the demands that we asked of them in terms of situations that occurred in other parts of the world, like the situation in Iran.

Mr. BUYER. If the gentleman would yield, the gentleman from Indiana [Mr. BURTON] brought up a very good point when he talked about capabilities, and his surprise what these deep cuts in fact mean if we did our draw downs, either 8 or 10 divisions.

If we used 10 divisions in the Army in the operation of Desert Storm, we would not be able to respond to threats throughout the world. The gentleman from California [Mr. HUNTER] when he brought up the fact that forces could be overrun and more lives could be sacrificed in other parts of the world, that is in fact a reality.

When you have occurrences that open up on many different fronts, for example, I know the gentleman from Indiana is a strong supporter of the operations in Somalia, so we are in Somalia. We have a President that is on the verge, at this time we are unsure of our commitment as part of the U.N. peacekeeping force, of Yugoslavia.

Let us say all of a sudden something occurs that is on the same scale of a Desert Storm. Then if we take that military that has been cut down and reduced in size and put them into a regional conflict, and then all of a sudden the North Koreans pour across into South Korea, all of those Americans there on the border are in jeopardy because we do not have the backup for them.

I was really alarmed today on the Committee on Armed Services when I heard questions about, gee whiz, maybe we should be cutting back on our aircraft carriers.

The gentleman from Rhode Island [Mr. MACHTLEY], when he talked about projection of force, you need that battle carrier group there to be able to respond and back up if you have in fact overrun positions.

The gentleman from Annapolis and the Naval Academy I am sure would like to comment on that.

Mr. MACHTLEY. If I may, I think the most important mission, and this cannot be lost as we begin to talk about what is the mission of the military, the most important mission of the military is peacekeeping.

When the military is engaged in a conflict, we want them, of course, to be successful. But we hope that by having an adequate force structure in a way which can be positioned to avoid conflict, that we can say that we are successful because we are not having conflicts.

Al Bernstein, who is a distinguished professor and student of strategy, as I mentioned last night, has begun to think about this idea of what happens when we reduce our conventional forces below a certain level. What will the Third World nations and those who are interested in military aggression think of this and what might they do? He has come up with a theory called peer competition. They will view us as a competitor by their own peer standards, and they might be encouraged to take aggressive actions against neighbor nations. They might be encouraged to test us.

They will not do it unless they have a reasonably good chance of success. For instance, let me give you a couple of examples of hot spots. Suppose we are somehow involved in a peacekeeping mission between Iraq and Iran and we have a number of troops over there as we do now, and the Koreans, as the gentleman has indicated, determines that this is the time. We are not going to have the ability to be both there, and if there is a problem in Russia, be in the Russian theater and also in Korea. They would think of us as potentially weak and think that they could compete with us because of our lack of ability along conventional terms to develop a response.

A.M. Rosenthal, as I also mentioned last night, has provided another scare, I thought. If the President of the United States is ever put in that dilemma where our troops are being overrun and when the media is presenting vivid pictorials, up to the minute presentations on C-SPAN of the United States soldiers being overrun and killed, the logical conclusion might be by some people that they should encourage the use of nuclear weapons by us to stop the aggression of a larger conventional force.

I suspect that no one in this country has ever thought that the United States might be the first nation to use nuclear weapons. Do not let our military get down so low on conventional forces that this becomes a rally cry by those who do not understand what that would mean.

Mr. BURTON of Indiana. One of the things I would like to briefly mention is we should profit from history. After World War I and the Treaty of Versailles was signed, all of the allies decided the best way to eliminate the possibility of war was to disarm. All of the allies started unilaterally disarming. Great Britain disarmed. They sunk a lot of their ships. We disarmed. The world started disarming because they said the best way to stay out of war was to disarm.

At the same time a man named Adolf Hitler started violating the Treaty of Versailles by building up his military beyond the 100,000 limit, by using them as a cadre to train millions of Germans to be members of the Third Reich.

□ 2050

And Britain went so far as to sell airplane engines to the Luftwaffe because they did not believe there was a possibility of another war. And because of not only the perceived weakness but the actual weakness of Great Britain, the United States and all the allies, Hitler felt like he could take those steps necessary to invade other countries in Europe, Poland and so forth, which led to the outbreak of World War II. And it cost millions of lives.

So there is historical precedent for what you are talking about tonight. It happened after World War I, and it caused World War II. The minute the great powers of the Earth, the free powers of the Earth are perceived to be weak, you have these totalitarians, these tyrants that want to take power and they try. And Hitler is a perfect example.

We must not allow that to happen again. We have Saddam Hussein in the World. We have the Ayatollah. We have a lot of others. And we have to be very careful and ready.

Mr. BUYER. Mr. Speaker, if the gentleman will continue to yield, I would like to make a few comments on the gentleman from Pennsylvania, earlier when he talked about the conversion and the defense conversion and your questions regarding that issue.

When you talk about history and what we did after World War II, we had the great minds of our society at that time. They created something called the atom bomb. And afterwards, as we wanted to downsize our military after World War II, we did not know and recognize the threat to Korea at the time. And we wanted to channel the great minds of our society and turn them into how it would benefit our society. And we channeled those great minds into rocket science research, and then we created something called NASA. And we have benefited as a society tenfold for the type of investment that we have had.

But when the President is talking about conversion now, I like to think about that part of our history, but that is not what is happening. We do not have that type of a channeling of great minds like was done in history, and that is what needs to be done.

I have great concerns as regards to that. And as I close, I want to make one other comment. And that is, I think the American people look out there and they see, they believe that these defense cuts are being used to pay down on the deficit. And you can go out there and talk to people in America, that is what they think. They think that if everyone is going to share in this sacrifice, and since we are not faced with a great threat of Russia, that we can downsize the military and we can take those dollars and put them on the deficit. But that is not what is happening at all.

Mr. MACHTLEY. Mr. Speaker, If the gentleman will continue to yield, I think that we have been able to discuss this at some depth. This is just the beginning. We had a special order last night. We will continue, because I think it is important that the American people understand what is going to happen to our national strategic interests, our military, how this budget will affect our military and that we are able and willing to address these issues in a bipartisan manner.

UNITED STATES SHOULD STAND FIRM WITH THE EC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, the first part of my presentation tonight, which I am going to be talking on international matters, I will yield to the gentleman from Rhode Island [Mr. MACHTLEY] to finish, to discuss the armed services race.

Mr. MACHTLEY. Madam Speaker, I thank the gentlewoman for yielding.

We will not be very long here so that the others who want to speak can speak at a decent hour.

Mr. WELDON. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Speaker, I thank our distinguished friend and colleague, the gentlewoman from Maryland [Mrs. BENTLEY], a leader in international trade.

I just want to say, in summation, that I think the debate that we are in the middle of here in Washington is very important and critical for the future of this country. Perhaps there are some who are watching and perhaps some of our colleagues who are thinking, "Well, we spend so much on the military in this country. We should be spending on other priorities."

I am a teacher by profession. I spent my life in the public schools, running Chapter 1 programs and working on programs for kids. We have to understand in America when we fund something like health care or education, our local government pays a part of that cost. Our county governments pay a part of that cost. Our State governments pay a part of that cost. And our

Federal Government pays a part of the cost.

In the case of national defense and national security, we do not get one dime of money from local government, one dime of money from county government, one dime of money from State governments. All of that money for national security comes from the Federal Government. So by the nature of the responsibility of our jobs as Members of Congress, it is to provide the security for the health and welfare of the people of this country.

In terms of other issues, sure, we get involved in education. Sure, we get involved in health and welfare. So do all other levels of government, State government, county government. But in terms of national security, there is only one Government that funds that bill, from your National Guard that runs those armories and boards up those crack houses in your cities to the U.S. Army and the Marine Corps, we fund that at the Federal level.

People cannot be misled by the debate that goes on in this body. Our responsibility, first of all, according to our Constitution is to protect the national integrity of this country and provide for the common defense. And that is what we have got to make sure we are, in fact, doing.

I thank my colleagues for joining and the gentleman from Rhode Island [Mr. MACHTLEY] for his leadership on this very, very important issue.

Mr. BUYER. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Indiana.

Mr. BUYER. Madam Speaker, I have enjoyed being here tonight with the gentleman from California and the gentleman from Indiana and the gentleman from Pennsylvania and, of course, my distinguished colleague, the gentleman from Rhode Island.

I came here to the well tonight. I will continue to come back, because this is a very, very important issue. It is an issue that the American people need to know that the integrity of the military is, in fact, being placed in jeopardy, that Clinton's defense budget is not a budget based upon real threats, and that is a very important item that needs to be highlighted, that it is a budget that is based upon political reasons, to reach into the military, to use those funds for spending and not to be placed on the deficit.

I am excruciatingly concerned about the well-being of our military, and I will continue to come back. And I look forward to doing other special orders with the gentleman from Rhode Island.

Mr. MACHTLEY. Madam Speaker, if the gentlewoman will continue to yield, I would like to thank my colleagues who have shared with me in trying to make a presentation of what this budget represents to our national security. There should be no mistake that one of the other important aspects of this is that these numbers, which we have discussed, are the ceiling and not the floor. The firewalls in the 1990 budget agreement came down last year.

So Members, as they are going to see our defense budget, can rise up and say, "We want to take more out of the defense budget. We want to start other projects in our home districts. We want to have it go into very important programs and ideas which we have." And they have to understand the significance of where we are in the military, as they begin to whittle down and take nickels, dollars, and dimes—thousands of dollars and millions of dollars out of the defense budget.

I think it was clear by Secretary Aspin's testimony, and I have the greatest respect for him and I cannot think of a better person who has more knowledge to be in that position right now under this current administration than the former chairman of our committee. I think that he will analyze this, along with our military leaders.

I think he will sit down with the President, and I think that they will come up with some resolution; at least I certainly hope so.

☐ 2100

In this way, in the 1996–1997 time frame, we are not going to be left with a hollow force. I think this period which we are going to enter, if we do not reverse ourselves, will be very much like the 1920's, and the 1930's, if we read military history. By 1939, this Nation was the 19th in the world in terms of its military power. We were behind Turkey, Spain, and Romania.

Let us get together and make sure that, as the leading Nation of this world, we are protecting our vital interests around this world and that we are reducing our defense in an appropriate and reasonable and a responsible manner, and, most important, that we are not going to send the troops home without a job and without a future.

I thank the distinguished gentlewoman from Maryland for yielding additional time.

Mrs. BENTLEY. Madam Speaker, I was pleased to allow the Members to continue their discussion on the military and what is happening in our defense industry, because what I am talking about tonight is trade and jobs, and jobs are involved here, as they are in our defense industry.

Madam Speaker, this piece "Anyone You Know?" was sent to me by Barbara Cueter, a friend from Birmingham, MI. It is self-explanatory of the problems of free trade and how working men and women are affected by trade policies. "Anyone You Know?" has been circulated for the last 4 years in the automobile industry.

ANYONE YOU KNOW?

> "Joe Smith" started another day early, having set his alarm clock (made in Japan) for 6:00 a.m. While his coffee pot (made in Japan) is perking, he puts his hair dryer (made in Taiwan) to work and shaves with his electric razor (made in Hong Kong). He puts on a dress shirt (made in Taiwan) his designer jeans (made in Singapore), and a pair of tennis shoes (made in Korea).
>
> After cooking up some breakfast in his new skillet (made in Germany), he sets his water glass (made in Russia) on a cotton place mat (made in the Philippines), selects a plate (made in England), a knife (made in Sweden) and sits down on a chair (made in Italy) to figure out on his calculator (made in Mexico) how much he can spend today. After setting his watch (made in Japan) to the radio (made in Hong Kong), he goes out, gets in his car (made in Japan) buys some gas (from Saudia Arabia) and goes looking, as he has been for a long time, for a good-paying American job.
>
> At the end of another discouraging and fruitless day, Joe decides to relax for awhile. He puts on a pair of sandals (made in Brazil) pours himself a glass of wine (made in France), opens a box of crackers (made in Denmark) and turns on his TV (made in Japan)—and once again ponders why he can't find a good-paying American job.

That summarizes our problems with free trade very well.

Free traders believe they have the answers for trade for the United States, while those raising the issues of domestic economic needs are equally convinced of their cause. The answers to this argument are in the research of what others have said on this subject—and in the events of trade history.

Today, in beginning my remarks I want to add another voice out of the past to our current debate about free trade and its benefits to the country.

Since free trade is the primary Government policy affecting our economy, the following quotation from Professor Alfred E. Eckes, whom I will mention again later, may explain some of the problems now occurring in trade.

In 1848, there was a rally on free trade in Brussels, Belgium, and the speaker at that rally said something interesting. He stated:

> The protective system of our day is conservative, while the free trade system is destructive.
>
> It breaks up old nationalities and pushes the antagonism of the proletariat and the bourgeoisie to the extreme point. In a word, the free trade system hastens the social revolution. It is in this revolutionary sense alone * * * that I am in favor of free trade.

That speaker was Karl Marx.

When I read that Marx quote, I thought, there certainly is nothing new. It sounds like some of our social problems today. This is an old story, and perhaps there is a glimmer of truth in the quotation. It is something to bear in mind now in trade debate.

With the recent change in administration, yet another chapter is being written in the continuing 45-year-old trade debate since the United States signed GATT in 1947. The record is being written now for the administration, but one thing has not changed.

Regardless of any reasons given, the real debate is about foreign policy versus domestic economic interests, not free trade versus protectionism. Professor Alfred Eckes, Ohio eminent research professor at Ohio University, wrote about these differences in his article, Trading American Interests, in the fall issue of Foreign Affairs.

Translated, that means the debate is about industries and jobs for Americans. The industries and jobs that were sacrificed by the U.S. Government for foreign policy reasons in this 45-year period, according to Professor Eckes, includes shoes, fish, machine tools, tableware, ferro-chromium toweling, linen handkerchiefs, clothespins, automobiles, lead and zinc, canned hams, copper—and the list goes on. The same story is continuing today.

Not much has changed since this policy was first initiated in Geneva, Switzerland at the GATT talks 45 years ago. Each succeeding year has meant a loss of American jobs.

You need to look no further than the Wall Street Journal to find out what this foreign policy means today to working Americans and to our excellent professionals who are suddenly facing a bleak future.

In a March 10, 1991, story by G. Pascal Zachardy and Bob Ortega, they spelled out in their series, Down The Up Escalator: Why Some Workers Are Falling Behind, to understand just what those American workers have lost in this race of globalization.

Quoted in the Wall Street Journal article was the Harvard economist James Medoff who said, "Today, people who lose their jobs are history." The authors explained that the quality of jobs is eroding and according to Medoff, only 38 percent of all new jobs offered health benefits, compared with 43 percent in 1979, and only 15 percent offered pension benefits, down from 23 percent.

Just what this means in a global market place was explained in the article by Milton Friedman, the Nobel Prize-winning economist. He said, "It's not widely recognized how enormous this effect is. You've got a billion people in China who suddenly are available for use with capital. You have a half billion behind the (former) Iron Curtain."

Let me remind you this does not include the population in Latin America.

So, American jobs are on the line in the globalization race—and certainly they are in our trade talks. Not much has changed has it since we first signed GATT in 1947. Now additional American business and Government sectors are subjects on the negotiating table, and working Americans and their jobs are again the subject of the debate in the unfolding events between the 12 nation European Community [EC] and the United States.

This current disagreement between EC and the United States over procurement rules offers a clear cut opportunity for Federal Government officials to explain to the American people just what is the agenda of the European Community and the General Agreements on Tariffs and Trade [GATT] and, how it affects Americans.

The Journal of Commerce reported that Ambassador Mickey Kantor, the U.S. Trade Representative has announced, "That Federal agencies will stop buying goods and services from EC companies if the community does not end discrimination against U.S. firms in public procurement contracts by March 22."

Ambassador Kantor is seeking comparability. That has changed several times since the first story came out, but the latest statement is another delay until April 19–20 for threatened traded sanctions by the United States.

Along with that earlier announcement, Ambassador Kantor is soliciting public comments concerning the costs and benefits of continued U.S. participation in the GATT government procurement. These comments are to be coupled with a U.S. study of the desirability and feasibility of withdrawing from the code.

This was a real opportunity for the American public not just the big multinational corporations to offer comments to the U.S. Trade Representative. Perhaps citizens still should call the White House and let their sentiments be known about GATT.

What precipitated this announcement for comments was the issuance on January 1, 1993, of the European Community procurement rules which the Washington Post reported discriminated against U.S. producers of telecommunications and electrical generating equipment.

One paper reported that at stake is "$45 billion of contracts mostly for local services like the operation of cafeterias in Government buildings. European companies typically win only $50 million a year of these contracts."

In this dispute about the procurement rules the United States claims that $16.8 billion in work was offered to European Community contractors under the GATT procurement code in 1990, compared with $7.6 billion in contracts opened to European Community companies.

The Clinton administration is threatening to abandon the GATT code and broaden the retaliation to cover $500 million in European products sold to the U.S. Government annually.

This turn of events occurred because the European Community has not agreed to drop Buy-Europe provisions, and Ambassador Kantor has emphasized the need for comparability in treatment for American business.

The heart of the dispute is a 3-percent preference the European Community grants European companies in bidding on telecommunications and power generation contracts. European Community utilities can also reject non-European Community bids. The European Community also seeks greater access in the United States to urban transport, airport, and water supply contracts in the United States. This is not surprising.

Remember, the European Community targeted the California water districts as an example of a trade barrier which must be eliminated in its 1991 Report on U.S. Trade Barriers and Unfair Practices which was entitled "Problems of Doing Business With the United States." Now we know why—they previously targeted the American contracts. By design the European Community wanted the American water contracts.

In return to the U.S. charges of continuing Buy-Europe policies, the European Community complains about Buy-America provisions for the Pentagon and State government purchases. The European Community objection lacks substance because the National Governors Association announced a year ago the intentions to drop Buy-America or Buy-local provisions.

What no one asked, however, is how the American taxpayer will feel about the dropping of Buy-America provisions. Small businesses have contracts with all levels of government, which will be affected by these talks if Buy-America is indeed removed from American laws.

This action of eliminating Buy-America was taken at the urging of the U.S. Trade Representative's office initiative which was launched, according to the Financial Times, "to convince them (the Governors) that their interests lie in gaining expanded access to the huge European Community public procurement market."

What followed sounds like a description from Professor Eckes paper that I mentioned on Trading American Interests. In his paper, the professor explained that President Eisenhower decided not to give relief to the lead and zinc industry because it would gravely compromise foreign policy objectives. That Mexico and Canada would be disturbed and, therefore, the United States borders would be less secure.

President Eisenhower also rationalized that giving a large part of our fish market to Iceland was necessary to maintain a NATO base. As fish goes, so goes Iceland, was the saying used in justifying the policy.

The nonrubber footwear, shoe industry, suffered a similar fate in the Kennedy round of trade talks. The National Security Advisor, Zbigniew Brzezinski, opposed assistance to the shoe industry as harmful to the administration's overall foreign economic policy. Shoe imports from Japan and Spain rose from 18 percent in 1967 to 30 percent in 1970. Professor Eckes has a list of industries in his paper but I wonder what he would list in today's round of negotiations.

Today, we are doing the same thing that President Eisenhower did. We do not want to compromise the European Community because of markets for American business, but we are sacrificing American jobs to open up the European market, where few Americans will work.

So, given this history, our story today about the European Community and United States dispute is very interesting. The European Community agreed to widen access to utilities contracts if a large number of U.S. States permit foreigners to bid on State and local contracts. At that time in the Bush administration, the Trade Representatives Office also asked the States to drop discriminatory provisions from their State regulations.

In fact, a similar request came from the U.S. Trade Representatives Office in 1982 that a similar request came to the governors.

At that time, according to the Washington Post, the governors were warned by the trade representative that Buy American legislation at the State and Federal level could plunge the world into a depression as serious as that of the 1930's.

The trade representative was wrong—because world has gone on and no 1930's depression occurred. But Government officials in the United States and European Community still continue to wring their hands about dire results if the United States does not sign the GATT.

One of the areas pointed out in a 1991 European Community report on Problems of Doing Business With the United States, were the $200 billion of Buy-American procurement provisions of 37 States and the Federal Government. Remember, only 7 percent of that $200 billion of Buy-American funds is Federal money.

In section VII. (C) of that 1991 report listed the 37 States the European Community targeted as needing to change because of specific business the European Community was interested in.

Some of these States mentioned in the European Community report were Alabama's, public works; California's 1980 Buy California Act; Colorado's American products for highways; Illinois' Domestic Procurement Act; Indiana's 15 percent preference for American steel; and Maryland's call for domestic not foreign steel and cement; and New Jersey's requirement for American cement on public works projects.

The reason for Buy-American for these States rests primarily with home based industries within their borders where the State has a vested interest in keeping its citizens employed. But, Buy-American has now become an item for the negotiating table at GATT and the European Community.

The list I read was from a report 2 years ago. At that time, the EC threatened to retaliate against the United States if we did not abide by the GATT procurement Code.

Corrado Pirzno-Biroli, then deputy head of the European Community's delegation in the United States stated, "The question is whether the U.S. Federal Government can deliver the States." He meant on Buy-America.

In fact, Beverly Vaughn, then Director of Government Procurement in the Office of the U.S. Trade Representative, stated "that the expansion of the GATT Government procurement code to include subcentral entities, including U.S. States, is a very top priority for the EC."

So, on the negotiating table at the European Community is the right for States to conduct their own monetary affairs in procurement—for that matter, this also includes county and city authorities. That means, that local entrepreneurs are competing against foreign companies under the GATT procurement Code for Government work.

The story is still the same as it was 2 years ago. Indeed, today, elimination of Buy-America is a top priority for the European Community. Through the new rule, article 29, which was announced on January 1, the European Community acknowledged the rule "as a bargaining chip to gain access to lucrative transport and energy contracts at the State level, or at so-called sub-Federal procurement", according to the Financial Times.

This access the European Community is seeking also includes airport and water supply contracts. Every municipal Government ought to be interested in the access the European Community is seeking for airport contracts and surely California with its vast water supply network should be interested in the water contracts the European Community is seeking.

The National Association of Manufacturers [NAM] has pointed out another facet of the current dispute with the European Community over Government procurement.

In a letter to Ambassador Kantor, the National Association of Manufacturers expressed a concern that the European Community utilities directive "itself violates the GATT * * * That the directive applies to all operating entities in the four utility sectors that operate under public policy supervision, regardless of ownership (public or private)".

The provision that the 3 percent preference for contract bids containing more than 50 percent non-European Community products, the National Association of Manufacturers pointed out is that it is contrary to GATT which prohibits contracting parties from discriminating against imports in favor of domestically produced goods.

The Association also expressed concern that there is no historical or legal justification for the coverage of the procurement activities of the U.S. private sector companies under GATT. In other words, under GATT, private sector procurement would be subject to Government procurement.

This movement to control private business under international organizations is disquieting and worrisome to many businessmen. Even our elected officials are concerned about the effects of our trade agreements on American business.

Governor William Donald Schafer of Maryland wrote me recently about his concern for U.S. companies to successfully compete against Government owned and subsidized ventures, particularly in the context of a free-trade agreement. His immediate concern was about the Canadian Government's intention to build a linear alkylbenezene plant, for SFG, which is a corporation wholly owned by the Quebec Government.

Although there is more than enough production in North America of LAB, which is a cleaning agent used in detergents and cleaning products, Canada will build another plant.

At risk is a Maryland plant, Vista Chemical Co., which employs 200 people in Baltimore, which will be up against the competition from a subsidized Government company.

In fact, the Governments of Canada and Quebec provided $50 million in 2 successive years to an SFG affiliate for their losses.

I wrote the U.S. Trade Representative about this matter. What is important with this case, is what we will do if the Government is subsidizing against business.

Remember that in the binational dispute resolution panels under the Canadian Free-Trade Agreement, that American business has not fared well. In two-thirds of the decisions the Canadians have ruled against American business on pork, swine, and timber.

There in a nutshell, is but a small part of the problems that American business is experiencing in these trade agreements. And, I believe I can safely say, it will only get worse, not better.

Private citizens and companies will not have the right for redress before these binational panels, or GATT dispute resolution panel, only a country. Under the rules, an appealing country must accept the decision of a GATT panel and change its domestic law, or accept GATT sanctions.

Remember, Professor Eckes, explained in his paper why the United States embarked on this course to open up our industry and jobs to foreign companies and governments. He said, "to strengthen free world economies and help contain Soviet expansionism the executive branch has rolled back tariffs and removed trade restrictions, opening the giant American market to the world's manufacturers."

He went on to explain, "Freer trade has its costs. The record suggests that for diplomatic and national security reasons the U.S. Government sacrificed thousands of domestic jobs to create employment and prosperity elsewhere in the noncommunist world."

This policy has not worked as well as the advertisements for it have claimed. According to the Professor, "From 1893 to 1970 U.S. exports consistently had exceeded imports, but beginning in 1971 the United States generated merchandise trade deficits in 19 of the next 21 years.

Professor Eckes wrote about the consequences of such trade imbalances and the reaction of Senator Russell Long of Louisiana, to this GATT policy. I believe that Senator Long was right.

Professor Eckes wrote that Senator Long warned Secretary of State Henry Kissinger in a 1976 Finance hearing that "If we trade away American jobs and farmers' incomes for some vague concept of a 'new international order,' the American people will demand from their elected representatives a new order of their own, which puts their jobs, their security and their income above the priorities of those who dealt them a bad deal."

So, Ambassador Kantor has a great opportunity not to repeat the mistakes of the past. The prospects are not hopeful. In this current dispute over Government procurement, the Ambassador pointed out that he is a practical person. "I'm neither optimistic nor pessimistic about the ability of the two sides to reach an agreement." He will shortly have to decide what he is. He must be either fish or fowl, but he cannot be neutral.

The EC trade commissioner, Sir Leon Brittan, has stated that the "EC is focusing their market-opening efforts at water and transport contracts offered by states and municipalities." He said, "We are really interested in their transport market."

Ambassador Kantor wants us all "singing from the same song sheet," according to the Financial Times. Well, we should all study Professor Eckes' article, and then make sure that our Government negotiators "sing off the same song sheet" as working Americans who want jobs.

In trade negotiations, the point should be jobs for Americans so they can hope and dream and plan for their future. Care less for the art of the deal.

Americans are angry with their Government policymakers, and I do not blame them. It is time for the Government to take a stand to benefit Americans not just a select few and to provide jobs in this country. If not, the piece "Anyone You Know" will be an—Epitaph—for American society.

□ 2130

BOSNIA

The SPEAKER pro tempore (Ms. ROYBAL-ALLARD). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Madam Speaker, first let me commend the gentlewoman from Maryland for her presentation. I listened to it and agree with much of what she said. Her historical perspective on this problem is well placed. I hope, too, that our Government will wake up to the fact that we have to be more competitive and we have to be tougher in our trade policies. I thank the gentlewoman for her contributions.

Mrs. BENTLEY. I thank the gentleman for those comments.

Mr. BONIOR. Madam Speaker, tonight I wish to address the situation in Bosnia.

Madam Speaker, sometimes we want to turn away from the fact that at the very moment we are talking to our children, eating dinner, watching TV, others are undergoing the worst suffering imaginable.

But in the case of Bosnia we must not turn away.

A few weeks ago, much of America was shoveling walks, sledding on the hillsides and building snowmen. But in the eastern Bosnian town of Srebrenica 60,000 Muslims were being starved to death by Serbian blockades. Families were digging down in the snow there to find moss or a few blades of grass to eat, so that their families would not starve. In that town during that time, 30 to 40 people died each day, some from the storm, hunger and cold, most from the shelling. One speaker described a young girl brought into the hospital with the lower half of her face shot away. "I must confess," one man said, "we all hoped she would die. And she did."

Then finally somebody stepped forward to end this inhumane treatment, somebody took responsibility, the French general, Philippe Morillon, the French United Nations commander.

Madam Speaker, leading a convoy along a deserted mountain road, risking the possibility of mines and attacks by Serbian troops, he led his troops and trucks into the town, bringing food and relief.

But the Bosnians should not have to rely on one man's heroism. And this one success should not be confused with a solution.

On Thursday, Bosnian Muslims joined Croats in accepting the Vance-Owens peace plan.

Now we are in the third day of a cease-fire, which seems to be holding for the first time in a very long time. But the Serbs are the only ones who have not signed this plan.

And what do they want? Well, that is clear: The Vance-Owens plan would reduce the amount of territory controlled by the Serbs. It would in fact undo some of the results of what had been a ruthless attempt by the Serbs to impose ethnic cleansing on the Muslims and on the Croats in the region.

The Serbs, now clearly aided by the Yugoslavian Army and all that that army brings to it historically and through the buildup of the post-World War II era, want to keep the territory of course that they seized. Furthermore, they want nothing less than to have it cleansed of Muslims. That is why a week ago they were bombing Bosnian villages—bombing civilian families huddled in basements and in shelters, in violation of the United Nations no-fly zone provisions.

This is despicable. Yes, we live in a world where we are sometimes powerless to prevent the viciousness of human behavior.

We have seen that all too often through our lifetime and centuries preceding us. But we certainly must not be silent. We must not condone it. When it happens, people must speak out and, when possible, they must act. We must never stop trying to do what we can to right this terrible injustice upon a people who only want to live in peace.

We have to applaud the courage of the Bosnian Muslims in accepting a plan that will save lives. At the same time we must sympathize with them because this plan, in my opinion, falls woefully short of granting them the full measure of justice that they so richly deserve. Their acceptance of the plan places a special responsibility on the United States. We should applaud the decision of our Government to double the amount of supplies they airdrop on Srebrenica. We should also urge our country to persuade the Security Council to enforce the ban on flyovers. And I am pleased to report this evening that earlier this afternoon the United Nations Security Council, by a vote of 15 to 0, with only the Chinese abstaining, did in fact vote to enforce the no-fly zone.

NATO should have, and now does have, the power to shoot down aircraft violating this necessary ban.

Madam Speaker, finally, in the absence of a lasting and stable peace, the United States should support lifting the arms embargo on the Muslim population.

For one thing, this will increase pressure on the Serbs to move to the negotiating table.

The pressure was increased by the Muslims and the Croats accepting the proposal. It was increased, I think, again this afternoon by the enforcement by the United Nations, which will take effect, I understand, in 7 days, of the no-fly zone, and we should tighten the screws further, Madam Speaker, so that those who are helpless can defend themselves. And the Muslims have a right to defend themselves. It is in the interest of peace to keep these people, to allow these people to defend themselves, these families who have been kept huddled in bunkers, shelled by armies that deliberately aim at civilian streets, picked off by snipers who aim at children walking out their front door. They have a right to defend themselves, and they should not be prohibited from defending themselves.

Madam Speaker, much as we would like to settle the conflict in Bosnia by ourselves, we cannot. But the United States can play more of a role than we have played so far.

I urge this administration to move on these steps. We all applaud the responsible actions of General Morillon along the mountain roads outside Srebrenica. We applaud the concessions of the Bosnian Muslims. Now it is time for the Serbs to be responsible. The ball is in their court. It behooves, I think, all peace-loving people who want to end this brutality, this ugly, brutal repression, the rapes, the sniping at children, the starvation of these people in these towns during the winter; we need to end this. It behooves all peace-loving countries and peoples to pressure their governments to engage themselves in trying to put an end to this absolutely horrendous situation that is happening right under the nose of Europe and is being broadcast all over the world. Nobody has an excuse for ignoring the situation. We see it daily on our television screen.

We saw just this evening on national news pictures of Bosnian men, women and children being stored like cattle into trucks and brought out of the hostile zones by the United Nations in such a brutal way that we had a number of children and others killed in the crunch to escape in these armored trucks.

We have to do something to stop this brutality, Madam Speaker.

Now is the time for the Serbs to be responsible; they must involve themselves in the quiet action of the negotiating tables where the outlines of a permanent peace can be drawn.

□ 2140

Things are moving against them and they will continue to move against the Serbs. If they were smart, they would recognize this and come to some agreement. They have been razed on the pedestal of public opinion and the public opinion on these people has now been good. It has been negative and for good reason, the rapes, the shellings, the killings, the starvation, and now of course we are seeing even more the international tribunal take action against war criminals.

So Madam Speaker, I urge my colleagues this evening and all those who are interested in this area and the plight of those who are being ethnically cleansed to speak out and to lend their voices so we can get rid of this terrible, terrible experience for these desperate people.

I am pleased, Madam Speaker, to be joined by a number of my colleagues tonight who would like to participate. I am delighted to yield to any of them right now who would like to speak on this issue.

Madam Speaker, I yield to my friend, the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Madam Speaker, I thank the distinguished whip for yielding to me.

I might say to the gentleman from Michigan [Mr. BONIOR] that it is an inspiration to join him tonight. I think with the gentleman doing some real ground-breaking work here, speaking out, I have been most concerned working on this beyond months now. It has been a great frustration to me that even with the interest increasing that not more people have spoken out. I can sense in recent weeks, even within the last week that there is increasing interest, more people are going to be speaking out, but I am especially gratified that the gentleman from Michigan would take the lead like this, as I say, with no diplomacy involved. The gentleman's name is a synonym for decency and courage, I say to the gentleman from Michigan.

Mr. BONIOR. Madam Speaker, I thank the gentleman for his leadership, too.

Mr. MCCLOSKEY. I just want to amplify on the remarks of the gentleman from Michigan [Mr. BONIOR] and also to note that with us tonight, I have a significant amount of time after the allotted time of the gentleman from Michigan [Mr. BONIOR], I have 1 hour and the gentleman from Massachusetts [Mr. OLVER] with me has 1 hour. I do not know that we will be taking all that, but I think it very definitely is a time to speak out.

Every day the slaughter is going on. Ethnic cleansing by the Serbs constantly accelerates, and we in the West for all the media coverage, which to some degree which to some degree despite the vile atrocities we see on TV as recently as this evening, the media coverage, if you can believe it, is now diminishing. It would seem that we collectively I think nationally and in the West perhaps more so in the European area which had a greater and earlier responsibility acted to avoid responsibility at any cost.

To be concerned for this massive humanitarian and national security issue is not to be anti-Serb. There are many good and wonderful Serbs. We all know that. Many Serbs, particularly some 34 percent some months ago voted against Slobodan Milosevic, but this wily, devious, essentially evil political pro does have a significant majority support of an increasingly embattled Serbian people.

The problem was succinctly stated as recently as today's Washington Post in an article I believe by Peter Maas. This is Mr. Maas quoting Peter Lukovic, deputy editor of Vremya, an independent magazine in of all places Belgrade. Mr. Lukovic says:

> Everyone sees the United Nations and the United States as a paper tiger that roars loudly but does nothing. The problem is that Milosevic has found a toy and the toy is the world, and he has been playing with it in a very Balkan way.

Again, this is from a prominent Serb. Why cannot more of us see this obvious truth?

Or, as President Tudjman of Croatia recently told me in Zagreb, "The number one problem in the Balkans is Serbian aggression."

On three different trips to the Balkans in the last 18 months I have personally witnessed the ongoing and worsening devastation of Serbian aggression.

Although the ongoing slaughter of civilians and ever-worsening tragedy essentially could have been stopped at any time by united and forceful Western actions. This reality was initially and formally recognized by President Clinton and Secretary Christopher.

Although this still remains true, somehow that reality, the reality of that truth was avoided as the Bosnian people face possible extinction, to say nothing of the somewhat blithe response to their national sovereignty by we in the West.

Now, when Bosnia is on the verge of losing much of its territory, spinning off into a greater Serbia and as the military situation even with tens of thousands or more Western peacekeepers in there is likely to temporarily settle down, we in the West can anticipate, and I might say most of these things are very foreseeable in that when there was not one fatality yet in Bosnia, many people, those in the area knew essentially that much more serious slaughter than even in Croatia was going to happen.

So as things are going now, we can anticipate increased ethnic cleansing against the Albanian ethnic majority in Kosovo, Serb aggression in an increasingly isolated Macedonia, and military turmoil on the plains of Macedonia by a host of combatants, possibly and especially tragically even including two NATO allies.

This cannot be allowed to happen. As I have said, increasing numbers in the Congress share my concerns.

We need at this time more than ever President Bill Clinton's forceful leadership.

So, a new holocaust is raging in Europe. Two years of Western handwringing, equivocation, and defeatism have gotten Western media and Western publics accustomed to this holocaust—as if genocide in Europe was again a simple of fact of life beyond our power to prevent.

The ongoing genocide in Bosnia is no longer a front page story. This in itself is an amazing commentary on how much Western policy has broadened the boundaries of tolerable evil, in the heart of Europe at the end of the 20 century.

And yet the reality of what is happening in the Balkans continues to scream out for our attention and our action—both on moral grounds, and for the sake of our own national security.

There is no doubt in my mind that the Balkan crisis is the defining issue of the post cold war world. We are already paying the price for our failure to confront this crisis over the past 2 years. The collapse of a united Europe in 1992, the rise of national chauvinism that has so troubled Germany, are clearly related to the failure of European governments to defend their core values and principles in their own backyard. The growing aggressiveness of hardline, reactionary, irredentist forces in Russia—what observers call the red-brown coalition that is so threatening to Boris Yeltsin and to Russia's future relations with its neighbors and the West—also owes much to Western equivocation in the face of Serbia's version of this coalition.

I am equally certain that we will eventually be compelled to confront the Balkan crisis with force, as it deepens and widens. Indeed, both the Bush and Clinton administration have publicly committed themselves to do so, if and when Serb forces assault Kosovo—even as their passivity in the face of Serb aggression in Croatia and Bosnia encourage Milosevic to call this bluff.

SERBIAN TERRITORY ASPECTS

Contrast to fact Bosnia is an internationally recognized sovereign entity.

What is uncertain is how many more victims must fall to genocidal Serb aggression before we act? How much more difficult and costly we will allow this crisis to grow before we tackle it. I can only hope that our efforts today hasten our Governments coming to grips, finally, with the hard decisions that must be made.

I want to cover four points in my remarks this evening. First I will address the reality of the Balkan crisis, and the stakes at play. Second, I will review the failure of Western policy over the past 2 years, and its consequences. Third, I will examine the state of play right now in Bosnia and in Western policy, and where it points. And fourth, I will summarize what I believe the Clinton administration can still do, and must do, to get us out of this fiasco.

THE REALITY OF THE BALKAN CRISIS

A deep and persistent schizophrenia has marked Western governments' assessments of what has been going on in the Balkans over the past 2 years.

When Western governments use their eyes and listen to their consciences, values, and principles, they acknowledge that we are dealing with Nazi-style aggression.

When Western governments seek to justify their passivity in the face of this aggression, they downgrade the problem to one of age-old ethnic conflicts or civil war.

Lack of backbone and moral courage leads to blindness, defeatists seek to mask their failure with a denial and obfuscation of reality.

Yet public office is a public trust. Western leaders who have sought to downplay or obfuscate the reality of what is going on in the Balkans have violated that public trust, for the sake of short-term political convenience.

The reality is that a petty Balkan dictator, Slobodan Milosevic, with a small army of cowardly thugs and serial killers, has managed to bring genocide back to Europe—a half century after we defeated a much more powerful brand of fascism and swore "never again."

Serb forces are on an insane rampage to create an ethnically pure Greater Serbia. They are grabbing land, eradicating non-Serb life in that land through mass slaughter, rape, forcible starvation and expulsion, and the destruction of all evidence of non-Serb culture.

This is no ethnic feud or civil war. This is not a situation where Serbs, Croats, and Bosnians simply want to kill each other and might exhaust themselves in the process. This is aggression across internationally recognized borders, and this is deliberate genocide.

In Croatia, Serb forces backed by Belgrade have set up terrorist rule over one-third of Croatia. They have done this under the nose of U.N. peacekeepers introduced under the so-called Vance plan of January 1992 which de facto partitioned Croatia. They defy all Vance plan terms that would undermine their rule, whether it be demilitarization, restoring local police forces to reflect prewar local ethnic balances, or the return of displaced persons. Their clear intent is to make their destruction of non-Serb life in these lands a permanent reality, and to join these lands to a Greater Serbia. The Vance plan in Croatia has actually abetted Serb aggression, by protecting Serb forces from Croatian counterattack.

The human cost of Serb aggression in Croatia, and of the failed Western policy response, has been some 20,000 men, women, and children killed, many more wounded, several hundred thousand forcibly expelled from their homes.

I wish Cyrus Vance had taken honest stock of how little was achieved in Croatia, before attempting to apply the same approach to Bosnia.

In Bosnia, Serb forces backed by Belgrade are grabbing about three-quarters of Bosnia. They are besieging and destroying cities, massacring and driving out non-Serbs, running death camps and rape/death camps, and blocking humanitarian aid. Their clear intent is to destroy the Bosnian state, decimate the Bosnian Moslem people, maximize their conquests prior to agreeing to the same kind of de facto partition Mr. Vance blessed in Croatia, and later unite with a Greater Serbia.

What Milosevic and Karadzic are doing in Bosnia is a fascist Serb version of Hitler's so-called Final Solution for Europe's Jews, this time aimed against Bosnia's Moslems.

Serb forces have killed some 200,000 men, women, and children in Bosnia—a death toll in the range of 1 in 10 Bosnian Moslems killed.

Hundreds of thousands of Bosnian Moslems and Croats remain at risk. They are defended only by Bosnian forces that are severely outgunned by the perpetrators of genocide.

Hundreds of thousands more have been driven out of Bosnia into refugee camps in Croatia—the future Palestinians of Europe unless they can return home.

Fascist Serb forces particularly target educated, white collar Bosnian Moslems in the death camps—a systematic attempt at what some have called elitocide or the sociopolitical decapitation of a people—teachers, local leaders, engineers, those who read or wear glasses.

Serb forces particularly target women of child bearing age for destruction in the rape/death camps—what some have called genocide or the attempt to destroy the ability of a people to recreate itself.

This has gone on for 1 year now. It will be the everlasting shame of Western governments, including the United States, that they have not yet acknowledged to themselves and to Western publics that this is genocide.

Instead, the Bush administration equivocated: it concluded that the activity of Serb forces borders on genocide. And the Clinton administration states that "acts tantamount to genocide have taken place in Bosnia."

Why can't Western governments firmly and unequivocally declare the simple truth—a new genocide is underway in Europe?

The only plausible answer for me, unfortunately, is that Western governments avoid truth because the truth obligates them to take more effective action.

There are other truths obscured by Western policy. While Western governments seek to give the impression they are doing something about current Serb aggression outside Serbia. They are leaving Serb repression pretty much unchecked within Serbia.

And the reality there is that in Serbia itself, the one-third of the population that is not ethnically Serb lives in growing isolation and terror. Already severely repressed, they have every reason to believe that fascist Serb ethnic cleansing will target them once Belgrade has consolidated its outside land grabs.

Indeed, this has already begun. Serb forces have transformed Kosovo into one vast ghetto for its 2 million ethnic Albanian inhabitants. Serb forces have been engaged for several years now in what Kosovo leaders aptly describe as silent ethnic cleansing: They have driven out as many as 300,000 ethnic Albanians through political and economic repression as opposed to mass murder. This is already a travesty, but worse is clearly on the way: The same Serb war criminals who led the death squads in Croatia and Bosnia have already set up shop in Kosovo.

Similar conditions obtain in the Moslem-inhabited Sandzak region between Serbia and Montenegro, where one-fifth of the local Moslem population of 350,000 has already had to flee, and in the Hungarian and Croat inhabited Vojvodina region in northern Serbia.

Finally, the independent, democratic State of Macedonia remains unrecognized by either the United States or Europe. Subject already to fascist Serb subversion—and clearly targeted for more overt Serb aggression down the road.

There has been a Serb military buildup over recent months on Macedonia's northern border. Ambassador Whitman, who headed the CSCE spillover mission in Macedonia up to March 24, has reported that he shares Macedonian Government concerns that this Serb military buildup reflects Belgrade's intention to attack Macedonia once it consolidates its aggression in Croatia and Bosnia.

I and some others in the Congress, including Senator DECONCINI, have been calling for the recognition of Macedonia for some time. I would certainly second today the recommendations made by Ambassador Whitman in his CSCE role:

> There can be little doubt that resolution of this problem will make a massive contribution to the political and economic stability of * * * Macedonia. Considering the costly, complicated, and possibly violent measures that some see needed to resolve conflict elsewhere in the former Yugoslavia, a speedy solution to the recognition issue seems a low price to pay indeed to improve security in those parts of the region not yet destroyed and brutalized.

Indeed, I would go further. If the United States and Europe do not recognize and establish diplomatic relations with Macedonia in the very near future, we will bear a heavy historical responsibility for encouraging Serb aggression against that democratic newly independent state.

The driving force behind all the trauma in the Balkans is clear, and has been for 2 years now: genocidal Serb aggression, fueled by a virulent, atavistic nationalism.

Serb Fascist nationalism has much in common with nazism. It reflects legitimate Serb interests just about as much as nazism reflected legitimate German interests. Its ambitions are just about as mindless and endless as those of nazism. Its objectives are not just more land and racial purity, but also as much power as can be asserted and as much violence as can be waged. Like the Nazis, Serb Fascists will engage in repression and aggression until they are defeated. They have no interest in peace, or in joining the European family of nations, or in the economic development of Serbia. They are unfazed by economic sanctions—indeed they exploit them both to line their own pockets, and to reinforce the Serb nationalist psychosis.

They also respond to diplomacy and appeasement much as Nazis did—by becoming more aggressive.

THE FAILURE OF WESTERN POLICY

Western policy in the Balkans has failed. It has failed because it has still not defined unequivocally the problem, and because it has restricted itself to diplomacy, political and economic pressures, and so-called peacekeeping.

In terms of defining the problem, Western governments are still trapped in the schizophrenia I cited earlier; they know they are dealing with aggression and its victims, but continue, with their mediation efforts, to pretend that they are dealing with a morally neutral ethnic conflict.

In terms of the diplomatic tolls of Western policy to date, these have a clear track record in the Balkans over the past 2 years. They have neither deterred, nor reversed, nor contained genocidal Serb aggression.

Instead, toothless Western diplomacy has emboldened the Serb Fascists to escalate their genocidal aggression from its first phase in Croatia, where some 20,000 were killed, to its second phase in Bosnia where the death toll exceeds 200,000.

Western policy has failed because its starting point and ending points are all too clear: to avoid responsibility, and to avoid military intervention.

Worse still, Western governments have sought to preserve the illusion that diplomacy not backed by force can achieve a just and lasting solution for the Balkan crisis, and have therefore maintained the U.N. arms embargo on Macedonia. Slovenia, Croatia, and even Bosnia. That arms embargo was originally applied to all of former Yugoslavia in 1991, when the reality of genocidal Serb aggression was not yet clear to the world community.

This Western policy of maintaining a U.N. arms embargo on Serbia's present and future victims is outrageously immoral and misguided. It makes absolutely no sense. It assures Milosevic not only that he will not face Western military retaliation, but also that the West will continue to hobble his victims so that they cannot fight back themselves. What better way to embolden an aggressor?

Now, President Clinton during his campaign promised more forceful United States action to confront Serb aggression. Secretary Christopher's February 10 statement on U.S. policy toward the Balkans began with a clearer and more honest explanation of the U.S. stake in this crisis than anything I had seen over the previous 2 years. In subsequent statements before the Congress, Secretary Christopher has even warned that the present Balkan crisis threatens us with a new world war.

And yet, the administration's actual policy steps essentially have continued the failed approach of the Bush administration, with its same reliance on diplomacy, sanctions, and U.N. peacekeeping.

This policy is doomed to failure because it is divorced from the reality of what is happening in the Balkans.

The only reality it reflects is the absence of Western political will over the past 2 years, and the paralysis of defeatism which has overcome Western governments.

So what we have now is a kind of Mr. Micawber strategy. Like the character in Charles Dickens' novel, Western governments seem to hope that something will turn up to end Belgrade's rampage. They stick to the same failed diplomatic tools, in the face of obvious Serb contempt and defiance. They seem to have only one clear objective: to postpone the day of reckoning with this evil, no matter what the cost to its victims, no matter what the cost to Western interests in peace, stability, and the spread of democracy in Europe, and no matter what the likely future costs in U.S. lives.

THE STATE OF PLAY ON BOSNIA

At this juncture, Western diplomacy is lined up behind the Vance/Owen settlement proposal. Most objective observers see the Vance/Owen plan is a thinly disguised attempt to buy off the Serb aggressors by giving them most, if not all, of their objectives in Bosnia. United States Special Envoy Reginald Bartholomew has Described it in briefings to the Congress as aimed at securing the appearance—I would stress the word appearance—of preserving the Bosnian State.

Western governments are now promising stronger political and economic pressure to get Bosnian Serb leader Karadzic—a man we all know is a war criminal—to join in signing the Vance/Owen settlement. Vance and Owen are even talking about offering Belgrade a carrot—relaxation of the economic sanctions—if Karadzic will sign.

If past is precedent, we will see the Serb leaders hold out for an even more advantageous Vance/Owen settlement on paper, while continuing to grab and ethnically cleanse Bosnian territory. At some point when they calculate they have gotten all they can from Vance and Owen, they will sign on to the Vance/Owen settlement so that so-called U.N. peacekeepers will come to protect Serb forces from Bosnian and

Bosnian Croat counterattack. They will continue to defy on the ground any implementation of the Vance/Owen package that would weaken their control over the lands they have seized. The situation will stabilize, to the same extent it stabilized in Croatia with the Vance plan: There will be a situation somewhere between war and peace, which leaves Serb forces in de facto control of all territory they have seized. At that point, if not before, Serb forces will assault Macedonia and Kosovo and thereby both expand the slaughter and threaten a wider Balkan war.

And at that point, the United States will either respond militarily—if the Clinton administration is true to its word; or with more of the same futile diplomacy—if past continues to be precedent.

To sum up, Western policy is on a failed track which leads nowhere except to more genocidal aggression in the Balkans, further disintegration of peace and stability in Europe, and a mounting threat to our strategic interests.

WHAT THE UNITED STATES MUST DO

Only the United States can lift Western policy off this hopeless policy track and onto a victory strategy that is equal to our moral values and security interests. For Europe to follow us, we must lead; and for the United States to lead, President Clinton must lead us.

There are five steps President Clinton must take if he is serious about confronting genocidal Serb aggression.

First, he must define the Balkan crisis to the American public for what it is: The resurrection of genocide in Central Europe, a half century after we defeated Nazism and swore never again.

Second, he must establish early deadlines for Serb forces to sign and comply with the Vance/Owen plan on Bosnia—and to implement their earlier commitments under the Vance plan for Croatia. Without such deadlines, the Serb talk/fight tactic will simply go on—as will their on-again, off-again but ever-mounting slaughter and persecution of Bosnian and Croat civilians.

Third, he must establish a credible threat of forceful Western action: The lifting of the U.N. arms embargo from all former Yugoslav Republics except for Serbia and Montenegro, and the use of Western airpower.

Fourth, he must lead the way on Western recognition of independent and democratic Macedonia, and back up that recognition with a real preventive peacekeeping force.

Fifth, he must lead the way on real preventive peacekeeping In Kosovo, and Western insistence that its autonomy be restored.

If President Clinton does not take such steps, the United States and Europe will remain bogged down in the toothless diplomacy, ineffective sanctions, illusory peacekeeping, and pathetically inadequate humanitarian relief that sum up Western policy over the past 2 years.

If President Clinton does not take such steps, genocidal Serb aggression will continue in Bosnia and Croatia, spread to Macedonia and Kosovo, spill over to a wider Balkan war—and continue to embolden the Russian hardliners who are threatening Yeltsin's reform effort.

□ 2210

Madam Speaker, I thank the whip and I thank him, again, for his generosity and leadership. I cannot express in words enough what an inspiration it is for the gentleman to lead us off tonight.

Mr. BONIOR. Madam Speaker, I thank the gentleman for his comments. I think I can agree with about 99 percent of what the gentleman said.

I particularly want to engage my friend from Indiana in a colloquy on what leadership we must use here in the United States to bring this butchery and this inhumanity to man to an end.

I think things are happening now, with the decision at the United Nations today. I am hopeful that the arms embargo will be lifted, as the gentleman so eloquently pointed out. It needs to be, and especially under the guise of which it was put in place in the first place back in 1991, I believe.

Things have changed markedly since then. And certainly, defenseless women and children and old and young need to have ability to defend themselves. And by not giving them that opportunity, that, in fact, as you correctly point out, emboldens the Serbians more.

I would go further. I would endorse what my friend has said tonight, that if the Serbs do not sign, if they do not come to the table, if they do not recognize the reality of what is happening to them in world opinion and the vote tonight in the United Nations, that we implore those strikes, airstrikes that the gentleman mentioned.

I am not one who believes that that will lead to a broader ground war, as you will. I hope we do not have to get to that point.

I think nobody wants us to get to that point. But if necessary to bring this carnage to an end, I think it is necessary.

People have sat on the sidelines for too long on this issue. If they will not understand words, then they have to understand something stronger than words, regretful as that might be.

So I applaud my colleague for his comments tonight, and I look forward to keying off his leadership on this and working with him in the days and hopefully not too many months to come before we set ourselves on a course to correct this situation to the extent that we can lead and correct that in the world community, thereby encouraging our European allies, especially some who have been sitting on the sidelines, to engage themselves more on the side of right and justice.

Mr. McCLOSKEY. Madam Speaker, if the gentleman will continue to yield, as he knows, the gentleman from Maryland [Mr. HOYER] and the gentleman from Virginia [Mr. MORAN] have, I think, significant resolutions in the House.

I think if we get more Members aware of that, hopefully get some encouragement for hearings and possible voting out of the Committee on Foreign Affairs, I think that could show the administration, hopefully inspire President Clinton that as he takes the leadership role on this, that he will have backing in the Congress, that we do care about it and will not walk away from it.

As to airstrikes, as the gentleman knows, I guess I have somewhat of a peace reputation, the nuclear freeze and trimming down the military, and I still think there are real problems with, quite frankly, the way we handled at least going into the dynamics of going into the Iraq war.

So I do not talk about aggressive military action lightly. It is a great turmoil and tragedy for me to talk about killing other human beings. But there is plenty of solid military, political, and diplomatic opinion that says that if we had hit the supply lines, some key military sites and supply lines, as to Serbia and Bosnia, if we had hit, if we had hit the heavy artillery, which is so destroying not the Bosnian military but the Bosnian people, we have an organized military regime, which in effect is massively slaughtering civilians, as the gentleman knows. Even not getting into that, if someone, if it could have been Baker or whoever or Eagleburger, whoever it was a year ago, that could have looked Milosevic in the eye and said, "We really mean it. You will face trouble. You will not get away with this." This would not have happened. This would be over with. It is only going to get worse.

Mr. BONIOR. Madam Speaker, we clearly waited too long. This past administration waited too long before making the decision on Yugoslavia as an entity and facing the reality of this partitioning and then its breakup and then not choosing correctly the side of justice and righteousness and by giving those who are perpetrating these atrocities a chance to embolden themselves and to cause the havoc that they have clearly caused.

Madam Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

□ 2220

Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR], the majority whip, for yielding to me.

I appreciate that very much, and I am very pleased to take part in this discussion here tonight on the Bosnian crisis with the distinguished majority whip and my friend, the gentleman from Indiana [Mr. MCCLOSKEY].

Madam Speaker, I hope I will be able to finish what I have to say in the remaining portion of this order.

It is time to end the genocide in Bosnia. The Serbian attempt to exterminate or drive Moslems out of Bosnia threatens to ignite a wider war. An unchecked Serbia will next move to ethnically cleanse Kosova, with its 90-percent Albanian population, an area that voted by 99.87 percent in favor of independence. It was at one time an autonomous region within Serbia, yet it has not been allowed to exercise its independence, because it contains an area that has a very small Serb minority.

Unchecked, Serbia could attack Macedonia, which also has a very small Serbian minority, and which also has declared independence. If either of those things happen, then Albania and Bulgaria and our own allies, Greece and Turkey, are likely to be involved in a wider war.

Yes, if unchecked, this attempt to exterminate Bosnian Moslems encourages attacks on national minorities in Slovakia, Bulgaria, Moldova, Romania, and a dozen other places, and in Lithuania and Latvia, and encourages attacks by any powerful neighbor on any small neighbor where a national minority resides. Others will say: "Let's do what the Serbs did. The European Community stood by, the United Nations stood by, NATO stood by. No one did what was needed to stop it."

Who can believe that Estonia, Latvia, and Lithuania, for instance, would be secure and could stand up to a virulent nationalist Russia if the world community is unwilling to stop genocide in Bosnia.

This is really a moral issue. It is a moral issue that is made worse by the acquiescence and even the complicity of the European Community and the United Nations in this genocide. Less than 50 years after the Holocaust, we see ethnic cleansing, which is utterly repugnant to Americans. We see indiscriminate killing of civilian populations. We see people driven from their homes and communities, communities where they have lived for generations, and in fact, centuries. That to me is genocide.

We see the Bosnian capital of Sarajevo, that beautiful city that hosted the winter Olympics only 5 years ago, targeted for systematic destruction. We see Catholic churches and Moslem mosques destroyed all over Bosnia. We see deliberate bombardment of hospitals. That is genocide.

We see the massacre, really, the butchering by knives, and the cutting of throats, of men, women, and children. We see thousands of Moslems who have been slaughtered, their bodies dumped in the Drina River. We see territory which was 75 percent or more populated by Bosnian Moslems now cleansed of its inhabitants.

We see civilian refugee populations that have been concentrated in enclaves and then bombarded with heavy artillery and tanks. There is no other word to me to describe it but genocide. We see the bombardment of civilians at hospitals, at food distribution centers, in schools and churches where people have sought refuge.

We see concentration camps. Think of it: After 50 years, only 50 years after the Holocaust, we see concentration camps again, and we see the systematic use of rape and forced impregnation on thousands of Bosnian women. There is no other word for this but genocide.

Hundreds of thousands have died of starvation and from the bombardments on civilian population by heavy artillery trained directly on towns and cities. Over 1 million refugees have been produced by this action; 600,000 of those have been displaced and now are in Croatia, which has a normal population of about 4½ million people.

At the end of 1992, almost another 600,000 were in other Western European nations, chiefly in Germany and Austria and Switzerland and Sweden and Hungary; all told, well over 1 million people have been turned into refugees, and all of that in the name of "ethnic cleansing."

How did we get to this? Frankly, we got here by the utter impotence of the European Community and the United Nations. Mr. Vance and Mr. Owen are experienced negotiators, who surely remember Chamberlain and Munich in 1938. The question is, did they learn anything from the rape of Czechoslovakia in 1938, as they devised a plan which appeased the vicious dictatorship intent upon expansion and aggression and ethnic purity?

How can we forget, and can we ever forget, the images of the elected vice president of Bosnia, taken from a U.N. convoy and executed by Serbian thugs while the United Nations did nothing? How can we forget the continuous bombardment, now for almost a year, of the capital city of Bosnia, Sarajevo, that city of half a million people. How can we forget the bombardment of hospitals and communications centers and water systems, the newspaper, the religious and educational centers in that city? How can we forget that the United Nations refused to enforce the European Community-brokered resolution, the London accords, an agreement signed by all sides to this complicated conflict, which mandated the surrender of heavy weapons to the United Nations? How can we forget that later, after refusing to enforce the London accords, the United Nations even refused to enforce its own resolutions involving the impoundment of heavy weapons in that area.

We need to remember that U.N. personnel have been monitoring the bombardment by counting the number of shells that are fired on the city of Sarajevo and that fall on that martyred city each day. How can we forget the image of entire extended families going to their deaths: the 3-year-old hiding behind her grandmother's skirts, only vaguely comprehending what was about to happen, the grandfathers and the elders of the extended families, people who have seen two vicious world wars, each lined up in turn and shot, men, women, and children of all ages?

How can we forget the concentration camps still operating even after U.N. resolution after resolution has demanded total access. We need to remember the camps that have not been entered, that still operate, because there has been no enforcement at all of U.N. resolutions.

Mr. Milosevic might as well have relied on the United Nations when he planned and directed Serbia's actions during 1991 and 1992. He could not have devised a more effective program to accomplish Serbia's goals of ethnic cleansing, the destruction of Bosnia, and the destruction of a population of Slavs who happened to practice the Moslem religion.

The U.N.'s actions have themselves become the linchpins to ensure the success of Serbian policy. During 1991, U.N. resolution after resolution was passed yet was not enforced. The Croatian city of Yukovar was destroyed, the ancient historic city of Dubrovnik was bombarded for many weeks; agreements were signed, resolutions were passed, and then ignored for months at a time.

Then finally, in December 1991, after the Serbs had taken one-third of Croatian territory, they agreed to the placement of a U.N. force. This merely ratified the taking by force of that one-third of the territory, because the Serbs refused and have continued to refuse to comply with the provisions of the creation of the U.N. force to normalize relations, to put the heavy artillery under U.N. surveillance, and most importantly, to let people who had been driven from their homes return to those homes.

□ 2230

Serbia did not intend then nor does it intend now to allow any of the people who were driven from their homes in 1991 in Croatia to return to their homes. One U.N. action, one of those resolutions, the arms embargo on the former Yugoslavia which was imposed early in 1991, before even the beginning of the Bosnian action, has profoundly affected the course of this genocide. No other single act could so completely compromise the independence and security of U.N. members such as Croatia and Bosnia. It denied their effective self-defense because both Croatia and

Bosnia required arms from outside. Cut off, they were nearly defenseless against a Serbian-dominated Yugoslavia that was armed to the teeth.

First Croatia and now Bosnia, have been denied access to the tools of their own defense and, in the case of Bosnia, survival. They have been denied access to the tanks and the artillery that would have been necessary to balance the forces in this war, while the Bosnian Serbs have always had access to former Yugoslav arms and to modern weaponry that has moved freely across the borders within Yugoslavia. Those arms now in the hands of the Bosnian Serbs have been readily supplied by Serbia. Yet the Croatians first, and then more recently the Bosnians, have been unable to get anything like the arms necessary to defend their national existence.

At the same time, Serbian and Bosnian Serbs together have maintained a cordon on humanitarian supplies needed by hundreds of thousands of people, supplies that have been stopped in a most frustrating manner for days at a time. Convoys have been held up and supplies needed by starving people have not gotten through.

U.N. policy has been one of selective enforcement. The U.N. arms embargo denied Croatia and Bosnia what was needed for their defense, but U.N. resolutions that demanded the opening of concentration camps and the delivery of relief supplies to the needy population went unenforced. So did resolutions on turning over heavy artillery to the United Nations, and on the airports being opened for humanitarian aid, and on enforcement of the no-fly zone—until today, when the U.N. again passed a resolution—it will be interesting to see whether there is any enforcement of that resolution. While all of those actions and resolutions by the United Nations have gone unenforced, U.N. policy has contributed, and we have acquiesced, in the genocide comprising the massacre of family after family and the bombardment of civilians seeking refuge in schools and churches, and the rape and murder of women and children. The impression has been left, and what other impression could possibly have been reached by Slobodan Milosevic and his hierarchy, what other impression could be reached but that the United Nations is never going to enforce any of the resolutions.

We have one chance left. There is a ceasefire which has held for a couple of days. By all indications of anything that has happened previously, it probably will not hold because it does not serve Serbian interests, and Serbian interests on the part of Mr. Milosevic continue to be ethnic cleansing and the seizure of as much territory as possible. But if that ceasefire does not hold, then it really is time to take some steps.

These are the steps that I would suggest need to be taken. First, freeze every asset of Serbia and Montenegro, wherever it is outside that nation. Second, close the borders of Serbia and Montenegro, to strengthen the sanctions. The borders should be closed at Hungary, and Bulgaria, and Romania, and Macedonia, and once and for all close the port at which every once in a while some very extensive materials seem to get through into Montenegro, and thereby into Serbia.

Third, place sanctions on all travel and commerce to Serbia and Montenegro.

Fourth, demand the turnover of the artillery and the tanks that are in the hands of the thugs and the war criminals, now not in two weeks or a month, in the forlorn hope that maybe this whole thing will go away within that two weeks or a month, but now. And if those weapons are not turned over, then we really have to consider one of two other things. Air strikes on that artillery and air strikes on those tank emplacements that surround Sarajevo and other places where bombardments of civilian populations occur; or an end of the embargo on arms to Bosnia so that they can defend themselves if it becomes absolutely clear that the United Nations does not intend to enforce its resolutions. Most important, we have to close the concentration camps, and send U.N. forces in to escort the inmates out of those concentrations camps.

If we do not do those simple things, if the present ceasefire does not hold up, and if this does not lead to the end of this genocide and this ethnic cleansing that is going on, then we can expect that Serbia will go forward, that it will attack Kosovo because the United Nations will virtually have invited it. Kosovo, with its 90 percent Albanian population, would end up being an incredible bloodbath as the Serbs continue the process of ethnic cleansing. Who in Serbia would believe that the European Community, or the United Nations, or NATO, or anyone else would do anything in Kosovo, given the lack of enforcement of U.N. resolutions in Bosnia?

Those are the steps that I think we really have to take if the present cease-fire does not hold up and if the Serbian militias in Bosnia do not sign the Vance-Owen agreement, and then abide by the Vance-Owen agreement, flawed though it happens to be.

But then why should Americans care about what happens in Bosnia and Kosovo? Genocide is a profound, moral issue and ethnic cleansing is repugnant to American principles. Genocide poisons the relationships among peoples and the acceptance of genocide as a political tool destroys international relationships and sanctions mass murder. That is very clear.

But this is also a critical strategic issue, because if this attempt to wipe out Bosnia and exterminate Bosnian Moslems is allowed to succeed, then Bosnia will stand as an open invitation to attacks on national minorities in countries all over Eastern Europe and the former Soviet Union.

If Mr. Milosevic uses the Bosnian example to then continue his ethnic cleansing in Kosovo and Macedonia, then Albania, and Bulgaria, and our allies, Greece and Turkey, will be dragged into the battle on different sides, and we will indeed have an avoidable but expanding war.

So it is time, in my view, to end the genocide in Bosnia, and the time could not be any more appropriate now, except that if it could have happened a year ago.

I thank the gentleman for yielding the time.

Mr. BONIOR. I thank my friend for his comments, and they were right on the mark. And I share his views, and I share his thoughts on Kosovo especially. That is next, and there is, as we all know today in Kosovo the Albanian population which is the vast, vast majority and is suffering under tremendous human rights abuses and brutality of all sorts.

□ 2240

It can only accelerate, given the emboldened situation of Milosevic and the Serbs vis-a-vis the inaction of the international organizations that have had the obligation to enforce these sanctions.

So I thank my friend for his comments, and I look forward to working with him and the gentleman from Indiana on this issue.

Mr. OLVER. I thank very much the gentleman from Michigan for his leadership on this issue and for reserving the time and yielding the time for us to make these comments tonight.

Mr. TORRICELLI. Madam Speaker, I rise today with a large number of my congressional colleagues to address an issue of ongoing deep concern: the bloody conflict in the Balkans.

After nearly 2 years, the crisis in the Balkans continues to rage and reports of atrocities committed against Croat and moslem civilians continue to surface. This weekend, Americans watched their nightly news and again saw the hungry, frightened, and bloodied faces of the victims of this brutal war. This time, the Serb aggression was centered in eastern Bosnia and the town of Srebrenica.

The direct victims of this war number in the hundreds of thousands: Those who have been driven from their homes; those who have been systematically raped, tortured, and killed; and those who will have to live with deep emotional scars from having witnessed the atrocities of this war.

The United States has recently adopted a more aggressive approach to combating the hardship in the Balkans. The Clinton administration has initiated critical humanitarian airdrops to areas besieged by Serb forces and cut off from U.N. ground convoys. The administration is promoting the enforcement of a no-fly zone over Bosnia and stronger sanctions against Serbia.

However, these actions are not enough. The United States must end the arms embargo of Bosnia and Croatia in order to enable the people to defend themselves. The current arms embargo of the former Yugoslav states has only served to give Serb forces a military advantage over Bosnian and Croat forces. These nations must be allowed the fundamental right to self-defense.

It is also critical that all nations reevaluate the role of the United Nations in maintaining the peace. For we are all victims to this conflict if the international community cannot respond to crises of this proportion and brutality. When the United Nations was constituted in the 1940's, the international community was united in its desire to prevent the recurrence of the horrors and atrocities committed during World War II. Yet, today we are seeing these same atrocities repeated in the former Yugoslavia—and the world community is paralyzed and unwilling to act.

The community of nations must reassess their obligations to humanity and international law in order to ensure that the United Nations functions effectively in promoting world peace. At a time when ethnic rivalries rage in the former Yugoslavia and threaten to ignite in other countries, the world community must unify and empower the United Nations to prevent the spread of atrocities.

Mr. SOLOMON. Madam Speaker, today I wish to join my fellow colleagues from both parties in condemning the horrible atrocities that have been occurring in the Balkans for almost 2 years now. Since June 1991, the Government of Yugoslavia and its Serb allies in Croatia and Bosnia-Herzegovina have been carrying out a horrific campaign of violence against the peoples of Croatia and Bosnia.

It is not the people of Serbia who are responsible for these crimes against humanity, however; the majority of Serbs doubtlessly oppose this war. But the people of Serbia have been denied a voice in this matter because they have the misfortune of being one of the last countries on Earth to be under the thumb of communism.

Their thuggish leader, Slobodan Milosevic, has replaced Marxist ideology with that of Greater Serbian nationalism, but the reality of Communist rule remains the same: unelected leadership, massive internal repression, and nervous neighbors. What have Mr. Milosevic and his comrades accomplished in the last 2 years? At least 30,000 dead—by some estimates, as many as 160,000 dead—2 million refugees, and the devouring of 30 percent of one country and 70 percent of another. All of this has been perpetrated through the systematic use of terror, rape, and, of course, the odious ethnic cleansing.

Not since the late 1940's and early 1950's, when the East European Communist regimes were cleansing their societies, has Europe seen something so atrocious. And what has Europe done about this? Nothing. Towns are emptied forcibly, women are raped, men rot in concentration camps, children are killed, maimed, or emotionally scarred, Sarajevo is shelled relentlessly, Dubrovnik is ruined, and Europe watches. Yes, the European Community, the United Nations, and the United States have attempted to deliver humanitarian aid and mediate the conflict.

But these efforts have reached the point of absurdity. There are reports that as much as 25 percent of the aid has gone to Serb soldiers. United Nations convoys are regularly tied up for days and weeks so that the Serbs can inspect them. The recent airdrops from 10,000 feet are literally a drop in the bucket. Besides, this aid, while well-intentioned, doesn't even get close to the root of the problem.

The root is, of course, Mr. Milosevic and his Communist nationalist cronies. So far, efforts to mediate the conflict have afforded Milosevic equal status with the Bosnians and Croatians. This is preposterous. He is the aggressor. This is why all of the various plans the West has brokered so far have failed so miserably. This man, recently described in the American Spectator as aloof, obsessed, and devoid of human compassion, is not part of the solution; he is the problem.

The West must reject appeasement of Milosevic and his allies. The West has an interest in stopping this aggression. Not only humanitarian and moral interests, but real, hard political interests as well. There is a real danger that if Milosevic brings the war to Kosovo or Macedonia, several other countries, including two NATO allies, will be sucked in. Clearly, we want to prevent a situation that would pit Greece and Turkey against one another.

Likewise, appeasement of Serb aggression sends all of the wrong signals to Moscow. If you think about it, Serbia is but a microcosm of Russia. Both are formerly dominant republics of now defunct empires. Both peoples are scattered throughout numerous former republics which are now independent countries. Probably the only thing preventing a repeat of a Yugoslav-type situation in the former Soviet Union is the decency and civility of Boris Yeltsin and his foreign minister, Mr. Kozyrev. Remove these two from the equation and you just may have ethnic cleansing in the Ukraine and the Baltics.

Given the profound implications, both moral and geopolitical, of appeasing aggression in the Balkans, it is time for the West to take a stand. It is time to rise up in unison and really help the victims of the Serb onslaught. Now I have been and remain opposed to using U.S. troops to solve this problem. If anybody sends in troops to defeat the Serbs, it should be the Europeans.

But it seems to me that there is much we can do short of invading Serbia to halt their aggression. How about invoking the Reagan Doctrine? This policy proved its mettle time and again in the 1980's. It drove the Soviets from Afghanistan, the Cubans from Angola, and forced the Sandinistas to cry uncle. The Bosnians have demonstrated their courage and their love for their homeland, but they are totally outgunned by the Serbs. Let's level the playing field by giving them the arms with which to defend themselves.

We can also take steps to further isolate Serbia and destabilize the Milosevic dictatorship. Sanctions to date have been toothless. Let's upgrade them and really tie the noose around Serbia. There is a definable democratic opposition to Milosevic, one that he has been trying to crush for years. Let's work with them to mobilize opposition to the regime and its war policies.

The time is now, Mr. Speaker, before it is too late. Bosnia is on the verge of extinction. Kosovo and Macedonia nervously await their fate. Boris Yeltsin is on the ropes.

Serbian victory will make not only a mockery, but a shambles of the new world order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DE LUGO (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HUFFINGTON) to revise and extend their remarks and include extraneous material:) ,

Mr. KIM, for 5 minutes, on April 21 and 22.

Mr. THOMAS of California, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. TALENT, for 60 minutes, on April 1.

Mr. BARTLETT of Maryland, for 5 minutes each day, on April 1 and 2.

(The following Members (at the request of Mr. CLYBURN) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. LAUGHLIN, for 5 minutes, today.

Mr. BONIOR, for 60 minutes each day, on July 2, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HUFFINGTON) and to include extraneous matter:)

Mr. ROGERS.
Mrs. VUCANOVICH.
Mr. CRANE in two instances.
Mr. BONILLA.
Mr. MCKEON.
Mrs. ROUKEMA.
Mr. MICHEL in two instances.
Mr. HORN in two instances.
Mr. OXLEY in two instances.
Mr. BATEMAN.
Mr. GINGRICH in two instances.
Mr. LAZIO.
Mr. KYL in two instances.
Mr. GOODLING.
Mr. ROBERTS.
Mrs. JOHNSON of Connecticut.

Mr. COBLE.
Mr. YOUNG of Florida.
Mr. SMITH of Texas.
Mr. PORTER.
Mr. LEWIS of Florida.

(The following Members (at the request of Mr. CLYBURN) and to include extraneous matter:)

Mr. BARCIA.
Mrs. COLLINS of Illinois.
Mr. TAUZIN.
Mr. ENGEL.
Mr. STOKES.
Mr. PAYNE of New Jersey.
Ms. SLAUGHTER.
Mr. HAMILTON in two instances.
Mr. TRAFICANT in two instances.
Mr. SARPALIUS.
Mr. MARKEY in two instances.
Mr. PENNY.
Mr. ROSTENKOWSKI.
Mr. MANTON.
Mr. BORSKI in two instances.
Mr. ORTIZ.
Mr. MARTINEZ.
Mr. ACKERMAN.
Mr. FORD of Michigan.
Mr. TEJEDA.
Mrs. MALONEY.
Mr. VENTO.
Mr. RICHARDSON.
Mr. BOUCHER.
Mr. COYNE.
Mrs. MINK.
Mr. FAZIO.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes.

S. 284. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes.

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 28. Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. Joint resolution providing for the appointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, April 1, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

990. A communication from the President of the United States transmitting notification making available emergency appropriations in budget authority for the Departments of Agriculture, Education, and the Interior and Related Agencies pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to Public Law 102–368; Public Law 103–381 (H. Doc. No. 103–60); to the Committee on Appropriations and ordered to be printed.

991. A letter from the Acting Director, Resolution Trust Corporation, transmitting a list of property that is covered by the Corporation as of September 30, 1992, pursuant to Public Law 101–591, section 10(a)(1) (104 Stat. 2939); to the Committee on Banking, Finance and Urban Affairs.

992. A letter from the Acting Assistant Secretary of State for Legislative Affairs transmitting copies of the original report of political contributions of Thomas J. Pickering, of New Jersey, to be Ambassador to Russia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

993. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting a copy of their management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

994. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

995. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

996. A letter from the Comptroller General, General Accounting Office, transmitting the report and recommendation concerning the claim of Mr. Kris Murty for reimbursed relocation expenses, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

997. A letter from the Chairman, Merit Systems Protection Board, transmitting the 14th annual report on the activities of the Board during fiscal year 1992, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

998. A letter from the Acting Assistant Secretary for Domestic Finance, Department of the Treasury, transmitting notification of the Secretary's determination that the current permanent debt limit will be sufficient only until early April, and that in the absence of a debt limit increase by that time, Treasury will be unable to invest or roll over maturing investments of trust funds and other Government accounts, including the civil service retirement and disability fund of the Federal Employees' Retirement System, pursuant to 5 U.S.C. 8348(1)(2); jointly, to the Committees on Post Office and Civil Service and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABO: Committee of Conference. Conference report on House Concurrent Resolution 64. Concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998 (Rept. 103–48). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 145. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, and against consideration of such conference report (Rept. 103–49). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 147. Resolution providing for the consideration of (H.R. 1430) to provide for a temporary increase in the public debt limit (Rept. 103–50). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NUSSLE (for himself, Mr. BARTLETT, Mr. INGLIS, and Mr. LIGHTFOOT):

H.R. 1545. A bill to make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees; and to repeal and prohibit certain privileges and gratuities for Members of the U.S. House of Representatives and for other purposes; jointly, to the Committees on House Administration, Ways and Means, Education and Labor, the Judiciary, and Government Operations.

By Mr. NUSSLE (for himself, Mr. BARTLETT, and Mr. INGLIS):

H.R. 1546. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Rules.

H.R. 1547. A bill to eliminate the franking privilege for the House of Representatives, to establish a spending allowance for postage for official mail of the House of Representatives and to limit the amount and type of mail sent by Members of the House of Representatives; jointly, to the Committees on House Administration and Post Office and Civil Service.

H.R. 1548. A bill to provide for the adjournment of Congress by September 30 each year; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. BILIRAKIS:

H.R. 1549. A bill to amend the act of September 30, 1961, to exclude professional baseball from the antitrust exemption applicable to certain television contracts; to the Committee on the Judiciary.

By Mr. BONIOR:

H.R. 1550. A bill to provide that no Federal funds may be obligated for any purpose with respect to the Berz-Macomb Airport in Macomb County, MI, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BREWSTER (for himself and Mr. CAMP):

H.R. 1551. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from unrelated business taxable income for certain sponsorship payments; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. NEAL of North Carolina, Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. HOAGLAND, Mr. ROHRABACHER, Mr. GOSS, Mr. POMBO, Mr. RAMSTAD, Mr. WOLF, Mr. INHOFE, Mr. FRANKS of New Jersey, Mr. KYL, Mr. HEFLEY, Mr. LEWIS of Florida, Mr. BEREUTER, Mr. INGLIS, Mr. FAWELL, Ms. FOWLER, Mr. ALLARD, Mr. WALSH, Mr. ROGERS, Mr. DOOLITTLE, and Mr. BOEHNER):

H.R. 1552. A bill to repeal the Helium Act, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY (for himself and Mr. MOORHEAD):

H.R. 1553. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 1554. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, set Presidential general elections on the first Saturday in November, and extend daylight saving time to the first Sunday in November; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 1555. A bill to terminate the Ground-Wave Emergency Network [GWEN] Program; to the Committee on Armed Services.

By Mr. GILMAN:

H.R. 1556. A bill to extend until December 31, 1998, the temporary suspension of duties on 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene; to the Committee on Ways and Means.

H.R. 1557. A bill to suspend until December 31, 1998, the duty on pectin; to the Committee on Ways and Means.

H.R. 1558. A bill to suspend until December 31, 1998, the duty on 6-Acetyl-1,2,3,3,5-hexamethylindan; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Mr. INHOFE):

H.R. 1559. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for stage 3 aircraft; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Mr. GOODLING, Mr. FRANK of Massachusetts, Mr. FAWELL, Mr. BOEHLERT, Mr. HUGHES, Mr. ZELIFF, Mr. FIELDS of Louisiana, Mr. WALSH, Mr. JOHNSON of South Dakota, Mr. CLINGER, Mr. PETERSON of Minnesota, Mr. FROST, Mr. HAMILTON, and Mr. MURPHY):

H.R. 1560. A bill to authorize an endowment grant to support the establishment of area program centers to promote and organize locally based, volunteer operated, private citizens' scholarship programs, and for other purposes; to the Committee on Education and Labor.

By Mr. RICHARDSON:

H.R. 1561. A bill to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes; to the Committee on Natural Resources.

H.R. 1562. A bill to amend title V of Public Law 96–550, designating the Chaco Culture Archeological Protection Sites, and for other purposes; to the Committee on Natural Resources.

By Mrs. ROUKEMA (for herself and Ms. KAPTUR):

H.R. 1563. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. DEUTSCH, Mr. LEWIS of Florida, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. STEARNS, Mr. MCCOLLUM, Mr. GOSS, Mr. GIBBONS, Mr. BACCHUS of Florida, Mr. JOHNSTON of Florida, Mr. MILLER of Florida, Mr. HASTINGS, Mr. HUTTO, Mr. DIAZ-BALART, Mr. MICA, Mr. PETERSON of Florida, Mrs. THURMAN, Mrs. FOWLER, Ms. BROWN of Florida, Mr. CANADY, Mr. YOUNG of Florida, and Mrs. MEEK):

H.R. 1564. A bill to save Florida Bay; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Mr. SOLOMON:

H.R. 1565. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 1566. A bill to amend the wetland conservation provisions of the Food Security Act of 1985, establish a Gulf of Mexico Commission, and establish a Gulf of Mexico Program Office within the Environmental Protection Agency, and for other purposes; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

By Mr. FLAKE:

H.R. 1567. A bill to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the portion of Social Security benefits subject to income taxation; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1568. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories, to provide for the public safety of the citizens of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 1569. A bill to authorize States to regulate certain solid waste; to the Committee on Energy and Commerce.

By Mr. LAROCCO:

H.R. 1570. A bill to designate certain lands in the State of Idaho as wilderness, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. HUGHES (for himself and Mr. KLEIN):

H.R. 1571. A bill to amend title 18, United States Code, to prohibit the possession, transfer, and certain exports of restricted weapons, the manufacture of firearms capable of accepting a silencer or bayonet without alteration, and the possession and transfer of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. STENHOLM, Mr. STUMP, Mr. SAM JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. BARTON of Texas, Mr. KOLBE, and Mr. GINGRICH):

H.R. 1572. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through Federally mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

H.R. 1573. A bill to strengthen the international trade position of the United States by extending the Super 301 provision of U.S. trade law; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 1574. A bill to permit national banks to underwrite municipal revenue bonds; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1575. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for Social Security taxes imposed on wages paid for dependent care services in the home; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 1576. A bill to amend the Internal Revenue Code of 1986 to reinstate the excise tax on certain vaccines and extend the Vaccine Injury Compensation Trust Fund; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself and Mr. ABERCROMBIE):

H.R. 1577. A bill to amend the Foreign Trade Zones Act to clarify that crude oil and derivatives thereof consumed in refining operations are not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself, Mr. BARTLETT, and Mr. INGLIS):

H.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms a person may serve as a Representative or Senator, which shall be known as the Citizen Representative Reform Act New Blood Provision; to the Committee on the Judiciary.

By Mr. DOOLITTLE:

H.J. Res. 171. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. GEKAS:

H.J. Res. 172. Joint resolution designating the month of May 1993 as "U.S. Armed Forces History Month"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 173. Joint resolution proposing an amendment to the Constitution of the United States regarding school prayer; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. FIELDS of Texas, Mr. LIPINSKI, Mr. MANTON, Mr. BATEMAN, Mr. COBLE, Mr. SAXTON, Mr. YOUNG of Alaska, Mr. LAUGHLIN, Mr. VOLKMER, Mr. RAHALL, Mr. TANNER, Mr. BARLOW, Mr.

HAYES of Louisiana, Mr. PETERSON of Minnesota, Mr. KING, Mr. TALENT, Mr. GRANDY, Mrs. BENTLEY, Mr. HAMILTON, and Mr. BAKER of Louisiana):

H. Res. 146. Resolution objecting to any further increase in the inland waterway fuel tax; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

71. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to the Tahoe Regional Planning Compact; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. VOLKMER and Mr. KREIDLER.

H.R. 15: Mr. WELDON.

H.R. 43: Mr. TOWNS, Mr. BILBRAY, and Mr. KOPETSKI.

H.R. 58: Mr. LEWIS of California.

H.R. 59: Mr. HOKE, Mr. COBLE, Mr. CASTLE, and Mrs. VUCANOVICH.

H.R. 118: Mr. SERRANO and Mr. FILNER.

H.R. 139: Mr. NEAL of North Carolina, Mr. ROYCE, Mr. SKEEN, Mr. HANCOCK, Mr. DORNAN, Mr. BONILLA, and Mr. STENHOLM.

H.R. 142: Mr. EWING.

H.R. 150: Mr. SENSENBRENNER, Mr. ZELIFF, and Mr. KINGSTON.

H.R. 166: Mr. ISTOOK.

H.R. 207: Mr. STUMP.

H.R. 214: Mr. KNOLLENBERG, Ms. SNOWE, and Mr. BEREUTER.

H.R. 300: Mr. TALENT, Mr. ISTOOK, and Mr. TAUZIN.

H.R. 325: Mr. BURTON of Indiana, Mr. HUNTER, Mr. ANDREWS of New Jersey, Mr. INHOFE, Mr. BORSKI, Mr. DIXON, Mr. HUTTO, Mr. WHEAT, Mr. MCDADE, Mr. CARDIN, Mr. GALLO, Mr. MARTINEZ, Mr. BAKER of California, Mr. STUDDS, Mrs. COLLINS of Illinois, Mr. FRANK of Massachusetts, Mr. TUCKER, Mr. ACKERMAN, and Mr. PICKETT.

H.R. 326: Mrs. MINK, Mr. NEAL of Massachusetts, and Mr. HOLDEN.

H.R. 334: Mr. LANCASTER, Mr. NEAL of North Carolina, Mr. KOPETSKI, Mr. FALEOMAVAEGA, Mr. HEFNER, Mr. TOWNS, Mr. BLACKWELL, Mr. WATT, and Mr. YATES.

H.R. 349: Mr. HANCOCK, Mr. BROWN of Ohio, and Ms. DANNER.

H.R. 419: Miss COLLINS of Michigan.

H.R. 437: Ms. SCHENK.

H.R. 477: Mr. SANDERS, Mr. FILNER, and Mr. SWIFT.

H.R. 509: Mr. CRANE.

H.R. 513: Mr. WELDON, Mr. ZIMMER, Mr. GRAMS, Mr. CASTLE, Mr. HOKE, Mr. CANADY, Mr. HUTCHINSON, Mr. ROHRABACHER, Ms. PRYCE of Ohio, and Ms. SNOWE.

H.R. 535: Mr. BURTON of Indiana, Mr. HASTINGS, Ms. NORTON, Mr. WILSON, Mr. BLUTE, Mr. DIAZ-BALART, Mr. RAMSTAD, Mr. ANDREWS of Texas, Mr. BORSKI, Ms. DANNER, Mr. GEPHARDT, Mr. HAMILTON, Mr. LAFALCE, Mr. LANTOS, Mr. MANN, Mr. PACKARD, Mr. VISCLOSKY, Mr. TORRES, Mr. SWIFT, Mr. STUDDS, Mr. STRICKLAND, Mr. STENHOLM, Mr. SHARP, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. DELAY, Mr. BOEHLERT, Mr. KILDEE, Mr. BLACKWELL, Mr. HOBSON, Mr. OBERSTAR, and Mr. VENTO.

H.R. 562: Mr. HANCOCK.

H.R. 651: Mrs. COLLINS of Illinois.

H.R. 709: Mr. CARR, Mr. HOEKSTRA, Mr. BAKER of California, and Mr. HOBSON.

H.R. 723: Mr. HANCOCK.

H.R. 727: Mr. BONIOR, Mrs. MEEK, and Mr. OWENS.

H.R. 728: Mr. BLACKWELL, Mr. KOPETSKI, and Mr. MARKEY.

H.R. 749: Mr. TRAFICANT and Mr. GOSS.

H.R. 760: Mrs. MEYERS of Kansas.

H.R. 762: Mr. SMITH of New Jersey, Mr. HANCOCK, Mr. HERGER, and Mrs. MEYERS of Kansas.

H.R. 767: Mr. SCHIFF and Mr. GLICKMAN.

H.R. 814: Mr. SANTORUM, Mr. QUINN, Mr. ROHRABACHER, Mr. FRANKS of New Jersey, Mr. KNOLLENBERG, Mr. ISTOOK, and Ms. SNOWE.

H.R. 857: Mr. ROYCE.

H.R. 883: Mr. CRAPO.

H.R. 885: Mr. DOOLITTLE, Mr. GILMAN, Mr. HOKE, Mr. ZELIFF, Mr. HORN, Mrs. FOWLER, Mrs. MINK, and Mr. LAZIO.

H.R. 915: Mr. MEEHAN and Mr. BLACKWELL.

H.R. 930: Mr. STRICKLAND, Mrs. KENNELLY, Mr. NADLER, and Mr. DORNAN.

H.R. 959: Mr. ZELIFF, Mr. BLACKWELL, and Mr. HASTINGS.

H.R. 962: Mr. HOKE, Mr. ZIMMER, Mr. SMITH of Oregon, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Texas, Mr. BARCIA, Mr. HUTTO, Mr. HAYES, Mr. CASTLE, Mr. COOPER, Mrs. VUCANOVICH, Mr. BROWN of Ohio, Mr. CRAMER, Mr. DARDEN, Mr. JOHNSTON of Florida, Mr. SLATTERY, Mr. CALLAHAN, MR. SMITH of Texas, Mr. HOEKSTRA, Mr. BEVILL, Mr. BILIRAKIS, Mr. KINGSTON, Ms. SHEPHERD, Mr. KYL, Mr. COPPERSMITH, and Mr. BREWSTER.

H.R. 967: Mr. SHAW, Mr. CRAPO, Mr. KOLBE, Mr. HOUGHTON, Ms. ENGLISH of Arizona, Mr. CANADY, Mr. MCCANDLESS, Mr. DORNAN, and Mr. BEREUTER.

H.R. 977: Mr. OBERSTAR and Mr. STOKES.

H.R. 998: Mr. INHOFE and Mr. POSHARD.

H.R. 999: Mr. ROYCE, Ms. SNOWE, and Mr. HOAGLAND.

H.R. 1026: Mr. GOSS.

H.R. 1067: Mr. HERGER.

H.R. 1076. Mrs. VUCANOVICH.

H.R. 1080: Mr. ZIMMER.

H.R. 1086: Mr. SCHIFF and Mr. DOOLITTLE.

H.R. 1120: Mr. SCHIFF and Mr. BLACKWELL.

H.R. 1122: Mr. KYL and Mr. ARMEY.

H.R. 1123: Mr. KYL and Mr. ARMEY.

H.R. 1124: Mr. KYL and Mr. ARMEY.

H.R. 1126: Mr. KYL and Mr. ARMEY.

H.R. 1127: Mr. KYL.

H.R. 1128: Mr. KYL, Mr. ARMEY, and Mr. SMITH of Michigan.

H.R. 1129: Mr. ARMEY.

H.R. 1141: Mr. SHAW and Mrs. JOHNSON of Connecticut.

H.R. 1151: Mr. ROMERO-BARCELÓ, Mr. OWENS, and Mr. KOPETSKI.

H.R. 1169: Mr. STUMP.

H.R. 1208: Mr. HUGHES, Mr. HASTINGS, and Mr. HINCHEY.

H.R. 1222: Mr. SMITH of New Jersey, Mr. LEVY, and Mrs. MEYERS of Kansas.

H.R. 1237: Ms. SLAUGHTER, Mr. PETERSON of Minnesota, Mr. FROST, and Mr. WHEAT.

H.R. 1260: Mr. STEARNS.

H.R. 1295: Mr. CLYBURN, Mr. MINGE, Mr. HOKE, Mr. SOLOMON, Mr. WELDON, Mr. GILLMOR, Mr. ARMEY, Mrs. ROUKEMA, Mr. GOSS, Mr. YOUNG of Alaska, Mr. GILCHREST, Mr. COBLE, Mrs. BENTLEY, Mr. PACKARD, Mr. ZELIFF, Mr. CASTLE, Ms. SHEPHERD, and Mr. KENNEDY.

H.R. 1296: Mr. BROWN of Ohio and Miss COLLINS of Michigan.

H.R. 1311: Mr. LINDER, Mr. LANCASTER, and Mr. PARKER.

H.R. 1443: Mrs. KENNELLY.

H.R. 1520: Mr. SYNAR.

H.J. Res. 6: Mr. BREWSTER, Mr. SAXTON, Mr. GORDON, Mr. SPRATT, Mr. RAMSTAD, Mr. FRANKS of New Jersey, Mr. PASTOR, Mr. PALLONE, Mr. ANDREWS of New Jersey, Mr. CALLAHAN, Mr. GINGRICH, Mr. HANSEN, Mr. BEREUTER, Mr. BISHOP, Mr. BORSKI, Mrs. COLLINS of Illinois, Mr. COYNE, Mr. DE LA GARZA, Mr. DELAY, Mr. DINGELL, Mr. ENGEL, Mr. FAZIO, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GOODLING, Mr. GUNDERSON, Mr. HEFLEY, Mr. HEFNER, Mr. HOAGLAND, Mr. HOBSON, Mr. HUNTER, Ms. KAPTUR, Mr. KILDEE, Mr. KIM, Mr. KLINK, Mr. LEWIS of Georgia, Mr. MFUME, Mr. MICA, Mr. MILLER of California, Mr. MOORHEAD, Mr. MURTHA, Mr. NADLER, Mr. NATCHER, Mr. ROGERS, MR. ROWLAND, Mr. SABO, Mr. STARK, Mr. STEARNS, Mr. STENHOLM, Mr. SWETT, Mr. VOLKMER, Mr. GALLO, Mr. ZIMMER, Mr. KLEIN, Mr. MANTON, Mrs. KENNELLY, Mrs. BENTLEY, Mr. PAYNE of Virginia, Mr. QUINN, Ms. VELAZQUEZ, Mr. BOEHLERT, Mr. MENENDEZ, Mr. SCHIFF, Mr. JEFFERSON, Mr. MOAKLEY, Mr. BOUCHER, Mr. BILBRAY, Mr. CRAMER, Mr. OWENS, Ms. MOLINARI, Ms. EDDIE BERNICE JOHNSON, Ms. CANTWELL, Mr. ROYCE, Mr. BLACKWELL, Mr. KINGSTON, Mr. BROWDER, Mr. EDWARDS of California, Mr. SLATTERY, Ms. LONG, Ms. WATERS, Mr. TEJEDA, Mr. BAESLER, Mr. CLYBURN, and Mr. KNOLLENBERG.

H.J. Res. 77: Mr. HANCOCK.

H.J. Res. 78: Mr. APPLEGATE, Mrs. BENTLEY, Mr. BLILEY, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CLYBURN, Mr. CONYERS, Mr. CRAMER, Mr. DIXON, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. KNOLLENBERG, Mr. KOPETSKI, Mr. LANTOS, Mr. LEWIS of California, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. SKEEN, Mr. VENTO, and Mr. WELDON.

H.J. Res. 84: Mr. GREENWOOD, Mr. ISTOOK, and Mr. PARKER.

H.J. Res. 94: Mr. MCCRERY.

H.J. Res. 133: Mrs. CLAYTON.

H.J. Res. 148: Mr. BILBRAY, Mr. HUGHES, Mr. FISH, Mr. CONYERS, Mr. MATSUI, Mr. CLYBURN, and Ms. ROYBAL-ALLARD.

H. Con. Res. 3: Mr. HANCOCK.

H. Con. Res. 5: Mr. REED.

H. Con. Res. 6: Mr. HOLDEN.

H. Con. Res. 29: Mr. SMITH of New Jersey.

H. Con. Res. 70: Mr. ROWLAND, Mr. INHOFE, Mr. PARKER, Mr. HASTERT, Mr. BLACKWELL, Mr. JOHNSON of Georgia, and Ms. BYRNE.

H. Res. 11: Mr. ZELIFF and Mr. KYL.

H. Res. 35: Mr. TOWNS, Mr. ROHRABACHER, Mr. KOPETSKI, Mr. ACKERMAN, and Mr. NADLER.

H. Res. 108: Mr. STUMP.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1430

By Mr. CASTLE:

—At the end, add the following:

TITLE II—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

SECTION 201. SHORT TITLE.

This title may be cited as the "Legislative Line Item Veto Act of 1993".

SEC. 202. LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal years 1994 or 1995 which is subject to the terms of this title if the President—

(1) determines that—

(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this rule title of limiting discretionary spending in fiscal years 1994 or 1995, as the case may be; and

(2) notifies the Congress of such rescission by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation Act for fiscal year 1994 or 1995 or a joint resolution making continuing appropriations providing such budget authority for fiscal year 1994 or 1995, as the case may be.

The President shall submit a separate rescission message for each appropriations bill under this paragraph.

SEC. 203 RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval.

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this title and the last session of the Congress adjourns sine die before the expiration shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 204. DEFINITIONS.

For purposes of this title—

(a) the term "rescission disapproval bill" means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1994 or 1995, in whole, rescinded in a special message transmitted by the President under this title; and

(b) the term "Calendar days of session" shall mean only those days on which both Houses of Congress are in session.

SECTION 205. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this title, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this title;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each message shall be printed as a document of each House.

(2) Any special message transmitted under this title shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION DISAPPROVAL BILLS.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this title.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

By Mr. MICHEL:

—Page 1, strike line 4 and insert the following: "This title may be cited as the 'Enhanced Rescission/Receipts Act of 1993.".

—Page 1, line 9, after "1995" insert "or veto any targeted tax benefit within any revenue bill".

—Page 1, lines 13, 14, and 17, insert "or veto" after "rescission" each place it appears.

—Page 2, line 3, insert "or a revenue bill containing a targeted tax benefit" after "1995,".

—Page 2, line 9, strike "rescission" and insert "rescission/receipts".

—Page 2, line 7, insert "(1)" after "(a)" and after line 10 add the following:

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

—Page 2, lines 13, 17, and 18, strike "rescission" each place it appears and insert "rescission/receipts".

—Page 2, line 23, insert "or veto" after "rescission".

—Page 3, strike lines 3 through 7 and insert the following:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is a number by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

—Page 3, line 9, insert "or vetoes any provision of law" after "authority".

—Page 3, line 12, insert "or the provision vetoed" before the semicolon.

—Page 3, line 16, insert "or veto any provision" after "authority".

—Page 3, line 19, insert "or veto" before the semicolon.

—Page 3, line 21, insert "or veto" after "rescission" each place it appears.

—Page 4, strike lines 9 through 11 and insert the following:

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

—Page 4, lines 13 and 15, strike "rescission" each place it appears and insert "rescission/receipts".

—Page 5, line 8, strike "rescission" the first time it appears and insert "rescission/receipts".

—Page 5, line 9, strike "budget authority" and insert "of budget authority or veto of the provision of law".

—Page 5, line 11, strike "rescission" and insert "rescission/receipts".

SENATE—*Wednesday, March 31, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, the Reverend Dr. Calvin Phelps, from the First Baptist Church, Winnfield, LA.

PRAYER

The guest chaplain, the Reverend Dr. Calvin Phelps, First Baptist Church, Winnfield, LA, offered the following prayer:

Let us pray:

Almighty God our Heavenly Father, having gathered from the diversity of geography, culture, religion, and race, we bow before You in the humble acknowledgment that it is "the Lord who has made us and not we ourselves." "There is none beside You," and in all the Earth You have created none quite like us.

I thank You for this distinguished body. Grant to each of these, as to our President, the courage of uncompromising integrity, unquestioned commitment to honest conviction, unqualified allegiance to the common good, unrelenting concern for the hopeless, unusual compassion for the helpless, unmitigating opposition to injustice, unexcelled devotion to service, unselfish loyalty to colleagues, unimpeded vision for a greater America, and an uncommon wisdom and insight in the exercise of their awesome responsibilities.

And to each grant an indomitable vitality of mind and body that such men and women may be used of You to bring about a better nation and a safer world—a world in which the peace and righteousness of God will rule until that day envisioned by the prophet who wrote:

"Nation will not lift up sword against
nation,
And never again will they learn war."

To the praise and glory of God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in her capacity as a Senator from the State of Washington, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin, under the previous order, is recognized to speak for up to 10 minutes.

END THE ARMS EMBARGO

Mr. FEINGOLD. Madam President, our primary focus this week and throughout the year, I expect, will be the budget, the economy, stimulating the economy, and especially reducing the Federal deficit. I do expect to rise on the Senate floor more often to talk about those issues than the issues I want to speak about today. But the subject I want to talk about today must be addressed, and that is the need to lift the United Nations arms embargo on the Republic of Bosnia and Herzegovina.

Since being sworn in, I have sought on several occasions to raise this issue before the Senate Foreign Relations Committee and to the administration as a significant action that the United States and the United Nations can and should take. I think there are several goals that we have in trying to lift the arms embargo. One very important goal is to deter further Serbian aggression in the region. Another, closely related, is to finally allow for some protection of the right of Bosnian self-defense. And finally, yes, even though this does involve lifting an arms embargo, this is one way I believe we can actually promote the peace process in former Yugoslavia.

For these reasons I recently introduced Senate Resolution 79, which calls for the United States to work with the U.N. Security Council members, to lift the arms embargo.

This is a little ironic for me, as I am no fan of armament sales in general and hope to act on many occasions in this body to try to slow or stop armament sales when appropriate. Too often U.S. foreign policy has turned first to military aid rather than to humanitarian, economic, or even political assistance. So I do not take this position lightly. But after months of discussions and reading press accounts, I believe lifting the arms embargo for Bosnia is the next step the United States should take for both moral and pragmatic reasons. Of course, more arms can mean more deaths, more injuries, and more property damage in any situation, and I cannot guarantee that will not happen here. But this is a unique situation.

Let me mention four reasons why I think we should act to lift the arms embargo. First, I believe any nation has the right of self-defense. This is guaranteed in article 51 of the U.N. Charter. The United States and the United Nations has recognized the Republic of Bosnia and Herzegovina as a country. But when it comes to the fundamental right of self-defense we have done just the opposite—rather, we imposed an arms embargo. And what has been the result? The Bosnians lack arms and the Serbians have access to virtually the entire stockpile of arms of former Yugoslavia. This was once the fifth largest Army in Europe. The results are all too well known: 130,000 people murdered, some 20,000 rapes, repeated acts of so-called ethnic cleansing, and the specter of genocide arising in Europe once again.

Where is our moral outrage, of "never again," at such atrocities? Let us be clear, this is not a civil war. This is a battle between sovereign nations, the Republic of Bosnia and Herzegovina and Serbia-Montenegro. But one side is forced to hold out their hands to the sky for food and medicine, and what happens? That is exactly where the Serbians choose to go, knowing the people about to receive the food and the medicine cannot defend themselves and protect the supplies they are being given. Each day the press reports confirm this unfair denial of the right of self-defense and the consequent constant invitation for more Serbian aggression. I am sorry to say this is even more clearly reflected in the latest report in today's Washington Post. The headline is troubling, "Serbian People, Politicians Scoff at West's Threats to Tighten Sanctions."

In the article it is noted that President Milosevic has benefited enormously from the fact that Western leaders, while condemning Bosnian Serb attacks upon civilians, according to the article, have refused so far to use force to halt them.

> Rather than supply weapons to the outgunned Bosnians or intervene against the Serbs, the Western powers have chosen to apply economic sanctions and to deliver foods to the hundreds of thousands of war victims.

One of the editors said in the article:

> Everybody sees the United Nations and the United States as a paper tiger that roars loudly but does nothing.

This same article in today's Post concludes with this observation. It says:

> Many diplomats and analysts agree that Serb behavior in Bosnia will change only in the face of military defeat or the threat of it. With Western military intervention ruled out for now, they say the only other measure that might have a palpable effect is lifting an international arms embargo that has kept weapons from the outgunned Bosnians.

I think perhaps my feelings about lifting the arms embargo from the point of view of self-defense have been said best by a Bosnian leader himself. The foreign minister, Haris Silajdzic, has stated "If the Serb's aggression continues we prefer military help over food for dead people."

He has also said that, "The aggression, plus the arms embargo in Bosnia, plus the nondeliverance of aid means death to Bosnia."

And finally, in Mr. Silajdzic's most compelling statement, he has said:

> We would prefer doing it ourselves, but for that we need arms. The arms embargo is what is humiliating. The humiliation is to be slaughtered like an animal and not be able to defend yourself like a man.

So, Madam President, I see the right of self-defense as the most important and morally compelling reason to lift the arms embargo.

There are other reasons as well. These have been highlighted by recent events. I think it is in the interest of America and in the interest of American lives to lift the arms embargo. I am talking here about assisting Bosnian self-defense rather than turning to the alternative of sending American troops.

I think I, along with most Americans, feel that American ground troops could potentially be involved in an even greater quagmire in former Yugoslavia than we were in Vietnam. Too many people think the alternatives are to do nothing or send our troops there. There is another way. I look to the example of the State of Israel which has always said: Do not send American troops to defend Israel. Give us the arms and the help so we can defend ourselves. That is a proud tradition of Israel. But I want to tell you something, it is a proud feeling of every nation and Bosnia is such a nation that wants the right to defend itself.

Much like the enforcement of a no-fly zone, which we are now pursuing as an alternative, there are ways to curb Serbian aggression without having American troops sent to the region. In this regard, I warmly welcome the remarks of the distinguished senior Senator from Georgia [Mr. NUNN] which he made last week on "Meet the Press." Senator NUNN'S statement was with regard to the issue of lifting the arms embargo for Bosnia:

> Ever since Vietnam, we have taken the position that the first thing we are going to do for people who are in trouble and being brutalized militarily is that we are going to help them help themselves. We are going to, first of all, furnish them arms, and the last thing we are going to do is to put U.S. troops on the ground.

Senator NUNN said, "That has been our policy now for some 30 years."

I think this is an important remark by a very distinguished Senator who is a leader on issues of foreign policy and defense, and I think they will be helpful.

Madam President, I offer a third reason, even beyond self-defense and beyond the desire to find an alternative to direct American troop intervention. And that reason is that I believe lifting the arms embargo will promote a just and expeditious conclusion of the peace process. Some say no. Some say you cannot do it because it might upset the so-called Vance-Owen peace plan but, in effect, the current Vance-Owen peace plan is the same peace plan that we called appeasement to aggressors just some 7 or 8 weeks ago.

I think the agreement as it now stands is in large part a ratification of Serbian aggression. Much of it is peace by the surrender of sovereign Bosnian territory. But the news last week was bittersweet news: That Bosnians have agreed to sign this map, but with the understanding, according to President Izetbegovic, that the arms embargo, or the United States will at least make its best efforts to lift the arms embargo. There is some question as to what the administration agreed to. If we did agree to lift the arms embargo or proceed in that direction, we should do it and we should do it now. And if we did not make that agreement with the President of Bosnia, we should have.

But the key is that the Bosnians are ready, despite the tragedy of this compromise, to make peace, but the Serbs are the only ones who have not signed. The Serbians are still the only ones to not put their name on it.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator's time has expired.

Mr. FEINGOLD. I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, the Serbians still have not signed and that is because they believe they can go forward with this aggression knowing that they will not be forced to make compromises at the negotiating table.

Finally, Madam President, I want to make the point that lifting the arms embargo is an important step to effectively enforce the peace plan if it ever happens. What is going to happen if we have a real peace agreement? Are we going to send American troops in there to defend the area or are you going to take the opportunity to arm the Bosnians so they can defend themselves? I do not think we should get into the business of policing the entire world, and we have noticed many times that the Serbians have violated the agreements for the cease-fires. So I believe it is only through a balance of power that this can occur.

Madam President, to conclude, I wish to commend our administration for its action, for actively reviewing the arms embargo option. It has been a vast improvement over the previous administration. The major concern here apparently is our allies; that they do not want the arms embargo lifted. But let me remind you that we have acted and put our soldiers in harm's way many times. Think of Somalia or Kuwait in recent years, and this is Europe. This is their theater, and they have a role in helping us solve this problem.

The United Nations, the United States, and Europe had a significant role in creating the imbalance, and we now must redress this problem.

So to conclude, I urge the Clinton administration to continue its good work in this area and now take the next step, and that is to endeavor to convince the Security Council to lift the arms embargo. Thank you, and I yield the floor.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Alaska for up to 20 minutes.

DISTINGUISHED PHYSICIAN PROGRAM

Mr. MURKOWSKI. Madam President, a few weeks ago I wrote to the new

Secretary of Veterans Affairs, Jesse Brown, about the VA's Under Secretary for Health, Dr. James Holsinger, who was under an order to leave office from the Secretary and become a so-called VA distinguished physician with a salary of $160,000 per year. This sends an incorrect message to our structure and the veterans, as a whole, at a time when we are searching for budget austerity. I was very pleased the Secretary responded favorably and announced that Dr. Holsinger would remain as Under Secretary until the selection process for a new Secretary was complete.

He also said he would examine the VA's Distinguished Physicians Program. Madam President, I would like to inform you today that the VA has not yet responded to my request about the program, and I want to share with my colleagues this program in some detail.

I question, as the ranking minority member of the Veterans' Committee, whether veterans receive a tangible return for the resources that are invested in this program. This is a program that provides salaries of $100,000 to $160,000 per year to some 12 to 14 physicians. I think it is important the record should note what these doctors are required to accomplish in this so-called distinguished physicians' position as they take an advisory-capacity type of retirement.

I am informed that they need only to, one, make themselves available for occasional speeches, attend some two meetings a year in Washington, and submit an annual report to the department.

As a consequence, Madam President, one questions the necessity of this program. Does the program reward VA clinicians for treating veterans? No, distinguished physicians are not normally VA employees prior to their appointment.

Is the program designed to recruit the brightest and best doctors to the service of veterans? No, there is no evidence that VA sets veteran-based goals for the program. In fact, the VA provides little or no direction at all.

If veterans have derived any benefit from the millions of dollars committed to this program it has been simply a coincidence. My mail room grows under the weight of letters from veterans seeking improved VA health care. America's veterans service organizations have made VA health care a high priority.

The common theme in letters and testimony is the need for additional resources.

The double burden of Federal debt and the deficit limit the resources available to us to meet the demand for improved VA health care. Such an environment imposes a double mission on the members of this body.

First, we must create the most cost-effective path to the goal we all seek, and that is quality health care for veterans.

Second, we must ensure every dollar we entrust to the VA delivers a real service to our veterans.

Madam President, I do not believe the VA Distinguished Physicians Program meets either of these standards.

In an era when the VA health care system is stretched to the limit, the distinguished physicians program is an unaffordable luxury.

Legislation to eliminate this program would redirect scarce resources to the care of our veterans, and I intend to offer such legislation.

On a related issue, we must also look at the pay levels of nonpracticing VA physicians. In addition to the Under Secretary for Health, who is paid $182,000 per year, VA Central Office has 29 doctors, including 1 dentist, paid more than other Federal Under Secretaries. Their pay ranges from $117,000 to $173,000. The extra pay is called responsibility pay, even though it is available only to doctors, doctors who are administrators, doctors who perform no clinical duties.

In comparison, Dr. Louis Sullivan, the former Secretary of Health and Human Services, a position with very heavy responsibilities, received only $143,800, the pay rate for the Secretary. Secretary Sullivan received no responsibility pay, although he holds an MD degree. The salary of the Veterans Affairs Secretary Jesse Brown, also at $143,800 is less than the pay of 18 nonclinical VA officials. The pay of these 18 doctors, who perform administrative duties, is inflated because they receive physician bonuses even though they do not practice medicine. In fact, the only Federal official that earned more than Dr. James Holsinger, VA's current Under Secretary of Health, and his deputy, Dr. John Farrar, is our President, President Clinton.

VA's Under Secretary for Health and his deputy each receive more pay than the Chief Justice of the Supreme Court and the Vice President of the United States.

What do the recipients do to earn their increased salaries? No more than other Federal leaders with comparable responsibilities. Are the higher salaries needed to attract good people to Federal service? I think not. Most VA Central Office doctors came from within the department. Other Federal departments, like the National Institutes of Health or the Public Health Service, attract capable physician leadership without these pay levels. Are the higher salaries needed to reward outstanding achievement? No, I do not think so. There is already a mechanism such as bonus payments and exceptional service awards to reward good work within the Government. We should not, and it is not necessary that we go beyond that point.

Again, I would ask, Madam President, can the VA afford these pay scales for nonpracticing doctors in an era of unprecedented budget pressures? I believe the answer is no.

Madam President, the issues I have raised this morning are only a few of the issues facing the Department of Veterans' Affairs. It is my intent to make constructive suggestions. I think it is time that the VA looked at its own house from the standpoint of increased efficiencies and reducing costs so we can provide a better medical service and benefits for our veterans.

Over the course of the year, I will be bringing a series of issues before this body in order to ensure that America's veterans receive the maximum benefit from the dollars we commit to their service.

I thank the Chair.

Madam President, may I inquire of the time I have remaining under my special order?

The ACTING PRESIDENT pro tempore. The Senator has 13 minutes remaining.

Mr. MURKOWSKI. I thank the Chair.

THE APRIL SUMMIT

Mr. MURKOWSKI. Madam President and Members of this body, on April 4, President Clinton will hold his first summit meeting with Russian President Boris Yeltsin, in Vancouver, BC. I think we are all in agreement that this is a critical meeting for Boris Yeltsin, who continues to find himself fighting crucial battles at home, battles whose outcome could determine the fate of the Russian democratic effort and the economic reforms underway.

It is, of course, imperative that the United States continue to support these democratic reforms. The long-term price of standing by idly while Russia fights for its life is one that we cannot afford. However, we too are facing some difficult times here in our own country—ballooning budget deficits, a weak economy, and American citizens who want their interests to come first and not the interests of U.S. foreign policy.

While the administration examines the amount of aid that might be available to the former Soviet Union in this time of crisis, I think it is fair that we send a message to our Russian friends that they might recognize their has already been established an avenue for acquiring hard currency and building a strong foundation for its economic and democratic reforms, and that is to encourage investment by American companies. Commercial interests are poised and willing to move forward under a favorable investment climate if that favorable investment climate is consistent. This is particularly true, Madam President, in the field of energy development, a field which could lead to a healthy infusion of hard currency and fuel economic reforms.

It is no secret, Madam President, the former Soviet Union is luckier than most areas with evolving economies. Like my State of Alaska, it is blessed with vast natural resources. Proven oil and gas reserves in the former Soviet Union are twice those of the United States. However, oil production has fallen by well over 25 percent since 1988, from a high of 12.5 million barrels of oil a day in 1988 down to less than 9 million barrels of oil by the end of 1992. The value of that lost production could offset about half of the former Soviet Union's current foreign debt of approximately $80 billion. However, without the assistance of Western energy companies and their know-how, the former Soviet Union's energy output will continue to decline leading to a decay of its most important source of hard currency.

In a recent interview, Russian Fuel and Energy Minister Yuri Shafranik warned that the Russian crude oil exports may be completely exhausted by 1994 unless urgent measures are taken to stem declining oil production. However, little has been done to create the necessary business climate to promote investment by American energy companies in Russia. In fact, it appears that all projects to date have had to face overwhelming obstacles, obstacles which could ultimately lead to an exodus of American energy interests from Russia entirely.

One of the largest proposed projects in Russia today is the development of energy resources offshore Sakhalin Island in the Russian Far East, an area that is served to some extent by Alaska and Alaska's transportation capabilities.

An American-Japanese-European consortium of five companies—Marathon Oil, McDermott, Mitsui, Mitsubishi, and Royal Dutch/Shell—recently submitted a $75 million feasibility study for the project to the Russian Government. While an important stage has been reached for the consortium, the project's history has not been without its ups and downs—last-minute changes in rules, lack of a legal and investment framework in which to operate, and an uncertainty as to who is in charge. And as Russian committees continue to review the study, one cannot help but worry that the Sakhalin project could go the same way as others.

Philbro's White Nights project is near bankruptcy, and Conoco, after investing 2 years' worth of time and money for a feasibility study for development of energy offshore Barents Sea, saw the project unexpectedly awarded to a 100-percent Russian entity at the last minute. The consortium on Sakhalin waits, hoping that perhaps it will be lucky enough to break the code and finally have a major project move forward. The project promises not only hard currency injection into the Russian economy but also opportunities for employment, production of much needed natural gas to the Russian Far East, and conversion of industrial military complexes currently sitting stagnant and nonproductive into useful economic engines.

I would urge our President as he prepares to sit down with President Yeltsin and talk about additional American aid that the time is ripe to ask the Government of Russia to show good faith by promoting realistic and timely American investments in these important energy projects—break the logjam of these projects and move forward. There is no reason Russia must sell arms to hostile countries to get hard currency when such a wealth of natural resources is within its command.

If we do not use the summit as an opportunity to encourage President Yeltsin to remove obstacles to the American private sector, we are failing not only Russia but also our own economic and national security as well. We are, by fate of history, tied closely together. One country cannot do well while the other fails. A strong American-Russian economic partnership will enhance both our nations and assure peaceful cooperation for generations to come.

Madam President, I have one other statement. May I inquire of the remaining time I have?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes and 55 seconds remaining.

Mr. MURKOWSKI. I thank the Chair.

RISING HEALTH CARE COSTS

Mr. MURKOWSKI. Madam President, we are all concerned about the matter of health care costs rising in this country and particularly health care costs associated with the Veterans' Administration requirement to provide those who gave so much for our Nation so we could enjoy the freedoms that we have and give them the quality of health care that they are entitled to.

HEALTH CARE

Mr. MURKOWKSI. Madam President, we must now address the future requirements of the VA with regard to health care. I think we have to first of all recognize that health care is expensive, and the reality is that the needs of our veterans are changing as they grow older and require care. At the same time, we must accept the responsibility for those veterans coming out of the service as a consequence of reduction of our military and the end of Desert Storm. Thus we must provide a vast expanse of services across a broad age group of veterans.

But the concern that we have here is how to responsibly address this problem. And we are facing a time when we are reviewing all our health care capabilities and trying to meld in, if you will, the Indian Health Service, the Department of Defense, and the VA. And it is going to take an analysis and a great deal of soul searching to determine what the exposures are associated with this giant reform of health care, and what kind of a system ultimately we are going to have.

The question of the VA's adequacy in establishing its costs is dependent on different interpretations. Statements have been made from time to time by the VA and the Secretary asserting that the cost of VA care today is 16 to 22 percent below private hospital costs.

I directed a letter, Madam President, to Secretary Brown, dated March 8, which I ask to have printed in the RECORD at this time.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 8, 1993.

Hon. JESSE BROWN,
Secretary of Veterans' Affairs, Department of Veterans Affairs, Washington, DC.

DEAR MR. SECRETARY: I am writing you about VA cost-of-care comments attributed to you in a March 6, 1993 Washington Post article. I need clarification and additional information.

In the article (page A4), "Expanded VA Care System Proposed," you reportedly alluded to "* * * tremendous cost savings * * * ." that would accrue from a future VA system that cares for veterans whom it does not serve currently. As Ranking Minority Member of this Committee, I know that I am representing other Members in suggesting that we, too, are interested in health-care cost savings, both in VA programs and in the larger health-care system. In this regard, over the years both Committees on Veterans' Affairs and on Appropriations have shown a continuing curiosity about the cost of VA care, compared to similar services provided to veterans and non-veterans by private-sector facilities.

The article quotes you in stating that VA's cost of care is "* * * 16 percent to 22 percent below private hospitals['] * * *." The article also states that VA studies demonstrate this VA cost advantage.

To my knowledge, the last official VA cost-comparison study was published in 1986 as a DM&S Circular. That study—the results of which were reviewed by this Committee and our House counterpart, the Congressional Office of Technology Assessment, the General Accounting Office and several university health-services researchers and other consultants in health-care costing methodology—concluded that VA inpatient costs were generally comparable to costs of care for a similar case-mix in other hospital settings. Thus, the study did not document a clear VA cost-advantage.

VA's 1986 cost-comparison excluded VA long-stay patients in every level of inpatient care (including all patients hospitalized over thirty days as well as all VA Intermediate Medicine patients and nursing-home residents), outpatients and all VA mental-health programs. The conclusions of the study were generally viewed as reasonable, but VA's analysis was criticized by some reviewers. Those criticisms dealt mostly with insufficient accounting for VA capital costs, unfunded VA employee benefits costs (particularly unfunded retirement), indirect health-care costs such as VA Central Office administrative expenses (in the MAMOE and GOE accounts) and long-term Federal debt.

More recently, I am aware that VA's Inspector General compared patient-care costs and outcomes of so-called matched pairs of VA medical centers and their university affiliates, in a July 1992 effort. The findings of that study do show a cost differential in these 15 pairs, which the IG concluded may relate to lower staffing in VA facilities combined with an absence of VA billing and collection activities. The IG stated that this report is not generalizable to the entirety of the VA system.

In order that I may become informed and, in turn, inform other interested Members and Committees of your new cost-comparison studies, I request that you provide to me documentation of the studies that led you to conclude that VA care is substantially less costly than similar care to a similar patient population in the private sector. I am particularly interested in those cost elements that were included (and excluded from) the data for comparison and the rationale supporting decisions to include or exclude such data; how the comparison was performed against other data bases; how case-mix comparability was achieved; the degree to which the results of the studies were subjected to scrutiny by independent reviewers, as well as reports of such independent critiques.

As noted in our Committee's first health-care hearing last Friday, cost-comparison information could become a key variable in policy decisions this year on health-care eligibility and VA system reforms. I therefore request you report on this matter as soon as possible.

As always, I thank you for cooperating with the Committee in providing timely information about VA health-care programs.

Sincerely,

FRANK H. MURKOWSKI,
Ranking Minority Member.

Mr. MURKOWSKI. Madam President, as we address what true costs are, I think we have to recognize that as far as the VA is concerned, we have no current study that is generally considered authoritative and reliable to the extent that it would support the assertion that VA health care costs are below those existing in the private sector.

Personally, I hope that such data is developed, and that we will have an opportunity to make it public, because it is absolutely mandatory that we know what our costs are as we relate to the changing role of the VA as it fits into the national health care reform scheme.

In this regard, I encourage the VA to address an evaluation of the health care costs from the qualified group in the VA, experts who can specifically answer the questions relative to what the VA costs are.

Madam President, my good friend, VA Secretary Jesse Brown, has been in the press recently, having given interviews to the Associated Press, the Washington Post, the AHA News and perhaps others as well, on his intentions for VA's role in national health care reform.

I ask unanimous consent that two of these recent articles be made a part of the RECORD and appear at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1993.]

EXPANDED VA CARE SYSTEM PROPOSED

(By Bill McAllister)

The new head of the Department of Veterans Affairs is touting an idea that could endear him to the nation's 26 million veterans: he wants the government dramatically to expand the VA's health care system.

Coming at a time when the Clinton administration is talking about streamlining government, VA Secretary Jesse Brown may seem to be out of step.

But Brown argues that his plan is "consistent with the president's vision" for a new health care system and would "not bankrupt the system." Indeed, the new secretary said his plan, which he has laid before the White House task force on health care, may save taxpayers money.

Brown's proposal calls for giving the estimated 23 million veterans who do not use VA hospitals a chance to "buy into" the VA health care system using either private insurance funds or the federal government's Medicare and Medicaid funds.

Assuming enough veterans signed up, that approach not only could cure the chronic funding problems facing the VA's 171 hospitals, Brown said, but it could also help the White House get a handle on soaring medical costs.

Citing VA studies showing that system can provide medical care at costs at 16 percent to 22 percent below private hospitals, Brown said in an interview this week that "tremendous cost savings" argues strongly that the VA health care system should become "a laboratory" for health care reform.

Brown's plan, similar to proposals long advocated by veterans service organizations, poses a major policy question for the White House. Will Clinton and Congress allow the VA to use Medicare and Medicaid funds and allow the VA to treat veterans who do not currently qualify for VA health care?

That concept has been shot down by Congress and the Office of Management and Budget in the past. But with the White House committed to controlling medical costs, Brown said this may be his "window of opportunity" to change the VA health care system. "It just makes good business sense," Brown said of his proposal.

The new secretary, a 48-year-old combat-injured Marine who was executive director of the Disabled American Veterans Washington office, has no commitment from the White House or its health care task force on the issue. Brown is a member of the task force headed by First Lady Hillary Rodham Clinton.

But Brown has been allowed to argue freely for expansion at a time most federal agencies are downsizing, a sign veterans organizations find encouraging. John Hanson, a health care specialist for the American Legion, said his group, the largest veterans organization, is delighted. "He sounded like he was reciting our plan," Hanson said.

Hanson said Brown's efforts could determine whether "the VA can be a health care player" or will "wither" into a smaller system of nursing homes and specialized hospitals, the direction things appeared to be taking under President George Bush.

Brown said he has no cost figures on his proposal but the VA staff is now "fact-finding." Some VA officials estimate that Brown's proposal might double the number of veterans treated at the hospitals.

Brown said most VA patients now have service-connected ailments or are considered too poor to afford private care. A confusing patchwork of regulations determines which veterans can be treated, Brown said.

Brown said VA hospitals are underfunded and understaffed. Consequently, "We are turning veterans away," he said.

At the same time Brown preaches health care expansion, he has been assuring the administration that veterans will share in the government spending cuts that Clinton plans as long as the cuts are "fair." The DAV where he worked for the past 26 years recently told Congress its members would go without a cost-of-living adjustment in their VA benefits if other entitlement programs did too.

The Clinton team targeted the VA to boost its home-loan program fees and make permanent other service charges that the Bush administration had imposed temporarily. It has also been directed to stretch out some major construction projects to achieve savings and trim staff by 9,000 over four years.

Brown said some of those proposals are still being debated in the administration, but that when the budget process is completed, he said most veterans will conclude the president treated them "fairly."

The secretary predicted that the White House will announce many of the VA's remaining 12 political appointments soon.

Brown had his first run-in with Congress this week and retreated from his decision to name the VA's top medical officer, James W. Holsinger, Jr., to the post of distinguished VA physician at a salary of $160,000 a year. After members complained, Brown asked the White House to allow Holsinger to remain the VA's undersecretary for health at his current salary of $182,800 until his successor is selected, probably this summer.

In the interim, aides said Brown intends to "take a hard look" at the distinguished physician program which was attacked for providing high-paying jobs with little responsibility to former VA hospital executives. Brown froze the applications of three other doctors to the program.

[From AHA News, Mar. 1, 1993]

JESSE BROWN SEES VETERANS HEALTH SYSTEM AS A MODEL FOR THE NATION

Secretary of Veterans Affairs Jesse Brown is planning changes in veterans health care that not only will atone for what he says are decades of neglect, but also will make the system an example for the nation.

Just two weeks after being sworn in, Brown gathered representatives of veterans organizations and Congress to work on the details of that plan.

The chief of all federal veterans programs is an ex-Marine, a Vietnam combat veteran and a staunch veterans advocate. He has been described as a tough, aggressive crusader for veterans who also brings emotion to his work because he has "been there." On patrol in Da Nang, South Vietnam, he was shot, and his right arm was paralyzed.

Until his nomination to the president's cabinet, he headed the Disabled American Veterans (DAV), where he worked in his hometown of Chicago and in Washington, DC, since leaving the military in 1966. The DAV, a congressionally chartered, not-for-profit organization with 1.3 million members, represents veterans disabled by war and lobbies the government.

But, although that record earned him his big desk flanked by towering flagpoles, he recently joined a reporter in chairs in front of it to explain his ideas.

Brown does not see his move from the DAV to the cabinet as a simple transition from advocacy to government. Rather, he said he believes he must continue to support veterans' rights.

"What Mr. Clinton wants is someone who is going to be for veterans, and that is something that should have happened in the 1930s," Brown said. "I plan on being a Secretary for Veterans Affairs, continuing in my role as an advocate for veterans—no other object and no other focus."

At the same time, Brown embraces a broader vision of his role in the Clinton administration, especially in the arena of health care reform.

Although he can list the problems of the Department of Veterans Affairs (VA) health care system as well as any critic, he believes the President's Task Force on National Health Reform also could learn a lot from the department.

"We have to provide some type of universal, comprehensive health care for veterans who we define as being eligible," he said, the mood of the country is moving toward universal health coverage. I think we can get our system up and running much faster than the country can put its system in place. And, therefore, we can serve as a model for the nation."

David Gorman, DAV assistant national legislative director for medical affairs, is optimistic about the future of the VA under Jesse Brown.

Gorman, who has worked with Brown since 1976, said, "I know him and his style, and his philosophy and his methods. I'm confident he's going to bring them to the VA and the VA is going to be shaken up by that. I don't think they've seen anything like him before. But there are realities to that—he's got other considerations now and tremendous political pressure."

Maceo May, a Vietnam veteran who works with homeless veterans at the San Francisco-based Swords to Plow-shares, said he hopes Brown is serious about making major changes at the VA.

"There's a wealth of information out there in community-based organizations," May said. "I hope he understands the concerns in the trenches. Once a veteran is homeless, for example, he impacts every aspect of the VA hospital."

Rep. G.V. "Sonny" Montgomery (D-MS), chairman of the House Veterans' Affairs Committee, said he believes Brown is the "best possible choice to lead the VA in these crucial times."

The DAV's Gorman said Brown already has well-formed ideas about reforming the veterans health system. In February 1992, the DAV helped to draft legislation introduced in Congress that Gorman said "clearly had Mr. Brown's fingerprints all over it."

* * * The Commission on the Future Structure of Veterans Health Care, whose recommendations largely were not enacted and still are being discussed, called for access and eligibility reforms, payment revisions and technology improvements.

The commission recommended reassessing veterans' health care needs, including such demographic changes as increasing the number of women served and geographical migration. Several former commission members told AHA News they are confident Brown knew the details of the report and would heed many of its conclusions.

"The system of health care in this country is going to be reformed," said Neal Gault, M.D., a professor at the University of Minnesota School of Medicine and a commissioner. "The trick will be to organize the veterans organization around that."

Gault also said it is imperative that the research and teaching elements of the VA health system are preserved.

Brown said he sees the mission of the veterans health system as ensuring health and quality of life to a core group of 2.5 million service-connected veterans and poor, non-service-connected veterans. The remaining 25 million U.S. veterans also should have access to the system, he said, as long as they pay for their care.

He envisions veterans hospitals sharing such resources as expensive equipment with community hospitals and health centers, although he said he will fight hard to keep the VA "an independent system."

"We're not interested at this time in providing access to non-veterans," he said.

Key to the future of veterans' health care is eligibility reform, which also can be a microcosm of national health care reform, according to Brown.

"The new philosophy of the nation governing health care is providing people with the kind of care they need, as opposed to what they're entitled to," Brown said. "You have veterans entitled to treatment for a service-connected disability when, in fact, a non-service-connected disability may be putting their lives at risk. That's just not good medicine."—DAPHNE HOWLAND.

Mr. MURKOWSKI. Madam President, as the ranking minority member and former chairman of the Veterans' Affairs Committee in this body, there is nothing that I would like more than to be able to tell our colleagues and the Nation's taxpayers that the VA provides health care to veterans at a substantial cost savings, versus what it would cost the Federal Government to pay for care for veterans in private sector health care facilities.

Madam President, as one Senator who believes in the VA and what it does for veterans, and one who naturally wants to defend VA programs from outside criticism, I respect what Secretary Brown is trying to do. I and every proveteran Member of this body have strong incentives to want to believe the Secretary when he says that VA care costs less, and that VA can do more for more veterans. But, in this new assertion, is the Secretary raising false expectations among those veterans who, while eligible, do not use—and have no intention of using—the VA health care system?

We need to be prudent as well as wise; we are accountable to taxpayers for what we do and, in part, for what the Veterans' Affairs Committee does, and, indeed, for what the VA may do in the future.

Before addressing that future, as much as I would like to, I cannot accept on blind faith the Secretary's assertion about VA costs, because I do not have data to support his notion, and I wonder whether VA has reliable data either.

Health care in this country is not cheap as a general rule, and VA care is expensive, too; there are no two ways about it.

In fiscal year 1992, VA cared for about 2.5 million individual veterans, for a total cost of $14.6 billion in appropriated funds. Simple math applied to these two figures means that each veteran's health care cost the Government an average of almost $6,000 in fiscal year 1992.

I realize this is oversimplified logic, and that VA does many, many good things with the health care funds we appropriate, including education and research. But what the Secretary is doing in the press also presents us with a big problem: Secretary Brown is suggesting that VA is so inexpensive that it represents—and I quote from the Washington Post article of March 6—"a tremendous savings. * * *"

The Secretary is attempting to use these claimed savings—this bargain for the taxpayer—as a foundation for expanding the VA health care system to care for more veterans than those it serves now. The Secretary is tying his effort to the President's Task Force on Health Care Reform, more than suggesting that he has a solution to a significant part of the problem of the uninsured.

Perhaps Secretary Brown is correct—I simply don't know. I do think, however, that he should make an argument based on facts and that others—outside experts—ought to be able to review the facts before policy is made. Certainly that is the very least we can do for those in this country who must pull the VA wagon, and they are the people who work to pay the taxes to care for veterans in the Nation's largest single health care system.

Madam President, I have raised a concern about the Secretary's assertion that the cost of VA care, today, is—and I quote—"16 percent to 22 percent below private hospitals. * * *"

Madam President, to make a claim such as Secretary Brown has made, one first needs to have valid, comparable data. Every prior effort that VA has attempted in the matter of comparing VA health care costs against costs of care in the private sector has been criticized for one or another valid reason. This is certainly not a new issue. VA cost comparison studies have a long and controversial history.

Going back nearly 20 years, I know of no VA study that is generally considered authoritative and reliable to the extent that it would support Secretary Brown's assertion and withstand independent review by experts in the field.

Personally, I hope such new data do exist, and if they do, I know that Secretary Brown will make them public and allow health statisticians, health economists, and health care academics to assess the reliability of the study or studies on which he rests his new claims.

In the area of natural resources development, Madam President, I have stood on this floor and called for science to answer our many questions about issues of environment and development. These are important matters for my State of Alaska, and I am convinced that we should rely on experts to help us gain the answers.

In regard to this matter, Madam President, I make a similar plea. This issue—which way is less costly, the VA or the private sector—is subject to empirical discovery and scientific conclusion. There are qualified health-economic experts who can answer the question, and I call on Secretary Brown to let them do it.

Madam President, my colleague and Veterans' Affairs Committee chairman, JAY ROCKEFELLER, is also concerned about the matter of VA health care costs. He has scheduled a hearing today before our committee on this subject. Obviously, a hearing of this nature is tied closely to our interest in the potential for national health reform and VA's role in that effort. I look forward to the opportunity to deal directly with the issue of the cost of VA health care.

I thank the chairman and yield the floor

I wish Madam President a very pleasant day.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Texas for up to 5 minutes.

SECOND CHANCE HIGH

Mr. KRUEGER. Madam President, thank you very much. In the brief time that I have been honored to serve in this body, I have seen two of my stronger convictions about this institution be confirmed.

The first is that men and women seek the privilege of serving here primarily because they simply want to do the right thing. The second is that this body can in fact make a difference.

I would like particularly to talk about something in my own home area and my home State because it relates to the comments that have been made about the stimulus package. In my experience, some really splendid results can in fact occur from such a package.

I refer specifically to the south side of San Antonio, where a former girls' high school is helping hundreds of dropouts earn their high school diplomas in a nontraditional, nondiscriminatory fashion. The school's proper name is Blessed Sacrament Academy. But in San Antonio, it is better known as Second Chance High, because that is what it gives: It gives a second chance, a second chance for that vital high school diploma and all that a diploma can imply for careers and futures.

The stories of some of the people who have gone through Second Chance High are a moving testimony to the human spirit—a 73-year-old man fulfilling his life-long goal to get a high school diploma; or the 55-year-old widow who learns to read Shakespeare for the first time; or teenagers who are pregnant, troubled, living perhaps in homes afflicted by drugs and alcohol; the disabled and the unemployed, who are retooling themselves and rejuvenating their opportunities.

These are some of the backgrounds of some of the people at Second Chance High.

But they have two things in common. Their road has been harder than that of the average person, and their commitment is greater than the norm. They have the will, and Second Chance High has offered them a way. That way is open, Madam President, because funding from community block development grants have given them that opportunity.

Second Chance High receives very few fees from students and little money from the normal civic sources—no money from nonsecular sources—and yet the life-changing achievements of this institution are possible because cities like San Antonio have community development block grants at their disposal. We make it possible through our legislation, and programs like this can continue with the funds from the stimulus package.

There is a lot of talk about pork, but I have seen recently that lean pork has less cholesterol than a lot of other foods. There are some very lean things that provide for very full lives, and I am reminded of the comments of President Roosevelt when he was receiving the nomination for the second time in 1936. He said:

> Presidents err and governments make mistakes. But the immortal poet Dante has said that divine justice weighs in different scales the sins of the cold-blooded and the warm-hearted.

Then he said:

> Better a government that occasionally errs in the spirit of charity than one that is forever locked in the ice of its own indifference.

We cannot afford to be indifferent to the aspirations of people in their seventies, in their fifties, or to teenagers who are looking for this second chance. These are the kinds of things that the right community block grant development programs can indeed encourage, as they have in the past. We here cannot be locked in indifference when, with the spirit of clarity, we can in fact see people go forth and multiply their opportunities and their own lives.

Madam President, I stand in support of the stimulus package because I think that we can not only get rid of the fat but produce through this lean so much for our lives.

I thank you very much. I yield the remainder of my time.

Madam President, it appears to me that there is an absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested; the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BISHOP GILBERT E. PATTERSON

Mr. SASSER. Mr. President, I rise today to pay tribute to Bishop Gilbert E. Patterson, the founder and pastor of Temple of Deliverance Church of God in Christ in Memphis, TN, which has a congregation of more than 4,000 people. Bishop Patterson has been chosen as 1 of 12 members of the general board of the Church of God in Christ for his selfless devotion to his parishioners. The Church of God in Christ has 3.8 million members nationwide, and it is the largest African-American Pentecostal denomination in the United States.

Bishop Patterson has devoted his life to his ministerial career with the Church of God in Christ and to his family, Louise Patterson, his wife, and his parents, the late W.A. and Mary Patterson. He has organized seven churches in Memphis, Detroit, MI, Toledo, OH, and Forrest City, AR. He is also the jurisdictional prelate of the Church of God in Christ Tennessee 4th Ecclesiastical Jurisdiction.

In addition to his work in the church, Bishop Patterson is involved in television and radio ministries. He is the founder and president of Bountiful Blessings Ministries, which is heard nationwide on a number of television stations, including the BET cable network. He is also president and general manager of WBBP Radio, a full-time gospel radio station in Memphis.

In August 1992, Bishop Patterson served as guest chaplain to the U.S. House of Representatives.

Mr. President, I commend Bishop Patterson on his elevation to the governing board of the Church of God in Christ and his years of service to the community. I am proud to join his family and friends in extending my congratulations.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,224,639,344,074.43 as of the close of business on Monday, March 29.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending, but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,447.31—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

REGULATORY ACCOUNTABILITY STARTS HERE

Mr. HATCH. Mr. President, across the country the American cities and towns are crying for relief from the myriad of unfunded mandates and burdensome regulations. As Congress continues to deal with the deficit by imposing additional responsibilities on others through the regulatory process, these burdens will continue to grow unabated. Congress will continue making inefficient and inflexible policies, and agencies will continue writing the regulation to implement those policies. But, there will be no Government ledger published to tell the American people exactly how much this government activity costs. These expenditures will be off-budget or hidden.

Currently, the economic impact of most regulations is never examined because they are considered relatively minor. By minor, I mean that the agency estimates the cost of implementing the regulation to be under $100 million. Yet, the cumulative effect of these so-called minor regulations can be staggering. In 1991, only 142 of 2,523, or just 5.6 percent, of proposed and final rules submitted to the Office of Management and Budget were estimated to have a cost of over $100 million, therefore meeting the criteria for triggering a regulatory impact analysis. How much did the other 94.4 percent cost?

Last, year, Prof. Thomas Hopkins of the Rochester Institute of Technology estimated that for 1992 the direct and indirect effects of regulation cost the American people $562 billion. Given the current trends, he further projects that regulatory costs will top $650 billion by the year 2000.

Mr. President, these costs are not paid for by the Federal Government, yet they must be factored into any true picture of the economy. If the regulatory costs for 1992 were budgeted and paid for by the Federal Government, they would push the current budget deficit to over $800 billion this year alone.

Obviously, we cannot possibly reimburse States and municipalities or the private sector for the costs of implementing and enforcing federally mandated regulations. We can, however, work together, both Republicans and Democrats, to control runaway mandates and regulations. We must show the American people that we are willing to take responsibility for these off-budget costs.

Recently, I reintroduced S. 13, the Regulatory Accountability Act of 1993. This bill would force regulators and Congress to recognize the regulatory taxes placed on the American people by imposing a 3-year cap on the overall costs of regulation. Under this cap, in order for a new regulation to go into effect, the agency would be required to offset any new costs by equal regulatory savings—achieved through revoking or revising existing regulations, trimming and streamlining the paperwork burden, or by any other regulatory offsets.

Nothing in this legislation would prohibit agencies from issuing new rules intended to protect the American people from the bad actors in our society. However, the agencies would also be responsible for weighing the tradeoffs and for setting priorities. We no longer have the luxury of believing that cost is no object.

Mr. President, many officials at the State and local level already are struggling to balance their budgets in the face of new mandates and regulations. They realize that Washington sets their spending priorities without asking their consent. And who reaps the political consequences? These State and local officials who find themselves raising taxes and slashing essential services in order to cover mandates and regulations.

I want to bring to my colleagues' attention a resolution passed by the Weber Area Council of Governments—an organization representing 17 local governments, 2 school districts, and Weber State University in Weber County, UT.

Mr. President, I urge my colleagues to go home and ask their constituents what they think about this legislation. Go to the town meetings, go to local government officials, and go to the businesses to find out the impact of burdensome Federal mandates and rules. I believe the responses will be similar to those I receive from Utah—enough is enough.

Mr. President, I ask unanimous consent that the complete resolution be included in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

WEBER AREA COUNCIL OF GOVERNMENTS—RESOLUTION

Whereas, the Mayors and County Commissioners of Weber County, Utah, comprising the membership of the Weber Area Council of Governments are alarmed at the sharply increasing number of federal regulations and rules being proposed and adopted to control and govern most aspects of urban and suburban life, and

Whereas, Federal Agencies continue to disregard the heavy fiscal impact of these regulations upon the communities and local governments in Weber County and Utah in general, and

Whereas, these fiscal impacts, due to the ever increasing multiplicity of regulations, have become a heavy burden upon the citizens of Weber County and constitute what is in effect, a previous hidden tax upon all business and property owners,

Now Therefore, the Weber Area Council of Governments, having reviewed the proposed Legislation prepared by Senator Orrin Hatch, R Utah entitled "Regulatory Accountability Act of 1992" in which he proposes restrictions on the regulation making process of federal agencies to make this process more accountable for the heavy costs that these regulations require of local governments, and to establish a program of priority setting for new proposed regulations, Hereby Resolve that Senator Hatch be applauded for his awareness of this heavy inequitable burden being thrust on local governments, and for his efforts to curtail this form of federal fiscal oppression and also that the Weber Area Council of Government's express its enthusiastic support of this Legislation and for its passage into law.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair would advise that morning business is now closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1335, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd amendment No. 283, in the nature of a substitute;

Nickles (for Burns) amendment No. 285 (to amendment No. 283), to eliminate additional funding for the Federal payment to the District of Columbia.

The PRESIDING OFFICER. The pending question is on the Nickles amendment No. 285 under which there will be 1 hour of debate equally controlled and divided in the usual form.

Who seeks recognition?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, with regard to this amendment, that was offered last night on behalf of myself and Senator NICKLES, as we start to take a look at this supplemental appropriation, what we are trying to do is to highlight what this debate has centered around. I think it is a classic. I want to preface this a little bit with one of my favorite characters in the comic strip in the newspapers. And it is Shoe, written by Jeff MacNelly.

He says:

> I'll never learn. Whenever I throw money at a problem to make it disappear, the only thing that disappears is my money.

Whenever we start looking at some of the problems we have in this country and we start talking about maybe being more fiscally responsible as a government and, yes, asking our different levels of government to be as responsible, we seem to forget about this. And just throwing money at it does not necessarily heal our woes and the ills we have in our communities.

This amendment strikes the $28 million from this supplemental appropriations to the District of Columbia. I will tell you why some folks would say, "Well, why are you pointing the pistol at the District of Columbia and not anybody else in this amendment?" It is very simple. I come out of local government, a commissioner in Yellowstone County, MT, and if there is anything that is hamstringing local government, it is, No. 1, unfunded mandates that local government must carry out; and No. 2, if you get the funds, the strings that are attached.

Mr. President, in this $28 million that goes to the District of Columbia, there are no strings attached. The money is not designed to do anything. It just says, "Here, have $28 million to do whatever you want to do with it." We do not treat any other government or appropriation to the States in that manner.

This is for a city that, according to the 1990 census, has 607,000 people. Fifty-seven thousand of them work for the local government. That is the highest across the Nation. Let us put that in relative terms. During the same year, the District of Columbia employed 939 people out of 10,000; in other words, 10 percent of the population, in contrast to my home State of Montana that employs 434 people for every 10,000 people who live in the State of Montana.

Now, Mr. President, I think Americans are looking to Congress and to the President to reduce the deficit. Let us talk about that just a little bit. There is a difference between deficit and debt. I had some high school folks in my office the other day and I asked them to define "deficit." And to a person they said "debt."

The deficit is not debt. Deficit creates debt. Even though we bring down the deficit, what we are trying to do, and what the President is trying to do—and I congratulate him for that—we still accumulate debt, and if we signed the President's plan and we dotted every "i" and crossed every "t" at the end of the 4 years this country still will have accumulated $1.3 trillion of new debt on top of the $4.5 trillion we now have.

So what have we accomplished, and basically what we are trying do? I congratulate this President because he has stepped forward; he has identified the problem; and he wants to do something about it. In an old country expression, "he is kind of going at it backwards."

So if there is one concern I have been hearing from home, it says, "Reduce the deficit." He is trying to do that. I say the way to do it is to take a look at spending before you take a look at the intangibles.

The other day I received in the mail 10,000 cards from Butte, MT. Do you know what those cards said? "Take a look at spending before you take a look at new taxes."

Now, for those of you who do not know much about Butte, MT, this is not the bastion of Republicanism. I only got 34 percent of the vote there. If I work real hard, I might get 34½ percent. But I would say that sent a pretty clear message to me that we are on the wrong track.

That sent a pretty strong message to me that we are approaching this problem from the wrong end. The $28 million which is slated for the District of Columbia would be added directly to the deficit, which means it will be added to the debt, and I guess that is what concerns me more than anything else.

Of course, when you put emergency on this, that means we can spend the money on anything and we do not have to have a reason. It is in violation of the law that was passed in 1990. That is the point—no strings, just $28 million.

I tell you, Mr. President, I drove down Connecticut Avenue today. It is no wonder the cars are falling apart around here. If you think roads are bad in Montana—they have 10 square miles to take care of and I have 148,000—I do it with half the employees in government. I also do it with a lot less money, too. Not only are they getting $28 million in this supplemental, it is in addition to $78 million that is already designated to go to the District of Columbia.

But that has a few strings on it because it is in different parts of this bill.

So it seems clear to me that the District is suffering from a little bureaucratic overload, a little inefficiency in government. If we just hand them the money, we are telling them it is OK to do that.

The Federal Government transferred $8.9 billion—$8.9 billion—to the District of Columbia in 1991 in the form of direct appropriations, grants, and payments to individuals in this city. The figure does not include the salaries and wages of Federal workers in the District, many of whom do not live in the District.

We should reward inefficiency with an extra pot of Federal money? I think not. That is not the way our county worked when I was a commissioner.

It was wonderful being a county commissioner. I loved it. It was the best I ever had because you live in the neighborhood where the taxpayers live, and your phone number is in the phone book. They all call you up and tell you when you are not doing a very good job.

When you signed off on the budget, it was a real name on there; it was real people. They could walk into your office. I realize Yellowstone County did not see everybody, because the county is bigger than Delaware. And you—when you shored it up, people came in. They will tell you right away. That is the great thing about living in Montana. If you are not doing a very good job, they will tell you right away.

I do not think they would stand for this. My State would not stand for this. When you hand somebody the money, no strings, and then put it on this debt which will go on to our children and our grandchildren, and the interest and the service it will take to service this debt.

Just keep in mind. If the American people do not think of anything else through this whole debate, it is the greatest, I think it is the greatest argument and philosophy we have ever seen since I have been in this Senate. Deficit creates debt. Deficit is the amount of money that we take in, the difference between the amount of money we take in and the amount of money we spend, and that creates debt, and that is what we have to pay interest on—everybody in this country.

In these days of shrinking budgets and increasing deficits, governments are looking for alternate sources of revenue.

And the District of Columbia just hit pay dirt. The District stands to gain $28.177 million in direct supplemental funds under the supplemental package. This is in addition to the estimated $78 million that the District will qualify for under the extra funds appropriated for block grants and other programs.

This, for a city with a 1990 population of 607,000, 57,000 of whom were on the city payroll. Let us put this in relative terms. During that same year, the District of Columbia employed 939 people out of 10,000—in other words, almost 10 percent of the population. Contrast this to the 434 people out of 10,000 employed by State and local governments in my State of Montana.

Americans are looking to Congress and to the President to reduce the deficit. This is not the time to add to the national debt. Increasing the debt could have a negative effect on our economy, which is already recovering.

If there is one concern I have been hearing from the folks at home, it's "Reduce the deficit." The funds in this package do not reduce the deficit. They are being added to the deficit. The $28 million slated for the District of Columbia would be added directly to the deficit. This amendment would strike this $28 million appropriation from the supplemental package.

As a former county commissioner, I understand that local governments provide important services like education. But you cannot tell me that there is not inefficiency when an area of 13 square miles needs 57,000 employees to take care of business. In my State—which has 147,138 square miles, by the way—35,000 Montanans manage to do the job.

It seems clear to me that the District is suffering from bureaucratic overload. Should we channel additional funding through this bureaucracy and hope the benefits eventually reach the citizens of the District?

The Federal Government transferred $8.952 billion into the District of Columbia in 1991 in the form of direct appropriations, grants, and payments to individuals. This figure does not include salaries and wages of Federal workers in the District, many of whom are not residents. If we instead took this money and distributed it directly to District residents, we would write a $14,747 check to every man, woman, and child. This compares to the per capita income in my State, which is $16,043.

Should we reward this inefficiency with an extra pot of Federal money? I think not. There is no doubt in my mind that people are hurting out there. But the fact is, our economy is on the uptick. Employment figures continue to look positive. Inflation and interest rates are low. Americans are looking to Congress and to the President to reduce the deficit. As a result, this is not the time to add to the national debt. Increasing the debt could have a serious dampening effect on the economy. In fact, passing the entire supplemental package adds about $65 to the deficit for each man, woman, and child in this country.

I urge my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BURNS. I yield.

Mr. BYRD. Mr. President, I yield all the time in opposition to the amendment to Mr. KOHL, the chairman of the D.C. Appropriations Subcommittee, with the exception of 5 minutes, which I will reserve at the last for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

Mr. BURNS. I thank my chairman.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

Mr. President, as all of my colleagues know, I have some problems with the stimulus package. Indeed I plan to offer an amendment later on today to address those concerns. But while I disagree with the approach taken in the bill, I have no quarrel with the President's request for $28 million for the District. As chair of the D.C. Subcommittee I am quite aware that the District is an easy target. None of us have constituents here. Every Federal dollar we spend here is one less dollar available to our own States. And there are no Senators in the District who will fight for the interests of the city. All this makes the District of Columbia a tempting target, and this amendment aims for the bull's-eye.

Let me give my colleagues some background on the D.C. issue. Last fall, both the House and the Senate included $31 million in the regular D.C. appropriations bill to support Mayor Kelly's youth initiative. The District legitimately counted on that money when it prepared its budget for the current fiscal year. They did not, however, get the money. President Bush threatened to veto the D.C. appropriations bill because he had not requested the $31 million. And in order to avoid that possibility, the House and the Senate agreed to take the money out of the final bill. As a result, the District now faces a shortfall.

The $28 million requested by President Clinton, and included in the supplemental now before us, simply corrects this problem. This money does not constitute an increase in the Federal payment. It simply restores funding which the District was promised.

It is funding which will be used for a number of vital purposes. For example, this funding will allow the District to add 200 police officers to neighborhood patrols; provide 5,000 summer jobs through the city's summer youth employment program; hire 200 college students as recreation counselors and playground supervisors this summer; make progress toward the goal of immunizing 2-year-olds in the city; provide apprenticeship and free apprenticeship training for public housing residents; and expand the hours at targeted neighborhood health centers.

So, Mr. President, these are programs assumed in the District's budget, and these are assumptions based on their legitimate expectation that Congress would fully fund the Federal payment.

Let me make three points about the District.

First, it has a limited ability to respond to economic downturns. There are federally imposed restrictions on its taxing authority, and there are a host of tax-exempt organizations and properties in the city. Mayor Kelly has told us that the District cannot tax 62 percent of its wealth, it cannot tax 43 percent of its property. We have created conditions that make it difficult for the city to respond to its own needs.

Second, it is experiencing an economic downturn. Over 21,000 District residents have lost their jobs since 1990. In the same period, AFDC cases have increased by 28 percent. At least part of the cause for these figures rests in our efforts to downsize the Government and to reduce costs.

Third, I would ask my colleagues to look at the way this bill treats our own States and our own cities. We are offering help to communities affected by the military drawdown. We are offering help to transit systems facing the demands of the Clean Air Act and the Americans With Disabilities Act. We are offering help to individuals who are laid off as a result of Federal program terminations. We ought to offer the same assistance to the District of Columbia, for that is a matter of simple equity.

So, Mr. President, the $28 million in this bill for the District is simply a way to keep faith with the city, and to provide desperately needed short-term economic stimulus to the local economy. It is consistent with the President's request. It is consistent with the action already taken by the House. It is consistent with the promises we made last year. And it is consistent with the basic approach of this legislation.

The $28 million ought to be retained, and this amendment ought to be defeated. Thank you, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, I yield 8 minutes to my friend from Iowa, Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized for 8 minutes.

Mr. GRASSLEY. Mr. President, while we are talking about spending money in an emergency appropriations bill, an economic stimulus package, and there has been a lot of debate on this floor of whether it is needed, a lot of debate of whether or not there is going to be control over the expenditures, whether it is really going to accomplish the good that it ought to accomplish, I want to bring into this debate thoughts that I have about the breakdown of discipline and the integrity and financial management in the Federal Government.

It is about the loss of control over taxpayers' dollars; the collapse of accounting, the total disregard for the laws governing the use of appropriations.

Then I think there is some specific, constructive remedy that I could suggest.

Mr. President, last week I had an opportunity to speak about the Pentagon's ability to use creative bookkeeping schemes, and in this case it was known as DBOF, the defense business operations fund. The Defense Department uses this fund to squirrel away billions of dollars.

I quoted a Maj. Joe Lokey, assistant comptroller, MacDill Air Force Base, FL, on this subject. He said:

> DBOF is useful in subverting the intent of Congress who will no longer appropriate for specific purposes, but simply ensure the DOD K-Mart is adequately capitalized.

His term, DOD K-Mart is for this DBOF fund for squirreling away money. If Congress really wants to keep track of the money after it is appropriated, then Congress should abolish DBOF and get better control of accounting generally throughout Government, including a program that we are appropriating money for in this bill, and the issue of this amendment.

Of course DBOF is an obstacle to oversight and sound financial management.

But it is just one of many examples that those of us in Congress, who exercise the power of the purse, have no idea what has happened to the money after it is shoveled out of the door in one of these huge appropriations bills. Schemes like DBOF do not help, but the problem is much larger than that. All too often, the idea is to get money approved, look good, and then forget about it. We forget our oversight responsibilities, and then we start worrying about the next budget and the next bill. It is a big, old whirlpool we get involved with.

How was the money spent? Are financial controls adequate? What results were achieved? Nobody seems to know and nobody seems to really care.

Mr. President, it is not just a matter of keeping track of the money. We need to regain control of the people's money. I think we have lost it. This is a crisis in and of itself, an emergency bill that ought to be operated on here to help us get more control. The need in the final analysis may not just be a congressional need; it is for tougher management and more stringent controls on the people spending the money, not just those of us appropriating it. For sure, the problem is not more money, like what this bill is trying to do.

Mr. President, Comptroller General Bowsher, who has responsibilities under the law to guarantee the integrity of the Government's accounts, has raised a very important red warning flag. He has to care, because this is the person that is appointed for 15 years by the President to make sure that money is legally spent and that the management of the money is well done.

Bowsher's warning was issued in a document entitled Financial Management Issues, dated December 1992. This is what the Comptroller General says:

> The Government's books are a mess. Billions of dollars are unaccounted for. We have large Government agencies where audits cannot be conducted because the records are so very bad. The taxpayers' money is vulnerable to abuse.

When OMB Director Panetta came before the Budget Committee on February 19, 1993, I asked him to comment on this assessment of Bowsher's, and he said that he is in complete agreement with the Comptroller General. He said, "It is a disaster."

Thank God we have an OMB director that knows we have these problems and, hopefully, under his leadership, with Bowsher's help, they will be taken care of.

So, Mr. President, I know of no one who challenges Bowsher's conclusion that there has been a total breakdown in the discipline and the integrity in the process by which the Government controls and accounts for the people's money.

We do not have financial management in the Government anymore. What we have is financial mismanagement.

Mr. President, we may have reached a point in our history where the time has come to call in the FBI, to lock the doors, seal the safes and the filing cabinets, and begin a top-to-bottom audit of the Government's books.

We have Government agencies where books cannot be audited because the records are so poor. It is time to close the money spigot and stop writing checks until we get a handle on the problem.

Mr. President, an example of what gives Bowsher's warning some real meaning, and it might be an isolated example. I want to make clear it is an isolated example, but part of a general pattern of abuse. It is the tip of an iceberg. It involves the Air Force appropriations accounts.

The Air Force discovered a $649,111,986 discrepancy between the balances shown in its departmental books and its books maintained at the base level. To correct this problem, the Air Force simply reached into what is called the M accounts and took $649.1 million out to plug the gap and, hence, just like big black magic the books are balanced. The Air Force was unable to reconcile the underlying accounting records and to pinpoint the source of the discrepancy, because $649.1 million could not be linked to specific obligations or contracts. The inspector general at DOD and the General Accounting Office both concluded: "There is no documentary evidence to support the $649.1 million taken from the M accounts."

This is a violation of Federal statutory law. Section 1501 states: "An amount shall be recorded as an obligation of the United States Government only when supported by documentary evidence."

Well, there is no documentary evidence, as confirmed and verified by the Department of Defense, inspector general and also by the GAO.

Without the required documentary evidence, we have no way of knowing what happened to this money. Was it stolen? We do not know.

Mr. President, do you know why the Air Force finds itself in this predicament? I want to tell you why. The Air Force is not practicing accepted accounting procedures. The Air Force is not doing day-by-day bookkeeping. This goes right back to Comptroller General Bowsher's statement.

Instead of recording obligations and disbursements in the accounting books as they happen, the Air Force has been using computers, and it has been using mathematical equations to estimate those amounts and to balance the books.

Well, guess what? The equations did not accurately reflect the real flow of money—over a long period of time—perhaps for 30 years or more.

The GAO concludes and I quote:

> It is doubtful if the Air Force will ever be able to reconcile the $649 million difference between departmental and field level records.

Mr. President, is that acceptable? Should that be tolerated?

The lack of discipline and integrity in accounting for our tax dollars is inexcusable. It must not be tolerated.

The $649.1 million in unsupported Air Force obligations should be returned to the Treasury and used to reduce the deficit.

Mr. President, I will have an amendment to recover the $649.1 million. My amendment would deobligate and cancel the money involved in this illegal transaction. I will soon ask unanimous consent to have a copy of the amendment printed in the RECORD.

I do not intend to offer the amendment at this time. However, I do intend to offer it, either on the emergency supplemental bill or on some other vehicle in the near future. I simply want to bring this issue to the attention of my colleagues, and to ask for their support when I am ready to offer the amendment.

Toward this end, I would like to advise my colleagues and the managers of the bill that the issue of the unsupported Air Force obligations is described in detail in a General Accounting Office report entitled "Financial Management: Agencies' Actions to Eliminate 'M' Accounts and Merged Surplus Authority." The unsupported obligations are discussed on pages 3–4 and 33–35 of the report. This report should be made public on Friday, April 2. It is also addressed in DOD IG Audit Report No. 92–028 entitled "Merged Accounts of the Department of Defense."

Perhaps, before we agree to proceed with my amendment, the chairman of the committee and perhaps others would like time to study the facts and to decide whether my amendment is the correct remedy or whether some other solution would be more appropriate.

Mr. President, we should stop illegal and abusive expenditures and recover them before we start spending more money.

If we have Government agencies that cannot be audited because the records are so bad, and if Congress cannot get an accounting for all the money we appropriate, then it is time to take decisive action.

Mr. President, I now ask unanimous consent that the amendment referred to in my statement be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 58, after line 26, insert the following:

SEC. . (a)(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall, in accordance with paragraph (2), deobligate amounts totaling $649,111,986 that—

(A) pursuant to subsection (a)(2) of section 1552 of title 31, United States Code (as such section was in effect on November 4, 1990), were restored from unobligated amounts withdrawn under that subsection; and

(B) were transferred to merged appropriation accounts established under subsection (a)(1) of such section (as such section was in effect on November 4, 1990).

(2) For each appropriation account listed below the Secretary shall deobligate amounts that total the amount specified for such account as follows:

Appropriation Account Number:	Appropriation Purpose:	Amount: y
57111081	International Military Education and Training, Executive (transfer to Air Force).	$259,645.
57M3010	Aircraft Procurement, Air Force.	$143,388,840.
57M3020	Missile Procurement, Air Force.	$118,008,560.
57M3080	Other Procurement, Air Force.	$42,646,658.
57M3300	Military Construction, Air Force.	$25,899,568.
57M3400	Operation and Maintenance, Air Force.	$190,709,100.
57M3600	Research, Development, Test and Evaluation, Air Force.	$111,127,970.
57M3700	Reserve Personnel, Air Force.	$259,645.
57M3730	Military Construction, Air Force Reserve.	$64,911.
57M3740	Operation and Maintenance, Air Force Reserve.	$10,126,147.
57M3840	Operation and Maintenance, Air National Guard.	$6,166,564.
57M3850	National Guard Personnel, Air Force.	$454,378.

(3) Amounts deobligated pursuant to paragraph (1) shall be canceled immediately upon deobligation and thereafter shall not be available for obligation or expenditure for any purpose.

(b) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the deobligation and cancellation of amounts required by subsection (a).

The PRESIDING OFFICER (Mr. WOFFORD). Who yields time?

Mr. BURNS. Mr. President, the other sponsor of this amendment has just now arrived. I will yield to him for 4 minutes with one more speaker to go.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, first, I congratulate my colleagues, Senator BURNS, and also Senator GRASSLEY for their comments. I rise with them as a cosponsor of this amendment to delete $28 million of so-called emergency funds to go to the District of Columbia.

There is nothing that is an emergency about it. This is a political payoff, and people should be aware of it. This is basically people saying, yes, we want to have $28 million going to the District of Columbia. I have respect for the Mayor of the District of Columbia and for the Representative for the District. President Clinton is trying to make them very happy. I understand that. But it is not needed, and it is not an emergency.

Certainly, all it does is increase the deficit. We should not be increasing the deficit. I just spoke to a large group of editors and stated that this package does nothing but increase the deficit. I might ask my colleague and cosponsor of the amendment, will this $28 million increase one job?

Mr. BURNS. There is nothing in this $28 million that is earmarked for anything, I would advise my colleague from Oklahoma. I know that it was in the statement when the request was made. I am ranking on the Appropriations Committee in this jurisdiction. It says it only gives us opportunities to do certain things, and everything that they name has already been funded. This is just $28 million to just hand to them.

Mr. NICKLES. I appreciate my colleague's comments.

Looking at a couple of facts. Federal appropriations have grown in the District of Columbia from $276 million in 1982, to $631 million in 1992, an increase of over 128 percent.

I might also notice that the District of Columbia employs about 1 out of every 13 residents; most large cities employ about 1 out of 100. Keep in mind 1 out of 13 residents are employed by the District of Columbia.

Mr. President, my comment is this is $28 million. It is not an emergency. It has nothing to do with anything concerning jobs programs. I really hope that my colleagues will take one small step toward fiscal responsibility and not increase the deficit and the debt by this amount of money.

So I congratulate my colleague from Montana for his leadership and also my colleague and friend from Iowa for their statements. I hope we can save the taxpayers and future generations to an additional debt load and pass the Senator's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Might I inquire of the Chair, Mr. President, of the time remaining on this side?

The PRESIDING OFFICER. Six minutes.

Mr. BURNS. I yield 4 minutes to my colleague from Missouri, Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am pleased to join with my colleagues from Montana and Oklahoma in cosponsoring this amendment. I think it is very important that we make some sense out of the measure before us.

The reason many of my colleagues believe that this is a political stimulus bill rather than a jobs bill is provisions just like this.

Providing funds for the District of Columbia can have only one purpose in this measure, and that is to say thanks to the Mayor for her support of the Clinton candidacy.

The 1991 Federal payment, which are the funds made to the District to offset the property taxes not paid because of the Federal presence in the city, was $430 million.

Newly elected Mayor Sharon Pratt Kelly, facing a $300 million budget deficit legacy from former Mayor Barry, came to Congress for a $100 million supplemental to help offset the city's budget woes.

At the time I was ranking member on the D.C. Appropriations Subcommittee, Mayor Kelly wrote me a letter describing the District's plight in which she said the District is currently faced with a budget gap of $300 million. "We request $100 million in Federal supplemental funds in order to help address this severe financial crisis."

Then, after some consideration, I was pleased to support the proposal, and subsequently the Congress agreed to provide the $100 million. The Federal payment thus was increased to $530 million.

Not long after the request, Mayor Kelly discovered that this one-time shot in the arm was insufficient and returned to Congress for a request for an additional $200 million to assist her in balancing their fiscal year 1992 budget.

Meanwhile, Congressmen DELLUMS and BLILEY, along with Delegate ELEANOR HOLMES NORTON, began their efforts to enact legislation to provide Federal payment based on the formula of 24 percent of city-raised revenues.

Many, including the Washington Post editorial page, argued this was a good way of taking the guesswork out of payment and thus providing some certainty for the Federal District budget.

I ask unanimous consent that the Washington Post editorials reflecting that be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

A FAIR FEDERAL PAYMENT

Delegate Eleanor Holmes Norton, House District Committee Chairman Ronald V. Dellums of California and ranking Republican Thomas J. Bliley Jr., of Virginia have set the stage for a major effort to restore equity to the federal government's relationship with the city. On Wednesday, hearings open on their bill to increase the federal payment to the District next fiscal year and to establish a fixed formula for future payments beginning in fiscal year 1993. Their legislation could encounter stiff winds in the current fiscal climate. But the key elements of principle, precedent and practicality are on their side. By any fair accounting, the city should be compensated by a predictable and credible payment for bearing the burdens of a tax-free federal government and the costs associated with being the seat of the world's most powerful nation.

The concept of a direct federal payment is nearly as old as the District of Columbia itself. That it has never been seriously challenged is no oversight. The federal presence in the city is unquestionably a unique—and costly—fact of life. Federal property, foreign missions, several organizations, the income of nonresidents and goods and services sold to the federal government are all immunized from District taxes. Simultaneously, the city hosts 20 million tourists annually and protects countless others who come to Washington to speak, assemble and petition. But as the nation and world have played an increasingly larger role in the District's life, the federal contribution to the city's financial well-being has been diminishing. It's down, for example, from about 30 percent at the dawn of home rule in 1975 to about 14 percent today. And even with that, local budgeting is always fraught with uncertainty, since from year to year the mayor and council never know how much to expect from the federal government. That is patently unfair.

By boosting next year's authorization to $630 million from the '91 aggregate level of $596.5 million and by setting the future federal payment formula at 24 percent of city-raised revenues, the Dellums-Bliley-Norton bill restores equity to the federal-District relationship. It also complements the efforts of Mayor Sharon Pratt Dixon and Council Chairman John A. Wilson, who are trying to get the city's financial house in order. To succeed, they need enactment of the federal payment formula bill this year.

MEDI-GAMBLE

A municipal budget prepared a year and a half in advance is always a gamble. Who can be sure what tax receipts and spending requirements will be that far in the future? But some of the spending estimates in the narrowly balanced budget to which D.C. Mayor Sharon Pratt Dixon and the city council have agreed seem particularly chancy. The Medicaid estimate is one such.

Medicaid is not just another social program, but one of the mighty engines and dominant items in the budget. The health care program for the poor accounts for almost a tenth of the money the city spends each year (including federal funds). The benefits go to a seventh of the city's population.

Medicaid costs are soaring everywhere—the governors say they have no greater budget problem—and the D.C. budget provides for an increase as well. The question is whether it is enough. Last fiscal year the city's share of program costs was $174 million; for next year the mayor budgeted and the council approved $186 million. That's an average increase of less than 5 percent a year, less than a third the rate of increase nationally.

The relatively low D.C. cost estimate is based on a number of assumptions. One is that reimbursement rates won't change that much—the fees the District pays doctors, hospitals, nursing homes and other providers for services under Medicaid. Though providers in this as in other jurisdictions have begun to complain and even go to court about Medicaid reimbursement rates, this is a policy assumption that the city largely has the power to make come true.

Not so, however, in the case of a second assumption, which is that the caseload for Medicaid and a related program that the budget proposes to abolish will also be flat. Here the problem is partly the economic downturn, which has led the government to assume (and budget for) a one-seventh increase next year in its welfare caseload. The expectation is that, on average, a tenth of the population will be on Aid to Families with Dependent Children at any given time. AFDC families are automatically entitled to Medicaid. How does one caseload increase (by about 7,000 persons) and the other not?

There are various answers. The Medicaid tent has been made considerably broader than the welfare tent in the District, so that some of the new welfare families will already be receiving Medicaid. And insofar as the Medicaid caseload does go up, the increase will be offset by cuts in the companion, so-called Medical Charities program. Maybe—but it is hard to find a city official who really thinks that Medicaid costs next year will be no more than budgeted. If costs indeed are higher and the overall budget is not to be breached, there will have to be additional cuts. The mayor and council have passed a budget for fiscal 1992, but the process is just beginning.

Mr. BOND. Mr. President, I supported the formula bill and it too subsequently passed. I supported it because I believe the formula approach would allow the District to do a better job of planning, and handling their budgets. And it would also eliminate the need to run to Congress every time the District experienced a shortfall.

The net effect was that the Federal payment for the District rose from $430 million in fiscal 1990 to $630 million, in fiscal year 1992. It also meant that the D.C. Subcommittee last year appropriated for fiscal year 1993 the statutory 24-percent requirement which was $624 million plus an additional $5 million for inaugural expense. They have gotten the predictability they want.

They now have a statutory formula. In total, over the past 3 years the District of Columbia has received an additional one-half billion dollars. Unfortunately, the D.C. budget is still out of control; top-level District employees are leaving with regularity and the political leadership priorities include funding abortion and health insurance for unmarried domestic couples.

I ask unanimous consent that a news article, including a statement by the District Delegate in which she says she asked Congress to repeal two measures to restrict the District's power to finance abortions and finance domestic health insurance program favored by the gay community. I ask unanimous consent that that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 18, 1993]

D.C. WOULD GET $28 MILLION MORE UNDER CLINTON PLAN

(By Kent Jenkins, Jr.)

President Clinton proposed yesterday that the financially strapped District government get $28 million in additional federal aid, a move city officials hailed as a sign of improving relations between the White House and the District Building.

Clinton included the money in the $30 billion economic stimulus package he announced yesterday, and administration officials said the District would be free to use the funds as it sees fit. If approved by Congress, the $28 million would become available during current budget year, which ends Sept. 30.

Clinton's proposal is designed to reverse actions taken last fall that resulted in the District getting $30 million less than it had expected. During the election campaign, President Bush threatened to veto several spending measures that he said cost too much. Congress responded by cutting the District's annual payment from the federal government to $625 million from a proposed $655 million.

District officials, clearly delighted by the prospect to additional White House support, moved immediately to take advantage of the improved political climate. Del. Eleanor Holmes Norton D-D.C.) said she will ask Congress to repeal two measures that restrict the District's power to finance abortions and to fund a "domestic partners" health insurance program favored by the city's gay community.

D.C. Mayor Sharon Pratt Kelly said that Clinton's effort to get additional money for the District signals "a new day" in relations between the city and the federal government.

"We have someone in the White House now who is eager to talk and is reaching out to us," said Kelly, who, like Clinton, is a Demo-

> crat. "This bodes well for the District of Columbia."
>
> Norton described Clinton's proposal as "a good-faith down payment that should restore the faith of Washingtonians. * * * What one president has taken away, another has restored."
>
> Kelly complained loudly last year when the District lost $30 million under pressure from Bush because the cut left a hole in her $3.4 billion budget. She had proposed that the money be spent on her "youth and family initiative" crime-fighting program. Norton said yesterday that if Congress approves the $28 million, lawmakers probably will require that it be spend for the purpose.
>
> But Norton's efforts to address the subjects of abortion and gay rights are likely to stir controversy. In past years, Congress, at the prodding of Bush, forbade the District to pay for abortions for poor women. Shortly before last November's election, the House voted overwhelmingly to block the domestic partners program that would provide benefits to persons designated by city workers at their partners.
>
> Norton said yesterday that she will attach language to Clinton's economic stimulus package that would eliminate both those bans. Rep. Julian Dixon (D-Calif.), chairman of the House D.C. Appropriations subcommittee, said he will support those efforts.
>
> District officials believe they have the votes to lift the ban on taxpayer-financed abortions.
>
> "I believe that we will encounter opposition on the floor" to both proposals, Dixon said. "I think the domestic partners measure may face the toughest fight. But I will make my best efforts to go ahead with both."

Mr. BOND. Mr. President, now, for the third time in 3 fiscal years, the District wants another taxpayer handout. Now it is true this one is smaller—only $28.2 million—but as the President's economic plan "Vision for Change for America" puts it:

> The administration proposes $28 million to reduce the District's budget deficit.

I guess the first $500 million was just the downpayment.

Mr. President, who can actually argue that it is a Federal emergency such that the Nation's taxpayers should be willing to borrow funds for their children to pay off; and increase the Federal deficit in order to help the Mayor of the District of Columbia reduce her deficit?

Exactly what kind of ridiculous thinking is this?

No other city in America has emergency funds in this bill to reduce their deficit. And if there was, the people of this country would be outraged.

No State—which the District says it wants to be—has dollars in this so-called jobs bill to bail out their budgets either. But in case colleagues believe that if the District does not receive these funds they will somehow be shortchanged by this bill if we take away this candy cane—think again. Even without the $28 million the District of Columbia will get at least $69 million, excluding unemployment compensation. That is $114 for every resident. In contrast, per capita, the State of Missouri will get $42.

Mr. President, if the Senate wants to pour more money into the District's ever-ravenous treasury, they should do so knowing that these funds are not going to solve the District's problems; they are just postponing them again. If 500 million additional Federal dollars over the past few years has not bailed them out, this $28 million will not today.

Thus the Senate should just face the truth. These funds are just an old-fashioned, log-rolling, you scratch-my-back-I'll-scratch-yours political payoff. It is the politics practiced and perfected in the old smoky rooms of Chicago, New York, and Boston. It is the old time stuff, the kind of thing the Nation thought Bill Clinton stood against. It is politics for politicians. It is special interests get special favors.

And it is an emergency jobs bill.

It should not be.

I urge my colleagues to support our amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND. I urge my colleagues to join in support of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I would like to reserve the remainder of my time which is about 2 minutes.

The PRESIDING OFFICER. About 2 minutes.

Mr. BURNS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it must be deducted equally from both sides.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wonder if the Senator will yield me 1 minute.

Mr. BURNS. I yield 1 minute to my friend from Oklahoma.

Mr. NICKLES. Mr. President, I would like to inquire of the Senator from Missouri just to make sure I understood his statement—and I appreciate his statement and also his leadership on the D.C. Appropriations Subcommittee—but did the Senator say there was an article that referred to I guess the Delegate from the District of Columbia saying they would like to take some of the $28 billion so-called emergency supplemental money going to spend out is that going to increase the deficit and use that money to fund, one, fund abortions and another is to pay for the District's domestic partner law?

Mr. BOND. Mr. President, the Senator from Oklahoma is correct. The story which I have included in the RECORD refers to the increased request that the President made for the District of Columbia, and in the context of that request the District Delegate indicated that her top priority would be getting approval for legislative approval for these two measures.

So, in essence, the funds that we are making available would enable the District to fund abortions and the domestic partners insurance measure.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. NICKLES. I thank the Senator.

Mr. BURNS. Mr. President, I would go ahead and use up the time. If the time is going to run equally I will go ahead because we only have a minute or so remaining.

I would just remind our colleagues, since we had such a spirited debate on the other side, to come to the defense of this appropriation. It has been noticed here, and especially when we think it is an appropriation that is given without strings, it is just a gift.

It seems like they could always come up for different things in the District of Columbia, everything that they are supposed to be doing as far as running a city is concerned.

I would just remind my colleagues. Like I said a while ago, if you can keep the wheels on your car going down Connecticut Avenue you are a better driver than I am. We have better farm-to-market roads than streets they have in this city. That all goes on this, especially when you look at the ratio of the people who work for the city government in this town, which is almost 10 percent of the population, as compared to any other local government across this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. I ask everyone to look and see this is not a very good efficiency in government.

I thank the President.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, may I ask how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has approximately 24 minutes.

Mrs. MURRAY. I request that I may use that time under the direction of Senator KOHL.

The PRESIDING OFFICER. The Senator is recognized in opposition.

Mrs. MURRAY. Mr. President, I come to the floor in strong opposition to the amendment that is before us that will eliminate the $28 million that the President has requested for the District of Columbia.

I come here from across this Nation. In fact, I put my kids and my husband in the car the day after Christmas, and I drove across this country with my family to become a U.S. Senator.

It was a trip I will not forget, as anybody would who has taken a trip for 2,800 miles with their kids in their car.

We came starry-eyed across this Nation and arrived in Washington, DC, and I have to tell you that I was shocked. I was in the Nation's Capital, the most important Nation, in my view in the world, our Nation's Capital, Washington, DC, and here I have my kids and my husband in my car. I look around and I see a city in shambles. I see people on the streets with cups next to me as I come up to stop signs begging for money.

I go to look for a place to live with my children and my husband. I ask around about where are the good schools, good public schools, to put my kids into. Everybody says, "Do not put them into the Washington, DC, schools." I say "Do not put them into the Washington, DC, schools? This is our Nation's Capital. It should be the premier example of public education for the rest of the Nation."

And people tell me "Do not live in Washington, DC, because the neighborhoods are not safe; it is not a good place to raise your family," and I say "Our Nation's Capital is not a good place to raise your family?" If we do not set a good example here, what are we saying to the rest of the Nation?

Mr. President, $28 million; we have been debating billions of dollars for the last 3 weeks. We are talking about giving the RTC $45 billion additional dollars to bail out savings and loans, and we cannot talk $28 million for our Nation's Capital to invest in the children here, to give hope back to our Nation's Capital? Mr. President, I find that absolutely astounding.

I heard my colleagues on the floor suggest that this money was going to be used for abortions. I would remind them that there is a statutory prohibition against the use of these funds for abortions. This money is going to go to provide essential public safety in this city.

All of us drive to work. And I have to tell you, I am very impressed, as I drive to work in the morning, when I drive past the Lincoln Memorial and Washington Monument and realize I am in the Nation's Capital.

But I am astounded, every morning when I pull up to the stop signs, and there is someone there, a man or a woman, with a cup begging for money in our Nation's Capital.

We need public safety money in Washington, DC. The money in this bill will go to create job opportunities. And certainly people in Washington, DC, like the rest of the Nation, are being hurt. It will go to stimulate business and economic development to put people back to work and to assure the kids who are in school here that there will be jobs for the future. It will go to expand health services and aid children and families at risk.

My hope, Mr. President, is that we will not listen to arguments that say this is a waste of money, but rather realize that the message we should be sending to the rest of the Nation is that our Nation's Capital is a safe, healthy, and beautiful place to raise a family and that is what we want for the rest of our Nation, as well.

Mr. BURNS. Will the Senator yield for a question?

Mrs. MURRAY. When I am finished.

Mr. President, last year, it is my understanding, when I was not here, the Congress was asked to appropriate $31 million for the Nation's Capital. That money was taken out of the budget because of a threat of a President's veto.

This is not money that has not been talked about. This is money that this community has looked to help make our Nation's Capital a better place to live.

Mr. President, I urge my colleagues to care about the people that they see every day as they drive to work and to appropriate the money and to defeat this amendment.

Thank you, Mr. President.

Mr. BURNS. Will the Senator respond to a question, please?

Mrs. MURRAY. I yield for a question.

Is this on the time of the Senator from Montana?

The PRESIDING OFFICER. It is on the time of the Senator from Washington. There is no further time on the other side.

Mrs. MURRAY. I will use my time.

I will yield for a question.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, in the President's "Vision for Change in America," in the request for this $28 million, and also by the statement of the OMB that it creates no jobs—none—none of it is even earmarked to do any of the programs. That is what they say we would like to do or we have the opportunity to do.

Is it not the contention of the Senator from Washington that the real purpose of this appropriation, as requested by the administration, is to deal with the deficit that the District has put on itself?

I think it is page 35, District of Columbia.

Mrs. MURRAY. Yes.

Because the District of Columbia did not receive the $31 million that was requested before, this money will have to go to pay off the debt that is there.

When they have done that, they will then have the ability to move on. I think we ought to give them that opportunity.

Thank you, Mr. President.

I yield back my time.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Seventeen minutes 38 seconds.

Mr. BYRD. How much time remains on this side?

The PRESIDING OFFICER. Seventeen minutes and a half.

Mr. BYRD. How much on the other side?

The PRESIDING OFFICER. There is no time remaining on the other side.

Mr. BYRD. Does the Senator want some additional time?

Mr. BURNS. Not necessarily. I just want to remind Senators of the real purpose of the $28 million.

If the other side would have some time to yield, and if I have other Senators that want to speak in support of this, I thank the chairman of the committee for that.

The PRESIDING OFFICER. The President pro tempore.

Mr. BYRD. Mr. President, what is the time set under the order for a vote?

The PRESIDING OFFICER. There is no time set.

Mr. BYRD. Very well.

Mr. President, I have 17 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. How much time does the Senator want?

Mr. NICKLES. Three minutes.

Mr. BYRD. I yield 3 minutes to the Senator from Oklahoma.

How much time does the author of the amendment want?

Mr. BURNS. I may have another speaker.

I also request 3 minutes.

Mr. BYRD. I yield the Senator from Montana 3 additional minutes.

Mr. BURNS. I thank the chairman of the committee.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank the chairman of the Appropriations Committee.

I might mention, I thought we had worked out an arrangement to have a vote at 11:30. Be that as it may, we can yield back the remainder of the time.

I just want to make a couple of additional comments. I appreciate the comments that were made by the Senator from Washington about the desire to have more money and the desire to have a capital that we can be proud of.

But the District of Columbia is not a capital, in many cases, that we can be proud of. But the result is not because we are not putting enough money in it. We are funding billions of dollars. I mentioned the fact that the Federal payment has grown from $276 million in 1980 to $631 million.

But I will tell the chairman of the Appropriations Committee, this fiscal year the District of Columbia will also receive, in addition to the Federal payment of $631 million, the $977 million in Federal grants and reimbursements this fiscal year.

In other words, the Government is funneling billions of dollars into the District of Columbia and, in spite of that fact, it is leading the Nation, or is one of the top cities, in murder.

I wish that it was not. We have even had some staff members who have been murdered just a few blocks from the Capitol. And in the last several months, I think we have had—well, I know we have had—many more murders in the District of Columbia than we have had deaths caused to American soldiers, and so on, in Somalia, or enforcing the no-fly zone in Iraq, and so on.

This is a dangerous Capital. It has many problems. But the problems that we now find in the District of Columbia will not be solved by throwing out another $28 million.

As the Senator from Montana said, this $28 million will not create an additional job, and certainly it is not an emergency.

So I just urge my colleagues, I think this is a small step toward fiscal responsibility. The reason we have the amendment is because this stimulus package, so-called stimulus package, has $28 million for the District of Columbia. It does not belong in this package. It should not be in this package. All it does is increase the deficit.

I think the Senator from Montana has a good point, he has a good amendment, and I hope my colleagues will concur.

I thank the Senator from West Virgina.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, just to give you an idea, it does not stop here, as far as the payments to the District is concerned. I guess what really bothers a lot of us, who maybe came out of local governments, is that this is handled differently than we handle any other local government in this country; any other one.

You have the Federal payment to the District of around $28 million; $177,000 in straight-out Federal payment; the Department of Agriculture, to replace deteriorated water lines at the Arboretum, $2 million; $79,000 in WIC; Emergency Food Assistance Program, $63,000; Interior and related agencies, funds to address critical maintenance and repair backlogs, $13 million.

We could go on and on and on about the different programs that go into this special place. And I will tell you that this is a special place and we should keep it a special place. It is different, probably, than any other place in the country, because we host about 10 million folks here a year just in tourism. It is a great tourism attraction.

But you have to remember that when we talk about all this money from the Federal Government that goes to the District of Columbia, they levy taxes here. They have a tax base. There is a bed tax to take care of that. Taxes here, to say the least, are not the lowest of anyplace in the country.

So it is treated different from any other place in the country because it is a little bit different. But what this $28 million says is it is OK to be inefficient. It is OK, you do not have to use your brain or find some new way of getting some things done. We say, "Waste the money and Uncle Sam will come along and pick you up."

I went through the 1980's in Montana, when it was pretty tough. We even had a thing called I-105. They froze all the property taxes. I think it happened out in Washington, too. And we had to deal with that. We did not hear Uncle Sam coming out there and saying, "Here is some money because you have shortfalls." We did not see any of that in the 1980's, not in my State, anyway. I did not see anybody come out saving my farmers or saying keep property prices up so we had a tax base we could levy against. Our mils were frozen—went down.

Do you know what we did? We did a 5-year budget. If you do a 5-year budget—this happened this year—it affects 5 years out. Do you know what? We in Yellowstone County got along pretty well. We could not even do a 2-year budget in this body to tell us what we are doing and they are sure not doing a 5-year budget downtown in the District of Columbia, Washington, DC.

The PRESIDING OFFICER. The Senator has spoken for 3 minutes.

Mr. BURNS. I thank the Chair and chairman of the Appropriations Committee for the additional time. I yield the floor.

Mr. BYRD. I yield to the distinguished senior Senator from Ohio, 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I came on the floor not expecting to speak on this subject. But I would be remiss if I did not stand and indicate the audacity of this proposal. We here in the U.S. Congress refuse to give the District of Columbia the opportunity to participate fully in our Government, giving them statehood. We also do something else. We have Federal buildings located all over the area and do not permit them, as a consequence, to be able to have the normal kind of a tax base.

This is a community that is in trouble and it is just unbelievable to me that some Members of the U.S. Senate would try to take away the small amount of subsidy that we provide to help the District of Columbia meet its daily challenges. We all know the problems that exist in this community. We know the difficulty. We know the poor that live in this community. We know the unemployment that exists in this community. I am aware of the fact it exists elsewhere in this country, but other parts of the country have an opportunity, through their State and their city government, to do something about it. We as the Federal Government hover over this situation and we make that not possible.

I believe the idea of taking away the $28 million that is provided in this bill is audacious, it is cruel, it is inhumane, and shows an indifference to the concerns of our fellow human beings. We have some responsibility, those of us who participate in Government, to have a concern about those who live in the District of Columbia. I believe those who support taking away the $28 million should not stand tall, and cannot stand tall today.

I will vote against taking away the $28 million. I hope my colleagues will do the same.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. BYRD. Mr. President, for those who oppose statehood for the District of Columbia—and I am one of those—let me say, to those who oppose statehood, amendments such as this are undermining your arguments, undermining your case. The people in the District of Columbia are still U.S. citizens. Are we going to deny them the benefits that are in this bill for other U.S. citizens around the country? The Senator has referred to such programs as Head Start, WIC, Pell grants.

It seems to me the Senator is suggesting that the people of the District of Columbia—they are U.S. citizens—are to be excluded from the programs that are being funded in this bill for other U.S. citizens throughout the country.

There has been something said about the removal of the funds for the Mayor's Youth Initiative. The fiscal year 1993 D.C. bill included $31 million for the Mayor's Youth Initiative. That was in accordance with an agreement that had been worked out between the Congress and the Mayor and the governing body of the District of Columbia. That was in accordance with an agreement. Yet, when President Bush threatened a veto, the Congress removed the funds, placing the city budget out of balance. It was our agreement, but under the threat of a veto by President Bush, Congress, in order to keep the appropriations bill from being vetoed, removed the funds.

To meet the shortfall, many cuts were required as a result of Congress' having to remove those funds in the face of a veto threat. Many cuts were required, including the summer youth employment. This appropriation restores funds for 5,000 of those jobs. It restores funds to train public housing residents for jobs and to put police officers out on the street; take them out from behind the desk, put them out on the streets.

I am as outraged by the crime in the District of Columbia as is any other Senator. But the purpose of this is to put 200 policemen out on the streets. After we help to deal with the shortfall, we are going to make it possible for the District of Columbia to put policemen on the streets. The $28.2 million in the bill for the District of Columbia is a microcosm of the larger stimulus investment package. It includes money for 5,000 additional summer youth jobs—give these young people a job during the summer—and it includes money to take 200 police officers from behind the desks. They cannot protect citizens sitting behind a desk. Put them out on the streets. Let them be seen. Let them go after the criminals.

It includes apprenticeship and preapprenticeship programs targeted to public housing residents and includes money to seek out, as I have already said, summer jobs and to immunize children under 2 years of age—to immunize children under 2 years of age this summer. Why not immunize the children in the District of Columbia? We want to immunize other children throughout the country, and we should. Let us immunize the children under 2 years of age in the District this summer.

Let me point out that no District of Columbia employee has received a pay raise in 3 years, including police, teachers, and firefighters. The council enacted a 1994 D.C. appropriations bill that we will consider is balanced. Now, get this, it calls for the elimination of more than 3,000 government jobs. And this is in addition to 4,000 positions cut since Mayor Kelly took office in 1991.

Mr. President, let us not start chipping away at this package. We can chip a little here and we can chip a little there. But remember Phoebe Cary's poem about the young man who put his finger in the dike, and by the strength of a single arm, he held back the sea from flooding the village. Now chip a little of this out and we will chip a little more somewhere else and we will chip a little more. These funds are needed, and no case can really be made against this appropriations. It will stand the light of day.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-eight seconds.

Mr. BYRD. Mr. President, I move that the amendment be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table Nickles amendment No. 285. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Warner
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

So the motion to lay on the table the amendment (No. 285) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized

THE WACO STANDOFF

Mr. DECONCINI. Mr. President, as the 1-month-old standoff between Federal agents and members of the Branch Davidian cult in Waco, TX, continues, not a day goes by that I don't read quotes from unnamed sources in various press accounts criticizing the Bureau of Alcohol, Tobacco and Firearms for its handling of the raid against David Koresh and his followers. The reports criticize the raid itself, the training levels of the agents involved, the preparation of Federal agents to withstand a firearms assault, the coordination of the operation with other law enforcement agencies, and the methods Federal agents are employing to bring the standoff to a close.

Mr. President, I must tell you, I am offended by the tactics of the press to use anonymous sources to undermine the credibility of ATF and its law enforcement agents, particularly when it is still overseeing a very volatile law enforcement operation. A tragic thing happened on February 28, 1993, in Waco, TX. Four young and brave law enforcement agents of the Bureau of Alcohol, Tobacco and Firearms lost their lives; 16 agents were wounded and 2 civilians fatally shot during a shootout between Federal agents and members of the Branch Davidian cult. Since February 28, an estimated 350 Federal, State, and local law enforcement agents have surrounded the compound in Waco. They have used negotiations, threats, and prayer to try to convince the individuals inside to come out and give themselves up. To date 35 individuals have left the compound, including 21 children. By the best accounts available, approximately 95 individuals remain inside the compound, including 17 children.

Until the standoff is over and a full review of the operation completed, no one can really know the facts surrounding this very fateful operation. What we do know, however, is as follows. First, that ATF initiated an investigation into the illegal activities of David Koresh and his followers in June of 1992, for firearms and explosives violations. Second, that search warrants were secured with the approval of the U.S. attorney's office to be executed on the morning of February 27. Third, that based on undercover agents inside the compound, children and women were to be isolated from the men and the weapons on Sunday mornings. Fourth, that 50 ATF agents along with 75 State and local law enforcement officers, attempted to execute the warrants on the Davidian compound. Fifth, as Federal agents prepared to enter the compound, a massive gunfire battle broke out and agents and civilians were left for dead. From that gun battle, we know that the Branch Davidians were heavily armed with machineguns and semi-automatic assault weapons. We also know that David Koresh and his followers received information prior to the raid that the raid was imminent.

Mr. President, having spent a good deal of my career both here in the Senate and prior to that as a county prosecutor working with the Bureau of Alcohol, Tobacco and Firearms, I can attest to the professional reputation of this agency and its employees. Their work in bringing armed career criminals to justice is unsurpassed. In 1992 alone, ATF agents were responsible for the arrest of 12,314 individuals for firearms violations with 11,406 being recommended for prosecution. The ATF National Firearms Tracing Center is extensively used by Federal, State, and local law enforcement agencies to bring criminals using firearms to justice. In fiscal year 1992, ATF conducted over 62,000 gun traces. It was ATF who traced the gun to the suspect in the CIA executions which took place in McLean, VA. Steve Higgins, Director of the Bureau of Alcohol Tobacco and Firearms, is a career enforcement officer. He has spent 32 years working for ATF and for the past 11 years has been its Director. Steve Higgins is dedicated to ensuring that the Waco operation in all its components receive a full and thorough review when the operation is over. The operative words here are—when the operation is over. Right now this man needs to devote all of his time and attention to bringing the Waco standoff to an end.

The ATF I know is not a renegade Federal agency that has lost direction. Instead, it is one of the most effective and professional law enforcement agencies at the Federal level. The work it does in the violent crime area is unparalleled in the law enforcement community. In addition, ATF has a close working relationship with State and local law enforcement. It has this relationship because it uses all the resources available to it to help provide the investigative support to State and local agencies to help arrest and prosecute repeat felons.

Sitting on the sidelines and second-guessing the decisions made by ATF in executing the Branch Davidian search warrants will not bring the standoff any closer to an end. It will not bring back the four slain officers who lost their lives trying to protect innocent American citizens. What it will do, however, is erode the morale of the brave and dedicated agents who continue their battle against violent crime each and every day on the streets of communities all across this Nation. It will continue to inflict pain on the families of the agents lost. And, it will undermine a successful and peaceful outcome to the standoff. Dewey Stokes, president of the Fraternal Order of Police, states with reference to ATF, "ATF is in the classic street cop situation—damned if they do; damned if they don't—and, in my opinion, in no position in the middle of delicate negotiations to fully answer self-serving critics." To me, Mr. President, that says it all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 286

(Purpose: To reduce deficit spending by prohibiting emergency stimulus appropriations from being spent on gymnasiums, parks, boathouses and other activities)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 286.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment No. 283, strike all after "inserting" on page 20, line 14 through "$2,536,000,000," on page 26, line 7 and insert in lieu thereof the following: ""$18,251,309,430": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

Provided, none of the funds provided under this Act for community development grants or the highway trust fund may be used to assist activities related to gymnasiums, parks graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreation centers, sports facilities, boat houses, soccer fields, ice skating, playgrounds, jogging paths or hiking trails.

FEDERAL RAILROAD ADMINISTRATION

Grants to the National Railroad Passenger Corporation

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000 to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

Formula Grants

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: *Provided*, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

Trust Fund Share of Transit Programs

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": *Provided*, That these additional funds shall be appropriated under section 9 of the Federal Transit Act, as amended: *Provided further*, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

Discretionary Grants

For an additional amount of "Discretionary grants", $270,000,000, to remain available until September 30, 1993: *Provided*, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

Internal Revenue Service

INFORMATION SYSTEMS

For an additional amount for "Information systems", to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency of Department of Veterans Affairs facilities.

Departmental Administration

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Homeless Assistance

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: *Provided*, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: *Provided further*, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: *Provided further*, That the total amount approved for any one applicant may not exceed $10,000,000: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: *Provided further*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,392,119,355.

Mr. GRAMM. Mr. President, we spent the day before yesterday and yesterday on a series of amendments that tried to target, by name, various projects that are contained in the ready to go list submitted by the National Conference of Mayors and that would be eligible for funding from the community development block grant program and under the highway trust fund formula, whereby money would be allocated to our cities and States.

The distinguished Senator from Colorado offered an amendment that would have knocked out some 46 of those projects by name, and we spent a considerable amount of time on the floor of the Senate debating those projects.

We then had an effort to drop out the entire category of community development block grants. Both of those votes were very close. In fact, a procedural vote on the amendment of the Senator from Colorado actually carried the day before yesterday before being reversed the next morning.

What I have tried to do here is offer a reasonable compromise that I hope will garner support from the Senate. From the list of the projects that the Secretary of Housing and Urban Development and the Secretary of Transportation have said they will use as the basis for making these grants, I have identified several categories. We can talk about water towers that need paint, but the truth is that unless we go visit those places and look at the water tower, we do not know whether it needs painting or whether it does not need painting.

What I have tried to do in this amendment is to stay away from specific projects, but instead have tried to outline a broad prohibition on the use of funds for specific kinds of projects—not to say that those projects do not have merit, but to say that given that we are dealing with an emergency measure, given that we are borrowing every dollar we are spending, given that we are already running a $300 billion annual deficit, that these broad categories do not represent worthy Federal expenditures, noting that the cities and States involved could fund these projects if they wished to do so.

Let me just review the categories. In fact, the language is very simple. Let me read the relevant parts and then talk about the money involved, and then try to go back and define where we are in the debate and why this amendment really makes eminently good sense.

The amendment basically says that in this emergency bill where we are going to spend some $16.3 billion, "None of the funds provided under this act for community development grants or the highway trust fund may be used to assist activities related to gyms, parks, graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreational centers, sports facilities, boathouses, soccer fields, ice skating rinks, playgrounds, jogging paths, and hiking trails;" that whatever we spend money for in this economic stimulus package, none of those funds can go for a project that falls within any of these categories: gymnasiums, parks, graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreational centers, sports facilities, boathouses, soccer fields, ice skating rinks, playgrounds, jogging paths, and hiking trails.

Since we are borrowing every penny we are spending in this bill, the second part of the amendment is that I go back and identify proposals that fall within these categories in the ready-to-go project list that has been submitted by the mayors. I go back and add up the cost of gyms and parks and graffiti abatement and bike paths and jogging paths, and they total up to—at least given my ability to identify them—$143,880,665, coming out of community development block grants, and $51,690,570 coming out of transportation funding, giving a grand total of $195,571,235. This amendment reduces the total level of funding in the bill by that amount.

Mr. BYRD. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. I was distracted while the Senator was speaking. Would he repeat how he arrives at this figure of $195 million?

Mr. GRAMM. I will be happy to respond.

What I did is I went through the ready list of projects cited when the Secretary of Housing and Urban Development and the Secretary of Transportation went to our local government entities and our States and asked, "If we all of a sudden came up with money, what are the projects that you would like to fund?"

The idea of the administration was to basically show that there were ready-to-go-projects, and if the money was provided, they could be funded. I made it very clear in my discussion that there is no guarantee that each and every one of these projects would have been funded, but my objective in the amendment is to add a guarantee, a guarantee that no gymnasium, park, graffiti abatement, or bike path—and I repeated the list twice, so I will not use up the time of the Senate to go through it again—that none of these projects will be funded. And, in turn, since we are talking about borrowing every penny that we are spending, I also reduced the level of overall funding in this bill by the $195 million that they would cost.

Let me explain to my colleagues where we are and why this amendment is relevant and why I hope it will be adopted. First of all, it is very important for people to remember that last Thursday we adopted a budget, and all through the weekend, Members of Congress and the President pounded their chests and said: We have finally done something about the deficit. We have finally taken definitive action. We have done something about spending.

Well, Mr. President, here it is Wednesday, and we have before the Senate a bill that will spend $16.3 billion of new money. This bill is technically illegal because we have a spending cap that was adopted in 1990 that would require that if we spent this money, we would have to reduce spending across the board in other programs to pay for it. Therefore, we have an extraordinary provision in the bill where we designate this spending as an emergency, so that we can spend $16.3 billion, but we perpetuate this fiction that we are not spending it; we raise the deficit by $16.5 billion, but by this procedure, we claim we are not raising the deficit by $16.5 billion, and we borrow $16.5 billion, but for the purpose of this bill, by designating it as an emergency, we get around the fact that the law of the land would prohibit us from spending the money, unless there was an across the board cut to offset it.

One of the reasons that this is so harmful—besides the obvious fact that one could draw an analogy between someone going on the wagon on Thursday and then here on Wednesday, is back drinking the devil's brew with $16.3 billion of totally new spending—why this is so important is because the budget that we adopted had so little in spending control measures in it. I would like to run over these numbers because, quite frankly, I find them startling. I am going to talk about some economic news in a minute, and I think people will begin to see why there is a declining consumer confidence and why people are beginning to react economically to this budget.

Under the budget that was adopted on Thursday, as compared to current law, in 1994, total spending actually goes up, relative to what would have happened had we not passed the budget, by $1.3 billion.

In 1995, spending actually goes up by $0.7 billion, relative to what would have happened had we not passed any budget.

In 1996, spending—and all of this is defense—goes down by $15.8 billion.

My point is that with new spending of $16.3 billion today, we are spending more money than we will save over the next 4 years under the budget we adopted. Let me repeat that. The bill that is now before the Senate, which through an extraordinary rule, so that we do not have to count it as part of our budget, so we do not have to violate the 1990 law which says there is a cap on discretionary spending, if we adopt this bill, we are getting around that law and we are spending money without having to offset it. That is a new expenditure of $16.3 billion.

It will not be until somewhere toward the end of 1997—1993, 1994, 1995, 1996, 1997. It will not be until somewhere in the second half of 1997 that we will save as much money under the budget that we adopted on Thursday in terms of spending control. We will not, by the middle of 1997, have saved as much money as we are going to spend today in this bill.

Mr. President, I wonder if the American people know that with all this talk about fiscal restraint, with the $295 billion in new taxes, with the taxing of Social Security benefits on modest income retirees, with the taxing of every working family in the name of an energy tax, I wonder how many people know that in this one spending bill that we are considering today we are going to spend more money in one stroke than will be saved in the next budget through the middle of 1997.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. I do not mean to break the Senator's soliloquy. I wonder if the American people know that what the Senator has just said is patently untrue.

Mr. GRAMM. Mr. President, I ask unanimous consent that this table may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Total spending cuts in Senate Concurrent Resolution 18, the fiscal year 1994 budget resolution versus new social spending in the emergency supplemental appropriations bill:

NEW EMERGENCY SPENDING (OUTLAYS) $16.3 BILLION

[Billions of outlays]

	Total spending cuts in Senate Concurrent Resolution 18[1]	Cumulative spending cuts[1]
Fiscal year 1994	+$1.3	+$1.3
Fiscal year 1995	−0.6	+0.7
Fiscal year 1996	−16.5	−15.8
Fiscal year 1997	−29.8	−45.6
Fiscal year 1998	−40.6	−86.2

[1] These numbers are calculated from the Congressional Budget Office Current Law Baseline.

Mr. GRAMM. Mr. President, basically what this table, which I have now put in the RECORD—and let me see if I have another copy of it because I want to continue to talk from it—what this table shows is the spending restraint imposed in the budget that we adopted on Thursday as compared to current law that would have existed had there been no budget adopted.

The point is, what people do not understand is that not until 1997 and 1998 does that budget have any real spending control measures in it of any significance. There are more savings in 1998 than in the other years combined, all of which may or may not be produced based on what we have done by the time we get to 1998. I do not think many people understand that.

I think it is very important that they understand it, and when people every day are coming up to me—I am not sure that every Member of the Senate is having the same experience that I am—but every day people are coming up to me, looking me right in the face, making eye contact and saying, "Are you cutting spending first before you are raising my taxes?"

And I am afraid I have to look them right back in the eye and say, "For all practical purposes, there is not much in the way of spending reduction in this budget. In fact, in the $1.3 trillion that has to do with nondefense spending, over the whole 5 years of the budget we save about $7 billion and we are today talking about spending more than twice that amount."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. Mr. President, when someone walks up to the distinguished Senator from Texas and looks him in the eye and says, "Are you cutting spending before"—what was it the Senator said?

Mr. GRAMM. Raising my taxes.

Mr. BYRD. Yes, "before raising my taxes." I would urge the distinguished Senator to brace himself and stand tall and look that person right back in the eye and say on the authority of the record that, "Yes, we have already cut spending." When that budget resolution passed the Senate we cut outlays $62 billion in the appropriations bill—outlays. And it does not have to wait for a reconciliation bill to do that. We have already cut $62 billion in outlays over the next 5 years as far as the appropriations 602(a) allocations are concerned.

Moreover, that $62 billion in budget authority—and that is what the Appropriations Committee really appropriates—in budget authority, when we passed that budget resolution we said to the Appropriations Committee, "In budget authority you are going to have $16-plus billion less in 1994, less than the cap that was set at the 1990 budget summit, and you are going to have $17-plus billion less in 1995 than was set by the cap at the budget summit. So there is $33.5 billion when that budget resolution passed the Senate and when it comes back in the conference report and still has that in it, we have already cut.

Now stand and look that person in the eye, stand up, look him in the eye, eyeball to eyeball, "Yes, we have already cut that." We have cut that before we increased any taxes, the Appropriations Committee has been ratcheted down, to those who want to ratchet down the Appropriations Committee. We already saved that. There will be that much less money that the Appropriations chairman can allocate to the 13 subcommittees.

I leave those figures, $33.5 billion in budget authority less than the caps that were set for 1994-95 at the summit and $62 billion in outlays over the next 5 years cut, cut, cut.

So, may I say to my friend from Texas, drink some of that West Virginia mountain water, and when those people come up to him and look him in the eye give them the answer from the record, from the record.

I thank the Senator for yielding.

Mr. GRAMM. Mr. President, I think it would take more than West Virginia mountain water. Perhaps they make other things in West Virginia that could convince me that we are, in fact, cutting spending; and, in fact, it might take a considerable quantity.

I want to respectfully say to our dear chairman from West Virginia, I spent a lot of my time as a young man trying to instruct my children that there were many things they should argue about—ideas being at the top of the list—but they should never argue about facts. They ought to go look them up.

I put my facts in the RECORD. What I put in the RECORD was a year-by-year scoring of spending reductions that are present in the budget that result from the adoption of the budget relative to current law.

There are a few things that are a little confusing in the sense that in 1990, we raised taxes by $150 billion and we promised people that we were going to save money for the ensuing 5 years. One of the things that we are in a little bit of a dispute about is that some people want to take the $150 billion-plus taxes and then not save money because we have those taxes. They want those taxes to live up to an old savings commitment.

But I am not going to get into a debate about those numbers. I put my numbers in the RECORD and I simply ask people to look at them.

Let me return to my amendment.

Mr. BROWN. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. BROWN. In looking through the amendment to the bill that is before us, I find on the old page 56, the following language:

> *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation.

My understanding is that the community development block grant section has in the statute now protections for the taxpayer that outline how this money is to be distributed.

Is it the view of the Senator that the waiver that is in this bill would then exempt the Secretary from the safeguards that are implied in the statute right now?

Mr. GRAMM. I think perhaps—and I would be happy to yield for the purpose—the Senator should pose the question to the Parliamentarians through the Chair, as to whether he believes that to be the case. Perhaps it will take them a minute. If they are ready, I would be happy to yield for that purpose.

Mr. BROWN. I appreciate that. I will pose that inquiry in a few moments when, perhaps, the Parliamentarian has had an opportunity to review that language.

Mr. GRAMM. Mr. President, let me go on with my remarks.

My point is that when we are seeing, in a budget that we have adopted, very little in the way of control of nondefense spending, when we are looking at a period of time when we have to borrow every penny that we spend, that we should not be borrowing money to fund gymnasiums, parks, graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreational centers, sports facilities, boathouses, soccer fields, ice skating facilities, playgrounds, jogging paths, and hiking trails.

What my amendment does is it precludes either HUD or the Department of Transportation from funding any program that falls under these categories and it, in turn, lowers the level of funding in the bill by $195 million.

Why is this important? It is important, first of all, because we have not done much in the way of controlling nondefense spending.

Over the 5-year period in the budget on nondefense spending, we have relatively few savings. We are talking about today, on an emergency measure, raising the deficit by another $16.3 billion. I do not know how we can justify spending money under the circumstances on these projects.

When we are in the process of raising taxes on Social Security, saying that we are using the money to lower the deficit, or at least implicitly arguing that, I cannot justify taking money to spend on gymnasiums and parks and graffiti abatement and these other items that I have listed. That is not to say is that some of these projects may not be meritorious, but they are not that meritorious. When we are in the process of raising taxes on every working family with an energy tax, I cannot justify spending on these projects.

And so what this amendment does, without getting into each specific project, is it takes these broad categories and it says: "Don't fund these and save almost $200 million."

Why is this important? Well, I think it is important because we are beginning to see changes occur in the economy.

I refer to the New York Times of this morning: "Consumer Confidence Off Sharply."

> Consumer confidence fell another 6 points, following an 8 point decline in February.

Now I know there are some people who are going to say, "Well, Mr. President, that is why we ought to borrow $16.3 billion and go out and build gymnasiums and parks and graffiti removal and spend money on these other projects or any other thing that is chosen."

But I do not think that is the problem. I think the problem is that the American public is finally discovering what is in the budget we have adopted. They have also finally discovered that, in the week following that budget, we are getting ready to launch a major new spending initiative and we are going to have to borrow every penny of that spending initiative, and, as a result of that borrowing, we are going to offset the savings achieved by the budget over a substantial period of time.

So I want to ask my colleagues to support this amendment.

Finally, yesterday, after we had an extended debate, I went back over to the Russell Building to attend a lengthy meeting on health care, because the next problem we have coming down the road after excessive spending, and after the budget, is health care.

While I was gone, several of my colleagues, in their eagerness to help me, spoke at some length about how it could be that I was voting to deny Texas over $600 million of funding in this bill; that somehow, perhaps, I was confused in not realizing that by opposing this bill that I was taking money away from my State.

And I thought a minute—when I heard it, when it was reported to me when I came back to my office—as to how either I was confused or they were confused. And then I decided that there was a difference; that apparently my colleagues thought that this money that we are spending in this bill was coming from heaven and, if we did not spend it, and the people of all 50 States, including Texas, did not get it, we would be worse off because of it.

I guess the difference in perspective is that the money we are spending, I do not believe—nor do I think there is any evidence to suggest it—is coming from heaven. It is, instead, being borrowed. It is obligating future generations to pay back not only the principal, but the interest.

And so, I do not see how I am helping my State or anybody else's State by borrowing $16.3 billion, by taking money away in a time of very tight credit from people who would use it to build new homes, new farms, new facilities—many of them in Texas—in order to fund the programs on the mayors' list. The money is not coming from heaven, it is coming out of the pockets of the working men and women of America. And when we do not take it from them it is not lost. It goes back to families to invest in the American dream. And that is what this debate is about.

Mr. BYRD. Mr. President, will the Senator yield at that point?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. Mr. President, speaking of money from heaven, what about the money for the superconducting super collider, which is being built in Texas? In following the concept the distinguished Senator is using here in his argument, is that money not being borrowed also?

Mr. GRAMM. If I might reclaim my time, Mr. President. I would vote against this bill, since we are adding new spending above the level set out in the budget. We are spending $16.3 billion, which is illegal in the sense that we have written a law setting a cap on spending which would require there be an offset, dollar for dollar, if we were not designating this as an emergency. I can assure my colleagues, if we were having to offset this spending that we would certainly be banning expenditures on gymnasiums and parks and graffiti abatement. But I do not seek to escape the law of the land with this emergency designation in order to spend money on any project in Texas, whether that project is graffiti removal or science. I do not think that is good policy.

I believe that the problem is the deficit. I believe that jobs come through the private sector. I think people are beginning to get frightened as they learn what is in the budget, all the new taxes, all the new spending. I do not think the American people believe we can tax our way to prosperity and job creation. I do not think the American people believe we can spend our way to a balanced budget. So I am not for spending this $16.3 billion.

But as strongly as I am opposed to spending this $16.3 billion, I am even more strongly opposed to the possibility that we could spend it on things like gymnasiums and parks and graffiti abatement and bike paths and parking garages.

What I am trying to do with this amendment, without getting into each specific line item, is to set out these categories, prohibit spending this emergency money on them, and on behalf of the American taxpayer, especially the people who are going to pay new taxes on Social Security and the people who are going to pay new taxes on energy—I want them to pocket the savings of $195 million. That is the objective of my amendment.

My point from yesterday is a very simple point. That is that several of my colleagues spoke as if somehow Texas was a loser if this bill did not get passed. It is true that there is $600 million in this bill for Texas. It is also true that the $16.3 billion in this bill that we will borrow will be taken away from people who would build new homes, new farms, new factories, in Texas, in Nebraska, in West Virginia, in Colorado, and all over America. I do not think, under the circumstances, that it is a good bargain to be borrowing this money. I certainly do not believe that it is a good bargain to be borrowing this money for this purpose. That is why I have offered the amendment. The amendment, I think, speaks for itself. And I hope my colleagues will support it.

I think we can spend an endless amount of time debating other spending programs. We clearly have different priorities. I am not trying to eliminate the Federal Government here. I am not trying to say that there are not many things the Government does that deserve support. I personally believe the Government underfunds law enforcement. I think the Government underfunds prison construction, but I would not vote now to borrow new money and to violate our spending caps in order to build new prisons. I would note to take money away from other purposes and build prisons. I can tell you that right now. But that is not the purpose of this amendment.

I am not trying to disassemble Government here, or say that I am against everything Government does. I am here saying I am against our Government taxing Social Security beneficiaries and working families and at the same time be funding gymnasiums, parks, graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreational centers, sports facilities, boathouses, soccer fields, ice skating facilities, playgrounds, jogging paths, and hiking trails.

What I want to do in this bill is say you cannot spend money for these purposes. I hope my colleagues will agree to prohibit spending for these purposes and that they will vote to save the American taxpayer $195 million.

Several Senators addressed the Chair.

Mr. BROWN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. BROWN. I rise because I was interested in the question posed by the distinguished Senator from West Virginia. As I understand it, this bill is over budget; that is, the amount expended will exceed the amount that was planned for in the budget resolutions?

Mr. GRAMM. This bill is not only over budget, but without the emergency designation this bill would violate the law of the land that we adopted in 1990.

If we adopted this bill—first of all, it would have taken 60 votes to bring this bill to the Senate floor because I, or others, would raise a point of order. But more important, had we adopted this bill under current law through traditional procedures, we would have had to have cut a similar amount across the board in discretionary spending programs to pay for it. That is the law of the land. The taxpayer, in 1990, paid over $150 billion to get that spending control. Now, by designating this bill an emergency, we are not going to deliver on our promise and we are going to spend this $16.3 billion. It is not going to be offset by spending reductions.

What I am trying to do is simply prohibit a fairly small amount of it from possibly being spent on those project categories that I have listed.

Mr. BROWN. The distinguished Senator has asked about projects, specific projects. Does his amendment eliminate projects in Texas as well as other States?

Mr. GRAMM. The prohibition applies to every State in the Union, Puerto Rico, Guam, and the District of Columbia.

Mr. BROWN. If I understood what my colleague said, he expressed a concern about spending that exceeds the budgetary levels that are planned on. Does the Senator favor spending for projects that exceed the budget and require borrowing, whether they are in Texas or not?

Mr. GRAMM. Let me basically tell my colleague what I think is the legitimate test. One of the little games that is played here on the floor is the game that, if you are against violating spending caps or busting the budget, then, presumably, you have to be against everything in the budget. If there is one thing Government does, like the FBI, if you oppose waiving the spending cap or busting the budget but you are for funding FBI, then somehow you are inconsistent.

My basic position is this. I believe we ought to write binding budgets. I have introduced bills to mandate deficit reduction and mandate a balanced budget by the end of the century by setting caps on spending to achieve a balanced budget. Once we have set those caps, I am going to fight within those caps for my priorities. What are my priorities? I do not think we spend enough, relatively speaking, on law enforcement. I would like to build more prisons. There are a lot of people out brutalizing our people, engaging in predatory behavior, who ought to be in prison. So even within the constraint that I want to balance the budget, within that constraint I am going to vote to take money away from other things to build prisons.

I think we underinvest, relatively speaking, in science. If the budget were half the amount it is today, I still would believe that we ought to spend the same amount we are spending today on science. Twenty-five years ago we spent 5.2 percent of the budget on science. Today we spend 1.9 percent of the budget on science. But while we are investing less in the next generation, if you look at these programs you can see that we are making ample investments in the next election.

So my point is, do any of my colleagues here want to say, "Let us cut spending this year by $50 billion. Will the Senator from Texas join me in that amendment and say that we cannot spend beyond that limit even if it means cutting programs in West Virginia or Texas to do it, and we set out the cap on spending and then we fight it out to see which projects deserve funding? I challenge any of my colleagues to offer such an amendment and ask me to cosponsor it. I say now that I will do it.

Now, I am not going to let our colleagues say, "Why don't we offer an amendment that terminates every program in law enforcement and every program in Texas but nobody else's programs; why don't you cosponsor that?"

I think it is important that we recognize that we each have two responsibilities: One responsibility as U.S. Senators is that we have a responsibility to the country. I believe in this matter it means fiscal restraint. It means setting binding spending limits. I am for a balanced budget amendment to the Constitution.

The distinguished Senator from West Virginia raised a question about the superconducting super collider. Do I believe it might be affected by a balanced budget amendment to the Constitution? It might very well be affected. Am I for the SSC? Yes. Am I for a balanced budget amendment? Yes. I am for a balanced budget amendment, and today I would vote for it.

Then within those constraints, we would have to fight it out as to what our priorities are. But I remind my colleagues today, we are not talking about setting priorities. We are not talking about making hard choices. We are talking about $16.3 billion of new spending that we are never going to pay for and that violates the existing spending caps which are the law of the land, and through a little ruse called an emergency designation, we are going to spend the money but we are going to say it is not spending and it is not deficit.

Mr. DORGAN. I wonder if the Senator from Texas will yield?

Mr. GRAMM. It is deficit, and we are going to have to borrow every single penny of it. That is the point.

I will be happy to yield.

Mr. DORGAN. Mr. President, I appreciate the Senator from Texas yielding to me. He was talking about the responsibilities of Members of the Senate. I think he omitted one. The one that I think is important for us to talk about is the responsibility for all of us in the legislative body—and especially the U.S. Senate—to confront problems head-on, to understand what they are and to deal with them.

One of the problems in this town for a long, long while has been the tendency to ignore the problems and to act as if they do not exist. We have been through the last several years with a President who said, "What recession?

Gosh, the country is not in a recession; we don't have any problems." Our responsibility is to confront the situation we find ourselves in and deal with it.

The President has submitted to us a plan. I understand that the Senator from Texas does not like the plan and probably will not vote for it.

But the President has submitted a plan with three essential elements. One element is to cut some spending because we have too big a deficit. Before we do anything else, we have to reduce the deficit so the ship can sail on with a little lighter load. The first element of the President's plan reduces the deficit with spending cuts.

The second element uses some increased taxation to reduce the deficit. I understand that the Senator from Texas does not like this element of the plan, but some of us believe that it is necessary even though it is painful medicine.

And the third element is what we are discussing today, which is to stimulate the economy with an investment package. Some of us think it is important to try to jump-start the economy. For several years, we have had people in the White House who said the economy does not have any problems at all. They told us that we were not even in a recession. But that optimism was wrong, and now we have to face the situation our economy is in.

President Clinton has proposed a three-point plan that fits together. Now will it work? I hope it works. I do not have a crystal ball, so I don't know that it will work, but I do know this: We cannot continue doing what we were doing for the last decade. We need fundamental economic policy change. That is what this President proposes, and this component of that change, which is an investment package, tries to separate investment from expenditures.

I think the Senator from Texas would understand there is a difference. The Senator picks out science, which I think is important. I can pick out immunization of children. Investment? Of course it is an investment. It saves lives, saves money. Spend a few cents giving a child an immunization so they do not get the measles; they do not risk death and they do not exhibit the enormous medical costs from a severe case of measles. Is that an investment? Of course it is.

I just say to my friend from Texas that this President's package has three essential parts that fit together. And those of us who believe in fundamental economic policy change, which I think this represents, will keep fighting for us to move ahead, embrace this package, adopt it, and put the country back on track.

I appreciate the Senator from Texas yielding to me.

Mr. GRAMM. Mr. President, reclaiming my time, I will answer those points, and then I will yield the floor. I apologize to my colleagues for being on the floor so long.

First of all, let me talk about the plan itself. What I have done is offer an amendment today which simply tries to prohibit use of the funds in this bill for purposes such as gymnasiums, parks, graffiti abatement, and the list goes on down to hiking paths.

What I am doing is establishing these broad categories that would apply to every State in the Union, Puerto Rico, the District of Columbia, and Guam so that we can be sure that none of this money will be spent for these purposes. Now that speaks for itself. People are either for that or against it. I do not believe that those projects have anything to do with stimulus, not economic stimulus. It may have something to do with political stimulus, but it has nothing to do with economic stimulus.

Finally, to respond to the three points. Cutting spending: Throughout the campaign, the President said we are going to cut spending; we are going to reinvent Government. He talked about $3 of spending cuts for every $1 of new taxes.

And then in the confirmation process, his principal economic officers, Senator Bentsen and Congressman Panetta, said $2 of spending cuts for every $1 of taxes. And in the State of the Union Address that we all heard, the President said $1 of spending cuts for every $1 of taxes.

Now that CBO has looked over the budget we adopted in the Senate, compared it to what would be spent under current law, they have concluded that we are looking at $3.84 of taxes for every $1 of spending.

No wonder people come up to you on the street and say, "Are you really cutting spending before you raise taxes?" I think our rhetoric is so at variance with the reality that as people find out what is happening, they are going to be shocked about it and they are going to feel betrayed.

Our dear colleague talks about taxes, but the rhetoric of the taxes is that we are only taxing rich people. Since when did people getting Social Security benefits and earning $25,000 a year get rich? Since this proposal was made, that is when they became rich. Or working families paying an energy tax that some outside experts estimate could be as much as $500 a year. Those are very substantial taxes, and when you are talking about those taxes on working people and people of fairly modest means, I do not consider somebody retired earning $25,000 a year rich.

To try to protect the money that is being spent, knowing that it is coming from Social Security recipients, it seems to me we need an amendment like the one I have offered.

Finally, in terms of stimulating the economy, I agree with my colleague. It is a fundamental question of whether you think more Government as usual is the answer or more economic growth. I am not defending the status quo. We ought to have a balanced budget amendment to the Constitution. We ought to have zero-based budgeting, as President Carter proposed, and we ought to have to go through and justify every single program in the Federal Government on a periodic basis. The ones that do not meet muster, we ought to get rid of.

I do not see this bill changing the status quo. How does a program that could possibly allow spending on all of these items represent a change in the status quo? It is the status quo that has gotten us into this problem under Democratic and Republican administrations. That is why I have offered the amendment.

As a concluding remark, let me say that I really believe that the adoption of this amendment would improve the President's economic package. There would be many who would still vote against it. I suspect there might be others who would not. I cannot understand why we do not want to adopt this amendment if we really are concerned about a true economic stimulus.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I do not mean to hold the floor and field it out. I am prepared to speak against this amendment and then move to table.

But will the distinguished Senator from Colorado like to say something first?

Mr. BROWN. I thank the Senator. I would like to take about 10 minutes, if that meets with the Senator's approval.

Mr. BYRD. All right.

Mr. President, I have the floor and can move to table now, but I will yield to the distinguished Senator from Colorado for 10 minutes.

I ask unanimous consent that I may yield to the distinguished Senator from Colorado for 10 minutes without losing my rights to the floor.

Does the distinguished Senator from Florida wish to speak?

Mr. MACK. Yes, I would like to speak for 5 minutes.

Mr. BYRD. And I may yield to the distinguished Senator from Florida for 5 minutes and that I may retain my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Colorado for 10 minutes.

Mr. BROWN. Mr. President, I thank the distinguished Senator from West Virginia. There were simply several areas that I thought were important to review as we move forward with this amendment.

The Senator from Texas has outlined specific project areas that involve, to sum them up, pork barrel politics and pork barrel spending, that could be eliminated. He has been specific. He has itemized the types of projects, and he has taken out from the bill the spending that relates to those projects.

Senators will want to make up their minds as to whether that is sound policy or not. In this Member's view, increasing taxes on the American people so that you can increase spending for low-priority projects does not make any sense.

The money that Social Security recipients receive is earned money. They have worked hard for it. They have paid into the fund. At least from my view, to tax people in those brackets, whether it is the energy tax or the Social Security tax, to fund projects like this is a disgrace.

Mr. President, in the course of this discussion, a question has been raised as to whether or not this measure will actually result in spending on the projects the Senator from Texas has outlined. As a matter of fact, one Member of this Chamber has come onto the floor to say that the list of projects was simply imaginary, I believe was the word. Another distinguished Member of this body went on national television last night to say that the list of projects was imaginary.

Mr. President, I think we ought to look at the facts, and the facts are these. These are the books "Ready To Go." These are the books that the Secretary himself referred to as being a source of projects that the Department would fund. These books are not imaginary. They are real. They are here. They have been discussed. And they do, indeed, make up the list from which these projects will be selected.

Should there be any doubt, let me refer Members to the testimony of the Secretary, Secretary Cisneros, before the Department of Housing and Urban Development Subcommittee of the Appropriations Committee of the House of Representatives, testimony that occurred on Tuesday, February 23, 1993. It is not imaginary. It is real, and it is verbatim testimony.

Mr. President, the Secretary says, "I have in front of me a listing from the United States Conference of Mayors of projects ready to go under the Community Development Block Grant Program."

Mr. President, the list that we have here in my hand is "Ready To Go," from the U.S. Conference of Mayors. It is this report that the Secretary referred to in his own testimony. This is not the testimony of a Republican Cabinet member. It is the testimony of the President's Cabinet member and the one who is in charge of these programs. The list he referred to is not imaginary, as some Members on this floor have so referred. It is a real list.

So the very reason for opposing the Senator's amendment which has been enunciated by so many, that it eliminates programs that are not real, simply does not meet with the facts.

It is interesting to me that the concerns which have been expressed on this floor about the Senator's amendment and other similar amendments have not involved for the most part anyone coming down and saying: This project is so wonderful; this country urgently needs a new golf course; this country urgently needs a new bike path, and it is important enough to increase the taxes on Social Security recipients.

Mr. President, that is not an argument heard on this floor. If there are some who feel that way, I hope they will come forward. I think their constituents would be interested in knowing of that perspective, knowing the defense of the bill in its current form, or the opposition to the amendment of the Senator from Texas which has not taken the form of someone saying this is a great use of funds. Perhaps there are those who feel that way, but I have not heard them.

Mr. President, the Secretary in response to a question from the subcommittee of the Appropriations Committee of the House said this. I think it is instructive if the question arises as it has been raised. Mr. LEWIS asked about funding for the Redlands area. The Secretary said, "I don't know what the formula might say that Redlands would receive, but it would receive a sum of money. The sum would come to the city government of Redlands. They would send a list to the regional office of the total projects they want to do and, generally speaking, there is quick blessing." This is a quote from the Secretary.

> This is not an application where you have to go in and review every project. It's a block grant program so that it moves fast compared to most Federal programs.

Mr. President, that is how we got a list of these silly projects. The Secretary himself assured the applicants that this would move fast, and it was not one where they reviewed every project. That is why the amendment of the Senator from Texas is needed. I do not think it is responsible to take the taxpayers' hard-earned money and hand it out without reviewing how it is going to be spent.

That is what this is all about. Because there are proposed abuses of the Federal taxpayers' money in wasteful projects, this amendment has to be offered. He has to prevent the waste, because the Secretary himself has said how they are going to handle the program. "This is not an application where you have to go in and review every project."

Some have questioned whether or not the list here is the one they referred to. Let me quote the Secretary again. "Los Angeles County, for example, is getting, I believe the figure is $36 million for Los Angeles County under the 1993 appropriation for CDBG, and they show in here"—"Ready To Go." Let me remind the body the name of the report is "Ready To Go"—"show in here projects ready to go immediately and would get an additional $23 million under the proposed supplemental."

Mr. President, the suggestion that this is an imaginary list is simply not accurate. It is real and it is acknowledged by the Secretary himself.

Mr. President, the suggestion that this amendment will not have real effect I do not believe is valid. It identifies real projects that will be funded, at least some of them, I believe, if this amendment is not passed, and it reduces the money that the taxpayers are going to have to put out to fund it. Both of those are real.

Lastly, Mr. President, let me simply raise one other concern that I think is extremely important. The language of the bill as it came over and the language in the amendment that stands before us, and by the amendment that stands before us, I mean the underlying amendment by Senator BYRD, specifically addresses the standards that are to be used in awarding these grants. As every Member of the body is aware, under the community development block grant system, there are a number of safeguards in the Federal statutes to safeguard the taxpayer from abuse and from fraud and from problems in expending this money.

This amendment, the underlying amendment, waives the statutory protections. It excepts a few. And I commend the distinguished Senator for excepting those out. I think those are valid provisions to have apply in this regard.

But, Mr. President, I am concerned about the standards that are waived, the ones that are not retained in this measure. To have money where the Secretary indicates they are simply not going to review the projects very thoroughly and then to waive the standard safeguards seems to me to be irresponsible. I believe, before we hand out the public money without reviewing the projects and before we hand out the public money by waiving the standards that are supposed to apply, a measure that comes before us which tries to provide some protection for the taxpayer is important, is valid, and is essential.

The bottom line question, Mr. President, is this: Do we want to reduce the deficit? If we do, we should vote for the Senator's amendment. Do we want to provide safeguards for the taxpayer in the way the money is spent? The bottom line is we should vote for the Senator's amendment. Do we believe a stronger, more viable, competitive America comes from having our funds go into real investments for the future of our country? If you do, I think you want to vote for the Senator's amendment.

On the other hand, if you sincerely believe, and I know there are Members here who do, that a stronger, more effective, more competitive America comes from getting Federal money out into the community without a great deal of concern about where it goes or how it goes, that running up the Federal deficit is not as important as Federal spending, then I think you will want to oppose the Senator's amendment. It is an honest, sincere difference of opinion. Do you have a stronger economy by increasing the deficit with Federal spending, or do you have a stronger economy by promoting efficiency and reducing the deficit? That is the question that lies before the body.

I hope this Senate will act favorably on the amendment of the Senator from Texas. I think it can move this country forward.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, does the Senator from Florida need 5 minutes?

Mr. MACK. Yes.

Mr. BYRD. Mr. President, I have been asked by the Senator from North Dakota for 5 minutes. Mr. President, I am ready to move to table this amendment after I make a few remarks of my own, but I shall not do so until the distinguished Senator from North Dakota has had an opportunity to speak. I ask unanimous consent that he may speak for not beyond 5 minutes and that my rights to the floor may be protected.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Will the distinguished Senator from West Virginia allow me to speak as well?

Mr. BYRD. How much time?

Mr. KERREY. I would like 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent—this is the last request I hope I will have to make, because we want to get on to some other amendment. I ask unanimous consent that the distinguished Senator from Nebraska may speak for 10 minutes and that I may retain my rights to the floor at the expiration or the yielding back of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized for a period of 5 minutes.

Mr. MACK. Thank you, Mr. President. I thank the distinguished chairman for yielding me this 5 minutes.

Mr. President, I rise in support of the Gramm amendment and in opposition to the bill. I hear a lot of discussion on the floor of the Senate about this bill as to its effects on economic growth and the future of the Nation.

I have come over to spend just a few minutes to speak in opposition to the bill because I am really worried about the future of our Nation. I am convinced that you cannot keep adding layer after layer after layer of Federal spending on our economy, and continue to see the mom and pop operations around the country create jobs. The small businesses of America create jobs, and the large businesses of America create jobs. I am concerned about the future for my son and daughter and my two grandchildren. What is their future going to be like if we do not get control of the Federal spending?

We have been told that the President's economic package is a combination of tax increases and spending cuts that will add stimulus to the economy. We have heard that the economy is so weak, so fragile, that it is necessary to have this $16 billion spending stimulus.

I would like to make several points, the first of which is I think the days of stimulating and creating economic growth through Government spending increases is probably behind us.

The second point is that I am unclear how we are going to stimulate the economy by adding $16 billion in new spending. Let me put that in perspective; $16 billion in new spending in this economy would be like giving your son or daughter who has a $25 allowance an extra nickel. That is the significance of this $16 billion stimulus plan, a nickel on a $25 allowance.

It does not make a great deal of sense to me to say the economy is so fragile that we need to have a stimulus package, but then argue that it is important that we address the deficit question by raising over $300 billion worth of new taxes. Almost everyone agrees, and most of my colleagues agreed during the period of time where they felt that the country was in a recession, that raising taxes did not make sense, because that slowed the economy down. People react to tax increases. They find ways to invest their money so they do not have to pay higher taxes.

This proposal is inconsistent. On the one hand, it says it is important that we raise spending to stimulate the economy. But then on the other hand, it ignores economic reality that if you raise taxes on a weak economy, you are going to drive that economy even lower.

I said, a moment ago I was concerned about the future of my children and my grandchildren. I happened to speak with a couple from Florida on the way over here just a few minutes ago, a mom and dad with four children, four sons as I recall, one of them just graduating from college, with a degree in engineering. He sent letters out all over the country looking for a job. He has been getting one rejection letter after another. Talk about discouragement.

I make this point, because more Federal spending is not going to create jobs. More Federal taxes are not going to create jobs. In fact, I would make the counterargument. You want to get America moving again? We ought to follow the principles of less taxing and less spending, less Government and more freedom. We ought to free up the private sector.

We had a hearing just a few days ago in the Banking Committee where the implication was made that the reason that there have not been more jobs created in this economy is because there was something wrong with monetary policy. Well, the reason we have not created more jobs in this country is because we have increased the cost of employment in this country. We have layered on the backs of labor in this country more and more and more costs so that employers are saying, "I cannot take the risk. I cannot afford to hire another worker." A whole series of legislation passed by this Congress and prior Congresses has increased the cost of labor to where small business owners, who are trying to make a decision about the future of their business, decide they are not going to hire another employee because Government has raised the cost of employment too high.

So I ask my colleagues to support the Gramm amendment. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota for 5 minutes.

Mr. DORGAN. Mr. President, I appreciate the distinguished chairman of the Appropriations Committee yielding me time.

President Clinton won the election last November. Americans voted for him because they wanted change. I believe they voted for him because they wanted this country to move in a new, different direction. I have watched for some years while Presidents down at the White House talked about less Federal spending. We have to cut spending, they said, but year after year these same conservative Presidents sent Congress budget proposals that included more and more Federal spending. In fact, what we do not hear much on this floor is that in the last 12 years Congress has spent less than conservative Republicans have requested in Federal spending.

I said the other day there is not a plug nickel's worth of difference between the appetite for spending between liberals, conservatives, Republicans or Democrats. One side wants to build more jet airplanes, and the next one wants to build tanks. There is an appetite for spending in this country and in this body.

But I would like to say this about the current debate. This amendment that is before us is about politics.

That is what it is about. A lot of people do not want the President's plan to pass. I believe it should pass. Do I like every part of it? No, I do not. Do I think some of it could be improved? Yes, and I think it will be. But I think this President's plan represents necessary and fundamental economic policy change. The one area of agreement I have with the previous speakers is that we have to cut spending. But I have to disagree with them when they stand up and propose that we cut spending for items that are not in the legislation before us.

The proposal yesterday, which we debated for some length of time, had items that added up to $103 million. Actually, they were not even proposed in the bill, but some Senators were intent on cutting them anyway.

So I say to all my friends on the other side: You want to cut spending? I wish we had a procedural device so we could put on the floor, right now, three successive votes, and we could test your appetite for cutting spending. I would propose that we cut 700 times more in public spending than you are proposing—700 times—not double, triple, quadruple, but 700 times.

I would propose to cut the space station, a giant boondoggle and a waste of the taxpayers' money. I would propose to cut the super collider. Enormous cost overruns. The Government has no business continuing that project. It ought not to be built. And I would propose to cut star wars. Even though they are proposing to build star wars in my State, I know that it is a tragic waste of the taxpayers' money. It's a waste to spend money on something we no longer need.

If we cut in those three areas, then we are talking about cutting spending. Then we are talking something that is real—700 times the amount of spending cuts these folks are talking about today. If we voted to cut those three programs on this floor of the Senate today we would save $7 billion in the coming fiscal year. That is real savings. That is real money.

I wonder if these warriors who have been talking about cutting public spending would not be little more than wallflowers when it came time to vote on these three big spending cuts—getting rid of the space station, super collider, and star wars. My guess is you would not get more than a handful of votes on the other side of the aisle, because spending cuts for them is rhetoric and politics.

The issue this afternoon is this: This President has proposed a three-part package to cut spending, increase some taxes, and provide an economic stimulus package. The reason he provides the latter is that, unlike George Bush, President Clinton does not believe that we should let well enough alone and ignore what is happening. George said, "There is no recession. Recession, what are you talking about? America is doing fine. It does not need any interference from anybody."

But President Clinton knows that we have troubles here at home. The deficit is too large and we have an economy that is sick. So you have two things at once that seem almost contradictory. It is a delicate balancing act. President Clinton and everybody else admit that. The President is trying to do something very important for this country by proposing economic policy change that reduces the deficit so the country can grow in the long-term. He has proposed a stimulus package that tries to show American people that we understand there is an economic sickness in this country and that we are going to provide some economic stimulus to get the country moving again. That is what the President's package is all about.

I fully respect those on the other side of the aisle who do not like it. If they do not like it, they should and will vote against it. But they should not, in my judgment, attempt to delay the passage of this program. It is time to let the President put his program in place for the betterment of this country's future.

Mr. KERREY. Mr. President, I spoke earlier as to why I was going to oppose the stimulus package, because of my lack of confidence that it would stimulate the economy, and my concern for taking the edge off of my ability to be able to say no in other areas.

I must say I find this particular amendment to be a waste of time, if the truth be known. I heard the Senator from Texas, not long ago, talk about people coming up to him and looking him in the face and asking the question, "Are there cuts?" And he said, "No," he would have to say there are no cuts.

The fact of the matter is that I have been approached very often, since the President introduced his budget, by people who asked me to oppose cuts. They do not want further cuts in agriculture. They do not want cuts in the Rural Electrification Administration. They are opposed to cuts in special grants. They do not want cuts in impact aid.

Indeed, I thought I heard the distinguished Senator from Texas the other evening, when speaking to the American Medical Association, say that one of the problems we have is that we are underfunding providers. I assume in that comment the implication is that we should spend more on Medicaid and Medicare. The fact is there is real constraint in spending on Medicaid and Medicare in the President's budget. I am being approached by providers that are saying this is going to impact their capacity to deliver health care.

There are cuts in the President's proposal, and I hope we can get some additional ones. For the opposition to stand here and allege to the American people that there are no cuts in this proposal is simply not true. There are cuts; otherwise, I would not be approached by citizens asking me to resist them. They are asking me to oppose them.

Second, I must take strong issue when I hear the distinguished Senator from Texas repeatedly talking about raising taxes on people that have Social Security income.

Mr. President, we collect 6.2 percent taxes on employees and 6.2 percent taxes on employers. In 1993, that will generate $351.3 billion from working people. We are going to pay out $297 billion in that same year, in 1993, generating a $54 billion surplus. We are overtaxing people who get paid by the hour and asking them to shoulder an unfair burden of deficit reduction.

Mr. President, I think the President of the United States has a great deal of courage suggesting—and I think correctly—that we ought to ask people who have Social Security income, if they have a sufficient amount of means, to pay taxes on 85 percent on their income from Social Security benefits. It seems to me that it is not an unreasonable proposal, particularly since the President of the United States is also going to, in the not-too-distant future, be proposing health care reform that is likely to include long-term care.

I must take exception when the distinguished Senator from Texas stands up and says there are no cuts in the President's budget proposal. The President of the United States is asking the American people to sacrifice. He is asking the American people to pay a price to do something for deficit reduction. There are legitimate differences of opinion between the Republican Party and the Democratic Party. But where those differences do not exist, where the facts are clear, it seems to me that we ought not to stand down here on the floor and run our jaws to no avail.

Mr. President, let me talk about a legitimate difference of opinion. The distinguished Senator from Texas wants to exclude gymnasiums, parks, graffiti abatement, jogging, and hiking paths. Mr. President, I must say that of all of the things in this stimulus package, that may be the one the American people appreciate the most. Most Americans do not have the same kinds of access to recreational facilities that we do. They do not have a Senate gym or a House gym.

I ask those people who are going to vote for this amendment, are they going to come down to the floor of the Senate and make sure that the same kinds of exemptions are provided for all Government employees? Are they going to make sure that every single Government structure built for Federal employees, including Congress, strikes money, and provisions that provide hiking trails and gymnasiums and parks and things that people of average means, frankly, Mr. President, need very much?

I must say that I find this amendment to be a waste of time. I doubt that anybody who is going to vote for this amendment is going to vote for the stimulus package anyway. This is not an attempt to improve the stimulus package, Mr. President. This is an attempt to waste time. It is one of the reasons I suspect that consumers are beginning to lose confidence again. They are watching the same old thing—not just gridlock, not porklock, but jawlock, where people come to the floor and just want to run their mouths.

Mr. President, I think it is time not only to table this amendment; I think it is time to vote on this stimulus package and get on with the business at hand.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, will the distinguished Senator yield to me just a few seconds so I could respond to a comment made by our colleague about a speech he saw me give on television, if I could, just to clarify a point? It has nothing to do with this debate.

Mr. BYRD. How much time?

Mr. GRAMM. Two minutes.

Mr. BYRD. I yield to the distinguished Senator 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas for 2 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for yielding.

I am delighted that our dear colleague from Nebraska has nothing better to do than watch me give speeches on television.

The point I was making in the speech, and I do not want a misimpression to be made, is that we cannot solve the health care problem by simply cutting payments to the providers, that if in the name of this thing we call global budgeting we end up cutting reimbursements, for example, to hospitals, what it is going to do is put rural hospitals out of business in droves, and it is going to make the local hospital raise taxes.

The point I was trying to make is that we need to change the system, that we need to try to change behavior and not simply to try to engage in price controls or rationing. That basically was the point I was trying to make.

Mr. KERREY. Mr. President, I appreciate the response.

However, is the Senator from Texas raising an objection of constraint of expenditures by the Federal Government? He is saying he does not want to constrain expenditures because of the impact potentially on rural health care.

The fact of the matter is that the Senator's statement is we are underfunding Medicare, and the impression is left, I think legitimately, that the Senator says we ought to maybe be spending more in Medicare.

Mr. President, we have a $34 billion increase in health care expenses by the Federal Government this year over last year's spending. I think we can only control what we control, and I simply stand by my statement.

I have lots of better things to do than watch the distinguished Senator from Texas on television, but I do not have anything more important than trying to do something about health care.

The fact of the matter is I think the distinguished Senator from Texas is misleading this Congress.

Mr. GRAMM. Mr. President, will the Senator yield 1 minute?

Mr. BYRD. I yield an additional minute to the Senator from Texas with the understanding I not lose my right to the floor, and I ask the Chair to keep careful control of the time.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 additional minute.

Mr. GRAMM. Mr. President, I have voted on the floor of the Senate to cap the growth in Medicare and Medicaid. I do not know how our colleague from Nebraska voted on that vote, but I voted to cap Medicare and Medicaid.

My point is that we are not going to solve the exploding cost problems with price controls and rationing, that we are going to have to try to change behavior, and that we are going to have to change the system. I think that if anyone looks at any experience of any country in the world with health care that is the point.

I am not calling for more expenditures on Medicare and Medicaid. I want at least to slow down the growth in spending. I quite frankly do not believe that we will ever reduce either one of these programs, but in trying to control growth we have to change behavior and make the buyer of health care more cost conscious and make the seller of health care more cost conscious. Maybe others believe we can do it by rationing. I do not.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, the Senator needed an additional minute?

Mr. GRAMM. No.

Mr. BYRD. Mr. President, may I see a copy of that book to which the Senator referred?

Mr. GRAMM. Yes. They are volume 1 and volume 2.

Mr. BYRD. How many pages are in both volumes, may I ask the distinguished Senator?

Mr. GRAMM. They do not number them.

Mr. BYRD. They do not number them.

Mr. GRAMM. The pages are innumerable.

Mr. BYRD. In other words, my guess is about 1,500 or 1,700 pages.

Mr. President, the distinguished Senator from Texas [Mr. GRAMM,] has said, and I want to quote him accurately, "Rhetoric is so at variance with reality."

Mr. President, I think the distinguished Senator hit the nail right on the head. The rhetoric was at variance with reality that we have been hearing now for a good while which my friends on the other side I think used an hour, which was perfectly all right, but I want to be sure that I do not use more time than they used, including the time I have yielded on this side.

Mr. President, that is an excellent point. Rhetoric is indeed at variance with reality in the arguments that I have heard coming from my friends on the other side of the aisle pertaining to this amendment.

I believe it is important that the record be set straight on a number of misstatements that have been made on this floor in the last several days regarding the net effect with respect to overall domestic spending of the emergency supplemental appropriations bill now pending before the Senate and the budget resolution which the Senate passed last week.

It has been asserted by those opposed to this effort, displayed on the chart to my left, this effort to create jobs and help stimulate our economy, that the spending in this bill exceeds all of the net domestic spending cuts enacted in the budget resolution just passed by the Senate. That rhetoric is indeed at variance with reality.

I regret, then, that I must stand on the floor today and with all due respect tell my colleagues on the other side of the aisle that such an assertion is simply and plainly wrong.

Even accepting, for the sake of argument, all of the baseline assumptions and baseline changes that Senators on the other side of the aisle often make in their effort to attack and denigrate the Senate-passed budget resolution, it is incorrect to suggest that the spending contained in this supplemental appropriations bill is greater than the net domestic spending cuts contained in that budget resolution.

That simply will not wash. That is pure unadulterated hogwash.

Only by double counting the outlays in this appropriation bill and in the budget resolution can those who hope to defeat the President's economic program arrive at such a wrong conclusion. For the fact of the matter is that all of the spending in this bill for fiscal years 1994 through 1998 is offset—more than offset—by spending cuts contained in the budget resolution passed by the Senate last week.

Mr. President, I would ask my colleagues to listen closely, and I would like the viewers out there to listen closely, to what I have just said, for it runs contrary to the preeminently inaccurate assertions that have been made over and over and over again by those who oppose the bill before the

Senate. To repeat, all of the spending contained in this supplemental appropriation bill for fiscal years 1994 through 1998 is accounted for—is paid for—in the budget resolution adopted by the Senate only last week.

Critics of the President and of this bill claim that the net domestic spending cuts contained in the Senate-passed budget resolution totaled a mere $7 billion. I strongly dispute that assertion. To the contrary, I believe it is based on a number of baseline accounting assumptions that are designed to distort and understate the cuts in domestic spending made by the Senate in the budget resolution it adopted just last week. Yet, I do not stand here now for the purpose of debating or arguing over baseline assumptions.

Accepting for a moment, simply for the sake of argument, all of the assumptions necessary to arrive at that $7 billion figure, the fact is that that $7 billion net reduction in domestic spending already reflects the $12 billion in new spending that will be appropriated under this emergency supplemental bill for fiscal years 1994 through 1998.

Again, I repeat what I have just said, so that there will be no misunderstanding of what is fact or what is claimed to be fact and what is not fact. The $7 billion in net domestic spending cuts which critics on the other side of the aisle claim will be the full savings achieved under the Senate-passed budget resolution already reflects all of the new spending contained in this supplemental appropriation bill for fiscal years 1994 through 1998.

Therefore, to claim that the spending in this bill will offset the savings achieved under the budget resolution is flat wrong. If opponents wish to count all of the spending in this bill as new spending, then they must first take out the $12 billion in spending under this bill that was included in the Senate-passed budget resolution. Our colleagues on the other side of the aisle, as much as they might wish, cannot count the $12 billion in outlays that would be appropriated under this bill for fiscal years 1994 through 1998 as both new spending under the budget resolution and new spending under this bill.

They are trying to have it two ways here. It is misleading and it is incorrect to count the same spending twice.

Let me say that again. Our friends on the other side of the aisle, as much as they would like for the viewers and the listeners and the readers of the RECORD to believe, cannot count the $12 billion in outlays that would be appropriated under this bill for fiscal years 1994 through 1998 as both new spending under the budget resolution and new spending under this bill. It is misleading and incorrect to count the same spending twice.

And yet, that is precisely what is being done by those who falsely suggest that the net effect of this supplemental appropriations bill and the Senate-passed budget resolution will be an increase in domestic spending.

There is an old saying back in West Virginia that "Figures don't lie, but liars can sure figure."

Now I do not mean to say that anybody in this body is a liar. But somebody is misleading or attempting to mislead—I do not want to say they are attempting to mislead—but they certainly are misleading the viewers and the readers of the RECORD and the American people with such statements.

Regardless of how much those who oppose our new President may play around with baseline assumptions in an effort to minimize the magnitude of the substantial domestic spending reductions made in the Senate-passed budget resolution, there is no way they can accurately claim that the spending in this supplemental appropriation bill will wipe out all of the cuts made in the budget resolution that was passed by the Senate last week. Try as they might to confuse the American people with their sleight of hand and double counting, the fact remains that the Senate, even with passage of this bill, will be cutting, not increasing, domestic spending.

Inevitably, honest policy differences will arise in this body. Honest differences of opinion will exist as to what is best for our country. We understand that. I would hope, however, that as we debate those differences, we will be honest with one another and honest with the American people. Although we may sharply disagree with one another on how best to respond to the issues that come before this body, I trust that we can all agree that truthfulness is one standard we should never sacrifice.

Mr. President, now let us refocus the spotlight on exactly what is being done here.

Senators on the other side continue to talk about programs that are not even contained in this bill. They are talking today about the same programs, the same list, the same bogus list—it is a bogus list, as far as this bill is concerned—they are talking about the same programs that our Republican opponents have tried to attack for the third time.

The Senate defeated the Brown amendment providing $103 million in cuts from the CDBG programs. The Senate defeated the Nickles amendment which would have cut the entire CDBG appropriations of $2.5 billion. Now we have the amendment by Mr. GRAMM to cut $143,880,665 from CDBG Programs.

"The Phantom of the Opera" has been playing in New York for quite some time. It has also played in Washington. Now the phantom comes to the Senate. Let us refocus this argument.

There are some on this floor who insist on talking about things that are not in this bill—not in this bill—because they want to divert attention from the critical items that are in this bill.

In other words, take your eyes off the magician's hands and listen to what the magician is saying to you. Divert the focus away by talking about items that are not in this bill, never have been in this bill, and against which safeguards have been set up repeatedly, as I have described on the floor a number of times.

I hope that the American people are onto the game.

The effort is to divert the attention away from what is in this bill—$4 billion in unemployment benefits for the citizens of this Nation—$4 billion. That is what is in the bill.

Not a word is being said about what is in the bill. It is what is not in the bill and not contemplated to ever be projects that would be funded under this bill.

But those who continue to come in with this old canard continue to talk about a list of projects; a list of projects.

Where is that list? "Here it is," they say. And that is just half of it.

This is the last. And this is just half of the list. This is volume 1. This is the list that they say will be funded.

Mr. President, let the American people not be fooled.

I could just as well have brought in the old Sears, Roebuck catalog, and the Montgomery Ward catalog, and the Spiegel, May, Stern catalog, and any number of other catalogs and held them up and said, "Now let us have an amendment that will guarantee that we will not spend money for these projects. That is why I want to offer an amendment, Mr. President, to cut out $100 million, to cut out an entire category of programs here and the American people ought to be aware of what is about to be foisted off on them."

So they come in with their amendments to cut out lists, and cut out this and that and something else in lists in this book. We have seen it waved around a number of times. This book.

I do not have the old Spiegel, May, Stern, or Sears, Roebuck catalogs. I think I have the original Sears, Roebuck catalog over at my house. I should have brought it just to see if there was anything in this bill that is in that catalog.

Sometimes I think that we here inside the beltway develop a little bit of a thick skin. We listen to so many numbers and so many statistics that we have grown numb. But, when over 10 percent of the citizens of this country are on food stamps, that figure ought to jar us up just a little bit. It ought to get inside that thick skin.

The greatest Nation on Earth—the greatest Nation on Earth, the only Republic on Earth that has existed for over 200 years—has over 10 percent of its population on food stamps. And that is a record number. And we have a record number of recipients of Medicaid, a record number of individuals on AFDC, Aid to Families With Dependent Children. Twenty-three months since the official ending of the recession, food stamp applications are increasing, Medicaid—the number of people on the rolls is increasing, the number of people on AFDC—the number is increasing. These are tragic facts. They represent human misery. They represent loss of dignity for many people—10 percent of the population, over 26 million people in this great country, the land of the free and the home of the brave, on food stamps.

Unemployment is now higher than when the recession officially ended. There are 1.1 million fewer jobs now than when the recession began. The unemployment and the food stamp numbers clearly show that obviously the so-called recovery has not yet reached large segments of the population.

It has not reached West Virginia yet, I can testify to that. The recovery has not crossed the boundaries of West Virginia. It has not come to Maryland yet. I heard the distinguished Senator from Maryland, Senator MIKULSKI, say recently that recovery has not come to Maryland yet.

Where is the recovery? Perhaps that is a phantom, too. I believe it is. It is a phantom as far as those of us are concerned who represent States in which the unemployment is above the national average and in which the food stamp rolls are growing.

How can we delay this package 1 day more? This package will answer critical human needs now, and it will create jobs that get people off the unemployment and off the food stamp rolls.

Let us think about the families watching this Senate right now. Some of them are wondering where they will get food for the table next week—why? Because the extended unemployment benefits will have expired, will expire next week. And those who are watching the debate on this floor must be wondering what will I do next week? The poke salad is not out on the hills yet, the dandelions are not out on the hills yet, we cannot go out there and cut the plants and so we cannot depend on going out in the hills and getting our food, cutting the wild plants.

I wonder what they are wondering. Those families may be wondering if there will be a check to buy shoes for a child for school next week, or a child who is not yet of school age. Where is the money coming from? Their unemployment benefits are going to be cut off—no more. And here we are arguing about lists of items that are not in this bill, trying to divert the attention away from the bill, away from the bill, and saying do not watch my hands, just listen to what I am saying. The attention is being diverted away to a phantom list that never existed, does not exist today, and will not occur under this bill.

So they are nervously watching to see how long this Senate will sit with its hands folded and refuse to release $4 billion in unemployment benefits so that those families who are about to fall into the abyss can be saved.

Mr. President, the American people elected a President who said he would invest in our own people and in their futures again. And there is not one thin dime in this bill for foreign aid—is that right? Not one thin dime in this bill for foreign aid. How many of those who are talking about phantom lists in an effort to divert the attention away from what is in the bill vote for foreign aid without asking a question? They do not even ask a question. But when it comes to aiding the American people, oh, there are lots of questions then. Let us divert the attention away from the real thing and make the American people believe that we are about to do something that is not in the bill. So the American people elected a President who said he would invest in his own people and in the futures of the American people. He said he would put the focus back on our people—my people, West Virginians—again.

The American people know where President Clinton stands. They know whom he is trying to help. But do they know where we stand? So there they sit. There they sit, watching the television screens, worrying about next week's meal, next week's loaf of bread, worrying about getting work, worrying about their kids, worrying about getting medicine—knowing that the President of the United States realizes their plight and feels their pain. But there they sit, while the Senate delays. No wonder people are sick to death with gridlock. No wonder they look at Washington and shake their heads.

Twenty-seven days ago—I believe it was 27 days ago; whether it was 28 or 29 does not make any difference—66 Members of this body voted to extend unemployment benefits. Now we have not been able to move the package which funds that extension. We had all these threats of filibuster and the paper bullets were going to stop flying and the real bullets were going to start crisscrossing this Chamber.

When we passed the measure authorizing the extension of these benefits, the press releases went out in droves. We all were eager to tell our people what good men and women we are, looking out for their economic survival; we are taking care of you people, we say. We will not let you crash. "Just today," the press releases said, the press releases stated, "Just today we voted to extend unemployment benefits."

How in the world do we explain what we are doing now? We are now sitting on the President's proposal to fund those benefits and to create jobs so that people can get off the unemployment lines and get off the food stamp row.

Now, try to explain our present action, trying to wave the magic wand, pull rabbits out of the hat, saying, "Don't watch my hands, watch what I'm saying," and divert attention from the real bill here. How do we explain this action? The average Americans, why, they will say the inmates have taken over the asylum. No wonder people do not trust politicians.

Those Americans watching today—they are watching—want this delay to stop. Why do we not just vote on this bill today? Senators are entitled to call up their amendments, but I have not been able to find many amendments on this side. I do not believe there are many on the other side. We ought to finish this bill today and let us quit diverting the attention away from the real bill and making statements that are misstatements and untrue statements, misleading the American people.

Those who want these benefits to be released by the U.S. Senate should call the Capitol switchboard here in Washington and demand that we pass the President's plan. The number, the same number that has been around here during my 40 years in the House and Senate, is area code 202; the number is 224-3121. Same old number. 3121. Area code 202-224-3121. That is the number that I used when I was in the House of Representatives when I first came there 40 years ago in the 83d Congress. They did not have the dialing system we have now, but the Capitol switchboard number here was 3121. Over there I suppose it is 225-3121. But over here it is 224-3121.

No wonder Americans see an incomprehensible maze when they witness the kinds of pretended lists that such amendments as this would guard against. No wonder people are sick and tired of gridlock.

Mr. President, I promised to move to table. My friends on the other side laid down the amendment at 10 minutes past 1 o'clock today and it is now 5 minutes past 2.

Before I do so, I ask unanimous consent that upon the disposition of this amendment, Mr. KOHL be recognized to call up his amendment, and his amendment is the amendment which is referred to as the offset amendment; that he be recognized to call up his amendment and that there be 45 minutes on each side for debate thereon. I had cleared this with Mr. HATFIELD earlier, and I believe it has been cleared with Mr. DOLE and others. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to table and I ask——

Mr. GRAMM. Mr. President, will the Senator withhold? I would like to ask the Senator, since it is my amendment, and I do not intend to go back and plow a lot of old ground, I will be happy to have the Senator speak at the end, but I would like to have a couple minutes to go back and say what my amendment is about, if I might.

Mr. BYRD. Mr. President, I would be happy to withhold my tabling motion for 2 minutes.

Mr. GRAMM. May I have 4?

Mr. BYRD. Mr. President, the Bible tells me if someone asks for my coat to give him my coat and another one. I will not make the tabling motion until the distinguished Senator has spoken 4 minutes. I may want 4 on his amendment myself. I yield for that purpose, with the understanding that I not lose my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, it is reassuring to me to know our distinguished chairman would give me his coat if I needed it. I thank him.

I would like to go back to the relevant point in my amendment because we have discussed many issues here today, and though every point we make is important, I think we have drifted somewhat. I will say to our distinguished chairman that while we may disagree, we are talking about issues that are relevant to the future of America, and in that, I rejoice.

Let me read this element which is the heart of the amendment:

> None of the funds provided under this act for community development grants or the Highway Trust Fund may be used to assist activities related to gymnasiums, parks, graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreational centers, sports facilities, boat houses, soccer fields, ice skating, playgrounds, jogging paths, or hiking trails.

The amendment then drops $195 million worth of expenditures. Now, Mr. President, where did I get the idea that gymnasiums and parks might be funded by provisions of this bill giving money to the community development block grant or to transportation funding? I came up with that idea from two places.

First, the Secretary of HUD held up these books before the Committee on Appropriations of the House of Representatives and said:

> I have in front of me a list from the United States Conference of Mayors of projects ready to go under the Community Development Block Grant Program.

These are, in fact, the proposals that by and large will end up being grant proposals.

Second, our distinguished chairman, together with the ranking member, took this problem seriously enough to preclude golf courses, cemeteries, and other types of projects: white-water canoeing, fisheries atlases, and study of the sicklefin chub.

My amendment simply tries to guarantee to the American people that their money in this emergency bill will not be used for gyms or parks or graffiti abatement or bike paths or parking garages, and the list goes on.

I think it is a very clear list. If we do not pass this amendment, we have no guarantee that these types of projects will not be funded, and we have every reason to believe that they will be funded.

Finally, for those who are watching on TV asking where their salvation is going to come from, I do not believe it is going to come from funding projects like these. Given a deficit of $300 billion where every penny in this bill will be borrowed, why not guarantee the American people that none of their money will be spent for any of these purposes? What is wrong with saying that the $195 million that would be borrowed by the Government, that would be taken away from people who would build new homes, new farms, new factories, and create new jobs instead be left in the private sector? What we are debating here is where does the salvation for working Americans come from? Does it come from the Government or does it come from a strong, vibrant private sector of the economy? That is the fundamental issue. That is what we disagree on, and that is why we are debating this subject.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment by Mr. KOHL will be laid down shortly. And there is a time limitation on it. I ask unanimous consent that no amendments in the second degree may be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I heard this term "graffiti abatement" used a number of times here, and it has finally gotten through this plumbiferous cranium of mine as to what they are talking about. Graffiti abatement. What is wrong with scrubbing the walls, some of this graffiti, foul language, lascivious, libidinous, just plain dirty, nasty language. I do not want my grandchildren to read that trashy, dirty language. What is wrong with wiping off some of that? What is wrong with brushing over that with some paint?

I would ask the rhetorical question. Would the Senator be in favor of leaving that kind of nasty language out there for people to read? The sooner we get rid of that, the better we will all be.

Now, Mr. President, the Senator's amendment would remove $50 million from the ISTEA fund. We have $2.5 billion in this bill—Federal aid to highways, $2.9 billion. He would remove $51 million from $2.9 billion.

The stimulus package contains $2.96 billion in additional highway construction. Under the legislation, these funds must be obligated within 90 days, that is, to ensure that they be put to immediate use and have the attraction of putting people immediately back to work and at the same time making investments that will serve us well into the future.

The funds that the States will be using are from the highway trust fund. These funds are not from the general funds of the Treasury. They are from the highway trust fund. They will come from the highway trust fund. The moneys in that fund are dedicated for the sole purpose of highways and highway-related purposes, authorized by law. They cannot be used for anything else. Again, I repeat, these are not moneys from the general fund, not from the general funds of the Treasury. These are funds from the highway trust fund. These are moneys that are paid in by the highway users of this country.

I hope that Senators, and especially the American people, will not be misled by the attempt to divert the attention away from the good purposes of this bill. There are no phantom lists, no phantom items in this bill.

Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles

Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the motion to table the amendment (No. 286) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that no intervening amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Chair now recognizes the Senator from Wisconsin [Mr. KOHL].

AMENDMENT NO. 287

(Purpose: To remove the emergency spending designation from all funds in this bill that spend out in fiscal year 1994 or thereafter)

Mr. KOHL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. SHELBY, proposes an amendment numbered 287.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, strike lines 23 through 26 and insert the following:

SEC. 202. All funds provided for under this Act are hereby designated to be emergency requirements for the purposes of adjusting the spending limits for fiscal year 1993 under the Balanced Budget and Emergency Deficit Control Act of 1985. The adjustments required by the preceding sentence shall apply only to fiscal year 1993 and the spending limits for fiscal year 1994 or fiscal years thereafter shall not include such adjustments.

Mr. KOHL. Mr. President, I come to the floor to offer an amendment which I call the pay-as-you-go amendment. This is an amendment to the stimulus package, consisting of $16.3 billion to stimulate our economy, which we are considering now.

Mr. President, I do not, nor do I think many Americans would, disagree with the things we want to spend $16.3 billion on.

Who could disagree that we need to extend unemployment insurance compensation to those men and women who are presently out of work? And who could disagree that we need to do more on the vital and very successful Head Start Program, which has made such a great difference for so many young people in our society? Who could disagree that we need to do a better job of immunizing our young people in this country? Who could disagree that we need to spend more money on things like Pell grants and highway improvement programs? All of these things represent an investment in both the present and the future of our country and I, for one, endorse them.

What I am here to argue though is the way we fund those programs in this bill. The funding for this bill is over and above the budget in each of the years that it covers. It is deficit spending in the truest sense of the word. All of my colleagues, and all of those who are listening to this debate, need to understand clearly that what we are talking about here is spending money over and above our planned budget outlays for this year and in all the years that this program will continue.

I said in 1989, in my first speech on the floor, that the United States "is in the process of spending itself into oblivion," and that "continued deficit spending threatens our Nation's financial stability."

I said then that "no business, no government, and no society can sustain itself on debt. The gigantic debts that now threaten our economy and the unending deficits endanger our ability to give our children a better life and a brighter future." I said then that if we are going to deal with this problem, "all Americans and all Members of Congress must accept and adopt a simple principle: We can and we should debate the level of Government services we want, but what we can no longer debate is whether we will pay for those services."

Today, I am making the following proposal: That we endorse this stimulus program, that we pass this bill and write it into law, but that we pay for it. My amendment says that this year's expenditures, expected to total about $6.9 billion, be allowed to be off budget and deficit spending; but that all the expenditures in the 3 or 4 years to come, which will total about $9.4 billion, be considered on budget, be considered within the limits that we are allowed in the budget resolution we passed last week. That will require that these items be considered along with the other things in the budgets in the years ahead, and that we be required to make choices on spending; that we not be allowed to continue to just deficit spend, to spend beyond our budget limits.

Next year the combined authority for all discretionary spending is $540 billion. Can anybody doubt that, if we have the will, we can find within $540 billion the $5 or $6 billion that will be spent next year as a result of the stimulus package? That is what choices are all about. That is what the American people sent us here to do. That is clearly what they want us to do. So we must do what they want us to do, what we know we can do, and we must hold ourselves within spending limits, and we must make spending choices.

So that is what this amendment will require us to do. We vote for the stimulus package. We allow this year's spending to be off budget. But all the spending in the years to come will be within the budget without deficit spending.

My amendment has widespread support. It is endorsed by the National Taxpayers Union. It is endorsed by the Chamber of Commerce. It is endorsed by the National Association of Manufacturers, by the National Federation of Independent Businessmen, by the Business and Industrial Council. And just today we received an endorsement from the Concord Coalition, which, as you know, is a deficit-control coalition formed by two of our former colleagues, Warren Rudman and Paul Tsongas.

My amendment is, I think, an excellent way of satisfying the needs of both the Republicans and the Democrats as well as the administration. It is a compromise, but it is a compromise that clearly is making a statement to the American people; it says that we are not going to continue just spending outside the limits of our authority, that we are not going to continue adding to our deficits and making the lives of our children virtually impossible financially.

So I am bringing this amendment to the floor, and I hope very much that my colleagues will see it as a reasonable and acceptable compromise which the American people can and will endorse enthusiastically and which I believe is consistent with the President's program.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to commend the distinguished Senator from Wisconsin for offering this amendment. This amendment makes sense. It does not go as far as I would personally like to go; that is, I do not believe we need any of the stimulus package. We are basically going to borrow money to spend money. It is part of the old cycle that we have been in a long time up here in the Senate and across the Capitol here to the U.S. House.

The amendment of the distinguished Senator from Wisconsin makes a lot of sense. As I understand it—and I am going to try to restate it and paraphrase it and see if I am on the right track on this—of the $16 billion, you would spend $6 billion more or less this year off budget. That is from the programs that the Senator has outlined.

Mr. KOHL. Unemployment compensation.

Mr. SHELBY. And what else?

Mr. KOHL. Basically summer jobs and unemployment compensation.

Mr. SHELBY. Summer jobs and everything else. The other $10 billion would be delayed, would it not?

Mr. KOHL. The other $10 billion would be spent out as the President wants in succeeding years, but it would come under budget limits. We would have to make choices in order to spend this money on items the President wishes us to spend them on. We would have to decide what to cut in order to fund these programs and come within our budget authority.

Mr. SHELBY. Is this similar to the amendment that our colleagues in the House would not give a rule to let it be offered on the floor of the U.S. House of Representatives?

Mr. KOHL. Yes, it is very similar.

Mr. SHELBY. I support this amendment. Again, I commend the distinguished Senator from Wisconsin. It is a step in the right direction. As I said, it is not as far as I would like to go, but it is a step and it makes sense. It is something that we ought to adopt.

Mr. KOHL. I thank the Senator very much.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. Mr. President, I, too, rise to praise the senior Senator from Wisconsin for his amendment. I will support this amendment because I think it represents what my colleague has done to help the President, not to hurt the President of this country.

I think the senior Senator from Wisconsin has done three things here with this amendment that are very, very important. First, for both of us, it is clear to me that the Senator, as he has always done, has listened to the people in our home State. In Wisconsin, people are more concerned about reducing the Federal deficit than any other issue. I know that because I have spent the last 5 years in a campaign where I just asked people, "What is the No. 1 issue? What is the thing you are most concerned about?" And they often talked about health care, they did talk about jobs, they did talk about the environment, they did talk about crime. But more than anything else, they think we can pay the bills. They think there is a better way and that we can actually cut the Federal deficit and use some discipline in spending.

The second thing the senior Senator from Wisconsin is doing is helping the President bring together his entire package. When the President spoke in the State of the Union Message, both the senior and junior Senators from Wisconsin were in the Chamber and heard him talk about the need that this entire package be regarded as a package.

We want not just the spending but also the spending cuts to be enacted. The Senator here is helping ensure that that occurs and also is providing a real opportunity to find additional cuts, in effect, to try to force us to find some additional cuts so we can do even more in the direction of the deficit reduction. As I recall, the President invited us to do just that. This amendment helps force the Congress to do what I think the President has invited us to do.

Finally, I think the senior Senator from Wisconsin has struck a blow here for stopping politics as usual. I know I am new here. I know there is a way that things must be done here, I am told anyway that somehow it is necessary to do the spending first and the cuts later. But at least for both of us this just does not seem logical. It seems like there has to be a better way. There has to be a way where we can link the spending to the spending cuts so the net result is at least even and I hope even greater deficit reduction.

So I rise to support the amendment and to say that this has been a very constructive part of the debate on the economic stimulus package and to pledge to work with Senator KOHL and the other Members of this body to find additional spending cuts either in this legislation or future legislation this year so we can do even more to address what I consider to be the greatest economic problem of this country, the burgeoning Federal deficit.

Mr. KOHL. I thank my colleague from Wisconsin.

Of course, I was witness to his election last year. Senator FEINGOLD ran a magnificent campaign that was built around the need to reduce our Federal deficit. And the people of Wisconsin elected him, in large part, because of his commitment to deficit reduction and because they believed—and properly so—that Senator FEINGOLD would come to Washington and stand foursquare, even if it was difficult, for deficit reduction.

I think his willingness to be here today to support this amendment and to vote for it is clear indication to the people of Wisconsin that Senator FEINGOLD is not a person who just talks about the need to make hard choices; he is prepared to make and is, in fact, making those hard choices.

So I congratulate him, and I very much appreciate his support.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I have heard some criticism of this amendment based on the erroneous belief that it will hold up spending on the stimulus package. That is not true.

Under this amendment, all spending from the stimulus package that is scheduled in fiscal year 1993 will go ahead. It will be spent and it will not be counted against our spending ceilings.

But the spending under the stimulus package plan for fiscal years 1994 and beyond would have to come within our budget constraints.

So, under this amendment, we adopt the President's stimulus package, we accept the fact that this year's spending would be off budget, but we would require that the spending in years subsequent would have to be on budget and would have to be accounted for.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time remains to the opponents of the amendment?

The PRESIDING OFFICER. The opponents have 44 minutes remaining.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I yield myself such time as I may consume.

Mr. President, I want to say at the beginning that I am sorry to have to be put in a position to oppose my friend, Senator KOHL. He is a good Senator. He has always taken very seriously his duties.

He has recently been named to the Appropriations Committee at the beginning of this Congress. He is the chairman of the Senate District of Columbia Appropriations Subcommittee, which nobody wants. He did not want it. He did not ask for it.

But I said, "We have to have somebody who will chair that subcommittee." He said, "Well, if you have to have somebody, I consider it my duty to take it, when asked." And he took it. He took that chairmanship.

And so I hesitate to oppose his amendment, Mr. President, but I feel it my duty to do so.

This amendment would require that all outlays occurring in fiscal year 1994 and beyond, as a result of this $16.2 billion stimulus bill, be counted against the Appropriations Committee's outlays allocation in fiscal years 1994 through 1997.

The effect of the amendment is twofold. First, as the President pointed out in his letter to me, which I read into the RECORD last Thursday, this amendment would "cancel the intended benefits of the measure"—that is taken right out of the President's letter—and, second, it would "threaten the education infrastructure, health and other investment initiatives proposed in my five-year economic plan."

These are quotes that I have taken out of the President's letter, in which he clearly expresses not uncertain but certain opposition to this type of amendment. These are the two effects of this amendment.

Let me say it again. The President says he opposes this amendment that would "cancel the intended benefits of the measure" and would "threaten the education infrastructure, health and other investment initiatives proposed in my five-year economic plan."

So that is President Clinton's letter, addressed to me. That is that letter talking; this is the President talking.

These are the two effects of this amendment, according to the President.

Mr. President, the amendment would cancel the effects of the stimulus—the President says he does not want to do that—the amendment would cancel the effects of the stimulus because it would require that $12 billion of the stimulus package be offset by corresponding outlay cuts beginning October 1.

The distinguished Senator, in offering his amendment, has not specified—I do not believe he has specified—where these cuts would come from. Where would the distinguished Senator and those who support the amendment, where would they have us make these cuts? The distinguished author of the amendment and cosponsors of the amendment have not said.

Let me turn to this chart, which comes from the report of the Budget Committee that accompanied the budget resolution.

This chart to my left shows the components of the Senate-reported budget resolution's deficit reduction total of $502 billion. The chart shows pluses and minuses in outlays and in revenues over the next 5 years, 1994-1998, as proposed by the Senate Budget Committee, and as adopted by the Senate only last week.

If we come down to the middle of the chart, we see a category entitled "Stimulus and Investment." Under that heading we see two sub categories—stimulus outlays and investment outlays. Stimulus outlays, as shown on the chart, are the outlays that will be needed over the next 5 years to pay the bills that will be coming in from the $16.2 billion stimulus package now before the Senate. Therefore, in calculating its deficit reduction totals, the Budget Committee had to include these outlays—the bills will be coming in so they will have to be paid. But, because these outlays have been designated as emergency spending by both the President and by the House of Representatives in the bill before us, they will not be charged against the Appropriations Committee's outlay allocation. These outlays were, however, taken into account, as the viewers will see on the chart, by the budget resolution in reaching its $502 billion deficit reduction. By the way, that is $30 billion greater than the President requested. Let me repeat, the budget resolution counted the outlays from this economic stimulus bill in reaching its $502 billion in deficit reduction.

The second line under the heading "Stimulus and Investment" is entitled "Investment Outlays." This column shows the outlays, year-by-year, that the budget resolution allocated for the President's long-term investment program—a total of $112 billion. I point out that even though this sounds like a large increase in domestic spending, it is not so when we subtract the $81 billion in nondefense discretionary costs over the next 5 years that are displayed in the upper portion of the chart. So that we actually end up with a net of only $31 billion over the next 5 years for domestic discretionary spending—substantially less than the President requested.

Now, if we focus on fiscal year 1994 only, we see that there are two $6 billion accounts in the middle of the chart—one is for stimulus outlays—those outlays are to pay the bills that will come due from the pending measure in 1994—and the other $6 billion is to pay for the President's long-term investment package. The stimulus outlays would not be charged against the Appropriations Committee's allocation for fiscal year 1994. But, under the amendment by Mr. KOHL, that $6 billion for stimulus outlays would no longer be treated as emergency spending and would, instead, have to be paid for out of the Appropriations Committee's allocation. This would mean that the Appropriations Committee would have $6 billion less to spend on the President's budget request for long-term investments. In fact, as all Senators see, we would have no funds left, if the full amount were to be adopted, no funds left to pay for any of the President's fiscal year 1994 investment program.

That means no outlays for such things as: Full funding of the highway program; modernizing our air traffic control system; increases in rural water and waste water loans and grants; a crime initiative to support more police in our communities; conversion of our defense industries to domestic purposes; better and more comprehensive worker training; better VA medical care; and a host of other investments.

Let me repeat, under the pending amendment by Mr. KOHL and others, the Clinton investment package would be gutted—gutted. That is the real world effect of this amendment.

The President is unalterably opposed to this amendment. It guts his package.

Now, the President will be going to Vancouver this coming Sunday to meet with the Russian President, Mr. Yeltsin. Do we want to gut the President's economic package here today? He has to go sit down with the Russian President. Do we want to clip the President's wing before he goes? That is a very important meeting that is going to occur in Vancouver and there are those in this Chamber who would like nothing better than to administer a string of defeats for the programs of this new President. What is today, the 31st day of March; 31 plus 28, plus 11. What is that, 70 days; 70 days into the Presidency of William Clinton, 70 days into his Presidency. We are saying here is a way we can—the Senator from Wisconsin is not saying this. I know the Senator from Wisconsin honestly and sincerely believes that this will not harm the President's program. And I just as honestly and sincerely believe that the Senator from Wisconsin believes—I have no doubt in this world, not one—that the Senator from Wisconsin thinks this is the right thing to do and it will not harm the President's program. But the Senator from Wisconsin is wrong.

The President says it is wrong in his letter, which I put into the RECORD. And the President said it is wrong when I sat with him down in the Oval Office a few days ago. I am being invited to the Oval Office now—yes. That is a welcome change. The President said it was wrong. He did not want this amendment.

It is not just ROBERT BYRD saying this is wrong. William Jefferson Clinton is saying it is wrong. He said to me: "I don't want this amendment." I said: "Draw your line in the sand." "I don't want this amendment," he said. He said some things about other amendments, but that is all in the past now.

But this amendment would gut President William Jefferson Clinton's program. Do we want to do that? What I am saying is that if we offset the investments that are being made, the stimulus outlays that are being made in this bill before the Senate, in effect we are robbing Peter's pocket—there it is—robbing Peter's pocket to pay Paul, and when we offset, we do not have any stimulus. We take $6 billion out here and put it over here. The effect is zero. It is a wash. There is no stimulus.

That is the purpose of this package, is to provide the stimulus that we might strengthen our economy, put people to work, and do a number of other things. But if we do this, we are offsetting the stimulus. It is no longer a stimulus program. It is not a good amendment. The author of the amendment is a good Senator, but it is not a good amendment. Let us not gut the President's program. That would be the effect of this amendment.

At the proper time, I will move to table the amendment. I hope that the amendment will be defeated.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor?

Mr. BYRD. I yield the floor. I only want to retain 5 minutes under the control of myself. It is my understanding that this amendment would be the subject of a 60-vote point of order. So I will not move to table it. But the point of order will be made.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, like 99 other Senators, I yield to no one in my admiration and respect for the distinguished Senator from West Virginia. He has a long and clear record of outstanding service in the Senate and to our country. I appreciate the fact that he recognizes that my amendment is well intended and is not intended at all to gut the President's program. While he and I disagree, he recognizes that I am a strong supporter of the President and want just as much as he does to see this President succeed.

He said that my amendment would "rob Peter to pay Paul." But, in my opinion, if we do not adopt this amendment, then we will rob the children of both Peter and Paul by increasing the debt they must carry and pay. Since 1980, we have adopted, in fact, a policy in Government of enormous and drastic deficit spending. Every year there is a reason. This is the reason this year: If we do not find a way to incorporate the roughly $10 billion of additional spending in the President's stimulus package, do not find a way to exempt it from the budgets, then we will kill the whole stimulus package. And that is the rationale for this particular deficit. And, in fact, there has been a rationale for every deficit that we have run since 1980.

When President Carter was in office, a deficit of $60 billion was regarded by him and by everyone else in this country as a disaster. Since he has left office, over the past 12 years, the administrations and the Congresses have found a way to rationalize deficits which have now totaled up to over $4 trillion, and we are here today to rationalize yet another $16 billion addition to the national debt.

The American people said to us in this past election that they are sick of it; that they do not want it anymore; that they want us to make spending choices; that they want us to cut spending. They do not want us to find a rationale for continuing deficits. If there was one message that stood out in the election last year, it was that.

And now we are told by those who oppose the amendment that we cannot find a way. We are told that we cannot find a way, without gutting the President's program, to fit $10 billion over the next 4 years in a budget which over the next 4 years will total over $2 trillion. The budget authority for this category next year is $540 billion. If you just take that and multiply by four, you have over $2 trillion in outlays over the next 4 years. We are told that we cannot find a way to fit in $10 billion without gutting the President's program.

The distinguished Senator from West Virginia and I do have an honest difference of opinion. And I believe that if the American people were asked to decide whether or not we can or cannot fit this roughly $10 billion into a budget which is over $2 trillion in the next 4 years, virtually every American would say that not only can we, but they would insist that we find a way to fit it in without gutting the President's program.

The distinguished Senator from West Virginia said to me, "Well, where are your cuts?" Of course, every Senator has a different set of cuts. But I do not want to beg off. I will just mention a few of my cuts.

In this year's budget, we have $1.5 million for a pig research facility in Iowa; $58 million to bail out George Steinbrenner's American shipbuilding company; $8 million for the World University Games in New York; $19.7 million for the International Fund for Ireland; $13 million for Steamtown National Historic site; $15 million for preservation and restoration of Egypt's antiquities; $2 million for "Walk on the Mountain," a covered skywalk in Tacoma; and $800,000 for bike paths in Miami Beach.

I also have several cuts for fiscal year 1994, cuts I have supported and will continue to support. Not everybody agrees, but the Senator from West Virginia asked "where are your cuts?" So I will list a few.

I would stop production of the Trident missile which would save $3 billion over 5 years. I would cancel the space station, which would save over $10 billion in 5 years. I would cancel the superconducting super collider which would save over $2 billion in 5 years. I would cancel the Advanced Solid Rocket Motor Program which would save $1.7 billion in 5 years. And I would crack down on vacation leave policies for senior executives in the Federal Government, which would save another $500 million over 5 years. So that is $17 billion over 5 years which I would offset.

The distinguished Senator from West Virginia, I am sure, would not agree with all of these cuts. Maybe he would not agree with any of them, and I would respect him. But he asked me where I would cut. The point is, if we as a group are called upon together to compromise and to find a way in which to cut $10 billion over 4 years in a budget of over $2 trillion, while we would not all agree and we would not all have the same spending cuts, we would find a way to do it if it was important enough.

To reject this amendment in my view, would be to make a statement to the American people that $10 billion in spending cuts are not all that important—not that we could not find them within the budget, but that it is just not all that important.

So we will continue to deficit spend. And next year there will be another reason to deficit spend, and the following year we will have another reason to deficit spend, just as we have every year since 1980.

This is the road to oblivion. We all agree in theory this is the road to oblivion. Here we have a real life opportunity to save the American taxpayers $10 billion in taxes because that is what deficits are. Deficits are taxes deferred with interest. That is the definition of a deficit.

It is a tax on the American people. It is deferred. And until we pay it, it collects interest. I want to see us save this $10 billion. I am willing to take the time and to make the effort and to suffer the pain of deciding how we are going to cut to save $10 billion for the American taxpayer.

That is what this amendment is all about. Symbolically, and in fact, it is making a statement to the American people. It is saying that we care about the future, that we care enough to do what we need to do to make it better. I would like to make that statement. I think we as Senators should make that statement. I believe the administration should also be willing to make the extra effort to find this $10 billion.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, has the distinguished Senator from Wisconsin yielded the floor at the moment?

Mr. KOHL. Yes.

Mr. BYRD. Mr. President, already in this overall package, may I say to my friend from Wisconsin, this chart to my left shows that for spending reductions $6 billion have been cut from defense for fiscal year 1994, $5 billion in nondefense discretionary cuts have been made, and the budget resolution has said OK, we will give you $6 billion for investment outlays, long-term investment outlays, and this bill would provide $6 billion for short-term investment outlays.

What the distinguished Senator from Wisconsin is saying is we are going to wipe out—adopt this amendment, offset this $6 billion that is in this package and then we will wipe out, that in itself by offsetting it will automatically wipe out the $6 billion in investment outlays for 1994. And so what we are left with is no investment but cut, cut, cut—$6 billion, as I pointed out, in defense cuts this year, $5 billion in nondefense cuts, and over the 5-year period a $105 billion cut in defense, an $81 billion cut in nondefense discretionary, making a total of $186 billion in cuts.

So the amendment, although the Senator is well-intentioned—I do not have the slightest doubt of that. He is just as pure in his intentions as I am. But he is mistaken. He is wiping out the second $6 billion on this chart, and the President says he does not want this done. This cuts his program.

Mr. President, I see the distinguished Senator from Iowa [Mr. HARKIN] on the floor. Does he wish some time?

Mr. HARKIN. Yes, I would like some time.

Mr. BYRD. How much time would the Senator like?

Mr. HARKIN. Maybe 7 minutes, something like that.

Mr. BYRD. Mr. President, how much time remains to this Senator?

The PRESIDING OFFICER. The Senator has 23 minutes and 45 seconds.

Mr. BYRD. Mr. President, I yield 7 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my distinguished chairman for yielding me this time.

I wanted to be here to respond to the amendment offered by my friend, the distinguished Senator from Wisconsin. I wanted to make it clear what I believe the impact of this amendment would be on the programs funded under the subcommittee which I chair, the Subcommittee on Labor, Health and Human Services, and Education. Mr. President, I believe that this amendment would have a drastic effect on those programs that go to meet the needs of perhaps the weakest, the poorest, those most at need in our society who come under the jurisdiction of our subcommittee.

As I understand the amendment offered by the distinguished Senator from Wisconsin, it would require that stimulus program outlays in 1994 and 1995 would be offset with cuts in those years. The President's package provides that the stimulus programs are declared an emergency and thus under the Budget Act do not require offsets.

Let me begin by laying out some facts. Some $8.8 billion of the $16.2 billion in stimulus requested by the President is appropriated by our subcommittee, a little over half. And $1.277 billion of that part of the package in our subcommittee, outlays, or spends out in fiscal year 1994; that is the budget our subcommittee will be working on over the next half year.

It is highly unlikely that we are going to find any offsetting cuts in discretionary programs that Senator KOHL has proposed that we do in defense.

Again, we have voted together on these issues many times in the past, trying to shift from defense and transfer funds to meet the human needs of our people like Head Start, Ryan White medical research. In the past 2 years in fact, I have offered amendments to do that.

I am an optimist. I will continue to try to do this, but I am a realist, too. I know what the votes have been. I know the votes are not here to do that transfer of these funds. Just last week the Senate by passing the Nunn amendment, in effect, created another budget firewall by requiring that any saving from additional cuts in defense be devoted to deficit reduction, not to investments in health, education, and other people programs. The Senate spoke on it. I do not know what the eventual outcome will be in conference.

Third, I, too, would like to cut some spending perhaps from the super collider, and the space station. But the votes are not there to make these cuts. So far, the Senate has only been able to muster 34 votes against either the SSC or the space station.

So taking that into account and looking at this situation realistically, I believe we must examine the consequences of finding those offsets from our bill. We have a limited number of options if we are to find that $1.277 billion in outlays and I will outline some of those.

First of all, we can find the offsets in the President's investment package. To find the $1.277 billion that the Senator needs, we would have to eliminate the following programs from the investments proposed by the President for fiscal 1994: AIDS, $60 million; child care block grants, $30 million; the education reform package, $206 million; all of the worker training initiatives: Dislocated workers assistance, $60 million; Job Corps, $8 million; JTPA summer review, $2.47 million; older Americans, giving some new employment to older Americans, $4 million; Youth Apprenticeship Program, $32 million.

Well, you add all of those up and then you cut Head Start by $172 million and you get the $1.277 billion. Again, these are figures based on outlays, not authorizations.

So let us say we do not take the money from the President's investment package. Let us say we take it out of education. Well, education is a slow spending account. It outlays at 12 percent. So to get $1.277 billion in outlays from education, you would have to cut $10.64 billion out of education next year just to get those outlays.

Let us go over some facts. The total authorization level for discretionary spending for education is $22.3 billion. The proposed $10.64 billion in cuts equals 46 percent of the education budget—46 percent of that—just to meet the $1.277 billion in outlays.

So what programs would the Senator want to cut? Pell grants, we could eliminate all of it. That is $6 billion. Take 4 million students off the rolls. We could then get the remaining $4.3 billion by cutting Chapter 1. That is the kind of drastic cuts we would be looking at.

Again, I am assuming that, No. 1, we cannot cut defense, and we do not have the votes for cutting the super collider and the space station. I think that is realistic. Unfortunately, when it comes down to it, it is always these domestic programs that get cut, not the super colliders and space stations and defense spending.

Well, then there is another option. We could get the savings by an across-the-board cut. Again, the Senator talked about an across-the-board cut of 1 percent. But to get the savings out of the programs of our subcommittee would require a 4.1-percent across-the-board cut, and that would be another drastic option.

That would cut out the Department of Labor funding for the Job Corps by $38 million, at a loss of 4,000 participants. Head Start would be cut by $110 million, and that would cut 32,000 kids out of Head Start.

NIH would be cut by $314 million, an across-the-board cut; low-income home energy assistance, $57.5 million, affecting 220,000 households; Administration on Aging, cut elderly programs by $33.5 million. That would be 43.5 million fewer meals and 338,000 fewer seniors would be served. I could go through the whole thing about what a 4.1-percent cut would be. I can tell you, it may not sound like much, but when you look at the programs we fund, it would be devastating.

Mr. KOHL. Mr. President, I would like to respond to my colleague. I think that is again, in a sense, what the election is all about; and, in a sense, that is what I believe is the cause of the frustration we see all across America.

Let us assume for a moment that we can take a look at the entire $540 billion spending for domestic, defense, and international. Let us just make that assumption, because that is what is intended. It is intended that the pool of funds available in this category next year be $540 billion. We are talking about cutting $6 billion out of that—a little more than 1 percent.

If you tell the American people, who sent us here to do a job and spend their money wisely, that we cannot find 1 percent in that pool of funds—$540 billion—that we cannot find 1 percent to cut without gutting vital programs, I believe that they would unanimously say to us that they disagree. They would instruct us to go back and sit down and make these cuts constructively, and not come to them and threaten them—which I know the Senator is not—with, "Well, if you want us to cut $6 billion, we are not going to be able to have all the vital programs" that Senator HARKIN has mentioned, programs that are very dear to me, as they are to the Senator, and as they are to the American people.

The argument is that it is the good programs that will get cut; the bad programs will not get cut. When the Senator puts it that way, I am scared, everybody is scared. But that is the kind of thing, in my opinion—and I say this respectfully—that has gotten us into this trouble with the deficit.

There is always an excuse to deficit spend; there is always something threatened if we stay within our budgets. We have to change that kind of thinking if we are going to reduce the deficit and live within our budget. That is where I am coming from.

Mr. HARKIN. If the Senator will yield—

Mr. KOHL. I yield my time.

Mr. HARKIN. I hear the Senator say that is the kind of mindset that got us into the deficit. I do not think so. The mindset that got us into this problem was not being honest with the American people. "We are going to have these programs; now we will have to raise the revenues to pay for it." That is what got us in trouble. Not that we supported the programs to meet human needs, but that we did not have the honesty and forthrightness to go to the American people and say, "Here it is; we will get the revenues to pay for it because it will make our future a better America."

Instead, we kept borrowing more money. That is the mindset that got us into today's situation.

I again think the Senator and I agree on a lot of things; on the firewalls, for example. Last week, the Senate voted 56 to 43 essentially to reimpose those firewalls. I did not vote for that amendment. The Senator from Wisconsin did not. But that is the reality we have to deal with here.

Second, we talk about a 1-percent cut. I tried in the last 2 years; I stood down at that desk and I offered a transfer amendment to cut 1.5 percent out of the defense budget. I got 28 votes in 1991 and 36 votes the next year.

I will try it again. But we must deal with and accept today's reality.

What concerns me so much about the amendment by the Senator from Wisconsin is that it has a surface appeal. Can we cut 1 percent? There is nothing we cannot cut by 1 percent, obviously.

But when you look at what would be cut, and recognize that we will not get it from defense, the space agency, or the super collider. Mr. President, I have faced this difficult reality here now for 8 years in the Senate, and 4 years as the chairman of this Subcommittee on Appropriations. It is going to come right back to me. I know that if this amendment passes, the cuts will fall on the programs in the Labor-HHS-Education Subcommittee. And in that case, we will face a 4-percent cut.

That is what concerns me. At a time we are trying to perhaps put a little more into Head Start, Centers for Disease Control, biomedical research, this is where the cuts will come. That is why I am so concerned.

Mr. KOHL. As the Senator knows, I sit on the same committee. He is my chairman. I would find those cuts as painful as he would.

But the Senator made a point that I want to come back to because I think it is an overarching point. The reason we are in trouble is not because we funded these programs too generously, but because we did not raise the taxes to pay for them.

What we are doing this year is raising taxes. But we still do not have enough money for the stimulus program. We are raising taxes. Some people say it is the biggest tax increase that we have had in many, many decades; some people say it is the biggest we have ever had in this country. And we are still coming back and saying that is not enough to fund the $6 billion that is contained in the President's stimulus program for next year.

It is sort of frustrating. I am sure it is to the Senator from Iowa, too. It frustrates the American people to think they can sustain the kind of a tax increase that we are imposing on them this year, and at the same time be told that we do not have enough money to fund the stimulus program next year.

Mr. HARKIN. I will respond by saying I understand that. For the last 10 years, we had a stimulus package—for the rich, for the S&L dealers, for the junk bond dealers. They had a nice dividends package.

What we are saying right now is we have three legs of this stool that President Clinton has given us. One, cuts in the deficit. And the deficit reduction we voted on in the budget is real, $502 billion—the biggest deficit reduction we have ever voted on here in the Congress. And they are not phony numbers, they are real numbers, and not like the smoke and mirrors given us by previous administrations over the last 12 years.

The second part of that is an investment package for future growth, to catch up a little bit with what we missed over the last 12 years, when we did not put enough into our human resources in this country. And we have paid for the consequences of not spending smarter. For example, the Bush administration would not request enough money for immunizations. They said, "No, we will save that money." Then we had an outbreak of measles which cost us 10 times as much money to take care of and which resulted in many kids losing their lives. Again, very shortsighted.

So what we are trying to do here is debt reduction, investments, and stimulus with the end product real and sustained economic growth. You yank one leg out, and the stool falls. That is why this investments package is so necessary.

The Senator is absolutely right. We are trying to get sort of boost up for some of these people that were left out over the last 12 years. I make no apologies for that. It is almost like the people that had the big joyride in the 1980's, trying to tell the people that we serve on this subcommittee—the Head Start kids, the senior citizens, and the Chapter 1 Program—"OK, you can sit in the debtors' position for awhile. While we work out all of our problems, you sit in the debtors' position." I, for one, do not, and I do not think the Senator wants to see that happen, either.

This spending is accounted for in the budget, with its $502 billion in deficit reductions.

I also am saying we must invest in the American people—particularly those who were not invited to the party put on by 12 years of Republican administrations and subsidized with the debt of our children and grandchildren.

Mr. KOHL. I agree with the Senator, Mr. President. That is the last thing we want to do is leave behind those people who have suffered the most in the 1980's.

If I could, I would like to yield to our colleague from Nebraska, Senator EXON, for up to 8 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 8 minutes.

Mr. EXON. I thank the Chair.

I thank my friend and colleague from Wisconsin.

Mr. President, I rise in support of the amendment offered by the Senator from Wisconsin. I have been listening to the debate that has been going on here. I would like to say that I agree that everyone involved in this debate is very sincere in their position. But we do not agree, obviously, on where we are going and how we should get to point B from point A with regard to deficit reduction.

First, I would like to say that we do not have, I do not think, available yet the exact figures that came out of the conference that was finished late last night, I understand, between the House and Senate conferees on the budget package. But I have heard a great deal today about the $502 or $503 billion in total deficit reduction that we in the Senate passed in our budget resolution.

Well, that is yesterday's news. It seems to me from the information that I have now that we have lost somewhere around $20 billion in deficit reduction, rather than the $502 or $503 billion that has been referenced numerous times in debate on the amendment being offered by the Senator from Wisconsin.

That has been shrunk, I believe, to somewhere in the area of $480 to $483 billion as a result of the agreement between the conferees of the House and Senate on the budget bill. So already we have lost some of the incentive that we tried to get accomplished here in the U.S. Senate.

I also want to point out—and let us talk about real things instead of things that might happen. I have heard debate from those on the other side of the aisle for the last 2 or 3 days about the President's stimulus package is going to paint water towers and build tennis courts and a lot of those other good things that the people of the United States do not feel, I suspect, are worthy of that kind of an investment. But that was not the truth, the whole truth, and nothing but the truth.

The truth of the matter is that the programs outlined by some on that side of the aisle were not in the stimulus package at all, as was very vividly and very correctly pointed out by my great friend and colleague from West Virginia. They were picking out goodies that would catch maybe 10 or 15 seconds of prime time on some national television program, but they were not true.

The first thing I think we should do here is recognize and realize that we are all going to have different positions. There are 100 of us here. I do not know of any of the 100 of us that have ever been accused of being people who are afraid to take a stand, or people who are hesitant or fearful of taking a stand or making a speech. But I think that we can, hopefully, learn to talk honestly and realistically without window dressing.

So I compliment my friend from West Virginia, the distinguished chairman of the Appropriations Committee, for pointing out what I think was improper embellishment, if you will, by those on the other side of the aisle.

I have just listened to my very close friend and neighbor from the State of Iowa. I think that the Senator from Iowa knows better than to believe that the Senator from Wisconsin and certainly the Senator from Nebraska, who is supporting this amendment, intend to cut children's programs and education to get the job done. I do not agree that the amendment offered by the Senator from Wisconsin, if passed, would be a killer amendment or put the President of the United States in any jeopardy in his upcoming meeting with the President of Russia. I cannot see that. I can see that if the amendment that is being offered by the Senator from Wisconsin and others is adopted, we would be realistic in trying to get from point A to point B with regard to getting a control on spending, to getting a control, if we can, on further borrowings on the national debt, and to face reality.

The facts of the matter are, Mr. President, that the Senator from Wisconsin does not take one penny out of the money that the President of the United States wants to spend forthwith on his stimulus package. We can argue all day as to whether or not that stimulus package was totally necessary—and I am not convinced that it totally is—but the Senator from Wisconsin is not making that point. If you wanted to criticize the amendment offered by the Senator from Wisconsin, you are saying that you are endorsing the President's proposal, you are letting him go ahead and spend all the billions of dollars he wants to, at least in the first part of the stimulus package.

What the Senator is really doing is giving the President a half a loaf. I think, Mr. President, it is a pretty good half a loaf. What he is simply saying is he is authorizing under his amendment the expenditure of all of the money that the President has said he intends to spend up front. What the Senator from Wisconsin is saying in his amendment is simply that the other $8 or $9 billion that would be spent in the outyears, or the year after next, would have to come under the budget scrutiny and we would have to pay for that with other cuts in the budget rather than just borrowing the money.

It seems to me that what the Senator from Wisconsin is trying to do is bring more discipline than we have right now in the program. I do not think it hurts the President's program that much. I certainly do not think it kills the President's program because, as near as I understand it, the Senator from Wisconsin has not taken one penny out of the total request that has been requested by the President of the United States.

So, clearly, he is not trying to hit the President of the United States in the nose. He is simply saying: Go ahead and spend the money up front now that the President of the United States says is needed to stimulate the economy. We are going along with that. But, next year, when the other $8 billion of the stimulus program comes up, it is going to have to be reviewed in the budget process. The Senator from Wisconsin has said on the floor there are several things that he would cut that would more than make up for that shortfall. I agree with him on most. I suspect that none of the money would come out of children's programs, out of education, or against the disadvantaged.

It seems to me that what we are doing with the amendment offered by the Senator from Wisconsin is to simply get real. It is not unlike the statement of the little 5-year-old girl on the kindergarten lot. It seems that the 6-year-old boy was watching the soap operas, and he learned something from them. He went to the kindergarten play lot and he saw his 5-year-old girlfriend, and he grabbed her, threw her down in his arms, and he looked at her and he said: "I want what I want when I want it." Well, being an all-American little 5-year-old kindergartner, she straightened up, wrestled loose and, wham, slapped him right on the side of his face, and she says: "You will get what I got when I get it."

What I am saying is that the Senator is saying we will fund the President's program when we get to the point to see what we have to give him without further borrowing money.

It is a good amendment, and I hope the Senate will support it. I reserve the remainder of my time and yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia controls the time.

Mr. BYRD. Who wishes time to be yielded?

Mr. RIEGLE. We both do, but the Senator from Connecticut was here before me.

Mr. BYRD. Is the Senator opposed to the amendment?

Mr. DODD. Yes, I am. How much time does my leader have?

The PRESIDING OFFICER. The Senator from West Virginia has 16 minutes, 40 seconds remaining.

Mr. DODD. If I can have 6 minutes.

Mr. RIEGLE. Mr. President, I would like the same amount of time.

Mr. BYRD. I yield 6 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, if I may, let me at the outset, first of all, commend the distinguished senior Senator from West Virginia. He has been involved in a noble effort, a solitary or almost solitary effort, over these last number of days on behalf of this legislation. Some of us have come over periodically to join in this debate, but not often enough I might say.

I have nothing but the highest admiration for my colleague from Wisconsin. He is a good friend of mine and I respect him immensely for his talents and for what he has brought to this body since his arrival here as a Member of the Senate from Wisconsin.

But I think what we are engaged in here, Mr. President, with all due respect to the author of the amendment, is a debate over the question of whether or not the stimulus package is necessary to help us achieve economic growth and recovery.

If you do not think it is important for us to try and put as many people back to work as soon as possible, then I would strongly urge you to support the amendment of the Senator from Wisconsin.

But, if you believe as the Senator from West Virginia does that the single most important issue facing us is how to generate as much employment as possible as quickly as possible, then you must reject this amendment.

We could debate here for hours about the merits or demerits of various aspects of this amendment. But the fundamental question is whether or not a stimulus package is necessary at all. I subscribe to the view that it is. I come from a State that has lost some 205,000 jobs over the past 4 years. We are on our knees. We are harder hit than any other State in the country.

But Connecticut is not unique, nor is California unique. The current economic recovery is different from all other recoveries since the post-World War II period for one salient reason: We have seen very anemic job creation—

something like one-half of 1 percent or thereabouts. It is extremely low by comparison to other recoveries.

This stimulus package provides opportunities to put people to work, to generate economic activity, so that this recovery, fragile as it is in some parts of the country, can take root and hold. And that is what this is really all about.

In my State of Connecticut, Mr. President, I would say that this bill is going to mean some $154 million. There is $70 million in transportation alone, including $62 million in highway money. There is also over $10 million in summer jobs.

We are just weeks away from summer vacations; we are going to want to put young people from our inner cities, from our suburban communities, and from our rural communities to work to give them some hope. This stimulus package does that. There is also money for community development block grants and wastewater treatment—both of which are critically important programs not just in terms of the jobs they produce, but in terms of long-term economic recovery.

I would say to the chairman of the committee, that there is almost $17 million in this bill for the renovation of one of the major veterans' hospitals in Connecticut. That means jobs in the construction trades, and I am happy for that. But I would say, Mr. President, that the veterans' community in Connecticut needs that hospital to be renovated. This is not just a make-work program. It is going to make work, but it is also going to make a needed, a needed improvement to that hospital in West Haven, CT.

So I feel very strongly that despite my respect for those who offer these amendments, the American public ought not to be deluded or fooled in any way. Those who offer these amendments basically and fundamentally disagree with the President of the United States and the chairman of the Appropriations Committee about the need to put people to work in order to stabilize and to have take root the economic recovery that is occurring in many parts of the country.

I applaud the distinguished President pro tempore for his efforts. I think this bill is vitally important, and this list of programs it funds is so critically important as well. It will not only generate needed jobs but also provide needed improvements in this country.

I mentioned already in my own State what the stimulus package does, but I note more broadly the $2 billion for Pell grants. Is there anybody in this Chamber or country that does not appreciate the staggering increase in education costs that have taken place in recent years. We have all talked about health care costs and the tremendous rise in health care costs in the country in the last 10 years, and it is unbelievable. But, there is one other area of our economy in which costs have risen higher than in health care, and that is higher education.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I will take 30 seconds if I could.

Mr. BYRD. I yield 30 seconds.

Mr. DODD. Mr. President, higher education costs in the last 10 years have outrun the cost of health care. This bill has $2 billion for Pell grants. How many Americans tonight have children who may not be able to get a higher education? How many have children who they have raised and cared for, and nurtured, only to find the opportunity for higher education denied to them in 1993?

This bill provides assistance to those Americans. Do not tell me that is not an emergency. You tell the American family that is trying to educate their child, that it is not an emergency—and tell me their response.

So I commend the chairman of the Appropriations Committee, and I commend those who have been involved in moving this bill forward. I thank the President of the United States for his unwavering commitment to this effort, and I urge, with all due respect to my colleague from Wisconsin, the rejection of this amendment and the adoption of this package which is critically important to the recovery of our country.

The PRESIDING OFFICER (Mr. EXON). Who yields time?

Mr. RIEGLE. Mr. President, I wonder if the Senator from West Virginia might be able to yield me, say, 6 minutes or so?

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes and 23 seconds remaining.

Mr. BYRD. I call attention to Senators, when they see the amount of time that is yielded to them the time comes out of the total time and we end up in the end without time.

I yield 6 minutes to the distinguished Senator, and I thank the distinguished Senator from Connecticut.

Mr. RIEGLE. Mr. President, I thank the Senator for yielding. Put me down with the Senator from West Virginia on this issue because he is exactly right.

I want to say, with all due respect to my colleague from Wisconsin for whom I have great respect and fondness, he is just dead wrong on this issue, and I will explain why here in just a minute.

Mr. President, do you know in Japan these days they have just announced a stimulus program? Do you know how much their stimulas program is in Japan? Their unemployment rate, by the way, is 2½ percent. That is the problem they are facing in Japan. They announced a stimulus plan in excess of $100 billion, $100 billion. And we are talking about a tiny fraction of that.

We need every penny of this stimulus. If anything, we need more stimulus than we have in this package now. We cannot afford to cut it in half, I say to my friend from Wisconsin.

Look at today's newspapers. Here is the business section of the New York times. A lead story on the financial page is "Consumer Confidence Off Sharply."

Let me take you to the Wall Street Journal of today, to a front-page item that says, "Consumer confidence fell in March for the third straight month, raising concern that the economic recovery may stall."

This is the Wall Street Journal. This is a newspaper that pays attention to what is going on in the economy of this country.

You turn to the article. The headline on the article is "Consumer Confidence Index Slips Again, Raising Fears That Recovery May Stall." There are these two quotes.

> "The signals we've been getting over the last three months could be troublesome for what will happen in the economic future," said Fabian Linden, who directs the Conference Board's Consumer Research Center. C.J. Lawrence economist Debbie Johnson said that unless confidence turns around, the recovery could stall.

Dropping down further in the article:

> Most of the drop in consumer sentiment during March was due to worry about job prospects.

That is what we are talking about here. This is a jobs bill, but the drop in the consumer confidence index is due to worry about job prospects.

> Roughly 41 percent of respondents described jobs as "hard to get," while only 6.7 said jobs were "plentiful." Confidence fell in seven of the nine regions tracked by the index.

We need every penny of this stimulus. The Senator from Wisconsin also, I think, is the principal owner of a basketball team, the Milwaukee Bucks, if I am not mistaken. What he is proposing in terms of cutting this package in half, is to say, "All right, we will give you the second half of the stimulus to create the jobs, but you have to subtract an equal amount out of the budget; in other words, you have to take away as much stimulus as you are putting in."

Let me tell you what that is like in basketball. In basketball, you have five players on the floor. It would be as if you went out and you signed up a great forward to go down and play the forward position on the floor and score a lot of points for you. So you have him in place. But then you took the other forward position and told that fellow to go sit down because you have one forward working for you, but you are going to take away an equal amount on the other side. So you are out there and instead of having five players, you have four players. You cannot win the game that way.

We are not going to create jobs that way. That is why I brought this chart here that shows in this recession, this jobs recession which is still going on 30 months since the onset of the economic downturn. Our job growth is still way down here. We have not gotten the jobs back that we lost during the recession. We are not up to here where we should be, where we have been in previous recessions when by this time we have recovered our jobs.

So there is a terrible job shortage in America today, a terrible job shortage.

That is why we need the stimulus. And we do not just need part of it. We need it all. You cannot say, "Look, we will give you the stimulus. Yes, we will give it to you, but we are going to subtract the same amount of money at the same time."

That does not make any sense. As I said, that is like putting a basketball player on the floor to do something and then taking another one over in another position, playing without that player. You cannot win that way.

That is how you lose. And we have been losing. That is why the people in this country decided to elect a new President last year, one who would not just have, as the old one did, an economic plan for every country in the world except this one. They elected a President who would offer an economic plan for America, and he has done that. Here it is, and we have to enact it.

We need it. We need it in every State of the country. We certainly need it in Connecticut. I would submit we need it in Wisconsin and we need it in West Virginia. And I can vouch for the fact that we need it in Michigan.

We have people out there now who have worked 10, 20, 30, 40 years with experience and the highest job ratings and they have lost their jobs. Their plants have closed. They have been laid off. Their jobs have disappeared. They cannot find replacement work.

You talk about a retraining program. We do not know what to retrain people for right today.

I relieved a letter the other day from a man who has been through three retraining programs, has a graduate degree, and still cannot find a job.

So we have to have some job stimulus. And my hat is off to the President for being willing to come forward with a plan to invest in our people. We need summer jobs.

Part of this, by the way, is to provide emergency unemployment benefits. Part of this money that falls in the area targeted by the amendment of the Senator from Wisconsin hit the unemployment benefits.

Now, he will say, I am sure, yes, but you can go ahead and do that as long as you can cut something else out. That gets rid of the stimulus. There is no stimulus then. Then we are just treading water, where we have not many any progress in that kind of a circumstance.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RIEGLE. I thank the Senator for yielding.

I want to say that we have to defeat the amendment of the Senator from Wisconsin and support the position brought forward by the chairman of the Appropriations Committee, Senator BYRD.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I might ask for 1 additional minute, with the chairman's permission.

I would like to respond to my friend from Michigan.

He made a basketball analogy. As it occurs, just a month ago, we traded with your Pistons. We gave you Alvin Robertson, a healthy ballplayer who runs all the plays, and you gave us Orlando Woolridge, who is sitting on the bench not contributing at all. He is injured.

Mr. RIEGLE. That makes my point exactly.

Mr. KOHL. That makes your point exactly.

I want to also respond to the comment that in order to fund unemployment benefits and the summer jobs program, we are going to have to cut other programs to do that. That is not the case.

This amendment specifies that the unemployment benefits due this year will be paid and will be paid on an emergency basis, paid for, as we say, by deficit spending.

It is the spending in years beyond this year which will not be covered by deficit spending.

I want to also say to my friend from Connecticut that the amendment that I am offering does not say, does not intend, will not produce, the kind of cuts he has talked about.

I have endorsed the stimulus program. I think we should go forward with it. But, at the same time, I am saying that in the years after this, we should find a way to pay for it.

Now, again, I am saying to the Senators that this year we are imposing the biggest tax increase that the American people have ever seen and we are coming right back and saying to them, "It is not enough. We will deficit spend again next year." And we are trying to find a way to say that makes sense.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. KOHL. Mr. President, I will close my argument. It will take me 1 minute.

The PRESIDING OFFICER. The Senator has 47 seconds remaining.

Mr. KOHL. Mr. President, this amendment responds very clearly to the sentiment that I have heard across my State and all across our country, and that sentiment is to cut spending first and make our budgets both meaningful and honest.

The people who argue against this amendment say that we need to increase the deficit in order to improve the economy. Well, Mr. President, we cannot improve the economy by deficit spending. It is deficit spending which is having a ruinous effect on our economy. This amendment attempts to come to grips with the deficit, albeit in a painful way, and to find a way to pay for what we want to spend.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SHELBY. Mr. President, I have made no secret of the fact that I am firmly opposed to the supplemental appropriations bill that we are considering today. This bill will spend some $12 billion as emergency spending. By declaring this bill an emergency spending measure we will escape the constraints of the discretionary budget caps included in the 1990 budget agreement. This action comes only one week after we approved $295 billion in new taxes under the banner of deficit reduction. This action sends the wrong message to the American people. We preach fiscal responsibility with one hand and spend money through the back door with the other.

There is little or no justification for this measure as either a stimulus or as an emergency measure. Our Nation has a $6 trillion-plus economy. I cannot truly believe that this measure will have any appreciable effect on our economic health. Rather, it provides for expensive, make-work public works projects that produce no permanent jobs of significant economic impact while simultaneously adding to the deficit. Summer jobs and community development block grants may be attractive, but they are not economically necessary. Make no mistake about it, this $12 billion stimulus is not a stimulus, it is spending for spending's sake. If this spending is so necessary to jump-start the economy, then why is $8 billion of this being spend in fiscal years 1994 and 1995?

We do not need this package, Mr. President. I would prefer that if the Senate finds it so necessary to spend this money, if it is so critical that we spend money on the various projects contained within the bill, then we should place the spending under the budget caps and cut less deserving programs in their place. For this reason, I strongly support the amendment offered by Senator KOHL. His amendment would place the $8 billion in spending for fiscal years 1994 and 1995 under the budget caps. Although I would prefer that the entire $12 billion be placed under the caps, the Senator from Wisconsin's amendment is a step toward fiscal responsibility and sets the right tone with the American people. His amendment does not require that any of these appropriations will not be spent, rather it simply asks that we prioritize our spending and not give in to the temptation to use the emergency loophole to spend money through the back door without discipline. I am convinced that this is not what the American people want from us and I urge my colleagues to support the amendment.

Mr. BYRD. Mr. President, I yield the remaining time to myself.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I call attention again to the CBS News/New York Times latest survey.

The question that was asked: "Which is more important in the immediate future, creating jobs or reducing the deficit?"

The response was, creating jobs, 67 percent; reducing the Federal deficit, 19 percent.

Mr. President, the letter written to me by President Clinton on March 23 states again, and I will repeat it here, "Finally, I would strongly oppose"—this is President William Jefferson Clinton, his letter to me, March 23—"Finally, I would strongly oppose any attempt to provide offsets for any portion of the stimulus package. To do so would cancel"—cancel—"the intended benefit of the measure and threaten the education infrastructure, health and other investment initiatives proposed in my five-year economic plan."

Mr. President, I hope that the Senate will reject this amendment. I will make a point of order and I hope the Senate will not vote to waive the point of order.

Section 306 of the Congressional Budget and Impoundment Control Act of 1974, as amended, prohibits the consideration of legislation within the jurisdiction of the Senate Budget Committee not reported by that committee. The pending amendment is legislation within the jurisdiction of the Senate Budget Committee. H.R. 1335, now under consideration, was not reported by the Senate Budget Committee. Therefore, I make a point of order under section 306 against the amendment by Mr. KOHL, and I ask for the yeas and nays.

The PRESIDING OFFICER. The point of order is heard.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I move to waive section 306 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DOMENICI. Mr. President, is that motion debatable?

The PRESIDING OFFICER. No, the Chair advises the Senator from New Mexico, it is not debatable.

All time on the underlying amendment having expired, the yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 2 minutes.

Mr. BYRD. Mr. President, the other day, when I asked for 1 minute, the distinguished Senator from New Mexico objected.

Mr. DOMENICI. That is correct.

Mr. BYRD. I will not object to his request for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I do not want to explain why I did what I did, but I very much appreciate what the chairman has just done and I thank him very much.

Frankly, I think everybody should know that this is probably exactly the kind of amendment that we should not be using a point of order on.

Technically, the point of order lies. But I cannot really imagine that we would really be serious about a point of order against an amendment that saves money. That is rather interesting.

This amendment, if I understand it—and, frankly, people can vote how they please on it—says, first year spending, OK; second and third and fourth year spending, put it under the budget.

Is that correct, I ask my friend, the sponsor of the bill amendment?

Mr. KOHL. Yes.

Mr. DOMENICI. So, in a sense, clearly within the rules and clearly within the prescription of the Budget Act, it is technically subject to a point of order.

But I honestly believe that the U.S. Senate ought to waive this point of order and ought to waive it very quickly. They will not, but they ought to, because the Budget Act and the budget process is to get the deficit under control and to spend less money and have less deficits and borrow less money. In a very real sense, that is what this one does. Yet it is being made out of order, saying we will not even vote on it because it is subject, technically, to a point of order.

I yield back any time I might have and thank the chairman for agreeing to my unanimous consent.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes.

Mr. BYRD. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the motion of the Senator from Wisconsin. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—52

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Wellstone
Wofford

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The amendment of the Senator from Wisconsin [Mr. KOHL] contains subject matter within the jurisdiction of the Senate Budget Committee but has been offered to a bill that was not reported by that committee. The amendment therefore violated section 306 of the Budget Act. The point of order is sustained and the amendment falls.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Florida.

AMENDMENT NO. 288

(Purpose: To authorize the States to transfer apportioned funds between Federal highway program categories)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes an amendment numbered 288.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . HIGHWAY APPORTIONMENT FLEXIBILITY.

(a) IN GENERAL.—During fiscal year 1993, subject to subsections (b) and (c), and notwithstanding any other provision of law, a

State may transfer among and within the following program funds apportioned to the State for fiscal year 1993 to carry out the following programs:

(1) The congestion mitigation and air quality improvement program established under section 149 of title 23, United States Code.

(2) The highway bridge replacement and rehabilitation program established under section 144 of such title.

(3) The Interstate maintenance program established under section 119 of such title.

(4) The Interstate substitute program established under section 103(e)(4) of such title.

(5) The National Highway System as described in section 103(b)(2) of such title.

(6) The surface transportation program established under section 133 of such title.

(b) LIMITATION.—An amount transferred from a program by a State under subsection (a) shall not exceed the apportionment of the State for the program for fiscal year 1993.

(c) EFFECT ON FISCAL YEAR 1994 APPORTIONMENT.—If a State transfers funds from a program under subsection (a)—

(1) the amount of funds shall be credited back to the donor program for fiscal year 1994; and

(2) the program to which the funds are transferred in fiscal year 1993 shall have the amount deducted from the amount apportioned to such program for fiscal year 1994.

Mr. BYRD. Would the distinguished Senator be agreeable to having a time limitation on the amendment?

Mr. GRAHAM. The Senator would agree to a time limitation. I would say an hour equally divided.

Mr. BYRD. Let me see if that is OK on this side.

Is there someone on this side?

Mr. GREGG. Mr. President, I guess I have been relegated on this side for the position. It is fine with us.

ORDER OF PROCEDURE

Mr. BYRD. I make that request, Mr. President, I ask unanimous consent that time on this amendment be limited to 1 hour; that it be equally divided and controlled in accordance with the usual form; that no intervening amendments or amendments in the second degree be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the amendment that I offer relates to a rather arcane provision in the highway bill. The purpose of this amendment is to provide for greater flexibility in the allocation and utilization of those funds that we are about to authorize and appropriate for that purpose.

But before I turn to the specifics of the amendment, I would like to make some general comments as to how I view the legislation that is now before us.

As we all know, over the past several years, we have had a dramatic increase in our national debt. We have been adding to the national debt at levels that far exceed what any previous generation of Americans has done.

Some time ago I became interested in this issue in the context of my own family, what had been the level of responsibility of my grandfather, my father, and what was going to be history's evaluation of our responsibility.

If I could, Mr. President, share that analysis of my family's circumstances, my grandfather, Philip Graham, was born in Wayne Township, MI, in 1859. In 1859, the national debt of the United States was $32 million. That is million with an "M." That is how much debt the United States had accumulated in the years from the Constitution until 1859, on the eve of the Civil War. That amounted to $1.30 for every man, woman, and child, every American alive on the day that my grandfather was born.

My father was born in 1885 in Croswell, MI. At that time, the national debt was $1.6 billion, largely accumulated to fight the Civil War. That amounted to $28 for every man, woman, and child in the United States. So I would say that my grandfather's generation during that period had handled the accounts of the Nation with responsibility.

I was born in 1936. In 1936, the national debt, which had been accumulated now over a period of some 160 years from the Declaration of Independence, had grown to $33.9 billion. I think that is an interesting and ironic figure, Mr. President, because the total national debt for the first 160 years of the Nation's history, more or less, approximates the debt that we are about to add to the Nation's debt in this action that is before us this afternoon—in this case approximately $32 billion. It took us 160 years to get up to $33.9 billion. When I was born, each American man, woman, and child, had a debt of $264 as their share of the Nation's debt.

My first child, Gwendolyn Patricia, was born in January 1963. In January 1963, the Nation's debt was $310 billion. That amounted to $1,640 for every man, woman, and child in the United States.

Between my birth and my first daughter's birth, we, of course, had completed the last ravaging years of the depression, fought World War II, Korea, and were in the beginning stages of what would become the Vietnam war.

We accumulated a national debt of $310 billion. We are fortunate enough now to have three grandchildren. The first of those grandchildren was born in October of 1991. At that point the national debt was $3.2 trillion or $12,900 for every man, woman, and child.

I recently have been blessed with a grandson, born in October of 1992. When my first grandson was born, the national debt had edged past $4 trillion, or $15,700 for every man, woman, and child.

I use this to put these big numbers in some sense of historic perspective.

From my grandfather's birth in 1859, to the national debt of $32 million—from him to my grandson's birth in October of 1992, to $4 trillion, with a "T", is what has happened to the fiscal responsibility of this Nation.

As I say, I offer this as context for the amendment that I submit, because I believe that we face here today an ethical question. The ethical question is, how long and how much can we continue to ask our grandchildren, the Sarahs, the Carolines, the Grahams, the other grandchildren of America? How long can we ask them to pay our bills? What is our ethical right to ask our grandchildren to accept our responsibilities?

That was not something that was asked by our grandfathers of us. They paid their bills. Our fathers paid their bills. We are the first generation in America's history to accumulate this burden, to transmit this legacy of indebtedness to our children and grandchildren.

So when we face the question of adding, in 1 week's set of activities, as much national debt as we had accumulated in 160 years, I think we have a responsibility to enunciate why we can ethically do this.

I think that there are two conditions that we must find in order to meet that ethical test. The first is that these funds will, in fact, contribute to an immediate stimulation of the Nation's economy; putting people back to work raising the level of economic activity, recognizing the fact that that elevation of economic activity is a critical part of our ability to begin to seriously deal with the deficit.

But beyond that, I think there is a second requirement, and that is, we just say the product of that immediate stimulation, the goods and services which it produced, themselves contributed to the longer term, economic well-being of the Nation. It is for that reason, Mr. President, that I find one of the most salutary aspects of this economic stimulus program, the provisions that relate to accelerated spending for transportation. Transportation is an activity which has the capability of putting substantial numbers of people to work quickly. And to meet that second test of producing a product that will contribute to our long-term, well-being, better highways, better transportation system, will make us a more economically efficient Nation.

That brings me to the amendment. We are proposing to substantially increase the funding of our highway programs. In support that. But I believe that in order to see those funds produce the jobs and the enhancement of our economy which is the only moral, ethical basis for us to do this—and not pay for it, but ask our grandchildren to pay for it—that we must take every step to assure that these funds will, in fact, achieve their intended purpose.

The first amendment which I have submitted, which I have labeled the stimulus flexibility amendment, attempts to deal with one of the problems in the current law as it relates to our highway spending—that would be less remedied, inhibit the accomplishment of the purpose of rapid translation of dollars into jobs, and the production of product which will be of maximum long-term benefit.

Within the highway bill—which is often referred to as ISTEA, the acronym of the letters of the 1990 Surface Transportation Act—there are various provisions as to the specific components of transportation activities from interstate maintenance to bridges, and there are about a dozen or so specific subcategories of spending.

The legislation that we have before us would essentially fund to the maximum extent each of those subcategories of spending.

The difficulty is that we are doing this in 1993 in the middle of a fiscal year which started with a decision to fund those accounts at approximately 75 percent of their maximum allocation. Let me just give an example of the problem that this creates and, therefore, why I think the solution that I have suggested is important.

Mr. President, to explain the mechanics that underlie this amendment, States were given an allocation of funds at the beginning of this fiscal year, October 1, 1992. That allocation was approximately 75 percent of the full authorization provided for in ISTEA.

I am going to illustrate this by gross oversimplification. Assume that instead of the dozen or more categories that in fact exist, there are only two categories under ISTEA; one was called roads and one was called bridges. Let us drop off a lot of zeros and just assume that a State could have received $10, for each of those two categories for a total of $20 spent—$10 on roads, $10 on bridges.

But as indicated, the appropriation, in fact, was only 75 percent of that $20 maximum. It was $15 made available for spending.

Under the law, the State had the opportunity to decide how to spend the $15. It could have spent $7.50 on roads and $7.50 on bridges. Or, it could have spent $10 on roads or $5 on bridges, or reversed, or any other combination as long as it did not exceed $10 in each category and did not exceed the total of $15 which had been available to it.

Let us assume that the State had decided to spend $10 on bridges and $5 on roads, and it proceeded to do the necessary planning and preparation to accomplish the task within those funds available.

Now at the end of the year, because of the action that we are about to take, the State suddenly gets another $5 to spend. If it had previously made the decision to spend the full $10 on bridges, then it would be unable to spend any additional funds on bridges, even it it had a bridge that was ready to go, and that was very desirable project because it had made a decision under an earlier set of facts to use $10 on bridges. It had essentially foreclosed that account and could not use this additional $5 for that purpose.

So what would the State with no projects left to be spent, do? Well, one, it might try to hurry up and get a road project where it could use the $5, or under a provision in this bill, if it was unable within 90 days to have a project that was ready to go it would lose its $5. And the $5 would go back into a pool and that pool would be redistributed to those States that could use the money.

My amendment gives States the flexibility they need to be able to put all of the stimulus dollars to work where they can do the most good in putting people to work and creating product that will be of the greatest benefit to the State.

In the example I cited, what would happen is that the State would be able to take that $5, and if it wanted to put it to the account of bridges, where it already spent its maximum, it would be allowed to do so. Under my amendment, however, in 1994, it would have to readjust its accounts in order to result in a 2-year period of having spent within the allocations. That is, in 1994, a State that overspent its bridge allotment in 1993 would have to underspend its bridge allotment in order to bring its accounts into balance over a 2-year period.

Mr. President, let me read the language of the operative portions of the amendment.

> The effect on fiscal year 1994 apportionment. If a State transfers from program under subsection A (1), the amount of funds shall be credited back to the donor program for fiscal year 1994; and, 2, the program to which the funds are transferred in fiscal year 1993 shall have the amount deducted from the amount apportioned to such program for the fiscal year 1994.

So essentially we are looking at what you might say is a biennial budget under this amendment to require that over a 2-year period there will be a balancing of the accounts.

Mr. President, this is not a esoteric amendment. This is an amendment which has been identified by the American Association of State Highway Transportation Officials as a No. 1 priority in terms of their ability to accomplish the purpose for which we are appropriating these highway funds, which is to get them to work, to put people to work and to create valuable, long-term transportation projects within their States.

In a survey of 40 States, 80 percent cited flexibility as an important element in their ability to accomplish the purpose for which Congress is about to make these funds available.

I will submit, for the RECORD, a letter signed by eight Governors, including Governor Cuomo of New York and Governor Chiles of my State, and six others, asking for flexibility in supplemental highway funding.

I also will submit for the RECORD, Mr. President, letters from the Texas and Maryland Departments of Transportation asking the U.S. Secretary of Transportation for the same flexibility which is provided in this amendment.

In summary, Mr. President, this is an amendment which I think is an important part of our ability to go back to our grandchildren and say: We can justify asking you to pay this money. This was not a project that was important enough for us to pay for, but we have asked you to pay for it because we believe that it will have resulted in a sufficient stimulation of the economy and a product that you and your parents will have benefited from, and that makes it morally acceptable for us to ask you to pay for it, not us.

It is a provision which the States have identified as their No. 1 priority in terms of their ability to accomplish that objective. It will maintain the integrity of the Intermodal Surface Transportation Act, by requiring that any changes made in 1993 be adjusted in 1994, so that no accounts will be benefited over a 2-year period. And it allows us to accomplish the fundamental purpose for doing this, which is to stimulate the economy in productive areas.

Mr. President, I submit this amendment and urge its faithful consideration.

Mr. LAUTENBERG. Will the Senator yield for a question?

Did the Senator say that AASHTO considered this their No. 1 priority?

Mr. GRAHAM. The letter that I have, I say to the Senator from New Jersey, from AASHTO stated under their report called Key Actions Needed to Facilitate Spending, that: one, flexibility in the use of any additional Federal aid highway funds is the most frequently cited factor necessary to assure their full use. Other important factors are the regulatory relief match, waivers of elimination, and obligation restrictions. But the most cited factor is the flexibility of the use of any additional Federal aid to highways.

Mr. LAUTENBERG. What is the date on that letter?

Mr. GRAHAM. This is dated December 7, 1992.

Mr. LAUTENBERG. I ask that because we had AASHTO in front of my subcommittee this morning, and for the Senator's information, the No. 1 factor that they were concerned about was the full funding of ISTEA.

Mr. GRAHAM. I am submitting for the RECORD the letter sent to you March 12 of this year signed by Governors Cuomo, Chiles, Thompson, Dean, Nelson, and others, which stated on behalf of those Governors, and I quote the middle paragraph:

> Existing constraints within the Federal highway program will make it difficult for many States to use the increased obligational authority expected from the stimulus package in the most expeditious and beneficial manner to create jobs and spur economic growth. The flexibility to transfer Federal highway program appropriations to the categories where the increased funding can best be used for these purposes is critical to the success of the program.

Mr. LAUTENBERG. As the Senator knows, some of the States that he just identified were active supporters of ISTEA, and I will defer to the senior Senator from the State of New York, who was the author of ISTEA. I am sure he was in direct contact with the State governments when the flexibility as it exists in ISTEA was designed. The flexibility is there to provide a balanced transportation network in this country. I do not want to continue to use the Senator's time, because we have a time allocation here. It is up to the Senator from New York to distribute the time. So we will continue with the debate.

Mr. MOYNIHAN. The Senator from Montana wishes to speak, and I will yield 10 minutes to him. The Senator from Rhode Island would like 10 minutes, also. And then I will yield 5 minutes to the Senator from New Jersey. The Senator from West Virginia may wish to make a few remarks. I will insert mine in the RECORD.

Mr. CHAFEE. If the Senator from New Jersey wants more time——

Mr. LAUTENBERG. As a matter of fact, I do not want to deprive the author of ISTEA, the designer and creator of this great piece of legislation, from time. So perhaps I can take a minute or two less, and the Senator from Rhode Island can, also, so we can permit the distinguished Senator from New York to use his time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is not a good idea. This, in effect, is a deal-breaker. The senior Senator from New York, the distinguished chairman of the Senate Finance Committee, is the author of the Intermodal Surface Transportation Efficiency Act, otherwise known as ISTEA. He did a tremendous job in pulling together a wide variety of interests and points of view when we reauthorized the Surface Transportation Act.

He did a tremendous job. Battles were fought in committee and on the floor of the Senate, and the House. We came up with a very innovative and solid program.

There were many amendments offered on the floor of this body as we debated ISTEA. We made a deal. We made an agreement. In fact there was one amendment offered during consideration of last year's appropriations bill, that would have removed minimum allocation from under the obligation ceilings. That amendment was opposed by the Senator from Florida. Whey did he oppose that amendment? Because the Senator from Florida said a deal is a deal. This is also not the time of break that deal.

Mr. President, he was right. Last year was not the time to unravel an agreement and that same argument applies today. This is not the time to unravel or take apart, a very extensive program that affects our Nation's highways. There has been no hearing on this amendment. We do not know what is involved with this amendment. It does not make sense for us to consider taking it up at this time.

The Intermodal Surface Transportation Efficiency Act, ISTEA, passed the Senate by a vote of 79 to 8. It passed overwhelmingly. And what the Senator from Florida now asks is that we essentially undo that act, we undo it by saying that States can spend dollars they receive in any way they want.

Mr. President, there are reasons why there are spending categories in ISTEA. For example, there is a category for congestion mitigation and air quality improvements. We want States to spend money to relieve congestion. It is also important to reduce air pollution in this country. We want to spend money on air quality improvements. Urban areas, also need attention. States should spend portions of their highway funds on urban congestion and urban traffic.

In previous, transportation acts, spending categories were rigid. There was little flexibility. The intermodal Surface Transportation Efficiency Act, however, addressed that problem by giving States much more flexibility. ISREA allows for a dramatic increase in flexibility.

I must say, Mr. President, in their earlier exchange between the Senator from Florida and the Senator from New Jersey We heard about AASHTO's views. Let me read the testimony of Mr. Frank Francois, the executive director of AASHTO, who testified this morning before the Transportation Appropriations Subcommittee:

> At this stage, it appears premature to recommend changes to the overall structure of ISTEA. It needs a stable program. Until we know major changes are needed, the wiser course seems to be to wait a while longer.

That is what he said this morning. The Senator from Florida refers to a letter from AASHTO dated December 1992. Yet today, before the Senator from New Jersey's subcommittee, Mr. Francois said—and let me repeat—"Until we know major change are needed, the wiser course seems to be to wait a while longer." That is the prudent course, that is the prudent course to take.

Mr. President, I am not going to extend this debate any further except to say that this is not the time to take up this issue. We essentially would be gutting the Intermodal Surface Transportation Efficiency Act and that is not what we want to do today when we are considering a supplemental appropriations bill.

I have some concerns with some of the provisions in ISTEA—all Senators do—but we reached an agreement. I think it only makes sense today to oppose the Senator's amendment.

It does not make sense to reopen the act today. We will reopen the act when it comes up for reauthorization in a few years but not today. For these reasons I strongly urge Senators to oppose this amendment. This amendment is a deal-breaker and this is not the time to break deals.

Mr. President, Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Rhode Island, who is a ranking member of the Committee on Environment and Public Works, would like 7 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. CHAFEE. Mr. President, I thank our distinguished leader.

Let us just outline briefly what the situation here is.

In the so-called stimulus package that is before us, it proposes that an additional $2.9 billion be released to the States for fiscal year 1993 for highway building purposes. It also directs that this money be spent on projects which can complete the bidding process within 90 days, within 3 months from the date of the enactment of the legislation.

Here is what has come up. A few States are now saying that they may have difficulty using this additional money because they may not have projects ready to go in the categories where they have these apportionments under this division that is required under the bill.

So what they are saying is they want to be relieved of spending money in certain categories this year. In other words, forget those other categories, let us just concentrate on the ones we want to concentrate on. In other words, what it comes down to, Mr. President, they want total flexibility with this money.

What State would not want total flexibility, to do exactly what they wanted to do with the Federal money? There are several problems. First, this bill was signed into law 15 months ago—it was not yesterday, it was 15 months ago in December 1991. States knew the amount of funds that they could expect and the distributions that would be required. Nobody raised any problems, and, indeed, Mr. President, most States came in asking for more money. It was not that they were disturbed about the money that they were receiving. They wanted even more, and they were perfectly willing to divide it up in these categories as were set forth in the surface transportation law.

Is this $2.9 billion a surprise in this stimulus package? No; this is the same amount that was in that original package. In other words, they were geared up for that then. So nothing new has come into the equation. Back then they said they could spend it in the categories and nothing has changed.

Now, as has been pointed out, this surface transportation bill, some call it a highway bill but it was much more than a highway bill, that we passed and that was signed by the President in December 1991. It took some new directions in transportation. They were really extremely laudable new directions which was a result primarily of our chairman who said we are not going to go the same old way that we have been going, that if you have congestion, widen the highway, or if you have congestion build a new one. Instead, what the chairman and the rest of us heartily agreed to—and I like to think I made some contribution—our chairman said let us think anew about it. It is not all concrete that solves the problems of the world. So we included programs with names like congestion mitigation. In other words, our chairman said let us not just widen the roads, let us have ways of handling more traffic on the roads we have. And there were problems with air quality, and we addressed those because we had just passed the clean air bill. And there is another element that we included called transportation enhancements.

What the Senator who is proposing this amendment is doing is saying, no, no, we are not going to have those. We are just going back to the old way we used to do business. We are not going to have these special categories that were set forth in this carefully thought-out legislation which is not all narrowly constricted by a long shot. In the bill we passed there is plenty of flexibility. He wants total flexibility.

Mr. President, I do not think that is the right way to go.

Other States are willing to stick by their agreements and I think that this is a bad amendment and I hope it will be rejected.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I thank my colleague for so many years on the committee for his generous remarks about the ISTEA. It was an entirely bipartisan measure. Senator Symms who is no longer with us was the manager on the other side. In effect, there were no sides. We were all together in this. There were eight votes opposed.

Jessica Mathews in the Washington Post at that time said:

> By an accident of timing, 1991 provides the first real opportunity to rethink national transportation policy since the interstate highway system was launched 35 years ago.

And we did.

Mr. President, I ask unanimous consent that editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 12, 1991]

AT LAST—A SENSIBLE TRANSPORTATION BILL

(By Jessica Mathews)

These days Washington is a city of missed opportunities. The administration has no domestic agenda to speak of, and while Democrats in Congress have more than enough ideas, they have no priorities. So when an opportunity to significantly improve national well-being looks like it might be seized, that is big, unexpected good news.

By an accident of timing, 1991 provides the first real opportunity to rethink national transportation policy since the interstate highway system was launched 35 years ago. Completion of that system has come in the same year as reauthorization of the five-year, $100 billion, federal highway act and just as the new clean air act has finally recognized in law the connection between what's in the air we breathe and how we travel. On top of this, the gulf war was a sharp reminder of the costs of oil import dependence in a country that devotes 70 percent of its oil use to transportation.

The moment has been seized by a bipartisan coalition led by Sen. Daniel Patrick Moynihan (D-N.Y.). This unlikely foursome, which includes Sens. Quentin N. Burdick (D-N.D.), John H. Chaffee (R-R.I.). and Steve Symms (R-Idaho) represents the range of national transportation needs, from those of rural, clean-air states to the heavily urban, congested and polluted ones. Their bill would revolutionize how transportation funds are spent. Over time, it could alter the face of America.

For half a century, our transportation priority has been highways. The crown jewel of the system, the 44,000-mile Interstate network, has contributed significantly to economic growth. But the single-minded focus on automobile and truck travel has proven to be self-defeating. Congestion in urban areas is worse that it has ever been. Productivity loss from time wasted in traffic is one of the country's fastest growing economic indicators.

Despite all the effort and money that has been devoted to improving air quality, the number of Americans who live where the air does not meet minimum health standards is growing. Communities have been fractured by huge roads and weakened more subtly by shopping areas that sit barricaded within vast stretches of alienating parking lots. Suburban sprawl drains cities of their jobs and tax base but cannot recreate their richness and vitality. Transit service is crumbling because it has been starved for funds. Continuing a long trend, federal spending on highways rose 85 percent in the past 10 years, while transit investment fell.

Beyond a shadow of a doubt, we now know that new roads generate more traffic than they serve. We know that vehicle use is growing faster than individual vehicles' emissions can be curbed. We know that we cannot build roads fast enough to meet demand under a highways-only policy.

It has been said that a working definition of lunacy is doing the same thing over and over again and expecting a different outcome. The country isn't crazy, but until this year the sheer political power and momentum of the highway program has been invincible.

No longer. The administration has proposed a new 150,000-mile highway program (including the existing interstate) to be called Highway of National Significance. Without a discernible rationale for a huge new construction program, the handsome name rings hollow. With the interstate program complete and the shortcomings of present policies undeniable, this is the moment to try something different.

The Moynihan proposal drops the new highway system and eliminates the long-standing bias against using federal money for anything other than highways. Under this plan the federal sharing ratio would be equal for all modes of transportation, and more than half the money could be used for transit. It lets states choose how to spend these funds based on their individual needs. If Arkansas needs more roads, fine. If New Jersey needs more transit, that's fine too.

This is no block grant program that abdicates the federal policy role to the states. It asserts a broadened federal interest. The national interest in transportation, the proposal in effect says, is not in moving cars and trucks but in moving people and goods with higher energy efficiency, lower environmental cost, greater economic productivity and more attention to the integrity of communities.

Today these interests—clean air, for example—are largely the responsibility of local and regional bodies, while state governments control transportation funds. The result is chaotic transportation spending, deteriorating air quality and endless, demoralizing political gridlock. The new plan shifts power to local and regional authorities, forcing everyone to the same table to agree on a coherent transportation plan that meets this broadened set of goals.

It sounds like common sense, and long overdue at that. But success requires overcoming the rich, powerful and experienced highway lobby, which over the years has come to view this pot of money as a birthright. On the other side are arrayed regional and local authorities tired of wasting years drawing plans their state agencies ignore, environmentalists who knew that the promise of the clean air act cannot be met without a new transportation policy, local groups concerned about congestion, historic sites, rational land use, neighborhood preservation and a host of other issues, and a variety of groups interested in energy security and economic efficiency.

It will be a classic battle between pork and policy, whose outcome could improve the quality of life in this country immeasurably.

[From the Washington Post, Nov. 29, 1991]

GETTING BACK ON TRACK

(By Jessica Mathews)

If you traveled any distance over this holiday, you probably caught a glimpse of the future. It isn't pretty.

The Federal Highway Administration thinks that congestion on the roads will quadruple in 20 years. That means we'll be holding our tempers through a mind-boggling 8 billion hours of annual traffic delay. By 2005, a 30-mile commute on U.S. Route 1 from New Brunswick, N.J. to Trenton could take five hours—considerably slower than the speed of a trotting horse and buggy.

If you flew—enduring airport tie-ups and an endless wait on the runway—the picture was much the same. By the end of the decade, 40 airports around the country will each experience more than 20,000 aircraft-hours of delay annually. For the largest airports, the figure is 100,000 hours each. Estimate your personal share of that, and it's enough to make you weep.

If you took the train, you saw a major reason why paralyzing, productivity-draining, quality-of-life-destroying congestion is so large a part of our future. The United States has tried to become the most mobile society in the world without the third leg of the transportation triad—railroads.

For decades, public investment in the world's best interstate highway system and air travel network has been unstinting, while rail travel has starved. An extensive track network has disappeared, and technological advance stalled almost a century ago.

It didn't stop in Europe and Japan, however. The French Train a Grand Vitesse (TGV) and the Japanese Shinkansen, the bullet train, operate with top speeds of 185 and 165, respectively, with dozens and even, in a few cases, hundreds of trains per day on some routes. Since their inception, the two high-speed trains have carried more than 3 billion passengers without a single passenger fatality.

Improvements to both these trains should soon raise their peak commercial speeds to more than 200 mph. The TGV has been smashing speed records on its new Atlantique route. Not long ago, a test train broke 322 mph. Both Germany and Italy will soon have comparable service. The new German ICE train has been tested at 250 mph. Europe plans a high-speed rail network 19,000 miles long by 2015, stretching through the Channel Tunnel from Britain to Greece.

But, you say, the United States is too big for railroads. Not so. Distances here are much greater than those in Europe and Japan, but we also have many heavily traveled corridors with major cities 150 miles to 500 miles apart that fit the bill for high speed trains. Today's Paris to Lyon train—the slower TGV route with an average speed of 130 mph—would make the Washington to New York run, or New York to Boston, downtown to downtown, in well under two hours. At that speed, who would ever chose to take the shuttle? Outside the northeastern megalopolis, comparable opportunities include St. Louis-Chicago-Detroit-Milwaukee-Minneapolis, San Diego-Los Angeles-San Francisco-Sacramento, Houston-Dallas-Fort Worth, Miami-Orlando-Tampa and many others.

Building a modern rail network will be enormously expensive, but there are few alternatives, and they too are costly. Where relief from congestion is most needed, land for new highways is most scarce. A single heavily used high-speed rail line can replace dozens of lanes of highway. Sites for new airports are also hard to find, not least because citizen opposition is so strong. The Denver airport would be the first major new facility to be built in almost 20 years. When a large enough package of land can be found within striking distance of a big city, the costs soar more than $10 billion.

More highway lanes must be built, but these will only temporarily ease the underlying condition. Widening roads to control congestion, it has been said, is like letting out your belt to control obesity. Nor will more auto travel help control energy use, whereas rail uses 30 percent to 50 percent less energy per passenger-mile than auto travel, and 75 percent to 80 percent less than flying.

Because of the constraints on new construction, the biggest single benefit from high-speed rail service—comfort and convenience aside—would be to relieve the pressure on highways and airports, making travel predictable and less of an exercise in stress tolerance. Already, a few airports are lobbying for rail improvements to get short-distance passengers out of their overcrowded terminals. In doing so they recognize the linkage between competing forms of travel that policy makers have—until this year—resolutely ignored.

The highway bill just approved by Congress is the first advance in thinking about transportation in 35 years, a near revolutionary change for which New York Sen. Daniel Patrick Moynihan deserves most of the credit. While the new law is vastly better for rail transit and other options than anything that has come before, it has important weaknesses. It looks to the long-term possibility of magnetic levitation trains instead of to the near term reality of conventional high-speed rail. It is a jungle of provisions regarding which highway trust fund dollars can be used for which other purposes. And because it is the Surface Transportation Act, it excludes air travel.

The next logical step is to pool and abolish the separate highway and airport trust funds. They stand in the way of a transportation policy that targets public investment to whatever mode of travel best serves local and national needs. That will include a major role for rail. All Aboooaard.

[From the Wall Street Journal, Dec. 17, 1991]

A PRIVATE JOBS BILL

President Bush has the opportunity to reshape America's transportation policy when he signs a $151 billion, six-year highway and mass-transit bill in Dallas tomorrow. Members of Congress were so busy using the bill to drag some pork back home that they barely noticed that it also included dramatic incentives to involve the private sector in rebuilding America's infrastructure.

The bill makes it federal policy to encourage private-sector financing of transit projects. For the first time since federal aid to highways began in 1916, states will be allowed to put tolls on existing and new federally funded bridges, tunnels and roads (other than interstates). The bill also allows all such facilities to be privately built and owned if a local public authority agrees. Private investors can qualify for federal matching grants for up to 50% of the cost of new roads or to rehabilitate bridges, roads and tunnels. Up to 80% federal participation will be allowed in building new private bridges or tunnels. In addition, toll revenue from the projects will count toward the required local share of transportation projects.

If properly implemented, the bill will have far-reaching effects. Carl Williams, the assistant director of California's transportation agency, says the law allows "states to lend federal bucks to private entities to build transportation facilities. If the states want to do this, it will blow the door off this industry." John P. Giraudo, a former general counsel to the President's Commission on Privatization, says the new law will "encourage many states to explore selling their bridges, roads and tunnels as well as encourage them to invite private-sector financing."

The nation badly needs such investment. When government at all levels began neglecting basic responsibilities in the 1960s in favor of new welfare and health programs, the nation's infrastructure suffered. Factoring in depreciation, the rate of nonmilitary investment in public works in the 1980s was only half that of the 1970s and just one-fourth that of the 1960s.

At this point, many state and local governments know they'll never get enough money out of the tax base to fix what's broken or add what's needed. They very much need private capital and innovative solutions. Traffic congestion, for example, might be eased with the off-peak pricing that a toll road allows. Even before this transportation bill passed, many states had already started experimenting with privatization.

Last year California contracted with four private companies to build $2.5 billion in new toll roads. Ground breaking for a 14-mile, private toll road near Dulles Airport in Virginia is set for the spring. Trucking associations are actively exploring the idea of purchasing and operating the New York State Thruway and the Massachusetts Turnpike. New technologies will let drivers use both new and old toll roads without stopping and pulling change out of their pockets. In Texas, bar-coded transit passes allow motorists to drive through tollgates at up to 45 mph.

So how did such a good idea get through Congress? Once the Members had stuffed 472 pork-barrel projects into the bill, many lost interest in its details. Democratic Senator Daniel Patrick Moynihan of New York then took the opportunity to insert a role for the private sector, which would allow states to leverage their federal grants into building additional projects, an idea that made both economic and political sense.

Sam Skinner, the former Transportation Secretary who is now George Bush's Chief of Staff, deserves credit for anticipating the role the private sector could play in rebuilding America. In February, he hoped the transportation bill would "embrace the private sector as a full partner of the public sector and as a for-profit player. We are saying to the investment community, come on in. There's money to be made in transportation."

But the private sector will participate only if the Bush Administration clears away the roadblocks to private involvement. Highway bureaucrats are going to resist; some are already vowing to micromanage any private-public partnerships out of existence. Regional planning organizations are notoriously hostile to private-sector involvement.

We certainly hope that the Bush administration gives this initiative the push it deserves. The President has been touting the transportation bill as a jobs program, but it'd be nice to think that something more innovative was possible than just pouring concrete into pork-barrel projects. And certainly Senator Moynihan deserves credit for having the imagination to embrace a financing strategy that his own state needs desperately. The road to better infrastructure through private financing and management now exists on paper. The job now is for the political leadership to, well, lead.

[From the Washington Post, Jan. 2, 1992]

STATE OF THE PLANET

(By Jessica Mathews)

On the two central determinants of the planet's future health, energy use and population growth, the United States achieved little in 1991. There were hopeful signs of change, but in the end, with one major exception, they fell short.

For the first time, both houses of Congress repudiated both pillars of the Reagan population policy. They voted to resume financial support of the U.N. population fund and to abandon the so-called Mexico City policy that prohibits support for most international providers of family planning services because these groups include abortion among their services. Though George Bush once championed a massive global effort to provide contraceptives to all who want them, the

White House refused even to discuss compromise. The measure died, and for the time being U.S. support for this global imperative remains a bone thrown to the Republican right wing.

It was equally a time of transition on energy policy. One lesson of the gulf war was forgotten almost before the fighting ended. For a few weeks an energy policy was our most urgent national need, then vanished with hardly a trace.

By the end of the year a critical mass in Congress recognized that a country that holds 3 percent of world oil reserves can ill afford wholesale energy waste or a policy that focuses solely on energy supply. Yet the alternative—a strategy that begins with energy efficiency—is still politically feeble. And so the Senate defeated the president's energy plan, which was little more than an oil production bill, but had nothing to put in its place.

In a move that could mean large future cuts in energy use, however, Congress did say "enough" after 35 years of single-minded dedication to building highways. In the most under-reported story of the year, it redirected 120 billion in federal dollars, and billions more in state funds, toward support of rail, transit, van, pedestrian, bicycle and congestion-management options, seating dozens of new decision makers at tables once reserved for highway engineers. The new law is a promise that will have to be redeemed in tough political combat, city by city and state by state. Air quality, oil needs, congestion and rational land use will all be determined by the outcome.

Without an energy policy, the United States was unable to grapple with the threat of greenhouse warming and found itself increasingly isolated in international negotiations. Vigorous diplomatic arm-twisting failed to hold British and Japanese support of Washington's view that nothing should be done yet. By year's end, only Saudi Arabia and the ex-Soviet Union remained in the U.S. corner.

The difference of opinion is about the cost of taking action, not about science. Europe and Japan believe they can prosper with even higher energy prices (their gas taxes are already 10 times ours) and more efficient energy use. The United States, not yet having started down that path, does not. The administration insists that Europe's intention of cutting carbon dioxide emissions is empty rhetoric. That view took the last of many knocks a few weeks ago, when the European Community approved the general terms of a carbon tax.

The year did not set another global temperature record, probably only thanks to the eruption of Mt. Pinatubo. But in most respects, the global commons continued to show signs that despite heightened effort, man's impact on natural systems still far exceeds his ability to control damaging activities. Ozone loss over the Northern Hemisphere, for example, was found to be twice as great as predicted even though chloroflurocarbons are being phased out on, or ahead of, schedule.

A global agreement to ban the use of drift-nets in the oceans stands out as an exception to this trend. The credit for it goes to relentless U.S. pressure applied through trade sanctions. The ban is a vital reminder that trade agreements must not harness the pace of international environmental progress to that of the slowest marcher.

A successful outcome to the Uruguay Round trade talks is devoutly to be wished for, but if it is achieved at that price, as the current draft GATT agreement suggests, it would be a pyrrhic victory. Without the U.S. ban on fish imports from countries using drift-nets, the indiscriminate and wholly unnecessary slaughter of inedible fish, dolphins, whales, seals, turtles and seabirds would still be accepted practice.

On the international scene, and at home, public opinion was the most notable environmental actor in 1991, making itself felt with unprecedented force in international negotiations and corporate boardrooms. Polling data suggests that governments have not caught up to the public desire for change. Business is responding more quickly, having discovered that improved environmental management often saves money and having, seen, in some cases, the long-term gain in embracing, rather than resisting, environmental concerns.

The outlook for 1992 is for more of the same. Energy is likely to remain the stumbling block in Washington, but progress toward greater efficiency will continue through state policies and in the private sector. Without a national consensus, however, the United States will have little to offer in international leadership and runs the risk of severe, long-term economic loss.

[From the Washington Times, Feb. 10, 1992]

ON THE ROAD TO EFFICIENCY

(By Donald Devine)

Wonderful irony: Woodrow Wilson's quiet revolution in American politics may be ending at the Woodrow Wilson Bridge. For Wilson is the father of federal-government planning in America, and his philosophy is running out of steam over the inability of his powerful national government to build a modern, upgraded bridge.

The counterrevolution is being led by an unlikely hero. Sen. Daniel Patrick Moynihan has always been the most interesting Democrat in Congress, and now he is the most courageous. He has faced the most important public policy dilemma now before those honest and serious enough to recognize it—that there is not enough federal money (even in the most solvent trust funds) to finance essential projects, much less all the good things for which people might wish.

Mr. Moynihan stared at the unsettling fact that there are 250,000 unsafe bridges (and who knows how many roads) in the United States, and that even the Highway Trust Fund cannot support their repair. For members of Congress know they can cut ribbons for new roads but local officials or bureaucrats will get the blame for collapsing bridges needing repair.

In one of those rare acts of legislative responsibility, Mr. Moynihan insisted that the 1991 Highway reauthorization bill seriously address the problem. He first removed the U.S. prohibition for tolls being collected on bridges or roads built with its funds; and, second, allowed private firms into the highway business.

The former allows the local officials who will get the blame to protect themselves by obtaining a reliable source of funding for necessary repairs. The latter provides a means for the states to leverage their funds by lending up to 85 percent to private firms to build and manage toll roads that would eventually pay the bonds for roads that would revert to the state.

For the first time, states would be allowed to lend federal funds to private companies to build or repair roads or bridges by charging fees for their operation. As the accompanying table shows, by lending states can highly leverage their funds. At a $85 billion federal and $15 billion state expenditure, the value of roads built can be increased from $100 billion to $185 billion because they can reinvest the funds repaid from the private managers.

While market purists may object to government funds at all, this first step in radically reforming this long-time government monopoly business gets a private nose into the state's tent for a change.

Private operation of toll highways at the state level is already a reality. Former Reagan administration official, Ralph Stanley's granddaddy private tollway in Northern Virginia is on schedule. Not only will a necessary road be built and revert to the state, but it will be more user-friendly. Good old private initiative will remove the toll barrier for regular users, utilizing a decal on the car window that will automatically charge customers (no longer called commuters) for their trips.

Private revolutions are taking place all over the transportation business. Communities are demanding they be allowed to build new airports, and airlines are requesting authority to create a market by trading landing rights—so air travel can really be privatized.

Even the stodgy railroad business is having second thoughts about bigger-is-better. Burlington Northern Railroad is selling unprofitable branch lines to small businesses that are making profits. Local communities, too, are running commuter operations more efficiently than earlier federally supported operations. Somehow, the little guy can make it where the mammoth corporation utilizing government regulatory protection cannot.

And hold your hats for this. The American Trucking Association is making noises to buy all of the state toll highways in the East for itself. Sick of paying ever-higher taxes with no control over operations, ATA President Thomas Donohue said about his idea: "If we pay for the roads, we might as well own them."

Mr. Moynihan pronounced the 1992 Surface Transportation Bill as the beginning of the "post-Interstate era." More accurately, it is the end of the idea that big government can plan big projects. Highways and mass transit, two of the first sectors with massive government regulation, are the first to begin the long road back to the states, communities and private ownership. Being so vital to commerce, transportation is one of the first to feel the pull of decentralizing market forces away from government bureaucracy.

Perhaps the most interesting thing about this new era is that it was launched quietly. Moynihan snuck his provision into the bill at the last moment so that it survived congressional and Office of Management and Budget vetting. Even after the bill was passed, these two centers of obstruction did not know what it contained.

If the normal sentinels of the legislative process had been alert, there probably would have been no surface transportation revolution. Congress seems to act best when it does not know what it is doing. In this case, it literally ended the idea of a national government transportation policy, and no one knew until now.

The ultimate put-down to libertarian-conservatives used to be: "What do you want to do, sell the roads?" As a long-time sufferer on the Woodrow Wilson Bridge each morning, I can now say without hesitation, "Yes."

[From the Washington Post, Nov. 24, 1992]

CURES FOR CONGESTION

(By Jessica Mathews)

Until Congress passed a landmark reform last year, transportation spending was headed toward a dead end. For more than half a century the United States had become steadily more reliant on just automobiles and trucks for ground transportation. Spurred by heavy direct spending for roads and by large government subsidies for free parking and highway services, motor vehicle use soared while the other options—transit, railroads, pedestrian and bicylce—withered.

For awhile the roads-only strategy worked. The world's best road system made us mobile and boosted productivity. More recently, this narrow focus has had three quite different results. It has made it impossible to slow the growth in oil imports. Over the last 20 years, oil use has dropped sharply in every other sector, but growth in transportation demand has more than made up the difference. It has also made it impossible to achieve healthy air. And it has, in the words of the Federal Highway Administration's stunning self-indictment, given us congestion that "affects more areas, more often, for longer periods, and with more impacts on * * * the economy" than ever before.

The FHWA has been remarkably candid about the future, too. It expects congestion to quadruple in the next 20 years. In Los Angeles, freeway speeds are projected to fall to 11 mph. But by then Los Angeles won't even be in the Traffic Top Ten. Dallas, San Antonio, Miami and Charlotte, N.C., will.

Already, congestion is growing much faster than productivity. Nearly 70 percent of peak traffic is stop-and-go, and the rush "hour" is getting longer and longer. Congestion costs the economy $100 billion per year—nearly 2 percent of GDP—without even counting the costs of excess pollution and wear and tear on vehicles from the starting and stopping.

Despite the costs and the wear and tear on drivers, we are growing accustomed and beginning to take for granted a condition that is hideous and unnecessary. We are not doomed to spend more and more hours stuck in traffic. There are solutions.

The first step is to understand what won't work. We cannot build our way out of this bind. There is a limit to space in urban areas and a limit to money, but without alternative policies there is no limit to traffic. Planners call it "traffic generation." New roads generate new traffic until crowding rises to the point where some drivers stay home or use other means. When another lane opens, those travelers reappear, and the cycle starts again. The builders cannot keep up. In the last 20 years, though nearly every transportation dollar went to building roads, urban highway capacity rose by 4 percent while road use nearly doubled. Adding new lanes as a solution to congestion is akin to making a new hole in your belt as a solution to gaining weight.

Like watching what you eat, the answer in transportation lies in paying attention to demand rather than only building new supply. This will likely be the most far-reaching of the transportation reforms Congress made last year. It is an idea exactly analogous to the revolution that is sweeping the electricity industry. Utilities are learning that it can be far cheaper to provide the needed energy through hundreds of demand-management approaches (everything from buying back old energy-guzzling refrigerators to supply high-efficiency light bulbs) than it is to build new power plants.

As in energy, demand management requires lots of different measures. Added support for transit, rail, bicycle and pedestrian travel is necessary if these are to become realistic alternatives to auto travel. Some of that spending can be covered by reducing or eliminating auto subsidies, of which by far the most important is the parking subsidy.

An astounding 77 percent of American workers drive to work to a free parking space. The reason is that the federal tax code counts free parking as an untaxed fringe benefit. But unlike other such exemptions, this one does not raise employment, productivity or public well-being. On most counts, it does the reverse. It also nullifies spending on transit, because nothing can compete economically or psychologically with a free parking space.

HOV lanes, traffic information systems and other such measures can improve traffic flow, but far and away the most effective and economically efficient approach is to charge congestion fees. New electronic systems embedded in cars and roads can automatically record how far each car travels at what time of day, billing drivers accordingly at the end of the month or, like Washington's subway fare card, at the time of purchase. Cars need not even slow down. Studies suggest that such systems will dramatically cut congestion. If the revenues are used to replace taxes on employment or investment, the net effect is a big economic boost.

New technology holds promise, too. The solutions here are not the so-called "smart" designs that pack more cars per mile of highway or direct drivers from tangled highways onto neighborhood roads. These merely put smart cars into a dumb system. But similar technologies can be used to guide variable route buses and car pools that go where commuters are and take them where they want to go.

Balanced spending among the travel options, discarding ill-judged subsidies, pricing that allows consumers to see the costs of their behavior and truly smart new technologies will all relieve our enveloping congestion. The only thing that won't work is more of what we've been doing for the last 60 years.

Mr. MOYNIHAN. Does the Senator from New Jersey wish to speak at this point?

Would the Senator from Florida perhaps wish to respond? Would he like to use some of his time?

Mr. GRAHAM. Mr. President, how much time does the Senator from Florida control?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. GRAHAM. I will reserve my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to ask the opponents of this amendment one question.

Is the Senator from New York opposing this amendment?

Mr. MOYNIHAN. Yes.

Mr. STEVENS. Mr. President, will this in any way change the allocation to any State?

Mr. MOYNIHAN. No.

Mr. STEVENS. Is it entirely discretionary within the States as to how they use their money?

Mr. MOYNIHAN. Yes. The purpose of the existing law is to provide great flexibility to each State from a fixed formula.

And, as the Senator from Montana has said, and the Senator from Rhode Island, we worked this arrangement out with huge support on all sides.

Mr. STEVENS. Again, my question is: The Senator from Florida seeks additional flexibility within the State to use the funds that are allocated without any changes in the total amount allocated?

Mr. MOYNIHAN. Yes.

Mr. STEVENS. I thank the Senator.

Mr. MOYNIHAN. How much time has the opposition at this point?

The PRESIDING OFFICER. The Senator from New York has 15 minutes.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I yield myself such time as necessary in order to amplify the response to the question of the Senator from Alaska.

The Senator from Alaska, in response to the Senator from New York, is absolutely correct. This has zero to do with interstate allocation. Each State will get exactly the same amount of money under this amendment as they will get without this amendment.

The Senator from Alaska has been correctly informed that the only issue here is intrastate allocation over a 2-year period. At the end of the 2-year period, what is left of the fiscal year 1993 and the totality of 1994, the accounts will be exactly the same as they would be if this amendment is not adopted.

All this amendment does is allow the remaining weeks of 1993, where we are trying to accelerate this money to create the maximum number of jobs, to let a State decide that if there is a project that is available to us, ready to go, we will put people to work; let us go ahead and build it now, even if it means we go beyond the obligation account for that particular type of activity, recognizing that in 1994, we are going to have to spend that much less in that account. So that over the 2-year period, it is balanced.

I hope that that amplifies on the answer to the Senator from Alaska.

Mr. STEVENS. I thank the Senator.

Mr. GRAHAM. I yield the floor.

Mr. MOYNIHAN. Mr. President, I yield 5 minutes to the distinguished Senator from New Jersey, who is one of the authors of this measure, which was a wide bipartisan agreement on a new era of transportation policy.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. LAUTENBERG. I thank the Chair.

I thank my distinguished colleague from New York. Few have the knowledge and awareness of the development of the transportation system of this country that Senator MOYNIHAN has. As a result of his extensive familiarity with the Interstate Highway System, if you ever want to have a few very pleasant moments, listen to Senator MOY-

NIHAN review the history of the canal system throughout New York State, and discuss how the National Highway System we developed resulted in some of our cities being abandoned along the way, because we were encouraging further distance from the urban centers.

With that background, Mr. President, we worked very hard—long debates, extensive discussions, lots of research and review—and came up with a roadmap of where America was going in the future in terms of a balanced transportation network.

This was not just a nice idea that happened across a desk one day. This was an idea that was forced upon us by the fouling of our air, the spoiling of our environment, the time lost in traffic back and forth to work, shopping, and recreation.

Billions of hours are lost each year, Mr. President, because cars are stuck in traffic, pouring out carbon monoxide and other pollutants into the air, smothering plants and ruining buildings and monuments.

So with that in mind, ISTEA was created, because we said we need something different in America, other than concrete poured in more and more places. And when you come from a small State like mine, the most densely populated State in the country, one realizes there is just no more room for concrete.

We cannot avoid congestion unless we do something more creative. And, thusly, the idea was born by Senator MOYNIHAN and supported by many of us—both Senator CHAFEE, from the Republican side of the aisle, a distinguished and long-time member of the Environment Committee, worked on it, as well as Senator BAUCUS, now the chairman of the Environment and Public Works Committee. And, I may point out, the Senator from Florida as a member of the Environment and Public Works Committee, joined in. We all worked hard.

The debate, I thought, was over sometime during the end of 1991, when it passed this body after extensive debate and went to conference with the House. We sat for days, if I may remind the Senator from New York and the Senator from Montana, and ground out, inch by inch, word by word, this extensive agreement.

The Senator from Florida raised his objections at that time. He lost. That is what happened.

The vote was counted. The legislation was passed. And, thusly, a new era was created for transportation in America.

And today, as we try to pass the stimulus bill, to get this country back to work, to try to get people to pay taxes and get off the dole so that we can reduce our deficit, we now are rehashing a debate that took place 2 years ago and wound up permanently ensconced in the record books.

Mr. President, the administration does not want this to be changed. The committee has not held any hearings or review. As you heard from my colleague from Montana, today I sat as chairman of the Subcommittee on Transportation in the Appropriations Committee. We had FHWA officials, AASHTO representatives, officials from GAO, none of whom suggested that it was necessary at this time to suddenly jump in and start this debate as we near a recess, as we near an adjournment this weekend, when the country is crying for solutions to problems.

We suddenly now are going to rediscuss issues that we took care of in extensive debate. The Senator from Florida was not happy then, and he indicated that. But I remind the Senator from Florida that when we talk about a balanced transportation network, Florida is right up front wanting its share of transportation money, mass transit, and Amtrak funds.

So we approved a formula that is fair, on balance, to most of the States, almost every State in this country. Therefore, we ought not to be going through this at this time.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUTENBERG. I thank the chairman of the Finance Committee.

May I have a few more minutes?

Mr. MOYNIHAN. I yield 2 more minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York.

Mr. President, at this point in time, when the issue has virtually been resolved, why are we suddenly looking for flexibility that is not required? The highway department asked the State of Florida, do you need any more flexibility in terms of categories of spending? The answer, as I understand it, come back negative.

Mr. President, everybody would like to do whatever they want when they want, except we do have a process by which we provide the opportunity among States to engage in debate, with fairness, hopefully, to all participants. The majority eventually does rule.

So I hope we will be able to dispense with this now and get on with the task that has been assigned to us: Get this country back to work and allow us to reduce our deficit and stop the debate here that has little relevance in terms of where we go, in the final analysis.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I could not be more grateful to the Senator from New Jersey for his kind remarks about the Surface Transportation Act of 1991. It was entirely a bipartisan, collaborative effect. Again to quote Jessica Mathews, "Until Congress passed a landmark reform last year, transportation spending was headed toward a dead end."

We gave the States flexibility. We responded to the post-interstate highway era. To change ISTEA now would be to change a delicate and successful formula. It is no time to do that.

I yield the floor.

I ask how much time is remaining in opposition?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, may I ask how much time the Senator from Florida controls?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. GRAHAM. Mr. President, this has been an interesting debate I heard from the Senators from New York, Montana, New Jersey. Unfortunately, it has little to do with the issues we have today. We are not talking about changing ISTEA. We are not talking about doing anything, as the Senator from New York indicated, that would change the allocation from State to State. We are talking about a provision which is only applicable for the next 2 years. The situation on September 30, 1994, will be exactly the same whether this amendment is adopted or this amendment is not adopted.

I repeat: The situation on September 30, 1994, will be exactly the same whether this amendment is adopted or not adopted.

What this amendment does do is allow States, under the peculiar circumstances that they are now about to face if this legislation is adopted, to use the money in the most effective way they can to put people to work. I see the junior Senator from Montana is here. I do not know—I am making this hypothetical up totally out of whole cloth. But let us assume that the State of Montana in the first half of this fiscal year has already spent or obligated all the money it has on, let us say, interstate maintenance projects. It is now going to get some additional money. In fact, it will get about 25 percent more money under this economic stimulus program.

Suppose it finds it has a stretch of highway, interstate highway, that badly needs to be maintained. It has the plans drawn, it has people ready to do the work, do the maintenance, and it would like to spend the $10 million to go ahead and finish up that interstate maintenance project. If we do not pass that amendment, the State of Montana is going to be told, no, you cannot spend it on that project. You have to find a project within one of the other dozen or so categories where you have not spent up to your full obligation.

If my amendment is adopted, yes, they can spend the $10 million in the balance of this fiscal year on that interstate maintenance project. But next year, in 1994, they will have to deduct $10 million from what they can spend on interstate maintenance. It allows them to look across what in essence is about an 18-month period and make some judgments as to which projects are ready to go, which ones they can spend on to put people to work on most expeditiously. But at the end of fiscal year 1994, they have to have their accounts exactly in the same condition as they will have them if this bill does not pass.

It is to me such a simple, logical proposal. We have a letter here signed by eight Governors representing Republicans and Democrats from a diversity of States, saying it is their highest priority in terms of their ability to actually use this money for the intended purposes. I have a quote from December 1992, not ancient history, from AASHTO, indicating this is the No. 1 priority of the State highway departments in terms of giving them what would be required in order to accomplish the purposes of this act. If all we are interested in is passing a bill in order to wrap ourselves in some feigned glory, let us do it. If we are interested in actually putting people to work, let us give the States this minimal flexibility in order to accomplish that purpose.

Mr. President, that is the intent of this amendment. It is focused, it is time delimited, it relates to an immediate circumstance. I think it is totally rational and it happens to accomplish the objective the President has set about, which is put people to work doing productive work.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield to the distinguished Senator from Montana, 2 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BAUCUS. I thank the distinguished chairman of the Finance Committee.

I will be very brief. The argument is made that Florida cannot spend this money. Let me read a statement from the Florida Department of Transportation dated January 29, when that department was asked if it could spend additional funds in this supplemental. The answer from the State of Florida:

> If the State of Florida were to receive additional Federal transportation funding in the current fiscal year, 1993, we would be able to immediately utilize these funds for worthwhile State projects which not only make good transportation sense but are also able to produce both short- and long-term economic benefits.

That is from the Florida Department of Transportation. If they have the money to spend, they say they can spend it.

This is a supplemental bill appropriations. This is not an authorization bill we are debating here today. When we get to the surface transportation reauthorization, we will debate these kinds of amendments. We had this debate in 1991 and we passed ISTEA. We made an agreement. We made a deal. This amendment is not appropriate on this bill and should not be before us today.

I have already indicated the State of Florida can spend the money. At least the Florida Department of Transportation says they can spend the money. But more important, this is a deal breaker. We should not be breaking deals on supplemental appropriations bills. It is that simple. Let us just vote this amendment down at the appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from West Virginia has 6 minutes.

Mr. BYRD. How much time does the distinguished Senator from Florida have?

The PRESIDING OFFICER. He has 13 minutes.

Mr. BYRD. Would the distinguished Senator from Florida like to use some time, because I think we have a speaker on our side who last spoke.

Mr. GRAHAM. Mr. President, we have one Senator who has indicated a desire to speak in favor of the amendment. I reserve time for that Senator as well as reserving time to close.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this amendment would ensure that this bill will go to conference. This amendment, if it is adopted, would assure that the bill will go to a conference with the House. It has been my hope all along we would not need a conference with the House. The few amendments that have been adopted, I think, would be agreeable to the House. I cannot guarantee that, but our initial soundings seem to indicate that the House would have no problem with the amendments that have been adopted in the Senate thus far. But the amendment that is now pending before the Senate would be opposed in the conference with the House by many Members of the House. It is opposed by many Members of the Senate. It is authorization on an appropriations bill, and it is not the kind of legislation that ought to be discussed in connection with this stimulus package.

So I urge Senators to vote to reject this amendment. When the time comes, I will move to table it.

The President does not want this bill defeated. He does not want it emasculated. He does not want it mutilated. The thing we ought to do is get on with the passage of this bill and on to other things, such as the conference report on the budget resolution.

Mr. MOYNIHAN. Will the distinguished chairman yield for a question?

Mr. BYRD. Yes.

Mr. MOYNIHAN. Mr. President, he is aware, is he not, that the chairman of the Committee on Environment and Public Works, and the ranking member, have both spoken against this amendment which would change legislation that took us 1 year—sometimes it seemed like 10—to enact.

Mr. BYRD. Yes, the chairman of the Appropriations Committee is very aware of the fact that the distinguished chairman of the Senate Committee on Environment and Public Works, the distinguished chairman of the Subcommittee on Roads has opposed it, the distinguished Senator from Rhode Island, the ranking member has opposed it. So it has bipartisan opposition.

Mr. MOYNIHAN. And of course so does our colleague on the Appropriations Committee, Senator LAUTENBERG.

Mr. BYRD. And the chairman of the Appropriations Subcommittee on Transportation.

Mr. President, let us not delay the action on this bill by adopting an amendment of this kind. This is an amendment that ought to be debated more than 1 hour. This is the kind of amendment that is usually debated by hours and hotly contested because it cuts across many States. This is not the place to adopt such amendment. If I have any time remaining, I will yield it to anybody who wishes to have it. How much time is remaining now, Mr. President?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. BYRD. How much time remains on the other side?

The PRESIDING OFFICER. The Senator from Florida has 12 minutes and 45 seconds.

Mr. BYRD. I thank the Chair.

Mr. MOYNIHAN. Will the Senator, the President pro tempore, yield 1 minute?

Mr. BYRD. I yield to the distinguished Senator from New York, [Mr. MOYNIHAN].

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, once again, to state that on both sides of the aisle we worked so hard through 1990 and 1991 to change our transportation policy. We wrote flexibility into the statute which had previously been a pour more concrete program.

My friend, the Senator from Florida, hopes that a Senator will appear to support him, and I have no doubt one will. But to this point every Senator who has risen, save for a question from the Senator from Alaska, has risen to say, "Don't disrupt a major achievement of the 102d Congress."

The time will come to debate it when the reauthorization comes. We will have time for that. But not this moment. Do not sink the President's program that the President pro tempore is putting through in these last hours before a long Easter recess when the Nation needs it, is ready for it, and we are ready. I can say no more, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS addressed the Chair.

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. You have 1 minutes and 24 seconds.

Mr. BAUCUS. Might I have half a minute?

Mr. BYRD. I yield to the Senator the 1 minute.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to ask the distinguished Senator from Florida a question, if I might. The question is this: When we in the Environment and Public Works Committee just a few days ago drafted a letter to send to the Budget Committee and the Appropriations Committee giving our comments on the supplemental, did the Senator from Florida not very strongly request that that letter contain language that there be no authorization on an appropriations bill? Did the Senator not ask that a statement to that effect be included in the letter from EPW?

Mr. GRAHAM. I am not aware the Senator requested it. If I did, clearly it was not adhered to because there is clearly all kinds of authorization in this appropriations bill already. I will cite as one example—I was going cite it in my concluding remarks—the 90-day ready-to-go rule. That is language of an authorization nature which is in the bill that requires that if States are not ready to go within 90 days of the availability of these funds, they will lose the funds and they will lapse back into a pool for redistribution. So there already is authorization language on this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. That is why I think it enhances the importance of the amendment. I am about to conclude my remarks.

Mr. BAUCUS. Mr. President, I just want to close by saying——

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. BAUCUS. I thank the Chair.

Mr. BYRD. Mr. President, I yield the Senator 24 seconds so he can complete his sentence.

Mr. GRAHAM. Mr. President, I will yield the Senator—how much time does he need?

Mr. BAUCUS. I will just take half a minute.

Mr. GRAHAM. I yield the Senator 2 minutes of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BAUCUS. I thank the Senator from Florida. Mr. President, very simply, the Senator's office requested that office include language in the March 15 budget views and estimates letter to the Budget Committee, that there be no—a very firm request—that there be no authorizations on the appropriations bill. His office, at least, requested—maybe the Senator is not aware of what his office requested, but his office did request—very strongly that the letter be drafted in a way so there would be no authorizations on an appropriations bill.

But the main point, Mr. President, is that of the President pro tempore, the chairman of the Appropriations Committee; namely, we are here to work on a supplemental bill, a stimulus package. We are not here to draft and debate authorizing legislation. That is not our purpose here today. There is a time and place for everything.

Ecclesiastes refers to—I do not have the exact Scriptures quote, but the point is there is a time and place for everything. This is not the time, this is not the place to debate an authorizing bill. The time and place to debate an authorizing bill is when that legislation is up for reauthorization in 1997. There will be many opportunities at that time to debate this issue. Now is not the time to do so.

The PRESIDING OFFICER. Who yields time? The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I have a slightly different interpretation of why we are here today. I do not think we are here to debate an appropriations bill or to talk about what happened in previous consideration of legislation. I think we are here to discharge a very difficult task. That task, as I define it, is how do we justify to our grandchildren that we are about to add $32 billion to the debt of this Nation that they will have to pay for? That we do not consider it to be sufficiently important that we are going to pay for it today either by additional taxes or by reductions in spending elsewhere.

I think that is the challenge that we have. It is an ethical challenge. It is a challenge that asks the question of why, in one sitting of this Congress and these few days, we are going to add as much to the national debt as occurred between the years 1776 and the year of my birth in 1936.

What is the basis of that? I can only find one justification, and that is we are going to enact policies which will meet these conditions: They will so stimulate the economy by an infusion of immediate economic activity and the jobs that that activity will create; that it will create a higher level of economic output and, therefore, contribute to our long-term ability to restrain annual deficits and begin to reach the day where we will not be adding to the national debt.

And second, that after we have done so, that we will have something to show for it; that that infusion of immediate money and immediate employment will produce a product that will contribute to the long-term economic well-being of the Nation. That is why we are here, to meet that moral test.

I submit that one of the strongest arguments for an economic stimulus is in the area of transportation. I know that transportation does have the capability of putting a lot of people to work. With maintenance projects, for instance, Mr. President, in my State and most States, for every billion dollars of expenditure, you can count 40,000 or more jobs.

Those are not just part-time, make-work jobs. Those are 40,000 annualized jobs, a very significant contribution. Also, I think an improved transportation system helps make the Nation's economy stronger on a long-term basis.

In that context of basically supporting the idea of accelerated transportation funding, why am I suggesting this amendment? Because I consider this amendment to be critical to the ability to accomplish the purpose of putting this money to good use. I am not here to redebate the Surface Transportation Act. I am just suggesting that there are changed circumstances for this special time that warrant the limited treatment that I am suggesting.

What are some of those changed circumstances? We are making this appropriation in the middle of a fiscal year. States have 6 months more or less—less than 6 months after April 1—in order to put this money to useful work. We want them to do so. We ought to facilitate, not inhibit, their ability to do so.

Second, to scale the increase, as the Senator from New Jersey well knows, in fiscal year 1990, the total amount of outlays under the highway portion of transportation was $14.07 billion. In 1991, that went up to $14.33 billion. In 1992, it went up to $15.18 billion, and in the current year's appropriations bill it is at $15.33 billion.

Now, let me point out to the——

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. GRAHAM. No. I want to finish this thought.

The thought is that we are proposing to go from fiscal year 1992, where we spent $15.18 billion—if we add all the money that is in this bill, and all the additional having to be spent in the remaining weeks of this fiscal year, we will have gone in 1 year from $15.18 to $18.31 billion of spending. So the surge of spending itself creates a circumstance which in my judgment warrants giving the States additional flexibility in how to utilize those funds.

I would emphasize that we are not dealing with a penny, not a penny of interstate money. North Carolina will not have a penny more or less than it would have had whether this amendment is adopted. It only affects the ability of the people within that State to exercise their judgment as to what projects will make the greatest contribution toward putting people to work. And it will only do that over a 2-year period. That is, if the State of North Carolina spends an additional $20 billion on bridges because the money is made available in this program, next year they are going to have to spend $20 billion less in bridges.

So that over a 2-year period, they will spend exactly the same amount on bridges but it gives them that flexibility which the Governors, which the Association of State Highway Officials, have all indicated is their highest priority in terms of being able to carry out the purpose we are attempting to accomplish.

So I say to my friend from Montana, no, we are not here to redebate the Surface Transportation Act. We are not here to talk about authorization authority. We are not here to talk about jurisdiction of committees. We are talking about putting people to work. We are going to put people to work by giving the States that have the ultimate responsibility for these programs the greatest flexibility.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. GRAHAM. And with that I would be pleased to yield to the Senator from New Jersey.

Mr. LAUTENBERG. I would ask the Senator from Florida whether or not he feels that the minimum allocation program permits significant flexibility?

Mr. GRAHAM. The minimum allocation program does not provide as much flexibility as I think it should provide.

Mr. LAUTENBERG. It is the most flexible highway program that we have. Minimum allocation is practically unfettered.

Mr. GRAHAM. Under minimum allocation, if your State receives less than 90 percent of the money that you have put into the Federal coffers, then you will have some additional flexibility in how to spend the parcel that is distributed to you. That is a strange form of freedom.

Mr. LAUTENBERG. Does the Senator know what the minimum allocation balance is in the State of Florida as of January 31?

Mr. GRAHAM. I know this. I know that as of the current date the State has already committed or obligated to spend all of its flexible money on the National Highway System, the surface transportation, and bridges. One might ask that question of the Senator from California because her State, of course, is the most affected by the minimum allocation program.

Mr. LAUTENBERG. The State of Florida, I believe, has an outstanding balance of $264.6 million that it can spend virtually on any highway project that it wants. Based on inquiries made to the State of Florida, they did not indicate that any further flexibility is necessary. Of course the Senator, I am sure, would like to have as much flexibility as possible. But the State has not indicated that it needs it.

We are on the Senator's time, and I do not want to take advantage of it, but we are trying to make a decision about the stimulus package that has been requested by the President.

Mr. GRAHAM. Mr. President, one of the Senator's predecessors as chairman of the Transportation Subcommittee of Appropriations is our good friend and former colleague, Lawton Chiles, who is now the Governor of Florida. Let me read a section of a letter——

The PRESIDING OFFICER. All time has expired.

Mr. GRAHAM. I am going to ask the Senator from New Jersey to read the letter because it is now in the bosom of the CONGRESSIONAL RECORD and will be available to all America outlining what he feels about the necessity for this legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I move to table the pending amendment of the Senator from Florida and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—70

Akaka
Baucus
Biden
Bond
Boren
Bradley
Breaux
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Feingold
Ford
Glenn
Gorton
Gregg
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Lieberman
Lugar
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—30

Bennett
Bingaman
Boxer
Brown
Bryan
Bumpers
Cochran
Coverdell
Domenici
Faircloth
Feinstein
Graham
Gramm
Grassley
Hatch
Hatfield
Helms
Kassebaum
Kohl
Krueger
Leahy
Levin
Lott
Mack
McCain
Nickles
Nunn
Roth
Sasser
Shelby

So the motion to table the amendment (No. 288) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Florida is recognized.

AMENDMENT NO 289

(Purpose: To eliminate from the highway fund allocation formula certain discretionary funds granted to the States for highway programs)

Mr. GRAHAM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. BOND, proposes an amendment numbered 289.

Mr. GRAHAM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . MINIMUM HIGHWAY ALLOCATION.

Section 157(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking "(4) THEREAFTER.—In fiscal year 1992 and each fiscal year thereafter" and inserting "(4) FISCAL YEARS 1992 AND 1993.—In fiscal years 1992 and 1993"; and

(2) by adding at the end the following new paragraph:

"(5) AFTER FISCAL YEAR 1993.—

"(A) GENERAL RULE.—Subject to subparagraph (B), in fiscal year 1994 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, the surface transportation program, the bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

"(B) MINIMUM ALLOCATION.—The minimum allocation of a State under this paragraph shall not be reduced as a result of an allocation of funds to the State in the prior fiscal year for Interstate Construction, Interstate maintenance, Interstate highway substitute, National Highway System, the surface transportation program, the bridge program, scenic byways, and grants for safety belts and motorcycle helmets.".

Mr. GRAHAM. Madam President, in discussing the previous amendments, I tried to lay the context within which I view this matter, which is that we have an obligation to see that this very substantial addition to the national debt——

Mr. BYRD. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. BYRD. The question is whether or not the distinguished Senator would be willing to enter into a time agreement on this amendment?

Mr. GRAHAM. I say to the Senator that I would be prepared to enter into a 1-hour, equally divided, time agreement.

Mr. BYRD. Could we agree to a shorter time limit on this amendment?

Mr. GRAHAM. Madam President, I have several people who have indicated they wish to speak on behalf of this amendment. I do not think we can do it in less than 30 minutes.

Mr. BYRD. I ask unanimous consent—if the Senator will yield to me for that purpose—that the time on this amendment be limited to 1 hour to be equally divided and controlled in accordance with the usual form; that there be no second-degree or intervening amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, as I was saying, the context of this amendment was as it was on the previous amendment, that is the responsibility that we have to assure that this massive addition to the national debt accomplishes a purpose that makes it morally justifiable, and my sense of that moral justification is that it will contribute to a higher rate of economic growth and employment of Americans doing productive things. The purpose of this amendment is to facilitate the accomplishment of that objective.

As in the last amendment, there is some technical background required in order to put the policy issue in context.

We have had for some time a concept called minimum allocation within our highway program. Minimum allocation relates to those States whose receipts out of the highway trust fund fall below a predetermined percentage of their contributions to that trust fund. The last time the Congress considered highway legislation, we set that percentage at 90. So, if a State were to have contributed $100 million to the Federal highway fund, under minimum allocation they should get back no less than $90 million.

At the present time, there are 25 States which qualify for minimum allocation; that is, the 25 States under the normal formula distribution would have received less than 90 percent of what they paid in, and, therefore, will receive the benefits of this what we might refer to as a safety net that says you will not get less than 90 percent.

In 1987, a new provision was added to the law as it relates to minimum-allocation States, and that provision was that, if a minimum allocation State successfully competed for discretionary funds, funds that were not otherwise allocated by formula, every dollar of those discretionary funds would be subtracted from their minimum allocation account.

To use the hypothetical State again, which contributed $100 million under the formula, it would have gotten back less than 90, and, therefore, has the safety net of getting back at least 90 percent.

Let us assume that a State sees an opportunity to compete for some discretionary funds. There is no incentive to do so because every dollar that it will get in discretionary funds is a dollar that it will lose from minimum allocation, so it would end up in exactly the same place, even though it had expended a lot of effort to try to compete for discretionary funding.

What makes this issue important at the present time is that now that we are going to be fully funding the Surface Transportation Act, there is going to be a lot more discretionary money than there has been in the past. In the past, with partial funding—this year we funded the highway program at about 75 percent of its authorized level—when partially funded, the discretionary accounts were not that significant and, therefore, did not cause that much distortion in the program. But now that we are fully funding the ISTEA Program, discretionary accounts are going to be significant.

What we essentially are saying is that 25 of the 50 States, representing, I might say, 73 percent of the people of America, will effectively be unable to compete for those funds. If someone wants to make the argument as to why that is a fair system, I would give them what I think is a fairly difficult challenge to do so.

Now that we are moving into a new era of fully funding the Surface Transportation Act, I think that it is important and appropriate, to accomplish the purpose of accelerating construction on important highway projects and seeing that the maximum number of people are put to work, that we eliminate this what I think is most charitably described as an anachronism.

Now, I am concerned, Madam President, and maybe in the debate we can have some further discussion about this, that this problem may be exacerbated by what we have just done. What we have just done is defeat an amendment that would have allowed States some flexibility in moving their money from account to account over the 1993 fiscal year. The consequence of that is going to be that more States will be unable to meet the so-called ready-to-go-in-90-days rule that is part of this act. That rule says that if a State is not ready to move forward to obligate funds within 90 days after they become available in fiscal year 1993, they lose those funds. They go into a common pool and are redistributed to those States that can still make use of those funds.

What concerns me is that if that pooling is described as discretionary funds and if the minimum-allocation States effectively are precluded from competing for that pool of discretionary funds created by the 90-day rule, we are going to have even further distortions, even further inability to accomplish the purpose of highway projects that will contribute to our long-term economic well-being while putting people to work immediately. And this is going to be a disadvantage that will apply to 25 States that represent 73 percent of the population of the Nation and, therefore, assumedly roughly 73 percent of the opportunities to put people to work.

So, Madam President, my amendment is very straightforward and simple. It repeals that provision which says that minimum-allocation States have their minimum allocation allotments reduced dollar for dollar for any successful competition in which they engage for discretionary funds. It says everybody can compete for discretionary funds. If you are good enough, if your project is worthy enough, if you are ready enough, your State will get the money, and you will suffer a deduction in your minimum allocation. The current law frankly says that only 25 States can compete, and those 25 States represent less than 30 percent of the people of the Nation. It also effectively says that we will not have the kind of meritorious allocation of discretionary funds that allowing all 50 States to compete would make available.

So, Madam President, this provision, as I say, came into the law in 1987. We did not have it before 1987. All States were allowed to exercise their creativity in order to get discretionary funds. We will return to the period before 1987, particularly as we are entering an era of fuller funding of our transportation and highway programs and a greater amount of funds that will be available for allocation on a discretionary, competitive basis.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I yield to the distinguished Senator from Montana, the control of 25 minutes of the 30 minutes that I control, reserving to myself only 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Madam President, I thank the President pro tempore.

Madam President, if the last amendment by the Senator from Florida was to be rejected because it was an inappropriate authorization bill, this amendment should be rejected by an even larger margin because this amendment is much more egregious even than the last amendment. I say that because this amendment strikes at the heart of the surface transportation bill that this Congress passed just 15 months ago.

This amendment addresses the most contentious issue that we in the Senate have to face when we try to pass any surface transportation bill. That is the allocation of dollars among States.

If any issue was debated fully, completely, and with passion and with anguish, it is the issue of funding formulas. We debated this issue fully and we reached the conclusions on the floor of the Senate as to what that formula should be.

In effect, Madam President, we also reached a conclusion very much in the favor of States like Florida and other donor States. ISTEA raised the minimum allocation from 85 to 90 percent. We moved significantly in the direction sought by the Senator from Florida.

Madam President, there is a reason for minimum allocation, and there is a reason for hold harmless. States in our country are not identical. States are different, with different populations, different growth rates, different industrial bases, different economic bases. They are all different. We are all different.

Madam President, your State, the State of California, is the second largest with regard to land area and the largest in terms of gross State product. The Presiding Officer represents a State that is the largest in the Nation in terms of economic size and growth.

My State of Montana is much smaller. We are just behind California in geography, but we are far behind California in terms of the size of the economy and population. California's population must be in the neighborhood of 25 to 30 million people. The population of the State of Montana is less than 1 million. It is only 800,000.

Florida is different. Rhode Island is different. Each State is different. So it is very difficult to put together a formula. It is very difficult.

It is very difficult to put together a funding formula to distribute highway dollars among all 50 States. It is extremely difficult. States like Montana, very thinly populated, very large in geographic area, are supported by a hold harmless provision. States like Montana do not have the economic base to build those massive stretches of interstate highways across our State. We are unable to do so. We do not have the economic base to do so.

Very large States, particularly high-growth States like the States of California and Florida—they tend to be Sunbelt States—those are the States that contribute, it is true, more dollars to the highway program than they receive and that is mainly because they are more densely populated.

It is only fair for Senators from those States to say, "There should be some type of minimum allocation. We should get back more than what the formula otherwise would provide because the formula provides for less than 100 percent." The formula should provide as close as possible to 100 percent. And we addressed that question, Madam President, in the last surface transportation bill. ISTEA raises the minimum allocation from 85 percent to 90 percent.

In addition, here we are today to pass a supplemental bill, a stimulus bill which will fully fund the ISTEA. States are receiving many more dollars under the ISTEA, which Congress passed 15 months ago, than they received under the prior Surface Transportation Act. They are getting additional dollars for highways, for roads, for bridges, and for traffic congestion, for air pollution, and so forth.

This amendment is a little bit curious because it was not long ago, on last year's transportation appropriations bill, that the so-called donor States stood on the floor of this Chamber vehemently opposing the transportation appropriations bill because it would have placed the minimum allocation under the obligation ceilings. They were vehemently opposed to that.

What was their argument? Their argument was, "A deal is a deal. We reached an agreement. It is highly inappropriate to undermine an agreement we reached." That was their argument then. Madam President, that should be their argument now. Nothing has changed, nothing is different.

That is the argument I make. An agreement is an agreement; a deal is a deal. It is highly inappropriate for the U.S. Senate now, on an appropriations bill, on the supplemental appropriations bill, to attempt to authorize—that is bad enough—but to attempt to authorize a reallocation of the highway bill. That is astounding. It is almost inconceivable here at this hour as we attempt to pass a supplemental appropriations bill.

There is a time and place for everything. There is a time and there is a place for everything. Now is not the time. Now is not the place to open up, redebate, ISTEA. The proper time, the proper place to open up and redebate the Surface Transportation Act is when that act comes up for reauthorization. But it is certainly not this time.

I am just astounded that the Senator from Florida would, on this bill, attempt to reopen and strike at the heart, of ISTEA.

A deal is a deal. An agreement is an agreement. This body cannot, this body should not—at the whim of the moment—go back and reauthorize, redebate any major legislation that happens to come into the mind of a Senator at that point. That is chaos. It is anarchy.

If tonight we are going to redebate ISTEA, we might as well be debating every other matter that comes before this Senate at any other time. We might as well be debating the tax bill right now. Let us bring up the tax bill tonight. I have some ideas on tax legislation. Let us bring up the tax bill tonight.

Health care, I have some ideas on health care. Let us bring up health care reform tonight.

Aid to the Soviet Union, I have a lot of ideas about that too. Welfare reform, why do we not bring up welfare reform tonight? The Clean Air Act, that has been up for reauthorization for a few years, the Clean Air Act. Let us offer an amendment striking at the core of the Clean Air Act.

Madam President, the point is simple, very clear, and very obvious. This is not the time and place to be debating ISTEA. It is not the time and place to address the funding formulas.

The donor States, who might be tempted to favor this amendment, got a very good deal under ISTEA.

I just conclude, Madam President, and I will reserve the remainder of my time, by saying that I urge Senators not to pass this.

I do not want to put words in the mouth of the President pro tempore, but I am sure I can guess what he is going to say when he speaks on this amendment. The chairman of the Appropriations Committee is going to say this amendment will not be accepted by the House. It forces us to go to conference with the House.

The President very much wants a stimulus bill passed as quickly as we possibly can.

This amendment, if passed by the Senate—and I do not think it will be, but if it is passed by the Senate—will be strenuously objected to by the House. We will be in a real fix if we try to go back to conference and reallocate highway funds among the States. This issue has not been debated in the authorizing committee.

It makes no sense. I understand it sounds good. It is good for the folks back home to stand up and say, "Boy, we have to do this."

But we know it is not good public policy, in the middle of the night, to try to reopen the ISTEA funding formulas.

Madam President, I reserve, the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Does the Senator from Florida yield to the Senator from California?

Mr. GRAHAM. I yield 10 minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator very much.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. FEINSTEIN. Thank you, Madam President.

I wish to thank the Senator from Florida.

I would also like to address my comments, quite respectfully, to the Senator from Montana, who has been a part of this body for a lot longer time, certainly, than I, or even you, Madam President.

But one of the things I find, a newcomer to this body, is that a lot of decisions are locked in.

Respectfully, I say to the Senator, there is no opportunity for us to change it. If we see our State being shortchanged by an authorization formula that has been put in place years before we got here, if we have no place on the committee that put that authorization formula in place, we have not a chance of changing that formula.

Mr. BAUCUS. Will the Senator yield for a question?

Mrs. FEINSTEIN. Yes, I certainly will.

I am happy to be enlightened.

Mr. BAUCUS. I appreciate the points made by the Senator from California.

I might say to the Senator from California, when this act was brought before the floor of the Senate, both California Senators voted in favor of it.

Mrs. FEINSTEIN. Well, maybe that is the reason why one of them is not here today, and I was able to defeat him.

You know, we are elected to this body to fight for our State.

It would be different, Madam President, as you and I both know, if California were not in trouble.

But I know earlier there was another amendment. It had to do with the growth States receipt of chapter I funds for poor children for education. And we both saw where California was disadvantaged by the formula.

Now, as Senator GRAHAM, I think, has very eloquently stated, you see another instance where a growth State is disadvantaged by the formula.

I found out about this because the California State Department of Transportation called this Senator and said, "Vote for Senator GRAHAM's amendment. Help California."

The fact of the matter is, it may not be the appropriate time, but it is the only time that we have to make a change.

As I watch Senate business being done, as a newcomer from a large State, and intensely feel that my State is not being fairly treated, is being disadvantaged, I can speak out.

You know, I say to the Senator, I was fascinated by the rules. A week ago, a wonderful woman from the Congressional Research Service came over to my home and went through some of the Senate rules.

She depicted the Senate as a large wheel on a bicycle. When all the spokes—the 100 spokes—work together, the wheel turns and the Senate moves. But if one of those spokes went out of joint, the wheel was stopped.

I think, increasingly, some of us from the large States, who really feel and believe in our depths and in our hearts that we are disadvantaged, have to begin to step forward and take some of those bold steps to correct some of the inequities of our predecessors.

It is very difficult for a freshman, no matter how large the State, to change a formula that a group of States have gotten together on prior to your being here.

The only avenue we really have is the floor of this House, and the ability to step forward and say, "In this formula, a wrong is being done. It is not fair."

I recognize there is a time to love and there is a time to hate. There is a time to make war and a time to make peace. There also is a time to be fair in the formula allocation.

Neither the Senator from Florida, nor, I believe, the two Senators from the great State of California believe that this is a fair formula.

Notwithstanding that, there are 25 other States to whom this formula is not fair. As a matter of fact, I am surprised they are not here speaking now for their State.

Now, I say to the Senator, if I really believed I could go to the authorizing committee and get a change tomorrow in the formula so that California, as a donor State, was fairly treated—as a State that had an earthquake and had a freeway come down and 40 cars were crushed to 6 inches—I would take that avenue. I do not believe I would be effective.

I believe that the best chance is to begin to do this more and more and more on the floor of the Senate until somewhere in the Senate's consciousness there is going to be an idea, and that idea is that dollars should follow poor children, that highways funds should be allocated so that they are fair, and that those who contribute should fairly reflect the percentage of their contribution.

And so, Madam President, on behalf of the State—and I believe you share these sentiments—I am prepared to vote with the Senator from Florida and, in a way, establish a beachhead, if you will, for some fairness, hopefully, in the future with respect to the formula allocation in this transportation measure.

Mr. CHAFFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. BAUCUS. Madam President, I yield 8 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator is recognized for 8 minutes.

Mr. CHAFEE. Madam President, we could not have gotten into a more complicated subject than the allocation formula. If you think agriculture subsidies and price controls and all that goes with the Agriculture Department are arcane and impossible to understand, it does not rival the formulas dealing with the transportation money.

Let me just say that the Senator from Florida, it seems to me, could not have brought up a more inappropriate subject than changing this formula at 6:30 on a Wednesday evening.

I would point out that the distinguished Senator from Florida is a member of the Environment and Public Works Committee. As such, he could have easily presented legislation to this effect. He could have brought it up for consideration—he is from the majority party—have a hearing on it, burrow into it and debate it in the committee, and have it carefully thought out.

But that was not done. And so, out of the blue, we have this formula change presented to us on a bill that has nothing to do with this legislation.

Let me give a little bit of history. In 1982, Senator Bentsen was upset that his State and many other States were donor States. These States put more into the highway trust fund than they got out of it. And so Senator Bentsen proposed and had enacted what they call the minimum allocation. No matter what the formulas worked out to be, no State would get less than 85 percent. So you had your basic formula. That might well determine that when all was said and done, the number of miles driven, highways, mileage, and so forth, that the State of California would only get back perhaps, let us say, 60 percent of what it put into the highway trust fund through its gasoline tax and other excise taxes.

The Bentsen formula said that you took what California was going to get, that 60 percent, and you added to it enough money to make it 85 percent. That amount was going to bring some form of equity.

You might say, under an ideal system, every State would get back 100 percent of what it put in. If that is true, then let us not have a national highway system and let us not have a highway trust fund. The idea of the national system and the Federal highway program was to get good roads throughout our Nation. In some instances, some States would contribute more than they got back, and some States would contribute less than they got back. But nonetheless, for the good of the country, it was determined that you wanted to be able to drive from California up through Oregon and Washington and over to Idaho and be able to get across the country on decent roads.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. CHAFEE. I must say it is on my time, so I hope the question is not too long.

Mr. GRAHAM. The question will be short. Does the Senator from Rhode Island understand this amendment does not go to the fund distributed by formula——

Mr. CHAFEE. Oh, I appreciate that. I appreciate that.

Mr. GRAHAM. The Senator understands, this only relates to the so-called discretionary funds for which States are expected to be entitled to compete?

Mr. CHAFEE. I appreciate that.

Mr. GRAHAM. Now, would the Senator please focus on the issue of what is the fairness of saying that 25 States that represent 73 percent of the people in America should not be allowed to compete for discretionary highway funds?

Mr. CHAFEE. Let me just finish this, if I might.

So then in 1991, when we did the Surface Transportation Act, we made changes and said that the so-called minimum allocation would go up to 90 percent. The Bentsen formula was 85 percent; this went up to 90 percent.

Furthermore, it was provided that some of the dollars that came in—and here is the point of the Senator from Florida—some of the dollars came in through discretionary grants. What is a discretionary grant? Well, a scenic byway grant is a discretionary grant. If you enact safety belt laws and motorcycle helmet laws, you get additional money. That is discretionary money.

What we said was that all that came in counted for the base and all the dollars also counted toward figuring what the 90 percent is.

What the Senator from Florida wants is that all the dollars count for the base that come in from the discretionary funds, but those dollars do not count when you figure toward what the 90 percent is.

That is a bit of legerdemain I personally cannot follow. I do not understand his rationale. I will also say something that the Senator well remembers coming from a big State, as do the two Senators from California who are present tonight. When this came up, your predecessors battled just as hard for your States as you are doing now. And so a compromise was reached, a fragile compromise, but nonetheless a compromise that has endured since 1991. It is written in the act. It did not send everybody away totally satisfied, but it was a deal that had to be arrived at in order to get the legislation passed. Everybody had to give something.

Let me just point out something that perhaps the Senator from Florida has not stressed. What were some of the things that those big States, if you would—Texas, California, and Florida—received? They received the following: They received a commitment written into law that the additional amount, the amount above the formula to pull them up to 90 percent, would be protected from any budget constraints or cuts. This is extraordinary. When the amount of money authorized was not appropriated in 1992, you nonetheless got your money, 100 percent of it, to pull you up to that difference between what you would have gotten under the formula and what you got under this 90 percent so-called minimum allocation.

That is something you got. That was a bonus, if you would——

The PRESIDING OFFICER. The Senator's 8 minutes is up.

Mr. CHAFEE. May I have 2 minutes?

Mr. BAUCUS. I yield 2 minutes

The PRESIDING OFFICER. The Senator from Montana yields 2 additional minutes.

Mr. CHAFEE. Madam President, so that was a sweetener in order to make it more attractive for all parties involved, particularly the so-called donor States.

So you can see, this formula is complicated and there are a lot of factors involved. But to come now and try to change this carefully worked out formula breaks the agreement. You never have any kind of a formula, as the Presiding Officer knows from her experience in Congress whether it is welfare or whether it is highway distributions or whether it is the Environmental Protection Agency distribution of funds under the Clean Water Act that is not contentious. No matter what formula there is, it is fought out tooth and nail and then finally you arrive at a solution. And that arrival at a solution affects everything else in the bill. You would not have had a surface transportation bill unless we had agreed on a formula.

Now we are trying to change the cards that were dealt. I think it is inappropriate. This has nothing to do with the small State allocation, so it does not affect me one way or the other. But I do believe it is unfortunate to come before this Senate late at night and try to change a formula without everybody having their chance to be heard. Oh, I am sure there will be charts presented, as there always are, at the desk when we vote, of who wins, who loses. Most people go in and just look. They do not care about the substance of the bill, just do I win or do I lose?

I think that is regrettable that we have gotten into this amendment at this time. I wish the Senator would bring it up in the committee, let us have hearings, and if need be, fight it out once again. This is not the forum to do it.

I thank the Chair.

Mr. GRAHAM. Madam President, will the Senator yield on the time of the Senator from Florida?

Mr. CHAFEE. Yes.

Mr. GRAHAM. One of the areas of authorizing language which is in this bill appears on page 50, beginning at line 18. It is the so-called 90-day rule which essentially says that if after 90 days of distribution of this fund, a State has not obligated and received bids for projects for the increased amount, that those funds are drawn back and will be pooled and redistributed to the States that are able to participate, to utilize those funds for projects.

Would you consider the funds that will be pooled under the 90-day rule discretionary?

Mr. CHAFEE. If I could just check 1 minute. I am not sure of the document you are referring to.

Mr. GRAHAM. I am referring to the legislation we have before us, H.R. 1335.

Mr. CHAFEE. You referred to a certain page.

Mr. GRAHAM. Page 50, line 18.

Mr. CHAFEE. I will look into that. Why do you not proceed with the other questions if you want? You and I can continue this.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, the world is not frozen in place. Yes, in 1991, we passed a Surface Transportation Act which set out a basic framework of the Federal relationship with the States and local communities as it relates to transportation. It is not my intent, either in the amendment that was offered earlier or this amendment, to alter that basic relationship. I am not attacking a deal is a deal is a deal.

But we have changed circumstances. We have changed circumstances because we are saying that this highway money in this bill, unlike the highway money that we voted last year, the year before that is going to be added directly to the Federal debt. We do not have to meet any budget constraints. We do not have to find any offsetting expenditures. We do not have to raise the taxes to pay for this. So this is a different situation I think requiring different standards of appropriateness.

No. 2, the issue here is a very simple one. It is not an arcane question analogous to the Federal Government's program for a particular agricultural crop. It is a simple proposition of should a State, which is already receiving only 90 percent of the money that it sends into the Federal highway trust fund, should a State that is in that condition be also precluded from the opportunity to participate and compete for discretionary funds, funds for which no State has a predetermined entitlement?

The Senator from Rhode Island talked about these discretionary funds as if they were just sort of a little froufrou project on the side of the road. I can tell the Senator from Rhode Island that most of the interstate system in Florida along the southwest coast from Tampa to Fort Myers was built by effectively competing for discretionary funds. That was before 1987 when for the first time States like mine were precluded for competing for discretionary funds. These are not just affectations. They are significant parts of the core of a State's transportation effort.

The issue is by what standard should a State, which is already only getting back 90 cents on a dollar that it sends, be precluded from even having the opportunity to compete for those discretionary funds, while the other 25 States, which by definition means they got back more than 90 cents on the dollar—in fact, some got back $2 for every $1 they sent to Washington—those States are allowed to compete for the discretionary funds?

Would somebody explain what the fundamental fairness of that is?

Now, what are some other changed circumstances? The discretionary fund pot has been a relatively meager one in the last several years as we have been systematically underfunding transportation. Now that we are going to full funding of transportation, Madam President, the discretionary pot is going to be a big one. And so what will be denied to those 25 States to compete for is now going to be a very significant amount of the Federal funds, funds to which those States all contributed. Their taxpayers paid to create that discretionary fund, but they are going to be told, no, it is off limits for you to try to compete.

Second, within this very bill itself—and I await the judgment of the Senator from Rhode Island, and the Senator from Montana, if he would like to comment, but as I read this language, under the 90-day rule, which essentially says if a State is unable to commit the additional funds that are going to come under this economic stimulus program within 90 days, that it loses those funds and they go back into a pool for redistribution, that sounds like discretionary funds to me, and that you are going to have States competing for that discretionary pool. Well, at least you are going to have the 25 States that represent roughly 27 percent of the population competing, but the 25 States that represent 73 percent of the population are going to be frozen out.

Now, the circumstances have fundamentally changed, and I believe that if we are going to achieve the purpose of getting this money out as expeditiously as possible and put people to work doing good, important projects, now is the time to repeal this provision which serves no legitimate purpose, which discourages intelligent, meritorious expenditure of highway funds, and which creates a significant and, because of provisions in this act itself, an increasing degree of unfairness in our highway program.

Mr. CHAFEE. I would like to reply, if I might, Madam President, to the inquiry which was directed at me.

The PRESIDING OFFICER. Does the Senator from Florida yield time?

Mr. GRAHAM. I yield to the Senator 2 minutes.

Mr. CHAFEE. On page 50, line 18, the question was were the funds there referred to considered discretionary funds. I have turned to the experts available, and they tell me that the funds that are referred to in this particular section are not considered discretionary funds.

The Senator from Florida was deploring the fact——

Mr. GRAHAM. This is a very important point. We are talking about hundreds of millions of dollars in this pored over account, Madam President. If any Senator wishes to enter into the record a contrary opinion to that just expressed by the Senator from Rhode Island, I urge them to do so because we are, I hope, contributing to the legislative record on this provision, and this is of great importance to the effectiveness with which this act is going to be implemented and the fundamental fairness with which it is going to be executed among the States.

Mr. CHAFEE. If I might continue, Madam President, I reply to the Senator from Florida that I think both of us are dependent upon outside expertise in the translation of what all these sections mean. This particular section, I am informed, because it refers to "obligation limitation," is not considered discretionary funds. That is the first point.

But the second point I would like to just briefly touch on, I do not think the Senator from Florida is quite describing the situation accurately when he says that Florida cannot compete for these discretionary funds that are out there.

All States can compete for all discretionary funds. They can do that. And it is after that, when all is finished, that the so-called minimum allocation is computed.

I believe my 2 minutes are up.

The PRESIDING OFFICER. The Senator is correct. His 2 minutes are up.

Mr. CHAFEE. I see a stern look from the Presiding Officer.

One more minute, if I might.

Mr. BYRD. Madam President, I yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia yields an additional minute to the Senator from Rhode Island.

Mr. CHAFEE. The point I am making, Madam President, is that the discretionary funds are out there to be competed for. All States can compete. It is only after it is said and done that the computation of the minimum allocation takes place.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, just to restate what the Senator from Rhode Island said, that is, yes, all States can compete for discretionary funds. But if you happen to be one of the 25 States that are under the so-called minimum allocation distribution, every dollar that you successfully receive by that competition is a dollar that is subtracted from your minimum allocation account.

So there is no benefit, no incentive—and in fact very little effort. Why should there be—for those 25 States to compete. Actually, 2 of the 25 States did compete for discretionary funds. They were the State of our new Senator, Senator MOSELEY-BRAUN. Illinois competed and Oregon competed. The consequence was that they did not get any minimum allocation. Every dollar that they received in discretionary funds resulted in a subtract to the point that they received zero funds under minimum allocation.

That is the consequence of the formula that we have now, which I think becomes particularly pernicious when what we are trying to do is to encourage States to accelerate their activities, to be more competitive, to be more aggressive, get projects going, get people to work, get the economy moving. We are saying to 25 States with 73 percent of the people: This is not for you.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, I yield 2 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleague. I thank the Chair.

As I understand it, the Senator from Florida says that he has $180 million worth of earmarked projects, authorized in ISTEA, that he now does not want to count. Is that a fair assumption? There were earmarked demonstration projects, for the Senator's benefit, in the ISTEA legislation that was passed.

Mr. GRAHAM. If the Senator will yield, if that was a question——

Mr. LAUTENBERG. I will not use my time to give the Senator the floor.

Mr. GRAHAM. I am only talking about the ability of minimum-allocation States to compete for discretionary funds.

Mr. LAUTENBERG. I ask the Parliamentarian to time the Senator's speech and credit his account, please.

The Senator is asking us not to count the roughly $179 million that he got in demonstration projects.

I will respond also to a comment that I heard from the Senator from California. I remind the Senator from California that there was a very distinguished U.S. Senator who worked very hard on behalf of California and made sure that demonstration projects, were generously allocated to the State of California.

We are not taking away anything from anybody. This is no time to try to change the law. If changes are needed, the law ought to be changed after debate, serious discussion, review, and hearings. To try to do this kind of shot-in-the-dark change is unfair to the process and is not going to serve anything except delay it. We will have another vote. I predict that the vote will be similar to the one that the Senator just lost by virtue of a tabling motion. What we have done is only use up time that would permit us to do more for our constituents now.

I thank my colleague from Montana. I yield the floor.

Mr. BAUCUS. How much time is remaining on both sides, Madam President?

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Montana has 2 minutes, the Senator from Florida has 3 minutes 45 seconds. The Senator from West Virginia has 5 minutes.

Mr. BAUCUS. I thank the Chair.

Madam President, very much to the point here, there is a reason why rule XVI of the rules of the U.S. Senate prohibit authorizations on appropriations bills. And that is because generally authorizations are more fully debated in the authorizing committee. And when those bills come before the Senate, it is more likely, although not guaranteed, that the Senate will reach a reasoned result. The Senate will have the information and time to debate the issues.

In this context, when a major authorizing amendment is brought up on the floor of the U.S. Senate which attempts to open and break apart ISTEA obviously it does not have the time and does not have the benefit of all the facts.

So I say, primarily to the Senators from California, particularly Senator FEINSTEIN, from California, who is concerned about the rules of the Senate, there is a reason for the rules.

There may be an opportunity to deal with these issues when the Department of Transportation presents the national highway system to the Senate. Congress has 2 years to approve or disapprove that system. That is the time when I am sure the Senator from Florida and other Senators will debate this issue.

I must say, Madam President, there is a time and place for everything. This is not the time, this is not the place to be debating authorization legislation, particularly the surface transportation bill. I strongly urge Senators to restrain themselves and debate this issue and vote on this issue at the appropriate time, when we have the authorizing bill. This is not the time and place. I strongly urge this amendment not be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. I yield 1 minute to the Senator from Arizona.

Mr. DECONCINI. Madam President, I thank my friend from Florida. I have to take exception to my good colleague from Montana because this is the time and place. We are talking about spending several billion dollars, over $2 billion, on a highway appropriation to enhance jobs. And the amendment from the Senator from Florida only lays it equally. It only makes the playing ground equal here. That is all he is doing. He is indicating that the 46 donor States or any other States are going to get equal consideration.

Why should we debate it? It is like you are doing something wrong here because you are talking about spending a lot of money and you want the formula to be fair. Yet, we say, well we cannot do it, now is the wrong time, the wrong place. That is nonsense. This is the right time. I just hope Senators will vote for this because this is not costing anybody anything. This is a real, genuine amendment to make it fair to States who give more.

If I were on the other side, I certainly would feel strongly against it the other way. But, quite frankly, I would like to think that I would want to be fair. Those donor States ought to get at least what has come back. I thank the Chair. I thank the Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes. The sponsor has 2 minutes 19 seconds remaining.

Mr. BYRD. Does either Senator——

Mr. CHAFEE. If I could have a minute and a half?

Mr. BYRD. I yield 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I make this point, if I might. If you just went by the formula, like it or not, the formula would result in Florida getting 70 percent back of what it put in, or 70 cents for every dollar. That was the way the situation existed. Back in those days, Florida could indeed apply for the discretionary funds and get all they wanted. But then that did not work out very well because the amount of discretionary funds was relatively modest. So then we provided first in 1982 that each State received at least 85 percent of the program, regardless of what the formula shows. Then in 1991 we boosted it to 90 percent, no matter what the formula shows. And I do not know what Arizona's formula shows, but Arizona might well be getting 70 cents back for every dollar if you follow the formula. But forget the formula. The State is going to get back 90 cents for every dollar.

Now some States want to change that and get some more. That is human nature. I cannot blame them. But the whole purpose of the minimum allocation is to make sure everyone gets at least 90 percent. That was the agreement that was reached through a lot of give and take with some of these points that I previously made. No matter what cuts are made, donor States still get that amount between the basic formula and what is needed to guarantee them the 90 percent minimum allocation.

Thank you, Madam President.

Mr. BYRD. Madam President, "To every thing there is a season, and a time to every purpose under the heaven." The distinguished Senator from Montana has referred to Ecclesiastes.

This is not the time for this amendment. This amendment, like the previous amendment of the Senator from Florida, is a major change in ISTEA. This bill is not the place to debate minimum allocation. When ISTEA was before the Senate, as chairman of the Appropriations Committee, I found $8 billion. That is what got ISTEA off the dime here in the Senate. It was stalled. I found $8 billion and saw to it that something like $4 billion went to the minimum-allocation States. I did that. And that got the bill out of here.

Madam President, if adopted, this amendment would clearly cause this emergency jobs bill to have to go to conference with the House. I do not want to go to conference if we can possibly avoid it. This would be a cantankerous conference. These are complex matters, and it would draw out the conference. Then we would have to bring back the conference reports to both Houses.

I believe up to now, and if we can continue as up to now, there is no amendment that I believe will cause a conference, and if we can continue down that road, once we pass this bill, the House, I believe, will accept the amendments that are already in the package, and the bill can go directly to the President.

What does the President say? How about the administration? In the statement of administration policy, issued on March 25, I find these words: "The administration opposes any efforts to delay passage of this critical legislation."

And that is what I am trying to avoid, is delay in the passage of this critical legislation. This is legislation that is recommended to the Congress by this President, William Jefferson Clinton. And he says that he opposes—the administration does—any delay. If we adopt this amendment, may I say to my friend from Florida, it is going to delay this bill because we are going to have to go to conference, and we will have a rough time in conference. It will be "Katie bar the door." These House Members do not want this to come up in conference.

So I urge Senators to vote to table this amendment. This is not the time and not the place for this amendment.

Madam President, how much time do I have left?

The PRESIDING OFFICER. There are 15 seconds remaining.

Mr. BYRD. I will save those 15 seconds to move to table at the proper time.

Mr. GRAHAM. Madam President, a lot of discussion has focused on where we are on the calendar, when is it time. I believe that we are not going to be evaluated on the economic stimulus program in March or April. We are going to be evaluated on the economic stimulus program in October or November. Somebody is going to ask the question: What happened to all those dollars that were appropriated that were intended to put people to work doing useful projects?

I believe that there are a number of inhibitions that are going to result in that not being a very positive report card. Is it not going to be silly when we find out that States were unable to utilize their highway funds because of the application of laws that say you can only spend so much in this fiscal year on bridges, although you could have spent more on interstate maintenance, but you did not have any interstate maintenance to do? I think we are going to look rather foolish.

Are we not going to look foolish if there is a big pool of discretionary funds that could be converted into worthwhile projects which lie fallow because half of the States, with 73 percent of the population, cannot compete for those funds? I think we are not going to get a very good report card in the fall when that occurs.

Madam President, this is not an amendment that goes to the heart and core of the structure of the Surface Transportation Act. This deals with a specific area of, I think, blatant unfairness, and that is that those half of the States, including the State of the distinguished Presiding Officer, are precluded from competing effectively for discretionary funds.

We are about to pass a bill that is going to substantially increase the pool of discretionary funds. Certainly, it will be increased by the fact that the level of appropriations will be significantly higher, and I think there is an arguable case that they will be increased because of the application of the 90-day rule.

Madam President, I think this is the time to adopt this amendment, eliminate this unfairness, and let the money flow. Let us put people to work and let us get projects underway in all of the 50 States of America.

Mr. BYRD. Has all time expired, Madam President?

The PRESIDING OFFICER. It has.

Mr. BYRD. There is time to move to table, and I do so move, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—68

Akaka
Baucus
Bennett
Biden
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Ford
Glenn
Gorton
Grassley
Gregg
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Pressler
Pryor
Reid
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Wallop
Wellstone
Wofford

NAYS—32

Bond
Boren
Boxer
Coats
Cochran
Coverdell
Danforth
DeConcini
Faircloth
Feingold
Feinstein
Graham
Gramm
Hatfield
Heflin
Helms
Kohl
Krueger
Levin
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Packwood
Riegle
Robb
Shelby
Thurmond
Warner

So the motion to lay on the table the amendment (No. 289) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I understand the distinguished Senator from Missouri [Mr. DANFORTH] has an amendment that he wishes to call up at this time.

I also understand that he would like to have a half-hour to a side.

Mr. DANFORTH. Yes.

Mr. BYRD. Madam President, I ask unanimous consent that there be a time limit on the Danforth amendment of 1 hour, to be equally divided and controlled in the usual form, and that there be no intervening or second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I inquire of the majority leader: The vote then would occur at about 8:35?

Mr. MITCHELL. Yes.

Mr. DOLE. So Members can be on notice that there will be a rollcall vote and it will be about 8:35?

Mr. MITCHELL. That is correct; upon the expiration of 1 hour of debate on the Danforth amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 290

(Purpose: To strike the matter relating to Amtrak capital improvement grants)

Mr. DANFORTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 290.

Strike everything on lines 1 through 7 of page 21.

Mr. DANFORTH. Madam President, this amendment strikes from the supplemental appropriations bill $188 million for special funding for Amtrak.

Let me describe to the Senate what this $188 million consists of. It consists of $60 million to either hire or to retain employees. And the number of those employees is 491 people.

The cost for retaining 491 people, or hiring back 491 people for 1 year, is $60 million. So if you divide that out, that is $122,000 per job. So, of the $188 million of special money for Amtrak, $60 million is to hire 491 people, at a grand total of $122,000 per individual for a year.

In addition to that, there is $43 million for station improvements in various locations. It is not clear whether or not the stations could not be improved with the use of local funds. But, in any event, for the improvement of stations, we have $43 million in this emergency appropriations stimulus package.

Amtrak estimates that the station improvement program will be hiring 804 people. And that divides out to $53,000 per job for the station improvement program.

Then there is $20 million for maintenance facility improvements at Los Angeles, Boston, and Beech Grove, IN. Amtrak says that this will create 283 jobs. The cost of each job under this program for maintenance facility improvements is $71,000.

Then there is $18 million for track and right-of-way improvements, including between New York and Boston in preparation for high-speed rail service. That is at a cost of $58,000 per job, according to Amtrak.

And then there is $13 million for trucks, backhoes, commissary trailers, and other kinds of equipment. According to Amtrak, that will create 194 jobs, at $67,000 apiece.

And then there is $34.5 million to expand Amtrak's current program of buying locomotives. That is 518 jobs. The cost per job, $66,000.

Madam President, Amtrak is clearly very popular with a lot of people in the Senate. It is not that popular with riders, unfortunately.

The history of Amtrak has been a history of subsidies, and very high subsidies, indeed.

Outside the Northeast corridor—and the Northeast corridor has been profitable for Amtrak—but beyond the Northeast corridor it is a money loser. Amtrak lost 37 cents for every dollar it received in Federal subsidies outside the Northeast corridor.

Between 1960 and 1991, the taxpayers subsidized every passenger trip taken on Amtrak by the amount of $54. That amount is down a little bit now. It is down to $32 per passenger. So for everybody who chooses to ride Amtrak as opposed to, say, an airplane or an intercity bus, the taxpayer will subsidize the ride to the tune of $32.

If this provision in the supplemental appropriations bill is agreed to, the per-passenger Amtrak subsidy would go up from $32 to $40 per passenger riding Amtrak. And outside the Northeast corridor, if you exclude the Northeast corridor, which as I say is a profitable route, the subsidy per passenger after passage of this bill, if this provision is in the bill, is $77.22. That is what we are in effect paying to subsidize people who choose to ride Amtrak as opposed to an alternative mode of transportation.

How does the Amtrak subsidy compare with what has been done to Amtrak's competitors? Each Amtrak trip, as I say, since 1961, has been subsidized by, on average, $54 a trip. By comparison, people who ride intercity buses—and that has been a troubled industry—the intercity bus passenger has been subsidized through highway funds 5 cents per trip. So, the Federal subsidy for Amtrak is 54 dollars; 5 cents for somebody on an intercity bus. What right do we have, in the Government, of entering into the marketplace on the side of one of the two competitors to the tune of $54 per head out of the taxpayers' pockets?

Also, it is very interesting to note that Amtrak has now gotten beyond the railroad business and it, itself, has gotten into the bus business on the theory that Amtrak only serves something like 500 communities in the country and it wants to serve more than that. So what has it done? It has bought bus service with the taxpayers' subsidy helping it, making it possible to do it. So we are in effect subsidizing Amtrak's buses that are competing with the private buses that otherwise could be used. It really is terribly unfair.

Now we have in this emergency appropriation $18 million for track improvement and right-of-way improvement in the Northeast corridor. One of the reasons for that is to try to take the first step toward high-speed rail.

High-speed rail sounds terrific. However, it is estimated if we really want to go in that direction, the cost of high-speed rail would run between $14 and $18 million per mile to construct. Here again, rail transportation would be in direct competition with another mode of transportation, namely the airlines. As we all know, and as the President very wisely has pointed out, the airline industry is in deep trouble in our country. Airlines, a number of them, are in bankruptcy now.

So the point of this amendment is really very straighforward. It is to say that $188 million is hardly emergency spending, that the jobs that are being produced by spending this money, ranging up to $122,000 per job, really do not justify this kind of huge amount, $188 million, of additional spending.

I point out the $188 million in the supplemental appropriation greatly exceeds the annual appropriation for Amtrak. Amtrak this year, this year's budget, has $35 million for capital spending for Amtrak. So that $35 million is being increased by $188 million in this supplemental appropriations bill.

But what is really outrageous, I think, is not just throwing away another $188 million on these projects; what is really outrageous is we are weighing in, in such a heavy-handed fashion, on the side of one competing mode of intercity transportation as against other very troubled modes of intercity transportation.

Madam President, may I ask how much time I have consumed?

The PRESIDING OFFICER. The Senator has used 11 minutes.

Mr. DANFORTH. I thank the Chair. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. EXON. Madam President, I was designated by Senator BYRD to proceed. I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Madam President, I listened with great interest to my great friend and colleague from the State of Missouri. Senator DANFORTH has been well established as one who has always marshaled the courage to fight Amtrak at every turn. We have discussed this matter many times on the floor and elsewhere.

I would simply say some of the figures the Senator from Missouri has used I think probably in all fairness might not be accurate. With regard to the assumption about creating the number of jobs that were created under the President's recommendation for Amtrak, it does create the jobs; but more important, it does not expend all of that money if you try and divide that out on the number of jobs this would create.

What the stimulus package is basically all about, of course, is to help the economy get moving. An important part of the President's recommendation on the Amtrak matter is to not only create the jobs, also Amtrak will be able to make significant improvements in some of their facilities around the Nation. I will only cite as an example, Madam President, after Union Station was remodeled here in Washington, DC—and I admit, at considerable expense—but after it was remodeled, Amtrak service improved by 30 percent. So one of the thoughts behind the President's proposal for Amtrak is to not only help spur the economy, but also spur the economy in the future by keeping those jobs with more ridership on the Amtrak system.

I would certainly say this Senator has not been sold, as many have begun to figure out, on the total package that has been presented by the administration that is called stimulus. I really believe, though, that this part of the President's program is one of those very worthy projects that do fit into the basic concept that the President has been pursuing, and that basically is to provide more jobs.

Madam President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. DANFORTH. Madam President, let me correct a previous statement. Amtrak this year has in its regular appropriations for capital spending, $165 million, which is in excess of what I previously stated by a considerable amount.

However, again I would repeat that while Amtrak has $165 million right now that has been appropriated for it for capital spending, this supplemental appropriation is $188 million. So it is still considerably in excess of the regular appropriation.

I suppose, Madam President, that for almost any way that we could conceive of spending money, many of us would say, well, that sounds good. It really sounds good. Trains are part of the history of our country. They are traditional. Some people, something like 9 percent of the population enjoys riding trains.

The question is not whether or not trains are enjoyable or even a good.

The question is how do we deal with the economy? What are we supposed to do about the economy of our country? How do we best improve the economy of the United States? Is the best way to improve the economy in an emergency appropriations to spend money on Amtrak? Does that really make sense? Or is Amtrak a luxury, and is more than doubling the capital spending in a year for Amtrak a luxury? And is spending $188 million more on Amtrak a luxury? And is spending up to $122,000 per additional job a luxury?

It is the position of this Senator that the answer to that question is, Yes. If we have a system where different governmental services truly have to compete for available dollars within a budget, in no way could we justify $188 million more in capital improvements for Amtrak. I really do not think any Member of the Senate would say with a straight face that $188 million additional for Amtrak should shove aside a lot of other things that we are doing in our country.

But the problem with this so-called stimulus package is it is not shoving anything aside. It is more spending. The theory of it is, well, let us find things to spend more money on. And what we are spending money on is to hire people at a cost of $122,000 each to work on Amtrak and to rehire some people who have been furloughed, furloughed because the work they were doing really did not justify the cost of keeping them on. To me that seems like a waste of the taxpayers' money.

This points out the underlying problem with the legislation that is before us. Sure, we like to spend money. Of course we do. Senator Hubert Humphrey used to call it the politics of joy. It is great fun to spend money. It is popular to spend money. But what if nobody rides the trains? What if the trains do not have the ridership to justify the traffic? What if the subsidy per passenger getting on the train is $40 a head? Why not just give people, if you want to subsidize them, $40 and say, pick your own mode of transportation? At least if we were to do that, it would not be hurting some innocent person, like the people who work for the airlines, people who work for the intercity buses who do not receive this kind of subsidy. At least it would not be distorting the economy, crippling some other part of the economy.

We have spent a lot of time addressing the problem of the airline industry in the United States, and we are going to spend a lot more. The President is in the process of appointing a committee to conduct just such a study. What do we do for the airline industry? It seems to me that one thing we do not do is, in effect, pay people to ride Amtrak at this tremendous subsidy.

So for those reasons, Madam President, the Senator from Missouri believes that $188 million in yet more Amtrak spending is totally unjustified; totally unjustified in economic terms, totally unjustified in the sense of what it does to competing modes of transportation.

I ask unanimous consent to have printed in the RECORD an editorial from the Kansas City Star, written March 4, 1993, entitled "Planes and Trains," which points out the competitive effect of the Amtrak subsidy on the airline industry.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PLANES AND TRAINS

President Clinton's economic program called for $646 million in research on high-speed passenger rail. Before taxpayers are forced to help finance a major rail program, we ought to have answers to a few questions, such as how we can afford this given our huge deficits, and how it would affect the airline industry, which is now the subject of scrutiny by a 15-person study commission.

During a recent meeting with The Star's editorial board, Vice President Al Gore said that under Clinton's plan, private industry would be encouraged to construct the rail system. The previous week, however, Clinton said the network should be paid for partly by municipal bonds, implying that to some extent taxpayers would be enrolled as involuntary investors.

Air travel is also subsidized, of course, but no one seems to be discussing the effect of a rail network on airlines, especially short-haul carriers. Obviously, intercity passenger rail would draw many passengers from airlines.

Gore contended a new rail system would not threaten carriers because the market share captured by trains would grow more slowly than the intercity travel market overall. Perhaps, but during recessions the additional competition could be devastating for weak carriers. A publicly financed rail system seems less than attractive if you factor in the possible loss of a carrier or two.

The administration's emerging airline policy contains other inconsistencies. Transportation Secretary Federico Pena says he's concerned about the prospect of market domination by the three biggest airlines.

But elements in Clinton's economic plan could hasten the result feared by his transportation secretary. In the area of airline policy, this is an administration that seems to be at war with itself.

Mr. DANFORTH. Madam President, I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. DANFORTH. Of course.

Mr. DOMENICI. I was listening to your debate, and I had reviewed this on my own. I was having trouble figuring out how in the world this item got in an urgent supplemental appropriations bill for which we are going to waive the rules under the Budget Act and add to the deficit. Do you have any idea how this kind of expenditure got into this package?

Mr. DANFORTH. I will tell you what I think happened. I think that the idea was to try to create economic activity by spending money. It truly is an extension of the classic tax-and-spend idea of economic policy. I believe that what happened was that the administration went to Amtrak and said, "Please give us your wish list." This is the wish list. Spending $43 million for improvement of maintenance facilities must be some kind of wish list, must be something that could not conceivably withstand the normal budget process and the normal appropriations process. That is exactly what I think happened. I believe that this is simply the wish list.

How about $13 million for small non-railroad purchases, such as trucks, backhoes, commissary trailers, and other work equipment? I think what they did was to go to Amtrak and say, "Do you need any trucks? Do you need any backhoes? Do you need any commissary equipment?" And they say, "Oh, sure, of course. Money can always be spent. If you give it to us, it will burn a hole in our pocket." And I think that is essentially what happened.

Mr. DOMENICI. I thank the Senator.

Mr. DANFORTH. I reserve the remainder of my time.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield myself what I might need. How much time is remaining on our side?

The PRESIDING OFFICER. There are 27 minutes 11 seconds remaining.

Mr. EXON. I yield myself an additional 5 minutes. I appreciate the Chair's advising me when the 5 minutes is up.

Madam President, I am somewhat fearful that the debate on this measure has been focused on what some people, and in some cases legitimately, feel is the lack of need for any kind of a stimulus program. If that is your point of view, and I would say that is a legitimate point of view that could and should be debated and is being debated on the floor of the Senate, then that is one part of the legitimate debate.

However, to indicate that somehow this money is going to be wasted, somehow the administration clandestinely went to the Amtrak people and said, "Give us a wish list of worthless projects that you would like to blow some taxpayers' dollars on," and evidently it is being implied what is included in the President's program in this regard is exactly that, that is not true.

I see nothing wrong whatsoever with the administration being concerned about the lack of jobs being created in America today—although there is certainly some indication that the economy has turned around. We are not in a full recovery by any means. We are not in a full recovery by any historical factors that we have seen in coming out of a recession into a more robust economy.

We certainly do not go a week without some major corporation announcing the additional layoffs of anywhere from 5 to 50,000 people. That is not normal if you are in a full recovery.

So, rightly or wrongly, the administration has taken the position that they wanted a stimulus package, and that is what this appropriation is all about. The administration went to Governors, they went to mayors around the country, and said we intend to try an appropriation where the money will be invested in the United States to help create jobs on an upfront basis to get the economy moving once again.

I think and hope we all anticipate that if this measure is passed, it will indeed spur the economy as the President has so hoped.

Now, no one knows what the end result of all this is going to be, but to criticize the administration for consulting with Amtrak, if that is what they did, is like criticizing the President for talking to elected mayors, talking to elected Governors, and others, to recommend to the administration, if we are going to have a stimulus package, how to help get people back to work, to cut down on the high unemployment ratio, to possibly help us in not having to extend again and again and again unemployment benefits. We want to get people to work.

It has been, unfortunately, suggested here, from listening to the debate, what sense does it make to buy some trailers, to buy some equipment. It was just referenced in the remarks by the Senator from Missouri. Oh, sure, Amtrak would like to have these things.

That is not the way this was handled. What was done, I believe, with the mayors, with the Governors, with Amtrak, and probably other entities, was simply to go to them and say if we are going to try to stimulate this economy, what would you recommend and what would you do to create jobs with the money we might be able to provide for Amtrak? Now, buying some equipment, buying some trucks, that is capital investment. Not only would that help Amtrak in the future, but it would also help in creating the jobs for the people who build the trucks, who build the equipment that Amtrak is going to buy.

Madam President, as far as subsidizing the Amtrak organization with taxpayers' money while we are not subsidizing the airline industry, I would simply say that I do not have the facts at hand. But I suggest, Madam President, that we are subsidizing the airline.

Mr. EXON. I yield myself an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. We are subsidizing the airline industry a great deal. Who is paying for these improvements at National and at Dulles, and to some extent, at Baltimore? Who is paying for the upkeep and the maintenance and the construction of the brand new, all-time modern airport that is going up in Denver, CO?

Mr. President, I assure you that the airlines are not paying for most of that expense. Therefore, I did not come here to criticize the airlines, because they have enough problems of their own. But I suggest that if we ever took a look at the total amount of taxpayers' dollars at the local level clear up to the national level going into the improvement of all of the airline facilities, landing facilities, and terminals across the United States, it would pale by comparison, indeed, to the subsidies we are providing for Amtrak.

Therefore, I do believe, and I think a look at the record would clearly show, that the make-jobs program to get the economy moving as far as the Amtrak organization is concerned is minuscule indeed. But I would certainly say that in the opinion of this Senator, one of the better programs involved in the President's recommendation for job stimulus and getting the economy moving again is the comparatively limited funds of the total package that are going to Amtrak.

If the President is successful in getting this done, then I would repeat what I said a few moments ago. Time and time again we have seen that where Amtrak has been able to make investments in their facilities and in their equipment, ridership has gone up. A large part of this stimulus program that the President has instituted for Amtrak will make Amtrak a more viable entity in the future.

I reserve the remainder of our time.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes and 30 seconds.

Mr. DANFORTH. Mr. President, the Senator from Nebraska, as he always does, got right to the heart of the matter and has asked exactly the right question: What is the comparative subsidy that Amtrak is getting versus alternative modes of transportation? That is exactly the issue.

I think the Senator would agree that if the Federal Government is weighing in very heavily in favor of one competitor and against other competitors, that is grossly unfair.

Well, here are the comparative figures. For intercity bus transportation, the Federal subsidy per passenger trip is five cents. For airlines, the Federal subsidy per airline trip per passenger is $6.50. For Amtrak, it has been on the average $54 per trip since 1961. It is now $32 per trip. With this bill, if we keep this provision in the bill, it will be $40 per passenger trip. So it is $40 versus a nickel for buses and versus $6.50 for airlines.

Now, that $40 is average for Amtrak. But if you consider Amtrak transportation outside the Northeast corridor where it is profitable—if you take Amtrak beyond the Northeast corridor—the subsidy after this legislation would be $77.22 per passenger trip. That is a luxury. That is not a jobs program. That is a luxury, $77.22 per passenger outside the Northeast corridor for Amtrak if we agree to this legislation, if we agree to pump in $188 million of additional money in Amtrak just because we have kind of a warm feeling about Amtrak. And that is what it is; Amtrak is something that people feel warmly about.

They feel warmly about a lot of things. people have model trains in their basement. Children love them. It is wonderful.

But, Mr. President, it is not so wonderful to squander $188 million just because we are desperately trying to spend money in the name of stimulating the economy. The problem with the economy is not that we are understimulating the economy. The problem with the economy is the deficit. The problem is that we are spending more than we are taking in.

Even though we are going to raise taxes by $295 billion over the next 5 years as a result of what we did last week, even though we are going to have another $295 billion to do something with, that is no excuse for blowing it. It is no excuse for taking the money out of the taxpayers pockets, and blowing it on spending money on anything Amtrak can think of, commissary cars, and hiring people back at an average cost of $122,000 a head.

I think the Senator from New Mexico wanted some time.

Mr. DOMENICI. I certainly do not want to cut any time that the Senator might need. How much time does the Senator have?

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Missouri has 6 minutes remaining.

Mr. DOMENICI. I will take 3 minutes. I appreciate it.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President and fellow Senators, throughout the debate on their so-called stimulus package, the other side of the aisle has been saying that every day you see announcements that major American corporations are not hiring people, or they are going to cut back on the work force. The implication is that passage of this bill, this $16 billion in new spending, is going to help that situation. I really have not heard anybody say that directly. But I think that is the implication.

Frankly, I have not heard from anyone knowledgeable about the American economy who thinks that this so-called stimulus package is going to help IBM, and they are going to lay off less people if we pass it.

It is really ironic that while we are doing this in the name of trying to help with jobs, we are raising taxes on American corporations. Is not that interesting? We are saying to them "produce more jobs," but I really do not think that is possible.

Taxing corporations that cannot hire people because they are not making enough money will not help them hire more by enacting a stimulus package that has nothing to do with them. Raising corporate taxes, and raising the energy taxes that those companies large and small must pay will not help them stay alive. You are going to raise that issue some more, and in the meantime, say they are going to create more jobs by spending taxpayer dollars. It appears to this Senator that our colleagues are justifying a package of so-called stimulus spending that looks as if it were put together by people representing the President who went around with a hat in hand. They said put in what spending you need. Amtrak, put it in the hat. We are going to look at it because we want to spend money. They went to the mayors and said, tell us what you are going to do with CDBG money, this block grant for community development. Put it in this hat. They went to the Weather Service, and they said what do you need? They put it in the hat. They need a couple of computers. This hat is filled with those.

Then we come to the floor, and there has been a selection from all those in the hat excepting as to the block grants to the cities. We are told we are not sure at all which projects are going to be funded, but we are told not to worry about it because we now have a provision in this bill that says the OMB Director is going to see to it that those mayors do not spend it on wasteful projects.

Frankly, I believe that anyone listening to this debate will understand that somehow or another the President of the United States in preparing this budget made a commitment to spend money, and that he is of the opinion that spending it with Amtrak on their wish list, with mayors on their wish list, and with others is truly going to help the American economy.

Frankly, I agree with Senator DANFORTH. I agree wholeheartedly. This is an issue of increasing the deficit in the name of a stimulus package which is nothing more than just spending the taxpayers' money, all while there is an aura around that we are cutting the deficit over the next 5 years.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes remaining. The Senator from Nebraska has 18 minutes.

Mr. EXON. I yield myself 2 minutes.

Once again, we have been listening to what I addressed previously; that is, a tax on the whole scope of the President's program on a relatively small amount of money comparatively speaking that has been provided for Amtrak.

Once again, I say that is a legitimate discussion. But it is not proper, I do not think, to say that the money being spent on Amtrak is being wasted. It is not being wasted.

I noticed with great interest the figures—I do not dispute the facts that the Senator from Missouri has used with regard to Amtrak funding. You will notice, though, Mr. President, that the word "Federal" was in there; Federal funding.

Certainly, I think all realize that the airline industry is indeed being subsidized very, very heavily. If you do not believe it, ask the people of Minnesota that have obligated a very large amount of money from the State of Minnesota in the thousands of dollars, as I understand it, against every citizen of that State to keep a very major airline going whose hub is in the Minneapolis-St. Paul area.

I simply say that if you take the Federal dollars only and ignore what is going to subsidize the airline industry with regard to airports and other facilities around the country, and the expense of managing the agencies of the Federal Government that oversee that airline industry, you will see that dollar for dollar it is pretty minuscule as far as everything is concerned.

I give myself 1 additional minute.

In addition to that, Mr. President, I would simply say that time and time again in the facts that have been used in this argument tonight, it is said outside the Northeast corridor these facts are true. The Northeast corridor is a pretty good operation. But it is only a part of the total Amtrak service in the United States of America.

Certainly, I recognize and realize that Amtrak does subsidize their passenger trains to the less populated parts of the United States of America. What is wrong with that?

I reserve the remainder of my time.

I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, I thank my colleague, the Senator from Nebraska.

This is a subject I think most know is very dear to my heart. It is not because I like to play with model trains. It is because I want to help this country achieve the goals that we have set out for ourselves—less dependence on the foreign oil, improvements in the way we move people and material, to try and clean up the air, to try and reduce the incredible amount of time wasted going from place to place, trying to get people off the highways, trying to reduce congestion on the ground and in the air.

One of the ways that we are going to do that, a significant way, is to finally put enough money into the national rail passenger service to make it a 21st century system. We are so far behind our competitors in investment in the passenger service that we look Neanderthal, maybe third world, when compared to other countries around the world.

I have a great deal of respect and affection for the distinguished Senator from Missouri. We are going to miss his presence when he no longer enters this Chamber. But in this case, I am going to forcefully, even convincingly, disagree with him, because the argument over Amtrak is not one that ought to be made in a manner that I sense, Mr. President, is somewhat partisan. I think the track we are talking about is not Amtrak, but the sidetrack of the President's program, to try and make it look as if it does not add to the national well-being.

Well, it certainly does. I first would like to talk to one part of this debate. That is the subsidy issue which was, as I understand, discussed at length here.

There is no mode of transportation in this country that is unsubsidized. There is no national rail passenger service across the globe that goes unsubsidized. And, Mr. President, we subsidize aviation. I love aviation. I just wish we did not have to subsidize it to the tune of $2 billion a year. I wish we did not have to subsidize highways, but we do, to the tune of billions of dollars a year, because it is in the national interest.

Each year, we put over $2 billion of general revenues into the air traffic control system. That's a subsidy. I think we ought to encourage aviation. I think we ought to help to make the system so efficient that we can encourage other competitors to come into the market, instead of seeing now what is taking place—bankruptcies, receivership, and unfair competition, heavily subsidized by the taxpayers. One way we ought to try to make that operation more efficient is to make sure that there is a balanced transportation network, including transit, buses, and high-speed rail service.

St. Louis is one of those places that has some interest in developing a high-speed rail system, I understand, between Chicago and St. Louis, and the agency that is going to deal with that, of course, is Amtrak.

Amtrak's subsidy is $331 million this year, which is peanuts in comparison to the subsidy that other modes receive. It is a lot less, as I said earlier, than what other countries put into their rail system. Amtrak is doing very well. It is recovering more and more at the fare box, now up to 87 percent, Mr. President. That is quite a jump from where it was; it is far better than any other system in the world. The subsidy has been coming down.

One of the problems that Amtrak has had is that it has a terribly antiquated capital system. Its signal system is far behind the technology that is available today. It is an essential part of a balanced transportation system, one that the President wants to expand and improve.

When I hear my colleagues from the other side of the aisle talk about the stimulus package, I hear them challenging the whole program. Well, that is the prerogative of debate in this Chamber. But the fact is that we get the best bang for the buck when we talk about infrastructure investment. It creates jobs, prepares us for the future, and makes us more competitive and responsive to clean air requirements, and less dependent on foreign oil. The ability of Amtrak to be more competitive, to bring the costs down, depends on its ability to modernize and to reduce its need for a Federal operating subsidy, because we have the equipment and a newer infrastructure to deal with. Amtrak is planning to expand high-speed rail service in corridors outside of the Northeast. The Northeast corridor is a favorite subject of discussion because it had a lot of money put into it. It serves a very densely populated part of the country.

The actual salaries for Amtrak workers are no more than for those who work on the highways or on any of the jobs created by funding this bill. The job figure used by the Senator from Missouri is off the mark. The cost figures for rehiring furloughed employees includes the cost of all of the material necessary for the capital program, like new track and new rolling stock. The Senator from Missouri also complains that Amtrak is getting into the bus business with the Federal subsidy. That I disagree with. It is a misstatement, because the new bus service is funded entirely by the State of California, in this case, without Federal subsidy.

It is also said by my distinguished colleague that Amtrak's capital budget in 1993 was only $165 million. I am not bragging, Mr. President, nor am I crowing, but that is off the mark by more than 100 percent, because in fact Amtrak's capital, including the Northeast Corridor Improvement Program—was $370 million.

Thus, when we look for $188 million in this stimulus package, it is consistent with what we are trying to do—get people back to work, improve the facility that serves our economy, make us more competitive.

As chairman of the Senate Subcommittee of Appropriations on Transportation—I can tell you, Mr. President, there are very few States that do not want either new or expanded service. They see the value of Amtrak. If we had railroads like those in Europe or like those in Japan, we would substantially reduce the congestion and the inefficiency of the entire transportation system.

So when we look at the whole package, Mr. President, I see this as a very positive thing for our country, long range; and this is one of those rare instances where you get immediate benefit—you get people back to work, and you set the stage for further economic benefits. It is said by Amtrak and suppliers of rail cars that if we venture into the high-speed rail system in a serious way, they are going to make the equipment in this country.

So I see this as a win-win situation, Mr. President. I hope that we will defeat the amendment that the Senator from Missouri is offering.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Nebraska has 6 minutes remaining. The Senator from Missouri has 2 minutes remaining.

Mr. BYRD. Mr. President, we have heard much about passing around the hat, how all of the projects or programs that are involved in the stimulus bill as a result of the President's going out in the country, passing around the hat, letting the mayors put in their wishes, and letting the Governors put in their wishes, and letting the county commissioners put in their wishes, and letting municipal officials put their wishes into the hat.

And this is just another way to spend money, spend money, feel good about spending money. Shame. Shame. What about people in these rural areas? We do not have airports, we do not have major airports. In some areas, rural areas, we have to travel miles and miles and miles just to reach a small airport. We do not have metro systems in rural areas. Bus transportation, we may have a little of that. People still have to travel, and they need to travel in safety.

Shame. May I ask what is the cost of a round-trip ticket to St. Louis from Washington? I will tell you what it is to Charleston, WV, 1 hour's flight, 50 minutes' flight, to Charleston, WV, and back. My wife goes to Charleston, WV, and back; she pays $540.

I voted to deregulate the airlines and I have been kicking myself in the pants every since. And now they make us give an arm an a leg to get from here to Charleston, WV, and back. I daresay one can go from here to London and back, one can go to California and back for less money.

Mr. LAUTENBERG. Mr. President, if the Senator will yield 1 second, I tell you the trip between Newark, NJ, and Washington, DC, round trip is over $300.

Mr. BYRD. Yes, I yield to the distinguished Senator from Maryland.

Mr. SARBANES. I very much appreciate the chairman yielding. I want to make one point before the time expires.

Mr. BYRD. Go ahead.

Mr. SARBANES. Mr. President, the European Community has committed itself to spending $30 billion to upgrade the rail system in Europe. They have undertaken that commitment in the European Community. They have major plans for an upgrading of the European rail system.

This amendment is going to knock out $188 million to help upgrade Amtrak in this country. But I just want to make the point that someone, somewhere in the world, perceives the advantage of a first-class rail system, and the Europeans perceive it to the point that they are willing to put $30 billion into doing exactly that.

When are we going to wake up in this country and meet this kind of competition that they are imposing on us.

Mr. BYRD. Mr. President, the Senator from Maryland makes a very pertinent and important point. This money is to make Amtrak safer, to improve on-time performance. We deregulated the airlines. We have deregulated the intercity buses. But for much of rural America, Amtrak is all there is left. That is all there is left.

We subsidize the airlines. Funding for one-half of the operating costs of the air traffic control system—get this—funding for one-half of the operating costs of the air traffic control system came from where? The general fund. Not from the trust fund, from the general fund. The general fund appropriation each year is in excess of $2 billion for the air traffic control system.

Amtrak's total 1993 appropriation was $496 million, and of that amount, only $331 million was for operating subsidies.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 56 seconds remaining.

Mr. BYRD. I will save that for later.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. DANFORTH. Mr. President, I would similarly like to answer a question that was previously asked, I think, by Senator EXON. He asked what is wrong with subsidies. In addition to costing money, what is wrong with subsidies is that they hurt competing modes of transportation.

Last year, the General Accounting Office wrote a report and one of the conclusions in the report is, while bus subsidies increased to 7 cents per passenger in the early 1980's, Amtrak's subsidy increased to more than $50 per passenger. The Senator from West Virginia talked about what happens in small communities. Well, there are only 524 communities in this country that are served by Amtrak; there are 6,000 communities that are served by intercity bus. That is down from 23,000 in 1960.

So we are subsidizing one mode of transportation, hurting another mode of transportation, and spending an extra $188 million of the taxpayers' money in this particular program.

This really is waste, Mr. President. And this amendment offers us an opportunity to save $188 million.

Mr. SARBANES. If the Senator will yield, Mr. President, if he has time, how many buses do you think you have to put on the Northeast corridor to carry the passengers that travel up and down that corridor, now, by train? I mean, it boggles the imagination to think about that problem.

The PRESIDING OFFICER. The Senator from Missouri retains 40 seconds; the Senator from West Virginia, 56 seconds.

Who yields time?

Mr. BYRD. Mr. President, since the St. Louis Metrolink transit project first began, the total funding to date—and that is over a period, I am advised, of about 7 years—the total funding to date is $327.6 million. Come on. Come on. How about a little funding for Amtrak? Let us promote the safety of Amtrak. Let us get rid of this backlog of maintenance that exists all over this country.

Amtrak runs in 45 States out of the 50. Now, come on. Help us a little in the rural areas.

How many times do you think my wife can afford to make trips to Charleston, WV, and back, at $540 a trip?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri has 40 seconds remaining.

Mr. DANFORTH. Mr. President, to repeat, the question is whether we have $188 million of taxpayers' money available for a supplemental appropriation, not governed by the normal budget process, to spend in extra money for Amtrak—Amtrak, which has been subsidized at over $50 per passenger, as compared with about a nickel a passenger on intercity buses; Amtrak, which has never made money, and still does not, outside the Northeast corridor.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. MITCHELL. Mr. President, I yield myself time from my leader time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MITCHELL. Mr. President, this is a problem that we now face over and over again on this bill, and I mean no criticism of my friend from Missouri. He is a friend and he is a very fine Senator. We would be sorry if he loses.

But as the distinguished chairman of the Appropriations Committee pointed out, he did not stand up and object when $330 million of Federal taxpayers' money went to one city in his home State. But now, all of a sudden, it is waste if anyone else gets anything.

That is what we face on this bill over and over again. Yesterday, we heard the Senator from Texas, who of course favored these multibillion-dollar projects for Texas, criticize so-called waste. And $330 million went to the city of St. Louis for a metro project, and the Senator did not object. He probably supported it. He probably took credit for it, and probably deserved it.

Was that not waste? Why did we not vote to cut that out?

I think what we have here is a growing and a glaring inconsistency, where the very people who speak the most about waste are the ones who are for the spending when it is in their States and for their constituents. I think that inconsistency is becoming more evident the more discussion there is about this bill. And, I repeat, this is not a criticism of the Senator from Missouri. He is a fine Senator and a good friend. He probably fought for his State.

I just think, though, that we all ought to be aware of the position that we find ourselves in when we deal with these measures.

Mr. President, I yield from leader time an equal amount of time for the Senator from Missouri to respond.

Mr. DANFORTH. Mr. President, I appreciate the majority leader yielding from his time.

I really do not think that it is an argument to say that, all right, everybody in the Senate has voted for appropriations bills; everybody in the Senate has utilized the normal budget and appropriations process in order to serve the interests of their constituents.

That is absolutely true and, therefore, every Member of the Senate is estopped from criticizing a supplemental appropriations bill which is outside the normal budget process. I mean, the issue is not whether we should ever appropriate money for anything; the issue is whether we should set aside the normal process, go outside the normal budget, and in the name of stimulating the economy, spend in this case $188 million beyond the normal appropriations process for Amtrak.

I am critical of the underlying legislation. There is no doubt about it. I think that it is a mistaken view of economics to try to tax and then spend our way out of economic difficulty. That is true.

But I think that, if you say, "Well, every Senator votes for appropriations bills, therefore, no Senator can criticize $188 million of additional spending for Amtrak," to me that is simply incorrect reasoning.

Mr. SARBANES. Will the Senator yield for a question?

The PRESIDING OFFICER. The majority leader controls the time.

Mr. SARBANES. Will the majority leader let me put a question?

Mr. MITCHELL. I will yield to the Senator for 1 minute for a statement. We have to get to this vote.

Mr. SARBANES. I would just point this out to the Senator. I take it St. Louis receives $330 million for mass transit.

But I would like to know what the subsidy is that will underwrite the riders of that mass transit system, since every mass transit system in the country, by definition, is subsidized; otherwise, it is not economically viable.

I daresay to the Senator that I would not be at all surprised if the subsidy in St. Louis, per rider for your mass transit system, were higher than the underwrite for the Amtrak passengers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MITCHELL. I will just close by saying, when St. Louis comes into the next link on this line, I think it should be subjected to very careful scrutiny, the same scrutiny that should apply to all projects.

Mr. DANFORTH. Mr. President, how am I to take that comment by the distinguished majority leader?

I mean, the way I could have heard that, is to say that a Senator who is offering an amendment to this appropriations bill is, henceforth, going to be subjected to special scrutiny for programs that pertain to his State in the normal appropriations process.

Mr. MITCHELL. I precisely said, "the same scrutiny that should apply to all projects." Those were my exact words.

Mr. DANFORTH. I appreciate that.

UNANIMOUS-CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTION 64

Mr. MITCHELL. Mr. President, I ask unanimous consent that, following the disposition of the Danforth amendment to the supplemental appropriations bill, the Senate turn to the conference report to accompany House Concurrent Resolution 64, the budget resolution; that there be 6 hours of debate, equally divided, pursuant to the provisions of the Budget Act; that at the conclusion or yielding back of time on the conference report this evening, the Senate lay the report aside; that when the Senate recesses today, it stand in recess until 9:20 a.m. on Thursday, April 1; that following the prayer on Thursday, the Journal of Proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; and that at 9:25 a.m., the Senate resume consideration of the conference report to accompany the budget resolution; that there be 20 minutes for debate, equally divided and controlled between the two leaders or their designees; and that the vote on the adoption of the conference report occur at 9:45 a.m., without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thought I heard everything the leader said. But, reserving the right to object, from what he said, having a vote tomorrow morning at 9:45, how much actual debate, out of the statutory time for the debate of a conference report, will be allowed on the conference report?

Mr. MITCHELL. There will be 6 hours and 20 minutes.

Mr. GRASSLEY. So that will be tonight, then, is that what the leader is saying?

Mr. MITCHELL. Six hours tonight and twenty minutes in the morning.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I would simply address an inquiry to the distinguished majority leader.

Inasmuch as this perhaps may be one of the most important budgets that has come before us, at least in recent years, I wonder if it would not be more amenable to the Members if we had a little bit more time to share the debate tomorrow.

Obviously, I know many Members will stay and want to listen to the debate past midnight, but I suspect not all.

I wonder if it would not be a bit more appropriate to have some additional time in the morning—not a great deal; I know it is not our purpose to delay the proceedings here—perhaps another hour?

Mr. MITCHELL. Mr. President, this agreement was negotiated between both sides and was cleared by the Republican leader, I thought, following consultation with Republican Senators.

Mr. BROWN. I thank the Senator.

Mr. MITCHELL. It represents a compromise between the two points of view.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. DANFORTH. No.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. MITCHELL. If I might just announce, then, this vote will be the last rollcall vote this evening and there will be a vote on the budget resolution conference report at 9:45 am tomorrow, pursuant to the order just obtained.

Mr. DANFORTH addressed the Chair.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain material pertinent to the subject on which we are about to vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Infrastructure improvement projects locations

[In millions of dollars]

Project description:	*Amount*
Equipment overhauls:	
Beech Grove, IN	44.50
Delaware shops	16.70
Total equipment overhauls	61.20
Maintenance facility improvements:	
Boston, MA car shop extension	5.00
Los Angeles, CA locomotive shop	10.40
Beech Grove, IN, facility improvements	3.40
Total facility improvements	18.80
Station improvements:	
Station projects to be selected from the following candidates:	
New modular replacements	5.40
San Bernardino, CA	
Springfield, MA	
Toledo, OH	
Charlottesville, VA	
Lynchburg, VA	
Major improvements (projects $200K and above)	30.25
Phoenix, AZ	
Tucson, AZ	
Los Angeles, CA	
Sacramento, CA	
Denver, CO	
Washington, DC	
Tampa, FL	
Chicago Union Station	
Springfield, IL	
New Orleans, LA	
Baltimore, MD	
Detroit, MI	
Minneapolis/St. Paul, MN	
Albuquerque, NM	
Albany, NY	
Buffalo, NY	
NY Penn Sta., New York, NY	
Syracuse, NY	
Salem, OR	
Lancaster, PA	
Philadelphia 30th St., PA	
Fort Worth, TX	
Alexandria, VA	
Lorton, VA	
Richmond, VA	
Seattle, WA	
Milwaukee, WI	
Charleston, WV	
Station Projects Between $100K and $200K	3.44
Fullerton, CA	
San Diego, CA	
San Francisco, CA	
San Jose, CA	
San Luis Obispo, CA	
Santa Barbara, CA	
Jacksonville, FL	
Miami, FL	
Ocala, FL	
Sebring, FL	
Winter Haven, FL	
Atlanta, GA	
Osceola, FL	
Galesburg (BN), IL	
Newton, KS	
Topeka, KS	
Dearborn, MI	
Kansas City, MO	
Newark, NJ	
Lamy, NM	
Las Vegas, NV	
Reno, NV	
Portland, OR	
Elizabethtown, PA	
Kingston, RI	
Pasco, WA	
Spokane, WA	
Station projects $100K and below	3.76
There are approximately 250 stations throughout the country which are candidates for work valued at less than $100K per location.	
Total station improvements	42.85
Track and right-of-way improvements:	
Acquire and Install Concrete Ties (DE, MD, NJ, PA)	29.00
Acquire & Install Continuous Welded Rail (CT, MA, DC, PA)	3.40
Upgrade at Yds & Service Facilities (CA, DC, IN, PA, FL, VA)	5.30
Total right-of-way improvements	17.70
Small equipment purchases:	
(Various suppliers located throughout the U.S.—to be determined)	
Maintenance of Way Equipment Purchases (AL, SC, VA)	
Maintenance Facility Equipment Purchases	
Material Management Equipment Purchases	
Vehicle Replacement Program	
Commissary Vehicles	
Total small equipment purchase	12.90
Locomotive purchases:	
Expand Current Order—GE Erie, PA	
Switching Locomotives—Supplier TBD	
Total locomotive purchases	34.50
Total infrastructure investments	187.95

Mr. BYRD. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr.

BYRD] to table the amendment of the Senator from Missouri [Mr. DANFORTH].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], is necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—61

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—38

Bennett
Boren
Brown
Burns
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Jeffords
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Bond

So the motion to lay on the table the amendment (No. 290) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the motion was agreed to:

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USER FEES ON PUBLIC LANDS

Mr. BURNS. Mr. President, I rise today to commend my fellow Western Senators on the other side of the aisle and in particular my friend and colleague the senior Senator from Montana [Mr. BAUCUS] for their success in convincing President Clinton of the negative economic impacts of increasing user fees on public lands.

It is my understanding that President Clinton plans to leave the proposal to increase the fees in the budget but will not oppose efforts to remove the proposal.

I have been expressing my concerns about the negative impacts on my own State of Montana of the Clinton budget plan ever since it was unveiled nearly a month and a half ago. I was pleased to see my colleagues Senators BAUCUS, CONRAD, DORGAN, CAMPBELL, BINGAMAN, DECONCINI, BRYAN, and REID write both OMB Director Panetta and President Clinton and say, "We are, however, convinced that several features of the present plan—particularly when taken together—would harm the economies of the Farm Belt and the American West. With its heavy cuts in the current farm program and increased fees on extractive resources industries, we believe the plan, in its current form, would have a disproportionate negative impact on our home States."

I want to praise Senator BAUCUS for taking the lead on this vital issue to our State. He very clearly understands the devastating impact such proposed actions would have in Montana. I know that this has been very difficult for him. All the people of Montana and especially ranchers, miners, and loggers should be thankful for his courage and leadership on this issue.

Our concerns are not based on whether you are Democrat or Republican, they are based on what's fair and what's not fair. The Clinton budget plan simply does not treat the residents of the West in a fair manner. Agriculture and natural resources, along with westerners who drive long distances, are being asked to do more than other Americans.

While I am bothered that the plan relies too heavily on tax increases and too little on spending reductions, I am most concerned like my western Democratic colleagues about the energy taxes, which will hit large rural energy producing and agricultural States, like Montana, very hard.

Not only do Montanans have longer distances to drive and colder, longer winters than most, but a large part of our economy is based on energy production. The Clinton plan is weighted against western coal, it will impact the price of hydroelectric power, which Eastern States don't have.

Furthermore, agriculture, our State's No. 1 industry, will bear the largest part of the burden. Agriculture is an energy-intensive business, and the increase in direct fuel prices will cost America's farmers $500 million, and price increases for petrochemicals and fertilizers adds another $500 million.

I plan to work closely with Senators BAUCUS, CONRAD, and DASCHLE, all members of the Finance Committee, to include the exemption for off-road uses of gasoline and diesel fuel from the Btu energy tax.

While the Senate Budget Committee has slightly reduced the $8 billion of spending cuts being asked for from America's farmers and ranchers that was in the Clinton package, I agree with my friends Senators CONRAD and DORGAN from North Dakota that it is still unfair to our Nation's farmers and ranchers who feed our Nation.

All this, coupled with increased mining fees, increased grazing fees, changes in current below cost timber sales policy and the like, adds up to trouble for Western States and trouble for Montana's economy. Every facet of our natural resources-based economy will be impacted.

I for one want to work with Senator BAUCUS and my fellow western Democratic Senators on making this budget more balanced for the West. Yesterday, I sent a letter to the budget conferees asking that the user fee increases and the elimination of below-cost timber sales be deleted from the congressional budget resolution. In light of President Clinton's agreement not to oppose such an action, it is my hope that this can be accomplished before the budget resolution is enacted.

Thank you, Mr. President. I yield the floor.

COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with Senator MIKULSKI, the distinguished chair of the Subcommittee on Veterans Administration, Housing and Urban Development, and Independent Agencies, regarding the use of community development block grant funds to bring communities into compliance with the Americans with Disabilities Act, the Fair Housing Act, and for other purposes that will result in greater opportunities for people with disabilities to participate in community activities.

Ms. MIKULSKI. I would be pleased to enter into a colloquy with the Senator from Iowa, the chief sponsor of the Americans with Disabilities Act and a member of the Committee on Appropriations.

Mr. HARKIN. I thank the distinguished Senator from Maryland for allowing this inquiry. In the past, many communities have utilized CDBG funds in a variety of ways that benefit people with disabilities. For example, funds have been used to: acquire or rehabilitate buildings, group living arrangements, and other community-based services. In addition, CDBG funds have been used to construct facilities such as therapeutic swimming pools and rehabilitation facilities which serve people with disabilities. Some communities have utilized CDBG funds to create an accessible environment through barrier removal both communitywide and in housing. For example, CDBG is one of the few funding sources available to a locality to assist tenants with disabilities to make accessibility modifications to their homes, consistent with the Fair Housing Amendments Act.

In enacting the Americans with Disabilities Act in 1990, Congress established a January 26, 1995 deadline for all communities to install curb cuts, where necessary. In addition, the ADA requires all local governments to make public facilities such as libraries and city hall accessible, where appropriate. I believe a great opportunity presents itself with the enactment of the fiscal year 1993 supplemental appropriations bill for State and local governments to use CDBG funds and/or the jobs programs to eliminate many, if not all, barriers to accessibility as required by title II of the ADA.

Does the Senator from Maryland concur with my assessment that a community may use these additional funds under CDBG to ensure greater accessibility for people with disabilities?

Ms. MIKULSKI. I agree with the Senator from Iowa that a local community may, at its discretion, use its CDBG funds to ensure greater accessibility for people with disabilities, including efforts to achieve compliance with the accessibility provisions of the ADA and the Fair Housing Act through such activities as installing curb cuts and ramps and by providing signage. While no set amount of funding is established for such activities, communities may wish, if they so choose, to assess their accessibility needs under the ADA before deciding how to use the supplemental funds made available under the CDBG. I also concur that the jobs programs to be spurred by this supplemental appropriations bill could well be used to achieve compliance with the accessibility requirements of the ADA if a locality decides to allocate its funds in that way.

Mr. HARKIN. I thank the Senator from Maryland for her strong support for the ADA and for affirming that CDBG funds and other funding under this supplemental appropriations bill may be used to enable communities to achieve better accessibility for people with disabilities.

TAXES ON SMALL BUSINESS SHOULD NOT BE RAISED

Mr. PRESSLER. Mr. President, I rise today to discuss an important piece of legislation I will be introducing before the April recess. I am very concerned about the effects of President Clinton's tax proposals on small business.

This past weekend, I held a small business seminar in Sioux Falls, SD. I talked with small business men and women in an informal exchange of ideas. We spent a significant amount of time talking about taxes.

Under the President's proposal, the top marginal individual income tax rate would be raised to more than 42 percent—that is, when the surtax and Medicare tax are included. This figure, however, does not even include the effects of the energy tax.

Briefly, my legislation would freeze tax rates at current levels for sole proprietorships, partnerships, and subchapter S corporations. My legislation would help protect small businesses from contributing even a greater share of our Government's feeding frenzy for taxes. We need to cut spending first, and then talk about new taxes. According to a survey by the National Federation of Independent Business, only 8 percent of small businesses think the deficit should be reduced through tax increases.

Mr. President, we have been told that President Clinton's proposal is designed to raise taxes on so-called wealthy individuals. What is not being told to the American people is that a large number of the so-called wealthy are really unincorporated small businesses and family farms. Of the approximately 3.1 million people who earned over $100,000 in 1990, according to IRS statistics, conservative estimates show that at least one-third of them were small businesses.

Income tax increases, combined with the proposed energy tax, would cripple this most successful job producing sector of our economy. This is a double whammy against small businesses. While we do not know many of the details yet, many are expecting a triple whammy once the administration's health care proposals are made public.

While some advocates of higher taxes will criticize my proposal as another tax break for the rich, I assure you it will not be.

My proposed small business tax freeze would benefit only truly small enterprises. It would include a qualification ceiling based on the size of a business. Only those men and women who are actively, and I repeat—actively—involved in a small business, family farm, or ranch would benefit from this legislation. Passive investors need not apply.

Mr. President, I recently offered a somewhat similar sense of the Senate amendment to the budget resolution. That amendment, while it failed by a few votes, focused the attention of this body on the plight of America's small business.

As the ranking member of the Small Business Committee, I will not be forced to sit by quietly on the sidelines and watch small businesses be forced to ante up yet another time so we can grow the Government, creating make-work bureaucratic jobs, each costing $40,000 or more. Small businesses can expand and create jobs and opportunities for workers and families across the country. And it will not cost the taxpayers a dime.

The legislation I plan to introduce before this week is out will have teeth. I also hope that following the recess, the distinguished chairman of the Small Business Committee will agree to hold a hearing on the effects of significant tax increases on small businesses and proposals such as mine.

Mr. President, I hope my colleagues will join me as cosponsors of this legislation.

CLINTON STIMULUS PACKAGE'S CONTRIBUTION TO INEFFECTIVE GOVERNMENT

Mr. GRASSLEY. Mr. President, during the 1980's we experienced a tremendous buildup in defense spending. But instead of receiving more defense, we got less defense at a more expensive price.

When such a massive amount of money is spent in such a short period of time, we get waste, fraud, and abuse. This is one of the important lessons of the 1980's, and I was one Senator who worked to point this out.

Now I would like to point out the same problem only in a different area.

The Clinton budget, and the Clinton stimulus package that we are debating today, do not reflect the lessons learned from throwing too much money at the defense industry during the 1980's. Now we are running the risk of doing to domestic programs what we did to defense programs in the eighties. We are throwing money at domestic problems.

We are not reinventing Government first, and then funding a more effective Government with fewer dollars. We are throwing money at the problems hoping that this will solve them.

In this stimulus package, and in the Clinton budget, we are spending massive amounts of money on domestic problems including infrastructure.

Federal infrastructure spending is more likely to go toward unnecessary, inefficient, and overly expensive projects if the spending is forced into a pipeline that cannot absorb it.

Massive spending of the sort advocated by the Clinton budget and stimulus packages only continues this inefficient system. There is no incentive to spend the money efficiently.

The budget that we passed earlier this week would provide for increased funding of approximately $14 billion. The Clinton stimulus plan would spend an additional and immediate $4.16 billion in transportation infrastructure.

Mr. President, I am not one to say that there is no legitimate role for the Federal Government in the area of transportation. I think that the Federal Government has an important role to play in insuring that our infrastructure needs are met.

But we are not playing that role by throwing massive amounts of spending at transportation problems without considering how to most effectively spend this money.

There are a number of suggestions on things we could do immediately to reinvent the way we attempt to improve our transportation infrastructure.

They include suspending the Davis-Bacon Act, which artificially raises the costs of transportation projects, and privatizing airports.

And I hope that the Clinton administration will have other ideas on how to reinvent transportation spending. But we have not seen these ideas as yet.

As I mentioned earlier, during the 1980's, I expressed concerns about spending at the Department of Defense under two Republican Presidents. I believe that I have some legitimacy when I express these same concerns about domestic spending under a Democratic President.

The Clinton budget and stimulus package do not reflect the lessons learned from throwing too much money at the defense industry during the 1980's. This is not reinventing Government, it is business as usual.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have asked the ranking manager and I ask the chairman whether it would be agreeable if the distinguished majority whip could handle the wrapup a couple minutes before we get started on this?

Mr. SASSER. Sure.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANK GREENSPUN, THE TRAILBLAZER

Mr. REID. Mr. President, on April 23, 1992, a plaza in Jerusalem will be dedicated to a Nevada legend and world-class human being.

Herman Milton Greenspun—a man we all knew as Hank—was a trailblazing newspaper publisher, magazine publisher, radio pioneer, television station owner, advertising businessman, author, international human rights activist, community leader, philanthropist, public relations master, decorated war veteran, devoted husband, proud father of four, and admiring grandfather.

Hank Greenspun is a Nevada frontiersman who used his wit and ingenuity to blaze a path of dogged independence for the Silver State. Born in Brooklyn, Hank moved to Las Vegas in the 1940's, worked in public relations before turning his irrepressible talent to the media. He founded the first radio station in Las Vegas and soon thereafter purchased a small union newspaper, which he transformed into the Sun.

Hank was a pioneer and visionary who saw the potential for Las Vegas when it was just a dusty stopover for travelers. Today, that once little-known town is the fastest growing city in America.

In Israel, Hank is a national hero. He was one of the group of Americans who collected arms, including aircraft, for the underground Jewish defense organization Hagana to help establish the State of Israel. In 1947, he was convicted for smuggling arms to Israel and sentenced to jail and consequently lost his U.S. citizenship. Far from being dispirited, Hank stood tall and said he was proud of his efforts. President Lyndon Johnson subsequently pardoned him and restored his citizenship.

Hank was forever a supporter and activist for the State of Israel. He risked his livelihood, and his life, to help liberate Israel. His loyalty to America was equally strong. He trained as a lawyer and served in the Armed Forces in World War II, rising to the rank of major and serving with Gen. George C. Patton's 3d Army as a combat officer.

What I remember most about Hank was his courage. He was never afraid and his opinionated columns in the Sun took no prisoners. When he felt Nevadans were being harassed by the tax man, he took on the Internal Revenue Service. And he sincerely cared about his community. In fact, when he was battling the IRS behemoth, he told subscribers that he would provide them a lawyer and reporter if they should be called for an audit.

Hank will go down in American history books as an outspoken, personable character committed to liberty and justice, with a style all his own. In four decades of journalism, his aim was wide and his targets precise. There was never a doubt about where he stood. In one column, he even recommended that Senator Joseph McCarthy commit suicide. His friendship with reclusive billionaire Howard Hughes in the 1960's led to a plan by President Nixon's Watergate men to burglarize his safe in order to uncover documents about Hughes' personal life.

In July of 1989, Hank left this world, but he will never leave our hearts. Following his passing, the Las Vegas Sun said "his death represents the end of an era."

Nevadans and Israelis always knew where Hank stood. Mr. President, I want my Senate colleagues and this nation to also know of this great man. The Hank Greenspun Plaza at the Jerusalem and University Botanical Gardens is a fitting tribute to a man who placed his exemplary family first, always teaching them of their heritage. The United States of America and the State of Israel are better because of Hank Greenspun's life.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar 39, 40, 41, 42, 52, 54, 55, and 56 and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

J. Brian Atwood, of the District of Columbia, to be Under Secretary of State for Management.

Lynn E. Davis, of Virginia, to be Under Secretary of State for International Security Affairs.

Stephen A. Oxman, of New Jersey, to be an Assistant Secretary of State.

DEPARTMENT OF THE TREASURY

Lawrence H. Summers, of the District of Columbia, to be an Under Secretary of the Treasury.

DEPARTMENT OF STATE

Joan E. Spero, of New York, to be Under Secretary of State for Economic and Agricultural Affairs.

Harriet C. Babbitt, of Arizona, to be the Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Thomas E. Donilon, of the District of Columbia, to be an Assistant Secretary of State.

George Edward Moose, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be an Assistant Secretary of State.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Daniel B. Conable, and ending Franklin D. Lee, which nominations were received by the Senate on March 8, 1993, and appeared in the CONGRESSIONAL RECORD of March 9, 1993.

Foreign Service nominations beginning Melvin W. Searls, Jr., and ending Theodore J. Villinski, which nominations were received by the Senate on March 8, 1993, and appeared in the CONGRESSIONAL RECORD of March 9, 1993.

Foreign Service nominations beginning Robert Bemis, and ending William J. Weinhold, which nominations were received by the Senate on March 8, 1993, and appeared in the CONGRESSIONAL RECORD of March 9, 1993.

Foreign Service nominations beginning William M. Tappe, and ending Daniel L. Dolan, which nominations were received by the Senate on March 8, 1993, and appeared in the CONGRESSIONAL RECORD of March 9, 1993.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 53, STROBE TALBOTT

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that when the Senate turns to the consideration of the nomination of Strobe Talbott, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States (Executive Calendar No. 53), there be 40 minutes of debate, equally divided between the chairman of the Foreign Relations Committee, Mr. PELL, or his designee, and the Senator from Arizona, Mr. MCCAIN; that at the conclusion or yielding back of time, a vote occur on the nomination, without any intervening action; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRINTING OF SENATE DOCUMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 85 submitted earlier today by Senator PRYOR, a resolution to authorize the printing of additional copies of a Senate report entitled "Developments in Aging: 1992"; that the resolution be agreed to and the motion to reconsider laid upon the table; that any statements relating to this resolution appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) is as follows:

S. RES. 85

Resolved, That there shall be printed for the use of the Special Committee on Aging, in addition to the usual number of copies, the maximum number of copies of volumes 1 and 2 of the annual report of the committee to the Senate, entitled "Developments in Aging: 1992", which additional copies may be printed at a cost not to exceed $1,200.

MESSAGES FROM THE HOUSE

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

H.R. 239. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes.

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 28. Joint resolution providing for the appointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 29. Joint resolution providing for the appointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

At 4:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill; without amendment:

S. 284. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 284. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 7:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 64) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.".

MEASURE REFERRED

The following measue, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 175. An Act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bill:

On March 31, 1993:

S. 284. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-697. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Navy's Base Structure Data Base; to the Committee on Armed Services.

EC-698. A communication from the Principal Deputy Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report relative to strategic and critical materials; to the Committee on Armed Services.

EC-699. A communication from the Acting Assistant Secretary of Energy (Environmental Restoration and Waste Management), transmitting, pursuant to law, a notice of delay in submission of a report on research activities for fiscal year 1992; to the Committee on Armed Services.

EC-700. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on the Foreign Comparative Testing Program for fiscal year 1992; to the Committee on Armed Services.

EC-701. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the enforcement of the Fair Debt Collection Practices Act; to the Committee on Banking, Housing and Urban Affairs.

EC-702. A communication from the Acting Director of the Resolution Trust Corporation, transmitting, pursuant to law, a report identifying and describing covered property of the Corporation as of September 30, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-703. A communication from the Acting Assistant Secretary (Domestic Finance) of the Department of the Treasury, transmitting, pursuant to law, a report relative to the permanent debt limit; to the Committee on Finance.

EC-704. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to voluntary contributions made by the United States to International Organizations for the period April 1992 to September 1992; to the Committee on Foreign Relations.

EC-705. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the texts of an International Labor Organization convention and recommendation regarding workers' claims; to the Committee on Foreign Relations.

EC-706. A communication from the Chairman of the Merit System Protection Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1992; to the Committee on Governmental Affairs.

EC-707. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to actions of the

Administration which involve costs in excess of $50,000; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following report of the committee was submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Report entitled "Activities of the Committee on Governmental Affairs for 102nd Congress" (Rept. No. 103–32).

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Report entitled "Report To the Senate On the Activities of the Committee on Environment and Public Works For the 102nd Congress" (Rept. No. 103–33).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Report entitled "Legislative and Oversight Activities During the 102nd Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 103–34).

Report entitled "Legislative Activities of the Committee on Foreign Relations—102nd Congress" (Rept. 103–35).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

John M. Deutch, of Massachusetts, to be Under Secretary of Defense for Acquisition.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be Vice Admiral

Vice Adm. Roger F. Bacon, [redacted], U.S. Navy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Terrence R. Duvernay, Sr. of Georgia, to be Deputy Secretary of Housing and Urban Development.

Jean Nolan, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself and Mr. ROCKEFELLER):

S. 680. A bill to provide for toy safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 681. A bill to amend chapter 35 of title 44, United States Code, relating to Government paperwork reduction, to modify the Federal regulatory review process, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 682. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

S. 683. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. WELLSTONE):

S. 684. A bill to establish a national health plan, and for other purposes; to the Committee on Finance.

By Mr. PELL (by request):

S. 685. A bill to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; to the Committee on Rules and Administration.

By Mr. KRUEGER (for himself, Mr. BREAUX, Mr. GRAHAM, and Mr. JOHNSTON):

S. 686. A bill to establish a Gulf of Mexico Commission and a Gulf of Mexico Program Office within the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. LIEBERMAN, Mr. DANFORTH, and Mr. DODD):

S. 687. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. PELL, Mr. METZENBAUM, and Mr. MURKOWSKI):

S.J. Res. 76. Joint resolution concerning the dedication of the United States Holocaust Memorial Museum; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 77. Joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. PRYOR, and Mr. BUMPERS):

S.J. Res. 78. Joint resolution designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR:

S. Res. 85. Resolution to authorize the printing of additional copies of a Senate report entitled "Developments in Aging: 1992"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself and Mr. ROCKEFELLER):

S. 680. A bill to provide for toy safety and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CHILD SAFETY PROTECTION ACT

• Mr. GORTON. Mr. President, today I am introducing the Child Safety Protection Act. I am pleased to be joined by another member of the Senate Commerce Committee, Senator ROCKEFELLER. This legislation will establish warning labels for the packaging of toys that contain small and dangerous parts, establish minimum choke-proof size requirements for balls intended for children under the age of 3, and it will create national mandatory performance standards for bicycle helmets.

Earlier this month, an identical measure introduced by Congresswoman CARDISS COLLINS passed in the House by an overwhelming margin of 362–38. Clearly, this legislation has great support and deserves immediate consideration.

According to the Consumer Product Safety Commission, in each year between 1980 and 1988, 3,200 children were rushed to hospital emergency rooms for toy-related ingestion and aspiration injuries. And in the years between 1980 and 1991, 186 children choked to death on balloons, marbles, and small balls.

Young children have an instinctive desire to put everything within reach into their mouth. More often than not, this is harmless. But when small children reach for a fire engine whose ladder is removable, or a small ball that looks like candy, that seemingly harmless toy may end up seriously injuring or killing the child. Too often, it is hard for a parent to tell if a toy, in its sealed package, has small pieces that are potentially dangerous.

While some toy manufacturers do label toys with small parts, each toy is labeled differently. It isn't clear to the consumer that the product may threaten their child's safety. By setting forth one uniform label that is clear and conspicuous, parents can easily tell if a toy's small parts present a hazard.

This measure is based on the expert staff recommendations of the Consumer Product Safety Commission after an extensive study of the problem. Unfortunately, the CPSC Commissioners chose to reject its own staff's recommendations and voted to terminate its rulemaking.

The CPSC would not rule on a warning label for toys with small parts contending that parents allow their children to play with toys that are intended for older children—which may have small parts—because they think that the age designation concerns the child's intellectual capability, rather than the child's safety.

And yet, this type of warning label would tell consumers, in precisely clear terms, that these toys are not intended for small children because they pose a very real safety threat, and not because the child is not intellectually ready for them.

The CPSC also said that they would not rule on the application of choking warning labels on balloons, because the labeling would apply to only 64 percent of the balloons sold each year. I believe, however, that 64 percent of the parents who tragically lost a child last year would have been grateful for this type of warning label on the package.

The second part of this legislation addresses the need for uniform bicycle helmet performance standards.

Tragically, 1,200 people die in bicycle-related accidents each year including 400 children. In 1990, an estimated 383,459 children up to 14 years of age were treated in emergency rooms for bike-related injuries; 75 percent of all cyclists' deaths involved head injuries and 70 percent of all hospitalized cyclists are treated for head trauma.

What I find even more distressing is that these tragedies are preventable. According to a study done in my State by Harborview Medical Center and published in the New England Journal, a solution as simple as wearing a bike helmet can reduce the risk of head injury by 85 percent and the risk of brain injury by almost 90 percent.

The message is clear, bicycle helmets that are designed and built properly save lives.

While only 5 percent of children nationwide use bicycle helmets, more people and communities are taking measures to encourage and require helmet use. In fact, just this month, a new law in portions of King County went into effect requiring all bike riders, adults, as well as children, to wear bike helmets. Legislation is pending in our State legislature to pass a statewide measure. While these measures are very commendable, it is troubling that we have no way of knowing whether or not all helmets will really work when put to test.

Two organizations have set forth voluntary bicycle helmet performance standards. Many helmets sold today, such as those sold by Pro-Tech of Kent, WA, do meet the voluntary standards and provide fine protection. These reputable companies like Pro-Tech are not the problem; unfortunately, we do hear evidence that some bike helmets, primarily those imported from abroad, may not meet the voluntary standards even if they are so labeled. This is why we need Federal standards to ensure compliance. People who buy bike helmets for their children or for their own use deserve to know that the helmet will perform in an accident.

Four years of delay since the CPSC first began studying the issues of toy safety and bike helmet standards have meant 4 years of preventable, unnecessary childhood deaths. I can't begin to imagine the grief that a parent feels over the loss of their child—but if we can take steps to prevent these tragedies, it is imperative that we do so.

The Child Safety Protection Act is supported by the major consumer groups and by the Safe Kids campaign. It is critically important to thousands of parents and consumers, and I urge my colleagues to give it their full support.

I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Protection Act".

SEC. 2. REQUIREMENTS FOR LABELING AND BANNING.

(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years or such other upper age limit as the Commission may determine which may not be less than 5 years old, any descriptive materials which accompany such toy or game, and the bin, container for retail display, or vending machine from which it is dispensed shall bear or contain the cautionary label described in paragraph (2) if the toy or game—

(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

(B) includes a small part, as defined by the Commission.

In the case of such a toy or game dispensed from a vending machine, the packaging of such toy or game shall not be required to bear the cautionary label described in paragraph (2).

(2) LABEL.—The cautionary label required paragraph (1) for a toy or game shall be as follows:

⚠ WARNING

CHOKING HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(b) BALLOONS, SMALL BALLS, AND MARBLES AND TOYS AND GAMES.—

(1) REQUIREMENT.—In the case of any balloon, small ball intended for children 3 years of age or older, marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, small ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

(A) the packaging of such balloon, small ball, or marble or toy or game,

(B) any descriptive materials which accompany such balloon, small ball, or marble or toy or game, and

(C) the bin or container for retail display of a balloon, small ball, or marble or toy or game or the vending machine from which the balloon, small ball, or marble or toy or game is dispensed,

shall contain the cautionary label described in paragraph (2). In the case of such a balloon, small ball, or marble or toy or game dispensed from a vending machine, the packaging of such a balloon, small ball, or marble or toy or game shall not be required to bear the cautionary label described in paragraph (2).

(2) LABEL.—The cautionary label required under paragraph (1) for a balloon, small ball, marble, or toy or game shall be as follows:

(A) BALLOONS.—

⚠ WARNING

Children under 8 can CHOKE TO DEATH on uninflated or broken balloons.

Adult supervision required.

Keep uninflated balloons from children. Discard broken balloons at once.

(B) SMALL BALLS.—

⚠ WARNING

CHOKING HAZARD—This toy is or has a small ball that presents a choking hazard.

Keep away from children under 3 years old. Remind 3 and 4 years old to keep small balls out of mouth.

(C) MARBLES, TOYS, AND GAMES.—

⚠ WARNING

CHOKE HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(3) DEFINITION.—For purposes of this subsection, a small ball is a ball with a diameter of 1.75 inches or less.

(c) GENERAL LABELING REQUIREMENTS.—All labeling required under subsection (a) or (b) for a toy or game or balloon, small ball, or marble shall—

(1) be prominently and conspicuously displayed on the packaging of the toy or game or balloon, small ball, or marble, on any descriptive materials which accompany the toy or game or balloon, small ball, or marble, and on the bin or container for retail display of the toy or game or balloon, small ball, or marble or the vending machine from which the toy or game or balloon, small ball, or marble is dispensed, and

(2) be visible and noticeable.

(d) ENFORCEMENT.—The requirements of subsections (a), (b), and (c) shall be considered to be a regulation issued by the

Consumer Product Safety Commission under section 3(b) of the Federal Hazardous Substances Act (15 U.S.C. 1262(b)).

(e) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3, and

(2) with a diameter of 1.75 inches or less,

shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act.

SEC. 3. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Consumer Product Safety Commission shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of section 2 by January 1, 1994. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C 1262) shall not apply with respect to the issuance of regulations under this subsection.

(b) EFFECTIVE DATE.—Section 2 shall take effect February 1, 1994, with respect to products entered into commerce on or after that date.

SEC. 4. BICYCLE HELMETS.

(a) INITIAL STANDARD.—Within 9 months of the date of the enactment of this Act, all bicycle helmets manufactured after the expiration of such 9 months shall conform to—

(1) the ANSI standard designated Z90.4-1984,

(2) the 1990 Snell Memorial Foundation Standard for Protective Headgear for Use in Bicycling, B-90, or

(3) such other standard as the Commission determines is appropriate,

until a standard under subsection (b) takes effect. A helmet which does not conform to a standard identified in paragraph (1), (2), or (3) shall, until the standard takes effect under subsection (b), be considered in violation of a consumer product safety standard issued under the Consumer Product Safety Act.

(b) PROCEEDING.—Within 60 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) harmonize the requirements of the ANSI standard, the Snell standard, and other appropriate standards into a standard of the Commission,

(2) include in the standard of the Commission provisions to protect against helmets rolling off the heads of riders,

(3) include in the standard of the Commission standards which address risk of injury to children, and

(4) include additional provisions as appropriate.

The standard developed under paragraphs (1) through (4) shall be considered a consumer product safety standard issued under the Consumer Product Safety Act and shall take effect 1 year after the date it is issued. Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to any proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued as a result of such proceeding.•

• Mr. ROCKEFELLER. Mr. President, today it is my privilege to join Senator GORTON in introducing the Child Safety Protection Act. As the chairman of the National Commission on Children, I have worked to place children and their families at the top of the national agenda. This legislation is an example of meaningful action we can take in the U.S. Senate on behalf of America's families and children.

As many of us know, the first 3 years of a child's life are a period of intense and extraordinary development, a time to reach out and explore. All too often though, children are unintentionally exposed to toys or small parts of toys that pose a choking hazard. One reason for this is because there is currently no Federal standard for warning labels on toys. Many times if there is a warning label on a particular toy, it gets lost among the colorful pictures or artwork on the toy's packaging. Or, the warning is misunderstood by parents, who understandably believe that the words "for ages 3 and up" refer solely to the child's intellectual development and not to the physical dangers presented by small toys. The Child Safety Protection Act will help address these problems by requiring that clear, visible warning labels be placed on all toys that are small enough or contain parts small enough for a child to choke on, even if the toy is intended for children over 3.

Along with the warning label standards, this legislation requires that balls intended for children under 3 meet minimum chokeproof size requirements. If a manufacturer makes balls smaller than chokeproof size, this bill will prevent the marketing of these little balls to children under 3 who are put at risk when playing with them.

Another important element of this legislation establishes a minimum safety standard for bicycle helmets. Far too many bicycle deaths are caused by trauma to the head. To be specific, 70 percent of the approximately 1,200 bicycle deaths per year are caused by head trauma, according to the Consumer Product Safety Commission. In many cases, parents who believe they are purchasing safe bicycle helmets for their children are unknowingly spending their money for products that may not provide adequate protection. The current, voluntary helmet standards—while closely followed by some manufacturers—are simply not enough to adequately protect consumers and children. By establishing a mandatory national standard for bicycle helmets, this legislation will help assure that consumers, particularly children, are adequately protected.

As I have said before, there are no quick fixes to the many problems that threaten the lives and safety of so many of America's young people. But solutions are within reach, and the Child Safety Protection Act is part of that effort. It is another step—not a giant one, but another meaningful step we can take in the U.S. Senate on behalf of America's children and families. It is an action that they richly deserve, and I urge my Senate colleagues to support this legislation.•

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 681. A bill to amend chapter 35 of title 44, United States Code, relating to Government paperwork reduction, to modify the Federal regulatory review process, and for other purposes; to the Committee on Governmental Affairs.

PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1993

• Mr. GLENN. Mr. President, I introduce the Paperwork Reduction Reauthorization Act of 1993. The primary purpose of this legislation is, as the name suggests, to reauthorize the Paperwork Reduction Act of 1980. As my colleagues know, this is the very important law that we all depend on to cut Government redtape and to ensure value for the billions of dollars the Federal Government spends on information activities.

As chairman of the Committee on Governmental Affairs, I can say that this legislation has the highest priority. Its speedy consideration and passage is needed to revitalize efforts to reduce paperwork burdens on the American public and to reduce wasteful spending on information and information technology that the Government can't use or doesn't need.

The bill I introduce today strengthens the act's important purposes and will help us get beyond the controversies that have dogged the act and its implementing office, OMB's Office of Information and Regulatory Affairs [OIRA]. The Paperwork Reduction Reauthorization Act of 1993:

First, reauthorizes appropriations for OIRA for 4 years—$8 million for fiscal years 1993, 1994, 1995 and 1996; second, strengthens agency and OIRA efforts to reduce paperwork burdens on the public; third, improves the management of Federal information resources [IRM]; and fourth, establishes basic public accountability procedures for Presidential regulatory review.

I believe that with this legislation we can show the American people that we are making real progress toward cutting out redtape and improving Government information practices. Moreover, I am confident that we can reach this goal because of the commitment to this important issue that I see from the new administration. Let me add that I look forward to working with my colleagues, especially Senator NUNN and Senator BUMPERS, who are also strong proponents of paperwork reduction, to ensure that we quickly produce an effective reauthorization bill that addresses everyone's concerns.

OIRA'S MISSION

Since the Paperwork Reduction Act was first implemented in 1981, OIRA has served an essential function as the Federal paperwork cop. The act gave OIRA the power necessary to force Federal agencies to cut back on the paperwork burdens they impose on the American public. And that is no inconsiderable burden. The Chamber of Commerce estimates that Federal Government paperwork costs our Nation $325 billion annually. This is up from the $100 billion reported by the Commission on Federal Paperwork in 1977.

These figures are not just figments of some economist's imagination. The dollars are very real. In my campaign for reelection to the Senate last year, I heard, more than I have heard before, the repeated, and very specific, complaints of small and large businesses alike, hurting under the burdens of Government redtape—forms, surveys, reporting and recordkeeping requirements—they all add up. If we are to create change in Government and get our country on the road to renewed leadership in our global economy, we must make sure that we here in Washington are not a drag on our people. OIRA and a reauthorized Paperwork Reduction Act are essential to that effort.

The legislation I am introducing today maintains and strengthens OIRA's strong central paperwork reduction role. In addition to the paperwork clearance process, the bill establishes new requirements for OIRA to proactively identify initiatives to reduce paperwork burdens. OIRA should not simply wait passively for agencies to propose new paperwork requirements, it should work with agencies to find new ways to fulfill program missions while reducing redtape. My bill also requires OIRA to work with the Office of Federal Procurement Policy to cut paperwork burdens associated with Government purchasing. As many businesses know, trying to do business with the Federal Government can be a nightmare in bureaucratic requirements.

My legislation sharpens OIRA's focus on the reduction of paperwork burdens on those most heavily burdened, like individuals, small businesses, educational institutions, non-profit organizations, and State and local governments. Unfortunately, it is no secret that over the last 12 years, OIRA targeted health, safety and environmental regulations, while letting up on other redtape requirements that are terribly burdensome on the average American individual or business or college. Health care paperwork, tax paperwork, Government contracting paperwork, Government grant paperwork—the list goes on and on. And I think my colleagues will agree that OIRA can and should do more in all these areas. It's only fair.

Paperwork reduction is, of course, more than just cutting out individual forms and requirements. The Federal Paperwork Commission had it right in 1977 when it reported to Congress that,

> Not only are specific rules, forms and procedures not working properly, but also that the organizational structures, management policies and operating systems for delivering citizen services and benefits are often obsolete, weak, or misdirected in emphasis and priority. These flaws and deficiencies are the root causes of excessive paperwork and red tape. * * * Thus the real culprit of the paperwork burden is mismanagement of information resources.—Information Resources Management: A Report of the Commission on Federal Paperwork, September 9, 1977, pp. 10, 12.

It was precisely because of the Commission's recommendations that Congress in 1980 passed the Paperwork Reduction Act to create a single information resources management approach by which to improve the Federal Government's management of its information activities. Congress agreed with the Commission, that IRM can,

> Make a significant impact in reducing the economic burdens of paperwork on the public by reducing duplication, clearly justifying information needs, improving reporting forms and collection processes, and effectively and efficiently utilizing modern information handling techniques and technologies.—ibid., p. 16.

Given the growing use of computers and other information technology by the government, the management job and the resources at risk are vast. As the General Accounting Office recently reported:

> The Federal government spends over $20 billion annually on new [information] technology—and tens of billions more running current systems. Yet agency after agency still lacks critical information needed to analyze programmatic issues, manage agency resources, control expenditures, and demonstrate measurable results. Moreover, the government is falling farther behind the private sector in using information technology to streamline its operations and improve service to the public.—GAO/OCG–93–5TR, p.4, December 1992.

There is no way around this problem. The information revolution is giving the Government new and more efficient ways of doing business. Congress gave OIRA the tools it needs in the Paperwork Reduction Act to ensure that indeed the Government realizes the benefits of this new technology and at the same time minimizes its burdens on the American public. GAO's report, however, shows that we have not had enough progress. Simply put, OIRA has not been able to fulfill its role as IRM manager—partly because it has not had the resources or support from the top, and partly because its focus has been elsewhere, namely paperwork reduction as a part of its regulatory review operation.

This cannot continue. Too much money and Government effort is at risk. OIRA simply needs to do a better job. Thus, my legislation authorizes more funding for OIRA. It also clarifies and streamlines the Act's IRM mandates to ensure that OIRA can do its job better, and so that agencies will understand that they too have a responsibility to manage their information resources effectively and efficiently in order to better perform their public missions.

OIRA'S CONTROVERSY

As my colleagues know, there is more to OIRA and the Paperwork Reduction Act than merely management improvement. The reason is that for the past 12 years, OIRA's paperwork reduction work has taken place in the context of the regulatory review authority given to OIRA by Presidential Executive orders. This responsibility, important as it is, added a political element that created most of the controversy that has dogged OIRA since 1981.

Indeed, as many of my colleagues remember, it was disagreement about the extent of public disclosure to be provided in OMB regulatory review that killed the 1990 compromise that I had reached with the administration to reauthorize the act. Yes, matters have at times gotten so complicated that even a bipartisan compromise between the Bush administration and Democrats and Republicans on the Senate Governmental Affairs Committee and the House Government Operations Committee was not enough to get the act reauthorized. Moreover, when this disagreement was locked into place by the emergence of the Council on Competitiveness, prospects for reauthorization effectively disappeared altogether.

Reauthorization was also complicated by the controversy and confusion that arose in the aftermath of the 1990 Supreme Court decision in Dole versus United Steelworkers, regarding OIRA's paperwork review of OSHA's Hazard Communication Standard. As I described in a recent statement to the Senate on March 4, 1993, given the criticisms of OIRA's use of its regulatory review power, it was no surprise that OIRA's controversial record would color the question of whether OIRA could use its statutory paperwork clearance authority to review regulatory information disclosure requirements. As I also said in my recent statement, I believe now is the time to return to this issue and develop a uniform way of reviewing information disclosure as well as collection requirements. I look forward to working with my colleagues to crafting this solution.

I am also hopeful that we can move forward quickly, because we now have a new administration, equally committed to paperwork reduction and equally committed to the need for centralized regulatory review—and I applaud and support both. At the same time, the new administration is more committed to sunshine, and more willing to institutionalize the public accountability procedures that many of my colleagues in both Houses have been seeking for many years. To that end, the legislation I introduce today contains as a title II, a set of regulatory review sunshine procedures. As the summary of the bill attached to my statement states, the sunshine provisions are identical to S. 168, which I introduced earlier this Congress, and is derived from legislation of the 102d Congress (S. 1942), which was reported favorably by the Committee on Governmental Affairs by a bipartisan vote.

The regulatory review sunshine provisions require disclosure of regulatory review information after the end of review, including written and oral communications with nongovernmental parties, and written communications between the regulatory reviewer and the rulemaking agency. The bill does not require disclosure of oral communications between the reviewer and the agency. Deadlines are also created. Finally, conversations with the President, the Vice President, or Cabinet members are exempted from the disclosure requirements.

CONCLUSION

Mr. President, I am eager to work with my colleagues and the new administration to pass effective paperwork reduction reauthorization legislation. Together we can cut redtape and improve Government operations. I am also convinced that the successful reauthorization of the act will get us beyond the politicization that has dogged OIRA and this issue for the last decade.

I ask that the text of the Paperwork Reduction Reauthorization Act of 1993 and a summary be inserted into the RECORD, following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Reauthorization Act of 1993".

TITLE I—PAPERWORK REDUCTION AND INFORMATION RESOURCES MANAGEMENT BY FEDERAL DEPARTMENTS AND AGENCIES

SEC. 101. PURPOSE.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purpose

"The purpose of this chapter is to—

"(1) ensure the greatest possible public benefit from information collected, maintained, used, disseminated, and retained by the Federal Government;

"(2) eliminate any unnecessary Federal paperwork burden for individuals, small businesses, educational institutions, nonprofit organizations, State and local governments, and other persons;

"(3) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, and disseminating information;

"(4) emphasize Federal information resources management as a comprehensive and integrated process for improving the productivity, efficiency, and effectiveness of Government programs, including service delivery to the public;

"(5) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(6) ensure that information technology is acquired, used, and managed consistent with the purposes of chapter 35 of title 44, United States Code, to improve performance of agency missions;

"(7) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(8) improve the accountability of the Office of Management and Budget and all Federal agencies to Congress and to the public for the effective implementation of this chapter;

"(9) ensure that the collection, maintenance, use, dissemination, and retention of information by the Federal Government is consistent with applicable laws, including laws relating to—

"(A) confidentiality of information, including section 552a of title 5, United States Code;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

"(C) access to information, including section 552 of title 5, United States Code;

"(10) encourage dissemination of public information through a diversity of public and private providers, consistent with the Government's obligation to disseminate public information;

"(11) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the usefulness of the information to the public and makes effective use of information technology; and

"(12) strengthen the partnership between the Federal Government and State and local governments in the collection and sharing of government information.".

SEC. 102. DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) by striking out paragraphs (2), (5), (6), (7), (9), (12), and (17);

(2) by redesignating paragraphs (3), (4), (8), (10), (11), (13), (14), (15), and (16) as paragraphs (2), (3), (4), (5), (6), (7), (8), (10), and (11), respectively;

(3) by amending paragraph (2) (as redesignated by paragraph (2) of this section) by inserting before the semicolon a comma and "including the resources expended for reviewing instructions, searching data sources, obtaining, compiling, and maintaining the necessary data, completing and reviewing the collection of information, and transmitting or otherwise disclosing the information involved";

(4) by amending paragraph (3) (as redesignated by paragraph (2) of this section) by substituting "regardless of form or format" for "through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods";

(5) by amending paragraph (6) (as redesignated by paragraph (2) of this section) by inserting "regardless of form or format" after "method";

(6) by amending paragraph (7) (as redesignated by paragraph (2) of this section) to read as follows:

"(7) the term 'information resources management' means the process of systematically defining and meeting information needs to accomplish agency missions in the context of the information life cycle, which includes the stages of information from creation or collection through final disposition;";

(7) by amending paragraph (8) (as redesignated by paragraph (2) of this section) to read as follows:

"(8) the term 'information system' means an organized and distinct set of processes and technology, automated or manual, that collect, process, distribute or store information;";

(8) by inserting after paragraph (8) (as redesignated by paragraph (2) of this section) the following new paragraph:

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined under section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)), but does not include any system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include information technology used for routine administrative and business applications such as payroll, finance, logistics, and personnel management;"; and

(9) by inserting after paragraph (11) (as redesignated by paragraph (2) of this section) the following new paragraph:

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public pursuant to law, rule, regulation, policy, or practice, and any part of that information;".

SEC. 103. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 3503 of title 44, United States Code, is amended—

(1) in subsection (b), in the last sentence by inserting "and information resources management" after "policy"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.".

SEC. 104. AUTHORITY AND FUNCTIONS OF THE DIRECTOR.

(a) IN GENERAL.—Section 3504(a) of title 44, United States Code, is amended in the first sentence:

(1) by striking out "and implement" and inserting in lieu thereof a comma and "implement, and coordinate";

(2) by inserting ", public access to information," after "dissemination of information"; and

(3) by striking out "automatic data processing, telecommunications, and other".

(b) GENERAL INFORMATION POLICY FUNCTIONS.—Section 3504(b) of title 44, United States Code, is amended:

(1) in the first sentence by inserting "be to oversee the use of information and information technology to improve the efficiency and effectiveness of Government operations to serve agency missions, including service delivery to the public, and shall" after "the Director shall";

(2) by amending paragraph (1) to read as follows:

"(1) developing, implementing and updating uniform information resources management policies and overseeing the development of information resources management principles, standards, guidelines, and goals and the achievement of those goals;";

(3) by amending paragraph (4) to read as follows:

"(4) promoting greater sharing of information within and between agencies, and dissemination of and access to public information, including through the use of the Federal Information Locator System, the review of budget proposals, and requiring the utilization of common standards for information collection, storage, processing and communication, including for network inter connectivity and interoperability;";

(4) in paragraph (5) by striking out "information management practices to determine their adequacy and efficiency" and inserting in lieu thereof "information resources management practices to determine the adequacy, efficiency, and effectiveness in serving agency mission goals";

(5) by amending paragraph (6) to read as follows:

"(6) overseeing planning for, and conduct of, research and training with respect to Federal information resources management; and"; and

(6) by adding at the end thereof the following new paragraph:

"(7) coordinating the integration of all management of information functions and program functions through the approach of information resources management.".

(c) INFORMATION COLLECTION FUNCTIONS.—Section 3504(c) of title 44, United States Code, is amended—

(1) in paragraph (3)(C), by inserting "to the extent practicable, an estimate of its burden," after "to be used,";

(2) by striking out paragraphs (5), (6), and (7) and inserting in lieu thereof the following new paragraphs:

"(5) promoting the elimination of unnecessary burdens imposed through the collection of Federal information, with particular emphasis on those persons most heavily burdened, including small businesses, educational institutions, nonprofit organizations, and State and local governments, especially in the areas of Federal procurement, grant programs, Federal-State cooperative programs, Federal taxation, and United States international competitiveness; and

"(6) coordination with the Office of Federal Procurement Policy to address unnecessary paperwork burdens associated with Federal procurement.".

(d) STATISTICAL POLICY AND COORDINATION FUNCTIONS.—Section 3504(d) of title 44, United States Code, is amended:

(1) by striking out paragraphs (2) and (6);

(2) by redesignating paragraphs (1) and (7) as paragraphs (2) and (6), respectively;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

"(1) coordinating the activities of the Federal statistical system in order to ensure its efficiency and effectiveness, and the integrity, objectivity, impartiality, usefulness, and confidentiality of Federal statistics;";

(4) in paragraph (4) by inserting "timely release of statistical data," after "dissemination,";

(5) in paragraph (6) (as redesignated under paragraph (2) of this subsection) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(6) by inserting at the end thereof the following new paragraph:

"(7) coordinating the participation of the United States in international statistical activities, including the development of comparable statistics.".

(e) RECORDS MANAGEMENT FUNCTIONS.—Section 3504(e)(3) of title 44, United States Code, is amended to read as follows:

"(3) overseeing the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.".

(f) INFORMATION TECHNOLOGY FUNCTIONS.—Section 3504(g) of title 44, United States Code, is amended to read as follows:

"(g) The Federal information technology functions of the Director shall include—

"(1) developing and implementing, in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services, policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic audits of major information systems, and overseeing the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949;

"(2) monitoring the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 and reviewing proposed determinations under section 111(e) of such Act;

"(3) providing advice and guidance on the acquisition and use of information technology, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including dissemination of public information;

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information technology practices, and informing the President and the Congress of the progress made therein; and

"(6) in cooperation with the Administrator of General Services, issue policy guidance for the establishment and oversight of the system by which each Federal agency shall initiate, approve, implement, and evaluate plans for major information system initiatives, including policy guidance for—

"(A) the establishment by each Federal agency having an annual information technology budget in excess of $50,000,000, a review committee on major information system initiatives, chaired by the agency head;

"(B) the required evaluative techniques and criteria to be used by such committees to—

"(i) estimate life cycle costs for that system;

"(ii) assess the economy, efficiency, effectiveness, risks and priority of proposed major system initiatives in relation to mission needs and alternative strategies; and

"(iii) assess the privacy, security, retention and disposition, and dissemination and access capabilities of that system;

"(C) the required independent cost evaluations, as appropriate, of data developed under subparagraph (B);

"(D) requiring that information (other than classified information) which is developed under subparagraph (B) and which pertains to any major information system initiative shall be included with the agency's annual budget request if any funds included in that request shall be used for the planning, acquisition, operation, or support of such system, except that such information shall be withheld from public disclosure if it would adversely affect the integrity of any related procurement through the release of proprietary or procurement sensitive information; and

"(E) the establishment of criteria and mechanisms for periodic evaluation of information systems to assess compatibility with assumptions and findings made under subparagraph (B) which relate to that system, including whether projected benefits have been achieved.".

(g) INFORMATION DISSEMINATION FUNCTIONS.—Section 3504 of title 44, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i) of section 3507, and adding such redesignated subsection (i) at the end of section 3507 (as amended by section 107 of this Act);

(2) by striking such redesignated subsection (i) from the end of such section 3504; and

(3) by adding after subsection (g) of section 3504 the following new subsection:

"(h) The information dissemination functions of the Director shall include issuing policy guidance, after notice and receipt of public comment, that shall—

"(1) be applied by Federal agencies disseminating public information;

"(2) be consistent with and promote the purposes of this chapter, including the effective use of information technology to further public access to public information;

"(3) apply to all significant public information, regardless of the form or format in which public information is disseminated; and

"(4) supplement and not supersede the provisions of section 552 of title 5, or other laws specifically relating to the disclosure or dissemination of Government information.".

SEC. 105. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505 of title 44, United States Code, is amended to read as follows: "In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set annual goals—

"(A) to improve planning for the collection of information in order to reduce burdens imposed on the public, including the elimination of duplication in information collection requests; and

"(B) for improving information resources management in ways that increase the productivity, efficiency, and effectiveness of Federal programs, including service delivery to the public;

"(2) conduct pilot projects to test alternative information practices to fulfill the purposes of this chapter, including testing the feasibility and value of changes in Federal policies, rules and procedures to improve information practices and related activities;

"(3) establish an Interagency Council on Statistical Policy headed by the Administrator of the Office of Information and Regulatory Affairs and consisting of the heads of the major statistical programs and, under rotating membership, representatives of other statistical agencies, to advise and assist the Director in carrying out the functions under section 3504(d);

"(4) develop and annually revise, in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Director of the Office of Science and Technology Policy, and the Archivist of the United States, a five-year Governmentwide plan for information resources management, which shall include—

"(A) plans, arrived at after consultation with the advisory committee established under section 3517(b), for reducing information burdens on the public and for increasing productivity, efficiency and effectiveness of Federal programs, including service delivery to the public, through improved information resources management;

"(B) plans, arrived at after consultation with the advisory committee established under section 3517(b), for enhancing public access, using electronic and other formats, to Government information, including by dissemination of public information;

"(C) plans for meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter;

"(D) a description of management controls to—

"(i) integrate the management of specific information functions into a comprehensive process of information resources management; and

"(ii) coordinate information resources management functions with other agency program and management functions to improve efficiency and effectiveness of operations to serve agency missions, including service delivery to the public; and

"(E) a description of progress on the implementation of the plan or applicable revised plan; and

"(5) oversee agency audits of all major information systems and assign responsibility for conducting Governmentwide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities.".

SEC. 106. FEDERAL AGENCY RESPONSIBILITIES.

Section 3506 of title 44, United States Code, is amended to read as follows:

"§ 3506. Federal agency responsibilities

"(a) The head of each agency shall be responsible for carrying out the agency's information resources management activities in a way that improves agency productivity, efficiency, and effectiveness, including service delivery to the public, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated. In making these appointments, the agency head shall give due regard to the professional qualifications and skills needed to efficiently and effectively carry out the responsibilities of the agency under this chapter.

"(c) Each agency's information resources management responsibility shall include—

"(1) developing information systems, processes and procedures that—

"(A) reduce information burdens on the public and increase program efficiency and effectiveness;

"(B) maximize the utility and timely release of information to all users within and outside the agency, including the public where appropriate; and

"(C) enhance the efficient sharing of information, including in electronic format, within and between agencies consistent with law;

"(2) developing and annually revising a five-year information resources management plan, in accordance with guidance by the Director, that shall reflect an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management and program decisions;

"(B) develop and maintain an integrated and controlled process of information systems design, development, operations, and evaluation, including the coordination of specific information functions;

"(C) develop, in cooperation with the agency Chief Financial Officer or comparable official, a full and accurate accounting for information technology expenditures and related expenses; and

"(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress toward those goals, and clear roles and responsibilities for achieving those goals;

"(3) maintaining a current and complete inventory of the agency's information resources, including its major information systems and related technology for use in supporting agency information activities and developing directories of resources available to the Government and the public consistent with the requirements of section 3511 of this chapter;

"(4) establishing an agencywide program of information resources management and implementing applicable Governmentwide and agency information policies and requirements issued pursuant to authority under this chapter and any other relevant laws;

"(5) periodically evaluating and, as needed, eliminating duplicative or unnecessary information and information systems, and improving the integrity, quality, and utility of information and information systems maintained by the agency, including capabilities for ensuring dissemination of public information, public access to Government information, and protections for privacy, confidentiality and security; and

"(6) in consultation with the Director and the Director of the Office of Personnel Management, conducting formalized training programs to educate agency program and management officials about information resources management.

"(d) Each agency's paperwork control responsibility shall include—

"(1) developing procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(2) ensuring that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507; and

"(3) establishing a process for the review of each collection of information before it is submitted to the Director for review and approval under this chapter, that is sufficiently independent of program responsibilities to evaluate fairly whether each collection of information is necessary for the proper performance of the agency's mission, including whether it has practical utility.

"(e) Each agency's records management responsibility shall include applying records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning, design, and operation of information systems.

"(f) Each agency's information technology responsibility shall include the assignment to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

"(g) Each agency's information dissemination responsibility shall include promoting public access to public information by establishing and maintaining systems for dissemination of information that shall—

"(1) ensure that the public has timely and equitable access to the agency's public information and that the agency disseminates public information in an efficient, effective, and economical manner;

"(2) plan and budget for information dissemination at the time information is created or collected, and at other appropriate steps during the information life cycle; and

"(3) provide to the Superintendent of Documents for distribution to the Federal Depository Library Program all publications regardless of format required by chapter 19 of this title to be made available.

"(h) When providing for the dissemination of significant public information, an agency—

"(1) to the greatest extent practicable, shall disseminate in usable electronic formats (in whole and in part, and along with available software, indices, and documentation) public information maintained in electronic formats;

"(2) shall utilize the Government Printing Office for the production and dissemination of information, to the extent provided by chapters 5, 17, and 19 of this title;

"(3) before taking any action to initiate, terminate, or significantly modify the dissemination of public information, shall—

"(A) solicit and consider public comments on the proposed action; and

"(B) provide notice to the Superintendent of Documents and otherwise comply with the requirements of section 1710 of this title;

"(4) may reduce or waive any user fees for disseminating public information if the agency determines that the dissemination may enhance an agency mission;

"(5) except where specifically authorized by statute, shall not—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information;

"(D) establish user fees for public information that exceed the cost of dissemination; or

"(E) establish a new information sales and dissemination program without providing advance notice to the Public Printer; and

"(6) in determining how to fulfill its public information dissemination functions, shall consider—

"(A) whether dissemination is required by law;

"(B) whether dissemination is necessary for the proper performance of the functions of the agency;

"(C) whether disseminating public information would assist in public oversight of agency operations or would promote the general social or economic welfare of the United States;

"(D) if information available from other public or private sources is equivalent to the agency public information and reasonably achieves the dissemination objectives of the agency;

"(E) dissemination methods that will maximize the utility of the information to the public; and

"(F) the economy and efficiency of Government operations.".

SEC. 107. PUBLIC INFORMATION COLLECTION ACTIVITIES—SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "review under the process established by section 3506(d) and" after "actions, including";

(B) in paragraph (2)(B) by—

(i) by inserting "a summary of the request," after "title for the information collection request,"; and

(ii) by striking out "; and" and inserting in lieu thereof ", and notice that comments may be submitted to the agency and the Director;"; and

(C) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides, except as provided under subsection (g), at least 30 days for public comment to the agency and the Director after publication of notice in the Federal Register, and the agency and the Director consider comments received regarding the proposed collection of information; and";

(2) in subsection (b) in the first sentence by striking out "notify the agency involved of the decision to approve or disapprove the request and shall make such decisions, including an explanation thereof" and inserting in lieu thereof "but not, except as provided under subsection (g), before the 30-day public comment period has concluded, notify the agency involved of any decision regarding that request and shall make such decisions, including a detailed explanation thereof";

(3) in subsection (c)—

(A) in the first sentence by striking out "3504(h)" and inserting in lieu thereof "3507(i)"; and

(B) in the second sentence by striking out ", shall explain" and inserting in lieu thereof "and shall explain"; and

(4) by amending subsection (h) to read as follows:

"(h)(1) In carrying out reviews of information collection requests under this chapter, the Director shall—

"(A) maintain a public file for each information collection request under review, which shall include—

"(i) copies of any written communication to the Director or to any employee of the Office of Management and Budget from any person not employed by the Federal Government or from any agency concerning a proposed information collection request, and any written communication from the Director or employee of the Office to such person or agency concerning such proposal; and

"(ii) information about any written submission received by the Director or any employee of the Office of Management and Budget from an agency, including—

"(I) the name of the agency;

"(II) the title or name of the submission;

"(III) the date of receipt by the Office;

"(IV) the name of the principal desk officer within the Office who reviews the submission;

"(V) copies of all agency submissions to the Office, and a detailed written explanation of the reasons for any disapprovals or approvals with substantive changes made by the Office with respect to a submission, as required by this section; and

"(VI) any decision made by the Office with respect to the submission, including the date of any action taken by the Office;

"(B) notify the head of the appropriate agency of all meetings involving employees of the Office of Management and Budget and any person who is not an employee of the Federal Government, and provide the agency head, or the designee of the agency head, a reasonable opportunity to attend such meetings; and

"(C) consider public comments and other relevant material.

"(2) This subsection shall not require the public disclosure of any information which is protected at all times by procedures established for—

"(A) information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national security or foreign policy, or

"(B) any communication between a person in the employ of the Office of Management and Budget and any other person in the employ of the Executive Office of the President.".

SEC. 108. DETERMINATION OF NECESSITY FOR INFORMATION; HEARING.

Section 3508 of title 44, United States Code, is amended—

(1) by striking out the second sentence and inserting in lieu thereof "Before making a determination the Director shall give interested persons at least thirty days in which to submit comments, as required under section 3507, and may give the agency and other interested persons an opportunity to be heard."; and

(2) in the third sentence by striking out "unnecessary" through the period and inserting in lieu thereof "unnecessary for the proper performance of the functions of the agency, including whether the information will have practical utility, the agency may not engage in the collection of the information.".

SEC. 109. FEDERAL INFORMATION LOCATOR SYSTEM.

Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) The Director shall maintain a publicly accessible comprehensive inventory of all Federal agency information collection requests.

"(b) The Director shall cause to be established and maintained an electronic Federal Information Locator System (hereafter in this section referred to as the 'system'), which shall identify the major information resources of each Federal agency, including significant internal and public information holdings, in order to assist agencies and the public in locating information.

"(c) In designing the system, the Director shall—

"(1) establish an interagency committee, in cooperation with the Director of the National Institute of Standards and Technology, to develop standards for agency locator systems to ensure compatability, promote information sharing, and uniform access by the public;

"(2) in consultation with the advisory committee established under section 3517(b), consider public access and other user needs;

"(3) designate one or more agencies to operate gateways or other access points to the system;

"(4) require the head of each agency to establish an agency information locator system; and

"(5) ensure that no information which is not public information is disclosed to the public.

"(d) The Director shall on an ongoing basis review the development and effectiveness of the system and make recommendations for improving the system, including mechanisms for improving public access to Federal agency public information.

"(e) The head of each agency shall take such action as is necessary to ensure the compliance of the agency with the directions of the Director under this section.".

SEC. 110. DIRECTOR REVIEW OF AGENCY ACTIVITIES; REPORTING; AGENCY RESPONSE.

Section 3513(a) of title 44, United States Code, is amended in the first sentence by striking out "information management" through the period and inserting in lieu thereof "the information resources management activities of each agency to ascertain their efficiency and effectiveness in helping to achieve program goals.".

SEC. 111. RESPONSIVENESS TO CONGRESS.

Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (1) by striking out "management" and inserting in lieu thereof "resources management's contribution to improving agency productivity, efficiency, and effectiveness"; and

(2) by striking out paragraphs (2) through (10) and inserting in lieu thereof the following:

"(2) a summary of accomplishments and planned initiatives to improve Federal programs through information resources management, including specific actions to carry out any pilot projects described under section 3505(2) and each function described under section 3504, including—

"(A) with respect to information collection—

"(i) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

"(ii) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

"(iii) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved; and

"(iv) a description of initiatives to eliminate any unnecessary burden of Federal collections of information associated with individuals, small business, educational institutions, nonprofit organizations, and State and local governments, particularly with respect to any unnecessary burden associated with Federal procurement, grant programs, Federal taxation and United States international competitiveness;

"(B) with respect to the statistical policy and coordination functions—

"(i) a description of the specific actions taken, or planned to be taken, to carry out each such function;

"(ii) a description of the status of each major statistical program, including information on—

"(I) any improvements in each such program;

"(II) any program which has been reduced or eliminated; and

"(III) the budget for each such program for the previous fiscal year and the fiscal year in progress and the budget proposed for each such program for the next fiscal year; and

"(iii) a description and summary of the long range plans in effect for the major Federal statistical activities and programs;

"(C) with respect to privacy, disclosure, confidentiality, and security, any reports required under section 552a of title 5, United States Code, and a detailed statement on actions taken to fulfill the purposes of the Computer Security Act of 1987;

"(D) with respect to records management, a description of agency compliance with regulations issued by the Archivist of the United States, including efforts to archive information maintained in electronic format;

"(E) with respect to information technology, a detailed statement with respect to each agency of new initiatives to acquire information technology to improve information resources management, and a summary of actions taken and planned to be taken to improve coordination with the General Services Administration; and

"(F) with respect to information dissemination and access, a description of the feasibility and means of enhancing, using electronic and other formats, agency sharing of and public access to Government information, including by dissemination of public information and use of the Federal Information Locator System;

"(3) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued under this chapter; and

"(4) such other information that demonstrates faithful administration of this chapter and that may be necessary or useful to the Congress in reviewing the effectiveness of and, when required, in reauthorizing appropriations for this chapter.".

SEC. 112. CONSULTATION WITH OTHER AGENCIES AND THE PUBLIC.

Section 3517 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "In development"; and

(2) by adding at the end thereof the following new subsection—

"(b) The Director shall establish an Advisory Committee on Information Policy to advise in carrying out the functions assigned under this chapter that shall—

"(1) be composed of seventeen members, which shall include—

"(A) the Director;

"(B) the Administrator of General Services;

"(C) the Director of the National Institute of Standards and Technology;

"(D) the Archivist of the United States; and

"(E) thirteen members appointed by the Director, of whom—

"(i) three shall be representatives of three different Federal agencies with significant public information activities;

"(ii) seven shall be public members appointed to represent parties of interests other than the United States and shall be broadly representative of interested or affected groups, including private information providers, libraries, educational institutions, nonprofit organizations, consumer organizations, and businesses; and

"(iii) three shall be representatives of State and local governments;

"(2) provide for a two-year term for members appointed by the Director, except that one-half of the initial appointments shall be made for a term of three years;

"(3) provide that an individual may be reappointed to the committee for any number of terms;

"(4) provide that appointments shall be made without regard to political affiliation; and

"(5) comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(c) No later than one hundred and eighty days after the date of the enactment of this subsection, the Director shall complete the initial appointment of members of the Advisory Committee on Information Policy.

"(d) The Director shall provide necessary support services for the Advisory Committee, and shall maintain the records of the Advisory Committee in a publicly accessible location which shall be identified in the charter of the Advisory Committee. Any record, or portion thereof, that is to be discussed or acted upon at a public meeting of the Advisory Committee shall be made available for public inspection and copying at least forty-eight hours in advance of such meeting.

"(e) The Advisory Committee on Information Policy shall terminate on September 30, 1996.

"(f) There are authorized to be appropriated $150,000 for each of the fiscal years 1993, 1994, 1995, and 1996, to carry out the functions of the Advisory Committee on Information Policy.".

SEC. 113. ACCESS TO INFORMATION.

Section 3519 of title 44, United States Code, is amended in the second sentence by inserting "regardless of form or format" after "paper and records".

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

Section 3520(a) of title 44, United States Code, is amended by striking out "$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "$8,000,000 for each of the fiscal years 1993, 1994, 1995 and 1996.".

TITLE II—REVIEW OF FEDERAL REGULATIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Regulatory Review Sunshine Act of 1993".

SEC. 202. DEFINITIONS.

For purposes of this title, the term—

(1) "agency" means an agency as defined under section 551(1) of title 5, United States Code, and section 552(f) of title 5, United States Code;

(2) "regulatory review" means the evaluation, review, oversight, supervision, or coordination of agency rulemaking activity by a reviewing entity directed by the President or the designee of the President to conduct such review on an ongoing basis;

(3) "reviewing entity" means any agency, or other establishment in the executive branch of the Federal Government established by the President, which engages, in whole or in part in regulatory review;

(4) "review action" means any action, including but not limited to a recommendation or direction, regarding an agency rulemaking activity taken by a reviewing entity; and

(5) "rulemaking activity" means any activity involving a rulemaking as defined under section 551(5) of title 5, United States Code, and includes activity involving a schedule or plan for rulemaking, strategy statements, guidelines, policy manuals, grant and loan procedures, advance notices of proposed rulemaking, press releases and other documents announcing or implementing regulatory policy that affects the public.

SEC. 203. DISCLOSURE BY A REVIEWING ENTITY.

(a) PUBLIC ACCESS.—A reviewing entity shall establish procedures, consistent with subsection (b), to provide public access to information concerning each agency rulemaking activity under its review. Such information shall include a copy of—

(1) all written communications, regardless of format, including drafts of all proposals and associated analyses, between the reviewing entity and the rulemaking agency;

(2) all written communications, regardless of format, between the reviewing entity and any person not employed by the Federal Government relating to the substance of an agency rulemaking activity;

(3) a record, including the date, participants, and substance, of all oral communications relating to the substance of an agency rulemaking activity, including meetings, between the reviewing entity and any person not employed by the Federal Government;

(4) a written explanation as required by section 204(c) and the date of any significant review action; and

(5) any notice of any extensions of review under section 206.

(b) PROCEDURES.—Information described under subsection (a) shall be made available to the public upon request—

(1) within 14 days of conclusion of review;

(2) in a manner consistent with the requirements of section 552(a) of title 5, United States Code; and

(3) for review, and copying, in a publicly accessible reading room during normal business hours.

SEC. 204. DISCLOSURE TO A RULEMAKING AGENCY BY A REVIEWING ENTITY.

(a) WRITTEN COMMUNICATIONS.—A reviewing entity shall transmit to the rulemaking agency, on a timely basis, copies of any written communications between the reviewing entity and any person not employed by the Federal Government concerning the substance of a rulemaking activity of that agency.

(b) ORAL COMMUNICATIONS.—A reviewing entity shall disclose to the rulemaking agency, on a timely basis, all oral communications, including meetings, between any person not employed by the Federal Government and the reviewing entity concerning the substance of a rulemaking activity of that agency. The reviewing entity shall—

(1) advise the rulemaking agency of the date, participants, and substance of such communications; and

(2) invite the rulemaking agency head or designee to all scheduled meetings involving such communications.

(c) EXPLANATION OF SIGNIFICANT REVIEW ACTION.—A reviewing entity shall, in a timely manner, provide the rulemaking agency with a written explanation of any significant review action taken by the reviewing entity concerning an agency rulemaking activity.

SEC. 205. PUBLIC DISCLOSURE BY A RULEMAKING AGENCY.

(a) STATUS OF REVIEW.—A rulemaking agency shall upon request identify a rulemaking activity, the date upon which it was submitted to a reviewing entity for review, and any notice of any extensions of review under section 206.

(b) EXPLANATIONS.—For each proposed and final rule, a rulemaking agency shall explain in its rulemaking notice any significant changes made to such rule as a consequence of regulatory review.

(c) RECORD.—A rulemaking agency shall place in the appropriate rulemaking record all of the documents received from a reviewing entity as required under section 204.

SEC. 206. TIME LIMITS FOR REVIEW.

(a) TIME LIMITS.—Within 60 days after the receipt of a rulemaking activity submitted to a reviewing entity for review, the reviewing entity shall conclude review of the rulemaking activity. The reviewing entity may, for good cause explained to the rulemaking agency extend the time for review for 30 days.

(b) RESOLUTION OF OUTSTANDING ISSUES.—If the President, or such other person or entity as the President may designate, reviews for resolution an issue arising out of a regulatory review—

(1) the applicable time limits described under subsection (a) may be extended, although any such issue shall be resolved as promptly as practicable; and

(2) any such review shall be subject to the requirements of this title, except for section 206(a).

(c) EXTENSIONS.—A reviewing entity shall notify the rulemaking agency of an extension beyond 60 days and provide public notice, pursuant to sections 203 and 207. The rulemaking agency shall promptly publish a notice of any such extension in the Federal Register, and shall give public notice pursuant to section 205.

SEC. 207. PUBLIC ACCOUNTING OF REGULATORY REVIEW.

(a) PUBLICATION OF ACCOUNTING.—The Office of Management and Budget shall prepare and make available to the public a monthly and an annual accounting of regulatory review conducted by any and all reviewing entities. Such accounting shall include a list of all rulemaking activities submitted to a reviewing entity for review, under review by a reviewing entity, or for which a review action was taken by a reviewing entity during the reporting period.

(b) INFORMATION INCLUDED IN ACCOUNTING.—The monthly accounting required under subsection (a) shall be prepared and made available to the public within 10 working days of the end of each month and shall include the name and type of each rulemaking activity reviewed, the reviewing entity, the rulemaking agency, the date of submission, the status of review, notice of any extensions of review under section 206, any review action, the date of such action, and the authority for review.

(c) FEDERAL REGISTER PUBLICATION.—Each rulemaking agency shall publish in the Federal Register within 10 working days of the end of each month a list of all rulemaking activities undergoing regulatory review during the preceding month. Such list shall include the name and type of each rulemaking activity, the reviewing entity, the date of submission, any review action taken during the reporting period, and the date of any such action.

SEC. 208. EXCLUSIONS.

Oral communications with the President, the Vice President, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, and the heads of executive departments as defined under section 101 of title 5, United States Code, are not covered by this title.

SEC. 209. RULES OF CONSTRUCTION.

(a) AUTHORIZATION.—Nothing in this title authorizes a reviewing entity to—

(1) review a rulemaking activity; or

(2) direct an agency to make a decision with regard to a rulemaking activity unless specifically authorized by law.

(b) ALTERATIONS.—Nothing in this title alters in any manner—

(1) rulemaking authority vested by law in the head of an agency;

(2) any legally mandated criteria for rulemaking; or

(3) the application of any statutory or judicial deadline or the authority of an agency to undertake rulemaking activity in an emergency situation.

SUMMARY—PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1993

The Paperwork Reduction Reauthorization Act of 1993:

(1) Reauthorizes appropriations for OMB's Office of Information and Regulatory Affairs (OIRA) for four years ($8 million for fiscal years 1993, 1994, 1995 & 1996);

(2) Strengthens agency and OIRA efforts to reduce paperwork burdens on the public;

(3) Improves the management of Federal information resources ("IRM"); and

(4) Establishes basic public accountability procedures for presidential regulatory review.

PAPERWORK REDUCTION

The bill requires agencies to do more to reduce paperwork. Each agency must have an independent paperwork clearance process to ensure objective review of information collection proposals before submission to OIRA.

The bill also requires OIRA to do more to reduce paperwork burdens on the American public. It must:

(1) Identify initiatives to reduce paperwork burdens on individuals, businesses, educational institutions, non-profit organizations, and State and local governments, especially concerning procurement, grants, taxation, and international competitiveness;

(2) Find areas of unnecessary duplication, develop methods for their elimination, and conduct pilot projects to test alternatives to current information practices;

(3) Work with the Office of Federal Procurement Policy to cut paperwork burdens related to government purchasing.

Agency and OIRA procedures are revised to improve public notice about paperwork proposals and paperwork clearance decisions. The public is given a 30-day comment period before OIRA makes its paperwork clearance decision.

INFORMATION RESOURCES MANAGEMENT

The Paperwork Reduction Act of 1980 established the comprehensive IRM approach to coordinate management of all information functions, e.g., collection, use, dissemination, archiving and disposal—The government can't reduce paperwork or use information technology effectively if it doesn't know what information it collects, why or what to do with it.

Congressional oversight, however, has found continuing information management problems. Thus, the current legislation strengthens the Act's IRM requirements:

IRM concepts and requirements for agencies and OMB are updated and clarified to improve planning, particularly with regard to information technology, and to improve the performance of agency program activities.

OIRA must do more to improve Federal statistics and other information functions, such as records management.

Agencies and OMB must develop information dissemination policies and procedures that are coordinated with other information functions and serve agency missions in the electronic information age.

An advisory committee is created to help OIRA better fulfill its responsibilities under the Act.

REGULATORY REVIEW SUNSHINE

Title II of the legislation is identical to S. 168, requiring accountability for presidential review of Federal agency rulemaking. It is derived from legislation of the 102nd Congress (S. 1942), reported favorably by the Governmental Affairs Committee by a bipartisan vote (S. Rpt. 102–256). The legislation requires:

(1) Disclosure of regulatory review information to agencies and the public (within 14 days of the end of review):

Written communications with any non-governmental party or the rulemaking agency;

Summaries of substantive oral communications with any non-governmental party (but not with the rulemaking agency); and

Explanations of significant review decisions and notices of extensions.

(2) Regular public accounting of proposals under review.

(3) 60 day time limit for review, with limited extensions.

(4) Exemption for conversations with the President, Vice President, and heads of EPA, OMB, and Cabinet agencies.●

By Mr. INOUYE:

S. 682. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATIONS ACT OF 1993

● Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 18 of the United States Code in order to allow our Nation's clinical social workers to provide their mental health expertise to the Federal judiciary.

Mr. President, I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 4247 of title 18, United States Code, is amended by—

(1) striking out "or" after "certified psychiatrist" and inserting a comma; and

(2) inserting after "psychologist," the following: "or clinical social worker,".●

By Mr. INOUYE:

S. 683. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare Program; to the Committee on Finance.

CLINICAL SOCIAL WORKERS' ACT OF 1993

● Mr. INOUYE. Mr. President, today I am introducing legislation to amend title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social worker services covered through Medicare, part B. The three proposed changes that are contained in this legislation are necessary to clarify the current payment process for clinical social workers and to establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursement through the Medicare Program.

First, this legislation would set payment for clinical social worker services according to a fee schedule established by the Secretary. Currently, the methodology for reimbursing clinical social workers' services is set at a percentage of the fee for another non-physician provider group, which creates a greater differential in charges than that which exists in the marketplace. I am aware of no other provision in the Medicare statute where one non-physician's reimbursement rate is tied to that of another non-physician provider. This is a precedent that clinical social workers understandably wish to change. I also wish to see that clinical social workers' services are valued on their own merit.

Second, this legislation makes it clear that services and supplies furnished incident to a clinical social worker's services are a covered Medicare expense, just as these services are currently covered for other mental health professionals in Medicare. And, third, the bill would allow a clinical social worker to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider team. They are legally regulated in every State of our Nation and are recognized as independent providers of mental health care throughout the health care system. Clinical social worker services were made available to Medicare beneficiaries through the Omnibus Budget Reconciliation Act of 1989. I believe that it is time now to correct the reimbursement problems that this profession has experienced through Medicare.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 13951(a)(1)(F)(ii)) is amended to read as follows: "(ii) the amount determined by a fee schedule established by the Secretary,".

(b) DEFINITION OF SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of such Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "services performed by a clinical social worker (as defined in paragraph (1))" and inserting "services performed by a clinical social worker (as defined in paragraph (1)), and such services and supplies furnished as an incident to such services performed,".

(c) SERVICES OF CLINICAL SOCIAL WORKERS NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) (42 U.S.C. 1395x(b)(4)) is amended by striking "and services" and inserting "qualified clinical social worker services, and services".

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking "and services" and inserting "qualified clinical social worker services, and services".

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments made for clinical social worker services furnished on or after January 1, 1994.•

By Mr. INOUYE (for himself and Mr. WELLSTONE):

S. 684. A bill to establish a national health plan, and for other purposes; to the Committee on Finance.

NATIONAL HEALTH CARE ACT OF 1993

• Mr. INOUYE. Mr. President, I introduce the National Health Care Act of 1993, a comprehensive proposal to make quality health, mental health, and long-term care services available to all Americans. I introduced this important initiative in the 102d Congress on behalf of the National Association of Social Workers [NASW], and I am very pleased to reintroduce this legislation at such a critical juncture in our Nation's health care debate.

I believe that this health care reform initiative offers a valuable blueprint on designing an affordable health care system that combines the best of our private and public systems and offers quality care to all. Like other single-payer national health care proposals, this bill would replace the patchwork of multiple public and private insurance plans with one publicly financed health insurance plan that is administered by the States under Federal guidelines. The plan would cover expanded comprehensive care—much more than is currently available in the typical insurance package. The benefits would include primary care services, hospital care, dental and vision care, mental health and substance abuse treatment, rehabilitation services, and prescription drugs. The proposal also provides a long-term care benefit that includes home and community-based care for the chronically ill of all ages. Every American would receive the same level of comprehensive benefits through the use of a uniform, single system that allows for equitable, cost-effective care to all.

This health care reform plan goes beyond recommendations for a new payment and administrative system. What makes this plan unique is that it provides a vision for the delivery of quality health and mental health care. It takes into account, for example, the need for individuals to assume personal responsibility for a healthy lifestyle—however, this plan helps consumers work toward that goal through the use of health education and promotion programs in the schools, workplace, and other community settings. In addition, the plan both emphasizes and makes available preventive and primary care services, essential components to the maintenance of good health.

Of particular importance to me is the plan's view of mental health care and substance abuse treatment. Mental health has always been one of my top priorities, and this plan treats mental health care and substance abuse treatment in the same fashion as care that would be provided for a physical ailment. No arbitrary limits on care are imposed, nor are added copayments and deductibles attached to mental health services to decrease the utilization of needed care. The plan recognizes that mental health and substance abuse service needs, like those for physical health care, can be considered in a framework that includes preventive care, primary care, and long-term care. Care coordination and an emphasis on the use of home and community-based treatment are viewed as the primary means of managing chronic and/or costly care in mental health and substance abuse, just as they may be used in managing chronic and long-term health care.

Care coordination is a central theme in the NASW proposal. Care coordination services are identified as a specific benefit that is available through all primary care providers. For long-term care, screening and care coordination that is provided by a multidisciplinary team of providers is the point of entry. The availability of these services is regarded as an essential element to ensure access to appropriate care.

Many service delivery system improvements are contained in this proposal to enhance continuity of care and service efficiency. One such model is the Integrated Health Service Plan, a not-for-profit, consumer-controlled system that provide comprehensive outpatient care to an enrolled population in its own facility. While consumers' ability to choose their own providers is maintained through the plan, options are also included to assist consumers in locating appropriate, quality care. Additionally, the development of innovative methods of delivering services will be fostered through the use of targeted demonstration grant funds to States and communities.

This legislation recognizes the reality that access to health insurance coverage does not always translate into access to care. Many provisions exist in this legislation to promote increased access to care in rural, urban, and other health professional shortage areas. Provisions also exist to encourage innovative approaches in prevention and treatment for underserved populations who have traditionally had difficulty in obtaining care.

Many of the current health care reform proposals focus exclusively on the private sector's role in delivering health care. But, the fact is, public dollars already support a substantial amount of health care delivery in our country. The NASW proposal is based on the assumption that both private and public systems of care are necessary and must work together to make the most efficient use of available resources. The plan calls for the development of public health functions and activities commission to review our public primary care systems and to make recommendations on which programs will require additional program and funding support.

My own State of Hawaii has worked very hard to achieve almost universal access of its residents to health insurance coverage, and I believe that this plan incorporates some of the major provisions in the Hawaii plan that keep the insurance premiums in our State relatively low and allow us to use available resources efficiently. Like our practice in Hawaii, this approach focuses on the need to provide preventive and primary care services to maintain our population's health. And second, this plan would save billions of dollars in administrative costs through the use of a single-payer system. While Hawaii does not have a single-payer plan, it benefits from many of the advantages of a single-payer system because insurance coverage is primarily provided by two insurers.

I wish to congratulate the National Association of Social Workers on its development of this plan. Professional social workers are employed throughout the health and mental health care delivery systems, from primary care providers to positions in public health, health planning, and health administration. Often, social workers serve as advocates for consumers and their families within the health care system, and too often, they are in the challenging position of trying to assist individuals piece together financing for needed care that is not covered through a health insurance plan.

Mr. President, I request unanimous consent that the text and a summary of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Health Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
TITLE I—NATIONAL HEALTH CARE PROGRAM
Sec. 101. Establishment.
Sec. 102. Approval of State programs.
Sec. 103. Eligibility for enrollment.
Sec. 104. Enrollment.
Sec. 105. Portability.
TITLE II—BENEFITS AND PROVISION OF SERVICES
Subtitle A—Scope of Services
Sec. 201. Covered services.
Sec. 202. Exclusions.
Sec. 203. Prohibitions on limitations.
Sec. 204. Eligibility.
Sec. 205. Additional and duplicate services.
Subtitle B—Provision of Services
Sec. 211. Health care providers.
Sec. 212. Delivery systems.
Sec. 213. State long-term care coordination agencies.
Sec. 214. Incorporation of miscellaneous medicare-related provisions.
Sec. 215. Nondiscrimination.
TITLE III—REVENUE
Subtitle A—Budget Process
Sec. 301. National and State health budgets.
Sec. 302. Payments to States.
Sec. 303. Establishment of exchange program.
Subtitle B—Payments to Health Care Providers
Sec. 311. Payments to health care providers.
Sec. 312. Payments to institutional health care providers.
Sec. 313. Payments for services by individual health care providers.
Sec. 314. Payments to integrated health service plans.
Sec. 315. Payments for prescription drugs.
Sec. 316. Approved devices and equipment.
Sec. 317. Grievance procedure.
Subtitle C—Sources of Revenue
Sec. 321. Federal sources of revenue.
Sec. 322. State sources of revenue.
Sec. 323. Cost-sharing.
Sec. 324. National Health Care Trust Fund.
TITLE IV—ADMINISTRATION
Subtitle A—Federal Administration
Sec. 401. National Health Care Administration.
Sec. 402. National Health Board.
Sec. 403. National Council on Quality Assurance and Consumer Protection.
Sec. 404. Medical Malpractice Commission.
Sec. 405. Utilization and quality control peer review organizations.
Sec. 406. Public Health Functions and Activities Commission.
Sec. 407. Technical assistance centers.
Subtitle B—State and Local Administration
Sec. 411. State agency.
Sec. 412. State and local planning boards.
TITLE V—TRANSITION AND RELATIONSHIP TO OTHER PROGRAMS
Sec. 501. Effective date.
Sec. 502. Repeals and incorporations.
Sec. 503. Transition.
Sec. 504. Rules governing congressional consideration.
Sec. 505. Relation to Employee Retirement Income Security Act of 1974.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Bill of rights.
Sec. 602. Research and service delivery improvement program grants.
Sec. 603. Prevention, health promotion, and health awareness program grants.
Sec. 604. Displaced workers.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a single-payer national program of health care services that is administered by the States under Federal guidelines and provides—

(1) a right to health care services for every United States citizen and resident, regardless of race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area;

(2) comprehensive health benefits that—

(A) enable consumers to achieve and maintain physical and mental health, maximize potential for enhanced social and physical functioning, and sustain a meaningful quality of life; and

(B) provide a major emphasis on primary prevention and health promotion;

(3) a broad range of involvement on the local level by health care providers, public agencies, consumers, civic organizations, schools, employers, and unions;

(4) cost-conscious delivery of high quality services through prospective global budgeting for the States and hospitals, negotiated fee schedules for health care providers, efficient use of health care facilities and equipment, and the elimination of unnecessary medical procedures;

(5) the right of consumers to participate in the decisions that directly affect their lives, and in the decisions that relate to the design and implementation of covered services;

(6) a simplified administrative structure that enhances access and reduces administrative waste;

(7) freedom of choice of consumers to select health care providers within the framework of a national health care program;

(8) primary financing through progressive Federal taxation;

(9) an integrated health delivery system that—

(A) provides a continuum of care that links all levels of the health care program;

(B) addresses the physical, mental, and psychosocial health needs of the consumer and the family; and

(C) promotes multidisciplinary collaboration in the delivery of services;

(10) a health care program that reflects the demographic and sociocultural diversity and needs of the community;

(11) professional standards linked to performance for all health care providers that ensure the delivery of high-quality health care services and accountability to both health care providers and consumers;

(12) special resources to address the medical, mental, and social health needs of medically underserved populations and health professional shortage areas;

(13) education and training programs for professional, allied, and paraprofessional personnel in health professional shortage areas, and the assurance that the programs offer equal access to minorities and women;

(14) continued commitment to and strengthening of basic public health functions to provide for a safe environment, control of infectious diseases, and promotion of a healthy lifestyle and behavior;

(15) support of research efforts that will—

(A) enhance the physical, mental, and social well-being of major segments of society;

(B) improve the delivery of cost-conscious, quality health care services; and

(C) enable health care providers and consumers to make more informed decisions; and

(16) continued commitment to basic biomedical and comprehensive mental health research.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Administration.—The term "Administration" means the National Health Care Administration, established in section 401(a).

(2) Administrator.—The term "Administrator" means the Administrator of the Administration, appointed under section 401(b)(1).

(3) Board.—The term "Board" means the National Health Board, established in section 402.

(4) Consumer.—The term "consumer" means an eligible individual who receives covered services.

(5) Covered service.—The term "covered service" means a service described in section 201, provided under a State program.

(6) Eligible individual.—The term "eligible individual" means an individual who is eligible—

(A) for enrollment, as described in section 103; and

(B) with respect to a covered service, to receive the service, as described in section 204.

(7) Health care facility.—The term "health care facility" means a facility entitled under the law of a State to provide covered services.

(8) Health care provider.—The term "health care provider" means a person entitled under the law of a State to provide covered services, and a health care facility.

(9) Health professional shortage area.—The term "health professional shortage area" has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

(10) Integrated health service plan.—The term "Integrated Health Service Plan" means a nonprofit, consumer-controlled, health plan that—

(A) provides all covered services; and

(B) operates as a single organization in the health care facilities of the organization.

(11) Local planning area.—The term "local planning area" means an area designated under section 412.

(12) Medically underserved population.—The term "medically underserved population" has the meaning given the term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254c(b)(3).

(13) National health care data base.—The term "national health care data base" means the data base established in section 401(h).

(14) National health care program.—The term "national health care program" means the program established in section 101.

(15) Nursing facility.—The term "nursing facility" has the meaning given the term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(16) State.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(17) State agency.—The term "State agency" means an agency designated under section 411.

(18) State program.—The term "State program" means a program approved under section 102.

(19) Trust fund.—The term "Trust Fund" means, except as otherwise specifically provided, the fund established in section 324.

TITLE I—NATIONAL HEALTH CARE PROGRAM

SEC. 101. ESTABLISHMENT.

The Administrator shall establish and carry out a national health care program in accordance with this Act. In carrying out the national health care program, the Administrator shall make payments under section 302 to assist the States in establishing and carrying out State programs that provide covered services to eligible individuals.

SEC. 102. APPROVAL OF STATE PROGRAMS.

(a) In General.—The Administrator shall provide for the review, and approval or disapproval, of programs as State programs under this Act.

(b) Application.—For purposes of obtaining the approval described in subsection (a), a State agency shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including a State plan that contains information describing a State program for providing covered services to eligible individuals in the State. At a minimum, the plan shall specify—

(1) procedures for enrollment of individuals described in subsection (a) or (b) of section 103 in the State program in accordance with this title;

(2) covered services to be provided by the State program in accordance with subtitle A of title II, including a description of the manner in which each health care provider shall provide care coordination services;

(3) requirements for provision of covered services in the State program in accordance with subtitle B of title II;

(4) procedures for establishing an exchange program in accordance with section 303;

(5) procedures for making payments to health care providers in accordance with subtitle B of title III;

(6) sources of State revenues for the State program, and cost-sharing procedures, in accordance with sections 322 and 323, respectively;

(7) an assurance that the State will comply with the State administrative and planning requirements set forth in subtitle B of title IV;

(8) an assurance that the State program will reflect the demographic and sociocultural diversity and needs of the communities with the State; and

(9) an assurance that the State agency shall annually prepare and submit to the Administrator a report concerning the operation of the State program.

(c) Notification of Approval.—Not later than 90 days after the date the State agency submits the plan described in subsection (b) the Administrator shall notify the State agency of the decision of the Administration approving or disapproving the State plan.

(d) Enforcement.—

(1) Monitoring.—The Administration shall monitor the compliance of State programs with the applicable requirements of this Act, including the provisions specified in subsection (b).

(2) Records.—Each State program shall maintain such records regarding the implementation of the State program as the Administrator may by regulation require.

(3) Access.—Any officer, employee, or representative of a State program shall, upon request of an officer, employee, or representative of the Administration, duly designated by the Administrator, furnish information relating to the implementation of the State program and permit the officer, employee, or representative at all reasonable times to have access to, and to copy, the records described in paragraph (2).

(e) Withdrawal of Approval.—If the Administrator determines, after notice and opportunity for a hearing, that a program that has been previously approved as a State program no longer meets the applicable requirements of this Act, the Administrator may require corrective action or withdraw approval of the program. If the Administrator withdraws approval of a program within a State, the Administrator shall, by grant or contract, carry out a program that provides covered services to eligible individuals in accordance with the requirements, within the State served by the State program.

SEC. 103. ELIGIBILITY FOR ENROLLMENT.

(a) In General.—An individual shall be eligible to enroll in the national health care program for covered services under a State program, if the individual—

(1) maintains a primary residence in the State; and

(2) is—

(A) a citizen of the United States;

(B) a national of the United States;

(C) a lawful resident alien of the United States; or

(D) an alien nonimmigrant made eligible under subsection (b).

(b) Alien Nonimmigrants.—

(1) In general.—The Administration may make eligible to enroll in the national health care program, as described in subsection (a), individuals within such classes of aliens admitted to the United States as nonimmigrants as the Administrator may provide in regulations prescribed under section 401(e)(1)(A).

(2) Considerations.—In providing for eligibility under paragraph (1), the Administration shall consider reciprocity in health care services offered to United States citizens who are nonimmigrants to other foreign states, and such other factors as the Administration determines to be appropriate.

(c) Nondiscrimination.—

(1) In general.—Any State that receives assistance under this Act shall not discriminate in the enrollment of individuals eligible for enrollment under subsection (a) or (b) in the plan on the basis of race, color, religion, sex, national origin (except in accordance with regulations promulgated under subsection (b)(1)), age, health condition, sexual preference, income, language, or geographic residence in an urban or a rural area within the State.

(2) Rules and regulations.—

(A) In general.—In carrying out this section, a State agency shall implement eligibility procedures in accordance with regulations prescribed under section 401(e)(1)(A).

(B) Enforcement.—The Administrator shall promulgate rules and regulations to provide for the enforcement of this section, including provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until the Administration can provide notice and an opportunity to be heard.

(d) Definition.—As used in this section, the term "lawful resident alien" means an alien lawfully admitted for permanent residence and any other alien lawfully residing permanently in the United States under color of law, including an alien granted asylum or with lawful temporary status under section 210, 210A, or 245A of the Immigration and Nationality Act (8 U.S.C. 1160, 1161, or 1255a).

SEC. 104. ENROLLMENT.

(a) Enrollment Process.—In order to be eligible to receive a payment under section 302, each State program shall provide a mechanism, in accordance with regulations prescribed under section 401(e)(1)(B), for the enrollment of individuals described in subsection (a) or (b) of section 103 in the national health care program.

(b) Location.—Enrollment may occur at offices of the State program and other locations specified by the State agency.

(c) Automatic Enrollment.—The mechanism under subsection (a) shall include a process for the automatic enrollment of individuals at the time of birth in the United States or at the time of immigration into the United States or other acquisition of lawful resident status in a State. Such mechanism shall also provide for the enrollment of eligible individuals as of January 1, 1995.

(d) Issuance of Card.—On enrollment of an individual in the national health care program, the State program shall issue the individual a card that may be used for purposes of identification and processing of claims for covered services.

SEC. 105. PORTABILITY.

(a) Reimbursement.—Each State program shall, in accordance with regulations issued by the Administrator, include procedures for portability of coverage and reimbursement for individuals who are enrolled in the State program and require a covered service in another State or country.

(b) Enrollment in Other State Programs.—Each State agency shall agree to provide covered services, under such conditions as the Administrator shall by regulation specify, to individuals enrolled in other State programs.

(c) Requirements.—Each State program—

(1) shall not impose any minimum period of residence in the State, or waiting period, in excess of 3 months before residents of the State are eligible for or entitled to covered services; and

(2) shall provide for, and be administered and operated, so as to provide for the payments of amounts for the cost of covered services provided to enrolled persons while temporarily absent from the State on the basis that—

(A) if covered services are provided within another State with a State program, payment for covered services shall be at the rate that is approved by the State program in the State in which the services are provided, unless the States concerned agree to apportion the cost between the States in a different manner; and

(B) if the covered services are provided out of the United States, or in a State that does not have a State program, payment shall be made on the basis of the amount that would have been paid by the State in which the enrolled persons reside for similar services rendered in the State, with due regard, in the case of hospital services, to the size of the hospital, standards of service, and other relevant factors.

(d) Prior Consent for Services Provided to Temporarily Absent Residents Permitted.—Notwithstanding any other provision of this section, a State program may require that the prior consent of the State program be obtained for elective insured health services provided to a resident of the State while temporarily absent from the State if the services in question are available on a substantially similar basis in the State.

(e) Definition.—For the purposes of this section, the term "elective insured health services" means covered services other than services that are provided in an emergency or in any other circumstance in which health care services are required without delay.

TITLE II—BENEFITS AND PROVISION OF SERVICES

Subtitle A—Scope of Services

SEC. 201. COVERED SERVICES.

(a) In General.—The covered services provided under this Act by the national health care program are all medically necessary services, and any benefit or service described in section 909 of the Civil Rights Restoration Act of 1987 (42 U.S.C. 1688), except as provided in section 202, that contribute to the physical, mental, or psychosocial health of an individual or family, as determined in accordance with regulations prescribed under section 401(e)(1)(C), including—

(1) primary prevention and health promotion services;

(2) primary care services;

(3) inpatient services, including discharge planning, social services, and emergency and trauma services;

(4) outpatient hospital services, including emergency and trauma services;

(5) laboratory and radiology services;

(6) care coordination services;

(7) rehabilitation services;

(8) mental health services;

(9) substance abuse treatment and rehabilitation services;

(10) long-term care services provided in accordance with section 213(c);

(11) hospice care services;

(12) provision of—

(A) prescription drugs and biologicals that are listed in accordance with section 315 and prescribed by a health care provider;

(B) such drugs, other than drugs described in subparagraph (A), as are determined by a health care provider to be medically necessary;

(C) durable medical equipment, and therapeutic devices and equipment (including eyeglasses, hearing aids, and prosthetic appliances), that are listed in accordance with section 316 and prescribed by a health care provider; and

(D) such medical supplies, other than devices and equipment described in subparagraph (C), as are determined by a health care provider to be medically necessary;

(13) dental care services;

(14) hearing and speech services;

(15) vision care services;

(16) occupational health services;

(17) organ transplant services; and

(18) other inpatient and outpatient professional services.

(b) Definitions.—As used in this title:

(1) Care coordination services.—The term "care coordination services" means services that—

(A) are provided through an individual health care provider or a multidisciplinary team of health care providers, including physicians, nurses, social workers, and other nonphysician health care providers; and

(B)(i) promote physical, mental, and psychosocial health maintenance;

(ii) provide for the coordination and monitoring of health care services for consumers, as well as maintenance of appropriate records; and

(iii) provide transition management from inpatient facilities to other needed community-based care services.

(2) Dental care services.—The term "dental care services" means all medically necessary preventive and curative dental care and routine dental examinations, provided as frequently as the Administrator shall by regulation specify for consumers within specified age groups.

(3) Hearing and speech services.—The term "hearing and speech services" means all medically necessary screening, treatment, and provision of devices, relating to promotion of hearing and speech.

(4) Hospice care services.—The term "hospice care services" means—

(A) hospice care, as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))—

(i) whether provided in the home, through community-based services, or on an inpatient basis; and

(ii) except that the reference to "medical social services" in subparagraph (C) of such section is deemed a reference to "medical social work services"; and

(B) counseling services, including bereavement counseling.

(5) Long-term care coordination services.—The term "long-term care coordination services" means ongoing services that—

(A) provide entry to and management of long-term care services and covered services for individuals described in section 204(1); and

(B) ensure—

(i) effective, cost-efficient, and coordinated delivery of such services to a consumer; and

(ii) comprehensive, continuous, and coordinated care that meets the physical, mental, and psychosocial health needs of such individuals.

(6) Long-term care services.—The term "long-term care services" means items and services provided to individuals described in section 204(1) under a written plan of care through home and community-based care programs and nursing facilities and constitutes—

(A) long-term care coordination services;

(B) information and referral services;

(C) skilled and intermediate nursing home services;

(D) day treatment or partial hospitalization;

(E) nursing care;

(F) services of a homemaker or home health aide, personal care services, and heavy chore services;

(G) social work services;

(H) physical, occupational, speech, and any other appropriate therapy services;

(I) day health care services and social day care;

(J) respite care for caregivers;

(K) consumer and health care provider education, training, and counseling, regarding health care services;

(L) medical, skilled nursing, and social support services, for residents of foster care programs, board and care facilities, and other assisted living programs;

(M) medical supplies and minor remodeling changes to the home required by a health condition;

(N) Meals on Wheels;

(O) nutrition and dietary counseling;

(P) assisted transportation;

(Q) emergency alarm response systems;

(R) coverage of health care needs of people with chronic illnesses;

(S) coverage of acute health care, if required, in a hospital, nursing facility, rehabilitation facility, or other inpatient or outpatient facility; and

(T) home and community-based services to assist people recovering from illness, disease, or injury.

(7) Mental health services.—The term "mental health services" means services related to the diagnosis and treatment of mental illnesses and the promotion of mental health, including—

(A) inpatient services, including services provided at hospitals and other inpatient facilities, such as residential treatment centers;

(B) partial hospitalization and other types of day programs;

(C) crisis intervention;

(D) outpatient services, with particular emphasis on outpatient services for children and adolescents, provided through—

(i) community-based health care facilities and systems; or

(ii) autonomous health care providers, including psychiatrists, clinical psychologists, clinical social workers, psychiatric nurse specialists, or such other qualified health care providers as the Administrator shall by regulation specify; and

(E) community-based residential programs, particularly programs that prepare individuals for independent living.

(8) OCCUPATIONAL HEALTH SERVICES.—The term "occupational health services" means—

(A) prevention and health promotion activities to be carried out in high risk workplaces and workplaces with sizable work forces; and

(B) specific health monitoring activities to be carried out in workplaces that are determined, in consultation with the Occupational Safety and Health Administration, by the Federal Government to pose a significant threat to the health and safety of the workers.

(9) ORGAN TRANSPLANT SERVICES.—The term "organ transplant services" means organ transplants for which screening indicates a likelihood of significant and sustained improvement in the quality of life of the consumer.

(10) PRIMARY CARE SERVICES.—The term "primary care services" means services provided by a health care provider that provide—

(A) comprehensive services focused on the maintenance of physical, mental and psychosocial health; and

(B) care coordination services.

(11) PRIMARY PREVENTION AND HEALTH PROMOTION SERVICES.—The term "primary prevention and health promotion services" means—

(A) comprehensive well-child care services, including health education services, for consumers below age 22, including immunizations and early, routine assessment, diagnosis, and treatment, that—

(i) help to ensure prevention of disease and early identification before the onset of illness;

(ii) assess a wide array of health conditions;

(iii) provide diagnosis and evaluation of suspected health, mental health, or developmental problems; and

(iv) provide parent and caregiver training as appropriate and necessary to support child health and developmental services for high-risk children;

(B) perinatal and infant health care services, including prenatal care and follow-up for a mother and an infant through the first year of the life of the infant;

(C) routine, age-appropriate, clinical health maintenance examinations for consumers age 22 and older;

(D) comprehensive family planning and reproductive health care services;

(E) school-based primary prevention and health promotion programs, which may include school-based clinics, mobile programs, or satellite clinics serving several schools in close proximity; and

(F) home visiting services to provide enhanced risk-appropriate maternal and child health assessment, education, and support.

(12) PROFESSIONAL SERVICES.—The term "professional services" means services of physicians, registered nurses, nurse practitioners, nutritionists, podiatrists, physician's assistants, psychologists, social workers, nurse midwives, dietitians, and physical, speech, occupational, and respiratory therapists, and such other health care providers as the Administrator shall approve.

(13) REHABILITATION SERVICES.—The term "rehabilitation services" means, except as used within the term "substance abuse treatment and rehabilitation services"—

(A) physical therapy, occupational therapy, speech-language therapy, pathology, and audiology, provided by autonomous health care providers or by health care facilities;

(B) social work services;

(C) provision of medical appliances, including prosthetic devices;

(D) community-based residential programs for the disabled, including group homes that prepare consumers for independent living; and

(E) such additional services as the Administrator may determine, after consultation with appropriate State review boards, to be necessary to address special cases or circumstances,

provided on an inpatient or outpatient basis.

(14) SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES.—The term "substance abuse treatment and rehabilitation programs" means services to promote recovery from substance abuse, including—

(A) inpatient and outpatient hospital services;

(B) partial hospitalization and other types of day programs;

(C) crisis intervention;

(D) residential treatment or rehabilitation programs certified under Federal regulation;

(E) outpatient substance abuse treatment services provided through—

(i) community-based health care facilities and treatment programs; or

(ii) autonomous health care providers, including psychiatrists, clinical psychologists, clinical social workers, psychiatric nurse specialists, and such other qualified health care providers as the Administrator shall by regulation specify; and

(F) community-based residential programs, particularly programs that prepare individuals for independent living.

(15) VISION CARE SERVICES.—The term "vision care services" means—

(A) routine eye examinations, provided as frequently as the Administrator shall by regulation specify for consumers within specified age groups;

(B) provision of glasses and contact lenses, as frequently as the Administrator shall by regulation specify; and

(C) all medically necessary vision treatment.

SEC. 202. EXCLUSIONS.

Covered services do not include—

(1) cosmetic surgery, except medically necessary reconstructive surgery;

(2) cosmetic orthodontics;

(3) such amenities in inpatient facilities as the Administrator shall by regulation specify, such as private rooms, unless the amenities are medically necessary;

(4) medical examinations and medical reports required for purchasing or renewing life insurance policies, or as part of a civil action for the recovery of settlement or damages; or

(5) any service that a health care provider determines not to be medically necessary.

SEC. 203. PROHIBITIONS ON LIMITATIONS.

A State program may not limit the covered services provided to a consumer on the basis of a health condition of the individual that existed on the date of the enrollment of the consumer in the national health care program for services under the State program.

SEC. 204. ELIGIBILITY.

Persons enrolled under section 104 who are eligible for covered services shall include—

(1) with respect to long-term care services, individuals—

(A) over 18 years of age determined (in a manner specified by the Secretary)—

(i) to be unable to perform, without the assistance of an individual, at least 2 of the following 5 activities of daily living (or who has a similar level of disability due to cognitive impairment)—

(I) bathing;

(II) eating;

(III) dressing;

(IV) toileting; and

(V) transferring in and out of a bed or in and out of a chair; or

(ii) due to cognitive or mental impairments, requires supervision because the individual behaves in a manner that poses health or safety hazards to the individual or others; or

(B) under 19 years of age determined (in a manner specified by the Secretary) to meet such alternative standard of disability for children as the Secretary develops;

(2) with respect to hospice care services, terminally ill individuals, regardless of the cause of illness;

(3) with respect to services to be provided in schools, workplaces, and assisted living programs, such individuals as may be specified in the State plan described in section 102(b); and

(4) with respect to covered services not described in paragraphs (1) through (3), all individuals.

SEC. 205. ADDITIONAL AND DUPLICATE SERVICES.

(a) ADDITIONAL SERVICES.—

(1) CONSTRUCTION.—Except as provided in section 202, nothing in this Act shall be construed as limiting the health care services that a State program may provide.

(2) STATE FINANCING OF ADDITIONAL SERVICES.—There shall be no Federal financing available under this Act for health care services other than covered services.

(b) COVERAGE OF SERVICES.—

(1) PROHIBITION ON DUPLICATE PRIVATE INSURANCE.—No person may sell private insurance that provides coverage for health care services that duplicate covered services.

(2) COVERAGE OF ADDITIONAL BENEFITS.—Nothing in this Act shall be construed as prohibiting the sale of private insurance that provides health care services other than covered services.

(c) PRIVATE CARE.—

(1) ARRANGEMENTS.—Except as provided in paragraph (2), nothing in this Act shall be construed as prohibiting arrangements between a health care provider and an individual for the provision of covered services.

(2) LIMITATION.—Arrangements described in paragraph (1) shall provide for acceptance of payment as described in section 311(b)(1).

Subtitle B—Provision of Services

SEC. 211. HEALTH CARE PROVIDERS.

(a) CERTIFICATION AND LICENSING.—State programs shall include procedures for certification and licensing of health care providers participating in the national health care program in accordance with regulations prescribed under section 401(e)(1)(H) and other applicable Federal and State law.

(b) QUALITY ASSURANCE AND CONSUMER PROTECTION STANDARDS.—State agencies shall regulate the health care providers, and shall ensure compliance with quality assurance standards prescribed under section 401(e)(1)(G), consumer protection standards prescribed under section 401(e)(1)(I), and other applicable Federal and State law.

(c) ENFORCEMENT.—A State agency that determines, after notice and an opportunity for a hearing, that a health care provider has repeatedly violated the quality assurance standards, or has been convicted of an offense involving medical malpractice, shall debar the provider from receiving payment under the State program. The State agency shall develop appropriate procedures for determining the length of the debarment and for terminating a debarment in an appropriate case.

SEC. 212. DELIVERY SYSTEMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—State programs may implement innovative delivery systems of covered services, including private health services, State-operated health services, and Integrated Health Service Plans, to provide covered services.

(b) INTEGRATED HEALTH SERVICE PLANS.—

(1) IN GENERAL.—Each State agency shall provide for the review, and approval or disapproval, of health plans as Integrated Health Service Plans in the State for purposes of this Act.

(2) APPLICATION.—For purposes of obtaining the approval described in paragraph (1), an entity shall submit an application to the head of the State agency at such time, in such manner, and containing such information as the head of the State agency may require.

(3) NOTIFICATION OF APPROVAL.—Not later than 60 days after the date the entity submits the application described in paragraph (2), the head of the State agency shall notify the entity of the decision of the State agency approving or disapproving the plan.

(4) WITHDRAWAL OF APPROVAL.—If the head of the State agency determines, after notice and an opportunity for a hearing, that a health plan that has been previously approved as an Integrated Health Service Plan no longer meets the applicable requirements of this Act, the head of the State agency shall withdraw approval of the plan and shall, in accordance with regulations prescribed under section 401(e)(1)(B), provide a procedure under which individuals enrolled in the plan may be enrolled in other Integrated Health Service Plans.

SEC. 213. STATE LONG-TERM CARE COORDINATION AGENCIES.

(a) ESTABLISHMENT.—State agencies shall establish State long-term care coordination agencies, to ensure a continuum of care for every individual described in section 204(1).

(b) SERVICES.—Services provided through the agencies shall include—

(1) services of certified public or nonprofit coordination agencies, provided through qualified professionals that meet such professional standards as the Administrator shall prescribe under section 401(e)(1)(H), to serve as resources for health care facilities, physicians, and other health care providers; and

(2) long-term care coordination services as an integral part of long-term care services, as described in subsection (c), and of home and community-based benefits.

(c) LONG-TERM CARE SERVICES.—

(1) IN GENERAL.—State long-term care coordination agencies shall be responsible for screening all potential recipients of long-term care services and authorizing needed services.

(2) REQUIREMENTS.—State long-term care coordination agencies shall provide services in accordance with the following requirements:

(A) SETTING AND LEVEL OF CARE.—The setting and level of care to be provided to persons needing long-term care services shall be based on an assessment of the severity of cognitive impairment, inability to perform specified activities of daily living (as well as certain functional tasks), the level of disability, the need for regular ongoing care, behavioral and emotional problems, and the ability of family caregivers to care for persons in need.

(B) COORDINATION.—Long-term care services shall be coordinated with the provision of acute health care and other health care and mental health services if needed.

(C) REQUESTS.—All requests for services shall be processed in a timely manner.

(D) INTENSITY.—The intensity of care coordination provided under this subsection shall depend on the severity of need and the level of services required to meet the needs.

(E) OUTPATIENT EMPHASIS.—The agency shall place priority on maintaining consumers in their homes (with the necessary supports) or in community-based residential programs rather than inpatient facilities and nursing homes.

(F) EMERGENCY SITUATIONS.—The agency shall make provisions to respond to emergency situations, including first-time requests and consumers who are receiving ongoing services and who have a sudden change of status or condition.

(G) COST-EFFICIENT APPROACHES.—States shall have the flexibility to develop cost-efficient approaches to respond to requests for limited home and community-based services.

(H) COORDINATION.—State long-term care coordination agencies shall ensure coordination and continuity of care between service levels and different settings if applicable, which includes the ability to respond to crisis situations.

(I) QUALIFICATION STANDARDS.—Care coordination provided under this subsection shall meet defined qualification standards.

(J) OTHER HEALTH CARE DISCIPLINES.—Care coordinators shall utilize the services of other health care disciplines, and interdisciplinary teams if appropriate.

(K) CONSUMER INVOLVEMENT.—Consumers shall, to the extent the consumers are able, be involved in all decisions regarding long-term care services. Family or caregiver involvement shall occur if appropriate.

(3) CONTRACTS AND AGREEMENTS.—

(A) IN GENERAL.—State long-term care coordination agencies shall, with respect to the geographic area served by the agencies—

(i) enter into contracts or agreements with providers of long-term care services; and

(ii) authorize and disburse all funds for long-term care services.

(B) CRITERIA.—The contracts or agreements shall require performance criteria in accordance with Federal guidelines. Criteria shall address such issues as certification and licensure of the health care provider, expected level of service, staff qualifications, supervision, role of the long-term care coordination agency, rights of the consumer and health care providers, and provisions for necessary changes in level of care.

(4) INDEPENDENCE.—State long-term care coordination agencies shall be independent from any providers of long-term care services.

SEC. 214. INCORPORATION OF MISCELLANEOUS MEDICARE-RELATED PROVISIONS.

(a) PROVISIONS IN TITLE XVIII.—Except as otherwise specifically provided in this Act, the following provisions of the Social Security Act shall apply to this Act in the same manner as the provisions applied to title XVIII of the Social Security Act as of the day before the date of the enactment of this Act:

(1) Section 1819 (relating to requirements for, and assuring quality of care in, skilled nursing facilities), except that any reference in the section to a "skilled nursing facility" is deemed a reference to a "nursing facility".

(2) Section 1846 (relating to intermediate sanctions for providers of clinical diagnostic laboratory tests).

(3) Sections 1863 through 1865 (relating to consultation with State agencies and other organizations to develop conditions of participation for providers of services, use of State agencies to determine compliance by providers of services with conditions of participation, and effect of accreditation).

(4)(A) Subject to subparagraph (B), section 1866 (relating to agreements with providers of services).

(B)(i) The provisions of section 1866(a)(1)(N) shall not apply.

(ii) Under section 1866(a)(2), a health care provider may not impose any charge for covered services under this Act.

(iii) In the case of a hospital, the provider agreement under section 1866 shall prohibit a hospital from denying care to any eligible individual on any ground other than the hospital's inability to provide the care required.

(5) Section 1867 (relating to examination and treatment for emergency medical conditions and women in labor).

(6) Section 1869 (relating to determinations and appeals).

(7) Section 1870 (relating to overpayment on behalf of individuals and settlement of claims for covered services on behalf of deceased individuals).

(8) Sections 1871 through 1874 (relating to regulations, application of certain provisions of title II of the Social Security Act, designation of organization or publication by name, and administration).

(9)(A) Subject to subparagraph (B), section 1876 (relating to payments to health maintenance organizations and competitive medical plans) shall apply to eligible individuals under this Act in the same manner as it applies to individuals entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(B) In applying section 1876 under this Act—

(i) the provisions of such section relating only to individuals enrolled under part B of title XVIII of the Social Security Act shall not apply;

(ii) subject to subparagraph (C), any reference to a Trust Fund established under title XVIII of such Act and to benefits under such title is deemed a reference to the National Health Care Trust Fund and to covered services under this Act;

(iii) subject to subparagraph (C), the adjusted average per capita cost and adjusted community rate shall be determined on the basis of covered services under this Act; and

(iv) subsection (f) shall not apply.

(C) For purposes of subparagraph (B), covered services under this Act may, at the option of an eligible organization, not include benefits for nursing facility services that are not post-hospital extended care services and benefits for home and community-based services.

(10) Section 1877 (relating to limitation on certain physician referrals).

(11) Section 1878 (relating to the provider reimbursement review board), except that the hearings pursuant to such section shall

be on the approval of budgets under section 312 rather than the determination of payment amounts under title XVIII of the Social Security Act.

(12) Section 1891 (relating to conditions of participation for home health agencies; home health quality).

(13) Section 1892 (relating to offset of payments to individuals to collect past-due obligations arising from breach of scholarship and loan contract).

(b) TITLE XI PROVISIONS.—The following provisions of the Social Security Act shall apply to this Act in the same manner as they applied to title XVIII of the Social Security Act:

(1) Sections 1124, 1126, and 1128 through 1128B (relating to fraud and abuse).

(2) Section 1134 (relating to nonprofit hospital philanthropy).

(3) Section 1138 (relating to hospital protocols for organ procurement and standards for organ procurement agencies).

(4) Section 1142 (relating to research on outcomes of health care services and procedures), except that any reference in such section to a Trust Fund is deemed a reference to the National Health Care Trust Fund.

(5) Part B of title XI of the Social Security Act (relating to peer review of the utilization and quality of health care services).

SEC. 215. NONDISCRIMINATION.

(a) IN GENERAL.—No individual with responsibility for the administration of a State plan that receives assistance under this Act shall discriminate in the provision of covered services to eligible individuals on the basis of race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area within the State.

(b) RULES AND REGULATIONS.—The Administrator shall promulgate rules and regulations to provide for the enforcement of this section, including provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until the Administration can provide notice and an opportunity to be heard.

TITLE III—REVENUE

Subtitle A—Budget Process

SEC. 301. NATIONAL AND STATE HEALTH BUDGETS.

(a) IN GENERAL.—

(1) EXPENDITURES AND REVENUES.—For each calendar year the Administrator shall establish a national health budget and, for each State, a State health budget that specifies—

(A) the level and application of expenditures to be made under this Act in the year in the United States and in the State, respectively; and

(B) the amount in and source of revenues of the Trust Fund in such year.

(2) BASIS.—Each State health budget established by the Administrator under this subsection shall—

(A) be based on—

(i) the population of the State;

(ii) reasonable differences in the prices for goods and services;

(iii) any special social, environmental, or other condition affecting health conditions or the need for health care services; and

(iv) the geographic distribution of the population of the State population, including the proportion of the population residing in rural or health professional shortage areas;

(B) be adjusted to account for States—

(i) with large populations;

(ii) with substantial numbers of residents in age categories that make disproportionately greater use of covered services;

(iii) with substantial numbers of residents below the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); and

(iv) whose residents exhibit a high incidence of certain health conditions, such as a high incidence of Acquired Immune Deficiency Syndrome or infant mortality; and

(C) not disproportionately discriminate against States with substantial rural populations.

(b) EXPENDITURE LEVEL.—The total level of expenditures to be specified in the national health budget under subsection (a) for a year may not exceed the level of expenditures for covered services under this Act made in the year preceding the effective date of this Act increased in a compounded manner for each succeeding year (up to the year involved) by the annual percentage increase in the gross national product for the preceding year.

(c) INSTITUTIONAL CAPITAL BUDGET.—

(1) IN GENERAL.—Each national health budget established under subsection (a) shall include an amount for total expenditures for capital-related items, provide for State capital budgets and specify the general manner in which such expenditures for capital-related items are to be distributed among the different types of health care facilities.

(2) FACTORS.—Each State capital budget under this section shall be established based solely on—

(A) the factors described in subparagraphs (A) and (C) through of subsection (a)(2); and

(B) reasonable differences in the prices for goods and services, as such differences affect the prices of the appropriate capital goods.

(d) HEALTH TRAINING BUDGET.—Each national health budget established under subsection (a) shall include an amount for total expenditures for direct medical education expenses for institutions receiving payments under section 312. Such budgets shall specify the general manner in which such expenditures are to be taken into account, shall be based on a national plan for training of medical personnel developed by the Administrator that shall emphasize training for primary and preventive care, and shall provide for State budgets for direct medical education expenses. Payments under such budgets for such expenditures shall take into account the method for payment for direct medical education expenses as described in section 1886(h) of the Social Security Act.

SEC. 302. PAYMENTS TO STATES.

The Administrator shall make payments from amounts in the Trust Fund to States with approved State programs.

SEC. 303. ESTABLISHMENT OF EXCHANGE PROGRAM.

The Administration shall establish a program under which a State that furnishes covered services to residents of another State receives credit for payments for the services against the amounts to which the other State is otherwise entitled to receive.

Subtitle B—Payments to Health Care Providers

SEC. 311. PAYMENTS TO HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Each State program shall provide for a timely and administratively simple mechanism for the payment and reimbursement of health care providers in a manner consistent with this subtitle and in accordance with regulations prescribed under section 401(e)(1)(E).

(b) MANDATORY ASSIGNMENT.—

(1) ACCEPTANCE OF PAYMENTS.—Each health care provider that receives funding under the national health care program shall accept the payment amount recognized under the State program for covered services as payment in full for such services, provided to consumers, or to individuals entering into an arrangement described in section 205(c).

(2) PROHIBITION ON ADDITIONAL CHARGES.—Health care providers shall only impose charges on consumers—

(A) as provided in section 323; or

(B) with respect to services that are not covered services.

(c) CONTINUUM OF HEALTH CARE SERVICES.—State programs, in order to avoid fragmented care and promote a continuum of health care services, shall develop financial incentives in the payment and reimbursement mechanisms provided under this subtitle.

(d) EQUIPMENT AND CONSTRUCTION.—

(1) LIMITATIONS.—A State program shall, in accordance with regulations prescribed by the Administrator—

(A) limit acquisition of highly specialized or expensive medical equipment, which shall be carefully regulated to ensure appropriate and equitable utilization and distribution; and

(B) eliminate acquisition of expensive, highly specialized equipment by individual physicians and group practices, although the State program may make exceptions in rural health professional shortage areas.

(2) APPROVAL.—Approval for construction and renovation funds shall only be considered on the basis of utilization data and within the context of the State planning process under section 412.

(e) RURAL AND HEALTH PROFESSIONAL SHORTAGE AREAS.—In establishing the mechanism for payment and reimbursement of health care providers under this subtitle, the State program shall establish schedules and incentives in a manner that will encourage health care providers to practice or locate in rural and health professional shortage areas.

SEC. 312. PAYMENTS TO INSTITUTIONAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided in subsection (c), payment for institutional care, including hospital services, shall be made in each State on the basis of an annual prospective budgeting system, established by the State consistent with the State health budget established under section 301 and after negotiations with institutional health care providers.

(b) HOSPITALS.—

(1) BUDGET.—

(A) IN GENERAL.—Each hospital shall receive prospectively a global budget. The budget will be developed through annual negotiations between the State agency and the hospital.

(B) FACTORS.—In developing the budget, the State agency shall consider the health needs of the area, the past expenditures of the hospital, inflation, previous financial and clinical performance (based on utilization data collected through the national health care data base), projected levels of services, technological advances or changes, wages and other costs, proposed new programs, type of hospital, and costs associated with meeting Federal and State regulations.

(C) ADJUSTMENTS.—End-of-the-year adjustments may be made to hospital budgets based on unforeseen factors, such as an increase or decrease in consumer load.

(2) OPERATING EXPENSES.—Global hospital budgets shall be used for operating expenses. Operating expenses shall include replacement of standard equipment and funds to promote innovation in health services. None

of the operating budget may be used for physical expansion, profit, marketing, or the purchase of expensive, highly specialized equipment.

(3) CAPITAL EXPANSION AND EQUIPMENT.—Separate funds for capital expansion and purchase of expensive equipment shall be subject to approval by the State agency, and consistent with the State capital budgets described in section 301(c)(1).

(4) FUNDRAISING.—Under Federal guidelines, hospitals may raise funds from private sources to pay for special services. Such additional funds may not change the operating budget. Any anticipated changes in the operating budget as a result of special services shall be negotiated with the State agency.

(5) HEALTH PROFESSIONAL SHORTAGE AREAS.—State programs shall provide subsidies to rural and urban hospitals in health professional shortage areas, including teaching hospitals, to ensure the viability of the health care facilities.

(c) OTHER HEALTH CARE FACILITIES.—

(1) DEFINITION.—As used in this subsection, the term "other health care facilities" shall include community clinics, migrant health centers, nursing homes, community-based programs, home health agencies, rehabilitation facilities, renal dialysis facilities, birthing centers, and health facilities operated by public health departments.

(2) PAYMENT.—States may determine whether other health care facilities shall be paid on the basis of a prospective global budget or per capita fee. Certain services, such as day health care centers, may be reimbursed on a per diem basis. The Administration shall determine whether the States may determine the per capita fee rates, or whether the rates shall be set by the Administration with regional variations.

(3) LIMITATIONS.—The same limitations described in subsection (b) regarding capital expenditures and operating expenses for hospitals shall apply to other health care facilities.

(4) HEALTH CARE PROVIDERS.—Health care providers employed in other health care facilities shall be salaried. Contractual arrangements shall be permitted for specialists that are not on the staff of such a facility.

(5) RURAL FACILITIES.—State programs shall provide special State subsidies for other health care facilities that are essential facilities in rural areas, to ensure the viability of the facilities.

SEC. 313. PAYMENTS FOR SERVICES BY INDIVIDUAL HEALTH CARE PROVIDERS.

(a) FEE SCHEDULES.—

(1) IN GENERAL.—Except as otherwise provided in this section, payment for services by individual health care providers shall be on a fee-for-service basis and based on payment schedules established by each State program in accordance with regulations prescribed under section 401(e)(1)(E).

(2) SCHEDULES.—Such schedules—

(A) shall be established after negotiations with organizations representing physicians and other health care providers;

(B) shall be based on a national relative value scale, developed by the Administration taking into account the relative value scale developed under section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as in effect on the day before the date of the enactment of this Act;

(C) shall take into consideration regional variations; and

(D) shall be in amounts consistent with the State health budget adopted under section 301.

(3) TARGETS.—Expenditure targets on the annual State allocation of fee-for-service payments for each category of health care provider shall be established under the State programs. If a group of health care providers exceeds the annual expenditure target, State agencies shall have the flexibility to negotiate with the Administration and the health care provider group to modify the fee schedule for the following year to correct for overspending in the previous budget year.

(b) ALTERNATIVE PAYMENT MECHANISMS.—Payment for services by individual health care providers may be based on alternative payment methodologies, including capitation methods, annual salary and hourly payments, so long as the amount of payments under such methodology do not exceed, in the aggregate, the amount of payments that would otherwise be made under the methodology described in subsection (a).

(c) BILLING.—Individual health care providers shall submit bills to the State agency.

(d) COVERED EXPENSES.—Payment to individual health care providers shall cover health care provider earnings and basic operating expenses, and shall not include reimbursement for expensive, highly specialized equipment. Operating expenses shall include administrative overhead, employee wages, and replacement of standard equipment.

(e) GROUP PRACTICES.—Group practices may elect to be paid prospectively on a per capita basis rather than on a fee-for-service basis.

SEC. 314. PAYMENTS TO INTEGRATED HEALTH SERVICE PLANS.

(a) PAYMENT.—Integrated Health Service Plans shall be paid prospectively on a per capita basis or by means of a negotiated global budget, as determined by the State agency.

(b) INPATIENT CARE.—Such payment shall not cover inpatient care services. Inpatient facilities operated by the Integrated Health Service Plans will be paid for covered services on the same basis as all other inpatient facilities.

(c) HOSPITALS.—Integrated Health Service Plan-operated hospitals shall be paid for covered services on the same basis as all other hospitals under section 312.

(d) HEALTH CARE PROVIDERS.—All health care providers employed by the Integrated Health Service Plans shall be salaried. An Integrated Health Service Plan may enter into contractual arrangements with specialty health care providers not available on staff.

(e) DEVELOPMENT.—State programs shall provide incentives for the development of Integrated Health Service Plans.

SEC. 315. PAYMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICALS.

(a) ESTABLISHMENT OF LIST.—

(1) IN GENERAL.—The Administrator shall establish a list of approved prescription drugs and biologicals that the Administrator determines are necessary for the maintenance or restoration of health or of employability or self-management and eligible to be provided as covered services.

(2) EXCLUSIONS.—The Administrator may exclude from the list described in paragraph (1) ineffective, unsafe, or overpriced drugs or biologicals if better alternatives are determined to be available.

(b) PRICES.—For each such listed prescription drug or biological that may be provided as a covered service under this Act, the Administrator shall from time to time, by regulation promulgated under section 401(e)(1)(F), determine a product price or prices that shall constitute the maximum to be recognized under this Act as the cost of the drug or biological to a health care provider. The Administrator may conduct negotiations, on behalf of State programs, with manufacturers and distributors of drugs or biologicals in determining the applicable product price or prices.

(c) CHARGES BY INDEPENDENT PHARMACIES.—Each State program shall provide for payment for such a listed prescription drug or biological furnished by an independent pharmacy based on the cost of the drug or biological to the pharmacy (not in excess of the applicable product price established under subsection (b)) plus a dispensing fee. In accordance with standards established by the Administrator under section 401(e)(1)(F), each State program, after consultation with representatives of the pharmaceutical profession, shall establish schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of prescription drugs and biologicals dispensed, differences in services provided, and other relevant factors.

(d) DEFINITIONS.—As used in this section, the terms "prescription drug" and "biological" mean a drug and a biological, respectively, described in section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)).

SEC. 316. APPROVED DEVICES AND EQUIPMENT.

(a) ESTABLISHMENT OF LIST.—

(1) IN GENERAL.—The Administrator shall establish a list of approved durable medical equipment and therapeutic devices and equipment (including eyeglasses, hearing aids, and prosthetic appliances), that the Administrator determines are necessary for the maintenance or restoration of health or of employability or self-management and eligible to be provided as covered services.

(2) EXCLUSIONS.—The Administrator may exclude from the list described in paragraph (1) ineffective, unsafe, or overpriced equipment or devices if better alternatives are determined to be available.

(b) CONSIDERATIONS AND CONDITIONS.—In establishing the list under subsection (a), the Administrator shall take into consideration the efficacy, safety, and cost of each item contained on such list, and shall attach to any item such conditions as the Administrator determines to be appropriate with respect to the circumstances under which, or the frequency with which, the item may be prescribed.

(c) PRICES.—For each such listed item that may be provided as a covered service under this Act, the Administrator shall from time to time, by regulation promulgated under section 401(e)(1)(F), determine a product price or prices that shall constitute the maximum to be recognized under this Act as the cost of the item to a health care provider. The Administrator may conduct negotiations, on behalf of State programs, with manufacturers and distributors of the equipment or devices described in subsection (a) in determining the applicable product price or prices.

(d) DEFINITION.—As used in this section, the terms "durable medical equipment" has the meaning given the term in section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)).

SEC. 317. GRIEVANCE PROCEDURE.

(a) BOARD.—The head of each State agency shall establish a State Payment Grievance Board. In selecting members of the State Payment Grievance Board, the head of the State agency shall ensure that members shall not perform duties inconsistent with their duties and responsibilities as members, and shall ensure that an employee or agent engaged in the performance of investigative or prosecuting functions for the State agency in a case shall not, in the case or a factually related case, participate or advise in the decision, recommended decision, or State agency review of the decision, except as witness or counsel in public proceedings.

(b) APPEALS.—

(1) HEALTH CARE PROVIDERS.—A health care provider who is denied payment by an employee of a State agency, or a State long-term care coordination agency, for covered services may appeal the decision of the State agency, not later than 30 days after the decision, to a State Payment Grievance Board.

(2) PATIENTS.—In any case in which a health care provider determines that a requested service is not medically necessary with respect to a consumer, the health care provider shall inform the consumer of the opportunity to appeal the decision of the health care provider, not later than 30 days after the decision, to a State Payment Grievance Board.

(c) PROCEDURES.—Each State agency shall provide for effective procedures for the State Payment Grievance Board for hearing and resolving appeals brought under subsection (b) and for State agency review of the appeals.

Subtitle C—Sources of Revenue

SEC. 321. FEDERAL SOURCES OF REVENUE.

(a) PERSONAL INCOME TAX RATE INCREASE.—

(1) IN GENERAL.—Subsections (a) through (e) of section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) are each amended by striking "15%", "28%", and "31%" each place they appear and inserting "20%", "31%", and "39%", respectively.

(2) TECHNICAL AMENDMENTS.—

(A) Subsection (f) of section 1 of such Code is amended—

(i) by striking "1990" in paragraph (1) and inserting "1994", and

(ii) by striking "1989" in paragraph (3)(B) and inserting "1993".

(B) Subparagraph (B) of section 32(i)(1) of such Code is amended by striking "1989" and inserting "1993".

(C) Subparagraph (C) of section 41(e)(5) of such Code is amended by striking "1989" each place it appears and inserting "1993".

(D) Subparagraph (B) of section 63(c)(4) of such Code is amended by striking "1989" and inserting "1993".

(E) Clause (ii) of section 135(b)(2)(B) of such Code is amended by striking "1989" and inserting "1993".

(F) Subparagraphs (A)(ii) and (B)(ii) of section 151(d)(4) of such Code are each amended by striking "1989" and inserting "1993".

(G) Clause (ii) of section 513(h)(2)(C) of such Code is amended by striking "1989" each place it appears and inserting "1993".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) CORPORATE INCOME TAX RATE INCREASE.—

(1) IN GENERAL.—Subsection (b) of section 11 of the Internal Revenue Code of 1986 (relating to tax imposed on corporations) is amended by striking "34 percent" each place it appears and inserting "39 percent".

(2) CONFORMING AMENDMENTS.—

(A) Section 852(b)(3)(D)(iii) of such Code is amended by striking "66 percent" and inserting "61 percent".

(B) Section 1201(a) of such Code is amended by striking "34 percent" each place it appears and inserting "39 percent".

(C) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "34 percent" and inserting "39 percent".

(D) Section 7518(g)(6)(A) of such Code and section 607(h)(6)(A) of the Merchant Marine Act, 1936 are each amended by striking "34 percent" and inserting "39 percent".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(c) ALTERNATIVE MINIMUM TAX INCREASE.—

(1) GENERAL RULE.—Subparagraph (A) of section 55(b)(1) (relating to tentative minimum tax) is amended by striking "20 percent (24 percent" and inserting "23 percent (27 percent".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 897(a) is amended by striking "21" in the heading of such paragraph and in subparagraph (A) and inserting "27".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(d) INCREASE IN TAX ON CIGARETTES.—

(1) RATE OF TAX.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(A) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (1) and inserting "$20 per thousand"; and

(B) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (2) and inserting "$42 per thousand".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to articles removed after December 31, 1993.

(3) FLOOR STOCKS.—

(A) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before January 1, 1994, and held on such date for sale by any person, there shall be imposed the following taxes:

(i) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $10 per thousand;

(ii) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $21 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(B) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(i) LIABILITY FOR TAX.—A person holding cigarettes on January 1, 1994, to which any tax imposed by subparagraph (A) applies shall be liable for such tax.

(ii) METHOD OF PAYMENT.—The tax imposed by subparagraph (A) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 15, 1994, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on January 1, 1994.

(C) CIGARETTE.—For purposes of this paragraph, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(D) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by subparagraph (A) shall not apply to cigarettes in retail stocks held on January 1, 1994, at the place where intended to be sold at retail.

(E) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(i) cigarettes—

(I) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(II) which are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone, and

(ii) cigarettes which—

(I) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(II) are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone,

shall be subject to the tax imposed by subparagraph (A) and such cigarettes shall, for purposes of subparagraph (A), be treated as being held on January 1, 1994, for sale.

(e) INCREASE IN EXCISE TAXES ON DISTILLED SPIRITS, WINE, AND BEER.—

(1) DISTILLED SPIRITS.—

(A) IN GENERAL.—Paragraphs (1) and (3) of section 5001(a) of the Internal Revenue Code of 1986 (relating to rate of tax on distilled spirits) are each amended by striking "$13.50" and inserting "$29.00".

(B) TECHNICAL AMENDMENT.—Paragraphs (1) and (2) of section 5010(a) of such Code (relating to credit for wine content and for flavors content) are each amended by striking "$13.50" and inserting "$29.00".

(2) WINE.—

(A) WINES CONTAINING NOT MORE THAN 14 PERCENT ALCOHOL.—Paragraph (1) of section 5041(b) of such Code (relating to rates of tax on wines) is amended by striking "$1.07" and inserting "$6.00".

(B) WINES CONTAINING MORE THAN 14 (BUT NOT MORE THAN 21) PERCENT ALCOHOL.—Paragraph (2) of section 5041(b) of such Code is amended by striking "$1.57" and inserting "$8.50".

(C) WINES CONTAINING MORE THAN 21 (BUT NOT MORE THAN 24) PERCENT ALCOHOL.—Paragraph (3) of section 5041(b) of such Code is amended by striking "$3.15" and inserting "$11.00".

(D) ARTIFICIALLY CARBONATED WINES.—Paragraph (5) of section 5041(b) of such Code is amended by striking "$3.30" and inserting "$11.00".

(3) BEER.—

(A) IN GENERAL.—Paragraph (1) of section 5051(a) of such Code (relating to imposition and rate of tax on beer) is amended by striking "$18" and inserting "$81".

(B) SMALL BREWERS.—Subparagraph (A) of section 5051(a)(2) of such Code (relating to reduced rate for certain domestic production) is amended by striking "$7" each place it appears and inserting "$31.50".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 1994.

(5) FLOOR STOCKS TAXES.—

(A) IMPOSITION OF TAX.—

(i) IN GENERAL.—In the case of any tax-increased article—

(I) on which tax was determined under part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986 or section 7652 of such Code before January 1, 1994, and

(II) which is held on such date for sale by any person,

there shall be imposed a tax at the applicable rate on each such article.

(ii) APPLICABLE RATE.—For purposes of clause (i), the applicable rate is—

(I) $15.50 per proof gallon in the case of distilled spirits,

(II) $4.93 per wine gallon in the case of wine described in paragraph (1) of section 5041(b) of such Code, and

(III) $6.93 per wine gallon in the case of wine described in paragraph (2) of section 5041(b) of such Code, and

(IV) $7.85 per wine gallon in the case of wine described in paragraph (3) of section 5041(b) of such Code, and

(V) $7.70 per wine gallon in the case of wine described in paragraph (5) of section 5041(b) of such Code,

(VI) $63 per barrel in the case of beer described in paragraph (1) of section 5051(a) of such Code, and

(VII) $13.50 per barrel in the case of beer described in subparagraph (A) of section 5051(a)(2) of such Code.

In the case of a fraction of a gallon or barrel, the tax imposed by clause (i) shall be the same fraction as the amount of such tax imposed on a whole gallon or barrel.

(iii) TAX-INCREASED ARTICLE.—For purposes of this paragraph, the term "tax-increased article" means distilled spirits, wine described in paragraph (1), (2), (3), or (5) of section 5041(b) of such Code, and beer.

(B) EXCEPTION FOR CERTAIN SMALL WHOLESALE OR RETAIL DEALERS.—No tax shall be imposed by subparagraph (A) on tax-increased articles held on January 1, 1994, by any dealer if—

(i) the aggregate liquid volume of tax-increased articles held by such dealer on such date does not exceed 500 wine gallons, and

(ii) such dealer submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(C) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(i) LIABILITY FOR TAX.—A person holding any tax-increased article on January 1, 1994, to which the tax imposed by subparagraph (A) applies shall be liable for such tax.

(ii) METHOD OF PAYMENT.—The tax imposed by subparagraph (A) shall be paid in such manner as the Secretary shall prescribe by regulations.

(iii) TIME FOR PAYMENT.—The tax imposed by subparagraph (A) shall be paid on or before June 30, 1994.

(D) CONTROLLED GROUPS.—

(i) CORPORATIONS.—In the case of a controlled group the 500 wine gallon amount specified in subparagraph (B), shall be apportioned among the dealers who are component members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED DEALERS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of dealers under common control where 1 or more of such dealers is not a corporation.

(E) OTHER LAWS APPLICABLE.—

(i) IN GENERAL.—All provisions of law, including penalties, applicable to the comparable excise tax with respect to any tax-increased article shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply to the floor stocks taxes imposed by subparagraph (A) to the same extent as if such taxes were imposed by the comparable excise tax.

(ii) COMPARABLE EXCISE TAX.—For purposes of clause (i), the term "comparable excise tax" means—

(I) the tax imposed by section 5001 of such Code in the case of distilled spirits,

(II) the tax imposed by section 5041 of such Code in the case of wine, and

(III) the tax imposed by section 5051 of such Code in the case of beer.

(F) DEFINITIONS.—For purposes of this paragraph—

(i) IN GENERAL.—Terms used in this paragraph which are also used in subchapter A of chapter 51 of such Code shall have the respective meanings such terms have in such part.

(ii) PERSON.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(iii) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(G) TREATMENT OF IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS.—For purposes of this paragraph, any article described in section 5001(a)(3) of such Code shall be treated as distilled spirits; except that the tax imposed by subparagraph (A) shall be imposed on a wine gallon basis in lieu of a proof gallon basis. To the extent provided by regulations prescribed by the Secretary, the preceding sentence shall not apply to any article held on January 1, 1994, on the premises of a retail establishment.

(f) PAYROLL TAXES.—

(1) TAX ON EMPLOYEES.—Section 3101 of the Internal Revenue Code of 1986 (relating to rate of tax on employees) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HEALTH CARE PROGRAM.—In addition to the taxes imposed by the preceding subsections, there is hereby imposed on the income of every individual a tax equal to 1.45 percent of the wages (as defined in section 3121(a)) received by such individual after December 31, 1994, with respect to employment (as defined in section 3121(b)).".

(2) TAX ON EMPLOYERS.—Section 3111 of such Code (relating to rate of tax on employers) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HEALTH CARE PROGRAM.—In addition to the taxes imposed by the preceding subsections, there is hereby imposed on every employer an excise tax, with respect to having individuals in such employer's employ, equal to 7.45 percent of the wages (as defined in section 3121(a)) paid by such employer during each calendar year beginning after December 31, 1994, with respect to employment (as defined in section 3121(b)).".

(3) TAX ON SELF-EMPLOYMENT INCOME.—Section 1401 of such Code (relating to rate of tax on self-employment income for hospital insurance) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HEALTH CARE PROGRAM.—In addition to the taxes imposed by the preceding subsections, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to the sum of—

"(1) 1.45 percent, plus

"(2) 7.45 percent

of the amount of the self-employment income for such taxable year.".

(4) RAILROAD RETIREMENT TAXES.—Sections 3201(a), 3211(a), and 3221(a) of such Code (relating to tier 1 taxes) are each amended by striking "subsections (a) and (b)" each place it appears and inserting "subsections (a), (b), and (c)".

(5) ELIMINATION OF LIMIT ON EMPLOYER-PORTION OF WAGES OR SELF-EMPLOYMENT INCOME SUBJECT TO NATIONAL HEALTH CARE PROGRAM TAX.—

(A) WAGES.—Subsection (x) of section 3121 of the Internal Revenue Code of 1986 (relating to applicable contribution base) is amended by adding at the end thereof the following new paragraph:

"(3) NATIONAL HEALTH CARE PROGRAM.—For purposes of the taxes imposed by section 3111(c), the applicable contribution base for any calendar year is equal to the remuneration for employment paid to an individual for such calendar year.".

(B) SELF-EMPLOYMENT INCOME.—Subsection (k) of section 1402 of such Code (relating to applicable contribution base) is amended by adding at the end thereof the following new paragraph:

"(3) NATIONAL HEALTH CARE PROGRAM.—For purposes of the tax imposed by section 1401(c)(2), the applicable contribution base for any calendar year is equal to the individual's net earnings from self-employment for such calendar year.".

(C) CONFORMING AMENDMENTS.—

(i) Paragraph (2) of section 3121(x) of such Code is amended—

(I) by striking "section 3101(b) and 3111(b)" and inserting "sections 3101(b), 3111(b), and 3101(c)", and

(II) by striking "HOSPITAL INSURANCE" in the heading and inserting "HEALTH CARE".

(ii) Paragraph (2) of section 1402(k) of such Code is amended—

(I) by striking "section 1401(b)" and inserting "sections 1401(b) and 1401(c)(1)", and

(II) by striking "HOSPITAL INSURANCE" in the heading and inserting "HEALTH CARE".

(iii) Clause (i) of section 3231(e)(2)(B) of such Code is amended—

(I) by striking "subclause (II)" in subclause (I) and inserting "subclauses (II) and (III)", and

(II) by adding at the end thereof the following new subclauses:

"(III) EMPLOYER-PORTION OF NATIONAL HEALTH CARE PROGRAM.—For purposes of applying so much of the rate applicable under section 3221(a) as does not exceed the rate of tax in effect under section 3111(c), and for purposes of applying so much of the rate of tax applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(c)(2), the term 'applicable base' means for any calendar year the applicable contribution base determined under section 3121(x)(3) or 1401(k)(3) (as the case may be) for such calendar year.

"(IV) EMPLOYEE-PORTION OF NATIONAL HEALTH CARE PROGRAM.—For purposes of applying so much of the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(c), and for purposes of applying so much of the rate of tax applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(c)(1), the term 'applicable base' means for any calendar year the applicable contribution base determined under section 3121(x)(2) or 1401(k)(2) (as the case may be) for such calendar year.".

(iv) Subsection (c) of section 6413 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) SEPARATE APPLICATION FOR NATIONAL HEALTH CARE PROGRAM TAXES.—In applying this subsection with respect to—

"(A) the tax imposed by section 3101(c) (or any amount equivalent to such tax), and

"(B) so much of the tax imposed by section 3201 as is determined at a rate not greater than the rate in effect under section 3101(c), the applicable contribution base determined under section 3121(x)(3) for any calendar year shall be substituted for 'contribution and benefit base (as determined under section 230 of the Social Security Act)' each place it appears.".

(6) ADDITIONAL STATE AND LOCAL EMPLOYEES SUBJECT TO NATIONAL HEALTH CARE PROGRAM TAXES.—Paragraph (2) of section 3121(u) of such Code is amended by striking subparagraphs (C) and (D).

(7) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to remuneration paid after December 31, 1994, and with respect to earnings from self-employment attributable to taxable years beginning after such date.

(g) TERMINATION OF HOSPITAL INSURANCE PAYROLL TAXES.—

(1) TAX ON EMPLOYEES.—Section 3101(b) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1994, the rate shall be 1.45 percent; and

"(7) with respect to wages received after December 31, 1994, the rate shall be 0 percent.".

(2) TAX ON EMPLOYERS.—Section 3111(b) of such Code (relating to rate of tax on employers for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1994, the rate shall be 1.45 percent;

"(7) with respect to wages received after December 31, 1994, the rate shall be 0 percent.".

(3) TAX ON SELF-EMPLOYMENT INCOME.—Section 1401(b) of such Code (relating to rate of tax on self-employment income for hospital insurance) is amended by striking the table and inserting the following new table:

"In the case of a taxable year

Beginning after:	**And before:**	**Percent:**
.. December 31, 1985	January 1, 1995	2.90
.. December 31, 1994	....	0.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to remuneration paid after December 31, 1994, and with respect to earnings from self-employment attributable to taxable years beginning after such date.

(i) EMPLOYERS' MAINTENANCE OF EFFORT FOR RETIREES.—

(1) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to normal taxes and surtaxes) is amended by adding at the end thereof the following new part:

"PART VIII—HEALTH CARE TAXES

"Sec. 59B. Employers health care tax.

"SEC. 59B. EMPLOYERS HEALTH CARE TAX.

"(a) IN GENERAL.—In the case of an employer, there is imposed (in addition to any other tax imposed by this subtitle) a tax equal to the actuarially equivalent aggregate amount which would have been paid or incurred by the employer (or predecessor employer) during the taxable year for individual or family coverage of retired employees with respect to whom such employer had a contractual obligation on December 31, 1993, under group health plans (as defined in section 5000(b)(1)) in existence on such date.

"(b) TERMINATION.—This section shall not apply in any taxable year beginning after December 31, 2012.".

(2) CONFORMING AMENDMENT.—The table of parts of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VIII. Health care taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(j) TREATMENT OF HEALTH CARE DEDUCTIONS, EXCLUSIONS, AND CREDITS.—

(1) LIMITATION ON EXCLUSION OF COMPENSATION FOR INJURIES OR SICKNESS.—Subsection (a) of section 104 of the Internal Revenue Code of 1986 (relating to compensation for injuries or sickness) is amended—

(A) by striking paragraph (3) and inserting the following new paragraph:

"(3) amounts received through the national health care program for personal injuries or sickness;", and

(B) by striking the second sentence thereof.

(2) TERMINATION OF EXCLUSION FOR AMOUNTS RECEIVED UNDER ACCIDENT AND HEALTH PLANS.—

(A) IN GENERAL.—Section 105 of such Code (relating to amounts received under accident and health plans) is amended—

(i) by striking "income" and all that follows in subsection (a) and inserting "income.",

(ii) by striking subsections (b), (e), (f), (g), and (h), and

(iii) by redesignating subsections (c) and (i) as subsections (b) and (c), respectively.

(B) CONFORMING AMENDMENT.—Paragraph (6) of section 7871(a)(6) of such Code is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(3) TERMINATION OF EXCLUSION FOR CONTRIBUTIONS BY EMPLOYER TO ACCIDENT AND HEALTH PLANS.—

(A) IN GENERAL.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (c) of section 104 of such Code is amended to read as follows:

"(c) CROSS REFERENCE.—

"For exclusion of part of disability retirement pay from the application of subsection (a)(4) of this section, see section 1403 of title 10, United States Code (relating to career compensation laws).".

(ii) Sections 414(n)(3)(C), 414(t)(2), and 6039D(d)(1) of such Code are each amended by striking "106,".

(4) LIMITATION ON CAFETERIA PLANS.—Subsection (g) of section 125 of such Code (relating to cafeteria plans) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(5) BUSINESS EXPENSE DEDUCTION FOR EMPLOYER-PROVIDED FIRST AID ASSISTANCE.—Subsection (l) of section 162 of such Code (relating to trade or business expenses) is amended to read as follows:

"(l) FIRST AID ASSISTANCE.—The expenses paid or incurred by an employer for on-site first aid assistance provided to the employees of such employer shall be allowed as a deduction under this section.".

(6) TERMINATION OF DEDUCTION FOR MEDICAL EXPENSES.—

(A) IN GENERAL.—Section 213 of such Code (relating to medical, dental, etc., expenses) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (1) of section 56 of such Code is amended by striking subparagraph (B) and by redesignating subparagraph (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

(ii) Subsection (b) of section 67 of such Code is amended by striking paragraph (5) and by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively.

(iii) Subsection (t) of section 72 of such Code is amended—

(I) in paragraph (2), by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B), and

(II) by striking "(B), and (C)" in paragraph (3)(A) and inserting "and (B)".

(iv) Subsection (e) of section 152 of such Code is amended by striking paragraph (6).

(7) TERMINATION OF PENSION PAYMENT OF MEDICAL BENEFITS.—Subsection (h) of section 401 of such Code (relating to qualified pension, profit-sharing, and stock bonus plans) is repealed.

(8) TERMINATION OF CHILD HEALTH INSURANCE CREDIT.—Clause (i) of section 32(b)(2)(A) of such Code (relating to health insurance credit) is amended by inserting "(0 percent for taxable years beginning after December 31, 1993)" after "6 percent".

(9) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning after December 31, 1993.

(k) INCREASE IN INCOME TAXES ON SOCIAL SECURITY BENEFITS.—

(1) INCREASE IN AMOUNT OF BENEFITS TAKEN INTO ACCOUNT.—Subsections (a) and (b) of section 86 of such Code (relating to social security and tier 1 railroad retirement benefits) are each amended by striking "one-half" each place it appears and inserting "85 percent".

(2) INCOME THRESHOLDS REDUCED.—Subsection (c) of section 86 of such Code (defining base amount) is amended—

(A) by striking "$25,000" in paragraph (1) and inserting "$8,000", and

(B) by striking "$32,000" in paragraph (2) and inserting "$16,000".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(l) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(m) NATIONAL HEALTH CARE PROGRAM PREMIUM FOR THE ELDERLY.—

(1) IN GENERAL.—Except as provided in paragraph (2), each individual who at any time in a month beginning after December 31, 1994, is 65 years of age or older and is eligible for benefits under this Act in the month shall pay a national health care program premium equal to the sum of:

(A) the amount of the premium for such month determined under section 1839 of the Social Security Act, determined as if such section had not been repealed under this Act, plus

(B) $25.

(2) REDUCTION FOR LOW-INCOME ELDERLY.—Individuals with an adjusted gross income

(as defined in section 62 of the Internal Revenue Code of 1986) which does not exceed 120 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) are not liable for the premium imposed under paragraph (1)(B).

(3) COLLECTION OF PREMIUM.—The premium imposed under this subsection shall be collected in the same manner (including deduction from Social Security checks) as the premium imposed under part B of title XVIII of the Social Security Act was collected under section 1840 of such Act as of the date of the enactment of this Act.

SEC. 322. STATE SOURCES OF REVENUE.

(a) IN GENERAL.—Each State shall be responsible for establishing a financing program for the implementation of the State program in the State. Such financing program may include State funding from general revenues, earmarked taxes, sales taxes, and such other measures consistent with this Act, including regulations prescribed under section 401(e)(1)(D), as the State may provide.

(b) MAINTENANCE OF EFFORT.—

(1) CONDITION OF COVERAGE.—Notwithstanding any other provision of this Act, no individual who is a resident of a State is eligible for covered services under this Act for a month in a calendar year, unless the State makes available under the financing program (in a manner and at a time specified by the Administrator), in addition to funds made available under subsection (c), in the month of the sum of—

(A) the product of $7.083 and the number of residents who are residents of the State and otherwise eligible for covered services under this Act in the month; and

(B) 85 percent of 1/12 of the amount specified in paragraph (2) for the year;

or, if less, 1/12 of the limiting amount specified in paragraph (3).

(2) MAINTENANCE OF EFFORT AMOUNT.—The amount of payment specified in this paragraph for a State for a year is equal to the amount of payment (net of Federal payments) made by a State under its State plan under title XIX of the Social Security Act for the year preceding the effective date of this Act, increased for the year involved by the compounded sum of the percentage increase in the gross national product of the State for each year after that year and up to the year before the year involved.

(3) LIMITING AMOUNT.—For purposes of paragraph (1), the limiting amount specified in this paragraph—

(A) for 1995, is the total amount of payment made by a State (net of any Federal payments made to the State) for health care services in 1994; or

(B) for any subsequent year, is the amount specified in this paragraph for the State for the previous year increased for the year involved by the compounded sum of the percentage increase in the gross national product of the State for each year after 1992 and up to the year before the year involved.

SEC. 323. COST-SHARING.

(a) MINIMUM COST-SHARING REQUIREMENTS.—Except as provided in subsection (b), each State program shall impose cost-sharing for payment to a health care facility of a portion (not to exceed 25 percent) of the cost of room and board for consumers receiving—

(1) the long-term care services described in section 201(b)(6)(C);

(2) the mental health services described in section 201(b)(7)(E);

(3) the rehabilitation services described in subparagraphs (D) and (E) of section 201(b)(13); and

(4) the substance abuse treatment and rehabilitation services described in section 201(b)(14)(F).

(b) WAIVER.—Each State agency shall waive the cost-sharing requirements described in subsection (a) for consumers below the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

SEC. 324. NATIONAL HEALTH CARE TRUST FUND.

(a) TRUST FUND ESTABLISHED.—

(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "National Health Care Trust Fund". The Trust Fund shall consist of such gifts and bequests as may be made and such amounts as may be deposited in, or appropriated to, such Trust Fund as provided in this Act.

(2) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PREMIUMS.—

(A) TAX AND PREMIUM REVENUES.—There are hereby appropriated to the Trust Fund amounts equivalent to the additional revenues received in the Treasury as the result of the provisions of, and amendments made by, section 321.

(B) TRANSFERS BASED ON ESTIMATES.—The amounts appropriated by subparagraph (A) shall be transferred from time to time (not less frequently than monthly) from the general fund in the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes and premiums, specified in such subparagraph, paid to or deposited into the Treasury; and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes and premiums specified in such subparagraph.

(3) TRANSFER OF FUNDS.—All amounts, not otherwise obligated, that remain in the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund on January 1, 1995 shall be transferred to the Trust Fund.

(4) INCORPORATION OF TRUST FUND PROVISIONS.—The provisions of subsections (b) through (i) of section 1841 of the Social Security Act (42 U.S.C. 1395t), as in effect on the day before the date of the enactment of this Act, shall apply to the Trust Fund in the same manner as such provisions apply to the Federal Supplemental Medical Insurance Trust Fund, except that any reference to the Secretary of Health and Human Services or the Administrator of the Health Care Financing Administration shall be deemed a reference to the Administration.

(5) APPROPRIATION OF ADDITIONAL SUMS.—There are hereby authorized to be appropriated to the Trust Fund such additional sums as may be required to make expenditures referred to in subsection (b).

(b) EXPENDITURES.—

(1) TO STATES.—Payments in each calendar year to each State from the Trust Fund under section 302 are hereby authorized and appropriated.

(2) OTHER GRANT PROGRAMS.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for grant programs relating to health care services.

(3) ADMINISTRATIVE EXPENSES.—There are hereby authorized and appropriated such sums as are necessary for the administrative expenses of the Administration for each fiscal year, not to exceed 3 percent of the total payments made to the States for such fiscal year under section 302.

(c) TRUST FUND OFF-BUDGET.—The receipts and disbursements of the Trust Fund and the taxes described in subsection (a)(2) shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

TITLE IV—ADMINISTRATION

Subtitle A—Federal Administration

SEC. 401. NATIONAL HEALTH CARE ADMINISTRATION.

(a) ESTABLISHMENT.—There is established a National Health Care Administration that shall administer the programs established under this Act. The Administration shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) ADMINISTRATOR OF HEALTH CARE.—

(1) APPOINTMENT.—There shall be in the Administration an Administrator of Health Care who shall be appointed by the President, with the advice and consent of the Senate.

(2) COMPENSATION.—The Administrator shall be compensated at the rate provided for level I of the Executive Schedule.

(3) TERM.—The Administrator shall be appointed for a term of 4 years coincident with the term of the President, or until the appointment of a qualified successor.

(4) QUALIFICATIONS.—The Administrator shall be selected on the basis of proven competence as a manager.

(5) POWERS.—The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities of the Administration.

(6) DELEGATION.—The Administrator may, with respect to the administration of the national health care program, assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

(7) COORDINATION.—The Administrator and the Secretary of Health and Human Services shall consult, on an ongoing basis, to ensure the coordination of the programs administered by the Administrator under this Act with the programs administered by the Secretary under the Social Security Act (42 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) PERSONNEL.—The Administrator shall appoint such additional officers and employees as the Administrator considers necessary to carry out the functions of the Administration under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Administrator may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(e) REGULATIONS.—

(1) IN GENERAL.—The Administrator may prescribe such policies and regulations regarding the national health care program as

the Administrator determines to be necessary or appropriate, including policies and regulations relating to—

(A) eligibility;

(B) enrollment;

(C) covered services;

(D) State funding levels;

(E) payment of health care providers, including fee schedules for health care providers;

(F)(i) standards for dispensing fees for prescription drugs and biologicals (as defined in section 315); and

(ii) prices for such prescription drugs and biologicals, for durable medical equipment (as defined in section 316), and for therapeutic devices and equipment (including eyeglasses, hearing aids, and prosthetic appliances);

(G) quality assurance standards for health care facilities, other health care providers, and covered services;

(H) certification and licensing of health care providers;

(I) consumer protection standards;

(J) cost-sharing, as described in section 323;

(K) health care goals and priorities in consultation with the Public Health Service; and

(L) education and training programs for health care providers.

(2) Quality assurance, certification, and licensing.—

(A) Basis.—

(i) Information.—In developing regulations under paragraph (1)(G), the Administrator shall take into consideration information from the national health care data base.

(ii) Professional opinions.—In developing regulations under subparagraphs (G) and (H) of paragraph (1), the Administrator shall consider the opinions of all appropriate professional organizations.

(iii) Peer review organizations.—In developing regulations under paragraph (1)(G), the Administrator shall consider the recommendations of utilization and quality control peer review organizations established under section 1152 of the Social Security Act (42 U.S.C. 1320c-1).

(iv) Council.—In developing regulations under subparagraphs (G) and (I) of paragraph (1), the Administrator shall consider the recommendations of the National Council on Quality Assurance and Consumer Protection.

(B) Facilities and services.—The Administrator shall prescribe regulations under paragraph (1)(G) covering all covered services and all health care facilities and other health care providers participating in the national health care program, including individual and group practitioners, hospitals, other inpatient and outpatient facilities, ambulatory facilities and services, home health agencies, care coordination services, and hospital discharge planning services.

(f) Planning Functions.—The Administrator shall—

(1) ensure that State health budgets under section 301 reflect the goals and priorities recommended by State and local planning boards; and

(2) meet at least biannually with representatives of State and local planning boards to—

(A) assess implementation;

(B) assist the boards in determining the goals and priorities for meeting health care needs; and

(C) assist the boards in planning, on the basis of cost and utilization data available through the national health care data base, for the efficient and effective use of existing health resources, within each State and local planning area.

(g) Programs.—The Administration shall establish and carry out, directly or through grants or contracts, Federal—

(1) ombudsman programs;

(2) hotlines for complaints; and

(3) consumer and health care provider information and education programs designed to increase public understanding of the national health care program, including programs to distribute information from the national health care data base.

(h) National Health Care Data Base.—The Administration shall establish and maintain a national health care data base, which shall include information regarding the quality, effectiveness, utilization, and cost of all covered services.

SEC. 402. NATIONAL HEALTH BOARD.

(a) Establishment of Board.—There shall be established in the Administration a National Health Board.

(b) Functions of the Board.—

(1) In general.—The Board shall advise the Administrator on policies related to the national health care program established under this Act.

(2) Specific functions.—Specific functions of the Board shall include—

(A) studying and making recommendations regarding implementation of this Act and the most effective methods of providing covered services under this Act;

(B) studying and making recommendations relating to the coordination of other programs that provide health care services;

(C) reviewing and assessing the quality of service that the Administration provides to the public;

(D) reviewing and assessing the progress of the Administration in developing needed improvements in the management of programs;

(E) in consultation with the Administrator, reviewing the development and implementation of a long-range research and program evaluation plan for the Administration;

(F) reviewing and assessing any major studies of health care services as may come to the attention of the Board;

(G) assessing, for each region of the country, the information described in section 412(b)(1); and

(H) conducting such other reviews and assessments as the Board determines to be appropriate.

(c) Structure and Membership of the Board.—The Board shall be composed of 25 members who shall be appointed by the President, with the advice and consent of the Senate, including—

(1) 4 members representing consumers;

(2) 4 members representing health care providers, each of whom shall represent a different provider group;

(3) 4 representatives of Federal departments and agencies, including at least one individual representing a public health agency;

(4) 4 representatives of State and local governments, including at least one individual representing a public health agency;

(5) 1 member of the National Council on Quality Assurance and Consumer Protection;

(6) 1 member representing the business community; and

(7) 1 member representing organized labor.

(d) Terms of Appointment.—Each member of the Board shall serve for a term of 5 years, except that—

(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(2) the terms of service of the members initially appointed shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(e) Vacancies.—Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

(f) Chairperson.—The Board shall select a Chairperson from among its members.

(g) Compensation and Expenses.—

(1) Compensation.—Each member of the Board who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Board, including attendance at meetings and conferences of the Board, and travel to conduct the duties of the Board.

(2) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Personnel.—

(1) Staff director.—The Chairperson of the Board shall, without regard to title 5, United States Code, appoint a staff director who shall be paid at a rate equivalent to the rate for the Senior Executive Service.

(2) Additional staff.—The Chairperson of the Board is authorized, without regard to title 5, United States Code, to appoint and fix the compensation of such staff as the Board determines to be necessary to carry out the functions of the Board.

(3) Limitations.—The rate of compensation for each staff member appointed under paragraph (2) shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Board. The Board may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(i) Termination.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Commission.

SEC. 403. NATIONAL COUNCIL ON QUALITY ASSURANCE AND CONSUMER PROTECTION.

(a) In General.—The Administrator shall establish a National Council on Quality Assurance and Consumer Protection (referred to in this section as the "Council"), to conduct studies and oversight, and prepare recommendations concerning quality assurance and consumer protection procedures.

(b) Duties.—

(1) Study and report.—The Council shall conduct a study of quality assurance and consumer protection procedures. The Council shall submit a report to the Administrator containing the results of the study, including recommendations for regulations prescribed under subparagraphs (G) and (I) of section 401(e)(1).

(2) OVERSIGHT.—The Council shall collect information regarding the implementation of the regulations on a regular basis. The Council shall submit a report to the Administrator containing the information and recommendations for reform.

(c) MEMBERSHIP.—The Council shall be composed of 18 members appointed by the Administrator, including—

(1) 6 individuals with expertise regarding quality assurance in medical and mental health fields;

(2) 6 individuals representing consumers; and

(3) 4 individuals representing health care providers.

(d) TERM OF OFFICE.—Each member of the Council shall serve for a term of 5 years, except that—

(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(2) the term of service of the members initially appointed shall be (as specified by the Administrator) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(f) CHAIRPERSON.—The Council shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Council who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council, including attendance at meetings and conferences of the Council, and travel to conduct the duties of the Council.

(2) TRAVEL EXPENSES.—Each member of the Council shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Council is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Council may determine to be necessary to carry out the duties of the Council.

(i) OATHS.—Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Council may secure directly from any Federal agency, information necessary to enable the Council to carry out the duties of the Council, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Council.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Council may accept for the Council voluntary services provided by a member of the Council.

(l) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Council.

(m) USE OF MAIL.—The Council may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Council may appoint and determine the compensation of such staff as the Council determines to be necessary to carry out the duties of the Council.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Council. The Council may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Council may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Council determines to be necessary to carry out the duties of the Council.

(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Council, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Council, the head of a Federal agency shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.

SEC. 404. MEDICAL MALPRACTICE COMMISSION.

(a) IN GENERAL.—The Administrator shall establish a Medical Malpractice Commission (referred to in this section as the "Commission"), to conduct a study and prepare recommendations concerning medical malpractice.

(b) MALPRACTICE STUDY.—

(1) STUDY.—The Commission shall conduct a study of medical malpractice. In conducting the study, the Commission shall examine methods for—

(A) reducing costs associated with malpractice insurance;

(B) reducing the basis for malpractice claims;

(C) targeting physicians and other health care providers who are incompetent; and

(D) developing mechanisms that will protect consumers who are victims of malpractice.

(2) REPORT.—Not later than 18 months after the date of the enactment of this subtitle, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(A) the findings and conclusions of the Commission resulting from the study conducted under paragraph (1); and

(B) recommendations for medical malpractice reform, based on the findings and conclusions described in subparagraph (A).

(c) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Administrator, including—

(1) 3 individuals with expertise regarding health care services;

(2) 3 individuals representing persons receiving health care services;

(3) 3 individuals representing public payers;

(4) 3 individuals representing private payers; and

(5) 3 individuals representing providers of health care services.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Commission may determine to be necessary to carry out the duties of the Commission.

(i) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Commission may secure directly from any Federal agency, information necessary to enable the Commission to carry out the duties of the Commission, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Commission.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(l) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(m) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 3 years after the date of the enactment of this Act.

SEC. 405. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS.

(a) ORGANIZATION.—Section 1152 of the Social Security Act (42 U.S.C 1320c–1) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1)(A) is composed of a substantial number of licensed health care providers who are—

"(i) engaged in the practice of providing covered services under the National Health Care Act of 1993;

"(ii) representative of the practicing health care providers in the area, designated by the Secretary under section 1153, with respect to which the entity shall perform services under this part; and

"(iii) representative of the groups of health care providers providing services under the Act, with no group providing a majority of the membership of the organization; or

"(B) has available to it, by arrangement or otherwise, the services of a sufficient number of the licensed health care providers described in subparagraph (A) to ensure adequate peer review of the services provided by the various medical specialties and subspecialties of health care providers under the Act;".

(b) FUNCTIONS.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–2(a)) is amended by adding at the end the following new paragraphs:

"(17) The organization shall make recommendations to the Administrator of the National Health Care Administration regarding establishment and revision of regulations prescribed under section 401(e)(1)(G) of the National Health Care Act of 1993.

"(18) The organization shall submit such reports to a Consumer Board established under section 1165(a) as the Secretary may by regulation require.".

(c) CONSUMER BOARDS.—Part B of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"SEC. 1165. CONSUMER BOARDS.

"(a) ESTABLISHMENT.—The Administrator shall establish Peer Review Organization Consumer Boards (referred to individually within this section as a 'Board') within geographic regions specified by the Administrator.

"(b) DUTIES.—

"(1) STUDY AND REPORT.—A Board shall conduct annual evaluations of the organizations described in section 1152 within the geographic region served by the Board. The Board shall submit a report to the Administrator of the National Health Care Administration (hereafter in this section referred to as the 'Administrator'), the National Board on Quality Assurance and Consumer Protection, and each Governor of a State within the region, containing the results of the evaluation, including recommendations for awards of contracts under this part.

"(2) EDUCATION PROGRAMS.—A Board shall establish and carry out education programs for consumers to provide information related to—

"(A) implementation of the quality assurance regulations prescribed under section 401(e)(1)(G) of the National Health Care Act of 1993; and

"(B) availability of assistance for consumers.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Board shall be composed of 5 to 11 members, depending on the size of the region, appointed by the Administrator.

"(2) REPRESENTATION.—In appointing members to the Board, the Administrator shall ensure that the members are representative of the racial and ethnic composition of the geographic region served by the Board.

"(3) ORGANIZATION REPRESENTATIVES.—The Administrator shall appoint to each Board not fewer than two members who shall serve on the Board of Directors of an organization described in section 1152 within the region and who shall not be health care providers.

"(d) TERM OF OFFICE.—Each member of the Board shall serve for a term of 3 years, except that—

"(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(2) the terms of service of the members initially appointed shall be (as specified by the Administrator) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(e) VACANCIES.—Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"(f) CHAIRPERSON.—The Board shall select a Chairperson from among its members.

"(g) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Board who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Board, including attendance at meetings and conferences of the Board, and travel to conduct the duties of the Board.

"(2) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(h) POWERS.—The Board is authorized to—

"(1) hold such hearings and sit and act at such times;

"(2) take such testimony;

"(3) have such printing and binding done;

"(4) enter into such contracts and other arrangements;

"(5) make such expenditures; and

"(6) take such other actions,

as the Board may determine to be necessary to carry out the duties of the Board.

"(i) OATHS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Board may secure directly from any Federal agency, information necessary to enable the Board to carry out the duties of the Board, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Board.

"(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Board may accept for the Board voluntary services provided by a member of the Board.

"(l) GIFTS AND DONATIONS.—The Board may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Board.

"(m) USE OF MAIL.—The Board may use the United States mails in the same manner and under the same conditions as Federal agencies.

"(n) STAFF.—

"(1) APPOINTMENT AND COMPENSATION.—The Board may appoint and determine the compensation of such staff as the Board determines to be necessary to carry out the duties of the Board.

"(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Board. The Board may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

"(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Board may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Board determines to be necessary to carry out the duties of the Board.

"(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Board, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Board to assist the Board in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

"(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

"(s) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Except as otherwise specifically provided in this subsection, sections 1153, 1154, 1155, 1160, and 1164 of the Social Security Act (42 U.S.C. 1320c–2, 1320c–3, 1320c–4, 1320c–9, and 1320c–13) are amended by striking "title XVIII" each place the term appears and inserting "the National Health Care Act of 1993".

(2) Section 1153(a)(2)(B) of the Social Security Act (42 U.S.C. 1320c–2(a)(2)(B)) is amended by striking "title XIX" and inserting "the National Health Care Act of 1993".

(3) Section 1154(a)(3)(A) of the Social Security Act (42 U.S.C. 1320c–3(a)(3)(A)) is amended by striking "title XVIII of this Act" and inserting "the National Health Care Act of 1993".

(4) Section 1154(a)(14) of the Social Security Act (42 U.S.C. 1320c–3(a)(14)) is amended by striking "under such title" and inserting "under the National Health Care Act of 1993".

(5) Section 1156 of the Social Security Act (42 U.S.C. 1320c–5) is amended by striking "under this Act" each place the term appears and inserting "under the National Health Care Act of 1993".

(6) Section 1158(a) of the Social Security Act (42 U.S.C. 1320c–7(a)) is amended by striking "title XIX of this Act" and inserting "the National Health Care Act of 1993".

(7) Section 1161(5) of the Social Security Act (42 U.S.C. 1320c–12(5)) is amended by striking "title XVIII and XIX of this Act" and inserting "the National Health Care Act of 1993".

(8) Section 1164(c)(2) of the Social Security Act (42 U.S.C. 1320c–13(c)(2)) is amended by striking "part A or part B of title XVIII" and inserting "the National Health Care Act of 1993".

SEC. 406. PUBLIC HEALTH FUNCTIONS AND ACTIVITIES COMMISSION.

(a) IN GENERAL.—The Administrator shall establish a Public Health Functions and Activities Commission (referred to in this section as the "Commission").

(b) DUTIES.—

(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the members of the Commission are appointed under subsection (c), the Commission shall conduct studies and prepare recommendations concerning—

(A) public health functions and activities that should remain separate from the national health care program;

(B) the integration of public health programs, including any appropriate programs funded through the maternal and child health block grant funds made available under title V of the Social Security Act (42 U.S.C. 701 et seq.), into the national health care program;

(C) increased program and funding needs for the training of health and allied health professionals, including professionals trained through the National Health Service Corps Scholarship Program, and the National Health Service Corps Loan Repayment Program, authorized under subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.) and the education and training programs authorized under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296k et seq.);

(D) increased funding needs for—

(i) payments to States under the maternal and child health block grants under title V of the Social Security Act;

(ii) preventive health block grants under part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.);

(iii) grants to States for community mental health services under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.);

(iv) grants to States for prevention and treatment of substance abuse under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.); and

(v) grants for HIV health care services under parts A, B, and C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq., 300ff–21 et seq., and 300ff–41 et seq.); and

(E) the continued need for programs and activities operated by local and State public health departments.

(2) REPORT.—The Commission shall prepare and submit to the Administrator a report containing the recommendations described in paragraph (1).

(c) MEMBERSHIP.—The Commission shall be composed of 9 members appointed by the Administrator, including—

(1) 4 individuals representing public health agencies at the Federal, State, and local levels;

(2) 1 health economist; and

(3) 3 other health professionals.

(d) TERM OF OFFICE.—Each member of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the Commission shall not receive compensation for service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Commission may determine to be necessary to carry out the duties of the Commission.

(i) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Commission may secure directly from any Federal agency, information necessary to enable the Commission to carry out the duties of the Commission, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Commission.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(l) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(m) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(p) Detail of Federal Employees.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) Technical Assistance.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(r) Authorization of Appropriations.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) Termination.—The Commission shall terminate on submission of the report described in subsection (b)(2).

SEC. 407. TECHNICAL ASSISTANCE CENTERS.

(a) Centers.—The Administration shall provide on a regional basis (either directly or through contracts with nonprofit organizations) technical assistance centers for States and localities in—

(1) health program planning, development, and implementation;

(2) training;

(3) quality assurance, monitoring, and evaluation;

(4) budgeting;

(5) payment procedures; and

(6) development of integrated automated data processing systems.

(b) States With Limited Capacity.—The technical assistance centers shall provide resources to assist States that lack the capacity to implement certain aspects of the national health care program.

Subtitle B—State and Local Administration

SEC. 411. STATE AGENCY.

(a) In General.—In order for a State to be eligible to receive payments under section 302, the State shall, in accordance with regulations established by the Administration, designate a State agency to be the sole State agency to carry out a State program under this Act.

(b) Planning Functions.—The State agency shall develop, on the basis of recommendations made by State and local planning boards under section 412(c)—

(1) goals and priorities for developing health policy and programs;

(2) a plan for the equitable distribution of health resources, including the development of specialty health centers that—

(A) concentrate highly specialized medical procedures, equipment, and trained specialists; and

(B) avoid duplication of services;

(3) a plan for the integration of health services with appropriate social and human services; and

(4) a plan to ensure that quality discharge planning and social services are available to consumers in all inpatient facilities to provide for care coordination and continuity of care.

SEC. 412. STATE AND LOCAL PLANNING BOARDS.

(a) Planning Boards.—

(1) State board.—Each State agency shall establish, in accordance with regulations established by the Administration, a State planning board, which shall be composed of 12 members who shall be appointed by the head of the State program, including—

(A) 4 members representing consumers, who shall be representative of the population of the State;

(B) 3 members representing health care providers;

(C) 1 member representing the business community;

(D) 1 member representing organized labor; and

(E) 2 representatives of appropriate State agencies, including health, public health, social services, education, public welfare, and employment agencies.

(2) Local boards.—Each State shall establish, in accordance with regulations established by the Administration, local planning boards, which shall be composed of 7 members who shall be appointed by the head of the State program, including—

(A) 2 members representing consumers, who shall be representative of the population of the local planning area;

(B) 2 members representing health care providers; and

(C) 2 representatives of appropriate local agencies, including health, public health, social services, education, public welfare, and employment agencies.

(3) Terms of appointment.—Each member of a State or local planning board shall serve for a term of 3 years, except that a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term.

(4) Vacancies.—Any vacancy occurring in the membership of a State or local planning board shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the board.

(b) Assessment.—

(1) Information.—The State and local planning boards shall assess, for each State or local planning area, respectively—

(A) the demand for, and quality, supply, and distribution of, health resources, including—

(i) acute care hospitals;

(ii) specialized inpatient facilities;

(iii) outpatient facilities;

(iv) health care providers;

(v) specialized medical equipment; and

(vi) home and community-based health programs; and

(B) the medical, mental, and psychosocial health needs.

(2) Emphasis.—In conducting the assessment described in paragraph (1), the State and local planning boards shall give special attention to health professional shortage areas and special populations of consumers.

(3) Data.—The Administration shall make available all appropriate data from the national health care data base, and each State with a State program shall make available all appropriate data from any State health care data base, for use by State and local planning boards in conducting the assessment. In conducting the assessment, the State and local planning boards shall consider such data.

(c) Recommendations.—The State and local planning boards shall make recommendations to the State agency regarding the goals, priorities, and plans described in section 411(b), and shall make recommendations to the Administration regarding the State budget described in section 301.

TITLE V—TRANSITION AND RELATIONSHIP TO OTHER PROGRAMS

SEC. 501. EFFECTIVE DATE.

The national health care program shall first apply to covered services furnished after January 1, 1995.

SEC. 502. REPEALS AND INCORPORATIONS.

(a) Repeal of Medicare and Medicaid.—

(1) Repeal.—Titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) are repealed.

(b) Repeal of CHAMPUS Provisions.—

(1) In general.—

(A) Amendments to chapter 55 of title 10.—Sections 1079 through 1083, 1086, and 1097 through 1100 of title 10, United States Code, are repealed.

(B) Table of sections.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the items relating to the sections referred to in subparagraph (A).

(2) Conforming amendments.—Chapter 55 of title 10, United States Code, is amended as follows:

(A) Definition.—Section 1072 is amended by striking paragraph (4).

(B) Reimbursement of the department of veterans affairs.—Section 1104(b) is amended—

(i) in the subsection heading, by striking "from CHAMPUS funds"; and

(ii) by striking "from funds" and all that follows and inserting "for medical care provided by the Department of Veterans Affairs pursuant to such agreement.".

(3) Implementation.—

(A) Termination of health care.—No health care may be provided under a CHAMPUS contract on or after the effective date of this section.

(B) Savings provision.—Payments for health care provided pursuant to a CHAMPUS contract before such date shall be made in accordance with such contract and the provisions of law referred to in paragraphs (1)(A) and (2), as such provisions of law were in effect on the day before such effective date.

(C) Definition.—As used in this subsection, the term "CHAMPUS contract" means—

(i) a contract for an insurance, medical service, or health care plan entered into pursuant to section 1079(a) of title 10, United States Code;

(ii) a contract for health benefits under such a plan entered into pursuant to section 1086(a) of such title; and

(iii) a contract for the delivery of health care entered into pursuant to section 1097 of such title.

(c) Repeal of Department of Veterans Affairs Medical Care Provisions.—

(1) In general.—Title 38, United States Code, is amended as follows:

(A) Chapter 17.—Chapter 17 is repealed.

(B) Chapter 73.—Chapter 73 is repealed.

(C) Chapter 81.—Chapter 81 is repealed.

(D) Chapter 82.—Chapter 82 is repealed.

(2) Conforming amendments.—

(A) Relating to chapter 17.—The table of chapters at the beginning of title 38, United States Code, and part II of such title are amended by striking out the item relating to chapter 17.

(B) Relating to chapter 73.—The table of chapters at the beginning of such title and part V of such title are amended by striking out the item relating to chapter 73.

(C) Relating to chapters 81 and 82.—The table of chapters at the beginning of such title and part VI of such title are amended by striking out the items relating to chapter 81 and 82.

(3) IMPLEMENTATION.—

(A) TERMINATION OF HEALTH CARE AND OTHER ASSISTANCE.—No health care, nursing home care, domiciliary care, other medical care, or financial or other assistance related to such care may be provided by contract or otherwise under chapter 17, 73, 81, or 82 of title 38, United States Code, on or after the effective date of this section.

(B) SAVINGS PROVISION.—

(i) IN GENERAL.—Payments pursuant to contracts and agreements referred to in clause (ii) before such date shall be made in accordance with such contracts and agreements and the provisions of law referred to in paragraph (1) as such provisions were in effect on the day before such effective date.

(ii) CONTRACTS AND AGREEMENTS.—Contracts and agreements referred to in clause (i) are contracts and agreements under title 38, United States Code that are:

(I) contracts for hospital care and medical services in non-Department of Veterans Affairs facilities under section 603;

(II) contracts with organizations for emergency medical services under section 611;

(III) contracts for medical treatment in such facilities under section 612(a)(6);

(IV) contracts for counseling and related medical health services under section 612A(e);

(V) contracts for prosthetic appliances under section 614(a);

(VI) contracts for therapeutic and rehabilitative services under section 618(b);

(VII) contracts for nursing home care and adult day health care under section 620(d)(1);

(VIII) contracts for treatment of alcohol, drug abuse, or abuse disabilities under section 620A(a)(1);

(IX) contracts for hospital care, medical services and nursing home care abroad under section 624(c);

(X) contracts to provide care and treatment by the Veterans Memorial Medical Center of the Philippines under section 632(a);

(XI) contracts for activities conducted by employees of the Federal Government other than employees of the Department of Veterans Affairs under section 5010(c);

(XII) sharing agreements with the Department of Defense under section 5011(d);

(XIII) contracts for furnishing health-care services to members of the Armed Forces under section 5011(b);

(XIV) contracts for prosthetic appliances under section 5023;

(XV) contracts for procurement of health-care items under section 5025(b); and

(XVI) contracts for securing specialized medical resources under section 5053(a).

(d) REPEAL OF FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—Chapter 89 of title 5, United States Code, is repealed.

(e) PROVISION OF SERVICES BY INDIAN HEALTH SERVICE.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide covered services to eligible individuals not enrolled in the Program through the Indian Health Service in lieu of health services provided by the Service on the date of the enactment of this Act, including services provided under sections 201 through 204 of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.).

(f) EFFECTIVE DATE.—Except as provided in section 503(b), this section and the amendments made by this section shall take effect on January 1, 1995.

SEC. 503. TRANSITION.

(a) STATE PROGRAM GRANTS.—

(1) ESTABLISHMENT.—The Administrator shall award grants to States to enable the States—

(A) to plan and develop State programs; and

(B) to award grants and make loans to nonprofit organizations to assist the organizations in establishing Integrated Health Service Plans.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of the 1993 through 1995 fiscal years.

(b) STUDY AND REPORT.—

(1) STUDY.—The Administrator shall, in consultation with the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Office of Personnel Management examine possible strategies for accomplishing the transition and provision of services described in section 502.

(2) REPORT.—Not later than January 1, 1993, the Administrator shall submit to the appropriate committees of Congress a report containing—

(A) the recommendations of the Public Health Functions and Activities Commission set forth in the report described in section 406(b)(2);

(B) the findings and conclusions of the Administrator, based on the study described in paragraph (1); and

(C) recommendations for legislative reform to accomplish the transition and provision of services described in section 502.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Administration determines it is appropriate and fiscally responsible, the Administration may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective dates otherwise provided in this Act.

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 504 not later than the date that is 60 days after the submission of the report described in paragraph (2), on such date—

(A) the recommendations contained within the report shall have the force of law; and

(B) the Secretary shall, in accordance with this Act, provide covered services to all individuals that received the services under the provisions of law specified in section 502.

(c) REGULATIONS.—

(1) IN GENERAL.—The Administrator shall issue such regulations as are necessary to provide for a transition to the national health care program from the programs that are repealed under subsections (a) through (c) of section 502, and the provisions of services by the Indian Health Service under section 502(d).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Administrator shall take into consideration the findings and conclusions of the study described in subsection (b)(1).

SEC. 504. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the National Health Care Administration as submitted by the Administration on _____________________________", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the National Health Care Administration".

(c) INTRODUCTION AND REFERRAL.—On the day on which the action of the Administration is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such

committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPER MAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the National Health Care Administration except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 505. RELATION TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

The provisions of the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.) are superseded to the extent inconsistent with the requirements of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. BILL OF RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that consumers in the national health care program shall have the rights specified in the bill of rights set forth in subsection (b).

(b) BILL OF RIGHTS.—

(1) Consumers shall have the right to—

(A) receive timely health-related information; and

(B) be involved in decisions affecting their health;

(C) receive prompt evaluation, humane care, and professional treatment;

(D) receive services without regard to race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area;

(E) refuse treatment or prescribed services and know the consequences of such refusal;

(F) be treated with dignity and respect;

(G) maintain privacy and confidentiality;

(H) maintain confidentiality of financial and health records;

(I) obtain access to medical records;

(J) obtain treatment in the least restrictive setting;

(K) express or file grievances;

(L) be informed if treatment or services are denied, reduced, or terminated;

(M) obtain information and forms that are easily understood and that are written in a language understood by the consumer or health care provider;

(N) obtain health care services that are sensitive to the cultural attitudes of the consumer population being served; and

(O) receive quality health care services in any penal institution.

SEC. 602. RESEARCH AND SERVICE DELIVERY IMPROVEMENT PROGRAM GRANTS.

(a) IN GENERAL.—The Administrator shall make grants to eligible entities to conduct research that will examine, or carry out programs that will develop—

(1)(A) ways of better providing covered services through the national health care program to consumers residing in rural, central city, and other health professional shortage areas; and

(B) alternative models for delivering primary health and mental health services to medically underserved populations, including the use of outreach mobile services, transportation, home visiting, and systems to promote linkages with essential health and other human services;

(2) the effectiveness of the national health care program in enabling access to health care services for minorities, women, and other special populations who have traditionally had problems with access to health care (to be initiated 2 years from the date of implementation);

(3) the relationship between—

(A) psychosocial well-being; and

(B) prevention of illness and disease;

(4) successful health education and treatment approaches in avoiding preventable illnesses and diseases;

(5) innovative prevention, treatment, and service delivery approaches to health and mental health care delivery to mentally impaired persons;

(6) innovative prevention, treatment, and service delivery approaches to improve the mental health and psychosocial well-being of the elderly;

(7) the impact of interprofessional collaboration on the effectiveness of care coordination in inpatient and outpatient health care settings, including long-term care settings;

(8) quality assurance and program effectiveness with respect to mental health care services;

(9) quality indicators for measuring treatment effectiveness;

(10) the effectiveness of, and reductions of cost in, selective, widely used diagnostic and treatment procedures;

(11) alternative approaches to continuing education programs for health care personnel in rural areas; and

(12) innovations in service delivery that enhance continuity of care, care coordination, and service efficiency and effectiveness.

(b) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including an assurance that the entity shall submit to the Administrator such information as the Administrator may require to comply with subsection (c).

(c) ANNUAL REPORT.—The Administrator shall prepare and submit a report to Congress by not later than April 1 of each year (beginning with 1995) concerning the progress of the research and demonstration projects conducted under this section.

SEC. 603. PREVENTION, HEALTH PROMOTION, AND HEALTH AWARENESS PROGRAM GRANTS.

(a) ESTABLISHMENT.—The Administrator shall make grants to eligible entities to establish—

(1) innovative statewide or local prevention and health promotion programs, such as community-based wellness and outreach programs and school-based programs;

(2) health awareness programs in schools, workplaces, health and social agencies; and

(3) community-based programs to prevent community health problems, such as adolescent pregnancy, drug abuse, family violence, and violence in the schools.

(b) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

SEC. 604. DISPLACED WORKERS.

Section 301(a)(1)(B) of the Job Training Partnership Act (29 U.S.C. 1651(a)(1)(B)) is amended by adding before the semicolon the following: ", or as a result of reductions in health insurance industry jobs due to the establishment of the national health care program under the National Health Care Act of 1993, as determined in accordance with regulations of the Secretary of Health and Human Services".

SUMMARY OF THE NATIONAL HEALTH CARE ACT OF 1993

The National Health Care Act of 1993 fundamentally restructures the current health care system. This bill would offer full coverage for high quality, cost-efficient, and equitably financed health and mental health care to all Americans. The national health plan proposes a federally administered, single-payer system with state responsibility to ensure delivery of health services, payment to all providers, and planning in accordance with Federal guidelines. The plan provides coverage of comprehensive benefits, including long-term care. Enrollees have the freedom to choose among a full range of public and private providers, including alternative delivery plans.

The national health care plan is financed primarily through a progressive Federal dedicated tax on personal income and employer-paid payroll and corporate income taxes. States are expected to pay their fair share through a formula-based contribution.

While it's anticipated that the plan's costs may initially come close to the current level of health care expenditures, the unique delivery system improvements and the cost containment features built into the proposal are expected to decrease health care expenditures over time. The national health plan expands coverage to the 37 million uninsured, as well as the millions who are underinsured, and eliminates the inequities in paying for health care that characterize our current system.

COVERAGE AND ENROLLMENT

All persons residing in the United States are covered through the national health plan. Each person has the freedom to choose from among any of the participating public and private providers, facilities or care delivery options. Individuals will enroll in the national health plan in the State in which they reside.

Coverage through employers or other privately purchased health insurance is discontinued, although private insurance plans may provide coverage for services not covered under the national health plan.

BENEFITS

Care Coordination services.

Primary prevention and health promotion services, including comprehensive well-child care for everyone 0–21; diagnosis and evaluation of suspected health, mental health or developmental problems; perinatal and infant health care; parent and caregiver training to support child health and developmental services for high-risk children; routine, age-appropriate, clinical health maintenance examinations for everyone over 21; family planning services; and school-based primary prevention programs.

Outpatient primary care services.

Mental health services.

Substance abuse treatment and rehabilitation programs.

Inpatient and outpatient hospital services, including discharge planning, social services, and emergency and trauma services.

Inpatient and outpatient professional services.

Laboratory and radiology services.

Long-term care, including home and community-based services.

Hospice care.

Prescription drugs, medical supplies, and durable medical equipment.

Dental services, including preventive and curative care.

Hearing and speech services.

Vision care.

EXCLUSIONS

Health services excluded from coverage include cosmetic surgery, except medically necessary reconstructive surgery; and certain amenities in inpatient facilities, such as private rooms, unless medically necessary.

COST-SHARING

There are no copayments or deductibles for health care services. However, residents of nursing homes and other residential facilities are required to pay a modes room and board fee. These fees may be waived for those below the poverty line.

IMPROVED SERVICE DELIVERY PROVISIONS

The National Health Care Act provides unique and improved prevention and health promotion services; promotes comprehensive, coordinated, and continuous care that addresses the total health needs of every person through the use of primary care providers, care coordination services, and the promotion of comprehensive, integrated health delivery plans; provides access to health services to underserved populations; promotes the expansion of community-based health and mental health services; and establishes screening and care coordination systems for the delivery of long-term care.

ADMINISTRATION

A new independent Federal agency is established to administer the national health care plan. The new agency will receive policy direction from an appointed national health care board representing health experts and consumers. All responsibilities of the Health Care Financing Administration are transferred to the new agency. Medicare, Medicaid, CHAMPUS, the Federal Employee Health Benefits Program, and the Department of Veterans Affairs' health programs are folded into the national health care plan.

The agency provides the States with an annual global budget for all covered health care expenditures. The global budget for each State is based on a formula that considers size of population, age distribution, the cost of delivering care, socio-economic factors, and a number of key health status indicators. State global budgets will include all state health block grant funds.

The States, in accordance with Federal guidelines, will ensure the implementation of all State health services, determine the distribution of health care funding, develop and administer a mechanism to pay and reimburse health care providers, work with localities in undertaking health planning and coordination with appropriate social and human services, implement a quality assurance program, administer a consumer advocacy and information program, and license and regulate all health care providers and facilities.

PAYMENT TO PROVIDERS

Hospitals will receive a prospective global budget, to be developed through annual negotiations with the designated State agency. Global budgets will only be used for operating expenses. Separate funds for capital expansion and purchase of expensive, highly specialized equipment will be subject to approval by the State. Other health care facilities will be paid either on the basis of a prospective global budget or capitation as determined by the State.

Funds would be available to continue to develop quality indicators for measuring treatment effectiveness in all types of health care settings, and to develop practice guidelines for physicians and other health care practitioners. Research will also be directed at reducing the number of unnecessary medical and diagnostic procedures.

Additionally, special Federal grants would be available for innovative statewide or local prevention and health promotion programs.

PUBLIC HEALTH FUNCTIONS AND ACTIVITIES

A public health commission would be established to make recommendations on the integration of public health functions and activities into the national health care program. Additionally, the commission would make recommendations on the need for increased funding and program needs for public primary care programs.

DISPLACED WORKERS

The bill amends the Job Training Partnership Act to address the need for retraining and placement of individuals in the health insurance industry who are displaced due to the establishment of the national health care program.

MEDICAL MALPRACTICE REFORMS

A special commission would be established to develop recommendations for medical malpractice reform. The goals of such reforms are to reduce the costs associated with malpractice insurance, reduce the basis for malpractice claims, target physicians and other health care providers who are incompetent, and develop mechanisms that will protect consumers who are victims of malpractice.●

By Mr. PELL (by request):

S. 685. A bill to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; to the Committee on Rules and Administration.

REAUTHORIZATION OF THE FOLKLIFE CENTER

Mr. PELL. Mr. President, today in my capacity as vice chairman of the Joint Committee on the Library, I introduce by request legislation to reauthorize the American Folklife Center in the Library of Congress for a period of 4 years, fiscal years 1994 through 1997.

The American Folklife Center was created at the Library by the American Folklife Preservation Act of 1976. It incorporates the Archive of Folk Culture, the Nation's principal public collection of folklife materials, which has been a valuable part of the Library since 1928.

In the past 17 years the Center has carried out an ambitious schedule of continuing activities and special projects to fulfill its legislated mandate to preserve and present American folklife. It has served a broad constituency of cultural communities by assisting their efforts to preserve and encourage their own grassroots traditions and heritage. It has provided consultant services and loans of its documentary equipment to all 50 States. Its archive, the national center for research in American folk traditions, each year serves thousands of cultural specialists, tribal elders, Members of Congress, scholars, and individuals and families seeking to understand their own cultural heritage.

The Center has conducted field research projects, exhibitions, conferences, and other projects across the country. It works regularly with local, State, and Federal agencies in the common and continuing effort to conserve our Nation's regional, occupational, and ethnic heritage. For instance, the Center conducted the Rhode Island Folklife Survey in my home State in 1979, documenting folk music, craft, art, narrative, and celebrations throughout the State. This survey led to continued work in the State by local organizations.

The proposed ceilings for the Center's annual operations provide for continuance of its mission and activities, but represent no growth for fiscal year 1994 and increase in the following 3 fiscal years are limited to mandatory salary increases and inflationary costs.

Mr. President, it is important that the people of this country understand and appreciate their own cultural roots as well as those of their neighbors. American folklife has always been a means for Americans to express their grassroot traditions with dignity and creativity. The legislation which created the American Folklife Center stated that "building a strong nation does not require the sacrifice of cultural differences." In fact, as the legislation also reads, the diversity of American folklife "has contributed greatly to the cultural richness of the nation and has fostered a sense of individuality and identity among the American people."

For the past 17 years the American Folklife Center has admirably carried out an appropriate Federal role in preserving and presenting American folklife and in serving individuals and communities in every State of the Union. I hope my colleagues will support this legislation to continue the Center's work.

By Mr. KRUEGER (for himself, Mr. BREAUX, Mr. GRAHAM, and Mr. JOHNSTON):

S. 686. A bill to establish a Gulf of Mexico Commission and a Gulf of Mexico Program Office within the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

GULF OF MEXICO ACT OF 1993

• Mr. KRUEGER. Mr. President, I rise today to introduce legislation which will promote economic development and environmental protection in one of this Nation's most significant estuaries—the Gulf of Mexico. My legislation establishes a framework for the comprehensive management of the Gulf of Mexico that will rival the management systems already functioning in other regions such as the Great Lakes, Chesapeake Bay, and the Gulf of Maine. The management system that I am proposing today will promote sustainable economic development in the gulf region. I want to take this opportunity to thank my distinguished colleagues from Louisiana and Florida, Senators BREAUX, GRAHAM, and JOHNSTON, for joining me in introducing this most important legislation.

Much of what makes the Gulf of Mexico such a valuable commercial resource is its bountiful natural resources. In order for the gulf to continue to be a highly productive economic resource, we must ensure that we protect its waters, wetlands, and beaches. For too long, we have been told that economic development and environmental protection are irreconcilable. This legislation makes clear that these interests can and must work together.

The Gulf of Mexico is a vital economic resource. The gulf supplies over 30 percent of the domestic fish and seafood market, making it one of the world's most significant fisheries. More than 90 percent of United States and Mexican oil production is derived from offshore oil wells located in the gulf. The gulf also serves as the United States's gateway to Central and South America; 45 percent of the domestic import and export tonnage passes through ports located in the gulf. Furthermore, the rapidly growing beach resort and recreation industry along the gulf coastline generates approximately $10 billion per year in revenues.

But the gulf is much more than just an economic resource. The gulf is a unique and vital ecosystem that needs to be protected. Wetlands in the gulf region provide habitat for more than 75 percent of the migratory waterfowl of North America and a breeding ground for a variety of sport and commercial fish and shellfish. It is time we recognized that protection of this beautiful water body—America's Sea—is important not only so our children and grandchildren can enjoy the gulf much as we do today, but also so that the gulf region economy can continue to grow—creating new jobs and new industries.

This legislation comes at a crucial time for the gulf. The gulf ecosystem is in need of protection. Excessively low levels of oxygen have caused up to 3,000 square miles of bottom waters known as the dead zone to be documented off of the Louisiana and Texas coasts. Concerns about human health have resulted in the permanent or conditional closure of 3,400,000 acres of shellfish growing areas along the gulf coast. The gulf region is experiencing an alarming loss of inland and coastal wetlands. And finally, what is an astounding statistic to me, three-fourths of the North American landmass drains into the gulf. Urban and agricultural runoff including pesticides, animal waste, motor oil, industrial and chemical waste, and solid waste from this huge land area drain directly into the gulf.

Though these statistics are disturbing, they are not irreversible. That is where the Gulf of Mexico Act can help. This legislation will foster sustainable development in the gulf region at the same time that it provides for expanded means to address the gulf's pollution problems.

Last year, my Senate predecessor and now Secretary of the Treasury Lloyd Bentsen introduced legislation which would establish a Gulf of Mexico Commission. This Commission would become the focal point for the balanced, comprehensive, and environmentally-sensitive development of the valuable resources found in the gulf region. The legislation which I am introducing today captures former Senator Bentsen's intentions and proposes the establishment of such a Commission.

Currently, the Gulf of Mexico does not have an umbrella organization that is able to effectively balance and coordinate the wide and often divergent interests in the Gulf of Mexico's resources, as do other areas like the Great Lakes, Chesapeake Bay, and Gulf of Maine. The Gulf of Mexico Commission will take on this responsibility and play a crucial role in the overall management of the Gulf of Mexico and its environs. The Commission will serve as the entity whose mission is to facilitate and coordinate the wide variety of Federal, State, local, and private sector activities aimed at protecting and developing the Gulf of Mexico. I also hope that the Commission's activities will be supported by the Government of Mexico to the greatest extent allowable by Federal law.

The legislation also formally establishes a Gulf of Mexico program in the Environmental Protection Agency. The program will be overseen by an office to be located in a gulf State. The EPA Gulf of Mexico program will serve to coordinate environmental protection efforts in the gulf. It will work closely with the Commission in setting environmental policy in the gulf region. The EPA program will be responsible for day-to-day environmental management of the gulf.

The bill requires a first-ever gulf-wide survey and study of environmental quality. The EPA program office will perform an in-depth study under this legislation which will look at everything from the condition of wetlands on the gulf coast to the presence of toxics in gulf waters. This study will provide a comprehensive snapshot of the state of the gulf and will enable Federal and State agencies to identify and prioritize their environmental protection efforts in the gulf.

In addition to this study, the legislation also requires the EPA program office to set up a gulf-wide monitoring network. This network will be made up of local, State, and Federal agencies who will monitor environmental quality in the gulf and share results amongst themselves and with the EPA program office. The EPA program office will maintain a database of the information produced by this monitoring network so that, over time, we will be able to chart improvement of environmental quality in the gulf.

The EPA program office and the Commission together will foster cooperative efforts between governments, industry, and environmentalists to ensure that the gulf region pursues economic development in harmony with environmental protection. We stand at the gateway to a new era in economic development and environmental protection. I am confident that this legislation will ensure that the Gulf of Mexico is at the forefront of sustainable development as we enter this new era.

I firmly believe that this legislation will go a long way toward promoting the long-term best interests of the Gulf of Mexico. I look forward to working closely with my Senate and House colleagues, as well as the Gulf State Governors, State legislators, local officials, and the private sector to ensure that this legislation accomplishes its mission.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf of Mexico Act of 1993".

SEC. 2. FINDINGS.

(a) ECONOMIC IMPACT FINDINGS.—Congress makes the following findings concerning economic activities in the Gulf of Mexico region:

(1) The Gulf of Mexico supplies over 30 percent of the domestic fish and seafood market, making it one of the world's most significant fisheries.

(2) Forty-five percent of the domestic import and export tonnage passes through ports located in the Gulf of Mexico.

(3) Over 90 percent of United States and Mexican oil production is derived from offshore oil wells located in the Gulf of Mexico. Payments to the United States Treasury under Outer Continental Shelf production leases have totaled more than $80,000,000,000 over the past 30 years, which is only exceeded by Federal income tax revenue.

(4) Offshore oil and gas exploration in the Gulf of Mexico utilizes a fleet of approximately 200 mobile rigs that is supported by a multibillion dollar marine service and supply industry.

(5) The rapidly growing beach resort and recreation industry along the Gulf of Mexico coastlines generates approximately $10,000,000,000 per year in revenues.

(6) Wetlands in the Gulf of Mexico region provide habitat for more than 75 percent of the migratory waterfowl of North America and a breeding ground for a wide variety of sport and commercial fish and shellfish.

(b) FINDINGS RELATING TO ENVIRONMENTAL THREATS.—Congress makes the following findings concerning environmental threats to the ecological system of the Gulf of Mexico:

(1) Excessively low levels of oxygen have caused up to 3,000 square miles of bottom waters known as the dead zone to be documented off the Louisiana and Texas coasts. This phenomenon is caused by nutrient runoff and other forms of water pollution that drain into the Gulf.

(2) Three-fourths of the North American land mass drains into the Gulf. Urban and agricultural runoff, including pesticides, animal waste, motor oil, industrial and chemical waste, fertilizers, and solid waste from this enormous area drain directly into the Gulf of Mexico.

(3) Concerns about human health have resulted in the permanent or conditional closure of 3,400,000 acres of shellfish-growing areas along the Gulf of Mexico coast.

(4) The entire Gulf of Mexico region is experiencing a gradual and significant loss of inland and coastal wetlands. In conjunction with coastal erosion, the loss of inland and coastal wetlands reduces hurricane protection and jeopardizes intercoastal and intracoastal waterways.

(5) The continued rapid loss of wetland and seagrass habitats in estuaries threatens the continued productivity of commercial fishery stocks because between 92 and 98 percent of the commercial fish and shellfish of the Gulf of Mexico rely on the estuarine habitats for at least a part of their life cycles.

(6) The huge volume of marine debris that is accumulating on the beaches of the Gulf of Mexico is in a concentration of approximately 1 ton per mile in many areas and is largely attributable to the lack of adequate disposal practices and facilities on resale and in ports throughout the Wider Caribbean Region.

(7) Spillage of crude oil and other petroleum and chemical products transported on the waters of the Gulf of Mexico continues to harm environmental resources and resources related to tourism, and the risk of a major calamity increases with the increase of marine traffic.

(c) MANAGEMENT FINDINGS.—Congress makes the following findings concerning the management of the Gulf of Mexico:

(1) The Gulf States, by virtue of their proximity to the Gulf of Mexico and their knowledge of the local conditions affecting the environmental integrity of the Gulf of Mexico, must continue to play an essential role in planning for the management, protection, and restoration of the natural resources of the Gulf of Mexico.

(2) The existing efforts of citizens groups, local agencies, State governments, institutions of higher education, private industries, nonprofit research organizations, the Environmental Protection Agency (including the Gulf of Mexico Program and the International Division of the Environmental Protection Agency), the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service), the Department of Agriculture (including the Soil Conservation Service), the Department of the Interior (including the Minerals Management Service, the National Park Service, the Geological Survey, and the Fish and Wildlife Service), the Department of the Army (including the Corps of Engineers), the Department of Transportation (including the Coast Guard), and other Federal agencies should be utilized to carry out this Act.

(3) Oceanic and atmospheric circulation patterns around the Gulf of Mexico inherently render the marine environment of the Gulf of Mexico an integral component of the environment of the Wider Caribbean Region, and life cycles of marine species, the quality of water and the cleanliness of beaches in the Gulf are dependent on the Wider Caribbean Region and its environment as a whole.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) FEDERAL AGENCY.—The term "Federal agency" means the Environmental Protection Agency (including the Gulf of Mexico Program and the International Division of the Environmental Protection Agency), the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service), the Department of Agriculture (including the Soil Conservation Service), the Department of the Interior (including the Minerals Management Service, the National Park Service, the Geological Survey, and the Fish and Wildlife Service) the Department of the Army (including the Corps of Engineers), and the Department of Transportation (including the Coast Guard).

(2) COMMISSION.—The term "Commission" means the Gulf of Mexico Commission established under section 4.

(3) GULF STATES.—The term "Gulf States" means Alabama, Florida, Louisiana, Mississippi, and Texas.

(4) WIDER CARIBBEAN REGION.—The term "Wider Caribbean Region" means the Caribbean Sea, including the Gulf of Mexico, and areas of the Atlantic Ocean adjacent to the Caribbean Sea, south of 30 degrees north latitude and within 200 nautical miles of the Atlantic coast of the States that are signatories to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annex, done at Cartagena on March 24, 1983 (TIAS 11085).

SEC. 4. GULF OF MEXICO COMMISSION.

(a) ESTABLISHMENT.—On receiving the written agreement of the Governor of each Gulf State, the President shall establish a Gulf of Mexico Commission for the purpose of promoting the environmental and economic interests of the Gulf of Mexico by coordinating the variety of public authorities and private organizations that are engaged in evaluating and responding to problems relating to the Gulf of Mexico.

(b) FIRST MEETING.—The Commission shall hold its first meeting within 90 days after the President receives the written agreement referred to in subsection (a).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) the Governor of each Gulf State, or a representative of the Governor;

(B) the President of the Senate of each Gulf State legislature (or the equivalent official of the State), or a designee of the President of the Senate of the State (or the equivalent official of the State);

(C) the Speaker of the House of Representatives of each Gulf State legislature (or the equivalent official of the State), or a designee of the Speaker (or the equivalent official of the State);

(D) two individuals from each Gulf State who shall not be members, officers, or employees of either the executive or legislative branch of that State and who shall be appointed by the Governor of the State; and

(E) one official each from the Department of Commerce, the Department of the Interior, the Department of Agriculture, the Coast Guard, the Environmental Protection Agency, and the Army Corps of Engineers.

(2) TERM.—Each Commission member shall serve for a term of 4 years, except that—

(A) a Commission member described in subparagraph (A), (B), or (C) of paragraph (1) shall not serve after the date of termination of the executive or legislative term of office of the member;

(B) a Commission member described in paragraph (1)(D) shall not serve after the date of termination of the term of office of the Governor who appoints the member; and

(C) a Commission member described in paragraph (1)(E) shall not serve after the date of termination of the term of office of the President who appoints the member.

(3) REAPPOINTMENT.—Any member of the Commission may be reappointed, if the member is eligible for membership under paragraphs (1) and (2).

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall annually elect a Chairperson and Vice Chairperson from among its members.

(d) FUNCTIONS.—

(1) RECOMMENDATIONS.—The Commission shall make recommendations to the President, the Gulf States, Congress, the heads of Federal agencies, and other appropriate parties regarding—

(A) the orderly, sustainable, and comprehensive use and conservation of the resources of the Gulf of Mexico;

(B) the balancing among agriculture, commercial, environmental, industrial, transportation, and recreational interests in the use and protection of the resources of the Gulf of Mexico;

(C) necessary improvements in the management system of the Gulf of Mexico existing on the date of enactment of this Act to maximize the public benefits of the resources of the Gulf of Mexico;

(D) the appropriate role for the Federal Government in the management and protection of the national resources found in the Gulf of Mexico;

(E) cooperation between the Gulf States, the Federal Government, and the Government of Mexico, as well as other governments and intergovernmental bodies having interests in, or jurisdiction sufficient to affect, conditions in the Gulf of Mexico and its environs;

(F) cooperation among private groups and organizations in the Gulf of Mexico region on matters affecting the Gulf of Mexico;

(G) uniform laws, or other laws (including ordinances or regulations) relating to the development, use, and conservation of the resources of the Gulf of Mexico by each of the respective Gulf States, the Federal Government, and the Government of Mexico, as well as other governments and intergovernmental bodies having interests in, or jurisdiction sufficient to affect, conditions in the Gulf of Mexico and its environs;

(H) agreements between the United States and Mexico that would positively affect the development, use, and conservation of the resources of the Gulf of Mexico;

(I) mutual arrangements to be embodied in concurrent or reciprocal legislation promulgated by Congress and the legislature of the Government of Mexico;

(J) improvements to the overall transportation infrastructure in the Gulf of Mexico and its environs;

(K) means of improving and maintaining the productivity of the various industries doing business in the Gulf of Mexico; and

(L) the adequacy of current and projected funding for the activities described in subparagraphs (A) through (K).

(2) REVIEW BY COMMISSION.—The Commission shall review and comment on plans developed pursuant to section 5(d).

(3) ASSISTANCE IN NEGOTIATIONS.—The Commission may, at the request of the President, assist in the negotiation and formulation of any treaty or mutual agreement between the United States and Mexico that relates to the Gulf of Mexico and its environs.

(e) POWERS OF COMMISSION.—The Commission shall have the power to—

(1) compile, analyze, and report on technical and other data relating to the resources of the Gulf of Mexico and its environs;

(2) conduct studies (directly or through contracts, grants, or other indirect means) regarding existing or potential problems within the Gulf of Mexico and its environs;

(3) pursue and administer such grants and other financial assistance as may be provided by public and private sources to facilitate any purpose of this Act;

(4) prepare, publish, and disseminate information relating to the activities and recommendations of the Commission; and

(5) make recommendations and take all actions necessary and proper to execute the powers conferred on the Commission by this Act, except that no recommendation or action shall have the force of law in, or be binding on, any Gulf State, the United States Government, or the Government of Mexico.

(f) ADMINISTRATION.—

(1) AUTHORITY OF COMMISSION.—For the purpose of carrying out this Act, the Commission may—

(A) adopt bylaws governing the conduct of the activities and meetings of the Commission;

(B) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and publish and distribute such reports as the Commission considers appropriate to carry out this Act;

(C) acquire, furnish, and equip such office space as may be necessary;

(D) employ and compensate an executive director and such other personnel as the Commission determines appropriate, including consultants, at rates not to exceed the daily equivalent of the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, and retain and compensate by contract such professional or technical service firms as the Commission determines appropriate;

(E) arrange for the services of personnel from any Gulf State, the Federal Government, the Government of Mexico, or any intergovernmental agency; and

(F) incur such necessary expenses and exercise such powers as are reasonably required to perform the functions of the Commission under this Act.

(2) ASSISTANCE.—At the request of the Commission, the heads of Federal and State departments and agencies may furnish information, personnel, and other assistance in support of the functions of the Commission.

(3) COMPENSATION.—Members of the Commission shall serve without compensation, but shall be reimbursed for travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(4) FUNDS.—In addition to appropriations authorized under this Act, the Commission may accept and use appropriations, grants, and donations (including in-kind gifts) from a Gulf State, the Federal Government, the Government of Mexico, an individual, a private institution, or any other government or intergovernmental body having interests in, or jurisdiction sufficient to affect, conditions in the Gulf of Mexico and its environs.

(5) RECORDS.—The Commission shall keep accurate records of all receipts and disbursements. The accounts shall be audited at least annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants. A report of the audit shall be included in, and become a part of, the annual report of the Commission, which shall be submitted to each Gulf State, the President, and Congress.

(6) REVIEW.—The records of the Commission referred to in paragraph (5) shall be open at all reasonable times for inspection by representatives of the jurisdictions and agencies that make appropriations, donations, or grants to the Commission.

(7) TERMINATION.—The President shall terminate the Commission after receipt of a written request signed by the Governor of each Gulf State.

SEC. 5. ENVIRONMENTAL PROTECTION AGENCY PROGRAM.

(a) GULF OF MEXICO NATIONAL PROGRAM OFFICE.—The Gulf of Mexico National Program Office (referred to in this section as the "Program Office") is established within the Environmental Protection Agency, to be located in one of the Gulf States and headed by a Director to be selected by the Administrator of the Environmental Protection Agency from candidates nominated by the Commission. The Director shall have expertise in technical and management issues related to environmental quality in the Gulf of Mexico.

(b) GULF OF MEXICO ENVIRONMENTAL MANAGEMENT.—

(1) FUNCTIONS OF PROGRAM OFFICE.—The Director of the Program Office shall—

(A) gather and create a database of research on Gulf of Mexico environmental quality issues for use by universities, governments, and private institutions;

(B) establish a Gulf-wide network comprised of Federal, State, and local authorities and private institutions to monitor environmental quality in the Gulf of Mexico;

(C) develop and implement policies in conjunction with Federal, State, and local authorities and private institutions designed to improve environmental quality in the Gulf;

(D) coordinate activities within the Environmental Protection Agency, including those of regional and headquarters offices with responsibilities for the Gulf of Mexico, aimed at improving environmental quality in the Gulf of Mexico; and

(E) coordinate activities of the Environmental Protection Agency with the actions of the Commission, other Federal agencies, and State and local authorities, to ensure their participation in the development and implementation of policies to improve environmental quality in the Gulf of Mexico.

(2) GULF OF MEXICO RESEARCH.—

(A) INVENTORY.—The Director of the Program Office shall establish a Gulf of Mexico research inventory and database to provide a comprehensive source of environmental studies, data, and other information related to environmental quality in the Gulf of Mexico.

(B) UPDATES.—The Director of the Program Office shall update the inventory every 5 years.

(C) MONITORING NETWORK.—

(i) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency shall establish a Gulf-wide monitoring network not later than May 1, 1994, in consultation with the Commission and Federal, State, and local agencies, to develop data that can be used to gauge the effectiveness of Environmental Protection Agency policies related to the Gulf.

(ii) COORDINATION.—The Administrator of the Environmental Protection Agency shall review, and, to the extent feasible, incorporate into the network monitoring efforts in the Gulf at the Federal, State, and local levels, existing on the date of enactment of this Act

(iii) PURPOSES.—The network shall be structured to produce data to support the development of the Gulf of Mexico Management Plan and describe the environmental quality of the Gulf of Mexico, with particular attention given to areas of concentrated industrial activity and other sources of point and nonpoint source pollution.

(3) GULF OF MEXICO MANAGEMENT PLAN.—

(A) PUBLICATION OF THE PROPOSED PLAN.—Not later than May 1, 1995, the Administrator of the Environmental Protection Agency, after consultation with the Commission and representatives of other Federal, State, and local agencies, shall publish for public comment a proposed Gulf of Mexico Management Plan. The Plan shall—

(i) summarize existing data describing the environmental quality of the Gulf of Mexico, including information pertaining to the status of fisheries, shellfish growing areas, wetlands, and beaches;

(ii) describe the monitoring network and the Program Office Research Inventory;

(iii) describe significant sources of pollution and assess associated environmental risks;

(iv) describe on-going and planned activities intended to identify, evaluate, and preserve wetlands and other critical habitats;

(v) report on pollution prevention and other abatement and remedial measures underway on the date the report is prepared;

(vi) recommend measures to be undertaken by Federal, State, and local agencies and private interests to ensure the protection and restoration of the Gulf of Mexico ecosystem;

(vii) address the economic impact of any additional measures on development in the Gulf of Mexico region, particularly measures affecting agriculture, fishing, recreational activities, and oil and gas activities; and

(viii) recommend the Federal, State, and local agencies to be charged with implementing the Plan.

(B) PUBLIC COMMENT AND PUBLICATION OF FINAL PLAN.—The Administrator of the Environmental Protection Agency shall provide a period of 60 days for public comment. The Administrator of the Environmental Protection Agency shall publish the final Gulf of Mexico Management Plan not later than 180 days after the expiration of the public comment period.

(C) ANNUAL REPORT TO CONGRESS.—Beginning with fiscal year 1995, within 90 days after the end of each fiscal year, the Administrator of the Environmental Protection Agency, after consultation with the Commission, and Federal, State, and local agencies, shall submit a comprehensive report to Congress that—

(i) updates the status of environmental quality in the Gulf of Mexico;

(ii) describes any modifications in the monitoring network of Research Inventory;

(iii) describes the achievements in the preceding year in implementing measures undertaken in the Gulf of Mexico Management Plan;

(iv) describes the designation of any critical habitats in the previous year; and

(v) describes the long-term prospects for improving the environmental quality in the Gulf.

(4) GRANT PROGRAM.—

(A) IN GENERAL.—The Administrator of the Environmental Protection Agency may, upon approval of an application submitted by a Gulf State or a group of States, make a grant to the State or group of States for the purpose of furthering the development or implementation of the monitoring network or Plan.

(B) PURPOSES.—A State or group of States receiving a grant under this paragraph may provide funds to other State and local agencies, universities, institutions, organizations, and individuals for the purpose of assisting the State or States in developing or implementing the monitoring network or Plan.

(C) SUBMISSION OF PROPOSAL.—A proposal submitted under this paragraph shall describe in detail the activities the grant will fund and, in the case of a grant to be used for implementation measures, the proposed abatement or conservation action and the result the proposed action is expected to achieve.

(D) FEDERAL SHARE.—

(i) IN GENERAL.—The Federal share of a grant under this paragraph shall be 50 percent of the amount of the grant award.

(ii) WAIVER.—The Administrator of the Environmental Protection Agency may waive the 50 percent limitation on the Federal share if the Administrator of the Environmental Protection Agency determines in a particular case that overriding national, international, or regional interests justify a larger Federal share. The Administrator of the Environmental Protection Agency shall report on the number of waivers issued under this subparagraph at the time the Administrator of the Environmental Protection Agency submits a budget proposal to the President for inclusion in the annual budget of the United States Government submitted by the President to Congress.

(E) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of any grant awarded under this paragraph may be used for administrative expenses.

(F) REPORTS.—As a condition to receiving a grant under this paragraph, a State or group of States must agree to submit to the Administrator of the Environmental Protection Agency a report at the end of each fiscal year describing the progress the State has made in taking the actions proposed in the grant application and the amount of grant funds expended.

(G) LIABILITY.—Grants made under this section may not be used for the purpose of relieving from liability any person who may otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

(c) BUDGET ITEM.—The Administrator of the Environmental Protection Agency shall, in the annual budget submission of the Environmental Protection Agency to Congress, include a funding request for the Program Office as a separate line item.

(d) MEMORANDA OF UNDERSTANDING WITH OTHER FEDERAL AGENCIES.—

(1) AUTHORIZATION.—The Administrator of the Environmental Protection Agency is authorized to negotiate memoranda of understanding with other Federal agencies with jurisdiction over the Gulf of Mexico.

(2) PURPOSES.—A memorandum shall set out the various responsibilities of each agency that is a party to it. A memorandum shall clearly delineate the jurisdiction and activities to be undertaken by each party.

SEC. 7. RELATIONSHIP TO EXISTING FEDERAL AND STATE LAWS AND INTERNATIONAL TREATIES.

(a) IN GENERAL.—Nothing in this Act shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, officer, or program of the Federal Government, or of any State government or tribe.

(b) INTERNATIONAL BODIES.—Nothing in this Act shall be construed to affect the jurisdiction, powers, or prerogatives of any international body created by a treaty, to which the United States is a party, with authority relating to the Gulf of Mexico.

(c) RELATIONSHIP TO INTERNATIONAL LAW AND FOREIGN POLICY OF THE UNITED STATES.—Any action taken pursuant to this Act shall be consistent with relevant international law. Any action taken pursuant to this Act that relates to the waters under the jurisdiction of a foreign country shall be undertaken only in cooperation with representatives of the affected foreign country.

SEC. 8. STUDY OF INTERNATIONAL ISSUES.

The Administrator of the Environmental Protection Agency is authorized to conduct a study to assess the nature and extent of environmental problems in the Gulf of Mexico and Wider Caribbean Region, including areas beyond the Exclusive Economic Zone of the United States.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) AVAILABILITY OF FUNDS.—The amounts authorized to be appropriated under this section shall remain available until expended.

(c) SUPPLEMENTAL FUNDS.—Funds made available under subsection (a) shall be used to supplement and not supplant any other funds made available to the Environmental Protection Agency.•

• Mr. BREAUX. Mr. President, I rise to join my distinguished colleague, Senator KRUEGER, as a cosponsor of the Gulf of Mexico Commission Act of 1992. With this legislation we provide long-overdue recognition of the importance of the Gulf of Mexico—America's sea—to our economy and our environment. We are also taking the first step on a long road toward undoing some of the damage that has been done to the gulf by man's activities over the years.

The Gulf of Mexico is unmatched as an environmental and commercial resource of the entire United States. We have overlooked its unique role in our lives for too long. Senator KRUEGER has put forward a visionary proposal and I am proud to join him in this effort.

Our bill will establish a Gulf of Mexico Commission modeled on the successful commissions that have done so much to resuscitate the Great Lakes and the Chesapeake Bay. This Commission will work to coordinate the activities of all of the Federal agencies involved in conserving, managing, and using the gulf's resources and will include representatives of State and local governments from all of the Gulf States.

In the case of the Great Lakes and the Chesapeake Bay, similar commissions drafted interstate agreements, known as compacts, that guided and continue to guide the rational use of these resources with the support of Federal recognition and sanction. It is our hope in reintroducing this legislation today that a similar process will be borne out for the management of the Gulf of Mexico.

More than 50 percent of our Nation's domestic fish and seafood are pulled out of the gulf each year. Seventy-five percent of North America's migratory waterfowl depend on the gulf's wetlands as habitat.

More than 90 percent of the United States' and Mexico's oil production is derived from offshore drilling in the gulf.

Twenty-four billion dollars' worth of domestic import-export shipments go through gulf ports every year. This is equal to almost half of such annual tonnage.

The gulf's recreational and resort industries contribute $10 billion yearly to our Nation's economy and to the citizens of the five States that make up the gulf coast.

As a source of revenue to the Federal Government over the last 30 years the Gulf of Mexico has been second only to income tax revenue. Over $80 billion in payments to the Federal Treasury have come from Outer Continental Shelf oil production leases in the gulf.

Despite the incredible value of this resource to our economy, our way of life, and the North American ecosystem, we have shown poor stewardship in protecting its value for current and future generations of Americans. The Mississippi River, which runs through Louisiana and empties into the gulf, carries with it vast amounts of agricultural, commercial, chemical, industrial, and municipal wastes from three-quarters of the land area of the lower 48 States. Biological dead zones have been discovered in the gulf's waters and the refuse of dozens of foreign nations have washed up on our shores. Millions of acres of shellfish beds have been closed for some period of time.

Man's activity in the gulf and in coastal areas has led to erosion of one of our most precious environmental resources—coastal wetlands. My State of Louisiana, which contains 40 percent of the Nation's coastal wetlands, is losing 40–60 square miles of coastal wetlands every year. Loss in Louisiana alone accounts for 80 percent of the coastal wetlands loss in the lower 48 States.

Mr. President, I would again congratulate Senator KRUEGER for this important step forward. I urge all of my colleagues—whose States all benefit from the resources of the gulf—to join us in this vital first step toward comprehensive, rational management of one of our Nation's most important natural resources.•

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. LIEBERMAN, Mr. DANFORTH, and Mr. DODD):

S. 687. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY FAIRNESS ACT

• Mr. ROCKEFELLER. Mr. President, on September 8, 1992, 59 Senators went on record in favor of product liability reform legislation. Others expressed support for the concept but raised questions about some of the specific provisions. While the support was not enough to invoke cloture, it was a clear sign that a significant majority of the Senate understood the need for product liability reform.

Today, I am introducing legislation designed to achieve the same goals as last year's legislation but with changes intended to address the legitimate concerns raised by some of my colleagues. This effort is a bipartisan one and, in that regard, I am delighted to be joined by Senators GORTON, LIEBERMAN, DANFORTH, and DODD as cosponsors of this important legislation.

The bill we are introducing today is designed to produce a fairer legal system for manufacturers and injured persons alike. It will give manufacturers more certainty about the basic legal rules of the road and encourage the kind of innovation needed to make the United States strong at home and competitive abroad as we enter the 21st century. And it will also move more dollars to injured parties in a more timely fashion.

Let me first outline why this legislation is needed and then discuss how I believe the bill, as modified, addresses those needs in a fair and balanced way.

As the many lawyers in this body who graduated from law school prior to 1970 know, at that time not one law school in the country offered a course in product liability law. That was because the rules governing such cases were so narrow that few people could sue and recover.

All of that changed in the early 1970's, as the courts became more and more favorable toward injured persons. While I believe some liberalization of the law was warranted, I think the pendulum swung too far in penalizing defendants even when they had exercised all reasonable care. As the system moved away from a negligence standard, manufacturers who had taken all possible precautions to produce safe products were understandably angered when they were saddled with huge verdicts.

Moreover, however much it might have made sense for manufacturers to bear more of the risk of product injuries, movement toward a compensation system with tort damages that typically paid injured persons a multiple of three to four times economic damages—with no requirement that the plaintiff establish fault—was surely an expensive way to compensate people. Not only were the damages out of line with the manufacturer's conduct, resolving these matters through the legal system entailed extraordinarily high transactions, that is, lawyers' costs. Studies of the tort system in general and of product liability cases in particular show that it takes roughly a dollar of attorneys' fees to deliver a dollar of compensation to victims. Surely, we can devise a more efficient system.

A third major problem with the changes in the tort system is that they still left injured persons with a bad system—one in which often innocent victims could recover nothing and one in which those fortunate enough to recover had to wait unconscionably long times. When they finally do recover, the pattern of recovery is grossly unfair, dramatically overpaying those with the smallest losses and cruelly underpaying those devastated by catastrophic losses.

In sum, the present system is a haphazard one that neither provides proper guidance to manufacturers as to what they must do to avoid lawsuits, nor establishes a fair and efficient system to compensate persons injured by defective products.

Let me outline in some more detail the problems that this legislation is designed to address.

When manufacturers are exposed to randomly large judgments, both for compensatory damages and for punitive damages, they become reluctant to introduce new products. When those products are shoddily made and dangerous to consumers, that is exactly the result we want.

However, when manufacturers are discouraged from introducing products that can benefit society, then something is amiss. Last year as the Senate was about to consider S. 640, the Product Liability Fairness Act, there were two articles in Science magazine indicating that that was exactly what was happening with respect to the introduction of promising AIDS vaccines. The articles cited several examples of companies postponing AIDS vaccine research or trials—or abandoning the field entirely—for fear of potential lawsuits.

Similarly, Dr. Elizabeth B. Connell, Chair of the FDA's obstetrics and gynecology devices panel in 1989, said the United States is losing its leadership role in the area of contraceptive technology, "with potentially disastrous consequences for women and men in this country and elsewhere. Only two major U.S. companies are conducting contraceptive research.

The impact on U.S. industry is also apparent from the fact that in 1989, the median company engaged in machine tool building spent seven times more on product liability costs than it spent on basic research and development.

For all the adverse impact that changes in product liability law has had on manufacturers, it has had little positive impact on injured persons. A 1989 GAO study found that plaintiffs were awarded compensatory damages in only 45 percent of the 305 cases they studied. Moreover, for those lucky enough to recover, it took an average of 2½ years from filing to trial court verdict. That is a long time to wait for a seriously injured person with few other resources to keep a family together.

But things are even worse for injured persons than those numbers suggest. Because claimants enjoy a great deal of leverage when their economic losses are small—because manufacturers know it will cost them a certain amount to go to court, win or lose—they are usually able to recover far more than their actual economic losses. Thus, for example, a comprehensive study by the Insurance Services Office [ISO] found that the net recovery—what injured persons got to keep after paying their attorneys—for people with economic losses between $1 and $1,000 was 482 percent of their economic losses. That means that a person whose medical and work loss bills totalled $1,000 recovered $4,820. The difference between the economic loss and the total recovery was largely the value of threatening a lawsuit.

On the other hand, every study of people with economic losses in excess of $1 million shows that their recovery is only a tiny percentage of their actual economic loss, with no study showing a recovery rate of more than 39 percent.

Thus, people with limited losses recover far more than what is needed to put them back on their feet while people who are grievously injured recover only a tiny fraction of what is needed to make them economically whole.

Regardless of whether one supports this particular bill or not, such statistics starkly reveal the need for reform. Anyone who is seriously concerned about injured people cannot defend the present system as doing even a halfway decent job of compensating seriously injured people.

How does the Product Liability Fairness Act address the problems I have outlined? Let me start with the changes designed to improve the system for injured persons. The bill makes three key improvements in this area:

ALTERNATIVE DISPUTE RESOLUTIONS

First, it contains incentives for manufacturers to use existing State alternative dispute resolution [ADR] provisions. If a manufacturer unreasonably refuses to utilize ADR when a claimant makes such a request, the manufacturer may be liable for not only a subsequent verdict in favor of the plaintiff but for the plaintiff's reasonable attorneys's fees and court costs. This provision will create a strong incentive for manufacturers to use the faster and cheaper ADR systems.

EXPEDITED SETTLEMENTS

Second, the expedited settlement provisions also encourage the use of faster and less costly ways to resolve disputes. If a claimant makes an offer of judgment to settle the case and the manufacturer turns it down, the manufacturer will incur a penalty if the claimant recovers more in a subsequent court proceeding than the offer of judgment. Specifically, the defendant will be required to pay the claimant's reasonable attorney's fees and costs, up to $50,000. This penalty, which is far greater than that presently imposed for the rejection of a settlement offer under rule 68 of the Federal Rules of Civil Procedure, should provide a strong inducement for manufacturers to settle cases when they are culpable.

Delays can also arise when claimants, on their own or on advice of counsel, choose to unduly prolong a case. Thus the bill provides for penalties on the claimant when the claimant turns down a settlement offer from the manufacturer and then fares less well in the subsequent court proceeding. Because the claimant is normally not as well off as the manufacturer, the bill does not require the claimant to pay the defendant's attorney's fees. Clearly such a penalty would be so imposing that claimants would be forced to settle for inadequate offers. Instead, the bill limits the claimant's penalty to the forfeiture of all collateral benefits the claimant receives or is entitled to receive for the same injury. Since collateral benefits represent duplicate payment for the same injury—most typically from health or work loss insurance—the penalty will still leave the injured person with compensation for economic loss. Nevertheless, the penalty adds a risk factor for the injured person that should encourage faster settlement of the claim.

DISCOVERY

Third, the bill establishes a uniform statute of limitations that permits an injured person to file a lawsuit for up to 2 years after that person discovers not only the harm but its cause. This provision will enable many people who are harmed by toxic products, such as asbestos, to recover when they discover the cause of their illness.

The bill also contains several provisions that will assist business, all of which I believe are fundamentally fair and, in some cases, will help injured persons as well.

First, the bill establishes fair rules for the awarding of punitive damages. One of these provisions, the one that would require an injured person to prove the case by clear and convincing evidence, has been endorsed by both the American Bar Association and the American College of Trial Lawyers. The American College of Trial Lawyers has also endorsed the provision calling for the bifurcation of trials.

Second, the bill does limit the right to recover punitive damages in two specific cases. It bars suits for punitive damages—but not for compensatory damages—against any manufacturer that complies with all Food and Drug Administration or Federal Aviation Administration rules for pre-approval of a product and with all ongoing obligations to report any subsequent problems. The premise is that, given the comprehensive nature of the Federal regulatory schemes, such a manufacturer lacks the requisite malicious intent to cause harm—a conscious, flagrant indifference to the safety of those who might be harmed by a product—to warrant the imposition of punitive damages.

Let me repeat, however, that such a manufacturer would still be liable for all economic and noneconomic damages should a court determine that the manufacturer's conduct did not conform with the standard of care required by State law. I believe this provision will encourage the introduction of beneficial new products in an area where the threat of punitive damages has inhibited the development of important new products. Moreover, it should create a strong additional incentive for drug companies to fully comply with FDA rules, which should increase safety.

Third, the bill would continue to hold manufacturers jointly liable for all economic damages; that is, regardless of the specific contribution of a manufacturer to a person's injury, the manufacturer would be liable for the payment of all economic damages in the event another partially responsible manufacturer lacked the resources to pay a judgment. On the other hand, the bill limits a manufacturer's liability for noneconomic damages to the manufacturer's proportionate share. Thus a manufacturer that was only 10-percent liable for a person's injuries might have to pay all the economic losses but would have to pay for only 10 percent of the pain and suffering.

There are other provisions in the bill but I believe these are the key ones. Once again, I believe each and every provision meets a fundamental test of fairness and that the bill is a balanced one that will encourage innovation and safety and enhance U.S. competitiveness, as well as improve the likelihood that injured persons will recover fair compensation in a far more timely fashion than under the present system.

I would like to spend just a couple of minutes discussing the changes we have made in this year's bill. These changes were made in response to either confusion about the intent of certain provisions or in response to what we believe were fair criticisms about the bill.

First, I want to mention two key clarifications to the expedited product liability judgments section. S. 640 provided that an injured person who turns down a settlement offer that was more favorable than a later court award had to pay a penalty of an amount equal to the defendant's reasonable attorney's fee and costs, "except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits."

I had always read that section to mean that the penalty was limited to only losses covered by collateral sources. However, others have contended that the noneconomic loss language should be read separately, which could dramatically increase an injured person's penalty. Therefore, the bill we are introducing today eliminates both the reference to attorney's fees and the words "noneconomic loss" so that it is crystal clear what an injured person's downside is—only collateral sources for economic loss, such as the Blue Cross health payments. The plaintiff would still be able to recover the amount of the verdict; he or she would simply have to forfeit any duplicate payment for the same injuries from other sources.

The bill also places a limitation on the manufacturer's penalty if it turns down an offer of judgment from the claimant and fares worse thereafter in court. Under S. 640, such a manufacturer not only had to pay the plaintiff's award but was subject to a penalty equal to the plaintiff's reasonable attorney's fees and costs. This bill establishes a maximum penalty of $50,000.

Thus, the new section limits the penalties on both parties. For the claimant, the penalty is the forfeiture of all collateral benefits, whereas the manufacturer's penalty is the plaintiff's reasonable attorney's fees, but not more than $50,000. I believe these penalties will achieve the desired goal of encouraging the parties to settle when they should and not to settle when they shouldn't. If the provision succeeds, it will dramatically shorten the time between injury and compensation and lower transactions costs. In short, injured persons and manufacturers both stand to gain.

In addition, in this area, the new bill adds a sentence to clarify that a claimant faces no penalty whatsoever if he or she loses the case.

Second, the new bill makes two significant changes in the alternative dispute resolution section. Last year it was argued that an injured person could be forced into a binding State ADR procedure, which would deny the person the right to a jury trial. S. 640 provided that one could be required to go through only voluntary State proceedings. I understood that to mean only nonbinding ADR proceedings. In order to make no mistake, the new bill adds the word "nonbinding." Thus any party that participates in an existing State ADR proceeding that is both voluntary and nonbinding but rejects the outcome to choose to go to court will face no penalty whatsoever.

Another objection was lodged against the ADR provision—namely that it imposed too great a penalty on claimants who refused to participate in ADR. While S. 640 imposed no penalty on a person who went through an ADR proceeding and then chose to go to court, it would have, however, potentially subjected a person to a severe penalty—the defendant's reasonable attorneys' fees—if the person refused to go to ADR at all. I do not think that could happen very often, but I don't want to take the chance. So the new bill strikes the penalty entirely for an injured person who refuses to go to ADR. It would, however, keep the penalty in place for a defendant who unreasonably refused to enter ADR.

In sum, the injured person may choose to go to ADR or not, but, in either event, would face no penalty.

Finally, the substitute clarifies that the defense against punitive damages for manufacturers that get FDA preapproval of their products is available only to manufacturers who comply with FDA's ongoing requirements to disclose adverse reactions after a product has been approved. A manufacturer that met all of FDA's preapproval requirements but failed to meet FDA's ongoing requirements thereafter would lose its protection against the award of punitive damages.

Mr. President, this is the 14th year that the Congress has considered product liability reform legislation. In 1985, I opposed the legislation being considered because I thought it was too skewed to help business. However, since that time the bill has evolved into what I believe is a fair and balanced piece of legislation—one that increases incentives for safety; one that increases incentives for innovation and will strengthen our competitive position in the world; one that makes it easier for injured persons to recover their losses faster; and one that removes some of the unfairness and arbitrariness of the present system. I believe the strong support in last year's Senate vote reflects the fundamental fairness of the balance we have struck.

This support is not just in the Senate. The National Governors' Association has supported Federal product liability reform since 1986. In 1991, in testimony before the Consumer Subcommittee of the Commerce Committee, the National Governors' Association witness testified that "the United States needs a single, predictable set of product liability rules. The adoption of a federal uniform product liability code would eliminate unnecessary cost, delay, and confusion in resolving product liability cases."

Mr. President, the bill we are introducing today is a good bill that addresses very real problems. I hope all Senators and Congressmen will look at it seriously, as well as all the groups that represent the affected parties. I have no question that President Clinton and his administration will scrutinize it carefully. I believe that a dispassionate analysis will lead to a consensus that this legislation is fair and beneficial to all parties. However, I realize that reasonable people can differ on just where that balance lies. Therefore, my door will continue to be open to everyone who truly wants to produce a better product liability system and I stand ready to make any changes that I think would reach that goal. With good faith on the part of all parties, I believe we can enact product liability reform legislation in 1993.

Finally, I again thank Senators GORTON, LIEBERMAN, DANFORTH, and DODD for their investment of leadership and skillful effort to produce this bipartisan proposal. I also express my gratitude to their staffs for their hard work, and in particular, to PETER KINZLER, who has assisted me over the recent months with his immense knowledge and deep reservoir of public service.

This is a year when the American people expect their elected officials to break gridlock on the problems that affect their daily lives and the country's economic future. With this legislation, we have an opportunity to resolve problems in our product liability system that can and should be overcome. We have the chance to benefit consumers, business, and the economy at once. I ask all of my colleagues to take an honest look at these problems, and at our legislation, and to recognize the need to quickly enact the changes we propose into law.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Liability Fairness Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Applicability; preemption.
Sec. 5. Jurisdiction of Federal courts.
Sec. 6. Effective date.

TITLE I—EXPEDITED JUDGMENTS AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

Sec. 101. Expedited product liability judgments.
Sec. 102. Alternative dispute resolution procedures.

TITLE II—STANDARDS FOR CIVIL ACTIONS
Sec. 201. Civil actions.
Sec. 202. Uniform standards of product seller liability.
Sec. 203. Uniform standards for award of punitive damages.
Sec. 204. Uniform time limitations on liability.
Sec. 205. Workers' compensation subrogation standards.
Sec. 206. Several liability for noneconomic loss.
Sec. 207. Defenses involving intoxicating alcohol or drugs.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (excluding any benefits any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of that State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A);

(5) "commercial loss" means any loss incurred in the course of an ongoing business enterprise consisting of providing goods or services for compensation;

(6) "economic loss" means any pecuniary loss resulting from harm (including but not limited to medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent recovery for such loss is allowed under applicable State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any bodily injury to an individual sustained in an accident and any illness, disease, or death of that individual resulting from that injury; the term does not include commercial loss or loss or damage to a product itself;

(9) "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including but not limited to pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; the term does not include economic loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale of use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 4. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY TO PRODUCT LIABILITY ACTIONS.—This Act applies to any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) SCOPE OF PREEMPTION.—(1) Except as provided in paragraph (2), this Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(2) The provisions of title I shall not supersede or otherwise preempt any provision of applicable State or Federal law.

(c) EFFECT ON OTHER LAW.—Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except chapter 81 of title 5, United States Code (relating to Federal employees' compensation for work injuries) and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.);

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; 42 U.S.C. 9601(8)), or the threat of such contamination or pollution.

(d) CONSTRUCTION.—This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

(e) EFFECT OF COURT OF APPEALS DECISIONS.—Any decision of a United States court of appeals interpreting the provisions of this Act shall be considered a controlling precedent and followed by each Federal and State court within the geographical boundaries of the circuit in which such court of appeals sits, except to the extent that the decision is overruled or otherwise modified by the United States Supreme Court.

SEC. 5. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

TITLE I—EXPEDITED JUDGMENTS AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

SEC. 101. EXPEDITED PRODUCT LIABILITY JUDGMENTS.

(a) Claimant's Offer of Judgment.—Any claimant may, in addition to any claim for relief made in accordance with State law, include in the complaint an offer of judgment to be entered against a defendant for a specific dollar amount as complete satisfaction of the claim.

(b) Defendant's Officer.—A defendant may serve an offer to allow judgment to be entered against that defendant for a specific dollar amount as complete satisfaction of the claim, within 60 days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may serve such offer within 10 days after the court's determination regarding such motion.

(c) Extension of Response Period.—In any case in which an offer of judgment is served pursuant to subsection (a) or (b), the court may, upon motion by the offeree made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than 60 days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material and is not, after reasonable inquiry, otherwise available to the moving party.

(d) Defendant's Penalty for Rejection of Offer.—If a defendant, as offeree, does not serve on a claimant a written notification of acceptance of an offer of judgment served by a claimant in accordance with subsection (a) within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within 30 days after the court's determination regarding such motion, and a final judgment is entered in such action in an amount greater than the specific dollar amount of such offer of judgment, the court shall modify the judgment against that defendant by including the judgment an amount for the claimant's reasonable attorney's fees and costs, not to exceed $50,000. Such fees shall be offset against any fees owned by the claimant to the claimant's attorney by reason of the final judgment.

(e) Claimant's Penalty for Rejection of Offer.—If the claimant, as offeree, does not serve on the defendant a written notice of acceptance of an offer of judgment serviced by a defendant in accordance with subsection (b) within 30 days after such service and a final judgment is entered in such action in an amount less than the specific dollar amount of such offer of judgment, the court shall reduce the amount of the final judgment in such action by that portion of the judgment which is allocable to economic loss for which the claimant has received or is entitled to receive collateral benefits. If the claimant is not the prevailing party in such action, the claimant's refusal to accept an offer of judgment shall not result in the payment of any penalty under this subsection.

(f) Reasonable Attorney's Fee.—For purposes of this section, a reasonable attorney's fee shall be calculated on the basis of an hourly rate which shall not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(g) Evidence of Offer.—An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine attorney's fees and costs.

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In General.—A claimant or defendant in a civil action subject to this Act may, within the time permitted for making an offer of judgment under section 101, serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the civil action is brought or under the rules of the court in which such action is maintained. An offeree shall, within 10 days of such service, file a written notice of acceptance or rejection of the offer; except that the court may, upon motion by the offeree make prior to the expiration of such 10-day period, extend the period for response for up to 60 days, during which discovery may be permitted.

(b) Defendant's Penalty for Unreasonable Refusal.—The court shall assess reasonable attorney's fees (calculated in the manner described in section 101(f)) and costs against the offeree, if—

(1) a defendant as offeree refuses to proceed pursuant to such alternative dispute resolution procedure;

(2) final judgment is entered against the defendant for harm caused by a product; and

(3) the defendant's refusal to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith.

(c) Good Faith Refusal.—In determining whether an offeree's refusal to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, the court shall consider such factors as the court deems appropriate.

TITLE II—STANDARDS FOR CIVIL ACTIONS

SEC. 201. CIVIL ACTIONS.

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is inconsistent with any provision of this Act.

SEC. 202. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Standards of Liability.—In any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the product seller's warranty; and

(C) the failure of the product to conform to the product seller's warranty caused the claimant's harm.

(b) Conduct of Product Seller.—(1) In determining whether a product seller is subject to liability under subsection (a)(1), the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this Act based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with the warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this Act except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) Treatment as Manufacturer.—A product seller shall be deemed to be the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 203. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) In General.—Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this Act to any claimant who establishes by clear and convincing evidence that the harm suffered by the claimant was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by the product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Punitive damages may not be awarded in the absence of an award of compensatory damages.

(b) Limitation Concerning Certain Drugs and Medical Devices.—(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug or device was approved by the Food and Drug Administration; or

(B) the drug or device is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(2) The provisions of paragraph (1) shall not apply in any case in which—

(A) the defendant, before or after pre-market approval of a drug or device, withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government required information that is material and relevant to the performance of such drug or device and is causally related to the harm which the claimant allegedly suffered; or

(B) the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval of such drug or device.

(c) LIMITATION CONCERNING CERTAIN AIRCRAFT AND COMPONENTS.—(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft or aircraft component which caused the claimant's harm where—

(A) such aircraft or component was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft or component which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft or component;

(B) the aircraft or component was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft or component complied, after delivery of the aircraft or component to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

(2) The provisions of paragraph (1) shall not apply in any case in which—

(A) the defendant, before or after pre-market certification of an aircraft or aircraft component, withheld from or misrepresented to the Federal Aviation Administration required information that is material and relevant to the performance or the maintenance or operation of such aircraft or component or is causally related to the harm which the claimant allegedly suffered; or

(B) the defendant made an illegal payment to an official of the Federal Aviation Administration for the purpose of either securing or maintaining certification of such aircraft or component.

(d) SEPARATE PROCEEDING.—At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 204. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—Any civil action subject to this Act shall be barred unless the complaint is filed within 2 years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within 2 years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b) STATUTE OF REPOSE FOR CAPITAL GOODS.—(1) Any civil action subject to this Act shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within 25 years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or train, used primarily to transport passengers for hire, shall not be subject to this subsection.

(3) As used in this subsection, the term—

(A) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(B) "time of delivery" means the time when a product is delivered to its first purchaser or leassee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold.

(c) EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of this section would shorten the period during which a civil action could be brought under otherwise applicable law, the claimant may, notwithstanding such provision of this section, bring the civil action pursuant to this Act within 1 year after the effective date of this Act.

(d) EFFECT ON RIGHT TO CONTRIBUTE OR INDEMNITY.—Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution of indemnity from any other person who is responsible for such harm.

SEC. 205. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a) IN GENERAL.—(1) An employer or workers' compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled as determined by the appropriate workers' compensation authority for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this Act. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right to subrogation to the court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employee.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. The employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the employer and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose without such consent. However, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact, it shall provide written notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though the employer were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller (and correspondingly the subrogation lien of the employer) by the sum of the amount paid as workers' compensation benefits and the present value of all workers compensation benefits to which the employee is or would be entitled for such harm as determined by the appropriate workers'

compensation authority. The manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer. However, the employer shall not lose its right of subrogation because of an intentional tort committed against the claimant by the claimant's coemployees or for acts committed by coemployees outside the scope of normal work practices.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorney's fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b) EFFECT ON CERTAIN CIVIL ACTION.—(1) In any civil action subject to this Act in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this Act shall be construed to affect any provisions of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) STAY PENDING COMPENSATION DETERMINATION.—In any civil action subject to this Act in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, or application of the claimant made at the claimant's sole election, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. Should the claimant elect to bring a civil action under this Act and not stay his or her action until the full amount payable as workers' compensation benefits has been finally determined by the appropriate workers' compensation authority, then the court shall determine the amount of worker's compensation that has been or would be payable if the issue had been determined by the appropriate workers' compensation authority. The verdict as determined by the trier of fact pursuant to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) WRITTEN NOTICE.—A claimant in a civil action subject to this Act who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action as filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEC. 206. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) IN GENERAL.—In any civil action subject to this Act, the liability of each defendant for noneconomic loss shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic loss allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b). A separate judgment shall be rendered against such defendant for that amount.

(b) PROPORTION OF RESPONSIBILITY.—For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 207. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) CIVIL ACTIONS IN WHICH ALL DEFENDANTS ARE MANUFACTURERS OR PRODUCT SELLERS.—In any civil action subject to this Act in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) OTHER CIVIL ACTIONS.—In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c) INTOXICATION DETERMINATION TO BE MADE UNDER STATE LAW.—For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(d) DEFINITION.—As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.•

• Mr. GORTON. Mr. President, I am pleased to join Senators ROCKEFELLER, LIEBERMAN, DANFORTH, and DODD in introducing the Product Liability Fairness Act. The Commerce Committee has examined this issue very carefully for over a decade, and this process has resulted in the balanced and fair legislation that we are introducing today.

Product liability reform is essential because the current product liability system is inefficient and unfair. The tort system should award fair compensation in a timely fashion, but it does not. Cases can drag on for years. Over 20 percent of seriously injured persons receive no compensation for 5 years. A 1989 GAO study indicates that the average case takes nearly 3 years to resolve, longer if there is an appeal. When compensation is awarded, too much money goes to pay transaction costs, such as attorneys' fees, rather than to the injured persons. Former Commerce Secretary Robert Mosbacher testified that as much as 75 percent of these awards go to transaction costs. This bill provides both plaintiffs and defendants meaningful incentives to settle product liability suits.

Not only does the present product liability system generate excessive costs and delay, it does not compensate injured persons in proportion to their losses. According to a study by the insurance services offices, an injured person can expect to receive a windfall of nearly nine times his losses if his injuries are minor. If his injuries are severe, however, he should expect to receive only 15 percent of his losses. A severely injured victim cannot afford to gamble on the outcome of lengthy litigation. As a result, many are forced to settle for an amount far less than their injuries warrant.

Injured persons are not the only ones who are treated unfairly by the tort system. It imposes inordinate costs on U.S. business. According to a 1989 study by the Tillinghast insurance consulting firm, total tort costs in 1987 were $117 billion. This represents 2.5 percent of gross domestic product. According to Prof. Robert Tollison of George Mason University, this is nearly double the level of U.S. net national savings and one-fourth the amount of gross private investment.

The excessive costs of the tort system put U.S. companies at a competitive disadvantage in world markets. According to a study conducted for the Department of Commerce, domestic manufacturers may face product liability costs up to 20 to 50 times higher than those paid by foreign competitors. An excellent example of this competitive disadvantage can be found in the 1988 conference board survey of CEO's. It stated that, in 1986, $7 billion of Dow Chemical's $13 billion annual sales came from foreign sales, and the company's legal and insurance expenses in the United States totaled $100 million. During that same year, Dow paid less than $20 million for comparable services overseas, even though foreign sales exceeded domestic sales by $1 billion.

Important sectors of our domestic economy are losing substantial market shares to foreign competitors, since the excessive costs of the product liability system put American interests at a competitive disadvantage in world markets. For example, the Association of Manufacturing Technology estimates that the domestic machine tool industry has lost nearly 25 percent of its market share to foreign competitors in recent years. Much of this loss is attributed to the excessive costs of the current product liability system, which takes resources from and inhibits the development and marketing of innovative products. The U.S. machine tool industry spends seven times more on product liability costs than on research and development.

Higher prices are just one aspect of our competitiveness problem. The current product liability system often leads manufacturers to decide not to market new products. For example, John Gatzemeyer designed a safety rail to assist young children to go up and down stairs, while he was a student of industrial design at Syracuse University. His design won a first prize in 1989 from the Juvenile Products Manufacturers Association and a gold award in 1990 from the Industrial Designers Society of America. Fisher-Price declined to produce this child rail because of liability concerns. Their spokesman stated, "We're a little bit afraid to do anything with a product that has anything to do with stairs." Fisher-Price's situation is not unusual. The conference board found that nearly half of the firms in the survey have discontinued products as a result of the product liability system. In addition, 39 percent had decided not to introduce new product lines, and 25 percent had discontinued product research as a result of the system. Prof. Michael Porter of the Harvard Business School and author of a book published in 1990 entitled, "The Competitive Advance of Nations," testified before the Senate Commerce Committee: "American liability law as it is now structured causes companies to slow the rate of innovation." With a patchwork of 50 State laws, manufacturers often do not know what legal standards will be applied by a court in an economy in which more than 70 percent of manufactured products move in interstate commerce.

The problem is particularly pronounced in the area of medical products and technology. The American Medical Association [AMA] stated in 1988:

> Innovative new products are not being developed or are being withheld from the market because of liability concerns or inability to obtain adequate insurance.

The difficulties several firms attempting to develop an AIDS vaccine have experienced recently, support AMA's conclusion. According to an article published last year in Science, liability concerns have had a negative effect on efforts to develop a vaccine. For example, Genentech Co. delayed research, and Immune Response Corp., delayed clinical trials because of liability concerns. Even if a vaccine was successfully developed and approved by the Food and Drug Administration, the current climate probably would discourage its introduction. The Office of Technology Assessment published a study last month, which underscores this regretable conclusion. The study found that fear of product liability "may be a particularly significant barrier to industry's willingness to develop, test, and market potential vaccines against HIV and may become a major policy concern for the Federal Government."

The uncertainty of the current system extends beyond medicine and into the entire scientific community. It stifles the scientific research that is essential for the development of innovative products. Dr. Malcolm Skolnick, a professor of biophysics at the University of Texas Health Science Center, who is also a lawyer, told the Commerce Committee at a April 5, 1990, hearing on product liability:

> Scientific inquiry is stifled. Ideas in areas where litigation has occurred will not receive support for exploration and development. Producers fearful of possible suit will discourage additional investigation which can be used against them in future claims.

Former Commerce Secretary Mosbacher testified before the Senate Commerce Committee that the unpredictability of the current system discourages research universities from licensing patents to business firms for fear of being sued as a deep pocket.

This bill restores fairness to the product liability system. It encourages the settlement of lawsuits without litigation, based on rule 68 of the Federal Rules of Civil Procedure, and through the use of existing voluntary and nonbinding alternative dispute resolution [ADR] procedures. Such procedures will help injured persons receive compensation for their losses quickly without incurring substantial legal fees.

The bill also modifies the rule of joint and several liability with respect to noneconomic damages. This provision limits a defendant's liability to his percentage of fault for damages, such as pain and suffering and emotional distress. The bill changes the standard of proof for awarding punitive damages, based on the recommendation of the American College of Trial Lawyers and the American Bar Association. The bill also provides for a separate proceeding on punitive damages, reflecting the fact that they are a quasi-criminal type of penalty.

Mr. President, this legislation contains several changes from last year's bill to respond to legitimate criticism by its opponents. For example, consumer organizations expressed concern that the penalty on claimants for refusing to participate in ADR was too severe. I disagree, since no penalty would be imposed on any litigant who agrees to go to ADR, even if there is a trial. Nevertheless, the bill we are introducing today provides that a claimant would never be penalized for electing not to use ADR.

The Conference of Chief Justices and consumer groups expressed concern that, under last year's bill, a State court could interpret a provision one way, with the Federal courts in that State interpreting it differently. In such a situation, the inconsistency would not be resolved until the U.S. Supreme Court ruled on the matter. This bill addresses this problem by requiring the decisions of a U.S. circuit court of appeals to be binding on the State courts of all States within the circuit.

This legislation also includes a very important provision that protects the right of consumers to receive compensation. Section 204 contains a discovery rule statute of limitations which preserves a claimant's right to sue until he or she knows, or through reasonable diligence should know, both that he or she has been harmed and the cause of the harm. The provision would apply in personal injury and wrongful death cases involving products. Many States today, in wrongful death cases, automatically cut off a survivor's right to sue 1 or 2 years after the death occurred. The bill will preserve the survivor's right to sue until 2 years from when the cause of death is discovered.

I have long supported efforts to reform the product liability system. I have opposed, however, earlier bills that I considered to be anticonsumer and too extreme. This is a modest proposal. It bears minimal resemblance to the prodefendant product liability bills initially supported by business groups in the early 1980's. Very significant changes have been made over the years.

Mr. President, this is a fair bill which allocates responsibility for injuries equitably. The current system does not. The current system is a lottery. A severely injured plaintiff is required to take a chance on the lottery in order to be compensated. Too often it is the victim who loses when this unpredictable system produces an unfair result. The system should encourage quick settlements that equitably allocates responsibility. This legislation includes innovative approaches to accomplish this objective, while not imposing undue burdens on claimants. Moreover, by reducing transaction costs, this legislation should improve our manufacturers' competitive position in world markets. It is these excessive costs that pose an undue burden on manufacturers and discourage the development of innovative products.

Mr. President, I urge my colleagues to support this legislation.•

• Mr. LIEBERMAN. Mr. President, I am pleased to be here to join my colleagues, Senators ROCKEFELLER, GORTON, DANFORTH, and DODD, to introduce the Product Liability Fairness Act of 1993. This is a very balanced moderate bill. It is probusiness and proconsumer at the same time. And I believe it is a bill that can become law.

The winds of change are with us. The American people have sent a message to their elected representatives that they want us to get serious about the business of making America work—and putting America back to work. They are demanding that we take a second look at the rules our Government has set, and whether those rules make sense. That is what this bill is about—setting up a product liability system that makes sense and works.

This bill must be a part of any long-term strategy to create economic growth and competitiveness. They key to renewing the American economy is reviving our traditional strength in manufacturing. The United States has always been the most inventive Nation in the world, but too often in recent years we have left those inventions for others to manufacture and commercialize. We need to be designing, building, and bringing to market the next generation of high-quality, high-value products the world will want to buy. The problem is that almost any manufacturing activity—and especially designing and building new products—runs squarely into our product liability system.

Here are some examples of how product liability concerns squelch innovation and competitiveness:

When the World Resources Institute, a noted environmental think-tank, listed its 12 environmentally critical technologies, one was contraception. Yet, as WRI noted, "the U.S. private sector has largely withdrawn because of the risks of product liability lawsuits and the delays and risks of regulatory approval. Only one of the many large pharmaceutical companies previously involved in contraceptive research is still active."

In July 1992, Abbott Laboratories announced that it was dropping plans for human trial of a drug that could prevent HIV-infected mothers from transmitting the disease to their kids because of product liability concerns.

Harris Corp., a manufacturer of high-quality computer chips, developed semiconductor chips for heart implants, but delayed commercialization of the product pending negotiation of arrangements with its customer for sharing liability costs.

Harvard University will not license technologies for commercial development unless the licensee indemnifies the university against all product liability claims and the licensee maintains an insurance policy of $2 million per claim up to a total of $2 million per year.

This bill would help solve these problems. It surgically targets some of the most excessive, unfair obstacles created by our current liability system, obstacles that inhibit the competitiveness of American business and its ability to innovate and create new jobs.

But this bill does not take a baseball bat to the product liability system. Rather it balances business' need for greater predictability, particularly in the area of punitive damages, with the need for changes that help consumers. For consumers, our bill creates a nationwide statute of limitations that is more generous than is available in many States. It also contains provisions that are designed to encourage speedier settlements and use of alternative dispute resolution. And, to the extent that costs of products are lowered because of lower legal costs, consumers can expect to pay less for the products they buy.

These reforms make sense. They are fair. They are what America, its consumers, its businesses, and its workers, need.●

● Mr. DANFORTH. Mr. President, today I am joining Senators ROCKEFELLER, GORTON, LIEBERMAN, and DODD in introducing the Product Liability Fairness Act. This bill is similar to S. 640, which was considered last September by the Senate but was set aside because proponents fell two votes short of the 60 needed to invoke cloture. Product liability reform legislation clearly enjoys the support of a majority of the Senate.

The Senate Commerce Committee has compiled an extensive record indicating that the current system is inequitable, wasteful, and unacceptably slow. For example, a study by the Insurance Services Office found that individuals with serious injuries who litigate their claims recover less than 15 percent of their losses, while those with minor injuries recover a windfall of nearly nine times their losses. Further, a study by the General Accounting Office [GAO] revealed that, on average, cases take nearly 3 years to resolve, even longer if there is an appeal. Severely injured persons who desperately need prompt compensation deserve better. The status quo can and must be improved.

Since the 96th Congress, the Commerce Committee has sought to improve the status quo with a wide variety of measures to reform the product liability system. This legislation is the result of long-term efforts.

Title I addresses the problem of delayed compensation by establishing reasonable incentives for parties to resolve their disputes out of court. The title has two parts. First, the provision on expedited settlements provides that either party may make a settlement offer. If a party declines an offer and then does worse at trial, the party making that offer is required to pay the other party's reasonable legal fees and costs. In order to protect a claimant from receiving less than his economic losses under this provision, the penalty on a claimant is limited to the amount of collateral benefits the claimant may receive. The penalty on a defendant is limited to $50,000.

Second, title I promotes the use of existing alternative dispute resolution [ADR] programs. It provides that either party may offer to use ADR. If a defendant refuses to participate and then loses at trial, the defendant may be required to pay the claimant's reasonable legal fees and costs. The trial court judge would have discretion not to impose this penalty. There would be no comparable penalty on claimants.

These provisions are significant because they help to speed compensation to injured persons in a timely fashion. They demonstrate that the sponsors of this bill are attempting to meet the concerns expressed by opponents last year that the penalties to be imposed on claimants were excessive.

The inadequacies of the product liability system are not limited to the unfairness of the system to injured persons. It also imposes enormous costs on key businesses, which hinder their ability to compete in global markets. For example, product liability costs have nearly destroyed the U.S. light aircraft industry. The product liability insurance cost for such an aircraft manufactured in this country is $70,000 per airplane. The reason for this extraordinary cost is that the manufacturer can be held liable for injuries or deaths resulting from an accident more than 20 years after manufacture, even if pilot error was the cause. As a result of product liability costs, sales of these aircraft dropped from 17,000 in 1979 to 899 last year.

While the light aircraft industry struggles to survive, other useful products are simply withdrawn from the market. Merrill Dow's antinausea drug, Bendectin, is such a product. This drug, which was used during pregnancy, was removed from the market in 1983, 25 years after its introduction, because the cost of defending lawsuits exceeded revenues. This occurred despite the fact that Merrill never lost a lawsuit involving this product. Although the Food and Drug Administration has never withdrawn its approval of this drug, it is not available in this country, and there is no comparable product on the market.

The unpredictable patchwork of 50 State laws also deters the development of important new products because manufacturers cannot accurately assess their liability risks. An example of this problem is an AIDS vaccine developed by Dr. Jonas Salk. The Immune Response Corp. indicated last year that it is delaying clinical trials on the vaccine because of liability concerns. In addition, Abbott Laboratories decided not to conduct tests on its vaccine which prevents HIV-positive mothers from spreading the virus to their unborn children because of liability concerns. The Office of Technology Assessment last month published a study which concluded that liability concerns were a barrier to the development of an AIDS vaccine.

The bill addresses the problems caused by the current product liability system for business through the creation of uniform rules of law. For example, the bill addresses the procedures for awarding punitive damages. Such awards are intended to punish gross misconduct and serve as a deterrent. Yet, punitive damages are frequently sought by claimants. It is often difficult for defendants to assess what standards will be applied in assessing punitive damages. When punitive damages are awarded, according to GAO, a majority are overturned or reduced on appeal. The frequency with which these awards are overturned raises questions about their merit.

For a manufacturer, the potential of large punitive awards can lead to the decision not to market important new products, such as the AIDS vaccine. The bill requires that a claimant prove that his injury was caused by the defendant's conscious, flagrant indifference to the safety of those persons who might be harmed by clear and convincing evidence in order to receive punitive damages. Also, a defendant can request a separate proceeding on punitive damages, and only during this phase of the proceedings will evidence admissible to determine punitive liability be admitted. This provision, which is derived from studies and recommendations by the American Bar Association and the American College of Trial Lawyers, provides enhanced predictability for all parties. Twenty-two States have adopted the clear and convincing standard of proof, and another has enacted the even higher standard of proof beyond a reasonable doubt.

The bill also addresses the doctrine of joint and several liability. It is outrageous that an individual who is 1-percent responsible for a person's injuries can be held 100-percent responsible. The bill addresses this problem through the establishment of a uniform standard that is derived from an emerging trend in State law. It provides that a claimant may recover all of his economic damages, such as medical expenses or lost wages, from any defendant. But, a claimant may recover noneconomic damages, such as pain and suffering, from an individual defendant only in proportion to that defendant's fault. This is the California rule which voters in that State adopted in a 1986 referendum. Twenty-three States have adopted this rule. The bill does not affect the 11 other States that have abolished joint and several liability altogether.

The Product Liability Fairness Act is the result of all the previous bills, hearings, and extensive consultations with legal scholars. It is moderate legislation that does not prevent a claimant from recovering for his or her injuries. It solves the problems caused by the unpredictable patchwork of inconsistent State product liability laws by proposing a uniform statute. The bill calls for limited preemption of State law in key areas that will result in enhanced uniformity, while maintaining the States' basic prerogatives to create their own tort laws. The individual provisions of the bill are not extreme measures designed to favor one party over the other in litigation. Rather, they are derived from the mainstream of State tort laws and seek balanced and fair results.

The Senate Commerce Committee has held 21 hearings and 5 markups of product liability reform proposals. There is no need for more hearings or further study. Now is the time to act on this modest proposal. This legislation has been the victim of gridlock for over a decade. I challenge those who have blocked consideration of this issue to prove that gridlock is finished by allowing the Senate to vote promptly on this issue.●

● Mr. DODD. Mr. President, I am pleased to cosponsor the Product Liability Fairness Act of 1993 with my distinguished colleagues Senators ROCKEFELLER, LIEBERMAN, DANFORTH, and GORTON. This balanced bill will make the product liability system work better for consumers and businesses.

The problem is that the present system is broken, I think everyone would agree that the results you obtain in a product liability case depend largely on your ability to afford a good lawyer. That is true whether you are a consumer or a business.

For plaintiffs, the studies show a tragic pattern of uncompensated victims and delayed payments to those victims who obtain judgments. A recent study by the General Accounting Office, for example, found that it took 5 years to pay claims that involved the average dollar loss.

Furthermore, the studies show dramatically different compensation for similar injuries incurred in the very same way, with wealthier and better educated people faring far better than poor or middle-income people and less well-educated people. The studies also show that far too many dollars go to legal costs, dollars that should be going to the victims.

At the same time, the system does not work well for businesses. They are reluctant to introduce new products and are worried about unaffordable insurance costs. Unfortunately, some businesses have had to shut down because of the costs associated with product liability.

Clearly, this burden on our businesses hurts the Nation's economic competitiveness. Not surprisingly, many workers are extremely concerned about inequities in product liability cases. This point was made very clear during a visit that I made last summer to the firm of OEM Controls in my home State of Connecticut. It is the largest manufacturer of controls for electrohydraulic valves. In addition to meeting with management, I met with employees. They presented me with a petition urging me to improve the product liability system and we discussed the issue. It was supposed to be a 15-minute meeting but it went on for over an hour and a half.

Mr. President, these are concerned workers in my State who are worried about their jobs. They are worried about what will happen to their jobs if their company is subjected to costly lawsuits. They strongly believe, as do citizens across my State, that we have to create a greater sense of fairness. They are also very sensitive to what happens to innocent victims who are hurt by negligence or the malfunctioning of a product. They want those victims to recover damages, and they want to see victims made whole, but they want a system that works much more fairly.

Certainly, this bill will not solve all of the problems of the product liability system, but it will improve that system for everyone—for consumers, workers, and manufacturers. It is the kind of moderate reform that we need to reduce the abuses in the current system without eliminating solid protections for those who are victimized by defective or dangerous products.

By providing a more uniform system of product liability, this bill will reduce the excessive costs and uncertainty in the present system. This improvement is one of the reasons why the National Governors Association has testified in support of product liability reform. In 1991, the association said:

> The United States needs a single, predictable set of product liability rules. The adoption of a Federal uniform product liability code would eliminate unnecessary cost, delay, and confusion in resolving product liability cases.

The provisions in the bill that encourage fair settlements and the use of alternative dispute resolution will also help reduce the excessive costs in the current system. Currently, too much money goes to transaction costs, primarily lawyers fees, and not enough goes to victims. A 1993 survey of the Association of Manufacturing Technology found that every 100 claims filed against its members cost a total of $10.2 million. Out of that total, the victims received only $2.3 million with the rest of the money going to transaction costs, primarily legal fees. Clearly, we need to implement a better system in which the money goes to those who need it—injured people.

Most importantly, and I cannot emphasize this enough, the moderate reforms in this bill offer a balanced approach to the needs of both consumers and businesses. Consumers will benefit, for example, from a statute of limitations provision that preserves the harm and the cause. In many cases it is difficult to determine the cause of harm and, under the current system, some plaintiffs lose their ability to sue. With this legislation, people injured by products will have adequate time to bring a lawsuit.

Businesses will also benefit from this legislation. For example, in order to recover punitive damages, the plaintiff must prove, by clear and convincing evidence, that the harm was caused by defendant's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. This provision will allow defendants to have a clear understanding of when they may be subject to this quasi-criminal penalty. At the same time, it does not institute arbitrary caps or limits which would restrict the rights of plaintiffs.

Additionally, the legislation gives defendants an absolute defense if the plaintiff was under the influence of intoxicating alcohol or illegal drugs and the condition was more than 50 percent responsible for plaintiff's injuries. This provision, it seems to me, is nothing more than common sense.

Furthermore, product sellers will only be liable for their own negligence or failure to comply with an express warranty. The only exceptions to that rule are that the seller will be liable if the manufacturer cannot be brought into court or if the claimant would be unable to enforce a judgment against the manufacturer. This provision will eliminate the need for sellers to hire lawyers in a high percentage of the roughly 95 percent of the cases where they are presently not found to be at fault.

Although this is not the time to go through all of the reforms in the legislation, the provisions I have outlined demonstrate the balance that is struck between consumers and businesses. In the final analysis, the reforms in the bill should strengthen the product liability system for everyone.

Mr. President, this is an issue that I have spent a great deal of time on. During the 1970's, I opposed the product liability legislation that was before Congress because I thought that it hurt plaintiffs. In 1986, I joined with the distinguished senior Senator from Missouri and offered what I thought was a more balanced approach. We did not get very far with that effort. With this bill, we have yet another opportunity to fix the system.

Because of the enormous costs associated with the product liability system, both economic and social, we must address this issue with the seriousness that it deserves. Unfortunately, in the past, some have characterized the debate as a battle between the manufacturers and the insurance companies on the one side, and consumers and trial attorneys on the other. Some have viewed this legislation in antagonistic terms, with one side winning and one side losing—as if this were some kind of college basketball game.

But the problem is much more complex than that and the solution will be much more complex. As this bill moves forward, we will hear from many concerned citizens who can help us strengthen this legislation. Undoubtedly, we will need to make some technical changes. But this bill, with its balanced approach to reform, takes us a long way toward a fairer product liability system.•

By Mr. LAUTENBERG (for himself, Mr. PELL, Mr. METZENBAUM, and Mr. MURKOWSKI):

S.J. Res. 76. A joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum; to the Committee on the Judiciary.

HOLOCAUST MEMORIAL MUSEUM JOINT RESOLUTION

• Mr. LAUTENBERG. Mr. President, I rise today for the purpose of introducing a joint resolution to commemorate the dedication of the U.S. Holocaust Memorial Museum and to commemorate a moment in history when evil triumphed over mankind, when silence emboldened the wicked, when all the basic decencies of civilized life seemed to have been lost.

Sadly, nazism was not, as we would prefer to think, a random outbreak of maniacal lawlessness by a bunch of hooligans. Rather, it was the rigorously systematic, bureaucratically organized, and legally sanctioned murder of millions of innocent people. People whose only crime was their religion, nationality, or disability.

The laws of Nazi Germany set the stage for the Holocaust. But it was men and women who accomplished the evil that came after.

After each move, Hitler and his colleagues waited, assessing the reaction, wondering aloud if anyone cared. The world's silence was seen as acceptance.

Hearing no objection, the random violence was replaced by depersonalized, systematic brutality in camps like Auschwitz, Treblinka, Belzec, and Buchenwald—death camps whose sites still mar the countryside of Europe. Camps that transformed not only the physical but the moral landscape of the modern world. Camps that transformed all those who saw them.

Why is it so important to remember what some might think is best forgotten? We remember not only to grieve, though grieve we must, but to learn. We learned that silence helps only the killer and never the victims. So we speak out against antisemitism and against bigotry and hatred wherever it occurs.

We remember because it is a gift of grace, protecting people who may not know us and whom we may not know. Because those who remember will never permit any people to be forsaken as were the oppressed of Europe.

Congress, recognizing the importance of commemorating the Holocaust, established the U.S. Holocaust Memorial Council and mandated it to lead the Nation in civic commemorations of the victims of the Holocaust and to build, with privately used funds, the U.S. Holocaust Memorial Museum. Construction of the museum has been completed and the museum, located on the mall, will be dedicated during the national observance of the Holocaust from April 18 through April 25. As a member of the Holocaust Memorial Council, I am introducing this resolution, commemorating the dedication of this museum and committing to the ages this very dark period in history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 76

Whereas, in 1980, the Congress of the United States established the United States Holocaust Memorial Council (Public Law 96-388, dated October 7, 1980) by unanimous vote and mandated it with the creation of a permanent living memorial museum to the victims of the Holocaust;

Whereas, through the great generosity and unstinting efforts of thousands of individuals from all walks of life, the United States Holocaust Memorial Museum has now been built on Federal land with private contributions and will be officially dedicated on April 22, 1993;

Whereas, this institution will underscore the ideals of human rights and individual liberty this Nation was founded upon, as expressed by President George Washington in 1790, when he declared that the United States had created "a government which to bigotry gives no sanction, to persecution no assistance";

Whereas, four administrations and every Congress since 1980, and especially Members of Congress and individuals who have served on the Council and officials of the United States Departments of State, the Interior, and Education, have joined with the American public in bringing this institution to life; and

Whereas, this museum signifies national dedication to remembering the Holocaust, and will serve as the Nation's leading educational facility to teach current and future generations of Americans about this tragic period of human history and its implications for our lives and the choices we make as individuals and societies against crime based on hate and prejudice regarding race, religion, and sexual preference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the One Hundred Third Congress officially commemorates the opening and recognizes the historic importance of this unique institution as it takes its place among the other great memorials and museums in our Nation's Capital that honor the democratic precepts this Nation is based upon; and be it further

Resolved, That Congress encourages all citizens of the United States, and all who come to Washington, District of Columbia, to visit the Museum and avail themselves of the opportunities presented within its walls to learn about the past and to contemplate the moral responsibilities of citizenship; and be it further

Resolved, That, in remembrance of those who perished in the Holocaust; in tribute to the survivors who came to the United States to build a new life, and who, with their families, have contributed so much to the fabric of our diverse society; in recognition of heroic American soldiers who liberated prisoners of Nazi camps; in recognition of the anonymous bravery of rescuers from many lands who had the courage to care and placed their own lives in peril to help others in need; and in hope that Americans will learn from this museum the need to remain vigilant against bigotry and oppression; we welcome the United States Holocaust Memorial Museum to the center of our American heritage and state now, in recognition of the Museum's motto, that for the dead and the living and those yet to be born, we do bear witness.●

By Mr. HATCH:

S.J. Res. 77. Joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week"; to the Committee on the Judiciary.

INTERNATIONAL STUDENT AWARENESS WEEK

Mr. HATCH. Mr. President, I rise today to introduce legislation designating the week of April 18 to 24, 1993, as International Student Awareness Week. International students and international student exchange programs have become an integral part of education as the world becomes more of a global community.

As nations of the world emerge from the cold war to face new opportunities for democracy and economic growth, it is still important for young people to share their cultures, languages, and good will. As trade barriers come down, respect and understanding generated by students can play a powerful role in the development of strong future ties among governments and businesses.

In my home State of Utah, international student exchange programs are critical to education both at secondary and higher education schools. We have a very active affiliate of the International Education Forum in Utah.

The International Education Forum has a national office, 3 regional offices, and about 1,000 local community coordinators in America. Since it was founded in 1981, this organization has facilitated bringing over 100,000 international high school students to study in the United States. Likewise, their counterpart representatives abroad have hosted 4,000 American students over the years.

While this resolution does not intend to single out this or any other group for commendation, it does intend to highlight the many good things that can be achieved by international student exchanges.

These students and their exchange programs plant the seed of tolerance, provide fertile ground for future global leaders, and nurture understanding of local, national, and global communities. Where cultural, social, and political walls once stood are now bridges of friendship and compassion.

Peace comes through understanding, and international students are the grass roots ensigns of that understanding. In recognizing the crucial role they play in promoting global awareness and understanding, I urge my colleagues to support this resolution.

Mr. President, I ask unanimous consent to insert the text of this joint resolution in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Whereas international student exchange programs provide students with an enriched and improved quality of life through first-hand experience with different cultures;

Whereas international student exchange programs provide fertile training ground for future world leaders;

Whereas international student exchange programs make enormous strides toward world peace through understanding;

Whereas international student exchange programs enrich a student's understanding of the United States and its communities; and

Whereas the United States recognizes the need for an increased awareness of such valuable programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 18, 1993 through April 24, 1993, is designated as "International Student Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

By Mr. MURKOWSKI (for himself, Mr. PRYOR, and Mr. BUMPERS):

S.J. Res. 78. A joint resolution designating the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53 degrees 53'48"N, 166 degrees 34'21"W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as Arkansas Beach in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942; to the Committee on Energy and Natural Resources.

ARKANSAS BEACH JOINT RESOLUTION

Mr. MURKOWSKI. Mr. President, I rise today to introduce a joint resolution that would designate a beach on Hog Island, located in the Northeast bay of Unalaska, AK, to be named Arkansas Beach.

During World War II, the Aleutian Islands were the location of a largely forgotten campaign that was considered of great strategic importance to both United States and Japanese forces. Initially, the Aleutian Islands did not seem to have any strategic importance because of the bitterly cold climate and the barren, rocky land that made air bases of dubious value. However, both the United States and Japan were aware of the strategic advantages that occupation of the islands might have. Ultimately, the Aleutian Islands were to be considered of great strategic importance to both the United States and Japanese forces, as occupation of either side would threaten the mother country of the other.

In 1941, the 206th Artillery Regiment of the Arkansas National Guard was dispatched to the Aleutian Islands. It was these valiant young men of the 206th Regiment, many of whom had never ventured far from their homes in Arkansas, who were present at Dutch Harbor when the Japanese attacked on June 3 and 4, 1942.

Although the attack on Dutch Harbor was part of a little-known chapter of World War II, it was indeed gruesome: 35 people died and another 28 were wounded in the two separate raids on June 3 and 4, 1942. During the time of the Japanese invasion, three brave soldiers of the Arkansas unit lost their lives. It is only appropriate that we commemorate these valiant young men who served their country well and are worthy of our honor.

This forgotten invasion of Dutch Harbor and the Aleutians has been recorded in history as just another incident in World War II, but it was part of the major early battle in the Pacific, that influenced the course of much of the war. The battle was the prelude to the Japanese attack on Midway—the Battle of Midway and America's success in destroying four of Japan's aircraft carriers helped to blunt the Japanese advance giving America time to rebuild its forces that had been severely damaged by the attack on Pearl Harbor just 7 months earlier.

Mr. President, the city council of the city of Unalaska, the Alaska State Legislature, and the Arkansas State Legislature, fully support the designation of the beach on Hog Island to be named Arkansas Beach. Along with my colleagues from Arkansas, I would encourage this body to join in recognition of this worthy commemoration and support this resolution.

Mr. BUMPERS. Mr. President, I am pleased to be a cosponsor of Senator MURKOWSKI's joint resolution to designate a beach on Hog Island, Unalaska, AK, as Arkansas Beach.

In 1942, the Aleutian Islands were the site of an important but largely forgotten military campaign that played an important role in influencing the outcome of the Second World War. When the Japanese attacked Dutch Harbor in the Aleutian Islands, members of the 206th Coast Artillery of the Arkansas National Guard, who were stationed on Hog Island, helped defend the island and the strategic harbor. The attack forced the Japanese to divert their forces from a planned rendezvous at Midway Island, a diversion that contributed to the American victory at the Battle of Midway and gave the Japanese their first major defeat in the war.

For many of these young men from Arkansas it was their first time away from home. They endured much hardship but fought with great bravery and distinction. Several lives were lost including three from the Arkansas regiment. It is ironic that these Arkansans found themselves on Hog Island. The legend of the Arkansas razorback hog is well known in Arkansas. The hog is a symbol of courage, determination, fortitude, and discipline. The members of the Arkansas National Guard personified and embodied all these qualities while stationed on Hog Island.

Mr. President, the city of Unalaska, the State of Alaska, and the Arkansas State Legislature have all passed resolutions to rename a beach on Hog Island to Arkansas Beach. I believe this is a fitting tribute to these gallant soldiers and I hope my colleagues will join me in cosponsoring this important resolution.

Mr. PRYOR. Mr. President, I come to the floor today as an original cosponsor of the joint resolution designating the beach known as Hog Island located in the State of Alaska as Arkansas Beach. This resolution is sponsored by one of my colleagues from Alaska, Senator MURKOWSKI.

During World War II, an Arkansas National Guard Regiment, the 206th Coast Artillery, served diligently on Hog Island. During Japanese air attacks of Dutch Harbor in June of 1942, three men from this regiment were killed as they bravely defended this territory.

The State of Alaska has passed Senate Concurrent Resolution 37 which names this beach Arkansas Beach. I am proud to join my friend Senator MURKOWSKI in supporting this resolution and I am hopeful that it will pass the Senate very soon.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. MCCONNELL, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 70

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 221

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 221, a bill to allow a prisoner under sentence of death to obtain judicial review of newly discovered evidence showing that he is probably innocent.

S. 342

At the request of Mr. BOREN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 414

At the request of Mr. METZENBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 414, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 419

At the request of Mr. DANFORTH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 419, a bill to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes.

S. 487

At the request of Mr. DANFORTH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 669

At the request of Mrs. KASSEBAUM, the names of the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the Senator from South Carolina [Mr. THURMOND], the Senator from New Hampshire [Mr. GREGG], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 669, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. SASSER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 66

At the request of Mr. THURMOND, the names of the Senator from Nebraska [Mr. EXON], the Senator from Hawaii [Mr. AKAKA], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE CONCURRENT RESOLUTION 15

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress regarding the emphasis that the Defense Base Closure and Realignment Commission should place on the economic impact of the closure of military installations for closure during the 1993 base closure.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE RESOLUTION 11

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia-Hercegovina's right to self-defense.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am flight 103.

AMENDMENT NO. 285

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of amendment No. 285 proposed to H.R. 1335, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

SENATE RESOLUTION 85—RELATIVE TO PRINT A SENATE REPORT

Mr. FORD for Mr. PRYOR (for himself and Mr. LAUTENBERG) submitting the following resolution; which was considered and agreed to:

S. RES. 85

Resolved, That there shall be printed for the use of the Special Committee on Aging, in addition to the usual number of copies, the maximum number of copies of volumes 1 and 2 of the annual report of the committee to the Senate, entitled "Developments in Aging: 1992", which additional copies may be printed at a cost not to exceed $1,200.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

GRAMM AMENDMENT NO. 286

Mr. GRAMM proposed an amendment to amendment No. 283 proposed by Mr. BYRD to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, as follows:

In amendment No. 283, strike all after "inserting" on page 20, line 14 through "$2,536,000,000," on page 26, line 7 and insert in lieu thereof the following: ""$18,251,309,430": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

Provided, none of the funds provided under this Act for community development grants or the highway trust fund may be used to assist activities related to gymnasiums, parks graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreation centers, sports facilities, boat houses, soccer fields, ice skating, playgrounds, jogging paths or hiking trails.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000 to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: *Provided*, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": *Provided*, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: *Provided further*, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount of "Discretionary grants", $270,000,000, to remain available until September 30, 1993: *Provided*, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $43,600,000 to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: *Provided*, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: *Provided further*, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: *Provided further*, That the total amount approved for any one applicant may not exceed $10,000,000: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: *Provided further*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,392,119,355.

KOHL (AND SHELBY) AMENDMENT NO. 287

Mr. KOHL (for himself and Mr. SHELBY) proposed an amendment to amendment No. 283 proposed by Mr. BYRD to bill, H.R. 1335, supra, as follows:

On page 28, strike lines 23 through 26 and insert the following:

SEC. 202. All funds provided for under this Act are hereby designated to be emergency requirements for the purposes of adjusting the spending limits for fiscal year 1993 under the Balanced Budget and Emergency Deficit Control Act of 1985. The adjustments required by the preceding sentence shall apply only to fiscal year 1993 and the spending limits for fiscal year 1994 or fiscal years thereafter shall not include such adjustments.

GRAHAM (AND MACK) AMENDMENT NO. 288

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to amendment No. 283 proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . HIGHWAY APPORTIONMENT FLEXIBILITY.

(a) IN GENERAL.—During fiscal year 1993, subject to subsections (b) and (c), and notwithstanding any other provision of law, a State may transfer among and within the following program funds apportioned to the State for fiscal year 1993 to carry out the following programs:

(1) The congestion mitigation and air quality improvement program established under section 149 of title 23, United States Code.

(2) The highway bridge replacement and rehabilitation program established under section 144 of such title.

(3) The Interstate maintenance program established under section 119 of such title.

(4) The Interstate substitute program established under section 103(e)(4) of such title.

(5) The National Highway System as described in section 103(b)(2) of such title.

(6) The surface transportation program established under section 133 of such title.

(b) LIMITATION.—An amount transferred from a program by a State under subsection (a) shall not exceed the apportionment of the State for the program for fiscal year 1993.

(c) EFFECT ON FISCAL YEAR 1994 APPORTIONMENT.—If a State transfers funds from a program under subsection (a)—

(1) the amount of funds shall be credited back to the donor program for fiscal year 1994; and

(2) the program to which the funds are transferred in fiscal year 1993 shall have the amount deducted from the amount apportioned to such program for fiscal year 1994.

GRAHAM (AND BOND) AMENDMENT NO. 289

Mr. GRAHAM (for himself and Mr. BOND) proposed an amendment to amendment No. 283 proposed by Mr. BRYD to the bill, H.R. 1335, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . MINIMUM HIGHWAY ALLOCATION.

Section 157(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking "(4) THEREAFTER.—In fiscal year 1992 and each fiscal year thereafter" and inserting "(4) FISCAL YEARS 1992 AND 1993.—In fiscal years 1992 and 1993"; and

(2) by adding at the end the following new paragraph:

"(5) AFTER FISCAL YEAR 1993.—

"(A) GENERAL RULE.—Subject to subparagraph (B), in fiscal year 1994 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, the surface transportation program, the bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

"(B) MINIMUM ALLOCATION.—The minimum allocation of a State under this paragraph shall not be reduced as a result of an allocation of funds to the State in the prior fiscal year for Interstate Construction, Interstate maintenance, Interstate highway substitute, National Highway System, the surface transportation program, the bridge program, scenic byways, and grants for safety belts and motorcycle helmets.".

DANFORTH AMENDMENT NO. 290

Mr. DANFORTH proposed an amendment to amendment No. 290 proposed by Mr. BRYD to the bill, H.R. 1335, supra, as follows:

Strike everything on line 1 through 7 of page 21.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 31, 1993, at 9:30 a.m., in open session, to receive testimony on the military policy concerning the service of gay men and lesbians in the Armed Forces: The role of unit cohesion in developing combat effectiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, March 31, 1993, at 10 a.m., conduct a hearing on the nomination of Eugene Ludwig to be Comptroller of the Currency; and to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 31, beginning at 9:30 a.m., to conduct a hearing on Federal/State relations in implementing our Nation's environmental laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, at 10 a.m., to hold a nomination hearing on Winston Lord, to be Assistant Secretary for East Asian and Pacific Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, March 31, at 9:30 a.m., for a hearing on the nomination of James Lee Witt, to be Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive legislative presentations from AMVETS, the Veterans of World War I, the Vietnam Veterans of America, and other veterans' organizations. The hearing will be held on March 31, 1993, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on oversight of cost and other factors affecting veterans' choice of health care at 1:30 p.m. on Wednesday, March 31, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 31, 1993, at 4:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, March 31, 1993, at 2 p.m., to hold a hearing on S. 540, the Bankruptcy Amendments Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THINGS WE OUGHT TO BE DOING IN RUSSIA

• Mr. SIMON. Mr. President, one of our most thoughtful colleagues, who takes a long-term look at the needs in our society and our world, is Senator BILL BRADLEY.

He recently had an article in the New York Times, commenting on the things that we ought to be doing in Russia. It is the best article like that I have seen from anyone. It is practical and yet it understands that you have to give people dreams.

One of the most telling statements in the whole article of the comment that someone in Russia made to him: "In the 1930's, when the Soviet Union was building Stalinist communism, thousands of Americans came to Russia to help. Now, when we're trying to build a market-oriented democracy, few Americans offer to help. Why?"

That is a question we ought to ask ourselves.

We have to respond. And the Bradley article points out practical ways of doing it.

Our colleague has made a solid contribution.

I ask to insert the Bill Bradley article into the RECORD at this point.

The article follows:

[From the New York Times, Mar. 24, 1993]

THE RIGHT STUFF FOR RUSSIA

(By Bill Bradley)

WASHINGTON.—The need to clarify U.S. policy toward Russia has been heightened by the political crisis in Moscow. Our long-term interests there can be promoted by practical aid and people-to-people programs.

Boris Yeltsin's solution to the impasse between a popularly elected President and a Parliament that, under the Constitution, is the supreme organ of the state shows he believes the answer to the problems of emerging democracy is more democracy. He has cast his fate on the seas of his own waning but still significant popularity.

In an atmosphere in which individuals regularly switch opinions and sides, the U.S. should not try to intervene in Russia's day-to-day politic concerns such as: Should the Parliament impeach Mr. Yeltsin in light of the Constitutional Court's ruling yesterday that his announcement of emergency powers violated the Constitution? Should concessions be made for the support of Vice President Aleksandr Ruskoi? Russians, not Americans, will decide these problems. But Washington ought to keep open the lines of communication to all sides.

Beyond the political drama are the large issues that Russian society is debating: whether it should seek integration with the West or exist apart from the West. Whether it will focus inward on its gargantuan economic, environmental and ethnic problems or look imperially toward the former republics of the Soviet Union and beyond.

Whether free enterprise and private property will be actively promoted or barely tolerated. Whether more power should be dispersed to the oblasts and autonomous republics of the Russian Federation or exercised exclusively from Moscow.

Whether Russia should adopt a model of economic development that is economically and politically liberal or one in which, like China, it would seek Western capital, technology and markets but deny individual freedom while preserving collectivist controls.

Russia opts for the Chinese model, America and Europe could end up espousing open trade, free markets and democracy but be unable, in the 21st century, to advance our values and compete freely in a vast area from Kaliningrad to Shanghai that plays by different rules and starts from different cultural principles.

I hope President Clinton thinks about the long term. Since August 1991, America has moved at a dangerously slow pace, giving Russians who want to regard reform an opportunity to blame us for our empty promises.

To play a more constructive role, we need to see America's relationship with Russia beyond tomorrow's headlines and with emphasis on improving the lives of American and Russian citizens.

With the defeat of Communism, there is no ideological conflict between our nations. We should make it absolutely clear that we support both Russia and our own values. This means respecting the human rights of the 25 million Russians who live as minorities in the former Soviet republics, avoiding encouragement to the movements of self-determination in the 20 autonomous republics of the Russian Federation such as Checheno-Ingush and Tatarstan, and giving Russian history and culture the respect they deserve.

Such actions will make clear to all Russians that we are not anti-Russian. It was the expansionist Communist system, not Russian culture, that we opposed.

America's values and interests are served by helping Russia become a democracy with a market-oriented economy that raises its living standards, with a smaller defense establishment, with a firm commitment to guarantee individual human rights and with the acceptance of free-flowing capital, trade and ideas.

In other words, our objective should be to normalize relations with Russia and the other former Soviet republics and to bring them into the international system as full members.

Russia's main worry lies to the east, where an emerging Chinese colossus with a booming economy and a modernizing military maintains its territorial claims on Russia, and to the south, where the people of Islam, full of religious fervor and rapid birth rates, yearn for greatness. A strong U.S.-Russian relationship can reassure Russia and hedge against changes that would injure U.S. interests in Europe and Asia.

The Clinton Administration should adopt a tangible and nonbureaucratic program that has a permanent effect and not only helps Russia but also Ukraine, the Baltics, Kazakhstan and the other former republics on the road to reform.

With U.S. leadership, the West should reduce the burden of foreign debt on the economy accumulated during the Communist years by rescheduling it and promoting debt-equity swaps, replace the 17 Chernobyl-type reactors that are time bombs threatening Europe and the world with radioactive emissions, and send far more humanitarian aid (medicine, food, infant formula, syringes) for suffering pensioners and children.

In addition, the World Bank should provide insurance coverage (similar to that offered by the Overseas Private Investment Corporation) to private investors in the farming and energy sectors. We need to push multilateral financing for trade in oil and gas equipment, and provide additional assistance to nuclear scientists and scientific institutes to convert from military to civilian pursuits.

We should help Russian refugees from the former Soviet republics get resettled and started in private farming by giving the green light to lending by the World Bank, and should combine help for a social safety net with radical monetary reform that could stabilize the ruble, provided that Russia caps its money supply and controls inflation.

In addition to its support for international financial institutions, this program would cost the U.S. $3 billion to $5 billion a year: between 1 and 2 percent of our defense budget.

The most important long-term consideration is to maximize the personal ties of Russians, Ukrainians, Balts, Kazakhs and others with Americans. A Russian friend in Moscow said: "In the 1930's, when the Soviet Union was building Stalinist Communism, thousands of Americans came to Russia to help. Now, when we're trying to build a market-oriented democracy, few Americans offer to help. Why?" I did not have a good answer.

We should begin a large-scale exchange program bringing tens of thousands of Russians here annually. Last year, there were nearly 50,000 Chinese in our colleges, as there has been for a decade, and 127,000 students from Taiwan, Japan, India and Singapore. There were only 1,200 Russians.

Nothing short of a large-scale sharing of ideas, people and training will accomplish our goals of economic prosperity and political security for Russia, its neighbors and ourselves.

I hope that President Clinton encourages Americans to reach out generously toward the peoples of Russia, Ukraine and the other republics. There should be 30,000 Russian high school students living with American families for a year, 10,000 Russians in small business in towns across America, 10,000 college students at our universities and thousands of former military officers learning modern banking, finance and accounting in the West.

We can help young people learn what life in a market-oriented democracy with a heart is all about. They will see America's openness, generosity and pride at work. Their experience would bring our peoples together in countless ways, creating bonds that would last a lifetime. As the Russians get ready to decide their future in the streets or, preferably, at the ballot box, we should step forward on many fronts with solid help for their country.•

S. 473, THE DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

• Mr. GORTON. Mr. President, last week the Energy and Natural Resources Committee held a series of hearings on S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993. This legislation has been developed largely by Senators JOHNSTON and DOMENICI, and is designed to enhance U.S. competitiveness by facilitating partnerships between industry and the Department of Energy's national laboratories. I am pleased to be an original cosponsor of the bill.

The Department of Energy's national laboratories have a wealth of scientific and technical capabilities and resources. Sometimes referred to as the crown jewels of American science, the 30 laboratories house some 23,000 of the Nation's finest scientists, engineers, and technicians. For many decades the labs have carried out missions of vital importance to the Federal Government, but radical reductions in U.S. defense requirements now dictate that a portion of this resource be redirected. As a result, we have the opportunity to join the brainpower of the DOE labs with the creativity of U.S. industry to achieve the common goals of enhancing U.S. competitiveness.

The Pacific Northwest Laboratory is one of the Department of Energy's national laboratories, and has resources in Richland, Sequim, and Seattle, WA. Approximately 4,000 PNL employees are conducting research and development on a variety of technologies critical to this country, including environmental remediation, energy efficiency, and advanced processing technologies that have application to transportation and information systems.

Washington State is fortunate to have a national laboratory, as well as several high-technology industries that are critical to the competitiveness of the country, two first-rate research institutions, and an education system that is being reformed in order to be responsive to the marketplace of the 21st century. Add the presence of the Boeing Co. and we have a combination of capabilities that can not only help the State create jobs, but help the United States compete in the international arena. S. 473 is a catalyst that will speed this process.

Last week's hearings featured testimony from Secretary of Energy O'Leary, directors of various national labs, and representatives of private industry. Witnesses discussed ways to improve the bill by speeding the partnership process, focusing the expertise of the labs, and making the labs more accountable for the success of partnerships. It is my understanding that Chairman JOHNSTON hopes to mark up the bill early in May.

Mr. President, much has been written about how S. 473 is in direct competition with the Commerce Committee's competitiveness bill, S. 4. As both a member of the Commerce Committee and a Representative of a State that hosts a national laboratory, it seems to me that this conflict has been greatly exaggerated. I am confident that the Commerce and Energy Committees can work together to produce compatible measures, and that the national laboratories will play a prominent role in whatever technology initiative is approved by this Congress. These labs represent a well of talent, expertise, and technology that is too valuable not to be tapped.

I applaud the leadership of Senator DOMENICI and Senators JOHNSTON and BINGAMAN in developing this legislation, and look forward to working with them to win passage of the bill.•

CRANBROOK-KINGSWOOD HIKERS

• Mr. LEVIN. Mr. President, those of us who live or work on the east coast of the United States all have our own tales to tell of the great blizzard, perhaps the storm of the century, that started on March 12, 1993. But there is a very special story, one that captured the attention of the Nation, about 117 hikers from the Cranbrook-Kingswood Upper School in Bloomfield Hills, MI.

With great anticipation and enthusiasm, 117 sophomores, student coleaders, and faculty had embarked a week earlier on a 10-day wilderness survival experience in the Great Smoky Mountains. Such trips had been going out from the school since 1970, and for the sophomores it was a challenge that they prepared themselves for and looked forward to all year.

Students in the past had talked about the adventure of being alone in the woods and the camaraderie of working and cooperating with each other in small groups; they talked about the survival skills they learned and the pride they felt in knowing what they could endure; and, they talked about the beauty of nature and the fun they were having.

But this was destined to be different from any previous trip, and these 117 people, plus hundreds more, were suddenly bonded together by a force that was awesome in its fury—a record-breaking blizzard. Now it was not just 117 hikers learning how to survive in a beautiful national park—it was worried parents and faculty back home, park rangers looking for stranded campers, helicopter pilots traversing hundreds and hundreds of square miles, emergency centers trying to coordinate a vast search, and media reporting to the country every time another group was found or another sighting was made.

It was a terrible 5 days, especially for the loved ones back home and the students who made it out of the park early—for they had to wait nervously for the rest to come out while they watched pictures on television of blinding snowstorms and listened to the mounting number of casualties.

Mr. President, this story has a happy ending. One hundred seventeen people started this trip and 117 survived, even though 2, 1 student and 1 faculty member, sustained injuries that are still being monitored. But we must remind ourselves that hundreds of people did not survive this storm. I am sure this point is not lost on the students especially, and no matter what they felt while out there in the wild—whether it was a sense of exaltation, or adventure, or confidence, or fear, or despair, or hope—I know they must all be thankful for the inner strength and courage that sustained them and their families. Some of the students have shared their thoughts with us, some have become introspective, but you can bet that when they are grandparents, they will tell their grandchildren about the great blizzard of 1993 that they conquered, or perhaps survived.

I have already, on behalf of grateful Michigan residents, thanked the Governors of Tennessee and North Carolina. To them and to the Smoky Mountain National Park rangers, the Forest Service personnel, the wonderful helicopter pilots who put their lives on the line, and to all the workers at the emergency operations centers, we say thanks for a truly heroic effort.

By the way, I told the Governors to send their kids to Michigan's wonderful wilderness areas sometime—and to rest assured that if they ran into the unexpected, Michigan would be there for them as they were for us.•

TRIBUTE TO A REVITALIZED CHATTANOOGA

• Mr. MATHEWS. Mr. President, I read recently with great interest, as well as a great sense of pride, an article in the Nashville Scene newspaper titled "Rethinking Chattanooga, the Renaissance of a Rust City," by Clark Parsons.

The Chattanooga of the 1990's is quite a different place from the city of some 20 years ago, with many of the positive changes which have transformed the city having taken place in only the past 5 years. Today, among its successes Chattanooga boasts the world's largest freshwater aquarium, which has seen more than 1 million visitors in less than a year, a restored Warehouse Row, and RiverPark.

Mr. President, innovative organizations and programs such as Chattanooga Venture, the RiverCity Co., and Chattanooga Neighborhood Enterprise have fostered unique private/public sector partnerships which have served to revitalize the city.

These groups, along with others, have not only played a pivotal role in expanding the local economy, but have also ,worked to promote the boundless natural resources which surround Chattanooga, and instill an appreciation for the city's rich history.

Today, the city of Chattanooga stands as a shining example and testament to what can be accomplished when leadership cares—when a city and the community it serves work together with a vision towards improving the quality of life for all.

The city of Chattanooga and its citizens are to be commended for their efforts and can be proud of their many accomplishments.

Mr. President, I ask that the article to which I have referred in my statement be included in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETHINKING CHATTANOOGA, THE RENAISSANCE OF A RUST CITY

(By Clark Parsons)

For years now, driving through Chattanooga has meant just that—driving *through* Chattanooga. Tennessee's fourth largest city, midway between Atlanta and Nashville, or Birmingham and Knoxville, has been, for many, merely a means of marking a road trip's progress. A spot on the map. A place to endure See-Rock-City signs, or, as the car hurtles along, a place to chuckle and start singing, "Pardon me, boy, is that the Chattanooga Choo-Choo?"

But lately, if a driver passing through Chattanooga on I-24 happened to heed the welcome signs, took the turn onto Highway 27, and quickly exited at Martin Luther King Boulevard, numerous marvels would greet him downtown:

There's Miller Park, a block-sized open space with benches, a vast fountain, and a garden atmosphere.

Just north of Miller Park is Miller Plaza, a small office complex where locals gather for weekday lunches, and where bands play Friday night concerts during warm months.

Across the street from the park, to the east, sits the new Solomon Federal Building, a dynamic white, postmodern structure.

A couple of blocks to the south is Warehouse Row, a beautifully renovated former warehouse complex converted into an upscale shopping development featuring factory outlets for the likes of J. Crew, Ralph Lauren, Gitano and Perry Ellis.

A few hundred yards further south is the restored Chattanooga Choo-Choo train station, now a Holiday Inn and museum attraction.

Two blocks east on MLK Blvd. is Bessie Smith Hall, a complex with a performance space, restaurant/cabaret area, practice rooms for students, a gift shop, the Chattanooga African-American Museum, and a permanent exhibit honoring Bessie Smith, the legendary, Chattanooga-born blues singer.

Turning north onto Broad Street, the traveler passes rows of stately trees now adorning the center of the wide street, where locals stroll beneath stately lamps that light the new all-brick sidewalks.

On the left is the historic Tivoli Theater, saved from a wrecking ball and now a restored wonder of 1920s baroque architecture.

Watch out for the electric buses—11 of the noiseless, battery-operated vehicles are now in use as part of a prototype program.

Ahead in the distance loom the glass spires atop the Tennessee Aquarium, the world's largest freshwater aquarium facility. The exhibit, situated on the banks of the Tennessee River, opened in May of 1992 and has already attracted more than 1.3 million visitors.

Park the car and wander through the Tennessee RiverPark, an environmental exhibit demonstrating the area's history with fossil castings, irregular concrete pathways, brick patterns and other curiosities.

Ahead and to the left along the river is Ross' Landing, a new riverfront park.

Ahead, stretching in both directions along the waterfront, runs a completed phase of the Riverwalk. Upon completion, the 20-mile boardwalk and greenway will allow walkers and joggers to enjoy almost the entire length of the city's riverfront.

The construction noise on the waterfront to the right is coming from the Riverfront apartment complex, a stylish public/private venture aimed at boosting downtown residential development.

Just upriver to the east, that gleaming fresh, light-blue paint job belongs to the Walnut Street Bridge, a 100-plus year-old span across the Tennessee River. It's been restored and will reopen May 1, not as an auto bridge, but as a pedestrian pathway for enjoying the river. Its new wooden planks will support walkers, joggers, bikers and rollerbladers only, although the electric buses will use it too.

Chattanooga has undergone astounding changes, and most of them have occurred in the last five years. "It's been amazing how quickly a lot has changed," says Lois I. Osborne, a state park manager who moved to the Chattanooga area in 1986. Osborne is one of the many who say that the city, which depressed them when they arrived, has surprised them with its turnaround.

There's an almost palpable optimism in the air. "We had this feeling that we couldn't do it here," says Councilwoman Mai Bell Hurley. "Now, we have a reverse feeling. We think we can do everything here."

How did a city of approximately 150,000 people, with a total metropolitan headcount of 433,000, recreate itself so quickly and completely? Isn't this the same Chattanooga that *lost* population in the 1980s? Isn't this the town that was rated in the early 1970s as having the most polluted air of any U.S. city, even worse than Los Angeles?

Ten years ago, the only study Chattanooga needed was an autopsy. Now, flocks of city leaders—from 25 different cities at last count—have trekked from places like Knoxville and Saskatoon, Saskatchewan, to learn from Chattanooga's renaissance.

Visitors have examined the city's unique process of "visioning," a sort of city-wide brainstorm session that generates goals. They've admired the way those ideas are given shape by an urban design center sponsored by university, city, and philanthropic interests. They've learned how a public/private joint venture development company can fulfill the people's visions by rushing in where both governments and capitalists fear to tread. Outsiders have turned green with envy at the tales of a city's aristocracy and business leaders opening their own wallets to ensure meaningful change. They've discovered a city that is successfully wrestling with its racial and environmental demons and, at the same time, bluntly discussing its failings. They've met a city that knows what it wants to be.

The effort to resurrect Chattanooga crystallized because the city was facing extinction. By all accounts, the 1980s were extremely unkind to the city's economy.

The city had long positioned itself as a manufacturing center, rivaling Birmingham in the South; but, when the recession of the early 1980s began hitting local textile, steel and chemical industries, massive layoffs began a downward spiral.

"This is a city that at one time had just under 40 percent of its workforce in manufacturing," says James G. Vaughan Jr., president of the area Chamber of Commerce. "Now it's just under 25 percent."

The malaise wasn't limited to the eroding job base, however. Thanks primarily to air and water pollution from the heavy industries, the city was an environmental basket case. "You literally walk out the door, take three breaths and be high," one longtime resident says, recalling the fumes that plagued Chattanooga in the early '70s.

Also, like many other American cities at the time, Chattanooga saw its downtown-degenerating. "When I came to work here right after college, I almost came close to quitting," says a resident who asked not to be identified. "It was such a depressing place. There were few people downtown, and a bunch of dirty movie houses and low rent bars. It was bleak."

The Chamber's Vaughan disagrees that downtown was lost. "Our main drag was never boarded up," he says, but he agrees that aside from construction of a massive TVA office building downtown, the area's wheels were spinning.

Some have pointed to the city's geography as a symbol for its socioeconomic structure and a cause of the crisis. While the urban zones grew grim and polluted, many of the city's elites enjoyed the rarefied air of residential life atop Lookout Mountain, the primary residence for the city's well-to-do. Others have defended those who dwell on the mountain from charges of avoiding the city's dying core, pointing out that they descended every day to work in the same polluted valley.

Still, common phrases like, "those folks up on top of the mountain," make it clear the divisions were pronounced, not only between the rich and poor, but also between whites and blacks, who make up one third of Chattanooga's populace.

All of the negative factors added up to a pervasive assumption that locals could do nothing to help Chattanooga. With Nashville and Atlanta thriving on either side, the city felt all the more stagnant. "People were starting to say, 'I wonder if Chattanooga can do anything.'" says the Chamber's Vaughan.

In hindsight it's hard to name the one specific thing that saved Chattanooga. Many insiders point to a 1984 trip organized by the Chamber of Commerce as the first positive step. Approximately 50 local leaders went to Indianapolis, Ind., which had successfully transformed itself from a rust belt casualty to a renewed metropolis. After the trip, the Chattanoogans met regularly for months and discussed what other cities had done.

Out of the lessons learned, Chattanooga Venture, a non-profit organization, was created. Its first project was Vision 2000, an ongoing public forum that, in an effort to boost morale, invited all citizens to come forward and suggest improvements for the city.

Over a period of several months in 1984, more than 1,700 citizens participated in the visioning process. Ideas, suggested in nighttime brainstorm sessions at local high schools, were reviewed in later meetings. Eventually, this raw material was crafted into a set of 40 ambitious goals.

The first goal was to create a positive image for the city and Hamilton County. Two other primary goals were to carve a role as a river city and to shore up downtown so that it could serve as the city's signature.

In many ways, the goals read like a wish list, filled with dreams of a vital and livable downtown, a riverfront development plan, alleviation of substandard housing, pollution reduction, prevention of teen pregnancy, a spouse abuse shelter, a human relations commission, male youth offender treatment facilities, business and industrial zones for new development, renovation of the Tivoli Theater, more parks, support of local artists, and even a new, more representative form of city government. With the list polished, Venture contacted local organizations that might have a stake in achieving some specific goal. They created committees and volunteer networks for particular projects. Some goals, however, were merely goals the citizenry wanted, with little mechanism available to turn them into reality.

"There was a lot of skepticism," says Eleanor Cooper, executive director of Chattanooga Venture. "The myth was definitely floating around that the power structure controlled things. It probably was more of a power vacuum, and no one was making those decisions."

Some observers salute Venture's role as a catalyst for discussion and thought; but they also state bluntly that it's not the only reason Chattanooga has changed.

"At last, the leadership of this community has come to realize that it can't simply exist on Lookout Mountain at the upper reaches of society and be truly fulfilled, happy and successful unless the whole city is," says one longtime resident.

Today, much of the credit for Chattanooga's renewal goes to one of the city's most influential people, Jack Lupton, whose family's Coca-Cola bottling fortune is rumored to be beyond human comprehension. During the 1980s, The Lyndhurst Foundation, which is endowed by Lupton's family, began an activist effort to fund innovative and progressive projects.

Developer Leonard Kinsey says that while Chattanooga Venture and other local efforts were influential, it was Lupton who led the charge. "Anybody that has any clue about what's happened knows the main reason is Jack Lupton," Kinsey says. "He said, 'Let's do something about Chattanooga.' "

Ruth Holmberg, chairman of the Chattanooga Times, jokes that Lupton, who, she says, persuaded skittish downtown merchants to go along with changing the name of 10th Street to MLK Boulevard, is their "500-pound gorilla." She says the city is blessed with an inordinate number of philanthropies that have aided Chattanooga, but the Lyndhurst Foundation goes to the top of the list. "Their influence in the city is unparalleled and can't be minimized."

Lupton provided a generous start-up grant to Chattanooga Venture. In the mid-'80s, while Venture was building consensus on the city's vision of itself, the jointly appointed Moccassin Bend Task Force had begun addressing another component of Chattanooga's identity: its natural endowments. Moccassin Bend is the largely undeveloped tear-shaped, 600-acre archipelago formed by the Tennessee River just after it passes downtown Chattanooga. The land, owned by the city, county and state, is a natural and archeological treasure.

One of the task force's actions was to hire Carl Lynch, Boston urban designer; the resulting energy was an ambitious riverfront master plan. The task force also emerged with a series of charges. First, public access to the river should be encouraged at every opportunity. Secondly, anything built along the river should be of the highest quality. And finally, an organization would have to be established to make sure the plans were implemented.

"If somebody didn't get up every Monday morning and think about it, then probably in five years we'd be dusting the study back off," says Bill Sudderth, president of The RiverCity Company, the unique, not-for-profit development company created out of the Moccasin Bend recommendations.

The RiverCity Company's board of directors is a mixture of business, civic, and elected officials, and its purpose is to turn the study's words and pictures into actions.

"Implementing studies is a lot harder than doing them, and Chattanooga, for a long time, became known as a city that was probably overstudied," says Sudderth. "Once the community has decided on a particular project, we hopefully have the expertise to get a project off the drawing board, off the ground, and open."

The years of hard work and organizing have paid off. Chattanooga is now equipped with an innovative goal-planning system that has actually shown results. However, the biggest test of the city's newfound resolve came with the construction of the Tennessee Aquarium. The idea of a freshwater aquarium had been kicked around for years, especially after a similar operation successfully opened in Baltimore in 1981. The idea was revived by students at the Urban Design Center, itself an adjunct to the RiverCity Company and the city Planning Commission. More than $7 million in seed money for a large civic attraction had already been appropriated by Governors Alexander an McWherter.

Sudderth says RiverCity commissioned architects to draw up plans and bought approximately $3 million worth of land. By early 1988, RiverCity had raised $24 million in funds, much of it from Jack Lupton, Olan Mills and other local philanthropists, but they were still short of the estimated price tag, which exceeded $45 million.

Sudderth says McWherter aide Jim Hall encouraged them to go ahead and break ground. "Once a project has broken ground, people quit thinking in terms of 'If.' It becomes a 'When.' A lot of people who'll fight it suddenly quit fighting and they'll go fight another project."

Sudderth says that decision to break ground shows the hybrid strength of RiverCity. Government is often reluctant to take such risks, he says, and private sector developers rarely build without cash in hand. He also cites the political advantages of the company's structure. "Most cities put organizations like us as part of city government, or they remove it from city government and fight with it all the time," Sudderth says.

With ground broken and the aquarium under construction, and especially with Lupton behind the project, there were few doubts that it would happen. Still, the anxiety wasn't completely gone. As the project progressed, many wondered aloud why the city needed a "multimillion dollar fishtank." One resident recalls that "there were a lot of perfectly thoughtful people who said, 'This is an enormous venture, and what happens if it fails?' "

It didn't. More than one million people—twice the projected number—visited the attraction in its first year, despite the fact that it bought no advertising. Now, its success serves as a kind of touchstone for Chattanoogans' renewed confidence.

Amid the momentum, RiverCity is completing a riverfront apartment complex. When the company was soliciting a private firm to design and build the apartments, it sent out packets to 70 developers nationwide, including some in Nashville.

Only one bid came back, from Chattanooga's Leonard Kinsey & Associates, the firm responsible for redeveloping the Choo-Choo in the late '80s. "We submitted a bid which was very different from what is being built," says John Kinsey, the firm's president.

Because the project was being chiefly developed by RiverCity, it qualified for public money. Thus, while Kinsey's bid had to be economically sound from a private developer's standpoint, RiverCity opted to work with the firm and raise enough capital for a better quality project. The city helped fund the venture, ensuring that the Moccasin Bend study's recommendation to have first-class river development would be carried out.

Meanwhile, Eleanor Cooper says it was Jim Rouse, head of the Baltimore-based Enterprise Foundation, who challenged the city to eliminate all substandard housing by the year 2000. The city accepted the challenge, and with Rouse's advice and aid, the Chattanooga Neighborhood Enterprise is well on its way to improving an inventory of more than 10,000 local residences.

"Jim Rouse said that if you make a city a good place for its own citizens to live, then other people will want to do business there, come and live, and tourists will come," says Councilwoman Hurley.

The city's successes have surprised many local residents, and it's possible to hear any number of suggestions as to which achievements other prospective cities might do well to emulate. "It's interesting to watch communities come in here and try to figure out why it happened here, and they pretty much all settle on the fact that, 'Hell, if we had the Lyndhurst foundation, we could do that too,' " Sudderth says.

"What we've tried to say to them is, 'Tell you what we'll do. In the case of Knoxville, you send us UT and we'll trade, OK?' We've tried to tell communities to look at what you've got. What is the strength you can build on?"

All agree that the visioning process has taught the city a profound lesson in the value of inclusiveness.

"I think it's terribly important to get everybody at the table," says Hurley, who came to the City Council with a background in the civic private sector and arts organizations. Many of the best ideas in any city, she says, have been floating around the community for years, but the visioning process creates a synergism and momentum that actually gets things done.

"That was sort of our motto, "Turn talk into action,' " Hurley says.

It would be easy to claim that Chattanooga had created Eden in a half-decade, but the city still faces persistent problems:

Despite attainment of the Clean Air Act goals, there is still environmental damage to be corrected. Chattanooga Creek is said to be one of the most polluted bodies of water in America. Race relations, while improved, grew strained earlier this month after a black motorist, pulled over for DUI, was strangled by five white police officers. Osborne says that the city is still more segregated than she'd like, and one resident says that while a black middle class exists in Chattanooga, it's far too small.

The *Times'* Holmberg agrees that there's still a long way to go. "I don't think we've gotten to the point yet where we're giving lessons," she says. "We have overcome our feeling of metropolitan insecurity. I think universally, people are looking for the next step."

For Sudderth, the next step is another on the road toward Chattanooga's modest goal of being "the best mid-sized city in the South."

"I can remember the whole time I was in Nashville," says Sudderth. "There was a feeling that if you were from Chattanooga, you were inferior. I think [that feeling is] gone. We long ago lost the race of being the biggest, but there's no reason we can't be the best.

On a chilly Tuesday night in early February, more than 100 people are at Chattanooga's Howard School of Science and Technology for one of the many Revision 2000 meetings. In this particular classroom, Mary K. Radpour, a Chattanooga Venture boardmember and private family and marital therapist, is facilitating the discussion among a diverse group of nine people. She passes out a sheet of paper and asks everyone to take five minutes to list ideas that describe the best community Chattanooga can be in regard to "Places." This is the same way Radpour led meetings nine years ago, as part of Vision 2000.

The Revision program is a way for the citizens to refocus on goals, and, since so many have been met, to generate some new ones.

After five minutes, Radpour gets around the room, carefully helping craft each person's suggestion; then, she writes it on one of the large pieces of paper taped to the wall.

One Lookout Mountain resident, a man in a blue blazer and red tie, says he wants more of a commitment to historical preservation. Another well-dressed Lookout Mountain resident, John Parjam, says he wants attention to revitalization of suburban neighborhoods.

Lois Osborne says she wants the greenways plan fully implemented. A casually dressed Paul Hicks says he'd like to see the railroad track near his neighborhood turned into a greenway. Prentice Hicks, who appears to be a disheveled out doorsman says he'd like to see clean industry promoted. Carolyn Westbrook wants to see more downtown revitalization, including cleaning Market Street further south. Dr. Major McCollough, president of the Chattanooga Regional Anthropological Association, says he wants the Moccassin Bend area preserved in its natural state.

Patricia Rogers offers several specific suggestions for the plant life conservancies along the riverfront. She even offers an appropriate Bible quote that draws appreciation from the group.

John Edwards says he'd like to see construction of an amphitheater to tell the story of the area's shared racial history.

On the next go-round, the suggestions get bolder. People are feeding off of one another's ideas. The patient Radpour treats all suggestions, silly or not, with utmost respect.

"Everybody's contribution is valuable," Osborne says later. "If you wanted to suggest 'More mice eating onions,' it would have gone up on the board. No matter what goes up there, we could see it happen."

This time around the ideas are getting better: Open the schools for multi-uses at night, free of charge to community organizations. Place a formal market at the real Ross' Landing. Devise a system to provide more controlled city growth. Establish travel routes that limit noise and chemical pollution in neighborhoods. Develop a local literacy project named for former slave Mary Walker. Expand the convention center to provide more jobs. More public art spaces. Light rail networks. "Connect with Atlanta," someone interjects.

Two hours have sailed past, and there are nearly 30 definite suggestions logged on the walls. The pages will be taken down and back to the Venture offices. In March citizens will attend meetings to review the ideas, clarify and prioritize them.

What goals will emerge? Based on past progress, the process could take 10 years. These things take time, and Chattanoogans have now learned how possible it is for a city to control its own destiny.

"The history of Chattanooga is a few wealthy people who had all the power," Osborne says. "As we've seen around the world lately, humanity is capable of governing itself."•

COMMENDING MR. JASON HESSELL

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Jason Hessell of Florissant, MO. He is a member of Boy Scout Troop No. 884 and has attained the prestigious rank and honor of Eagle Scout.

Jason attends Hazelwood Central High School and is active in organized baseball, football, and swimming. While in the Cub Scouts, he earned the ranks of Bobcat, Wolf, Bear, and Webelos. Jason also achieved Cub Scouting's highest award, the Arrow of Light. He graduated from the Cub Scouts on April 14, 1988.

On April 14, 1988, Jason joined the Boy Scouts and earned the ranks of Tenderfoot, Second Class, First Class, Star, Life, and Eagle. In addition, he attained 8 skill awards and 25 merit badges. He has participated in leadership training classes and has received several positions of responsibility and leadership.

Mr. President, I would like to extend my congratulations and best wishes to Mr. Jason Hessell for his service and commitment to the Boy Scouts of America and hopes for continued success in the future.•

NATIONAL LAW ENFORCEMENT TRAINING WEEK

• Mr. ROTH. Mr. President, yesterday I, along with my colleague from Delaware, Senator BIDEN, introduced Senate Joint Resolution 75, a joint resolution to designate January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week." Senator BIDEN's name was inadvertently omitted as an original cosponsor in the printing of the resolution, and I ask that the name of Senator BIDEN be added as an original cosponsor to Senate Joint Resolution 75.•

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on House Concurrent Resolution 64, the budget resolution.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 31, 1993.)

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I am pleased to report that conferees to the fiscal year 1994 concurrent budget resolution have reached an agreement in record time on a landmark deficit cutting and economic growth plan.

Now, this accord answers the challenge laid down by President Clinton to come up with more cuts and more deficit savings. We did so by finding an additional $76 billion in deficit reduction, providing my colleagues in both Houses the opportunity to lock in record spending reductions while also reordering priorities to reflect the cold war's conclusion.

I want to underscore right from the beginning that the compromise represented by the conference report reduces the deficit with fewer taxes, about $22.5 billion less in taxes and more spending cuts than the budget resolution which passed the Senate just a week ago.

Mr. DOMENICI. Mr. President, will the Senator yield for an observation and question about procedure tonight?

Mr. SASSER. I will be pleased to yield.

Mr. DOMENICI. I thank the Senator.

We have a total of four Senators who want to speak, two of them for a very short period of time, the Senator from New Mexico for maybe 10 or 15 minutes, and Senator GRASSLEY, who desires to speak for a very long period of time. I wonder if the Senator might tell us what his plans are with reference to how much time he intends to use for the first-round opening remarks.

Mr. SASSER. I say to my friend from New Mexico I think I would probably use no more than 20 minutes. And then I would be pleased——

Mr. DOMENICI. Does the Senator have others who want to speak on that side?

Mr. SASSER. I think perhaps I do. The Senator from California has expressed an interest in speaking for a short period of time. I see the Senator from Maryland on the floor, and I anticipate that he will probably want to speak. Those are the only two I am aware of at the present time.

Mr. DOMENICI. I would just say to my friend I think we can get our three Senators to speak for a total of 20 minutes before Senator GRASSLEY speaks for 20 minutes. So I will use 10, they will have 5 each, and we will have used 20 on a side.

I thank the Senator so much.

Mr. SASSER. I thank my friend from New Mexico.

Mr. President, unlike past years, the differences between the House and Senate versions of the budget resolution were not that pronounced, especially when one looked at the 5-year projected results of each resolution. In a very important measure, they bore a striking resemblance to each other over 5 years. So all we needed was a bit of fine tuning to bring the versions of each House's budget resolution into harmony.

Now, the House passed a budget resolution which called for $510 billion in deficit reduction over the next 5 years. The Senate passed a budget resolution that contained $516 billion in deficit reduction over the same 5-year period.

Now, these figures exclude the so-called stimulus package. And the accord that we have come back with, that is, this conference report that is before the body this evening, changes the Senate budget resolution in the following way: It drops or cuts $22.5 billion in taxes that were in the Senate bill when it left here just a week ago. It adds a scaled-back version of the House civil service cost-of-living-adjustment provision which saves $2.7 billion.

Now, this provision affects only Federal retirees under the age of 62. It does not affect those retirees under the age of 62 who were faced with a mandatory retirement age such as policemen, firemen, FAA air controllers.

This conference report cuts discretionary spending by an additional $6.8 billion from the bill that passed the Senate about a week ago.

Mr. President, this conference report before the Senate this evening contains a record $496 billion in savings or deficit reduction from 1994 to 1998. It reduces the deficit by 50 percent or one-half as a percent of gross domestic product from 1993 to 1998.

If we did nothing, if we just put the budget on automatic pilot and did not adopt this conference report, the 1998 deficit would explode to a figure of $450 billion.

Now, let me repeat: This is the largest deficit reduction package proposed by any President and passed by any Congress in the history of this country. This agreement before the Senate this evening is higher than the previous record set of $482 billion in the 1990 budget agreement, and the conference report before us this evening exceeds the President's original deficit reduction proposal by some $76 billion.

Now, with passage of the conference report, the budget resolution calls for $106 billion to be cut from military spending over the next 5 years, $81 billion to be cut from nondefense discretionary cuts; and $91 billion to be cut in so-called entitlement of mandatory programs.

At the same time, the tax writing committees of both Houses will be ordered to produce $273 billion in revenues, and these revenues will be dedicated totally to deficit reduction.

Once again, the vast majority of these new revenues will come from the very wealthiest of Americans among us, those who profited so much from the skewed tax policies of the 1980's.

Let me emphasize a point that I think has been misunderstood, and in some areas distorted repeatedly. There is not a dime of spending in this Clinton plan—not a dime of additional spending—that is not offset by spending cuts. There is not a dime of revenue that is not dedicated to reducing the deficit, to deficit reduction.

Moreover, this is no paper tiger. It is all completely enforced. The orders set out in the budget resolution are enforced by points of order which can only be overcome by a 60-vote supermajority in the Senate. Frankly, I have not seen a point of order overcome in the Senate in the last 3 years, and we checked. I think the period has probably been longer than that.

In addition, any discretionary spending coming from the Appropriations Committee that exceeds $539 billion in 1994, and $540 billion in 1995, could result in a sequester created by the 1990 Budget Enforcement Act.

So for those of us who are truly serious about reducing the deficit, it is clear that spending is coming down under this agreement. The deficit is coming down. The conference report spells out how much, and the reconciliation will show us how we are to do it.

I also want to make it clear that the conferees have been true to the vision and philosophy enunciated in the President's statement of "A Vision of Change for America." None of the initiatives that he described or the priorities that he assigned have been eliminated. All of the President's objectives are fully accommodated. This blueprint is the blueprint of President Clinton, and the structure it follows is one the American people consistently endorse.

It is the conferees' sincere hope that the Appropriations and authorizations committees will soon be able to begin the next crucial step in the process.

The American people want action on the President's economic program. In the spirit of partnership and mutual conference, let us now push that process forward.

Mr. President, all of the debate, all of the rhetoric, all of the multicolored charts, and all of the amendments on the budget resolution are boiling down to one vote and one choice. And the choice my fellow Senators will make on tomorrow is absolutely crucial to the future of our Nation.

There is a temptation for some of our colleagues to curse the darkness and to accept our lot. Yes; we could accept the status quo. We could reject change, and reject a reasonable proposal to break the gridlock which gripped us over the past few years.

Yes; we could accept the deficits that are choking the vigor and life out of our country. Of course, we could do nothing. We could accept economic stagnation, economic decline, more layoffs, and 7-percent unemployment as the realities of life.

Of course, we could say we will do nothing; we are not going to change. We are going to accept, in the longrun, being second best in a global economy. And, of course, we could say that poverty, illness homelessness, neglect, despair, they are just part of living; let us not do anything about them.

Yes; we could accept the misguided economic policies of the past 12 years that have brought us to this point of departure this evening. We could do that simply by doing nothing. But I would suggest to my colleagues on both sides that the American people have made it clear that they are simply not going to tolerate continued inactivity. They especially will not tolerate it now that a President of the United States has given them an alternative to gridlock, a very clear choice that President Clinton has presented to us over the past few weeks.

Our new President has given the Congress and the Nation a bold, fair, credible, well-conceived and well-crafted economic plan, a plan composed of long-term deficit reduction, spending cuts, and investment in our human and capital resources, because the American people have been saying we want to invest in our own country and in our own people once again.

We have a President who is leading the effort to change. He got out in front of the deficit crisis and came up with a program for constructive change. And the President's economic plan is the only logical choice, and the best choice for our country.

Last summer, some of my friends on the other side of the aisle became quite fond of quoting President Harry Truman. I must say that Harry Truman is a great hero of mine. But I do remember years ago as a youngster listening to the enunciations of Harry Truman coming from some quarters when he served as President.

But I think of Harry Truman and I think of President Clinton when I hear these words of President Truman. I quote:

> I do not believe in anti anything. A man has to have a program. You have to be for something. Otherwise, you will never get anywhere.

Well, Harry Truman was just as right about that then as it is correct today. That has been the problem with some of our friends. The President's detractors have been unable to match his far-reaching, comprehensive plan. Instead, some have put their wagons in a circle, and have simply been sniping at him with the same old tired tax-and-spend rhetoric that we have been hearing for decades.

Our friends on the other side have been unable to come up with an alternative where the discretionary totals in their budget were displayed across the functions for all to see, and the mandatory cuts were reconciled and specific policy options are listed to achieve those cuts.

In short, they have not come up with a real budget alternative.

So after weeks of debate, and votes on dozens and dozens and dozens of amendments, it appears that the cupboard is still bare on the other side of the aisle. We are told that they want us to cut discretionary spending, but they do not say where. Instead, they propose freezes, and then troop out here and vote to support the President's proposals in Head Start, in community policing, in childhood immunization, and so on and on forth.

Therefore, any cut in general, but they cannot seem to accept any cut in the specific.

So, in conclusions, Mr. President, we really have no alternative to the President's plan that has been presented to the American people, and which the American people support by an overwhelming margin, if the polls are to be believed. At least no credible alternative has been offered here on the floor of the U.S. Senate.

The plan offered by President Clinton, on the other hand, has been validated by everyone from the Federal Reserve Board Chairman, Alan Greenspan, to our foreign allies around the world. The bond markets voted for the plan with the lowest rate ever for 30-year bonds.

A recent Wall Street Journal-NBC poll shows our fellow citizens preferring the Clinton plan, by a 2-to-1 margin, to a proposal from the minority that would not raise taxes.

So even by a 2-to-1 margin, over 2-to-1, they prefer the Clinton plan—even though it does raise taxes—over the plan from the other side that does not raise taxes. I think that is truly phenomenal, because that indicates that the American people know that the old ways simply do not work, that we have to change, and we have to do things differently.

The President has presented the Congress and the American people with a credible economic plan that contains all of the ingredients for deficit reduction and long-term economic growth. Tomorrow, our colleagues will cast their votes on the conference report, and I hope they will consider one more insight from old give-'em-hell Harry Truman, and this is what he said:

> The people of the country are far ahead of most of the politicans, and they always are. The people are not afraid of new ideas; they want government to go ahead with the measures that are necessary to realize the unlimited opportunities that America offers for increasing the happiness and welfare of the people of this country.

Well, that is what Harry Truman said in the late 1940's, and I think it is true today. The American people and the President know where they are going, that it is in the right director, and I trust that none of us in this Chamber tomorrow morning will be left behind when we cast our vote.

I would be pleased now to yield to the distinguished ranking member for any statement he might wish to make.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I ask my two friends, Senator GRAMM and Senator NICKLES, would 5 minutes each be satisfactory?

Mr. GRAMM. Yes.

Mr. DOMENICI. I will do mine quickly, and then I will yield to Senator GRASSLEY.

Mr. President, first, let me make it clear that there are two very strange things about the budget conference report that is before us. Let me take the most incredible one first. We do not have a budget yet, so, tonight, we are approving a budget resolution for our country, allegedly for 5 years, and we do not have the President's budget. So we do not know, in the numbers we have here and in the President's vision document, we do not even know that the President's budget is going to be the same.

In fact, he can change it just like they changed their mind a couple of nights ago and agreed they were not going to impose user fees on Western America through the reconciliation process. The heat was on and the politics were heavy, and Democratic Senators were telling the President we had better not do that. They were saying: "It is probably going to cost you all of the gains you made in the West." So that changed. I do not know what else will be changed in the budget.

Obviously, the Democratic side of this Senate voted for this resolution with a storm of sense-of-the-Senate resolutions saying we did not really mean it. We really do not mean we are for the Btu energy tax, because we do not want the farmers to get too much of that. Another one says we are going to exempt Northeastern America, because we do not think they ought to be paying that on their heating bills.

The point I am making is that this budget is filled with unspecified, undetermined program changes and cuts and tax increases. And there is a continual carping that the Republicans do not have a budget plan.

The second point I wanted to make is that the Republicans did not attend the conference on the budget. We were invited to an opening session, and we were not invited to anything else. In fact, we are struggling around trying to interpret this document like everybody else in the Senate, because we were not there. Our staff was not there. And, frankly, that is up to the chairman of each side if they want to do business that way.

But our friends on this side of the aisle, the Republicans, ought to know we just were not part of this. We were not invited in or asked about anything. So that should be set straight in the RECORD here.

It is also very interesting to note that—I am going to try to read off one of the Democratic charts here in terms of where all of the cuts came from that are contended. I think they are all unspecified, which is rather interesting also.

While we are looking for that, Mr. President, let me make a point. My distinguished friend, the chairman, made a statement. He said that there has even been a little bit of, perhaps, trying to mislead on our side of the aisle, and then he made a statement that was unequivocal. He said: "I want everybody to know that wherever there is a new spending program, there is a cut to match up against it."

Well, let me just give those who are interest an example of what that would mean. That means that if in fact this budget adds $100 billion in new spending, our chairman assures us that there is $100 billion in cuts. What does that tell the American people? There are no cuts.

If you spend $100 billion in new programs and cut $100 billion, the effect is zero. Essentially that is what we have, a zero cut domestic budget. Frankly, we are using Congressional Budget Office numbers, and I want everybody to know that we are really cutting back the domestic budget of the United States.

Obviously, I am saying that in a tone that clearly I do not want anybody to even believe or think we are cutting under the President's plan any domestic spending, because we are not. Let me make a point. In the U.S. budget, there is defense, foreign affairs, and there is a great big quantity of expenditures that is called domestic spending, including discretionary, that we vote on every year, and mandatory expenditures, like Medicaid and like food stamps, that are automatic. They are two-thirds of the American budget and growing like wildlife, just sweeping across, gobbling up the taxpayers' money and leaving a huge, huge, legacy behind it of debt. This is a true statement.

This little green here on the chart—we wanted green to be cuts because that meant we were on a green light and saving the taxpayers real green, real money. It is $11 billion that is effectively cut out of the entire domestic budget of the United States, save Social Security, which we are not counting at all.

That is why Republicans are saying, you may have a plan, Mr. President, you may have a plan, fellow Democrats, but just to run around and say you have a plan does not mean the plan is fair and does not mean the plan will work. It certainly does not mean that we are going to create jobs, "grow jobs"—that was kind of a neat phrase during the campaign. We are led to believe that a budget—when we are in the worst deficit posture we could ever be in—that cuts all of domestic spending $11 billion, and lo and behold, raises taxes on the American people and user fees, which are taxes imposed on those who use their Government—I do not know how it can be construed to be a cut. The end product of all of this is that $291 billion in deficit reduction under the plan is taxes and user fees.

We could almost have said: Save all the trouble. Let us whack defense twice as much as President Bush asked for and levy $291 billion of taxes on the American people, and you have a plan.

Is that a very sophisticated plan, an indepth plan? It is a tax plan.

Believe you me, when the American people find out about those taxes between this budget resolution vote tomorrow and 2 months from now when the committees start writing it, they are going to tell you—they are going to tell those tax-writing committees, "We do not believe it." It is the highest marginal rate increases in the history of America, and we were told that it is all on rich people. I am going to tell you, about 70 percent of it is going to be on small businesses.

Do you know what is going to happen to the job growth in America? It is going out the window as the small businessman writes these new giant checks to whom, I say to my friend from Texas?

Mr. GRAMM. To Uncle Sam.

Mr. DOMENICI. He is going to write the check not to buy equipment and to payroll, he is going to write it to Uncle Sam.

Mr. GRAMM. And he is going to spend it.

Mr. DOMENICI. And if Uncle Sam is going to create the jobs, you have a good budget because this budget plans to do it exactly that way. It plans to create jobs by what is called investing the taxpayers' money. And we all understand what that means. That is a new school of thought that says if you tell the American people, the taxpayers, the hardworking people, if you tell them we are going to invest your money, they will let you tax them more.

I am paraphrasing what I think our President believes. I think he believes, and he has proven it right, that if he tells the American people over and over, "I am not spending your tax dollars, I am investing it for you," that they will really believe that and they will say, "Taxes, we want to be taxed so you can spend money, so you can create jobs." That is what this budget is all about.

Anybody that thinks it is specific, just read the document. What it really says, the President of the United States plans to spend just about as much as he is going to cut from all of the domestic programs of America. And if the taxpayers of this country find out that that is all they are getting for $291 billion in new taxes, the tax revolts of the past will pale. They will say, "Where are the cuts?" And the answer—the only honest answer—will be, twofold: We are cutting defense. In fact we are cutting defense twice as much as the previous President thought. Second, we are waiting around to save a whole bunch of money from health reform. The Congressional Budget Office speaking of this budget, this Vision of America, stated, "It makes a contribution to reducing the deficit but not sufficient to solve the long run problem."

So, Mr. President, I want to summarize a couple of numbers. I want to make two summary remarks, and then I will yield.

Let me state for the record and for anybody in this country that thinks Senator DOMENICI must be talking about something that really is not before the Congress because nobody in the country thinks this is the way it is. Let me give you the real totals on what is going to happen to the budget of the United States while we raise taxes $291 billion.

From 1994 until 1998, the domestic budget of the United States will increase. The people have been led to believe it was going to decrease. It will increase, I say to my friend from Oklahoma, $557 billion. Those are not pulled out of the air. Those are in this budget document.

Mr. President, when we say to America, we want everybody to share including the Government, not just the taxpayer, you would think they would have said let us cut $50 billion out of this Federal Government's domestic programs, the myriad of them, some 2,300 of them. If you cut $50 billion, you would at least be saying to the taxpayer we are giving you something on domestic. But, no, that is not what is happening. It is going to go up $577 billion, more than $100 billion a year, I say to my friend from Texas, more than $100 billion a year.

The reason I state that is because I really do not believe the American people, who are saying let us give the President a chance, let us give him his plan, understand that the only real thing that is going to happen is they are going to get taxed. I do not see anybody saying let us tax for 1 year and see if this works. They say, put this tax on; it is a great plan and it reduces the deficit. It is going to reduce the deficit if it works.

And I submit the defense cuts are so big, they are going to put people out in the street in larger numbers than the American economy can create new jobs, and I submit American small business across this land is going to grow less, not more; create fewer, not more, jobs under this enormous, enormous new tax, including a fuel tax that spares no one.

We have poor families that are supposed to be bailed out by an earned income tax credit. I say to both my friends, what happens to a retired person with no children? They are, by definition, not entitled to it. They are not a working family. Even a two-member couple, the elderly with no children, they are not going to get it. But they are going to pay the Btu tax for the energy they use.

Then to add to it all, is the absurdities of all absurdities; we are taxing crude oil twice as much as we are taxing coal per British thermal unit produced, and nobody can understand why. Why oil? We produce it at home. We are putting an import fee on domestic oil favoring coal and saying to the American people, sacrifice.

What happened to the Government sacrificing? We are going to ask the men and women in the military to sacrifice. We are even freezing their pay.

Tomorrow I will try to undo that in this appropriations bill. I do not understand why we are spending $19 billion on a stimulus package, half of which is to stimulate some politicians, and we cannot pay the military, cannot give them a pay raise. And how about the rest of our civilian work force?

Let me tell you what I think. If you want to invest in America, pay your workers. That is an investment. We ought not be throwing money after projects all over this country and saying to the civilian work force of America, you do not get a pay increase. I think we ought to take $3 or $4 billion out of that stimulus package and say, "Let us pay our workers, let us pay our military men and women."

So, Mr. President, I want to summarize and thank my friends on this side of the aisle for all their help. We all understand it on our side very, very well. My friend, DON NICKLES, continues to tell me, make it simple Pete. The truth of the matter is that when Leon Panetta, the new OMB Director, first started talking about the plan he said, "I am very hopeful it will be $2 in cuts for $1 in taxes." He had before that, when he was a House Member, said, "I think a reasonable package for the American taxpayers would be $3 in cuts for $1 in taxes."

Let me tell you, it is not $3 for $1, $3 in cuts for $1 in taxes. It is not $2 in cuts for $1 in taxes; it is the other way around. It is $3.38 in taxes and fees for every $1 in cuts.

Again, some will say, where is your plan? I will tell you. We do not have enough votes around here to even pass a $50 million reduction in this budget. If we ask to cut $50 million out, someone says, you are going to hurt the plan.

Where do you think a plan of the Republicans would have gone? It would have gone to the media to say each specific item we were planning, while this budget does not have very many specifics in it, but it has kind of been sold as a detailed plan.

Having said that, our plan is simple. Look at six or seven of our amendments and they will tell you perfectly well what the Republicans want to do.

We wanted less spending and less taxes. We wanted more cuts and less taxes, dollar for dollar. We offered numerous amendments saying cut $40 million more and relieve our taxes $40 million. We did that three or four different ways. Every time we did it, it was the same kind of thing; be specific, be specific. There is nothing specific about the budget before us.

In fact, it looks to me like the 5-year summary in their own document says that their nondefense savings are all unallocated, which means nonspecific.

And let me also suggest, because we are used to being very honest with each other, the overwhelming percentage of the domestic discretionary cuts are in the 5th year of this plan. Do you know what that means? That means, if you believe we are going to do that, you will believe almost any kind of fairy tale around, because it will not happen.

And last, but not least, I want to say it the way I feel. I think this budget represents a lost opportunity. I believe there was a one-in-a-million chance to get the deficit under control, and it is gone. Because, unless you get the mandatory expenditures under control, you are going to only tax and tax and tax. And, as the Congressional Budget Office says, you will not affect the long-term deficit.

The only way that we could have gotten a real budget is if we put those kinds of things in, and the Senate turned that down. We had 48 votes to get a real budget in terms of mandatory expenditures. And we were told then, that will destroy the President's plan.

Frankly, we thought it helped the plan. We thought some people might say, "Well maybe we ought to pay a few tax dollars." I do not know if they would ever agree to this large amount. "But let us pay some, if you really had some cuts in the budget."

So listen carefully when it is said there are a lot of cuts here, because they are all defense cuts. And listen carefully when it is said, "Where are the specifics?", and ask, "Where are theirs?"

So, my bottom line for the American people, and for those who are concerned, is we do not believe this budget plan is going to create jobs, produce growth, get America going again. We think the exact opposite.

And if we think that and did not come down here and offer amendment after amendment, we would be negligent in our duty.

I hope our people understand that there are, without any question, across this land among experts who look at this, there are far more who are saying this is a real gamble than those who are saying it is really going to produce growth, prosperity, and new jobs.

So for those who want a plan and insist that we adopt it because it is a plan, I submit that there have been a lot of plans in history. Some of them have worked and some have not. And probably, when they were adopted, somebody was screaming and hollering, "Adopt the plan. Our leader has a plan."

But then what happened if it did not work? People said, "It wasn't much of a plan, was it?"

I yield to the distinguished Republican leader.

REPUBLICANS SEEK ECONOMIC GROWTH, DEFICIT REDUCTION BY RESTRAINING GOVERNMENT, NOT PEOPLE—A DIFFERENT VISION OF CHANGE FOR AMERICA

Mr. DOLE. Mr. President, since the beginning of the Clinton administration, the American people have witnessed two very different visions for America—the Democrats vision of higher taxes, more spending, and more Government mandates, and the Republican vision of sustained economic growth, less Government spending and fewer heavyhanded Washington mandates.

No single debate has revealed the stark contrast between these two visions more clearly than the debate over President Clinton's budget plan.

Make no mistake. Republicans want to work with the President to keep the economy moving, create millions of good, high-wage, private sector jobs that will last. We want to help the President attack the deficit with real, enforceable controls on Government spending. But, I am afraid that the Democratic majority is on the verge of making a terrible mistake by enthusiastically supporting this tax-heavy budget plan.

THE FIRST STEP IN THE PROCESS

The budget resolution is only the first step in the congressional budget process. It does not have the force of law, but it does pave the way for tax and spending bills later in the year. The distinguished chairman of the Appropriations Committee has explained how this resolution will affect discretionary spending. But, since the President's economic plan relies primarily on tax increases to reduce the deficit, the fate of the plan will be, in large part, determined by the Senate Finance Committee.

In the Finance Committee, we will be shooting with real bullets. No sense-of-the-Senate resolution can change the fact that we are being told to produce 81 percent of the deficit reduction in this entire plan. Even for the Democrats on the Finance Committee who will vote today in favor of the President's plan, raising taxes by $273 billion and cutting mandatory spending by $35 billion will be difficult. With an 11-to-9 vote margin in the Finance Committee, President Clinton, the Democratic leadership, and Chairman MOYNIHAN will have their hands full trying to push the President's economic plan and its big new taxes through committee intact. There may be a number of opportunities for bipartisan efforts to remove some of the worst features of the President's plan. The Social Security tax increase and the so-called Btu tax immediately come to mind.

A VICTORY FOR THE PRESIDENT

Passage of this budget resolution is a victory for President Clinton and a victory for the Democratic leadership in Congress—but, it is a big loss for the honest, hard-working men and women of America. I predict that many of my Democratic colleagues in the Senate who decide to fall in lock-step behind the President and celebrate today's political victory will regret that decision 2 years from now.

THE INFORMATION GAP

Mr. President, most Americans want an end to gridlock in Washington. As the distinguished majority leader has stated time and time again, they want us to give the President a chance. But, most Americans do not know what is in this plan, and very few of them understand that this economic blueprint is very different from anything they heard during the campaign last fall. The reason is simple: The details—the legally required details—have not been made public.

There are a lot of questions that remain unanswered, but we do know this—by adopting this resolution we are clearing the way for the largest tax increase in history—$273 billion over 5 years. We are clearing the way for $115 billion in new domestic spending—that is an increase above inflation.

Most Americans want the President to succeed. The latest polling information suggests that the American people support the President's good-sounding rhetoric by a margin of almost 2-to-1. President Clinton has been successful in controlling the information the American people are getting about his plan, but he is not going to be able to sustain the information blackout for long.

Once the facts are out and the American people learn what is in the Clinton plan, I think a lot of those who are now giving the President the benefit of the doubt will change their minds about his economic plan.

WHAT AMERICANS WANT

One recent poll showed that to reduce the deficit, the American people choose spending cuts over tax increases by a ratio of 14-to-1. Republicans agree.

We understand that there are a lot of Americans who may be willing to bite the bullet and pay more taxes in order to reduce the deficit. But, when they learn that 77 percent of the deficit reduction in the President's plan comes from tax and fee increases—including a big chunk from the pockets of honest, hard-working, middle-class Americans, a lot of them are going to change their minds.

REPUBLICAN PRIORITIES

Republicans want to keep the economy moving. Republicans will oppose policies that could stall the recovery that is under way. We want to create millions of good, new jobs that will last. We want to help businesses create jobs in the private sector by encouraging more saving and investment.

Republicans want to cut spending first. We are serious about reducing the deficit, and we want President Clinton to back up his tough talk about fiscal discipline with real cuts in government spending. During this debate, Republicans in both the House and the Senate have demonstrated with our votes and our amendments, that we are willing to back up our tough talk on the deficit with tough choices.

Before the President and the Democrats in Congress force the farmer, the shopkeeper, the nurse, the truck driver, and the senior citizen to reach into their pockets and make a contribution to deficit reduction—before the American people are asked to send more of their hard-earned money to Washington—Republicans want to make sure that every Government program takes the hit it deserves.

THE DEMOCRATS' PRIORITIES

Mr. President, we have heard the debate. I would just remind you of the highlights of the President's plan, as modified by the Democrats in Congress. According to the independent Congressional Budget Office—President Clinton's official budget scorekeeper, 77 percent of the deficit reduction in their plan comes from higher taxes and user fees—$273 billion in net new taxes and $18 billion in higher user fees.

During the 1992 Presidential campaign, candidate Clinton promised $3 of spending cuts for every $1 of tax increases. The bipartisan National Governors Association recommended $2.75 in spending cuts for every $1 of tax increases. President Clinton and the Democrat leadership in Congress are now endorsing a plan that asks the American people to contribute $3.38 in higher taxes and fees for every $1 of spending cuts.

GUTTING DEFENSE

Events in Russia over the past 2 weeks remind us that the world is still a dangerous and uncertain place. Yet, the Democrats under the leadership of President Clinton want to gut defense with $75 billion in additional cuts. That is $75 billion above and beyond the cuts approved by President Bush and Congress last year.

GROWING GOVERNMENT

Only 3 percent of the savings in the Democrats' deficit reduction plan comes from nondefense programs. The Democrats are asking two-thirds of the Government to contribute a grand total of $11 billion over 5 years to reduce the deficit. Earlier today, Senate Democrats were arguing in favor of a spending stimulus that would increase the deficit by almost twice that amount for President Clinton's spending stimulus package.

The fact is that the Democrats' economic plan is not a plan to reduce the deficit. It is not a plan to control spending, and, it is not a plan to keep the economy moving. It is a plan to raise taxes to finance more Government spending—plain and simple.

WHAT ABOUT JOBS?

Higher taxes do not create jobs. They never have, and they never will. Higher taxes will destroy jobs.

A recent study by the National Center for Policy Analysis projects that the tax increases in the Clinton plan would substantially reduce investment in the U.S. economy. The study suggests that if the Clinton plan is adopted, long-run economic growth rates will drop 0.4 percentage points and national output will be $260.6 billion lower over 5 years than they would be if we reject the Presidents's plan. The study suggests that if the Clinton plan were adopted, the U.S. economy would create 1.4 million fewer jobs over the next 5 years than if we simply rejected the plan.

Federal Reserve Chairman Alan Greenspan testified last week—"It is important to recognize that trying to wholly, or substantially, address a structural budget deficit by increasing revenues * * * is more likely to fail than to succeed." I agree with Chairman Greenspan. Unfortunately, it appears that President Clinton and those who support his plan do not.

Mr. President, the financial markets are beginning to grasp the full meaning of the Clinton economic plan and the impact that a record $273 billion tax hike could have on the U.S. economy. Earlier this week the conference board's index of consumer confidence dropped for the third straight month. Lower consumer confidence and lower-than-expected increases in the Commerce Department's leading economic indicators add to indications that the economy's progress this year may fall below the brisk pace set in the final quarter of 1992. A number of economists point to worries about a tax hike as a major factor contributing to the slowdown.

The March blue chip survey of 50 private economic forecasters shows that the consensus forecast of real GDP growth in 1994 fell two-tenths of a percentage point. The panel members cited "the potentially negative effects on the pace of economic growth stemming from the Clinton administration's plan"—as a reason for their lower growth projections.

Mr. President, here is the bottom line. Higher taxes mean that businesses and consumers will have less money to spend. It also means that most of those companies that made the tough decisions—to cut their debt load and streamline—in order to increase their competitive position and are now poised for expansion, will either reduce or delay decisions to hire new employees if they see higher tax bills on the horizon.

A CLOSED-DOOR, PARTISAN PROCESS

The President's economic plan was developed behind closed doors. There has been no real consultation, no real opportunity for Republican input. In fact, we are being forced to vote on this budget blueprint before we get a chance to see the legally required details.

When we criticized the President's plan because it relies too heavily on tax increases, we were told to put up or shut up with specifics. Well, we met the President's challenge—we offered a better way to cut the deficit through spending restraint, not big tax increases.

THE SENATE REPUBLICAN ALTERNATIVE

Last week, 33 Republicans and the distinguished junior Senator from Alabama, Senator SHELBY joined me in introducing a comprehensive alternative to the President's tax-and-spend plan. The differences between our bipartisan proposal and the Democrat leadership's tax-and-spend plan could not be more clear. It was a choice between record-breaking tax increases and record-breaking spending cuts.

Our alternative highlights the fundamental difference Republicans have with President Clinton's economic program. We prefer to reduce the deficit by asking Big Government, not the American people, to sacrifice. Our plan includes $406 billion of tough, real, spending cuts. When you include interest savings, our plan would reduce the deficit by $460 billion over 5 years.

Our amendment would have eliminated all of the President's spending increases. We would require that any future spending increases be paid for each year with additional spending cuts.

Our amendment would have eliminated the President's entire record tax increase—all the tax increases and all of the tax cuts. We eliminated all of his proposed user fees.

Our amendment included all of President Clinton's proposed mandatory and discretionary spending cuts except that we reduced his proposed defense cut by $20 billion to defense over 5 years to allow for a more orderly builddown. Even with this change, our plan would have cut defense by $129 billion below current levels over 5 years.

We added a nondefense discretionary spending freeze that provided for a $500 million increase—an investment as the President likes to call it—next year for childhood immunization and the Women, Infants, and Children [WIC] Nutrition Program.

And, we added a cap on Medicare and Medicaid spending that would allow spending for these programs to increase for population, plus inflation, plus an additional 4 percent each year for 4 years, and population, plus inflation plus an additional 2 percent in the

5th year. Taken together, the cap would allow spending for these programs to grow by roughly 12 percent per year for the first 4 years, and 10 percent in year 5.

REAL DEFICIT REDUCTION

The most recent Congressional Budget Office analysis of the President's plan concludes, and I quote: "The proposals outlined in 'A Vision of Change for America' * * * are not sufficient to solve the long-run deficit problem." Both CBO and the administration estimate that, under the President's policies, the deficit would decline only through 1997 and then resume its rise. By the administration's own projections, the deficit would reach about $400 billion, or 4 percent of GDP, by 2003 the President's plan as modified by congressional Democrats has the same fatal flaw. CBO estimates that the Democrats' budget plan would reduce the deficit to $201.9 billion by 1998, but deficits would rise in future years. By contrast, our plan would have cut the 1998 deficit to $168.4 billion in 1998, and because our plan contains the tough medicine needed to control Federal spending, the deficit would continue moving toward balance in future years if our plan were adopted.

Unfortunately, those Americans who want us to make the tough choices needed to get the deficit under control lost when 55 Senate Democrats joined hands to defeat our amendment.

CONCLUSION

Mr. President, let the record show that when you take away all the slick packaging, when you forget all the talk about new Democrats and putting people first, you see two very different visions for America.

The American people know that there is more than one way to reduce the deficit. Republicans gave the Senate a clear choice—spending restraint versus record tax increases. It is regrettable that the Democrat leadership has decided to ignore the urgent appeals of the American people for real changes and real government sacrifice, and instead offered them a warmed-over plate of tax-and-spend and business-as-usual.

Republicans stand ready to help the President and the Democrat leadership hear the message from the voters, and offer the kind of real change that will help restore their faith in Government.

Mr. DOMENICI. I now yield 5 minutes to my friend from Oklahoma, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, one, I wish to compliment our friend and colleague, Senator DOMENICI, for his leadership and also for his floor statement, not just today but over the last couple of weeks. I think he has really proven to be an outstanding leader.

I would like to comment on some of the things he said. I would also like to have printed in the RECORD some facts. This is strictly the facts, nothing else.

One, I look at the budget resolution that we have before us and it says, well, this is going to reduce the deficit by $496 billion. That is not the case, if you follow CBO. CBO says it is $440 billion. CBO says they do not use present law baseline. That is $44 billion of manufactured savings.

And I will tell my colleagues that when we hear honesty in budgeting and when you see that they use an inflated baseline—and that is kind of complicated for most people to understand—basically, what they are doing, they are marking up the baseline and then taking greater credit for savings. That is $44 billion.

And then I will tell my colleagues, as well, that they did not count the stimulus package. "Oh, yeah, well, we are budgeting," but it so happens the so-called stimulus package that we have on the floor of the Senate, that we have been debating for the last few days, we do not count that because we count it as an emergency. Therefore, it does not apply to the budget deficit.

So the fact that we are going to spend $19.5 billion, and it is going to be added to the deficit, that is not even calculated in this package.

And so, Mr. President, I am going to put a couple of tables in the RECORD, because I want people to see the difference between the majority budget that says $496 billion, I want them to see that it is actually $440 billion.

I ask unanimous consent that these two tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIFFERENCES IN CLASSIFICATION OF DEFICIT REDUCTION

[5-year totals, billions of dollars]

	Defense	Domestic	Fees	Spending	Interest	Revenues	Total
Majority numbers	−106	−117		−223		−273	−496
Baseline differences	30	7		37	7		44
Reclassification of fees		18	−18				
Reclassification of interest		70		70	−70		
Add stimulus		12		12			12
Minority numbers	−75	−11	−18	−104	−63	−273	−440

Note.—Revenue increase shown as negative because it reduces deficit.

Prepared by SBC Minority Staff, Mar. 31, 1993.

$3.38 in Taxes for every $1.00 in spending cuts[1]

President's plan—conference modified:

	1994–1998
Net new taxes	273
User fees	18
Net new taxes and fees	291
Net nondefense spending cuts	11
Defense spending cuts	75
Net spending cuts	86
Total new taxes and spending cuts	377
Debt service savings	63
Total deficit reduction	440

[1] = $291 billion net new taxes and fees/$86 billion net spending cuts equals $3.38. Details may not add due to rounding.

Mr. NICKLES. I hope that people understand something. Senator DOMENICI said that there is $3.38 in taxes for every dollar of spending cuts. He is exactly right. Those are the facts.

I have put that in the RECORD, so our colleagues and the American people—and I hope some people are listening, because they need to find out what the facts in this budget agreement are. This shows net new taxes, $273 billion. This is between 1994 through 1998, $273 billion of reconciliation to the Finance Committee: Go out and raise those taxes.

And then there are user fees, $18 billion of user fees.

Now, it is interesting, they did not reconcile that. They told the Energy Committee they did not have to do it, but it is still in the budget resolution. That is $18 billion.

So they have total new taxes and fees of $921 billion.

Well, what did they do on spending cuts? That is the taxes; almost $300 billion in new taxes and fees. Well, where are the spending cuts?

Well, if you look at all the nondefense spending cuts, you will find out, over the next 5 years, there is a grand total of $11 billion—$11 billion. In defense, there is $75 billion. And so if you add the two together, that would be total spending cuts between 1994 and 1998 of $86 billion, almost all of which is in defense.

If you divide the tax increases by the spending cuts, you will find that there is $3.38 in tax increases for every dollar of spending cuts.

Again, keep in mind, we are assuming that the so-called stimulus package that we are spending this year does not even belong in the budget, and we are just adding to the deficit. But even given that, there are $3.38 in tax increases for every single dollar of spending cuts.

And, as the Senator from New Mexico said so well, the spending cuts are out in the fourth and fifth year. They will not happen. Frankly, the defense cuts that are called for in this budget are too radical and I do not think the Senator from Georgia [Mr. NUNN] and other Senators are going to allow that to happen. We should not let it happen.

It is interesting to note that the 1990 budget package had most of its spending cuts stacked in the outyears, the fourth and fifth year, and we did not observe those.

As a matter of fact, the stimulus package right now that says we are going to spend money in 1993 and 1994, that is in the third and fourth year of the 1990 budget package.

In other words, we broke the 1990 deal, and we will break this deal. In other words, the spending cuts will not happen, but the tax increases will happen. And the tax increases are retroactive back to January 1, 1993.

This package, which is weighed so heavily towards taxes, is going to suffocate this economy. It is going to put hundreds of thousands of people out of work in the energy industry, in the aviation industry, farmers and ranchers. It is going to cost corn growers in Iowa and wheat farmers in Oklahoma thousands of dollars.

Mr. President, I ask unanimous consent the Senator yield me an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. It is going to cost hundreds of thousands of jobs to pay for this tax, we are going to be putting such a heavy tax load on. This is not the largest deficit reduction package but it is the largest tax increase in history and it will suffocate the economy. The net result will be hundreds of thousands of people out of work. So we are, evidently, going to have to create one heck of a stimulus package to put these people to work. Frankly, Mr. President, we cannot afford it. We cannot afford the stimulus package that is up here that is not a stimulus package, it is a deficit package. Let us have a little truth in labeling. All the so-called stimulus package does is increase the deficit. It is not new investment. All it does is take existing programs and spends more money; and all this deficit does is say let us go out and raise taxes on the American people, an additional $291 billion, so Members of this body, and the other body, and down at the White House, they can have more money to spend.

That is not a recipe for a fiscal cure. That is a recipe for disaster. That is a recipe for unemployment. And this body should not pass this package.

I thank my friend and colleague from New Mexico.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Madam President, often in politics there is a big gap between our rhetoric and the reality of what we are doing and what we are proposing. But I want to assert tonight that in American history there has never been a bigger gap between the rhetoric of a budget proposal and the reality. In the campaign, Bill Clinton said, "I am going to reinvent American Government. I am going to eliminate programs. I am going to cut spending $3 for every $1 of new taxes that I am going to impose on those rich people."

Then in the confirmation process before the Senate, Senator Bentsen and Congressman Panetta, his chief financial officers, said, "We will get $2 of spending cuts for every dollar of taxes." And then in that great State of the Union Address which I could have given, 90 percent of anyway, and during which I stood and applauded 14 times, he said, "One dollar of spending cuts for every dollar of taxes." That is the rhetoric of this budget. But the reality of this budget is $3.38 of taxes for every $1 of spending cuts.

You all remember in the campaign what the President said when he was asked in the first debate, "Who are you going to tax?" He said, "If your family does not make over $200,000 a year you have nothing to fear."

In fact, he said, for those families that make $80,000 or $60,000 a year, they "will have a choice between a child's tax credit or a significant reduction in their income tax rate."

I ask middle-income working Americans tonight, which one are you going to choose? Let me tell you what you are going to choose from. In this budget, we are going to raise taxes on every working family in America. The President said energy taxes are a throwaway; $10 a month, $120 a year. His own figures show that is the direct cost. Gasoline prices up probably 10 cents a gallon, utility bills up, but the price of everything we buy from groceries to airline tickets, according to the President's own budget estimates, will go up another $200. So, not $120 a year but $320 a year on energy taxes; and outside groups say $500 a year.

Madam President, the rich people taxed by this budget are making $25,000 a year, earning Social Security. We are going to raise their taxes. And the really rich people we are going to tax turn out to be not people at all but proprietorships, partnerships and subchapter S corporations. These small businesses and family farms that will pay about 70 cents out of every dollar of these taxes.

So the rhetoric was we are going to cut more than we tax. The rhetoric was we are going to tax only rich people. But the reality is we are taxing everybody and we are cutting almost nothing. If you want to see it all boiled down to the simplest chart of the debate, look at the volume of these three words and they are in proportion to the Clinton budget: taxes, spending, and cuts.

Basically, the problem with this budget is you cannot tax your way to prosperity and jobs, you cannot spend your way to deficit reduction, and when the American people discover the real truth about this budget, they are going to feel betrayed. They are going to feel that they have not been leveled with, that this is not what they were promised in the campaign.

I know our colleagues on the Democratic side of the aisle did not like the Reagan program and do not like it now. But in 1980, Ronald Reagan told everybody in America if you elect me I will cut spending, I will raise defense, and I will cut taxes. So you may have been for him, you may not have been for him, but nobody was surprised. The problem is nobody promised us this budget in the campaign.

Had the President stood up in the debates and told the American people what his budget would actually do, he would not have been elected. So when the American people find out, when they finally cut through all this rhetoric and they find out that domestic spending not only is not cut in this budget but it grows over the 5-year period that this budget covers by $557 billion of new spending while people are paying new taxes on Social Security, on energy, on the income of small businesses and family farms, people are going to believe that we did not level with them. And they are going to be very unhappy about it. And I suspect they are going to remember this rollcall vote.

When we vote "yea" or "nay" tomorrow, I want to be certain that my name is recorded in the column as voting "nay." I am not for this budget and I do not believe this budget is going to work. I believe that this budget is going to cost America jobs, and I believe this budget is going to drive up the deficit.

I would like to do something tonight that I do not often do. I want to talk about what things are going to be like 4 years from now.

Four years from now, we are going to have cut defense so much that defense cannot be cut any more. And we are going to have spent every penny of it. We are going to have marginal tax rates that are over 41 percent and we are going to have spent every penny of it. And we are going to have a deficit of about $400 billion and the economy is going to be on its back. And the American people are going to ask, how did that happen?

I would like to say, Madam President, it happened because of what we are going to do when we cast our vote to support the Clinton budget. This budget cannot and will not work. This budget cannot and will not produce prosperity, because this budget is not an economic plan at all. This is a political plan. The plan here is to grow government, not grow America. The plan here is to raise taxes and cut defense, to increase domestic spending to create new political constituencies.

If this plan works, everything that happened in Eastern Europe and is happening around the world is wrong. If this plan works, we know that we should go back and say to the people in Cuba, and North Korea, and China: Hold on, you are right. Government works. Expanding the economy through economic freedom and letting people keep more of what they earn does not work.

I do not think we are going to be spreading that message. In fact, I think we are going to prove once again that tax and spend for more government will fail. And the tragedy is we are voting for a program that the voter never approved. No candidate for President—Republican, Democrat, or Independent—ever ran for President, in 1992, anyway, on this platform. And that is what to me is most distressing. If the American people had voted for this, you could say: They want it, they ought to have it. And while I do not believe it is the right thing, at least people voted for it. But they did not vote for it. They voted for a promised program that was exactly the opposite of the program that we are going to be voting on and that is why I am going to vote "no."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if Senator GRAMM will respond to a question before he sits down.

Mr. GRAMM. I will be happy to respond.

Mr. DOMENICI. And then I see Senator GORTON. How much time would he like?

Mr. GORTON. Three minutes is plenty.

Mr. DOMENICI. I will try to do that. Is my colleague aware when we adopt this plan and implement these taxes—not we, I should say when they do—we will have marginal rates that are about the same as England's?

Mr. GRAMM. I am aware of that and I am frightened about it.

Mr. DOMENICI. Are the marginal tax rates and the heights that they have reached in England heralded by anyone the Senator knows of as the epitome of what will cause a vibrant, growing, investing economy? Have you ever heard any economist say that is the way to do it?

Mr. GRAMM. In fact everybody who has looked at the British experience says it is a blueprint for disaster that other countries with enlightened governments should not replicate.

Mr. DOMENICI. I yield 5 minutes to Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. SARBANES. Madam President, parliamentary inquiry. Can I inquire what the time situation is?

The PRESIDING OFFICER. The Senator from Tennessee controls approximately 2 hours and 40 minutes, and the Senator from New Mexico controls approximately 2 hours and 21 minutes.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized. Does the Senator yield?

Mr. SARBANES. A further parliamentary inquiry. Is the 2 hours and 21 minutes before the 5 minutes that has just been yield?

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. So at the end of that, it will be 2 hours and 16 minutes for the Senator from New Mexico, and 2 hours and 40 minutes for the Senator from Tennessee?

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. I assume at that point the opportunity is going to come back to this side of the aisle. Would that be correct?

Mr. SASSER. It is my understanding the Senator from New Mexico wished to speak himself, and then recognize two Members on his side. In all fairness, I think it ought to swing back now.

Mr. SARBANES. I will wait on the Senator from Washington, but I certainly think it ought to swing back after he completes his statement.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me say we have no intention on monopolizing the time.

Mr. SARBANES. I was not suggesting the Senator did. I realize these things sort of gain a momentum of their own. Some of us have been waiting quite a while, as well.

Mr. DOMENICI. Madam President, might I indicate for the RECORD that I am in charge of the time by designation of the Republican leader. I have the privilege of controlling that. I want to indicate that Senator GRASSLEY is going to control the remainder of the Republican time on our side. I know of only one other Senator who desires to speak along with my friend Senator GRASSLEY, and that is Senator BROWN. Obviously, I am sure we are going to be cooperating, letting the Senator from Maryland speak, too.

I thank the chairman for his kindness throughout all this debate, and for the good work he does. I compliment him. I am hopeful some day while we are still in this position, we will find a reason to be on the same side.

Mr. SASSER. I hope so. May I inquire of my friend from New Mexico, or inquire of the distinguished Senator from Iowa, how long does he contemplate speaking this evening?

Mr. GRASSLEY. In my particular case—I do not know about Senator BROWN—but in my particular case, probably not more than 30 minutes.

Mr. SASSER. I thank the Senator.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Madam President, I wish to thank my friend from New Mexico for his courtesies, and I wish to commend him for the clarity of his exposition of the shortcomings of this budget. I suppose one could look on the bright side. It is barely a week ago that Members on this side were told that this budget could not be changed by $1 million, by $10 million. The $295 billion in new taxes was absolutely essential for the salvation of the Republic.

And now we have a budget resolution back which has a mere $273 billion in new taxes, almost a 10 percent improvement over what we were told was inflexible and unchangeable just a week ago. But 10 percent less of an outrageous and unnecessary tax increase does not make that tax increase reasonable. Ten percent less in the increase in burdens on Americans across income scales, and most particularly on those Americans whom we are asking to create new jobs and new economic opportunity during the balance of the 1990's, will not result in the creation of those opportunities.

This budget, as was so well pointed out by the Senator from Texas, is primarily a new tax budget. It is secondarily a new spending budget. In tiny print, it promises sometime in the far off future by and by a tiny decrease in the budget deficit, a time so far in advance that, Madam President, all experience tells us that it will never come.

In fact, all of the net decreases in domestic spending in this budget resolution are consumed by the so-called stimulus, or perhaps it would be more accurately described as pork package, which this Senate has been debating since last Thursday, a graphic illustration of the fact that it is easy to talk about fiscal responsibility 3 or 4 or 5 years from now, but far easier to talk about new spending programs at the present time.

This budget resolution will not meet the promises of the President of the United States. Those promises were to create economic opportunity and to lower budget deficits. Those promises the American people have signed up to support. But when the American people are given the details of this budget, they disagree with every single element in it. And they know why they disagree with those elements. They know that this budget resolution will not lead us to prosperity, will not lead us to anything other than a more intrusive Government in the lives of all of us and of all of them.

The President has had the right goals. The President has rhetoric which resonates across the American landscape. The President and this conference committee have presented us with a program that does not meet the rhetoric, and the greatest single favor we can do for the President of the United States is to reject this budget, to send him back to the drawing boards and to ask him to come up with a budget which does not increase tax burdens on the American people, which decreases the rapid increase in domestic spending as sharply as it does spending on defense, and which truly gives us the promise of lower and eventually disappearing budget deficits.

This budget resolution does not do that. This budget resolution should be defeated.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland [Mr. SARBANES], the Senator from Colorado [Mr. BROWN], and the Senator from Iowa [Mr. GRASSLEY] that the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. SASSER. Madam President, I yield such time to the distinguished Senator from Maryland as he may consume.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair.

Madam President, I want to first commend the very able Senator from Tennessee, the chairman of the Budget Committee, for the extraordinarily fine job which he has done in managing this budget resolution in the committee, on the floor of the Senate, in the conference, and now, once again, back on the floor of the Senate.

I am frank to say I do not know that I have seen as skillful and as dedicated an effort in the time that I have been in the Senate, and I really want to extend my profound respects for the chairman of the committee for the very fine work which he has done.

Mr. SASSER. Madam President, I would like to express my thanks to the distinguished Senator from Maryland for his very kind words. I also want to say that without his cooperation and leadership, which was displayed both in the Budget Committee and on the floor of the Senate, I doubt very seriously if this budget resolution and budget conference report, which has such a significant amount of deficit reduction in it, would have come to fruition.

Mr. SARBANES. Madam President, the chairman is very kind. I appreciate his remarks.

I want to just for a moment talk about what President Clinton faced, or what he found when he came into office on the 20th of January, just over 2 months ago, about 2 months and a week ago.

It is very important to understand it because you have to appreciate the situation with which he was confronted to understand in part what the President has been trying to do, and which is reflected in this budget resolution.

The first thing the President confronted when he came in, as he looked back over our recent economic past, was this performance on budget deficits.

Madam President, this is 1945 back here—in other words, the end of the Second World War—and as one can see we were running some budget deficits at that time. And then we really ran at a pretty good performance here until we got into the 1970's when they started going up. But then look what happened beginning in 1981. They literally soared. Then they came back down again. And then this is President Bush's term and these budget deficits went up and up and up.

So President Clinton came in, and he looked around and the first thing he saw were these huge budget deficits that had been run in the 1980's.

Well, people say the Congress is responsible along with the President. It is important, to note this point. The budgets passed by the Congress during this period were smaller than the budgets submitted by the Presidents. In other words, during the Reagan-Bush years, the Congress actually passed spending measures below the spending measures submitted by the Presidents. It is very important to understand this.

Now, we changed the nature of the spending. That was part of the debate. We shifted the priorities. But in terms of the total amount, we lowered—"we" being the Congress—the spending figures below—below—what the Presidents had proposed in this time period.

Now, the consequence of running these large deficits, which President Clinton looked back on and could see, was an explosion in the Federal debt. In other words, you run a budget deficit this year, you add to the debt. You run it the next year, you add further to the debt.

This was the Federal debt in 1980. And you then can begin to see what happened to this Federal debt as it climbed and climbed and climbed and climbed and climbed. This is what President Clinton faced when he came in. So he is facing these large budget deficits which have resulted in this explosion in Federal debt, and the consequence of this buildup in the Federal debt is that we get an increase in the interest charge on the Federal debt.

Now, I want to underscore, this is what President Clinton was confronted with when he came in. Look at what has been happening to the interest charges during this period of time, going from about just over $50 billion to about $200 billion a year—a year.

Now, just imagine at the beginning of the Reagan-Bush years—that is when we had a national debt at this level—we were paying about $50 billion in interest on that debt. That debt rose throughout this period, so that now we are paying about $200 billion a year interest charge on this increase in the debt.

Obviously, what happened in the 1980's was President Reagan and President Bush pursued a borrow and spend policy—borrow and spend, borrow and spend. Well, the other side says spend. What did they spend it on? They spent it on huge increases in defense.

There is a tendency on the other side of the aisle to treat defense as though it is not spending. The only thing that is spending is domestic programs that we spend on our people here at home. They regard that as spending and get very upset about it. But they tend, most of them—not all but most of them—to treat defense as not being spending.

But we had this borrow and spend approach, and the debt went up, the interest charge went up, so President Clinton faces a budget deficit problem which he needs to address. The budget deficit has resulted in a large increase in the national debt, and the large increase in the national debt results in significant interest charges on the debt which we have to pay each year. We have to, in effect, find over $200 billion each year now just at the beginning of the year simply to pay the interest on the debt right from the outset. It is a big indigestible lump that appears in the budget.

The next point, though, is this is not the only deficit President Clinton found when he came into office as a consequence of the policies of the previous decade. He also found an investment deficit. Now, this is a very important point because, if we do not invest in our economy for the future to build its strength and viability, we are not going to be a more productive and competitive Nation. We now are in a global economy, and our competitors from abroad are all making these investments.

This chart shows real net investment in this country since the end of World War II.

Mr. SASSER. When the Senator, if I may just inquire, says investment, what does the Senator mean by investment?

Mr. SARBANES. I am going to show two charts. This is in the private sector, and then I am going to show a public sector chart, because you make investments in both places. The private sector invests in plant and equipment in order to have a modern industrial establishment, and the public sector, of course, invests in infrastructure, the transportation network, the communications network, in research and development, in education and training.

Now, what happened in this country—and you can trace it. This is 1980—we began to get a real drop in net investment as a percent of our national product. In other words, there is an investment deficiency in historical terms compared with what we had been doing. This is the average from 1946 to 1990—this line here. And as you can see, we have been below that line now, except for this just brief touch there, throughout the 1980's and through the Bush administration. So we are not investing anywhere near the same amount that we were investing earlier, in the 1950's, the 1960's, and even into the 1970's.

Someone may say, well, we may not be doing as well as we were doing historically in the United States, but we are still doing better than other countries.

We are ahead of what other countries? I wish that were true. The fact of the matter is, when you compare fixed investment as a share of percentage of the gross product, this is the United States. We actually are the lowest of the 10 largest economies. This is Japan, Spain, Australia, Germany, The Netherlands, France, Italy, Canada, the United Kingdom, and this is the United States.

The President looked at this and he said, we have an investment deficit. In fact, just to take one specific area in order to underscore this point, this compares nondefense research and development, which is very important. You are talking about research and development in the nondefense sector, which is, of course, the arena in which we compete with all these countries around the world, talking about civilian products. And that, of course, has a big impact on our trade deficit and our ability to compete.

In 1971, the United States, Japan, West Germany, were all fairly close. We were a little behind, but we were doing pretty well.

Look at what has happened as we come out to 1989. This line is the United States here, which has moved roughly straight with some pickup here. This is West Germany and Japan. Look at the size of this gap today in investment, in civilian nondefense research and development. That is just one example of the discrepancy between the investments we are making to other countries.

I could produce another chart that shows a discrepancy between what the Germans invest in apprenticeship and training programs for the part of their population that does not go on to college, compared with what we do. The gap is enormous. Seventy percent of our people do not go on to college. Yet we do not have a major apprenticeship and training program, certainly nothing that compares with what the Germans have.

So we are not investing in our country. We are not investing in education and training. We are not investing in infrastructure. We are not investing in research and development, compared with our competitors abroad.

As a consequence of their investments, they gain an advantage on us in the international competition. So we run these trade deficits. We have been running trade deficits throughout the 1980's, and because we have run trade deficits, the United States, which used to be a creditor nation, is now a debtor nation. Ever since World War I we were a creditor nation. We held more claims on people abroad than they held on us. That has now reversed itself. We are now a debtor nation. We are going even further into debt.

This pick up that took place right here were the payments we got for doing the Persian Gulf operation. In other words, we got these payments from countries. But as soon as that was over with, we moved back down here again. It is expected that the trade deficit is going to worsen. This line will lead us even more into a debtor status.

So, President Clinton looked at this and said, we have a budget deficit, we have an investment deficit, the investment deficit is helping to contribute to a trade deficit, the trade deficit is turning us into a debtor nation. He says, well, we have to do something about this. What he proposed to do was to have an economic strategy that would address both the budget deficit question, and the investment deficit question. The President has been very up front about that. In fact, during the campaign, he made the point that we needed an investment strategy. Consistently throughout the campaign, then-Governor Clinton talked about the necessity to address the budget deficit problem, and the necessity to address the investment deficit, that we needed an investment strategy for America to build a stronger economy for the future, and we needed an economic strategy that would bring down the budget deficits. That is what he set out to accomplish. That is what this resolution reflects.

This resolution reflects, as the chairman says, the largest deficit reduction program that has been put forth. And it also reflects investments in certain key programs to build the future strength of the economy.

Well, you say, where are you finding the resources, the financial resources with which to do this deficit reduction, and to do this investment strategy? The President is finding it from two places, from spending cuts and from additional revenues. That is where he is finding it.

I want to ask the chairman of the committee a couple of questions on this. As I understand it, the total deficit reduction in this package is $496 billion over 5 years. Is that correct?

Mr. SASSER. The Senator is correct. It is $496 billion in deficit reduction over 5 years.

Mr. SARBANES. How much of that comes from net revenue changes?

Mr. SASSER. That comes from net revenue changes in the amount of $272 billion.

Mr. SARBANES. So the deficit reduction is significantly greater than the additional revenues. Is that correct?

Mr. SASSER. That is correct. The deficit reduction is over $200 billion more than the net revenue that is raised.

Mr. SARBANES. Where does that other $200 billion come from for the deficit reduction?

Mr. SASSER. One hundred and six billion dollars comes from reduction over 5 years in military spending. This is the first, really, post-cold war budget that the country has had. President Clinton has sought to reduce military spending over the 5-year period by $106 billion.

In addition, he has reduced discretionary or domestic discretionary spending over the same period of time by about $81 billion. And he has reduced the so-called entitlement programs or mandatory spending by $19 billion over the 5-year program.

So he has cut military spending by over $100 billion, he has cut domestic discretionary spending by $18 billion, and he has cut entitlements or mandatory spending by $91 billion.

Mr. SARBANES. Madam President, clearly what the President has done then is, he has increased some spending. That is his investment strategy. He has put some money into investments for the future of the country.

But over and above that, he has realized significant savings in spending to go toward deficit reduction, and the deficit reduction significantly exceeds the additional revenues. So one could legitimately say that every dollar of additional revenue that is in this proposal is going to go for deficit reduction, and that, furthermore, on top of that, a significant amount of the spending cuts will also go for deficit reduction.

Mr. SASSER. The Senator from Maryland is absolutely right. That is absolutely correct.

Mr. SARBANES. Actually, he had even more spending cuts, but he uses some of that for the investment strategy. Is that correct? The President has been very up front about the necessity of doing both things. The President says we have to have an investment strategy for the country, we have to invest in our human capital, and in our physical capital. And if we do not do this, we are not going to be a competitive nation in the 21st century. We will not have the productivity with which to meet this competition from abroad. And we will not be able to build a high-skill, high-wage economy.

Mr. SASSER. The Senator is quite correct. And what the President has done here, and what his plan proposes and what it will do, if it is adopted by the Congress, is over a 5-year period, the President reduces the deficit as a percent of gross domestic product by 50 percent. He cuts the deficit in half as a percent of gross domestic product, over the 5-year period.

While he is cutting the deficit in half, simultaneously, he is investing in programs for the long-range development of the country, to make it more competitive over and against our trading partners and trading adversaries, to make us more competitive in a worldwide economy and at the same time invest in the human resources of our own people. So it is a finely balanced package that reduces the deficit, while simultaneously investing for the future.

Mr. SARBANES. Well, I am struck by the way my colleagues on the other side of the aisle, the Republican Members of the Senate, seem to treat military spending as though it is not spending. I mean, they consistently want to talk about the spending cuts and ignore the cuts that have been made in the military budget. And I really raise this question, that with the implosion of the Soviet Union—I mean, we now talk about the former Soviet Union. In fact, we are trying very hard to sort of educate ourselves, so we talk about each particular republic that used to constitute the Soviet Union and, clearly, the level of threat has markedly reduced.

That is not to say there are not any threats in the world; we still face difficult situations. But in terms of their order of magnitude, they do not compare to what we were confronting when we faced the Soviet Union and the Warsaw Pact's aggressiveness and expansionism in its objectives. I think most of the American people want to shift some of the money out of defense and into other purposes. In fact, what President Clinton is doing is he is shifting it for investment purposes and for deficit reduction. Those are his two objectives. Invest in America and reduce this deficit, get this deficit on a downward path which is, of course, what this proposal does.

Let me ask the Senator this question, because there are some revenue increases in here, and my colleagues on the other side, of course, are sort of screaming about that.

Am I correct that 65 to 70 percent of the revenue increases that this resolution would produce in the President's proposal to the Congress would come from the people at the top of the income scale—in other words, the top 1 or 2 percent of our population?

Mr. SASSER. Well, the Senator is entirely correct. I have a chart here which represents the distribution of the President's revenue package. And as you look at this chart carefully, you find that almost 65 percent of the revenue comes from those who make $200,000 a year or more.

Those represent the top 1.5 percent of the population in earnings. And that is the proportion of the population that has benefited disproportionately from the large tax cuts that were passed principally during the Reagan years.

This chart also indicates that 8.7 percent of the revenues come from those who made between $100,000 and $200,000 a year. So it is no exaggeration to say that 75 percent of the revenues come from those at the very top of the income scale.

Mr. SARBANES. Madam President, I think this is a very important chart which the chairman has just shown in this explanation. It makes the point that there was one other thing that President Clinton found when he came into office.

We talked about the fact that he found a budget deficit, a big run-up in the national debt; and as a corollary to the big run-up in the national debt, there was a run-up in the interest that we have to pay on the debt each year.

We have made the point that he found an investment deficit. We were not investing anywhere near at the levels that we have invested historically in this country, nor were we investing at the levels that other countries, our competitors abroad, are investing. In fact, of the 10 largest economies, we were the lowest in that regard.

We have run large trade deficits which have turned us into a debtor country. And the President tried to put together a package of spending cuts and revenue increases, which will then provide the resources with which to do deficit reduction and an investment strategy. But when the President put that package together, particularly when he addressed the revenue increases, I am sure he had in mind the fact that over this decade of the 1980's there has been a major shift in this country in the share of income held by the top 10 percent of the income scale.

In other words, what has happened is that the bottom fifth of our population actually lost 18 percent. They had 18 percent less of a share of the Nation's income at the end of the decade than at the beginning of the decade. The next fifth was minus 13.6 percent. The third fifth, minus 8.6 percent. The fourth fifth, minus 5.2 percent. The ninth decile, which are the people between 80 and 90 percent, minus 1.6 percent. The only people during that period who gained in their share of the Nation's income were the top 10 percent of the population. This is 91 to 95, 2.5 percent; 95 to 99, they gained 11.3 percent. Look at this, the top 1 percent had a 60-percent increase in their share of income.

So the President obviously saw that there had been a tremendous shift of benefits to the very top of the income scale. That is also dramatically illustrated by this chart, which shows that this is for the top 1 percent. This is a rather complicated chart. I will take a moment on it. The top 1 percent, rising income, falling tax burden per family.

Here is what happened——

Mr. SASSER. If I may interrupt the Senator, what we are saying here is their income was going up; their tax burden was actually declining?

Mr. SARBANES. That is right. Here is what happened: Their pretax income rose along this line. It rose from $305,000 per family—per year now we are talking, the top 1 percent of the country—to $566,000. Their Federal taxes went up 50 percent. So they have had a slight increase in the Federal taxes they were paying. Of course, the reason for that is that they had a big increase in their income.

In fact, what happened is that their after-tax income went up 105 percent. My Republican friends spend a lot of time putting out charts arguing that the very rich paid more taxes during this period.

That is correct. They did pay more taxes. But what is also correct is that they had much, much, much more income, and in fact their income went up by a significantly larger percentage than their taxes did. So they came out ahead in after-tax income. The logical extreme of this would be if one person had all the income and paid all the taxes, he would say, "I paid more taxes than I used to pay." You would say, "Yes, you do, but the reason is you have so much more income than you used to have."

Their taxes did not rise proportionally to their income as this demonstrates. In fact, their taxes went up 50 percent, their after-tax income doubled—doubled. That is why they got a bigger and bigger share of the Nation's income.

President Clinton looked at that and I think he said to himself, as I would have said: "Well, this is not fair. This is not equitable. There are people here who reaped enormous benefits."

We have been borrowing and spending throughout this period, running up the deficit, borrowing and spending, saddling the Nation with that large debt and those heavy interest charges and that as we address how we are going to deal with this problem. Those who reaped such enormous, disproportionate benefits ought to step up and make a contribution. I do not mind them reaping benefits. I just want people to contribute in a reasonable, proportional and progressive way to addressing our Nation's problem. That is why in the President's revenue package of the total revenues raised in this package, 65 percent come from people with incomes above $200,000 a year.

It is very important to keep that in mind, that the real contribution on the revenue side is being made by the people at the top of the income scale, and it is important to keep in mind that the people at the top of the income scale benefited disproportionately throughout the last 10 or 12 years, throughout, roughly, the last decade.

So, what the President has done is he has, I think, put together a very balanced package. We have one piece of it that we are still dealing with that is not in this budget resolution, which is the stimulus package that is on the floor of the Senate.

The stimulus package is separate because of the way we do our business here. If we did our business differently in terms of how we handled legislation, it might well have been part of the actual package. But we are not able to do that. The President has put it forward as an integral part of his package, and, in effect, what the President is saying is, "I need to give some lift to the economy in the short run to assure that it is going to move on a growth path, that it is going to continue to rise."

You see, we have had a recession here in which we are not recovering jobs. And the President's stimulus package, which if it were included in the resolution itself, would result in a somewhat lower deficit reduction figure, not much in the total context. We are talking about a deficit reduction figure of $496 billion over 5 years, and the stimulus package is a total of $30 billion if you count the tax side. Is the tax side figured into this figure?

Mr. SASSER. The total value of the stimulus package for budgetary purposes would be about $14 billion, and so that is the answer.

Mr. SARBANES. In a total picture of $496 billion, so that is about 2½ percent of that, not even 3 percent.

The President is trying to use the stimulus package to get the economy moving. In previous recovery after recessions, we recovered jobs on this sort of growth path. In this recession recovery, we are getting jobs back on this. Look at this contrast between previous recession-recovery cycles and this recession-recovery cycle.

So, Madam President, I just draw to a close with this observation: I think the President has put together a very balanced package. I think his analysis of the Nation's problems and needs is right on target. No one has dealt with these problems for 12 years. We hear all these protestations from the other side of the aisle. They did not deal with these problems. Clinton was handed these problems when he came into office, and he is trying to turn the economy around. He said he was for change and he is. We must be for change.

We cannot go on with these trends that have taken place through the 1980's. We cannot go on running those deficits up, building up the debt. We cannot go on failing to invest in the country.

I gather people on the other side disagree with that. They do not want to do investments. They do not want to tax the very wealthy, and they have been very clear about that. That is a sort of no-no in their book.

What Clinton is saying is: "Look, we are going to change some of our priorities. We are going to shift some money out of defense because we do not need to make the same kind of commitment that we made in the defense budget." The other side thinks there is too much in the defense cuts. They are arguing against that. Clinton is saying we have to start changing. It is still a very big defense budget.

If the chairman will yield, what levels are we still running out?

Mr. SASSER. I am delighted that the Senator from Maryland asked that question because even under the Clinton budget with about $108 billion in military spending cuts over the next 5 years, we will still be spending over the next 5 years the mindboggling figure of $1.34 trillion for the military purposes.

So, it is interesting to hear my friends on the other side of the aisle indicating that we are going to ruination because we are cutting military spending by $108 billion over 5 years. It seems incredible to me that they would say that in light of the fact that President Clinton proposes under this budget to spend over $1.3 trillion over the next 5 years on the military.

Mr. SARBANES. Every survey I have seen of public opinion in this country indicates that people believe by very large margins that we can reduce the military budget, that we ought to reduce the military budget, and then some say we should use that for deficit reduction, and others say we should use it for an investment strategy, to meet the needs of our people here at home, the domestic needs of our people, which are obvious to their very eyes.

I invite people to take a careful look at the infrastructure around them in their cities, towns, villages, and in the rural areas across the country, and if they do that, they are going to conclude that there are needs there that must be met.

So that is one thing the President is doing. He is changing the priorities. He wants to shift some of that money. He is also cutting a lot of domestic spending. Everyone is complaining that this is not a tough program and everything.

Well, this is a tough program. This budget gives some tough figures to committees to comply with. And you are going to see a squeezing of that domestic budget. It is not going to be uniformly squeezed. In other words, the President is not mindless about this thing. The President is not coming along and saying we are going to cut any and all Government programs of whatever sort, nature, or description.

The President is saying we have to cut some programs, but there are other programs that we have to, in effect, carry forward if we are going to meet our problems. So he is talking about investment in technology, in research and development, to keep the United States on the frontiers of technical progress and knowledge. He is talking about educating and training our work force.

Look at what the other countries are doing here—the Germans are spending huge amounts of money on an apprenticeship program. Everyone who goes over and looks at it says this is a tremendous program. These are people who do not go to college. They have a whole program geared to train them, to give them sort of status as master craftsmen, whatever the particular craft may be and to move them into the work market.

How can you have a first-class industrial power if you do not have a first-class transportation network?

The President recognizes all of that, so he is squeezing domestic spending. He is shifting money out of the military.

He is doing his investment strategy and he is bringing some of that money over in order to do deficit reduction, and joining that money, which comes out of the spending cuts for purposes of deficit reduction, with the additional revenues that he is raising, $272 billion over 5 years, with a deficit reduction figure of $496 billion.

The additional revenues over 5 years are $272 billion, 65 percent of those revenues will come from people making more than $200,000 a year, and the deficit reduction is $496 billion.

I want to repeat that. The total deficit reduction is $496 billion in this resolution. The additional revenues are $272 billion.

So a large amount of the deficit reduction is coming, I ask the chairman is it not the case, coming from spending cuts?

Mr. SASSER. No question about it. A very substantial portion of deficit reduction is coming from spending cuts.

And there are some very tough spending reductions here. For example, the President's program proposes $48 billion in cuts to payments to hospitals under the Medicare Program. In other words, no cuts to Medicare beneficiaries—the elderly who rely on Medicare will receive no cuts—but he is requiring the hospitals to engage in some very serious cost control measures. And those funds are then being used to either reduce the deficit or throw some back into investment.

Mr. SARBANES. And, of course, what the President is talking about is the next big issue that he will seek to deal with. Another issue that was handed to him that had not been addressed by this previous administration is the whole health care issue, both the cost control, people's access to health care, and shifting it to preventive medicine.

And, of course, I ask the chairman, is it not correct, when people talk about entitlements affecting the deficit, is that not essentially health care costs that they are talking about? Is that not, when we project out into the future, where the problem is with the rise in health care costs, which are rising at about three times the rate of inflation; is that not correct?

Mr. SASSER. The Senator is quite correct.

When we talk about entitlement programs and growth in entitlement programs, as the Senator from New Mexico discussed earlier this evening, saying that entitlement programs were what were driving the increase in the deficit, what we are really talking about is health care. Because 85 percent of the growth in so-called entitlement programs comes from two programs: Medicare, health care for the elderly; and Medicaid, health care for the poor.

That, in essence, is what is driving this growth in entitlements. The Government, just like everybody else, is caught up in this never-ending cycle of increased health care costs. Clearly, that is going to have to be addressed.

And President Clinton has indicated that, once this economic program is in place and once this deficit reduction program is in place, then the next initiative of his administration will be to deal with the escalating cost of health care.

Mr. SARBANES. Well, I want to say, to President Clinton's credit, he is trying to come to grips with real issues in a real way.

My own view is that we ought to stop using the word "entitlements" and we ought to talk about what program it is that you are talking about when you start talking about entitlements.

Because we get people who come in here and say, "We are going to put a cap on entitlements. We are just going to lay a cap on it, and that is that."

Then you say, "What do you mean by that? What is the program you are talking about?"

Well, in this instance what they are talking about is medical care. And what that means, if you do not have a fully developed medical reform plan, as President Clinton is now trying to develop, what it means is a lot of people are not going to get medical care.

That is what it means, right?

Mr. SASSER. No question about it. The Senator is entirely correct.

Payments by the Federal Government for Medicare and Medicaid amount to approximately 24 percent of the total health care payouts in the whole economy.

If you are going to put a ceiling on what we pay for Medicare, health care for the elderly, that we are going to pay so much and no more; going to put a ceiling on what we pay for health care for the poor, that we are going to pay so much and no more; and then, outside of this one-quarter of the health care payouts, health care costs continue to grow, what you are going to find is that hospitals will start saying: "We are not going to admit Medicare patients." Doctors will start saying, "We are not going to treat Medicaid patients," because you will put a lid on what you will pay there. And, at the same time, other health care costs have been growing three times faster than the Consumer Price Index.

It will mean eventually that people who rely on Medicare, doctors and hospitals will not treat them, and the same with Medicaid patients, poor people.

So that is really no solution to the problem. You have to deal with the whole constellation of health care costs. And that is what the President is proposing.

You cannot deal with just a quarter of it and put a lid on it and say, "We will pay so much and no more." Then people just will not treat Medicare patients or Medicaid patients.

Mr. SARBANES. The President is trying to grab hold of this problem, as sticky as it is, because he knows it has to be addressed.

That is the same thing he is doing with these economic issues. These past patterns are not going to work. They are giving us bigger budget deficits.

We have an eroding investment situation in our country. We are increasingly a debtor nation. We have a greater disparity of income, with the benefits being reaped only at the top end of the scale.

What the President is trying to do, and this budget resolution represents a first major step—and I will close with this observation—the President is trying to move the economy off of quicksand and get it onto firm ground, where we can then build for the future.

These trend lines that the President confronted when he came in—deficits up, budget deficits up, investments down, a worsening debtor status internationally, a growing inequity in income distribution, a jobs recession, poor economic growth—I mean, you are on quicksand when you have those kinds of trend lines.

The President is trying to change this. The President ran on the proposition that he would change it.

I think the chairman of the Budget Committee has done an admirable job in supporting the President and bringing forth this budget resolution.

Mr. President, it is imperative for the future of this country that the President's economic program, all of the pieces of it, be put into place. That is our one hope to get out of the quicksand and onto firm ground and in a position where we can build for the future strength and vitality and prosperity of this country.

I thank the chairman for yielding me time.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Tennessee.

Mr. SASSER. Mr. President, I want to commend the Senator from Maryland for a very scholarly and dispassionate and objective, I think, presentation this evening of where this country has been in the past few years economically, where we are now, and what we must do for the future. It has been a very thoughtful presentation and very comprehensive.

I think what the Senator from Maryland has done this evening is to present, in a very cogent way, the need for a coordinated plan to deal with the problems that this country finds itself in today and has indicated, I think very clearly, that President Clinton has such a plan, and the Senator from Maryland has pointed out the strengths of that plan and the necessity for its acceptance here. I thank him very much for his presentation.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized under the time agreement.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

Mr. President, we have just heard a very good history lesson. Would the Senator from Tennessee like the floor? I will yield if I do not lose my right to the floor.

The PRESIDING OFFICER. With that understanding, the Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I was just wondering, I thought perhaps in the previous unanimous-consent request I had requested the Senator from Colorado speak prior to the Senator from Iowa. It makes no difference to me who speaks first. But that was the unanimous-consent request.

The PRESIDING OFFICER. The Senator from Iowa retains the floor.

Mr. GRASSLEY. Mr. President, we just heard a history lesson, a history lesson of, I think, the last 12 years. We saw some defense of the budget before us. But for the several minutes, maybe 40 minutes in which the distinguished Senator from Maryland was speaking, he was speaking for the most part about history. And I suppose if I were trying to defend a budget that is going to, in 4 years of the term of one President, increase the national debt by the most that it has ever been increased in the history of any Presidential term, and that is $1.4 trillion, I would want to talk about the past all the time as well. I would not want to focus the Nation's attention on this budget. In 5 years, the 5-year projection of this budget is going to lead to an additional $1.8 trillion added to the national debt; from $4.4 trillion today to $5.8 trillion after 4 years of a Clinton administration. And then additionally at the end of 5 years, to $6.2 trillion.

Whoever thought, when they were voting for a President Clinton who deplored the trillion dollars of Reagan deficit, a trillion dollars in Reagan's second term, and a trillion dollars in a Bush term, that they were going to get an additional $1.4 trillion in a Clinton term? People thought they were voting for change, and they are getting the same old trillion dollars debt in a term of office. What is different about that? When that is in this budget—and that is what is going to be foisted upon the people of this country—you can understand why we will have speeches on this floor from the other side of the aisle talking about the last 12 years.

It would not be so bad, maybe, with $1.4 trillion debt, if at the same time we were not getting the biggest tax increase in the history of the country, $272 billion, the second biggest reduction in defense since the post-cold war period was entered, and hardly any reduction in domestic expenditures.

I know a case was made between the Senator from Tennessee in the discussion with the Senator from Maryland—oh, there are lots of reductions in expenditures on the domestic side of the ledger. Yes, there are. But there are massive increases in domestic programs. So that when it is all said and done on the domestic side of the ledger, there are minuscule reductions in the deficit. And when you add in the $16, $17 billion stimulus package we have, there is no reduction on the domestic side of the ledger. So we are going to end up after 4 years of an administration that was elected on a platform of bringing change and reinventing Government, with still a $1.4 trillion increase in the national debt, the biggest tax increase in the history of the country, the second biggest reduction in the defense budget, and still no change on the domestic side of the ledger.

They run on a platform of soaking the rich, and it is the nonrich who are going to get soaked in this budget, particularly with the Btu tax that everybody is going to pay regardless of economic status in life. There is particularly a very detrimental increase in the tax of Social Security recipients, when we increase the tax on Social Security recipients from 50 percent being taxed to 85 percent being taxed. Those are the so-called rich. the trouble with this soak the rich economics is that everybody gets wet and only the rich can afford umbrellas. And of course with this budget, the elderly are going to need hip boots when it is finally implemented.

We saw chart after chart. One chart I cannot help but comment on. That was the chart where you saw the quintile of economic class, the lowest quintile, and then the next highest quintile, all the way up to the very wealthy. Just as if for the decade of the eighties, the people who were in the lowest quintile were always there, and the people who were in the highest income quintile were always there. It avoids the facts of the economics of the 1980's and the public policy of the 1980's that it was to create opportunity. The decade of the eighties became a decade of opportunities because in that lowest quintile, you will find out in the decade of the eighties that 60 percent of the people that were in that lowest quintile found their way into the third, fourth, and fifth quintile, moving up the economic ladder.

There is so much talk about the rich, just as if it is the same static class of people over a long period of time. If you look at Forbes richest 400, the Forbes 400 of 1980, and look at the Forbes 400 of 1990, you will find that 60 percent of the people that were listed in that highest income bracket were no longer there in 1990.

So we had a period of opportunity in the 1980's when the people who were in lower income levels because of opportunity and reduced taxes were able to improve tremendously their status in life, and it also shows that the rich can become poor as well. Those are the dynamics of the American economy.

I heard one of my colleagues on the other side of the aisle today say that the American people voted for change last November; that they voted for a new direction. I look at the tax-and-spend budget that we have before us and I look at the deficit spending stimulus package before us. I listen to the Secretary of Labor who says that the stimulus bill that we have before us is only the first of several such emergency bills, and you can read that as deficit spending bills, that are going to come down the pike this year. Then suddenly, I gain a new found appreciation of what this new direction is that people on the other side of the aisle are talking about. And the answer is, quite factually, it is the same old direction that has been traveled by their party in the past; most recently traveled in the 4 years of the Jimmy Carter administration.

So when the rhetoric of the other side describes change and a new direction, all that means is we are going backward in time to the philosophy of 16 years ago. How hollow their words ring.

America does not want a new direction in just any direction. Yes, we are getting a new direction under this administration, but it is in the wrong new direction. It is heading us in the wrong way, down a one-way street. We are on the southbound street of the highway heading north, and that is not what America voted for in November.

America sent a clear message in November. But the other side did not get it. They think that 43 percent of the voters gave them a mandate for the highest tax increase in history, a whopping spending increase, and the largest increase ever in the national debt. That is what my Democrat friends call a new direction. That is what they call change.

But America did not say that we want change, just any old change. Americans did not say that we want a new direction, just any direction. They had enough of the direction represented by this budget under the philosophy of their previous administration, the Carter administration. We cannot help but remember nationwide malaise so deeply rooted and so pervasive that to this very day, we have not forgotten.

Under this new administration, we are getting all over again the sultans of spending, the titans of taxing. This is back to business as usual. This is just simply deja voodoo. Rather, America sent, in the last election in November, a more bottom-line message. They said to all of us, just fix it. Fix the deficit problems. Fix up your act in Washington.

How can we be doing that when we are right back to business as usual?

I participated in that last election as a candidate. I went through a campaign last year, just like the President of the United States did. I was near the people last year, near their concerns, near their desires, learning about their fears and, most important, about their frustrations. I had opponents who advocated the kind of proposals we have before us, particularly in this budget compromise which is before us. It just seems like candidates of the other side of the aisle can only talk program after program, more and more spending, deficit spending at every turn. These candidates proposed more spending and more programs.

Like a lot of my colleagues, both Republican and Democrat, I won reelection. I think I won because I campaigned on what the citizens in my State wanted: Responsible Government, good Government and an end to deficit spending. That is what the people want. That is what America wants. That was the mandate given us in November. That is what was promised us in November and, of course, it is not being delivered by our friends on the other side of the aisle, neither by the President nor his troops in Congress.

I think there has been a default, squandering a mandate, and so that is why the obligation has fallen to those of us on this side. These are not parliamentary games we play on this side of the aisle. We are trying to, and attempting to deliver on a mandate given to us by Americans in November.

Now the President could have acted on that mandate. He could have delivered on his promises. For some reason, he chose not to. And the majority party failed to hold his feet to the fire.

So often tonight, as well as before, in this debate we heard the other side use the term "guardians of gridlock." Let me suggest to you why that term is irrelevant. Had the Democrats accepted and understood the mandate that America gave us in November, it would have been reflected in their budget, the principal statement of policy of any administration of any party.

It was not so reflected, Mr. President. Had it been reflected in their budget, and if Republicans had then opposed the budget by offering amendment after amendment to frustrate the process, then that would be legitimately called gridlock. But in this case, Mr. President, the budget and the stimulus bill reflect the opposite of what was promised and the opposite of the mandate that we were given. Therefore, what Republicans are doing on this conference report, like what we did on the budget the first time it was before this body is a legitimate and responsible exercise in delivering what the American people want and what they were promised. We are trying to deliver fiscal responsibility and we are trying to reinvent the Government. We are not the "guardians of gridlock," Mr. President. We are the "guardians of good Government."

The majority party in this body had a chance to be the guardian of good Government, but they squandered the opportunity with their tax-and-spend conference report and the next bill that is to be taken up here, this deficit spending pork bill that we have been considering for a couple 3 days.

I predict that down the road over the next 4 years there will be two clear choices for the American people.

One choice will be what they were promised in November, and of course what they legitimately thought they were getting with the new administration. That is the choice of a better Government, spending less money, a reinvented Government within spending limits, and all within what we can afford.

The other choice is what we have in this tax-and-spend budget conference and on the stimulus bill. That choice is the business as usual choice, the status quo, the exact target of the November mandate. I predict, Mr. President, that when all is said and done, the American people will choose a more effective Government living within its means and they will resoundingly reject what is represented in this new wrong direction.

I know we have a long ways to go, Mr. President, before we are able to turn this around. The people thought that it was turned around in the last election. But when they see $1.4 trillion, the bottom line of the policy statement, the economic policy statement of this administration, the budget before us, they will know that they have been had and that the promises of last fall are not being carried out.

I will yield the floor, and the Senator from Colorado can have whatever time he wants on this side.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, I rise out of concern over the budget resolution that is before us, and while the hour is late, I want to make a few remarks before the vote that comes up tomorrow.

First, Mr. President, let me extend a word about the gentleman who is not here at this moment but who is here in spirit and has been here throughout the process. PETE DOMENICI, the distinguished Senator from New Mexico, has led the Republican effort. And I must say in the decade that I served in the House of Representatives and the 2 years that I have had the privilege of serving here, I have never seen a more dedicated, conscientious, hardworking legislator. PETE DOMENICI does what he says, and he means what he says. He has led the fight to reduce this deficit perhaps with more vigor and more determination and more hard work than anyone I know.

Mr. President, I would be remiss if I did not also take a moment to thank the distinguished Senator from Tennessee, the chairman of our Budget Committee. Senator SASSER has put up with my amendments, listened to my suggestions, and all with good humor and often with a straight face. His personal kindness is greatly appreciated, and I can only imagine it is because my family a long time ago was from Tennessee. At any rate, his kindness and his indulgence I deeply appreciate.

Mr. President, I think it is also important, although I certainly am not the one to extend the formal thanks, to acknowledge the fine work of Larry Stein and Bill Dauster. They have been of immense help to me, perhaps more than their boss ought to know, but I think they have gone out of their way to help someone of the opposite party.

I must also take a moment to thank Bill Hoagland and Austin Smythe, staffers on the Republican side who have done such an outstanding job. Bill Hoagland is outnumbered in terms of staff, I have suspected perhaps outnumbered in terms of pay, but he is the most informed and the hardest working staffer I have ever met in 12 years on the Hill. His patience and kindness and incredible depth of knowledge are an enormous benefit to this Member and I think everyone who serves with him.

Mr. President, the budget before us is pretty straightforward. What it ultimately comes down to is some total figures. Annual spending with regard to this budget breaks down I think as follows: First of all, if you take the first year, this year we are in now, compared to the end of the budget cycle what this bill does is cut $41 billion in defense. Those are real dollars, that is, net reductions. That is not in comparison to what we might have spent, but it is a $41 billion cut in actual dollars. It increases domestic spending $42 billion over that time period. When I say that I mean discretionary domestic spending, up $42 billion, not down.

Non-Social Security mandatory programs—that is, mandatory programs not counting Social Security—go up $76 billion over those 5 years. Perhaps a surprise to everyone is if you compare 1993 numbers to 1998 numbers, revenue is up $410 billion per year. It is not only the biggest tax increase in the history of this country, it is the biggest tax increase in the history of any country. As I think Members need to know, that $410 billion increase in annual revenue is not all tax increase. Much of it is related to inflation and to simple growth in the economy that is projected. But the net figure as we have used in the comparison with the spending numbers is $410 billion more.

Second, Mr. President, I think we would be remiss if we did not at least note at this point that this is the biggest increase in the national debt that any budget resolution has ever called for in the history of this Nation, an over $1.1 trillion increase over that budget cycle.

It is also, in current dollars at least, the biggest tax increase in the history of this country or any country in the history of the world.

Mr. President, the irony of all of these numbers is this incredible sacrifice by the American people does not eliminate the deficit.

It does not even come within $200 billion of eliminating it. The number in 1998 after the most unbelievable sacrifice any country has been called on to make is $201.9 billion.

Mr. President, I ask you to think about the kind of things that have been said about this budget deficit. Let me give you some examples.

During the campaign, President Clinton promised $3 of spending cut for every dollar of tax increase. Later on, the Office of Management and Budget Director Panetta testifying before Congress called for $2 of spending cuts for every dollar of tax increase. I suspect everyone is aware of the date that we will vote on this—April Fool, America.

This budget deficit, this budget plan, will involve $3 of tax increase for every dollar of spending cut, the opposite or worse than the opposite of what the President had called for originally. During the campaign, the President made this statement on "Larry King, Live." I quote it: "I would present a 5-year plan to balance the budget." April Fool, America. This misses the mark by over $200 billion.

During the campaign, the President also said this: "I want to make it very clear that this middle-class tax cut, in my view, is central to any attempt we are going to make to have short-term economic strategy and a long-term fairness strategy." April Fool, America. The middle-income class get a tax increase, not a tax cut, whether it is Social Security for the elderly, or an energy tax for the rest, all of us, middle-income class, as well have a tax increase.

Finally, Mr. President, in the process of the campaign, the President talked about taxing the rich. Early on he talked about the rich being those over $200,000 that would have to pay higher taxes. But on October 29, he further refined his intent for the campaign and for the tax. "The way I would define it in terms of people who would be immunized from paying any more would be families with family income above $80,000 a year or less."

April Fool, Mr. President.

Those who have $25,000 a year or more in Social Security will get a tax increase. And those who consume energy in almost any form will get a tax increase as well.

We would be remiss not noting, I suspect in this regard, that indeed there is supposed to be a low-income tax credit. I hope there is. But my guess is that when it is all said and done, we will have far more in the way of taxes for the poor, and the middle income than we did before.

Mr. President, I want to not leave here without making some forecasts because when we become sincere legislators to the end of a long road—this has been a long road—we ought to stand by what we do and how we vote.

I intend to vote against this package. I believe it is the wrong course for America. I do not believe higher spending and higher taxes will make us either more prosperous or eventually reduce the deficit.

So here is my forecast. The Budget Committee has put out theirs. First, I believe when we assemble here a year from today, or perhaps next year when we do the final drafting of the budget, instead of the documents reflecting what this budget document calls for, I believe you are going to see that spending will have exceeded the budget and will have exceeded it dramatically.

Mr. President, I must say I hope I am wrong. I hope the chairman's figures are right. I believe you are going to see spending far higher than what is even in this document that calls for huge spending increases.

Two, Mr. President, I believe when we assemble a year from now, we will hear a call from the President of the United States—having served the biggest tax increase in the history of any nation in the world—the President of the United States will call for more new taxes. Yes, Mr. President, these will not just fall on the rich. They will fall on everyone.

My third for forecast, Mr. President, that I again also hope is wrong, is this: This budget document calls for a deficit of a little over $201 billion in 1998 after incredible sacrifice by the American people.

Mr. President, I believe when 1998 comes, that the deficit will not be $201 billion, it will be more than double that and perhaps even far beyond it.

I mention all of this because I think we ought to be held accountable for what we vote for, how we stand, and what kind of results our actions bring to the American people. I can only say that I go forward with a firm and a fundamental belief that the strength of America does not lie in this Chamber no matter how bright or how dedicated the people who serve here are. I believe the strength of America is in the men and women who do the work of this country, the people who drive the trucks, dig the ditches, and work in the butcher shops, the people who earn their living by the sweat of their brow, the people who spend every day with long hours to eke out a living, the ones who do not come in for the special breaks or the special privileges.

I believe the key to making America strong is giving the men and women who make America go the right to make their own decisions and the opportunity to decide how their own money is spent. I think taking 30, 40 percent of what working men and women earn for themselves and giving it to the Government and have Government spend their own money is a mistake. It is a mistake not because there are not good things to spend it on. Heavens, we know in listening in this Chamber every day there are new programs that money could be spent on that could be passed. The problem is that for every dollar we take away from the men and women who work for this country and make it go is $1 less they have to spend and $1 less of incentive for them to work and $1 less for them to be productive. Oftimes we decide for them how their lives ought to be run. There is less and less incentive for them to be creative.

If there is one secret America has discovered, if there is one reason why America is strong, if there is one thing that sets us apart as a country, it is a belief in the individual, in individual freedom and opportunity. America is not great because we are all of one race. We are not. We are mixed. America is not great because we are blessed with such great resources. We have great resources, but there are other countries with far more, including one that recently fell apart. America is not great because of our climate or our topography, although we have a beautiful country to enjoy. America is great because we have discovered the secret, we have discovered the secret of what can make any country strong.

Mr. President, we have understood that what makes America strong is being able to tap the creative force inside each and every individual in the Nation, to give them a chance to run their own lives, and to spend their own money, and to enjoy the rewards if they work hard.

This budget says they are going to take more from the people who work in America and we will give them less control over their own lives. It is a budget that will harm America, and I shall vote against it.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Alaska [Mr. MURKOWSKI] as Vice Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, vice the Senator from Alaska [Mr. STEVENS].

RECESS UNTIL TOMORROW AT 9:20 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until Thursday morning, April 1, 1993, at the hour of 9:20 a.m.

Thereupon, the Senate, at 11:46 p.m., recessed until Thursday, April 1, 1993, at 9:20 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 31, 1993:

DEPARTMENT OF STATE

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT.

LYNN E. DAVIS, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR INTERNATIONAL SECURITY AFFAIRS.

STEPHEN A. OXMAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE.

JOAN E. SPERO, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC AND AGRICULTURAL AFFAIRS.

HARRIET C. BABBITT, OF ARIZONA, TO BE THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH RANK OF AMBASSADOR.

ZTHOMAS E. DONILON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF THE TREASURY

LAWRENCE H. SUMMERS, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING DANIEL B. CONABLE, AND ENDING FRANKLIN D. LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 1993.

FOREIGN SERVICE NOMINATIONS BEGINNING MELVIN W. SEARLS, JR., AND ENDING THEODORE J. VILLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 1993.

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT BEMIS, AND ENDING WILLIAM J. WEINHOLD, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 1993.

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM M. TAPPE, AND ENDING DANIEL L. DOLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 1993.

EXTENSIONS OF REMARKS

DOWNEY'S ORIGINAL McDONALD'S; PRESERVING A HISTORIC PLACE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. HORN. Mr. Speaker, one of America's truly historic landmarks—one which should be of interest to the President himself—is in jeopardy as a result of corporate shortsightedness. The last of the original McDonald's restaurants is targeted for closing by corporate executives. They apparently have little or no awareness of their firm's history or of the special role in the American culture played by this small restaurant, located in the city of Downey in California's 38th Congressional District.

This is not the first time that a lack of vision has plagued a corporate giant or jeopardized a symbol or historic landmark. Here in Washington, DC, it was only through determined efforts on the part of preservationists that the Greyhound Bus Depot with its art deco design was saved. The historic Willard Hotel, in which Lincoln stayed prior to his inauguration, almost fell victim to the wrecker's ball. Many corporate symbols have been retired, often to be resurrected later by more savvy executives who recognize the positive historic draw these symbols have for consumers.

But it is one thing to bring Tony the Tiger out of retirement to sell gasoline. It is quite another to try to resurrect a building which has been torn down because of a wrongheaded decision based on an erroneous analysis of what is important to the so-called bottom line.

I fear this is the challenge facing community leaders in Downey and officials of the Los Angeles Conservancy, who are united in opposing the decision by regional executives of the McDonald's Corp. to close the historic hamburger stand which played a seminal role in our evolving American culture.

Why do these McDonald's executives want to close down this historic outlet? Incredibly, because it is too successful. According to a company spokeswoman, it is too small to modernize. "We can't offer them the convenience of drive-through or (indoor) sit-down dining space. It doesn't make good business sense to keep the restaurant open."

I could not disagree more. This is a truly historic landmark, not unlike the Bromo-Seltzer Tower in Baltimore or the Chrysler Building in New York City. This small fast-food restaurant can and should serve as a symbol of what McDonald's has represented in the lifestyle of millions of Americans—and others throughout the world—in these past several decades.

It was in 1953 that the brothers Richard and Mac McDonald opened the Downey McDonald's, the oldest original red-and-white McDonald's in existence. It was the third restaurant of what would later become a worldwide empire under Ray Kroc, the milkshake machine salesman who was so impressed with the ability of the McDonald brothers to serve quality food fast that he bought the franchise and made it an international giant.

As the Los Angeles Conservancy has noted, the golden arched, red-and-white fast food stand was the prototype for a way of business and way of living that changed America and the world. Located at the corner of Florence Avenue and Lakewood Boulevard in Downey, it remained independently run by the original franchisees until 1990, when its lease was purchased by the McDonald's Corp.

The current lease expires in August, and a corporate spokeswoman says she does not know when the location will serve its last burger. According to an article by Natalie Shore of the Long Beach Press-Telegram, McDonald's officials have indicated that they are committed to preserving the 60-foot neon sign that showcases Speedee, the chubby, twinkling chef who is the restaurant's original mascot. What they propose to do is to relocate the sign to a newer outlet in the city while closing the original restaurant itself.

Downey community leaders and the Los Angeles Conservancy, though, are fighting to preserve this cultural icon. "I don't think people making the final decision on this know how important this McDonald's is, not just for Downey but for Southern California and clear across the country," said Downey City Councilwoman Joyce Lawrence. "it's '50's nostalgia for some people, part of our commercial history, the forerunner of most of our fast-food business."

An article by Gerald Faris in the Los Angeles Times makes clear the importance of preserving this McDonald's. Its two predecessors, the outlet that introduced the golden arches—a converted car hop drive-in in San Bernardino—and the second, in Phoenix, have been demolished. While others remain—one is a McDonald's museum—only the one in Downey serves burgers today as it did 40 years ago.

Councilwoman Lawrence, in a letter to McDonald's executives, tried to make clear the sense of significance historians place on this landmark. "it is important to me that you understand that interest in this unique business is not a local whim, but reflects a growing nationwide appreciation for McDonald's commercial history, its architectural significance—and even its neon as an art form," Lawrence said. She noted that in 1984, the drive-in became the first hamburger stand in America to be eligible for the National Register of Historic Places, the U.S. Department of the Interior's list of architecturally and culturally significant structures. It has been profiled in a segment of "Smithsonian World," a Public Broadcasting System series, and has been featured prominently in a book by Alan Hess, "Googie: Fifties Coffee Shop Architecture," as well as being mentioned in "Orange Roofs, Golden Arches," by Philip Langdon.

I bring all of this to the attention of my colleagues because I think that, all too often, we think of history as being something that happened a century or more ago. Too often, historic buildings or landmarks have been torn down, only to be recreated at some later point by those who have, too late, realized their significance.

We have in Downey and in the Los Angeles Conservancy people of foresight who realize what they have and know what a significant part of our culture—and the world's—it has been. They need help if they are to convince those who do not have that sense of vision that they should not make an irreversible decision which would almost certainly be regretted later.

At a time when a child born in the second half of this century—one who has repeatedly and unabashedly demonstrated the important role McDonald's plays in his life—sits in the White House, it would be a sad irony if a shortsighted decision forced the closure of this historic example of American entrepreneurship.

For the benefit of my colleagues, I insert Councilwoman Lawrence's letter and the articles to which I made reference in the RECORD:

CITY OF DOWNEY, CA,
February 22, 1993.

Ms. ANITA FAUNCE,
Marketing Manager, McDonald's Corp., Woodland Hills, CA.

DEAR MS. FAUNCE: I have been anxious to follow up with you about discussions I participated in between our Director of Community & Economic Development Art Rangel and John Dawson, Real Estate Manager for McDonald's Corporation, regarding the fate of the historic Downey McDonald's Drive-in at 10207 Lakewood Blvd.

I have heard from our city staff that we will not be meeting with you and I am disappointed. In addition to sharing my respect for the McDonald's Corporation, which has grown into a commercial cornerstone of American life and culture, I also wanted to talk with you about what I consider to be some overlooked advertising and marketing opportunities for this unique restaurant that has so long been a part of our community—40 years this August!

It is important to me that you understand that interest in this unique business is not a local whim, but reflects a growing nationwide appreciation for McDonald's commercial history, its architectural significance—and even its neon as an art form. While the Downey drive-in was not developed as a part of Ray Kroc's visionary fast food empire, it most certainly had to have been one of the inspirations that led to his interest in the first place. Mr. Kroc retained the distinctive, exuberant architecture for his own restaurants for many years.

The Lakewood Boulevard McDonald's file in our Downey History Center archives is about 3 inches thick, with newspaper clippings and articles from popular magazines and scholarly journals from across the country. As you may know, this drive-in is fea-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tured prominently in a book by Alan Hess, "Googie: Fifties Coffee Shop Architecture," as well as being mentioned in "Orange Roofs, Golden Arches" by Philip Langdon.

In 1983 a film crew from the Smithsonian Institution came to Downey to profile the historic McDonald's for a segment on "Smithsonian World", a PBS series that was screened across the United States at intervals for about seven years (locally on KCET).

In 1984 the drive-in became the first hamburger stand in America to be eligible for the National Register of Historic Places, the U.S. Department of the Interior's list of architecturally and culturally significant structures.

Next month the Los Angeles Conservancy will highlight the restaurant as they discuss preserving 1950's architecture.

Through the efforts of historians and the media, then, your corporation has received 15 years of positive, free publicity—even when you did not actually own this particular restaurant. Based on what the corporation recently spent for a slot on the Super Bowl telecast, I would think those 15 years could fit very respectably on the credit side of any balance sheet.

The Lakewood Boulevard drive-in has marketed some interesting souvenir items that could be profitable if they were bought in larger quantities and promoted with pride by the McDonald's Corporation. The restaurant could be used in films and your own commercials, or as a site for fund raising, (either for Ronald McDonald's houses, or for other corporate giving). I am sure that the talent within your own organization could think of many other ways to capitalize on this tourist attraction.

To wind up, we are proud to have this McDonald landmark in our community from a historical perspective and as a welcome business and job source—and we would like to work with you to keep it.

Thank you for taking the time to consider this letter. We will continue to be in contact with Mr. Dawson and others in the McDonald's Corporation as to how we can work together.

Sincerely,

JOYCE L. LAWRENCE,
Councilmember, District Five.

DOWNEY BURGER STAND TO CLOSE

(By Natalie Shore)

DOWNEY.—A piece of America's past will soon be history.

Burgers won't be cooking, fries won't be frying, and Speedee won't be winking his way into the hearts of McDonald's fans who frequent the last original restaurant still operating.

Corporate officials confirmed the news Friday. After 40 years of millions served, it's curtains for the McDonald's stand at Lakewood Boulevard and Florence Avenue.

"We have made a decision, a very difficult decision, but the decision was made to close the restaurant," said Anita Faunce, senior marketing manager for the Woodland Hills regional offices of McDonald's Corp.

The chief problem is the size of the property: It doesn't allow McDonald's to serve its customers in the manner they've become accustomed to, Faunce said. There is no room to expand the red and white ceramic tile stand.

"We can't offer them the conveniences of drive-through or (indoor) sit-down dining space. It doesn't make good business sense to keep the restaurant open," she said.

The company is losing thousands of dollars because it cannot expand, Downey officials say. Faunce declined to comment on the productivity of the site.

The lease is due to expire in August, but Faunce said she does not know when the location will serve its last burger. The property is owned by Pep Boys Inc.

"I'm surprised," said Downey City Councilwoman Joyce Lawrence, who has lobbied the fast-food chain both publicly and privately to keep the landmark open. "I know that public opinion matters to them because of all the other things they do," she said.

Lawrence said she is still hopeful the community can save the outlet, and the Los Angeles Conservancy agrees.

"It's a cultural icon, not just for Southern California but the rest of the country," said Pete Moruzzi, chairman of the conservancy's Modern and Post World War II Committee.

Faunce said the McDonald's Corp. is committed to preserving the 60-foot neon sign that showcases Speedee, the chubby twinkling chef who is the burger joint's original mascot.

The corporation is willing to relocate the sign to one of the newer outlets in the city, Faunce said. "We do place a lot of value on that (preservation)."

Pep Boys reportedly offered to lower the lease rate in an effort to keep its tenant, but company officials could not be reached for comment. Faunce would not discuss the reported offer.

GOLDEN MEMORIES?

(By Gerald Faris)

Joyce Lawrence discovered McDonald's hamburgers under a pair of giant golden arches in Downey.

"It was 1957 and I was at Downey High School when I had my first burger there," the Downey city councilwoman said. "You could get a hamburger, fries and a Coke and get change back from 50 cents."

Lawrence still buys Big Macs occasionally at the same stand, which is virtually unchanged almost 40 years after it opened in August, 1953, at Lakewood Boulevard and Florence Avenue.

With its two golden arches, red and white tile walls and towering neon sign crowned by Speedee the Chef, it is the only McDonald's still operating with the chain's original architecture.

And its future is in doubt, with Downey officials fearing that the stand may be closed, relocated or modified and lose its historical significance. The lease on the property is up this summer and there have been rumors on and off for years that the stand was in danger.

John Dawson, real estate manager with McDonald's Los Angeles regional office, would confirm only that the company is considering changing the location or modifying the present stand.

But not trusting to chance, Downey officials are rallying to save it.

"I don't think people making the final decision on this know how important this McDonald's is, not just for Downey but for Southern California and clear across the country," Lawrence said. "It's '50s nostalgia for some people, part of our commercial history, the forerunner of most of our fast-food business."

The Downey McDonald's was the third location opened, one of about 1,000 golden arches stands that were the company prototype until 1968. The outlet that introduced the golden arches—a converted car hop drive-in in San Bernardino—and the second, in Phoenix, have been demolished. While others remain—one is a McDonald's museum—only the one in Downey is still serving burgers.

Downey officials say the problem is economic. The company-owned stand is losing as much as $50,000 a year, is too small to house up-to-date equipment and lacks a drive-through window, the officials said.

The property was bought in 1982 by The Pep Boys—Manny, Moe & Jack automotive company, which has a store a few doors away. The company and McDonald's are negotiating on the lease, which expires in August.

Rumors circulated that Pep Boys wanted the land for parking, but a company executive in Philadelphia denied this. "We want a tenant, and they are the most logical tenant if only because of the nostalgic value," said Pep Boys Vice President Fred Stampone.

Last year, rumor had it that McDonald's wanted to move the sign to a nearby location and tear down the old stand, selling the distinctive red and white building tiles to raise money for the Ronald McDonald Foundation.

Things seemed shaky, too, when the hamburger stand opened on Aug. 18, 1953, across the street from a citrus grove. One man who remembers is Richard McDonald, 84, who started the business in 1948 in San Bernardino with his late brother, Maurice.

In a telephone interview from his home in Bedford, N.H., McDonald said people thought the Downey stand would flop, "but that night, you couldn't get within a mile of the place. There were hundreds and hundreds of people."

McDonald said he devised the golden arches for the Phoenix stand so motorists would see the low building from the road.

"We had a large colonial home with four big columns in San Bernardino," he said. "I drew in a couple of those, but they looked terrible. Then I drew in one arch running parallel with the building. That looked a little better. Then I drew in two arches like they finally came out."

The brothers had been running a San Bernardino car hop drive-in since 1940. But after World War II, McDonald said, people's eating habits changed: "They were impatient and we were starting to get complaints about how slow the service was. We thought there must be a faster system."

So the car hop drive-in was transformed into a hamburger stand. "We advertised [that] instead of serving you in 20 minutes, we're going to serve you in 20 seconds," he said.

Observers say the Downey stand survived because it was owned for more than 35 years by Roger Williams and Burdette Landon, who got their franchise from the McDonald brothers. Even after the company was sold to Ray Kroc in 1961, Williams and Landon maintained their independence, spurning corporate offers to buy their store. Williams and Landon were in their 80s when they finally sold to the company in 1990.

Architectural historian Alan Hess calls the McDonald's an invaluable piece of American history, a great expression of mid-20th-Century eating habits.

"What they have here is an icon equal to the 1950s Cadillac fin, the picture of Marilyn Monroe over the subway grate, or Elvis Presley on the Ed Sullivan Show," Hess said. "They have something here that is engraved on the consciousness of everyone born since 1940."

At McDonald's on a recent afternoon, customers—from businessmen in ties to high school students just out of class—were lined up for burgers and fries.

Downey receptionist Denise Gonzales said she first visited the stand nearly 20 years ago when she was 5. "I like the little guy up there, the sign," she said, pointing to Speedee the Chef.

The towering, 60-foot Speedee, added in 1960, runs on legs of neon. He wears a white hat, white coat, blue pants and bow tie, and he's winking as if to say, "Come on in."

The main change at the stand over the years has been the menu, which has grown since 1953, when it featured eight items and service calculated in seconds.

The interior was rebuilt after a 1978 fire, but the squat stand is still marked by its distinctive tiles, angled roof and the curving, 25-foot neon-lighted golden arches at each end. An overhang, which originally protected walk-up customers from the clements, shades a group of red tables and stools.

Councilwoman Lawrence recalls that by the 1960s, the stand had become a rowdy spot. "At that time, it was cruised by a lot of kids. Some girls in our senior class put on a skit about how it was evil to go to Mac's. They dressed like temperance women and carried signs that said, "Macs is evil.' "

For 15 years, Laguna Beach real estate agent Glen Fishbach has been coming to the McDonald's when he's in the area—about 50 times by now. "Let them modernize the food preparation area, but preserve the building and ambience," he said. "You need a little corniness and garishness, particularly if it's an original."

The stand has capitalized on its historic significance, hawking souvenirs and attracting camera-toting tourists. A classic car club and a motor scooter group from England stopped there. In 1984, a girls basketball team from Smith, Nev., drove seven hours through the night to stop at McDonald's for breakfast before heading to Disneyland.

The Downey Historical Society named McDonald's a landmark in 1980. Four years later, it was declared eligible for the National Register of Historic Places, but Pep Boys declined to have it included for fear it could hinder use of the property.

Preservationists concede that saving the historic stand will be difficult if McDonald's decides the arches must fall.

Said Pete Moruzzi, an officer of the Los Angeles Conservancy, which supports preservation of the stand. "Without public support of these types of landmarks, they will be torn down. But if the local community feels strongly, it can have an effect."

HONORABLE MENTIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MICHEL. Mr. Speaker, three outstanding gentleman from Peoria, IL were chosen for honorable mentions for the 1993 Enterprise Award. These men are named for their dedication to Peoria, its people, and its economy.

Charles T. Ruppman, CEO of Ruppman Marketing Technologies, Inc., is celebrating 30 years in business. Ruppman is Peoria's fifth largest nonmanufacturing employer.

Thomas E. Spurgeon, president of Lincoln Office Supply Co., Inc., who purchased the company 4 years ago, has brought a plenitude of jobs to the Peoria area.

Gerald D. Stephens, president and founder of RLI Corp., a New York Stock Exchange listed companies. The company has contributed more than $13 million of wages to the local economy.

All three of these men and their companies contribute to the success Peoria is toady.

I would like to insert into the RECORD the article from the Observer by Debbie Hanson, "Three Named 'Enterprising' in Local Business", to further detail the wonderful accomplishments and untiring efforts of these three individuals.

THREE NAMED "ENTERPRISING" IN LOCAL BUSINESS

(By Debbie Hanson)

Three Peoria businessmen were chosen for honorable mentions for the 1993 Enterprise Award.

In an ordinary year of judging for the Observer's annual award, two honorable mentions are selected.

This year, however the judges—Martin Mini, vice president of the Economic Development Council for the Peoria Area; Bonnie Russell, owner of Ja Bo Enterprises; and Bob Viets, CEO of Cilcorp—were unable to narrow two out of the top three contenders.

Honorable mentions are named for their dedication to Peoria, it people and its economy similar to the Enterprise award winner.

The following are this year's winners.

CHARLES T. RUPPMAN

Charles T. Ruppman, CEO and chairman of the board of directors of Ruppman Marketing Technologies Inc, was also named an honorable mention.

Nominated by Jane Genzel, Kitty Ryan and Valerie Clark, Ruppman was acknowledged, "because Ruppman Marketing celebrates 30 years in business (in 1993), which translates to three decades of employment and economic opportunity for area residents."

With more than 800 employees, Ruppman is Peoria's fifth largest non-manufacturing employer.

Ruppman was also noted for his: great strides in the Yellow Pages industry; insight in customer service through toll-free calls; National Recognition Award from the Creative Thinking Association of America for "pioneering new techniques for advancing telemarketing technologies and applications"; and service on the board of directors for Proctor Hospital, the Peoria Area YMCA, WTVP Channel 47 and the Peoria Economic Development Council.

THOMAS E. SPURGEON

Thomas E. Spurgeon, president of Lincoln Office Supply Company Inc. was named, because he "purchased the company in the fall of 1988 and in the ensuing four years has changed its complexion and culture.

Nominated by Diane Cullinan, president of Cullinan Properties, Ltd., Spurgeon was credited for relocating the company's headquarters in 1990 to its current location at 7707 N. Knoxville Ave.—bringing jobs to the Peoria market.

"Under (Spurgeon's) leadership, Lincoln Office has developed a reputation for being an excellent corporate community citizen. The company provided furnishings for Peoria's Hult Health Education Center and for the offices of the Peoria Arts and Sciences Council, Tri-Centennial Committee and Bradley University's dean of the college of business administration," the nomination read.

Spurgeon has also chaired the Pillars, Pacesetter and Pilot programs for the Heart of Illinois United Way campaign.

GERALD D. STEPHENS

Gerald D. Stephens, president of RLI Corp, was also selected as an Enterprise honorable mention.

James E. Zogby of Chartered Property and Casualty Underwriters, nominated Stephens as "the founder of one of Peoria's 'homemade' New York Stock Exchange listed companies."

Stephens, Zogby noted, has not only built a very successful and profitable enterprise that contributes more than $13 million of wages to the local economy, but also has "rewarded many local investors and shareholders with outstanding returns."

Original investors purchased RLI stock in 1965 for 10 cents per share. The shares are now worth more than $25, Zogby said. Employees own more than 24 percent of the corporation.

RLI also contributes to the Peoria economy through local operations, which help to diversify the local economy and labor force to cushion any stocks of the business cycle.

Stephens' contributions to the community include serving on the board of directors of St. Francis Medical Center and the Peoria Economic Development Commission. He is also a Bradley University trustee.

UNOFFICIAL, NOT SO CONFIDENTIAL, UNTRUE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. OXLEY. Mr. Speaker, I recommend the following March 26, 1993, Washington Times editorial to the attention of my colleagues.

UNOFFICIAL, NOT SO CONFIDENTIAL, UNTRUE

For the past month or so, the civilized world has been atwitter with the secret life of J. Edgar Hoover, the man who created the modern Federal Bureau of Investigation, served as the schoolboy symbol of Americanism for some 40 years and presided over the capture or killing of some of the most legendary criminals and spies in the country's history. Having exhausted the lore of the Kennedy assassination with conspiracy theories that implicate every organization from the CIA to the Elks Club in the murder of the 35th president, the civilized world and its self-appointed mouthpieces have now fixated on the tale of the G-man in drag.

The current round of folklore surrounding the late FBI director comes from a best-selling investigation by British author Anthony Summers, "Official and Confidential: The Secret Life of J. Edgar Hoover." Mr. Summers manages to lay the blame for nearly every scandal and disaster of 20th-century America at Hoover's long-deceased feet, including the Kennedy assassination itself, the Japanese attack on Pearl Harbor and the rise of organized crime. Just about the only bad things Hoover wasn't responsible for, in Mr. Summers' account, were the destruction of the Hindenburg and the stock market crash of '29, but give him time and another several hundred pages and he'll probably get to work on it.

The centerpiece of Mr. Summers' tome is his allegation that Hoover was a homosexual and transvestite. According to the book, the chiefs of organized crime had in their possession a photograph of Hoover having sex with another man, and they used the picture to blackmail the FBI head. That's why, you see, the FBI never went after organized crime and we had to wait until Robert Kennedy was attorney general before any one ever did anything about the Cosa Nostra.

Mr. Summers, however, doesn't have the photograph of Hoover, nor has he ever seen it. His source for it is a man who was himself a longtime "associate" of the late Meyer Lansky, the Mr. Big of the mob who supposedly had the photo. But the absence of evidence for the existence of the picture becomes a triumph of historical scholarship compared to Mr. Summers' other bombshell.

Mr. Summers quotes the widow of a former admitted bisexual and associate of the mob to the effect that she once was introduced to Hoover at a party when he was dressed as a woman. Mr. Summers' account offers no other living witnesses to this peculiar event, however. The husband of his witness and the host of the party as well as Hoover himself are long cold in their graves. No one else has stepped forward to say, oh, sure, I saw Hoover wearing drag all the time. Didn't you know?

The problem with the Summers book, as The Washington Times' Jerry Seper pointed out several weeks ago, is that it relies on "a cast of questionable characters": former organized crime members or groupies, ladies of dubious reputation, former FBI agents who left the Bureau under a cloud and the usual gang of dolts and idiots, all of whom have gone to the Big House in the Sky.

Moreover, as Mr. Seper also pointed out, while rumors of Hoover's homosexuality have long floated around no one has ever come up with any proof of it. Curt Gentry, author of a sizable biography of the FBI director, heard the rumors but didn't include them in his book because he could find no evidence to substantiate them—after researching his subject for 15 years.

The fact is that there is simply no evidence that J. Edgar Hoover was a homosexual or that he was being blackmailed by the mob, and there is reason to think that the blackmail charge is hooey. As former Assistant Director of the FBI W. Raymond Wannall has written, the FBI was not exactly out to lunch when it came to chasing major hoodlums and their rackets. "If there were such a photograph with which to blackmail Hoover," asks Mr. Wannall, "why was it not used from 1961 to 1972 when 10 Cosa Nostra 'family bosses' were arrested and convicted, when organized crime convictions based on his investigations totaled 131 in 1965, 281 in 1986, and escalated to 813 the last year of his life?"

J. Edgar Hoover was a man who had many flaws. He was deeply prejudiced and imported his prejudices into his work. He was power-hunger, and he may have misused his power to pressure presidents and congressmen into letting him keep and enhance his power. Despite those flaws and others, however, Hoover remains an American giant and one of the world's greatest cops. He lifted the FBI from scandal during the days of Teapot Dome to what was at his death the foremost law-enforcement and counter-espionage agency in the world. That legacy, and Hoover's lifelong war against crime and subversion, will outlive the rumors, jokes and politically convenient double standards in which phony scholarship, scandalmongers and conspiracy freaks seek to dress his corpse.

THE FUTURE OF HOMOSEXUALS IN THE MILITARY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. CRANE. Mr. Speaker, while the debate over allowing homosexuals into the military has focused on how the individuals directly involved would be affected, the overall impact on the services has been neglected. We must remember that serving is a privilege, not a right, and that the military is designed to perform a specific mission, and not to act as a social laboratory. I hope that the following article written by a young man in the military can shed some light on how homosexuals might change military operations.

CIVIL RIGHTS OR COMBAT EFFECTIVENESS: WHICH WILL DETERMINE THE FUTURE OF HOMOSEXUALS IN THE ARMED FORCES?

(By Peter G. Ross)

"Where you from, turd?"

"Texas, sir."

"Texas! only queers and steers come from Texas, and I don't see no horns on you."

With those words Aviation Officer Candidate Class 33-82 was introduced to its new drill instructor, a Staff Sergeant of the United States Marine Corps who would transform (or eliminate), 35 "long-haired, cheese-burger eating, college boys" into Naval Officers. I was a member of that class.

Eleven years later Bill Clinton announced his intention to lift the ban on homosexuals in the military.

As a member of the armed forces, I am officially prohibited from making any statement that could be construed as descriptive of military policy. For that reason, this article, in its entirety, should be considered only my opinion, based on my observations.

From a military standpoint, an alarming trend has become evident in Congress. It involves a policy making process that seemingly ignores combat effectiveness. The trend has ominous implications for those in uniform who will fight in our next conflict. They are the ones whose lives will pay the cost of our policy decisions. Whether the cause of this trend is a Congress which recently, and for the first time in our history, is composed mostly of non-veterans, or whether it is the false sense of security generated by years of relative peace, matters little to the soldier engaging the enemy.

In peace-time, it is easy to lose sight of the true purpose of the military. While Toys-For-Tots may be a wonderful Christmas activity for the U.S. Marine Corps, we should not forget that the Corps' primary responsibility is to quickly reduce the enemy to untidy piles of blood, bone splinters, bowels and sand. When we ignore this unsavory reality, special interest groups begin struggling, like so many hobos, to board the military gravy train, in search of job training, benefits and social acceptance. Typically, these hobos march behind a banner of "rights." Actually, none of us has a right to serve in the military, any more than we have the ability to waive the right during times of conscription. Any special interest group that seeks access to the military on grounds other than enhanced combat effectiveness is clearly self-serving, a trait proven destructive to combat effectiveness.

Unfortunately, it is difficult to objectively assess combat effectiveness without actual combat. This program is exacerbated by funding cuts that have forced many military commanders to turn a blind eye to falsified documentation of required training, and combat readiness assessments. The actual combat readiness of most military units is typically less than the documentation reveals. Everyone knows it is occurring yet no one wants to expose the emperor's nudity.

In some cases, documentation of the effectiveness of pet programs is designed to provide intentionally misleading figures to create an unrealistically favorable success rate. To bolster the documented effectiveness of women in the military, the concept of "equivalent training" was adopted. Equivalent training means that where men must clear a twelve foot wall on an obstacle course, the women must only clear an eight foot wall to be considered equivalent. Likewise, men do pull-ups and women do a flexed arm hang. The discrepancies are too numerous to list here, but the point is obvious.

The concept of equivalent training was promoted by the Defense Advisory Committee on Women in the Services (DACOWITS), to augment arguments for women in combat. DACOWITS, and the National Organization of Women (NOW), have lobbied mightily to eliminate strength tests for determining combat effectiveness. This approach might have some merit if the rules of engagement contained provisions for "equivalent combat," but, to my knowledge, that has never been the case, nor will it likely ever be. Congressional policy may eliminate strength requirements in determining combat effectiveness, but it cannot eliminate the requirement of strength for combat survival.

If the decision regarding women in combat is based on something other than actual combat effectiveness, it may not be long before we are exporting America's young women to foreign shores like self-propelled, gun-toting bags of fertilizer.

So how can we predict the impact a decision will have on combat effectiveness? One way is to isolate the components of combat effectiveness to determine the likely impact on them individually.

Some of the most obvious components are strength, endurance, training, equipment, and logistical support. None of these would be expected to suffer by lifting the ban on homosexuals. Less apparent, but equally fundamental, is the notion of group unity.

Throughout history the world's militaries have fostered group unity by crushing individualism. This is done by systematically attacking the things that differentiate one member of the group from the others. The opening dialogue of this article is an example.

Recruits are taught that they only have value as a group, and are forbidden the use of first person pronouns. They dress alike, eat the same food, have the same haircut, and share showers and toilet facilities. When one person makes a mistake, the entire group is punished. Because of this intra-group sameness, competition among members is eliminated, and inter-group competition is enhanced.

Sexual distraction has proven destructive to group cohesion because, typically, sexual impulse awakens individualism. I observed this in a military setting in 1985. I was a flight instructor in a Navy jet training squadron in Texas. That year the squadron received its first female student. The squadron quickly divided into four distinct parts: the men that wanted sexual relations with the female, the men that despised the female's intrusion, the men that were indifferent, and the female.

Sexual politics commenced immediately, and became very divisive to a previously cohesive group. The political correctness police might describe the squadron males as a bunch of improperly indoctrinated Neanderthals. Be that as it may, it is men like that who have proven to be the world's most ruthless and efficient warriors. We must resist the peace-time temptation to confuse the military with the Peace Corps.

So where does homosexuality fit into this analysis? It is quite possible that open homosexuality could splinter a cohesive group into at least three of the above parts (substituting the homosexual for the female). It is certainly an issue that should not be ignored. The price of combat ineffectiveness is very dear, and one that deserves serious consideration before we send another generation of American youth to be harvested on the World's battlefields.

Whatever the ultimate outcome of Bill Clinton's announcement, I can only hope that the likely impact to combat effectiveness is objectively assessed during the decision-making process, for the benefit of all Americans in uniform, irrespective of sexual preference or gender. As Professor Richard A. Gabriel so rightly stated, "It will avail us little if the members of our defeated forces are all equal. History will treat us for what we were: a social curiosity that failed."

CONGRATULATIONS TO THE FOUNDERS OF NEWARK EMERGENCY SERVICES FOR FAMILIES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues 52 individuals who personify dedication, commitment, hard work, cooperation, and caring. They are the founders of Newark Emergency Services for Families.

Newark Emergency Services for Families [NESF] has always been ahead of the curve. It was founded in 1977 to meet the needs of families who experience emergencies after 5 p.m. and on weekends when the social service agencies are closed. It recognized that in order to plan and serve the burgeoning need for social services we have to coordinate and share available resources. Whether it is keeping a family off the streets by paying their rent, providing milk for a hungry baby, or helping senior citizens keep their heat on, NESF has prevented thousands of emergencies from becoming tragedies. Since its founding, NESF has provided food, shelter, utilities assistance, information, referrals, and other social services to over 150,000 individuals and families-at-risk in the Greater Newark, NJ, area.

The primary mission of the organization is to enable families-at-risk to stay together during times of crisis. NESF does this by providing them with crises counseling, referrals, and emergency assistance. Case management, advocacy with other agencies, mentoring, and self-help forums and workshops are also offered. Clients facing crises are referred to an agency with appropriate resources. When resources cannot be located, NESF may provide emergency assistance. NESF has cooperative agreements with over 40 provider agencies and sponsors annual networking conferences where agencies learn of one another's services. NESF sponsors community-based task forces that identify deficiencies in existing services and develop avenues for filling those gaps.

I am proud to let my colleagues know that I am one of the NESF founders. I had the privileges of working with these extraordinary individuals while I served as freeholder director for the county of Essex. Mr. Speaker, I would like to extend my congratulations and best wishes to my fellow founders: Catherine Ashman, Denise Trower Banks, Councilman Quaadir Bilal, Fred Butler, Marvin Byers, Aaron Cohen, Thomas Comerford, Frances Copeland, John Cosgrove, Muriel Crowley, Harry Dworkin, Judy Farrell, Juliet Grant, Rose Marie Hintze, Annette Hubbard, Maxine James, J. Daniel Keppel, Jim Keys (deceased), Gwendolyn Long, Patty Lugaric, Catherine MacFarland, Judith Mack, Anna Maldonado, Joel Marshall, Eugene McDonald, Evelyn Mason, Juanita Mayo, Michelle Murchison, Evelyn Myers, Leo Nover (deceased), Elizabeth Pennick, Sandra Phelps, Julia Reveille, Karen Reid, Richard Roper, Hilda Siegal, Hinda Simon, Patricia Sobering, Geraldine Staadecker, Dr. Hardat Sukhdeo, Joy Stelle, Charles Swift, Agnes Taylor, Judy Tiersten, Mary Tuttle, Julia Watson, Greta Wheeler, Lt. Ken Wilson, Linda Woods, William Wooddell, and Maria Young.

Mr. Speaker, in 1726 Johnathan Swift in "Gulliver's Travels" wrote, "And he gave it for his opinion, that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind, and do more essential service to his country than the whole race of politicians put together." This statement adequately describes just what happened in 1977 when 52 individuals got together and set up a structure that helped people help themselves. I am sure my colleagues will also want to extend their congratulations as these individuals are recognized on April 8, 1993, at the Newark Emergency Services for Families Founders' Recognition Ceremony.

MY VOICE IN AMERICA'S FUTURE

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ROBERTS. Mr. Speaker, every year the Veterans of Foreign Wars and its ladies auxiliary hold a "Voice of Democracy" broadcast scriptwriting contest, and this year one of their scholarship winners is from Garden City in the First District of Kansas. Jennifer McGovern won one of the 29 national scholarships writing on the theme of "My Voice in America's Future." I would like to submit her award-winning essay to the CONGRESSIONAL RECORD. Her theme focuses on the impact one person can make on the life of another, and in the Halls of Congress it never hurts to be reminded of the affect we have on millions of Americans.

MY VOICE IN AMERICA'S FUTURE

(By Jennifer McGovern, Kansas winner, 1992/93 VFW Voice of Democracy Scholarship Program)

When I first considered the subject, "My Voice in America's Future," the first thing that came to mind was a story my mother once told me. It begins with an old man who lives near the sea, who has no connection to Ernest Hemingway. As this older man walked along his beach at dawn, he noticed a young man ahead of him picking up starfish and flinging them into the sea. As he caught up with the youth, the older man asked him why he was throwing the starfish back into the water. His answer was that the stranded starfish would die if left until the morning sun. "But the beach goes on for miles and there are millions of starfish," countered the old man. "How can your effort make any difference?"

The young man looked at the starfish in his hand, then tossed it to the safety of the waves. "It makes a difference to this one," he said.

What kind of a difference can one person make? In a world of 5.46 billion people, one would think each individual has as much effect as one grain of sand has upon a beach. However, each grain of sand must be present to shape a sand dune, or build a sandcastle for a child. The same is true for us. The existence of each person affects the outcome of our entire civilization. Undeniably, some people affect the world more than others. For good or bad, people such as Stalin, Gandhi, Aristotle, and Hitler have changed the face of the world. In America, men and women like John F. Kennedy, Abraham Lincoln, Susan B. Anthony, and Martin Luther King, Jr. have shaped the course of our nation. These people were powerful and unusual; not everyone can be a Gandhi or a J.F.K. Most of us are ordinary people living ordinary lives, and do not wish to be great. These very ordinary people managed to alter the perceptions of the world by living their normal lives; they have come to symbolize for me what one voice can achieve.

The first person who comes to mind changed history with one simple action. Rosa Parks, a black seamstress from Montgomery, Alabama, wanted to rest her tired feet after a long day at work. When she sat down in the front of a bus in a section reserved for whites, she began a chain of events which led to increased freedom for black people across the globe. Her voice is clear, when she stated: "For a long time I had resented being treated a certain way because of my race. We had always been taught that America was 'the land of the free and home of the brave' and that we were all equals. That is why I said 'No.'" Rosa Parks, when she refused to give up her seat on that Montgomery bus, gave our society the right to be free from prejudice.

One person who will never be applauded for his actions was a junior senator from Kansas, Edmund G. Ross. In 1868 he cast the deciding vote in the impeachment trial of President Andrew Johnson. The strength and courage he needed to withstand the disapproval of the Senate, his state, and the nation was unprecedented. A professor of history at K.U., Frank Hodder, stated that: "I like to think of Senator Ross's vote in the Johnson trial as the most heroic act in American history, incomparably more difficult than any deed of valor upon the field of battle." Ross's political career ended and his life was never the same, but he was satisfied with knowing that he had averted a "tremendous political tragedy." Unknowingly, he also guaranteed Americans the right to voice their own opinion.

Another young woman like myself used her voice to spread hope across a world filled with tragedy. Anne Frank was a Jewish teenager living in Amsterdam during World War II. For nearly two years, her family hid in an attic to avoid Nazi persecution. During that time, Anne made observations about life, adulthood, war, and humanity which are still widely read today. Her writing encourages all mankind to share with one another, work together, and search for peace. Most importantly, Anne Frank believed in the power of the people:

"How lovely to think that no one need wait a moment, we can start now slowly changing the world. How lovely that everyone, great and small, can make their contribution toward introducing justice straight away."

The power of the people is a strong and unswerving force, something that we should never forget. The voices of Rosa Parks, Edmund G. Ross, and Anne Frank deliver this message. They also tell us that our society must speak out against prejudice, strive for truth and justice, and work in harmony to accomplish our goals. I believe that to succeed in the future, we must remember the past. I feel strongly that each and every human being makes a difference to the world, whether they are a tired blue-collar worker, a wealthy senator, or a young girl struggling in a cruel world. There may be millions of starfish beside the ocean, and many miles yet to travel. Yet if all of us, five billion of us, were to throw back just one starfish—our voices would be heard.

IN OPPOSITION TO COMMITTEE FUNDING RESOLUTION—HOUSE RESOLUTION 107

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1993

Mr. BONILLA. Mr. Speaker, P.T. Barnum would be proud of this Congress today. The man who believed "there's a sucker born every minute" would be proud of a committee funding resolution which uses that credo as its premise.

The committee funding resolution before this body today promises to cut committee investigative costs by $2.8 million or 5 percent. In a twist that would make Barnum proud $2.7 million of the so-called cuts comes from savings already realized from the elimination of the select committees. In fact, real new cuts only total $100,000. Even Barnum would have a hard time claiming that we are biting the bullet with these cuts. He'd need a side show like the select committee cuts to sell this package.

My friends, there was one thing that Barnum feared: the truth. The light of day was not visible under the big top. He manufactured the fantasy. The American people believe that those of us working under the Capitol dome, America's big top, are running a circus which bears no resemblance to their day-to-day lives. They want the truth, they want honesty and recognition of reality from their elected representatives. America wants the light of day to shine on all aspects of this institution.

We in this body have given one committee responsibility for maintaining accountability, for spotlighting the truth. That committee is the Committee on Standards of Official Conduct, popularly known as the Ethics Committee. Well, guess what happens to Ethics Committee funding in this package. It is cut by 75 percent, enough to account for all the real cuts in this resolution and still provide an over $200,000 increase for other committees. Barnum would have loved this twist; I do not.

The people of my district don't want a Congress of Barnums. They want straight talk and accountability. They want real cuts and they want the truth. Let's not clown around with the facts and the voter's trust. Let's reject Barnum's deplorable philosophy. Vote no on this effort to increase spending and reduce accountability. Vote no on the committee funding resolution.

A SALUTE TO THE SHAKER HEIGHTS HIGH SCHOOL ICE HOCKEY TEAM: STATE CHAMPIONS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. STOKES. Mr. Speaker, I rise today to salute members of the Shaker Heights High School ice hockey team. The "Red Raiders" recently capped a winning hockey season by capturing the 1993 State championship title. I am pleased to note that winning is a tradition for the "Red Raiders." They were State champions in 1981 and the runner-up for the title in 1979. In previous years, the team has also finished as semifinalists in the statewide competition.

Under the direction of athletic director, Jerry Masteller, and head coach, Mike Bartley, the Red Raiders finished the ice hockey season with an impressive 26 wins. The players exhibited outstanding teamwork and determination to secure the State title.

Mr. Speaker, I am proud to extend a special salute to the Shaker Heights "Red Raiders." The school, which is located in my congressional district, has a tradition of excellence in both sports and academics. I offer my congratulations to Dr. A. Jack Rumbaugh, the principal of Shaker Heights. I also salute head coach, Mike Bartley, who was named "Coach of the Year" for 1992–93. I wish the ice hockey team and the school much continued success.

SHAKER HEIGHTS HIGH SCHOOL ICE HOCKEY TEAM

Athletic Director: Jerry Masteller.

Assistant Directors: Joe Katzenstein and Jill Allen.

Managers: Alison Lease and Rebecca Molyneaux.

Head Coach: Mike Bartley.

Assistant Coach: David Harackiewicz.

Team Assistant: Mike Mayhugh.

Team Trainer: Bob Collins.

1993 ICE HOCKEY TEAM MEMBERS

Larry Boyd, Chris Brown, Ari Chopra, Jason Cohen, David Danish, Matt Danish, Brad Forward, Scott Frerichs, Dan Glasson, David Halle, Michael Laven, Richard Leigh, Chris Lockrem, Ryan Mayhugh, Cullin O'Brien, David Oliver, Ben Simon, Will Simon, Chris Ticconi, Jeff Ulrich, Dan Updegraft, Matt Webster.

HEALTH CARE REFORM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. OXLEY. Mr. Speaker, as Congress prepares to undertake the difficult task of reforming our Nation's health care system, I recommend the following column to the attention of my colleagues. It was written by Norman Ornstein of the American Enterprise Institute, and it appeared in yesterday's Washington Post. This is food for thought for policymakers.

HEALTH CARE REFORM: BEWARE THE ACHILLES' HEEL

(By Norman Ornstein)

On July 1, 1988, President Reagan signed the Medicare Catastrophic Coverage Act. Washington was euphoric. Less than 18 months later, the act was repealed as bitter lawmakers retreated from the onslaught of a band of elderly voters.

Intent on making good public policy by providing a safety net for the less-well-to-do elderly, policy-makers instead created millions of enemies. The benefits they were providing were not desperately desired or particularly appreciated by the recipients. At the same time, the more well-to-do elderly saw the program as taking away services they liked and making them pay through the nose. The affluent elderly went ballistic, while the others sat passively. The rest, as they say, is painful history.

Now comes the next large chapter in health policy reform. Hillary Rodham Clinton has stressed that it will "take a lot of public support to beat back the powerful lobbies and special interests that are already lining up to defeat any plan we develop." But health reform's Achilles' heel is not the special interests. It is the public. Unless health reform can convince voters that they are gaining by change, and not receiving nothing for something, it's Catastrophic Coverage all over again—and catastrophe for the Clintons and health reform.

The political landscape here starts with the following principles:

(1) Most Americans do not see the system in crisis. Americans like what they get from the health system. Seventy-eight percent are satisfied with the health care services available to them; 73 percent are satisfied with the health care their families receive. Americans don't want to change the services they now get. They just want to ensure their availability and reduce their costs.

(2) Most Americans are not gripped by the problems of the uninsured. If 37 million Americans lack health coverage, 215 million Americans have it. When asked: "What is the single most important change you would like to see in the U.S. health care system?" only 22 percent picked universal coverage. It is not that Americans lack compassion. If it doesn't cost them much, or if it doesn't take precedence over their concerns, insured Americans will be delighted to see the uninsured taken care of. But if this plan is seen as one that revolves around making the haves pay for the have-nots, watch out.

(3) Don't tax you, don't tax me, tax the special interests behind the tree. Voters see the problem of high health costs largely in the hands of the interests. Americans believe

that most health reform can be financed by making doctors and insurance executives give up their Mercedeses to drive Mercuries—with no need to tax the rest of us.

If voters do not see a crisis upon us, experts do. The policy dilemma starts with a paradox: Reducing the growth in overall costs means increasing individual costs. Serious change will mean that individuals will pay more—through higher premiums, higher taxes, reduced benefits and/or reduced or dislocated services.

Mutual sacrifice for a greater good is a hallmark of Americans. But if the public does not see the crisis in the same terms as the pols and policy wonks—and if the public believes the costs belong elsewhere, while the benefits are misplaced—we will see public wrath. What then to do?

(1) Frontload positive policy changes. The best way to build a public consensus for health reform is to do some things the public wants—upfront, directly and blatantly. Voters want something for nothing—more services for less money. The worst outcome would be to tell them they are getting nothing for something. The realistic approach is to at least give voters the sense that health reform means they are getting something for something.

A national safety net—protection against bankruptcy from a catastrophic illness or health problem—is feasible at a reasonable cost. Make it a prominent part of health reform. Let people know that reform will mean that they will be protected against the costs and the threat of loss of future coverage and against losing insurance if they change jobs, and they will be more receptive to paying for change.

(2) Stress fairness—in the plan and in its public presentation. Emphasizing things like malpractice reform and making insurance forms uniform would help convince voters that the pols have gone the extra mile to make the system efficient before hitting them up. In addition, there are ways of selling mutual sacrifice that emphasize the mutual as much as the sacrifice. Clinton artfully sold tax increases this way. Average voters were willing to pay a little more so long as they saw the well-heeled paying a greater share.

Reform has to push forward the costs of health elites and phase in the costs of rank-and-file voters. But reform also has to avoid unrealistically overselling the pain incurred by the special interests. Lower doctor and hospital fees will affect the availability and delivery of medical services. Price controls will mean deterioration of services and unnecessary tests. Making employers pay more for the health insurance of employees and their families means higher payroll costs for the employers. The result will be lower real wages or fewer jobs or both. The pain of health reform needs to be distributed widely and fairly but not oversold as pain for others, pleasure for you.

(3) Move in increments. Asking the public to accept sweeping change in one gulp will not work. Coverage for the uninsured, the most expensive part of comprehensive reform, has to be phased in over a period of several years. The same is true for other changes that mean higher taxes and premiums for most taxpayers or serious changes in the availability and flexibility of care. At each stage, voters need to be educated about why the pain will result in gain for them and for the system.

The strategy promoted by Senate Majority Leader George Mitchell to fold the whole health reform package into the budget deficit reduction plan, and have one monstrous up-or-down vote in the Senate on both plans combined, is exactly the wrong approach to take. Rather than increase their chances for passage, it would ensure their mutual doom.

There will be nothing easy about real health reform. But to move ahead without considering both the public perceptions of the problems and the political implications that flow from them is to court policy failure and political suicide. We've done that once already.

HAPPY CAMBODIAN NEW YEAR

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. HORN. Mr. Speaker, on Saturday, April 10, 1993, the Cambodian community throughout southern California will gather to celebrate the Cambodian New Year at the El Dorado Park in Long Beach. The Year of the Rooster will be celebrated with traditional and modern music and dance, Cambodian arts and crafts, traditional games and competitions a soccer tournament, martial arts demonstrations, ethnic food, and other festivities. In past years, over 20,000 people have attended this event. I take this opportunity to wish all Cambodians a very happy New Year.

The Cambodian New Year is celebrated during the Cambodian month of Chetr, the month that follows the harvest season. The New Year's celebration lasts 3 days, and begins on April 13 or 14. On the first day of the Cambodian New Year, or Sankran Day, candles and incense are lit and family members make wishes at the altar. The second day of celebration, or Vannabad Day, is when people build small sand mounds in the pagoda and pray that their prosperity and happiness will be as numerous as the grains of sand. On the third day, or Laeung Sak Day, old and young people gather at the temple to wash the statues of Buddha. They also bathe their parents and grandparents to show gratitude, and by doing so they gain merit. On all three nights, families light a star colored lamp called Kom in front of their homes.

This new year is a particularly meaningful one for the Cambodian people. On May 23, pursuant to the provisions of the 1991 peace agreement, elections will be held to establish a constituent assembly in Cambodia. Hopefully, this will mark an end to the bloody 13-year conflict that has engulfed that nation. Despite efforts by the United Nations, the political and military situation in Cambodia remains precarious. The Cambodian New Year is an appropriate time to remind the United States Government and the international community of the importance of developments in Cambodia and to urge continued international efforts to stabilize that area of the world so that the people of Cambodia, who have suffered for so long, may enjoy future new years in peace, health, and prosperity.

HOW MUCH DEFENSE BUDGET IS ENOUGH?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. GINGRICH. Mr. Speaker, as we discuss how we will structure our military and national defense forces to meet the challenges of the future, I would recommend that all of my colleagues read a recent article by Harry Summers, a retired U.S. Army colonel and a distinguished fellow of the Army War College, called How Much Defense Budget is Enough?

[From the Washington Times, Mar. 18, 1993]

HOW MUCH DEFENSE BUDGET IS ENOUGH?

Pay them now in dollars or pay them later in lives. For much of this century, that has been the tragic albeit unintended lot of those formulating the military budget. False peacetime economies resulted in terrible loss of life on the Western Front in World War I, at Bataan in the Philippines and Faid Pass in North Africa in World War II, and in the Pusan Perimeter in Korea when ill-trained and ill-equipped soldiers were committed to battle.

With the Cold War and the threat to our very survival posed by the Soviet Union, we were much better prepared materially to fight in Vietnam and especially in the Persian Gulf. As Bill Clinton said last year, high-quality manpower and high-tech weapons were the "keepers" of that conflict.

But traditional pressures are once again upon us to make massive cuts in the defense budget, especially since defense is one of the few areas of discretionary spending left. The rest of the federal budget is consumed by social entitlement programs that long ago dwarfed the allocation for national defense.

This year, in particular, there are strident calls to cut the deficit and to divert funds to stimulate economic growth. But, critics notwithstanding, no one in the Clinton administration or in the Congress wants to put the national security of the United States in jeopardy by gutting our military defenses.

The problem, simply stated, is how, in the absence of a tangible threat, can legislators determine how much is enough? One method, now in use, measures the defense budget against the roles and missions that Congress by law requires the military to perform.

First is to support and defend the Constitution against all enemies, foreign and domestic. Second is protection of the American homeland. While the nuclear threat to our survival has radically diminished, it has not gone away. There are still nations capable of destroying us in a matter of minutes. That is where our nuclear arsenal and the Strategic Defense Initiative come into play. After the Gulf war, the Air Force's Strategic Air Command was eliminated and these defenses were consolidated under the U.S. Strategic Command.

Third is safeguarding internal security. That mission has almost entirely been delegated to local law enforcement agencies, backed by the National Guard under state control. Only rarely do regular military forces become involved.

The final mission is to "uphold and advance the national policies and interests of the United States." Although usually justified in terms of national survival, this mission has actually been the basis for almost every war in U.S. history.

Not only is it the military's most demanding mission, it's also the most ambiguous and the most unpredictable. "What are America's vital interests?" I once asked Gen. Fred Weyand, who was then the Army's chief of staff. "The best that can be said," he replied, "is they are those interests the president says are vital when he commits troops to their defense."

Thus, even though it was disavowed by the secretary of state himself four months earlier in June 1950 President Truman declared Korea a vital interest and committed American troops to its defense. Later, presidents declared Vietnam and Grenada and Panama and Kuwait and Somalia to be vital interests. Now it looks like Bosnia may be slipping into that category.

Not only the president, but the American people as well expect their military to be fully prepared to execute these missions once they are ordered to do so. That means maximum flexibility in arms, equipment and training must be built into the force. The United States is now the world's only military superpower. Its tanks and planes and ships and high-tech missiles and computers must work on the plains of Europe as well as in the jungles of Southeast Asia and in the sands of the Persian Gulf. And so must the men and women who operate and maintain them.

Too often these complex requirements are reduced to simplistic slogans, most recently the call to eliminate the military's "four air forces." As Joint Chiefs of Staff Chairman Gen. Colin Powell said in his February 1993 report on "Roles, Missions and Functions of the Armed Forces of the United States": "America has only one air force, the United States Air Force."

In words familiar to anyone who has been on a modern battlefield, Gen. Powell explained further: "The Army, Navy, and Marine Corps each have aviation arms essential to their assigned war-fighting roles. Each air arm provides unique but complementary capabilities. They work jointly to project America's Air Power."

Now in the hands of the defense secretary for transmittal to the Congress, the Roles, Functions and Missions" report should provide the yardstick by which the Congress can realistically and intelligently measure how much is enough.

RECOGNIZES MARYELLEN JOHNSON

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mrs. VUCANOVICH. Mr. Speaker, I rise today to recognize Maryellen Johnson, a high school senior in Gabbs, NV. Miss Johnson recently won a script writing contest sponsored by the Veterans of Foreign Wars on the topic of "My Voice in America's Future." In her eloquent statement, Maryellen describes how her voice will be heard through representative government. Through the election process, the voice of her generation will be heard. Maryellen is, indeed, an inspiration to her peers. With young people such as Maryellen ready to help guide America into the future, I have no doubt that our Nation will be able to meet its challenges. Once again, I would like to congratulate Maryellen Johnson on her achievements and the example she provides.

MY VOICE IN AMERICA'S FUTURE

(By Maryellen Johnson, Nevada winner, 1992–93 VFW Voice of Democracy Scholarship Program)

As I look into the future of America I see my generation joining with the generations before me to speak out and let our voices be heard. We together will work for the changes our nation needs.

To voice my opinion I will use the system our founding fathers have established: the government by the people and for the people. The Constitution was developed insuring my rights and making sure no one could take them away. Many people worked hard, making it possible for me to have a voice in my future and I intend to use it! As an eighteen year old I will be registered and ready to vote.

You see I feel voting is a way to voice my opinion. We are given the right to vote and if used correctly this is a strong, clear voice. I, as an American, can have my say in our country's welfare.

I believe it is never too early to become involved. The first thing to do is learn the systems of government and get an understanding of how it works. This is where it begins, and this is where I have started. I know the more you learn the more you want to take part in our unique and democratic system. I will learn all I can about the system and use my knowledge to develop a voice.

Our country is important to me and I want to help in the decision making. My involvement has encouraged others to become involved. And as my role in the future opens, I will continue to help others use their voice, and I will soon use mine. By really understanding the government we realize one vote makes a difference. By uniting our votes we can amplify our voice. The more united we are the louder our voices will become.

Developing my opinion will come after closely observing the candidates and studying the issues. I won't vote on anything until I am convinced it is what I want. My belief is that we should cast our ballots after researching the facts. I will be informed and then make a responsible decision. By listening to the candidates I will gain an understanding of their ideas. I will also check their voting records.

Our closest link to Washington is the House of Representatives. If we are properly represented our voices will be heard. We must elect Representatives who will stand up for our beliefs. Their common concern should be with us, promoting the general welfare. We want our thoughts to be known.

There have been many times candidates will say one thing and do another. The selection of these people is important. When in office they should take responsibility for their actions. We want our ideas to be presented and not the ideas of special interest groups.

After my ballot has been cast this is not the end of my voice in America's future. I will then watch to see if their promises will be carried out. Will their campaign speeches become reality? My voice will now follow our elected officials throughout their terms.

At this time I will know whether or not they have fulfilled their promises. Did they represent the voices of those who trusted their votes? My voice will now re-elect the incumbent or work to place someone new in office.

This process will keep our country progressing and with it I will continue to learn. I will use my voice in America's future to make a difference and I hope to help others do the same. I look forward to my future and to letting my voice be heard!!

AN ACHIEVABLE DREAM

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. BATEMAN. Mr. Speaker, I rise today to recognize an extraordinary program in my district that is succeeding in its efforts to encourage economically disadvantaged youngsters to rise above the social environment that surrounds them and dare to dream and achieve. That program, known as An Achievable Dream, works with at-risk school children in the city of Newport News, VA. It instills discipline, work ethic, goalsetting, teamwork, and a sense of self-confidence and self-respect in its participants through extra curricular tutoring in critical subjects such as math, science, language, and reading, with regular field trips, visiting mentors from the local community, and involvement in tennis.

Tennis is the keystone of an Achievable Dream. While one may not automatically associate tennis with a successful program designed for inner-city kids above basketball, baseball, or football, its ability to capture the imagination of children is simply wonderful to behold. Its allure may have a bit to do with the fact that it is something of a novelty. That would certainly be acceptable. But I believe that the self-discipline and concentration it requires, the chance to see the world from another perspective, and the immense satisfaction that comes from mastering the unknown all work in their own way to take hold on these children. The greatest lesson in tennis is that ultimately you succeed or fail based upon your own dedication, skill, and performance.

Tennis is certainly not a sport that is limited to a privileged few, either in terms of its participants, or its appeal. The late Arthur Ashe certainly proved that point. His tremendous dignity, poise, and love for his sport transcended all barriers and certainly serves as an inspiration for the children in An Achievable Dream.

Last summer, An Achievable Dream began as a pilot program, working with 100 children who would soon enter the fourth grade. Monday through Thursday, for 8 weeks, the children received 3 hours of basic tennis instruction every morning followed by another 3 hours of academic instruction every afternoon. Fridays were reserved for field trips to local museums, businesses, military bases, and even our Nation's Capital, Washington, DC. The program was staffed by teachers, teacher's aides, and tennis instructors and was financed with private donations and some help from local, State, and Federal agencies.

An Achievable Dream has come a long way since last summer. It was so successful that the city of Newport News and the local school system asked An Achievable Dream to extend its services year round. This summer, another 120 children will be added to the program. Plans have already been laid to add an additional 120 children every summer, and continue to work with enrolled children through the eighth grade.

An Achievable Dream is already having a tremendous impact on the children who participate in it in the classrooms, at home, and yes, on the tennis courts. I believe that this program, and others like it across America deserve our support. They work, not because the Federal Government pays out large sums of money, although some money is certainly being spent, but because the people involved genuinely care about the future of the children they're helping and for our Nation as a whole. We must all become involved, Mr. Speaker. Every child deserves an education, every child deserves a chance at success. It is up to us, as individuals and communities, to do what we can to help them on their way. Without personal commitment, we cannot expect to have an impact on the problems facing our great Nation.

In closing, Mr. Speaker, I would like to pause to pay tribute to the man whose personal commitment and daring made An Achievable Dream a reality, Walter S. Segaloff. I have known Walter for many years, and feel honored to call him a friend. The success of An Achievable Dream is a tribute to his abilities and his genuine concern for those around him. I am sure that I speak for the entire city of Newport News, and especially those children whose lives he has touched, by thanking him for his generous efforts to make our city and our Nation a better place to live for everyone. Every community needs a Walter Segaloff.

TRIBUTE TO LINDA STEELE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MICHEL. Mr. Speaker, with a mixture of pride and sadness, I would like to take this opportunity to mark today's retirement date of my Deputy Chief of Staff Linda Steele.

When Linda leaves the Capitol today, she will be closing the book on a model congressional staff career. In her 32 years of service to the House, Linda has built a reputation of unselfish public service, devotion to administrative detail, and respect for the institution of Congress.

Linda's career on Capitol Hill began in 1961 when she arrived from her hometown of Camden, ME, at the age of 19 to work for former Representative Stan Tupper, Republican of Maine. She began working for me in 1970.

As my career flourished, so did Linda's. As my responsibilities grew, so did Linda's. When I was elected whip, then leader, Linda was one staff member I could always count on to take on new jobs and execute them with skill and professionalism.

Most recently, Linda's responsibilities have included serving as the chief staffer for the Committee on Committees, the panel charged with making Republican Members' committee assignments. Linda's work with this group has been invaluable. In the tough times when I needed to rely on administrative skill, attention to detail, and confidentiality, Linda was always my chief diplomat and assistant.

Many of my colleagues have heard me speak of the differences in House procedures and ways of life over the course of my 37 years as a Member of Congress. One of the things that has never changed, however, for the more successful Members of Congress is the value of top-flight, loyal, and professional staff. Linda Steele's career should be used as an example of first rate congressional staff service. We will certainly miss her many contributions to our office, but I know I can always count on her friendship.

LET THE PUBLIC SEE THE DETAILS OF HEALTH CARE REFORM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. CRANE. Mr. Speaker, health care reform has become an issue of great concern to all Americans due to the dramatic increase in health care costs in recent years. However, as President Clinton's Task Force on Health Care Reform prepares its recommendations, which are expected to set the tone for future congressional debate on this issue, there has been much concern expressed about the lack of openness in the task force's proceedings. Surely, on an issue of such great importance to every American as a consumer of health care, the public has a right to know what specific changes are being considered. On this basis, I submit the following editorial from the March 7, 1993 edition of the New York Times to my colleagues and urge them to read and consider its conclusions.

OPENING UP ON HEALTH CARE

People, get ready. The health care debate is about to go public. That means life will get more complicated for the President's Task Force on National Health Care Reform. The White House's effort to keep secret the deliberations of Hillary Rodham Clinton and 400 others involved in the task force is unseemly, possibly illegal and wrong. Secrecy is contrary to the spirit of the public forums planned by President and Mrs. Clinton later this month on the gritty questions awaiting the voters and Congress.

Two of these questions are:

How much freedom of choice in doctors and medical tests will most consumers have to give up in order to make universal health care affordable?

When it comes to money, who will be the big winners—the insurance companies, the health care industry or consumers?

The interesting thing about these questions is that they have been known to experts since the outset. But they have been masked from public view by the generalized proposals of the election campaign and the antiseptic language of the think-tank seminar. At its most basic, Mrs. Clinton's task force is a mechanism for setting policy before the public gets stirred up about the difficulty of these choices.

The most explosive issue has to do with freedom of choice in selecting physicians. The next most sensitive is which tests and treatments will be ruled out on statistical grounds. This is where medicine and economics can collide. If you or your child were among a tiny minority with atypical symptoms, a long-shot test that saved your life would hardly seem uneconomical or unnecessary.

Confronted with these conflicting demands, the Clinton Administration has settled on managed competition as the preferred model for a national health care system. This page has argued for it, too. But political prudence and intellectual honesty require full public disclosure of the limitations of this or any other system.

Since health care absorbs one-eighth of the nation's income, the White House, Congress and the voters also have to decide in public view how big the profits will be and whose pocket they wind up in—for this being America, profits there will be.

One editorial cannot cover these questions. Indeed, the quarterly journal Health Affairs has just taken a stab at explaining managed competition in a special issue, and it ran to 299 pages. The report devotes only a handful of pages to the question of consumer choice, but those pages clearly point out the trade-off many will face under managed competition or other national schemes.

"Managed competition occurs at the level of integrated financing and delivery plans, not at the individual provider level," writes Alain C. Enthoven, the formulator of managed competition. "For economical behavior to occur, doctors must be motivated to prescribe economically."

In other words, medicine at the individual level—single practitioners or small groups of physicians seeing patients who sought them out specially—could gradually become a thing of the past or an add-on luxury to be purchased at a premium by the affluent. "To prescribe economically" means to forgo tests, drugs, surgery or office visits that might occur under the present system whereby doctor and patient do as they choose and an insurance company or government program like Medicaid bears the cost.

After serious study, hundreds of experts and the President and First Lady of the United States think this has to be the way of the future. The American Medical Association has belatedly come to the same conclusion, hence its unsuccessful effort last week, as the physicians' bargaining agent, to shoulder its way into Mrs. Clinton's task force.

But some medical experts and politicians worry about the financial advantage that could accrue to insurance companies and health care providers large enough to service the new consumer cooperatives envisioned under managed competition. For better or worse, the folks meeting behind closed doors at the White House are talking about creating a new health care economy that could force many existing insurance companies and hospitals out of business and change the way most doctors practice. Is Congress ready to endorse any system that brings such radical change, but has never been tested on a national scale? It will make for an interesting floor debate.

The Clintons' opponents sniff opportunity in the touchy issue of physician choice. In the Republican response to Mr. Clinton's speech to Congress on Feb. 17, the House leader, Bob Michel, said, "Republicans believe in your right to select the doctor of your choice and your right to immediate care without long waiting lines, and preserving the best of what health has to offer."

The Administration says its plan will feature physician choice, too. But there are few details. That's just the point. Details—public details—are what is needed. Mrs. Clinton should open the curtains and let the sun shine in on her task force and let its deliberations be exposed to the invigorating discipline of public scrutiny and political debate. On this issue of surmounting importance, it is time for the New Democrats to behave democratically.

HONORING LEWIS H. GOLDSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I today honor a committed public servant and a dear friend, Lewis H. Goldstein, on the occasion of his 50th birthday.

I must start by saying that rarely does one meet a person like Lewis Goldstein. Through his work as an educator and elected official, Lew has worked tirelessly to improve the lives of the people in the community. I have often seen, firsthand, the positive results of his efforts, because Lew has been a steadfast supporter and close confidant throughout my political career. We have fought side-by-side in many battles to reform the political system and make it more responsive to the needs of the public. I know it is that desire to see the needs of his neighbors met that drives Lew Goldstein at all times.

Lew Goldstein's long-time affiliation with the Democratic Party has led him to take on many roles, including his current position of New York State Democratic committeeman. He has served as a delegate to the Democratic National Convention, and as a local judicial delegate and county committee member. He has also been a leader in the movement to reform Bronx politics, from his days in the Bronx-Pelham Reform Democratic Club to his current association with the Co-op City Democratic Club.

The community has been well represented through Lew's role as a member of Community Planning Board 11, where he served as secretary, and his work on the advisory board of Bronx Municipal Hospital. He is also deeply committed to his religious beliefs, as witnessed by his active membership and service on the board of trustees at the Community Center of Israel.

All these activities are in addition to Lew's full-time job as an employee of the New York City Board of Education, where he evaluates the needs of special education students. His unique blend of sensitivity, dedication, and knowledge has gained Lew an unsurpassed reputation in his field.

Few people can boast of a record of service that I have just mentioned. The titles and affiliations help to describe Lew Goldstein's activities, but they fall short in portraying the many lives he has touched in a positive way. I can personally say that Lew's friendship has helped me through several hard times, and I know he will be there when my family or our neighbors need his assistance.

On behalf of all these people who have come to appreciate and rely on Lew Goldstein, I wish our friend a happy 50th birthday and many more years of success.

INTRODUCTION OF A RESOLUTION OBJECTING TO ANY FURTHER INCREASE IN THE INLAND WATERWAY FUEL TAX

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. TAUZIN. Mr. Speaker, today on behalf of many of my colleagues representing coastal and port areas and districts along our domestic inland waterways, I am introducing a resolution stating objection to any further increase in the inland waterway fuel tax as recommended by the President's economic proposal "Vision of Change for America." The proposal phases in a diesel fuel tax over a 4-year period from the $0.17 per gallon of fuel waterway operators now pay to $1.19 per gallon in 1997, which amounts to a 600-percent rise in the tax. This does not include the Btu tax on diesel, which is estimated to cost barge operators an additional $0.10 per gallon.

While public funds have been used for the maintenance of our waterways, these public funds have reaped benefits to the public that far exceed their original costs. Without the inland waterway systems, most of the communities, industries, businesses, and jobs that are currently found in the interior of our country would not exist. The private investment in facilities located on inland waterways far exceeds the public investment in the navigation infrastructure. These private investments were made with the idea that their partner, the U.S. Government, would carry out its function of operating and maintaining the public portion of the investment.

To attempt to recoup the all of the publicly provided costs of O&M from the commercial inland waterways users would result, in fact, in the future loss of private investment along our inland waterways and the subsequent loss of jobs and economic activities in inland communities.

If the costs of waterborne transport of cargo rises demand will fall, and consumers of this service may be forced to use other forms of transport such as rail or trucking. We believe that the increased highway traffic will create even more congestion along with a decrease in public safety, more air pollution, more accidents involving hazardous materials on our highways, and greater highway maintenance costs. All of these impacts should be considered and some additional costs allocated to them. If pressure mounts on our rail system because of increased demand, we can also see very high rail rates and increases in rail related accidents.

Without economical water transportation, many river ports and docks will have to phase out their operations. Other sectors of the economy will also be very adversely affected. For instance, farmers receive their fertilizer by barge and then ship the harvested crop to market by barge. Over 60 percent grain exports move to seaports by water transportation. Steel mills receive coal by barge to make coke, then ship the coke by barge to other mills. Scrap reaches these steel mills by barge to be recycled and finished products are then shipped out by barge. Can all of these consumers absorb these new and unanticipated costs?

Aluminum companies which are not very prosperous at present, receive their alumina by barge. In addition, they are very energy intensive and utilize a tremendous amount of electric power usually supplied by generating plants which receive their coal or oil by barge. This is a double hit which becomes a triple when you factor in the Btu tax.

I urge my colleagues to support this resolution and agree to not increase the inland waterway fuel tax beyond already scheduled increases in current law.

DOLLARS FOR SCHOLARS COMMUNITY SCHOLARSHIP FOUNDATION DEVELOPMENT ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. GOODLING. Mr. Speaker, today I am joining in introducing the bipartisan Dollars for Scholars Community Scholarship Foundation Development Act of 1993.

This bill would establish and endow, through a one-time appropriation, 25 regional centers throughout the country to assist communities in developing community-based, volunteer-operated scholarship foundations. These scholarship foundations would have the twin goal of first, encouraging young people to finish high school and go on to postsecondary education and second, to let young people know there will be community support for their efforts.

The Dollars for Scholars approach is already being successfully executed in approximately 650 communities across the Nation. One of the most inspiring projects began 3 years ago when several public housing projects in Atlanta, GA, formed a Dollars for Scholars chapter. They were tired of hearing that project kids should not be expected to go on to college. Last year they raised over $50,000, much of it from low-income households that could contribute only a few dollars each.

Many may ask, if this is already happening in the private sector, why does the Federal Government need to get involved? The funds provided under this bill are specifically aimed at empowering communities to develop their own resources. Areas of the country where Dollars for Scholars have had the most success, are those areas where there have been the people resources available to actively work with the community, to organize and train volunteers, and provide ongoing advice and support.

Educators, business leaders, Government officials, and parents are all concerned about lagging achievement levels, high school dropout rates, inadequate college enrollments, and the insufficient skill levels of our Nation's workforce. Answers to these concerns may be found if our young people were just encouraged to believe they can achieve a higher education, and know there will be adequate financial support to help them pursue their goals and dreams.

We need to develop innovative ways to achieve new student aid resources so our young people get the message that they can go on to postsecondary education. The local community, properly organized, trained, and motivated, is one of the best resources we have got—so let us use it.

A small Federal investment in this program would yield great returns. This type of Government investment—limited Federal dollars used to challenge and organize significant new private sector support—will in the long run help alleviate our Nation's financial problems not add to it.

I urge my colleagues in the House to join me in cosponsoring the Dollars for Scholars Community Scholarship Foundation Development Act of 1993.

TRIBUTE TO THE U.S. AUTOMOBILE ASSOCIATION AND BRIG. GEN. ROBERT F. McDERMOTT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. SMITH of Texas. Mr. Speaker, it is fitting that we pay tribute to the U.S. Automobile Association of San Antonio, TX, and its chairman and chief executive officer, Brig. Gen. Robert F. McDermott [USAF, Ret.].

USAA is the recipient of the 1993 "For the Love of a Child" corporate award. The For the Love of a Child awards are presented annually by Childhelp USA to individuals and organizations who have demonstrated extraordinary achievement in child abuse prevention and treatment.

Childhelp USA, a national nonprofit organization, is dedicated to the prevention and treatment of child abuse and neglect. April is National Child Abuse Prevention Month.

Through General McDermott's efforts, USAA was the primary sponsor of "Scared Silent," a television movie which portrayed the plight of abused children. The program was aired nationally on all three major networks and the Public Broadcasting System and created greater awareness of the tragedy of child abuse and neglect. General McDermott and USAA will be honored for their commitment at a luncheon on Thursday, April 1, 1993.

Child abuse is one of America's most pervasive, destructive, and costly problems. We pay for it through increased crime and imprisonment, drug and alcohol abuse, higher health care costs, family deterioration, lost productivity, and many other ways.

I ask my colleagues to join me in honoring General McDermott and USAA for their achievements. Their efforts serve as an example for all Americans in helping children and fellow human beings.

THE NEWHALL WESTERN WALK OF FAME

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MCKEON. Mr. Speaker, I rise today to honor five of Hollywood's best who this past weekend were honored for their contributions to American Western films. Sam Elliott, Jack Palance, Katharine Ross, Woody Strode, and Stuart Whitman were honored last weekend at the 10th Annual Santa Clarita Valley Walk of Western Stars Program in Newhall, CA, a real-life Western town and the home of the Old Tom Mix Movie Ranch.

For many years, the Walk of Western Stars has commemorated the heroes that generations of Americans grew up with. This years inductees continue in the grand tradition of such stars as John Wayne, Roy Rogers, Montie Montana, and Gene Autry.

Sam Elliott gained star status a number of years ago with his performance in the title role of the film "Lifeguard." Since then he has gone on to star in such films as "Mask," "Fatal Beauty," "Roadhouse," and "Prancer." He has also starred in a number of mini-series for television, among them "Murder in Texas," "Gone to Texas: the Sam Houston Story," and "The Yellow Rose."

Katharine Ross is probably best known for her role opposite Paul Newman and Robert Redford in "Butch Cassidy and the Sundance Kid." She has starred in many dozens of films with such stars as John Wayne, Kirk Douglas, and Laurence Olivier. In 1967, she earned an Oscar nomination as the best supporting actress for her performance in "The Graduate." She also received a Golden Globe Award for her work in "The Graduate," and in 1976 she was awarded a second Golden Globe for her role in "Voyage of the Damned."

Katharine is also married to another one of our inductees, Sam Elliott. This is only the second time husband and wife are inducted together into the Walk of Western Stars.

Jack Palance will be forever linked to the Western because of his best supporting Oscar nomination for "Shane," which catapulted him to stardom and an acting career that spans 40 years. In 1991, he tried his hand at comedy by starring and winning a best supporting Oscar for the blockbuster Western comedy "City Slickers." In all, he has appeared in more than 50 motion pictures and television series. Many of them continue to be Westerns.

Woody Strode is the Walk of Western Stars first black honoree. He was an Olympic champion, professional football player, and then a versatile actor. He is probably best known for his 1959 performance in John Ford's "Sergeant Rutledge." His portrayals in "Pork Chop Hill," "The Man Who Shot Liberty Valance," and the King of Ethiopia in "The Ten Commandments" have won him considerable acclaim. His TV appearances include "Rawhide," "Daniel Boone," "How The West Was Won," "The Dukes of Hazard," and many more.

Our final inductee was Stuart Whitman. A former light-heavyweight boxer, Stuart broke into the movies with a part in "When Worlds Collide," but hit the big time by being nominated for the best actor Oscar for his role in "The Mark." Since 1965 he has continued his career in Hollywood and Europe as a character actor both in motion pictures and television. Starring in such movies as "The Sands of Kalahari," "Death Trap," and "Key West Crossing."

Mr. Speaker, the Western is a key part of our American identity. The Western is a staple in our culture that will forever identify the brave and courageous citizens that beckoned its call. I ask colleagues to join me in saluting Sam Elliott, Katharine Ross, Jack Palance, Woody Strode, and Stuart Whitman for their distinguished contributions to the classic American Western.

40TH ANNIVERSARY OF SUPER HIT "ROCK AROUND THE CLOCK"

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. BORSKI. Mr. Speaker, I rise today in honor of the 40th anniversary of the super hit "Rock Around the Clock," which was co-authored by my constituent James E. Myers, a.k.a. Jimmy DeKnight.

"Rock Around the Clock" changed the face of music by propelling rock-a-billy/country to mainstream pop, opening the way to a new kind of music first coined rock and roll.

"Rock Around the Clock" is the No. 1 selling song in the world, having sold in excess of 200 million copies. The song has been recorded on more than 500 record labels, and sung by many of the great rock legends.

"Rock Around the Clock" is the most played cut in the world. It has been translated into more than 30 different languages, featured on countless commercials, television and radio programs, and performed in over 40 movies.

In conjunction with his continuing career in songwriting, Jim Myers is also an actor, a screenwriter, and a producer. He has also been working to organize the Rock Around the Clock Museum and the Rock and Roll Hall of Fame. The museum will contain history and memorabilia of rock and roll and will be headquartered in Philadelphia.

Mr. Speaker, I join rock and roll lovers around the world in honoring James E. Myers on the 40th anniversary of this legendary song.

Mr. Speaker, this song's continuing success is testament to America's rock and roll tradition.

THE RULE ON H.R. 1430, PROVIDING A TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 1430, providing a temporary increase in the public debt limit.

RESTRICTED WEAPONS ACT OF 1993

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. HUGHES. Mr. Speaker, today I am introducing the Restricted Weapons Act of 1993. The bill, which is similar to H.R. 19, which I introduced in the 102d Congress, would ban the future acquisition and transfer of so-called assault weapons which have no legitimate sporting purpose and have been increasingly used by drug dealers, terrorists and mental incompetents to carry out acts of violence in this country.

The bill would also ban the manufacture of firearms capable of accepting silencers or bayonets and the possession and transfer of large capacity ammunition feeding devices.

This bill will curtail the use of weapons designed primarily for soldiers and commandos and for which a gun owner who keeps a firearm for the protection of life and family, or for legitimate sporting purposes, has no use.

One does not have to be a current events scholar to recognize what these weapons are being used for at the present time. Whether you look at the Stockton, CA, massacre, the 23 people killed in Killeen, TX, or just up the George Washington Parkway outside CIA headquarters, you will recognize the results of our failure to take effective action on this matter in the past.

Although the prior administration banned the importation of semiautomatic assault weapons, we continue to produce them domestically to the point where the Bureau of Alcohol, Tobacco and Firearms estimates there are over 1 million such weapons in circulation. After years of testimony before the House Subcommittee on Crime, which I chaired at the time, I am convinced that these weapons have no sporting value, and so I have developed the Restrictive Weapons Act of 1993 to balance the needs of public safety against the legitimate and reasonable interests of those who wish to possess firearms.

With so many horrible examples around us, it is time for this body to recognize what an overwhelming majority of Americans nationwide and all major national law enforcement organizations have known for years—that it is time for a change. The increasing carnage on our streets must be stopped. We need reasonable regulation of this country's unfettered arsenal of military-type weapons.

I urge my colleagues to join me in a sober and reflective discussion of this legislation so that we can develop a reasonable and responsible regulation of this military hardware.

CITIZEN COSPONSORS WHO SUPPORT MANDATE REFORM ACTION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the costs of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policymaking has gone awry. And finally, the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks Representative GOODLING and I will be inserting into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR Act initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am beginning this process by inserting in the RECORD the names of 20 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS

Name, title, and city, State:

Bill Dukes, Mayor, Decatur, AL.
Tom Fink, Mayor, Anchorage, AK.
George Miller, Mayor, Tucson, AZ.
Phil Sansone, Mayor, Newport Beach, CA
Charles A. Witt, Council President, Norwich, CT.
Daniel S. Frawley, Mayor, Wilmington, DE.
Frank Portusach, Mayor, Agana, Guam.
Richard A. Brauer, Mayor, Belleville, IL.
James P. Perron, Mayor, Elkhart, IN.
Jon Crews, Mayor, Cedar Falls, IA.
Aaron Broussard, Mayor, Kenner, LA.
Charles Harlow, Mayor, Portland, ME.
Michael A. Guido, Mayor, Dearborn, MI.
Pat D'Arco, Mayor, Rio Rancho, NM.
James D. Griffin, Mayor, Buffalo, NY.
Norman L. Grey, Mayor, Enid, OK.
William J. Althaus, Mayor, York, PA.
Gary L. Drewes, Mayor, Pierre, SD.
Barbara K. Crews, Mayor, Galveston, TX.
Patrick Zielke, Mayor, La Crosse, WI.

AID REPORTS ON EGYPT, ISRAEL, AND TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. HAMILTON. Mr. Speaker, the Subcommittee on Europe and the Middle East of the House Foreign Affairs Committee has recently received reports from the United States Agency for International Development on the economic situation in Egypt, Israel, and Turkey—the top three recipients of United States foreign assistance. The reports are submitted pursuant to section 1205(b) of the International Security and Development Cooperation Act of 1985, as amended.

I wish to draw to the attention of my colleagues the summaries of these reports. The full text will be made part of the record of the subcommittee's hearings on fiscal year 1994–1995 foreign aid requests for these countries. I hope my colleagues find the summaries of these reports of interest.

REPORT ON ECONOMIC CONDITIONS IN EGYPT, 1991–92

I. SUMMARY AND CONCLUSIONS

In the aftermath of the Gulf War, Egypt's financial position has greatly improved. For the three years prior to the War, Egypt's external current account deficit had ranged between $2 and $3 billion annually with no improvement in sight. The GOE was accumulating large, unsustainable debt service arrears. The budget deficit was about 20 percent of GDP. Both inflation and unemployment were serious problems. In 1989, total external debt reached about $52 billion (representing 165 percent of GDP with a debt service/exports ratio of 28.5 percent). After the War external financial resources poured into Egypt. The United States took the lead in a program of debt reduction, writing off military debt of approximately $7.0 (actually $6.7) billion, pursuant to Congressional authorization. In May 1991, following IMF approval of a stand-by arrangement, other Paris Club creditors agreed to reduce Egypt's remaining eligible official external debt by 50 percent. The debt relief was tranched, with later stages conditioned on continued adherence to IMF stabilization targets. Following debt reduction, Egypt's outstanding debt amounted to about $40.6 billion at the end of 1991 and will be reduced further assuming that Paris Club conditions are met. Egypt's debt service ratio fell from 28.5 percent in 1989 to 17 percent in 1991.

Under the stabilization program undertaken pursuant to its IMF Stand-By Arrangement, Egypt's short-term external financial position has improved significantly. Exchange restrictions were liberalized. The currency was floated and the various exchange markets were unified. Interest rates were freed and rose to about 18 percent per annum on short term deposits and short term treasury bills. In response, Egyptian-owned foreign currency, most of it counted as workers' remittances, flowed into the country. Remittances have recovered from a wartime slump and tourism was hitting record levels prior to a recent spate of violence. Reduced annual debt service obligations and weak demand for imports have reduced the demand for foreign exchange, leading to a substantial buildup in reserves and a stable exchange rate despite continuing inflation. The balance of payments position is currently very strong. Egypt's overall balance of payments sprang from a $213 million deficit in 1989/90 to surpluses of $2.6 billion in 1990/91 and an estimated $7 billion in 1991/92.

Egypt's economy has begun to stabilize, and the government has embarked upon a wide-ranging program of economic reform under the auspices of a World Bank Structural Adjustment Loan. An expected drop in real GDP for FY 1992 did not materialize. Various revenue measures and greater control of expenditures have cut the budget deficit in half, to less than 10 percent of GDP, and inflation has slowed. Growth remained slow in 1992, however, with real GDP rising by an estimated 2.8 percent. There has been some delay in meeting IMF and IBRD performance targets and renewed catch-up efforts will be necessary. Public sector restructuring and market liberalization under the World Bank program will, if fully implemented, result in improved private sector-led growth performance, although significant economic dislocations are inevitable in the short-to-medium run. High-level GOE attention will be required if Egypt is to keep its economic policy reform program on track and at the same time adopt measures to provide a safety net for the poor.

While economic conditions are relatively stable due to the influx of foreign aid, it is important to keep in mind the deteriorating social conditions in Egypt. Structural economic reforms are badly needed, yet the government of Egypt feels that it must move cautiously. Recent unrest due to dissatisfaction by Islamic extremists has led to violence directed against the GOE and tourists. The tourist incidents will put a damper on Egypt's most important (in 1992) source of foreign exchange. The unrest is potentially destabilizing and therefore bears careful watching.

Debt relief and capital inflows have given Egypt an unprecedented opportunity to restructure its economy with generous donor support. It is critical that Egypt persist, within the constraints of a delicate political climate, with the reform program that it has undertaken if it is to attain its long-term economic objectives. This is especially true of introducing competitive market forces and private enterprise into the productive sectors and capital markets as soon as possible in order to increase productivity, exports, and domestic and foreign investment.

REPORT ON ECONOMIC CONDITIONS IN ISRAEL, 1991–92

I. EXECUTIVE SUMMARY

Israel's economy has been expanding at an annual rate of about 5 percent during the last three years, driven principally by the construction sector. This growth appears to reflect a cyclical rebound and the one-time effects of expanded immigration. During the period 1990–92, some 450,000 persons immigrated and investment spending jumped more than 10-fold compared to the previous four years. Even so, the unemployment rate rose to about 11 percent from 6 percent in 1988.

The central government made some progress in reducing its role in the economy through restraint in defense spending and through cuts in subsidies, but the surge in immigration has reversed this progress, at least temporarily. Previous commitments, pressures from affected groups, and continuing steps taken to reduce the tax burden have impeded efforts to make progress in reducing the budget deficit. Progress in economic reform was uneven. For example, strong progress was made during 1992 in curbing inflation, but progress on privatization is still slow. Inflation was brought down from an 18 percent average during 1986–91 to about 10 percent during 1992 due to wage moderation; monetary restraint; the end of the housing boom in late 1992; increased import competition; and business confidence in a new flexible exchange rate policy have brought. The fiscal deficit, excluding foreign grants, was brought down to about 10 percent of GDP during the late 1980s, but rose to 13 percent or 14 percent during 1991 and 1992. Housing finance commitments and the large size of remaining transfer payments and subsidies explain the increase. Major recent accomplishments in privatization include the sale of some GOI equity holdings in the communications monopoly and in Israel Discount Bank. The pace of privatization, however, has been slow due to opposition by some vested interests and by accounting and regulatory difficulties. Substantial progress has recently been made in opening up the financial markets, but continued progress in removing other distortions and controls and in eschewing governmental interventions would make the supply side of the economy more efficient.

On the external front, the balance of payments situation deteriorated as the result of a strong rise in imports and sluggish export performance. There has been recent substantial movement in trade liberalization, while exchange rate management has become more flexible, thereby improving the competitiveness of Israel's exports. Imports have been rising at an annual average rate of 14.7 percent since 1989, while exports grew by only 4.4 percent. The sluggishness in exports has been attributed to a slowdown in Israel's principal export markets, notably the United States, U.K., and some other EC countries. Non-tariff barriers on certain imports have been replaced by high tariffs, scheduled to be reduced gradually to low levels over the next five to seven years. An exchange rate insurance scheme for exporters is being gradually phased out with the introduction of the new flexible exchange rate policy initiated in December 1991.

The annual devaluation trend, against which the daily devaluations are set, was reduced in November 1992 from 9 percent to 8 percent. The new exchange-rate system has bred greater business confidence.

Israel's total stock of external debt has grown in recent years, but with the growth of the economy, its debt repayment capacity has strengthened. Net external liabilities have accordingly declined from 80 percent of GNP in 1985 to 26 percent in 1991, and gross debt service has declined from 33 percent to 27 percent of GNP.

Government debt levels will likely increase in the coming years if the government exercises its option to borrow up to $2 billion annually over the next five years to assist immigrant absorption under the U.S. loan guarantee program in addition to planned increases in borrowing from Europe. If the funds are used to finance productive projects and if additional vigorous economic reforms are implemented to assure substantial investments and strong economic growth, Israel will be in a reasonably good position to assume the projected additional debt. Prudence by Israel's government officials in assuming additional debt will be particularly necessary if future growth proves to be less robust than currently anticipated.

ECONOMIC REPORT TO THE CONGRESS ON TURKEY

I. EXECUTIVE SUMMARY

Policy: Turkish authorities have been implementing vigorously an outward-oriented and growth-stimulating adjustment program since 1980, when they broke with past policies which had favored import substitution and an industrial structure led by state owned enterprises. The adjustment program has featured a flexible exchange rate regime and extensive liberalization of trade restrictions. This resulted in a tripling in exports between 1980 and 1985 and another 50 percent rise through 1990. Areas of policy weakness have been episodes of expansionary fiscal policy and generous wage settlements, short-lived attempts to control inflation, and slow progress on privatization.

As a result of the adjustment program, the growth rate in annual GNP averaged 5 percent from 1981–1990. The inflation rate, however, doubled from 30 percent to 60 percent from 1986 to 1990, and by early 1992 had reached nearly 80 percent.

Recent Economic Performance, 1991–92: The external shock associated with the Middle East crisis put a damper on economic activity in the second half of 1990. This slump intensified in the first quarter of 1991 with the outbreak of war, and output declined by 1.5 percent relative to the first quarter of 1990. However, losses in the trade and service accounts related to the Middle East crisis were offset by grants and concessional loans from Western and Arab donors, and, when these loans are included, Turkey ended 1991 with a current account surplus of 0.2 percent of GNP (−1.6 percent of GNP without these transfers).

Debt Situation: Through its dramatic growth of exports and the steady expansion of its economy, Turkey has largely outgrown its extensive debt management problems of the 1970s. Reflecting the continued high pace of repayment of medium and longterm debt, the external debt ratio is down to 45 percent of GNP (as of September 1991). The debt service ratio continues to hover around 33 percent of exports. To the U.S., Turkey has debt outstanding of $2.6 billion as of June 1992.

HOUSE CONCURRENT RESOLUTION 64 CONFERENCE REPORT REPRIORITIZES OUR NATION'S SPENDING AND INVESTS IN AMERICA'S FUTURE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mrs. MINK. Mr. Speaker, for 12 long years, Mr. Speaker, the American people have been ignored. Their basic needs for education, housing, childcare, healthcare, and jobs, have gone unmet. And what were the consequences of this 12-year legacy, Mr. Speaker?

Low-income housing programs have been slashed during the 1980's.

Homelessness has dramatically increased in our urban centers.

Net interest on our borrowing for spending has grown from about $69 billion in 1981 to over $200 billion in 1993.

Education programs have suffered, declining as a percent of total Federal spending from 2.5 percent in 1980 to 1.8 percent in 1992.

Income of Americans at the bottom of the income scale fell, while the richest Americans got richer.

Total national spending for consumption increased, while investment declined.

The list, Mr. Speaker, is too long to recount here today.

The Clinton plan proposes to address our country's economic problems, because the President knows that a healthy economy is necessary for Government investment in vital areas, such as education, housing, health, research and development. President Clinton has proposed a full economic package, which deals with both investment and responsible economic management.

The 1994 budget resolution, the blueprint for appropriations in Congress, has adopted the President's proposals, and added to them. The resolution, Mr. Speaker, addresses the important issue of the deficit. Deficit reduction is necessary, if the investment portion of the Clinton package will succeed, and the resolution includes a total of $496 billion in deficit cuts over 5 years. Mr. Speaker, we have followed the rules of the Budget Enforcement Act of 1990, which says that discretionary spending must be within a defined spending cap for 1994 and 1995.

The new vision for change is built on real, responsible, and long-term reductions in total Government spending. Deficit reduction in the resolution includes cuts in defense, Mr. Speaker—nearly $12 billion in 1994, and a total of over $125 billion over 5 years. Our emphasis must be on investing in America's future and in our national economy. The budget resolution emphasizes this point by making the tough decisions in defense, cutting the deficit, and investing for tomorrow.

In 1980, 85 percent of our national debt—held by the public—was the result of investment in real assets such as roads, highways, bridges, and research and development. Today, investments in such national assets are estimated to comprise less than 36 percent of our borrowing. Our country now borrows more for consumption and less for long-term capital investments.

The Budget Committee is now presenting to Congress a resolution that emphasizes investment, not consumption. The resolution makes cuts in the deficit. The growing deficit our country now faces is mainly due to misguided leadership in the eighties. If these deficits had been for the sake of long-term investments in infrastructure, research, and education, they would not be viewed with such apprehension and fear, as they are now.

The Federal Government's unified budget makes no distinction between consumption and investment spending. There are a number of budget reform proposals that would focus the budget process on long-term investment spending. Capital budgeting is one proposal which would focus the Federal Government's spending on investments for future economic growth. Capital budgeting is not a new concept. Many industrialized countries, states, and businesses utilize capital budgeting in their budget process in order to separate long-term investments from annual operating costs.

Capital investments are now hidden in the unified budget. The unified budget does not make any distinction between operating and capital spending. Thus the current deficit includes long-term capital investments. In our own family budget, we use our paycheck to pay for our daily expenses, but we don't report a deficit by including the entire mortgage debt for our house or our loan for an automobile. Government should present its budget to the American people in a straight forward way that we can all readily understand, showing the operating budget separate from the capital investments budget.

A separate capital budget would more accurately report the composition of Federal spending, and it would emphasize the importance of investing in infrastructure and education, for example. It would encourage the Federal Government to plan for replacing roads, highways, bridges, and other various capital investments, before they deteriorate. Spending on investment programs should not be looked at in the same dreaded way that spending on operating expenses is today. Indeed we could begin to continue even a balanced budget for the operating side of our Federal budget same as do most States, and allow debt and borrowing for investment and capital cost.

Mr. Speaker, Congress and the President should clearly state what capital investments have a long-term value in excess of 10, 20, or even 30 years. Similar to the way we handle our State and county budgets, these capital costs should be budgeted separately. Capital costs clearly justify borrowing. We borrow to buy a home, or to put our children through college for an education. The American people do not have a clear understanding about what we mean by our unified budget. They do not know that the budget deficit includes capital construction costs.

I believe that what the American people want is for us to make sure that the operating expenses of the Federal Government match up to the revenues. I believe with equal certainty that they would support investments in our Nation's future in the form of borrowing for capital improvements for needed infrastructure, mass transit systems, airports, sewer systems, water systems, parks, and other permanent improvements to the communities in which we live and which enhance our economic future and the quality of our lives. This is a great importance today, in the midst of the President's economic plan.

INVESTMENTS FOR CHANGE

The Clinton package and the budget resolution include major investments in areas which have been neglected for too many years. The resolution assumes a number of long-term investments such as:

Investment in major infrastructure projects, improvements, and expansions in such areas as highways, mass transit, high-speed rail, airports, and air traffic control.

Energy-related investments to fund renewable energy and energy conservation, acquire alternative fuel vehicles, and increase the energy efficiency of Federal buildings and facilities.

Research and development investment in the area of natural gas utilization; investment in an advanced neutron source for medical diagnosis, treatment research, and applied research; investment in fusion energy to provide abundant energy from available fuels with low environmental impact.

University-based science and engineering research in areas such as environmental engineering, climate systems, computers and digital networks, biotechnology, materials processing, and advanced manufacturing.

These are merely a few of the proposals for long-term investment which will spur growth in the economy. This is also an important signal to the private sector, which depends greatly on public investment to prime the pump. Even more important are the long-term investments in people. Investments that a human budget should include—educating children, feeding and housing families, and creating jobs. This is what the Clinton package and the budget resolution include:

Increase in Federal investments for housing grants and vouchers for very low-income households.

Funds for the rehabilitation of housing for the homeless.

Investment for assisted low-income rental housing.

Restoration of dilapidated public housing.

Community development block grants [CDBG] for low and moderate income economic and community development projects to create jobs.

Investment in children by fully funding Head Start to serve an estimated 1.4 million eligible disadvantaged children.

Full funding for the supplemental food program for women, infants, and children [WIC], to fight child hunger.

Expansion of the Food Stamp Program to target the most needy families and children.

Investment in education reforms and reauthorizations in elementary, secondary, postsecondary schools, in addition to increasing funds for student assistance programs and historically black colleges and universities.

The creation of a National Service Corps to provide young people, in their pursuit of a postsecondary or college education, an opportunity to repay their college loans by serving in low-paying community jobs.

Job Corps expansion to provide increased participation in remedial education, occupational skills training, and job placement services.

Summer youth employment and training program to offer economically disadvantaged youth with experience in minimum wage job opportunities in public and nonprofit agencies.

An expansion of the Earned Income Tax Credit [EITC] to assure that working families with children will not live below the poverty line.

The fiscal year 1994–98 budget resolution restores the promise of America for our workers, our children, and those who have been ignored for too long. As a Nation, shifting our priorities from spending on defense to investment is the most important component of this package. It is also a responsible plan, which reduces the deficit substantially, and takes into consideration the changes which have transpired internationally and affected our economy. It is a plan America should support and be proud of, because it puts them first, for a change.

TRIBUTE IN MEMORY OF REV. JOHN J. RECTOR

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. TEJEDA. Mr. Speaker, I rise today to remember a friend and great African-American community leader, the Reverend John J. Rector. I am greatly saddened by his death last week and regret deeply that I am unable to attend his funeral today in San Antonio. I hope these words offer comfort to his family and give the praise that is due to this man of inspiration and hope.

As he himself quoted his mother, J.J. Rector was born in Texas on "a cold rainy morning on February 13, 1931," only 62 years ago. As a young man, his enthusiasm for life drew him to the Baptist ministry. Over the years, he touched the hearts and inspired the minds of young and old alike. His works reached out beyond his congregation and his community, offering friendship and hope to many.

Reverend Rector found his way to the Antioch Missionary Baptist Church, a warm and friendly house of God on San Antonio's east side. With the reverend's vision and guidance, the congregation prospered. His congregants admired him, respected him, loved him. And he loved them. Neither illness nor hardship clouded his commitment.

Reverend Rector especially loved the children of his community. He preached the need for the African-American youth of his church to strive for personal development and academic excellence, and he took pride in their successes. He didn't stop with the children, however. Reverend Rector empowered his neighborhood by encouraging high voter turnout. He provided jobs and created opportunities for those in need. Out of nothing, he established Antioch Village, a model housing program that is home to many.

Reverend Rector knew well that success comes only with vision and hard work. He gave us both. We will miss him.

THE DEMISE OF THE SELECT COMMITTEE ON AGING

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. BORSKI. Mr. Speaker, I rise today to express my extreme disappointment that the House Select Committee on Aging has expired. Despite my cosponsorship of House Resolution 30 to reestablish the Select Committee on Aging, the House was never given the opportunity to vote on this resolution.

Because of intense pressure to achieve budgetary savings in the legislative operations, the House has been forced to cut back funding of committees. As a result, the authorization for the four select committees has expired.

However, the Senate voted to reauthorize the Special Committee on Aging. It is too bad we could not have followed the Senate's lead.

In my 10 years on the House Select Committee on Aging, I have been the only Democratic Member of Congress from Pennsylvania representing senior citizens on the committee.

At a time when our elderly population is growing at an unprecedented rate, we should not single out the House Aging Committee for the sake of reform. The House Select Committee on Aging has provided the investigation and oversight that our standing committees could not provide.

Since the House Select Committee on Aging start in 1974, it has proven to be a bipartisan committee, with celebrated leaders such as Claude Pepper and Pennsylvania's own John Heinz, dedicated to improving the quality of life for millions of Americans. The House Select Committee on Aging has saved taxpayers millions of dollars and is well worth the nominal funding we provided each year.

In addition, the Select Committee has convened and issued nearly 1,000 hearings and special reports, and helped to launch and shape many important pieces of legislation that have been enacted into law.

But perhaps more importantly, the Select Committee has developed a strong reputation among many of our constituents as a kind of conscience of the Congress, serving as a voice for some of the Nation's most disadvantaged citizens.

I am hopeful that important concerns of the House Select Committee on Aging such as quality health care, long-term care, affordable housing, age discrimination, and financial security will be addressed by the House standing committees. I will be working with the House standing committees to ensure that they address the issues of older Americans.

Mr. Speaker, the senior citizens of the Third Congressional District of Pennsylvania and the United States can be sure that I will be fighting to make sure that their issues of concern are not forgotten.

SUPPORT FOR BUDGET RESOLUTION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. COYNE. Mr. Speaker, I rise to strongly support passage of the budget resolution conference report.

This conference report represents meaningful deficit reduction. It reduces the Federal deficit by $496 billion over the next 5 years. This achievement keeps faith with the demands of the American people that Congress stem the flow of red ink.

The budget conference committee has reported a resolution which meets the spending caps for discretionary spending contained in the 1990 Budget Enforcement Act for 1994 and 1995. In addition, this resolution limits discretionary spending to the 1993 level in each of the next 5 years and reconciles a 5-year total of $335.8 billion in entitlement savings and new revenues.

The budget conference committee has reported a document which will achieve President Clinton's goals of rebuilding our economy, investing in the future and cutting the deficit. The payoff for this national effort will be even lower long-term interest rates, more affordable homes, better job opportunities, and a more secure future.

This budget conference report sets a new investment-oriented direction for Federal spending. The spending and deficit reduction levels in this resolution assume increased funding for jobs programs and job training, education, mass transit, highway construction, research and development, defense conversion, and other priority investment programs. This budget document also assumes that Congress will approve the Clinton administration's proposals to provide full funding for vital programs serving the human needs of our country, such as Head Start, WIC, child immunization, the Ryan White AIDS Program, and the Mickey Leland Hunger Program. It also provides expansion of the earned income tax credit program to reward low-income Americans who work but still struggle to make ends meet.

The budget conference committee has succeeded in maintaining a favorable ratio of $1.21 in spending cuts for each dollar of tax increases over 5 years. It is important to note that the revenues amounts in this conference report assume enactment of the administration's tax package which restores fairness to the Tax Code by placing the heaviest burden on those best able to afford it—individuals who benefited the most from the economic policies of the past decade.

House members of the conference committee are to be commended for ensuring that no new taxes were approved over those previously accepted by the House. While the other body attempted to add $22 billion in new taxes, House conferees were steadfast in holding the line on tax increases.

Enactment of this budget resolution will help to change our spending priorities from consumption to investment. This increased investment will put an end to the stagnation in the real incomes of the average American family. This budget plan should also help to reverse the trend of increased poverty rates and greater inequality of income and wealth which arose during the 1980's as the result of national policies favoring the most affluent in our society.

Final approval of this budget resolution conference report will help to ensure that long-term interest rates continue to drop. Today's vote will remove any doubt that Congress is serious about stemming the flow of the red ink. This is shown clearly by the fact that the conference committee's budget resolution agreement meets and even exceeds the deficit reduction target set by the Clinton administration.

Mr. Speaker, today, the House can lay the groundwork for long-term economic growth. I urge my colleagues to support the budget resolution as reported by the budget conference committee.

OPPOSITION TO MOTOR VOTER LEGISLATION

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. KYL. Mr. Speaker, as Members of the House and the Senate go to conference on motor-voter legislation, I would like to bring the comments of a few officials in my State of Arizona to their attention.

One of the reasons I oppose this legislation is because I believe it represents another burdensome mandate on the States. In a letter to me, Mr. Charles Cowan, the director of the Arizona Department of Economic Security, indicated, "The AZDES has reviewed the motor-voter bill, and I am concerned about its impact on the department's already scarce resources. The bill would require many of the DES offices to register voters in addition to the critical work they are already required to perform. The bill does not appropriate funding for this additional workload." And Maricopa County Recorder Helen Purcell suggested that the mandate would triple the number of affidavits for registration the county handles, costing the county an additional $900,000 a year. Mr. Speaker, Congress cannot continue to send mandates to the States which drastically increase workload and financial hardship.

Arizona's voluntary voter registration operates smoothly and effectively. As an editorial in the Phoenix Gazette points out:

> The voluntary approach seems more in the democratic tradition. If you choose not to participate in the election process, that is an option open to you. One also could argue that state registration lists containing thousands, even millions, of names of people who have no intention to vote could be an invitation to fraud.

Congress need not feel compelled to fix a system that ain't broke—particularly if the fixing is of questionable merit.

Mr. Speaker, I encourage my colleagues to consider these concerns in conference.

COMMUNITY SCHOLARSHIP DEVELOPMENT FOUNDATION ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. PENNY. Mr. Speaker, along with Congressman BILL GOODLING and several of our colleagues, today I am introducing the Dollars for Scholars Community Scholarship Foundation Development Act of 1993, legislation first introduced during the 102d Congress. This measure would help communities across our Nation establish what have proven to be highly successful, local, volunteer-operated programs to improve educational achievement and provide postsecondary education opportunities for their youth.

The Dollars for Scholars Program began in the late 1950's in Fall River, MA, and has spread to 650 communities across the Nation. One of those programs operates in the small towns of Kasson and Mantorville in the First Congressional District of Minnesota. This chapter has been phenomenally successful in assisting young people. Last year they awarded 39 scholarships to needy students. The Kasson-Mantorville chapter just recently received an endowment gift of $100,000 from a local businessperson. A student growing up in Kasson-Mantorville gets the message: "You are expected to do well in school and prepare for college or vocational school. And the community is committed to helping you get there."

Three years ago, residents of several public housing projects in Atlanta GA, formed a Dollars for Scholars chapter. They were tired of hearing that project kids shouldn't be expected to go on to college. Last year they raised over $50,000, much of it from low-income households that could contribute only a few dollars each. These volunteers are helping their young people and their teachers to understand that they expect their youth to finish high school and go on to postsecondary education. Currently across the country Dollars for Scholars chapters are annually providing from several thousand to over $300,000 to students in their local communities for scholarship assistance.

Educators, business leaders, government officials, and parents are all looking for solutions to the problems of our schools. All sorts of educational reforms have been proposed or are being tried. We have found one that works and works very well because it is built on the one overarching, crucial ingredient for success—the raising of educational expectations on the part of parents, educators, communities, and most of all, students.

I am attaching to this statement, Mr. Speaker, a question and answers factsheet. I ask Members to join me in support of this legislation.

DOLLARS FOR SCHOLARS COMMUNITY SCHOLARSHIP FOUNDATION DEVELOPMENT ACT

QUESTIONS FREQUENTLY ASKED

1. What is the fundamental purpose of the Dollars for Scholars Community Scholarship Foundation Development Act?

America's educational, business, and government leaders are increasingly alarmed by high dropout rates, lagging educational achievement levels, inadequate college attendance rates, and the insufficient skill levels of our Nation's work force. America's students must be properly challenged and encouraged to reach higher educational achievement levels, and they must have adequate financial support to pursue successfully post-secondary educational opportunities. The local community, properly organized, trained, and motivated, is one of the best resources for providing support to students. The Dollars for Scholars Community Scholarship Foundation Development Act will make possible the mobilization of Americans in thousands of communities in support of their local students.

2. What are Dollars for Scholars Community Scholarship Foundations?

Dollars for Scholars community scholarship foundations are autonomous 501(c)(3) organizations, affiliated as active chapters of Citizens' Scholarship Foundation of America. They have their own local board of directors composed of volunteers from the local community. These chapters raise money at the local level in order to distribute scholarships to local students, in addition to giving encouragement and backing to these students through academic support activities and the visible commitment of significant numbers of people to education.

3. Haven't previous federal elementary, secondary, and higher education acts met the needs outlined above for motivating students and funding their education?

Most educational analysts agree that major needs remain. For example, despite many positive results from the recent Higher Education Reauthorization Act, students and families have become more and more dependent on loans to finance post-secondary education. New sources of scholarship funds must be found to encourage and assist students to pursue post-secondary education. The local community provides a largely untapped resource for significantly greater financial aid for students. Moreover, the local community (including local neighborhoods in inner-city areas) produces the personal support, motivation, and challenge that can more directly impact student decisions and achievement at all educational levels.

4. What is the key element in creating Dollars for Scholars chapters?

Extremely important is the role of the Area Director, a kind of "Johnnie Appleseed" or "Circuit Rider" who can move from community to community presenting the program, assisting local community leaders, training volunteers, and providing ongoing support services. CSFA's 30 years of experience in creating Dollars for Scholars community scholarship foundations have affirmed the crucial role of this individual.

5. What funding is required to establish and endow the program operations and services of an Area Director?

CSFA's Dollars for Scholars operation is a highly cost-effective means of rallying the resources of the private sector to provide significant new resources for students. An area operation serving up to 150 chapters costs only $70,000 to $80,000 annually. Thus, this area program operation (consisting of an Area Director, office and secretarial services, travel and training programs) can be endowed for approximately $1,500,000.

6. How many such area operations will be required to service communities throughout the United States?

CSFA estimates that approximately 25 area service operations, strategically placed, will be able to assist directly in the development of Dollars for Scholars chapters in urban, suburban, and rural communities throughout the country. The Dollars for Scholars bill requests a one-time authorization of $40 million to create and endow the 25 area operations, plus some additional funding required for implementation and coordination.

7. Why should the federal government consider such an allocation in light of the federal budget problems?

This approach to government funding is different. The bill calls for a one-time allocation of $40 million. (This allocation could be spread over a three- to four-year period, if necessary.) The government will not be required to put more and more money into the program every year, as is too often the case with similar programs. Yet this one-time allocation will return almost $750,000,000 over the coming decade in new scholarship support for students. In addition, millions of Americans will be mobilized as strong supporters of educational achievement in their local communities. This type of government action—Federal dollars used to challenge and organize significant new private sector support—will in the long run help alleviate the deficit problem, not add to it.

8. Won't the federal government need to continue to spend money overseeing the program?

As with other endowment programs the federal government has supported, the Education Department (the likely administering agency) will need to formally monitor the use of funding and the program's growth for a limited time (a period of three to five years has been suggested). After this initial period, federal monitoring will be unnecessary. The program is based on 30 years of successful experiences and is designed to rally private sector resources, while not adding to federal staffing and office requirements.

9. Don't many communities already provide scholarships for local students?

Communities often provide a very limited number of scholarships usually sponsored by local service clubs or other organizations. Normally these are small in number and size. The Dollars for Scholars program coordinates existing scholarships, increases their visibility, yet adds significantly more scholarships through organized community-wide fund raising.

10. Can the Dollars for Scholars program work in low-income communities?

Yes. Already CSFA has organized effective Dollars for Scholars chapters in low-income urban and rural communities. Residents are trained in organization, fund raising, and academic support activities. Money comes from the residents themselves and from donors who respond to effective fund-raising events and programs. The Dollars for Scholars program is as much a community empowerment program as a scholarship program.

11. Why shouldn't the federal government give the $40 million directly to communities for scholarships?

This action would represent a poor investment of federal resources. This method would benefit some students immediately but the money would quickly be gone. Allocating $40 million through the endowment of the Dollars for Scholars service operations will produce thousands of new and permanent scholarship foundations and will allow this original money to be multiplied 10 or 20 fold in new scholarship funding in the first decade alone.

12. Why should this federal funding be earmarked for CSFA?

This bill does not earmark funding for CSFA. The organization will have to compete for the funds and work closely with the Education Department in implementation. However, no other organization has over 30 years of experience in creating, developing, and sustaining the work of volunteer-operated, community-based scholarship foundations. Moreover, the Dollars for Scholars chapters started with CSFA's help are independent 501(c)(3) organizations. Thus, the bill will result in thousands of new, largely autonomous scholarship organizations serving their local communities, students, and schools, for many, many, years to come.

13. CSFA's Dollars for Scholars program has grown rapidly in recent years. Can't this program automatically keep growing?

CSFA currently has over 600 Dollars for Scholars chapters and is creating one new Dollars for Scholars community scholarship foundation every four days. That growth is impressive until one realizes that our nation has over 16,000 school districts (and the larger districts require not one but several or many chapters). Moreover, CSFA can no longer create, develop, and sustain larger numbers of new Dollars for Scholars chapters without significant new, ongoing financial resources. The Dollars for Scholars Community Scholarship Foundation Development Act provides a means of "jump starting" the mobilization of Americans in communities throughout all fifty states—expanding this effective, well-tested program rapidly, while ensuring a permanent base for ongoing service to all the new Dollars for Scholars chapters.

14. How can the Dollars for Scholars program relate to Bill Clinton's National Service Proposal for helping students pay off their education through public service?

In three ways. (1) The more scholarship funding that students have, the less will be the financial burden the federal government will need to assume for this form of student loan payback. (2) The Dollars for Scholars program has always encouraged students to be very active in community service. Large numbers of young people are active in volunteer activities for local Dollars for Scholars chapters. (3) College graduates could help fulfill their public service option through assisting Dollars for Scholars volunteers in local communities in a variety of activities (including mentoring, tutoring, administrative duties, and chapter fund-raising). In this way the Dollars for Scholars program could provide a means for students to pay off college loans while helping to lessen the financial burdens for the next generation of students!

15. Can't CSFA simply raise this $40 million in the private sector?

CSFA has launched a National Campaign that is seeking to raise considerable funds from the private sector as well. But few private sector sources have the capability of providing $40 million in endowment funding in a relatively short period of time. In the years to come CSFA will be able to broaden its constituency nationally as the Dollars for Scholars program takes hold in more states and communities and endowment funding will be more likely attainable. But our nation cannot afford to miss reaching several generations of needy and deserving students in the meantime! Now is the time to make sure that this effective program begins to impact nationally our country's educational needs and goals.

CONGRATULATIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the forthcoming marriage of Brian K. Osterhus and Pamela J. Lewis.

Mr. Speaker, on January 23, 1994, two bright young people will begin their lives with one another. Both of them have succeeded in their careers, and now they have turned their attentions toward one another. I would like to take this special opportunity to congratulate these two fine individuals on their engagement.

Mr. Speaker, I submit for the RECORD my heartfelt support of the future Mr. and Mrs. Osterhus.

THE DAYLIGHT SAVING TIME EXTENSION ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MARKEY. Mr. Speaker, today I rise to introduce the Daylight Saving Time Extension Act of 1993.

I am very pleased to have the honorable gentleman from California, Representative CARLOS MOORHEAD, the ranking Republican member of the Energy and Commerce Committee, join me in introducing this important bill.

Unfortunately, it's quite rare when two Congressmen can stand before the American public and offer them enormous health, safety, recreational, and financial benefits—without spending a single dollar of tax money. And it's even rarer when the Government gives away something with no redtape and no restrictions on its use. But that's exactly what we are offering with the Daylight Saving Time Extension Act of 1993—we're giving every man, woman, and child in this country something they can really use, more daylight.

Every year when spring arrives, most Americans wonder why for them—unlike for the Rolling Stones—time is not on their side. Despite the onset of warmer weather, the Sun sets all too early to enjoy the evenings of early spring—it's still 2 weeks away until daylight saving time starts, and with it the afterwork light that lets Americans play softball and exercise outdoors, walk safely home from work, cook out with their families, use less energy, and drive more safely. And for those Americans who suffer from night blindness, additional daylight time gives the priceless gift of more vision each day.

Building on the success of our 1985 legislation, which extended daylight saving time from late April to early April, this bill will extend daylight saving time 2 weeks in the spring and 1 week in the autumn—which will help protect young trick-or-treaters and can help improve voter turnout. The act also calls on the Federal Government to study the potential benefits of double daylight saving time during the long days of early summer.

I am also introducing today a separate bill that would couple extended daylight saving in the autumn with other election reforms, in order to implement uniform poll closing and improve voter turnout.

During the debate on our earlier legislation there were assertions by others that additional daylight saving time would be hazardous on the highways. But what Representative MOORHEAD and I knew then to be true has been documented today by the President of the Insurance Institute for Highway Safety. The Insurance Institute today released the results of a new study that finds—beyond any doubt—that additional daylight saving time saves lives on the roads: as many as 200 lives saved per year. I am enclosing a copy of an explanation of their study.

In 1784, Ben Franklin—who taught us that time is money—first proposed daylight saving time. Now, over 200 years later, in 1993, the 75th anniversary of the beginning of daylight saving time, it's high time to get it right. Victor Hugo said: "Greater than the tread of armies is an idea whose time has come." Extended daylight saving time is just such an idea, and now is its time.

I am pleased to have the support of a variety of groups concerned with improving the quality of life for Americans across the Nation. Groups such as the RP Foundation, which helps those suffering from retinitis pigmentosa, or night blindness, and groups like the Kingsford Co., the National Association of Convenience Stores, the Daylight Saving Time Coalition, and the Amateur Softball Association, which make warm summer evenings outdoors so enjoyable.

I invite my colleagues in the House to join Representative MOORHEAD and me in cosponsoring the Daylight Saving Time Extension Act of 1993.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Daylight Saving Time Extension Act of 1993".

SEC. 2. DAYLIGHT SAVING EXTENDED TO START IN MARCH AND END IN NOVEMBER.

Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended—

(1) by striking out "first Sunday of April" and inserting in lieu thereof "third Sunday of March"; and

(2) by striking out "last Sunday of October" and inserting in lieu thereof "first Sunday of November".

SEC. 3. EFFECT ON EXISTING STATE ELECTIONS.

Any law in effect on the date of the enactment of this Act—

(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 by a State with parts thereof in more than one time zone, or

(2) adopted pursuant to section 3(a)(1) of such Act by a State that lies entirely within one time zone,

shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act unless that State, by law, provides that such exemption shall not apply.

SEC. 4. ADJUSTMENT OF OPERATING HOURS OF DAYTIME BROADCASTERS.

(a) Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service.

(b) Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics.

(c) Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

SEC. 5. STUDY.

The Secretary of Transportation shall conduct a study on the effects of 1 additional hour of daylight saving time from the first Sunday of June to the last Sunday of August. The study shall be completed no later than July 1, 1994.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act, except that if such effective date occurs in any calendar year after March 1, this Act shall take effect on the first day of the following year.

SAFETY BENEFITS OF DAYLIGHT SAVINGS TIME

When Benjamin Franklin conceived of daylight savings time, he reasoned that it would save candles. Two hundred years later, it's saving lives.

It's a simple proposition. Addition of an hour of light to the afternoon increases the visibility of both vehicles and pedestrians. This enhanced visibility is associated with fewer afternoon crashes and fatalities.

Of course, daylight savings time also eliminates an hour of light in the morning. Does this increase the number of fatal morning crashes and thus offset the benefits of extra afternoon light? There's a small increase, but it's not enough to outweigh the lives saved in the afternoon when many more pedestrians and vehicles are on the road.

These are the key findings of a new Institute study, which concludes that the net effect of daylight savings time is fewer deaths. "If we extended daylight savings time year around," say Adrian Lund, the Institute's research vice president we could save nearly 200 lives annually."

Analyzing 1987-91 data from the federal government's Fatal Accident Reporting System, researchers from the Institute and the Preusser Research Group estimate that about 900 fatal crashes—727 involving pedestrians and 174 involving vehicle occupants—could have been avoided during the study period if daylight savings time had been in effect throughout the year.

The researchers tabulated the number of fatal crashes during six-hour periods around sunrise and sunset. They looked at a period beginning 13 weeks before the start of standard time in the fall and lasting until nine weeks after the start of daylight savings time in the spring. Fatal crash data for these hours were counted based on actual sunrise and sunset times in each of the more than 3,000 counties in the contiguous United States, excluding Arizona and most of Indiana where daylight savings time isn't observed.

The analysis clearly shows that by adding an hour of daylight in the morning and eliminating an hour of daylight in the afternoon, as is the practice when standard time resumes every fall, lives are lost on the nation's highways. The analysis also shows that the hour immediately before sunrise or after sunset is most affected by the light change.

Daylight savings time has had a number of proponents since Franklin suggested the idea while serving as Minister to France in 1784. The measure was instituted in the United States for energy conservation purposes during World War I and again during World War II, when year-round daylight savings time was in effect from February 1942 until September 1945.

From 1946 to 1966, decisions about whether to observe daylight savings time and for how long were left up to states and localities. The resulting confusion especially in interstate commerce, led Congress to pass the Uniform Time Act of 1966. This law didn't mandate daylight savings time but required areas observing it to do so from the last Sunday in April to the last Sunday in October.

Beginning in 1987, a new law added three weeks to daylight savings time by moving the starting date up to the first Sunday in April. A coalition with an economic interest in longer evenings—including the barbecue industry, sporting goods manufacturers, and owners of fast food outlets and amusement parks—convinced Congress to mandate the extension. Farmers opposed it, saying it would push their workdays into the evening, but the U.S. Department of Transportation weighed in with the safety arguments it had been making since the 1970s.

During the Arab oil embargo and subsequent energy crisis of the early 1970s, the United States instituted something close to year-round daylight savings time, moving the starting dates up to January of 1974 and February of 1975. The Transportation Department found that, in addition to saving energy and apparently cutting down on crime, the measure reduced traffic crashes, deaths, and injuries.

However, substantial public concern arose about the possible risk to children traveling to school in pre-dawn darkness. Florida sought repeal of daylight savings time in 1974, blaming the deaths of eight schoolchildren on dark mornings. Yet a Transportation Department comparison of January-April 1973, when standard time was in effect, with the same period in 1974, when daylight savings time was being observed, showed "no special hazard to children * * * in the fatality data for pedestrians/pedalcyclists, motor vehicle occupants, and total crashes." Similarly, Institute researchers found no increase in fatal morning crashes among school-age pedestrians with the switch to daylight savings time. They also found no safety benefit to children when standard time returned and mornings grew lighter.

Positive effects have been shown in the United Kingdom, where daylight savings time was retained year round for three years beginning in the fall of 1968. The Transport Research Laboratory reports that about 800 deaths and serious injury crashes a year could be avoided with a return to year-round daylight savings time. A British coalition of safety advocates has called on the government to switch to Central European Time, which would have the effect in the United Kingdom of advancing clocks by one hour in winter and two hours for the rest of the year.

For a copy of "Reduction in Pedestrian and Vehicle Fatal Crashes with Daylight Savings Time" by S.A. Ferguson, D.F. Preusser, A.K. Lund, P.L. Zador, and R.G. Ulmer, write: Publications, Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, VA 22201.

THE CLINTON EMPHASIS ON INVESTMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 31, 1993, into the CONGRESSIONAL RECORD:

THE CLINTON EMPHASIS ON INVESTMENT

The Clinton economic plan working its way through the Congress would make the biggest change in economic policy since the Reagan revolution in 1981. Its overarching theme is to increase public and private investment in the broadest sense.

NEW DIRECTION NEEDED

The President is calling for a fundamental departure from the economic policy of the past decade. He points to the failure of the Reagan experiment which cut taxes—primarily for the rich—in order to stimulate the economy. That approach has led to runaway budget deficits and has benefited mainly the wealthy, while not producing the long-term growth it promised. Economic growth during the 1990s has been sluggish, and even during the 1980s average growth was slower than in any previous decade since the end of World War II.

President Clinton is giving top priority to the long-term strength of the economy. Even though the recent recession may have passed, our long-term problems run deeper than that, to stagnating productivity and living standards. Most American families are working harder than ever just to keep up. Slow growth—especially in productivity—means Americans will not see anywhere near the increases in wages and family income that they saw in past decades. The economy has been underachieving for some time, and prospects for the 1990s are for subpar growth. The President believes that investment—in our workers, in the infrastructure, and in new plant and equipment—is the key to a growing economy that produces good jobs and high quality goods and services for ourselves and for the international marketplace.

CLINTON INVESTMENT PROGRAM

Overall the President is proposing a major shift in federal priorities—away from consumption and towards investment—and he is calling for a more active role of government in ensuring the long-term strength of the economy. His plan emphasizes public as well as private investment. While calling for greater investment by the federal government, President Clinton recognizes that the real engine of economic growth is the private sector. So his plan also includes various incentives to boost the level of productive private investment.

The common thread of all three components of his economic plan is investment. He proposes a short-term stimulus package, which not only can be implemented immediately to boost the economy, but also involves the kind of investment that improves our long-term outlook, such as highway construction, community development, and waste water cleanup. His second component is a major long-term investment package of $160 billion over four years, which includes more support for public infrastructure, education and training, technology, research, and programs for children. It also contains tax incentives to increase private investment in small business and new plant and equipment. His third component of significant deficit reduction is also tied to investment, since the goal of reducing the deficit is to free up capital so that private sector investment increases.

RESPONSE TO PACKAGE

Many people have contacted me in opposition to tax increases or to cuts in their particular benefits, and some groups, such as farmers, point out the disproportionate hit they take under the overall package. But many people also support the President's program. People are prepared for some personal sacrifice, but they want it fairly shared and they want deeper spending cuts. They know that for years the country has been living beyond its means. They want serious and substantial action to reduce the deficit and to spur the economy. They know that as a nation we must tighten our belt and be led in a responsible direction. They are receptive to the President's call for greater investment in our nation's future.

ASSESSMENT OF EMPHASIS ON INVESTMENT

The President is certainly correct in aiming his program toward growth and stressing the need to increase investment. The investment trends in recent years have all been in the wrong direction. Since 1980 the share of total federal spending going to nondefense investment has decreased sharply from 16% to 9%. The share of our nation's total output (Gross Domestic Product) going to public investment—by federal, state, and local governments—fell from 9½ of GDP in the 1960s to 7½ in the 1980s, and private investment has shown a similar decline. As a nation, we consume far more than we invest. Consumer spending on food, fuel, autos, and the like, totals about two-thirds of GDP, while private and public investment is just under one-fourth of GDP. Other nations have been doing a much better job of investing in their future. Japan invests around 40% of its GDP while Germany invests around 30%.

At the same time, the shift toward investment in the President's plan, though welcome, should not be overstated. His strategy may be a little weak on investment in people—for example, upgrading the American labor force through an overhaul of education and vocational training. The President uses the term "investment" broadly; if something is not clearly an investment, it should be removed from the package. And some of the projects he proposes that sound like worthy investments need to be carefully scrutinized so that they do not end up as pork-barrel projects with little impact on our competitiveness.

Moreover, even if all of what President Clinton proposes in increased investment is worthwhile, he is still only proposing a relatively modest shift away from consumption and toward investment. The $160 billion he proposes for new investment over four years would represent less than 2% of total federal expenditures over that period. The share of total federal spending going to investment under his plan would increase from 9% today to less than 10% by 1997, and most of the large federal programs typically considered consumption—for example, programs for older persons or veterans—will continue to grow. Likewise the Clinton steps to boost private sector investment would likely add about one percentage point of GDP to private investment by 1997.

CONCLUSION

The Clinton plan is not a radical shift in national priorities, but it is an important step in the right direction and it lays the groundwork for the transition to a more investment-oriented economy. I believe that we must give the program a chance and that it is time for action. The greater risk is to do nothing; that will only ensure that the negative trends continue. In the end these policy changes are made, not to cause people pain or to make them enjoy sacrifice, but to make things better for ourselves and our children.

TRIBUTE TO PROF. THOMAS M. ORF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ROGERS. Mr. Speaker, today I want to honor a remarkable man—Prof. Thomas M. Orf, assistant professor of geography at Prestonsburg Community College in Floyd County, KY.

Professor Orf has been selectively chosen to participate in the U.S. Department of Education's 1993 Fulbright-Hays Seminars Abroad Program. As 1 of only 16 educators throughout the Nation to be selected for this honor, Professor Orf will be spending 5 to 6 weeks in Brazil studying this country's history and culture.

This program helps enhance American educators' understanding of other cultures, and I know the experience Professor Orf will bring back with him to Prestonsburg Community College will be invaluable to him, the faculty, and the students.

Mr. Speaker, I cannot tell you what a joy it is to have this award bestowed upon Professor Orf. He brings pride to our region of Appalachia. I offer my sincerest congratulations to Professor Orf.

THE PEOPLE OF PINELLAS COUNTY HAVE LOST A GOOD FRIEND—ARNOLD WHITE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. YOUNG of Florida. Mr. Speaker, the people of Pinellas County, FL, and Little League Baseball lost a great friend this week with the passing of Arnold S. White, Sr.

Mr. White dedicated his career to taking care of the health care needs of our Nation's veterans. For more than 30 years, he was the Deputy Director for Medical Administration at Department of Veterans Affairs Medical Center at Bay Pines, FL.

However, he also dedicated his life to Little League Baseball and is known for his work to make the game available to children throughout the South. He spent more than 40 years working with Little League players, coaches, and league administrators. During the last 24 years he was director of the Southern Regional Little League, a position which covered activities in 13 States.

It is most appropriate that the last time I was with Arnold White was during the dedication ceremony in February for the Arnold S. White Baseball Stadium at the Little League Baseball Southern Regional headquarters in Gulfport, FL.

Following my remarks, I will include for the benefit of my colleagues an article from the St. Petersburg Times which captures Arnold White's love for Little League Baseball and its players. He believed baseball is a game that teaches our youth invaluable lessons about life, responsibility, and adulthood.

Mr. Speaker, our community has lost a great friend and the family of Arnold White has lost a great husband, father, and grandfather. He touched so many lives in his work on behalf of our Nation's veterans and youth. Although he is no longer with us, the lessons he taught our children will remain with them for many, many years to come. In that way, his legacy will live on.

ARNOLD WHITE SR., LITTLE LEAGUE CHIEF

(By Romaine Kosharsky)

ST. PETERSBURG.—Arnold S. White Sr., director of the Southern Regional Little

League headquarters since 1967, died Saturday (March 27, 1993) at home. He was 73.

Mr. White also was a former deputy director of medical administration at the VA Medical Center at Bay Pines.

His wife said he was recovering from shoulder surgery after a fall at his office.

Mr. White, a native of Thorsby, Ala., was transferred to Bay Pines in 1951 from the Veterans Administration's department of medicine and surgery in Atlanta.

When he retired as medical administrator after 30 years, Mr. White devoted himself to Little League.

Credited with promoting the tradition of Little League baseball in the South, Mr. White was honored in February with the dedication of Arnold S. White Sr. Stadium at the Little League Baseball Southern Regional headquarters in Gulfport.

"He was a very dedicated person to Little League Baseball, and every one of us involved in Little League will surely miss him," said Charlie Brush, administrator of District 5.

Mr. White's activities in baseball spanned more than 40 years, 24 of them as director of the Southern Regional Little League. His territory encompassed 13 states in the South.

In a 1991 interview, when asked about his length of service, Mr. White said, "Well, it's amazing to me."

As for his reason for remaining with Little League, he said: "It gave me an avenue to do something that I felt was worthwhile to the community, as well as worthwhile to kids."

"When this ball is hit to that kid out there at shortstop," he said, "there's nobody else who can make that play. He's got to either make the play or it's not made. Little League baseball teaches children the things they need to know about entering adulthood. It teaches them how to work with other people, how to respect authority in the form of the umpire, and how to interact in the community."

He became interested in 1951 when his son joined Little League. He was a volunteer coach of his son's team for five years. His son, Dr. Arnold S. White Jr., a local orthodontist, died in 1991 of cancer at age 49.

In 1966, the National Little League headquarters in Williamsport, Pa., created a regional division headquarters for 13 states in the South with Mr. White at the helm.

"Florida has always had good baseball and softball teams. The record shows that," Mr. White said in an interview. "We have a tremendous program here in Florida.

"Ours was one of the first states outside of New England chartered in Little League Baseball. There's good leadership here, and the kids have the chance to excel because of it."

One of Mr. White's hobbies was collecting baseball figurines. He started in 1957 with a hand-carved hobo holding a baseball bat, and by 1983 he had more than 400 items valued from a few pennies to more than $200.

He received several awards, including a public relations award from the VA Medical Center at Bay Pines in 1967 for his efforts with Little League.

The next year, he received a plaque from the district manager of MacFadden Bartell Corp., publisher of Sport magazine. He was honored in the magazine for his contributions to his community through sports.

He was a member of Pasadena Community Church for 42 years and a member of the Pasadena Yacht Club.

Besides his wife, Mary E. "Suzy," he is survived by a daughter, Nan E. W. Siapno, Crystal River; two brothers, Archie W. White, Tallahassee, and J.C. White, Maplesville, Ala; and six grandchildren.

Friends may call from 5 to 7 p.m. Tuesday at Anderson-McQueen Funeral Home, 2201 Dr. M.L. King (Ninth) St., St. Petersburg.

The funeral will be at 10 a.m. Wednesday at Pasadena Community Church, with Dr. Harold Wahking and Dr. Jack Stroman officiating.

Burial will be in Memorial Park Cemetery.

The family suggests that any donations be made to Little League Baseball Inc., P.O. Box 13366, St. Petersburg, FL 33733.

(Some of the material in this obituary came from a story by Wayne McKnight and other writers at the Times.)

IN SUPPORT OF THE BUDGET RESOLUTION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the conference report on House Concurrent Resolution 64, the budget resolution for fiscal years 1994 through 1998. Once again, I applaud President Clinton for summoning the courage to do what no other President has done since I have come to Capitol Hill: Submit a credible and tough 5-year package for deficit reduction and economic growth. The conference report ends 12 years of smoke and mirrors and huge Federal deficits. It provides a strong blueprint for the tax writing and appropriations committees to draft legislation implementing the President's plan.

In his State of the Union Address, the President outlined his budget objectives to strengthen the economy, reduce the deficit, and encourage investment. The conference report satisfies those goals. Overall, the budget resolution reduces the deficit by $496 billion. Discretionary spending is limited to the fiscal year 1993 level for the next 5 years. And long neglected programs in areas such as health, research and development, education and training, and community development finally get the attention and funding that they deserve.

The economic payoff for this ambitious plan can already be seen. Federal Reserve Board Chairman Alan Greenspan has termed the plan credible and a positive step for the American economy. Wall Street and investors are bullish. Long-term interest rates have dropped to a record 20-year low. And consumer confidence is up. For once, Americans see gridlock in Washington coming to an end.

I am disheartened, therefore, by recent attempts to weaken the budget resolution. As you will remember, the President called for shared sacrifice in his State of the Union Address before this body. We in the House accepted the challenge and answered the President's call by passing House Concurrent Resolution 64 overwhelmingly on March 18. It represented a great victory for the American people. Yet I have heard the grumbling grow louder, and I am reminded that while it remains easy to talk about sacrifice, walking the road of sacrifice remains a different matter entirely. Is this to say that I do not have my own concerns about the budget resolution? Certainly not. There are some aspects of this plan that my constituents find disagreeable. Few of my senior constituents want a greater portion of their Social Security taxed. Energy-producing companies in my district have serious concerns over the Btu tax, specifically whether such a tax is collected at the wellhead or pipeline. But the standard by which the resolution should be judged is not "what's in it for me?", but rather "what's in it for us?" Fairness is the primary issue, and the resolution is austere, but fair. I disagree with the flawed reasoning that because one element of the entire plan is unpalatable that this justifies a vote against it. This is the first step in implementing the Clinton plan, and I know the taxwriting and appropriations committees will see to it that the specifics in the plans are implemented in such a way to address legitimate concerns.

Mr. Speaker, the budget resolution only represents one of many hard choices that I and my colleagues must make during this Congress; budget reconciliation, health care reform, and campaign finance reform lie on the horizon. It is easy to vote against tough measures. By absolving yourself of any responsibility, you never have to accept the consequences. But my constituents in New Mexico elected me to lead and end gridlock, and I challenge my colleagues to do the same. Let us sustain our consensus, maintain our resolve, and vote for the conference report.

HONORING ROSENDO RODRIQUEZ

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in honoring one of my constituents, Mr. Rosendo Rodriquez, Jr., of Wichita Falls, TX. Rosendo will be honored at a banquet on Saturday, April 3, 1993, by the Wichita Falls Chapter of Mexican-American Democrats.

Rosendo was born to Rosendo and Odilia Rodriquez in Laredo, TX, on June 20, 1947. He was one of six children including his sisters Ana Maria, Rebecca, Maria Lena, Delores, and brother Juan Rodriquez. His late father hoped for Rosendo to become an engineer—as he had high expectations for all of his children. Rosendo's desire to excel began to show early in life.

Rosendo attended Mirando City High School where he began to succeed both academically and athletically. His grades were top notch and his leadership skills became more evident as he was elevated to captain of his football team. Rosendo graduated valedictorian of his class. Mr. Speaker, it is important to note that Rosendo joined all of his siblings in being honored valedictorian of each of their respective classes. Rosendo furthered his education at Texas A&I University in Kingsville, TX. His college education meant enough to him that he financed it through hard work. He graduated with a bachelor of arts degree in 1969. Not only was education important to Rosendo, but so was the country that allowed young people to have a dream and make their dream come true.

Rosendo was inspired by the late President John F. Kennedy's address, "Ask not what your country can do for you, but what you can do for your country." After graduation from college, he joined the U.S Air Force. His leadership skills again emerged in the service where he became a squadron officer and earned the rank of Air Force captain. We can thank the Air Force for bringing Rosendo to the 13th Congressional District of Texas—he was stationed at Sheppard Air Force Base. After his assignment to Sheppard, he soon met Lupe Hernandez. They were married on April 21, 1971.

Rosendo received an honorable discharge from the Air Force in 1974. He had yet another desire and that was to learn the trade of law. He used his GI bill funding to attend Texas Tech University School of Law where he graduated in 1976. Rosendo was a dedicated student and worked diligently to put himself through law school. His studies were tedious and yet he was spending 50 hours a week on a job. Since graduation from law school, Rosendo has become an active part of our democratic society.

Rosendo returned to Wichita Falls, TX, where he began to practice his trade with much effectiveness. He has served with such distinctions as being admitted to the U.S. Supreme Court; U.S. Court of Appeals, Fifth Circuit; U.S. District Court, Northern District of Texas and Western District of Oklahoma. He is a member of Phi Delta Phi, Texas Criminal Defense Lawyers Association, State Bar of Texas, and Wichita County Bar Association. His leadership in law has been influenced by the causes of great men in history.

Rosendo was moved deeply by the speeches and leadership style of President Kennedy. He was also inspired by the civil rights efforts of President Lyndon B. Johnson. But there was a greater cause for his motivation, and that was to ensure his children had the same opportunities he had. As a father to three children, Sophia, Olivia, and Rosendo III, he wanted to contribute to their future through involvement and good government. This desire for a better tomorrow compelled him to work actively in 20 different campaigns including Gov. Ann Richard's and President Bill Clinton's campaigns.

Mr. Speaker, of all of Mr. Rodriquez's accomplishments there is one that stands above all others, and one that I have had the opportunity to observe firsthand—that of being a loving father. Rosendo is an example for us all in many areas, but if we could just imitate his role as a father there is no question this country would be a better place. Rosendo treats his family with respect and honor. He places a high value on education having said, "Education will open the door to everything and anything." His children's scholastic excellence is evidence of his caring attitude toward them and his expectation for them to excel.

Rosendo has not lived a life free of adversity, but he has lived a life with a faith in God and a commitment to family. He is an example of what is right about our country. As we honor Rosendo on April 3, 1993, I ask my colleagues to join me in acknowledging a great American—Rosendo Rodriquez. It is an honor to serve constituents like Rosendo Rodriquez, his wife Lupe, and his children: Sophia, Olivia, and Rosendo III in the U.S. Congress.

THE PRESIDENTIAL ELECTION DAY REFORM ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MARKEY. Mr. Speaker, today I rise to introduce the Presidential Election Day Reform Act of 1993.

This bill is a companion to another bill I am introducing today with Representative CARLOS MOORHEAD, of California, the Daylight Saving Time Extension Act of 1993, which will extend the observance of daylight saving time by 3 weeks.

The Presidential Election Day Reform Act of 1993 is a needed and long overdue reform. The depression that many voters feel in early November may have more to do with the return of standard time than with their cynicism about the electoral process. We ought to vote under daylight saving time.

Every year we turn our clocks back on the last Sunday of October, then we celebrate one of the more rowdy evenings of the year—Halloween—and we vote.

The return to standard time is a reminder that winter is on its way, and the "fall back" from daylight saving time produces a slight jolt to our system, like mini jet lag. Neuroendocrinologists have detected that the absence of sunlight can bring on depression, called seasonal affective disorder, or SAD, in some people.

Is this really the best time to be selecting our Nation's leaders?

The solution to these problems is simple: Vote on the first Saturday in November and return to standard time the next day.

Altering daylight saving time in conjunction with changing voting laws is not a new idea. Twice in recent years the House of Representatives has passed a Uniform Poll Closing Act that would require polls in the contiguous 48 States to close at the same instant. This would prevent the early reporting of Presidential returns in the East from discouraging people from voting on the west coast.

To keep the polls open 1 hour longer on the west coast, this legislation would keep the Pacific time zone on daylight saving time until the first Sunday after Presidential elections—an additional 2 weeks most years. Thus, polls would close at 9 p.m. in New York, 8 p.m. in Chicago, 7 p.m. in Denver and 7 p.m. in Seattle.

As benign as this sounds, it would disrupt airline schedules, working hours of employees whose schedule is defined by the New York financial markets, and live television schedules. Airport noise abatement programs, child care arrangements, and local TV programming would all have to be extended or delayed for 1 hour during this 2-week period. The Senate version of the bill would have east coast polls close at 10 p.m. to avoid the disruption of west coast observance of daylight saving time.

Historically, Saturday elections have been objectionable to Seventh-Day Adventists and Jews because it is their sabbath. But early voting, formerly known as absentee voting, has become far more acceptable and popular in many States in recent years.

With Saturday voting and uniform poll closings, a fundamentally sound proposal, polls on the west coast would close at 6 p.m. To be religiously evenhanded, voting on November 1, which is All Saints Day, should be permitted.

Election junkies who stay up half the night for final returns would get an additional hour of sleep when clocks are turned back 1 hour at 2 a.m. Sunday morning. And for newspaper publishers, the difficulty of reporting late breaking news in Sunday editions would be offset by having that additional hour.

Naysayers will resurrect the old school children safety argument. And they will be right in saying that sunrises in early November would be about 15 minutes later than the darkest mornings of the year in early January.

These critics should remember that many children still play outdoors in early November. The longer and heavier evening rush hour is more dangerous than the morning rush hour. And there are probably more alcohol impaired drivers in the evening. Thus, more evening sunlight would probably save lives, old and young.

Congress might find surprisingly little resistance to this proposal. Many States now hold important elections on Saturday. And in 1985, the House of Representatives passed a bill extending DST through April and to the first Sunday in November. The Senate accepted the April extension, only. Year-round daylight saving time would be a bad idea, but Saturday voting under daylight saving time makes sense.

I invite my colleagues to cosponsor the Presidential Election Day Reform Act of 1993.

THE SECURITY OFFICERS' QUALITY ASSURANCE ACT OF 1993

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MARTINEZ. Mr. Speaker, today I am introducing the Security Officers' Quality Assurance Act of 1993. Those of you who watched Oprah Winfrey on February 2, 1993, heard several people describe their concerns with the state of security in private shopping malls. On March 25, 1993, Tom Brokaw presented a story on the "NBC Nightly News" about the rise in numbers of privately employed security personnel in neighborhoods in Baltimore and on Long Island. Last week, CNN did similar stories on its news broadcast. These stories have one common theme—as local and Stare governments have wrestled with tight budgets and taxpayer concerns over higher taxes, increasingly they have been forced to curtail police departments and local citizen groups and businesses have filled the gaps in protective services through the employment of private security officers.

It is increasingly clear to me that these security officers, most of whom perform difficult jobs for low wages, are looked upon as professionals and are relied upon as an important adjunct of our regular law enforcement. It is also increasingly clear that juveniles at risk of being involved in crime are more and more likely to have their first contact with a police presence in the form of a private security officer.

When I first began looking at this growing phenomenon, I, like most citizens, naturally assumed that these security officers were fully vetted before being placed in positions which are fraught with potential dangers, and that they are fully trained and prepared to execute these critical functions. What I have found, however, is that there is a lack of standards across the country to ensure that this is so. While the major national companies and many local companies who employ security officers do conduct background checks and provide training, there is a tremendous amount of variance among the States as to what actions must be taken before an armed or unarmed private security officer assumes his or her duties. While some States, like my home State of California, require background checks and training of these personnel, there are 14 States where an armed security officer can be deployed with absolutely no training—including firearms proficiency training—and no check to determine whether the officer has been charged with a crime that might indicate that he or she is unfit for such a position of trust and responsibility. I do not believe that this should be allowed to continue.

Now, there are a couple of ways we might fix this problem. We could, for instance, establish a Federal training and clearance standard for these positions and require that all security personnel obtain a Federal license before they can be put to work. We could establish Federal training academies and FBI background investigations, with an attendant increase in the bureaucracy to handle those applications.

A second alternative would be to look at those States, such as Florida, California, Maryland, and New York, among others, to see which State has the most rigorous requirements and adopt those requirements as a federally mandated rule for all States to follow. This would require the States to change their current laws and regulations and adopt more stringent requirements and would result in increased costs to States where requirements are less stringent or nonexistent.

Either of the above approaches could work. However, I do not believe that such draconian action is necessary or desirable. Our taxpayers are already reeling from the effects of the recession and the downturn in State receipts necessitating increased taxes to maintain even basic services. To place very stringent requirements on those States would cause significant increases in the costs of providing protection through private security personnel—increases that would result in a lessening of services and inadequate services; which would be counter productive.

The approach taken in this bill is, I believe, a better way to solve the problem. The bill provides that States that do not have any regulations or laws in place to control private security officer employment would have to develop those requirements and implement them within a 2-year period. Those States whose requirements are weaker than those mandated by the bill would have to bring their requirements up to the minimum levels. Those that have more stringent requirements would have to do nothing except certify that they already have done the job.

Failure to put the requirements in place would lead to denial of funding for the State under the Juvenile Justice and Delinquency Prevention Act. I believe that the nexus between private security officers and the Nation's youth, especially those at risk under that act, is sufficient to put this additional requirement in place. As I said, this bill sets certain minimum standards that States must adopt. While most States already meet or exceed those standards, bringing the remaining States up to this level will have significant advantages for the public at large. Citizens can reasonably expect to see greater professionalism among the cadre of security officers. They can rest easier knowing that it is unlikely that the armed security officer patrolling the school or shopping mall has been subjected to a background check and is trained to deal with potentially life threatening situations. Employers of security personnel would be required to be licensed and could be subjected to State sanctions for failing to properly train officers, or to conduct what I believe are reasonable background checks.

Background checks on potential security officers would include a check through the Federal Bureau of Investigation. This is now done for the banking industry and should be available to these employers who, very often, work very closely with banking concerns.

The training requirement includes 8 hours of classroom instruction and successful completion of a written examination. Four hours of on-the-job training is also required. These are minimum requirements which are expandable at the behest of either the employer or the State. Armed security officers are required to undergo 15 hours of training, including proficiency testing before they can be deployed. Annual re-training of officers is also provided for in the bill.

This is a reasonable bill, one that is needed more and more each day. Mr. Speaker, I call upon you and my colleagues in the House to join me in bringing rational requirements to improve the training and effectiveness of private security officers as they perform their difficult tasks.

INTRODUCTION OF THE EQUITABLE HEALTH CARE FOR SEVERE MENTAL ILLNESSES ACT OF 1993

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mrs. ROUKEMA. Mr. Speaker, I join with my colleague, Congresswoman KAPTUR, in introducing the Equitable Health Care for Severe Mental Illnesses Act of 1993, which was introduced in the other body yesterday by Senators DOMENICI and SIMON. With this bill, each of us is acting to bring to an end the dark ages of medical practice, and the outmoded snake pit treatment of mental health care. Our bill, long overdue, reasserts that mental illness is real, an illness in need of medical care. It is not a character flaw, or personality demon that we cannot work to help or treat, but a tangible, physical health problem as real as diabetes, cancer or a broken leg.

As the primary sponsor of this legislation in the House of Representatives, I am delighted to introduce this bill among such distinguished company. We all realize that for too long, our health care system has tolerated unconscionable cutbacks through insurance companies and employer sponsored plans denying coverage for serious mental illness.

Our bill will change that, and make certain that any health care reform plan undertaken by Congress includes equitable coverage for persons with severe mental illnesses. That means an end to health care discrimination and the rationing—because it is rationing—of health care. We are bringing to an end the dark ages of medical practice by reasserting that mental illness is real, eliminating arbitrary limitations on coverage, and providing financial protection for those who desperately need it.

Mr. Speaker, it is criminal that today, only 2 percent of Americans with private health care coverage have policies that adequately cover severe mental illness. Only one in five of all health insurance policies provide inpatient coverage for severe mental illness as compared to other illnesses, and only 2 percent have comparable outpatient coverage. It is even more alarming that as the newest health care buzzword—"managed competition"—makes its way around Washington, over 60 percent of HMO's and Preferred Provider Organizations specifically exclude treatment for those with severe mental illness.

Mr. Speaker, I would also like to stress that care for the mentally ill is also preventative medicine, and can reduce the costs to society that are being paid in other ways. With the support of so respected a fiscal conservative as Senator DOMENICI, it hardly seems necessary to talk about the cost-effectiveness of providing this coverage. But I think it's important, because the costs of not covering severe mental illness affects us all. Amid all the talk we are hearing in Washington, this is real preventative medicine.

Last year, American businesses lost over $100 billion through lost productivity of employees due to substance abuse and mental illness. This does not include the $250 billion of indirect costs in lost employment, criminal activity, and our Government's social welfare programs, such as the massive cost to Government for SSI payments to the mentally ill, and the cost of the homeless problem to our society.

Truth to tell, today there are countless numbers of homeless people on our streets, who are mentally ill and cannot afford treatment. They are without the proper, supervised health treatment they need, and the health insurance coverage to pay for it. More than 35,000 mentally ill individuals are in our overcrowded jails, most charged with loitering, trespassing, or no crime at all.

All of these costs are spread across the American taxpayer, and the American health care delivery system. So to those who would say "we cannot afford to cover treatment for these severe mental illnesses", I say we cannot afford not to. This bill is cost-effective policy which will end the cost-shifts of mental health crisis care, and save money for the American taxpayer.

The bottom line is that coverage for severe mental illness must be a part of whatever health care reform Congress undertakes. I know I speak for each of my colleagues in saying that over the months to come, we will each work tirelessly to ensure the inclusion of our legislation in the health care reform debate. As every piece of evidence shows, this bill is good health policy, good family policy, and good fiscal policy.

Mr. Speaker, I urge my colleagues support of this critical legislation, and look forward to working for its quick adoption.

TRIBUTE TO J. PHILLIP RICHLEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to J. Phillip Richley, a man whose competence and character was admired by the citizens of my district. Mr. Richley passed away last week at the age of 66, but his accomplishments as both a public servant and businessman left an indelible mark upon Mahoning Valley.

Mr. Richley began his illustrious career in 1960 as the Youngstown city engineer. Eight years later, he was elected Mahoning County engineer. While serving in these posts, Mr. Richley was instrumental in the urgan renewal and highway programs that changed the face of Youngstown. The city soon transformed into a national transportation hub. These efforts garnered him statewide attention and, in 1971, he was named director of the Ohio Department of Highways. While serving in this position, Mr. Richley supervised the creation of the Ohio Department of Transportation. The umbrella department now oversees not only highways, but urban mass transit, aviation, railroads, and planning.

Mr. Richley's commitment to family and the Youngstown community kept him home throughout his tenure as director. He preferred to commute 3 hours to Columbus rather than leave his hometown. He was elected major in 1977, and served with dignity through unusually tough economic times. As the steel industry declined and the mills closed their doors, Mr. Richley faced skyrocketing unemployment, a hostile city council, and a city workers strike. The strains on his family were too much, and he stepped down after one term.

Undaunted, Mr. Richley continued to work for the community. He became deeply involved with the economic development of Mahoning Valley, the city school system and Youngstown State University. He joined the Cafaro Co. in 1980 and served as vice president of development there. He was also a member of the board of the heralded St. Elizabeth Hospital Medical Center, the Choffin Career Center, and Easter Seal, and Heart Fund drives. For his efforts, Mr. Richley has been presented with numerous civic honors, including the Frank Purnell Award of the Jaycees and the Mahoning County Industrial Council's Man of the Year.

But, Mr. Speaker, aside from the glitter of awards and recognition, Mr. Richley was a man who cared for his community and loved his family. He leaves his wife, Josephine, son, John, and daughter, Mrs. Phyllis Canacci.

Mr. Richley was a generous, bright individual committed to the rebirth of Mahoning Valley. I was fortunate to have been asked to serve as the chairman for his mayoral campaign. In the following years, we developed a close personal relationship and I often consulted him on important issues facing my district. The wisdom and leadership of this tremendous man will be missed.

Mr. Speaker, the death of J. Phillip Richley represents not only the loss of a close personal friend, but a loss for the community I represent.

THE JOHN P. COHALAN COUNTY COURT HOUSE

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. LAZIO. Mr. Speaker, I would like to call my colleagues attention to the fact that on April 5, 1993, a great American will be honored at ceremonies formally affixing his name to a newly constructed county courthouse in Central Islip, NY.

Justice John P. Cohalan, Jr., was born in New York City in 1907, and became a resident of Sayville in 1931 when he coached baseball, football, and basketball at LaSalle Military Academy in Oakdale, Long Island, NY.

Justice Cohalan became a practicing attorney in 1935, and was a distinguished trial lawyer, Islip town attorney, Islip town supervisor and Suffolk County district attorney before joining the bench in 1962. He served as county court judge, justice of the supreme court, State of New York and administrative judge of Suffolk County prior to his elevation to justice of the Appellate Division, Second Department in 1974. He retired in 1983.

Justice Cohalan, his father, two uncles, and his son, Hon. Peter Fox Cohalan, hold a record for New York State with five State supreme court justices from one family.

Justice Cohalan died in 1988, being predeceased by his wife, the late Marion Fox Cohalan, in 1985. Justice Cohalan is survived by his son and daughter, Sheila C. Rettaliatta, and four grandchildren, Donald A. Rettaliatta, Jr., Pierce Fox Cohalan, Mary Aisling Cohalan, and Thomas A. Rettaliatta.

Mr. Speaker, it is my deep honor and privilege to call your attention to a man whose life affected so many people in so many positive ways. His great humility, regard for the law, and sense of duty set him apart from his contemporaries. Beyond that, his devotion to his family and friends, his keen interest in scholarship and learning, and his constant benevolent advice to the religious community remain an example to us all.

April 5, Mr. Speaker, is an important day not only to the good people of my district, but to all those whose lives were touched by Justice John P. Cohalan, Jr., a great American.

TRIBUTE TO MR. NEIL MAHONEY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to one of my staff members, Mr. Neil Mahoney has been a tireless advocate for his fellow employees and members of his community. Neil Mahoney was hired by the Buick Motor Division of General Motors of Flint, MI on the 30th of November, 1962. In September 1963, Neil became an alternate committeeman for UAW Local 599. He served in this position along with Stan Marshall, the current UAW vice president. Elected in September 1965 to committeeman, Neil held this office until he accepted an appointment as benefit representative by the international union in 1978. He held this appointment until his retirement in March 1993.

Neil held a strong desire to help his fellow workers throughout his 30 years of employment at General Motors. Neil was able to do just that by his membership on the UAW Local 599 executive board. Neil held this position from 1967 thru 1973, and further served on the by-laws committee from 1967 through 1976.

Neil was able to express his care for the community through his service, as an elected official, on the Security Federal Credit Union's credit committee from 1966 through 1972. This financial institution was founded to serve the needs of Buick Motors Division employees, and today stands with holdings of $136,000,000. Neil was elevated to the board of directors in 1972, and was elected vice president in 1978. In 1987, Neil was elected president, a position he still holds.

THE SEARCH FOR TRUTH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. PORTER. Mr. Speaker, on October 26, 1992, President George Bush signed S. 3006, The President John F. Kennedy Assassination Records Act of 1992, into law. To date, no action has been taken to implement this law. The burden falls on President Clinton to expedite the process it outlines.

There are many theories concerning a conspiracy to assassinate President Kennedy. According to the House Select Committee on Assassinations in 1979, mafia forces had the motive and the means to plan, practice, and carry out the forcible conclusion of Kennedy's life. Jim Garrison's intense and extensive investigative work, has led many to reject the theory of Lee Harvey Oswald and the lone gunman.

Isn't it time we finally learn the truth? Isn't it time to make certain our history books are legitimate? Isn't it time we eliminate the classified and top secret labels?

The American people have a right to know and S. 3006 was specifically passed for this reason. To ignore the implementation of such a law would be an injustice to the citizens of the United States and to our children who deserve to know the truth.

President Clinton should promptly implement this legislation. The passage of time and governmental indifference should not close the file on Kennedy's murder, and S. 3006 should not be neglected or ignored.

INTRODUCTION OF THE METALLURGICAL GOAL TAX CREDIT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. BOUCHER. Mr. Speaker, on March 24, I joined with nine of our colleagues to introduce the Metallurgical Coal Tax Credit of 1993. I have introduced this measure to address an unintended consequence of subtitle C of the Energy Policy Act of 1992, the Coal Industry Retiree Health Benefit Act. While I am pleased that the solvency of the fund that provides health benefits to retired miners and their families has been assured by the act. I am concerned that the method of funding the program would inadvertently have a crippling effect on domestic jobs in the metallurgical coal market. The tax credit I propose in my legislation will enable companies that mine metallurgical coal to bear the costs which will be imposed by Coal Industry Retiree Health Benefit Act. This measure will have the dual benefits of maintaining jobs in the domestic metallurgical coal industry and ensuring that metallurgical coal companies remain solvent and able to continue making payments into the retirees' benefit fund.

The provisions of the Coal Industry Retiree Health Benefit Act will retroactively require employers who are no longer signatories to the National Bituminous Coal Wage Agreements, known as reachback companies, to continue contributing to the industry benefit funds for miners whose employers have gone out of business. It will transfer certain moneys from the United Mine Workers of America's 1950 pension plan and the abandoned mine land reclamation fund to the new combined fund. Lastly, it will require current signatories assigned responsibility for specific beneficiaries to pay into the combined fund.

As a result, a large financial burden will fall on a handful of companies who are in the export coal business. The coal export market is highly competitive, with numerous companies from around the globe competing. In most instances, contracts for coal purchases are awarded by foreign buyers following bids that vary by as little as 50 cents per ton. The foreign market is based on spot market purchases rather than long-term contracts, preventing suppliers from passing increased costs along to their customers. Domestic energy coal producers, on the other hand, often enjoy a market in which sales are based on long-term agreements and frequently allow the passing through of costs to consumers.

Significant additional costs imposed on coal destined for export will result in fewer exports, lower production volumes, and lower employment in the U.S. coal and transportation sectors. Over 20,000 employees are directly employed by the export coal industry. Thousands more are employed by the railroads, ports, and ancillary industries. We need to prevent these highly paid jobs from moving overseas. Equally important, the loss of these jobs will have an effect in many noncoal States which have major employers with legal and economic ties to coal exporting companies.

For these reasons, I have introduced this measure to provide a tax credit designed to offset partially the cost of the premiums for reachback companies that export metallurgical coal. The tax credit would apply to the production of all metallurgical coal in the United States, two-thirds of which is exported. The addition of a tax credit to the coal industry health benefits title of the Energy Policy Act of 1992 will in no way undermine the provisions of that title. In fact, the adoption of a metallurgical coal tax credit would strengthen the combined fund by preserving export markets and coal-related jobs. It would strengthen the ability of companies to pay premiums and reduce the number of companies that would otherwise cease mining operations and force more orphans into the combined fund.

MEDICAL CARE INJURY COMPENSATION REFORM ACT OF 1993

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. KYL. Mr. Speaker, I am pleased to rise today to introduce the Medical Care Injury Compensation Reform Act of 1993.

Mr. Speaker, the legislation I am introducing today is essentially the same as a bill I introduced together with Congressman STENHOLM in the 102d Congress, H.R. 3516. As my colleagues are aware, in many ways, that bill has become the cornerstone for debate on how to address the current medical liability crisis our Nation faces. Last year, H.R. 3516 received the support from Members from both sides of the aisle, and I am pleased that both Republicans and Democrats have asked to have their names added as original cosponsors of this year's bill as well.

Last year, this legislation was included in the Conservative Democratic Forum health care reform proposal, and it has served as the starting point for the Republican Task Force on Health Reform's efforts to address this issue.

Let me briefly summarize what this legislation does.

First, this legislation requires the Secretary of Health and Human Services to provide grants to States for the implementation of innovative and less costly, less burdensome systems to settle medical liability disputes. It allows the States to design systems tailored to their needs. Each system will be examined and approved by the Secretary for a 2-year grant. After the 2-year period, a State will have the option of extending the grant for an additional 2 years.

The Secretary will also collect and disseminate information regarding alternative dispute resolution systems. States interested in creating an alternative dispute resolution system, or improving an existing one, will have the opportunity to examine the experience of programs throughout our Nation, and determine what works. This section of the bill directly addresses the impact the current liability crisis is having on our judicial system, and encourages the resolution of claims outside of the courtroom.

Second, this bill protects health care practitioners from frivolous suits by mandating that a health care practitioner may not be found to have committed malpractice unless the conduct at the time of providing the health care services that are the subject of the action was not reasonable.

Also, the bill enforces a series of damage limitations.

The legislation limits noneconomic losses to $250,000.

It requires mandatory periodic payments for damages exceeding $100,000.

It limits attorneys' contingency to 25 percent for the first $150,000 and 15 percent for amounts greater than $150,000.

My bill includes mandatory offsets for damages paid by a collateral source.

It requires several liability only and not joint, with the defendant being liable only for the amount of noneconomic damages proportional to the defendant's percentage of responsibility.

It limits punitive damages to twice the compensatory damage award.

In addition, a State may opt to develop its own standards which exceed the Federal minimum standards provided by the Federal guidelines. If more stringent guidelines are developed, they would apply to all services provided in the State—both public and private. This portion of the bill further discourages unscrupulous attorneys from engaging in frivolous suits.

Third, the bill provides for a 2-year statute of limitations from the time an injury was or should have reasonably been discovered, with an exception for minors.

Fourth, the bill protects health care practitioners who are seeing a woman for the first time during the labor or delivery of a baby from being held liable for problems resulting from the term of the pregnancy. The health care practitioners can still be held negligent for their actions during labor and delivery, however. Also, if a physician's partner in a group practice or colleague under another contractual agreement has provided prenatal care to a patient, he or she may also be held liable. Mr. Speaker, there have been too many cases, especially in rural areas, where obstetricians have not been available to provide care out of fear of a lawsuit. This portion of the bill helps ensure that women will not go without the care of an obstetrician.

Fifth, if a health care producer of medical devices or drugs goes through the Food and Drug Administration [FDA] approval process, punitive damages may not be awarded in medical liability claim. However, if a company withholds information or misrepresents the product during the approval process, punitive damages may be assessed. While protecting the right of individuals to sue for punitive damages when a company knowingly misleads the FDA during the approval process, this section of the bill addresses the problem that many medical devices and products are not being brought to market due to the current tort system.

Mr. Speaker, I am pleased that the legislation I am reintroducing today has in many ways laid the platform for debate on how best to approach this critical issue, and has received the support from so many of my colleagues who believe that this issue must be addressed.

PENFIELD MUSIC DEPARTMENT RECEIVES PRESIDENTIAL CITATION AWARD

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Ms. SLAUGHTER. Mr. Speaker, I wish to take this opportunity to recognize the Penfield Central School District for an exceptional honor they recently received. They were selected by the New York State School Music Association to receive its Presidential Citation Award for excellence in music education. The Presidential Citation is not an annual award, but is presented only when a school district meets a set of standards set by the association. Penfield earned the award for its curriculum and performance at local and statewide competitions.

Leslee Mabee, chairwoman of the Penfield Music Department, cites the key ingredients to the districts success: talented and creative teachers; students eager to learn; a community that supports music education and an administration and board of education that recognize the value of music education. Two programs deserving special recognition are a unique string program that begins with first-graders and the Penfield Music Commission project, founded and directed by Ned Corman, which has allowed more than 114 professional musicians to visit Penfield schools to perform for and with students in recent years.

The school's music program is open to all students and is not selective. It helps students not only become musicians but serves to promote physical coordination and intellectual stimulation benefiting subjects such as reading and math. The highly regarded music therapy program teams music teachers with music therapists to work with special learners.

We congratulate the Penfield Music Department for enriching their students lives and therefore enabling their students to succeed in all areas of their education.

HAPPY 100TH BIRTHDAY TO JAMES RUSH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. FORD of Michigan. Mr. Speaker, it gives me great pleasure today to extend birthday wishes to James Rush, who will be 100 years old on April 11, 1993.

Jim has spent his lifetime entertaining people. He was influenced at an early age by his grandfather and grandmother, Peter and Sara Rush, who were performing in "Our American Cousin" at Ford's Theater the night Lincoln was shot. Jim began his theater career traveling with the Kiddie Vaudeville Circuit. The group consisted of 15 children who sang, danced, and performed skits in different parts of the country.

Although he did not attend public schools because he was performing during the school year, he studied with a traveling teacher. All his lessons were learned from memory because there were no textbooks.

After leaving the Kiddie Vaudeville Circuit, Jim took a 3-year private drama course to improve his skills. He then opened a theater company performing his own versions of Broadway shows. The theater was shut down during the Depression.

In 1937, Jim returned to the family business, Rush's Florist, but continued to perform in plays from time to time. He retired in 1963, but still entertains family and friends with stories of events from his life. His favorite stories are about his great-great-grandfather, Benjamin Rush, who signed the Constitution and his great-grandfather, Richard Rush, who served as Secretary of State under President John Adams.

I take this opportunity to send Jim my warmest wishes on this special day.

AMENDING THE FOREIGN-TRADE ZONE ACT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ORTIZ. Mr. Speaker, today, I am introducing a bill that will amend the Foreign-Trade Zone Act to clarify that foreign crude oil and its derivatives consumed in the operation of a refinery located in a foreign-trade zone are not subject to duty under the Harmonized Tariff Schedule of the United States. Senator AKAKA has introduced similar legislation, S. 633, on the Senate side, and together, we hope to rectify this inequitable application of our foreign trade zone laws.

There are currently nine oil refineries operating within foreign-trade zones in Hawaii, Texas, and Louisiana, and an additional three refineries have been approved as foreign-trade subzones. Most refineries today rely on a large percentage of imported feedstocks to compensate for the decline in domestic production. During processing, a portion of the feedstocks and derivatives thereof are consumed in the operation of the refinery, and as a result never enter the customs territory of the United States.

The Foreign-Trade Zone Act does not require payment of duty on merchandise that is destroyed, consumed in a zone, and so forth. This was specifically reinforced by the courts regarding crude oil and derivatives thereof on November 6, 1978, by the customs court—now the Court of International Trade—in *Hawaii Independent Refinery, Inc.* v. *U.S.*, Customs Decision 4777. Prior to 1988, refinery subzone Foreign-Trade Zones Board Grants were silent on the issue. However, since January 1, 1988, all refinery subzone Grants have contained the following condition: "Foreign crude oil used as fuel for the refinery shall be dutiable."

Currently, 6 of the 9 operating oil refineries, and 8 of 12 approved as foreign-trade subzones, must pay these customs duties on fuel consumed in processing. To exempt these companies from paying customs duties on the fuel that they consume in their operations within a foreign-trade zone has a nominal economic impact on customs collections, but is very important to the companies. The companies estimate that total savings for the impacted refineries will be approximately $600,000 to $800,000 annually.

This legislation simply corrects an inequity that exists among oil refineries operating within foreign-trade zones. On the one hand, the courts have declared that oil refineries are not required to pay duty on fuel consumed within their subzone because the merchandise never enters the customs territory. On the other hand, the Foreign-Trade Zones Board has required some refineries to pay duty on fuel consumed. Furthermore, this legislation places U.S. refineries on an equal footing with foreign refineries that ship finished petroleum products to the United States without paying customs duties on fuel consumed.

Congress enacted the Foreign-Trade Zones Act to attract international investment, to promote the economic benefits of a broader industrial base, and to encourage international activity within the United States, as opposed to another country. We must reinforce and clarify the purpose of the act by enacting this amendment. This legislation corrects the inequitable application of provisions in our foreign-trade zone law as they have been interpreted differently by the judicial system and by the Foreign Trade Zones Board.

The purpose of this bill is to clearly state within our foreign-trade zone law that foreign imported crude oil and derivatives thereof that are consumed in the operations of a refinery operating within a foreign-trade zone should not be subject to a duty imposed by the U.S. Customs Service. This legislation is very narrow in scope, but is beneficial to our oil refineries that are producing our energy resources in the United States. We want to keep those refineries operating within foreign-trade zones and within our States. This legislation represents a modest but important savings for these refineries and deserves the strong support of this House.

TRIBUTE TO NEW YORK STATE SUPREME COURT JUSTICE EUGENE J. BERKOWITZ

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. MANTON. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Justice Eugene J. Berkowitz, of New York City. Justice Berkowitz is being honored by the Queens Borough Elks Lodge No. 878 of Elmhurst, NY, for his outstanding service and dedication to Queens County and the State of New York.

Eugene J. Berkowitz was born in New York City on October 24, 1919. He is a widowed father of two and grandfather to three. He proudly served our country as a part of the Armed Forces of the United States during World War II, and was honorably discharged from the Army Air Force in December 1945. Eugene went on to complete his prelaw undergraduate requirements at St. John's University, College of Arts and Sciences, before obtaining his LL.B. from St. John's University School of Law in 1952, and was admitted to practice law in the State of New York in 1953.

Prior to ascending the bench, Justice Berkowitz was a sole practitioner and, while so engaged, was actively involved as a pro bono publico attorney, as well as a volunteer mediator and arbitrator in the New York City ombudsman's program. Justice Berkowitz served as a member and chairman of the compulsory arbitration program. He was a volunteer small claims arbitrator in the civil court of the city of New York for 15 years, and served as a director of that association. He is also a past president of the Association of Housing Judges of the Civil Court of the City of New York, and a lecturer and workshop instructor for housing problems. In addition, Justice Berkowitz is or has been a member of several civic organizations including the Queens County Bar Association, the Bronx County Bar Association, the American Bar Association, the Lawyers-Pilots Bar Association, Veterans of Foreign Wars, the American Legion, Jewish War Veterans, National Deputy Judge Advocate, and past president of the Flushing Flyers, an association of pilots and aircraft owners.

Justice Berkowitz has been admitted to practice law in the U.S. District Courts Eastern and Southern Districts of New York, the U.S. Court of Claims, the U.S. Court of Military Appeals, the U.S. Court of Appeals, Second District, and the U.S. Supreme Court.

Mr. Speaker, Justice Berkowitz has served the city of New York with distinction, being appointed to the housing part of the civil court of the city of New York in September 1973, until December 1979, when he was elected to the civil court of New York, where he served until February 1982. Eugene was then appointed as an acting supreme court justice until December 1984, when he was elected to the New York State Supreme Court. Justice Berkowitz is currently serving his second certification term on the supreme court.

Judge Berkowitz' outstanding service was recognized and reported in Newsday and the Daily News in 1991, when the Queens County Court Monitors, a volunteer group funded by the nonprofit Fund for Modern Courts, rated him as the No. 1 jurist of the State supreme court located in the Kew Gardens complex.

Mr. Speaker, Justice Eugene J. Berkowitz is truly a remarkable individual. His devotion to the citizens of New York and to his position on the supreme court deserves our praise and respect. I know that you will join with me and the Queens Borough Elks in paying tribute to Justice Berkowitz.

SUPPORT OF THE ECONOMIC PACKAGE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. VENTO. Mr. Speaker, I rise in support of the economic package submitted by President Clinton, and as improved by the House Committee on the Budget under the leadership of the gentleman from Minnesota [Mr. SABO]. This conference report ushers in a new era. It is a blueprint from which to build solid investment, fairness, and deficit reduction.

This year's budget is a departure, a clean break, from the bleak and discredited 1980's, a decade of unfunded tax breaks, unfunded spending proposals and a political philosophy emphasizing instant economic gratification based on unorthodox economic theories. The result was a fourfold increase in the national debt.

Along with the fiscal deficit and of equal importance is the human deficit. The human deficit is the social cost which millions of Americans have had to pay for the faulty economic policy path of the 1980's; but, not all Americans have had to bear that burden equally.

In contrast, the new budget submitted by President Clinton effectively addresses both the fiscal and human deficit—the legacy of the past decade.

The past two administrations viewed budget resolutions as political documents filled with empty Presidential promises. Such shallow goals and rhetoric were demonstrated by the limp legislative support which these initiatives received. In fiscal year 1991, the Bush budget was not even considered for a vote in the House, even though it was made in order for debate in the rule approved by the House. No House Member, Republican or Democrat, offered it to the House. During the debate on the fiscal year 1992 budget, the Bush proposal garnered 89 "yes" votes and 335 "no" votes. And again last year, during the fiscal year 1993 budget debate, the Bush budget was offered and only 42 Members voted for it. These budgets lived as political documents of fluff but in the real world of writing laws, they were dead on arrival in failing to answer the challenge of budgetary substance.

Mr. Speaker, we have new hope today because the Clinton budget is a true effort in policy discipline. This budget is not filled with the hollow promises of past administrations. Rather this budget is a demonstration in leadership and fiscal responsibility. The smoke and mirrors which once dominated budget proposals have swept away, and have been replaced by a real commitment to reduce the deficit.

While further cuts, in my view, are appropriate in programs such as the space station and super collider, the budget that is before us now is a balanced approach that asks for commitment and sacrifice fairly and from all Americans.

The Clinton budget looks beyond a short-term stimulus and advocates long-term commitments for America's tomorrow. This budget takes our National Government off the sidelines and puts it back onto the playing field working on behalf of the American people.

President Clinton's budget recognizes both the tragic human and fiscal deficit. The budget understands that there is hunger, homelessness, poor education, and the lack of health insurance, along with many other societal problems which are crippling this Nation. This budget will stop the regressive fiscal policy and we will again hopefully move forward as a nation, educated, housed, and healthy. This program invests in America today, for a better America tomorrow.

Mr. Speaker, many will say today that our legacy to our children and our children's children cannot be a national debt. I agree. But I'd like to add that we also cannot leave our future generations with a crumbling infrastructure, a health care system that serves only the wealthiest and the affluent or despoiled national resources and an unhealthy environment.

I support the President's program and this budget conference report because it speaks of the need of people and restores faith and fairness in the National Government working for the people we represent.

INTRODUCTION OF LEGISLATION REGARDING DUTY SUSPENSION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. GINGRICH. Mr. Speaker, today I am introducing legislation to suspend the duty on two chemicals, 1,8 dichloroanthraquinone and 1,8 diaminonapthalene.

These chemicals are used by a company in my district called Color-Chem International Corp. to color engineering plastics which are used in making automotive, appliance, medical, aerospace, and food packaging products.

However, because there are no American sources for these two chemicals, Color-Chem must import them so that they can manufacture Orange LFP and Yellow GHS. Both raw materials are expensive and Color-Chem consumes a large quantity every year.

Color-Chem faces very stiff competition in the marketplace for each dye. Color-Chem is the only American manufacturer of Orange LFP. However, the same chemical compound is made by several Japanese chemical companies which export the product to the United States. The Japanese manufactured Orange LFP is an extremely price competitive product. In fact, the Japanese export price of Orange LFP in the United States is lower than the price charged by these same companies to their Japanese customers in Japan.

Similarly, Yellow GHS is not made by any other American company, but a Swiss company manufactures this product and exports it to the United States.

In both cases, Color-Chem faces a competitive disadvantage because they pay a higher price for the key raw materials than their foreign competitors. Although Color-Chem has been able to capture a share of the market, the suspension of the duty on these two chemicals will allow this American company to reduce its costs and enhance its ability to compete in the national and international markets.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN CHEMICALS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	1,8 Diaminoanthra- quinone (provided for in subheading 2914.70.20)	Free	No change	No change	On or before 12/31/94
"9902.31.13	1,8 Diaminonapth- alene (provided for in subheading 2921.59.10)	Free	No change	No change	On or before 12/31/94".

SEC. 2. APPLICABILITY.

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64: FISCAL YEAR 1994 BUDGET RESOLUTION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on House Concurrent Resolution 64—the budget resolution for fiscal year 1994.

The resolution determines overall goals for our spending priorities during the upcoming fiscal year. It sets the pace for us, as we begin to change our spending habits—as we abandon the practice of depleting our valuable resources with nothing to show for it, and begin to embrace a new strategy of long-term investment that nets a return on our money, as we move toward economic growth.

In support of the President's investment strategy, the resolution focuses on increased stakes in educational and re-training initiatives, health programs, science and technology initiatives, and community and regional development. It assumes full funding of key programs critical to the economic and physical health of our people—programs such as Head Start; nutrition supplements for women, infants and children; and childhood immunization. And it achieves $496 billion in deficit reduction over the next 5 years—$76 billion more than the President called for in his budget.

Lastly, like the President's tax proposals, the resolution targets large corporations and the wealthy for the bulk of any tax revenues needed to finance the plan. It supports the President's belief that our Government cannot continue to perpetuate this tax system that has become so disproportionately favorable to the rich over the past 12 years. Fairness demands that we no longer shelter our wealthiest individuals from the responsibility that we must all share.

This budget resolution provides us with the opportunity to make the necessary, critical, long-term investments in our country's infrastructure, in jobs, and in the health, safety and welfare of all Americans. This kind of sound investment, coupled with deficit reduction, can only yield prolonged economic benefits for all Americans.

This final version of the budget resolution will launch President Clinton's 5-year plan for economic stimulation, investment, and recovery. It shows that we can support our President, and do what is necessary to get on with the business of turning this country around. I urge my colleagues—on both sides of the aisle—to meet the challenge that lies before us and support its final passage.

THE FRESHMAN CLASS ON CAMPAIGN FINANCE REFORM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mrs. MALONEY. Mr. Speaker, I consider our freshman class the class that broke the gridlock in Washington. With a new President and a dramatically different Congress, we are creating a new era for change. Already we have broken the gridlock on family and medical leave, on extending unemployment benefits, on the President's budget plan.

And today, our freshman class releases its own blueprint to continue the process and create real reform in Congress.

During the past 2 months I have had the privilege, along with my colleague JANE HARMAN of California, to cochair the freshman task force on campaign reform, and I am proud to have played a role in helping shape the freshman position on this important issue. I believe campaign finance reform is the litmus test for real change in Congress. We must pass this legislation to convince the public that our Government is not for sale.

Last year 48 of 63 Democratic freshmen signed pledges supporting the basic principles of campaign reform which include public financing, voluntary spending limits, reduced contributions by political action committees and restrictions on so-called soft money. Today, freshman Democrats are renewing that commitment and are calling on the House leadership to pass this legislation by the end of September.

The goals of such reform are simple: to reduce the impact of special interests in congressional campaigns and give challengers a fighting chance against incumbents. I can speak personally of the difficulties challengers face. Last year, I was outspent by my opponent, an incumbent, by more than 5 to 1. Nationwide, incumbents last year received 90 percent of all PAC contributions. As a member of the New York City Council who coauthored the city's campaign finance reform law, I am familiar with the argument from incumbents that real reform will put them too much at risk. Let me assure my colleagues that incumbents can live with this law. I twice ran successfully for reelection after passage of campaign reform in New York City.

I also want to emphasize my support for public financing. It is the cornerstone for real reform. Without public financing, the special interests will continue to dominate the system.

Our class must continue to work with President Clinton and the House leadership on devising a formula that raises clean money for congressional campaigns without a direct hit on the taxpayer. We endorse President Clinton's call to eliminate the tax deduction for lobbying expenses, and we recommend the use of the subsequent new tax revenues as a funding source for campaign finance reform.

Finally, we believe Congress must act this year. We cannot afford to lose momentum. With strong support from President Clinton and freshman Members, reform has a real chance. We have before us the opportunity to become the Congress that serves the people's interest, not the special interests.

TRIBUTE TO KENNETH B. GREENBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay a well-deserved tribute to Kenneth Bruce Greenberg, a conscientious, reliable, and sensitive educator who is retiring from the New York City Board of Education.

Mr. Greenberg has dedicated his life to enhancing the lives of young Americans and improving the New York City school system, while placing a tremendous amount of time and energy serving as a foreign language teacher, an administrator, a computer expert, an educational trainer, and a curriculum developer.

For 6 years, from 1979 to 1985, Mr. Greenberg worked at Louis Armstrong Intermediate School 227, in Queens. While laboring tirelessly, this man held such positions as the school programmer, an administrative assistant, and the interim assistant principal. Most notably, Mr. Greenberg's desire to improve the status of the school system led to his development of an innovative student database and a programming matrix for the school. As a result, he implemented computer literacy programs for faculty and students.

Since 1985, Kenneth has held the highly respected position of director for the New York City Comprehensive Instructional Management System. Serving in this prestigious position, Mr. Greenberg was responsible for executing a computerized management system in more than 100 New York City schools. He also planned and coordinated staff development workshops for hundreds of teachers and staff. Mr. Greenberg thrived on this kind of responsibility and civic duty.

Mr. Greenberg is truly a community asset who's desire for improvement enabled him to make a positive difference, both in the school system he was associated with, and in the various sports teams he proudly coached. The New York City schools will miss Mr. Greenberg's creative leadership, his superb organizational and communication skills, and his uncanny willingness to experiment with new ideas.

I wish Mr. Kenneth Bruce Greenberg nothing but continued success in his retirement, and I sincerely thank him for his many years of heartfelt service.

CONGRATULATIONS TO NORTHEAST UTILITIES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to commend Northeast Utilities, Connecticut's leading public utility, on its innovative agreement with the State chapter of the American Lung Association to improve air quality in our region.

As we know, recent amendments to the Clean Air Act set minimum standards for emission allowances regulating utilities and factories. I am pleased to announce that Northeast Utilities, on its own initiative, contacted the American Lung Association of Connecticut and offered to donate saleable credits worth over $2 million for the association's use.

Mr. Speaker, we know that companies which do not use all of their allocated emission units may sell the excess to companies in need of more units for production or power generation. Through agreements such as the one negotiated between Northeast Utilities and the American Lung Association of Connecticut, the excess units can be donated to nonprofit organizations dedicated to improving the quality of the air we all need to breathe for good health. Thanks to the laudable actions of Northeast Utilities, the proceeds of this transaction will be used to further the worthwhile goals of the American Lung Association.

It is my hope that other companies will follow the example set by Northeast Utilities and be part of a national movement to bridge partnerships with charitable causes throughout the country. Again, I am very proud to represent the State which led in this effort and commend Northeast Utilities and its able staff for their commitment to the Clean Air Act amendments and to their creative contribution to accomplishing its goals.

HOUSE CONCURRENT RESOLUTION 64—FISCAL YEAR 1994 BUDGET RESOLUTION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. LEWIS of Florida. Mr. Speaker, we are hearing again and again today how the Democrat budget plan, which we are soon to vote upon, is going to reduce the deficit. There are even claims that spending will be reduced.

On the same day, the same majority will approve a bill to increase the amount of money we can borrow by over $500 billion.

If you think claiming spending reduction while asking for an increase in your credit limit is contradictory, you are right.

Mr. Speaker, if the average American reaches the end of their credit limit, they can't simply vote to increase their balance. No, in the real world, they must stop spending.

Unfortunately, this budget does not force reduced spending. No matter how you slice it, domestic discretionary spending will increase, even if the promised spending cuts are put in place. History tells us they will not be, and this should be cause for great concern.

We should all be disturbed that the report for this bill was only filed about 3 hours ago. A $1½ trillion budget, and barely anyone has read it. So remember, even if somebody praises this plan, they probably haven't read the first line.

Mr. Speaker, this plan is not a serious attempt at deficit reduction, let alone an attempt to cut spending. Let's bring some reality to our budget process, just like the American people must do.

TRIBUTE TO THE CUMMINGS CAVALIERS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1993

Mr. COBLE. Mr. Speaker, as we approach the eve of another baseball season, I would like to take just a moment to recognize a football champion from my congressional district. On December 11, 1992, Hugh M. Cummings High School in Burlington, NC, captured the North Carolina 3–A high school football championship. The Cummings Cavaliers defeated North Rowan 25–14 to win their third State football title in the past 5 years.

On behalf of the residents of the Sixth District of North Carolina, we wish to congratulate everyone affiliated with this outstanding football team. To quote the Greensboro, NC, News & Record, "Slumping at 7–2 and playing poorly, Cumming regrouped to make the playoffs as the third and last team from the midstate conference. The Cavs then marched through five opponents to win the title."

While he doesn't want to accept any of the accolades, head coach Dave Gutshall must receive some of the credit. He disagrees. He told the News & Record, "In October the coaching staff might have been frustrated and giving up on the players a little. From that point, it wasn't anything the coaches did. The kids were the ones who turned things around." If Coach Gutshall won't accept any of the credit, we will be glad to thank him for his efforts and those of assistant coaches Dave Bennett, Peter Gilchrist, Steve Johnson, Frank Mensch, Ernest Moffitt, and Todd Staley. There were ably assisted by team doctor Jim Califf, trainer Mike Langone, and statistician Dwight Hall.

As Coach Gutshall said, however, the players must receive most of the credit. After all, there were the ones who did it on the field. We congratulate Maurice Mebane, Darin Boseman, Sedrick Griffis, Corey Neal, Rakeem Felton, Chris Neal, Ron Moore, Ernest Tinnin, Kai Woods, Bert Gray, Freddie Parker, Ray Lee, Sean Snipes, Ryan Mensch, Mitch Simmons, Adrian Harvey, Jay Reid, Cleotis Robinson, Termaine Ross, Jeff Sutton, Rodney Graves, Johnny Gilchrist, Jeff Curry, Joey Holt, Lea Bigelow, Sequoya Borgman, Devon Walker, Tommy Holt, and Ronnie Jeffers. Special mention must go to wide receiver Maurice Mebane. He was a cowinner of North Carolina's high school football player of the year award given by the Associated Press.

From superintendent Joe Sinclair, to school principal Robert Logan, to every teacher, staff member, and student at Cummings, to all of the fans of the Cavaliers, we offer our congratulations on another outstanding football season. The Sixth District is proud to be home to North Carolina's 3–A football champions—the Cummings Cavaliers.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 1, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 2

9:30 a.m.

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings to examine how the Medicare program can improve its information system so that payments are made correctly.

SD–342

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the American Battle Monuments Commission, Cemeterial Expenses (Army), National Credit Union Administration, Selective Service System, Federal Deposit Insurance Corporation, and Resolution Trust Corporation.

SD–138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Postal Service, and the Bureau of Alcohol, Tobacco, and Firearms.

SD–116

Joint Economic

To hold hearings on the employment-unemployment situation for March.

SD–562

APRIL 20

10:00 a.m.
Foreign Relations
To hold hearings on foreign policy, focusing on budget requests for fiscal year 1994.
SD–419

APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD–192

Commerce, Science, and Transportation
To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR–253

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Report of the Kaho'olawe Island Conveyance Commission.
SD–366

APRIL 22

9:30 a.m.
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission.
SR–301

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Environmental Protection Agency.
SD–106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD–366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD–342

10:00 a.m.
Judiciary
To hold hearings on issues relating to health care fraud.
SD–226

APRIL 29

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.
SD–106

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD–138

MAY 6

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD–138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD–138

MAY 13

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD–138

MAY 14

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD–192

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD–138

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD–138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD–138

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD–138

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD–138

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH–216

HOUSE OF REPRESENTATIVES—*Thursday, April 1, 1993*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we offer our prayers of thanksgiving and recall how we have been blessed, we remember, O God, those who do not know the gifts of life, who suffer from hunger, those who are living in alienation and do not know the security of love and affection and care. We recall too those who live with the pain of war and those who are abused and who suffer. Gracious God of mercy and peace, bless all Your people who are in great need and teach us to use our resources and energies to heal the wounds of people everywhere and so do Your gracious will. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WISE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WISE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 160, not voting 29, as follows:

[Roll No. 128]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Reed
Reynolds
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—160

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Berman
Bliley
Bonior
Brown (CA)
Carr
Clay
Clyburn
Dellums
Dixon
Ford (TN)
Gephardt
Gingrich
Hall (OH)
Henry
Lloyd
McCloskey
McCurdy
Mfume
Michel
Quillen
Rahall
Rangel
Richardson
Sanders
Thornton
Washington
Watt
Whitten
Williams

☐ 1124

Mr. MCCANDLESS and Mr. BEREUTER changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from West Virginia [Mr. WISE] will lead the House in the Pledge of Allegiance.

Mr. WISE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to rule XLIX, as a result of the adoption by the House and the Senate of the conference report on House Concurrent Resolution 64, House Joint Resolution 174, increasing the statutory limit on the public debt has been engrossed and is deemed to have passed the House on March 31, 1993.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 64) "Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.".

The message also announced that pursuant to Public Law 93–29, as amended by Public Laws 98–459 and 102–375, the Chair, on behalf of the President pro tempore, reappoints Ms. Cornelia Hadley of Kansas, to a 3-year term and Mr. Robert L. Goldman of Oklahoma, to a 2-year term, to the Federal Council on Aging, for terms to begin effective April 1, 1993.

The message also announced that pursuant to sections 276d–276g, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, vice Mr. STEVENS.

CONGRESS SHOULD END GRIDLOCK ON THE PRESIDENT'S ECONOMIC PACKAGE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the President's package is in gridlock. Thankfully, it is not in this body at the moment, but I think there is a lesson for all of us to learn.

As we look at reforming the Congress, we do not want to create a system where a small minority can stop a program from coming to fruition. What we want to see is a Congress that works together, that passes this economic stimulus package, that helps bring the American economy back.

Gridlock should have ended this last November. The country spoke to elect a Democratic Congress and a Democratic Senate. What is happening today as the President's program languishes, even without a time limit to end debate, is unacceptable. Bring the President's package to a vote. Let the Congress vote and let us send it to the President for his signature.

A LINE-ITEM VETO FOR AN ACCOUNTABLE PRESIDENT

(Mr. HUFFINGTON asked and was given permission to address the House for 1 minute.)

Mr. HUFFINGTON. Mr. Speaker, no judgment passed on American Government is more consistent, more painful, or more accurate than this: Those entrusted with the national checkbook have broken their pledge to balance it.

Overspending has hurt us. Misplaced priorities and a remarkable act of juggling of figures—these have done damage too.

As a candidate, I championed fiscal restraint and Government accountability. To cut the deficit and balance the budget, both are needed. But, as a businessman, I know they are not enough. They do not make the system manageable. To do that, someone must take final responsibility for honest bookkeeping and commonsense balances.

My record demonstrates how little confidence I have in the current administration's desire or ability to balance the budget. But no President can be held accountable for managing wisely unless he has the ability to say "no" to specific expenditures. The buck needs to stop somewhere and I think Harry Truman identified the right spot.

I may not like how the President and his advisers wield the tool I wish to give them. But I cannot demand that the President be held accountable and deny him the tool of accountability. Therefore, I will support the freshmen-sponsored line-item veto.

MAINTAINING THE COMMITMENT TO CHANGE THE ECONOMY

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, Bill Clinton was elected President to fix our economy and put Americans back to work making a decent wage.

I am proud that the House—again—endorsed the President's plan.

Yesterday, we joined with the President to move our economy forward in a fiscally responsible fashion.

The plan reduces the deficit by $496 billion over 5 years and carefully shifts the priorities of our Nation away from consumption to investment.

By focusing on investment, the President's plan ensures that more resources will be available for our children and grandchildren.

President Clinton has given our Nation a solid plan. Our action yesterday was a step in the right direction.

We must now remain committed to change the economy and secure the brightest future for ourselves and our children.

☐ 1130

CONGRESSIONAL REFORM

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, many career politicians spend their whole adult lives in elective office. They have never run a private business, met payrolls, dealt with Government redtape and had to survive out in the real world.

That is one reason I'm cosponsoring House Joint Resolution 38, a constitutional amendment limiting Members of Congress to 12 years—six 2-year terms for Representatives and two 6-year terms for Senators.

Term limits will force Members of Congress to return home and live under the laws they impose on the rest of our citizens instead of exempting themselves from complying with so many laws as they do in Congress today. This will cause legislators to write laws with a sharper pencil.

In addition, term limits will help change the way this institution operates rewarding merit rather than longevity and ability rather than incumbency. We need real change and term limits are a solid step in reforming the way business is done in Washington.

GRIDLOCK IS BREAKING

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, yesterday's vote on the President's budget proposal shows that the gridlock finally is breaking. Never before has the budget received final approval in the House prior to May 13, and usually it has been much later than that. We have taken quick, decisive, and effective action 6 weeks ahead of schedule to cut spending, reduce the Federal budget deficit, restore fairness to the Tax Code, and make investments critical for our Nation's economic future.

Now the next step is to take equally quick and decisive action on the supplemental appropriation bill, the President's economic stimulus and investment package now awaiting action in the Senate. This bill is a down payment on these long-term investments on our Nation's economic strength and global competitiveness. It is an insurance policy against a reversal of the modest gains the economy has made, and it is a boost toward real economic recovery.

So Mr. Speaker, before we return to our districts and our constituents, we must finish work on this supplemental appropriation bill, without which the budget package we passed yesterday is not complete. We must assure the American people that the gridlock really is breaking, and that we are determined to work cooperatively for the common good.

LEGISLATION TO HELP OUR FARMERS AND OUR ENVIRONMENT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, in behalf of my colleagues, Mr. BARRETT of Nebraska, Mr. SMITH of Oregon, and Mr. ALLARD, all members of the House Agriculture Committee, I am introducing legislation designed to help farmers and our environment.

President Clinton, in his budget plan, severely cuts farm programs by reducing the amount of acreage eligible for payment. But, there is no corresponding proposal to reduce the paperwork burden, the costs, and all of the mandates we have placed on farmers since conservation compliance came into being back in 1985.

This legislation establishes a simple principle, when we force farmers out of the farm program we also forfeit the right to tell the farmer how to farm. The current policy of reducing farm programs and increasing mandates is a collision course. Farmers will simply opt out of the farm program and with the likelihood conservation compliance will suffer and so will our Nation's effort to protect our soil and water resources.

I urge my colleagues' support of this bill.

AIRLINE BUSINESS ALL BOOKED UP FOR LORENZO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Frank Lorenzo, the man who never met an airline he could not bankrupt, wants back into the airline business. This is no April Fools' joke.

Lorenzo is the guy that bankrupted New York Air, Texas Air, Eastern Air, Texas International, Continental Air. But Lorenzo says not this time. He says his company, Friendship Airlines, is going to be lean and mean with only two aircraft.

I predict the first will be the Wright Brothers' plane that they flew at Kitty Hawk and the second will be a hot air balloon that was flown over Disney World.

Folks, Friendship Airlines my eye. How about the *Enola Gay* to Destroy American Airline Workers, Inc.?

I think the Department of Transportation should tell Mr. Lorenzo that they are all overbooked.

AMENDING FOOD SECURITY ACT OF 1985

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today as an original cosponsor of Mr. ROBERT's legislation, to exempt farmer's triple base acres from the highly erodible land and wetland conservation requirements.

As the gentleman from Kansas has pointed out, during the 1990 Budget Reconciliation Act, farmers were told that they don't receive deficiency payments on 15 percent of their crop acreage. Consequently, as Congress reduced producers' returns and incentives, Congress did not reduce the requirement to adhere to the very costly conservation and environmental restrictions.

Now, this administration has proposed increasing the triple base requirement from 15 to 25 percent, without any regulatory relief. The Government can't have its cake and eat it too. This bill says that a farmer's unpaid acres will no longer be subject to the conservation compliance and wetlands protection requirements under current law.

Mr. Speaker, it is a two-way street. If the Government is set on withdrawing farm benefits, then the Government must remove the burdens that have accompanied these benefits in the past. I urge my colleagues to join us in cosponsoring this reform legislation.

THE 125TH ANNIVERSARY OF HAMPTON UNIVERSITY

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I come before you today in praise of the 125th anniversary of Hampton University. Hampton University, is one of the oldest historically black universities in the country and one of the Nation's most prestigious centers of higher learning.

Following the end of the Civil War and the signing of the Emancipation Proclamation, the U.S. Freedman's Bureau issued a nationwide call for assistance in helping the thousands of freed blacks adjust to the changes in their lives. Brig. Gen. Samuel Chapman Armstrong responded to that call, by purchasing a farm on Hampton Creek and establishing what was then known as the Hampton Normal and Agricultural Institute.

From the somewhat modest beginning of 15 students, Hampton has grown to a student body of 5,700 with 23 percent of the graduating class going on to graduate school and over 60 percent going directly into positions relating to their majors. In fact, there is a waiting list for corporations who wish to recruit students from Hampton.

It is with pride that on the occasion of Hampton's 125th anniversary that we pay tribute to the founders of this great university, to Dr. William Harvey, Hampton's current president, to the scholars who serve on the faculty and to the outstanding student body.

MEANINGFUL REFORM NOW

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, 204 years ago today, on April 1, 1789, the Congress of the United States took up business for the first time.

After two centuries of operation, it is clear that the people believe Congress is not doing the job it was established to do.

And they are right.

For far too long, this institution has not lived up to the mission established for it by the Framers of the Constitution.

By electing the largest freshman class to Congress in 40 years, the American people have issued a challenge for reform.

The people expect more than minor, cosmetic changes here in Washington. They expect more than the modest, overly cautious proposals that have recently been put forward in the name of reform.

The people are saying it is time for fundamental changes in the way Congress does business.

It is time we sent the States a constitutional amendment establishing term limits for all the Members of Congress.

It is time we imposed term limits on committee chairmen, and cut the size of the congressional bureaucracy.

And it is time we passed a balanced budget amendment, and gave the President the line-item veto.

Mr. Speaker, after 204 years of Congress, it is our solemn responsibility to heed the call of the people and to enact meaningful reform, here and now.

□ 1140

ENVIRONMENTAL RACISM

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to discuss an issue which receives little attention in this Chamber, but which eats away at the well-being of our poorest and most disadvantaged communities. I speak of environmental racism.

Environmental racism is the targeting of minority and poor neighborhoods for waste disposal or facilities with adverse environmental effects. It happens in communities across the country.

For example, in my congressional district, a solid waste incinerator is proposed for the Brooklyn Navy Yard, in a community that claims unusually high levels of skin cancer, lead poisoning, and respiratory illness.

We know that minority communities are frequently targeted because we are perceived as voiceless, powerless, and expendable. They are wrong on every count.

Mr. Speaker, I ask my colleagues to join me in the coming weeks in a series of 1 minute statements on environmental racism. Together, we can educate the public, enlighten other House Members, and bring this life-threatening issue to an end.

INTRODUCTION OF THE INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, in his column in the Washington Post last week, David Broder called attention to the decline in the American family and the victimization of our children. Reputable studies by both liberals and conservatives all come to the same conclusions; namely, the alarming escalation of illegitimacy rates and divorce in this Nation are cause for alarm.

The consequences for children are abject poverty, declining educational achievement, increasing drug and alcohol abuse, AIDS, and crime which no amount of Federal moneys in Head Start or other programs can rectify. This body must act now to address these problems associated with nonmarriage and divorce.

The best place for us to begin is with welfare reform and, specifically, child support enforcement. After all, nonsupport of children by their parents is one of the major reasons that single mothers must resort to welfare.

Today, I will reintroduce, along with Senator BILL BRADLEY in the other body, the Interstate Child Support Enforcement Act. Passage of this legislation, based on the recommendations of the National Child Support Enforcement Commission, will show the American people, that it is more than lip service when Congress talks about our children and family values.

The bill will give the State and Federal Government the tools they need to, once and for all, enforce collection of legal court-ordered child support payments.

I urge my colleagues to heed the warnings of the Broder column and join with me as cosponsors of this most important bill.

REVITALIZING THE POLITICAL PROCESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there is almost constant discussion about revitalizing the political process and restoring the people's faith in their government. We appropriately, therefore, are talking about campaign finance reform bills, lobbying disclosure bills, revolving-door bills, independent counsel acts.

But underlying the ability of any of these pieces of legislation to work is encouraging and facilitating the people who vote, to give them the opportunity to vote, particularly the people in whose path are barriers, barriers because of physical disability, because of poverty, age, and whatever have-you. That is where the motor-voter bills comes in which this body passed just recently.

There will be, I believe, an instruction offered to the House conferees to accept the other body's position a motor-voter that permits offices run by State governments such as unemployment offices and public assistance offices for example, to be designated as voter registration offices rather than require them to be so designated as the House did in its version of the bill. The instruction would encourage our House people to accept the other body's "permitting" language.

I hope that we reject that instruction. I hope that we continue the House version which is to mandate that those offices at the State level be set up to encourage voter registration so the people can take a voice in their government.

LINE-ITEM VETO

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, recently the administration suggested that those of us who keep talking about all of the pork in the budget should offer suggestions where cuts could be made. This brought on an onslaught of speeches on a number of outrageous projects where taxpayer dollars are spent.

It is time we give the President line-item veto authority. This will afford the President the prerogative to cut the pork he finds in the budget.

Currently, he is faced with either signing a bad bill, full of appropriations that are intended for political gain rather than public necessity, or shutting down Government.

Let us give the President a third option. Let us give the President the authority so many Governors had, and he had as Arkansas' Governor, to delete wasteful line items from the budget.

I urge my colleagues to allow the President to use his red pen for something other than deficit spending.

MOVING ISSUES OF CHILDREN AND FAMILIES FORWARD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today in Washington there is a summit on children and families. People are gathered from all over America talking about what their State governments are doing to create a culture in their State governments are doing to create a culture in their State government to move the issues of children and families forward.

Well, what are we doing here in the Congress? As they move those issues forward in the statehouses of this country, we are moving all those issues to the archives today. No, this is not an April Fools' joke. This is the first day we have totally shut down children, youth, and families, so now people who care about those issues will have to try and find them buried among all the different committee jurisdictions here, and it is almost impossible to do.

You see, children do not have lobbyists, and they do not have political action committees. So today they pay because today their issues fall off the chart one more time, and, unfortunately, we are moving in just the opposite direction that everybody seems to think we should be going in this country.

IN HONOR OF STUART ABRAMOWITZ

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I have often heard it expressed that one of the problems with America is that we no longer have any real heroes.

I have got some news.

America does have heroes and one of them just moved back to the Second Congressional District of New York.

One year ago, Stuart Abramowitz was working as a conductor for the

New York City Transit Authority. A young woman being chased by a gunman ran into his booth on a southbound train stopped at a subway station at 103d Street and Central Park West in Manhattan.

Abramowitz was trying to protect the woman—20-year-old Tiffany Graham—when he himself was shot in the neck by the assailant. Despite Mr. Abramowitz's valiant efforts, the gunman went on to kill the woman and Stuart Abramowitz still has a bullet lodged in his spine.

It has been an extremely difficult year of rehabilitative therapy for Stuart Abramowitz, who is now paralyzed from the neck down. He spent 8 weeks in a Manhattan hospital and 9 long months undergoing rehabilitation in Atlanta.

Recently, the citizens of my congressional district gave Stuart Abramowitz a big welcome home. He moved into a specially designed, wheelchair-accessible home in Holbrook, NY. Over $50,000 has been raised for the Stuart Abramowitz Fund, created 4 months ago by Stuart's friends and family to help offset the high costs of his medical care.

Mr. Speaker, I am here today to reassure my colleagues that we do have heroes in the United States.

Stuart Abramowitz is a real American hero and we on Long Island are very proud to count him as one of our neighbors.

KIM WILLIAMS, MS. BASKETBALL OF ILLINOIS

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I proudly rise today to congratulate 5-foot, 7-inch Kim Williams, who was voted this year's "Ms. Basketball of Illinois." That coveted title is awarded to the State's best high school girl basketball player. Kim is a senior guard on the Illinois class AA champion Marshall High School team, which is in my congressional district.

Kim is the second Marshall player to win the title of "Ms. Basketball" in the 8-year history of the award. The first was Toni Foster, now a starring member of the Iowa team that has made it to the women's NCAA final four. I am sure that within the next 4 years, Kim will help her college team make it to the final four and maybe further.

Kim is the fourth of six children. She lives in the Englewood Terrace projects where she has become a role model for younger children trying to make it in a tough neighborhood. I not only salute Kim, but I also salute her mother, Lillie Williams, and others who helped her.

As Kim told the Chicago Tribune:

> I never thought basketball would have brought me to the point I'm at now. My sister kept me on the books and made me believe I could do something with what I had. With her motivation, my coach, and my mom, I believed I could make it in life.

The Marshall Lady Commandos, under the leadership of coach Dorthy Gaters, have habitually produced championship teams and excellent basketball players who continue their career in college.

It is important that girls like Kim have the same opportunity as boys to pursue their sport on the college level. Full implementation of the Title IX Gender Equity Act would ensure this. However, there is no doubt someone as talented as Kim will get the chance to further her education and play basketball in college.

Unfortunately, there is ample evidence that 21 years after title IX of the education amendments was passed by Congress to end sex discrimination in education, the gap between the opportunities for men athletes and women athletes in college remains wide.

For example, women are more than 50 percent of the college undergraduate population, but only 34 percent of student athletes. Lower participation rates are not just the result of less interest in sports by women. If discrimination ends, then participation rates will increase. As Donna Lopiano said during the hearing I chaired last month on gender equity, "Opportunity drives interest and ability.

I want to also urge the national and local media to help increase opportunities for women athletes by giving women's sports more exposure. As women's teams get additional exposure, the attendance will also grow. This year, the women's basketball finals are being carried by CBS. The women's final four, to be played in Atlanta on Saturday and Sunday, is a sellout.

Congress also has a role to play in ending discrimination against women athletes. I introduced H.R. 921, the Equity in Athletics Disclosure Act to focus attention on schools that are failing to comply with the gender equity provisions of title IX. I urge my colleagues to cosponsor this bill.

Until women athletes get the same chances as men to compete in college sports, I will, as they say on the playground, continue to take college sports "to the Hoop."

HAIL MINNESOTA

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, I hate to admit it, but what I want to say this morning is extremely partisan. I rise today to pay tribute to the University of Minnesota basketball team, the new champions of the National Invitation Tournament.

Last night, the Golden Gophers defeated the Georgetown Hoyas to capture the NIT crown and showed the NCAA tournament committee, once again, that you can never count Minnesota out.

Under the leadership of Coach Clem Haskins, the Gophers shot, rebounded, and passed their way to a stunning NIT championship. It was an impressive team effort, as competitors like Florida, Oklahoma, USC, Providence, and Georgetown can tell you.

Best of all, the Gophers are a young team, with all but two players returning next year. Let me be the first to tell the NCAA tournament committee: Don't bet against Minnesota next year.

Again, Mr. Speaker, I want to congratulate Clem Haskins and his championship team from the University of Minnesota and wish them all the best for next year. Hail Minnesota.

☐ 1150

PASS GUN CONTROL LEGISLATION—THE BRADY BILL

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the ordinary Americans, our constituents, the voters, are showing every day that they will no longer be intimidated by the National Rifle Association. In New Jersey the people stood up and gave the senate backbone so they would not override a veto by the Governor of a bill to relinquish the ban on assault rifles. Virginia's voters spoke, again, in support of the Governor on a gun control bill.

The message from the voters is that they do not want guns to wreck our neighborhoods and create little Somalias all across America. The Somalia syndrome is an appropriate designation for a situation in an area where people with guns have taken over.

Here in Washington the citizens are mounting a direct attack on the National Rifle Association. A group called the Washington Black-Jewish Dialogue is sponsoring eight weekly vigils in front of the headquarters of the National Rifle Association. The Washington Black-Jewish Dialogue should be congratulated and supported by Members of Congress. The voters are out there ahead of the Congress. The Congress should want to catch up. We should pass the Brady bill. We should no longer be intimidated. The Congress should make sure that Somalias do not happen in the neighborhoods of America.

NICARAGUA IS AT A CROSSROADS—COMMISSION ON TRUTH NEEDED

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, Nicaragua is at a crossroads. Serious questions have arisen concerning human rights abuse, theft of property by high government officials, extrajudicial killings, especially of former Contras, and corruption and bribery by high government officials.

A few weeks ago I personally asked Antonio Lacayo, the minister of the Presidency of Nicaragua, to agree to a new international commission to investigate these allegations of egregious abuse. He agreed.

In followup, Mr. Lacayo recently wrote, and I quote:

> President Chamorro has asked me to convey to you her support for the mission that you have proposed.

I am pleased to note that the National Political Council of UNO in Nicaragua likewise supports the idea, and they wrote that, "We are in full agreement with the concept expressed," and he pointed out that the Verification of Truth Commission ought to be made up of suitable, distinguished national figures.

I am happy to say that the Clinton administration, both NSC and people at the State Department, are very much in favor of this idea.

I was very disappointed, however, a few days ago to learn that the Sandinistas, the FSLN, have rejected the idea of a truth commission. Their opposition begs the question. What do they have to hide?

Mr. Speaker, if democracy and human rights are to prevail in Nicaragua, we must know the truth and nothing but the truth. Honesty about the real situation in Nicaragua, it seems to me, is a prerequisite for progress, democratization, and respect for human rights.

FRESHMEN REFORM PACKAGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, yesterday, a group of democratic freshmen announced the long-awaited package of reforms that dealt with questions as complicated as campaign finances, and as simple as congressional perks.

Many in the media have suggested that the package did not go far enough, that the freshmen have swayed to the belief that Congress does not need to be changed.

Well, there may be some truth to that.

But let me say today that there are many freshmen who carry with them in these grand, marbled corridors the same commitment to change that we spoke of in church basements and VFW halls and community centers in our districts so long ago in the campaign.

And that commitment is more specific and more sweeping than what was talked about yesterday.

It addresses franking privileges, it addresses real campaign finance reform, it addresses giving the President modified line-item veto authority. These are real issues, that matter to real people and are absolutely necessary components of real change.

I suggest to my friends that we exist in an atmosphere of increasing scrutiny and lingering doubt. This is not the time to retreat on reform. This is the time to prove that all of those words about real change will not drift away into the air of the Capitol Dome.

SOMALIA AUTHORIZING RESOLUTION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, 4 months ago, our troops first entered Somalia on a humanitarian mission that has opened ports, roads, and feeding centers and saved thousands of lives.

We can be proud of what our Armed Forces accomplished in Operation Restore Hope and of our country's support in funding this humanitarian effort.

When the United Nations assumes command of this operation on May 1, our total contributions will be over $1 billion. And now the Clinton administration has signed us up for another $500 million for the following year.

Apart from one or two other countries, we are largely alone in providing the resources needed to begin the reconstruction of Somalia.

It is time for other countries, and international organizations such as the World Bank, to shoulder some of the financial burden.

I urge my colleagues to join me in cosponsoring House Joint Resolution 152 which will limit our future involvement in the United Nations-led humanitarian operation in Somalia and will encourage others to do their fair share.

PASS THE ECONOMIC STIMULUS PACKAGE

(Mr. TUCKER asked and was given permission to address the House for 1 minute.)

Mr. TUCKER. Mr. Speaker, I rise today in support of the final passage of the economic stimulus package that will arrive at this House very soon, I hope sooner rather than later.

Mr. Speaker, yesterday the freshman class did pass a reform package itemizing many aspects of reform we would like to see, not only in this House but across the land. Many Republicans and Democrats alike have come to this august Hall indicating they are in support of reform.

Mr. Speaker, how easily we forget the campaign of 1992, that perhaps the greatest impact and the greatest call for reform was the call for action, the call for accountability to the American people who are out in our inner cities, in our rural areas, who are suffering from high unemployment.

Mr. Speaker, the President of the United States stated in his State of the Union Address that we must force the spring. Well, the spring is here. We Members are getting ready to go back to our districts. I hope before we go back we pass the economic stimulus package and I hope before we go back we can say we have done the right thing so that we can look in the eyes of our constituents and say that we have truly enacted reform from the Halls of Congress to the streets of America.

IS THERE AN INSPECTOR GENERAL IN THE HOUSE?

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker and my colleagues, particularly my freshman colleagues on both sides of the aisle, I know during the course of your campaigns the words "reform" and "change" and "credibility" were used. They were used sincerely, and your "actuals" that you have undertaken during the past couple of months show your commitment to those words.

I would like to have you take a look over the next couple of days at a piece of legislation that I introduced a long time ago, H.R. 1368. Sometime ago, the Congress of the United States created the offices of inspector general and put them throughout the executive branch of the Government. The Department of Defense has it, Housing and Urban Development has it, Interior has it, all the Cabinet-level posts have an inspector general. These inspectors general are independent economists, auditing agencies; they take a look at programs that are impractical and wasteful, how our money is being spent, how the taxpayers' money is being spent.

Congress every day legitimizes and sanctions the use of inspectors general because Congress calls these inspectors general to our Halls to tell us how this money is being spent.

But there is one entity in this town that does not have an inspector general; there is one entity that does not have an independent watchdog; there is one entity in this town that needs it more than any other entity, and that is the Congress of the United States.

If you are interested in reform, if you are interested in change, if you want to restore the credibility to the institution, why don't we impose over ourselves the same kind of inspector general that we have imposed over the executive branch of the Government?

FIFTH ANNUAL NATIONAL CHIROPRACTIC LEGISLATIVE CONFERENCE CONVENES IN WASHINGTON

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mrs. Speaker, as the fifth annual National Chiropractic Legislative Conference convenes here in our Nation's Capital, I rise to welcome the conference participants from my district, as well as many others who are here to show their support for a broadbased, inclusive health care system.

As we await President Clinton's health care reform package, we must keep in mind the important role that all varieties of health care providers play in the Nation's health. As critical choices are being made as to how health care service is to be delivered, Americans look forward to a system in which the value of a caregiver is measured by the quality of the care provided. Mr. Speaker, all effective methods of treatment should receive fair consideration when it comes time to include those methods in a health care reform package. Without fairness at this stage, we cannot expect a package that benefits all Americans: providers and consumers.

□ 1200

ENACT LINE-ITEM VETO LEGISLATION

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, the time has come to give the President another veto pen by giving him the authority to cross out wasteful Federal Government projects tucked into spending bills passed by Congress.

There is now bipartisan support for Presidential line-item veto authority among the House, Senate, and White House; and Congress must not miss this opportunity to enact this vital fiscal reform.

The line-item veto is used effectively by 43 Governors throughout this country. As Governor of Delaware, I used my line-item veto pen once, but more importantly, it proved to be an effective tool to bring all sides—Republicans and Democrats—to the table to compromise on proposed spending projects.

President Clinton himself knows the usefulness of the line-item veto. As Governor of Arkansas, he exercised his line-item veto power eight times.

Mr. Speaker, contrary to arguments that the line-item veto would increase Presidential power over individual Members of Congress, the true beneficiaries of giving the President the ability to eliminate wasteful spending projects are the American people.

Three other freshmen Republicans and Democrats and I have introduced line-item veto legislation and I urge this House to enact it.

REPUBLICAN JOKER TO BATMAN

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, Republicans cannot bring back George Bush but there is one thing they are trying to bring back. Gridlock.

Americans voted for change, for jobs, for growth.

Republicans still do not get it. They are trying to delay what they cannot derail.

We are ready to deliver the President's economic package. I say to Republicans: Get with the program. Americans want these jobs.

And I say to my Republican colleagues—who have a special committee to create what one newspaper called guerrilla tactics to delay and disrupt:

Do not be to Congress what the Joker was to Batman; a pathetic prankster, doomed to fail.

While the President is trying to put us on the right road, Republicans think only about roadblocks.

FARM SAFETY

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to call attention to the plight of John Mero, Jr., and the lack of resources that we are presently devoting to farm safety accidents.

Last October, 16-year-old John Mero, Jr., was working on a farm in Elbridge, NY, when a grain auger in a silo caught John's pants and mauled his legs. John underwent seven operations in an unsuccessful attempt to save his right leg. He has been fitted with an artificial leg and is expected to make a slow but steady recovery.

Unfortunately, John's tragic accident is not an isolated incident. There are over 100,000 disabling injuries caused by agricultural accidents each year. Studies have indicated that farming continues to be the most dangerous occupation in America. Yet Congress has failed to adequately address the issue of farm safety. In the 1990 farm bill I included language requiring a nationwide study of agricultural accidents. We need a better understanding and awareness of farm safety problems so that we can determine how to best prevent farm accidents from occurring in the future. Otherwise, preventable farm-related accidents will continue and our Nation's farmers will remain at risk.

THE FRESHMAN CLASS ON CAMPAIGN FINANCE REFORM

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, recently I have had the privilege, along with my colleague, JANE HARMAN of California, to cochair the freshman task force on campaign reform, and I am proud to have played a role in helping shape the freshman position on this important issue.

I believe campaign finance reform is the litmus test for real change in Congress.

We must pass this legislation to convince the public that our Government is not for sale.

Last summer 48 of 63 Democratic freshmen signed pledges supporting the basic principles of campaign reform which include public financing, voluntary spending limits, reduced contributions by political action committees, and restrictions on so-called soft money.

Yesterday, in releasing their blueprint for change, freshmen Democrats renewed that commitment and called on the House leadership to pass campaign reform by the end of September.

To make campaign reform a reality, our class must continue to work with President Clinton and the House leadership on devising a formula that raises clean money for congressional campaigns without a direct hit on the taxpayer.

The freshmen class endorses President Clinton's call to eliminate the tax deduction for lobbying expenses, and we recommend the use of these revenues as a funding source for campaign finance reform.

Mr. Speaker, our freshmen class is breaking the gridlock in Washington, but we cannot afford to lose momentum. We must build on the progress we have made and pass campaign finance reform this year.

FEDERAL OVERREGULATION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, over the past 2 months we have been debating the budget resolution and how much we should cut spending. We have not talked enough about the negative consequences of big government that is out of control.

Former Office of Management and Budget Director, Jim Miller, recently brought to my attention some astounding facts regarding the cost of Government regulation to society. We all know horror stories resulting from Government redtape, but seldom do we think of the costs involved.

According to Jim Miller, our Government has 125,000 regulators working at any given time on 5,000 regulations.

This is occurring at 59 Government agencies and these regulators produce 66,000 pages printed in the Federal Register annually. Every year, 66,000 new pages of regulations.

Most important, Mr. Speaker, is that these regulations cost our economy an estimated $400 billion annually, or about $4,000 for each family in America.

Jim Miller, the only OMB Director in recent history to oversee real deficit reduction under Gramm-Rudman, says that Government regulations are crippling our country. I believe him, Mr. Speaker.

Big government, with our overzealous regulations, is costly not only for taxpayers, but certainly for jobs and ultimately our standard of living.

BUM RAP FOR TURKEY

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, there has been a focus in the press recently on the tragic conditions of the war torn citizens of Armenia. Many of my honorable colleagues also have risen on the House floor to tell of these horrible conditions. However, statements have often referenced Turkey as a contributor to that human suffering, and that could not be further from the documented truth. Turkey has been given a bum rap.

Turkey is not insensitive to human suffering in Armenia or elsewhere and has taken actions to alleviate those sufferings. Since March 3, 1993, a total of 47,330 tons of Turkish wheat has been shipped to Armenia. That shipment is part of a 100,000 ton shipment already promised to Armenia by Turkey. In addition to direct aid, Turkey has permitted and assisted in trans shipments of relief materials to Armenia since the collapse of the Soviet Union. These diplomatic and relief efforts have been both recognized and commended by the U.S. State Department in a statement released only 2 weeks ago.

Since the commencement of the conflict, and since Armenia declared its independence, Turkey has exerted an effort to maintain neighborly relations with Armenia. In fact, Turkey was one of the first to recognize Armenia as a sovereign nation and has since treated Armenia as an important ally, welcoming them into Turkish sponsored economic and political agreements with other nations in the region.

It is unfair that Turkey be singled out as the villain in Armenia's problems. Instead, they should be credited for their humanitarian efforts.

THE PRESIDENT BOWS TO SPECIAL INTERESTS ON PUBLIC LANDS REFORM

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, across the western United States, loggers, ranchers, and miners are breathing a sigh of relief. And those of us who care about good stewardship, and receiving a fair return for the use of public lands have lost out to the special interests President Clinton warned us to be wary of.

But it was not Congress that sold out to special interests. It was the President himself who abandoned his efforts to enact much needed reforms on public lands. Specially, I am referring to his backing away from his proposals to raise grazing fees and reform the antiquated 1872 mining law.

The President has said he will support separate legislation to enact these reforms, but Mr. Speaker, many of us have tried and failed. The President will fare no better if he agrees to take these proposals outside his economic package.

Only a month ago the President pleaded with Congress not to allow special interests to pick apart his economic package at the expenese of the public good. It is clear, however, that the President is responding to those special interests to the detriment of good public policy.

While these proposals would not have solved the deficit crisis, by backing away the President holds out a ray of hope for all the other groups who have problems with pieces of his package.

I applauded President Clinton for his courage in taking on these politically sensitive issues. Today I am disappointed that political expediency has won out over sound public policy.

I stand committed to continuing my efforts to raise grazing fees and reform the 1872 mining law, but I am less confident that those reforms will become reality.

Mr. Speaker, the President promised change. This is one more example of business as usual.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MONTGOMERY). The Members are reminded that they should address the Chair instead of the President of the United States directly.

EVEN ON APRIL FOOL'S DAY WE CANNOT EAT ALL THIS PORK

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] just a few minutes ago chastised the other body for the Republicans trying to hold up the President's so-called economic stimulus package. We call it the pork-barrel package.

Mr. Speaker, the problem is that the President has asked for over $400 billion in new taxes and fees in his economic stimulus package of $16 billion. This so-called stimulus package is laden with pork-barrel projects: swimming pools, gymnasiums, sports arenas, parking garages, and I can go on, and on, and on, and on. This is the kind of thing the American taxpayer is going to have to pay for, all this pork, and they call it an economic stimulus package.

Mr. Speaker, even on April Fool's Day we cannot eat all that pork.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. THOMAS of California. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE AND YIELD TO ANOTHER MEMBER

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Connecticut.

Mr. THOMAS of California. Mr. Speaker, I object to the gentleman from Washington yielding his time to the gentleman from Connecticut who, as I recall, a short time ago had his 1 minute in the well.

The SPEAKER pro tempore. Objection is heard.

CONCERNING THE DEDICATION OF THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration and the Committee on Natural Resources be discharged from further consideration of the joint resolution (H.J. Res 156) concerning the dedication of the U.S. Holocaust Memorial Museum, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, and I will not object, Mr. Speaker, because the Holocaust Museum and their official opening is very important to the people of this country, but I would just like to say to my colleagues that I will be objecting to many unanimous consent requests because of the closed rule attitude of the Committee on Rules.

Mr. Speaker, I hope that the Members of the majority will convey the reasoning to the Committee on Rules.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 156

Whereas, in 1980, the Congress of the United States established the United States Holocaust Memorial Council (Public Law 96-388, dated October 7, 1980) by unanimous vote and mandated it with the creation of a permanent living memorial museum to the victims of the Holocaust;

Whereas, through the great generosity and unstinting efforts of thousands of individuals from all walks of life, the United States Holocaust Memorial Museum has now been built on Federal land with private contributions and will be officially dedicated on April 22, 1993;

Whereas, this institution will underscore the ideals of human rights and individual liberty this Nation was founded upon, as expressed by President George Washington in 1790, when he declared that the United States had created "a government which to bigotry gives no sanction, to persecution no assistance";

Whereas, four administrations and every Congress since 1980, and especially Members of Congress and individuals who have served on the Council and officials of the United States Departments of State, the Interior, and Education, have joined with the American public in bringing this institution to life; and

Whereas, this museum signifies national dedication to remembering the Holocaust, and will serve as the Nation's leading educational facility to teach current and future generations of Americans about this tragic period of human history and its implications for our lives and the choices we make as individuals and societies against crimes based on the hate and prejudice regarding race, religion, and sexual preference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the One Hundred Third Congress officially commemorates the opening and recognizes the historic importance of this unique institution as it takes its place among the other great memorials and museums in our Nation's Capital that honor the democratic precepts this Nation is based upon; and be it further

Resolved, That Congress encourages all citizens of the United States, and all who come to Washington, District of Columbia, to visit the Museum and avail themselves of the opportunities presented within its walls to learn about the past and to contemplate the moral responsibilities of citizenship; and be it further

Resolved, That, in remembrance of those who perished in the Holocaust; in tribute to the survivors who came to the United States to build a new life, and who, with their families, have contributed so much to the fabric of our diverse society; in recognition of heroic American soldiers who liberated prisoners of Nazi camps; in recognition of the anonymous bravery of rescuers from many lands who had the courage to care and placed their own lives in peril to help others in need; and in hope that Americans will learn from this museum the need to remain vigilant against bigotry and oppression; we welcome the United States Holocaust Memorial Museum to the center of our American heritage and state now, in recognition of the Museum's motto, that for the dead and the living and those yet to be born, we do bear witness.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2), to establish national voter registration procedures for Federal elections, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. THOMAS of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. THOMAS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2 be instructed to include in the conference agreement provisions that are the same as section 4(b)(2) of the Senate amendment (relating to registration at the polling place at the time of voting), and section 7(a)(2)(A) of the Senate amendment (relating to offices that provide public assistance, unemployment compensation, or related services).

The SPEAKER pro tempore. The gentleman from Washington [Mr. SWIFT] is recognized for 30 minutes.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are at the stage now of having a bill which allows individuals to register to vote through the motor vehicle department of their particular State. This bill has evolved over several Congresses. In the 101st Congress there was a bill which actually enjoyed bipartisan support and was passed off the floor of the House with both Democrat and Republican votes. The Senate failed to act on that particular measure in that Congress.

With the subsequent national election and the election of a Democrat President, Mr. Speaker, the bipartisanship, or, if my colleagues will, the gridlock, was broken, and the Democrats put together a bill which was not responsive to the bipartisan concerns, and those of us who had been cosponsors in the past were unable to support the bill that moved through the House.

As we know, Mr. Speaker, given the voting structure of the other body, it was not possible to ride roughshod over the Republicans in the other body as was done in the House, and certain amendments were made to the so-called motor-voter bill over on the Senate side. More than 14 specific changes were made in that bill. Interestingly enough, the sponsor of those amendments was Senator FORD, chairman of the Rules Committee, the leading sponsor of the bill over on the Senate side.

The motion to instruct which is before the body, Mr. Speaker, deals not with 14 changes, deals not with 10 changes, does not deal with 8 changes, does not deal with 6 changes, does not even deal with 4 changes. Mr. Speaker, it deals with just 2, 2 changes of the 14 that were made on the Senate side. I think they are important. I think they are significant. I think they are constructive and positive.

The two things are these: one of the provisions of H.R. 2 which was not contained in the last Congress' bipartisan version was what I would consider an attempt to entrap the States. That is, the requirement to put the motor-voter structure in place is mandatory. Obviously, there were no funds. There is a complicated structure for those States who do not now have this arrangement. As an inducement, if you wanted not to have to go through this structure which the citizens of the States could have voted at any time, you could opt out from the structure if you had in place so-called same-day registration. Only four States now have same-day registration. None of the four is a major population State, none of them are located on either coast, none of them would be characterized as a State which is the United States in microcosm; that is, States composed of a very heterogeneous ethnic and racial makeup. Minnesota, Wisconsin, Wyoming, North Dakota, and perhaps a fifth, Maine, given its peculiar registration structure, are States that are not major population, heterogeneous States with all due respect.

□ 1220

California, which just a few short years ago had a State government which had a Democratic Governor, the Democrats controlled both houses of the State legislature, and the secretary of state, the State constitutional officer charged with dealing with voter registration and the laws pertaining thereto, chose not to go to same-day registration. They preferred to keep their 30-day notice.

It seems to me that those States who want to adopt the program certainly have every right to adopt the program. But to pass a major Federal bill which provides as an inducement to opt out a same day provision is, I think, akin to the criminal argument of entrapment.

What Senator FORD did in one of his amendments was to offer to remove the same-day provision. The motion to instruct in one of its parts does just that, it removes the same-day provision.

The second specific of the motion to instruct is to address the area in which the State provides an opportunity other than the department of motor vehicles for citizens of the State to register.

In the bipartisan bill we left it up to the States. The States were to determine the range and breadth of the outreach program.

In H.R. 2 there was a significant change. All of the areas that had been outlined in the previous bipartisan bill which were opportunities for the States were retained, save two, which were made mandatory. Welfare and unemployment agencies in a particular State were required under H.R. 2 to provide this outreach. All other agencies and departments were optional.

One of Senator FORD's 14 amendments was to change the "shall" to "may." That is, rather than there being a requirement for the unemployment and welfare offices, it was returned to the original bipartisan bill's concept that a State was to determine its particular structure that best met its needs in terms of the outreach, and no particular agencies were to be dictated as the required agencies.

So, Mr. Speaker, that is the absolute entirety of the motion to instruct. First, get rid of the same-day inducement, which has already been done in the Senate bill; and, second, allow a State to determine the best possible mix on an outreach basis if you are interested in reaching the maximum number of people for registering to vote. Do not dictate agencies which are fraught with all kinds of potential political arguments, especially when you designate above law welfare and unemployment.

If there are compelling reasons, which we are going to hear on the other side, to make sure that those agencies stay mandatory, then are not those same compelling reasons present for the State to select it out of an optional package?

My only argument is let the States make the decision, do not force it on them. That is the absolute length and breadth of the motion to instruct, one which I believe ought to go by without asking for a vote. In fact, I would fully expect it to be accepted on the other side without any argument. But given the current context in which ware are operating, I certainly expect it to pass by overwhelming majority vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I realize that this motion is not binding on the House conferees; that its intent is to send a message. But this is not the message we want to send the American people, and I rise in opposition to this motion to instruct.

One of the happy things about this piece of legislation is that there is something in it for everybody. The fact is it was largely the civil rights community that originally initiated this. But the bill as structured not only serves the special interests of the civil rights community, but it serves the interests of every American citizen.

Eighty-seven percent of Americans have driver's licenses. Every American, the rich, the middle class, many of the poor, are going to be served by the motor-voter portion of this legislation, and they will be able to register to vote or to change their registration at the very same time that they go about renewing their driver's license.

Furthermore, every citizen in the United States, black and white, rich and poor, is, under the provisions of the legislation as it left the House, able to register to vote through the mail. In 28 states that is already the case in this country. Most Americans can already register that way. We want to make it, with this legislation, so that all Americans can. This bill serves all Americans.

But there are those in our society, among the very poor in particular, and the statistics show those are primarily women, among those with physical handicaps, among many of the very aged, people who do not drive or who cannot drive, either because they cannot afford a car or because their physical handicap prevents them from driving safely, or because they are simple too old.

So in the context of this legislation, the House carefully crafted a provision to take care of those people, too. It takes care of everybody. There is this small group of people with unique problems that will not be assisted by the motor-voter portion of the bill, and we said those are people who by the very nature of the condition that prevents them from driving a car are most likely to require frequent visits to one kind of a government agency or another, and that those agencies, which typically would deal with them, will also provide them with an opportunity to register to vote, just to see that they are included as well in a bill that is designed to benefit all Americans, simply to let them participate in the way every American citizen ought to be able to participate.

What the amendment offered in the other body and what this resolution is suggesting the House should recede to basically guts that portion. The part of the bill that takes care of the vast majority of people, takes care of the rich and middle income, takes care of those that do not suffer from these particular inconveniences, that remains. But the special provision we designed for the poor, for the halt and the lame, and for the very elderly, that we would gut.

We do it by changing a little word. Our bill says you shall provide the opportunity to register in these agency offices. They change it to well, you may do that.

My friends, they may do that today. We do not need any legislation to tell the States they may do that. Changing the "shall" to "may" simply makes this provision of the legislation functionally inoperative.

That is its purpose. By changing that one word it achieves that purpose very, very efficiently, and I am urging my colleagues to simply not go along with the idea that the House conferees should accept a provision that will take out of this bill, a bill designed to help every American citizen of any status, any color, any condition, to be able to vote, not remove from that a provision that is aimed at the very poor, the very old, and the physically handicapped.

☐ 1230

It is a simple matter of fairness, equity and justice. I urge my colleagues to vote against this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], a Member who has labored long and hard in these fields.

Mr. ROBERTS. Mr. Speaker, I rise in support of the gentleman's motion to instruct conferees. I associate myself with his remarks.

I especially want to thank the gentleman from Louisiana [Mr. LIVINGSTON] for his tireless efforts to improve this bill.

Mr. Speaker, I rise in support of the motion offered by my colleague, the gentleman from California, to direct conferees on H.R. 2 and perfecting amendments already adopted by the Senate during debate on the universal Voter Registration Act.

Throughout the development of this legislation, I have urged that this program be made voluntary for States. As well, I have supported several proposals to provide full Federal funding to State governments facing this enormous Federal mandate. Both of these proposals were never allowed to be debated on the

House floor. Instead, we are now faced with a very limited opportunity to correct minor provisions in this legislation.

The instructions would improve H.R. 2 by correcting a major flaw in the bill. The mandatory voter registration of individuals applying for unemployment and welfare benefits. This mandatory requirement unfairly targets the recipients of various benefits programs, while making the registration at other State agencies voluntary for State governments. Why have some agencies been made mandatory and others voluntary? Shouldn't registration at all State agencies be either voluntary or mandatory? Is there a political advantage created when registration is required at certain sites and not others? We should adopt the Senate amendment ending welfare registration efforts and making the act consistent throughout.

The second instruction would end a loophole in the legislation to allow States to opt out of the mandatory registration program if a same-day registration program is enacted. House conferees would be directed not to support the creation of this exception. Instead, States with existing universal programs would be allowed to continue. However, States would not be allowed to opt out by creating new universal registration programs.

I urge my colleagues to support these fair, sound instructions for conferees. It would seem that a mandatory universal registration program is going to be enacted. That being the case, now is the time to make this legislation responsible.

Mr. THOMAS of California. Mr. Speaker, I yield 9 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican on the Subcommittee on Elections of the Committee on House Administration.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from California for yielding time to me and thank the gentleman from Kansas for his nice remarks.

Mr. Speaker, the distinguished chairman of the subcommittee has spoken a few minutes ago, and he invoked the words justice and fairness and equity.

I would suggest that if any Member has followed this debate, they would know that this debate has lacked justice. It has lacked fairness, and it has lacked equity.

I offered 20 amendments in subcommittee. They were all voted down by majority vote. That is fine.

I honed them down to 10 amendments in full committee. They were voted down, and that was fine.

And in the Committee on Rules of the House of Representatives, I was denied the right to offer a single amendment to the motor-voter auto-fraudo bill. And so the bill that passed the House without any amendments whatsoever, as written by the Democratic tyrannical majority, went through this House in such a shape that it did not just make it easier for people to vote, it made it easier for people to steal elections. that is the genesis of why we are here to oppose this bill.

Now, the U.S. Senate, the other body, improved the bill. Not as much as I would have liked, but they offered some amendments which tremendously improved the bill. Still their bill that they passed made it easier to register to vote. That is the purpose of this bill. It is the purpose of this legislation. But it denied the right to just willy-nilly steal elections throughout America, to willy-nilly dilute the votes of American taxpaying citizens, dilute the votes of citizens who are eligible to vote. The Senate bill diminished the possibility of illegal aliens, convicted felons, and underage individuals from registering to vote. It also diminished the possibility that someone could vote many times in the same election. It went a long way to improve this bill.

I think that the Senate really came up with some provisions which make this better legislation. But now the gentleman, the chairman of the subcommittee, says, "Well, in the name of equity, justice and fairness, we should forget about all the Senate amendments," and that we should go back to the House version so people can steal elections. That is not what he said, but that is the ultimate result, if we end up passing this bill and denying the gentleman from California the right to offer and pass his motion to instruct conferees.

So I rise in strong support of the Thomas motion to instruct conferees, the National Voter Registration Act, to accept the Senate provisions which delete the mandatory welfare registration and the loophole for election-day registration that were included in the House bill. Those were only two of the many amendments that the Senate passed. But we are trying to concentrate Members' attention on those because they are very important.

The House-passed motor-voter bill requires the States to register all welfare and unemployment assistance applicants to vote unless the applicant declines to register in writing. This requirement will subject the poorest and least educated in our society to undue and unfair coercion by the welfare social workers who may tell them, "You will get your benefits if you register for the right party."

The Justice Department wrote that:

> The Department's experience demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250, last year's Senate bill which is nearly identical to this year's House bill, would increase substantially the opportunities for such intimidation and coercion of the public.

In 1991, the St. Louis Post Dispatch reported on an ongoing investigation into allegations that public assistance employees were routinely registering public assistance applicants, suggesting who they should vote for, and taking them to the polls.

Specifically, section 7 of the House bill requires that each State shall designate as voter registration agencies: "all offices in the State that provide public assistance, unemployment compensation, or related services."

The partisan nature of the House bill is evident when you discover that while the bill requires registration at welfare agencies, it only suggests that other voter registration agencies may include:

> State or local government offices such as public libraries, public schools, officers of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, (and) government revenue offices.

Therefore, while the States may select non-partian locations, they are required to provide voter registration at welfare agencies.

The Senate attempts to remedy this problem. It has not remedied all of the problems, such as striking nonvoters from the rolls. I offered a number of amendments that would do that. They were all denied by the Committee on Rules. Fortunately, the Senate included other provisions which dramatically improve the bill.

Unlike the House bill, the Senate-passed bill does not discriminate against taxpayers. The Senate bill allows the States to decide which State agencies will offer voter registration. The Senate version does not prevent the States from selecting welfare or unemployment offices; it merely leaves the decision up to the States. Mr. THOMAS' motion instructs the conferees to maintain the Senate's flexible position on agency registration.

I do not think we should try to tilt the political system in favor of voting by people who go to the welfare office and against voting by people who go to the tax office. If you vote against this motion, you are telling your constituents that you value voting by welfare recipients more than you value voting by taxpayers.

Mr. THOMAS' motion also instructs the conferees to maintain the Senate provisions which delete the election-day registration loophole that was included in the House bill. The House bill instructs the States that if they do not want to comply with big brother's expensive mandates and regulatory choke-hold over the electoral process, they only have to offer same-day registration and proof, they are exempt from the mandates of motor-voter.

Since no Federal funding is provided to assist the States with the procedural requirements in the motor-voter bill, the nonapplicability provision will most certainly be seen as an escape clause, effectively influencing most States to adopt election-day registration.

Mr. Speaker, I am limited in time, and I have more arguments that I will make for the RECORD.

I want to point out, as a final note, that this motion to instruct conferees should not have been necessary.

The Senate has a reasonable bill. Congress could adopt the Senate version like that, immediately, and we would have a bill which makes it easier to vote.

But the Committee on Rules and the majority of the House in this Chamber have been so high handed that these and many other amendments that could have been offered and several possibly adopted when this legislation went through the House were not allowed by the Rules Committee. The majority has become so keen on protecting their turf and disallowing the most reasonable amendments to their prefabricated and deficient legislation that they have stifled debate, terminated discussion and prohibited honest, decent amendments intends to legitimately improve virtually every bill to arrive on the floor of the House of Representatives this year.

□ 1240

The motor-voter bill is an example of such high handed tactics. Again, we offered many amendments which were not adopted, and finally a wholly inadequate measure was passed in this House as a result. Only because the Senate threatened to filibuster did the majority allow some amendments in the other body, and even then not a sufficient number to substantially improve the legislation.

This motion to instruct merely retains some of the improvements made by the minority in the other body. As a bare minimum they should be included in the conference report. Preferably, the House will concur in the entire Senate bill, but short of that, I urge the adoption of this motion to instruct.

Mr. SWIFT. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], who has been a real leader on this issue of making it possible and easier for citizens of this country to vote.

Mr. CONYERS. Mr. Speaker, I rise today to commend my colleague, the gentleman from Washington, in whose committee the bill that I wrote several years ago has gone through so many revisions. I offer my thanks for his diligence in shepherding it through.

We have now worked the will of the subcommittee, the full committee, the Committee on Rules, the full House, and now the proposal has reached the floor that let us just throw all of this away and buy the Senate provisions, a point that leaves me in some manner of frustration, because some of the people who have been speaking in support of a motion to instruct were the people that went along with me when we had the compromises on the bill.

This bill is a shadow of its original self. It is a bill now that is down to the barest of the bare essentials, and if I could just remind the House of Representatives that people who drive cars are both Democratic and Republican in persuasion. People who use public facilities to register are both Democrats and Republicans, and others, Independents. People who need any special services, who are handicapped, as this bill thoughtfully provides, some are Republicans, some are Democrats, and some are Independents.

Where this notion has arisen at this late hour after several years of discussing a plan that is now already instituted in most States before we do it, that this is a Democrat bill, I almost thought I heard somebody say that, is incredible.

This is a very modest provision. I am hopeful that the House will quickly reject the motion to instruct, and that the conferees come back with a bill that we can take to the American people within this month.

Mr. Speaker, I thank the gentleman from Washington for yielding time to me.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, for the sake of the RECORD, I simply need to address the charge that has been raised on a number of occasions about this bill promoting or permitting or making it easier to do fraud. That is wholly untrue.

Rather than going through the specific arguments that I have raised time and time again in debate in the past, I would like to ask unanimous consent to insert in the RECORD at this point a letter to me in support of the legislation by a number of different groups, which include the American Association of Retired Persons, the American Jewish Congress, Common Cause, Disabled American Veterans, the League of Women Voters of the United States, the National Association for the Advancement of Colored People, the National Association of Developmental Disability Councils, the Paralyzed Veterans of America, the Rock The Vote group of young people, the United States Public Interest Research Group, and 15 others, none of whom would support a bill which would permit fraud in the voting process.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the material will be placed in the RECORD.

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I am sorry, I did not hear the statement.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SWIFT. Mr. Speaker, the gentleman understands the gentleman is objecting. That is the reason I read so many of the names into the RECORD.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise today in strong opposition to the motion to instruct conferees to agree to the Senate provision which encourages, but does not mandate, States to designate offices such as public assistance and unemployment offices.

Mr. Speaker, I grew up in the time of poll taxes, the time when persons of my color were required to drive to county seats at great distances. This really is not the first motor-voter bill in the history of this Nation. Indeed, it has been used in the past as a means of trying to deny certain people the opportunity to vote.

As a matter of fact, as we hear discussions about stealing elections and whether persons who are on welfare have the ability to be able to sign off or not sign off, there was a time when people who did not even have the ability to sign their names, could do nothing but mark an X, and yet they went great distances in order to be able to participate in America's democracy.

Talk about intimidation and coercion, that was a historical practice to deny people the right to be able to have what is their right as American citizens. Therefore, Mr. Speaker, I believe that this is not the time to walk away from a necessary mandate, but to make sure that it is included. I believe that as we move forward, that it is the right thing to do, that all Americans have an opportunity to vote.

This gives us an opportunity to reach out, regardless of whether they have a job, whether they drive a car, whether they depend on public assistance. The bill is intended to reach all voters, especially those who have been left out of the mainstream or were never allowed into the mainstream.

To delete the mandate for voter registration at State agencies will result in lost opportunity for many Americans, especially those Americans who do not drive and therefore will not be registered at the motor vehicle department. These people are traditionally women and poor persons, the very persons who desperately need a voice in our Nation's future.

I urge all Members to please oppose this motion, protect the intent of this legislation, and honestly grant the opportunity to vote to each and every American citizen, regardless of where they fit on the socioeconomic ladder.

Mr. THOMAS of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think everyone needs to understand that there were 14 amendments available to us that had been moved on the Senate side. A number of them addressed the question of fraud or citizenship. None of those are in this motion to instruct.

I think everyone needs to understand that the two items and the two items alone that are in the motion to instruct is to remove the attempt to force States on a Hobbesian choice to go with the same day registration. If States want to do it, they have every right to do it. Why create this kind of a structure? The Senate dropped it. I think we should, as well.

The only other provision is to simply say that States have the right to mandate any and all agencies, but we do not mandate certain ones and not mandate others. That was the provision in the bill that passed this House with bipartisan support in the last Congress. That is the measure as it currently stands on the Senate side.

If all of the arguments continue to be made on the other side, then obviously it is overwhelming and compelling that States will make sure that these, among others, are automatically added. It just seems to me that if we are unable to accept even these very tempered, very modest, very circumscribed amendments, that we are in for a very long legislative session.

This is a reasonable motion to instruct, and it should be accepted.

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia [Ms. McKINNEY].

□ 1250

Ms. McKINNEY. Mr. Speaker, I rise to urge the House conferees to hold fast on the voter registration provision passed by the House of Representatives. This legislation goes to the core of our democracy.

The path of full democracy is long and arduous. In the communities I represent American citizens still face real barriers and harassment when they go to register to vote. There is hardly a weekend that passes that I am in Georgia's 11th Congressional District that I do not receive a new concern or complaint on barriers to voting.

The last 12 years have provided political cover for those who would deny certain communities the right to full participation. One campaign begun in Philadelphia, MS, and another one in the Willie Horton ads have done nothing to provide the moral high ground so desperately needed in the United States. In Georgia we are still fighting the Civil War, and in our brave governor's attempt to remove the St. Andrew's Cross from our State's flag, the rawest and most unpleasant debate has ensued. Our governor has been unsuccessful in legislation this year, so in Georgia our needs are very basic. All we need is the unimpeded right to register to vote, which this bill represents.

In Georgia's 11th Congressional District people still fight today for the right to register to vote. We desperately need and want an opportunity to participate fully in the American dream.

Do my colleagues on the other side want to perpetuate denial of the American dream to American citizens? I hope not.

This legislation represents affirmative action for those who have been denied the right to vote, then discouraged from exercising this hard-won right.

Now is the time for us to pull the cover off of America's dirty little secret. Now is the time for us to welcome all Americans into the political dream, the dream of becoming members of city councils, members of county commissions, members of general assemblies, and, yes, even Members of Congress.

Some of my colleagues have raised concerns about what kind of voters will be registered by this legislation. What kind of voters I ask? American voters.

Mr. THOMAS of California. Mr. Speaker, will the gentlewoman yield? I will yield her 1 additional minute. Will the gentlewoman yield?

The SPEAKER pro tempore (Mr. MAZZOLI). The gentlewoman from Georgia has yielded back her time.

Mr. THOMAS of California. Mr. Speaker, I yield myself 2 minutes. Would the gentlewoman from Georgia, if she would, enter into a colloquy?

Let the record show the gentlewoman from Georgia is not able to defend her position.

The SPEAKER pro tempore. The Chair would state that is not what the record would show.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I understand that, because I want to tell the gentlewoman——

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I want to tell the gentlewoman from Georgia——

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I want to tell the gentlewoman from Georgia——

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Regular order.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me? Will the gentleman yield?

Mr. BURTON of Indiana. Regular order.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me?

The SPEAKER pro tempore. The gentleman from California has the time, and he may yield to whomever he chooses.

Mr. THOMAS of California. I want to tell the gentlewoman from Georgia——

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me?

Mr. THOMAS of California. Mr. Speaker, I would like to tell the gentlewoman from Georgia this: I agree, I agree with everything you said. In fact, I cosponsored a bill and helped to get it passed in the 101st Congress that did 95 percent of this bill and all of the essentials that this bill does.

What I have offered are two amendments, neither of which are essential or critical to carrying out what you have said you want to carry out. And I just wanted the gentlewoman to know that in terms of her depiction of what goes on on this side of the aisle, it is perhaps not totally accurate.

I could have offered other amendments. I could have offered other amendments which would have in fact brought about major confrontation over the questions of fraud and other aspects that the gentlewoman talked about. We did not. We looked at those and we rejected those.

We are offering two which have been accepted on the Senate side and which I believe are minor and not fundamental to this bill.

In fact, the bill as it was introduced and passed in the 101st Congress would then be closer with these amendments to the bill we have today.

So I would tell the gentlewoman that her strong feelings are shared on both sides of the aisle, and that nothing in this motion to instruct does not conflict with her strong feelings.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, first let me just say in a minute that the gentleman from California [Mr. THOMAS], my dear friend, suffers from a hearing defect, because I asked him to yield about 10 times, and apparently he did not hear it, and I can excuse that.

The second thing, for him to instruct a newer Member that was not here when we started this bill, and this was my bill, not the gentleman from California's, that these two things do not do anything to the bill is to assume that she cannot read. She does not even have to be here. But to tell us that it does not make any difference whether the registration can take place in places that provide public assistance and unemployment compensation is a little bit embarrassing to Members of the Congress to hear someone stand up and say that that is perfectly obvious that these two points would not have changed anything in the bill. It would have changed everything.

And the final thing, sir, if you want to offer some more motions to instruct, you are a perfect free agent to do so.

Mr. THOMAS of California. Mr. Speaker, I yield myself 1 minute.

I would just like to place in the RECORD H.R. 2190, and the first page will be sufficient in which the cosponsors of the bill were Mr. FOLEY, Mr. CONYERS, Mr. GINGRICH, Mr. LEWIS of California, Mr. THOMAS of California, Mr. GEJDENSON, Mr. GUNDERSON, and Mr. SWIFT, a bill which bipartisanly passed this House, and which contained neither of the provisions that are in the bill currently and that was passed, which we would then ask that we instruct the conferees to remove, which would make the current bill much closer to the bill that the gentleman from Michigan cosponsored and helped and worked with me to pass in the 101st Congress.

The answer is they were not essential when we passed this bill. Then they are essential now. The fundamentals remain, with or without these provisions.

It seems to me if we are looking for some degree of comity and working together, let us ask ourselves how essential these provisions are one. The Senate has removed them. I am asking the House to remove them as well.

PARLIAMENTARY INQUIRY

Mr. SWIFT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SWIFT. Mr. Speaker, does it require unanimous-consent request to insert that in the RECORD, on which I would not object?

The SPEAKER pro tempore. The gentleman from California [Mr. THOMAS] did request consent, and is there objection to the unanimous-consent request of the gentleman from California?

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important to say two things on the RECORD.

First of all, the gentleman from California is accurate in saying that he was very constructive and worked very hard in the Congress before last to develop a piece of legislation which addressed these issues. And I think we would remiss in leaving any other impression than that.

I would also say that I think that the gentleman from California could have brought up support for a number of other provisions that the other body provided that would have been much, more worse than the ones he did.

What I have to disagree with is that taking the "Shall" to "may" in the agency registration guts a key provision which was in the bill 2 years ago or two Congresses ago and was in the bill in the last Congress and which should remain in the bill here.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, more than 1 month ago, I took to the floor of this institution to talk about the importance of passing the motor-voter bill—intact, without unnecessary amendments.

Then I said that I must not read very well, because I missed the part of the motor-voter bill that allows—no, more than allows— encourages—noncitizens to vote.

Well, things have not changed much in 1 month, because here we are again debating an absolutely irrelevant issue.

Let me suggest again to my colleagues—particularly my friends in the Senate—who fear that the Nation's secretary of state's offices and driver's license facilities are about to be overrun by illegal aliens of all colors, shapes, and sizes from every nation on Earth—Democratic Party illegal aliens, of course—that their concerns are extremely exaggerated.

In fact I would like to remind them of a simple fact.

It is against the law for noncitizens to register in the United States Today. It was illegal yesterday. It was illegal last week. It will be illegal tomorrow. Even if motor-voter passes.

So let us stop kidding each other about concerns about fraud.

What the Senate has done to motor-voter is simply an attempt to distract the American people by trying to exploit prejudice.

We have seen these tactics before. They are an attempt to hide a real issue—which is that we need to make it easier for our citizens to vote—behind a false issue—a fear of newcomers to our country.

The Fourth Congressional District of Illinois is a beautiful mosaic of first- and second-generation Americans—people who have come from Mexico and Poland, from Central America and Ukraine and Latvia and Estonia.

Every one of them has been proud to become a voter in the United States—the day they become citizens.

This law will do nothing to change that citizenship requirement; it will only make it easier for them to register once that requirement is met.

Let's put an end to this shameful distraction and pass the motor-voter bill as passed by the House of Representatives.

□ 1300

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that the actions of the other body are not to be characterized in speech in the House.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], to summarize debate on this side.

Mr. RICHARDSON. Mr. Speaker, I rise today in strong opposition to section 13 of Senate bill 460, the National Voter Registration Act. Inclusion of this provision would represent a major setback for Latinos, Asian-Americans, and other minorities who have worked diligently for the passage of this legislation.

Section 13 of the Senate bill allows States—without standards, safeguards, or uniformity—to require those registering to vote to present documentary evidence of citizenship. This provision would undermine the intent of the motor-voter bill by clearing the way for States to erect new barriers to voter registration.

Perhaps the most offensive consequence of this provision is the likelihood that this would invite discrimination against Latino, Asian-Americans, and other minority citizens who look or sound foreign or have foreign surnames. The amended bill includes no safeguards to ensure that requests for documentary proof of citizenship are uniform and nondiscriminatory.

Second, the National Voter Registration Act establishes uniform and convenient voter registration procedures via postcard mail registration, registration in State social service agencies, and registration when applying for a driver's license. Mail registration is effectively nullified if States are permitted to require registrants to appear at a voter registration site and produce documents to verify their citizenship

Finally, section 13 is not only obtrusive but also unnecessary. The act already requires that applicants attest under penalty of perjury that they meet the qualifications to register to vote, including citizenship. The requirement of citizenship will be printed on every voter registration form.

As a champion of the democratic system, our country must dismantle the obstacles to voter registration, just as we removed barriers to voting itself, such as poll taxes and literacy tests. Section 13 of the Senate bill, which opens the door to discrimination, threatens the spirit and intent of motor-voter legislation. I strongly oppose the adoption of this provision in the conference report and would urge House conferees to reject the Senate language.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, would the gentleman say it would be fair to characterize the fact that if in the motion to instruct we had included the requirement that section 13 be preserved from the House side as well as the Senate that that clearly would have been a major contentious action on our part?

Mr. RICHARDSON. The gentleman is correct.

Mr. THOMAS of California. The fact that it is not in there should at least indicate to somebody that what we are attempting to do is to help make law rather than be contentious and make statements.

Mr. RICHARDSON. I commend the gentleman for not including it in his motion.

Mr. THOMAS of California. I thank the gentleman very much for his comments.

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members come to vote, I would simply wish that they would recall the discussion that the gentleman from New Mexico and I just had.

What we are attempting to do is not to gut this bill. It is not to create ghosts or goblins. It is an attempt to improve in a very small way a bill that has passed the House and the Senate and is going to conference.

The motion to instruct does just two things. It allows a State on its own, without any pressure to determine whether or not it wants to use the concept of same-day registration, and it allows a State, based upon its needs, to determine which agencies will be the outreach agencies rather than having them mandated by the Federal Government.

That is all this motion to instruct does. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. THOMAS].

The question was taken; and on a division (demanded by Mr. THOMAS of California) there were—ayes 13, noes 13.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 192, nays 222, not voting 16, as follows:

[Roll No. 129]

YEAS—192

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thornton
Thurman
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Andrews (NJ)
Bliley
Brown (FL)
Clyburn
Fields (TX)
Ford (TN)
Henry
McCrery
McCurdy
Quillen
Rahall
Slattery
Torres
Torricelli
Watt
Wise

☐ 1327

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Watt against.

Messrs. SCHUMER, BARLOW, KLECZKA, OBERSTAR, and HALL of Texas changed their vote from "yea" to "nay."

Messrs. FRANKS of Connecticut, MONTGOMERY, and HAYES changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the Chair appoints the following conferees on the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes: Messrs. ROSE, SWIFT, FROST, HOYER, KLECZKA, CONYERS, THOMAS of California, LIVINGSTON, and ROBERTS.

There was no objection.

APPOINTMENT AS MEMBERS OF REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICES

The SPEAKER pro tempore. Without objection, pursuant to the provisions of rule LI, the Chair appoints to the review panel of the Office of Fair Employment Practices the following employees of the House of Representatives: Ms. Karen Nelson, staff director, Subcommittee on Health and the Environment, Committee on Energy and Commerce; and Ms. Patricia Rissler, staff director, Committee on Education and Labor.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to the provisions of clause 12, rule I, the House will stand in recess subject to the call of the Chair.

The Cloakrooms will receive 30 minutes notice prior to convening of the House. The bells will ring 15 minutes prior to the termination of the recess.

So the House stands in recess.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 56 minutes p.m.

APPOINTMENT AS MEMBERS OF REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICES

The SPEAKER laid before the House the following communication from Hon. BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, March 3, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 7(2) of House Rule LI, I hereby appoint the following employees of the House to the Review Panel of the Office of Fair Employment Practices for the 103d Congress: Mr. Alan F. Coffey, Jr. of the Committee on the Judiciary, and Ms. Alberta Sue Forrest of the Committee on Veterans Affairs.

Sincerely yours,
BOB MICHEL,
Republican Leader.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

The SPEAKER laid before the House the following communication from Hon. BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 1, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 1404(b)(2) of Public Law 99-661, I hereby appoint the following Member of the House to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the 103rd Congress: Rep. Bob Stump of Arizona.

Sincerely yours,
BOB MICHEL,
Republican Leader.

PROVIDING FOR CONSIDERATION OF H.R. 1430, TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 147 and ask for its immediate consideration:

The Clerk read the resolution, as follows:

H. RES. 147

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1430) to provide for a temporary increase in the public debt limit. All points of order against the bill and against its consideration are waived. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 2. Upon its passage by the House, H.R. 1430 shall be considered to constitute reconciliation legislation pursuant to section 7(a) of the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

All time yielded during consideration of this resolution is for the purpose of debate only.

Mr. Speaker, this rule provides for consideration of H.R. 1430 in the House with the hour of debate time equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee.

All points of order are waived against the bill and against its consideration. The rule makes in order one motion to recommit.

Finally, the conference report on the budget resolution directs the Ways and Means Committee to report a short-term debt limit bill. Section 2 of this rule makes clear that H.R. 1430 is the House response to the reconciliation directive. The effect is to allow the Senate to consider the bill under time constraints and a germaneness rule.

Mr. Speaker, we have already incurred the obligations. The bills have come due. It is time, once again, to raise the debt limit. The Treasury Department projects the United States will run out of cash and room to borrow sometime on April 7 as the latest batch of Social Security checks are cashed.

Debt limit extensions are usually an annual affair though we haven't had to extend it since November 1990. This 2-year 4-month hiatus is the longest stretch without a debt limit bill since Eisenhower was elected President.

During the nearly 50 years since we have been using the current form of debt limit bill, we have enacted 75 debt limit extensions.

You will look in vain to find a single instance in which the House considered a debt limit bill under an open rule.

We have been in exactly this situation before: A new President, of a different party than his predecessor, in the first months of his new administration, is forced to request an extension of the debt limit, to pay the piper for policies he did not propose or enact. In each and every instance, the new President asked for a clean bill and the House considered his request under a closed rule. In early February 1981, when President Reagan first took office and needed to increase the debt limit, he asked for a clean bill and he got it. The vote in the House on the closed rule to consider the first Reagan debt limit bill was 333 to 67.

I'm not accusing anyone of inconsistency. In fact, among those who will oppose today's rule are several who voted "no" in 1981, including my friend from New York.

My point is only this: a closed rule on a debt limit bill is traditional, especially for a new President, and closed rules in this circumstance have won overwhelming bipartisan support every time in the past. It would be unseemly and unfair, Mr. Speaker, to change the rules for this new President and subject him to the embarrassment of a protracted debt-limit fight in Congress over nongermane amendments. A high-stakes showdown with the other body on this measure would threaten our solvency, shake market confidence, and further harm the reputation of Congress.

Recently, Members from both sides of the aisle have complained about restrictive rules. Mr. Speaker, however strong the case for rules that are more open, I cannot see a decent and fair argument for an open rule on this particular measure at this particular time.

Now several Members, again from both sides of the aisle, made an eloquent and forceful plea to the Rules Committee yesterday, asking us to grant a rule waiving germaneness and making in order amendments related to the item veto. Mr. Speaker, I would like to address their concerns directly. The Committee met earlier today to make in order consideration of enhanced and expedited rescission proposals as a free-standing measure.

The argument was heard yesterday, and I expect we will hear it again today, that the House may pass a free-standing item veto measure but it will die before it reaches the President's desk. First, I would be wary of predictions about the other body; I've been here long enough to know the only thing predictable about the Senate is its unpredictability. Second, I would not underestimate the persuasiveness of this new President. And finally, I confess the rules and precedents of the Senate, unlike the House's majority-rule traditions, allow a minority, a few strong-willed members, to hold up legislation. But I must ask those who believe the Senate might stop a free-standing item veto bill, why would the other body swallow hard and accept whatever we pass on a debt-limit bill?

In my view, Mr. Speaker, to allow nongermane amendments is to invite gridlock again, to return to the spectacle of a drawn-out, very high stakes game of chicken, with the threat of default as the instrument to force one side or the other to back down.

Mr. Speaker, when the bills are due, we ought to stand up and pay them, not try to change the subject. That is why I believe it is fair to call for an up or down vote on the debt limit, with the only opportunity to amend in the motion to recommit. House Resolution 147 is a fair rule. I urge its adoption.

□ 2100

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. I yield myself such time as I may consume.

Mr. Speaker, last evening at 6 o'clock, the Rules Committee held a most extraordinary emergency meeting on granting a rule for the public debt limit increase bill.

I say it was extraordinary because we were privileged to hear the testimony of six outstanding first-term Members of this House—three from the majority party and three from the minority party.

And to a man they were in agreement on two major issues: first, that we must give the President some form of line-item veto if we are ever to begin to get spending under control.

And second, that such a line-item veto must be linked to the debt limit bill or it will probably go nowhere in the other body.

And while those new Members differed slightly as to what form of line-item veto should be enacted, they all brought to our hearing room a sincerity, dedication, and intelligence that could not help but impress Members on both sides of our committee.

But while they received the high praise they deserved for their testimony, when the time came to vote on this rule, their pleas were rejected on a party-line vote and this gag rule was reported instead.

Mr. Speaker, there were all kinds of reasons given for why we should not consider a line-item veto amendment now, on this bill. The new Members were told of the tradition and custom of closed rules on debt limit bills.

They were told of procedural problems—of futile previous question fights, of germaneness rules, of closed rules, and on and on and on.

But, Mr. Speaker, one of those new Members cut right through the smoke that was thrown in his face by the Rules Committee. He put it quite simply and eloquently when he said the American people do not care about these procedural customs and traditions and precedents and obstacles. They do not really understand them.

But they do care about the national debt, which we are being asked to increase by $225 billion in this bill. And they do care greatly about the fact that it keeps increasing and that we do not seem to do anything to reduce it.

They do care about the fact that we are passing on this debt to our children and grandchildren, and that today, that $4.37 trillion debt limit we are being asked to pass comes out to about $17,000 for every man, woman, and child in this country.

Moreover, he said, the American people do understand the line-item veto and that this will enable the President to carve out some of the pork we pile on our own platters around here.

They understand it so much, in fact, that an overwhelming 80 percent of the American people think we should give the President the line-item veto authority.

Mr. Speaker, while the Rules Committee majority may not see the link between the public debt and the need to control spending, I am encouraged that many if not most of our new Members do see that connection and want to do something about it.

Mr. Speaker, that same Rules Committee majority that turned down the amendments of these new Members because they violated certain rules and procedures, turned around and waived all points of order against this bill.

I repeat—all points of order are waived against this debt limit bill. How's that for a double standard?

And while the Rules Committee majority likes to tout tradition and custom, it blindly ignores that most of the meaningful spending limitation efforts in this century have come as amendments to debt limit bills.

Two of the most recent were the joint House-Senate study committee that produced the 1974 Budget Act, and the Gramm-Rudman-Hollings Deficit Reduction Act of 1985.

So the fact is that there is a wealth of tradition behind attaching spending and deficit limiting provisions to debt limit bills.

But it is conveniently ignored when the Democrats do not want to deal with the problem of deficits.

Oh, I know we are going to hear the pat response that we have no alternative but to enact this debt limit increase to pay the bills already incurred, and that to do otherwise would cause a shutdown of Government and the nondelivery of Social Security and veterans checks.

I would simply point out in response that so long as we operate on the assumption that we can continue to raise the debt to cover the costs of our voracious spending appetites, nothing is going to change.

It becomes a never-ending cycle in which we keep getting deeper and deeper in debt.

And second, I would respond that if this is such a necessary bill, what better action-forcing mechanism can there be for us to take steps to reverse this awful upward trend in our national indebtedness? If not now, when? If not us, who?

Mr. Speaker, I sometimes regret that I have to quote Thomas Jefferson to bring my colleagues on the other side of the aisle to their senses. But since both parties often claim Jeffersonian Republicanism as the heart of their party principles, let me quote briefly from two letters he wrote back in 1816, and I quote:

> And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

And, from the second letter, written in that same year:

> I, however, place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared.

Mr. Speaker, Jefferson had it right both times, and the American people are of the exact same mind and mood today.

They appreciate perhaps more than many of our colleagues in this Chamber seem to, that we must not let our rulers load us down with perpetual debt or we will forever lose our independence and liberty—and that is the greatest of dangers to be feared.

Mr. Speaker, that is precisely why we need both a line-item veto and balanced budget amendment tied to this debt limit increase. Nothing could be more germane than those two matters when we are discussing an increase in our debt of $225 billion between now and next October. That comes to $1.25 billion a day of debt increases.

Mr. Speaker, our colleagues on the side will try to convince us that this is nongermane and cannot be offered as an amendment to this rule or to this bill—this coming from the same Rules Committee Democrats who have waived every rule in the book against this debt limit bill.

Do you really think the American people are going to buy your procedural objections when you are socking them with another $1¼ billion in debt a day for the next 6 months? I think not.

Mr. Speaker, the time has come for real change the voters demanded in November and these new Members pledged to bring about.

Now is the time to be bold and demonstrate to the American people that we are serious about getting a handle on our national debt and in reducing it, not increasing it.

I urge my colleagues to vote down the previous question so that we can offer our open rule that includes votes on a line-item veto and a balanced budget constitutional amendment.

If we succeed and someone dares to defy the will of the House by raising a point of order, we will simply send this rule back to the Rules Committee with instructions to obey the will of the House. It's just that simple.

The Rules Committee is a creature of the House, and not vice versa.

It's time once and for all to put an end to this string of nine consecutive rules that not only shut the Members of this House out of the legislative process on this floor, but disenfranchise their constituents as well.

Make no mistake about it, this previous question vote is one of the most important you will cast in this Congress because it gives you a real opportunity to do something about the debt other than just raise it again.

Vote "no" on this previous question and "yes" for an open rule with a line-item veto and a balanced budget requirement.

At this point in the RECORD, Mr. Speaker, by unanimous consent, include certain extraneous materials including the rollcall votes in the Rules Committee last night, our substitute open rule, and data on open versus restrictive rules.

ROLLCALL VOTES IN THE COMMITTEE ON RULES ON AMENDMENTS TO THE RULE FOR H.R. 1430, TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT, WEDNESDAY, MARCH 31, 1993

1. Minge-Deal-Inslee Amendment—A modified line-item veto, expedited rescission amendment. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon and Slaughter.

2. Open rule—A two-hour open rule, which also makes in order the Castle-Solomon line-item veto amendment, the Michel targeted tax provision item veto, and the Barton balanced budget constitutional amendment. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon and Slaughter.

3. Castle-Solomon-Michel-Barton Amendments—Making in order Castle-Solomon legislative line-item veto amendment, subject to amendment by Michel amendment making targeted tax provisions subject to line-item veto; followed by Barton balanced budget constitutional amendment. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon and Slaughter.

4. Barton Amendment—A constitutional balanced budget amendment plus procedures to spin-it-off into a separate joint resolution for two-thirds vote after final passage of debt limit bill. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon and Slaughter.

5. Michel Amendment—Providing that targeted tax provisions be subject to line-item veto. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon and Slaughter.

6. Gekas Amendment—Sets fixed deficit targets that would reduce the deficit to zero by fiscal year 2000. Rejected: 3-5. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon.

7. Horn Amendment—Establishing spending caps for fiscal years 1994-98 and provides for across the board sequestration with exceptions, to enforce ceilings. Rejected: 3-4. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Beilenson, Frost, Gordon.

8. Adoption of Rule—A one-hour, closed rule, waiving all points of order, and permitting one motion to recommit. Adopted 4-3. Yea: Moakley, Beilenson, Frost, and Gordon. Nays: Solomon, Dreier and Goss.

OPEN VS. RESTICTIVE RULES—95TH–103D CONGRESSES

Congress (Years)	Total rules granted[1]	Open rule[2]		Restrictive rules[3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	9	0	0	9	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–102nd Congresses; "Notices of Action Taken," Committee on Rules, 103rd Congress, through Mar. 31, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176; A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	9 (D–1; R–8)	1 (D–0; R–1)	PQ: 248–171; A: 249–170 (2/4/93)
H. Res. 103—Feb. 3, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172; A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166; A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170; A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172; A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164; A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

SUMMARY OF PROPOSED SUBSTITUTE FOR THE RULE (H. RES. 147) FOR THE DEBT LIMIT BILL (H.R. 1430)

A two-hour open rule on the debt limit bill;

It shall first be in order to consider the following amendments, subject to one hour of debate each, not subject to further amendment, and waiving all points of order against them:

(1) A Castle-Solomon line-item veto, enhanced rescission authority amendment for fiscal 1994-94 appropriations bills;

(2) A Michel amendment to the above amendment making targeted tax provisions subject to line-item veto;

(3) A Barton balanced budget constitutional amendment;

One motion to recommit;

Following final passage of debt limit bill by both Houses, the balanced budget provision, if still contained in the bill, would be stricken from the bill and placed in a joint resolution by the Clerk and would be finally voted, without further debate and without intervening motion, except one motion to recommit;

If two-thirds of those voting, a quorum being present, vote for the joint resolution, it shall be considered as passed and sent to the Senate for further action.

If the joint resolution is passed by both Houses by two-thirds vote, it shall then be presented to the States as provided for in the Constitution for constitutional amendments.

H. RES. 147—PROVIDING FOR THE CONSIDERATION OF H.R. 1430, THE PUBLIC DEBT LIMIT BILL

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SOLOMON

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1430) to provide for a temporary increase in the public debt, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall first be in order to consider the following amendments which may be offered only by the named proponent or a designee and which may be offered only in the following order: (1) the amendment by Representative Castle of Delaware printed in the Congressional Record of March 31, 1993; (2) an amendment to the preceding amendment by Representative Michel of Illinois printed in the Congressional Record of March 31, 1993; and (3) an amendment by Representative Barton of Texas which shall be the text of H.J. Res. 9. Each amendment shall be considered as read, shall not be subject to further amendment but shall be debatable for not to exceed one hour each to be equally divided and controlled by the proponent and an opponent thereto, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and all points of order against said amendments are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

"SEC. 2. (a) Upon the final passage by the Congress of H.R. 1430, and if such bill contains a provision proposing a balanced budget amendment to the Constitution of the United States, the House shall be deemed to have adopted a concurrent resolution directing the Clerk of the House of Representatives, in the enrollment of the bill, to strike the provision from the bill and the Clerk shall prepare an engrossment of a joint resolution consisting of the text of such provision. The previous question shall be considered as ordered on such joint resolution to final passage, without further debate, any rule of the House to the contrary notwithstanding, and without intervening motion, except one motion to recommit, and all points of order against such joint resolution or against its consideration are hereby waived.

"(b) Upon the engrossment of such joint resolution, it shall be deemed to have passed the House of Representatives if two-thirds of those voting, a quorum being present, voted for the joint resolution on final passage. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action. Upon final passage by both Houses, the joint resolution shall be signed by the presiding officers of both Houses and presented to the States in the manner provided for constitutional amendments generally.".

□ 2110

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. I yield myself such time as I may consume.

Mr. Speaker, I would just like to correct one thing. In my statement I said you cannot find a single instance where the House considered a debt limit bill under an open rule. The amendments the gentleman talks about were put on in the Senate, not in the House.

Mr. SOLOMON. If the gentleman would yield, I would say to the gentleman, my good friend for whom I have great respect, normally we have a lot more wisdom than they do, but evidently they had it then.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding this time to me.

Mr. Speaker, first I would like to commend the chairman of the Committee on Rules for bringing forward a straight and very direct action that we need to take today. We are not allowed in this Chamber to talk about the other body, so the comparisons that I have to reach for are in other countries.

There are other countries' parliamentary institutions that tie themselves into knots because they do not have a rules committee and they do not have a rules chairman as we have in this House of Representatives, where we are able to decide that we are going to deal directly with one issue.

And if you are looking for credibility on this issue, before the economic policies of supply-side economics were forced on this country, we had a national debt under $1 trillion. From George Washington to the last day of Jimmy Carter, this country amassed a debt of $900 billion.

Following the supply-side economics, the guidelines of Gramm/Rudman, the tax cuts of Hance and others, we have quadrupled the national debt. But that is not what is the issue here today. What the chairman of the Committee on Rules brings before us is simply accepting the costs of star wars, of the B-1, of the B-2, and all the social and military spending that Democrats and Republicans voted for, and the last 12 years of Republican Presidents have signed for.

You cannot go on a shopping spree and at the end of the day say, "We don't have the responsibility for this debt." This Congress, Democrats and Republicans, and 99 percent of it signed and voted for with bipartisan support, in many instances, but clearly three-fourths of the debt signed by actions of a Republican President is why we stand in this well today to address an increased debt limit.

So, we can try to abandon our responsibilities, but if we want to deal forthrightly with what we have to do as a Congress—and that is to accept the responsibility for the actions of the last 12 years—we have got to move this debt ceiling up.

Now, from here we can take the President's economic package, his stimulus package, and try to rebuild this economy so that we can stop having the kind of increases in debt and unemployment that we are suffering with today. But today our actions are very simple: to accept responsibility for what Congress and Republican Presidents have done for the last 12 years.

One thing I would like to focus on for a moment: There is going to be a choice. There will be a straight up-or-down vote on accepting our responsibility, or our Republican colleagues will offer a motion to recommit, which will try to complicate the issue. But I think it is instructive for those folks of us here in the well and those at home to understand what that means. For all the complaints about the Democrats not giving the Republicans ample opportunity to express themselves, they have that in the motion to recommit. In a democracy there comes a point in time, at least in this Chamber, if not in other chambers of this democracy, there comes a point in time where you have to vote, where you cannot abandon responsibility.

Our Republican colleagues will offer an alternative which I think is a mistake, and I hope this Chamber rejects it flatly. But they are not precluded from offering, in their motion to recommit, any kind of additions or changes in the chairman's proposal that is before us.

I would hope that the public understands, for all the complaints about minority rights not being protected on this floor, in virtually every action that we take the Republicans have their opportunity to put their proposal forth and then, yes, as what happens in a democracy, the majority will rule. And I urge my colleagues to join with the chairman of the Committee on Rules and pass the gentleman's proposal.

□ 2120

Mr. WALKER. Mr. Speaker, would the gentleman yield?

Mr. GEJDENSON. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, did the gentleman vote against the rules where our motion to recommit was taken away from us?

Mr. GEJDENSON. I do not recall the exact instance of that, but even in that, reclaiming my time, I would say again in a parliamentary body as in this one, unless you want to have endless gridlock, the gentleman had his motion. There was a vote. A majority defeated his position, and that is what we will hopefully do again today.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. QUINN], a very distinguished new Member of this body from Buffalo, NY.

Mr. QUINN. Mr Speaker, I thank the gentleman for yielding me this time.

I could not agree more with the gentleman who just spoke that we cannot go on a shopping spree in this country and at the end say I cannot afford to pay for it. One of the things we can do on a a shopping spree, though, is to get the best buy. I think it is about time the Congress got the best buy for the American people.

Mr. Speaker, I rise in opposition to the rule to consider H.R. 1430, as reported. Mr. Speaker, last night and again this afternoon, I joined some of my freshman colleagues to testify before the Rules Committee on our request to offer an amendment to give the President a legislative full line-item veto.

We said that a closed rule would not allow any fiscal reform amendments to be considered. To raise the debt ceiling without an opportunity to offer and debate a line-item veto, enhanced recision, or balanced budget amendment would in effect, rubberstamp more spending, more taxes, and more business as usual in Washington.

The 110 freshman Members got elected to this body to reform—to change the way things work in Washington.

This measure to raise the debt ceiling is typical of those ways.

Congress raises the debt ceiling, so it can continue to spend until it runs out of money, has to raise the debt ceiling again, so it can continue to spend until it runs out of money.

We were elected to change these ways, now now is the time to start.

But apparently the leadership on the Rules Committee and in this body has not heard the message, the call for reform.

Eighty percent of Americans say they want the line-item veto. President Clinton asked for it during his campaign and Democrats and Republicans from this body and the other body have been talking together about the need for the line-item veto.

The American people are crying out for a change, but all we hear in this chamber is meaningless debate about modified closed rules, motions to instruct, previous questions, germaneness, and so on.

Why can't this be debated as an amendment on this floor?

At last night's Rules Committee hearing, members talked about precedent on closed rules for this type of legislation.

I say the American people voiced their opposition to precedent last November. Twenty Five percent of the Members of this House are new. The American people are setting their own new precedent—change, Mr. Speaker, including free and open debate.

I support my colleagues; their enhanced rescission bill should be considered. Mr. BARTON's balanced budget amendment should be considered, and the line-item veto amendment offered by Mr. CASTLE, Mr. BLUTE, and myself should be allowed to be considered.

Mr. Speaker, I urge my colleagues, open your ears to the call for change—vote "no" on this closed rule. I ask that this rule not be made in order and that amendments be allowed for consideration by this House. Thank you, Mr. Speaker, and I thank the gentleman for yielding his time.

I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I served in this body over the last 12 years. I have seen Presidents, Republican Presidents beg, plead with the minority to do the responsible thing, and that was to vote for the debt limit.

You know, if you do not want to raise the debt, you deal with it when you appropriate the money. You do not deal with it now because when you deal with it now and you refuse to vote to raise the debt limit, it is like going down to the bank and borrowing $10,000. When the note comes due, you tell the bank you are not going to pay the note.

I voted for these debt limits. Most of my colleagues on the other side have done it for years and years since I have been here. They have been willing to do the responsible thing because we do not want to see the credit of this country ruined. We do not want to see the interest rates go up. We do not want to see people unable to cash their Social Security checks. We do not want this Nation overnight to have the same financial integrity that some of the banana republics in this world do.

So Mr. Speaker, it is a very clear-cut vote. If you are responsible, you love this country, you want to see us continue as a responsible Government, you vote for the debt limit. If you do not believe in all that, then vote against it.

Mr. SOLOMON. Mr. Speaker, we have a very distinguished Member of this House who just last year was the Governor of one of our great States. It was Gov. MIKE CASTLE of Delaware, who had the very issue that we want here now, the right for a line-item veto.

He is the major sponsor of an amendment that will be offered tomorrow to the enhanced rescission bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

About 25 years ago, the various States of the United States of America had a lot of the same budget deficit problems that we have here. They were not balancing their budgets. They were struggling with it. They were staying up all hours of the night for days on end in order to balance their budgets. So they started to adopt different measures to help them with their process. One of those was the balanced budget amendment.

One of those was the line-item veto. Another was a three-fifths vote on taxes which exists in a lot of States now.

Indeed, 49 of our States now have a balanced budget amendment. Forty-three of our States have a line-item veto.

I had the great pleasure with two of our freshmen Congressmen, the gentleman from Massachusetts [Mr. BLUTE] and the gentleman from New York [Mr. QUINN] of presenting the line-item veto legislation and asking that this rule not be closed so that it could be attached to the debt limit.

To me a perfect place to put such a measure in order to help pass it to make sure it would pass in this body and the other body and be signed by the President.

Indeed, I believe that fiscal reform such as this, which is a two-thirds legislative line-item veto must accompany any attempt to raise the debt ceiling if we are to truly rein in this debt problem that we have in the United States of America.

I think the time has really come for the President of the United States of America to be a player in the budget solution, not just this President, but all Presidents hereafter, by giving the authority to cross out wasteful Federal Government projects which are tucked into spending bills which are passed by the Congress.

This line-item veto has been used very effectively by Governors throughout this country. I used it once. I had discussions about it other times. It worked very well for everybody. Bill Clinton was a Governor once before he was President of the United States. He used it eight times, and he himself has supported this in every way he possibly could throughout the campaign, and as far as I know, ever since the campaign, seeing how important it is.

I think, most importantly, it is a very effective tool to bring Republicans and Democrats together to discuss the budget of the United States of America, to bring the executive branch and the legislative branch together to discuss the budget of the United States of America so that we can do more to overcome some of the gridlock on the budget and the problems with overspending which this country has seen.

So with that tool and with the other things which we can do, it is my belief that we would have an opportunity to do what this country wants from us more than anything else, and that is to deal with the budget deficit and with the budget crunch which we have been facing for so many years.

The bottom line is really quite simple. The legislative line-item veto bill makes the American people the true beneficiaries by having the Congress and President work together to eliminate unnecessary Federal spending.

I believe that because it was not included in the closed rule which we have in this case, we should vote against the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the chairman of the Rules Committee yielding me this time, even if his introductions of us are stingier than the florid introductions you get if you speak on the other side.

Mr. Speaker, I think we have seen an interesting rite of passage here. My Republicans colleagues I think have decided to move now from irresponsibility to irrelevancy.

I have never seen such a denial of one's past. We are told by the gentleman from New York and others that the problem is how much we are spending.

Let us make one thing very, very clear. Every penny the Federal Government is spending in this fiscal year is because George Bush signed a bill into law. I do not understand why George Bush's supporters were so unhappy about the absence of a line-item veto. He knew how to veto a bill when he was upset. George Bush did veto some appropriation bills. He vetoed an appropriations bill because it would have let the people of the District of Columbia spend some of their own money for abortions. That was a fairly narrow piece of the bill. He vetoed it, and because we did not have two-thirds, his veto stuck.

We have zero cases of George Bush having vetoed a spending bill because he did not like some of the items and having been overridden, zero cases. Every penny we are spending today, every penny that will be covered by this debt limit increase is spent because George Bush signed a bill into law.

□ 2130

And now we have people saying, "But we're not going to raise the debt limit." That is irrelevant. That is a simple effort to deny reality.

Not only that, let us assume we had passed the budget offered by the gentleman from Ohio. And I give him credit. He got the Republicans to vote for a budget. That was more than George Bush and Ronald Reagan used to be able to do. They never wanted to vote for their budgets, but a majority of Republicans voted for the Kasich budget, and, if the Kasich budget had passed, what would we be doing today? Raising the debt limit because every year, under the Kasich budget, we would be increasing the debt.

Now our members over there are telling me that, many of them having voted for the appropriation bills, then having voted for the Kasich budget which would increase the debt, they do not want to vote to raise the debt limit. People should understand that this is a gap between reality and political behavior that exceeds even the norm around here.

And then we are told, "Well, OK, but it ought to be in the same bill." The bill will come up tomorrow. We will have the enhanced rescission and line-item veto choice tomorrow, so what the Republicans are arguing for today is that the two rather unrelated bills ought to be the same.

People will remember Ronald Reagan hefting the budget and saying, "Stop putting irrelevant things in here. Stop the practice of putting one piece of legislation on another." But that is what the Republicans want today.

Mr. Speaker, the Republican attitude on the rules is more changeable than the weather in New England, and I must say less interesting to experience. Here they are arguing that we should ignore the principle, and it is not that the bill will not come up. It will come up tomorrow.

Now it may be that there is some urgency that says we have to vote on the enhanced rescission versus the line-item veto in the next 12 hours. I do not understand what it is, and I do not understand how one can vote for appropriation bills to send money, vote for the Kasich budget which will increase the debt, and then posture about how raising the debt limit is wrong.

There are legitimate differences between our approaches to government. This is not one of them. The notion to hold up the debt limit is unworthy of serious debate, and that may be why it is not getting much.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

In yielding to the next speaker, Mr. Speaker, let me say that we have just heard from a gentleman from the State of Massachusetts. I am reading from the National Taxpayers Association, one of the most prestigious nonpartisan organizations in America:

"Taxpayers' biggest spenders," and let me read them from Massachusetts, "Chester Atkins, BARNEY FRANK, JOSEPH KENNEDY, EDWARD MARKEY, Nick Mavroules, JOSEPH MOAKLEY, RICHARD NEAL, JOHN OLVER." Look over at the taxpayers' best friends: none, zero. Now we have two good ones coming from the State of Massachusetts, and one is by the name of PETER BLUTE, and we are going to hear from him right now for 3 minutes. Go get them, PETER.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON], my good friend, for his kind comments. Let me just make a point before I begin, Mr. Speaker, that is seems to me that anybody who has served in this House for the last 5, 10, 15 years on either side of the aisle should not be trying to shift culpability or responsibility for the fiscal problems and the deficit we face onto anyone else. We should understand that the Founders placed the power of the purse right here in the House of Representatives and accept responsibility for the problems that this country faces.

Mr. Speaker, I rise in opposition to the rule for the debt limit extension bill. It seems to me it is absolutely inappropriate for the House to consider raising Government's debt limit by $225 billion, without a chance to even debate measures that would help us get our fiscal affairs in order once and for all.

The taxpayers of this country deserve better than that. The taxpayers will be the ones to pay back this $225 billion increase plus interest. We owe it to them to try and attach to this debt increase bill amendments which will provide for a full line item veto authority for the President and a balanced budget amendment.

Our Nation's debt now stands at over $4 trillion regardless of fingerpointing and blaming up and down Pennsylvania Avenue. The interest on this debt consumes 58 cents for every tax dollar that the Government collects. And the Congress is unfortunately, about to try and increase our Nation's debt yet again.

The people that we represent are crying out for leadership, for accountability and for responsibility from the Congress in dealing with this Nation's finances. If we pass this rule we will be missing a golden opportunity to show America that this body has a new resolve to confront the tough fiscal problems we face.

Yesterday, Mr. Speaker, we were told by the Committee on Rules that we would have a chance to debate a freestanding enhanced rescission bill today or tomorrow so that there would be no need to consider the line item veto as part of this bill. But, as we all know, there is a large presence in the other body that objects strongly to giving the President the line-item veto authority. If we do not try to attach this line-item veto to this debt limit bill tonight, we can expect any line-item veto or enhanced rescission bill to arrive dead on arrival.

Mr. Speaker, I urge all of my colleagues who are serious about wanting to reform Congress to oppose this closed rule. It is time to remove the congressional gag from the mouths of the American people and restore their voice, and let me ask all Members to join with the gentleman from New York [Mr. QUINN], the gentleman from Delaware [Mr. CASTLE], and myself in voting against this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would simply like today to say that 24 years ago tonight I was elected to this House. I have come to love this House and everything it stands for, and I have come to have tremendous respect for a lot of people on both sides of the aisle. But, as someone who has cherished this House for a long time, I very much regret that we have an incredibly large tendency in legislation bodies to often play with issues rather than deal with them objectively, and honestly and squarely.

I was one of those who proposed a long time ago that we have television in this Chamber so the public can watch our debates. I thought at the time that it was a constructive thing to do, that it was in the public interest. But I regret very much the way that the camera has been used to, in reality, mislead the American people about a lot of things that are happening in this legislative body.

The fact is that, if we vote against a debt ceiling tonight, we are welching on obligations already incurred. The fact is that when you buy a suit you incur a debt. Then when the American Express bill comes to your home you have to pay that debt. The fact is that on a bipartisan basis this House, the Senate, and the Presidents we have served under have incurred these debts, and we now have an obligation to see to it that these debts are paid.

I really do not mind people occasionally trying to score political points. I have been known to do that myself, but I really believe that, if a democracy is to work, its elected leaders have to level with the American people. And it is a con job, in my view, when we try to tell the public that the way to control debt is by stopping the debt ceiling. The way to control debt is by making the hard decisions when the entitlements are before us, when the appropriations are before us, and, no, I will not yield because that gentleman had a lot of time last week. I want my 4 minutes.

So, Mr. Speaker, what I would like to say simply is that we have an obligation to level with the American people, and we ought to start tonight by making clear that this money is already owed. I find it, frankly, laughable for any Member on that side of the aisle to lecture anyone on this side of the aisle about debt.

□ 2140

Before the 1981 Reagan budgets we never had a deficit larger than $74 billion. Then this Congress mindlessly whooped through the Reagan budgets in 1981 and those deficits exploded to four times that size and our national debt grew from less than $1 trillion to $4 trillion tonight.

Mr. Speaker, what this country needs more than anything else is for us to quit scrapping like school children over chicken blank. What this country needs more than anything else is for every politician who was here during the eighties, and that includes me, to admit to the public that we have had a bipartisan failure to manage this economy in a way that makes long-term sense. We ought to quit squawking about the past, face up to our obligations today, and determine to do a hell of a lot better job tomorrow, and we ought to start tonight.

Mr. SOLOMON. Mr. Speaker, the next speaker we have has been here for 5 years. If every Member of Congress had voted the way he did for the last 5 years, the national debt would not have increased one nickel.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], a great American.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me this time and for especially his leadership on this and so many other issues before the Congress.

I rise in opposition to this bill and the closed rule that brings it to the floor. The American people do not want us to go any further into debt. We are already over $4 trillion in the hole. The people want us to balance our budgets. They want us to give the President the line item veto so he can carve out waste. They want the Federal Government to live within its means, just as families have to.

Yet the bill before us tonight raises our debt limit by another $225 billion. Last year in his last State of the Union speech President Bush said our Federal Government is too big and costs too much. According to the Washington Post, 94 percent of a focus group gathered from across this Nation agreed with this statement. No other position the President took had such widespread support.

Today the people are saying loud and clear, cut spending first. Yet this bill will allow the Congress to keep on increasing spending.

Mr. Speaker, the people are beginning to realize that all this talk about spending cuts is a charade, a hoax, a cruel joke on the American people.

We wanted to attach the line item veto authority to this bill. We could have. But permission was denied by the majority on the Committee on Rules.

The last speaker, as we have heard so often, blamed President Bush and President Reagan for running up our national debt. Actually it has been a liberal, big spending Congress that has run us over $4 trillion in the hole. And even worse, if something could be worse, are the losses of almost $1 billion a day that we face even as we speak.

The overwhelming majority of the American people would vote against raising this debt limit if they could be here with us tonight. We should vote against this legislation too.

I urge defeat of the rule that brings this bill to the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman for yielding.

I heard my very good friend, the gentleman from New York [Mr. SOLOMON], mention that one of his freshmen said that people do not care about procedures, they do not care about rules, they are only interested in balancing the budget. So in other words, do away with the rules and procedures.

Well, frankly, the people do not give a damn about the Congress either. If we are going to do away with the rules and procedures, we might as well do away with Congress. Then you have what you want, a dictator. Then you will not have to worry about line-item vetoes or balanced budgets. You will do what you are told and they will back it up with the police.

The President of the United States has total line item veto power now. He has rescissionary powers now. But what President of the United States exercises them? President Bush and President Reagan gave us 12 budgets that were completely out of whack. We set the guidelines on the spending and the revenues based on those budgets that they sent to us. Then we passed appropriations that are based on those budgets, and none of them were vetoed. None of them were vetoed, they were all passed into law.

Now, all the Presidents had to do was veto any of them, send it back to the Congress of the United States, and say what changes they want, what cuts in spending they want. But they did not do that.

If they wanted to really balance the budget, all they had to do was send one to the Congress of the United States. And you name me one that was ever sent here by any President.

If we had $1 trillion in revenues, you send a budget asking to spend $1 trillion. It does not take a rocket scientist to figure that out. But they never did. They chose instead deficits, and now we are going to pay the price.

Mr. Speaker, I do want to have to vote for a debt limit. I do not think we ought to have the right to increase the debt limit. But this is a situation in which we have been placed, and we have to do it, unless we stop all the payments to all the people in this country. And that is not fair to them.

What has gone on is not fair to us and it is not fair to the people. I think we had better exercise the responsibilities that the people gave us when they sent us here.

Mr. SOLOMON. Mr. Speaker, 47 Republican freshmen are going to vote for a line-item veto as soon as we defeat the previous question on this rule. One of them is the gentleman from Pennsylvania [Mr. GREENWOOD], to whom I yield 1½ minutes.

Mr. GREENWOOD. Mr. Speaker, we are here tonight to vote to raise the Federal debt limit from $4.145 trillion to $4.370 trillion, nearly a quarter of a trillion dollars in new debt. Year after year, as the Federal debt has continued its astronomic growth, Congress has voted to raise the ceiling and yet has done virtually nothing to solve the problem of the spiralling debt.

If Congress were going to spend the summer putting together a meaningful budget package that would address this burgeoning deficit, it might make some sense to pass this short-term extension without amendments. But instead, the Congress is on its way to enacting the largest tax increase in history. Instead of seriously reducing spending, the Democratic budget resolution calls for even more spending.

The American people have been led to believe that the Clinton economic plan will reduce the current national debt by $325 billion. The reality is that even if the President's package is enacted in its entirety, by the end of fiscal year 1997, the national debt will have risen by more than 20 percent to over $5 trillion.

Today we are asked by the Democratic leadership to vote to raise the debt ceiling, but we are denied the opportunity, under this rule, to vote on fundamental structural changes to our budgetary process. Mr. Speaker, this country needs a balanced budget amendment to the Constitution, and we should have the opportunity to vote on such an amendment. We also need to give the President line-item veto authority. These are the same tools that States all across this country have and use to maintain balanced budgets. If we passed a balanced budget amendment and a line-item veto it would not be necessary for us to vote year after year on raising this debt ceiling.

Mr. Speaker, I was elected to Congress last November because the voters in the Eighth District of Pennsylvania said they were sick and tired of business as usual in Washington. Well, asking the Members of this body to vote, once again, to increase the Federal debt ceiling without enacting budgetary reforms like a balanced-budget amendment, a line-item veto, or a meaningful deficit-reduction package is business as usual, and I simply cannot support it. I urge Members to vote "no" on the previous question.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, defeating the previous question will not make the nongermane amendments germane, and these amendments will still not be able to be appended to this bill in its proper form.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I have been listening to the debate on the rule, and I have heard numerous Members from the other side of the aisle come down here and say, "I am not going to vote for the increase in the debt limit. I am not going to vote for the increase in the debt limit."

Well, Mr. Speaker, if all of us did not vote for an increase in the debt limit, let us see what would happen to this great country which we all so love.

Within a very short time, a very short time, the Federal Government could no longer pay its bills. The bond market would completely collapse. The Government would actually be bankrupt. We have people out there that you love, and that I love, that would be hurt financially and drastically. We would have financial chaos in this country. And that is what you want?

The gentleman from New York [Mr. SOLOMON], I do not believe he wants to do that to this country. I do not believe that he wants to bring financial chaos to this country.

□ 2150

I cannot believe it. I cannot believe that anyone would want to do that. We have no alternative.

If my colleagues really love this country, love the people in this country, they are going to make sure that this Government can pay its debts. They are going to make sure that the financial markets will not collapse.

We need to vote for the previous question. We need to pass the rule. We need to pass the debt limit. We need to be responsible Members of Congress.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON], one of the real leaders in this House for many, many years on a balanced budget constitutional amendment. We hope to defeat the previous question and make his constitutional amendment in order.

Mr. BARTON of Texas. Mr. Speaker, in the 3 minutes that I am going to address this Chamber, the national debt is going to go up by $2.1 million. That is $700,000 a minute. We are going to be asked to increase, on a temporary basis, the national debt ceiling by $225 billion, temporarily, to take us through September 30, 1993.

There are people alive in this country that remember when the House had to vote on every issue of every bond that the U.S. Treasury sold. We now temporarily increase the national debt by $225 billion as a simple expediency so we can break for the Easter recess.

The proponents of this debt-ceiling increase have said that we simply have to do it. If we do not, the Government will shut down.

They have a point, to a point, but only to a point. If we do not, at some point in time, do something permanently in a process reform way to eventually stop the debt increase and ultimately reverse it, there will be a point when the Government cannot finance the debt.

What is that process reform? Some Members have talked about the line-item veto, and that is a good first step. But the true process reform is a balanced budget amendment to the Constitution.

The Republican Conference has gone on record supporting the Barton-Tauzin balanced budget amendment, which requires a simple majority vote to raise taxes, a 60-percent supermajority vote.

We had a vote on that amendment last July and got 200 Members of this body to vote for it.

In the rules package that the Republicans presented for the debt ceiling, the Barton-Tauzin amendment was presented as part of that package. It was defeated 3 to 5. The Barton amendment, as a separate vote, was defeated again 3 to 5 on a partisan basis.

This rule, however, waives all points of order. We could have a vote on this balanced budget amendment on the debt-ceiling increase. It is within the rules, since we waive all points of order.

There are 110 freshmen in this body that came saying they wanted to reform the Congress. The single biggest reform that we can enact would be a balanced budget amendment to the Constitution, and yet we are not going to be allowed to vote on it on the debt-ceiling vote later tonight or tomorrow.

The Budget Resolution that we passed several weeks ago on this floor raises taxes, raises the deficit, raises spending and, over the term of the agreement, raises the debt to over $6 trillion.

Mr. Speaker, if we do not do real process reform like a balanced budget amendment, we are not going to get any spending reductions. We are going to get more spending, higher taxes, and a bigger deficit.

Please vote against this rule. Let us go back to the Committee on Rules at 2 o'clock this morning or 9 o'clock tomorrow morning and make in order a real rule with real process reform. Please vote "no" on the rule.

Mr. SOLOMON. Mr. Speaker, how much time is left on either side?

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair would advise that the gentleman from New York [Mr. SOLOMON] has 4½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 3 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I wish that President Bill Clinton from Arkansas had the same philosophy as the gentleman from Arkansas, Mr. JAY DICKEY, our next speaker, because he is really committed to deficit reduction.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I think it is an important time for me. During my election I was looking forward to this moment that I could come and vote against the debt ceiling. So I am ready to do it. But what I want to say, though, is I am voting against that.

I think those Members who would be voting for it would be voting for Congress and not the American people. So what we have here is that we are voting for ourselves in this body, and I think that is wrong. I think what we have got to do is we have got to think about the American people, think about what they put up with, and what they do and what the American people do in times of debt and when they overspend. And we have got to do the same thing. We cannot ask the American people to do anything different than we do.

We cannot ask the American people to do something for us so that we can enjoy this wonderful body, as it has been called, and so we can enjoy spending money. It is not our money. It is their money. It is their money, and they are entitled for us to take the tough vote.

I am happy to vote against the debt ceiling.

Mr. SOLOMON. Mr. Speaker, I am really pleased to yield time to another one of those Californians who is a freshman Member of this class and who is really committed to deficit reduction.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

The reason I came to Congress was to stop our reliance on debt. But tonight the Democrats tell us we have already approved the spending, and it would be irresponsible not to vote for more debt.

Well, that is like telling an alcoholic, we are alcoholics, so let us vote ourselves another drink.

Let us bring this spending binge to an end. Let us call a halt.

We all campaigned on bringing this Government to live within its means. Let us vote no tonight and let us see who lives up to their campaign pledges. Let us see who votes to stop excessive Government spending and ask this Congress to make the Federal Government live within its means.

I ask for a "no" vote. Let us have no more debt.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the Democrats will tell us that this bill was necessary for the American people, but it is necessary to increase the spending and the power of the Democratic Party.

Each speaker we have heard on the other side of the aisle has been listed as a big spender. Sure, they want us to increase the debt ceiling so they can spend more money.

In 1986, there was a flat tax. We had a Gramm-Rudman that was supposed to control the spending.

In 1990, when President Bush moved his lips, there was a deal to cut spending $3 for every tax dollar to come in. It did not happen.

We need to control it, Mr. Speaker.

Mr. Speaker, I would support a line-item veto for President Bush. I would support a line-item veto for Clinton. And I will support it for President Kemp.

Mr. SOLOMON. Mr. Speaker, I yield the balance of my time to our last speaker, the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

□ 2200

Mr. DREIER. Mr. Speaker, there are a great many people who have been spending time talking about the debt limit issue, but I would like to remind my colleagues we are debating a closed rule. We all know what a closed rule means. It means that Members are prevented from having the opportunity to offer amendments.

Our goal here is very simple. We want to defeat the previous question so that we can make in order the amendment of the gentleman from Texas [Mr. BARTON] to bring about a balanced budget to the U.S. Constitution, and the amendment that was offered here and up in the Committee on Rules by our friend, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON] and a wide range of other freshmen, and he is a very young man, who simply want to bring the opportunity for the President, and we would like to ensure that these Members have a right to have their amendment offered.

As we listened to the testimony upstairs on this issue of the closed rule, it was amazing to hear testimony that came from the chairman the gentleman from Illinois [Mr. ROSTENKOWSKI]. He said, "It is customary for us to have a close rule." He said it was customary because he was simply carrying over the precedent that was set by his predecessor. What has happened, Mr. Speaker, is that the case has been made for business as usual to sustain business as usual.

As one looks at the challenge that the American people have, they do not have an opportunity to simply say when they want to increase the limit on their credit card, that they can do it blindly. What we must do here, Mr. Speaker, is to defeat the previous question so that we can make in order these very, very thoughtful amendments that have been offered by our Republican colleagues.

Mr. MOAKLEY. Mr. Speaker, I would ask if the gentleman from New York has any time remaining.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no matter how many times they say it, to defeat the previous question so these things will be made in order is something that is just not going to happen.

I would like to introduce a real Member who has been fighting for years for a line-item veto, who wants a balanced budget, and who is respected by both sides of the aisle.

Mr. Speaker, if the freshmen want to listen to someone who knows what he is talking about and put it in perspective, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of the rule, and urge the passage of the increase of the debt ceiling.

As one who has been here now for 14 years and has been through this debate many times, I always liken this, and answer my constituents back home by likening this, to going into the best restaurant in west Texas and ordering the finest beefsteak, enjoying it, and then saying, "I am not going to pay for it." That is really what the debt ceiling vote is all about, whether we are going to pay for that amount of government that we have in fact voted and enjoyed.

The true time to determine the debt ceiling will occur after Easter, when we come back and begin considering the appropriation bills and the other things that go into our national debt. Tonight is not the night to do so. Tomorrow those who want to offer line item veto will be offered that opportunity. I agree, and I am glad that the Committee on Rules has allowed the gentleman from New York [Mr. SOLOMON] and Members on this side to offer the line item veto tomorrow under the regular order.

I will oppose that. I have always opposed the pure line-item veto. I do not believe in giving any President one-third plus one veto authority on the works of the Congress. I think it unbalances the balance of power.

With that, I also agree very strongly that those who believe in it, and I respect each and every Member on both sides of the aisle that believe that a one-third super majority or a one-third line-item veto is in order, that they should have their day and have this voted on, and that will happen tomorrow.

I will be supporting the modified line item veto. I think it is a compromise. What we strive for in this body so often is to find the middle ground in which we can coalesce and find 218 votes to move us forward. I believe we have done that over these last several days, as we have had good faith debate, both in the Committee on Rules and in many meetings going on around this body. We have found a middle ground in which we will allow those to vote on the line item veto, one-third override, versus those of us that want majority. We will have that opportunity tomorrow.

We will also have the opportunity for those that want to include taxes in it tomorrow, on the Solomon and Castle amendment, those that want to will be afforded that opportunity, and I think it is very important.

By the same token, however, it is important for us to consider how we move forward in this body in a process that will allow us to move forward and do the responsible things in fiscal matters in this Congress for our courts.

To do that, I believe that the compromise that we have come up with, that I support and I hope 218, both sides of the aisle, will end up supporting tomorrow, will in fact be a process in which this modified line item veto will be voted on here and in the other body, and the regular legislative process will be reported back to this body for final approval before the first appropriation is delivered to the President.

Tomorrow let us pass the modified line item veto. Tonight let us pass the debt ceiling increase. After Easter, let us come back and go to work on the true fiscal matters of this Congress in the regular order.

The SPEAKER pro tempore. All time has expired.

Mr. MOAKLEY. Mr. President, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b)(1) of rule XV, the Chair will reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 244, nays 168, not voting 18, as follows:

[Roll No. 130]

YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Brown (OH)
Fields (TX)
Ford (TN)
Fowler
Henry
LaFalce
Lantos
McCloskey
McCurdy
McDade
Pombo
Quillen
Rahall
Santorum
Smith (TX)
Stokes
Swett
Whitten

□ 2223

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 170, not voting 18, as follows:

[Roll No. 131]

AYES—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen

Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Neal (NC)
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Brown (OH)
Fields (TX)
Ford (TN)
Fowler
Henry
LaFalce
Lantos
McCurdy
McDade
Ortiz
Pombo
Quillen
Rahall
Santorum
Smith (TX)
Stark
Swett
Whitten

☐ 2233

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1578, EXPEDITED RESCISSIONS ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–52) providing for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–53) on the resolution (H. Res. 150) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, earlier this afternoon I was unfortunately detained in my office during rollcall vote No. 129. Had I been present, I would have voted "no."

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 147, I call up the bill (H.R. 1430) to provide for a temporary increase in the public debt limit and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. MURTHA]. Pursuant to House Resolution 147, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

REQUEST FOR GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1430, the bill presently under consideration.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1430, a bill to increase temporarily the statutory limit on the public debt.

H.R. 1430 would increase the debt limit temporarily to $4 trillion 370 billion, through September 30, 1993. After that date, the limit would revert to its current level.

The current limit of $4 trillion 145 billion was set during the 1990 budget summit agreement and was signed into law by President Bush on November 5, 1993. This level of borrowing authority was intended to last into the spring of 1993.

Mr. Speaker, we have just about run out of room under the current limit. On March 18, I received a letter from Secretary of the Treasury, Lloyd Bentsen, informing me that the Treasury Department expects to run out of cash and borrowing authority on April 7. Secretary Bentsen requests, in that letter, that the Congress act quickly to enact legislation to increase the debt limit to $4 trillion 370 billion through September 30, 1993.

Secretary Bentsen emphasized in his letter the importance of enacting a debt limit increase April 7, so that Social Security recipients and others who try to cash the Government checks they receive at the beginning of the month will not be left high and dry. In order to comply with Secretary Bentsen's request and to accommodate the need for timely action, the Committee on Ways and Means favorably reported H.R. 1430 on Monday, March 29.

H.R. 1430 must be enacted if our Federal Government is to function smoothly. If we do not enact it, we run the risk of the Government shutting down. H.R. 1430 is necessary to allow Treasury to pay off maturing debt and replace it with new debt. It is necessary to allow Government contractors to receive timely payment for their work. It is necessary so that beneficiaries of a wide variety of Government programs will receive the checks they are entitled to: Retirees, farmers, the disabled, the unemployed, and the poor.

Mr. Speaker, none of us is proud of the large size of our Federal debt, but we are attentive to the responsibilities of governing. In the budget resolution conference report agreed to yesterday, this House agreed to reduce the deficit of our country by $496 billion over the next 5 years. But, even with these actions, it would be irresponsible to pretend that we don't need to borrow more. It is too late to wish that it were otherwise.

Mr. Speaker, we must pass H.R. 1430. I urge my colleagues to vote for H.R. 1430 so that the many activities of Government can continue smoothly and responsibly.

☐ 2240

Mr. ARCHER. Mr. Speaker, I yield myself as much time as I may consume. I rise in opposition to H.R. 1430, the bill which would raise the Federal debt to nearly $4.4 trillion through September 30.

This action anticipates that our Government will accumulate another $225 billion of debt in just over 6 months. That is about $1.2 billion a day.

If during that 185 days we were to put in place tough mandatory controls on Federal spending—such as a true line-item veto authority and constitutional amendment requiring a balanced budget—voting for a temporary increase might be reasonable.

But we are not going to have a chance to do any of that. We have just been denied the right even to consider such amendments.

That leaves us only with the vote, straight up and down, on extending the resolution increasing the debt limit, so let us clarify what that vote really means—or should mean.

Right now, the statutory debt limit is our only tool which can serve essentially the same role as a constitutional amendment mandating a balanced budget requirement. In fact, that is how it originally was used.

Limiting the amount of debt the Nation owes should put a brake on the propensity of Congress to spend money the Federal Government does not have. But it does not work that way—because Congress puts grease on that brake. The grease is uncontrolled spending—the inability of politicians to just say "no."

The majority in Congress enacts legislation calling for big deficit increases like the recent House-passed $16 billion Democrat deficit spending package that's now in the Senate. Then when we are on the verge of exceeding the debt we are authorized to owe, Congress simply jacks up the debt limit.

And every time the issue comes up, we hear the same tired excuse that we have already spent the money, and we have no choice but to raise the debt limit.

Well it is time to wake up around here. We do have a choice. We can vote "no" when those spending bills come up in the first place.

We can also vote "no" today and force President Clinton and the majority in Congress to get serious about reducing the deficit and holding it in check through a true line-item veto and balanced budget amendment to the Constitution.

Mr. Speaker, we tried to get action on those proposals as part of this process today, but the Democrat leadership said "no."

We have 110 new Members of the House who today will cast their first vote on whether to raise the debt limit—in this case from $4.145 trillion to $4.370 trillion. Those are mindboggling numbers.

I cannot help but wonder how those Members feel. Sure, some of them who voted for the Clinton spending package might feel an obligation to cover their own $16 billion IOU—but they did not have anything to say about the vast bulk of spending that drove the debt so high.

Those who voted against the Clinton spending package had nothing to do with increasing the debt whatsoever. They are like a fellow who walks into a restaurant right at closing time and is told he has to help pay the bill for a feast that somebody else consumed.

If I were a freshman Member of this body being told I had to vote to increase the debt by $225 billion, leaving that obligation to my children and my grandchildren, to cover someone else's spending excesses, I would tell them to go take a hike. Actually, I feel the same way, as a Member with a few terms under his belt, because I did not vote for the spending either.

The new Members ought to be angry about being told they have got to help pay the piper whose song they never requested. What they really ought to be angry about is the fact that the people who are ultimately responsible for that debt are our children and grandchildren—and those who are as yet unborn. That is the real tragedy of what the majority is about to do here tonight.

It is the reason why we have a debt limit—and why we ought to have the collective courage to use it as it was historically and originally intended.

I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the chairman of the Ways and Means Committee for yielding me this time.

I guess I may have some amnesia after listening to the gentleman from Texas. Maybe we did not have a President last year, Mr. Bush, sign a bill that provided for the continuation of Government. Maybe I might also have amnesia because I think the gentleman from Texas supports the super collider superconducter and the space station.

I would imagine some Members on the other side of the aisle, unless I have amnesia, support the continuation and the opening of bases in military districts and wanting to make sure their economy is not hurt.

It is somewhat similiar to an individual who is standing before a judge after killing his parents saying, "I want mercy because I'm an orphan."

This is really a ministerial act. All we are trying to do is continue Government, continue the debt limit so that we can pay Social Security payments, so we can pay military employees, so we can keep Government in operation; but some people want to make a big deal out of nothing.

I have to tell you that it is somewhat annoying, because this is really just a ministerial act. It has no relevance. You are going to have your opportunity in the fall of this year to vote for the issues that count. You are going to have to vote to reduce the budget deficit through the Clinton economic program, but you do not want to face that issue. You want to play games with the debt limit.

So Mr. Speaker, it is my hope that the Members will use common sense, keep government in operation and support this resolution.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume in order to respond to the gentleman from California.

It is not my prerogative nor do I exercise it to attempt to tell Members on the other side how they voted on any specific issues. I am offended by that comment of my colleague, the gentleman from California.

□ 2250

But this is not a ministerial action. This is intended to determine how much debt this country will owe. It is on the books for a purpose. If the majority felt that it was merely ministerial, why not remove it? Why not remove this entire process if it is going to only be a rubber stamp?

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LEVY], a freshman who had nothing to do with the spending increases on a deficit basis.

Mr. LEVY. Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER] for yielding this time to me, and I rise today as a frustrated and somewhat confused Member of the freshman class.

I am wondering, Mr. Speaker, exactly what is going on here. I look across the aisle, and I see classmates in the 103d Congress who call themselves reformers. They spent the last 3 months agonizing over the fact that they do not pay for parking here, that they have special privileges at the airport, and that the number of terms that they can serve here is not limited, and they say we need to shake this place up, that we have to make America great again and that we can do that through reform. Then they come into this Chamber, Mr. Speaker, prepared to authorize our country, as their predecessors always did, to borrow its way out of trouble.

Mr. Speaker, I say that the reform which is proposed by my friends across the aisle is illusory. What happened to the balance budget amendment? What happened to the line item veto? The American people do not care where we park our cars, and they know that if they do not like what we do here, they can remove us from this place every 2 years.

Mr. Speaker, what they do not know is how they are going to pay for the borrowing that this body is about to authorize, and my constituents do not understand, quite frankly, how we can say on Wednesday that we are serious about cutting the deficit, only to return on Thursday to authorize the borrowing of a quarter of a trillion dollars and then to call that a ministerial act.

Mr. Speaker, I call on all of my colleagues, but especially the freshmen with whom I joined this House 3 months ago, to vote no on H.R. 1430.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the respected gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, I would have joined with the mighty majority in voting yes on this resolution this evening, and I so stated publicly when I appeared before the Committee on Rules, and I would have been glad to return to my constituents and explain why I voted in favor of increasing the borrowing capacity of a profligate Congress. I would have said to them. "I voted to increase the debt because the mighty majority granted us the right to debate a line-item veto because the mighty majority saw fit for once in their life to allow us to debate the balanced budget."

For once in their life the mighty majority was going to give us the opportunity to debate deficit reduction in targeted stages for the remainder of the century. We would have gotten something in return to demonstrate to our constituents that indeed we would have taken some step, small though it might be, some step towards sanity, fiscal sanity, in this Chamber. I would have been proud to join the mighty majority in this ministerial act to which the gentleman from California [Mr. MATSUI] referred. I would have been happy to do so because we cannot allow the Government to go unfunded beyond April 7. But they owe it to me, too, as a Member of the minority to allow me to say to my people that we are on the road with certain adjustments made by the mighty majority to allow us to debate controls on the borrowing of money in this Congress, to allow me to give something in return for my vote yes with the mighty majority.

Right now, Mr. Speaker, I am with the mighty minority in voting no. I thank the gentleman from Texas [Mr. ARCHER] for having yielded this time to me.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, to me some of the arguments that I have heard here tonight, and I do not wish to accuse anybody of being hypocritical, but some of the arguments I have heard here tonight bordered on being hypocritical. There are 435 districts across this country, and every one of them has had Government money coming to them during this past year. None of this deficit is Bill Clinton's deficit. None of this stimulus package is even enacted into law yet. This is a specious argument, and the 110 freshmen that are here, they have not been responsible for any of this, but their districts have been recipients of this money that has come in in the past years, and the Social Security recipients, and the veterans benefits, and even the farmers payments, and all the Government checks that came in; all of us are responsible for this budget deficit, and all of us are responsible for this extension, that we have to borrow this money.

I ask my colleagues, "What are you going to do? Vote it down? Vote a balanced budget? Why don't we have a budget to say we are not going to have heart attacks anymore or we're going to cure cancer? Does that cure it?"

We are responsible for this money that we owe, and what is the alternative? I say to my colleagues, "You can vote 'no'. You can vote down this extension. But sooner or later it's going to have to pass, and for people to sit here and say we're not responsible for it and talk about the great majority—I sit on the Appropriations Committee, and I know where the money goes."

Mr. Speaker, I am chairman of the Subcommittee on Military Construction. People on this side of the aisle come to me, and we put projects in for the minority. It is money regardless of how it is spent. If it is for the C-17, the one billion three overrun on the C-17, the B-2 bomber that is made in somebody's district, anything we spend is Government money, and it is borrowed, and we are responsible for it.

So, to sit here tonight and say "Vote no to this debt extension," is, in my view, the height of hypocrisy.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO], another freshman who did not vote for the spending that has been discussed tonight.

Mr. MANZULLO. Mr. Speaker, this is America's most hated credit card. This is the electronic voting card of Members of Congress. It gives the power to Members of Congress to spend taxpayers' hard-earned money that we do not have.

Now today the Democrats are going to artificially create $225 billion that does not exist. My colleagues know they can do the same. It is called, "Act like a Congressman." The rules are that one can promise what is not there, and then spend what does not exist, and then call it a ministerial act.

Well, Mr. Speaker, I do not want to go into the church where that minister preaches, and Members of Congress act as though they own every credit card in the world and then spend over the limit.

But in the real world, Danny's world, taxpayers cannot charge on a credit card over their credit limit. Congress needs to do the same.

Mr. Speaker, I urge my colleagues to defeat the vote on increasing the debt limit.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker and Members, that card might be dreaded by the American public, but what actually provides for the money to go out is this pen. This is a Presidential pen that signs the legislation that actually expends the money, and it seems to me that in 1984, under President Reagan, we had almost 70 Republicans voting for the debt limit increase because at that point the question was: "Will you support the President's position?" At that point it was OK to vote for the debt limit increase.

In 1987, again under President Reagan we increased the debt. I will give my colleagues the actual figure: under the 1987 bill almost 100 Republicans voted to increase that debt limit to over $2.1 trillion. But that was OK. It was this pen that provided that debt, and the Republicans were willing to pay for it.

In 1989, Mr. Speaker, again we increased the debt, and 93 Republicans voted to increase it, and in fact on the floor of the House one of the Republican ranking Members indicated, and I quote,

> I realize that voting to increase our debt authority to such a staggering amount is difficult for many Members. Certainly it is for me.
>
> However, the consequences of not enacting this legislation tonight are even more staggering. Treasury needs new authority by tomorrow to fulfill the obligations of the Government. Default would strike a devastating blow to the country's premier credit rating.

□ 2300

That statement was given to us in 1989 by the ranking member of the Committee on Ways and means, the gentleman from Texas [Mr. ARCHER]. And do you know what the difference is between that day in 1989 and tonight? The difference is nothing. The same consequences will occur. However, there are those in this body who would like to blame this deficit on President Clinton. Well, you cannot blame it on him after 3 months.

When I was first elected in 1984 one of the first votes I had to cast was to increase the debt. That was because of the commitments my predecessors made. I looked at it. It was a hard vote. I had decided that we could not grind this Government to a halt. It was essential that we provided continuity.

For the 110 new Members here, I ask you to look at this issue the same way I did in 1984. Maybe we can do something about it tomorrow. But the party is over, the bill has been presented, the Presidential pen has been used, and today is the time to take the responsible position and vote for the increase. Tomorrow let us work on rescission, and in the ensuing days on the appropriations bills, and stop the madness. But the party is over, the bill is due.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], the gentleman who has taken the lead in pushing for a constitutional amendment for a balanced budget.

Mr. BARTON of Texas. Mr. Speaker, let us have a little truth in advertising here. Let us talk about why we should really vote "no" on this temporary debt ceiling increase.

There are Members on both sides of the aisle that have a sincere concern about the exploding debt, and I respect that. This is the only bill that will have to be acted on by the Senate. The Senate will have to act on the debt ceiling increase.

Now, tomorrow there are going to be some votes on enhanced rescission packages and there are going to be some votes on the line-item veto. Those are well meaning efforts.

I would point out that in the other body those bills, if passed, do not have to be brought up. One Senator can put a hold on any bill. Any Senator that wants to organize a filibuster, it takes 60 Senators to invoke cloture.

The only vote that we are going to have to send to the Senate, the other body, that they are going to have to vote on, is the debt ceiling. Until we do something to have real process reform, we are simply not going to reduce spending.

The only true process reform that will require a comprehensive review is a balanced budget amendment. The gentleman from Louisiana [Mr. TAUZIN] and myself have the anti-tax limitation balanced budget amendment. The gentleman from Texas [Mr. STENHOLM] and Mr. SMITH have the same amendment without the tax limitation provision. We hope to get those up. We wanted to get those up today. The Committee on Rules did not make that in order.

We should vote "no" on this debt ceiling increase, go back to the Committee on Rules and get an amendment, and get a rule that allows the balanced budget amendment to be voted on. We should then send the entire package to the other body. Then, and only then, will we have the process reform that reduces the debt over time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, President Clinton has come up with a responsible program to address the deficit and the economic issues facing this country. After 12 years of unquenchable spending by the Congress and the administration, he has introduced a tough plan to cut spending; yes, to raise some revenues to address the deficit issue. It is going to take some tough votes, there is no doubt about it. But we are going to go home this week, and on April 7, if we do not pass this, the Government is going to go broke.

Now, we all make a lot of money and we are going to get by. We will get by. But you tell next Wednesday the Social Security recipients in your district why they did not get paid. You tell the meat inspectors in your district why they are not getting paid. You tell the veterans in your district why they are not getting their paycheck. You tell those on unemployment benefits why they are not getting paid. Tell that to your farmers that get commodity payments. The construction season is beginning now and the road building in Oregon and throughout this country, you tell those contractors why they have got to stop working and building the roads and bridges in this country. Go out there and tell the Federal prosecutors who are trying to prosecute the criminals in this country why they are not going to get paid.

Mr. Speaker, that is what is going to happen. The practical effect, if you do not vote for this, is that the Government is going to shut down.

Mr. Speaker, Members can take the irresponsible action and vote "no," or they can take the responsible approach and vote "yes." I hope about 6 weeks from now, those of you if you are really concerned about reducing the deficit will have the political courage to raise the revenues that are necessary, to vote "yes" on those spending bills that will reduce spending.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is regrettable, and I know you do not want to do it. I mean, I know you do not want to raise the debt on the American people to $4.3 trillion, but I know you owe it to them, Mr. Speaker. You have got to do it.

I know, Mr. Speaker, later this fall when we vote on that important package to save America, $328 billion of taxes on the working people of America, you do not want to do it. But you owe it to them, Mr. Speaker. You have just got to.

I know, Mr. Speaker, later when we vote on this great economic incentive package, craftily devised for the American working man and woman, that are going to build swimming pools and golf courses from Puerto Rico to Washington, DC, you do not want to do it. But you owe it to them, Mr. Speaker.

Oh, yes, we are united in this together. We want to do the right thing for America. We want to tax them. We want to raise their debts. We want to build projects they do not want.

Yes, Mr. Speaker, we know you do not want to do it. You owe it to America to join hands with your friends on this side of the aisle and do what is right for America's future: Raise the debt on our kids, take away their chances for jobs, and raise the debt one more time.

I know, Mr. Speaker, what is really regrettable. You are saying, "Baker just doesn't understand." And you are right.

You know, I have looked at every classical economic theory, Keynesian economic theory, supply-side economic theory. Oh, yes, my friends, I have even looked at Marxist economic theory. And I cannot find one that says raising taxes is good for economic growth.

You know what it says? It slows it down. It takes away jobs. It puts people out of work.

So what are we gong to do tonight? We are going to raise the debt ceiling, because we owe it to America, Mr. Speaker. It is the right thing to do.

Let us join hands, let us put our kids in debt, and not listen to the working men of America.

A guy back home said, "BAKER, you know, I work in the cold mud in the Louisiana swamp. And in the summer it is hot and the mosquitoes bite me. And I get paid seven bucks an hour. And I don't know who FICA is, but I'm tired of him taking my money. And when you go back up there, I want you to remember one thing: We got to stop the spending, we got to stop the taxing, and we got to stop getting in debt."

Mr. Speaker, it is regrettable if we do not stop it tonight.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. REYNOLDS].

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, let me pose a question to the gentleman from Illinois [Mr. REYNOLDS]. Is the gentleman from Illinois aware that the gentleman who just spoke, the gentleman from Louisiana [Mr. BAKER], in 1987 under the Reagan administration voted to increase the debt of this country from $2.1 to $2.8 trillion? Does the gentleman know that?

Mr. REYNOLDS. Mr. Speaker, as a freshman, I was not aware of that.

Mr. Speaker, I rise to admit first of all that I do not even know what Keynesian economics is. The fact of the matter is that I find it absolutely hypocritical to stand in this well and talk about debt raising and all the problems we are having with the debt, and trying to take advantage of a situation and blame it on our President, after your President, your last two Presidents, caused this great debt.

For my distinguished colleague, the freshman who rose a moment ago and talked about since he has been here agonizing over not having to pay for his parking, if the gentleman is agonizing about not paying for parking, pay for it.

Mr. Speaker, there are some things in this country that Americans every day, average Americans, are agonizing about, and it is not parking. They are agonizing about a Government that has Members that stall all day so we can be here until 11 o'clock at night.

□ 2310

They are agonizing about that. Let us get down to business and let us show the American people that gridlock is over. Let us show some leadership.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, this is just amazing. This is absolutely amazing.

If I may steal an analogy that was used earlier by the gentleman from Texas [Mr. STENHOLM], he was telling us that raising the debt ceiling is like going out to this wonderful restaurant in west Texas, and boy, they have got some good ones, and ordering beefsteak, which always happens to be the most expensive item on the menu, and then not paying for it.

Well, I say "You don't have to order the beefsteak in the first place. If you ain't got the money for it, only order hamburger."

All those that are voting to raise the debt ceiling tonight, and it amazes me that they think the American people think that Ronald Reagan did it all. And it is making us tonight vote to raise the debt ceiling. Poor old Ronald

Reagan. He gets blamed for everything, and this place that is controlled by the Democrats and has been for over 40 years, they do not do anything.

Let me tell you what we are doing here tonight. You are ordering beefsteak, and you have already ordered it. And you have eaten it, and you have given them your credit card. And then you found out that you are over your credit limit. But because you do not have a constitutional amendment that says you have got to live within your credit limit, you are just going to raise it arbitrarily so that you can continue your spending habits. And you say it is hypocritical.

Let me tell my colleagues something, the vast majority of this side do not vote for these spending programs and have not been voting for them for years. You are the guys that are voting for the spending programs. And there ain't no gridlock. There ain't no gridlock because you are in control. You are doing it all, except the only problem is, by voting to raise the debt ceiling tonight, you are telling the American people you want more beefsteak while they are eating chitlins.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, my good friend, the gentleman from Texas, who is on my committee, on the Subcommittee on Military Construction, to say that we order all the beefsteak, let me just point out a couple things here.

I voted for them because we were in the running for the super collider. We thought it was a good program. The super collider is a very, very expensive beefsteak. The super collider is tremendously expensive. The space station, very, very expensive.

When we are talking about good cuts of meat, the super collider is a pretty good prime cut. Also, the space station is a pretty good prime cut. The B-2 is a pretty good prime cut, which my friend, the gentleman from Texas, voted for. The C-17 program, and I could go on and on.

I support these programs, too. But to say that we on this side have been responsible for accumulating all this debt, let me just ask the gentleman from Texas one question:

Can we spend one dime that we are appropriating unless the President of the United States signs the appropriations bill? Just answer yes or no.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, am I restricted to a yes or no?

Mr. HEFNER. Mr. Speaker, I want that answer first and then the gentleman can expound.

Mr. DELAY. Mr. Speaker, if the gentleman will ask the question again.

Mr. HEFNER. I will ask the question again. I will do it real slow.

Can the United States Congress spend one penny of appropriated money unless the President of the United States, regardless of who he is, signs the appropriations bills? Yes or no?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, yes. Sure.

Mr. HEFNER. How?

Mr. DELAY. Mr. Speaker, I want to pull out the Constitution and show it to the gentleman again. If he does not want to sign it, it becomes law. Or if he does, if he vetoes it, then this Congress can override it. But here is the Constitution. The gentleman ought to read it.

Mr. HEFNER. Mr. Speaker, the President did not veto one single appropriations bill because of costs.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, as a point of information to my colleagues, let me indicate that in 1987, when President Reagan asked for a beefsteak debt limit increase from $2.1 to $2.8 trillion, the gentleman who just spoke, the gentleman from Texas [Mr. DELAY] voted for the beefsteak increase to $2.8 trillion.

Mr. ARCHER. Mr. Speaker, I yield 10 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would ask the gentleman if beefsteak is voting against our troops and turning our backs on our troops in Desert Storm?

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise tonight out of a sense of extreme disappointment with my freshman colleagues on the other side of the aisle.

I would like to remind the Speaker that 110 new Members of Congress were brought to this Congress, were elected by the American people, with a tremendous amount of hope, a tremendous amount of fervor, a tremendous amount of sense that maybe, just maybe it was possible that we were going to get serious about reform, that possibly there was going to be some idealism, some vigor, some commitment to change.

And what has happened to those freshman on the other side of the aisle? I will tell my colleagues what has happened. Every single bit of vigor for that reform has been whipped out of them by their own leadership. And not one of them, I must say that, frankly, it is a good sign that not one of them would speak on the rule before this because they were so embarrassed by it.

Why were they embarrassed? Because their own freshman colleagues went to the Committee on Rules to ask for a rule to be able to vote on a line-item veto or an enhanced rescission. And were they given permission? Where they given permission by their own Democratic leadership? No, they were not. Because the same leadership that whipped them out of going into Omaha, the same leadership that whipped them from voting against the select committees, the same leadership that has whipped them into an impotent and watered-down reform package, whipped them, now, tonight into voting for the rule that does not allow any amendments.

Mr. Speaker, I am very disappointed with my colleagues. I hope, I hope that maybe they will come around and realize that it is not the Democrat leadership that they belong to. What it is they belong to is the people of the United States of America who elected them, believing that reform would maybe happen with their help.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Speaker, this is a new Member, a new Member who honors his debts.

I would ask the gentlemen on the other side of the aisle tomorrow to go to the rotunda and to take their personal statements that they have filed in the House and to hang them up before the press and their liabilities on their personal statements. Say to the press that they repudiate them, that they repudiate their personal debts.

I challenge them.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, on the eve of the Revolutionary War, one of our great Founding Fathers, Dr. James Warren, who at that time was the president of the Massachusetts Congress, spoke to his fellow Americans.

□ 2320

I think his words on that occasion are very appropriate tonight. He said:

> Our country is in grave danger, but not to be despaired of. On you depend the fortunes of America. You are to decide the important questions upon which rest the happiness and liberty of millions yet unborn. Act worthy of yourselves.

Mr. Speaker, the question for this Congress tonight is whether or not we are prepared to act responsibly, whether or not we are prepared to act worthy of ourselves, ready to do what must be done to ensure the liberty and the happiness, not only of ourselves, but of our children and our grandchildren.

I for one am going to refuse to mortgage our children's future. I for one am prepared to vote no on raising the debt limit. Let me say this to the Members on the other side of the aisle. I and every new freshman Republican in this

Congress have not voted to raise the debt on our children and on our grandchildren, and we will not tonight.

I challenge the freshman Democrats in their first vote to remember their children. Remember their children's children. Are they really prepared tonight to act responsibly, or are they going to pile billions and billions of more debt on their children and on their grandchildren?

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, one of the greatest mistakes that any politician can make in this town is to believe his own baloney. I would like to cut through the baloney and simply give the Members a few bipartisan facts.

The fact is that since 1976, to answer the question of the gentleman from North Carolina [Mr. HEFNER], since 1976 Congress has appropriated $64.8 billion less than the money requested by Presidents during that same period. The Congress appropriated $36 billion less than was requested by President Carter, $16 billion less than was requested by President Reagan, $12.7 billion less than was requested by President Bush, a total of $28.8 billion less than was requested by Reagan and Bush.

As chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I received three letters 3 years in a row from Presidents Reagan and Bush threatening to veto the foreign aid appropriation bill because they said we cut their foreign aid budgets too deeply.

The facts are that you can make all the partisan games you want to out of this. You can make all the institutional games you want to out of this. But in the end, whether we are Republicans or whether we are Democrats, whether we are the President or whether we are a Member of Congress, we owe the money and we ought to pay our bills. That is what the gentleman from Illinois [Mr. ROSTENKOWSKI] is trying to get done tonight.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the fellows on the other side of the aisle know a lot about slicing baloney, all right. It is baloney any way we slice it. The debt did increase substantially under Ronald Reagan. What I want to ask is, would the debt have been bigger had Ronald Reagan not been elected?

We keep hearing about the debt that was increasing under Ronald Reagan. Had the economic trends continued as they were before Ronald Reagan's election, the debt would have been much higher much sooner, and the Members all know it. They cannot convince the American people that they are not for spending more money. We fight them each day trying to get parking lots and fishing catalogs out of the budget, and we get turned down.

What we have to also ask is how did the debt increase under Ronald Reagan? Who was in control of this body? We hear people come to this platform talking about the loophole of the 1980's. The American people have to understand, every tax bill that passes starts in this body, and the same liberal Democrats who control this body today controlled this body during the Reagan administration.

There is all this talk about gridlock. Well, excuse me. This reminds me of the politician who stepped forward and said, "Under my opposition the country was brought right to the edge of a great abyss, but now that I have been elected, I have the country moving forward again."

Let me tell the Members something. We are moving forward, all right. We are moving forward out of gridlock, and the way they are taxing and spending is going to take our country over an economic abyss. Our people are going to be suffering more than they have suffered since the Great Depression.

Do not tell us that we should vote against something that we really believe is absolutely necessary when we have so much nonsense in this budget that we keep struggling to get out of the budget. And the American people understand it is nonsense, and that when we try, when we try, they throw up things that are absolutely necessary for the security of the United States of America.

Yes; we do have to vote for that sometimes, and perhaps President Reagan did ask for that. However, the American people are not fooled about who the big spenders and who the big taxers are in this House.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], a freshman Member.

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise tonight to speak against increasing the debt limit and in favor of a genuine line-item veto.

We now have a Democrat in the White House. Low and behold, President Clinton asked for a line-item veto during the campaign. He knew that, when he was Governor of Arkansas, he used a line-item veto to cut spending.

Some people ask, why did the Founding Fathers not include a line-item veto in the original Constitution? The answer is direct: Congress did not lump together unrelated spending bills in the first sessions of Congress. When it wanted to spend money, Congress passed a bill on a single expenditure. Thus any President in the early years of our Republic had the equivalent power of a line-item veto. Only in later years when Congress began lumping unrelated expenditures together, did the need arise for a line-item veto.

People throughout our country are saying over and over, "cut spending first."

Before the Congress votes to increase the national debt again, give the President, a Democrat, the power that he asked for. Give the President a genuine line-item veto. Give him the power to cut unnecessary spending, and bring the deficit under control.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, there is an old saying: "If it ain't broke, don't fix it."

Well once again, Congress seems to have things backward. We have a Government that is broke, and because of the rules, we ain't gonna fix it.

Here we are again, waiting until the cover of night, to once again vote to put the American people and our children deeper into debt.

But are the Democrats who control this House taking this seriously?

The answer is "No."

I've heard a lot about the past, and the scare tactics of no Social Security. The 110 freshmen who were elected were elected not to do the status quo, but to make some changes.

We could act to real change here tonight. We could begin to fix the system by passing the line-item veto.

Forty-three Governors have the line-item veto, Governor Clinton had the line-item veto. And now, President Clinton wants the line-item veto.

We have heard a lot about gridlock being over. Well, it looks tonight like gridlock is back. And, it is the Democrats, not the Republicans who are keeping the President from getting the line-item veto he wants.

Mr. Speaker, enough is enough. We should not put the American people even a penny deeper in debt until we show we are serious about fixing the problem.

I urge my colleagues to defeat this measure, and reject any attempt to raise the debt limit until we also get some serious budget reforms.

Mr. ARCHER. Mr. Speaker, I yield myself 1 minute.

As I have listened to this debate, I wonder why we go through this process every year or so. If the Democrat majority simply wants to rubber stamp their spending and tax program and the debt created by it, why do they not introduce a resolution to abolish the debt procedure completely?

□ 2330

It is a statute, it is not a constitution. If all it is is ministerial, why do you not just step forward and tell the American people you do not care about the debt ceiling?

But you do not have the courage to do that because you know the American people do care about the debt ceiling. So you simply come in here and say, "We got to do it, we got to do it." I think that is a bit of hypocrisy.

This can be meaningful. Increased indebtedness will occur between now and September 30 that we could stop with additional spending cuts. We have that power. We do not need to leave additional debt to our children and to their children.

But you do not talk about that.

In a short time a motion to recommit will be offered and you will have a chance to at least talk about the debt increase between now and September 30.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

DEATH OF THE HONORABLE FRED SCHWENGEL

Mr. LEACH. Colleagues, I have the sad duty this evening to announce the death of a former colleague, and predecessor of mine in this body, a very dear friend, the Honorable Fred Schwengel.

Many of you know Fred personally. Many of you do not. I would inform the freshman Members that Fred served about 20 years and when he left this body he founded the Capitol Historical Society. He was a history teacher. There is literally no Member that has ever served here who loved this Congress and history more than Fred Schwengel.

One of the things he did and for which all of us are grateful is, he gave more historical tours of this building than anyone in its history. He would stand in this well when Congress was not in session, and he would tell people from all walks of life that only 10,000 people had ever served in the House of Representatives.

He was guided, he noted, as a Member, by three principles. One was to respond to his conscience. One was to represent his constituents. And the third one was to never do anything that reflected unfavorably on this body. As I think of recent weeks of turmoil here, I am reminded of what a great role model for all of us that he was, a man of conscience from whom we could all learn.

Fred was truly one of the great men that ever served here.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I am honored to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I am sorry to hear that Fred passed away about a couple of hours ago. I knew he was very ill the last few days.

When I first came here Fred was here. He was an absolute model of integrity. He was a person who was very interested in history of all kinds, but especially in the history of the Capitol.

He found there was a great void, there was virtually no history of the Capitol recorded, and he started trying to do something about that. He even found where the old bakery was down in the southeast corner, back in the corner, and it had been there for 100 years, and people had sealed it off and they did not even know where it was. He knew how to investigate and to find those kinds of things. And he is responsible for a lot of the refurbishing of the paintings that are in the halls around here. And he started the historical society, and he truly was a person that cared a great deal about this country and about this Capitol.

Mr. GRANDY. Mr. Speaker, will the gentleman yield?

Mr. LEACH. Of course I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Speaker, I would just echo my friend from Des Moines and say that although the gentleman from Iowa, Mr. Schwengel, was the predecessor of Mr. LEACH in this body, he was my constituent. He was born in my district.

I would just say that this body has had many speakers but only one spokesman, one person who cared enough about this institution to chronicle its history from the beginning to the present day, and that was Fred Schwengel. And we were all enriched by his dedication to the legacy and detail of this House. And anyone who was lucky enough to have a group of constituents to go through a tour of this House and have Fred Schwengel conduct that tour knows what I am talking about.

We are all orphaned by his loss, not because he was a Member of Congress from Iowa, but because he was a Member of the U.S. Congress that cared enough about Congress to continue the history of this body. I am sorry to announce that he is gone. But I hope particularly all of the new Members of this body will spend some time learning a little bit about what Fred Schwengel did for this institution because he is our greatest spokesman.

I mourn his loss, but I will not grieve him because he was a great credit to this House, and wherever he is now, and I assume he is in heaven, he is probably forming the Celestial Historical Society right now to chronicle the history of heaven. And when we get there we will all be enriched by the fact that Fred Schwengel got there before us.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. LEACH. Of course I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I was privileged to serve for over 25 years on the U.S. Capitol Historical Society Board, on the executive committee and to serve with Fred. I can attest firsthand to his dedication to this Capitol, and the Capitol complex.

He was a visionary. He was a historian and a great patriot.

I would hope that Members of this body would become more familiar with the U.S. Capitol Historical Society and realize what it means to us as Members, and in turn we will have a greater appreciation of the life of Fred Schwengel.

Mr. LEACH. I thank the gentleman for his comments.

Mr. Speaker, before I conclude I would just say that as chairman of the Capitol Historical Society Fred Schwengel produced a book called We the People, which is the largest selling history book in the history of the world.

I have only heard in my lifetime, and I represent his district, one complaint about Fred Schwengel. I will never forget it. A farmer said to me, "Young man, you want to represent this district? I hope you're not like Fred Schwengel." And I said, "Why is that?" And he said, "Once I said to Mr. Schwengel that there is a problem about the price of corn. What are you going to do about it? And he responded, 'Why, back in Lincoln's time, this is what happened.'"

In other words, this Representative learned from and reasoned history. In an era when everybody seems to put their finger in the wind at the latest poll, Fred Schwengel was a historian, providing the kind of perspective that makes a great society greater.

I'm sure I speak for the whole body in expressing our sympathies to his family, especially his wife Ethel, as we join them in mourning the loss of Congress' greatest friend, Fred Schwengel of Iowa.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 147, the previous question is ordered.

The text of the bill, H.R. 1430, is as follows:

H.R. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on September 30, 1993, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,370,000,000,000.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

MOTION TO RECOMMIT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GINGRICH. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GINGRICH moves to recommit the bill H.R. 1430 to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment:

"On page 2, line 2, strike "$4,370,000,000,000" and insert "$4,356,000,000,000"."

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes in support of his motion to recommit.

Mr. GINGRICH. Mr. Speaker, let me say to my colleagues that this opportunity to recommit expresses the difference between the budget that the gentleman from Ohio [Mr. KASICH] and the House Republicans offered, and the budget which the Democratic Party offered.

This $14 billion would not have to be borrowed if in fact we focused on cutting spending, and if we did not increase spending in this period $14 billion.

Now let me say first of all it is fascinating that in recent polls in the Washington Post, hardly a rightwing publication, 76 percent of the American people said they wanted more spending cuts.

□ 2340

Sixty-nine percent said they opposed middle-class tax increases.

What does $14 billion in extra deficits translate into? Well, if an approximately $5,000 per family in income taxes is the average, that means that 2,400,000 families would not have to pay income tax for 1 year. That is, for 11 districts, and I say this particularly to those who represent some of the poorer districts in America, in 11 districts, no average family would have to pay any tax. That is how big a difference $14 billion in unnecessary borrowing is.

Let me put it in a different way. Considering that reconciliation will be coming down the road in the near future, if we simply avoided the additional $14 billion, that would represent the entire Social Security tax increase on senior citizens for the next 3 years; that is, you would not have to raise taxes on senior citizens whose only crime is that they saved during their working years for the next 3 years, or you could eliminate the first 2 years of the energy tax. You would not have to raise taxes on citizens who have to light their house or air condition their house or heat their house or on people who go to work and have to drive and use energy to get to work. Literally for 2 years you would not have to raise an energy tax.

Or if you wanted to pledge yourself to come back next year and be equally frugal, you could eliminate this year the tax on senior citizens, the tax on energy, and any tax increase on small business and family farms.

Now, I think votes matter. I think if the House tonight were to agree to this motion to recommit, and I shall ask for a vote on it, if the House would agree to cut by $14 billion the amount that we are going to increase borrowing, that would be a signal to the Committee on Ways and Means and the rest that when they deal with reconciliation there should be $14 billion less in spending and less in borrowing, and that we would have earned the right as a House to not raise the tax on senior citizens, to not raise the tax on family farms and small business, to not raise the tax on energy used by every American family.

So I hope that every Member will join me in voting to recommit and to lower the debt ceiling by $14 billion by adopting the principle of frugality in spending that the gentleman from Ohio [Mr. KASICH] and the House Republican budget offered.

The SPEAKER pro tempore (Mr. MURTHA). The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI] for 5 minutes in opposition to the motion to recommit.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong opposition to the motion to recommit H.R. 1430.

Mr. Speaker, we have no choice about raising the debt limit. We must do so. The Federal Government has made commitments, and we must honor them.

We have promised the elderly their Social Security benefits and Medicare Payments. We have promised farmer price supports and crop insurance. We have promised the unemployed the necessary support to tide them over while they try to find new jobs. We have promised those from whom we have previously borrowed that we will pay them interest. We have promised contractors who have agreed to provide services to the Government that they will be paid promptly for their work. This list could go on and on.

It is unthinkable that the Federal Government would default on all these promises and let our people down. But, if we do not increase the debt limit by April 7, that is exactly what will happen.

The gentleman's motion to recommit would have us raise the debt limit to an amount less than the administration has requested and less than is necessary to get us through this fiscal year.

Mr. Speaker, I strongly urge my colleagues to vote against the motion to recommit H.R. 1430 to the Committee on Ways and Means. We must honor our commitments. We must borrow to do so. We need a higher statutory debt limit soon in order to pay for spending we have already done and commitments we have already made. It is simply too late to do anything else.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore, announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 245, not voting 17, as follows:

[Roll No. 132]

AYES—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick

Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Brown (OH)
Fields (TX)
Ford (TN)
Fowler
Henry
LaFalce
Lantos
McCurdy
McDade
Michel
Pombo
Quillen
Rahall
Santorum
Smith (TX)
Swett
Whitten

□ 0002

Mr. CLINGER changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 177, not voting 16, as follows:

[Roll No. 133]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Neal (NC)
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Brown (OH)
Fields (TX)
Ford (TN)
Fowler
Henry
LaFalce
Lantos
McCurdy
McDade
Michel
Pombo
Quillen
Rahall
Smith (TX)
Swett
Whitten

□ 0019

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 0020

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 1, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 8:00 p.m. on Thursday, April 1, 1993, said to contain a message from the President whereby he transmits the "Comprehensive Child Immunization Act of 1993".

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, on rollcalls that occurred during my leave of absence on account of illness in the family, I would have voted "yes" on rollcalls 128 through 131 and on 133 and "no" on rollcall 132.

COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Comprehensive Child Immunization Act of 1993". Also transmitted is a section-by-section analysis.

This legislation launches a new partnership among parents and guardians; health care providers; vaccine manufacturers; and Federal, State, and local governments to protect our Nation's children from the deadly onslaught of infectious diseases. The legislation is a comprehensive initiative to remove existing barriers to immunization. It will ensure that all children in the United States are immunized against vaccine-preventable diseases by their second birthday. Because of the importance of this initiative to the health of our children, I am transmitting this legislation in advance of my proposal for comprehensive reform of the Nation's health care system, which I expect to submit to the Congress in May.

Beginning in fiscal year 1995, the bill would authorize the Secretary of Health and Human Services to purchase and provide childhood vaccines in quantities sufficient to meet the immunization needs of children in the United States. It would also institute a national immunization tracking system through grants to the States to establish State immunization registries. In addition, the bill contains provisions to ensure that the National Vaccine Injury Compensation Program, an essential link in our Nation's immunization system, remains operational. Funding for the program of vaccine purchase and distribution will be identified in my legislation for broad-based reform of the national health care system and made available beginning in fiscal year 1995 from the Comprehensive Child Immunization Account in the United States Treasury.

Immunizations are cost-effective. For example, the measles vaccine saves over $10 in health care costs for every $1 invested in prevention. We know that children are most vulnerable before their second birthday and that approximately 80 percent of vaccine doses should be given before then. Many children, however, do not receive even their basic immunizations by that age. We must remove the financial barriers to immunization that impede children from being vaccinated on time, and facilitate development of a national tracking system to ensure children are immunized at the earliest appropriate age.

The problem posed by soaring vaccine costs is exacerbated by a deteriorating immunization infrastructure. This legislation continues the rebuilding of our capacity to deliver vaccines and educate parents started in my economic stimulus package.

This proposal would direct the Secretary to purchase and provide vaccine without charge to health care providers who serve children and are located in a State that participates in the State registry grant program. In nonparticipating States, free vaccine would be distributed to Federal health care centers and providers, including those serving Indian populations. Health care providers could not charge patients for the cost of the vaccine. They could, however, impose a fee for its administration, unless such a fee would result in the denial of vaccine to someone unable to pay. The authority of the Secretary established under this legislation, to purchase and provide vaccines, shall cease to be in effect beginning on such date as may be specified in a Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

In addition, the bill would provide for a collaborative Federal and State effort to track the immunization status of the Nation's children. It would authorize the Secretary to make grants to States to establish and operate State immunization registries containing specific information for each child in the State. Entering infant birth and immunization data into registries will enable identification of children who need vaccinations and will help parents and providers ensure that children are appropriately immunized.

A keystone of the Nation's vaccine immunization effort is the National Vaccine Injury Compensation Program. This legislation would authorize payments from the Vaccine Injury Compensation Trust Fund for compensable injuries from vaccines administered on or after October 1, 1992, and would reinstate and permanently extend the vaccine excise tax.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1993.*

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I know Members are interested in what will happen tomorrow and the balance of the week. The only thing we can say on this side is that the House will meet tomorrow at 11 o'clock to consider the rule on enhanced rescission and the bill. We will have to discuss at that time with Members the proceedings for the rest of the period of next week.

There are obviously concerns of Members about their personal schedules. I would assume that we will have to give Members some advice day by day as to where we think things are placing us. Much depends, of course, on the actions of the other body.

So I can only say at this hour, we wish you a good night's sleep. I think the House can take some satisfaction, at least we respectfully do on this side, with work well done, and we hope that tomorrow we can continue that. At that time we hope to have some colloquy with our colleagues.

URGING THE SENATE TO SUPPORT THE PRESIDENT'S ECONOMIC PLAN

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. MCKINNEY. Mr. Speaker, last week the President came to my State of Georgia to promote his economic plan.

I am pleased to say that he received a warm southern welcome.

I'm proud to announce that Governor Zell Miller announced a statement in support of the President's economic package by the Georgia coalition to enact the President's economic plan. The coalition consists of business, labor, and political leaders from around the State who believe the President's plan is necessary for the United States to shift from debt and consumption to savings and investment, without short-circuiting the current economic recovery. The coalition supports the President's plan to reduce the deficit, invest in our productive capacity, and stimulate the econnomy.

I'm pleased that we are about to embark on a New Vision for America that will put Americans first and back to work.

GOVERNOR MILLER ANNOUNCES COALITION IN SUPPORT OF THE PRESIDENT'S ECONOMIC PLAN

ATLANTA.—Governor Zell Miller today announced that a Georgia Coalition to Enact the President's Economic Plan has issued a statement in support of President Clinton's package to build the foundation for long-term growth in the American economy.

The coalition consists of business, labor, and political leaders from around the State who believe the President's plan is necessary for the United States to shift from debt and consumption to savings and investment, without short-circuiting the current economic recovery. The coalition supports the President's plan to reduce the deficit, invest in our productive capacity and stimulate the economy.

A copy of the coalition's statement is attached, along with a list of the coalition's membership.

STATEMENT OF THE GEORGIA COALITION TO ENACT THE PRESIDENT'S ECONOMIC PLAN

America stands today at a crossroads. We can retreat into gridlock and condemn future generations to a diminished quality of life—or we can act now and regain the momentum that made the U.S. the world's great economic power in the past.

We support the President's economic package because it's the only plan available that steps boldly through that crossroads and begins building the foundation for long-term economic growth.

We all know the basic problem with our economy, and the basic solution: To shift from debt and consumption to savings and investment, without short-circuiting the current economic recovery. The President's plan is designed to do just that.

It begins by reducing the deficit, a step that also reduces the capital we pour down the rat-hole of interest payments on the national debt.

It then invests in our productive capacity, by focusing on infrastructure, education, training, and childhood health and nutrition—spending only on those programs that we know pay for themselves many times over.

The so-called stimulus package simply begins these critical investments in our physical and human capital early enough to have a positive effect on the ongoing economic recovery.

Before it's over, the Clinton Administration's economic plan will also include a first-ever effort to rein in health care costs, the single largest contributor to public debt and the rising cost of doing business, especially for small enterprises.

The overall thrust of the plan is entirely consistent with what Bill Clinton promised the American people last year: to reduce the deficit, invest in our people and our communities, and call on all of us as citizens to sacrifice for the common good, with the major sacrifices coming from those who most benefitted from the carnival of consumption of the 1980s.

We would especially note those portions of the President's plan aimed at ending welfare as we know it and helping the working poor make ends meet. From the wealthiest corporate executive to the poorest welfare recipient, the President asks every American to work hard and contribute what they can.

No one, including the President himself, agrees with all elements of this package in every detail. But this is clearly a case where the whole is much greater than the sum of its parts. Every signal from the financial markets indicates that enactment of this package would restore confidence in the American economy, while its failure would doom us to short-term stagnation and long-term decline.

To those who in good faith have ideas for improving the Clinton package, especially by identifying additional budget cuts that are consistent with the plan's overall economic thrust, we join the President in welcoming their suggestions.

Once the refinements are in place, however, we hope all Americans can unite behind this plan and get to work on restoring our country to its rightful position in the world economy.

THE GEORGIA COALITION TO ENACT THE PRESIDENT'S ECONOMIC PLAN

Governor Zell Miller.

Maynard Jackson, Mayor of Atlanta.

Frank Martin, Mayor of Columbus, Georgia.

Tommy Olmstead, Mayor of Macon, Georgia.

Joe Mack Wilson, Mayor of Marietta, Georgia.

Tracy Stallings, Mayor of Carrollton, Georgia.

Michael Lomax, Chairman, Fulton County Commission.

Robert D. Carl, III, CEO, Health Images, Inc.

J.C. Cole, CEO, Equitele.

Peter Conlon, President, Concerts/Southern Promotions.

I. Owen Funderburg, CEO Ret. Citizens Trust Bank.

Jeanette Garrison, CEO, Healthmaster, Inc.

John V. Herndon, CEO, Theragenics Corporation.

Blaine Kelley, Jr., CEO, The Landmarks Group.

Terry Dornbush, Chairman, The Dornbush Group, Inc.

Gil Bachman, Ditler Bros.

Ed Sims, Chairman, Central Gwinnett Bank.

Holcombe T. Green, Jr., Green Capitol Investors, L.P.

Burton B. Goldstein, Jr., Chairman, Information America.

J. B. Fuqua, Realan Capital.

Virgil R. Williams, Williams Service Group.

Michael J. Coles, Chairman, Great American Cookie Company.

Mark Lichtenstein, President, Industrial Paper Corporation.

James E. Mathis, Jr., CEO, Hometrust Bank.

Raymond J. McClendon, Chairman, Wedgewood Capital Management.

Stanley Rinzler, President, Rinzler Enterprises.

J. Mack Robinson, Delta Life.

Neva Rountree, President, Rountree Group.

Steve Selig, President, Selig Enterprises, Inc.

Harry Stephens, DATAMAX, Incorporated.

Bob Tonsfeldt, Former President, BellSouth Mobility.

Jerome Zimmerman, President, Vantage Industries.

David Yu, CEO, Summit Bank Corp.

John Hunt, Owner, JH Services—Tifton, Georgia.

Herman Russell, CEO, H.J. Russell Construction.

Chuck Wolf, CEO, Wolf Camera & Video.

Ed Elson, Retired Atlanta Businessman.

R. K.Sehgal, CEO, Law Engineering.

Herb Mabry, President, Georgia AFL-CIO.

Gene Russo, Vice President, Dist 3 Communication Workers of America.

Joe Kiker, Director, District 35 United Steelworkers of America.

Don Scott, President, Teamsters Local 728.

Ron Napty, Business Manager, I.B.E.W., Local 613.

□ 0030

THE AMERICAN PEOPLE ARE NOT FOOLED

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, once again this Congress is playing a game with our American taxpayers monies; and guess who loses? The American people.

In the opening weeks of Congress, we voted to terminate the select committees to conserve tax dollars. We voted to end select committees because they were useless and costly.

That savings of almost $3 million was supposed to go toward debt reduction, but it didn't.

Many of those funds are now being used to increase budgets for other committees.

We took the money from our right pocket and put it into our left pocket.

We played a shell game with taxpayers again. We did not cut any costs. We simply transferred funds. Here we go again. It's business as usual on the beltway.

This is a slap in the face to the American taxpayer.

I'm just wondering how long this body intends to carry on this deception.

We hear about all this shared pain and suffering that the people must bear—we hear wild promises of how this administration will drastically reduce the deficit.

Who do they think they are kidding? It is time to be honest. No more hidden costs and deception. It is time to start cutting the deficit and the cost of Congress.

I came to Congress to support change.

I support Republican efforts to cut all committee funding by at least 25 percent.

That is real change. That is putting our money where our mouth is. A 25 percent cut is real fiscal leadership.

What Congress did this week was not.

I have compared the fiscal year 1992 and 1993 standing committee funding levels after the elimination of the select committees.

The savings is only one-tenth of 1 percent. That is it. One-tenth of 1 percent.

Here we are appealing to the American taxpayer to be patriotic and tighten their belts for the good of the country.

This one-tenth of 1 percent cut is not leadership. It is hypocrisy.

I've only been in this town 3 months, but it is long enough to understand why the American people hold this body in contempt.

This Congress has been so isolated from the real needs of the working and unemployed men and women of America—that they cannot hear their pain.

But I hear them. I understand when they say enough is enough. It is time to put an end to this spending spree and start living within our means. And that means cutting the cost of Congress.

Mr. Speaker, with your permission, I'd like to urge all American people to call all Democrat freshman Congressmen and demand the congressional budget be cut by no less than 25 percent, and tell them that one-tenth of 1 percent is not acceptable.

WE ARE ALL ISRAELIS—A HEARTLAND PERSPECTIVE ON THE WORLD TRADE CENTER BOMBING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, one of the darkest hours of the cold war, John F. Kennedy traveled to the wall that symbolically divided East from West and announced to the world that he, and implicitly all civilized citizens of the world, were Berliners. Democratic values were under siege for the second time in this century by manipulators of a totalitarian creed.

Now the challenge to western civilization comes not from the jackboot of disciplined armies, but from the anarchistic spite of hooded terrorists.

Today the Department of Justice announced that a Federal grand jury in St. Louis, has returned an indictment charging four members of the Abu Nibal Organization with conducting a racketeering enterprise, the activities of which included the killing of a teenage girl, a conspiracy to murder Jews, and the possible blowing up of the Israeli Embassy in Washington.

Earlier this week the New York Times revealed that 4 days after the bombing of the World Trade Center the paper received an apparently authentic letter linked to individuals responsible for the terrorist assault on this American landmark.

The letter, from a self-described group called the Liberation Army Fifth Battalion, suggested that the rationale for the bombing related to the policies of the United States in the Middle East. Specifically, the letter warned of future violent action against American civilian and military targets unless the United States ended its historic policy of moral and material support for the State of Israel.

The United States has long enjoyed a special relationship with Israel. That relationship is based on a moral obligation to the survivors of the Holocaust, shared democratic values and common interests. The Clinton administration, like its Republican and Democratic predecessors, remains determined to make the ties binding our countries even stronger and more resilient.

Friend, and foe alike, in the smoldering cauldron of Middle East politics, must understand that the United States is unalterably committed to the survival of the State of Israel and that our special relationship with Israel will not waver before the coercive face of terrorism.

In this context, it must be understood that the bombing of the World Trade Center is not primarily, or disproportionately, an issue for citizens of New York City. Terrorism against American citizens anywhere is terrorism against Americans everywhere. We are all New Yorkers.

Likewise, terrorism against the United States that is linked to our policies toward another country makes us comartyrs of that country's traumas, indeed in this case of its very existence.

The bombing of the World Trade Center not only victimizes individual Americans, it transforms all Americans. We are all now Israelis.

Terrorism must not only be condemned but understood as counterproductive.

Just as all American law enforcement officials have today, as their highest obligation, the duty to investigate and bring before the bar of justice, individuals responsible for plotting terrorist acts, so the highest obligation of the executive branch and Congress is to make clear to the world that our foreign policy will not need be held hostage by terrorists. Our support for Israel must in perception and fact be refortified. Otherwise, America will be victimized again and again by forces of the night.

A country without spine is a country that invites spineless acts.

OTA STUDY SHOWS WHY WE NEED TO AMEND THE ORPHAN DRUG ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, last month, I introduced legislation to create a mechanism for the Federal Government to review the pricing of prescription drugs sold to American consumers. Today, I am introducing complementary legislation aimed at particularly egregious practices in one segment of the pharmaceutical market.

H.R. 1588, the Orphan Drug Amendments of 1993, will serve to correct a growing number of abuses under the Orphan Drug Act.

An October 1992 study conducted by the Office of Technology Assessment [OTA] provides clear evidence of the need for action on this matter. This OTA study was reconformed this past month by an even more detailed and comprehensive OTA study covering the whole of the pharmaceutical industry.

The earlier OTA report, entitled "Federal and Private Roles in the Development and Provision of Alglucerase Therapy for Gaucher Disease," documents the gross abuse of the taxpayer and Gaucher patients by Genzyme, Inc., the taxpayer-subsidized developer of the drug Ceredase. This example of abuse under the Orphan Drug Act is by no means an isolated case. The experience with Amgen's EPO and with Genentech's Proprotin, if cited, would be equally as illustrative.

A summary of the OTA study follows. Remember as you read it that the charge to an average adult patient for this drug is about $300,000 a year. Needless to say, this can quickly consume all of one's insurance benefits leaving the patient with no insurance protection. Genzyme has justified this pricing structure by stating that they provide the product free of charge after the insurance policy is exhausted. As reported by the OTA, "Genzyme's pricing is similar in its consequences to a policy in which patients are offered a lifetime supply of alglucerase in exchange for the value of their remaining insurance coverage and associated copayments." What is the consumer to do if other medications are needed?

It was Government-sponsored research that discovered the underlying defect causing Gaucher disease. It was Government-sponsored research that devised a method for harvesting the enzyme to treat the disease. It was Government-sponsored research that refined the harvesting procedure in order to greatly improve the effectiveness of the enzyme. And yet, this company has the gall to price this product at such an outrageous level.

The Orphan Drug Act was enacted in 1983 to stimulate research for rare diseases. It has been successful in achieving this goal. Because of these successes, some would suggest that we should not tinker—just leave things alone. I don't believe we can sustain that attitude.

To stimulate research that we all desire, it required that we pay any price? For the $29 million invested by Genzyme, $214 million—a conservative estimate—is returned in profits each year. This return is virtually assured as a result of Government-provided market exclusively. Is a $214 million annual return on an investment one-eighth that amount reasonable? Is this sustainable if we are to attack more than one disease inflicting our population? Is this return necessary to stimulate subsequent research?

Again, I do not believe we can tolerate, nor afford, this type of profiteering. This legislation would put a cap on the amount of profits taken during the period of market exclusivity. After the period of exclusivity, when some competition may develop, the restrictions are removed. I believe this to be reasonable and workable.

Mr. Speaker, I look forward to your support and that of my colleagues in the House as we work to make necessary changes to the Orphan Drug Act.

H.R. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WINDFALL PROFIT TAX ON PROFITS FROM DRUGS FOR RARE DISEASES OR CONDITIONS.

(a) IN GENERAL.—Section 28 of the Internal Revenue Code of 1986 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) WINDFALL PROFIT TAX.—

"(1) IN GENERAL.—If—

"(A) there is a windfall profit on any orphan drug for any taxable year, and

"(B) any portion of such taxable year is within the exclusivity period for such drug, the tax imposed by this chapter for such taxable year shall be increased by 75 percent of such windfall profit for such taxable year.

"(2) WINDFALL PROFIT.—For purposes of this subsection, the term 'windfall profit' means, with respect to any orphan drug, the excess of—

"(A) the gross revenues from sales during the taxable year of such drug, over

"(B) 125 percent of the sum of—

"(i) the cost of producing the drug sold during such year, and

"(ii) such year's allocable share of the marketing costs of such drug.

"(3) NO TAX UNTIL RECOVERY OF TOTAL INVESTMENT IN DRUG DEVELOPMENT.—The gross revenues from the sale of an orphan drug shall be taken into account under paragraph (2) for any taxable year only to the extent of such revenues for the taxable year and all preceding taxable years exceed the development costs of such drug.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) DEVELOPMENT COSTS.—The term 'development costs' means, with respect to any orphan drug, the amount equal to the excess of—

"(i) the sum of the qualified clinical testing expenses and the qualified research expenses attributable to such drugs for the period before the beginning of the exclusivity period, over

"(ii) the aggregate amount received to develop such drug from Federal funds.

"(B) EXCLUSIVITY PERIOD.—The term 'exclusivity period' means the 7-year period referred to in section 527(a) of the Federal Food, Drug, and Cosmetic Act.

"(C) ORPHAN DRUG.—The term 'orphan drug' means any drug for which an exclusivity period is granted.

"(5) PRORATION.—If only a portion of a taxable year is within the exclusivity period, the windfall profit taken into account under this subsection for such year shall be the amount which bears the same ratio to such profit for such year as such portion bears to the entire taxable year.

"(6) COORDINATION WITH OTHER CREDITS AND MINIMUM TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of—

"(A) determining the amount of any credit allowable under this chapter or

"(B) determining the amount of the minimum tax imposed by section 55.

"(7) 75 PERCENT TAX TO BE EXCLUSIVE TAX.—Gross income shall not include the amount of windfall profit taken into account under this subsection for any taxable year."

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 1992, in taxable years ending after such date.

[From an Office of Technology Assessment report, October 1992]

FEDERAL AND PRIVATE ROLES IN THE DEVELOPMENT AND PROVISION OF ALGLUCERASE THERAPY FOR GAUCHER DISEASE

SUMMARY

The drug development and approval process is time-consuming, risky, and potentially costly enough to preclude the development and marketing of treatments for rare disorders. The case of alglucerase, an expensive new therapy for the uncommon inherited disorder called Gaucher disease, illustrates how the Federal Government can help manufacturers overcome critical scientific, financial, and regulatory barriers to the development of such treatments. This paper analyzes public and private investments in the research and development (R&D) of alglucerase. It also examines uncertainty surrounding the appropriate dosing of the drug and the cost implications of alglucerase therapy for patients, their insurers, and the Federal Government.

Gaucher disease is caused by deficient activity of an enzyme necessary to break down glycolipids, substances produced by white blood cells. The accumulation of these glycolipids in the spleen, liver, bone marrow, and other organs can lead to abdominal and bone pain, anemia, and other severe manifestations of disease. Gaucher disease causes significant disability and can be fatal. Between 2,100 and 11,000 people in the United States are believed to have symptoms severe enough to warrant medical intervention.

Alglucerase, marketed under the brand name Ceredase™ by Genzyme, Inc., a Massachusetts pharmaceutical firm, is a chemical derivative of the missing enzyme. Prior to its development, there was no effective treatment for the disease. Although its efficacy has been studied in few patients, existing information suggests that it can reverse some of the symptoms and physical manifestations of the disease.

The drug was developed after significant investment by both the Federal Government and the private sector. Most of the scientific research that led to the discovery of alglucerase had been sponsored or performed by the U.S. National Institutes of Health (NIH). A critical step was the discovery, by NIH researchers, of the enzyme defect that caused the disease. A second milestone was reached when NIH researchers devised a method for harvesting the enzyme from human placentae, for which they received a patent in 1975. A third milestone was the discovery by NIH researchers of a chemical modification that greatly improved the effectiveness of the enzyme. The modified form became alglucerase.

In addition to the research that took place in NIH's own laboratories, the Federal Government invested almost $1 million in contracts with the New England Enzyme Center at the Tufts University Medical School to supply NIH with sufficient quantities of the enzyme to continue the research process. In 1981, Genzyme, then a new firm whose founders included researchers from the New England Enzyme Center, took over the contract to supply the enzyme. NIH contracts with Genzyme over the next 11 years totaled nearly $9 million, a figure that represents roughly 20 percent of alglucerase's measurable R&D costs. This figure does not include the costs of decades of research by talented NIH scientists or the work by researchers at universities and private research institutions whose efforts culminated in alglucerase.

Because the contributions of NIH included the discovery of alglucerase, Genzyme could not obtain a patent for the drug. Therefore, had it not been for the provisions of the Orphan Drug Act, Genzyme could not be assured of the exclusive rights to market the drug. In 1985, Genzyme's alglucerase received official designation as an orphan drug, entitling the company to 7 years of exclusive marketing, and greatly enhancing the potential profitability of alglucerase.

On the basis of information supplied by Genzyme, we estimate that the firm spent approximately $29.4 million on R&D for placental alglucerase over the decade prior to its approval for marketing in 1991. These expenditures represent cash outlays. They do not account for the time value of the money tied up in the project or for the technical risks of failure along the way. Although Genzyme claims that it spent about $48.6 million in cash outlays, we include only actual expenditures for the work, materials, and facilities needed for the conduct of R&D. The excluded payments are part of the purchase of the valuable asset that Genzyme's algucerase had become by the time the firm decided to buy back rights to it from its investors.[1]

In addition to the large public and private investment in the development of alglucerase, further revenues came from Gaucher patients and their insurers. Between 1989 and 1991, patients were able to purchase the then unapproved drug under the U.S. Food and Drug Administration's (FDA) Treatment Investigational New Drug (IND) program. This program provides patients not enrolled in clinical trials with access to experimental drugs for otherwise untreatable conditions. The FDA allowed Genzyme to charge a price to recover costs associated with the R&D and provision of the drug. *Revenues to Genzyme under the Treatment IND program exceeded $5 million.*

FDA approval of Genzyme's placental alglucerase in April 1991 was based primarily on the clinical experience of 12 patients studied at NIH.[2] Their work indicated that a dose of 60 units/kilogram (kg)[3] administered biweekly for a year resulted in rapid patient improvement. After varying periods of treatment at the initial dosage, researchers elsewhere have successfully decreased the "maintenance" dose that some patients receive to as little as 15 units/kg biweekly. Researchers at the Scripps Institute in California have used an even smaller dose, 2.3 units/kg, administered three times a week. Although patients in these studies had clinical improvements comparable to those of the NIH patients, there is some uncertainty about whether they were as severely ill as patients enrolled in the NIH study.

At the range of potential treatment doses studied thus far and the retail price of $3.50/unit, a year of therapy can cost between $71,160 (for 2.3 units/kg thrice weekly) to $552,760 (for 60 units/kg weekly). Patients successfully treated with alglucerase will presumably remain on the therapy all their lives (albeit at reduced maintenance doses). According to data supplied by Genzyme, 73 percent of patients on alglucerase in March 1992 had private health insurance that covered their alglucerase therapy, usually with patient out-of-pocket expenses of less than $2,000. Another 21 percent were covered by Medicare or Medicaid.[4] Part of the reason for the high price of alglucerase may be its high manufacturing, marketing, and distribution costs, which we estimate to be $1.90/unit in 1992, based on figures supplies by Genzyme.

---

[1] In exchange for funds to develop alglucerase, Genzyme had transferred rights to the drug in 1987 to a limited partnership. Genzyme was the managing partner of the limited partnership.

[2] Genzyme is currently conducting clinical research using a recombinant form of the enzyme that it hopes will replace the placental form.

[3] One kilogram equals 2.206 pounds.

[4] Although Medicare pays only 80 percent of the cost of therapy, the vast majority of these patients have supplemental private insurance that pays at least some portion of the remaining 20 percent. Medicare patients without such supplemental insurance are liable for the 20 percent copayment, which can reach tens of thousands of dollars. Medicaid pays virtually all of the costs of alglucerase therapy.

Because the vast majority of private health insurance policies impose a limit on total benefits payable for each insuree, somewhere between one-third and one-half of all alglucerase recipients face a significant risk of exhausting or critically reducing their available insurance benefits over time. Although Genzyme supplies the drug free to those patients who exhaust (or otherwise lack) insurance benefits, for the rest of their lives such patients remain uninsured for the cost of administering alglucerase and any other medical expenses they may incur.

Genzyme's pricing arrangement means that insurers are typically obligated by contract to pay most[5] of the drug's price for all FDA approved indications; patients without insurance or other resources, who would often forgo therapy rather than pay the full price, pay nothing for the drug. Although the company gains no revenue on each unit of drug offered free of charge, the overall pricing strategy can be profitable. Genzyme's pricing is similar in its consequences to a policy in which patients are offered a lifetime supply of alglucerase in exchange for the value of their remaining insurance coverage and associate copayments.

The drug's high cost to consumers, private insurers, and the Federal Government raises questions about the extent to which NIH is acting in the public interest in providing significant assistance to some medical technologies ultimately marketed by the private sector. The actions of NIH can have consequences far beyond providing new therapies to combat disease. As is illustrated by this case, such deep involvement creates the potential for the Federal Government to pay for such technologies twice—once through support of the R&D process and once again as a health insurer. The Federal Government has no mechanism to ensure that the prices Americans pay for drugs and other technologies reflect the public's contribution to their development.

THE COST OF UNNECESSARY VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I did not vote on the motion to approve the Journal today, nor will I vote on such a motion on any day in the future.

A proper respect for the opinion of all mankind, who are anxiously awaiting the outcome of our Journal votes, and for the opinion of my constituents, who may have to judge the claim of my next opponent that I am neglecting my official duties, citing my missed Journal votes, as proof of his claim, compel me to offer my reasons for this radical act of institutional defiance.

Some rather simple calculations would indicate that each Member of Congress who votes on the Journal sacrifices about one-half hour of his time in going to and from the floor, voting, and schmoozing with his colleagues during the vote. While there are some unquantifiable benefits to this process, including the physical exercise of walking, assuming that the Member walks and does not ride the electric tram, there are likewise large unquantifiable costs in interrupted committee meetings, conferences, and creative work, such as writing this scathing attack on Journal votes. Counting only the loss of a half hour's time per Member, multiplied by 400 Members, more or less, whose hourly rate of pay is about $65—$130,000 a year divided by a nominal 2,000-hour work year—gives us a cost of about $13,000 per vote. Calculating again that we do this four times per week for 40 weeks per year, indicates that the cost may be as high as 160 times 13,000, or $2,080,000 per year.

Of course I must point out that the recent tendency to call for equally absurd votes on motions to adjourn, to ask for reconsideration of the vote just taken, and to table the motion to reconsider the vote just taken, would add to the cost of votes to approve the Journal. My estimate is that such votes would add an equal amount to the cost of Journal votes, making a total of roughly $4 million per year spent on absurd votes.

I must agree that all of these procedural votes are healthy, if taken in moderation. Today they are not taken in moderation. Instead, such votes are demanded to show the displeasure of one Member of another, to object to perceptions of unfair treatment in the Rules Committee or of arbitrary action by the Democratic leadership against some, or all, of the Republican Members, or of factions within either the Democrats or Republicans, only the Independents have no factions in the House.

We all recognize that the Democratic process is untidy, acrimonious, lengthy, and uneconomic. We can point to even greater excesses in the other body, with its tradition of unlimited debate. But surely we can retain some sense of proportion.

We have spent innumerable hours debating cost savings of far lesser magnitudes. Our recently passed committee funding resolution, which saved 5 percent over the previous year, was the result of enormous work in the Committee on House Administration to cut costs. Those savings amounted to about $2.5 million per year, far less than we waste on unnecessary votes. We cite projects in appropriations bills that cost a few hundred thousand dollars as examples of how to balance the budget and save the Nation by pruning costs. One of the longest and most acrimonious debates I have seen on this floor was about saving a few hundred thousand dollars on remodeling the Vice Presidents residence a few years ago. We all know a lot about remodeling houses and how to save money on such a project.

You would think we would know something about wasting money on unnecessary votes.

I say to my colleagues, who were elected to promote the political health of the Nation, "Physician, heal thyself." Stop wasting money on matters completely under your control, whole complaining about trivid over which you have little control.

I expect to improve my own productivity by at least 10 percent by no longer voting on the Journal and other unnecessary procedural motions. I hope this will lead to a greater awareness of other steps we can take to save money and improve efficiency in the Congress.

LIFTING TRAVEL RESTRICTIONS AGAINST LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 60 minutes.

Mr. RAHALL. Mr. Speaker, I rise this evening to bring my colleagues in this body a chronology of events that began in July 1985, when President Ronald Reagan suspended the rights of U.S. air carriers to serve Lebanon and the rights of Lebanese carriers to serve the United States.

In what was called a Presidential Determination, President Reagan issued the travel restrictions on July 1, 1985. What he had in mind, and rightfully so at the time, was to protect Americans from being kidnapped and from aircraft hijacking resulting from inadequate security at Beirut International Airport. When President Reagan ordered the ban in 1985, there were 20 hostages, bombings and rampant terrorism, and the Western and Arab embassies were closed. From 1988 to 1990, there were two governments in Lebanon and two armies.

Mr. Speaker, although most assuredly these travel restrictions were justified at the time, it is important to note that there has been remarkable improvement in security in Lebanon—and that remarkable improvement warrants a reexamination of those travel restrictions.

I recently wrote to and met with, Secretary of State Warren Christopher, not only to congratulate and to thank him for his trip to Beirut recently—the first visit to Beirut by a Secretary of State in more than a decade—but I pointed out to him the improved security in Lebanon warranted his reconsideration and lifting of the travel ban, so that Lebanon can continue its startlingly successful reconstruction efforts. The response from Secretary Christopher while acknowledging in fact that the improvements in security in Lebanon were remarkable, still did not lead him to believe a lifting of travel bans was yet in order.

In 1993, security in Lebanon has improved, reconciliation is underway and reconstruction is Lebanon's number one priority and—most important—the Lebanese army has displayed its strength and fortitude, especially in Southern Lebanon. Unlike the situation in 1985 when Lebanon was a patchwork of militias, most of the country is now in firm control of the Lebanese army. The release of Terry Anderson on December 4, 1991 marked the conclusion of American hostages held in Lebanon. The collapse of the U.S.S.R. has left exposed those states that abetted Lebanon's hostage-takers and has made hostage-taking counterproductive.

KLM, Alitalia, Austrian Airways, Air France, Cyprus Airways, Turkish Air, Royal Jordanian, Olympic, Air Algeria, Egypt Air, and Air Emirates have found the renewed security at the airport satisfactory and all have returned to Beirut International Airport. We understand that British Airways has already sent an investigative mission to Beirut as part of their review of its travel policy toward Lebanon.

---

[5] Insured patients typically are obligated to pay a copayment and deductible out-of-pocket for insured medicines and services.

The travel-restrictions, Mr. Speaker, are crippling Lebanon's reconstruction efforts. American travel to Lebanon is permitted for only four categories: professional journalists, American Red Cross, family reunification and national interest. American firms are effectively discouraged by the travel restrictions from doing business in Lebanon, which has received some sizeable loans for infrastructure projects.

The current ban is preventing American companies from the profitable participation in Lebanon's reconstruction. Over $1 billion has been pledged for Lebanon's reconstruction. Notably, among the pledges are the European Community/European Investment Bank—$308 million; Italy—$450 million; World Bank—$175 million; Kuwaiti Fund for Arab Economic Development—$70 million; Arab Fund for Economic and Social Development—$75 million; Saudi Arabia—$60 million; and other donors including OPEC fund, International Fund for Agricultural Development [IFAD]; Islamic Development Bank, and United Nations Development Programme [UNDP]. Furthermore, rebuilding the Beirut commercial district, to be undertaken by the private sector, will cost $3 billion and furnish further opportunities.

United States Ambassador to Lebanon Ryan Crocker in an unclassified January 3, 1993 telegram wrote:

> There is abundant opportunity for profit by American firms in these related areas, if United States companies are prepared to deal creatively with the ban on American citizens' travel to Lebanon and the absence of OPIC coverage.

The continued existence of the travel restrictions reflects negatively on United States confidence in Lebanon to Lebanese expatriates and the international business community considering investment in Lebanon.

Because of improved security in Lebanon, on January 27, 1993, the United States Department of Justice decided not to extend Temporary Protected Status [TPS] to Lebanese nationals in this country beyond April 9, 1993. Presidential Determination 92–41 of August 17, 1992 amended the previous restrictions to permit foreign carriers' outward carriage of cargo to Lebanon.

The American Task Force on Lebanon [ATFL], of which I am a member and to whom I give attribution for the information contained in remarks here, has called for a lifting of the travel restrictions or, in lieu of lifting them, suggests certain specific modifications to the existing bans. I join the ATFL in calling for these modifications, and they are as follows:

First, change travel restrictions to travel advisory.

We have a total and complete travel ban against three countries—Lebanon, Libya and Iraq. There are no diplomatic relations with two of these countries—Libya and Iraq. The United States has—and always has had—diplomatic relations with Lebanon, yet Americans cannot travel on a United States passport to Lebanon. But they can travel to countries like North Korea, Iran, Vietnam, Bosnia-Hercegovina, Somalia, Colombia, Afghanistan, Peru, Liberia and Zaire.

It does not make sense that Lebanon—a country on the road to recovery and reconstruction—is in the same category as the mentioned countries, which are either beset by civil strife or do not have diplomatic ties with the United States.

Second, request the writing of Beirut as a destination on airline tickets. This would reactivate all interline agreements with carriers flying to Beirut and American carriers could receive up to a 60-percent share of ticket revenues. Based upon the 39,000 tickets issued by Middle East Airlines alone, it is estimated that 100,000 persons traveled to Lebanon from the United States in 1992 at $1200 a ticket. This would amount to a volume of $120 million in sales. American carriers could have earned up to $72 million. It is inconsistent with stated United States policy to support the sovereignty of Lebanon by forcing airlines stopping in Beirut to list Damascus and other destinations on the ticket.

Third, add a commercial category to the four permitted categories of travel to Lebanon, thereby allowing United States firms an opportunity to compete for and profit from contracts and trade.

Fourth, demand that the Lebanese government implement strict measures at Beirut International Airport to bring security up to American standards.

I urge the Secretary of State, and my colleagues in the House, to rethink the issue of travel restrictions to Lebanon, now nearly a decade old, in face of the much-changed and improved security in Lebanon since 1985, and to consider the above-listed modifications to existing bans as constructive steps to alleviate the counterproductive travel restrictions imposed on Lebanon.

Mr. Speaker, I ask unanimous consent to insert copies of my letter to Secretary of State Warren Christopher asking him to lift the travel restrictions to Lebanon, and a copy of is response, in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: I congratulate you on a most successful and timely trip to the Middle East.

As an American of Lebanese ancestry, I express to you my profound gratitude for your recent visit to the land of my grandfather, Beirut, Lebanon. As one who travels there frequently, and who interacts daily with the Lebanese community in America, I say: Thank you.

Over the past decade or more, I have visited the homes and offices of Lebanese officials, from Presidents and militia leaders, to religious leaders, personal friends and family from all sectors of Lebanese life and all sectors of the country. Their strength and determination to rebuild, and their resiliency is remarkable. As you so clearly stated, they want to restore their territorial sovereignty, integrity and independence, to disarm all militias, and to see the withdrawal of all non-Lebanese forces from their soil. The Lebanese want to reestablish their historic relationship with the United States.

In order to advance these goals, your statement that lifting the U.S. travel ban to Lebanon is under consideration is a welcome development. Our mutual concern is the safety of Americans in all foreign countries. I truly believe the internal security forces in Beirut have been strengthened tremendously in recent months to the point that kidnapping and hijacking will no longer succeed. Travel to Lebanon would be a positive and powerful signal.

In the rebuilding of Lebanon under the superb leadership of Prime Minister Rafiq Hariri, lifting the travel ban would greatly allow for U.S. private sector investment, thereby creating U.S. jobs. Past exchange in the medical, educational, cultural, and business realms have tremendously benefited our countries, and should again be allowed to flourish.

The Lebanese are a resourceful people. A primary goal of the Lebanese Government is to encourage private capital, which fled the country, to return. The government is seeking financial assistance from allies in the region and around the world. Considering our own budget restraints and knowing that the Clinton Administration is seeking a $2 billion cut in foreign aid, Lebanon is requesting token U.S. help in this monumental, but not impossible task.

By previous letter to you, your Department is aware of my request to secure $15 million in this year's budget for assistance to Lebanon. I have also made similar requests for this $5 million increase in ESF/DA for Lebanon in FY 94 (earmarked at $10 million for FY 93), to Chairman David Obey of the House Subcommittee on Foreign Operations Appropriations, and to Chairman Lee Hamilton of the House Foreign Affairs Committee.

Mr. Secretary, I again congratulate you and thank you for your attention and commitment to the region. With utmost respect, I appreciate your support for my two greatest requests for the land of both of my grandfathers: lifting the travel restrictions and a modest increase in financial assistance in Fiscal Year 1994.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Member of Congress.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 23, 1993.

Hon. NICK J. RAHALL II,
House of Representatives. Washington, DC.

DEAR MR. RAHALL: I am writing in response to your February 24 letter to Secretary Christopher regarding the ban on the use of American passports for travel to, in, or through Lebanon and U.S. assistance for that country.

Secretary Christopher has stated that one of his key objectives during his recent tour of the Middle East was to recognize the progress achieved by the Lebanese government in reconciling and reconstructing Lebanon. His visit to Beirut—the first by an American Secretary of State since 1983—underscored our continuing support for Lebanon's efforts to restore its economy and to regain full control of its territory and its political independence. The Secretary's visit was welcomed by the Lebanese leadership as a very important symbol of the U.S. commitment to Lebanon.

On the subject of American citizen travel to Lebanon, we restricted the use of the U.S. passport for travel to Lebanon on January 29, 1987, because we determined that Lebanon was an area "where there is imminent danger to the public health and physical safety of United States travelers" within the meaning of Section 51.73 of Title 22, Code of Federal Regulations. This restriction is reviewed annually and is currently in effect.

The most recent review occurred earlier this year. Although the security situation in Lebanon has clearly improved, we continue to believe that there remain in Lebanon groups who are hostile to the United States and who would specifically target American citizens. As long as that continues to be the case, we cannot, in good conscience, permit the use of U.S. passports for travel to, in, or through Lebanon. Therefore, last month Secretary Christopher ordered the ban to be extended for an additional year. We will continue to monitor evidence of the targetting of Americans and American interests in considering when it may be appropriate to lift these restrictions.

Our maintenance of the passport ban does not mean that American firms cannot participate in the reconstruction of Lebanon. It simply means they will have to be creative in devising joint ventures, in using employees who do not have American passports, in signing contracts through delegated authority, etc. Many U.S. firms have been conducting business in these ways, demonstrating that American firms can be active without requiring travel of American citizens to Lebanon.

As for your comments on assistance to Lebanon, the Department responded to your most recent letter on this subject on March 10. The Administration's continued support for Lebanon, outlined in that letter, was reiterated by Assistant Secretary for Near Eastern Affairs Edward P. Djerejian in his March 9 testimony to the House Committee on Foreign Affairs. Ambassador Djerejian used this occasion to appeal specifically for Congressional support for resumption of the International Military Education and Training [IMET] program in Lebanon. His efforts, along with numerous discussions between the State Department, DOD, your colleagues and their staff members, resulted on March 15 in the first release since 1991 of IMET funds for Lebanon.

Looking ahead to FY 94, funding commitments for foreign assistance programs are still under review. We will do our best to ensure that assistance to Lebanon is geared towards a balance of economic and security assistance which complements Lebanon's postwar priorities and best serves our own policy objectives in the region.

Sincerely,

ROBERT A. BRADTKE,
Acting Assistant Secretary,
Legislative Affairs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of a death in the family.

Ms. FOWLER (at the request of Mr. MICHEL), after 7 p.m. today, on account of medical reasons.

Mr. BLILEY (at the request of Mr. MICHEL), for today until 3 p.m., on account of attending a funeral.

Mr. POMBO (at the request of Mr. MICHEL), from 6 p.m. today, on account of imminent arrival of a new member of the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes each day, on April 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 and May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. ROTH, for 60 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on August 2, 3, 4, 5, 6, and September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30.

Mr. BACHUS of Alabama, for 5 minutes each day, on April 14, 15, 28, and May 12, 26, and June 9, 23, and July 14, 28, and September 8, 22, and October 6.

Mr. WOLF, for 30 minutes on April 15.

Mr. SOLOMON for 60 minutes each day, on May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. MACHTLEY, for 60 minutes each day, on April 14 and 20.

(The following Members (at the request of Mr. JOHNSON of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. GUTIERREZ, for 60 minutes each day, on April 13 and 20.

Mr. MCDERMOTT, for 60 minutes each day, on April 20 and 21.

Mr. UNDERWOOD, for 10 minutes, on April 2.

Mr. OBEY, for 60 minutes each day, on April 2, 3, 7, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30, and May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. CALVERT.

Mr. YOUNG of Alaska, in two instances.

Mrs. ROUKEMA.

Mr. HANSEN.

Mr. TALENT in two instances.

Mr. CLINGER.

Mr. COMBEST.

Ms. SNOWE.

Mr. GALLEGLY.

Mr. SMITH of New Jersey, in four instances.

Mr. GINGRICH.

Mr. WELDON.

Mr. EWING.

Mr. BURTON of Indiana.

Mrs. MORELLA.

Mr. COBLE.

Mr. BLILEY in two instances.

Mrs. VUCANOVICH.

Mr. KYL.

Mr. LEACH.

(The following Members (at the request of Mr. JOHNSON of Georgia) and to include extraneous matter:)

Mr. MORAN.

Mr. LAROCCO.

Mr. HUGHES.

Mr. NEAL of Massachusetts, in two instances.

Mr. TRAFICANT.

Mr. STARK.

Mr. RANGEL in two instances.

Mr. VENTO in two instances.

Mr. ACKERMAN.

Ms. HARMAN.

Mr. RICHARDSON.

Mr. HOCHBRUECKNER.

Mrs. SCHROEDER in two instances.

Mr. MILLER of California.

Mr. HOLDEN.

Mr. ROWLAND.

Mr. LEHMAN.

Ms. WOOLSEY.

Mr. LIPINSKI.

Mr. HALL of Texas.

Mr. MCNULTY.

Mr. HOYER.

Ms. ROYBAL-ALLARD.

Mr. POSHARD in two instances.

Mr. RANGEL in two instances.

Mr. PASTOR.

Mr. SANDERS.

Mr. MFUME.

Mr. VISCLOSKY.

Mrs. COLLINS of Illinois.

Ms. BYRNE.

Ms. DELAURO.

Mr. SERRANO.

Mr. NADLER.

Mr. STENHOLM.

Ms. NORTON in two instances.

ADJOURNMENT

Mr. OLVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes a.m.) the House adjourned until today Friday, April 2, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

999. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 1992 annual report of the Council, pursuant to 12 U.S.C. 3305; to the Committee on Banking, Finance and Urban Affairs.

1000. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 93-09), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1001. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the removal of items from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

1002. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on conditions in Hong Kong of interest to the United States, pursuant to section 301 of the United States-Hong Kong Policy Act of 1992; to the Committee on Foreign Affairs.

1003. Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting information on the retirement and thrift plans of the Farm Credit Bank of Columbia and the audited financial statement as of August 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1004. A letter from the Secretary of Veterans Affairs, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1005. A letter from the Executive Director, Kaho'olawe Island Conveyance Commission, transmitting the Kaho'olawe Island Conveyance Commission's final report to the Congress; to the Committee on Natural Resources.

1006. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for fiscal year 1992, pursuant to 46 U.S.C. appendix 1118; to the Committee on Merchant Marine and Fisheries.

1007. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the study of Buffalo Harbor, NY; to the Committee on Public Works and Transportation.

1008. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a report on Rio Guayanilla, Guayanilla, P.R.; to the Committee on Public Works and Transportation.

1009. A letter from the Interim Chairman, Physician Payment Review Commission, transmitting the Commission's 1993 annual report on payment to physicians under the Medicare Program, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX, the following joint resolution was engrossed and deemed passed:

[Submitted March 31, 1993]

House Joint Resolution 174. Joint resolution increasing the statutory limit on the public debt.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted April 1, 1993]

Mr. ROSE: Committee on House Administration. H.R. 1328. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information (Rept. 103–51). To the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. H. Res. 149. A resolution providing for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority (Rept. 103–52). Referred to the House Calendar.

Committee on Rules. H. Res. 150. A resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 103–53). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPRATT (for himself, Mr. Conyers, Mr. Stenholm, Mr. Slattery, Mr. Deal, Mr. Johnson of South Dakota, Mr. Payne of Virginia, Mr. Dooley, Mr. Minge, Mr. Penny, Mr. Swett, Mr. Roemer, Ms. Maloney, Mr. Mann, Mr. Schumer, Mr. Coppersmith, Mr. Glickman, Mr. Clement, Ms. Schenk, Mr. Deutsch, Mr. Orton, and Mr. Inslee):

H.R. 1578. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. BERMAN (for himself, Mr. Gejdenson, Mr. Miller of California, Mr. Gonzalez, Mr. Conyers, Mr. McCloskey, Mr. Payne of New Jersey, Mr. Sawyer, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Mineta, Mr. Kopetski, Mr. Waxman, Mr. Rangel, and Mr. Stark):

H.R. 1579. A bill to restrict the authorities of the President with respect to regulating the exchange of information with, travel to or from, and educational and cultural exchanges with, foreign countries; to the Committee on Foreign Affairs.

By Mr. DOOLEY (for himself, Mr. Hoyer, and Mr. Barrett of Wisconsin):

H.R. 1580. A bill to amend titles XVIII and XIX of the Social Security Act to require that individuals entitled to Medicare benefits or enrolled in a State Medicaid plan be provided with notice of their rights to accept or refuse medical care and the right to formulate advance directives; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GALLEGLY:

H.R. 1581. A bill to amend the Federal Water Pollution Control Act to provide for the modification of permitting requirements for discharges composed entirely of stormwater; to the Committee on Public Works and Transportation.

By Mr. HANSEN (for himself, Mrs. Vucanovich, Mr. Young of Alaska, Mr. Stump, Mr. Rogers, Mr. Doolittle, Mr. Lewis of California, and Mr. Gallegly):

H.R. 1582. A bill to give any State in which lands are more than 25 percent federally owned the right to disapprove the establishment of Wilderness Areas located in that State; to the Committee on Natural Resources.

By Mr. HYDE:

H.R. 1583. A bill to amend title 11 of the United States Code to make nondischargeable debts for postpetition fees payable to a membership association with respect to the debtor's interest in, and for the period during which the debtor occupied, a dwelling unit that has condominium or cooperative ownership; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 1584. A bill to provide for the further conservation of certain unique and nationally significant river segments in the State of West Virginia; to the Committee on Natural Resources.

By Mr. RANGEL:

H.R. 1585. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 1586. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBERTS (for himself, Mr. Barrett of Nebraska, Mr. Smith of Oregon, Mr. Allard, and Mr. Emerson):

H.R. 1587. A bill to amend the Food Security Act of 1985 to exempt the triple base acreage of the producers on a farm from the highly erodible land and wetland conservation requirements of such act, and for other purposes; to the Committee on Agriculture.

By Mr. STARK:

H.R. 1588. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on certain drugs for rare diseases or conditions if they become excessively profitable, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1589. A bill to amend the Clean Air Act to authorize the Administrator of the Environmental Protection Agency to grant a waiver of the oxygenated fuels requirement, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ARCHER (for himself and Mr. Sundquist):

H.R. 1590. A bill to suspend temporarily the duty on 5-(N,N-dibenzylglycyl)-salicylamide; 2-[N-benzyl-N-tert-butylamino]-4′-hydroxy-3′-hydroxymethylac tophenone hydrochloride; Fultamide; and Loratadine; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. DeLay):

H.R. 1591. A bill relating to the tariff treatment of 1,6-hexamethylene diiosocyanate; to the Committee on Ways and Means.

By Mr. BLILEY:

H.R. 1592. A bill to extend until January 1, 1995, the existing suspension of duty on 1-(3-Sulfopropyl) pyridinium hydroxide; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 1593. A bill to amend the Government in the Sunshine Act to require the disclosure of certain activities; to the Committee on Government Operations.

By Mr. CRANE:

H.R. 1594. A bill to reduce the amount of deposit insurance for insured depository institutions from $100,000 to $25,000; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DURBIN (for himself, Mr. LEACH, Mr. PENNY, and Mr. BEREUTER):

H.R. 1595. A bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes; jointly, to the Committees on House Administration and Government Operations.

By Mr. LANTOS (for himself and Ms. ESHOO):

H.R. 1596. A bill to amend title 10, United States Code, to provide that certain individuals who would otherwise be eligible for military retired pay for nonregular service but who did not serve on active duty during a period of conflict may be paid such retired pay if they served in the U.S. merchant marine during or immediately after World War II; to the Committee on Armed Services.

By Mr. MINGE (for himself, Mr. DEAL, Mr. INSLEE, Mr. GUTIERREZ, Mr. MEEHAN, Mr. KLEIN, Mr. POMEROY, Mr. MANN, Mr. JOHNSON of Georgia, Mr. BARRETT of Wisconsin, Mr. MCHALE, Mr. BAESLER, and Mr. FINGERHUT):

H.R. 1597. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. PENNY:

H.R. 1598. A bill to reclassify the cost of international peacekeeping activities from the international affairs budget function to the national defense budget function and to express the sense of Congress that there should be included in the Department of Defense budget for each fiscal year a minimum level of funding for international humanitarian assistance and peacekeeping activities; to the Committee on Government Operations.

By Mr. ROBERTS:

H.R. 1599. A bill to provide a fair and reasonable national standard for the setting of speed limits; to the Committee on Public Works and Transportation.

By Mrs. ROUKEMA:

H.R. 1600. A bill entitled, "Interstate Child Support Enforcement Act"; jointly, to the Committee on Ways and Means, the Judiciary, Banking, Finance and Urban Affairs, Armed Services, and Education and Labor.

By Mr. SMITH of New Jersey:

H.R. 1601. A bill to amend title 38, United States Code, to provide employees of the Department of Veterans Affairs with protection against certain unfair employment practices; to the Committee on Veterans' Affairs.

By Mr. VENTO (for himself and Mr. DARDEN):

H.R. 1602. A bill to reform the management of grazing on the public range lands; to the Committee on Natural Resources.

By Mr. VENTO:

H.R. 1603. A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1994 through 1997; to improve the management of the public lands; and for other purposes; jointly, to the Committees on Natural Resources and Rules.

By Mr. ZIMMER:

H.R. 1604. A bill to eliminate the price support program for wool and mohair; jointly, to the Committees of Agriculture and Government Operations.

H.R. 1605. A bill to repeal the Rural Electrification Act of 1936, require the sale of all loans made under such act, and authorize the Secretary of Agriculture to make loans to electric generation and transmission cooperatives which are unable to obtain needed financing in the private sector; to the Committee on Agriculture.

H.R. 1606. A bill to amend the Agricultural Act of 1949 to lower the target price of program crops in 1994 and 1995 in commodity programs operated by the Department of Agriculture; to the Committee on Agriculture.

H.R. 1607. A bill to terminate production by the United States of tritium, plutonium, and highly enriched uranium for weapons; to the Committee on Armed Services.

By Mr. BONIOR (for himself and Mr. RIDGE):

H.R. 1608. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS of Illinois:

H.R. 1609. A bill to amend title 10, United States Code, to change and clarify provisions relating to the Department of Defense program for contracting with small disadvantaged businesses and other entities, to require potential defense contractors to certify compliance with equal opportunity requirements, and for other purposes; to the Committee on Armed Services.

H.R. 1610. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1611. A bill to amend the Communication Act of 1934 to require the Federal Communications Commission to continue and improve efforts to promote diversity in media ownership, management, and programming, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1612. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 1613. A bill to improve coordination in the formulation of telecommunications policy within the executive branch, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1614. A bill to amend title XIX of the Social Security Act with respect to requiring State plans for appropriately responding to the closing of hospitals, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1615. A bill to amend the Communications Act of 1934 to establish procedures for the discontinuance of mobile radio services to persons engaged in drug trafficking, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1616. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 1617. A bill to authorize the establishment on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Hospital, Hines, IL, of a facility to provide temporary accommodations for family members of severely ill children being treated at a nearby university medical center; to the Committee on Veterans' Affairs.

H.R. 1618. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for services of registered nurses as assistants at surgery; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1619. A bill to amend the Internal Revenue Code of 1986 to make the low-income housing credit permanent and to facilitate the rehabilitation of public housing using such credit; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 1620. A bill to prohibit direct Federal financial benefits and unemployment benefits for illegal aliens and to end Federal mandates for States to provide benefits for illegal aliens; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 1621. A bill to achieve increased contributions by European member nations of the North Atlantic Treaty Organization to offset the costs of maintaining U.S. military personnel and installations in these nations; to the Committee on Foreign Affairs.

By Mr. GALLEGLY:

H.R. 1622. A bill to terminate annual direct grant assistance to the Commonwealth of the Northern Mariana Islands; jointly, to the Committees on Natural Resources and Foreign Affairs.

H.R. 1623. A bill to apply the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands, and for other purposes; jointly, to the Committees on the Judiciary and Natural Resources.

By Mr. HOAGLAND (for himself, Mr. MACHTLEY, and Mr. STUMP):

H.R. 1624. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; jointly, to the Committees on Natural Resources and Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. ARCHER, and Mr. GINGRICH):

H.R. 1625. A bill to improve access to fair compensation for those injured while receiving medical care and to increase availability of health care services by reducing the costs of both medical malpractice liability premiums and defensive medicine; jointly, to the Committees on the Judiciary, Ways and Means, and Energy and Commerce.

By Ms. KAPTUR:

H.R. 1626. A bill to extend until January 1, 1995, the existing temporary suspension of duty on umbrella frames; to the Committee on Ways and Means.

By Mr. LEHMAN (for himself, Mr. BLILEY, Mr. ROWLAND, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. PENNY, Mr. ENGLISH of Oklahoma, Mr. HOLDEN, Mr. EMERSON, Mr. KINGSTON, Mr. SARPALIUS, Mr. EWING, Mr. DOOLEY, Mr. JOHNSON of South Dakota, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. COMBEST, Mr. DOOLITTLE, Mr. CONDIT, Mr. BISHOP, Mr. GUNDERSON, Mr. POMEROY, Mr. ALLARD, Mr. TOWNS, Mr. COOPER, Mr. HALL of Texas, Mr. MCMILLAN, Mr. HASTERT, Mr. UPTON, Mr. PAXON, Mr. KLUG, Mr. FRANKS of Connecticut, Mr. MANTON, Mr. BOUCHER, Mr. CRAPO, Mr. BARTON of Texas, Mr. GILLMOR, Mr. OXLEY, Mr. TAUZIN, and Mr. MOORHEAD):

H.R. 1627. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. MCCANDLESS (for himself, Mr. MCHUGH, and Mr GALLEGLY):

H.R. 1628. A bill to amend the Federal Election Campaign Act of 1971 to clarify the coverage of a provision that prohibits contributions by foreign nationals in elections for Federal, State, and local offices, and to provide for an additional prohibition on contributions by foreign nationals in initiative, referendum, and recall elections; to the Committee on House Administration.

By Mr. MCCANDLESS (for himself, Mr. PARKER, Mr. SOLOMON, Mr. PAXON, Mr. DORNAN, and Mr. LAZIO):

H.R. 1629. A bill to amend title 18, United States Code, with respect to the use and sale of military medals and decorations; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 1630. A bill to prevent unemployment and community disruption caused by the government subsidization of runaway plants in Puerto Rico; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 1631. A bill to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia; to the Committee on the District of Columbia.

H.R. 1632. A bill to amend title 11, District of Columbia Code, to remove gender-specific references; to the Committee on the District of Columbia.

H.R. 1633. A bill to create a Supreme Court for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROGERS:

H.R. 1634. A bill to authorize the Secretary of Agriculture to provide cost share assistance for projects designed to improve the supply of water in rural areas that are experiencing severe problems with the quality or quantity of water; to the Committee on Agriculture.

By Mr. STARK:

H.R. 1635. A bill to amend the Federal employee compensation provisions of title 5, United States Code, to provide benefits for a disability involving the large intestine; to the Committee on Education and Labor.

By Mr. STEARNS:

H.R. 1636. A bill to provide for line-item veto; capital gains tax reduction; enterprise zones; raising the Social Security earnings limit workfare; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. STENHOLM (for himself, Mr. BOEHNER, and Mr. HOLDEN):

H.R. 1637. A bill to amend the Egg Research and Consumer Information Act, to accomplish an expansion of exemption eligibility from assessments under this act and to authorize increased assessment rates if approved by producers; to the Committee on Agriculture.

By Mr. TRAFICANT:

H.R. 1638. A bill to amend the Excellence in Mathematics, Science, and Engineering Education Act of 1990 to establish the National Academy of Science, Space, and Technology at State universities, to expand the scholarship program associated with such Academy, to direct the Administrator of General Services to construct a public building to provide space for the headquarters of such Academy, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mrs. VUCANOVICH (for herself and Mr. DOOLITTLE):

H.R. 1639. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. WAXMAN (for himself, Mr. DINGELL, Ms. SLAUGHTER, Mrs. CLAYTON, Mr. SYNAR, Mr. RICHARDSON, Mr. ROWLAND, Mr. SLATTERY, Mr. WASHINGTON, Mr. BROWN of Ohio, Mr. KREIDLER, Ms. PELOSI, Mr. MCDERMOTT, and Mr. WYDEN):

H.R. 1640. A bill to provide for the immunization of all children in the United States against vaccine preventable diseases, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. WYNN:

H.R. 1641. A bill to ensure that survivor annuity benefits under the Civil Service Retirement System and the Federal Employees' Retirement System, which are based on the service of any individual who retires before October 1, 1993, shall be computed in accordance with applicable provisions of law, as in effect on March 31, 1993; to the Committee on Post Office and Civil Service.

By Mr. CASTLE (for himself, Mr. QUINN, and Mr. BLUTE):

H.R. 1642. A bill to give the President legislative, line-item veto authority over budget authority in appropriations bills in fiscal years 1994 and 1995; jointly, to the Committees on Government Operations and Rules.

By Mr. SABO:

H.R. 1643. A bill to suspend until January 1, 1996, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings, and associated accessories and figurines; to the Committee on Ways and Means.

By Mr. ENGEL:

H.J. Res. 175. Joint resolution designating October 1993 and October 1994 as "Italian-American Heritage and Culture Month"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H. Con. Res. 78. Concurrent resolution establishing a commission to study compensation and other personnel policies and practices in the legislative branch; to the Committee on House Administration.

By Mr. CARR:

H. Res. 148. Resolution amending clause 2(n) of rule XI of the Rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANTOS:

H.R. 1644. A bill for the relief of Vladimir Epschtein and Cilia Epschtein; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. BOEHNER, Mr. BRYANT, Mr. CRAMER, Ms. DUNN, Mr. FILNER, Ms. FURSE, Mr. GEPHARDT, Mr. PETE GEREN, Mr. GINGRICH, Mr. KILDEE, Mr. KREIDLER, Mr. LEWIS of Florida, Mrs. MALONEY, Mr. MCDADE, Mr. NADLER, Mr. NEAL of North Carolina, Mr. OLVER, Mr. PASTOR, Mr. WELDON, Mr. WILLIAMS, and Mr. WOLF.

H.R. 64: Mr. SPENCE and Mr. FISH.

H.R. 65: Mr. DUNCAN, Mr. STUDDS, Mr. HOBSON, and Mr. ROGERS.

H.R. 67: Mr. RICHARDSON.

H.R. 70: Mr. HEFLEY, Mr. ROHRABACHER, Mr. ALLARD, Mr. FRANK of Massachusetts, Mr. ZELIFF, Mr. GOSS, Ms. SNOWE, Mr. SMITH of Michigan, and Mr. INHOFE.

H.R. 112: Mr. SANTORUM, Mr. ZELIFF, and Mr. BEREUTER.

H.R. 130: Mr. PETERSON of Minnesota, Ms. BYRNE, and Mr. NADLER.

H.R. 138: Mr. HERGER.

H.R. 163: Mr. INHOFE, Mr. BALLENGER, and Mr. SMITH of Michigan.

H.R. 166: Mr. INHOFE.

H.R. 173: Mr. HEFLEY and Mr. TAYLOR of North Carolina.

H.R. 303: Mr. ROGERS.

H.R. 348: Mr. MICA, Mr. HANSEN, and Mr. SMITH of Michigan.

H.R. 349: Mr. GLICKMAN, Mr. BISHOP, Mr. STENHOLM, and Mr. POMEROY.

H.R. 350: Mr. SAWYER, Mr. JOHNSTON of Florida, Mr. MEEHAN, Mr. LEWIS of Georgia, Mr. SWETT, Mr. JACOBS, Mr. PAYNE of New Jersey, Ms. MCKINNEY, Mr. SERRANO, Ms. HARMAN, and Mr. NADLER.

H.R. 411: Mr. DOOLITTLE and Mr. LIGHTFOOT.

H.R. 412: Mr. HERGER.

H.R. 431: Mr. MEEHAN, Mr. DELLUMS, Mrs. KENNELLY, and Mr. EVANS.

H.R. 441: Ms. SNOWE, Mr. SMITH of Michigan, Mr. LIPINSKI, and Mrs. ROUKEMA.

H.R. 451: Mr. POSHARD.

H.R. 549: Mr. SCHAEFER, Mr. KYL, Mr. SOLOMON, and Mr. REED.

H.R. 578: Mr. STUDDS.

H.R. 581: Mr. DIXON, Ms. BROWN of Florida, Ms. BYRNE, Mr. HASTINGS, Mr. CLAY, Ms. NORTON, and Mr. WYNN.

H.R. 661: Mr. GUTIERREZ and Mr. SERRANO.

H.R. 662: Mr. KYL.

H.R. 676: Mr. GINGRICH, Mr. SPENCE, and Mr. EMERSON.

H.R. 682: Mr. SAWYER, Mr. MCCLOSKEY, Mr. KILDEE, and Mr. BOEHLERT.

H.R. 684: Mr. SMITH of New Jersey.

H.R. 749: Mr. HEFNER, Mr. BILBRAY, and Mr. BALLENGER.

H.R. 769: Mr. FISH, Mr. SCHIFF, and Mr. WILLIAMS.

H.R. 823: Mr. RAMSTAD and Mr. MURTHA.

H.R. 826: Mr. HUGHES, Mr. SYNAR, Mr. RIDGE, and Mr. PRICE of North Carolina.

H.R. 830: Mr. FROST, Mr. SMITH of Texas, Mr. LEACH, and Mrs. VUCANOVICH.

H.R. 846: Mr. ANDREWS of New Jersey, Mr. SUNDQUIST, Mr. BATEMAN, Mrs. JOHNSON of Connecticut, Mr. PETERSON of Minnesota, Mr. TUCKER, Mr. GILMAN, Mr. LAROCCO, Mr. SCHIFF, Mr. BROWN of Ohio, Mr. GEJDENSON, Mr. COSTELLO, Mr. FRANKS of New Jersey, and Mr. PARKER.

H.R. 863: Mr. BUNNING, Mr. ZELIFF, Mr. SENSENBRENNER, Mr. INHOFE, and Mr. HERGER.

H.R. 870: Mr. WILLIAMS and Mr. GALLEGLY.

H.R. 888: Mr. COMBEST.

H.R. 895: Mr. BEREUTER and Mr. BALLENGER.

H.R. 896: Mr. KNOLLENBERG and Mr. BALLENGER.

H.R. 902: Mr. FROST, Mr. SISISKY, Ms. FURSE, Mr. BLACKWELL, Mr. PRICE of North Carolina, Mr. KENNEDY, and Mr. HINCHEY.

H.R. 944: Mr. MCHUGH, Mr. HANCOCK, Mr. DOOLITTLE, and Mr. HERGER.

H.R. 972: Mrs. CLAYTON, Mr. LAFALCE, Mr. ENGLISH of Oklahoma, Mr. MILLER of California, Mr. SISISKY, and Mr. BLACKWELL.

H.R. 1006: Mr. HOBSON and Mr. ZIMMER.

H.R. 1009: Mr. HOAGLAND, Mr. SMITH of Michigan, Mr. ROHRABACHER, and Mrs. ROUKEMA.

H.R. 1036: Mr. FILNER, Mr. OLVER, Mr. SANDERS, Mr. PETERSON of Minnesota, Mr. STOKES, Mr. YATES, and Mr. HOLDEN.

H.R. 1106: Mr. OBERSTAR.

H.R. 1126: Mr. BALLENGER and Mr. INHOFE.

H.R. 1127: Mr. BALLENGER.

H.R. 1128: Mr. BALLENGER, Mr. KNOLLENBERG, and Mr. INHOFE.

H.R. 1129: Mr. BALLENGER.

H.R. 1130: Mr. INHOFE.

H.R. 1135: Mr. CONYERS and Mrs. UNSOELD.

H.R. 1141: Mr. HUNTER, Mr. SCHIFF, and Mr. HERGER.

H.R. 1155: Mr. MANTON, Mr. HOCHBRUECKNER, Mr. WALSH, Mr. APPLEGATE, and Mr. SISISKY.

H.R. 1157: Mr. TORKILDSEN, Mr. KIM, and Mr. DORNAN.

H.R. 1181: Mr. HANSEN, Mr. HEFLEY, Mr. KYL, Mr. PETERSON of Minnesota, Mr. BACCHUS of Florida, Mr. SCHIFF, Mr. JOHNSON of South Dakota, Mr. PICKETT, Mr. BECERRA, Ms. SCHENK, and Mr. FAZIO.

H.R. 1188: Mr. SERRANO and Mr. RANGEL.

H.R. 1224: Mr. RAHALL, Mr. LEWIS of Florida, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Mr. LIPINSKI, Ms. DANNER, Mr. KANJORSKI, Mr. FALEOMAVAEGA, Mr. OWENS, Mr. SANGMEISTER, Mr. SHAYS, Mr. MURPHY, and Mr. POSHARD.

H.R. 1225: Mrs. MEYERS of Kansas, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Ms. DANNER, Mr. KANJORSKI, Mr. FALEOMAVAEGA, Mr. SANGMEISTER, Mr. SHAYS, Mr. POSHARD, and Mr. BLACKWELL.

H.R. 1242: Mr. HERGER.

H.R. 1248: Mr. NEAL of Massachusetts.

H.R. 1250: Mr. GENE GREEN of Texas and Mr. PASTOR.

H.R. 1252: Mr. THOMAS of Wyoming, Mr. BALLENGER, and Mr. SOLOMON.

H.R. 1253: Mr. SCHIFF and Mr. SOLOMON.

H.R. 1254: Mr. KLINK and Mr. FIELDS of Louisiana.

H.R. 1276: Mr. EMERSON, Mr. COLLINS of Georgia, Mr. TORKILDSEN, Mr. SOLOMON, Mr. DOOLITTLE, and Mr CONDIT.

H.R. 1285: Mr. FAWELL.

H.R. 1312: Ms. BYRNE and Mr. LEACH.

H.R. 1332: Mr. BAKER of Louisiana, Mr. BROOKS, Mr. FORD of Michigan, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. LAFALCE, Mr. MCHUGH, Mr. MORAN, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. SOLOMON, Mr. STUDDS, and Mr. WALSH.

H.R. 1344: Mr. WISE, Mr. HAYES of Louisiana, Mr. DURBIN, Mr. MCHUGH, Mr. GUTIERREZ, Mr. PARKER, and Mr. SPENCE.

H.R. 1349: Mr. ARMEY, Mr. TORKILDSEN, Mr. ZELIFF, Mr. COLLINS of Georgia, Mr. SMITH of New Jersey, and Mr. JOHNSON of South Dakota.

H.R. 1411: Mrs. JOHNSON of Connecticut, Mr. DOOLITTLE, Mr. STUMP, and Mr. SMITH of Michigan.

H.R. 1414: Mr. LEWIS of California and Mr. ISTOOK.

H.R. 1421: Mr. STOKES, Mr. KENNEDY, Ms. FURSE, Mr. WAXMAN, Mr. MEEHAN, Mr. NADLER, and Ms. WOOLSEY.

H.R. 1432: Mr. BACCHUS of Florida and Mr. INSLEE.

H.R. 1490: Mr. DOOLITTLE and Mr. COMBEST.

H.R. 1492: Ms. MALONEY.

H.J. Res. 11: Mr. MINETA, Ms. SHEPHERD, Ms. BYRNE, and Mr. SAM JOHNSON of Texas.

H.J. Res. 95: Mr. BILBRAY, Mr. CLINGER, Mr. INHOFE, Mr. MORAN, Mr. JEFFERSON, Mr. CRAMER, and Mr. BREWSTER.

H.J. Res. 116: Mr. POMEROY.

H.J. Res. 119: Mr. FORD of Michigan, Mr. KLEIN, Mr. SCHUMER, Mr. WASHINGTON, Mr. WYNN, Mr. UPTON, and Mr. WOLF.

H.J. Res. 134: Mr. TAUZIN, Mr. CRAMER, Mr. ARCHER, Mr. COBLE, Mr. FILNER, Mr. LEVIN, Mr. BATEMAN, Mr. WAXMAN, Mr. MEEHAN, Ms. NORTON, Mr. KREIDLER, Mr. BLACKWELL, Mr. PARKER, Mr. MCDERMOTT, Ms. MOLINARI, Mrs. CLAYTON, Mr. GREENWOOD, Mr. MARTINEZ, Mr. MCHALE, and Mr. MATSUI.

H.J. Res. 145: Mr. BOEHNER, Mr. BAKER of California, Mr. MCHUGH, Mr. CLINGER, Mr. DORNAN, Mr. KYL, and Mrs. MEYERS of Kansas.

H. Con. Res. 15: Ms. SHEPHERD, Mr. NADLER, Mr. FILNER, and Mr. BARRETT of Wisconsin.

H. Con. Res. 29: Mrs. BENTLEY and Ms. ROS-LEHTINEN.

H. Con. Res. 51: Mr. HOKE, Mr. EVERETT, and Mr. MCKEON.

H. Con. Res. 66: Mr. FOGLIETTA, Mr. PETERSON of Minnesota, Mr. DICKS, Mr. PENNY, Mr. MCCURDY, Mr. LIPINSKI, Mr. KING, Mr. HOCHBRUECKNER, Mr. KLECZKA, Mr. SISISKY, Mrs. KENNELLY, Mr. EVANS, and Mr. WAXMAN.

H. Con. Res. 68: Mr. BALLENGER, Mr. DOOLITTLE, Mr. GORDON, Mr. WOLF, Mr. HALL of Texas, Mr. GALLEGLY, Mr. KYL, Mr. KING, and Mr. CUNNINGHAM.

H. Res. 38: Mr. STUDDS.

H. Res. 123: Mr. BOEHNER, Mr. BAKER of California, Mr. DORNAN, and Mr. BAKER of Louisiana.

H. Res. 124: Mr. BOEHNER, Mr. LIPINSKI, Mr. DORNAN, and Mr. EVERETT.

H. Res. 146: Mr. CLEMENT, Mr. PALLONE, and Mr. INHOFE.

SENATE—*Thursday, April 1, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The rod and reproof give wisdom; but a child left to himself bringeth his mother to shame.—Proverbs 19:15.

Father God, this insight from Proverbs reveals the root of our degenerating culture. The breakdown of family values is the cause, not the effect, of social decay. We are told that by the time a child is three, he has learned half of all he will ever know. By the time he is seven, his behavior pattern is established. During these years, parents have their greatest opportunity to determine their child's destiny. If there is no discipline, no guidance from father and mother, the child's future is in peril.

God of perfect wisdom, herein lies the explanation for all the troubles besetting youth today and the major cause of child abuse. It also explains America's failure in education. When there is no discipline in the home children bring shame upon their parents. Nothing human ingenuity invents can replace parents.

Gracious God, may all of us who are parents take seriously our responsibility. Renew us in family values and, in mercy and grace, look upon the multitude of children who have been victimized by parental negligence.

We pray this in the name of Jesus who said, "* * * whoever shall offend one of these little ones that believe in me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea." (Mark 9:42) Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 1, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying House Concurrent Resolution 64, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany House Concurrent Resolution 64, a concurrent resolution setting forth the congressional budget of the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. There will now be 20 minutes of debate to be equally divided and controlled by the two leaders or their designees.

Who yields time?

Mr. BOND addressed the Chair.

Mr. DOMENICI. Mr. President, I yield 1 minute to Senator BOND from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 715 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me use 5 minutes of my time, and I ask the Chair to advise me when 5 minutes is over.

I do not think it should be lost on the American people that this is President Clinton's economic budget plan and that it will be adopted on April Fools' Day. I noticed that on the front page of Roll Call, every story was a spoof. You had to read it twice to see if it was for real, and they had decided that on April Fools' Day they would have the entire front page of that little newspaper spoofs on April Fools' Day.

Well, I am here to suggest that an awful lot of Americans are going to be spoofed by this budget—the largest tax increase in the country or any country's history, according to the chairman of the Finance Committee of the Senate, Senator PATRICK MOYNIHAN—$273 billion. That is $3.38 in new taxes for every dollar in spending cuts. Who would have believed it last year, and who would have believed it just 2 months ago that would be the way to fix the American fiscal policy and create a vibrant, growing economy—to levy $3.38 of taxes on America and $1 in cuts?

Defense cuts make up almost all the cuts, meaning that no real substantial cuts come out of the entire domestic spending of America, which is two-thirds of the budget.

Those spending cuts will not be achieved, because they are twice as much as recommended by the President of the United States and, frankly, there is no way to order them to be done in this budget resolution.

So over the next 3 or 4 years, we will try to cut $112 billion more than recommended by President Bush and the then Chiefs of Staff.

No real deficit reduction long term. Not my conclusion, but the conclusion of the neutral refereeing body that the President said we should believe, the Congressional Budget Office.

Again, no real cuts in domestic spending, because for every dollar that is cut, or restrained, there is an equal dollar in new expenditures and new programs.

April fool, Senators.

When you adopt this resolution, it will allow the Senate to never again vote on a freestanding debt limit bill, the one bill that has always provided the minority with an opportunity to have its agenda discussed.

April fool.

You are going to have a reconciliation bill tomorrow raising the debt limit to the end of the year, and you will not be able to amend it.

The last of my series of April Fools for Americans is that this budget will not create jobs, will not grow the economy, and will not reduce the deficit.

I am certain that there are many April Fools surprises in this budget resolution. We have not had an opportunity to go over it in detail or to even see the President's budget before we have to vote here today.

But rarely have we ever reconciled a debt limit bill that has ordered a committee to produce it. We did it one time, but this one even exceeds all previous efforts in that there are two orders to the committees to produce at two different times two debt limit bills. The debt limit is extending the debt because you have incurred deficits that you have to add to the base of the debt of America.

So we look at this reconciliation bill, this order to the committees. Two debt limits are in, as I just said, seven reserve funds. We do not know what those are going to mean over time. There are 28 separate statements of the sense of the Congress, many of which are inconsistent with the President's program, many of them inconsistent with the assumptions in the budget resolution.

So in conclusion, from the very beginning there was no doubt that we would be here today. Obviously, we have not been part of producing this budget resolution. Perhaps we could not have been. It is so different in philosophy from what we would have produced in these critical economic times that perhaps the best we could do is what we did try to tell the American people what was in it by offering amendments even though we knew we would lose and then offering a budget resolution that would get the deficit under control with no new taxes.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, we stand here this morning in the U.S. Senate on a threshold. We are emerging from 12 years of the most irresponsible fiscal policy that has ever been pursued in the over 200-year history of this country. When economic historians write the history of the period from 1980 to 1992, I think they will find it almost incomprehensible how the leadership of this country could have moved our great people to the edge of fiscal disaster.

We have a vigorous, decisive President who has gone at long last to the American people to tell the truth about the problem. No longer do we have the phony posturing that we have seen over the past 12 years that if we only do away with the waste, fraud, and abuse, then the budget is going to be balanced. No longer do we hear the false statements that if we simply cut taxes enough, then the rich will invest and we will all prosper as the economy expands.

No. None of that has worked. It has all been a shallow charade, and the American people are now aware of that. Some of the same individuals who helped foster that policy have spent a large proportion of their time over the past days and weeks in throwing rocks at this proposal the new President has offered.

There have been no constructive proposals from our friends on the other side, only destructive and negative criticism of the only plan that we have to get us out of this ditch that they have left us in.

Now, the American people have listened to this President's solution. He has gone to them with a heartfelt, candid solution. And we have to give that solution a chance this morning, Mr. President.

I submit that if the deficit is this country's most dangerous crisis, if all else is secondary to the deficit, as so many of us have said so many times, then there is absolutely no excuse for opposing a rational package of spending cuts and revenue increases that bring the deficit down.

The American people have enough sense to know that we cannot continue down the path we have been on for the past 12 years. It has led us to the edge of economic disintegration.

There is no logic to the proposition that, "Yes, the country is in grave peril and can only respond to that peril if the approach is wholly consistent with my own personal premises." That is what we are hearing from our friends on the other side.

President Clinton has proposed a rational package of carefully targeted spending cuts and revenue increases. He is reducing military spending by $108 billion over the next 5 years. This is the first really post-cold-war budget that this country has experienced.

Some of our friends on the other side are complaining because they say the military cuts are too deep. Somehow in their rationale, military spending simply does not count. The dollars that go for tanks, aircraft carriers, and weapons of destruction, somehow those dollars just seem to grow out of thin air; we do not have to borrow those dollars; we do not have to pay interest on those dollars required. And for those who say that a modest $106 billion cut in military spending is going to endanger the national security of this country, I would say to them that this President is proposing spending in excess of $1.3 trillion over the next 5 years for military spending purposes. How much is enough for our friends on the other side?

There is $81 billion in nonmilitary domestic discretionary spending cuts; $91 billion in cuts in entitlements and mandatory programs; and, yes, there is $272 billion in net revenue increases.

We are still trying to recover from that gigantic hoax of 1981 when we reduced the revenues of the Federal Government by 20 percent and had the foolishness to try to pay for that by increasing military spending by about 33 percent.

I well remember when my distinguished colleague, then the Senate majority leader, Howard Baker, stood on the floor of this Senate and said that those Reagan tax cuts of 1981, that we now know benefited only the wealthiest among us, was, to quote him, a "giant riverboat gamble." It was a giant riverboat gamble that failed, I say to my colleagues, and we saw ourselves quadruple the national debt in this country in the short period of 12 years. A national debt that had taken us 200 years to build up to the level of $1 trillion we quadrupled that in 12 years, and we have seen for weeks on end it is easy to slice and dice the components of this President's economic proposal and deficit reduction plan.

Our friends on the other side have done it with great skill and with great zest. They have enjoyed every moment of it. But, frankly Mr. President, I do not believe the American people particularly care whether a fee is a revenue or a negative outlay. I do not believe they really care what baseline concept we will begin with. Of course, our friends on the other side have the right to recategorize President Clinton's plan into the most negative possible configuration which they have done day after day out here on the floor of this Senate.

But I would say to my colleagues, it is not washing with the American people. They are not going to allow protest against ratios about baselines to serve as an excuse for doing absolutely nothing at all and defending the status quo. That, Mr. President, is the fundamental truth of the current moment.

A vote against this President's package when you strip it all away is simply a vote for doing nothing. It is a vote of going down the same road we have been going down for the past 12 years. It is a vote for continued economic stagnation if you vote against this program. It is a vote for ever escalating deficits if you vote against this program. It is a vote for saying we like things the way they are, we do not want to change if you vote against this President's program this morning.

It is a vote against $500 billion in deficit reduction over 5 years. It is literally a vote for my colleagues adding $500 billion to the national debt if you vote against this President's program. It is a vote for increasing the annual burden of interest expense. It is a vote for tying our hands, for abandoning better prospects in the future. It is a vote for dashing the hopes of future generations of Americans.

Now, our friends on the other side of the aisle can solace themselves with the thought that a vote against the President is a vote against taxes. Or it is a vote against cutting military spending or a vote against too little here or too much there.

But the inescapable reality is that a vote against this President's proposal this morning is a vote for maintaining a status quo that the American people say is intolerable.

There is no other prospect before us. No credible alternative has been offered from the other side of the aisle.

So a vote against the President is a vote for a condition that we are in now and that, Mr. President, is a condition that simply cannot be allowed to persist.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from New Mexico has 3 minutes and 44 seconds remaining.

Mr. DOMENICI. Thank you, Mr. President.

Let me first suggest that there is a big coverup going on on the floor of the Senate, as if those taxes that were reduced in the first couple of years of President Reagan's administration were just a Republican event.

I might remind the Senate once more that my recollection is that the vote in favor of those tax cuts was 89. I do not think, ever in history of the Republic, has there ever been 89 Republican Senators. So I can surmise, at best, one could say it was bipartisan.

The President summarized the past, in terms of deficits, in his own speech to the American people when he said there is plenty of blame to go around and called it a bipartisan problem.

Now, having said that, let me suggest today—today—across this world, the American economy, among large, free, industrial nations, is the best in the world.

Japan, to get their economy off dead center and recession, has been befuddled for a year. Now they are going to have a stimulus package because their economy is not growing like America's.

Germany is in trouble. England is in trouble. France just changed governments because of their troubles.

And America's economy is rocking right along—365,000 new jobs reported last night, 489,000 net new jobs—without one new penny of Federal money on so-called investments by the Government.

Now, having said that, let me repeat, it is probably a quirk of fate that we are voting on this budget on April Fools' Day.

But, I tell you, if we are talking about a riverboat gamble, we ought to be talking about an April Fools' budget, because, frankly, the American people are indeed being fooled.

Would they believe that putting $272 billion in new taxes, the highest marginal rate increases in our history—in fact, we are going to be so proud of this Tax Code when we finish this because we can hold it up and say it is just like England's. In fact, our marginal rates are going to be higher than England's, and England's marginal rates are such a disaster that they are using schools of economics to tell people how you ought not tax if you want prosperity.

So what we would like to do is reduce those taxes until we get the deficit under control by cutting spending. And that is not being done because, somehow or another, somebody, somewhere thinks the American people are going to believe that you are not spending their tax dollars if you call the spending an investment; that is not spending their money.

Well, that is what this budget debate is all about. If you do not get the deficit under control with $272 billion in new taxes, what is next? Another round of taxes?

I assume that, in closing, the greatest of all April Fools is that this budget will not create jobs, will not grow the economy, will not reduce the deficit, but will grow Government.

I yield the floor.

Mr. BOND. Mr. President, with leading economic indicators showing that the economy has been growing steadily for the past 5 months, I challenge the need for an emergency stimulus package proposed by President Clinton which would add to the Federal budget deficit and the conference report on the budget now before us.

The economy is steadily growing and creating jobs. Since the budget deficit is the greatest threat to our long-term economic security, our top priority should be getting the deficit under control. The emergency stimulus package just spends more tax dollars that the Government does not have, adding to the deficit.

This budget increases taxes but also increases domestic spending.

Three points under the Clinton budget are not adequately understood:

The Clinton plan would add nearly $1.2 trillion to the national debt over the next 5 years, because while taxes go up Government spending on domestic programs continues to rise;

Economic estimates of the plan indicate that it will cost 3.2 million jobs by 1996; and

The plan contains over $3 in new taxes for every $1 in spending cuts, even candidate Clinton promised the opposite—$3 in cuts for every $1 in new taxes.

This body made a serious mistake in rejecting the Dole-Domenici alternative deficit reduction plan that would reduce the deficit by $460 billion over the next 5 years through cuts in defense, domestic discretionary and mandatory spending program with no tax increases.

Even under the Clinton administration's own figures, their plan puts on a course to see the annual deficit goes back up to $300 billion 2000 and $400 billion by 2003. This budget gives us a huge tax burden that will kill jobs and leave us with a continually growing deficit.

Mr. WOFFORD. Mr. President, the American people want serious deficit reduction and a reordering of the Federal Government's priorities. They want to see our Nation's energy and resources directed to meeting the human challenges here at home with the same commitment we've shown in meeting challenges abroad. That is exactly what President Clinton's economic plan does and that is why I support the budget we are voting on.

By passing this budget, we are showing the American people that gridlock is becoming part of our political history. The American people want an end to the blame game and finger pointing. They recognize the toll that political gridlock has taken on this country. It is often easier to do nothing and that is just what political gridlock was—an excuse to do nothing. The American people caught on. They realized that the risks of doing nothing are much higher than the risks of moving forward. The American people are willing to make a shared sacrifice so long as all of us do our part and so long as Government invests wisely, instead of spending wastefully. Americans want to give change a chance.

The American people have also demanded that we reduce the Federal deficit. The budget deficit is more than an abstract problem. It affects each of us every day. It robs our economy of the private investment capital it needs for generating new growth. It has pushed long-term interest rates between 1 and 4 percent higher than they should be. And these higher interest rates make it that much harder to own a home, start a business, or make payments on credit cards.

And it is stealing resources from our children by saddling them with our debts. It is soaking up taxpayer dollars and preventing us from investing in our future. We now spend more to pay interest on the national debt than we do on every Government program except Social Security and defense—more than on education, law enforcement, transportation, and medical research.

This budget puts us on a bold course toward reducing the deficit. It will reduce the deficit by almost $500 billion during the next 5 years. It is not going to be an easy course.

This budget represents a spirit of compromise between the President and the Congress. We go farther to reduce the deficit than initially sought by the President—still maintaining his priorities and direction.

Change means not only dealing honestly with a national debt that has quadrupled over the past 12 years. It also means investing in the kind of education and training, jobs and technology, human and capital infrastructure that are all essential to rebuilding our economy for the long term. That is the promise of American life—a better life for our children. And that is the promise we are attempting to achieve by enacting President Clinton's economic plan.

This budget also changes our economic priorities. Federal investment in domestic needs like job training and infrastructure development has declined by almost a third between 1981 and 1992. This decreasing public investment has had a major impact on our education, health, transportation system and living standards. We are already paying the price in lost productivity and economic competitiveness. With the cold war won, we can now shift our attention to investing in our Nation's long-term economic strength. And we will never tame the deficit without rebuilding our economic productivity and investing in a better future.

Mr. President, during our debate on the President's economic plan, the Senate was presented with a series of Republican amendments that, on the surface, seemed to undo a difficult or controversial part of the President's plan. But these amendments would have been paid for by eliminating unspecified portions of the President's domestic initiatives. That is not leadership. That is not moving us forward. It is a strategy for continuing gridlock and continuing the failed policies of the past.

I have heard from many Pennsylvanians about what the budget will ask of them. Each individual and group has legitimate concerns. But these are commitments that must be made to get the Nation back on track.

I have received many moving letters that reflect a good understanding of what is being asked of each of us. Maybe the most moving comes from Eric Stodola, an 11-year-old from Pennsylvania. He wrote to ask me to vote in favor of President Clinton's economic plan. Eric writes:

> I like Clinton's plan and his thinking. I don't think it should be changed at all. * * * I can see by the numbers and facts that in the long run the deficit will be lower and my mom and dad will get paid more. I don't think you should rip the plan apart because plans only work when they're all in one piece. * * * I mean that the plan is like a puzzle and if you remove a piece it doesn't work.

I opposed amendments offered by my Republican colleagues because they were just more of the same policies that have not worked and they would have broken apart the puzzle.

There is certainly more to be done. The American people need to be watchful. This budget is only the first step in a long process of tackling the Federal deficit and changing our priorities.

The enactment of comprehensive health care reform is critical to this effort. The driving force behind the deficit today is spending on entitlements—it is projected that 85 percent of the increase in the deficit will come from Federal health care spending, mostly on Medicare and Medicaid. If we do not get these costs under control, we will never control our deficit and we will doom our children and grandchildren to a worse life.

President Clinton himself explained, when he pounded his fist on the table at his Little Rock economic summit last December, that "we're kidding ourselves" if we believe that we can tame the Federal budget deficit and provide long-term economic growth without putting the brakes on skyrocketing health care costs. That's why he said in his February economic message that we have to take action on health care "not next year, not 5 years from now * * * but right now." And he is preparing to introduce his proposal in just a few weeks.

Americans want the President to succeed. So during this year we will be implementing the President's economic plan—including comprehensive health care reform. As Eric Stodola understands, the American people want a whole new approach, and the puzzle will never fit together by pulling the pieces apart.

Mr. LUGAR. Mr. President, I rise today to bring my colleagues' attention to four letters I recently received from Hoosier certified public accountants who in the midst of tax season took the time to write. I ask that these letters be printed in the RECORD because they demonstrate the anxiety and concern many Hoosiers have expressed to me about President Clinton's economic proposal.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR SENATOR LUGAR: As a CPA, whose clients consist almost exclusively of small businesses and their mainly middle-class owners, the Clinton plan is of great concern to me, as it will impact directly upon their ability to expand their businesses and maintain control over their futures. For the past twenty years as a practicing CPA, I have seen many tax proposals come and go. Higher taxes, investment tax credits, changes in the rate structure, and many other major and minor modifications over time have had one consistent result, which is quite simply a disruption of the business decision making process causing inequities and general inefficiencies in the process of conducting business planning and making investment decisions.

What disturbs me most about the rhetoric associated with this plan is that the impact will be primarily on "big businesses" and "high-income taxpayers". As a consultant to businesses and a significant number of persons considered to be high-income in the view of the Clinton plan, let me tell you that businesses don't pay taxes, people pay taxes, and whenever an additional cost, whether it is a tax rate increase or a cost of materials being purchased, is incurred by a business, any prudent businessman will take the action necessary to recover that cost. In my view, any net tax increase will flow through the economic system and, ultimately, be paid by the middle-class Americans purchasing the products being manufactured and sold throughout the economy. It is a gross distortion of the economic reality when the public is deceived into believing that corporations can be assessed additional taxation without it having a direct economic affect on every man, woman and child in this country.

In my view, increased taxation will have the results of increasing the cost of goods and services, lowering consumer confidence, and ultimately, begin a vicious cycle of lower business activity, resulting in lower revenues, resulting in the need for higher tax rates.

Regarding your question concerning how much revenue collection will actually be realized, it is my view that in the short-term businesses and individuals alike will reduce their disposable and investible income to fund the new government spending programs. However, within a very short period of time, workers and businesses alike will take action to recover or offset the increased tax burdens being placed upon them. Workers will demand additional wage and benefit increases, and companies will be forced to raise selling prices to maintain adequate working capital. Such disruption of normal business activity creates inefficiencies that are clearly damaging to the economy, and thereby, long-term tax revenues.

It is my sincere view, along with almost everyone that I have had contact with since the Clinton State of the Union message, that no tax increase should be passed, unless it is first offset by a real spending decrease, thereby allowing the deficit to go down dollar for dollar. It is also my view that it is a danger to the future security of this country to dismantle our military defense system any further, and that cuts should be made in entitlement programs. Specifically, the lie of the "Social Security Trust Fund" needs to be exposed, and social security, itself, needs to be treated as a welfare program funded with the overall tax revenues. Incentives need to be created to stimulate long-term retirement savings by individuals, so that they can provide for their own financial security. Of course, those persons already on social security must remain so, but the system needs to be phased out over time, as it provides a false sense of security to middle and low-income Americans that ultimately cannot be provided by the system.

It is my personal view that the primary source of new job formation in this country has been, and always will be, small business, and that if the government wants to truly assist the growth of such businesses, a reform of the banking system is necessary. At the present time, local businesses cannot obtain adequate working capital loans or finance plant and equipment construction due to the alternatives available to commercial banks and the extent of restrictions placed upon them by regulatory authorities. Quite simply without a source of leveraged capital, small business cannot get off the ground in great numbers.

The American dream was based, and should be based, on opportunity not entitlement, and whatever actions are taken by government to restrict the freedom and opportunity of individuals to make their own economic decisions and spend the money they earn as they see fit as opposed to a government created agenda, the American dream is being extinguished.

I appreciate very much your concern and have followed your service to the State of Indiana over the years with great pride. I wish you success in your efforts.

Sincerely yours,

GREGORY L. WALZ, C.P.A.,

GOSHEN, IN.

DEAR SENATOR LUGAR: I am sad to say that the most basic economic principles are being ignored by the President, the legislature, the media and apparently most Americans. The premise upon which President Clinton and his people are founded is one of statism. Centralized planning is about the most inefficient mechanism known by which to operate the economy. Already, 43% of the national income is being absorbed at the state, federal and local level. Clinton wants to increase this ratio because he truly believes that government is a more competent manager than the people. This premise is clearly false and unless we recognize the comprehensive history of it's failures, we are bound to repeat it and become poorer as a direct result.

Now let me state some basic economic truths that I have observed in four years of college and sixteen years of practice as a C.P.A.

1. Any time you tax something, you get less of it.

2. Any time you subsidize something, you get more of it.

3. Bureaucracy exists only for the sake of perpetuating itself.

4. The more money government spends, the less economic power and therefore less freedom the people have.

The increase in marginal tax rates will have the same effect as the increase of 1990. My clients will be less willing to risk their capital in new business ventures and the economy will slow down. Obviously the bond market has adjusted itself to reflect the growing pessimism of impending increases in government control over the economy. I can promise you that my clients will legally shelter their capital in ways that I will not discuss at this time.

The BTU tax represents the most comprehensive power grab by government that I have ever observed in my lifetime. Everything is either manufactured with or transported by energy sources that would be taxed under this plan. The immediate result would be an increase in the price of each good or service offered in the nation. In essence, the people become poorer and the government becomes much more powerful. Please refer to economic truths 1, 2, and 4.

Please read the Robert Bartley's "The Seven Fat Years". In this book static analysis of tax rate increases is thoroughly discredited. As you know, under static analysis, a 10% increase in tax rates yields a 10% increase in tax revenues. This is a lie. From 1913 until the present, massive tax rate increases yielded small returns in the form of tax revenues and invariably slowed the economy. In 1980, the top marginal tax rate was 70 percent and the federal treasury took $528 billion. In 1989, the top tax rate was 28%, yet the government took in $925 billion. A 75% increase in governmental revenues while the tax rate fell 60% is the actual history of events during the last decade. Clinton and his advisors (most of whom have had little experience in the private sector) have no grasp of these principles. The only thing that is real to them is the notion that they are better equipped to try to run the economy than are the people. Therein lies the greatest threat to our freedom.

The only policy that is currently being discussed that makes any sense is the spending cut theme. I do not believe that it will occur because it violates economic principle number 3. The surge of special interest groups and realization of power loss by the career bureaucrats will certainly capsize this policy.

In summation, the marginal tax increases are political window dressing designed to make the average taxpayer feel less resentful about government increasing its own power while we are all made poorer. There is no such thing as a free lunch.

I am basically an optimist. It's just a little more difficult to be optimistic now.

Very truly yours,

ROBERT E. ROYER, C.P.A.,

BLOOMINGTON, IN.

DEAR SENATOR LUGAR: My practice is composed of, mainly, small businesses, including farmers. Obviously, I have discussed, in detail, the particulars of the Clinton Plan. The vast majority of these clients have significant reservations.

Today's small businessman has many obstacles to overcome ranging from tax law complexities to OSHA to EPA regulations; not to mention the difficulties in obtaining bank financing. In meeting those challenges, one must engage expensive consultants. Normally, this undermines the small business capital base resulting in recessive trends leading to unemployment. For example, a client purchased a manufacturing facility that was destined for bankruptcy. Through ingenuity, he was able to procure financing and avoided a mass lay-off of workers. Do you think the Federal Government rewarded this individual? To the contrary, OSHA arrives to assess massive fines. No warnings, no understanding, just a self-serving bureaucrat, who obviously never held employment within the private sector. Now, consider that more than a 50% change in ownership occurred and, under the Reform Act of 1986, the NOL's are substantially restricted. This example highlights why this country is losing its industrial base and why, I find individuals like Don Mattingly, rather invest in government securities than hassle with regulators. The bottom line: More Unemployment.

Now comes the new administration with the same ideas of the past; just repackaged. In discussions with my clients, they are preparing to reduce their payrolls by 10%, fearing additional payroll tax and regulatory burden. Some are considering labor-saving investments and some are just reducing general and administrative costs at the detriment of sales volumes. For example, a particular client earns $275,000 annually and employs 9 individuals with earnings of approximately $35,000 each. He has determined that the Clinton Plan will increase his tax burden, irrespective of the proposed indirect tax increase by 8.6%. He suspects however, the effective rate increase to be approximately 10% considering all elements. In anticipation, he has decided to terminate two employees with earnings totaling $79,800. As such, he is estimating that his net earnings will increase by $30,378; computed as follows:

Current status:	
Taxable income	$275,000
Effective tax rate (percent)	31
Tax liability	$85,250
Net earnings	$189,750
Anticipated status:	
Taxable income before reduction	$275,000
Payroll expense reduction	$79,800
Payroll tax reduction	$6,500
Workman's compensation	$200
Health benefit	$5,020
Other direct payroll	$360
Adjusted taxable income	$366,880
Clinton tax rate (percent)	40
Anticipated tax liability	$146,752
Anticipated net earnings	$220,128

The client expects to inject the $30,000 differential into the business to increase efficiencies. Obviously, this plan has the added benefit of eliminating some concerns over the health care uncertainties. By adding the BTU tax element into the client's dilemma, other G & A cost aspects will have to be eliminated reducing the income to entities providing goods and services.

Most of my clients recall a tax very similar to Clinton's proposed energy tax; the Windfall Profits Tax of the Carter administration. This did nothing but stifle the American economy.

The economic positioning of companies will reduce the amount of costs that occur; thus reducing revenues levels throughout the economy. With that in mind, how can any thinking individual believe that the amount of new and increasing taxes will net the Clinton administration the revenues projected. As the employment rate begins to rise, the treasury will receive less and less tax dollars.

Senator Lugar, what my clients see are the same approaches that have been implemented in the recent history of our nation. If we truly wish to become solvent, the Congress should focus on savings. The Germans are saving twice the amount of the Americans. They encourage this by exempting the first $2000 of interest income from taxation. The IRA deduction needs to be expanded and indexed against inflation. Analysis would reveal that, in lieu of increased income taxes, the value added tax should promote savings. Observe the Japanese; they invest 15% of their GNP, whereas we invest only 11%. In addition, the investment tax credit and relaxation of the passive loss provision should be considered immediately, together with reduction of the capital gain rate or indexing capital items for inflation.

If we ignore those concerns and retreat back to the traditional ways of tax and spend, the endangered species will most certainly be the American Worker.

Sincerely,

JOHN E. FRIEND.
Certified Public Accountant,
EVANSVILLE, IN.

DEAR SENATOR LUGAR: I have been a CPA in Fort Wayne since graduation from Notre Dame in 1977 an a partner with The Cooper CPA Group for over four years. The majority of our clients would be classified as small businesses with under $10 million in sales. We are involved in all aspects of accounting and taxes, from payroll tax returns to personal returns for individuals worth several million dollars. I related this to you because I believe our firm has a good cross-section of clients that will be affected significantly by your actions in the Senate debate.

I specifically deal with a client involved in the propane gas industry and also with the related trucking of propane and other items. This client will have significantly more paperwork to handle as they are involved at a retail level and will be the entity charging the proposed BTU energy tax, collecting the tax, filing the government forms and remitting the tax. This entity sells to many farmers who will be force to pay this tax as they utilize propane heavily in their crop drying operations. This client will pay more at the gas pump for the diesel fuel for his trucking operation and it is questionable as to whether he can pass on this tax increase to his customers. In all honesty, I don't see how a BTU tax can be a fair tax to the country with the different fuel uses and needs. How can a moderate climate city such as Atlanta (Little Rock?) pay as much in a BTU as a northern city given their more moderate heating needs?

The proposed 10% surtax will have a very negative effect on my client's ability to retain capital in his business for expansion needs. He competes directly with farm cooperatives that sell the same propane, but these coops are exempt from the taxes my client pays. The coops distribute their earnings to their members, but this distribution places the income in lower tax brackets while the three owners of this retail propane operation will be subject to the highest income tax bracket and the 10% surtax. Every dollar paid in tax is one less dollar available to refurbish trucks, buy new tanks and hire more workers. This unfair advantage will be magnified under the surtax proposal.

Credit unions enjoy the same tax advantage over banks as these credit unions are exempt from the taxes the banks must pay. Is it fair that certain organizations by their nature are exempt from the taxes that my clients pay to operate? I think we have learned from the recent bank failures that these competitive disadvantages have no place in our tax structure.

To be honest, Senator, Congress and the Clinton Administration are headed down the same path as before; that is, tax increases where available and minor spending cuts that try to fool the American public. The bottom line from my clients is this: NO MORE TAXES, CUT THE SPENDING. When my clients are losing money or making less, we examine their expenses from top to bottom. We don't raise prices as you raise taxes, we cut expenses and become more efficient. The government has not even begun to become efficient, has not begun to cut expenses. I know you are a big supporter of defense spending, but believe me it is out of hand. Ten percent could be cut without losing any defense capability. We are not talking about losing capabilities, we are talking about cutting out the waste, the extra generals with no responsibilities, the unneeded troops in Europe.

Another Republican, in his final speech as President, warned us of the military complex buildup. Yes, General Eisenhower back in the 50's warned us exactly of what has happened.

My clients are tired of payroll tax increases that are being used to cover up the real operating deficit. Ridiculous tax changes like phasing out itemized deductions and personal exemptions only upset us, the voters. Give us a fair tax rate, but don't give us hidden tax increases. We are too smart to fall for that, give us credit that we know additional taxes when we see them.

My single biggest problem as a CPA is the required year-end of new S corporations of September, October, November, or December. Indiana is one of the largest S states in the country due to our gross receipts tax on regular corporations. The required S payment to keep a fiscal year is causing 80% of my work to be done in a six month period. The client I mentioned previously has three corporations that used to be closed at various times throughout the year. Due to these S rules, all three corporations now have fall closes which is an unnecessary burden on their controller and their accounting system. The required payment was a one-time windfall to the government; if these corporations have steady incomes no new tax dollars are created. This is another of those hidden taxes that does nothing but help one year's government income, but does nothing for the long term deficit.

The latest tax increase was the law that requires individuals with an increase in their income of over $40,000 to pay in 90% of their current year's tax or pay a penalty. These individuals are not allowed to use the exception of paying in 100% of the prior year's tax to avoid a penalty. The rule seems simple, except that seasonal businesses have difficulty gauging their income until their peak season has finished. The client mentioned above had a tremendous income month of December 1992 which caused them to fall under the new rules. Increasing their fourth estimate to the IRS due 1–15–93 does not relieve them from the underpayment penalty for the second and third quarter. How can CPA's advise their clients on June estimated payments when the businesses have fall closes with the majority of the profit months late in the year? What has been created is an unmeetable exception that will be ignored and unenforced. Our tax system has been described as a "voluntary" system in which the majority of taxpayers comply without being audited; more laws like this will cause serious compliance problems.

Senator, my clients and I ask for a fair tax system with no hidden gimmicks and hidden tax increases. Let us know what the tax rate is and what rules we will be operating under and we will comply. Changing the game every two years with new major tax bills is not fair to the American public, and worse, hurts our ability to grow and compete with other countries. Let's work on balancing the budget and being fair to all taxpayers.

You asked what revenue collection will actually be realized under the proposal. I cannot answer that complex question other than to state not as much as the economists would lead you to believe. Taxpayers will switch to tax-free investments (i.e. municipal bonds) and other complex laws will be ignored, either intentionally or through unintentional inability to meet unrealistic regulations.

Let us not rush through another major tax bill without a comprehensive discussion of all the ramifications. At least now we know the rules of the game; we are under no timetable to make major changes in our tax law. Cut the spending and leave the tax rates where they are and we will all be better off for the long term.

Sincerely,

BURT R. BRUNNER, C.P.A.,
The Cooper CPA Group.

FORT WAYNE, IN.

Mr. GRASSLEY. Mr. President, I would just like to point out for my colleagues that a prediction I made earlier in the year in the Budget Committee has come to pass.

I had said, then, that as we would go through this budget process, it would be a sign of business as usual if, when various sides would get together to negotiate a budget agreement, instead of taking the lower of all numbers and ending up with a lower deficit, we would do the opposite.

That indeed has come to pass on this budget conference agreement. They went in with both sides showing alleged savings of more than $500 billion. They come out with less than $500 billion in alleged savings.

Since I have often described this budget as a business-as-usual budget, I look at this result as evidence supporting my contention.

A second point I feel compelled to make is the inclusion in this budget of the debt limit subjected to reconciliation rules. This will result in severely limiting the debate on the country's most important vote—raising the debt limit. And it is clear why the majority would want to limit the debate. Because this budget increases the debt more than any budget ever has in history.

Under this budget, the national debt will increase from $4.4 billion to $6.2 billion over the next 5 years. That is nothing to write home about, Mr. President, not to want to debate before the American people. And so in resorting to this strategem to evade responsible debate, the other side is admitting to the major weakness of its budget—the enormous increase in the debt.

It is fitting, therefore, Mr. President, that this budget comes before us on this April Fools' Day. Thomas Fuller once wrote: "A fool's paradise is a wise man's hell." Mr. President, just who is it in this body that thinks this budget is a paradise? It's no one on this side, Mr. President. For we all think it is pure hell.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from New Mexico has expired. All time has expired.

The question is on the adoption of the conference report on House Concurrent Resolution 64.

Mr. SASSER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee asks for the yeas and nays.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mrs. MURRAY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth

Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the conference report was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Madam President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY and Mrs. FEINSTEIN pertaining to the introduction of S. 689 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The Senate will resume consideration of the pending business which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd amendment No. 283, in the nature of a substitute.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

AMENDMENT NO. 291

(Purpose: To reduce the level of funding for certain activities of the Environmental Protection Agency)

Mr. BOND. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 291.

Mr. BOND. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, strike lines 7 through 12.

Mr. BOND. Madam President, the amendment that I have introduced would eliminate $23.5 million from the appropriations measure we are currently considering. The $23.5 million increase, slated for the Environmental Protection Agency, would triple the current funding level of $8 million for three EPA programs: Green Lights, Energy Productivity, and Methane Gas Recapture. I believe that these funds should be eliminated for several compelling reasons.

First, these are not emergency programs. The only emergency, Madam President, is the deficit, and all this appropriation does is increase the deficit.

Second, this money will not create permanent, private sector jobs. It will create 45 new jobs at EPA. Yes, as incredible as it may seem in light of the administration's rhetoric about the need to streamline the Federal Government, to cut employees and reduce the deficit, this funding would add more employees to the Federal payroll.

Third, I find the agency's justifications for these three programs dubious, to say the least. EPA documents maintain that their purpose is to promote energy conservation. I am 100 percent in favor of energy conservation, and I do not know anyone who is not. So that is not the issue today. The issue here is whether the taxpayers should pay for programs which help private companies conserve energy, which in turn makes their operations more profitable and saves them money. Why should taxpayers spend their money so Fortune 500 companies can save theirs? Something is terribly out of whack here.

The first one of these programs is the Green Lights Program. According to the EPA, the funding increase of $8.5 million would allow the program to expand its services so that corporations could install more energy-efficient lighting. It is a veritable soup-to-nuts menu of taxpayer-supported services, ranging from a state-of-the-art computer software program which corporations can use to assess their needs, to product information, to training workshops and technical support.

I quote from page 2 of the annual report. It says:

> The lighting services group offers technical support, problem solving and training for Green Light participants in installing energy-efficient lighting.

The second program, called Energy Productivity, would receive a $9 million increase. Its purpose is similar to Green Lights. I quote from page 3 of the EPA document on the stimulus bill:

> In the buildings area, EPA will be able to significantly augment its marketing and sales effort, intensify its implementation assistance, and launch new auditing and technical programs to ensure that every building in the United States has the opportunity to understand where its energy goes and how to save money with improved technologies.

I must confess some surprise at this, Madam President. I did not realize that EPA has a marketing and sales division and such an aggressive one that literally every building in the country could personally sign up for it.

All joking aside, I think this is an appalling waste of the public's money. What perverse thinking is behind a Federal program which provides corporations with a public subsidy to conserve money by conserving energy so they can make more money?

I have more faith in the private sector than EPA does, apparently, because I believe that they will take those steps on their own. Companies are in the business to make money. There are private companies in the business to help companies reduce their energy costs and make money. And those companies, both the recipients and the providers of that information, would pay taxes on their profits, if we did not have the EPA trying to do it instead.

These organizations have and will continue to make energy improvements because it is profitable to do so. At this point, Madam President, I want to share a list of the companies receiving this Federal subsidy with my colleagues.

It is printed in the Green Lights annual report. These are the companies which have taken advantage of the corporate pork programs. Look at the mom and pop operations that we are taking care of. Here are just some of the ones benefiting: Phillips 66, Warner-Lambert, Bell Atlantic, Lilly, ARCO, Baxter, Boeing, Humana, GTE, Goodyear, Martin Marietta, Motorola, Sallie Mae, Xerox, Texaco, and Shell. These are the ones who are the beneficiaries of the Green Lights Program, some of the largest of the Fortune 500 companies in America.

I concur with and urge them to make energy conservation a priority, but I do not believe they are entitled to an expensive taxpayer-subsidized, specialized computer program or 45 new EPA employees to show them how to install the new light bulbs. I somehow think they could figure it out for themselves.

There is one more program included in this funding increase which I ought to discuss, which is called methane gas recapture. The laudable purpose of this $6 million program is to help companies and farmers recapture methane gas from coal mines and natural gas pipelines, landfills, and livestock—yes, livestock—so that the emissions are not wasted but rather used for energy purposes.

Not only does this create another corporate pork program, but it is a pork program for bovines. I need to be a bit delicate in my description of the program, so let me read how the EPA characterizes it. It says the program's purpose is to promote the profitable use of methane gas by capturing lost methane from coal mining, natural gas pipelines, agricultural wastes, livestock, and landfills, by promoting motivation and know-how and by overcoming institutional obstacles.

The EPA document further explains that the livestock program will aim at "partitioning carbon to useful products, meat and milk, by nutritional supplements and/or range improvements." I have no earthly idea what that sentence means, although I can guess what it means.

But I do not have to guess at what the public should think of this enormous waste of its money. How do you suppose EPA plans to implement this aspect of the methane gas emissions recapture program? The EPA has already given a grant of $210,000 to Washington State University to study cattle belching. There was at one point in time a $19 million appropriation to study other cow gases. The Clean Air Act originally addressed this issue, but that was taken out on the Senate floor.

If they are truly concerned about methane, I suggest the administration study natural wetlands, which are estimated to produce 20 percent of the methane discharged into the atmosphere. I am also advised by a newspaper article that two Cornell researchers dutifully measured gas passed by cows. Some people think that we have a dirty job. But they measured the gas passed by cows and determined that the methane emissions were equal to the fuel needed to burn one incandescent 75-watt bulb, and they concluded that it would be far better and far more productive to encourage the installation of fluorescent lighting than to try to do what our agricultural universities have been doing in improving bovine nutrition.

I think this program is mind boggling. Taxpayers in the country should question the need for emergency spending on these programs. This is the kind of program that only the Federal Government can dream up. I would urge my colleagues to join me in eliminating this nonemergency windfall for corporate welfare, and for bovine burping.

Mr. BYRD. Madam President, will the distinguished Senator yield for a question?

Mr. BOND. I am happy to yield to my esteemed chairman.

Mr. BYRD. Madam President, the Senator has the floor. I thank him for yielding.

Would he be willing to enter into a time agreement on that amendment?

Mr. BOND. I am delighted to enter into a time agreement.

Mr. BYRD. What would the Senator suggest?

Mr. BOND. I would suggest an hour.

Mr. BYRD. Equally divided?

Mr. BOND. Equally divided.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, I ask unanimous consent that there be a 1-hour time limit on this amendment, and that the time be divided and controlled in accordance with the usual form; provided further that no intervening amendment, or amendment in the second degree, may be in order.

Mr. CRAIG. I object, but only for the purpose of an inquiry.

Mr. BYRD. The Senator has the floor.

Mr. CRAIG. I understand the leadership is not here at the moment, but they are coming back soon. I think they were trying to work out a time certain.

Would it be possible for the chairman to withhold his UC for a moment until that time can be determined?

Mr. BYRD. If I cannot get agreement on it, I will have to. It can be objected to. But the Senator should understand, I am sure he does, that as soon as that Senator yields the floor who has offered the amendment, a Senator can get the floor and move to table. I want to accord equal time between the two sides.

Mr. CRAIG. I understand that. I asked to see if we could not arrive at a time that was compatible to our leadership.

Mr. BYRD. I wonder if Senator HATFIELD is——

Mr. CRAIG. I do not believe he is.

Mr. BOND. Madam President, may I say to my colleagues, we have been advised of the leaders' schedule. I believe that this 1 hour time agreement proposed by the chairman of the Appropriations Committee would accommodate their needs, and I have indicated to my colleague from Idaho that I would be happy to yield him 5 minutes off of my time.

So I think we could accommodate his concerns and I believe we have adequately accommodated the leaders' needs. If that is not the case, I would certainly join in a unanimous-consent request to make further accommodation. But in order for us to give our colleagues some idea of how we are going to proceed, I would hope that we could accept the request of the distinguished Senator from West Virginia.

Mr. CRAIG. I withdraw my objection.

Mr. BYRD. Would the Senator yield for a further request?

Mr. BOND. Yes.

Mr. BYRD. Madam President, may I say to my distinguished Senator from Idaho, I now understand that both leaders are at the White House, and I would propose we do one of two things. We either have 45 minutes to decide, which will give leaders time to get back, or we consume the hour, order the yeas and nays, put it aside. Which would the Senator prefer?

Mr. CRAIG. I would certainly leave that judgment to the chairman.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. CRAIG. Would the Senator from Missouri yield?

Mr. BOND. Madam President, I would suggest that we accept the hour time agreement and make such further accommodations at the end of that period as may be necessary to assist the leaders upon their return to this very important matter.

Mr. BYRD. I thank the distinguished Senator from Missouri and I also thank the distinguished Senator from Idaho.

Madam President, I ask unanimous consent if the Senator will yield to me for that purpose.

Mr. BOND. I yield.

Mr. BYRD. I ask unanimous consent that there be a time limitation of 1 hour and 30 minutes on the pending amendment; that the time be equally divided and controlled in accordance with the usual form; that there be no intervening or second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the distinguished Senator from Missouri [Mr. BOND], and I thank the distinguished Senator from Idaho [Mr. CRAIG].

Madam President, if the Senator will yield just momentarily without losing his right to the floor, I believe that the subcommittee chairman is on the way to the floor.

I do not need to ask unanimous consent for this. I will give that chairman control over 30 minutes of the time, reserving 15 minutes to myself on this side.

I thank the distinguished Senator for yielding.

Mr. BOND. Madam President, I ask our colleague from Idaho if he is prepared to move forward?

Mr. CRAIG. Yes.

Mr. BOND. Madam President, I yield 5 minutes to the Senator from Idaho.

Mr. CRAIG. Madam President, I thank the Senator for his introduction to this amendment to the stimulus package, which we think is clearly not only symbolic, but real in the effort that we are undertaking to reduce deficit spending of the type that we find not in any way necessary for the long-term progress of our country, nor certainly for the well-being of the taxpayers.

As I stand this morning, let me also speak of another issue that is important to me and, I think, my colleagues here in the Senate. I am introducing legislation later this morning, separate from this and not an amendment, which will address the whole issue of deficit spending and deficit control.

I have invited a good number of my colleagues to join with me this morning in discussing legislation that would give the President of this country a modified line-item veto by requiring the expedited consideration of special recension messages submitted by the President upon enactment of appropriations legislation.

Senator MCCAIN and others have attempted a pure line-item veto, and those efforts may well be attempted again during this session of Congress. But today, Senator COHEN, Senator KEMPTHORNE, and myself introduce a line-item veto bill, which I will send to the desk within the next few moments.

Why has there been so much debate lately and so much debate in the last day on specific items within a supplemental piece of legislation that deals with distinctively different areas of our budget? Largely, that is happening, Madam President, because no President can go in and selectively line item out areas of expenditure that we think are unnecessary.

It has become the habit of this Congress, rightfully or wrongfully so, in the last decade, to bundle together varieties of different appropriations bills for different interests, and they stand together as a bundle and not individually. Many of us have argued for a good number of years that really it would be the appropriate approach to allow the President or the executive an opportunity to enter the budget process through the line-item veto.

With that in mind, Republicans and Democrats alike have joined on this issue, whether it be the balanced budget or, more importantly, the line-item veto at this moment. Testimony has been gathered before the Joint Committee on the Organization of Congress, with testimony presented by people like Ross Perot and others from the outside, who argue so clearly that greater responsibility ought to be given to the executive branch of Government to participate more directly with the Congress of the United States in a selective way to deal with some of these extraneous expenditures that have produced the deficit and that shove our expenditure level.

What I am suggesting is that we allow legislative sunlight; in other words, that we allow the light of day to focus on spending that would ultimately wither in the spotlight under the heat of the concentration of this body, or the other body, for that matter, if it had to stand alone.

The bill that I am introducing today is a companion piece of legislation to H.R. 1013, introduced in the other body by Representatives CHARLIE STENHOLM of Texas and DICK ARMEY of Texas, along with several dozen other House Members. In fact, it is a piece of legislation that may well be voted on today on the floor of the House, and more than likely will pass.

So I think it is appropriate that I notify this body and that the Senate become aware of an approach to deal with the line-item veto in a slightly different version than that which we have dealt with in the past.

Last year, H.R. 2164 passed in the House by 312–97, with the endorsement of the leadership of both parties in the other body, and it was endorsed by President Bush and the then candidate Clinton. Now our President, President Bill Clinton supports the authority of a line-item veto.

So the modified line-item veto or the Expedited Recension Act, as called by some, allows the President to focus scrutiny on items that are hidden and bundled into an omnibus appropriation bill. It will prevent the Congress from ignoring the President's proposals for recension.

Madam President, it does give the President, therefore the opportunity to step forward and say to the Congress: These are items that I cannot find any real necessity for; why do we not consider them individually? They can either stand together as a group, or they can stand alone, and you can discuss them and vote them up or down. I am going to veto them.

I think that certainly gives the President an opportunity to focus on spending items that just appear to be unnecessary. The override of a President's veto in most instances has required a two-thirds vote. I would prefer to enact a stronger line-item veto than the one I am proposing today, one that would require that. But I think we know that has been impossible to pass in this Congress, and that is why I stand before you today introducing a modified approach that requires a lesser number of votes to affirm.

Under this bill, the President would have 3 days after the date of the enactment of an appropriations act to submit a special message and draft a bill proposing a recension within the act. A majority or minority leader in the House of Representatives could have 2 legislative days to introduce, by request, the President's recension package. The House must vote on final passage of the recension package within 10 legislative days from the time of the introduction of the bill. The Clerk of the House would have 1 calendar day to engross, to certify, and to transmit the House-passed recension bill to the Senate.

The Senate must then consider and vote on final passage within 10 legislative days after the recension bill is transmitted from the House. If the Senate does not strike any item of recension from the House-passed bill, it then goes to the President for signature. That gives you an idea of the ability of the House and the Senate to work together in this. That is what would be provided in the legislation I am proposing today.

Under the bill, the President's recession package could not be amended. However, the question may be divided. In other words, if he were to veto within a package and submit a variety of items within a package, those issues could be divided out if 50 Members of the House or the Senate stood in support of dividing that effort up.

I will not go any further than that. The legislation is now before us. I hope that at the appropriate time, I can either offer it as an amendment, or I can work with leadership in getting a stand-alone vote. It is clearly time that the Congress of the United States work in a cooperative manner with the executive branch in crafting appropriations in a way that is acceptable to the American people.

Hour after hour, over the last several days, we have had items that clearly are excessive spending, better known as pork, come before this body, be targeted and debated on, and the American people are standing by saying: Is it possible that that kind of legislation could have passed the U.S. Congress?

My colleague from Missouri today introduced legislation to take $23 million out of the budget that was designated for the purpose of studying gases passed by livestock. Now it is very, very difficult for the average taxpayer in this country to understand why we are spending their money for those purposes.

Whether it be a line-item veto or the modified Line-Item Veto Recension Act that I am introducing today, clearly if that had been in place, this legislation or this amendment would not be before us today. It is a clear and perfect example of the taxpayers' money being spent in an inappropriate way that we are trying to deal with in the introduction of this legislation.

I think my colleague from Missouri for yielding to me, and I stand in strong support or his amendment and encourage my colleagues to review the modified line-item veto legislation that we have just introduced and to work with us in its passage.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Madam President, since my colleagues on the other side of the aisle are not present, I ask unanimous consent that time be charged equally, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. BOND. I yield 5 minutes to the Senator from Montana.

Mr. BYRD. Mr. President, will the distinguished Senator from Montana yield to me without time being charged to him?

Mr. BURNS. I will be glad to yield.

Mr. BYRD. Mr. President, I yield all of the time remaining on this side of the aisle to the distinguished junior Senator from Maryland, the Maryland fireball. We have heard of the Wabash cannonball. This is the Maryland fireball. She is the chairman of the—I still use the old-fashioned language—she is chairman of the Appropriations Subcommittee which has jurisdiction over the EPA. I yield all the time to her, retaining 1 minute at the end for the purpose of moving to table.

I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Missouri for this 5 minutes.

As we go through this supplemental, I guess I should have brought back my little comic strip by Jeff MacNelly which I enjoy very much every morning. Of course, with some newspapers, maybe you ought to read just the funny papers and do the crossword puzzles and get rid of the rest of it because it sort of gives you a down day.

I might add that I serve on the committee. This is my first term on the Appropriations Committee, and I am on this subcommittee. You will be hearing from our very able chairman in just a little bit.

I want to congratulate the Senator from Missouri for his leadership because he is trying to strike some pork out of this budget that sure would not fall under the emergency category. Most of this is silly. It is just silly when we talk about some of the studies that are being done and how it relates to our environment: Cow flatulence and its impact on the atmosphere. Some awfully good people from an awfully good agriculture college at Cornell University tell us this has been greatly exaggerated.

I want to tell America that cattle numbers continue to decline, but numbers in people continue to increase. I wonder when we are going to start the study on that, I ask my good friend from Missouri. But Duane Chapman and Thomas Drennen measured the gas passed by cows. They discovered the methane emitted from one cow in 1 year has the same effect on global warming as the fuel-burned power of a single 75-watt light bulb. That is thunderbolt information, great research, great efficiency in Government. And we classify that as an emergency?

Mr. President, the workshop—I find this pretty funny and this is all classified under emergency, spending the taxpayers' money—this methane workshop was held in Palm Springs, CA. Folks, I am an old auctioneer and I have been to a couple of goat ropings and county fairs and auctions and things. I "ain't" never seen a lot of livestock in Palm Springs, CA, but, on the other hand, I see the time of it was February 1989. Palm Springs is not a bad place to hold a workshop in February. Maybe there is another environmental thing that I promote very heavily, and that is, they have 90-plus golf courses out there. That is a good place to study the environment. That is the way I study the environment. I have nothing against that.

What we are saying is that we are not striking all the money for research in the different areas. We are taking a little over $20 million out of this supplemental and telling America this is not an emergency; this is pandering to some special interests, and we are doing silly things, just silly things that do not tell us a darn thing about ourselves, about our planet and especially when we have to borrow money to do it.

We are borrowing money to do this. There is no place in this budget where this is offset. Your children and grandchildren are going to pay interest on this money to do these kinds of silly things. It is time we cut out some of it. Let us really invest in some things that will do us some good. Let us talk about biochemistry and how we control weeds through fungus and genetic engineering and not use pesticides or herbicides. Let us talk about that. Let us fund those things that make sense, and it is an area where we know we can do it. I happen to believe that Montana State University is on the cutting edge of that technology.

But let us cut out these silly things and let us talk about getting a return for the American taxpayers' money.

I appreciate my good friend from Missouri. My roots go back to Missouri. We sort of think alike down there. We should quit coming up with these silly things—and I call them silly—and we borrow money and pay interest on that money to do them. The American people have to know that. We have to get off of this deficit spending, folks.

The PRESIDING OFFICER. The Senator from Montana has used the time yielded to him.

Mr. BURNS. I ask to be yielded 1 more minute and then I will wrap up.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I will not use that time. I thank my good friend from Missouri.

We are going to pay interest. Every time I get up here, I want to remind the American people, deficit and debt are not the same, but one creates the other. If we deficit spend, and that is the difference between the money we take in and the money we spend, that is the deficit; the deficit creates debt, and we pay interest on debt, folks. We are just like any family, any business all across this country. We are borrowing money to do these silly things.

They say, "Well, it ain't much." You have to start somewhere. You have to start cutting somewhere. And if you do not start, then we never will get into this thing of being more fiscally responsible than we are now. I come out of county government. We could not do these things. If we can afford them, let us do them; if we can afford them. We do not have to borrow the money. But I do not think there are very many families borrowing money to go to a picture show or a movie, and this is silly.

Mr. President, I hope my colleagues will support this amendment and get back into the real world where we can do real things with the dollars that we have and we do not have to borrow.

I yield the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-nine minutes.

Ms. MIKULSKI. Mr. President, I yield myself such time as I may consume.

Mr. President, I have been on the floor a number of times defending the President's stimulus package and defending it by articulating what I truly believe are the principles of the President's stimulus package, which is to generate jobs today and generate jobs tomorrow and to enhance the private sector in a way that would sustain the recovery process.

During that debate, I have dealt with the one myth which I will articulate and another that will be part of this discussion with the Senator from Missouri.

First, myth No. 1: That somehow or another funding the stimulus package adds to the deficit, where we believe that public investment will bring down the long-term debt and deficit of this country. A practical example: Every 1 percent of unemployment costs the Federal Treasury $23 billion in both lost revenues and also the Federal programs and local programs, or funding of other programs that help the unemployed.

So whatever we do that brings down the unemployment does deal with Federal spending in a positive way. If we bring down the unemployment by 1 percent, that will be a $28 billion garnering to deal with the deficit and the debt. But at the same time, the stimulus package is meant to lay the groundwork not only to generate immediate jobs but long-term and leverage other jobs in this country. That is why I support the stimulus package.

Now let us go the argument that is being used to deal with the Green programs at EPA which are voluntary arrangements with the private sector to increase their productivity and their profitability by going green.

The argument is that this is not emergency spending. The issue is not on what we spend the money. That might not be the emergency. What is the emergency is the fragile nature of the recovery and the fragile nature of America's private sector, which is by their organizational charts, their attitudinal thinking, stuck in a cold war mentality.

We know that America's private sector is changing, and it needs all the help it can get to change in order to increase its productivity. And going green is one of the best ways to do it. Corporation after corporation can tell you that going green, meaning to move more to an environmentally sensitive area, is actually saving them money, enabling them to develop new products for the marketplace, or enhance their own products for the marketplace, and that it is increasing both profitability and productivity.

Any money we can spend to meet with the emergency that is going on in America's private sector to help them be fit for duty for the 21st century and to increase their productivity, their profitability, and thus their employment and their asset to the United States of America I regard as wisely spending the money. You talk to those top tycoons the way I have and you will see that this is an area where they see dual use. It enhances their productivity, it enhances their profitability, it enhances their ability to either retain or recruit new employees, and at the same time we come up with ways to conserve energy, to deal with emissions that are destructive to our environment, and we get a multiple greenbuck effect for the spending of our money.

Mr. President, these are not boutique green items. This is not taking a bumper sticker from an environmental movement and funding a good intention. This is practical application with America's private sector. This was not invented by a think tank. This was invented by Bill Reilly, a Republican administrator during the Bush administration, who knew that going green was a great way to go. But the way to go green was not through more tightening of regulatory requirements, not more mandates on local government, but by helping America's private sector to think green, go green, and to do it now.

They came up with a variety of approaches, from identifying energy-efficient products, to encouraging industry to commercialize, to converting some of their processes that they use in production, and, yes, changing light bulbs. Boy, does that invite jokes. You know the old joke: How many Senators does it take to change a light bulb? Well, it depends on what committee you sit.

This is not light bulb jokes. The changing of the light bulbs shows that energy-efficient lighting will cut the American electric bill by $19 billion, also reducing air pollution by 4 to 7 percent.

So changing the light bulbs changes our economy, and it changes our economy in a very constructive way.

Somebody has to design that light bulb. Somebody has to be the architect of the future, and those are jobs for our high technology. Somebody is going to manufacture those light bulbs and, wow, would it not be great if America got back into the manufacturing business.

Somebody has to sell them. Somebody has to install them, and that generates jobs. And at the same time, it will save America's private sector $19 billion. Wow.

Now, is the pie in the sky? Sure, they might be at a conference. Like my colleague from Montana, I go wild when they want to go off to conferences. I know there are those who like to talk about the problem and those who like to solve the problem. I know my colleague from Montana likes to solve problems, as does my colleague from Missouri. That is why I thought this program would have such an appeal for them.

Who has benefited? Who has worked with EPA? Let us take Preston Trucking in Maryland. This is a partner that received an energy award from Gov. William Donald Schaefer, who endorsed George Bush in the last election. Governor Schaefer gave Preston Trucking an energy award because of Preston's successful energy conservation program to deal with a new lighting system.

Preston now uses 40 percent less energy, and it is going to save that trucking company $20,000 a year. Now, that might seem small, but be a small business in a changing economic environment that is becoming more competitive, and that same $20,000 either means increased profitability or it might mean you can enhance the health insurance for your employees.

Now, let us go to the Amoco Corp. They were a charter partner to the Green Lights Program. Recently they replaced 6,000 light switches with 6,000 occupancy sensors in their office and laboratory buildings. Now, what is an occupancy sensor? It means that when nobody is in the room, the light goes out. What did that do? It saved Amoco $316,413 per year in just one area at their Naperville, IL, office and laboratory building complex. Wow, 300 grand.

Let us go to Elkhart General Hospital in Indiana. They were a Green Light partner. Now, they are a small institution out there, trying to give high-technology, high-touch care, yet they have an enormously high electricity bill because it is associated with hospitals, not only to run the high-technology equipment but because of heating and air-conditioning crucial to patient care.

They upgraded with the installation of new lamps, electronic ballasts, occupancy sensors, and time switches, and then they ended up saving more than $100,000 in annual energy savings. For a hospital, a small hospital to save 100 grand, wow, you talk about cost containment in America's health reform proposal.

Maybe we ought to make sure that energy efficiency is one way to do that. We could go to corporation after corporation that I can name. The Oliver Carr Co. in Maryland, in the District of Columbia, has done it; Johnson & Johnson, Boeing, all have done this. Boeing, as they are fighting for their life, will tell you that being a Going Green charter member and what they learned from this helped them upgrade many buildings and drop their energy use by 50 percent.

So those are the kinds of things we are talking about. These are real opportunities for saving money and saving the environment. And to cut this out and say, well, it is not an emergency, I tell you, for a lot of those companies, those hospitals, and so on, what they are up against is an emergency, and that is why spending this money will help them.

Mr. President, I am going to further reflect on other things I might say, so that I will yield the floor but not yield back the time.

How much time do we have?

The PRESIDING OFFICER. Eighteen minutes, of which 1 minute is reserved to the President pro tempore.

Ms. MIKULSKI. I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. How much time do I have remaining?

The PRESIDING OFFICER. the Senator has 11½ minutes.

Mr. BOND. I yield myself 6 minutes.

Mr. President, as always, I find a tremendous amount of wisdom in what our very able chair of the HUD–VA Appropriations Subcommittee says, and I regret having to bring her away from a very important NSF hearing; I appreciate her being here. I think she said some very good things that we all would agree with about the importance of lighting and how we can save energy by lighting improvements.

Unfortunately, one of the first amendments that was adopted on this bill, offered by the senior Senator from Arizona and later accepted in the managers' package, struck $4.6 million for energy retrofitting for the General Services Administration, so we have already taken a step away from energy efficiency in this measure.

Second, I cannot accept the idea that we can call Government spending an investment and that it will somehow create jobs. We are already investing about $300 billion a year in deficit spending which has caused a crisis, which is a growing crisis and ultimately will bankrupt our Government, destroy our economy, and deprive our children and future generations of the kind of opportunities they need, if we do not stop. Whether you call it an investment or whether we just go back to the old-fashioned term of calling it spending, Government spending, supported by more Government taxes, we are destroying the economy.

I would agree 100 percent with what my good friend from Maryland says about the need for the private sector to get going and what a fragile state it is in.

They do need all the help they can get, but, Mr. President, we have just whistled through a budget resolution that is going to impose 273 billion dollars' worth of new taxes—not only on the individuals, but on the proprietorships, subchapter S corporations, and corporations—which will be a very significant deterrent on businesses' ability to create jobs.

Furthermore, we continue to pass in this body, and in the other body to the south of here, mandates and restrictions and requirements which cost business billions dollars, which limit their ability to invest and create jobs.

I think that this is a serious problem, that we ought to be worrying about whether the private sectors has the dollars it needs to create the jobs that will keep this country growing. I think we ought to be encouraging savings and investment rather than consumption.

But when we come to the emergency spending in this measure that would triple the money already appropriated for these programs, I was struck by what my colleague from Maryland said. Preston Trucking saved $20,000; Elkhart General saved $100,000; Boeing has already saved one-half million dollars; Johnson & Johnson has $338,000 in annual savings; and Amoco Corp., an energy company, is going to save $316,413 this year. I think that is great.

But we are missing something. If these companies are saving money, do you know something? I bet we could get them to pay for it. I bet there are folks in the private sector with the great ideas and the great concepts that have been developed that would be willing to show companies how they can save money, as much as one-half million dollars, one-quarter million dollars. We do not need to hire 45 more EPA bureaucrats when the private sector should do it. I think this is a great opportunity to do well by doing good. We already have private consultants who make their living doing this.

I commend the people who participate in the program. But I do not think we need to be adding more bureaucrats to tell Amoco, an energy company, how to save a third of a million dollars a year. That is not an emergency. That is just adding to the Government payroll at a time when President Clinton said that we ought to be streamlining Government and cutting Government employment.

The concept is great. But EPA assumes that it is the only one who can do this. I think they are wrong. I certainly do not think it is an emergency. And if they would sell off their sophisticated computer system to the highest bidder, they could save the taxpayers some money and turn the process over to the private sector so we can get taxes on it.

I yield the floor.

I reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I have spoken, as has the distinguished Senator from Missouri. I would be happy for the Senator from Missouri to yield to the Senator from Alaska, and I will speak in another moment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed 5 minutes to introduce a bill under morning business without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank my two colleagues.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 691 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum, with time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I wonder if my colleague, the Senator from Maryland, would allow me 5 minutes to introduce an amendment at this time?

Ms. MIKULSKI. Reserving the right to object. An amendment to what?

Mr. MURKOWSKI. I withdraw that request at this time.

Ms. MIKULSKI. Mr. President, I yield myself such time as I may consume, reserving the right of the President pro tempore of the Senate to have 1 minute in closing.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, we have heard a lot during the debate on the stimulus package about the role of the private sector. This, again, takes us back to mythology. First, in mythology No. 3 in the Mikulski new mythology listing is, first of all, that the private sector creates wealth in this country, and that Government investment does not.

I challenge that, Mr. President, because what does that investment produce? Investment produces, normally, the creation of wealth by the building of assets, by increasing productivity, and by enhancing the ability to participate in the marketplace.

Well, that has exactly been one of the prime roles of Government spending. One needs only to travel to my own State of Maryland to see what public investments have meant that also enhance the private sector. The great laboratories of the National Institutes of Health are an example of that. The FDA is another example of that. Goddard Space Agency is another example of that. The National Institute of Science and Technology is another example of that.

Are we saying that the public investment in the National Institutes of Health does not create wealth, but tax breaks to pharmaceutical companies do build wealth? Those pharmaceutical companies could not do a lot of what they do had there not been public investment in the National Institutes of Health. Public investments build the wealth of a nation.

In building the wealth of a nation, it enables the private sector institutions to value-add and build their own wealth land add to the wealth of both the Nation and the society as they add to its own.

Another public investment in the wealth is in education. Where would the United States of America be without its educational system and its library system? In Baltimore, Enoch Pratt, who was a well-known merchant of his time, was concerned that only he and the tycoons of Baltimore could afford books. Yet, being the man that he was, knowing that access to information is what would again build the wealth of a nation and empower people, he created a library system so that ordinary people, whether they were new immigrants or Yankees, would have access to be able to read books that they could not afford. He created in Baltimore the Enoch Pratt Library System. The first one was in my neighborhood called Canton.

At that time, thousands of immigrants were coming into this country of all ages, and they could go in and read books, everything from history and civics. This Senator started out reading her "Nancy Drew," "Heidi," and "Black Beauty" books, which gave me a love of reading and a love of learning. Was that a public investment that did not add to the wealth, that did not empower me?

Mr. President, often we do not consider what really counts in our society.

So I want to challenge the premise that public investment does not create wealth when I do believe it creates the wealth of a nation, and it adds to the other wealth produced in our society.

The other myth is that the private sector, acting in its own self interest, acts in its best interest. I believe that often the private sector, operating in its self interest based on status quo thinking and attitudes, acts against its best interests. We see that now because the only way many of them have changed is because of three motivators.

One is foreign competition that has given them a big wake-up call about how they need to reorganize their organizational structures, attitudes, and their approach.

The other thing that changes the American private sector is the shareholder revolt that says maybe there is too much at the top and not enough that is being produced at the bottom.

And then there is Government itself. Often these are intertwined. Let us talk about airbags, since we are talking about the environment, and this then will take me to the challenges of letting the private sector do it.

The private sector only does a lot of these things when you give them a tax break or a mandate. Here we give neither; we give technical assistance to help them change.

I just recently bought an American car, and I have always owned only American cars. It goes on 6 cylinders coming down that parkway every day, and so do I.

One of the reasons I bought that car was because of dual airbags. The passenger and driver will have dual airbags.

I was on the Energy and Commerce Committee with JOHN DINGELL, Jim Florio, and HENRY WAXMAN. We tried to get airbags in as part of the manufacturing process.

Oh, no, the windbag Democrats are against the airbags, and let the private sector do it.

They did not do it. That was 15 years ago. Now it is the hottest item stimulating consumer purchase—airbags that ensure safety.

What did my getting airbags do? First of all, it lowered anxiety about being in an accident. It also lowered my insurance rates.

The private sector would not have changed had it not been Government stimulation for the increased mileage per gallon of gasoline standards, the use of safety belts, which is a health insurance issue. Talk to the trauma docs in Baltimore and you will know that.

We see when Government stimulates change and does things in the interest of public safety or the environment we again add to the wealth of our society, and if the American private sector had done a lot of those things 15 years ago that we are talking about now they would be in a heck of a better shape, including the American automobile industry. I am glad finally 15 years later I can buy that American car with double airbags and feel safe, lower my insurance rates, and have an excellent product.

Mr. President, this argument "let the private sector do it"—let me tell you I have been down that track.

This then brings me back now then to the closing of the Green Lights project. This is an important project. It is modest spending that includes and gets us an enormous amount of gain.

I think then to continually attack the stimulus product line items, trying to minimize them in ways I think are not accurate, I think is not the way to go. I do believe passing the President's stimulus package is the way to go. I think it will help the American private sector. And guess what? I think it will add to the wealth of this Nation and maybe we need to start to think about what adds to the wealth of this Nation rather than lining the pockets of a few individuals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The President pro tempore.

Mr. BYRD. Mr. President, at what time would the time on the amendment expire?

The PRESIDING OFFICER. Approximately 12:05.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on or in relation to the amendment occur at 12 noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. BYRD. Mr. President, it will be my intention to move to table the amendment when the time has expired or is yielded back, and the Senate has now agreed to vote at 12 noon.

I ask unanimous consent that it be in order to order the yeas and nays on a motion to table at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest that the time simply run and we not put in a quorum call because it might be difficult to call off the quorum. It might go beyond noon. I suggest we simply let the time run.

Does the Senator from Montana wish to have some time?

Ms. MIKULSKI. Mr. President, what time remains on this side?

The PRESIDING OFFICER. Seven minutes and five minutes, but the vote will occur at 12 noon. That is 6 minutes.

Ms. MIKULSKI. I yield to the Senator from Montana 4 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the Chair, and I thank the distinguished chairman of the Appropriations Subcommittee as well as the chairman of the full Appropriations Committee.

Mr. President, if this country is going to compete in the 21st century, it must compete with more efficiency than now is the case. If our companies are going to manufacture products, they are going to have to outsell the products made by German companies, Japanese companies, companies in other countries that are becoming very, very efficient, extremely efficient.

We are going to have to go the extra mile in our country to do whatever we can to achieve energy savings and energy efficiencies. It is that clear.

We all know that in many cases, whether it is the production of environmental technologies or other products, we are under the gun and we are entering a new era in America. H.L. Mencken, the famous Baltimore Sun journalist once said, "For every complicated problem there is a simple solution and it is usually wrong."

This is that case. If we are going to become more energy efficient, there is no simple solution. Rather it is a complex solution. We must work in many areas, on many fronts, in many ways to become much more efficient in our saving of energy, and I might add also to minimize environmental degradation.

The Green Lights Programs is one such program. It is one such way. Is it the only way? Is it the only program we have in this country that will help companies achieve energy efficiency? No. Do utilities encourage their consumers to be more efficient? Yes. Does it make sense to have both the Federal Government and utilities working together for the same goal, more energy efficiency? Yes, obviously it does.

No one here is saying this program is going to solve all the Nation's problems and make us entirely energy efficient. Nobody is. But we all are saying it helps. It is another part of the solution to the puzzle. It is a helpful solution to the problem.

I think, Mr. President, it is incumbent upon all of us, and it is our obligation, to try each of these different ways to see which areas tend to work and which work best and to follow them up.

This Green Lights Program is an example. The Green Lights Program has not been given as much time to work as I think it should. We must invest in energy efficiency. If we are talking about where we spend dollars in the Federal budget, it is very clear to me that there are areas where we still, even though we are reducing the budget deficit, there are many areas where we are still wasteful and we should cut but we should not cut programs which encourage energy efficiency.

This is not a large program. This is a relatively small program, but it is part of the puzzle. It is part of the solution. It is one additional way for our country to help achieve energy efficiency. It is very simple.

EPA conducts audits for a company. The company then determines how through the audit it can be more energy efficient, and then the company itself goes out and undertakes necessary expenditures, whether it is better lighting, much more efficient lighting where there is tremendous improvement for energy efficiency, or whether it is better insulation, another area for tremendous improvement in energy efficiency, or to change the heating system. I know for a fact there are many heating systems in homes and buildings that are very inefficient. I can say that. I know that the heating system in my home that I have is inefficient. I have not yet replaced it with a more efficient system.

The PRESIDING OFFICER (Mr. SIMON). The Senator's time has expired.

Mr. BAUCUS. I thank the Chair. Could I have 20 seconds?

Mr. BYRD. I yield 30 additional seconds.

Mr. BAUCUS. To sum up, Mr. President, I strongly urge us to keep trying various different solutions to the problems to become more energy efficient in this country and the Green Lights Program is a very small part of the solution but a very important solution to that problem.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 1 minute.

No one is arguing against energy conservation. What we are saying is that it is not appropriate to make a threefold spending increase in this program, a program which saves the Amoco Corp. $316,000 a year. They should pay for it not the U.S. taxpayer.

This body has just approved $273 billion in new taxes on the American people; an enormous increase. This amendment would strike out a $23 million program to pay for three Federal program which are doing what the private sector should be doing for itself.

This is not how the American public wants its money spent. Americans want Government downsized—not 45 people added—and the deficit reduced. This spending goes in the opposite direction.

I urge my colleagues to support the amendment and vote against the tabling motion.

Mr. GRASSLEY. Mr. President, I never cease to be amazed by the ingenuity of our colleagues to rationalize excuses for more deficit spending. This so-called emergency stimulus package contains millions of emergency money to study cow gas.

I thought we had stopped this nonsense back in 1990 during the debate of the Clean Air Act. Senator SYMMS offered an amendment to strike the section calling for a study of cow gas. He pointed out that New Zealand had already prepared a thorough study, and that we did not need to waste our taxpayers' money.

I made a statement at the time which how silly it would be to require the heads of EPA, NASA, and NOAA to conduct this study.

I pointed to a Reuters story which reported that environmental groups had targeted the cow as the new Public Enemy No. 1.

I raised the question about whether or not this would lead to requiring airbags for America's 100 million cows—one for the front and one for the back. Maybe we would have to equip them with catalytic converters, too.

The only redeeming thing I could find in that section was the subsection 6 that required similar monitoring and control of methane emissions associated with human activities. I thought perhaps the aim was to use Congress as a starting point.

The Senate saw the wisdom of striking this provision. Perhaps out of embarrassment. But once in conference, our leaders were able to retain this all important study to defend us from Public Enemy No. 1, the American cow.

So, here we stand today, to throw millions of more tax dollars at this emergency problem.

I urge my colleagues to show some semblance of restraint and to vote in favor of the amendment by the Senator from Missouri.

The PRESIDING OFFICER. All time has expired.

The question before the Senate is the Bond amendment.

Mr. BYRD. Mr. President, I move to table the amendment by Mr. Bond.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to table the amendment of the Senator from Missouri [Mr. BOND].

The Chair understands that the yeas and nays have previously been ordered on that question.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Heflin

So the motion to lay on the table the amendment (No. 291) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I would like to direct a question to the manager of the bill, the chairman of the Appropriations Committee.

It is my understanding that there is no one at this time on the floor ready to offer an amendment. If that in fact is the case——

Mr. BYRD. Mr. President, I understand in talking with the distinguished ranking manager of the bill that an amendment is going to be before the Senate shortly by the distinguished Senator from Oklahoma [Mr. NICKLES] and there will be an amendment before the Senate.

Mr. REID. I ask the chairman of the Appropriations Committee if, until he arrives, I can proceed as in morning business.

Mr. BYRD. I have no objection to that.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. I express my appreciation to the chairman of the Appropriations Committee and the Senator from Oklahoma for allowing me to proceed out of order.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, momentarily I will be sending an amendment to the desk, the purpose of which will be to strike the emergency clause in the so-called stimulus package.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Would he mind indicating how long it will be before he sends the amendment to the desk?

Mr. NICKLES. I will send the amendment to the desk in just a few moments.

Mr. BYRD. All right. A few moments or a few minutes?

Mr. NICKLES. A couple of minutes.

Mr. BYRD. OK. I do not know how long moments are. All right, then I ask unanimous consent—this has been cleared with the distinguished ranking manager and has been cleared with the distinguished author of the amendment—I ask unanimous consent, Mr. President, that there be a 2-hour time limit on the amendment by Mr. NICKLES; that the time be under the control of and be divided between Senators in accordance with the usual form and that there be no intervening or second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. He has assured me that he will send the amendment to the desk within a very few minutes and let the time begin running.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, earlier today we passed a budget resolution many people proclaim was the largest deficit reduction package in history. Frankly, the facts are that it is not the largest deficit reduction package in history. It came up short for a lot of different reasons. But before I get into that, Mr. President, let me offer my amendment.

AMENDMENT NO. 292

(Purpose: To eliminate emergency designation for fiscal year 1993 supplemental appropriations associated with President Clinton's stimulus package)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself and Mr. BROWN, proposes an amendment numbered 292.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, strike lines 23 through 26.

Mr. NICKLES. Mr. President, the amendment that I offer today on behalf of myself and Senator BROWN would strike the emergency clause in this bill because I believe this deficit stimulus package is not an emergency.

I really think it should not be called a deficit stimulus package. Is there an emergency to increase the deficit by $19.5 billion? That is exactly what the underlying bill does. It increases the deficit by $19.5 billion.

I might remind my colleagues, earlier today this body passed a so-called deficit reduction package that many people said would reduce the deficit by $496 billion over the next 5 years. I will tell the Presiding Officer, who I have the pleasure of serving with on the Budget Committee, that that resolution will not reduce the deficit by $496 billion. I will tell my friend and colleague from Illinois that the Congressional Budget Office says that number is inflated by at least $44 billion because inflated baseline was used. We did not use the present law baseline. We used an inflated baseline.

I understand that this is confusing. But for people who do not understand baselines, it is like somebody marking up the price of an automobile by $1,000, and then bringing the price down by $500. That is how we get $44 billion in phony savings in the so-called deficit reduction package.

The budget passed this morning is also phony in one other area. It does not include the money that we are getting ready to spend. I want to make sure people understand that. Some people are saying the budget that we just passed is the largest deficit reduction package in history. But it does not include the money we are getting ready to spend, this $19.5 billion. And the reason is there is a little provision in this bill on page 28 that says this is an emergency. They declared this spending an emergency, therefore it does not go on the budget. So even though this bill costs $19.5 billion, we are going to assume that that has no impact on the budget. We are not going to count it. We are not going to score it. We are not going to assume it has any impact on the budget. This is wrong. This is misleading. This is false advertising at its best.

So I tell the Presiding Officer that I know I am going to read tomorrow in the papers that this budget is going to reduce the deficit by $496 billion. I am telling the Presiding Officer that is not correct, because CBO says $44 billion is lost to an inflated baseline and $12 billion is lost because we do not score the stimulus package.

My amendment strikes the emergency clause. Let us at least score it. Let us count it. Let us know how much money we are going to spend. Where does the emergency clause come from? The 1990 budget agreement said we are not going to count spending if it is a true emergency. If we had another hurricane disaster, such as we experienced in Florida, in Louisiana, or if we had a war, if we had something that this body agreed was an emergency, then we would waive the Budget Act. We have to help people now, so we waive it, declare it an emergency, and it will not be counted.

That is probably appropriate. Sometimes Congress really does have to move quickly. But frankly, we do not have to move so quickly in this package.

If you look at the package that we have before us, we are spending money for a whole variety of programs. Most of my colleagues are aware of the composition of this package. There is $19.5 billion of new spending. Almost $6.9 billion of that is estimated to be outlays in this fiscal year. Next year $6.2 billion, and $3 billion in fiscal year 1995.

The President does not call this spending anymore, he calls it investments.

We have unemployment trust fund advances of $4 billion in this bill. I might tell my colleagues we have extended unemployment benefits for workers 3 times in the past few years. But do you know what? We have always paid for it. This is the first time we are not going to pay for it. Before, we had tax increases to pay for it or we had spending cuts. But at least we paid for it. In this package we do not pay for the unemployment compensation extension. I think that is irresponsible.

The Community Development Block Grant Program, $2.5 billion, so the mayors can have a lot of money to spend on a whole variety of projects. Some of us have ridiculed those projects. Frankly, most are worthy of ridicule, Mr. President. They include bike bypasses, swimming pools, tennis courts, and a whole mishmash of projects that the mayors want to have funded that were never high enough on their own priority list to pay for out of city funds. Instead they want to have them funded by the Federal Government. They want the Federal Government to pay 100 percent of it.

The mayors compiled a ready to go list, two volumes, each over two inches thick. On this list, 473 cities have put in requests for over 4,000 projects. If they had a Democrat mayor, and if they had their list ready, they would tell the Secretary of HUD, and they would tell the Secretary of Transportation, we are ready to go, we want this project to be funded. Maybe it will be if this bill passes, but it certainly is not an emergency. What in the world is an emergency about spending money for a bike bypass, what in the world is the emergency for spending money for building a bus shelter and on and on?

My point is we are putting in more money for a lot of programs, $500 million for Head Start—in spite of the fact that one of the cofounders of Head Start advised we not put any more money or put any more children into Head Start until they start doing a better job. He said about one-third of the Head Start facilities are not very good quality. He said we need to be upgrading the quality before we throw more money into the program.

Summer youth programs, $1 billion. To do what? To do a lot of things the cities would like them to do, cut grass around the city hall, maybe water some of the plants. Yes, we are going to teach people how to work for the Government. I am not sure working for the Government teaches people the best work habits. Mass transit grants, $736 million; chapter 1 education and summer programs, $735 million; HUD homeless assistance, $432 million; RDA rural water and sewer grants, $349 million; childhood immunization, $300 million; National Park Service, $254 million; airport grants, $250 million; National Science Foundation, $270 million—and I could go on and on and on.

My point is, Mr. President, these are not new programs. These are existing programs. We are expanding existing Federal programs which right now are already growing, which right now are not underfinanced. Right now we are spending $1.5 trillion. A trillion dollars has 12 zeros in it. That's kind of hard to comprehend. That is more than $6,000 for every man, woman, and child in the United States.

Yes, $6,000 for every man, woman, and child in the United States. That is what we are spending today.

This bill is going to increase that amount by $19.5 billion. How much money is $19.5 billion? For one we are going to end up charging future generations every year about $5 billion in interest expense. So this is not just a $19.5 billion so-called stimulus package. It is a $19.5 billion deficit increasing package.

We ought to just take the money and drop it from airplanes in different areas, and it would get out in the economy faster, and individuals would spend it in a way they see fit, instead of having politicians and bureaucrats spending it at a cost probably in excess of, or in the range of $30,000 to $40,000 per job created.

Well, what we are doing is adding to the deficit $19.5 billion right now on top of what it already is. I know the Presiding Officer is aware that the debt is $4.2 trillion now, and growing. This is going to make it grow that much faster. I do not think we can afford that. In addition, we are obligating this body and future generations to pay a billion dollars a year in interest for this stimulus package.

This is not a stimulus package. It is a deficit increase package. The fact is, it is not an emergency. My amendment says we should strike the emergency clause. I should explain my amendment in the context of the 1990 budget agreement. We are still operating under the 1990 budget agreement. I did not vote for it. Many of our colleagues did. I felt like the 1990 budget agreement was faulty on two or three respects. One, it had large tax increases, and I think when you have a soft economy—and we did back in late 1990—more taxes only aggravate a recession. Actually, that is what it did. It hurt the economy. I stated on the floor that it would not raise the money anticipated in new taxes, because many of those taxes were going to sock it to the wealthy.

Frankly, a lot of those taxes did not raise the money anticipated because people found a way not to pay them, or people did not buy the luxury yachts, boats, planes, and whatnot. So it hurt the economy and did not raise money. It did not raise near the money anticipated.

Another reason I did not support that package is because it did not touch entitlements, it did almost nothing on entitlements for the entire 5-year span of the agreement. The only thing the 1990 package did that was any good was place caps on discretionary spending. But we are violating those caps today by passing this $19.5 billion deficit-increasing stimulus package. We are violating those caps.

Under present law if you increase spending in one area, you have to cut it someplace else.

So, Mr. President, that is the impact of my amendment. My amendment says if we are going to spend this money, we have to pay for it. You have to cut spending somewhere to pay for it. I think when you consider the fact we are spending $1.5 trillion a year, we can find someplace to cut. Where? I am happy to help. I will be happy to come up with a list. I am proud that many of us on this side came up with a budget that would reduce the deficit by $460 billion, all in spending cuts.

I think there are some great suggestions in those recommendations that we made to save billions of dollars. I hope we will pay for this package. We do not particularly want to stay next week, but we do not want to add $20 billion to the deficit. If we pass this amendment, I think we can solve that problem. Maybe we can pay for this package and enjoy some of this spending. But we need to cut someplace else to do it.

That is the purpose of my amendment. This amendment is vital. This amendment, in my opinion, is truth in advertising. There is nothing in this program that is an emergency. So my amendment and Senator BROWN's amendment simply strikes the emergency clause.

Mr. President, I also ask unanimous consent to add Senators COVERDELL, COATS, DURENBERGER, and GRAMM of Texas as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I know I have had a couple of my colleagues say they would also like to speak on this amendment. But I want to be clear. Some people will say this amendment will gut the package. It will not do that if we just come up with the rescissions to offset it. I know that any Senator, if they take a close look at this budget and the total amount of money we are spending, can find the rescissions in a way that would not hurt anybody.

I think the Federal Government wastes a lot of money. I do not have to go very far from this office right now to find places where we are wasting money. I find that we are wasting money in the U.S. Capitol. I see people standing around in the Hart Building on taxpayer dollars, and I think we can cut. Maybe we should start in Congress. Some tried to say let us pass the resolution and cut congressional expenses 25 percent. I think that would be a good start.

Some of us had an amendment that said we should not spend an extra $28 million in the District of Columbia. I find out this year we are going to give the District of Columbia almost $1 billion in grants; and in addition to that, we have given them, I think, $637 million of direct appropriations. Yet, add those two together, and you see it is growing.

I look down on Pennsylvania Avenue and see where the General Service Administration is constructing a building, Mr. President, that ultimately will cost taxpayers over $1 billion—$1 billion. The estimated cost of the building in direct dollars is about $650 million, up to $700 million., By the time you add interest expense over several years, you are talking about over $1 billion of taxpayer money to be used to finance one building. We thought the Hart Building, which cost the taxpayers $137 million, was expensive. We are talking about a building that is going to cost, including interest, over $1 billion.

I could go on and on. I look at the Department of Housing, and I see a lot of areas where the Federal Government is paying rent subsidies that are far in excess of what the market would dictate. I visited some of these units. I looked at some units in my State of Oklahoma. I serve on the VA/HUD Appropriations Subcommittee. I looked at units, and I found out the Government is paying some landlords—in some cases slum lords—enormous subsidies. We would be paying for an apartment complex that if it has two or three bedrooms; the Federal Government would be paying $500 a month, when in the market area, they should have been paying maybe $250 a month. And we are guaranteeing that amount. We are writing them a check every month way above what the market would dictate. Why? We have been doing it that way for years and, yes, we give them a little interest, or we give a little inflation adjustment every year.

Mr. President, we are doing that all across the country. I say that some of those housing units are some of the most dilapidated, most drug-infested incubators of crime in our country. Uncle Sam is writing the checks and saying thank you for providing such an environment for our young people. It is obscene.

We have in Medicaid—and I tell my colleagues that we did almost nothing in the budget to curb the cost of Medicaid. They are exploding. Medicaid, last year alone, went up 29 percent. The year before, it was 28 percent. This is a phenomenal rate of growth. Think about that; 29 percent, almost 10 times the rate of growth of inflation—in Medicaid. You might ask, why? One of the reasons is because a lot of States are dumping their liabilities on the Federal Government. They figured out ways to scam the system. They figured out ways that say, well, we will raise a dollar in tax and get the Federal Government to match that with $2.30 of Federal tax money.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. NICKLES. Madam President, then we can have the Federal Government pay back the dollars. So it really will not cost the State anything.

I think that is absurd, but it happens all the time. Now we even have the new administration, the Clinton administration, which has gone around to several States just handing out money: to the Governor of New Jersey, here is $400 million. I understand the Governor of New York is in line for over $100 million. Several hundred million dollars are pending in California and other States where now the administration is taking several of these disputed claims in Medicaid and handing them out.

Happy days are here again. That is exactly what this bill is about. There is $19½ billion of political handouts. This is not a stimulus package; this is a package to make politicians happy. This is not a package that is going to create jobs; this is a package that is going to expand the deficit.

We need to correct that. There is one way to correct it, and that is to strike the emergency clause. I remind my colleagues, if we strike the emergency clause, we are going to have to find offsets.

There are several of us on this side who would be more than willing to work with the administration, to help find those offsets. We can do it. If we do not do it, there is a sequester. That is what the present law calls for.

No, we are going to avoid the present law. We are going to get around the present law. We are not going to include it in the budget. What we are going to do is declare an emergency. By a majority vote, we are going to say: This is an emergency package; therefore, we do not have to pay any attention to the budget.

The same day that the Senate passes the deficit reduction package we come up with a bill calling for emergency spending. Therefore it does not count. This is not part of the deficit; this is not part of the budget. This does not count. Ladies and gentlemen, that budget that we just passed does not mean a thing because we are going to avoid it. We do not have to pay any attention to that budget because we have one little paragraph on page 28 that says this is an emergency, so it does not count toward the budget.

Hey, if we can do it today, we can do this a lot of times. Hey, the Democrats have control of the House; they have control of the Senate; and they have the White House. And working together, they can declare anything anytime they want an emergency and, therefore, we do not need a budget. We do not have a budget. The budget that we just passed is not worth the paper it is written on. All it does is give the tax-writing committees directions to go out and raise taxes.

The only committee it tells it is going to cut spending for is defense, and it whacks the heck out of defense. But there are no cuts other than defense. I hope people are aware of that fact.

I will put in a chart that will substantiate these facts. The facts are the budget that just passed says we are going to raise—and it directs the Finance Committee to raise—$273 billion in taxes. It says we are going to tell the other committees we hope they raise $18 billion in user fees, but that is not reconciled.

Madam President, that will not happen. The reconciliation will happen. That tells the Finance Committee to go out and raise $273 billion in taxes over the next 5 years. That will happen.

As to the $18 billion in user fees, I do not know why it is still listed on the sheet, but the majority party says it is there. It is not going to reconcile. It is not going to happen I tell you that now.

What about the other cuts? There are $11 billion in nondefense spending cuts over the next 5 years. I want to put this in perspective. I hope people will understand this. We are spending $1½ trillion. You take out defense, and we are spending about $1.250 trillion. This budget covers a 5-year period. If you multiply that, 5 times $1.250 trillion, we add to spending, $1 billion a year under this budget. Now you are up to about $7 trillion in nondefense spending over the next 5 years. Out of $7 trillion, this great budget that we just passed is going to cut spending, it says, by $11 billion. That cannot even show up as a percentile, it is such a small percent. It is not a cut.

Is it not interesting that at the same time we do such insignificant deficit reduction, except for defense and tax increases, at the same time we come up with domestic spending growth of $19½ billion, we have the nerve, we have the audacity, we have the shamelessness, in my opinion, to say it is an emergency so we are not going to count it on the budget?

It is ironic that today is April Fools' Day. We are going to pass a budget, and it is a deficit reduction package, and the same day we are trying to do that, we have out of the floor a spending bill that only raises the deficit. Then we have the nerve to say we are not even going to count it on the budget.

You talk about misleading. You talk about truth in advertising. This is just the opposite.

I heard President Clinton in the State of the Union Address, that we are going to have truth in the budget; we are going to use real numbers.

He is not using real numbers. This is a farce. This is a sham. We need to let the American people know there is not an emergency and it should not be counted in the budget.

The purpose of this amendment is to put it on budget. Whatever the budget is, at least tell the people. If we are going to have a budget, we ought to include all Federal spending and not use this sham or guise, saying it is an emergency, so therefore it will not count.

I would think the majority party would be embarrassed to say, the same day we are going to have a deficit reduction package pass the Senate, we are going to attempt to pass the so-called spending bill that is totally outside the spending resolution. That is totally and completely ridiculous.

Madam President, I ask unanimous consent to print in the RECORD the table to which I referred earlier.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*$3.38 in taxes for every $1.00 in spending cuts**

President's plan—conference modified	*1994–1998*
Net new taxes	273
User fees	18
Net new taxes and fees	291
Net nondefense spending cuts	11
Defense spending cuts	75
Net spending cuts	86
Total new taxes and spending cuts	377

	1994–1998
Debt service savings	63
Total deficit reduction	440

*=$291 billion net new taxes and fees/$86 billion net spending cuts=$3.38 Dollars in billions, compared to the CBO capped Baseline. Details may not add due to rounding.

Mr. NICKLES. Madam President, I ask unanimous consent that Senator GRASSLEY and Senator MCCAIN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I think all of the country listened with great interest during the course of this last campaign about the future direction of our economy. It was pointed out in the last campaign that under the previous administration, the Republican administration had put this country into a very sizable growth in our national debt, from $1.8 trillion to $4 trillion.

As to the 1981 Reagan economic program, I was 1 of 11 Members who opposed that. Virtually all of our friends on the other side of the aisle who are beating their breast out here about the state of our economy supported it, and that set this country on a path for debt increase that is absolutely going to threaten the bankruptcy of future generations.

The American people finally understood that last fall, and they elected Governor Clinton as President of the United States. He told the American people that if he were elected, he would have an economic program that would include a stimulus program.

What is a stimulus program? If you provide investments on one side and cuts on the other, you do not have a stimulus. A stimulus program by its nature means you are going to invest, invest in people and provide opportunities for the private sector to invest, and invest in infrastructure. That is what the President said.

He said he would have a long-term investment program over a period of years to provide incentives for industry and investment in terms of human capital. That is what the President says.

That is what he is doing in this budget program. And he also said that those who had benefited financially so generously over the period of the last 12 years were going to bear their fair share of the burden, now that we are in this extraordinary economic situation. That is what he said. The American people listened and they supported him.

And now we have our friends on the other side who supported the economic policies that have meant that there are millions of Americans who are today unemployed who would not be unemployed if we had had sound economic policies.

So we have some $4 billion in here to try to help and assist those working families who, through no fault of their own, have been thrown out of work and continue out of work. This body voted 66–33 in favor of that position. Everyone wanted to get on the record in support of that position. And now the Senator from Oklahoma is saying effectively we are going to wipe that funding out. That is a nice way—you talk about April fools. There it is. One day you vote for it, and then the next day you withdraw it.

Now, this stimulus program includes the kinds of things that can make a difference in terms of the short- and long-term interests of our economy. It provides funding for infrastructure, support for the building of roads to deal with the deterioration of the transportation infrastructure, sewer treatment construction to try and deal with the problems of pollution, and hurricane assistance for the hundreds of thousands that were affected by Hurricane Iniki and Hurricane Andrew.

That is not an emergency?

Did I hear my colleague say this is not an emergency? You tell those families who have lost their homes and lost their businesses that this is not an emergency. You tell them, "Take your time. Congress will eventually get around to trying to get some help and assistance." For those people who have lost their homes and lost their companies and small shops, it is an emergency.

And what about economic development grants? It might not be an emergency out in the Senator's home State. But the economic development grants support the Small Business Administration to get some loan guarantees so we get some credit out for the entrepreneurs in our country trying to create jobs.

Well, Madam President, those and the other programs here are a balanced program. They balance the incentives between infrastructure, incentives to encourage small businesses, and investment in human beings who have suffered over the period of the recent years.

So, Madam President, I hope that the Senate will reject the amendment of the Senator from Oklahoma. This is, as they say, a killer amendment. It effectively denies the President the opportunity to have a key element of his economic program. And the reason for the key element is to try to ensure that we will provide some jobs for American people—now.

There are people—and I happen to be firmly in the ranks of them—that believe jobs are the key in terms of our future. To those that have jobs, including those around here, it might not be an emergency. But for the millions of Americans who do not have jobs, the President is committed to their well-being and trying, with a variety of incentives, to put our economy back on track, so we will have growth, we will have expansion, and we will be able to deal with the obligations of this country.

I listened with great interest to the Senator from Oklahoma talking about the size of the growth of the Federal deficit.

One of the principal growth items has been the interest on the debt as a result of the increase of debt from the past economic policies. You do not buy a Band-aid, let alone educate a child, with that interest on the debt, which has risen from about $50 billion to well over $225 billion, without investing a single element in terms of the American economy.

Madam President, I hope that, for all the reasons that the President has outlined and all the reasons that have been articulated by the Senator from Tennessee, who is the chairman of the Budget Committee, and the Senator from Maryland, who is chairman of the Joint Economic Committee—and this is an enormously important vote; perhaps the most important vote that we have had on this supplemental—I hope that it will be rejected.

Mr. President, the Senator was very kind in permitting me time to speak. I would like to yield to the Senator from Tennessee.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. KENNEDY. Madam President, I would be glad to answer some questions.

I want to try to accommodate him because the Senator was very accommodating. I would like to ask him, just out of the interest of our friend from Tennessee, could we get some indication of when the Senator would be willing to permit him to have some time?

Mr. NICKLES. If the Senator will yield, my intention was to respond to your comments for about 2 minutes.

I know the Senator from Texas has been here for some time and the Senator from Tennessee.

Mr. KENNEDY. I yield the floor, and I thank the Senator.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I would like to respond to my good friend, the Senator from Massachusetts. We happen to have a difference of opinion.

The Senator from Massachusetts talks about returning to sound economic policies. He implied that was not with President Reagan and it was not with President Bush, so I guess we have to go back with President Carter.

With President Carter, we had over 10 percent unemployment. I hope people will remember that. With President Carter, we had 21 percent interest rates. You tell me how a business can survive that.

With President Carter, we had 13 percent inflation rates.

Now, maybe the Senator from Massachusetts thinks that is sound economic policy. I do not.

Mr. KENNEDY. Will the Senator yield for 10 seconds?

Mr. NICKLES. Not just yet. I wanted to make a few comments.

I do not think that is sound economic policy. What we had was a Democratic President and a Democratic Congress and rampant inflation, rampant interest rates, 21 percent interest rates.

I will tell my friend from Massachusetts, I was a businessman at that time. I could not think of a project that I could afford to borrow money for and make any rate of return. If you have to borrow money at 21 percent, you have to find a phenomenal rate of return to be able to create any jobs.

So the era that he evidently is referring to was one of enormous unemployment, over 10 percent unemployment, and it was enormous inflation, 13 percent inflation, which was just skyrocketing everybody's expenses. People that were on fixed incomes in Chicago were hurting and people in my State were hurting because of economic policies that were a disaster.

Now, many people want to return to those policies. This is one Senator that does not.

I might tell my colleague—he mentioned jobs—the facts are that during the last 12 years, we have had over 19 million jobs created—19 million. That is the most significant job growth in a decade in our Nation's history. I would like people to understand, that is a fact: 19 million jobs created over the last 11 years. That is the most significant jobs creation in a decade for our Nation's history.

A couple other points. Most people talk about this stagnation or recession. We had 1.5 million jobs created last year, I will tell my friend from Massachusetts, 1.5 million.

Last February, we had 380,000 jobs created. Now I am sorry, those were not Federal jobs. And I know the Senator from Massachusetts and other people want to have a lot of Federal jobs. They want Uncle Sam to write green checks to a lot of people and make them dependent on the Federal Government or make them dependent and learn the ways of doing business with the Federal Government because they owe everything to the Federal Government.

But some of us believe that we want to create an environment where business can grow. We cannot grow with the return of Carter-era inflation and interest rates that were over 20 percent.

I am glad interest rates are down. I am glad that inflation is down. We are looking at 7 percent unemployment instead of 10.8 percent unemployment, as we had about 12 years ago.

And so, yes, these are different times. Maybe we need to do some different things. But the last thing we need to do, Madam President, is to add another $19.5 billion to the Federal debt. That is exactly what we are getting ready to do. That is a serious mistake.

To compound that mistake to make this change, the same day we pass a very large tax increase charaded as deficit reduction, the same day we said, "Boy, we are going to bite the bullet and reduce the deficit," that same day we are going to pass a spending bill of almost $20 billion, and we are going to waive it; we are going to say it does not count toward the budget; it does not count; it is off-budget; it is an emergency.

I will just quote the comments of Mr. Panetta, the OMB Director. This is the definition of an emergency:

> A necessary expenditure that is sudden, urgent, and unforeseen and is not permanent and depends upon common sense judgment, made on a case-by-case basis, about whether the totality of facts and circumstances indicate a true emergency and about whether the needs can be absorbed within the existing level of resources available.

Madam President, under this definition, there is no way in the world that anyone could determine that this $19.5 billion deficit-increase package should be classified as an emergency.

I yield the floor.

Mr. KENNEDY. Will the Senator yield me just 2 minutes?

Mr. BYRD. I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am prepared to defend positions I take. If the Senator remembers, it was just for the very reasons that the Senator from Oklahoma outlined that I ran against President Carter. So I am not prepared to assume those particular economic indicators.

As a final point, I just say, the Senator from Oklahoma might not believe that there is a real crisis in our economy. But my State of Massachusetts is No. 1 in the country on mortgage foreclosures. Ask those families who have lost their homes. We are second in the country in terms of small business collapses and bankruptcies. Ask those business men and women how they view this economy.

In our part of the country, with 6 percent of the Nation's population, we have suffered 30 percent of the loss of jobs. As far as the working families in Massachusetts, in our part of the country we have an emergency. This is a crisis. My only complaint about this economic stimulus program is, frankly it does not go far enough. If you look at what President Roosevelt did in 1935, 1936, 1937, he invested far more than President Clinton is proposing. That is what President Roosevelt did.

Madam President, this is a very modest program, but a very important program that I am sure will result in job creation.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator from Tennessee; how much time?

Mr. SASSER. Ten minutes.

Mr. BYRD. Fifteen minutes.

Mr. SASSER. Fifteen minutes. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Madam President, the amendment offered here by the distinguished Senator from Oklahoma is nothing more and nothing less than a killer amendment. This is an amendment clothed in sheep's clothing that disguises a very hungry wolf that would devour this whole jobs bill.

Here is how it would work: If the amendment of the Senator from Oklahoma should carry in this body and his jobs bill should be declared not an emergency, then by operation of law the Appropriations Committee would have exceeded the domestic appropriations caps for 1994 and 1995—or would have exceeded the caps. Then what will follow will be, from their side of the aisle, a point of order. They will raise a point of order against this appropriations bill, this supplemental appropriations bill, which is a jobs bill. They will raise a point of order and the Parliamentarian will be forced to rule yes, it does exceed the caps because it is no longer designated as an emergency. And then, in order to overrule that point of order, the proponents of this jobs bill will have to produce 60 votes.

The opponents know that cannot be done because they can get together 41 votes over there to defeat this jobs bill. When you unravel all of this, Madam President, you understand.

I was just discussing a poll this morning with some individuals who are knowledgeable in these matters. The poll, from a respected polling firm, indicates that by a 3-to-1 margin the American people do not believe that our Republican friends on the other side of the aisle are serious about dealing with the economy, and are playing politics. They are playing politics with President Clinton's economic proposal and his deficit reduction plan. That is not the Senator from Tennessee saying that. That is what the American people are expressing to scientific pollsters who solicit their opinions.

When you see a killer amendment, disguised as this one is and brought to the floor, whose sole purpose is to defeat this jobs bill, then you see the

American people are correct and they understand what has happened.

Last night on the floor of this body I quoted a great American President, one our friends on the other side of the aisle in past days have been fond of quoting: Harry S Truman. One of the first elections I remember, I say to my friend, the distinguished chairman of the Appropriations Committee, was the reelection of Harry S Truman in 1948. I was just a very young boy. I remember listening, on my little radio that was next to my bed, late in the evening to Mr. H.V. Kaltenborn, saying that Thomas Dewey, the Governor of New York, was going to be the new President and Harry Truman had been defeated.

It turned out to be just the contrary. Harry Truman, to the great benefit of this country, was reelected. And I think historians will now say that he was one of the greater Presidents of the first half of the 20th century, and probably one of the greater Presidents of the 20th century. But he had a saying, and it was that the American people have a habit of being ahead of the politicians.

They are ahead of us still. The American people know that something is wrong in this economy. They know there is something wrong when people who want to work cannot find jobs. They know there is something wrong when 1 out of every 10 of our fellow citizens, as I stand here today, are on food stamps. And those who administer the Food Stamp Program tell us they are seeing, applying now in these food stamp offices, a type of American they have never seen before. People are coming in who have held middle-management positions for many, many years, with some of the great corporations in this country, now out of work, now applying for food stamps. We are being told by those who are knowledgeable that the overwhelming majority of these people, who are being laid off by companies like IBM, Boeing Aircraft, General Motors—it reads like the Who's Who of American Business—these people who are being laid off have no prospect of ever being recalled to their jobs.

That is why the President designated this whole bill an emergency.

Let me call the attention of my colleagues to a chart they may have seen before, the chart that our distinguished colleague from Maryland has called to our attention on more than one occasion. This indicates that we have a jobs recession in this country. We are emerging from the longest recession since the Second World War. Granted, it is not as sharp, it is not as deep as the Reagan recession of 1982 and 1983—when many said that was not a recession, it was a mini depression—not the worst economic downturn we had since the Great Depression, since the late twenties, early thirties. But this recession we are just now coming out of is the longest recession we have had since the Second World War. It is different from all of the recessions we have experienced before in a lot of ways. But one of the most significant ways is this so-called recovery phase that we are in now is a very, very fragile, and a very, very tepid recovery.

We are not creating jobs in this so-called recovery. I will call the attention of my colleagues to this chart, which indicates the months from the trough of a recession. What the economists are calling the trough of the recession is the bottom of the recession, and then from then on the recovery starts.

In all previous post-World War II recessions and recovery cycles, we were creating jobs at a very fast rate indeed. Look at the jobs creation in this particular recovery noted by the red line. We are creating jobs in this recovery at less than 25 percent of the rate that we created jobs in other post-World War II recoveries.

Many of these jobs that are being created are part-time jobs. Many of these jobs that are being created are inferior to the jobs that people lost prior to the recession.

So this is an emergency. Just yesterday's New York Times on the business page is headed: "Consumer Confidence Off Target." This is the second straight month in which consumer confidence has fallen after rising somewhat after President Clinton first announced his economic recovery program to the country. We simply cannot afford to fall off into another triple-dip recession. That is what we fear.

What happens to the Federal budget deficit if we fall off into a triple-dip recession? Many of our colleagues on the other side of the aisle are telling us we cannot afford to spend the money for this modest jobs program which is really an insurance program to make sure we come out of this recession. They say we cannot afford to spend what is really $14 billion on that.

What happens if we fall off into another recession? For every 1 percent that the unemployment rate goes up, and that represents about 1,100,000 Americans who lose their jobs, it costs the Federal Government in excess of $50 billion; $50 billion, I say, for just 1 percent who might lose their jobs. So the unemployment rate goes up 2 percent. It raises the Federal deficit by $100 billion.

Some might say, how can that be? How does that happen? Because when people are not working, they are not paying taxes, and Federal revenues decline precipitously. Also a smaller segment of that overall figure is made up of the fact that when people are not working, they draw unemployment compensation and if they are not working, they cannot afford to pay their physicians' bills or doctors' bills. Many have access to the Medicaid system then and also other supplementary programs for the unemployed.

So just laying aside all of the moral questions about trying to see that people get jobs and have a decent standard of living, just laying that all aside, Madam President, and just looking at it from a cold-blooded, hard-eyed approach, we simply cannot afford to lose this jobs bill, which is really an insurance policy, and run the risk of falling off into a triple-dip recession, because if that occurs, then we are going to see the President's deficit reduction program which is so finely calibrated to reduce our deficit over the next 5 years, cut in half as a percentage of gross domestic product. We are going to see that finely calibrated deficit reduction plan knocked into a cocked hat and the deficits go up because we fall off into the recession once more.

What does this jobs bill, stimulus package, produce? I will ask my friend, the distinguished chairman of the Appropriations Committee, who has been in this body for many years and has seen, I would guess, a number of recessions, a number of recoveries and who knows about unemployment, coming from the State of West Virginia. I ask my friend from West Virginia, is it not true that this economic stimulus bill contains extended unemployment benefits so that those who are not working, as they exhaust their unemployment benefits and cannot find jobs, they can avail themselves of extended benefits?

Mr. BYRD. The Senator is correct; 1.8 million people.

Mr. SASSER. In other words, if this jobs bill should be defeated, then 1.8 million people would find that their unemployment benefits would be exhausted?

Mr. BYRD. These are unemployed workers.

Mr. SASSER. Unemployed workers.

Mr. BYRD. Next week, one day next week, they are faced with the question: From where does the next load of bread come?

Mr. SASSER. And that occurs if this bill is defeated, if this killer amendment takes it down.

The PRESIDING OFFICER. The time yielded to the Senator from Tennessee has expired.

Mr. BYRD. Madam President, I yield to the distinguished Senator additional time. How much does he wish?

Mr. SASSER. An additional 5 minutes.

Mr. BYRD. I yield 5 additional minutes.

Mr. SASSER. Madam President, we have a serious problem in this country with a decaying and deteriorating infrastructure. For a number of years, we have simply been ignoring capital investment in our infrastructure of this country, ignoring rehabilitation and repair of our infrastructure. And infrastructure, as my colleagues know, are things like roads, bridges, airports, wastewater treatment plants—all of the necessities for a modern industrial country, if it is to enhance the quality of life of its people and to be competitive, via its trading partners and trading adversaries.

I call my colleagues' attention to another chart, entitled "Fixed Investment As a Share of Gross Domestic Product." What we are talking about is investment by a country or of the citizens of that country in the country itself, in the infrastructure, in the education of the populace at large, skills training for the populace at large.

If you look at this chart, you will find that Japan, of the 10 largest economies, invests more by way of investment as a portion of gross domestic product up here at a level of almost 33 percent. Amazingly enough, next in line is Spain, and Spain has been enjoying a very, very prosperous economy, almost an economic renaissance over the past 5 to 6 years.

Next is Australia, our friend down under. Next is Germany, one of the industrial powerhouses of the world. Next are the Dutch, the Netherlands, then France, then Italy, then Canada, all sort of bunched together. Then we see our friends in the United Kingdom, our British friends, investing less, and of course their economy has been in decline and not really competitive for a long time, some say since after the Second World War. But look down here at the United States of America, trailing way, way, way behind.

Madam President, how are we going to be competitive in this world economy and how are we going to create jobs for our people, and how are we going to maintain our standard of living, let alone enhance the quality of life of our people and elevate that standard of living if we do not start investing more in our own people?

Let me ask the distinguished chairman of the Appropriations Committee, as I understand it, this bill which you brought to the floor of the U.S. Senate will invest a sizable amount of money, almost $3 billion in Federal aid to highways; is that not correct?

Mr. BYRD. It will, and that money has been paid into a dedicated trust fund. It is made up of fees that come from the users.

And we are pulling that out now and saying let us spend it. That is not money that comes out of the—this is not an appropriation against the general fund. This is against a dedicated trust fund. All those people out there who have been driving trucks and automobiles, et cetera, et cetera, have paid into this fund and we are saying let us pull it up, let us bring it up to the level that was provided in ISTEA, the Intermodal Surface Transportation Efficiency Act.

Mr. SASSER. I thank the chairman. So as we have been buying gasoline for our automobiles and paying that fuel tax, it has been flowing into this Highway Trust Fund.

Mr. BYRD. Exactly.

Mr. SASSER. What we are doing here is saying let us take some of those highway trust fund dollars which we collected from citizens on their gasoline taxes to build roads and bridges and repair roads and bridges and put that money to work and create jobs for our citizens and build us a world class infrastructure. I ask the distinguished chairman if he will yield me an additional 3 minutes.

Mr. BYRD. Yes, I yield an additional 3 minutes.

Mr. SASSER. I talked to trucking companies in my State. Frankly, over the years, I have enjoyed the support of the trucking industry in my State. And they have told me of the enormous waste that they experience when their trucks are caught in traffic jams or when their trucks are damaged because of potholes in the road, and a whole host of problems that are created by a crumbling infrastructure and highways that are beat up and inadequate. These funds will repair that infrastructure.

Mr. BYRD. Mr. President, will the Senator allow me?

Mr. SASSER. I yield to my friend.

Mr. BYRD. The ISTEA bill passed in 1991, I believe, the year before last. And the then President of the United States, Mr. Bush, went to Texas and made a big deal out of having passed that bill, how many jobs it was going to create, what it was going to do for the infrastructure of this country.

We have underfunded that to the tune of about $3 billion. When this bill was passed the year before last, it set a certain level of expenditures, and we have underfunded that this fiscal year to the tune of almost $3 billion.

So the bill that is before the Senate now, which is the President's jobs bill, contains in it that $3 billion which brings it up to the level we all voted for, or certainly a majority of the Senate voted for year before last.

Mr. SASSER. I thank the distinguished chairman.

And by investing these funds, these highway trust funds, in highway construction and rehabilitation we will be bringing up our fixed investment figure here as a percent of gross domestic product.

Mr. BYRD. Yes. Mr. President, if I may say to my distinguished friend and to my colleagues, this chart does not show the correlative increase in productivity that results from public investment in this country. Other countries that are shown there as providing the greater share of their GDP in fixed investment, I daresay if we will look at the record, we will find that those countries have shown a greater increase in productivity in accordance with the greater investment in GDP than has the United States of America.

Mr. SASSER. The distinguished chairman raises a very valid point. Just as I stated a moment ago, the trucking company owner who complains of being stuck in traffic rather than proceeding on a run or being delayed by an inferior road or traffic conditions, that certainly inhibits the productivity of that particular worker and machinery he is operating. So if you have clear roads, and if you have good bridges and you have adequate structure to handle the traffic, then it enhances the productivity all up and down the line in the transportation industry.

The PRESIDING OFFICER. The Senator's additional 3 minutes has expired.

Mr. BYRD. I yield the Senator an additional 3 minutes.

And, additionally, not only does it enhance the safety for the vehicles on the highways, but it saves gasoline and it also saves hours. It is my recollection that the year before last I used the figures of 1.38 billion gallons of gasoline that were being wasted because of traffic tie-ups, congestion—1.38 billion gallons of gasoline—and 1.2 billion man-hours of time that were being lost because people could not get to their offices.

Now, all of these thing detract from the efficiency of the operations of small businesses around this country, large businesses around this country, and so on. And they also increase the pollution with the trucks and vehicles and the airplanes. At 21 airports of this country there were, as of the year before last, 20,000 hours of delayed time, wasted time at each of 21 airports in this country—20,000 hours at each of 21 airports. And it was estimated that by 1997 over 30 airports would be experiencing delays amounting to 20,000 hours or more each. That is the bill we are paying.

Mr. SASSER. The distinguished chairman is quite right, and we cannot increase our productivity if we experience these very costly delays in which we waste time, we have useless wear and tear on machinery, and, in addition, we create unsafe conditions.

The distinguished chairman said something a moment ago about the pollution from delays in traffic. As I understand this bill that is before us today, it carries with it over $800 million for EPA sewage treatment construction. If we want to create jobs and at the same time do something about the environment, then I think this bill we have on the floor does just that because it is going to create jobs, No. 1, all across this country in the construction of these wastewater treatment plants. If we are ever going to do anything about pollution and have clean water in this country, we simply must stop dumping raw sewage or sewage that is inadequately treated into the creeks and rivers and ultimately into the oceans surrounding this country.

Why, today, I am afraid to eat a raw oyster, I say to my friend from West Virginia. That is something which has happened just in the last 10 years because of the sewage pollution. And in this bill there is funding for countless numbers of municipalities around this country to access these funds to build wastewater treatment plants, first, to create jobs in their communities, to take people off the unemployment rolls and put them into productive labor, and, second, they will leave behind when these jobs are completed the machinery to guarantee that our citizens have clean water.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I take 30 seconds.

The Senator is talking about 50,000 direct jobs when he discusses the sewage treatment construction facilities that will be provided for in this bill.

Mr. SASSER. I just want to say to my distinguished friend, the chairman of the Appropriations Committee, I know that he has been calling this a jobs bill, and that is exactly what it is. It is an economic recovery and jobs proposal.

Now, we have just passed here the largest deficit reduction plan in the history of this country, and some economists are telling us be careful. Be careful; this recovery is very fragile; and this deficit reduction plan that you have passed here is going to be a fiscal drag on this economy; and you better have some energy on the front end here to make sure that this recovery gets off the ground.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. Could I have an additional 1 minute?

Mr. BYRD. Mr. President, I yield to the Senator 1 additional minute.

Mr. SASSER. Madam President, this economy is struggling now, and we see consumer confidence lagging.

We are not creating the jobs in this recovery that we should. As I indicated a moment ago, we are creating jobs at 25 percent of the rate that we have done in all post-World War II recessions. We are going through a period now of downsizing our military and responding to the post-cold-war period. We passed the first post-cold-war budget resolution through this body earlier this morning.

All of this exerts a contraction on the economy.

This jobs bill, which the distinguished chairman of the Appropriations Committee brings to the floor, is going to put some wind, some energy behind this recovery. It is going to get it up off the floor and get it moving. As my friend from Maryland has said many, many times, this economy is like an aircraft struggling to get into the air. it is on the verge of stalling. If you can push the throttle forward just a little bit, give it a little more power, then it will climb and reach its cruising altitude. Once it reaches that cruising altitude, you can throttle back and sail right along. But if you throttle back too fast, too much as it is just climbing out, then it will stall and crash back to Earth.

That is what this stimulus package, this jobs bill, that is its function, to put a little more lift under the wings of this recovery, get it to its cruising altitude and then we can throttle back.

Madam President, my time has expired.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield to Senator GRAMM 8 minutes on this side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, before I left the floor, the distinguished Senator from Massachusetts gave us a wonderful speech about bankruptcy and sound economics and paying interest on the debt. It was a wonderful speech, but I think when people understand what the issue is that we are debating here, they will realize that it was a wonderful speech meant for another day and another amendment.

Our dear colleagues have just spoken and have given us a ringing endorsement of Government. They have outlined the wonderful things that Government does. But let me tell you something, Madam President, what they left out. We wrote a budget last year. The Congress adopted a budget last year. If all of these projects were so wonderful, we could have funded them then. We wrote a new budget today. If the projects to be funded in 1994–95 by the bill that is now before us were so wonderful, we could have funded them. We did not fund them last year. We did not fund them this year because, looking at the relative priorities of the Nation, the majority party decided that these were not high enough priority to fund when you have to pay for them with spending reductions in other programs. They are only exciting and appealing because today we talk about funding them without paying for them.

Let me remind my colleagues and those following this debate what the debate is really about. In 1990, we raised taxes on the American people by over $150 billion. We promised them if they would give us their money, we would control spending, and in fact we enacted a law, that is the law of the land today, that set a cap on how much money we could spend on discretionary programs.

That cap today makes this emergency bill illegal. We are able to bring it to the floor and pass it without violating the law and without triggering an across-the-board cut only because we are designating it as an emergency so that it does not count as spending and it does not count as deficit. But yet it is spending, it is deficit, and we are going to have to borrow every single penny of it.

Our dear colleague from Tennessee says by spending this money we are going to create 50,000 jobs. Why not create 1 million jobs? Why not create 10 million jobs and put every American to work? Do you know why? Because we are not creating jobs in this bill. Every penny to pay for this deficit spending we are going to have to borrow. And in a time of tight money and a credit crunch for small business, the Government will get in line in front of small business and family farms to borrow money because it is guaranteed by the ability to print money to pay it back. And we will preempt those who would otherwise use that money to build new homes, new farms, new factories, and generate new economic growth.

Finally, this morning at 10 o'clock, we approved a new budget. Many in this very Chamber pounded their breast and said, "We are on the wagon. The deficit spending days are over. We reduced the deficit by $500 billion. This is real restraint. This is real fiscal responsibility." And now, Madam President, it is not quite 2 o'clock and we are debating a bill that will spend $16.3 billion that we are not going to pay for, that does not count as part of that budget in terms of the spending constraint it imposes, because we are talking about an emergency bill. It is like an alcoholic going on the wagon at 10 o'clock, and now it is almost 2, and we are ready to drink down a big glass of the devil's brew.

How can anybody in the world believe the Congress has any credibility whatsoever on the spending issue and the deficit issue if, within 4 hours after adopting a budget, we are now going through a loophole to spend $16.3 billion of brandnew money, every penny of which is going to be borrowed; when the American people realized that this morning we passed a budget that raised taxes on every working family, imposed an energy tax on every household, taxed Social Security, raised taxes on small business and family farms, all in the name of doing something about the deficit?

Now this afternoon, we are spending money again that we are going to have to borrow and are not offsetting it. I think people are going to feel betrayed when they finally get the facts. When they finally get the facts, they are going to be outraged about it.

What is the amendment that is before us? The distinguished Senator from Oklahoma has an amendment that simply says this: Do not designate this bill as an emergency. If we are really on the wagon, let us leave the devil's brew alone. Let us go through this whole bill. Let us look at all of these projects, and let us decide which ones we really need. And the ones we really need, let us cut some other program to pay for them, but if we are not willing to pay for them, maybe we do not really need them.

Those who have followed this debate know that we have $2.5 billion of community development block grant money in here, and all over the country the HUD Secretary asked the mayors, "Well, what are you going to use all of this money for?" All over America, in Illinois, the city council got together, and I am sure somebody said, "Joe, they are going to send us money from Washington, let us paint the water tower." So they sent in a ready list, ready to go to spend this money. They want to paint the water tower.

Then, in Auburn, AL, they said, "Hey, money from Washington. Let us build a new gym." Then in Highland, CA, they said, "We want graffiti abatement." And then in Huntington Park, CA, "Let us build a parking garage." In Lancaster, CA, a bike path. And in Merced, CA, a bus stop and shelters. I am not picking on California, Madam President, but the list goes on and on and on, all of these projects.

This one is wonderful. In Connecticut, an ice skating rink heating hut. I can hear it now: Can you believe it, George, there is somebody in Washington who may fund our ice skating rink heating hut.

When we offered two amendments, one that the Senator from Colorado offered and one I offered, saying: Let us not build this ice skating rink heating hut; do you know what happened? Those amendments were defeated. The majority of the Members of the U.S. Senate in this emergency bill said, hey, maybe we will build an ice skating rink heating hut, maybe we will not, but we are not willing to say do not do it.

I ask my colleagues, when we are taxing Social Security recipients who are making $25,000 a year, and when a working family making $35,000 a year is going to pay $500 a year in new energy taxes, is it worth it to take their money and spend it on stuff like this? I say, no, it is not worth it. If we are not willing to pay for it and not willing to cut something else out to pay for it, then we do not need it, and I urge my colleagues to vote for this amendment.

I thank the Chair for her indulgence.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield 8 minutes to the Senator from Colorado.

Mr. BROWN. Madam President, I thank the distinguished Senator from Oklahoma not only for the time to speak but also for his courage in bringing forth this amendment.

Madam President, behind the discussion on both sides, I am convinced there is a fundamental difference in the way people view the world. It is a sincerely held difference, and it is based, I believe, on the resolve by some in this Chamber that the way to end unemployment in this Nation is to deficit spend. That is, come with $19.5 billion more in the way of spending, put it in the economy, and that will end unemployment.

We have seen the chart brought to us by the distinguished Senator from Tennessee. We have heard the testimony of the distinguished Senator from Massachusetts. They sincerely believe that if we will just spend a little more money on the Federal level, we can relieve the human suffering and provide new jobs and solve our economic problems.

Madam President, I do not doubt for a moment their sincerity. I do not doubt for a moment that they believe that. I do not doubt for a moment that they see that as a solution for our economic problems. But I want to suggest to this Chamber that we need to look further than simply beliefs. The question before us really are facts as well. Will deficit spending solve the unemployment problems? If we have unemployment, and deficit spending will solve it, perhaps we ought to do it. That is what this question is all about. It is not whether or not we want to help the unemployed, but what will work.

The thesis here is that if we will increase deficit spending, we will solve that problem. To come to that conclusion, you have to believe that deficit spending is really the key toward solving it. Let me suggest something. If one really believes that deficit spending solves the problem, why is it that we have the unemployment when we had a $290 billion deficit last year? Does anybody in this Chamber really believe that deficit spending solves the problem? Because if it did, we surely would not have a problem.

Mr. SARBANES. Will the Senator yield on that point? He said, "Does anybody believe it?"

Mr. BROWN. Not at this time. I call for the regular order, Madam President. I will be happy to yield when I finish my remarks, and I hope the Senator will respond to that, because I think it is a critical question here.

The charts that were shown to us with regard to the unemployed, which have since been taken down now, showed a continuing failure to have a prompt recovery, which is what we all hope for, and a slower growth rate with regard to employment than we would like. I think that is universally agreed on. I certainly agree. I would much rather have it a great deal faster.

What happened during that period when unemployment was more of a problem than we wished? What happened when employment did not grow fast enough by everybody's agreement? Did the deficit go up or down during that period? The obvious answer is that the deficit went up. We increased deficit spending on the Federal Government side, and unemployment did not respond the way we wanted it to.

I think any objective review of the facts will clearly demonstrate that if your objective is to reduce unemployment, that deficit spending is not the answer. I believe any reasonable review of it will indicate that, far from being the answer, deficit spending may be part of the problem.

Incidentally, I believe one of the speakers, the distinguished chairman of the Budget Committee, even implied as much—perhaps not wishing to, perhaps not realizing he was; but I think all of us heard him talk about the failure to invest in this country. Remember the chart he showed us, how the United States is on the bottom, at least with regard to the industrialized nations? That is true.

Madam President, there is a reason why the U.S. investment is so low. It is because of the failure to provide incentives in our tax structure, or the outright disincentive in our tax structure and, perhaps more importantly, the failure to balance the budget. The biggest single element that reduces our investment capital is the huge, massive, record Federal deficit; that is, $290 billion last year and even bigger than that this year. And my guess is that under the new Budget Act, it will grow bigger, not smaller.

Deficit spending is not the answer. It is the problem. It is why we disagree with this bill. If you could solve the problem with simply spending more money, I think you would have a lot more people who would want to do it. It is the old answer.

I think there is a much more fundamental question available in this issue, as well. It is simply that when we come to passing a budget, the tradeoff is simply this: We will agree to what we are going to spend and to what we are going to raise in taxes, and we will agree to try and reduce the deficit, because fundamental to all of this thinking is the commitment to control spending, put an upper cap or limit on it. In the last decade or decade and a half, this Congress has not had a single solitary year where spending has been within the limits that the Congress has prescribed. Let me repeat that. There was 1 year we came close. There is not a single solitary year in the last 15 years when the amount that was laid out in the budget resolution for targeted spending was met.

Every single solitary year they have gone over that—some years because the moon set too early, some years because the estimates were too high or too low. But every single year they exceeded it, and often money was spent over the budget.

Here is the problem. What is at stake perhaps more than anything else is not a particular program, not the warming but in Connecticut. What is at stake is the integrity of the budgeting process. The American people understand it. If you talk to them about the budget and the deficit, they are simply going to say their Government has not been very square and honest with them. What is at stake here is solely the integrity of the budget process.

Is this an emergency appropriation? By every reasonable estimate, everybody knows it is not. These items could and should have been funded last year, in many cases. The fact is that it is not an emergency, and it is an excuse to overspend the budget process, and it is an excuse to not honor our commitment to the American people.

We can destroy the budget process. All you have to do is vote against the amendment of the Senator from Oklahoma. It is easy to destroy the integrity of the process and break our commitment to the American people.

Madam President, that is not good for America, and it will not reduce unemployment. The fact that we have problems in this country is a function of our failure to meet with that limit. I simply hope that the members will give some thought and consideration to how important it is for us to finally honor our commitments to that budget. And without the commitment to stand by our word, we doom this country to ever-increasing deficits, and we doom the future for our children and grandchildren.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 12 minutes and 44 seconds.

Mr. NICKLES. Madam President, I congratulate the Senator from Colorado: First, as a principal cosponsor of this amendment; and second, for an outstanding statement that I hope the American people had a chance to listen to.

Madam President, I now yield my friend and colleague from New York 8 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 8 minutes.

Mr. D'AMATO. Madam President, first of all, let me commend Senator NICKLES from Oklahoma for putting forth this amendment, because I think if there is anything that really sets the record straight it is just saying, take a look at the spending proposed, all of the spending proposed in it, and tell me that this is really an emergency.

It is not an emergency. It is a boondoggle, and it is more spending. It is a continuation along the line that we have gone through during dire economic times when people are ready to make a sacrifice to reduce the deficit.

Do we reduce the deficit? No; we do not. The only thing we cut is defense. We do not cut any other spending. We do not freeze any other spending. What we do is we take the people's money and we spend it, and we tell them we are going to reduce the deficit and the only cuts we make are in the area of defense.

It is wrong. It is a callous disregard for what we have told the people, and we will pay a dreadful price for that.

Let me tell you something. You cannot say, whether it is a gym in California, New York, or any other place, a ferry vessel, a parking garage, a sports complex, bike paths, outreach programs, boat houses, fund the art arc, media centers, parking garage in Florida in the Keys, that that is an emergency and that those kind of expenditures are going to create jobs. They are not, and it is wrong.

If you have the luxury of having discretionary moneys to spend, then fine, but this is not what this bill portends to be, claims to be. It claims to be an emergency to stimulate the economy.

Most people will get more stimulation from Dr. Ruth than from this economic stimulation plan. Let me tell you; just listen to her, you will do better if you want to be stimulated. But do not raise anybody's taxes. Do not raise taxes on everything that moves and some things that do not move. Do not raise taxes in the energy area, almost $70-plus billion, and then take half of the money that you are going to raise for income transfer because you say, well, we have made poor people poorer as a result of raising their energy taxes, and we have to give them a check in the mail to offset the manner in which we raised taxes.

What about my constituents barely making $35,000 or $40,000 a year? Let me tell you, it is not a lot of money. If you live on Long Island or upstate New York, by the time you get done paying Federal taxes, State taxes, withholding taxes, the property taxes which may be $5,000, that is not much. Now to hit them with $500 more, why? So they can give half of that money, $35 billion in income transfers because we have made poor people poorer because of that tax, so we are taking half from the working middle class; namely, $70-plus billion they paid for, and giving that to poor people because we made them poorer. I have never heard such a poor excuse for a tax. It does not make sense.

That is what this program is about. This program is about spending more and rewarding the ward leaders, the mayors, the county precincts for saying this is a good program.

It is not. I have to tell you something, that it is deceitful to the people to tell them we are reducing the budget $500-some odd billion, because the fact of the matter is the only cut that comes in domestic spending is in the fifth year, and they are talking about $11 billion. I do not believe that will materialize. What I do see is a breaking of faith with the people.

There are lots of people who believe that the sacrifice they are making is going to deficit reduction. It is not. It is the same spend and spend, the same tax and tax, and again, this so-called stimulation package is one that we would be a lot better off without.

Indeed, I would hope that all of my colleagues would begin to understand that there are those of us who are very serious and very committed about this. If the President proposes a program that is going to make real cuts, I will tell you something to the consternation of maybe some of my good friends; the President has said, "What will you cut?" I have to tell you something. Freeze domestic spending.

You have programs, whether they be the super collider or space station, that we do not need, and I voted for them in the past. But if it is a difference between raising energy taxes $7 billion and doing away with those two programs, do away with them. It makes sense to do away with them, and that is the kind of thing we should do.

Are we going to come together as a Congress working together and really doing the people's business, or are we just going to continue these games? And 2 years down the line, or 18 months down the line, we are going to see what a myth—just like 1990 budget package was the greatest budget reduction in the history of the country, and it turned out to be nothing but a lot of claptrap.

That is what this is going to be. Only now you raise the taxes on people across the board at every level. Only now you really have broken faith with them because you made a commitment that those dollars were going to go to deficit reduction, and they are not. You have sacred cows out here. I mentioned two of them. Get rid of them. Save the people $40-plus billion. That is the kind of thing that begins to make sense. That is what they understand.

If we are going to continue business as usual, then we are going to be looked down upon with a great deal of scorn and contempt for not doing our jobs, not keeping faith with the promises we made.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, does the Senator from Oklahoma want to proceed at this moment?

Mr. NICKLES. I know we are almost out of time. I have one Senator on the floor who wishes to speak and another Senator coming to the floor.

Mr. BYRD. I suggest the Senator yield to his colleague.

Mr. NICKLES. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes and 41 seconds.

Mr. NICKLES. I yield the Senator 4 minutes.

Mr. GREGG. Three is sufficient.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. GREGG. Madam President, I thank the Senator from Oklahoma for yielding.

I wish to join in supporting his amendment because it is totally appropriate that we should strike the word "emergency" from the supplemental. Many reasons have already been cited for why that should occur during the extraordinary amount of spending in this bill, which clearly is not an emergency, such as the 27 bike paths, the 13 swimming pools, the 15 baseball fields, and all the rest of it.

But I would like to point to something else and that is history repeating itself. Back in 1983, we had one of these emergency supplementals for the purpose of creating jobs. The GAO took a look at how that bill worked out and they concluded that the per-job cost of that supplemental amounted to somewhere in the vicinity of $120,000, plus in addition they concluded it did not create any long-term jobs. Those jobs they did create were, as I mentioned, extraordinarily expensive and were ineffective.

If you look at this supplemental and just do a little mathematics, you will see that each job in the supplemental is going to cost around $90,000, which is pretty outrageous on its face. That is the stated amount. I think in the end we can refer back to 1983 and see those jobs cost a lot more than $90,000. And these jobs also could cost a lot more.

What is equally important about the 1983 situation is that the GAO report makes some point as to how you should proceed if you are going to have a jobs act. They stated that, first, the jobs act has to go in place at the beginning of the recession or at least moderately into the recession—the recession has been over for a year and a half—that is if the jobs act is going to have any effect at all.

Second, they said that the money should be spent quickly. In this act, as proposed, the money is not going to be spent quickly. In fact, 60 percent of the funds are going to be spent after fiscal year 1996.

Third, they said the spending of funds should occur before the recovery. We have been in recovery now almost 6 months to a year, depending on whose numbers you use.

Looking at the history and study done by our own agency, GAO, which we asked to see, this stimulus package is not going to work. It is going to cost the extraordinary amount of $90,000 per job and will aggravate the deficit, as mentioned earlier, about $16.6 billion. That makes no sense at all.

Why should we repeat history's mistakes? That is what this bill is doing.

I certainly strongly applaud the effort of the Senator from Oklahoma to take the emergency out of this language so that we, at least, pay for this bill before we go forward and we do not pass this cost on to the next generation.

I yield back my time to the Senator from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, I yield 5 minutes to the distinguished Senator from Maryland, Mr. SARBANES.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. SARBANES. I thank the chairman very much.

Madam President, I first want to address my colleague who just spoke. There are a lot of loose statements being made out here on the floor and we really need to sort of focus in on them and see if we cannot get some agreement in our analysis.

The Senator says that the recession is over with and, therefore, we do not need this bill, as I understand it. Is that correct? Was that the Senator's view? I understood him to say that.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What I said, Madam President, was that the GAO study concluded that an emergency jobs bill, such as the one that we had in 1983, is not effective and does not impact the jobs climate unless it is instituted during the recession.

Mr. SARBANES. The Senator said the recession was over with and, therefore, we do not need this.

Madam President, the point I want to make is that the recession technically was ruled to have ended in March 1991. To that extent, the Senator is correct when he says the recession is over with.

But the Senator, in my judgment, is incorrect when he then goes on to assert that we do not need to do something that, in effect, we have recovered from this recession.

The fact of the matter is that we have not recovered from this recession in terms of getting economic growth and job restoration. And, in fact, one of the most dramatic things that has occurred is the contrast between job recovery coming out of this recession and job recovery coming out of previous recessions.

This is the growth path of jobs coming out of previous recessions in a postwar period. This is the average for seven previous cycles. And this is what has happened in this recession. We have not recovered the jobs.

In fact, the unemployment rate today is higher 23 months after the bottom of the recession than it was at the trough of the recession.

We have never had an experience in any previous recession recovery in which, 23 months after the bottom of the recession, the unemployment rate was still higher than it had been at the depths of the recession. So we are not getting these jobs back. And that is why we need this particular legislation, in an effort to give some impetus to economic growth and in an effort to restore jobs.

The Senator from Colorado, when he spoke, said that, well, the deficit spending did not help on trying to get movement in the economy and the restoration of jobs. He said, "Look, we had a big deficit last year or the year before under Bush."

In fact, we have had very large deficits under Reagan and Bush—enormous ones.

These are the budget deficits in the Reagan-Bush years. These are in the previous years. So we had enormous deficits.

And he said, "Therefore, there is no connection."

Well, it depends. You have to make a distinction, which he did not make. Sometimes the deficits are the consequence of the weak economy. In that instance, the deficit comes behind the weakness in the economy.

If you get large deficits as a consequence of an economic downturn, those deficits are not helping to offset the downturn. The downturn has happened. People have been laid off. You have lost revenues. You are making support payments out of the Treasury.

In fact, we need this stimulus program in order to ensure that we do not have an economic downturn, because if we have an economic downturn the deficit is going to soar as a consequence of the economic downturn.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Mr. SARBANES. Will the Senator yield me 1 additional minute?

Mr. BYRD. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. One minute has been yielded.

Mr. SARBANES. Madam President, this stimulus program is designed to get an impetus to the economy, to get economic growth, to restore jobs.

We still have a jobs problem facing us in this country. Make no mistake about it, we still have a jobs plan facing us. This is designed to get enough lift going to the economy that we do not go into another economic downturn.

If we have an economic downturn, we are going to lose jobs, we are going to lose economic growth, and we are going to get an acceleration in the deficit as a consequence of the slowdown in the economy.

This legislation is designed to keep that from happening. The President, in his total package, has paid for this legislation 30 times over. It is out here as a separate bill only because of the way we have to handle it as legislation. But it is part of a total comprehensive package.

We passed a budget resolution this morning to cut the deficit by $496 billion—cut the deficit. That accounts for this bill 30 times over in terms of deficit reduction.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. I thank the chairman.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I know the Senator from Washington is here. I am basically out of time.

I wonder if the Senator from West Virginia would be amenable to a unanimous-consent request to give the Senator 5 minutes.

I ask unanimous consent that the Senator from Washington be granted 5 minutes.

Mr. BYRD. Madam President, I have additional requests on this side.

I ask unanimous consent that the distinguished Senator from California [Mrs. BOXER] be allotted 5 minutes. I need some additional time myself. Some Senators are not going to be here to vote when the time of this amendment would otherwise have expired.

So I ask unanimous consent that there be an additional 20 minutes on this side and an additional 15 minutes on that side, in addition to the 5 minutes the Senator has already gotten.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Madam President, I have listened with considerable interest to the points made by the distinguished Senator from Maryland. I can say that, with respect to statistics on employment, he is clearly correct.

The difficulty with his argument, however, is that the very proposals which he makes, the very programs which he has caused to be adopted by the Congress in the past and for which he asks in this bill, make that employment situation worse.

When, as a result of the budget resolution that we have just adopted, taxes on businesses large and small are substantially increased, there will be no ability, or a lessened ability in the private sector, to offer jobs to people who want those jobs.

When the Congress passes one after another greater restrictions on employers with respect to their employees, sets up more expensive programs which employers are required to implement, an intelligent employer will do everything possible to keep from hiring new employees.

This is the reason that we have had a recovery from a recession which is different from other recoveries, a recovery without substantial increase in employment. It is because employers simply cannot afford to hire new people. It is much less expensive for them to pay time-and-a-half for overtime than it is to hire new employees.

But, when the corporate tax is raised, when the deficit is increased, when there is upward pressure on interest rates, when taxes on small businesses and subchapter S businesses are vastly increased—we have heard recently that as much as 70 percent of the new higher rate income taxes will be imposed on small businesses—we will find that this additional burden, this additional spending program, will provide nothing but a handful of part-time, dead-end Government jobs.

If we wish to see a recovery in the private, permanent job market in the United States, we will go in exactly the opposite direction which this so-called stimulus plan leads us and in exactly the opposite direction in which we will be led by the budget resolution which passed here this morning.

The private sector is the job-driving engine of the economy of the United States. We are faced here with one more proposition—$16 billion to $20 billion in additional spending, $16 billion to $20 billion in additional deficits, $16 billion to $20 billion in additional demand for Federal loans—and we will find, surprise after surprise, that there will be less employment as a result of the passage of this bill rather than more.

The distinguished Senator from Oklahoma is correct. His amendment is one modest step toward more employment. This bill is one significant step toward fewer jobs.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 5 minutes to the distinguished Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I thank the chairman of the Appropriations Committee for yielding. I felt compelled to come and speak because I view this amendment by the Senator from Oklahoma as a way, again, to stop this President's economic program. The Senator, by his amendment, wants us to go back to the days of the George Bush Presidency, Madam President, a time I call the do-nothing-domestic Presidency.

Madam President, you and I are well aware of the pain that California has been in during this recession. It began while George Bush was President. People from all over the State were complaining, and they contacted their friend, the President. These were people who had supported him, people from Orange County, CA. And they said, "President Bush, we have a problem. Do something."

I remember what he did, in response to those calls. I will never forget it because I think it was a turning point for him. The country was crying out for economic leadership, and this is what President George Bush did, and this is the kind of leadership the Senator from Oklahoma would have us return to. George Bush went to J.C. Penney and bought a pair of socks, Madam President. I will never forget it. He held up that pair of socks for all America to see and he said, "My fellow Americans, this is how we can get out of this mess. Go shopping."

Madam President, this country needs more leadership than that. Going shopping is not going to do it. It is going to take the kind of vision that this President, Bill Clinton, offers to us. It was explained so well last night on the Senate floor by our colleague from Maryland, Senator SARBANES, when he spelled out the numerous deficits that we face as a Nation: the budget deficit, the trade deficit, the investment deficit. But the people acted on another one of those deficits, the leadership deficit, and they gave us a new leader—Bill Clinton. What this amendment is going to do is undermine and undercut this very carefully crafted plan that President Clinton has brought to us: the budget resolution. Within this resolution you have long-term investment, deficit reduction, and this short-term stimulus package, which is such a crucial element of the plan.

This Senate was able to overcome the obstructionist tactics of our Republican colleagues, and we passed the budget resolution. We did so with remarkable speed. But we are facing stall tactics with each and every one of these amendments. This one is particularly egregious because, if it passes, we would then need 60 votes to move this stimulus package, and we know we only have 57 Democrats. We may not get 60 votes.

So I hope that we will come together to table this amendment, because it cuts at the heart and soul of this President's plan and leadership, both of which we so desperately need.

I thank the chairman for yielding me this time.

Mr. BYRD. Madam President, I thank the distinguished Senator for her excellent contribution to the debate here. She is always filled chock-full of common sense and she makes a tremendous impact on the work here.

Does the Senator from Oklahoma wish to yield some time now?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I would like to make a couple of comments concerning this debate. I heard my friend from Maryland say we have already paid for this package 20 times by the budget package that already passed. I would like to talk about that because I, again, have heard a couple of friends and colleagues state that the budget package that already passed was the largest deficit reduction package in history. That is not the case.

Let me go over a few facts. The facts are that it purports to reduce the deficit by $497 billion in the years between 1994 and 1998, but that is not the case. The Congressional Budget Office said that $44 billion of that is not there because by present law the baseline if $44 billion less than that. I do not want to get too technical but the facts are they did not use the law as prescribed by CBO, the Congressional Budget Office. So they made up $44 billion in savings.

They also have $12 billion in savings for which they take credit, because they assume this package does not count. You talk about misleading—the so-called stimulus package does not count on the budget. That is why I have offered this amendment. I believe very strongly that we should be honest with the American people. To pass a budget package, and then say we are not going to count this emergency spending, this is not part of the budget, is bad economic policy. We are going to be spending this money this year and the next few years. How in the world can we ignore this new spending? Only one way. By declaring an emergency.

I have heard and read what the definition by Mr. Penetta says of an emergency, and this bill, frankly, does not qualify. It does not qualify in anybody's estimation, if you look at the definition of emergency. So the net result is the same day we pass a budget package that is not $496 billion but closer to $440 billion. I want to talk about the composition of that $440 billion.

Mr. SARBANES. Will the Senator yield before he does?

Mr. NICKLES. I will not yield, not at this time.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. I want to talk about the composition of this $440 billion, because if anybody thinks it is paid for by spending cuts, again they are wrong. Where does the $440 billion come from? The $291 billion of the $440 billion comes from taxes and fees. The Finance Committee is directed by the budget to raise $273 billion in new additional taxes. I have heard people say the stimulus package is a jobs bill. If that is the case, you had better call the deficit package, or the budget package, an antijobs bill or an unemployment bill, because it is going to put hundreds of thousands of people out of work.

I will tell my friend and colleague from West Virginia, the Btu tax is going to hurt the coal industry, it is going to hurt the oil industry, it is going to hurt the airline industry, it is going to hurt agriculture. It is going to put hundreds of thousands of people out of work. I am going to tell my colleagues, you do not increase rates that significantly without having negative economic impact. The 1990 tax increases proved that; they exacerbated the recession.

What we did when we passed the budget, was to tell the Finance Committee to go out and raise $273 billion. Then the budget says we want to raise another $18 billion in fees. I also tell my colleagues that is not going to happen because we did not reconcile the $18 billion. And Senator JOHNSTON from the Energy Committee said he is not going to do it.

And so the package told the Energy Committee not to raise $18 billion, not to raise $12 billion, but to only raise $700 million, almost nothing.

What about spending cuts? What did the budget package that we adopted earlier today do in spending cuts? It cut $75 billion in defense, and I do not have to tell the Presiding Officer that that means there are going to be hundreds of thousands of jobs lost in military-related industries and in bases in California and all across the country. That will cost jobs. The defense cuts are real. They are twice as large as proposed by President Bush.

What about nondefense cuts? I hope my colleague from Maryland and other people will listen to this. The net nondefense spending cuts over the next 5 years are a grand total of $11 billion. Madam President, we are going to spend over $7 trillion in nondefense spending over the next 5 years; $7 trillion, but yet we are going to cut spending $11 billion. In reality, we only cut that spending in the fifth year, not in the first year, not in 1993, not in 1994, not in 1995, not in 1996. It is not until 1997 and 1998 that we have any net nondefense spending cuts. There may be a few spending cuts, but there are a lot more spending increases.

Some people have the philosophy that we can solve the economic problems by spending more money. Well, that is interesting but all that will do is drive up the deficit, and that is exactly what this bill does, it increases the deficit. That is the net result of this package. It is not a stimulus package, it is not a jobs package, it is a deficit package. All it does is increase the deficit $19.5 billion.

I wish we could eliminate economic problems by appropriating money. We appropriate $1½ trillion per year right now, $6,000 for every man, woman, and child in the United States. You would think by spending that amount of money, we would have no economic problems whatsoever.

I have stated in the past the real problem is going to be with the budget package that was adopted earlier today. It is going to put hundreds of thousands of people out of work. We are going to need one heck of a stimulus package to compensate all those people who will lose their jobs.

So, Madam President, I want to make sure everybody understands that the package we adopted this morning raises taxes and fees $291 billion over 5 years and it cuts spending $86 billion over 5 years. That means we are raising taxes $3.38 for every dollar of spending cuts. But before the ink is dry, before it even becomes effective, we are on the floor of the Senate debating about a bill to bust the budget. Let's pass a package that is totally exempt from the budget and outside the spending caps.

I think that is the height of fiscal irresponsibility.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the distinguished Senator said we appropriate $1½ trillion every year. We do not do any such thing. The Senator is on the Appropriations Committee. He knows that. We appropriate about $500 billion a year. The Appropriations Committee only has jurisdiction over 35 percent of the total budget.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Not at this time. I will yield to the Senator later. First of all, I yield to the Senator from Maryland to make a correction.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, the Senator from Oklahoma said we need to be accurate. We do indeed. What I said was this stimulus package has been paid for 30 times over, not 20 times over. And the basis of that calculation is that we have a deficit reduction program here of $496 billion. That is 31 times the cost of this program.

Even if I accept the revised baseline which the Senator was just trying to argue for, which would take the deficit reduction down to $452 billion, this program is being paid for 28 times over, even if I accept your figures and I do not accept them. But if you take the deficit reduction of the resolution we adopted this morning, $496 billion, we are paying for this program 31 times over.

The reason it is separate and apart is because, as a legislative matter, that is how it had to be handled. So the notion that somehow this is a big deficit fling when this piece is being done in the context of the budget resolution that we adopted this morning that had deficit reduction in it of $496 billion completely misses the mark. Thirty-one times this bill is in the deficit reduction in the budget resolution.

Mr. BYRD. Madam President, I yield to the distinguished Senator from Illinois [Ms. MOSELEY-BRAUN], how much time?

Ms. MOSELEY-BRAUN. Three minutes.

Mr. BYRD. Three minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Ms. MOSELEY-BRAUN. Madam President, I am not a member of the Budget or Appropriations Committees, but I listened closely to this debate. I paid special attention to the pages who are sitting here and the people in the galleries who are listening to all the words, and they sound good, I guess. But quite frankly, I think we have to step back for a minute and ask who are the messengers, and does this make good, basic common sense?

The fact of the matter is, Madam President, that we have just come through 12 years of an administration that left us, as every American knows, as a country in which the rich got richer, the poor got poorer, and the middle class got squeezed.

What is more, most thoughtful people know there is something fundamentally wrong with this economy. They say we have a recovery, but we know that there is a problem with joblessness and that we have a jobless recovery. We know also that the jobs that did get created over the last decade or more were jobs flipping hamburgers and working in stores at low-level wages, and not jobs giving us the capacity to produce goods, giving people and families the opportunity to take care of themselves.

In fact, Madam President, we now know that there is a phenomenon in this country in which most families have to have two people working. One person working in a family is the exception, not the rule. In fact, it is either a luxury or a sacrifice, because one salary generally will not make it. You have to have two people in a family working just to make it in this economy.

We also know, Madam President, that unemployment is a real problem, and the figures that we have seen on this floor just show the tip of the iceberg. They show the people who are recently unemployed. They do not show the people who have fallen off the end of the chart, who have given up finding a job, who have been out of work so long, because they are hopeless and despair of ever working. They do not show the homelessness and the pain that is out there, the pain that we are all vitally cognizant of, the pain I think we have an obligation to address.

And so people who gave us this situation to begin with are now those who are complaining and crying the loudest and trying to stop President Clinton as he attempts to get our economic house in order. President Clinton wants to reduce this deficit and, indeed, his plan cuts it by almost half over 5 years. I think that is more believable, frankly, Madam President, than the people who gave us this deficit to begin with.

If you think about it, 12 years ago we were not in this kind of debt, we were not in this situation, and it is a new situation that must be corrected, but it cannot be corrected overnight. It needs to be corrected reasonably, and that is what President Clinton wants to do. President Clinton wants fiscal prudence. He has given us a post-cold-war budget that recognizes modern-day realities and seeks to put people back to work in nondefense-related industries that will stimulate the private sector, and that will give us more job growth and the ability to compete internationally with products other than just military armaments and the like.

So this is an adjusted budget. It is a budget that recognizes the cold war is over and we have to revive and rev up the way we do business in this country.

The PRESIDING OFFICER. The Senator's 3 minutes are up. Who yields time?

Mr. NICKLES addressed the Chair.

Ms. MOSELEY-BRAUN. I request additional time to conclude my statement.

The PRESIDING OFFICER. For what purpose does the Senator from Oklahoma rise?

Mr. NICKLES. To speak on the bill.

The PRESIDING OFFICER. I think the Senator from Illinois is requesting addition time.

Mr. BYRD. Madam President, I yield 2 more minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Ms. MOSELEY-BRAUN. I thank the Senator.

Madam President, the point is, President Clinton wants to get our productive capacity together, to get our economic house in order, to put this country back on the right track so we can have real jobs, good jobs for people. That is what this bill seeks to do, and that is what this amendment seeks to stop. It is just that simple. I think that it is more believable to follow the direction the President set up than to follow those who gave us this predicament to begin with. That is the issue that one speaker made about leadership.

Madam President, this is a jobs bill. It has unemployment benefits. We are going to strip out unemployment benefits and say that is not an emergency? It has highway and mass transit improvement. That creates construction jobs; puts people back to work to support their families. That is not an emergency, given our jobless situation in this country? It has SBA loans to help small businesses get started and summer jobs for young people and community development block grants to let local governments decide how they want to spend and focus resources in their local communities.

I always hear that is a good idea except when it comes to the President's plan, and now they are trying to stop it.

I say to you, Madam President, the rest of this stimulus program is education, giving these young people a chance, from Head Start to college Pell grants to summer school. It gives young people a chance, and this direction I think makes sense for our country. It makes sense for our country and it is the mandate this President was given by the American people in November, and I believe the mandate we have to follow in this Chamber.

I want to end, Madam President, with a personal experience. I feel very blessed to be a Member of this U.S. Senate.

But I know full well that I would never have had a chance to get here had there not been an administration in place in my time that gave me an opportunity to go to college, to get loans, and to get grants, to have a job on the side, and a summer job that I could work and help support and pay for my college education. That same administration gave me an opportunity to go forward. I think that we owe at least that much, Madam President, at least that much to the generation that is coming now, to these young people who are here as pages and visitors to this Chamber. I submit, Madam President, this amendment ought to be defeated. It is a pernicious amendment that seeks to stall President Clinton's plan and stop the direction the American people have told us they want to go.

I thank the Senator, and I thank the Chair.

Mr. BYRD. I thank the distinguished Senator.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. In a previous dialog I had with the Senator from West Virginia, he corrected this Senator and said I stated we have appropriated $1.5 trillion. If I said that, I stand corrected. We spend $1.5 trillion. We appropriate, through the appropriations process, about a third of that, about $500 billion. I stand corrected, and I appreciate the comments of the Senator from West Virginia.

I will also say, though, the only chance most of us have to get any control over the nonappropriated funds—most people call them mandatory funds; some people call them entitlement funds—is through the budget process, and the budget we have enacted hardly even touches the entitlement programs.

Some of the entitlement programs are exploding. I have already mentioned that Medicaid compounded at 29 percent. The year before it was 28 percent. The earned income tax credit last year went up 55 percent and, under the President's budget, would explode even higher; food stamps went up 20 percent, unemployment comp 47 percent.

Again I will tell my colleagues, when we have had unemployment extensions in the past, we have paid for them. We do not pay for it in this bill. This is a credit card bill. This is a debt bill. All this $19.5 billion does is add to the deficit. So, if my colleagues are concerned about the debt and deficit, they should not vote for this package.

I think Congress needs to get control of all the money we spend and not have so many of these programs growing totally, completely out of control, far above inflation costs.

Some of us tried to do that in the budget package. I tell my colleagues that many of us on this side, as a matter of fact I think every Republican, voted to put a cap on entitlements, we tried to limit the growth of entitlements to new entrants into the system and to inflation. I think it would have been a very significant reduction if we had been able to pass it. We did not have the votes, but we did try. We will never be successful in controlling a budget or getting a responsible budget until we control all dollars, and that includes the so-called mandatory entitlement dollars as well as the appropriated dollars.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Eighteen minutes forty-three seconds.

Mr. BYRD. I thank the distinguished Chair.

Mr. SASSER. Madam President, will the distinguished chairman yield 1 minute for a question?

Mr. BYRD. Yes, I yield 1 minute to the Senator.

Mr. SASSER. I will ask the chairman of the Appropriations Committee, of the $500 billion in appropriated accounts, or discretionary accounts, what portion of that $500 billion has been allocated to military spending last year? Does the chairman recall?

If memory serves me correctly, it is somewhere in the neighborhood of——

Mr. BYRD. About 19 percent.

Mr. SASSER. $290 of the $500 billion.

Mr. BYRD. $275 billion, defense.

Mr. SASSER. Almost two-thirds of the appropriated budget, almost two-thirds of discretionary funding then goes for military spending. Would that be an accurate statement?

Mr. BYRD. No, not two-thirds. If I understand the question——

Mr. SASSER. As I understood the dialog a moment ago, the distinguished chairman was saying that there is $500 billion in discretionary spending.

Mr. BYRD. Roughly that. About a third of the total budget.

Mr. SASSER. About a third of the total budget. And of that $500 billion, a significant portion of that spending is military spending.

Mr. BYRD. Well over half.

Mr. SASSER. Well over half. Now, I ask the distinguished chairman if he recalls just last week when our friends on the other side offered an amendment to increase military spending by $50 billion in the budget resolution. Does the distinguished chairman recall that amendment? I think it was offered by the Senator from New Mexico, [Mr. DOMENICI]. That is correct.

Mr. BYRD. I accept that.

Mr. SASSER. And many of our friends on the other side of the aisle, just a few days ago, who are now decrying this modest stimulus package, or modest jobs bill, are the same ones who voted to increase military spending by $50 billion out of the discretionary accounts, three times as much as this modest stimulus bill.

That is the point I wish to make today with the distinguished chairman.

Mr. BYRD. I think that is a pertinent point, a very pertinent point. And some of them who are decrying this bill are the very same ones who voted to forgive the debt for Egypt, $6,998,100,000 in fiscal year 1991, in the fiscal year 1991 foreign operations bill. They voted to forgive Egypt $6,998,100,000. I have the vote here in front of me. The first vote was on an amendment to kill that debt forgiveness, and my friend Mr. NICKLES voted against killing that amendment, voted against rejecting that amendment. The Senator from West Virginia voted to kill it, kill it dead. The distinguished Senator from New York, who spoke earlier, voted not to kill it, not to kill it. Debt forgiveness, $6,998,100,000 of the American taxpayers' money owed by Egypt. And on the final passage of the bill, I see there that my friend Mr. NICKLES, from Oklahoma, voted for passage of the bill. I see that Senator GRAMM, the Senator from Texas, voted to pass that bill. It was total foreign operations and export financing-related programs, but included in that bill was forgiveness for Egypt. This Senator voted against it.

Mr. NICKLES. I am just wondering how did the Senator from Tennessee vote?

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has not yielded it, to my knowledge. Does the Senator yield?

Mr. BYRD. Madam President, I came to this floor yesterday to express the hope that the one standard we would not sacrifice on this floor is that of sticking with the facts.

Now, every Senator has a right to present the facts, but no Senator has the right to make up his own facts. And that is what we see going on here. I spoke yesterday in response to repeated statements by Senators on the other side of the aisle that grossly misrepresented the facts regarding the combined effect of the supplemental appropriations bill now pending before the Senate and the budget resolution which the Senator from Tennessee capably and skillfully managed through the conference and which the Senate passed last week and the conference report which was passed last night.

Madam President, I would have hoped that we would have put this issue of respect for the facts, respect for the truth behind us. We all make mistakes. All of us are subject to mistakes. But we have heard this repeated misrepresentation of facts time after time after time.

I regret to say that I find some on the other side of the aisle still unable to get their facts straight, still unable to come to the floor and avoid making the statements that have absolutely no basis in fact. We do not have any of that list of unnecessary, nonmeritorious, wasteful programs in this bill. My amendment, which has already been incorporated into the substitute, guarantees against funding such programs. The Senators know that on the other side of the aisle. But today they want to again and again talk about it.

Again, today, a Senator on the other side of the aisle stood on the floor and recounted for the benefit of us all, and for the American people, some of the economic conditions that according to that Senator we experienced during the administration of President Jimmy Carter. More than once, the Senator on the other side of the aisle made reference to the fact—fact, and I use the term loosely—that unemployment under President Carter climbed to over 10 percent; indeed had climbed as high as 10.8 percent.

Madam President, the fact is that the unemployment under the much maligned Jimmy Carter Presidency never—I repeat never—reached 10.8 percent. It never even reached 10 percent. The highest unemployment rate during the Carter years was 7.8 percent. Let the record be clear. Unemployment during the Carter administration never exceeded 7.8 percent. Only once since the end of the Great Depression has unemployment ever exceeded 10 percent, and that, Madam President, I respectfully tell my colleague, was during the administration of, not President Jimmy Carter, but President Ronald Reagan, the Great Communicator, Ronald Reagan. For 10 consecutive months, starting in September of 1982, unemployment in the United States exceeded 10 percent. Again, the first and only time that unemployment has climbed that high since the end of the Great Depression.

My colleague on the other side did get one number right. He said that he recalled unemployment climbing as high as 10.8 percent. But I say to the Senator, unemployment did not once reach 10.8 percent. It did not do so during the administration of President Carter, but only during that of President Reagan.

In fact, for 2 consecutive months in November and December of 1982, unemployment stood at 10.8 percent while Ronald Reagan was President.

Madam President, we come to this floor to debate serious issues. We come to the floor to debate serious issues. At least that is what I come to the floor for. That is what I hope we would all be able to do. Yet I find myself more and more having to come to the floor on this bill to correct inaccurate statements being made by Senators on the other side of the aisle. People listen to what is said on the Senate floor, and I generally suspect that they believe that what they hear is true. They may not agree with what is said. But I feel that they at least assume it is true.

I regret that such assumptions are increasingly not necessarily valid with respect to what is being said on this bill. I would like to get back to debating the issues of the day rather than having to stand on the floor and play truth squad, but I cannot stand by and let wildly inaccurate remarks go uncorrected. At the same time, it is my hope that all Senators would check with the facts before they come to the floor and misspeak.

If we do not know something to be the truth, then do not say it. Let us allow our fellow Senators, as well as the American people, to have confidence in knowing what they hear said on the floor of the U.S. Senate is true and correct.

(Mr. KOHL assumed the chair.)

Mr. BYRD. For the past several days, critics of the emergency supplemental appropriation bill now before the Senate have attempted to throw all kinds of smoke, fog, and mud at this bill. Pending now is an amendment to strike from this measure the emergency designation which is at the very core of the bill.

Mr. President, I say to my colleagues, let us be clear about what this amendment is, about what it will do. This amendment is, plain and simple, nothing but an attempt to cut the heart out of an effort to create much-needed jobs across this country and help stimulate our economy. It is an attempt to knock one of the three legs of the President's comprehensive economic program out from under it. This is an amendment that seeks to extend the gridlock that has gripped our Government for far too long.

Time and again during the debate on this bill, Senators on the other side of the aisle have risen to question the emergency nature of the supplemental appropriations provided in the bill. Opponents of the bill question whether it meets the definition of an emergency; whether the spending contained in it is truly emergency spending.

Mr. President, to those who have not yet come to understand the purpose of this bill or the need for it, let me say that the emergency at which this bill is targeted is our economy. It is as simple as that. It is so simple that it bears repeating—the emergency at which this bill is targeted is our economy. As has become painfully evident to millions of Americans, and as I and others have tried to explain on this floor over the last several days, our economy is stuck in a rut. We are mired in the worst—the most anemic—economic recovery, certainly since World War II.

After 2 years of a so-called economic recovery, unemployment remains higher today than it was at the trough of the recession. Record numbers of Americans are today eligible for food stamps, Aid for Families with Dependent Children [AFDC], and Medicaid. Why? Not because we are in a recession, which is when one might expect eligibility for such assistance programs to reach record heights. No, our economy is in a recovery, but it is a recovery in name only; it is a recovery in only the most technical sense of the word. And let no one be fooled into thinking that, with two quarters of relatively healthy growth now under our belt, the economy is poised to take off. To the contrary, analysts expect economic growth in the first quarter of this year to come in far below that achieved in the fourth quarter of last year.

Earlier this week, the Commerce Department reported that personal income grew a miniscule two-tenths of 1 percent in February, while wage and salary income actually declined one-tenth of 1 percent. If income growth remains slow, is that likely to affect consumer spending, and is consumer spending all that important? The answer to both of these questions, I would suggest, is "yes." Consumer spending accounts for approximately two-thirds of all economic activity in the United States. The relatively strong economic growth that we experienced in the final quarter of last year was fueled, in large part, by a surge in consumer spending.

Although consumer spending remained strong in February, rising at a faster pace than personal income, the savings rate fell during the month to its lowest level in nearly 2½ years. It is unclear how long spending growth can continue to outpace income growth. It is very clear, however, that should consumers begin to retreat, our economy will be in serious trouble; if consumers begin to pull back, the current recovery, as weak as it is, will be in serious jeopardy.

Moreover, in addition to the Commerce Department's lackluster personal income report for February, it was also reported this week that the Conference Board's index of consumer confidence fell in March for the third consecutive month. How significant is this drop in consumer confidence? Mr. President, let me answer that question by sharing with my colleagues the headline in yesterday's Wall Street Journal. On page A2 in the Wall Street Journal of March 31, 1993, the headline reads, "Consumer Confidence Index Slips Again, Raising Fears That Recovery May Stall."

And what is behind this drop in consumer confidence? To quote again from yesterday's Wall Street Journal:

> The chief concern among Americans is jobs. Most of the drop in consumer sentiment during March was due to worry about job prospects. Roughly 41% of respondents described jobs as "hard to get," while only 6.7% said jobs were "plentiful."

The article then goes on to note that—

> The deterioration in the Conference Board's index coincides with the drop in consumer sentiment as measured by the University of Michigan.

Mr. President, I believe the American people are all too aware that we are trapped in an anemic and tenuous economic recovery. I only wish that every Member of the Senate was equally aware, or sensitive to, the fragile condition of our economy. I say that because, with the economy barely clinging to recovery, we are about to embark on a massive deficit reduction effort that will impose upon our economy a tremendous fiscal drag.

While we all agree on the need to reduce our budget deficits, I urge my colleagues not to turn a blind eye to the risks involved in the deficit reduction effort to which we committed ourselves with the budget resolution we adopted earlier today. Let us not ignore the fact that deficit reduction—regardless of whether it is done through higher taxes or lower spending—will, in the near term, have a dampening effect on our economy.

We are about to walk out on a fiscal tightrope—trying to bring down our deficits in an orderly fashion without going too slow, so as to raise questions about the sincerity of our commitment to the task, or without going too fast, so as to slow our economy and risk throwing it into deeper recession. While we can all agree on the long-term benefits that will result from lower deficits, and can all hope that lower interest rates and renewed business and consumer confidence will offset the near-term contractionary effect of a deficit reduction program of nearly $500 billion, we cannot afford to ignore the risks involved.

The emergency supplemental appropriation bill pending before the Senate is designed to give our economy the extra lift that it will need if it is to withstand the fiscal drag it is about to encounter. We must lift our economy onto a higher growth path if we hope to achieve the challenging deficit reduction goal called for in the budget resolution just passed without dragging the economy down into yet another recession. This bill is also designed to provide assistance to those who, despite 2 years of economic recovery, continue to suffer because of the anemic nature of that recovery.

Critics of this supplemental appropriation bill question whether this bill meets the definition of an emergency. Opponents of this important part of the President's overall economic program ask if this bill, and the spending in it, is directed at a need that is: First, essential; second, sudden; third, urgent and compelling; fourth, unforeseen and not predictable; and fifth, not permanent, but temporary in nature. Mr. President, if that is the definition of "emergency," then I would say to my colleagues that this bill clearly merits its emergency designation.

I believe that giving our economy an extra lift is essential; I believe that the need to do so is both urgent and compelling; and I certainly hope that the economic doldrums in which we have been drifting for the past 2 years will prove not permanent, but only temporary in nature.

Those on the other side of the aisle may still ask: Is the need addressed by this bill sudden, unforeseen, and not predictable? Perhaps not. A majority of the Congress recognized the need to act long ago. As long ago as August 1991, Congress approved legislation to provide, as an emergency, extended unemployment benefits to long-term unemployed workers who were exhausting their regular unemployment benefits. President Bush, however, refused to designate the spending in that legislation as emergency spending, and the bill was never implemented. Then in October 1991, President Bush vetoed a similar emergency unemployment compensation bill.

Were those initial efforts to alleviate, through an emergency declaration, some of the suffering and hardships associated with long-term unemployment inappropriate or ill-timed? I believe not, and I believe the American people affirmed that fact last November, when they voted for change in Washington, when they voted for a new President—Bill Clinton.

Now, that new President has asked Congress to pass, under the emergency provisions of the Budget Enforcement Act of 1990, legislation that will, among other things, provide up to 26 weeks of emergency unemployment compensation to individuals exhausting their regular unemployment benefits. According to the Bureau of Labor Statistics, more than 1.9 million men and women—21.5 percent of the nearly 8.9 million Americans out of work—have been unemployed for more than 6 months. Never before, at this stage of an economic recovery, has such a high percentage of the people unemployed in the United States been unemployed for so long.

The emergency supplemental appropriation bill pending before the Senate will provide $4 billion in fiscal year 1993 to finance the immediate provision of up to 26 weeks of extended unemployment benefits to families struggling to survive the hardships of long-term unemployment. These are American families for whom the current economic recovery is but a distant mirage; families who have been left out in the cold because of the anemic nature of this economic recovery. Is their need an emergency? I believe so.

Two years ago, at the request of the Bush administration, the Congress approved emergency legislation to provide financial aid to the nations of Israel and Turkey, as well as to refugees from Iraq. In the Senate, the vote on final passage of the bill that provided aid to Israel and Turkey was 92 to 8, and 82 percent of the Senators on the other side of the aisle supported final passage of that bill. Thirty Members who today still sit on the other side of the aisle of the Senate voted for that emergency supplemental appropriation bill. Mr. President, I wonder, where are those Senators today? As for the humanitarian assistance that was provided to Iraqi refugees, that emergency supplemental bill passed the Senate by voice vote. Again I ask, where are those voices today?

President Clinton has asked Congress to use the same emergency provisions that were used to provide assistance to people living in foreign lands 2 years ago to now pass legislation that will provide assistance to people living in the United States. Yet, pending before the Senate is an amendment that would strike the emergency designation contained in this bill, and without which this supplemental appropriation bill would fall. Are those who support this amendment willing to stand up and tell the American people that the citizens of this country are not deserving of the same assistance, the same helping hand, that has previously been extended to the citizens of other lands?

President Clinton has asked Congress to pass legislation that will help stimulate our economy; that will help move it to a higher level of growth; that will put people back to work; that will give the American people a reason for hope, and a feeling that we in Washington are listening to them when they tell us, in survey after suvey, in poll after poll—as I have shown on this floor—that creating jobs is more important to them than immediate deficit reduction.

Yes, we need to reduce our deficit. I do not question the need to do so. Yet, the Senate just passed a budget resolution that will, over the next 5 years, achieve just under $500 billion in deficit reduction—a budget resolution that takes into account the moneys that would be appropriated for fiscal years 1994 through 1998 under the emergency supplemental bill pending before us. Yes, we need to reduce our deficit, but we also need to get this country moving forward.

I would ask my colleagues who support this amendment, are they satisfied with the current state of our economy? Are they satisfied with the anemic nature of the current recovery? Are they satisfied with the lowest rate of economic growth, the lowest rate of job growth in any economic recovery in the past half-century? If so, I urge them to vote for this amendment, and to vote against this bill. I tell my colleagues, if you are satisfied with the course our Nation is on, if you are satisfied with an economy that is struck in a rut, then vote against our new President, and vote against his efforts to respond to the wishes of the American people. The American people know that we need to reduce our budget deficits, but they also know that we need to create jobs and get our economy moving forward before we undertake the task of deficit reduction.

To those who continue to question the need for this bill, let me say again that the purpose of this bill is to put people back to work, if only temporarily, and to put some money in their pockets so that they can go out and spend some of that money in their communities, thus giving, in turn, a much needed boost to their local economies. To those who continue to argue that we should pay for the spending in this bill, by either raising taxes or cutting spending elsewhere, let me say that to pay for a stimulus bill would be to offset its stimulative effect. If, for every dollar we seek to inject into the economy through this bill, we were to turn around and take a dollar out of the economy through higher taxes or lower Government spending, what will we have accomplished? The answer, I warn my colleagues, is nothing. Gutting this bill, or attempting to pay for it, will result in it having no stimulative effect on our economy.

The American people voted in November for change, they voted for a President who campaigned on the promise of putting people back to work, of stimulating our economy, and of getting this Nation moving forward again. I say to my colleagues, to support the amendment before us would be to undercut the efforts of our new President, and to the frustrate the will of the people.

May I ask my colleagues, is there a problem on the other side as to when the vote ought or ought not to occur?

Mr. NICKLES. I would inform the Senator that the minority leader told us he would like to vote as soon as possible.

Mr. BYRD. Mr. President, I reserve 1 minute for the purpose of making a tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I am going to yield the remainder of our time so we can vote.

I want to respond to my colleague from West Virginia. He referred to some statistics that I used in regard to the Carter administration. I should have said those statistics were a result of the policies of President Carter. We were in recession in 1980 that carried, really, all the way through 1982. And, again, I want to be factual. I think it is very important to be factual, and I appreciate his comments.

Mr. President, I think all the statements have been made. I think it is virtually important that we not on the same day pass a so-called budget package to reduce the deficit and then waive the budget on the first spending bill that comes down the pike. That is exactly what we are doing.

If we do not pass this amendment, we are saying that this amount of spending—$19.5 billion—should not count against the budget. I do not think that is responsible. I hope my colleagues will agree to the amendment.

Mr. BYRD. Mr. President, I urge Senators to vote for the tabling motion. If this amendment is agreed to, it is a killer. It means that the emergency designation will be eliminated, and this bill would be subject to a 60-vote point of order, and the bill would be dead, dead, dead.

I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Shelby

So the motion to lay on the table the amendment (No. 292) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

EXPLANATION OF ABSENCE DURING VOTE

Mr. METZENBAUM. Mr. President, I rise on a point of personal privilege for only a minute or two.

Earlier today, the Judiciary Committee was conducting a hearing. I left the Judiciary Committee in order to come over to cast my vote. Senator HOWELL HEFLIN remained to conduct the hearing while I was not present.

I thought I would be able to get back in time in order for him to get to the floor to make the vote. He was unable to do so.

His missing the vote is a regrettable fact. I am sure he did not intend to do so.

I want to apologize publicly to him if in any way I caused that to happen. But it certainly was not his fault that he missed the vote and I feel very badly about it.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Senator HEFLIN.

Mr. HEFLIN. Mr. President, I appreciate the Senator's remarks.

Maybe I did not move as fast as I should have, but I moved as fast as I could. [Laughter.]

Anyway, we were trying to conduct a hearing and finish it. He left early and was going to come back.

You may have talked to too many people before you left.

I appreciate his remarks.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, in order to accommodate several Senators, we have—

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President, it had been my intention to have a meeting of Democratic Senators later this evening, but because of the conflicting schedules of some of our colleagues, I have changed the time of that meeting to 3:45 p.m. As a part of our effort to accommodate Senators, Senator MURKOWSKI has agreed to offer his amendment next.

Mr. MURKOWSKI. The majority leader is correct.

Mr. MITCHELL. The understanding is he will offer the amendment, it will be debated, no action will occur on it during our caucus, and if the arguments are completed, then a quorum call will be put in and we will come back in and make the opposing arguments at that time.

Mr. BYRD. Will the Senator yield the floor?

Mr. MITCHELL. Yes, I yield

Mr. BYRD. Will the distinguished Senator be agreeable to a time limitation on his amendment?

Mr. MURKOWSKI. The Senator from Alaska will be happy to agree to 1 hour, equally divided, and would offer that for the Senator's consideration.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I think it is agreeable to have 1 hour, but what we will do is complete the hour of debate and then I will make a determination on the precise time of the vote after I have a chance to consult with the Republican leader and other colleagues.

Mr. BYRD. Mr. President, I ask unanimous consent there be 1 hour of debate on this amendment, that the control and division of time be in accordance with the usual form, and that there be no intervening or second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair. I thank the majority leader and the Senator for West Virginia for agreeing to a 1-hour time agreement equally divided with vote to be determined at a time afterward set by the majority leader.

AMENDMENT NO. 293

(Purpose: To provide that certain amounts appropriated for certain nonrecurring maintenance projects of the Department of Veterans Affairs be made available for payments under the service members occupational conversion and training program)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. THURMOND, and Mr. JEFFORDS, proposes as amendment numbered 293.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 10, insert before the period at the end the following: ", of which $25,000,000 shall be available for the purposes of making payments to employers under the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 10 U.S.C. 1143 note): *Provided*, That such $25,000,000 shall remain available until September 30, 1994".

Mr. MURKOWSKI. Mr. President, on behalf of myself and Senator THURMOND and Senator JEFFORDS, I offer an amendment to ensure that at least one small portion of the supplemental appropriations bill is directed toward the employment of America's veteran population. As a ranking member of the Committee on Veterans' Affairs I have noted two glaring deficiencies in the bill as reported to the Senate as far as it relates to veterans. Specifically, it makes no provision for veterans' employment, yet this is, of course, described as a bill to stimulate employment.

Second, we would be committing, basically, our children and grandchildren to repay borrowed money in order to fund some very, very low-priority VA maintenance projects.

My amendment is intended to address these deficiencies by increasing the funding for veterans' employment by some $25 million.

The cost is offset with a reduction of $25 million in very, very low-priority VA maintenance and repair projects. The supplemental appropriations bill now before this body makes no specific provision for the Americans most responsible for creating this so-called peace dividend. The billions of dollars now flowing to domestic programs rather than to defense are not free money. Those dollars were earned by our military personnel who were willing to make the ultimate sacrifice so we could enjoy the freedoms that we have today. They were earned through the always difficult and sometimes dangerous service of the American men and women who wore the uniform of the Armed Forces of the United States. For many, the reward for a mission well done will simply be a pink slip at some time in the future. For we know that each year approximately 300,000 American service members are released from active duty. These men and women must then make the transition to civilian life and a civilian job. Making that transition is not easy. Some make it easier than others. But in recognition of the fact, that these people are leaving, the Congress last year enacted the Service Members Occupational Conversion and Training Act, as part of the Defense Authorization Act.

This program will allow the Department of Veterans Affairs, the Department of Defense, and the Department of Labor, working together, to encourage employers to hire and train recently discharged unemployed veterans for a civilian job.

VA will reimburse employers 50 percent of the starting wage of eligible veterans who are placed in an approved program of on-the-job training. This has a positive impact on employment by providing a method to encourage employers to employ veterans by providing an incentive to hire and train them. It is very, very meaningful. For most veterans the maximum reimbursement is roughly $10,000. An employer who hires a disabled veteran can be reimbursed up to $12,000. The job training program must be at least 6 months in duration, and payment may be made for no more than 18 months. So we are not talking about a permanent program here. We are talking about a transition from military service into civilian life.

This program is focused on our national responsibility to provide for a transition, as I have said, to civilian life, a civilian job for our newly discharged veterans. Again, it is limited to veterans discharged since August 2, 1990, the date the Persian Gulf war began.

There are three ways an unemployed veteran can qualify for these benefits. First, long-term unemployment, defined as unemployment for 8 of the 15 weeks prior to application; second, an unemployed veteran who had a military occupation whose skills are not readily transferable to civilian life is immediately qualified for this program; and, third, an unemployed veteran with a 30 percent or greater disability is immediately eligible.

Under current law, the Department of Defense can commit up to $75 million of the funds allocated for defense conversion to this program. At $10,000 per veteran, that would allow the VA and the Department of Labor to serve 7,500 veterans—just 7,500 veterans. That is only about 2.5 percent of the 300,000 young men and women who will be discharged in the year to come. I believe the need is greater than that, and I believe most of my colleagues would agree with that.

I believe the additional funding my amendment would provide would be translated directly into jobs for newly discharged veterans. Jobs are the purpose of the supplemental appropriation, which is the legislation before us. Jobs for newly discharged veterans are fundamental. They are a fundamental obligation of our Nation. This amendment marries those two goals.

The amendment funds the additional jobs without seriously reducing other programs. That is why this amendment is so positive. It should have no adverse effect on the Department of Veterans Affairs. The VA portion of the supplemental appropriation consists of funding for a wish list of some 33 minor construction and 1,046 maintenance projects from the nationwide VA system, projects which simply did not make the cut through the regular budget process of the VA.

I have no doubt that some of these projects are important and perhaps too long deferred, but I also have no doubt that many of them easily fall into the category of the so-called nice to have if we can get them. Here in the emergency supplemental VA has a chance to get.

My amendment would reduce the amount appropriated for these projects from $201 million to $176 million. So we are only taking $25 million out of the money appropriated for nonrecurring maintenance and we are putting it into a program already established to allow more service personnel to make the transition from the service to the private sector.

This modest reduction would allow the VA to proceed with important projects in the area of maintenance and repair. Now, the VA could return to the Congress to seek funding for the other items if they wished, if the projects are of sufficient priority, and if the administration thinks they are still important. So we are not eliminating them.

So the argument that VA would suddenly be that without adequate maintenance, simply will not hold water.

Let me list for the consideration of the Chair a few of the projects that are included in this so-called emergency—and I emphasize the word "emergency" because allegedly that is what this is—spending request. One medical center would spend $58,000 for resurfacing parking lots; another, $80,000 for an entrance canopy. I do not know whether that is an emergency or not, but I know it is not as important as providing a transition to civilian jobs for the people leaving the service.

Another medical center would spend $120,000 to renovate a conference room; another, $90,000 for a promenade and tables along a seawall—rather interesting. One medical center would spend $30,000 for a flagpole; another, $9,000 for a bowling alley.

Now, Mr. President, these are put in the emergency supplemental. I think everyone would agree that $30,000 for a flagpole is hardly an emergency, and a $90,000 request for a promenade and tables along a seawall hardly substantiates an emergency request.

Mr. President, we see a lot of parking lot projects in this package. One of them is for $1.5 million. I know these are useful projects, but I do not think they are really necessary. If any of them result in jobs for veterans, it will be an accident.

Mr. President, I think it is important for this body to consider that the Senate is considering spending some $16.235 billion for the Department of Veterans Affairs, and not $1 of this VA money is earmarked for veterans, not one single dollar. Now, there is no rationale offered for that. I assume that the decision was made that we need to have VA participate as a recipient of some of these emergency supplemental dollars. But, curiously, somebody forgot to put any preference for veterans to be hired as a consequence of the expenditure of some $235 million for the Department of Veterans Affairs in this $16 billion emergency supplemental.

Mr. President, I submit that the Department of Veterans Affairs and this body have a greater obligation to veterans who are looking for work than we do to the cars using VA parking lots around this country. I believe at least a small portion of the VA share of this supplemental should be targeted at veterans. This amendment will ensure that this bill meets this very basic standard.

Now, some may suggest that this is a killer amendment. If the Senate believes it is necessary to spend an extra $16 billion this year, adoption of this amendment will leave that judgment unchanged. It makes no reduction in total funding for the economic stimulus. Instead, the amendment will redirect a small measure, $25 million of the VA portion of the package, to veterans. Veterans specifically, Mr. President. It redirects a small measure of the funding away from temporary, one-shot projects, and summer jobs, and its targets that money to training for long-term jobs, for careers.

For those reasons I urge my colleagues to join me in support of the amendment.

I would add that the intent of the amendment is to provide preference for those veterans who can contribute their talents to the VA, with the difference between the $201 million and the $176 million, $25 million, going to the job transition program. So that would mean the intent of this legislation would be to specify that veterans' preference be given to projects funded in the appropriated amount of $176 million. This would ensure a veterans' preference provision which is lacking in the instructions within the emergency supplemental.

Mr. President, I believe time is to be equally divided, and I ask the Chair what time remains on this side.

The PRESIDING OFFICER. The Senator has 16½ minutes remaining.

Mr. MURKOWSKI. Sixteen and a half minutes.

Mr. President, I am going to take a little more time, since I see our colleagues across the aisle are in a caucus, and attempt for the RECORD to address some of the concerns that may arise on the other side. I will allow myself 5 minutes of my 16 minutes. I would appreciate it if the Chair will call me after 5 minutes have expired.

I thank the Chair.

Some might argue that the amendment would reduce the money in the VA health care account.

Mr. President, when we talk about health care, do we really consider that a remodeled conference room provides health care? A resurfaced parking lot treats veterans? A bowling alley is the best use of VA health care money? Or a pavilion at the pond is a VA health care priority?

I have here the list of the projects funded by this bill. I did not make it up. The VA sent it to the Hill. The budget account may be health care, but the projects to be funded—very frankly, a fair measure of pork—are simply not needed. Jobs for veterans are needed. If the VA is spending money on these health care projects, the VA, I think, needs to rethink its priorities. If this bill is not funding these projects, then the VA has perhaps misled the Senate. I do not think that is the case.

Another argument is that the amendment would be reducing spending for health care rather than pork barrel projects.

Mr. President, I have in hand a list prepared by the Department of Veterans Affairs entitled "Economic Stimulus Proposal," which was hand carried to the Senate by the staff of the VA Office of Congressional Affairs. I ask unanimous consent, Mr. President, that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC STIMULUS PROPOSAL

Station, State, and project title	Cost	Category
ALABAMA (REGION 3)		
Birmingham:		
Backfill crawlspace	$312.000	NRM
Const auditorium restrooms	25,000	NRM
Main cooling tower catwalk	72,000	NRM
Repl. obsolete gen controls PH–1	73,000	NRM
Renovate research	146,000	NRM
Install locking hardware	90,000	NRM
Recaulk blind rehab exterior	45,000	NRM
Subtotal	763,000	
Montgomery: Remodel rec.rm/auditorium	151,000	NRM
Tuscaloosa:		
Remodel B–33 for NHCU beds	255,000	Minor
Remove asbestos flooring	66,000	NRM
Site upgrade (arch barrier)	130,000	NRM
Resurface parking lots	37,000	NRM
Install exit doors	36,000	NRM
Subtotal	524,000	
Tuskegee:		
Install isolate gate valves	96,000	NRM
Repl nurse call B–3	132,000	NRM
Subtotal	228,000	
Alabama, Total	1,666,000	
ARIZONA (REGION 4)		
Phoenix Zone value AL SVC	135,000	NRM
Prescott Replace roof B107/108	262,000	NRM
Tucson:		
FSES corrections B50	334,000	Minor
Construct helipad	142,500	NRM
Upgrade piping B57	200,000	NRM
Replace windows (energy)	516,000	NRM
Reroof B3, 40 & 53	352,000	NRM
Replace medical vacuum pump	180,500	NRM
Utility site survey	50,000	NRM
Renovate B–1	165,000	NRM
Reroute storm drain B17	141,000	NRM
Replace emergency generator	161,000	NRM
Subtotal	2,242,000	
Arizona, Total	2,639,000	
ARKANSAS (REGION 3)		
Fayetteville:		
Replace garage doors	25,000	NRM
Repair water tower	34,000	NRM
Resurface parking, laundry	58,000	NRM
Subtotal	117,000	
Little Rock:		
MRI site prep	202,000	minor
JLM exhaust duct	25,000	NRM
Emergency generator	45,000	NRM
Refurbish solar HW system	60,000	NRM
Refurbish cooling towers	60,000	NRM
Quick response sprinkler heads	75,000	NRM
Repl overhead doors	75,000	NRM
P&H storage building	80,000	NRM
Pepaint water towers	80,000	NRM
Waterproof brick buildings	80,000	NRM
Repl auto doors	100,000	NRM
Window balances	130,000	NRM
Engineering storage building	145,000	NRM
Update as-built drawings	150,000	NRM
Repl/repairs perimeter fence	175,000	NRM
Repl/ADL ceiling systems	200,000	NRM
Duckwork installation/repl	200,000	NRM
Reconfigure JLM entrance	250,000	NRM
Storm drains	300,000	NRM
Repl plaster ceilings	320,000	NRM
ADL JLM chiller	350,000	NRM
Window replacement	370,000	NRM
Lawn sprinkler system	150,000	NRM
Road replacement/resurface	500,000	NRM
Concrete repair/Repl/ADL	200,000	NRM
Subtotal	4,322,000	
Fort Smith: Renovate restroom/util bldg	30,000	Minor-NCS
Arkansas total	4,469,000	
CALIFORNIA (REGION 4)		
Fresno		
Remodel clinical lab	2,071,000	Minor
Replace roof, B–2, B–3	164,000	NRM
Repair/upgrade automated irrigation system.	50,000	NRM
Subtotal	2,285,000	
Livermore:		
Fire hydrant maintenance	29,000	NRM
Replace utility lines	163,000	NRM
Subtotal	192,000	
Loma Linda: Install elect bal. PH II	350,000	NRM
Long Beach: Replace street lighting	452,000	NRM
No. Ca. system of OPCS:		
IH survey, bldg 1	80,000	NRM
MRI wall shielding	70,000	NRM
Subtotal	150,000	
Palo Alto: Replace ext. water lines	583,000	NRM
San Diego: Develop future SCI basement	417,000	Minor
San Francisco: Restoration floors B12 & 21.	108,000	NRM
Sepulveda:		
Renovate radiology	263,000	Minor
Diagnostic imaging (Pace)	415,000	Minor
Subtotal	678,000	
Los Angeles: Hillside stabilization	1,000,000	Minor–NCS
Riverside: Road renovation	740,000	Minor–NCS
West Los Angeles: B500 mts chains & carrier storage.	180,000	NRM
California, total	7,135,000	
COLORADO (REGION 4)		
Denver: Automate record documents	63,000	NRM
Ft. Lyon:		
Remodel 4A for NHC	1,569,000	Minor
Drill soft water wells	457,000	NRM
Assessment for soil contamination	25,000	NRM
Subtotal	2,051,000	
Colorado, total	2,114,000	
CONNECTICUT (REGION 1)		
Newington:		
Asbestos Rem—Attics	20,000	NRM
EMS addition	13,000	NRM
Repl dietetics hood	125,000	NRM
Rekey facility keying sys	75,000	NRM
Install fume hoods	51,000	NRM
Subtotal	284,000	
West Haven:		
Structural correct, PH II	495,000	NRM
Chill water insul repl	77,000	NRM
A/C air handler repl PH II	100,000	NRM
Comprehensive cancer ctr	60,000	NRM
Repl roof 816A, 21, 22, 24	340,000	NRM
Road and parking lot	225,000	NRM
Chilled water rebalance	45,000	NRM
Paint exterior B3, 4, 5, 6, 7	446,000	NRM
Elec Def Ph III	85,000	NRM
HVAC duct cleaning	189,000	NRM
Steam trap repl	212,000	NRM
Stack repair	154,000	NRM
Roof repair BB, 11, 12, 13, 14	230,000	NRM
Asbestos repair	35,200	NRM
Patient TV installation	640,000	NRM
Handicap access/public bath	259,000	NRM
Halls/walls	300,000	NRM
Windows exterior	11,900,000	NRM
Subtotal	15,792,200	
Connecticut total	16,076,200	
DELAWARE (REGION 2)		
Wilmington:		
Renov morge	15,000	NRM
Renov 4th fl ctr	140,000	NRM
Flood retaining wall	3,000	NRM
Renov laundry loading dock	8,000	NRM
Repl roof B17	13,000	NRM
Enclose vertical shafts	83,000	NRM
Tele site prep	54,000	NRM
Elec def PH I	88,000	NRM
Delaware total	404,000	
DISTRICT OF COLUMBIA (REGION 1)		
Washington:		
Asbestos Abatement Mer #1	144,000	NRM
Replace roofs	450,000	NRM
Repl Inter lighting	1,200,000	NRM
Renov conference rms	120,000	NRM
Repl Interior finishes	500,000	NRM
Repl drink water chill	100,000	NRM
Repl Interior signage	250,000	NRM
Renov B4	200,000	NRM
Repl doors 11	200,000	NRM
Telephone sys site prep	125,000	NRM
Rep auditorium roof leak,000	58,000	NRM
District of Columbia total	3,347,000	
FLORIDA (REGION 3)		
Bay Pines:		
Clean ductwork/FC units	86,000	NRM
Ren space for dailysis	66,000	NRM
Sidewalk corrections	72,000	NRM
Infrared roof inspections	25,000	NRM
Updated Station survey	75,000	NRM
Repave reseal roads	285,000	NRM
Install sidewalks	97,000	NRM
Repl roofs var. bldgs	300,000	NRM
Subtotal	1,006,000	
Gainesville:		
Upgrade telephone system	246,000	Minor
Clean exhaust ducts bldg 1	50,000	NRM
Elec supv fire sprinkler valve	42,000	NRM
Install corridor handrails	70,000	NRM
Repave/re-stripe parking log	100,000	NRM
Subtotal	508,000	
Lake City:		
Repl title wall-dietetic trayline	30,000	NRM
Remodel clean utility room	135,000	NRM
Repl condensate	33,000	NRM
Renovate dietetic walk-in coolers	40,000	NRM
Subtotal	238,000	
Miami Install MRI	311,000	Minor
Tampa Renovate isolation rooms	72,000	Minor
Florida total	2,135,000	
GEORGIA (REGION 3)		
Atlanta:		
Pt. TV antenna	76,000	NRM
Correct NCHU locks	32,000	NRM
Subtotal	108,000	
Augusta:		
Hand rails and bumper guards	631,000	Minor
Install mezzanne bldg. 11	80,000	NRM
Repair road/parking lot DD	322,000	NRM
Replace carpet, DD	657,000	NRM
Subtotal	1,690,000	
Dublin:		
Repl hot water lines PH2	715,000	NRM
Replace windows PH4	717,000	NRM
Replace windows PH5	337,000	NRM
Repave/restripe parking lots	120,000	NRM
Subtotal	1,889,000	
Georgia total	3,687,000	
IOWA: (REGION 2)		
Des Moines:		
sidewalk/concrete repair	35,000	NRM
Replace stairwell treads/doors	25,000	NRM
Install vinyl and paint (P&H)	100,000	NRM
Replace windows B1-5	360,000	NRM
Roof replacement	35,000	NRM
Subtotal	555,000	
Iowa City:		
Replace ceiling tile	81,000	NRM
Paint Patient rooms/metal buildings	220,000	NRM
Replace floor tile	750,000	NRM
Va/Univ. Fiber optic network	72,000	NRM
Replace utility tunnel B3	16,000	NRM
Tuckpoint/lightning protection B1	71,000	NRM
Subtotal	1,210,000	
Knoxville:		
Correct elevator deficiencies	400,000	NRM
Replace roofs	200,000	NRM
Extend roadway B82–85	150,000	NRM
Replace windows B74 & 85	270,000	NRM
Remodel day care ctr	400,000	NRM
Subtotal	1,420,000	
Iowa total	3,185,000	
IDAHO (REGION 4)		
Boise:		
Chiller replacement B-85	120,000	NRM
Telephone system replacement	160,000	NRM
As-built drawings	85,000	NRM
Resurface parking lots	22,000	NRM
Subtotal	....	
Idaho total	387,000	
ILLINOIS (REGION 2)		
Chicago (LS):		
Install scam-am intercom	160,000	NRM
Renovate stairwells	195,000	NRM
Modernize oxygen storage tank	42,000	NRM
Replace 8" sewer pipe	75,000	NRM
Subtotal	472,000	

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Chicago(WS):		
Repair roof parapet walls, 11A&11B	1,000,000	NRM
Tuckpoint bldgs 1	1,800,000	NRM
Replace roofs, sections R&Y	140,000	NRM
Replace windows & tuckpoint B.3.4 & 16.	288,000	NRM
Upgrade HVAC system morgue	250,000	NRM
Replace patient radio/TV Antenna system.	400,000	NRM
Renovate main entrance B1	940,000	NRM
Medical gas upgrade	776,000	NRM
Subtotal	5,594,000	
Danville:		
Replace windows B64 & 72	287,000	NRM
Replace wood windows B22	218,000	NRM
Replace windows B69	124,000	NRM
Replace windows B60	112,000	NRM
Repl windows B58 & install storm windows B98.	495,000	NRM
EPA required landfill assessment	57,000	NRM
Concrete curb replacement	151,000	NRM
Replace doors & frames	221,000	NRM
Update asbestos assessment	81,000	NRM
Asphalt concrete Rd & prkg lot resurfacing.	306,000	NRM
Subtotal	2,062,000	
Hines:		
Renovate medical library	50,000	NRM
Replace boiler blowdown line	38,000	NRM
Seal exist. penetrations, B1	516,000	NRM
Repair/replace stairs B2	150,000	NRM
Fence	100,000	NRM
Upgrade surgical suites	105,000	NRM
Abate fire safety def PH1	257,000	NRM
Replace window B! SEC C	416,000	NRM
Replace 300 windows B!, SEC D	646,000	NRM
Replace windows B2	266,000	NRM
Resurface parking lots	1,500,000	NRM
Road repairs	1,500,000	NRM
Replace windows B18	136,000	NRM
Replace windows B16	136,000	NRM
Replace windows B23–29	431,000	NRM
Replace windows B50	410,000	NRM
Subtotal	6,657,000	
Marion:		
Asbestos abatement/reinsulate	60,000	NRM
Reseal roads	100,000	NRM
Waterproof station buildings	370,000	NRM
Ground improvements	40,000	NRM
Subtotal	570,000	
North Chicago:		
Repl floor tile, B135	120,000	NRM
Struct corr., B50	299,000	NRM
Window repl. B126	495,000	NRM
Window repl. B125	465,000	NRM
Window repl. B124	446,000	NRM
Strut. corr B51	495,000	NRM
Subtotal	2,320,000	
Illinois, total	17,675,000	
INDIANA (REGION 2)		
Fort Wayne:		
Replace flat roof	524,000	NRM
Seal & restripe parking lots	30,000	NRM
Tuckpoint/waterproof	301,400	NRM
Patient smoking shelter	35,000	NRM
Upgrade corridors	445,000	NRM
Subtotal	1,336,400	
Indianapolis:		
Upgrade lightning protection	385,000	NRM
Inst cable tray	330,000	NRM
Upgrade interior lighting	495,000	NRM
Enhance water quality magnetization.	185,000	NRM
Replace steam traps (CSR)	235,000	NRM
Replace c-wing door	100,000	NRM
Roof replacement	400,000	NRM
Replace existing chillers	1,052,000	NRM
Enhance exterior color deficiencies	350,000	NRM
Upgrade interior aesthetics	300,000	NRM
Upgrade drawing deficiencies	275,000	NRM
HVAC duct cleaning	450,000	NRM
Repair fire damage B20	123,000	NRM
Renovate water tower	140,000	NRM
Replace roofs B11	350,000	NRM
Tuckpt. & Waterproof	300,000	NRM
Replace exterior signage	200,000	NRM
Upgrade exterior lighting	525,000	NRM
Replace auto transfer switches	500,000	NRM
Replace bed pan sterilizer	140,000	NRM
Recond. limestone B1 (CSR)	200,000	NRM
Corr. public allied hlth deficiencies	195,000	NRM
Enhance radiology equip & procedures.	170,000	NRM
Correct AOV	1,047,000	NRM
Subtotal	8,447,000	
Marion: Exterior painting	213,000	NRM
Indiana total	9,995,400	
KANSAS (REGION 2)		
Leavenworth:		
Repair roofs	290,000	NRM
Road and curb repair	310,000	NRM
Correct pub/allied health comm.	175,000	NRM
Dom structural repair	475,000	NRM
Repair/install bathrooms	200,000	NRM
Repair chapel B86	490,000	NRM
Subtotal	1,940,000	
Topeka:		
Geriatric NHCU, B–4	2,500,258	Minor
Replace windows	535,000	NRM
Equipment storage	89,000	NRM
Replace carpet	59,000	NRM
Tuckpoint	114,500	NRM
Repalce exterior signs	71,000	NRM
Tuckpoint and waterproof B6&9	151,000	NRM
Replace windows B6&9	652,000	NRM
Additional cable TV outlets	150,000	NRM
Automatic doors	100,000	NRM
Replace windows B3 & 5	750,000	NRM
Subtotal	5,171,758	
Wichita:		
Improve parking areal conditions	155,000	NRM
Day sugery room	45,000	NRM
Paint exterior all bldgs	116,000	NRM
Reroof bldgs. 5, 8, 10, 12, 16	517,000	NRM
Subtotal	833,000	
Kansas total	7,944,758	
KENTUCKY (REGION 2)		
Lexington:		
Upgrade lighting/outlets, sub-basement.	70,000	NRM
Upgrade linen chute (C)	60,000	NRM
Clean ductwork (C)	130,000	NRM
Replace incad. lighting, patient toilets.	55,000	NRM
Voltage correction (C)	40,000	NRM
Replace fencing (L)	50,000	NRM
Install dental exhaust	30,000	NRM
Replace dock levelers (C)	80,000	NRM
Install A/C check valves	30,000	NRM
Reactivate charcoal filters	95,000	NRM
Replace flag pole (L)	30,000	NRM
Replace ceramic wall tile ground floor (C).	25,000	NRM
Replace ceilings (C,L)	70,000	NRM
Install exterior sign clinical addn (C).	25,000	NRM
Replace deaerator tank (L)	45,000	NRM
Hot water generators B2,3,17,27–29(L).	95,000	NRM
Renovate neurology 3rd floor (C)	80,000	NRM
Admitting area/on-call room clin addn (C).	75,000	NRM
Subtotal	1,085,000	
Louisville:		
Construct isolation suite	68,000	NRM
Handicap access	161,000	NRM
Instal positive latches	91,000	NRM
Replace roof	48,000	NRM
Rekey hospital	60,000	NRM
Replace handrails	70,000	NRM
Tuckpoint B1	263,000	NRM
Replace ceilings	139,000	NRM
Install vinyl wallcovering	67,000	NRM
Relocate fan coil controls	200,000	NRM
Subtotal	1,167,000	
Kentucky total	2,252,000	
LOUISIANA (REGION 3)		
Alexandria:		
Refurbish & paint ext. B–1	105,000	NRM
Install handicap ramp, B–7	77,000	NRM
Install pavilion at pond	75,000	NRM
Refurbish & paint ext. B–4	205,000	NRM
Refurbish & paint ext. B–8	296,000	NRM
Refurbish & paint ext. B–7	355,000	NRM
Clean/service switchgear	60,000	NRM
Refurbish & paint ext. B2&3	265,000	NRM
Repl ceiling tile B2&B6	150,000	NRM
Paint exterior of qtrs. 19,20	120,000	NRM
Replace & overlay streets	605,000	NRM
Subtotal	2,313,000	
New Orleans: Repl ceiling tile	100,000	NRM
Shreveport:		
X-ray site prep	40,000	NRM
Telephone site prep	483,000	NRM
CT site prep	40,000	NRM
Paint all buildings	313,000	NRM
Subtotal	876,000	
Louisiana, total	3,289,000	
MASSACHUSETTS (REGION 1)		
Bedford:		
Study tunnel steam line repl	60,000	NRM
Repl windows B8	288,000	NRM
Repl windows B9	206,000	NRM
Tuckpoint & waterproof B1,2,3,8	697,000	NRM
Correct smokzone def	138,000	NRM
Oval entrance B7 to B8	91,000	NRM
Repl elevators PH 1	73,000	NRM
Resurface roads	44,000	NRM
Subtotal	1,597,000	
Boston:		
Total body digitl imag sys	80,000	NRM
Repl exterior doors	260,000	NRM
Upgrade water dist	65,000	NRM
Repl doors B9	55,000	NRM
Repl windows B9	52,000	NRM
Steam trap repl	97,000	NRM
Renov elec dist sys PH 7	80,000	NRM
Upgrade pt bed units PH 2	70,000	NRM
Subtotal	759,000	
Brockton:		
Correct chute def b 3,4,5, and 8	117,403	NRM
Dust collection sys	12,000	NRM
Eliminate corse connections	40,000	NRM
Upgrade spd vent	50,000	NRM
Repl roofs B 20,5,1	450,000	NRM
Upgrade fire/energy sys	245,000	NRM
Boiler plant rehab	80,000	NRM
Replace windows 1.8	320,000	NRM
Upgrade med air sys	40,000	NRM
Repl laundry well	20,000	NRM
Update pure water sys	35,000	NRM
Unit dose pharmacy	115,000	NRM
Energy repl boilder feedwater	29,300	NRM
Subtotal	1,553,703	
Mass natl cem: gravesite development	700,000	Minor-NCS
Northampton:		
Sprinkler systems	1,734,000	Minor
Roof repair	859,000	NRM
Resurface and parking lots	650,000	NRM
Air quality improvements	80,000	NRM
Ct scanner site prep	105,000	NRM
Renvo adm area	28,000	NRM
Toilet renov	65,000	NRM
Patient/staff educ ctr	20,000	NRM
Subtotal	3,541,000	
Massachusetts total	$8,150,703	
MARYLAND (REGION 1)		
Fort Howard:		
Telephone sys update	778,000	NRM
Repl ug stor tanks	280,000	NRM
Refinish corridors, B225	173,000	NRM
Repair seawall, PH III	650,000	NRM
Promenade and seawall tables	90,000	NRM
Repl fire pump B225	76,500	NRM
Subtotal	2,047,500	
Perry Point:		
Replace fire alarm transmitters	141,000	NRM
Replace overbed lighting	79,000	NRM
Bldg maintenance PH 1	249,000	NRM
Improve pt access	30,000	NRM
Subtotal	499,000	
Maryland total	2,546,500	
MAINE (REGION 1)		
Togus:		
Paint water storage tanks	124,000	NRM
Replace windows	215,000	NRM
Renovate canteen retail space	135,000	NRM
Renov admin	27,000	NRM
Repl elev B205, 206, 207	45,000	NRM
Renov secondary elec	38,000	NRM
Maine total	584,000	
MICHIGAN (REGION 2)		
Allen Park		
Extend docks for contaminated waste.	155,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Resurface lots & driveways	543,000	NRM
RmV/rpl acm insl C crawlspace	250,000	NRM
RmV/rpl acm insl A crawlspace	375,000	NRM
Bldg No 1A roof repairs-emergency	45,000	NRM
Upgrading of 2 elect svcs	241,000	NRM
Replace exterior doors & fra	438,000	NRM
Replace boiler controls	768,000	NRM
Elec survey corr work	106,000	NRM
Rmv/rpl acm A6 bme shop	30,000	NRM
Rmv/rpl acm B7 crawlspace	35,000	NRM
Subtotal	2,986,000	
Ann Arbor		
Renovate 5N nurses station	65,000	NRM
Master TV antenna system PH2	144,000	NRM
Renovate canteen	175,000	NRM
Subtotal	384,000	
Battle Creek		
Sprinkler Patient bldgs	2,300,000	Minor
Replace portions of sidewalk	90,000	NRM
Replace roofs B26, 28	230,000	NRM
Replace roof B27	65,000	NRM
Asbestos assessment	192,000	NRM
Tuck pointing, B83,84,6.30	505,000	NRM
Paint interior B3,8,11,26,28	151,000	NRM
Replace roofs B1,6,9,11,109	299,000	NRM
Roads/gutters PH1	675,000	NRM
Subtotal	4,507,000	
Iron Mountain		
Electrical system	70,000	NRM
Asbestos removal	48,000	NRM
Ward Energy Conservation	96,000	NRM
Site improvements	96,000	NRM
Improve patient environment	187,000	NRM
Subtotal	497,000	
Michigan total	8,374,000	
MINNESOTA (REGION 2)		
Minneapolis:		
Sealcoat	75,000	NRM
Cad sys/drawing conv	134,000	NRM
Expand alarms	34,000	NRM
Doctor's staff room	41,000	NRM
Subtotal	284,000	
St. Cloud:		
Replace roofs B48–51	219,000	NRM
Enclose loading dock B14	37,000	NRM
Install utilities B109	110,000	NRM
Replace security scrns B1, 5, 14, 29.	41,000	NRM
Replace exit lights	60,000	NRM
Replace roofs, conn. corr	55,000	NRM
Subtotal	522,000	
Minnesota total	806,000	
MISSOURI (REGION 2)		
Columbia:		
Paint, public lobbies & corridors	70,000	NRM
Electro paint interior doors	150,000	NRM
Paint patient wards & admin area	80,000	NRM
Elec power study emergency/normal	50,000	NRM
Replace floor tile/basement corr	40,000	NRM
Water prot/basement transformers	40,000	NRM
Repair patient toilet doors	100,000	NRM
Replace pipe/inst zone valves recovery.	479,000	NRM
Construct covered walk pool entrance.	90,000	NRM
Repair roof flashing B1	50,000	NRM
Renovate canteen retail store	45,000	NRM
Subtotal	1,194,000	
Kansas City:		
Vinyl patient rooms	147,000	NRM
Replace steamtraps	200,000	NRM
Sealing asphalt parking ots	185,000	NRM
Reroof B4 & 5	97,000	NRM
Install handrails, B1 & 26	149,000	NRM
Reroof B2, 3, 6	175,000	NRM
Replace SPD dumbwater totematic	243,000	NRM
Stairwell restoration	194,000	NRM
Expand energy mgmt system PH2	194,000	NRM
Relocate outpatient canteen	148,000	NRM
Main H20	100,000	NRM
Halls & walls	153,000	NRM
Subtotal	1,985,000	
Poplar Bluff:		
Renovate x-ray dark room	50,000	NRM
Install sun roof 5th fl north	140,000	NRM
Halls and Walls B1	200,000	NRM
Paving projects	200,000	NRM
Roofing project B1	60,000	NRM
Subtotal	650,000	
St. Louis:		
Replace exit lights (JB)	30,000	NRM
Install maintenance door, basment B18 (JB).	40,000	NRM
Stucco/waterproof bldgs (JB)	600,000	NRM
Steam bypass regulator	30,000	NRM
Replace hvac steam controls JB	140,000	NRM
Replace built-up roofs (JB)	255,000	NRM
Replace ceilings/paint corridors B50 (JB).	100,000	NRM
Replace loop feeders (JB)	202,000	NRM
Replace/repair roofs (JB)	300,000	NRM
Road/parking lot repair (JB)	285,000	NRM
Repair parking lots/improve lighting (JC).	230,000	NRM
Expand engr. control system (JC)	210,000	NRM
Replace fan coil units	230,000	NRM
Subtotal	2,652,000	
Missouri Total	6,481,000	
MISSISSIPPI (REGION 3)		
Biloxi:		
Silver recovery & ventilation	20,000	NRM
Correct fire protection	54,000	NRM
Valve/loop steamlines	37,000	NRM
Plant/upgrade grounds	84,000	NRM
Paint exterior, bldg. 1	125,000	NRM
Subtotal	320,000	
Jackson:		
Repl ceiling R&E bldg.	23,000	NRM
Mod. mens restroom G–107	40,000	NRM
Repl NHCU ceiling	144,000	NRM
Repl NHCU floor	134,000	NRM
Repl NHCU handrails/wall finis	237,000	NRM
Renov. NCHU baths	100,000	NRM
Re-roof NCHU	220,000	NRM
Repl handrails	130,000	NRM
Repl ceiling in rec hall	25,000	NRM
Resurface driveways & streets	225,000	NRM
Gravel west lot	145,000	NRM
Subtotal	1,428,000	
Mississippi Total	1,748,000	
MONTANA (REGION 4)		
Ft. Harrison:		
Renovate ward 3	1,222,000	Minor
Admin & op exam renovation	14,000	Minor A/E
Subtotal	1,236,000	
Miles City:		
Remodel ward 4	1,142,000	Minor
Repalce lawn sprinkler	59,000	NRM
Subtotal	1,201,000	
Montana Total	2,437,000	
NORTH CAROLINA (REGION 3)		
Asheville:		
Replace lighting	169,000	NRM
Ext light replace & painting	78,000	NRM
Sidewalks	78,000	NRM
Tree maintenance	91,000	NRM
Replace mult-purpose room door	65,000	NRM
Rebuld pt rm fan coils	133,000	NRM
Or A/C repairs	16,000	NRM
Paint exterior quarters	26,000	NRM
Subtotal	655,000	
Durham:		
Re[;ace pr cjo;;er	75,000	NRM
Ren 2d for nursing	11,000	NRM
Repr med. air compressor	30,000	NRM
Ceiling title replacement	40,000	NRM
Subtotal	156,000	
Fayetteville:		
Renovate wards 4C, 3C, 2C	1,600,000	Minor
A/C warehouse	40,000	NRM
Subtotal	1,640,000	
Salisbury:		
Renovate ward B4–1	58,000	Minor
Upgrade patient wards	666,000	Minor
Renovate morgue B–2	129,000	NRM
Upgrade B2–3A, rm 305	8,000	NRM
Rpl conc station wide, ph1 & ph2	44,000	NRM
Bowling alley	9,000	NRM
Renovate entrances N&S B–2	40,000	NRM
Subtotal	954,000	
North Carolina total	3,405,000	
NORTH DAKOTA (REGION 2)		
Fargo:		
Exit lights	50,000	NRM
Reshingle B11–13	75,000	NRM
Paint water tower	60,000	NRM
Replace roof	236,000	NRM
Reseal parking lots	89,000	NRM
Reshingle B9	150,000	NRM
Basement corridor	80,000	NRM
Laundry barrier & cartwash	50,000	NRM
Lab & pharmacy remodeling	70,000	NRM
Replace hot water generator	97,000	NRM
MRI dock	116,000	NRM
Remodel B2	175,000	NRM
Angio room prep	26,000	NRM
Rekey facility	40,000	NRM
Subtotal	1,314,000	
Sioux Falls:		
Replace roofs B1, 7–9, 15, 16	580,000	NRM
Tuckpoint/sealcoat brickwork	860,000	NRM
Subtotal	1,440,000	
North Dakota total	2,754,000	
NEBRASKA (REGION 2)		
Fort McPherson: Install irrigation system	250,000	Minor-NCS
Grand Island:		
Rep streets/walks & seal parking lot.	50,000	NRM
Replace built-up roofs B1 & 8	135,000	NRM
Replace steel piping & fuel tanks	60,000	NRM
Install electronic light ballasts	250,000	NRM
Hdcp access, main entrance	100,000	NRM
Subtotal	595,000	
Lincoln:		
Replace roof deck B45	69,000	NRM
Replace built-up roofs B1–6, 40 & 42.	250,000	NRM
Replace porch col B5–8	67,000	NRM
Reinsulate chilled water lines B40	48,000	NRM
Replace street light cable	408,000	NRM
Replace curbs	449,000	NRM
Replace nurse call wards 2 & 3	100,000	NRM
Equipment building	148,000	NRM
Fire sprinkler sytem B12 & 24	82,000	NRM
Replace windows B6–8, 12 & 24	144,000	NRM
Subtotal	1,765,000	
Omaha:		
Halls and walls	470,000	NRM
Renovate shower stalls	215,000	NRM
Sleep disorders lab	50,000	NRM
Repair 42nd street retaining wall and hill.	85,000	NRM
Replace soft water and struc repairs.	165,000	NRM
Expand psychiatry offices	42,000	NRM
Rekeying labor	37,000	NRM
Modernize quiet room facilities	152,000	NRM
Elim elect manhole groundwater	33,000	NRM
Renovate canteen kitchen	101,000	NRM
Rebuild cooling system	175,000	NRM
Ventilation research	50,000	NRM
Driveway to Woolworth Ave	101,000	NRM
Renovate B5 for mental health	212,000	NRM
Subtotal	1,888,000	
Nebraska total	4,498,000	
NEW HAMPSHIRE (REGION 1)		
Manchester:		
Replace 3 elevators	71,000	NRM
Install downsized boiler	34,000	NRM
New Hampshire total	105,000	
NEW JERSEY (REGION 1)		
East Orange:		
Repl upgrade storage tanks	47,000	NRM
Renovate pul lab hvac	159,000	NRM
TB mgmt sicu	83,000	NRM
TB mgmt micu	106,000	NRM
TB mgmt adm	204,000	NRM
TB mgmt emerg room	197,000	NRM
Install electrical ground	43,000	NRM
Repl windows 5th floor	504,000	NRM
Repl windows 4th floor	504,000	NRM
Tuckpointing & weatherproofing	343,000	NRM
Ceiling/floors	391,000	NRM
SICU/MICU code blue	61,000	NRM
Subtotal	2,642,000	
Lyons:		
Replace roofs, areas III	500,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Repair perimeter fence	420,000	NRM
Repave roads and lots	420,000	NRM
Tuckpoint and waterproofing	480,000	NRM
Remove elevated water tank	85,000	NRM
Repl storm sewers	190,000	NRM
Repl windows	22,000	NRM
Repl hvac. resp care	23,000	NRM
Repl roof system	26,000	NRM
Repl AOV sys	290,000	NRM
Dem vacant sewer plt	33,000	NRM
Repair foundation drains	33,000	NRM
Subtotal	2,522,000	
New Jersey total	5,164,000	
NEW MEXICO (REGION 4)		
Albuquerque		
Renovate siesmis ther chill	708,000	MINOR
Post anesthesia modifications	28,000	NRM
Subtotal.		
New Mexico Total	1,736,000	
NAVADA (REGION 4)		
Reno:		
Replace electrical system B1 (total)	284,000	NRM
NEW YORK (REGION 1)		
Albany:		
Energy survey	99,183	NRM
Remove asbestos ceiling	78,878	NRM
Replace steam traps phase	48,017	NRM
JCAHO fire/safety deficiencies	175,000	NRM
OR renovation	24,000	NRM
Renovate dietetic kitchen	54,580	NRM
Subtotal	479,658	
Batavia:		
Install light reflectors	16,000	NRM
Renov substance abuse area	335,000	NRM
Renov children's day care ctr	200,000	NRM
Correct hndi access prking	56,000	NRM
Constr hazards material strg BL	160,000	NRM
Upgrade elct	16,000	NRM
Repl burners on boilers	6,000	NRM
Subtotal	789,000	
Bath:		
Isolation rooms	138,000	NRM
Pt privacy 3rd floor	209,000	NRM
Correct elect def	155,000	NRM
Repl sprinkler heads, dom	75,000	NRM
Replace nurse call sys. B76	235,000	NRM
Install automatic doors	75,000	NRM
Repl windows, B30	379,000	NRM
Street repairs	410,000	NRM
Street repairs	341,000	NRM
Street repairs	353,000	NRM
Sprinkle protect attic, B78	53,000	NRM
Isolation rooms	97,000	NRM
Subtotal	2,520,000	
Bronx:		
Replace roof PH1	1,200,000	NRM
Motorized valve installation	25,400	NRM
Subtotal	1,225,400	
Brooklyn:		
Lighting controls	140,000	NRM
Oncology	21,000	NRM
Repl Windows PH 1	59,000	NRM
Spd/dietetic dumbwaiter	42,000	NRM
Window repl-St. Albans	2,000,000	NRM
Window repl-Brooklyn	400,000	NRM
Repl sidewalk & curb	250,000	NRM
Lighting controls	200,000	NRM
Repair paratets/soffits	300,000	NRM
Steam clean/tuckpoint B1	400,000	NRM
Anglograph room 5 prep	121,000	NRM
Fuel tank repl	46,000	NRM
Sprinkler sys PH 1	60,000	NRM
Repl simulator unit	148,000	NRM
Subtotal	4,187,000	
Buffalo:		
Tuckpoint bld 2, 3, 4, 5	55,000	NRM
Upgrade FST	25,000	NRM
Repl perimeter fencing	55,000	NRM
Repl nurse call sys PH 1	73,000	NRM
Expand 4B female restrooms	3,000	NRM
Repl laundry chutes/exh sys	34,300	NRM
Fiber optic computer trunk	160,000	NRM
Renov heal assembly area	200,000	NRM
Upgrade ward wall finishes	176,000	NRM
Repl roofs B1	160,000	NRM
Repl radiator traps	120,000	NRM
Install security sys	250,000	NRM
Resurface roadways and walkways	250,000	NRM
Upgrade fire sprinkler sys	100,000	NRM
Remove incinerator	95,000	NRM
Renov ward 9A NHCU	36,000	NRM
Elevator HDCP access	12,000	NRM
Angio suite site prep	33,512	NRM
Subtotal	1,837,812	
Canandaigua:		
Repl emerg generator	12,000	NRM
Constr B7/8 NHCU pkg	60,000	NRM
Instal Handwash sinks	138,000	NRM
Construction isolation RM	6,000	NRM
Subtotal	216,000	
Castle Point:		
Telephone site-prep	1,059,000	NRM
EPA storage tank	385,000	NRM
Replace sprinkler heads	218,000	NRM
Renovate dental	780,000	NRM
Install scald guards/retile	105,000	NRM
HVAC sys	400,000	NRM
Refinish patient areas	175,000	NRM
Heatimizer/steam conversion	89,000	NRM
Renov B17, 1st floor	130,000	NRM
Renovate ward D3	27,000	NRM
Renovate NHCU C2	27,000	NRM
Seal coat bldgs	28,000	NRM
Remove Asbestos	26,800	NRM
Renovate spec room	70,000	NRM
Subtotal	3,519,800	NRM
Montrose:		
Halls/walls	300,000	NRM
Repl morgue HVAC	63,000	NRM
Repl roof B5	342,000	NRM
HVAC sys/windows pool	41,000	NRM
Replace windows 6AB	270,000	NRM
Ramps and patio	10,000	NRM
Handicap ramps B6, 10	13,000	NRM
Upgrade boiler equip	15,313	NRM
Renov bldg 9 NHCU	626,000	NRM
Subtotal	1,680,313,000	NRM
New York:		
Repl exhaust hoods	20,000	NRM
Replace windows	500,000	NRM
Upgrade air handle, PH6	125,000	NRM
Halls/walls	300,000	NRM
Subtotal	945,000	NRM
Northport:		
Nursing home bed conversion	1,405,000	Minor
Replace ceiling and floors	292,000	NRM
Renov B6, 2nd fl east wing	145,000	NRM
MCCR expansion B10	145,000	NRM
Outdoor patient rec area	95,000	NRM
Renov porch B12	145,000	NRM
Renov toilets	14,000	NRM
Subtotal	2,241,000	NRM
Syracuse:		
Repr roofs PH IV	23,000	NRM
Repl laundry equip	5,000	NRM
Repl refrigerant purges	27,000	NRM
Test/calibrate switchgear	52,000	NRM
Repl fire alarm	50,000	NRM
Handicap def	3,000	NRM
Repl roof PH 111	235,000	NRM
Renov bldg water sys	56,000	NRM
Subtotal	451,000	NRM
New York total	20,091,983	NRM
OHIO (REGION 2)		
Chillicothe:		
Roof B26	227,000	NRM
Freezer/refrigerator VCS B28	83,000	NRM
Roof B27	250,000	NRM
Asphalt pave engr area	662,000	NRM
Roof B31	260,000	NRM
Exterior painting B1–5	100,000	NRM
Roofs B252, 256, 259	80,000	NRM
Ramp B24	60,000	NRM
Asphalt street paving	400,000	NRM
Sidewalk replacement	50,000	NRM
Sealcoat asphalt	70,000	NRM
Roof B18	40,000	NRM
Roof B9 & B10	70,000	NRM
Roof B247	90,000	NRM
Roofs 23 & 25	100,000	NRM
Roof B20–22	70,000	NRM
Roof B36	50,000	NRM
Roof B5	100,000	NRM
Interior painting	378,000	NRM
Tuckpointing	50,000	NRM
Subtotal	3,190,000	
Cincinnati:		
Replace windows B64	214,000	NRM
Replace windows PH II	730,000	NRM
Replace dearator	115,000	NRM
Replace mixing boxes 2E	104,000	NRM
Replace air cooled condensors	238,300	NRM
Remove asbestos B64	94,900	NRM
HVAC elec code mod	127,000	NRM
Replace steamline, B7	100,000	NRM
Subtotal	1,723,200	
Cleveland:		
Protection barriers	100,000	NRM
Replace steam candste line (B)	85,000	NRM
Replace ward OAV valves (W)	75,000	NRM
Replace windows B7	364,000	NRM
Replace windows B1	1,750,000	NRM
Replace parking lots (W)	934,773	NRM
Coat water tower (INT)	50,000	NRM
Landscape (B)	44,000	NRM
Replace strts (B)	640,125	NRM
Handicap deficiency (B)	153,570	NRM
Utility room casework	283,000	NRM
Paint theater (B)	58,000	NRM
Replace windows B6	720,000	NRM
Tuck point/seal B24	18,000	NRM
Replace windows B4	600,000	NRM
Replace windows B3	560,000	NRM
Rekey facility	168,000	NRM
Subtotal	6,603,468	
Dayton:		
Replace foundation drains	138,000	NRM
Lead paint abatement, B401	375,000	NRM
Replace VAMC perimeter fencing	299,000	NRM
Replace windows, B115	54,000	NRM
Window replacement, exit doors, B128.	100,000	NRM
Clean, tuckpoint B302, 305, B409–411.	348,000	NRM
Replace windows, B402	144,000	NRM
Preventive maintenance streets, parking lot.	349,000	NRM
Tuckpoint, clean, waterproof B408,412,115.	185,000	NRM
Subtotal	1,992,000	
Ohio total	13,508,668	
OKLAHOMA (REGION 3)		
Fort Gibson: OK Burial Area, phase II construction.	280,000	Minor-NCS
Muskogee:		
Upgrade interior decor	500,000	NRM
Resurface roads & parking	60,000	NRM
Replace sidewalks landscaping	80,000	NRM
Subtotal	640,000	
Oklahoma City:		
Construction Lawton OPC	2,200,000	Minor
Floor tile replacement	94,000	NRM
Carpet replacement	99,000	NRM
Vinyl wall covering	50,000	NRM
Replace sidewalks	25,000	NRM
Canteen renovation	125,000	NRM
Boiler plant window replacement	41,000	NRM
Condensor tube brush system	35,000	NRM
Health wing roof	50,000	NRM
Replace ct A/C unit	30,000	NRM
Ceiling tile replacement	74,000	NRM
Door replacement	70,000	NRM
Bathroom renovation ground fl	50,000	NRM
Outpatient bathroom renovation	115,000	NRM
Add energy efficient lighting	100,000	NRM
Add parking lot lighting	50,000	NRM
Maintenance shop renovation	150,000	NRM
Subtotal	3,358,000	
Oklahoma total	4,278,000	
OREGON (REGION 4)		
Portland:		
Replace roofs B6 & 16	225,000	NRM
Patient room lighting NHCU	125,000	NRM
Paint B6 & 16	203,000	NRM
HVAC B6	400,000	NRM
Roof repair, Vancouver division	350,000	NRM
Fa panels B6, T51, 41, & B16	125,000	NRM
Install gamma camera, B100, 2D166.	50,000	NRM
Install pacs network	80,000	NRM
Subtotal	1,558,000	
Roseburg:		
Renovate elevator B1	385,500	NRM
Replace fuel storage tanks	357,000	NRM
UPS installation	218,000	NRM
Subtotal	960,500	
White City: Fire sprinkler project	120,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Oregon total	2,638,500	
PENNSYLVANIA (REGION 1)		
Altoona:		
Correct isolation rooms, ward 4	84,000	NRM
Replace roofs, B2–7	173,000	NRM
Correct safety def	16,440	NRM
Correct safety def	195,000	NRM
Correct safety def	250,000	NRM
Correct safety def	10,000	NRM
Correct safety def	7,000	NRM
Correct safety def	35,000	NRM
Correct safety def	18,000	NRM
Correct safety def	25,000	NRM
Correct safety def	20,000	NRM
Repl boilers	180,000	NRM
Renov energy mgmt sys	6,000	NRM
Correct elect def	2,000	NRM
Renov B2	33,000	NRM
Correct dwg def	675,000	NRM
Remodel rad, PH 3	5,000	NRM
Repl cooling tower	84,000	NRM
Install cat scan unit	371,000	NRM
Repl refrigerators	195,000	NRM
Subtotal	2,384440	
Butler:		
Repl A/C chiller & sys	75,000	NRM
Repl roads and curbs	325,000	NRM
Architectural barriers	225,000	NRM
Outdoor pt rec area	245,000	NRM
Masonary restoration PH 1	61,000	NRM
Install sprinkler sys NHCU	141,000	NRM
Fire/safety dom	4,000	NRM
Repl flooring	5,000	NRM
Replace elevators, B 1	53,000	NRM
599–93–1090	13,000	NRM
Subtotal	1,147,000	
Coatesville:		
Arch barriers PH 4	364,000	NRM
Improve HAVC, lab area	117,000	NRM
Install motion detection sys	6,000	NRM
Install automatic doors	15,000	NRM
Repl ext doors outlying bldgs	43,000	NRM
Asbestos assessment	69,300	NRM
Install rft unit	126,000	NRM
Asbes remov boiler PLT	100,000	NRM
Corr arch barriers PH 1	67,000	NRM
Repl windows PH 3	146,000	NRM
Constr isolation RMS	17,000	NRM
Subtotal	1,070,300	
Erie:		
Consolidate mas & improve OPC	626,000	Minor
Elevator improvements	196,000	NRM
Modernize freight elevator	135,135	NRM
Main entrance canopy	80,000	NRM
Emergency entrance canopy	40,000	NRM
Tuckpoint & brick repair	45,000	NRM
Repl windows, PH 1	117,000	NRM
Renovate & expand radiology	136,000	NRM
Subtotal	1,375,135	
Lebanon:		
Safety cable and dormers	85,000	NRM
Replace automatic	57,000	NRM
Storage bldgs	125,000	NRM
Paint water tower	95,000	NRM
Pave parking lot	88,000	NRM
Replace sidewalks	45,000	NRM
B23 roof, parapets and walls	265,000	NRM
Biomed AOV,B1	182,000	NRM
Energy sir 3.96	38,000	NRM
JCAHO/bathroom handicap access	169,000	NRM
Asbestos abatement ph3	59,000	NRM
Unit dose program	15,000	NRM
Subtotal	1,223,000	
Philadelphia:		
Repl chill drinking water sys	16,000	NRM
Rep retaining wall NHCU	13,000	NRM
Expand NHCU basement	15,000	NRM
Renovate 5th flr ctr	115,000	NRM
Halls/walls	300,000	NRM
Subtotal	459,000	
Pittsburgh:		
Replace X-ray unit no. 2	74,000	NRM
Repl elec feeder 2A	60,000	NRM
Repl hot water	34,000	NRM
Replace cold water drains	387,568	NRM
Repaint and reroof B3, 4,5	333,828	NRM
Hemodialusis imprv.	66,000	NRM
Repl utility sys	20,000	NRM
Emer gen sys 810	50,000	NRM
Corr B6 for AAALAC	41,000	NRM
Repl water supply	139,000	NRM
11E renovation	140,000	NRM
Main and appr ele dis sys	91,000	NRM
Repl elec distr sys feeder	26,000	NRM
Subtotal	1,462,396	
Wilkes-Barre:		
Tank repl and monitor	150,000	NRM
Underground main water	1,000,000	NRM
Boiler3, add steam capacity	5,000	NRM
Short Procedure unit	238,000	NRM
Renov X-ray rm 3 for r/f unit	42,000	NRM
Heat convector/value repl	65,000	NRM
Subtotal	1,500,000	
Pennsylvania, total	10,621,271	
PUERTO RICO (REGION 3)		
San Juan:		
Aquifer waterwell	21,000	NRM
Electronic access	100,000	NRM
Puerto Rico, total	121,000	
RHODE ISLAND (REGION 1)		
Providence:		
Pharmacy vault	70,000	NRM
Dental air compressor	70,000	NRM
Upgrade emergency power	133,000	NRM
Halls walls	20,000	NRM
Rhode Island, total	293,000	
SOUTH CAROLINA (REGION 3)		
Charleston:		
Replace AHU drives	100,000	NRM
Interior painting & decorating	250,000	NRM
Up-date record drawings	25,000	NRM
138/90C temp eng/P.A./clerks	409,000	NRM
Sav. sterilizer/electrical/plg	25,000	NRM
Install safety edges	45,000	NRM
MI project	125,000	NRM
FCU-AHU-Q.R. chiller	357,000	NRM
Dietetic cart wash area	45,000	NRM
Convert storage areas to offices	75,000	NRM
Additional paving	450,000	NRM
Ext. landscaping & handicapped	200,000	NRM
Subtotal	2,106,000	
Columbia:		
Expand outpatient functions	245,000	Minor
Inspect refrig sides of chillers	30,000	NRM
Subtotal	275,000	
South Carolina total	2,381,000	
SOUTH DAKOTA (REGION 2)		
Fort Meade:		
Replace shingles	300,000	NRM
Exterior paintaing	135,000	NRM
Road maintenance	2,500,000	NRM
Subtotal	2,935,000	
Hot Springs:		
Hazardous waste buildings	81,000	NRM
Replace hot wter tanks	180,000	NRM
Upgrade signage	119,000	NRM
Resurface roads	470,201	NRM
Renovate dietetics loading docks	57,000	NRM
B12 3d floor sprinklers	100,000	NRM
Subtotal	1,007,000	
South Dakota total	3,942,201	
TENNESSEE (REGION 3)		
Memphis:		
Upgrade smoke barrier	214,000	NRM
Replace lawn irrigation	56,000	NRM
Subtotal	270,000	
Mountain Home: RR gate signal crossing	77,800	NRM
Murfreesboro:		
NCHU countryard canopy	94,000	NRM
Repr/replace ball park shelter	65,000	NRM
Tuckpoint/seal buildings	448,000	NRM
Subtotal	607,000	
Nashville:		
Install electronic ballasts	553,000	NRM
Repl floor & stair treads	258,000	NRM
Replace egress doors	342,000	NRM
Subtotal	1,153,000	
Tennessee total	2,107,800	
TEXAS (REGION 3)		
Amarillo:		
Reroof bldgs	529,000	NRM
Energy conserv. survey	27,000	NRM
Road work	300,000	NRM
Paint waterproof/tuckpoint	193,000	NRM
Replace exterior doors	71,000	NRM
Subtotal	1,120,000	
Big Spring:		
Enviroment	380,000	NRM
SPD expansion & renovation	134,000	Minor
Subtotal		514,000
Bonham: Resurf main rd & parking area	253,000	NRM
Dallas:		
Tuckpoint & waterproof bldg. 1	261,000	NRM
Upgrade sanitary	176,000	NRM
Replace ceiling tiles	158,000	NRM
Emerg. Access steam tunnel	102,000	NRM
Remodel personnel	145,000	NRM
Subtotal		842,000
Houston:		
Station 1 floor tile	50,000	NRM
Revolving doors NHCU & SCIU	350,000	NRM
Old records storage bldg	90,000	NRM
Phase correcting capacitors	65,000	NRM
Ext. granite repair	75,000	NRM
Refinish gym floor	84,000	NRM
Repair cer tile/pavers	60,,000	NRM
Remodel digestive des	35,000	NRM
remodel inf. control/spd	99,000	NRM
Equipment storage building	120,000	NRM
Fume hood instrumentation	90,000	NRM
Upgrade ext. lighting	75,000	NRM
Private offices for acos/ed	45,000	NRM
Control joint flashing	80,000	NRM
UPS NUC med	85,000	NRM
Subtotal		1,403,000
Kerrville:		
Repair street light system	67,000	NRM
Replace hot water generator	171,000	NRM
Install motion sensor light	68,000	NRM
Repair soft water tank	63,000	NRM
Resurface east roof section	205,000	NRM
Abestos abatement survey	30,000	NRM
Repleng/security communication	52,000	NRM
Environmental improvements	115,000	NRM
Repr & sealcoat parking lots	150,000	NRM
Repr & sealcoat roadways	197,000	NRM
Subtotal		1,118,000
Marlin: Resurface parking	255,000	NRM
San Antonio:		
Reinsulate chilled & hot water li	744,000	NRM
Up-grade wood doors	426,000	NRM
Subtotal		1,170,000
Temple: Main output clinic renov/exp	205,000	Minor
Waco: Asbestos removal, B–6	397,000	NRM
Texas total	7,277,000	
UTAH (REGION 4)		
Salt Lake City: Expand for research B2 (total).	2,435,000	Minor
VIRGINIA (REGION 1)		
Hampton:		
Replace chapel roof	65,000	NRM
Hazardous material storage	66,000	NRM
Halls/walls	300,000	NRM
Repl adv alarm	7,000	NRM
Prep utility plots	26,000	NRM
Repl roof bldg 110, PH II	439,000	NRM
Repl thru-wall a/c units	180,000	NRM
Repl roof gutters B43 & B69	80,000	NRM
Exterior paint various bldgs	100,000	NRM
Provide chiller emerg power	40,000	NRM
Repl cooling tower, B110a	125,000	NRM
Repl center twin elev	60,000	NRM
Inst HVAC B43	27,000	NRM
Correct psy safety def	20,000	NRM
Repair spauling damage	25,000	NRM
Renovate morgue	80,500	NRM
Subtotal	1,640,500	
Richmond:		
Site prep-telephone upgrd	238,000	NRM
Correct leaks in NHCU plaza	415,000	NRM
Repl ust	25,000	NRM
Site prep for sterilizers	130,000	NRM
Elec load shedding study	25,000	NRM
Repl heat pumps B507	74,000	NRM
A/E for complete unfinished area	14,000	NRM
Evaluate ventilation sys	25,000	NRM
Modify film viewing room	39,000	NRM
Waterproof and seal doors	55,000	NRM
Seal/restripe pkg lot	250,000	NRM
Convert drawings to cad	20,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Modif to doors to sci	53,000	NRM
A/E for modify space for ct	9,000	NRM
Micu/sicu sliding doors	58,000	NRM
Pool dehumification	58,000	NRM
Patient security sys	51,000	NRM
Correct life safety def	14,000	NRM
Renovate public toilets	58,000	NRM
Subtotal	1,611,000	
Salem:		
Rep/repl perimeter fence	150,000	NRM
Elec distr study	127,000	NRM
Renov locker and toilet area B–14	260,000	NRM
Renov B77–1 for child day care	75,000	NRM
Repl concrete walks	126,000	NRM
Install security fence lighting	107,000	NRM
Renovate B25	95,000	NRM
Conduct energy audit	45,000	NRM
Repair roads lake area	115,000	NRM
Replace roofing various bldgs	220,000	NRM
Repl ug fuel tanks	22,000	NRM
Retrofit high volt switchgear	14,000	NRM
Repl handicap/id signage	94,000	NRM
Install modullar bathrooms	72,000	NRM
Close solid waste/asbes	385,000	NRM
Subtotal	1,907,000	
Virginia Total	5,185,500	
VERMONT (REGION 1)		
White River Junction:		
Update AOV equip B1,31,39	36,000	NRM
BSE repairs/repl B8/31	141,000	NRM
Upgrade amb care pkg	133,000	NRM
Recondition roads and pkg lots	128,000	NRM
Security Fence E/W sides	69,000	NRM
Reinsulation boiler #1	80,000	NRM
Install storage area 844	9,800	NRM
Cap Hazardous soils	9,800	NRM
Upgrade energy sys	42,000	NRM
Repl roof B31	53,000	NRM
Repl PT tubes 5 rms	127,000	NRM
Repl water tanks	58,000	NRM
Revise blood bank/lab areas	46,000	NRM
Install sprinkler system B–1	418,000	Minor
Vermont subtotal	1,350,600	
WASHINGTON (REGION 4)		
American Lake:		
Monitor temp control	458,000	NRM
Replace windows, B–4,7	513,000	NRM
Refurbish bldg, exteriors	225,000	NRM
Repl windows, B–61	276,000	NRM
Replace signage	180,000	NRM
Install sprinkler system	242,000	NRM
As-built cadd service	52,000	NRM
	1,946,000	
Seattle:		
Refurbish B100 Exterior	600,000	NRM
Refurbish Patient areas	340,000	NRM
	940,000	
Spokane:		
Repaint all buildings	178,000	NRM
Renovate bldg 1 parking lot	108,000	NRM
Repaint all corridors	63,000	NRM
Replace emergency generator	167,000	NRM
	516,000	
Walla Walla:		
Ambulatory care reception	638,000	Minor
Washington Total	4,040,000	
WISCONSIN (REGION 2)		
Madison:		
Renovate for MRI	627,000	Minor
Replace laundry dock	75,000	NRM
Replace wall coverings and guards	250,000	NRM
Replace exit lights	65,000	NRM
Expand parking/40 stalls	165,000	NRM
Tuckpoint/seal bldgs, PH II	270,000	NRM
Replace water lines	250,000	NRM
Heat exchangers B5 & 7	50,000	NRM
Replace sewer lift stations	90,000	NRM
Clean ductwork	150,000	NRM
Utility digitizing	150,000	NRM
Roads & grounds	410,000	NRM
Replace floor covering, PHI	380,000	NRM
Replace main steamlines	250,000	NRM
UPS for IRMS	88,000	NRM
Subtotal	3,270,000	
Milwaukee:		
Roof B43	150,000	NRM
Floor tile, 7th floor	480,000	NRM
B6 HVAC wing B	495,000	NRM
Floor tile/VWC 15th flr (8A)	480,000	NRM
Replace ceiling B70, corridor	100,000	NRM
Energy efficient lights B6	62,000	NRM
Warehouse elevator	132,000	NRM
Bldg 5 upgrade fire alarm	40,000	NRM
Underground storage tank	508,000	NRM
Canteen service remodeling	150,000	NRM
B7 HVAC	284,000	NRM
Dietectic quarry tile	373,000	NRM
B5, 2nd 7 3rd floor east	495,000	NRM
B70 handrails	200,000	NRM
B7 floor 3	300,000	NRM
Ceiling B 111	300,000	NRM
Corridor wall covering	480,000	NRM
Roads and curbs	475,000	NRM
Remodel nurses stations, PHIV	400,000	NRM
Tuckpoint/clean B1 & 41	350,000	NRM
Roffs B1–4, 20 & 70 Annex	450,000	NRM
Water lines B70	80,000	NRM
Install drain tile B3	60,000	NRM
Replace AVO outlets 9C	250,000	NRM
Paint exterior pt. areas	180,000	NRM
Thermal windows B43	250,000	NRM
Traffic mirrors	25,000	NRM
Clean ductwork A/C	150,000	NRM
Subtotal	7,699,000	
Tomah:		
Construct smoking	130,000	NRM
Seal/tuckpoint	477,000	NRM
Replace auto doors	170,000	NRM
Replace sidewalks	350,000	NRM
Construct stg. bldg.	30,000	NRM
Seal/tuckpoint B401, 407	477,000	NRM
Seal/tuckpoint B402, 424	275,000	NRM
Seal/tuckpoint B400, B2	477,000	NRM
Upgrade fire alarm system comp	50,000	NRM
Install energy ctrl ctr	300,000	NRM
Subtotal	2,736,000	
Wisconsin total	13,705,000	
WEST VIRGINIA (REGION 1)		
Beckley: Fencing	210,000	NRM
Clarksburg:		
Erect vehicle & equip shelter	150,000	NRM
Repl adv sys	130,000	NRM
Repl roofing/repair	30,000	NRM
Gas well study	20,000	NRM
Repl/repr windows	4,000	NRM
Repl doors and latches	11,000	NRM
Repl leaking fuel tanks	10,000	NRM
Repl Chillers	27,000	NRM
Subtotal	382,000	NRM
Huntington:		
Underground storage	133,000	NRM
Repair Elevator 1W/4/12	24,000	NRM
Tuckpoint Buildings	400,000	NRM
Repair cement facage	42,000	NRM
Metal bldg	160,000	NRM
Replace boiler controls	30,000	NRM
Boundary fence	125,000	NRM
Ventilation and dust control	20,000	NRM
Upgrd hvac bldgs 1W and 4	90,000	NRM
Inst auto tube clearner	4,000	NRM
Correct handicap def	14,000	NRM
Inst sprklrsys 1W and 34	16,000	NRM
Subtotal	1,058,000	
Martinsburg:		
Provide soft water, dietetics	17,000	NRM
Wainscoting and wallcover PH IV	80,000	NRM
Repl asbestos, PH IV	20,000	NRM
Expand octv	50,000	NRM
Repl asbestos PH V	245,000	NRM
Interior painting B500	150,000	NRM
Paint interiors 501–502	100,000	NRM
Install exit alarms-dom	25,000	NRM
Replace curb gutters and walks	182,000	NRM
Repl fire sprinklers PH V	18,000	NRM
Repl sewer lift station	10,000	NRM
Caulk and weatherstrip	198,000	NRM
Subtotal	1,095,000	
West Virginia total	2,745,000	NRM
WYOMING (REGION)		
Cheyenne:		
Convert or to ward	17,000	Minor A/E
Sheridan:		
Stairwell deficiency	1,066,000	Minor
Va/joint powers water system	140,000	NRM
Subtotal	1,206,000	
Wyoming total	1,223,000	
Grand total	235,391,084	35,391,084

Mr. MURKOWSKI. Mr. President, if the list prepared by the VA is not accurate and the bill does not fund these projects, then again the VA may have misled the Senate. I do not think that is their intent. But the reality is the VA cannot have it both ways. The news clips are replete with stories describing these local make-work projects, yet there is no provision for veterans' employment. Adoption of my amendment would at least assure that a portion of the funding would be applied to job training for veterans.

Another argument, Mr. President, is that VA postponed needed maintenance for so long that all of the projects in the supplemental really are vital. Imagine that. Restripping a parking lot is vital, remodeling a conference room is an emergency, a covered walk to the pool is urgent, so the staff will not get wet on their way to the pool, they need a cover. A flagpole has to be put up. Is a pavilion at the pond going to provide health care to the veteran?

Is the Senate to believe veterans deprived a promenade along the sea wall are veterans deprived of medical service? Certainly not. The Congress has already appropriated $321 million for VA's 1993 nonrecurring maintenance. When the amendment is agreed to, the VA is going to get another $176 million. The projects before us now are the ones that did not make the cut in the VA's regular budget process. The amendment would affect only one-eighth of the maintenance projects proposed in the supplemental. The VA can identify the most important projects and complete them. I maintain that the rest of this wish list can certainly stand to be trimmed.

The last argument is that the employment program is just getting geared up. The VA does not expect to have it running until July, and the extra money is not needed this year.

Mr. President, the amendment will allow VA to spend the money in fiscal year 1994. Existing funding for the training program is enough to fund about 7,500 veterans at $10,000 per veteran. This will be solid job training involving them in the economic vitality of our Nation.

The amendment would provide training for an additional 2,500 veterans.

Finally, if VA and the Department of Labor cannot find 10,000 veterans to train for permanent jobs, then we really do not have an emergency and do not need this bill at all.

I reserve the remainder of my time.

Mr. President, I see no one else to be recognized, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, after conferring, I am under the impression that the other side would want the time not charged equally. But I guess that is not the question. They are willing to charge the time equally.

So the Senator from Alaska would ask that each side be equally charged for the time consumed in the quorum call.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, what is the parliamentary situation with regard to time?

The PRESIDING OFFICER. The time remaining controlled by the Senator's side is 26 minutes, 57 seconds.

Mr. ROCKEFELLER. Mr. President, I was absent during part of the distinguished Senator from Alaska, my friend, Senator MURKOWSKI's presentation because I was in the caucus of the other party, that being my own.

But as chairman of the Veterans' Affairs Committee, I very strongly oppose the amendment of my good friend, Senator MURKOWSKI.

It is not in any way consistent with the intent of the short-term stimulus program. It would take funds for veterans that can make a difference now and would shift those funds to an important but less near-term need. The Senate Veterans' Affairs Committee in the very near future will be taking up the need to provide additional money for job training.

The President has made me aware, as of the day before yesterday, of his aggressive posture in helping members of the Armed Forces who will be coming home earlier than anticipated and would require the kind of things that my friend from Alaska referred to.

I ask unanimous consent that the letter from the President to this chairman be printed in the RECORD.

There being on objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 29, 1993.

Hon. JOHN D. ROCKEFELLER IV,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing concern for our military personnel as we restructure our nation's Armed Forces, and asking for release of funding previously appropriated for the "Service Members Occupational Conversion Training Program" (SMOCTP).

I share your concern about our men and women in uniform who must cut short their planned military careers. This Administration will be aggressive in helping these people, and in rechanneling talents, skills and resources that helped us win the Cold War into new, productive uses for our nation.

As you may know, I recently announced a major $20 billion initiative on defense reinvestment and conversion that included the release of the $75 million of 1993 funds for SMOCTP, and the transfer of these funds from the Department of Defense to the Department of Veterans' Affairs. The Departments of Defense, Labor and Veterans' Affairs signed a Memorandum of Agreement on this program on March 11, 1993, and will be closely coordinating their efforts to ensure their prompt and effective use of the SMOCTP funds.

I feel fortunate to have been able to build on the strong foundation provided by Congress last year for defense reinvestment, particularly in such areas as retraining. My Task Force on Dislocated Workers will be providing me with additional suggestions in May as to how we can further improve the quality and responsiveness of our retraining and transition assistance.

I appreciate your commitment to our military and veterans, and always appreciate your thoughts on these important defense transition issues.

Sincerely,

BILL CLINTON.

Mr. ROCKEFELLER. These jobs in the short-term stimulus package, those contemplated for the Veterans' Administration, are incredibly important. I hope that all of my colleagues recognize that the Federal rule for veterans preference on Federal jobs is maintained in this stimulus package. Therefore, for any short-term stimulus which relates to veterans programs, any other Federal program, veterans would have preference.

So a short-term stimulus helps veterans. Short-term jobs help veterans.

I repeat that I think it is very important that we turn to the question of more job training money in the near future. The President of our country feels the same way. It is vitally important that we address these needs of those people who will be leaving the service involuntarily. They will have substantial skills, but they will have transition problems.

I support, as my friend does, secure funding for this training, but not at the expenses of the President's short-term stimulus package. The projects that will be undertaken by the VA out of this stimulus package must, in the judgment of this Senator, be preserved. I think there really are two important reasons to oppose this amendment, Mr. President.

First is what this bill is about, and that is short-term stimulus. We need to create jobs now. One can argue the economic theories of it. I happen to feel very comfortable with this package, not because I am in the party of the President, but because it happens to be my own point of view.

Coming from the State of West Virginia, it is not difficult to hold this point of view. Our unemployment is just below 12 percent. I do not like to fool with recessions. We have been through two since 1990. That has been savage enough. I am well accustomed to West Virginia being at the top of all of the States in unemployment, but I do not enjoy any minute of it. I do not want to risk another short-term recession or another longer term recession. That is something that is extremely close to my heart. I want jobs now. There is a significant need now to create jobs now, and the Murkowski amendment would prevent that from happening. It would not do that. There are hundreds of nonrecurring maintenance projects that the VA needs to be done now—for which this bill would provide money now.

There is, in fact, a $2-billion backlog for minor construction and nonrecurring maintenance and repair programs that remain unfunded. Some of this can be addressed through money provided in this bill. People can be put to work. These programs provide the quickest most flexible, and least costly means to offset the facility deterioration.

We have put off repairs, maintenance, painting, and—yes—parking lot repairs, for a long time. When you put things off, the cost you eventually have to pay to do them does not go down, it goes up.

I was president of a college for 3, almost 4 years. That was in the early 1970's. I was faced with the situation where we had a declining enrollment, and therefore a declining revenue base, and so what did I do? I did what presidents of colleges always do—postponed maintenance, upkeep, and painting. And you say, good, we can get by for another year. Well, you do. But then when you have to do it, it is more expensive.

So there are huge needs for repairs. My friend from Alaska would in no way disagree that we have an enormous need for repairs in the VA hospitals and facilities all over this country. I know my friend would not disagree with that. All of these stimulus projects have been prioritized by VA regional offices and by the central office. And they were selected for the stimulus package in accordance with the President's criterion that contracts can be awarded within 60 days after the funds become available. All these projects are in the current backlog—which I say, again, amounts to $2 billion.

For the medical system, a lot of emphasis will be placed in this package on improving patient environments. We have to bring facilities up to current fire and safety codes—it is embarrassing to have to say that—and modernize patient treatment areas. We have a substantial asbestos problem. I do not think anybody wants to fool around with that. We have wards and other patient support facilities that need work and need attention. We need interior repairs. We need roofs.

One can make a joke about a roof, unless it is the roof that one is living under. What if you are 75 years old and in long term care in a VA hospital and the roof leaks? Well, it means a lot more to you than if you are standing here on the floor of the Senate saying we can put that off for another amount of time.

Some folks might choose to make light of our National Cemetery System. I do not. I do not. I know what it means to veterans and their families in my State of West Virginia. I know what it means to the colleagues of the Presiding Officer. National cemeteries. I have been to many of them. They need repairs. They are on the priority list. You put that off and you will pay more later.

The supplemental funds will allow VA to repair and improve roads, buildings, water systems, and perimeter walls in national cemeteries.

The VA estimates that this stimulus package will create almost 5,000 jobs immediately—within 60 days. That is the point of this bill. This is a lot of jobs. In West Virginia that would be overwhelming. The population of the State would go up. Our unemployment statistics would go down. We need these things in this country. We have had a very bad experience since 1990 in terms of our economy.

There are all kinds of basic safety and patient-environment needs that can be addressed here, including projects in Tuscaloosa, AL; Houston, TX; Cleveland, OH; Huntington, WV—obviously, I am interested in that—Battle Creek, MI; Butler, PA. And these affect health care for veterans, most of them.

The Senator from Alaska, who is my very good friend—and we have a very good working relationship, and it is going to remain that way—would take this money out of the health care account. It says so right here. For an additional amount of medical care—he would take it out of that money.

Well, what we are doing in the Veterans' Affairs Committee is debating our deficiencies in medical care. We had a hearing yesterday, and another one a week before that, on medical care. It is the overwhelming problem of the Veterans' Committee and of the veterans community, and is a concern of all veterans.

Medical care is not just surgeons, not just physicians, not just nurses. It is buildings, facilities, air conditioning, and not having asbestos. It is having floors that do not squeak and roofs that do not leak.

What we have in the short-term stimulus package is a chance to take a substantial amount of money $235 million, of which the Senator would remove some $25 million. That $235 million would be applied to making these repairs, which would in turn create 4,700 jobs, which, in turn, would be awarded subject to veterans' preference. I like the sound of that, and that is only my first reason.

Mr. President, I do not want to tarry on the business of removing dangerous asbestos, but that needs to be done now. What about improving fire safety, think about that.

I remember the college of which I was President. I am thinking of several buildings where there were fire safety problems. I remember a student who died because of fire safety problems. There was not an escape ladder, wrought iron, to the side of the building.

As far as improved security, that must count these days. One hates to have to say that. Families come to visit patients—and patients often wander. Security is a problem everywhere. Veterans' Administration hospital facilities are not immune from security problems.

As to improved drinking water, good grief, the Dirksen Building had no water for months due to extremely high lead content. So, we should protect Senators, because we do not want to tamper with their tummies; how could we justify treating veterans any differently. I cannot guarantee this money will go into safe drinking water, but it is one of many problems the VA has in mind to get at, to improve drinking water, to remove dangerous leaking fuel tanks that are present on veterans' facilities.

For years, VA managers have had to put off these projects and use funding to compensate for budget shortfalls. It is the classic problem of appropriating for a massive institution. We are talking about the largest health care system in the entire United States. There is nothing close to it. They have 171 hospitals, millions of patient days, and endless numbers of outpatient facilities and nursing homes. This is an enormous operation. Maintaining the VA physical plant is an enormous task.

So VA managers, because they are not under entitlement—many people think the veterans' program is an entitlement, a health care entitlement. It is not. It is appropriated every year. We have to battle for that appropriation, and it rarely goes up. In fact, it has barely kept pace with inflation—even with Congress adding money to wholly inadequate medical care budget requests by Presidents Reagan and Bush. So the amendment would take health care money away.

I do not know whether the point of this is an attempt to frustrate the current President's short-term stimulus program—I have no idea—or a general commitment on the part of the Senator from Alaska to remove some of these projects. I do not know. He can speak for himself.

I have great respect for the Senator. We work together closely. We have a very good chemistry. In fact, my chief of staff and his chief of staff and the gentleman sitting beside me now, all of us have an excellent working relationship, and it will remain so.

I oppose the Senator on this amendment. It is my duty and choice. Whether it is my duty or not, it would be my choice. I do not want these projects to be delayed. I support the stimulus package. It would help the Veterans' Administration. It brings about 5,000 jobs on the table, now.

Obviously, I urge my colleagues to oppose the amendment. Make no mistake, Mr. President. I am committed to veterans' job training programs enacted by the National Defense Authorization Act for fiscal year 1993. In fact, I am concerned with how slow the program is getting out of the chute.

That is why I joined my good friend, Chairman SONNY MONTGOMERY, of the House Veterans' Committee, in asking the President for immediate implementation. And therein lies the reason for the March 29, 1993, letter, saying that he wanted the $75 million we had appropriated to fund veterans' job training programs be spent. Those funds have now been released, and under the agreement signed on March 11 between the Department of Defense, the Department of Labor, and the Department of Veterans Affairs, the funds have been transferred from the Department of Defense to the Veterans' Administration to begin this program.

So I ask my distinguished colleague from Alaska to think about that.

The Senate Veterans' Affairs Committee reported to the Budget Committee, on March 5 on our views and estimates with respect to fiscal year 1994. In our letter, the committee indicated that increased downsizing of the active duty Armed Forces would require $25 million in increased authorization levels.

We will do that. We will get that. But not at the expense of the President's short-term stimulus program. I repeat: These are jobs which are going out to bid immediately. The money will be available within 60 days. People will go to work immediately.

If my colleagues do not like the stimulus package, then let them vote against it, if they do not like the idea that people are put to work immediately, let them vote against it if they do not like the idea.

Veterans' hospitals and health care facilities need repairs of all sorts, and I know it is easy to poke fun at certain kinds of repairs. It is very easy. It is easy to poke fun at repainting. But veterans live in these hospitals. Veterans are old and aging rapidly, and they deserve the best care we can give them.

And to be quite honest with you, Mr. President, veterans—and I think my colleague from Alaska will agree with this—have generally not received the support that they should have received over the years. That is my experience, at least in the 8 years that I have been in this Senate.

So I oppose this amendment. I feel very strongly about it. I have a lot of reasons for opposing it. I would rest my case for the moment and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair.

Let me comment on my high regard for my distinguished colleague and friend, the Senator from West Virginia, who is the chairman of the Veterans' Affairs Committee. We have a great working relationship. I am sorry we must differ on this particular matter, but I would like to make a few corrections relative to the statements made by my friend from West Virginia.

I remind my friend that the amendment of the Senator from Alaska would take nothing, nothing, absolutely nothing away from cemeteries. The VA can identify the highest priority projects on its list and fund them.

I further remind my friend that the VA has asked for $201 million in addition to the $321 million already appropriated. So to suggest that VA maintenance is somehow jeopardized for lack of funding is to incorrectly suggest that the whole maintenance budget is going to be stricken by my amendment. And as my good friend knows, that simply is not the case. The VA would still get an extra $176 million in addition to the $321 million already appropriated.

Now, the point of my friend from West Virginia; that the expenditures in the emergency supplemental for the VA would stimulate jobs, I think bears some examination. He indicates that there are some 5,000 short-term temporary jobs for projects funded in the bill. But he and I are both associated with the business community. Both of us know that this list in many cases will require competitive bidding by experts that know how to handle asbestos removal, or how to put up roofs or hardtop parking lots. And clearly the opportunities for veterans would be a level of casual labor or employees, unfortunately.

But I remind my friend that my amendment funds training for 2,500 long-term permanent jobs for veterans, all of which go for veterans. So I think my friend will agree that there is a difference here.

He indicates that veterans' preference applies, and that is true, but still only a fraction of the workers will be veterans. As I indicated, in a lot of specialized work, the VA will require competitive bidding. There will be architects, engineers, and designers that will be putting out specifications, because these are big-ticket items.

On the other hand, as I indicated, if my amendment passes, every person who will be trained a full-time job will be a veteran.

Mr. President, let me just conclude very briefly with what we are dealing with here. We are dealing with an emergency supplemental.

It has been suggested by my good friend that funding for the amendment is coming out of the medical care account. My good friend would have you believe that the amendment of the Senator from Alaska is striking medical care and our obligation for medical care.

Well, if a flagpole has something to do with medical care at a cost of $30,000, why, I will show you where we have our igloos. If installing a pavilion and a pond for $75,000 has some relationship to the health care budget, I could show you where a good fishing hole is in Alaska; $9,000 for a bowling ally. Bowling is great, but it is hardly an emergency and hardly warrants consideration to suggest that somehow this is coming out of the veterans' health care account.

The reality is the health care account is a category and all these things for maintenance, leaky roofs, leaky pipes, asbestos come out of that account. But no one in this body should be mislead by a suggestion that we are striking veterans' health care by this amendment.

Speaking of veterans' health, I could not help but notice that there is $35,000 in here for a patient smoking shelter. Now, that is rather curious, because there are many in the VA that are trying to encourage veterans to stop smoking because, obviously, it is hazardous to your health. It says so on the package. Emphysema is not unusual to the VA, by any means. Yet $35,000 in here for a patient smoking shelter, is that an emergency? Do you need a shelter? Go outside and smoke.

You know, we talk about smoke and we talk about mirrors, but clearly I think everyone in this body would have to admit that many of these items hardly bear the inclusion under the terminology "emergency stimulus."

Mr. President, I see some of my other colleagues who I am sure want to have some time, so I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senate has 1 minute 25 seconds.

Mr. DECONCINI. Mr. President, who has the time? I would like to speak in opposition to the amendment of the Senator from Alaska.

The PRESIDING OFFICER. Time in opposition is controlled by the Senator from West Virginia, who has 9 minutes and 37 seconds remaining.

Mr. ROCKEFELLER. I know that the Senator from Maryland wishes to speak, and she is coming over, and I believe the majority leader wishes to speak.

How long would the Senator like to speak?

Mr. DECONCINI. Two or 3 minutes. The Senator is going to like what I say.

Mr. ROCKEFELLER. I yield 3 minutes, for sure.

Mr. DECONCINI. Mr. President, I thank the Senator from West Virginia, and I commend him for his able leadership as chairman of the Veterans' Affairs Committee.

Mr. President, the medical care construction moneys in this bill are vital to repairing the damage caused by years and years of neglect to the veterans by past administrations failed to do what was necessary for our veteran's medical care. They gutted it year after year.

It was only the Congress, including the Senator from Alaska, that stood up on occasion and we added money. So it is high time that our new administration correct the sins of the past and that is suggest that we get caught up, and that is what we are talking about.

The Senator from Alaska sat through hearings himself in 1988 where one veteran medical center director after another testified that the decremental budgets under the Bush and Reagan administrations were causing facilities to become, in some cases, dangerous and in others, simply not fit to be used. Moreover, the Senator from Alaska as ranking member of the Committee on Veterans' Affairs, that the Office of Management and Budget was shorting the medical care account by providing less than half of the actual medical care cost inflator. The resulting shortfalls forced the medical center directors to divert even move funds from nonrecurring maintenance.

Mr. President, no one is sensitive to the employment needs of veterans discharged during this defense downsizing than this Senator. In fact, the very program for which the Senator from Alaska wants to seek additional funds was in legislation that I introduced in the 102d Congress. That legislation, the Veterans' Employment and Training Act was passed unanimously by the Senate and later incorporated, with minor amendments, into the defense conversion package enacted late in the session.

Mr. President, $75 million was appropriated for that program in the fiscal year 1993 defense bill. However, no money has been spent to date. It is also very unlikely any additional money will be spent when we have $75 million there. In fact, a memorandum of understanding between the Department of Defense, Labor and Veterans Affairs was only agreed to within the past couple of weeks. So there is more than sufficient funds yet to be spent.

So are we going to penalize the medical care facilities catchup programs that are going to produce jobs and also create better veterans' health care? I hope we do not do that.

A vote for this amendment is going to be against the health care of the America veterans.

I am delighted the President has decided to put that as an emphasis, because there was a lot of campaign rhetoric that because he was not a veteran, how could he have any appreciation? Well, President Clinton does have an appreciation, and he is maintaining that appreciation with a commitment of moneys to improve the medical care of the veterans.

I hope the Senate will reject this amendment.

I thank the Senator from West Virginia and yield back my time to him.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I seek time.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia would be delighted to yield 4 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized for up to 4 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, today when I came to the floor to identify the amendments that were being offered, I thought, gosh, these must be April fools' jokes. It is April 1.

Now, good friends tease each other. They are not serious. They offer some ideas, but it is all in good fun.

I mean, my gosh, who would want to cut environmental programs that help the private sector get ready for the 21st century? That has to be a tease.

My gosh, Mr. President, who would want to cut funding to deal with the incredible backlog that exists now in the need to repair and modernize veterans' infrastructure?

And, by gosh, I find that, as the day has unfolded, this is serious. I find that these amendments that are being offered are no laughing matter.

I am stunned by this amendment.

I chair the VA Subcommittee on Appropriations. Year after year that I have chaired it, veterans' groups have come in to meet with me from the grassroots level to talk about the fact that our 170 institutions, many of them, are in disrepair and not fit for duty. They need a roof or, in a hot climate in the Southwest, they need air-conditioning modernized. They need to have energy efficiency and modernization. They need safety improvements. They need to make sure that their infrastructure and wiring and other technical things can accommodate the new technology in radiology and computers that facilitate case management.

Well, I though we were going to help with that in this stimulus package, generating jobs in the construction industry and giving a real salute to American veterans and say, "We want our facilities to be as fit for duty as you were when you served your country."

Today the VA has $2 billion backlogged for minor construction and nonrecurring maintenance and repair programs. These programs provide the most flexible and least costly means to offset the deterioration of hospitals and community clinics. VA estimates that over 1,000 jobs will be created. Nationwide projects that will be handled at local facility levels, hiring local skilled labor in many necessary projects will be awarded to small business.

The trend in recent years has been to get out of the major construction and get into making sure that there will be repairs. VA has identified projects throughout this country from removing asbestos in Alabama and Texas to correcting elevator deficiencies in Knoxville, IA; to improving handicap accessibility—wheelchair accessibility and facilities—replacing fire alarms; providing sprinklers; correcting fire protection deficiencies in Mississippi; constructing hazardous materials storage in New York; and I could go on and on.

These are not make-work projects. These are not leaf-raking projects. These are real work that enable our health care facilities to meet their populations' needs.

I am continually at veterans' meetings with colleagues who love to tell the veterans: We are for you, Jack, We are for you, Joe. We are for you, Jill, We are for you, Jane. They wear the hats. My colleagues walk in Fourth of July parades. And now, over in DOD, we are talking about our support for the American military—until it comes time that promises made should be promises kept—then we take a walk on veterans' facilities and veterans' health care.

Come on, let us defeat this amendment. I am tired of the April fools' jokes that are going on.

The PRESIDING OFFICER. The time allocated to the Senator from Maryland has expired. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls 2 minutes 6 seconds.

Mr. ROCKEFELLER. My colleagues on this side of the aisle are engaged in a Socratic dialog in a nearby room, and I wonder whether it would be possible to ask unanimous consent that this dialog in this Chamber be continued until 5 o'clock, an additional, approximately, 20 minutes. I ask unanimous consent.

The PRESIDING OFFICER. Does the Senator make a unanimous-consent request to that effect? Is there objection?

Mr. ROCKEFELLER. The time to be equally divided.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. MURKOWSKI. Reserving the right to object, I have not made a decision as to whether I will object. But I would like to request unanimous consent I may be allowed to check with our leadership with regard to extending the time.

I suggest the absence of a quorum. The time will not be charged to this side.

The PRESIDING OFFICER. The unanimous-consent request propounded by the Senator from West Virginia is still on the floor.

Mr. MURKOWSKI. The Senator from Alaska would ask my friend from West Virginia if he would have any objection?

Mr. ROCKEFELLER. If the Senator requires finding this out from the leadership?

Mr. MURKOWSKI. It will just take a moment.

Mr. ROCKEFELLER. I also suggest the absence of a quorum, even for a moment.

The PRESIDING OFFICER. Without objection, the quorum call will be charged to neither side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I am going to reserve the remainder of my time. I have checked with our leadership on the floor and we are agreeable to extending the time until 5 o'clock. Was that the request?

Mr. ROCKEFELLER. Yes.

Mr. MURKOWSKI. I thank the Chair and thank my friend from West Virginia. What is the time remaining on this side?

The PRESIDING OFFICER. The Senator has 1 minute and 19 seconds without extension.

Mr. MURKOWSKI. I thank the Chair.

Mr. ROCKEFELLER. In that, there is now a new unanimous consent?

The PRESIDING OFFICER. Would the Senator from West Virginia restate the unanimous-consent request?

Mr. ROCKEFELLER. The Senator wants to know, under the new consent agreement, how much time is remaining to this Senator.

The PRESIDING OFFICER. The time currently remaining to the Senator is 1 minute. Under the new unanimous-consent agreement, an additional hour and 15 minutes would be equally divided between the two sides—I am sorry. 5 o'clock.

The Chair stands corrected, I was adding 1 additional hour. There is an additional 15 minutes. So each side would get an additional 7½ minutes.

Mr. ROCKEFELLER. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator is recognized accordingly. The Senator has 8½ minutes.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the letter from Jesse Brown, Secretary of Veterans Affairs, containing the administration's objection to the amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 1, 1993.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my opposition to any action which would reduce the President's economic stimulus request of $235 million for the Department of Veterans Affairs. The economic stimulus request will fund urgently needed repairs at 163 hospitals and 6 cemeteries. The additional funds will relieve the $2 billion backlog that exists for Minor Construction and Non-Recurring Maintenance projects.

VA will use $232 million for improvements to the patient environment of its medical facilities. This will assist VA in its efforts to bring facilities up to current fire and safety codes, modernize patient treatment areas, wards and other patient support facilities. Projects will also include repairs to interior finishes, roofs, utility systems, and high tech equipment installations. Approximately $3 million of the request will go to National Cemetery System projects. These projects will address deficiencies in roads, buildings, and water supply systems. The projects will also provide additional gravesite capacity at those sites where there is a shortage.

All stimulus projects were selected in accordance with the President's criterion of making contract awards within sixty days after funds become available. All of the projects in the economic stimulus proposal are contained in the current Minor Construction and Non-Recurring Maintenance backlog. Approximately 4,700 jobs will be created as a result of these projects.

The projects that are included in the stimulus proposal address critical patient environment needs as well as badly needed structural repairs for our facilities. I urge you to support the President's program and provide full funding for VA's economic stimulus request so that we may fulfill our commitment to our nation's veterans.

Your support in this matter is appreciated.

Sincerely yours,
JESSE BROWN.

Mr. ROCKEFELLER. There are a couple of very minor points my friend from Alaska made that need to be clarified. He said competitive bidding would be needed and design work would be needed. That is not correct. There need be no competitive bidding for these projects. All design has been done. All projects are ready to go within 60 days.

The Senator referred to a $9,000 bowling alley. That caught my attention, too. I shared his view until I looked at that more clearly and found out more about it. It is in Salisbury, NC, and is a project for a renovation for a portion of the recreation facilities for long-term care and psychiatric patients. The bowling facilities are for the sole use of patients and their visitors as part of their rehabilitation. The bowling facilities are not used by hospital staff.

The point that this Senator wishes to make about the $9,000 bowling alley is that this is part of rehabilitation. It is medical care.

It seems to this Senator that Members on the other side, my Republican colleagues, have to decide whether they want to vote against $25 million out of the health care funds for veterans. That is what this amendment will do. It will take $25 million out of health care for the American veterans population. I think that is a decision they will want to make for themselves on that side, using their good conscience; $25 million from veterans health care, yes or no? I repeat that the Presidents $235 million package for the VA will create 4,700 jobs, with veterans preference pertaining. Jobs that are ready to go.

My friend from Alaska indicated that patients' smoking shelters would be required under this, and made some comment about that. I need to point out to my friend from Alaska, this is required by law, the law that we passed last year and I suspect my friend from Alaska voted for. It is not discretionary, it is a matter that is required by law. The whole question of smoking and veterans is a very sensitive issue, as my friend from Alaska knows.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The remainder of the Senator's time is reserved. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, obviously we have another 15 minutes or thereabouts. We have pretty well, I think, digested our particular points of view relative to the issue at hand.

The Senator from Maryland, I think, referred to, in jest, the pending amendment and the coincidence that we are dealing with April fools as certainly a day to play pranks and make light of things. But I think there was a mischaracterization, if you will, that has prevailed in this entire debate, whether it has been solely on the issue that somehow in this process we are dealing out the priority of health care. I think it was expressed by my friend from Arizona as well.

What we are talking about is simply a matter of priorities; what is more important here, to the veterans of this country who are in transition? Is it to provide veterans jobs? Or, is it to provide an additional $25 million, which the Senator from Alaska would take out?

I think for those who are following this debate it should reflect the reality that the VA is getting $497 million for regular maintenance, et cetera, that is needed. None of these are medical, but they are in reflection of maintaining facilities for medical care. So we have $497 million out there that is going into the program, out of which we have suddenly, through this identification, said there are $201 million that are emergencies, they are supplemental, they have to be done. We are not gutting health care by any means.

What we are doing, out of this $479 million, recognizing $201 million of that is the emergency supplemental, we are only taking $25 million and we are changing it to jobs for veterans. That is the issue here.

Those who come into this body and into this debate, I challenge them to suggest that an entrance canopy, the bowling alley that was referred to, the promenade along the sea wall, the pavilions at the lake, are emergencies.

Clearly they are not. But it is an emergency to provide jobs for the veterans. That is what we are doing here, what we are trying to do. It is just that simple.

Now, I said the monetary amount was $25 million. And $25 million is what we are taking out of this figure of $479 million which has been set up for renovation, and so forth. Again, the $201 million is supposed to be the emergency. And if these items that I have mentioned are emergencies, why, again I would differ with my colleagues. What is an emergency clearly is jobs.

Mr. President, I am going to ask that the remainder of my time which is—

The PRESIDING OFFICER. The Senator controls 3 minutes and 54 seconds.

Mr. MURKOWSKI. I reserve the remainder of my time and yield to the other side at this time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Here is what it comes down to.

This amendment is about two things. One is removing $25 million from veterans' health care. I would pose the question to my Republican colleagues as to whether they want to vote $25 million out of veterans' health care—at precisely the time in our country's history when veterans' care, and the lack of funding for it, is the major issue facing the Veterans' Affairs Committee on both the Republican and the Democratic side. There is no dispute about that. If $25 million walks away, well, I am against that.

I will oppose the amendment, and I ask my Democratic colleagues to oppose the amendment. I would ask my Republican colleagues to really consider whether they want to be on record as voting to delete $25 million from veterans' health care.

Second, this amendment would provide money for job training that would be for a 2-year period. It would take effect sometime in the future. In fact, I believe in the colloquy that my colleague from Alaska referred to the $75 million in fiscal year 1993 funds that the President's letter to me states will be expended in fiscal year 1994. So once again, he is not suggesting that jobs are going to be created now, or even that job training is going to be created now. It is going to be created sometime later on.

So, point No. 1 we are trying to protect veterans' health care money by opposing this amendment. And we are getting the $75 million of job training money. That is clear in the letter from the President to me. That has not been expended yet. That will be available. So you might say that the amendment of my colleague is meaningless, because money already is going to be available.

Second, this is about a short-term stimulus to the American economy. I repeat, we have been through two recessions since 1990. One can argue about the size of the stimulus. One even can argue about whether there should be a stimulus or not. I suppose if one comes from a wealthy State one can do that. I cannot. I believe most of our colleagues cannot.

The point of short-term stimulus is to create jobs now. All of the jobs that are being threatened by this amendment would be created right away. They will be ready within 60 days. There will be no additional competitive bidding. There will be no additional designs. There will be no additional planning. All of it is ready to go. That is the point of it. The priority has been established and it creates jobs for our people now—4,700 jobs now. They are all subject to veterans' preference. It is not a wise course to be taking money out of veterans' health care and denying Americans 4,700 jobs now so that we do not dip into another recession—because we are not exactly wallowing in security in this country economically.

I oppose the amendment of my friend and hope that my colleagues vote against it, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved.

Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I think we are near the conclusion of our debate. Let me make a few points.

I think we have to respond again to the suggestion from my good friend from West Virginia that we are somehow cutting health care. I have asked that the list that he and I have been talking about be put in the RECORD, and I am going to ask each of my colleagues to review it. If you believe the bowling alley, and the canopy in front of the building, and the canopy that is some place else, and the walkway down to the lake, and the chairs and various other things constitute a reduction in VA health care, why, then I would concede very readily. But that is not the issue before us.

My colleagues can judge for themselves if, indeed, there is not $25 million of flab, of flab, Mr. President, that the Senator from the State of Alaska is trying to turn into jobs. That is all we are doing. The bottom line, make no mistake about it, is this amendment does not affect health care. This is make-work that could not make the VA regular budget cuts, could not make the regular budget cuts. They have thrown it into the category that we call emergency stimulus.

Mr. President, I think we have to be honest with the American public and recognize that our President has requested that we invest in America. Look at the statistics and the position that has been maintained by this side in trying to explain that we all want to invest in America but we do not necessarily want to increase spending and increase debt. But that is what we are doing. So when you use the language "invest in America," you are really saying increase spending and increase debt because that is what we are doing.

Mr. President, the deficit this year is going to be $320 billion. We are going to have a deficit for each of the next 4 years. We are starting out this year with an accumulated debt of $4.1 trillion, and by the time our President is through with this plan, the accumulated debt of this Nation will be $5.2 trillion. It will increase $1 trillion over the 4-year period.

Now, there is a lack of reality associated with this debate because these items that we are talking about are not emergencies. The $25 million in my amendment is simply a transfer from one priority to another. If my colleagues on the other side think that the flagpole, the canopy, and the smoking room are greater priorities, Mr. President, than the priority of creating more jobs by having job training, then they should simply vote for it. What we are down to is a policy of not embarrassing our President on one side and a very poorly thought out list on the other. The Senator from Alaska is encouraging the adoption of his amendment. I ask for the support of my colleagues.

I thank the Chair. I thank my good friend and colleague from West Virginia, and my friend from Arizona who has appeared on the floor.

The PRESIDING OFFICER. The Senator from West Virginia controls 1 minute 49 seconds.

Mr. ROCKEFELLER. The Senator from West Virginia, knowing of the continuation of the Socratic dialog in some distant corner of this building by my colleagues on this side of the aisle, notes the absence of a quorum and reserves the remainder of my time.

The PRESIDING OFFICER. There is not enough time remaining. The time will not be charged. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AID TO RUSSIA

Mr. McCONNELL. Mr. President, on Tuesday, Secretary of State Christopher testified before the Senate Appropriations Subcommittee on the anticipated 1994 foreign assistance budget. The meeting was a little unusual in that we have not actually been presented with any numbers or a budget, so, much of the morning was taken up with foreign policy issues of general concern to our Members.

Needless to say, the situation in Russia was the focus of considerable discussion. Over the past few weeks, news accounts have drawn our attention to the political power struggle under way in the halls of the Kremlin. In some ways what is most remarkable about this political battle is how much we know about what is happening. It is a testament to the dramatic changes that have occurred in the former Soviet Union that citizens are interviewed on the streets and asked to comment on their leadership, the quality of their lives, and their hopes for the future. What has struck me as I have listened, is whether you live in Moscow or Murray, KY, you want your politicians to tell you the truth, you want to work hard and earn a decent wage to be able to put a meal on the table for your family, and have access to affordable housing, education, and health care.

In a speech earlier today, the President made a strong case that as citizens, we not only share these common aspirations, but we also have common interests which must be pursued. He made a strong case that to support democratic and economic reforms in Russia is a wise investment, not charity. In helping, we are offered four historic opportunities:

The opportunity to increase our own security through denuclearization;

The opportunity to make progress on world problems in the United Nations and elsewhere as Russia becomes a partner in problem solving;

The opportunity to increase investment here at home because a peaceful Russia allows us to spend less on defense; and

The opportunity to enhance our own prosperity if Russia ultimately becomes a thriving consumer market.

I completely agree. America's fortunes and future are dramatically linked to events abroad and especially the survival of democracy in the former Soviet Union.

While I agree with the President that we have critical long term interests at stake, I part company with the administration because I do not think his plan goes far enough.

The Washington Post headline said it all: "The Clinton Plan Contains Modest Initiatives."

At any other time, in any other place, a plan to redirect existing resources might work. But, the stakes are very high, the problems are enormous, and modest initiatives are not enough.

If political and economic reform fails in Russia there will be global consequences. A hard core of reactionaries in the Parliament have denounced the START Agreement as treason. A reversal of political fortune in Moscow could imperil arms control agreements which have removed the nuclear nightmare.

No one needs to be reminded that Russian troops continue to be deployed throughout the territory of the former Soviet Union. If they no longer answer to democratically elected civilians, the ethno-religious fuel which has ravaged Bosnia could scorch every new republic eventually spilling over into Europe jeopardizing the sovereignty of states, trade, and diplomatic relations. Ultimately we endanger any defense savings which could be spent here at home.

In this context, modest initiatives are simply not enough. To achieve our goals, I have urged the administration to expand United States foreign aid overall by earmarking a fraction of the planned reductions in our defense budget to fund economic reforms and democratic progress in Russia. But we need to consider more than the amount of assistance we offer—we must explore ways to assure our assistance makes a real difference in the everyday lives of the citizens of the newly independent states.

Although the President did not mention specific initiatives, there is one area I hope his discussion with President Yeltsin concentrates on, and that is the Russian military. For the better part of the last year, officers and troops alike have maintained their distance from the unfolding political drama. Russia's military is clearly in disarray. And, while they may pose no serious danger under the current democratically elected President, they may eventually threaten his future, regional stability and international prospects for peace.

Russian troops are restless. Less than 17 percent of officers recently polled support Yeltsin's reforms. Pay is low and irregular for the average soldier. A recent press story said, "Yeltsin never visits an army garrison without bringing a caseful of rubles to keep the soldiers quiet." Russian troops in the Baltics and East Germany have refused to return to the destitution and despair of tent settlements in Moscow. There is no sense of mission and morale has crashed.

Driven by internal budget constraints and the imperatives of arms control agreements, Russian plans are already under way to cut the military by more than 1 million soldiers in the next few years. We need to help put these soldiers to work in a new civilian capital projects corps. With relatively little funding we can serve urgent public sector needs as we avert an emerging crisis within the military. A new program could channel assistance through private companies into large-scale, job-producing projects. The corps could employ demobilized soldiers to build roads and housing, improve the railways, clean up the water supply, and upgrade public utilities and the telecommunications network.

Initially soldiers could be encouraged to participate with a "you build it, you own it" plan. Among other benefits, homeownership would reinforce free market principles. This kind of approach would go a long way to fulfill President Clinton's call today to convince the Russian people they are beneficiaries of democratic reform, not victims. As he said, our plan should help them realize their suffering is not the birth pangs of democracy but the death throes of dictatorship.

Mr. President, Russia's problems are getting worse. The average citizen in Moscow spends 75 percent of his income on food. Half the nation's water is unsafe to drink. Hundreds of thousands of people are at risk because they continue to live and farm in areas contaminated by Chernobyl's radioactive fallout. Ethnic clashes and border disputes inflame half the new republics—situations exacerbated by the continued presence of Russian soldiers. As casualties mount and Russian troops strain relations between the newly independent states, their families at home suffer. Of the estimated 1 million homeless in Moscow, 10,000 are families of soldiers.

This picture is grim. But, as the President said, we have an historic opportunity—I would add we also have an obligation. An obligation to do all we can to assure both the short term survival and long term stability of Russian reforms. This calls for more than a modest approach would allow. We must do more than recycle old plans, retarget old resources.

President Clinton invoked the names and legacies of some of the truly remarkable leaders of our times. Truman, Acheson, Marshall, among many others. Their legends and their legacy live on because their plans were visionary—they understood the grand rewards of peace and prosperity demanded great risks.

Today, the President affirmed American interests in promoting nuclear security guarantees, democracy, and free markets. This weekend, he begins the hard work of securing those goals.

We have a purpose. What we need, Mr. President, is a plan.

Mr. THURMOND. Mr. President, I am proud to be an original cosponsor of the veterans' job training amendment offered by the ranking minority member of the Committee on Veterans' Affairs.

The justification for the emergency supplemental appropriations bill is supposed to be jobs. Employment for our Nation's veterans who have honorably served their country should be of paramount importance. However, the bill has no provision for veterans jobs. This amendment would remedy that deficiency.

This amendment will provide funds for job training for veterans. As a result of the training the veterans will receive, they will be more prepared to obtain jobs which will hopefully lead to new careers.

Mr. President, I hope the Members of this body will join in supporting permanent jobs for veterans by supporting this amendment.

Mr. SIMPSON. Mr. President, I rise to support Senator MURKOWSKI's amendment to the supplemental appropriations bill regarding VA construction funding.

Senator MURKOWSKI's amendment would reduce funding for the VA's nonrecurring maintenance [NRM] by $25 million and transfer that amount of funding to veteran's job training.

NRM projects are one-time facility upgrades and repairs such as painting buildings, renovating roads and parking lots, cleaning air conditioning ducts, and similar projects.

The supplemental has $201 million for NRM. It has no money for veteran's employment. Some of that money should be used to ensure that veterans—especially those who have recently left the military due to the defense drawdown—are able to get jobs.

The sum of $25 million is not too much to ask for veterans' jobs. Instead of hiring contractors to do all of the NRM projects, we should transfer this money to ensure that veterans are afforded jobs and job training.

The Veterans' Employment Program which would receive additional funding through this amendment is the Service Members Occupational Conversion Training Program [SMOCTP]. It was established in last year's Defense Authorization Act.

Up to $75 million was authorized through fiscal year 1993 Defense conversion funding.

SMOCTP would reimburse employers 50 percent of wages for up to 28 months—$12,000 per vet cap—when employers hire a newly discharged unemployed veteran.

I urge my colleagues to support the amendment by my fine friend, Senator MURKOWSKI.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANADIAN FREE TRADE

Mr. DORGAN. Mr. President, tomorrow the United States Trade Ambassador, Mickey Kantor, will travel to Canada to meet with the Canadian Trade Minister.

In their discussions they will include a discussion of a trade dispute that exists on our northern border with Canada, dealing with Durum wheat. Durum wheat does not mean much to anybody not producing it; 80 percent of it is produced in the State of North Dakota. Most people in this country would know Durum wheat by what it produces. Durum wheat is ground into flour, which then produces pasta. Most of the pasta you eat in this country that comes from domestically produced flour and grain, comes from the fields of North Dakota.

Here is the dilemma we have with Canada. Prior to the free-trade agreement with Canada, there was no Durum being shipped into this country from Canada. Clayton Yeutter negotiated an agreement with Canada. The result of the United States-Canada Free-Trade Agreement was that since the agreement we have seen this kind of flow of Canadian Durum into the United States, despite the fact that the trade negotiator said we will not see an increase in grain coming from Canada. We have an understanding with the Canadians this will not happen.

Here is what happened. Zero Durum bushels coming in in 1985 and 1986, and now 15.3 million bushels, and this year probably 21 million bushels equal to 20 percent of the domestic consumption in this country.

That would not be so bad, except it is all unfair. It is unfair because it all travels on the subsidized transportation systems in Canada. It is subsidized by the Canadian Wheat Board payments and we cannot compete with it.

When a bushel of Canadian Durum shows up at a miller in New York that goes to a pasta plant in New York, the American bushel of Durum cannot compete because the Canadian Durum shows up with a 50-cent-a-bushel transportation subsidy, an imbedded payment by the Canadian Wheat Board.

What does this mean to somebody not raising wheat? Not very much. What does it mean to a family farmer who got up early this morning getting ready for spring planting now? It means tens of millions of dollars out of the pocket of that farmer and his neighbors.

We are not prepared any longer to stand for this unfair trade. We have a good neighbor to the north, and a common border. We have a lot of commerce flowing back and forth. This is unfair and we should not have to stand for it anymore.

My colleague, Senator CONRAD, and I are introducing today a piece of legislation responding to this issue. We hope the Trade Ambassador will resolve this issue, but if he does not, we want this legislation to revolve this issue.

We have watched trade ambassadors for 12 years pretend they are a wax museum down there. There is no sign of life in USTR when it comes to standing up for the economic interests of this country, none: Not from Clayton Yeutter, not from Carla Hills, who have not moved a muscle to respond to these real trade issues.

Our producers should not expect to be confronted with unfair trade. Also, we all expect our Trade Ambassador would stand up and represent the economic interests of our producers to insist on fair trade.

What are we asking today in our legislation? We are asking that the negotiations with Canada begin on about four issues for 120 days. If at the end of that period we have not been able to negotiate a successful conclusion, we stop the shipment of Durum into this country—unless there is a negotiated solution to this issue. We want to end the transportation subsidy in Canada through the east coast exporting to our country.

That was promised to us. I have the promise in writing, incidentally, by Clayton Yeutter. Clayton Yeutter promised in legislation, when we passed the Canada Free-Trade Agreement—this is President Reagan's statement of the administrative action to the Congress—when we pass it we will pursue immediately consultations with the Canadians to obtain the exclusion for the transported rate established under Canada's Western Grain Trade Act, section 304 of the implementation. It was in writing. It was the promise. It was not worth the paper it was written on, unfortunately.

We want an end to the subsidy of transportation rates coming into this country on Canadian Durum. We want grain prices to be monitored. The Canadians are not now in compliance with the fair-trade agreements. They will not disclose prices as required by the fair-trade agreements. If we are going to have a trade agreement with someone, I expect them to comply with the agreement, or I expect us to take action if they do not.

We want acquisition costs to be defined on Canadian Durum to include all costs of Canadian Durum, including the grain board's final payments, including the transportation rates. We want these things done. And if they are not negotiated in a time certain, we want a suspension of Canadian grain coming into this country. We want end-use certificates.

My colleague, the Senator from North Dakota, Senator CONRAD, has introduced legislation repeatedly in this body so that we are not moving Canadian grain into this country and then using export enhancement to ship Canadian grain out with American subsidies. That makes no sense at all.

We are calling for, if the Canadians do not cooperate in solving this problem, the use of export enhancement funds to compete in foreign markets where the Canadians are now selling their Durum to see if that maybe will not convince the Canadians to resolve an end to this issue.

Why has all of this happened?

It is has happened because, Mr. President, other countries, in this case the Canadians—and there are other examples—have discovered that our trade negotiators do not have the strength or the interest in making certain that our trade agreements are fair.

They have had this mantra chant of free trade. They want to negotiate a free-trade agreement, not caring, of course, that at the end of it, it is not fair.

That is why we have decided, finally, after 3 years of really no action, that we must introduce a comprehensive piece of legislation that becomes the bottom line, that becomes the catalyst for action.

My colleague, Senator CONRAD, is on the floor. He and I met with Senator BAUCUS and Senator DASCHLE earlier today with Ambassador Kantor.

I must say that after dealing with Ambassador Yeutter and then Ambassador Hills, it was one of the more refreshing meetings I have had today, to see Ambassador Kantor tell us that he will go to the mat in negotiating fair trade requirements among those with whom we have trade agreements.

I am not asking for special treatment. I am not asking for anything unusual. I am just asking, on behalf of a lot of producers that work hard, that when they have to compete against foreign goods coming into this country, that the competition be fair. And if it is not fair, that we move to establish countervailing duties or suspensions of imports until it is fair. Our farmers and our producers in this country, it seems to me, expect that.

I mentioned Senator CONRAD on several occasions here, because he, on the

Senate side, and I, for years past on the House side, have understood this problem, have fought to rectify this problem, and have been unsuccessful because we have been blocked at every turn by the Trade Ambassador's Office.

We come today to introduce a comprehensive piece of legislation that represents the interests of grain growers, farm organizations, and many others with whom we have consulted, and represents what we think is a fair solution to this trade problem with Canada.

Mr. President, if we have—and I believe we do—the cooperation of a new trade ambassador, with a new goal of deciding to represent our best economic interests and insisting on fair trade across our borders, then I think we are going to get this problem solved in the coming several months.

I would like to finally show the Senate a chart.

Well, before I do that, let me show what article 701 of the United States-Canadian Free-Trade Agreement says:

> Neither party, including any public entity that establishes or maintains, shall sell agricultural goods for export to the territory of the other party at a price below the acquisition price of the goods plus any storage.

That is the crux. That was the promise. That is the law. And the fact is, Canadian grain is flooding into this country deeply subsidized, representing unfair competition, and the trade ambassadors have refused to lift a finger to deal with it for years.

Now one more chart, Mr. President. This chart demonstrates what has happened as a result of the free trade agreement. It demonstrates how our farmers have lost money. There was always a premium for Durum wheat above spring wheat prices. And, as you can see, what happened after the free-trade agreement is Durum wheat has always sold below spring wheat prices. Why? Because Durum is flooding in our back door from Canada and it is costing our producers tens of millions of dollars.

This is not an accident. The Canadians understood what they were doing. Our Trade Ambassadors understood what they were doing. They simply sold out our rural economic interests. They got some wonderful advantages in the trade agreement for the financial institutions. They got access to 20 million people to get American credit cards.

The investment bankers love the agreement. I am not suggesting there were not some good things in the agreement, but certainly not for farmers.

The economic interests of family farmers were sold out in this agreement, and they now confront unfair trade in what I think is an unforgivable situation.

Senator CONRAD and I, Senator BAUCUS, Senator DASCHLE, and others are determined to do something about this to finally get this resolved.

Mr. President, let me finally say, it has been my pleasure to work with my colleague from North Dakota, who I see on the floor, who I assume would like to say a few words about this bill.

The bill will be introduced today, and we hope in the coming months we will finally see a resolution of this problem.

I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Has all time expired?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 12 seconds.

Mr. BYRD. Mr. President, I hope that the Senate will vote to table the pending amendment.

I move to table the pending amendment, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to table the amendment of the Senator from Alaska [Mr. MURKOWSKI].

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So, the motion to lay on the table the amendment (No. 293) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I wonder if I might have some indication as to—it is my understanding that the—Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will withhold.

The Senate will come to order. Senators will please clear the aisles and take their conversations from the floor.

Mr. BYRD. Mr. President, it is my understanding that the distinguished Republican leader has an amendment which he intended to call up, and I spoke with him in the well just a little while ago. He indicated he might go next but he was checking to see if it was ready. I would like for the Republican leader to go next, if he wishes.

Mr. HATFIELD. I could inform the Senator that the Republican leader is not ready to go next. Senator DOMENICI is ready.

Mr. BYRD. All right.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. GRAMM. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order. The Senator from Texas is correct. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, let me say to the chairman of the committee, I am going to send an unprinted amendment to the desk momentarily. I would be willing, even though I have two or three Senators that want to speak on my side, in the interest of time, I would agree on our side that we would have 35 minutes, and if you would like to have a unanimous consent for an equal 35 on the other side, I would be pleased to accept such an agreement.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BYRD. Would he identify the amendment?

Mr. DOMENICI. I cannot agree to a time limit, Mr. President, because I have been requested by our leader to consult with him first.

AMENDMENT NO. 294

(Purpose: To ensure sufficient funding for the 1994 pay raise for Federal civilian and military employees)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself, Mr. STEVENS, Mr. WARNER, Mr. BOND, Mr. MCCAIN, Mr. GRAMM, Mr. GORTON, Mr. NICKLES, Mr. D'AMATO, and Mr. MURKOWSKI, proposes an amendment numbered 294.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, it is only a one-page amendment. May we not have it read?

Mr. DOMENICI. Yes. Of course.

The PRESIDING OFFICER. The clerk will proceed with the reading of the amendment.

The assistant legislative clerk read as follows:

At the end of the pending substitute, add the following new section:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 18 per centum in order to ensure sufficient funding for the annual pay raise for federal civilian and military employees scheduled to go into effect on January 1, 1994; Provided, that this shall not apply to Members of Congress.

Mr. DOMENICI. Mr. President, I am going to, in short order, yield 5 minutes to Senator MCCAIN, 5 minutes to Senator D'AMATO and Senator WARNER. But let me take just a few minutes to tell the Senate what this does. Essentially we have been hearing a lot about investment, we have been hearing a lot about jobs, and we have been hearing a lot about spending this money wisely.

This amendment is very, very simple. We have calculated the amount of money necessary to give all of the Federal employees of the U.S. Government and all of the active military men and women the cost of living increase that we believe they are entitled to this coming year.

The reason we have done this is because we do not believe that we ought to be investing in items such as those found in this bill: performing arts center, phase I, cultural arts center, Babe Ruth extension, movie theater, purchase of a ferry vessel, all of which are part of the CDBG Program.

We do not believe we ought to be investing in those kinds of things, unless and until we have invested in our Federal work force, both military and civilian. I believe they are just as entitled to this stimulus money as any of these projects or programs included within this urgent supplemental.

It is very simple. The Senator from New Mexico cannot believe that the Congress of the United States is going to spend $19.2 billion in the name of stimulus, in the name of investment, and would cause and ask the men and women who work for us, from the lowest to the highest, from the very lowest private in the military all the way up the line, ask them to forebear their annual cost-of-living increase, based on inflation, while we are spending money on programs the likes of which have been discussed here for the last 3 or 4 days. It clearly escapes me.

I believe when this is understood, that there are going to be a lot of questions like: How come you cannot afford to pay the work force of America, military and civilian, and you can spend money on myriad programs, many of which clearly are not very important in the scheme of things. In fact, I believe the Federal employees ought to be angry and, perhaps, in a little while when the Senator from Missouri offers his amendment—he is going to offer us one with about $300 million in cuts in this program, and he has going through and found programs, and each job that flows from those programs is going to cost over $300,000. That is producing Government jobs.

Would it not be better for this economy, better for the morale of our work force, the men and women, military and civilian, if we were to say that we respect you enough to think that rather than pay $300,000 to create a new job, we would give you your annual cost-of-living increase?

So it is simple and forthright. There is no obfuscation intended on the part of this Senator. I have done my very best to frame an amendment, and if you want to vote against it, you are clearly choosing to spend, on all of these programs, which I am only going to cut 18 percent, you are choosing to spend that 18 percent on dubious and doubtful programs, in terms of their merit, their job qualities. And I am saying, rather, give that money to the Federal employees who are entitled to a pay raise and the military men and women who are entitled to theirs.

I will yield 5 minutes now to the Senator from Texas, Senator GRAMM.

The PRESIDING OFFICER (Mr. FEINGOLD). Who seeks recognition?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. The distinguished Senator from New Mexico has given us a clear choice. Governing is about choices. We adopted a budget this morning that raised taxes by $295 billion, that slashed defense, and that over the next 5 years will spend some $550 billion on domestic programs above the level we are spending today.

We are now in the process of using an emergency provision to violate existing law by spending $16.5 billion, in violation of the spending caps that are the law of the land. These spending caps were put in place in 1990 in exchange for the American taxpayer giving us over $150 billion of their hard-earned money. We were going to live up to the agreement, and we were going to limit the growth of spending for 5 years. The bill that is before us, through an emergency designation, through an accounting gimmick, allows us to violate existing law and spend $16.5 billion.

Now, if we had a budget that really cut spending and slowed the growth of domestic Government dramatically, maybe you could justify a pay freeze as part of that. In fact, if we were going to go through with zero-based budgeting, get rid of all programs we don't need and limit the growth of entitlements, you could and would justify freezing pay.

But what we are doing here is spending $16.5 billion on the same day that we pass this budget, saying that we are doing something about the deficit and something about spending. So the distinguished Senator from New Mexico is simply saying this: If we can afford ice skating rinks and heating huts, if we can afford bike paths, if we can afford to repaint the old water towers in Illinois, if we have such little regard for the taxpayers' money as that, why not give Government employees their pay raise and cut these kinds of programs?

So what the Senator from New Mexico has done is simply this: he has taken this bill, with all of its sausage, bacon, and hams, and he has cut the discretionary part of it across the board by 18 percent. That 18 percent then allows us to give our civil servants and our military personnel their pay increase without raising the deficit.

So it is a choice. Do you want to fund all of these make-work programs, some of which, as the distinguished Senator said, cost $300,000 for every job they create, jobs maybe paying $25,000 a year? Are these make-work jobs more valuable than giving pay increases to our military and civilian personnel? The Senator from New Mexico says no, they are not.

When you look at those items that would be contained in this make-work, make-jobs bill, those items are not more valuable than maintaining quality people in uniform and maintaining quality people in the civil service so that you might justify a pay freeze. But in order to do that, you would have to have a freeze in discretionary spending; you would have to have a dramatic change in Government spending. And the bottom line is we did not do it.

So the Senator from New Mexico does not raise the deficit. He does not undercut the Democrats' budget. He simply says that when we are spending money on all these make-work projects, when we are building fences around cemeteries, when we are going to be funding all of these make-work projects, why not cut them 18 percent and give good people that are working hard, that are serving the country, that are preserving world peace, their pay raise and not spend as much on these make-work projects?

I think this is an excellent amendment. I think that our civil servants and our military personnel all over the world will look at it and will be asking the question: Do we want to paint water towers in Illinois and build make-work projects, or do we want to maintain the real income of the people who are working for the country, the people who are serving in uniform around the world?

I think this is an excellent amendment. I am happy to join our colleague as a cosponsor.

I yield the floor.

Mr. KENNEDY. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. DOMENICI. The Senator from Massachusetts wants to ask a question?

Mr. KENNEDY. Yes, if the Senator will yield for that purpose.

Mr. DOMENICI. I will yield.

Mr. GRAMM. Mr. President, it would probably be easier for the Senator from New Mexico to get recognized, and then he can yield.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, there are no time agreements now because we do not have one. Each one will get recognized on their own, and I will yield soon after the Senator asks the question.

Mr. KENNEDY. Just as a point of information, as to discretionary items in the act, does that include all the items? Does that include, for example, help and assistance for the hurricane victims? Does that include a cut for those people who lost their home and businesses?

Mr. DOMENICI. It includes everything except unemployment compensation and child nutrition. Those are the two.

Mr. KENNEDY. So it includes all the reductions in terms of the small business grants, sewer grants, the whole range of help, including the highway act, as well as the emergency assistance for the hurricanes victims. It includes that reduction for those victims that have been subject to the hurricane as well as the others.

Mr. DOMENICI. The Senator is correct.

Mr. President, before I yield the floor, let me comment just so everybody will understand the significance of this.

We are tying to put money in the economy with the stimulus, although this Senator said it is plenty stimulated already with the $320 billion, but this package is going to put a lot of money out there.

Let me tell you I actually think it is a better stimulus, I say to my friend who has a Ph.D. in economics, the Senator from Texas, to give 2.1 million Federal employees that is made of 1.2 million civilians and approximately 900,000 defense-related employees, to give them the cost of living they are entitled to than to spend money on some of the programs in this bill which I truly believes are dubious with reference to stimulative power and frankly many will not stimulate the economy for 3 or 4 years. I wonder if the Senator has a view on that.

Mr. GRAMM. Mr. President, if the distinguished Senator will yield, the important point is we just wrote a budget. We just adopted it this morning, And every funding program in this emergency measure is one that we did not deem important enough to put into that budget.

So when people ask you whether you have money in here for hurricane victims, we had an opportunity to put that money into the budget both last year and this year. We did put a lot of money in for that purpose. But the money that is in this bill is money we did not deem important enough to put into the regular appropriations, and money we probably never would have funded had we not been borrowing every penny of it and not having to offset it dollar-for-dollar against any other program.

The question is in terms of expenditure in society's interest is it better to keep good people in the armed services than it is to build make-work projects around the United States? Is it better to have quality civil servants qualified by keeping their pay competitive than it is to build make-work facilities? I think clearly the answer is "yes."

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, a topic of interest to the American people and to the media of late has been the image or the perception of the President of the United States as is held by the members of the armed services.

In fact, this morning the Washington Post has a rather flattering—I do not think totally accurate—flattering on the front page calling an about face into a forward march. Clinton and the military slowly step into stride.

The fact is that I hear from military persons from all over this country, in fact all over the world. This is a problem. I regret it. I would urge the President to do everything in this power to repair this chasm.

I do not want to overstate it. It is not going to be translated into an act of insubordination or failure to carry out orders, or anything else. But when the President of the United States, the Commander in Chief, does not have the respect of the men and women in the military, then obviously steps should be taken to restore that image and restore the relationship, the traditional relationship of respect that the men and women in the military have for the Commander in Chief.

Mr. President, you do this in a variety of ways. I think the President has taken some steps which I applaud. I think he should take others. But one of the issues that affects the men and women in the military dramatically is the fact that this budget is going to freeze the pay of the men and women in the military.

The men and women in the military, according to this chart, have already in the last 10 years had an 11-percent degradation of their pay as compared with the private sector, and if the President's budget is followed an even larger 21.6 percent loss in pay.

Mr. President, these are men and women who are right now risking their lives in the defense of someone else's freedom in Somalia. They may, I hope not, I pray not, go into places like Bosnia. These people, whose pay we are going to freeze in the name of porkbarrel supplemental spending, are making an average, 70 percent to 80 percent of the enlisted personnel in the military earn less than $30,000 a year. I seem to remember during the campaign that President Clinton said that only those Americans making more than $200,000 a year would be called upon to pay for his deficit reduction plans. He even called President Bush shameless for suggesting that persons making as little as $36,000 would be required to sacrifice under the Clinton plan.

Mr. President, the lowest paid enlisted person in the military gets $9,777 a year plus allowances. Some 20,000 enlisted people in the military today and their families are eligible for food stamps. How in the world can you justify freezing their pay and driving more of these men and women below the poverty line?

At least, I say to my friend from Tennessee, who I see over here, do not freeze the pay of the enlisted people. Do not do that.

Mr. President, how you can justify such a thing is beyond me. It can only then be translated into the fact that the people who made this budget and the people who are voting for it do not know what the service and sacrifice to this country is all about.

Already, we are seeing, because of this situation that exists in the military today, a drop in enlistment, an inability to recruit the numbers of high school graduates that we have been able to in the past, and a significant erosion in the quality of men and women coming forward to volunteer to serve in the military.

I remind my colleagues it is an all-voluntary force. I happened to have been a member of the military in the 1970's when the Chief of Staff of the U.S. Army testified before the Senate

Armed Services Committee and said we had a hollow Army and we could not defend this Nation's vital national security interests. One of the reasons why he said that was because of the low caliber and quality of men and women in the military.

We can argue as to whether the so-called Reagan buildup was worth it. We can argue how many billions of dollars were wasted, whether it won the cold war or not. One fact is indisputable, and that is we were able to attract and keep the highest quality men and women that the military services had ever seen—the kinds of men and women we were so proud of that won Desert Storm.

Do you know what these men and women are telling me now, Mr. President? They are telling me they do not want to be driven into welfare. They do not want to be members of the military that are eligible for food stamps. They do not want to have to lead men and women into combat in far-off corners of the world, risking their lives, when we are not even going to give them the salary to keep up with the cost of living.

Mr. President, I am not asking for a pay raise. I am not asking that we reward them for their years of service and sacrifice. I am not asking for us to reward them for serving in Somalia under the most arduous kinds of conditions and being away from their homes and families. I am asking that we find it in our hearts to give these people, at least the enlisted people, a cost-of-living adjustment to reverse this erosion of pay as compared with the private sector that they have experienced.

I would just like to talk for a minute about our Federal employees. The Federal employees have also experienced significant loss in pay, and our Federal employees are not making $200,000. Their average pay is very low. And I believe that they also give up certain rights as citizens in order to serve our country. Among those, of course, is observance of the Hatch Act.

I think they deserve also to have their pay keep up with the cost of living.

I guess, Mr. President, this is a matter of priority is what we are talking about. What are our Nation's priorities? And in my view, our Nation's priorities are very badly skewed.

I also would suggest to you from what I read in the Washington Post this morning that the Members of both bodies in the legislative branch are badly skewed too.

The front page of the Washington Post this morning says:

> Congressional negotiators yesterday pulled back from cutting cost-of-living adjustments for millions of retired federal workers, approving a plan that reduced COLAs only for retirees under the age of 62.

That is an interesting decision, Mr. President, but what it means is that the article goes on to say:

> But in targeting those under 62, it appears the new plan would achieve most of its budget savings from the retired military community. Preliminary estimates showed that $2.3 billion of the $2.7 billion in savings would come from military retirees.

Why is that, Mr. President? It is because we have a different contract with those who are in the military. We decided as a matter of national policy years ago that people who serve in the military would be eligible to retire after 20 years due to the nature of their business but also due to the nature, frankly, of our needs because we all know that we need young and more athletically, physically capable men and women in the military and when they reach older age they are not as capable for the rigors for which many of them are trained.

So, we allow them, some as early as age 42, to retire after 20 years; some it could even be earlier than that.

But what we do, Mr. President, when they sign up, we tell them that they will receive retirement benefits under a certain set of circumstances.

Now, if this were a private corporation and we told people who became employees in the business that they would receive a certain pension when they retire, and the company then revoked it, that would be in court that quick.

But what we are doing to the members of the military is basically violating the contract that we entered into with them when we asked them to join the military and risk their lives.

So I find it almost incredible that a deal like that could be made by unnamed congressional negotiators.

I would like to say, again, Mr. President, if we have a sense of fairness and decency about the men and women who serve in the military, who volunteer to serve our country, the least we can do is give them—and, at least, the ones who are of lower salary and lower rank—give them sufficient funds to keep up with the cost of living.

I believe the salary of the Members of this body is around $125,000 a year. The average salary of an enlisted person entering the military is some $9,700 a year. I think there is about a $115,000 to $120,000 differential there, Mr. President.

I think it is very difficult for a man or woman to live on that pay. Many of them are married. Some of them have dependents.

I think we ought to consider the kinds of hardships that we are going to inflict on the men and women in the military, as well as our Federal retirees, if we do not remove this onerous and unfair freezing of their pay.

Mr. President, I thank my friend from New Mexico for his very important amendment.

As my friend from New Mexico knows, I proposed this very same amendment on the budget and it was not accepted by this body. I hope that there will be some more thinking on the issue and that that decision of the Members on the budget resolution will be reversed.

I thank my friend from New Mexico, who has always been a stalwart defender of our Federal employees. He has many who reside in his State, who perform some of the most important work done in this country at Sandia Laboratories and others. I think there has been no greater defender of those men and women than my friend from New Mexico. I am grateful that he proposed this amendment.

I certainly hope that the Members of this body will vote in the affirmative to provide some equity and fairness to the men and women in the military, and our Federal employees.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, what we are witnessing here, this evening on the floor of the U.S. Senate, is a rather astonishing role reversal. What we are seeing is our friends on the other side of the aisle suddenly expressing great concern for civil servants and those who work for the U.S. Government.

Why do I say that is a role reversal? Mr. President, I stand before you this evening as the son of a professional civil servant in the U.S. Government, who served this Government in war and peace, first as a civilian employee and then as an officer in the U.S. Marine Corps, for all of his adult life.

I well remember, as the son of that dedicated civil servant, the disparagement that was heaped on civil servants by those who led the party from the other side of the aisle.

I do not ever recall any kind words coming in the last few years from the chief executives of this country, particularly President Reagan, with regard to civil servants.

In fact, the morale of the civil service has deteriorated to the point that Paul Volcker, the former chairman of the Federal Reserve Board, who himself served the public interest as a civil servant for many years at great financial sacrifice to himself, has put together an organization to try to revitalize the civil service because he is concerned about it.

Mr. DOMENICI. Will the Senator yield on a matter almost of a personal privilege?

Mr. SASSER. I am pleased to yield.

Mr. DOMENICI. I hope the Senator did not imply that the Senator from New Mexico and all Republican Senators have been indifferent toward the civil servants of the United States.

The Senator from New Mexico, in 21 years, has never said a disparaging word about the Federal work force or Federal employees or the military.

Mr. SASSER. I compliment the Senator from New Mexico.

My remarks were not aimed at the Senator from New Mexico. My remarks were aimed at the leaders, over the years, of the party of the Senator from New Mexico.

I well remember the disparagement, as I said earlier, that was heaped on those who worked for the U.S. Government by the leaders of his party. I well remember, as a youngster, growing up with the resentment that I felt. Bureaucrats—that was the pejorative term that was used—bureaucrats did not do any work; just came and sat around and waited for the coffee breaks and the lunch periods and went home, if you believe what some of them said.

Now we have here, this evening, an effort to restore the cost-of-living adjustment for Government employees. Great concern is expressed on the other side of the aisle for them, and I share that concern.

One of the most difficult things I did in this budget resolution, I say, Mr. President, is support the elimination this year of cost-of-living adjustments for Federal employees. I think it is really an unhappy state where we have worked for a good while to try to reach some sort of pay equity for civil servants, and now we are having to deny them the cost-of-living adjustment because of the disastrous fiscal policies that this Government has pursued over the past 12 years.

This President is asking those who serve this Government and its people, both in the military and on the civilian side: Will you make a contribution, just as every other citizen is doing?

I am sure they do not want to do it. But most of them are very patriotic men and women, or they would not be working for this Government, either in a civilian capacity or a military capacity.

And, frankly, I have not gotten much mail, one way or the other, on it from them. But if you went to the American people, indeed I have a hunch if you went to a lot of civil servants, and you asked them: Look, which is the most important, giving civil servants a cost-of-living adjustment this year or military people a cost-of-living adjustment this year, at a time when the inflation rate is very low—is that more important, or is it more important to reduce the deficit?

Or, if you said to them, is it more important to give a cost-of-living adjustment or to spend some money to try to get our highways and our roads and our bridges and our infrastructure up to speed to make an investment in the country, I think most of the American people would say, we think it is more important to rehabilitate our roads and our bridges and our infrastructure. I daresay most of the Federal employees would say the same.

If you went to them and you asked them what is the most important, is it more important to spend more money for Head Start this year, to try to expand the Head Start Program, to take some of these disadvantaged children in the urban areas and try to move them up and give them a little bit of a head start through the Head Start Program, what is more important, doing that or giving people a cost-of-living adjustment, deserving civil servants a cost-of-living adjustment? I think most American people and I daresay most civil servants would say: You know, I am willing to skip my COLA 1 year if it is going to help give some of these children a better chance at life.

What about the funds in this bill for building sewage treatment plants? If you asked the American people: Do you want to cut the funding to do something about pollution of our creeks and our rivers and our lakes and our oceans so we can give Government employees a cost-of-living adjustment—if you did a poll on that, what do you think that poll would indicate? I think it would indicate that 90 percent of American people would say it is more important to do something to keep our water clean and do something about keeping raw sewage or ill-treated sewage out of our creeks and our rivers and our lakes. I will bet, if you did a poll of civil servants, and I think most of them are dedicated public servants, I daresay the majority of them would say: I need the money, but I am willing to make this sacrifice this year as the President requested. I think it is important to have clean water.

If you asked them, asked the American people, this question: Do you think it is more important to give Government employees a cost-of-living adjustment this year or to expand the Summer Youth Program to create summer jobs for young people who otherwise could not get them, if you did a poll on that, what do you think the American people would say? I think they would say the Summer Youth Program, an expanded Summer Youth Program, is more important than giving a cost-of-living adjustment to civil servants or to those who serve in the military.

If you ask the American people: Is it more important to build more veterans' hospitals, which we do in this appropriations bill here, in this stimulus bill, the President's job package—do you want more veterans' hospitals or do you want to give a cost-of-living adjustment to Government employees, what do you think they would say? We all know what they would say. They would say: We think it is more important to build roads and bridges; we think it is more important to expand the Head Start program; we think it is more important to maintain and build more veterans' hospitals; we think it is more important to have cleaner water through waste water treatment plants, than to give a cost-of-living adjustment this year to Government employees.

Again, I daresay most Government employees would agree with that.

I do not think we can make a habit of this, because I think we have to bring some prestige back to those who work for the U.S. Government, whether they wear the uniform of this country or whether they are civil servants. We have to let them know they are appreciated. I think we have to let them know many of us in this Chamber think the public service is the highest calling, whether you serve as President of the United States or whether you carry the mail on a mail route. Both are in the public service.

But in this time, I think, of very severe economic problems, when this country is barely emerging from the longest and the worst recession we have had since the Second World War, I think most of the American people, the overwhelming majority, would say: Yes, Mr. President; yes, Senators; you have your priorities correct. We think it is more important to flow some of these funds into these very vital programs that are going to create jobs across the economy, that are going to rehabilitate this infrastructure, that are going to help educate these young people. These things are more important than a 1-year cost-of-living adjustment increase, particularly at a time of very low inflation, as I said earlier.

I am not unsympathetic with the amendment offered by my distinguished friend from New Mexico. I know in New Mexico there are a great number of Federal employees and civil servants, and many of them are highly talented, in the laboratories there at Los Alamos and other places. They represent the cream of the crop.

Frankly, I wish we could pay more of them more money. I think many of them deserve more money. I think many of them make a sacrifice in the public service, working for the U.S. Government. But the circumstances we find ourselves in, here this evening, Mr. President, simply do not let us do both. We are in the process now, and in the business now, of making the hard choices. We are making those hard choices because, frankly, they really have not been made in the last 12 years. That makes it doubly difficult. And I think doubly tough.

Mr. President, for all of those reasons, I shall have to, with great reluctance, oppose the amendment of my friend from New Mexico. I know what he is trying to do here. I feel for these people. I want to tell you that I do. But we simply do not have the resources. We are going to have to make some sacrifices; we are going to have to assign some priorities.

I think the President has assigned the right priorities in this jobs bill that he has presented to the Congress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator GORTON is recognized.

Mr. GORTON. Mr. President, early during the transition, after the election and before the inauguration, the administration informally proposed a total freeze on all cost-of-living adjustments for both retired and active duty personnel, including Social Security. Almost immediately that proposal about the Social Security COLA's was attacked vehemently, eloquently, and successfully by the senior Senator from New York and by many other Members of Congress from both sides of the aisle, and the proposal to limit or eliminate Social Security COLA's died a deserved death.

Unfortunately, no individual in this country was so eloquent or so successful, with respect to the almost identical cost-of-living adjustments, which are the norm for retired civil servants, for persons retired from the military, or for employees either in or out of uniform.

Then with an accumulation of political pressures, we learned late yesterday that the administration had backed away one more short step and would no longer attempt to eliminate cost-of-living adjustments for retired civil servants or for retired members of the military who were over the age of 62. This leaves us, as we debate the Domenici amendment here today, with the peculiar situation that the only groups in the United States who are present or former employees of the Government of the United States who will receive no increases as a result of inflation are those who have retired before the age of 62, the overwhelming majority of whom are military retirees who were encouraged to retire or required to retire early, and a large percentage of whom have young families whom they must support, and a large number of whom are now being retired involuntarily because of the builddown in the military, and those who remain in uniform and who are working productively every day of the week for the Federal Government in civil service positions.

Mr. President, it is impossible for this Senator to justify in his mind this form of discrimination. I suppose there is some abstract theory under which everyone dependent upon the Federal Government could have been asked to sacrifice equally if, in fact, we had a budget which actually reduced the deficit or did something good for America. But how we can make a division in which some people will receive a cost-of-living adjustment and others will not, and that the ones who are not are those who are more likely to have young families and who are actually at work, that rationale, Mr. President, totally and completely escapes me.

Those who are working will have their pay frozen. What a message to send to those whom we ask to serve. We are not using the money we are saving to be a downpayment against the deficit. We are using it so that we may go into other areas, so that we may add to appropriations made last year under a budget agreement, so that we may spend more money on other matters. It is almost like a family, Mr. President, that decides it cannot support its young children because it needs a vacation.

Mr. President, this is not only not justified, it is nonproductive. We have already seen, as the Senator from Arizona pointed out, the concerns which have been expressed by General Powell and others at the drying up of recruits for our armed services, and the fact that they do not any longer score as high on aptitude tests as they did just a few years ago.

Is this measure likely to reverse that deterioration? No, Mr. President, it is likely to accelerate it. There will be fewer people willing to volunteer. And they will be lower on aptitude test scores.

Mr. President, Members of this body at least ought to remember the history of the last couple of decades and of the United States if they can do nothing else. This is what we did in the 1970's in the military—ignore them, allow their pay to fall below that of their civilian counterparts, allow them to go on to food stamps and to other forms of welfare, create hollow forces, and we resolved to reform in the late 1970's.

I do not claim this for this side of the aisle because some of these changes were taking place even before Ronald Reagan became President of the United States. We resolved to reform. We resolved not to make the same mistakes. And here we are asked to make the same mistakes, not to slim down the Government of the United States, not to save money, but in order to spend more money on a wide range of other purposes.

Mr. President, that is simply a misordering of priorities.

First, it seems to me, we must take care of the duties we already have. First, we must take care of the people whom we already have on our payrolls long before we worry about the construction of golf courses or of parking lots or of cemetery fences or of so-called summer employment programs which pay young people temporarily for playing basketball or engaging in other recreational activities. First, let us take care of the people who already work for the Federal Government.

Mr. President, the distinguished Senator from Tennessee, who is the chairman of the Budget Committee and who has worked with great diligence on the widest range of fiscal programs, in a direction with which this Senator does not agree but which, nevertheless, shows great skill, made two points.

First, he made the point that somehow or another this concern is a role reversal for Senators on this side of the political aisle, though not naming names or even making the accusation that it was individuals now in the Senate.

While I disagree with the Senator from Tennessee in that respect, if, in fact, it is a role reversal and we have now adopted his concern for those who are employed by the Federal Government, he should welcome the conversion and join with it.

Does he now wish to take the position that he accuses Republicans of having taken for so many years? Is that the role reversal that he wishes? It is certainly the role reversal he has asked the Senate to accept. He should join with us.

He stated the previous Republican Presidents had no kind words for civil servants. He did not attempt to say they had no kind words for those who served in uniform but no kind words for civil servants. Let us assume that is true. Perhaps they had no kind words, but they did not cut their pay. They did not deprive them of modest raises simply to make up for inflation.

I ask you, Mr. President, would those employees prefer kind words or a current pay raise? I suspect they would prefer the pay raise, although they would like both, and that is exactly what we propose to give them during the course of this afternoon.

Now, what does this cost? This costs under the amendment of the Senator from New Mexico 18 percent of many, though not of all, of the programs which are included in this supplemental appropriation. It will not cut child nutrition programs. It will not cut unemployment compensation. It will not cut highway construction funds or airport construction funds because they come out of trust funds and are not affected by this amendment. It will not affect some forms of mass transit, and there are two or three other relatively minor programs it will not affect.

The programs it will affect almost without exception are programs which were debated on the floor of this Senate as recently as last fall and for which generous appropriations were made last fall pursuant to a budget agreement promoted by Members of both parties. But now, under the guise of some kind of emergency that must be worse than any emergency we had last fall, even though the economy has improved since then, we are adding to a wide range of those appropriations, in some case more than doubling them but without paying for them, proposing to spend so much money that it amounts to more than all of the net savings in domestic spending in the entire 5-year budget resolution which was passed just a few hours ago.

We are asked to vote for programs that are an absolute necessity that were ignored in the budget resolution we debated for 2 weeks and just passed this morning. Why did we go through that debate? If all of these items are so important this afternoon, why were not they equally important when we debated the budget resolution just a little earlier?

The answer is that this is a way to get around the system. With all the rhetoric that we have had about the necessity to reduce the budget deficit, does the President imagine that in the next 5 years there will never be another excuse to do something like this, there will never be another excuse to break that budget, that there will never be another excuse to spend more money? We have been presented with the proposition of discipline in the future, in the by-and-by, but spending now.

This Senator believes and has voted that we should limit the spending now, find out whether or not this budget works, and then perhaps find out if there is a need to engage in additional spending.

But in a sense, these last remarks on my part are not directly relevant to this amendment. This amendment assumes that this proposal is going to pass, and deals simply with our national priorities if we are going to spend another $16 to $19 billion. This amendment by the Senator from New Mexico says if we are going to spend this additional money, will we not get as much stimulus out of treating our military and civilian employees fairly as we will from spending it on someone else? This amendment says should we not take care of the priorities we have already created over the course of the last year, the people we have already recruited in the public service, whether in or out of uniform, first before we spend money on something new?

Mr. President, it seems to me almost impossible that we should so distort our priorities. It seems to me, in spite of the eloquence of the Senator from Tennessee, inconceivable that it can be argued that the pay of these men and women, many of whom are at the bottom of the economic scale among people who are actually working, and all of whom work for the United States of America, that they should be singled out essentially to pay for a number, a wide range of new spending programs.

First priorities first should be the slogan of the Domenici amendment. Let us deal honestly and uprightly with the people who are working for us at the present time.

Mr. MCCAIN. Mr. President will the Senator yield for a question?

Mr. GORTON. I am delighted to do so.

Mr. MCCAIN. Mr. President, the chairman may have heard the comments made by the Senator from Tennessee about priorities, as to whether certain programs would have priority over the pay of the men and women in the military, and Federal employees, recognizing that a new entrant into the military makes approximately $9,000-and-some dollars a year, about $115,000 to $120,000 less than we make a year, and the average salary for about 70 percent of them is less than $20,000 a year. I am sure my friend remembers that. President Clinton said that no one earning less than $200,000 a year would be called upon to pay for these plans.

But what I would like to ask my friend is: Does he think the American people would rather have some money for Agricultural Research Service buildings or pay for the men and women who are married, maybe some serving in Somalia now, making less than $20,000 a year? I wonder if my friend—and I had a couple more questions—would feel that the American people feel that their priority is the Agricultural Research Service building and facilities—would the American people feel that money should go there as opposed to this pay?

Mr. GORTON. This Senator feels that Americans, Mr. President, if granted that choice, would prefer that the money go to these young, idealistic hard-working members of the armed services than to the repair of buildings which are already the subject of substantial appropriations in the regular appropriations bill.

The Senator would like to go on and say he also believes that it is far more likely that we will get the quality of recruits willing to start at this relatively low pay and look forward to a career in the military, if they are assured that they will be treated fairly by their Government while they wear the uniform of the United States.

Mr. MCCAIN. Mr. President, I would like to ask if the Senator will yield for a couple more questions on the same subject about priorities about Federal payment?

I would like to give a few of these to the District of Columbia. Would that have a higher priority than pay raises for the men and women in the military? How about the energy supply, research and development activities? I believe that is $46 million. Let us see. There are several others here, historic preservation fund. That would be one that maybe would have priority over the pay for the men and women in the military.

Mr. SASSER. Mr. President, I inquire, I heard the Senator from Tennessee referred to a moment ago. Are these questions being referred to me?

Mr. MCCAIN. Of course not, Mr. President. I was asking my friend because I know what the priorities of the Senator from Tennessee are. He stated them. I was asking my friend from Washington about his priorities and my friend from New Mexico about his priorities. I was very clear—only the priorities of the Senator from Tennessee.

Mr. SASSER. I just heard my name. The Senator from Tennessee was referred to, Mr. President, and I will be pleased to answer the questions if the Senator wants to——

Mr. MCCAIN. I have no questions for the Senator from Tennessee, Mr. President. If he is offended that I mentioned his name, I mentioned his name in the context. If I did not state his position correctly, I would be more than happy to be corrected. He said that it is a matter of priorities and these programs have priority.

Mr. GORTON. Mr. President, does the Senator from Washington not have the floor?

The PRESIDING OFFICER. The Senator from Washington has the floor, and the Senator from Arizona has risen presumably to ask a question.

Mr. MCCAIN. I would like to continue my question.

Mr. GORTON. Does the Senator from Arizona want to ask this Senator questions?

Mr. MCCAIN. Yes. Thank you, Mr. President.

Again, if I misstated, I say to my friend from Washington, the position of the Senator from Tennessee—I believe that he agrees with me that this supplemental takes priority over the pay and salary of the men and women of the military and our Federal employees.

Mr. SASSER. Mr. President, the Senator from Tennessee is fully capable of making his own statements and stating what his own opinions are. The Senator from Washington——

Mr. MCCAIN. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has risen to ask a question of the Senator from Washington.

Mr. MCCAIN. I will continue my questions.

The Senator from Tennessee can correct his statement, Mr. President. I certainly hope that he will.

I say to my friend from Washington, because when he said that this in the supplemental will take priority over the pay and benefits of the men and women in the military, I was just asking my friend from Washington, who I know shares my view—I would like to continue my question—my friend from Washington feels——

Mr. GORTON. Will the Senator from Arizona let me take it to this point?

Mr. MCCAIN. Sure. I think the point has been made. The point has been made. I would like my friend from the State of Washington to respond. I thank him.

Mr. GORTON. Earlier today, Mr. President, I believe, though it may have been yesterday, there was an amendment proposed which was tabled, to take out of this bill the extra tens of millions of dollars on top of the more than $600 million to the District of Columbia for the current year.

My answer to the Senator from Arizona is that while I would have preferred that we simply save that money for the taxpayers, if that money must be spent, this Senator would much prefer that it be spent on our armed services personnel and on our civil service personnel in helping to restore to them the cost-of-living adjustments of which they will be deprived if the President's program goes through in exactly the same form.

This Senator believes in historic preservation, which was another element of the question of the Senator from Arizona. There are already appropriations that are ongoing for historic preservation.

But if it comes to whether or not we ought to add to that, claiming it to be an emergency, while at the same time we deprive civil servants and our military personnel of their cost-of-living adjustments, then this Senator must say that he believes we have our priorities skewed; that we should first deal with and do justice to those who work for us, for the people of the United States, before we spend money on these other programs, even though many of them are worthy programs, and in the abstract, and in practical matters, should be supported. But perhaps not at a time in which we already have a $300 billion deficit, and certainly not at the expense of our men and women in and out of uniform who work for the Government of the United States.

The Senator from Washington does hope that he has not misconstrued—and I do not think he has stated—the position of the Senator from Tennessee, who is quite capable and most eloquent in stating his own position.

The Senator from Washington simply invites the Senator from Tennessee to reconsider his position having converted us to the position which he says that he has occupied or taken from his youth in favoring these Federal employees. The Senator from Washington simply hopes the Senator from Tennessee and others will see that we ought to take care of these employees first, and some of these other programs of less priority second.

This amendment on the part of the Senator from New Mexico, I wish to emphasize, does not remove any money from this stimulus jobs or whatever kind of program we wish to make it. The stimulus provided by appropriately compensating people who work for us will be every bit as great, and probably greater than it will be to the private purchasing power and to give it to some other people or organization. This is a separate debate from whether or not we ought to slash substantially from this entire program.

This amendment, within the context of this program, is simply a request for justice and for doing right by those whom we have asked to serve in the uniform of the United States or to serve in the civil service of the United States. We earnestly request that our colleagues on the majority side of the aisle agree with this reordering of priority.

RESTORING THE 1994 FEDERAL PAY RAISE

Mr. WARNER. Mr. President, I am pleased to join my distinguished colleague from New Mexico, Senator DOMENICI, as an original cosponsor of this excellent initiative. We seek to assure that the 1994 pay raise goes forward as planned for uniformed and civilian employees of the Federal Government.

The President has asked for shared sacrifice by the American people in getting the Federal deficit under control. Federal employees are willing to share the burden, but it is highly unfair to single them out for sacrifices beyond those expected of other Americans.

Following years of effort to successfully establish a pay comparability system which helps Federal pay levels approach comparability with the private sector, it had been my hope that we had at last found a way of de-politicizing Federal pay raises. Federal workers are paid, after all, from 20 to 28 percent less than private sector employees with the same job responsibilities. Each annual pay raise is now designed to bring the Federal sector a few steps closer to what their fellow workers earn in the private sector.

My colleagues will no doubt remember and have hope to forget the painful controversy surrounding the significant pay raise several years ago provided for Government executives, including Members of Congress.

That Federal executive pay raise was intended to be the first step in providing a measure of comparability for all employees. We could deny comparability to rank and file Federal workers only as long as we denied it to ourselves, but once the Congress agreed to our own higher pay rates, we have no business depriving the same measure of comparability for Federal employees.

The fiscal year 1994 Federal pay raise—which, let me repeat, is actually an incremental pay comparability adjustment—is now projected at 2.2 percent, effective January 1, 1994. It is my understanding that this will cost $3 billion in budget outlays, and that this funding may be achieved through an across-the-board 18-percent reduction in the extraordinary supplemental discretionary funding provided in this bill, with Federal agencies absorbing the remaining costs.

The able ranking member of the Budget Committee has shown us the way, and I urge my colleagues to follow. Let us not unduly penalize the dedicated uniformed and civilian employees of the Federal Government, particularly at a time when we have asked so much of them already.

HEAD START

Mrs. KASSEBAUM. As you know, I had planned to offer an amendment which would have required the Department of Health and Human Services to include in its annual Head Start report, the Department's plans for improving the quality of services and accountability in the program. At a time when there is so much emphasis on increasing the funding of Head Start, we must be vigilant that equal emphasis is given to improving services and ensuring that the funds are used effectively. I agree with the editorial in yesterday's Washington Post—it will be very difficult to improve program quality while the program is rapidly expanding. "More children won't be helped unless more providers get help." I support the expansion of quality Head Start programs, rather than program expansion for its own sake. It would be irresponsible for Congress to rapidly increase program funding without first doing everything possible to ensure the money will be spent wisely. I understand that my distinguished colleagues from Iowa, Massachusetts, and Connecticut share my concern, is that correct?

Mr. HARKIN. As the chair of the Subcommittee on Labor, Health and Human Services and Education of the Senate Appropriations Committee and a colleague of Senator KASSEBAUM's on the Committee on Labor and Human Resources, I appreciate the interest expressed by the Senator from Kansas. I am concerned that we not only expand services, but that we also ensure the quality of the programs we are funding. I intend to send a letter to Secretary Shalala asking that she include the Department's plan for quality improvement and program accountability in the Department's report to Congress on the Head Start Program. Additionally, I can assure the Senator from Kansas that issues around the quality of Head Start services and the need for program accountability will be specifically addressed when the Subcommittee on Labor, Health and Human Services and Education conducts its oversight hearings on the Department of Health and Human Services this summer.

Mr. KENNEDY. I too share the concerns of my colleagues from Kansas and Iowa. The Head Start Program needs a steady infusion of resources necessary both to expand program enrollment and to enhance program quality. I have a strong commitment to fully funding Head Start and an equal commitment to ensuring that the quality of Head Start services improves as the program expands. The two must go hand-in-hand.

Mr. DODD. I could not agree more with my distinguished colleagues from Kansas, Iowa, and Massachusetts. Program expansion without quality services and accountability to ensure that quality would not benefit anyone. In order for the Head Start Program to remain effective, efforts to achieve full funding must be accompanied by a commitment from Congress, the administration, and the Head Start grantees that children and their families will receive high quality services. This was the thrust of the 1990 reauthorization of the Head Start Act, which I sponsored. I can assure Senator KASSEBAUM that I will work with her to see that an oversight hearing is held before the summer ends.

IS CONGRESS IRRESPONSIBLE ON APRIL FOOLS' DAY? YES!

Mr. HELMS. Mr. President, this is April Fools' Day in the Senate. And in a lot of other places in Washington—especially among the major media of America. But, then, every day is April Fools' Day when the television networks put together their evening newcasts and when the presses begin to roll at the Washington Post and other leftward-tilting news rooms around the country.

A newspaper published and circulated mainly on Capitol Hill today devoted its entire front page to contrived reports of insane acts by Congress. Not much different from the paper's regular front pages.

One of its April Fools' Day jokes was a page 1 story declaring that an expensive golf course is being planned for the Capitol's Grounds. Before you laugh too heartily, Mr. President, wait a week. Next week the joking report may well be accurate—the way the Democrats in Congress, both House and Senate, are throwing the taxpayers' money around.

Consider this: A couple of days ago, March 30, during consideration of the Clinton economic stimulus package, the Senate tabled, 52–48, an amendment offered by the Senator from Colorado [Mr. BROWN] to eliminate a number of frivolous spending projects which are to be funded under this bill. As Senators are aware, the bill carries an emergency designation. By the way, Webster's Dictionary defines "emergency" as a "sudden, generally unexpected occurrence or set of circumstances demanding immediate action."

Among the projects which would have been stricken by the Brown amendment is a golf course in Florida. According to the decision made by the Senate's majority, a golf course in Florida is so vital to the economic well being of America that it is given emergency funding.

Mr. President, what I am about to say is no April Fool. It certainly is not funny. The Federal debt—run up by the U.S. Congress—stood at $4,225,652,642,999.48 as of the close of business on Tuesday, March 30. Let us hit that again; 4 trillion, 225 billion, 652 million, 642 thousand, 999 dollars—and, oh yes, 48 cents.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. But due to irresponsible fiscal practices, the tab on a per capita basis, every man, woman, and child in America owes $16,451.25—thanks to the bigspenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

No Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

Happy April Fools' Day.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am prepared to move to table the amendment. I understand one or two Senators on this side want to make a response.

How long will it take the Senator from Tennessee?

Mr. SASSER. Mr. President, it should not take me more than 2 minutes.

Mr. BYRD. Mr. President, how long for the Senator from Arkansas?

Mr. PRYOR. About 3 minutes.

Mr. BYRD. Mr. President, I yield to the Senator from Tennessee for 2 minutes and then to the Senator from Arkansas for 3 minutes. I ask unanimous consent that my rights to the floor be protected, that I retain my rights to the floor.

The PRESIDING OFFICER. Without objection—

Mr. BURNS. Reserving the right to object, and I shall not object. I would just like to be protected 2 minutes somewhere in this debate.

Mr. BYRD. Mr. President, I also include the Senator from Montana for 2 minutes, and 3 minutes for the Senator from New Mexico. That will be 5 minutes on each side. Then I will move to table.

I ask unanimous consent that I may yield 2 minutes——

Mr. MCCAIN. I object.

Mr. BYRD. Mr. President, I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DOMENICI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The bill clerk continued with the call of the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—49

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—0

So the motion to lay on the table the amendment (No. 294) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I may speak for 5 minutes, or 10. So, if Senators will please withhold their discussions until I finish.

Mr. President, I have been around this Senate, now, 35 years. I have seen filibusters that were called filibusters. I have seen filibusters that were called extended debate. I have seen filibusters that were real filibusters and I have seen filibusters that were so-called gentlemen's filibusters. This is a filibuster. This is a filibuster.

This is a filibuster by amendment. Let us have no uncertainty about that. Why do I know? There are a number of reasons. Let us go back just a little bit.

The original cry went out concerning my having stacked the tree. I stacked that tree to protect the President's program until such time as we could get a problem, a serious problem, resolved on this side of the aisle. I was concerned, lest this problem not be resolved, this program could not be kept intact. So I indicated last Friday, and again on Monday, that there might come a time when I would move to recommit, change the playing field a little. But I wanted this problem to be resolved. It was a serious problem, the triple B amendment: Boren, Breaux, and Bryan. It was a serious amendment and the Senators were dedicated in their high purpose in offering that amendment.

That problem was solved in a nonlegislative way, to the satisfaction of those Senators and to the satisfaction of the White House.

I am the manager of this bill. Everybody—I do not have to say that. But there are two ploys here, and I am well aware of what they are. One is to divert attention away from this program of the President, divert attention away from it, bring in the Sears Roebuck catalog, the Montgomery Ward catalog, the Spiegel, May, Stern catalog, a lot of lists of items that are not in this bill, never intended to be funded in that bill, will not be funded in that bill. We have the President's word for it. We have the OMB Director's word for it. And we have the amendments that are in the bill to say that the money will not be spent for that. So that is directed to deal with one of the ploys.

The other ploy is to make somebody a scapegoat. Let Senator Byrd be the scapegoat.

Oh, the word went out. "Now, if that had been the majority leader stacking that tree it would have been all right. That was not the majority leader." So what? The rules are there for every Senator. I respect my majority leader, but I have a duty to perform here and that duty is to protect this President's program. He wrote me a letter saying he did not want it fenced, did not want it offset, and he wanted the bill enacted. He has not indicated ever—did not indicate in that letter that he wanted any changes. So I am doing my duty.

Now, if they want to make Robert Byrd the scapegoat, fine. Somebody has to be scapegoat—fine. They are in a difficult situation and they want to try to divert attention away from the bill, make it look as though they have been had; their rights have been trampled on. That is what they would like—nothing better. But they have a problem with that. I am not going to let them get away with that. If they want to make me the scapegoat, fine. The rules are there. They know the rules.

I have had the rules used against me. I used that same tree last year on the rescissions bill. Nobody cried foul. I was the chairman of the committee on that occasion when I used that tree. This did not catch them by surprise. One of the finest Senators in this body from the other side came to me and laughed. He said, "Some of them said, 'Senator Byrd would not do that.' I told them, 'You just wait and see.'" It was not a surprise. It was not a surprise.

Mr. President, there is no tree, so the Senators on the other side are exercising their rights to call up amendments. And in every instance they have had their amendments defeated. Why do they not let us vote on the bill? Why do they not let us vote on the substitute amendment? Let us vote and get on with the debt limit extension.

No, they want to play along, they want to have amendment after amendment after amendment. The amendments are going down.

I was minority leader once on this side, and you talk about a tree—the Republican leader stacked a tree, seven amendments; stacked a tree, seven amendments. I was minority leader. Senator MOYNIHAN was here on that occasion. And I laid out exactly what this meant, page No. 70 in the old book of procedure. I said: This is the plan. They will put one here, put one here and here, they can put one here and here and here, A, B, C, D, E, F, and they can move to recommit and stack that.

Do you know what happened? Senator MOYNIHAN stood up one day and said, "Did you see the story in the paper this morning by Helen Dewar and somebody else that the majority leader—the then-majority leader said he is going to do exactly that? What Senator Byrd was speculating about was his plan."

I never quarreled with Senator DOLE in exercising his rights as the majority leader to stack that tree. I did not like it but I said that is the custom. The majority leader has first recognition. That has been the custom, that ought to be the custom, and that is the custom we have been living by. I recognized that.

But what I did not like and what Senator MOYNIHAN did not like and what Senator Chiles did not like at the time, was the fact that the majority leader then on that occasion abused his right to recognition. He would not give the Democrats a chance to call up an amendment after he had stacked the trees. I pleaded, let us call up an amendment. He called up amendments for somebody else on the other side, used his first right of recognition to call up Senator X's amendment, and he used his right of recognition to call up Senator Y's amendment, used his right of recognition to call up Z's amendment, just like that. We did not get to call up any amendments.

I have never done that. I have never used my right of recognition to call up an amendment by Senator so-and-so and Senator so-and-so because that Senator might not get recognition.

You see, I was minority leader. Following the majority leader's right to recognition, I had first right of recognition. So, in order to keep me and my fellow Democrats here from calling up amendments, he used his right of recognition time and again, two or three—three times, I believe it was, to get other Senators' amendments up from that side and deprive us—deprive my fellow Democrats of calling up amendments; deprive me as minority leader of calling up an amendment. The record is there.

As Cicero said—Cicero said that an orator should remember the record of events of past ages. To be ignorant of what occurred before you were born is to remain always a child.

He was telling us to read history. I read it. I have read this history in this body. So do not let anybody say that Senator BYRD has not been fair. I have stood here for the rights of the minority.

I had calls from the White House: Let us include the health care package in the reconciliation bill. I said I cannot do that. I cannot do that. That is a bill that is entitled to debate on this floor and I just will not do it. I will raise an objection if nobody else does.

People in this country ought to know what is in that bill. Senators ought to know what is in it when they vote on it, and that was accepted. There was no quarreling about that. I was defending the rights of all Senators.

Senator MITCHELL had wanted to have a motion to proceed without debate. I said no, I want some more time because I believe in protecting the rights of the minority. They ought to be able to filibuster a motion to proceed, but I have never stood, Mr. President, for using the rights of Senators in the way that they are being used now. If the Senators on my right—and I have great respect for all of them, and I stood here as a Senator who wants to protect minority rights. I remember, I was in the minority, I was the leader in the minority. We may be in the minority again some day. I wanted to protect minority rights. That is what this Senate is all about. That is why the Senate is still the greatest institution, one reason why, I want to protect minority rights. But let me tell you, Mr. President, I am getting a belly full of this abuse of minority rights. There comes a time when the majority has to control.

So let me say to you, Mr. Leader, mark me down as a supporter of making a nondebatable motion to proceed. Mark me down. I am still a protector of minority rights and, as far as I am concerned, that is ample protection. We can filibuster when the matter is called up. When you want to call up that House bill on the line-item veto, I will not filibuster your calling it up. I will determine what my rights are after you call it up, but I am off that wagon now.

I am sick and tired—here we have a President 71 days into his Presidency. I can remember the calls and the letters that came to me from people all over this country, the people of West Virginia, let that President have a chance when Ronald Reagan was elected President, and I voted to give him a chance. I did not vote to tear him down. And when the tree was stacked against ROBERT BYRD, you go back and read that RECORD, I accepted it in good grace. I accept my defeats in good grace. That is the American way: Have at it, get your amendments up, vote, go on to the next battle.

Corinthians, the Book of First Corinthians says: When I was a child, I thought as a child, I talked as a child, but when I became a man, I did away with childish ways.

Mr. President, I have played that game a long time. Play the game, play it hard. If you win, fine, I will get myself off the canvas, dust myself off, smile and say, "All right, let's go to the next fight." But this thing of being unwilling to let a new President who was elected because the people wanted a change, they wanted to get rid of gridlock, and they want him to have a chance, and here we have these obstructionists on this side who continue to call up amendment after amendment after amendment, and we vote solidly against their amendments. They know their chances of having an amendment adopted are not good. I am tired of it.

So count me on your proposal. You have got one or two other proposals I want to get on, too. Here is one Senator on this side of the aisle, I believe, one Senator who knows about this Senate, as much about this Senate, about its history, about its traditions, about its customs as anybody. Mr. President, I have given the best of my life to this institution. I have put it ahead of my church, I have put it ahead of my family, and I have put it ahead of my own health. And I intend to continue down that road. I will always be fair, but the rules are there. And if it is hardball that wants to be played, here is one who will not shrink from the task.

So I say, let us get on with voting on this bill. Give this President a chance, and if they do not want to do that, vote against it. Let us get on with the bill, let us call this a filibuster. That is exactly what it is, and let the American people know that that is what it is. Filibuster by amendment.

And I say to the American people, if they want to give this President a chance, they ought to let Senators who are obstructing this bill know about it, let them know that the American people want action. If you are going to vote to kill this bill, just vote, vote it down, vote it down and then let the American people see who killed it. If you want to filibuster it to death, let the American people see who filibustered it to death.

I am calling it exactly what it is, and that letter that went out around here, 42 Senators signed a letter to the Republican leader. It has surfaced. Everybody knows it is around. Forty-two Senators on the other side say, in essence, there are 42 of us who will not vote for cloture, unless there are reductions in this bill, and we are ready to cancel our recess.

I say let us cancel the recess. Senators are getting paid. I offered the amendment to raise Senators' pay. Your pay, my pay, everybody's pay in here. So let us just cancel it. Let us have some cloture votes. Let us let the obstructionists show who is holding up this bill. And if the bill is killed, let us let the credit lie where it is due.

I yield the floor.

Mr. MITCHELL addressed the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that——

Mr. MITCHELL. Mr. President, I object.

Mr. WELLSTONE. Objection.

Mr. SPECTER. If I may finish my statement, Mr. President. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Is there objection? There is objection. The clerk will continue calling the roll.

The bill clerk resumed the call of the roll.

Mr. SPECTER. Mr. President, I again ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. There is objection. The clerk will continue calling the roll.

The bill clerk resumed the call of the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business from now until 9 p.m., during which Senators be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JENNIFER BRICK

Mr. MURKOWSKI. Mr. President, I want to take the opportunity to acknowledge Jennifer Brick on my staff. She will be leaving, as her husband is being transferred to Hong Kong. She has worked hard on issues in accordance with my responsibility on the Foreign Relations Committee.

I yield the floor.

UNITED NATIONS CRITICIZES INDONESIA ON EAST TIMOR

Mr. DURENBERGER. Mr. President, I rise to comment on recent events pertaining to Indonesia's persistent abuse of human rights in East Timor. In a striking and refreshing departure from past practices, the U.N. Human Rights Commission adopted a stern resolution expressing its deep concern at the reports of continuing human rights violations in East Timor.

The Commission expresses its concerns regarding the Government of Indonesia's actions pertaining to its massacre of civilians at a funeral rally on November 12, 1991. Indonesia has yet to account for many of those still missing from that atrocity, nor provided an accurate accounting of those East Timorese killed by its security forces.

Further regarding the massacre of November 12, the Commission notes its regret at the disparity in the severity of the sentences imposed on civilians not indicted for violent activities and on the security forces involved in the murders. The heaviest sentences for East Timorese, for example, ranged from 5 years to life in prison. For the security forces, the heaviest sentence was only 18 months.

In the opinion of this Senator, such a disparity is unconscionable and deserves severe criticism from the international community.

Mr. President, it is important for our colleagues to note that this is the first time since Indonesia's invasion of East Timor in 1975 and its subsequent, and ongoing, brutal repression of the people there that the international community has issued such a stern rebuke of the Indonesian Government. This welcome development is largely due to the change in U.S. policy introduced by the Clinton administration.

As a U.S. Senator who has repeatedly urged previous administrations to take off the kid gloves in dealing with Indonesia on this matter, I want to express my deep appreciation and gratitude for this change in policy.

Mr. President, I would like to note several of the specific steps the U.N. Commission urges upon the Indonesian Government. Among other things, the resolution calls upon the Government to ensure that all East Timorese in custody, including prominent public figures, be treated humanely; that their rights be fully respected; that all trials be fair, just, public, and recognize the right to proper legal representation. It further calls upon the Government to release without delay those not involved in violent activities.

While welcoming the recently expanded access to human rights and humanitarian organizations, the Commission urges the Government to expand this access still further. I note with satisfaction that Indonesia has permitted representatives of some human rights groups, including Asia Watch, to send observers to an important political trial now underway in Dili. This is a much appreciated, positive step. Nevertheless, human rights and humanitarian organizations should be given regular, unhindered access to East Timor in order to conduct investigations and deliver humanitarian services to political detainees.

The Commission also urges the Government to invite to East Timor and facilitate the work there of various U.N. Special Rapporteurs and other representatives. It is my understanding that Amos Wako, the personal envoy of the U.N. Secretary General, will soon be traveling to East Timor for a follow-up visit to the earlier trip there in February 1992. This is certainly a welcome move.

Mr. President, I wish to add my voice in support of these and the other recommendations issued by the U.N. Commission. These are extremely encouraging developments, and it is absolutely incumbent upon the United States, the United Nations, and the international community to follow through on the Commission's good work.

We must not lose sight of what one journalist called East Timor's untelevised terror. The Indonesian Government must be held accountable for its unacceptable behavior in East Timor and consistently urged to respect internationally accepted human rights.

I vigorously urge my colleagues to continue monitoring the situation in East Timor and Indonesia's progress toward implementation of the U.N. Commission's recommendations and admonitions. I would further urge my colleagues to share their concerns with the Indonesian Government, in particular the very able and honorable Ambassador Rachman Ramly here in Washington.

Mr. President, let me once again express my strong support for the recent United Nations actions pertaining to East Timor as well as the Clinton administration's crucial role. The new U.S. policy is welcome indeed.

Thank you, Mr. President. I yield the floor.

MURDER IN A SANCTUARY

Ms. MIKULSKI. Mr. President, I rise today to submit for the RECORD an editorial from the Evening Sun.

Last week I offered a statement honoring Sister MaryAnn Glinka. This editorial not only pays tribute to Sister MaryAnn, but speaks directly to the need for everyone to come together and end the senseless violence in our communities.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Baltimore Evening Sun, Mar. 23, 1993]

MURDER IN A SANCTUARY

This city will never become inured to violent death, and no city should; the slaying of any one of us diminishes us all. But the murder of a woman who had embraced a life of poverty and dedicated herself to helping others, who had risen to a post of leadership in her order of similarly committed nuns, leaves a particularly deep scar on this community. As Mayor Kurt L. Schmoke noted last Friday in a visit to the scene of the murder of Sister MaryAnn Glinka in a Baltimore convent, certain crimes carry with them very heavy symbolism.

Throughout history, convents and monasteries have played a special role, offering hospitality and protection to those who need it. When such a hospice becomes a murder scene, and those who would give protection and comfort become the victims, all citizens can shudder at the affront to humanity.

The crime raises a question most of us would rather not face: If a woman is not safe in a convent, where can anyone feel safe? The area just north of Memorial Stadium where the Franciscan mother house is located is not in one of the city's scarier neighborhoods, where children are prey to stray bullets on their playgrounds or even in their own homes. But no neighborhood is an island, and the convent is only a few blocks away from one of the city's open-air drug markets. It is not yet clear whether narcotics played a role in this crime, as it has in so many others in recent years. Apparently, it was enough that the convent appeared to be a soft touch to a thief.

The quick arrest of a suspect in the murder is heartening. But arrests and convictions don't halt the bloody tide. Where do residents of Baltimore—and, increasingly, its suburbs—look for sanctuary? In ourselves and each other, a civic leader from a community near the North Baltimore murder scene suggested. "It just seems to me that people have to change how they feel about themselves," said Gussie Tweedy, of the nearly Pen Lucy neighborhood.

Aside from the symbolism Mayor Schmoke referred to, Sister MaryAnn's death was particularly tragic. Here was a woman who had, at a time when interest is declining in religious orders, devoted her life to bettering other peoples' lives. A native of Fells Point, she chose the Franciscans over another order closer to her own heritage because she felt more comfortable with its spirituality. Priests and nuns who have served with her here and in Virginia describe a petite but vigorous woman who would have helped legions of others had she been left with us. The whole community mourns her death, along with her family, friends and colleagues in and outside the Catholic Church.

THE CRISIS IN ZAIRE

Mr. KENNEDY. Mr. President, in recent weeks, the political crisis in Zaire has gone from bad to worse. The brutality and wholesale violence of President Mobutu and his henchmen in the army have brought the country to a near standstill. With the people unable to engage in normal commerce and agriculture, food is in short supply, and the first signs of hunger are surfacing.

Unless further steps are taken by the international community to end the crisis, Zaire could well erupt into full-scale civil strife and become a major humanitarian catastrophe.

President Mobutu's army of thugs continues to intimidate opponents with impunity. They have pillaged homes and markets for the few remaining goods in the country, and turned the capital, Kinshasa, into a virtual wasteland. Medical and other vital services are now almost nonexistent.

Just months ago, there was reason to believe that the goal of freedom and prosperity of the people of Zaire would at last be fulfilled.

Under pressure from the United States, Belgium, France, and other governments, President Mobutu permitted a Sovereign National Conference [SNC] to convene composed of over 2,000 representatives from all sectors of Zairean society. Last August, in a promising development, the SNC adopted a Transitional Act—an interim constitution—to govern the country during the transition to multiparty democracy. The conference agreed that President Mobutu could serve as head of state, but without governmental authority. Etienne Tshisekedi, a popular opposition leader, was selected by a majority vote of the SNC to serve as

Prime Minister of an interim government. A 458-member provisional parliament, called the High Council of the Republic, was elected by the Sovereign National Conference and was led by Archbishop Monsengwo. These actions were to culminate in free and fair elections for a new national government in 1994.

However, in the past several months President Mobutu has demonstrated a cold-blooded determination to prevent democratic progress and to retain power at any cost.

Prime Minister Tshisekedi and the High Council sought repeatedly to curb President Mobutu's abuses and to implement the democratic reforms mandated by the interim constitution. However, President Mobutu and his cronies responded by deliberately inflaming tribal tensions in the country in an effort to justify the need for special emergency powers and authoritarian rule. And he has brutally suppressed prodemocracy demonstrations and other expressions of opposition to his tyranny.

In October, when Prime Minister Tshisekedi removed President Mobutu's control of the national treasury, the President's soldiers took over the central bank. After a tense standoff, President Mobutu ordered the Prime Minister to dissolve his government and the dictator's troops evicted Prime Minister Tshisekedi's ministers from their offices, in direct violation of the Transitional Act.

When Prime Minister Tshisekedi and the interim parliament rebuked President Mobutu for his actions, he announced that he no longer recognized the Transitional Act or the authority of the interim parliament. He summarily dismissed the parliament and Prime Minister Tshisekedi—all actions for which he had no authority. He then resurrected his own rubberstamp assembly which had been suspended by the National Conference last summer. And, 2 weeks ago, President Mobutu appointed his own prime minister, in yet another brazen effort to thwart the democratic process.

All of these actions have been accompanied by extreme violence by Mobutu loyalists in the Zairean Army. Thousands have died at the hands of the army. Hundreds of innocent civilians were killed when the army attacked prodemocracy demonstrators. The homes of leading opponents have been attacked. Members of Prime Minister Tshisekedi's cabinet were held hostage in their homes and deprived of food.

In this continuing crisis, the United States and the international community must stand with the brave leaders of Zaire's democratic future. Prime Minister Tshisekedi and the members of the High Council are struggling daily, at extraordinary personal risk, against the corrupt and violent rule of President Mobutu.

Mr. President, Mobutu has cruelly demonstrated his intense opposition to freedom and democracy for the people of Zaire. He has mortgaged any claim to leadership of that future democratic nation. The United States and all friends of democracy around the world must redouble our efforts to end this rule of terror and return Zaire once more to the hopeful path on which it was embarked last year. And in the process we must lend a helping hand to the people of Zaire, as they seek to rebuild their country after months of suffering.

SUDDEN INFANT DEATH SYNDROME

Mr. RIEGLE. Mr. President, I rise today to bring attention to a tragic disorder that is killing our Nation's infants, sudden infant death syndrome. Sudden infant death syndrome [SIDS] is a fatal disorder which kills thousands of infants in the United States each year.

SIDS is the major cause of death in the United States for infants 1 week to 1 year old, claiming the lives of 7,000 American babies each year. That is 1 out of every 500 live births, or nearly 1 baby every hour of every day. Many more infants die of SIDS in 1 year than all infants who die of cancer, heart disease, pneumonia, child abuse, AIDS, cystic fibrosis, and muscular dystrophy combined. SIDS is an indiscriminate killer: It strikes infants from all regions, cultures, and socioeconomic backgrounds. It is a major factor contributing to the high rate of infant mortality in the United States.

SIDS invariably comes as a tragic surprise. In most cases, an apparently healthy infant is put to bed without any indication that anything is wrong. Sometime later, the infant is found dead. The infant's prior medical history, a complete postmortem examination, and a thorough examination of the death scene provide no explanation for the cause of death. SIDS leaves in its wake grieving families and physicians without answers.

The primary Federal agency responsible for conducting SIDS research is the National Institute of Child Health and Human Development [NICHD] at the National Institutes of Health. Although cases of SIDS date back to biblical times, organized scientific research into SIDS did not begin until the 1970's. In 1988, at the request of Congress, the NICHD assembled a group of scientists to review what was known about SIDS and develop a research plan.

The 5-year research plan developed by the NICHD has brought some progress. Studies have suggested a relationship between SIDS and kidney abnormalities and exposure to tobacco smoke. Although research has developed exciting leads, we still have not found any answers.

Mr. President, State and local communities have been actively educating the public about SIDS. Tomorrow, April 2, in communities across America, people will participate in Red Nose Day USA. The idea of Red Nose Day USA comes from Bozo the Clown, who is a spokesperson for Red Nose Day to fight SIDS. To show their support for research and public awareness about SIDS people across the Nation will wear the red clown nose. The goal is to make the problem of SIDS as plain as the nose on your face.

Mr. President, it is time for Federal legislators to take steps to educate the public about SIDS. I will be introducing legislation to establish a National Sudden Infant Death Awareness Week to coincide with local community and State efforts to educate the public about SIDS. I encourage Members of Congress to join with me and local volunteers across America in bringing public attention to this tragic disorder.

RECONCILIATION IN EL SALVADOR

Mr. DURENBERGER. Mr. President, 2 weeks ago, the process of reconciliation in El Salvador reached yet another milestone. The Truth Commission, established by the 1992 peace accords, issued its report regarding major human rights abuses committed by both sides to the conflict.

The Truth Commission report hits hard. It makes tough, but probably fair, recommendations about the future in El Salvador. This report is a critically important element in the reconciliation process.

But the true significance of the report is the role it plays in helping the Salvadoran people confront certain realities about their past in order to move forward toward their future. From its inception to its completion, the work of the Truth Commission has been designed to form part of the necessary bridge between El Salvador's violent recent past and its bright, peaceful, and prosperous future.

I would note, however, Mr. President, that judging from various op-ed pieces and public comments, that some people in this country are using the Truth Commission report to vindicate their long-standing opposition to United States policy toward El Salvador, to conclude that United States policy was a miserable failure.

There is no question that the United States has made mistakes along the way. But those who demanded that we wash our hands of El Salvador and simply walk away were never willing to take responsibility for what almost inevitably would have resulted—a savage, unrelenting, and endless war, with profound consequences for a nascent democracy.

As Assistant Secretary of State, Bernie Aronson stated in late 1991

> United States assistance ensured that those seeking to rule El Salvador through vi-

olence and intimidation, on both the left and the right, did not prevail, while Salvadoran society slowly, painfully, but deliberately created authentic democratic institutions, opened political space, and created new mechanisms to defend human rights and the rule of law.

It was always tough to strike the proper balance between defending a democratic government against guerrilla insurgents and demanding respect for human rights in the middle of a civil war. But I believe the key to U.S. policy over the past 12 years is that we have remained engaged.

As our policy has matured, we have learned to understand the Salvadoran situation in Salvadoran terms. As long as we saw it primarily as a cold war proxy fight between East and West, irrelevant information clouded our policy judgment. Eventually, we came around to a bipartisan understanding, shared by both the Congress and the administration, of the difference between symptoms and root causes, and good policy came of it.

And now, with the war over, El Salvador is at a crossroads. The peace accords of last year and the Truth Commission report of last month are not the end of the road for El Salvador. The report, in particular, should be seen as a continuation of the process of consolidating peace and democracy, respect for human rights, and national reconciliation.

There is no doubt it will take tremendous effort on El Salvador's part to consolidate the peace, fully implement the far-reaching accords, restructure its society, and rebuild the country.

Mr. President, as I stated 1 year ago, United States policy toward El Salvador is also at a crossroads. For years, U.S. policy has been characterized by alternating cycles of panic and neglect. Just as El Salvador must strengthen the center and diminish the extremes, so too must we in this country strive to achieve a sustainable level of engagement, in which we minimize our own extremes, in this case, panic and neglect.

In December 1980, I urged my Senate colleagues to realize that once panic sets in after the period of neglect, "it is too late, [and] we rush to treat symptoms rather than causes." If we now commit ourselves to sustained engagement, we will avoid the tragic mistakes of neglect, which seem always to lead to panic.

Notwithstanding the rhetoric of United States policy in the early 1980's, the root causes of the war in El Salvador had much less to do with the cold war threat of a Communist beachhead in Central America than with the long and sorry history of political repression, authoritarian rule, social injustice, poverty, malnutrition, disease, illiteracy, and many other ills.

With the war over and the reconciliation process well underway, the people of El Salvador can focus their considerable energies and talents on resolving many of these problems which still exist. That will be the challenge for El Salvador. And it is in the United States interest that we help El Salvador further establish a more just, democratic, and stable society, in which individual freedoms are protected, human rights guaranteed, and productive energies set free.

Such a United States and international approach to the many challenges facing our friends in El Salvador will dramatically increase our prospects for long-term success.

AMNESTY FOR THOSE ACCUSED

Mr. President, the Truth Commission report details the findings of the three-member Commission about some of the most notorious abuses of the long war. It assigns blame to those it found responsible—mostly in the armed forces, but also among the FMLN guerrillas, although I would note for the record the apparent absence from the Commission report of any substantive mention of several major FMLN atrocities, such as the assassinations of Presidential Chief of Staff Rodriguez Porth or of American citizen Francisco Peccorini.

Yes, as an end in itself, it seeks to establish the truth and to determine responsibility for many abuses. But I emphasize again that the report's true importance is the role it plays in helping the Salvadorans reconcile their differences and build a peaceful future.

There is considerable discussion both here and in El Salvador on the question of granting amnesty to those on both sides of the conflict accused of abuses during the war.

Recently, the Salvadoran National Assembly passed an amnesty law. Although there remains some disagreement regarding the timing of the amnesty and other factors, there is general agreement in El Salvador about the need for an amnesty.

This is a difficult issue to resolve. Should there be an amnesty for those who committed heinous, atrocious acts of violence against civilians—be they nuns, land reform advisors, peasants, mayors, U.S. service personnel, the attorney general, the archbishop, or Jesuit priests? Or should the people of El Salvador forgive the sins of their past, reform their country, and move boldly ahead into the future?

Whatever's one's personal view is on this question, I believe it is essential that the Salvadoran people themselves find their own path to resolving this dilemma. The United States Government and concerned citizens here should not seek to impose their own particular prescription for the future on the government and people of El Salvador. The Salvadorans will have to resolve this one, and we should respect whatever decision they themselves make.

For those of us who are committed to the rule of law, it is important that the people of El Salvador have some means or mechanism for influencing that decision. It is also important that there be an effective means of enforcing the rule of law now and in the future. The sad condition of the criminal justice system requires serious improvements, and we should assist in that effort in whatever appropriate way we can.

It is worth noting that a general amnesty was envisioned by both sides when the government and guerrillas agreed to establish the Truth Commission during the negotiations. It is thus not a new idea that has recently sprung up. It is also worth noting that church leaders in El Salvador have generally advocated pardoning those responsible once the truth has been determined.

There are no doubt differences of opinion in El Salvador and the United States on how best to proceed on this issue. But the most important criterion, Mr. President, the single most important factor in resolving the amnesty issue, is the impact a given resolution will have on the future in El Salvador.

Will the resolution promote or hinder the process of national reconciliation, of consolidating the peace, of strengthening democratic institutions? Only the Salvadorans can answer that question.

In conclusion, Mr. President, I want to emphasize that I look forward to continue working for El Salvador's future. It is a bright future indeed, and the United States stands to gain a great deal from firmly established democratic governance and civil society in El Salvador.

ADMINISTRATION IMMUNIZATION INITIATIVE

Mrs. KASSEBAUM. Mr. President, perhaps nothing speaks as eloquently of the need for comprehensive health care reform as our alarmingly low rates of childhood immunization.

Later today, the President will introduce his $1 billion plan for addressing this problem. Several aspects of that plan, such as more funding for State immunization action plans and funding for State and Federal immunization tracking and surveillance systems, are right on target.

But the centerpiece of the plan—the universal Federal purchase and distribution of vaccines—misdiagnoses the causes of the problem and prescribes an ineffective and wasteful remedy.

If our low immunization rates were the result of the cost and availability of vaccines, the President's proposal to have the Federal Government purchase all vaccines for free distribution might make sense.

But that is not the case. The National Vaccine Program Advisory Committee, the Centers for Disease Control and Prevention, former Surgeon General Koop, and public health officials across the Nation agree that our low immunization rates are the result not of the cost of vaccines but, rather, of inadequate public education, inadequate outreach to poor and minority populations, and the lack of a coordinated, readily accessible system for delivering immunization and other primary care services.

The real problem, in short, is that too many parents do not know the value of immunizations, and those that do have a hard time finding accessible providers to deliver them. The supply of vaccines is not the problem. The problem is our lack of basic primary care services—especially in rural and inner-city areas.

Mr. President, if we are truly committed to fixing our tragic childhood immunization problem, this is where we should be focusing our limited Federal resources—not on buying up all of the vaccines and giving them away.

Instead, the administration is now proposing to spend an estimated $1 billion each year to have the Federal Government purchase the entire vaccine supply and give it away free as an entitlement to everyone, the rich as well as the poor, the insured as well as the uninsured.

Is this the best way to use scarce taxpayer dollars?

Consider this: With this same $1 billion, we could nearly triple the number of community health centers currently operating in the United States. Together with our local public health departments, these community health centers are precisely the kinds of facilities best equipped to get immunizations to the populations most at risk.

With this same $1 billion, we could vastly increase the number of children eligible for immunizations under Medicaid and improve payment rates to encourage private sector participation.

With this same $1 billion, we could launch healthy home visit programs to bring education into the homes of expectant and new parents, as well as give them the transportation or child care or other help they may need to get to clinics.

Mr. President, we in Washington sometimes think we have the market cornered on how to solve the country's problems. The trouble is, we often do not pay enough attention to lessons learned elsewhere—particularly by our States and localities.

My own State of Kansas, for example, recently pilot-tested whether or not giving free State/federally purchased vaccines to providers would improve immunization rates. It did not.

Instead, Kansas is now launching a program called Operation Immunize. The Department of Health, working closely with health care providers, businesses, the National Guard, and thousands of volunteers, will offer immunization services at over 200 sites across the State. Services will be provided in malls, in trailer parks, and from mobile vans. The public and private sectors will come together to blitz the State with information on the importance of immunizations and where to go for services. Operation Immunize will be repeated three times over the next 2 years while the State develops an immunization tracking system.

As a second example, if we compare the rates of immunization for children in States which have universal purchase and free distribution programs with States which do not, universal programs do not appear to produce significant improvements in immunization rates.

Mr. President, a number of my colleagues and I have been working on an immunization reform approach of our own. This approach reflects many of the valuable lessons we have learned from the States. Specifically, our approach focuses our limited tax dollars on forging better partnerships with States to expand and improve Medicaid coverage, improve public education, implement innovative outreach campaigns, and increase the number of clinic sites, hours, and personnel. In short, we believe our approach reflects a better diagnosis of the problem, and prescribes a better cure.

I look forward to working with the administration, Senator KENNEDY, and my other colleagues in forging responsible and effective legislation to cure this Nation's tragic childhood immunization problem.

DISTANCE LEARNING WEEK

Mr. PRESSLER. Mr. President, as a cosponsor of Senate Joint Resolution 49, designating March 28, 1993, through April 3, 1993, as "Distance Learning Week," I would like to remind my colleagues of the importance of encouraging distance learning initiatives. Educating our children and adults means investing in our Nation's future.

With a crushing budget deficit and limited economic means, we must use our educational resources as effectively as possible. Distance learning can help us do this.

Distance learning is the use of telecommunications technologies to provide educators and students, regardless of age, with access to information from any location. Television, computers, telephone lines, satellites, and fiber optics can link schools to specialized programs and advanced instruction no single institution could afford. Interactive television expands the reach of effective teachers. Two-way networks place vast data bases of information at our finger tips.

I believe distance learning will soon revolutionize the way we educate. Access to quality education will not be limited by geography. This is particularly important for my State, South Dakota. Rural schools faced with consolidations and closings can remain a vital part of our educational system. Smaller universities and colleges will be able to access the same supercomputers and data bases as our Nation's largest research facilities. South Dakotans on farms, ranches, and in small cities will have an ever-increasing array of lifelong learning opportunities, often with less expense.

Mr. President, I would like to take this opportunity to highlight some of the exciting distance learning initiatives taking place in South Dakota.

Educators and public officials in my State combined efforts to create the South Dakota Rural Development Telecommunications [RDT] Network. Using state-of-the-art fiber optics, the RDT Network currently connects eight cities and every public university in South Dakota. When the first phase is completed, at least 19 sites will be linked by fiber optic cable. Phase 2 will connect every high school in the State—nearly 200 locations—to the RDT Network via satellite.

The RDT Network builds on the pioneering efforts of South Dakota State University [SDSU], which installed, in cooperation with South Dakota Public Broadcasting, the original interactive video link between the SDSU Brookings campus and the State capital in Pierre.

SDSU will soon be able to connect the RDT Network with additional programming through its participation in the national consortium of land grant universities called Ag*Sat. The Ag*Sat satellite system will have an uplink transmitter in Brookings and 11 receiving sites across the State.

Mr. President, I ask unanimous consent that letters from the South Dakota Rural Development Telecommunications Network, South Dakota State University, and South Dakota Public Broadcasting describing these distance learning projects in more detail be placed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. PRESSLER. South Dakotans can be proud of these pioneering distance learning efforts. More work remains to be done, however, and the Federal Government can play a key role in furthering State initiatives.

As you know, Mr. President, I authored an amendment to the Public Telecommunications Act of 1992, directing the Corporation for Public Broadcasting [CPB] to report on existing and potential distance learning applications. CPB recently transmitted to Congress its promising and insightful report: "Lifelines of Learning: Distance Education and America's Rural Schools."

The report outlines in concrete terms the most effective use of existing public telecommunications facilities to establish and implement distance learning projects in rural areas.

Congress has long recognized the value of educational television programming. But I suspect that few of my colleagues are fully aware of the potential of delivering educational programming through telecommunications technologies.

CPB's research provides a sound basis for assessing how distance learning can solve the dilemma of underfunded rural education. We have seen how public television can unite views through public service programing. Now, through the new and revolutionary technologies that are available, distance learning makes it possible to link educators and learners to serve common educational goals.

I am encouraged that the necessary telecommunications technologies to provide quality education to rural America exist today. Our goal should be to surpass existing barriers to making what rural America needs from these technologies more accessible, more affordable, and more effective.

The promising development of this technology provides another reason why support for public broadcasting is important. Public broadcasting has consistently been a leader in using technology to improve public education. Individual public television stations have taken leadership roles in their local communities and across their States in developing distance learning technologies and services.

In its report, CPB proposes that Congress take various steps to encourage increased use of public broadcasting facilities for providing distance learning services tailored to the needs of rural schools. These measures include:

Making distance learning projects that involve public broadcasting a priority area within the Public Telecommunications Facilities Program;

Continuing and increasing funding of the Star Schools Program;

Commissioning a task force to coordinate the many governmental authorities with jurisdiction over distance learning;

Focusing on teacher certification, course acceptance, and broad, affordable access to instructional software and programs;

Funding teacher training to encourage acceptance and adoption of distance learning methods by classroom teachers; and

Authorizing national demonstration projects to study and evaluate effective rural applications.

We are faced with a critical situation in rural America. Effective schools are at the heart of maintaining the unique characteristics of rural communities. To ensure that these communities survive and prosper, we must guarantee their access to the best educational resources and tools available. One very cost-effective method is support for public broadcasting and its efforts to develop fully distance learning projects.

I urge my colleagues to read and give serious consideration to this distance learning report.

EXHIBIT 1

RURAL DEVELOPMENT
TELECOMMUNICATIONS NETWORK,
Pierre, SD, March 31, 1993.

Hon. LARRY PRESSLER,
U.S. Senator, Hart Senate Office Building, Washington DC.

DEAR SENATOR PRESSLER: This letter is to update you on the phenomenal progress of the South Dakota Rural Development Telecommunications Network. After just 100 days of operation, this state-wide highway of two-way audio and video communications is well on its way to changing the day to day lives of the citizens of our state.

The RDT Network began in December with six cities and now connects eight cities with new sites being added monthly. Before long, 19 sites in various locations will be connected, virtually eliminating the communication barrier mere distance can impact on a rural state like South Dakota. Then, in a second phase beginning in summer 1994, the RDT Network will begin to connect every high school via satellite. Nearly 200 locations in all.

Currently, every public university is connected to the network. In the first semester, 20 courses are being delivered from one end of the state to the other and back again. Vocational institutions are also among the network's first members. More courses are planned for the summer, exceeding all expectations of the initial use of the system. The potential now is unlimited. Government has held personnel training meetings; health care has reached out to county nurses to discuss nutrition guidelines; private business has discussed marketing strategies; even depositions are being taken via the network.

Clearly the RDT Network provides substantial cost savings in terms of cost of travel and the cost of the time spent traveling. But the real benefit is access to people, ideas and information never before possible.

Thank you, Senator Pressler, for your support of the RDT Network.

Respectfully,

JAMES P. LARSON,
Executive Director,
RDT Network.

SOUTH DAKOTA
STATE UNIVERSITY,
Brookings, SD, March 31, 1993.

Hon. LARRY PRESSLER,
U.S. Senator, South Dakota.

DEAR SENATOR PRESSLER: I would like to update you on the telecommunications activities of South Dakota State University. As you are now aware, South Dakota State University is one of eight operational sites on the South Dakota Rural Development Telecommunications Network. In May we hope to have our second facility on line with the network.

We at South Dakota State are proud of the fact that we were pioneers in distance education in the state. We installed and operated an interactive video facility between the Brookings Campus and Capital University Center in Pierre in 1990. The original link was facilitated by South Dakota Public Broadcasting using their microwave network and converted to a fiber optic link in 1991. We offered more that 20 classes on the system prior to the establishment of SDRDTN. When the RDTN was approved, we took the lead in the design of the RDT Network facilities now in place across South Dakota.

We operate two state-of-the-art interactive video facilities on campus as well as satellite uplink and downlink equipment offering SDSU students and faculty access to the nation and the world.

We are in the planning stages of installing a campus fiber system that will enable us to receive or originate programs from most campus classrooms. This system along with the other facilities on campus will allow us to share with the people of South Dakota not only distance education, but the wealth of other enrichment activities that are normally only available on campus.

We believe that telecommunications will play an even greater role in distance education and in stemming the out migration from rural America in the coming years. We are proud of our contributions to date and South Dakota State University will continue to provide leadership in its development and use.

Sincerely,

GARY SHEELY,
Director, Instructional Media and Telecommunications.

SOUTH DAKOTA
STATE UNIVERSITY,
Brookings, SD, April 1, 1993.

Senator LARRY PRESSLER,
Washington, DC.

SENATOR PRESSLER: South Dakota State University has expanded its distance education capabilities by joining the national consortium of Land Grant Universities called Ag*Sat. The purpose of the Ag*Sat consortium is to share Extension and educational satellite programs, to seek grants and other funding to develop a nationwide satellite transmission and reception system, and to purchase satellite equipment in large enough quantities to lower purchase prices.

In South Dakota, the Ag*Sat satellite system will have an uplink transmitter located at South Dakota State University in Brookings, and eleven satellite receiving sites across the state. A matching grant for the eleven receiving sites was provided through a U.S. Department of Commerce grant to Ag*Sat. When the network is completed this summer, the people of South Dakota will have localized, interactive access to the Cooperative Extension programs and other educational resources from SDSU.

The Ag*Sat program is a benefit to people across the United States, not just in South Dakota. By participating in national satellite conferences, the system allows Land Grant Universities to share local resources. For example, the Ag*Sat system will allow scientists at the SDSU Northern Plains Biostress Laboratory to share their research findings with scientists, farmers and ranchers beyond the borders of South Dakota.

The Ag*Sat network fits hand in glove with the Rural Development Telecommunications Network in South Dakota. This fiber optic network will link all major South Dakota cities, universities and elementary/secondary schools. The Ag*Sat satellite uplink/downlink at SDSU will be able to insert programs from other states on the RDTN system; or receive programs from other parts of South Dakota via the RDTN system and transmit to other states.

To briefly summarize, citizens of South Dakota and other states benefit from the Ag*Sat system through: 1) improved timeliness in receiving educational programs, 2) increased expertise of educators delivering programs, 3) increased educational program offerings, 4) reduced travel to educational meetings, and 5) enhanced training of Cooperative Extension field staff.

Opportunities to create distance education networks like Ag*Sat are made possible through the vision and insight of national leaders. We count ourselves lucky to have your support.

Sincerely,

EMERY TSCHETTER,
Department Head,
Ag Communications, SDSU.

SOUTH DAKOTA
PUBLIC BROADCASTING,
Vermillion, SD, April 1, 1993.

Hon. LARRY PRESSLER,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: In recognition of "Distance Learning Week" I would like to share how South Dakota Public Broadcasting is working to provide and expand distance learning services in South Dakota.

South Dakota Public Television broadcasts nearly 20 hours per week of Instructional Television for elementary and secondary students. Courses range from geography and art to music and government. South Dakota Public Television works with the Technology in Education Office to schedule at least three hours of instructional television (ITV) on a daily basis, as well as overnight block feeds for VCR recording. Teachers have the opportunity to use carefully selected programs with their class plans. This ITV programming is available to more than 146,000 K-12 students in 178 school districts.

In addition to Instructional Television courses, science education is provided through PBS programming such as "Nova," "Nature" and "National Geographic." Also Rural Development is enhanced by information from South Dakota Public Television's "Midwest Market Analysis" and PBS' "Market to Market." Continuing education is provided for county extension agents on the Overnight Service. The Overnight Service provides a wide variety of educational and informational programs for schools, organizations and businesses.

Of more than 1,800 colleges that offer Adult Learning Service telecourses, South Dakota Public Television, with the University of South Dakota, ranked third in the nation in student enrollments for ten years for all four-year colleges. Annually, South Dakota Public Television broadcasts over 20 college credit telecourses at both the graduate and undergraduate level for over 1,000 students in the region.

South Dakota Public Television offers "GED on TV," a program series that prepares adults for high school equivalency exam.

South Dakota Public Television broadcast statewide the "Extending Mister Rogers' Neighborhood" teleconference in 1992 to train day care providers to make further use of the preschool series. Over 100 child care providers were able to receive certification credit for successful participation with this program.

Teleconference services are available to educators, businesses and organizations for education, information and development.

The South Dakota Public Radio network is proud of its commitment to regional literature and culture. Each weekday "Bookshop" features a reading from a literary work that successfully captures the unique qualities of the region.

South Dakota Public Radio and the South Dakota Department of Human Services: Division of Services to the Visually Impaired provide the "Talking Book" service. This service gives access to current books, periodicals and local newspapers to blind persons and physical disabled individuals who cannot read printed materials.

I sincerely appreciate your efforts towards support and improvement of distance learning in South Dakota. In our rural state, distance education is a vital resource.

Sincerely,

DON CHECOTS,
Executive Director.

WALLACE L. LARSEN DAY—APRIL 9, 1993

Mr. PRESSLER. Mr. President, today I extend my best wishes to Mr. Wallace L. Larsen, of Pierre, SD, who is retiring from his position as chief engineer of the South Dakota Department of Transportation [SDDOT] after over 32 years of outstanding public service.

Wally's remarkable achievements while serving at the SDDOT are many, and worth noting. In 1982, Wally received the Central Chapter of South Dakota Engineering Society Outstanding Engineer of the Year Award, and also served as the national director and president of that organization. Wally received the Governor's Award for Excellence in Management for the State of South Dakota in May 1992. Most recently, Wally was a finalist in the top 10 outstanding people of the American Public Works Association in 1993.

As chief engineer, Mr. Larsen was responsible for the recent construction of three major interstate interchange projects at Dakota Dunes, Benson Road, and Louise Avenue. These projects will provide greater access to vital commercial, industrial, and residential areas of South Dakota. Many other complex projects have been contracted out under Wally's leadership. The fruits of his efforts have been enjoyed all over South Dakota.

Wally's knowledge, judgment, integrity, and commitment to all facets of highway planning, construction, and maintenance have earned him the nickname of "Mr. Transportation." His commitment to other areas of public service, including serving as church president, deacon, and board of education member, have also contributed to the high regard of all who come into contact with him.

I would like to thank Wally Larsen for all he has done for South Dakota. I wish him many happy retirement years at his home in Pierre, SD, with his wife Gladys. I hope he enjoys many years of fishing, bird watching, gardening, and enjoying the company of his children and grandchildren.

Mr. President, I ask unanimous consent that a copy of the Executive Proclamation by Governor Mickelson of South Dakota proclaiming April 9, 1993, as "Wallace L. Larsen Day" be printed in the RECORD at the conclusion of my remarks.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

EXECUTIVE PROCLAMATION, STATE OF SOUTH DAKOTA

Whereas, Wallace L. Larsen, a graduate of Centerville High School and with a degree in mining engineering from the South Dakota School of Mines & Technology, started his career with the Department of Transportation as a project engineer in 1960 on I-29 at Beresford, advancing to resident engineer at Watertown in 1963, right-of-way engineer in the central office in 1966, appointed deputy secretary in 1978, director of planning in 1983, deputy secretary again in 1985, and director of engineering and chief engineer in 1989, the position he held until his retirement; and,

Whereas, Wally was instrumental in installing state-of-the-art computer hardware and software to increase the productivity of engineering and design in the department and, under Wally's leadership, the DOT has consistently set records for the number of projects awarded to contract and the amount of funds obligated to construction; and,

Whereas, Wally was directly involved with the Dakota Dunes Interchange on I-29, the Benson Road Interchange on I-229, the Forest City bridge stabilization project, the Deadwood north project, the Louise Avenue Interchange, the Cedar Shores project, the DOT's Pavement Management System, the research resulting in a noncorrosive deicer for deicing roads, the development of the road profiler, and the drafting and successful lobbying for the current version of the billboard control law; and,

Whereas, In recognition of his dedicated service to the state of South Dakota, Wally was awarded the "Outstanding Engineer of the Year" award by the Central Chapter of the Engineering Society in February 1982 and the "Governor's Award for Excellence in Management" in May 1992; and,

Whereas, Wally, through his knowledge, judgment, openness and integrity, has earned the respect of almost everyone he has dealt with, both within and outside the DOT, including legislators, county commissioners, governors, congressmen, landowners and ordinary highway users; and,

Whereas, After 32 years of exemplary service to the state of South Dakota and the SDDOT, it is now time for Wally to retire to his home in Pierre with Gladys, his wife of 42+ years, to devote his time to fishing, bird watching, gardening and enjoying his children and grandchildren, and it is fitting and proper as Governor to recognize the many accomplishments of this outstanding South Dakotan:

Now, therefore, I, George S. Mickelson, Governor of the state of South Dakota, do hereby proclaim April 9, 1993, as "Wallace L. Larsen Day" in South Dakota, and I join with Wally's family, friends, and co-workers in wishing him a fulfilling and happy retirement.

WELCOMING PRESIDENT CLINTON'S SPEECH ON RUSSIA

Mr. PELL. Mr. President, today in Annapolis, 2 days before the summit with Russian President Yeltsin in Vancouver, President Clinton made an excellent case to the American people for the need to support Russian reform. He also offered a broad overview of the principles that he believes should drive our efforts to help Russia, and he gave us a sense of the issues that he will raise with President Yeltsin.

I agree wholeheartedly with the President that the United States has a large stake in the successful establishment of democracy and a free market in Russia and the other countries of the former Soviet Union. The end of the Communist system has freed not only the people of Russia, but the people of the United States as well. With the end of the cold war, we have reached historic arms control agreements which greatly lessen the threat of nuclear war; we have been able to reduce our defense budget and to increase our investments here at home; and we can begin to look forward to opening new markets to U.S. business.

The ongoing power struggle in Moscow clearly demonstrates that there are still those who eschew reform, and who cling to the old ways. The President has made it clear that we must bolster the reform process and to extend the hand of friendship and partnership to Russia during this difficult period. We should work with our allies to ensure that democracy takes root by providing well targeted assistance to Russia and the other countries of the former Soviet Union. I join with the administration in calling for the support of the American people as well as our allies abroad in coordinating efforts to assist reform in Russia.

Building such support is not an easy task, but President Clinton has proven himself extremely adept at bringing people into the process. To prepare for the summit and to seek input on how to bolster the reform effort in Russia, President Clinton has held a series of White House meetings of experts in Russian studies, economists, and Members of Congress. I was privileged to be part of a Senate group that met with the President last Friday on this subject, and I must say that in all my years in the Senate, I have never seen a President so willing to listen and solicit ideas.

The principles that the President enunciated today reflect, in part, the sentiments that many of us have expressed to him regarding the need to get assistance to the grassroots level. They also reflect the need to focus on assistance that will have a lasting impact on Russian development. I believe that such a focus will enjoy widespread congressional support.

I was very pleased to learn that the President will present at Vancouver a package that can be paid for out of previously appropriated funds as well as a second phase package that will expand the U.S. effort. The Freedom Support Act, which I helped shepherd through final congressional passage last fall, provides authorities for among other things, $410 million for 13 categories of bilateral humanitarian and technical assistance. The majority of these funds has not been spent or ever obligated, and U.S. technical assistance programs have just begun to get off the ground.

I believe that efforts should focus on a quick influx of low-cost technical assistance in key areas such as agriculture, energy, and transportation, and I am pleased to learn that the President also chose to emphasize some of these areas. Russia has vast resources, but lacks the technology to exploit them to feed its own people and to get fuel to the factories to manufacture consumer goods. Without carefully directed assistance, the new states could be relying on emergency humanitarian assistance for years. Getting U.S. experts and technology in these fields on the ground should be a top priority.

The effort to assist Russia cannot and should not be a unilateral one, and I welcome the importance the President attaches to a coordinated multilateral effort. Aid to Russia will top the agenda at the upcoming G–7 ministerial meeting in Tokyo, and I am hopeful that a multilateral package will be announced at that meeting.

As the President said, we have much hard work ahead of us if we are to succeed. Aid to Russia is a hard sell when we have our own troubles at home. But I believe that the President has made a compelling case that we cannot afford to miss the opportunity to consolidate reform in Russia.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further votes this evening. There will be a caucus of Republican Senators at 8:30 p.m. in the Republican leader's office. And during this period, prior to and during that, the floor will be open for statements by Senators.

I will be discussing the pending legislation further with the Republican leader following that caucus, either at 9 or at such time as the caucus completes its deliberations.

I yield the floor.

THE POWER OF RECOGNITION ON THE SENATE FLOOR

Mr. SPECTER. Mr. President, I have been on my feet for a little more than an hour, during the rollcall on the amendment by the distinguished Senator from New Mexico [Mr. DOMENICI] because I was next in line. And immediately following the conclusion of that amendment, I sought recognition to offer an amendment, and the distinguished majority leader put in a quorum call. Then the distinguished President pro tempore sought recognition and took the quorum call off and made a statement.

At the conclusion of that statement, a quorum call was reinstated, and I twice asked that the quorum call be taken off so that I could send my amendment to the desk and ask for its immediate consideration.

Before proceeding with the argument on the amendment, I wanted to make a reply to what the distinguished Senator from West Virginia said. On both occasions when I sought to take the quorum all off, the distinguished majority leader objected. I think we have seen something, of course, in the past 30, 35 minutes of the power of recognition. I will say no more about it.

With respect to the statement by the distinguished Senator from West Virginia, I begin by agreeing totally with one of his statements: "I have given the best of my life to this institution." That was Senator BYRD speaking. I begin by agreeing with that.

But I must disagree, and very decisively, with virtually everything else the distinguished Senator from West Virginia said, when he argues—and I wrote this down as best I could—that he had "a belly full of this abuse by the minority"—and I may be slightly off, but that is how I wrote it down. I could not help but reflect on the minority's views when the tree was filled last week and when the distinguished Senator from West Virginia says that he was facing an amendment by the three B's, Senator BREAUX, Senator BOREN, and Senator BROWN——

Mr. BYRD. Mr. President, I meant Senator BRYAN. I am sorry.

Mr. SPECTER. When the distinguished Senator from West Virginia said the 3 B's, he said it was Senator BRYAN and not Senator BROWN. I apparently heard it incorrectly. It seemed to this Senator and I think all of the Senators on this side of the aisle, and at least some Senators—perhaps many Senators on the other side of the aisle that the Senate was being governed by one man. It was not a minority of 43 as we assert our rights on this side of the aisle but it was a control by one man.

And as I understand the facts, and I am glad that Senator BYRD is on the floor, and I would yield without losing my right to the floor if he seeks to correct me, that the issue was resolved.

I had a call from one of the Senators asking my joinder about noon and when I next heard early Monday the issue had been resolved substantially before the tree was unlocked. But I can say without fear of contradiction that the Republicans on this side of the aisle felt that that was not an appropriate way to proceed in the Senate. I say that with all due deference to the use of the rules.

When the distinguished Senator from West Virginia said, and I quote him again, "The Republican leader abused the rights of recognition," as I have heard the distinguished Senator from Kansas, [Mr. DOLE] explain what he had done back in 1985 as he articulated it, there was no abuse of any sort whatsoever. When the distinguished Senator from West Virginia says, "The Republicans are unwilling to let a new President have a chance," and calls us obstructionists, I have to disagree very, very, very decisively.

In the Federal Government today there is one place and only one place where the Republicans can assert a modicum, a little bit of power, and that is to continue to debate. We face an overwhelming majority in the House where the minority's rights have been trampled. There is a decisive majority, 57 to 43, in the Senate. The President is of the same party, and I have said both publicly and privately and also on the floor of the Senate that I want to cooperate with President Clinton.

The American people are fed up with gridlock and they want the problem solved. They do not care whether it is solved by Democrats or Republicans. But we are not being obstructionists when we oppose a budget resolution which has new taxes on all Americans on the energy tax, and we are not obstructionists when we oppose a budget resolution which has a tax on increasing Social Security taxes for those who are earning $25,000 a year as individuals, or $32,000 a year as married couples.

We are not obstructionists when we seek to bring amendments to the floor, and we are not conducting a filibuster by amendments but, if we are, then let the majority use the rules to end the filibuster, if the majority can.

I suggest to you that it is a very unusual act for all the Republican Senators to join together as we did to have our leader deliver that letter to the Democrat leader last night. I speak for myself in talking about the care and thoughtfulness that this Senator exercised before signing that letter.

I did not sign that letter lightly. There are a lot of unemployed people in Pennsylvania who need the extension of unemployment benefits. There are many Pennsylvanians who need the inoculations. We have a real need for funds under the highway bill and mass transit. I do not want to see this emergency appropriation bill defeated without having those matters go forward. But when we face a steamroller and the American people voted to end gridlock, I will agree with that. Some would argue against it. I will agree with it. But the American people did not vote to have a steamroller take over the U.S. Government.

We fought very hard for every one of our seats, and we have enough to stop a bill from passing in this body when we think we have been unfairly dealt with. When I say "unfairly," I immediately add to that that it is a conclusion and a characterization, but that is this man's opinion. It started when the tree was filled up, and it was not filled up only against Republicans. It was filled up against Democrats as well.

And it continued when we offered amendment after amendment, and you can argue about the merit of all the amendments, but there were some which were excellent amendments, and we got the party line all the way down the line.

I have sought recognition to offer an amendment on health care reform. I had circulated a "Dear Colleague" letter on Monday of this week stating my intention to offer the health care legislation as an amendment when the debt ceiling bill would come to the floor later this week.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my statement.

THE PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. SPECTER. Then I was advised that the debt ceiling was to be structured in such a way not to permit amendments. That was the first bill that would come to the floor this year which would accommodate an amendment with tax provisions.

This is not a matter that I am starting on this week on this bill. I have been working on health care legislation for the 12½ years I have been in the Senate. I offered amendments last July, and I will not detail it in any great length, and had hoped there would be health care legislation on the floor last year.

In offering the amendment which I intend to offer tomorrow, assuming I can acquire recognition, it is to tell the American people that we are ready for legislation on health care, that there are an enormous number of bills pending, that in the 102d Congress there were 524 bills offered in the Senate, 940 in the House, for a total of 1,464, and this year up until March 31, 70 bills on health care were offered in the Senate and 119 in the House.

When I offer the amendment, I will do so not with the expectation of overcoming the party-line vote on the other side but to say as emphaticly as I can that we are ready to proceed, and when people like Congressman ROSTENKOWSKI and Congressman GEPHARDT raise doubts as to the passage of health care legislation this year I think it is time for the American people to know that the Republicans have an alternative or there are Democrats who have an alternative. When I offer the amendment which, as I say, I had not intended to offer and so advised the distinguished Senator from West Virginia, but I have changed my plans because I cannot offer it on the raising of the debt ceiling. It is not an amendment. It is not the offering of an amendment to filibuster. And we are not conducting a filibuster by amendments.

I think it is unfortunate, Mr. President, to put it mildly, that a Republican Senator has to wait for 35 minutes to respond to what the Senator from West Virginia had to say. Our proceedings are carried live on C-SPAN2 and I think many people were wondering what was going on in the U.S. Senate. I certainly was. When I heard talk about obstructionism, and I heard talk about abuse by the minority, and I heard talk about abuse by the Republican leader, it seems to me that someone on this side of the aisle ought to have had an opportunity to stand up promptly and deny that and to state the reasons why it was not true.

This is my 13th year in the Senate, Mr. President. I have not been here for 35 years like the distinguished President pro tempore.

But I do not like the way this body is heading. I have not seen the kind of anger that is present in the U.S. Senate that I have seen in the course of the past few weeks, as we move to party-line votes.

The way to govern America is not on a party line. The way to govern America is not by having the tree locked up so that nobody can offer an amendment. And the way to govern America is not to criticize 43 Republican Senators for exerting our rights.

It is not a filibuster by amendment, but, if it is, let the majority break the filibuster if they can.

I think we are heading for some very tough days in this body.

All my colleagues know that I have not hesitated to break party lines in my 12 years and 3 months in this body where I thought the national interest called for it or Pennsylvania's interest called for it. But when I see what is being done on locking up the tree and not listening to any Republican amendments and having a steamroller, then I have had enough.

I thank the Chair and I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1993.

DEAR COLLEAGUE: We intend to offer health care legislation as an amendment when the debt ceiling bill comes to the Senate floor later this week.

The debt ceiling bill will be the first legislative measure to be considered by the Senate this year which would permit amendments with tax provisions such as health care reform; and we have further awaited the work of the Republican Health Care Task Force chaired by Senator John Chafee to determine if that group would produce legislation which could be offered at this time. Despite considerable work by that Task Force, that legislation is not now ready.

The amendment which we intend to offer will be the text of S. 631 which is a combination of proposals extracted from legislation previously offered by Senator Kassebaum, Senator Cohen, Senator McCain, Senator Bond and Senator Specter.

We intend to offer this measure to make the point, as emphatically as we can, that the time has long been ripe for the Congress to move ahead with such a legislative effort. We also note:

(1) The likelihood that the Senate will reject such an amendment citing the group being chaired by the First Lady, Mrs. Hillary Clinton;

(2) For years the Congress has had numerous bills on health care reform which could have provided the basis for such legislative action;

(3) Recent statements by House Majority Leader Richard A. Gephardt and Chairman of the House Ways and Means Committee Dan D. Rostenkowski that it is unlikely that health care legislation will be enacted this year;

(3) Action by the states, such as New York Governor Cuomo's announcement as reported in the New York Times on March 28, that his "state could not wait for federal solutions."

We believe that the Senate is equipped now to legislate as we did on the Clean Air Act in 1990 when a bill was brought to the floor. The bill was divided among three task forces, amendments were offered and legislation was enacted. We do not suggest that S. 631 is a perfect bill, but we do not want to wait weeks or months for a bill to be proposed and then to undertake lengthy hearings etc. which may produce no action at all.

The summary of S. 631 (a copy enclosed) shows on its face the many subjects where the Senate is in a position to act at this time. We urge your support of this measure.

Sincerely,

AL D'AMATO.
LARRY PRESSLER.
ARLEN SPECTER.
HANK BROWN.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I listened with great interest to my colleague from Pennsylvania. In some ways, it is an interesting presentation, until you read the letter that the Republican Senators presented to the able majority leader, which says, "We will not vote to invoke cloture on this measure."

Now, if that is not a filibuster, I do not know what a filibuster is. I mean, it is stated right here.

In effect, you are going to keep the Senate from getting to this measure in order to vote up or down on it by—I take it all of you have joined; there are 42 signatures, and I assume the minority leader concurs in it himself. I do not perceive it as a petition to him, but as an expression of opinion. I do not think I am wrong on that score.

I have seen the distinguished Senator from West Virginia, Senator BYRD, time and time again on this floor seek to preserve the Senate as an institution and to protect the rights to the minority when he was in the majority. This is not protecting the rights of the minority when he was in the minority. This is protecting the rights of the minority when he was in the majority, in the belief that the institution of the Senate was a very important, indeed, a very treasured American asset.

Now, the other side has run us through the wringer, and we are prepared to deal with that politically. But we have now been on this bill 7 days, I believe, from early in the morning until late at night. Stress and strain builds up over that period of time. And yet we cannot get to a vote.

My own view is that we ought to just stay here and continue with this.

I happen to feel that this so-called scheduled Easter recess ought to just go right on out the window. I have absolutely no problem with that aspect of this proposal.

I do have a problem with sort of making this kind of ironbound statement, presenting it in a letter and saying, "Well, we are not going to vote for cloture. Here it is. Here it is. Here is our letter."

If that is not a filibuster, I want to know what the definition of it is. The only thing missing is you do not have to stand out on the floor and talk indefinitely. You just sign the letter and file it in the proper box, and supposedly it accomplishes the same purpose.

I have to say, it is very difficult for me to stand here and see someone who has fought throughout his public service in this body to sustain the Senate as an institution—through good times and bad times, when he was in the majority and when he was in the minority, he sought to keep the Senate going as a body.

There are many countries in the world. It is no trick to have a strong executive. Many countries have strong executives. In fact, if they are too strong, we call them dictatorships.

But there are not all that many countries that have some checks and balances in their political system and have a legislative branch that amounts to something; and, in particular, that have an institution like the U.S. Senate.

Now, we have to walk a fine line here because the majority has to act on policy questions. The American people need to know that, on this issue, a majority of the Members of the U.S. Senate are for this legislation. And if not, we will find out if we go to a vote on the bill itself. But I predict that a majority are for this legislation.

What we have is a minority, a minority of the institution, in effect, saying: We are not going to let you get to it, an essential part of the President's program; we are not going to allow you to get to it to vote yes or no. We are just going to preclude that from happening.

Mr. REID. Will the Senator yield for a question?

Mr. SARBANES. I yield for a question.

Mr. REID. Will the Senator agree that the vast majority of the American people believe in majority rule?

Mr. SARBANES. How can you have a Democratic Government that is able to do anything if you do not have majority rule? We have a system where we try to protect or preserve certain minority rights. But I think when those are carried to the point where they are thwarting the opportunity to have the majority register its preference, to respond to these issues that the country is facing, then you have a difficult situation on your hands.

Mr. REID. Mr. President, I also ask the Senator from Maryland this question: Is it not also true, during the last several days, that there have been numerous opportunities for the minority to determine whether or not they had the votes to pass any amendment? And what was the result of those votes?

Mr. SARBANES. They failed to prevail. The amendments that they offered were defeated or they were tabled. The motion to table them was made and they were tabled.

Mr. REID. I will ask one last question of the Senator from Maryland.

In the constitutional framework, which has ruled this country for 200-odd years, the Senator from Nevada, being from a small, sparsely populated State is aware of the fact that the Senate was developed to protect the rights of all small, sparsely populated States. That is principally the reason we have the Senate set up the way it is; is that not true?

Mr. SARBANES. That is correct.

Mr. REID. Does the Senator recall anything in any of the writings that he is aware of that the Senate was ever set up to protect the rights of a party, a political party?

Mr. SARBANES. Well, that was not the theory of the Founding Fathers, because they did not think there were going to be parties.

Madison and the others wrote about this. One of the developments that came subsequent to writing the Constitution was the development of political parties.

That was not—they talked about factions, but it was not in their anticipation that we would have political parties of the sort we have.

Mr. REID. I apologize. This will be the last question to the Senator from Maryland.

Does there not come a time in these proceedings, especially in that we have just had a Presidential election, where the American public deserves to know whether the majority of the Congress of the United States supports the programs the President submits to us?

Mr. SARBANES. I think absolutely. The President says that this proposal that is before us is an essential part of his economic package. The President has stated that. I agree with the President. I think it is an essential part. We are trying to get to this legislation so we can vote it up or down. We are being thwarted in doing that by a minority that is, in effect, saying we are not going to let you get to that legislation.

People must understand that utilizing the Senate rules, in effect, 42 people out of 100 are in effect precluding dealing directly with a measure that the President has said is essential to the future economic strength of this Nation; 42 out of 100. That is not a majority of the body. That is a minority of the body.

Many of us feel we need to get to this legislation and vote it up or down. People who are against it will vote against it. I assume people who are for it will vote for it. And we will see where a majority of the body lies. But at the moment 42 people, a minority of this body, a minority, are preventing action on a measure that the President has indicated is essential for the strength of the country.

You have unemployed people in every State in the United States depending on this measure for their benefits. You have a range of programs in here designed to put people to work, to restore jobs. We have been at this now 6 days, 7 days, I think, on this piece of legislation. Now we have developed a new technique. We have developed a new technique. I have never seen this before. I invite any of my colleagues, if they have ever seen it, this letter technique, I would like to hear about it. I have never seen this before.

They go around, they get 42 people to sign this, "Therefore we will not vote to invoke cloture on this measure."

Mr. SASSER. Will the Senator yield on that point?

Mr. SARBANES. If that is not a filibuster—we are told there is no filibuster by my colleague from Pennsylvania. He said that earlier in his remarks.

This is not a filibuster? It is right here. It is written. It is in black and white. Here it is and here are all the names. I did not count them, but I am told there are 42 of them, and I assume the Republican leader agrees with the sentiments, and now it has been sort of passed over to us, as I understand it.

Mr. SASSER. Will the Senator yield for a question on this letter?

Mr. SARBANES. Certainly.

Mr. SASSER. If we have a letter that simply says that 42 Senators are going to prevent a matter from coming to a vote, why could we not just start transacting the business of the Senate partially by letter? In other words, we could bring up a measure here and we could debate it and then a letter would arrive that says we are not going to allow a vote on this particular measure. Then we would just take that measure and dispense with it, bring up another measure, wait for the letter to arrive and, if the letter arrives, then we take that measure down, we do not act on it. Finally, we get to a measure where the postman does not deliver the letter, and then I assume the Senate is free to go forward.

Is that the way the Senate would transact its business if we follow this procedure here, and this precedent of this letter? It appears to this Senator that would be the case.

Mr. SARBANES. I assume that would be the case. I want to make the point, to my knowledge the Senate has never done business this way before. It has never done business this way before. Here it is. Then it is said there is no filibuster. It is right here in the third paragraph of this letter, a clear statement of the filibuster, keeping the Senate from dealing with a measure that the President has said is an essential part of his overall economic package, a measure that is important for every State and locality in this country in order to put the American people back to work. In every State there is unemployment and the need to put people back to work. This measure contains programs which would do exactly that.

The other side says we do not agree, it does not contain measures that would do that. Fine, put the bill to a vote. You have one judgment. We have another judgment. Let us see how it comes out. But do not prevent this measure from being considered. I think the American people want action. I do not think the American people want this Senate tied up in knots the way this letter does.

I assume in the days to come it will become clearer and clearer that in fact the Senate has been tied up into knots by this letter. I do not think that is what the American public voted for last November, and I do not think that is what the American public wants in terms of the behavior of their elected representatives to the U.S. Senate. The House of Representatives has passed this measure by a substantial majority. By a substantial majority in the House they passed this measure.

The President says, "The Nation needs this measure. If you will send it to me I will sign it into law so we can get on about our business of restoring economic growth and putting people back to work." Forty-two Members of the Senate out of 100 say, "We are not even going to let you vote on that measure. We are not going to let you get to the measure to vote yea or nay. We are just not going to do it." Here it is. "We will not vote to invoke cloture."

So a minority says, we, in effect, are going to determine absolutely what the business of this body shall be. As the Senator points out, this is a new technique. The guardians of gridlock are back at it. They have just discovered a new way to do it through the use of the letter. But it is gridlock. That is what this letter is, gridlock. And the guardians of gridlock are back at it here in the U.S. Senate and they are preventing this body from getting to this measure.

I want to make one other point. I can remember times, more than once, when a Republican President went to an international conference that was of importance to our Nation and situations arose here of a potential conduct of our business in such a way that it would seem to undercut or reflect upon the President. And I can remember the distinguished Senator from West Virginia—because I want to address this very directly—part of that time the minority leader and part of the time the majority leader—coming to Members of his own party on an issue like that and saying: We do not want this to happen.

He is our President and he is in this international arena; we have to be careful here. Well, here is this letter that appears on the scene today. And the minority is saying, "We are not going to let the President even get a crack at his program. We are not going to allow the Senate to vote on this issue. We are going to use this minority status to thwart the ability of the Senate and the Nation to do its business."

The rule is there. The Senator from West Virginia has helped to protect that rule. Anyone who assaults the Senator for not having a concern for minority rights in this institution does not know their history, if I may be so frank as to say so. But it is important for the American people to understand what is happening here. It is important for the American people to understand that a minority of this body are joining together by delivering this letter, in effect, is preventing us from moving on, from moving on to make the decision as to whether the measure should be approved.

Here is a measure designed to put people to work, restore economic growth. It has passed the House. The President wants it, and we cannot get to it to vote. We cannot get it up in order to pass the final judgment upon it. And my friend says, "Well, we are not filibustering." Well, it is right here; it is right here.

Mr. President, I do not know how this impasse is going to be resolved, but I think it is important to make it very clear where the impediment, where the obstacle is coming from that is preventing the Senate from acting finally on this legislation, and it is coming from a minority of the Members of this body.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I want to thank the Chair, and I want to commend the distinguished Senator from Maryland for his most eloquent statement. I think he was right on point. He has been a brave warrior, one of several during the last long days and evenings on the floor of the U.S. Senate in attempting to have this new and young and vibrant President bring his package to the floor of the U.S. Senate. I want to tell him, Mr. President, how much the Senator from Arkansas respects the Senator from Maryland and his tenacity and his commitment to this particular proposal.

I think, too, to expand upon what the Senator from Maryland has just stated, I think it might be advantageous for a moment or two, to sort of characterize or put in perspective the types of amendments. What might be included in these amendments that the U.S. Senate is now being forced to vote upon? Are they substantive? Are they real? Or are they, as the majority leader characterized one of those amendments the other evening, I think most appropriately, he called it a phantom amendment, a phantom amendment.

Mr. President, actually on vote No. 98, just less than an hour ago, which was, I believe, amendment No. 294—this was an amendment allegedly that was going to take 18 percent of other funds, discretionary funds, and give the military people, the Federal and civilian employees, a pay raise, a cost-of-living increase.

The fallacy in this particular amendment, which fortunately was just tabled by the U.S. Senate, was that had this amendment been adopted, there would have been no pay raise, there would have been no cost-of-living increase for those military and civilian Federal personnel. This was a phantom amendment, Mr. President. It has no meaning, it had no substance. But yet it was offered and debated for a good while. So, in effect, Mr. President, it was a meaningless debate, just as we have seen other meaningless debates on some of these other proposals.

The Senator from Maryland, I think, has pointed out, especially following the eloquent statement by the distinguished President pro tempore, about how the other side is filibustering by amendment. Amendment by filibuster.

Mr. SASSER. Will the Senator yield?

Mr. PRYOR. I will be glad to yield to my friend from Tennessee.

Mr. SASSER. As the Senator is aware, the amendment that we voted on just a short time ago was offered by my friend, the distinguished Senator from New Mexico, for whom I have very high regard and great respect. But just to illustrate the point of my friend from Arkansas that these are indeed phantom amendments, is the Senator from Arkansas aware that in the 1983 budget resolution, when the Budget Committee was chaired by our friend from New Mexico, that a freeze was imposed upon civilian and military retirees in that budget resolution? And that the sponsor of that amendment—the amendment here this evening—chaired the committee and voted against a Democratic initiative in the committee to restore that COLA freeze and was supported by the Senator from Washington, who spoke strongly for the Domenici amendment just this evening.

So a total reversal of roles, I say to my friend from Arkansas, has occurred. The world is turned upside down here this evening, as these phantom amendments are launched here on the floor of the U.S. Senate.

I was not sure my friend from Arkansas was aware of this role reversal that had taken place.

Mr. PRYOR. Mr. President, I will respond to my neighbor and good friend and colleague from Tennessee by saying I am always learning something from my colleague, and I have learned something tonight. The Senator from Arkansas was not aware of that.

I would like to ask my friend from Tennessee if he might be aware of something, something that happened as recently as this past Wednesday when the so-called Dole-Domenici alternative was thrown, I think, into the Budget Committee for consideration. Two items were specifically excepted by Dole-Domenici: One, all mandatory savings, except all discretionary savings and all mandatory and discretionary cuts. But the most important exceptance by our friends from across the aisle, they excepted freezing domestic discretionary baseline.

Now all of a sudden a few days later, they offer an amendment which would reverse this position taken only this past Wednesday.

I wonder if my friend from Tennessee was aware of that exceptance by our friends from across the aisle?

Mr. SASSER. Indeed, I was aware of it. I must say that it slipped my memory. I thank my friend from Arkansas for reminding me of it.

I think this illustrates the frustration that many of us feel here this evening that was so eloquently articulated by the President pro tempore just a little earlier. In other words, there is, indeed, clearly an effort to prevent the Senate and the majority in the Senate from working its will on this jobs bill, which the President has asked us to pass here. It is the President's jobs bill. It is the President's program for economic recovery, as my friend from Arkansas knows. And quite frankly, I thank him for reminding me that the group that had the proposal of restoring the cost-of-living adjustment to Government employees was the same group that a few days ago wanted to freeze discretionary spending that in all likelihood would have wiped out all of those.

(Mrs. BOXER assumed the chair.)

Mr. PRYOR. I appreciate, Madam President, the Senator from Tennessee for coming forward with that clarification. I am very grateful to him.

Madam President, at this point I yield the floor.

Mr. SPECTER addressed the Chair.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. SPECTER. Will the majority leader yield for 1 minute?

Mr. MITCHELL. Madam President, I yield for 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished majority leader.

Mr. MITCHELL. Speaking as if morning business.

Mr. SPECTER. Yes.

Mr. MITCHELL. As if in morning business.

Mr. SPECTER. Madam President, by way of a very, very brief reply, when the distinguished Senator from Maryland repeatedly talks about 42 Senators being in the minority, that is precisely what the rules provide, for that protection.

When the Senator from Maryland talks about the will of the American people in an election, that is subject to the Constitution and to the rules of the Senate.

And when the Senator from Maryland talks about the line, "We will not invoke cloture on this measure," he at least on one occasion did not repeat the line——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. SPECTER. I ask for 1 minute.

Mr. MITCHELL. I ask unanimous consent that the Senator speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair—as presently constituted.

And as the distinguished Senator from West Virginia noted earlier, the Republican leader was about to offer an amendment which would put in unemployment compensation and certain other items.

I ask, Madam President, unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 31, 1993.

Hon. BOB DOLE,
Republican Leader,
U.S. Senate, Washington, DC.

DEAR BOB: As currently written, H.R. 1335, the so-called "Emergency Supplemental Appropriations," contains $19.5 billion in additional deficit spending. This increase is $8.5 billion more than the net domestic spending cuts contained in the entire five year budget reduction plan.

The American people are asking the Congress to cut spending first, and then consider other options to reduce the deficit. The enactment of H.R. 1335, in its current form, would be contrary to demands from taxpayers all across America.

Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess.

Sincerely,

JOHN WARNER, CHUCK GRASSLEY, LARRY PRESSLER, AL D'AMATO, JOHN MCCAIN, CONNIE MACK, LARRY E. CRAIG, TRENT LOTT, NANCY KASSEBAUM, ARLEN SPECTER, ALAN SIMPSON, KIT BOND, BOB PACKWOOD, PAUL D. COVERDELL, FRANK H. MURKOWSKI, LAUCH FAIRCLOTH, CONRAD BURNS, ROBERT F. BENNETT, SLADE GORTON, BILL COHEN, THAD COCHRAN, PETE V. DOMENICI.

JIM JEFFORDS, DON NICKLES, DAN COATS, MALCOLM WALLOP, DIRK KEMPTHORNE, JUDD GREGG, MARK HATFIELD, JOHN DANFORTH, MITCH MCCONNELL, BOB SMITH, STROM THURMOND, PHIL GRAMM, RICHARD G. LUGAR, JESSE HELMS, JOHN H. CHAFEE, ORIN HATCH, BILL ROTH, TED STEVENS, HANK BROWN.

Mr. SPECTER. And my concluding comment is when they talk about a phantom amendment, on rollcall No. 98, Senator DOMENICI's amendment to restore military pay, let the record show that Senators NUNN, ROBB, and SHELBY, all from the Armed Services Committee, supported it, as did Senators MIKULSKI, CAMPBELL, and KRUEGER. And at the very conclusion of that vote a number of Democrats voted, bringing the total to 49, so that it would still be defeated with as many Democrats voting that way as they could put in and still have the motion to table carry.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 57, 58, 59 and 60. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements that appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

John M. Deutch, of Massachusetts, to be Under Secretary of Defense for Acquisition.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370;

To be vice admiral

Vice Adm. Roger F. Bacon [redacted], U.S. Navy.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Terrence R. Duvernay, Sr., of Georgia, to be Deputy Secretary of Housing and Urban Development, vice Alfred A. DelliBovi, resigned.

Jean Nolan, of Maryland to be an Assistant Secretary of Housing and Urban Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEEKING AN OIL EMBARGO AGAINST LIBYA

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 52 (S. Res. 68) the resolution relating to an oil embargo against Libya; that the committee amendments be agreed to; that the resolution be adopted; that the amendments to the preamble be agreed to; that the motion to reconsider be tabled en bloc; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 68), as amended, and its preamble, as amended, are as follows:

S. RES. 68

Whereas 189 Americans were murdered in the terrorist bombing of Pan Am Flight 103 in 1988 and 7 Americans were murdered in the terrorist bombing of UTA Flight 772 in 1989;

Whereas these bombings killed nationals from over 30 nations;

Whereas the United Nations Security Council first passed Resolution 731 on January 21, 1992, and subsequently adopted Resolution 748 on March 31, 1992 in response to the inaction of the Libyan government on this issue;

Whereas Libya has refused to provide all information in its possession regarding the bombings;

Whereas Libya has refused to remand into American, British, or French custody, the suspected Libyan agents;

Whereas Libya has refused to pay compensation to the families of the victims of both flights; and

Whereas Libya has long been a state sponsor of international terrorism, providing financial, logistical, and armed support for a variety of terrorist groups and movements: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately seek an international oil embargo through the United Nations against Libya for its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombings of Pan Am Flight 103 and UTA 772;

(2) Libya should comply with all provisions of United Nations Security Council Resolutions 731 and 748;

(3) Libya should release to the United States or Great Britain for trial, the Libyan agents indicted in the bombing of Pan Am Flight 103 and to France those responsible for the bombing of UTA Flight 772;

(4) Libya should provide all information in its possession regarding the two bombings;

(5) Libya should pay compensation to the families of the victims of both flights;

(6) all United States nationals in Libya who, in defiance of United States law, continue to contribute to the economy of Libya, should leave immediately; and

(7) Libya should cease support, training, and the arming of terrorist groups and movements throughout the world.

SENATE RESOLUTION 68—URGING AN INTERNATIONAL OIL EMBARGO AGAINST LIBYA

Mr. JEFFORDS. Madam President, I am pleased to join my colleagues in supporting adoption of Senate Resolution 68, urging the President to seek an international oil embargo against Libya because of its refusal to hand over the Libyan agents indicted in the bombing of Pan Am Flight 103.

I am sure my colleagues all remember as vividly as I do the moment on December 21, 1988, when we first heard that flight 103 had gone down over Scotland with 259 people on board. America and Europe grieved at the tragic loss of so many lives, and the anger built as it became clear that terrorists had carefully planned the murder. This was clearly an attack upon America and an attempt to intimidate us as a Nation.

Through incredibly hard work and persistence, the America-British investigative team was able to piece together the origin of the bomb, and eventually to determine who executed the act. However, our demands that the Government of Libya hand over the suspected bombers to Great Britain or the United States for trial fell on deaf ears. After months of frustration, the United States, Great Britain, and France were able to persuade the U.N. Security Council to unanimously endorse Resolution 731, condemning the bombing of Pan Am Flight 103 and France's UTA Flight 772. Two months later, the Security Council adopted Resolution 748, banning airline flights to Libya until Libya cooperates with the investigations.

Unfortunately, flouting international law and multilateral pressure, Libya has chosen to ignore the United States and the United Nations. One year later, we are no closer to bringing the suspects to trial. And the Libyan Government is no closer to meeting demands that it pay restitution to the families of the victims. It is time to increase the pressure on Libya and to clarify the consequences of Qadhafi's refusal to allow justice to be done.

This resolution calls upon the President to organize an international oil embargo, through the United Nations, of Libyan oil. Although we do not purchase oil from Libya, others do, and the revenues generated by foreign oil sales are important factors in Libya's economy. Both the political and economic force of a U.N.-backed embargo would bring critical new pressure on Qadhafi.

I'd like to take my colleagues' time for a moment to share with them a few comments about one of the victims of Pan Am Flight 103.

Amy Beth Gallagher was on her way home from Europe on December 21, 1988. The previous May, Amy had graduated from Emerson College in Boston with a degree in public relations. That fall, she decided to do some traveling in Europe before settling into a full-time job. Through her college, Amy qualified for a British temporary work permit and found a job in London working for an engineering company.

In her free time she traveled throughout the British Isles, taking in all the history and culture she could find. Upon finishing her job, Amy set off on a tour of 14 countries in Eastern and Western Europe, sharing her observations of every country in letters home to her parents. Staying at youth hostels and traveling by train, Amy made friends throughout Europe. She was a bright and promising woman, eager to see the world and to understand its people.

On December 19, Amy returned to London to say goodbye to her friends and prepare for her flight home. On the morning of December 21, just before embarking on Pan Am flight 103, she called her parents, very excited that she was coming home and anxious to see her family.

For Amy Gallagher and her family we demand that justice be served. And for all Americans we must keep the pressure on Libya, to prove that terrorism will not go unpunished, and that international resolve to fight terrorism will remain strong in the face of intransigence.

I thank my colleagues for their patience and I support adoption of Senate Resolution 68.

COMMENDATION OF PETER S. TAYLOR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 87, as submitted earlier today by Senators INOUYE and MCCAIN, a resolution to commend Peter Taylor, former staff member of the Indian Affairs Committee; that the resolution be agreed to and the motion to reconsider be laid upon the table; that the preamble be agreed to; that any statements relating to this bill appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) and its preamble are as follows:

S. RES. 87

Whereas Peter S. Taylor is a native of Kansas, and a graduate of Washburn University, Topeka, Kansas, and George Washington University School of Law, Washington, District of Columbia;

Whereas Peter S. Taylor was in the private practice of law from 1963 to 1970, and entered into the practice of Indian law in 1971 when he was named co-director of the Indian Civil Rights Task Force in the Office of the Solicitor at the United States Department of the Interior;

Whereas one of the accomplishments of Peter S. Taylor was his work in updating Kappler's "Indian Affairs, Laws and Treaties";

Whereas Peter S. Taylor was Chairman of the Task Force on Revision and Codification of Federal Indian Law of the American Indian Policy Review Commission, a Joint Congressional Commission established to study Indian policy and law;

Whereas Peter S. Taylor joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, at the time of the Committee's inception in 1977;

Whereas Peter S. Taylor served with distinction as Senior Counsel, Staff Director, and General Counsel of such Committee, from the 95th Congress to the 103d Congress;

Whereas Peter S. Taylor is acknowledged by the Members of the Senate, by his colleagues on the staff of the Committee on Indian Affairs, by Indian tribal leaders throughout the United States, and by numerous other individuals engaged in the practice of Indian law, to be a person with an outstanding knowledge and understanding of Indian law and policy;

Whereas Peter S. Taylor has contributed immensely to the development of modern Indian law through his leadership as a staff member of the Committee on Indian Affairs, on such diverse issues as the Indian Child Welfare Act, the Maine Indian Land Claims Settlement Act, the Mashantucket Pequot Indian Claims Settlement Act, restoration of lands to the Cochiti Pueblo, the Indian Land Consolidation Act, the Indian Gaming Regulatory Act, the White Earth Indian Reservation Land Settlement Act, the Hoopa-Yurok Settlement Act, the Farm Credit Act Amendments, the Seneca Nation Lease Renegotiation Act, the Aroostook Band of Micmac-Maine Settlement Act, the Indian Agricultural Resources Management Act, and numerous other Acts of Congress;

Whereas the United States Senate, Indian tribal leaders, legal scholars, and others involved in Indian law and policy have come to rely on the wisdom and knowledge of Peter S. Taylor in the area of Indian Affairs; and

Whereas the retirement of Peter S. Taylor will deprive the United States Senate and the Committee on Indian Affairs of the services of a local and dedicated staff member: Now, therefore, be it

Resolved, That the United States Senate commends Peter S. Taylor for his many outstanding contributions and accomplishments in the field of Indian law and policy, express the gratitude and appreciation of the United States Senate and the American people for his long, loyal and dedicated services to the Senate, and extend to him the best wishes of the Senate and the American people for a long and happy future.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Peter S. Taylor.

STOCK RAISING HOMESTEAD ACT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Resolution 239 amending the Stock Raising Homestead Act just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 239) was deemed to have been read three times and passed.

Mr. MITCHELL. Madam President, I ask unanimous consent that Calendar No. 35 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF ACTION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Madam President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution authorizing testimony and authorizing representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 88) to authorize testimony and to authorize representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Madam President, in the case of *United States* v. *Armand D'Amato*, Cr. No. 92–00274, pending in the U.S. District Court for the Eastern District of New York, the United States seeks the trial testimony of two Senate witnesses. This resolution would authorize the employees' testimony in this case, except concerning matters for which a privilege should be asserted, and would authorize the Senate legal counsel to represent the employees in connection with that testimony.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 88) and its preamble are as follows:

S. RES. 88

Whereas, in the case of United States *v.* Armand D'Amato, Cr. No. 92–00274, pending in the United States District Court for the Eastern District of New York, the United States seeks the trial testimony of Senate employees, Claudia Breggia and Shirley Tucker;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it *Resolved*, That Claudia Breggia and Shirley Tucker are authorized to testify in United States *v.* Armand D'Amato, Cr. No. 92–00274 (E.D. N.Y.), except concerning for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claudia Breggia and Shirley Tucker in connection with the testimony authorized by section 1 of this resolution.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CHILDHOOD IMMUNIZATION ACT—MESSAGES FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Comprehensive Child Immunization Act of 1993." Also transmitted is a section-by-section analysis.

This legislation launches a new partnership among parents and guardians; health care providers; vaccine manufacturers; and Federal, State, and local governments to protect our Nation's children from the deadly onslaught of infectious diseases. The legislation is a comprehensive initiative to remove existing barriers to immunization. It will ensure that all children in the United States are immunized against vaccine-preventable diseases by their second birthday. Because of the importance of this initiative to the health of our children, I am transmitting this legislation in advance of my proposal for comprehensive reform of the Nation's health care system, which I expect to submit to the Congress in May.

Beginning in fiscal year 1995, the bill would authorize the Secretary of Health and Human Services to purchase and provide childhood vaccines in quantities sufficient to meet the immunization needs of children in the United States. It would also institute a national immunization tracking system through grants to the States to establish State immunization registries. In addition, the bill contains provisions to ensure that the National Vaccine Injury Compensation Program, an essential link in our Nation's immunization system, remains operational. Funding for the program of vaccine purchase and distribution will be identified in my legislation for broad-based reform of the national health care system and made available beginning in fiscal year 1995 from the Comprehensive Child Immunization Account in the United States Treasury.

Immunizations are cost-effective. For example, the measles vaccine saves over $10 in health care costs for every $1 invested in prevention. We know that children are most vulnerable before their second birthday and that approximately 80 percent of vaccine doses should be given before then. Many children, however, do not receive even their basic immunizations by that age. We must remove the financial barriers to immunization that impede children from being vaccinated on time, and facilitate development of a national tracking system to ensure children are immunized at the earliest appropriate age.

The problem posed by soaring vaccine costs is exacerbated by a deteriorating immunization infrastructure. This legislation continues the rebuilding of our capacity to deliver vaccines and educate parents started in my economic stimulus package.

This proposal would direct the Secretary to purchase and provide vaccine without charge to health care providers who serve children and are located in a State that participates in the State registry grant program. In non-participating States, free vaccine would be distributed to Federal health care centers and providers, including those serving Indian populations. Health care providers could not charge patients for the cost of the vaccine. They could, however, impose a fee for its administration, unless such a fee would result in the denial of vaccine to someone unable to pay. The authority of the Secretary established under this legislation, to purchase and provide vaccines, shall cease to be in effect beginning on such date as may be specified in a Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

In addition, the bill would provide for a collaborative Federal and State effort to track the immunization status of the Nation's children. It would authorize the Secretary to make grants to States to establish and operate State immunization registries containing specific information for each child in the State. Entering infant birth and immunization data into registries will enable identification of children who need vaccinations and will help parents and providers ensure that children are appropriately immunized.

A keystone of the Nation's vaccine immunization effort is the National Vaccine Injury Compensation Program. This legislation would authorize payments from the Vaccine Injury Compensation Trust Fund for compensable injuries from vaccines administered on or after October 1, 1992, and would reinstate and permanently extend the vaccine excise tax.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1993.*

MESSAGES FROM THE HOUSE

At 1:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution; in which it requests the concurrence of the Senate:

H.J. Res. 156. A joint resolution to concerning the dedication of the United States Holocaust Memorial Museum.

At 3:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ROSE, Mr. SWIFT, Mr. FROST, Mr. HOYER, Mr. KLECZKA, Mr. CONYERS, Mr. THOMAS of California, Mr. LIVINGSTON, and Mr. ROBERTS as managers of the conference on the part of the House.

At 8:42 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution; in which it requests the concurrence of the Senate.

H.J. Res. 174. Joint resolution increasing the statutory limit on the public debt.

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time.

H.J. Res. 174. Joint Resolution increasing the statutory limit on the public debt.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 1, 1993, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes;

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992;

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 28. Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution;

S,J. Res. 29. Joint resolution providing for the appointment of Wesley S. Williams Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–57. A resolution adopted by the General Assembly of the State of New Jersey relative to the Turkish blockade of Armenia; to the Committee on Foreign Relations.

"ASSEMBLY RESOLUTION NO. 116

"Whereas, The Republic of Armenia was the first independent democracy to emerge from the former Soviet Union and to join with the United States in a broad array of international agreements and cooperative undertakings; and

"Whereas, The Republic of Armenia is neither at war with any other country nor making any territorial claim against any other country; and

"Whereas, The Republic of Armenia is the victim of an economic blockade which prevents food and hearing fuel from reaching its more than 3.5 million inhabitants, causing untold human suffering from freezing and starvation; and

"Whereas, The blockade of the Republic of Armenia constitutes an act of war or aggression prohibited by the Charter of the United Nation and violates numerous international legal accords for human rights and for the protection of populations of landlocked countries; and

"Whereas, The blockade is being perpetrated in part by the Republic of Turkey, which is a NATO ally of the United States and a recipient of foreign assistance and investment funds from the United States; and

"Whereas, New Jersey is vitally concerned with the survival and well being of the democratic Republic of Armenia and its people; and

"Whereas, New Jersey is unwilling to bear witness to a second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Turkey to comport itself in accordance with international law; now, therefore,

"BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

"1. The General Assembly of the State of New Jersey respectfully memorializes the President of the United States and Congress to take the immediate steps necessary to cause Turkey to cease its illicit blockade of Armenia and to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armenia.

"2. The General Assembly of the State of New Jersey also calls upon the President of the United States to seek immediate United Nations intervention in the Nagorno Karabagh conflict, where the ethnically Armenian enclave is under siege by Azerbaijan to deny the rights of its inhabitants to self-determination.

"3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, to the presiding officers of the United States Senate and House of Representatives, and to every member of Congress elected from the State of New Jersey."

POM–58. A resolution adopted by the General Assembly of the State of New Jersey relative to state property tax; to the Committee on Banking, Housing and Urban Affairs.

ASSEMBLY RESOLUTION NO. 106

"Whereas, The high cost of housing is causing serious financial problems for renters, especially low-income families, fixed-income senior citizens and the disabled; and

"Whereas, This legislature has attempted to alleviate these problems by passing legislation intended to return excess property taxes in the form of rebates to those suffering the greatest tax hardships; and

"Whereas, The United States Department of Housing and Urban Development (HUD), through an interpretation of an existing regulation, will be undermining the efforts of this legislative body by requiring payment under the State's property tax rebate programs to be treated as income in calculating whether or not low-income residents are eligible for certain rental subsidies; and

"Whereas, Such regulations should not be allowed to nullify these worthwhile State programs because the property tax rebates granted are not new income but represent a return of income already included in HUD calculations; and

"Whereas, H.R. 753 was introduced in Congress by Representative Donald M. Payne of this State on February 2, 1993 and has been referred to the Banking Committee of the U.S. House of Representatives; and

"Whereas, H.R. 753 addresses the problem created by the HUD interpretation by exempting the New Jersey property tax rebate from being included as income in that agency's calculation of eligibility for low-income housing assistance; now, therefore,

"BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

"1. This House memorializes the Congress of the United States to pass H.R. 753.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be sent to the presiding officers of each House of Congress, to Rep. Henry B. Gonzalez, chairman of the Banking Committee of the U.S. House of Representatives, and to each member of Congress from New Jersey."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 714. An original bill to provide funding for the resolution of failed savings associations, and for other purposes (Rept. No. 103–36).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 349. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. No. 103–37).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.

Winston Lord, of New York, to be an Assistant Secretary of State.

Mr. GLENN, from the Committee on Governmental Affairs:

James Lee Witt, of Arkansas, to be Director of the Federal Emergency Management Agency.

James B. King, of Massachusetts, to be Director of the Office of Personnel Management for a term of four years.

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Eugene Allan Ludwig, of Pennsylvania, to be Comptroller of the Currency for a term of five years.

(The above nominations were approved subject to the nominees' committment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 688. A bill to temporarily suspend duties on certain composite diagnostic or laboratory reagents; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mrs. FEINSTEIN, Mr. GLENN, Mr. MITCHELL, Mr. ROBB, and Mr. REID):

S. 689. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. COHEN, and Mr. KEMPTHORNE):

S. 690. A bill to amend the Congressional Budget Control and Impoundment Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MURKOWSKI (for himself, Mr. PELL, Mr. PRESSLER, Mr. WALLOP, Mr. LUGAR, and Mr. DODD):

S. 691. A bill to terminate certain economic sanctions against Vietnam, to provide for less restrictive controls on exports of sensitive technology, material, and data to Vietnam, and to increase access by United States citizens to the territory of Vietnam in order to obtain a fuller accounting of the fate of certain American servicemen for the Vietnam War; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:

S. 692. A bill to suspend temporarily the duty on B-naphthol; to the Committee on Finance.

S. 693. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

S. 694. A bill to suspend temporarily the duty on rosachloride lumps; to the Committee on Finance.

S. 695. A bill to suspend temporarily the duty on C.I. Pigment Yellow 183; to the Committee on Finance.

S. 696. A bill to suspend temporarily the duty on diamino imid sp; to the Committee on Finance.

S. 697. A bill to suspend temporarily the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7-sulfonic acid; to the Committee on Finance.

S. 698. A bill to suspend temporarily the duty on sethoxydim; to the Committee on Finance.

S. 699. A bill to extend certain existing temporary duty suspensions; to the Committee on Finance.

S. 700. A bill to extend the temporary reduction of duty on caffeine; to the Committee on Finance.

S. 701. A bill to suspend temporarily the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Finance.

S. 702. A bill to suspend temporarily the duty on 3-ethylamino-p-cresol; to the Committee on Finance.

S. 703. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Finance.

S. 704. A bill to suspend temporarily the duty on 3,7,11,15, tetramethyl-1-hexadecen-3-01; to the Committee on Finance.

S. 705. A bill to suspend temporarily the duty on a-Isopropyl-a [(N-methyl-N-homoveratryl)-g-aminopropyl]-3, 4-Dimethoxyphenylacetonitril-hydrochloride; to the Committee on Finance.

S. 706. A bill to suspend temporarily the duty on disperse red 279; to the Committee on Finance.

S. 707. A bill to suspend temporarily the duty on 2-Hydroxy-4-Methoxy Benzophenone Sulfonic Acid; to the Committee on Finance.

S. 708. A bill to suspend temporarily the duty on fastusol C blue 76L; to the Committee on Finance.

S. 709. A bill to suspend temporarily the duty on C.I. Pigment Yellow 138; to the Committee on Finance.

S. 710. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

S. 711. A bill to suspend temporarily the duty on riboflavin; to the Committee on Finance.

S. 712. A bill to suspend temporarily the duty on 2,3,5-Trimethylhydroquinone; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 713. A bill to require that the salaries of Members of Congress be sequestered first, before any sequester occurs under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Governmental Affairs.

By Mr. RIEGLE:

S. 714. An original bill to provide funding for the resolution of failed savings associations, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. BOND (for himself, Mr. Dodd, Mr. Rockefeller, Mr. Chafee, Mr. Heflin, Mr. Cochran, Mr. Shelby, Mr. Stevens, Mr. Inouye, Mr. Danforth, Mr. Lieberman, and Mr. Cohen):

S. 715. A bill to establish parents as teachers programs; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. Wellstone, Mr. Heflin, Mr. Dorgan, Mr. Daschle, Mr. Kerrey, Mr. Simon, Mr. Glenn, Mr. Pryor, Mr. Harkin, Mr. Grassley, Mr. Durenberger, Mr. Pressler, Mr. Levin, Mr. McConnell, and Mr. Johnston):

S. 716. A bill to require that all Federal lithographic printing be performed using ink made of vegetable oil, and for other purposes; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself, Mr. Heflin, and Mr. Cochran):

S. 717. A bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERREY (for himself and Mr. Daschle):

S. 718. A bill to amend the Agricultural Trade Act of 1978 to promote the export of agricultural commodities and products to foreign countries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself and Mr. Bryan):

S. 719. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Inouye, and Mr. Reid):

S. 720. A bill to clean up open dumps on Indian lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. JOHNSTON (for himself and Mr. Bumpers):

S. 721. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself, Mr. Byrd, Mr. Baucus, Mr. Lieberman, and Mr. Roth):

S. 722. A bill to amend the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 723. A bill to provide for an analysis of the secondary and tertiary Arab boycotts of United States firms doing business with Israel, and for other purposes; to the Committee on Finance.

S. 724. A bill to extend the temporary suspension of duty on 2,3,6-Trimethylphenol (TMP); to the Committee on Finance.

By Mr. KENNEDY:

S. 725. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. Breaux, and Mr. Baucus):

S. 726. A bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 727. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 728. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. Bradley, Mr. Lieberman, Mr. Bryan, Mr. Harkin, Mr. Jeffords, Mr. Simon, Mr. Kennedy, Mr. Leahy, Mr. Lautenberg, Ms. Mikulski, Ms. Moseley-Braun, Mr. Moynihan, Mr. Pell, Mr. Sarbanes, Mr. Wellstone, and Mr. Wofford):

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself and Mr. Conrad):

S. 730. A bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER:

S. 731. A bill to assist rural rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. Riegle, Mr. Simon, Mr. Wellstone, Mr. Metzenbaum, and Ms. Mikulski):

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. Kennedy, Mr. Metzenbaum, Mr. Wellstone, and Ms. Mikulski):

S. 733. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

By Mr. FEINGOLD:

S. 734. A bill to amend the Agricultural Act of 1949 to require the Secretary to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 735. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 736. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATFIELD (for himself, Mr. Gorton, Mr. Packwood, and Mr. Grassley):

S. 737. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 86. A resolution relating to jurisdiction and authority of the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself and Mr. MCCAIN):

S. Res. 87. A resolution commending Peter S. Taylor for his long, loyal and dedicated service to the United States Senate and the Senate Committee on Indian Affairs; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 88. A resolution to authorize testimony and to authorize representation by the Senate Legal Counsel; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. FEINGOLD):

S. Res. 89. A resolution relating to restoration of democracy in Haiti; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself and Mrs. KASSEBAUM):

S. Res. 90. A resolution to express the sense of the Senate concerning the exercise of rights secured under the First Amendment to the Constitution; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 688. A bill to temporarily suspend duties on certain composite diagnostic or laboratory reagents; to the Committee on Finance

DUTY SUSPENSION LEGISLATION

• Mr. LUGAR. Mr. President, today I am reintroducing legislation to suspend temporarily the duty on certain composite diagnostic or laboratory reagents. This bill is similar to S. 763, which I introduced in the last Congress, but includes technical changes suggested by the staff of the International Trade Commission.

Boehringer-Mannheim Corp. is a U.S. company with headquarters in Indianapolis, employing 3,300 Hoosiers. BMC manufactures the Reflotron Analyzer, a system used by physicians to make various tests on patients' blood samples. A drop of the patient's blood is placed on a reagent strip, which is then inserted into the Reflotron machine. The Reflotron measures glucose, hemoglobin, cholesterol, and other factors. A different reagent strip is used for each specific characteristic the doctor wishes to measure.

It is these reagent strips which are the subject of this legislation. The strips are classified under Harmonized Tariff Schedule item No. 3822.00.50, "Composite diagnostic or laboratory reagents, other." They are not manufactured in this country and Reflotron imports them from Germany. The present U.S. tariff is 5 percent ad valorem, and reducing it offers the potential to reduce the cost of blood testing services to doctors and patients.

Last year, the House counterpart of S. 763 was included as section 1141 of H.R. 4318, the miscellaneous tariff bill passed by the House of Representatives on July 31, 1992. I hope the Finance Committee will give it favorable consideration this year.•

By Mr. BRADLEY (for himself, Mrs. FEINSTEIN, Mr. GLENN, Mr. MITCHELL, Mr. ROBB, and Mr. REID):

S. 689. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

Mr. BRADLEY. Madam President, imagine a system where parents can escape the responsibility of supporting their children by simply crossing State lines, where individuals can live outrageously lavish lifestyles while their children wallow in poverty, and where children can be born right onto the welfare rolls because their fathers do not acknowledge paternity. Imagine a system where computer systems are so outdated that they provide only minimal help in tracking down delinquent parents, and caseworkers are asked to handle, on average, 1,000 cases each. If you can imagine this system, Madam President, you can begin to understand the confusing and socially damaging system of child support enforcement in this country.

I rise today to introduce the Interstate Child Support Enforcement Act of 1993 to overhaul this system. Joining me as cosponsors of this legislation are Senators FEINSTEIN, GLENN, ROBB, MITCHELL, and REID. A comprehensive plan to improve the system of child support enforcement, this bill is based on the report and recommendations of the U.S. Commission on Interstate Child Support. I was extremely proud to serve with some very able people on this Commission. At the end of last session I introduced a bill based on its recommendations. Over the last few months, I have received comments from individuals and groups across the country and have tried to take account of what they have told me.

The bill I introduce today attempts to make several changes to the current system. It seeks to promote uniformity in the laws and practices of the States, encourage voluntary and quick paternity establishment, and enhance the capacity of the States to locate delinquent child support obligors. The bill also takes tough enforcement measures to make those, who are shirking their responsibility to their children, pay. Madam President, the message this bill sends to delinquent parents is clear: We will find you and we will make you pay the money you owe your children.

Every year, an average of $5 billion in child support obligations goes unpaid. The amount of unpaid child support has increased so dramatically that few custodial parents expect to receive all the money due them before their children reach the age of majority. Of the estimated 12.8 million single-parent families in this country, only about 60 percent have child support orders. Those that have child support orders only receive, on average, about 60 percent of what is owed them in a given year. Many custodial parents receive no child support, which forces a sizable number into the AFDC Program.

As bad as the overall system is, Madam President, the system of interstate child support enforcement is even worse. One-third of all child support cases are interstate, yet only $1 of every $10 collected is from an interstate case. Behind this statistic are millions of families drowning in redtape trying to collect billions of dollars from noncustodial parents. Some people who owe child support make it a habit to move from State to State to avoid paying. Others change jobs, or refuse to pay taxes, so that child support officials cannot keep up with them. These and many other efforts are conducted against a backdrop of inconsistent State laws, inadequate staff and computer resources, and a continually growing case load due to the tremendous rise in out-of-wedlock births. We can do things to change this, Madam President, and the bill I introduce today starts us in that direction.

Expanded paternity establishment is key to improving interstate child support enforcement. In 1990, there were over 1 million births to unmarried women, about one-fourth of all births that year. About 57 percent of black children, 23 percent of Hispanic children, and 17 percent of white children born in 1990 were born to unwed mothers. In 1990, 68 percent of all births to woman between the ages of 15 to 19 were out of wedlock.

Before a custodial parent can get a child support order, paternity must be established. And when you consider that it is more difficult to establish paternity when the father of the child lives in another State, you start to see why early and quick paternity establishment is so important.

This bill requires States to establish hospital-based paternity establishment programs, such as the successful programs which now operate in the States of Washington and Virginia, so that fathers can be identified in hospitals. About 85 percent of fathers are in touch with the child and mother at, or soon after, the birth. Many fathers visit their children in the hospital or birthing center. Programs that target these fathers and provide opportunities for them to acknowledge paternity can do a lot to cut down on the number of children for whom paternity has not been established.

For the situations where the father was not targeted at the hospital, this bill contains provisions which would make it easier for paternity to be established by courts or administrative agencies. It makes it less difficult to locate out-of-State fathers by expanding the locate information and services available to custodial parents and child support professionals. It mandates changes in evidence standards which remove many of the obstacles that now exist to paternity establishment across State lines. This bill also promotes the use of paternity testing procedures which are very accurate at resolving contested paternity cases.

Even where parentage is established, it is difficult to locate absent parents so that a support order can be established. When those parents live in other States it becomes even more difficult.

In interstate cases, custodial parents always seem to be one step behind noncustodial parents. If a noncustodial parent gets a job, child support officials do not usually learn about the job change until the next quarter in which the employer has to report payroll information. By the time child support officials in the custodial parent's State learn the information, the noncustodial parent has often moved to another job. Imagine the frustration, Madam President, of custodial parents who find out where the noncustodial parent was working only after he has left the job. This scenario is played out over and over in interstate cases.

To eliminate this problem, this bill requires the printing of a new W-4 form. On that form, all new employees would have to disclose whether they are required to pay child support and if so, the amount they have to pay and whether it is to be paid by wage withholding. If the employee is required to pay child support through wage withholding, this bill requires the employer to begin the withholding immediately after confirming the monthly amount.

Just as important, Madam President, the bill I introduce today requires that the W-4 form information be sent directly to the State child support enforcement agency. The State child support enforcement agency would then broadcast the information over a national network, created by this bill, which links all the States and certain data bases of the Federal Government. The W-4 form information would be compared with information in electronic, State-based child support order registries across the country. If the new employee did not accurately acknowledge a child support obligation, the network would pick this up. Instead of always being one step behind the noncustodial parent, the custodial parent and the child support worker will be able to find the noncustodial parent much sooner, and target him for enforcement. The combination of an electronic data bank of support order information, a national network, and the amended W-4 form deal a serious blow to noncustodial parents who are now successfully avoiding payment of child support.

To eliminate the problems associated with establishing a support order across State lines, my bill requires the States to expand their long-arm statutes to reach more out-of-State noncustodial parents. It requires States to recognize and enforce child support orders from other States, and it also requires all States to adopt the Uniform Interstate Family Support Act, adopted by the National Conference of Commissioners on Uniform State Laws, verbatim so that inconsistencies between the States in case processing and enforcement can be eliminated.

Even where a support order has been established, custodial parents still have problems collecting money, especially in interstate cases. In response, this bill requires the States to take tougher measures against parents who do not pay their child support. It requires them to pass laws making it possible for delinquent parents to lose their professional and occupational licenses, hitting them in a sense at their livelihood. It requires the States to hold off issuing driver's licenses to delinquent parents. It calls for the expanded use of credit reporting—it is interesting that a noncustodial parent can be delinquent on a car loan and that fact can be reported on a credit report, but the fact that he or she is delinquent on child support might not be reported. In addition, this bill requires the States to intercept lottery winnings, money judgments, and other income of noncustodial parents who owe child support. This bill also requires the States to make it easier to freeze the bank accounts of delinquent parents, and requires the States to make it a State crime to willfully fail to pay child support.

Finally, this bill responds to staffing and training issues which have plagued child support professionals for decades. In a GAO report I and the other congressional members of the Commission requested, it was reported that the average case load per child support case worker is 1,000 cases. Can you imagine, Madam President, 1,000 cases? This bill requires the Department of Health and Human Services to conduct staffing studies in every State and report such findings to this body and the States. It also requires the Office of Child Support Enforcement to make training assistance available to State child support agencies.

Madam President, I realize that this is a very complicated bill and that others might have chosen different paths to reforming the child support system. However, I believe this bill and the recommendations upon which it is based will make significant improvements over the current system. I also expect bipartisan support for many of the bill's provisions. In fact, my colleague on the Commission, MARGE ROUKEMA, is today introducing a companion measure to my legislation in the House.

Madam President, the failure of noncustodial parents to pay child support should be the concern us all—not just because tax dollars are at stake, but because nonpayment of child support is taking a heavy toll on the children of this Nation. Fifty percent of the marriages in this country end in divorce. A quarter of the children born every year are born out of wedlock. According to the National Commission on Children, nearly 75 percent of all American children growing up in single-parent families will experience poverty for some period during the first 10 years of their lives. These disturbing statistics suggest that millions of children can be helped if we toughen our Nation's child support system and improve our ability to locate absent parents. In the Commission, we took a comprehensive look at the problem of child support enforcement, and I think Members should pay special attention to the recommendations we produced. I stand ready to work with any Member of this body on the provisions laid out in this bill.

I ask unanimous consent that the full text of the bill and two summaries of the bill's provisions be entered into the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Child Support Enforcement Act".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings, declarations, and purposes.
TITLE I—LOCATE AND CASE TRACKING
Sec. 101. Expansion of use of Federal parent locator system.
Sec. 102. Expansion of data bases accessed by parent locator systems.
Sec. 103. Expansion of access to national network for location of parents.
Sec. 104. Private attorney access to locate and enforcement services.
Sec. 105. Access to law enforcement systems of records.
Sec. 106. State networks for broadcasting warrants.
TITLE II—ESTABLISHMENT
Sec. 201. Jurisdiction, service of process, and full faith and credit.
Sec. 202. Service of process on Federal employees and members of the armed services relating to child support, alimony, and parentage obligations.

Sec. 203. Presumed address of obligor and obligee.
Sec. 204. Notification to custodial parents.
Sec. 205. State uniformity regarding establishment of parentage and support, jurisdiction and venue, and Federal employee residential status.
Sec. 206. Fair Credit Reporting Act amendments.
Sec. 207. National Child Support Guideline Commission.
Sec. 208. State child support guideline principles.
Sec. 209. Duration of support.
Sec. 210. National subpoena duces tecum.
Sec. 211. Uniform terms in orders.
Sec. 212. Social security numbers on marriage licenses and child support orders.
Sec. 213. Administrative subpoena power.

TITLE III—PARENTAGE

Sec. 301. Parentage.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended.
Sec. 402. National reporting of new hires and child support information.
Sec. 403. Direct income withholding.
Sec. 404. Priority of wage withholding.
Sec. 405. Definition of income subject to withholding includes workers' compensation.
Sec. 406. Consumer Credit Protection Act amendments.
Sec. 407. Election of remedies prohibition.
Sec. 408. Occupational, professional and business licenses.
Sec. 409. Driver's licenses.
Sec. 410. Attachment of bank accounts.
Sec. 411. Lotteries, settlements, payouts, awards, and forfeitures.
Sec. 412. Fraudulent transfer pursuit.
Sec. 413. Full IRS collection.
Sec. 414. Bonds.
Sec. 415. Tax offset for non-AFDC post-minor child.
Sec. 416. Attachment of public and private retirement funds.
Sec. 417. Reporting to credit bureaus.
Sec. 418. Criminal nonsupport.
Sec. 419. Statutes of limitation.
Sec. 420. Interest.
Sec. 421. Health-care enforcement.
Sec. 422. Bankruptcy.
Sec. 423. Federal Government cooperation in enforcement of support obligations of members of the armed forces and other persons entitled to payments by the Federal Government.
Sec. 424. UIFSA endorsement.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections.
Sec. 502. Relationship of AFDC to CSE—limiting reimbursement claims to award amount.
Sec. 503. Fees for non-AFDC clients.
Sec. 504. Collection and disbursement points for child support.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal Child Support Agency.
Sec. 602. Training.
Sec. 603. Staffing.
Sec. 604. Funding and incentives for child support agencies.
Sec. 605. Child support definition.
Sec. 606. Audits.
Sec. 607. Child support assurance demonstration projects.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV-D services.
Sec. 702. Advocating for children's economic security.
Sec. 703. Duties of IV-D agencies.
Sec. 704. Broader access to services.
Sec. 705. Process for change of payee in IV-D cases.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support and parentage cases annually involving disputes between parents or presumed parents who reside in different States;

(2) the laws by which the courts of the various States determine their authority to establish, enforce, or modify a child support order, or to establish parentage are not uniform;

(3) those laws, along with the limits imposed by a Federal system, on the authority of each State to take certain actions outside its own boundaries, contribute to—

(A) the pressing problem of parties moving to avoid jurisdiction,

(B) inequities based solely on choice of domicile,

(C) disregard of court orders resulting in massive arrearages nationwide,

(D) excessive relitigation of cases,

(E) the establishment of conflicting orders by the courts of various States, and

(F) inter-jurisdiction travel and communication that is so expensive and time consuming as to disrupt parties' occupations and commercial activities; and

(4) among the results of these conditions are—

(A) the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other States,

(B) the deprivation of rights of liberty and property without due process of law,

(C) burdens on commerce among the States, and

(D) harm to the welfare of children and their parents and other custodians.

(b) DECLARATION.—Based on the findings stated in subsection (a), it is necessary to establish national standards under which the courts of each State will determine their jurisdiction to establish, enforce, or modify a child support order, or to establish parentage and the effect to be given by each State to such determinations by the courts of other States.

(c) PURPOSE.—The general purposes of this Act are to—

(1) expand the forums available to establish, enforce, or modify a child support order, or to establish parentage so that such actions may be heard in the State that has the strongest interest in the child's financial security;

(2) promote and expand the exchange of information and other forms of mutual assistance between States that are concerned with the same child;

(3) facilitate the enforcement of support decrees among the States;

(4) discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(5) avoid jurisdictional competition and conflict between courts in matters relating to the establishment, enforcement, and modification of child support orders, and to the establishment of parentage, which have resulted in the movement of parties among States and a low percentage of interstate cases with support orders, thereby adversely affecting children's well-being.

(d) DEFINITIONS.—For purposes of this Act—

(1) STATE.—The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

(2) COURT.—The term "court" means a court, administrative process, or quasi-judicial process of a State that is authorized to—

(A) establish and enforce parentage orders;

(B) establish and enforce orders regarding the amount of support payable by a contestant; or

(C) modify orders regarding the amount of support payable by a contestant.

TITLE I—LOCATE AND CASE TRACKING

SEC. 101. EXPANSION OF USE OF FEDERAL PARENT LOCATOR SYSTEM.

Section 453 (42 U.S.C. 653) is amended—

(1) by striking "for the purpose of enforcing support obligations against such parent" in subsection (a) and inserting "for the purposes of parentage establishment, child support establishment, modification, and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent", and

(2) by inserting "and such reasonable fees" after "such documents" in subsection (d).

SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PARENT LOCATOR SYSTEMS.

(a) ADDITIONAL INFORMATION FOR FEDERAL PARENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is amended—

(1) by striking "the most recent address and place of employment" in subsection (b) and inserting "the most recent residential address, employer name and address, and amounts and nature of income and assets",

(2) by striking "the resident parent" in subsection (c)(3) and inserting "either parent", and

(3) by adding at the end of subsection (e) the following new paragraph:

"(4) The Secretary of the Treasury shall enter into an agreement with the Secretary to provide prompt access for the Secretary (in accordance with this subsection and section 6103(l)(6) of the Internal Revenue Code of 1986) to the quarterly estimated Federal income tax returns filed by individuals with the Internal Revenue Service.".

(b) STATE INFORMATION.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (10) the following new paragraphs:

"(11) Procedures under which the State agency shall have automated on-line or batch access (or, if necessary, nonautomated access) to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits with respect to absent parents through various data bases. Such data bases shall include data bases belonging to:

"(A) the State revenue or taxation department;

"(B) the State motor vehicle registration department;

"(C) the State employment security department;

"(D) the State crime information system;

"(E) the State bureau of corrections;

"(F) the State recreational, occupational, and professional licensing department;

"(G) the Secretary of State's office;

"(H) the State bureau of vital statistics;

"(I) State or local agencies administering public assistance;

"(J) State or local real and personal property record departments;

"(K) publicly regulated utility companies located in the State;

"(L) credit reporting agencies located in the State; and

"(M) trade and labor unions located in the State.

"(12) Procedures under which the State agency shall maintain a child support order registry which shall include—

"(A) each child support order in the State in which the parties agree to the inclusion of such order in the registry; and

"(B) at the option of the State, all other child support orders in the State.".

(c) Sense of the Congress.—It is the sense of the Congress that the Secretary of Health and Human Services should investigate pursuant to section 453(e) of the Social Security Act (42 U.S.C. 653(e)) accessing Federal data banks not already linked to the Parent Locator Service which are deemed more-than-marginally useful to locate absent parents.

(d) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on and after January 1, 1998.

SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK FOR LOCATION OF PARENTS.

(a) In General.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary, through the Office of Child Support Enforcement, shall expand the Parent Locator System, established under this section to provide a national network based on the comprehensive statewide child support enforcement systems developed by the various States. Such an expansion—

"(1) would allow each State to—

"(A) locate any absent parent who owes a child support obligation, for whom an obligation is being established, or for whom an order for visitation is being enforced by—

"(i) accessing the records of other State agencies and sources of locate information, and

"(ii) accessing Federal sources of locate information in the same fashion;

"(B) access the files of other States to determine whether there are other child support orders and obtain the details of those orders;

"(C) provide for both on-line and batch processing of located requests, with on-line access restricted to cases in which the information is needed immediately (i.e., court appearances) and batch processing used to 'troll' data bases to locate individuals or update information periodically; and

"(D) direct locate requests to individual States or Federal agencies, broadcast requests to selected States, or broadcast cases to all States when there is no indication of the source of needed information;

"(2) provide for a maximum of 72-hour turnaround time for information to be broadcast and returned to a requesting State;

"(3) provide ready access to courts of the information on the network; and

"(4) access the registry of child support orders for public and private cases maintained at the State level by the State agencies as described in section 466(a)(12).".

(b) Expanded State Interaction With National Network.—Section 454(16) (42 U.S.C. 654(16)) is amended—

(1) by striking "and (E)" and inserting "(E)", and

(2) by striking "enforcement;" at the end of subparagraph (E) and inserting "enforcement, and (F) to provide access to the national network developed pursuant to section 453(g);".

(c) Effective Date.—The amendments made by this section shall take effect on and after January 1, 1998.

SEC. 104. PRIVATE ATTORNEY ACCESS TO LOCATE AND ENFORCEMENT SERVICES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 102, is amended by inserting after paragraph (12) the following new paragraph:

"(13) Procedures under which private attorneys and pro se obligees are given access to State locate information and enforcement techniques of the State child support enforcement agency, for the limited purpose of establishing, modifying, and enforcing child support, visitation, and parentage orders, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent. Such procedures may provide for reasonable fees for such access.".

SEC. 105. ACCESS TO LAW ENFORCEMENT SYSTEMS OF RECORDS.

The head of the National Criminal Information Center, of the National Law Enforcement Telecommunications Network, and of any other national or regional system for tracking individuals shall—

(1) allow access to Federal, State, and local child support enforcement agencies to information held by the Center, Network, or other system; and

(2) if an access code is required to allow such access, provide an access code to each child support enforcement agency that applies for one.

SEC. 106. STATE NETWORKS FOR BROADCASTING WARRANTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 104, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which the State—

"(A) shall make available for broadcasting on its local and State crime information system failure-to-appear warrants, capiases and bench warrants issued by courts in civil and criminal parentage and child support proceedings; and

"(B) if a defendant or anyone on behalf of the defendant posts security after being arrested, shall remit any subsequent forfeiture to the individual owed the child support obligation to the extent of any arrearage in such obligation.".

TITLE II—ESTABLISHMENT

SEC. 201. JURISDICTION, SERVICE OF PROCESS, AND FULL FAITH AND CREDIT.

(a) State Law.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 106, is amended by inserting after paragraph (14) the following new paragraph:

"(15) Procedures under which the State shall—

"(A) treat out-of-State service of process in child support and parentage actions in the same manner as in-State service of process;

"(B) require that notice for the exercise of jurisdiction over nonresident be given in a manner reasonably calculated to give actual notice and may be—

"(i) by personal delivery outside the State in the manner prescribed for service of process within the State;

"(ii) in the manner prescribed by the law of the place in which the service is made;

"(iii) by first-class mail addressed to the individual to be served (if allowed by the State's rules of civil procedure) or any other form of mail that includes a request for a receipt or signature of such individual, subject to the requirements of such rules of civil procedure; or

"(iv) as directed by the court, including publication if other means of notification are ineffective, subject to the requirements of the State's rules of civil procedure;

"(C) require that notice to commence a child support or parentage action be delivered, mailed, or published with sufficient time to allow for serving an answer or other response before any hearing in the State, in accordance with the otherwise applicable rule regarding the commencement of an original action in the State;

"(D) require notice of the commencement of a child support or parentage action to each party whose rights, privileges, duties, or powers may be affected by the action;

"(E) require that proof of service outside the State may be made by the affidavit of the individual who made the service, or in the manner prescribed by the law of the State, by the order under which the service is made, or by the law of the place in which service is made, and if service is made by mail, proof of service may be by a receipt signed by the addressee or other evidence of delivery to the addressee; and

"(F) require the availability of first-class mail service after the service of the summons and initial pleadings.".

(b) Declaration of Congressional Policy.—Based on the findings specified in section 2(a) and pursuant to its powers to enforce the Due Process Clause of the Fifth Amendment, section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the United States Constitution, the Congress declares that due process is satisfied if the courts of a State exercise personal jurisdiction over a nonresident who is the parent or presumed parent of a resident child in order to establish, enforce, or modify a child support order or to establish parentage.

(c) Interstate Recognition of Child Support and Parentage Orders.—

(1) In general.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§1738B. Full faith and credit to child support and parentage orders

"(a) Definitions.—As used in this section, the term:

"'Child' means any individual under the age of 18 years, and any individual who has attained the age of 18 years or more for whom a child support order has been issued pursuant to the laws of a State.

"'Child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.

"'Child support order' means a judgment, decree or order of a court requiring the payment of money, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support and arrearages.

"'Child's State' means the State in which the child currently resides with a parent, or an individual acting as a parent.

"'Contestant' means an individual, including a parent, who claims a right to receive child support or is under an order to pay child support, and includes States and political subdivisions to which support rights have been assigned.

"'Court' means a court, administrative process, or quasijudicial process of a State that is authorized to—

"(1) establish and enforce parentage orders;

"(2) establish and enforce orders regarding the amount of support payable by a contestant; or

"(3) modify orders regarding the amount of support payable by a contestant.

"'Modification' and 'modify' refer to a change in a child support order or an order establishing parentage that modifies, replaces, supersedes, or otherwise is made subsequent to such prior order, whether or not made by the same court that issued such prior order.

"'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

"(b) FULL FAITH AND CREDIT.—The courts of each State shall recognize and enforce according to its terms a child support order or an order establishing parentage against an individual over whom personal jurisdiction has been exercised, including an order pursuant to a State law that authorizes the courts of the State to exercise personal jurisdiction over nonresidents to the extent permitted by the Constitution of the United States, and shall not modify such an order except as provided in subsection (c).

"(c) MODIFICATION.—A court of a State may modify a child support order or an order establishing parentage made by a court of another State if—

"(1) it has jurisdiction to make such an order; and

"(2) the court of the other State no longer has continuing, exclusive jurisdiction because—

"(A) the other State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

"(d) ENFORCEMENT OF PRIOR ORDERS.—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order or an order establishing parentage may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (c).".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit to child support and parentage orders.".

SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

(a) IN GENERAL.—Part D of title IV is amended by inserting after section 460 the following new section:

"SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

"SEC. 460A. (a) The head of each agency shall designate an agent for receipt of service of process for any employee or member of the armed services of such agency relating to any action filed in a State court to establish, enforce, or modify a child support order or an alimony order, or to establish parentage.

"(b) The agent designated under subsection (a) shall receive service of process—

"(1) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(2) at a location within the United States for an employee or member of the uniformed services whose post of duty is outside of the United States.

"(c) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).

"(d) For purposes of this section, the term 'agency' means each agency of the Federal Government, including—

"(1) an Executive agency as defined under section 105 of title 5, United States Code;

"(2) the Department of Defense with regard to employees of such department and members of the armed services;

"(3) the United States Postal Service and Postal Rate Commission;

"(4) any agency of the government of the District of Columbia;

"(5) any agency of the legislative or judicial branch of the Government; and

"(6) any advisory committee to which the Federal Advisory Committee Act (5 U.S.C. App. 2) applies.".

(b) CONFORMING AMENDMENT FOR GARNISHMENT PROCEEDINGS.—Section 459(b) (42 U.S.C. 659(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) With respect to any Federal employee, including any member of the armed services, the agent designated under paragraph (1) shall receive service of process—

"(A) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(B) at a location within the United States for an employee or member of the armed services whose post of duty is outside of the United States.

"(3) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).".

(c) REGULATIONS.—No later than 270 days after the date of the enactment of this Act, the head of each agency shall promulgate and publish regulations implementing the amendments made by this section.

SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 201, is amended by inserting after paragraph (15) the following new paragraph:

"(16) Procedures under which the State shall—

"(A) require the filing of parents' residential addresses, mailing addresses, home telephone numbers, driver's license numbers, social security numbers, names of employers, addresses of places of employment, and work telephone numbers with the appropriate court or administrative agency, on or before the date the final order is issued;

"(B) create the presumption that for the purpose of providing sufficient notice in any support-related action other than the initial notice in an action to establish parentage or establish a child support order that the last residential address of the party given to the appropriate agency or court is the current address of the party; and

"(C) ensure that information concerning the location of a parent or child shall not be released to the other parent if there is a court order for the physical protection of one parent or child entered against the other parent.".

SEC. 204. NOTIFICATION TO CUSTODIAL PARENTS.

Section 454 (42 U.S.C. 654) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting "; and", and by inserting after paragraph (24) the following new paragraph:

"(25) provide that the agency administering the plan—

"(A) notify any individual owed a child support obligation of all hearings in which such obligation might be established, modified, or enforced, in a timely fashion to allow custodial parents the opportunity to attend and present evidence to the court, except that failure to actually notify such individual may not be used as a ground for delay and shall not prevent a court from rendering a decision if the agency made reasonable attempts to provide such notice; and

"(B) provide custodial parents with a copy of any order that establishes, modifies, or enforces a child support obligation within 14 days of the date of the issuance of such order.".

SEC. 205. STATE UNIFORMITY REGARDING ESTABLISHMENT OF PARENTAGE AND SUPPORT, JURISDICTION AND VENUE, AND FEDERAL EMPLOYEE RESIDENTIAL STATUS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 203, is amended by inserting after paragraph (16) the following new paragraph:

"(17) Procedures under which within the State—

"(A) a party seeking both parentage and child support establishment shall be able to bring both in a single cause of action;

"(B) the venue for parentage establishment shall be in the county of residence of the child, when the child and alleged parent who is the defendant reside in different counties within the State;

"(C) a court or agency that issues a parentage or child support order shall have continuing and exclusive jurisdiction over the order until that court or agency transfers jurisdiction to the appropriate court or agency in the county where the child resides, or the parties consent to be bound by another court or agency in the State that has subject matter jurisdiction;

"(D) proceedings for purposes of enforcement and modification shall be transferred to the city, county, or district where the child resides without the need for refiling by the plaintiff or re-serving the defendant;

"(E) a court or agency that hears parentage or child support claims shall have statewide jurisdiction over the parties, and the parentage and child support orders issued by the court or agency shall have statewide effect for enforcement purposes; and

"(F) visitation denial is not a defense to child support enforcement and the nonpayment of support is not a defense to visitation enforcement.".

SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENTS.

Section 604 of the Consumer Credit Protection Act (15 U.S.C. 1681b) is amended by adding at the end thereof the following new paragraph:

"(4) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) to use the information relevant to the setting of an initial or modified child support award, without the necessity of a court order.".

SEC. 207. NATIONAL CHILD SUPPORT GUIDELINE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—The Commission shall convene a conference to study the desirability of a national child support guideline, and if such guideline is advisable, the Commission shall develop for congressional consideration a national child support guideline that is based on the conference's study of various guideline models, the deficiencies of such models and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 9 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1994.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall be appointed from among those who are able to provide expertise and experience in the evaluation and development of child support guidelines. At least 2 of the members shall represent parent child support advocacy groups.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 1 year. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 1 year after the appointment of members, the Commission shall report to the President and the Congress on the results of the study described in subsection (b) and the final assessment by the Commission of issues relating to a national child support guideline.

(f) TERMINATION.—The Commission shall terminate upon the submission of the report described in subsection (e).

SEC. 208. STATE CHILD SUPPORT GUIDELINE PRINCIPLES.

Section 467 (42 U.S.C. 667) is amended by adding at the end the following new subsections:

"(d) The guidelines established pursuant to subsection (a) shall include the following principles:

"(1) A change in the child support amount resulting from the application of the guidelines since the entry of the last support order is sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstance.

"(2) Any custodial parent requesting a review of a child support award who is not receiving aid for families with dependent children under part A of this title must agree to both review and modification of such award. Such custodial parent shall be advised of a recalculated support amount based on such review and given an opportunity to decline the pursuit of the modification.

"(e) The guidelines established pursuant to subsection (a) shall take into account the following:

"(1) Work-related or job-training-related child care expenses of either parent for the care of children of either parent.

"(2) Health insurance and related uninsured health care expenses, and extraordinary school expenses incurred on behalf of the child of such parents for whom the child support order is sought.

"(3) Multiple family child raising obligations other than those for the child for whom the child support order is sought.".

SEC. 209. DURATION OF SUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 205, is amended by inserting after paragraph (17) the following new paragraph:

"(18) Procedures under which the State—

"(A) requires a continuing support obligation by one or both parents until at least the latter of when a child reaches the age of eighteen, or graduates from or is no longer enrolled in secondary school or its equivalent, unless a child marries, or is otherwise emancipated by a court of competent jurisdiction;

"(B) provides that courts with child support jurisdiction have the discretionary power, pursuant to criteria established by the State, to order—

"(i) child support, payable to an adult child, at least up to the age of 22 for a child enrolled in an accredited postsecondary or vocational school or college and who is a student in good standing;

"(ii) either or both parents to pay for postsecondary school support based on each parent's financial ability to pay;

"(C) provides for child support to continue beyond the child's age of majority provided the child is disabled, unable to be self-supportive, and the disability arose during the child's minority; and

"(D) provides that courts should consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.".

SEC. 210. NATIONAL SUBPOENA DUCES TECUM.

Section 452(a) (42 U.S.C. 652(a)) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by inserting after paragraph (10) the following new paragraphs:

"(11) draft and distribute a national subpoena duces tecum for use by local and State child support agencies and child support litigants to reach income information pertaining to all private, Federal, State, and local government employees, as well as any receivers of income, such subpoena duces tecum—

"(A) to be limited to evidence regarding the prior 12 months of income or evidence of accumulated income to date,

"(B) to be honored by payors with the timely mailing of the information to a supplied address on the subpoena,

"(C) to be enforced by a hearing held in the payor's State at which time the payor bears, under penalty of State sanction, the burden of specifying the reasons for not timely honoring the subpoena, and

"(D) the information of which is to be admitted once offered to prove the truth of the matter asserted; and

"(12) establish a simplified certification process and admissibility procedure for out-of-State documents in child support or parentage cases.".

SEC. 211. UNIFORM TERMS IN ORDERS.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 210, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "; and", and by inserting after paragraph (12) the following new paragraph:

"(13) develop, in conjunction with State executive and judicial organizations, a uniform abstract of a child support order, to be used by all State courts to record the facts of a child support order in a registry of child support orders established under section 466(a)(12), such abstract to include—

"(A) the date that support payments are to commence;

"(B) the circumstances upon which support payments are to terminate;

"(C) the amount of current child support expressed as a sum certain, arrearages expressed as a sum certain as of a certain date, and any payback schedule for the arrearages;

"(D) whether the support award is in a lump sum (nonallocated) or per child;

"(E) if the award is lump sum, the event causing a change in the support award and the amount of any change;

"(F) other expenses, such as those for child care and health care;

"(G) names of the parents;

"(H) social security numbers and dates of birth of the parents;

"(I) names of all children covered by the order;

"(J) dates of birth and social security numbers of children covered by the order;

"(K) court identification (FIPS code, name and address) of the court issuing the order;

"(L) health-care support information; and

"(M) party to contact when additional information is obtained.".

SEC. 212. SOCIAL SECURITY NUMBERS ON MARRIAGE LICENSES AND CHILD SUPPORT ORDERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 209, is amended by inserting after paragraph (18) the following new paragraph:

"(19) Procedures under which social security numbers of the individuals applying for a marriage license are listed on the license by each applicant's name.".

SEC. 213. ADMINISTRATIVE SUBPOENA POWER.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 212, is amended by inserting after paragraph (19) the following new paragraph:

"(20) Procedures under which the State agency may issue subpoenas that require the individual served to produce and deliver documents to or to appear at a court or administrative agency on a certain date and may sanction an individual for failing to obey the subpoena's command.".

TITLE III—PARENTAGE

SEC. 301. PARENTAGE.

(a) STATE PLAN.—

(1) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 204, is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting "; and", and by inserting after paragraph (25) the following new paragraph:

"(26) in order to encourage voluntary paternity acknowledgement, provide for—

"(A) the development and distribution of material at schools, hospitals, agencies administering the programs under part A of this title and title XIX, prenatal health-care providers, WIC programs, health departments, clinics, and other appropriate locations that describe the benefits and responsibilities of paternity establishment and the process by which paternity services may be obtained,

"(B) outreach programs at hospitals and birthing facilities and programs for prenatal care, child birth, and parenting, and

"(C) the use of consent procedures.".

(2) ENHANCED FEDERAL MATCH.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by striking "and" at the end of subparagraph (B), by inserting "and" after the semicolon at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) equal to 90 percent (rather than the percentage specified in subparagraph (A)) of so much of the sums expended during such quarter as are attributable to costs incurred in carrying out the purposes of section 454(26);".

(b) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)) is amended—

(1) by striking "at the option of the State," in paragraph (2)(B), and

(2) by adding at the end of paragraph (5) the following new subparagraphs:

"(C) Procedures under which—

"(i) the opportunity to establish paternity voluntarily and by simple affidavit is available to the unmarried parents of a child at the time of the child's birth by requiring hospitals and birthing facilities to make explanatory materials and forms available to the parents as part of the birth certificate process;

"(ii) a simple, civil consent procedure is available at any time for individuals who agree to acknowledge parentage of a child;

"(iii) an acknowledgment of parentage may be incorporated in a witnessed, written statement that includes a statement that—

"(I) the individual signing such statement understands the consequences of paternity establishment,

"(II) such individual is signing the statement voluntarily,

"(III) such individual does not object to the court entering an order for parentage, based on the acknowledgment, without notice prior to the entry of the order and without the requirement of pleadings, service, summons, testimony or a hearing, and

"(IV) such individual understands that signing such statement may create an obligation to provide child support; and

"(iv) if under State law a court order is required to establish paternity, an acknowledgment of parentage as provided for under clause (iii) shall be filed with a State court of appropriate jurisdiction within 10 days and a paternity order based on such acknowledgment shall be established without the requirement of pleadings, service, summons, testimony or a hearing.

"(D) Procedures under which the opportunity to establish paternity is available to unmarried parents when paternity is contested through an administrative procedure in accordance with State due process and subject to review de novo by a court of competent jurisdiction.

"(E) Procedures under which an individual who voluntarily acknowledges paternity may request genetic tests within 1 year of such acknowledgment.

"(F) Procedures under which collection of information for support determination may be done concurrently with the parentage acknowledgment process, so long as consistent with State constitutional law.

"(G) Procedures under which—

"(i) the State shall use a civil procedure (and not a criminal procedure) for the establishment of parentage;

"(ii) the standard of evidence for such establishment is a preponderance of the evidence; and

"(iii) a party may bring a parentage action without joinder of the named child and the State's law regarding privity of the parties shall govern the res judicata effect of nonjoinder.

"(H) Procedures under which the State establishes a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused which creates a presumption of parentage if such parentage testing results are admitted and uncontroverted.

"(I) Procedures under which a resolution of parentage may be made against a noncooperative party who refuses to submit to an order by a court for parentage testing.

"(J) Procedures under which any objection to the parentage testing or to the results of that testing must be made in writing at least 21 days prior to trial, and if no objection is made, the test result is admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory, except that a party is not prohibited from calling an outside expert witness to refute or support the testing procedure or results, or the mathematical theory on which the test results are based.

"(K) Procedures under which the introduction and admission into evidence, without the need for third-party foundation testimony, of prenatal and post-natal parentage-testing bills is allowed and each bill is regarded as prima facie evidence of the amount incurred on behalf of the child for the procedures included in the bill.

"(L) Procedures under which the State may enter a default order in parentage cases upon proper showing of evidence of parentage and of service of process on the defendant, without requiring the personal presence of the plaintiff.

"(M) Procedures under which temporary support orders are entered if—

"(i) the parentage testing results create a presumption of parentage,

"(ii) the individual from whom support is sought has signed a verified statement of parentage; or

"(iii) other clear and convincing evidence is presented that such individual is the child's parent.

"(N) Procedures under which a party whose parentage has been previously established by law may not plead nonparentage as a defense to a child support action.".

TITLE IV—ENFORCEMENT

SEC. 401. ANTI-ASSIGNMENT CLAUSES AMENDED.

Section 462(f)(2) (42 U.S.C. 662(f)(2)) is amended by striking "(not including" and all that follows through "compensation)".

SEC. 402. NATIONAL REPORTING OF NEW HIRES AND CHILD SUPPORT INFORMATION.

(a) FEDERAL IMPLEMENTATION OF SYSTEM.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a system of reporting of new employees by requiring employers to provide a copy of every new employee's W-4 form to the child support enforcement agency of the State in which the employment is located.

(2) EXPANDED USE OF FORM.—The Secretary of the Treasury shall modify the W-4 form completed by the new employee to include—

(A) whether a child support obligation is owed by the new employee, and if so, to whom such obligation is payable and the amount of such obligation,

(B) whether payment of such obligation is to be by income withholding, and

(C) whether the new employee has health care insurance available.

(3) EMPLOYER WITHHOLDING OBLIGATION.—

(A) IN GENERAL.—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

"CHAPTER 24A—COLLECTION OF CHILD SUPPORT OBLIGATIONS AT SOURCE OF WAGES

"Sec. 3411. Child support obligations collected at source of wages.

"SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT SOURCE OF WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Every employer making payment of wages shall deduct and withhold upon such wages a specified child support obligation amount.

"(b) SPECIFIED CHILD SUPPORT OBLIGATION AMOUNT.—For purposes of this chapter, the specified child support obligation amount with respect to any employee shall be determined based on information provided by the employee that has been confirmed or corrected by the State enforcing the wage withholding within which the employer is located under procedures described in section 466(a)(21) of the Social Security Act.

"(c) LIABILITY FOR PAYMENT.—The employer shall be liable for the payment of the specified child support obligation amount to the payee identified by the employee.

"(d) SPECIAL RULES.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any specified child support obligation amount shall be treated as if it were a tax withheld under chapter 24 and rules similar to the rules of such chapter shall apply.

"(e) DEFINITIONS.—For purposes of this section, the terms 'wages', 'employee' and "employer' shall have the meanings given to such terms by subsections (a), (c), and (d), respectively."

(B) CLERICAL AMENDMENT.—The table of chapters of subtitle C of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 24 the following new item:

"CHAPTER 24A. Child support obligations collected at source of wages.".

(4) WITHHELD CHILD SUPPORT OBLIGATIONS REPORTED ON W-2 FORMS.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount of specified child support obligations withheld under section 3411.".

(b) STATE IMPLEMENTATION OF SYSTEM.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 213, is amended by inserting after paragraph (20) the following new paragraph:

"(21) Procedures under which the State shall—

"(A) impose monetary penalties on—

"(i) any individual who owes child support obligations who fails to report such obligations on a Federal income tax W-4 form at time of employment;

"(ii) any employer who fails to forward such W-4 form to the State child support enforcement agency within 10 calendar days of the date of the employment of such individual; and

"(iii) any employer who fails to withhold the child support obligation and disburse such obligation to the individual owed such obligation within 10 calendar days of the date of the payroll, using electronic funds transfer, if possible, unless otherwise notified by such State agency;

"(B) confirm the information provided under subparagraph (A)(ii) or identify child support obligations that have not been reported by the new employee through the use of the Parent Locator System established under section 453;

"(C) notify the employer in cases where the employee has not correctly reported on the W-4 using a standard wage withholding notice developed by the Federal Office of Child Support Enforcement under section 452(a)(14);

"(D) broadcast over the Parent Locator System to other States information based on W-4 form information that has been sent to the State child support enforcement agency; and

"(E) in the event of a match between the W-4 related information and the abstract of support orders on file in the State registry of child support orders, notify the individual owed a child support obligation or such individual's designee of such information.

If an individual owed a child support obligation who is not utilizing the State program under this part desires the wage withholding services described in this paragraph, such individual shall be required to apply for assistance under the State plan."

(c) EFFECTIVE DATE.—The provisions and amendments made by this section shall take effect on and after January 1, 1998.

SEC. 403. DIRECT INCOME WITHHOLDING.

(a) STATE LAW.—

(1) IN GENERAL.—Section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new paragraphs:

"(11) Any individual or entity engaged in commerce, as a condition of doing business in the State, shall honor income withholding notices or orders issued by a court or agency of any other State. Service of the notice may be by first-class mail, or directly served on the income source. The individual or entity served shall immediately provide a copy of the notice to the employee. The individual or entity shall honor the withholding notice or order—

"(A) if such notice or order is regular on its face,

"(B) regardless of the location of the employee's workplace.

If such notice or order is fully complied with, the individual or entity may not be held liable for wrongful withholding.

"(12) In any case under this part, if a contest to or refusal to comply with an income withholding notice or order occurs, the State seeking withholding shall send an informational copy of the withholding notice or order to the registry established under subsection (a)(14) in the State in which the employee is employed or which is the source of the income.".

(2) CONTEST HEARING.—Paragraph (4) of section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new subparagraph:

"(C) If the employee requests a hearing to contest the withholding based on a mistake of fact, that hearing may be held in the State of the income source or the State of the employee's employment, with a determination made within 45 days of the mailing of the withholding notice or order to the income source. The State where any hearing is held shall provide the appropriate services in cases enforced under the State plan to ensure that the interests of the individual owed the child support obligation are represented.".

(3) EMPLOYER RECORDS.—Paragraph (6) of section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new subparagraph:

"(E) The employer shall maintain records of payroll deductions taken in compliance with this section and make such records available upon request to the State or individual enforcing the wage withholding order.".

(b) UNIFORM WITHHOLDING NOTICE.—Section 452(a) (42 U.S.C. 652(a)), as amended by section 211, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by inserting after paragraph (13) the following new paragraph:

"(14) develop a uniform withholding notice to be used in all income withholding cases, such notice to list the number of children covered by such notice and to be generic to allow for the service of the same notice on subsequent or concurrent sources of income without the necessity of obtaining from the decisionmaker a new, income-source-specific notice.".

SEC. 404. PRIORITY OF WAGE WITHHOLDING.

Section 466(b) (42 U.S.C. 666(a)), as amended by section 403, is amended by inserting after paragraph (14) the following new paragraph:

"(13) Procedures under which, absent a request by the custodial parent, the presumptive priority of withholding under a child support or income withholding order is—

"(A) payments on current support obligations,

"(B) payments of premiums for health insurance for dependent children, and

"(C) payments on past due child support obligations and unreimbursed health-care expenses.

In the case of multiple withholding orders affecting the same employee, payments shall be made to each child on a pro rata basis.".

SEC. 405. DEFINITION OF INCOME SUBJECT TO WITHHOLDING INCLUDES WORKERS' COMPENSATION.

Section 462 (42 U.S.C. 662(f)) is amended—

(1) by striking "For purposes of section 459" and inserting "For purposes of section 459 and, in the case of subsection (f), this part",

(2) by striking the period at the end of paragraph (2) of subsection (f) and inserting ", or", and

(3) by adding at the end of subsection (f) the following new paragraph:

"(3) workers' compensation benefits.".

SEC. 406. CONSUMER CREDIT PROTECTION ACT AMENDMENTS.

(a) PREEMPTION OF STATE LAWS.—Section 307 of the Consumer Credit Protection Act (15 U.S.C. 1677) is amended—

(1) by striking "This" and inserting "(a) IN GENERAL.—Subject to subsection (b), this";

(2) by striking "or" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ", or"; and

(4) by adding at the end the following:

"(3) providing a cause of action, either by the State or a private individual, to enforce a Federal or State law related to garnishment for the purpose of securing child support.

"(b) EXCEPTION.—Subsection (a)(1) does not apply to the laws of any State that prohibit or restrict garnishments for the purpose of securing support for any person.".

(b) OTHER FORMS OF INCOME.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 308. OTHER FORMS OF INCOME.

"This title does not apply to forms of income that are not earnings within the definition contained in section 302(a).".

(c) PRIORITY OF DEBTS.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

"SEC. 309. PRIORITY OF DEBTS.

"If an individual's disposable earnings are not sufficient to pay—

"(1) a garnishment intended to satisfy a Federal debt; and

"(2) a garnishment intended to satisfy a debt related to the support of any child,

the Federal debt shall be satisfied through garnishment only after the debt related to child support has first been satisfied.".

(d) ADDITIONAL INDEBTEDNESS IN ANTI-DISCHARGE SECTION.—Section 304 of the Consumer Credit Protection Act (16 U.S.C. 1674) is amended by adding at the end the following:

"(c) The prohibition contained in subsection (a) shall apply to any employee whose earnings are subject to garnishment for more than one indebtedness, if the additional indebtedness arises from an order for the support of a child.".

SEC. 407. ELECTION OF REMEDIES PROHIBITION.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 402, is amended by inserting after paragraph (21) the following new paragraph:

"(22) Procedures under which the doctrine of election of remedies may not be invoked in child support cases.".

SEC. 408. OCCUPATIONAL, PROFESSIONAL AND BUSINESS LICENSES

(a) STATE HOLD BASED ON WARRANT OR SUPPORT DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 407, is amended by inserting after paragraph (22) the following new paragraph:

"(23) Procedures under which the State occupational licensing and regulating departments and agencies may not issue or renew occupational, professional, or business licenses of—

"(A) noncustodial parents who are the subject of outstanding failure to appear warrants, capiases, and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system; and

"(B) individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney, or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 60-day temporary license.".

(b) FEDERAL HOLD BASED ON SUPPORT DELINQUENCY.—No Federal agency may issue or renew occupational, professional, or business licenses of individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 60-day temporary license.

(c) WAIVER OF FEDERAL IMMUNITY.—The Federal Government shall waive its sovereign immunity claims for this limited purpose and cooperate fully with local and State officials regarding license issuances or renewals.

SEC. 409. DRIVER'S LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 408, is amended by inserting after paragraph (23) the following new paragraph:

"(24) Procedures under which the State motor vehicle department may not issue or renew a driver's license (other than a temporary license of not more than 60-days duration) of any noncustodial parent who is the subject of an outstanding failure to appear warrant, capias, or bench warrant related to a child support proceeding that appears on the State's crime information system, until removed from the system.''.

SEC. 410. ATTACHMENT OF BANK ACCOUNTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 409, is amended by inserting after paragraph (24) the following new paragraph:

''(25) Procedures under which the State shall authorize post-judgment seizure of the bank accounts of delinquent child support obligors without the need to obtain a separate court order for the attachment. The funds shall be frozen pending notice to and an expedited opportunity to be heard for the account holder or holders. If the account holder or holders do not successfully challenge the freeze, the part of the account subject to the freeze up to the amount of the child support debt shall be turned over to the individual or State seeking the execution.''.

SEC. 411. LOTTERIES, SETTLEMENTS, PAYOUTS, AWARDS, AND FORFEITURES.

Paragraph (4) of section 466(a) (42 U.S.C. 666(a)) is amended by inserting before the period the following: '', including the following:

''(A) A lottery player's winnings from a State lottery or a gambler's winnings in a State-sanctioned or tribal-sanctioned gambling house or casino held by the distributor.

''(B) Insurance settlements or policy payouts held by the insurance carrier or the risk-holder.

''(C) State or Federal court awards, judgments, or settlements held by either the attorney for the payor or the pro se payor.

''(D) Property seized and forfeited to the State when an individual has been convicted of a crime involving forfeiture of property.''.

SEC. 412. FRAUDULENT TRANSFER PURSUIT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 410, is amended by inserting after paragraph (25) the following new paragraph:

''(26) Procedures that allow the State to void fraudulent conveyances of property that are made in an attempt to avoid child support obligations.''.

SEC. 413. FULL IRS COLLECTION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Commissioner of the Internal Revenue Service should instruct the field offices and agents of the Internal Revenue Service to give a high priority to requests for the use of full collection in delinquent child support cases, and to set uniform standards for full collection to ensure its expeditious and effective implementation.

(b) SIMPLIFIED PROCEDURE.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall by regulation simplify the full collection process and reduce the amount of child support arrearage needed before an individual may apply for full collection, and shall report to the Congress by January 1, 1995, on the actions taken and the effect of such actions.

SEC. 414. BONDS.

Paragraph (6) of section 466(a) (42 U.S.C. 666(a)) is amended by inserting ''(A)'' after ''(6)'' and by adding at the end the following new subparagraph:

''(B) In cases not involving absent parents, procedures which allow the posting of a cash bond, security deposit, or personal undertaking with the State child enforcement agency if child support payments are not timely made, with the refund of funds (other than the costs of posting) if the individual who owes a child support obligation makes full payments for a prescribed period of time.''.

SEC. 415. TAX OFFSET FOR NONAFDC POST-MINOR CHILD.

Section 464(c) (42 U.S.C. 664(c)) is amended—

(1) by striking ''(1) Except as provided in paragraph (2), as'' and inserting ''As'', and

(2) by striking paragraphs (2) and (3).

SEC. 416. ATTACHMENT OF PUBLIC AND PRIVATE RETIREMENT FUNDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 412, is amended by inserting after paragraph (26) the following new paragraph:

''(27) Procedures under which—

''(A) an individual owed a child support obligation may attach lump sum funds invested by the individual who owes such obligation or the employer of such individual in public and private retirement plans, including any funds that are prematurely reachable by such individual without loss of employment even if the distribution would cause a penalty or tax to such individual for early withdrawal;

''(B) all early withdrawal penalties or taxes remain the responsibility of the individual who owes such obligation; and

''(C) the attachment is made without the requirement of a separate court order, with notice and an expedited hearing provided if requested.''.

SEC. 417. REPORTING TO CREDIT BUREAUS.

Section 466(a)(7)(A) (42 U.S.C. 666(a)(7)(A)) is amended by striking ''$1,000'' and inserting ''2-month's worth of support''.

SEC. 418. CRIMINAL NONSUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 416 is amended by inserting after paragraph (27) the following new paragraph:

''(28) Procedures under which—

''(A) criminal nonsupport penalties may be imposed; and

''(B) the use immunity may be granted to compel testimony in civil child support proceedings where the defendant claims a Fifth Amendment privilege against self-incrimination, and once granted, bars Federal or other State prosecution for criminal nonsupport based on the testimony given in the civil proceeding in which use immunity was granted.''.

SEC. 419. STATUTES OF LIMITATION.

(a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 418, is amended by inserting after paragraph (28) the following new paragraph:

''(29) Procedures which permit the enforcement of any child support order until at least the child's 30th birthday.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to orders entered before, on, and after the date of the enactment of this Act.

SEC. 420. INTEREST.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 419, is amended by inserting after paragraph (29) the following new paragraph:

''(30) Procedures under which the State child support enforcement agency is required to assess and collect interest on all child support judgments, at the rate determined for interest on money judgments, and in addition to any late payment fee imposed by the State under section 454(21).''.

SEC. 421. HEALTH-CARE ENFORCEMENT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 420, is amended by inserting after paragraph (30) the following new paragraph:

''(31) Procedures under which—

''(A) a rebuttable presumption is established that the individual owed a child support obligation shall have the right to choose the appropriate health care insurance for the children of the parties;

''(B) in making the appropriate order for health care insurance, the court shall consider the availability, coverage, and cost of any proposed insurance plan;

''(C) the insurance premium and noncovered health care expenses are apportioned between the parents pursuant to a formula included in the State's child support guideline;

''(D) any insurance premium or sum-certain health care expense for which the individual who owes such obligation is responsible shall be included in the child support order;

''(E) the individual owed such obligation under the child support order may act in the place of the insured, including the right to make direct application for insurance, and to make claims and sign claim forms to the same extent as the insured could;

''(F) if the individual who owes such obligation is securing the insurance, such individual shall provide, within 30 days of the order, written proof to the individual owed such obligation and the State child support enforcement agency that insurance has been obtained or an application made for insurance, and the date the insurance coverage is to take effect;

''(G) each welfare benefit plan operating under the laws of the State is required to include in such plan that—

''(i) the employer or union shall release to the individual owed such obligation or the State child enforcement agency, upon request, information on the dependent coverage including the name of the insurer,

''(ii) the employer or union or insurer shall provide all necessary reimbursement forms to such individual, and

''(iii) the employer or union shall provide claim forms and enrollment cards to the such individual and honor the signature of such individual on the claim form;

''(H) courts shall quantify 'reasonable cost' in the order providing for medical support; and

''(I) employers located in the State are required to provide notice, using an address provided by the State child support enforcement agency, to the custodial parent for children of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.''.

SEC. 422. BANKRUPTCY.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (12) the following new paragraph:

''(12a) 'debt for child support' means a debt to a child for maintenance for or support of the child within the meaning of section 523(a)(5).''.

(b) EXCEPTION FROM AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2);

(2) by adding ''or'' after the semicolon; and

(3) by adding at the end the following new paragraph:

''(B) under subsection (a), of the commencement or continuation of a civil action or administrative proceeding against the debtor—

''(i) to establish parentage;

''(ii) to establish, review, adjust, or modify a judgment or order creating a debt for child support; or

''(iii) to enforce or collect on a judgment or order issued in such an action or proceeding;''.

(c) TREATMENT OF DEBT FOR CHILD SUPPORT IN PROCEEDINGS UNDER CHAPTERS 11, 12, AND 13.—

(1) CHAPTER 11.—Section 1123(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(2) CHAPTER 12.—Section 1222(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(3) CHAPTER 13.—Section 1322(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(d) ASSERTION OF CLAIM FOR CHILD SUPPORT.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 511. Assertion of claim for child support

"(a) IN GENERAL.—A claim for payment of a debt for child support may be asserted by the filing of a claim form that describes the debt.

"(b) FEE.—No fee shall be charged for the filing of a claim described in subsection (a).

"(c) REQUIREMENTS FOR APPEARANCE.—A claim described in subsection (a) may be made in any court by a person appearing—

"(1) in proper person; or

"(2) through an attorney admitted to practice in any district court, without the attorney's being required to meet any admission requirements other than those applicable in the district in which the attorney is admitted to practice.".

(2) BANKRUPTCY RULES.—Pursuant to section 2705 of title 28, United States Code, the Bankruptcy Rules shall be amended as necessary to implement section 511 of title 11, United States Code, as added by paragraph (1); until the Bankruptcy Rules are so amended, any provision of the Bankruptcy Rules or the rules of any court that is inconsistent with that section is superseded by that section.

(e) CLARIFICATION OF THE NONDISCHARGEABILITY OF STATE PUBLIC DEBTS AND ASSIGNED CHILD SUPPORT BASED ON THE PROVISION OF EXPENDITURES UNDER PARTS A AND E OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 523 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(f) For the purposes of subsection (a)(5), a debt to a child of the debtor for maintenance for or support of the child includes State public debts and assigned child support based on the provision of expenditures under parts A and E of title IV of the Social Security Act (43 U.S.C. 401 et seq. and 470 et seq.).".

SEC. 423. FEDERAL GOVERNMENT COOPERATION IN ENFORCEMENT OF SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES AND OTHER PERSONS ENTITLED TO PAYMENTS BY THE FEDERAL GOVERNMENT.

(a) AVAILABILITY OF CURRENT LOCATOR INFORMATION.—The Secretary of Defense shall prescribe regulations providing for each worldwide personnel locator service of the Armed Forces and each installation personnel locator service of the Armed Forces—

(1) to include the residential address of each member of the Armed Forces listed in such service;

(2) in the case of a change of duty station or residential address of a member so listed, to be updated with regard to the residential address of the member within 30 days after the change of duty station or residential address; and

(3) to make the information regarding the member's residential address available, on request, to any authorized person (as defined in section 453(c) of the Social Security Act (42 U.S.C. 653(c)) for the purposes of part D of title IV of such Act.

(b) FACILITATING THE GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS REQUIRED.—The Secretary of each military department shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary when necessary for the member to attend a hearing of a Court that is conducted in connection with a civil action—

(A) to determine whether the member is a natural parent of a child; or

(B) to determine an obligation of the member to provide child support.

(2) WAIVER AUTHORITY.—The regulations may authorize a waiver of the applicability of the regulations to a member of the Armed Forces when—

(A) the member is serving in an area of combat operations; or

(B) such a waiver is otherwise necessary in the national security interest of the United States.

(3) DEFINITIONS.—In this section:

(A) The term "Court" has the meaning given such term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH COURT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—

(A) AUTHORITY.—Subsection (d)(1) of such section is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with the assignment of rights.".

(B) RULE OF CONSTRUCTION.—Subsection (c)(2) of such section is amended—

(i) by inserting after the first sentence the following: "The second sentence of subsection (d)(1) shall not be construed to create any such right, title, or interest.";

(ii) by inserting "(A)" after "(2)"; and

(iii) by designating the last sentence as subparagraph (B).

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Part D of title IV (42 U.S.C. 651 et seq.) is amended by inserting after section 465 the following new section:

"SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.

"Any authority, requirement, or procedure provided in this part or section 1408 of title 10, United States Code, that applies to the payment of child support owed by a member of the uniformed services (as defined in section 101 of title 37, United States Code) shall apply to the payment of child support arrearages as well as to amounts of child support that are currently due.".

SEC. 424. UIFSA ENDORSEMENT.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following new subsection:

"(f) In order to satisfy section 454(20)(A), each State must have in effect laws which adopt without material change by January 1, 1996, the officially approved version of the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association House of Delegates on February 9, 1993.".

TITLE V—COLLECTION AND DISTRIBUTION

SEC. 501. PRIORITY OF DISTRIBUTION OF COLLECTIONS.

(a) STATE DISTRIBUTION PLAN.—Section 457 (42 U.S.C. 657) is amended by adding at the end the following new subsection:

"(e) The amounts collected as support by a State pursuant to a plan approved under this part during any fiscal year beginning after September 30, 1994 (except amounts collected through a tax refund offset), shall (subject to subsection (d) be distributed as follows:

"(1) To a current month's child support obligation.

"(2) After the fulfillment of the current month's obligation, to debts owed the family (other than obligations under this title); if any right to child support were assigned to the State, then all arrearages that accrued after the child no longer received assistance under this title are to be distributed to the family; States may include any preassignment family-debt arrearages at this priority level.

"(3) To reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

"(4) To reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.".

(b) STUDY AND PILOT PROJECTS.—The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall analyze the existing child support distribution system under section 457 of the Social Security Act and authorize pilot projects for the distribution of arrearages in the following order:

(1) Application of all support collected first to a current month's child support obligation.

(2) Application of funds collected in excess of the amount of the current month's obligation to debts owed the family (other than obligations under this title).

(3) Using funds collected in excess of the debts to the family and in excess of the amount of the current support obligation, to reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

(4) Using funds collected in excess of the current month's support obligation after the debt to the family and the collecting State have been satisfied, to reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.

(5) Subject to paragraph (6), the priority of distribution of interest shall reflect the distribution priority for the child support installment or the title IV of the Social Security Act grant on which the interest accrued.

(6) A State's right to retain interest on assigned support is limited to the grant amount paid by that State. All additional interest is to be distributed to the individual owed such support.

The pilot projects shall be awarded to States that allow for the indefinite tolling of the statute of limitations on debts under title IV of the Social Security Act and are not governed by Federal case law that allows for the dischargeability of such debts in bankruptcy. In analyzing each pilot project a cost-benefit analysis, a welfare-medicaid-food stamp cost-avoidance analysis, and an analysis of the family impact including a present value dollar valuation of the distribution scheme shall be reported to the Comptroller General. The Comptroller General shall report the results of the study and pilot projects to the Congress.

(c) REVISION OF FEDERAL INCOME TAX REFUND OFFSET.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(1) by striking "after any other reductions allowed by law (but before" in subsection (c) and inserting "before any other reductions allowed by law (and before", and

(2) by striking "with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act" in subsection (d).

(d) FIFTY-DOLLAR DISREGARDED FOR ALL MEANS-TESTED PROGRAM.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is amended by inserting "under this part or under any other Federal program which determines eligibility for assistance or amount of such assistance based on the income or assets of the applicant for or recipient of such assistance" after "during such month".

(e) FILL-THE-GAP POLICIES ENCOURAGED.—The Secretary of Health and Human Services shall, upon request by any State, grant a waiver under section 1115(a)(1) of the Social Security Act with respect to the date limitations under section 402(a)(28) of such Act.

SEC. 502. RELATIONSHIP OF AFDC TO CSE—LIMITING REIMBURSEMENT CLAIMS TO AWARD AMOUNT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 421, is amended by inserting after paragraph (31) the following new paragraph:

"(32) Procedures under which any claims for the child's portion of the assistance under this title such State may have against a noncustodial parent shall be limited to the amount specified as child support under a court or administrative order.".

SEC. 503. FEES FOR NONAFDC CLIENTS.

Clause (ii) of section 454(6)(E) (42 U.S.C. 654(6)(E)) shall be amended to read as follows:

"(ii) at the option of the State, from any individual other than the custodial parent;".

SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR CHILD SUPPORT.

Section 454 (42 U.S.C. 654), as amended by section 301, is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting "; and", and by inserting after paragraph (26) the following new paragraph:

"(27) provide either one central, statewide collection, accounting, and disbursement point for cases under this part or several local or regional collection and disbursement points throughout the State for all cases.".

TITLE VI—FEDERAL ROLE

SEC. 601. PLACEMENT AND ROLE OF THE FEDERAL CHILD SUPPORT AGENCY.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 403 is amended—

(1) by striking "under the direction of a designee of the Secretary" and inserting "to be known as the Office of Child Support Enforcement, under the direction of an assistant secretary appointed by the President with the advice and consent of the Senate";

(2) by inserting "using a methodology that reflects cost-avoidance as well as cost-recovery" after "the States and the Federal Government" in paragraph (10)(A);

(3) by inserting ", including a separate legal counsel for the Office" after "Enforcement" in paragraph (10)(B);

(4) by redesignating subparagraphs (H) and (I) of paragraph (10) as subparagraphs (I) and (J) of such paragraph, respectively, and by inserting after subparagraph (G) of such paragraph the following new subparagraph:

"(H) the budgetary allocation of the $50 pass through equally between part A and this part;"; and

(5) by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and", and by inserting after paragraph (14) the following new paragraph:

"(15) initiate and actively pursue with other Federal agencies, coordinated efforts on Federal legislation.".

SEC. 602. TRAINING.

(a) FEDERAL TRAINING ASSISTANCE.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting "and training" after "technical assistance"

(b) STATE TRAINING PROGRAM.—Section 454 (42 U.S.C. 654), as amended by section 504, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by inserting after paragraph (27) the following new paragraph:

"(28) provide that the State will develop and implement a training program which provides training no less than annually to all personnel providing functions under the State plan.".

(c) REPORT.—Section 452(a)(10) (42 U.S.C. 652(a)(10)), as amended by section 601, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) the training activities at the Federal and State levels, the training audit, and the amount of funds expended on training;".

SEC. 603. STAFFING.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 601, is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) conduct staffing studies for each State child support enforcement program, including each agency and court involved in the child support process, and report such results to the Congress and State officials.".

SEC. 604. FUNDING AND INCENTIVES FOR CHILD SUPPORT AGENCIES.

(a) STUDY.—The Comptroller General of the United States shall study the incentive formula under section 458 of the Social Security Act (42 U.S.C. 458) and investigate the feasibility, costs, and benefits of the following:

(1) Encouraging States to centralize functions at the State level.

(2) Abolishing minimum incentives to States as well as the requirement that incentive funds be passed to local child support enforcement agencies.

(3) Exploring incentive formula that are based on increases in FFP for States that exceed performance criteria instead of the present percentage of collections formula.

(4) Promoting quality control.

(5) Providing financial incentives for the enforcement of health-care expenses.

(6) Providing for a Federal incentive formula that would include tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) and which are not solely based on cost-benefit criteria alone.

(b) REPORT.—The Comptroller General of the United States shall report the results of the study described in subsection (a) to the Congress not later than 1996.

SEC. 605. CHILD SUPPORT DEFINITION.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following new subsection:

"(j) For purposes of this part, the term 'child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.".

(b) CONFORMING AMENDMENT.—Section 462(b) (42 U.S.C. 662(b)) is amended—

(1) by inserting "and lump sum" after "periodic", and

(2) by inserting "child care," after "clothing,".

SEC. 606. AUDITS.

(a) STUDY.—The Secretary of Health and Human Services shall contract for a study of the audit process of the Office of Child Support Enforcement to develop criteria and methodology for auditing State child support enforcement agencies established under part D of title IV of the Social Security Act. The study shall be designed to result in improvements to the auditing process that include—

(1) reduction in the resources required to perform the audit,

(2) simplified procedures for States to follow in obtaining samples,

(3) the feasibility of sampling cases for needed action as opposed to the present

audit methods that require sampling plans for each audit criteria, and

(4) a more timely audit period of review.

The study shall also be designed to determine a penalty process that focuses on improving the delivery of child support services and not harming families, specifically a penalty that is not tied to the reduction of funds available to the States to provide payments under the Aid to Families with Dependent Children program. Such a plan should include the escrowing of funds withheld as penalties for use by States in a federally approved program improvement.

(b) REPORT.—The Secretary of Health and Human Services shall report the results of the study described in subsection (a) to the Congress not later than 90 days after completion of the study.

(c) CONTINUATION OF OCSE'S AUDIT REVIEW.—From the date of the report described in subsection (b), the audit review of the Office of Child Support Enforcement shall be limited to cases open on such date and cases closed within 180 days before such date, unless there is a specific need for a longitudinal review of State agency case handling that includes cases that have been closed for more than 180 days. The criteria for longitudinal reviews shall be established by regulation by the Secretary of Health and Human Services. The Office of Child Support Enforcement shall continue to impose timeframes for implementation and audit standards for each mandated function under part D of title IV of the Social Security Act.

SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not less than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for grants under this section shall be submitted by the Governor of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or enhanced using amounts provided under this section, including the specific activities to be undertaken and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which such children will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 fiscal years beginning with fiscal year 1994;

(6) specify the extent to which the State has implemented (or will implement during the duration of the project) major enforcement initiatives, such as central registries, centralized administration, automated computer systems, administrative law systems, universal wage withholding, updating of orders, access to State data bases, legal procedures for paternity establishment (including in-hospital paternity establishment), and enforcement tools;

(7) specify the current relative quality of the State enforcement system as compared to other States, including the ratio of collections to accounts receivables for the immediate past year, the ratio of collections to accounts receivables for all past years, the ratio of collections to administrative expenditures, and the paternity establishment rate;

(8) provide assurances that the State performance meets or exceeds the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act) and provide assurances the State will continue to improve its performance in the number of cases in which—

(A) paternity is established,

(B) child support orders are collected, and

(C) child support collections are made; and

(9) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—(1) A child support assurance project funded under this section shall provide that—

(A) the custodial parent is eligible for the assured child support benefit if—

(i) such parent establishes paternity and has a child support order established;

(ii) more than 1 year has passed since such parent applied, in writing to the State for the establishment of paternity and a child support order and has complied with the requirements of paragraph (3), but neither paternity nor a child support order has been established due to circumstances beyond the control of the parent; or

(iii) with respect to the custodial parent, the danger of physical abuse of such parent is shown;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent; and

(C) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of title IV of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the assured child support benefit.

(2) For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided by the law of the State in which such individual resides.

(3) The requirements of this paragraph are as follows:

(A) Provide the name of the alleged father.

(B) Provide sufficient information to verify the identity of the person named, including the present address of the person, the past or present place of employment of the person, the past or present school attended by the person, the name and address of the person's parents, friends or relatives that can provide location information for the person, the telephone number of the person, the social security number of the person, the date of birth of the person, or other information that, if reasonable efforts were made by the State, could lead to identify a particular person to be served with process.

(C) Continue to provide all other relevant information that the applicant has that may be requested by the State.

(D) Appear at required interviews, conference hearings or legal proceedings, if notified in advance and an illness or emergency does not prevent attendance.

(E) Submit (along with the child) to genetic tests.

(4) For purposes of this section, the term "circumstances beyond the control of the parent" includes—

(A) failure of the State to make reasonable and timely efforts to locate the noncustodial parent,

(B) instances in which the noncustodial parent cannot be located despite the State's reasonable efforts because the noncustodial parent has disappeared or moved out of the country,

(C) instances in which the noncustodial parent has been located but the State has failed to serve such parent with the legal papers,

(D) cases in which the State or courts have failed to complete the legal process to establish paternity or set an award, and

(E) other cases in which the State's or court's action or inaction has resulted in the failure to establish paternity or set an award.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve the 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall consider geographic diversity, variety in types of support guideline models used, and variation in population of the applicants.

(f) EVALUATION AND REPORTS.—(1) Each State that conducts a demonstration project under this section shall, as a part of such demonstration project, conduct an interim and a final evaluation of the effectiveness of the demonstration project and shall submit an interim and final report to the Secretary concerning the results of the evaluation and any improvements in child support enforcement.

(2) The evaluation and report submitted by a State to the Secretary shall analyze and describe (in such a manner as prescribed by the Secretary)—

(A) the impact of the child support assurance project on the economic and noneconomic well-being of children and adults in both custodial and noncustodial households;

(B) the work force participation rates of both custodial and noncustodial parents as a result of participation in the child support assurance project;

(C) the impact of the child support assurance project on Aid to Families With Dependent Children participation rates, grants, and funding levels;

(D) the impact of the child support assurance project on paternity establishment;

(E) a comparison of enforcement effectiveness in intrastate and interstate cases;

(F) administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the implementation of child support assurance;

(G) the measures that the State has taken to implement the project and the lessons learned therefrom by the State; and

(H) any other relevant items as the Secretary may require.

(g) DURATION.—A demonstration project conducted under this section shall be commenced not later than fiscal year 1994 and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this section. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State, and Federal expenditures for such project within the State shall be reduced in proportion to any such savings.

(i) EVALUATION AND REPORT TO CONGRESS.—Three and 5 years after commencement of the first State child support assurance project, the Secretary shall conduct an evaluation of each such project and submit a report to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section. Such report shall analyze the reports received by the Secretary under subsection (f) from each participating State and shall compare the effects of different types of child support guidelines.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—(1) A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 15 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section; and

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section.

(2) A State participating in a demonstration project under this section may provide no less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6).

(k) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this section shall be considered child support for purposes of the Internal Revenue Code of 1986.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated such sums as may be necessary in each of the fiscal years 1994, 1995, 1996, 1997, and 1998, to carry out the purposes of this section.

TITLE VII—STATE ROLE

SEC. 701. PROHIBITION OF RESIDENCY REQUIREMENT FOR IV-D SERVICES.

Section 454 (42 U.S.C. 654), as amended by section 602, is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by inserting after paragraph (28) the following new paragraph:

"(29) provide that an applicant may not be denied services under the plan solely because of the applicant's nonresidency in that State.".

SEC. 702. ADVOCATING FOR CHILDREN'S ECONOMIC SECURITY.

Section 454 (42 U.S.C. 654), as amended by section 701, is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting "; and", and by inserting after paragraph (29) the following new paragraph:

"(30) provide that the State agency administering the plan shall advocate to promote the greatest economic security possible for children, within the ability of the individual who owes a child support obligation to pay such obligation.".

SEC. 703. DUTIES OF IV-D AGENCIES.

Section 454 (42 U.S.C. 654), as amended by section 702, is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting "; and", and by inserting after paragraph (30) the following new paragraph:

"(31) provide that the State agency administering the plan shall provide to all custodial parents—

"(A) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information;

"(B) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before dismissal;

"(C) written quarterly reports on case status;

"(D) a statement that services under this part are mandatory if an individual is determined eligible under part A; and

"(E) a statement that while eligibility under part A is being determined, an applicant is eligible for services under this part and all application fees are deferred pending such determination.".

SEC. 704. BROADER ACCESS TO SERVICES.

It is the sense of the Congress that State and local child support enforcement agencies should provide—

(1) offices in easily accessible locations near public transportation,

(2) office hours that allow parents to meet with attorneys and caseworkers without taking time off from work, and

(3) office environments conducive to discussion of legal and personal matters in privacy (e.g., individual interview rooms and child care facilities).

SEC. 705. PROCESS FOR CHANGE OF PAYEE IN IV-D CASES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 502, is amended by inserting after paragraph (32) the following new paragraph:

"(33) Procedures under which a change in payee may not require a court hearing or order to take effect and may be done administratively, as long as a statement by an agency official is included in the court or administrative file documenting the change.".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on and after January 1, 1996.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT—SHORT SUMMARY

PATERNITY ESTABLISHMENT

1. Mandates hospital-based paternity acknowledgment programs.

2. Mandates voluntary paternity establishment processes.

3. Mandates state parentage outreach programs.

LOCATE NON-CUSTODIAL PARENTS

1. Changes the federal W-4 form to provide for a new line on which new hires have to note whether or not they are the subjects of a support order, and if so, whether that order requires wage withholding.

2. Requires every employer to submit a copy of every new employee's W-4 form to his state's child support enforcement agency.

3. Establishes a national computer network connecting information held in the states and requires that the W-4 information be broadcast over this national network in order to match information against an abstract of outstanding support orders in the various states to identify non-custodial parents who are sought for parentage or child support.

SUPPORT ORDER ESTABLISHMENT

Expands long-arm statutes in every state to allow states to reach out and assert jurisdiction over non-resident parents.

ENFORCEMENT TECHNIQUES

1. Suspends driver's and professional licenses of parents who do not pay child support.

2. Increases the use of credit reporting, liens on tangible property, interception of lottery winnings, lawsuit settlements and other awards.

3. Uses more actively the fraudulent conveyance laws to invalidate transfers of assets that were made to avoid paying child support.

4. Requires all states to make it a state crime to willfully fail to pay child support.

STAFFING AND TRAINING

Encourages staffing studies and training assistance from the federal government to the states.

LEGISLATIVE SUMMARY—INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

TITLE I—LOCATE AND CASE TRACKING

Sec. 101. Expansion of the use of the Federal parent locator system

Allows the Federal Parent Locator System to be used for the purposes of parentage establishment, child support establishment, modification and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent.

Sec. 102. Expansion of data bases accessed by parent locator systems

(1) Allows the Federal Parent Locator System access to the quarterly estimated Federal income tax returns filed by individuals with the IRS.

(2) Requires the states to have in place procedures under which the state agency responsible for child support enforcement shall have automated on-line or batch access to information regarding residential addresses,

employers and employer addresses, income and assets, and medical insurance benefits of absent parents. Data bases to which the state child support agency shall have access include: (a) the state revenue or taxation department; (b) the state motor vehicle registration department; (c) the state employment security department; (d) the state crime information system; (e) the State bureau of corrections; (f) the state recreational, occupational, and professional licensing department; (g) the Secretary of State's office; (h) the State bureau of vital statistics; (i) state or local agencies administering public assistance; (j) state or local real and personal property record departments; (k) publicly regulated utility companies located in the state; (l) credit reporting agencies located in the state; and; (m) trade and labor unions located in the State.

(3) Requires the States to maintain child support order registries.

Sec. 103. Expansion of access to national network for location of parents

(1) Requires the Department of Health and Human Services, through the Office of Child Support Enforcement to expand the Federal Parent Locator System to provide for a national network which allows states to: (i) access the records of other state agencies and federal sources of locate information; (ii) access the files of other states to determine whether there are other child support orders and obtain the details of those orders; (iii) process locate requests; and (iv) direct locate requests to individual states or Federal agencies, broadcast requests to selected states, or broadcast cases to all states when the source of needed information is not known.

Sec. 104. Private attorney access to locate and enforcement services

Requires that private attorneys and pro se obligees be allowed access to state locate resources, tax refund offsets and other public enforcement techniques for the limited purpose of locating individuals for parentage establishment, child support establishment, modification and enforcement of orders, and enforcement of visitation orders with appropriate privacy safeguards for the information provided.

Sec. 105. Access of law enforcement systems of records

Requires the heads of the National Criminal Information Center, the National Law Enforcement Telecommunications Network, and any other national or regional systems for tracking individuals to allow access to information held to federal, state and local child support agencies.

Sec. 106. State networks for broadcasting warrants

(1) Requires the states to broadcast on their local and state crime information systems failure-to-appear warrants, capiases, and bench warrants issued by courts in civil and criminal parentage and child support cases in their states.

(2) If a defendant posts security after being arrested, requires the states to remit any subsequent forfeiture to the child support obligee to the extent of any child support arrearage.

TITLE II—ESTABLISHMENT

Sec. 201. Jurisdiction, service of process and full faith and credit

(1) Makes a Congressional finding that child-state jurisdiction is consistent with the Due Process clause of the Fifth and Fourteenth Amendments, Section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the U.S. Constitution.

(2) Requires the states to promulgate procedures under which the states shall treat out-of-state service of process in parentage and child support actions in the same manner as in-state service of process.

(3) Requires the states to provide for service of process outside a state by: (i) personal delivery according to the law relating to in-state service of process; (ii) personal delivery according to the law of the state in which the service is made; (iii) by mail, subject to the Rules of Civil Procedure of the state serving process; (iv) other means of notification which are consistent with state rules of civil procedure.

(4) Requires the states to recognize and enforce parentage and child support orders including on-going orders of other states where jurisdiction was properly asserted.

(5) Allows a state court to modify the parentage or child support order of a court of another state only: (1) if it has jurisdiction to make such order and (2) the court of the other state no longer has continuing, exclusive jurisdiction because (a) the other state no longer is the child's state or the resident of any contestant; (b) after notice and hearing, the court of the other state has declined in writing to exercise its jurisdiction to modify the order; or (c) all the parties consent to the exercise of jurisdiction by the forum court.

Sec. 202. Service of process on Federal employees and members of the Armed Forces relating to child support, alimony and parentage obligations

Requires the heads of each federal military agency to designate an agent for receipt of service of process of a child support action for any employee or member of the armed services of such agencies.

Sec. 203. Presumed address of obligor and obligee

(1) Requires that parents' identification and locate information be left with the state court adjudicating parentage and child support actions.

(2) Requires the states to create a presumption that, for the purposes of providing sufficient notice in any child support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order, the last residential address of the party given to the appropriate agency or court is the current address of the party.

Sec. 204. Notification to custodial parents

(1) Requires state child support agencies to notify custodial parents in a timely fashion of all hearings in which child support obligations might be established or modified.

(2) Requires state child support agencies to provide custodial parents with a copy of any order that establishes or modifies a child support obligation within 14 days of the issuance of such order.

Sec. 205. State uniformity regarding establishment of parentage and support, jurisdiction and venue, and Federal employee residential status

(1) Requires the states to allow parties seeking both parentage adjudication and child support establishment in a judicial proceeding to bring a joint action in a single cause of action.

(2) Requires the states to provide for venue for parentage adjudication in the county of residence of the child when the child and alleged parent who is the defendant reside in different counties within the state.

(3) Requires the states to mandate that a state court or agency that issues a parentage or child support order has continuing and exclusive jurisdiction over a child support case until that court or agency transfers jurisdiction to another court or agency that has jurisdiction in the county where the child resides, or the parties consent to be bound by the appropriate court or agency that has jurisdiction.

(4) Requires the states to provide for transfers of cases to the city, county, or district where the child resides for purposes of enforcement and modification, without the need for refiling by the plaintiff or re-serving the defendant.

(5) Requires the state child support agencies or state courts that hear child support claims to exert stateside jurisdiction over the parties and allow the child support orders to have statewide effect for enforcement purposes.

(6) Requires the states to make clear that visitation denial is not a defense to child support enforcement and the defense of nonsupport is not available as a defense when visitation is at issue.

Sec. 206. Fair Credit Reporting Act amendments

Allows state child support agencies to access and use credit reporting agencies for the purposes of obtaining information relevant to the setting of an initial or modified support order, without the necessity of obtaining a court order to authorize access.

Sec. 207. National child support guideline commission

Creates a National Child Support Guidelines Commission no later than 1994, for the purpose of studying the desirability of national child support guidelines.

Sec. 208. State child support guideline principles

(1) Requires the states in promulgating their child support guidelines to make the application of the guidelines a sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstances.

(2) Requires state guidelines to provide that any custodial parent requesting a review of a child support award who is not receiving AFDC must agree to both review and modification of a child support order in IV–D cases. To ensure that IV–D agency resources are used effectively and that parents' rights are protected, the agency should notify the custodial parent of the time for a review and of the right to request an "opt-out."

(3) Requires that state child support guidelines take into account work-related or job-training related child care expenses of either parent or the children of these parents, health insurance and related uninsured health care expenses, and extraordinary school expenses incurred on behalf of the child of these parents.

Sec. 209. Duration of support

(1) Requires the states to provide for a continuing support obligation by one or both parents until the date upon which a child reaches the age of 18 or graduates from or is no longer enrolled in secondary school or its equivalent, whichever is later. The support order would also cease when a child marries or is otherwise emancipated by a court of competent jurisdiction.

(2) Requires the states give their courts discretionary power to order: (i) child support payable at least up to the age of 22 for a child enrolled in an accredited post-secondary school or vocational school or college and who is a student in good standing; (ii)

child support from either or both parents to pay post-secondary school support based on each parent's financial ability to pay.

(3) Requires the states to provide for the continuation of child support beyond the child's age of majority provided the child is disabled and unable to be self-supportive, and the disability arose during the child's minority.

(4) Requires the state courts to consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.

Sec. 210. National subpoena duces tecum

(1) Requires the Office of Child Support Enforcement to draft and distribute to local and state child support agencies a national subpoena duces tecum with nation-wide reach to reach income information pertaining to all private, federal, state, and local government employees.

(2) Requires that the scope of the subpoena be limited to the prior 12 months of income.

(3) Provides that payors may honor the subpoena by timely mailing the information to a supplied address on the subpoena.

(4) Provides that the information provided pursuant to the subpoena shall be admitted once offered to prove the truth of the matter asserted.

(5) Requires the Office of Child Support Enforcement to establish a simplified certification process and admissibility procedure for out-of-state documents in parentage or child support cases.

Sec. 211. Uniform terms in orders

(1) Requires the Department of Health and Human Services to develop a uniform abstract of a child support order to be used by all states to record the facts of a child support order in a registry of child support orders.

(2) Requires that the uniform abstract of a child support order include: (a) the date that support payments are to commence; (b) the circumstances upon which support payments are to terminate; (c) the amount of current child support expressed as a sum certain as of a certain date, and any payback schedule for the arrearages; (d) whether the support award is in a lump sum (nonallocated) or per child; (e) if the award is lump sum, the event causing a change in the support award and the amount of any change; (f) other expenses, such as those for child care and health care; (g) names of the parents; (h) social security numbers and dates of birth of the parents; (i) names of all children covered by the order; (j) dates of birth and social security numbers of children covered by the order; (k) court identification (FIPS code, name and address) of the court issuing the order; (l) health-care support information; and (m) the party to contact when additional information is obtained.

Sec. 212. Social Security numbers on marriage licenses and child support orders

Requires the states to list on marriage licenses the social security numbers of persons applying for and receiving such marriage licenses.

Sec. 213. Administrative subpoena power

Requires the states to have and use laws that empower IV-D agencies to issue subpoenas requiring defendants in paternity and child support actions to produce and deliver documents to or to appear at a court or administrative agency on a certain date.

TITLE III—PARENTAGE

Sec. 301. Parentage

(1) Requires the states to provide for hospital-based paternity establishment and the establishment of paternity outreach programs.

(2) Provides a 90% FFP for state paternity outreach programs.

(3) Requires the states to promulgate procedures that allow voluntary establishment of paternity by affidavit as part of the birth certificate process at the time of birth.

(4) Requires the states to promulgate procedures under which the states may bring parentage actions without joinder of the named child.

(5) Requires the states to use civil, instead of criminal, procedures for parentage actions, including a preponderance of the evidence standard for finding parentage.

(6) Requires the states to determine a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused of parentage. Requires the states to create a rebuttable presumption of parentage if admitted and uncontroverted parentage testing results satisfy such thresholds.

(7) Requires the states to provide for a resolution of parentage against a noncooperative party who refuses to submit to an order by a court for parentage testing.

(8) Requires the states to provide for the use of temporary support orders where appropriate.

(9) Requires states to establish procedures by which a parentage finding is treated as res judicata to the same extent as any other civil judgment.

(10) Requires the states to establish procedures by which a signature by an individual on a signature line provided for a father on a state birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted.

(11) Requires the states to develop expedited processes for the establishment of paternity when paternity is contested.

(12) Requires the states to implement procedures by which a person who voluntarily acknowledges parentage can request genetic testing within 1 year of acknowledgement.

(13) Requires the states to develop procedures that would allow the collection of information for support to be done concurrently with the parentage acknowledgment process, where such procedures would be consistent with state constitutional law.

(14) Requires the states to promulgate procedures which provide for the introduction and admission into evidence, without the need for third-party foundation testimony, of pre-natal and post-natal parentage testing bills.

(15) Requires the states to establish procedures under which the state may enter a default order in parentage cases against the defendant upon a showing of evidence of parentage and service of process on the defendant, without the personal presence of the petitioner.

(16) Requires the states to establish procedures: (a) Requiring that objection to parentage testing or its results be made in writing at least 21 days prior to trial; (b) specifying that if no objection is made, the test result will be admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory; (c) that make it possible for the parties in a parentage case to call on outside expert witnesses to refute or support the testing procedure or results, or the mathematical theory upon which the test results are based, if they so desire.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended

Amends several anti-assignment provisions to make it possible for child support to be withheld from certain governmental sources, including veteran's disability, military disability, railroad workers disability and retirement, long shore and harbor workers benefits, black lung benefits, and federal health benefits.

Sec. 402. National reporting of new hires and child support information

(1) Requires the Secretary of the Treasury to modify the W-4 form completed by new employees to include a statement of whether: (a) a child support obligation is owed and, if so, to whom it is payable and the amount to be paid and (b) if payment is by income withholding; and (c) if the employee has health insurance available.

(2) Requires the Secretary of the Treasury to establish a system of reporting new employees by requiring all employers to provide a copy of every new employee's W-4 form to the child support enforcement agency of the state in which the employer is located.

(3) Requires the states to confirm the information provided on the W-4 form or identify child support obligations that had not been reported through the use of the network established in the expanded Parent Locator System.

(4) Requires the states to notify the employer using a standard wage withholding notice developed by the Federal Office of Child Enforcement in cases where the employee has not correctly reported information regarding his or her child support obligations on the W-4 form and initiate immediate wage withholding of child support.

(5) Requires the states to broadcast and make available to other states over the network information based on the W-4 form that had been sent to the child support enforcement agency.

(6) Requires the states to notify a child support payee or payee's designee when there is a match between W-4 information broadcast over the network and the abstract of support orders on file in the state registry of child support orders.

(7) Requires the Secretary of Treasury to modify the federal income tax W-4 form to include a report of the amount of child support withheld for each employee by the employer.

(8) Makes it a federal crime for an employer to misappropriate a child support obligor's income that was purported to be withheld by the employer for the benefit of a child support obligee.

Sec. 403: Direct income withholding

(1) Requires states to mandate that any person or entity in commerce, as a condition of doing business in that state, honor income withholding notices issued by a child support tribunal or agency of any state.

(2) Requires employers to maintain records of payroll deductions for child support payments and to make such records available to the state or person seeking to enforce a child support order.

(3) Requires the Secretary of Health and Human Services to develop a uniform withholding notice to be used in all income withholding cases.

Sec. 404: Priority of wage withholding

Requires the states to apply proceeds from income withholding in the following manner: (1) payments on current support obligations; (2) payment of premiums for health insurance for the defendant's children; and (3) payments on past due child support obligations and unreimbursed health-care expenses.

Sec. 405: Definition of income subject to withholding includes workers' compensation

Allows worker's compensation income to be subject to income withholding.

Sec. 406: Consumer Credit Protection Act Amendments.

(1) Acknowledges that state and federal child support garnishment laws are not preempted by the Consumer Credit Protection Act.

(2) Prohibits the counting of child support garnishments against the more-than-one garnishment exception to the antidiscrimination section of the Consumer Credit Protection Act.

(3) Prohibits state discretion in setting garnishment limitations based on the obligor's disposable income.

(4) Requires that federal debts receive a lower priority than child support debts when the obligor's disposable income cannot satisfy both debts through withholding.

Sec. 407. Election of remedies prohibition

Requires the states to provide that the election of remedies doctrine does not apply in child support cases, so that when mandatory wage withholding is expanded to most cases in 1994, alternative collection efforts, such as tax refund offset and contempt actions, are not prohibited.

Sec. 408. Occupational, professional and business licenses

(1) Requires the states to establish procedures for withholding professional or occupational licenses from noncustodial parents who are the subjects of outstanding failure-to-appear warrants, capiases, and bench warrants related to child support cases. Licenses are withheld until approved for release by the pro se obligee, the obligee's attorney, the state prosecutor or the court enforcing the child support order.

(2) Requires the states to establish expedited review procedures of withheld licensing applications and provide 60-day temporary licenses during the review period.

(4) Requires the federal government to withhold a professional, occupational, or business license of a delinquent child support obligor until the pro se obligee, obligee's attorney, prosecutor, or court enforcing the child support order consents to release of the license.

(5) Requires the federal government to establish expedited review procedures of withheld licensing applications and provide a 60-day temporary license during the review period.

Sec. 409. Driver's licenses

(1) Requires the states to develop procedures under which motor vehicle departments withhold the driver's license of noncustodial parents that the state's crime information system indicate are the subject of child support-related failure-to-appear warrants, capiases or bench warrants.

(2) Requires the states to provide for the use of temporary licenses or registrations by the subjects of the warrants pending the show-cause hearing or the removal of the warrants, whichever occurs first.

Sec. 410. Attachment of bank accounts

Requires the states to authorize post-judgment seizure of bank accounts in child support cases without the need to obtain a separate court order for attachment.

Sec. 411. Lotteries, settlements, payouts, awards and forfeitures

Requires the states to establish procedures under which liens can be imposed against lottery winnings, gambler's winnings, insurance settlements or policy payouts, awards, judgments or settlements resulting from lawsuits, and property seized or forfeited to the state if the beneficiary owes past-due child support.

Sec. 412. Fraudulent transfer pursuit

Requires the states to establish procedures that provide for indicia or badges of fraud that create a prima facie case that an obligor transferred income or property to avoid paying a child support creditor.

Sec. 413. Full IRS collection

(1) Expresses the sense of the Congress that the Commissioner of the IRS should instruct the field officers and agents of the IRS to give a high priority to requests for the use of IRS full collection of child support arrearages.

(2) Requires the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to simplify by regulation the full collection process and reduce the amount of child support needed before an individual may apply for full collection.

Sec. 414. Bonds

Requires the states to develop procedures which allow the posting of a cash bond, security deposit or personal undertaking to provide for child support payments. This could prove helpful in cases where wage withholding is not optimal or appropriate.

Sec. 415. Tax offset for non-AFDC post-minor child

Makes it possible for a IV-D applicant with a child support arrearage who does not receive AFDC to use the federal and state tax refund procedures to collect the arrearage, regardless of the age of the child.

Sec. 416. Attachment of public and private retirement funds

Requires the states to establish procedures under which a child support obligor may attach lump sum funds invested by the obligor or the employer of the obligor in public and private retirement funds. These funds include Keoghs, Simplified Employment Pensions (SEPs), and Individual Retirement Accounts (IRAs).

Sec. 417. Reporting to credit bureaus

Requires the states to mandate reporting to credit bureaus of all child support obligations when the arrearages reach an amount equal to one month's payment of child support.

Sec. 418. Criminal nonsupport

Requires the states to have laws that provide for criminal penalties for nonsupport.

Sec. 419. Statutes of limitation

Requires the states to permit the enforcement of any child support order until at least the child's 30th birthday.

Sec. 420. Interest

Requires the states to have and use laws that assess interest on all child support judgments.

Sec. 421. Health-care enforcement

(1) Requires the states to establish laws which provide for a rebuttable presumption that the choice made by the child support obligee regarding health care insurance for the children is appropriate.

(2) Requires the states to provide that any insurance premium or sum-certain health care expense for which the obligor is responsible shall be included in the child support order.

(3) Requires the states to have and use laws that allow the obligee under a child support order to act in the place of the uninsured with respect to insurance claims relating to children who are beneficiaries of the child support order. The powers of the obligee would include the right to make direct application for insurance, the right to make claims, and the right to sign claim forms to the same extent as the obligor.

(4) Requires the states to mandate that the covered parent securing the insurance shall provide within 30 days of the health insurance order, written to the noncovered parent and/or the state IV-D agency, that insurance has been obtained or an application has been made for insurance, and the date the insurance is to take effect.

(5) Requires the states to require each welfare benefit plan operating under the laws of the state to include in the plan a commitment to: (i) releasing to the obligee or the state child enforcement agency, upon request, information on the dependent coverage, including the name of the insurer, (ii) providing all necessary reimbursement forms to the obligee; and (iii) providing claim forms and enrollment cards to the obligee and honoring the signature of the obligee on the claim form.

(6) Requires the states to require employers located in the state to provide notice, using an address provided by the state child support agency, to the custodial parent of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.

Sec. 422. Bankruptcy

(1) Amends the U.S. Bankruptcy Code to allow parentage and child support case establishment, modification, and enforcement of child support to proceed without interruption after the filing of a bankruptcy petition.

(2) Treats the debt owed to child support creditors as debt outside the chapter 11, 12, or 13 plan, unless the child support creditor affirmatively acts to opt in as a creditor whose debt is part of the plan.

Sec. 423. Federal Government cooperation in enforcement of support obligations of members of the Armed Forces and other persons entitled to payments by the Federal Government

(1) Directs the U.S. military agencies to provide locate information on all military personnel that is updated within one month of a change in duty station or residential address.

(2) Directs the U.S. military agencies to provide for leave-granting procedures for use by service members facing parentage or support establishment hearings.

Sec. 424. UIFSA Endorsement

Requires that each state adopt without material change by January 1, 1996, the officially approved version of the Uniform Interstate Family Support Act, adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association House of Delegates on February 9, 1993.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections

(1) Requires the states to, beginning on October 1, 1994, distribute child support collections in the following priority: (1) to a current month's child support obligation; (2) after the fulfillment of the current month's obligation, to debts owed the family; if any rights to child support were assigned to the state, then all arrearages that accrued after the child no longer received assistance are to be distributed to the family. States may include any pre-assignment family-debt arrearages at this priority level; (3) to reim-

burse the state making collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) to reimburse other states for assistance payments they made to the family (in the order in which such payments were made).

(2) Authorizes the Comptroller General of the U.S. to analyze the existing child support distribution system and authorize, under certain circumstances, pilot projects for the distribution of arrearages in the following manner: (1) application of all support collected first to a current month's child support obligation; (2) application of funds collected in excess of the amount of the current month's obligation to debts owed the family; (3) using funds collected in excess of the amount of the current support obligation, to reimburse the state making the collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) using funds collected in excess of the current month's support obligation after the debt to the family and the collecting state have been satisfied, to reimburse other states for assistance payments to the family.

(3) Precludes the counting of the $50 pass-through in AFDC cases for any means tested program.

Sec. 502. Relationship of AFDC to CSE—limited reimbursement claims to award amount

Requires the states to enact laws limiting any claims they may have against a noncustodial parent for reimbursement of the child's portion of the AFDC grant to the amount specified as child support under a court or administrative order.

Sec. 503. Fees for non-AFDC clients

Allows the states to assess charges above the application fee for non-AFDC child support services against persons other than the custodial parent. Such fees are only to be collected after the current and past-due support and interest charges are collected.

Sec. 504. Collection and disbursement points for child support

Requires the states to provide either one central state-wide collecting, accounting, and disbursement point for child support cases, or regional collection and disbursement points throughout the state.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal child support agency

(1) Changes the organizational structure of the Office of Child Support Enforcement so that it is headed by an assistant secretary who reports directly to the Secretary of Health and Human Services and is confirmed by the Senate.

(2) Allows the Office of Child Support Enforcement to have its own legal counsel.

Sec. 602. Training

(1) Requires the states to provide training to child support personnel providing functions under the state plan.

(2) Requires the Department of Health and Human Services to provide training assistance to the states.

(3) Requires the Department of Health and Human Services to report annually to Congress on training activities.

Sec. 602. Staffing

(1) Requires the Secretary of Health and Human Services to conduct staffing studies of each state's child support enforcement program.

(2) Requires the Secretary of Health and Human Services to report the results of such staffing studies to the Congress and the states.

Sec. 604. Funding and incentives for child support agencies

Requires the Comptroller General to conduct a study of the incentive formula operating with respect to state child support agencies in the federal system. The study would investigate the feasibility, costs, and benefits of: (1) encouraging states to centralize functions at the state level; (2) abolishing minimum incentives to states, as well as the ramifications of imposing the requirement that incentive funds be passed to local child support enforcement agencies; (3) exploring incentive formula that are based on increases in FFP for states that exceed performance criteria, instead of the present percentage of collection formula; (4) promoting quality control; (5) providing financial incentives for the enforcement of health-care support; and (6) tying incentives amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) which are not solely based on cost-benefit criteria.

Sec. 605. Child support definition

Defines "child support" to include periodic and lump sum payments for current and past-due economic support, payments of premiums for health insurance for children, payments for or provisions of child care, and payments for educational services.

Sec. 606. Audits

Requires the Secretary of Health and Human Services to commission a study of the audit process of the Office of Child Support Enforcement to improve the criteria and methodology for auditing state child support enforcement agencies.

Sec. 607. Child support assurance demonstration projects

(1) Requires the Department of Health and Human Services to fund 6 demonstrations in selected states to determine the feasibility and utility of a child support assurance program.

(2) Requires the Governor of the state to submit an application that: (i) describes child support assurance project, including the specific activities to be undertaken and the agencies involved; (ii) specifies geographic area covered by project; (iii) estimates number of children eligible for assurance payments and amount of entitlement; (iv) describes child support guidelines and review procedures used in the states; (v) contains commitment to conduct project for at least 3 years; (vi) specifies extent to which the state has or will implement major child support enforcement initiatives; (vii) specifies current relative quality of state enforcement system as compared to other states.

(3) Requires the Secretary of Health and Human Services be satisfied that child support assurance projects provide that: (i) the custodial parent meets the eligibility requirement for the assured child support benefit; (ii) the child support assured benefit is paid each month and child support payments from the noncustodial parent are offset as required; (iii) eligibility of caretaker for Aid to Families With Dependent Children shall be calculated without consideration of the assured benefit.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV–D services

Requires that the states not deny establishment, enforcement, or modification services to applicants because of their nonresidency in the state.

Sec. 702. Advocating for children's economic security

Clarifies that the mission of every IV–D agency is to promote the greatest economic security possible for children, within the obligor's ability to pay.

Sec. 703. Duties of IV–D agencies

Requires state IV–D agencies to provide all custodial parents with: (i) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information; (ii) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before a dismissal;

(iii) written quarterly reports on case status;

(iv) a statement that services under the IV–D programs are mandatory to those who are eligible for such services; and

(v) a statement that while eligibility for services is being determined, an applicant is eligible for services under the program pending such determination.

Sec. 704. Broader access to services

Expresses the sense of the Congress that state and local child support enforcement agencies should provide: (i) offices in easily accessible locations near public transportation; (ii) office hours that allow parents to visit with attorneys and caseworkers without taking time off from work; and (iii) office environments conducive to discussion of legal and personal matters in privacy.

Sec. 705. Process for change of payee in IV–D cases

Requires the states to develop procedures under which a change in child support payee does not require a court hearing or order to take effect and may be done administratively, as long as a statement by an official is included in the court or administrative file documenting the change.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date

Provides that, unless otherwise stated, the amendments made by this Act shall take effect on January 1, 1996.

Mrs. FEINSTEIN. Madam President, I rise today as a cosponsor of the Interstate Child Support Enforcement Act. I would like to commend my colleague, Senator BRADLEY, from New Jersey for his long-term commitment to find a solution to one of America's most pressing problems.

Yes, Madam President, it is a most pressing problem, and the obligation to support one's child is an obligation about which I feel passionately because it is so fundamental. It is the anchor obligation. Unfortunately, many individuals make their car payments before they support their children.

In California, my own State, since 1975 when child-support laws were put into place, more than $3.3 billion in court-ordered child support payments are outstanding.

Madam President, the absence of child support payments is the major reason children today live in poverty in this country. In my State, 1 out of 4 children lives in poverty. By the end of this decade, it is likely to be 1 out of 3 children.

So if we do nothing, we will have 1 out of every 3 youngsters in this country in poverty.

Based on the recommendations from the U.S. Commission on Interstate Child Support, Senator BRADLEY's legislation establishes effective means to have an absent parent meet the financial responsibility for his or her children, and it would enable better enforcement across State lines.

This bill would put into place effective enforcement techniques such as garnishing wages and suspension of a driver's or professional licenses, if one is not making support payments.

Madam President, this bill will begin the debate on the critical need for child support in the Senate of the United States, and I am pleased to support it. I believe that the time has come to take Federal action that is strong and forceful and will say to every American clearly and definitively, if you bring a child on this Earth, you have an obligation to support that child. We will not let you walk away from that obligation, and we will not let you cross State lines to avoid that obligation.

Frankly, it is my strongly held belief that if an individual leaves the State to avoid child care responsibilities, a system should be established to locate that individual, garnish the wages of the individual, and to see that those funds are returned and provided to the child in need.

After all, the child did not ask to be brought on Earth. Parents brought that child on Earth. And after all, a child, a small child, cannot support itself.

So the time has come to say to all of the parents of this Nation, you have an obligation to support your children. You have an obligation to help raise your child as well as possible. You have an obligation to be responsible.

Madam President, the time is right for this bill. I am proud to join Senator BRADLEY as a cosponsor of this important legislation.

Mr. BRADLEY. I thank the distinguished Senator from California, who has been a champion of children throughout her career, for once again coming to the aid of families. I commend the leadership we have come to expect of her, and I thank her for her cosponsorship of this bill.

By Mr. CRAIG (for himself, Mr. COHEN, and Mr. KEMPTHORNE):

S. 690. A bill to amend the Congressional Budget Control and Impoundment Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be charged.

MODIFIED LINE-ITEM VETO/EXPEDITED RESCISSION ACT OF 1993

Mr. CRAIG. Mr. President, I rise to invite my colleagues to join me today in introducing legislation that would give the President of the United States a modified line-item veto power, by requiring the expedited consideration of special rescission messages submitted by the President upon enactment of appropriations bills.

GENERAL COMMENTS

Why has there been so much debate lately, and why am I introducing a bill regarding, the line-item veto?

Because the American people are demanding greater fiscal responsibility.

There is broad support from Republicans, Democrats, and Perot supporters. My colleagues will recall that Ross Perot endorsed balanced budget and line-item veto when he testified before the Joint Committee on the Organization of Congress.

A line-item veto is not all of the answer to current fiscal dilemma, but an important part of it.

Such a measure would increase accountability—spending items will have to stand up on their own merits.

It promotes legislating in the sunshine—spending that can't stand the spotlight—and heat—will wither.

The bill I am introducing today is the companion to H.R. 1013, introduced in the other body by Representatives CHARLIE STENHOLM AND DICK ARMEY of Texas, and several dozen others.

This is the bill most likely to pass the other body and, I believe, this body as well. It is possible they will be voting today in the House on this issue.

This is the bipartisan, balanced consensus bill that has been developed over the course of several years.

It is similar to last year's H.R. 2164, which passed the other body 312–97, with endorsements by the leadership of both parties in the other body and was endorsed by both President Bush and candidate Clinton.

OPERATION OF THE BILL, IN GENERAL

The Modified Line-Item Veto/Expedited Rescission Act allows the President to focus scrutiny on items that are hidden and bundled into omnibus appropriations bills. It will prevent Congress from ignoring the President's proposed rescissions, as happens today.

The modified line-item veto process is an add on to current Budget Act procedures.

It does not in any way prevent the President from proposing and Congress from enacting additional rescissions under current law procedure.

The bill would mandate and expedite consideration of rescissions proposed by the President.

As my colleagues know, this differs from most traditional variations of the line-item veto, by essentially allowing a majority of Congress to override Presidential disapproval of an individual spending item, instead of requiring a two-thirds majority.

I would prefer to enact a stronger line-item veto, but the important thing is isolating and forcing reconsideration of individually indefensible spending items. That is the core purpose, the essential virtue, at the heart of all line-item veto proposals.

The only substantial difference from the House companion is that the bill I am introducing today does not contain a sunset after 2 years, for several reasons:

My colleagues on the other side of the aisle shouldn't want to take this procedure away from their President in midstream;

The modified line-item veto approach already represents a compromise; and

We don't need a sunset to review and revise after some experience with the new procedure.

TIMELINE

Under this bill, the President would have 3 days after date of enactment of an appropriations act to transmit a special message and draft bill proposing rescissions to that act;

The majority and/or minority leader in the House of Representatives would have 2 legislative days to introduce, by request, the President's rescission package;

The House must vote on final passage of the rescission package within 10 legislative days of introduction of the bill;

The clerk of the House would have 1 calendar day to engross, certify, and transmit the House-passed rescission bill to the Senate;

The Senate must then consider and vote on final passage within 10 legislative days after the rescission bill is transmitted from the House;

If the Senate does not strike any item of rescission from the House-passed bill, it then goes to the President for signature. If any item is struck, the remaining package is returned to the House, where any Member may offer a privileged motion to concur in the Senate amendment in an up-or-down vote.

STRIKING PROPOSED ITEMS OF RESCISSION

Under this bill, the President's rescission package could not be amended. However, the question may be divided, for the purpose of striking one or more rescission, or in other words, reinstating that item of appropriation, only if 50 Members in the House or 15 Members in the Senate stand in support of a motion to divide.

The purpose of the procedure allowing a motion to divide and strike an item is to strike a reasonable balance between legitimate, competing interests:

Congress can protect an individual item of appropriation when there is strong, national support for that item;

Striking one rescission would not jeopardize the rest of the President's package; and

The entire process strikes a balance between Congress' ability to package many items together when passing the initial appropriations bill and the President's ability to package multiple items in his rescission message.

DIFFERENTIATION BETWEEN AUTHORIZED AND UNAUTHORIZED ITEMS

In this bill, the President could propose to strike 100 percent of an appropriated program or item not previously authorized by law. The President could propose striking 25 percent of previously authorized items. There are several reasons for this difference:

An item previously authorized has already received legislative scrutiny at least once in each body;

Midnight pork is 100 percent penalized;

An earmark in an appropriation that is not previously authorized is 100 percent vulnerable, even if its parent program was previously authorized.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Modified Line Item Veto/Expedited Rescissions Act of 1993".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—

"(1) The amount of budget authority which the President may propose to rescind in a special message under this section for a particular program, project, or activity for a fiscal year may not exceed 25 percent of the amount appropriated for that program, project, or activity in that Act.

"(2) The limitation contained in paragraph (1) shall only apply to amounts specifically authorized to be appropriated for a particular program, project, or activity.

"(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority if supported by 14 other Members.

"(C) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted. If the bill is passed in the Senate without amendment, the Secretary of the Senate shall cause the engrossed bill to be returned to the House of Representatives.

"(D) If the bill is amended in the Senate solely as provided by subparagraph (B), the Secretary of the Senate shall cause an engrossed amendment (in the nature of a substitute) to be returned to the House of Representatives. Any Member of the House may offer a privileged motion that the House concur in that Senate amendment. That motion is not subject to a demand for division of the question and the previous question is considered as ordered on the motion to final adoption without intervening motion.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(e) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as provided by paragraph (1)(C) or (3)(B) of subsection (d), no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the

House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill transmitted with that special message.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SUMMARY OF MODIFIED LINE-ITEM VETO/ EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to set in place the following supplemental procedure for rescissions for a two-year trial period:

After signing an appropriations bill into law, the president would have three days to submit to the House a rescission message that includes all proposed rescissions from the Appropriations bill just signed and a draft bill that would enact the proposed rescissions.

The president could propose to rescind 100 percent of unauthorized programs and up to 25 percent of specifically authorized programs or projects.

The resolution would be introduced in the House at the earliest opportunity by the majority and minority leaders. The bill would be referred to the Appropriations Committee, which must report it out without substantive amendment within seven days.

Within ten legislative days of introduction, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission from the rescission bill.

If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual rescission.

If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation.

If a rescission bill is approved by the House and Senate, it would be sent to the President for his signature.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the amendment offered by my colleague from Idaho.

And I think I speak for a number of Senators, on both sides of the aisle, when I say it's about time!

For too long, Congress and the President have been engaging in finger-pointing over whose to blame for our country's growing budget crisis. It's time to stop finger-pointing, and start doing something about it!

The President campaigned for a line-item veto. I applaud him for that. I also campaigned for a line-item veto. Idahoans made it very clear that this is an issue that crosses party lines. Republicans, Democrats, and Independents all want the President to have the ability to cut excess spending that finds its way into legislation.

The line-item veto is an effective tool for cutting that excess. Most of our State governments think so; 43 Governors have the line-item veto. It's time our Chief Executive has that same ability.

It's significant that Republicans are offering this amendment while a Democrat is in the White House. A Democrat who told me, just a few weeks ago when he met with Republican Senators, that he still wants the line-item veto. In fact, when I asked the President that question directly, he told me, "Yes, send it to me and I'll sign it." President Clinton realizes how important a tool the line-item veto is to getting our fiscal year house in order, and we must give it to him.

There are times when I will genuinely disagree with the President on economic issues. I disagreed with his budget—I voted against the largest tax increases in our Nation's history. I disagree that more spending and more Government is really an economic stimulus. But in those areas where I agree, I will do so—not necessarily as a Republican—but as an American. An American worried about the future my two children will face if we don't reign in this insatiable Government appetite for spending.

As the Senate debates the President's economic stimulus plan, I keep hearing it referred to as an emergency package. Mr. President, yes, we have an emergency. The real emergency in America is cutting the Federal deficit. The fear in America is that we are drowning in debt. And now to add to that fear of enormous debt is the fear of new taxes, new regulations, and more Government.

In the Senate, we get caught up arguing over the nuances of a bill or proposal. I campaigned on the line-item veto. Idahoans told me they don't care about the nuances. They just know the system isn't working, and needs to be fixed.

The farmer in his pickup truck who met me in Hamer, ID, at 6:30 in the morning; the logging family in Sandpoint; and the folks who took time to meet with me at an Emmett cafe—all had one request: Don't forget about us. Mr. President, that's advice all of us should take to heart. Don't forget the hard-working American taxpayer. Don't forget the people we work for. If a line-item veto is a tool the President says he needs to meet the expections my constituents have for real, meaningful deficit reduction, let's give it to him.

By Mr. MURKOWSKI (for himself, Mr. PELL, Mr. PRESSLER, Mr. WALLOP, Mr. LUGAR, and Mr. DODD.

S. 691. A bill to terminate certain economic sanctions against Vietnam, to provide for less restrictive controls on exports of sensitive technology, material, and data to Vietnam, and to increase access by United States citizens to the territory of Vietnam in order to obtain a fuller accounting of the fate of certain American servicemen for the Vietnam war; to the Committee on Banking, Housing, and Urban Affairs.

VIETNAM ACCESS ACT OF 1993

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Vietnam Access Act of 1993, on behalf of myself, Senators PELL, LUGAR, PRESSLER, and WALLOP. My bill would do what I believe is long overdue—lift the extreme economic sanctions currently in place against Vietnam under the Trading With the Enemy Act of 1917.

RESOLVING THE POW/MIA ISSUE

Mr. President, there is one aspect of United States policy toward Vietnam on which we can all agree. It is this Nation's highest priority to have the fullest possible accounting of our missing-in-action and prisoners-of-war. This Nation owes that to the men and the families of the men that made the ultimate sacrifice for their country and for freedom.

But what have we done to achieve this goal? Since 1975 the United States has had an airtight trade embargo on Vietnam. In just 3 weeks, this trade embargo will have been in place for 18 years. Up until just recently, we have dealt with Vietnam only through a policy of complete and total isolation—no talks, no trade, no cultural exchanges, nothing.

How close are we to resolving this issue today? Another item that strikes me is we use the issue of most-favored-nations status with China, the theory being that as long as we are communicating, we are bringing about change, we are bringing a sensitivity to human rights, reparations, and other things. The same application should be applicable to Vietnam. If we want to maintain that communication so we can bring about change, and there is a start in that process.

Then, in the past few years, we eased up just a little bit. In 1987 President Reagan appointed former Joint Chief of Staff, Gen. Jack Vessey, to head a special mission to Vietnam to look into finally resolving the fates of our POW/MIA's. In 1991, the United States opened a tiny office in Hanoi, devoted to the same cause. Also in 1991, several of my colleagues formed the Senate Select Committee on POW/MIA Affairs, which dealt directly with the Vietnamese Government on this matter, as well as the Cambodian and Laotian Governments.

Mr. President, the results from just these small steps have been significant. The Vietnamese have allowed United States investigation teams to look at crash sites, to followup on live sighting reports, and very importantly, they have allowed access to their government and military archives.

To me this suggests that our policy needs to change. When dealing from isolation we achieved nothing. When dealing directly, we saw progress. The more Americans that are in Vietnam—be it in a humanitarian effort, a educational effort, or a business endeavor—the greater our chances for resolving this matter of highest national priority.

ECONOMIC REASONS

There are valid economic reasons for ending this trade embargo as well. For many years our allies joined us in isolating Vietnam. They no longer do so. Nations like Taiwan, South Korea, and Singapore—the nations that have the most to fear from communism—are leading the way in trade and investment in Vietnam. Our embargo no longer deprives Vietnam of goods and services, it only deprives Vietnam of American goods and services. In this day of growing trade deficits and high unemployment, it makes little sense to keep America out of promising markets.

Trading with the people of Vietnam goes far beyond business competitiveness. It gets down to the basics of freedom, democracy, human rights, and the marketplace. When Americans go abroad or export their products, they export an idea. They send the same message that Americans went to Vietnam to fight a war for. They say democracy and a free market will give you a better life, a way to feed your family, a chance to educate your children. It is time that we start sending this message to Vietnam.

CONCLUSION

Mr. President, I do not mean to suggest that our Government has not acted in good faith in the past. But when we recognize that a certain policy is not leading us closer to our goals, it is time to try a new approach. Today, with this bill, I am proposing a new approach. Greater access to Vietnam will give us greater opportunities to resolve the POW/MIA issue. Greater access to Vietnam will give us an opportunity to compete in a growing market. And greater access to Vietnam will allow the free flow of American ideals like freedom, democracy, and open markets.

I ask my colleagues to have a look at the Vietnam Access Act, and I urge your support.

Mr. PRESSLER. Mr. President, I am pleased to join with my good friend from Alaska, Senator MURKOWSKI, as an original cosponsor of legislation that would lift most of the United States trade sanctions on Vietnam.

On February 16 of this year, I became the first Member of the U.S. Senate to call on the Clinton administration to lift our Nation's current economic and diplomatic isolation of Vietnam. It is time to normalize our trade relations with Vietnam. It is time to establish diplomatic relations with Vietnam. It is time to send an American Ambassador to Vietnam.

Five years ago this month, in March 1988, I traveled to Vietnam. It was my first visit since 1967–68, when I served our country in Vietnam as a U.S. Army lieutenant. After my 1988 visit, I concluded that our Government's 13-year policy of isolation had become outdated. I believed then, and now, that diplomatic and economic isolation had reached a point of diminishing returns for America's strategic, humanitarian, and international trade interests. It was time for the United States to write a new chapter in its relations with Vietnam, one of regular official contacts, increased tourism, and growing economic and humanitarian cooperation.

Earlier this year, I had the opportunity to discuss current policies as a participant in a United States-Vietnam conference, which included official Vietnamese participants. Our discussions of current events and their future implications once again prompted me to reexamine American policy toward Vietnam.

We have had isolation. Over the last 4 years, we have had a guarded transition. The time has come for the next historic step. The time has come for normalization of relations. The time has come to send an American Ambassador to Hanoi.

As my colleagues know, since our evacuation of South Vietnam in 1975, the United States consistently has maintained a cold war policy of diplomatic and economic isolation of Vietnam. This policy escalated in 1978, when Vietnam invaded Cambodia, deposed the Chinese Communist-backed Khmer Rouge regime, and installed a Soviet-backed puppet regime.

Vietnam's alliance with, and dependence on, the Soviet Union changed with the rise of Mikhail Gorbachev. When Gorbachev came to power in 1985, Soviet economic and military assistance exceeded $1.6 billion annually. Not long after, the Soviet Union began to reduce financial support of its Asian outposts in Vietnam. All aid ceased when the Soviet regime collapsed in 1991.

The hard realities brought on by the Soviet Union's demise and the effects of the United States trade embargo have compelled Vietnam to institute market-oriented economic reforms. Since 1986, Vietnam has pursued an economic policy of doi moi or renovation. This policy calls for greater autonomy of state-owned business; incentives for private and foreign investment in the economy; and relaxation of price controls.

As a result of doi moi, Vietnam is now the world's third biggest supplier of rice. The Government—once the manager of the entire Vietnamese economy—now holds 60 percent of Vietnamese industry, 40 percent of services, and only 2 percent of agriculture.

Vietnam is moving toward a free economy. However, I am not satisfied with the fact that there is still a Communist government in Hanoi.

Since 1978, United States policy toward Vietnam was simple: Normal relations would not occur until Vietnam withdrew its forces from Cambodia, and cooperated with the United States in obtaining the fullest possible accounting of the more than 2,200 United States personnel listed as prisoners of war or missing in action [POW/MIAs]. The fall of the Soviet Union did not change this general policy. Instead, it heightened the prospects of its success.

First, with respect to Cambodia, in October 1991, the United States and Vietnam joined in a 17-nation peace settlement for Cambodia. With this peace agreement, the Bush administration announced a four-phase plan or roadmap to gradually tear down nearly 17 years of economic and political isolation. President Bush correctly recognized that it is not easy to reverse 13 years of isolation with the stroke of a pen or a handshake. This is particularly true given the emotional feelings millions of Americans have toward this remote region, whether they are veterans, family and friends of fallen or missing veterans, or refugees from Vietnam.

Therefore, President Bush cautiously moved away from isolationism. Moving through each phase was contingent on continued Vietnamese cooperation in enforcing the terms of the Cambodian peace accords. However, the pace of this change would be dictated by Vietnamese cooperation on POW/MIA matters.

Again, the Vietnamese Government has taken action designed to hasten the pace toward normalization. Since 1987, Vietnam has returned hundreds of remains of United States MIA's. In 1991, Vietnam agreed to host a United States office in Hanoi to handle POW/MIA affairs. In March 1992, a United States delegation headed by Assistant Secretary of State Richard Solomon visited Hanoi, where they gained constructive breakthroughs on United States POW/MIA investigations. In the past year, Vietnam has permitted short-notice investigations of alleged live sightings; provided a private researcher with more than 4,600 photographs of live American POW's and dead soldiers; and expanded United States access to archival information on MIA's.

Pursuant to the Bush roadmap, a number of reciprocal concessions have been granted to the Vietnamese Government, including humanitarian aid and direct communications. United States commercial sales can be made to meet basic human needs in Vietnam. Finally, United States business now can open offices and sign contracts in Vietnam, but these contracts cannot be implemented unless the trade embargo is lifted. The United States and Vietnam literally are at the doorstep of economic normalization.

President Clinton and the new Congress have inherited a policy in transition. We can opt for a continuation of the Bush roadmap, or chart a new course of our own. The time has come for a new course.

Though the roadmap has achieved progress in United States-Vietnam relations, much has changed. First, recent instability in Cambodia makes prospects for a free and fair election there uncertain. That being the case, can the United States afford to postpone indefinitely diplomatic recognition of Vietnam?

Second, Vietnam is making an effort to privatize its economy, but it cannot succeed without help from capitalist nations. Already, several western nations have committed millions in humanitarian and economic support to Vietnam. That being the case, can the United States afford to take a back seat in the economic reform and trade expansion now occurring in Vietnam?

The answer to both questions should be, "no."

The premise behind the roadmap was that normalization of relations represented the ultimate leverage to push Vietnam to make concessions on two key issues: POW/MIA's, and Cambodian autonomy. That premise no longer holds. Today, if the United States is to retain leverage and achieve the goals established in 1991, then we must plot a new course on the roadmap, with the first stops being the lifting of the trade embargo and diplomatic recognition.

The legislation we are introducing today would launch that new course. Mr. President, as I have stated, the carrot-and-stick approach of the Bush roadmap has been a success. As a result, we have made progress on Cambodia and in gaining a better accounting of POW/MIA's in Indochina. With these diplomatic gains, American business is poised to explore new economic opportunities in Vietnam.

We must not view the application and results of our policies in a vacuum. Western nations have opted to invest in Vietnam's adolescent privatized economy. Taiwan, Hong Kong, Australia, Holland, and Britain have invested hundreds of millions of dollars in capital there. Last February, the Japanese Federation of Economic Organizations held a joint conference with Vietnamese authorities, with representatives of more than 100 Japanese firms in attendance. Also, earlier this year, French President, Francois Mitterand, became the first Western leader to visit Communist Vietnam. With him was a guarantee of $65 million in aid and an entourage of 200 government ministers and leaders of business and finance.

Meanwhile, American business remains at the starting gate. As other nations seize the investment initiative in Vietnam, the potential for strong U.S. involvement in economic reform and expansion declines. With each passing day the U.S. trade embargo loses its current value as a leveraging tool to extract concessions from Vietnam, particularly on the POW/MIA issue. In addition, the United States embargo reduces our ability to influence Vietnam's future economic, political, and human rights development.

We must not lose sight of Vietnam's future importance in international trade policy. At present, Japan is Vietnam's leading trade partner, with $1.2 billion in total volume in 1992. The continued absence of American investment affords more time for Japan to increase its economic and investment ties with Vietnam, enabling it to establish economic and political dominance in Southeast Asia.

Mr. President, the issue is timing. The time for action on this legislation is now. If fact, I believe we should go one step further. Congress should send this legislation to the President, and the President should send to Congress the name of an Ambassador to Vietnam.

Opponents will argue that rushing to normalization sacrifices our ability to exercise leverage on the issues of long-term peace in Cambodia, accounting for POW/MIA data, and human rights guarantees for political dissidents.

I disagree. Isolationism is losing its value as a leveraging tool. Isolationism also is hurting our Nation's ability to be a steady participant in Vietnam's growth toward privatization.

Further, normalization is not the last card in the U.S. diplomatic deck. The Vietnamese Government has called on the United States for foreign aid assistance. The bill being introduced today does not lift all the trade sanctions or grant Vietnam most-favored-nation trade status. Nor does it offer foreign aid. These issues provide plenty of real leverage for Washington to extract concessions on issues of concern to the United States, whether they be POW/MIA's, Cambodia, or human rights.

I feel very strongly that it is time to normalize relations with Vietnam. The legislation being introduced today accomplishes part of that goal. I have written to President Clinton, urging him to lift the trade embargo and establish diplomatic relations with the Hanoi Government. An American Ambassador is needed to build diplomatic relations between the United States and Vietnam. American know-how is needed to privatize Vietnam, and lift its people from the weights of Communism. American tourists are needed to bridge our cultures and histories, which would enhance our cooperative diplomatic efforts.

Most important, we stand a better chance of finding American POW/MIA's by having tourists, businessmen, and others present. The people of Vietnam want to privatize. The people of Vietnam want good relations with the people of the United States. The time has come to recognize Vietnam—to grant full diplomatic recognition. I urge the Congress and the President to work together to achieve this goal.

By Mr. LAUTENBERG:

S. 713. A bill to require that the salaries of Members of Congress be sequestered first before any sequester occurs under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Governmental Affairs.

CONGRESSIONAL OVERSPENDING PAY ACCOUNTABILITY ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Congressional Overspending Pay Accountability Act, to cut the pay of Members of Congress if the Congress fails to abide by limits on Government spending.

The bill eliminates a loophole in current law that excludes congressional pay from across-the-board cuts, known as sequester, when spending limits are exceeded.

Mr. President, there could hardly be a more egregious double standard than the special exception that Congress provided itself in the 1990 budget agreement that protects congressional pay from automatic spending cuts. Currently, if spending limits are exceeded, programs that help ordinary Americans will be cut, sometimes severely. But the Members of Congress responsible for that overspending won't lose a penny.

That's wrong, Mr. President, And it's the kind of special treatment that infuriates the American people, and contributes to the cynicism about Congress that pervades our Nation.

Mr. President, it is especially important that we eliminate this special exception now. The administration has asked the American people to sacrifice in order to get our fiscal house in order. But many Americans, understandably, are reluctant to support the President's plan because they don't trust Congress to abide by the President's proposed spending limits. It will be hard to restore that trust so long as Congress continues to avoid accountability, and exempts itself from the sacrifice that is being asked of ordinary Americans.

Mr. President, the failure of Congress to be held directly accountable for poor performance mirrors a similar problem in the private sector. In my view, a significant cause of our Nation's recent economic problems is that many of our businesses have suffered from poor management. As a former CEO of a major corporation, I do not say that lightly. But the fact is too many of our country's corporate leaders have operated without any meaningful check on their power, and have been rewarded with ridiculously high compensation packages regardless of their performance. I have long supported basing corporate pay on performance. The same principle should apply to Congress when it overspends taxpayer dollars.

Mr. President, I do not claim that we will balance the budget simply by reducing congressional pay. But by holding Members of Congress personally accountable for overspending, the likelihood of such overspending will be reduced. Perhaps as important, the public's distrust of Congress just might be reduced as well.

Mr. President, I urge my colleagues to support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Overspending Pay Accountability Act".

SEC. 2. SEQUESTERING THE PAY OF MEMBERS OF CONGRESS.

(a) MEMBER SEQUESTER.—Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end thereof the following:

"(c) CONGRESSIONAL PAY.—The pay of each Member of Congress shall be reduced by the uniform percentage determined under subsection (a)(2) in any fiscal year in which there is a sequester under this section before such sequester occurs.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this section.

(2) 27TH AMENDMENT.—If the application of the amendment made by subsection (a) to the pay of Members of Congress pursuant to paragraph (1) is held to be unconstitutional under the XXVII Amendment of the Constitution, the amendment made by subsection (a) shall take effect upon convening of the 104th Congress.•

By Mr. BOND (for himself, Mr. DODD, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEFLIN, Mr. COCHRAN, Mr. SHELBY, Mr. STEVENS, Mr. INOUYE, Mr. DANFORTH, Mr. LIEBERMAN, and Mr. COHEN):

S. 715. A bill to establish parents as teachers programs; to the Committee on Labor and Human Resources.

PARENTS AS TEACHERS ACT

Mr. BOND. Mr. President, I thank our ranking member. I rise today to thank our very wise and gracious Chaplain for making the argument for the piece of legislation I wish to introduce this morning. He said that in the first 3 years of life, children learn half of all they are going to know.

I am today reintroducing a parents as teachers bill which provides assistance for parents of children from birth to 3 years old. We have found it to be extremely effective in Missouri. It helps the parents and provides the knowledge and the guidance to develop their children's learning intelligence.

Mr. President, we have spent the better part of the last 2 weeks debating budget and appropriations bills. We are in the process of making taxation and spending decisions which will affect our economy for years to come. Important as that debate is, I'd like to take a few moments to direct the attention of fellow Senators to some alarming social problems, and to an antidote the State of Missouri has found to a few of them.

There is general agreement that many of the problems facing society today can be attributed to the weakening of the American family.

We are living in a society which glamorizes violence and promiscuous sex, in which children must go to schools which resemble war zones rather than places of learning, in which younger and younger teenagers become pregnant at an ever-increasing rate, and in which almost all children spend less time with their parents than ever before.

The tax burden on American families has increased over 1,000 percent in the last 40 years. Between 1979 and 1990, real median income of families with children fell by 5 percent, while the costs of housing, health care, transportation, and education rose. One in two marriages now ends in divorce, and one in five children lives in a single-parent family. America's families are being weakened on many fronts, and it is the children that pay the highest price.

Mothers of small children have entered the paid work force in record numbers during the last 20 years in an effort to make ends meet. But as most employed mothers will attest, the cost of working outside the home is often great in terms of lost time for family. Recent studies have shown that most parents spend less time in direct communications with their children than ever—mintues per day rather than hours—and far less time than their children spend watching television. Not surprisingly, a recent survey showed that the majority of parents feel they need more time with their families.

And, while parents suffer from a lack of time with their children, it is the children who suffer more. When children fail to receive love and attention at home and when they do not receive high-quality day care outside the home, the consequences can be disastrous. Children who are not supervised properly are more likely than their peers to do poorly in school, drop out, use illegal drugs, and engage in premature and unprotected sexual activity.

The reasons behind these trends are complex and varied. Many are far beyond the scope of government.

Some great thinkers have concluded that we are facing a spiritual deficit greater than any material deficit. And I believe this may be true. If it is true, it is something that government can't fix.

But I believe there are plenty of things that government can do to reinforce the natural ties between parents and children, and to strengthen and preserve the family unit.

It is in the interest of all of us—of any political party or no political party—to keep families strong. We have a unique opportunity to forge a bipartisan consensus on children and family issues in this Congress. We have just enacted a family leave law—I am now working hard with Senator ROCKEFELLER to build bipartisan momentum for our bill which provides services to keep families together as an alternative to foster care.

And today I am introducing a bill which I believe can make a very great impact on the lives of young children when they need it most—before they even go to school.

Mr. President, Missouri has developed a wonderful program for helping families—and not just low-income families—called Parents As Teachers. Parents As Teachers is a comprehensive, early childhood/parent education program which began as a pilot project and which is now a model for the Nation and the world. The program helps parents enhance the language, motor, and social development of their children. It provides useful information at each stage of development from birth to age 3.

Many a new parent has come home from the hospital wondering "What in the world do I do now?" After all, babies don't come with instruction manuals. They do come with colic, teething, nightmares, tantrums, illnesses, and other wonderful traits. Parents As Teachers helps parents deal with all of these challenges. Perhaps most important, each child is screened for potential vision or hearing problems or motor delays while they participate in the program. This results in problems—even those as simple as a buildup in ear wax—being detected early, before they are allowed to develop into chronic conditions that adversely affect learning.

Health and education experts now agree that the first few years of life, before school even starts, are critical to the development of a child's language skills, social skills, and personality. The kinds of experiences children have in the first few years of their lives have a significant impact on their lifelong learning capacities.

We also know that parental involvement in the education of their children is the key to long-term gains for youngsters. Parents are their children's first and most influential teachers. What parents do to help their children learn is more important to academic success than how financially well off the family is or any other single factor. We need to ensure strong links between the home and school from the earliest possible time.

Parents As Teachers starts early in strengthening the foundations of later learning—language and intellectual development, curiosity, and social skills.

Parents As Teachers has proven effective. Two independent research studies have shown that children participating in the program consistently scored significantly higher on all measures of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate. And these gains held true regardless of the socioeconomic status of the family, or marital status of the parents.

While I was Governor of Missouri, I fought long and hard to implement Parents As Teachers statewide. There were some who claimed that we were promoting a subversive idea. And we were. The subversive idea is that parents are responsible for the education of their children; parents must be involved in the education of their children; parents are best equipped to determine what their children need to grow into mature, responsible adults.

Mr. President, over 100,000 families have benefited from Parents As Teachers in Missouri. I want to duplicate that success throughout the country. Our bill would provide $20 million per year in Federal seed money to States to begin or expand these programs. Over a period of 5 years, programs would be weaned from Federal assistance, and would have to develop other sources of revenue. I believe funding programs like these, which emphasize parental responsibility and involvement, are the most important investment we can make in education today.

I do not believe we will continue to have a strong, stable society if current social trends continue. Nor will our economy remain competitive. We must all recognize, and act on the recognition, that stable families are the heart of a stable, productive nation. I urge support of the Parents As Teachers legislation.

I ask unanimous consent to include the bill in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program on the date of enactment of this Act;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this Act; or

(B) in the case of a grant awarded under this Act to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 7.

SEC. 4. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 5. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 4 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this Act shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 6. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this Act;

(2) no parents as teachers program assisted under this Act shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this Act.

SEC. 7. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 8. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this Act within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 9. APPLICATION.

Each State or eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 10. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 9 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this Act shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this Act may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this Act.

Mr. ROCKEFELLER. Mr. President, today I rise to support one of the best investments we can make in our country's future: the education of our children. While teachers in our schools have the important responsibility of educating our children, parents are truly the most meaningful, lifelong educators of children. Because of this, we should not wait until children go to school to worry about their education. Early childhood education and school readiness are crucial for every child's success. It is important to reach out and offer help to parents who want guidance and training about ways, beginning at birth, of providing their children with the safe, loving, and secure environment that is vital for every child's health development and education.

I am proud to be a cosponsor of the Parents as Teachers/Family Involvement in Education Act because it recognizes that parents are a child's earliest and most important teachers. I commend Senator BOND for his leadership and dedicated work on this important legislation. We share a longstanding commitment to children and work together on our mutual priorities on children and families.

As chairman of the National Commission on Children, I have seen how essential a strong family is to a child's development. This bill reflects the Commission's recommendations for strengthening American families by expanding community-based family support programs to provide parents with the knowledge, skills, training, and support they need to raise their children in a more positive and healthy environment.

This cost-effective bill would provide States with the impetus and financial startup support they need to establish more Parents as Teachers programs, which have proved to be successful in numerous communities. In West Virginia, we have three new Parents as Teachers programs where dedicated parent educators are reaching out to provide assistance to parents who voluntarily seek to learn how to better fulfill their role as their child's first teacher. These programs, located in Huntington, Wheeling, and Kanawha Counties, use home visits, group counseling sessions, and other community services to provide information to parents, improve interactions between parents and children, and detect potential problems. The programs also allow parents to share their concerns and experiences with the staff as well as other parents in a welcomed, supportive, nonthreatening atmosphere.

While these West Virginia programs are attracting wide interest, they have only had the funds to provide services to primarily special needs families and have not been able to serve many other families who would like the program's help. The parents as teachers bill would help establish more programs so that all families, no matter what income level or background, could participate in this voluntary program.

Not only can this program help parents become better educators of their children, but such initiatives, at the earliest stage of a child's development, can help prevent problems of poor health care, child abuse, student dropout, child suicide, and illiteracy.

I strongly support Senator BOND's parents as teachers bill because it not only invests in parents as educators of children, but also invests in our children, who clearly represent our Nation's future. I am confident that, through early childhood education, we help plant the seeds for future generations by strengthening their education and development where it counts the most—at home.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing, with Senator BOND and others, the Parents as Teachers/Family Involvement in Education Act. This legislation has been introduced in previous Congresses, but, regrettably, has never become law. Improving education is a stated priority of this Congress and new administration, and I believe the Parents as Teachers Program is a good place to start.

In brief, the legislation would authorize a modest $20 million over 5 years to be used as seed money for States operating or establishing Parents as Teachers programs. This sum would fund programs in approximately 1,000 school districts nationwide.

Often we hear the phrase "our children are our Nation's future," but are we giving those children—our future—the attention and guidance that they need in order to grow up and be of benefit to society? When one quarter of our Nation's children drop out of school before completing the 12th grade, the answer is a resounding "No."

There is no more important job or greater responsibility than raising children. Certainly there are few jobs in which one individual has total responsibility for the very existence of another person, yet being a parent is one job for which no training is provided.

The Parents as Teachers Program changes that, by providing parent education and early childhood education from the last 3 months of pregnancy until the child is age 3. The program would be voluntary and open to all income levels and would include group meetings and home visits.

This program has a proven track record. Begun in Missouri in 1981, there are pilot programs in several States, including Rhode Island. Independent evaluations of the program show that children who have participated score better in assessments of intellectual achievement, comprehension, and general language skills. In addition, parents from the program were shown to be more knowledgeable about childrearing and child development.

We know that the first years of life are critical to a child's later development and education. The Parents as Teachers Program helps to develop the child's language, social, and personality skills.

The Parents as Teachers Program may also help to establish an important pattern of parent involvement in education. Schools with strong parent-teacher organizations and high levels of parental involvement flourish. I believe that parents are the key to improving education. This legislation gives us the chance to help willing parents to truly become their children's most important teachers.

Mr. SHELBY. Mr. President, I rise in support of the parents as first teachers bill. I cosponsored similar legislation in the 101st and 102d Congresses because I believed then, as I do now, that parents must be actively involved in the education of their children if children are to reach their fullest potential.

I am sure that if any of us could remember the very first thing we learned, there is a high probability that a parent taught it to us—whether it was shaking a rattle or reading a nursery rhyme. Since parents are children's first teachers, it is important that parents have the necessary knowledge and skills to ensure that their children's preschool years are spent in a positive and productive educational environment.

Numerous studies indicate that the first years of a child's life profoundly affect his later learning capabilities. For example, during the early years, children learn more at a faster rate than at other periods of their lives. In addition, the development of language, intelligence, and curiosity occur during the first 3 years of life. A child's personality also is most actively molded during this period. Thus, it is important that parents reflect a loving and enthusiastic attitude towards the child. Parents must know:

How to show affection for the child;

How to express pride in the child's accomplishments;

How to choose educational toys;

How to answer the child's questions; and

How to allow the child to explore his environment freely as long as the exploration does not endanger the child's safety.

Parents who do these things well can reasonably expect that their children will grow up emotionally stable and intellectually prepared for school.

Because the first 3 years of a child's life are so important, we must put forth our best efforts to ensure that parents know how to teach and care for their children. While this statement seems clearly obvious to most of us, we must realize that childrearing to a great extent in America is trial and error often based on the experiences of our parents or other adults in our lives. However, we have an opportunity here to take advantage of years of research in early childhood development to compensate for some of the experiences which have been passed on that may not contribute to a positive learning environment.

It is especially important that parents be educated to be good parents because so many of today's parents are mere children themselves. However, the Parents as Teachers Program addresses the needs of all parents—young and old, poor and middle class.

According to "A Vision of Change for America," President Clinton is proposing to increase funding for Head Start by $3.2 billion in 1997, and to $8 billion over 4 years, achieving full funding by 1999. The administration is hopeful that the increased funding for Head Start will enable all eligible, at-risk children to be served by the program. Although Head Start is an extremely effective program which I wholeheartedly support, for many children, Head Start, which begins at age 3, is too late.

The parents as teachers bill would go a long way in bridging the gap between birth and Head Start. The legislation would provide seed money to States to fund an early childhood education program for parents. Specifically, the legislation would authorize a $100 million competitive grant program over 5 years for States desiring to begin or expand Parents as Teachers programs. Under the legislation, Federal funding would decline to 75 percent in the third year, 50 percent in the fourth year, and 25 percent in the fifth year. After the fifth year, the legislation would require the States to pick up the cost of the program.

I am pleased to support this legislation because I am familiar with the success of the Parents as Teachers Program in my home State of Alabama. The Alabama program enrolls parents when the mother is pregnant, and the family remains in the program until the child's third birthday. The program provides services such as:

Home visits by parent educators trained in child development;

Group meetings to help parents share experiences;

Periodic health screening of children to check sensory and educational development; and

Referral to community and professional services if problems are detected during the screenings.

The Alabama Parents as Teachers Program is based on a Missouri model established in 1984. A recent study of the children who participated in the Missouri program in the early 1980's, indicated that the children were significantly ahead of other children in academic performance at the end of the first grade. In addition, the study also revealed that the parents in the Missouri program have continued to play a more active role in their children's education than other parents.

The results of the Missouri study and the success of the program in Alabama are enough for me to know that this legislation is worthy of my support. We cannot skimp when it comes to the education of our children—they are our country's future. Although the funding of the Parents as Teachers Program would result in budget expenditures, the long-term benefit to society would far outweigh the short-term costs of the program. The results would translate into a sound financial investment that will save future costs for welfare, social services, and the criminal justice system. I strongly urge all of my colleagues to support this legislation which represents an investment in the human capital of our Nation. Thank you, Mr. President, I yield back the balance of my time.

By Mr. BOND (for himself, Mr. WELLSTONE, Mr. HEFLIN, Mr. DORGAN, Mr. DASCHLE, Mr. KERREY, Mr. SIMON, Mr. GLENN, Mr. PRYOR, Mr. HARKINS, Mr. GRASSLEY, Mr. DURENBERGER, Mr. PRESSLER, Mr. LEVIN, Mr. MCCONNELL and Mr. JOHNSTON):

S. 716. A bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes; to the committee on Rules and Administration.

VEGETABLE INK PRINTING ACT OF 1993

• Mr. BOND. Mr. President, today I, along with Senators WELLSTONE, GRASSLEY and others, introduce the Vegetable Ink Printing Act of 1993. This legislation would require all Federal lithographic printing be performed using ink made from vegetable oil.

In the 102d Congress, I along with 13 of my colleagues, introduced the All-Soy Ink Printing Act of 1992. It is now time to include other vegetable producing products like corn, sunflowers, rapeseeds, and cotton in this legislation to assure we use these renewable resources. Vegetable ink also enhances the paper recycling process and contributes to better quality recycled paper. Since vegetable ink is more easily removed from paper pulp, there is less damage to paper fibers in the deinking process.

The increased use of vegetable ink would help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce risks to our environment, and help the millions of American farmers who currently grow agricultural products.

According to the American Soybean Association, if all newspaper ink were made from soybean oil, the oil from 35 to 40 million bushels of soybeans would be utilized. However, as soy ink use broadly expands into other printing mediums, soybean usage could approach the 100 million bushel level—or the soybean production from approximately 3 million acres of cropland.

Research to develop soybean oil-based printing ink has been a phenomenal success. Since 1987, soy ink has been successfully used by newspapers for black and color printing. Soy ink is now being used by one-half of the Nation's 9,100 newspapers, including 75 percent of the 1,700 daily newspapers. Some Missouri papers using soy ink are the St. Joseph News-Press/Gazette, Kansas City Star, Clarence Courier, Bolivar Herald-Free Press, the Trenton Republican-Times, and the Rural Missouri.

Many States, like my home State of Missouri, are ahead of the Federal Government in using soy inks for their State government printing work. It is time we included all vegetable inks in the process and I urge Members of the Senate to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vegetable Ink Printing Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) more than 95 percent of Federal printing involving documents or publications is performed using lithographic inks;

(2) various types of oil including petroleum and vegetable oil, are used in lithographic ink;

(3) increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of nonrenewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) the technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink;

(5) some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil;

(6) according to the Government Printing Office, using vegetable-based ink appears to add little if any additional cost to Government printing;

(7) use of vegetable-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable ink.

SEC. 3 FEDERAL PRINTING REQUIREMENTS.

(a) DEFINITION.—In this section, "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

(b) VEGETABLE-BASED INKS.—

(1) IN GENERAL.—Notwithstanding any other law, beginning on the date that is 180 days after the date of enactment of this Act, all lithographic printing performed or procured by a Federal agency that uses oil in its ink shall use the maximum amount of vegetable oil that is technologically feasible and results in printing costs that are cost-competitive with printing using petroleum-based inks.

(2) MINIMUM PERCENTAGES.—Except as provided in paragraph (3), in no event shall a Federal agency use any ink that contains less than the following percentages of vegetable oil in its ink used for lithographic printing:

(A) In the case of news inks, 40 percent.

(B) In the case of sheet-fed inks, 20 percent.

(C) In the case of forms inks, 20 percent.

(D) In the case of heat-set inks, 10 percent.

(3) SUSPENSION OF EFFECTIVENESS OF PARAGRAPH (2).—(A) At any time at which a Federal agency determines the cost of printing with vegetable-based ink is significantly greater than the cost of printing with petroleum-based ink, the Federal agency may perform or procure lithographic printing using ink that contains less than the percentages of vegetable oil in its ink than those specified in paragraph (2) until such time as the cost of printing with vegetable-based ink is not significantly greater than the cost of printing with petroleum-based ink.

(B) A determination made under subparagraph (A) shall be reviewed—

(i) at least once every quarter, for the performance or procurement of printing of materials that are printed on a regular basis; and

(ii) prior to performing or procuring the printing of particular material of significant size that is printed once or is printed at intervals of 6 months or more.•

• Mr. WELLSTONE. Mr. President. I am pleased to join today with my colleague from Missouri, Senator BOND, in introducing the Vegetable Ink Printing Act of 1993. We are introducing the bill on behalf of ourselves and Senators HEFLIN, DORGAN, DASCHLE, KERREY, SIMON, GLENN, HARKIN, PRYOR, GRASSLEY, DURENBERGER, and PRESSLER.

This legislation would require the Federal Government, in its offset printing, to use as much vegetable-oil ink as is technologically feasible, as long as that use results in printing costs that are competitive with printing using petroleum-based inks.

The bill also would establish minimum percentages of vegetable-oil ink to be used in Federal printing. These minimum percentages were established in consultation with the National Association of Printing Ink Manufacturers and the American Soybean Association.

Our bill would require use of vegetable oil ink in the government's offset, or lithographic, printing. Lithographic printing is simply a process whereby ink is transferred from a plate to a rubber blanket which, in turn, transfers the image to the surface being printed. This constitutes a large majority of the printing done by the Government, which currently utilizes about 1,400 tons of ink for its in-house and contract printing operations. The bill would require the use of the maximum amount of vegetable ink that is feasible and cost competitive.

Further, the bill also would establish minimum percentages of vegetable ink to be used in each of four different categories of lithographic printing. In the case of news inks, the amount is 40 percent; for sheet-fed inks, 20 percent; for forms inks, 20 percent; and for heat-set inks, 10 percent. These categories cover nearly all Government printing—various forms, documents, annual reports, and even some stamp printing. The bill would not apply to the printing of money, which uses a different process.

Requiring the Government to use more vegetable ink should hardly be a shocking proposal. In fact, it is surprising we have not done it before. Vegetable ink has steadily improved its performance in the market since the 1980s. The journal Print and Mail reports that approximately one-third of all U.S. newspapers use vegetable oil ink, including half of the dailies. The Government Printing Office [GPO] already uses vegetable ink when client agencies request it. And officials in 26 States responding to a survey conducted by the National Association of State Purchasing Officials said that they purchase soybean ink for State printing. I believe it is simply inertia and lack of awareness that are holding this trend back.

As the new chair of the Small Business Committee's Subcommittee on Rural Economy and Family Farming, I am happy to say that I believe this is precisely the type of legislation that can link promotion of rural America's economy with protection of the environment. The bill would encourage the new-uses movement in American agriculture while directing the Government to buy green in a key area of procurement.

Through the Rural Economy and Family Farming Subcommittee, I intend to investigate the small business possibilities of the trend toward new uses for agricultural products. I am convinced that any vision for sustainable economic development in this country must include a prominent role for agriculture as a key to our future renewable resource base.

Agricultural practices must be made more environmentally sound, to be sure. But the economic vitality of rural America continues to depend on the health of our agricultural sector. New, industrial uses for both traditional and new crops will become ever more important economically. As was pointed out in last year's Yearbook of Agriculture, published by USDA and titled, "New Crops, New Uses, New Markets," we have opportunities to add billions of dollars worth of new demand for agricultural products, with environmental benefits ranging from the development of cleaner technologies to the reduction of imports of non-renewable resources.

There are several environmental advantages to using vegetable-oil inks, according to Eleanor Lewis of Ralph Nader's public procurement project. Ms. Lewis lists these in a fascinating and sensible recent booklet, "Forty Ways to Make Government Purchasing Green," published by Nader's Center for Study of Responsive Law. I'm sure that Ms. Lewis' booklet, as well as the work of many other activists who have pressed the Federal Government to become a more responsible consumer, is being studied by the new administration. At least I hope it is. And I look forward to a significant change in the approach to Government procurement in the coming years. The Federal Government must realize its potential as a positive force in the marketplace—encouraging desirable new products and technologies by creating a market for them, while also serving as a moral example for individual consumers and commercial buyers.

The benefits of vegetable inks listed by Ms. Lewis in her booklet include the utilization of renewable agricultural products, such as soybeans, instead of largely imported oil, as well as the fact that paper with vegetable ink printed on it is more easily recycled than that with petroleum ink because the deinking process is easier and cheaper. In addition, the production of vegetable inks appears to result in lower emissions of volatile organic compounds [VOC's], which promote the formation of ozone smog pollution.

The cost of ink is a very small portion of the overall cost of printing. Thus, based on discussions with GPO officials, we expect negligible impact on the cost of printing jobs, even when the cost, per pound, of vegetable inks is somewhat higher than the cost of petroleum-based ink. The same GPO officials have indicated to us that, in their opinion, there should be no serious practical difficulties in meeting the standards in the bill.

The bill has been endorsed by the American Soybean Association, the Consumer Federation of America, Ralph Nader's government purchasing project, and Communicating for Agriculture. I expect many more groups will support us as we move into hearings on it.

I urge my colleagues to join with Senator BOND and myself in supporting this legislation.•

By Mr. PRYOR (for himself, Mr. HEFLIN, and Mr. COCHRAN):

S. 717. A bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EGG RESEARCH AND CONSUMER INFORMATION IMPROVEMENT ACT OF 1993

• Mr. PRYOR. Mr. President, today I am introducing a bill to amend the Egg Research and Consumer Information Act, a statute that authorizes research, food safety, and consumer education programs conducted by the American Egg Board.

I have been a long-time supporter of the egg program and similar commodity programs because they provide farmers with the opportunity to join together as an industry to improve their product through valuable research, promotion, and important consumer information.

Through a collective assessment, producers are able to fund vital programs of significant benefit to both consumers and their industry. From the development of food handling and safety information for food service operations, to television advertising and nutrition research, these commodity checkoff programs provide producers and consumers with a wealth of information and supporting materials that have proven very valuable.

Through these programs, agricultural industries have been able to maintain and expand markets for their products—at no cost to the Government—which has had a positive impact on their ability to stay competitive. Without such a collective effort, it would be very difficult for individual producers to create, fund, and implement programs like those that have been developed and carried out by the commodity organizations representing them.

The legislation I am introducing today would enable egg producers to vote in a referendum to increase their assessment level, which is currently 5 cents per case. A cap of 30 cents per case would be established by this amendment as well. Egg producers could vote to increase their assessment level to any amount, provided it does not exceed the 30-cents-per-case ceiling of this amendment. Any increase would have to be approved in referendum by two-thirds of egg producers voting, or a majority of producers if that majority is responsible for at least two-thirds of the egg production of voting producers.

The exemption level, which is currently egg producers with 30,000 or less laying hens, would be raised to egg producers with 50,000 or less laying hens, to more accurately reflect the definition of a small producer in today's market. Thus, any egg producer with 50,000 or less layers would not be required to pay an assessment.

Mr. President, I ask that this bill and a detailed description of the bill be printed in the RECORD following my statement.

There being no objection, material was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Egg Research and Consumer Information Improvement Act of 1993".

SEC. 2. RATE OF ASSESSMENT.

(a) IN GENERAL.—Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended—

(1) by designating the first and second sentences as paragraph (1);

(2) by designating the fifth and sixth sentences as paragraph (3); and

(3) by striking the third and fourth sentences and inserting the following new paragraph:

"(2) The rate of assessment shall be prescribed by the order. The rate shall not exceed 30 cents per case of commercial eggs or the equivalent of a case. Subject to the preceding sentence, the order may be amended to change the rate of assessment if the change is recommended by the Egg Board and approved by egg producers in a referendum conducted under section 9(b).".

(b) REFERENDUM.—Section 9 of such Act (7 U.S.C. 2708) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the third sentence as subsection (c); and

(3) by inserting after subsection (a) (as designated by paragraph (1) of this subsection) the following new subsection:

"(b)(1) If the Egg Board determines, based on a scientific study, marketing analysis, or other similar competent evidence, that an increase in the rate of assessment is needed to ensure that the assessment under the order is established at an appropriate level to effectuate the declared policy of this Act, the Egg Board may request that the Secretary conduct a referendum, as provided in paragraph (2).

"(2) If the Egg Board requests the Secretary to conduct a referendum under paragraph (1) or (4), the Secretary shall conduct a referendum among egg producers who are not exempt from this Act and who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the producers approve the change in the rate of assessment proposed by the Egg Board.

"(3) The change in the assessment rate shall become effective if the change is approved or favored by—

"(A) not less than two-thirds of the producers voting in the referendum; or

"(B) a majority of the producers voting in the referendum, if the majority produced not less than two-thirds of all the commercial eggs produced by the producers voting during a representative period defined by the Secretary.

"(4) In the case of the order in effect on the date of the enactment of this subsection, the Egg Board shall determine under paragraph (1), as soon as practicable after such date of enactment, whether to request that the Secretary conduct a referendum under paragraph (2). If the Egg Board makes such a request on competent evidence, as provided in paragraph (1), the Secretary shall conduct the referendum as soon as practicable, but not later than 90 days after receipt of the request from the Egg Board.

"(5) Notwithstanding any other provision of this Act, if an increase in the assessment rate and the authority for additional increases is approved by producers in a referendum conducted under this subsection, the Secretary shall amend the order to reflect the vote of the producers. The amendment to the order shall become effective on the date of issuance.".

SEC. 3. EXEMPTED EGG PRODUCERS.

Section 12(a)(1) of the Egg Research and Consumer Information Act (7 U.S.C. 2711(a)(1)) is amended by striking "30,000 laying hens" and inserting "50,000 laying hens".

SEC. 4. AMENDMENTS TO ORDER.

(a) IN GENERAL.—The Secretary of Agriculture shall issue amendments to the order issued pursuant to the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) to implement the amendments made by this Act. The amendments shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title. The Secretary shall issue the proposed amendments to the order not later than 30 days after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—The amendments to the order required by subsection (a) shall become effective not later than 90 days, as determined by the Secretary, after the date of the enactment of this Act. The amendments shall not be subject to a referendum conducted under the Egg Research and Consumer Information Act.

SHORT SUMMARY

This legislation to amend the Egg Research and Consumer Information Act will accomplish two primary goals: It will expand eligibility for exemption from assessments under the Act and authorize increased assessment rates if approved by egg producers.

Specifically, the bill will do the following:

(1) It will increase the trigger level for exemption from assessments under the egg promotion and research order. Currently, the Act provides that any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date of assessment has not exceeded 30,000 laying hens will be exempt from specific provisions of the Act (such as assessment requirements). The bill will increase that exemption trigger level from 30,000 laying hens to 50,000 laying hens.

(2) It will authorize the Egg Board to request increases in assessment rates, and provide for a referendum of producers on any such request, as follows:

(a) The Board could request a change in assessment rates if it determines (based on scientific studies, marketing analyses or other competent evidence) that a change in assessment rates is necessary to achieve the policy goals of the Act.

(b) The Board can request a change in the assessment rate under the order of any amount, increase or decrease, except that in no case could the assessment rate ever exceed 30 cents per case.

(c) The Secretary would be required to conduct a referendum on any change requested by the Board and the change would go into effect only if approved by two-thirds of the producers voting in the referendum or a majority of those voting if they produced not less than two-thirds of the commercial eggs produced during a representative period (this requirement remains unchanged from current law).

(d) Specifically, the Board would be required to determine, as soon as practicable after enactment of the bill, whether a change in the assessment rate is needed. If the Egg Board requests this initial change in assessments the Secretary would have to conduct the referendum within three months. (Sec. 2.)

(3) The Secretary would be required to implement these changes in the egg promotion and research program by an amendment to the order (without a referendum) effective not later than 90 days after enactment of the bill. (Sec. 4.)●

By Mr. KERREY (for himself and Mr. DASCHLE):

S. 718. A bill to amend the Agricultural Trade Act of 1978 to promote the export of agricultural commodities and products to foreign countries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT CREDIT ACT OF 1993

● Mr. KERREY. Mr. President, today I am introducing, along with Senator DASCHLE, legislation that would amend the Department of Agriculture's export credit guarantee program by reinstating the identical lending criteria that guided the program prior to 1990.

I believe it is time, Mr. President, that Congress admit it made a grave mistake in 1990 when it significantly tightened the lending criteria applied to all borrowers—including Russia—under United States Department of Agriculture's export credit program. As the Washington Post editorialized in May of 1991, Congress, in changing the program, was unwilling to let well enough alone. The Post said:

> In fact, the old program wasn't broken. It had some ambiguities, including whether every loan would be repaid, but this is implicit in having a special program for uncertain buyers in the first place. The best course would be to revert to the old, muddy way of doing business.

Prior to enactment of the 1990 farm bill, USDA could take three factors into account before deciding whether to extend credit guarantees to purchasers of U.S. farm commodities. Those factors included: First, the export credit needs of countries that are potential buyers; second, the creditworthiness of those countries; and third, whether the credit would improve the competitive position of U.S. exports in world markets. For emphasis, I repeat that those criteria included consideration of the creditworthiness of potential purchasers.

In 1990, out of a legitimate concern that Commodity Credit Corporation [CCC] guarantees had been used as a costly, backdoor foreign aid program, particularly in Egypt and Poland, Congress decided to throw out the bath water—with the baby. Congress wiped out the lending guidelines that had applied to the program, and replaced them with a series of new restrictions, any one of which, if its test was not met, would kick a country out of the program.

The new restrictions said that the program could not be used for foreign aid, foreign policy, or debt rescheduling. And they were crowned by a tough new creditworthiness test. That test prohibited CCC from making guarantees to any country that the Secretary of Agriculture determined could not adequately service the debt guaranteed by CCC.

Unlike the previous lending criteria, which CCC had only to take into account before extending credit, the current restrictions constitute a series of hurdles, each of which has to be cleared before an export sale can be supported by USDA. It is this last hurdle—the creditworthiness test—that has tripped up further United States grain sales to Russia.

That Russia needs both additional grain and credit is clear. According to the Food and Agricultural Policy Research Institute [FAPRI] real gross domestic product in the former Soviet Union has fallen by 38 percent since 1990. By comparison, during the Great Depression, GDP in the United States fell by 27 percent.

By 1996, according to FAPRI, the size of the livestock herd in the former Soviet Union is expected to drop by 40 percent compared to its level 3 years ago. During the same 6-year period, meat consumption is likely to drop by 36 percent.

That American farmers need the Russian market is equally apparent. A drop in meat production means hardship for the Russian consumer, but it also spells a sustained reduction in demand for the grain produced on United States farms. In 1991, the former Soviet Union imported about 44 million metric tons of wheat, feed grains, and oilseeds. That number is expected to collapse to less than 15 million metric tons by 1996. American farmers are bearing the brunt of this contraction.

Some say that we cannot rescind the present creditworthiness test that offering credit to Russia is too risky. Such credit is indeed risky—very risky—but perhaps the only thing that entails more risk is if we do nothing and thereby deny financing and food to Russia. Hunger and poor diets breed domestic discontent, and domestic strife gives rise to revolutions and upheavals, the kind that could lead to a renewed military confrontation between the United States and Russia and a second cold war. If such a development came to pass, the tens of billions in defense savings that we hope to achieve could evaporate, literally overnight.

Additional costs could be incurred if the Russian grain market collapses along with the Government. According to a recent estimate by the Department of Agriculture, the cost of United States farm programs could increase by as much as $1.4 billion in fiscal 1994 alone if the former Soviet Union is no longer able to purchase United States grain.

No one understands what's at stake better than President Clinton himself. When asked recently how increased assistance to Russia could be sold to the American people, when polls show 75 percent of them to be opposed to increases in foreign aid, he responded with the following:

> We've got a big interest [in Russia]. I realize the responsibility is on me to communicate to the American people any kind of aid package and to justify it. That's my responsibility and I intend to assume it. Foreign aid is unpopular in every country in the world. It's always been unpopular here. I haven't really had much of a chance to talk directly to the American people about what's going on there, and what their stake in it is.

Mr. President, I am quite confident that with the summit between President Clinton and President Yeltsin approaching, and the political turmoil in Russia continuing, our President will seize the opportunity to make this case to the American people, and make it in a convincing and compelling way. I intend to support him in this effort.

Even Ross Perot has said on more than one occasion that financial assistance to the Russians at this critical juncture in history is cents on the dollar when compared to the likely expenditures that United States taxpayers will face if instability in Russia knocks that country off the path toward democracy and a market economy.

Mr. President, I am somewhat mystified by those who cite the risk of offering credit to the Russians and then suggest that as an alternative we simply give our commodities away or offer long-term, concessional financing. Both of these options entail certain direct costs to the taxpayer. I believe that some humanitarian assistance is, indeed, necessary, but it is not realistic, from a budgetary or political standpoint, to suggest that such direct or concessional aid can be a substitute for the credit guaranteed under USDA's export program. The policy paralysis that has characterized this issue for the past many months should be ample evidence of that.

I am also puzzled by those who are reluctant to relax the creditworthiness test for fear that other countries will seek the same treatment that may be extended to Russia. My first response is that Russia is not just any other country. Russia's importance in the strategic scheme of things cannot be ignored. My second point would be that the pre-1990 guidelines that I am urging we return to served our country and U.S. agriculture quite well, as the Washington Post noted. Third, I would say that I am not calling for special treatment for Russia, but acknowledgment of the importance of that market to United States agriculture, a consideration that is allowed under the pre-1990 program guidelines. Finally, I would ask, what alternatives would others suggest that do not involve some form of special treatment for Russia?

Although I believe, and believe strongly, that the United States should return to its former policy with respect to the approval of USDA export credits, I do not believe that credits should constitute the whole of our financial agreements with the Russians on the subject of grain sales. In fact, I agree fully with the senior Senator from Nebraska, Senator EXON, who has been urging for several years now that the United States step up its efforts to collateralize credit agreements with bartered commodities involving the former Soviet Union's rich deposits of natural resources. I also agree that the issue of rescheduling the debt of the former Soviet Union must be resolved separately by Western creditors in the form of a new Paris Club agreement.

In fact, the current impasse over the credit issue stems from the debt accrued by the defunct Soviet Union. While Russia itself must and has accepted responsibility for it's share of that debt, it cannot be expected to assume it all. After all, Russia's performance since the dissolution of the Soviet Union is rather remarkable, given the economic straits it confronts. Few people realize, for example, that Russia had a positive trade balance of $3.1 billion in 1992, and that Russia is current with respect to any new debt that it has incurred with CCC since the breakup of the Soviet Union.

Mr. President, I recognize that there will be some reluctance for Congress to reverse itself on this issue. After all, as recently as July 1 of last year, during consideration of a bill to provide assistance to the former Soviet Union, the Senate voted 93 to 2 to reaffirm the creditworthiness standards adopted in the 1990 farm bill. However, as one who was on the losing side of that lopsided vote, I respectfully urge my colleagues to examine the policy corner that two administrations have been painted into and to repeal this provision—before it's too late.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Export Credit Act of 1993".

SEC. 2. STANDARDS FOR DETERMINING CREDIT WORTHINESS.

(a) DIRECT CREDIT SALES PROGRAM.—Section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621) is amended by striking subsection (f).

(b) EXPORT CREDIT GUARANTEE PROGRAM.—Subsections (e) and (f) of section 202 of section 202 of such Act (7 U.S.C. 5622) are amended to read as follow:

"(e) CONSIDERATIONS FOR DETERMINATIONS REGARDING CREDIT GUARANTEES.—In determining whether to make credit guarantees available to a country in connection with sales of agricultural commodities under this section, the Commodity Credit Corporation shall take into account—

"(1) the credit needs of countries that are potential purchasers of United States agricultural exports;

"(2) the credit worthiness of the countries; and

"(3) whether the availability of Commodity Credit Corporation guarantees will improve the competitive position of United States agricultural exports in world markets.

"(f) CARGO PREFERENCE REQUIREMENTS.—The provisions of the cargo preference laws shall not apply to export sales with respect to which credit is guaranteed under this section.".•

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 719. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

PERMANENT EXTENSION OF SMALL ISSUE BONDS

• Mr. BREAUX. Mr. President, I rise today, with my colleague Senator BRYAN, to reintroduce legislation to extend permanently the small issue Industrial Development Bond [IDB] Program. This program expired along with the other so-called expiring provisions last June. Congress needs to extend this program once and for all. Taxpayers should not have to live with the uncertainty of whether this program will be authorized year by year.

These small issue bonds, which are now carefully targeted to smaller manufacturers, provide a critical source of financing necessary to establish new plants or modernize existing facilities. They will be essential to strengthen the economic recovery.

Mr. President, I am pleased that President Clinton has recommended as part of his economic recovery plan, the permanent extension of this program. I look forward to working with this administration to see enactment of this bill. I urge my colleagues to join me as a cosponsor of this important legislation.•

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. REID):

S. 720. A bill to clean up open dumps on Indian lands, and for other purposes; to the Committee on Indian Affairs.

INDIAN LANDS OPEN DUMP CLEAN-UP ACT OF 1993

• Mr. MCCAIN. Mr. President, today I am introducing the Indian Lands Open Dump Clean-Up Act of 1993. I am pleased to be joined on this legislation by Senators INOUYE and REID.

This legislation is intended to provide the Indian Health Service with the authority to conduct an inventory of all of the open dump sites located on Indian lands and to assess the relative risks which such sites pose to human health and the environment. Once the IHS has completed the inventory and assessment, it will be required to develop a priority list to determine the order of closure of such dumps based on the severity of the threat to human health and the environment. The IHS would then develop cost estimates and conduct all activities necessary for closure and postclosure maintenance. Indian tribal governments could enter into contracts under the Indian Self-Determination and Education Assistance Act to carry out part or all of the duties of the IHS.

During the past 4 years the Committee on Indian Affairs has held several hearings on environmental protection on Indian lands. All of these hearings have revealed serious deficiencies in Federal efforts to assist tribal governments. Indeed, for many years there was no Federal effort at all.

The problems associated with solid waste disposal on Indian lands are among the most serious threats to the environment which we have identified. In the 102d Congress I introduced S. 1687, the Indian Tribal Government Waste Management Act, to provide a comprehensive statutory framework for tribal and Federal regulation of solid waste disposal on Indian lands. Senators INOUYE, CONRAD, DOMENICI, KASSEBAUM, SIMON, and RIEGLE cosponsored S. 1687 and provided invaluable assistance during the consideration of the bill by the Committee on Indian Affairs. Although S. 1687 was favorably reported to the full Senate by the committee, it was not considered by the full Senate because we were unable to resolve concerns which were raised by the Committee on Environment and Public Works and the Environmental Protection Agency.

The bill I am introducing today responds to the concerns which were raised with regard to the treatment of existing solid waste sites on Indian lands. This bill does not contain provisions regarding the problems associated with commercial solid waste facilities or new noncommercial facilities. It is my intention to introduce legislation later this year to address these facilities. It is clear to me from our experience last year that a single comprehensive statutory framework for the regulation of solid waste on Indian lands probably cannot be enacted any time soon. Accordingly, the bill I am introducing today is limited in its scope to correcting the problems arising from existing solid waste sites on Indian lands.

At the present time, the record before the Committee on Indian Affairs indicates that there are at least 600 open dumps on Indian lands. Many of these dumps were constructed by the Bureau of Indian Affairs or the Indian Health Service and both agencies have used the dumps. Many of the dumps are apparently no longer in use, but few, if any have been closed in conformity with standards designed to protect human health and the environment. Most Indian tribal governments lack the financial resources and technical capability to assess the threat to health and the environment and provide for proper closure and post closure maintenance.

Mr. President, as we have investigated environmental quality issues on Indian lands over the past 4 years I have constantly been amazed by the willingness of the Bureau of Indian Affairs, the Indian Health Service and the Environmental Protection Agency to cast blame on one another and the tribal governments rather than seek constructive solutions to problems which actually pose serious threats to public health and the environment. I share the deep frustration often voiced by tribal leaders who are shuffled from agency to agency without ever receiving a straight answer. One of the goals which we had hoped to address in S. 1687 in the last Congress was a fair division of authority and responsibility between the three Federal agencies. I must regretfully report to my colleagues that the agencies successfully blocked that effort.

The bill I am introducing today vests all authority for dealing with the problem of existing solid waste sites on Indian lands in the Indian Health Service. I am hopeful that this bill will lead to a more constructive approach to this issue by the Federal Government. In view of the fact that the proper handling of this issue involves human health, the environment and the Federal trust responsibility it does not seem to me to be unrealistic to expect a more constructive response from the agencies. I want to emphasize to all interested parties that I am open to any and all constructive ideas. This bill will hopefully stimulate the discussion of such ideas and lead to the enactment of workable legislation.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Lands Open Dump Clean-Up Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there are over 600 open dumps on Indian lands;

(2) these dumps threaten the health and safety of residents of Indian lands;

(3) many of these dumps were established and are used by Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service;

(4) these dumps threaten the environment; and

(5) the United States has a trust responsibility to protect Indian lands.

(b) PURPOSES.—The purposes of this Act are to—

(1) identify the location of all open dumps on Indian lands;

(2) assess the relative health and environmental hazards of each dump;

(3) develop a priority list to establish the order in which such dumps should be closed in compliance with applicable Federal and tribal standards; and

(4) close such dumps in compliance with applicable Federal standards, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) CLOSURE OR CLOSE.—The terms "closure or close" mean all actions necessary to terminate operations at open dumps and bring such dumps into compliance with applicable Federal standards, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards.

(2) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(3) INDIAN LAND.—The term "Indian land" means—

(A) land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State;

(C) Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same; and

(D) land held by Alaska Native villages under the Alaska Native Claims Settlement Act (43 U.S.C. 1600 et seq.).

(4) INDIAN TRIBAL GOVERNMENT.—The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(5) INVENTORY.—The term "inventory" means a complete listing of the geographic location of all open dumps, an evaluation of the contents of each dump, and an assessment of the impact of each dump on the environment and public health.

(6) OPEN DUMP.—The term "open dump" means any facility or site where solid waste is disposed of which does not meet the criteria for a sanitary landfill promulgated under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(7) POSTCLOSURE MAINTENANCE.—The term "postclosure maintenance" means any activity undertaken at a closed solid or hazardous waste facility to maintain the integrity of containment features, monitor compliance with applicable performance standards, or remedy any situation or occurrence that violates standards consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(8) SOLID WASTE.—The term "solid waste" has the same meaning given such term in the

Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), except that such term does not include hazardous waste as defined in such Act.

SEC. 4. INVENTORY BY DIRECTOR OF INDIAN HEALTH SERVICE.

The Director shall—

(1) conduct an inventory of open dumps on Indian lands;

(2) determine the severity of the threat to public health and the environment posed by each dump;

(3) develop a priority list to determine the order of closure of such dumps;

(4) develop cost estimates for the closure and postclosure maintenance of open dumps on the priority list developed under this section; and

(5) conduct all activities required to close such dumps and conduct postclosure maintenance of such dumps.

SEC. 6. CONTRACT AUTHORITY.

The Director may carry out duties under this Act through contracts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. JOHNSTON (for himself and Mr. BUMPERS):

S. 721. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

LAND AND WATER CONSERVATION FUND EMERGENCY FUNDING ACT

• Mr. JOHNSTON. Mr. President, today I am introducing legislation to provide a significant increase in funding for the land and water conservation fund over the next 5 years. This legislation represents a bold initiative to help reduce the backlog of land acquisition projects on Federal lands and to provide money to States and local governments for outdoor recreation facilities and open space acquisition.

In 1964, Congress enacted the Land and Water Conservation Fund Act. The act established a land and water conservation fund [LWCF] which has two essential components. First, it is the principal source of Federal funding for the addition of lands to America's National Park, Forest, Wildlife Refuge, Trail and Wild and Scenic River Systems, and public lands administered by the Bureau of Land Management. Secondly, it is the source of Federal matching grants to State and local governments for open space and recreation planning, land acquisition and development of recreation facilities.

Several basic philosophies guided the establishment of the Land and Water Conservation Fund. First it represents America's commitment to pass on to future generations a natural, cultural and historic heritage expressive of this Nation's enormous breadth and depth. The LWCF also stands on the idea of investment in the future. Since 1968, the LWCF has been financed largely from revenues generated by oil and gas leasing and development on the Outer Continental Shelf [OCS]. The principle is that the proceeds from the depletion of non-renewable resources, in this case, oil and gas, should be reinvested in a permanent asset of lasting benefit to future generations.

Since 1965, over $5 billion has been appropriated from the LWCF for Federal land acquisition projects. This has financed the acquisition of approximately 4 million acres of land and water by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management and the Forest Service. These acquisitions have made possible many of the parks, wildlife refuges, forests and other special places that so distinguish America. They represent the backbone of America's legacy of caring for its natural heritage. That legacy includes areas such as the Appalachian Trail; Fire Island, Cumberland Island, and Cape Cod National Seashores; Voyagers, North Cascades, Everglades, and Channel Islands National Parks; and the Chattahoochee River and Golden Gate National Recreation Areas. In addition, numerous wildlife refuges vital to preservation of wildlife and endangered species, including the California condor, the whooping crane and the American crocodile have been protected. Forests and river corridors have been acquired and made accessible to the public. Even the venerable crown jewels of America's conservation history—Yosemite, Olympic, Grand Teton National Parks, and many others—have benefited from LWCF-financed acquisition of smaller, but critical lands within their boundaries.

These are areas that all Americans treasure; they are areas that in many ways define us as a people; and in many instances they are preserved and protected today because of the land and water conservation fund.

While perhaps less well known to the public, the fund's State grant program has an equally impressive record of success. Almost $3.2 billion has been appropriated to the State matching grants program since 1965. These grants have been used to acquire over 2 million acres of recreation lands and develop recreation facilities at more than 25,000 other State and local sites. The roster of State and local parks, marinas, bike paths, ball fields, golf courses, tennis courts, pools, picnic areas is impressive and includes scores of communities in every State in the Nation.

Whether urban, suburban or rural, Americans overwhelmingly identify places like these as essential to their idea of a good life. The recreation, physical activity and relaxation opportunities they offer are increasingly recognized as vital to our physical health. They often serve as focal points for community activity, pride and cohesion. They upgrade neighborhoods and are often central features of local and regional economic development and revitalization plans. They are places where American youth can be a part of something constructive.

Provisions of the land and water conservation fund act allow State and local communities to prioritize which projects will be funded, and require them to match the Federal grant with an equal financial commitment of their own. This means the program is a true partnership in which the Federal Government lends a helping hand to local citizens who decide for themselves what is best for their communities. But in return it requires those citizens to make a substantial investment of energy and resources to demonstrate their commitment to a given project.

If the LWCF has been such a success story, why is the legislation I am introducing today necessary? The answer is simple: while the number of new Federal park, refuge and forest areas has grown rapidly in recent years, and while the need and the demand for recreation facilities and open space have increased exponentially, funding from the LWCF has lagged far behind.

Although the LWCF is credited up to $900 million per year from OCS receipts, no funds may be expended for LWCF purpose unless appropriated by the Congress. Over the past 10 years, Federal land acquisition appropriations have averaged less than $225 million per year. Funding for the State grant program has averaged only $50 million annually in that same period, with annual sums ranging from zero in fiscal year 1982 to a high of $110 million in fiscal year 1983. As small as these appropriated levels are, it should be noted that during this same 10-year period, the Congress has, for the most part, appropriated significantly more for the LWCF than has been requested by President Reagan or Bush. In fact, without the effort and determination of some of us in Congress, including key members of the Senate and House Appropriations Committee, it is questionable whether the program could have survived the past 12 years.

While the amount of money appropriated from the LWCF has declined significantly over the past several years, the demand for additional funding for both the State and Federal programs has steadily increased. For example with respect to the State grant program, in fiscal year 1991, over 2,660 State grants were requested while only 412 were awarded, due to the limited amount of money appropriated. The demand is even greater than these numbers indicate. Many States negotiate the amounts requested by State and local applicants based upon the amount of total funding available; as adequate LWCF funding has become more and more difficult to obtain, the requests for State and local projects have become increasingly restricted.

The problem facing the Federal side of the LWCF are just as acute. I and others concerned about this issue have watched for many years now as the list of conservation properties identified by the Nation as important for Federal acquisition has grown longer and longer. This so-called backlog represents broken or at best delayed promises by the American Government to the American people. Current estimates are that the estimated values of these properties is approaching $3 billion. Because of the lack of available funds, property owners who wish to sell are often unable to do so. Those who do not wish to sell or are unsure about selling are kept in an interminable limbo wondering what the Federal Government will do and when. This situation cannot be allowed to continue.

Today, the authorized but unobligated balance of the LWCF is in excess of $9 billion. Unfortunately, this is not money stashed away in a safe in the Treasury Department ready to be spent. The funds earmarked but unappropriated for the LWCF have been diverted to other programs or used to reduce the deficit. It is only a paper balance and no longer available for the purposes for which it was intended.

The legislation I am introducing today will change that. Under my legislation, during the next 5 fiscal years, 1994 through 1998, the sum of $1 billion would be made available annually, without further appropriation, for LWCF purposes. This amount would be deducted from the authorized but unappropriated balance of the LWCF. Under this legislation $200 million per year would be available for the State grant program; $200 million for Forest Service land acquisitions; and $600 million to the Department of the Interior to be allocated between the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management for priority land acquisition projects.

My bill would direct the Secretary of the Interior—for National Park Service, Fish and Wildlife Service, and Bureau of Land Management land acquisition projects—and the Secretary of Agriculture—for Forest Service land acquisition projects—to prepare a priority list of land acquisition projects within each agency. The legislation requires that the priority lists are to be prepared in consultation with the head of each bureau and agency, and are to take into account the best professional judgment regarding the land acquisition policies of each bureau or agency. The priority lists would be submitted to the Senate and House Appropriations Committees no later than 90 days after the date of enactment of this bill for fiscal year 1994 projects, and thereafter with the administration's annual budget request.

Unless modified by an act of Congress, the $800 million made available for Federal purposes would be expended in accordance with these priority lists. Congress would have the ability to change the priority lists through legislation, but not to change the $1 billion annual expenditure. Finally, the bill makes clear that funds would not be made available each year until after the enactment of the Interior and Related Agencies Appropriations Act for that fiscal year.

Mr. President, we are all aware of the difficult budget decisions now facing us, and I realize that the passage of any legislation which provides a significant funding increase will be difficult. It is clear, however, that the current funding levels for LWCF projects are inadequate. It is equally clear that without bold initiative such as this, the problem will only continue to get worse. I believe there is little doubt that the investments we have made in protecting and preserving our Nation's natural and cultural heritage have rewarded us many times over in an increased quality of life. I urge my colleagues to support this vitally needed emergency funding and I look forward to its early consideration and passage by the Senate.

This legislation has been endorsed by a coalition of more than 30 environmental organizations, including the Wilderness Society, the Sierra Club, the National Audubon Society, Trust for Public Land, the Izaak Walton League, and American Rivers.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and a letter from the Land and Water Fund Coalition supporting this legislation be printed immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 721

Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land and Water Conservation Fund Emergency Funding Act of 1993".

SEC. 2. EMERGENCY FUNDING.

Title I of the Land and Water Conservation Fund Act of 1965, as amended, (16 U.S.C. 460–4 through 460–11) is further amended by adding the following new section at the end thereof: EMERGENCY FUNDING.

"SEC. 13. (a) For the purpose of reducing the significant backlog of unacquired lands within the authorized boundaries of units of the national park, wildlife refuge, wilderness, wild and scenic river, trail, and forest systems, and providing critically needed funding to the states for the purposes of section 6 of this Act, the Secretary of the Treasury shall make available, in each of fiscal years 1994, 1995, 1996, 1997, and 1998, without further appropriation and notwithstanding any other provision of this Act, to the Secretary of the Interior (hereinafter referred to as the "Secretary") and the Secretary of Agriculture, the sum of $1,000,000,000, which amount shall be deducted from the authorized but unappropriated balance of the fund, to be expended solely in accordance with the provisions of this section.

"(b) From the funds made available in each fiscal year pursuant to subsection (a)—

"(1) $200,000,000 shall be utilized by the Secretary for state purposes as provided in section 6 of this Act;

"(2) $600,000,000 shall be utilized by the Secretary for federal purposes as provided in section 7 of this Act; and

"(3) $200,000,000 shall be utilized by the Secretary of Agriculture for federal purposes as provided in section 7 of this Act.

"(c)(1) Not later than 90 days after the date of enactment of the Land and Water Conservation Fund Emergency Funding Act of 1993, and thereafter as part of the Department's annual budget submission to the Congress for fiscal years 1995, 1996, 1997, and 1998, the Secretary (for National Park Service, United States Fish and Wildlife Service, and Bureau of Land Management land acquisition projects) and the Secretary of Agriculture (for Forest Service land acquisition projects) shall transmit to the Committees on Appropriations of the United States Senate and United States House of Representatives lists, in descending order of priority, of land acquisition projects within each agency or bureau, which have been authorized by law (hereinafter in this section referred to as "priority lists").

"(2) Such priority lists shall be prepared in consultation with the head of the affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency. In preparing such priority lists, the Secretaries shall consider—

"(A) the availability of land appraisal and other information necessary to complete the acquisition in a timely manner;

"(B) the potential adverse impacts which might result if the acquisition is not undertaken; and

"(C) such other factors as the Secretaries deem appropriate.

"(3) The Secretary shall, when preparing such priority lists, ensure that the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management receive a fair and equitable share of the funds allocated pursuant to subsection (b)(2), consistent with the land acquisition needs of each bureau and the historical patterns of distribution from the fund to each bureau: *Provided*, That no bureau shall be allocated more than fifty per centum of the funds made available pursuant to subsection (b)(2) nor shall any bureau be allocated less than ten per centum of the funds made available pursuant to subsection (b)(2).

"(d) Funds made available pursuant to paragraphs (b)(2) and (3) shall be allocated to projects in accordance with the priority lists transmitted pursuant to this section unless such priority lists are modified by law.

"(e) No funds shall be made available for the purposes of this section until after the enactment of the Appropriations Act for the Department of the Interior and Related Agencies for the appropriate fiscal year.".

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Land and Water Conservation Fund Emergency Fund Act of 1993."

Section 2 amends the Land and Water Conservation Fund Act of 1965 to add a new section 13 entitled "Emergency Funding." Subsection (a) directs the Secretary of the Treasury to make available to the Secretary of the Interior and the Secretary of Agriculture the sum of $1 billion in each of fiscal years 1994 through 1998. The funds are to be used for the purpose of reducing the significant backlog of unaquired lands within the authorized boundaries of units of the National Park System, National Wildlife System, National Forests. National Wilderness Preservation System, National Trails System, and Wild and Scenic Rivers. The funds are also to be used.

Subsection (b) provides that of the $1 billion annual funding—

$200 million is to be made available to the Secretary of the Interior for state purposes as provided in section 6 of the Land and Water Conservation Fund Act;

$600 million is to be made available to the Secretary for federal purposes (land acquisition projects for the National Park Service, Fish and Wildlife Service, and Bureau of Land Management) as provided in section 7 of the Land and Water Conservation Fund Act; and

$200 million is to be made available to the Secretary of Agriculture for federal purposes (for National Forest land acquisition projects) as provided in section 7 of the Land and Water Conservation Fund Act.

Subsection (c)(1) directs the Secretary of the Interior (for National Park Service, Fish and Wildlife Service, and Bureau of Land Management land acquisition projects), and the Secretary of Agriculture (for National Forest land acquisition projects) to transmit annual land acquisition priority lists to the Senate and House Appropriations Committees. The priority lists for FY 1994 are to be submitted no later than 90 days after the date of enactment of this Act. The priority lists for FY 1995 through 1998 are to be transmitted as part of the Department's annual budget submission to the Congress.

Paragraph (2) states that the priority lists are to be prepared by the Secretaries with the head of the affected bureau or agency, and are to take into account the best professional judgment regarding the land acquisition projects of each bureau or agency. The Secretaries, in preparing the lists, are to consider the availability of land appraisal and other information necessary to complete land acquisition project in a timely manner, potential adverse impacts which might result if the acquisition is not undertaken, and such other factors as the Secretaries deem appropriate.

Paragraph (3) provides that the Secretary of the Interior is to ensure that the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management are to receive a fair and equitable share of the $600 million allocated annually to the Secretary, consistent with the land acquisition needs of each bureau and the historical patterns of distribution from the Land and Water Conservation Fund to each bureau. The paragraph provides that no bureau is to be allocated more than 50 percent nor less than 10 percent of the $600 million annual allocation.

Subsection (d) states that funds made available pursuant to subsections (b)(2) and (b)(3) (the $800 million made available annually to the Secretary of the Interior and the Secretary of Agriculture) are to be allocated in accordance with the priority lists transmitted by the Secretaries pursuant to this section, unless such priority lists are modified by an Act of Congress.

Subsection (e) provides that no fees are to be made available pursuant to this Act until after the enactment of the Appropriations Act for the Department of the Interior and Related Agencies for the appropriate fiscal year.

THE WILDERNESS SOCIETY,
Washington, DC, March 31, 1993.

Hon. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Land and Water Conservation Fund Coalition and the following organizations, we are pleased to offer our strong support for your legislation, the "Land and Water Conservation Fund emergency Funding Act of 1993":

The Adirondack Council; American Hiking Society; American Land Conservancy; American Society of Landscape Architects; American Trails; Appalachian Trail Conference; Coachella Valley Mountains Conservancy; Defenders of Wildlife; Desert Tortoise Preserve Committee; Endangered Habitats League; Friends of Back Bay; Friends of the Earth; Friends of the Stone Lakes National Wildlife Refuge; Greater Yellowstone Coalition; The Green Mountain Club; and

Idaho Conservation League; Isaak Walton League; Jackson Hole Alliance for Responsible Planning; Land Conservation Fund of America; National Audubon Society; National Wildlife Refuge Association; North Cascades Conservation Council; Olympic Park Associates; Oregon Coastal Wetlands Joint Venture; Peninsula Open Space Trust; Save Open Space; Sierra Club; Southern Utah Wilderness Alliance; Texas Committee on Natural Resources; Trust for Public Land; The Wilderness Society.

We agree with your goal of eliminating the significant backlog of unacquired lands within the authorized boundaries of our national parks, forests, wildlife refuges, BLM areas, wild and scenic rivers, trails, and wilderness areas. In addition, we support significant increases in funding for the state grants program to provide the states with a dependable source of funding for acquisition programs in communities throughout the nation.

As you know, money dedicated to land acquisition in the Land and Water Conservation Fund has been diverted over the past twelve years for other purposes. This has led to a significant number of acres awaiting acquisition through commitments Congress made during the creation of new units of our park, forest, and refuge systems as well as other public lands designations.

Federal acquisition provides numerous benefits including the preservation of lands threatened with development, decreased federal costs through early acquisition that eliminates emergency measures costing the federal government much more, better management of our public lands by the elimination of conflicting and threatening activities, and the reduction of the backlog of properties awaiting acquisition.

We commend you for your leadership on this legislation and look forward to working with you to see it enacted soon.

Sincerely,

DONALD J. HELLMANN,
Vice President, Conservation.•

By Mr. BOREN (for himself, Mr. BYRD, Mr. BAUCUS, Mr. LIEBERMAN, and Mr. ROTH):

S. 722. A bill to amend the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, and for other purposes.

AID FOR TRADE ACT OF 1993

• Mr. BOREN. Mr. President, I rise today to introduce the Aid for Trade Act of 1993. This legislation, cosponsored by Senators BYRD, BAUCUS, LIEBERMAN, and ROTH has a simple, commonsense goal: To change the way we give foreign aid, so that more of our tax dollars are used to purchase American goods and services.

The world has changed enormously since I introduced similar legislation in 1991. And it has changed in ways that make a reordering of foreign aid priorities even more urgent. Economic power has replaced military power as the key element of global influence. In this new era of fierce economic competition, we must leverage every foreign policy asset we possess to improve our position.

For too long, we have been handing out foreign aid with no strings attached, while our economic competitors have used their foreign aid programs to create new markets for their products. In Eastern Europe, for instance, less than a third of United States aid has been tied to the purchase of United States products. Meanwhile, over two-thirds of Japanese and German aid to the region has been in the form of credits to buy their products.

Last year, almost 70 percent of our economic support aid went out as cash transfers. That was $2.8 billion in cash, spent largely on the products of other nations. That is unacceptable, Mr. President, to the American people and for American interests.

And yet our foreign aid establishment has not awakened to this reality. Last fall, Mr. President, we saw reports on television and in the newspapers about efforts by the Agency for International Development [AID] to encourage the export of American jobs. Indeed, I uncovered one egregious incident—a foreign aid program in Mozambique in which United States taxpayers funded the purchase of $56 million of trucks, tractors, and spare parts made in Japan, Germany, England, and Brazil. Not a single American truck or tractor was purchased. American foreign aid dollars were spent, in effect, to help establish Japanese dealerships abroad.

This may have been, as AID officials claimed, an unusual case. But in fact, it was typical of a general trend in our aid program—a growing disregard for our own interests.

It was to reverse this trend that I introduced the Aid for Trade Act of 1991 in the last Congress. Senators BENTSEN, BYRD, and BAUCUS joined me in that effort, as did Senator LIEBERMAN. That bill would have increased the share of our foreign aid devoted to capital projects built with American goods and services. It would have cut down on the share of aid being handed out as cash with no strings attached. It would have created a fund of credits for the purchase of American goods.

A revised version of that legislation passed 99 to 0 in this Chamber almost 2 years ago. And yet the Bush administration, at every opportunity, obstructed its enactment. They threatened a veto. Why? Because they wanted to maximize what they called flexibility in the management of foreign aid. In other words, they did not want to be told by Congress, by the American people, by American workers, how to spend this money.

Today, such an attitude is not only dismaying, but actually harmful, to our long-term interests, and I believe the new administration recognizes this. Japan, Germany, Italy, Britain, and other countries know how to tie their aid programs to the purchase of their products. These countries, our competitors, are, in fact, becoming very sophisticated at this.

The United States no longer has the luxury of throwing away foreign aid without regard to the return it might provide to Americans. Americans are a generous people. But there is a way to help those in need while helping ourselves at the same time.

The legislation I am introducing today is straightforward. First, it would shift responsibility for capital projects from AID to the Trade and Development Agency, by expanding TDA's authority and budget. Second, it phases in caps on the share of our aid that is handed out as cash. Third, it tightens "Buy American" regulations in the foreign aid program, using language that was approved by the Senate last year. Finally, the bill requires the Secretary of the Treasury to report to Congress on the credibility of an agreement the United States reached with other nations to reduce the practice of tied aid. Mr. President, let me explain each of these proposals in turn.

What this legislation does first is to transfer funds previously allocated to AID—over $400 million—to the Trade and Development Agency, a small and effective organization about which I will elaborate on later.

For several years, many of my colleagues and I have pressed AID to reform itself, to become more responsive to the interests of the American taxpayers who fund their multibillion dollar programs. The result has been an increase in "Buy American" rhetoric from AID representatives. But as we saw in Mozambique, business as usual continued. The foreign aid bureaucrats at AID have fallen out of touch, Mr. President, and we are telling them in this legislation that they are out of time.

Why has AID been slow to respond to popular and Congressional calls for greater accountability? Part of the problem is mismanagement, and part of it admittedly is the confusing list of Congressional mandates that AID must contend with. But a significant obstacle is the prevalent culture at AID, one which mistakenly views trade promotion as incompatible with traditional development assistance.

A well-run agency could do both. The staff of Japan's aid bureaucracy is one-third that of AID's, manages roughly the same disbursement levels, emphasizes developmentally sound projects—and yet achieves a significantly higher return on the aid disbursed. AID has demonstrated that it can not do the same.

Consider, for instance, capital projects. These infrastructure projects have high appeal among recipient countries. They provide roads, phones, schools, power lines, and other building blocks of development. These projects also happen to be the form of foreign assistance which provides the highest level of return to American businesses and workers.

And yet, since fiscal year 1984, the share of AID's budget devoted to capital projects has sunk from 20 percent to 5 percent in fiscal year 1993. At the same time, Japan was devoting 56 percent of its aid to capital projects, and Germany 35 percent. According to an interagency report coordinated by the State Department and released last month, "Japan remains the principal donor of large-scale, grant-financed tied aid infrastructure projects."

These countries understand the value of capital projects. The way they ensure that these projects will be build with their products is by funding the initial feasibility studies. By financing these studies, Japan, for instance, is able to draw up the specifications and the project parameters to benefit Japanese firms.

The United States has slowly caught on to this subtle method, and for the last several years, the Trade and Development Agency, in existence only since 1981, has been using feasibility studies, engineering services, and technical assistance to channel projects to American businesses.

In fiscal year 1991, the Trade and Development Agency provided $35 million to fund 215 different activities on 184 separate project in 47 countries. By relying on the U.S. private sector for advice; by coordinating with other trade-related government agencies; and by focusing on energy, telecommunications, transportation, and other infrastructure-related sectors, TDA was able to leverage its $35 million investment into $3.8 billion in exports from U.S. companies last year. That, Mr. President, is an impressive return.

TDA has succeeded because its mandate is clear. It was created specifically for the export promotion mission which AID has failed to undertake. As an entity within the State Department, TDA is perfectly positioned to be the window through which more of our foreign aid dollars can be devoted to projects build with American products and know-how.

Accordingly, the aid for trade legislation I am introducing today would shift significant responsibility for capital projects—including design, funding, and implementation—from AID to TDA. It expands the mandate of TDA and it authorizes a total of $500 million for the agency. Let me be clear: this does not constitute new budget authority. It is a reallocation of funds.

In some ways, Mr. President, this shift of authority and responsibility will appeal to those who might have had reservations about the aid for trade initiative last Congress. At that time, our legislation was designed to push AID into more capital projects, more buy American programs. Some critics, sensitive to the original mission of AID to provide for basic human needs, felt that AID should not be asked to get in the business of export promotion. For somewhat different reasons, I have come to the same conclusion. And I hope that my colleagues who believe both in traditional development and in providing jobs for Americans will endorse the new approach undertaken in this legislation.

The second purpose of this legislation is to place limits on cash transfers. Currently, Mr. President, almost 70 percent of our economic support fund assistance is handed out in cash transfers, government to government, no strings attached. This bill would ratchet that percentage down to 30 percent by fiscal year 1998. At a time when Japan is providing only 20 percent of its aid as cash, this is a reasonable ceiling to set.

The third purpose of this legislation is to articulate more strict buy American rules for our foreign aid bureaucrats in Washington and abroad. The language in this section is borrowed from last year's Senate-passed foreign aid appropriations bill.

Finally, Mr. President, this legislation directs the Secretary of the Treasury to report on the effectiveness of an agreement reached last year by the United States and other major donor nations to restrict the practice of tied aid. It appears that this agreement has succeeded only in tying one hand behind our back: It has broad waiver provisions, no enforcement mechanism, and a grandfather clause which allows our competitors to continue tying aid even as the United States vows not to. It is my sense, Mr. President, that no agreement would be preferable to a bad agreement full of loopholes.

My colleagues are well aware that while foreign aid constitutes a small portion of the overall budget, it is a lightning rod for public criticism. This need not be so, Mr. President. If the American people had confidence that foreign aid was not a mismanaged and wasteful giveaway, they might support it. If the American people knew that foreign aid—while certainly assisting those in need—also meant jobs and exports for Americans, they might support it.

Mr. President, there are those who would pull America from the world scene at a time when international engagement is ever more critical to our prosperity. Let us not give the isolationists so convenient a reason to call for American withdrawal. Let us demonstrate that by providing foreign aid, we can establish long-term markets and economic relations.

Time is short, Mr. President. Our competitors know that foreign aid is not the blunt instrument of influence that it was in the cold war. They understand that foreign aid is a subtle and useful strategic asset. And they know how to make the best use of such assets. This legislation will allow America to do the same.

I ask unanimous consent that the Aid for Trade Act of 1993 be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aid for Trade Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the end of the Cold War affords the United States the opportunity to reevaluate its foreign assistance priorities;

(2) the United States must leverage its foreign assistance program, in a humane and balanced way, to enhance American economic competitiveness and to build long-term commercial relationships with recipient countries;

(3) notwithstanding an agreement by member nations of the Organization for Economic Cooperation and Development (OECD) to restrict the practice of tied aid, America's economic competitors are skillfully using their foreign assistance programs to expand markets for their goods;

(4) at the same time, only 35 cents of the foreign aid dollar were spent on American goods in 1989, while in 1991, 70 percent of United States Economic Support Fund assistance was provided as cash; and

(5) the Agency for International Development has not responded adequately to the need to use foreign assistance to develop long-term commercial relationships.

SEC. 3. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORITY TO FINANCE CAPITAL PROJECTS.—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is amended by inserting ", including capital projects" after "development projects in developing and middle-income countries".

(b) FUNDING.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by adding at the end the following new paragraph:

"(3) Of the amounts authorized to be appropriated by part I of this Act other than chapter 1 (relating to development assistance), by chapter 4 of part II of this Act, or by section 201(b) of the Support for East European Democracy (SEED) Act of 1989, there is authorized to be available $435,000,000 for fiscal year 1994 to carry out this section.".

(c) DEFINITION.—Section 661 of such Act is amended by adding at the end the following new subsection:

"(g) DEFINITION.—The term 'capital project' means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services.".

SEC. 4. LIMITS ON CASH TRANSFERS.

(a) LIMITATION.—For each of the following fiscal years, cash transfers shall not represent more than the corresponding percentage of Economic Support Funds:

(1) For fiscal year 1994, 50 percent.

(2) For fiscal year 1995, 45 percent.

(3) For fiscal year 1996, 40 percent.

(4) For fiscal year 1997, 35 percent.

(5) For fiscal year 1998, 30 percent.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "cash transfers" means Economic Support Fund assistance provided as cash payments which are not used for the purchase of United States goods and services or the repayment of debt owed to the United States Treasury; and

(2) the term "Economic Support Funds" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 5. PROCUREMENT REQUIREMENTS.

(a) PROCUREMENT.—Section 604 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 604. PROCUREMENT.

"(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

"(1) to give preference to the procurement of commodities and services from the United States in foreign assistance programs using funds authorized to be appropriated by this Act; and

"(2) to the extent that United States suppliers, contractors and goods are eligible for procurements financed by such donor or lender countries, to permit suppliers, contractors and goods of other donor or lender countries to compete for United States Government-financed procurements.

"(b) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—Funds made available for assistance under this Act may be used by the President for procurement only in the United States, the recipient country, or developing countries, except as provided otherwise in this subsection. For purposes of this section, the term 'developing countries' shall not include advanced developing countries.

"(2) OTHER PROCUREMENT.—The provisions of paragraph (1) shall be applicable except where it is determined that—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country described in paragraph (1); or

"(B) procurement in such other country is essential—

"(i) to meet emergency situations; or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives, where such other country permits United States firms to compete for the procurement of similar commodities and services under its foreign assistance programs.

"(C) DELEGATION OF AUTHORITY.—With respect to determinations made by the agency primarily responsible for administering Part I (the 'agency'), the authority to make determinations under subparagraph (B) shall—

"(i) in the case of paragraph (2)(B)(i), not be delegated below the level of Mission Director, country representative or, with respect to determinations made in Washington, the responsible Assistant Administrator, as appropriate; and

"(ii) in the case of paragraph (2)(B)(ii) with respect to procurement transactions exceeding $100,000, not be delegated below the level of Assistant Administrator and, where such procurement is at or below that amount, below the level of Mission Director or country representative.

"(3) PROCUREMENT OF MOTOR VEHICLES.—

"(A) IN GENERAL.—None of the funds (including commodity import program assistance) made available to carry out this Act shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where a determination is made that—

"(i) motor vehicles cannot be manufactured in the United States to meet demands when time is of the essence;

"(ii) there is a projected lack of adequate spare parts and service facilities for United States manufactured vehicles, based on information provided by the Buy-America Advocate; or

"(iii) there are no United States manufacturers for export of the particular type of vehicle needed.

"(C) DETERMINATION.—With respect to determinations made by the agency under subparagraph (B), such determinations shall be in writing and, in the case of a determination to procure in excess of 10 vehicles per project or in excess of 5 vehicles for use by a field mission, shall be made at a level not lower than the Assistant Administrator of such agency.

"(4) PRICE LIMITATION.—No funds made available under this Act may be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(5) AGRICULTURE COMMODITIES.—

"(A) IN GENERAL.—In providing for the procurement of any agricultural commodity or product available for disposition under the Agricultural Trade Development and Assistance Act of 1954 for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

"(B) LIMITATION.—No funds made available under this Act may be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

"(6) CONSTRUCTION AND ENGINEERING SERVICES.—Funds made available under this Act may be made available for the procurement of construction or engineering services from advanced developing countries eligible under the Geographic Code 941 which have attained a competitive capability in international markets for construction services only if such country—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) has its own foreign assistance programs which finance the procurement of construction or engineering services and permits United States firms to compete for those services.

"(7) MARINE INSURANCE.—In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II. In the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities which are purchased with funds provided under this Act and which are destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

"(c) NON-PROJECT ASSISTANCE.—

"(1) COMMODITY IMPORT PROGRAMS.—None of the funds made available to carry out chapters 1 and 10 of part I and chapter 4 of part II of this Act may be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by the supplier, its condition, and its source and origin, and on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

"(2) CERTAIN CASH TRANSFER PROGRAMS.—

"(A) RESTRICTIONS ON USE OF FUNDS.—Funds made available under cash transfers or similar programs pursuant to chapters 1 and 10 of part I and chapter 4 of part II of this Act shall not be used to finance directly or indirectly, commodity import transactions unless such transactions meet agency requirements for United States source, origin, and nationality.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where the proposed use of such funds to directly or indirectly finance transactions from countries other than the United States is approved by the responsible Assistant Administrator or higher-level official of the agency.

"(d) ANNUAL REPORT.—The Administrator of the agency shall submit an annual procurement report to Congress which—

"(1) details procurement by the agency of United States commodities and services during the preceding reporting period;

"(2) compares Buy-America procurement for the same period of the preceding year;

"(3) contains data for all agency activities that reflect the percentages of commodities and services financed by the agency that are of United States source or origin;

"(4) analyzes mission or bureau programs to identify shortfalls in performance in meeting Buy-America requirements contained in law and regulations; and

"(5) identifies remedial action to overcome such shortfalls.".

(b) BUY-AMERICA ADVOCATE.—Part III of the Foreign Assistance Act of 1961 is amended by inserting after section 604 (as amended by this section) the following new section:

"SEC. 604A. BUY-AMERICA ADVOCATE.

"(a) DESIGNATION OF FUNCTIONS.—The Administrator of the agency primarily responsible for administering part I shall designate within the agency a Buy-America Advocate for the purpose of fostering the participation of United States business in the development process. The Buy-America Advocate shall be a senior career employee of the agency and shall have experience in commodity import transactions and private enterprise activities. The Advocate shall report directly to the Administrator with respect to the responsibilities described in subsection (b).

"(b) RESPONSIBILITIES OF THE BUY-AMERICA ADVOCATE.—The Buy-America Advocate shall have such responsibilities and duties as the Administrator shall determine including, in conjunction with other agency offices as appropriate—

"(1) to have access to and the authority to review all documentation involving procurement activities of the agency;

"(2) to have full access to technical services and information involving procurement activities, particularly the procurement of commodities and the entering into of contracts, including all information provided under the Buy America Reporting System (BARS) or any successor system to BARS;

"(3) to review all programs involving cash transfers to determine whether a commodity import program would accomplish the same policy objectives as the cash transfer; any disagreement with a determination by the Buy-America Advocate that the same policy objectives can be accomplished by a commodity import program shall, as appropriate, be resolved by the Administrator;

"(4) to receive and review all waiver actions approved at the level of Assistant Administrator and, based on that review, to recommend to the Administrator, as appropriate, any actions which may be necessary to ensure that Buy America procurement opportunities are maximized;

"(5) to develop and support general outreach activities with the United States business community, including procedures whereby interested United States contractors and suppliers can be apprised of, and encouraged to participate in, prospective procurement actions under this Act;

"(6) to coordinate its efforts with agency officials who perform duties in the area of trade and investment promotion and information; and

"(7) to assist in the preparation of the report required in section 604(d).

"(c) SUPPORT.—The Administrator shall ensure that the Buy-America Advocate is assisted by qualified staff and receives such other support, including access to all procurement documentation of the Agency, as may be necessary to carry out the responsibilities specified in this section.".

(c) REPEALS.—Sections 496(n)(4) and 636(i) of the Foreign Assistance Act of 1961 are repealed.

SEC. 6. OECD AGREEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress on the agreement of the Organization for Economic Cooperation and Development (OECD) to restrict tied aid practices.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include—

(1) the intentions and history of the agreement;

(2) a review of efforts by other signatory nations to circumvent the OECD agreement;

(3) an assessment of whether the OECD agreement is enforceable;

(4) an estimate of the value of ongoing tied aid projects; and

(5) a recommendation on whether the United States should reopen negotiations.●

● Mr. BAUCUS. Mr. President, I rise in support of the Aid for Trade Act of 1993.

American trade policy should aim at opening foreign markets for American products. This keeps our own economy strong while it helps maintain a free and mutually beneficial world economic system. Meanwhile, American foreign assistance policy should also aim to strengthen that economic system by helping developing nations become contributing members of the world economy. Mr. President, I believe the Aid for Trade Act of 1993, which I am proud to cosponsor, provides an effective way to link our trade and foreign assistance policies to achieve both market opening and viable economic development for aid recipients.

The fact is, our trading partners are doing this already, an we are paying the price. Our competitors are beating us in developing markets by linking foreign assistance—in formal and informal ways—to export financing. Our current method of providing cash assistance with no strings attached does nothing to promote U.S. exports. In fact, it actually contributes to our trade deficit, as some countries use United States dollars to pay for Japanese goods. This has got to stop.

The Aid for Trade Act of 1993 is intended to change all that by coordinating our trade and foreign assistance policies in the following ways:

It would expand the Trade and Development Agency's mandate by giving it the ability to fund developmentally sound capital projects. Capital projects are an excellent way to help the developing world build the infrastructure it needs while creating new, long-term export opportunities for U.S. firms. Capital projects often lead to follow-on business and expanded economic growth that benefits both the developing country and the United States.

It mandates that countries who buy U.S. goods and services get preferential access to U.S. cash transfers. This will stop the use of United States aid dollars in the purchase of Japanese and European vehicles, farm equipment and spare parts, even when United States equivalents exist.

It directs the Secretary of the Treasury to report regularly on the progress of the recently concluded OECD agreement to restrict tied aid practices. The Congress must be assured that U.S. foreign assistance policy is comparable to those of our competitors.

Mr. President, I urge my colleagues to support this legislation.●

By Mr. LAUTENBERG:

S. 723. A bill to provide for an analysis of the secondary and tertiary Arab boycotts of United States firms doing business with Israel, and for other purposes; to the Committee on Finance.

LEGISLATION RELATIVE TO ARABS BOYCOTTS

Mr. LAUTENBERG. Mr. President, today, I am introducing legislation to urge the U.S. Trade Representative to press forward with negotiations to remove a very significant barrier to American exports: the Arab boycott of companies doing business with Israel. I am pleased that Senator GRASSLEY is introducing this legislation with me.

The American leadership role in the antiboycott issue was recently evidenced by the settlement in the Baxter International case. Our trading partners' companies should be prevented from complying with the Arab boycott as Baxter International and all American companies are currently prohibited. The Office of the U.S. Trade Representative should aggressively work toward that goal.

The legislation urges the U.S. Trade Representative and other officials in the Government to give the highest priority to seeking an end to enforcement of, and compliance with, the secondary and tertiary Arab boycotts.

To support negotiating efforts, the legislation requires the United States Trade Representative to include a comprehensive analysis of the Arab economic boycott of American companies that do business with or invest in Israel in the United States Representative's annual national trade estimate [NTE] report to Congress.

Currently, the NTE report includes a very limited amount of information about the Arab secondary and tertiary boycotts as a barrier to trade. This action was taken in response to my efforts, those of Senator GRASSLEY and the previous chairman of the Senate Finance Committee, Lloyd Bentsen, as well as Representative MATSUI in the House of Representatives. While the USTR's decision to include some basic information about the Arab boycott was a positive first step, the report did not go far enough.

To that end, the bill we are introducing today would require the U.S. Trade representatives to include a more comprehensive analysis of the boycott in future national trade estimate [NTE] reports.

First, it would require the NTE report to include a country-by-country analysis of the extent to which Arab League and other countries encourage and permit compliance with the secondary and tertiary boycott of American companies as well as the extent to which our major trading partners permit and encourage compliance. When any country encourages or even permits its companies to comply with the boycott, it erects a barrier to trade for American companies. Because it is a violation of United States law for American companies to comply with the boycott, our companies lose contracts when Arab League countries ask them to comply with the boycott. Our companies are put at a further competitive disadvantage when companies in foreign countries are permitted to comply with the boycott.

The American Government has attempted to block efforts to enforce the boycott by making it illegal for American companies to provide certain information about their commercial contacts with Israel. In fact, the United States has the strongest antiboycott laws in the world. Other countries which do not have laws to prohibit compliance with the boycott effectively contribute to Arab League efforts to enforce the boycott. To gain a better understanding of the scope of this problem, the NTE report should include a country-by-country analysis of efforts to enact and enforce laws to prohibit compliance with the Arab League boycott.

Second, it would require the NTE report to analyze how countries blacklist companies and enforce the boycott. To date, very little is known about the list of companies blacklisted by Arab League countries. We know that the Office of Boycott Compliance is headquartered in Damascus, Syria and have read reports that thousands of companies are blacklisted by the Arab League if they do business with or invest in Israel. We also know that once a company is included on the blacklist, all companies are urged not to do business with the blacklisted company or with any business trading with the blacklisted company. In fact, the Wall Street Journal recently reported that Kuwait is still blacklisting American companies. Clearly, any effort to negotiate an end to the secondary and tertiary boycott must include an effort to eliminate the practice of blacklisting American companies and the NTE report should include more information about the blacklisting process.

Third, it would require the NTE report to include a quantitative analysis of the loss to U.S. business resulting from enforcement and compliance with the secondary and tertiary boycott. I believe the U.S. Trade Representative should conduct a survey of American businesses to estimate the lost revenues resulting from the secondary and tertiary boycotts and from the failure of other countries to prohibit compliance with the boycott. Including this type of quantitative analysis in the NTE report would help underscore the lost opportunities and revenues for American companies.

The U.S. Trade Representative should work aggressively to seek an end to the enforcement of, and compliance with, the secondary and tertiary Arab boycott in all international trade negotiations and meetings. Including this information in the NTE report would send a strong signal to our trading partners and the boycotting countries that the United States is serious about securing an end to the boycott. It would also provide the U.S. Trade Representative with important information for negotiations on the boycott.

Mr. President, today, Senators MOYNIHAN, GRASSLEY, and I have sent a letter to U.S. Trade Representative Kantor urging him to make this issue a top priority in trade negotiations and to include the recommendations incorporated in this legislation in future NTE reports. I look forward to his response and action on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person are discriminatory trade barriers to international trade;

(2) the United States should encourage major trading nations of the world engaged in the export of goods or technology to refuse to take action which would have the effect of furthering or supporting boycotts imposed by any foreign country or association against a country friendly to the United States or against any United States person;

(3) the United States Trade Representative should, in view of the foregoing, be commended for including the Arab boycott in the 1992 National Trade Estimate Report on Foreign Trade Barriers; and

(4) future national trade estimate reports should include expanded information with respect to the Arab boycott.

SEC. 2. EXPANSION OF REPORTING ON ARAB LEAGUE BOYCOTT.

(a) IN GENERAL.—Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended by adding at the end the following new subsection:

"(d) ANALYSIS OF ARAB BOYCOTT.—An analysis under subsection (a) shall include—

"(1) a country-by-country analysis of the extent to which the government of each such country permits or encourages businesses in that country to comply with the secondary and tertiary Arab boycotts of United States businesses that do business with (or invest in) Israel, including the identification of specific activities to enforce the boycotts,

"(2) an analysis of the differences in how foreign countries blacklist businesses and enforce the boycotts, and

"(3) an estimate of—

"(A) the value of additional goods and services of the United States, and

"(B) the value of additional foreign direct investment of the United States,

that would have been exported to, or invested in, each foreign country during the calendar year if the boycotts did not exist."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years 1994 and thereafter.

SEC. 3. NEGOTIATING OBJECTIVE.

It is the sense of the Congress that the United States Trade Representative and other appropriate officials of the United States Government should give the highest priority to seeking an end to enforcement of, and compliance with, the secondary and tertiary Arab boycotts.

By Mr. LAUTENBERG:

S. 724. A bill to extend the temporary suspension of duty on 2,3,6-trimethylphenol [TMP]; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation on behalf of myself and Senator BRADLEY to suspend the duty on 2,3,6-trimethlyphenol [TMP]. Senator BRADLEY and I introduced similar legislation in 1992.

This bill would continue, for 3 years, the suspension of duties on TMP. TMP is an intermediate in the production of vitamin E. Vitamin E is one of the 13 vitamins recognized as being essential for man and animals. The role of vitamin E in disease prevention is under study in such areas as cholestatic disease, a serious deteriorating condition in children, and retrolental fibroplasia, which may lead to blindness in premature infants. Hoffman-LaRoche is one of four companies manufacturing vitamin E in the United States, however it is the only company which imports the intermediate TMP. TMP is not manufactured in the United States and must be imported from Germany and Japan.

Mr. President, I urge my colleagues to support this measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TMP.

(a) IN GENERAL.—Heading 9902.30.08 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/93" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.30.08 of the harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the 15th day after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 725. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

TRAUMATIC BRAIN INJURY ACT OF 1993

Mr. KENNEDY. Mr. President, today I am introducing legislation to assist the 2 million citizens who suffer traumatic head injuries each year from automobile collisions, bicycle falls, recreational accidents, assaults, and other tragic incidents. Each year 400,000 children suffer serious head injuries and approximately 100,000 people die, and a large number of those who survive require extensive hospitalization or suffer lifelong disabilities.

Traumatic brain injury is the leading cause of death and disability among young Americans in the 15–24 year age group. It is the third leading neurological cause of disability. More than half of all brain injuries are caused by motor vehicle accidents.

Medical bills are often astronomical, leaving families facing near or total financial ruin. The cost of providing medical services for those who suffer such injuries is estimated at over $25 billion a year.

In 1988, Congress recommended to the Secretary of Health and Human Services that an Interagency Head Injury Task Force be established to identify the gaps in research, training, and acute medical management, rehabilitation, and community services, and to recommend solutions to meet the obvious needs. Congress also recommended the development of a coordinated national data system for such injuries.

In February 1989, the Department of HHS issued an interagency task force report that recommended development of a national strategy to address prevention, acute and long-term care, and community reintegration of TBI survivors. The task force recommended that traumatic brain injury be a reportable disease and that a lead Federal agency be designated to encourage coordination and planning. It called for working groups at the State and local level; a network of regional head injury research centers; and a decentralized system of care to ensure access to appropriate treatment. It also recommended a study of the economic impact of TBI.

Improving the delivery and quality of care for persons with traumatic brain injury requires expanding research and prevention activities, establishing effective guidelines for treatment and rehabilitation services, and coordinating medical, vocational, and social services. We need to develop more effective strategies to prevent these injuries, and to reduce the severe disability it causes by improving the delivery and quality of care.

Through the insights gained from basic and clinical research, there is hope that we can make dramatic progress in reducing the heavy toll for this disease. Although advances have been made in recent years in basic and clinical research, ultimately our best treatment for traumatic brain injuries is prevention.

Much more can be done to reduce this needless suffering, death and long-term disability that too often results.

The Traumatic Brain Injury Act of 1993 will address the gaps in services for survivors. The legislation will establish a data collection and injury reporting system. It will support basic, applied and preventive research, and promote coordination of services to increase independent daily living and reduce the need for institutionalization. It will also establish State advocacy and protection demonstration programs. The bill authorizes a total of $41 million in fiscal year 1994 for those programs, and such sums as may be necessary in each of the following 2 fiscal years.

I urge my colleagues to join me as sponsors of this legislation, and I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traumatic Brain Injury Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the incidence of head injury in the United States is increasing, with over 2,000,000 head injuries per year resulting from automobile crashes, sports, recreational activities, assaults, violence and other falls and incidents;

(2) a majority of all head injuries are caused by motor vehicle accidents;

(3) individuals between the ages of 15 and 24 are at greatest risk for sustaining head injuries;

(4) of the individuals who sustain head injuries each year, approximately 500,000 require hospitalization, and 75,000 to 100,000 of such individuals die within hours of the injury;

(5) of the individuals who survive head injuries each year, approximately 70,000 to 90,000 will suffer irreversible debilitating loss of function, 5,000 will develop epilepsy as a result of the injury, and 2,000 will exist in a coma;

(6) a significant number of individuals with traumatic brain injury are not easily restored to society and require years of rehabilitation, medical follow-up and integrated community services, which are costly and frequently not readily available;

(7) individuals sustaining traumatic brain injury require coordinated and specialized services, including post-injury supervised programs facilitating reentry into the community;

(8) many health and social service agencies, both public and private, overlook, exclude or inadequately serve individuals surviving traumatic brain injury;

(9) society bears an economic cost of approximately $25,000,000,000 per year for the direct and indirect costs of traumatic brain injury, which include medical treatment, rehabilitative and support services and lost income;

(10) a program to develop national standards for helmets used by bicyclists and others is needed; and

(11) a national plan to provide services for individuals surviving traumatic brain injuries and their families is needed.

(b) PURPOSE.—It is the purpose of this Act to—

(1) facilitate the conduct of research and the collection and compiling of accurate statistical data on traumatic brain injury;

(2) raise public awareness concerning the risks and consequences of such injuries and the distinct needs of individuals (and their families) following survival from traumatic brain injury;

(3) promote the creation of innovative programs and policies to prevent traumatic brain injury and to rehabilitate those individuals who have survived such injuries;

(4) designate a Federal agency to oversee and promote projects relating to the prevention of, and rehabilitation from, traumatic brain injury;

(5) create State advisory boards to coordinate citizen participation in community programs dealing with traumatic brain injury;

(6) create a registry to advance epidemiologic research on such trauma;

(7) establish standards for the marketing of brain injury services;

(8) require the Secretary to publish various reports concerning the activities of the Department of Health and Human Services in this area, including an annual review of relevant activities; and

(9) provide for the initiation of a program to establish national standards for helmets used by bicyclists and others.

SEC. 3. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) by redesignating part C as part D;

(2) in section 1232(a) (42 U.S.C. 300d–32(a)), by inserting "other than part C," after "carrying out this title,"; and

(3) by inserting after part B, the following new part:

"PART C—TRAUMATIC BRAIN INJURY

"SEC. 1225. DEFINITIONS.

"As used in this part:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency for Health Care Policy and Research.

"(2) DIRECTOR.—The term 'Director' means the Director of the Centers for Disease Control and Prevention.

"(3) TRAUMATIC BRAIN INJURY.—The term 'traumatic brain injury' means an acquired injury to the brain caused by an external physical force. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor does such term include birth trauma. Such term is synonymous with the term 'head injury'.

"SEC. 1225A. AGENCY FOR HEALTH CARE POLICY AND RESEARCH STUDY OF EFFECTIVENESS OF TRAUMATIC BRAIN INJURY INTERVENTIONS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator, shall conduct a study concerning traumatic brain injury.

"(b) MAJOR FINDINGS.—The study conducted under subsection (a) shall seek to—

"(1) identify common therapeutic interventions which are used for the rehabilitation of individuals with traumatic brain injuries, and shall include an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries; and

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(2) develop practice guidelines for the rehabilitation of traumatic brain injury.

"(c) REPORTING REQUIREMENTS.—Not later than 4 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress, a report containing the results of the studies conducted under this section.

"(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"SEC. 1225B. CENTERS FOR DISEASE CONTROL AND PREVENTION STUDY OF TRAUMATIC BRAIN INJURY OCCURRENCE.

"(a) IN GENERAL.—The Secretary, acting through the Director, and in cooperation with other Public Health Service agencies as may be necessary, shall conduct studies concerning traumatic brain injury, and shall establish a reporting system under subsection (b).

"(b) REPORTING SYSTEM.—To assist in data and information gathering, the Director shall establish a uniform reporting system under which hospitals, State and local health-related agencies will report to the Director on matters including—

"(1) the occurrence of traumatic brain injuries; and

"(2) the health insurance status of individuals with traumatic brain injury.

The reporting system should be established to permit the Director to make an accurate assessment of resource needs and long term outcomes.

"(c) SURVEY AND COOPERATIVE AGREEMENTS.—

"(1) SURVEY.—The Director shall determine which Federal, State, local or other entities collect data on traumatic brain injury and the means by which such entities collect such data.

"(2) COOPERATIVE AGREEMENTS.—The Director may enter into cooperative agreements with other agencies, and provide assistance to other entities with responsibility for data collection, to establish traumatic brain injury as a specific reportable condition in existing and future reporting systems. Any data systems established in conjunction with such agencies should be compatible with other such data systems.

"(d) MAJOR FINDINGS OF STUDIES.—The studies conducted under subsection (a) shall seek to—

"(1) determine the major causes of traumatic brain injury;

"(2) determine the preventive efforts that are being used by States and non-profit agencies to reduce the occurrence of such injuries;

"(3) determine the number of individuals surviving traumatic brain injuries, and the cost of treatment and other related costs;

"(4) develop a uniform reporting system to facilitate the reporting to the Centers for Disease Control and Prevention concerning the occurrence of traumatic brain injury;

"(5) identify States and localities that have approved mandated helmet use laws for bicyclist and others;

"(6) determine the health insurance status of individuals with traumatic brain injury; and

"(7) initiate a program of prevention research to develop effective prevention of traumatic brain injury.

"(e) REPORTING REQUIREMENTS.—Not later than 4 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress, a report containing the results of the studies conducted under this section.

"(f) BIENNIAL REPORT.—The Secretary shall biennially prepare a report containing recommendations for the prevention of traumatic brain injuries. The report shall also identify States that have mandated helmet laws for bicyclists and others. Such reports shall be disseminated to State health officers.

"(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"SEC. 1225C. SPECIAL PREVENTION PROJECTS.

"(a) IN GENERAL.—The Secretary shall cooperate with, and may provide assistance to, public and private nonprofit entities to reduce the incidence of traumatic brain injury through the establishment and effectuation of prevention projects. In carrying out this section, the Secretary may award grants to State and local entities, and to public or non-profit private entities, to support—

"(1) special prevention and public awareness initiative projects;

"(2) model traumatic brain injury prevention, research and support programs;

"(3) projects that study the service needs of individuals with traumatic brain injury; and

"(4) projects involving grants for services coordination.

"(b) REQUIREMENTS.—To be eligible to receive assistance under subsection (a), an entity shall—

"(1) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require; and

"(2) provide assurances to the Secretary that any preventive measures implemented under a prevention project funded under this section may include—

"(A) behavioral and environmental interventions (such as physical restraints or helmets for individuals using bicycles, in-line roller skates, and skateboards);

"(B) the use of innovative and proven model prevention approaches;

"(C) the promotion of activities that will minimize brain injury risk in athletes (such as the use of head protection gear); and

"(D) the improvement of community-level access to data-base systems to assist in designing, developing, and implementing traumatic brain injury prevention programs.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $4,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"SEC. 1225D. BASIC AND APPLIED RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, may provide assistance to public and private nonprofit entities to support the conduct of basic and applied research concerning traumatic brain injury, especially with respect to the biomechanics of brain injury, the molecular and cellular characteristics of primary and secondary injury to the brain and the development of improved experimental brain injury models.

"(b) SPECIFIC RESEARCH.—Research to be conducted with assistance provided under subsection (a) shall be determined by the Secretary, prior to the provision of such assistance, to contribute to the strategies that will limit primary and secondary mechanical, biochemical and metabolic insults to the brain and minimize the extent, severity and progression of resulting dysfunctions. In implementing this section the Secretary shall emphasize—

"(1) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(2) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(3) the integration of basic research into clinical care settings;

"(4) the development of a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research;

"(5) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training; and

"(6) the conduct of national consensus conferences on managing head injury and related rehabilitation concerns, the findings of which shall be published.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"SEC. 1225E. STATEWIDE PROGRAM FOR TRAUMATIC BRAIN INJURY.

"(a) GRANTS.—The Secretary shall award grants to States for the establishment of programs related to traumatic brain injury. Such programs shall include State advisory boards, patient advocacy and service coordination systems, and State registries concerning individuals affected by traumatic brain injuries. Services may also be provided under this section, within the limits of service availability, to individuals whose deficits are not due to traumatic brain injury. To be eligible for such services, such individuals should be comparable to traumatic brain injury patients in regard to the range of services needed, the severity and duration of deficits, and the etiology of their deficits being due to a nonprogressive and nonrecurring disorder.

"(b) GENERAL ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), a State shall—

"(1) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require;

"(2) provide assurances that it will prepare and submit to the Secretary reports describing the activities undertaken under the State system established under the grant; and

"(3) provide for the establishment of a Statewide program that includes a State registry for traumatic brain injury information, a program of patient advocacy and service coordination, and a State advisory board with respect to activities under this section.

"(c) SPECIFIC PROGRAM REQUIREMENTS.—

"(1) STATE REGISTRY.—To be eligible to receive a grant under subsection (a), a State shall—

"(A)(i) establish and maintain, through the utilization of procedures to ensure privacy and maintain the confidentiality of information, which are acceptable to the Secretary, a central registry of persons who sustain traumatic brain injury in order to—

"(I) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

"(II) report data to the Director on an annual basis for State reporting requirements; and

"(ii) a violation of such privacy and confidentiality procedures or the unauthorized use of such information may result in a loss of support under this section; and

"(B) provide summary registry data or data that is not personally identifiable to public and private entities to conduct studies using data collected by the traumatic brain injury registry established under subparagraph (A), for which the coordinator may charge a fee for all expenses associated with the provision of data or data analysis.

"(2) ADVOCACY AND SERVICE COORDINATION.—To be eligible to receive a grant under subsection (a), a State shall—

"(A) designate a State coordinator for traumatic brain injuries who—

"(i) shall establish policies and standards for coordinating services within the State for individuals with traumatic brain injury;

"(ii) may contract with qualified agencies or employ staff to provide services under this section on a statewide basis to eligible individuals;

"(iii) shall be responsible for a program of activities related to preventing and reducing the rate of traumatic brain injuries in the State according to standards established by the Centers for Disease Control and Prevention; and

"(iv) shall, after consultation with the State advisory board established under paragraph (3), establish standards regarding the marketing of services (by hospitals and other providers) to traumatic brain injury patients or family members, disseminate the standards to case management programs, and furnish information on such standards to individuals who sustain traumatic brain injuries (and the family members of such individuals) at the earliest appropriate opportunity after the individual has sustained the injury (such standards to include (at a minimum) a rule prohibiting payments under a case management program under this section for referring patients);

"(B) provide assurances that a protection and advocacy system established under this section will—

"(i) provide legal, administrative and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with traumatic brain injury within the State who are or may be eligible for treatment, services, or rehabilitation;

"(ii) provide information and referral to programs and services addressing the needs of individuals with traumatic brain injuries; and

"(iii) provide for the investigation of incidents of abuse and neglect of individuals with traumatic brain injuries when incidents are reported for the provision of excessive or unnecessary services or other complaints relating to the care of such individuals, and payment for the referral of patients;

"(C) ensure the provision to persons with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured persons or individuals responsible for such persons may obtain needed service to alleviate injuries and avoid secondary problems; and

"(D) for purposes of identifying the services required to prevent the institutionalization or to minimize the need for residential rehabilitation in the case of traumatic brain injuries, establish a services coordination program that shall—

"(i) provide for the initial assessment of the individual's need for traumatic brain injury services;

"(ii) provide for the reassessment of each patient at regular intervals to determine the extent of each patient's progress, to ascertain whether a patient is being kept too long in a given setting or provided services inappropriately, or to determine whether the patient would be better served by other services or in another setting;

"(iii) prepare a treatment plan for each individual requiring services coordination, within an appropriate period after the individual sustains the injury, based on a consultation with the individual (other than an individual who is comatose in which case consultation shall be with a person with legal responsibility over such individual) and any person named by the individual (preparation of the plan may be delayed based on a certification, including a brief explanation of the reason for the delay, by a physician attesting that such a delay is in the individual's best interests with a copy of the treatment plan and any modifications to the plan being presented to the individual or the individual's legal representative);

"(iv) ensure that each individual's treatment plan is regularly updated (based on consultation with the individual and the person responsible for the injured individual) with data and information about treatments and services provided, as well as specific measures of the individual's current performance or activity relative to goals previously established;

"(v) assist the individual in obtaining services necessary to allow the individual to remain in the community;

"(vi) coordinate home care services with other services;

"(vii) ensure appropriate, accessible, and cost-effective services;

"(viii) assist the individual with problems related to the provision of home care services;

"(ix) ensure the quality of home care services;

"(x) assess the individual's need for and level of home care services at appropriate intervals during the course of the individual's treatment under the program; and

"(xi) explore efforts to include services coordination provisions under the State's medicaid program under section 1931 of the Social Security Act.

"(3) STATE ADVISORY BOARD.—

"(A) IN GENERAL.—To be eligible to receive a grant under subsection (a), a State shall establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(B) FUNCTIONS.—An advisory board established under subparagraph (A) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(C) COMPOSITION.—An advisory board established under subparagraph (A) shall be composed of—

"(i) representatives of—

"(I) the corresponding State agencies involved;

"(II) public and nonprofit private health related organizations;

"(III) other disability advisory or planning groups within the State;

"(IV) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(V) injury control programs at the State or local level if such programs exist; and

"(ii) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals; and

"(d) REPORT.—Not later than 2 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $27,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 4. NATIONAL HEAD INJURY AWARENESS MONTH.

The month of October, 1993, is hereby designated as "National Head Injury Month" and the President is requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

SEC. 5. EFFECTIVE DATE.

This Act shall become effective on October 1, 1993.

By Mr. DASCHLE (for himself, Mr. BREAUX, and Mr. BAUCUS):

S. 726. A bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes; to the Committee on Finance.

NATIONAL HEALTH SAFETY NET INFRASTRUCTURE ACT

Mr. DASCHLE. Mr. President, today I am introducing the National Health Safety Net Infrastructure Act, legislation that would provide vitally needed help for the Nation's public and rural hospitals. I am pleased that Senators BREAUX and BAUCUS have joined me in this effort.

These hospitals, the only source of health care for so many Americans, are commonly referred to as the Nation's health safety net. It is fortunate for the poor, the uninsured, and the homeless that so many hospitals share that distinction. But the tough job that these hospitals do is beginning to take its toll. You see, the safety net has been showing gaping holes for some time now, and people are falling through it, at a time when a strong net is needed the most.

The neglect of the Nation's infrastructure—our roads, bridges, and schools—is beginning to hit us with full force. Nowhere is the consequence of this neglect more evident than in public and rural hospitals.

These hospitals share a common mission of indigent care, care of the elderly, and community service. But as a consequence of their commitment, as a consequence of their concern, as a consequence of their generosity of spirit, they are disproportionately dependent on their direct government grants or government reimbursement for the care they provide—sources of funding that continue to dry up.

Seriously compounding that problem is a lack of access to capital. These hospitals don't want a free ride; they just want to be able to finance their projects and service their debt like any responsible business. But for many safety net hospitals, gaining access to capital is a futile effort.

The reasons are many. First, State and local governments that support safety net hospitals are increasingly hard pressed to fund capital projects, directly or through the issuance of general obligation funds.

Second, many safety net hospitals' operating margins are far too slim to support debt service payments, and local government budgets are stretched too thin to provide subsidies. And even when debt service payments can be made, bond markets often view local appropriations as too uncertain to be factored into a facility's revenue stream. The result is a low bond rating and higher interest rates for the hospital. FHA bond or mortgage insurance is often unavailable for the same reason.

The situation is equally dismal for other sources of Federal support. The Hill-Burton Program, which used to support so many of these hospitals, essentially died out in the last 1970's and has not been available for years.

And finally, while other hospitals compete for insured patients, safety net hospitals bear the primary burden of indigent and unreimbursed care. This burden is shared by both large, urban public hospitals and small rural hospitals and clinics.

For urban, public hospitals, the average age of the physical plant is nearly 26 years, as compared to the private hospital national average of only 7 years. The average percentage of capital investment and the average per-bed capital expenditures in public hospitals is less than half that of the nonpublic hospitals. The effect of this underinvestment is to accelerate the deterioration of existing plant and equipment.

A good example is a Los Angeles County hospital, which is part of the LA-USC—University of Southern California—medical center. This facility, General Hospital—unfortunately it is not a soap opera drama, but a real tragedy—does not have a modern fire alarm system, lacks air conditioning and a piped-in gas system, and has a severe shortage of intensive care beds. As a result, the hospital must employ 60 people who do nothing but look for fire hazards all day long; employees must lug around tens of thousands of containers of bottled oxygen and other gases; and severely injured patients must wait on gurneys in the hallways.

This is a 800-plus bed hospital that serves a majority of the area's indigent, homeless, and uninsured.

The same problems beset rural hospitals in the United States. Hundreds of these hospitals have been forced to close their doors in the past several years, and deteriorating physical facilities have been a primary factor in many of these closures.

The financial stability of rural hospitals has been particularly affected by cutbacks in Federal reimbursement, a decline in in-patient utilization, increased growth of uncompensated care and the general economic problems confronting the rural areas of this country. Increasingly, these institutions, which are performing a critical and heroic social function, have nowhere to turn for needed financing.

We have recognized the critical importance of stressing primary and preventive care in a reformed health care system. But it has become virtually impossible for public and rural hospitals to offer the kind of services that would be demanded by a new system. There is a clearly demonstrated need for financial assistance to assure that these hospitals can offer preventive and primary care services so badly needed.

The bill Senators BREAUX, BAUCUS, and I are introducing today would provide that financial assistance to these vitally important institutions. Specifically, it would create a Federal trust fund to provide loan guarantees, interest subsidies, direct loans and grants for updating and maintaining the essential infrastructure requirements of the Nation's urban and rural safety net hospitals.

The programs created by this bill would be narrowly targeted to only the most essential projects and facilities, and would require significant levels of non-Federal participation, including State and community support. Still, this program would provide an important source of leveraging for the substantial unmet capital needs these hospitals face.

Some might ask why proceed with this legislation in the face of the comprehensive health care reform proposal that President Clinton will unveil this spring. The answer is simple. Even if we enact comprehensive health reform in this session, it will take years of investment to make up for the decades of neglect that public and rural hospitals have been forced to endure. The National Health Safety Net Infrastructure Act complements the national health care reform effort.

It would be my hope that over the long term the need for the trust fund established by this bill will ultimately disappear. However, if these urban and rural safety net hospitals are to survive in a managed competition environment, they must be given the opportunity to compete on a level playing field. This act provides an important first step in giving them such a field.

This legislation won't build a bigger or better safety net, but it will begin to patch up those gaping holes in the existing network to prevent many of our most vulnerable populations from falling through the gaps.

I ask unanimous consent that the full text of the National Health Safety Net Infrastructure Act and a brief fact sheet on it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Health Safety Net Infrastructure Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a small handful of urban and rural health care facilities in America today serve as an essential health safety net for many millions of individuals in underserved inner cities and rural areas;

(2) these safety net health care facilities bear a disproportionate share of the burden of providing care to the Nation's 35,000,000 uninsured, as well as serving as the community hospital and family doctor to millions of other low-income urban and rural residents who are covered by medicaid, medicare, and often inadequate private insurance;

(3) these health care facilities are often also a community's only source of essential, specialized health services, including primary care, emergency and trauma care, burn services, high-risk pregnancy services, and neonatal intensive care;

(4) due to their geographic location and the lack of any other facilities or services (including physicians) in many inner city and rural communities, these safety net health care facilities will continue to play an essential role in the health system even following the enactment of national health system reform;

(5) this safety net threatens to unravel due to the capital infrastructure crisis which these health care facilities face;

(6) the buildings and equipment in which these health care facilities rely to provide high quality medical care have been allowed to deteriorate seriously and have not been able to keep pace with outpatient delivery services, putting in jeopardy the delivery of quality health services to major portions of the Nation's population;

(7) chronic underinvestment in these health care facilities is evidenced by the fact that the average age of physical plant of urban, public hospitals is nearly 26 years, as compared to a national average of only 7 years for private hospitals;

(8) the financial picture of rural hospitals in particular has been affected by cutbacks in Federal reimbursement payments, a decline in inpatient utilization, increased growth rate in uncompensated care for inpatient care and expanded services, negative margins, and rural economic problems;

(9) small rural hospitals find it increasingly difficult to access inexpensive capital markets to maintain and improve their infrastructure to ensure high quality health care services to citizens in rural areas;

(10) the average capital expenditure for urban public hospitals is $12,600 per bed, as compared to a national average expenditure per bed of $23,500;

(11) traditional methods of financing rebuilding and renovation projects are either not available to these health care facilities, or are increasingly limited due to fiscal pressures on local governments who issue their bonds or to the high costs of issuing revenue bonds in a bond market that is skeptical regarding the local appropriations made to these health care facilities; and

(12) the Federal government can help alleviate this crisis with carefully targeted and highly leveraged resources for those health care facilities in the greatest need of assistance.

TITLE I—CAPITAL FINANCING ASSISTANCE FOR SAFETY NET HEALTH CARE FACILITIES PROVIDING INDIGENT CARE

SEC. 101. ESTABLISHMENT OF CAPITAL FINANCING ASSISTANCE PROGRAM.

(a) In General.—The Social Security Act is amended by adding at the end the following new title:

“TITLE XXI—CAPITAL FINANCING ASSISTANCE FOR SAFETY NET HEALTH CARE FACILITIES

“Subtitle A—General Provisions

“PAYMENTS TO HEALTH CARE FACILITIES

“Sec. 2101. (a) In General.—The Secretary, with the approval of the Health Safety Net Infrastructure Trust Fund Board of Trustees described in section 2104(d) (hereafter in this title referred to as the ‘Trust Fund Board’), shall make payments, from amounts in the Health Safety Net Infrastructure Trust Fund established under section 2104(a) (hereafter in this title referred to as the ‘Trust Fund’), for capital financing assistance to eligible health care facilities whose applications for assistance have been approved under this title.

“(b) General Eligibility Requirements for Assistance.—

“(1) Eligible health care facilities described.—

“(A) In general.—A health care facility shall be generally eligible for capital financing assistance under this title if the health care facility—

“(i) receives an additional payment under section 1886(d)(5)(F) and is described in clause (i)(II) or clause (vii)(I) of such section, or is deemed a disproportionate share hospital under a State plan for medical assistance under title XIX on the basis described in section 1923(b)(1);

“(ii) is a hospital which meets the criteria for designation by the Secretary as an essential access community hospital under section 1820(i)(1) or a rural primary care hospital under section 1820(i)(2) (whether or not such hospital is actually designated under such section);

“(iii) is a Federally qualified health center (as defined in section 1905(l)(2)(B));

“(iv) is a hospital which—

“(I) is a sole community provider; or

“(II) has closed within the preceding 12 months;

“(v) is a facility which—

“(I) provides service to ill or injured individuals prior to the transportation of such individuals to a hospital or provides inpatient care to individuals needing such care for a period not longer than 96 hours;

“(II) is located in a county (or equivalent unit of local government) with fewer than 6 residents per square mile or is located more than 35 road miles from the nearest hospital;

“(III) permits a physician assistant or nurse practitioner to admit and treat patients under the supervision of a physician not present in such facility; and

“(IV) has obtained a waiver from the Secretary permitting the facility to participate in the medicare program under title XVIII; or

“(vi) is a hospital that the Secretary otherwise determines to be an appropriate recipient of assistance under this title on the basis of the existence of a patient care operating deficit, a demonstrated inability to secure or repay financing for a qualifying project on reasonable terms, or such other criteria as the Secretary considers appropriate.

“(B) Development of criteria.—For purposes of subparagraph (A)(vi), with respect to rural hospitals which are at risk or critical to health care access, the Prospective Payment Review Commission, not later than January 1, 1994, shall develop criteria to assist the Secretary in deciding if such hospitals deserve assistance, after considering, at a minimum, the following factors:

“(i) At-risk rural hospitals.—In the case of rural hospitals the closure of which within the next year is imminent or the continued operation of which over a 2 to 5 year period is questionable, such factors as the level of health resources available in a community as measured by physician supply, the population base of the area served by the hospital and utilization of services by such population as measured by service area population, and financial indicators predictive of closure.

“(ii) Rural hospitals critical to health care access.—In the case of rural hospitals which provide access to essential health services within a service area where no other provider of such essential services exists, such factors as the market share of the hospital for an area or population, the number of outpatient visits, the proximity of the next closest provider of such services, and the degree to which the area population is medically underserved.

“(2) Ownership requirements.—In order to be eligible for assistance under this title, a health care facility (other than a health care facility described in clauses (ii) and (v) of paragraph (1)) must—

“(A) be owned or operated by a unit of State or local government;

“(B) be a quasi-public corporation, defined as a private, nonprofit corporation or public benefit corporation which is formally granted one or more governmental powers by legislative action through (or is otherwise partially funded by) the State legislature, city or county council;

“(C) be a private nonprofit health care facility which has contracted with, or is otherwise funded by, a governmental agency to provide health care services to low income individuals not eligible for assistance under title XVIII or title XIX of this Act, where revenue from such contracts constitute at least 10 percent of the facility's operating revenues over the prior 3 fiscal years; or

“(D) be a nonprofit small rural health care facility (as determined by the Secretary).

“(c) Meeting Additional Specific Criteria.—Health care facilities that are generally eligible for assistance under this title under subsection (b) may apply for the specific programs described in this title and must meet any additional criteria for participation in such programs.

"(d) ASSISTANCE AVAILABLE.—Capital financing assistance available under this title shall include loan guarantees, interest rate subsidies, matching loans and direct grants. Health care facilities determined to be generally eligible for assistance under this title may apply for and receive more than one type of assistance under this title.

"APPLICATION FOR ASSISTANCE

"SEC. 2102. (a) IN GENERAL.—No health care facilities may receive assistance for a qualifying project under this title unless the health care facility—

"(1) has filed with the Secretary, in a form and manner specified by the Secretary, with the advice and approval of the Trust Fund Board (as described in section 2104(d)), an application for assistance under this title;

"(2) establishes in its application (for its most recent cost reporting period) that it meets the criteria for general eligibility under this title;

"(3) includes a description of the project, including the community in which it is located, and describes utilization and services characteristics of the project and the health care facility, and the patient population that is to be served;

"(4) describes the extent to which the project will include the financial participation of State and local governments if assistance is granted under this title, and all other sources of financing sought for the project; and

"(5) establishes, to the satisfaction of the Secretary and the Trust Fund Board, that the project meets the additional criteria for each type of capital financing assistance for which it is applying.

"(b) CRITERIA FOR APPROVAL.—The Secretary, with the approval of the Trust Fund Board, shall determine for each application for assistance under this title—

"(1) whether the health care facility meets the general eligibility criteria under section 2101(b);

"(2) whether the health care facility meets the specific eligibility criteria of each type of assistance for which it has applied, including whether the health care facility meets any criteria for priority consideration for the type of assistance for which it has applied;

"(3) whether the capital project for which assistance is being requested is a qualifying project under this title; and

"(4) whether funds are available, pursuant to the limitations of each program, to fully fund the request for assistance.

"(c) PRIORITY OF APPLICATIONS.—In addition to meeting the criteria otherwise described in this title, at the discretion of the Trust Fund Board, the Secretary shall give preference to those applications for qualifying projects that—

"(1)(A) are necessary to bring existing safety net health care facilities into compliance with accreditation standards or fire and life safety, seismic, or other related Federal, State or local regulatory standards;

"(B) improve the provision of essential services such as emergency medical and trauma services, AIDS and infectious disease, perinatal, burn, primary care, and other services which the Trust Fund Board may designate; or

"(C) provide access to otherwise unavailable essential health services to the indigent and other needy persons within the health care facility's territorial area;

"(2) include specific State or local governmental or other non-Federal assurances of financial support if assistance for a qualifying project is granted under this title; and

"(3) are unlikely to be financed without assistance granted under this title.

"(d) SUBMISSION OF APPLICATIONS.—Applications under this title shall be submitted to the Secretary through the Trust Fund Board. If two or more health care facilities join in the project, the application shall be submitted by all participating health care facilities jointly. Such applications shall set forth all of the descriptions, plans, specifications, and assurances as required by this title and contain other such information as the Trust Fund Board shall require.

"(e) OPPORTUNITY FOR APPEAL.—The Trust Fund Board shall afford a health care facility applying for a loan guarantee under this section an opportunity for a hearing if the guarantee is denied.

"(f) APPLICATIONS FOR AMENDMENTS.—Amendment of an approved application shall be subject to approval in the same manner as an original application.

"PUBLIC SERVICE RESPONSIBILITIES

"SEC. 2103. (a) IN GENERAL.—Any health care facility accepting capital financing assistance under this title shall agree—

"(1) to make the services of the facility or portion thereof to be constructed, acquired, or modernized available to all persons; and

"(2) to provide a significant volume of services to persons unable to pay therefore, consistent with other provisions of this Act and the amount of assistance received under this title.

"(b) ENFORCEMENT.—The Director of the Office of Civil Rights of the Department of Health and Human Services shall be given the power to enforce the public service responsibilities described in this section.

"HEALTH SAFETY NET INFRASTRUCTURE TRUST FUND

"SEC. 2104. (a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Health Safety Net Infrastructure Trust Fund, consisting of such amounts as may be transferred, appropriated, or credited to such Trust Fund as provided in this title.

"(b) AUTHORIZATION OF APPROPRIATIONS TO TRUST FUND.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary to carry out the purposes of this title.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, pursuant to appropriations Acts, only for making expenditures to carry out the purposes of this title.

"(d) BOARD OF TRUSTEES; COMPOSITION; MEETINGS; DUTIES.—

"(1) IN GENERAL.—There shall be created a Health Safety Net Infrastructure Trust Fund Board of Trustees composed of the Secretary of Health and Human Services, the Secretary of the Treasury, the Assistant Secretary for Health, and the Administrator of the Health Care Financing Administration (all serving in their ex officio capacities), and 5 public members who shall be appointed for 4 year terms by the President, from the following categories—

"(A) one chief health officer from a State;

"(B) one chief executive officer of a health care facility that meets the general eligibility criteria of this title;

"(C) one representative of the financial community; and

"(D) two additional public or consumer representatives.

"(2) DUTIES.—The Board of Trustees shall meet no less than quarterly and shall have the responsibility to approve implementing regulations, to establish criteria, and to recommend and approve expenditures by the Secretary under the programs set forth in this title.

"(3) MANAGING TRUSTEE.—The Secretary of the Treasury shall serve as the Managing Trustee of the Trust Fund, and shall be responsible for the investment of funds. The provisions of subsections (b) through (e) of section 1817 shall apply to the Trust Fund and the Managing Trustee of the Trust Fund in the same manner as they apply to the Federal Hospital Insurance Trust Fund and the Managing Trustee of that Trust Fund.

"ADMINISTRATION

"SEC. 2105. (a) IN GENERAL.—The Administrator of the Health Care Financing Administration shall serve as Secretary of the Board of Trustees and shall administer the programs under this title.

"(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds annually appropriated to the Trust Fund may be available for administration of the Trust Fund or programs under this title.

"Subtitle B—Loan Guarantees

"PROVISION OF LOAN GUARANTEES TO SAFETY NET HEALTH CARE FACILITIES

"SEC. 2110. (a) IN GENERAL.—The Safety Net Infrastructure Trust Fund will provide a Federal guarantee of loan repayment, including guarantees of repayment of refinancing loans, to non-Federal lenders making loans to eligible health care facilities for health care facility replacement (either by construction or acquisition), modernization and renovation projects, and capital equipment acquisition.

"(b) PURPOSES.—The loan guarantee program shall be designed by the Trust Fund Board with the goal of rebuilding and maintaining the essential health services of health care facilities eligible for assistance under this title.

"ELIGIBLE LOANS

"SEC. 2111. (a) IN GENERAL.—Loan guarantees under this subtitle are available for loans made to eligible health care facilities for replacement facilities (either newly constructed or acquired), modernization and renovation of existing facilities, and for capital equipment acquisition.

"(b) LOAN GUARANTEE MUST BE ESSENTIAL TO BOND FINANCING.—Eligible health care facilities must demonstrate that a Federal loan guarantee is essential to obtaining bond financing from non-Federal lenders at a reasonably affordable rate of interest.

"(c) ADDITIONAL ELIGIBILITY CRITERIA FOR LOAN GUARANTEES.—In order to be eligible for assistance under this subtitle, a health care facility must demonstrate that the following criteria are met:

"(1) The health care facility has evidence of an ability to meet debt service.

"(2) The assistance, when considered with other resources available to the project, is necessary and will restore, improve, or maintain the financial or physical soundness of the health care facility.

"(3) The applicant agrees to assume the public service responsibilities described in section 2103.

"(4) The project is being, or will be, operated and managed in accordance with a management-improvement-and-operating plan which is designed to reduce the operating costs of the project, which has been approved by the Trust Fund Board, and which includes—

"(A) a detailed maintenance schedule;

"(B) a schedule for correcting past deficiencies in maintenance, repairs, and replacements;

"(C) a plan to upgrade the project to meet cost-effective energy efficiency standards prescribed by the Trust Fund Board;

"(D) a plan to improve financial and management control systems;

"(E) a detailed annual operating budget taking into account such standards for operating costs in the area as may be determined by the Trust Fund Board; and

"(F) such other requirements as the Trust Fund Board may determine.

"(5) The application includes stringent provisions for continued State or local support of the program, both with respect to operating and financial capital.

"(6) The terms, conditions, maturity, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulation, including a determination that the rate of interest does not exceed such annual percentage on the principal obligation outstanding as the Trust Fund Board determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(7) The health care facility must meet such other additional criteria as the Secretary may impose.

"(e) STATE OR LOCAL PARTICIPATION.—Projects in which State or local governmental entities participate in the form of first guarantees of part or all of the total loan value shall be given a preference for loan guarantees under this subtitle.

"GUARANTEE ALLOTMENTS

"SEC. 2112. (a) IN GENERAL.—$150,000,000 shall be annually allocated within the Trust Fund to the loan guarantee program established by this subtitle in order to create a cumulative reserve in support of loan guarantees.

"(b) LOAN GUARANTEES FOR RURAL HEALTH CARE FACILITIES.—At least 20 percent of the dollar value of loan guarantees made under this program during any given year shall be allocated for eligible rural health care facilities, to the extent a sufficient number of applications are made by such health care facilities.

"(c) GUARANTEES FOR SMALL LOANS.—At least $200,000,000 of the annual dollar value of loan guarantees made under the program shall be reserved for loans of under $50,000,000, if there are a sufficient number of applicants for loans of that size.

"(d) SPECIAL RULE FOR REFINANCING LOANS.—Not more than 20 percent of the amount allocated each year to the loan guarantee program established by this subtitle may be allocated to guarantee refinancing loans during the year.

"TERMS AND CONDITIONS OF LOAN GUARANTEES

"SEC. 2113. (a) IN GENERAL.—The principal amount of the guaranteed loan, when added to any Federal grant assistance made under this title, may not exceed 95 percent of the total value of the project, including land.

"(b) GUARANTEES PROVIDED MAY NOT SUPPLANT OTHER FUNDS.—Guarantees provided under this subtitle may not be used to supplant other forms of State or local support.

"(c) RIGHT TO RECOVER FUNDS.—The United States shall be entitled to recover from any applicant health care facility the amount of payments made pursuant to any loan guarantee under this subtitle, unless the Trust Fund Board for good cause waives its right of recovery, and the United States shall, upon making any such payment pursuant to any such loan guarantee be subrogated to all of the rights of the recipients of the payments.

"(d) MODIFICATION OF TERMS.—Loan guarantees made under this subtitle shall be subject to further terms and conditions as the Trust Fund Board determines to be necessary to assure that the purposes of this Act will be achieved, and any such terms and conditions may be modified by the Trust Fund Board to the extent that it determines such modifications to be consistent with the financial interest of the United States.

"(e) TERMS ARE INCONTESTABLE ABSENT FRAUD OR MISREPRESENTATION.—Any loan guarantee made by the Trust Fund Board pursuant to this subtitle shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or other person.

"PREMIUMS FOR LOAN GUARANTEES

"SEC. 2114. (a) IN GENERAL.—The Trust Fund Board shall determine a reasonable loan insurance premium which shall be charged for loan guarantees under this subtitle, taking into account the availability of the reserves created under section 2112. Premium charges shall be payable in cash to the Trust Fund Board, either in full upon issuance, or annually in advance. In addition to the premium charge herein provided for, the Trust Fund Board is authorized to charge and collect such amount as it may deem reasonable for the appraisal of a property or project offered for insurance and for the inspection of such property or project.

"(b) PAYMENT IN ADVANCE.—In the event that the principal obligation of any loan accepted for insurance under this subtitle is paid in full prior to the maturity date, the Trust Fund Board is authorized in its discretion to require the payment by the borrower of an adjusted premium charge in such amount as the Board determines to be equitable, but not in excess of the aggregate amount of the premium charges that the health care facility would otherwise have been required to pay if the loan had continued to be insured until maturity date.

"(c) TRUST FUND BOARD MAY WAIVE PREMIUMS.—The Trust Fund Board may in its discretion partially or totally waive premiums charged for loan insurance under this section for financially distressed health care facilities (as described by the Secretary).

"PROCEDURES IN THE EVENT OF LOAN DEFAULT

"SEC. 2115. (a) IN GENERAL.—Failure of the borrower to make payments due under or provided by the terms of a loan accepted for insurance under this subtitle shall constitute a default.

"(b) ASSIGNMENT OF DEFAULTED LOANS.—If a default continues for 30 days, then, upon the lender's transfer to the Trust Fund Board of all its rights and interests arising under the defaulted loan or in connection with the loan transaction, the lender shall be entitled to debentures which, together with a certificate of claim, are equal in value to the amount the lender would have received if, on the date of transfer, the borrower had repaid the loan in full, together with the amount of necessary expenses incurred by the lender in connection with the default.

"(c) FORECLOSURE BY LENDER.—Subject to the approval of the Trust Fund Board, or as provided in regulations, the lender may foreclose on the property securing the defaulted loan.

"(d) FORECLOSURE BY TRUST FUND BOARD.—The Trust Fund Board is authorized to—

"(1) acquire possession of and title to any property securing a defaulted loan by voluntary conveyance in extinguishment of the indebtedness, or

"(2) institute proceedings for foreclosure on the property securing any such defaulted loan and prosecute such proceedings to conclusion.

"(e) HANDLING AND DISPOSAL OF PROPERTY; SETTLEMENT OF CLAIMS.—

"(1) PAYMENT FOR CERTAIN EXPENSES.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Trust Fund Board shall also have power, for the protection of the interests of the Trust Fund, to pay out of the Trust Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in its discretion, any property acquired by the Trust Fund under this section.

"(2) SETTLEMENT OF CLAIMS.—Notwithstanding any other provision of law, the Trust Fund Board shall also have the power to pursue to final collection by way of compromise or otherwise all claims assigned and transferred to the Trust Fund in connection with the assignment, transfer, and delivery provided for in this section, and at any time, upon default, to foreclose or refrain from foreclosing on any property secured by any defaulted loan assigned and transferred to or held by the Trust Fund.

"(3) LIMITATIONS ON AUTHORITY.—Subsections (a) and (b) shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"(f) REGULATIONS.—The Trust Fund Board shall propose and the Secretary shall promulgate regulations governing procedures in the event of a default on a loan accepted for insurance under this subtitle.

"Subtitle C—Interest Rate Subsidies

"PROVISION OF INTEREST RATE SUBSIDIES

"SEC. 2121. (a) IN GENERAL.—The Secretary, with the approval of the Trust Fund Board, shall make available interest subsidies to reduce the cost of financing qualifying projects.

"(b) PURPOSES.—The interest subsidy program shall provide a partial Federal subsidy of debt service payment where State or local entities have demonstrated a significant commitment to financing health care facility replacement (either by construction or acquisition), modernization, and renovation projects by undertaking the issuance of bonds.

"ELIGIBLE LOANS

"SEC. 2122. (a) IN GENERAL.—Eligible health care facilities should have issued or plan to issue bonds for capital projects or be responsible for paying debt service on general obligation or revenue bonds issued on the eligible health care facility's behalf. To be eligible, bonds must have been issued after December 31, 1990.

"(b) NON-FEDERAL PARTICIPATION REQUIREMENT.—In order to be eligible for assistance under this subtitle, a health care facility must receive assistance from non-Federal sources in an amount not less than the amount of the assistance provided under this subtitle.

"ALLOTMENT OF SUBSIDIES

"SEC. 2123. (a) IN GENERAL.—The Trust Fund Board shall make available $220,000,000 in interest subsidies annually.

"(b) QUALIFYING NON-FEDERAL LOANS.—Interest subsidy grants will be made in the amount of 3 percent for qualifying non-Federal loans.

"(c) QUALIFYING FEDERAL LOANS MADE UNDER THIS TITLE.—Interest subsidy grants in an amount of up to 5 percent will be made for qualifying Federal loans made under this title if it is determined by the Trust Fund Board that the project would not be otherwise financially feasible.

"(d) RESERVE FOR RURAL HEALTH CARE FACILITIES.—At least 20 percent of the total value of all interest subsidies awarded in any given year shall be awarded to rural health care facilities, provided that a sufficient number of applications are approved.

"(e) LIMITATION ON AMOUNT OF SUBSIDIES AWARDED IN A GIVEN STATE.—The aggregate value of interest subsidies made to health care facilities in any State in a given year shall not exceed 25 percent of the total value of all interest subsidies made during that year.

"TERMS AND CONDITIONS FOR SUBSIDIES

"SEC. 2124. (a) STATE OR LOCAL PARTICIPATION.—No Federal subsidy shall be granted unless State or local participation in an amount equal to the Federal subsidy is provided.

"(b) ISSUANCE OF FEDERAL COMMITMENTS.—Successful applicants will receive a Federal commitment of an interest subsidy grant. Applicants will then have 12 months to finalize financing arrangements before unobligated funds would be returned to the subsidy program pool. A commitment, when issued, shall be valid for as long as a health care facility continues to meet the eligibility requirements of this title.

"SUBSIDIES FOR LOAN REFINANCING

"SEC. 2125. In addition to providing interest rate subsidies for new loans, the Trust Fund Board may provide subsidies to assist in refinancing if the health care facility presently lacks permanent financing at an affordable current market rate.

"Subtitle D—Direct Matching Loans

"PROVISION OF MATCHING LOANS TO HEALTH CARE FACILITIES

"SEC. 2131. (a) IN GENERAL.—The Secretary, with the approval of the Trust Fund Board, shall provide direct matching loans to eligible health care facilities unable otherwise to obtain essential financing.

"(b) PURPOSES.—The purpose of this subtitle is to provide eligible health care facilities with direct matching loans for essential health care facility replacement (either by construction or acquisition), modernization, and renovation projects. These loans are to be primarily provided for the funding of smaller projects where the transaction costs of securing financing from other sources may be disproportionately onerous in relationship to the amounts financed.

"ELIGIBLE PROJECTS

"SEC. 2132. (a) IN GENERAL.—Eligible applicants may seek a project loan of up to $50,000,000. Not more than 75 percent of the cost of the project may come from Federal sources.

"(b) EXCEPTION FOR FINANCIALLY DISTRESSED HEALTH CARE FACILITIES.—The Trust Fund Board shall have the discretion to waive the 25 percent match requirement for financially distressed health care facilities (as described by the Secretary).

"ALLOTMENT OF LOANS

"SEC. 2133. (a) IN GENERAL.—The Trust Fund Board shall make available $200,000,000 in direct matching loans annually. Funded projects should be divided between projects designed to achieve compliance with accreditation standards, life safety codes, and other certification standards, and those standards related to the provision of new services.

"(b) RESERVE FOR RURAL HEALTH CARE FACILITIES.—No less than 20 percent of the total value of loans made under the program shall be made to rural health care facilities, if there are a sufficient number of approved applications from such facilities.

"TERMS AND CONDITIONS OF LOANS

"SEC. 2134. (a) GENERAL TERM.—Loans will be made for a period equal to the construction period plus up to 39 years amortization.

"(b) INTEREST RATE.—The interest rate will be a market rate determined by the Trust Fund Board to be no higher than the most recent revenue bond index published by the Bond Buyer.

"USE OF LOANS FOR REFINANCING

"SEC. 2135. In addition to providing loans for new projects, the Trust Fund Board may grant loans under this subtitle to refinance existing loans if the health care facility has been unable to secure permanent financing at an affordable current market rate, except that the amount of assistance provided under this subtitle during a year for refinancing existing loans may not exceed 20 percent of the total amount made available for assistance under this subtitle for the year.

"CREATION OF REVOLVING FUND

"SEC. 2136. In addition to the new amounts made available each year, all loan repayments made by health care facilities shall be held in a revolving fund in the Trust Fund that may be used for additional loans.

"LOAN DEFAULT

"SEC. 2137. (a) IN GENERAL.—The failure of the borrower to make payment due under or provided by the terms of a loan granted under this subtitle shall be considered a default under such loan and, if such default continues for a period of 30 days, the Trust Fund Board may attempt to negotiate a revised repayment schedule to avoid foreclosing on property serviced by such loan before beginning collection proceedings against the borrower.

"(b) PRIORITY OF FEDERAL INTEREST.—In the case of default, the United States shall be paid prior to State or local bonds.

"Subtitle E—Grants for Urgent Capital Needs

"PROVISION OF GRANTS

"SEC. 2141. (a) IN GENERAL.—The Trust Fund Board shall make available $400,000,000 in direct grants annually. The Secretary, with the approval of the Trust Fund Board, shall make direct grants to eligible health care facilities with urgent capital needs.

"(b) PURPOSES.—Direct grants shall be available to eligible health care facilities for 3 types of projects:

"(1) Emergency certification and licensure grants would be available to eligible health care facilities that are threatened with closure or loss of accreditation or certification of a facility or of essential services as a result of life or safety code violations or similar facility or equipment failures. Such grants would provide limited funding for repair and renovation where failure to fund would disrupt the provision of essential public health services such as emergency care.

"(2) Emergency grants would be available for capital renovation, expansion, or replacement necessary to the maintenance or expansion of essential safety and health services such as obstetrics, perinatal, emergency and trauma, primary care and preventive health services.

"(3) Planning grants would be available to eligible health care facilities who require pre-approval assistance to meet regulatory requirements related to management and finance in order to apply for loans, loan guarantees, and interest subsidies under this title.

"(c) PRIORITY TO FINANCIALLY DISTRESSED HEALTH CARE FACILITIES.—Priority for direct grants under this section would be given to financially distressed health care facilities (as described by the Secretary).

"(d) APPLICATION PROCESS.—The Secretary, with the approval of the Trust Fund Board, shall create an expedited application process for direct grants.

"ELIGIBLE PROJECTS

"SEC. 2142. (a) MATCHING GRANTS.—

"(1) LIMITATION ON AMOUNT.—Grants for capital expenditures by eligible health care facilities will be limited to $25,000,000.

"(2) MATCHING REQUIREMENT.—At least half of the projects funded in a year must receive at least 50 percent of their funding from State or local sources. The remaining projects funded during the year could be financed up to 90 percent with a combination of Federal grants and loans.

"(3) RESERVATION FOR RURAL HEALTH CARE FACILITIES.—No less than 20 percent of the grant funds in any given year would be reserved for rural health care facilities, provided that a sufficient number of applications are approved.

"(b) PLANNING GRANTS.—Applicants who can demonstrate general qualification for the direct matching loan, loan guarantee, or interest subsidy programs under this title or eligibility for mortgage insurance under section 242 of the National Housing Act will be eligible for a grant of up to $500,000 to assist in implementation of key budgetary and financial systems as well as management and governance restructuring.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

SEC. 102. ADJUSTMENT TO PAYMENTS FOR CAPITAL-RELATED COSTS UNDER MEDICARE.

(a) IN GENERAL.—Section 1886(g)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(g)(1)(B)) is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ", and"; and

(3) by adding at the end the following new clause:

"(v) shall provide for adjustments to take into account the extent to which capital-related costs incurred by a hospital are costs with respect to which the hospital received financial assistance under title XXI.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 1993.

SEC. 103. TAX EXEMPT STATUS OF FEDERALLY GUARANTEED STATE OR LOCAL BONDS.

(a) IN GENERAL.—Section 149(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii) by striking "or";

(2) in clause (iii) by striking the period and inserting ", or"; and

(3) by adding at the end thereof the following:

"(iv) any guarantee by the Health Safety Net Infrastructure Trust Fund pursuant to title XXI of the Social Security Act."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993.

FACT SHEET—S. 726

This bill would create a Federal trust fund to provide loan guarantees, interest subsidies, direct loans, and grants for updating and maintaining the essential infrastructure requirements of the nation's urban and rural safety net hospitals. The programs would be narrowly targeted to only the most essential projects and facilities, and would require significant levels of non-Federal participation, including State and community support. The bill would provide a significant source of leveraging for the substantial unmet capital needs these health care facilities face.

I. GENERAL PROVISIONS

The fund would support several programs designed to improve access to, as well as affordability of, capital for urban and rural safety net hospitals that serve a disproportionate share of indigent patients, and that provide critical health services otherwise unavailable in their communities. Specifically, the bill would create the following Federal programs:

A. Direct Matching Loans: Federal loans would be available for eligible projects for which State and/or local entities provide 25% or more of the funds.

B. Loan Guarantees: Federal guarantees of loan repayment would be available to non-Federal lenders or issuers of tax-exempt bonds for eligible projects.

C. Loan Interest Subsidies: Partial (3-5%) interest subsidies would be available under certain circumstances for eligible non-Federal loans and certain qualifying direct matching loans.

D. Grants: A limited number of direct grants for critical projects related to code and certification compliance, loan guarantee preparation and readiness, and provision of certain essential safety net services.

II. ELIGIBILITY

Eligible facilities are limited to specific health care facilities.

A. Those hospitals that meet the criteria for designation as Essential Access Community Hospitals or Rural Primary Care Hospitals.

B. Health care facilities that meet one of the following criteria:

1. Qualifies as a disproportionate share provider under Medicare, or is deemed a disproportionate share hospital;

2. Is a Federally qualified health center;

3. Is determined by the Secretary to be an appropriate recipient on the basis of an operating deficit, or on the basis of a demonstrated inability to secure or repay financing for a qualifying project;

And one of the following ownership requirements:

1. Is owned or operated by a unit of State or local government;

2. Is a quasi-public corporation (defined as a private, nonprofit corporation or public benefit corporation formally granted one or more governmental powers by legislative action);

3. Is a private nonprofit health care facility which has contracted with a governmental agency to provide care to low-income individuals.

Qualifying health care facilities would apply to the Secretary of HHS. Preference would be given those projects that:

1. Are necessary to bring existing safety net facilities into compliance with accreditation standards or fire, lifesafety, seismic, or other related standards;

2. Are designed to improve the provision of essential services such as emergency medical and trauma services, AIDS and infectious disease, perinatal, burn, and primary care;

3. Include specific State or local governmental or other non-Federal assurance of financial support.

Mr. BAUCUS. Mr. President, I rise to join Senator DASCHLE in introducing legislation that would address the decay and potential demise of the rural and public hospitals that serve as the health safety net to millions of Americans. These hospitals serve the elderly, the isolated, and the indigent. They represent the very spirit of service by providing essential health care that would otherwise be unavailable in communities isolated by economic and geographic barriers. If these institutions closed, citizens could only attain access after considerable travel, which brings with it cost, inconvenience and the distinct risk of harmful health consequences.

One of the unpleasant facts that has emerged most clearly during our current examination of the national health care system is that the infrastructure of many of these rural and public hospitals is aging and decaying. Many of these institutions unable to fund their capital needs are plagued with severe deficiencies in their physical plant. Such deficiencies lead to an inability to provide high-quality health care, and ultimately they force the facilities to close. Once closure occurs communities are hard pressed to provide for the health care of their citizens.

The problem that undermines these safety net rural and public hospitals is one of capital. Multiple negative financial factors burden these facilities. Issues such as uncompensated care, uneven Federal reimbursement patterns, restrictive State and local budgets, and generally poor rural economies create a financial environment that continually pushes these institutions toward the red. It is little wonder that these hospitals cannot afford adequate investments to address their capital needs. Buildings deteriorate, equipment malfunctions and the quality of health care suffers.

This legislation would assist institutions struggling to provide high-quality health care to populations who have nowhere else to go. This bill would provide reasonable access to capital for these safety net hospitals. It would create a Federal trust fund that would serve as the basis for programs of loan guarantees, interest subsidies, direct matching loans, and grants. These programs would fund the rehabilitation, updating, and maintenance of the essential infrastructure of these vitally important institutions.

The bill also requires a prudent stewardship of this infrastructure trust fund. As designed, these capital programs would be narrowly targeted to only the most critical access projects such as medical assistance facilities [MAF's] and rural primary care hospitals. The bill also calls for communities to stand up and be counted on this issue by requiring significant State and community support.

Montana has been creative in addressing the challenge of providing health care in isolated rural areas. We developed an especially innovative alternative to using large, full-service hospitals in areas with low population density called the medical assistance facilities. But this type of innovation needs infrastructure support to thrive. In Montana a number of the small rural hospitals were built in the 1950's and their physical plants need to be updated. Unfortunately, many hospital administrators faced with difficult economic choices are compelled to pay their bills and forgo spending on infrastructure. This bill would remedy that situation so that people living in rural areas would continue to have access to high-quality health care.

I commend Senator DASCHLE on his work on this important legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 727. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA OCEAN PROTECTION ZONE ACT OF 1993

Mrs. BOXER. Mr. President, I am pleased to introduce today the California Ocean Protection Act of 1993. This act will provide permanent protection for California's outer continental shelf [OCS] from the adverse effects of new offshore oil and gas development, deep-sea mining, at-sea incineration of toxic wastes, and harmful ocean dumping. This act will make management of the Federal OCS consistent with State mandated protection of State waters.

This act recognizes that the resources of the lands offshore California, and of the Pacific Ocean itself, are priceless. This act recognizes that the real costs of offshore fossil fuel development, mining, and toxic waste disposal far outweigh any benefits that might accrue from those activities. Finally, this act recognizes that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing, California economy.

California's coast, from San Diego to Crescent City, is a natural marvel. From the white sand beaches and secluded coves of Southern California, to the grandeur of Big Sur, to the wild, rocky north, this coast is one of the Earth's great wonders—enjoyed by Californians and visitors from around the globe alike. But the California coast is much more than a scenic treasure; it is a dynamic convergence of land and sea—a grand yet fragile system that ultimately depends on the health of the Pacific Ocean for its continued viability.

The cold, clear waters of the Pacific give life to a wealth of plant, fish, bird, and marine mammal species. Some of those species in turn support California's multi-billion dollar fishing industry—an industry founded on renewable resource management. Clean Pacific waters also form the basis for California's coastal tourism industry—valued at over $27 billion annually and creator of tens of thousands of jobs in California's economy.

Fishing and tourism are just two of the industries that we must weigh in the balance against nonsustainable, polluting uses of the ocean. The other values supported by an unpolluted Pacific are less easily quantified, but every bit as important. These values are economic, scientific and, indeed, spiritual. These are the values that have somehow gotten lost in the shuffle, as the Congress and past administrations have debated the issue of developing California's offshore resources.

When those values are added to the scales and weighed against the benefits to be obtained from nonsustainable exploitation, permanent protection becomes the only viable choice. Consider that if all the unleased areas of the California coast were suddenly opened to oil and gas development, we would produce less than 60 days of oil for the Nation at current rates of consumption. Such production would come at the certain cost of oil spills, contamination by the toxic wastes and air emissions generated by offshore rigs and the increased risk of tanker accidents.

The Nation's interest in future energy security does not require that we pay those costs. Conservation measures are now available that will achieve far greater oil savings than the California OCS can produce, without the environmental risks brought by development. For example, raising CAFE standards to a readily achievable 40 miles per gallon would save 20 billion barrels of oil by 2020—over 18 times the estimated total California OCS reserves in unleased areas. And California is leading the nation in adopting an energy strategy that lessens our dependence on fossil fuels. Conservation programs already put in place by the State of California will save 2 billion barrels of oil over the next 20 years—almost twice the oil thought to lie in the State's frontier offshore areas.

The legislation I am introducing today would bring the Federal OCS Program for California into line with protection now in place for State waters. Within the last 2 years, the State legislature, working cooperatively with Gov. Pete Wilson, has acted to protect most areas of the State tidelands that had not already been protected from oil and gas development. The danger is that unless we act, Federal development will render protection of State waters practically meaningless. To state the obvious: water flows. An oilspill in Federal waters offshore California can rapidly foul State beaches, contaminate nutrient-rich ocean upwellings upon which California's fishing industry depends and destroy endangered species habitat in State tidelands.

In the same way it is misleading to believe that we can limit the hazards of offshore drilling by identifying and protecting environmentally sensitive areas. The ocean is a dynamic system—it is impossible to protect one area—even if there were scientifically sound criteria by which we could identify particularly sensitive areas—without also protecting adjacent areas. Permanent protection for as much of the system as possible again emerges as the only viable option.

This act does contain an exception for existing drilling operations. In recognition of the economic importance of current offshore development in southern California, the act would only prohibit new development. Thus drilling now underway offshore Orange and Santa Barbara counties would be allowed to continue. New drilling in those areas would be stopped.

The act would also prohibit ocean mining, at-sea incineration of toxic wastes, and harmful ocean dumping. Each of these activities represents a threat to the marine environment and the coastal economy. Ecologically and economically sound alternatives exist to each of these activities. The prohibitions contained in this act recognized that the optimum value of the ocean is maintained only when it remains free of marine pollution caused by unnecessary exploitation.

I don't have to remind this body of the battles that have been fought over developing oil and gas offshore California. Interior Secretaries Watt and Hodel lined up with the oil industry to push for massive new leasing along the coast. That action was met by an opposite and more-than-equal reaction from the Congress. Eleven of the past twelve Interior appropriations bills have contained 1-year leasing moratoria on the lands offshore California. While the unreasonable approach of past administrations has necessitated such moratoria, I think everyone agrees that a more certain, long-term policy is called for.

This act represents that policy and provides the certainty that California needs. We now have a better understanding of the costs associated with the activities this bill prohibits than we did when Secretary Watt fired his first salvo in the long battle over offshore drilling. We have come to understand that the greenhouse effect, and the global disaster it threatens, is a long-term effect of fossil fuel use. We know that the United States has only 4 percent of the world's remaining petroleum reserves and that much of the remainder is in the volatile middle east—making the development of alternative forms of energy the only true source of energy security.

America has the opportunity and the creativity to lead the way in developing renewable resources and energy efficient innovations. We must commit ourselves to those goals which will enable us to face the future with confidence and hope. Offshore drilling, dumping, incineration and mining offer only short-term benefits at extremely high long-term costs. These activities should not be part of our national strategy for the future.

We have wasted far too much time fighting over a relatively insignificant energy resource. That time could have been far more productively spent devising real solutions to our energy needs. It is time to put the debate over California OCS development behind us so that we can focus on developing the strategies and technologies that will help us compete and win in the global economy of the 21st century. The only way to achieve that goal is to permanently protect this resource. Anything less than permanent protection will only produce more controversy, more fighting, and continue to distract our focus from the real energy issues facing this nation.

By Mr. McCONNELL:

S. 728. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

COMPREHENSIVE AMERICAN HEALTH CARE ACT

Mr. McCONNELL. Mr. President, I come to the floor today to reintroduce the Comprehensive American Health Care Act. This legislation is similar to health care reform proposals I have offered in past sessions of Congress, and its intent is to mend the most pressing shortfalls of our current health care system.

There is no question our country is in the midst of a health care crisis. Millions of our citizens are without health insurance or adequate access to medical care. In my State alone, it is estimated that some 700,000 Kentuckians are uninsured or underinsured.

Further, health care spending in America continues its rapid climb. The Department of Commerce predicts that by 1994, this spending will increase by 12.1 percent to an alarming total of $940 billion. This amounts to almost twice the 1991 gross domestic product of Spain, an active and prosperous member of the European Community.

While there is general agreement that high costs and limited accessibility are major problems associated with our current health care system, no consensus exists on which path to reform our Nation should follow. We cannot let business continue as usual, nor, in my opinion, should we implement radical proposals that some have offered. I believe we need to search for solutions within our current system, and to build upon its strengths.

The Comprehensive American Health Care Act strikes a balance between the extremes of business as usual, and reinventing the health care system entirely. It provides tax credits and vouchers to uninsured and underserved Americans for the purchases of health insurance. The credits are graded according to income, with none extended to individuals who make in excess of $40,000 per year. These credits are targeted to individuals and families with low incomes and tight budgets.

In addressing rural health care needs, my plan: Eliminates the Medicare part A reimbursement differential between urban and rural hospitals before fiscal year 1995; revitalizes the National Health Service Corps; and allows county health departments to apply for Federal grants to provide immunization services, infant care and health education to the general public.

The act requires the Secretary of Health and Human Services, in conjunction with medical professionals, the National Association of Insurance Commissioners, business leaders, and consumer advocates, to develop model health care insurance plans. The Secretary shall certify health insurance policies as meeting the standards and requirements of the model plans, and shall provide a list to State commissioners or superintendents of insurance of all certified policies. This will provide consumers with a real choice among insurance policies, while creating competition among insurers to comply with certification requirements.

I also propose lowering costs associated with medical care by implementing reforms of the medical liability system. In brief, I advocate abolishing joint and several liability requiring anyone who brings a frivolous malpractice suit to pay part of the other side's legal costs, and encouraging alternative dispute resolution. A recent article in American Medical News reports that medical liability reforms could produce as much as $76.2 billion in savings over five years.

In addition to malpractice reforms, my bill offers administrative reforms to cut down on the paperwork health care professionals have long endured. One study estimates that standardization of forms and electronic claims processing could result in savings in excess of $50 billion.

Seniors especially stand to benefit from the act, as I propose refundable tax credits to pay for long-term insurance premiums. These credits vary according to income levels in excess of $40,000. The Secretary of Health and Human Services also is required to establish a certification system for health insurance for the elderly.

I do not presume that the Comprehensive American Health Care Act has all the answers to our health care problems, but it is a step in the right direction. Other reform initiatives—such as establishing a single-payer system—could impose unacceptable restrictions on the quality and selection of medical care in our country. Recently, Emily Steer of Bowling Green, Kentucky, wrote to me with her views on health care reform.

> The health reform issue is a number one topic these days. Every time I read or hear about it, I become more and more anxious. My primary concern is that the reform will take away my personal right and privilege to choose the best medication or treatment for my children and myself.

I want to say to Emily Steer, and to all my colleagues, that the bill I am introducing today does not interfere with a patient's right to select a physician or medical treatment of their choice. Unlike a single-payer system, my plan places decisions on medical care where it ought to be—in the hands of patients and doctors; not bean counters or bureaucrats.

As the debate on health care continues in the days and months to come, I hope that a consensus can be reached to provide all Americans with access to affordable, quality medical care.

By Mr. REID (for himself, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BRYAN, Mr. HARKIN, Mr. JEFFORDS, Mr. SIMON, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, and Mr. WOFFORD):

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

LEAD EXPOSURE REDUCTION ACT

Mr. REID. Mr. President, today I am introducing the Lead Exposure Reduction Act. This legislation is being introduced by myself, Senators BRADLEY, LIEBERMAN, BRYAN, JEFFORDS, HARKIN, KENNEDY, LEAHY, LAUTENBERG, MIKULSKI, MOSELEY-BRAUN, MOYNIHAN, PELL, SARBANES, WELLSTONE, and WOFFORD.

Lead exposure, Mr. President, is recognized by health and environmental officials as the No. 1 environmental health problem in American children. In a hearing held just last week by the Committee on Environment and Public Works, Dr. John Moore, of the Institute for Evaluating Health Risks, stated:

> Lead exposure to infants and preadolescent children arguably is the major environmental health issue in the country today.

Another witness, Dr. Devra Lee Davis stated:

> We face a true epidemic of lead poisoning of children in the United States today, one which is all the more tragic because it could have been prevented.

Approximately 4 million children today are at risk. The Agency for Toxic Substances Disease Registry estimates that 16 percent of all American children at this moment have blood lead levels that are within the range that can cause brain damage. Mr. President, brain damage to children by lead is irreversible. That means that 1 out of every 6 children are at risk. In children of poorer urban communities, the number of children with toxic lead levels in their bodies approaches 60 percent.

I introduced prior versions of this bill in 1990 and 1991. Both times the bill was reported out of the Committee on Environment and Public Works. In the House of Representatives, a similar bill was reported out of the House Committee on Energy and Commerce last year. Many of the issues in prior versions of the bill have been resolved, and that is good.

Mr. President, Senator LIEBERMAN, who has been on the Environment Committee since he came to the Senate and normally sits alongside me, has been very concerned about the effects of lead on children and has devoted a great deal of his time while in the Senate to this issue. A provision requiring States to inspect day care facilities and elementary schools for lead hazards is an integral part of this bill. This part of the legislation has been developed by Senator LIEBERMAN. He has contributed greatly to this part of the bill.

Under my bill, Mr. President, the bill that is being introduced today, States do not have to perform these inspections unless they receive money to do so equal to the amounts authorized by this bill. Senator LIEBERMAN has some concerns about this approach. Senator LIEBERMAN will have the opportunity that he needs when this comes before the full committee to express his views and present an amendment consistent with his position.

There have been, Mr. President, several incidents lately that have pointed to the threat posed by lead paint on bridges to children who live in the vicinity of bridges and to the environment. Pieces of lead paint fall to the ground during bridge renovation and may contaminate the soil, dust, and water.

When I first became involved in this, Mr. President, I was not really concerned about using lead paint on these huge bridges. I am now concerned because young children who play under or near these bridges are more likely to touch areas contaminated by this lead. When they put their hands in their mouths, they ingest lead. We are not talking about eating chunks of lead like the end of this pencil. We are talking about lead flakes, lead dust.

In August 1992, just last year, a painting crew sandblasting the Williamsburg Bridge in New York caused repeated raining of sand, dust, and lead paint chips into Brooklyn. Soil tests conducted at 120 sites in the vicinity of this bridge by the New York City Department of Health showed that one-third, 1 out of 3 sites they inspected had lead concentrations higher than the Federal safety recommendations.

Among the contaminated areas were playgrounds and backyards near the bridge that literally became unusable because of the health threat. Children and parents were trapped in their houses and apartments, hostages to the threat of lead in their neighborhood, if in fact they new about it and, in fact, if they knew about it and knew what to do to prevent the problem.

In 1980, we had a similar incident that occurred by the Mystic River Bridge in Boston where the removal of old lead-based paint from the bridge was undertaken in an environmentally unsafe manner. High levels of contamination of the nearby environment was documented. Cases of lead poisoning was seen in children who lived close to the bridge.

Adults and the entire general public, Mr. President, are at risk. In a recent study by the State of Connecticut by Dr. Kathleen Maurer, who recently testified before the House Environment Subcommittee, a policeman directing traffic near a bridge for slightly more than an hour was found to be exposed to lead levels 40 percent above the permissible exposure limit for general industry. Mr. President, the exposure damage to adults is not nearly as grievous and harmful as to children, but it is still bad.

Despite these incidents that I have talked about, the Mystic River Bridge and the bridge in New York, it is still legal to apply lead paint to bridges. This is of concern because important components of the administration's economic stimulus package are designed to increase investment in bridge renovation.

According to the Department of Transportation, there are about 210,000 bridges in the United States. Nearly 90 percent of these bridges are coated with lead paint. The Department of Transportation estimates there are about 104,000 steel bridges in the United States that need renovation because they are structurally deficient or functionally obsolete, so about half of them. Nearly all these bridges are covered with lead paint. You would have to search hard to find one that was not covered with lead paint.

This legislation addresses this issue by banning paint containing more than a minimal amount of lead, thereby ensuring that the current scourge of industrial leaded paint will not be perpetuated into the next century by new applications of lead paint on these bridges.

The facts about lead toxicity are well known, Mr. President. Lead is a basic heavy metal toxin and is found everywhere in our modern-day environment.

Initial legislation I introduced did not include lead sinkers because there was a heavy effort, a lobbying effort, to not have lead sinkers included in this legislation. It is included in this legislation. Why? Because one manufacturer of lead sinkers used over a thousand tons of lead last year. Can you imagine that many lead sinkers made by one company?

Lead is everywhere. It enters the body by ingestion, inhalation, or absorption through the skin, and it is toxic in extremely small amounts. Once poisoned, the body cannot rid itself of the lead. I repeat, once poisoned, you are lead poisoned forever. You cannot take a shot. You cannot take a bath. There is nothing you can do. You are lead poisoned. And it accumulates in the body, in the bones especially.

The lead exposure of today's society was dramatically revealed when a California researcher showed that modern men and women have up to 1,000 times more lead in their bones than human beings who lived in ancient times. A statement from the Agency for Toxic Substances and Disease Registry sums up the problem: "Lead is potentially toxic wherever it is found, and it is found everywhere."

Research has shown that low-level lead poisoning can adversely affect IQ level, mental development, and behavior in children exposed to lead in their preschool years. The blood level considered to be safe was recently lowered by the Centers for Disease Control. This means now that 10 times more children are potentially at risk than was previously estimated.

Lead exposure in children is particularly harmful because they are more susceptible, as I have indicated, to its damaging effects. Even at low levels, this toxic metal attacks the developing nervous system and other body organs. The problems caused by moderate lead exposure in children measured as 25 to 35 micrograms per deciliter of blood, can include chronic anemia, kidney disease, stomachaces—and I wish it were only stomachaches, Mr. President—hearing loss, obvious learning disabilities, lower IQ levels, and behavioral disturbances.

There are some who say, Mr. President, that the extremely high dropout rate we have in America today can be related to a significant degree of lead exposure.

Researchers have linked this moderate level of exposure with a sixfold increase in reading disorders and a sevenfold increase, as I have indicated, with high school dropouts.

When children are exposed to even low lead exposure measured as low as 20 micrograms per deciliter, they are known to have subtle development abnormalities. These developmental problems show up as slow growth, slow mental development, hearing loss, and lowered IQ scores. Mild lead poisoning in children is also associated with abnormal behavior patterns, such as hyperactivity, attention deficit disorders, and antisocial aggressive behavior.

Mr. President, I got interested in lead because my subcommittee held a hearing, and I listened to the evidence presented and became alarmed. My only daughter had just become pregnant. I listened to the testimony that came before my subcommittee, and as soon as the hearing ended, I marched immediately to my phone, called my wife, and we decided that my daughter had to move out of her home, because she and her husband had just purchased a home—they were so proud of it—in the suburbs of Washington, that was 52 years old. That home was loaded with lead. Had she and her husband not moved in with us for 6 months, while they decided to scrape the paint from the house, the baby would have scrounged around on the floor, that baby, my beautiful little 2½-year-old granddaughter, could have been easily, and probably would have been, lead poisoned.

These things are personal. It does not only happen to poor people.

There was a story recently in the Washington Post about a family that paid a lot of money for a home in Maryland. They wanted to restore this beautiful old home, and in the process they scraped lead paint and poisoned their daughter with lead. She suffered extreme mental damage, thereby lowering her IQ. It really affected her. So these are problems, Mr. President, that are serious.

These characteristics that I have talked about are known to be predicators of future criminality. Children drop out of school. They cannot get a job. They have not been accepted by their peers in school, and that leads to a life of crime.

From this research it is clear that these learning disabilities and behavior problems affect more than just parent and child. You see, they affect us all. A child who drops out of school not only affects his or her life, and the life of their parents, but the lives of us all.

Because of the importance of protecting children from this spectre, this legislation provides for testing of day care facilities and elementary schools by States for lead hazards. Following these inspections, States are required to prepare a report containing the results of inspections and recommend whether any lead hazards should be alleviated. Owners and operators of schools and day care facilities will be required to provide a copy of the report to school personnel and parents of children attending the facility or school.

Now, I have received phone calls from Members of the House who feel that this should be an unfunded mandate, that States should be required to do this. I have said to them, and I say here, that we have to come up with enough money to do this. We cannot put this burden on the States. And as a member of the Appropriations Committee, a member of the subcommittee that has jurisdiction over money that could go here, I intend to fight to get this money for the States.

Although children are our most critical concern, adults are also at risk for lead-induced disorders due to exposure at work or at home. High blood pressure, reproductive disorders, kidney disease, hearing loss, and memory loss have been associated with lead poisoning in adults. Unborn fetuses can also be harmed when the pregnant woman is exposed to lead. In addition, the Environmental Protection Agency has classified lead as a probable carcinogen, which means it may be contributing to the ever increasing cancer rate in this country.

Clearly, we have a public health problem with lead that is evident in all aspects of our environment. When addressing any public health problem, the most basic principles hold that prevention is better than treating the damage after it has occurred. This is especially true with lead poisoning. Although lead poisoning can be prevented, there is no effective treatment for chronic exposure and the brain damage done by this toxin is irreversible. It is, therefore, all the more imperative that we identify all the potential sources of lead exposure and prevent lead poisoning before it happens.

Prevention of lead poisoning is the goal of the legislation I am introducing today. The bill identifies lead hazards and works to prevent human and environmental exposures as efficiently as possible. The bill does this in a number of important ways.

First, it restricts lead in products likely to cause environmental contamination and human exposure. Lead is restricted in paint, plumbing supplies, pesticides, toys, recreational game pieces, curtain weights, fishing weights and lures, inks, brick mortar, and glass coatings.

Second, it bans the intentional of lead in packaging and minimizes the incidental presence of lead in packaging. The bill provides for the labeling of products containing lead.

Third, it requires EPA to compile and maintain a list of all lead-containing products. This is important because even the lead industry is not aware of all the products containing lead. The bill requires that notice be given to EPA of any new uses of lead in products and of products that contain a greater percentage of lead than similar products already distributed in commerce.

Fourth, the bill targets the childhood population by providing for the inspection of elementary schools and day care facilities for lead hazards and the preparation of reports setting forth the results of the inspections.

Fifth, the bill mandates the recycling of lead-acid batteries, which account for 75 percent of all the lead used in this country. The United States uses 1.4 million tons of lead every year for batteries and other products. Although nearly 85 percent of lead is being recycled, we must work to recycle even more of this huge volume of lead so we can prevent it from continuing to accumulate in our environment and in our bodies.

The bill also mandates the establishment of performance standards for the laboratory analysis of lead in blood, authorizes a grant program to establish one or more Centers for the Prevention of Lead Poisoning, and requires the identification of methods for reporting blood-lead levels in a standardized format.

Mr. President, generally, when we talk about risk assessment for controlling toxic substances, we talk of risk in terms of one in a million. Yet, with lead, we are talking about one out of every six American children being potentially at risk of permanent harm from lead. Clearly, it is time for decisive action to control this pervasive toxin.

Mr. President, a great deal of time and effort has been invested in this legislation. It is important to recognize that the threat addressed by this bill is not a regional issue. It is not an issue affecting primarily men or women. Lead is an equal opportunity agent of disease, debilitation, and death. Every one of us knows people, whether or not they are aware of it, who already have been harmed. It is within our power to reduce these risks dramatically. I encourage each Member to do the right thing for the citizens of their State and support the enactment of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—LEAD ABATEMENT
Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Recycling of lead-acid batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.
TITLE II—MISCELLANEOUS
Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 410 through 420, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting "(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this section, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this section, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes; and

"(iii) paints containing lead chromate pigments.

"(B) Pesticides (as defined in section 2(u) of the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136(u)) containing more than 0.1 percent lead by dry weight.

"(C) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games that contain electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(D) Curtain weights—

"(i) that are not encased in vinyl;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(E) Fishing weights, jigs, and lures, other than lures that are artificial flies, containing more than 0.1 percent lead by dry weight.

"(F) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(G) Brick mortar containing more than 2 percent lead by dry weight.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this section, no person may import, manufacture, or process a product in any of the following product categories, and beginning on the date that is 6 years after the date of enactment of this section, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(iii) Mirror backings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3) if the Administrator determines that an increase in the percentage of the allowable lead content will promote the protection of human health or the environment.

"(B) TERMINATION DATE.—If the Administrator establishes by regulation an increased percentage of the allowable lead content for a product, or a group of products, within a product category pursuant to this paragraph, the regulation establishing the percentage shall terminate on the date that is 6 years after the date the regulation becomes final.

"(C) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(C) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this subtitle as 'ANSI') standard Z66.1; or

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this section.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (III) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), or (III) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this section, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this section, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50-50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85-15 tin-lead solder).

"(2) RESTRICTIONS ON SALE AND DISPLAY.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to restrict the sale and display of lead solders not commonly used in plumbing systems, including—

"(A) a prohibition on the sale or display of the solders in the plumbing supply section of any retail establishment;

"(B) a restriction on the sale or display of the solders in any wholesale establishment;

"(C) a prohibition on the sale or display of the solders in proximity to plumbing materials in any establishment; and

"(D) a requirement that each of the solders be labeled to indicate that the solder is not intended for use in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to establish a health-effects based performance standard that establishes minimal leaching levels of lead from new plumbing fittings and fixtures that convey drinking water.

"(2) CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.—If the requirements of paragraph (1) are not met—

"(A) by the date that is 4 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 7 percent lead by dry weight;

"(B) by the date that is 5 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 6 percent lead by dry weight;

"(C) by the date that is 6 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 5 percent lead by dry weight; or

"(D) by the date that is 7 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is—

"(I) used to produce a product from which a package or packaging component is manufactured; and

"(II) reasonably expected to be consumed or transformed into a material that is not regulated under this title during the process.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this section—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AGGREGATE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the aggregate of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this section, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this section, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this section, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this section, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this section, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in subsection (a)(1)—

"(A) any paint that is imported, processed, manufactured, or distributed in commerce for use by an artist (including any graphic artist) in a work of art if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1); and

"(B) during the 5-year period beginning on the date of enactment of this section, zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1993 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 103 of this Act, is further amended by inserting after section 403, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) DEVELOPMENT OF INVENTORY.—

"(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) PUBLICATION OF DRAFT INVENTORY.—

"(A) IN GENERAL.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory.

"(B) PUBLICATION.—Not later than 2 years after the date of enactment of this section, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6) shall be deemed to comprise the inventory.

"(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

"(1) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this section, the Administrator shall promulgate regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to exposure to lead during manufacturing, processing, distribution in commerce or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 90 days after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 90 days after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this section; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this section,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 104 of this Act, is further amended by inserting after section 404, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law; and

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between labels required for products—

"(i) that present a risk of exposure to lead during manufacture or processing; and

"(ii) that present a risk of exposure to lead during distribution or use.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 3 years after the date of enactment of this section.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

'CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

'COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of this section, the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR ON DEFENSES.—Compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section.".

SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 105 of this Act, is further amended by inserting after section 405, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of this section, no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A curbside collection program operated by, or under an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this section, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS AND AUTOMOTIVE DISMANTLERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section—

"(A) no person who sells lead-acid batteries at wholesale; and

"(B) no automotive dismantler,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at retail shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this section, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this section, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this section, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 6 months after the date of enactment of this section, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(*l*) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) STUDY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator shall—

"(A) conduct a study on the recycling and disposal of small-sealed consumer lead-acid batteries and submit a report on the results of the study to Congress; and

"(B) publish in the Federal Register either—

"(i) a proposed rule to regulate the recycling and disposal of small-sealed consumer lead-acid batteries; or

"(ii) with respect to the batteries referred to in clause (i), a determination that regulations are not needed to protect human health and the environment.

"(2) CONTENTS OF STUDY AND REPORT.—The study and report referred to in paragraph (1) shall include an assessment of—

"(A) the quantity (expressed in volume) of new small-sealed consumer lead-acid batteries produced annually and an estimate of the quantity of the batteries disposed of annually in municipal solid waste landfills and incinerators;

"(B) the feasibility of recycling used small-sealed consumer lead-acid batteries (including an assessment of potential collection systems, technologies for recovering reusable materials from the batteries, and the cost of recycling the batteries); and

"(C) such other information as the Administrator determines to be appropriate with respect to disposal practices of small-sealed consumer lead-acid batteries that are current at the time of the study and potential alternatives to the practices.

"(3) INVESTIGATION.—

"(A) IN GENERAL.—In carrying out the study and preparing the report, the Administrator may—

"(i) undertake such original investigations as the Administrator determines to be necessary to generate the data required to make findings for the report; or

"(ii) rely on data generated and compiled by any industry or other organization with an interest in the report.

"(B) SUBMITTAL OF CONFIDENTIAL INFORMATION.—Any person who submits confidential information to the Administrator pursuant subparagraph (A) shall also submit data that is publicly available.

"(o) EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to small-sealed consumer lead-acid batteries.

"(2) EXCEPTION.—Subsection (n) shall apply to small-sealed lead-acid batteries.

"(p) DEFINITIONS.—As used in this section:

"(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) SMALL-SEALED CONSUMER LEAD-ACID BATTERY.—The term 'small-sealed consumer lead-acid battery' means a lead-acid battery, weighing 25 pounds or less, used in non-vehicular, non-SLI (starting, lighting, and ignition) applications.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 106 of this Act, is further amended by inserting after section 406, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means—

"(A) the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children; and

"(B) any land and structure on the land, and any related common grounds or playground area and playground structures, that are under the same ownership as the building referred to in subparagraph (A) and that is regularly accessible to children in kindergarten or younger children.

"(2) Covered school.—The term 'covered school' means—

"(A) the interior and exterior of any building constructed before 1980 that is used—

"(i) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(ii) as a kindergarten that regularly provides education for children in kindergarten or younger children; and

"(B) any land and structure on the land, and any related common grounds or playground area and playground structures, that are under the same ownership as the building referred to in subparagraph (A) and that is regularly accessible to children in kindergarten or younger children.

"(3) Day care facility.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) Lead hazard.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) Lead inspection.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) Local education agency.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) Owner or operator.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) Significant use.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) Covered Schools and Covered Day Care Facilities.—

"(1) In general.—Except as provided in subsection (d)(4), not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) Regulations.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of each covered school and covered day care facility to detect lead-based paint that is chipping, peeling, flaking, or chalking; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 411; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) Ranking.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank areas in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities located in areas with the greatest suspected lead hazard.

"(4) Procedures.—The procedures referred to in paragraph (3) shall use factors for assessing an area, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which areas in the State are most likely to have a lead hazard.

"(5) Dissemination of reports.—

"(A) In general.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) Requirements for owners or operators.—

"(i) In general.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) Notification to new personnel members and parents and guardians of new students.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(C) Risk disclosure.—

"(i) In general.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) Contents of risk disclosure information.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) Method of providing information.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) Exemption from notice requirement.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) Availability of certain reports.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) Renovated Areas.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 411), in interior dust.

"(d) Federal Assistance.—

"(1) In general.—

"(A) Grants.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411).

"(B) Use of grant award.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this section for lead hazard inspection in covered schools and covered day care facilities.

"(2) Allotment.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age bears to the number of children under age 7 in all States.

"(3) Reallotment.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) Reservation by state.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) Limitation on requirement.—

"(A) In general.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (a) relating to inspections only to the extent that assistance under this section is available to defray the costs of the inspections.

"(B) Requirements for regulations.—

"(i) In general.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) Plan.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this section, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this section; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this section, in the case of any State that fails to implement the plan.

"(6) Requirement for payments.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) Statutory construction.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) Public Protection.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) Penalties.—

"(1) In general.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) Manner of assessment.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) Violation defined.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) Use of Penalties.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this subsection be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) Inspections.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) Annual Reports to Administrator.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1994;

"(2) $30,000,000 for the fiscal year 1995; and

"(3) $30,000,000 for the fiscal year 1996.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 107 of this Act, is further amended by inserting after section 407, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) Standards for Blood Analysis Laboratories.—

"(1) In general.—

"(A) Standards for laboratory analysis.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) Certification program.—

"(i) In general.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this section, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) Exemption.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) Reporting requirement.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) List.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) Review of voluntary accreditation.—

"(A) In general.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) Effect of negative determination.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this section, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Secretary shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this section, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 108 of this Act, is further amended by inserting after section 408, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning. (Each such Center is referred to in this subsection as a 'Center'.)

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "417".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "417".

(3) AUTHORIZED STATE PROGRAMS.—Section 412, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "410 or 414"; and

(B) in subsection (d), by striking "402" and inserting "410".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 420, as redesignated by section 101(a) of this Act, by striking "There are authorized" and inserting "Except as provided in section 407(j) and in title III of the Lead Exposure Reduction Act of 1993, there are authorized".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Lead contamination in schools and day care facilities.
"Sec. 408. Blood-lead and other abatement and measurement programs.
"Sec. 409. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 410. Lead-based paint activities training and certification.
"Sec. 411. Identification of dangerous levels of lead.
"Sec. 412. Authorized State programs.
"Sec. 413. Lead abatement and measurement.
"Sec. 414. Lead hazard information pamphlet.
"Sec. 415. Regulations.
"Sec. 416. Control of lead-based paint hazards at Federal facilities.
"Sec. 417. Prohibited acts.
"Sec. 418. Relationship to other Federal law.
"Sec. 419. General provisions relating to administrative proceedings.
"Sec. 420. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 408(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subsection:

"(d) The Lead Exposure Reduction Act of 1993 and the amendments made by such Act.".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT.—

(1) TIME-BASED REQUIREMENTS.—Section 402 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) For the third 1-year period after the date of enactment of this subsection and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of this subsection, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of this subsection, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of this subsection and thereafter, 100 parts per million (0.01 percent).".

(2) CERAMIC WARE; PROCESSED FOODS; WINE.—Title IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) CERAMIC WARES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) CRYSTAL WARES.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) PROCESSED FOODS.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) WINE.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.

(3) PROHIBITION RELATING TO CERAMIC WARE.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following new subsections:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in the amendment made by section 107 of this Act, there are authorized to be to carry out this Act and the amendments made by this Act—

(1) $25,000,000 for fiscal year 1994;
(2) $24,000,000 for fiscal year 1995;
(3) $24,000,000 for fiscal year 1996; and
(4) $22,000,000 for fiscal year 1997.

Mr. LIEBERMAN. Mr. President, I am cosponsoring the Lead Exposure Reduction Act introduced today by Senator REID because I believe it is very important to continue the fight against lead poisoning. Lead poisoning remains the most devastating environmental health hazard facing American children. It affects almost one in every nine preschool children, poisoning their brains, and limiting their ability to learn. Lead exposure, primarily in the workplace, also poses serious health risks to adults.

Lead poisoning is entirely preventable, yet its effects are irreversible. We must act now because every step we take to reduce exposure to lead protects a child from being poisoned. Until we protect them from lead exposure children will continue to suffer neurological damage, learning disabilities and harm to their motor skills. Once lead is in a child's body it stays there. Even when we can no longer see it in their blood, it is in their bones and other organs and can affect them for the rest of their lives. Adults, too, can suffer irreversible harm to their kidneys, their reproductive organs, and their neurological systems.

During the last session of Congress, I cosponsored legislation addressing the most dangerous source of lead poisoning, lead-based paint and dust in older housing. The government's approach has always been to wait until children are poisoned and then initiate a clean up. The Residential Lead-based Paint Hazard Reduction Act, enacted in October 1992, emphasizes identifying and correcting lead hazards before children are harmed.

This legislation was a critical first step toward addressing the most dangerous area of lead poisoning, old lead paint and dust in housing. However, the dangers of lead poisoning reach beyond paint and dust.

Last year we took important steps towards preventing children from being exposed to lead in their homes. We must now ensure that children are safe in the day care facilities and schools where they spend much of their days. We cannot wait until their ability to learn and grow is impaired. Last year when the lead bill was under consideration, I drafted an amendment to require testing of day care centers and classrooms housing young children. The bill being introduced today includes a version of this language about which I have some concerns.

Under the language proposed by Senator REID, States would only be required to begin testing if Federal funds are appropriated to fund the testing. While I understand his concerns about funding this testing, if, as scientists, doctors and public health officials indicate, we are facing a lead poisoning epidemic, then we must work quickly to protect our children and their ability to grow and learn properly.

I hope to work with Senator REID to resolve these concerns and ensure that children get the protection they deserve. I will be working on changes to this bill and on alternative avenues for accomplishing these goals. I look forward to working with my colleagues who support this bill to protect our children both in their homes and in the places they play and learn.

The other provisions of the bill we introduce today have evolved over the past 3 years and are an important part of continuing the fight against lead exposure and lead poisoning.

We must fight lead hazards which pose risks to children, adults and the environment. We must attack these hazards by phasing out and banning lead in paint, plumbing fixtures and solder, domestic and imported food cans, toys and fishing weights, and other products. This bill does just that.

This bill also requires EPA to promulgate regulations for labeling products which may pose a risk to lead exposure so that consumers are alerted as to what products may be dangerous. The Lead Exposure Reduction Act also requires that lead-acid batteries be recycled to ensure that the dangers of lead are minimized in the environment.

This proposed legislation also directs the EPA to evaluate new lead-based products for potential lead exposure risks. Banning lead paint in residences and leaded gasoline has eliminated the most serious risks of lead exposure; however, we must continue to be mindful of initiating any new uses of lead that may present risks to human health and the environment.

As lead poisons more and more children, we must take every step possible to eliminate those areas which present risks of lead poisoning. Through the efforts of the public and the private sector, we can and must eliminate the hazards of this entirely preventable disease.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 730. A bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes; to the Committee on Finance.

UNITED STATES-CANADA FAIR GRAIN TRADE ACT OF 1993

Mr. DORGAN. Mr. President, I am introducing a bill today to arrest the flood of Canadian grain roaring across our northern border on a wave of Canadian Government subsidies. This tidal wave of foreign grain is swamping U.S. markets, depressing farm prices and financially gutting the family farms of North Dakota and other grain-producing States. The onslaught must be stopped.

This is harsh, aggressive legislation and is, unfortunately, directed in part at our ally and neighbor, Canada and the Canadian Wheat Board, that nation's central grain marketing agent. However, after fighting doggedly for 4 years to find some reasonable relief for our farmers, the flood of Canadian grain only increases month by month, and year by year. I have been forced to seek tough, bold remedies.

My bill calls upon the President to negotiate reasonable relief from the flood of subsidized Canadian grain. Then, if negotiations do not succeed within 120 days of enactment, my bill requires the President to close our northern border to further grain imports until we get a reasonable settlement.

Mr. CONRAD, my friend and colleague from North Dakota, joins me in introducing this bill.

Specifically, my legislation calls for immediate negotiations with Canada:

To require the actual sales prices of Canadian grain exported to this country be reported and monitored, as intended by the United States-Canada Free-Trade Agreement [FTA];

To end the hefty Canadian Government transportation subsidy that positions the Canadian Wheat Board [CWB] to beat our United States farmers out of our own United States markets;

To define the term "cost" as it applies to the requirement in the United States-Canada FTA that Canada cannot sell its grain into the United States at less than that nation's own cost of the grain. Up to now, Canada has avoided compliance with the clear language of our trade agreement that prohibits either nation from selling into the other at prices less than the full acquisition cost of the grain, including all transportation, storage and handling costs.

If we cannot negotiate reasonable terms on these matters, my bill asks the President to simply terminate Canadian grain exports to this Nation until the negotiations are successful.

In addition, my bill directs our administration to support efforts by our farmers to gain a countervailing tariff to relieve the harmful effects of the many subsidies the Canadian Wheat Board uses to gain sales in the United States. Further, it authorizes our secretary of agriculture to use our own export sales enhancement program to combat subsidies the Canadian Wheat Board uses to displace United States exports in our traditional market in Mexico.

Finally, my bill will require shipments of foreign grain to be identified with an end-use certificate which will remain with each shipment until it reaches the flour mill, cattle feed lot, or other specific destination for use in this country. This requirement mirrors a similar requirement Canada imposes on foreign grain, and will assure United States taxpayers we are not using dollars from our own export assistance program to re-export Canadian grain.

In total, this is a harsh proposal. The bill proposes aggressive solutions because we must solve an extreme problem in North Dakota and other grain-producing states from the Midwest to the Pacific Northwest.

The problem is an ever-rising tidal wave of grain pouring into the United States market from Canada. The CWB, which markets all grain from central and western Canada, sends millions of bushels of durum wheat, spring wheat, and barley into the United States each month, aggravating the United States own grain surplus problems and depressing our grain prices.

I brought a chart here today to show what Canadian exports have done to the prices our farmers receive for Durum wheat. Durum is a special kind of wheat used to make pasta. Durum is generally more difficult to grow than other types and wheat, and Durum crops usually yield fewer bushels per acre than other wheat. But, Durum is the only wheat that makes good pasta. So, the market has traditionally rewarded Durum producers with a market price that is higher than other wheat. That Durum premium is often 50 cents per bushel, or even a dollar, on top of other wheat prices.

It is important to understand both the United States and Canada produce surpluses of wheat, including Durum wheat. Those surpluses have not been a problem. Rather they are part of our positive trade balance in agriculture. Both nations produce more than they need, and they both export a huge portion of their grain around the world. Except in extremely exceptional circumstances, Canada wheat. In fact, we did not sell into one another's market until after the deal was cut for the United States-Canada FTA 6 years ago.

The chart shows clearly what has happened to that premium our Durum producers used to receive. It shows that, before the United States-Canada FTA went into effect in 1989, farmers got a premium price. The premium promptly evaporated in 1989, however, and has not returned.

Now, with another chart, let me show you graphically why the Durum premium prices have vanished. This graph shows what Canadian exports of Durum wheat were before the United States—Canada deal was cut in 1987 and initiated by President Reagan and Mr. Mulroney of Canada. They were near zero. Since then, however, the Canadian Wheat Board has been adding millions of bushels each year to its United States shipments, and has already taken over more than 20 percent of the United States Durum market.

We have witnessed the Canadan Wheat Board's successful compaign to export Durum wheat—and, more recently, spring wheat and barley—into the United States market, and we have watched our own market prices suffocate under those unrestrained Canadian exports. We watched this occur while our own grain, thanks to the deal cut by United States trade negotiators, was barred from entering Canada.

Who is responsible for the disasterous situation in which our grain farmers find themselves?

Indeed, Canada and the CWB have ignored the spirit of our trade agreement, and, again and again, Canada has avoided and resisted implementation of terms of the agreement that were intended to provide some measure of fairness in grain trade between the United States and Canada. Certainly, they are at fault, and my bill tries to force Canada to comply with both the intent and language of the FTA.

Still, the CWB is not the main root source of our problem. The CWB is a big farmers' marketing cooperative charged with gathering up all of the Canadian farmers grain and selling it at the best prices it can find for its farmers. If the CWB finds it an advantage to sell grain next door, in the United States, who can fault that agency for being aggressive on behalf of Canadian farmers?

To a large and shameful extent, the flood of Canadian grain was brought on by U.S. trade neotiators who, when negotiating the FTA 6 and 7 years ago, were on a blind mission to create a so-called free-trade agreement, whatever the costs to their own countrymen.

In short, the U.S. negotiators, the people who are supposed to be representing our interests, sold us out.

They sold out our farmers by agreeing to no restraint on the sale of Canadian grain to the United States, but a solid wall blocking United States grain sales to Canada.

They sold us out by negotiating a requirement that neither nation could sell grain into the other at prices lower than the cost of the grain, and then effectively undercutting that requirement themselves in public testimony before Congress.

They sold us out by promising that U.S. and Canadian officials had a gentleman's agreement for restraint against invading the markets of the other party, when, in fact, there was no such agreement.

They sold us out by waving in front of our faces an action plan for implementing the trade agreement in ways to instill fairness into grain export sales across the United States-Canada border, and then, after Congress approved the agreement, by ignoring the plan, ignoring our pleas for assistance, and refusing to lift a finger while the flood of Canadian grain swelled for 3 years.

Let me show just a few examples of the kind of double talk the past administrations used to sink us into this flood of Canadian grain.

Here, in large, bold print, are the hollow promises of our trade agreement, implementing legislation, and President Reagan's Statement of Administrative Action to implement the agreement.

It is because of this shameful abandonment of U.S. grain producers in both the negotiation and implementation of the FTA that I am proposing harsh and decisive remedies in my legislation today.

I am introducing this legislation to supplement the assurances from Mickey Kantor, our new Trade Representative, that he will attend to this severe problem and seek a solution. Mr. Kantor and I spoke today, and I am very encouraged by the priority he is determined to give this problem in our dealings with Canada. I will eagerly support him in his efforts.

My bill, however, seeks what North Dakota farmers, and Senator CONRAD and I, believe may well be needed to clean up the shambles left by the free trade visionaries who so badly botched our grain trade relationship with Canada in the past dozen years.

I ask unanimous consent to print the following bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Canada Fair Grain Trade Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as a result of unfair and incomplete provisions in the United States-Canada Free-Trade Agreement—

(A) Canadian exports of durum wheat, spring wheat, and barley have increased beyond the level such exports can be absorbed into the United States market;

(B) these exports have depressed domestic grain prices, causing severe financial losses to American farmers and increasing the coasts and difficulties of implementing domestic farmer support programs; and

(C) Canadian grain exports continue to increase without bounds, increasing the damage to United States farmers each year;

(2) the Congress approved the United States-Canada Free-Trade Agreement subject to—

(A) the statement in the Statement of Administrative Action that the United States would "pursue consultations with Canada regarding the price setting policy of the CWB (Canadian Wheat Board) as it affects goods exported to the United States....directed toward establishing a method to determine the price at which the CWB is selling agricultural goods to the United States and the CWB's acquisition price for those goods"; and

(B) the provision of the implementing legislation requiring that "the President will enter into immediate consultation with the Government of Canada to obtain the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States.",

yet to date there has been no progress on these consultations; and

(3) the failure of the United States successfully to pursue the consultations described in subsection (b) led to a flawed binational panel decision that renders meaningless the plain language of Article 701(3) of the United States-Canada Free-Trade Agreement, which states that "Neither Party, including any public entity that it establishes or maintains, shall sell agricultural goods for export to the territory of the other Party at a price below the acquisition price of the goods plus any storage, handling or other cost incurred by it with respect to those goods.".

TITLE I—GRAIN TRADE NEGOTIATIONS

SEC. 101. PRICE TRANSPARENCY.

(a) NEGOTIATIONS.—The President shall immediately pursue negotiations with the Government of Canada to establish a method to determine the price at which the Canadian Wheat Board is selling agricultural goods to the United States and the Board's acquisition price for such goods, as required under the fourth paragraph of chapter 7(B,1,c) of the Statement of Administrative Action accompanying the United States-Canada Free-Trade Agreement Implementation Act of 1988.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail—

(1) to establish the method of determining prices under subsection (a), or

(2) to establish procedures for obtaining the data necessary to implement such method,

Canada shall be treated as in violation of Article 2101 of the United States-Canada Free-Trade Agreement and all imports of Canadian grain to the United States shall be suspended until the President certifies that successful negotiations under subsection (a) have been completed.

SEC. 102. RAIL TRANSPORTATION SUBSIDY.

(a) NEGOTIATIONS.—The President shall immediately pursue the consultations with the Government of Canada described in section 304(a)(2) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, relating to the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail to obtain the exclusion described in subsection (a), all imports of Canadian grain receiving the benefits of the transport rates shall be suspended until the President certifies that successful negotiations under subsection (a) to terminate such benefits have been completed.

SEC. 103. ACQUISITION PRICE OF GRAIN.

(a) NEGOTIATIONS.—The President shall immediately pursue negotiations with the Government of Canada to clarify the meaning of the term "acquisition price" in Article 701(3) of the United States-Canada Free-Trade Agreement (and any other provision accompanying such agreement) so that such term includes—

(1) the value of any transportation subsidy applied to grain entering the United States;

(2) all payments to producers by the Canadian Wheat Board or any government agency; and

(3) any other payments or subsidy incurred by the Canadian Wheat Board, any government agency, or any private interest in the acquisition, handling, storage, and transportation of the grain.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail to clarify the meaning of the term "acquisition price", all imports of Canadian grain shall be suspended until the President certifies that successful negotiations under subsection (a) have been completed.

SEC. 104. ASSISTANCE IN COUNTERVAILING DUTY CASES.

Each Federal agency (other than the United States International Trade Commission) shall provide full technical assistance and support to any petitioner in any countervailing duty or antidumping action under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to the subsidies provided by Canada in connection with the exportation of wheat or barley to the United States.

TITLE II—AGRICULTURAL TRADE PROGRAMS

SEC. 201. USE OF EXPORT ENHANCEMENT PROGRAM TO PROMOTE GRAIN EXPORTS.

Section 301(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(b)) is amended by adding at the end the following new paragraph:

"(9) PROMOTION OF GRAIN EXPORTS.—

"(A) IN GENERAL.—The Secretary shall aggressively use the program established under this section to permit exporters, users, processors, and foreign purchasers of grains produced in the United States to compete effectively with exporters, users, processors, and foreign purchasers of grains produced in Canada, taking into account—

"(i) the transportation subsidies provided by the Government of Canada to promote grain sales to Mexico; and

"(ii) the sale of wheat in all foreign markets by the Canadian Wheat Board at a price that is less than the full acquisition cost for the wheat.

"(B) DURATION.—The requirements of subparagraph (A) shall apply—

"(i) to counteract the transportation subsidies described in subparagraph (A)(i), until an agreement is concluded with the Government of Canada to exclude agricultural goods from transport rates as described in section 304(a)(2) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note); and

"(ii) to counteract the sale of wheat by the Canadian Wheat Board described in subparagraph (A)(ii), until an agreement is concluded with the Government of Canada to ensure the sale of wheat by the Canadian Wheat Board at a price that is no less than the full acquisition cost for the wheat."

SEC. 202. AGRICULTURAL EXPORT PROGRAM PROTECTION.

(a) IN GENERAL.—Title XV of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624) is amended by adding at the end the following new subtitle:

"Subtitle G—Agricultural Export Program Protection

"SEC. 1581. DEFINITIONS.

"As used in this subtitle:

"(1) AGRICULTURAL TRADE PROGRAM.—The term 'agricultural trade program' means an export promotion, export credit, export credit guarantee, export bonus, or other export or international food aid program carried out through, or administered by, the Commodity Credit Corporation, including such a program carried out under—

"(A) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.)—

"(i) including the export enhancement program established by section 301 of such Act (7 U.S.C. 5651); but

"(ii) excluding the market promotion program established by section 203 of such Act (7 U.S.C. 5623);

"(B) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

"(C) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

"(D) section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

"(2) COVERED FOREIGN COMMODITY.—The term 'covered foreign commodity' means wheat, feed grains, or soybeans produced in a foreign country that is imported into the customs territory of the United States.

"(3) ENTRY.—The term 'entry' means the entry into, or the withdrawal from warehouse for consumption in, the customs territory of the United States.

"(4) PERSON.—The term 'person' includes an exporter, an assignee, and a participant in an agricultural trade program.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(6) UNITED STATES AGRICULTURAL COMMODITY.—The term 'United States agricultural commodity' has the same meaning given the term in section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)).

"SEC. 1582. MONITORING OF DOMESTIC USES MADE OF CERTAIN FOREIGN COMMODITIES.

"(a) IN GENERAL.—

"(1) END-USE CERTIFICATE.—An end-use certificate that meets the requirements of subsection (b) shall be included in the documentation covering the entry of any covered foreign commodity.

"(2) QUARTERLY REPORTS.—A consignee of a covered foreign commodity (including a secondary consignee of a covered foreign commodity and a consignee of a covered foreign commodity that has been commingled with a commodity produced in the United States) shall submit to the Secretary a quarterly report that certifies—

"(A) what percentage of the covered foreign commodity that is subject to an end-use certificate was used by the consignee during the quarter; and

"(B)(i) that the covered foreign commodity referred to in paragraph (1) was used by the consignee for the purpose stated in the end-use certificate; or

"(ii) if ownership of the covered foreign commodity is transferred, the name and address and other information, as determined by the Secretary, of the entity (or consignee) to whom it is transferred.

"(b) END-USE CERTIFICATE AND QUARTERLY REPORT CONTENT.—The end-use certificates and quarterly reports required under subsection (a) shall be in such form, and require such information, as the Secretary considers necessary or appropriate to carry out this section. At a minimum, the Secretary shall require that end-use certificates and quarterly reports indicate—

"(1) in the case of the end-use certificate—

"(A) the name and address of the importer of record of the covered foreign commodity that is subject to the certificate;

"(B) the name and address of the consignee of the covered foreign commodity;

"(C) the identification of the country of origin of the covered foreign commodity;

"(D) a description by class and quantity of the covered foreign commodity;

"(E) the specification of the purpose for which the consignee will use the covered foreign commodity; and

"(F) the identification of the transporter of the covered foreign commodity from the port of entry to the processing facility of the consignee; and

"(2) in the case of the quarterly report—

"(A) the information referred to in subparagraphs (A) and (B) of paragraph (1);

"(B) the identification of the end-use certificates currently held by the consignee;

"(C) a statement of the quantity of the covered foreign commodity that is the subject of each of the end-use certificates identified under subparagraph (B) that was used during the quarter;

"(D) a statement of the use made during the quarter by the consignee of each quantity referred to in subparagraph (C);

"(E) a statement of the quantity of the covered foreign commodity that was exported by the consignee during the quarter;

"(F) a statement of the quantity of the covered foreign commodity that was commingled with commodities produced in the United States and the disposition of the commingled commodities; and

"(G) a statement of the quantity of any covered foreign commodity that is transferred to a subsequent consignee, the name and address of the consignee, and the change in end-use.

"(c) SALES PRICE.—The Secretary may require the importer or the first consignee of a covered foreign commodity to report to the Secretary the sales price of a covered foreign commodity that is subject to an end-use certificate issued under this section if the Secretary considers the sales price necessary to facilitate enforcement of United States trade laws and international agreements.

"(d) CONFIDENTIALITY.—In carrying out this section, the Secretary shall take such actions as are necessary to ensure the confidentiality and privacy of purchasers of covered foreign commodities.

"(e) ENTRY PROHIBITED UNLESS END-USE CERTIFICATE PRESENTED.—The Commissioner of Customs may not permit the entry of a covered foreign commodity unless the importer of record presents at the time of entry of the covered foreign commodity an end-use certificate that complies with the applicable requirements of this section.

"(f) PENALTIES.—

"(1) CUSTOMS PENALTIES.—End-use certificates required under this section shall be treated as any other customs documentation for purposes of applying the customs laws that prohibit the entry, or the attempt to enter, merchandise by fraud, gross negligence, or negligence.

"(2) CIVIL PENALTIES.—Any person who knowingly violates any requirement prescribed by the Secretary to carry out this section is punishable by a civil penalty in an amount not to exceed $10,000.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section, including regulations regarding the preparation and submission of the quarterly reports required under subsection (a)(2).

"SEC. 1583. COMPLIANCE PROVISIONS.

"Subsections (b) and (c) of section 402 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662) shall apply to the programs authorized under this subtitle.

"SEC. 1584. SUSPENSION OR DEBARMENT FOR USE OF FOREIGN AGRICULTURAL COMMODITIES IN CERTAIN AGRICULTURAL TRADE PROGRAMS.

"(a) HEARING.—The Commodity Credit Corporation shall provide a person with an opportunity for a hearing before suspending or debarring the person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program.

"(b) WAIVER.—

"(1) IN GENERAL.—The Commodity Credit Corporation may waive the suspension or debarment of a person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program if the person demonstrates, to the satisfaction of the Corporation, that—

"(A) the use of the foreign agricultural commodity was unintentional; and

"(B) the quantity of the foreign agricultural commodity used was less than 1 percent of the total quantity of the commodity involved in the transaction.

"(2) OTHER PENALTIES.—Any waiver by the Commodity Credit Corporation of a suspension or debarment of a person under paragraph (1) shall not affect the liability of the person for any other penalty imposed under an agricultural trade program for the quantity of the foreign agricultural commodity involved."

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall become effective 120 days after the date of enactment of this Act.

By Mr. PRESSLER:

S. 731. A bill to assist rural rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL RAIL INFRASTRUCTURE ACT OF 1993

• Mr. PRESSLER. Mr. President, today I am introducing the Rural Rail Infrastructure Act of 1993. On February 4, 1993, I spoke on the Senate floor about the need for a revitalized national policy to ensure that rural America is connected by an essential rail transportation network. I am pleased today to propose such a national policy.

Yesterday, the Senate engaged in a spirited debate over an amendment that would eliminate $188 million for Amtrak from the Senate economic stimulus package. My home State of South Dakota does not receive Amtrak passenger service. South Dakota does not utilize high speed rail. So I found yesterday's debate and the so-called stimulus bill very symbolic: Both demonstrate that some areas of our Nation are being left behind in the debate over transportation infrastructure investment. Specifically, the maintenance of an essential rail network to bind together all areas of our Nation has not been addressed satisfactorily.

During the 1970's and 1980's, the large, prominent railroads abandoned thousands of miles of rail lines throughout the United States. Much of our former rail infrastructure has been abandoned. Fortunately, many independent regional and shortline railroads have filled the gap, keeping many essential rail lines in service. An excellent example in my home State of South Dakota is the Dakota, Minnesota, and Eastern Railroad which operates across South Dakota into Minnesota on lines, which had been subject to abandonment attempts.

Despite the remarkable efforts by such regional and shortline entrepreneurs to keep alive our Nation's secondary rail lines, the demand for capital investment to maintain these lines far outpaces supply. This situation keeps far too many rural communities on the brink of losing their rail service or having inadequate service due to unsound track conditions. Unfortunately, the Federal commitment to maintaining necessary rail lifelines has diminished almost to a point of nonexistence. Just as President Abraham Lincoln envisioned a transcontinental railroad to bind East and West, I envision a rail system which ensures that no State or Region of our nation is cut off and left behind in the economy of the 21st century.

The Rural Rail Infrastructure Act provides a blueprint for rebuilding our Nation's rail network into the next century. My bill improves and reinvigorates several mechanisms specifically intended to address the capital investment needs of our secondary rail system. It authorizes $100 million for the next 4 years for the Local Rail Freight Assistance Program [LRFA]. This Federal assistance program targets badly needed capital improvement funds to secondary rail lines. It contains significant requirements for non-Federal matching funds to ensure local commitment and support. Interestingly, an earlier version of LRFA was created in the 1970's, but it barely survives today. For the current Federal fiscal year, the Government funded it at only $8 million for the entire country. My bill would support further LRFA rail capital investments by targeting projects which enhance safety, including bridge repair.

The bill I am introducing today also substantially reforms and brings to life Federal loan guarantees for secondary rail lines. Opening up access to private bank capital is something which can be done without undue difficulty or cost to taxpayers and is a logical public-private partnership approach. As with LRFA, Congress has tried in the past to set up a system of workable federally guaranteed loans, but it has been strangled by needless complexity and red tape in the bureaucratic process. My bill would streamline the process for a qualified railroad to obtain a loan guarantee. It would make the process more workable, while minimizing risk to the Federal collateralization of a loan.

Mr. President, in summary, the Rural Rail Infrastructure Act provides targeted infrastructure investment to areas that need it most. This bill is only a starting point. I look forward to working with my colleagues and obtaining their ideas for expanding and improving this legislation. The rail transportation needs for rural America are too important to ignore any longer.

Mr. President, I ask that a copy of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rail Infrastructure Act of 1993".

SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE; AUTHORIZATION OF APPROPRIATIONS.

Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended to read as follows—

"(q) There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 fiscal year 1996, and $100,000,000 for fiscal year 1997. Such sums as are appropriated are authorized to remain available until expended.".

SEC. 3. LOCAL RAIL FREIGHT ASSISTANCE; PRIORITY OF PROJECTS.

Section 5 of the Department of Transportation Act (49 U.S.C. App. 1654) is amended by adding at the end thereof the following new subsection:

"(r) In addition to the other criteria imposed under this section, when considering applications for rail freight assistance under subsection (b), the Secretary shall give priority to projects which enhance safety, including projects which improve, rehabilitate, or reconstruct bridges.".

SEC. 4. RAILROAD LOAN GUARANTEES; ANNUAL OBLIGATIONS AUTHORIZED.

Section 511(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(e)) is amended by adding at the end thereof the following: "For projects of the type described in paragraph (1) or (2) of subsection (a) of this section: (1) for any one fiscal year, there is authorized to be appropriated sufficient credit authority to allow an amount not to exceed $500,000,000 of principal obligations; and (2) not less than $500,000,000 of the aggregate unpaid principal amounts of obligations which may be guaranteed by the Secretary under this section at any one time shall be for such projects.".

SEC. 5. RAILROAD LOAN GUARANTEES; MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.

Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

"(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;".

SEC. 6. RAILROAD LOAN GUARANTEES; MAXIMUM RATE OF INTEREST.

Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking "shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market" and inserting in lieu thereof "shall not exceed the annual percentage rate charged for a comparable term by the Federal Financing Bank".

SEC. 7. RAILROAD LOAN GUARANTEES; DETERMINATION OF REPAYABILITY.

Section 511(g)(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

"(5) either the loan can reasonably be repaid by the applicant or that the loan is collateralized at current value of assets to provide reasonable protection to the United States.".

SEC. 8. RAILROAD LOAN GUARANTEES; RIGHTS OF SECRETARY.

Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by inserting at the end the following new paragraph:

"(4) The Secretary shall not require, as a condition for guarantee of an obligation, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default, but the Secretary may condition guarantee of an obligation upon being in pari passu with such other obligations.".●

By Mr. KENNEDY (for himself, Mr. RIEGLE, Mr. SIMON, Mr. WELLSTONE, Mr. METZENBAUM, and Ms. MIKULSKI):

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

Mr. KENNEDY. Mr. President, today, on behalf of the Clinton administration, I am introducing the Comprehensive Child Immunization Act of 1993. President Clinton has proposed this initiative as an essential and long overdue investment in childhood health. This legislation, along with a companion bill that I am pleased to cosponsor with Senator RIEGLE, will put us on the road to ensuring that our children, our families, and our health care system will not be unnecessarily burdened with diseases that can and should be prevented.

America's children are symbols of both the successes and failures of our society. They are our future and our legacy, yet we continue to fall short of our obligation to meet their needs. It is time to halt this pattern, and live up to our past promises to protect their health and safety. Nowhere is this duty clearer than in preventing suffering and death due to preventable childhood diseases. Full and timely immunizations for all children is a commitment we must keep.

Investing in childhood immunizations is a cost effective and necessary downpayment on children's health. It is one of the most basic and best known public health measures in modern medicine. It gives us the tools to prevent illness and save lives. We know that for every dollar invested in immunizations, $10 are saved in later medical costs. For the measles-mumps-rubella vaccine, $14 are saved for each dollar spent. These are the simple facts. If we continue to ignore them, we will be selling our children, and the Nation's future, short.

As recently as 2 years ago, we saw the heavy toll taken by a major measles epidemic that affected 55,000 children; over 130 children lost their lives. Countless others have disabilities that will persist throughout their lives. The economic cost of this was about $200 million, but the human cost was far higher and more devastating. This is both a national tragedy, and a national disgrace.

There is no excuse for the falling immunization rates that exist for young children. We have the solution right at our fingertips.

The Centers for Disease Control estimates that only 40 to 50 percent of 2-year-old children in the country are properly immunized, and the rates are as low as 10 percent in some areas. Only two countries in the Western Hemisphere have poorer rates. This is inexcusable for a nation with our resources.

This legislation proposes a broad reform of the way we approach childhood immunizations. The time is past for piecemeal solutions; doing business as usual is costing children's lives.

This act will establish immunization registries throughout the Nation, giving States the resources and assistance to track the immunization needs of children. Currently we have no means to assess progress on immunization. This tracking system will solve that problem. It will identify who is and who is not getting necessary vaccinations. It will also be easy for parents to learn what immunizations their children need. Immunization registries are vital tools for public health officials, because education and outreach efforts can be targeted to communities where they are most needed.

This act also provides critical resources to strengthen the public health infrastructure used in the delivery of immunization services. In too many neighborhoods, public health clinics have a skeleton staff, and hours for immunization are limited. Lines are often long, with parents waiting hours to get their child vaccinated. Local health departments and public clinics need help. This legislation addresses these practical needs. It supports new staff and community outreach workers, and will help keep the doors open during hours more convenient to families.

The bill also supports outreach and information services to parents, so that they can learn the value and importance of immunizations.

This legislation also provides that all recommended childhood vaccines will be covered by the Vaccine Injury Compensation Program. This is vital to reducing concerns about liability among providers and manufacturers, and assuring that children will have fair remedies for negative reactions to vaccines.

The bill to be introduced today by Senator RIEGLE, of which I am a cosponsor, ensures that price need never be a barrier for children. Vaccines will be federally purchased and made available to all providers of immunizations free of charge. The savings achieved will far outweigh the costs of this program. Immunizations should be a basic benefit under national health care reform. Until that day comes, no child should be turned away because of inability to pay.

Often in Congress, we face challenges where the situation is unclear. We spend months and years hearing testimony and reports about the best means to meet such challenges. With immunizations, the problem is clear and the answer is at hand.

The Nation is fortunate to have a President who believes in investing in children's health, and who is willing to commit the resources and expertise of the Public Health Service to meeting the Nation's goal of a 90 percent immunization rate by the year 2000. We know how to achieve that goal, and this legislation will help us meet it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD,

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Child Immunization Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) CURRENT CIRCUMSTANCES.—Congress finds the following:

(A) Immunizations are among the most cost-effective means of preventing disease.

(B) Although Federal support for childhood immunizations has been in existence since 1962, the full potential of immunizations remains to be achieved. Enactment and enforcement of school immunization requirements have resulted in excellent immunization levels (96 percent or greater) in school children. However, approximately 80 percent of vaccine doses should be received before the second birthday in order to protect children during their most vulnerable periods. Many children do not receive their basic immunizations by that time, and in some inner cities as few as 10 percent of 2-year-olds have received a complete series. This low level of immunizations has been reflected in recent years by outbreaks of measles among inadequately immunized preschool children.

(C) The immunization services delivery infrastructure to immunize children is both public and private. There is considerable evidence to suggest that the private infrastructure has been eroded over the past decade as a result of the significantly increased cost of privately purchased vaccines.

(D) Prices for privately purchased vaccines exceed the prices paid for like vaccines in some other industrialized nations by over 2500 percent.

(E) High vaccine costs, coupled with the growing number of uninsured and underinsured families, has resulted in private physicians increasingly referring their private-pay patients to overburdened public clinics for vaccinations.

(F) Eleven States now have programs that provide vaccines without charge to both public and private health care providers. Other States that have sought to establish such programs have been denied additional discounted vaccines by manufacturers.

(G) There is no evidence to suggest that a negotiated price that takes into account the reasonable cost of production, marketing, research and development, and distribution will not fairly compensate vaccine manufacturers. Indeed, a recent report by the Congressional Office of Technology Assessment supports the proposition that negotiated rates can assure fair compensation while holding down costs.

(H) The secretary of Health and Human Services has experience negotiating vaccine purchase through the Federal contract system.

(I) The National Vaccine Injury Compensation Program is an essential element in a comprehensive immunization program and should be strengthened and applied to additional vaccines recommended for universal use in children.

(2) NEEDED ACTIONS.—With respect to actions necessary to ensure the full immunization of children at the earliest possible age, Congress finds the following:

(A) The Federal Government should purchase and provide free of charge to health care providers vaccines recommended for universal use in children. This action will not only remove financial barriers to immunization that impede children from being vaccinated at the appropriate time, but will also facilitate the development of an immunization tracking system.

(B) The Federal Government and the States should develop linked registries to track the immunization status of the Nation's children. The registry system should have the capability to notify parents of inadequately immunized children of the need to protect their children with specific vaccines.

(C) The coordinated national information and education outreach initiative operated through the Department of Health and Human Services should be sustained to bring needed information to parents and health care providers and focus their attention on the importance of achieving the full and timely immunization of children at the earliest appropriate age.

(D) Private and public health insurers should be encouraged to provide adequate reimbursement for the administration of childhood vaccines.

(E) Volunteer community activities to promote the full immunization of children at the earliest appropriate age should be encouraged.

(F) The National Vaccine Injury Compensation Program should be extended and improved. Vaccine information materials should be simplified to ensure that parents can understand the benefits and risks of vaccines.

(b) PURPOSE.—It is the purpose of this Act to ensure that all children in the United States are fully immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 3. NATIONAL IMMUNIZATION TRACKING SYSTEM.

(a) IN GENERAL.—Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Improved Immunization and National Tracking System

"SEC. 2141. RECOMMENDED CHILDHOOD VACCINES.

"Not later than October 1, 1994, (and periodically thereafter as the Secretary determines appropriate in view of advances in scientific understanding in the areas of immunization and disease control) the Secretary shall promulgate a list of vaccines that provide immunization against naturally occurring infectious diseases and are recommended for universal use in children. The Secretary shall concurrently promulgate recommendations regarding the appropriate dosage for each such vaccine, and the age or ages of children at which each vaccine should be administered.

"SEC. 2142. TRACKING OF CHILDHOOD IMMUNIZATIONS.

"(a) NATIONAL TRACKING SYSTEM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a national system to track the immunization status of children.

"(2) SYSTEM DESIGN.—The system established under paragraph (1) shall be designed to—

"(A) provide accurate and up to date surveillance data regarding immunization rates at the local and State levels;

"(B) assist in identifying localities with inadequate immunization rates to target for necessary remedial actions;

"(C) be used to identify unvaccinated children and trigger a notification system for the parents or legal guardians and health care providers of such children;

"(D) be used to assist in the effective administration and management of immunization programs at State and local levels by providing data to guide immunization program efforts;

"(E) assist States and localities in tracking the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(F) monitor the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(3) NOTIFICATION OF PARENTS.—The Secretary is authorized, in the case of inadequately immunized children in States not receiving grants under subsection (b), to notify the parents or guardians of those children receiving services through paragraphs (1), (2) or (3) of section 2143(a) of the need to protect their children with specific vaccine.

"(b) STATE REGISTRY GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants to States to enable such States to establish and operate State immunization tracking registries. A State receiving a grant under this section shall maintain a registry that includes the following information for each child living within the State:

"(A) The type and lot number of each recommended childhood vaccine administered after September 30, 1996.

"(B) An identification of the health care provider administering such vaccine.

"(C) The address and other demographic data needed to find the child.

"(D) Notations of any adverse events associated with each immunization.

"(E) Special religious considerations or medical conditions that are contraindications for immunizations.

"(F) Such other information as the Secretary may prescribe.

"(2) GRANT CONDITIONS.—A State, as a condition of receiving a grant under this subsection, shall comply with the following requirements:

"(A) The State registry shall provide for entry of the birth of each infant within the state within six weeks following the birth, and for timely entry thereafter of all information received from health care providers pursuant to section 2143(b)(2) or section 2125(b).

"(B) Subject to subsection (c), the State shall provide for the sharing of appropriate information from the State's registry, including immunization status and reports of adverse reactions, with health care providers who offer immunizations for the purpose of achieving the full immunization of all children in accordance with the recommendations of the Secretary under section 2141.

"(C) The State shall provide for notification to the parents or guardian of an inadequately immunized child of the need to protect the child with specific vaccine, except as provided in paragraph (1)(E).

"(D) Subject to subsection (c), the State shall provide for the coordination and exchange of information with other State registries to allow the tracking of the immunization status of children changing State of residence.

"(E) The State shall periodically furnish to the Secretary, at such times and in such form as the Secretary may prescribe, information contained in the State registry.

"(F) In designing its registry, the State shall adhere to tracking models and systems specifications prescribed by the Secretary for the purpose of ensuring the mutual compatibility of the data systems and electronic information technology utilized by the Secretary and the various States in carrying out activities under this subtitle.

"(G) The State shall monitor and enforce compliance by health care providers with the requirements of section 2143(b). The State shall establish procedures satisfactory to the Secretary for terminating from participation in the recommended childhood vaccine distribution program any health care provider who fails to comply with the requirements of section 2143(b)(1) and for reinstating such provider to program participation upon receiving from such provider—

"(i) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

"(ii) satisfactory assurances regarding the provider's future compliance.

"(H) If a State distributes recommended childhood vaccines within the State on behalf of the Secretary pursuant to section 2143(a), the State shall compile data, including lot numbers, on the vaccines distributed to each health care provider and shall furnish such data to the Secretary in such form and at such intervals as the Secretary may prescribe.

"(3) APPLICATIONS.—A State shall prepare and submit to the Secretary an application for a grant under subsection (b) in such form and containing such information as the Secretary may prescribe. The application shall include—

"(A) a description of the methods by which the State will comply with the requirements of paragraph (2);

"(B) the assurances required by paragraph (4); and

"(C) a description of the expenses that the State will incur in connection with its responsibilities under the grant.

"(4) ASSURANCES.—A State submitting an application for a grant under this section shall provide assurances satisfactory to the Secretary that—

"(A) the State's tracking registry will be fully operational not later than October 1, 1996;

"(B) the State's tracking registry will adhere to any tracking models and systems specifications prescribed by the Secretary pursuant to paragraph (2)(F); and

"(C) as appropriate, the State is making satisfactory and timely progress toward achieving the conditions described in subparagraphs (A) and (B).

"(5) ALLOWABLE USES OF GRANT FUNDS.—A State may use amounts from a grant awarded under this subsection for reasonable costs associated with the development and operation of its registry, including computer needs, technical assistance and training, education of health care providers, personnel costs, travel expenses, and other appropriate activities.

"(6) STATE REPORTS TO THE SECRETARY.—A State shall prepare and submit annual reports to the Secretary concerning the operation of the State's registry and other activities under this subtitle. Such reports shall be in such form, contain such information, and be submitted at such intervals as the Secretary may prescribe.

"(c) USE AND DISCLOSURE OF PERSONAL INFORMATION.—

"(1) GENERAL RULE.—No personally-identifiable information relating to a child who receives recommended childhood vaccine under this subtitle or to the parent or guardian of such a child that is collected or maintained by the National Tracking System established under subsection (a), or a State immunization tracking registry established under subsection (b), may be used or disclosed by any holder of such information except as permitted by this subsection.

"(2) GENERAL PERMISSIBLE USES.—Information described in paragraph (1) may be used or disclosed, without the consent of the individual to whom it refers, or of the parent or guardian of such individual, for—

"(A) the tracking of children's immunization status, and other purposes directly related to the health of the children being tracked and of their families;

"(B) oversight, audit, and evaluation of the immunization delivery and tracking activities, and the enforcement of the provisions of this title;

"(C) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine (including activities to carry out part C of subtitle 2);

"(D) processing of insurance claims for payment for vaccine administration (but only to the extent necessary to process a claim); or

"(E) administration of the National Vaccine Injury Compensation Program under subtitle 2.

"(3) PERMISSIBLE USE WITH WRITTEN AUTHORIZATION.—Information described in paragraph (1) may be used or disclosed with the written authorization of the individual to whom it refers, or the parent or guardian of such individual, and must, upon the request of such individual, or parent or guardian, be provided in writing to the individual.

"(4) REGULATIONS.—The Secretary is authorized to issue regulations—

"(A) governing the use, maintenance, and disclosure, by any holder of information described in paragraph (1), including appropriate administrative, technical and physical safeguards to ensure that only authorized persons have access to the information; and

"(B) establishing conditions for access by individuals, and their parents or guardians, to such information about themselves.

"(5) VIOLATIONS.—Any person who knowingly—

"(A) uses or discloses information in violation of this subsection; or

"(B) requests or obtains any information in violation of this subsection, and offers or provides anything of value in exchange for the provision of the information; shall be fined as prescribed by title 18, United States Code, or imprisoned not more than 3 years, or both.

"(d) AUTHORITY TO USE SOCIAL SECURITY NUMBERS.—

"(1) IN GENERAL.—Notwithstanding section 205 of the Social Security Act or any other provision of law, the Secretary and States receiving grants under subsection (b) may utilize the social security number, or other means of identification, of a child or of a parent or guardian of the child for purposes of identification of a child in any registry established under this section, and may require a child's parent or guardian to furnish such number (in any case where such a number has been assigned by the Social Security Administration) as a condition of the child receiving recommended childhood vaccine under this subtitle.

"(2) AUTHORITY TO REDISCLOSE.—Notwithstanding section 205(c)(2)(C)(vii)(I) of the Social Security Act, a social security number obtained in connection with activities under this subtitle may be redisclosed if such redisclosure is otherwise in accordance with subsection (c) of this section.

"(e) REPORTS BY SECRETARY TO THE CONGRESS.—Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development and operation of the national tracking system and the State registries.

"SEC. 2143. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—The Secretary shall provide for the distribution without charge of recommended childhood vaccines purchased by the Secretary under the Social Security Act to health care providers who serve children and who—

"(1) are members of a uniformed service, or are officers or employees of the United States;

"(2) are health centers (as defined in section 2144(2));

"(3) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act; or

"(4) are located in a State receiving a grant under section 2142(b).

The Secretary may provide for such distribution through any State that receives a grant under section 2142(b).

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider may impose a fee for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent or guardian to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report to the applicable State registry operated pursuant to a grant under section 2142(b) (or to the Secretary if there is no such State registry) the data described in section 2142(b)(1) for each dose of vaccine administered to a child. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccine distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary may prescribe.

"SEC. 2144. DEFINITIONS.

"For purposes of this subtitle—

"(1) HEALTH CENTER.—The term 'health center' means—

"(A) a federally-qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 340A (relating to grants for health services for residents of public housing); or

"(ii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(2) RECOMMENDED CHILDHOOD VACCINE.—The term 'recommended childhood vaccine' is a vaccine on the list promulgated by the Secretary pursuant to section 2141.

"SEC. 2145. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of awarding grants under section 2142 and for the operation of the tracking system authorized by such section, there are authorized to be appropriated $152,000,000 for fiscal year 1995, $125,000,000 for fiscal year 1996, and $35,000,000 for each of fiscal years 1997 through 1999.".

SEC. 4. GRANTS FOR IMMUNIZATION.

Section 317(j)(1) (42 U.S.C. 247b(j)(1)) is amended by adding at the end thereof the following new subparagraph:

"(C)(i) Funds that are made available for the purpose of strengthening the public health infrastructure and used in the delivery of childhood immunization services shall be used for activities that are consistent with a strategic plan that meets nationally established immunization goals and that was developed by the State in consultation with representatives of health care providers, health centers (as defined in clause (iii)), State agencies serving young children, and other entities involved in the prevention and control of vaccine-preventable illnesses.

"(ii) For purposes of clause (i), activities designed to strengthen the public health infrastructure and used in the delivery of childhood immunization services shall include public and provider education, community outreach initiatives, improvements in the capacity of health centers and local health departments to provide immunization services (including expansion of the number of hours in which such services are provided), and activities to facilitate the development and operation of State immunization tracking registries.

"(iii) For purposes of this paragraph, the term 'health center' means a public or nonprofit private entity receiving Federal funds under—

"(I) section 329 (relating to grants for migrant health centers);

"(II) section 330 (relating to grants for community health centers);

"(III) section 340 (relating to grants for health services for the homeless); or

"(IV) section 340A (relating to grants for health services for residents of public housing).".

SEC. 5. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa-14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—The Vaccine Injury Table in subsection (a) shall also include any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141. The Secretary may modify the Table with respect to any vaccine added by operation of the preceding sentence only in accordance with subsection (c). For purposes of section 2116(b), the addition of a vaccine to the Table by operation of this subsection shall constitute a revision of this Table.".

(2) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa-16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(b) EXTENSION OF TIME FOR DECISION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(c) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(1) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa-26(b)) is amended—

(A) by striking "by rule" in the matter preceding paragraph (1);

(B) in paragraph (1), by striking ", opportunity for a public hearing, and 90" and inserting "and 30"; and

(C) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(2) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa-26(c)) is amended—

(A) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(B) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine; and

"(3) a statement of the availability of the National Vaccine Injury Compensation Program.".

(3) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa-26 (a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(4) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa-26(d)) is amended—

(A) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(B) by striking "or other information" in the last sentence.

STATEMENT OF SUPPORT FOR THE COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

We, the undersigned organizations, applaud President Clinton's initiative to protect all of America's children against preventable diseases. It is unacceptable that almost half of our nation's preschoolers are not fully immunized. The nation's shameful immunization record is a testament to the need for comprehensive health care reform to guarantee comprehensive health care coverage for all Americans. This legislation is an important step towards that goal.

The President's initiative will guarantee that no child will go unimmunized because his or her family cannot afford the shot. It is unacceptable that forty percent of American preschoolers are not fully immunized when each dollar invested in immunizations saves our society more than $10 in health care costs by preventing disease and disability. This legislation will also create a national immunization registry to follow the vaccination status of individual children. The registry will provide reminder notices to families for their children's shots and identify communities with low coverage rates for outreach and public education. The Act will also improve Medicaid coverage of immunizations for low-income children, and reauthorize the National Vaccine Injury Compensation Program.

American Academy of Family Physicians.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College of Nurse-Midwives.
American Federation of State, County, and Municipal Employees, AFL-CIO.
American Federation of Teachers, AFL-CIO.
American Hospital Association.
American Public Health Association.
American School Health Association.
The ARC (formerly the Association of Retarded Citizens).
Association of Maternal and Child Health Programs.
Association of State and Territorial Health Officers.
Child Welfare League of America.
Children's Health Fund.
March of Dimes Birth Defects Foundation.
National Association for the Education of Young Children.
National Association of Children's Hospitals and Related Institutions.
National Association of Developmental Disabilities Councils.
National Association of WIC Directors.
National Black Nurses Association.
National Easter Seal Society.
National Indian Education Association.
National PTA.
The Children's Defense Fund.
United Cerebral Palsy Association.
The Vaccine Project.
Zero to Three/National Center for Clinical Infant Programs.
Every Child by Two.

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. METZENBAUM, Mr. WELLSTONE, and Ms. MIKULSKI):

S. 733. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

COMPREHENSIVE CHILD HEALTH IMMUNIZATION ACT OF 1993

Mr. RIEGLE. Mr. President, I rise today to introduce with my distinguished colleague Senator KENNEDY and others, the Comprehensive Child Health Immunization Act of 1993, S. 733. This legislation will address the problems that have prevented so many of our Nation's young children from receiving immunizations on time. I am also the primary cosponsor of companion immunization legislation introduced by Senator KENNEDY. Senator KENNEDY and I are introducing separate bills that together will make sure all children are fully immunized. These bills represent the collective efforts of the Clinton administration, Senator KENNEDY and myself. I urge my colleagues to support this legislative initiative.

As one who has been working for many years to improve our Nation's immunization rates, I was very pleased when earlier this year, President Clinton took a first step toward this goal by allocating $300 million in the economic stimulus package for improving immunization efforts including funds to States and localities for outreach, more clinics and staffing, and better immunization records. The President's initiative, together with the legislation that Senator KENNEDY and I are introducing today, will provide a comprehensive strategy to ensure all children receive timely immunizations. I chair the Finance Subcommittee on Health for Families and the Uninsured and will be leading the effort to move this legislation through the Finance Committee.

HISTORY OF FEDERAL EFFORTS

Mr. President, many believe that the measles outbreak in the late eighties was due, in part, to the lack of Federal financial support. Federal funding for immunizations was only $31 million in 1981, and stayed under $100 million until 1989. During this time, the Reagan administration relied on local communities to make the financial investment needed to provide immunizations to young children.

Congress has since acted to increase funding to almost $300 million in 1992. Last year, we were successful in allocating an additional $45 million for this fiscal year. This funding will go to implement action plans developed by each State and several urban areas, including Michigan and Detroit, for innovative ways to increase immunizations through public and private sector cooperation and coordination.

Michigan and Detroit received a total of $1.6 million from the Centers for Disease Control last year, based on their action plans which I supported. By June of this year, the Michigan and Detroit plans will receive more funding through the additional $45 million provided for immunizations in fiscal year 1993.

To increase the number of young children who receive much-needed vaccinations, I introduced the first comprehensive immunization bill last Congress. The Comprehensive Child Health Immunization Act from last Congress put in place a strategy within existing public health and social service programs to capitalize on opportunities to immunize children when they interact with public programs. The legislation also proposed to improve outreach efforts, reduce administrative barriers to immunizations, and eliminate financial disincentives for private providers to immunize children in their own offices.

In June 1992, I held a hearing in the Finance Subcommittee on Health for Families and the Uninsured on S. 2116, to review the many difficulties involved in improving vaccinations. Many of the suggestions and ideas developed in that hearing are reflected in the bills being introduced today.

Ideally, Mr. President, children should receive immunizations as part of a comprehensive, preventive health care program. Declining immunization rates reflect a larger problem of the lack of access to basic health services for too many children. Ultimately, we need to guarantee access to comprehensive health care services for all Americans. I introduced, with my colleagues in the 102d Congress, a national health care reform bill, HealthAmerica, S. 1227, that would provide health insurance for all Americans. I am encouraged that President Clinton has made national health care reform one of his administration's highest priorities and I am working with the new administration to bring affordable health care to all Americans. We are introducing this legislation today because improvements in the childhood vaccine delivery system cannot wait until we enact national health care reform.

BACKGROUND OF PROBLEM

Although most children are fully immunized by the time they begin school, there is evidence that many younger children are not appropriately immunized. In 1979, the United States reached the goal of getting 90 percent of school-age children immunized against common preventable diseases. In the past few years, however, we have seen a dramatic rise in the number of toddlers getting sick—even dying—from entirely preventable diseases. In 1991, more± than 25,000 kids got the measles—a two thirds increase from the year before. In Michigan, measles cases jumped from a record low of 31 in 1988, to 359 in 1989, only to be exceeded again in 1990, with 478 cases—the highest since 1979—and one death. Nationally, nearly 4,500 mumps cases and 3,700 whooping cough cases also developed. In Michigan whooping cough cases almost doubled between 1989 and 1990.

Our immunization rates for young children are worse than those in Third World countries. The United States, with only 48 percent of its 1-year-olds fully immunized, ranks 103d among 130 nations of all levels of development. Countries such as Cuba, 93 percent, Bulgaria, 99 percent, and Honduras, 76 percent, all have better immunization rates of their 1-year-olds than the United States. By the time many American children reach their second birthday they are still behind schedule: Only about half of them receive their full series of recommended vaccinations by age 2. In 1992, only two-thirds of Michigan's children received their full set of immunizations by their second birthday, and in urban Detroit only one-third of the 2-year-olds were fully vaccinated.

VACCINE COSTS POSE BARRIERS

Cost remains a formidable barrier to many of the parents of children who need immunizations. Both physicians and parents are sensitive to the cost of vaccines. Immunizations are generally not covered by private health insurance and are usually paid for out-of-pocket. Increasingly, physicians, to save their patients money, are referring patients with children to public clinics where there are no vaccine costs to the parent and administration fees are significantly lower.

Unfortunately, these public clinics are often not properly equipped or funded to handle this increased demand. Patients often find long waiting lines and additional appointments are needed to immunize their children. Some parents never take their children to the referred clinic. This fragmentation of care between public and private providers delays or prevents timely immunizations and undermines efforts to keep records on immunizations.

Mr. President, I recently learned about a middle-income family in Grand Rapids, MI, that illustrates these problems. The family, with four young children under 7 years old, has private insurance through the husband's employer but the cost of immunizations is not covered. The mother used to take her four children to their private doctor for immunizations, but it would take 3 to 4 months to pay off the costs for these visits and it became too much of a financial burden. About 1 year ago, the mother began taking her children to the local health department for their immunizations since the health department did not charge for most vaccinations. However, the health department does not make appointments and works on a first-come, first-served basis. The youngest child in the family is 9 months old and requires several vaccinations a year. This means several times a year the family must wait up to 2½ hours in the health department for the immunizations.

Dr. Ed Cox, president of the Michigan chapter of the American Academy of Pediatrics has witnessed what families, like the family Grand Rapids, have experienced. When testifying before the Senate Finance Subcommittee on Health for Families and the Uninsured he stated that, "While our childhood immunization program is the most cost effective health program we have, cost remains a formidable barrier for many families, either directly or indirectly. Purchase costs in the private sector are approximately double the costs for the same vaccine doses as the public costs. Oral polio vaccine cost three times more in the private sector."

The statistics overwhelmingly support Dr. Cox's assertion. In Michigan, the mumps, measles, and rubella vaccine costs $15.33 in the public sector, and $26 to $29 in the private sector. The Hib vaccine for the Michigan public sector is $12.50 to $14 while the private price exceeds $28. Nationally, the average cost for a full set of immunizations in the private sector is $233 versus $114 in the public sector.

LACK OF CENTRAL TRACKING SYSTEM FRUSTRATES OUTREACH

The lack of a central tracking system and medical record registry has also frustrated the efforts of health care providers to properly immunize children. Because of the fragmented delivery of immunizations between private and public providers, parents are often left to keep track of the immunization status of their children. They must keep track of which shots are appropriate for their children. Children are getting sick, and even dying because we do not adequately keep track of their immunization status.

ASSISTANCE PROGRAMS MISS OPPORTUNITIES

There are also missed opportunities to immunize children in our Nation's health system and social service programs. At physician offices and public clinics, children are not screened for their immunization status. Additionally, many federally supported child care programs are in contact with children but do not inquire about the immunization status of these children. We need to utilize these programs that have established links with children and their parents to provide information about assistance in getting vaccinations.

LEARNING FROM MICHIGAN ADVOCATES

Mr. President, my wife, Lori, and I have been working to raise public awareness about immunizations. Lori and I have traveled throughout Michigan meeting with health care providers, children's advocates and parents. We were able to gather a great deal of information about immunization rates in communities and about the problems local providers are encountering within the current system.

I owe a great deal of thanks to the many public health officials, private physicians' coalitions, children's advocacy organizations, concerned parents, and program innovators for clearly defining the problems and suggesting solutions for improving our Nation's immunization system. Much of what I learned working with these Michigan groups is reflected in the legislation that Senator KENNEDY and I are introducing today.

PROPOSAL FOR LEGISLATION

The legislation that I am introducing today, with my colleague Senator KENNEDY, will create a comprehensive immunization system to make sure that all children in America are properly immunized. There are several components in this legislation.

UNIVERSAL PURCHASE AND DISTRIBUTION

The first component of the immunization initiative will create a Federal universal purchase program for vaccines. The Federal Government would purchase all child vaccines and the States or the drug companies would distribute them for free to all participating public and private providers.

A universal purchase program would eliminate the major barrier in providing childhood immunizations—cost. The cost of providing a complete set of vaccinations now ranges from $114 for the CDC price, to as high as $233 in the private sector. Under the universal purchase program, all health care providers, public and private, would be able to provide childhood immunizations without having to pass the high costs of these vaccines onto the patients. Providers could charge an administrative fee as long as it did not prevent someone from getting needed vaccines.

Under the universal purchase program, parents will no longer have to forgo immunizations for their children due to cost considerations or inconvenience. The program will ensure all children are immunized regardless of their family's income.

Currently, States that provide immunizations must negotiate purchase prices with vaccine manufacturers. The process of 50 separate negotiations has unnecessarily complicated the vaccine purchase process for States. The universal purchase program will simplify the negotiations process and allow States to focus their resources on outreach and tracking efforts. When South Carolina, Hawaii, Arizona, Delaware, and Kansas tried to get more vaccine at the Centers for Disease Control price, they were turned away by some drug companies.

The universal purchase and distribution program has been successful in providing the diphtheria, tetanus, and pertussis [DTP] vaccine to both public and private providers in Michigan. By removing the financial barriers to receiving vaccinations, this Michigan program has successfully encouraged private physicians to provide DTP vaccinations. I will be working to ensure that this vital program can continue to operate under a universal purchase program and that such a program fairly accounts for their costs.

Once health care reform is implemented, universal purchase will be phased out as all children will be covered for immunizations. And I am working to include immunizations as part of the basic-benefits package.

UNIVERSAL TRACKING SYSTEM

Mr. President, the second component of our immunization initiative is the creation of a joint Federal and State effort to track the immunization status of our children. This national vaccination registry system will allow providers, in both public and private settings, to immediately check and update the immunization status of the children they treat, and assist in making sure all children are immunized. This is necessary because the lack of a central tracking system and medical record registry has frustrated the efforts of health care providers to properly immunize children. For health offices, the tracking system will give them the information they need to focus their efforts on communities that are having difficulties immunizing their children.

The universal purchase program will simplify the creation of a national tracking system by utilizing information from the States and the drug companies on vaccine distribution. Additionally, as a requirement to receive free vaccine, providers must participate in the tracking system.

MEDICAID IMPROVEMENTS

This legislation would make changes to the Medicaid Early and Periodic Screening, Diagnosis, and Treatment [EPSDT] Program. States currently cover a range of screening and preventive services, including some vaccinations, for low-income children through Medicaid's Early and Periodic Screening, Diagnosis, and Testing [EPSDT] Program. The bill would require State Medicaid programs to cover the entire set of recommended childhood vaccines under the EPSDT Program and to reimburse providers for the administration of these vaccines.

NATIONAL VACCINE INJURY COMPENSATION PROGRAM

The National Vaccine Injury Compensation Program, which compensates for injuries resulting from vaccinations, is an essential element in a comprehensive immunization program. The bill strengthens the program by extending it to cover additional vaccines recommended for universal use in children and by restoring the excise tax on vaccines to ensure that parents and providers are adequately protected.

WORKING WITH VACCINE MANUFACTURERS

Mr. President, the efforts of manufacturers in developing improved child vaccines has played a pivotal role in improving the health status of our Nation's children. This bill may not change the manufacturers' revenues overall. It would bring the price to the same level for everyone and reduce the current cost-shifting problem between CDC price and private-pay price. Also, the bill specifically states that the price would be negotiated based on information from the manufacturers including research and development costs and profit levels sufficient to encourage future investment in research and development.

I want to work with the vaccine manufacturers to ensure they are able to continue their excellent work. I will be holding hearings in the Finance Subcommittee on Health for Families and the Uninsured to solicit comments from the vaccine manufacturers on how to improve this legislation.

The Comprehensive Child Immunization Act, together with Senator KENNEDY's immunization bill, creates the framework for a national immunization program that will effectively provide immunizations for all the children of America.

The Comprehensive Child Health Immunization Act has received the support of many children's advocacy groups, including the Children's Defense Fund, American Academy of Pediatrics, the March of Dimes, and many others. I will continue to work with these and other groups to further refine and improve this legislation as it moves through the legislative process.

The cost of the bill for the 1st year is just over $1 billion in fiscal year 1995. The President will announce the specific financing mechanism when he presents his health care reform plan in May. But I want to emphasize that for every 1 dollar we spent on immunizations, we save $10 in future medical costs. Therefore, by spending some money up front we avoid more expensive costs in the future.

I want to commend the distinguished Senator from Massachusetts for his leadership in this area. We started working together on a comprehensive bill in December 1992. We are pleased to introduce the President's immunization initiative and look forward to working with the Clinton administration on moving this bill through Congress as soon as possible.

Mr. President, I ask unanimous consent that a letter, listing groups supporting the bill and the text of the bill, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Child Health Immunization Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) CURRENT CIRCUMSTANCES.—Congress finds the following:

(A) Immunizations are among the most cost-effective means of preventing disease.

(B) Although Federal support for childhood immunizations has been in existence since 1962, the full potential of immunizations remains to be achieved. Enactment and enforcement of school immunization requirements have resulted in excellent immunization levels (96 percent or greater) in school children. However, approximately 80 percent of vaccine doses should be received before the second birthday in order to protect children during their most vulnerable periods. Many children do not receive their basic immunizations by that time, and in some inner cities as few as 10 percent of 2-year-olds have received a complete series. This low level of immunizations has been reflected in recent years by outbreaks of measles among inadequately immunized preschool children.

(C) The childhood immunization services delivery infrastructure is both public and private. There is considerable evidence to suggest that the private infrastructure has been eroded over the past decade as a result of the significantly increased cost of privately purchased vaccines.

(D) Prices for privately purchased vaccines exceed the prices paid for like vaccines in some other industrialized nations by over 2500 percent.

(E) High vaccine costs, coupled with the growing number of uninsured and underinsured families, has resulted in private physicians increasingly referring their private-pay patients to overburdened public clinics for vaccinations.

(F) Eleven States now have programs that provide vaccines without charge to both public and private health care providers. Other States that have sought to establish such programs have been denied additional discounted vaccines by manufacturers.

(G) There is no evidence to suggest that a negotiated price that takes into account the reasonable cost of production, marketing, research and development, and distribution will not fairly compensate vaccine manufacturers. Indeed, a recent report by the Congressional Office of Technology Assessment supports the proposition that negotiated rates can assure fair compensation while holding down costs.

(H) The Secretary of Health and Human Services has experience negotiating vaccine purchase through the Federal contract system.

(I) The National Vaccine Injury Compensation Program is an essential element in a comprehensive immunization program and should be applied to additional vaccines recommended for universal use in children.

(2) NEEDED ACTIONS.—With respect to actions necessary to ensure the full immunization of children at the earliest possible age, Congress finds the following:

(A) The Federal Government should purchase and provide free of charge to health care providers vaccines recommended for universal use in children. This action will not only remove financial barriers to immunization that impede children from being vaccinated at the appropriate time, but will also facilitate the development of an immunization tracking system.

(B) The Federal Government and the States should develop linked registries to track the immunization status of the Nation's children. The registry system should have the capability to notify parents of inadequately immunized children of the need to protect their children with specific vaccines.

(C) The coordinated national information and education outreach initiative operated through the Department of Health and Human Services should be sustained to bring needed information to parents and health care providers and focus their attention on the importance of achieving the full and timely immunization of children at the earliest appropriate age.

(D) Private and public health insurers should be encouraged to provide adequate reimbursement for the administration of childhood vaccines.

(E) Volunteer community activities to promote the full immunization of children at the earliest appropriate age should be encouraged.

(F) The National Vaccine Injury Compensation Program should be extended and improved. Vaccine information materials should be simplified to ensure that parents can understand the benefits and risks of vaccines.

(b) PURPOSE.—It is the purpose of this Act to ensure that all children in the United States are fully immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 3. FEDERAL PURCHASE OF CHILDHOOD VACCINES.

(a) ESTABLISHMENT OF PROGRAM.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—FEDERAL PURCHASE OF CHILDHOOD VACCINES

"PURCHASE BY THE SECRETARY

"SEC. 2101. (a) PURCHASE OF VACCINES.—

"(1) IN GENERAL.—The Secretary shall regularly contract for the purchase of vaccines included on the list promulgated by the Secretary pursuant to section 1931 (referred to in this section as 'recommended childhood vaccines') in amounts—

"(A) necessary for distribution under the Public Health Service Act to meet anticipated needs for the routine and catch-up immunization of children in the United States in accordance with the recommendations promulgated under section 1931 and for foreseeable outbreak control activities;

"(B) necessary for the maintenance of a reserve vaccine supply sufficient for a 6-month period; and

"(C) which take into account minimum waste due to breakage or other unavoidable losses.

"(2) CONSULTATIONS.—

"(A) PREPROCUREMENT CONSULTATIONS.—The Secretary may consult with representatives of State governments, experts in vaccine delivery, health care providers, and others with expertise in purchasing and pricing pharmaceutical products prior to soliciting bids or offers for recommended childhood vaccines under this section. Health care providers shall also furnish periodic estimates to the States of the providers' future dosage needs for recommended childhood vaccines distributed under the Public Health Service Act. States receiving Federal grants for immunization registries shall report such data to the Secretary. All reports shall be made with such frequency and in such detail as the Secretary may prescribe.

"(B) CONSULTATIONS WITH FEDERAL AGENCIES.—The Secretary shall, in order to determine the appropriate vaccines and amounts of vaccines to be purchased under paragraph (1), consult with Federal agencies involved in research regarding, or the regulation, procurement, or distribution of, recommended childhood vaccines. Such consultation may be effected through the establishment of a Vaccine Requirements Panel to be composed entirely of representatives of the relevant Federal agencies, or through such other means as the Secretary determines appropriate.

"(3) COST OR PRICING DATA.—

"(A) IN GENERAL.—The Secretary shall negotiate a reasonable price for vaccines to be purchased under this section that fairly takes into account the excise tax under section 4131 of the Internal Revenue Code of 1986 and the various costs described in subparagraph (C).

"(B) MANUFACTURERS.—A manufacturer of recommended childhood vaccines shall provide cost or pricing data in support of the manufacturer's proposed price at the time the manufacturer responds to a procurement instituted by the Secretary under this section. A manufacturer shall also provide such data upon the request of the Secretary whenever the Secretary determines that contract modifications are necessary.

"(C) TYPE OF INFORMATION.—The information required under subparagraph (B) shall include data related to the research and development costs of the vaccine, production costs, handling, shipping, and other costs associated with delivering the vaccine to health care providers and States in accordance with the distribution plan of the Secretary (through the manufacturers or a State, as the case may be) under the Public Health Service Act, marketing costs, profit levels sufficient to encourage future investments in research and development of new or improved vaccines, the cost of maintaining adequate capacity for outbreak control, and any other data the Secretary determines appropriate.

"(4) CONFIDENTIALITY OF DATA.—

"(A) IN GENERAL.—Information provided to the Secretary under paragraph (3) shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed to any person other than those authorized by the Secretary in connection with carrying out official duties under this section.

"(B) PROHIBITION ON WITHHOLDING.—Subparagraph (A) shall not be construed as authorizing the withholding of information provided under paragraph (3) from any duly authorized subcommittee or committee of the Congress. If the Secretary provides such information to any subcommittee or committee, the Secretary shall give written notice to the manufacturer that provided the information.

"(C) WRITTEN PROCEDURES.—The Secretary shall establish written procedures to ensure the confidentiality of information provided under paragraph (3).

"(5) PROHIBITION ON ADDITIONAL SHIPPING OR HANDLING CHARGES.—Each contract for the purchase of recommended childhood vaccines under this section shall contain a provision by which the manufacturer agrees to ship or otherwise arrange for the delivery of such vaccines in accordance with the distribution plan of the Secretary (through the manufacturers or a State, as the case may be) without imposing any additional charge for shipping, handling, or any other cost on the health care provider or State to which the vaccine is shipped or delivered.

"(6) MULTIPLE SUPPLIERS.—To ensure a reliable and adequate supply of vaccine and to stimulate competition, the Secretary shall enter into contracts when feasible with multiple manufacturers of the same recommended childhood vaccine, under such terms and conditions and utilizing such procurement processes as the Secretary determines appropriate.

"(7) REPORTING REQUIREMENTS.—Each contract for the purchase of recommended childhood vaccines under this section shall require the manufacturer to report in a standardized form to the Secretary, or the Secretary's designee, and appropriate States, at intervals determined by the Secretary, data regarding the destination of the vaccines by lot number, and any other information related to the vaccines purchased that the Secretary may require.

"(b) FUNDING.—There shall be made available for expenditure by the Secretary, out of the Comprehensive Child Immunization Account in the Treasury of the United States established pursuant to section 3(b) of the Comprehensive Child Health Immunization Act of 1993, such amounts as are required to carry out this section for fiscal year 1995 and for each fiscal year thereafter during which this section remains in effect.".

(b) FUNDING FOR PROGRAM.—

(1) MAINTENANCE OF SEPARATELY IDENTIFIABLE ACCOUNT.—There shall be established in the Treasury of the United States a Comprehensive Child Immunization Account for the purpose of funding the activities under section 2101 of the Social Security Act (as added by subsection (a) of this section).

(2) SOURCE OF RECEIPTS.—Receipts shall be credited to the account established under

paragraph (1) as may be provided in Federal law.

(c) TERMINATION OF PROGRAM.—Section 2101 of the Social Security Act (as added by subsection (a) of this section) shall cease to be in effect beginning on such date as may be prescribed by a Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

SEC. 4. REQUIREMENTS CONCERNING IMMUNIZATIONS OF CHILDREN UNDER STATE MEDICAID PROGRAMS.

(a) COVERAGE OF IMMUNIZATIONS UNDER EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TESTING (EPSDT).—Section 1905(r)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1396d(r)(1)(B)(iii)) is amended to read as follows:

"(iii) administration of appropriate recommended childhood vaccines included on the list promulgated by the Secretary under section 1931, taking into account the health history of the individual,".

(b) REIMBURSEMENT RATES FOR RECOMMENDED CHILDHOOD VACCINES.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by inserting "and" at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) that payments to providers shall include amounts, as appropriate, as reimbursement for the administration of recommended childhood vaccines in accordance with section 1905(r)(1)(B)(iii);".

(c) RECOMMENDED CHILDHOOD VACCINES.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"RECOMMENDED CHILDHOOD VACCINES

"SEC. 1931. Not later than October 1, 1994, (and periodically thereafter as the Secretary determines appropriate in view of advances in scientific understanding in the areas of immunization and disease control) the Secretary shall promulgate a list of vaccines that provide immunization against naturally occurring infectious diseases and are recommended for universal use in children. The Secretary shall concurrently promulgate recommendations regarding the appropriate dosage for each such vaccine, and the age or ages of children at which each vaccine should be administered.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1994.

(2) EXTENSION FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 5. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) USE OF VACCINE INJURY COMPENSATION TRUST FUND.—

(1) Section 9510(c)(1) of the Internal Revenue Code of 1986 is amended by striking out ", and before October 1, 1992,".

(2) Section 6601(r) of the Omnibus Budget Reconciliation Act of 1989 is amended by striking out "$2,500,000 for each of fiscal years 1991 and 1992" each place it appears and inserting in lieu thereof "$3,000,000 for fiscal year 1994 and each fiscal year thereafter".

(b) PERMANENT EXTENSION OF AUTHORITY TO IMPOSE TAXES FOR THE VACCINE INJURY COMPENSATION TRUST FUND.—

(1) PERMANENT EXTENSION OF TAX.—Section 4131(c) of the Internal Revenue Code of 1986 is repealed.

(2) REINSTATEMENT OF TAX.—The tax imposed by section 4131 of the Internal Revenue Code of 1986 is hereby reinstated effective April 1, 1993.

SEC. 6. NATIONAL IMMUNIZATION TRACKING SYSTEM.

On such date as section 2101 of the Social Security Act (as added by section 3(a) of this Act) shall cease to be in effect as provided in section 3(c) of this Act, the Secretary of Health and Human Services shall implement a program to ensure participation of all health care providers in a national immunization tracking system.

STATEMENT OF SUPPORT FOR THE COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

We, the undersigned organizations, applaud President Clinton's initiative to protect all of America's children against preventable diseases. It is unacceptable that almost half of our nation's preschoolers are not fully immunized. The nation's shameful immunization record is a testament to the need for comprehensive health care reform to guarantee comprehensive health care coverage for all Americans. This legislation is an important step towards that goal.

The President's initiative will guarantee that no child will go unimmunized because his or her family cannot afford the shot. It is unacceptable that forty percent of American preschoolers are not fully immunized when each dollar invested in immunizations saves our society more than $10 in health care costs by preventing disease and disability. This legislation will also create a national immunization registry to follow the vaccination status of individual children. The registry will provide reminder notices to families for their children's shots and identify communities with low coverage rates for outreach and public education. The Act will also improve Medicaid coverage of immunizations for low-income children, and reauthorize the National Vaccine Injury Compensation Program.

American Academy of Family Physicians.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College of Nurse-Midwives.
American Federation of State, County, and Municipal Employees, AFL–CIO.
American Federation of Teachers, AFL–CIO.
American Hospital Association.
American Public Health Association
American School Health Association.
The ARC (formerly the Association of Retarded Citizens).
Association of Maternal and Child Health Programs.
Association of State and Territorial Health Officers.
Child Welfare League of America.
Children's Health Fund.
March of Dimes Birth Defects Foundation.
National Association for the Education of Young Children.
National Association of Children's Hospitals and Related Institutions.
National Association of Developmental Disabilities Councils.
National Association of WIC Directors.
National Black Nurses Association.
National Easter Seal Society.
National Indian Education Association.
National PTA.
The Children's Defense Fund.
United Cerebral Palsy Associations.
The Vaccine Project.
Zero to Three/National Center for Clinical Infant Programs.
Every Child by Two.

By Mr. FEINGOLD:

S. 734. A bill to amend the agricultural Act of 1949 to require the Secretary to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 735. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes.

S. 736. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BOVINE GROWTH HORMONE LEGISLATION

Mr. FEINGOLD. Mr. President, I am today introducing three bills, S. 734, the Bovine Growth Hormone Moratorium Act of 1993, S. 735, the Bovine Growth Hormone Labeling Act, and S. 736, the Bovine Growth Hormone User Assessment Act. Each of these bills is designed as a separate approach to the economic problems which may be caused by the likely Food and Drug Administration approval and the resulting introduction into the commercial market, of recombinant bovine somatotropin, commonly referred to as bovine growth hormone, a synthetic growth hormone used to increase milk production.

I am deeply concerned about the serious, negative economic effects that approval of this drug may have on the Nation's dairy industry and our National Treasury. The approval and introduction of bovine somatotropin/bovine growth hormone [BST/BGH] is likely to result in huge Federal Government outlays in order to compensate for the effects of the use of the drug on the dairy program, and put many small- and medium-size family dairy farms out of business. To date, these disastrous economic implications have not received sufficient review by Congress.

The use of BST/BGH is claimed to result in anywhere from a 10- to 25-percent increase in the milk production of a cow injected with the drug. This increase in milk production, coupled with the corresponding decrease in demand resulting from consumer concerns, could result in a significant increase in our Nation's Federal deficit by increasing U.S. Government purchases of surplus milk products, while at the same time lowering prices received by dairy farmers throughout the country. This in turn will force many family dairy farmers out of business.

Mr. President, I have introduced these three bills in order to present a variety of approaches to help prevent or minimize the potential negative economic effects that this product will create for the dairy industry and the Nation as a whole.

The first bill, the Bovine Growth Hormone Moratorium Act of 1933, provides for a moratorium on the marketing for commercial use of milk produced by cows injected with BST/BGH until an economic impact report has been submitted to Congress on the effects of the introduction of BST/BGH. This report would address the economic impact in terms of both the Federal budget and the dairy industry in the United States.

The second bill, the Bovine Growth Hormone Labeling Act, is designed to mitigate the anticipated effects of a reduction in consumer demand for milk and milk products by requiring BST/BGH labeling so that consumers who do not wish to utilize milk or milk products derived from cows which have been injected with BST/BGH will have the ability to continue to purchase BST/BGH-free products.

The third bill, the Bovine Growth Hormone User Assessment Act, would require that the higher assessments which are likely to be triggered by the introduction of BST/BGH into the Federal milk price support program will be shifted to those producers who choose to use this product, rather than falling upon dairy farmers who do not.

Mr. President, each of these bills takes a slightly different approach to what I, and many others, anticipate will be an economic disaster for the dairy industry once BST/BGH enters the commercial market. I am not committed to any single approach, but am strongly committed to doing everything I can to prevent the adverse economic consequences that the introduction of BST/BGH is likely to have on the dairy industry in this country.

Mr. President, I first began fighting against this drug 7 years ago as a Wisconsin State senator after several dairy farmers from my State senate district first alerted me to the product and the potential damaging effects it could have on dairy farmers and the dairy industry as a whole. Although some groups oppose the product because of perceived health and safety concerns, my opposition to BST/BGH is based on the same reason as I had when I introduced, in the Wisconsin Senate, legislation placing a moratorium on its use in Wisconsin and legislation which required the labeling of products derived from milk containing the drug. And that reason is the drug's devastating economic impact on family dairy farms. Those concerns have only been heightened by consideration of the adverse fiscal impact that BST/BGH is likely to have on the Federal milk price support program and the Federal deficit.

Various studies have indicated that the use of BST/BGH is likely to have a major impact on the Federal budget. The combination of increased milk production and decreased consumer demand for milk products would result in increased Federal outlays through the U.S. Department of Agriculture Commodity Credit Corporation [CCC] purchases. Under current law, the Federal Government is obligated to indirectly support the price of milk through purchases of milk products. In order to limit these price support costs, assessments are imposed upon milk producers when Federal purchases exceed 7 billion pounds. Using conservative estimates, a number of studies looking at the effect of BST/BGH use under the current Federal dairy price-support system have demonstrated that adoption of the drug could cause the Federal Government's price-support purchases of milk to cross the current 7 billion pound threshold level for such purchases, causing significant assessments from dairy farmers.

If these assessments were to be repealed in order to provide relief to our Nation's dairy farmers, the Federal budgetary implications would be enormous. A milk consumption decrease of 10 percent, which is a reasonable estimate in light of the current consumer survey studies on this issue, coupled with the increase in milk production, would result in a 1995 budgetary impact of over $2 billion. Although the repeal of these assessments appears to be unlikely, the 1994 budgetary impact of the Federal Government's price support purchases alone would be over $225 million for purchases up to the 7 billion pound threshold level. Therefore, even without the repeal of the increased assessments imposed upon all dairy farmers, the introduction of BST/BGH would still cost the Federal Government hundreds of millions of dollars and the rest would be shouldered by an already beleaguered dairy farming industry.

The introduction of BST/BGH into the dairy industry will have a tremendous impact on smaller family dairy farms as well. The approval and introduction into the market of BST/BGH could put small and medium-size dairy farms out of business by means other than, or in combination with, the increased assessments and decreased milk prices. Studies of the potential adoption of BST/BGH by dairy farms have generally predicted that the use of the drug will cause a large shift of milk production to the Southwest and California and away from the smaller herds of the family dairy farms of the Midwest and Northeast, resulting in disastrous effects on the economies of those States. My home State of Wisconsin, which is the largest dairy production State in the country, would be particularly hard hit. A study undertaken in 1988 by the University of Wisconsin predicted a decline in the net income to Wisconsin dairy farmers of $100 million per year. It is likely that a significant number of Wisconsin dairy farmers would simply be forced to close down their operations.

The tragic irony of the BST/BGH product is that these potentially devastating impacts on smaller dairy farms and the adverse impact on our Federal budget would occur without a concurrent overall benefit. Given the nature of the market for milk and the Federal milk price support system, there would be no price decreases for consumers and no price increases for farmers. Therefore, the dairy industry would merely enter a treadmill situation in which producers would have little choice but to use the new technology, despite the lack of increased revenues or benefits to consumers.

As I indicated earlier, these three bills provide a multifaceted approach to address these concerns. The Bovine Growth Hormone Moratorium Act of 1993 would provide for a delay in the introduction of BST/BGH into the commercial market until a study has been conducted by the Secretary of Agriculture to assess the economic impact this product will have on the Federal milk price support program, including its effect on the Federal budget and its impact on the structure of the milk production industry in the United States, including the number of dairy farmers and the size of their herds. The Secretary of Agriculture's report should also review the impact the resulting dairy farm displacements will have on the local rural communities that depend upon their survival and the impact the product's use would have on the international trade of dairy products. Certain other countries have already banned BST/BGH and there are reports that others are considering similar bans. Clearly, it is important we have an assessment of the problems that the use of BST/BGH would have on dairy exports before allowing it to be introduced into our dairy industry.

The Bovine Growth Hormone Labeling Act would require the labeling of all milk and milk products as to whether or not the milk is derived from cows injected with BST/BGH. In order to help enforce the labeling requirement, this legislation would also create a registration system requiring that those who sell or use the drug prepare and maintain records in compliance with the regulations issued by the Secretary of Agriculture. This system would provide for the identification of milk producers who use BST/BGH and thereby help ensure that the labeling is accurate. This labeling system would provide consumers with information necessary to make informed decisions in purchasing milk and milk products. A recent survey of milk consumers showed that 98 percent of them felt that milk produced from cows treated with BST/BGH should be labeled so that it can be distinguished from milk produced by cows not treated with BST/BGH. A 1990 survey by The National Dairy Promotion and Research Board found that 40 percent of respondents would either decrease the amount of milk they purchase or stop buying milk altogether once BST/BGH is introduced. The National Milk Producers Federation projected, conservatively, that the introduction of BST/BGH would cause a drop in milk consumption of 2 percent, which they concluded would be devastating to the industry. Consumers will not only demand—but should have the right to know how their milk is produced. This legislation will allow them to make their own choice. Without this critical information, many consumers are likely to boycott milk and milk products, which would have dire consequences for the dairy industry.

The Bovine Growth Hormone User Assessment Act would ensure that only the dairy farmers who choose to use the synthetic milk production hormone will have to bear the increased costs to the Federal Government and other milk producers which result from the use of BST/BGH. By increasing the assessments to those farmers who decide to use BST/BGH, dairy farmers who make the decision not to utilize the drug will not have to share the burden of paying for the increased costs to the Federal Government through increased assessments.

Although I look forward to supporting many of the developments in biotechnology that will transform agriculture in the coming years, we cannot afford to ignore the unique economic consequences of BST/BGH. These legislative initiatives are meant to not only address these problems, but to open up discussion on the economic concerns the introduction of BST/BGH will have on the dairy industry as well. I hope that this dialog will result in a constructive solution to the enormous problems the possible introduction of BST/BGH will have on America's dairy industry.

Mr. President, throughout my work on the BST/BGH issue, I have enjoyed strong support from organizations which represent the small dairy farmers who have long been the backbone of our agricultural economy. I ask unanimous consent that statements in support of the legislation from the National Farmers Union, the National Family Farm Coalition, Farmers Union Milk Marketing Cooperative, and the Wisconsin Rural Development Center be printed at the conclusion of my remarks along with the text of the bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bovine Growth Hormone Moratorium Act of 1993".

SEC. 2. SALE OF MILK PRODUCED WITH BOVINE GROWTH HORMONE.

Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) SALE OF MILK PRODUCED WITH BOVINE GROWTH HORMONE.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) BOVINE GROWTH HORMONE.—The term 'bovine growth hormone' means—

"(i) a substance known as bovine somatotropin, bST, BST, bGH, or BGH; and

"(ii) a growth hormone, intended for use in bovine, that has been produced through recombinant DNA techniques.

"(B) COW.—The term 'cow' means a bovine animal.

"(2) PROHIBITION ON SALE.—During the period beginning 30 days after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993 and ending on the date of submission to Congress of the report required under paragraph (5), it shall be unlawful for a person to market for commercial use milk produced by a cow after the cow was injected with bovine growth hormone if the person knew, or should have known, that the cow was injected with the hormone and that the milk could be marketed for commercial use.

"(3) RECORDS.—

"(A) IN GENERAL.—During the period referred to in paragraph (2), a person who sells bovine growth hormone or injects the hormone into a cow shall prepare and maintain records that comply with the regulations issued by the Secretary under subparagraph (B).

"(B) REGULATIONS.—

"(i) PERSONS COVERED.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993, the Secretary shall issue regulations that require—

"(I) persons who sell bovine growth hormone; and

"(II) persons who inject bovine growth hormone into cows,

to create and maintain records that contain the applicable information specified in clause (ii).

"(ii) INFORMATION.—Regulations issued under this subparagraph shall require records to contain a description of—

"(I) the quantity and source of the bovine growth hormone obtained (by manufacture, purchase, or any other means);

"(II) the date on which the hormone was obtained; and

"(III) the identity of each person to whom the hormone was sold or otherwise distributed, the cows into which any portion of the hormone was injected, and each person who has an operator or ownership interest in the cows.

"(4) PENALTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person who violates paragraph (2) or (3) shall be liable for a civil penalty of $1,000.

"(B) MULTIPLE VIOLATIONS.—A person who commits more than one violation of paragraph (2), or more than one violation of paragraph (3), shall be liable for a civil penalty of $10,000 for each such violation after the first such violation.

"(C) SEPARATE VIOLATIONS.—For purposes of this paragraph—

"(i) each day on which a person sells milk in violation of paragraph (2) shall be treated as a separate violation of paragraph (2) by the person; and

"(ii) each day on which a person sells or injects bovine growth hormone in violation of paragraph (3) shall be treated as a separate violation of paragraph (3) by the person.

"(5) STUDY AND REPORT.—Not later than 1 year after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993, the Secretary shall—

"(A) conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program established under this section; and

"(B) submit to the appropriate committees of Congress a report summarizing in detail the results of the study.".

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bovine Growth Hormone Milk Labeling Act".

SEC. 2. DEFINITIONS.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'bovine growth hormone' means—

"(A) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

"(B) a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques.

"(hh) The term 'cow' means a bovine animal.".

SEC. 3. LABELING.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(s)(1) If it is milk that—

"(A) is intended for human consumption; and

"(B)(i) is produced by cows that have been injected with bovine growth hormone; or

"(ii) has been commingled with milk produced by such cows,

unless the labeling of the milk bears the following statement: 'This milk was produced by cows injected with bovine growth hormone.'.

"(2) If it is milk that is intended for human consumption, other than milk described in paragraph (1), unless the labeling of the milk bears the following statement: 'This milk was not produced by cows injected with bovine growth hormone.'.

"(3) If it is a milk product that is intended for human consumption and is derived from milk described in paragraph (1), unless the labeling of the milk product bears the following statement: 'This milk product was derived from milk produced by cows injected with bovine growth hormone.'.

"(4) If it is a milk product that is intended for human consumption and is not derived from milk described in paragraph (1), unless the labeling of the milk product bears the following statement: 'This milk product was not derived from milk produced by cows injected with bovine growth hormone.' ".

SEC. 4. RECORDS.

(a) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) The failure to prepare and maintain records required by section 512A, or to comply with a requirement of regulations promulgated under such section.".

(b) RECORDS.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following:

"SEC. 512A. BOVINE GROWTH HORMONE.

"(a) RECORDS.—

"(1) IN GENERAL.—A person who sells bovine growth hormone, purchases the hormone, distributes the hormone, or injects the hormone into a cow shall prepare and maintain records that comply with the regulations issued by the Secretary under paragraph (2).

"(2) REGULATIONS REGARDING RECORDS.—

"(A) PERSONS COVERED.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Milk Labeling Act, the Secretary shall issue regulations that require—

"(i) persons who sell bovine growth hormone;

"(ii) persons who purchase bovine growth hormone;

"(iii) persons who distribute bovine growth hormone; and

"(iv) persons who inject bovine growth hormone into cows,

to create and maintain records that contain the applicable information specified in subparagraph (B).

"(B) INFORMATION.—Regulations issued under this paragraph shall require records to contain a description of—

"(i) the quantity and source of the bovine growth hormone obtained (by manufacture, purchase, or any other means);

"(ii) the date on which the hormone was obtained; and

"(iii) the identity of each person to whom the hormone was sold or otherwise distributed, the cows into which any portion of the hormone was injected, and each person who has an operator or ownership interest in the cows.

"(b) OTHER REGULATIONS.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Milk Labeling Act, the Secretary shall issue regulations that establish—

"(1) requirements with respect to the sale, distribution, and administration of bovine growth hormone; and

"(2) such other requirements with respect to the use of bovine growth hormone as the Secretary may determine to be necessary to carry out the objectives of this Act.".

S. 736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bovine Growth Hormone User Assessment Act".

SEC. 2. REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH BOVINE GROWTH HORMONE.

Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection:

"(i) REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH BOVINE GROWTH HORMONE.—

"(1) IN GENERAL.—Beginning January 1, 1994, in addition to any reduction in price required under subsections (g) and (h), the Secretary shall provide for a reduction in the price received by producers who inject cows with bovine growth hormone for milk—

"(A) produced in the 48 contiguous States;

"(B) marketed by producers for commercial use; and

"(C) produced by cows that are injected with bovine growth hormone.

"(2) AMOUNT.—The amount of the reduction under paragraph (1) in the price received by producers shall be the amount, determined by the Secretary, that is equal to the increased cost of purchasing milk and the products of milk under this section as the result of the injection of cows with bovine growth hormone.

"(3) DEFINITIONS.—As used in this subsection:

"(A) BOVINE GROWTH HORMONE.—The term 'bovine growth hormone' means—

"(i) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

"(ii) a growth hormone, intended for use in bovine, that has been produced through recombinant DNA techniques.

"(B) MILK.—The term 'milk' includes—

"(i) milk produced by cows that have been injected with bovine growth hormone; and

"(ii) milk that has been commingled with milk produced by cows that have been injected with bovine growth hormone."; and

(3) in subsection (j) (as redesignated by paragraph (1)), by striking "subsection (g) or (h)" both places it appears and inserting "subsection (g), (h), or (i)".

NATIONAL FAMILY FARM COALITION,
Washington, DC, March 31, 1993.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: As a Wisconsin dairy farmer and President of the National Family Farm Coalition (NFFC) representing 38 rural advocacy and family farm organizations in 30 states, I want to thank you for continuing in the U.S. Senate the fight against BGH/BST that you began in Wisconsin.

The majority of farmers and consumers, in reliable and credible surveys, have repeatedly registered their disapproval of use of BGH in milk production. NFFC has participated for years in efforts to prevent introduction of this synthetic hormone into commercial use in this country. We deeply appreciate the unwavering commitment you have shown in protecting the interest of both dairy farmers and consumers in this long and hard-fought battle against BGH.

Fully appreciating that FDA approval of BGH/BST for commercial use will initiate another phase in the ongoing struggle over this issue, we are grateful to you for your latest attempt to enact legislation requiring labeling of all milk and milk products produced by dairy cows that have received synthetic BGH/BST in any form, and sold into the commercial market. We are also very supportive of efforts to ensure that all farmers will not pay the price of BGH use through the "super-assessment" that will come into effect if government purchases exceed 7 billion pounds. We are concerned about both the supply and demand for daily products.

With our appreciation comes our support for your efforts in the Senate. We are available to assist you in this legislative effort and urge yjou to call upon us at any time. Thank you, again, for your persistence, your courage and your clear-sighted understanding of what this issue means to us, the dairy farmer members of the National Family Farm Coalition.

Yours truly,

CURT ROHLAND,
President,
National Family Farm Coalition.

FARMERS UNION,
Madison, WI, March 31, 1993.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR RUSS: I am writing on behalf of the Farmers Union Milk Marketing Cooperative's Board of Directors and membership to express our wholehearted support for your three bills responding to the threat of Bovine Growth Hormone. You have shown outstanding leadership on behalf of family dairy farmers and consumers with these three pieces of legislation. We also encourage you to extend the assessment for added federal dairy program costs to the big chemical companies producing BGH, and to keep up the pressure on the Clinton Administration to place a moratorium on the commercial use of BGH. Attached is a copy of our letter urging President Clinton to adopt such a moratorium.

Sincerely,

STEWART G. HUBER,
President.

WISCONSIN RURAL
DEVELOPMENT CENTER, INC.,
Mount Horeb, WI, March 30, 1993.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: My wife, Jan, and I are dairy farmers in Arena, Wisconsin. I am writing to applaud your leadership in introducing three responsible bills to protect the interests of both dairy farmers and consumers. Your legislation offers several ways to mitigate the harmful effects of bovine somatotropin or (bovine growth hormone) on dairy farmers and on consumers' right to make informed dairy purchases. On behalf of the Board of Directors of the Wisconsin Rural Development Center, I wish to indicate our strong support for your efforts.

The Center is a private, non-profit organization dedicated to supporting family farming, protecting rural natural resources, and strengthening rural communities. As you know, Wisconsin's dairy industry is struggling to survive in a marketplace plagued by surpluses and structured by federal dairy policies unfavorable to midwestern dairying.

The number of Wisconsin dairy farmers has declined precipitously for years, and we lose more farmers every time the milk price drops. What Wisconsin's small to medium-sized dairy farmers do not need is increased milk production from BGH or any other source. We also do not need the increased stress to cows researchers consistently find. And we certainly do not need for consumers who choose not to buy BGH-produced dairy products to avoid all dairy products.

Your bill to create a moratorium on BGH use in the federal support program until USDA's Secretary Espy can conduct a responsible economic study moves the policy debate toward reasoned facts. Your insistence on labeling of BGH-produced dairy products gives consumers the choice they deserve and without which recent studies show our dairy industry to be in jeopardy. Finally, we support your proposal to assess a fee on BGH-using dairy farms to compensate for increased federal purchases of surplus dairy products.

Again, we congratulate you on your leadership on an issue that is of vital importance to consumers and family dairy farmers nationwide.

Sincerely,

DEAN SWENSON,
President, Board of Directors.

NATIONAL FARMERS UNION,
Washington, DC, March 31, 1993.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the 250,000 farm families of the National Farmers Union, I would like to express our support of your legislation which would require an economic impact analysis before the approval of bovine growth hormone (BGH). We also strongly support your bill to require labeling of milk produced using BGH.

This issue was identified as a major priority by the delegates at our recent annual convention. Enclosed is a copy of the special order of business adopted by our delegates, which specifically endorses your recommendations for an economic impact analysis and product labeling.

Producers have a right to know what impact BGH will have on the marketing of milk. Consumers have a right to choose whether to select a product produced with BGH.

We also support measures designed to allow processors to determine which milk has been produced with BGH. This can be ascertained by requiring producers to register their purchases of BGH or alternatively, by calling on FDA to develop an economically feasible test for BGH.

Thank you for your commitment to ensure consumers and producers are not forced to use or accept a product they did not ask for in the first place.

Sincerely,

LELAND SWENSON,
President.

By Mr. HATFIELD (for himself, Mr. GORTON, Mr. PACKWOOD, and Mr. GRASSLEY):

S. 737. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

SMALL BUSINESS PREPAYMENT PENALTY RELIEF ACT

• Mr. HATFIELD. Mr. President, today I am introducing the Small Business Prepayment Penalty Relief Act of 1993. I am pleased to be joined in this effort by the distinguished Senator from Washington, [Mr. GORTON], by my colleague from Oregon [Mr. PACKWOOD], and by the distinguished Senator from Iowa [Mr. GRASSLEY]. This bill would correct a problem that has gone on too long: the inability of several thousand small businesses from all parts of the country to refinance high interest loans under the Small Business Administration [SBA] section 503 loan program.

During the early 1980's, the 503 loan program provided a useful source of badly needed capital. The loans were financed by the Treasury Department's Federal Financing Bank, and were guaranteed by the SBA. However, these loans were at the 12–15 percent interest rates common at that time. As the rates have dropped dramatically in recent years, these small businesses have not been able to join the rush to refinance because they can not afford to refinance. The uniquely enormous prepayment penalty inherent in the 503 loans keeps them locked into these burdensome rates.

The prepayment penalty these businesses face, above the cost of paying off the balance due plus the accrued interest, can be as much as 40 percent of the unpaid balance on the loan. For example, last year, a family owned restaurant in Oregon desired to expand their operation by refinancing their outstanding loan balance of $170,000. However, this idea became financially impossible when they realized they would face an added penalty of $66,000 just to pay this loan off early. These locked in rates would also preempt an attempt to transfer the business at the time of sale or death.

The bill we introduce today would modify the prepayment premium formula. It does not forgive the loans of these borrowers. A borrower who wishes to pay off a loan or refinance must pay the balance due on the principal of the loan, plus the accrued interest, plus a reasonable repurchase premium. A sliding scale is used to determine the amount of the premium based upon the amount of time a borrower has been paying on the loan. This premium is similar to that found in loan programs implemented subsequent to the now defunct section 503 program.

The prepayment penalties of the 503 program have had the effect of blocking the ability of these companies to add to the needed economic expansion in our country. Because these businesses are already operating and ready to grow, we should take advantage of this opportunity to allow them the freedom to do so.

With 85 percent of new job creation coming from small business, the intention of the SBA loan programs is to foster this business growth and job creation, thus expanding our tax base. Modifying an inordinate penalty that prohibits job growth is consistent with these purposes. In addition, the section 503 penalty provision, hidden in ambiguous boilerplate amongst the loan documents, was not envisioned by Congress when it designed this program. The role of the Federal Government should be to assist businesses and expect a fair return on its investment, not to force them to stay in high interest loans through the use of unreasonable penalties.

I urge the support of my colleagues for this legislation and ask unanimous consent that newspaper articles from the New York Times, the Washington Post, and the Oregonian be included in the RECORD following my remarks. I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

"(a) PREPAYMENT TERMS.—

"(1) IN GENERAL.—If the requirements of subsection (b) are met, the issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under section 503 may, at the election of the borrower whose loan secures such debenture, prepay such debenture by paying to the Federal Financing Bank, the amount that is equal to the sum of—

"(A) the unpaid principal balance (adjusted for funds in the borrower's escrow reserve account) due on the debenture on the date of prepayment (plus accrued interest at the coupon rate on the debenture); and

"(B) the amount of the repurchase premium described in paragraph (2)(A).

"(2) PREPURCHASE PREMIUM.—

"(A) AMOUNT.—The amount of the repurchase premium described in this paragraph is the product of—

"(i) the unpaid principal balance (adjusted for funds in the borrower's escrow reserve account) due on the debenture on the date of prepayment;

"(ii) the interest rate of the debenture; and

"(iii) the factor 'P', as determined under subparagraph (B).

"(B) FACTOR 'P'.—For purposes of subparagraph (A)(iii), the factor 'P' means the applicable percent determined in accordance with the following table:

Year in which prepayment of debenture is made (from date of original issuance):	Applicable percent		
	10-year term loan	15-year term loan	20 or 25-year term loan
1	1.00	1.00	1.00
2	.80	.85	.90

Year in which prepayment of debenture is made (from date of original issuance):	Applicable percent		
	10-year term loan	15-year term loan	20 or 25-year term loan
3	.60	.70	.80
4	.40	.55	.70
5	.20	.40	.60
6	0	.25	.50
7	0	.10	.40
8	0	0	.30
9	0	0	.20
10	0	0	.10
11 through 25		0	0

"(b) REQUIREMENTS.—The requirements of this subsection are met if—

"(1) the debenture referred to in subsection (a) is outstanding and neither the debenture nor the borrower's loan that secures the debenture is in default on the date of prepayment;

"(2) only non-Federal funds are used to prepay the debenture; and

"(3) the issuer extinguishes the borrower's loan which secured such debenture upon prepayment.

"(c) PROHIBITION OF OTHER FEES AND PENALTIES.—Notwithstanding any other provision of law, no fees or penalties, other than those specified in this section, may be imposed as a condition of prepayment under subsection (a) against the issuer, the borrower, or the Administration.

"(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) BORROWER.—The term 'borrower' means a small business concern whose loan secures a debenture purchased by the Federal Financing Bank under section 503.

"(2) ISSUER.—The term 'issuer' means a qualified State or local development company.

"(3) QUALIFIED STATE OR LOCAL DEVELOPMENT COMPANY.—The term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) CLERICAL AMENDMENT.—The table of contents for the Small Business Investment Act of 1958 is amended by adding at the end of title V the following new item:

"Sec. 507. Prepayment of development company debentures.".

[From the New York Times, July 10, 1992]

LOAN PENALTIES DETER SMALL-BUSINESS EXPANSION

WASHINGTON, July 10.—A growing number of small-business owners are accusing the Small Business Administration—and the Bush Administration—of stifling their growth through its lending practices. Some even equate the Government to a loan shark.

Consider the case of Jim Owens, owner of Lauks Testing Laboratories Inc. in Seattle, which specializes in environmental testing. An S.B.A. loan in 1981 allowed his company to expand, creating jobs. Now, Mr. Owens says his employees "are packed in like sardines, but paying off his $336,000, 25-year S.B.A. loan early to clear the way to move into a new building would cost him a $123,123 prepayment penalty.

PENALTIES EXTRAORDINARILY HIGH

Mr. Owens's laboratory is one of 3,913 companies that as of February were still paying off loans taken out in the early 1980's under the small-business agency's 503 loan program. The loans, financed through the Federal Financing Bank, an arm of the Treasury, are at rates of as much as 15.7 percent, high now but comparatively low at the time.

While President Bush is encouraging investment to help create jobs and has jawboned the Federal Reserve to bring down interest rates further, prepayment penalties of as high as 40 percent of the original loan are preventing many of these small-business owners from growing or selling their businesses or from refinancing their loans to take advantage of lower interest rates.

"If it's a 40 percent charge, then that's extraordinarily high," said James Barth, a finance professor at Auburn University. "It's even more unusual and unreasonable that the Government would be doing this. But this is not an easy time to argue that people should be paying less for government-supported programs."

Small-business agency officials say, however, that they are bound by the current regulations. Dan Eramian, a spokesman for the S.B.A., said, "These are the Treasury Department's requirements, not ours."

Anger over the prepayment penalties has spurred a grass-roots movement to persuade Congress and the Administration to lower those fees through legislation. More recent S.B.A. borrowers, after all, do not pay such high penalties. Responding to changes in Government accounting procedures, Congress in 1986 created the S.B.A. 504 program, wherein loans are financed through the private sector rather than the Treasury, alleviating some of the prepayment problems, said LeAnn Oliver, deputy director for the Office of Rural Affairs and Economic Development of S.B.A.

But a measure that would make the penalty on 503 loans more consistent with commercial rates of 7 percent to 9 percent is stalled in committee on Capitol Hill, and last week companion legislation was introduced in the Senate. The Treasury Department has urged President Bush to veto the legislation on the ground that changing the rules would widen the Federal budget deficit and cost taxpayers.

"If they are allowed to prepay the loans there would be a direct cost to the Federal Government, and everybody else who has these kinds of loans would come in and ask for this type of arrangement, too," said a senior Treasury official, who spoke on condition that he not be named. "Then we couldn't give the same kind of low, long-term rate. Changing the agreement would be an inefficient haphazard way to conduct a lending program."

Although prepaying the loans early would reduce the Federal deficit temporarily, in the long run the deficit would increase in the absence of the interest payments the borrowers would have been making, he said. He added that 10 or 15 other agencies, including the Tennessee Valley Authority, the Resolution Trust Corporation and the Rural Electrification Agency, are or have been bound by the same prepayment rules.

In 1988, President Reagan vetoed legislation that would have lowered the prepayment premium. And two years ago, the bill was introduced and opposed by the Bush Administration, which said that Congress would have to offset an estimated loss of more than $150 million to the budget by cutting the same amount from other small business programs.

But Representative Ron Wyden, the Oregon Democrat who introduced the measure along with Representative Rod Chandler, a Washington Republican, said he thinks the move would cost the Government closer to $50 million, adding that he believes the bill still has a chance because bipartisan support is growing. "We don't deny there are some costs to this," Mr. Wyden said.

Doris Johnson, co-owner of Vancouver Bolt and Supply Inc., in Vancouver, Wash., which sells supplies like nuts, bolts, wheelbarrows and drills, started the grass-roots group, called the S.B.A.–503 Small Business Coalition, after finding that she would have to pay a $45,000 penalty to prepay her $177,000 loan.

Mrs. Johnson said she had looked forward to eventually turning over her business to her son, but "we can't do any estate planning because we can't move the ownership," she said. "So you can't die, you can't refinance and you can't sell it," she added.

"Uncle Sam has become one of the biggest loan sharks of all time," said Mrs. Johnson, who has sent more than 2,000 letters to small-business owners and lawmakers in the three months since she organized the coalition. "This has turned out to be one of the largest tragedies of our business history."

Bernilda Britt knows this all too well. After her husband, Paul, died in February, as his sole survivor she found herself thrust into an unfamiliar role as president of a Minnesota company she knew little if anything about and with 100 anxious employees. Several months ago, when she looked into selling Dubuque Stamping and Manufacturing Inc., which makes metal parts for the construction and farm equipment industries, she found that paying off the S.B.A. 503 loan required her to come up with a prepayment premium of $135,000.

"When you're not involved in a business and all of a sudden you are involved, it is difficult," said Mrs. Britt, who had not worked at the company for 30 years. "It seems unfair to me that such a law can hold a penalty over the borrower, who does not know what type of catastrophe could befall them."

LABYRINTHINE LOAN LANGUAGE

To pay off the 503 loans, the borrowers essentially have to pay the equivalent of the principal balance and all the interest they would have had to pay had the loan been paid over the original time span—in many cases 20 to 25 years. Under the 504 program, each of the loans carries a prepayment provision that allows the businesses to pay the equivalent of one year's interest if the loan is paid off within a year, and the penalty decreases and is completely eliminated if the remaining life of the loan is less than one-half the life of the original loan.

Under the 504 program, for example, Mr. Owen's prepayment penalty, using a payoff date of July 11 of this year, would be $4,870.66 instead of $113,978.45 under the 503 plan, said Ms. Oliver of the S.B.A.'s rural affairs office. Mrs. Johnson's penalty would have been $7,426.16 under the 504 program instead of $33,361.40 under the 503 plan, Ms. Oliver said. Mrs. Britt's penalty would be zero instead of $81,581.18, she said.

The differences between the two programs have led S.B.A. 503 borrowers to compare themselves to the aggrieved "notch babies" of the Social Security system. These are people born between 1917 and 1921 who, because of a technicality in a bill Congress passed in 1977, received significantly fewer benefits.

The prepayment language buried in the fine print of the S.B.A. 503 agreement is so dense that many of the borrowers say they do not even understand it in hindsight: "The debenture may be prepaid at such price as will result in a yield from the date of prepayment to maturity, equal to the U.S. Treasury new issued yield for a security with a maturity and payment schedule comparable to the remaining maturity and payment schedule of the debenture, computed as of the close of business two business days prior to the date of prepayment, plus accrued interest on the amount prepaid to the date of prepayment."

"One argument has been, 'Well, you knew what you signed,'" Mrs. Johnson said. "But we didn't know what we signed. No one spelled it out. The terms of the agreement were too complicated for even our attorneys to understand."

[From the Washington Post, July 8, 1992]

SBA COMES UNDER FIRE AS A LOAN ARRANGER

(By Michelle Singletary)

When Gerald Goldberg wanted a loan to buy a warehouse for his Bethesda party store and rental business, his bank turned him away. But he found a welcome mat at the government's Small Business Administration.

It was 1984 and the interest rate Goldberg agreed to on his $249,000, SBA-backed loan was high—13 percent—but it was close to the prime lending rate that banks were then charging their best customers.

Now, with the prime rate at 6 percent, the SBA loan is killing him.

Goldberg, 61, has wanted for several years to refinance his loan, as millions of other borrowers have been doing this year to take advantage of lower interest rates. But to do so, he would have to pay the government a penalty equal to more than 30 percent of the balance of the loan. It's right there in the fine print of his eight-year-old SBA agreement—fine print Goldberg says he never saw.

"I'm hurting," said Goldberg, who owns A Total Rental Center Inc., a business he and his wife started in 1969, while he was serving as a U.S. Army officer.

"When I found out about the penalty, I was annoyed at the system and myself. But there was a ton of small print. I do know now that unless I was extremely desperate, I would not have taken out a loan with that kind of penalty."

Goldberg is one of many small-business owners throughout the country who can't afford to prepay or refinance such high-interest rate loans because the Bush administration is insisting that the terms of their SBA loans be met—terms imposing heavy penalties for early payoff.

An official with the Treasury Department said, in effect, that's life.

Neither the government nor the borrowers could have foreseen in the early 1980s how far interest rates would fall a decade later. But to ease the prepayment penalties would be giving the borrowers a subsidy at taxpayers' expense, the official said.

"They agreed to lock into the loans, so if rates go down that's the market risk they took," said the official. "If we allow the borrowers in this one program to break their contracts and prepay at par, we would have to do it for others."

SBA officials have taken a neutral stance on the issue.

"In the past we have been opposed to efforts to impose this type of penalty," said Allan Mandel, director of the Office of Rural Affairs and Economic Development at SBA.

Twice before, Congress has tried to reduce the prepayment penalties. In 1988, President Reagan refused to sign a bill that had passed overwhelmingly in both the House and Senate. A second effort by the House two years ago failed when the Bush administration threatened to veto the bipartisan measure.

Some of the prepayment fees on the SBA loans range from 20 percent to 40 percent, according to Reps. Rod Chandler (R-Wash.), Ron Wyden (D-Ore.) and Andy Ireland (R-Fla.), who have introduced new legislation to reduce the penalties.

The loans were made under the SBA's 503 loan program, which no longer exists. Business owners were permitted to borrow money for the financing of fixed assets at long-term, fixed rates of 7 percent to 15 percent. The prepayment penalty is intended to give government the same payoff it would have received had the loan been paid in full with interest.

Goldberg said that when he first investigated paying off his 20-year loan early, he found out it would cost him a penalty of about $75,000, in addition to paying off the balance of the loan. Refinancing the loan at today's lower interest rates, he said, would significantly reduce the $36,000 a year in principal and interest that he pays on the loan.

More than 3,900 businesses nationwide participated in the SBA 503 loan program, signing up for $992 million in loans from 1981 to 1986. The outstanding balance of those loans is $670 million. In Maryland, Virginia and the District, there are 104 such loans worth $18.5 million.

When the SBA loans were granted, the business owners were required to put up at least 10 percent of the financing, a bank 50 percent and the SBA-backed loan program the remaining 40 percent, according to LeAnn Oliver, deputy director of the SBA Office of Rural Affairs and Economic Development.

The loan program was funded by the Federal Financing Bank, a unit of the U.S. Treasury.

The administration's position doesn't match its promises to help small businesses, according to Wyden. Earlier this year, President Bush asked all federal agencies to review their policies and regulations to see whether they could be made less burdensome on business.

"The bottom line is it comes down to a question of priorities," said Wyden, a member of the House Small Business Committee. "This administration that professes to be interested in small business wants to tie them down in this inflexible requirement."

The prepayment penalty is far more punitive than what commercial lenders would charge for paying a loan off early. "Generally, we don't charge prepayment penalties," said Kenneth Jenkins, a community lender for Riggs National Bank in Washington. "I think at this particular juncture of banking to have loans that are performing is a godsend. We are happy when people prepay loans. If the government is standing in the way of people reducing their debt, it's wrong."

"The penalty the government is assessing is definitely unreasonable, no matter how you look at it,'" said Devin Blum, an assistant vice president in the commercial lending division of Adams National Bank in the District.

The bill introduced by Wyden and others would cut the prepayment penalties roughly fivefold.

"We see people refinancing their homes and we are trying to make it so that these small businesses can too," said Al Schweppe, legislative assistant to Rep Chandler.

But the bill is stuck in the House Small Business Committee and likely to remain there as long as the Treasury Department opposes it. "Basically," said a committee staff member, "this measure is going nowhere until the administration changes its mind."

[From the Oregonian, June 4, 1992]

DOES THE SBA REALLY HELP ITS BORROWERS?

(By Mike Francis)

If you asked Doris Johnson, Cynthia Dietz, Jim Owens, Ray Biddiscombe or Brad Augustine the moral of what they've learned about borrowing from the Small Business Administration, it might be something like this:

If you're going to dance with a bear, you'd better be willing to dance as long as the bear wants to.

The SBA 503 loans they took seemed like a good deal at the time. But when it came time to sell, expand or refinance, these folks found themselves in a trap. The SBA 503 loan package—which no longer is offered—includes a hefty penalty for early payment. The terms of the obscurely written, price-to-yield penalty are so onerous that these borrowers say they can't afford to expand their businesses, even though that's precisely what the SBA loan was intended to help them do.

"We've tried to refinance, but there's a 33 percent prepayment penalty," said Cynthia Dietz, the secretary-treasurer for Portland's R.M. Dietz Co., Inc., an interior furnishings company. "How we're combating it is to sublet part of the other building."

In 1985, R.M. Dietz took out a 30-year, $110,000 loan at 13¾ percent. At the time, that wasn't a bad rate, but now that interest rates are bumping along under 10 percent, it makes sense for the company to refinance. Dietz was alarmed to learn it would cost $36,000 in penalties to pay off its SBA loan.

A similar thing happened to Jim Owens, president of Seattle's Laucks Testing Laboratories Inc., and he was angry enough to write the president.

"Paying $443,905 to retire a $336,000 loan after making payments of over $530,000 over 11 years makes me think that either the Mafia is running our government," he wrote, "or that our government is the worst enemy of small business."

At the center of this growing fuss is Doris Johnson, president of Vancouver (Wash.) Bolt and Supply Inc. She wanted to pay off her 503 loan so she could get financing for a much-needed expansion. As she started the paperwork, she was aghast to learn she would have to pay a penalty equal to about one-fourth of her original loan.

The fact that small businesses couldn't expand because of the hefty cost of refinancing struck Johnson as horribly unfair. So she started writing to some of the other 3,700 recipients of 503 loans, and they've persuaded some members of Congress to support a bill that would revise the prepayment penalties.

The bill—H.R. 4895—is sponsored by Oregon Rep. Ron Wyden, a Democrat, and Washington Rep. Rod Chandler, a Republican. It would change the prepayment formula to something more conventional and more like the 504 loan program, which replaced the 503 program a few years ago.

The Congressmen cite the hypothetical case of a 503 borrower who took out a 25-year, $229,000 loan at 12.028 percent in 1985. If he wants to refinance, he must pay a premium of $61,000—about 26 percent of the original loan balance. Under the Wyden-Chandler bill, the penalty would be cut by two-thirds, to about $19,000.

The SBA referred questions about the penalty to the Certified Development Companies that arranged them. Such companies like Seattle's Evergreen Community Development Association, arrange for borrowers to get a loan package that typically is a blend of SBA money and conventional bank financing.

"We certainly want to help them get out of the situation they're in," said J. Stanley Miner, senior loan officer with Evergreen. But certified development companies like Evergreen, which collect annual service fees on their loans, would be hurt if a large number of borrowers prepaid and left the program. Miner said Evergreen supports the bill because it encourages 503 borrowers to roll their loans into the 504 program, keeping them under the wings of the certified development companies.

The bill is raising hopes.

"We thought there was nothing we could do," said Ray Biddiscombe, the vice president of the Columbus (Ohio) Foundation, a charitable enterprise. The foundation dropped plans to refinance its 13.25 percent loan after learning it would have to pay some $50,000 in penalties. Instead of expanding charitable programs, it keeps paying interest on its SBA loan.

Brad Augustine sold his Everett, Wash., restaurant to another restaurant company. He believed his 503 loan could be assumed by his buyer, but SBA officials told him he would have to pay off his loan, along with a $30,000 penalty, or guarantee the loan himself, even though he was leaving the business.

He felt he had no choice. The SBA now holds the third mortgage on his house.

"Knowing what I know today," Augustine said, "I would never recommend an SBA-assisted loan to any small business."●

ADDITIONAL COSPONSORS

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Florida [Mr. MACK], the Senator from Indiana [Mr. COATS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 228

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 294

At the request of Mr. DOMENICI, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 294, a bill to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. SHELBY], the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 482

At the request of Mr. BOREN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 513

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 513, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use the resulting revenues to fund a trust fund for health care reform, and for other purposes.

S. 542

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 566

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 566, a bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 586

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 586, a bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 623

At the request of Mr. CONRAD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 623, a bill to amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Veterans Affairs.

S. 625

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 625, a bill to require the Secretary of Agriculture to use certain unexpended disaster assistance funds, to the extent necessary, to provide emergency crop loss assistance for certain losses, and for other purposes.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 667

At the request of Mr. SIMPSON, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

SENATE JOINT RESOLUTION 76

At the request of Mr. LAUTENBERG, the name of the Senator from Utah

[Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution concerning the dedication of the United States Holocaust Memorial Museum.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 86—RELATIVE TO THE JURISDICTION OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 86

SECTION 1. AMENDMENT.

Section 105 of Senate Resolution 4, agreed to February 4, 1977 (95th Congress), is amended to read as follows:

"COMMITTEE ON INDIAN AFFAIRS

"SEC. 105. (a)(1) There is established a Committee on Indian Affairs (hereafter in this section referred to the 'committee') which shall consist of 18 members, 10 to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among members of the majority party and 8 to be appointed by the President of the Senate, upon the recommendation of the minority leader, from among the members of the minority party. The committee shall select a chairman and vice chairman from among its members.

"(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

"(3) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee.

"(4) For purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the committee shall not be taken into account.

"(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Native American affairs shall be referred to the committee.

"(2) It shall be the duty of the committee to conduct a study of any and all matters pertaining to problems and opportunities of Native Americans, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and claims against the United States.

"(3) The committee shall from time to time report to the Senate, by bill or otherwise, on matters within its jurisdiction.

"(c)(1) For the purposes of this section, the committee is authorized, in its discretion—

"(A) to make investigations into any matter within its jurisdiction;

"(B) to make expenditures from the contingent fund of the Senate;

"(C) to employ personnel;

"(D) to hold hearings;

"(E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

"(F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

"(G) to take depositions and other testimony;

"(H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

"(I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

"(2) The chairman of the committee or any member thereof may administer oaths to witnesses.

"(3) Subpoenas authorized by the committee may be issued over the signature of the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoena.".

SENATE RESOLUTION 87—RELATIVE TO PETER S. TAYLOR

Mr. MITCHELL (for Mr. INOUYE, for himself, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 87

Whereas Peter S. Taylor is a native of Kansas, and a graduate of Washburn University, Topeka, Kansas, and George Washington University School of Law, Washington, District of Columbia;

Whereas Peter S. Taylor was in the private practice of law from 1963 to 1970, and entered into the practice of Indian law in 1971 when he was named co-director of the Indian Civil Rights Task Force in the Office of the Solicitor at the United States Department of the Interior;

Whereas one of the accomplishments of Peter S. Taylor was his work in updating Kappler's "Indian Affairs, Laws and Treaties";

Whereas Peter S. Taylor was Chairman of the Task Force on Revision and Codification of Federal Indian Law of the American Indian Policy Review Commission, a Joint Congressional Commission established to study Indian policy and law;

Whereas Peter S. Taylor joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, at the time of the Committee's inception in 1977;

Whereas Peter S. Taylor served with distinction as Senior Counsel, Staff Director, and General Counsel of such Committee, from the 95th Congress to the 103d Congress;

Whereas Peter S. Taylor is acknowledged by the Members of the Senate, by his colleagues on the staff of the Committee on Indian Affairs, by Indian tribal leaders throughout the United States, and by numerous other individuals engaged in the practice of Indian law, to be a person with an outstanding knowledge and understanding of Indian law and policy;

Whereas Peter S. Taylor has contributed immensely to the development of modern Indian law through his leadership as a staff member of the Committee on Indian Affairs, on such diverse issues as the Indian Child Welfare Act, the Maine Indian Land Claims Settlement Act, the Mashantucket Pequot Indian Claims Settlement Act, restoration of lands to the Cochiti Pueblo, the Indian Land Consolidation Act, the Indian Gaming Regulatory Act, the White Earth Indian Reservation Land Settlement Act, the Hoopa-Yurok Settlement Act, the Farm Credit Act Amendments, the Seneca Nation Lease Renegotiation Act, the Aroostook Band of Micmac-Maine Settlement Act, the Indian Agricultural Resources Management Act, and numerous other Acts of Congress;

Whereas the United States Senate, Indian tribal leaders, legal scholars, and others involved in Indian law and policy have come to rely on the wisdom and knowledge of Peter S. Taylor in the area of Indian Affairs; and

Whereas the retirement of Peter S. Taylor will deprive the United States Senate and the Committee on Indian Affairs of the services of a loyal and dedicated staff member: Now, therefore, be it

Resolved, That the United States Senate commends Peter S. Taylor for his many outstanding contributions and accomplishments in the field of Indian law and policy, expresses the gratitude and appreciation of the United States Senate and the American people for his long, loyal and dedicated services to the Senate, and extends to him the best wishes of the Senate and the American people for a long and happy future.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Peter S. Taylor.

SENATE RESOLUTION 88—TO AUTHORIZE TESTIMONY AND TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas, in the case of *United States* v. *Armand D'Amato*, Cr. No. 92-00274, pending in the United States District Court for the Eastern District of New York, the United States seeks the trial testimony of Senate employees, Claudia Breggia and Shirley Tucker;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

Resolved, That Claudia Breggia and Shirley Tucker are authorized to testify in *United States* v. *Armand D'Amato*, Cr. No. 92-00274 (E.D. N.Y.), except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claudia Breggia and Shirley Tucker in connection with the testimony authorized by section 1 of this resolution.

SENATE RESOLUTION 89—RELATIVE TO HAITI

Ms. MOSELEY-BRAUN (for herself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 89

Whereas the Republic of Haiti is the second oldest republic in the Western Hemisphere;

Whereas in their 188-year history the people of Haiti have long suffered under the yoke of tyranny and dictatorship;

Whereas in 1986 the Haitian people rose up against injustice to overthrow President-for-Life Jean Claude Duvalier;

Whereas the people of Haiti have repeatedly demonstrated their desire for full participatory democracy and economic opportunity for all Haitians;

Whereas these yearnings culminated in the December 16, 1990 election of President Jean-Bertrand Aristide in the first free, fair, and open election in the history of the Republic;

Whereas a military junta subsequently seized power illegally and forced President Aristide into exile;

Whereas the people of Haiti have suffered anew under the brutality and oppression of the current military-backed regime;

Whereas conditions in Haiti are forcing record numbers of Haitians to flee their country under the most dangerous of conditions;

Whereas the flood of Haitian refugees threatens to overwhelm the ability of the United States and other nations in the region to pursue a constructive long-term policy toward Haiti;

Whereas the trade embargo imposed on Haiti by the Organization of American States (OAS) on October 8, 1990 has to date proven largely ineffective;

Whereas the movement toward democracy which has recently swept the Western Hemisphere has greatly benefited the peoples of the Caribbean and Latin America; and

Whereas the continuing terror and oppression in Haiti are inimical to democracy in the Western Hemisphere, and the refugee crisis caused thereby contributes to regional instability: Now, therefore, be it

Resolved, That (a) it is the sense of the Senate that the highest priority of United States policy toward Haiti should be to restore democratic government without further delay.

(b) The Senate urges the President—

(1) to join with the Senate in expressing the outrage of the American people over the Haitian regime's brutal attempt to deny the hard-won fruits of democracy to its people;

(2) to review immediately the compliance of United States persons and corporations with the OAS-sponsored embargo of Haiti;

(3) to implement promptly whatever measures are necessary to ensure maximum compliance with the embargo;

(4) to give special priority to preventing oil from evading the embargo;

(5) to request that the United Nations Security Council join with the OAS in sponsoring an embargo against the Haitian regime;

(6) to assist the United Nations in expanding the number of its human rights observers in Haiti from 40 to the 500 originally proposed by United Nations special envoy Dante Caputo;

(7) to establish as the policy of the United States that Haitian refugees will be granted the same consideration and protection afforded to those fleeing other oppressive regimes around the world;

(8) to urge other Caribbean nations to share the burden of sheltering and accepting Haitian refugees;

(9) to offer humanitarian assistance to the people of Haiti; and

(10) to develop a long-term United States policy toward Haiti which places a priority on building and supporting the institutions of a civil and democratic society.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Ms. MOSELEY-BRAUN. Mr. President, in 1986 the people of Haiti rose up against the President-for-Life Jean Claude Duvalier. This was the end of a period of 29 years of one-family dictatorship, a dictatorship that left Haiti a legacy of repression and corruption.

The post-Duvalier era started with an interim military government that disbanded the Duvaliers' private militia, the Tontons Macoutes. The Government allowed the drafting of a new constitution that guaranteed personal liberties, and distributed governmental power among a president, a prime minister, and two legislative bodies. It also put the police under civilian control and transferred the police from the army to the Department of Justice. Elections were to be held in November 1987, but Duvalierists, in cooperation with the army, disrupted them,—mounting a violent campaign that culminated in the killing of dozens of voters on election day.

After a number of unstable, military regimes, a civilian transition government was installed in March 1990, with a mandate to hold elections as soon as possible. This government established and cooperated with an independent electoral council that organized successful local, legislative, and Presidential elections on December 16, 1990, resulting in the election of Rev. Jean-Bertrand Aristide as president.

According to the accounts of international monitors, this was the first free and fair election in Haiti's history. Voter turnout was estimated to be around 70 percent. Reverend Aristide, running against 10 other candidates, won 67.5 percent of the votes. He was sworn into power on February 7, 1991, the fifth anniversary of the collapse of the Duvaliers.

All indications were that democracy was taking hold in Haiti. For the first time in history, every member country of the Organization of American States had a democratically elected president.

In the months leading up to the elections, and under the Aristide government, the United States Coast Guard reported that the number of people attempting to leave Haiti declined dramatically. Both United States and Haitian officials attributed the decline in the number of refugees to the feeling of hope for improved political and economic conditions and a greater voice under the newly elected government.

The elections were in part the result of a strong democratic movement that emerged in recent years, a movement that encompasses many elements of Haitian society, including political parties and peasants, and labor, human rights, and professional organizations.

In September 1991, President Jean-Bertrand Aristide was ousted in a military coup. Since he was deposted, human rights groups and the U.S. Department of State have reported that the human rights situation has deteriorated significantly. The number of people suffering political persecution has skyrocketed.

In October 1991, the Organization of American States imposed a trade embargo on Haiti to demonstrate its commitment to defending democracy in the hemisphere. Several diplomatic initiatives of OAS did not succeed in ending effective military government, but the involvement of United Nations in late 1992 brings new hope for a diplomatic breakthrough.

Since the coup, Haitians have taken to their boats in record numbers. More than 43,000 undocumented Haitians have been interdicted by the U.S. Coast Guard attempting to reach the United States to escape political and economic persecution.

Although the current regime in Haiti is one of the most repressive in power today, the democratic movement still exists. Popular protest express a desire for an elected government that would establish order in a nonrepressive manner.

The resolution I am introducing today, along with my distinguished colleague from Wisconsin, Senator FEINGOLD, calls for the restoration of democracy in Haiti. I consider this the highest priority of United States policy toward Haiti. The resolution focuses on tightening the Organization of American States' embargo and urges President Clinton to:

Help ensure that no goods, particularly oil, evade the embargo;

Assist the United Nations in expanding the number of human rights observers in Haiti to the 500 proposed by the U.N. special envoy so that human rights abuses will diminish;

Establish a U.S. immigration policy where all refugees are granted the same consideration and protection when fleeing oppressive regimes around the world; and

Develop a long-term United States policy toward Haiti which places priority on building and supporting the institutions of a civil and democratic society.

Mr. President, Haiti is the poorest and most densely populated country in the Western Hemisphere, and, as a direct result of the coup, the already poor conditions in Haiti have gotten much, much worse. The people of Haiti cry out for our help, and I think both United States national interests and United States humanitarian instincts demand that we answer that call.

This resolution sends a clear signal that the United States Senate believes that the situation in Haiti deserves concerted American attention, that we intend to do everything we can to see that the basic human needs of the Haitian people are addressed, and that the Senate will not sit idly by while democracy in the hemisphere's second-oldest republic is brutally repressed by a nonrepresentative and illegitimate government. I urge my colleagues to join me in seeking that this resolution is promptly enacted.

SENATE RESOLUTION 90—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE EXERCISE OF RIGHTS SECURED UNDER THE FIRST AMENDMENT TO THE CONSTITUTION

Mr. DURENBERGER (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 90

Whereas Americans' disparate views on the issue of abortion result from deeply held moral, religious and civil rights beliefs;

Whereas irresponsible and unjustified violence displaces the legitimate expression of these convictions and further polarizes those who hold different views on abortion;

Whereas such violence fosters neither greater understanding nor agreement on this divisive issue but only contributes to the fracturing of our society; and

Whereas agreement and understanding on difficult social issues can be reached only through responsible dialogue and nonviolent expression: Now, therefore, be it

Resolved, That, it is the sense of the Senate that—

(1) the rights to peaceful assembly and free expression as established by the First Amendment to the Constitution of the United States are precious rights, but neither the Constitution nor the laws of this land sanction violence as a means of expressing individual moral, religious or political beliefs; and

(2) the Senate condemns violence by individuals, even in the pursuit of moral, religious, or political goals, and deplores any acts that contribute to the fracturing of our society.

Mr. DURENBERGER. Mr. President, today I join with my friend and colleague from Kansas, Senator KASSEBAUM, to take a stand against violence. We are offering a Senate resolution that condemns in no uncertain terms the resort to violence to achieve social goals, particularly regarding the difficult issue of abortion.

Like many of my colleagues, I was shocked and deeply saddened by the recent murder of David Gunn, a doctor who performed abortions, in Pensacola, FL. Although many Americans disagree with me, I personally believe that abortion is wrong. To those of us whose opposition to abortion stems from a belief in the sanctity of life, the senseless act done in the name of preventing abortion that ended the life of Dr. Gunn was tragically ironic.

Violence committed in the name of a cause does violence to the cause. This is particularly true when the very essence of the cause is based on the value of human life.

Mr. President, there is a fear that Dr. Gunn's shooting was not an isolated incident. In my home State of Minnesota, there have been two attempts in the last 6 months to blow up a clinic in Robbinsdale. The people who work at these clinics—from doctors and directors to receptionists and even janitors—have been harassed both at work and in their homes.

In anticipation of a visit from the pro-life activist organization Operation Rescue this summer, Minnesota Planned Parenthood is tightening security, installing bulletproof glass, and even considering issuing flak jackets to its doctors. Some Minnesota doctors have begun carrying weapons.

Mr. President, the madness has to stop.

People on both sides of this issue, and those caught in the middle, are scared to death. Minnesotans who are not in any way associated with the clinics are terrified—not only for themselves, but also for their neighborhoods and their children. Those people must know that the Members of this body will not stand for violence, even in the name of morality.

American views about abortion usually result from deeply held moral, religious, and civil rights beliefs. I believe that there are intelligent, principled, and compassionate people on both sides of the abortion issue. Senator KASSEBAUM and I hold different views on this issue.

I was greatly encouraged by remarks at a recent markup that were made by my colleague from Illinois, Senator SIMON, whose view on abortion also happen to be different from mine. In essence, the Senator from Illinois said that instead of being paralyzed by conflict, people on both sides of the abortion issue should work together where progress can be made.

I agree wholeheartedly. For example, I believe that people on both sides of this issue should work toward the common goal of reducing the tragedy of unwanted pregnancy.

So I say to my colleagues today, let us agree that fundamental disagreements about abortion are inevitable. Let us recognize that those disagreements result from deeply held beliefs that may never change. But let us also recognize that it is time for a new era of dialog on this issue. We must search out those areas where we can work together for positive change.

Taking a stand against abortion-related violence would be a very tangible first step toward constructive change. Like America at large, this body holds diverse views on the issue of abortion. We can lead by example by supporting this resolution.

Mr. President, this resolution is very simple. It says that we in the U.S. Senate condemn individual acts of violence, even in the name of moral, religious, or political goals.

When an act of violence is committed in the name of one viewpoint on a volatile social issue, there are many victims. The immediate victims suffer. The credibility of those who have worked earnestly and nonviolently on that side of the issue is damaged. Uninvolved people feel threatened and sometimes get caught in the crossfire. And, the quality of national debate and the moral strength of our Nation's political system suffer.

I am pro-life. I always have been, and I have consistently voted that way in this Chamber. I am pro-life because I believe that each human life is sacred; that every person has a right to life; and that we should not pass laws which deny that basic right. It is for those very same reasons that I have consistently voted against the death penalty.

And it is because I believe so strongly in the value of human life that I offer this resolution today. I believe that saving unborn lives never justifies taking the life of another human being. No matter what one's views on abortion, we must all agree that violence in the pursuit of moral, religious, or personal political goals is never justified.

Mr. President, America cannot let its passion overcome its compassion. Unless we can proceed with a measure of respect and understanding, the opposing sides on difficult issues like abortion will only become more polarized. We will lose opportunities for progress and our society will become more fractured. The violence has to stop.

Mr. President, I urge my colleagues to join in letting the people of this country know that we condemn this violence in no uncertain terms. I yield the floor.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BOND (AND BURNS) AMENDMENT NO. 291

Mr. BOND (for himself and Mr. BURNS) proposed an amendment No. 291, to the bill (H.R. 1335), making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, as follows:

On page 27, strike lines 7 through 12.

NICKLES (AND OTHERS) AMENDMENT NO. 292

Mr. NICKLES (for himself, Mr. BROWN, Mr. COVERDELL, Mr. COATS, Mr. DURENBERGER, Mr. GRAMM, Mr. GRASSLEY, and Mr. MCCAIN) proposed an amendment to the bill (H.R. 1335), supra, as follows:

On page 28, strike lines 23 through 26.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 293

Mr. MURKOWSKI (for himself, Mr. THURMOND, and Mr. JEFFORDS) proposed an amendment No. 293 to the bill (H.R. 1335), supra, as follows:

On page 24, line 10, insert before the period at the end the following: ", of which $25,000,000 shall be available for the purposes of making payments to employers under the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 10 U.S.C. 1143 note): *Provided*, That such $25,000,000 shall remain available until September 30, 1994".

DOMENICI (AND OTHERS) AMENDMENT NO. 294

Mr. DOMENICI (for himself, Mr. STEVENS, Mr. WARNER, Mr. BOND, Mr. MCCAIN, Mr. GRAMM, Mr. GORTON, Mr. NICKLES, Mr. D'AMATO, Mr. MURKOWSKI, and Mr. THURMOND) proposed an amendment No. 294 to the bill (H.R. 1335), supra, as follows:

At the end of the pending substitute, add the following new section:

SEC. Each amount provided for discretionary items in this Act shall hereby be reduced by 18 per centum in order to ensure sufficient funding for the annual pay raise for federal civilian and military employees scheduled to go into effect on January 1, 1994: *Provided*, That this shall not apply to Members of Congress.

DEBT LIMIT LEGISLATION

DURENBERGER AMENDMENT NO. 295

(Ordered to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 174) increasing the statutory limit on the public debt, as follows:

At the appropriate place, insert the following new section:

SEC. __. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—

(1) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(2) CONFORMING AMENDMENT.—Section 110(a) of the Tax Extension Act of 1991 is amended by striking paragraph (2).

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after June 30, 1992.

(b) MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.—

(1) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B)(i) any security described in subsection (c)(2)(C) which is acquired (including originated) by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and (ii) any obligation to acquire a security described in clause (i) if such obligation is entered into in the ordinary course of such trade or business and is not held for sale, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

To the extent provided in regulations, subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) IDENTIFICATION REQUIRED.—A security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), subsection (a) shall apply to any changes in value of the security occurring after the cessation.

"(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency; and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

Subparagraph (E) shall not include any contract to which section 1256(a) applies.

"(3) HEDGE.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH CERTAIN RULES.—The rules of sections 263(g), 263A, and 1256(a) shall not apply to securities to which subsection (a) applies, and section 1091 shall not apply (and section 1092 shall apply) to any loss recognized under subsection (a).

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in subsection (c)(2)(F) (without regard to clause (iii) thereof) at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(3) CHARACTER OF GAIN OR LOSS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or section 1236(b)—

"(i) IN GENERAL.—Any gain or loss with respect to a security under subsection (a)(2) shall be treated as ordinary income or loss.

"(ii) SPECIAL RULE FOR DISPOSITIONS.—If—

"(I) gain or loss is recognized with respect to a security before the close of the taxable year, and

"(II) subsection (a)(2) would have applied if the security were held as of the close of the taxable year,

such gain or loss shall be treated as ordinary income or loss.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any gain or loss which is allocable to a period during which—

"(i) the security is described in subsection (b)(1)(C) (without regard to subsection (b)(2)),

"(ii) the security is held by a person other than in connection with its activities as a dealer in securities, or

"(iii) the security is improperly identified (within the meaning of subparagraph (A) or (B) of paragraph (2)).

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 988(d) is amended—

(i) by striking "section 1256" and inserting "section 475 or 1256", and

(ii) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to all taxable years ending on or after December 31, 1993.

(B) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this subsection to change its method of accounting for any taxable year—

(i) such change shall be treated as initiated by the taxpayer,

(ii) such change shall be treated as made with the consent of the Secretary, and

(iii) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 9-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

(C) UNDERPAYMENT OF ESTIMATED TAX.—In the case of any required installment the due date for which occurs before the date of the enactment of this Act, no addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 with respect to any underpayment to the extent such underpayment was created or increased by any amendment made by, or provision of, this subsection. All reductions in installments by reason of the preceding sentence shall be recaptured by increasing the amount of the 1st required installment occurring on or after the date of the enactment of this Act by the amount of such reductions.

- **Mr. DURENBERGER.** Mr. President, I intend to offer an amendment to the debt ceiling extension bill to permanently restore the 25-percent deduction for self-employed individuals for health insurance premiums, retroactively to June 30, 1992.

I ask unanimous consent that the estimated revenue effects of the amendment I intend to offer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED REVENUE EFFECTS OF POSSIBLE AMENDMENT

[By fiscal year, in millions of dollars]

Provision	Effective	1993	1994	1995	1996	1997	1998	1993–98
1. Extend the 25% self-employed health insurance deduction (permanent and retroactive)	7/1/92	−303	−407	−452	−496	−543	−592	−2,793
2. Require securities dealers to mark-to-market (9-year spread) (tyeo/a)	12/31/93		482	571	582	592	603	2,830
Grand total		−303	75	119	86	49	11	37

Note.—Details may not add to totals due to rounding. Legend for "Effective" column: tyeo/a=taxable years ending on or after.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on oversight of the Alternative Agricultural Research and Commercialization [AARC] Act of 1990. The hearing will be held on Thursday, April 29, 1993, at 9 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information, please contact Richard Hess at 224-2321.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearings will take place on Tuesday, April 27, 1993, beginning at 2:30 p.m. and Wednesday, April 28, 1993, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on S. 21, a bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit a written amendment for inclusion in the hearing record is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information regarding the hearings, please contact David Brooks of the subcommittee staff at (202) 224-7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 646, the International Fusion Energy Act of 1993.

The hearing will take place on Thursday, May 6 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510 Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202-224-0612.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 1, 1993, to hold a hearing on corruption in professional boxing—Part II.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 1, 1993, at 10 a.m., to hold a hearing on innocence and the death penalty.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April, 1 at 11:30 a.m., 1993, to hold a brief business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on April 1, 1993, at 10 a.m., to hear testimony from Secretary Donna Shalala and other witnesses on the subject of the administration's 1994 health budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, April 1, 1993, at 9:30 a.m., in open session, to receive testimony on the Defense authorization request for fiscal year 1994 and the future years Defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 1, 1993, beginning at 10 a.m., to conduct a hearing on the proposal to abolish the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 1, 1993, at 9:30 a.m., to hold a hearing on "Will Jobs Be America's Biggest Export Under NAFTA?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, April 1, 1993, at 10 a.m., to vote on the nomination of Eugene Ludwig to be Comptroller of the Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES POLICY TOWARD IRAQ

• Mr. LIEBERMAN. Mr. President, in the wake of news reports about United States policy toward Iraq, Secretary of State Warren Christopher has provided assurances that we have not in any way lessened our opposition to Saddam Hussein's rule.

I am relieved that this is the case, because I believe any weakening of U.S. policy toward Saddam would be a mistake. It would demoralize the Iraqi opposition to Saddam, who would read this as a sign of lower American resolve. The Gulf Arab States may, similarly, conclude that America's priorities would be changing. The Iraqi military and other supporters of Saddam's regime could conclude that peace will no longer elude them as long as Saddam is in power. Most dangerous, it would encourage a belief on the part of Saddam Hussein himself that Americans are weakening, and that his so-called charm offensive is paying off.

I continue to believe that Saddam Hussein must be removed from power before sanctions are lifted and before normalized relations can be established. He has demonstrated all too often, and all too powerfully, that he simply cannot be trusted. Even a period of months, or years, of good behavior would represent only a hiatus in his evil desire to dominate his region of the world. He is perfectly capable of acting one way in order to achieve his own ends.

Indeed, if our policy is to change, it should in ways that toughen the stranglehold on Saddam and hasten his removal from power. We must pursue stronger sanctions. For example, Iran must be penalized by the world community for accepting oil from Iraq. There is some evidence that the oil going from Iraq to Iran is, in turn, being sent to Sudan. It is reasonable to assume that Sudan may be paying for that oil by shipping livestock to Iran for transshipment to Iraq. Over the long term, Iraq could connect its oil pipelines to Iran's pipelines in order to avoid international sanctions.

America can also do more to recognize and encourage the Iraqi opposition: the Kurds, the Shiites, and others. We could help them by establishing a Radio Free Iraq network, beaming in news about Iraq and the region to the people of Iraq, so they might hear the truth, for a change.

And we must be watchful for any Iraqi failure to comply with the U.N. sanctions, and be prepared to take steps in retaliation, such as extending the no-fly zone to cover all of Iraq.

In the end, what we hope for in Iraq is progress toward democracy, including greater respect and autonomy for Iraq's constituent populations: the Shiites, the Sunnis and the Kurds. If they can run Iraq in a cooperative manner, these groups can maintain Iraq's role as a balance of power in the region: strong enough to defend itself from enemies like Iran, but not so strong or so inclined to engage in the criminal adventurism that characterizes the rule of Saddam Hussein.

But we must keep one thing in mind: there is no peaceful and secure future for this region of the world that includes Saddam Hussein. That is not a personalization of a foreign policy issue; it is a recognition of a fact of international life.•

A TRIBUTE TO KENTUCKY HARVEST

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Kentucky Harvest and U.S.A. Harvest, two outstanding Louisville-based organizations dedicated to feeding hungry Kentuckians and Americans.

Kentucky Harvest began in 1986 when Louisville resident Stan Curtis realized that many restaurants, hospitals, and other food preparation industries were throwing away massive amounts of unused food. Recognizing the waste, Curtis founded Kentucky Harvest. The sole purpose of the organization is to collect the unwanted food and distribute it to Jefferson County's shelters and missions.

Unlike many charitable institutions, Kentucky Harvest will not accept Government aid, nor does it look to outside sources for funding. Instead, Kentucky Harvest relies on the generosity of volunteers. Currently more than 900 Kentuckians offer their automobiles for transportation of the food. This dedication means 9,000 nourishing meals a day in Louisville, and also means a sense of fulfillment for those who volunteer their time for this wonderful program.

In 1989, Mr. Curtis and his admirable team branched out to touch the lives of all Americans. U.S.A. Harvest was created under the same volunteer-sustained philosophy as Kentucky Harvest. This idea has proven successful. In 1992, nearly 33,000 volunteers in 80 cities collected and delivered almost 50 million pounds of food.

Mr. President, I think you will agree with me when I say Stan Curtis and the fine people at Kentucky Harvest and U.S.A. Harvest proved that belief and dedication in a worthwhile project can make even the most burdensome task conquerable. The dedication shown by so many individuals truly is an inspiration to all.

Mr. President, I ask that an article from the March 28, 1993, Parade magazine be included in today's RECORD.

The article follows:

THE POWER OF AN IDEA

(By Hank Whittemore)

One morning back in 1986, a businessman left his home in the suburbs and drove to the office in Louisville where he worked as a stockbroker. When not daydreaming about his golf game, he dealt with rich clients and tried to make them richer. Stan Curtis, then 37, had no idea that he was about to change his life.

"My wife and I were on the cafeteria line at lunchtime," he recalled, "and just as I was about to order some green beans, a man put down a new pan full of beans and took away a pan that was still a third full. I wondered where those green beans were going, so I called the manager over. He says, 'Well, they like to keep the buffet line looking good.' 'Yes,' I say, 'but what happens to those other beans?' 'Oh,' he says, 'we have to throw them away.'

"It just struck me then that there's a lot of good, wasted food—and I wondered how it could be gotten to folks who needed it," Curtis explained.

He called a bunch of his business friends and asked them, "Do you think we could set up a group of volunteers who would take food from people who have it but don't want it and give it to people who want it but don't have it?" Before they could reply, Curtis answered his own question: "Of course, we could."

With that single, simple idea, Kentucky Harvest was launched in 1987. Two years later, a nationwide movement called U.S.A. Harvest was born.

Although still a stockbroker, Curtis, now 44, is the leader of some 33,000 volunteers in 80 cities. During 1992, they collected nearly 50 million pounds of surplus food from restaurants, hotels, hospitals and such and delivered it to missions, shelters and soup kitchens.

"Nobody should go hungry when we're throwing away good food in quantities you can't even fathom," Curtis said.

Why did Stan Curtis suddenly find his life changing course? "I grew up in a children's home," he said, "but I can't tell you that I'm doing this because of that. Something just tapped into something in me to do good."

Curtis had ended up in a children's home through a series of events that began in the late 1950s. Had the same events taken place today, his mother and four younger brothers and sister might well have been among the homeless families wandering the streets.

"My father wasn't a good guy," Curtis recalled. "He treated my mother badly. When he decided they were going to get divorced, he took four of us with him to South Carolina and put us in a children's home. After a year, my mother got us back to Louisville, but she couldn't afford to raise us. So she got us placed in another home and went to work there as a house mother, to be with us."

Curtis lived in the Bellewood Presbyterian Children's Home in Kentucky's Jefferson County from age 9 until his graduation from high school. What saved him, he believes, was that he learned to play tennis. By his senior year, he was a top player. He later turned pro and eventually became a tennis teacher in Miami. But in 1980 he decided to leave tennis and return to Kentucky.

Back in Louisville, Curtis joined the investment firm of J.C. Bradford & Co. "I was playing golf, making money and acquiring things," he recalled. Until that day on the cafeteria line.

Kentucky Harvest was set up with the idea that it would never accept money from the government or any other source. "We challenged people to help *without* giving money," Curtis said. "We said, 'We're not fund-raising but foodraising. So hey, folks, you can't send us money and think you're involved. We challenge you to get out of your homes and offices, to come and see what's happening among the less fortunate in your community—and to use your ideas, talent and energy to make a difference.'"

The outpouring of volunteers was tremendous. In its year, Kentucky Harvest provided 23 missions with 753,000 pounds of food. Currently, the Louisville group delivers more than 5300 pounds of food daily, enabling 100 agencies to serve 9000 meals a day. The volunteers, using their own vehicles, transport all this fresh food directly from the sources to the recipients.

Clyde Swindler, 73, is one of the 900 volunteers at Kentucky Harvest. "In the morning," he said, "I'll pick up more than 500 loaves of bread from one large store in town and bring them to the missions on my trailer. It's almost criminal, if that bread went to waste. Why, the other day I picked up 16 tons of peanut butter right from the manufacturer, because they'd labeled it wrong. Otherwise, they would have dumped it!"

"Aside from being a great humanitarian effort, doing this community work is fulfilling," added Swindler, who spent 40 years in the electrical contracting business before retiring in 1987. "It's really a blessing to me, not having to sit home and wonder what I'm going to do tomorrow. Now, I already know."

"People really want to help," Curtis said. "But they don't want to write a check and send it down a black hole. They want to see where it's going. And when they come in contact with hungry people eating food they've brought, they never forget it."

Within a few years, Stan Curtis hopes, there will be more than 100 chapters of U.S.A. Harvest. As each chapter is set up, he flies to that city to lend his support. After the disturbances in Los Angeles and following Hurricane Andrew in Florida, his volunteers sent thousands of pounds of food to those areas.

"I keep moving ahead," he said. "And I think this journey I've been on has begun to make changes in my character. I'm more emotional now, more passionate or maybe the word is compassionate. The other day, as I watched some homeless kids enjoy a meal they would not have had unless some people had cared enough to make it happen. I damn near cried."

And who is to say that his journey is not leading him back to himself—to that boy in the children's home who knew how it felt to need someone's help?•

TRIBUTE TO THE HEALING ARTS

• Mr. HATFIELD. Mr. President, on Sunday, March 21, 1993, the Second Annual Rose Mass was celebrated at historic St. Patrick's Church here in Washington, DC. The principal celebrant was the Roman Catholic Archbishop of Washington, His Eminence James Cardinal Hickey. The homilist was a friend of mine and the Archbishop of Portland, OR, Archbishop William Levada.

The Rose Mass takes place annually at St. Patrick's Church on the fourth Sunday of Lent and has come to symbolize life, whose precious care is entrusted to the hearing professions. The Rose Mass is organized to invoke God's blessings on the medical, dental, nursing, and allied health care workers and the many health care institutions in the Archdiocese of Washington.

I am extremely pleased to enter Archbishop Levada's most enlightening homily into the CONGRESSIONAL RECORD. The message of his address is timeless and reflects the continuing need to recognize the contributions made by health care providers to the physical, mental and spiritual health of our Nation.

I ask that the contents of Archbishop Levada's attached homily be inserted in the CONGRESSIONAL RECORD at this time.

The text of the homily follows:

HOMILY OF ARCHBISHOP WILLIAM LEVADA

As long as I am in the world, I am the light of the world. These words of Jesus taken from the story of the man born blind in today's Gospel provide a theme for our reflection at this second annual Rose Mass in the Archdiocese of Washington. I thank Your Eminence, Cardinal Hickey, and the John Carroll Society for the invitation to join you for this celebration. The fact that this invitation was made to the Archbishop of the "City of Roses" of Portland in Oregon I count as pure coincidence!

The power of light is something we discover early in life. The poignancy of the symbol is reflected in the experience of the very young for whom the night light is protection from the unknown, as well as in the young men and women who have discovered the one who "lights up their life." As a matter of fact, the world pays its own special homage to light today, the vernal equinox, when the sun crosses the equator and day and night are everywhere of equal length.

In the opening words of the Bible we read that light is the first product of God's creative work:

"In the beginning, when God created the heavens and the earth, the earth was a formless wasteland, and darkness covered the abyss, while a mighty wind swept over the waters. Then God said, 'Let there be light,' and there was light."

The words of Jesus "I am the light of the world" are not mere rhetorical flourish. Jesus did what was unheard of; he opened the eyes of a person born blind. He gave that man light, the first gift of creation. He even claimed to be the light of the world.

In today's Gospel we witness the striking drama of a once blind beggar standing before those he had feared but could not see. But now he sees not only with the physical light of vision, but with the spiritual light of faith: "'Do you believe in the Son of Man?' Jesus asked. 'Who is he, sir, that I may believe in him?' Jesus said, 'You have seen him and the one speaking with you is he.' He said, 'I do believe, Lord,' and he worshiped him."

The contrast with the "seeing" Pharisees is telling. "'Surely we are not also blind, are we?' And Jesus said to them, 'If you were blind, you would have no sin; but now you are saying, "We see," so your sin remains'." The whole drama of this story is about seeing the light. Those who rest complacent in the blessing of God which gives them physical sight have made themselves blind to the "light of the world." They have closed their eyes to the light of faith which illumines the true meaning of the world which comes from God's creative hand.

The story tells about Jesus healing this man. How appropriate for our celebration at this Rose Mass, which gathers those whose work and whose vocation is one of healing. It is Jesus who offers us the elements of our meditation this morning: the work and the vocation of healing is the work of light, of Jesus the "light of the world."

The man to whom Christ has given physical and spiritual light pleads the cause of light, a light that Jesus has linked with all of us in his pronouncement that "We must work the works of him who sent me." We are called to be light to the world. Our light is a continuation of Christ's. Throughout the ages, believers have understood they are called to share in the mission of Jesus: "I say to you, the one who believes in me will also do the works that I do."

Somewhere in the world, it is night and a nurse is making her rounds. Her flashlight casts a single beam down the hospital corridor and into a darkened room. The woman in the bed is not in pain but she is suffering. The latest technology enables her to administer her own analgesic with the touch of a button but she cannot cure her own fear.

In still another place, a research biologist sits at dusk in a laboratory. Our eyes are drawn to the tiny light shining from his microscope as he seeks to uncover the mystery that will help him overcome the darkness surrounding yet another human ailment.

And only a few miles from here, in a hospital solarium, a pastoral care worker brings light of another kind to someone who has just learned that the shadow of death has entered his life.

I suggest these scenarios with confidence because in every part of the world, these scenes are repeated day after day and year after year as health care workers like yourselves bring light to those who suffer in physical, intellectual and spiritual darkness.

The ministry of healthcare is a participation in the mission of Jesus Christ. It makes sense that we look to him for a model for our ministry.

"* * * And (he) anointed the man's eyes with the clay." Health care has become increasingly complex and technological. It has become wonderfully efficient and marvelously inventive. But with each new technology, we face the ever increasing danger of distancing ourselves from those we serve, of allowing technology to substitute for touch. The journey down the corridor in the middle of the night, if only to hold a hand or speak a gentle word, is part of the vocation of health care which continues to enlighten the world in Jesus' name.

Each of the people you treat comes from a family, a community. Often their illness has isolated them and your healing powers must extend beyond the physical to heal family and friends as well. When those involved in health care are attentive to relationships, they witness to the sort of healing that Jesus did—healing that reveals the power of God.

I have reflected with you on the vocation of the health care worker, those who directly administer this care, and those who enable it to happen and support it. I have suggested that the Gospel story of Jesus' healing the man born blind invites us to reflect on the ministry of healing as a work of light—an extension of the work of him who said, "I am the light of the world." But the light which Jesus brought into the world, and continues to enlighten it with, is also a light which he expects to shine forth from the community of his disciples, his Body, the Church.

The lesson of Jesus is not that the world wants to remain in darkness, but that it too often resists the light, especially when it means having to look further ahead then we are comfortable doing. To be able to see human life, for example, from the perspective of God—the value of each human life, from conception to natural death—is not a vision which is spontaneously embraced in our society. To be able to see human life in the light of eternity is for many people of our day to illumine a distant horizon which they are more comfortable leaving in the shadows.

Thus I think it important for us to recall today the vocation of the Catholic health care apostolate as a manifestation and embodiment of Christ's call to all of us as his Church to be the "light of the world." People are most vulnerable and in need of protection at the beginning and the end of life. For this reason, the most obvious shadows threatening to obscure the light are at the inception and the conclusion of life. Each day we are challenged by those who would, in the name of freedom, allow the killing of innocent human beings through abortion. And at the end of life our society is now raising the issues of euthanasia and physician-assisted suicide. I have special reason to be concerned about euthanasia, since the national headquarters of the Hemlock Society is located in the Archdiocese of Portland.

From one perspective we can see the demand for euthanasia as a reminder that the human family is failing as a community both to embody the trust that sustains life and to live out the commitment to be companions to one another, especially to those who are weak and unable to contribute to the community. Much of the burden for this witness will rest on you and people like you—Catholics in the health care professions.

We *can* make a difference. The recent election initiatives in Washington State and California were narrowly defeated, thanks in great measure to the energy and witness of so many in the Catholic health care apostolate. As a community of believers we need to use our common commitment to life and love to make a difference, to create a community that cherishes every human life as a gift of love, and celebrates that gift by giving the support of our love and care to all our brothers and sisters in the family of God. The teaching of Jesus about life and love has been handed down in his Church under the guidance of the Holy Spirit, and is applied to increasingly complex cases today. But Jesus intends his teaching and his example to be light for the world, and he invites us to be the bearers of his light.

As health professionals your care for those who are sick and dying means opening yourself to the reality of suffering. It also involves recognizing that there is a transcendent reality that is more powerful than we are. We discover that reality when we cannot cure, when we cannot heal. Facing death is a profoundly meaningful human endeavor that limits and defines human life.

Our faith in the Risen Jesus enables us to find the value in human suffering, the value in death. It is the Risen Lord who sanctifies and transforms human suffering so that it has redeeming force. Because of this transcendent element, we are able to bring Christ to the bedside of the sick. We can be conscious of the unity possible between those whose suffering we cannot adequately relieve and the suffering Christ. Throughout the Lenten season, even as we reflect on the passion and death of Jesus, the light of resurrection shines through.

Today, we gather at this annual Rose Mass to celebrate your ministry, to remember God's intimate love for those you serve when they are most vulnerable, and to offer you the Lord's own word as encouragement: "We must do the works of him who sent me." We pray that we might announce God's love in times of joy—at moments of birth and regained health. We ask that he might be with us at times of profound sorrow and grief, in suffering and death.

When we act in the name of Jesus, unheard of things can happen: the blind see, the sick are made well, the fallen are raised, sinners are made just and the dead come to life once more. When Jesus is with us, the oppressed are freed and those who despair are consoled. Such work calls us to conversion, to committed leadership and personal holiness. And it calls the world out of darkness into the wonderful light of Christ, who is the "light of the world."●

GEORGE WILL'S INSIGHT

● Mr. DURENBERGER. Mr. President, George F. Will is one of the most intelligent and insightful commentators on public affairs in America today. In a recent article in National Review, he explains why the quality of our Government is declining—because of a failure of values.

The Federal decisionmaking process has become too far removed from the real lives of Americans. As a result, legislation at the National Government level tends to reflect the interests of government bodies and other organized special interests—instead of the public interest broadly understood.

For as long as I have been in the Senate, I have believed that fundamental reform—a basic change in the role of Government—is absolutely essential if Government is to be worthy of respect.

If I could phrase it another way: The best strategy for discrediting Government is to force it to do what it should not and cannot do. Let's get clear about what the Federal Government really has to do. Only when we have succeeded in the task of providing income security for our citizens—and security for their persons and property—should we give ourselves the luxury of debating innovative new roles for the instruments of Government.

Mr. President, I ask that the George Will article I mentioned be included in the RECORD at the conclusion of my remarks.

The article follows:

CONSERVATISM'S CHALLENGE: RECOVERING AMERICA

(By George F. Will)

Bill Clinton is in the process of learning what Adlai Stevenson meant when he said America is a great and wonderful country in which any young person can grow up to be President—and that's just the risk you take. It serves the professional interests of the political class and the emotional needs of their journalistic echoes, who feel important in proportion to the importance of what they are writing about, to say quadrennially that the just completed election is the most important presidential election since God-knows-when. But frankly, this was the least important presidential election since at least the 1920s.

America, in large measure because of conservative achievements, is safer today than it has been in 217 years. Furthermore, the government today (this is the good side of the budget deficit) enjoys less latitude for action than at any time since the 1920s, or since it slipped the leash of the enumerated-powers doctrine of the Constitution. Finally, the problems most vexing to the most thoughtful Americans are problems singularly immune to the attentions of government in general and particularly government based in a capital on the fringe of a vast continent.

Losing an election is not the worst thing that can happen. Indeed, it is part of the dynamic of our politics. And 12 years in power is a very long time. Only four times in American history has a political party held power for longer than that. Also, the Republican Party fell victim last year to a paradox of politics, which is that the party in power is often punished for its successes. We tend to forget that the Republican Party was propelled into power 12 years ago by, above all else, inflation. As the currency lost its function as a store of value, inflation summed up the general sense that American life at the everyday transaction level was no longer functioning well. Furthermore, the Republican Party was held together by an anti-Soviet foreign policy. Inflation is gone, the Soviet Union is gone, and, not coincidentally, so are the Republicans. But they will find other things to do.

We shall be watching to see if another truth of politics holds. That is that great leaders—Ronald Reagan and Margaret Thatcher spring to mind—often leave their most lasting impress on the opposition party. The Labour Party today is very different after its hammering by Mrs. Thatcher. We shall see if the Democrats also have been changed. The question is whether Bill Clinton is Henry of Navarre. You will remember that Henry twice converted to Catholicism in order to keep his crown, saying on one memorable occasion the words that are the slogan of every political class: "Paris is well worth a Mass." Today the question is: Was the White House well worth a pose of moderation? We shall see.

DRY STERILE THUNDER

I don't think it is losing that depresses us. What has depressed us is that this loss was so sterile. In words that T. S. Eliot used, it was "dry sterile thunder without rain." There was no sense of an honorable banner borne to honorable defeat. William Jennings Bryan three times lost the Presidency. But before he was done, the Democratic Party has been largely transformed. The most honorable, the most fruitful defeat of modern times was suffered by the man for whom I cast my first vote for President, Barry Goldwater, in 1964.

Four years ago, in the inaugural address that George Bush gave, the seeds of trouble were apparent. He made mistake number one when he said our problem is that we have more will than wallet (indicating that he wished the government had more wallet). Mistake number two was not understanding that the great problem of politics always is an insufficiency of political will. Then he turned to George Mitchell, held out his hand, and said the people "didn't send us here to bicker." Actually, they send people here to Washington to fight and argue. That's why they send two parties here, because they differ. And when someone refers to political differences as "bickering," that person lacks the ballast of ideas that makes these things seem more than inconsequential bickering.

The question is: Has the Republican Party learned a lesson? The lesson of 1992 was that ideas matter. They matter most of all for a political organization that will not define itself in terms of interests and therefore must define itself in terms of ideas. Forgetting that is a mistake we dare not make often. After Dorothy Parker's third, or perhaps fourth, suicide attempt (no one was counting at that point), a friend said, "Dorothy, if you keep this up, you are going to make yourself very sick."

Now, Mr. Clinton and his party seriously believe they can preside over another coming of Camelot. They misunderstand the great change in the American public in the last 32 years. An unsentimental coolness has taken over. The American people look upon the political class today the way that Bear Bryant looked upon football players—"Be good or be gone."

The presidential election last November 3 was, at most, the 15th most important balloting done in the country that day. The 14 more important instances of balloting were in the 14 states where the political class could not prevent people from voting on term limits; 14 chances, 14 victories. In 13 of the 14 states, term limits got more votes than Bill Clinton got. Term limits got more votes in 14 states than Ross Perot got in 50 states. This is the wave of the future, and it reflects the crash of the prestige of government. The Great Society initiatives which promised more than they delivered combined with Vietnam and Watergate to set the stage for the ravages that inflation wrought on the public's confidence in government. And that is where we stand today.

Ironically, American confidence in public institutions rose at only one point since 1963, and that is during the Presidency of Ronald Reagan. That is paradoxical, because he is the one who said in his inaugural address that government is not the solution, it is the problem. But people trusted government more, because they trusted the man who had a clear, candidly spoken agenda for government. This agenda was nothing less than to inspirit the country by changing many of its values.

INTO THE POLITICAL FUTURE

I would like to suggest, for your consideration a four-point agenda. The first is to change the political culture in every capital city, but most of all in Washington, with term limits. It is said that we need seasoned professionals in Washington or we won't have good government. I can again give you a baseball analogy. I serve on the board of the Baltimore Orioles. In 1988, the Orioles were a lot like Congress—they were old, expensive, and incompetent. They lost their first 21 games, and went on to lose 107 games that year. We on the Orioles board are not brain surgeons, but that winter we said, "Hey, we can lose 107 games with cheap rookies." The 1989 Orioles had the youngest team in baseball, the smallest payroll, and came within two pitches of winning the American League East. The moral of that story applies to the political class too.

The second item is an uncompromising reaffirmation of the proposition to which, as Lincoln said, we as a nation are "singularly dedicated." It is a proposition about the equal rights of individuals to strive individually to achieve happiness as individually defined. The very unity of our nation today is threatened by the balkanizing of the country into unassuageable grievance groups developing a racial, ethnic, and sexual spoils system.

Third, we must judge all social policies in terms of how they contribute to rapid economic growth. The welfare state is not going to go away, and it requires a rapidly growing economy to throw off revenues. But the very weight of the welfare state that requires the revenues is suffocating the private sector, which, at the end of the day, must pay the bills. Now, we cannot wait on the shrinking of the deficit—and I am a reluctant convert to this, tutored by Pete duPont and others—in part, because no one in Washington of either party has any particular incentive to shrink the deficit. The deficit is, after all, the principal tool of a career political class. It transfers wealth from the voiceless and voteless future to today's people, who are only too pleased to get or give a dollar's worth of government and be charged 79 cents for it. Therefore, a strategy must be found—consistent with the imperative of the political culture that exists—to achieve sustainable economic growth.

Fourth—this I say with some passion—I would hope that the conservative movement would use our enforced leisure to come to an understanding that economic growth is not enough. We have learned rather a lot in the last thirty years about our most intractable problems, and we know that a rising tide will not raise all boats. This is, in part, because the problems afflicting vast portions of our urban society are problems of values, behavior, and character, not problems of inadequate economic opportunity. Look at what is happening to K–12 education. We are today graduating the first generation in American history less well educated than the generation that came before. We have been soothed, because we do not measure cognitive outputs through national testing. We instead judge our educational system through financial inputs. But the complacency that characterized this country for so long has happily been shattered.

I live in Montgomery County, where, a few years ago, someone ran for the school board saying, "If I am elected, the schools in Montgomery County will begin to produce Beethovens and Einsteins." I don't know how it is where you live, but in Montgomery County we would be very pleased if, upon leaving school, our children had heard of Beethoven and Einstein.

NO MAN'S LAND

But everyone knows what the problem is that drives America's educational problems—it is the crack-up of the American family. I was recently at a school three miles due west of the magnificent Mile in Chicago—a school 85 per cent black, 15 per cent Hispanic, with a heroic faculty struggling to give the children a chance. But the teachers never assign homework—because, they say, these children go home, all of them, to be parents to their siblings. It is, after all, a student body in which 85 per cent of the children come from homes with no fathers. As a result, we are experiencing in America today something without precedent in urban history: broad-scale social regression in the midst of rising prosperity. We are evolving a civilization we dare not evolve—a civilization in which the cities are important not primarily as centers of cultural and commercial vitality, but as burdens. And that means we cannot guarantee the first business of government, which is domestic tranquility.

I was recently at the Centers for Disease Control in Atlanta and was told that we passed a bleak milestone in America two years ago when, in at least two states, Texas and Louisiana, for the first time since the automobile became an instrument of mass transportation, more people died of gunshot wounds than died from vehicular accidents. We live in the only society in NATO, and that includes Turkey, in which children go to sleep at night in vast tracts of cities hearing gunfire. You may have noticed that around the time a school principal—by all reports a saintly man—in the Redhook section of Brooklyn was killed by a stray bullet while out searching for a child in that tough neighborhood, the New York Times ran an editorial the headline of which was, "Who Will Disarm the Thugs?" They were talking about Somalia. Somalia is not a pressing problem for America. Redhook is.

The problem has been put bravely by Pat Moynihan for 25 years, and he said it again recently: "From the wild Irish slums of the East Coast in the nineteenth century to south-central Los Angeles today, the lesson is clear. You have chaos when you have a large number of adolescent males who do not have fathers."

Mr. Clinton and the Democrats deplore what they see as income disparities developing in the 1980s. They propose to correct these by fiddling with the tax code. But the great disparities are driven by one pair of numbers: 18 per cent of all white children are born to single mothers; 66 per cent of all black children are. Until that is changed, America is going to become more dangerous. Consider all the other problems that come with those numbers, such as $5,500 a day in a neo-natal ward for a crack baby, or $60,000 a year in a public hospital for an AIDS victim in the last years of life.

Therefore, I ask one question: What does conservatism have to say to my friend Karen McCune? She's nine years old, 47 pounds, and full of life and bravery. She needs bravery because she lives in the Cabrini-Green housing project in Chicago. She goes to the Jenner School, named after the man who invented the smallpox vaccine. Three gradeschoolers, in the span of one year, were killed accidentally, getting from Cabrini-Green across the free-fire zone that is Chicago in those areas, into the Jenner School. Karen sleeps, she says, in a bed near a window except when the gunfire gets too fierce, and then she and her siblings go into the hall and hide. America is failing these people in a way that is simply intolerable. No political movement deserves to govern—not left, right, or center—that cannot begin to make life better for Karen McCune.

I think conservatism has the answers. The first answer is police—a lot of them—to disarm the thugs in this country. And then there are ways to begin to bring empowerment and a sense of dignity and choice and a stake in the community—good Madisonian language—to people living in these horrible places. Finding these ways is conservatism's challenge.

Most of all, it is conservatism's challenge to do whatever it does, and argue however it does, with a cheerful countenance. Americans do not like to be scolded. They want a smiling political class and they insist upon it. Barry Goldwater carried 5 states; Ronald Reagan carried 93 states in 48 months. Now there are a lot of reasons why Barry lost, but one of them is that he was perceived (wrongly, as everyone who knows him knows) as an angry man. Actually, Barry Goldwater was, in Richard Rovere's phrase, "the cheerful malcontent." The cheerfulness ought to be as apparent as the justifiable malcontentery of conservatism. Conservatives must find answers to these problems, but do so cheerfully, because Americans will reward that.●

A TRIBUTE TO NEWPORT

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Newport, a historic city located on the cliffs of northern Kentucky overlooking Cincinnati and the Ohio River.

Founded in 1795, Newport was named for Christopher Newport, a well-known sea captain. Since then, Newport has welcomed people from many ethnic backgrounds. Italian, Irish, English, and German immigrants have made the river city home. Generation after generation of families have stayed in Newport, and locals now joke that most residents are somehow related.

Only 2 years ago, real estate in Newport had few buyers. This has quickly changed as people are beginning to realize the city is home to many beautiful buildings. The Gateway Bed and Breakfast, which was refurbished by Ken and Sandy Clift, was honored by the National Trust for Historic Preservation. The charming inn, which was built in 1878, was named the third-best restoration of a townhouse. Also of interest to architecture enthusiasts in Newport is the Hannaford, a former school built with a European influence, which has been transformed into an eye-catching apartment complex.

Newport's historic buildings and thriving community have caught Hollywood's attention. Seth Green, the lanky teen who created a national craze when he yelled "Cha-Ching" during a Rally's Hamburgers commercial, was recently in Newport for the filming of "Airborne." Also on Newport's impressive list are scenes from the hit move "Rain Man." During the making of "Rain Man," both Tom Cruise and Dustin Hoffman were present in Newport to film a restaurant scene.

Mr. President, today I honor the good people of Newport. Their dedication to maintaining their strong heritage and faith in their community is an inspiration to all Kentuckians.

Mr. President, I request that a recent article from Louisville's Courier-Journal be submitted to today's RECORD.

The article follows:

NEWPORT

(By C. Ray Hall)

The star quality didn't match the incandescence of the time Dustin Hoffman and Tom Cruise braved the not-so-mean streets of Newport to shoot a restaurant scene for "Rain Man." But "Airborne," the movie that was being shot in town a few days ago, has its peculiar charm. One of the stars is Seth Green, the "cha-ching" kid in the Rally's Hamburgers commercials.

"He plays the nerdy cousin," said publicist Kari Messina, adding that the movie is "a fish-out-of-water story about a Southern California surfer who's shipped off to relatives in the Midwest. He wins acceptance by roller-blading."

Except for being 198 years old, Newport is like the kid in the roller-blading movie. Trapped between two judgmental giants, Cincinnati and Kentucky, it seems to belong to neither place. But this cramped, contradictory, congenial, contentious collection of German, Italian, Irish, English and Appalachian emigres is a lot more like Kentucky than most people imagine.

For example:

Outsiders look down on it. "I used to go to school (in Covington) and get teased for being from Newport," says 19-year-old Paul Barton Jr. "A priest told us, 'You Newport urchins go back where you came from.'"

On the bright side, it has lots of low-cost housing. On the dark side, it's worth it. As recently as 1990, says economic development director Laura Long, "There was not a house in Newport, finished construction, that sold for over $120,000." That's changing, owing to a recent surge in gentrification that's so intense you'd think "This Old House" was filming in town.

"Two years ago, it would have been unheard of for houses to sell for $100,000, but now everybody is used to it," says real-estate agent R.J. Seifert. An 1878 townhouse revived by Ken and Sandy Clift as the Gateway Bed & Breakfast recently was declared the nation's third-best such restoration by the National Trust for Historic Preservation. "I guess in the '70s and early '80s people wanted to get out of town," says Mayor Tom Guidugli. "Couldn't get out fast enough. And now the people with money in the community are moving back into town for the convenience."

It has many poor folks who live in the shadow of great wealth. "I don't see anything but poverty," says Clarence Everson, who is studying social work at Northern Kentucky University. "To me, we're just poor people trying to get by," Newport's poor can see prosperity about them. To the north lies Cincinnati, which looks as pristine and imaginary as an architect's drawing. To the south, they see Grandview, a sumptuous complex of $200,000 condos in their own city. They can gaze at their own riverfront, a symbol of dawning prosperity, with a 10-story office tower, four floating restaurants, and big plans for more building.

It has a lightly regarded public-school system. A builder angered locals recently when he proposed putting $90,000 houses in Newport and $130,000 houses in neighboring Southgate, the theory being that the more prosperous buyers would choose Southgate so they could send their children to the esteemed Fort Thomas Highlands High School and eschew Newport schools. "This is a misconception we've been fighting," says Chris Novak, Newport's community-development director. "People who come in here automatically think the schools are the worst." (Newport High, which had 1,200 students in 1970, now has 581; about a third go to college, as opposed to about 90 percent at Highlands.)

Everybody is sort of kin to everybody. "I would say that 60 or 70 percent of the people that lived in Covington and Newport expanded out in the country," says Guidugli. "My mom was from Ohio, and when she moved over here with my dad 45 years ago, he said, 'I can't believe that everybody is related to everybody.' It's just unreal how many people are related to each other in Northern Kentucky."

People are still impressed by the supermarket openings. No complacent cosmopolitans, folks in Newport eagerly await the 50,000-square-foot Winn-Dixie Marketplace scheduled to open in 1995. The supermarket will go where the old Wiedemann brewery stood before closing in the early 1980s. "Wiedemann was to Newport what the Ford factory or General Motors is to Detroit," Long says. "One major employer, and when they leave, it's gone. The city bottomed out." It's coming back, she says, perhaps halfway through the usual 20-year cycle in which cities reinvent themselves.

It started life as a golden land that lost its way. Vestiges of that early idealism remain. The Hannaford, an apartment house that was a school in a former life, looks as if it dropped into Newport out of a European wonderland—a thing of beauty and a joy forever. "That's the kind of vision that was set for this place in the early 1800s," Long says.

"Somewhere, the value system and the standards got lost, and it just got worse and worse. And so as (Cincinnati) was over there building and building, somehow we got left behind." (Now, though, she says things have changed. In economic development, "Northern Kentucky is leading the charge." And she adds, "Newport has the ability to be the very best urban model for a community in the United States.")

It has prospered from other people's vices. Kentucky's principal products support smoking, drinking and gambling. Newport's talent for production, consumption and, especially, facilitation, of vice earned it the label of "Sin City" a generation or two ago. In its bad (or good, depending) old days as a wide-open center of gambling and glitzy entertainment, Newport was like a tender-tough guy with a glittering smile courtesy of Las Vegas and muscle courtesy of Cleveland (thanks to mob enforcers). After reformers evicted the gamblers in the 1960s, the peddlers of flesh and fantasy moved in, turning Monmouth Street into a corridor of strip-and-clip joints. Last summer, after a long and arduous campaign, the City Commission voted to outlaw public nudity. One of the remaining clubs, in which dancers perform in more clothing than one sees at the beach, has a yellow wall banner that says, rather heartbreakingly: "Solicitation of Employes Strickley Prohibited."

It has a colorful history of rancorous and sometimes corrupt public servants. Old-time City Commission meetings were known as the Monday night fights. "At least it was entertaining," says Everson.

It has enough four-way stop signs to drive you to distraction, Newport is home to 50 taverns, 39 lawyers, four florists, zero veterinarians, and perhaps more four-way stop signs per square foot than any place in Kentucky. Asked if anyone actually knew how many, a functionary at the city garage said, "Lord, no," as if it was a fool question.

The most famous person from town, ever, was a basketball player. Becoming a Boston Celtic didn't make Dave Cowens an effete Easterner. Even as he was becoming the darling of Boston, he took a course in auto maintenance, reasoning, "Those guys can really clean your clock."

It's right neighborly, really, Peluso's Market has an honest-to-goodness screen door with rusty Rainbo bread sign. Newcomer Brooke Vaughn, a quality administrator with Heinz Pet Products, says she was struck by "the friendliness and openness of the people." And Everson, who has lived in Newport 38 years, says, "The people are close. You may yell at one another one day, and have to borrow a couple of pieces of bread the next."

It takes its own sweet time. "Things start later here," Vaughn says. "They start at 10 o'clock and last till the wee hours. That's pretty much the lifestyle."

Spiritually, it's somewhere between Oxford, Ohio, and Oxford, Miss. "The Mason-Dixon line," Vaughn says, "is alive and well and running down the middle of the Ohio River."

It defies critics. When a Cincinnati radio commentator derided University of Kentucky basketball, a Second Street apartment building sprouted a bedsheet banner declaring UK FOREVER! The banner, courtesy of Everson, blares like a billboard aimed in Cincinnati's face. That's mild compared to the zest with which people defend Newport's civic image. "We're not Mayberry and we never will be," Barton says. "But I wish people who have never even been here wouldn't put us down. I wish they'd judge Newport for what it is, not for what it was. * * * I just tell people that Sin City is short for Sincere City."

It is widely misunderstood, and for the worse, usually. "People in Cincinnati come to Covington and they think they're in Newport," says the mayor, "because Newport has the name."

"Logan," a blonde, perfect-toothed University of Cincinnati student who dances at Sparkle Plenty's and allows men to buy conversation that costs about $1 a minute, summed up the identity problem this way. Adult-entertainmentwise, she said, "Covington is worse than Newport." Does anyone else make that distinction? "Monmouth Street is Monmouth Street," she said with a tone of immutability. As if the fatalism of it all were too dreary to think about, she brightened and said, "You know where the big place is for dancing now? Lexington! I've got three friends who drive an hour and a half each way to Lexington to dance at Pure Gold. They have a buffet. It's like a Caddy's with topless dancers." This is one of the minor ironies of Kentucky life; that Lexington, a city whose virtue is unassailable in the public imagination, can abide behavior that would be illegal in Newport.

In one compelling way, Newport is unlike Kentucky, or practically anyplace else. This is what makes Newport more interesting than most places: There is a continuing battle for its soul, a passion play that is by turns comedic and tragic.

"There's a lot of love and a lot of hate in this city," Everson says. "We have no medium here. Everyone goes to extremes. Over here you've got the Baptist Belt, and over here you've got people who are for things like adult entertainment and gambling. I don't know if we'll ever reach a medium."

Everson chuckles at the idea that the happy medium may be the new Hooters restaurant that bobs and jiggles on the Ohio River. After a Cincinnati suburb turned up its blue nose at Hooters, Newport welcomed the restaurant. Hooters is sort of a parody of adult entertainment, a good-natured counterweight to the grim backdrop of people looking for love in all the wrong places along Monmouth Street. Maybe this is as medium as it gets in Newport. And as happy. A gleefulness that's tempered by the knowledge that all humor comes from suffering. And if any place has suffered enough to deserve a good, worldly wise laugh, salted with just the trace of a tear, it's Newport.

Population (1990): Campbell County, 83,866; Newport, 18,871.

Per capita income (1989): Campbell County—$15,277, or $1,454 above the state average.

Jobs (1989): Northern Kentucky counties of Boone, Campbell, Kenton: Wholesale/retail trade, 32,102; services, 22,191; manufacturing, 14,441; state/local government, 10,844; contract construction, 5,382.

Newport's big employers: Newport Steel Corp., 700 employees; RMD Corp. (Remington's and Hooters restaurants), 303; Heinz, 262; Kmart, 230; Trauth Dairy, 171; Van Leunen's department stores, 150; Barleycom's restaurant, 139.

Education: Newport public schools, 3,000 students; Catholic schools, 604 students; Campbell County public schools, 4,486 students. Colleges: Northern Kentucky University, Thomas More College, Fort Mitchell Vocational School, Campbell County Area Vocational School.

Transportation: Air—Cincinnati-Northern Kentucky International Airport, 10 miles. Rail—CSX, Norfolk Southern. Truck—more than 80 lines serve Northern Kentucky. Water—Port of Cincinnati.

Media: Newspapers—Kentucky Enquirer (daily); Kentucky Post (daily except Sunday); Campbell County Recorder (weekly). Radio—More than 30 Cincinnati-area stations. Television—Seven Cincinnati stations; 54 cable channels.

Topography: Flat to gently rolling to downright precipitous. The biggest neighborhood, with 908 households, is called Cliffview.

FAMOUS FACTS AND FIGURES

Newport, founded in 1795 by Gen. James Taylor, was named for sea captain Christopher Newport. The county is named for John Campbell, a Revolutionary War colonel.

Newport has 50 taverns, one for every 377 sets of lips. Some of the more picturesque names: Dog House, Pit Stop, Gabby's Coaches Corner, Detroit Joe's, Bill & Whitey's, Barb'z, Fern's Bar. The most-inspired names, non-tavern division: Ola's Hair That Talks; Wok Disway.

Campbell County was the scene of one of the most tragic events in Kentucky history. On May 28, 1977, a fire at the Beverly Hills Supper Club in Southgate killed 165 people.

Sixty Kentuckians have won the Medal of Honor. Five were from Campbell County; Pvt. William Steinmetz and drummer William H. Horsfall, both of Newport; Lt. Samuel Woodfill and Lt. Don Faith, both of Fort Thomas; and Seerman William Boers of Bellevue.

Newport's notoriety may have peaked in 1961 when the underworld used stripper April Flowers to embarrass George Ratterman, a former pro football quarterback and reform candidate for sheriff of Campbell County, who had pledged to clean up Newport. But he survived, won election, and Newport's slide toward respectability became unstoppable.

TRIBUTE TO MR. FRED GREEN

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Fred Green of St. Louis, MO. He is being honored as the Legionnaire of the Year by the 11th and 12th Districts Department of Missouri American Legion.

Mr. Green served his country honorably in the U.S. Navy and the U.S. Coast Guard during World War II. He has been an active member of the American Legion for 29 years and has dedicated his time and efforts to working the Legion's programs. Mr. Green has held every elected office in the American Legion Post No. 3 and served as Post Commander in 1981. He is a life member of Sgt. Anthony W. Gallagher VFW Post 877.

Mr. Green is also an active member and participant in the St. Louis Past Commanders Club and Voiture 88 of La Societe des 40 Hommes et 8 Chevaux. He is a volunteer at the Alexian Brothers Hospital, where he averages over 250 hours per year in volunteer work.

Mr. President, I would like to extend my sincere congratulations to Mr. Fred Green for his service and commitment to the American Legion and to the community. I am honored to have had the opportunity to recognize his accomplishments.•

TRIBUTE TO THE MINNESOTA GOLDEN GOPHERS NATIONAL INVITATIONAL TOURNAMENT CHAMPIONS

• Mr. DURENBERGER. Mr. President, Minnesota's Golden Gopher basketball team last night won the National Invitational Basketball tournament in Madison Square Garden. This achievement is a great credit to the players, coaches and loyal fans of Minnesota basketball, and a great sign for the future of Minnesota basketball.

This is a story of the power of a never say die spirit. The entire State of Minnesota was shocked to see the 64 team field for the NCAA tournament announcement without Minnesota. After a fine 17–11 season, and a 9–9 record in the Big Ten, the Nation's strongest basketball conference, Minnesota clearly deserved a bid to the NCAA. Clem Haskins and his players were rightfully disappointed, but they were not done yet.

Once the NIT called, disappointment was put behind them and they set their sights on a championship. And then this team and this State caught fire. With only hours notice, the Gophers sold out three games in the Twin Cities—45,000 tickets sold—and handily beat teams from Florida, Oklahoma, and Southern Cal.

And then proving it could win on the road, the Gophers defeated tough teams from Rhode Island and Georgetown, to bring home the championship to Minnesota.

Those fans not only lifted the Gophers to victory, they sent a little message to a soon to be departed professional sports franchise about how this town supports its teams.

They also left a calling card for next year. They will be a force to be reckoned with in the Big Ten and the NCAA.

Minnesotans have a huge amount of affection and respect for Gopher Coach Clem Haskins. In an era of cookie cutter coaches with freeze dried hair, Clem is a plain spoken, redblooded, regular kind of guy. His players respond to his leadership, and so do the basketball fans of the Twin Cities and all of Minnesota.

Mr. President, this is a team with a great blend of experience and talent. The two graduating seniors from the squad are Dana Jackson of Chicago and Nate Tubbs of Fort Wayne, IN. The five juniors are Randy Carter of Memphis, Arriel Mcdonald of Raleigh, NC, Ernest Nzigamasabo of Bujumbura, Burundi, by way of Mound-Westonka High School, Townsend Orr of Dolton, IL, and Robert Roe of Fort Worth. The sophomores are Chad Kolander of Owatonna, MN, Voshon Lenard of Detroit, Jayson Walton of Dallas, David Washington of Albion MI and Ryan Wolf of Martinsville, IN. The freshmen are Kevin Baker of Toledo, Hosea Crittenden of Farmington, MN, David Grim of Massillon, OH, and Trevor Winter of Slayton, MN.

With 14 of these 16 players returning next year, and with the momentum and confidence of reeling off five consecutive postseason wins, the future looks very bright. Prudent Minnesota basketball fans have already marked their calendars for April 2–4, 1994, Charlotte, NC, site of next year's final four.•

TRIBUTE TO ROBERT EVANS

• Mr. DECONCINI. Mr. President, I rise today to pay tribute to a man who has devoted himself to making our children better citizens. Bob Evans, cofounder and president of Kids Voting USA, will step down from his position on April 30. His efforts to establish and expand the Kids Voting Program have benefited the entire Nation.

Kids Voting began when Bob went on a fishing trip to Costa Rica with his friends Max Jennings and Charles Wahlheim. While there, these gentlemen learned that a major force behind Costa Rica's 90 percent voter turnout rate was an early education program aimed at children. Bob and his associates saw the potential of a student-centered approach to combat voter apathy here in America, so they decided to establish a similar program in their home State of Arizona.

The Kids Voting Program turned out to be much more than a mock election. The organization started a community-based education program for students from kindergarten through high school. A full curriculum was developed focusing on the candidates and issues at a level appropriate to each grade level. The students were required to study the decisions voters would be asked to make and encouraged to discuss the issues at home.

The program culminates with the students accompanying their parents to the actual neighborhood polling place and cast their ballots in special voting booths. In order for students to participate, their parents are required to be registered to vote and go to the polls with their children. The Kids Voting ballots are counted and reported along with the adult returns.

The results of this program have been astonishing. In the first year of full implementation in Arizona, turnout of eligible voters increased by 3 percent. As the program has spread to other States, the results have been equally remarkable. In the 11 States with Kids Voting programs, 88,000 new voters cast ballots. Under Bob's leadership, the organization is positioned to implement projects in 10 additional States for the 1994 election, potentially bringing thousands more new voters to the polls.

Mr. President, I would suggest that there is no greater danger to our democracy than citizens who do not care about our democracy. Bob Evans has worked for years to end voter apathy and to motivate Americans to care about their Government. His vision and dedication have created a program with a view toward making a permanent change in the voting habits of Americans. When Bob steps down as president of Kids Voting at the end of this month he will surely be missed, but the impact of his efforts will be felt for generations to come. It is with great pleasure that I ask my colleagues to join me in congratulating Bob Evans and wishing him every success in the future.•

COMMENDING EMMA JO NIEMEYER, 1993 MISSOURI MOTHER OF THE YEAR

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in congratulating Mrs. Emma Jo Niemeyer of Bowling Green, MO. Mrs. Niemeyer has been named the 1993 Missouri Mother of the Year and the Golden Anniversary Mother by the Missouri Mothers Association.

Mrs. Niemeyer is being honored because of her dedication as a mother and commitment to her family, church, and community. She was blessed with eight loving children and has devoted her time and efforts to working in the community. She and her children are active members at St. Clement's Catholic Church. Mrs. Niemeyer has been a 4–H volunteer since 1964. She has served as treasurer and president of the Pike County 4–H Youth Council. She has also been on numerous committees.

Mrs. Niemeyer has been a volunteer with the FFA since 1971 and has always been willing to help wherever she is needed. She has always believed in family and know they will always be there to give love and encouragement.

Mr. President, I would like to extend my sincere congratulations to Mrs. Emma Jo Niemeyer for her dedication as a mother and for her commitment to her church and community. She is representative of the American patriotism which still exists in this great Nation today. Our Nation has been blessed because of people like Mrs. Emma Jo Niemeyer. We salute those whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves, we experience the renewing power of life.•

SMALL BUSINESS PREPAYMENT PENALTY RELIEF ACT

• Mr. GORTON. Mr. President, I was an original cosponsor of the Small Business Prepayment Penalty Relief Act when it was first introduced by Senator HATFIELD last Congress and am happy to be a cosponsor again this year.

This legislation will provide much needed relief to 135 small businessowners in the State of Washington and over 3,700 businessowners nationwide. The Small Business Administration 503 loan has been a source of great frustration to many businessowners in my State because of the huge penalties which must be paid if the loan is paid off in advance. This penalty is discouraging many owners from expanding, selling, or taking out other loans.

The 503 loan has since been replaced with the SBA 504 loan and, although the 504 loan also has a prepayment penalty, it is only 1 percent of the amount of the loan. This stands in stark contrast to the prepayment penalties of up to 40 percent, as is the case with 503 loans. The legislation introduced today seeks to remedy this situation.

Many small business men and women in Washington State and across the country need this legislation to expand or sell their businesses. This, in turn, will undoubtedly bring jobs and economic opportunities to families and communities across Washington State and the Nation. For this reason alone, Mr. President, I urge the Senate to act quickly on this legislation.•

TRIBUTE TO MRS. BESS WILLIAMS

• Mr. BOND. Mr. President, I would like to pay tribute to Mrs. Bess Williams of Monroe City, MO. She has been named a Missouri Honor Merit Mother to commemorate Missouri Mothers Association's 50th anniversary. I would also like to congratulate Mrs. Williams on celebrating her 100th birthday.

Mrs. Williams is being honored because of her dedication as a mother and for her involvement with the church and family. She has raised 10 loving children and has been a tireless worker in the community. Mrs. Williams has devoted her time and efforts to various churches around the country. She is an active member at Holy Rosary Parish in Monroe City.

Mrs. Williams enjoys playing cards and has participated in playing cards at the Senior Nutrition Center. She also spends her time praying for her children and all of the many descendants. Mrs. Williams is in good spirits and enjoying life.

Mr. President, I would like to extend my sincere congratulations to Mrs. Bess Williams for her dedication as a mother and for her commitment to the church and community. I am honored to have had the opportunity to recognize her accomplishments and may she have many more years of continued health and happiness.•

SHERRY BEASLEY: FOR BABY-BOOMERS, IDEALISM HAS TURNED INTO REALITY

• Mr. HOLLINGS. Mr. President, during the campaign last fall, much was made of the fact that Bill Clinton was the first Presidential nominee to represent the baby-boom generation of Americans—the generation that came of age amidst the upheavals and traumas of the 1960's. When Bill Clinton and AL GORE said, "It's time for them to go," I sometimes got the impression he was referring not just to President Bush but to George Bush's entire generation—those of us who came of age in the early 1940's, fought in World War II, and came to political power in the 1950's and 1960's.

In the 1992 Presidential election, the torch was indeed passed to a new generation of Americans. It is interesting that so many men and women of President Clinton's generation have found it exhilarating and a bit jarring to have a fellow baby boomer in the White House. No doubt, too, many of the younger generation have taken pride in the obvious skill and mastery with which President Clinton has handled the job.

Mr. President, a remarkable commentary on the baby-boomers' view of Bill Clinton's Presidency appeared recently in the the State newspaper in Columbia, SC. It was written by Sherry Beasley, an executive with South Carolina Educational Television. Ms. Beasley recounts in vivid terms what it was like to come of age in the 1960's, and what it means to have one of her contemporaries finally in the White House. I urge my colleagues to read her commentary, and to that end I ask that it be reprinted in the RECORD at this point.

The commentary follows:

[From the Columbia (SC) State, Jan. 21, 1993]

FOR BABY-BOOMERS, IDEALISM HAS TURNED INTO REALITY

(By Sherry Beasley)

Bill Clinton probably got up on Saturday morning and watched Hopalong Cassidy, just like I did. He probably liked hoola-hoops, the limbo and Chubby Checker in junior high. The Beatles, Stones, the Motown Sound and later, Bob Dylan and Jimi Hendrix filled his room in high school and college, as they did mine.

He most likely squatted under his desk for bomb drills in grammar school, feared the Cuban missile crisis would end his existence before adulthood and watched the adult world crumble when John Kennedy was killed.

I am 42 years old, and Bill Clinton is the first President in my lifetime who is my contemporary. This is a strange and wonderful occurrence for all of us baby boomers, all of us who have grown up since World War II. For the first time, one of us will be in charge, and the responsibility weighs heavily, but happily, on all our shoulders.

When I was born in 1950, Truman was in the White House. Eisenhower is the first President I really remember, and my recollections of his Presidency consist only of vague glimpses of him making television speeches. I remember the Kennedy era better, with its glamour and drama, but still, he was of my father's generation. Johnson, Nixon, Ford, Carter, Reagan and Bush all have children about my age. The President has always been someone the age of my father or grandfather.

With Bill Clinton's election, my perception of the office is changing. Although I have always thought of myself as politically aware and well-informed, I feel as if I must now be more cognizant of events nationally and internationally. The drive and creative energies of my generation are finally ready to be used at the highest pinnacle of government. All of us fortysomethings have to be ready.

We grew up in an age when we became accustomed to action. We supported this cause or that in our youth and protested against various social elements we felt were unfair. Maybe the ascension to the Presidency of a person near our age will give us the impetus to become less complacent middleagers, to get involved again in the vibrant, active "tide of times," as Shakespeare so aptly named it.

In the 1950s, we saw life through Disney colored glasses, as uncomplicated and easy. Our problems were like Beaver Cleaver's.

Then came the decade in which we reached adolescence—the jolting 1960s. For Bill Clinton—for all of us who came of age in this tumultuous decade—the '60s were a time when events collided and bumped into each other, a time when we learned that everyone didn't live like Beaver, a time when we learned there was social unfairness, a war going on that not everyone liked and myriad other problems we were to inherit. The eight year—1968—was perhaps the epitome of this pivotal decade. It was the year in which I graduated from high school and Bill Clinton graduated from college. That spring, three indelible experiences represent how those of us near Bill Clinton's age got caught in the "tide of times" and were forced to confront the world.

I was a senior on an April morning in 1968 when I walked into my first-period French class to find Joyce Cooke, my teacher, in tears. She was the first African-American teacher I ever had. She was mourning the death of Dr. Martin Luther King from an assassin's bullet the night before. For the first time, I saw how passionately dedicated a person could be to a leader and how important leadership was in a person's life.

Later that month, I heard the news of the death of someone nearly my own age in a war far away. Chesley Story, a boy who lived in the small North Carolina town where I grew up, played in an amateur band with the other boys I knew. Chesley joined the Army, went to Vietnam and got killed. My father operated the local telegraph office, and when the official news came that Chesley was dead, my father had to deliver the telegram. He asked me to ride with him. To this day, I remember staring at the front door of Chesley's house as my dad stood there, holding the yellow envelope, waiting for someone to come to the door. It didn't seem real.

In June, I came in late on the night of my graduation. I was still excited after a party and wasn't ready to go to sleep. I turned on the television and, just as the screen warmed up and the picture appeared, I saw scenes of the California Presidential primary and watched Robert Kennedy murdered on live television. Memories of my high school graduation night are of this, not the ritual rite of passage earlier that evening.

Events like these shaped the consciousness of many in my generation as we grew up and went away to college or jobs. We came to expect cataclysmic happenings to spur our idealism and action.

In the 1970s and 1980s, life somehow became calmer. We were lulled into the belief that things were better, that society had reached a more equitable plane. We became professionals, parents or yuppies and got lured into the "me" generation. It was easy to forget that there were still issues that could use more of our attention and ideas. We were content to let the President and others in our parents' generation handle things.

With Bill Clinton assuming the Presidency those of us who grew up with him in the 1950s and 1960s should accept once again the wonderful burden of caring and taking action. The mantle has passed; we are now "our fathers' generation."

Twenty-five years ago, we railed against the generation ahead of us, labeling it sometimes as uncaring, ineffectual, perhaps even stagnant. Now, and for the rest of the 1990s, I hope we can re-focus this idealism and shape it into a commitment that, while perhaps more realistic, is just as compassionate.●

GREEK INDEPENDENCE DAY

● Mr. MOYNIHAN. Mr. President, I rise today to join the Greek-American community as they celebrate the 172d anniversary of the beginning of their revolution for independence. I, and 63 of my colleagues in the Senate, joined together to commemorate this historic event by cosponsoring Senate Joint Resolution 22, a resolution commemorating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I am happy to say that on March 20, 1993, President Clinton signed this into law, Public Law 103-8.

From their first settlement in the 18th century in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion and, of course, native culinary artistry, have enriched America. Greece has contributed great things in the areas of arts, medicine, and education, but no contribution was more precious than that of democracy.

Born in Athens, nurtured in the United States, the principles of democracy are now being practiced throughout Eastern Europe. This new wave of democracy, would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.●

RAPE OF WOMEN IN BOSNIA

● Mr. LAUTENBERG. Mr. President, on January 22, 1992, I along with Senator DOLE and 14 Members of the Senate introduced a resolution condemning the systematic rape of women in Bosnia and calling for perpetrators of rape to be persecuted in an international war crimes tribunal.

This resolution, Senate Resolution 35, currently has 42 cosponsors and has been referred to the Senate Foreign Relations Committee. It has also been endorsed by a wide range of religious, womens, and human rights organizations. I have previously inserted in the RECORD copies of letters I have received. I ask that a letter I received today from the Women's Action for New Directions on behalf of a number of organizations be inserted in the RECORD.

Mr. President, the systematic rape of women in Bosnia is a war crime and a crime against humanity. The perpetrators of these crimes should be prosecuted in an international war crimes tribunal. I hope that the Senate will take action on this measure without delay. The U.S. Senate should be squarely on record against these heinous crimes.

The letter follows:

WOMEN'S ACTION FOR NEW DIRECTIONS,
Washington, DC, April 1, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Enclosed is a copy of letter from thirty-three organizations to Chairman Pell requesting that the Senate Foreign Relations Committee hold hearings on S. Res. 35, which you have sponsored, condemning the rapes in the former Yugoslavia.

The organizations signing the letter represent a uniquely broad spectrum of national organizations, including labor, major religious denominations, women, medical and human service professionals, as well as groups concerned with international affairs, arms control and refugee assistance.

We look forward to talking with you about this urgent matter.

Sincerely,

SIMA R. OSDOBY,
Director of policy and Program.

APRIL 1, 1993.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR CHAIRMAN PELL: It is with a sense of great urgency that we call on you to schedule Foreign Relations Committee Hearings on S. Res. 35, sponsored by Senators Lautenberg and Dole, condemning the rapes in the former Yugoslavia.

In the past several months, more than a half dozen investigations have documented the systematic and widespread human rights violations against women and girls in the former Yugoslavia. An estimated 20,000 women have been raped since the fighting began last April. Such atrocities, committed during this war, will foster the bitterness and revenge which lead to future strife.

We believe it is essential that well-publicized hearings be held immediately on this bill. The moral outrage of the world must be communicated regarding the horrific and uncivilized acts being committed against innocent civilians and steps must be taken swiftly to provide appropriate relief to the victims of these war crimes.

We would welcome an opportunity to discuss this situation with you, as well as to identify witnesses and provide information.

Sincerely,

The American College of Nurse-Midwives; American Federation of State, County, and Municipal Employees; American Jewish Congress; American Medical Student Association; Americans for Democratic Action; Anti-Defamation League of the B'nai B'rith; Center for Women Policy Studies; Church of the Brethren, Washington Office; Coordinating Center for Women of the United Church of Christ; and D.C. Rape Crisis Center.

Evangelical Lutheran Church in America; Lutheran Office for Governmental Affairs; Friends Committee on National Legislation; Hadassah, The Women's Zionist Organization of America; International Society for Traumatic Stress Studies; National Commission for Economic Conversion and Disarmament; National Organization for Victim Assistance; National Women's Party; NETWORK: A National Catholic Social Justice Lobby; and NOW Legal Defense and Education Fund.

Older Women's League; Physicians for Social Responsibility; Project on Demilitarization and Democracy; Psychologists for Social Responsibility; Refugees International; Union of American Hebrew Congregations; Unitarian Universalist Association; United Church Board for World Ministries; United Church of Christ, Office for Church in Society; Women for Meaningful Summits; Women Strike for Peace; Women's Action for New Directions; World Federalist Association; and YWCA of the U.S.A.●

COLORADO NATIVE ESTABLISHES SCHOLARSHIP FUND

● Mr. CAMPBELL. Mr. President, I wish to honor and recognize a national treasure and gem of the West, Helene C. Monberg.

A veteran Washington, DC, newswoman and Leadville, CO, native who is a veritable institution unto herself, Ms. Monberg is establishing a scholarship fund for students attending institutions of learning in our home State of Colorado.

Ms. Monberg recently announced she is setting up a scholarship fund in her will in honor of and in memory of her parents, Luther and Helene Denzler Monberg, long-time residents of her hometown of Leadville. Initially, annually there will be six starter scholarships of $5,000 each, two to go to financially needy students attending the University of Colorado at Boulder, two to go to financially needy residents attending the University of Southern Colorado at Pueblo, and two to go to two graduating seniors from Lake County High School at Leadville who need financial aid to attend college. All must be highly motivated students with good grades.

The American Water Resources Association recently gave a reception in Ms. Monberg's honor for her long career in writing about natural resource problems, programs, and issues that affect the 17 western reclamation States. She is the editor of Western Resources Wrap-up, which she has published for the past 28 years.

Ms. Monberg was the Washington correspondent here for the Pueblo Chieftain and Star-Journal from 1947 to 1984, while she operated a news bureau here. She is a graduate of the University of Colorado at Boulder and of Leadville High School.

The AWRA reception raised $300 for the Achievement Scholarship Program, which Ms. Monberg founded in 1973 and operated through 1989 to provide scholarships for Washington-area youths on parole and probation to attend college and trade school. To assure ASP's funding, Ms. Monberg turned the program over to the ARCH Training Center of Washington, DC, to operate.•

• Mr. CHAFEE. Mr. President, this week marks the 12th anniversary of the shooting of President Ronald Reagan and his press secretary James Brady, who was permanently injured by the would-be assassin's bullet. It is Jim Brady for whom Congress has named the Brady Handgun Violence Prevention Act, legislation to provide for a national waiting period before the purchase of a handgun. The Brady bill is commonsense legislation, and it will help slow the number of lethal handguns pouring onto our streets. Yet for years it has been stalled. It is time—long past time—for Congress to take action on this measure. It is time to enact the Brady bill.

Today there are at least 67 million handguns in this country, more than twice the 31 million of 20 years ago; and 2 million more are added to the arsenal each year. Handguns, so easily available and so easily concealed, are driving up our homicide rate to mind-numbing levels, particularly in our Nation's cities. In 1991, the most recent year for which the Federal Bureau of Investigation has statistics, 11,411 American men, women, and children were murdered by handguns, compared to 7,847 in 1987—a 45 percent increase in 4 years. In my own State of Rhode Island, just since the new year began, there already have been 17 serious incidents involving handguns.

The tragic element is that many handgun-related deaths and injuries might have been prevented. Many crimes are committed on impulse, by persons under the influence of drugs. In 1988, the Bureau of Justice Statistics reported that two out of five offenders said that they were under the influence of drugs or were very drunk around the time of the offense; according to the Bureau's survey, 25 percent of the homicides were committed by inmates under the influence of drugs or alcohol. Many of these offenses were committed with handguns. A waiting period could help give potential criminals time to cool off and count to 10.

In addition, some individuals unfortunately buy handguns when they are feeling severely depressed. Each year in this country there are at least 12,000 handgun suicides. For those between the ages of 15 and 34, suicide is the third leading cause of death. Passage of the Brady bill will mean that those contemplating suicide would have to wait before committing a final rash act, using an all-too-accessible weapon.

I welcome this measure because it offers some proven effectiveness. Across the Nation, in those States—such as my own—and cities where waiting periods are required, thousands of felons have been prevented from purchasing guns. Yet not every State has a waiting period, and that means that criminals need only travel to a nearby State to purchase a gun. That is why law enforcement organizations overwhelmingly support the imposition of a national waiting period as an effective tool to prevent violent crime and suicides.

And frankly, a week of waiting is no sacrifice whatsoever compared to the grief of people who have had a loved one shot dead.

Simply put, the Brady bill makes sense. It is an important first step toward revising our current senseless firearms policy, which allows for such easy and immediate access to these dangerous weapons. As my colleagues know, I would like to go even further in controlling handguns. But I believe this legislation can, and will, do much to ensure that felons and other prohibited persons may not purchase handguns, and it has my full support.

I commend Jim and Sarah Brady, and members of the police, health, and child welfare communities, for their tireless work on this measure. Largely due to their efforts, this bill has remained in the national spotlight and has received overwhelming national support. Let us not let another year go by without enacting this bill.•

REINTRODUCTION OF THE PRODUCT LIABILITY BILL

• Mr. CHAFEE. Mr. President, I am pleased to join as an original cosponsor of the Product Liability Fairness Act, introduced yesterday by Senators ROCKEFELLER and GORTON. I believe that this legislation will bring some much-needed uniformity to the product liability system, for the benefit of consumers and the well-being of our national economy.

Our current system just does not make sense. We have seen an explosion in the number of product liability cases in the past decade, and this increase has imposed heavy costs—both financial and social—on American consumers and the overall U.S. economy. If we want to maintain the United States comparatively high quality of life and our international competitiveness, we must inject a dose of common sense, of plain old rationality, into the manner by which we guard against dangerous products.

The clearest sign that the system does not work is the years it takes for an injured party to recover compensation. Those who believe that the current system justly and promptly compensates the victim and deters future malicious corporate behavior are sadly mistaken. Persons who have been hurt by defective products often do not reap the majority of the money expended in these cases; the money goes to their lawyers. And even if they do receive their rightful award, it is likely to be after years of waiting for the court battles to be resolved. The system just does not deliver for injured persons.

But it is not only injured parties who are hurt by the system; our businesses are hurt, and hurt badly. Without a uniform product liability standard, there is widespread uncertainty among manufacturers regarding their liability exposure. Such uncertainty about whether or not one may be used for a product prevents firms from making basic long-range business plans.

This same uncertainty also leads to excessive corporate timidity about new innovations. Manufacturers prefer not to bring out a new product, no matter how promising, if there is the slightest chance that they might be exposed to lawsuit under any of our 50 States product liability laws. Since a company cannot accurately gauge to what extent a product may be a liability risk, many companies simply discontinue the product, or suspend a promising new product line.

To protect themselves, firms are overcompensating by spending time, money, and resources preparing to defend against possible or potential lawsuits—time, money, and resources that instead should be invested in critical research and development of new products. They also must buy increasingly expensive product liability insurance.

Dozens of Rhode Island companies—most of them small businesses—have written to me in the past couple of years about the heavy costs associated with our system. Mr. Terry Feeley, president of Laser Fare Inc. of Smithfield, wrote to me urging passage of this bill. He told me that "small companies in the tooling and machining industry are at the mercy of rapid fluctuations in the price and availability of product liability insurance * * * we face differing potential liability in each of the 50 States [which makes] business planning difficult."

I heard this from Jim Wilkie, president of Wilkem Scientific Ltd. in Pawtucket: "We started our business in 1985 and during our company's first two years we paid product liability premiums of $14,000 annually. I am sure you can imagine what an unproductive drain this was on our start-up capital * * *. In lieu of using our monies to hire an employee, we had to pay this exorbitant premium. The result was that we went the first three years in business alone with no other employees."

A senior official at Stanley-Bostitch wrote that "there are immense inconsistence in the handling of product liability cases from State to State. It has become increasingly difficult for me to stay on top of my responsibilities under these different State interpretations. Also, I can tell you that fear of lawsuits is paralyzing American innovation. The truth is, incentives for American business to stay on the cutting edge are gone."

And listen to what Russell Devereau of ArtMold Products said: "Employing in excess of 165 Rhode Island residents, we feel a strong allegiance to the State and need your support of such legislation to be able to continue our successful operation in Cranston, Rhode Island."

Simply put, our product liability system is threatening the survival of my State's businesses—from the smallest to the largest. The current system results in less manufacturing, less productivity, less innovation, and less long-term stability. Is this the way we hope to ensure our national competitiveness into the next century?

Now, why does this matter to the average American family? Why does it matter to consumers that a manufacturer is putting most of its financial and human resources on legal protection and not on product development? Why does it make any difference to families if businesses hesitate to develop new and promising products?

Answer: It matters a great deal. First of all, it matters to American men and women in terms of simple job opportunity. Companies that are busy paying for legal fees do not have the wherewithal or the inclination to expand production; that means no expanded employment opportunities. Indeed, many companies are doing just the opposite, and cutting back production; that means the loss of existing jobs. That is the last thing this Nation needs right now!

Second, it matters when Americans go to the store to buy goods for their family. The prices consumers pay for a product often can include a substantial safety tax that goes toward covering the manufacturer's litigation costs. Often, safety taxes do not end up being used for legitimate payments to victims, but rather go toward paying transaction costs—in other words, legal costs.

Finally, Americans pay a great deal in terms of the world-renown American innovation and creativity that is lost, stifled, or paralyzed by corporate caution as a result of lawsuits, lawsuits, and more lawsuits. When U.S. companies hesitate to put their resources into a promising product development because of fears about potentially devastating liability, those new products may never be developed. As a result, Americans lose the possibility of enjoying the often significant social benefit of that product. We as a society lose an opportunity to improve the quality of our—and our children's—lives.

Given the finanical, competitive, and social costs of a wholly unpredicable product liability system, I believe that reform must take place. The product liability bill introduced yesterday accomplishes the goal of fair and balanced reform, and I wholeheartedly support it. I compliment the tenacity of my colleagues Senators ROCKEFELLER, GORTON, DANFORTH, and others; and I stand with them in their effort to enact this measure into law.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Friday, April 2; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 1335, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. DOLE. I understand that the Senate has received from the House House Joint Resolution 174, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J Res. 174) increasing the statutory limit on the public debt.

Mr. DOLE. I now ask for the second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will stay at the desk pending its second reading on the next legislative day.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

PROGRAM

Mr. DOLE. Madam President, I understand that the majority leader will soon file a cloture motion which would ripen on Saturday. Is that correct?

I would just say that we are prepared, if the majority leader wishes, as I indicated before, that if we want a cloture vote tomorrow, I think we can do that by consent or we can do it, obviously, if the majority leader wishes, on Saturday.

Is it fair to ask the majority leader about plans after Saturday at this point?

Mr. MITCHELL. Madam President, it is currently my intention that, unless some alternative course of action presents itself, that the Senate would be on the bill and voting on cloture on Saturday and Monday, possibly Sunday, but we have not made a decision on that. I wanted to consult with the distinguished Republican leader before making any decision on that. I will also consult with him on the suggestion of a cloture vote tomorrow.

Mr. WALLOP. Madam President, will the leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. WALLOP. I would hope that the leader, inasmuch as we will be expected to and willing to, and ought to, recognize the Jewish holiday of Passover, that those of us who find Palm Sunday a special Christian season would be allowed to observe that, and that the Senate would not be in on that day.

Mr. MITCHELL. I thank my colleague. That is actually the reason I have not already made the decision to have the cloture vote on Sunday, which is precisely for that reason.

I do not at this moment intend to move it up but I am going to try very hard not to do that, and see that that is respected. Passover will be, as I understand it, from sundown Monday until sundown Tuesday, so that there would not be a vote during that period of time. But I fully expect that there will be a cloture vote on Saturday and a cloture vote on Monday; and also Senators should be alert to the possibility that there will be other votes on those days as well.

Mr. GRAMM. If the majority leader will yield, if we come in tomorrow at noon, can we assume if Members are here and they have amendments and are ready to offer them, they will get the opportunity?

Mr. MITCHELL. I have made no decision on that. I would be pleased to discuss that with the distinguished Republican leader and any other Senator as well.

Mr. DOLE. Madam President, if the majority leader will yield for an additional minute. As I have indicated to my Republican colleagues, I would just say, if it comes to what it appears to be coming to, I hope there will be a certain amount of civility in the process, because tempers will obviously be strained, and things may be said that may be later regretted. I do not see any way out of the impasse.

We just had a conference, and you had a conference. We have a totally different view of this package than my colleagues on the other side of the aisle, and we have every right to try to prevent this bill from passing. That may not be a strategy that people on the other side of the aisle have in mind, but it is presently the strategy on this side of the aisle.

Finally, I say that I was not here this evening when the distinguished Senator from West Virginia indicated I had abused my rights as a majority leader. I will comment on that after I have had a chance to see the tape and review precisely what was said.

Mr. MITCHELL. Madam President, I thank my colleague, and I have indicated to the distinguished Republican leader that my intention presently is to return to consideration of the bill solely for the purpose of filing a cloture motion and then going into recess as under the previous order until noon tomorrow.

And I will, as indicated, be discussing with the distinguished Republican leader, either later this evening, or more likely tomorrow morning, the various questions that have been raised by Senators here.

Mr. DECONCINI. Madam President, a decision has not been made on whether or not there will be a cloture vote tomorrow?

Mr. MITCHELL. That is right? That decision has not been made.

Mr. DECONCINI. Are we going to discuss that?

Mr. MITCHELL. Yes, we are going to discuss that. If a cloture vote occurs tomorrow and cloture is not obtained, or if a cloture vote does not occur tomorrow, there will be a cloture vote on Saturday; and if the same circumstances obtain, there will be a cloture vote on Monday.

I have made no decision with respect to Sunday, taking into account the statement by the Senator from Wyoming, which is something I previously had been aware of.

Mr. DECONCINI. Madam President, one more question. Does the majority leader anticipate votes tomorrow, even if there is no cloture vote?

Mr. MITCHELL. I have made no decision on that, and I am not able to state with certainty one way or the other. Before making a decision, as is my practice, I want to discuss it with the distinguished Republican leader and to check with other Senators as well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will continue with the consideration of the pending bill.

CLOTURE MOTION

Mr. MITCHELL. I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill:

Harlan Mathews, Dianne Feinstein, Barbara Boxer, Jeff Bingaman, Bob Kerrey, Barbara A. Mikulski, Robert C. Byrd, Pat Leahy, Frank R. Lautenberg, Wendell Ford, David Pryor, Carol Moseley-Braun, Tom Daschle, John D. Rockefeller IV, Jim Sasser, Bill Bradley, Patty Murray.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

Thereupon, the Senate, at 9:14 p.m., recessed until Friday, April 2, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 1, 1993:

DEPARTMENT OF THE INTERIOR

LESLIE M. TURNER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE STELLA GARCIA GUERRA, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AVIS LAVELLE, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ALIXE REED GLEN.

DEPARTMENT OF ENERGY

SUSAN FALLOWS TIERNEY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (DOMESTIC AND INTERNATIONAL ENERGY POLICY), VICE JOHN J. EASTON, JR., RESIGNED.

CONFIRMATIONS

Executive nominations Confirmed by the Senate April 1, 1993:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

TERRENCE R. DUVERNAY, SR., OF GEORGIA, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JEAN NOLAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF DEFENSE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ROGER F. BACON [redacted] U.S. NAVY.

EXTENSIONS OF REMARKS

THE INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 1, 1993

Mrs. ROUKEMA. Mr. Speaker, I am very pleased to be reintroducing today the Interstate Child Support Enforcement Act. This measure—which is also being reintroduced today in the other body by my colleague from New Jersey, Senator BILL BRADLEY—is based on the recommendations of the U.S. Commission on Interstate Child Support Enforcement. This bill is virtually the same bill that Senator BRADLEY and I introduced on October 1, 1992. This new and improved bill addresses the comments made pursuant to our initial bill by various States and organizations that have a stake in improving our child support enforcement system. As a Commission member, I look forward to moving this comprehensive proposal forward.

On August 11, 1992, the Ways and Means Subcommittee on Human Resources held a hearing to examine the Commission's findings. I was one of many witnesses who endorsed the work of the Commission. If we are serious about improving the lives of families—of children—we must act swiftly to ensure that all parents provide for their children. Ideally, children should be supported emotionally and financially by two loving parents. Unfortunately, Government cannot ensure that all children will receive the emotional support that they so desperately need from both parents. Government can, however—indeed Government must, take action to ensure that parents live up to their moral and legal responsibility to provide financial support for their children. I believe that this comprehensive interstate child support bill represents a significant step in that direction.

Having worked on two previous child support efforts—the 1988 Family Support Act, and the Child Support Enforcement Amendments of 1984, I recognize that much remains to be done to ensure that non-custodial parents provide financial support for their children. While prior legislation has led to substantial progress in this area, we are still failing miserably when it comes to collecting child support in interstate cases.

Interstate cases are recognized and acknowledged as among the most difficult to enforce. The statistics speak for themselves. Only 43 percent of mothers receiving interstate awards report regular compliance. That means that more than 1.4 million interstate awards remain unenforced, and more than $1.6 billion in interstate awards go unpaid annually.

Moreover, less than half of custodial parents in interstate cases receive the financial award they are due. In fact, 1 in 3 receive nothing at all.

The timely payment of court-ordered child support is the fulfillment of a moral and legal obligation. It is not an option for parents, nor is it a bargaining chip for parents embroiled in disputes over visitation. These are separate and distinct issues that are dealt with by State courts.

Non-support of children by their parents is one of the most important reasons for families having to resort to the welfare system in the first place. Failure to pay child support is not a victimless crime. Clearly, the children going without these payments are the victims. But in a larger sense, society is the victim, as taxpayers shoulder the burden of paying for enforcement of support, and, ultimately, the welfare payments going to these children whose parents will not meet their legal obligations.

It is clear where the system is failing. We have tried to fix things—first, in 1984, and again, in 1988. Why, despite our efforts is the system still failing? Until now, we have not known what we can do—and must do—to fix it. The final report of the Commission—the product of more than 2 years of hearings, investigation, and heated debate among child support experts—makes recommendations on a variety of fronts, from the comprehensive to the technical. This bill encompasses many of the Commission's most significant recommendations.

I believe that we must act expeditiously to streamline the child support process, eliminate contradictions in State laws, give our courts and law enforcement agencies the tools that they need, and get tough with States that fail to do their jobs.

First, an issue that is raised to me by parents, child support workers, county sheriffs, and anyone familiar with child support enforcement: That the patchwork quilt of State laws halts collection efforts with procedural and jurisdictional red tape. This we must fix.

The Commission also recommended that we order nonpayment of legally ordered child support a Federal crime. Last October, then President Bush signed legislation that does just that. Further legislation is needed, however, to give our courts and law enforcement agencies the tools to reach across State lines to establish and enforce support orders. We must require States to enact long arm statues, to ensure that the efforts of police and probation officers to enforce child support laws are not halted at State lines, or by lack of jurisdiction.

As one of New Jersey's county sheriffs said to me, too many delinquent parents walk across the river. Thus, we must enact laws that require States to honor the legal and binding court order, subpoenas, and warrants issued by another State where jurisdiction was properly asserted. Further, we must ensure that the State in which the child resides has jurisdiction unless the parties involved agree otherwise. This must be central to any child support enforcement effort.

To enable effective wage withholding, we must legalize direct service, and eliminate the paperwork and delay of two State's bureaucracies, thereby transmitting the child support enforcement orders to the employer of the non-custodial parent, regardless of State. As the General Accounting Office reported earlier this year, this is one of the most successful means of enforcing out-of-State orders. Since wage withholding will apply to all child support orders effective in 1994, we must ensure that this direct support payment method can be effectively utilized in interstate as well as in-State cases.

To improve collection of support from non-custodial parents who are self employed, we must put in place effective alternatives to wage withholding. The Commission report and this legislation call for State licensing and professional boards to withhold licenses of delinquent parents. Also, drivers' licenses and motor vehicle registrations from parents that fail to comply with child support-related warrants. States would also be required to establish procedures by which liens can be placed on insurance settlements or policy payouts, awards, judgments, or settlements resulting from lawsuits. Further, States would be required to establish procedures under which bank accounts and property can be seized for child support arrearages. Those non-custodial parents who fail to pay child support would have such delinquencies reported to credit bureaus.

As our Commission's review indicates, in many places appropriate laws are already on the books. It is the enforcement and commitment to these laws that is lacking. And that is absolutely unacceptable. We must, by all means, make State governments, and the Federal Government, vigorously exercise their legal authority.

As one of the architects of the 1988 Family Support Act, I fought for the teeth in our child support laws—namely, cuts in States' welfare funds. I am concerned that in many instances, the States are still not doing enough.

Something is fundamentally wrong. Since enactment of these penalties, only 9 States have failed their audits, and had sanctions imposed. At a time when the status quo is clearly failing our Nation's children, it is inconceivable that the Federal Government would find that the vast majority of States are doing a good job in this area. There is no excuse for not implementing the law to its fullest. This seems almost axiomatic—but we must remember that child support must be treated as a priority issue, and be assured of its place as an essential cornerstone to welfare reform.

The Commission recommends greatly improved audit standards, and specifics for more aggressive and committed leadership from the Federal Government, and this must begin with an all out effort by the Department of Health and Human Services and the Federal Office of Child Support Enforcement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Specifically, the Commission recommends—and this legislation would mandate—that we raise the stature of the Office of Child Support Enforcement so that it is headed by an assistant secretary who reports directly to the Secretary of Health and Human Services. This measure would also allow the Office of Child Support Enforcement to have its own legal counsel. This alone is not enough, but it is an important start.

In almost every conversation I have with parents who are owed child support, case workers or enforcement authorities, these States stand out as egregious offenders in failing to comply with Federal laws. It is my understanding that States with good laws and efforts, like my own State of New Jersey, know which States do not make similar efforts. In one State, child support is just not a priority. Another State refuses to honor any support agreement after the child reaches 18 years of age.

Ultimately, the criteria we use to determine whether a State's child support programs are working should not be some bureaucrat's formula or cost-benefit analysis—child support enforcement can only be seen to work when dollar collections are up and the number of delinquent parents and unpaid orders are down.

As the Commission notes, "even if all the necessary legislative reforms are enacted, collections will not significantly improve unless States devote adequate resources to implement the reforms."

This means that the Federal Government and the States must commit the funding and resources necessary for these programs and where they do not, we must take action so that the sanctions we put in law can serve their purpose.

Last, but certainly not least, this bill would mandate—as the Commission recommends—that States put in place programs to streamline and simple procedures for establishing paternity. In fact, this new bill improves upon the parentage provisions contained in the bill Senator BRADLEY and I introduced last October. Specifically, this legislation would require States to provide for hospital-based paternity establishment, thereby taking advantage of the fact that as many as 80 percent of fathers are in contact with their baby's mother while she is still hospitalized. Those States that have already implemented such programs have reported great success in increasing paternity establishments. Anything that we can do to help facilitate the establishment of paternity will certainly increase the chances of collecting more child support dollars from non-custodial parents in both in-State and interstate cases.

Late last year, Mrs. KENNELLY—who also served as a member of the Commission, and I authored a "Dear Colleague" letter that was distributed to Members of this House together with the final report of the U.S. Commission on Interstate Child Support. Once again, I commend to my colleagues this comprehensive report: "Supporting Our Children: A Blueprint for Reform." I also ask my colleagues to support this bill to implement the Commission's recommendations to revamp our present ineffective system for interstate collection of child support. Certainly the issues that we are dealing with here are both complicated and difficult. Nevertheless, we must move this comprehensive interstate child support enforcement legislation through Congress at the earliest possible opportunity. Millions of our Nation's families—millions of children—are depending on us. We must not let them down.

BILLY ECKSTINE: A GREAT VOICE OF A GREAT ERA IS STILLED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. RANGEL. Mr. Speaker, I rise to honor the late great Billy Eckstine who passed away March 8, 1993. He was one of America's most talented performers whose melodious voice I was privileged to hear during his performances at the Apollo Theater in Harlem, in the heart of my Congressional district.

More than a singer, Mr. Eckstine was an Ambassador of American music. In the words of New York Daily News columnist, Earl Caldwell, "Billy was part of an unforgettable chapter in American music." A self-taught trombone player who occasionally led his own band, Mr. Eckstine was the first black singer to make the cover of Life magazine.

Born in Pittsburgh, he attended Armstrong High School and Howard University in Washington, DC. He was the father of 7 children.

Mr. Speaker, I commend to my colleagues the following tribute to Billy Eckstine by New York Daily News columnist Earl Caldwell.

A GREAT VOICE OF A GREAT ERA IS STILLED

He, too, was in that special circle of enormously talented artists. His was one of the voices that identified the era. His name was Billy Eckstine—but he became so famous that the world knew him simply as Mr. B.

A year ago, he suffered a stroke. After that, he went back to his roots, to Pennsylvania, and on Monday, he died in Pittsburgh, the place where he was born.

For a lot of reasons, you have to stop and take note of Billy Eckstine. Throughout the world, Americans are known for the music they create. Mr. B was a part of that. He worked with Dizzy Gillespie, Charlie Parker, Miles Davis, Earl (Fatha) Hines, Sarah Vaughan—the list goes on and on. They were all giants. And, like them, Eckstine *lasted*. His time of at the top is measured in decades. Straight through the '40s, '50s, '60s, and 70s, he was there.

He put together a remarkable big band. He played valve trombone. But there is no mistaking what made Billy Eckstine special: He knew how to sing a song.

Read the list of his hits. It will take you back through the whole of your life:

"I apologize,"

"Skylark."

"Jelly, Jelly."

"Stormy Monday Blues."

"Fools Rush In."

"My Foolish Heart."

Music plays a huge part in our lives. It helps us get through the rough patches. It picks us up. It inspires us. It makes a dreary day nicer.

Billy Eckstine was involved with music almost all his life. My oldest brother, Raymond, went to school with Mr. B. That was before he got the nickname—but he was already singing "And he was extraordinary even then," my brother recalled. They were students together at St. Paul Normal and Industrial School in Lawrenceville, Va. My brother said that in those days, Mr. B was the star singer with the school band. He never turned away from his music.

He also had an eye for talent. When he had his band, he hired Sarah Vaughan as his vocalist. And he also hired Dizzy, Miles, Bird, Dexter Gordon and Art Blakey—among so many others.

Look at those names: Sarah, Dizzy, Miles, Bird, Dexter, Blakey. All of them are gone now. The book is slowly closing on an unforgettable chapter in American music. Those men and women were more than just creative. When you talk about their generation, you have to talk in terms of genius. And the music they created—mostly in black clubs, which is where they started out—now is known throughout the world as something important and something special.

We stop to say farewell to Billy Eckstine because he, too, played an important role in building the music. Perhaps so other male singer of that era had the kind of popularity he enjoyed. His voice was so sweet as to make him a kind of king of the black world. But his music transcended race. He won popularity on all sides of town—and when the barriers of segregation fell, he played all the major nightclubs in America, and around the world.

As the giants of that time pass away, one after another, it often is asked: What was it that created the spark that brought so much talent together and uncovered so much genius?

Certainly music and clubs were a big part of the era. The opportunities to be heard were there. Ironically, segregation itself may also have played a part. It brought black musicians together, and forced them to feed off one another. When Billy Eckstine put together his great band, he was asked how he managed to collect so much great talent. He said it was easy—"we were all hanging out together." Strange as it may seem, segregation played a role in that.

The book on a time made special by music is closing at last, and the farewell now extends to Billy Eckstine. He had a great voice; he worked hard and he lasted. And at the end, he went home to die. He was 78.

ATTAINMENT OF U.S.-MARIANAS DEVELOPMENT OBJECTIVES TO SAVE $200 MILLION; U.S. IMMIGRATION AUTHORITY TO APPLY TO MARIANAS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. GALLEGLY. Mr. Speaker, I am introducing legislation which will save the U.S. taxpayer nearly $200 million over the next 7 years, by ending the generous multiyear funding to the U.S. flag islands of the Northern Mariana Islands. After 14 years of continuous special Federal assistance to develop their economy, the Marianas have achieved a progressively higher standard of living and sufficient economic resources to meet the financial responsibilities of local self-government. The NMI has reached a point in local self-government where they should be treated like a State.

In addition, I am introducing legislation to apply the Federal immigration laws to the Northern Mariana Islands. The NMI has used a high number of nonresident aliens to help construct the numerous capital infrastructure projects which have been necessary for the remarkable economic growth experienced and progressively higher standard of living in the islands. There also have been serious abuses of the immigration authority granted to the NMI, which may not be unlike that found from time to time in other States. The Federal immigration laws have been established to protect the rights of U.S. citizens wherever they reside, and its extension to the NMI is consistent with treatment like a State.

Nearly 50 years ago, U.S. Armed Forces invaded the northern islands of the Marianas archipelago and liberated the islands from Japanese occupation. The United Nations subsequently gave the United States a trust authority over the islands for their future social, political, and economic development.

In the mid-1970's, the people of the Northern Marianas voted to join the American family as the Commonwealth of the Northern Mariana Islands. The United States and the Marianas defined the Federal-territorial relationship in the covenant.

One of the objectives of the covenant was for the United States to assist the Marianas in achieving a progressively higher standard of living and to develop the economic resources to meet the financial responsibilities of local self-government.

From 1978 to 1993, the United States has generously provided millions of dollars to develop the islands' infrastructure to allow for economic growth. Today the Marianas have one of the lowest rates of unemployment in the country and enjoy one of the highest standards of living in the Pacific Islands, indicating primary objectives of the Federal-territorial relationship has been met.

The Marianas have ample resources to continue from local revenue sources, the same pace of capital infrastructure development which has occurred over the past decade and one-half with Federal funds. The Marianas rebates some $400 million in taxes to its residents annually. It is certainly appropriate for the U.S. citizens in the Marianas to shoulder their financial share in the continued development of the islands, rather than depending solely on the U.S. taxpayer.

Following is a recent article which appeared March 26, 1993, in the Marianas Variety, which shares a number of views related to the problems which the proposed legislation addresses:

JR'S AGENDA

(By John DelRosario)

The U.S. House of Representatives' Subcommittee on Interior and International Affairs isn't interested in interfering with Marianas local self-government because it respects our right in this regard. Rather, it is interested in pounding home the message that the CNMI must exercise what's right in the operation of its government with a sense of integrity, responsibility and accountability.

Congressmen George Miller and Ron De Lugo alluded to the more than twenty audit reports issued by the Inspector General's Office to which the CNMI never paid heed to the recommendations contained in them. Instead, we refused appointments with and entry of the IG and we busied ourselves fighting the federal government over sovereignty when in fact we gave it up under Section 101 of the Covenant Agreement. What we seem to have taken for granted as though their definition are interchangeable are the terms "sovereignty" and "institutional sovereignty". If you're a good student of government you should know the substantive difference and what is reality as spelled out under the Covenant Agreement.

It seems too that the basic problems of running the affairs of our government is deeply rooted in our inability and unwillingness to know and comprehend with clarity what the Covenant Agreement entails. We much prefer listening to transients give their piece of mind of what they think the Covenant says rather than reading and drawing our own conclusions over the very document that established our relationship with the federal government. It is an attitudinal problem of local complacency, if not, complete laziness and lack of personal confidence in our own abilities. Thus, the continued reliance upon an outsider's perspective of even the simplest things right before our eyes.

It is ironic that this week we observed "Covenant Day" commemorating the day when the agreement was approved by the US Congress in 1977. I am willing to bet however that less than 15 per cent of our people understand what this agreement says and what it takes to fulfill the spirit and letter of this document. In its simplest form, friends, it meant that we were ready to become responsible people as citizens of the United States of America. If you haven't already learned, do it right here and now! Unless we understand that US Citizenship meant responsibility, it is senseless talking about self-government, much less the often confused terms of sovereignty and institutional sovereignty.

The result of the recent 702 Oversight Hearing in Washington, D.C. confirmed my contention in this matter. We continue to perpetuate the good old days of the Trust Territory when in fact things have changed since 1978. If in the TTG days we can discriminate against non-citizens, we no longer have that luxury. We must understand right here and now that we can't have our cake and eat it too. In its simplest form, citizens and non-citizens are entitled to "equal protection of the laws" of the US and CNMI. Mind you, non-citizens are people too!

Marianas policymakers must wake up to the fact that we have policies that are discriminatory howsoever you view it. For instance, we have exempted certain job categories from the minimum wage. This law must change so that the minimum wage embraces all work categories whether we like it or not. Federal minimum wage applies to everybody who works in the US. That some US employers exploit non-citizens from across the border by paying them less is no reason for the CNMI to follow suit. Ah, someone is always watching!

We also have a law which is highly anti-family. It says that if a non-citizen is earning less than $21,000 he/she can't bring his/her family here. This law must be repealed in its entirety in that lest we forget, families are the very foundation of any community the world over. It should also be understood that people live in communities not in barracks. The construction and garment industries here must make options available to its workers to live out in the community, in company apartments or barracks. This option should be made available and left a matter of choice. We also have found reasons to deport live-in-maids who get pregnant. Since when were we given the right to legislate life? Live-in-maids are not slaves. They are people too! That we seem to have lagged behind in the creation of more Carolinians and Chamorros isn't a reason to deny others their personal rights.

Finally, I have to agree with DeLugo when he said that CNMI and US obligation rests with the well-being and welfare of the indigenous people, no more, no less. Given the difficult times across the nation when more than seven million people are jobless, the subcommittee can't see why it should give the CNMI another $120 million to build basic infrastructure to accommodate the needs of non-citizens who would have outnumbered the indigenous population by the year 2000. The US Congress is equally wary that we can meet a good portion of our needs by reducing tax rebates and imposing taxes in so many areas that we seem to have shirked over the years. If we can do away with discrimination and act responsibly in running our local affairs, there's no reason why we can't secure the $120 million for the US Congress. It is embarrassing that the lights are on but nobody's home. Hello, hello, hello, anybody home?

THE CONSUMER BILL OF RIGHTS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. WELDON. Mr. Speaker, I rise today to speak in support of a resolution that recognizes consumer choice and flexibility in benefits as key components of any health care reform plan. While we are all debating national solutions, local health insurance agents in our communities help thousands of businesses understand the complex web of our health care system. And no matter the result in health care, these agents will still be in demand to help businesses choose the right health coverage.

The agents and consultants, along with many other local health professionals, want to do their part to ensure that needed reforms in the health system are passed this year. Therefore professional agents, led by the National Association of Health Underwriters, have formulated a working blueprint in the form of the health care "Consumer Bill of Rights". Today I would like to speak in favor of the concepts included in the Bill of Rights and rise in support of their inclusion into the health care debate.

THE CONSUMER BILL OF RIGHTS

1. The right to guaranteed, uninterrupted coverage of essential medical care.

2. The right to affordable coverage and care based on fair and reasonable pricing practices.

3. The right to know the costs of proposed health care treatments and insurance coverage before they are applied.

4. The right to select from among quality health care providers with whom consumers can build long-term relationships.

5. The right to treatment through proven medical practices based on scientific outcomes research.

6. The right to select health care coverage from among qualified insurers, properly reg-

ulated to assure financial security and prudent management.

7. The right to seek expanded coverage and care in the open marketplace.

8. The right to tax deductibility of all costs of an essential medical care package.

9. The right to innovations and quality of a competitive, privately based system of health care and coverage.

10. The right to seek professional counselors and advocates in selecting coverage and obtaining benefits.

FUNDING OF ABORTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. SMITH of New Jersey. Mr. Speaker, President Clinton's proposal to mandate nationwide funding of abortion on demand through the Medicaid Program would override the policy of his home State of Arkansas and 36 other States.

The legislative policy in Arkansas, which proscribes abortion funding except to save the life of the mother, was actually reaffirmed by the State's voters in a 1988 referendum.

It is interesting to note that just a few years ago, Vice President AL GORE expressed his support for Congressman HENRY HYDE's efforts to prevent Government funding of abortion. Sadly, Mr. GORE now supports Bill Clinton's efforts to mandate nationwide funding of abortion on demand.

At this point, I would like to insert a copy of a letter that Senator AL GORE sent to a constituent a few years ago. Mr. Speaker, I would also like to include information regarding State policies on public funding of abortion.

U.S. SENATE,
Washington, DC, May 26, 1987.

Mr. and Mrs.——
Dayton, TN.

DEAR MR. AND MRS.——: Thank you for contacting my office recently regarding abortion legislation. I appreciate hearing from you.

As you may know, H.R. 1729 was introduced in the House of Representatives by Congressman Henry Hyde on March 19, 1987. Its goal, which I share, is to reduce the outrageously large number of abortions which currently take place. It would prohibit the use of federal funds for abortions except when the life of the mother would be endangered. It also takes added steps to make certain the Title X family planning program does not promote abortions.

This House bill currently has 85 cosponsors, and it has been referred to the House Committee on Energy and Commerce. Similar legislation has not been introduced in the Senate.

During my 11 years in Congress, I have consistently opposed federal funding of abortions. In my opinion, it is wrong to spend federal funds for what is arguably the taking of a human life. Let me assure you that I share your belief that innocent human life must be protected, and I am committed to furthering this goal.

Again, thank you for letting me hear from you. I hope you will continue to share your views with me on other matters of concern to you.

Sincerely,

ALBERT GORE, Jr.,
U.S. Senator.

STATE POLICIES ON PUBLIC FUNDING OF ABORTION

Prior to the enactment of the "Hyde Amendment" in 1976, the federal government paid for approximately 300,000 abortions a year through the Medicaid program. Between 1976 and 1980, the Hyde Amendment was enacted in several different forms. (During part of this period, its enforcement was blocked by federal court orders.) Under the Hyde Amendment, the federal government paid for 69 abortions in fiscal year 1990 (the last year for which figures are available).

The Hyde Amendment does not prevent states from funding abortions with state funds. However, the majority of the states' funding policies follow the federal policy.

What follows is a summary of the state funding policies of the 50 states:

States that fund abortion on demand by legislative decision (7 states):

California (in earlier years, state court order mandated funding abortion on demand).

Hawaii.

New York.

North Carolina (state funding permits one [1] abortion on demand per applicant).

Oregon (legislative policy reinforced by state court decision).

Washington.

Maryland.

States that fund abortion on demand by State court order (4 states):

Connecticut (ruling based on state Equal Rights Amendment).

Massachusetts.

New Jersey.

Vermont.

States that fund abortion on demand by administrative action (2 states):

Alaska.

West Virginia (For three consecutive years, the legislature has voted to limit funding to cases of rape, incest, or when the mother's life is endangered, but the governor has refused to implement this decision).

States that fund abortions only to save the life of the mother (29 states):

Alabama.

Arizona.

Arkansas (legislative policy reinforced by 1988 referendum).

Delaware.

Florida.

Georgia.

Idaho.

Illinois.

Indiana.

Kansas.

Kentucky.

Louisiana.

Maine.

Michigan (legislature's action implemented by referendum, 1988).

Mississippi.

Missouri.

Montana.

Nebraska.

Nevada.

New Hampshire.

New Mexico.

North Dakota.

Ohio.

Oklahoma.

Rhode Island.

South Carolina.

South Dakota.

Texas.

Utah.

States that limit funding to particular cases (8 states):

Colorado (life of mother or "presence of psychiatric condition which represents a serious and substantial threat" to the life of the mother).

Iowa (life of mother; rape reported to a law enforcement agency or public or private health agency within 45 days; incest reported to a law enforcement agency or public or private health agency no later than 150 days; unborn child has a physical or mental disability).

Minnesota (life of mother; rape reported to a law enforcement agency within 48 hours after she becomes physically able to report; incest reported to a law enforcement agency).

Pennsylvania (life of mother; rape or incest reported to law enforcement or public health service).

Tennessee (life of mother; rape or incest).

Virginia (life of mother; rape or incest reported to a law-enforcement or public health agency; unborn child has a physical or mental disability).

Wisconsin (life of mother or risk of grave physiological health damage to mother; rape or incest with reporting requirements).

Wyoming (life of mother; rape or incest reported to a law enforcement agency within five days after she becomes capable of reporting).

CONSTITUENT LETTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. BURTON of Indiana. Mr. Speaker, here is a letter I received from a gentleman who is concerned about where America is heading, and I hereby request it be inserted into the CONGRESSIONAL RECORD, so that all my colleagues may read it.

CUTRIGHT CHIROPRACTIC CENTER,
Chambersburg, PA, February 1, 1993.

Hon. DAN BURTON,
U.S. House of Representatives, Washington, DC.

DEAR MR. BURTON: As an American businessman and veteran of this great nation, I am deeply concerned about the direction our country is taking and the laws that are being established to govern society.

It is my conviction that your elected position is one that is a high and distinguished honor and one divinely ordained by Almighty God. Because of that belief, I and millions of others all across America pray for our elected officials. The decisions you make will affect every family and individual now and in generations to come.

Over the last several decades, Congress has enacted laws that have progressively deviated from the basic principles established by our Founding Fathers. It is alarming to me to see how these decisions have deteriorated the family, educational systems, and moral climate of America.

The decline that has ensued was vividly portrayed to me through a video cassette entitled, "America's Godly Heritage". I was deeply moved to see the many evidences preserved in historical documents that prove our nation was founded on commitment to God and the principles of His divine word. These principles today seem to be ignored by many in Congress, and the historical documents are swiftly being removed from the text books used in our government educational institutions. Deviation from these basic principles has moved us toward a paganistic society that has eroded the moral fibers for which America stands. Historians will bear witness to the fact that the fall of every great civilization in human history was ultimately due to the inability of their government to rule their people with strict moral standards. Who are we to think America will be any different?

George Washington in his first inaugural address stated, "The propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained".

I want God's blessing and divine wisdom to be granted to our great nation, as I am sure you share in these sentiments. Because of that, I am sending you and other members of the 103rd Congress, a copy of the video cassette, "America's Godly Heritage".

I request of you to take sixty minutes from your busy schedule to view the video. After viewing the video, I humbly request a reply from you concerning your impressions and what you believe we can do to bring America back to the Christian principles upon which she was established.

May God bless you and give you His wisdom for each decision you make. I look forward to hearing from you.

Very sincerely yours,

DR. ROBERT L. CUTRIGHT.

P.S. In 1796, when leaving the highest office in our land, George Washington bid farewell with these words, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable support. In vain would that man claim tribute of patriotism who should labor to subvert these great pillars".

THE DEPARTMENT OF DEFENSE SET-ASIDE ENFORCEMENT ACT OF 1993

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, the 1980's and the start of the 1990's have been years of prosperity for Fortune 500 companies, especially major defense contractors. But these years have not been so kind to America's minority-owned businesses.

Our country's small, disadvantaged businesses [SDB's] have always struggled to return a profit and grow. Incremental progress had been made in the 1970's as SDB's expanded into new, contemporary fields, beyond the low-skilled service professions to which they were once relegated.

However, the 1980's and early 1990's were a period of great regression for SDB's. They simply did not get their proportional share of the pie. The Reagan and Bush administrations offered no real encouragement and even erected new barriers to SDB participation in Federal Government contracting and subcontracting. Some of these impediments included emphasis on long track records and imposition of bonding and capitalization requirements, all of which favored older, more established firms. By and large, SDB's were not given serious consideration as prime contractors.

Of equal importance, the Reagan and Bush administrations were diffident toward the systematic exclusion of SDB's from subcontracting under Federal contracts. They also had a dismal record on enforcement of our Nation's Equal Employment Opportunity laws. All in all, the Reagan era contracting policy seemed to disdainfully thumb its nose at minorities, ignoring their contribution to America, and the Bush administration perpetuated the transgression.

To remedy obvious inequities, Congress passed into law Public Law 98–661, section 1207, the Department of Defense set-aside program. It was believed that section 1207 would compel greater SDB participation in the largest slice of Federal contracting. But instead, noncompliance with section 1207 merely showcased the problems. Unfortunately, the Bush administration's record in implementing and enforcing the 1207 program was dismal.

The DOD simply did not make adequate good faith outreach efforts. More important than the smattering of conferences that it conducted across the country was the DOD's assertion that there were few if any qualified SDB's ready, willing and able to contract with it. The 5-percent goal for contracting with SDB's has resulted in a paltry performance of 1½ to 3½ percent per year, many of which contracts were for janitorial and kitchen services.

Little if any direction has been given to non-SDB contractors to subcontract with SDB's, in direct contravention of Public Law 95–507, section 211, which directs Federal contractors to subcontract with SDB's to the maximum extent practicable. The total absence of any monitoring mechanism or record keeping further underscores the lack of support for these programs.

Something must be done to salvage these programs and establish equity in Federal defense contracting. Consequently, today I am introducing the Department of Defense Set-Aside Enforcement Act of 1993. It aims to impose a set of signposts to give the DOD and its prime contractors better direction in satisfying their legal requirements. At the same time, it would improve the effectiveness of the program and provide greater accountability to make it easier for the Department and Congress to monitor the results of the section 1207, renamed the section 2323, set-aside program as well as the section 211 subcontracting directive.

The proposal has a number of components. First, the section 2323 set-aside goal would be converted to a requirement and raised from 5 percent to 10 percent of the DOD's contracting budget that must be awarded to SDB's. For the first 7 years, the DOD would be able to satisfy up to 5 percent of the requirement by contracting with firms that formerly had been eligible for participation in the Department's set-aside program or the Small Business Administration's "8(a)" program. In the mid-1980's, despite the height of the Reagan administration's influence, the House of Representatives voted in favor of the 1207 program having a 10 percent goal. It is time for the House to do so again, and, this time, for the Senate to join us. In a country where, by conservative estimates, at least 25 percent of the population is composed of minorities, it is a pathetic illusion of fairness to assert that the Government needs to only do 5 percent of its business with so many millions of people.

Second, defense contractors would be required to award at least 5 percent of their contract amount to SDB subcontractors, and submit plans to the DOD for satisfying this requirement. The plans would include a list of the subcontractors that have been entered into contingent upon award of the prime contract, as well as other information which will further assure compliance with this requirement.

Third, to enhance enforcement, if the contractor is not in compliance with their subcontracting requirement, then: First, it may not be awarded any price adjustments or other defense contracts, second, 5 percent of the contract amount will be withheld, and third, the contractor must provide the DOD with information concerning its outreach efforts, including why it chose not to subcontract with specific SDB's and what it plans to do in the upcoming year to bring itself in compliance. Additionally, the administration of these provisions would be treated as one of the many factors involved in the DOD contracting officer's performance evaluation.

Fourth, the DOD would be directed to improve its efforts in outreaching to potential SDB contractors through business organizations and direct contacts. This could involve databases, registers and local government SDB offices.

Fifth, the bill would change the 50-percent rule, whereby, currently, at least 50 percent of each contract awarded under 2323 must be performed by the recipient of the contract. That is simply infeasible in certain situations, and it can actually function as an impediment to an SDB awarded large and complex contracts. So, my bill would allow, as an optional alternative to the 50-percent rule, a 75-percent rule: that it is an acceptable performance of the contract when 75 percent of it is attributable to the combined effort of the contracting-SDB and other SDB's. This also has the benefit of inviting more minority-owned businesses into the Government contracting arena.

Sixth, the nonmanufacturer rule presently says that an SDB contractor cannot participate under the 2323 program for a supply or distribution contract when the product involved is not manufactured by an SDB. But some products—such as photocopiers, trucks and televisions—have no SDB producers. Thus, the bill would waive the nonmanufacturer rule in these cases.

Seventh, the bill encourages the DOD to create new contracting opportunities for small businesses and SDB's by dividing large contracts into smaller ones and generally avoiding consolidation.

Finally, it calls for a subtle expansion of the application of Equal Employment Opportunity requirements. Presently, a contractor must certify that it is in compliance with EEO requirements once it has been awarded a contract. However, if 10 other companies had submitted unsuccessful bids, those are 10 other companies in which conformity with EEO requirements might not be enforced. The bill would impose EEO compliance as a condition for eligibility to bid on a contract, not simply to be awarded a contract.

In short, the Department of Defense Set-Aside Enforcement Act aims to effectively attain the original objectives of the section 2323 program. We were serious about our commitment to these concerns when we wrote them into our laws. Now we must take steps to improve the program and establish a viable enforcement mechanism.

Mr. Speaker, the section 211, section 2323, and EEO programs each need bolstering. This bill, if implemented, will make them work effectively, as Congress originally intended, and I urge my colleagues to join me in this effort.

MY VOICE IN AMERICA'S FUTURE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. HANSEN. Mr. Speaker, I am pleased to announce that an honor student from Layton High School, Utah, has been selected as a finalist in the Veterans of Foreign Wars' "Voice of Democracy" broadcast scriptwriting contest.

Ms. Tiffany Hayward's script was one of only 29 selected from a highly competitive field of some 136,000 entries. Her script is an eloquent reminder to us all of the importance of families, service to one another, and the value of each individual life.

MY VOICE IN AMERICA'S FUTURE

(By Tiffany Hayward, Utah Winner, 1992/93 VFW Voice of Democracy Scholarship Program)

The play of the crystal water in the fountain was like the laughter of a child, a fitting sound for Cornelia's simple home. Cornelia's father had defeated Hannibal. Her husband, twice a consul of Rome, was now dead. She was left to raise her children alone. As she spoke with her friends, the conversation turned to the jewels each wore, shining symbols of success. Cornelia had no diamonds, rubies, no precious gold, but she gave a call and her sons, glowing with the exertion of their games, bounded into the room. "These," said Cornelia, "are my Jewels". Tiberius and Caius Gracchus grew up to rule the Republic and give their lives in its service. Carthage had been defeated yet terrible trials faced Rome from within. The strength and wisdom of Cornelia's guiding voice would steer its course through centuries of greatness yet to come.

Like Cornelia, let us ask, "Who will hear 'My Voice in America's Future'?"

The United States also stands at a cross road. The future could take us into a better world or into decline and the dusty pages of history. The danger is not a mighty enemy across the sea but flaws within; ignorance, immorality and selfishness.

Hate and fear come from ignorance. Intellectual and technical skills are needed to survive, without then we ignore lasting achievement to seek the quick fix. Immorality is manifest in violent crimes. Promiscuity and drug abuse threaten the innocent. Babies are born with Aids or crack addiction. Gangs pull children into the streets to fight over ethnic differences and the boundaries of drug Lords. In selfishness, a people who once proudly claimed the right to rule themselves now desire only to gratify their appetites.

The promises of politicians, the wizardry of technology, the wealth of America, all are empty echoes in the halls of time if there are no ears to hear. In our home we have a voice in America's future. "No success can compensate for failure in the home." American families must take the necessary time to bring children to maturity, the point where they can place the needs of others before their own.

In a bit of woods I love, the huckleberries grow big and blue. One day as I sat amid them, a child came up the trail. I was eager to share and called him over to sample the fruit. He didn't want to, but once he tasted it he loved it. There are sweet fruits in life but in our rush up the trail we never sample them. Families must take the time to teach the children where to find joy.

Like Tiberius and Caius, I have been raised primarily by my mother. My parents are divorced. Some wouls say that this is not a traditionally family. It is very much a family. My parents are active in the lives of their children. They provide for material needs and fill the role of nurturers. My family shows me how to answer ignorance with knowledge, immorality with morality and selfishness with service.

My parents taught me to love knowledge. I not only learned to read, speak, write and figure; I came to dream of an America where all will be free at last from the prejudice, fear, and hate that spring from ignorance.

My Family shows me morality. My parents are my friends, and guide me within the boundaries of their expectations.

I know my parents love me. From infancy to adolescence, they have served me. Their example teaches me that joy comes from love and love from service. Ask those who have served their country. Families teach best that life's successes came from what we give, not what we take. By sharing the sweet fruit of service we speak to the future.

As we teach them the love of learning, morality and service our children's successes become our rewards. Jack London describes an old Indian Chief as he waits for death. He envisions a willow bush, its yellow leaves dropping into the stream. He likens each leaf to a life of his generation, passing on, leaving only buds, the future, to live again in the spring. Our voice can whisper to the future generations we prepare to serve, to learn and to love.

The day came when Ptolemy, king of Egypt, offered Cornelia his crown for her hand, but she choose to cling to the jewels she treasured most, the jewels which would carry her voice into the future, her children. Of all the treasures we hold, we must come to see our families as the most precious, for through them we pass our voice into America's future.

A TRIBUTE TO GARY K. ANDERSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. POSHARD. Mr. Speaker, it is with great sadness that I report the death of Gary K. Anderson, former mayor of Decatur, IL. Gary died on Tuesday, March 30, 1993, following a bout with cancer. He was 51 years old.

I knew Gary as someone with a vision and a passion for Decatur. He was a unique leader, an apolitical politician.

Mr. Anderson was born on July 14, 1941, in Morrison. In 1963, he graduated from Northwestern University with a bachelor's degree in business administration. That year he also married Jane Robinson.

In 1968, Anderson earned a law degree from De Paul University and moved to Decatur to work as manager of Chicago Title & Trust Co.'s Decatur office. When the company planned to transfer him to another location the following year, he purchased the Decatur Title Corp. to avoid moving.

Throughout his career, Anderson ran for a number of offices. In 1971, his first foray into public life was unsuccessful when he was defeated as a candidate for Maconland Community College board of trustees. But Anderson was not one to give up. Three years later, he was elected to the Decatur Board of Education and served 6 years, 3 as president.

In 1983, in the depth of economic hardtimes, Decatur voters were ready for a change, and Anderson was elected to the first of three terms as mayor. He defeated the incumbent by a 3-to-1 margin by offering himself as a more energetic alternative. One of his earliest victories as mayor was to reach a compromise with the A.E. Staley Manufacturing Co. on replacement of the Staley Viaduct. He went on to win easy re-election victories in 1987 and 1991.

However, in January 1992, after being diagnosed with kidney cancer, Anderson was forced to resign from office after serving nearly 9 years as mayor. And despite his high-profile job, he was a private person. At his announcement of resignation, he reclaimed his right to privacy and granted no interviews to the media.

When his condition appeared to improve last year after surgery and treatment, the entire community was heartened by Gary's progress.

His wife and children, Kyle and Debra, were at his side when he died at Decatur Memorial Hospital.

Mr. Speaker, my district has indeed lost a leader with vision and passion. However, we are all better off because of his many years of service.

FLEXIBILITY IN IMPLEMENTING THE OXYGENATED FUELS REQUIREMENT WITHIN THE CLEAN AIR ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to allow the Administrator of the EPA and the Governor of the State of Alaska flexibility in implementing the oxygenated fuels requirement within the Clean Air Act. It is my hope that this will increase public health and safety, allow for a thorough study of the effects of oxygenated fuels on humans and restore some public confidence in Alaska about the Clean Air Act.

Alaskans are as concerned about their environment as the people of any State of the Union. They do not, however, like being used as human guinea pigs. Many Alaskans think that is exactly what was done to them this winter, and that this human test serves as yet another example of the arrogance of a central Federal Government which seeks to impose centralized decisionmaking on the lives of the many distinct and diverse people throughout our distinct and diverse country. If this were not a government program, Ralph Nader and all of his organizations would have been calling for an immediate withdrawal of the substance pending further testing.

Alaska's air is actually very clean, except during times when very cold temperatures create thermal inversions which trap carbon monoxide and other emissions in given geographical areas. As a result of some of the mandates under the Clean Air Act, the residents of the cities of Fairbanks and Anchorage were required this past winter for the first time to burn gasoline with the oxygenate additive MTBE.

The results were immediate. Hundreds of unusual medical complaints were received in Fairbanks and Anchorage. Typical complaints were abnormal headaches, sore throats, lightheadedness, burning in the eyes and lungs, shortness of breath, skin rashes, numbness, swollen tissue and abnormal or aggravated congestion. Alaskan winters are tough enough without having to put up with that. Some reported coming into town from the Bush and experiencing similar symptoms until they left the MTBE-mandated areas, whereupon the symptoms ceased. In order to potentially poison themselves, purchasers of fuel in Fairbanks and Anchorage were required to pay approximately 15 cents more per gallon for fuel that appeared to many to return significantly fewer miles per gallon.

The truth is, we need more information about the effects of this fuel additive upon humans in cold climates. The Centers for Disease Control have testified before Congress that more study on the health effects of the additive are necessary, and have found measurable quantities of MTBE in the blood of workers exposed to MTBE-oxygenated fuels.

Further, ethanol blend oxygenated fuels are known to separate from the gasoline base at ultracold temperatures and may affect components of fuel delivery systems in gasoline-powered internal combustion engines. Since ethanol blend fuel attracts water, the attraction of water by the fuel, and resulting icing problems, in cold climates makes it imprudent and probably unsafe for arctic condition aircraft operation, upon which many Bush communities are reliant for their sustenance throughout the winter.

The plain and simple fact is that we need more study before subjecting Alaskans to further tests of this fuel. It may work in Washington, DC, but that doesn't mean it works at 50 below zero in Fairbanks. And the Government should not pretend it does until it proves it does.

My bill is straightforward. It is designed to protect the health and safety of Alaskans until it is proven that this fuel is safe to burn in cold conditions and that its use does not result in the cure being worse than the ailment.

The bill: gives the Governor of the State of Alaska the right to petition the Administrator of the EPA—after the request by the local government within a title I nonattainment area in Alaska—to waive the requirement to use MTBE.

The Administrator is authorized to grant such waiver if: first, compliance isn't possible technologically or economically or MTBE costs more than 150 percent more than the use of similar MTBE fuels in the national average; second, compliance is unreasonable due to special meteorological or geographical factors; and third, compliance could or does cause harmful health effects, or increases aldehyde emissions appreciably.

It requires the Administrator to decide whether to grant the waiver within 60 days of the request, but gives him flexibility to suspend MTBE use during the 60-day period, or during the 1-year study and requires the Administrator to conduct a 1-year study on the costs and health risks associated with MTBE use in Alaska.

Mr. Speaker, this is a good bill. As some of us argued during consideration of the Clean Air Act, applying uniform solutions to different areas of the United States without considering climate, geography or economics didn't make sense.

Asking Alaskans to act as human guinea pigs by putting their health and safety at risk while paying more for the privilege is not going to reduce the number of times Alaskans mutter that sad but apparently true, "We're your government and we're here to help you". I hope this legislation can be considered and adopted by the Congress before the snow flies next year and Alaskans' health may again be at risk.

PROTECTING OUR TECHNOLOGY BASE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. SCHROEDER. Mr. Speaker, yesterday I addressed the Electric Industries Association on the subject of economic conversion and I wanted to share a report on my remarks with our colleagues. Economic conversion and maintaining our technology base will be key issues the Armed Services Subcommittee on Research and Technology, which I chair, will be addressing this year. We are looking for good ideas, ways to make this work, while preventing conversion from becoming a giant pork program.

[From Aerospace Daily, Apr. 1, 1993]

SCHROEDER SAYS SHE'LL TRY TO PROTECT DOD TECHNOLOGY BASE

Rep. Pat Schroeder (D-Colo.) said yesterday that the challenge to her House Armed Services Research and Technology Subcommittee is charting a course to maintain the military technology base in a time of defense cuts.

"One of our biggest problems" on the panel, she said, "is trying to keep members reined in" so they don't decide to "scoop down into the defense budget and find piles of money to alleviate one problem or another . . . to convert B-2s into cookies, and something else into milk, and something else into Head Start centers."

Schroeder, addressing the Electronic Industries Association's annual budget and technology conference in Arlington, Va., said the key is to declassify as much of the "great national treasure" of Cold War-developed technology as possible, establish a central body that would issue lists of technologies available for commercial exploitation, and set up mechanisms to make it clear what technologies the government wants to develop.

"A lot of people don't know what's been going on, mainly because it's secret," she said.

There has been "tremendous over-classification" of defense technology since World War II, she said. "We're talking about culture cracking" to say that declassification is now needed to help the U.S. compete in the commercial global marketplace, and that the shift must be done rapidly. But "we're trying to push very hard to make sure" this happens.

Otherwise, she said, it's not clear that "any kind of legacy" of U.S. competitiveness would be left to the next generation. At the same time, national security must be preserved, Schroeder said. "We don't want to go back to the day where we lost that technology edge."

To defense companies that believe they can't diversify into commercial markets, Schroeder said she says "something subtle, like adapt or die."

There may be "some companies that absolutely can't" diversify, but this could be an opening "for new companies with more entrepreneurial spirit," she said.

In any case, it's "essential that people get this message and get it early on," which is why it's important to "give enough information (on the tech base) so people aren't just hanging out there on some folly of their own."

The plan would be to identify a market before a company enters it "so financing is possible, and there's still some competition so the price isn't off the charts and (the product) would still be marketable in the whole (U.S.) civilian sector or the world."

Coordination with government agencies should be less of a problem under the Clinton Administration than in the past because of high White House interest, Schroeder said. Still, all the relevant agencies—Commerce, Labor, National Science Foundation, NASA, DOD—are "at the table" only because the White House is holding "a club over everybody."

The promise is high in such areas as military base cleanup, she said. Some closed bases can't be used by the private sector until they are cleaned up, but there's often little indication when this will happen or how long it will take, so they sit unused and planning efforts are wasted. "It's like throwing money down a dark hole." Money should be spent on cleaning up bases, "not on lawyers and studies," Schroeder said.

She said her subcommittee is enthusiastic about the Clinton Administration's $1.66 billion initiative for defense conversion, its "Dial 1-800-DUAL USE" plan, and its effort to hold meetings around the country to press its technology agenda. But "we're not just stopping with that," she said.

Among other things, the panel is looking at national laboratories, asking, "How could they be more usable? How could they be more helpful to the private sector? Would it be a good idea to allow companies to joint venture with them, or to purchase certain services from them, or to ask them to do research, or to consult with companies before they begin research?"

Also, she said, it's important that "a lot of this gets successful." She said there are "(television shows like) '60 Minutes' and 60 Minutes-wannabes waiting for the first real messup. . . . They never quite understand that experimentation doesn't mean you have a 100% success rate, that there will be some things that will not work as well as other things," and that too much emphasis on a failure could blunt the whole effort.

At the subcommittee, Schroeder said, "our window is open. We need ideas for how we can implement this in the best possible way. . . . We really are very serious in trying to make this work."

JEFFERSONIAN SOLUTIONS TO CONTEMPORARY PROBLEMS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. GINGRICH. Mr. Speaker, why is the name Thomas Jefferson synonymous with democratic principles for millions of people in the United States and throughout the world? Why do reformers in such diverse areas as the former Soviet Union, Eastern Europe, and China invoke the legacy of the Sage of Monticello? The answer is clear, Mr. Speaker. Jeffersonian ideals and values are as pertinent and inspiring today as they were during the founding of our Nation.

As the Clinton administration and the Congress address such salient issues as the Federal budget deficit, health care reform, and economic growth measures, we must not lose sight of the fundamental Jeffersonian principles of minimal government taxation, low government spending, and federalism. I hope that President Clinton's well-publicized visit to Jefferson's Monticello home prior to his inauguration reflects his commitment to these Jeffersonian principles.

In celebration of Jeffersonian traditions and their continuing role in framing contemporary policy debates, I respectfully submit an essay from the Heritage Foundation's Policy Review Magazine entitled "Monticello's New Democrat," to be included in the CONGRESSIONAL RECORD. The article deftly explains how Jefferson's values and beliefs can continue to offer us guidance as we enter the 21st century.

MONTICELLO'S NEW DEMOCRAT—WHAT WILLIAM JEFFERSON CLINTON CAN LEARN FROM THOMAS JEFFERSON

(By John G. West, Jr.)

First there was Bill Clinton's well-publicized pilgrimage to Monticello, Thomas Jefferson's mountain-top estate. Next came his pre-inauguration bus trip, retracing the route Jefferson travelled to his own inauguration in 1801. Finally, in his inaugural address, President Clinton invoked Jefferson by name and paid homage to "life, liberty, and the pursuit of happiness" as America's founding ideals.

During last year's campaign, Mr. Clinton fashioned himself as the successor to John F. Kennedy, making much of his decision to enter politics after shaking hands with President Kennedy at the White House. But now that he is in office, President Clinton's role model of choice seems to be Thomas Jefferson, the nation's first Democratic president. Since April 1993 marks Jefferson's 250th birthday, Mr. Clinton may be expected to make further appeals to the author of the Declaration of Independence in the days ahead.

There are in fact, some intriguing parallels between Thomas Jefferson and William Jefferson Clinton. Both men served as governors of their respective southern states. Both unseated unpopular Yankee-bred presidents who previously had served as vice-presidents. Both survived bruising election campaigns largely dominated by attacks on their personal characters.

A WISE AND FRUGAL GOVERNMENT

If the similarities are striking, however, the differences are more so. Jefferson was an unflinching champion of limited government, low taxes, and federalism. Although Mr. Clinton campaigned as a "new Democrat," he has yet to show enthusiasm in office for any of those causes. Still, there may be a glimmer of hope in President Clinton's desire to compare himself to the sage of Monticello. For if there is one former president from whom Mr. Clinton could learn a great deal, it certainly is Jefferson.

Mr. Clinton might start with Jefferson's appreciation for limited government. Despite the president's symbolic attacks on government waste and his pledges to trim the federal bureaucracy by "attrition," his overarching vision of public life remains startlingly paternalistic. Indeed, in his inaugural address, Mr. Clinton expressly employed the metaphor of child-rearing in articulating his agenda. "We must provide for our nation," he said, "the way a family provides for its children."

Jefferson would have recoiled at such a metaphor. In his own first inaugural address, he explained that the one thing needful for "a happy and prosperous people" is "a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." According to Jefferson, the limited—albeit crucial—function of government is to protect people in the exercise of their natural freedoms to speak and act, confined only by the dictates of the moral law. The best way government can do this is by preserving public order; then government should stay out of the way.

Jefferson was wary about government action because he knew that it is a two-edged sword. While government is supposed to be the defender of unalienable rights, it also can turn into their greatest enemy. The ever-present danger is that government will overreach its legitimate boundaries and usurp the people's freedoms, especially through profligate spending, which will eventually require punitive taxes in order to reduce the national debt.

PROFUSION AND SERVITUDE

Liberals, who typically praise Jefferson for his views on civil liberties, usually overlook his views on taxes and spending. What they fail to understand is that, in Jefferson's view, frugal government—and low taxes—constitute the most basic preconditions of civil liberty. Citizens cannot be free to criticize the government if they are reduced by heavy taxes to complete dependence upon government largesse. They cannot be free to live their lives in their own way if taxes and confiscatory regulations eliminate the means—that is, the wealth—to carry out their choices.

Consequently, liberty and limited government must stand or fall together. As Jefferson wrote to Samuel Kercheval in 1816, the choice is "[B]etween economy and liberty, or profusion and servitude. If we run into such debts, as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and delay expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes.* * *"

In such a grim situation, continued Jefferson, Americans would "have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-suffers.* * *"

The "salutary lesson" of all this, concluded Jefferson in the same letter, is "[T]hat private fortunes are destroyed by public as well as by private extravagance. And this is the tendency of all human governments. A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, and to have no sensibilities left but for sinning and suffering."

Jefferson's actions as president closely followed his views of government. While he was concerned about the national debt, he recognized that the problem originated with too much spending rather than too few taxes. Accordingly, he promptly slashed government spending upon assuming office. He simultaneously abolished domestic taxes—all of them—along with the revenue agents who had been hired to collect them. Only federal import tariffs remained.

In his second inaugural address, Jefferson boasted that "it may be the pleasure and pride of an American to ask what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States?" Due in large part to Jefferson's austerity program—which was continued by his successor, James Madison—the national debt was reduced by 42 percent between 1800 and the War of 1812.

Jefferson's view of limited government also contains a warning for those federal politicians who seem, in his words, "at a loss for objects whereon to throw away the supposed fathomless funds of the treasury." While Jefferson acknowledged to a correspondent in 1820 that the people temporarily may join their representatives in "the same phrenzy" for new spending, he through that the heavy taxes ultimately exacted to pay for the spending would "bring both to their sober senses." And when the people came to their senses, they would throw the spendthrift politicians out. President Clinton would do well to recall Jefferson's warning as he seeks to cut the deficit by mandatory "contributions" from the American people.

BEMOANING FEDERAL "USURPATIONS"

A second lesson the 42nd president could learn from the third president is a healthy respect for federalism. Before President Clinton imposes hundreds of new environmental regulations, proposes national health insurance, and signs off on the Freedom of Choice Act, he might pause to ponder Jefferson's view of the appropriate division of power between the federal government and the states. In an 1823 letter to Supreme Court Justice William Johnson, Jefferson wrote: "I believe the States can best govern our home concerns, and the General Government our foreign ones. I wish, therefore, to see maintained that wholesome distribution of powers established by the constitution for the limitation of both; and never to see all offices transferred to Washington, where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market."

Jefferson firmly believed that local government should be under local control, and he would have been appalled at the tangled web of federal mandates and preemptions of state authority enacted during the past 50 years. Even in his own lifetime, he was distressed at what he viewed as "the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States. . . ."

A year before his death, he complained to William Branch Giles that the three federal branches were now crowding in on state prerogatives. "Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures," wrote Jefferson. ". . .[U]nder the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words 'general welfare,' a right to do, not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think, or pretend will be for the general welfare."

Here, of course, Jefferson was attacking loose constitutional construction as much as he was defending federalism. While favoring constitutional flexibility in the realm of foreign affairs—defense of the country can be its own law—Jefferson was certain that when it came to the federal government's ordinary domestic powers, the Constitution should be construed in strict accord with the original intent of those who enacted it. As he advised Justice Johnson in 1823:

> On every question of construction, [we should] carry ourselves back to the time when the constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

JUDICIAL "SAPPERS AND MINERS"

While Jefferson's views on the specific constitutional questions of his own time are debatable, his warning about the danger of arbitrary constitutional construction remains disconcertingly relevant, and offers a third important lesson for Mr. Clinton. Modern jurisprudence no longer even pretends to find a constitutional basis for most federal programs, preferring to issue the federal government a blank check. This habit is one that any true Jeffersonian should find deeply troubling.

Unfortunately, Mr. Clinton has yet to appear troubled. His declared standard for Supreme Court nominees is adherence to *Roe* v. *Wade*, a decision that even some defenders of legalized abortion acknowledge as a raw exercise in arbitrary judicial interpretation. Without support in either the text of philosophy of the Constitution, the Court in *Roe* not only used the unlimited approach to constitutional interpretation that Jefferson despised, it also made shambles of the principle of federalism that he held dear. Indeed, the decision gave new meaning to Jefferson's 1820 condemnation of the federal judiciary as "the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric." If President Clinton wishes to adopt a Jeffersonian approach to the courts, he would be well-advised to scrap his litmus test of *Roe* v. *Wade* and require that his judicial nominees pledge to uphold the original intent and underlying principles of the Constitution instead.

A TYRANNICAL COMPULSION

A final lesson President Clinton could learn from Jefferson is how to defend political freedom. Mr. Clinton may need special help on this one, if his early record in office is any indication. Only a few days after being sworn in, he rescinded an order requiring unionized employers to notify workers on federal projects that they are not obliged to subsidize union political activities with their dues. The order had enforced the ruling in *Communications Workers* v. *Beck*, which held that unions could not coerce employees to pay for union political activities out of their assessments.

Although the Supreme Court in *Beck* sidestepped the free speech question, the underlying principle at stake remains the one articulated by Jefferson in the Virginia Statute of Religious Liberty: "[T]o compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical." President Clinton's action shows just how little he understands the sort of political liberty of which Jefferson spoke. That is unfortunate, given the increasing relevance of the principle. Today many Americans find themselves compelled to support—through government—the propagation of an array of opinions that they find objectionable. Whether it is public schools that promote moral relativism, federal art programs that sponsor attacks on Christianity, or public broadcasting stations that broadcast one-sided documentaries, the government now subsidizes political speech in a wide variety of ways, raising significant free speech questions in the process. A true Jeffersonian would recognize in state-subsidized speech the seeds of despotism.

The good news for President Clinton is that if he really aspires to become a second Jefferson—rather than merely appropriating Jefferson's image—he should have no difficulty knowing what to do. The major features of a Jeffersonian agenda are not difficult to compile: limited government, reinvigorated federalism, respect for the Constitution, and political liberty. The bad news for the president is that such an agenda would not look anything like what he has been proposing so far.

MOTION TO INSTRUCT CONFEREES ON H.R. 2, NATIONAL VOTER REGISTRATION ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. MFUME. Mr. Speaker, today we appoint the conferees who will help shape some of the most significant changes in our Nation's voting law since the enactment of the Voting Rights Act of 1965.

We pride ourselves on having one of the most participatory governments in the world. Yet, for a variety of reasons, the United States has had the lowest voter participation of all major democracies in the world. The motor-voter bill can help remedy this problem and increase voter turnout by simplifying the registration procedure.

The motor-voter bill provides a practical, efficient means to reinvigorate our political system. Indeed, in the 1992 election, voter turnout in States with motor-voter procedures increased by 12.3 percent over voter turnout in 1988.

Yet, the Senate will offer in conference a bill so diluted that any possible gains we hoped to achieve through this legislation will be negated. The Senate amendments gut the efforts of the bill to standardize nationwide mandatory agency registration.

By making it optional for States to designate agencies for voter registration, we defeat the goal of simplifying the voter registration procedure. By not offering potential voters nationwide the chance to register at the social services agencies they use, we pose obstacles to registration for potential voters who are more likely to be poor, minority, disabled, and to reside in cities. These voters often do not have the time, transportation or means to seek out the public agencies that may choose to offer voter registration.

The Senate bill also poses unnecessary restrictions on an untapped segment of our potential voting public by mandating an intimidating citizenship component. Requiring citizens to produce a birth certificate just to register to vote is indeed excessively burdensome.

States could selectively apply a documentary evidence requirement, without regard to the Voting Rights Act or any uniformity requirements. If this amendment becomes part of the law, then certain populations could be targeted—particularly those of foreign descent.

Unfortunately, the Senate amendments go even one step further in diluting the motor-voter bill the House passed. Perhaps the most egregious obstacle the Senate has placed in the way of indigent and disabled voters is the highly restrictive requirement of citizens who have moved within their voting jurisdiction to vote in their old polling place, without the option of voting in a new one or in a central location.

This requirement effectively eliminates indigent individuals' chance to vote. Minority voters have the highest rates of local mobility within our population and it is unlikely they are to travel long distances in order to vote. Many working people, rural residents, and minorities are among this group. Allowing a registrar to determine voting location may not lead to discrimination in voting everywhere, but where there is a history of discrimination in voting, a recently moved voter could be left scrambling to find his new polling place.

The Voting Rights Act provided that those who have moved have the right to go back and vote at their old polling place within 30 days of a Presidential election. Destroying the gains achieved by this act almost three decades ago would be a travesty.

The cost to democracy of leaving out millions of Americans from the voting process is significantly greater than any costs that would be accrued from additional registration administrative procedures.

Constituencies least likely to participate in democracy but still eligible for voter registration, will experience significantly eased access to the voter registration process. These constituencies—the poor, unemployed, and disabled—are not the only segment of the population with a low voter registration rate. Many young, urban, and suburban middle class citizens are not registered to vote because they frequently change addresses every 2 to 5 years.

Since a change in address notification must be filed at the county board of elections, some fail to reregister. These combined groups represent an enormous voting block—one that could be reached if voter registration procedures could be simplified and made more convenient.

Let us not lock citizens out of the voting booth simply by adhering to archaic and inconvenient registration procedures. Voter turnout can best be increased by a combination of improved registration procedures and more inspired campaigns. Neither can be effective without the other. Let us today take a step toward offering our citizens an additional incentive to vote.

It is imperative that we continue the momentum experienced in November's elections, when voter turnout increased for the first time in years. I urge my colleagues to vote for H.R. 2. A vote for this legislation is a vote for democracy.

ECONOMIC PLAN COULD KILL JOBS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. EWING. Mr. Speaker, I recently received a letter from a constituent of mine, Mr. James Nogle, who is a part owner of a chain of pizza restaurants throughout central Illinois. Mr. Nogle informed me that, because of the crippling new taxes which the Clinton administration is proposing, his company has canceled plans to build new restaurants or renovate existing ones.

When a restaurant chain such as Mr. Nogle's cancels construction plans, the workers who would have been hired to do the construction are hurt. When plans for building a restaurant are canceled, the jobs of all those who would have worked in that restaurant are eliminated. Mr. Nogle's letter makes the points better than anything I can say that the Clinton plan will hurt the economy and kill new job creation. If businesses throughout the country are taking these same steps, which I expect is the case, our economy is in for a very rough road if President Clinton's proposals become law.

This letter, which I include below, should send a strong message to my constituents about the Clinton economic plan. By crippling small- and medium-sized businesses, the plan will kill jobs. I hope my colleagues will take this into account when voting on President Clinton's proposals.

JAMES & GAYLE NOGLE,
Champaign, IL, February 21, 1993.

Representative TOM EWING,
Longworth House Office Building, Washington, DC.

DEAR MR. EWING: I just returned from a board of directors meeting and I thought you might appreciate hearing how our company is changing plans after President Clinton's speech. Our pizza company operates 23 family oriented pizza restaurants across central Illinois with total gross monthly sales in excess of $1 million. Our corporation is closely held, and over half of the stock is owned by company employees or franchisees.

In spite of a downturn in sales during the last year we have been on a capital improvement program and building new stores. We recently opened a new store in Bloomington, added a dining room to another in Decatur, and were planning to begin building another restaurant next month. In addition, we have been renovating our kitchens and remodeling our dining rooms in most of our other locations. Our company has been following a "slow but steady" growth plan.

Our Board met on Wednesday, February 17th for our first meeting of 1993. President Clinton's economic plan was one of our most important agenda items and I am sorry to report that our Board does not share his optimism. We predict that this heavy new tax burden, if enacted by Congress, will suffocate our economy. We expect a significant drop in sales and profits, while still paying more in taxes. Accordingly, we have canceled our plans to build new stores and we are postponing or dramatically scaling back our renovation projects.

This is how our board has already responded. I am certain that similar decisions are being made in board rooms all across America. No matter how many dollars Clinton's plan might generate in tax, it can never replace the jobs and tax dollars it will lose from the private sector.

I strongly urge you to oppose the President's economic plan as it will surely fail.

Sincerely,

JAMES H. NOGLE.

IN HONOR OF THE LIFEWORK OF NANCY REA

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. COMBEST. Mr. Speaker, there are a special few in communities across our land who bring a brightness and warmth to others through their volunteer work. One such bright light is found in the lifework of Nancy Rea of Midland, TX. Her local newspaper, the Midland Reporter-Telegram, eloquently expressed the community's special regard for Nancy Rea's life:

PREMIER VOLUNTEER LEFT LIGHT BURNING

The death Thursday of Nancy Rea of Midland was a sad occasion for her family and many friends but it would be unworthy of her memory to say that with her death one of Midland's brightest lights went out.

In not only her living but in her dying, she was an inspiration. She touched many and she showed that death, while sad, can be met with grace and dignity. She did that by adhering to hope without embracing denial, by exhibiting not only courage in facing her own mortality but in showing compassion for the feelings of those who through personal contact were experiencing it with her.

A huge number of notes and letters arrived during the final year of Nancy Rea's life and we are not surprised that many were from people unknown to either her or her husband.

For them, just hearing about Nancy Rea was a light turned on, not one turned off.

While she was active in a broad range of civic, youth and cultural enterprises here, she was especially known for her longtime association with the United Way of Midland, its board of directors, its many committees and, in recent years, as volunteer coordinator and, thus, as a driving force behind the work of nine task forces established to focus on Midland's major human service needs through Midland Introspective. While hundreds of people served these groups, Nancy coordinated the meetings, efforts and achievements of all and has been given well-deserved credit for the project's smooth operation . . . so much so that a Nancy Vann Rea Midland Introspective Fund of the United Way has been set up.

That's another light that will continue to burn.

Several months ago this newspaper approached Nancy in hope that she could be a subject of our popular "Introducing" feature, which profiles those who have significant roles in making life better for others. She graciously declined. "Let's don't," she said. "I'm actually going out (of civic life—); you should feature those who are coming in."

It was in character for one who not only gave much of her time and energy to volunteer work throughout her life but who had chosen helping people as the focus for her professional work as well.

One of the most unique things about Nancy's life was that she continued to serve and set an example for others as her death drew near. By her attitude, her humility, her concern for others "she showed me how a person should approach death" said one who knew her well enough. And many others agreed.

For them, lights didn't go out when Nancy Rea died. It's possible that for some they actually went on.

We believe she would like that.

UNIVERSAL HEALTH INSURANCE SHOULDN'T LEAVE OUT HOSPICE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. MCNULTY. Mr. Speaker, I firmly believe that hospice care should be included in the health care reform package we hope to enact during the 103d Congress.

The importance of hospice care cannot be overstated. Thousands of terminally ill patients and their families have relied on the compassion, professionalism, and quality care which hospice offers.

I would like to include in the RECORD an article from the March 21 edition of the Sunday Schenectady Gazette. Written by Philip Di Sorbo, the executive director of the Capital District Hospice in Schenectady, NY, it emphasizes the importance of including hospice care as part of any basic health care benefit package.

UNIVERSAL HEALTH INSURANCE SHOULDN'T LEAVE OUT HOSPICE

(By Philip Di Sorbo)

I was astounded not to see hospice on the American Medical Association's "in" list for national health insurance. Not to worry, I thought, just an oversight. But I then perused the AMA's "out" list—the list of medical services to be specifically excluded from a basic benefits package—and there was hospice, right there with cosmetic surgery and reversing vasectomies! The hospice movement has already saved the government and businesses millions of dollars, maximized volunteer involvement in thousands of communities, and is universally acclaimed by its consumers. How could it be excluded?

Steven's case ran through my mind. He was only 27 years old, with a brilliant career in computers at IBM. But the raging tumor in his head had transformed him into a severely disabled and terminally ill victim for whom medical science had not been able to produce a cure. Steven came into the hospice at a time when his pain and other symptoms were way out of control. He was frustrated over his inability to communicate. Mom and Dad were at odds over the care. Mom didn't even want him at home at that point. Dad was pulled away by his business responsibilities but very much wanted to help with his son's care. Anger and frustration enough for many lifetimes were in their hearts and minds.

Steven was only in the hospice program eight days. He died comfortably at home with his mother and his hospice home-health aide. Later, Mom not only came into the hospice office to donate some supplies, but offered to do fund raising for the hospice through the Mohonasen High School Key Club. Dad hopes to be a hospice volunteer some day. What a transformation in eight days! I wanted to find out more in order to help us advocate for hospice's role in healthcare reform. So I visited the Mintzes, Leila and Mel, to find out about their hospice experience.

I wasn't prepared for the intensity or clarity of their response.

"I believed in hospice, but dying at home, I really didn't know what it was," Leila began. "Until you live it, you just don't know." Apparently, the Mintzes thought hospice was a group of well-meaning volunteers that visited the sick. Instead, they found a comprehensive system of paid professional and trained volunteers that helped everyone in the household with every need. "Steven was the center of attention, the only patient," said Mel. "Family members, staff, volunteers—all focused on Steven. Where else except at home with hospice could he have gotten such total attention? Every need was met. Competent staff appeared exactly when necessary, and the pharmacist delivered the drugs to the home. Perfect equipment was delivered and set up on cue; phone calls were returned immediately; all insurances were handled by hospice; aides came in daily to help with Steven's care; volunteers came in so I could work and Leila could leave the home; nurses handled everything; and, would you believe it in this day and age, a doctor even came to the house?"

I am now convinced that we must look at quality very seriously during this period of health-care reform. Quality means results you can touch and feel right in our own home. In our haste to make health-care reform, let's not forget quality, especially quality services that are far less expensive than the alternatives. Hospice is one such example—just ask the Mintzes.

THE FOOD QUALITY PROTECTION ACT OF 1993

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. LEHMAN. Mr. Speaker, recent media reports have highlighted the need for updated food safety legislation. Without it, the availability of our safe and affordable domestic food supply is in jeopardy.

The United States has some of the highest safety standards and lowest food prices in the world. American consumers benefit from a generous supply of edible, appealing, and nutritious products, both fresh and processed. Unfortunately, a recent circuit court decision threatens to put a stranglehold on our ability to provide these products.

An antiquated provision of the 1938 Federal Food, Drug, and Cosmetic Act [FFDCA] known as the Delaney clause allows certain pesticides to be used on raw foods but not on processed foods. In other words, what is safe for an apple is not safe for apple sauce. EPA, in its enforcement of these divergent standards, has flexibly interpreted the standard for processed foods to allow for a negligible risk rather than a zero risk to human health.

Due to modern science, even the minutest degree of a potentially cancer causing residue can be detected in foods. If the strict interpretation of the Delaney clause's zero risk standard is applied, then many safe and effective pesticides which insure a pest-free, harmless food supply would be prohibited.

Unfortunately, because the Ninth Circuit Court has taken away EPA's discretion to use a negligible risk standard, this is exactly what is happening. EPA has threatened to ban 35 invaluable, widely used pesticides that would leave a harmless but traceable amount of residue in processed foods.

As a Representative from the Central Valley of California, the richest food production area in the country, I share the concern of the growers in my district that the uncertainty created by these developments may severely alter the framework of American agriculture. The loss of useful pesticides will lead to a loss of valuable crops, many unique to California, and an increased dependence on imported products.

That is why I am joining with my colleagues, Mr. BLILEY and Mr. ROWLAND, to introduce the Food Quality Protection Act of 1993 which will provide the certainty needed to insure a safe food supply.

While no one argues against safety, or the need to protect our children and our environment, these interests are not exclusive of the benefits derived from pesticide use. The two, if adequately balanced, can serve to provide a high quality, low cost, dependable food supply which does not threaten consumer health.

In addressing the food safety issue there is unanimous agreement on many fronts. First, we can acknowledge that the current food safety law is in need of reform. The Delany clause, with its zero-risk standard for food additives, is inconsistent and unworkable. It prevents raw and processed foods from being considered equitably, and its strict application is unreachable. The establishment of a negligible risk standard would benefit both growers and consumers by making the law more effective and obtainable.

I believe we can also agree that the Environmental Protection Agency needs an improved cancelation policy—one which allows the Agency to expedite the removal of those pesticides which are truly carcinogenic. Again, this is in the interest of both consumer protection and grower productivity. The buyer can be sure that the product he is eating is safe, and the grower has assurance that the pesticides he is using have been adequately reviewed.

The question remains, however, how should negligible risk be defined? If the application of a negligible risk standard is too severe, then pesticides may be banned pose no serious risk. As a result, the use of chemicals which prevent dry rot, worm and pest infestations, fungi, and scarring could be eradicated.

Without the benefits that these chemicals provide, the food supply would be limited and costly, and consumers would have to depend on imported products for the fruits and vegetables which they currently take for granted. Foods which are edible, healthy, and nutritious would be readily available only to those who can best afford it.

If the cancellation policy is not based on a sound, scientific basis, with appropriate methodology, assumptions, and calculations, it could prove to be more restrictive than the Delaney clause. The determination of the tolerance setting is the fundamental provision which will underline the effectiveness of the law.

One of my greatest concerns is the impact the Delaney clause may have on minor use pesticides. Of all the pesticides used, about 15 percent are applied to fruits and vegetables. Already, several minor use pesticides have not been registered under the 1988 FIFRA [Federal Insecticide, Rodenticide, and Fungicide Act] law because the cost of developing the needed data is prohibitive. An overly stringent approach to food safety reform would serve as a disincentive to registration of these chemicals which, while limited in their application, are critical in their effect.

I want to reiterate the importance of food safety and the large part it plays in a healthy food supply. However, we have to be careful not to jeopardize the availability of edible and nutritious products by setting unreasonable standards. Clearly, it would be ideal to live in a pesticide free environment, but until we can achieve a pest management system that works without chemicals, we need to act within current limitations.

The legislation which we are introducing today seeks to bring order to the chaos created by the implementation of the Delaney clause. The bill establishes a single negligible risk standard for both raw and processed commodities, and gives EPA the flexibility in defining negligible risk in light of evolving science.

The consideration of benefits to consumers derived from food which has necessarily been treated with pesticides will also be a factor. While the public reasonably demands that food with residue should not cause cancer, it also demands that the fruits and vegetables be free from unwanted pest damage. These two concerns should be considered in tandem.

This Federal standard would also be uniformly applied on a national basis. Knowing that the failed "big green" initiative in California would have made any national standard obsolete, I think it is important that we provide adequate preemption in this regard.

Other important provisions of the bill streamline the pesticide cancellation process to ensure that cancerous pesticides are taken off the market, facilitates the development of integrated pest management techniques, and encourages harmonization with international food safety standards.

I want to conclude that providing flexibility in the ability to set priorities and establish risk, evaluating the benefits which result, and applying reasonable tolerances which accurately reflect the pesticide application process does not preclude us from imposing very stringent controls. We need to take advantage of the recent advances in technology not to react to an unreasonable fear of risk, but to accurately measure how pesticides can serve a necessary purpose without affecting consumer health.

As C. Everett Koop, the former Surgeon General, testified in the last Congress, "There is no scientific evidence showing that residues from the lawful application of pesticides to food have ever caused illness or death." Americans demand a plentiful, affordable, and edible food supply, and one that is safe. To date, that is what has been offered. Without an effective repeal of the Delaney clause, that food supply is in jeopardy. I urge my colleagues to join us in pursuing a rational response to the current crisis in the implementation of food safety standards.

TRIBUTE TO KATHY KITCHEN

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. TALENT. Mr. Speaker, I rise today to congratulate Kathy Kitchen on being named the 1992 Outstanding Businessperson of the Year by the Creve Coeur, MO, Chamber of Commerce.

Kathy Kitchen has made innumerable contributions to the St. Louis area business community. She is the vice president of the central region of Boatman National Bank, and is a past president of the Creve Coeur-Olivette Chamber of Commerce. Ms. Kitchen has encouraged businesses to take an active role in the community and has challenged the business community to voluntarily contribute to and support economic development programs to enhance the viability of the community.

Mr. Speaker, Kathy Kitchen is a role model for our future business leaders.

LAURENCE A. WHITE, JR., POET, FRIEND OF VETERANS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it is my pleasure to pay tribute to a man who has unselfishly given of himself and his talents to his fellow Americans for many years. It is with great pride that we honor Laurence A. White, Jr., a man who has touched the lives of many with his compassion and human spirit.

Laurence A. White, Jr., served in Vietnam from December 1969 to May 1971, with MACV Saigon. He was awarded the Joint Service Commendation Medal and the Army Commendation Medal, among other awards, during his service to our country. Since leaving the military, Larry has used his talents in the mental health field to help many returning troops begin the process of dealing with their experiences in the war.

Larry was instrumental in forming the movement to say "good bye and good luck" to those Americans leaving to serve their country in Operation Desert Storm. He also spent many happy hours at Westover Air Force Base welcoming home our troops while Operation Patriot Home was in progress.

Mr. White's life and concerns have always been with the military forces of the United States. His poetry reflects his concern for all of mankind. He has written several pieces which were distributed to the troops returning from the gulf war. Through his poetry and love of fellow man, Larry has touched the lives of many U.S. war veterans.

Mr. Speaker, I salute Laurence A. White, Jr., for his undying love and compassion for mankind. During the 10th anniversary of the Vietnam Memorial, Larry gave us the gift of a truly moving poem. Mr. Speaker, I urge my colleagues and all Americans to never forget the sacrifices of the veterans of the Vietnam war.

I submit the words of Laurence A. White, Jr., in order to provide us all with the inspiration to go forth and open our hearts to the human condition as he has so many times in the past.

NOVEMBER 11, 1991: The Wall

(By Laurence A. White, Jr., Vietnam veteran, 1969–71)

The night is slowly waning to the dawn
As shadowed figures move so silently
While man has always gazed and dreamt upon
The stars to chart his course to destiny.

A ghostly morning mist prevailed the mall
As if it stood on sentry duty bound,
Commanded by an unknown force that called
This Legion of immortal souls around.

The first of morning's sun illuminates
This massive blackened form that it reveals,
So those who gather here may contemplate
The tragedy of life and its ordeals.

The glistening dew upon the marble's face
Collected down a path across the grain,
Like mortal tears that fall and leave a trace
Of sadness and of sorrow that remains.

This phantom mist moved slow and cautiously
Before the marble walls that were ahead,
Prepared to wait for those who desperately
Would come to seek some comfort from the dead.

COLUMN II

A long procession solemn in its thoughts
Reflecting on a time that went before,
Remembers those that lived and loved and fought
In Vietnam a conflict versus war.

Like jungle paths that hid the enemy
And camouflaged them in the shadows well,
They walk this path and face uncertainty
Confronting what happened in that Hell.

Their minds into the dark abyss descends
Fearful of the past they've never shown,
And to the dead have come to make amends
For having been the ones who made it home.

In youth they had such promises and dreams
Then war engulfed their lives in endless strife,
Where death would wait and stalk the battle scenes
To gather up the souls that fell from life.

So now this wall becomes their own crusade
Where courage has been found to meet the quest,
The grail has been a sacred promise made
To not forget their comrades gone to rest.

COLUMN III

With anxious eyes that search both high and low
Until at last the one they seek appears,
One trembling hand will touch each letter slow
The other hand will wipe away the tears.

For many it is hard to look upon
Reflecting marble walls that bear the names,
Of those whose lives were sacrificed and gone
Consumed by the war, the fuel that fed its flames.

Their tears will mingle with a million more
Who've come with heavy hearts and years of grief,
To realize the price they paid for war
While viewing endless rows in disbelief.

Mementoes of the past are left behind
As tokens of a life that none may share,
Each object is preserved and will remind
that someone still remembers them and cares.

The wounds are deep that time may never heal
In spite of what they do to be content,
For many still deny what they can feel
And nightmares in their sleep do not relent.

COLUMN IV

The long dark shadows of the matrix looms
Above these weary minds before the wall,
While images that died have been exhumed
In memories of the past that are recalled.

Emotions are like rivers running deep
Where anger and resentment are disguised,
Beneath a calm expression they may keep
Whatever peace and dignity is prized.

And yet there is no way they can expel
These visions of the past that are composed,
The shadows that have cloaked them are dispelled
And years of hidden sorrows are exposed.

For here is where tormented souls dwell
Before the names of thousands bound by death,
Where distant battles thundered and men fell
Who spoke a last goodbye with dying breath.

While souls immortal patiently stand by
Invisible and summoned on command,
To comfort and console the ones who cry
Whose lives were shattered in an ancient land.

COLUMN V

And now they are betrayed while standing there
As feelings deep within no longer hide,
Beyond the marble walls an image stares
Reflecting back at them along their side.

And in those eyes they've looked into before
They see a world beyond their own illusion,
Together they are buddies just once more
Fighting to survive in war's confusion.

So long ago abandoned now it seems
By causes they defended in their youth,
When freedom's cry was forged in bloody streams
By those who all too quickly learned the truth.

Whatever they now hold within their hearts
Or secret words they whisper in a prayer,

They travel by themselves to worlds apart
To reconstruct their lives in disrepair.
And in some way they come to realize
That each had served a purpose in His plan,
While questions they still ask have been denied
The answers they would need to understand.

COLUMN VI

The will of God had long ago conscribed
This mighty Army destined for that war,
And on the walls of Heaven He inscribed
Their names and epitaphs forevermore.
It was a time of darkness and dissent
The fruit of life with bitterness would yield,
Such ridicule from those who never went
To walk among the paddies in the field.
Their nation called them forth and they replied
Though undermined by principles of men,
Who sent them into war to live or die
Expecting more than they should ask of them.
Unlike the past when men came home to cheers
They suffered most by those who cast their blame,
The sounds they heard were filled with angry jeers
Which left their valiant deeds to lie in shame.
Though words are spoken now to make amends
They do not end the pain forever near,
Like thousands of lost voices that can send
A message that is powerful and clear.

COLUMN VII

That death has brought them here and edified
The lives of those whose souls now consecrate,
This place where life and death can testify
To all that is of war that men create.
To think of those still lost within their minds
And those who suffered long and joined the dead,
Of those among the missing left to find
Who face more years of loneliness ahead.
While others who in silence self-imposed
Have kept their feelings carefully inside,
And honors they were given since disposed
Along with all their dreams that quickly died.
To know this wall is more than most surmise
Where life and death together come to meet,
Where dignity and honor can arise
Like victory from the ashes of defeat.
Where those who carried guilt would feel a touch
From others who assured their right to live,
And they could offer comfort just as much;
That there was nothing comrades need forgive.

COLUMN VIII

But from those costly lessons of the past
Where words were sometimes spoken to deceive,
They each must have the wisdom now to cast
The knowledge they have received.
They are themselves the master of the helm
The captain of the ship, they set to sea,
To dock on either land or Heaven's realm
Where each one will come to face their destiny.
So to our dead these monuments we build
That those who pass before we'll not forget,
When many lives are offered some are killed
And war is something all men will regret.
They linger for a time and then reflect
And look upon the wall a second more,
They see themselves in youth and recollect
The innocence they had before the war.
And from the very start right to the end
It was for them a place where they belonged,
Before the rows of comrades and their friends
Who found a cause and purpose to be strong.

COLUMN IX

The tapestry of life has many threads
Where war and peace forever are combined,
And those of life are woven with the dead
The past and present's future are entwined.
And though the wall is blacker than the night
Their names are like the stars we dream upon,
By which to chart a course towards the light
And find a safer haven in the dawn.
Horizons now are dimmed with azure gold
The stars in God's dominion soon appear,
The air is slightly chilled but none are cold
Warmed by all the love that's gathered here.
Ascending now as day begins to fade
Filled with greater comfort than they've known,
For they have touched the grail of their crusade;
Remembered those who never made it home.
And when they reach the point where they began
The voices from the wall rise up to tell,
That all were unsung heroes of this land
And each had served their country very well.

COLUMN X

To some the "Wall" is just another place
That represents a war and those who died,
While others find this monument and space
More than polished stones with names inscribed.
A youthful mind created more it seems
Than those of greater fame would have believed,
A "Wall" that can reflect forgotten dreams
And pieces of mens' lives could be retrieved.
This mighty form of simple lines they see
Contains a force from which no one can hide,
Before this "Wall" their spirits are set free
And they can reach beyond the other side.
The veil of night descends upon the ground,
A hazy evening mist conceals the mall;
Immortal Legions guard without a sound
And keep eternal watch before the "Wall".
One parting lance and then a last salute
With honor and respect for those who've gone;
The dead have offered peace more absolute
Than any they could win in Vietnam!

INTRODUCTION OF GRAZING REFORM BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. VENTO. Mr. Speaker, the management of domestic livestock grazing on the Nation's western public rangelands is overdue for reform.

For several years, the House of Representatives has approved proposals to raise grazing fees and to make other needed changes in the policies of the past, and Secretary Babbitt has expressed interest in considering changes in grazing fees and other aspects of management of the public rangelands.

In the spirit of these proposals, I am today introducing a bill entitled the "Public Rangeland Grazing Reform Act of 1993." This bill addresses several important aspects of rangeland management, including, but not limited to, grazing fees.

The bill would replace the present formula used for setting western grazing fees with a fair-market standard based squarely on a 1986 report from the Interior and Agricultural Departments.

This change is needed because the present formula for setting grazing fees is fatally flawed. It keeps grazing fees lower than the prices private parties are able to obtain, through the open market, for forage, and has resulted in keeping fees at levels that do not enable the land-managing agencies even to recover the costs of managing the public range.

The present fee formula has resulted in fees that are far below what many States or other governmental bodies receive for grazing on their lands—lands which in many cases are indistinguishable in character and quality from the Federal lands with which they are intermixed.

As the General Accounting Office [GAO] has noted, the present fee formula begins with an intentionally very low base. That base is then adjusted in ways that double-count factors related to ranchers' costs and that so magnify those factors that they dominate the outcome of calculations under the formula.

The result of this is to artificially depress the fees, as shown by GAO's calculation, that in constant dollars the 1991 western grazing fee—which was higher than 1992's or this year's—had decreased by 15 percent over the last 10 years while private grazing prices had increased by 17 percent.

The alternative formula in my bill is the same one for which the House voted in 1991 and 1992. However, the bill differs in several important ways from the provisions approved by the House in the past.

First, the bill would make the full fair-market fee effective at the start of the next grazing year, rather than providing for a phase-in period.

Second, under the bill the same fee formula would apply to the western national grasslands—managed by the Forest Service—as to national forests and BLM-managed public lands. Last year, responding to requests of grazers on the national grasslands, the administration acted to make grassland fees similar to those charged for grazing on national forests in Western States; my bill maintains that relationship.

Another notable difference is that my bill would authorize implementation of a program enabling grazing permittees to qualify for lower fees by carrying out measures to improve the condition and biological diversity of affected range and riparian ecosystems.

Such programs are sometimes referred to as "incentive-based" systems, because they are intended to provide an incentive for grazing permittees to actively assist in improving rangeland conditions. Secretary Babbitt has indicated that the administration is interested in exploring the possibility of implementing such a program, and I look forward to working with him and with Secretary Espy on this matter.

To more closely link grazing management to overall rangeland planning and management, the bill also would reduce the standard term of grazing permits from 10 to 5 years.

To give an incentive for increased cooperation between grazing permittees and State natural resource and wildlife agencies, the bill would authorize permittees, in cooperation with such agencies, to put allotment forage on a nonuse status for livestock, making it available for conservation or wildlife enhancement—with grazing fees being waived during the nonuse period—without losing the priority for a new or renewed grazing permit.

The bill also would make some other desirable changes in current law relating to range management. It would abolish the present grazing advisory boards, which lack a statutory basis and consolidate their advisory functions with those of the existing multiple-use advisory councils provided for by the Federal Land Policy and Management Act of 1976, or FLPMA, which is BLM's Organic Act.

Local grazing advisory boards were first established to assist with the implementation of the Taylor Grazing Act shortly after its enactment in 1934. FLPMA provided for them to continue in existence until December 31, 1985, when they were to end along with the fee formula established, on a trial basis, by the Public Rangelands Improvement Act [PRIA]. However, the executive branch took it upon itself to thwart congressional intent by issuance of an Executive order mandating continued application of the PRIA fee formula and by secretarial orders continuing the boards.

Unlike the multiple-use advisory councils mandated by law, these grazing boards represent only one user group, namely, grazers. They have been the embodiment of the excessive political influence that this user group has too often been able to exert over decisions about public rangeland management.

Furthermore, these boards have been provided with funding derived from a share of the very grazing fees that their members pay. Ostensibly, these are to be used for bettering range conditions—to the benefit of the grazers, among others—but in fact at least some of these funds have gone for other purposes, including for lobbying Congress about grazing fees, and in at least one instance last year, a grazing board voted to divide its accumulated grazing fees rebates—some $200,000—among the grazing permittees, to use for any purpose, no strings attached.

My bill would redirect the shared portion of grazing fee receipts to the counties and other local governments with jurisdiction over the areas where the fees originate, and provide that these funds could be used for any general governmental purpose but not for lobbying Congress or for litigation related to the management of grazing on the public rangelands.

The bill would also change the way the national Government uses the part of the grazing-fee receipts that is retained by the Treasury. Under current law, these funds are earmarked for appropriations for range improvements—which in practice has largely meant things like fencing or stock-watering ponds that are for the direct benefit primarily of the grazing permittees. My bill would broaden the uses of the retained Federal share of grazing receipts to include restortation and enhancement of fish and wildlife habitat, restoration and improved management of riparian areas, and better grazing management through implementation of applicable land-management plans and such activities as range monitoring and enforcement of grazing allotment requirements.

As has been made clear by oversight activities and reports of the General Accounting Office, there is an acute need for increases in agency resources for grazing management and for range investments. These changes can benefit all parties, including grazers—for example, better management of riparian areas—which the bill would assist—often means increases in grazable forage, as well as in fish and wildlife resources and water quantity and quality.

Finally, Mr. Speaker, my bill includes provisions to close loopholes in the current law against subleasing of grazing permits. Subleasing is the practice of permittees in allowing other parties to use the forage made available under a BLM or Forest Service grazing permit, in return for a payment not to the land's owners—the American people—but to the grazing permittee tenant. Studies by the General Accounting Office and others have demonstrated that grazing permittees, through this illegal practice, can charge others many times the grazing fee that the permittees pay to the national Government. This demonstrates that the current grazing fee formula—which my bill would replace—keeps fees below their market value, and therefore moving to a more realistic fee formula should lessen the illegal profits available through subleasing. Nonetheless, the prohibitions against subleasing should be tightened, which my bill does through provisions that previously were included in the BLM reauthorization bill (H.R. 1096) that was passed by the House during the last Congress but on which congressional action was not completed.

Mr. Speaker, the linked questions of grazing fees and range management are far from new. The Forest Service has been charging fees for grazing on national forest lands since 1906. Fees for grazing on public lands now managed by the Bureau of Land Management date from enactment of the Taylor Grazing Act in 1934. There never has been complete agreement about how these fees should be set.

Debates over grazing fees threatened to prevent the enactment of the Federal Land Policy and Management Act of 1976. As a compromise, section 401 of that act called for a joint study of the issue by the Agriculture and Interior Departments, and froze grazing fees for the 1977 grazing year pending that study.

After the study was completed, a further moratorium on changes was imposed by Public Law 95–321, signed by President Carter in July 1978. That was followed by enactment of the Public Rangelands Improvements Act in October 1978.

The Public Rangelands Improvement Act [PRIA], established a formula for setting grazing fees, to be used during a 7-year trial period, and mandated a further study of alternatives and a report to Congress, with recommendations, by December 31, 1985. The expectation was that the 99th Congress then would act on this subject.

The study was done and the report was submitted, but the Reagan administration did not make any recommendations about how grazing fees should be established once the PRIA formula expired.

Despite extensive discussions involving members of the Interior Committee and also Members of the other body, the 99th Congress did not complete action on grazing fees, and the PRIA fee formula expired with no legislation in place to govern grazing fees in 1986 and subsequent years.

After the expiration of the PRIA formula, in February 1986, President Reagan issued an Executive order which called for continued use of that formula, with a floor fee of $1.35 per AUM, the fee at that time. That order is still in effect.

In recent years, competing bills have been introduced—some, to statutorily enact the Reagan Executive order and some to replace it with a new statutory basis for setting grazing fees. Extensive subcommittee hearings have been held on these proposals in recent years, and the House has debated and acted several times on this matter.

The current formula should have been allowed to die at the end of 1985, as originally provided by PRIA, and Congress should have enacted a formula producing fees more equitable as compared with prices paid for grazing on other lands, and more fair to the taxpayers who are the owners of the public lands. Certainly, the time has come to give it a decent burial and to replace it with something better, as my bill would do.

Mr. Speaker, the bill I am introducing today is intended to assist in achieving long-overdue reform of the management of the Nation's natural resources, including the resources of the public rangelands. I hope to have the cooperation of the administration in actively pursuing this and other legislative initiatives dealing with natural resource issues.

THE LAKE TAHOE BASIN NATIONAL FOREST ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. VUCANOVICH. Mr. Speaker, I am pleased to announce that today marks the 20th anniversary of the creation of the U.S. Forest Service's Lake Tahoe Basin Management Unit. To celebrate, I am introducing legislation to create the Lake Tahoe Basin National Forest.

One need only gaze across Lake Tahoe's crystal blue water to understand why this spectacular and beautiful basin holds a special place in my heart. Located high in the Sierra

Mountains, Lake Tahoe's pure water, white sandy beaches, and fresh mountain air attract visitors from the world over.

The Lake Tahoe area boasts over 30 snow skiing resorts, numerous hiking and biking trails, water-skiing and swimming. Nature enthusiasts come year-round to enjoy all the lake has to offer. Protection of the basin's beauty and resources has long been a priority of those living in and around the lake.

I introduce this legislation for two very important reasons: enhancement of Lake Tahoe's identity and enhancement of Lake Tahoe's preservation.

On April 1, 1973, the U.S. Forest Service [USFS] established the Lake Tahoe Basin Management Unit in an effort to recognize the basin's need to speak with one clear voice. Until this time, U.S. forest management consisted of three separate National Forests, the Eldorado, Tahoe, and Toiyabe, and was administered by separate Forest Service Regions, San Francisco and Ogden. Management inconsistencies resulted in an overlapping bureaucratic morass and added to the environmental degradation of the basin. Although creation of the Management Unit somewhat streamlined the bureaucracy, today's unit is still comprised of separate national forests and continues to be laden with duplicative administration.

My Lake Tahoe Basin National Forest Act would designate National Forest System lands within the current Management Unit boundary as a new and separate National Forest. Passage of my bill will enhance the Forest Service's ability to tackle the many pressing issues in the basin, such as watershed restoration and erosion control, land acquisition, recreation and vegetative enhancement, and protection. In addition, my bill eliminates confusion with the public and others concerning National Forest status; provides proper identity of National Forest lands in the Lake Tahoe Basin; improves marketability of the basin's natural assets; enhances credibility and recognition of the Forest Service presence; and reduces administrative costs by eliminating unnecessary duplication of separate USFS administrations.

Designation of the Basin's National Forest lands as a separate national forest would enhance the area's distinction as a separate entity, and bring the Lake Tahoe Basin Management Unit into alignment with the rest of the system, no longer just a subset of existing Forests. In so doing, the Forest Service could better identify Lake Tahoe's special resources which are of national significance and deserving of recognition.

Further, official designation as a national forest would relieve the Lake Tahoe basin management unit from the stigma of being a temporary administrative body. Thus, the Forest Service's credibility within the basin would be strengthened, lending credence to the Lake Tahoe Area.

Administratively, a separate national forest name for the basin management unit would also standardize the Forest Service image on publications, brochures and maps pertaining to the basin, thus improving the marketability of Lake Tahoe's natural assets.

Also administratively, National Forest status for the basin lands would simplify recordkeeping procedures related to maintenance of land status records by eliminating administrative inefficiencies associated with land records, timber receipts reporting, and other matters tied to legal status.

The bill is consistent with the Burton-Santini Act, which, as mentioned before, provides for the acquisition of environmentally sensitive lands for the restoration and protection of watersheds in the Lake Tahoe Basin. Designation of the unit as a national forest would underscore the national significance of the area.

And please keep in mind, the amount and distribution of timber receipt moneys to the affected counties in Nevada and California will not be affected by the designation. Section 4(c) is designed to maintain the proportion of the 25 percent receipt fund received by each of the counties with the El Dorado, Tahoe, and Toiyabe National Forests.

I would like to point out that there are a number of tough issues facing the basin today. Passage of my legislation can only help facilitate appropriate solutions.

The Lake Tahoe Basin is one of the Nation's most beautiful and diverse natural resources. I am pleased to announce this legislation and will work toward its passage and continued protection of the lake.

FOOD QUALITY PROTECTION ACT OF 1993

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. BLILEY. Mr. Speaker, I am pleased to join with my distinguished colleagues, Mr. LEHMAN and Mr. ROWLAND in introducing the Food Quality Protection Act of 1993. This legislation is a needed measure to modernize the U.S. antiquated food safety laws and to ensure the continued integrity of this country's food supply.

We Americans are blessed with the most reliable, most safe, most affordable food supply system in the world. Unfortunately, developments in science and technology have outpaced the laws governing our food supply resulting in some confusion with the public. Today's legislation will remove any suspicion about the integrity of our food supply by updating our food safety laws to reflect the state of modern science.

This legislation strikes a delicate balance. It recognizes the importance of preserving our ability to produce a safe and abundant food supply. It does not compromise on safety, but insists that the evaluation of risk be based upon real world circumstances. It will ensure prompt regulatory action to protect the public health, while at the same time ensuring that emotion does not win out over good science.

I am pleased to note that joining me today in the introduction of this bill is a bipartisan majority of the members of the two committees of primary jurisdiction. This sends a strong message that the Congress will address this issue with common sense.

A TRIBUTE TO JOHN ROBERT ALLEN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to a fine gentleman and a great educator in southern Illinois, Dr. John R. Allen, 45, of Carbondale, who died Tuesday, March 30, 1993, at St. Joseph Memorial Hospital in Murphysboro.

Funeral services will be at noon Friday, April 2, 1993, at the St. Andrews Catholic Church in Murphysboro. Burial will be in Pleasant Grove Memorial Park in Murphysboro.

I knew John as an individual who had a great compassion for people. His students and faculty always came first. As a friend remarked, "He would rather put money into people than into things like desks and computers."

A Carbondale native, Professor Allen was a three-degree graduate of Southern Illinois University. He joined the faculty as an assistant professor in 1977, after completing his doctoral degree in education. He became chairman of the department of recreation at SIU-C in 1983.

Professor Allen also served as public relations coordinator for the College of Education. In this capacity, he coordinated the college's annual telephone fund-raising drive, increasing pledges four-fold in the process. He also started an alumni scholarship and instituted the Alumni Hall of Fame. He has been named the college's 1993 alumni service award winner. Formal announcement of this award will be part of the college's commencement ceremonies in May.

As a teacher, Professor Allen had a special interest in coursework dealing with play behavior, the philosophy of leisure and the department recognized his skill as an educator, selecting him as its outstanding teacher on four separate occasions.

Much of Professor Allen's research dealt with handicapped people and leisure activities. In 1981, he and colleague Terry Kinney developed for the U.S. Department of Education's Rehabilitation Services Administration a model for communities to use in helping the disabled take part in recreational activities.

His interest in this subject extended beyond the university.

He played an active role in the region's Special Olympics for 7 years, serving as president from 1975 to 1976. He served on the board of the Carbondale Park District from 1989 to 1992.

He also helped the communities of Dowell, Litchfield, Oblong, Mount Olive and Zeigler design recreation centers and develop the leisure activities that would take place there.

Professor Allen had been a member of the National Parks and Recreation Association, the Illinois Parks and Recreations Association (serving a 2-year stint as associate editor of the association's magazine) and the Mid-America Community Education Council, where he served both as a representative and as a board member. He also was a member of Phi Delta Kappa, an honorary education society.

Mr. Speaker, southern Illinois has lost a fine gentleman and great educator, and we all mourn his loss.

LEGISLATION TO REPEAL A CAP ON PHYSICAL THERAPY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. RICHARDSON. Mr. Speaker, during this period of crisis in our Nation's health care system, I ask that my colleagues consider an incremental change that will improve the quality and accessibility of health care to the American people. Today, I am introducing legislation to repeal a cap, one which is arbitrary, unfair, and overregulated, on services provided to Medicare beneficiaries by physical therapists and occupational therapists in independent practice.

Currently, section 1833(g) of the Social Security Act limits to $750 per year the coverage of therapy services a Medicare beneficiary can receive from a physical therapist or occupational therapist in independent practice. My legislation would eliminate the limit by repealing section 1833(g).

There are three reasons why the limit must be repealed. First, as Congress and the administration look to expand access to health care, this provision is a major barrier to older and disabled Americans in need of therapy services.

Once Medicare beneficiaries reach the $750 limit, they must either discontinue medically necessary care, pay for services out of pocket, or continue Medicare reimbursed care in another setting. With the current shortage of physical and occupational therapists, the services are not available in all settings—especially those in rural areas and inner cities.

This inequity is of particular concern in rural areas. In October 1990 the Department of Health and Human Services report to Congress on health personnel shortages found a majority of States, including my State of New Mexico, reporting a severe shortage of physical therapists. The report states that "shortages were especially severe in rural areas, where many rural counties have no access to physical therapy services whatsoever." The $750 limit is especially burdensome on the elderly in rural areas where access to other providers of therapy services is severely limited if available at all.

Second, the limit does not allow a level playing field for all health care providers. It only applies to one type of provider, independent practicing therapists. It does not apply to outpatient therapy provided in hospitals, physicians' offices, or other settings.

The third reason for repealing the $750 yearly limit is that the Health Care Financing Administration [HCFA] now reimburses the services of these therapists under Medicare's physician fee schedule. The limit, coupled with the fact that the services of these therapists are already under Medicare's physician fee schedule, creates a dual regulatory burden on physical and occupational therapists in independent practice, precisely the type of regulatory overkill that we are trying to reform in our system. This duplication serves only to disrupt the medically necessary care that is needed by our Medicare beneficiaries.

Physical and occupational therapists are caring individuals who take responsibility for their profession. The Congressional Budget Office [CBO] estimated that there would be a 5 year cost of $72 million associated with eliminating the cap. To reduce the cost, physical and occupational therapists devised a payment mechanism. This bill included a provision to apply a 5-percent reduction in payments for nonparticipating Medicare suppliers such as physical and occupational therapists. Currently, this 5-percent reduction is only applicable for nonparticipating physicians. Physical and occupational therapists are willing to accept this reduction given that these savings benefit Medicare patients who need their services. I feel strongly that the addition of this mechanism to offset the cost of the bill shows the dedication and commitment of these therapists to the patients they serve.

Physical therapists and occupational therapists are willing to work to expand access while recognizing the fiscal constraints of the Medicare program. My legislation would allow patients in need of physical and occupational therapy to receive these services without having to face the possibility of terminating treatment early, or continuing treatment elsewhere, because of a predetermined limit on Medicare reimbursement. I urge my colleagues to join me in sponsoring this vital legislation which assures our citizens access to these critically needed services.

HAROLD CHERNOCK, PUBLIC SERVANT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great pleasure to pay tribute to a man who has been a dedicated public servant for over 30 years. It is with pride that we honor Harold Chernock, a man that has always exhibited a willingness to genuinely seek a practical solution to controversial issues.

In 1914, Harold's father traveled to the United States from Russia and settled in the city of Springfield, MA. Shortly thereafter, he sent for his family, but war broke out in Europe and his wife and children were unable to join him for 8 years.

Harold was 10 years old when he arrived in America in 1922. Six years later, when his father became ill, Harold became responsible for his parents, three sisters, and his brother. Faced with these circumstances, Harold was forced to leave school, and began to work full time in a local butcher shop.

Mr. Chernock opened the Crown Kosher Supermarket with his partners in August 1953 and operated the business until its closing in 1979. In 1947 he married the former Harriet Glickman and had two sons, David and Barry. Today Harold is the proud grandfather of four: Rebecca, Jason, Elena, and Amy.

Harold was appointed to the Springfield License Commission in 1961, and was made chairman in 1968. Mr. Chernock retired from the License Commission in June of 1992 after 31 years of service. Throughout his tenure, Harold worked arduously to insure fair and equitable treatment for both the beverage industry and the general public. His actions were always in the best interests of the city. Mr. Chernock also served as president of Kesser Israel Synagogue from 1969 to 1992, as a member of the board of trustees of the Jewish Foundation of Greater Springfield, and was a founding member of the Springfield Vaad Hakashruth.

Mr. Speaker, I salute Mr. Harold Chernock for his commitment to his family and to the people of Springfield. Harold is a man who has never backed away from tough situations. Since his days as a young man through his retirement, he has let his love for his family and commitment to his community be his guide. Mr. Speaker, today we honor Mr. Harold Chernock, a man who was a model public servant who served the citizens of Springfield admirably.

NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. TRAFICANT. Mr. Speaker, last year, my National Academy of Science, Space, and Technology Scholarship Program was enacted into law. It was authorized under the higher education reauthorization measure (Public Law 102–325) and appropriated funding under the Labor, Health and Human Services, Education appropriations measure for fiscal year 1993 (Public Law 102–394).

The scholarship program was derived from my concept of a National Academy of Science, Space, and Technology—a free-standing academy like West Point. I am introducing legislation, today, to move back toward the concept of a national academy.

First, I would like to describe my scholarship program as presently authorized. I will then follow up by explaining how the program outlined in my newly introduced legislation builds on and, at the same time, departs from the scholarship program concept.

My scholarship program calls on the Secretary of Education, after consultation with the Director of the National Science Foundation [NSF], to establish a National Academy of Science, Space, and Technology Advisory Board. The Advisory Board is made up of a broadly representative group of scientists, engineers, educators, and businessmen representing high technology industries.

Under the program, scholarships are awarded by competitive exam to the top scoring college-bound student in each congressional district that plans to study science, mathematics, or engineering. The Advisory Board is responsible for designing the national exam and administering it. It is afforded the option of choosing among existing national exams, rather than designing an exam, to determine scholarship recipients.

The Advisory Board is also responsible for certifying the top 10 scorers in each district as a way of recognizing the brightest students in these fields in each district, but only the top scorer would be awarded a scholarship.

The scholarship amount is for $5,000 and is renewable for each year of undergraduate study as long as the student maintains a relatively high grade point average, is a full-time student, and continues to study math, science or engineering.

The scholarship recipient from each district is permitted to study at any university in the United States that offers the baccalaureate degree in science, mathematics, or engineering.

Upon graduation, students are required, as a condition of the receipt of the scholarship, to complete 4 years of service in a physical, life, or computer science, mathematics, or engineering related capacity in the employ of the United States or any corporation or other entity that is at least 50 percent owned by U.S. nationals, and which are engaged in scientific or engineering research or endeavor. A student who fails to complete the service obligation would have to pay the Federal Government back for the full amount of the scholarship awards plus interest. This repayment obligation could only be waived as is permitted under section 558 of the Higher Education Act of 1965 with respect to scholarships under subpart 1 of part D of title V.

The program is authorized at a level of $2.2 million for fiscal year 1993 and such sums as may be necessary for fiscal year 1994 through 1997. It was appropriated $2.1 million for fiscal year 1993.

The legislation that I introduced today amends the Excellence in Mathematics, Science, and Engineering Education Act of 1990 to establish the National Academy of Science, Space, and Technology at not less than six State universities and expands the scholarship program.

The National Academy Advisory Board would be renamed the Board of the National Academy of Science, Space, and Technology, since its authority, under this new legislation, would surpass that of an advisory role. It would be made up of the consortium described under the scholarship program as well as the presidents of six State universities that would become the Academy's member institutes.

It is the responsibility of the Board to select universities that will become member institutes of the Academy. Universities would have to submit an application to the Board if they want to participate in the program and, upon submission of the application, must be willing to provide room and board to students that will take part in the program. Members of the National Academy will be housed in their own dormitory or a certain section of a dormitory.

The board, in its selection process, must consider the following: First, the six universities chosen as member institutes are regional in scope; second, the six universities chosen are State schools with outstanding degree programs in mathematics, science, and engineering; and third, the six universities chosen meet uniform curriculum criteria set out by the Secretary of Education in conjunction with the Director of the NSF.

The board is also responsible for: First, paying the tuition of the students—such funding would be provided through an overall congressional appropriation for the program; second, providing for placement of students at one of the member institutes; third, putting in place a program of postgraduate placement in required Government or private industry slots for graduating students; fourth, all previous responsibilities of the National Academy Advisory Board.

To become a student of the National Academy of Science, Space, and Technology, the student must: First, take the competitive exam administered by the board; second, be the top or second best scorer in each congressional district—this legislation provides full scholarships to the top two scorers in each congressional district, as opposed to $5,000 scholarships to the top scorer; and third, must be willing to be placed at any of the locations of one of the member institutes—the board places students at each of the institutes, depending on where slots are open.

When a student graduates, he or she is known as a graduate of the National Academy of Science, Space, and Technology.

Under the legislation, if a student is a National Academy scholarship recipient under the presently authorized program and they maintain a certain GPA, he or she has the option to remain at the university they chose under the original program or he or she can choose to phase into the new program and be placed at one of the member institutes.

An appropriation of $9 million is authorized for this part of the program in fiscal year 1993 to pay the tuition of students participating in the program and for administrative costs of the board.

My legislation also requires the Administrator of the General Services Administration to construct an administrative building to house the headquarters of the National Academy of Science, Space, and Technology. Mr. Les Cochran, president of Youngstown State University, has generously offered to provide the land for the construction of the academy's administrative offices at no cost to the Federal Government. Therefore, the legislation stipulates that the administrative building should be built in the Greater Youngstown-Warren, OH, area.

I have been in touch with various organizations and university presidents about my proposal. For instance, the president of Georgia Tech, Pat Crecine, found the program to be innovative and offered to testify at a congressional hearing in support of it.

Mr. Speaker, American students are consistently ranked below their foreign counterparts in math and science achievements. Moreover, it has been projected by the National Science Foundation that there will be a substantial shortage of scientists and engineers in the United States by the year 2000. These facts are distressing.

In order for America to regain the edge in global competition, the United States must produce enough citizens that are well-skilled in the math, science, and engineering fields and, at the same time, willing to use those skills to benefit this country. I believe that, because America's competitive future is tied to producing citizens that are well-skilled in these fields of study, the Federal Government has a significant role to play in providing a mechanism that will prevent shortages of citizens trained in these fields. The best incentive the Federal Government can provide is scholarships and education.

I encourage all my colleagues to show your support for this legislation by cosponsoring it.

HOUSE SELECT COMMITTEE ON HUNGER GOES OUT WITH A WHIMPER, NOT A BANG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. ACKERMAN. Mr. Speaker, yesterday afternoon, when the final gavel came down on that day's session of the 103d Congress, a little known congressional institution slipped quietly into oblivion. That institution was the House Select Committee on Hunger, which for 9 years had been the most important voice—and at times, the sole voice—for the poor and hungry of America and the world.

The Select Committee on Hunger was created by the House of Representatives in 1984. It addressed issues that were ignored or downplayed because they fell between the cracks of the eight House standing committees that had jurisdiction. It had not jurisdiction to rule on legislation, a point that its critics continually groused about, but could—and did—conduct hearings into hunger and malnutrition worldwide, review executive branch recommendations, and suggest legislation to the standing committees.

Looking back as one who served on the Select Committee on Hunger for many years, it seems ironic that Congress should choose this moment to eradicate this committee. When the Hunger Committee began working under its first chairman, the legendary Mickey Leland, neither Ethiopia nor Somalia were household words in the United States. Peering through the arrowslits of the cold war, American foreign aid policy was usually focused on military aid, or given only to strategic allies. The patient, diligent work of the Hunger Committee brought these and other catastrophes to Congress, and thence to the American people.

What made the Hunger Committee remarkable was that its domestic and international mandates were always treated with equal importance. It worked on a bipartisan assumption that a hungry child in Appalachia or Eritrea were equally deserving attention and help. Committee members would travel to New York's inner city one week, and to southern Sudan the next.

Underlying this policy was a deeper assumption, one still being nurtured in our country. A rancher in Montana is willing to see his tax money go to a homeless family in New York because he accepts them as Americans, as part of his community. The Hunger Committee, and those who supported its work, extended this premise to see people in the Third World as members of our world community as well. This is the rationale for the American force in Somalia. And, more important, an implicit understanding of this principle explains the near-total support from the American people for our actions there.

The demise of the Hunger Committee does not mean the end of this new era. It owes its death more to symbolic cost-cutting in Congress than to any change of heart, in fact, the Hunger Committee had the smallest budget of any committee in Congress. What, however, will arise to take its place?

The United Nations will take up some of this responsibility, if the United States allows it to. In troubled areas such as Afghanistan and the Balkans the United Nations continues to be unable to act on its own, but it possesses—in the form of UNICEF, the U.N. High Commissioner for Refugees, and other organizations—the ability to be a publicizer of worldwide crisis, and a channel for help. Nongovernmental organizations, such as CARE and to the International Rescue Committee, also offer important domestic resources for channeling American assistance.

Most important, however, is that we not allow the same narrowness of focus which led to the elimination of the Hunger Committee, to erode our new-found feelings of obligation to the world at large. Already, popular pressure for budget-cutting has made it impossible for Congress to properly reauthorize foreign aid legislation. The post-cold war era may lead to to a new internationalism based on expanded community, or to a narrow focus on our own domestic problems. Sadly, one of our most important forces for responsible internationalism has already fallen.

PAY EQUITY IN THE LEGISLATIVE BRANCH

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to establish a Commission on Employment Discrimination in the legislative branch. This proposal, which I first introduced in the 99th Congress, would direct the Commission to identify and work toward eliminating wage discrimination in the legislative branch.

The wage gap existing between women's and men's earnings and between the earnings of whites and people of color has remained constant for many years. In 1946, women earned 66 percent of men's wages. In 1991, almost 50 years later, women earned only 70 cents for every $1 earned by men. Men of color also experience significant discrimination, with black men earning only 73 percent, and Hispanic men earning only 67 percent of the wages of white men.

According to a National Academy of Sciences report, between one-third and one-half of the wage disparities between men and women cannot adequately be explained by differences in experience, education, or other legitimate qualifications. Wage setting practices are affected by historical sex and race biases resulting in an undervaluation of work and low pay for women and people of color.

Women earn less even when they hold the same occupations as men. For instance in 1991, female nurses earned 10-percent less than male nurses, female managers earned 34-percent less than male managers, female college professors earned 20-percent less than male professors, and female elementary school teachers earned 14-percent less than male elementary school teachers.

Wage discrimination exists despite the passage of the 1963 Equal Pay Act which made it illegal to pay women less than men for performing equal work. And it exists despite the 1964 Civil Rights Act which outlawed discrimination in employment and wages on the basis of sex, race, color, religion, and national origin.

It is important to understand the relationship between these two laws. The Equal Pay Act [EPA] guarantees equal pay for identical work. However, the EPA cannot begin to address the wage discrimination facing most women, since the majority of women do not work in the same jobs as men. Most women remain segregated in a small number of low-paying, dead-end jobs. Therefore, only the Civil Rights Act's broader prohibition of discrimination in employment and wages can reach these women.

In 1981, the Supreme Court clearly outlined the rights guaranteed by title VII of the Civil Rights Act. Title VII requires that equal pay be extended beyond identical work to include work of equal value—work requiring similar skill, effort, responsibility, and working conditions.

If title VII did not encompass this broad scope, a woman who is discriminatorily underpaid could obtain no relief—no matter how egregious the discrimination might be—unless her employer also employed a man in an equal job in the same establishment at a higher rate of pay.

The concept of pay equity, or equal pay for work of equal value, requires that wages be based on the responsibility, skill, effort, and working conditions required for a job, not on the basis of the sex or race of the individual who performs the job. Pay equity studies similar to the one in my legislation have been conducted in 22 States and the District of Columbia, with 20 States having made some pay equity adjustment, and 7 States having successfully completed full implementation of a pay equity plan.

The legislation I am introducing today has two major purposes: To identify the existence of discriminatory wage setting and personnel practices within the legislative branch as a whole, and the Library of Congress specifically; and, second, to develop a comprehensive plan for eliminating any inequities revealed.

My legislation would establish a 13-member, bipartisan Commission comprised of Members of Congress and representatives of labor and management in the Library of Congress. The Commission would hire an independent consultant to conduct a pilot study of compensation paid within and between job classifications in the Library of Congress, and analyze relevant personnel policies and practices. After that, the Commission would make specific recommendations for ensuring compliance with title VII of the Civil Rights Act and the policy objectives of the resolution. Following completion of the Library of Congress study, the Commission would develop a comprehensive plan for pay equity within the legislative branch. The Commission would have 18 months to complete the study and pay equity plan.

Earning a day's pay for a day's work is every person's right. Members of Congress must guarantee their own employees this same right by ensuring a compensation system not riddled with race or sex-based discrimination. Please join me in this effort by cosponsoring this legislation to create a Commission on Employment Discrimination in the legislative branch.

SEXUAL HARASSMENT IN THE DEPARTMENT OF VETERANS AFFAIRS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a bill which would prohibit reprisals against employees of the Department of Veterans Affairs who institute employment discrimination complaints.

Later today, the House Veterans' Affairs Committee will report to the House a comprehensive bill, H.R. 1032, which changes the procedures for resolving employment discrimination and harassment grievances.

The bill I am now introducing was the genesis for an amendment I will offer to H.R. 1032 with Congressman LANE EVANS. The text of my statement, for the full committee mark-up, fully explains the critical need for the protection against reprisals provided in my new bill.

Mr. Speaker, I insert my statement from the Veterans' Affairs Committee in the CONGRESSIONAL RECORD:

VA SEXUAL HARASSMENT

(Remarks by Representative Chris Smith)

Mr. Chairman, a victim of sexual harassment is entitled to an unfettered right to pursue a just remedy in a legal proceeding that is fair, balanced, comprehensive and competent.

The need for enactment of H.R. 1032 reflects both the belated recognition by society at large of the corrosive effects of sexual harassment on the victim and the demonstrated need to take decisive action to eradicate this abusive behavior and its demoralizing consequences with the Department of Veterans Affairs.

Commensurate with this Committee's ongoing oversight of VA policies and programs, it has become painfully clear that the VA's sexual harassment procedures are inadequate and in need of a legislative fix.

H.R. 1032 would:

Create an independent office—Office of Employment Discrimination Complaints Resolution [OEDCR]—in the VA to manage all employment discrimination and sexual harassment complaints;

Establish a specially trained staff of dedicated counselors to help resolve informal complaints;

Assign permanent investigators to OEDCR who will prepare reports on formal discrimination cases;

Appoint impartial administrative law judges who will conduct hearings and pass judgement on complaints; and

Provide for case review by the Equal Employment Opportunity Commission [EEOC] or Federal court.

I listened carefully on Tuesday when Secretary Brown articulated the Clinton administration's opposition to H.R. 1032. While I respect their opinion, I was not persuaded. To suggest shelving this vital reform initiative, as the administration did on Tuesday, because these reforms would establish a different standard—a higher standard than which is in effect in other federal agencies—is, at best, weak.

This Committee—with our distinguished chairman and ranking member in the forefront—has chosen to lead. Hopefully other Federal agencies and their respective Congressional committees will follow.

Mr. Chairman, I was deeply moved by the testimony of Donna Grabarczyk, a full time health employee at Lyons Medical Center in New Jersey who appeared here last September.

Ms. Grabarczyk testified before Mr. Evans' subcommittee that she was sexually harassed both physically and verbally by the Chief of Fiscal Services, C.W. Lewis. The abuse, she said, led to a "feeling of revulsion, violation, and helplessness." She said, "neither my immediate supervisor, Mr. Metaxas, nor the next level of supervision, Mr. Kidd, expressed any insight or concern about me." She was told that Mr. Lewis "could not be fired" even though other women testified that they too were harassed by this man. Her testimony is a disturbing insight into a flawed process that begs correction.

"Mr. Joe Spencer Norris, the most recent investigator, advised me that I should just accept the fact that I was the scapegoat, 'that's the system' and I should 'give it up.'

"I can't believe that Mr. Norris's advice is in the best interest of the women throughout the VA who have been victims of sexual harassment. The VA's transfer of habitual harassers from station to station promotes their aberrant behavior. It also provides the harasser an opportunity to continue illegal actions in a new climate among unsuspecting women. Stringent remedies are needed to modify this behavior. Rewarding harassers with disability retirements instead of removal sends out the message of a VA-wide practice of condoning this behavior."

Adding injury to injury, both Ms. Grabarczyk and her coworker who helped corroborate her allegations say they were further victimized by retaliations and reprisals.

In addition to cosponsoring this bill, I am pleased to be jointly offering an amendment with Mr. Evans that will ensure that VA employees are protected from retaliation by extension of the authority of title 7 of the Civil Rights Act, which defines reprisals as an unlawful employment practice.

Our amendment declares that nothing in H.R. 1032 supersedes the rights and remedies available to employees under title 7 of the Civil Rights Act of 1964. Section 2000e-3 offers protection for those who "made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing * * *"

Mr. Chairman, this amendment will build confidence in those VA employees who might need the services provided by H.R. 1032. I urge the Committee to adopt this amendment.

THE 150TH ANNIVERSARY OF ELK COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the good citizens of Elk County, PA, in my district as they prepare to celebrate their 150th anniversary. It was on April 18, 1843, that the Pennsylvania State Legislature established Elk County as a result of a bill introduced by the Honorable James Lyle Gilis, the Patriarch of Elk County.

Elk County enjoys a rich and fascinating history which began hundreds of years before its formal founding. The Seneca Indians, one of the six tribes of the Iroquois Indians, were the first people to call this region home, and the ancient Susquehannocks are believed to have traveled extensively through the area. To this day, the people of Elk County share artifacts and folklore as a valuable reminder of those who first contributed to their heritage.

Exactly when the first pioneers ventured into Elk County is not certain. Beginning around 1787, the region saw a number of temporary visitors and passers-by, including surveyors and others who were attracted to the economic possibilities of the dense forests. The dangers and terrain of this area made settlement difficult, and thus it was not until 1810 that Amos Davis became Elk County's first permanent resident. At first, settlers depended upon the waterways as the most accessible method of travel until, in 1825, the State Legislature authorized the Smethport-Milesburg travel link. The link is now considered one of the keys to Elk County's settlement and development.

The early settlers subsisted with plenty of wild fruit, including grapes of tremendous size and plums. Hunting was vital to their survival, as the territory was rich in elk, deer, bear, wolves and foxes. In fact, Elk County takes its name from the animal which once resided there in large numbers. To this day, Pennsylvania's lone elk herd roams over the land of Elk and Cameron Counties.

At home, the pioneers were exceptionally talented quilters, potters, and clothiers, and quickly became expert blacksmiths and gunsmiths. Eventually, gardens were planted to provide for consistent crops, of which corn was one of the first.

By 1872, 29 years after its establishment, Elk County had taken on the shape which remains today. Those 29 years, however, represent a period of fluctuating boundaries that saw a give-and-take of land with McKean, Cameron, Clearfield, and Forest Counties. Today, Saint Marys, Johnsonburg, and Ridgway, the county seat, are the most populated towns in Elk County.

The vast forest which attracted settlers to Elk County provided the area with a lumber industry that still plays a key role in its economy today. Square timbers and lumber were rafted to Pittsburgh, Louisville, and New Orleans along the Clarion, Allegheny, and Ohio Rivers. Railroads also played a vital role in the development of the area, and made a tremendous contribution to the mining industry. Elk County's coal fields have supplied over 200 firms since the first mine opened in 1843. Manufacturing has also played a role in the economy, as has dairying, which is responsible for over half of all agriculture sales in the area.

Just as it was for the first inhabitants, hunting is still a valued part of the lives of Elk County's residents. Pennsylvania's first game lands were located in Jones and Benzinger Townships. This is just one example of how traditions are valued in Elk County, and how ties with the past have been maintained throughout its history.

Mr. Speaker, Elk County has always treasured its rich heritage. Through the dedication of the Elk County Historical Society and the area's proud residents, the fond memories of the past and present will be preserved for those who will celebrate the next 150 years. I am honored to have the opportunity to recognize Elk County's residents on this special occasion, and to offer them my best wishes on their 150th anniversary.

A SALUTE TO BILLY G. GENAUST

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to Mr. Billy Genaust, who recently retired from District 12 Illinois State Police near Effingham, after 38 years of service with that law enforcement agency. We thank him for his years of service and dedication to the citizens of District 12 and all of those whom he has served.

The following is Mr. Genaust's account of his proud and dedicated career:

TROOPER RETIRES AFTER 38 YEARS

(By Billy G. Genaust)

On Oct. 16, 1954, Billy G. Genaust went to work at District 12 State Police, which is located south of Effingham on U.S. 45. On Dec. 31, 1992, he retired with 38 years, two months and 15 days.

During that time, many changes have taken place. When I went to work, there were only two people on duty in headquarters during a given shift. I would take the telephone calls and make the assignment, and the person working radio would take care of the dispatch and also radio repairs. We then had 36 police officers who worked two shifts, an 8 a.m. to 4 p.m. and a 4 p.m. to midnight. We in the office worked three shifts, an 8 a.m. to 4 p.m., 4 p.m. to midnight and midnight to 8 a.m. We then covered 15 counties. On many occasions, I have assigned squad cars to handle accidents nearly 100 miles from Effingham in Hamilton and White counties.

When I started work, there were still members of the Shelton families and Charles Harris family living in the Fairfield area. These were remnants from the Shelton-Berger gang wars from earlier years, which was the only time in history in the United States where gangs actually used tanks and airplanes against each other.

One of our officers, a good friend of mine, grew up, went to school with, and knew the Shelton and Harris families well.

In the late 1950s, a sub-post was established at Albion in Edwards County, and with increased workload and increased manpower, the sergeants were brought in to take over the desk operation. We then worked with the sergeants, which resulted in a more efficient operation, especially when something serious happened.

During the 38 years, I have received calls on almost everything, including many accidents, hazardous material spills, murders, rapes, abductions, lost persons, drownings, family disputes, drugs and many other problems. In addition, I was working when several police officers were shot. This included state police officers, city police officers and a sheriff. I was also working when Cathy Jo Harris was abducted and murdered near Newton and when Amy Shultz was abducted and murdered near Kell.

During these 38-plus years, the Illinois State Police and District 12 have been a good place to work. I have made many friends over the years, both within the Department of Law Enforcement and with those in the many department and agencies with which we have had contact. In my job, I had many contacts with the news media. I had many friends in the news media, and I enjoyed working with them over the many years. They are a great group of people.

As in all jobs and careers, there are low and high points. The low points in my job with the Illinois State Police were when two good friends, Trooper Frank Doris and Trooper Layton Davis, were shot and killed in the line of duty. I did have the satisfaction to be able to help during the search for and the apprehension of Trooper Davis' killers. I was also working when two other good friends, Trooper Terry Prince and Master Sgt. Kim Rhodes, were shot in the line of duty. Fortunately, these two incidents turned out much better, as both officers survived a near brush with death. The high points of my career were when then Director of Law Enforcement James Zagel presented me with my 30-year pin, when former Director of Law Enforcement Jeremy Margolas presented me with my 35-year pin, and recently when present Director of Law Enforcement Terrance W. Gainer presented me with a medallion and a letter of appreciation for my 38-plus years with law enforcement. This letter has been placed in a frame which is now on the wall of my den.

In leaving, I will miss the many good friends in the news media and the other various law enforcement agencies and departments, also my good friends at District 12 and throughout the Department of Law Enforcement. They will all be missed. The motto of the Illinois State Police is "Integrity, Service and Pride," and this is as I have found it to be during my 38-plus years with the department.

LEGISLATION INCREASING THE CHARITABLE MILEAGE EXPENSE DEDUCTION FOR USE OF AUTOMOBILES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that would correct a problem with the current mileage expense deduction provided to individuals who volunteer their services to charitable organizations. Volunteers often incur unreimbursed out-of-pocket expenses when carrying out the exempt-purpose activities of these organizations. Countless volunteers use their own automobiles to provide hospital transportation for disabled veterans, hot meals to the homebound, and numerous other necessary services to people in need.

In 1984, Congress codified a standard mileage rate of 12 cents per mile to compute the deduction for charitable use of an automobile. At that time, the standard mileage rate deduction for business use of an automobile was 20.5 cents for the first 15 thousand business miles and 11 cents per mile thereafter. Since 1984, the Department of the Treasury has increased the standard mileage rate deduction for business travel to its present rate for 1993 of 28 cents for unlimited mileage.

Unfortunately, the Treasury Department does not have the legislative authority to increase the charitable mileage rate. The current 12-cent rate, which equaled 57 percent of the business mileage rate in 1984, has declined in value such that it represents only 42 percent of the current business mileage rate.

The bill I am introducing would increase the charitable mileage rate to 16 cents per mile. It would also require that the Secretary of the Treasury increase such rate as increases are made in the future to the business use rate. Thus, this legislation would restore the 57 percent ratio that existed between the two rates in 1984 and maintain this ratio in the future without the need for legislative action.

Mr. Speaker, Federal funding for human services programs for veterans, the elderly, and other deserving groups has regrettably been reduced over the past 12 years. Charitable organizations and their volunteers have laudably taken on more of the burden of responding to people in need. While increasing the charitable mileage rate to 16 cents per mile would not cover all of the expenses that volunteer drivers incur, it would at least restore the value of the charitable mileage deduction relative to the business mileage deduction.

I urge my colleagues to help promote voluntarism in our country by supporting this legislation.

TRIBUTE TO JOSEPH M. CHOMSKI

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I wish to pay tribute today to my good friend, Joe Chomski, who passed away on March 18, 1993, at the age of 46.

Joe was a partner at Birch, Horton, Bittner, and Cherot in Washington, DC, and was instrumental in the success of many important legislative and judicial projects that will benefit Alaska for a long time to come.

Joe was the Alaska Legislature's Washington counsel on the Alaska gas pipeline and the Alaska Governor's north slope task force. He was the principal Washington representative for the Alaska attorney general in Alaska's public lands lawsuit against the Federal Government, and chief negotiator for the State in its historic settlement. He represented the Alaska Teamsters Union pension trust and was actively involved in writing the Alaska National Lands Conservation Act. He was the principal participant in the creation of the 1983 amendments to the Fur Seal Act.

Joe also was lead counsel for the Alaska Native net operating loss coalition and secured provisions to provide for payments in excess of $500 million to Alaska Native corporations. He represented the Pribilof Islands natives and was the architect of the United States Pribilof Islands Trust Agreement. He also served as U.S. advisor to North Pacific Fur Seal Treaty negotiations.

I knew Joe as the successful, bright, young attorney with a beautiful young family who seemed to live the American dream until he was stricken with cancer in 1990. I then began to know him as the truly courageous man that he was with a strength of character second to none.

All who knew Joe during his painful ordeal with leukemia were continually amazed at his never-ending courage and undaunted spirit. I know many people who shared my experience of calling to cheer Joe up only to hang up feeling like the one who had been cheered, and more than that, warmed and inspired by a very special human being who refused to know self-pity or discouragement.

Joe's all-too-brief life was filled with success. He was a successful attorney, community volunteer, devoted family man, friend, American. We honor him today for his many important contributions through the work that he did and through the friendships that he made. We will treasure his memory and continue to be inspired by the valuable lessons of courage that we all learned from him. I am proud to have called him my friend.

THE INTRODUCTION OF THE ADVANCE DIRECTIVES EXPANSION ACT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. DOOLEY. Mr. Speaker, today I have introduced the Advance Directives Expansion Act, which will give more Americans a cost-saving and humane choice on end-of-life health care.

We all know that modern health care technology works wonders and saves lives, but in some cases it only prolongs dying through unnecessary and expensive treatment. In fact, studies show that $1 of every $7 spent each year on health care comes in the last 6 months of a patient's life.

Of the approximately 2 million Americans who die each year, 80 percent die in hospitals, and perhaps 70 percent of those die after a decision is made to forgo life-extending measures.

Given the choice, most Americans would not want their lives hopelessly—and expensively—prolonged by machines. However, most Americans have left no instructions to aid their physicians or families in reaching these important decisions.

In recognition of this, Congress passed the Patients Self Determination Act as part of the Omnibus Budget Reconciliation Act of 1990. The law applies to all health care institutions, including hospitals, skilled nursing facilities, hospices, home care programs, and HMO's, that receive Medicare or Medicaid.

It requires that all individuals receiving medical care must be given written information about their rights under State law to make decisions about medical care, including the right to accept or refuse medical or surgical treatment. They also must be given information about their rights to formulate advance directives such as living wills and durable powers of attorney for health care.

My legislation expands the advance directives notification to involve more Americans. Under this bill, information about advance directives will be included in enrollment materials for Medicare and Medicaid Programs. This legislation will give more Americans an opportunity to consider their health care options in advance of an emergency. It also will save millions of dollars in unnecessary medical procedures.

Regardless of the model of national health care reform package that is established, I believe that advance directives should be a key component. All Americans should have the opportunity to make these important decisions when enrolling in a health care plan.

I urge my colleagues to support advance directives, and to support the Advance Directives Expansion Act.

A TRIBUTE TO VICE MINISTER STEPHEN CHEN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the Coordination Council of North American Affair's Deputy Representative, Stephen Chen, who will return to Taipei, Taiwan, to assume the post of Vice Minister, Ministry of Foreign Affairs, the Republic of China.

As Deputy Representative for the past 3 years, Mr. Chen has assisted Ambassador Mou-shih Ding in strengthening the relationship between Taiwan and the United States. Mr. Chen, who has lived in Chevy Chase, MD, in my Eighth Congressional District, is known as an able and articulate official. He is fluent in four languages, having served in diplomatic missions around the world since 1953. He is married to Rosa Te Chen, and they have two sons and one daughter.

When he assumes the role of Vice Foreign Minister, Stephen Chen will be in charge of North American affairs. In that position, he will be building on his past experience as consul general in Atlanta and director general in Los Angeles. Congratulations and best wishes to Mr. Chen for continued success.

TRIBUTE TO MR. GORDON PHILLIPS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating one of my constituents, Gordon C. Phillips, who is retiring today after years of dedicated service as the first full-time city attorney of Redondo Beach.

Gordon Phillips began his term as part-time city attorney of Redondo Beach on March 10, 1981, and on June 5, 1984, was elected the first full-time city attorney, a position he has held ever since.

Gordon Phillips is known as a fair and judicious attorney with a strong sense of the concerns of the residents of Redondo Beach. His agenda is synonymous with the public good. Despite the tribulations of serving an often fractious city council, he has acted with the highest level of professionalism and the utmost regard for the constitutional rights of all the citizens of Redondo Beach. His victories in the Galleria lawsuit and the annexation of Clifton Heights are particularly noteworthy.

Gordon Phillips has been the representative to the Public Works and Transportation Committee and the Telecommunications Subcommittee of the City Attorney Department of the League of California Cities. He has served as a member of the board of directors of the South Bay Bar Association and is currently the chair of Alternate Dispute Resolution Section. Also, he has been an active member and the secretary and vice-president of the City Attorney's Association of Los Angeles County.

After he retires, Mr. Phillips plans to pursue graduate studies and will be volunteering his time to assist others with legal matters. I commend Gordon Phillips for all the outstanding work he has done for the people of Redondo Beach and wish him success in future endeavors.

IN HONOR OF FATHER LUIS OLIVARES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. ROYBAL-ALLARD. Mr. Speaker, I take this opportunity to memorialize Father Luis Olivares of Los Angeles, CA, who passed away last Thursday. He was a man who left his positive mark on all through his actions in helping the immigrants and the poor of this country.

Father Olivares exemplified the virtues of courage, compassion, and faith. Through many dramatic displays of conviction he often demonstrated the lengths to which he would go to help people in need. People like the Central American refugees he sheltered when he declared his church a sanctuary for them. And people like the working poor, with whom he stood in demonstrations, fasts, and prayers as they fought for better working conditions for decades.

Father Olivares had an unforgettable impact on the people of my district. As a direct result of his efforts, he enabled people to experience an immeasurable sense of pride, dignity, and self-worth. He, and the gracious life he most beautifully exemplified, will never be forgotten. For he will always live in the hearts of those blessed by having the privilege of knowing him.

ALENE D. TAYMAN: AN OUTSTANDING CAREER OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. HOYER. Mr. Speaker, I rise in recognition of Mrs. Alene D. Tayman's dedicated career of public service to the Federal Government which comes to an end today. Mrs. Tayman has served as historian of bills for the CONGRESSIONAL RECORD Index since her appointment by Senator Carl T. Hayden in 1964. For the past 29 years, she has monitored every piece of legislation occurring in the House and Senate and has been responsible for the history of bills and resolutions section of each CONGRESSIONAL RECORD Index issue.

A resident of Greenbelt, MD, Mrs. Tayman began her career in 1958 publishing the monthly newsletter of Congresswoman Martha Griffiths of Michigan. In 1962 she was appointed to the Joint Committee on Printing by Senator Hayden prior to becoming historian of bills. Mrs. Tayman's exemplary career has been characterized by the utmost professionalism and commitment. As she embarks on new endeavors with her husband Wallace and their four daughters, I ask my colleagues to join with me in extending gratitude for her contribution to the Congress and our Nation.

TRIBUTE TO DR. LINDA PETERSON

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. TALENT. Mr. Speaker, I rise today to recognize Dr. Linda Peterson, who I am proud to represent from the Second District of Missouri. Dr. Peterson, who has lived in the St. Louis area for 7 years and is graduate of the Washington University School of Medicine, was recently awarded the American College of Physicians' Poster Conference for new research in the State of Missouri.

In a very short period of time, Dr. Peterson has established herself as a leader among her peers. While still in school, she obtained academic honors in neurology/neurosurgery, neural sciences, medical subinternship, radiology, and pulmonary medicine. She also cofounded the Washington University American Medical Students Substance Abuse Prevention Program. Since graduating in 1990, Dr. Peterson has distinguished herself as an outstanding resident on the medical staff on Barnes Hospital in St. Louis. And this June she will start her cardiology fellowship there.

Dr. Peterson is in town to compete for the American College of Physicians' national competition. The cardiology research which won her the Missouri award will be published in the American Journal of Medicine. I wish Linda well in her upcoming competition.

Mr. Speaker, it is truly an honor to represent such an outstanding individual.

FOOD QUALITY PROTECTION ACT OF 1993

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. ROWLAND. Mr. Speaker, I rise today to join my fellow colleagues, Congressman LEHMAN of California and Congressman BLILEY of Virginia, in introducing the Food Quality Protection Act of 1993. This legislation reforms and modernizes the pesticide risk tolerance provisions of the Federal Food, Drug and Cosmetic Act [FFDCA].

The U.S. food supply is the safest, most wholesome, and abundant food supply in the world. Today's foods are safe from pathogens, diseases, and parasites and are more nutritious than ever. Pesticides and fertilizers are crucial to the production of our high-quality food supply.

Currently, the FFDCA gives the Environmental Protection Agency [EPA] responsibility for establishing tolerances for pesticide residues in raw or processed foods.

The FFDCA has two sections, sections 408 and 409, which set up different criteria for setting tolerances for pesticide residues in foods. Section 408 applies to raw agricultural commodities and mandates a cost-benefit approach that balances the risks associated with the use of a pesticide against the benefits of using it in the food supply. Section 409, which applies only to processed foods, includes the Delaney clause, which prohibits pesticides that have been found to induce cancer in humans or in animals.

Congress enacted the Delaney clause in 1958. It required processed foods to have a zero risk tolerance of pesticides. With scientific advancement in the past 35 years, we can now trace pesticides at such minute levels that they present an almost nonexistent risk of cancer. In 1987, the National Academy of Sciences published a report stating that the EPA should use a negligible risk standard, meaning that the risk could be one in one millionth. EPA adopted this updated standard.

In 1991, the Natural Resources Defense Council filed suit in the ninth district court in California, protesting the negligible risk standard. The court ruled in favor of the NRDC. In response to the decision, the EPA published a list of pesticides which could potentially be withdrawn from the market. The EPA is expected to make adjustments in the coming weeks, which could mean more pesticides would be added to the list.

The loss of these pesticides could increase the costs of production for producers and the costs of commodities for consumers. The availability and quality of foods for consumers will decrease as well. In addition, pest problems are cyclical. One year a pest may have the potential to devastate an entire crop, the next year the pest may disappear. Without the availability of pesticides, the crop abundance may fluctuate each year.

This could be devastating to the South and the Southeast. The production of fruits and vegetables would be decreased. Peanut production could be disabled. The costs of soybean production could skyrocket. In my own State of Georgia, this would be disastrous.

I join with my colleagues in introducing legislation to address this problem. This bill will improve and update current law and will give the EPA necessary flexibility to employ reasonable risk estimates. It will streamline the pesticide cancellation process. It will provide a uniform negligible risk standard for pesticide residues in both raw and processed foods, as recommended by the National Academy of Sciences.

We have come a long way since the Delaney clause was enacted in 1958. The enactment of this law will take into account scientific advancements and address the benefits of pesticides, not the risks alone. As a result, we would continue to have access to the safest, most abundant food supply in the world.

CONGRATULATIONS TO STELLA YOUNGLOVE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. CALVERT. Mr. Speaker, in towns and cities throughout this great country of ours, there are a few individuals who, because they contribute so generously of their time and talents to help others, are recognized as pillars of their community. One such individual in the community of Riverside, CA, is Mrs. Stella Younglove.

Mrs. Younglove was born Stella Hephner in a small farmhouse in Chilton, WI, in 1903, when Theodore Roosevelt was President. Her father died when she was but 3 months old, and she and her mother were forced to move into a log cabin with a relative. After her mother remarried, Stella's new family moved to Bloomington, CA.

When it was time for Stella to attend high school, her parents sent her to Poly High School in Riverside via the train. After graduation, Stella married Howard Younglove, who was in the wholesale oil business, and they settled in Riverside.

During World War II, Mrs. Younglove was active in organizing blood drives, collecting books and magazines, and performing other volunteer efforts on behalf of our GI's. After the war, she turned her attention to other volunteer projects, including the Junior League, the Girl Scouts, the Polio Foundation, the University of California at Riverside's religious center, and the Catholic Church. She also served as both State and national president of the organization, Pro-America.

For nearly a half century, Stella Younglove has been an active worker in the Riverside Community Republican Party, serving as president of the Republican Women's Club, as vice chairman of the Riverside County Republican Central Committee, and as chairman of Republican precinct workers. And, she was appointed by Governor Ronald Reagan to the State of California Air Resources Board.

On March 23, 1993, Mrs. Stella Younglove celebrated her 90th birthday at the newly renovated Mission Inn in Riverside, a historic hotel which, coincidentally, was visited by President Theodore Roosevelt in 1903, the year of Stella's birth. It is a great pleasure for me to congratulate Mrs. Younglove on her many contributions to our community, and to wish her a very happy 51st anniversary of her 39th birthday.

WE CANNOT TURN OUR HEADS AWAY WHILE THIS IS GOING ON

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. BYRNE. Mr. Speaker, I stand before you today shocked by the prospect of history repeating itself. Not only through the abhorrent actions of Serbia against a defenseless Bosnia, but through our own inaction; our tacit acceptance of mass rape and what can only be described as genocide.

There are those who say, where is the European Community? Still others want America to ignore everything except America's own problems. Mr. Speaker, if America stands for anything it stands for freedom. If America turns away from any nation that is oppressed by another, any nation that is systematically defiled for political and military gain, then we have lost our way.

Eastern Europe has experienced internal and external conflicts since before World War I. Clearly, European nations have primary responsibility for the security of the region. But their inaction should not preclude our action. I do not believe that the United States should commit troops. However, I hope that we can provide more humanitarian aid to the besieged civilian population.

Some say that we cannot afford to help anyone but ourselves. The economic situation here prevents us from taking a role. They say we just aren't in a position to help out. I disagree with that because what America stands for and cares about is freedom.

We are known throughout the world as freedom-lovers. Freedom to worship. Freedom to travel. Freedom of speech. Freedom to live without persecution and oppression. When others turn away from the defense of freedom, then there is all the more reason to defend it.

Last week a constituent, Janet Hineman, called by office to express horror at the atrocities in the former Yugoslavia. She saw on her TV what is happening to women, children, the elderly, and she just couldn't stand it. She recently had to leave her job because of a chronic disability and was feeling down on her luck.

But, when Ms. Hineman saw the reports from Bosnia, she knew she could not in good conscience stand by while genocide continues.

We must make a difference.

United Nations experts estimated that 100,000 people would die of hunger and cold this winter in Bosnia-Herzegovina.

Experts estimate that 130,000 persons have been killed or are missing.

More than 800,000 people from Bosnia-Herzegovina are displaced, and now refugees from this brutal conflict.

The total number of refugees created by this conflict is 2,000,000 and rising.

The United States can and must make a difference. We must send in humanitarian aid; we must help those less fortunate than ourselves.

We abhor systematic rape to demoralize a people. We cannot abide genocide. I am a cosponsor of House Concurrent Resolution 24, which expresses the sense of this Congress that the situation in the former Republic of Yugoslavia is intolerable and calls for its immediate cessation.

We cannot ignore cries of the innocents. The horror is incomprehensible. There is no measure for the toll that this terror has taken on hundreds of thousands of innocent lives. Women, children and grandmothers rounded up in the ways of Auschwitz, led to Serbian rape camps to be violated, impregnated or killed. And yet the world is silent. America is silent. The rape or Bosnia is in fact the rape of freedom and nothing less. The silence must end and end now.

The atrocities being committed in Bosnia are so heinous, so vile, that an international war crimes tribunal must be established to deal with these human rights violations. As citizens of the United States and of the world we must do what others cannot. Janet Hineman, whom I mentioned before, understands that need.

Despite her own financial concerns she offered to house and care for an entire Bosnian family until they can safely return to their homeland. She has a home and is willing to share it with those less fortunate than herself.

This is the American spirit. This is what we are about. Thank you, Janet Hineman, for making us remember, that just because we don't have everything, we still have a lot to be thankful for. It is our duty to aid people who are not yet living free.

Thank you, Ms. Hineman. America must lead in the fight for freedom or America will fall in its demise. To quote Ms. Hineman "We cannot turn our heads away while this is going on."

TRIBUTE TO THE KILGORE JUNIOR COLLEGE LADY RANGERS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize an exceptional group of young women from my congressional district: the Kilgore Junior College Lady Rangers, of Kilgore, TX. The Lady Rangers won an unprecedented third National Junior College Women's basketball championship Saturday, the 20th of March. They add this championship to those won in 1990 and 1988 to become the first team to win three titles since the tournament began in 1975.

The Lady Rangers win over Louisburg College, North Carolina, by a score of 104 to 99, denied the North Carolina team a third national title. Kilgore's win became the fifth Texas junior college to win the national title in the past 8 years.

The team effort that won the Lady Rangers their third title was led by their head coach, Evelyn Blalock, who also coached the team to their other two titles and assistant coach, Patricia Beckworth. She coached the Lady Rangers to a record of 26 wins and 5 losses for the year. Linda Watson was named Most Valuable Player for the tournament. She led all scorers with 34 points, including five 3-pointers. I believe that coach Blalock is, by far, the finest basketball coach in America and her record bears that out.

I would like to congratulate all of the players and managers of the Kilgore Junior College Lady Rangers for the hard work and team effort that won them this unprecedented title. The community support that they have received from their many fans has contributed to their success. I know that I speak for many of the people of Kilgore as well as the parents, coaches, faculty, and students, when I say that we are very proud of these young women and take special note of their accomplishments today.

Mr. Speaker, as we adjourn today, let us do so in honor of and in respect for the Kilgore Texas Lady Rangers, America's top women's basketball team.

HONORING OCCUPATIONAL THERAPY MONTH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in honor of the designation of April, 1993 as Occupational Therapy Month.

Providing care for both the young and the elderly, occupational therapists and occupational therapist assistants have dedicated their work to improving the lives of those who must cope with physical and mental disabilities, the aging process, and substance abuse. Occupational therapists allow a great number of citizens of the United States to lead healthy and productive lives, and allow such individuals to lead their lives with greater self-confidence and personal accomplishment.

With health care reform playing such a large role in the congressional agenda, it is important to recognize those that provide such an important service for the benefit of others. Therefore, I am proud to pay tribute to those in the occupational therapy field as the Nation celebrates Occupational Therapy Month, and highly commend them on a job well done.

TRIBUTE TO THE SCHUYLKILL COUNTY VOCATIONAL PROGRAM SYSTEM

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. HOLDEN. Mr. Speaker, I am pleased to commend the Schuylkill County vocational education system on its history of superior trade and technical programs. This week of April 26–30, 1993, marks the celebration of the Schuylkill County Vocational Education Week.

Since its start in 1968, vocational education in Schuylkill County has served secondary students from many area high schools. Additionally, the system has offered training and retraining for adults for over 20 years, filling an essential local need.

Keeping up with changes in technology is important to Schuylkill County vocational education, enabling it to continue to produce quality graduates. Each training program is reviewed by an advisory committee made up of business and industry representatives who update the curriculum based on industry standards.

Vocational education has played a vital role in the training of skilled workers for Schuylkill County and the surrounding areas. I commend all those who have participated in vocational education for they have made it the true success it is. I also know that all of my colleagues here in the House join me in recognizing Schuylkill County Vocational Education Week.

THE NEED TO EXPAND THE FEDERAL EMPLOYEES' COMPENSATION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. STARK. Mr. Speaker, today I am introducing a bill to correct an oversight in the Federal Employees' Compensation Act [FECA].

FECA was designed to assist and compensate Federal employees who lose or lose the use of body parts while on the job. Currently the large intestine, including the rectosigmoid, is not included on the award compensation list.

There are individuals who have been legitimately injured this way, however. These people face hardships and high medical costs because they are not eligible to receive compensation. The Department of Labor has informed me that they do not intend to change the compensation schedule.

It is not fair that these workers should be excluded from coverage by the act. My bill would include the large intestine and rectosigmoid on the schedule, letting the Secretary of Labor determine the proper level of compensation.

BIRTH OF CODY IAN ABBOTT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. LIPINSKI. Mr. Speaker, it give me great pleasure to bring to the attention of my colleagues, the birth of a baby. Cody Ian Abbott is the son of Denise and Grant Abbott, who reside near Atlanta, GA, and the grandson of Rita and Wally Pula, who reside in the Third District of Illinois.

Cody Ian Abbott was born at 11:04 a.m. on February 3, 1993, and weighing 7 lbs. 12 oz. On an occasion such as this, I join with the members of the Pula and Abbott families in wishing the newborn all the best for the promising future ahead of him.

I am sure that my colleagues join me in congratulating the proud parents, Denise and Grant, on this most joyous occasion. May their life together continue to be an adventure. This new addition to their lives will surely bring them much happiness in the years to come.

COMMENDING CASA GRANDE HIGH SCHOOL ACADEMIC DECATHLETES AND COACH RICK PILLSBURY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to congratulate the Casa Grande Decathalon Team from my home city of Petaluma, CA. The team from Casa Grande High placed within the top 10 schools in the State at the recent statewide competition, the Academic Decathlon. Although their performance was terrific, it was not unusual. This group, under the direction of their coach, math and science teacher Rick Pillsbury, regularly returns home to Petaluma with medals from the decathlon.

Mr. Speaker, I want to commend Rick Pillsbury, and to hold him up as a shining example of teachers at their best. He has been the head decathlon coach at Casa for nearly a decade, and teaches the children not only the details of math and science, but more importantly, teaches them how to learn and love it. Often referred to as "the Renaissance Man," Mr. Pillsbury combines rigorous academic training for his students with creative activities to encourage his students to cultivate interests apart from academic subjects and become well-rounded.

One of the most inspiring aspects of Mr. Pillsbury's triumphs is the fact that his budget to run the decathlon training program is a mere $80 a year. Yet, the team keeps winning and his students consistently pass the advanced placement calculus exam in flying colors—92 percent of them pass as compared to the national average of 64 percent.

I am proud to have such a fine, creative, and dedicated teacher in my district. Congratulations again, Casa, and thanks, Rick Pillsbury.

TRIBUTE TO THE NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. VISCLOSKY. Mr. Speaker, it is truly my pleasure to rise today and commend the Northwest Indiana Hispanic Coordinating Council on the advent of its Fifth Annual Recognition Banquet.

The Northwest Indiana Hispanic Coordinating Council was founded on November 15, 1988, and has proven to be a positive influence in numerous ways throughout Northwest Indiana. Council president and cofounder, Mr. Benjamin T. Luna, has been extremely instrumental in providing the Hispanic community with a variety of educational programs, including the recent Fourth Annual Conference on Hispanic Issues.

This year the Northwest Indiana Hispanic Coordinating Council will recognize several unique individuals and organizations for their dedication and generous contributions to the area. Those honored this year include American Legion Post 508; John Aguilera, Jr., for his community involvement in East Chicago, IN; Gloria Soto, with the Haven House, and Lawrence Sharp, executive director of the International Institute, for their valued community service; as well as Manuel Franco, for his efforts with the Labor Council for Latin Americans. In addition, Dona Maria Villalpando will be the recipient of the Outstanding Family Award.

The council will also recognize several outstanding student athletes. David Maldonado will receive the prestigious honor of the Special Athlete of the Year, while accolades will also be extended to Jacob Adams, Lisa Salazar, Adrienne Padilla, Julio Chavarria, Michael David Goo, Fernando Lopez, Marceilo Garcia, Elias Marks, Juanita Toledo, Oliver Martinez, Rich Otero, and Arthur Munoz.

Special academic recognition will be bestowed upon Christine Quinn for her outstanding leadership qualities throughout the academic school year. Other academic honorees will include Joe Rivas, Amy Velez, Melissa Gonzalez, LuJessia Garcia, Roy Hernandez, Jessica O'Neil, Salvador Arana, Ana Gutierrez, Mike Suarez, Maria Gamez, Matt Perez, Margarita Rocha, Adrienne Mayorga, Loshay Flores, Jehremy Vargas, Kristy Zalazar, Christine Fuents, Michael Tabor, Gina Godinez, Eduardo Castellan, Ryan Guillen, Estela Bustamante, Amelia Zamora, Mary Ann Kusiak, Francisco Ochoa, Teisha Chavez, and Michelle Castillo-Flores.

All participants in this year's Hispanic Coordinating Council Recognition banquet are most deserving of the pride and honor exhibited on this very special occasion. It is my distinct privilege to commend each and every individual involved, as well as the council officers for their most dedicated and appreciated community service. May this event prove to be the most successful and rewarding thus far.

TOWN OF ELON COLLEGE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. COBLE. Mr. Speaker, on April 7, 1993, a town in my congressional district will celebrate its centennial anniversary. It was 100 years ago on this date that the town of Elon College, NC, was incorporated. All of us who call the Sixth District of North Carolina home offer our congratulations to this wonderful town on this historic occasion.

Many people may know Elon College because it is the home of a college which shares the same name with the town. I am proud of my association with the town and school. Two of my staffers are graduates of Elon College. The town has a rich history and bright future. On Wednesday, April 7, I plan to join the celebration of Elon College's century mark. Among the highlights will be the presentation of a centennial flag and stamp.

This celebration will commemorate the first 100 years of Elon College. We will also use this occasion to look ahead to the next 100 years for the town.

To fully appreciate where Elon College is going, we must remember from where it came. An excellent description of the town's past is found in the publication "Town of Elon College—A Brief History," by Mary L. and T.H. Mackintosh. I hope you will enjoy reading it. On behalf of the citizens of the Sixth District of North Carolina, we offer our congratulations to Elon College for its first 100 years.

TOWN OF ELON COLLEGE—A BRIEF HISTORY

(By Mary L. and T.H. Mackintosh)

In the years from 1851 to 1856, the North Carolina Railroad Company built a railroad running from Goldsboro to Charlotte which passed through a heavily-wooded area known today as the Town of Elon College.

A description of Elon College in the Centennial edition of the Burlington, N.C., *Daily Times-News* states that "Two dirt roads crossed at the railroad tracks." One of these, following the railroad tracks, ran from Gibsonville to what is now Burlington. The other ran south from Ossipee through present-day Elon College. Continuing south, it afforded access to a stage coach inn located slightly west of the intersection of today's Highway 70 and South Williamson Avenue extension. The inn was operated by Squire John Boon; hence the spot where the Ossipee and Gibsonville-Burlington roads crossed at the railroad was known as Boon's Crossing.

An article entitled "The Genesis of Elon College," by Dr. J.A. Hunter referred to the general locality of the crossing as ". . . merely a stretch of woodland and farm land . . .," and the region remained much the same for nearly 30 years after the advent of rail service.

In the fall of 1887 it was rumored that a depot would soon be built at Boon's Crossing. A newspaper report in April, 1888, noted that "Mill Point is the name of the new railway station recently established about 4½ miles west of Burlington. . . . It is to be the shipping point for several cotton mills. . . ." The mills in question are those at Ossipee and Altamahaw—possibly Alamance also. The Ossipee mill was owned by Capt. James N. Williamson, a Confederate veteran living in

Graham, and the Hunter article attributes to his "initiative" the erection of the new rail facility.

Further, Capt. Williamson constructed at Mill Point a two-story residence near the station. The dwelling apparently was not intended for his own occupancy, however. (It is known that it was occupied in 1890 by the S.A. Holleman family, when it served as a women's dormitory.) This home still stands at 111 E. Trollinger Avenue much as it was originally built—that is, without major additions or structural changes.

When the depot was completed, W.L. Smith became the first freight agent. He built a one-story, three-room house at the southeast corner of West Trollinger and South Holt Avenues, the deed to the land being dated October 22, 1888. In 1889, he acquired more acreage and within a year or two constructed a two-story addition to the original one-story dwelling. The residence is now the home of his son, Thomas L. Smith, who is currently serving a second term as mayor of Elon College.

Older residents generally agree that, prior to the building of the freight depot, there were only two houses in the area that later comprised the first corporate limits of Elon College. Neither house is now in existence. The older of these, a short distance north of the present town water tank, was located on south Williamson Avenue. It was built by Joseph James, and on his death was occupied by his son, Peter James.

The second dwelling, the home of the W.P. Huffines family, was on North Williamson Avenue, almost immediately behind today's Exxon service station at 102 E. Haggard Avenue. One of the Huffines daughters, now living between Elon and Gibsonville, remembers that in the days of wood-burning locomotives, her father was engaged to fill the local wood rack.

In 1888, a post office was opened at Mill Point, with John Q. Gant, one of the owners of Altamahaw Cotton Mill, serving as the first postmaster. In the application for the post office, Mill Point was described as "new place—no settlement."

A settlement quickly sprang up in 1889, however, when in that year the Christian denomination established a four-year, coeducational college at Mill Point. The denomination at the time was leasing from Dr. W.S. Long his private school at Graham, Graham Normal College. To afford a nucleus for the four-year college, Graham College was moved to the new location. Dr. Long was chosen as president of the newly-established school.

The Mill Point site for the institution was on about 50 acres of land donated by W.H. Trollinger of Haw River. Because the selected location abounded in oak trees, the college was given the Hebrew name of oak, Elon. A recent church history by Dr. Durward T. Stokes and Dr. William T. Scott credits Capt. Williamson with giving "the largest single cash donation" to the new school.

Construction began in 1889. When the college opened in 1890 with 76 students, one brick building had been erected on the campus. Although incomplete, this housed some men students and faculty members, and contained offices, classrooms, and an auditorium. A small frame building close by served as a dining hall. A dozen or so women students roomed in the Williamson house, while still other students were quartered in homes of the village. At the same time, erection of a dormitory for women was well under way.

Construction of college buildings had spurred a residential building boom. In general, these new homes were for college personnel and for families moving to the community to enter their children in college. Dr. Long's own home was one of those in the first category.

Dr. W.T. Scott, Director of Church Relations for the college 1963–67, has stated, "In 1890, the town was laid out and platted by Professor S.A. Holleman, a member of the faculty of Graham College and of Elon College. The campus was placed at the center of the town flanked and divided by avenues (not streets!)." Williamson and Trollinger, obviously, were named for James N. Williamson and W.H. Trollinger. O'Kelly honors the Rev. James O'Kelly, founder of the Christian Church, while Haggard is in honor of Rice Haggard, who first proposed the name "Christian" for the new denomination. In general, other avenues bear the names of Biblical places or of persons notable in the Christian denomination.

In May, 1890, the name of the post office at Mill Point was changed to Elon College. On April 7, 1893, the village formally became the Incorporated Town of Elon College, receiving its charter from the state on that date.

INTRODUCTION OF THE BLM REAUTHORIZATION BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. VENTO. Mr. Speaker, I am today introducing a bill to authorize appropriations for activities of the Bureau of Land Management [BLM] for the 4 fiscal years ending on September 30, 1997.

The BLM is a very important Agency of Government, with sole responsibility for management of some 270 million acres—about 13 percent of the total land surface of the Nation—and for administering mineral leasing and supervising mineral operations on an additional 300 million acres throughout the United States.

The basic law governing BLM's activities is the Federal Land Policy and Management Act of 1976 [FLPMA] sometimes referred to as BLM's Organic Act. It provides for periodic reauthorization of BLM appropriations, but such reauthorization has occurred only once, and there has been no authorization for appropriations for most BLM activities since the end of fiscal 1982.

For several years, I have been attempting to correct this situation by securing enactment of a reauthorization measure. The House passed a BLM reauthorization bill in 1990 and again in 1991, but there was no consideration of these bills in the other body until last year. Then, a different version of the bill was favorably reported from the Senate Energy and Natural Resources Committee but time ran out before action could be completed in the 102d Congress.

The bill I am introducing today closely resembles the BLM reauthorization bill (H.R. 1096) passed by the House on July 23, 1991. Among other things, it would establish deadlines for completion of land-use plans for the public lands managed by BLM; limit the role of political, noncareer appointees within BLM; increase the penalties for violations of laws or regulations applicable to the public lands; clarify the susceptibility of BLM decisions to judicial review; and address problems presented by claims of various parties for highway rights-of-way allegedly established under a 19th century law repealed by FLPMA.

However, my new bill adds a provision for study of BLM lands for possible designation as national conservation areas, and omits the provisions of the 1991 version dealing with the fees to be charged for grazing on the public rangelands of the Western States and those closing loopholes in current law prohibiting the subleasing of grazing allotments.

Omission of these grazing-related provisions does not mean that I disapprove of them—in fact, I have consistently supported both as part of a BLM reauthorization measure. Rather, it reflects my intention to include them in a separate bill, so as to sharpen the focus of committee consideration.

Secretary Babbitt has indicated his interest in developing an incentive-based system, under which grazing fees would be closer to those charged in the open market but permittees could obtain substantial discounts in return for improvements in range conditions. I am pleased to seriously consider legislation along those lines, which at a later stage it may be appropriate to combine with the BLM reauthorization bill I am introducing today.

Mr. Speaker, I think this year we can break the deadlock and enact a reauthorization measure for BLM. The introduction of this new bill is intended to be the first step in that process, and I intend to continue to work to achieve that goal.

PUERTO RICO-UNITED STATES EMPLOYMENT AND COMMUNITY STABILIZATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing the Puerto Rico-United States Employment and Community Stabilization Act of 1993. This legislation will eliminate incentives granted by the Commonwealth of Puerto Rico to encourage corporations to relocate in Puerto Rico, leaving behind unemployed workers and devastated local communities.

Many corporations have taken advantage of Puerto Rico's tax and other benefits, closing factories in States such as California, Pennsylvania, and Indiana, and reopening in Puerto Rico. There are two primary reasons for the relocation: section 936 of the Internal Revenue Code, as well as benefits provided by the Commonwealth of Puerto Rico.

This bill does not affect section 936, a tax incentive estimated to cost about $2 billion per year. The Clinton administration and Congress have already begun discussions on ways to address section 936. Instead, this legislation exclusively addresses incentives granted by the Commonwealth government.

The Puerto Rico-United States Employment and Community Stabilization Act prohibits the Puerto Rico government from granting any funds or benefits to any runaway business. A runaway business is defined as a business, that by relocating to Puerto Rico, will adversely affect the employment or working conditions of 25 employees of that same business in any State. The Puerto Rico government is required to receive from corporations relocating in Puerto Rico a sworn statement that the corporation is not a runaway business. Any entity that suffers economic injury because of a runaway business may bring suit in U.S. district court to recover compensation.

Throughout the United States, communities have lost thousands of jobs because employers have been lured away by tax incentives offered in Puerto Rico. The Midwest Center for Labor Research prepared a report citing 13 case studies where 6,146 jobs were displaced as a direct result of the shift of work from the mainland to Puerto Rico. Among the examples, Elkhart, IN, lost 800 jobs when American Home Products moved to Guyamon, Puerto Rico; New Brunswick and Syracuse, NJ, lost 1,500 jobs when Bristol-Myers Squibb relocated to 5 plants in Puerto Rico; Irvine, CA, lost 300 jobs when Allergan moved to Hormigueros, Puerto Rico, and Philadelphia lost 800 jobs due to Smithkline Beecham's relocation to Cidra and Guayama, Puerto Rico.

Not only does relocation impose significant financial costs on the mainland U.S. economy, but factory transfers also impose severe impacts on the families of those who lost their jobs. In addition, there are tremendous social costs to State and local communities each time a worker faces unemployment. The combined costs to all levels of government can range from $30,000 to $40,000 per worker in the first 2 years following a layoff or plant closing, according to the Midwest Center for Labor Research.

This legislation will remove some of the incentives which have devastated families and communities throughout the United States, each time a corporation relocates in Puerto Rico. I encourage my colleagues to join me in supporting this legislation.

GRAND OPENING OF THE ALICE C. TYLER VILLAGE OF CHILDHELP EAST

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. BLILEY. Mr. Speaker, as April has been designated National Child Abuse Prevention Month, I rise today to bring attention to the tragedy of one of America's most pervasive, destructive, and costly problems—child abuse and neglect. We pay for it in increased crime, imprisonment, drug and alcohol abuse, health care and insurance costs, family deterioration, productivity losses, and in many other ways. It is the root cause of many of our society's ills.

I would like to take this time to recognize the exceptional promise of a program designed to combat the ill effects of child abuse. Yesterday, Childhelp USA celebrated the grand opening of the Alice C. Tyler Village of Childhelp East, Serving Children and the Environment in my district in Culpeper, Virginia. This picturesque, 260-acre country village is named after the late California philanthropist, Alice C. Tyler, will have the capacity to treat 96 children age 2 through 12 who have been severely physically and sexually abused.

The village will provide a consortium of critical social services to improve the quality of life for those children and adults in the greatest need in Virginia and other States along the eastern seaboard. These services include healing and individualized treatment for the most severely abused and neglected children, counseling for families in risk and families presently in crisis, therapy for teenage survivors of abuse, training for social workers and medical interns, and parenting classes for parents seeking to improve their skills.

With the Alice C. Tyler Village of Childhelp East, Serving Children and the Environment, Virginia continues to assume a leadership role in the fight against child abuse and the development of new treatments and new early intervention programs preventing crisis before it occurs. Furthermore, the Culpeper site will represent the Nation's first ecologically designed and built child care facility. The goal of Childhelp with its village is to provide for all children a safe and nurturing environment in which they can develop into productive and whole citizens.

Mr. Speaker, I would like to ask my colleagues to join me in recognizing the Alice C. Tyler Village of Childhelp East, Serving Children and the Environment for its extraordinary promise in the treatment of children scarred by child abuse. Through the efforts of the village, the victims in this area of the country will finally have a caring environment for a happy and healthy childhood.

REMOVE GENDER-SPECIFIC REFERENCES FROM THE D.C. CODE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. NORTON. Mr. Speaker, today I introduce a bill to amend title 11 of the District of Columbia Code to remove all gender-specific references. This bill requires the replacement of male gender references in the section of the D.C. Code governing the local judiciary with gender-neutral language. This legislation must be considered by the Congress because under the Home Rule Act, Congress alone can amend this section of the Code. The District of Columbia Council has already made similar changes in those code titles within its authority to amend. This noncontroversial bill had bipartisan support last session. I look forward to its swift passage this session.

TRIBUTE TO MAYOR HARRY E. MITCHELL UPON HIS RETIREMENT FROM TEMPE HIGH SCHOOL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. PASTOR. Mr. Speaker, last Saturday, March 27, 1993, I was pleased to join teachers, administrators, and former students of Tempe High School, who gathered together to pay tribute to Harry Mitchell, who retired last year from Tempe High after 28 years of dedicated service.

I came to know Harry when I was first elected to the Maricopa County Board of Supervisors 17 years and he was vice mayor of the city of Tempe. We worked together on many projects of interest to the county and on a number of boards and advisory councils associated with our alma mater, Arizona State University.

Upon graduating from ASU in 1962, Harry has dedicated his life to the betterment of his school, community, and State. In 1970, he was elected to serve on the Tempe City Council, where he served for three terms. His three-term stint on the city council was followed by a single term as vice mayor, and then in 1978, he was elected mayor, where he has served an uninterrupted eight-term stretch.

As a teacher of government, Harry defied the old George Bernard Shaw maxim, "He who can does. He who cannot teaches." His students were fortunate to have someone who taught what he practiced—the art of politics. He helped cultivate the minds and influence the politics of a new generation of voting constituents. During his career in and out of the classroom he has compiled an extraordinary record of public service. That he is known as the dean of local mayors in the State of Arizona, is an indication of the respect he has earned from his peers.

I was pleased to join in the tribute to Harry's magnificent record at Tempe High, and I know he will continue compiling new achievements and successes in the future.

THE EGG RESEARCH AND CONSUMER INFORMATION ACT AMENDMENTS OF 1993

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. STENHOLM. Mr. Speaker, I rise today to introduce a bill to amend the Egg Research and Consumer Information Act, the statute authorizing a commodity promotion and research program for the egg industry.

If enacted, this legislation would enable egg producers to vote in a referendum to increase their assessment level from its current rate of 5 cents per case up to a maximum rate of 30 cents per case. The bill would also raise the exemption level from egg producers with 30,000 or less laying hens to egg producers with 50,000 or less laying hens, which is a more accurate description of a small egg producer today. Thus, any egg producer with 50,000 or less layers would not be required to pay an assessment.

The reason I have been such a staunch supporter of the egg checkoff program and other programs like it is because of the many benefits these programs offer agricultural producers and consumers alike. From the development of food handling and safety information for foodservice operations, the research into the relationship between dietary cholesterol and blood cholesterol, the egg checkoff program has provided producers and consumers with value information—without asking the Federal Government to pick up the tab.

Through a collective assessment, the egg industry and others have been able to fund many vital promotion and educational programs, which have helped maintain and expand the market for their products, while enhancing their ability to compete and grow in the future. Working together to improve their product through research, promotion, and consumer information is one of the best ways to anticipate and prepare for market changes, respond to consumer demand, and position the industry for success.

In order to better meet current and future challenges, the egg industry needs to be prepared financially to accomplish the goals of their research and promotion program. This bill provides egg producers with that opportunity, by enabling them to vote on an increased assessment level, provided it does not exceed the 30 cents per case cap in this bill. Of course, any increase would have to be approved in referendum by two-thirds of egg producers voting, or a majority of producers if that majority is responsible for at least two-thirds of the egg production of voting producers.

Mr. Speaker, I urge my fellow Members to join in support of this proposed legislation, and urge its passage in the House.

DEBT LIMIT

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. KYL. Mr. Speaker, it's April Fools' Day and the Democrat leadership is about to pull a fast one on the American people. With this legislation before us today, they're proposing to increase the debt limit by almost one-quarter of a trillion dollars. It's an April Fools' joke that falls flat, because the repercussions are so grave.

For all the President's rhetoric in the last several weeks about deficit reduction, it is now clear that his budget really takes the Nation in only one direction—deeper, much deeper, into debt.

What's worse, this increase in the debt limit—from $4.15 trillion to $4.37 trillion—is expected to accommodate spending only until September 30 of this year. The Clinton budget passed yesterday forecasts a debt ceiling that will reach $6.18 trillion by the end of fiscal year 1998.

Of the budget-related bills Congress has considered so far this year, only one substantively impacts the deficit and it adds—adds—nearly $20 billion to the deficit. That is the President's economic stimulus bill.

And, the only operative provision of the budget resolution, touted as a serious deficit cutting plan, is a debt limit increase. It leaves the actual decisions to cut spending, or even raise taxes, to a later date.

This debt limit increase represents nothing more than business as usual. It is an increase without permanent budgetary reforms. It is an increase without assurances that spending will ever be constrained. It is evidence that the President is just not interested in real deficit reduction.

If the President were serious, he would demand that this increase be coupled with a balanced budget amendment to the Constitution and real cuts in spending; at least with the line-item veto he embraced during last year's campaign.

Mr. Speaker, I oppose this increase in the debt limit, and I urge my colleagues to join me in voting "no" and forcing a vote on substantive budget reforms and spending cuts.

CREATE A SUPREME COURT IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. NORTON. Mr. Speaker, in 1986 Chief Judge William Pryor of the District of Columbia Court of Appeals engaged former Congressman Mervyn M. Dymally, chairman of the Subcommittee on Judiciary and Education, in considerable discussion about the creation of a local supreme court, noting the substantial backlog and delay in the appellate calendar. At that time, there was a 15-month delay from the point of the filing of an appeal to the date of court action. Today, there is a 22-month delay, which is more than twice the length of time recommended by American Bar Association [ABA] standards. Chief Judge Pryor referred to the subcommittee chairman's attention several different studies on the issue.

By the beginning of the first hearing in 1988, there were three different studies regarding creation of a supreme court in the District of Columbia.

The first was the final report of the subcommittee on the "Workload of the D.C. Court of Appeals Judicial Planning Committee," dated August, 1979. In that report, the subcommittee cited a 15.5-month delay from notice to appeal, three times longer than that contemplated by ABA standards, and concluded that an intermediate appellate court should be established in the District of Columbia.

The second report was a copy of a 1986 National Center for State Courts, southeastern region, study on "Appellate Delay in the D.C. Court of Appeals," which concluded that "serious consideration should be given to the creation of an Intermediate Appellate Court," and a 1987 resolution of the board of directors of the Bar Association of the District of Columbia, which "urges the creation of an Intermediate Court for D.C."

The third was a September, 1987 resolution of the board of directors of the Bar Association of the District of Columbia, which also endorsed the idea of an intermediate court.

Each concluded that there was a need for a supreme court in the District of Columbia in order to alleviate the appellate backlog and improve the quality of justice in the District of Columbia. Staff counsel was assigned to explore the matter further and to develop a bill to establish a three-tier court system.

Since 1980, several States have added intermediate appellate courts. According to studies of those courts, the addition of an intermediate court has resulted in a considerable increase in total appellate case dispositions. These States include Idaho, 1982; Minnesota, 1983; South Carolina, 1983; and Virginia, 1985. For example, in Virginia total appellate dispositions from 1980–84 averaged 1,968 annually. Total appellate dispositions in 1986 were 2,479—a 26-percent increase.

The situation has now become critical because the increase in criminal matters in the District makes absolutely necessary a court that can receive matters involving only law, clearing the way for other litigation, especially criminal trials, to move more quickly. The intermediate court generally has an error-correcting function—examining possible errors in the lower court's application of the law. The supreme court, as the highest State court, has a law-stating, law development, function and a final-error correcting function, as the ultimate interpreter of the law. Many cases would be certified to the supreme court, relieving massive backlog pressures in the two lower courts and allowing them to process criminal and civil matters which the public feels are of the greatest urgency.

The proposed legislation revises the system to address the appellate backlog problem; makes room for the more rapid disposition of lower court trials, especially criminal matters; and resolves the policy concern raised by an appellate court with both law-stating and error-correcting functions by putting in place the same system found in the great majority of States.

BOVINE GROWTH HORMONE AND THE PUBLIC HEALTH

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. SANDERS. Mr. Speaker, all across America, family farmers are under severe pressure. In my State of Vermont, dairy farmers work 80 hours a week or more, and yet don't even get enough money for their milk to stay in business.

The situation is already critical for the family dairy farm. But now, a new threat looms on the horizon. This is the drug BGH—bovine growth hormone—which will lead to an increase in milk production, and a drop in consumption. The result, of course, will be a further decrease in the prices farmers get for their milk.

This would be bad enough. But in fact, the situation is worse. For BGH not only threatens the survival of the family farm—it also is a threat to public health.

Here's why. Bovine growth hormone causes an increased incidence of mastitis, a disease of the cow's udder. This is treated by farmers using antibiotics. And these antibiotics can get into our milk supply.

One would think that the Government would be very concerned about this danger and would take special care in reviewing the application for approval of BGH to see that these human health concerns were fully examined. But up until now, quite frankly, the BGH review process has been riddled with controversy, violations of Federal regulations, misinformation, skewed data, and a lack of cooperation on the part of BGH's corporate sponsors.

I believe that if allowed to continue along the path it is on, the review process itself will greatly undermine the future credibility of the FDA.

Like most Americans I want to know that the process by which drugs like BGH are approved or disapproved is a process that is fair and works in the interest of ordinary people and is not tilted to represent the interests of powerful, multinational corporations like Monsanto.

As someone who has watched and participated closely in aspects of this process, I feel it is deeply flawed and recommend strongly that FDA withhold any recommendation of approval until concerns about this process are fully addressed and resolved.

We cannot adequately judge the impact of BGH because we have not been given access to the full range of information needed to make such an important decision.

It is my belief and the belief of others that the conclusions brought forth by the FDA's Center for Veterinary Medicine are based on a faulty analysis of questionable data.

Like most of this process the findings are more significant for what is missing than for what they contain.

BGH, we must understand, is essentially an unnecessary product. It does not solve a human medical problem nor address a cow health problem. On the contrary, it is a drug which admittedly makes cows sick. For what reason? To enhance the production of a product that is already in surplus.

As such, BGH is not worth any risk at all to the health of consumers, or frankly to the health of cows who will be treated with it.

Despite the best efforts of the drug's corporate sponsors, available research, including that presented by the Center for Veterinary Medicine, confirms that BGH does cause adverse cow health effects; these include a significant increase in mastitis and shortening of the effective lifespan of the average dairy cow.

The issue then is not whether BGH has negative effects on cow health, but how bad the negative effects are and whether or not there is a resulting risk to human health.

We do know that more mastitis means more antibiotics will be used to fight the disease, and we know that this raises a potential risk for human health.

At this time, based on the data presented by CVM and the drug's sponsors, there is simply no evidence on which to deny this human health threat.

In fact, the question can only be answered after a full and independent review of all the data related to all the BGH trials conducted by Monsanto, including all data related to the use of antibiotics, the length of treatments, the severity of the mastitis, and the kind of drugs used to treat it.

Without this data, any decision is premature and potentially dangerous.

It is also appropriate to ask why a panel that is primarily made up of veterinarians is asked to rule on this issue of human health. The potential human risks should be investigated by human health experts, including allergists and others with expertise in antibiotic resistance.

The data that the Center for Veterinary Medicine uses to conclude that mastitis is not a problem does, in fact, show a significant increase in mastitis; 75 percent in one group of treated cows and 50 percent in the second group of treated cows.

While choosing to ignore the significance of this increase in mastitis, CVM compares BGH-induced mastitis to mastitis resulting from other causes such as seasonal variation. Here CVM uses faulty logic and chooses to downplay the true impact of BGH. In fact, CVM should be reporting upon the cumulative impact of BGH on top of these other more common causes of mastitis. The other causes such as seasonal variation will continue to exist. What farmers, consumers, the FDA and this advisory committee need to know is the cumulative impact of BGH along with these other causes.

CVM also states that BGH treatments do not effect the duration of mastitis, a statement completely contradicted by BGH test results at the University of Vermont and elsewhere.

Why am I and others not surprised by the CVM's willingness to draw conclusions from inadequate and faulty analysis? Because the BGH review process has, in fact, been characterized by the skewing of data and the selective representation of research.

A few additional points highlight this concern:

Throughout the BGH review process, the drug's corporate sponsors have essentially been allowed to pick and choose the studies that are released for review by both the public and the appropriate agencies of the Federal and State Government. Monsanto-sponsored BGH research took place at the University of Vermont. Despite evidence of cow health problems, and repeated public statements by Monsanto denying them, Monsanto refused to release results of BGH research conducted at the University of Vermont to either the GAO or members of Vermont's Legislature and congressional delegation.

We did learn, to the surprise of legislators and others who were aware of only one study being conducted at UVM, that in fact there were four.

When, at the request of a congressional committee, FDA first released partial data from one of the UVM trials, it was found that 40 percent of cows treated with BGH were also treated for mastitis.

GAO tried in vain for many months to gain release of other data about the UVM BGM trials. GAO finally terminated their efforts stating that they no longer trusted the validity of the data they might eventually receive. This lack of cooperation raises serious questions about the credibility of the Monsanto Co. and the safety of the drug itself.

When the full results were finally published they confirmed significant cow health problems: Four times as many BGH-treated cows had to be treated for mastitis, more than seven times as many cases of mastitis occurred in the BGH-treated cows, and the average length of mastitis treatment was six times longer in BGH-treated cows.

The results not only refuted the company's persistent public claims of no ill health effects at UVM, they also contradict one of the CVM's conclusions: That BGH does not effect the duration of the mastitis and its treatment. And farmers and veterinarians know that cases of mastitis that last longer, require the use of more and stronger antibiotics.

When FDA was asked to compare the UVM mastitis results to those of other Monsanto trials, the agency could not make the comparison because they had returned Monsanto's studies to the company due to biases in their analysis.

We are still waiting to see the results of the other three BGH trials conducted at the University of Vermont.

We must ask why a congressional committee and the GAO must become involved in a simple effort to gain basic information about research conducted at a State university, on a product that the company would have us believe is noncontroversial and safe.

The CVM based its conclusions on eight Monsanto BGH trials. Two British researchers, Drs. Brunner and Millstone, were given access to data from eight Monsanto BGH trials. Those researchers found that Monsanto had "positively skewed" their research results in order to downplay the increase in mastitis and present the results in the most positive way. When the complete data was analyzed, a significant increase in mastitis was found.

There are also problems with inconsistencies in the pooling of data and questions regarding the inconsistency in the definition of mastitis itself.

For example: When the UVM research was released showing serious cow health problems, the researchers downplayed the significance of the study, claiming that it was too small a sample to be statistically significant.

This appears to be a common practice. A series of small trials are conducted. If the results are negative they are too small to be significant. If the results are positive they are touted as proving the safety of the drug. When a series of tests are conducted, the sponsors are essentially able to pick and choose which to release.

Why was the CVM's Veterinary Medicine Advisory Committee not presented with data from the UVM study or the studies analyzed by the British researchers? Why were they shown the results of only eight trials? How many BGH trials has Monsanto completed in all? What were their total results?

As to the definition of mastitis itself, some research defines a case of mastitis as one or more infected quarters. Other research will define each infected quarter as a separate case of mastitis. This again can confuse research results.

Finally, the Inspector General of the Department of Health and Human Services is now investigating whether Monsanto violated regulations by promoting BGH before its approval by FDA. The company was informed in 1992 that certain of its activities were clearly promotional and in violation of the law. Recently, Monsanto was found to be engaging in the same activities, defying earlier warnings from HHS and FDA that regulatory action might be taken if they did not comply with the law.

In summary CVM and FDA must withhold approval of BGH for the following reasons.

It is clear the BGH causes an increase in mastitis and that mastitis caused by BGH treatments may last longer and be more severe than mastitis from other, natural causes. The CVM's own data, in fact, confirms the increase in mastitis.

There is no doubt that the increased mastitis will result in the use of more antibiotics.

While CVM and FDA argue that existing monitoring of antibiotic residue is sufficient, the GAO report titled: "FDA Approval Should Be Withheld Until the Mastitis Issue Is Resolved" (August 1992), states "given the lack of actual testing conducted, we cannot conclude at present that the Nation's milk supply has not already been contaminated by antibiotics beyond acceptable levels. Yet there has been no effort by either the drug sponsors or FDA to determine whether there may be higher antibiotic levels in milk associated with BGH treatment and whether they would be acceptable from a human food safety viewpoint."

There is ample evidence that the drug's corporate sponsors have skewed data and been allowed to selectively present research findings.

It is clear that the FDA does not have data sufficient to alleviate human health concerns and that the CVM advisory committee did not have the expertise to make a determination about the risks to human health posed by the increased use of antibiotics that will certainly result from BGH use.

Given these facts, as well as the drastic economic impacts of BGH, I strongly urge the FDA to withhold approval of BGH.

I urge that approval be withheld until at a minimum the following takes place:

First, an independent reanalysis of all mastitis data is completed, using common definitions and a common method of statistical analysis.

Second, an accurate determination of the cumulative effect of BGH on the incidence of mastitis is completed.

Third, a panel of human health experts is assembled to make a determination regarding the risk to human health posed by the increase in antibiotic use caused by BGH.

The BGH review process is a legacy of the administrations of George Bush and Ronald Reagan, which put corporate profit above the public good and consumer safety. By contrast, I agree strongly with Vice President AL GORE who once wrote that BGH is a technology developed "for profit, not for progress." Our hope is that the Clinton administration will understand that the entire regulatory path that BGH has traveled has been severely flawed and needs to be completely reexamined.

It is a product opposed by both consumers and farmers, both of which see it at odds with their own needs and interests. As such, it is not worth even the slightest risk to human health. If any risk at all exists, the product's approval should be withheld. I would point out that in the last several weeks alone, a number of large dairy co-ops in New England, Agri-Mark & Booth Bros., have chosen to ban the use of BGH in their milk. Other national dairy processors are also concerned.

Americans become cynical about the regulatory process when officials like Terrance Harvey, the former Deputy Director of Center for Veterinary Medicine, leaves Government employment and ends up working with Monsanto.

BGH will cause an increase in milk production that will result in serious economic hardships for farmers across America continuing the decline of rural America.

Farmers prices will be driven down and many will be pushed out of business and onto the welfare rolls. Milk surpluses created by BGH will also cause an increase in Federal budget expenditures of approximately $250 million per year.

For all these reasons, the FDA should withhold approval of BGH.

HONORING THE DALAI LAMA'S VISIT WITH A RENEWED COMMITMENT TO HUMAN RIGHTS AND SELF-DETERMINATION FOR TIBET

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. NADLER. Mr. Speaker, I rise to mark the planned visit by His Holiness the Dalai Lama, the exiled leader of the nation of Tibet, to the United States and to reiterate my support for his people and their struggle for human rights and national sovereignty.

Last year, the Congress at long last recognized that Tibet is an occupied nation and recognized the right of the Tibetan people to independence and full sovereignty. These rights have been consistently violated by China's illegal occupation.

For many years, following China's invasion of Tibet in 1950, and the cruel exile of the Dalai Lama in 1959, the United States championed the cause of the Tibetan people.

Two decades ago, however, the plight of Tibet was sacrificed in the name of improved relations with China. We were told that improved relations would bring improved conditions. Mr. Speaker, we have waited 20 years for that change, and yet the situation of the Tibetan people has gotten steadily worse.

The time has come for the United States to send a clear and unequivocal message to the Chinese Government that this Congress is prepared to lay aside political expediency and the failed policies of the past. We must insist that China begin to respect the fundamental rights of the Tibetan people or give up its most-favored-nation trading status.

I look forward to having the opportunity to meet with the Dalai Lama later this month. What will I tell him, Mr. Speaker? Will I be able to assure him that we have not forgotten his nation? Will I be able to speak for my colleagues when I say that the United States will not tolerate the occupation of one country by another? Or must I confess that we in Congress are unwilling to take a strong and effective stand on the side of Tibetan freedom and self-determination?

It's time we in Congress lived up to our country's ideals, and demand that China stop the population transfer, stop the human rights abuses, stop the religious persecution, and stop the ecological destruction of the land they illegally occupy. We must apply the pressure, we must demand a change, we must stand with the people of Tibet.

REGARDING VOTES DURING A LEAVE OF ABSENCE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Ms. DELAURO. Mr. Speaker, I was unable to be present Monday, March 29, due to illness. Had I been present, I would have voted "yea" on rollcall vote 110, the approval of the journal; "yea" on rollcall vote 111, H.R. 175, authorizing the FBI to obtain certain telephone subscriber information; "yea" on rollcall vote 112, H.R. 829, the DNA Identification Act of 1993; and "no" on rollcall vote 113, a motion to adjourn.

TRIBUTE TO MARILYN VAN DERBUR

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. SCHROEDER. Mr. Speaker, I rise today to pay tribute to Marilyn Van Derbur, a resident of Denver, CO, who is being honored today by Childhelp USA as the 1993 recipient of the "For the Love of a Child" Individual Achievement Award.

Marilyn Van Derbur is an outstanding leader in the field of child abuse prevention. A former Miss America, Marilyn testified 2 years ago before the Select Committee on Children, Youth, and Families. She described the childhood terror she endured as a victim of incest, and the years of emotional devastation that have lasted well into her adulthood. Marilyn made a powerful case for increased investment in child abuse prevention efforts.

Marilyn founded the Survivor United Network, a nonprofit organization committed to halting the sexual abuse of children and to helping survivors of child abuse recover. Through Marilyn's efforts, the Network has expanded to 35 different support groups with over 500 weekly participants.

Child abuse is one of America's most pervasive, destructive, and costly problems. In 1991, the number of child abuse reports climbed to over 2.6 million, and reported child abuse fatalities rose by almost 11 percent over the previous year. We pay for child abuse in increased crime, imprisonment, drug and alcohol abuse, health care and insurance costs, family deterioration, and productivity losses. Yet effective child abuse prevention strategies, such as the Hawaii Healthy Start program, can reduce abuse and save dollars.

Marilyn Van Derbur has mobilized thousands of Americans to seek an end to child abuse. I applaud Marilyn for her continued efforts, and call again on the Congress to invest in effective programs that prevent child abuse. If we value children's well being, we will continue our efforts to ensure that children's are able to grow up healthy and free from harm.

H.R. 1430, DEBT LIMIT EXTENSION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to support H.R. 1430 which would temporarily increase the Federal public debt limit. I do so not because I like to vote to increase Government borrowing nor to perpetuate our multibillion dollar deficits. These are drains on our economy which I am pleased our President and we in the Congress are attempting to address. No, I support H.R. 1430 because I know it must be done. I support raising the debt ceiling because I know that if you run a business no matter how large or small you can't change your mind about paying for goods which you have already purchased or services which you have already used. You must pay for your debts when they come due.

I'm sure that we will hear a lot of grandstanding by some on this measure. After all it is an easy target. Everyone likes to rail against excessive or unwise spending—but the reality is that it would be bad stewardship for this Congress to do anything other than pass this measure. The disruption of Government resulting from our reaching the debt ceiling would cost the Government more than paying for the expenses of our Government in a timely and orderly fashion.

Often in life we must do things that are not enjoyable, and this is one of those things, but we do them, so that we may gain some benefit in the future. The gain we get for temporarily increasing the debt limit, is that we can continue important and necessary services and investment that the American people expect and deserve.

As much as anyone here, I believe that deficit reduction is an important issue, both for myself and for all Americans, but this is not the time for such debate. Today we are voting to pay for the financial commitments that we have already made. The Federal Government cannot renege on these commitments. The Federal Government cannot sign contracts and then fail to deliver on its promises—this kind of action would result in a loss of trust in the Government of the United States.

Mr. Speaker, the American people know all too well that when they receive a bill in the mail they must pay it, or declare bankruptcy. Bills to the Federal Government totaling billions of dollars will be coming due from now until the end of the fiscal year, and the Government has only one choice—to pay its bills. As I see it there is no real need for debate here. Let us act responsibly and pass the H.R. 1430.

THE FIRST HISPANIC WOMAN IN SPACE, DR. ELLEN OCHOA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1993

Mr. SERRANO. Mr. Speaker, I rise today to bring to my colleagues' attention Dr. Ellen Ochoa, an American astronaut who next week will become the first Hispanic woman to fly in space.

Mr. Speaker, Dr. Ochoa's is a great American success story. In defiance of stenotypes about the roles and the talents of Hispanics and women, Ellen Ochoa embarked upon a career in the hard sciences. She achieved a bachelor's degree in physics from San Diego State University, where she was valedictorian of her class, and master's and doctorate degrees in electrical engineering from Stanford. While pursuing her doctorate, Ellen Ochoa also excelled as a classical flutist, and was the Stanford Symphony Orchestra student soloist award winner in 1983.

Dr. Ochoa has directly served our Nation ever since receiving her doctorate. As a researcher at Sandia National Laboratory she was coinventor of intricate optical equipment for which two patents were awarded. In 1988, she joined the NASA Ames Research Center as head of a research group, and was soon appointed Chief of the Intelligent Systems Technology Branch. She was selected to NASA's Astronaut Training Program in January 1990, and was designated an astronaut in July 1991.

Next week Dr. Ochoa will be mission specialist aboard the space shuttle *Discovery* as it executes Mission STS–56. She will bear primary responsibility for assembly and operation of the Atmospheric Laboratory for Applications and Science [ATLAS], a device for studying how the Sun's energy interacts with the chemistry of the Earth's middle atmosphere to affect the Earth's ozone level. STS–56 will constitute an important American contribution to Mission to Planet Earth, an international effort to study from space the effects of mankind's pollution of the planet.

Dr. Ochoa will perform not just a research mission, but an educational one as well. During the flight Dr. Ochoa and her crewmates will participate in a live broadcast from space which will feature questioning by students from across the country.

Mr. Speaker, as an Hispanic I feel a great deal of pride in Dr. Ellen Ochoa. Her numerous accomplishments make her worthy of the respect of all present. I hope my colleagues will join me in wishing Dr. Ellen Ochoa and the rest of the crew of STS–56 the best of luck on their important and historic mission.